I hereby give notice that an ordinary meeting of the Emergency Committee will be held on:

**Date:** Thursday, 28 May 2020  
**Time:** 10.00am  
**Meeting Room:** These meetings will be held remotely and can be viewed on the Auckland Council website  
**Venue:** [https://councillive.aucklandcouncil.govt.nz/](https://councillive.aucklandcouncil.govt.nz/)

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**Te Kāhui Ngārahu / Emergency Committee**

**OPEN AGENDA**

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**MEMBERSHIP**

<table>
<thead>
<tr>
<th>Role</th>
<th>Names</th>
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<tbody>
<tr>
<td>Mayor</td>
<td>Hon Phil Goff, CNZM, JP</td>
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<tr>
<td>Deputy Mayor</td>
<td>Deputy Mayor Cr Bill Cashmore</td>
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<tr>
<td>Councillors</td>
<td>Cr Josephine Bartley</td>
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<td></td>
<td>Cr Dr Cathy Casey</td>
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<td></td>
<td>Cr Fa’anana Efeso Collins</td>
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<td></td>
<td>Cr Pippa Coom</td>
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<td>Cr Linda Cooper, JP</td>
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<td>Cr Angela Dalton</td>
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<td>Cr Chris Darby</td>
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<td>Cr Alf Filipaina</td>
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<td>Cr Christine Fletcher, QSO</td>
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<td>Cr Shane Henderson</td>
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<td>Cr Richard Hills</td>
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<td>Cr Tracy Mulholland</td>
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<td>Cr Daniel Newman, JP</td>
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<td>Cr Greg Sayers</td>
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<td>Cr Desley Simpson, JP</td>
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<td>Cr Sharon Stewart, QSM</td>
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<td>IMSB Chair David Taipari</td>
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<td>Cr Wayne Walker</td>
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<td>Cr John Watson</td>
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<td>Cr Paul Young</td>
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<td>IMSB Member TBC</td>
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(Quorum 2 members)

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**Sarndra O'Toole**  
Kaiarataki Kapa Tohutohu Mana Whakahaere / Team Leader Governance Advisors  
25 May 2020

Contact Telephone: +64 9 890 8152  
Email: sarndra.otoole@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.
Terms of Reference

Responsibilities

This committee is an ad-hoc committee of the whole of the Governing Body which is established in times of emergency. It will assume the functions and power of all governing body committees (and sub-committees), except for the Audit and Risk Committee, and its responsibilities include all the responsibilities of the Governing Body which can legally be delegated as well as the responsibilities of all the committees it assume the functions and power for.

Powers

(i) All the powers of the Governing Body which can legally be delegated, except those of the Audit and Risk Committee.
Exclusion of the public – who needs to leave the meeting

Members of the public

All members of the public must leave the meeting when the public are excluded unless a resolution is passed permitting a person to remain because their knowledge will assist the meeting.

Those who are not members of the public

General principles

- Access to confidential information is managed on a “need to know” basis where access to the information is required in order for a person to perform their role.
- Those who are not members of the meeting (see list below) must leave unless it is necessary for them to remain and hear the debate in order to perform their role.
- Those who need to be present for one confidential item can remain only for that item and must leave the room for any other confidential items.
- In any case of doubt, the ruling of the chairperson is final.

Members of the meeting

- The members of the meeting remain (all Governing Body members if the meeting is a Governing Body meeting; all members of the committee if the meeting is a committee meeting).
- However, standing orders require that a councillor who has a pecuniary conflict of interest leave the room.
- All councillors have the right to attend any meeting of a committee and councillors who are not members of a committee may remain, subject to any limitations in standing orders.

Independent Māori Statutory Board

- Members of the Independent Māori Statutory Board who are appointed members of the committee remain.
- Independent Māori Statutory Board members and staff remain if this is necessary in order for them to perform their role.

Staff

- All staff supporting the meeting (administrative, senior management) remain.
- Other staff who need to because of their role may remain.

Local Board members

- Local Board members who need to hear the matter being discussed in order to perform their role may remain. This will usually be if the matter affects, or is relevant to, a particular Local Board area.

Council Controlled Organisations

- Representatives of a Council Controlled Organisation can remain only if required to for discussion of a matter relevant to the Council Controlled Organisation.
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<tr>
<td>C2</td>
<td>CONFIDENTIAL: Queens Wharf Mooring Dolphin</td>
<td>17</td>
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1 Apologies

An apology from Cr C Fletcher has been received.

2 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.

3 Confirmation of Minutes

That the Emergency Committee:

a) confirm the ordinary minutes of its meeting, held on Thursday, 21 May 2020, including the confidential section, as a true and correct record.

4 Petitions

At the close of the agenda no requests to present petitions had been received.

5 Public Input

Standing Order 7.7 provides for Public Input. Applications to speak must be made to the Governance Advisor, in writing, no later than one (1) clear working day prior to the meeting and must include the subject matter. The meeting Chairperson has the discretion to decline any application that does not meet the requirements of Standing Orders. A maximum of thirty (30) minutes is allocated to the period for public input with five (5) minutes speaking time for each speaker.

At the close of the agenda no requests for public input had been received.

6 Local Board Input

Standing Order 6.2 provides for Local Board Input. The Chairperson (or nominee of that Chairperson) is entitled to speak for up to five (5) minutes during this time. The Chairperson of the Local Board (or nominee of that Chairperson) shall wherever practical, give one (1) day’s notice of their wish to speak. The meeting Chairperson has the discretion to decline any application that does not meet the requirements of Standing Orders.

This right is in addition to the right under Standing Order 6.1 to speak to matters on the agenda.

At the close of the agenda no requests for local board input had been received.
7 **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.”
COVID-19 briefing and Auckland Emergency Management status update

File No.: CP2020/06142

Te take mō te pūrongo
Purpose of the report

1. To enable the committee to be briefed on the COVID-19 pandemic, Auckland Emergency Management status and council’s response.

Whakarāpopototanga matua
Executive summary

2. Ian Maxwell, Director Executive Programmes, Phil Wilson, Group Recovery Manager, as well as Kate Crawford or Mace Ward, Group Controllers, Auckland Emergency Management will provide a verbal briefing.

Ngā tūtohunga
Recommendation/s

That the Emergency Committee:

a) receive the report and thank Ian Maxwell, Director Executive Programmes, Phil Wilson, Group Recovery Manager, Kate Crawford and Mace Ward, Group Controllers, Auckland Emergency Management for the briefing on the COVID-19 pandemic and the Auckland Emergency Management status update.

Ngā tāpirihanga
Attachments

There are no attachments for this report.

Ngā kaihaina
Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Sarandra O'Toole - Kaiarataki Kapa Tohutohu Mana Whakahaere / Team Leader Governance Advisors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authoriser</td>
<td>Phil Wilson - Governance Director</td>
</tr>
</tbody>
</table>
Te take mō te pūrongo
Purpose of the report

1. To agree that the review of the Ture ā Rohe Whakarato Wai me te Pae Kōtuitui Wai Para 2015, Water Supply and Wastewater Network Bylaw 2015, is complete and request an options report that responds to the findings.

Whakarāpopototanga matua
Executive summary

2. Watercare staff have prepared a findings report (Attachment A) to enable the Council to complete the review of the Auckland Council Water Supply and Wastewater Network Bylaw (the Bylaw). Key findings from the review include:
   - Auckland Council and Watercare have a responsibility to protect Auckland’s water sources and water and wastewater networks
   - interference with the public water supply and wastewater networks remains significant
   - the Bylaw is still the most appropriate way to manage damage, misuse, interference (illegal connections) and contamination of water and wastewater networks by requiring Watercare’s approval to connect to the network, provision of water use restrictions in a drought and cost recovery from third-party damages to pipes during construction, for example.
   - the current Bylaw approach could be improved by clarifying definitions, making some requirements more specific and increase its ability to protect sources and networks.
   - The current Bylaw does not give rise to any unjustified Bill of Rights implications.

3. Staff recommend that the Emergency Committee endorse the findings report, complete the statutory review and request an options report. Taking this approach will progress the review and allow consideration of statutory options to confirm, amend, replace or revoke the Bylaw.

4. If the findings report is endorsed, there is a low risk that some members of the infrastructure industry may express concern about suggested improvements, Watercare’s role or stakeholder engagement to date. This risk is mitigated by future public consultation on any proposed changes to the Bylaw.

5. If approved, Watercare staff will develop options that respond to the findings in this report.

Ngā tūtohunga
Recommendation/s

That the Emergency Committee:


b) agree that the statutory review of the Auckland Council Water Supply and Wastewater Network Bylaw 2015 is complete, including that:
   i) a bylaw is still the most appropriate way to protect Auckland’s water sources and water supply and wastewater networks from damage, misuse and interference.
Item 9

ii) the current Bylaw does not give rise to any implications and is not inconsistent with the New Zealand Bill of Rights 1990

iii) the current Bylaw approach to focus on the impacts of behaviours on the public assets and to rely on customer contracts to address matters related to connections to the public network is appropriate but could be improved.

c) request that Watercare staff as delegated by Watercare Chief Executive prepare an options report in response to the findings in Attachment A of the agenda report.

Horopaki Context


7. The Bylaw seeks to protect the water supply and wastewater networks by:
   • requiring authorisation from Watercare to connect to or disconnect from the water supply or wastewater network
   • ensuring appropriate standards for any new infrastructure under Watercare’s control
   • enabling Watercare to refuse connections where there is insufficient network capacity
   • protecting the quality of the water supply
   • protecting the water supply and wastewater network from damage
   • managing work near the water supply and wastewater network
   • allowing for restricting the water supply to maintain enough drinking water, in the event of drought or other emergency
   • prohibiting unauthorised taking of water from a hydrant
   • managing inflows and illegal dumping of material into the wastewater network to avoid wastewater overflows.

8. The Bylaw is aligned with the strategic directions in the Auckland Plan 2050 to “improve the education, health and safety of Aucklanders, with a focus on those most in need” and to “grow a business friendly and well-functioning city”.

9. The Bylaw is one part of a wider regulatory framework. Issues related to access to private property are addressed under the Local Government Act 2002 while those related to the compliance with water quality are addressed under the Health Act 1956.

10. In addition, uniquely to Auckland, Watercare has a contractual relationship with its customers. This enables the Bylaw to focus on matters relating to the impact of household and businesses’ behaviours on the public assets, while the customer contract addresses the rights and obligations for each customer’s water and wastewater connection.

The Local Government Act 2002 sets out bylaw review requirements

11. A findings review of the Bylaw must be completed by 25 June 2020 to determine whether a bylaw is still necessary, and whether the current Bylaw is well drafted and meets the requirements of the New Zealand Bill of Rights 1990. (Section 160(1) and (2), Local Government Act 2002).

12. Following the findings review, the council can consider and propose statutory options to confirm, amend, replace or revoke the Bylaw using a public consultative process. (Section 160(3), Local Government Act 2002).
13. If a findings review is not completed by 25 June 2020, the Bylaw will expire on 25 June 2022 and council must (if a bylaw is still necessary) make a new bylaw to avoid a regulatory gap. (Section 160A, Local Government Act 2002).

Staff prepared a findings report as the first step in reviewing the Bylaw
14. Between October 2019 and March 2020, staff carried out research and engaged with a range of stakeholders to develop a findings report (Attachment A). This included:
   - ‘Blue sky thinking’ to identify future trends
   - ‘Bylaw assessment’ to ensure relevance, effectiveness and efficiency of the Bylaw
   - ‘Best practice analysis to understand how other jurisdictions handle similar matters.

15. Engagement methodology included:
   - update to the Mana Whenua Kaitiaki Forum followed by a special hui
   - communications with Local Boards and an offer to present at their meetings
   - interviews with the main affected parties, face-to-face and on the phone
   - survey of the largest business water users
   - workshops with internal staff and stakeholders.

Tātaritanga me ngā tohutohu
Analysis and advice

There are existing and new issues which still need to be managed
16. The water supply and wastewater network continues to require protection from damage, misuse, interference (illegal connections) and contamination. The quality of drinking water has become a nationwide focus due to contamination of Havelock North’s water supply.

17. In addition, Auckland Council needs to be able to impose and enforce water restrictions in times of drought (as of 7 May 2020) or other emergencies and seek cost recovery from damage to pipes and network assets to fund the costs of repair.

18. Up and coming trends include the rise of community water supply schemes connected to the public network, the number of construction sites, densification, and opportunities for wastewater recycling.

The scale of interference with the water and wastewater networks has increased
19. The scale of interference with water and wastewater networks has increased due to:
   - the growth of Auckland leading to increasing number of applications for connection, increasing digging near pipes and increasing cases of damage to pipes.
   - rapid changes in consumption habits such as disposal of wipes in wastewater pipes.

Some improvements to the Bylaw have been suggested
20. Stakeholders consider the Bylaw to be effective and efficient but suggest improvements which will be considered as part of an options report. Suggested improvements relate to:
   - access to obstructed assets
   - threats to integrity of water supply and wastewater networks such as unsafe digging practices
   - provisions to better address water contamination risk from network interference
   - construction water for newly built or planned developments and construction sites
   - monitoring of water consumption in individual apartments
• Australia practices for recycled water, drought provisions and decentralised water supply
• Clarity of certain definitions and clauses, and best practice for bylaw writing.

**The Bylaw does not give rise to any unjustified Bill of Rights implications and is not inconsistent with other legislation, such as Health Act and Local Government Act**

21. Any potential limitations under the New Zealand Bill of Rights 1990 are justified due to the nature and potential severity of safety risks to the public.

22. The Bylaw complements and supports the objectives of the Health Act 1956 and is in line with the purpose of the Local Government Act 2002 to protect water sources and water supply and wastewater networks, including making regionally specific rules.

**Staff recommend the Emergency Committee endorse the findings, complete the statutory review, and request an options report**

23. The findings report establishes that the water supply and wastewater network still need protecting, and that the current Bylaw is still necessary, appropriate and useful, but could be improved.

24. Staff recommend the Emergency Committee endorse the findings in this report, complete the statutory findings review, and request an options report to consider and propose statutory options to confirm, amend, replace or revoke the Bylaw.

**Tauākī whakaaweawe āhuarangi**

**Climate impact statement**

25. By limiting damage to public pipes, the Bylaw reduces the need for concrete pipe repairs and the amount of carbon embedded in network operations and maintenance.

26. By imposing water use restrictions in case of an emergency or a drought, the Bylaw enables Auckland’s water supply for essential needs while addressing a changing climate such as hotter days and changing rainfall patterns.

27. An options report in response to the findings will ensure consistency with the Climate Change Response (Zero Carbon) Amendment Act 2019 and Climate Action Framework.

**Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera**

**Council group impacts and views**

28. The Bylaw impacts the operations of many Watercare teams in charge of the operations and the planning of water sources and water and wastewater networks. It also impacts some Auckland Council teams involved in compliance and stormwater management. Relevant staff provided feedback to the review through face-to-face meetings and online engagement.

29. Watercare and Council teams suggest improvements to the Bylaw, enhancing its ability to protect the water supply and wastewater network.

30. The options report will take these views into account.

**Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe**

**Local impacts and local board views**

31. Local Board members were invited to give feedback on the Bylaw in December 2019. This included an offer by staff to present workshops to interested local boards at their meetings.

32. Communication was received from one local board in relation to wastewater overflows, a matter unrelated to Bylaw, and already covered by the Resource Management Act 1991.

33. This low interest in the Bylaw review is consistent with the Auckland Council’s classification of the Bylaw as *low impact and low interest to local boards* under the agreed principles and processes for Local Board Involvement in Regional Policy, Plans and Bylaws 2019.
Tauākī whakaaweawe Māori
Māori impact statement

34. The Bylaw can contribute to the Māori Plan’s key directions and aspirations of Manaakitanga (Improve Quality of Life “Satisfaction with our environments and standard of living”) and Kaitiakitanga (Ensure Sustainable Futures “Intergenerational Reciprocity”) by ensuring the public water supply and wastewater network is future proofed and not contaminated or damaged, which would be detrimental to the people and the natural environment.

35. Input by mana whenua was sought at a special hui of the Mana Whenua Kaitiaki Forum in January 2020. The main concerns related to environmental issues such as archaeological sites and clarifications of asset ownership and responsibilities.

36. The options report will consider these concerns in more detail.

Ngā ritenga ā-pūtea
Financial implications

37. The cost of the Bylaw review and its implementation will be met within existing budgets.

Ngā raru tūpono me ngā whakamaurutanga
Risks and mitigations

38. There is a low risk that some members of the infrastructure industry may express concern about suggested improvements to the Bylaw, Watercare’s role or stakeholder engagement.

39. This risk is mitigated by future public consultation on any proposed changes to the Bylaw.

Ngā koringa ā-muri
Next steps

40. If approved, staff will prepare an options report for the June Regulatory Committee meeting.

Ngā tāpirihanga
Attachments

There are no attachments for this report.

Ngā kaihaina
Signatories

| Authors                  | Roseline Klein - Head of Water Value, Watercare                      |
|                         | Mark Bishop - Principal Policy Planner, Watercare                     |
| Authorisers             | Shane Morgan - Chief Operations Officer Watercare                    |
|                         | Steve Webster - Chief Infrastructure Officer                        |
|                         | Craig Hobbs - Director Regulatory Services                            |
|                         | Phil Wilson - Governance Director                                     |
Exclusion of the Public: Local Government Official Information and Meetings Act 1987

That the Emergency Committee

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:

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<th>C1</th>
<th>CONFIDENTIAL: Adoption of Consultation material: Emergency Budget Annual Budget 2020/2021</th>
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<tbody>
<tr>
<td>Reason for passing this resolution in relation to each matter</td>
<td>Particular interest(s) protected (where applicable)</td>
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<tr>
<td>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.</td>
<td>s7(2)(h) - The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities. 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, the report contains information around potential financial implications and emerging financial risk of COVID-19 in a highly uncertain environment. The release of this information could prejudice the position of the council and CCOs in sensitive commercial arrangements and negotiations.</td>
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<td>s7(2)(g) - The withholding of the information is necessary to maintain legal professional privilege. In particular, the report relates to an appeal before the Environment Court and decisions on Council's position on legal matters.</td>
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