Tira Kāwana / Governing Body

OPEN MINUTES

Minutes of a meeting of the Governing Body held in the Reception Lounge, Auckland Town Hall, 301-305 Queen Street, Auckland on Thursday, 24 September 2020 at 10.01am.

PRESENT

Mayor
Hon Phil Goff, CNZM, JP
Physically present

Deputy Mayor
Deputy Mayor Cr Bill Cashmore
Physically present

Councillors
Cr Josephine Bartley
Physically present
Cr Dr Cathy Casey
Cr Fa’anana Efeso Collins
Physically present
Cr Pippa Coom
Cr Linda Cooper, JP
Physically present
Cr Angela Dalton
Cr Chris Darby
Physically present
Cr Alf Filipaina
From 10.24am, Item 6.3
Cr Christine Fletcher, QSO
Physically present
Cr Shane Henderson
Cr Richard Hills
Cr Tracy Mulholland
Until 1.21pm, Item 9
Cr Daniel Newman, JP
From 11.06am, Item 9, Until 1.21pm, Item 9
Cr Greg Sayers
Cr Desley Simpson, JP
Until 1.21pm, Item 9
Cr Sharon Stewart, QSM
Cr Wayne Walker
From 10.43am, Item 6.2
Cr John Watson
1 Affirmation

His Worship the Mayor will read the affirmation.

Note: a roll-call was conducted that ascertained the following councillors were in attendance by electronic link at the commencement of the meeting:

- Deputy Mayor BC Cashmore ✓ Cr S Henderson ✓
- Cr J Bartley ✓ Cr R Hills ✓
- Cr C Casey ✓ Cr T Mulholland ✓
- Cr E Collins ✓ Cr D Newman
- Cr P Coom ✓ Cr G Sayers ✓
- Cr L Cooper ✓ Cr D Simpson ✓
- Cr A Dalton ✓ Cr S Stewart ✓
- Cr C Darby ✓ Cr W Walker ✓
- Cr A Filipaina ✓ Cr J Watson ✓
- Cr C Fletcher Cr P Young

2 Apologies

Resolution number GB/2020/96

MOVED by Mayor P Goff, seconded by Deputy Mayor BC Cashmore:

That the Governing Body:

a) accept the apologies from Cr C Fletcher and Cr D Newman for lateness.

CARRIED

3 Declaration of Interest

There were no declarations of interest.

4 Confirmation of Minutes

Resolution number GB/2020/97

MOVED by Mayor P Goff, seconded by Cr S Henderson:

That the Governing Body:

a) confirm the ordinary minutes of its meeting, held on Thursday, 27 August 2020, as a true and correct record.

CARRIED

5 Petitions

There were no petitions.
6 Public Input

Note: The chairperson accorded precedence to Item 6.3 - Public Input: Steve Abel – Canal Road Native Trees at this time.

6.3 Public Input: Steve Abel - Canal Road Native Trees

Steve Abel presented to the Governing Body.

Cr C Fletcher joined the meeting at 10.24am.

Resolution number GB/2020/98

MOVED by Mayor P Goff, seconded by Cr T Mulholland:

That the Governing Body:

a) receive the presentation from Steve Abel regarding possible options for saving native trees at Canal Road and thank him for his attendance.

CARRIED

6.1 Public Input: Maritime Union of New Zealand - Health and Safety at the Port of Auckland

Russell Mayn, Secretary of the Auckland Branch of the Maritime Union of New Zealand presented to the Governing Body.

Resolution number GB/2020/99

MOVED by Cr C Casey, seconded by Cr J Bartley:

That the Governing Body:

a) receive the presentation from Russell Mayn on behalf of the Auckland Branch of the Maritime Union of New Zealand regarding concerns about health and safety at the Port of Auckland and thank him for his attendance.

CARRIED

6.2 Public Input: Exterior Cleaning Industry Association (ECIA)

Brian Edwards spoke to the Governing Body with regards to Item 9: Review of drought restrictions for the 2020/2021 summer season and the effect the decision of council will have on the industry.

A PowerPoint presentation was provided, a copy of which is attached to the minutes as a minutes attachment.

Cr P Young joined the meeting at 10.43am.
Resolution number GB/2020/100

MOVED by Cr J Watson, seconded by Cr G Sayers:

That the Governing Body:

a) receive the presentation from Brian Edwards on behalf of the Exterior Cleaning Industry Association regarding Item 9: Review of drought restrictions for the 2020/2021 summer season and the effect the decision of council will have on the industry and thank him for his attendance.

CARRIED

Attachments

A 24 September 2020 - Governing Body, Item Public Input: Exterior Cleaning Industry Association (ECIA) - PowerPoint Presentation

Note: Item 6.3 - Public Input: Steve Abel – Canal Road Native Trees was considered prior to Item 6.1 - Public Input: Maritime Union of New Zealand - Health and Safety at the Port of Auckland

7 Local Board Input

There was no local board input.

8 Extraordinary Business

There was no extraordinary business.

9 Review of drought restrictions for the 2020/2021 summer season

Note: A change to the original motion, adding new clause 1), was made with the agreement of the meeting.

Cr D Newman joined the meeting at 11.06am.

MOVED by Cr L Cooper, seconded by Mayor P Goff:

That the Governing Body:

a) note that on 7 May 2020, the Emergency Committee agreed that water restrictions and associated delegations to Watercare Services Limited (Watercare) approved on that date would remain in place until Auckland Council was satisfied, based on advice from Watercare, that there is no longer a risk to the adequate supply of drinking water to Auckland metropolitan customers

b) note that the ability for Watercare to maintain an adequate supply of drinking water to the Auckland metropolitan system remains at risk due to the 2019/2020 drought but that advice from Watercare is that savings required over the summer of 2020/2021 may be met through an adjustment to the Stage 1 restrictions

c) note that Stage 1 water restrictions that seek at least 5 per cent savings on base demand are forecast to be required over the Summer of 2020/2021 and amendments to the restrictions are not a relaxation or removal of the need to save water this summer
d) approve restrictions on the use of water supplied to customers connected to Watercare's metropolitan system under clause 12(1) of the Water Supply and Wastewater Network Bylaw 2015, in accordance with Watercare's Auckland Metropolitan Drought Management Plan, as outlined in clauses e) and f) below.

e) approve the following adjustment to mandatory Stage 1 water use restrictions, to come into force on 12 October 2020

i) Commercial and non-residential water users
   A) No use of an outdoor hose or water blaster unless it is handheld with a trigger nozzle attached or for a health, safety, emergency or biosecurity reason
   B) no operation of a car wash unless it uses recycled water
   C) no watering of sports fields, plants or paddocks unless an irrigation system is fitted with soil moisture or rain sensors

f) note that commercial use will broadly include all activities related to commerce, such as exterior house cleaning businesses, builders, maintenance contractors and plant nurseries

g) note that Stage 1 restrictions for residential water users remain unchanged

h) note that Stage 2 water use restrictions and the approval of Stage 2 restrictions coming into force on trigger levels being reached remain unchanged

i) note that previous delegations to Watercare for the notification and enforcement of water use restrictions under clause 12(4) and 12(3) of the Water Supply and Wastewater Network Bylaw 2015, remain unchanged

j) agree that the water use restrictions and delegations in clauses e) to h) will be reviewed again by December 2020 with regard to assessing adjustments for residential users

k) request Watercare to continue to provide weekly updates to Auckland Council on the implementation of water use restrictions and its ability to maintain an adequate supply of drinking water.

l) delegate to the Mayor, Deputy Mayor, in consultation with the Watercare Board Chair, authority to finalise the definition of "commercial use" for the purposes of monitoring and enforcement.

Clauses a) to f) and h) to k) were put.

Resolution number GB/2020/101

MOVED by Cr L Cooper, seconded by Mayor P Goff:

That the Governing Body:

a) note that on 7 May 2020, the Emergency Committee agreed that water restrictions and associated delegations to Watercare Services Limited (Watercare) approved on that date would remain in place until Auckland Council was satisfied, based on advice from Watercare, that there is no longer a risk to the adequate supply of drinking water to Auckland metropolitan customers

b) note that the ability for Watercare to maintain an adequate supply of drinking water to the Auckland metropolitan system remains at risk due to the 2019/2020 drought but that advice from Watercare is that savings required over the summer of 2020/2021 may be met through an adjustment to the Stage 1 restrictions
c) note that Stage 1 water restrictions that seek at least 5 per cent savings on base demand are forecast to be required over the Summer of 2020/2021 and amendments to the restrictions are not a relaxation or removal of the need to save water this summer

d) approve restrictions on the use of water supplied to customers connected to Watercare’s metropolitan system under clause 12(1) of the Water Supply and Wastewater Network Bylaw 2015, in accordance with Watercare’s Auckland Metropolitan Drought Management Plan, as outlined in clauses e) and f) below

e) approve the following adjustment to mandatory Stage 1 water use restrictions, to come into force on 12 October 2020

i) Commercial and non-residential water users
   A) No use of an outdoor hose or water blaster unless it is handheld with a trigger nozzle attached or for a health, safety, emergency or biosecurity reason
   B) no operation of a car wash unless it uses recycled water
   C) no watering of sports fields, plants or paddocks unless an irrigation system is fitted with soil moisture or rain sensors

f) note that commercial use will broadly include all activities related to commerce, such as exterior house cleaning businesses, builders, maintenance contractors and plant nurseries

h) note that Stage 2 water use restrictions and the approval of Stage 2 restrictions coming into force on trigger levels being reached remain unchanged

i) note that previous delegations to Watercare for the notification and enforcement of water use restrictions under clause 12(4) and 12(3) of the Water Supply and Wastewater Network Bylaw 2015, remain unchanged

j) agree that the water use restrictions and delegations in clauses e) to h) will be reviewed again by December 2020 with regard to assessing adjustments for residential users

k) request Watercare to continue to provide weekly updates to Auckland Council on the implementation of water use restrictions and its ability to maintain an adequate supply of drinking water.

CARRIED

Note: Pursuant to Standing Order 1.8.6, the following councillors requested that their dissenting vote be recorded:

- Cr J Bartley
- Cr S Henderson
- Cr R Hills

Resolution number GB/2020/102

MOVED by Cr L Cooper, seconded by Mayor P Goff:

g) note that Stage 1 restrictions for residential water users remain unchanged
A division was called for, voting on which was as follows:

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<tr>
<th>For</th>
<th>Against</th>
<th>Abstained</th>
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<tbody>
<tr>
<td>Cr J Bartley</td>
<td>Cr E Collins</td>
<td>Cr S Henderson</td>
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<tr>
<td>Cr C Casey</td>
<td>Cr A Dalton</td>
<td>Cr R Hills</td>
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<tr>
<td>Deputy Mayor BC Cashmore</td>
<td>Cr A Filipaina</td>
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<td>Cr P Coom</td>
<td>Cr C Fletcher</td>
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<td>Cr L Cooper</td>
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<td>Cr C Darby</td>
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<td>Mayor P Goff</td>
<td>Cr S Stewart</td>
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<td>Cr T Mulholland</td>
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<td>Cr G Sayers</td>
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<td>Cr J Watson</td>
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The motion was declared **CARRIED** by 10 votes to 9.

Resolution number GB/2020/103

**MOVED** by Cr L Cooper, seconded by Mayor P Goff:

1) Delegate to the Mayor, Deputy Mayor, in consultation with the Watercare Board Chair, authority to finalise the definition of “commercial use” for the purposes of monitoring and enforcement.

**CARRIED**

For clarity, the resolution reads as follows:

**a)** note that on 7 May 2020, the Emergency Committee agreed that water restrictions and associated delegations to Watercare Services Limited (Watercare) approved on that date would remain in place until Auckland Council was satisfied, based on advice from Watercare, that there is no longer a risk to the adequate supply of drinking water to Auckland metropolitan customers

**b)** note that the ability for Watercare to maintain an adequate supply of drinking water to the Auckland metropolitan system remains at risk due to the 2019/2020 drought but that advice from Watercare is that savings required over the summer of 2020/2021 may be met through an adjustment to the Stage 1 restrictions

**c)** note that Stage 1 water restrictions that seek at least 5 per cent savings on base demand are forecast to be required over the Summer of 2020/2021 and amendments to the restrictions are not a relaxation or removal of the need to save water this summer

**d)** approve restrictions on the use of water supplied to customers connected to Watercare's metropolitan system under clause 12(1) of the Water Supply and Wastewater Network Bylaw 2015, in accordance with Watercare’s Auckland Metropolitan Drought Management Plan, as outlined in clauses e) and f) below

**e)** approve the following adjustment to mandatory Stage 1 water use restrictions, to come into force on 12 October 2020

1) Commercial and non-residential water users

   A) No use of an outdoor hose or water blaster unless it is handheld with a trigger nozzle attached or for a health, safety, emergency or biosecurity reason

   B) no operation of a car wash unless it uses recycled water
C) no watering of sports fields, plants or paddocks unless an irrigation system is fitted with soil moisture or rain sensors

f) note that commercial use will broadly include all activities related to commerce, such as exterior house cleaning businesses, builders, maintenance contractors and plant nurseries

g) note that Stage 1 restrictions for residential water users remain unchanged

h) note that Stage 2 water use restrictions and the approval of Stage 2 restrictions coming into force on trigger levels being reached remain unchanged

i) note that previous delegations to Watercare for the notification and enforcement of water use restrictions under clause 12(4) and 12(3) of the Water Supply and Wastewater Network Bylaw 2015, remain unchanged

j) agree that the water use restrictions and delegations in clauses e) to h) will be reviewed again by December 2020 with regard to assessing adjustments for residential users

k) request Watercare to continue to provide weekly updates to Auckland Council on the implementation of water use restrictions and its ability to maintain an adequate supply of drinking water.

l) delegate to the Mayor, Deputy Mayor, in consultation with the Watercare Board Chair, authority to finalise the definition of "commercial use" for the purposes of monitoring and enforcement.

*Cr A Dalton left the meeting at 1.21pm.*
*Cr T Mulholland left the meeting at 1.21pm.*
*Cr D Newman left the meeting at 1.21pm.*
*Cr W Walker left the meeting at 1.21pm.*

The meeting adjourned at 1.21pm and reconvened at 1.52pm.

Cr L Cooper and Cr C Darby were not present.

Note: a roll-call was conducted that ascertained the following councillors were in attendance by electronic link at the commencement of the meeting:

- Deputy Mayor BC Cashmore ✓ Cr S Henderson ✓
- Cr J Bartley ✓ Cr R Hills ✓
- Cr C Casey ✓ Cr T Mulholland
- Cr E Collins ✓ Cr D Newman
- Cr P Coom ✓ Cr G Sayers ✓
- Cr L Cooper Cr D Simpson ✓
- Cr A Dalton Cr S Stewart ✓
- Cr C Darby Cr W Walker
- Cr A Filipaina ✓ Cr J Watson ✓
- Cr C Fletcher ✓ Cr P Young ✓
10 Memorandum of Understanding between Auckland Council and Hamilton City Council

Cr L Cooper returned to the meeting at 1.56pm.
Cr C Darby returned to the meeting at 1.57pm.

Resolution number GB/2020/104

MOVED by Mayor P Goff, seconded by Cr J Bartley:

That the Governing Body:

a) agree the memorandum of understanding with Hamilton City Council in Attachment A of the agenda report, dated September 2020

b) agree that the Mayor and Deputy Mayor be Auckland Council’s elected member representatives and that other councillors be invited dependent on the topic and timing of meetings

c) delegate the signing of the memorandum of understanding with Hamilton City Council to the Mayor and Chief Executive

d) delegate the making of any minor amendments to the memorandum of understanding, as agreed with Hamilton City Council, to the Mayor and Chief Executive.

CARRIED

11 Independent review into Ports of Auckland’s health and safety: terms of reference

Note: a change to the original motion, adding new clause c), was made with the agreement of the meeting.

Resolution number GB/2020/105

MOVED by Mayor P Goff, seconded by Cr C Casey:

That the Governing Body:

a) approve the terms of reference for the independent review into health and safety at Ports of Auckland

b) delegate to the Auckland Council chief executive, in consultation with the mayor and deputy mayor, the authority to appoint a reviewer or reviewers and to make any minor changes to the terms of reference as required

c) agree to include in the terms of reference that the review should consider the adequacy of incident reporting, investigation and implementation of suggested improvements.

CARRIED UNANIMOUSLY
12 Referred from Audit and Risk Committee - Health, Safety and Wellbeing Update - August 2020

Resolution number GB/2020/106

MOVED by Deputy Mayor BC Cashmore, seconded by Cr S Henderson:

That the Governing Body:

a) note the report and the responsibility of elected members with regards to their duties under the Health and Safety at Work Act 2015

b) note that the report has been provided to all local boards for their information.

CARRIED

13 Referred from Audit and Risk Committee - Enterprise Risk Update - August 2020 and Auckland Council Top Risk Quarterly Update - September 2020

Resolution number GB/2020/107

MOVED by Deputy Mayor BC Cashmore, seconded by Cr P Coom:

That the Governing Body:


CARRIED

14 Recommendations from Regulatory Committee, Proposal to amend the Cemeteries and Crematoria Bylaw 2014

Resolution number GB/2020/108

MOVED by Cr L Cooper, seconded by Cr J Bartley:

That the Governing Body:

a) adopt the statement of proposal in Attachment A of this agenda report for public consultation, and confirm that the proposed amended Cemeteries and Crematoria Bylaw 2014:

i) is the most appropriate form of bylaw

ii) does not give rise to any implications under, and is not inconsistent with, the New Zealand Bill of Rights Act 1990.

b) forward the proposal in clause b) to the Independent Māori Statutory Board for their advice.

c) forward this agenda report and attachment to local boards for their information.

d) note the delegated authority through the Chief Executive to a manager responsible for bylaws:

i) to make any amendments to the proposal in clause b) to correct errors, omissions or to reflect decisions made by the Regulatory Committee or the Governing Body.

CARRIED
15  **Recommendations from Regulatory Committee, Alcohol Control 2014 - Statement of Proposal**

Resolution number GB/2020/109

MOVED by Cr L Cooper, seconded by Cr J Bartley:

**That the Governing Body:**

a) adopt the statement of proposal in Attachment A of this agenda report for public consultation, and confirm that the proposed amended Alcohol Control Bylaw 2014:
   
   i) is the most appropriate form of bylaw
   
   ii) does not give rise to any implications under, and is not inconsistent with, the New Zealand Bill of Rights Act 1990.

b) forward the statement of proposal in clause a) to the Independent Māori Statutory Board for their advice.

c) forward the agenda report and attachments to local boards for their information.

d) note the delegated authority through the Chief Executive to a manager responsible for bylaws:
   
   i) to make any amendments to the proposal in clause a) to correct errors, omissions or to reflect decisions made by the Regulatory Committee or the Governing Body.

**CARRIED**

16  **Summary of Governing Body information memoranda and briefings (including the Forward Work Programme) - 24 September 2020**

Resolution number GB/2020/110

MOVED by Cr D Simpson, seconded by Cr J Bartley:

**That the Governing Body:**

a) note the progress on the forward work programme appended as Attachment A of the agenda report


**CARRIED**

17  **Summary of Confidential Decisions and related information released into Open**

Resolution number GB/2020/111

MOVED by Cr C Casey, seconded by Cr S Henderson:

**That the Governing Body:**

a) note the confidential decision and related information that is now publicly available:
   
   i) Appointment to Demographic Panels

**CARRIED**
18 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

3.26pm

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:......................................................................................