Minutes of a meeting of the Governing Body remotely on Thursday, 23 September 2021 at 10.00am and can be viewed on the Auckland Council website: https://councillive.aucklandcouncil.govt.nz/

PRESENT

Mayor 
Hon Phil Goff, CNZM, JP

Deputy Mayor
Deputy Mayor Cr Bill Cashmore

Councillors
Cr Josephine Bartley
Cr Dr Cathy Casey
Cr Fa’anana Efeso Collins
Cr Pippa Coom
Cr Linda Cooper, JP
Cr Angela Dalton
Cr Chris Darby
Cr Alf Filipaina
Cr Christine Fletcher, QSO
Cr Shane Henderson
Cr Richard Hills
Cr Tracy Mulholland
Cr Daniel Newman, JP
Cr Greg Sayers
Cr Desley Simpson, JP
Cr Sharon Stewart, QSM
Cr Wayne Walker
Cr John Watson
Cr Paul Young

From 10.04am, Item 2

ALSO PRESENT

Saffron Toms Chair, Waitakere Ranges Local Board

Note: All members of the Governing Body attended the meeting via electronic link.
1 **Affirmation**

His Worship the Mayor will read the affirmation.

Note: a roll-call was conducted that ascertained the following members were in attendance at the commencement of the meeting:

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

2 **Apologies**

There were no apologies.

*Cr J Bartley joined the meeting at 10.04am.*

*Cr C Darby joined the meeting at 10.04am.*

3 **Declaration of Interest**

There were no declarations of interest.

4 **Confirmation of Minutes**

Resolution number GB/2021/106

MOVED by Mayor P Goff, seconded by Cr D Simpson:

That the Governing Body:

a) confirm the ordinary minutes of its meeting, held on Thursday, 26 August 2021, including the confidential section, as a true and correct record.

CARRIED

5 **Petitions**

There were no petitions.
6 Public Input

There was no public input.

7 Local Board Input

7.1 Local Board Input: Waitākere Ranges Local Board - flooding, land slips and clean up in Waitākere Ranges after the August 2021 storm

Saffron Toms, Chair of the Waitākere Ranges Local Board addressed the Governing Body. A presentation was given in support of the item. A copy has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

Resolution number GB/2021/107

MOVED by Cr L Cooper, seconded by Cr S Henderson:

That the Governing Body:

a) receive the Waitākere Ranges Local Board input regarding flooding, land slips and clean up in the Waitākere Ranges after the August 2021 storm and thank Chair, Saffron Toms for her attendance.

CARRIED

Attachments

A 23 September 2021, Governing Body: Item 7.1 - Local Board Input: Waitākere Ranges Local Board - flooding, land slips and clean up in Waitākere Ranges after the August 2021 storm, Presentation

8 Extraordinary Business

There was no extraordinary business.

9 Northwest Auckland Floods

Note: changes were made to the original recommendation, adding new clauses b) and c), with the agreement of the meeting.

Resolution number GB/2021/108

MOVED by Cr S Henderson, seconded by Cr G Sayers:

That the Governing Body:

a) riro / receive the report and thank Phil Wilson, Director Governance and Mace Ward, Acting Controller Auckland Emergency Management for the update on the Northwest Auckland floods

b) mihi / thank Auckland Emergency Management and building inspection staff for their hard work and caring approach in their handling of the Northwest Auckland floods

c) mihi / thank community volunteers that were vital in helping coordinate welfare and relief efforts in their communities.

CARRIED
10 COVID-19 briefing and Auckland Emergency Management status update

A letter from the Canterbury Mayoral Forum was tabled for information of councillors. A copy has been placed on the official minutes and is available on the Auckland Council website as minutes attachment.

Resolution number GB/2021/109

MOVED by Cr S Stewart, seconded by Cr W Walker:

That the Governing Body:

a) riro / receive the report and thank Phil Wilson, Director Governance and CCO Partnerships and Mace Ward, Acting Controller Auckland Emergency Management for the briefing on the COVID-19 pandemic and the Auckland Emergency Management status update.

CARRIED

Attachments


11 Three Waters Reform: Feedback on government’s reform proposal

A letter to the Mayor and Councillors from the Mana Whenua Forum had been circulated prior to the meeting. A presentation was also given in support of the item. Copies have been placed on the official minutes and are available on the Auckland Council website as minutes attachments.

Note: changes were made to the original recommendation, adding new clauses a) and o), amending clauses f), h) and m) and moving original clause a) to new clause l), as Chair’s recommendations.

Resolution number GB/2021/110

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

That the Governing Body:

a) note Auckland Council has been asked for initial feedback on the government’s three water reform proposal including identifying areas of concern, and to suggest ways to improve what has been proposed

b) support the following aspects of the government’s Three Water Reform proposal:

i) the need to reform the water sector in Aotearoa to lift the standards of water supply quality and wastewater treatment across New Zealand

ii) the need to genuinely partner with local government to achieve reform of the sector

iii) the need to introduce an economic regulator to improve efficiency and productivity and ensure there is appropriate oversight of the new WSE, but notes that this can apply to Watercare without amalgamation

iv) the need to develop alternative funding and financing arrangements to enable greater investment in water service infrastructure

v) the need outside of Auckland to achieve greater scale and capability in the delivery of water services
c) does not support the government’s proposed ownership and governance arrangements which remove democratic accountability and the loss of direct control by councils over water service entities

d) agree that there are alternative governance and financial models to that proposed which will achieve most of the government’s water reform outcomes

e) agree that Auckland Council continues to work with the government to consider these alternative options that meet both the government’s and council’s objectives and desired outcomes

f) agree that water service entities should have the same accountability mechanisms (e.g. ability to approve and modify Statement of Intent and directly appoint and remove directors) as provided under the Local Government Act 2002 and Local Government (Auckland Council) Act 2009 for council controlled organisations

g) agree that Auckland Council supports a water service entity model, like the CCO Watercare model, where real ownership continues to reside with Councils and where the WSE is required as Watercare is currently, to give effect to the relevant aspects of Councils’ long-term plan and growth strategies

h) agree that the governance arrangements of any Water Service Entity that includes Auckland reflect the proportionate investment in the assets made by the people of Auckland, liabilities, and the proportionate size of Auckland’s population resulting in Aucklanders, through their elected representatives, maintaining majority control over their assets and service delivery

i) agree that the set-up of the new entities should specify the requirements or principles for consultation, for example as they are set out in the Local Government Act 2002

j) seek further engagement and information on the following aspects of the water reform proposals

   i) representation from and on behalf of mana whenua
   ii) integration with other local government reform processes
   iii) integration with spatial and local planning processes and growth
   iv) the nature, role and timing of economic regulation
   v) process for and decision-making regarding prioritisation of investment
   vi) the benefits and disbenefits of stormwater integration and transfer
   vii) process for local authority decision-making on ‘opting in or out’ of the Three Waters Reform
   viii) conditions associated with the Government's package of funding for local government
   ix) transition arrangements, including for the council group workforce, information sharing and due diligence for asset transfers

k) support local authorities being able to make the final decision on whether to ‘opt-in’ to or to ‘opt-out’ of the government’s final Three Water Reform proposal, and that the Reform is not made mandatory

l) delegate to the Mayor, Deputy Mayor, Environment and Climate Change Committee chair and Watercare liaison councillor, Cr L Cooper to approve Auckland Council’s initial feedback to government based on clauses b) to k) above

m) note that the final letter to the government outlining Auckland Council’s initial feedback will be provided to the Governing Body for information.
n) note these recommendations were formed with the government’s advice on stormwater yet to be received.

o) agree that when Auckland Council has received from Government its final three waters reform proposal, the Council will consult with Aucklanders on this proposal to inform Council’s response.

CARRIED BY OVERWHELMING MAJORITY

Note: Pursuant to Standing Order 1.8.6, Cr D Newman requested that his dissenting vote against clause c) be recorded.

Attachments


The meeting adjourned at 1.26pm and reconvened at 2.00pm.

Note: a roll-call was conducted that ascertained the following members were in attendance at the commencement of the meeting:

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

Cr C Casey rejoined the meeting at 2.02pm.
Cr A Dalton rejoined the meeting at 2.02pm.
Cr S Henderson rejoined the meeting at 2.02pm.
12 Significance and Engagement policy: Approval of draft policy for consultation

Cr E Collins rejoined the meeting at 2.07pm.
Cr W Walker rejoined the meeting at 2.11pm.

Resolution number GB/2021/111

MOVED by Cr D Simpson, seconded by Cr A Filipaina:

That the Governing Body:

a) approve the draft Significance and Engagement Policy (Attachment A of the agenda report) for public consultation from 27 September to 18 October 2021.

CARRIED

Note: Pursuant to Standing Order 1.8.6, Cr W Walker requested that his dissenting vote be recorded.

13 Proposal to make a new Freedom Camping in Vehicles Bylaw

Note: changes to the original recommendation, amending clause d), were made with the agreement of the meeting.

MOVED by Cr L Cooper, seconded by Cr A Dalton:

That the Governing Body:

a) note that the Regulatory Committee completed the review of the Auckland Council Legacy Bylaw Provisions on Freedom Camping 2015 in August 2017 and determined that a bylaw is an appropriate way to manage freedom camping in Auckland.

b) adopt the Statement of Proposal 2022 in Attachment A of this agenda report for public consultation, and confirm that the proposed new Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Nohu Puni Wātea ā-Waka / Auckland Council Freedom Camping in Vehicles Bylaw 2022:

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.

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

d) appoint:

i) Cr Linda Cooper, Chair

ii) Cr Angela Dalton

iii) an Independent Māori Statutory Board member


to attend ‘Have Your Say’ events and to deliberate and make recommendations to the Governing Body on public feedback to the Statement of Proposal in Attachment A of this agenda report.

e) delegate authority to His Worship the Mayor to make replacement appointments to the Bylaw Panel if a panel member is unavailable.

f) delegate authority through the Chief Executive to a manager responsible for bylaws to:

i) appoint staff to receive public feedback at ‘Have Your Say’ events

ii) make any amendments to the Statement of Proposal in Attachment A of this agenda report to correct errors, omissions or to reflect decisions made by the Governing Body.
Resolution number GB/2021/112

MOVED by Cr D Simpson, seconded by Cr G Sayers, an amendment by way of addition:

That the Governing Body:

\[ g \]

agree that should additional prohibited or restricted sites come from consultation - which are supported by evidence, these will be discussed and can be assessed and consulted on following the adoption of the bylaw.

CARRIED

Extension of meeting time

At 4.01pm, it was:

Resolution number GB/2021/113

MOVED by Mayor P Goff, seconded by Cr D Simpson:

That the Governing Body:

\[ a \]

whakaae / agree, pursuant to standing order 1.1.3, that an extension of time be granted until the completion of business.

CARRIED

The substantive motion was put.

Resolution number GB/2021/114

MOVED by Cr L Cooper, seconded by Cr A Dalton:

That the Governing Body:

\[ a \]

note that the Regulatory Committee completed the review of the Auckland Council Legacy Bylaw Provisions on Freedom Camping 2015 in August 2017 and determined that a bylaw is an appropriate way to manage freedom camping in Auckland.

\[ b \]

adopt the Statement of Proposal in Attachment A of this agenda report for public consultation, and confirm that the proposed new Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Noho Puni Wātea ā-Waka 2022 / Auckland Council Freedom Camping in Vehicles Bylaw 2022:

\[ i \]

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.

\[ c \]

forward to local boards this agenda report and attachments for their information.

\[ d \]

appoint:

\[ i \]

Cr Linda Cooper, Chair

\[ ii \]

Cr Angela Dalton

\[ iii \]

an Independent Māori Statutory Board member


to attend ‘Have Your Say’ events and to deliberate and make recommendations to the Governing Body on public feedback to the Statement of Proposal in Attachment A of this agenda report.

\[ e \]

delegate authority to His Worship the Mayor to make replacement appointments to the Bylaw Panel if a panel member is unavailable.
f) delegate authority through the Chief Executive to a manager responsible for bylaws to:
   i) appoint staff to receive public feedback at ‘Have Your Say’ events
   ii) make any amendments to the Statement of Proposal in Attachment A of this agenda report to correct errors, omissions or to reflect decisions made by the Governing Body.

g) agree that should additional prohibited or restricted sites come from consultation - which are supported by evidence, these will be discussed and can be assessed and consulted on following the adoption of the bylaw

CARRIED

The meeting adjourned at 4.05pm and reconvened at 4.10pm.

14 Recommendation from the Regulatory Committee – Review findings and options for the Wharves Bylaw

Resolution number GB/2021/115

MOVED by Cr L Cooper, seconded by Cr A Dalton:

That the Governing Body:

a) whakaū / confirm that the Auckland Council Legacy Provisions on Wharves Bylaw 2015 is no longer the most appropriate way to address matters related to public safety, nuisance and damage on and around wharves, boat ramps and similar structures in the former Auckland City and Rodney District under the control of Auckland Council.

b) whakaae / approve continuing to rely on other existing regulations to address matters related to public safety, nuisance and damage on and around wharves, boat ramps and similar structures under the control of Auckland Council.

c) whakaae / approve allowing the Auckland Council Wharves Bylaw 2015 to lapse on 29 October 2022.

CARRIED


Resolution number GB/2021/116

MOVED by Cr L Cooper, seconded by Cr A Dalton:

That the Governing Body:

a) whakaū / confirm that the Auckland Council Legacy Bylaw Provisions on Construction in the Road Corridor and Other Public Places 2015 is no longer the most appropriate way to protect public health, safety, property and the environment from construction related activities on public places under the control of Auckland Council.

b) whakaae / approve continuing to rely on other existing regulations to address matters related to public health, safety, property and the environment from construction related activities on public places under the control of Auckland Council.
c) whakaae / approve allowing the Auckland Council Legacy Bylaw Provisions on Construction in the Road Corridor and Other Public Places 2015 to lapse on 29 October 2022.

CARRIED

16 Recommendation from the Regulatory Committee – Proposal to amend the Property Maintenance and Nuisance Bylaw 2015

Resolution by GB/2021/117

MOVED by Cr L Cooper, seconded by Cr C Casey:

That the Governing Body:

a) tango / adopt the Statement of Proposal in Attachment A of the agenda report for public consultation and confirm the proposed Te Kaunihera o Tāmaki Makaurau Te Ture ā-rohe Tiaki Rawa me Ngā Mahi Whakapōrearea 2015 / Auckland Council Property Maintenance and Nuisance Bylaw 2015:

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) pukapuka / forward to local boards the original agenda report and attachments for their information.

c) tuhi / note the delegated authority through the Chief Executive to a manager responsible for bylaws to make any amendments to the Statement of Proposal in Attachment A of the agenda report to correct errors, omissions or to reflect decisions made by the Regulatory Committee or the Governing Body.

d) tuhi / note the appointment of:

i) Cr L Cooper (chair)

ii) Cr C Casey

iii) Independent Māori Statutory Board member Glenn Wilcox

to attend ‘Have Your Say’ events, deliberate and make recommendations to the Governing Body on public feedback to the Statement of Proposal in Attachment A of the agenda report.

CARRIED

17 Referred from the Audit and Risk Committee - Enterprise Risk Update - September 2021

Resolution by GB/2021/118

MOVED by Cr D Newman, seconded by Deputy Mayor BC Cashmore:

That the Governing Body:

a) riro / receive the Enterprise Risk Update – September 2021 (Attachment A of the agenda report).

CARRIED
18  Referred from the Audit and Risk Committee - Auckland Council's Health, Safety and Wellbeing (HSW) performance
Resolution number GB/2021/119
MOVED by Cr D Newman, seconded by Deputy Mayor BC Cashmore:
That the Governing Body:
a) tuhi / note the Auckland Council’s Health, Safety and Wellbeing (HSW) performance report (Attachment A of the agenda report) and any commentary from the Audit and Risk Committee
b) tuhi / note that the report has been provided to all local boards for their information.
CARRIED

19  Referred from the Audit and Risk Committee - Auckland Council Hauora (Wellbeing) Programme Update
Resolution number GB/2021/120
MOVED by Cr D Newman, seconded by Deputy Mayor BC Cashmore:
That the Governing Body:
a) riro / receive the Auckland Council Hauora (Wellbeing) Programme Update report
b) tuhi / note that the Auckland Council Hauora (Wellbeing) Programme Update report has been forwarded to all local boards for their information.
CARRIED

20  Wiri Prison - Appointments to Social Impact Fund Allocations Committee
Resolution number GB/2021/121
MOVED by Cr D Newman, seconded by Cr A Dalton:
That the Governing Body:
a) delegate to a joint committee established by the Manurewa, Papakura, Māngere-Ōtāhuhu and Ōtara-Papatoetoe local boards, the power to make two Auckland Council appointments to the Wiri Prison Social Impact Fund Allocations Committee subject to:
   i) southern ward councillors having attendance and speaking rights
   ii) the Independent Māori Statutory Board having the ability to appoint two members.
b) agree that this delegation continues until it is revoked or changed by the Governing Body.
CARRIED
21  Summary of Governing Body information memoranda, workshops and briefings (including the Forward Work Programme) - 23 September 2021

Resolution number GB/2021/122

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

That the Governing Body:

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


CARRIED

22  Consideration of Extraordinary Items

There was no consideration of extraordinary items.

23  Procedural motion to exclude the public

Resolution number GB/2021/123

MOVED by Mayor P Goff, seconded by Cr A Dalton:

That the Governing Body:

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

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

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

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

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

CARRIED

4.38pm  The public was excluded.
Resolutions in relation to the confidential items are recorded in the confidential section of these minutes and are not publicly available.

4.50pm The public was re-admitted.

RESTATEMENTS

It was resolved while the public was excluded:

C1 CONFIDENTIAL: Appointment of Conduct Commissioners

Resolution number GB/2021/124

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

That the Governing Body:

f) agree that the decision will be released into open once the appointments have been confirmed. The report and attachments will remain confidential.

4.50pm 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:..........................................................