

**MINUTES OF AN ORDINARY MEETING OF THE COUNCIL HELD IN THE CIVIC CENTRE,
6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY, ON WEDNESDAY,
26 JUNE 2002, COMMENCING AT 5.34 PM.**

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PRESENT:

Deputy Mayor	CA	Stone (Presiding)
Councillors	DQ	Battersby, JP (until 8.35 pm)
	BA	Brady, JP (from 7.32 pm)
	JM	Clews, QSO, JP
	RP	Dallow, QPM, JP
	AC	Fenton
	OE	Hoskin, JP (from 5.35 pm)
	PA	Hulse
	JP	Lawley
	GE	Nash, JP
	VS	Neeson, JP
	GB	Presland
	GW	Russell
	DA	Yates, JP

TE TAUMATA RUNANGA: Mrs M Te Huia

COMMUNITY BOARDS:

Mrs HM Jones	(Chairperson Henderson Community Board)
Mr RF Jessopp	(Chairperson Massey Community Board)
Mrs EG Francke	(Chairperson New Lynn Community Board)
Mrs CA Shepherd, JP	(Chairperson Waitakere Community Board)
Mr WR Davis	(Henderson Community Board)
Mrs G Marshall	(New Lynn Community Board)

IN ATTENDANCE:

Chief Executive
Director: City Services
Director: Strategic Projects
Director: Strategic Group
Director: Corporate & Civic Services
Director: City Enterprises
Director: Finance
Public Affairs Manager
Manager: Maori Issues
Manager: Legal Services
Manager: Democracy and Support Services
Manager: Executive Office
Manager: Policy Development
Service Manager: Landscape Development
Partnerships and Advocacy Leader: Economic Development
Strategic Planner Monitoring
Policy Analyst: District Plan
Committee Secretary: Owena Schuster
Ngareta Delamere
Sharon Simiona
Audrey Chan
Committee Administrator: M Keepa

1 OPENING PRAYER

Reverend David Ock-Youn Jang from the Korean Presbyterian Church of Auckland said the Opening Prayer.

5.35 pm Cr Hoskin entered the meeting.

2 APOLOGIES

2140/2002

MOVED by Cr Clews, seconded Cr Neeson:

That apologies from Mayor Bob Harvey for absence and Cr Brady for lateness be received and sustained.

CARRIED

3 CONFIRMATION OF MINUTES

2141/2002

MOVED by Cr Neeson, seconded Cr Lawley:

That the minutes of the Special Meeting of the Council (Strategic Review (eco city + 10)) held on Tuesday, 21 May 2002, the Ordinary Meeting of the Council held on Wednesday, 29 May 2002 including the Public Excluded minutes, the Emergency Meeting of the Council (Waitakere Stadium Sports Complex) held on Thursday, 6 June 2002, and the Special Meeting of the Council (Strategic Review) held on Friday, 7 June 2002, as circulated, be taken as read and now be confirmed.

CARRIED

4 URGENT BUSINESS

There was no Urgent Business.

PART A - REPORT OF THE MAYOR

2142/2002

MOVED by Cr Battersby, seconded Cr Dallow:

That the report of the Mayor be received.

CARRIED

PART B - COMMUNITY BOARDS AND TE TAUMATA RUNANGA

5 TE TAUMATA RUNANGA

2143/2002

MOVED by Cr Lawley, seconded Cr Hoskin:

That the report of the Ordinary Meeting of Te Taumata Runanga held on Monday, 17 June 2002 be received.

CARRIED

6 WAITAKERE COMMUNITY BOARD

2144/2002

MOVED by Cr Yates, seconded Cr Dallow:

That the report of the Ordinary Meeting of the Waitakere Community Board held on Tuesday, 4 June 2002 be received.

CARRIED

7 MASSEY COMMUNITY BOARD

2145/2002

MOVED by Cr Hoskin, seconded Cr Neeson:

That the report of the Ordinary Meeting of the Massey Community Board held on Wednesday, 5 June 2002 be received.

CARRIED

8 HENDERSON COMMUNITY BOARD

2146/2002

MOVED by Cr Fenton, seconded Cr Hoskin:

That the report of the Ordinary Meeting of the Henderson Community Board held on Thursday, 6 June 2002 be received.

CARRIED

9 NEW LYNN COMMUNITY BOARD

2147/2002

MOVED by Cr Clews, seconded Cr Presland:

That the report of the Ordinary Meeting of the New Lynn Community Board held on Monday, 10 June 2002 be received.

CARRIED

PART C - REPORT OF THE CHIEF EXECUTIVE

10 SINGLE TRANSFERABLE VOTING SYSTEM

2148/2002

MOVED by Cr Dallow, seconded Cr Fenton:

That the information be received.

CARRIED

2149/2002

MOVED by Cr Hoskin, seconded Cr Presland:

That a Workshop to explore the principles of Single Transferable Voting and its implications for Waitakere be scheduled.

CARRIED

11 WEST AUCKLAND NEIGHBOURHOOD SUPPORT INCORPORATED

2150/2002

MOVED by Cr Fenton, seconded Cr Hulse:

That the information be received.

CARRIED

2151/2002

MOVED by Cr Hulse, seconded Cr Clews:

That Cr Russell, and Cr Brady as the alternate when Cr Russell is absent, attend the West Auckland Neighbourhood Support Management Committee meetings on a voluntary basis.

CARRIED

12 HEARINGS COMMITTEE ALTERATION OF MEMBERSHIP

2152/2002

MOVED by Cr Nash, seconded Cr Neeson:

1. That the information be received.
2. That Cr Ross Dallow no longer be a member of the Hearings Committee and that Cr Derek Battersby be appointed to the Hearings Committee.
3. That the Hearings Committee consider the appointment of a replacement Deputy Chairperson at the next meeting of the Hearings Committee.

CARRIED

13 ENTERPRISE WAITAKERE - APPOINTMENT OF TRUSTEES AND REVIEW

2153/2002

MOVED by Cr Clews, seconded Cr Presland:

1. That the information be received.
2. That a Working Group consisting of His Worship the Mayor, Chair and Deputy Chair of the City Development Committee, Chair of the Finance and Operational Performance Committee, Chief Executive, Director: Strategic Projects and the Director: Strategic Group be established.
3. That the Working Group set up a process for the appointment of Trustees to the Enterprise Waitakere Trust Board, and make recommendations on Trustee appointments to Council and on the scope of a review of Enterprise Waitakere to the City Development Committee.

CARRIED

14 WORKSHOP - "ELECTION BRAIN STORM" - WELLINGTON

2154/2002

MOVED by Cr Hulse, seconded Cr Dallow:

1. That the information be received.
2. That Council endorse Cr Stone's attendance at the "Election Brain Storm" Workshop held in Wellington on Thursday, 30 May 2002.

CARRIED

15 RODNEY DISTRICT PLAN - FURTHER SUBMISSIONS

2155/2002

MOVED by Cr Yates, seconded Cr Fenton:

1. That the information be received.
2. That delegated authority be given to the Chairperson of the Environmental Management Committee to approve the lodgement of further submissions to the Rodney District Proposed District Plan as outlined in the agenda report.

CARRIED

16 ECOMATTERS ENVIRONMENT TRUST

2156/2002

MOVED by Cr Neeson, seconded Cr Yates:

1. That the information be received.
2. That Council participate in the EcoMatters Environment Trust as a party entitled to appoint one Trustee from time to time and that this participation be approved as set out in the Trust Deed.
3. That a one year bulk-funding arrangement be provided as outlined through the draft 2002/2003 Annual Plan at the current base level proposed in the draft budget and that the application of these moneys and any associated contractual arrangements be reported back to the appropriate Committee in due course.
4. That the partnering Agreements and/or any current contracts between Council and Keep Waitakere Beautiful, the Tag Out Trust, and the Weedfree Waitakere Trust remain as at present meantime.
5. That Council's Principal Administrative Officer be authorised to notify the appointment of one Trustee to the EcoMatters Environment Trust Board in accordance with the Trust's Constitution once the trust has been incorporated under the provisions of the Charitable Trusts Act 1957.

CARRIED

2157/2002

MOVED by Cr Hulse, seconded Cr Lawley:

That Cr Yates be the Trustee appointed to the EcoMatters Environmental Trust Board.

CARRIED

17 ESTABLISHMENT OF REGIONAL FERRY SUBSIDIARY

2158/2002

MOVED by Cr Hoskin, seconded Cr Battersby:

That the information be received.

CARRIED

5.55 pm Cr Hulse left the meeting.

2159/2002

MOVED by Cr Dallow, seconded Cr Clews:

1. That the terms of the constitution of Auckland Regional Transport Network Limited Harbour Berths Limited be approved.
2. That the resolution to amend the constitution of Auckland Regional Transport Network Limited as circulated and attached at pages M1 to M3 be approved and signed.
3. That the Deed of Variation of the Shareholders' Agreement relating to Auckland Regional Transport Network Limited be approved and signed under common seal.

M1-M3

CARRIED

PART D - STANDING COMMITTEE REPORTS

18 CITY DEVELOPMENT COMMITTEE

2160/2002

MOVED by Cr Presland, seconded Cr Fenton:

That the report of the Ordinary Meeting of the City Development Committee held on Monday, 10 June 2002 be received.

CARRIED

5.57 pm Cr Hulse retruned to the meeting.

19 ENVIRONMENTAL MANAGEMENT COMMITTEE

2161/2002

MOVED by Cr Hulse, seconded Cr Hoskin:

That the report of the Ordinary meeting of the Environmental Management Committee held on Tuesday, 11 June 2002 be received.

CARRIED

20 FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE

1. FUTURE OF OLD TITIRANGI COMMUNITY HOUSE

2162/2002

MOVED by Cr Clews, seconded Cr Dallow:

That the sale of the old Titirangi Community House (Lot 4, Deposited Plan 191856) be approved, and that the Chief Executive be given authority to negotiate and execute a sale of the property at an appropriate time.

CARRIED

2. SALE OF ESPLANADE RESERVE

2163/2002

MOVED by Cr Clews, seconded Cr Hulse:

1. That the Chief Executive be given authority to apply to the Department of Conservation for the revocation of the reserve classification of the area of approximately 165 square metres of encroachment onto the Meadow Glade Esplanade Reserve adjacent to 157 Tirimoana Road in order to sell this area to Mr and Mrs Alach.
2. That subject to the consent of the Minister of Conservation to the revocation of the reserve status, approval be given to the sale of the area of Esplanade Reserve occupied by Mr and Mrs Alach and that the proceeds of sale be paid into the reserves account.
3. That pursuant to Section 40 of the Public Works Act 1981 that because of the size, shape and situation of the area of Esplanade Reserve to be sold that Council could not expect to sell the land to any person who did not own land adjacent to the land to be sold, and the land may be sold to the owners of the adjacent land, Mr and Mrs Alach.

CARRIED

3. **EXCHANGE AND DECLARATION OF LAND - TRAM VALLEY ROAD**

2164/2002

MOVED by Cr Clews, seconded Cr Fenton:

That the Council land at Tram Valley Road marked F on the plan attached at page 38 in the supplement labelled Part D be exchanged for the Crown land marked A, B, C and D on the plan, as agreed with the Department of Conservation.

CARRIED

4. **ANNUAL REVIEW - PROPOSED AMENDMENTS TO THE BORROWING AND INVESTMENT POLICY**

2165/2002

MOVED by Cr Clews, seconded Cr Lawley:

That the revised Borrowing and Investment Policy be adopted.

CARRIED

5. **OTHER MATTERS CONSIDERED**

2166/2002

MOVED by Cr Clews, seconded Cr Yates:

That the report of the Ordinary Meeting of the Finance and Operational Performance Committee held on Thursday, 13 June 2002 be received.

CARRIED

PART F - PROCEDURAL MATTERS

24 **QUESTIONS**

There were no Questions.

25 **NOTICES OF MOTION**

There were no Notices of Motion.

ADJOURNMENT

2167/2002

MOVED by Cr Fenton, seconded Cr Dallow:

That the meeting stand adjourned until 7.30 pm.

CARRIED

6.02 pm The meeting adjourned.

7.32 pm The meeting reconvened. Cr Yates not present.

7.35 pm Cr Yates returned to the meeting.

PART E - PRESENTATIONS

21 AUCKLAND REGIONAL COUNCIL

Chairperson Gwen Bull, Councillor Sandra Cooney and Jo Brosnahan, Chief Executive Officer, Auckland Regional Council made a presentation to the Council on the content of the Auckland Regional Council Annual Plan for 2002/2003 including projects as they affect Waitakere City and the proposed rates increase.

8.35 pm Cr Battersby left the meeting.

22 DAVID AND JOAN HALLETT

Waitakere Community Board member David Hallett during a recent visit to Great Britain presented the Citys Coat of Arms plaques to the Provost of Inverness and Highland Council and the Mayor and Admiral of the Port and Borough of Poole in Dorset.

David Hallett presented to the Council reciprocal gifts from:

- a) Provost of Inverness and the Highlands Regional Council - Bill Smith.
- b) Mayor of Poole Borough Council in Dorset - Ron Parker.

23 NEW LYNN COMMUNITY CENTRE AND MASSEY LEISURE CENTRE AND LIBRARY

The New Lynn Community Centre and the Massey Leisure Centre and Library have recently been successful in winning architecture and property Council awards. A presentation of the certificates and the Council team was made to Council.

The Deputy Mayor introduced the following Council Officers who played an integral part with the construction of the new New Lynn Community Centre and Massey Leisure Centre and Library:

- John Dragicevich
- Ann Magee
- Alan Tresadern
- John MacKay
- Naomi McCleary
- Renee Lambert
- Philip Brown
- Su Scott
- Pat Walsh
- Janet Cole
- Mark Allen
- Graham Wakefield
- Stephen Drumm
- Katja Lietz

PART F - PROCEDURAL MATTERS

26 CLOSING PRAYER

Cr Clews said the Closing Prayer.

9.07 pm

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

CONFIRMED AT AN ORDINARY MEETING OF
THE COUNCIL HELD ON

DATE:.....

CHAIRPERSON:.....

**Auckland Regional Transport Network Limited
(ARTNL)
AK/1147669**

**Shareholders' written resolution in lieu of meeting pursuant to section 122 of
the Companies Act 1993**

Resolved as a special resolution that:

- 1 In accordance with section 32(2) of the Companies Act 1993, the constitution of the company is varied as follows:
 - 1.1 The following definitions are added to clause 1.1:

Shareholder Approval means any approval by the Company in its capacity as a shareholder of any subsidiary of the Company.

Subsidiary Resolution means a shareholders' resolution of any subsidiary of the Company but does not include a Subsidiary Transaction Resolution.

Subsidiary Transaction Resolution means a shareholders' resolution of any subsidiary of the Company approving the entry by the subsidiary into a substantial transaction being a transaction of the type referred to in section 129 of the Companies Act 1993 the value of which is more than 25% of the value of the subsidiaries assets before the relevant transaction.
 - 1.2 The following clauses are added to clause 2.4.1:
 - 2.4.1(g) to the passing of a Subsidiary Transaction Resolution, in the same manner and subject to the same time frames, as would be required by this Constitution if the matter contemplated by the Subsidiary Transaction Resolution was being undertaken by the Company and required approval by shareholders' resolution.
 - 2.4.1(h) to the passing of a Subsidiary Resolution, in the same manner and subject to the same time frames, as would be required by this Constitution if the matter contemplated by the Subsidiary Resolution was being undertaken by the Company.
 - 2.4.1(i) to the giving of Shareholder Approval, in the same manner and subject to the same time frames, as would be required by this Constitution if the matter to which the approval relates was being undertaken by the Company.
 - 2.4.1(j) by special resolution, to the sale of any shares in any subsidiary of the Company.

2.4.1(k) To the appointment or removal of a director of a subsidiary, in the same manner and subject to the same time frames, as if the director was a director of ARTNL.

- 2 In accordance with section 129 of the Companies Act 1993, ARTNL is authorised to receive a grant of \$13,821,000 from Infrastructure Auckland and immediately use this amount to subscribe for a further 13,821,000 ordinary shares in ARTNL Harbour Berths Limited (AHBL).
- 3 ARTNL is authorised to approve in its capacity as shareholder of AHBL:
 - 3.1 AHBL receiving from ARTNL the proceeds of the issue of 13,821,000 ordinary shares in AHBL.
 - 3.2 The appointment of Peter Brothers as a director of AHBL.
- 4 The directors of ARTNL are authorised to do everything necessary to give effect to this resolution.

..... Dated 2002
[Insert name and position]
Auckland City Council

..... Dated 2002
[Insert name and position]
Manukau City Council

..... Dated 2002
[Insert name and position]
Waitakere City Council

..... Dated 2002
[Insert name and position]
Rodney District Council

..... Dated 2002
[Insert name and position]
Papakura District Council

.....
[Insert name and position]
Franklin District Council

Dated 2002

Being all the shareholders of the company.