

**MINUTES OF AN ORDINARY MEETING OF THE COUNCIL HELD IN THE  
CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,  
ON WEDNESDAY, 28 AUGUST 2002 COMMENCING AT 5.32 PM.**

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<b>17</b>	<b>LAND ACQUISITION</b>	<b>ERROR! BOOKMARK NOT DEFINED.</b>
<b>18</b>	<b>NEW LYNN DEVELOPMENT - VESTING OF MEMORIAL DRIVE AND MCCRAE WAY</b>	<b>ERROR! BOOKMARK NOT DEFINED.</b>

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**PRESENT:**

Deputy Mayor	CA	Stone (Presiding)
Councillors	DQ	Battersby, JP
	BA	Brady, JP
	JM	Clews, QSO, JP
	AC	Fenton
	OE	Hoskin, JP
	PA	Hulse
	JP	Lawley
	GE	Nash, JP
	GB	Presland
	GW	Russell
	DA	Yates, JP

**TE TAUMATA RUNANGA:** Mrs Mihi Te Huia

**COMMUNITY BOARDS:**

Mrs HM Jones	(Chairperson Henderson Community Board)
Mr B Jessopp	(Chairperson Massey Community Board)
Mrs CA Shepherd, JP	(Chairperson Waitakere Community Board)
Mr P van der Voort	(Deputy Chairperson New Lynn 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: Corporate & Civic Services  
Director: Finance  
Director: Quality Assurance  
Manager: Maori Issues  
Public Affairs Manager  
Manager: Legal Services  
Manager: Democracy and Support Services  
Manager: Executive Office  
Manager: Transport Strategy  
Acting Leisure Services Manager  
Project Manager - Change Management Project  
Mayoral Executive Officer  
Quality Liaison Officer  
Committee Secretary: O Schuster  
A Chan  
S Simiona  
Committee Administrator: M Keepa

**1 OPENING PRAYER**

Reverend Huriana (Judy) Cooper from the Hemitapu (St James) Anglican Church said the Opening Prayer.

**2 APOLOGIES**

2640/2002

MOVED by Cr Clews, seconded Cr Fenton:

That apologies from Mayor Bob Harvey, Cr Dallow and Cr Neeson for absence be received and sustained.

**CARRIED**

**3 CONFIRMATION OF MINUTES**

2641/2002

MOVED by Cr Nash, seconded Cr Clews:

That the minutes of the Special Meeting of the Council (Civic Future Accommodation Review) held on Wednesday, 18 June 2002, including the Public Excluded minutes, the Special Meeting of the Council (Strategic Review) held on Thursday, 25 July 2002, the Special Meeting of the Council (Strategic Review) held on Monday, 5 August 2002, and the Ordinary Meeting of the Council held on Wednesday, 31 July 2002, with the following amendment Item 21 - "Portage and Waitakere Licensing Trust Competition Poll" on page 11 the addition of *Cr Lawley* to the Declaration of Interest at 7.58 pm and the returning to the table at 8.37 pm, including the Public Excluded minutes, 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**

2642/2002

MOVED by Cr Clews, seconded Cr Fenton:

That the report of the Mayor be received.

**CARRIED**

**PART B - TE TAUMATA RUNANGA AND COMMUNITY BOARDS**

**5 TE TAUMATA RUNANGA**

2643/2002

MOVED by Cr Lawley, seconded Cr Hoskin:

That the report of the Ordinary Meeting of Te Taumata Runanga held on Monday, 19 August 2002 be received.

**CARRIED**

**6 NEW LYNN COMMUNITY BOARD**

2644/2002

MOVED by Cr Clews, seconded Cr Presland:

That the report of the Ordinary Meeting of the New Lynn Community Board held on Monday, 5 August 2002 be received.

**CARRIED**

**7 WAITAKERE COMMUNITY BOARD**

2645/2002

MOVED by Cr Hoskin, seconded Cr Yates:

That the report of the Ordinary Meeting of the Waitakere Community Board held on Tuesday, 6 August 2002 be received.

**CARRIED**

**8 MASSEY COMMUNITY BOARD**

2646/2002

MOVED by Cr Nash, seconded Cr Russell:

That the report of the Ordinary Meeting of the Massey Community Board held on Wednesday, 7 August 2002 be received.

**CARRIED**

**9 HENDERSON COMMUNITY BOARD**

2647/2002

MOVED by Cr Fenton, seconded Cr Hoskin:

That the report of the Ordinary Meeting of the Henderson Community Board held on Thursday, 8 August 2002 be received.

**CARRIED**

**PART C - REPORT OF THE CHIEF EXECUTIVE**

**10 ELECTORAL SYSTEM FOR 2004 ELECTIONS**

2648/2002

MOVED by Cr Fenton, seconded Cr Brady:

That the information be received.

**CARRIED**

2649/2002

MOVED by Cr Clews, seconded Cr Lawley:

That Council reaches a preliminary decision to retain the FPP (First Past the Post) electoral system for the next triennial election and this decision be publicly notified by 19 September 2002 and the community be informed that in making this decision:

- (a) the Council will monitor the effects of the use of the STV (Single Transferable Vote) electoral system by the District Health Boards in 2004; and
- (b) the Council is mindful of the additional costs of changing the electoral system.

**CARRIED**

**11 APPOINTMENT OF SINKING FUND COMMISSIONER**

2650/2002

MOVED by Cr Battersby, seconded Cr Clews:

1. That the information be received.
2. That Robert Rudd be appointed as a Waitakere City Council Sinking Fund Commissioner, replacing Theresa Stratton.

**CARRIED**

**12 BORROWING PROGRAMME 2002/2003**

2651/2002

MOVED by Cr Clews, seconded Cr Hulse:

1. That the information be received.
2. That the purpose of the Borrowing is the carrying out or continuing of the projects identified in the 2002/2003 Annual Plan and previous Annual Plans adopted by Council or projects approved by Council subsequent to adoption of the Annual Plan.
3. That the security for the Borrowing may be the Debenture Trust Deed over rates under the Debenture Trust Deed if the Chief Executive considers appropriate.
4. That the benefits of the Borrowing are that it will enable the Council to carry out the projects identified in the Annual Plan while spreading the costs for those projects over the time to recognise future benefits. The risk is that interest rates may vary in the future resulting in higher debt servicing costs to the Council.
5. That the raising of the Borrowing will comply with the Council's Borrowing and Investment Policy.

6. That pursuant to section 122ZD of the Local Government Act 1974, the Council authorises the Chief Executive to borrow up to \$123.2 million in this or future financial years, by way of bank loan or loans or credit facilities or facilities or the issue of stock for the Borrowing secured by the Debenture Trust Deed.
7. That the Chief Executive be hereby delegated authority to negotiate and agree the terms, interest rate payable by the Council, frequency of interest payments, timing of drawdowns, number of loans or issues of stock which make up the Borrowing and all other terms and conditions of such loan or facilities or stock as may be necessary for the obtaining of such loan facilities or stock, and to execute any agreements, documents and certificates in respect of such loans facilities or stock on behalf of the Council.
8. That the Chief Executive be authorised to sub-delegate powers, duties and discretions delegated to him under the resolutions above to officers as he considers appropriate.

**CARRIED**

**13 RESOURCE CONSENT PROCESSING FOR MAJOR ROAD PROJECTS**

2652/2002

MOVED by Cr Fenton, seconded Cr Lawley:

That the information be received.

**CARRIED**

2653/2002

MOVED by Cr Hoskin, seconded Cr Hulse:

That Council inform the Auckland Regional Land Transport Committee that it:

- Supports the establishment of a 'road projects consents group' to facilitate the resource consent process for the three road projects identified in this report and suggests that this group of staff be managed by one of the 'parent' councils under a Memorandum of Agreement arrangement between the other Councils.
- Does not support the proposed role of commissioners and suggests that a method be identified whereby they are kept at arms length from the staff group throughout the process.

**CARRIED**

**14 APPOINTMENTS TO TE TAUMATA RUNANGA**

2654/2002

MOVED by Cr Nash, seconded Cr Hoskin:

1. That the information be received.
2. That Karen Wikiriwhi be appointed as Te Runanga O Ngati Whatua representative on Te Taumata Runanga replacing Waata Richards.
3. That Waata Richards be appointed as alternative Te Runanga O Ngati Whatua representative on Te Taumata Runanga.

**CARRIED**

15 **WAITAKERE SPORTS COMPLEX - LEASE COMMENCEMENT AND DESIGN APPROVAL**

2655/2002

MOVED by Cr Fenton, seconded Cr Nash:

1. That the information, including the associated report presented by the Waitakere Sports Complex Development Board, be received.
2. That in accordance with Clause 5.2 of the Charter the Chief Executive be authorised to advise the Waitakere Regional Sports Trust on or before 1 September 2002 that Council is satisfied that funding from donor organisations, Athletics, Rugby and the RA Trust is or will be available to the Trust sufficient for the completion of the Sports Complex and the All Weather Athletics Track, in accordance with the budget for that purpose now presented by the Waitakere Sports Complex Development Board.
3. That Council approves the project design and site layout plans as now presented by the Waitakere Sports Complex Development Board subject to the insertion upon the plans of the position of the creche which was inadvertently missed to enable final design and specifications to be established and tendered as the project proceeds, subject to any variation in the indicative construction costs being reported back by the Board to the Trust and Council prior to any contract acceptance in each case.
4. That a preliminary sum amounting to \$1m be now approved to be paid, sourced from loan within Council's overall approved contribution, to the project trust account operated by the Waitakere Regional Sports Trust, to enable the project's initial costs and expenses, including the demolition works, to be met.
5. That authority be given to accept the surrender of the existing building footprint lease and the licence to occupy from Athletics as at 1 September 2002 for the consideration \$900,000 plus GST (if any), sourced from loan within Council's overall approved contribution.

**CARRIED**

**PART D - CONFIDENTIAL ITEMS**

**16 SALE OF FDU 1 AND FDU 2, UNIT PLAN 205998 B**

**17 LAND ACQUISITION**

**18 NEW LYNN DEVELOPMENT - VESTING OF MEMORIAL DRIVE AND MCCRAE WAY**

**PROCEDURAL MOTION TO EXCLUDE THE PUBLIC**

2656/2002

MOVED by Cr Clews, seconded Cr Fenton:

1. That the public be excluded from the following part of the proceedings of this meeting, namely: Sale of FDU 1 and FDU 2, Unit Plan 205998 B, Land Acquisition and New Lynn Development - Vesting of Memorial Drive and McCrae Way.

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

General subject of each of the matters to be considered.	Reason for passing this resolution in relation to each of the matters.	Ground(s) under Section 48(1)(a) for the passing of this resolution.
<ul style="list-style-type: none"> <li>• Sale of FDU 1 and FDU 2, Unit Plan 205998 B</li> <li>• Land Acquisition</li> <li>• New Lynn Development - Vesting of Memorial Drive and McCrae Way</li> </ul>	<p>The withholding of information is necessary in order to:</p> <ul style="list-style-type: none"> <li>• Enable the Local Authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</li> </ul>	<p>That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</p>

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 7(2) (i) of that Act which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public as follows:

- *The ability for Council to conduct commercial negotiations.*

2. That Mr Allan MacGregor, Waitakere Properties Limited, be permitted to remain at this meeting, after the public has been excluded, because of his knowledge of each of the matters to be discussed. This knowledge, which will be of assistance in relation to each of the matters to be discussed, is relevant because of background information and advice which will be required by the Council when assessing the options available to it and in explaining any decision to the community.

**CARRIED**

6.13 pm        The public were excluded.

Minute Numbers 2657/2002 to 2660/2002 are recorded in the Confidential section of the Minutes.

6.50 pm        The public were readmitted.

### **ADJOURNMENT**

2661/2002

MOVED by Cr Clews, seconded Cr Fenton:

That the meeting stand adjourned until 7.30 pm.

**CARRIED**

6.54 pm        The meeting adjourned.

7.35 pm        The meeting reconvened.

### **PRECEDENCE OF BUSINESS**

2662/2002

MOVED by Cr Hoskin, seconded Cr Hulse:

That Item 23 - Cystic Fibrosis Achievers Creon Awards - Toni Durant be accorded precedence at this time.

**CARRIED**

## **PART F - PRESENTATIONS**

### **23    CYSTIC FIBROSIS ACHIEVERS CREON AWARDS - TONI DURANT**

The Deputy Mayor, Cr Carolynne Stone on behalf of the Cystic Fibrosis Association of New Zealand presented to Toni Durant the 2002 Cystic Fibrosis Achievers Creon Award for Endeavour in the Arts.

The Order of Business resumed at Item 19 - City Development Committee.

**PART E - STANDING COMMITTEE REPORTS**

**19 CITY DEVELOPMENT COMMITTEE**

**1. APPOINTMENT OF COUNCILLORS TO THE AUCKLAND REGIONAL ECONOMIC DEVELOPMENT ESTABLISHMENT GROUP**

2663/2002

MOVED by Cr Presland, seconded Cr Hulse:

That the Chairperson of the City Development Committee and Councillor Fenton are appointed as Council's representatives to the Auckland Regional Economic Development Establishment Group at 100% payment (Band 4) with the Deputy Chairperson of the City Development Committee and Councillor Russell as the alternates.

**CARRIED**

**2. OTHER MATTERS CONSIDERED**

2664/2002

MOVED by Cr Presland, seconded Cr Clews:

That the report of the Ordinary Meeting of the City Development Committee held on Monday, 12 August 2002 be received.

**CARRIED**

**20 ENVIRONMENTAL MANAGEMENT COMMITTEE**

2665/2002

MOVED by Cr Hulse, seconded Cr Hoskin:

That the report of the Ordinary Meeting of the Environmental Management Committee held on Tuesday, 13 August 2002 be received.

**CARRIED**

**21 FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE**

**1. BANKRUPTCY PROCEEDINGS - RECOVERY OF RATE ARREARS**

2666/2002

MOVED by Cr Clews, seconded Cr Brady:

That Bankruptcy Notices be served in respect of the arrears outstanding and for which judgement by default has been obtained and that in the event settlement is not achieved within one month of the service of such Notices, that a petition be filed in the High Court so as to secure the Official Assignee to deal with the debtors' affairs, namely:

- Rate Account 16339; and
- Rate Account 47327.

**CARRIED**

2. **DELEGATION OF LEASING AUTHORITY**

2667/2002

MOVED by Cr Clews, seconded Cr Fenton:

That the Director: City Enterprises and the Business Manager: Property be delegated the authority to lease land or buildings on short-term arrangements where Council has a right to terminate the tenancy at any time on three months (or any lesser period) notice.

**CARRIED**

3. **OTHER MATTERS CONSIDERED**

2668/2002

MOVED by Cr Clews, seconded Cr Fenton:

That the report of the Ordinary Meeting of the Environmental Management Committee held on Tuesday, 13 August 2002 be received.

**CARRIED**

**PART F - PRESENTATIONS**

22 **RON CRIBB**

In recognition of his sporting achievements and service to rugby in Waitakere City, the Deputy Mayor, Cr Carolynne Stone presented a Citation to All Black, Auckland Blues and North Harbour Rugby representative, Ron Cribb.

23 **CYSTIC FIBROSIS ACHIEVERS CREON AWARDS - TONI DURANT**

This item was considered following Items 16 - Sale of FDU 1 and FDU 2, Unit Plan 205998B, 17 - Land Acquisition and 18 - New Lynn Development - Vesting of Memorial Drive and McCrae Way - confidential items.

**PART G - PROCEDURAL MATTERS**

**24 QUESTIONS**

There were no Questions.

**25 NOTICES OF MOTION**

There were no Notices of Motion.

**26 CLOSING PRAYER**

The Director: Quality Assurance said the Closing Prayer.

7.56 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:**.....

