

WAITAKERE CITY COUNCIL



MINUTES OF AN ORDINARY MEETING OF THE COUNCIL HELD IN THE CIVIC CENTRE,
6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY, ON WEDNESDAY,
24 SEPTEMBER 2003, COMMENCING AT 5.30 PM.

INDEX

<u>ITEM</u>	<u>PAGE NO.</u>
<u>PART A - OPENING OF MEETING</u>	2
1 OPENING PRAYER	2
2 APOLOGIES	2
3 CONFIRMATION OF MINUTES	2
4 URGENT BUSINESS	2
<u>PART B - REPORT OF THE MAYOR</u>	2
<u>PART C - TE TAUMATA RUNANGA AND COMMUNITY BOARDS</u>	3
5 TE TAUMATA RUNANGA	3
6 NEW LYNN COMMUNITY BOARD	3
7 WAITAKERE COMMUNITY BOARD	3
8 HENDERSON COMMUNITY BOARD	4
<u>PART D - REPORT OF THE CHIEF EXECUTIVE</u>	4
10 ADOPTION OF FIRST LOCAL GOVERNANCE STATEMENT	4
11 ADOPTION OF REVISED DELEGATIONS TO OFFICERS - RESPONSIBILITIES REGISTER	4
12 REGIONAL ECONOMIC DEVELOPMENT CONFERENCE	5
13 CENTRAL GOVERNMENT/LOCAL GOVERNMENT MEETINGS ON AUCKLAND ISSUES AND TRANSPORT FUNDING	5
14 EXERCISE OF DELEGATED AUTHORITY TO MAKE A DECISION UNDER S.40(2)(A) PUBLIC WORKS ACT 1981	5
15 ESTABLISHMENT OF COUNCIL'S SEAWARD BOUNDARIES AT MEAN LOW WATER MARK	5
16 ACCESS TO WATER, FORESHORE AND SEABED ISSUE	6
17 CONTROL OF LIQUOR IN PUBLIC PLACES BYLAW	6
18 PURCHASE 36-38 WAIPAREIRA AVENUE	6
19 WESTPARK MARINA LIMITED	6

<u>PART G - PRESENTATIONS</u>	7
This presentation took place at 6.30 pm while the meeting was adjourned.	7
23 JUDGE PHILIP RECORDON	7
The following presentations took place at 7.30 pm.	7
24 DAVID PARKER	7
25 CHEQUE PRESENTATION BY THE CANTONESE OPERA SOCIETY OF NEW ZEALAND TO KAREKARE SURF LIFE-SAVING PATROL	7
<u>PART F - STANDING COMMITTEE REPORTS</u>	7
20 CITY DEVELOPMENT COMMITTEE	7
21 FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE	8
22 ENVIRONMENTAL MANAGEMENT COMMITTEE	8
<u>PART H - PROCEDURAL MATTERS</u>	8
26 QUESTIONS	8
27 NOTICES OF MOTION	8
<u>PART E - CONFIDENTIAL ITEMS</u>	9
18 PURCHASE 36-38 WAIPAREIRA AVENUE	9
19 WESTPARK MARINA LIMITED	9
PROCEDURAL MOTION TO EXCLUDE THE PUBLIC	9
28 CLOSING PRAYER	10

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MINUTES OF AN ORDINARY MEETING OF THE COUNCIL HELD IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY, ON WEDNESDAY, 24 SEPTEMBER 2003, COMMENCING AT 5.30 PM.

PRESENT:

Mayor	RA	Harvey, QSO, JP
Deputy Mayor	CA	Stone
Councillors	DQ	Battersby, JP
	BA	Brady, JP
	JM	Clews, QSO, JP
	RP	Dallow, QPM, JP (until 6.19 pm)
	AC	Fenton
	PA	Hulse
	JP	Lawley
	GE	Nash, JP
	VS	Neeson, JP (until 6.19 pm)
	GB	Presland
	DA	Yates, JP

TE TAUMATA RUNANGA:

Mr F Delamere	(Te Taumata Runanga)
Ms M Te Huia	(Te Taumata Runanga)

COMMUNITY BOARDS:

Mrs EG Francke	(Chairperson New Lynn Community Board)
Mrs CA Shepherd, JP	(Chairperson Waitakere Community Board)
Mr RF Jessopp	(Chairperson Massey Community Board)
Mr DB Shaw, JP	(Henderson Community Board)
Ms GPJ Marshall	(New Lynn Community Board)
Mr P Van der Voort, JP	(New Lynn Community Board)
Mr MFP Chan	(Massey Community Board)

IN ATTENDANCE:

Chief Executive
Director: Quality Assurance
Director: Public Affairs
Director: Finance
Maori Issues Manager
Group Manager: Democracy and Support Services
Legal Services Manager
Group Manager, Strategic Planning & Policy
Quality Assurance & Liaison Officer: J Burton
Acting Senior Committee Secretary
Committee Secretary: O Schuster
N Delamere
S Simiona
A Chan
Committee Administrator: N Matthews

PART A - OPENING OF MEETING

1 OPENING PRAYER

Phra Kavivarayan, Buddhist Monk from the Thai Temple in Kelston said the Opening Prayer.

2 APOLOGIES

1926/2003

MOVED by Cr Lawley, seconded Cr Neeson:

That apologies from Crs Hoskin and Russell for absence be received and sustained.

CARRIED

3 CONFIRMATION OF MINUTES

1927/2003

MOVED by Cr Nash, seconded Cr Presland:

That the minutes of the Ordinary Meeting of the Council held on Wednesday, 27 August 2003, as circulated, be taken as read and now be confirmed.

CARRIED

4 URGENT BUSINESS

There was no Urgent Business.

PART B - REPORT OF THE MAYOR

1928/2003

Moved by Cr Brady, seconded Cr Fenton:

1. That the Report of the Mayor be received.
2. That this Council requests a report to the November 2003 Council meeting on its liabilities and consultative responsibilities for the consequences following the release of Genetically Modified Organisms under the various Acts it administers.
3. That this Council requests a report to the November 2003 Council meeting from the Council and Enterprise Waitakere on sustaining our competitive advantage in organic food production beyond the introduction Genetically Modified organisms into the City.
4. That a report be brought back to the November 2003 Council meeting on the process for establishing an annual \$5,000 scholarship towards the first year's fees for a full time degree course for a student of Waitakere City to study at UNITEC Waitakere.

CARRIED

PART C - TE TAUMATA RUNANGA AND COMMUNITY BOARDS

5 TE TAUMATA RUNANGA

There was no report from Te Taumata Runanga.

6 NEW LYNN COMMUNITY BOARD

1 FOOTPATHS - BUDGET ALLOCATION PRIORITIES

1929/2003

MOVED by Cr Clews, seconded Cr Presland:

- i) That the New Lynn Community Board Chairperson and Deputy Chairperson attend the Finance and Operational Performance Committee meeting and seek to present the Board's view regarding the footpath budget allocation formula.
- ii) That Council readdress properly the new footpath budget allocation in consultation with the Community Boards, as the New Lynn Community Board has expressed its concern that the new footpath budget allocation formula is adopted for the 2002/2003 financial year only (resolution 2893/2002) has not been properly readdressed as requested by this Board.

(NOTE: Resolution 2893/2002 states: "That the Council adopts the Waitakere Community Board's proposal as detailed in the agenda report (attached at pages A1 to A4 of the agenda) for the current fiscal year, and that Council through its 2003/2004 Annual Plan process consider allocating an increased amount for the construction of new footpaths within the City)."

CARRIED

2 OTHER MATTERS CONSIDERED

1930/2003

MOVED by Cr Clews, seconded Cr Presland:

That the report of the Ordinary Meeting of the New Lynn Community Board held on Monday, 1 September be received.

CARRIED

7 WAITAKERE COMMUNITY BOARD

1931/2003

MOVED by Cr Dallow, seconded Cr Yates:

That the report of the Ordinary Meeting of the Waitakere Community Board held on Tuesday, 2 September 2003 be received.

CARRIED

8 MASSEY COMMUNITY BOARD

1932/2003

MOVED by Cr Neeson, seconded Cr Stone:

That the report of the Ordinary Meeting of the Massey Community Board held on Wednesday, 3 September be received.

CARRIED

8 HENDERSON COMMUNITY BOARD

1933/2003

MOVED by Cr Fenton, seconded Cr Brady:

That the report of the Ordinary Meeting of the Henderson Community Board held on Thursday, 4 September 2003 be received.

CARRIED

PART D - REPORT OF THE CHIEF EXECUTIVE

10 ADOPTION OF FIRST LOCAL GOVERNANCE STATEMENT

1934/2003

MOVED by Cr Nash, seconded Cr Clews:

1. That the information be received.
2. That Council adopt, subject to minor amendments the circulated first Governance statement as attached at pages A5 to A40 to the agenda.
3. That Council require the Chief Executive to update the information contained in the First Local Governance Statement on an ongoing basis.

CARRIED

11 ADOPTION OF REVISED DELEGATIONS TO OFFICERS - RESPONSIBILITIES REGISTER

1935/2003

MOVED by Cr Neeson, seconded Cr Stone:

1. That the information be received.
2. That Council adopt the Delegations to Officers - Responsibilities Register as attached at pages A41 to A121 to the agenda with effect from 24 September 2003.
3. In any case where there is an inconsistency or ambiguity between a delegation, to an officer acting under Section 112 of the Resource Management Amendment Act 2003, in this Register and an earlier delegation given under Section 34 of the Resource Management Act 1991, then the latter delegation shall be deemed to continue and to have full effect, according to its tenor, until such time as that officer has dealt with all the matters under Section 112 of the Resource Management Amendment Act 2003.

CARRIED

12 REGIONAL ECONOMIC DEVELOPMENT CONFERENCE

1936/2003

MOVED by Cr Stone, seconded Cr Presland:

1. That the information be received.
2. That Councillor Russell's attendance at the Regional Economic Development Conference be ratified and the registration fee be paid by the Council.
3. That Councillor Russell report back on any matters relevant to Waitakere.

CARRIED

13 CENTRAL GOVERNMENT/LOCAL GOVERNMENT MEETINGS ON AUCKLAND ISSUES AND TRANSPORT FUNDING

1937/2003

MOVED by Cr Presland, seconded Cr Clews:

1. That the information be received.
2. That the Mayor and the Chairperson of the City Development Committee represent Council at the meeting proposed on 9 October 2003 between Central and Local Government in Wellington on Sustainable Cities and Transport Funding.

CARRIED

14 EXERCISE OF DELEGATED AUTHORITY TO MAKE A DECISION UNDER S.40(2)(A) PUBLIC WORKS ACT 1981

1938/2003

MOVED by Cr Battersby, seconded Cr Presland:

That the information be received.

CARRIED

15 ESTABLISHMENT OF COUNCIL'S SEAWARD BOUNDARIES AT MEAN LOW WATER MARK

1939/2003

MOVED by Cr Clews, seconded Cr Presland:

1. That the information be received.
2. That the Chief Executive be authorised to take such steps as are appropriate to ensure that Council's regulatory powers under bylaws effectively extend to the mean low water springs mark.

CARRIED

16 ACCESS TO WATER, FORESHORE AND SEABED ISSUE

1940/2003

MOVED by Cr Stone, seconded Cr Fenton:

1. That the information be received.
2. That the Mayor Bob Harvey, Crs Stone, Presland and Fenton, be requested to finalise the submission and submit the same prior to the submission closing date of Friday, 3 October 2003.

CARRIED

17 CONTROL OF LIQUOR IN PUBLIC PLACES BYLAW

1941/2003

MOVED by Cr Battersby, seconded Cr Presland:

1. That the information be received.
2. That Council accepts that the social problems caused by the drinking of alcohol in public places at Piha during public holidays are best regulated by a bylaw.
3. That Council accepts that the ability to ban liquor from public places for the conduct of special events is an important regulatory control, and a bylaw is the most appropriate way to give effect to that control.
4. That Council considers that the draft form of bylaw produced to this meeting is the most appropriate form of bylaw to achieve those objectives.
5. That Council considers that the draft bylaw has no implications which are inconsistent with the New Zealand Bill of Rights Act 1990.
6. That the statement of proposal attached to this report is approved in principle. Officers are directed to make any necessary editorial changes and to implement the special consultative procedure set out in s. 83 LGA 2002.
7. The Environmental Management Committee is delegated authority to hear any submissions during November 2003 with a final report in relation to the proposed bylaw to be brought back to Council at its meeting scheduled for Wednesday, 10 December 2003.

CARRIED

18 PURCHASE 36-38 WAIPAREIRA AVENUE

19 WESTPARK MARINA LIMITED

DEFERRAL

1942/2003

Moved by Cr Clews, seconded Fenton:

That Part E - Confidential Items, Items 18: Purchase 36-38 Waipareira Avenue and Item 19: Westpark Marina Limited be deferred until after the Part H - Procedural Matters.

CARRIED

ADJOURNMENT

1943/2003

Moved by Clews, seconded Cr Brady:

That the meeting stand adjourned until 7.30 pm.

CARRIED

6.19 pm The meeting adjourned.

7.40 pm The meeting reconvened. Crs Neeson and Dallow were not present.

PART G - PRESENTATIONS

This presentation took place at 6.30 pm while the meeting was adjourned.

23 JUDGE PHILIP RECORDON

A Powhiri (official welcome) was undertaken for Judge Philip Recordon, the new Judge for the Waitakere District Court, Mayor Bob Harvey presented Judge Recordon with a Citation.

The following presentations took place at 7.30 pm.

24 DAVID PARKER

Mayor Bob Harvey presented a Citation to David Parker in recognition of his contribution to music in the Waitakere City.

25 CHEQUE PRESENTATION BY THE CANTONESE OPERA SOCIETY OF NEW ZEALAND TO KAREKARE SURF LIFE-SAVING PATROL

The Cantonese Opera Society of New Zealand held a fund raising concert for the Karekare Surf Life Saving Patrol Club on 9 August 2003. The Society's fund raising Chairperson, Mr Peter Can presented a cheque of \$17,500.00 to the Karekare Surf Life Saving Patrol Club in sum.

7.59 pm Cr Presland left the meeting.

PART F - STANDING COMMITTEE REPORTS

20 CITY DEVELOPMENT COMMITTEE

1944/2003

MOVED by Cr Stone, seconded Cr Fenton:

That the report of the Ordinary Meeting of the City Development Committee held on Thursday, 4 September 2003 be received.

CARRIED

21 FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE

1. ACQUISITION OF LAND FOR ROAD - PORTAGE AND GOLF ROADS, NEW LYNN

1945/2003

MOVED by Cr Clews, seconded Cr Brady:

That the 56m² area of land on the corner of Portage and Golf Roads, New Lynn be acquired for road from the Titirangi Golf Club Incorporated, under the Public Works Act 1981.

CARRIED

2. OTHER MATTERS CONSIDERED

1946/2003

MOVED by Cr Clews, seconded Cr Brady:

That the report of the Ordinary Meeting of the Finance and Operational Performance Committee held on Monday, 8 September 2003 be received.

CARRIED

22 ENVIRONMENTAL MANAGEMENT COMMITTEE

1947/2003

MOVED by Cr Hulse, seconded Cr Nash:

That the report of the Ordinary Meeting of the Environmental Management Committee held on Tuesday, 9 September 2003 and the Extraordinary Meeting held on Thursday, 9 September 2003 at 2.03 pm be received.

CARRIED

8.05pm Cr Presland returned to the meeting.

PART H - PROCEDURAL MATTERS

26 QUESTIONS

There were no Questions.

27 NOTICES OF MOTION

There were no Notices of Motion.

PART E - CONFIDENTIAL ITEMS

18 PURCHASE 36-38 WAIPAREIRA AVENUE

19 WESTPARK MARINA LIMITED

PROCEDURAL MOTION TO EXCLUDE THE PUBLIC

1948/2003

MOVED by Cr Clews, seconded Cr Stone:

That the public be excluded from the following parts of the proceedings of this meeting, namely Purchase 36-38 Waipareira Avenue and Westpark Marina Limited.

The general subject of the matters to be considered while the public is excluded, the reason for passing this resolution in relation of the 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 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"> • Purchase 36-38 Waipareira Avenue. • Westpark Marina Limited. 	<p>The withholding of information is necessary in order to:</p> <ul style="list-style-type: none"> • enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); • protect information where the making available of the information, would be likely unreasonably to prejudice the commercial position of who is the subject of the information. 	<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) and 7(2)(b)(ii) 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 reports contain information which if released would affect the Council's negotiations or the commercial position of who is the subject of the information.*

CARRIED

8.06 pm The public were excluded.

Minute Numbers 1949/2003 to 1950/2003 are recorded in the Confidential section of the minutes.

8.10pm The public were re-admitted.

RESTATEMENT

The Council resolved while the public were excluded:

1. (Moved by Cr Presland, seconded Cr Lawley) (resolution 1949/2003 no. 5) *“That the Purchase of 36-38 Waipareira Avenue report and resolutions 1 to 4 remain confidential until further notice”.*
2. (Moved by Cr Battersby, seconded Cr Presland) (resolution 1950/2003 no. 3) *“That the Westpark Marina Limited report and resolutions 1 and 2 remain confidential until further notice”.*

28 CLOSING PRAYER

Christine Shepherd, Waitakere Community Board Chairperson said the closing pray.

8.13 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:.....