

**MINUTES OF AN ORDINARY MEETING OF THE COUNCIL HELD IN THE CIVIC CENTRE,
6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY, ON WEDNESDAY,
25 JUNE 2003, COMMENCING AT 5.32 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
	AC	Fenton
	OE	Hoskin, MNZM, JP (from 5.43 pm)
	PA	Hulse (from 6.21 pm)
	JP	Lawley
	GE	Nash, JP
	VS	Neeson, JP
	GB	Presland
	GW	Russell, JP
	DA	Yates, JP

OBSERVERS:

F Delamere	(Te Taumata Runanga)
EG Francke	(Chairperson, New Lynn Community Board)
CA Shepherd, JP	(Chairperson, Waitakere Community Board)
RF Jessopp	(Chairperson, Massey Community Board)
HM Jones	(Chairperson, Henderson Community Board)

IN ATTENDANCE:

Chief Executive
Director: City Services
Director: Strategy & Development
Director: Corporate & Civic Services
Director: Quality Assurance
Director: Public Affairs
Director: Finance
Manager: Democracy and Support Services
Legal Services Manager: D Sheard
Project Manager: Change Management Project
Acting Manager: Transport Strategy
Security Manager
Aftercare/Special Projects: Quality Assurance & Liaison Officer
Mayoral Executive Officer
Acting Senior Committee Secretary
Committee Secretaries: A Chan
S Simiona
O Schuster
Committee Administrator: N Matthews

Contract Solicitor Legal Services, G Wakefield

1 OPENING PRAYER

Reverend Murray Wakelin from the ELIM Church in Te Atatu South said the Opening Prayer.

18 LAURIE ROSS - PRESENTATION

Mayor Bob Harvey presented a certificate of appreciation to Laurie Ross in recognition of her outstanding service in the promotion of peace in Waitakere City.

2 APOLOGIES

1266/2003

MOVED by Cr Neeson, seconded Cr Fenton:

That apologies from Crs Hoskin and Hulse for lateness be received and sustained.

CARRIED

3 CONFIRMATION OF MINUTES

1267/2003

MOVED by Cr Clews, seconded Cr Neeson:

That the minutes of the Ordinary Meeting of the Council held on Wednesday, 28 May 2003, including the Public Excluded minutes, as circulated, be taken as read and now be confirmed.

CARRIED

5.38 pm Cr Russell left the meeting.

4 URGENT BUSINESS

There was no Urgent Business.

PART A - REPORT OF THE MAYOR

5.40 pm Cr Russell returned to the meeting.

5.43 pm Cr Hoskin entered the meeting.

1268/2003

MOVED by Cr Yates, seconded Cr Brady:

That the Report of the Mayor be received.

CARRIED

PART B - TE TAUMATA RUNANGA AND COMMUNITY BOARDS REPORTS

5 TE TAUMATA RUNANGA

1269/2003

MOVED by Cr Yates, seconded Cr Lawley:

That the report of the Ordinary Meeting of Te Taumata Runanga held on Monday, 16 June 2003 be received.

CARRIED

6 NEW LYNN COMMUNITY BOARD

1270/2003

MOVED by Cr Clews, seconded Cr Presland:

That the report of the Ordinary Meeting of the New Lynn Community Board held on Monday, 9 June 2003, be received.

CARRIED

7 WAITAKERE COMMUNITY BOARD

1271/2003

MOVED by Cr Stone, seconded Cr Yates:

That the report of the Ordinary Meeting of the Waitakere Community Board held on Tuesday, 3 June 2003 be received.

CARRIED

8 MASSEY COMMUNITY BOARD

1272/2003

MOVED by Cr Nash, seconded Cr Neeson:

That the report of the Ordinary Meeting of the Massey Community Board held on Wednesday, 4 June 2003 be received.

CARRIED

9 HENDERSON COMMUNITY BOARD

1273/2003

MOVED by Cr Fenton, seconded Cr Brady:

That the report of the Ordinary Meeting of the Henderson Community Board held on Thursday, 5 June 2003 be received.

CARRIED

PART C - REPORT OF THE CHIEF EXECUTIVE

10 ADDITIONAL AUCKLAND REGIONAL TRANSPORT NETWORK LIMITED SUBSIDIARIES

1274/2003

MOVED by Cr Nash, seconded Cr Fenton:

1. That the information be received.
2. That the establishment and issue of shares in a 100% owned subsidiary of Auckland Regional Transport Network Limited be approved to hold the Overarching Deed of Lease of Britomart Transport Centre.
3. That the current Board of Auckland Regional Transport Network Limited be Directors of the Britomart subsidiary, namely, Directors Keenan, Young-Cooper, Gower, Green, Jewel, Parsons and Brothers.
4. That the issues of shares in three further 100% owned subsidiaries of Auckland Regional Transport Network Limited be approved for the purpose of providing the Board with flexibility to restructure or to set up future business combinations related to the activities of the Statement of Intent of Auckland Regional Transport Network Limited.
5. That members of the current Board of Auckland Regional Transport Network Limited be Directors of the three 100% owned subsidiaries, namely, Directors Keenan, Young-Cooper, Gower, Green, Jewel, Parsons and Brothers.
6. That the four subsidiaries be set up using the same form of constitution as those already approved by the shareholders of Auckland Regional Transport Network Limited for ARTNL Metro Limited and ARTNL Harbour Berths Limited subsidiaries.
7. That the Chief Executive be delegated authority to sign all necessary documents relating to the above resolutions.

CARRIED

11 RAIL DEAL UPDATE

1275/2003

MOVED by Cr Clews, seconded Cr Presland:

That the information be received.

CARRIED

6.00 pm Cr Yates left the meeting.

6.12 pm Cr Yates returned to the meeting.

12 CODE OF CONDUCT FOR DIRECTORS APPOINTED BY COUNCIL TO COUNCIL ORGANISATIONS

1276/2003

MOVED by Cr Dallow, seconded Cr Lawley:

1. That the information be received.
2. That Council adopts the amended policy on the Appointment and Remuneration of Directors of Council Organisations, as attached at pages A1 to A14 in the agenda.

CARRIED

NOTE: Pursuant to Standing Order 32.11 Cr Fenton requested that her vote against the motion be recorded.

13 HIGH COURT APPEAL AGAINST PENALTY

1277/2003

MOVED by Cr Battersby, seconded Cr Dallow:

That the information be received.

CARRIED

1278/2003

MOVED by Cr Neeson, seconded Cr Presland:

That pursuant to s.114Q(1)(c) of the Local Government Act 1974, the Chief Executive be authorised to seek the leave of the Solicitor General to appeal the decision of Judge Thornburn in the matter of *Waitakere City Council v. Kearney* (CRN: 309000642), as to penalty only, to the High Court.

CARRIED

14 AMENDMENT OF DELEGATIONS TO OFFICERS

1279/2003

MOVED by Cr Dallow, seconded Cr Clews:

1. That the information be received.
2. That the Delegations to Officers - Responsibilities Document be amended by the addition of the following clause to the Powers and Authorities of the Chief Executive (as a new delegation 13A) and Director: Corporate & Civic Services (as a new delegation 23A), namely:

“Authority to enter into tenancy agreements on behalf of Council in respect of land and buildings for a period of up to two years, whether as landlord or tenant, with the authority to delegate this authority to any agent to act on behalf of the Council, provided that any tenancy agreement entered into under this authority may not be extended beyond a two-year period without reference back to the Council or its appropriate Committee.”

CARRIED

6.21 pm Cr Hulse entered the meeting.

PART D - STANDING COMMITTEE REPORTS

15 CITY DEVELOPMENT COMMITTEE

1280/2003

MOVED by Cr Stone, seconded Cr Hoskin:

That the report of the Ordinary Meeting of the City Development Committee held on Thursday, 6 June 2003 be received.

CARRIED

16 FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE

1. SALE OF PART OF ROYAL RESERVE

1281/2003

MOVED by Cr Clews, seconded Cr Hoskin:

1. That approval be given to the sale of 347 square metres of recreation reserve adjacent to 40 Royal Road (Section 1 on Survey Office Plan 314506) and that the proceeds of sale be paid into the reserves account.
2. That pursuant to section 40(4) of the Public Works Act 1981, because of the size, shape and situation of the area of esplanade reserve to be sold, 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 Vizor.

CARRIED

2. LOT 4 DP 187089 - 423 - 429 WEST COAST ROAD - LOAN ADVANCE

1282/2003

MOVED by Cr Clews, seconded Cr Brady:

1. That Te Whanau O Waipareira Trust be advised that the term of the first mortgage advance secured over the lands contained in Certificate of Title No 117 B/312 be approved to be extended for a further term of 12 months at the current rate of interest, and that quarterly reports be provided to this Committee by way of updates with regard to the proposed sustainable housing project and the Wananga development.
2. That full information be provided by the parties to the sustainable housing project to Council's representatives and to Waitakere Properties Limited as necessary to ensure ongoing consultation and communication towards delivery of the project.
3. That subject to proper protection of Council's security in respect of the existing mortgage advance approval be given to the Chief Executive to allow part of the land to be severed and disposed of for that purpose provided that payment is made to the Council so that adequate security for the balance of the mortgage advance is then maintained.

CARRIED

3. **AQUATIC CENTRE MAINTENANCE SHUTDOWN - DIVE POOL REMEDIAL WORKS**

1283/2003

MOVED by Cr Clews, seconded Cr Fenton:

That a loan of \$226,000.00 be approved for remedial works to the dive pool at the Aquatic Centre.

CARRIED

4. **STREET NUMBERING AMENDMENT TO BYLAW NO. 4**

1284/2003

MOVED by Cr Clews, seconded Cr Fenton:

That Council resolves by way of Special Order the following amendment to General Bylaw No. 4 1990:

1. **GENERAL BYLAW NO. 4 1990 - AMENDMENT NO. 6, 2003**

The Waitakere City Council acting in pursuance and exercise of the powers and authorities conferred upon it by the Local Government Act 1974, the Bylaws Act 1910 and all other powers and authorities in any way enabling it **HEREBY RESOLVES**, by Special Order, to amend General Bylaw No. 4 1990, as follows:

1. **Short Title**

The short title of this Bylaw shall be the Waitakere City Council General Bylaw No. 4 1990, Amendment No. 6, 2003.

2. **Commencement**

This amendment shall come into force on Monday, 1 September 2003.

3. **Amendment**

Clause 244 is hereby revoked and the following new clause substituted:

244 Street Numbering of Buildings

244.1 Every building shall at all times be marked with the number allocated to that building by the Council pursuant to s.319B of the Local Government Act 1974.

244.2 If at any time the Council (in exercise of its powers under s.319B of the Local Government Act 1974) alters the number of a building, the marking must be altered to comply with that change within one calendar month of written notification of the change being given by the Council to the owner or occupier of the building.

244.3 Building marking shall be comprised of characters which:

- (a) Subject to clause 244.4, comply with the specification in clause 244.5.

- (b) Are affixed or placed in a position which is readily visible from the street to which the building has frontage and either:
- (i) upon a post, fence, gate or letterbox located immediately adjacent to the street boundary or
 - (ii) if there is no such post, fence, gate or letterbox, upon the building itself.

244.4 Nothing in clause 244.3 shall be construed as requiring the marking which existed on 31 May 2003, and which complied with this Bylaw at that date, to be changed or replaced prior to 31 July 2005.

244.5 Building marking shall comply with the following:

- (a) residential building shall be marked with characters which are:
- (i) not less than 50mm in height and 30mm in overall width (except for the number "1" or the letter "I").
 - (ii) Made out of lines not less than 3mm in width.
- (b) all other building shall be marked with characters which are:
- (i) not less than 75mm in height and 40mm in overall width (except for the number "1" or the letter "I").
 - (ii) Made out of lines not less than 5mm in width.

244.6 Building marking shall be maintained in good legible and visible condition at all times. Any marking which is covered up or obscured shall be immediately uncovered. Any marking which is obliterated or defaced shall be immediately replaced.

244.7 Responsibility for compliance with this clause lies with the owner and occupier for the time being of any building but the fact that the owner of a building is not the occupier of that building shall not be a defence to a conviction for an offence against this Bylaw.

244.8 Any person who neglects for one month after written notice to mark a building in accordance with this part of this Bylaw commits an offence.

4. Affixing of the Seal

That the Common Seal of the Waitakere City Council be affixed to such documents as may be necessary to give effect to the Special Order and be attested as soon as practicable by any two of the following:

- Mayor, or Deputy Mayor or Councillor;
- Chief Executive, or the Acting Chief Executive in his absence;
- Director: Corporate and Civic Services.

2. ADVERTISING

That the Council duly advertises its intention to introduce the Bylaw:

- i) Not less than 21 clear days before confirming its intention to introduce the Bylaw, and again,
- ii) Not more than 14 clear days and not less than 7 clear days before introducing the Bylaw.

3. CONFIRMATION

That the Special Order be set down for confirmation at an Ordinary Meeting of Council scheduled for Wednesday, 30 July 2003 commencing at 5.30 pm.

CARRIED

5. OTHER MATTERS CONSIDERED

1285/2003

MOVED by Cr Clews, seconded Cr Brady:

That the report of the Ordinary Meeting of the Finance and Operational Performance Committee held on Monday, 9 June 2003 be received.

CARRIED

NOTE: The recommendation on Project Twin Streams included in the report of Ordinary Meeting of the Finance and Operational Performance Committee held on Monday, 9 June 2003, was discussed with the Public excluded, after item 22: Notices of Motion.

17 ENVIRONMENTAL MANAGEMENT COMMITTEE

1286/2003

MOVED by Cr Hulse, seconded Cr Battersby:

That the report of the Ordinary Meeting of the Environmental Management Committee held on Tuesday, 10 June 2003 be received.

CARRIED

PART F - PROCEDURAL MATTERS

21 QUESTIONS

There were no Questions.

22 NOTICES OF MOTION

There were no Notices of Motion.

16 FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE

PROJECT TWIN STREAMS

1287/2003

MOVED by Cr Battersby, seconded Cr Neeson:

PROCEDURAL MOTION TO EXCLUDE THE PUBLIC

1. That the public be excluded from the following parts of the proceedings of this meeting, namely Project Twin Streams.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation of 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 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"> • Project Twin Streams 	<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) 	<p>That the public conduct of the relevant parts 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 report contains information which if released would affect the Council's negotiations.*

2. That Graham Wakefield, Contract Solicitor Legal, be permitted to remain at this meeting for Item 16: Finance and Operational Performance Committees report on Project Twin Streams, after the public has been excluded, because of his knowledge of the matter to be discussed. This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant because of background information and advice which will be required by Council when assessing the options available to it and in explaining any decision to the community.

CARRIED

DECLARATION OF INTEREST

- 6.31 pm Cr Russell declared an interest and left the room and took no part in the debate or decision on the Project Twin Streams.
- 6.31 pm Cr Brady declared an interest and withdrew from table and took no part in the debate or decision on the Project Twin Streams.
- 6.31 pm The public were excluded.

Minute Number 1288/2003 is recorded in the Confidential section of the minutes.

- 6.33 pm The public were re-admitted. Cr Brady returned to the table.

RESTATEMENT

The Council resolved while the public were excluded:

(MOVED by Cr Battersby, seconded Cr Clews) (resolution 1288/2003 no. 2) that the Project Twin Streams report and resolutions pertaining thereto remain confidential until further notice.

ADJOURNMENT

1289/2003
MOVED by Cr Brady, seconded Cr Fenton:

That the meeting stand adjourned until 7.30 pm.

CARRIED

- 6.34 pm The meeting adjourned.
- 7.35 pm The meeting reconvened. Cr Russell was present. Crs Dallow, Hoskin, Lawley and Neeson were not present.

PART E - PRESENTATIONS

19 GYPSY STRINGS

Mayor Bob Harvey presented a certificate of appreciation to the Gypsy Strings in recognition of their outstanding contribution as Musical Ambassadors of Waitakere City.

20 2003 RECIPROCAL SISTER CITY STUDENT EXCHANGE TO KAKOGAWA, JAPAN

From 22 April 2003 to 7 May 2003, 11 students from Green Bay High School, Massey High School, Waitakere College and Rutherford College, (Holly Turner, Michael Hepi, Byron Van Niekerk, Bronwyn Presland, Kora Deverick, Pia Veitch, Kirsty Anderson, Jasmine Raharaha, Halima Nati, Scott Williams and Chantelle Smith) with two Council Chaperons, Kathryn Howard and Sharon Simiona participated in the reciprocal Sister City Student Exchange to Kakogawa, Japan. Eight of the students were present at the meeting to relay to Council the highlights of the Exchange.

23 CLOSING PRAYER

Cr Russell concluded the meeting with a reading.

8.22 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:.....

