

**MINUTES OF AN ORDINARY MEETING OF THE COUNCIL HELD IN THE CIVIC
CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY, ON
WEDNESDAY, 30 JULY 2003, COMMENCING AT 5.40 PM.**

| <u>ITEM</u> | INDEX | <u>PAGE NO.</u> |
|--------------------|---|------------------------|
| 1 | <u>OPENING PRAYER</u> | 2 |
| 2 | <u>APOLOGIES</u> | 2 |
| 3 | <u>CONFIRMATION OF MINUTES</u> | 2 |
| 4 | <u>URGENT BUSINESS</u> | 2 |
| | <u>PART A - CONFIRMATION OF SPECIAL ORDER</u> | 3 |
| 5 | <u>GENERAL BYLAW NO. 4 - 1990 - AMENDMENT NO. 6, 2003</u> | 3 |
| | <u>PART B - REPORT OF THE MAYOR</u> | 4 |
| | <u>PART C - TE TAUMATA RUNANGA AND COMMUNITY BOARDS REPORTS</u> | 4 |
| 6 | <u>TE TAUMATA RUNANGA</u> | 4 |
| 7 | <u>NEW LYNN COMMUNITY BOARD</u> | 5 |
| 8 | <u>WAITAKERE COMMUNITY BOARD</u> | 5 |
| 9 | <u>MASSEY COMMUNITY BOARD</u> | 5 |
| 10 | <u>HENDERSON COMMUNITY BOARD</u> | 5 |
| | <u>PART D- REPORTS OF THE CHIEF EXECUTIVE</u> | 6 |
| 11 | <u>26TH AUSTRALASIAN TRANSPORT RESEARCH FORUM - ATTENDANCE BY ELECTED MEMBERS</u> | 6 |
| 12 | <u>LOCAL GOVERNMENT ACT 2002 - DELEGATIONS TO OFFICERS</u> | 6 |
| 13 | <u>TE ATATU MARAE - TENURE OPTIONS</u> | 7 |
| 14 | <u>WAITAKERE SPORTS COMPLEX - PROGRESS UPDATE AND REQUEST FOR GRANT DISBURSEMENT</u> | 8 |

| | | |
|-----------|---|-----------|
| 15 | <u>WASTEWATER CONTRACT BETWEEN WAITAKERE CITY COUNCIL AND WATERCARE SERVICES LIMITED</u> | 8 |
| | <u>PART G - PRESENTATIONS</u> | 9 |
| 20 | <u>PETER JOYCE</u> | 9 |
| | <u>PART F - STANDING COMMITTEE REPORTS</u> | 9 |
| 17 | <u>CITY DEVELOPMENT COMMITTEE</u> | 9 |
| 18 | <u>FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE</u> | 9 |
| 1. | <u>WAITAKERE PLAYHOUSE THEATRE TRUST</u> | 9 |
| 2. | <u>OTHER MATTERS CONSIDERED</u> | 10 |
| 19 | <u>ENVIRONMENTAL MANAGEMENT COMMITTEE</u> | 10 |
| | <u>PART H - PROCEDURAL MATTERS</u> | 10 |
| 22 | <u>QUESTIONS</u> | 10 |
| 23 | <u>NOTICE OF MOTION</u> | 10 |
| | <u>PART E - CONFIDENTIAL ITEM</u> | 11 |
| 16 | <u>TECHSCAPE LIMITED - APPOINTMENT OF DIRECTORS</u> | 11 |
| | PROCEDURAL MOTION TO EXCLUDE THE PUBLIC | 11 |
| 24 | <u>CLOSING PRAYER</u> | 12 |

ELECTION OF CHAIRPERSON

As the Chairperson and Deputy Chairperson were not present the Acting Chief Executive called for nominations of a Chairperson for the meeting.

NOMINATED by Cr Presland, seconded Cr Yates:

That Cr Hulse be elected to preside at the meeting.

1522/2003

There being no further nominations the Acting Chief Executive **DECLARED** Cr Hulse appointed to preside at the meeting.

5.42 pm Cr Hulse assumed the Chair.

1 OPENING PRAYER

Pastor Peter Alpe from the Apostolic Church Movement said the Opening Prayer.

2 APOLOGIES

1523/2003

MOVED by Cr Dallow, seconded Cr Neeson:

That apologies from Cr Russell for absence and Mayor Bob Harvey, Crs Clews and Stone for lateness be received and sustained.

CARRIED

3 CONFIRMATION OF MINUTES

1524/2003

MOVED by Cr Fenton, seconded Cr Nash:

That the minutes of the Ordinary Meeting of the Council held on Wednesday, 25 June 2003, the Special Meeting held on Monday, 30 June 2003 and the Ordinary Meeting held on Monday, 14 July 2003, as circulated, be taken as read and now be confirmed.

CARRIED

4 URGENT BUSINESS

There was no Urgent Business.

PART A - CONFIRMATION OF SPECIAL ORDER

5 GENERAL BYLAW NO. 4 - 1990 - AMENDMENT NO. 6, 2003

1525/2003

MOVED by Cr Dallow, seconded Cr Brady:

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 CONFIRMS BY WAY OF 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 "l").
 - (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 "l").
 - (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 & Civic Services.

CARRIED

PART B - REPORT OF THE MAYOR

5.49 pm Mayor Bob Harvey entered the meeting and assumed the Chair.

1526/2003
Moved by Cr Presland, seconded Cr Hulse:

That the Mayors Report be received.

CARRIED

PART C - TE TAUMATA RUNANGA AND COMMUNITY BOARDS REPORTS

6 TE TAUMATA RUNANGA

1527/2003
MOVED by Cr Yates, seconded Cr Fenton:

That the report of the Ordinary Meeting of Te Taumata Runanga held on Monday, 14 July 2003 be received.

CARRIED

7 NEW LYNN COMMUNITY BOARD

1528/2003

MOVED by Cr Hulse, seconded Cr Presland:

That the report of the Ordinary Meeting of the New Lynn Community Board held on Monday, 30 June 2003 be received.

CARRIED

8 WAITAKERE COMMUNITY BOARD

1529/2003

MOVED by Cr Yates, seconded Cr Hulse:

That the report of the Ordinary Meeting of the Waitakere Community Board held on Tuesday, 1 July 2003 be received.

CARRIED

9 MASSEY COMMUNITY BOARD

1530/2003

MOVED by Cr Nash, seconded Cr Neeson:

That the report of the Ordinary Meeting of the Massey Community Board held on Wednesday, 2 July 2003 be received.

CARRIED

5.55 pm Cr Clews entered the meeting.

10 HENDERSON COMMUNITY BOARD

1531/2003

MOVED by Cr Fenton, seconded Cr Brady:

That the report of the Ordinary Meeting of the Henderson Community Board held on Thursday, 3 July 2003 be received.

CARRIED

PART D- REPORTS OF THE CHIEF EXECUTIVE

11 26TH AUSTRALASIAN TRANSPORT RESEARCH FORUM - ATTENDANCE BY ELECTED MEMBERS

6.00 pm Cr Stone entered the meeting.

1532/2003

MOVED by Cr Hulse, seconded Cr Nash:

1. That the information be received.
2. That Cr Stone and Cr Battersby attend the 26th Australasian Transport Research Forum, to be held in Wellington between Wednesday, 1 October and Friday, 3 October 2003.

CARRIED

12 LOCAL GOVERNMENT ACT 2002 - DELEGATIONS TO OFFICERS

1533/2003

MOVED by Cr Nash, seconded Cr Hoskin:

1. That the information be received.
2. That the Delegations to Officers - Responsibilities document as it refers to the Chief Executive be amended by deleting delegation 4 (*authority to institute proceedings under urgency*) and delegation 31 (*authority to appoint enforcement officers under the Building Act 1991*).
3. That the Delegations to Officers - Responsibilities document be amended by inserting the following new provisions to the delegations to the Chief Executive:
 - "4 Power to act in the case of urgency for the protection of matters referred to in the Waitakere City District Plan or the Waitakere City By-Laws or to protect the Council's position in any proceedings before any New Zealand court of competent jurisdiction, by appeal or otherwise".
 - "12A Authority to determine all matters acquiring a decision by the Council under section 40(2), section 40(4) and section 42 of the Public Works Act 1991".
 - "12B Authority to suspend or revoke the appointment of any person as an enforcement officer under the Local Government Act 2002".
 - "31 Authority to suspend or revoke the appointment of any person as an enforcement officer under the Building Act 1991".
4. That the Delegations to Officers - Responsibilities document as it refers to the Director: Corporate & Civic Services be amended by deleting delegation 14 (*authority to institute proceedings under urgency*) and the reference to '*Enforcement Officer (Building Control), Sections 76 and 77, Building Act 1991*' in delegation 48.

5. That the Delegations to Officers - Responsibilities document be amended by inserting the following new provisions to the delegations to the Director: Corporate & Civic Services:
 - "14 Power to act in the case of urgency for the protection of matters referred to in the Waitakere City District Plan or the Waitakere City By-Laws or to protect the Council's position in any proceedings before any New Zealand court of competent jurisdiction, by appeal or otherwise".
 - "48 Authority to suspend or revoke the appointment of any person as an enforcement officer under the Building Act 1991".
6. That the Delegations to Officers - Responsibilities document as it refers to the Director: City Services be amended by deleting the reference to '*Enforcement Officer under the Local Government Act 1974 and the Building Act 1991*' in delegation 80.
7. That the Delegations to Officers - Responsibilities document be amended by inserting the following new provisions to the delegations to the Director: City Services:
 - "80A Authority to suspend or revoke the appointment of any person as an enforcement officer under the Local Government Act 2002 and the Building Act 1991".

CARRIED

13 TE ATATU MARAE - TENURE OPTIONS

1534/2003
MOVED by Cr Stone, seconded Cr Yates:

1. That the information be received.
2. That the Council agrees in principle that a Maori Reservation under s338 and s340 Te Ture Whenua Maori Act 1993 is the preferred long term tenure option for the proposed marae, and instructs the Chief Executive to commence all necessary actions to give effect to this option.

CARRIED

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

DEFERRED

1535/2003
Moved by Cr Clews, seconded Cr Hulse:

That further decisions on the Te Atatu Marae - Tenure Options be deferred for consideration until the next Council meeting scheduled to be held on Wednesday, 27 August 2003 following the outcome of a Hui on this issue on Friday, 15 August 2003.

CARRIED

6.51 pm Cr Hoskin left the meeting.

14 **WAITAKERE SPORTS COMPLEX - PROGRESS UPDATE AND REQUEST FOR GRANT DISBURSEMENT**

7.06 pm Cr Dallow withdrew from the table to address the Council as Chairperson of the Waitakere Sports Complex Trust.

1536/2003

MOVED by Cr Hulse, seconded Cr Fenton:

That the information be received.

CARRIED

1537/2003

Moved by Cr Battersby, seconded Cr Fenton:

1. That subject to provision of the appropriate tax invoice Council authorise payment of a grant in the sum \$2.95m plus GST for payment into the Sports Complex Project Trust Account, such payment being the balance of funding allocated for that purpose in the 2002/2003 financial year and subsequently carried forward and otherwise in accordance with the terms of the Chief Executive's correspondence dated 28 May 2003 provided to Canam Construction Limited.
2. That Council authorise payment of the further grant of \$800,000 plus GST as sourced originally from the Hillary Commission into the Sports Complex Project Trust Account as a contribution to the Indoor Events Centre construction costs, with a current Business Plan to be submitted to the Director: Finance prior to the Centre becoming operational in due course.

CARRIED

7.08 pm Cr Dallow left the meeting.

15 **WASTEWATER CONTRACT BETWEEN WAITAKERE CITY COUNCIL AND WATERCARE SERVICES LIMITED**

1538/2003

MOVED by Cr Clews, seconded Cr Nash:

1. That the information be received.
2. That the Chief Executive be given delegated authority to enter into an agreement with Watercare Services Limited for the supply of bulk wastewater collection, treatment and disposal for a period from 1 July 2003 to 30 June 2005, at an estimated value of \$28,158,000 plus GST of \$3,519,750 totalling \$31,677,750.

CARRIED

ADJOURNMENT

1539/2003

Moved by Cr Fenton, seconded Cr Brady:

That the meeting stand adjourned until 7.35 pm.

CARRIED

7.09 pm The meeting adjourned.

7.44 pm The meeting reconvened. Cr Dallow was not present.

PART G - PRESENTATIONS

20 PETER JOYCE

Mayor Bob Harvey presented a certificate of appreciation to Peter Joyce in recognition of his contribution to Piha and to the West.

PART F - STANDING COMMITTEE REPORTS

17 CITY DEVELOPMENT COMMITTEE

1540/2003

MOVED by Cr Stone, seconded Cr Presland:

That the report of the Ordinary Meeting of the City Development Committee held on Thursday, 3 July 2003 be received.

CARRIED

18 FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE

1. WAITAKERE PLAYHOUSE THEATRE TRUST

1541/2003

MOVED by Cr Clews, seconded Cr Stone:

1. That \$225,000.00 be allocated from the Auckland Regional Services Trust Arts Fund to Waitakere Playhouse Theatre Trust, with the allocated sum comprising of \$200,000.00 for refurbishment and \$25,000.00 for the employment of a centre manager.
2. That the funding be approved on the basis that it meets the criteria for allocation from the Auckland Regional Services Trust Arts Fund, and that the theatre is presently the only significant performing arts facility within the City-wide and regional importance.

CARRIED

2. OTHER MATTERS CONSIDERED

1542/2003

MOVED by Cr Clews, seconded Cr Brady:

That the report of the Ordinary Meeting of the Finance and Operational Performance Committee held on Monday, 7 July 2003 be received.

CARRIED

19 ENVIRONMENTAL MANAGEMENT COMMITTEE

1543/2003

MOVED by Cr Hulse, seconded Cr Yates:

That the report of the Ordinary Meeting of the Environmental Management Committee held on Tuesday, 8 July 2003 be received.

CARRIED

PART H - PROCEDURAL MATTERS

22 QUESTIONS

There were no Questions.

23 NOTICE OF MOTION

Pursuant to Standing Order 28.1 the following Notice of Motion was proposed from Cr Battersby:

That the Mayor, Councillors and Community Board Members convene a public meeting of residents, ratepayer groups, members of the Regional Council, and Members of Parliament to discuss the regional rates and to take any necessary action to work with the Region to formulate amore equitable rating method for regional ratepayers.

1544/2003

Moved by Cr Battersby, seconded Cr Clews:

That the information be received.

CARRIED

Pursuant to Standing Order 27.3 Cr Battersby with the consent of the meeting amended his Notice of Motion as follows:

1545/2003

MOVED by Cr Battersby, seconded Cr Clews:

That the Chief Executive Officer be requested to work with the other local authorities in the Auckland Region to arrange a meeting of all Councillors to discuss alternative sources of funding for local government and to make appropriate representations to Central Government.

CARRIED

9.17 pm Cr Yates left the meeting.

PART E - CONFIDENTIAL ITEM

16 TECHSCAPE LIMITED - APPOINTMENT OF DIRECTORS

PROCEDURAL MOTION TO EXCLUDE THE PUBLIC

1546/2003

MOVED by Cr Neeson, seconded Cr Lawley:

That the public be excluded from the following part of the proceedings of this meeting, namely, Techscape Limited - Appointment of Directors.

The general subject of the matter 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 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"> Techscape Limited - Appointment of Directors | <p>The withholding of information is necessary in order to:</p> <ul style="list-style-type: none"> protect the privacy of natural persons, including that of deceased natural persons. | <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)(a) 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 matter will address information regarding applicants for appointment as Directors of Techscape Limited.*

CARRIED

9.18 pm The public were excluded.

Minute Number 1547/2003 is recorded in the Confidential section of the minutes.

9.20 pm The public were re-admitted.

RESTATEMENT

The Council resolved while the public were excluded:

(MOVED by Cr Lawley, seconded Cr Presland (resolution 1547/2003 no. 3) "That the report and attachments remain confidential and that the recommendations be made available in the public arena."

1547/2003

MOVED by Cr Lawley, seconded Cr Presland:

1. That the information be received.
2. That Mr Nelson Cull, Mr Peter Hassell and Mr Miklós (Mike) Szabó be appointed as Directors of Techscape Limited with effect from the date of this meeting.

CARRIED

24 CLOSING PRAYER

Cr Battersby recited a poem.

9.22 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:.....