

MINUTES OF AN ORDINARY MEETING OF THE COUNCIL HELD IN THE CIVIC  
CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,  
ON WEDNESDAY, 25 AUGUST 2004  
COMMENCING AT 5.30 PM

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**PRESENT:**

Mayor	RA	Harvey, QSO, JP
Deputy Mayor	CA	Stone
Councillors	DQ	Battersby, JP
	BA	Brady, JP (from 6.05 pm)
	AC	Fenton (from 5.35 pm)
	OE	Hoskin, MNZM, JP
	PA	Hulse
	JP	Lawley
	GE	Nash, QSM, JP
	VS	Neeson, JP (until 6.23 pm)
	GB	Presland
	GW	Russell, JP
	DA	Yates, JP

**TE TAUMATA  
RUNANGA:**

D Hansen	(Te Taumata Runanga)
M Te Huia	(Te Taumata Runanga)

**COMMUNITY  
BOARDS:**

EG Francke	(Chairperson New Lynn Community Board)
C A Shepherd, JP	(Chairperson Waitakere Community Board)
RF Jessopp	(Chairperson Massey Community Board)
H Jones	(Chairperson Henderson Community Board)
G Marshall	(New Lynn Community Board)
D Goodley	(Waitakere Community Board)

**IN ATTENDANCE:**

Chief Executive  
Director: City Services  
Director: Strategy & Development  
Director: Corporate & Civic Services  
Director: Quality Assurance  
Director: Public Affairs  
Director: Finance  
Group Manager: City Development Projects  
Group Manager: Democracy and Support Services  
Manager: Maori Issues  
Manager: Transport Strategy  
Legal Services Manager  
Security Manager  
Principal Transport Engineer Operations  
Leisure Planner: City Services  
Project Manager Democracy  
Quality Assurance & Liaison Officer  
Senior Analyst Environmental  
Mayoral Executive  
Committee Secretaries: A Chan  
S Simiona  
O Schuster  
N Delamere

## **PART A - OPENING OF MEETING**

### **1 OPENING PRAYER**

Pastor Steve Bryant from the West City Christian Centre, Glendene, said the Opening Prayer.

### **2 APOLOGIES**

1548/2004

MOVED by Cr Neeson, seconded Cr Lawley:

That apologies from Cr Clews and Cr Dallow for absence and Crs Brady and Fenton for lateness be received and sustained.

**CARRIED**

### **3 CONFIRMATION OF MINUTES**

1549/2004

MOVED by Cr Russell, seconded Cr Presland:

That the minutes of the Ordinary Meeting of the Council held on Wednesday, 28 July 2004 and the Extraordinary Meeting held on Monday, 2 August 2004, including the public excluded minutes, as circulated, be taken as read and now be confirmed.

**CARRIED**

5.35 pm Cr Fenton entered the meeting.

### **4 URGENT BUSINESS**

There is no Urgent Business.

## **PART B - REPORT OF THE MAYOR**

1550/2004

MOVED by Cr Hoskin, seconded Cr Russell:

1. That the Report of the Mayor be received.
2. That Cr Ross Dallow represents the Council at the Chatham Cup Final on Monday, 6 September 2004, and the Uncle Toby's Cup Final on Sunday, 5 September 2004.

**CARRIED**

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

**5 TE TAUMATA RUNANGA**

**1 FOURTH HUI TAUMATA MATAURANGA**

1551/2004

MOVED by Cr Yates, seconded Cr Hoskin:

That M Te Huia, A Lauese and T Toki be nominated to attend the fourth National Maori Education Hui, "Hui Taumata Mātauranga," to be held in Taupo on 3-5 September 2004 and that further Members are able to attend incurring no further costs to Council.

**CARRIED**

**2 OTHER MATTERS CONSIDERED**

1552/2004

MOVED by Cr Yates, seconded Cr Lawley:

That the report of the Ordinary Meeting of Te Taumata Runanga held on Monday, 16 August 2004 be received.

**CARRIED**

**6 NEW LYNN COMMUNITY BOARD**

1553/2004

MOVED by Cr Presland, seconded Cr Hoskin:

That the report of the Ordinary Meeting of the New Lynn Community Board held on Monday, 2 August 2004 be received.

**CARRIED**

**7 WAITAKERE COMMUNITY BOARD**

1554/2004

MOVED by Cr Battersby, seconded Cr Russell:

That the report of the Ordinary Meeting of the Waitakere Community Board held on Tuesday, 3 August 2004 be received.

**CARRIED**

**8 MASSEY COMMUNITY BOARD**

1555/2004

MOVED by Cr Hoskin, seconded Cr Russell:

That the report of the Ordinary Meeting of the Massey Community Board held on Wednesday, 4 August 2004 be received.

**CARRIED**

**9 HENDERSON COMMUNITY BOARD**

1556/2004

MOVED by Cr Fenton, seconded Cr Hulse:

That the report of the Ordinary Meeting of the Henderson Community Board held on Thursday, 5 August 2004 be received.

**CARRIED**

**PART D - REPORTS OF THE CHIEF EXECUTIVE**

**10 SUMMERLAND DRIVE COMMUNITY FACILITY - NAME SELECTION**

1557/2004

MOVED by Cr Neeson, seconded Cr Yates:

1. That the information be received.
2. That the new Summerland Drive Community Facility be known as Sturges West Community House.

**CARRIED**

**11 WAITAKERE CENTRAL LIBRARY/UNITEC CAMPUS DEVELOPMENT**

1558/2004

MOVED by Cr Nash, seconded Cr Hoskin:

1. That the Waitakere Central Library/Unitec Campus Development Report be received.
2. That in relation to **RATANUI STREET, TRADING PLACE AND GREAT NORTH ROAD:**
  - (a) That all existing parking restrictions or limitations currently applicable to **RATANUI STREET, TRADING PLACE AND GREAT NORTH ROAD** imposed by any prior resolution (including resolutions of any former authority), that are affected, or superseded, or replaced by part (b) of this resolution, cease to have any force and effect as from the date of this determination provided however that any current enforcement action by way of prosecution arising from, or infringement notice issued in relation to, any non-compliance with or breach of any such parking restriction or limitation be authorized to be concluded in the normal manner.
  - (b) That, in accordance with the powers conferred by virtue of the Local Government Act 1974, The Transport Act 1962 and the Waitakere City Council Bylaw No.7, 1991 - Traffic, the following controls be now resolved to be specified and imposed, namely,
    - (i) on the eastern side of **RATANUI STREET** from a point 24 metres north of the boundary of 5 and 7 Ratanui Street to a point 20 metres south of the boundary of 11 and 13 Ratanui Street a new '**10 MINUTE LOADING ZONE**' control be put in place.
    - (ii) on the western side of **TRADING PLACE** from a point 25 metres north of the boundary of 345 Great North Road and Trading Place to a point 30 metres north of the boundary of 345 Great North Road and Trading Place a new '**10 MINUTE LOADING ZONE**' control be put into place.

- (iii) on the northern side of **GREAT NORTH ROAD** from a point **10** metres east of the boundary of 351 and 353 Great North Road to a point **17** metres east of the boundary of 351 and 353 Great North Road a new '**10 MINUTE LOADING ZONE**' control be put into place
3. That the appropriate signage and/or road markings, in accordance with the provisions of the Traffic Regulations 1976 be hereby approved to be put in place to properly establish, delineate and record the said parking limitations and restrictions.
4. That approval be given for the Chief Executive to negotiate and enter into contract with Care Park Limited for use of up to 30 car parking spaces allocated within the charge car parking trial in the Edmonton Road-Alderman Drive car park to be set aside as required for use by businesses affected by the closure of the Ratanui-Trading Place access lane during the construction of the Waitakere Central Library.

**CARRIED**

## **12 EDMONTON ROAD TRANSFORMER EASEMENT**

1559/2004

MOVED by Cr Lawley, seconded Cr Hoskin:

1. That the Edmonton Road Transformer Easement report be received.
2. That Council approves the location for the Vector Limited Packaged Substation and Switching Station on a grassed area on the northern corner of the Falls car park on Edmonton Road.
3. That Council grants an easement to Vector to place the equipment on the site referred above, at no cost to Vector Limited, provided that any legal costs are met by Vector Limited.

**CARRIED**

## **13 APPROVAL OF CONFERENCE ATTENDANCE NEW ZEALAND COASTAL CONFERENCE, AUCKLAND 6 - 7 AUGUST 2004**

1560/2004

MOVED by Cr Fenton, seconded Cr Presland:

1. That the Approval Of Conference Attendance NZ Coastal Conference, Auckland 6 - 7 August 2004 be received.
2. That the Council endorses the Chief Executive's approval of the Attendance of Councillors Hulse and Yates, as Chair, Deputy Chair of the Environmental Management Committee at the New Zealand Coastal Conference in Auckland on 6 - 7 August 2004.

**CARRIED**

14 **LOCAL GOVERNMENT ACT 2002 AMENDMENT ACT 2004**

1561/2004

MOVED by Cr Battersby, seconded Cr Fenton:

1. That the Local Government Act 2002 Amendment Act 2004 report be received.
2. That Standing Orders be amended as follows:
  - (a) Delete the definition of working day in clause 102 of Standing Orders and substitute:

**"Working Day"** means a day of the week other than:

    - a) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday; Anzac Day, the Sovereign's Birthday, and Labour Day; and
    - b) a day in the period commencing with 25 December in a year and ending with 2 January in the following year; and
    - c) if 1 January falls on a Friday, the following Monday; and
    - d) if 1 January falls on a Saturday or a Sunday, the following Monday and Tuesday; and
    - e) the day upon which a notice is served and the day on which the meeting is to be held.
  - (b) Delete clause 32.1 and substitute

*"32.1 The acts of a local authority must be done, and the question before the local authority must be decided, at a meeting by:*

    - a) *vote; and*
    - b) *the majority of members that are present and voting."*

[cl.24(1), Schedule 7, LGA];
  - (c) Delete the words "[cl.24, Schedule 7, LGA]" at the end of clause 32.2 and substitute "[see cl.24(4)(b), Schedule 7, LGA]";
  - (d) Delete clause 32.3 and substitute

*"32.3 In any case where there is an equality of votes (and the Chairperson at the meeting does not exercise the casting vote conferred under clause 32.2) the Act or question is defeated and the status quo is preserved. [see cl.24(2)(b), Schedule 7, LGA]";*
  - (e) Delete clause 32.4 and substitute

*"32.4 An act or question coming before the local authority must be done or decided by open voting." [cl.24(3), Schedule 7, LGA02]";*
3. That the delegations to the Chief Executive Officer be amended as follows:
  - a) Delete clause 13 and substitute:

"13. Authority to appoint, to suspend or to revoke the appointment of, any person as an enforcement officer under the Local Government Act 2002";
  - b) Delete clause 34 and substitute

"34. Authority to appoint, to suspend or to revoke the appointment of, any person as an enforcement officer under the Building Act 1991".

**CARRIED**

15 **DELEGATED AUTHORITY TO BORROW**

1562/2004

MOVED by Cr Nash, seconded Cr Presland:

1. That the information be received.
2. That for the purpose of borrowing to carry out or to continue the projects identified in the 2004/2005 Annual Plan or carried forward from any previous Annual Plan, or for any project approved by Council subsequent to the adoption of such Plan:
  - a) The security for such borrowing may be a charge over rates under the Debenture Trust Deed if the Chief Executive considers it appropriate.
  - b) The benefits of such borrowing are to enable the Council to carry out the projects identified within the 2004/2005 Annual Plan and Long Term Council Community Plan while spreading the costs for those projects over time to recognise the future benefits, while the risk is that interest rates may vary in the future resulting in higher debt servicing costs to Council.
  - c) The raising of loans, financial instruments and other incidental agreements associated with the Council's debt portfolio comply with the Council's Liability Management and Investment Policy.
  - d) That the Chief Executive be authorised to borrow to a maximum gross debt of \$239.468 million in this or the 2005/2006 financial year, as approved in the 2004/2005 Annual Plan, by way of bank loan or loans, credit facility or facilities, or the issue of commercial paper, medium term notes or stock for the borrowing, secured by the Debenture Trust Deed.
  - e) The Chief Executive be delegated the authority to negotiate and agree the terms, interest rates payable by the Council, frequency of interest payments, timing of draw downs, number of loans or issues of commercial paper, medium term notes or stock which make up the borrowings, and all other terms and conditions of such loans or facilities as may be necessary for the obtaining of such loan or loan facilities and to execute any agreements, documents and certificates in respect of such loans or loan facilities on behalf of the Council.
3. That the Chief Executive be authorised to sub-delegate the powers, duties and discretions delegated to him under the resolutions above to the Director: Finance or other Council officers as he considers appropriate.
4. That the Chief Executive and the Director: Finance be delegated authority to act as Council's authorised representatives for the purposes of negotiating various facility agreements necessary to facilitate the strategic direction outlined within the Council's Long Term Council Community Plan 2003/2013.
5. That the Chief Executive and the Director: Finance be delegated authority to act as Council's authorised representatives, subject to satisfactory review by the Council's solicitors, whether internal or external, for the purpose of executing under seal any facility agreements necessary to facilitate the strategic direction outlined within the Council's Long Term Council Community Plan 2003/2013.

**CARRIED**

**PART E - CONFIDENTIAL ITEMS**

**16 REORGANISATION OF AUCKLAND REGIONAL TRANSPORT NETWORK LIMITED GROUP**

**17 WATERHOLE SWIMMING CENTRE LIMITED - PROPOSED CHANGE OF SHAREHOLDING**

**DEFERRED**

1563/2004

MOVED by Cr Fenton, seconded Cr Yates:

That Item 16: Reorganisation of Auckland Regional Transport Network Limited Group and Item 17: Waterhole Swimming Centre Limited - Proposed Change Of Shareholding be deferred to follow Item 22: Notices of Motion.

**CARRIED**

**PART F - STANDING COMMITTEE REPORTS**

**18 CITY DEVELOPMENT COMMITTEE**

6.05 pm Cr Brady entered the meeting.

1564/2004

MOVED by Cr Stone, seconded Cr Hoskin:

That the report of the Ordinary Meeting of the City Development Committee held on Thursday, 5 August 2004 be received.

**CARRIED**

**19 FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE**

**1. ACQUISITION OF LAND FOR ROAD - 21-29 LINCOLN ROAD, HENDERSON**

1565/2004

MOVED by Cr Brady, seconded Cr Yates:

1. That a 371m<sup>2</sup> (approximate) strip of land at 21-29 Lincoln Road be acquired for road under the Public Works Act 1981.
2. That the Chief Executive be authorised to sign all documents necessary to complete the acquisition.

**CARRIED**

**2. OTHER MATTERS CONSIDERED**

1566/2004

MOVED by Cr Brady, seconded Cr Yates:

That the report of the Ordinary Meeting of the Finance and Operational Performance Committee held on Monday, 9 August 2004 be received.

**CARRIED**

20 **ENVIRONMENTAL MANAGEMENT COMMITTEE**

1 **GENETICALLY MODIFIED ORGANISMS PROGRESS REPORT**

1567/2004

MOVED by Cr Hulse, seconded Cr Yates:

1. That Council endorses the approach for progressing investigations into the management of genetically modified organisms as outlined in the proposal attached at pages A32 to A33 to the Agenda report of the Environmental Management Committee meeting held on Tuesday, 10 August 2004.
2. That Council agrees to contribute \$8,350 to jointly fund with the northern Councils a Risk Evaluation and Options Report as outlined in the proposal attached at pages A34 to A35 to the Agenda report of the Environmental Management Committee meeting held on Tuesday, 10 August 2004.

**CARRIED**

1568/2004

MOVED by Cr Yates, seconded Cr Nash:

That Council nominates Councillor Fenton to sit on the Joint Steering Group and take part in discussions with the Joint Working Party on genetically modified organisms.

**CARRIED**

2 **ALTERATION OF RESOLUTION 371/2004**

1569/2004

MOVED by Cr Hulse, seconded Cr Yates:

That the Environmental Management Committee's recommendations regarding the Alteration of Resolution 371/2004 as set out on page 10 in the Confidential Supplement of the Agenda, be approved by Council without discussion, and that the resolutions pertaining thereto remain confidential and be recorded in the Confidential Section of the minutes.

**CARRIED**

3 **OTHER MATTERS CONSIDERED**

1570/2004

MOVED by Cr Hulse, seconded Cr Yates:

That the report of the Ordinary Meeting of the Environmental Management Committee held on Tuesday, 10 August 2004 be received.

**CARRIED**

## **PART G - PRESENTATION**

There were no Presentations.

## **PART B - REPORT OF THE MAYOR**

### **RECOMMITAL**

The Mayor, with the consent of the meeting, recommitted Part B - Report of the Mayor at this time.

Mayor Bob Harvey presented to the Council the Waitakere Central DVD that he had been showing to groups within the City.

1571/2004

MOVED by Cr Nash, seconded Cr Hoskin

That the Mayor, together with Waitakere Properties' Chief Executive Officer Greg Parker, Chairman Ross Jewel and Clyde Rogers Chief Executive Officer Enterprise Waitakere, carry out a fact finding visit to Parramatta in November, accompanied by whatever staff support the Chief Executive Harry O'Rourke deems appropriate.

**CARRIED**

## **PART H - PROCEDURAL MATTERS**

### **21 QUESTIONS**

There were no Questions.

### **22 NOTICES OF MOTION**

There were no Notices of Motion.

## **PART E - CONFIDENTIAL ITEMS**

### **16 REORGANISATION OF AUCKLAND REGIONAL TRANSPORT NETWORK LIMITED GROUP**

### **17 WATERHOLE SWIMMING CENTRE LIMITED - PROPOSED CHANGE OF SHAREHOLDING**

#### **PROCEDURAL MOTION TO EXCLUDE THE PUBLIC**

1572/2004

MOVED by Mayor Bob Harvey, seconded by Cr Nash:

That the public be excluded from the following part of the proceedings of this meeting, namely, Reorganisation of Auckland Regional Transport Network Limited Group and Waterhole Swimming Centre Limited - Proposed Change Of Shareholding.

The general subject of the matters to be considered while the public is excluded, the reason for passing this resolution in relation to 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 the matters to be considered.	Reason for passing this resolution in relation to the matters.	Ground(s) under Section 48(1)(a) for the passing of this resolution.
<ul style="list-style-type: none"> <li>• Reorganisation of Auckland Regional Transport Network Limited Group;</li> <li>• Waterhole Swimming Centre Limited - Proposed Change Of Shareholding</li> </ul>	<p>The withholding of information is necessary in order to:</p> <ul style="list-style-type: none"> <li>• enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);</li> <li>• protect the privacy of natural persons, including that of deceased natural persons;</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)(a) and (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 reports contain information which if released would affect Council's negotiations, and information relating to shareholder ownership of the Waterhole Swimming Centre Limited.

**CARRIED**

6.23 pm      The public were excluded. Cr Neeson left the meeting.

Minute Numbers 1574/2004 to 1576/2004 are recorded in the Confidential Section of these Minutes.

6.36 pm      The public were re-admitted.

## **RESTATEMENTS**

The Council resolved while the public were excluded:

### **16 REORGANISATION OF AUCKLAND REGIONAL TRANSPORT NETWORK LIMITED GROUP**

MOVED by Cr Nash, seconded Cr Presland (resolution 1573/2004, No. 5) *"That the Reorganisation of Auckland Regional Transport Network Limited Group report and related resolutions 1574/2004 remains confidential until further notice"*.

### **17 WATERHOLE SWIMMING CENTRE LIMITED - PROPOSED CHANGE OF SHAREHOLDING**

MOVED by Cr Battersby, seconded Cr Russell (resolution 1574/2004, No. 4) *"That the Waterhole Swimming Centre Limited - Proposed Change Of Shareholding report remains confidential until further notice but the resolutions pertaining thereto be made available in the public arena."*

1574/2004

MOVED by Cr Battersby, seconded Cr Russell:

1. That the Waterhole Swimming Centre Limited - Proposed Change Of Shareholding report be received.
2. That Council consents to the proposed transfer of shareholding in Waterhole Swimming Centre Limited from CJ Rae to Ms JA Wright, and agrees to the release of Mr Rae's personal covenant under the lease and extinguishment of his personal guarantee with respect to existing borrowing by that company, including the debenture securing \$151,000 in Council's favour, with effect from the date that payment of the sale price is completed by Ms Wright and providing that all related documentation is prepared and executed to the satisfaction of Council's Manager: Legal Services.
3. That any costs involved in giving effect to the above arrangements be met by the applicant.

**CARRIED**

### **20 ENVIRONMENTAL MANAGEMENT COMMITTEE**

#### **2 ALTERATION OF RESOLUTION 371/2004**

MOVED by Cr Hulse, seconded Cr Yates (resolution 1576/2004, No. 3) *"That the Alteration of Resolution 371/2004 remain confidential until further notice."*

### **23 CLOSING PRAYER**

Cr Hulse said the Closing Prayer.

6.38 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:**.....

