

**MINUTES OF AN ORDINARY MEETING OF THE COUNCIL HELD IN THE
CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE
CITY, ON WEDNESDAY, 31 MARCH 2004,
COMMENCING AT 5.30 PM.**

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CITY, ON WEDNESDAY, 31 MARCH 2004,
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PRESENT:

Mayor	RA	Harvey, QSO, JP (from 7.35 pm)
Deputy Mayor	CA	Stone (presiding until 7.35 pm)
Councillors	DQ	Battersby, JP
	BA	Brady, JP (from 5.40 pm)
	JM	Clews, QSO, JP
	RP	Dallow, QPM, JP
	AC	Fenton
	OE	Hoskin, MNZM, JP
	PA	Hulse
	JP	Lawley (until 7.49 pm)
	GE	Nash, QSM, JP (from 7.35 pm)
	VS	Neeson, JP
	GB	Presland
	GW	Russell, JP
	DA	Yates, JP

**TE TAUMATA
RUNANGA:**

M Te Huia

**COMMUNITY
BOARDS:**

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)
D Goodley	(Waitakere Community Board)

IN ATTENDANCE:

Chief Executive
Director: Strategy & Development
Director: Corporate & Civic Services
Director: Finance
Group Manager: Strategic Planning and Policy
Group Manager: Asset Management
Group Manager: City Development Projects
Group Manager: Democracy and Support
Manager: Public Affairs
Maori Issues Manager
Legal Services Manager
Parks & Green Assets: Quality Liaison Officer
Partnerships and Advocacy Leader: Environment
Democracy and Governance Team Manager
Committee Administrator: D Collett
Committee Secretary: N Delamere
O Schuster
A Chan

PART A - OPENING OF MEETING

1 OPENING PRAYER

Reverend Tovia Aumua from the Methodist Church said the Opening Prayer.

2 APOLOGIES

448/2004

MOVED by Cr Neeson, seconded Cr Fenton:

That apologies from Mayor Bob Harvey and Cr Nash for lateness be received and sustained.

CARRIED

3 CONFIRMATION OF MINUTES

449/2004

MOVED by Cr Hoskin, seconded Cr Lawley:

That the minutes of the Ordinary Meetings of Council held on Thursday, 5 February 2004, Wednesday, 25 February 2004 and Thursday, 11 March 2004, with the public excluded minutes 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

DEFERRED

450/2004

MOVED by Cr Clews, seconded Cr Hulse

That Part B: Report of the Mayor, be deferred to follow Part G - Presentations, Item 23: Presentation Of Bravery Awards.

CARRIED

PART C - TE TAUMATA RUNANGA AND COMMUNITY BOARDS

5 TE TAUMATA RUNANGA

451/2004

MOVED by Cr Yates, seconded Cr Lawley:

That the report of the Ordinary Meeting of Te Taumata Runanga held on Monday, 15 March 2004 be received.

CARRIED

6 NEW LYNN COMMUNITY BOARD

452/2004

MOVED by Cr Clews, seconded Cr Presland:

That the report of the Ordinary Meeting of the New Lynn Community Board held on Monday, 1 March 2004 be received.

CARRIED

7 WAITAKERE COMMUNITY BOARD

5.41 pm Cr Hulse left the meeting.

453/2004

MOVED by Cr Yates, seconded Cr Russell:

That the report of the Ordinary Meeting of the Waitakere Community Board held on Tuesday, 2 March 2004 be received.

CARRIED

8 MASSEY COMMUNITY BOARD

454/2004

MOVED by Cr Neeson, seconded Cr Hoskin:

That the report of the Ordinary Meeting of the Massey Community Board held on Wednesday, 3 March 2004 be received.

CARRIED

9 HENDERSON COMMUNITY BOARD

5.45 pm Cr Hulse returned to the meeting.

455/2004

MOVED by Cr Fenton, seconded Cr Brady:

That the report of the Ordinary Meeting of the Henderson Community Board held on Thursday, 4 March 2004 be received.

CARRIED

PART D - REPORT OF THE CHIEF EXECUTIVE

10 DRAFT DEVELOPMENT AND FINANCIAL CONTRIBUTIONS POLICY AND SCHEDULES

(NOTE: This item was withdrawn and not considered by Council.)

456/2004

MOVED by Cr Brady, seconded Cr Clews:

That Council resolves to hold an Extraordinary Meeting of the Council on Monday, 5 April 2004 commencing at 1.30 pm to consider the draft Development and Financial Contributions Policy and Schedules.

CARRIED

11 WAITAKERE RANGES PROTECTION - PROJECT UPDATE

457/2004

MOVED by Cr Russell, seconded Cr Hoskin:

1. That the Waitakere Ranges Protection - Project Update report be received.
2. That Council continues to prioritise the work requirements of the Waitakere Ranges Protection Project.
3. That the \$35,000 identified within the report be transferred internally within the Strategy and Development's 2003/2004 budget to the Waitakere Ranges Protection Project.

CARRIED

12 ANZAC DAY 2004

458/2004

MOVED by Cr Fenton, seconded Cr Russell:

1. That the Anzac Day 2004 report be received.
2. That a Councillor be appointed to represent the City at each of the Community Anzac Day Parades as follows:

Dawn Service	6.00 am	Mayor and All Councillors
Swanson	9.00 am	Mayor Bob Harvey, Cr Hulse
New Lynn	9.30 am	Cr Battersby
Henderson	10.30 am	Cr Brady
Titirangi	10.30 am	Cr Presland, Cr Lawley
Hobsonville	11.00 am	Cr Russell, Cr Neeson
Glen Eden	11.00 am	Mayor Bob Harvey, Cr Clews
Te Atatu	10.00 am	Cr Fenton
Waitakere	11.00 am	Cr Hulse, Cr Stone
Laingholm	10.30 am	Cr Yates
Piha	2.00 pm	Mayor Bob Harvey

CARRIED

459/2004

MOVED by Cr Presland, seconded Cr Clews:

That the appointment of Community Board Members to the Anzac Day 2004 Services be referred to the appropriate Community Board.

CARRIED

13 WORLD CONFERENCE OF MAYORS FOR PEACE

460/2004

MOVED by Cr Presland, seconded Cr Lawley:

1. That the World Conference of Mayors for Peace report be received.
2. That Council endorses the Mayors for Peace Campaign to eliminate nuclear weapons.

CARRIED

14 LOCAL GOVERNMENT NEW ZEALAND CONFERENCE AND ANNUAL GENERAL MEETING

461/2004

MOVED by Cr Russell, seconded Cr Yates:

That the Local Government New Zealand Conference and Annual General Meeting report be received.

CARRIED

462/2004

MOVED by Cr Brady, seconded Cr Fenton:

That the Mayor attend the Local Government New Zealand 2004 Conference at Auckland from 26 to 28 July 2004.

CARRIED

463/2004

MOVED by Cr Hoskin, seconded Cr Yates:

That the Deputy Mayor attend the Local Government New Zealand 2004 Conference at Auckland from 26 to 28 July 2004.

CARRIED

464/2004

MOVED by Cr Hoskin, seconded Cr Yates:

That five registrations for Waitakere City to attend the Local Government New Zealand 2004 Conference at Auckland from 26 to 28 July 2004 be made, to be shared among Councillors, Community Board Chairs and the Chair of Te Taumata Runanga or his nominee.

CARRIED

465/2004

MOVED by Cr Yates, seconded Cr Russell:

That the Mayor be the Waitakere City presiding delegate for the purposes of the Local Government New Zealand Annual General Meeting on Wednesday 28 July 2004 and be authorised to cast Waitakere's votes at the meeting.

CARRIED

466/2004

MOVED by Cr Clews, seconded Cr Yates:

That the Deputy Mayor be nominated as a delegate and as the alternate presiding delegate for the purposes of the Local Government New Zealand Annual General Meeting on Wednesday, 28 July 2004.

CARRIED

467/2004

MOVED by Cr Hulse, seconded Cr Clews:

That Crs Brady and Yates be nominated as delegates for the purposes of the Local Government New Zealand Annual General Meeting on Wednesday, 28 July 2004.

CARRIED

468/2004

MOVED by Cr Hulse, seconded Cr Yates:

That the following remits be considered by Council at its meeting to be held on Wednesday, 28 April 2004 for submission to the Local Government New Zealand Council by Friday, 28 May 2004:

- a) extension to the current traffic enforcement regulations to empower local authority officers to enforce speed limits and intersection infringements on local roads.
- b) Local Government Responsibilities on Genetically Modified Organisms, subject to further discussions at the Environmental Management Committee.

CARRIED

15 APPOINTMENT TO CREATIVE COMMUNITIES SCHEME ALLOCATION SUBCOMMITTEE

469/2004

MOVED by Cr Clews, seconded Cr Dallow:

1. That the Appointment to the Creative Communities Scheme Allocation Subcommittee report be received.
2. That Kenneth Davey be appointed as the Waitakere Central Community Arts Council representative on the Creative Communities Scheme Allocation Subcommittee replacing Janet Holtrigter.

CARRIED

PART E - CONFIDENTIAL ITEMS

16 POSSIBLE PROPERTY PURCHASE - 1B RANKIN AVENUE, NEW LYNN

17 LAINGHOLM CATCHMENT - FLOODING ISSUES

DEFERRED

470/2004

MOVED by Cr Fenton, seconded Cr Brady:

That Item 16: Possible Property Purchase - 1B Rankin Avenue, New Lynn, Item 17: Laingholm Catchment Flooding Issues, including the following, Item 19, section 2: Finance and Operational Performance Committee - Henderson Charge Car Park Trial and Item 20, section 2: Environmental Management Committee - District Plan Eggink Appeal, be deferred to follow Item 25: Notices of Motion.

CARRIED

PART F - STANDING COMMITTEE REPORTS

18 CITY DEVELOPMENT COMMITTEE

471/2004

MOVED by Cr Stone, seconded Cr Presland:

That the report of the Ordinary Meeting of the City Development Committee held on Thursday, 4 March 2004 be received.

CARRIED

19 FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE

1. EXEMPTION FOR REPORTING UNDER THE LOCAL GOVERNMENT ACT 2002 - WAITAKERE ARTS AND CULTURAL DEVELOPMENT TRUST

472/2004

MOVED by Cr Clews, seconded Cr Brady:

That Council grants the Waitakere Arts and Cultural Development Trust an exemption under Section 7(3) of the Local Government Act 2002 on the basis that the financial operations of the Trust is not material for consolidation into the Council's Annual Report and that adequate current reporting processes are in place for the Trust to report to the Council.

CARRIED

2. HENDERSON CHARGE CAR PARKING TRIAL

This was dealt with under the Public Excluded Section.

3. **OTHER MATTERS CONSIDERED**

473/2004

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 March 2004 be received.

CARRIED

20 **ENVIRONMENTAL MANAGEMENT COMMITTEE**

1. **DOG REGISTRATION FEES - 2004/2005**

474/2004

MOVED by Cr Hulse, seconded Cr Fenton:

1. That all dog owners who book to sit the Dog Owner Licence test prior to the penalty date of 1 August 2004 pay the reduced fee within a week of passing the test; or pay the fee which they would have otherwise paid within a week of failing the test, otherwise the late fee applies to whatever category each dog falls into.
2. That for all newly acquired dogs (providing the owners have not been served an infringement notice), a reduced pro-rata fee based on the months of the year be applicable.
3. That where an adult dog is impounded and unregistered, or for which the owner is served an infringement notice, the full registration fee including the penalty be applied.

CARRIED

2. **DISTRICT PLAN - EGGINK APPEAL**

This was dealt with under the Public Excluded Section.

3. **OTHER MATTERS CONSIDERED**

475/2004

MOVED by Cr Hulse, seconded Cr Hoskin:

That the report of the Ordinary Meeting of the Environmental Management Committee held on Tuesday, 9 March 2004 be received.

CARRIED

PART H - PROCEDURAL MATTERS

24 **QUESTIONS**

There were no questions.

25 **NOTICES OF MOTION**

There were no Notices of Motion

The Order of Business resumed at Part E - Confidential Items.

PART E - CONFIDENTIAL ITEMS

- 16 **POSSIBLE PROPERTY PURCHASE - 1B RANKIN AVENUE, NEW LYNN**
- 17 **LAINGHOLM CATCHMENT - FLOODING ISSUES**
- 19 **SECTION 2: FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE - HENDERSON CHARGE CAR PARK TRIAL**
- 20 **SECTION 2: ENVIRONMENTAL MANAGEMENT COMMITTEE - DISTRICT PLAN EGGINK APPEAL**

PROCEDURAL MOTION TO EXCLUDE THE PUBLIC

476/2004

MOVED by Cr Hoskin, seconded Cr Russell:

That the public be excluded from the following part of the proceedings of this meeting, namely, Possible Property Purchase - 1B Rankin Avenue, New Lynn, Laingholm Catchment Flooding Issues, Item 19, section 2: Finance and Operational Performance Committee - Henderson Charge Car Park Trial and Item 20, section 2: Environmental Management Committee - District Plan Eggink Appeal.

The general subject of the matters 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 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"> • Possible Property Purchase - 1B Rankin Avenue, New Lynn; 	<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 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>
<ul style="list-style-type: none"> • Laingholm Catchment Flooding Issues; 	<ul style="list-style-type: none"> • maintain legal professional privilege; and • enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); 	
<ul style="list-style-type: none"> • Finance and Operational Performance Committee - Henderson Charge Car Park Trial; 	<ul style="list-style-type: none"> • disclose a trade secret; • be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; 	

<ul style="list-style-type: none"> Environmental Management Committee - District Plan Eggink Appeal. 	<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). 	
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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), 7(2)(b)(i)(ii), 7(2)(g) 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 matters contain information which if released would affect the Council's negotiations and could have an effect on the commercial position of the person who has supplied the information.*

CARRIED

6.10 pm The public were excluded.

Minute Numbers 477/2004 to 482/2004 are recorded in the Confidential Section of these Minutes.

6.24 pm The public were re-admitted.

ADJOURNMENT

483/2004
MOVED by Cr Clews, seconded Cr Brady:

That the meeting stand adjourned until 7.30 pm.

CARRIED

6.25 pm The meeting adjourned.

7.35 pm The meeting reconvened. Mayor Bob Harvey and Cr Nash were present.

PART G - PRESENTATIONS

These presentations took place at 7.30 pm.

21 RECOMMITMENT TO SAFETY: SIGNING OF SAFETY AGREEMENT

DEFERRED

The Chairperson with the consent of the meeting, deferred Item 21: Recommitment to Safety: Signing of Safety Agreement to a future meeting of the Council.

22 SIGNING OF MEMORANDUM OF UNDERSTANDING BETWEEN WAITAKERE CITY COUNCIL AND NEW ZEALAND POLICE

The Memorandum of Understanding sets out a framework for the relationship between Council and the New Zealand Police. It identifies the areas of interest and issues that are shared, establishes protocols for communication and joint planning, and provides for the undertaking of operational strategies and activities.

The memorandum was signed at this meeting of the Council. The signatories to the Memorandum of Understanding for Waitakere City Council were Mayor, Bob Harvey, and Chief Executive, Harry O'Rourke. The signatories for the Police were the North Shore/Waitakere/Rodney District Commander, Superintendent Roger Carson and Waitakere Area Commander, Inspector Mark O'Connor.

23 PRESENTATION OF BRAVERY AWARDS

7.49 pm Cr Lawley left the meeting.

Mayor Bob Harvey, in association with representatives of the Auckland Regional Council, namely, Gwen Bull (Chairperson Auckland Regional Council), Cr Sandra Coney (Deputy Chairperson Auckland Regional Council Parks and Heritage), Jo Brosnahan (Chief Executive, Auckland Regional Council) and Lance Vervoort, (Director Parks and Recreation) made a presentation to Piha Ranger, Andy Pederson, and Huia Ranger, Brian Chamberlain, in recognition of their respective acts of bravery. Mr Pederson rescued three people in difficulties in the surf at Karekare in November 2003. Mr Chamberlain attended to a serious car accident in September 2003.

The Order of Business resumed at Part B - Report of the Mayor.

PART B - REPORT OF THE MAYOR

484/2004

MOVED by Cr Hoskin, seconded Cr Dallow:

1. That the Report of the Mayor be received.
2. That the Council submits the suggestion "Chris Timms Memorial Drive" for the name of new State Highway 18 motorway project to Transit NZ for its consideration.
3. That this suggestion also be forwarded to the Massey Community Board's May 2004 meeting for inclusion in their deliberations.

CARRIED

The Order of Business resumed at Part H - Closing Prayer.

PART H - PROCEDURAL MATTERS

26 CLOSING PRAYER

Warahi Paki said the closing prayer.

RESTATEMENT

The Committee resolved while the public were excluded:

1. (Moved by Battersby, seconded Presland) (resolution 477/2004 no. 3) *"That the Possible Property Purchase - 1B Rankin Avenue, New Lynn report and associated resolutions remain confidential until further notice"*.
2. (Moved by Lawley, seconded Dallow) (resolution 478/2004 no. 6) *"That the respective Deeds of Settlement contain a confidentiality clause in each case, and further that the Laingholm Catchment - Flooding Issues report and associated resolutions remain confidential until further notice"*.
3. (Moved by Brady, seconded Lawley) (resolution 480/2004) *"That resolution 479/2004 remain confidential until further notice"*.
4. (Moved by Brady, seconded Lawley) (resolution 482/2004) *"That resolution 481/2004 remain confidential until further notice"*.

8.15 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:.....

