

MINUTES OF A MEETING OF THE COUNCIL HELD IN THE CIVIC CENTRE,  
6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY, ON WEDNESDAY,  
21 DECEMBER 2005, COMMENCING AT 5.38 PM.

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6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY, ON WEDNESDAY,  
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**PRESENT:**

Mayor	RA	Harvey, QSO, JP
Deputy Mayor	CA	Stone
Councillors	MFP	Chan, JP
	JM	Clews, QSO, JP
	RI	Clow
	LA	Cooper
	AK	Corban, OBE, JP
	WW	Flaunty, QSM, JP
	PA	Hulse (from 6.43 pm)
	VS	Neeson, JP

**OBSERVERS:**

M Te Huia	(Deputy Chairperson Te Taumata Runanga)
EAG Grimmer, MNZM	(Chairperson Henderson Community Board)
CA Shepherd, JP	(Chairperson Waitakere Community Board)
JA Good	(Deputy Chairperson Massey Community Board)
SL Taylor	(Deputy Chairperson New Lynn Community Board)
GE Barnard	(Massey Community Board)
GPJ Marshall	(New Lynn Community Board)
S Davies	(Waitakere Community Board)

**IN ATTENDANCE:**

Chief Executive Officer  
Director: City Services  
Acting Director: Corporate & Civic Services  
Director: Quality Assurance  
Director: Public Affairs  
Director: Finance  
Acting Director: Strategy & Development: G Campbell  
Manager: Legal Services  
Manager: Maori Issues  
Manager: Field Services  
Manager: Arts  
Team Manager: Parking Services  
Community Partnerships Manager  
Security Manager  
Project Manager: E Infrastructure  
Project Manager: Democracy  
Senior Analyst Pacific Island Policy  
Quality Assurance & Liaison Officer  
Administration Team Manager  
Internal Communicator: P Langenhoven  
Special Projects Engineer  
Mayoral Executive  
Democracy & Governance Team Manager  
Democracy Support and Sister City Officer  
Committee Secretary's: O Schuster  
A Chan  
S Mustafa  
Committee Secretary Intern  
Committee Administrator: D Collett

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

### **1 OPENING PRAYER**

Reverend Learne McGrath, Vicar of the Church of the Good Shepherd, Massey said the Opening Prayer.

### **2 APOLOGIES**

2532/2005

MOVED by Cr Clews, seconded Cr Neeson:

That apologies from Crs Battersby, Booth, Dallow, Gilmour and Lawley for absence and Cr Hulse for lateness be received and sustained.

**CARRIED**

### **3 CONFIRMATION OF MINUTES**

2533/2005

MOVED by Cr Clews, seconded Cr Flaunty:

That the minutes of the Extraordinary Meeting of the Council held on Monday, 28 November 2005 and the Meeting held on Wednesday, 30 November 2005, as circulated, be taken as read and with the following amendment to Item 17: Presentation - Overview of the Recent Delegation to Subiaco, a Suburb of Perth in Western Australia add the words "*Crs Cooper and Hulse and*" before Councillor Joel Cayford, and after "*a vote of thanks*" add "*Crs Cooper and Hulse and*" now be confirmed.

**CARRIED**

### **4 URGENT BUSINESS**

There was no Urgent Business.

## **PART B - PETITION**

The Mayor approved the receipt of a petition submitted by post containing 45 signatures from residents requesting Council to conduct a referendum before any sale of Techscape water services. The Prayer of the petition (attached at pages A1 to A11 to the Agenda) reads as follows:

*"I/We oppose Council's intent to sell ratepayer owned Techscape water services to a private company without a referendum, and call, for those Councillors who support the un-democratic venture to resign."*

2534/2005

MOVED by Cr Clews, seconded Cr Neeson:

That the Petition requesting Council to conduct a referendum before any sale of Techscape Water Services be received.

**CARRIED**

**PART C - REPORT OF THE MAYOR**

**CITATION TO PES FA'AUI**

The Mayor presented a Citation to Pes Fa'au in recognition of his outstanding bravery above and beyond the call of duty.

2535/2005

MOVED by Cr Clow, seconded Cr Corban:

That the Report of the Mayor be received.

**CARRIED**

**PART D - REPORTS OF NEW LYNN COMMUNITY BOARD, WAITAKERE COMMUNITY BOARD, MASSEY COMMUNITY BOARD AND HENDERSON COMMUNITY BOARD**

**5 NEW LYNN COMMUNITY BOARD**

2536/2005

MOVED by Cr Clews, seconded Cr Clow:

That the report of the Meeting of the New Lynn Community Board held on Monday, 5 December 2005 be received.

**CARRIED**

**6 WAITAKERE COMMUNITY BOARD**

2537/2005

MOVED by Cr Stone, seconded Cr Neeson:

That the report of the Meeting of the Waitakere Community Board held on Tuesday, 6 December 2005 be received.

**CARRIED**

**7 MASSEY COMMUNITY BOARD**

**1. ROAD STOPPING 7 BEAUCHAMP DRIVE, MASSEY**

2538/2005

MOVED by Cr Flaunty, seconded Cr Chan:

That the Council stop the road at 7 Beauchamp Drive, known as the Royal Reserve car park, in accordance with schedule 10 of the Local Government Act 1974.

**CARRIED**

2. **OTHER MATTERS CONSIDERED**

2539/2005

MOVED by Cr Flaunty, seconded Cr Chan:

That the report of the Meeting of the Massey Community Board held on Wednesday, 7 December 2005 be received.

**CARRIED**

8 **HENDERSON COMMUNITY BOARD**

1. **CLASSIFICATION OF PART OF JACK PRINGLE VILLAGE GREEN**

2540/2005

MOVED by Cr Corban, seconded Cr Flaunty

That the Council classify the part of Jack Pringle Village Green as shown on page A12 attached to the Agenda, as a Local Purpose (Community Building) Reserve under Section 16 of the Reserves Act 1977.

**CARRIED**

2. **OTHER MATTERS CONSIDERED**

2541/2005

MOVED by Cr Corban, seconded Cr Flaunty:

That the reports of the Meeting of the Henderson Community Board held on Thursday, 8 December and of the Extraordinary Meeting held on Thursday, 15 December 2005 be received.

**CARRIED**

**PART E - REPORT OF THE CHIEF EXECUTIVE OFFICER**

9 **BYLAW REVIEW UNDER THE LOCAL GOVERNMENT ACT 2002**

MOVED by Cr Neeson, seconded Cr Flaunty:

1. That the Bylaw Review Under the Local Government Act 2002 report be received.
2. That the following bylaws be repealed with immediate effect:
  - No.3 (1990) Land Subdivision and Development;
  - No.12 (1990) Certification Fee for Documents;
  - No.16 (1990) Fencing of Swimming Pools;
  - No.23 (1990) Clean Indoor Air;
  - No.21 (1990) Hazardous Substances;
  - No.24 (1990) Construction Noise.
3. That the Food Safety Bylaw 2005 attached at pages A13 to A25 to the Agenda, and the accompanying Grading of Food Premises Policy 2005, be adopted, to come into effect on 1 February 2006.
4. That Council officers be authorised to publicly notify the above decisions in accordance with Section 157 of the Local Government Act 2002.

### **AMENDMENT**

MOVED by Cr Stone, seconded Cr Clews:

1. That the Bylaw Review Under the Local Government Act 2002 report be received.
2. That the following bylaws be repealed with immediate effect:
  - No.3 (1990) Land Subdivision and Development;
  - No.12 (1990) Certification Fee for Documents;
  - No.16 (1990) Fencing of Swimming Pools;
  - No.23 (1990) Clean Indoor Air;
  - No.21 (1990) Hazardous Substances;
  - No.24 (1990) Construction Noise.
3. That the Food Safety Bylaw 2005 attached at pages A13 to A25 to the Agenda, and the accompanying Grading of Food Premises Policy 2005, be adopted, to come into effect on 1 February 2006.
4. That Bylaw No15 (1990) Dangerous Goods Approvals and Inspection Fees be repealed because of legislative changes.
5. That Council officers be authorised to publicly notify the above decisions in accordance with Section 157 of the Local Government Act 2002.
6. That Council affirms its concerns about the policing of dangerous goods and requests that representatives of Environmental Risk Management Authority (ERMA) be called upon to attend a Planning and Regulatory Committee meeting as soon as possible in the New Year to explain the new policing regime.

**AMENDMENT CARRIED**

### **SUBSTANTIVE MOTION**

The Chairperson put the substantive motion:

2542/2005

1. That the Bylaw Review Under the Local Government Act 2002 report be received.
2. That the following bylaws be repealed with immediate effect:
  - No.3 (1990) Land Subdivision and Development;
  - No.12 (1990) Certification Fee for Documents;
  - No.16 (1990) Fencing of Swimming Pools;
  - No.23 (1990) Clean Indoor Air;
  - No.21 (1990) Hazardous Substances;
  - No.24 (1990) Construction Noise.
3. That the Food Safety Bylaw 2005 attached at pages A13 to A25 to the Agenda, and the accompanying Grading of Food Premises Policy 2005, be adopted, to come into effect on 1 February 2006.
4. That Bylaw No15 (1990) Dangerous Goods Approvals and Inspection Fees be repealed because of legislative changes.

5. That Council officers be authorised to publicly notify the above decisions in accordance with Section 157 of the Local Government Act 2002.
6. That Council affirms its concerns about the policing of dangerous goods and requests that representatives of Environmental Risk Management Authority (ERMA) be called upon to attend a Planning and Regulatory Committee meeting as soon as possible in the New Year to explain the new policing regime.

**CARRIED**

## **10 WAITAKERE CENTRAL LIBRARY/UNITEC CAR PARK BUILDING**

2543/2005

MOVED by Cr Cooper, seconded Cr Stone:

1. That the Waitakere Central Library/Unitec Car Park Building report be received.
2. That the Council approve the scale of charges for the Waitakere Central Library/Unitec Car Park as set by the Car Park Steering Committee established in the Car Parking Agreement between Waitakere City Council and Unitec New Zealand follows:
  - Casual parking for less than 30 minutes is free;
  - Casual parking in excess of 30 minutes - \$1 per hour;
  - Early bird parking - \$5 per day (in before 8:00 am, out after 4:30 pm, Monday - Friday);
  - Reserved space on level 6 (roof top) - \$30 per week (Monday - Friday);
  - Reserved space in basement (secure) - \$40 per week (Monday - Friday);
  - Special events (on a Sunday or public holiday) - at the discretion of the Car Park Steering Committee.
3. That the Waitakere Central Library/Unitec Car Park building (comprising a basement and six (6) floors) which has been constructed at 12 Trading Place is declared to be a parking place for the purposes of sections 591 and 591A of the Local Government Act 1974 and the Waitakere City Council's Bylaw 7, 1991 - Traffic, with effect from a date to be notified by the Chief Executive Officer in writing (being a date not earlier than the date of issue of either a code compliance certificate or a certificate for public use in relation to the Car Park building, under the Building Act 2004).
4. That the Car Park Steering Committee be requested to review the 30 minute free parking period.

**CARRIED**

6.43 pm Cr Hulse entered the meeting.

**11 WAITAKERE INFORMATION ACCESS - UPDATE**

2544/2005

MOVED by Cr Cooper, seconded Cr Chan:

1. That the Waitakere Information Access - Update report be received.
2. That the Council endorse the action being undertaken by officers to work collaboratively with the region and submit a regional expression of interest under the Broadband Challenge Fund.
3. That a further report be taken to the City Development Committee in February 2006 to assist the Committee in developing a Council policy for investment in publicly owned, open access, Information and Communications infrastructure, and to identify commitments for future investment in this infrastructure through the Long Term Council Community Plan.

**CARRIED**

**PART F - REPORTS FROM THE STANDING COMMITTEES**

**12 CITY DEVELOPMENT COMMITTEE**

2545/2005

MOVED by Cr Hulse, seconded Cr Cooper:

That the report of the Meeting of the City Development Committee held on Thursday, 8 December 2005 be received.

**CARRIED**

**13 FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE**

**1. INORGANIC COLLECTION**

2546/2005

MOVED by Cr Clews, seconded Cr Flaunty:

That the inorganic collection currently in operation continue at this time.

**CARRIED**

**2. REMUNERATION FOR APPOINTMENTS TO COMMITTEES AT WAITAKERE CITY**

MOVED by Cr Clews, seconded Cr Clow:

That Council remunerate the Appointed Member to Council's City Development Committee as follows:

1. Meeting Fee, \$60.00 per hour for meetings and associated workshops of the City Development Committee.
2. Technology and allowances as per the Remuneration Authority schedule for Elected Members.

### **AMENDMENT**

MOVED by Cr Flaunty, seconded Cr Corban:

That Council remunerate the Appointed Member to Council's City Development Committee as follows:

1. Meeting Fee, \$60.00 per hour for meetings and associated workshops of the City Development Committee.
2. Allowances as per the Remuneration Authority schedule for Community Board members.

### **AMENDMENT LOST**

### **ORIGINAL MOTION**

The Chairperson put the original motion:

2547/2005

That Council remunerate the Appointed Member to Council's City Development Committee as follows:

1. Meeting Fee, \$60.00 per hour for meetings and associated workshops of the City Development Committee.
2. Technology and allowances as per the Remuneration Authority schedule for Elected Members.

### **DIVISION**

#### **FOR**

Mayor Bob Harvey  
Stone  
Clow  
Hulse  
Clews  
Cooper  
Chan  
Flaunty  
Neeson

#### **AGAINST**

Cr Corban

### **CARRIED**

### **3. PROPERTY INVESTMENT PROPOSAL**

The report from Finance and Operational Performance Committee: Property Investment Proposal was considered in the Public Excluded section of the meeting as Item 20.

4. **OTHER MATTERS CONSIDERED**

2548/2005

MOVED by Cr Clews, seconded Cr Corban:

That the report of the Meeting of the Finance and Operational Performance Committee held on Monday, 12 December 2005 be received.

**CARRIED**

14 **PLANNING AND REGULATORY COMMITTEE**

2549/2005

MOVED by Cr Neeson, seconded Cr Flaunty:

That the report of the Meeting of the Planning and Regulatory Committee held on Tuesday, 13 December 2005 be received.

**CARRIED**

15 **TE TAUMATA RUNANGA**

1. **COMMITTEE SECRETARY'S REPORT**

2550/2005

MOVED by Cr Clow, seconded Cr Stone:

That the appointment of M Te Huia as Te Taumata Runanga's representative to the City Development Committee be approved for a period of 12 months with a review regarding such appointments to the Council's Standing Committees to be undertaken in 12 months.

**CARRIED**

2. **OTHER MATTERS CONSIDERED**

2551/2005

MOVED by Cr Cooper, seconded Cr Stone

That the report of the Meeting of Te Taumata Runanga held on Monday, 12 December 2005 be received.

**CARRIED**

**PART G - PRESENTATION**

The following Citation took place during Part C - Report of the Mayor.

16 **CITATION TO PES FA'AUI**

The Mayor presented a Citation to Pes Fa'aui in recognition of his outstanding bravery above and beyond the call of duty. The presentation was made during consideration of the Report of the Mayor.

**PART H - PROCEDURAL MATTERS**

**18 QUESTIONS**

There were no Questions.

**19 NOTICES OF MOTION**

There were no Notices of Motion.

**17 SIGNING OF COMMUNITY PARTNERSHIP AGREEMENT WITH PACIFIC ISLANDS ADVISORY BOARD**

Mayor Bob Harvey, Councillor Stone (as Council appointee to the Pacific Islands Advisory Board) and Harry O'Rourke (Chief Executive Officer), signed the Community Partnership Agreement with the Pacific Islands Advisory Board on behalf of Council. Signing on behalf of the Pacific Islands Advisory Board was Taha Fasi (Chairperson), Malakai Ofanoa (Deputy Chairperson), and Cheryl Talamaivao (Secretary).

**PART I - PUBLIC EXCLUDED MATTER**

**20 REPORT FROM FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE: PROPERTY INVESTMENT PROPOSAL**

**PROCEDURAL MOTION TO EXCLUDE THE PUBLIC**

2552/2005

MOVED by Cr Stone, seconded Cr Clow:

That the public be excluded from the following part of the proceedings of this meeting, namely, Report from Finance and Operational Performance Committee: Property Investment Proposal.

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 matter to be considered.	Reason for passing this resolution in relation to the matter.	Ground(s) under Section 48(1)(a) for the passing of this resolution.
<ul style="list-style-type: none"> <li>• Report from Finance and Operational Performance Committee - Property Investment Proposal.</li> </ul>	<p>The withholding of information is necessary in order to:</p> <ul style="list-style-type: none"> <li>• enable the local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</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)(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 could affect the Council's negotiations.*

**CARRIED**

7.25 pm        The public were excluded.

Minute Number 2553/2005 is recorded in the Confidential Section of these Minutes.

7.27 pm        The public were readmitted.

**RESTATEMENT**

The Council resolved while the public were excluded (Moved by Cr Clews, seconded Cr Clow) (resolution 2553/2005 no.3) *"That the Report from Finance and Operational Performance Committee: Property Investment Proposal report and associated resolutions remain confidential until such time as the reasons for confidentiality no longer exist."*

**21      CLOSING PRAYER**

Cr Flaunty said the Closing Prayer.

7.30 pm

The Chairperson thanked Members for their attendance and attention to business and declared the meeting closed.

CONFIRMED AT A MEETING OF THE COUNCIL  
HELD ON

**DATE:**.....

**CHAIRPERSON:**.....