

**MINUTES OF A MEETING OF THE COUNCIL HELD IN THE CIVIC CENTRE,
6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,
ON WEDNESDAY, 23 FEBRUARY 2005,
COMMENCING AT 5.30 PM.**

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COMMENCING AT 5.30 PM.**

PRESENT:

Mayor	RA	Harvey, QSO, JP (from 6.30 pm)
Deputy Mayor	CA	Stone (presiding until 6.30 pm)
Councillors	DQ	Battersby, JP
	PJ	Booth, OBE
	MFP	Chan, JP
	JM	Clews, QSO, JP
	RI	Clow
	LA	Cooper
	AK	Corban, OBE, JP
	RP	Dallow, QPM, JP
	WW	Flaunty, QSM, JP
	DE	Gilmour
	PA	Hulse
	JP	Lawley
	VS	Neeson, JP

OBSERVERS:

M Te Huia	(Deputy Chairperson Te Taumata Runanga)
EAG Grimmer, MNZM	(Chairperson Henderson Community Board)
P van der Voort, JP	(Chairperson New Lynn Community Board)
CA Shepherd, JP	(Chairperson Waitakere Community Board)
JG Riddell	(Deputy Chairperson Massey Community Board)
SF Davies	(Waitakere Community Board)
SJ McDonald	(Henderson Community Board)

IN ATTENDANCE:

Chief Executive Officer
Director: Strategy & Development
Director: Corporate & Civic Services
Director: Finance
Group Manager: Rates
Manager: Strategic Projects
Manager: Operations Support
Manager: Public Affairs
Maori Issues Manager
Legal Services Manager
Security Manager
Project Manager Democracy
Quality Assurance & Liaison Officer
Partnership and Advocacy Leader Economic Development
Democracy & Governance Team Manager
Committee Secretaries: O Schuster
N Delamere
Committee Administrators: C Fernandes
D Collett

PART A - OPENING OF MEETING

1 OPENING PRAYER

Abdul Rafik, Member of the Waitakere Muslim Community and President of the Waitakere Ethnic Board, said the Opening Prayer.

2 APOLOGIES

192/2005

MOVED by Cr Neeson, seconded Cr Hulse:

That an apology from Mayor Bob Harvey for lateness be received and sustained.

CARRIED

3 CONFIRMATION OF MINUTES

193/2005

MOVED by Cr Dallow, seconded Cr Clews:

That the minutes of the Meetings of the Council held on Wednesday, 9 December 2004 and Wednesday, 15 December 2004, including 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 - PETITION

The Mayor had approved the receipt of a petition from Councillor Gilmour containing 823 signatures from the customers of the Falls Restaurant and Café requesting Council to allow free parking for customers and staff. The Prayer of the petition reads as follows:

"The petition is from the customers of the Falls Restaurant and Café. The petition requests Council to allow the Falls Restaurant and Café free parking for their customers and staff. The petition is attached with 823 signatures."

194/2005

MOVED by Cr Booth, seconded Cr Neeson:

That the Petition from Councillor Gilmour, requesting Council to allow the Falls Restaurant and Café free parking for their customers and staff be received.

CARRIED

PART C - REPORT OF THE MAYOR

DEFERRED

195/2005

MOVED by Cr Clews, seconded Cr Gilmour:

That Part C - Report of the Mayor be deferred until prior to Part E: Confidential Items.

CARRIED

PART D - TE TAUMATA RUNANGA AND COMMUNITY BOARDS

5 TE TAUMATA RUNANGA

1 MAORI ECONOMIC DEVELOPMENT SUMMIT CONFERENCE 2005

196/2005

MOVED by Cr Clews, seconded Cr Cooper:

That Council approves the attendance (and resourcing) of Te Warena Taua - Te Taumata Runanga Chairperson, M Te Huia, and a representative from Te Roopu Puawai o Waitakere of Te Taumata Runanga at the national Maori Economic Development Summit Conference, "Hui Taumata", to be held on 1 - 3 March 2005.

CARRIED

2 OTHER MATTERS CONSIDERED

197/2005

MOVED by Cr Clews, seconded Cr Cooper:

That the report of the Meeting of Te Taumata Runanga held on Monday, 14 February 2005 be received.

CARRIED

6 WAITAKERE COMMUNITY BOARD

198/2005

MOVED by Cr Hulse, seconded Cr Chan:

That the report of the Meeting of the Waitakere Community Board held on Tuesday, 1 February 2005 be received.

CARRIED

7 MASSEY COMMUNITY BOARD

199/2005

MOVED by Cr Cooper, seconded Cr Flaunty:

That the report of the Meeting of the Massey Community Board held on Wednesday, 2 February 2005 be received.

CARRIED

8 HENDERSON COMMUNITY BOARD

200/2005

MOVED by Cr Gilmour, seconded Cr Dallow:

That the report of the Meeting of the Henderson Community Board held on Thursday, 3 February 2005 be received.

CARRIED

9 NEW LYNN COMMUNITY BOARD

201/2005

MOVED by Cr Clews, seconded Cr Clow:

That the report of the Meeting of the New Lynn Community Board held on Monday, 7 February 2005 be received.

CARRIED

PART E - REPORT OF THE CHIEF EXECUTIVE OFFICER

10 NATIONAL SEMINAR - "HOW TO GET VALUE FROM YOUR LIBRARY"

202/2005

MOVED by Cr Battersby, seconded Cr Hulse:

1. That the National Seminar - "How to get Value from your Library" report be received.
2. That Councillor Lawley be appointed to attend the National Seminar - "How to get Value from your Library".

CARRIED

11 LOCAL GOVERNMENT NEW ZEALAND SPECIAL GENERAL MEETING AND SUB-DELEGATION OF AUTHORITY TO ACT

203/2005

MOVED by Cr Neeson, seconded Cr Clow:

1. That the Local Government New Zealand Special General Meeting and Sub-delegation of Authority to Act report be received.
2. That Council authorises the Mayor, or his nominee, or in their absence the Chief Executive Officer or his nominee to exercise Council's vote at any future Local Government New Zealand meetings in accordance with Council's policy direction.
3. That Council votes in favour of the proposal to amend the time limit on the office of the President of Local Government New Zealand.

CARRIED

12 **RE-ESTABLISHMENT OF THE AUCKLAND REGIONAL ECONOMIC DEVELOPMENT STRATEGY ESTABLISHMENT GROUP**

204/2005

MOVED by Cr Battersby, seconded Cr Clews:

1. That the Re-establishment of the Auckland Regional Economic Development Strategy Establishment Group report be received.
2. That Council resolves to re-establish the Auckland Regional Economic Development Strategy Establishment Group as a Joint Committee under Schedule 7 of the Local Government Act 2002.
3. That Council re-appoints Councillors Hulse and Clow to the re-established Auckland Regional Economic Development Strategy Establishment Group, with the Mayor and Councillor Stone as alternates.
4. That Council delegates responsibility to the Establishment Group Joint Committee to provide governance for the implementation phase of the Auckland Regional Economic Development Strategy.
5. That Council adopts the Constitution attached pages at A3 to A14 to the Agenda subject to any amendments approved by the Legal Services Manager and authorise a nominated representative on the Establishment Group to sign the Constitution on behalf of Council.
6. That Council notes that the Auckland Regional Council is currently considering the regional recommendations for the long term governance agreements for Auckland Regional Economic Development Strategy.

CARRIED

13 **ROAD NAME CHANGES AND REDESIGNATION FOR MULVANEY AVENUE AND REDESIGNATION OF PEACHSTONE LANE**

205/2005

MOVED by Cr Dallow, seconded Cr Cooper:

1. That the Road Name Changes and Redesignation for Mulvaney Avenue and Redesignation of Peachstone Lane report be received.
2. That the street name "Peachstone Lane" for the portion of legal road located between Espalier Drive and Lot 100 on LT 334681 be revoked.
3. That the street name "Mulvaney Avenue" for the portion of legal road between Butia Avenue and Lot 100 LT 334681 be revoked.
4. That the portions of legal road referred in resolutions 2 and 3 above, together with Lot 100 on LT 334681 be named "Mulvaney Crescent".
5. That the access Lot (Lot 86 on DP 308215) serving the properties previously numbered 4 - 12 Peachstone Lane, continues to be called Peachstone Lane and be recognised in the Council's records accordingly.
6. That the conditions of Resource Consent RMA 20032105 be amended to reflect these changes, at no cost to the consent holder.

7. That the actions recommended by the Waitakere Community Board under Resolution Number 25/2005 be undertaken to support the adoption of Mulvaney Crescent and redesignation of Peachstone Lane, as follows:
- signage at either end of the new Mulvaney Crescent is updated accordingly by Council, at Council's cost;
 - a new street name plate opposite the entrance to Peachstone Lane be erected, at Council's cost;
 - Council contributes to the cost of any re-drawing of the survey plan and associated actions if required;
 - the Council owned reserve numbered 2 Peachstone Lane be re-addressed as Mulvaney Crescent.

CARRIED

14 REPLACEMENT OF ELECTED MEMBER TO TE TAUMATA RUNANGA

206/2005

MOVED by Cr Neeson, seconded Cr Flaunty:

1. That the Replacement of Elected Member to Te Taumata Runanga report be received.
2. That Council appoints Councillor Cooper to Te Taumata Runanga, replacing Councillor Booth.

CARRIED

15 APPOINTMENT TO LOPDELL HOUSE SOCIETY INCORPORATED MANAGEMENT COMMITTEE

207/2005

MOVED by Cr Neeson, seconded Cr Clews:

1. That the Appointment to Lopdell House Society Incorporated Management Committee report be received.
2. That Councillor Booth be appointed as Council's representative to the Lopdell House Society Incorporated Management Committee to replace Councillor Cooper.

CARRIED

PART E - CONFIDENTIAL ITEMS

- 16 **LAINGHOLM CATCHMENT - FLOODING ISSUES UPDATE**
- 17 **1 RATANUI STREET, HENDERSON - LOT 22 DP 8400**
- 18 **OLD NEW LYNN HOTEL**
- 19 **PREMIUM PROPERTY HOLDINGS LIMITED AGREEMENT**
- 20 **DEVELOPMENT AGREEMENT WITH HOUSING NEW ZEALAND CORPORATION FOR HOBSONVILLE AIRBASE**

DEFERRED

208/2005

MOVED by Cr Clews, seconded Cr Booth:

That Item 16: Laingholm Catchments - Flooding Issues Update, Item 17: 1 Ratanui Street, Henderson - Lot 22 DP 8400, Item 18: Old New Lynn Hotel and Item 19: Premium Property Holdings Limited Agreements be considered with the public excluded and deferred to follow Part C - Report of the Mayor.

CARRIED

PART G - STANDING COMMITTEE REPORTS

- 21 **CITY DEVELOPMENT COMMITTEE**
 - 1. **COUNCIL REPRESENTATION AT THE LOCAL GOVERNMENT TRANSPORT FORUM 14 FEBRUARY 2004, WELLINGTON, NEW ZEALAND**

209/2005

MOVED by Cr Hulse, seconded Cr Neeson:

That Council approves retrospectively the attendance (and resourcing) of the Mayor and Deputy Mayor at the Local Government Transport Forum in Wellington on Monday, 14 February 2005.

CARRIED

- 2. **COUNCIL REPRESENTATION AT THE AUSTRALIAN CONGRESS FOR NEW URBANISM 11 - 13 MARCH 2005, SYDNEY, AUSTRALIA**

210/2005

MOVED by Cr Hulse, seconded Cr Clews:

- 1. That Council approves the attendance (and resourcing) of the Chairperson and Deputy Chairperson, City Development Committee and the Chairperson, Hearings Committee at the Australian Congress for New Urbanism in Sydney, New South Wales from 11 - 13 March 2005.
- 2. That provision be made by Council to cover conference and accommodation costs of other Councillors wishing to attend the conference, and that travel costs be at the individual Councillors own expense.

CARRIED

3. **WAITAKERE SPORTS COMPLEX JETTY**

211/2005

MOVED by Cr Hulse, seconded Cr Dallow:

That consideration be given, by Council, to the Waitakere Sports Complex Jetty being named Chris Timms Jetty in recognition of Chris Timms' contribution to the City and as a tribute to his achievements in the sport of yachting, and that a further report be presented to Council for final approval.

CARRIED

4. **OTHER MATTERS CONSIDERED**

212/2005

MOVED by Cr Hulse, seconded Cr Cooper:

That the report of the Meeting of the City Development Committee held on Thursday, 3 February 2005 be received.

CARRIED

22 **FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE**

1. **AMENDMENTS TO RATING SYSTEM**

213/2005

MOVED by Cr Clews, seconded Cr Hulse:

That the proposed changes to the Differential Rating System, Description of the Rating System as attached to the Agenda at pages A21 to A29, and proposed changes to the Rates Remission Policy on Uniform Annual General Charges as attached to the Agenda at pages A30 to A35, be adopted for inclusion in the draft Annual Plan 2005/2006 for public consultation.

CARRIED

2. **OTHER MATTERS CONSIDERED**

214/2005

MOVED by Cr Clews, seconded Cr Gilmour:

That the report of the Meeting of the Finance and Operational Performance Committee held on Monday, 7 February 2005 be received.

CARRIED

23 PLANNING AND REGULATORY COMMITTEE

1. COMMUNITY BOARD APPOINTMENTS TO THE HEARINGS COMMITTEE

215/2005

MOVED by Cr Neeson, seconded Cr Clow:

That the current membership of the Hearings Committee remain unchanged.

CARRIED

NOTE: Pursuant to Standing Order 32.12 Cr Flaunty requested that his vote against the motion be recorded.

2. OTHER MATTERS CONSIDERED

216/2005

MOVED by Cr Dallow, seconded Cr Flaunty:

That the report of the Meeting of the Planning and Regulatory Committee held on Tuesday, 8 February 2005 be received.

CARRIED

PART C - REPORT OF THE MAYOR

217/2005

MOVED by Cr Battersby, seconded Cr Lawley:

1. That the Report of the Mayor be received.
2. That the Council approves a tree planting and memorial plaque for Bryce (Briz) Mills at a venue to be decided.

CARRIED

PART F - CONFIDENTIAL ITEMS

16 LAINGHOLM CATCHMENT - FLOODING ISSUES UPDATE

17 1 RATANUI STREET, HENDERSON - LOT 22 DP 8400

18 OLD NEW LYNN HOTEL

19 PREMIUM PROPERTY HOLDINGS LIMITED AGREEMENT

DEFERRED

218/2005

MOVED by Cr Chan, seconded Cr Booth:

That Item 19: Premium Property Holdings Limited Agreement be deferred at this time and be referred to the City Development Committee meeting to be held in April 2005.

CARRIED

20 DEVELOPMENT AGREEMENT WITH HOUSING NEW ZEALAND CORPORATION FOR HOBSONVILLE AIRBASE

PROCEDURAL MOTION TO EXCLUDE THE PUBLIC

219/2005

MOVED by Cr Booth, seconded Cr Hulse:

1. That the public be excluded from the following parts of the proceedings of this meeting, namely, Laingholm Catchment - Flooding Issues Update; 1 Ratanui Street, Henderson - Lot 22 DP 8400; Old New Lynn Hotel; and Development Agreement with Housing New Zealand Corporation for Hobsonville Airbase.

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"> • Laingholm Catchment - Flooding Issues Update 	<p>The withholding of information is necessary in order to:</p> <ul style="list-style-type: none"> • maintain legal professional privilege; • 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"> • 1 Ratanui Street, Henderson - Lot 22 DP 8400 	<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"> • Old New Lynn Hotel 	<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"> • Development Agreement with Housing New Zealand Corporation for Hobsonville Airbase 	<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>
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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 Sections 7(2)(g) 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 could affect the Council's negotiations and Council's future access to information and opinions from the legal profession.*
2. That Christine Shepherd, Chairperson, Waitakere Community Board, be permitted to remain for Item 16: Laingholm Catchment - Flooding Issues Update, after the public has been excluded, because of her knowledge of the matter being discussed. This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because of background information and advice which will be required by Council when assessing options available to it and in explaining any decision to the community.

CARRIED

6.24 pm The public were excluded.

Minute Numbers 220/2005 - 224/2005 are recorded in the Confidential Section of these Minutes.

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

6.36 pm The public were re-admitted.

RESTATEMENTS

The Council resolved while the public were excluded:

1. (Moved by Cr Dallow, seconded Cr Chan) (resolution 220/2005 no. 5) *"That the Deed of Settlement contains a confidentiality clause, and further that the Laingholm Catchment - Flooding Issues Update report and associated resolutions remain confidential until further notice"*.
2. (Moved by Cr Clews, seconded Cr Cooper) (resolution 222/2005) *"That the 1 Ratanui Street, Henderson - Lot 22 DP 8400 Agenda report and resolution 222/2005 remain confidential until further notice"*.
3. (Moved by Battersby, seconded Cr Lawley) (resolution 223/2005) *"That the Old New Lynn Hotel Agenda report and resolution 223/2005 remain confidential until further notice"*.
4. (Moved by Cr Cooper, seconded Cr Clews) (resolution 224/2005) *"That the Development Agreement with Housing New Zealand Corporation for Hobsonville Airbase report and resolution 224/2005 remain confidential until further notice"*.

PART H - PRESENTATION

There were no Presentations.

PART I - PROCEDURAL MATTERS

24 QUESTIONS

There were no Questions.

25 NOTICES OF MOTION

There were no Notices of Motion.

26 CLOSING PRAYER

Councillor Stone said the Closing Prayer.

6.36 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:.....

