

MINUTES OF A MEETING OF THE COUNCIL HELD IN THE CIVIC CENTRE,  
6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,  
ON WEDNESDAY, 27 JULY 2005,  
COMMENCING AT 5.30 PM.

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ON WEDNESDAY, 27 JULY 2005,  
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**PRESENT:**

Mayor	RA	Harvey, QSO, JP
Deputy Mayor	CA	Stone (until 7.35 pm)
Councillors	DQ	Battersby, JP
	PJ	Booth, OBE
	MFP	Chan, JP
	JM	Clews, QSO, JP
	RI	Clow
	LA	Cooper (until 7.10 pm)
	RP	Dallow, QPM, JP
	WW	Flaunty, QSM, JP (until 7.10 pm)
	DE	Gilmour
	PA	Hulse
	JP	Lawley (until 7.28 pm)
	VS	Neeson, JP

**OBSERVERS:**

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

**IN ATTENDANCE:**

Director: City Services  
Director: Quality Assurance  
Director: Public Affairs  
Group Manager: Democracy and Support Services  
Manager: Transport Strategy  
Manager: Legal Services  
Manager: Public Affairs  
Projects Manager Democracy  
Project Manager e-Infrastructure  
Quality Assurance & Liaison Officer  
Legal and Insurance Officer  
Democracy Support and Sister City Officer  
Committee Secretary: N Delamere  
O Schuster  
A Chan

**ALSO PRESENT:**

Graham Wakefield, Consultant  
Dr William Randall, Deputy Chairman, Auckland Museum Trust Board  
Dr Rodney Wilson, Director, Auckland Museum  
Amanda Sutherland, Development Manager, Auckland Museum  
Chris White, General Manager, Connex

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

### **1 OPENING PRAYER**

Doug Hewlett from the New Lynn Bible Chapel said the Opening Prayer.

### **2 APOLOGIES**

1395/2005

MOVED by Cr Clews, seconded Cr Neeson:

That an apology from Cr Corban for absence be received and sustained.

**CARRIED**

### **3 CONFIRMATION OF MINUTES**

1396/2005

MOVED by Cr Clews, seconded Cr Dallow:

That the minutes of the Meeting of the Council held on Tuesday, 28 June 2005 and Wednesday, 29 June 2005, including the public excluded minutes, as circulated, be taken as read and now be confirmed subject to an amendment to the 28 June 2005 Council minutes, Item 3. Annual Plan 2005/2006 and Amendments to the Long Term Council Community Plan, minute no. 1213/2005 to delete:

- *seconded by Cr Flaunty, and replace with seconded by Cr Clews.*  
and add that:
- *Cr Flaunty's vote be recorded against* minute no. 1213/2005.

**CARRIED**

### **4 URGENT BUSINESS**

There was no Urgent Business.

## **PART B - DEPUTATION**

Chris Gedye on behalf of Westpark Marina Users Association Trust made a submission on the subject, namely, 'Issues of the Westpark Marina Seabed Licences, and vehicle and boat trailer parking'.

1397/2005

MOVED by Cr Cooper, seconded Cr Dallow:

That the information be received.

**CARRIED**

### **PRECEDENCE OF BUSINESS**

1398/2005

MOVED by Cr Booth, seconded Cr Hulse:

That Part E - Report of the Chief Executive Officer - Item 10: Westpark Marina - Update and Part G - Presentations be accorded precedence at this time.

**CARRIED**

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

### **10 WESTPARK MARINA - UPDATE**

1399/2005

MOVED by Cr Cooper, seconded Cr Clews:

1. That the Westpark Marina - Update report and related attachments be received.
2. That the proposed temporary sub-lease of Lots 7 DP110480 and Lot 2 DP195238 be approved in principle, subject to the terms and conditions being to the satisfaction of the Director: Corporate & Civic Services and Council's Legal Services Manager and authority be given to execute the document under seal.
3. That resolution 2065/2004 to acquire Lots 45 and 49 under the provisions of the Public Works Act be affirmed and that action to acquire the land continue, if necessary in the opinion of Council's Legal Services Manager, through service of formal notices of intention to take such lands for the purposes outlined.
4. That the proposal to seek to negotiate an exchange of the estates and interests in land as set out be approved in principle provided that no binding commitment is made pending presentation of a detailed report to Council.

**CARRIED**

## **PART G - PRESENTATIONS**

7.10 pm Crs Cooper and Flaunty left the meeting.

### **14 RAIL SERVICE**

Chris White, General Manager, Connex gave a presentation on the Auckland Rail Service.

### **15 AUCKLAND MUSEUM**

A delegation from the Auckland Museum which comprised of Dr William Randall (Deputy Chairman, Auckland Museum Trust Board), Dr Rodney Wilson (Director, Auckland Museum) and Amanda Sutherland (Development Manager, Auckland Museum) gave a presentation on the development of the Auckland Museum.

1400/2005

MOVED by Cr Clews, seconded Cr Neeson:

That the Auckland Museum presentation be received.

**CARRIED**

7.28 pm Cr Lawley left the meeting.

### **16 CITATION**

The Mayor gave a Citation to Lydia Gillies, Life Guard at West Wave Aquatic Centre, in recognition of her extreme act of bravery in saving the life of an American kite surfer in Muriwai Beach, on Saturday, 28 May 2005.

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

7.35 pm Cr Stone left the meeting.

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

1401/2005

MOVED by Cr Clow, seconded Cr Booth:

That the Report of the Mayor be received.

**CARRIED**

7.38 pm Cr Hulse left the meeting.

### **PART D - REPORTS OF TE TAUMATA RUNANGA, NEW LYNN COMMUNITY BOARD, WAITAKERE COMMUNITY BOARD, MASSEY COMMUNITY BOARD AND HENDERSON COMMUNITY BOARD**

#### **5 TE TAUMATA RUNANGA**

1402/2005

MOVED by Cr Clow, seconded Cr Dallow:

That the report of the Meeting of Te Taumata Runanga held on Monday, 18 July 2005 be received.

**CARRIED**

#### **6 NEW LYNN COMMUNITY BOARD**

##### **1. CHAIRPERSON'S REPORT - TRIBUTE TO SIR TOM CLARK**

1403/2005

MOVED by Cr Clews seconded Cr Clow:

That Sir Tom Clark be commemorated in New Lynn with an appropriate statue or other work of art.

**CARRIED**

##### **2. OTHER MATTERS CONSIDERED**

1404/2005

MOVED by Cr Clews, seconded Cr Clow:

That the report of the Meeting of the New Lynn Community Board held on Monday, 4 July 2005 be received.

**CARRIED**

**7 WAITAKERE COMMUNITY BOARD**

7.40 pm Cr Hulse returned to the meeting.

1405/2005

MOVED by Cr Hulse, seconded Cr Booth:

That the report of the Meeting of the Waitakere Community Board held on Tuesday, 5 July 2005 be received.

**CARRIED**

**8 MASSEY COMMUNITY BOARD**

**1. LEASE OF PART OF GLEN NORMAN RESERVE**

1406/2005

MOVED by Cr Chan, seconded Cr Gilmour:

That the Chief Executive Officer be given authority in the absence of any objections to the reclassification to apply to the Department of Conservation under section 24 of the Reserves Act 1977 for the reclassification of Lot 2 Deposited Plan 54537 as a local purpose (community buildings) reserve as specified in section 23 of that Act for the purposes of granting a lease to Te Akoranga Playcentre Association Incorporated.

**CARRIED**

**2. OTHER MATTERS CONSIDERED**

1407/2005

MOVED by Cr Chan, seconded Cr Gilmour:

That the report of the Meeting of the Massey Community Board held on Wednesday, 6 July 2005 be received.

**CARRIED**

**9 HENDERSON COMMUNITY BOARD**

NOTE: The Chairperson of the Henderson Community Board expressed to the Council the Board's disappointment and concern at the closure of the Te Atatu South Library.

1408/2005

MOVED by Cr Gilmour, seconded Cr Hulse:

That the report of the Meeting of the Henderson Community Board held on Thursday, 7 July 2005 be received.

**CARRIED**

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

**10 WESTPARK MARINA - UPDATE**

This item was considered following Part B - Deputation.

**10A LOCAL GOVERNMENT NEW ZEALAND 2005 CONFERENCE**

1409/2005

MOVED by Cr Clow, seconded Cr Gilmour:

1. That the Local Government New Zealand 2005 Conference report be received.
2. That Councillor Hulse's attendance at the Local Government New Zealand 2005 Conference at Christchurch from 24 to 27 July 2005 be approved.
3. That Councillor Hulse's nomination as the alternate presiding delegate for the purposes of the Local Government New Zealand Annual General Meeting be confirmed.

**CARRIED**

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

**11 CITY DEVELOPMENT COMMITTEE**

**PROPOSAL FROM WEST AUCKLAND DISTRICT COUNCIL OF SOCIAL SERVICES INCORPORATED FOR A COMMUNITY RESOURCE CENTRE AT TUI GLEN RESERVE**

1410/2005

MOVED by Cr Hulse, seconded Cr Booth:

1. That the Chief Executive Officer be given authority in the absence of any objections to the reclassification to apply to the Department of Conservation for the reclassification of the part of Tui Glen to be occupied by the West Auckland District Council of Social Services Incorporated as identified on the map attached at page A1 to the Agenda report under Section 24 of the Reserves Act 1977 as a local purpose (community buildings) reserve as specified in Section 23 of that Act for the purposes of granting a lease to West Auckland District Council of Social Services Incorporated.
2. That the report of the Meeting of the City Development Committee held on Thursday, 7 July 2005 be received.

**CARRIED**

**12 FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE**

**1. SALE OF SURPLUS PROPERTY AT 8 HUGH BROWN DRIVE, NEW LYNN**

1411/2005

MOVED by Cr Clews, seconded Cr Clow:

- (a) That it be noted that the surplus land has been offered back to the former owners consistent with the requirements of Section 40 of the Public Works Act 1981, and they have declined;
- (b) That the land for the pump station at 8 Hugh Brown Drive, New Lynn be requested to be set apart pursuant to Section 52(4) of the Public Works Act;
- (c) That a report on opportunities for development around the surplus land at 8 Hugh Brown Drive, New Lynn be brought to the September 2005 meeting of the Finance and Operational Performance Committee.

**CARRIED**

2. **OTHER MATTERS CONSIDERED**

1412/2005

MOVED by Cr Clews, seconded Cr Clow:

That the report of the Meeting of the Finance and Operational Performance Committee held on Monday, 11 July 2005 be received.

**CARRIED**

13 **PLANNING AND REGULATORY COMMITTEE**

1. **BYLAW REVIEW UNDER THE LOCAL GOVERNMENT ACT 2002**

1413/2005

MOVED by Cr Neeson, seconded Cr Dallow:

1. That the Bylaw Review Under the Local Government Act 2002 report be received.
2. That the Planning and Regulatory Committee's recommendations to Council in respect of the review of **Bylaw No.26 (1994) Food Safety** be approved, namely:
  - a) That having considered the possible options, a Bylaw is the most appropriate mechanism to assist in the regulation of food premises and to ensure the provision of safe food within the City;
  - b) That for the reasons given in the agenda report, the draft form of Bylaw produced and amended at the Planning and Regulatory Committee on 12 July 2005 updating the existing Food Safety Bylaw No.26 (1994), is the most appropriate form of Bylaw to achieve Council's objectives;
  - c) That the draft Bylaw has no implications which are inconsistent with the New Zealand Bill of Rights Act 1990;
  - d) That the Statement of Proposal and Summary of Information attached to this report is approved in principle. Officers are authorised to make any necessary editorial and formatting changes and implement the Special Consultative Procedure as set out in Section 83 Local Government Act 2002;
  - e) That the Planning and Regulatory Committee will hear any submissions during November 2005 with a report in relation to the proposed Bylaw to be brought back to Council for final decision.
3. That the Planning and Regulatory Committee's recommendations to Council (Resolutions 631/2005 and 808/2005 refers) regarding the proposal to repeal redundant bylaws are approved, namely:
  - a) That the 7 Bylaws listed below be repealed for the reasons given on the agenda reports;
    - No.3 (1990) Land Subdivision and Development
    - No.12 (1990) Certification Fee for Documents
    - No.15 (1990) Dangerous Goods Approvals and Inspection Fees
    - No.16 (1990) Fencing of Swimming Pools
    - No.23 (1990) Clean Indoor Air
    - No.21 (1990) Hazardous Substances
    - No.24 (1990) Construction Noise

- b) That the Summary of Information and Statement of Proposal attached at pages A46 to A57 in the Agenda report in respect of the proposed repeals, are approved.
- c) That officers be authorised to proceed with the Special Consultative Procedure as defined in the Local Government Act 2002.

**CARRIED**

**2. OTHER MATTERS CONSIDERED**

1414/2005

MOVED by Cr Neeson, seconded Cr Dallow:

That the report of the Meeting of the Planning and Regulatory Committee held on Tuesday, 12 July 2005 be received.

**CARRIED**

**PART G - PRESENTATIONS**

**14 RAIL SERVICE**

**15 AUCKLAND MUSEUM**

**16 CITATION**

These items were considered following Part E - Report Of The Chief Executive Officer - Item 10: Westpark Marina - Update.

**PART H - PROCEDURAL MATTERS**

**17 QUESTIONS**

There were no Questions.

**18 NOTICES OF MOTION**

There were no Notices of Motion.

**PART I - PUBLIC EXCLUDED MATTER**

**19 REPORT FROM FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE:**

**A THE WAITAKERE REGIONAL SPORTS TRUST - FINANCIAL ASSISTANCE**

**B PROJECT TWIN STREAMS - PROPERTY PURCHASES**

**PROCEDURAL MOTION TO EXCLUDE THE PUBLIC**

1415/2005

MOVED by Cr Gilmour, seconded Cr Hulse:

That the public be excluded from the following part of the proceedings of this meeting, namely, Report from Finance and Operational Performance Committee: A) The Waitakere Regional Sports Trust - Financial Assistance and B) Project Twin Streams - Property Purchases.

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.
<p>Report from Finance and Operational Performance Committee:</p> <ul style="list-style-type: none"> <li>• A. The Waitakere Regional Sports Trust - Financial Assistance.</li> <li>• B. Project Twin Streams - Property Purchases</li> </ul>	<p>The withholding of information is necessary in order to:</p> <ul style="list-style-type: none"> <li>• protect information where the making available of the information - would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.</li> <li>• enable any 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) and 7(2)(b)(ii) 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 contain information which if released could prejudice the commercial position of the subject who supplied the information and affect the Council's negotiations.*

**CARRIED**

7.50 pm        The public were excluded.

Minute Numbers 1416/2005 to 1417/2005 are recorded in the Confidential Section of these Minutes.

7.53 pm        The public were readmitted.

**RESTATEMENT**

The Council resolved while the public were excluded:

(Moved by Cr Clews, seconded Cr Clow) (resolution 1416/2005 no. 2) *"That resolution 1416/2005 no. 1 remain confidential until further notice."*

(Moved by Cr Clews, seconded Cr Battersby) (resolution 1417/2005 no. 2) *"That resolution 1417/2005 no. 1 remain confidential until further notice."*

**20      CLOSING PRAYER**

Cr Clews said the closing prayer.

7.54 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:**.....

