

**MINUTES OF A MEETING OF THE COUNCIL HELD IN THE CIVIC CENTRE,
6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,
ON WEDNESDAY, 29 JUNE 2005
COMMENCING AT 5.35 PM**

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WAITAKERE CITY COUNCIL



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PRESENT:

Mayor	RA	Harvey, QSO, JP
Deputy Mayor	CA	Stone
Councillors	DQ	Battersby, JP
	MFP	Chan, JP
	JM	Clews, QSO, JP
	LA	Cooper
	AK	Corban, OBE, JP
	RP	Dallow, QPM, JP
	WW	Flaunty, QSM, JP
	PA	Hulse
	JP	Lawley
	VS	Neeson, JP

ABSENT:

Councillor	DE	Gilmour
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OBSERVERS:

M Te Huia	(Deputy Chairperson Te Taumata Runanga)
EAG Grimmer, MNZM	(Chairperson Henderson Community Board)
JA Good	(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:

- Chief Executive Officer
- Director: Strategy & Development
- Director: Corporate & Civic Services
- Director: Quality Assurance
- Director: Public Affairs
- Director: Finance
- Manager: Solid Waste
- Manager: Legal Services
- Manager: Public Affairs
- Security Manager
- Civil Defence Manager
- Projects Manager Democracy
- Democracy and Governance Team Manager
- Parks & Green Assets: Quality Liaison Officer
- Senior Analyst Environmental
- Special Projects Engineer
- Mayoral Executive
- Committee Administrator: D Tukutama
- Committee Secretaries - Owena Schuster
- Ngareta Delamere
- Audrey Chan

PART A - OPENING OF MEETING

1 OPENING PRAYER

Martien Kelderman (Elder of Te Atatu Bible Chapel) said the Opening Prayer.

2 APOLOGIES

1140/2005

MOVED by Cr Neeson, seconded Cr Clews:

That Apologies from Crs Booth and Clow for absence be received and sustained.

CARRIED

3 CONFIRMATION OF MINUTES

1141/2005

MOVED by Cr Dallow, seconded Cr Corban:

That the minutes of the Meetings of the Council held on Tuesday, 17 May 2005, Tuesday, 24 May 2005, Wednesday, 25 May 2005 and Wednesday, 15 June 2005, 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 - REPORT OF THE MAYOR

1142/2005

MOVED by Cr Battersby, seconded Cr Lawley:

1. That the Report of the Mayor be received.
2. That the Mayor be authorised to set up a working party to plan for and organise a civic event to celebrate the opening of the new Civic Centre in Henderson in June 2006.
3. That Council endorses Mayor Bob Harvey's proposed invitation to Mr Chris White to attend the July 2005 Council meeting.

CARRIED

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

5 TE TAUMATA RUNANGA

1143/2005

MOVED by Cr Lawley, seconded Cr Cooper:

That the report of the Meeting of Te Taumata Runanga held on Monday, 13 June 2005 be received.

CARRIED

6 NEW LYNN COMMUNITY BOARD

1144/2005

MOVED by Cr Clews, seconded Cr Battersby:

That the report of the Meeting of the New Lynn Community Board held on Monday, 30 May 2005 be received.

CARRIED

7 WAITAKERE COMMUNITY BOARD

1145/2005

MOVED by Cr Hulse, seconded Cr Stone:

That the report of the Meeting of the Waitakere Community Board held on Tuesday, 31 May 2005 be received.

CARRIED

8 MASSEY COMMUNITY BOARD

1146/2005

MOVED by Cr Flaunty, seconded Cr Cooper:

That the report of the Meeting of the Massey Community Board held on Wednesday, 1 June 2005 be received.

CARRIED

9 HENDERSON COMMUNITY BOARD

1147/2005

MOVED by Cr Corban, seconded Cr Clews:

That the report of the Meeting of the Henderson Community Board held on Thursday, 2 June 2005 be received.

CARRIED

Note: The Community Board representatives were thanked for their attendance and input throughout the Long Term Council Community Plan and Annual Plan Special Committee process.

PART D - REPORT OF THE CHIEF EXECUTIVE OFFICER

10 OFFICIAL VISIT TO KAKOGAWA AND NINGBO AND ATTENDANCE AT THE MAYORS FOR PEACE CONFERENCE

1148/2005

MOVED by Cr Flaunty, seconded Cr Battersby:

1. That the Official Visit to Kakogawa and Ningbo and Attendance at the Mayors for Peace Conference report be received.
2. That the Council approves the attendance and resourcing of Councillor Peter Chan on the official visit to Ningbo from 7 August to 11 August 2005 inclusive, on the basis that all costs outside of those dates be paid for by Councillor Peter Chan.
3. That the Council approves the attendance and resourcing of Councillor Peter Chan on the official visit to Kakogawa, and attendance at the Mayors for Peace Conference in Hiroshima from 30 July to 6 August 2005 inclusive, on the basis that accommodation costs related to the conference in Hiroshima be paid for by Councillor Peter Chan.

CARRIED

11 REPLACEMENT APPOINTMENT TO TE TAUMATA RUNANGA - REPRESENTATIVE OF TE RUNANGA O NGATI WHATUA

1149/2005

MOVED by Cr Cooper, seconded Cr Clews:

1. That the Replacement Appointment to Te Taumata Runanga - Representative of Te Runanga O Ngati Whatua report be received.
2. That Awa Hudson be appointed as Te Runanga O Ngati Whatua representative on Te Taumata Runanga, and that an alternate be appointed once notification of the appointee has been received from Te Runanga O Ngati Whatua.

CARRIED

12 COUNCIL REPRESENTATION ON LOWER ORATIA STREAM RESERVES MANAGEMENT PLAN SUBCOMMITTEE

1150/2005

MOVED by Cr Hulse, seconded Cr Cooper:

1. That the Council Representation on the Lower Oratia Stream Reserves Management Plan Subcommittee report be received.
2. That Council appoints Councillor Stone to represent the City Development Committee on the Lower Oratia Stream Reserves Management Plan Subcommittee, and that the delegations of the Subcommittee be amended accordingly.
3. That the Waitakere and Henderson Community Boards be advised of the amended delegations of the Lower Oratia Stream Reserves Management Plan Subcommittee.

CARRIED

13 TE ATATU BOATING CLUB INCORPORATED

1151/2005

MOVED by Cr Corban, seconded Cr Dallow:

1. That the Te Atatu Boating Club Incorporated report be received.
2. That the action of the Chief Executive Officer in authorising the issue of injunction proceedings against Te Atatu Boating Club Incorporated, and the giving of an undertaking as to damages, be approved.
3. That officers be directed to endeavour to find a suitable basis for a negotiated settlement of the differences between the Council and Te Atatu Boating Club Incorporated, so as to avoid the need for further litigation if possible.
4. That officers enter into negotiation with Te Atatu Boating Club for rationalisation of the boundaries between the Boating Club's land (Lot 1 DP 133949) and the adjoining Esplanade Reserve (Lot 89 DP 39914).

CARRIED

14 WAITAKERE CITY COUNCIL SPEED LIMITS BYLAW 2005

1152/2005

MOVED by Cr Dallow, seconded Cr Hulse:

1. That the Waitakere City Council Speed Limits Bylaw 2005 report be received.
2. That editorial amendments authorised to be made by Council officers in respect of the draft Bylaw approved for public consultation at Council's 30 March 2005 meeting be adopted.
3. That the draft Bylaw as amended, a copy of which is attached to the Agenda at pages A20 to A25, be adopted with immediate effect.
4. That the Speed Limit Schedules in the draft Bylaw attached to the Agenda at pages A21 to A25 form the basis of the Council's Speed Limits Register as required by the new Land Transport Rule 54001.
5. That Council officers complete a review of Waitakere City's speed limits and the Speed Limits Bylaw 2005 by the end of 2005 in accordance with the procedure prescribed in Schedule 1 of the Land Transport Rule 54001 and in consultation with the local community. A report, with an amended Bylaw, should then be presented to the City Development Committee.

CARRIED

15 WESTPARK MARINA SEABED LICENCE

1153/2005

MOVED by Cr Clews, seconded Cr Cooper:

1. That the Westpark Marina Seabed Licence report be received.
2. That the Deed of Rent Review be endorsed and that the current arrears for the five (5) year period ending 7 October 2005 in the sum \$427,000 plus GST be authorised to be paid to the Auckland Regional Council on 30 June 2005.
3. That authority be granted to make application to the Crown to renew the Seabed Head Licence at Westpark Marina for a further term of 20 years commencing on 8 October 2005 and providing the renewal document is consistent with the terms of the existing licence and is to the satisfaction of Council's Manager: Legal Services in all respects, to execute the new licence under seal.
4. That, subject to Council's Manager: Legal Services being satisfied with respect to compliance under the current Sub-Licence and to the arrangements outlined in the Agenda report, and subject to Council obtaining renewal of the Head Licence as set out above, approval be given to grant a renewal of the seabed Sub-Licence at Westpark Marina to Westpark Marina Limited for a further term of 20 years commencing on 8 October 2005 in accordance with the existing obligation so to do, and authority be given to execute such document under seal.

CARRIED

16 DRAFT WASTE BYLAW

1154/2005

MOVED by Cr Neeson , seconded Cr Hulse:

1. That the Draft Waste Bylaw report be received.
2. That the sentence "*Adopted at a meeting of the Waitakere City Council on 29 June 2005 by Resolution 1154/2005*" be added at the end of the Waste Bylaw as attached to the Agenda on page A118.
3. That the Council adopts the Waitakere City Council Waste Bylaw 2005 as amended by the recommendations of the Planning and Regulatory Committee and by the Council's legal advisor's Kensington Swan, as attached to the Agenda at pages A80 to A118.
4. That the Licence Fee be set at \$300 per annum.
5. That the Council determines that the Waitakere City Council Waste Bylaw 2005, with the exception of Part 5: Offence to Deposit Unsolicited Advertising, becomes operative on 1 August 2005.
6. That the Council considers, at its meeting in June 2006, whether or not Part 5 becomes operative on 1 July 2006, depending upon the success of the voluntary Code of Practice in respect to the generation of street litter.

CARRIED

Note: Senior Analyst Environmental, Carol Bergquist and Manager: Solid Waste, Jon Roscoe were extended a vote of thanks for their endeavours in bringing to fruition the draft Waste Bylaw.

PART E - REPORTS FROM THE STANDING COMMITTEES

17 CITY DEVELOPMENT COMMITTEE

1. COUNCIL REPRESENTATION AT THE URBANISM DOWN UNDER CONFERENCE, 18 - 20 AUGUST 2005, WELLINGTON

1155/2005

MOVED by Cr Hulse, seconded Cr Clews:

That the attendance (and resourcing) of four (4) Councillors at the Urbanism Down Under Conference in Wellington, 18 - 20 August 2005, be approved.

CARRIED

2. OTHER MATTERS CONSIDERED

1156/2005

MOVED by Cr Hulse, seconded Cr Clews:

That the report of the Meeting of the City Development Committee held on Thursday, 2 June 2005 be received.

CARRIED

18 PLANNING AND REGULATORY COMMITTEE

1157/2005

MOVED by Cr Neeson, seconded Cr Flaunty:

That the report of the Meeting of the Planning and Regulatory Committee held on Tuesday, 7 June 2005 be received.

CARRIED

19 FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE

1158/2005

MOVED by Cr Clews, seconded Cr Lawley:

That the report of the Meeting of the Finance and Operational Performance Committee held on Monday, 13 June 2005 be received.

CARRIED

PART F - PROCEDURAL MATTERS

20 QUESTIONS

There were no questions.

21 **NOTICE OF MOTION**

There was no Notice of Motion.

PART G - PUBLIC EXCLUDED MATTER

22 **CIVIL DEFENCE OPERATING CENTRE - FUTURE OPTIONS**

PROCEDURAL MOTION TO EXCLUDE THE PUBLIC

1159/2005

MOVED by Cr Flaunty, seconded Cr Cooper:

That the public be excluded from the following part of the proceedings of this meeting, Civil Defence Operating Centre - Future Options.

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"> • Civil Defence Operating Centre - Future Options. 	<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>

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

6.12 pm The public were excluded.

Minute Number 1160/2005 is recorded in the Confidential Section of these Minutes.

6.20 pm The public were readmitted.

RESTATEMENT

The Council resolved while the public were excluded:

Civil Defence Operating Centre - Future Options

(Moved by Cr Battersby, seconded Cr Flaunty) *"That the Civil Defence Emergency Operating Centre - Future Options Agenda report and resolution 1160/2005 remain confidential until further notice."*

23 CLOSING PRAYER

Cr Peter Chan said the closing prayer.

6.22 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:.....

