

**MINUTES OF A MEETING OF THE COUNCIL HELD AT WAITAKERE CENTRAL,
6 HENDERSON VALLEY ROAD, HENDERSON, WAITAKERE,
ON WEDNESDAY 19 DECEMBER 2007,
COMMENCING AT 5.34 PM**

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6 HENDERSON VALLEY ROAD, HENDERSON, WAITAKERE,
ON WEDNESDAY, 19 DECEMBER 2007
COMMENCING AT 5.34 PM**

PRESENT:

| | | |
|--------------|-----|--------------------------------|
| Mayor | RA | Harvey, QSO, JP |
| Deputy Mayor | PA | Hulse |
| Councillors | DQ | Battersby, JP |
| | BA | Brady, JP |
| | MFP | Chan, JP |
| | RI | Clow |
| | LA | Cooper, JP |
| | AK | Corban, OBE, JP |
| | RP | Dallow, QPM, JP (from 6.43 pm) |
| | WW | Flaunty, QSM, JP |
| | MM | Jolley |
| | JP | Lawley, JP |
| | PG | Mitchell |
| | VS | Neeson, JP |

OBSERVERS:

| | |
|---------------------|--|
| W Paki, JP | (Chairman, Te Taumata Runanga) |
| M Te Huia | (Deputy Chairman, Te Taumata Runanga) |
| EAG Grimmer, MNZM | (Chairman, Henderson Community Board) |
| JG Riddell | (Chairman, Massey Community Board) |
| GPJ Marshall | (Chairman, New Lynn Community Board) |
| Alana Wadsworth | (Waitakere Youth Council) |
| P van der Voort, JP | (Deputy Chairman, New Lynn Community Board) |
| CA Shepherd, JP | (Deputy Chairman, Waitakere Community Board) |
| SA Savage | (Henderson Community Board) |
| SJ McDonald | (Henderson Community Board) |
| AK Hartnett | (New Lynn Community Board) |
| P Northcroft | (Te Taumata Runanga) |

IN ATTENDANCE:

Chief Executive Officer
Director: Corporate & Civic Services
Director: City Services
Director: Finance
Director: Public Affairs
Group Manager: Asset Management
Group Manager: Democracy and Support Services
Manager: Assurance Services
Manager: Strategic Projects Group
Manager: Legal Services
Manager: Maori Relationships
Manager: Planning and Design, Transport Assets
Acting Manager: Urban Design and Development
Executive Manager
Strategic Advisor: Community Outcomes and Partnering
Strategic Research and Evaluation
Executive Liaison Officer
Mayoral Executive
Security Manager
Administration Team Manager
Democracy and Governance Team Manager
Committee Secretaries: A Chan
N Delamere
E Joyce
D Tukutama
J Edwards (Intern)

ALSO IN

ATTENDANCE: Mr Greg Parker (Chief Executive Officer, Waitakere Properties Limited)

PART A - OPENING OF MEETING

1 OPENING PRAYER

Pastor Ross Wilson from the New Lynn Bible Chapel said the Opening Prayer.

2 APOLOGIES

3966/2007

MOVED by Cr Clow, seconded Cr Brady:

That apologies from Cr Clews for absence and Cr Dallow for lateness be received and sustained.

CARRIED

3 CONFIRMATION OF MINUTES

3967/2007

MOVED by Cr Corban, seconded Cr Chan:

That the minutes of the Extraordinary Meeting of the Council held on Tuesday, 20 November 2007, as circulated, be taken as read and now be confirmed.

CARRIED

4 URGENT BUSINESS

3968/2007

MOVED by Cr Flaunty, seconded Cr Neeson:

That a submission on the Easter Trading Discussion Document be considered as Urgent Business and be dealt with as part of the Mayor's Report due to the need to make a submission on the document before 25 January 2008.

CARRIED

5 CONFLICTS OF INTEREST

Elected Members were reminded via the agenda, of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member of the Council and any private or other external interest they might have.

PART B - REPORT OF THE MAYOR

6 REPORT OF THE MAYOR

3969/2007

MOVED by Cr Flaunty, seconded Cr Neeson:

That Council supports the status quo for Easter trading and that a submission on the Easter Trading Discussion Document be made, opposing any change to the status quo.

CARRIED

3970/2007

MOVED by Cr Hulse, seconded Cr Clow:

1. That the Report of the Mayor be received.
2. That Council host a conference on 'The Future of Auckland', to discuss the future of local government in Auckland, with particular regard to the Royal Commission on Regional Governance.
3. That Council officers report back to the Policy and Strategy Committee on options for hosting a conference on 'The Future of Auckland'.

CARRIED

PART C - REPORTS OF NEW LYNN COMMUNITY BOARD, WAITAKERE COMMUNITY BOARD, MASSEY COMMUNITY BOARD, HENDERSON COMMUNITY BOARD AND WAITAKERE YOUTH COUNCIL

7 NEW LYNN COMMUNITY BOARD

3971/2007

MOVED by Cr Lawley, seconded Cr Clow:

That the report of the Meeting of the New Lynn Community Board held on Monday, 3 December 2007 be received.

CARRIED

8 WAITAKERE COMMUNITY BOARD

3972/2007

MOVED by Cr Mitchell, seconded Cr Hulse:

That the report of the Meeting of the Waitakere Community Board held on Tuesday, 4 December 2007 be received.

CARRIED

9 MASSEY COMMUNITY BOARD

3973/2007

MOVED by Cr Chan, seconded Cr Neeson:

That the report of the Meeting of the Massey Community Board held on Wednesday, 5 December 2007 be received.

10 HENDERSON COMMUNITY BOARD

3974/2007

MOVED by Cr Brady, seconded Cr Corban:

That the report of the Meeting of the Henderson Community Board held on Thursday, 6 December 2007 be received.

CARRIED

11 WAITAKERE YOUTH COUNCIL

3975/2007

MOVED by Cr Cooper, seconded Cr Brady:

That the report of the Meeting of the Waitakere Youth Council held on Monday, 3 December 2007 be received.

CARRIED

PART D - REPORT OF THE CHIEF EXECUTIVE OFFICER

12 NEW LYNN TRANSIT ORIENTATED DEVELOPMENT - ONTRACK LAND ACQUISITIONS AND RELATED ISSUES

3976/2007

MOVED by Cr Battersby, seconded Cr Clow:

1. That the New Lynn Transit Orientated Development - ONTRACK Land Acquisitions and Related Issues report be received.
2. That the Chief Executive Officer be delegated authority to negotiate agreements under the Public Works Act 1981 with the Crown for the sale or leasing (including licences to occupy for construction purposes) of land at New Lynn owned by the Council required by the Crown for the purpose of under-grounding of the railway line at New Lynn and to settle the terms of any compensation payable in accordance with the advice of a registered valuer.
3. That the Council officers be directed to continue to negotiate with ONTRACK over the costs of relocating services under the rail corridor for the purposes of the under-grounding project and in the meantime to continue with the planning and design work necessary to enable services relocation to occur on a timely basis having regard to the project timeline for the under-grounding project.
4. That the Chief Executive Officer be delegated authority to enter into any deeds of grant (easements) for services under the rail corridor, or licence arrangements in relation to the use of land or airspace within the rail corridor for pedestrian or cycleway purposes, which become necessary or desirable as a result of the under-grounding of the railway line at New Lynn.
5. That the Chief Executive Officer be delegated authority to include in the scope of works to be carried out by ONTRACK, through the Fletcher Construction Limited consortium, any works which are Council funded and are part of the New Lynn Transit Orientated Development project, in order to provide an optimal cost for construction of these works. (For the avoidance of doubt, this delegation does not authorise the Chief Executive Officer to enter into a contract to undertake those works without a further approval from the Council once costs are known.)
6. That the Chief Executive Officer be delegated authority to notify Council's intention to change road levels in the locality of the New Lynn Transport Orientated Development project in accordance with Section 330 and Schedule 13 of the Local Government Act 1974.
7. That the Chief Executive Officer be delegated authority to provide an undertaking to ONTRACK to fund the cost of relocating water, wastewater and stormwater networks as necessary to facilitate construction of the rail trench.
8. That a report be submitted to the Finance and Operational Performance Committee in February 2008 to finalise the funding arrangements for the New Lynn Transit Orientated Development project.

CARRIED

13 NORTH SHORE CITY STORMWATER AND WASTEWATER NETWORK CONSENTS APPEAL

3977/2007

MOVED by Cr Neeson, seconded Cr Flaunty:

1. That the North Shore City Stormwater and Wastewater Network Consents Appeal report be received.
2. That the Chief Executive Officer be delegated authority to lodge an appeal with the Environment Court regarding the North Shore City Stormwater and Wastewater Network Consent Conditions.

CARRIED

14 DIRECTORS' REMUNERATION - WAITAKERE CITY HOLDINGS LIMITED AND WAITAKERE PROPERTIES LIMITED

3978/2007

MOVED by Cr Clow, seconded Cr Jolley:

1. That the Directors' Remuneration - Waitakere City Holdings Limited and Waitakere Properties Limited report be received.
2. That the remuneration payable to the Chairmen and Directors of Waitakere City Holdings Limited and Waitakere Properties Limited be approved with effect from 1 July 2007, as follows:
 - Waitakere City Holdings Limited - Chairman \$30,000, Directors \$15,000;
 - Waitakere Properties Limited - Chairman \$40,000, Directors \$25,000.

CARRIED

3979/2007

MOVED by Mayor Bob Harvey, seconded Cr Clow:

That Council thank the Chairman of Waitakere City Holdings for his dedication to Waitakere City Holdings.

CARRIED

15 RESIGNATION OF MEMBER OF NEW LYNN COMMUNITY BOARD

3980/2007

MOVED by Cr Neeson, seconded Cr Cooper:

That the Resignation of Member of New Lynn Community Board report be received.

CARRIED

16 NEW LYNN COMMUNITY BOARD BY-ELECTION - EARLY PROCESSING AND ORDER OF CANDIDATES' NAMES ON VOTING PAPERS

MOVED by Cr Battersby, seconded Cr Corban:

1. That the New Lynn Community Board By-Election - Early Processing and Order of Candidates' Names on Voting Papers report be received.

2. That the returned voting documents for the New Lynn Community Board By-Election to be held on Friday, 7 March 2008 be processed during the voting period, such early processing to be undertaken in accordance with Section 79 of the Local Electoral Act 2001, the Local Electoral Regulations 2001 and the Society of Local Government Managers' Code of Good Practice for the Management of Local Authority Elections and Polls.
3. That Council determine that the order the names of the candidates at the New Lynn Community Board By-Election to be held on Friday, 7 March 2008 are to be arranged in Alphabetical Order of Surname.

AMENDMENT

MOVED Cr Flaunty, seconded Cr Cooper:

1. That the New Lynn Community Board By-Election - Early Processing and Order of Candidates' Names on Voting Papers report be received.
2. That the returned voting documents for the New Lynn Community Board By-Election to be held on Friday, 7 March 2008 be processed during the voting period, such early processing to be undertaken in accordance with Section 79 of the Local Electoral Act 2001, the Local Electoral Regulations 2001 and the Society of Local Government Managers' Code of Good Practice for the Management of Local Authority Elections and Polls.
3. That Council determine that the order the names of the candidates at the New Lynn Community Board By-Election to be held on Friday, 7 March 2008 are to be arranged in Random Order of Surname.

AMENDMENT LOST

The Chairman put the original motion in three separate parts as follows:

3981/2007

That the New Lynn Community Board By-Election - Early Processing and Order of Candidates' Names on Voting Papers report be received.

CARRIED

3982/2007

That the returned voting documents for the New Lynn Community Board By-Election to be held on Friday, 7 March 2008 be processed during the voting period, such early processing to be undertaken in accordance with Section 79 of the Local Electoral Act 2001, the Local Electoral Regulations 2001 and the Society of Local Government Managers' Code of Good Practice for the Management of Local Authority Elections and Polls.

CARRIED

3983/2007

That Council determine that the order the names of the candidates at the New Lynn Community Board By-Election to be held on Friday, 7 March 2008 are to be arranged in Alphabetical Order of Surname.

CARRIED

NOTE: Pursuant to Standing Order 32.12 Mayor Bob Harvey and Crs Cooper, Flaunty, Hulse and Lawley requested that their vote against the motion be recorded.

17 APPOINTMENTS TO THE SWIMMING POOL EXEMPTION SUBCOMMITTEE

3984/2007

MOVED by Cr Battersby, seconded Cr Flaunty:

1. That the Appointments to the Swimming Pool Exemption Subcommittee report be received.
2. That Council appoints Crs Flaunty, Battersby, Cooper, Hulse, Mitchell and Jolley to the Swimming Pool Exemption Subcommittee.
3. That the quorum for the Swimming Pool Exemption Subcommittee be set at three Members and that the Chairman determine the Members to attend the meeting.
4. That Council appoints Cr Flaunty as the Chairman of the Swimming Pool Exemption Subcommittee and Cr Battersby as the Deputy Chairman of the Swimming Pool Exemption Subcommittee.

CARRIED

6.43 pm Cr Dallow entered the meeting.

18 APPOINTMENT TO TE TAUMATA RUNANGA

3985/2007

MOVED by Cr Hulse, seconded Cr Cooper:

1. That the Appointment to Te Taumata Runanga report be received.
2. That Denis Hansen be appointed Te Roopu Kaumatua o Waipareira representative of Te Taumata Runanga replacing Poata Northcroft, and Jim Brown be appointed as alternate Te Roopu Kaumatua o Waipareira representative on Te Taumata Runanga replacing Takangaroa Moanaroa.

CARRIED

19 APPOINTMENT OF COUNCILLORS TO EXTERNAL AND OTHER ORGANISATIONS

3986/2007

MOVED by Cr Neeson, seconded Cr Hulse:

1. That the Appointment of Councillors to External and Other Organisations report be received.
2. That Council determines the appointments to external and other organisations as per the schedule of organisations indicated below.
3. That except where specifically provided in terms of a trust, Council appointees are not permitted to vote in a manner contrary to Council's policy or directive.

| Organisation | Meetings | Proposed Appointment for 2007-2010 Council |
|----------------------------------|---|--|
| Aotea Centre Board of Management | Monthly (with occasional additional) | Mayor Bob Harvey Cr Clow (alternate) |

| Organisation | Meetings | Proposed Appointment for 2007-2010 Council |
|---|--|--|
| | meetings) | |
| Regional Sustainable Development Forum (previously known as Auckland Regional Growth Forum) | Monthly | Mayor (voting) Cr Cooper (non-voting) (Alternates: Crs Hulse (voting) and Clow (non-voting) with Cr Cooper as alternate voting member should the Mayor and Deputy Mayor not be able to attend the meeting) |
| Waitakere Ethnic Board | Monthly | Cr Chan Cr Hulse |
| City Safety Action Group (previously known as Council/ Police Liaison Group) | Six weekly | Cr Brady Cr Lawley |
| Community Action on Youth and Drugs Steering Group | Monthly | Cr Cooper |
| Crime Prevention Reference Group | Monthly | Cr Hulse Cr Chan |
| EcoMatters Environment Trust | Monthly (on the 4 th Thursday of every month) | Cr Battersby |
| Glen Eden Centre Management Committee | Bi-monthly | Cr Clews |
| Glen Eden Railway Restoration Trust Inc | | Cr Lawley |
| Henderson Youth Facility Project Advisory Group | Monthly | Cr Brady Cr Hulse Cr Cooper |
| Keep Waitakere Beautiful Trust | Monthly | Cr Neeson |
| Project Manukau Community Liaison Group | Three monthly | Cr Mitchell |
| Safe Waitakere Alcohol Project | Quarterly | Cr Cooper 1 TTR Representative (to be advised) |
| Safe Waitakere Injury Prevention Board (SWIP) | Monthly | Cr Brady |
| Tag-Out Trust | Bi-monthly | Cr Battersby |
| Te Pai Park Reserve Management Plan Advisory Group | | Cr Cooper |
| Waikumete Chapel Restoration Trust | Bi-monthly | Cr Clews |
| Waitakere Action on Climate Change and Energy and Work Programme Working Group | | Cr Cooper Cr Hulse Cr Chan Cr Mitchell Cr Lawley |
| Waitakere Central Community Arts Council (WCCAC) | Monthly | Cr Neeson Cr Corban (alternate) |

| Organisation | Meetings | Proposed Appointment for 2007-2010 Council |
|---|--------------------|--|
| Waitakere Education Sector Trust (WEST) | Monthly | Cr Cooper Cr Mitchell Cr Jolley |
| Waitakere Health Link | Monthly | Cr Cooper |
| Waitakere Online Editorial Board | Monthly | Cr Cooper |
| Waitakere Playhouse Theatre Trust | Monthly | Cr Lawley |
| Waitakere Quarry Consultative Committee | Every three months | Cr Mitchell |
| Waitakere Ranges Heritage Area Working Party | | Mayor Bob Harvey Cr Hulse Cr Cooper Cr Mitchell |
| Community Waitakere (formerly known as West Auckland District Council of Social Services (WADCOSS)) | Monthly | Cr Hulse |
| The Weedfree Waitakere Trust | Monthly | Cr Jolley |

CARRIED

20 COMMUNITY OUTCOMES AND STRATEGIC PLATFORMS MONITORING AND REPORTING

3987/2007

MOVED by Cr Lawley, seconded Cr Hulse:

1. That the Community Outcomes and Strategic Platforms Monitoring and Reporting report be received.
2. That Council endorses the approach for monitoring and reporting framework for the Community Outcomes and Strategic Platforms.

CARRIED

7.10pm Cr Lawley left the meeting.

7.17pm Cr Lawley returned to the meeting.

21 ALDERMAN AND EDMONTON ROADS INTERSECTION UPGRADES

MOVED by Cr Flaunty, seconded Cr Cooper:

1. That the Alderman and Edmonton Roads Intersection Upgrades report be received.
2. That in relation to the Alderman Drive and Edmonton Roads intersection upgrades, Council approves Option 1, as shown in the Agenda report, to be taken forward to implementation, subject to funding subsidy being secured from central government.

AMENDMENT

MOVED by Cr Corban, seconded Cr Mitchell:

That the Alderman Drive and Edmonton Road Intersection Upgrade be referred back to the Policy and Strategy Committee for further consideration.

AMENDMENT LOST

The Chairman put the original motion.

3988/2007

1. That the Alderman and Edmonton Roads Intersection Upgrades report be received.
2. That in relation to the Alderman Drive and Edmonton Roads intersection upgrades, Council approves Option 1, as shown in the Agenda report, to be taken forward to implementation, subject to funding subsidy being secured from central government.

CARRIED

PART E - REPORTS FROM THE STANDING COMMITTEES

22 INFRASTRUCTURE AND WORKS COMMITTEE

3989/2007

MOVED by Cr Battersby, seconded Cr Hulse:

That the report of the Meeting of the Infrastructure and Works Committee held on Tuesday, 4 December 2007 be received.

CARRIED

23 POLICY AND STRATEGY COMMITTEE

3990/2007

MOVED by Cr Hulse, seconded Cr Cooper:

That the report of the Meeting of the Policy and Strategy Committee held on Thursday, 6 December 2007 be received.

CARRIED

24 FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE

3991/2007

MOVED by Cr Clow, seconded Cr Jolley:

That the report of the Meeting of the Finance and Operational Performance Committee held on Monday, 10 December 2007 be received, as amended.

CARRIED

25 TE TAUMATA RUNANGA

3992/2007

MOVED by Cr Clow, seconded Cr Mitchell:

That the report of the Meeting of Te Taumata Runanga held on Monday, 10 December 2007 be received.

CARRIED

26 PLANNING AND REGULATORY COMMITTEE

3993/2007

MOVED by Cr Neeson, seconded Cr Dallow:

That the report of the Meeting of the Planning and Regulatory Committee held on Tuesday, 11 December 2007 be received, as amended.

CARRIED

27 CULTURE AND COMMUNITY COMMITTEE

3994/2007

MOVED by Cr Lawley, seconded Cr Corban:

That the report of the Meeting of the Culture and Community Committee held on Wednesday, 12 December 2007 be received.

CARRIED

NOTE: The Mayor invited the Director: Corporate & Civic Services to close the section Reports of the Chief Executive.

PART F - PRESENTATIONS

28 CITATIONS

The Mayor presented a citation to Sione Lolohea, in recognition of his extreme act of bravery, courage and compassion when he, along with others, apprehended a robber and dragged him to the New Lynn Police Station after he had robbed dairy owner, Mr Daniel Zheng.

PART G - PROCEDURAL MATTERS

29 QUESTIONS

There were no questions.

30 NOTICES OF MOTION

There were no Notices of Motion.

PART H - PUBLIC EXCLUDED MATTERS

31 REGIONAL BROADBAND INITIATIVE

32 HOBSONVILLE MARINE CLUSTER DEVELOPMENT PROPOSAL

PROCEDURAL MOTION TO EXCLUDE THE PUBLIC

3995/2007

MOVED by Cr Dallow, seconded Cr Lawley:

1. That the public be excluded from the following parts of the proceedings of this meeting namely, Regional Broadband Initiative and Hobsonville Marine Cluster Development Proposal.

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. |
|--|--|---|
| Regional Broadband Initiative | The withholding of information is necessary in order to: <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). | 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 |
| Hobsonville Marine Cluster Development Proposal | The withholding of information is necessary in order to: <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). | 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 |

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 reports contain information which if released could affect Council's negotiations.*

2. That Mr Greg Parker, Chief Executive Officer, Waitakere Properties Limited be permitted to remain for Item 32: Hobsonville Marine Cluster Development Proposal after the public has been excluded, because of his knowledge of the matter being discussed. This knowledge, which will be of assistance in relation to the matter 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

PRECEDENCE OF BUSINESS

3996/2007

MOVED by Cr Hulse, seconded Cr Clow:

That Item 32: Hobsonville Marine Cluster Development Proposal be accorded precedence at this time.

CARRIED

7.42 pm The public were excluded.

Minute Numbers 3997/2007 and 3998/2007 are recorded in the Confidential Section of these Minutes.

8.02 pm The public were readmitted.

RESTATEMENTS

The Council resolved while the public were excluded:

Hobsonville Marine Cluster Development Proposal

(Moved by Cr Cooper, seconded Cr Clow) (resolution 3997/2007) *"Hobsonville Marine Cluster Development Proposal Agenda report and associated resolutions remain confidential until such time as the reasons for confidentiality no longer exist."*

Regional Broadband Initiative

(Moved by Cr Cooper, seconded Cr Jolley) (resolution 3998/2007) *"Regional Broadband Initiative Agenda report and associated resolutions remain confidential until such time as the reasons for confidentiality no longer exist."*

33 CLOSING PRAYER

The Director: Corporate & Civic Services gave the closing address.

8.04 pm

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

CONFIRMED AT A MEETING OF THE COUNCIL
HELD ON

DATE:.....

CHAIRMAN:.....