

AGENDA FOR A MEETING OF THE COUNCIL TO BE HELD AT WAITAKERE CENTRAL,
6 HENDERSON VALLEY ROAD, HENDERSON, WAITAKERE, ON WEDNESDAY,
25 JUNE 2008 COMMENCING AT 5.30 PM

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PART A - OPENING OF MEETING

1 OPENING PRAYER

David Thorpe from the New Lynn Bible Chapel will say the Opening Prayer.



2 APOLOGIES



3 CONFIRMATION OF MINUTES

Meeting Minutes - Wednesday, 28 May 2008

RECOMMENDATION

That the minutes of the Meeting of the Council held on Wednesday, 28 May 2008, as circulated, and that they be taken as read and now be confirmed.



4 URGENT BUSINESS

Section 46A(7) of the Local Government Official Information and Meetings Act 1987 provides that where an item of business is not on the agenda, it may only be dealt with at the meeting if:

- (i) the Council by resolution so decides; and
- (ii) the Chairman has explained at the beginning of the meeting (when open to the public) that the item will be raised for discussion and decision, why the item is not on the agenda, and why it cannot be delayed until a subsequent meeting.

The Council may make a decision on a matter determined to be urgent.

NOTE: Urgent Business need not be dealt with now and may be delayed until later in the meeting.



5 CONFLICTS OF INTEREST

The Council has acknowledged in its Code of Conduct that Elected Members 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. This note is provided as a reminder to members to check that no such conflicts arise in relation to any items on this agenda.



PART B - REPORT OF THE MAYOR

6 REPORT OF THE MAYOR

The report of the Mayor will be circulated under separate cover with this agenda.

RECOMMENDATIONS

It is recommended that Council resolve to:

1. **Receive** the Mayor's Report for June 2008.
2. **Agree** that Waitakere and North Shore enter into a joint working party to look at a strategic alliance for the Royal Commission and undertake a serious research project across Auckland, Waitakere and North Shore cities.



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

7 WAITAKERE COMMUNITY BOARD

THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON TUESDAY, 3 JUNE 2008

MATTERS CONSIDERED

*Pages 1-6
Part C*

The Board dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 1 to 6 in the supplement labelled Part C.

The Board Recommends:

That the report of the meeting of the Waitakere Community Board held on Tuesday, 3 June 2008 be received.

KJP Witten-Hannah, JP
CHAIRMAN



8 **MASSEY COMMUNITY BOARD**

THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON THURSDAY, 5 JUNE 2008

MATTERS CONSIDERED

*Pages 7-12
Part C*

The Board dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 7 to 12 in the supplement labelled Part C.

The Board Recommends:

That the report of the meeting of the Massey Community Board held on Thursday, 5 June 2008 be received.

JG Riddell
CHAIRMAN



9 **HENDERSON COMMUNITY BOARD**

THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON THURSDAY, 5 JUNE 2008

MATTERS CONSIDERED

*Pages 13-17
Part C*

The Board dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 13 to 17 in the supplement labelled Part C.

The Board Recommends:

That the report of the meeting of the Henderson Community Board held on Thursday, 5 June 2008 be received.

EAG Grimmer, MNZM
CHAIRMAN



10 **NEW LYNN COMMUNITY BOARD**

THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON MONDAY, 9 JUNE 2008

MATTERS CONSIDERED

*Pages 18-24
Part C*

The Board dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 18 to 24 in the supplement labelled Part C.

The Board Recommends:

That the report of the meeting of the New Lynn Community Board held on Monday, 9 June 2008 be received.

GPJ Marshall
CHAIRMAN



11 **WAITAKERE YOUTH COUNCIL**

THE WAITAKERE YOUTH COUNCIL SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON MONDAY, 9 JUNE 2008

MATTERS CONSIDERED

*Pages 25-26
Part C*

The Waitakere Youth Council dealt with a number of items for which a copy of the minutes of the meeting is attached at pages 25 to 26 in the supplement labelled Part C.

The Waitakere Youth Council Recommends:

That the report of the meeting of the Waitakere Youth Council held on Monday, 9 June 2008 be received.

A Wadsworth
CHAIRMAN



PART D - REPORT OF THE CHIEF EXECUTIVE OFFICER

12 COUNCIL LAND AT HOBSONVILLE

GLOSSARY

Public Works Act 1981 (PWA)
Hobsonville Land Company Limited (HLC)

EXECUTIVE SUMMARY

The purpose of this report is to update the Council as to the current status of three parcels of land at Hobsonville presently held by the Council for public work purposes. The parcels of land in question are:

- the two severance parcels of land, part lot 1 and 2 DP 9613, which were severed from Duke Park as a consequence of the vesting of land in the Crown for the purposes of State Highway 18 (“the Duke Park land”); and
- a small triangular parcel of land, part Lot 1 DP 308781 acquired by the Council from the Ministry of Defence for roading purposes at the corner of Clark Road and Scott Road (the “Scott Road land”).

A1-A2 Plans showing the areas of land are attached at pages A1 to A2 respectively.

RECOMMENDATIONS

It is recommended that the Council resolve to:

1. **Receive** the Council land at Hobsonville report.
2. **Agree** that the Duke Park land is not yet surplus to the Council’s requirements, pending the relocation of the pony club, and that in the meantime Council officers investigate the suitability of the land for use for other public work purposes, and in particular for housing purposes.
3. **Agree** that the Scott Road land (part Lot 1 DP 308781) is not surplus to the Council’s requirements for roading purposes and that Council officers be directed to discuss future roading proposals with Hobsonville Land Company Limited (HLC) with a view to identifying mutually satisfactory roading and development outcomes in this locality.

BACKGROUND

1. The Duke Park land was acquired by the Council in 1972 as part of a land purchase for the purpose of forming a new road which would lead from the old Hobsonville Road to the approaches of the Upper Harbour Bridge construction of which was about to commence. The land purchase was part of a larger 48 acre holding owned by Squadron Leader Duke. The line of the proposed road resulted in a substantial severance being created. The Council of the time agreed that it would purchase this additional land and it was this additional land which became known as Duke Park. This land has been held by the Council, in fee simple, and has been used for recreation purposes since 1972.

2. As a consequence of the requirement for part of Duke Park for the construction of the second bridge over the upper harbour and the proposed construction of State Highway 18, the Council entered into an agreement in June 2006 under which part of the Duke Park land was transferred to the Crown for state highway purposes. The land transferred included the off ramp for the proposed Buckley Avenue interchange which divided the remaining parcel into two parts. The configuration of the land in this form makes it no longer suitable for long term retention by the Council for recreation purposes. It has however continued to be used for those purposes, pending the Council finding a suitable alternative location for the pony club which has occupied Duke Park for a number of years. Once relocation of the pony club has occurred the Council will need to consider what future uses, if any, to which that land may be put by the Council.
- A2 3. The Scott Road land was acquired by the Council in 2004 under 50 of the Public Works Act 1981 (PWA) from New Zealand Defence Force for roading purposes. The plan at page A2 shows that this land is bordered on two sides by an unformed portion of Clark Road and Scott Road. The alignment between Scott Road and the formed portion of Clark Road is not ideal and the Council has been considering alternative roading alignments across the Scott Road land to provide a better intersection. A road through the middle of this land, however, creates two further severance parcels, each of them of difficult shape, which limit and make more difficult future development of those severance parcels. A better roading connection which maximises the future development potential of the severance parcel is depicted on the draft plan at the bottom of page A2. This proposal would require the construction of an extension of Clark Road along the eastern boundary of the land and the completion of road stopping procedures under the Local Government Act 1974 for that part of the existing road which currently forms the "hypotenuse" on the triangle. If that was done, it is more likely that the balance of the Scott Road land would be able to be more effectively developed, perhaps in conjunction with the adjoining land being developed by Hobsonville Land Company Limited (HLC) on behalf of the Crown.

DECISION MAKING

Issues

4. When land which the Council holds for a public work is no longer needed for that public work the Council must within a reasonable period of time consider what is going to do with that land in the future. If the land is not required for use by the Council or some other body for a public work then prima facie the land must be offered back to the former owner or the former owner's successor. Over recent time a number of government departments and local authorities have got themselves into some difficulty by not carefully considering statutory requirements under PWA in a timely fashion. The purpose of this report is to address some of those issues.

Duke Park land

5. In relation to the Duke Park land the time when it will no longer continue to be used for recreation purposes is approaching. Transit New Zealand has given notice that it requires possession of the strip of land required for the construction of the Buckley Avenue interchange. At the time that the Council agreed to sell that land for those roading purposes it was agreed that Transit New Zealand would make the cost of relocating the pony club, but if a permanent site for relocation had not been identified by the time that transit quiet possession of the land required for the construction of the Buckley Avenue interchange, it would meet the costs of relocating the pony club's rooms and other fixtures within the remaining sites on a temporary basis. This will be a less than optimal outcome for the pony club.

6. The Council has not yet been able to secure ownership of an alternative location for the pony club away from Duke Park. A potential site has been identified but has not been able to be actioned because of the Council's inability to conclude a written agreement with the Crown in relation to compensation issues around the Crown's roading proposals for State Highway 18 as they affect the Council's land adjoining Hobsonville Domain. That land was purchased some years ago with the intention that it would be developed for playing fields to serve the north western sector of the city. The alignment of State Highway 18 has meant that this will no longer be possible or practicable with the result that the Council negotiated with the Crown on the basis that compensation should be provided on an equivalent reinstatement basis i.e. on the basis that the Crown would fund the Council to buy a suitable alternative site.
7. A suitable alternative site was identified by the Council some time ago but conclusion of a written agreement to give effect to the purchase of that alternative site has been painfully slow because of reluctance by the board of Transit New Zealand to accept the terms negotiated on its behalf with the Council. The agreement was however finally signed by the Crown on 29 May 2008 and received in the Council's office on 9 June 2008. The Council to proceed with its plans to purchase the alternative site which, pending development as sports fields, can provide an alternative home for the pony club away from Duke Park. At the current rate of progress that is unlikely to occur prior to the end of 2009. In the intervening period Council officers will need to give some thought to whether there is some other Council public work purpose to which this land should be applied e.g. as a housing subdivision and/or development to be managed on its behalf by Waitakere Properties Limited or by some other third-party.
8. The Council's obligations under PWA in respect of the Duke Park land are, if there is no other public work purpose to which the severance parcels might sensibly be applied, that the Council would then need to consider whether it is obliged to make an offer to the former owner or his successor under Section 40 PWA. That position has been investigated and it has been established that Squadron Leader Duke has died but his widow, who is his testamentary successor, is still alive and has indicated that she would be interested in receiving an offer-back under Section 40 PWA if and when those circumstances arise.

Scott Road land

9. In respect of the Scott Road land the issues are somewhat simpler. Since it acquired this land the Council has been waiting to see what the development proposals for the adjoining land might be since those proposals might influence the ultimate roading outcome in this locality. There is no realistic prospect that the original roading alignment will remain, something needs to be done. The only uncertainty relates to identifying the best outcome.
10. When the best outcome has been identified, the relevant work has been done and the existing road that is no longer required (if any) has been stopped, thought can be given by the Council to potential uses, or proposals for disposal, of any remaining land. No investigation has been made to date as to the circumstances in which this land was acquired (the assumption is that it was acquired for defence purposes over 50 years ago) or to the identity of the former owner or any successor of the former owner or whether the former owner or successor are still living. There is also a very real prospect that an offer-back will not arise in respect of the balance land either because one of the exemptions to s40 will apply or because the balance of the land might sensibly be utilised by the Council for another public work. The draft plan at the bottom of page **B** shows a small open space or reserve at the intersection of Scott Road and Clark Road and there is a possibility that the Council may wish to utilise the balance land for housing subdivision or development purposes.

11. In that context therefore there is a need for Council officers to have detailed discussions with representatives of HLC to establish what HLC's plans and aspirations might be in respect of the development of its adjoining land.

Consideration of Community Views

12. No consideration of community views is required in respect of the recommended decision. It may be appropriate for there to be some consideration of community views once officers have identified potential outcomes.

STRATEGIC CONTEXT

13. Hobsonville peninsula is a key growth area identified in Plan Change 13. It is important that Council makes decisions in relation to its land holdings in this locality which will assist with achievement of its strategic objectives and are consistent with the policies in the plan change.

CONSULTATION

14. This report raises no issues which require external consultation, other than as expressly contemplated by the recommendations to the report.
15. Consultation within Council has included including Urban Design, Parks, Roading and Legal.

RESOURCES

16. There are no resources implications with this report.

IMPLEMENTATION ISSUES

17. There are no implementation issues arising from the recommendations in this report.

Report prepared by: Michael Riley, Project Manager: Strategic Property Projects.

Vijaya Vaidyanath
CHIEF EXECUTIVE OFFICER



PART E - REPORTS FROM THE STANDING COMMITTEES

13 INFRASTRUCTURE AND WORKS COMMITTEE

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON WEDNESDAY, 4 JUNE 2008

MATTERS CONSIDERED

*Pages 1-5
Part E*

Your Committee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 1 to 5 in the supplement labelled Part E.

Your Committee Recommends:

That the report of the meeting of the Infrastructure and Works Committee held on Wednesday, 4 June 2008 be received.

DQ Battersby, JP

CHAIRMAN



14 POLICY AND STRATEGY COMMITTEE

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON THURSDAY, 5 JUNE 2008

MATTERS CONSIDERED

*Pages 6-12
Part E*

Your Committee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 6 to 12 in the supplement labelled Part E.

Your Committee Recommends:

That the report of the meeting of the Policy and Strategy Committee held on Thursday, 5 June 2008 be received.

PA Hulse

CHAIRMAN



15 **FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE**

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON MONDAY, 9 JUNE 2008

1. **ACCESSWAY STOPPING AND SALE OF LAND AT 167 AND 169 RATHGAR AND 26 LONGBURN ROADS, HENDERSON**

Your Committee Recommends:

1. That the pedestrian accessway being Lot 79 Deposited Plan 42984 be stopped as provided in s.342 of the Local Government Act 1974.
2. That the Chief Executive Officer be authorised to sign the conditional agreements for sale and purchase entered into with the adjoining land owners at 167 and 169 Rathgar Road and 26 Longburn Road, Henderson.

2. **OTHER MATTERS CONSIDERED**

*Pages 13-18
Part E
Pages 8-9
Part H*

Your Committee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 13 to 18 in the supplement labelled Part E. The public excluded minutes are attached at pages 8 to 9 of the Confidential Supplement labelled Part H.

Your Committee Recommends:

That the report of the meeting of the Finance and Operational Performance Committee held on Monday, 9 June 2008 be received.

RI Clow
CHAIRMAN



16 **PLANNING AND REGULATORY COMMITTEE**

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON TUESDAY, 10 JUNE 2008

MATTERS CONSIDERED

*Pages 19-23
Part E*

Your Committee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 19 to 23 in the supplement labelled Part E.

Your Committee Recommends:

That the report of the meeting of the Planning and Regulatory Committee held on Tuesday, 10 June 2008 be received.

VS Neeson, JP
CHAIRMAN



17 **CULTURE AND COMMUNITY COMMITTEE**

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON THURSDAY, 11 JUNE 2008

MATTERS CONSIDERED

*Pages 24-25
Part E*

Your Committee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 24 to 25 in the supplement labelled Part E.

Your Committee Recommends:

That the report of the meeting of the Culture and Community Committee held on Thursday, 11 June 2008 be received.

JP Lawley, JP
CHAIRMAN



18 **TE TAUMATA RUNANGA**

I NOHO TE TAUMATA RUNANGA KOMITI RAHINA RUA TE KAU MA IWA O HARATUA 2008 ME RAHINA TE KAU MA ONO O PIPIRI 2008

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETINGS HELD ON MONDAY, 29 MAY 2008 AND MONDAY, 16 JUNE 2008

MATTERS CONSIDERED

*Pages 26-33
Part E*

Your Committee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meetings are attached at pages 26 to 33 in the supplement labelled Part E.

NGA TAKE E WHIRIWHIRIA

E whakatau ana Te Taumata Runanga i nga take i whakamanangia i te ture he whakaahua o nga tuhi kua tona ki nga mema o te Kaunihera.

Your Committee Recommends:

That the reports of the meetings of Te Taumata Runanga held on Thursday, 29 May 2008 and Monday, 16 June 2008 be received.

W Paki, JP
CHAIRMAN



PART F - PRESENTATION

This presentation will take place at 6.15 pm.

19 CITATION

Mayor Bob Harvey will make a presentation to Barry Shaw in recognition of him being the driving force behind the Waitakere City Walkway of Fame. Mr Barry Shaw is a former Henderson Community Board Member.



PART G - PROCEDURAL MATTERS

20 QUESTIONS

Pursuant to Standing Order 39.2, any member of the local authority may at any meeting of the local authority at the appointed time, put a question to the Mayor as Chairman of the local authority, or through the Mayor to the Chairman of any standing or special committee, or to any officer of the local authority concerning any matter relevant to the role or functions of the local authority concerning any matter that does not appear on the order paper, nor arises from any committee report or recommendation submitted to that meeting.



21 NOTICES OF MOTION

Pursuant to Standing Order 28.1, notices of motion shall be in writing by the mover, stating the meeting at which it is proposed that the notice of motion be considered, and shall be delivered to the Chief Executive Officer at least five clear days before such meeting.



PART H - PUBLIC EXCLUDED MATTER

22 WILSHIRE VILLAGE REDEVELOPMENT - ADDITIONAL LAND PURCHASE UPDATE

This item will be considered in the Confidential Supplement of the agenda, and has been circulated to members separately with this agenda.

PROCEDURAL MOTION TO EXCLUDE THE PUBLIC

That the public be excluded from the following part of the proceedings of this meeting, namely, Wilshire Village Redevelopment - Additional Land Purchase Update.

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.
Wilshire Village Redevelopment - Additional Land Purchase Update	The withholding of information is necessary in order to: <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). 	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)(g) and 7(2)(i) of that Act which would be prejudiced by the holding of the relevant parts of the proceedings of the meeting in public as follows:

- *The report contains information which if released could affect Council's negotiations.*



23 **CLOSING PRAYER**

