

**MINUTES OF A MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBER AT
WAITAKERE CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON,
WAITAKERE, ON WEDNESDAY, 28 JULY 2010,
COMMENCING AT 5.32 PM**

TABLE OF CONTENTS

<u>ITEM</u>	<u>PAGE NO.</u>
<u>PART A - OPENING OF MEETING</u>	2
1 OPENING PRAYER	2
2 APOLOGIES	2
3 CONFIRMATION OF MINUTES	2
4 URGENT BUSINESS	2
5 CONFLICTS OF INTEREST	2
<u>PART B - REPORT OF THE MAYOR</u>	2
6 REPORT OF THE MAYOR	2
<u>PART F - PRESENTATION</u>	3
18 MEMORANDUM OF UNDERSTANDING - NEW ZEALAND POLICE AND WAITAKERE CITY COUNCIL	3
<u>PART C - REPORTS OF NEW LYNN COMMUNITY BOARD, WAITAKERE COMMUNITY BOARD, MASSEY COMMUNITY BOARD, HENDERSON COMMUNITY BOARD AND WAITAKERE YOUTH COUNCIL</u>	3
7 NEW LYNN COMMUNITY BOARD	3
8 WAITAKERE COMMUNITY BOARD	3
9 MASSEY COMMUNITY BOARD	4
10 HENDERSON COMMUNITY BOARD	4
1. DIVESTMENT PROPOSAL FOR HARBOURVIEW CORNER RESERVE	4
2. OTHER MATTERS CONSIDERED	4
11 WAITAKERE YOUTH COUNCIL	5
<u>PART D - REPORT OF THE CHIEF EXECUTIVE OFFICER</u>	5
21 RESERVATION AND DEVELOPMENT OF COUNCIL LAND AT TE HENGA	5
22 HOBSONVILLE LAND COMPANY LIMITED - INFRASTRUCTURE FUNDING AGREEMENT	6

<u>PART E - REPORTS FROM THE STANDING COMMITTEES</u>		7
12	INFRASTRUCTURE AND WORKS COMMITTEE	7
13	POLICY AND STRATEGY COMMITTEE	7
14	FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE	7
	1. CREATIVE COMMUNITIES SCHEME ALLOCATION SUBCOMMITTEE - CHANGES TO MEMBERSHIP	7
	2. OTHER MATTERS CONSIDERED	8
15	PLANNING AND REGULATORY COMMITTEE	8
	1. CONTROL OF LIQUOR IN PUBLIC PLACES BYLAW 2008 REPORT	8
	2. OTHER MATTERS CONSIDERED	9
16	TE TAUMATA RUNANGA	10
17	LONG TERM COUNCIL COMMUNITY PLAN AND ANNUAL PLAN COMMITTEE	10
<u>PART G - PROCEDURAL MATTERS</u>		10
19	QUESTIONS	10
20	NOTICES OF MOTION	10
23	CLOSING PRAYER	11

**MINUTES OF A MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBER AT
WAITAKERE CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON,
WAITAKERE, ON WEDNESDAY, 28 JULY 2010,
COMMENCING AT 5.32 PM**

PRESENT:

Mayor	RA	Harvey, QSO, JP
Deputy Mayor	PA	Hulse
Councillors	DQ	Battersby, QSM, JP
	JM	Clews, QSO, JP
	RI	Clow (from 6.14 pm)
	LA	Cooper, JP
	AK	Corban, OBE, JP (from 5.37 pm)
	RP	Dallow, QPM, JP
	WW	Flaunty, QSM, JP
	MM	Jolley
	JP	Lawley, JP
	PG	Mitchell
	VS	Neeson, JP

OBSERVERS:

W Paki	(Chairman, Te Taumata Runanga)
EAG Grimmer, MNZM	(Chairman, Henderson Community Board)
JG Riddell	(Chairman, Massey Community Board)
GPJ Marshall	(Chairman, New Lynn Community Board)
KJP Witten-Hannah, JP	(Chairman, Waitakere Community Board)
A Hawea	(Chairman, Waitakere Youth Council)
LE Davies	(Deputy Chairman, Waitakere Community Board)

IN ATTENDANCE:

Chief Executive Officer
Director: Corporate and Business Services
Director: Strategic Planning
Director: Finance
Acting Director: City Services
Group Manager: Democracy and Support Services
Group Manager: Social and Cultural Strategy
Manager: Legal Services / General Counsel
Manager: Government Relations
Maori Relationships Manager
Acting Maori Relationships Manager: R Spraggon
Acting Democracy and Governance Manager
Solicitor: J Lamm
Safe Waitakere Team Leader
Safe Waitakere Crime Prevention Project Leader
Alcohol Project Leader
Public Affairs Advisor: External Communications
Pou Arahi – Tikanga Advisor
Executive Assistant to Deputy Mayor
Committee Secretary: E Joyce
C Fernandes
D Tukutama

ALSO

IN ATTENDANCE:

Inspector Scott Webb, New Zealand Police

Rochana Sheward, McLaren Park Henderson South Community Initiative Incorporated
Rebecca George-Koteka, McLaren Park Henderson South Community Initiative Incorporated

PART A - OPENING OF MEETING

1 OPENING PRAYER

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

2 APOLOGIES

992/2010

MOVED by Cr Jolley, seconded Cr Flaunty:

That apologies from Crs Brady and Chan for absence, and Crs Clow and Corban for lateness, be received and sustained.

CARRIED

3 CONFIRMATION OF MINUTES

5.37 pm Cr Corban entered the meeting.

993/2010

MOVED by Cr Neeson, seconded Cr Clews:

The Council resolved to:

Receive the minutes of the meetings of the Council held on Friday, 25 June 2010, Wednesday, 30 June 2010 and Wednesday, 21 July 2010, as circulated, and that they be taken as read and now be confirmed.

CARRIED

4 URGENT BUSINESS

There was no Urgent Business.

5 CONFLICTS OF INTEREST

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

6.14 pm Cr Clow entered the meeting.

6 REPORT OF THE MAYOR

994/2010

MOVED by Cr Mitchell, seconded Cr Cooper:

The Council resolved to:

1. **Receive** the Report of the Mayor.

2. **Agree** that it be recommended to the Finance and Operational Performance Committee that consideration be given to gifting free gym and pool passes to West Wave to people aged over 70 years for use between the hours of 7 am and 10 am on Tuesdays and Thursdays, and that this commence on 1 September 2010.

CARRIED

PRECEDENCE OF BUSINESS

995/2010

MOVED by Cr Hulse, seconded Mayor Harvey:

That Item 18: Memorandum of Understanding – New Zealand Police and Waitakere City Council be accorded precedence at this time.

CARRIED

PART F - PRESENTATION

18 MEMORANDUM OF UNDERSTANDING - NEW ZEALAND POLICE AND WAITAKERE CITY COUNCIL

The Deputy Mayor presented Inspector Scott Webb from the New Zealand Police with a certificate in recognition of his dedicated service to the people of Waitakere.

The Order of Business resumed at Item 7: New Lynn Community Board.

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

996/2010

MOVED by Cr Clews, seconded Cr Lawley:

The Council resolved to:

Receive the report of the meeting of the New Lynn Community Board held on Monday, 28 June 2010.

CARRIED

8 WAITAKERE COMMUNITY BOARD

997/2010

MOVED by Cr Hulse, seconded Cr Cooper:

The Council resolved to:

Receive the report of the meeting of the Waitakere Community Board held on Tuesday, 6 July 2010.

CARRIED

9 **MASSEY COMMUNITY BOARD**

998/2010

MOVED by Cr Flaunty, seconded Cr Neeson:

The Council resolved to:

Receive the report of the meeting of the Massey Community Board held on Wednesday, 7 July 2010.

CARRIED

10 **HENDERSON COMMUNITY BOARD**

999/2010

MOVED by Cr Corban, seconded Cr Mitchell:

1. **DIVESTMENT PROPOSAL FOR HARBOURVIEW CORNER RESERVE**

The Council resolved to:

Agree to ratify the decision of the Henderson Community Board to publicly notify under section 24 of the Reserves Act 1977 the proposal to revoke the reservation of Harbourview Corner Reserve, Lot 286 DP 84406 (600m²) as a recreation reserve.

CARRIED

1000/2010

MOVED by Mayor Harvey, seconded Cr Flaunty:

The Council resolved to:

Agree that if revocation proceeds that a report be submitted to either the Finance and Operational Performance Committee or Council considering the Henderson Community Board's recommended use of any revenue from any future sale of Harbourview Corner Reserve for the development or provision of open space within Te Atatu Peninsula Catchment area.

CARRIED

1001/2010

MOVED by Cr Jolley, seconded Cr Corban:

2. **OTHER MATTERS CONSIDERED**

The Council resolved to:

Receive the report of the meeting of the Henderson Community Board held on Thursday, 8 July 2010.

CARRIED

PRESENTATION

Rochana Sheward and Rebecca George-Koteka from the McLaren Park Henderson South Community Initiative Incorporated made a presentation to the Council on the current activities, including plans for the community facility on Corban Green, Henderson, as part of the Henderson Community Board report.

11 WAITAKERE YOUTH COUNCIL

1002/2010

MOVED by Cr Cooper, seconded Cr Jolley:

The Council resolved to:

Receive the report of the meeting of the Waitakere Youth Council held on Monday, 28 June 2010.

CARRIED

PART D - REPORT OF THE CHIEF EXECUTIVE OFFICER

With the consent of the meeting, Item 21: Reservation and Development of Land at Te Henga and Item 22: Hobsonville Land Company – Infrastructure Funding Agreement were moved to the open section of the meeting and considered as part of Part D – Report of the Chief Executive Officer.

21 RESERVATION AND DEVELOPMENT OF COUNCIL LAND AT TE HENGA

1003/2010

MOVED by Cr Battersby, seconded Cr Clews:

The Council resolved to:

1. **Receive** the Reservation and Development of Council Land at Te Henga report.
2. **Agree** that the land owned by Waitakere City Council, being Section 1 Part lot 1 DP52977 (2.4500 hectares net) SO Plan 427 404 situated at 240 Bethells Road, Te Henga, be gazetted as a reserve, subject to the Reserves Act 1977, and classified as a local purpose reserve (marae and papakāinga).
3. **Agree**, subject to resolution 12 below, in principle to lease the reserve at 240 Bethells Road, Te Henga to Te Kawerau a Maki for a period of 10 years and on terms in accordance with the Community Leases Policy.
4. **Agree** that, subject to the agreement of the Minister of Conservation and resolution 13 below, the reserve at 240 Bethells Road, Te Henga be vested in the Crown subject to the lease and held in trust for the purpose of the development of a marae and papakāinga by Te Kawerau a Maki.
5. **Invite** the Crown to consider making financial and other resources available to Te Kawerau a Maki to undertake the development of a marae and papakāinga on the land at 240 Bethells Road, Te Henga.
6. **Agree** to seek agreement from the Crown, either that the Crown
 - (a) May, subject to being satisfied that a marae and papakāinga development programme is secure, change the reserve status of the land and the vesting or lease of the land at 240 Bethells Road, Te Henga under either the Reserves Act 1977 or Te Ture Whenua Maori Land Act; OR
 - (b) Agree that, if the Crown is satisfied that the marae and papakāinga development will not occur, to re-vest the land at 240 Bethells Road, Te Henga before 31 October 2010 in Waitakere City Council, or in Auckland Council if after 31 October 2010; for community development purposes.

7. **Direct** the Chief Executive Officer to enter into formal negotiations with representatives of Te Kawerau a Maki to agree the terms of the lease at 240 Bethells Road, Te Henga proposed under resolution 3 above, and representatives of the Crown in relation to implementation of resolutions 4 to 6 above.
8. **Note** that discussions have been held with Te Kawerau a Maki about the development and tenure of the site in accordance with the Waitakere District Plan, as requested by Council in resolution 1833/2009, and has reached a satisfactory conclusion on these matters about the desirability of an ongoing partnership between Te Kawerau a Maki and the Council in developing the site, and with the local community with respect to the development and use of the site at 240 Bethells Road, Te Henga.
9. **Agree** that the Council support and assist Te Kawerau a Maki and the community in advancing the development of the site at 240 Bethells Road, Te Henga in accordance with the Waitakere District Plan.
10. **Direct** the Chief Executive Officer to report back on any formal partnership proposals with Te Kawerau a Maki relating to the development of the land at 240 Bethells Road, Te Henga.
11. **Note** that the decision to create and classify the reserve at 240 Bethells Road, Te Henga is subject to public notification and submission.
12. **Note** that resolution 3 above may be subject to confirmation by the Auckland Transition Agency dependent upon the terms of the rent to be charged for the lease.
13. **Note** that resolution 4 above is subject to confirmation by the Auckland Transition Agency.
14. **Agree** to publicly release information about the Council's decisions at the same time as public notification of the creation of the reserve at 240 Bethells Road, Te Henga.

CARRIED

22 HOBSONVILLE LAND COMPANY LIMITED - INFRASTRUCTURE FUNDING AGREEMENT

1004/2010

MOVED by Cr Clews, seconded Cr Cooper:

The Council resolved to:

1. **Receive** the Hobsonville Land Company Limited - Infrastructure Funding Agreement report.
2. **Agree** to delegate to the Chief Executive Officer authority to make any drafting changes to the Infrastructure Funding Agreement, not involving significant financial consequences.
3. **Direct** the Chief Executive Officer to sign the Infrastructure Funding Agreement once complete.
4. **Direct** the Chief Executive Officer to refer the decision in resolution 3 to the Auckland Transition Agency for confirmation once the decision of the Hobsonville Land Company Limited is complete.

CARRIED

PART E - REPORTS FROM THE STANDING COMMITTEES

12 INFRASTRUCTURE AND WORKS COMMITTEE

1005/2010

MOVED by Cr Battersby, seconded Cr Mitchell:

The Council resolved to:

Receive the reports of the meetings of the Infrastructure and Works Committee held on Monday, 28 June 2010 and reconvened on Tuesday, 29 June 2010 and Wednesday, 7 July 2010.

CARRIED

13 POLICY AND STRATEGY COMMITTEE

1006/2010

MOVED by Cr Hulse, seconded Cr Cooper:

The Council resolved to:

Receive the report of the meeting of the Policy and Strategy Committee held on Thursday, 8 July 2010.

CARRIED

14 FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE

1007/2010

MOVED by Cr Clow, seconded Cr Clews:

1. CREATIVE COMMUNITIES SCHEME ALLOCATION SUBCOMMITTEE - CHANGES TO MEMBERSHIP

The Council resolved to:

Agree that the Delegations to Committees for the Creative Communities Scheme Allocation Subcommittee be amended so that the appointment and number of members is as follows:

CREATIVE COMMUNITIES SCHEME ALLOCATION SUBCOMMITTEE

(A Subcommittee of the Finance and Operational Performance Committee)

FIELD OF ACTIVITY

Consideration and recommendation to the Finance and Operational Performance Committee of the allocation of funding from the Creative Communities Scheme. This subcommittee is established in accordance with Creative New Zealand's Creative Communities Administrator's Guide.

MEMBERSHIP

- 1 Member of the Finance and Operational Performance Committee appointed by the Council. An alternate may be appointed if the appointed representative is unavailable.
- 1 Member representing the Community Boards (1 person appointed collectively by all four Community Boards).

- 2 Members who are professional artists (1 person appointed by Lopdell House Society and 1 person appointed by the Waitakere Arts and Cultural Development Trust).
- 1 Member appointed by the Waitakere City business sector.
- 1 Member appointed by the Titirangi Community Arts Council.
- 1 Member appointed by the Waitakere Central Community Arts Council.
- 2 Members appointed by Te Taumata Runanga.
- 1 Member appointed by the Waitakere Pacific Board.

Quorum: 5 Members, including at least 1 Councillor or Community Board representative.

The Subcommittee will elect its own Chairman.

DELEGATED POWERS

Responsibility to assess applications for funding in accordance with the Council's eligibility criteria, priorities for support and the Creative Community Scheme and to recommend funding allocations to the Finance and Operational Performance Committee for approval.

2. OTHER MATTERS CONSIDERED

Receive the report of the meeting of the Finance and Operational Performance Committee held on Monday, 12 July 2010.

CARRIED

15 PLANNING AND REGULATORY COMMITTEE

1008/2010

MOVED by Cr Neeson, seconded Cr Flaunty:

The Council resolved to:

1. CONTROL OF LIQUOR IN PUBLIC PLACES BYLAW 2008 REPORT

The Council resolved to:

1. **Agree** to amend the Waitakere City Council Control of Liquor in Public Places Bylaw 2008, pursuant to clause 7 of the Waitakere City Council Control of Liquor in Public Places Bylaw 2008 to:
 - (a) Extend the specified hours of liquor ban areas listed in the Second Schedule of the Bylaw from 9pm to 6am to 7pm to 7am.
 - (b) Remove five existing parks and reserves from the liquor ban areas listed in the Second Schedule:
 - (f) Map 12 - Te Pai Park - Henderson;
 - (j) Map 16 - Waikumete Cemetery - Glen Eden;
 - (m) Map 19 - Archibald Park - Kelston;
 - (o) Map 21 - Ken Maunder Park - New Lynn; and
 - (s) Map 25 - Triangle Park - Massey.
 - (c) Insert a Fourth Schedule with specified times of 24 hours, 7 days a week for the following parks and reserves:
 - (a) Map 12 - Te Pai Park - Henderson;
 - (b) Map 16 - Waikumete Cemetery - Glen Eden;

- (c) Map 19 - Archibald Park - Kelston;
- (d) Map 21 - Ken Maunder Park - New Lynn; and
- (e) Map 25 - Triangle Park - Massey.

2. **Agree** to declare, pursuant to clause 7 of the Waitakere City Council Control of Liquor in Public Places Bylaw 2008, 11 new liquor ban areas as set out in the schedules and delineated in corresponding maps for the specified times:

New Liquor Ban Areas	Hours/days where liquor ban will be in place	Schedule	Proposed Map
Green Bay (CBD)	24 hours, 7 days a week	First	31
Harold Moody Park - Glen Eden	7.00pm - 7.00am	Second	32
Glen Eden Picnic Area - Glen Eden	7.00pm - 7.00am	Second	33
Otitori Bay (French Bay) - Titirangi	7.00pm - 7.00am	Second	34
Henderson Park (including Opanuku Reserve, Corban Park, Vintage Reserve and Rotary Park) - Henderson	24 hours, 7 days a week	Fourth	41
Te Rangi Hiroa Reserve (including Birdwood Winery and Birdwood Depot) - Ranui	7.00pm - 7.00am	Second	35
Hobsonville War Memorial Park - Hobsonville	7.00pm - 7.00am	Second	36
Northall Park - New Lynn	7.00pm - 7.00am	Second	37
Moire Park - Massey	7.00pm - 7.00am	Second	38
Lawson Park - New Lynn	7.00pm - 7.00am	Second	39
Manutewhau Reserve - Massey	7.00pm - 7.00am	Second	40

3. **Agree** to resolve, pursuant to section 156(2)(a) of the Local Government Act 2002, to make a minor change to Map 24 (Herald Island) of the Waitakere City Council Control of Liquor in Public Places Bylaw 2008 in order to correct a drafting error and ensure that Map 24 is consistent with the corresponding reference in the Second Schedule to the "Public area adjacent to Herald Island wharf car park - Herald Island."
4. **Direct** the Chief Executive Officer to advertise the amended bylaw that will come into force on 1 September 2010.
2. **OTHER MATTERS CONSIDERED**
5. **Receive** the report of the meeting of the Planning and Regulatory Committee held on Thursday, 13 July 2010.

CARRIED

16 TE TAUMATA RUNANGA

There was no meeting of Te Taumata Runanga in July 2010. The Chairman of Te Taumata Runanga updated the Council on matters dealt with by Te Taumata Runanga in July 2010.

17 LONG TERM COUNCIL COMMUNITY PLAN AND ANNUAL PLAN COMMITTEE

1009/2010

MOVED by Cr Clews, seconded Cr Clow:

The Council resolved to:

Receive the report of the meeting of the Long Term Council Community Plan and Annual Plan Committee held on Friday, 18 June 2010 and reconvened on Friday, 25 June 2010.

CARRIED

PART F - PRESENTATION

18 MEMORANDUM OF UNDERSTANDING - NEW ZEALAND POLICE AND WAITAKERE CITY COUNCIL

This item was considered after Item 6: Report of the Mayor.

PART G - PROCEDURAL MATTERS

19 QUESTIONS

There were no Questions.

20 NOTICES OF MOTION

There were no Notices of Motion.

PART H - PUBLIC EXCLUDED MATTERS

21 RESERVATION AND DEVELOPMENT OF LAND AT TE HENGA

22 HOBSONVILLE LAND COMPANY - INFRASTRUCTURE FUNDING AGREEMENT

Item 21: Reservation and Development of Land at Te Henga and Item 22: Hobsonville Land Company – Infrastructure Funding Agreement were dealt with following Item 11: Waitakere Youth Council.

23 **CLOSING PRAYER**

Cr Lawley said the Closing Prayer.

7.44 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:.....