

**MINUTES OF AN ORDINARY MEETING OF THE COUNCIL HELD IN THE CIVIC CENTRE,
6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY, ON WEDNESDAY,
18 DECEMBER 2002, COMMENCING AT 4.43 PM.**

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WAITAKERE CITY COUNCIL



MINUTES OF AN ORDINARY MEETING OF THE COUNCIL HELD IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY, ON WEDNESDAY, 18 DECEMBER 2002, COMMENCING AT 4.43 PM.

PRESENT:

Mayor	RA	Harvey, QSO, JP
Deputy Mayor	CA	Stone
Councillors	DQ	Battersby, JP
	BA	Brady, JP
	JM	Clews, QSO, JP
	RP	Dallow, QPM, JP (until 7.00 pm)
	AC	Fenton
	OE	Hoskin, JP
	JP	Lawley
	GE	Nash, JP
	VS	Neeson, JP
	GB	Presland
	GW	Russell
	DA	Yates, JP

TE TAUMATA RUNANGA: M Te Huia

COMMUNITY BOARDS:

Mr B Jessopp	(Chairperson Massey Community Board)
Mrs CA Shepherd, JP	(Chairperson Waitakere Community Board)
Mr WR Davis	(Deputy Chairperson Henderson Community Board)
Mr P van der Voort, JP	(New Lynn Community Board)
Ms GPJ Marshall	(New Lynn Community Board)
Mr DB Shaw, JP	(Henderson Community Board)

IN ATTENDANCE:

Chief Executive
Director: City Services
Director: Strategy and Development
Director: Corporate and Civic Services
Director: Finance
Director: Public Affairs
Director: Quality Assurance
Manager: Maori Issues
Solicitor: G Wakefield
Manager: Democracy and Support Services
Strategic Projects Manager
Project Manager Revitalisation
City Projects Manager
Service Manager - Aftercare & Special Project
Urban Design Manager
Acting Manager: Legal Services
Special Projects Engineer: J Schermbrucker
Communications Advisor: D Bindoff
Quality Liaison Officer: J Burton
Mayoral Executive Officer
Committee Secretary: S Simiona
O Schuster
N Delamere
A Chan

Andrew Millard - Rawlinsons
Dr John Webster - UNITEC

1 OPENING PRAYER

Reverend Huriana (Judy) Cooper from the Hemitapu (St James) Anglican Church said the Opening Prayer.

2 APOLOGIES

3641/2002

MOVED by Cr Battersby, seconded Cr Fenton:

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

CARRIED

3 CONFIRMATION OF MINUTES

3642/2002

MOVED by Cr Nash, seconded Cr Dallow:

That the minutes of the Ordinary Meeting of the Council held on Wednesday, 27 November 2002, the Special Meeting of the Council (Strategic Review) held on Thursday, 28 November 2002 and the Special Meeting of the Council (Civic Future Project) held on Monday, 9 December 2002, as circulated, be taken as read and now be confirmed.

CARRIED

4 URGENT BUSINESS

3643/2002

MOVED by Cr Fenton, seconded Cr Clews:

That the issue of the Painted Apple Moth spraying by the Ministry of Agricultural and Forestry be considered as Urgent Business as the information put to the Council during the Public Forum that preceded the Council meeting requires consideration before the next meeting of the Council.

CARRIED

3644/2002

MOVED by Cr Nash, seconded Cr Clews:

That the issue of funding of legal advice in relation to aerial spraying for the Painted Apple Moth be referred to the Chief Executive for action noting Council's preference for expenditure of up to \$10,000, and that this item and any action taken by the Chief Executive be reported back to 26 February 2003 meeting of the Council for ratification.

CARRIED

PRECEDENCE OF BUSINESS

3645/2002

MOVED by Cr Clews, seconded Cr Dallow:

That Item 5: Te Taumata Runanga; Item 6: New Lynn Community Board; Item 7: Waitakere Community Board; Item 8: Massey Community Board; Item 9: Henderson Community Board; Item 14: Waitakere City Council Civic Future Project; Item 14A: Architectural Design Services - Civic Future Project: Implementation - Option B1; Item 14B: Architectural Design Services - Civic Future Project: Implementation - Option B2; Item 15: Henderson Town Centre Development and Item 13: Hobsonville Legal Issues Around Creation of Titles be accorded precedence at this time.

CARRIED

PART B - TE TAUMATA RUNANGA AND COMMUNITY BOARDS

5 TE TAUMATA RUNANGA

3646/2002

MOVED by Cr Hoskin, seconded Cr Lawley:

That the report of the Ordinary Meeting of Te Taumata Runanga held on Monday, 9 December 2002 be received.

CARRIED

6 NEW LYNN COMMUNITY BOARD

1. NEW FOOTPATH CONSTRUCTION

3647/2002

MOVED by Cr Clews, seconded Cr Presland:

That due to the policy differences between the allocation method at the inter-ward and intra-ward levels, the new footpath budget allocation policy be reviewed before the next year's budget and with input from the Community Boards.

INTER-WARD	INTRA-WARD
Length of Road with No Footpath	Road Width and Shoulder Width
Length of Road with One Footpath	Sight Distances
Total Backlog	Traffic Volumes
	Likely Number of Pedestrians
	Number/locality of Generators or Attractors of Pedestrians

CARRIED

2. **2003 BI-ANNUAL COMMUNITY BOARD CONFERENCE IN NEW PLYMOUTH**

3648/2002

MOVED by Cr Clews, seconded Cr Fenton:

That the Board's appointment of Gayle Marshall as the New Lynn Community Board's representative to attend the 2003 Bi-annual Community Board Conference in New Plymouth, be endorsed.

CARRIED

3. **OTHER MATTERS CONSIDERED**

3649/2002

MOVED by Cr Clews, seconded Cr Presland:

That the report of the Ordinary Meeting of the New Lynn Community Board held on Monday, 2 December 2002 be received.

CARRIED

7 **WAITAKERE COMMUNITY BOARD**

1. **SWANSON RESERVES MANAGEMENT PLAN**

3650/2002

MOVED by Cr Stone, seconded Cr Hoskin:

1. That the Site Management Committee be re-established to work in an advisory capacity to the Kay Road balefill site of the Draft Swanson Reserves Management Plan.

2. That David Hallett be appointed as Waitakere Community Board's representative on the Site Management Committee.

NOTE: The Terms of Reference for the re-establishment of the Kay Road Balefill Site Management Committee will be presented to the Council's February 2003 meeting for approval.

CARRIED

2. **OTHER MATTERS CONSIDERED**

3651/2002

MOVED by Cr Stone, seconded Cr Hoskin:

That the report of the Ordinary Meeting of the Waitakere Community Board held on Tuesday, 3 December 2002 be received.

CARRIED

8 **MASSEY COMMUNITY BOARD**

1. **LINCOLN ROAD - BUS PRIORITY LANE**

3652/2002

MOVED by Cr Brady, seconded Cr Hoskin:

That it be resolved by way of Special Order Bylaw No. 7 1991 Traffic, Amendment 6, 2003, as set out:

AMENDMENT TO BYLAW No. 7 1991, TRAFFIC

The Waitakere City Council acting in pursuance and exercise of the power and authorities conferred on it by the Local Government Act 1974, the Transport Act 1962, Traffic Regulations 1976 the Bylaws Acts 1910 and all other powers and authorities in any way enabling it **HEREBY RESOLVES BY SPECIAL ORDER** the following amendment to Bylaw No. 7 1991, Traffic hereby:-

1. **SHORT TITLE**

The Short Title of this Bylaw shall be the Waitakere City Council Bylaw No. 7 1991, Traffic, Amendment No. 6, 2003.

2. **COMMENCEMENT**

This Amendment shall come into force on 6 March 2003.

3. **AMENDMENT**

Bylaw No. 7 1991, Traffic is amended by adding after clause 10 - CYCLE TRACKS the following clause entitled "BUS PRIORITY LANE"

10A) BUS PRIORITY LANE

10A.1 The Council or any duly delegated committee of the Council including a community board may at anytime and from time to time by resolution determine that any part of street which shall be defined in such resolution shall be a 'bus priority lane' for the purposes of this Bylaw.

10A.2 The Council or any duly delegated committee of the Council including a community board may at any time by resolution prohibit, limit or restrict all classes of vehicle from using any 'bus priority lane' except for large passenger service vehicles, bicycles, police and traffic enforcement vehicles, emergency vehicles, and by any vehicle for a distance of not more than 50 metres for the purpose of turning into or out of side streets and properties.

10A.3 The Council or any duly delegated committee of Council including a community board may further and in like manner prohibit the parking of any vehicles in any bus priority lane in excess of a period fixed by such resolution.

10A.4 The Council shall maintain in or on the street a notice, traffic sign, marking or sign indicating a bus priority lane and the nature of such prohibition, limitation or restriction and purposes so determined.

10A.5 No person or driver in charge of any vehicle shall stop, stand or park it whether attended or unattended in any such lane where such a notice, traffic sign, marking or sign on the street is maintained except in conformity with the terms of such prohibition, limitation or restriction or for the purposes so determined.

2. **ADVERTISING**

That the Council duly advertise its intention to introduce the bylaw:

- (i) Not less than 21 clear days before confirming its intention to introduce the bylaw, and again,
- (ii) Not more than 14 days nor not less than 7 clear days before introducing the bylaw.

3. **CONFIRMATION**

That the Special Order be set down for confirmation at an ordinary meeting of Council scheduled for Wednesday, 26 February 2003, commencing at 5.30 pm.

CARRIED

2. **OTHER MATTERS CONSIDERED**

3653/2002

MOVED by Cr Hoskin, seconded Cr Nash:

That the report of the Ordinary Meeting of the Massey Community Board held on Wednesday, 4 December 2002 be received.

CARRIED

9 **HENDERSON COMMUNITY BOARD**

3654/2002

MOVED by Cr Dallow, seconded Cr Fenton:

That the report of the Ordinary Meeting of the Henderson Community Board held on Thursday, 5 December 2002 be received.

CARRIED

PART D - CONFIDENTIAL ITEMS

14 WAITAKERE CITY COUNCIL CIVIC FUTURE PROJECT

PROCEDURAL MOTION TO EXCLUDE THE PUBLIC

3655/2002

MOVED by Cr Yates, seconded Cr Brady:

1. That the public be excluded from the following part of the proceedings of this meeting, namely Waitakere City Council Civic Future Project.

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"> • Waitakere City Council Civic Future Project 	<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)(g)(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:

- *These reports contain information which if released would affect the Council's negotiations.*
2. Dr John Webster (UNITEC), Andrew Millard (Rawlinsons) be permitted to remain at this meeting, after the public has been excluded, because of their knowledge of each of the matters to be discussed. This knowledge, which will be of assistance in relation to each of the matters to be discussed, is relevant to those matters because of background information and advice which will be required by the Council when assessing the options available to it an in explaining any decision to the Community.

CARRIED

6.25 pm The public were excluded.

Minute Number 3656/2002 is recorded in the Confidential Section of the Minutes.

6.55 pm The public were readmitted.

RESTATEMENT

The Council resolved while the public were excluded (Moved by Cr Dallow, seconded Cr Brady) (resolution 3656/2002, no. 7) *“That the report and resolutions pertaining to Waitakere City Council Civic Future Project, remain confidential until such time as the property negotiations envisaged therein are concluded.”*

PRECEDENCE OF BUSINESS

3657/2002

MOVED by Cr Fenton, seconded Cr Clews:

That Part F - Presentations (Item 19: Rudi Sunde and Item 20: Massey Leisure Centre) and Part A - Report of the Mayor be accorded precedence at this time.

CARRIED

7.00 pm Cr Dallow left the meeting.

PART F - PRESENTATIONS

19 RUDI SUNDE

Rudi Sunde recently released a CD of Sea Shanties for the Americas Cup. Rudi and his group, performed a selection of his Shanties for the Council.

20 MASSEY LEISURE CENTRE

John Fairhurst, Pat Gross and Shona Ballinger from YMCA presented the NZRA/SPARC Win/Win Best Facility Award to Mayor Bob Harvey.

PART A - REPORT OF THE MAYOR

Sergeant Scott Ferguson made a presentation to the Council on methamphetamine manufacture and use in Waitakere City.

3658/2002

MOVED by Cr Fenton, seconded Cr Lawley:

1. That the report of the Mayor be received.
2. That the Chief Executive consider warranting Council parking wardens to enforce graffiti violations, litter violations and the breaking of other relevant by-laws.
3. That the Chief Executive permit Council facilities such as libraries or Citizens Advice Bureaux to hold and distribute information warning of the dangers of methamphetamine use.
4. That the Council write to the Minister of Police and Minister of Health informing them that we have declared war on methamphetamine use and production within Waitakere City, and we require assistance and support to curtail and destroy this insidious, life-threatening product manufacture.

CARRIED

3659/2002

MOVED by Cr Battersby, seconded Cr Clews:

1. That the Chief Executive be instructed to work with the Commander of the New Zealand Defence Forces or relevant officer of the New Zealand Defence Forces together with all relevant Returned Service Associations of the Hobsonville and Whenuapai Airbases to ensure that a fitting physical memorial to their service to the City and nation is constructed and maintained within Waitakere City.
2. That Waitakere City Council support and promote the development potential of commercial activities at Whenuapai in the interests of wider economic development in a manner consistent with the growth objectives of the City.
3. That Waitakere City Council request that the Chief Executive ensure that any future development of the Whenuapai airbase not preclude it functioning as a functioning commercial airport.
4. That Waitakere City Council maintain an option for a shareholding interest in any airport company that may be created to operate Whenuapai airbase.
5. That Waitakere City Council recognise the sensitivity of the upper Waitemata Harbour, and provide for sustainable water management based on the principles of the *Water Cycle Strategy*.
6. That Waitakere City Council in its approach to the development of Whenuapai recognise Council's commitment to the Treaty of Waitangi.
7. That Waitakere City Council recognise the potential of the Whenuapai Airbase as a model of sustainable development particularly in relationship to sustainable economic development and efficient use of energy.
8. That Waitakere City Council ensures a fair allocation of the costs of providing infrastructure and public assets in the development of Whenuapai airbase.

9. That Waitakere City Council in its approach to the development of the wider Northern Regional Strategic Growth Area give priority to land uses that promote economic development.
10. That Council requests that the New Zealand Defence Force or other Crown entity retain ownership of the Whenuapai Airbase Land for the foreseeable future to ensure the long term potential of the Airbase as an operating airport is retained.
11. That the Chief Executive be authorised to cement in place strategic alliances to achieve the aims of recommendations 1 to 10.
12. That the Council endorse the use of the Clark Homestead as a national ceramic museum by Sir Tom Clark and Howard Williams, and that they be asked to bring the project together for the February meeting of Council.

CARRIED

PRECEDENCE OF BUSINESS

3660/2002

MOVED by Cr Brady, seconded Cr Fenton:

That Item 10: Resourcing for EcoTech Projects; Item 11: Delegations to Officers and Mayoral Taskforce on Whenuapai; Item 12: Waitakere Playhouse Theatre Trust - Update of Status/Issues; Item 16: City Development Committee; Item 17: Environmental Management Committee; Item 18: Finance and Operational Performance Committee; Item 21: Questions and Item 22: Notices of Motion; be accorded precedence at this time.

CARRIED

PART C - REPORT OF THE CHIEF EXECUTIVE

10 RESOURCING FOR ECOTECH PROJECTS

3661/2002

MOVED by Cr Nash, seconded Cr Fenton:

1. That the information be received.
2. That the resourcing framework and reprioritisation proposal outlined in the agenda report be approved.

CARRIED

11 DELEGATIONS TO OFFICERS AND MAYORAL TASKFORCE ON WHENUAPAI

3662/2002

MOVED by Cr Hoskin, seconded Cr Fenton:

1. That the information be received.
2. That the "Delegations to Officers" document, as circulated separately, be adopted.
3. That the said delegations supersede all previous delegations to Officers.
4. That the Mayoral Taskforce on Whenuapai Terms of Reference be adopted.

CARRIED

12 **WAITAKERE PLAYHOUSE THEATRE TRUST - UPDATE OF STATUS / ISSUES**

DECLARATION OF INTEREST

8.08 pm Cr Battersby declared an interest and withdrew from the table and took no part in the debate or decision on Item 12: Waitakere Playhouse Theatre Trust - Update of Status/Issues.

3663/2002

MOVED by Cr Lawley, seconded Cr Neeson:

1. That the information be received.
2. That notwithstanding resolution 2974/2001, funding of \$292,000 be made available to the Trust to enable it to meet its contractual commitments, and that a report be brought to the first available meeting of the Finance and Operational Performance Committee to enable a recommendation to be brought to Council to revoke the appropriate parts of resolution 2974/2001.

CARRIED

8.20 pm Cr Battersby returned to the table.

PART E - STANDING COMMITTEE REPORTS

16 **CITY DEVELOPMENT COMMITTEE**

1. **MCCAHERN HOUSE TRUST**

3664/2002

MOVED by Cr Stone, seconded Cr Yates:

That the properties at 67 and 69 Otitori Bay Road be sold to the McCahon House Trust for a nominal sum, subject to the execution of a Memorandum of Encumbrance between Council and the Trust, to be developed and reported back to Council for approval.

CARRIED

2. **OTHER MATTERS CONSIDERED**

3665/2002

MOVED by Cr Stone, seconded Cr Clews:

That the report of the Ordinary Meeting of the City Development Committee held on Monday, 9 December 2002 be received.

CARRIED

8.20 pm Cr Hoskin left the meeting.

17 ENVIRONMENTAL MANAGEMENT COMMITTEE

3666/2002

MOVED by Cr Yates, seconded Cr Russell:

That the report of the Ordinary Meeting of the Environmental Management Committee held on Tuesday, 10 December 2002 be received.

CARRIED

18 FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE

1. APPLICATION FOR CONVERSION OF COMMUNITY SPORT FUND LOAN TO GRANT

3667/2002

MOVED by Cr Clews, seconded Cr Lawley:

That the loan from the Community Sport Fund to the Waitakere Regional Sports Trust for \$800,000 be converted to a grant, subject to sign off on the business plan by the Director: Finance.

CARRIED

2. OTHER MATTERS CONSIDERED

8.25 pm Cr Hoskin returned to the meeting

3668/2002

MOVED by Cr Clews, seconded Cr Fenton:

That the report of the Ordinary Meeting of the Finance and Operational Performance Committee held on Thursday, 12 December 2002 be received.

CARRIED

PART G - PROCEDURAL MATTERS

21 QUESTIONS

There were no Questions.

22 NOTICES OF MOTION

DECLARATION OF INTEREST

8.28 pm Cr Lawley declared an interest and withdrew from the table and took no part in the debate or decision on Item 22: Notices of Motion.

3669/2002

MOVED by Cr Battersby, seconded Cr Nash:

1. That Cr J Lawley be authorised to attend the forthcoming European Commission International Learning Conference and that Council pay all costs associated with the Conference.
2. That the Chief Executive formulate a policy to be brought back to Council via the Annual Plan meetings on a process for the attendance of Councillors at seminars, meetings and networking opportunities that relate to their responsibilities.

CARRIED

8.38 pm Cr Lawley returned to the table.

The Order of Business resumed at Item 14A: Architectural Design Services - Civic Future Project: Implementation - Option B1.

PART D - CONFIDENTIAL ITEMS

14A WAITAKERE CITY COUNCIL CIVIC FUTURE PROJECT - ARCHITECTURAL DESIGN SERVICES - IMPLEMENTATION - OPTION B1

14B WAITAKERE CITY COUNCIL CIVIC FUTURE PROJECT - ARCHITECTURAL DESIGN SERVICES - IMPLEMENTATION - OPTION B2

15 HENDERSON TOWN CENTRE DEVELOPMENT

13 HOBSONVILLE LEGAL ISSUES AROUND CREATION OF TITLES

PROCEDURAL MOTION TO EXCLUDE THE PUBLIC

3670/2002

MOVED by Cr Yates, seconded Cr Brady:

That the public be excluded from the following part of the proceedings of this meeting, namely Waitakere City Council Civic Future Project - Architectural Design Services - Implementation - Options B1 and B2, Henderson Town Centre Development and Hobsonville Legal Issues Around Creation of Titles.

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"> • Waitakere City Council Civic Future Project - Architectural Design Services - Implementation - Options B1 and B2 • Henderson Town Centre Development • Hobsonville Legal Issues Around Creation of Titles 	<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). • Maintain legal professional privilege. 	<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)(g)(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:

- *These reports contain information which if released would affect the Council's negotiations and legal and professional advice which is subject to legal and professional privilege.*

CARRIED

8.40 pm The public were excluded.

Minute Numbers 3671/2002 to 3674/2002 are recorded in the Confidential Section of the Minutes.

8.55 pm The public were readmitted.

RESTATEMENTS

The Council resolved while the public were excluded:

1. *(Moved by Cr Clews, seconded Cr Yates) (resolution 3671/2002, no. 3) "That the report and resolutions pertaining to Waitakere City Council Civic Future Project - Architectural Design Services - Implementation - - Option B1 remain confidential until the tender has been awarded."*
2. *(Moved by Cr Yates, seconded Cr Nash) (resolution 3672/2002, no. 3) "That the report and resolutions pertaining to Waitakere City Council Civic Future Project - Architectural Design Services - Implementation - Option B2 remain confidential until the tender has been awarded."*

3. (Moved by Cr Nash, seconded Cr Brady) (resolution 3673/2002, no. 5) *“That the report and resolutions pertaining to Henderson Town Centre Development remain confidential until such time as the properties have been acquired or negotiations/acquisition efforts have been abandoned.”*
4. (Moved by Cr Nash, seconded Cr Yates) (resolution 3674/2002, no. 3) *“That the report and resolutions pertaining to Hobsonville Legal Issues Around Creation of Titles remain confidential until further notice.”*

PART G - PROCEDURAL MATTERS

23 CLOSING PRAYER

Cr Yates concluded the meeting with a reading.

8.59 pm

The Chairperson thanked members for their attendance and attention to business, extended to members and staff the complements of the Season, and declared the meeting closed.

CONFIRMED AT AN ORDINARY MEETING OF
THE COUNCIL HELD ON

DATE:.....

CHAIRPERSON:.....

