

**MINUTES OF THE INAUGURAL MEETING OF COUNCIL HELD IN THE  
CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,  
ON WEDNESDAY, 31 OCTOBER 2001, COMMENCING AT 7.45 PM.**

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**PRESENT:**

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

**IN ATTENDANCE:**

Chief Executive  
Director: Corporate and Civic Services  
Director: City Enterprises  
Director: Finance  
Director: Strategic Projects  
Director: Strategic Group  
Manager: Public Affairs  
Manager: Legal Services  
Manager Committee Services  
Acting Executive Assistant to the Chief Executive  
Mayoral Executive Officer  
Acting Senior Management Group Co-ordinator  
Landscape Planning Co-ordinator - Kerry Bodmin  
Committee Secretary: S Simiona  
A Chan  
O Schuster  
N Delamere

Mr M Casey - Senior Partner, KPMG Legal

<b><u>COMMUNITY BOARDS:</u></b>			
WR	Davis	(Henderson Community Board)	
HM	Jones	(Henderson Community Board)	
C	Nakhid	(Henderson Community Board)	
WJM	Postlewaight	(Henderson Community Board)	
DB	Shaw	(Henderson Community Board)	
MFP	Chan	(Massey Community Board)	
WW	Flaunty	(Massey Community Board)	
JA	Good	(Massey Community Board)	
BF	Jessopp	(Massey Community Board)	
KG	Perri	(Massey Community Board)	
DJ	Webster	(Massey Community Board)	
EG	Francke	(New Lynn Community Board)	
R	Kernaghan	(New Lynn Community Board)	
GPJ	Marshall	(New Lynn Community Board)	
BJ	Peters	(New Lynn Community Board)	
P	van der Voort	(New Lynn Community Board)	
DJ	Goodley	(Waitakere Community Board)	
DG	Hallett	(Waitakere Community Board)	
BP	Hanson	(Waitakere Community Board)	
KP	Healy	(Waitakere Community Board)	
CA	Shepherd	(Waitakere Community Board)	
RE	Taylor	(Waitakere Community Board)	

## **PART A - STATUTORY ISSUES**

### **1 OPENING**

In accordance with Section 114d(3) of the Local Government Act 1974 the Chief Executive opened the meeting.

### **2 DECLARATION BY HIS WORSHIP THE MAYOR**

The Mayor elect Robert Anster Harvey made and signed the Statutory Declaration as required by Section 114U of the Local Government Act 1974.

### **3 INVESTITURE OF HIS WORSHIP THE MAYOR**

The Chief Executive formally invested Mayor Bob Harvey with the Chain of Office.

Hariata Ewe placed the Kahukiwi (feather cloak) of Te Kawerau A Maki on the Mayor.

#### 4 **DECLARATION BY COUNCILLORS**

In accordance with the provisions of Section 114U of the Local Government Act 1974 Councillors made and signed the Statutory Declaration witnessed by Mayor Bob Harvey. Declarations were made in the order as follows:

- Derek Quentin Battersby
- Brenda Ann Brady
- Janet Mary Clews
- Ross Philip Dallow
- Annette Carolyn Fenton
- Owen Erle Hoskin
- Penelope Ann Hulse
- Judy Patricia Lawley
- Gwen Emily Nash
- Vanessa Shay Neeson
- Gregory Boone Presland
- Gary William Russell
- Carolynne Anne Stone
- Denise Agnes Yates

#### 5 **ELECTION OF DEPUTY MAYOR**

Pursuant to Section 101U of the Local Government Act 1974 the Mayor called for nominations for the position of Deputy Mayor.

NOMINATED by Mayor Bob Harvey, seconded Cr Hulse:

That Cr Stone be appointed as Deputy Mayor.

2415/2001

There being no further nominations Mayor Bob Harvey **DECLARED** Cr Stone as Deputy Mayor of Waitakere City Council.

#### 6 **GENERAL EXPLANATION OF STATUTORY PROVISIONS**

The Council's legal adviser Mr Matt Casey, Senior Partner of KPMG Legal gave the general explanation to the Council on their obligations under:

- (i) The Local Government Official Information and Meetings Act 1987; and
- (ii) Other laws affecting members including the appropriate provisions of the Local Authorities (Members' Interests) Act 1968, Sections 99, 105 and 105A of the Crimes Act 1961, the Secret Commissions Act 1910, and the Securities Act 1978.

as required by Section 114D(4)(c) of the Local Government Act 1974.

2416/2001  
MOVED by Cr Dallow, seconded Cr Brady:

That the information be received.

**CARRIED**

**7 ADOPTION OF MEETING SCHEDULE**

2417/2001  
MOVED by Cr Battersby, seconded Cr Neeson:

1. That the information be received.
2. That the schedule of ordinary meetings of the Council as circulated and amended be adopted.
3. That any remaining appointments to Ad Hoc Organisations not determined at this meeting be referred to a Special meeting to be held in the Civic Centre, 6 Waipareira Avenue, Lincoln, Waitakere City at 5.00 pm on Wednesday, 14 November 2001, this meeting to also consider a report on the principle of Waitakere being a GE Free City and to take any necessary action connected therewith.

**CARRIED**

**PART B - APPOINTMENTS, DELEGATIONS AND ESTABLISHMENT**

**8 ADOPTION OF STANDING ORDERS**

2418/2001  
MOVED by Cr Neeson, seconded Cr Clews:

1. That the information be received.
2. That the Standing Orders as circulated and amended be adopted for the 2001/2004 term of Council.

**CARRIED**

**NOTE: AMENDMENTS**

1. *Page 26 - Standing Order 21 include:*

*Consuming of Food 21.17 That consuming of food during meetings not be permitted except at the discretion of the Chairperson.*

2. *Page 49 - 2.C4 - to read as follows:*

*Chairperson's Report: The Chairperson, by report, has the right to direct the attention of the local authority **or duly appointed Committee** to any matter or subject within the role or function of the local authority.*

**9 ADOPTION OF ORDER OF BUSINESS**

2419/2001

MOVED by Cr Brady, seconded Cr Dallow:

1. That the information be received.
2. That Council determine the order of business for its ordinary meetings.

5.00 - 5.30 pm

Informal Open Forum

5.30 pm

Formal meeting commences:

**ORDER OF BUSINESS**

Apologies

Opening Prayer

Confirmation of Minutes

Urgent Business

Deputations/Petitions

Confirmation of Special Orders

Report of the Mayor

Reports of the Community Boards and Te Taumata Runanga

Report of the Chief Executive

Reports of the Standing Committees

Presentations (to be held at 7.30 pm)

Questions

Notices of Motion

**CARRIED**

**10 ESTABLISHMENT OF COMMITTEES, THEIR FIELDS OF ACTIVITIES AND DELEGATIONS THERETO**

2420/2001

MOVED by Cr Fenton, seconded Cr Presland:

1. That the information be received.
2. That the Committees be established as specified in the document "Delegations to Committees and Community Boards".
3. That the Delegations to Committees and Community Boards, as specified in the document "Delegations to Committees and Community Boards" be adopted.

**CARRIED**

11 **APPOINTMENTS TO COMMITTEES AND CHAIRPERSONS THEREOF**

2421/2001

MOVED by Cr Stone, seconded Cr Hulse:

1. That the information be received.
2. That the following appointments be made:

**Three Standing Committees**

**City Development  
Committee**

Carolynne Stone (Chair)  
Greg Presland (Deputy)  
Derek Battersby  
Brenda Brady  
Janet Clews  
Ross Dallow  
Annette Fenton  
Owen Hoskin  
Penny Hulse  
Judy Lawley  
Gwen Nash  
Vanessa Neeson  
Gary Russell  
Denise Yates

**Finance and Operational  
Performance Committee**

Janet Clews (Chair)  
Brenda Brady (Deputy)  
Derek Battersby  
Ross Dallow  
Annette Fenton  
Owen Hoskin  
Penny Hulse  
Judy Lawley  
Gwen Nash  
Vanessa Neeson  
Greg Presland  
Gary Russell  
Carolynne Stone  
Denise Yates

**Environmental  
Management  
Committee**

Penny Hulse (Chair)  
Denise Yates (Deputy)  
Derek Battersby  
Brenda Brady  
Janet Clews  
Ross Dallow  
Annette Fenton  
Owen Hoskin  
Judy Lawley  
Gwen Nash  
Greg Presland  
Gary Russell  
Carolynne Stone  
Vanessa Neeson

**Committees:  
Hearings Committee**

Gwen Nash (Chair)  
Ross Dallow (Deputy)  
Brenda Brady  
Denise Yates  
Penny Hulse  
Vanessa Neeson  
+ C/Bd

**Emergency Services**

Derek Battersby (Chair)  
Vanessa Neeson (Deputy)  
Annette Fenton  
Gary Russell  
Ross Dallow

**Tenders  
Subcommittee**

Janet Clews  
Greg Presland

**Projects Special  
Committee**

Ross Dallow (Chair)  
Judy Lawley (Deputy)  
Janet Clews  
Annette Fenton  
Brenda Brady  
Derek Battersby  
Gary Russell

**Te Taumata Runanga**

Denise Yates  
Judy Lawley

**Community Sport Fund Allocation Subcommittee** - Brenda Brady  
(Chairperson)

**Creative Communities Scheme Allocation Subcommittee** - Vanessa Neeson  
(Chairperson)

**Regional Arts and Culture Funding Allocation Subcommittee** - Denise Yates  
(Chairperson)

**Performance Review Committee**

- Mayor (Chairperson)
- Councillor Janet Clews  
(Chairperson: Finance and Operational  
Performance Committee)
- Councillor Carolynne Stone  
(Chairperson: City Development  
Committee)
- Councillor Penny Hulse  
(Chairperson: Environmental  
Management Committee)
- Councillor Greg Presland

3. That the Mayor and the Deputy Mayor be appointed ex officio members of all Committees except the Hearings Special Committee, Community Sport Fund Allocation Subcommittee, Creative Communities Scheme Allocation Subcommittee and Regional Arts and Culture Funding Allocation Subcommittee.

**CARRIED**

**12 APPOINTMENT OF WARD COUNCILLORS TO COMMUNITY BOARDS**

2422/2001

MOVED by Cr Yates, seconded Cr Battersby:

That Councillor Brenda Brady and Councillor Annette Fenton be appointed to the Henderson Community Board.

**CARRIED**

2423/2001

MOVED by Cr Hulse, seconded Cr Yates:

That Councillor Gwen Nash, Councillor Gary Russell and Councillor Owen Hoskin be appointed to the Massey Community Board.

**CARRIED**

2424/2001

MOVED by Cr Russell, seconded Cr Lawley:

That Councillor Greg Presland be appointed to the New Lynn Community Board.

**CARRIED**

2425/2001

MOVED by Cr Presland, seconded Cr Hulse:

That Councillor Janet Clews be appointed to the New Lynn Community Board.

**CARRIED**

2426/2001

MOVED by Cr Nash, seconded Cr Clews:

That Councillor Penny Hulse, Councillor Carolynne Stone and Councillor Denise Yates be appointed to the Waitakere Community Board.

**CARRIED**

2427/2001

MOVED by Cr Dallow, seconded Cr Hoskins:

That the number of Councillor appointments permitted to be made to Community Boards be addressed in the review of the Local Government Act 1974.

**CARRIED**

**13 APPOINTMENT OF COUNCILLORS TO OTHER ORGANISATIONS**

2428/2001

MOVED by Cr Battersby, seconded Cr Yates:

That Mayor Bob Harvey be appointed to represent Waitakere City Council at the Aotea Centre Board of Management meetings.

**CARRIED**

2429/2001

MOVED by Cr Dallow, seconded Cr Stone

That Councillor Vanessa Neeson and Councillor Gary Russell be appointed to represent Waitakere City Council at Ordinary and Special meetings of the Territorial Local Authorities Electoral College for the Auckland War Memorial Museum and M.O.T.A.T and to vote in the Council's best interest at Annual General meetings, subject to matters requiring a Special Resolution being brought back to an appropriate committee of the Council for consideration and determination.

**CARRIED**

2430/2001

MOVED by Cr Battersby, seconded Cr Hulse:

That Councillor Carolynne Stone be appointed to represent Waitakere City Council at Ordinary and Special meetings of the Infrastructure Auckland Electoral College and to vote in the Council's best interest at Annual General meetings, subject to matters requiring a Special Resolution being brought back to an appropriate committee of the Council for consideration and determination.

**CARRIED**

2431/2001

MOVED by Cr Stone, seconded Cr Hulse:

That, in the interim the Chief Executive, Mr HV O'Rourke be appointed to represent Waitakere City Council at the Waitakere Enterprise Trust Board meetings.

**CARRIED**

2432/2001

MOVED by Cr Dallow, seconded Cr Clews:

That Councillor Derek Battersby be appointed to represent Waitakere City Council at the Waitakere Playhouse Theatre Board of Trustees.

**CARRIED**

2433/2001

MOVED by Cr Yates, seconded Cr Hulse:

That Councillor Janet Clews be appointed as a Trustee of the Waikumete Chapel Restoration Trust in terms of the Trust Deed.

**CARRIED**

2434/2001

MOVED by Cr Stone, seconded Cr Battersby:

That Councillor Janet Clews and Councillor Penny Hulse be appointed to represent Waitakere City Council at the Auckland Region Water, Wastewater and Stormwater Review - Political Sounding Board meetings.

**CARRIED**

2435/2001

MOVED by Cr Nash, seconded Cr Brady:

That voluntary appointments to organisations of a Ward or sub-ward nature be referred to the appropriate Community Board.

**CARRIED**

14 **WAITAKERE CITY HOLDINGS LIMITED - REVIEW OF CURRENT DIRECTOR APPOINTMENTS AND OTHER MATTERS**

2436/2001

MOVED by Cr Battersby, seconded Cr Dallow:

1. That the information be received.
2. That, in accordance with clause 15.2 of its Company Constitution, Waitakere City Holdings Limited be given notice in writing of the removal of D Freeth, R Stanic and J Riddell from the board of directors, with effect from 4:00pm on 31 October 2001.
3. That, in accordance with clause 15.2 of its Company Constitution, Waitakere City Holdings Limited be given notice in writing of the appointment of H V O'Rourke, subsequent to the receipt of the necessary Consent to Act, to the board of directors, with effect from 4:00pm on 31 October 2001 and further that Mr O'Rourke be issued with a Letter of Direction consistent with those issued previously to holding company directors.
4. That the following matters be referred to the appropriately delegated Committee of Council for consideration and recommendation back to Council:
  - 4.1 The balance of the permanent appointments to the board of directors of Waitakere City Holdings Limited.
  - 4.2 Councillor and/or Council officer appointments to the board of Waitakere City Holdings Limited, if any.
  - 4.3 Independent director appointments to the board of Waitakere City Holdings Limited.
  - 4.4 Any specific directives to be issued to the board of Waitakere City Holdings Limited, including any revision of the current company Statement of Corporate Intent.
  - 4.5 Shareholder representation at the forthcoming annual general meeting of Waitakere City Holdings Limited.
  - 4.6 Recommendations to Waitakere City Holdings Limited on appointments to the Boards of Techscape Limited and Waitakere Properties Limited.
5. That the previous Councillor representatives Mr Bob Stanic, Mr John Riddell and Mrs Daphne Freeth be extended a vote of thanks for their representation at the Waitakere City Holdings Limited meetings during the 1998 - 2001 Term of Office.

**CARRIED**

15 **LGNZ NOMINATIONS**

2437/2001

MOVED by Cr Clews, seconded Cr Stone:

1. That the information be received.
2. That Mayor Bob Harvey be nominated for the position of Metropolitan Sector representative on National Council of LGNZ.
3. That Council make no nominations for the position of Zone One Chair but support the nomination of Dianne Hale of North Shore City Council for this position.

4. That Council second the nomination of Councillor Dianne Hale of North Shore City Council for the position of Zone One representative on the National Council of LGNZ.
5. That Council authorise the Mayor to second any nominations made for any LGNZ positions.
6. That Council authorise the Mayor or his nominee to cast Council's vote(s) for the Zone One and Metropolitan Sector vacancies.
7. That Council authorise the Mayor, or his nominee, or in their absence the Chief Executive or his nominee to exercise Council's vote at any future Metropolitan Sector meeting in accordance with Council's policy direction.

**CARRIED**

2438/2001

MOVED by Cr Clews, seconded Cr Fenton:

That the Deputy Mayor be authorised to cast Council's vote(s) at any future Zone One meeting in accordance with the Council's policy direction, and she be able to delegate this authority to an alternative representative (including an officer) if necessary.

**CARRIED**

## **16 ELECTED MEMBERS REMUNERATION, SALARY AND MEETING ALLOWANCES**

2439/2001

MOVED by Cr Nash, seconded Cr Brady:

1. That the information be received.
2. That the remuneration for the Mayor, Councillors, and Community Board members be set as specified in the 2001 Determination issued by the Minister of Local Government and issued pursuant to Section 101ZZF of the Local Government Act 1974, commencing from and including 18 October 2001; and that salaries and meeting allowances be adjusted from time to time based on this same criteria following the issue of any new Determination.
3. That Council adopt a differential payment system to pay Committee Chairpersons that has a proportional relationship to the base salary rate, as outlined in the agenda report.

**CARRIED**

**17 MEMBERS TRAVEL ALLOWANCES AND EXPENSES**

2440/2001

MOVED by Cr Nash, seconded Cr Stone:

1. That the information be received.
2. That in accordance with the provisions of the Local Government Act 1974, the Fees and Travelling Allowances Act 1951 and the Fees and Travelling Allowances Regulations 1952, travelling allowances be paid to members in respect of travel to and from duly convened meeting of the Council, its committees and community boards, and in respect of travel required in the course of transacting business pursuant to a resolution of the Council.
3. That travelling allowances be paid to members in respect of travel to meetings with residents, ratepayers, or organised groups on Council related business.

**CARRIED**

**18 LOCAL GOVERNMENT NEW ZEALAND WORKSHOPS**

As the dates for the Local Government New Zealand workshops conflicted with the first meetings of the standing committees, at which briefings are to be given by officers covering the topics addressed in the workshops, the Council determined not to send any Councillors on this occasion.

**19 DELEGATIONS TO OFFICERS**

2441/2001

MOVED by Cr Dallow, seconded Cr Clews:

1. That the information be received.
2. That the "Delegations to Officers" document, as circulated and amended as follows:

*"The Statutory Appointment to the Director: Strategic Projects as a local controller of Civil Defence be deleted from the delegations".*

be adopted.

3. That the said delegations supersede all previous delegations to Officers.
4. That the Chief Executive consider and report back to Council on appropriate mechanisms for political overview of non-notified resource consents.

**CARRIED**

**PART C - REPORT OF THE CHIEF EXECUTIVE**

**20 GLEN EDEN DEVELOPMENT - TRANSFER OF LAND**

2442/2001

MOVED by Cr Battersby, seconded Cr Clews:

1. That the information be received.
2. That Council, in accordance with the public notice given of its intention so to do, approve the transfer and vesting in Waitakere Properties Limited, under the usual Deed of Trust mechanism, of the following parcels of land, namely:-
  - 978m<sup>2</sup> being Lot 1 Deposited Plan 130959 and being all the land comprised and described in Certificate of Title No.76D/12 (North Auckland Registry) and
  - 639m<sup>2</sup> being Lot 2 Deposited Plan 130959 and being all the land comprised and described in Certificate of Title No.76D/13 (North Auckland Registry)situated on the corner of West Coast Road and Glendale Road, Glen Eden, Waitakere City, to enable the company to manage, develop, administer and/or dispose of the lands in accordance with the principal objectives of the company as set out from time to time in its Statement of Corporate Intent, and any Letter of Direction which may be issued by the Council, for the benefit of the Council as a public work pursuant to Part XXXII of the Local Government Act 1974 and otherwise in accordance with the terms of resolution 2402/2001.
3. That actual conveyance be approved to be deferred until any issues relating to the removal of the memorial under S.27B of the State-Owned Enterprises Act 1986 are clarified/resolved in context.

**CARRIED**

**21 PAINTED APPLE MOTH**

2443/2001

MOVED by Cr Fenton, seconded Cr Brady:

1. That the information be received.
2. That the Ministry of Agriculture and Forestry be requested to hold a public meeting.
3. That the Ministry of Agriculture and Forestry be requested to organise several public drop in sessions, well notified in advance and at various times during the day and evening and also on weekends to allow the public an opportunity to have questions and concerns addressed.
4. That the Ministry of Agriculture and Forestry be requested to organise an 0800 number where members of the public can register any health issues and have any queries answered.
5. That the Ministry of Agriculture and Forestry be requested to publicise the names and details of the key contact people from the Community Advisory Group, namely Kubi Witten-Hannah, Chairman, Annette Fenton, Annette Goulding and Barry Shaw.
6. That the Ministry of Agriculture and Forestry be requested to give Council staff a weekly e-mail update on the painted apple moth operation.

**CARRIED**

**22     UNAUTHORISED WATER CONNECTIONS - LEGAL PROCEEDINGS**

2444/2001

MOVED by Cr Hulse, seconded Cr Yates:

That Council suspend any further legal action with regard to water connections for a period of eight weeks and that Council staff and Councillors meet with the concerned parties at the earliest opportunity to resolve the issue.

**CARRIED**

The Deputy Mayor gave a closing address.

9.15 pm

The Mayor thanked members for their attendance and attention to business and declared the meeting closed.

CONFIRMED AT AN ORDINARY MEETING OF  
THE COUNCIL HELD ON

**DATE:**.....

**CHAIRPERSON:**.....

