

**MINUTES OF A SPECIAL MEETING OF THE COUNCIL (VARIOUS) HELD IN THE
CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,
ON WEDNESDAY, 19 FEBRUARY 2003
COMMENCING AT 9.33 AM.**

PRESENT:

Deputy Mayor	CA	Stone
Councillors	DQ	Battersby, JP
	BA	Brady, JP
	JM	Clews, QSO, JP
	RP	Dallow, QPM, JP (from 9.35 am)
	AC	Fenton
	PA	Hulse
	JP	Lawley (from 9.34 am)
	GE	Nash, JP
	VS	Neeson, JP
	GB	Presland
	GW	Russell
	DA	Yates, JP (from 9.45 am)

OBSERVERS: E Francke (Chairperson, New Lynn Community Board)

IN ATTENDANCE:

- Chief Executive
- Director: Corporate & Civic Services
- Director: Strategy & Development
- Director: Finance
- Manager Democracy and Support Services
- Manager Policy Development
- Legal Services Manager
- City Project Manager
- Strategic Projects: Project Manager City Projects
- Strategic Group: Partnerships and Advocacy Manager
- Strategic Group: Strategic Leader
- Strategic Group: Strategic Planner Financial
- Strategic Group: Senior Analyst Economic Policy
- Committee Secretary: O Schuster

1 APOLOGIES

150/2003

MOVED by Cr Neeson, seconded Cr Fenton:

That apologies from Mayor Bob Harvey and Cr O Hoskin for absence and Crs Lawley and Yates for lateness be received and sustained.

CARRIED

9.34 am Cr Lawley entered the meeting.

9.35 am Cr Dallow entered the meeting.

2 LOCAL GOVERNMENT ACT 2002 - BRIEFING AND INITIAL IMPLICATIONS

9.45 am Cr Yates entered the meeting.

151/2003

MOVED by Cr Brady, seconded Cr Fenton:

That the information be received.

CARRIED

152/2003

MOVED by Cr Brady, seconded Cr Fenton:

That Council produce a Long Term Council Community Plan for the period 2003/2004 to 2012/2013 using the transitional provisions of the Local Government Act 2002.

CARRIED

3A ESTABLISHMENT OF AND DELEGATION TO LONG TERM COUNCIL COMMUNITY PLAN AND ANNUAL PLAN SPECIAL COMMITTEE

153/2003

MOVED by Cr Fenton, seconded Cr Presland:

1. That the information be received.
2. That the Council revoke that part of resolution 2420/2001 that established the Annual Plan Special Committee.
3. That the Council establish the Long Term Council and Community Plan and Annual Plan Special Committee with the following Fields of Activity, Membership, Quorum and Delegated Powers for that new Committee:

LONG TERM COUNCIL COMMUNITY PLAN AND ANNUAL PLAN SPECIAL COMMITTEE

FIELDS OF ACTIVITY

The Long Term Council Community Plan and Annual Plan Special Committee is established to make decisions on all matters relating to the draft Long Term Council Community Plan and Annual Plan and the final Long Term Council Community Plan and Annual Plan (except for adoption) and then to make recommendations to the Council on adoption of the draft Long Term Council Community Plan and Annual Plan and the final Long Term Council Community Plan and Annual Plan.

The following matters are within the Fields of Activity of the Long Term Council Community Plan and Annual Plan Special Committee:

- Long Term Council Community Plan;
- Annual Plan;
- Annual Plan Consultation Matters;
- Revenue and Financing Policy;
- Liability Management Policy;

- Investment Policy;
- Policy on Development Contributions or Financial Contributions;
- Policy on Partnerships with the Private Sector;
- Policy on Remission and postponements of Rates on Maori Freehold Land;
- Rates Remission Policy;
- Rates Postponement Policy;
- Significance Policy.

Noting that the responsibility and delegation for the development of community outcomes and Council's substantive strategies and policies lies with either the City Development Committee (e.g. community outcomes, Well-being Strategy), the Environmental Management Committee (e.g. Waste Strategy) or the Finance and Operational Performance Committee (e.g. Rating) and that nothing in this delegation shall prevent the City Development Committee, the Finance and Operational Performance Committee, the Environmental Management Committee or Te Taumata Runanga doing anything that is preparatory to the development or amendment of the Long Term Council Community Plan or the Annual Plan or any of the other policies outlined above providing that the action taken by any of those Committee is provided for in their Fields of Activity and Delegations.

MEMBERSHIP

The Committee shall comprise:

- 14 members appointed by the Council;
- The Mayor (ex officio).

QUORUM

5 members

DELEGATED POWERS

The following powers are delegated to the Long Term Council Community Plan and Annual Plan Special Committee:

1. Consideration of draft Long Term Council Community Plan and Annual Plan proposals and all working papers associated therewith.
2. Recommendation of the draft Long Term Council Community Plan and Annual Plan to the Council for adoption in public consultation, in accordance with the Local Government Act 2002 and any Amendments.
3. Hearing of submissions on the draft Long Term Annual Plan and Annual Plan in accordance with the provisions of the Local Government Act 2002 and any Amendments.
4. Consideration and decision making on all and any material relevant to the preparation of the Council's Long Term Council Community Plan and Annual Plan.
5. Following the submission and deliberation processes, recommendation of the Long Term Council Community Plan and Annual Plan to the Council for adoption.
6. All matters, and decision-making authority in relation to the preparation of the Long Term Council Community Plan and Annual Plan except the power to adopt either the draft or final Long Term Council Community Plan and Annual Plan.

7. Development of, or amendment to, the Council's Revenue and Financing Policy, Liability Management Policy, Investment Policy, Policy on Development Contributions or Financial Contributions, Policy on Partnerships with the Private Sector, Policy on Remission and postponements of Rates on Maori Freehold Land, Rates Remission Policy and Rates Postponement Policy in accordance with the provisions of the Local Government Act 2002 and any Amendments in conjunction with the Long Term Council Community Plan and Annual Plan process.
8. Notwithstanding the above delegations, nothing in this delegation shall prevent the City Development Committee, the Finance and Operational Performance Committee, the Environmental Management Committee or Te Taumata Runanga doing anything that is preparatory to the development or amendment of the Long Term Council Community Plan or the Annual Plan or any of the other policies outlined above providing that the action taken by any of those Committee is provided for in their Field of Activity and Delegations.

CARRIED

3 2003 MEETING SCHEDULE

154/2003

MOVED by Cr Lawley, seconded Cr Dallow:

1. That the information be received.
2. That the amended 2003 Meeting Schedule for the Council, its Standing Committees (including Te Taumata Runanga), Special Committees, Subcommittees and Community Boards as attached be adopted.
3. That the Chairpersons of the Community Boards and Te Taumata Runanga or their designated alternates be required to attend as paid representatives all meetings of the Long Term Council Community Plan and Annual Plan Special Committee held to consider, progress and approve the 2003/2004 Long Term Council Community Plan and Annual Plan Special Committee and further that they be accorded speaking rights at those meetings.

CARRIED

4 LOCAL GOVERNMENT ACT 2002 - LOCAL GOVERNMENT NEW ZEALAND KNOWHOW SEMINARS

155/2003

MOVED by Cr Dallow, seconded Cr Clews:

1. That the information be received.
2. That all Councillors who are available be authorised to attend these seminars with costs being met by the Council.

CARRIED

5 ELECTED MEMBERS REMUNERATION - HIGHER SALARIES COMMISSION DETERMINATION

156/2003

MOVED by Cr Dallow, seconded Cr Lawley:

That the information be received.

CARRIED

6 URBANISM DOWNUNDER CONFERENCE: 20-22 MARCH 2003

157/2003

MOVED by Cr Nash, seconded Cr Yates:

1. That the information be received.
2. That the Chief Executive be requested to fund the registration fees for all Councillors, Community Board Chairpersons and Te Taumata Runanga Chairperson who wish to attend the *Urbanism Downunder 2003* conference, to be held 20-22 March 2003 in Auckland.

CARRIED

NOTE: Pursuant to Standing Order 32.11 Cr Battersby requested that his vote against the motion be recorded.

7 NEW LYNN DEVELOPMENT - LAND ISSUES

158/2003

MOVED by Cr Battersby, seconded Cr Clews:

That the information be received.

CARRIED

159/2003

MOVED by Cr Dallow, seconded Cr Presland:

1. That Council, in consideration of the sum of \$10 plus GST together with the acquisition from Henley Kiwi Co Limited of lands for vesting as part of McCrae Way and for amalgamation with Lot 2 Deposited Plan 193492 already owned by Council, vest in Henley Kiwi Co Limited a parcel of land containing 52m² more or less marked "B" on the plan of subdivision to be deposited under No.317094 by inclusion in Lot 1 shown on the said Plan subject to a Consent Notice restricting the said land to vehicle parking purposes only.
2. That Council, in consideration of the sum of \$10 plus GST together with the surrender of an existing right-of-way easement created by Gazette Notice A53140 and affecting Lot 2 Deposited Plan 193492, vest in New Zealand Post Limited all that piece of land containing 125m² more or less being Lot 4 Deposited Plan 317094 and having frontage to the western side of Memorial Drive, New Lynn, for amalgamation with the adjoining Lot 2 Deposited Plan 52383 such land so transferred to be subject to an easement in gross in favour of the Council entitling public pedestrian access at all times.

3. That the transactions upon the terms and conditions set out in the Agreement for Sale & Purchase dated the 5th day of February and made between Council as vendor and McDonald's Restaurants (New Zealand) Limited as purchaser, as circulated, be approved.
4. That the transactions upon the terms and conditions set out in the Agreement for Sale & Purchase dated the 5th day of February and made between Council as purchaser and McDonald's Restaurants (New Zealand) Limited as vendor, as circulated, be approved.
5. That Council, in consideration of an equality of exchange between the parties together with the surrender of certain right-of-way easements by McDonald's Restaurants (New Zealand) Limited acquire from McDonald's a parcel of land containing 1403m² more or less and vest in McDonald's a parcel of land containing 1183m² more or less, such exchange to be effected by way of a boundary adjustment as depicted on a plan of proposed resubdivision of the parties existing lands being Lot 1 DP 79862 (McDonald's) and Lot 2 DP 317094 (Council) respectively prepared by Cato Bolam Consultants Limited described as Sheet S1 Job No.V15177.
6. That for the avoidance of doubt it is recorded with respect to that portion of the parcel of land containing 1183m² more or less depicted on the plan of proposed resubdivision previously acquired by the former New Lynn Borough Council that it would be impractical or unreasonable to cause the land to be offered back under S.40 of the Public Works Act 1981 and that there has been a significant change in its character by the creation and vesting of Memorial Drive and McCrae Way and merger with other adjoining lands in the intervening period.
7. That Council undertake to Transportation Auckland Corporation Limited that it will, in consideration of the surrender by that entity of all existing easement entitlements affecting Lot 1 and Lot 2 on Deposited Plan 317094, take all steps to create and grant in favour of Lot 1 DP 146199 a vehicle right-of-way over that of Lot 5 DP 317094 marked "A" as shown on the accompanying indicative plan prepared by Cato Bolam Consultants Limited, for so long as the said Lot 1 DP 146199 continues to be solely used as a bus or other passenger vehicle transport station/terminus.

CARRIED

8 LOT 22 DP 8400 - 1 RATANUI STREET, HENDERSON

10.40 am Cr Presland left the meeting.

160/2003

MOVED by Cr Clews, seconded Cr Brady:

1. That the information be received.
2. That authority be given to acquire from the registered proprietor that part of Lot 22 DP 8400 as is not occupied by the footprint of the existing commercial building leased by the BNZ, under the provisions of the Public Works Act 1981 for car parking purposes and town centre development, subject to the continued provision of practical vehicular access from Ratanui Street to the basement level of the building, and to acquire from the BNZ any related entitlement to occupy or use such part of Lot 22 DP 8400 for car parking or access purposes under memoranda of lease.
3. That the cost of acquisition be met from the strategic land acquisition loan at this time such expenditure to be claimed to be recovered in whole or part concurrently from the BNZ or any other appropriate parties by virtue of Council's entitlements under the terms of the original Deed dated 12 May 1983.

4. That subject to the availability of valuation advice from Bristow Barbour & Walker negotiations be entered into initially with the registered proprietor and the lessee to seek a mutually satisfactory agreement can be reached but that formal notice under the Public Works Act be served at the discretion of the Chief Executive in the event that an early outcome not be achieved.

CARRIED

10.43 am Cr Presland returned to the meeting.

9 LOT 1 DP 209392 - 3533M² - 9-15 ALDERMAN DRIVE

PROCEDURAL MOTION TO EXCLUDE THE PUBLIC

161/2003

MOVED by Cr Dallow, seconded Cr Fenton:

That the public be excluded from the following part of the proceedings of this meeting, namely, Lot 1 DP 209392 - 3533m² - 9-15 Alderman Drive.

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"> Lot 1 DP 209392 - 3533m² - 9-15 Alderman Drive 	<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)(i) of that Act which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public.

- the report contains information which if released would affect the Council's negotiations.*

CARRIED

10.45 am The public were excluded.

Minute Numbers 162/2002 to 163/2002 are recorded in the Confidential section of the minutes.

11.05 am The public were re-admitted.

RESTATEMENT

The Council resolved while the public was excluded (MOVED by Cr Dallow, seconded Cr Clews) (resolution 163/2003, No 9) *“that the Lot 1 DP 209392 - 3533m² - 9-15 Alderman Drive resolutions pertaining thereto remain confidential until further notice”*.

11.06 am

The Chairperson 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:.....

