

**MINUTES OF AN ORDINARY MEETING OF THE COUNCIL HELD IN THE
CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,
ON WEDNESDAY, 26 MARCH 2003, COMMENCING AT 5.34 PM.**

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PRESENT:

Mayor	RA	Harvey, QSO, JP
Deputy Mayor	CA	Stone
Councillors	DQ	Battersby, JP
	BA	Brady, JP (from 5.48 pm)
	JM	Clews, QSO, JP
	AC	Fenton
	OE	Hoskin, MNZM, JP
	PA	Hulse (from 6.15 pm)
	JP	Lawley
	GE	Nash, JP
	GB	Presland
	GW	Russell
	DA	Yates, JP

TE TAUMATA RUNANGA: F Delamere

COMMUNITY BOARDS:

H Jones	(Chairperson Henderson Community Board)
B Jessopp	(Chairperson Massey Community Board)
E Francke	(Chairperson New Lynn Community Board)
CA Shepherd, JP	(Chairperson Waitakere Community Board)
WW Flaunty	(Massey Community Board)
G Marshall	(New Lynn Community Board)

IN ATTENDANCE:

Chief Executive
Director: City Services
Director: Strategy and Development
Director: Finance
Director: Public Affairs
Manager: Democracy and Support Services
Manager: Emergency Management
Manager: Leisure Services
Manager: Executive Office
Security Manager
Strategic Leader - C Kenkel
Property Officer - M Hieatt
Acting Senior Committee Secretary
Mayoral Executive Officer
Quality Liaison Officer
Committee Secretary: A Chan
 O Schuster
 N Delamere
Committee Administrator: D Collett

1 OPENING PRAYER

Fraser Delamere said the Opening Prayer.

2 APOLOGIES

536/2003

MOVED by Cr Clews, seconded Cr Battersby:

That apologies from Cr Neeson and Cr Dallow for absence and Cr Hulse for lateness be received and sustained.

CARRIED

3 CONFIRMATION OF MINUTES

537/2003

MOVED by Cr Clews, seconded Cr Fenton:

That the minutes of the Emergency Meeting of the Council held on Monday, 23 September 2002, the Special Meeting of the Council (Strategic Review) held on Monday, 23 September 2002, the Special Meeting of the Council (Various) held on Wednesday, 19 February 2003 and the Ordinary Meeting of the Council held on Wednesday, 26 February 2003, including the Public Excluded minutes, as circulated, with the following amendments to:

SPECIAL COUNCIL - 19 FEBRUARY 2003

Item 3A - Establishment of and Delegation to Long Term Council Community Plan and Annual Plan Special Committee

Page 2, resolution 153/2003, third paragraph - delete "and" from "Long Term Council and Community Plan".

Procedural Motion to Exclude the Public

Page 7, resolution 161/2003 - add at the end of the motion "the report contains information which if released would affect the Council's negotiations".

COUNCIL - 26 FEBRUARY 2003

Item 21A - Presentation from Professor Roger Boshier

Page 9, under item 21A - amend "Professor Roger Boshier of Adult Education..." to "Roger Boshier, Professor of Adult Education..."

Item 16 - Elected Members Remuneration - Higher Salaries Commission Determination

Page 11, resolution 211/2003 - add "%" to 38.250.

Page 12, resolution 212/2003 - 1.4 - delete "will" from "That Councillors will be..."

Procedural Motion to Exclude the Public

Page 15, resolution 222/2003 - amend the words "*reports contain*" in the bullet point to "*matters will address*" and add at the conclusion of the bullet point "*and information regarding applicants for appointment to Waitakere Enterprise Board of Directors*".

Page 16

Replace the word "*excluded*" with "*re-admitted*" at the time of 9.10 pm.

are taken as read and now confirmed.

CARRIED

4 URGENT BUSINESS

538/2003

MOVED by Cr Stone, seconded Cr Nash:

1. That the matter on follow-up action arising from the confidential item "District Plan - Penihana Appeal" dealt with by the Environmental Management Committee meeting held on Tuesday, 11 March 2003, be dealt with under Urgent Business at this meeting as Council needs a clarification on the information sharing process in the follow-up action.
2. That Urgent Business be considered later in the meeting before Part F - Presentations.

CARRIED

PART A - RESOLUTIONS BY SPECIAL ORDER

5 AMENDMENT TO BYLAW NO. 7 1991, TRAFFIC - LINCOLN ROAD - BUS PRIORITY LANE

539/2003

MOVED by Cr Hoskin, seconded Cr Yates:

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 Monday, 5 May 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 any time 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, 30 April 2003, commencing at 5.30 pm.

CARRIED

6 TODD AVENUE - CREATION OF PEDESTRIAN MALL

DEFERRED

540/2003

MOVED by Cr Battersby, seconded Cr Clews:

That Item 6: Todd Avenue - Creation of Pedestrian Mall be deferred pending further consultation on the exact siting of the pedestrian mall.

CARRIED

PART B - REPORT OF THE MAYOR

541/2003

MOVED by Cr Yates, seconded Cr Fenton:

That the Report of the Mayor be received.

CARRIED

PART C - TE TAUMATA RUNANGA AND COMMUNITY BOARDS

7 TE TAUMATA RUNANGA

542/2003

MOVED by Cr Lawley, seconded Cr Hoskin:

That the report of the Ordinary Meeting of Te Taumata Runanga held on Monday, 17 March 2003 be received.

CARRIED

8 NEW LYNN COMMUNITY BOARD

543/2003

MOVED by Cr Clews, seconded Cr Presland:

That the report of the Ordinary Meeting of the New Lynn Community Board held on Monday, 3 March 2003 be received.

CARRIED

9 WAITAKERE COMMUNITY BOARD

544/2003

MOVED by Cr Yates, seconded Cr Stone:

That the report of the Ordinary Meeting of the Waitakere Community Board held on Tuesday, 4 March 2003 be received.

CARRIED

10 **MASSEY COMMUNITY BOARD**

545/2003

MOVED by Cr Nash, seconded Cr Hoskin:

That the report of the Ordinary Meeting of the Massey Community Board held on Wednesday, 5 March 2003 be received.

CARRIED

11 **HENDERSON COMMUNITY BOARD**

5.48 pm Cr Brady entered the meeting.

546/2003

MOVED by Cr Fenton, seconded Cr Hoskin:

That the report of the Ordinary Meeting of the Henderson Community Board held on Thursday, 6 March 2003 be received.

CARRIED

PART D - REPORT OF THE CHIEF EXECUTIVE

12 AUCKLAND REGION CIVIL DEFENCE EMERGENCY MANAGEMENT GROUP ESTABLISHMENT

547/2003

MOVED by Cr Battersby, seconded Cr Fenton:

1. That the information be received.
2. That the Auckland Region Civil Defence Emergency Management Group be established as a joint committee of the Auckland City Council, the Auckland Regional Council, the Franklin District Council, the Manukau City Council, the North Shore City Council, the Papakura District Council, the Rodney District Council and the Waitakere City Council in accordance with section 114S of the Local Government Act 1974 and section 12 of the Civil Defence Emergency Management Act 2002, with the functions and powers proscribed in the Civil Defence Emergency Management Act 2002 and the *Auckland Region Civil Defence Emergency Management Group Establishment Agreement, Functions and Powers* document as attached at pages A1 to A17 in the Agenda report.
3. That the *Auckland Region Civil Defence Emergency Management Group Establishment Agreement, Functions and Powers* document as attached at pages A1 to A17 in the Agenda report be adopted as the Establishment Agreement, Functions and Powers of the Auckland Region Civil Defence Emergency Management Group and that approval be given for the document to be executed under common seal.
4. That should the Franklin District Council choose to join the Waikato Region Civil Defence Emergency Management Group, the Chief Executive be authorised to amend the *Auckland Region Civil Defence Emergency Management Group Establishment Agreement, Functions and Powers* document accordingly and have it executed under common seal.
5. That Councillor Battersby be appointed to the Auckland Region Civil Defence Emergency Management Group as this Council's representative under section 13(4) of the Civil Defence Emergency Management Act 2002 with delegated authority to act on the Council's behalf in terms of the Council's functions and powers under the aforementioned Act and the provisions of the *Auckland Region Civil Defence Emergency Management Group Establishment Agreement, Functions and Powers* document and that this appointment be paid at Band 4 (100%) pending the introduction of the new remuneration proposed on 1 July 2003.
6. That Councillor Dallow be appointed as this Council's alternate representative to the Auckland Region Civil Defence Emergency Management Group in accordance with clause 6.5 of the *Auckland Region Civil Defence Emergency Management Group Establishment Agreement, Functions and Powers* document, to represent Council on the Group with the delegated authority given under 5 above when Councillor Battersby is unable to fulfil his role.

CARRIED

13 AUCKLAND REGIONAL SPORT AND RECREATION STRATEGY

548/2003

MOVED by Cr Battersby, seconded Cr Lawley:

1. That the information be received.
2. That Council nominate Cr Dallow (with Cr Russell as the alternative) to become a member of the Auckland Regional Sport and Recreation Strategy Reference Group and that this appointment be paid at Band 4 (100%) pending the introduction of the new remuneration proposed on 1 July 2003.

CARRIED

14 ANZAC DAY 2003

549/2003

MOVED by Cr Yates, seconded Cr Brady:

1. That the information be received.
2. That a Councillor be appointed to represent the City at each of the Community Anzac Day Parades as follows:

Swanson	9.00 am	-	Cr Hulse
New Lynn	9.30 am	-	Cr Battersby
Henderson	10.30 am	-	Cr Brady
Titirangi	10.30 am	-	Cr Presland, Cr Lawley
Hobsonville	11.00 am	-	Mayor Bob Harvey, Cr Russell
Glen Eden	11.00 am	-	Cr Clews
Te Atatu	10.00 am	-	Cr Fenton
Waitakere	11.00 am	-	Cr Stone
Laingholm	10.30 am	-	Cr Yates
Piha	2.00 pm	-	Mayor Bob Harvey

(Mayor Bob Harvey asked as many Councillors as are available to attend the Piha ANZAC Day Parade).

3. That the appointment of Community Board Members to attend the Community ANZAC Day Parades be referred to the appropriate Community Board.

CARRIED

15 REVIEW OF BASIS FOR ELECTION AND SEPARATE MAORI REPRESENTATION

550/2003

MOVED by Cr Presland, seconded Cr Lawley:

1. That the information be received.
2. That Council review its Basis for Election in 2006.
3. That Council initiate the process of consultation on the advisability of introducing a separate Maori ward or wards, and other measures designed to improve Maori representation, such process to include referring the matter to Te Taumata Runanga for its consideration and recommendations.

CARRIED

KNOWHOW SEMINARS ON LOCAL GOVERNMENT ACT 2002

551/2003

MOVED by Cr Stone, seconded Cr Clews:

That Council hold its own KnowHow Seminars on the Local Government Act 2002 for Waitakere City Community Board members, Te Taumata Runanga members, and Councillors who have not been able to attend the KnowHow Workshops organised by Local Government New Zealand.

CARRIED

16 NORTH WEST SECTOR AGREEMENT REPRESENTATION

552/2003

MOVED by Cr Yates, seconded Cr Lawley:

1. That the information be received.
2. That Council appoint Cr Nash and Cr Russell to the North West Sector Agreement Working Party on a voluntary basis.

CARRIED

17 ECONOMIC DEVELOPMENT ASSOCIATION OF NEW ZEALAND CONFERENCE

553/2003

MOVED by Cr Stone, seconded Cr Lawley:

1. That the information be received.
2. That Council nominate Cr Fenton and Cr Russell to attend the Economic Development Association of New Zealand Conference and report back to Council.

CARRIED

18 LOCAL GOVERNMENT NEW ZEALAND CONFERENCE AND ANNUAL GENERAL MEETING

6.15 pm Cr Hulse entered the meeting.

554/2003

MOVED by Cr Fenton, seconded Cr Brady:

1. That the information be received.
2. That the Mayor and the Chief Executive (or his nominee) attend the Local Government New Zealand 2003 Conference at Queenstown from 27 - 30 July 2003.
3. That the Deputy Mayor attend the Local Government New Zealand 2003 Conference at Queenstown from 27 - 30 July 2003.
4. That Council determine that Crs Clews and Russell also attend as other Elected Member representation at the Local Government New Zealand Conference.
5. That the Mayor be the Waitakere City presiding delegate for the purposes of the Local Government New Zealand Annual General Meeting on Wednesday, 30 July 2003 and be authorised to cast Waitakere's votes at the meeting.
6. That the Deputy Mayor or her appointee be the alternate presiding delegate for the purposes of the Local Government New Zealand Annual General Meeting.
7. That Cr Clews and Cr Russell be the delegates for the purposes of the Local Government New Zealand Annual General Meeting.
8. That Council consider whether it wishes to send any remits to the Local Government New Zealand 2003 Annual General Meeting by considering the following issues at the next City Development Committee meeting:
 - GE and Biotechnology;
 - Funding of Local Government;
 - Review of the impact of the BioSecurity Act 1993.

CARRIED

PART E - STANDING COMMITTEE REPORTS

19 FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE

1. WAITAKERE PLAYHOUSE THEATRE TRUST - CONSIDERATION OF REVOCATION OF PART OF RESOLUTION 2974/2001

555/2003

MOVED by Cr Clews, seconded Cr Brady:

That pursuant to Standing Order 27.18, clause (d) of resolution 2974/2001 which reads:

“That the Trustees and the Project Manager continue to liaise with Council’s Engineer during the refurbishment period to ensure expenditure remains within the contract sum established and any technical contract issues identified are addressed to Council’s satisfaction.”

be revoked.

CARRIED

2. OTHER MATTERS CONSIDERED

556/2003

MOVED by Cr Clews, seconded Cr Hoskin:

That the report of the Ordinary Meeting of the Finance and Operational Performance Committee held on Monday, 10 March 2003 be received.

CARRIED

20 ENVIRONMENTAL MANAGEMENT COMMITTEE

1. DRAFT WASTE MANAGEMENT PLAN

557/2003

MOVED by Cr Hulse, seconded Cr Hoskin:

That the draft Waste Management Plan be consulted through the Long-Term Council Community Plan process.

CARRIED

2. DOG REGISTRATION FEES - 2003/2004

558/2003

MOVED by Cr Hulse, seconded Cr Hoskin:

1. That all dog owners who book to sit the Dog Owner Licence test prior to the penalty date of 1 August 2003 pay the reduced fee within a week of passing the test; or pay the fee which they would have otherwise paid within a week of failing the test, otherwise the late fee applies to whatever category each dog falls into.
2. That for all newly acquired dogs (providing the owners have not been served an infringement notice), a reduced pro-rata fee based on the months of the year be applicable.
3. That where an adult dog is impounded and unregistered, or for which the owner is served an infringement notice, the full registration fee including the penalty be applied.

CARRIED

3. ENERGY-WISE COUNCILS FORUM

559/2003

MOVED by Cr Hulse, seconded Cr Fenton:

That Councillor Lawley attend the Energy-Wise Councils Forum in Kaikoura on 27 and 28 March 2003.

CARRIED

4. CONFERENCE - DEVELOPING AND IMPLEMENTING EFFECTIVE WASTE MANAGEMENT STRATEGIES AND PRACTICES

560/2003

MOVED by Cr Hulse, seconded Cr Lawley:

That Councillor Yates' attendance at the conference entitled 'Developing and Implementing Effective Waste Management Strategies and Practices' in Auckland on 25 and 26 March 2003, be endorsed.

CARRIED

5. OTHER MATTERS CONSIDERED

561/2003

MOVED by Cr Hulse, seconded Cr Hoskin:

That the report of the Ordinary Meeting of the Environmental Management Committee held on Tuesday, 11 March 2003 be received.

CARRIED

21 CITY DEVELOPMENT COMMITTEE

562/2003

MOVED by Cr Stone, seconded Cr Presland:

That the report of the Special Meeting held on Tuesday, 18 February 2003, the Reconvened Meeting held on Wednesday, 26 February 2003 and the Ordinary Meeting of the City Development Committee held on Thursday, 6 March 2003 be received.

CARRIED

4 URGENT BUSINESS

DISTRICT PLAN - PENIHANA APPEAL

PROCEDURAL MOTION TO EXCLUDE THE PUBLIC

563/2003

MOVED by Cr Brady, seconded Cr Fenton:

That the public be excluded from the following part of the proceedings of this meeting, namely District Plan - Penihana Appeal.

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"> • District Plan - Penihana Appeal 	The withholding of information is necessary in order to: <ul style="list-style-type: none"> • Maintain legal professional privilege 	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) of that Act which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public as follows:

- *The matter concerns legal issues currently before the Environment Court; and a mediation process, part of which contains an agreement between reference (appeal) parties that discussions and material will not be disclosed to other than the parties to that mediation.*

CARRIED

6.29 pm The public were excluded.

Minute Number 564/2003 is recorded in the Confidential section of the Minutes.

6.49 pm The public were re-admitted.

RESTATEMENT

The Council resolved while the public were excluded:

DISTRICT PLAN - PENIHANA APPEAL

(MOVED by Cr Brady, seconded Cr Fenton) (resolution 564/2003) *“That the confidential information withheld from the public be released in a manner approved by Council’s legal advisers”*.

ADJOURNMENT

565/2003

MOVED by Cr Lawley, seconded Cr Fenton:

That the meeting stand adjourned until 7.25 pm.

CARRIED

6.50 pm The meeting adjourned.

7.32 pm The meeting reconvened.

PART F - PRESENTATIONS

22 SIGNING OF RANUI ACTION PLAN STAGE TWO AGREEMENT

Mayor Bob Harvey and Harry O'Rourke, Chief Executive on behalf of Council; Alan Newman, Northern Region Manager, on behalf of the Department of Child Youth and Family; Kaylene Parr, Chairperson, Ranui Action Project and Alice Hirini, Vice Chairperson, Ranui Action Project on behalf of the Ranui Action Project; signed the Ranui Action Plan Stage Two Agreement.

23 WAITAKERE HOSPITAL UPGRADE

Ms Rachel Haggerty updated the Council on the progress of the Waitakere Hospital upgrade.

PART G - PROCEDURAL MATTERS

24 QUESTIONS

There were no Questions.

25 NOTICES OF MOTION

There were no Notices of Motion.

26 **CLOSING PRAYER**

Cr Lawley concluded the meeting with a prayer.

8.05 pm

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:.....