

WAITAKERE CITY COUNCIL



MINUTES OF AN ORDINARY MEETING OF THE COUNCIL HELD IN THE CIVIC CENTRE,
6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY, ON WEDNESDAY,
29 OCTOBER 2003, COMMENCING AT 5.30 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, 29 OCTOBER 2003, COMMENCING AT 5.30 PM.

PRESENT:

Mayor	RA	Harvey, QSO, JP
Deputy Mayor	CA	Stone
Councillors	BA	Brady, JP (from 5.46 pm)
	JM	Clews, QSO, JP
	RP	Dallow, QPM, JP
	AC	Fenton
	OE	Hoskin, MNZM, JP (from 5.44 pm)
	PA	Hulse
	JP	Lawley
	GE	Nash, JP
	VS	Neeson, JP (until 7.10 pm)
	GB	Presland (until 7.10 pm)
	GW	Russell, JP (from 5.52 pm until 7.10 pm)
	DA	Yates, JP (from 5.46 pm)

TE TAUMATA RUNANGA: F Delamere (Te Taumata Runanga)

COMMUNITY BOARDS: EG Francke (Chairperson New Lynn Community Board)
CA Shepherd, JP (Chairperson Waitakere Community Board)
RF Jessopp (Chairperson Massey Community Board)
HM Jones (Chairperson Henderson Community Board)
GPJ Marshall (New Lynn Community Board)

IN ATTENDANCE:

Chief Executive
Director: City Services
Director: Strategy & Development
Director: Corporate & Civic Services
Director: Quality Assurance
Director: Public Affairs
Director: Finance
Manager Maori Issues
Group Manager: Planning & Community Services
Group Manager City Development Projects
Group Manager: Strategic Policy & Planning
Group Manager: Democracy and Support Services
Legal Services Manager
Strategic Projects: Project Manager Urban Design
Site Development Project Manager: Waitakere Sports Complex
Senior Policy Analyst: Social Policy
Consultant: Legal Services
Funds Accountant
Parks & Green Assets: Quality Liaison Officer
Maori Issues: Kaitakawenga (Maori Liaison)
Committee Secretaries: A Chan
S Simiona
O Schuster
N Delamere
Committee Administrator: N Matthews

PART A - OPENING OF MEETING

1 OPENING PRAYER

Mohammed Safi, Imam from the West Auckland Mosque and Islamic Centre said the Opening Prayer.

2 APOLOGIES

3068/2003

MOVED by Cr Neeson, seconded Cr Fenton:

That an apology from Cr Battersby for absence and Cr Russell for lateness be received and sustained.

CARRIED

5.44 pm Cr Hoskin entered the meeting.

3 CONFIRMATION OF MINUTES

3069/2003

MOVED by Cr Nash, seconded Cr Fenton:

That the minutes of the Ordinary Meetings of the Council held on Wednesday, 17 September 2003 and Wednesday, 24 September 2003, including the Public Excluded minutes, as circulated, be taken as read and now be confirmed.

CARRIED

4 URGENT BUSINESS

There was no Urgent Business.

PART B - REPORT OF THE MAYOR

DEFERRED

3070/2003

MOVED by Cr Dallow, seconded Cr Lawley:

That the Report of the Mayor be deferred until 6.30 pm.

CARRIED

PART C - TE TAUMATA RUNANGA AND COMMUNITY BOARDS

5 TE TAUMATA RUNANGA

1. TE WAKA AWHINA O AOTEAROA (NATIONAL MAORI LOCAL GOVERNMENT TRAINING CONFERENCE) - ROTORUA, 27 - 30 NOVEMBER 2003

3071/2003

MOVED by Cr Stone, seconded Cr Hulse:

That expenditure incurred for registration, travel, accommodation and meal costs by three members of Te Taumata Runanga to attend Te Waka Awhina O Aotearoa Annual National Maori Training Conference 2003, be approved.

CARRIED

5.46 pm Crs Brady and Yates entered the meeting.

2. COMMEMORATING WAITANGI DAY CELEBRATIONS 6 FEBRUARY 2003

3072/2003

MOVED by Cr Clews, seconded, Cr Hulse:

1. That subject to funding being made available by the Ministry of Culture and Heritage, Te Taumata Runanga will take the lead to host citywide commemorating Waitangi Day celebrations in February 2004 on or before 6 February 2004.
2. That four citywide voluntary planning groups be established by the middle of November 2003 consisting of a member from Te Taumata Runanga, a Ward Councillor, a Ward Community Board member, a member from Te Roopu Puawai, a member from the Waitakere Youth Council, a member from the Pacific Island Advisory Board, a member from Te Whanau O Waipareira Trust, a member from each of the Marae of the city and a key designated staff member for administrative support for this project.
3. That the voluntary planning groups provide to the December 2003 meeting of Te Taumata Runanga a programme around Te Taumata Runanga commemorating Waitangi Day festival that the voluntary planning groups will have organised to be held on or before 6 February 2004.

CARRIED

3. OTHER MATTERS CONSIDERED

3073/2003

MOVED by Cr Stone, seconded Cr Yates:

That the report of the Ordinary Meeting of Te Taumata Runanga held on Monday, 13 October 2003 be received.

CARRIED

6 NEW LYNN COMMUNITY BOARD

3074/2003

MOVED by Cr Clews, seconded Cr Presland:

That the report of the Ordinary Meeting of the New Lynn Community Board held on Monday, 29 September 2003 be received.

CARRIED

5.52 pm Cr Russell entered the meeting.

7 WAITAKERE COMMUNITY BOARD

3075/2003

MOVED by Cr Hulse, seconded Cr Stone:

That the report of the Ordinary Meeting of the Waitakere Community Board held on Tuesday, 30 September 2003 be received.

CARRIED

8 MASSEY COMMUNITY BOARD

3076/2003

MOVED by Cr Nash, seconded Cr Brady:

That the report of the Ordinary Meeting of the Massey Community Board held on Wednesday, 1 October 2003 be received.

CARRIED

9 HENDERSON COMMUNITY BOARD

3077/2003

MOVED by Cr Fenton, seconded Cr Brady:

That the report of the Ordinary Meeting of the Henderson Community Board held on Thursday, 2 October 2003 be received.

CARRIED

PART D - REPORT OF THE CHIEF EXECUTIVE

10 APPOINTMENT TO THE TREE COUNCIL

3078/2003

MOVED by Cr Neeson, seconded Cr Dallow:

1. That the information be received.
2. That Rob Taylor be appointed as Council's representative at The Tree Council meetings on a voluntary basis.
3. That a vote of thanks be extended to Elizabeth Francke for all of her work undertaken on behalf of Council at The Tree Council meetings.

CARRIED

11 WARRANTS OF APPOINTMENT

3079/2003

MOVED by Cr Nash, seconded Cr Presland:

1. That the information be received.
2. That Warrants of Appointment to exercise the powers and responsibilities of Enforcement Officer under Section 177 of the Local Government Act 2002 and the powers under the other Acts listed be issued to the following person as follows:

Name	Position	Unit	Reference
WOOD, Kirsten	Environmental Monitoring Officer	City Services, Consent Services, Resource Consents	01, 03, 06, 07, 09

CARRIED

12 PROSTITUTION REFORM ACT 2003

6.13 pm Cr Russell left the meeting.

6.21 pm Cr Russell returned to the meeting.

3080/2003

MOVED by Cr Dallow, seconded Cr Hulse:

1. That the information be received.
2. That the Council uses the current District Plan and policies to regulate commercial sex premises (including brothels, sex shops, striptease clubs, massage parlours or activities of a similar nature) while it develops a long-term holistic strategy for dealing with any negative effects relating to the decriminalisation of prostitution.
3. That the long-term strategy includes the following:
 - 3.1 Assessing, evaluating and monitoring the impact on the City of "social" legislation such as the Sale of Liquor Act 1989, Gambling Act 2003 and the Prostitution Reform Act 2003 and providing appropriate resources in the 2004/2005 Annual Plan to undertake such impact assessments.
 - 3.2 Begin focussed discussions with the commercial sex industry, residential organisations and local businesses to develop guidelines to address urban design issues and other issues relating to the potential effects of the Prostitution Reform Act 2003.
 - 3.3 A review of the options available that could be used to amend the District Plan to address amenity value issues that arise from the commercial sex industry.
 - 3.4 Continue working regionally with the view to achieving some consistency across the region.
4. That the Chairperson and Deputy Chairperson of the Environmental Management Committee be delegated authority to approve a submission on the proposed Auckland City Bylaw, expressing concern that the Auckland City Council has not considered the potential implications of its proposed approach on the other Councils in the region.

CARRIED

13 **EXERCISE OF DELEGATED AUTHORITY TO COMMENCE HIGH COURT PROCEEDING**

3081/2003

MOVED by Cr Nash, seconded Cr Clews:

1. That the information be received.
2. That the action taken by the Chief Executive to commence the appeal of the decision of the Environment Court in Estate Homes Limited v. Waitakere City Council (RMA 0249/02), be approved.

CARRIED

14 **EXERCISE OF DELEGATED AUTHORITY TO SEEK A DECLARATORY JUDGEMENT - HIGH COURT PROCEEDING**

3082/2003

MOVED by Cr Nash, seconded Cr Clews:

1. That the information be received.
2. That the action taken by the Chief Executive to support Local Government New Zealand and agree to act as second plaintiff in the action to seek a declaratory judgement on the use of Casting Votes, be approved.

CARRIED

6.32 pm The Chairperson returned to the Report of the Mayor.

PART B - REPORT OF THE MAYOR

3083/2003

MOVED by Cr Nash, seconded Cr Yates:

That the Report of the Mayor be received.

CARRIED

Mayor Bob Harvey invited Greg O'Connor head of the Police Association to address the Council on the impact that methamphetamine abuse related crime is having in society, and how the Council can help in dealing with this issue.

ADJOURNMENT

3084/2003

MOVED by Cr Clews, seconded Cr Brady:

That the meeting stand adjourned until 7.40 pm.

CARRIED

- 7.10 pm The meeting adjourned.
- 7.41 pm The meeting reconvened. Crs Russell, Presland, Fenton, Yates and Neeson were not present.
- 7.43 pm Cr Yates returned to the meeting.
- 7.46 pm Cr Fenton returned to the meeting.

PART G - PRESENTATION

15 CITATION

Mayor Bob Harvey presented Citations to Yvonne Dufaur, Rob Astley and Fiona Anderson for their services to the Piha community.

PART B - REPORT OF THE MAYOR (cont'd)

Greg O'Connor continued his presentation to the Council on methamphetamine abuse related crime and responded to questions.

Next Stop - Henderson Hub / Waitakere One / Cranwell Centre

3085/2003

Moved by Cr Stone, seconded Mayor Bob Harvey:

That Council consider naming of the new transport centre at the Council meeting scheduled to be held on 26 November 2003.

CARRIED

The Order of Business resumed at Part D - Report of the Chief Executive, Item 15: Triennial Agreement.

PART D - REPORT OF THE CHIEF EXECUTIVE

15 TRIENNIAL AGREEMENT

3086/2003

MOVED by Cr Clews, seconded Cr Stone:

1. That the information be received.
2. That the Chief Executive be given delegated authority to negotiate further amendments (if any) to the draft Triennial Agreement.
3. That the Triennial Agreement in the form finally approved by the Regional Working Party be reported back to this Council at its meeting on 26 November 2003.
4. That the Mayor and the Chief Executive be delegated authority to sign the Triennial Agreement once it has been approved by the Waitakere City Council.
5. That the working draft Triennial Agreement be amended as follows:

Page 2 of the draft Agreement under:

COMMUNICATION AND CO-OPERATION - Add - *"Auckland Regional Transport Network Limited Shareholders Representative Group"* after *" - Watercare Services Limited Shareholders Representative Group"*.

Page 3 of the draft Agreement under:

REGIONAL PRIORITIES - Add - a new bullet point *"sustainable development programme of action"*

Page 4 of the draft Agreement under:

AUTHORITY - "Teresa Stratton" to read *"Theresa Stratton"*

CARRIED

16 WAITAKERE SPORTS COMPLEX - ALL WEATHER ATHLETIC TRACK

DECLARATION OF INTEREST

8.32 pm Cr Dallow declared an interest and stepped back from the table and took no part in the decision on Item 16: Waitakere Sports Complex - All Weather Athletic Track.

3087/2003

MOVED by Cr Lawley, seconded Cr Nash:

1. That the information be received.
2. That subject to satisfactory negotiation of the final contract detail by the Waitakere Sports Complex Development Board the intended layout of the Waitakere Stadium All Weather Athletic track be as depicted on the plan now tabled and the synthetic surface be approved to be the Spurtan BV product constructed by Sports Technology International to all International Association of Athletics Federation requirements and specifications.

3. That Council's financial contribution towards the overall All Weather Athletic Track project costs including the associated sand field/irrigation works, drainage and changing room modification, be \$1.1m as budgeted through the 2003/2004 Annual Plan for that purpose, to be applied by way of reimbursement of contract progress payments made by the Waitakere Regional Sports Trust pursuant to the certifications provided for that purpose by the Engineer to the contract.
4. That providing all the project works itemised have been certified by the Engineer as completed the Director: Finance be authorised to apply any unexpended balance of the said sum of \$1.1m as a further grant towards the overall completion of the Waitakere Sports Complex project in accordance with the Charter.

CARRIED

8.38 pm Cr Dallow returned to the table.

17 **AN INTERIM DEVELOPMENT GROUP TO ADVANCE THE TE ATATU MARAE PROPOSAL**

DEFERRED

3088/2003

MOVED by Cr Yates, seconded Cr Fenton:

That Item 17: An Interim Development Group To Advance The Te Atatu Marae Proposal be deferred for consideration until the Public Excluded section of the meeting.

CARRIED

18 **URBAN SEARCH AND RESCUE TASK FORCE TRAINING EXERCISE: PALMERSTON NORTH - ATTENDANCE BY ELECTED MEMBER**

3089/2003

MOVED by Cr Yates, seconded Cr Hulse:

1. That the information be received.
2. That the Council appoint Cr Battersby to attend the Auckland Urban Search and Rescue Task Force Training Exercise, to be held in Palmerston North on Wednesday, 19 November 2003, with costs being met by the Council.

CARRIED

19 **LOCAL GOVERNMENT ACT 2002 - LOCAL GOVERNMENT NEW ZEALAND KNOWHOW SEMINARS**

3090/2003

MOVED by Cr Yates, seconded Cr Hoskin:

1. That the information be received.
2. That Councillors Hulse, Nash and Clews be approved to attend the Local Government New Zealand KNOWHOW Seminar on Development Contributions to be held at the Sheraton Hotel, Auckland on Thursday 30 October 2003, with costs being met by the Council.

CARRIED

3091/2003

MOVED by Cr Stone, seconded Cr Yates:

1. That Councillor Hulse be nominated to attend the first day of the Local Government New Zealand KNOWHOW Seminar on Community Outcomes to be held at Cophorne Harbourcity, Auckland on Monday, 17 November 2003, with costs being met by the Council.
2. That Councillor Lawley be nominated to attend the first day of the Local Government New Zealand KNOWHOW Seminar on Getting Value for Your Library? to be held at Lakeside Convention Centre, Manukau, Auckland on 10 November 2003, with costs being met by the Council.

CARRIED

PART E - CONFIDENTIAL ATTACHMENTS

Confidential minutes of last meetings of the Council and Standing Committees were considered with the confirmation of the Council minutes and the Standing Committee Reports.

PART F - STANDING COMMITTEE REPORTS

20 CITY DEVELOPMENT COMMITTEE

3092/2003

MOVED by Cr Stone, seconded Cr Brady:

That the report of the Ordinary Meeting of the City Development Committee held on Thursday, 2 October 2003 be received.

CARRIED

21 REFERRAL FROM PROJECTS SPECIAL COMMITTEE

1. WEST WAVE FITNESS CENTRE - PURCHASE OF ADDITIONAL FITNESS EQUIPMENT

3093/2003

MOVED by Cr Dallow, seconded Cr Lawley:

That borrowings of up to \$40,000 be approved for the purchase of additional equipment for the West Wave Fitness Centre.

CARRIED

2. PROPOSED SUMMERLAND DRIVE COMMUNITY FACILITY

3094/2003

MOVED by Cr Dallow, seconded Cr Yates:

That the cost of the Summerland Drive Community Facility as provided in years 2004/2005 and 2005/2006 be re-confirmed at \$660,000 and be available for 2004/2005.

CARRIED

22 FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE

1. ANNUAL REPORT 2002/2003

3095/2003

MOVED by Cr Clews, seconded Cr Dallow:

That the Annual Report for 2002/2003 be approved.

CARRIED

2. OTHER MATTERS CONSIDERED

3096/2003

MOVED by Cr Clews, seconded Cr Brady:

That the report of the Ordinary Meeting of the Finance and Operational Performance Committee held on Monday, 6 October 2003 be received.

CARRIED

3097/2003

Moved by Cr Clews, seconded Cr Brady:

That the recommendations to Council regarding the Old New Lynn Hotel resolved during the Public Excluded section of the Finance and Operational Performance meeting be deferred for consideration until the Public Excluded section of this meeting.

CARRIED

23 ENVIRONMENTAL MANAGEMENT COMMITTEE

3098/2003

MOVED by Cr Hulse, seconded Cr Hoskin:

That the report of the Ordinary Meeting of the Environmental Management Committee held on Tuesday, 7 October 2003 and the Extraordinary Meeting held on Tuesday, 7 October 2003 at 1.07 pm be received.

CARRIED

PART G - PRESENTATION

24 CITATION TO YVONNE DUFAUR, ROB ASTLEY AND FIONA ANDERSON

These Citations were presented after the Adjournment at 7.41 pm.

PART H - PROCEDURAL MATTERS

24 QUESTIONS

There were no Questions.

25 NOTICES OF MOTION

There were no Notices of Motion.

22 FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE - OLD NEW LYNN HOTEL

PROCEDURAL MOTION TO EXCLUDE THE PUBLIC

3099/2003

MOVED by Cr Clews, seconded Cr Brady:

That the public be excluded from the following part of the proceedings of this meeting, namely Old New Lynn Hotel.

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"> • Old New Lynn Hotel 	<p>The withholding of information is necessary in order to:</p> <ul style="list-style-type: none"> • Enable the local authority holding the information to carry out, 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 as follows:

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

CARRIED

17 **AN INTERIM DEVELOPMENT GROUP TO ADVANCE THE TE ATATU MARAE PROPOSAL**

PROCEDURAL MOTION TO EXCLUDE THE PUBLIC

4000/2003

MOVED by Cr Fenton, seconded Cr Brady:

That the public be excluded from the following part of the proceedings of this meeting, namely Interim Development Group to Advance the Te Atatu Marae Proposal.

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"> • Interim Development Group to Advance the Te Atatu Marae Proposal 	<p>The withholding of information is necessary in order to:</p> <ul style="list-style-type: none"> • protect the privacy of natural persons, including that of deceased natural persons. 	<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)(a) 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 will address information regarding applicants for appointment to the Interim Development Group to Advance the Te Atatu Marae Proposal, which if released, would affect the privacy of the applicants to be considered for membership.*

CARRIED

8.52 pm The public were excluded.

Minute Numbers 4001/2003 to 4003/2003 are recorded in the Confidential section of the minutes.

9.17 pm Cr Stone left the meeting.

9.45 pm The public were readmitted.

RESTATEMENTS

The Council resolved while the public were excluded:

1. (MOVED by Cr Clews, seconded Cr Fenton) (resolution 4001/2003 no. 3) *“That the Old New Lynn Hotel resolution 4001/2003 no.’s 1 and 2 remain confidential until further notice.”*
2. (MOVED by Cr Hoskin, seconded Cr Yates) (resolution 4003/2003) *“That resolution 4002/2003 no.’s 1, 2 & 4 be made available in the public arena and that resolution no. 3 remain confidential until Te Taumata Runanga have been consulted and the matter brought back to the Council.”*

17 **AN INTERIM DEVELOPMENT GROUP TO ADVANCE THE TE ATATU MARAE PROPOSAL**

9.17 pm Cr Stone left the meeting.

4004/2003

MOVED by Cr Hoskin, seconded Cr Yates:

1. That the information be received.
2. That Council approve the formation of a Te Atatu Marae Development Group to progress development of the Te Atatu Marae prior to the establishment of a Trust under the Te Ture Whenua Maori Act 1993.
4. That Terms of Reference for the Te Atatu Marae Development Group be brought back to the Council by December 2003.

CARRIED

26 **CLOSING PRAYER**

Warahi Paki, Maori Issues Manager said the closing pray at the invitation of the Mayor.

9.48 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:.....

