

**MINUTES OF A MEETING OF THE COUNCIL HELD IN THE CIVIC CENTRE,
6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,
ON WEDNESDAY, 15 DECEMBER 2004,
COMMENCING AT 5.30 PM.**

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6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,
ON WEDNESDAY, 15 DECEMBER 2004,
COMMENCING AT 5.30 PM.**

PRESENT:

Mayor	RA	Harvey, QSO, JP
Deputy Mayor	CA	Stone
Councillors	DQ	Battersby, JP
	PJ	Booth, OBE
	MFP	Chan, JP
	JM	Clews, QSO, JP
	RI	Clow
	LA	Cooper
	AK	Corban, OBE, JP
	RP	Dallow, QPM, JP
	WW	Flaunty, QSM, JP
	DE	Gilmour
	PA	Hulse
	JP	Lawley
	VS	Neeson, JP

OBSERVERS:

EAG Grimmer, MNZM	(Chairperson, Henderson Community Board)
JA Good	(Chairperson, Massey Community Board)
P van der Voort, JP	(Chairperson, New Lynn Community Board)
CA Shepherd, JP	(Chairperson, Waitakere Community Board)
SJ McDonald	(Henderson Community Board)
RF Jessopp	(Massey Community Board)
GPJ Marshall	(New Lynn Community Board)
SF Davies	(Waitakere Community Board)

IN ATTENDANCE:

- Chief Executive
- Director: City Services
- Director: Strategy & Development
- Director: Corporate & Civic Services
- Director: Quality Assurance
- Director: Public Affairs
- Director: Finance
- Group Manager: Regulatory
- Group Manager: City Development Projects
- Group Manager: Democracy and Support Services
- Group Manager: Service Management
- Manager Maori Issues
- Manager: Public Affairs
- Legal Services Manager
- Business Unit Manager: Solid Waste
- Project Manager: Strategy and Development
- Security Manager
- Projects Manager Democracy
- Project Manager Revitalisation
- Parks & Green Assets: Quality Liaison Officer
- Principal Advisor Urban Policy
- Democracy and Governance Team Manager
- Committee Secretaries: S Simiona
- O Schuster
- A Chan

ALSO
IN ATTENDANCE: Mr Darren Pocock, Acquisition Manager of AMP

PART A - OPENING OF MEETING

1 OPENING PRAYER

Father Shanahan from St Josephs of Orakei said the Opening Prayer.

2 APOLOGIES

There were no Apologies.

3 CONFIRMATION OF MINUTES

2327/2004

MOVED by Cr Clews, seconded Cr Gilmour:

That the minutes of an Extraordinary Meeting of the Council held on Wednesday, 10 November 2004, the Reconvened Extraordinary Meeting held on Tuesday, 16 November 2004, the Minutes of Meetings held on Wednesday, 17 November 2004 including the public excluded minutes, and on Wednesday, 24 November 2004, 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

2328/2004

MOVED by Cr Lawley, seconded Cr Corban:

That the Report of the Mayor be received.

CARRIED

PART C - TE TAUMATA RUNANGA AND COMMUNITY BOARDS

5 TE TAUMATA RUNANGA

2329/2004

MOVED by Cr Lawley, seconded Cr Booth:

That the report of the Meeting of the Te Taumata Runanga held on Monday, 13 December 2004 be received.

CARRIED

6 NEW LYNN COMMUNITY BOARD

2330/2004

MOVED by Cr Clews, seconded Cr Gilmour:

That the report of the Meeting of the New Lynn Community Board held on Monday, 29 November 2004 be received.

CARRIED

7 WAITAKERE COMMUNITY BOARD

2331/2004

MOVED by Cr Hulse, seconded Cr Stone:

That the report of the Meeting of the Waitakere Community Board held on Tuesday, 30 November 2004 be received.

CARRIED

8 MASSEY COMMUNITY BOARD

2332/2004

MOVED by Cr Neeson, seconded Cr Chan:

That the report of the Meeting of the Massey Community Board held on Wednesday, 1 December 2004 be received.

CARRIED

9 HENDERSON COMMUNITY BOARD

2333/2004

MOVED by Cr Gilmour, seconded Cr Corban:

That the report of the Meeting of the Henderson Community Board held on Thursday, 2 December 2004 be received.

CARRIED

PART D - REPORT OF THE CHIEF EXECUTIVE

10 PROPOSED TEEN PARENTS SCHOOL - WESTVIEW RESERVE

2334/2004

MOVED by Cr Dallow, seconded Cr Clews:

1. That the Proposed Teen Parents School - Westview Reserve report be received.
2. That the Glen Eden Women's Bowling Club be advised that a school use on the Westview Reserve is not permitted under the Reserves Act at the present time, and that any use of the building on the Reserve would need to be for a purpose provided for under the Reserves Act.
3. That staff pursue the possibility of establishing the Proposed Teen School elsewhere in the City.

CARRIED

11 PROPOSED SALE OF LAND AT WAIKUMETE ROAD, GLEN EDEN

2335/2004

MOVED by Cr Clews, seconded Cr Neeson;

1. That the Proposed Sale of Land at Waikumete Road, Glen Eden report be received.
2. That approval be given to the sale of the land in Certificate of Title NA58D/237 to Vector Limited at a price to be fixed by a registered valuer's valuation.

CARRIED

12 ACQUISITION OF LAND FOR ROAD IN HENDERSON VALLEY ROAD, HENDERSON

2336/2004

MOVED by Cr Neeson, seconded Cr Cooper:

1. That the Acquisition of Land for Road in Henderson Valley Road, Henderson report be received.
2. That those parts of the properties at 19 and 8 to 14 Henderson Valley Road, Henderson shown on the diagram attached at page A3 to the Agenda report be acquired by Council for road under the Public Works Act 1981.
3. That the Chief Executive be authorised to sign all documents necessary to complete the acquisition.

CARRIED

13 BYLAW REVIEW UNDER THE LOCAL GOVERNMENT ACT 2002

2337/2004

MOVED by Cr Battersby, seconded Cr Lawley:

1. That the Bylaw Review Under the Local Government Act 2002 report be received.
2. That the draft timeline for the Bylaw Review Programme, to be completed by December 2006, be approved in principle.
3. That the Planning and Regulatory Committee be directed to review and finalise the Bylaw Review Programme and to consider, and to make recommendations upon, all reports in respect of the Bylaw Review Programme prior to those reports coming to Council for final deliberation and decision.
4. That the Planning and Regulatory Committee be delegated:
 - authority to hear and consider, and make recommendations in respect of submissions received as part of the Bylaw Review Programme;
 - authority to delegate all or any matter under Recommendations 3 and 4(a) above to a subcommittee, or subcommittees, of Councillors appointed by resolution of the Planning and Regulatory Committee, noting that any subcommittee so appointed must be comprised only of Councillors and have a minimum of three (3) members, and that if the Chairperson of the Planning and Regulatory Committee is a member of the subcommittee that person will chair the subcommittee, but otherwise the chairperson of the subcommittee will be the person named by the Planning and Regulatory Committee at the time of appointment, or elected by the members of the subcommittee at their first meeting.

CARRIED

14 COUNCIL APPOINTMENT TO NORTHERN AND WESTERN SECTORS AGREEMENT WORKING PARTY

2338/2004

MOVED by Cr Clews, seconded Cr Neeson:

1. That the Council Appointment To Northern and Western Sectors Agreement Working Party report be received.
2. That Cr Stone be appointed to the Northern and Western Sectors Agreement Working Party, with Cr Hulse as the alternate representative, and that Cr Chan attend the meetings as a support representative.

CARRIED

PRECEDENCE OF BUSINESS

2339/2004

MOVED by Cr Clews, seconded Cr Neeson:

That Item 17A: Request for Guarantee for Bank Overdraft Facility - Waitakere Regional Sports Trust be accorded precedence at this time.

CARRIED

DECLARATION OF INTEREST

6.25 pm Cr Dallow declared an interest and stepped back from the table taking no part in the discussion or decision on Item 17A: Request for Guarantee for Bank Overdraft Facility - Waitakere Regional Sports Trust.

17A REQUEST FOR GUARANTEE FOR BANK OVERDRAFT FACILITY - WAITAKERE REGIONAL SPORTS TRUST

2340/2004

MOVED by Cr Booth, seconded Cr Flaunty:

1. That the Request for Guarantee for Bank Overdraft Facility - Waitakere Regional Sports Trust report be received.
2. That Council approve a guarantee for an overdraft facility of up to \$250,000 to the Waitakere Regional Sports Trust subject to the Director: Finance and Chief Executive's satisfaction after review of the appropriate financial documents that any use of the guarantee can be repaid by the Trust.
3. That the guarantee to the Waitakere Regional Sports Trust to be reviewed in the November 2005 meeting round.

CARRIED

6.29 pm Cr Hulse left the meeting.

6.30 pm Cr Dallow returned to the table.

PART E - CONFIDENTIAL ITEMS

15 RODNEY DISTRICT COUNCIL RESPONSE TO LOCAL GOVERNMENT (AUCKLAND) AMENDMENT ACT 2004

16 SHARED SERVICES REFUSE COLLECTION

17 PROPOSED MEMORANDUM OF UNDERSTANDING WITH AMP CAPITAL INVESTORS (NZ) LIMITED

DEFERRED

2341/2004

MOVED by Mayor Bob Harvey, seconded Cr Neeson:

That Item 15: Rodney District Council Response to Local Government (Auckland) Amendment Act 2004, Item 16: Shared Services Refuse Collection and Item 17: Proposed Memorandum of Understanding with AMP Capital Investors (NZ) Limited be considered with the public excluded and deferred to follow Item 22: Notices of Motion.

CARRIED

PART F - STANDING COMMITTEE REPORTS

18 CITY DEVELOPMENT COMMITTEE

The Chairperson with the leave of the meeting deferred Item 18: City Development Committee to follow Item 19: Finance and Operational Performance Committee.

19 FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE

6.33 pm Cr Hulse returned to the meeting.

1 ROAD STOPPING AND SALE OF LAND AT SCENIC DRIVE NORTH, SWANSON

2342/2004

MOVED by Cr Clews, seconded Cr Stone:

1. That the part of Scenic Drive North, Swanson adjacent to No. 1234 as defined in the Agenda report be stopped in accordance with the Tenth Schedule of the Local Government Act 1974 and that interested parties be informed of the statutory process.
2. That after the land ceases to be road it be sold to the owners of No. 1234 Scenic Drive North because due to its size, shape and situation it could not be expected to be sold to any person who did not own adjoining land.

CARRIED

2 LEASE OF PATUROA BAY HALL

2343/2004

MOVED by Cr Clews, seconded Cr Cooper:

That the Chief Executive be given authority to negotiate and execute a lease with the Paturoa Bay Residents and Ratepayers Association (Titirangi Beach) Incorporated for the footprint of the Paturoa Hall under section 45 of the Public Works Act 1981

CARRIED

3 LEASE OF 39 GLENMALL PLACE, GLEN EDEN - GROUND FLOOR AND FIRST FLOOR

2344/2004

MOVED by Cr Clews, seconded Cr Flaunty:

That the Chief Executive be delegated authority to negotiate the lease term for eight years (four years plus four year right of renewal) based on market rental rates for the two floors located at 39 Glenmall Place, Glen Eden.

CARRIED

4 OTHER MATTERS CONSIDERED

2345/2004

MOVED by Cr Clews, seconded Cr Flaunty:

That the report of the Meeting of the Finance and Operational Performance Committee held on Monday, 6 December 2004 be received.

CARRIED

18 CITY DEVELOPMENT COMMITTEE

2346/2004

MOVED by Cr Hulse, seconded Cr Neeson:

That the report of the Meeting of the City Development Committee held on Thursday, 2 December 2004 be received.

CARRIED

20 PLANNING AND REGULATORY COMMITTEE

1 WASTE BYLAW DETERMINATION REPORT

2347/2004

MOVED by Cr Neeson, seconded Cr Dallow:

That a Waste Bylaw is the most appropriate mechanism for achieving Council's stated objectives of provision of information, revenue for waste minimisation, and incentives for behavioural change.

CARRIED

2 PROPOSED PLAN CHANGE 2 - RE-IDENTIFICATION OF LAND FROM LIVING ENVIRONMENT AND HARBOURVIEW SOUTH SPECIAL AREA TO OPEN SPACE ENVIRONMENT AND MARAE SPECIAL AREA

2348/2004

MOVED by Cr Neeson, seconded Cr Dallow:

That a workshop be held early in 2005 to fully debate Council's position on the Harbourview Marae.

CARRIED

3 OTHER MATTERS CONSIDERED

2349/2004

MOVED by Cr Neeson, seconded Cr Dallow:

That the report of the Meeting of the Planning and Regulatory Committee held on Tuesday, 7 December 2004 be received.

CARRIED

PART G - PRESENTATION - ROYAL FOREST AND BIRD PROTECTION SOCIETY

Ken Catt from the Royal Forest and Bird Protection Society gave a PowerPoint presentation on Biosphere Reserves.

PART H - PROCEDURAL MATTERS

21 QUESTIONS

There were no Questions.

22 NOTICES OF MOTION

There were no Notices of Motion.

15 RODNEY DISTRICT COUNCIL RESPONSE TO LOCAL GOVERNMENT (AUCKLAND) AMENDMENT ACT 2004

16 SHARED SERVICES REFUSE COLLECTION

17 PROPOSED MEMORANDUM OF UNDERSTANDING WITH AMP CAPITAL INVESTORS (NZ) LIMITED

PROCEDURAL MOTION TO EXCLUDE THE PUBLIC

2350/2004

MOVED by Mayor Bob Harvey, seconded Cr Neeson:

1. That the public be excluded from the following parts of the proceedings of this meeting, namely, Rodney District Council Response to Local Government (Auckland) Amendment Act 2004, Shared Services Refuse Collection and Proposed Memorandum of Understanding with AMP Capital Investors (NZ) Limited.

The general subject of the matters to be considered while the public is excluded, the reason for passing this resolution in relation of the matters, 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 matters to be considered.	Reason for passing this resolution in relation to the matters.	Ground(s) under Section 48(1)(a) for the passing of this resolution.
<ul style="list-style-type: none"> • Rodney District Council Response to Local Government (Auckland) Amendment Act 2004; 	<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>

<ul style="list-style-type: none"> • Shared Services Refuse Collection; 	<ul style="list-style-type: none"> • enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities; 	
<ul style="list-style-type: none"> • Proposed Memorandum of Understanding with AMP Capital Investors (NZ) Limited. 	<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). 	

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 Sections 7(2)(h) and (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 reports contain information which if released could affect the Council's negotiations and commercial position.*

2. That Mr Darren Pocock, Acquisition Manager of AMP, be permitted to remain at this meeting for Item 17: Proposed Memorandum of Understanding with AMP Capital Investors (NZ) Limited, after the public has been excluded, because of AMP's involvement and Mr Pocock's knowledge of the matter being discussed. This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because of background information and advice which will be required by Council when assessing options available to it and in explaining any decision to the community.

CARRIED

6.59 pm The public were excluded.

Minute Numbers 2351/2004 to 2357/2004 are recorded in the Confidential Section of these Minutes.

7.32 pm The public were readmitted.

RESTATEMENT

The Council resolved while the public were excluded:

RODNEY DISTRICT COUNCIL RESPONSE TO LOCAL GOVERNMENT (AUCKLAND) AMENDMENT ACT 2004

(Moved by Cr Cooper, seconded Cr Corban) (resolution 2352/2004) *“That the Rodney District Council Response to Local Government (Auckland) Amendment Act 2004 Agenda report and resolution 2351/2004 remain confidential until further notice”.*

SHARED SERVICES REFUSE COLLECTION

(Moved by Cr Neeson, seconded Cr Gilmour) (resolution 2355/2004) *“That the Shared Services Refuse Collection Agenda report and resolution 2354/2004 remain confidential until further notice”.*

PROPOSED MEMORANDUM OF UNDERSTANDING WITH AMP CAPITAL INVESTORS (NZ) LIMITED

(Moved by Cr Neeson, seconded Cr Clews) (resolution 2357/2004) *“That the Proposed Memorandum of Understanding with AMP Capital Investors (NZ) Limited Agenda report and resolution 2356/2004 remain confidential until further notice”.*

23 CLOSING PRAYER

There was no Closing Prayer.

7.33 pm

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

CONFIRMED AT A MEETING OF THE COUNCIL
HELD ON

DATE:.....

CHAIRPERSON:.....