

**MINUTES OF A MEETING OF THE COUNCIL HELD IN THE CIVIC CENTRE,  
6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,  
ON WEDNESDAY, 16 FEBRUARY 2005  
COMMENCING AT 9.34 AM**

---

**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 (until 1.29 pm)
	WW	Flaunty, QSM, JP
	DE	Gilmour
	PA	Hulse
	JP	Lawley
	VS	Neeson, JP

**OBSERVERS:**

M Te Huia	(Deputy Chairperson Te Taumata Runanga)
EAG Grimmer, MNZM	(Chairperson Henderson Community Board)
P van der Voort	(Chairperson New Lynn Community Board)

**IN ATTENDANCE:**

Chief Executive Officer  
Director: Strategy & Development  
Director: Corporate & Civic Services  
Director: Quality Assurance  
Director: Public Affairs  
Director: Finance  
Group Manager: Planning and Community Services  
Group Manager: Democracy and Support Services  
Group Manager: City Development (Acting)  
Group Manager: Partnerships and Advocacy  
Manager Solid Waste  
Manager: Public Affairs  
Legal Services Manager  
Manager Urban Development & Design  
Security Manager  
Project Manager Strategy & Development  
Project Content Manager (Hobsonville)  
Project Manager Revitalisation  
Project Manager: Strategy & Development  
Partnerships & Advocacy Leader: Environmental  
Principal Adviser: District Plan  
Policy Analyst: District Plan  
Senior Analyst Environmental Policy  
Senior Road Safety Co-ordinator  
Strategy & Development: Communicator  
Mayoral Executive  
Democracy and Governance Team Manager  
Committee Secretaries: O Schuster  
N Delamere

Debbie Wingate, Auckland Regional Council  
Graham Coxhead, Acting Chief Executive Officer of Trusts Stadium

**1 APOLOGIES**

There were no Apologies.

**AMENDED ORDER OF BUSINESS**

168/2005

MOVED by Cr Clews, seconded Cr Hulse:

1. That item 2: Report of The Te Atatu Marae Development Group be deferred to a Council Meeting after a workshop on the subject has been held.
2. That the Order of Business on the Agenda be amended as follows:

**TABLE OF CONTENTS**

1	APOLOGIES	1
2	WAITAKERE RANGES AND FOOTHILLS PROTECTION PROJECT	5
3	REPORT ON FEEDBACK ON PROPOSED BOUNDARY FOR WAITAKERE RANGES AND FOOTHILLS PROTECTION AREA	21
ITEMS 4, 5 AND 6 ARE PUBLIC EXCLUDED		
4	GROWTH AND TRANSPORT INTEGRATION PROGRAMME - FINAL APPLICATION TO AUCKLAND REGIONAL COUNCIL	4
5	PROPOSED DISTRICT PLAN CHANGES IN RESPONSE TO THE LOCAL GOVERNMENT (AUCKLAND) AMENDMENT ACT 2004	4
6	PROPOSED CHANGES TO CHAPTERS 2 AND 4 OF THE AUCKLAND REGIONAL POLICY STATEMENT	4
	PROCEDURAL MOTION TO EXCLUDE THE PUBLIC	4
7	NEW ZEALAND'S COMMUNITY BOARD CONFERENCE	30
8	JUSTICE AND ELECTORAL SELECT COMMITTEE REVIEW INTO THE 2004 LOCAL AUTHORITY ELECTIONS	32
9	ELECTED MEMBERS' REMUNERATION - REMUNERATION AUTHORITY DETERMINATION	35
10	TRIENNIAL AGREEMENT	39
11	WASTE BYLAW DETERMINATION (STAGE TWO) REPORT	40
12	UPDATE ON PROGRESS - COUNCIL GUARANTEE FOR THE WAITAKERE REGIONAL SPORTS TRUST AND REQUEST FOR ADVANCE FUNDING	48
13	DRAFT SUBMISSION ON THE RESOURCE MANAGEMENT AND ELECTRICITY LEGISLATION AMENDMENT BILL	50
14	COUNCIL REPRESENTATION AT THE NEW ZEALAND ROAD SAFETY INNOVATION AWARDS	54

**CARRIED**

## **2 WAITAKERE RANGES AND FOOTHILLS PROTECTION PROJECT**

169/2005

MOVED by Mayor Bob Harvey, seconded Cr Hulse:

1. That the Waitakere Ranges and Foothills Protection Project report be received.
2. That Council acknowledges the high level of response to the Council's call for submissions and feedback on the proposals for the further protection of the land in the agreed project area.
3. That Council agrees that the independent research that it commissioned shows there was a high level of awareness of the relevant issues, and that the consultation process may be considered to be successful in elucidating issues and measuring levels of support for, of concern about, and of opposition to the proposals.
4. That Council notes the consistent conclusions from the Auckland Regional Council research and consultation that was undertaken around the Waitakere Ranges and Foothills Protection Project.
5. That Council notes the overall high level of support (majority) for taking further action to protect the Ranges and Foothills, including legislation.
6. That Council notes the main concern expressed by the public was the desire to see and assess the actual draft Legislation, before forming a final view on its acceptability.
7. That Council notes that there are numerous technical matters to be dealt with before the Bill is sufficiently prepared to present to Parliament.
8. That Council agrees that time should be taken to attend to those technical matters, and to allow for focussed discussions with specific landowners in order to improve the efficacy and acceptability of the draft Bill.
9. That Council agrees that further work should be undertaken as expeditiously as possible, with a view to reporting back to the Council on progress made in May 2005, before a final decision on whether the draft legislation should be submitted to Parliament by June 2005.
10. That the Council notes that the draft Bill, as a tool, is consistent with Council's agreed policy objectives.
11. That Council agrees that work should continue to prepare the draft Bill for the Parliamentary process, should the decision to proceed be taken.
12. That Councillor Neeson's proposals for addressing the protection of the Ranges and/or Foothills be included in the protection work programme.

**CARRIED**

## **ADJOURNMENT**

170/2005

MOVED by Cr Corban, seconded Mayor Bob Harvey:

That the meeting stand adjourned until 12.15 pm.

**CARRIED**

11.52 am The meeting adjourned.

12.15 pm The meeting reconvened.

**3 REPORT ON FEEDBACK ON PROPOSED BOUNDARY FOR WAITAKERE RANGES AND FOOTHILLS PROTECTION AREA**

171/2005

MOVED by Cr Stone, seconded Cr Clews:

That the Report on Feedback on Proposed Boundary for Waitakere Ranges and Foothills Protection Area report be received.

**CARRIED**

**4 GROWTH AND TRANSPORT INTEGRATION PROGRAMME - FINAL APPLICATION TO AUCKLAND REGIONAL COUNCIL**

**5 PROPOSED DISTRICT PLAN CHANGES IN RESPONSE TO THE LOCAL GOVERNMENT (AUCKLAND) AMENDMENT ACT 2004**

**6 PROPOSED CHANGES TO CHAPTERS 2 AND 4 OF THE AUCKLAND REGIONAL POLICY STATEMENT**

**PROCEDURAL MOTION TO EXCLUDE THE PUBLIC**

172/2005

MOVED by Cr Stone, seconded Cr Clews:

That the public be excluded from the following parts of the proceedings of this meeting, namely, Growth and Transport Integration Programme - Final Application to Auckland Regional Council, Proposed District Plan Changes in Response to the Local Government (Auckland) Amendment Act 2004, and Proposed Changes to Chapters 2 and 4 of the Auckland Regional Policy Statement.

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"> <li>Growth and Transport Integration Programme - Final Application to Auckland Regional Council;</li> </ul>	<p>The withholding of information is necessary in order to:</p> <ul style="list-style-type: none"> <li>enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);</li> </ul>	<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"> <li>Proposed District Plan Changes in Response to the Local Government (Auckland) Amendment Act 2004;</li> </ul>	<ul style="list-style-type: none"> <li>enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);</li> </ul>	<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"> <li>Proposed Changes to Chapters 2 and 4 of the Auckland Regional Policy Statement.</li> </ul>	<ul style="list-style-type: none"> <li>enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</li> </ul>	<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 Sections 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 reports contain information which if released could affect the Council's negotiations.*

**CARRIED**

12.15 pm The public were excluded.

Minute Numbers 174/2005 to 177/2005 are recorded in the Confidential Section of these Minutes.

**PRECEDENCE OF BUSINESS**

173/2005

MOVED by Mayor Bob Harvey, seconded Cr Hulse:

That Item 5: Proposed District Plan Changes in Response to The Local Government (Auckland) Amendment Act 2004 be accorded precedence at this time in the confidential section of these minutes.

**CARRIED**

The Order of Business resumed at Part F - Confidential Items, Item 4: Growth & Transport Integration Programme - Final Application to Auckland Regional Council.

**7 NEW ZEALAND COMMUNITY BOARD'S CONFERENCE**

178/2005

MOVED by Cr Hulse, seconded Cr Clews:

1. That the New Zealand Community Boards' Conference report be received.
2. That Council approves the attendance and resourcing of a nominated representative from each Community Board to attend the New Zealand Community Boards' Conference.
3. That Council nominates Councillor Chan to attend New Zealand Community Boards' Conference to be held 3 - 6 March 2005 in Dunedin.

**CARRIED**

**8 JUSTICE AND ELECTORAL SELECT COMMITTEE REVIEW INTO THE 2004 LOCAL AUTHORITY ELECTIONS**

179/2005

MOVED by Cr Stone, seconded Cr Hulse:

1. That the Justice and Electoral Select Committee Review into the 2004 Local Authority Elections report be received.
2. That the Council approves the submission for consideration by the Justice and Electoral Select Committee and approves the attendance before the Select Committee of Councillor Clews to present the submission on behalf of the Council and in the event of the unavailability of Councillor Clews, that the Mayor be delegated to approve an alternate representative.

**CARRIED**

**9 ELECTED MEMBERS' REMUNERATION - REMUNERATION AUTHORITY DETERMINATION**

180/2005

MOVED by Cr Hulse, seconded Cr Clews:

1. That the Elected Members' Remuneration - Remuneration Authority Determination report be received.
2. That the Council recommends the following salaries for Elected Members to the Remuneration Authority:
  - Deputy Mayor - 69,551,
  - Chairpersons of Standing Committees (City Development, Planning and Regulatory and Finance and Operational Performance Committee) - 66,390,
  - Committees:
    - Chairperson of Hearings - 56,431;
    - Chairperson of Projects Special - 56,431;
    - Chairperson of Arts Special - 56,431;
    - Chairperson of Emergency Services Committee - 0;
    - Chairperson of Performance Review Committee - 0;
    - Chairperson of Tenders Subcommittee - 0;

- Chairperson of Long Term Council Community Plan and Annual Plan Special Committee - 0.
  - Other Councillors - 45,689,
  - Community Boards Chairpersons - 21,498,
  - Community Board Members - 11,065.
3. The following reimbursements and expenses be recommended to the Remuneration Authority:
    - That Councillors and Community Board Members receive a monthly allowance to cover reimbursement of the following costs incurred as appropriate;
    - Reimbursement of one domestic line rental and one domestic line maintenance charge related to telephone, fax and email operation and the call minder facility (currently \$45.20);
    - Reimbursement of one cell phone on the basis of the Waitakere City Call Plan including the Call Minder facility (currently \$35) when a cell phone is made available to be used on Council business;
    - Reimbursement of the best flat rate monthly fee available to the Council for Jet Stream 400 or its equivalent (currently \$49) (not currently available to Community Board Members).
  4. That Councillors and Community Board Members claim reasonable business related core costs on telephones or cell phones on a monthly basis provided they are supported by presentation of an account detailing to whom the calls have been made.
  5. That Councillors be paid a flat monthly fee of \$20 to cover all consumables (not currently available to Community Board Members) for computers including lap tops, printers, facsimiles, etc.
  6. That Councillors be supplied with either a personal computer at home or a lap top if necessary. Those Councillors that provide their own computer equipment be paid an additional monthly allowance of \$50 (not currently available to Community Board Members).
  7. That no other telephones, fax machines or cell phones be provided to Elected Members except that the Mayor be provided with a cell phone and the Council will pay for all expenses except private calls.
  8. That when on approved Council business all actual or related expenses be met by the Council.
  9. That the rate for reimbursing an Elected Member for travel, using their own motor vehicle on Council business, be as follows:

Km per Year	Up to 1300cc	1300-1600cc	1600-2000cc	Over 2000cc
10,000	54.3 cents	66.9	83.4	103.0
14,000	45.0	54.3	66.6	82.0
40,000	24.0	27.6	33.8	40.9

and that the Council also pays the approved rate to appointed Members. Any infringement fees e.g. parking and speeding infringements are by law the responsibility of the offender.

10. That the Chairperson of Te Taumata Runanga be paid a salary of \$19,030.
11. That all appointed non-elected Members of Council Committees and Subcommittees except the Hearings Committee be paid a meeting fee of \$195.

**CARRIED**

**10 TRIENNIAL AGREEMENT**

181/2005

MOVED by Cr Stone, seconded Cr Lawley:

1. That the Triennial Agreement report be received.
2. That the Triennial Agreement in the form attached at pages A66 to A71 of the Agenda report, be approved for execution by the Mayor and the Chief Executive Officer on behalf of the Council.
3. That the Chief Executive Officer be authorised to approve minor changes to the draft agreement prior to execution, if such changes are necessary to reach final agreement among all Councils.

**CARRIED**

**11 WASTE BYLAW DETERMINATION (STAGE TWO) REPORT**

1.01 pm Cr Cooper left the meeting.

182/2005

MOVED by Cr Hulse, seconded Cr Dallow:

1. That the Waste Bylaw Determination (Stage Two) report be received.
2. That the Council determines, under Section 155(1) of the Local Government Act 2002, that a bylaw is the most appropriate mechanism for achieving Council's waste management objectives generally, for the reasons set out in the Statement of Proposal.
3. That the Council determines, under Section 155(2) of the Local Government Act 2002, that the draft Waitakere City Council Waste Bylaw 2005 attached to the Agenda report, as the most appropriate form of bylaw and does not give rise to any implications under the New Zealand Bill of Rights Act 1990.
4. That the draft Waitakere City Council Waste Bylaw 2005 (Statement of Proposal) and Summary of Information be publicly notified for consultation following the Special Consultative Procedure as required by Section 156 of the Local Government Act 2002, for a period of public submission from 22 March 2005 to 22 April 2005.
5. That the Statement of Proposal and Summary of Information in respect of the proposed Licence Fee of \$300 per annum be publicly notified for consultation as a special consultative procedure as required by Section 150(3) of the Local Government Act 2002, for a period of public submission from 22 March 2005 to 22 April 2005.

6. That a public hearing of any submissions received be conducted by the Planning and Regulatory Committee in the period 19 to 24 May 2005 and that the Committee report its recommendations to the Council's June 2005 meeting.
7. That Council officers continue to develop and finalise the terms and administrative detail of the proposed licences and report back the outcome to the June 2005 meeting of the Council.
8. That a media plan be prepared in relation to the release of information in relation to the current proposals, having regard to the need to keep the public informed as the Council works towards implementation of the levy system and the proposed levies.

**CARRIED**

**12 UPDATE ON PROGRESS - COUNCIL GUARANTEE FOR THE WAITAKERE REGIONAL SPORTS TRUST AND REQUEST FOR ADVANCE FUNDING**

**DECLARATION OF INTEREST**

1.03 pm Cr Dallow declared an interest in this matter and stepped away from the table taking no part in the decision making.

1.14 pm Cr Cooper returned to the meeting

183/2005

MOVED by Cr Booth, seconded Cr Flaunty:

1. That the Update on Progress - Council Guarantee for the Waitakere Regional Sports Trust and Request for Advance Funding report be received.
2. That the term of the bank overdraft facility of up to \$250.000, if approved by the Chief Executive Officer and Director: Finance, be for a period not exceeding two (2) years from the date such approval is given.
3. That Council approves an early release of \$150.000 to the Waitakere Regional Sports Trust as part of the funding allocated in the Long Term Council Community Plan in the 2005/2006 financial year provided that the Trust agrees to reporting to the Finance and Operational Performance Committee on a six (6) monthly basis and that the Trust meets on a weekly basis as practicable to 30 June 2005 with Council staff as nominated by the Council's Chief Executive Officer to review progress against the financial projections.

**CARRIED**

1.21 pm Cr Dallow returned to the table.

13 **DRAFT SUBMISSION ON THE RESOURCE MANAGEMENT AND ELECTRICITY LEGISLATION AMENDMENT BILL**

1.29 pm Cr Dallow left the meeting

184/2005

MOVED by Cr Battersby, seconded Cr Clews:

1. That the Draft Submission on the Resource Management and Electricity Legislation Amendment Bill report be received.
2. That the comments on the Resource Management and Electricity Legislation Amendment Bill as attached at pages A230 to A236 to the Agenda report, be adopted for submission to the Select Committee.
3. That the Chairperson of the Planning and Regulatory Committee be delegated authority by Council to present the submission to the Select Committee.

**CARRIED**

14 **COUNCIL REPRESENTATION AT THE NEW ZEALAND ROAD SAFETY INNOVATION AWARDS**

185/2005

MOVED by Cr Stone, seconded Cr Flaunty:

1. That the Council Representation at the New Zealand Road Safety Innovation Awards report be received.
2. That Council approves the attendance and airfare expenditure of Mayor Bob Harvey and Councillors Chan and Gilmour at the New Zealand Road Safety Innovation Awards.

**CARRIED**

**RESTATEMENT**

The Council resolved while the public were excluded:

**Proposed District Plan Changes in Response to the Local Government (Auckland) Amendment Act 2004**

(Moved by Cr Gilmour, seconded Cr Chan) (resolution 174/2005 no. 6) *"That the Proposed District Plan Changes in Response to the Local Government (Auckland) Amendment Act 2004 Agenda report and resolutions 174/2005 remain confidential until further notice."*

**Growth & Transport Integration Programme - Final Application to Auckland Regional Council**

(Moved by Cr Booth, seconded Cr Lawley) (resolution 176/2005) *"That the Growth and Transport Integration Programme - Final Application to Auckland Regional Council Agenda report and resolutions 175/2005 remain confidential until further notice."*

**Proposed Changes to Chapters 2 and 4 of the Auckland Regional Policy Statement**

(Moved by Cr Clews, seconded Cr Clow) (resolution 177/2005) *“Proposed Changes to Chapters 2 and 4 of the Auckland Regional Policy Statement Agenda report and resolutions 177/2005 remain confidential until further notice.”*

1.32 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:**.....

