

**MINUTES OF A MEETING OF THE COUNCIL HELD IN THE CIVIC CENTRE,  
6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY, ON  
WEDNESDAY, 25 MAY 2005, COMMENCING AT 5.35 PM.**

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**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 (from 5.40 pm)
	JP	Lawley
	VS	Neeson, JP

**OBSERVERS:**

M Te Huia	(Deputy Chairperson Te Taumata Runanga)
CA Shepherd, JP	(Chairperson Waitakere Community Board)
JA Good	(Chairperson Massey Community Board)
EAG Grimmer, MNZM	(Chairperson Henderson Community Board)
SL Taylor, JP	(Deputy Chairperson New Lynn Community Board)
GPJ Marshall, JP	(New Lynn Community Board)
SJ McDonald	(Henderson Community Board)
SF Davies	(Waitakere Community Board)

**IN ATTENDANCE:**

Chief Executive Officer  
Director: City Services  
Director: Strategy & Development  
Director: Public Affairs  
Director: Corporate & Civic Services  
Director: Quality Assurance  
Manager: Maori Issues  
Group Manager: Democracy and Support Services  
Manager: Legal Services  
Project Manager Democracy  
Democracy and Governance Team Manager  
Treasury Manager  
Security Manager  
Quality Assurance Liaison Officer  
P & A Leader: Economic Development  
Mayoral Executive  
Corporate Administration and Civic Functions Support  
Committee Administrator: D Collett  
Democracy Support and Sister City Officer  
Committee Secretaries: N Delamere  
O Schuster

**ALSO**

**IN ATTENDANCE:**

Clyde Rogers, Chief Executive Officer Enterprise Waitakere  
Mike Williams, Trustee Enterprise Waitakere  
Ross Jewell, Chairman Waitakere Properties Limited  
Greg Parker, Chief Executive Officer Waitakere Properties Limited  
Bruce Coldicutt, B&A Management Limited & Co  
Peter Missingham, Kensington Swan

## **PART A - OPENING OF MEETING**

### **1 OPENING PRAYER**

Councillor Booth said the Opening Prayer.

### **2 APOLOGIES**

884/2005

MOVED by Cr Clews, seconded Cr Cooper:

That an apology for lateness from Cr Hulse be received and sustained.

**CARRIED**

### **3 CONFIRMATION OF MINUTES**

885/2005

MOVED by Cr Clews, seconded Cr Flaunty:

That the minutes of the Meetings of the Council held on Wednesday, 20 April 2005, Wednesday, 27 April 2005 and Wednesday, 4 May 2005, including the public excluded minutes, as circulated, be taken as read and now be confirmed.

**CARRIED**

### **4 URGENT BUSINESS**

There was no Urgent Business.

### **5 PRESENTATION - 2005 RECIPROCAL STUDENT EXCHANGE TO KAKOGAWA, JAPAN**

5.40 pm Cr Hulse entered the meeting.

From 19 April to 4 May 2005, ten students from Massey High School; Joshua Parlane, Adam Purchase, Ashley Stewart, Ben Kalopa, Grainam De Borja, May Kim, Briar Engle, Michelle Cho, Do Young Ka and Jessica Wilson, three students who reside in Waitakere City; Wing Sum Kong, Peter Poon and Andre Chan but attend Westlake Girls High School, Westlake Boys High School and Kings College, the two Council chaperons, Tracy Haggio and Debbie Collett, Darryl Griffin, Group Manager: Democracy and Support Services and the two support teachers from Massey High School, Amy Chen and Tai Chooi Jin, participated on the reciprocal Sister City Student Exchange to Kakogawa, Japan.

Ben Kalopa, Wing Sum Kong and Grainam De Borja, together with Debbie Collett presented highlights of the Exchange to the Council.

## **PART B - REPORT OF THE MAYOR**

886/2005

MOVED by Cr Gilmour, seconded: Cr Clow:

That the Report of the Mayor be received.

**CARRIED**

**PART C - REPORTS OF TE TAUMATA RUNANGA, NEW LYNN COMMUNITY BOARD, WAITAKERE COMMUNITY BOARD, MASSEY COMMUNITY BOARD AND HENDERSON COMMUNITY BOARD**

**6 TE TAUMATA RUNANGA**

887/2005

MOVED by Cr Lawley, seconded Cr Cooper:

That the report of the Meeting of Te Taumata Runanga held on Monday, 16 May 2005 be received.

**CARRIED**

**7 NEW LYNN COMMUNITY BOARD**

888/2005

MOVED by Cr Clews, seconded: Cr Clow:

That the report of the Meeting of the New Lynn Community Board held on Monday, 2 May 2005 be received.

**CARRIED**

**8 WAITAKERE COMMUNITY BOARD**

**1. WAITAKERE RANGES AND FOOTHILLS PROTECTION PROJECT**

This matter was withdrawn as it had been dealt with by the Council at its meeting held on Tuesday 24 May 2005.

**2. OTHER MATTERS CONSIDERED**

889/2005

MOVED by Cr Hulse , seconded Cr Booth:

That the report of the Meeting of the Waitakere Community Board held on Tuesday, 3 May 2005 be received.

**CARRIED**

**9 MASSEY COMMUNITY BOARD**

890/2005

MOVED by Cr Chan, seconded Cr Flaunty:

That the report of the Meeting of the Massey Community Board held on Wednesday, 4 May 2005 be received.

**CARRIED**

**10 HENDERSON COMMUNITY BOARD**

891/2005

MOVED by Cr Gilmour, seconded Cr Corban:

That the report of the Meeting of the Henderson Community Board held on Thursday, 5 May 2005 be received.

**CARRIED**

**PART D - REPORT OF THE CHIEF EXECUTIVE OFFICER**

**11 NEW ZEALAND LOCAL GOVERNMENT INSURANCE CORPORATION LIMITED - ELECTION OF DIRECTORS**

892/2005

MOVED by Cr Lawley, seconded Cr Clow:

1. That the New Zealand Local Government Insurance Corporation Limited - Election of Directors report be received.
2. That Council supports the nomination of Mr Bryan Taylor for a position as a Director of the New Zealand Local Government Insurance Corporation Limited.
3. That the Chief Executive Officer be authorised to exercise the votes of Council in favour of Mr Bryan Taylor, either:
  - a) In person; or
  - b) By delegation to another officer, or by proxy through delegation to the Chairperson or a Director of the Company present at the meeting.
4. That the Chief Executive Officer be authorised to exercise either in person or by delegation to a proxy or other person, the votes of Council at the Annual meeting of the New Zealand Local Government Insurance Corporation Limited in relation to any other matters as he see fit so long as the exercise of votes is not contrary to any Council policy position.

**CARRIED**

**12 COUNCIL REPRESENTATION AT THE CHINA TODAY BUSINESS BRIEFING AUCKLAND, 4 MAY 2005**

893/2005

MOVED by Cr Clow, seconded Cr Hulse:

1. That the Council Representation at the China Today Business Briefing Auckland, 4 May 2005, report be received.
2. That the Council retrospectively approves the attendance and resourcing of Councillor Chan at the China Today business briefing held in Auckland, 4 May 2005.

**CARRIED**

**13 COUNCIL REPRESENTATION AT THE NEW ZEALAND CHINESE ASSOCIATION (AUCKLAND BRANCH) CONFERENCE, 4-5 JUNE 2005**

894/2005

MOVED by Cr Flaunty, seconded Cr Clow:

1. That the Council Representation at the New Zealand Chinese Association (Auckland Branch) Conference, 4-5 June 2005 report be received.
2. That the Council approves the attendance and resourcing of Councillor Chan at the conference of the New Zealand Chinese Association (Auckland Branch) to be held at Auckland University of Technology on 4-5 June 2005.

**CARRIED**

**PART E - REPORTS FROM THE STANDING COMMITTEES**

**14 CITY DEVELOPMENT COMMITTEE**

**1. NEW ZEALAND URBAN DESIGN PROTOCOL**

895/2005

MOVED by Cr Hulse, seconded Cr Gilmour:

That travel by the Deputy Mayor to Wellington to participate in the launch of the New Zealand Urban Design Protocol with HRH the Prince of Wales be retrospectively approved.

**CARRIED**

**2. COMMUNITY SPORT FUND ALLOCATION SUBCOMMITTEE REPRESENTATIVES**

896/2005

MOVED by Cr Hulse, seconded Cr Cooper:

That the membership of the Community Sport Fund Allocation Subcommittee be amended to consist of the following representation:

Chairperson: Councillor JP Lawley

Members

- 1 Representative from each Community Board
- 1 Representative from Waitakere Regional Sports Trust
- 2 Representatives from the Maori community recommended by Te Taumata Runanga
- 1 Representative from the Pacific Island community recommended by the Pacific Islands Advisory Board
- 1 Representative from the community
- 1 Representative from the Waitakere Ethnic Board.

**CARRIED**

3. **OTHER MATTERS CONSIDERED**

897/2005

MOVED by Cr Hulse, seconded Cr Lawley:

That the report of the Meeting of the City Development Committee held on Thursday, 5 May 2005 be received.

**CARRIED**

15 **FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE**

898/2005

MOVED by Cr Clews, seconded Cr Booth:

That the report of the Meeting of the Finance and Operational Performance Committee held on Monday, 9 May 2005 be received.

**CARRIED**

16 **PLANNING AND REGULATORY COMMITTEE**

899/2005

MOVED by Cr Neeson, seconded Cr Flaunty:

That the report of the Meeting of the Planning and Regulatory Committee held on Tuesday, 10 May 2005 be received.

**CARRIED**

**PART F - PRESENTATION**

17 **CERTIFICATES OF APPRECIATION**

This presentation did not take place.

**PART G - PROCEDURAL MATTERS**

18 **QUESTIONS**

-

19 **NOTICES OF MOTION**

-

**PART H - PUBLIC EXCLUDED MATTERS**

**20 HENDERSON VALLEY STUDIOS - STAGE 3 DEVELOPMENT**

**PROCEDURAL MOTION TO EXCLUDE THE PUBLIC**

900/2005

MOVED by Cr Clews, seconded Cr Clow:

1. That the public be excluded from the following part of the proceedings of this meeting, namely, Henderson Valley Studios - Stage 3 Development.

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"> <li>• Henderson Valley Studios - Stage 3 Development</li> </ul>	<p>The withholding of information is necessary in order to:</p> <ul style="list-style-type: none"> <li>• enable the 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 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 could affect the Council's ability to conduct negotiations thereby prejudicing the interests of the ratepayers.*
2. That Clyde Rogers (Chief Executive Officer Enterprise Waitakere), Mike Williams (Trustee Enterprise Waitakere), Ross Jewell (Chairman Waitakere Properties Limited), Greg Parker (Chief Executive Officer Waitakere Properties Limited), Bruce Coldicutt (B&A Management Limited & Co) and Peter Missingham (Kensington Swan), be permitted to remain for Item 20: Henderson Valley Studios - Stage 3 Development, after the public has been excluded, because of their 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 the Council when assessing options available to it and in explaining any decision to the community.

**CARRIED**

6.20 pm        The public were excluded.

Minute Numbers 901/2005 - 902/2005 are recorded in the Confidential Section of these Minutes.

6.35 pm        The public were readmitted.

### **RESTATEMENT**

The Council resolved while the public were excluded:

#### **Henderson Valley Studios - Stage 3 Development**

(Moved by Cr Battersby, seconded Cr Flaunty) (resolution 902/2005 no. 8) *"That the Henderson Valley Studios - Stage 3 Development Agenda Report and associated resolutions but with the exception of attachments C91 to C94 be made available in the public arena."*

## **20        HENDERSON VALLEY STUDIOS - STAGE 3 DEVELOPMENT**

901/2005

MOVED by Cr Gilmour, seconded Cr Clews:

That the Henderson Valley Studios - Stage 3 Development report be received.

**CARRIED**

902/2005

MOVED by Cr Battersby, seconded Cr Flaunty:

1.        That the Council agrees to sell all the land situated at 40 Henderson Valley Road, Henderson being all the land comprised in Certificates of Title 363/45, 360/233, 261/10, 819/28, 820/275, 1128/265, 1126/181 and 126A/59 (North Auckland Registry), and being the land and buildings currently comprising the Henderson Valley Studios to the proposed joint-venture company (currently referred to as Studio Company) subject to a minimum of \$6 million private cash equity being invested in the proposed joint-venture company and New Zealand Trade and Enterprise approval of these private investors.
2.        That in the event New Zealand Trade and Enterprise does not approve of these private investors and does not provide the \$1 million (including GST) financial support towards construction of the sound stage then the minimum private cash equity required by Council in recommendation 2 above be increased to an amount that the Council is satisfied will cover the final construction cost.
3.        That the Council's agreement to sell the land and buildings referred to in recommendation 2 above be subject also to Council's approval of the private sector investors, the number thereof, and the final amount to be invested.
4.        That the Council restricts its shareholding in the proposed joint-venture property owning and management companies respectively, to a maximum of 49.99 percent.

5. That officers be requested to prepare a report in conjunction with Waitakere City Holdings Limited for Council approval of the Council directors they recommend for appointment to the proposed joint-venture property owning and management companies, which Council entity should ultimately own the respective company shares, and for Council approval to delegate signing authority of the respective shareholder agreements to Council's Chief Executive Officer.
6. That the priority use of any return on Council's investment be the retirement of any associated debt as per the Council's adopted Liability and Management and Investment policy, or reinvestment in other economic development projects approved by Council.
7. That in the event that the Council's sale of the property referred to in recommendation 2 above becomes unconditional, the Council resolves to purchase shares in both the proposed joint venture companies (currently referred to as StudioCo and ManagementCo) for \$6 million and \$40,000 respectively and that these amounts be funded by way of loan.
8. That the Henderson Valley Studios - Stage 3 Development Agenda Report and associated resolutions but with the exception of attachments C91 to C94 be made available in the public arena.

**CARRIED**

**21 CLOSING PRAYER**

Cr Corban said the Closing Prayer.

6.38 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:**.....

