

**AGENDA FOR A MEETING OF THE COUNCIL TO BE HELD AT WAITAKERE
CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON, WAITAKERE,
ON WEDNESDAY, 27 JUNE 2007 COMMENCING AT 5.30 PM**

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PART A - OPENING OF MEETING

1 OPENING PRAYER

Father Peter Murphy of St Paul's Catholic Parish will say the Opening Prayer.



2 APOLOGIES



3 CONFIRMATION OF MINUTES

Meeting Minutes - Wednesday, 30 May 2007

RECOMMENDATION

That the minutes of the Meeting of the Council held on Wednesday, 30 May 2007, including the public excluded minutes, as circulated, be taken as read and now be confirmed.

*Page 2
Part H*

The public excluded minutes are attached at page 2 of the Confidential Supplement labelled Part H.



4 URGENT BUSINESS

Section 46A(7) of the Local Government Official Information and Meetings Act 1987 provides that where an item of business is not on the agenda, it may only be dealt with at the meeting if:

- (i) the Council by resolution so decides; and
- (ii) the Chairman has explained at the beginning of the meeting (when open to the public) that the item will be raised for discussion and decision, why the item is not on the agenda, and why it cannot be delayed until a subsequent meeting.

The Council may make a decision on a matter determined to be urgent.

NOTE: Urgent Business need not be dealt with now and may be delayed until later in the meeting.



5 CONFLICTS OF INTEREST

The Council has acknowledged in its Code of Conduct that Elected Members need to be vigilant to stand aside from decision making when a conflict arises between their role as a member of the Council and any private or other external interest they might have. This note is provided as a reminder to members to check that no such conflicts arise in relation to any items on this agenda.



PART B - REPORT OF THE MAYOR

The report of the Mayor will be circulated under separate cover with this agenda.

RECOMMENDATIONS

1. That the Report of the Mayor be received.
2. That the Chief Executive Officer report to Council on what options are available to move towards banning plastic bags in Green Bay and Titirangi as part of the Tidy Village campaign, with a view to extending the ban to cover all of Waitakere.

RA Harvey, QSO, JP
MAYOR OF WAITAKERE



PART C - REPORTS OF NEW LYNN COMMUNITY BOARD, WAITAKERE YOUTH COUNCIL, WAITAKERE COMMUNITY BOARD, HENDERSON COMMUNITY BOARD AND MASSEY COMMUNITY BOARD

6 NEW LYNN COMMUNITY BOARD

THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON MONDAY, 28 MAY 2007

MATTERS CONSIDERED

1-5
Part C

The Board dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 1 to 5 in the supplement labelled Part C.

The Board Recommends:

That the report of the Meeting of the New Lynn Community Board held on Monday, 28 May 2007 be received.

P van der Voort. JP
CHAIRMAN



7 **WAITAKERE COMMUNITY BOARD**

THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON TUESDAY, 5 JUNE 2007

MATTERS CONSIDERED

*Pages 6-8
Part C*

The Board dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 6 to 8 in the supplement labelled Part C.

The Board Recommends:

That the report of the Meeting of the Waitakere Community Board held on Tuesday, 5 June 2007 be received.

CA Shepherd, JP
CHAIRMAN



8 **HENDERSON COMMUNITY BOARD**

THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON WEDNESDAY, 6 JUNE 2007

MATTERS CONSIDERED

*Pages 9-13
Part C*

The Board dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 9 to 13 in the supplement labelled Part C.

The Board Recommends:

That the report of the Meeting of the Henderson Community Board held on Wednesday, 6 June 2007 be received.

EAG Grimmer, MNZM
CHAIRMAN



9 **MASSEY COMMUNITY BOARD**

THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON WEDNESDAY, 6 JUNE 2007

MATTERS CONSIDERED

*Pages 14-16
Part C*

The Board dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 14 to 16 in the supplement labelled Part C.

The Board Recommends:

That the report of the Meeting of the Massey Community Board held on Wednesday, 6 June 2007 be received.

GE Barnard
CHAIRMAN



10 WAITAKERE YOUTH COUNCIL

THE YOUTH COUNCIL SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON TUESDAY, 5 JUNE 2007

MATTERS CONSIDERED

*Pages 17-20
Part C*

The Youth Council dealt with a number of items for which a copy of the minutes of the meeting is attached at pages 17 to 20 in the supplement labelled Part C.

The Youth Council Recommends:

That the report of the Meeting of the Waitakere Youth Council held on Tuesday, 5 June 2007 be received.

A Wadsworth
CHAIRMAN



PART D - REPORT OF THE CHIEF EXECUTIVE OFFICER

11 REPATRIATION OF THE PROCEEDS OF THE SALE OF TECHSCAPE LIMITED FROM WAITAKERE CITY HOLDINGS LIMITED TO WAITAKERE CITY COUNCIL

PURPOSE OF THE REPORT

The purpose of this report is to obtain the necessary approvals from Council to repatriate the proceeds from the sale of Techscape Limited from Waitakere City Holdings Limited to the Waitakere City Council.

BACKGROUND

Waitakere City Council, through Waitakere City Holdings Limited, held a 50% share holding in Techscape Limited, with North Shore City Council holding the balance of the shareholding. Waitakere City Council has a 100% share holding (5,025,000 \$1 shares) in Waitakere City Holdings Limited. In August 2006, after a lengthy process, Bilfinger Berger Services (New Zealand) Limited purchased all of the shares in Techscape, with Council's 50% share of the proceeds being \$5,742,293. Since that point in time the funds have been held by Waitakere City Holdings Limited on a term investment.

STRATEGIC CONTEXT

Council has a financial investment in its Holding Company and subsidiaries. These companies assist the Council in meeting its strategic outcomes through a return on investment, involvement in strategic projects, economic development, and in the support of service delivery.

ISSUES

During 2006 the Council directed the Holding Company to proceed with the divestment of the shareholding in Techscape Limited. The sale proceeds are held by the Holding Company and have been invested in short term bank deposits earning interest. However, the revenue generated by the Holding Company is taxable and, as such, the interest received has had resident withholding tax deducted. Although the Holding Company is able to claim back such tax through the transfer of tax losses from Council, the arrangement is not as efficient from a taxation perspective.

The Council should now advise the Holding Company that it now wishes to repatriate the sale proceeds. The Council's Liability Management and Investment Policy, under section 4.3 Debt repayment, states:

"The funds from all asset sales and operating surpluses will be applied to the reduction of debt and/or a reduction in borrowing requirements, unless the Council specifically directs that the funds will be put to another use."

A1-A4

Advice has been received from Council's tax consultants with regard to the most tax efficient way to transfer these funds (attached at pages A1 to A4). In summary, it is recommended that a total of \$5,161,205 be transferred, \$4,000,000 by way of a reduction in Council's share holding in Waitakere City Holdings Limited, with the balance (\$1,161,205) by way of a fully imputed dividend.

This transaction will reduce the Council's shareholding in the Holding Company from 5,025,000 \$1 shares to 1,025,000 \$1 shares. The reduction in the shareholding is effected by way of Waitakere City Holdings Limited purchasing back shares from the Council. This has no effect on Council's ownership or on the direction of the Holding Company.

It should also be noted that the transaction entails the Holding Company retaining approximately \$1,000,000 in funds to be used as working capital. The interest earned will be used to cover operating costs such as Directors Fees, insurance and taxation services. In the past the Holding Company has retained a portion of the dividend/interest income from Techscape for this purpose.

CONCLUSION

In August 2006 Council sold its 50% shareholding in Techscape Limited. The proceeds of that sale (\$5,742,293) have since been held by Waitakere City Holdings Limited on term deposit. Council now wishes to repatriate those funds and has sought advice as to the most tax efficient way to effect that transaction. The Holding Company wishes to retain approximately \$1,000,000 as working capital to fund its ongoing operations, as, with the sale of Techscape, the Holding Company has no other source of income. Advice received is that \$4,000,000 be transferred by way of a reduction in Council's shareholding in Waitakere City Holdings Limited, with \$1,161,205 being transferred by way of a fully imputed dividend.

RECOMMENDATIONS

1. That the Repatriation of the Proceeds of the Sale of Techscape Limited from Waitakere City Holdings Limited to Waitakere City Council report be received.
2. That approval be given to reduce Council's shareholding in Waitakere City Holdings Limited from 5,025,000 \$1 shares to 1,025,000 \$1 shares, with the proceeds being transferred to Council on or before 30 June 2007.
3. That Council recommend to the Board of Waitakere City Holdings Limited that a fully imputed dividend of \$1,161,205 be paid to the Waitakere City Council on or before 30 June 2007.

Report prepared by: Alec Third, Group Manager: Financial Operations.



12 AUCKLAND REGIONAL GOVERNANCE

This report was not available at the time of printing and will be circulated separately.

HV O'Rourke
CHIEF EXECUTIVE OFFICER



PART E - REPORTS FROM THE STANDING COMMITTEES

13 CITY DEVELOPMENT COMMITTEE

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON THURSDAY, 7 JUNE 2007

MATTERS CONSIDERED

*Pages 1-14
Part E
Page 3
Part H*

Your Committee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 1 to 14 in the supplement labelled Part E. The public excluded minutes are attached at page 3 of the Confidential Supplement labelled Part H.

Your Committee Recommends:

That the report of the Meeting of the City Development Committee held on Thursday, 7 June 2007 be received.

PA Hulse
CHAIRMAN



14 FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON MONDAY, 11 JUNE 2007

1. PROJECT TWIN STREAMS - SALE OF SURPLUS PARTS OF PROPERTIES, LOWER WAIKUMETE STREAM

Your Committee Recommends:

1. That the surplus land (other than 26 Seymour Road) is not required to be offered back to the former owners consistent with the requirements of Section 40 of the Public Works Act 1981 as the former owners waived their rights of offer back in writing at the time the properties were purchased and where the Chief Executive Officer confirms under section 40(2)(a) of the Public Works Act 1981 that it is "impracticable, unreasonable, or unfair" to offer the land back to the original owner or their successor.
2. That the Chief Executive Officer be authorised to sell the specified parts of the properties mentioned below which are not required for flood management, riparian planting or walk and cycle ways at fair market value and to execute any associated documentation.

121 Millbrook Road	Lot 1 DP 85886
125a Millbrook Road	Lot 2 DP 56430
129a Millbrook Road	Lot 3 DP 63877
21 & 23 Seymour Road	Lot 18 & 19 DP 37485
3 Sunnyside Road	Lot 2 DP 37485
26 Seymour Road	Sec 1 SO 361236

3. That the Chief Executive Officer be authorised to offer to sell the site at 133 Millbrook Road at fair market value to the previous owner of 129a Millbrook Road under Section 105 of the Public Works Act 1981 and to execute any associated documentation.
4. That if the previous owner of 129a Millbrook Road chooses not to proceed with the purchase of the surplus land at 133 Millbrook Road that the Chief Executive Officer be authorised to sell that land on the open market and to execute any associated documentation.
5. That the net proceeds of any sale of land no longer required be applied to reduce the relevant Project Twin Streams loan.

2. LAND PURCHASE - 1 CHRISTIAN ROAD, SWANSON

Your Committee Recommends:

That 1 Christian Road, Swanson, being part Lot 1, DP196223 be acquired for stormwater purposes under the Public Works Act 1981.

3. PROPOSED LEASE OF AIRSPACE OVER ROAD - WADIER PLACE

Your Committee Recommends:

That as a term of the lease of the airspace over Wadier Place to be occupied by the airbridge (part of Lot 4 DP 366553 and described as "the premises" in the lease) Waitakere Group Limited be granted an option to purchase the airspace for the sum of \$1.00 (GST inclusive).

4. OLD NEW LYNN HOTEL: PROPOSED FUTURE ACTIONS

Your Committee Recommends:

That the Chief Executive Officer be authorised to carry out negotiations and complete all necessary settlement documentation associated with the old New Lynn Hotel transaction to transfer the Old New Lynn Hotel properties (being Lots 11, 12, 13 DP22829) to Waitakere Properties Limited for redevelopment priorities.

5. PROPOSED LAND NEGOTIATIONS - NEW LYNN TRANSIT ORIENTED DEVELOPMENT PROJECT

*Page 1
Part H*

This item will be considered in the Public Excluded section of the meeting, Item 18 (attached at page 1 in the Confidential Supplement labelled Part H)

6. OTHER MATTERS CONSIDERED

*Pages 15-26
Part E
Pages 4-5
Part H*

Your Committee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 15 to 26 in the supplement labelled Part E. The public excluded minutes are attached at pages 4 to 5 of the Confidential Supplement labelled Part H.

Your Committee Recommends:

That the report of the Meeting of the Finance and Operational Performance Committee held on Monday, 11 June 2007 be received.

JM Clews, QSO, JP
CHAIRMAN



15 **PLANNING AND REGULATORY COMMITTEE**

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON TUESDAY, 12 JUNE 2007

MATTERS CONSIDERED

*Pages 27-28
Part E*

Your Committee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 27 to 28 in the supplement labelled Part E.

Your Committee Recommends:

That the report of the Meeting of the Planning and Regulatory Committee held on Tuesday, 12 June 2007 be received.

VS Neeson, JP
CHAIRMAN



16 **TE TAUMATA RUNANGA**

I NOHO TE TAUMATA RUNANGA KOMITI RAHINA TE KAU MA WARU O PIPIRI 2007

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON MONDAY, 18 JUNE 2007

MATTERS CONSIDERED

*Pages 29-32
Part E*

Your Committee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 29 to 32 in the supplement labelled Part E.

NGA TAKE E WHIRIWHIRIA

E whakatau ana Te Taumata Runanga i nga take i whakamanangia i te ture he whakaahua o nga tuhi kua tonoa ki nga mema o te Kaunihera.

Your Committee Recommends:

That the report of the Meeting of Te Taumata Runanga held on Monday, 18 June 2007 be received.

TW Taua, MNZM
CHAIRMAN



PART F - PRESENTATIONS

These presentations are scheduled to take place at 6.15 pm

17 CITATIONS

A DAN HEFFORD

Mayor Bob Harvey will present a Citation to Daniel Hefford in recognition of his representing New Zealand in the 2007 World Soap Box Derby in the USA in July. Daniel a pupil of Bruce McLaren Intermediate School also won the National Soap Box Derby in March 2007 at Glenfield.

B HELEN JONES

Mayor Bob Harvey will present a Citation to Helen Jones, in recognition of her dedication and commitment to the families of Waitakere.

C INAUGURAL FOOD AMBASSADOR

Mayor Bob Harvey will present Chris Mason with a certificate in recognition of his business contribution as the owner and founder of BurgerFuel.

18 WHARE WANANGA

In 1996, the Council received a proposal from Dr. Pita Sharples on behalf of the Hoani Waititi Marae Committee regarding the establishment of a Whare Wananga tertiary institution. In 1997, the Council resolved to enter into a partnership with Te Whanau o Waipareira and Hoani Waititi Marae to progress the development of the University/Wananga. In 1998, the Council considered the revocation of reserve status on a portion of Parris Park to enable the Wananga to develop in close proximity to Hoani Waititi Marae. It is envisaged that the proposed Wananga will provide for ongoing education of Kura Kaupapa (Maori Language Immersion Secondary School) students, as well as catering for a broad range of local tertiary education needs. Te Wananga Komiti Matua Trust is currently working with the Ministry of Education to further their proposal. Dr Pita Sharples, along with other Members of the Whare Wananga Trust will update the Council on progress and to seek ongoing support for this initiative.



PART G - PROCEDURAL MATTERS

19 QUESTIONS

Pursuant to Standing Order 39.2, any member of the local authority may at any meeting of the local authority at the appointed time, put a question to the Mayor as Chairman of the local authority, or through the Mayor to the Chairman of any standing or special committee, or to any officer of the local authority concerning any matter relevant to the role or functions of the local authority concerning any matter that does not appear on the order paper, nor arises from any committee report or recommendation submitted to that meeting.



20 NOTICES OF MOTION

Pursuant to Standing Order 28.1, notices of motion shall be in writing by the mover, stating the meeting at which it is proposed that the notice of motion be considered, and shall be delivered to the Chief Executive Officer at least five clear days before such meeting.



PART H - PUBLIC EXCLUDED MATTER

21 REPORT FROM FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE: PROPOSED LAND NEGOTIATIONS - NEW LYNN TRANSIT ORIENTED DEVELOPMENT PROJECT

This item will be considered in the Confidential Supplement of the agenda, and has been circulated to members separately with this agenda.

PROCEDURAL MOTION TO EXCLUDE THE PUBLIC

That the public be excluded from the following part of the proceedings of this meeting, namely, Report from Finance and Operational Performance Committee - Proposed Land Negotiations - New Lynn Transit Oriented Development Project.

The general subject of the matter 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 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.
Report from Finance and Operational Performance Committee: Proposed Land Negotiations - New Lynn Transit Oriented Development Project.	The withholding of information is necessary in order to: <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). 	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)(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 Council's negotiations.*



22 CLOSING PRAYER

