

# MAIN AGENDA



Waitakere City Council  
*Te Taiao o Waitakere*

## NOTICE OF MEETING COUNCIL

I hereby give notice that a Meeting of the Council will be held on:-

**DATE:** Wednesday, 28 February 2007 **TIME:** 5.30 pm

**VENUE:** Waitakere Central, 6 Henderson Valley Road, Henderson, Waitakere

to consider the business as set out herein and to take any necessary action connected therewith.

**NOTE:** Pursuant to Standing Order 25.8 at 5.00 pm a 30-minute Public Forum will precede the Council meeting:

Zeal, an organisation which is the successful tenderer for the running of the new Youth Facility in Waitakere, will make an audio visual presentation on their successful youth facilities operations in Wellington, and will include a short verbal briefing on their plans for the Youth Facility management in Waitakere.

Audrey Chan  
**COMMITTEE SECRETARY**  
Telephone (09) 836 8000 extn 8603

22 February 2007

**MEMBERSHIP:**

- Mayor RA Harvey, QSO, JP
- Deputy Mayor CA Stone
- Councillors DQ Battersby, JP
- 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
- C Harding, JP
- PA Hulse
- JP Lawley
- VS Neeson, JP

(Quorum 8 members)

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(The reports and recommendations contained in all agendas are reports and recommendations only and are not to be construed, in any way, as Council policy until adopted.)

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

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

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**PART A - OPENING OF MEETING**

**1 OPENING PRAYER**

Father Andrew Matthew from the Holy Family Catholic Church, Te Atatu Peninsula, will say the Opening Prayer.



**2 APOLOGIES**



**3 CONFIRMATION OF MINUTES**

Meeting Minutes - Thursday, 14 December 2006

**RECOMMENDATION**

That the minutes of the Meeting of the Council held on Thursday, 14 December 2006, including the public excluded minutes, as circulated, be taken as read and now be confirmed.

*Pages 2-4  
Part H*

The public excluded minutes are attached at pages 2 to 4 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.



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

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

### **RECOMMENDATION**

That the Report of the Mayor be received.

RA Harvey, QSO, JP

**MAYOR OF WAITAKERE CITY**



## **PART C - REPORTS OF NEW LYNN COMMUNITY BOARD, MASSEY COMMUNITY BOARD, HENDERSON COMMUNITY BOARD AND WAITAKERE COMMUNITY BOARD**

### **5 NEW LYNN COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON MONDAY, 5 FEBRUARY 2007**

#### **MATTERS CONSIDERED**

*Pages 1-7  
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 7 in the supplement labelled Part C.

#### **The Board Recommends:**

That the report of the Meeting of the New Lynn Community Board held on Monday, 5 February 2007 be received.

P van der Voort. JP

**CHAIRMAN**



### **6 MASSEY COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON WEDNESDAY, 7 FEBRUARY 2007**

#### **MATTERS CONSIDERED**

*Pages 8-13  
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 8 to 13 in the supplement labelled Part C.

#### **The Board Recommends:**

That the report of the Meeting of the Massey Community Board held on Wednesday, 7 February 2007 be received.

GE Barnard

**CHAIRMAN**



7 **HENDERSON COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON THURSDAY, 8 FEBRUARY 2007**

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**MATTERS CONSIDERED**

*Pages 14-25  
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 25 in the supplement labelled Part C.

**The Board Recommends:**

That the report of the Meeting of the Henderson Community Board held on Thursday, 8 February 2007 be received.

EAG Grimmer, MNZM  
**CHAIRMAN**



8 **WAITAKERE COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON TUESDAY, 13 FEBRUARY 2007**

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**MATTERS CONSIDERED**

*Pages 26-29  
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 26 to 29 in the supplement labelled Part C.

**The Board Recommends:**

That the report of the Meeting of the Waitakere Community Board held on Tuesday, 13 February 2007 be received.

CA Shepherd, JP  
**CHAIRMAN**



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

### **9 DRAFT COMMERCIAL SEX POLICY**

#### **PURPOSE OF THE REPORT**

The purpose of this report is to present to Council the draft Commercial Sex Policy for adoption and subsequent implementation.

#### **BACKGROUND**

Waitakere City Council has developed a draft Commercial Sex Policy (the Policy), formerly named the Commercial Sex Strategy, to address issues relating to prostitution (as a result of the decriminalisation of prostitution) following the passing of the Prostitution Reform Act (PRA).

The Planning and Regulatory Committee meeting, 18 December 2006, resolved:

- “3. That the Planning and Regulatory Committee endorses the proposed changes to Waitakere City Council’s draft Commercial Sex Strategy.
4. That the Planning and Regulatory Committee recommend to Council that it adopt the Commercial Sex Strategy as attached at pages A1 to A52 to the Agenda.”

2449/2006

A1-A50

In accordance with this resolution, the Policy (in draft form attached at pages A1 to A50) is now presented to Council to seek approval for adoption.

The public have been given the opportunity to comment on earlier drafts of the Policy on two occasions in early 2005 and in June/July 2006. As a result of the feedback some changes were made to these drafts. Key stakeholders who were invited to make a submission included: brothels already operating in Waitakere, Community Boards, other territorial authorities in the Auckland region, the Auckland Regional Council, Resident and Ratepayer Associations, the Police, local health providers, local hospitals, Ngati Whatua, Te Kawerau a Maki, Te Taumata Runanga, Waitakere Ethnic Board, Waitakere Pacific Board, Te Whanau o Waipareira Trust, Maori Women’s Welfare League, Te Korowai Manaaki, and Tu Wahine.

The Policy applies to brothels, businesses of prostitution and commercial sexual services, but not to street prostitution in public places; this is in keeping with the scope of the PRA. Street prostitution in Waitakere is being considered during the review of the Mobile or Travelling Shops and Hawkers Bylaw (the Bylaw). As a result of this review the Bylaw may introduce a licensing system for persons soliciting or loitering for the business of prostitution in public places. If this is the case, the Council will have the power, if it so chooses, to operate the licensing system to help control the occurrence of street prostitution in public places in the City.

The objectives of the Policy are:

1. Recognition of legitimacy of the sex industry.
2. Reduction of environmental effects.
3. Awareness of developments in the sex industry.
4. Collaborative working with key stakeholders.
5. Commitment to developing workable responses and solutions.
6. Establishment of minimum hygiene standards.

The Policy outlines five approaches to achieve the objectives, which are:

1. Manage the adverse environmental effects of brothels through location controls.
2. Controls on signage.
3. Controls on hygiene standards.
4. Urban design standards and guidelines.
5. Monitoring and response measures.

## **STRATEGIC CONTEXT**

The Policy implements within Waitakere the provisions of the Prostitution Reform Act 2003 (the Act) to decriminalise prostitution and creates a framework that safeguards the human rights of sex workers. The Act covers a range of issues including the welfare and occupational health and safety of sex workers. Several of Council's strategic priorities are supported by the Policy, in particular Safe City, which requires a focus on occupational health and safety considerations in addition to the general safety of the community. Safety in the community will be enhanced by influencing prostitution activities to take place on privately owned premises in well-managed brothels and away from public spaces and streets.

The Council has strategic goals for the City's town centres on which it is keen to deliver, and is working with a range of partners including business and community groups to revitalise the centres to make them attractive, economically vital, safe and people friendly. With this as the focus, the Policy seeks to ensure that sex industry premises are integrated into the town and neighbourhood centres by emphasising the need for them to integrate into the overall vision for urban design.

## **ISSUES**

### **1. Adoption of term 'Policy'**

The Council's Commercial Sex Strategy has been renamed as a Commercial Sex Policy as a result of a gradual, yet purposeful move towards consistent naming of Council's strategies, policies and plans and to give clear definition to what each of these are.

By being renamed a Policy (when formerly a Strategy), the Commercial Sex Policy is signalling that the intention is to set out specific objectives and the means by which those objectives will be met through the establishment and application of procedures and rules. As a Policy it aligns with key strategic documents such as the District Plan and gives effect to the provisions of the Prostitution Reform Act 2003.

### **2. Amendments to the Policy as a result of liaising with other agencies**

Minor changes have been made to the Policy as a result of discussions with other agencies since it was presented to the Planning and Regulatory Committee in December 2006. Both the Department of Labour and Housing New Zealand Corporation have been supportive of the Policy and are keen to co-operate, where possible, with the Council.

Collaboration with other agencies to respond to issues regarding the commercial sex industry should help the Council to respond effectively and appropriately. Other relevant stakeholders with whom the Council has constructive working relationships include the local Police and the New Zealand Prostitutes Collective.

Changes that have been made to the Policy since it was last presented to the Planning & Regulatory Committee concern Section 5.5: Response and Monitoring Measures. The main amendments are as follows:

Working collaboratively with landlords

The Council intends to work closely with housing providers and landlords across Waitakere City if any issues arise in relation to prostitution to try to ensure a solution is achieved. The City's largest landlord, Housing New Zealand Corporation, has indicated that it will be willing to investigate any complaints that may come through to the Council, and to take action where appropriate and where it is able.

Liaising with the Department of Labour

It is proposed that the Policy is expanded so that the Council can examine how, if at all, it could assist other agencies in preventing young people (aged 17 or less), and those ineligible to work as sex workers. It is illegal to employ anyone under 18 to work as a prostitute (as provided for in Section 20 of the PRA), or to employ persons who are ineligible to work in New Zealand.

**3. Implementation of the Policy**

The Policy will be implemented over time as each of the five approaches have a different process for implementation, partly due to some being regulatory whilst others are non-regulatory. Some of the main tasks that need to be completed include the development of a new Signage Bylaw specifically for brothels and a general Hygiene Bylaw to cover commercial premises within the City. Responsibility for implementation of the Policy lies with City Services, Legal Services and to a lesser extent the Strategy Unit. Brief details of an implementation plan are contained in the Table below.

A separate statutory process under the Resource Management Act 1991 is required for the Proposed District Plan Change 24. This Proposed Plan Change was publicly notified on 20 December 2006, and submissions close on 28 February 2007. Further submissions are likely to be called for in April 2007.

Implementation Plan for the Policy:

Approaches in the Policy (5 in total)	Regulatory tool	Part of Council responsible for implementation and estimated time to complete
Manage the adverse environmental effects of brothels through location controls	<i>Resource Management Act - Change 24 to the District Plan</i> Small brothels only in residential areas (home occupations) & brothels in commercial /industrial areas.	City Services (Resource Management).  A separate consultation process is required; could take up to 2 years depending on submissions and appeals.
Controls on signage	Creation of a new <i>Signage Bylaw</i> to regulate content of signs of brothels.	Strategy Unit to determine the specifics of the bylaw. Legal Services to review.  Estimated 1 year to complete
	<i>Plan Change 24 to the District Plan</i> Street numbering of home occupation & retail services (including small brothels). No signs in residential areas. Signs require resource consent in non-residential areas.	Resource Management, City Services.  Could take up to 2 years depending on submissions and appeals.

Approaches in the Policy (5 in total)	Regulatory tool	Part of Council responsible for implementation and estimated time to complete
Controls on hygiene standards	Introduction of a new general <i>Hygiene Bylaw</i> to apply to businesses including brothels	Strategy Unit to determine the specifics that need to be added to the general Hygiene Bylaw. Legal Services to review.  1 year estimated time to complete.
Urban design standards and guidelines	<i>District Plan (includes Resource Management Act) Plan Change 18</i> Urban design rules in Proposed Plan Change 18 - brothels to be above ground level in town centres & require consent	City Services (Resource Management).  As part of LG(A)AA process this could take up to 2 years depending on hearings and appeals.
Monitoring and response measures	Changes to <i>Council's response system</i> to log comments, views & complaints  <i>Liaising &amp; working</i> with other organisations & agencies to address prostitution related issues in the City	City Services with input from Strategy Unit 2 months.

## RESOURCES

The implementation of the Policy is provided for in the relevant work programmes across Council.

## CONCLUSION

This report presents Waitakere City Council's Commercial Sex Policy to Council for adoption. Minor changes have been made to the Policy to reflect discussions with other agencies that have formalised their support to the policy since it was last presented to the Planning and Regulatory Committee in December 2006. Due to the regulatory framework of the Policy, its provisions will come into effect over time as set out in the implementation plan.

## RECOMMENDATIONS

1. That the Draft Commercial Sex Policy report be received.
2. That the Council adopt the Commercial Sex Policy attached at pages A1 to A50.
3. That the Council approve the implementation plan for the Commercial Sex Policy (as set out on pages 6 and 7 of the Agenda report).

A1-A50

Report prepared by: Zoe Cuming; Senior Policy Analyst and Eryn Shields; Principal Planner.



10 **WESTPARK MARINA - ACQUISITION LAND FOR BOAT TRAILER PARKING - LOTS 45 AND 49 DP 211038**

**PURPOSE OF THE REPORT**

A51 The purpose of this report is to update Council with respect to the outcome of the legal proceedings which arose consequent upon the proposal to acquire the above lands (plan attached at page A51), under the provisions of the Public Works Act 1981 ("the Act"), and to seek approval to proceed with the final acquisition by Proclamation as provided by the Act.

**BACKGROUND**

Acquisition of these lands, which are contiguous, has been assessed as a necessary response to the evident need to provide further land for boat trailer parking and parking of associated vehicles in conjunction with the use of the public boat ramp at Westpark Marina ("the Marina"), which has been an issue of concern to the Council for some time. This solution also assists in optimising options for other strategic development outcomes at the Marina and the expansion of the current boat yard and boat servicing activities.

Following a determination by Council in November 2004 so to do, the initial Notices of Desire were served upon the respective registered proprietors, seeking to acquire the lands at the then current market valuations. Good faith negotiations did not result in an agreement with either landowner and formal Notices to Acquire were subsequently approved to be served.

The owners objected to the Environment Court against the proposed taking (and a prior determination under Section 71 of the Act that one of the owners, who had an issued building consent for a residential dwelling, not be permitted to proceed to exercise that consent). By decision released in June 2006, the Environment Court reported to Council that the taking should not proceed. That determination appeared to contain errors in law and approach and was the subject of appeal by Council heard in the High Court in November 2006. The Judgment of Baragwanath J released on 19 December 2006 allowed the appeal and declared that Council may proceed with the compulsory acquisition of the two allotments. A copy of that Judgment has been circulated separately. Council is also entitled to costs currently being assessed by the Court.

At the time of preparation of this report Council has been informed that an application for leave to appeal has been filed (although it has not been served). An oral update will be provided at the meeting.

**ISSUES**

Under Section 23 of the Public Works Act 1981 Council must proceed within three months of that decision to acquire the lands or the extended formal procedures to that end undertaken to date are lapsed. Formal taking is by Proclamation pursuant to Section 26 subject to Council continuing to be of the opinion that the land should be taken for the public works specified in the original notices and that no private injury will be done for which due compensation is not provided in the Act. The request for the Proclamation is required to be signed by the Chief Executive of the local authority.

The circumstances which have prevailed at the Marina for some time now indicate that there is a need for land to be available for use by the public for both trailer parking and the parking of associated vehicles. These circumstances have been the subject of a number of previous reports to Council, canvassed at length in the proceedings, and have not changed in any material way in the intervening period. The acquisition is to provide a separate and distinct conveniently located area for boat trailer parking, and the parking of associated vehicles, in conjunction with the public use boat ramp at the Marina. That part of Lot 7 at the Marina presently held under short term lease arrangement and available for that purpose currently pending completion of the acquisition process will then be able to be used for its other intended purposes such as additional car parking, particularly car parking associated with the "park and ride" use of the ferry services connecting the Marina and other harbour destinations, with or in conjunction with the berth holder parking located on Lot 10.

As the Council is aware, the recent development of medium density residential housing on the southern side of Clearwater Cove, together with the utilisation of land previously used for trailer boat parking for residential purposes, has focused the need to resolve this situation. The optimum solution, both with respect to user convenience and with respect to facilitating other strategic developments at the Marina is to acquire and construct Lots 45 and 49 DP 211038 in manner suitable for trailer parking. The compensation provisions of the Act are adequate to compensate the private owners (CP Brunel as registered proprietor of Lot 45 and The Cove Limited as registered proprietor of Lot 49), their respective mortgagees, Mr Brunel's expenditures in obtaining the current building consent and the parties' valuation expenditures.

Market value for the lands will, if required, be determined by the Land Valuation Tribunal but Council is continuing to seek a basis for settlement consistent with the Act based upon valuation advice.

## **RESOURCES**

The most recent reports prepared by Council's valuer, dated November 2005 (updating earlier reports prepared originally in November 2004) assess \$330,000 GST inclusive for Lot 45 and \$450,000 GST inclusive for Lot 49. Some further upward movement in values over the intervening period is probable. The source of funds originally mandated was the Strategic Land Acquisition Loan, and site development costs were budgeted as capex within the 2005/2006 Annual Plan process, with a total of \$1.5m carried forward as capex for both the land acquisition and boat trailer park construction costs in 2006/2007.

## **CONCLUSION**

It is appropriate to proceed with acquisition by Proclamation and funds for that purpose continue to be available. Construction works to permit utilisation for the boat trailer parking and the parking of associated vehicles can proceed once the taking process has been completed, whether or not there is a final agreement with respect to value with the owners at or prior to that time. The Public Works Act provisions and the provisions for the Land Valuation Tribunal to independently fix the market value are adequate to compensate the owners and other parties having an interest in the lands.

## **RECOMMENDATIONS**

1. That the Westpark Marina - Acquisition Land for Boat Trailer Parking - Lots 45 and 49 DP 211038 report be received.
2. That the lands continue to be required for the public works specified in the original notices and that the Chief Executive Officer be authorised to sign the necessary declaration and the accompanying application for a Proclamation taking the lands comprised and described in Certificate of Title NA139A/909 (Lot 45) and NA139A/913 (Lot 49) including the shares in the related common access lots.

3. That the Legal Services Manager be authorised to negotiate compensation for Lots 45 and 49 DP 211038 consistent with the provisions of the Public Works Act 1981, or failing such agreement to refer the matter to the Land Valuation Tribunal to fix the market value.
4. That any construction work to form and develop the allotments for the purpose of boat trailer parking be undertaken in such manner that vehicles with boat trailers attached cannot enter or exit that parking area from the common access lots serving Lots 45 and 49 DP 211038.

Report prepared by: Denis Sheard, Legal Services Manager.



## 11 APPOINTMENT TO THE NEW ZEALAND HISTORIC PLACES TRUST (AUCKLAND BRANCH) COMMITTEE

The purpose of this report is to enable Council to make an appointment to replace Councillor Flaunty on the New Zealand Historic Places Trust (Auckland Branch) Committee.

### **BACKGROUND**

At the Council meeting held on 24 November 2004, Councillor Flaunty was appointed to the New Zealand Historic Places Trust (Auckland Branch) Committee via resolution no. 2109/2004, which covers Council appointments of Councillors to Organisations.

### **ISSUES**

Councillor Flaunty has advised that he would like to step down from the New Zealand Historic Places Trust (Auckland Branch) Committee due to clashes in the meeting dates with his commitment with the Waitemata District Health Board. Councillor Harding, who had indicated an interest, has unfortunately now noted that he has a commitment with the Arataki Trust at the same time and is not available. The Council needs to determine an appointment.

### **STRATEGIC CONTEXT**

The appointment of Councillors to outside organisations is consistent with the Active Democracy and Strong Communities platforms of the 2006/2016 Long Term Council Community Plan.

### **RESOURCES**

No additional resources will be required.

### **RECOMMENDATIONS**

1. That the Appointment to the New Zealand Historic Places Trust (Auckland Branch) Committee report be received.
2. That Council appoint Councillor \_\_\_\_\_ as the Council representative to the New Zealand Historic Places Trust (Auckland Branch) Committee to replace Councillor Flaunty.

Report prepared by: Audrey Chan, Committee Secretary.

HV O'Rourke, MNZM, JP  
**CHIEF EXECUTIVE OFFICER**



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

**12 CITY DEVELOPMENT COMMITTEE**

- A. YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON THURSDAY, 7 DECEMBER 2006 AND RECONVENED ON TUESDAY, 12 DECEMBER 2006

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**WILSHER VILLAGE REDEVELOPMENT - OPTIONS ANALYSIS**

*Page 1  
Part H*

This item will be considered in the Public Excluded section of the meeting as Item 20 (attached at page 1 in the Confidential Supplement labelled Part H).

- B. YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON THURSDAY, 8 FEBRUARY 2007

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**MATTERS CONSIDERED**

*Pages 1-5  
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 1 to 5 in the supplement labelled Part E.

**Your Committee Recommends:**

That the report of the Meeting of the City Development Committee held on Thursday, 8 February 2007 be received.

PA Hulse  
**CHAIRMAN**



**13 FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE**

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON MONDAY, 12 FEBRUARY 2007**

- 
1. **2007 WAITAKERE CITY COUNCIL ELECTIONS: EARLY PROCESSING AND ORDERING OF CANDIDATES' NAMES ON VOTING DOCUMENTS**

**Your Committee Recommends:**

1. That the returned voting documents for the 2007 Waitakere City Council elections be processed during the voting period, such early processing to be undertaken in accordance with Section 79 of the Local Electoral Act 2001, the Local Electoral Regulations 2001 and the Society of Local Government Managers' Code of Good Practice for the Management of Local Authority Elections and Polls.

2. That the names of the candidates for the 2007 Waitakere City Council elections be arranged on voting documents in alphabetical order of surname.

## **2. REVIEW OF RATING SYSTEM**

### **Your Committee Recommends:**

1. That the current land value system be retained for the 2007/2008 financial year.
2. That Council favours moving from a land value rating system to a capital value rating system and requests that further research be undertaken so that the next Council may make a decision as soon as possible after the November 2007 new rating values are received with the key issues needing further information being the:
  - Level of business differential and small business impact;
  - Large land holdings particularly in the heritage area;
  - Wastewater;
  - Urban intensification and location.
3. That the level of the contribution from the total rates requirement to be met by the Business Sector for the 2007/2008 year be set at 20%.

## **3. PROPOSED LEASE ACQUISITION - NEW LYNN KINDERGARTEN, TOTARA AVENUE, NEW LYNN**

*Page 1  
Part H*

This item will be considered in the Public Excluded section of the meeting, Item 21 (attached at page 1 in the Confidential Supplement labelled Part H)

## **4. PROPOSED LAND ACQUISITION - CAMBRIDGE CLOTHING LIMITED, GREAT NORTH ROAD, NEW LYNN**

*Page 1  
Part H*

This item will be considered in the Public Excluded section of the meeting, Item 21 (attached at page 1 in the Confidential Supplement labelled Part H)

## **5. OTHER MATTERS CONSIDERED**

*Pages 6-14  
Part E  
Pages 5-6  
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 6 to 14 in the supplement labelled Part E. The public excluded minutes are attached at pages 5 to 6 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, 12 February 2007 be received.

JM Clews, QSO, JP  
**CHAIRMAN**



14 **PLANNING AND REGULATORY COMMITTEE**

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON TUESDAY, 13 FEBRUARY 2007**

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**MATTERS CONSIDERED**

15-16  
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 15 to 16 in the supplement labelled Part E.

**Your Committee Recommends:**

That the report of the Meeting of the Planning and Regulatory Committee held on Tuesday, 13 February 2007 be received.

VS Neeson, JP  
**CHAIRMAN**



15 **TE TAUMATA RUNANGA**

**I NOHO TE TAUMATA RUNANGA KOMITI MANE TE KAU MA IWA O HUI TANGURU 2007**

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON MONDAY, 19 FEBRUARY 2007**

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**MATTERS CONSIDERED**

17-19  
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 17 to 19 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, 19 February 2007 be received.

TW Taua, MNZM  
**CHAIRMAN**



## **PART F - PRESENTATIONS**

These presentations are scheduled to take place at 6.30 pm.

### **16 DALMATIAN CULTURAL SOCIETY**

The Mayor will make a presentation to the Dalmatian Cultural Society in recognition of their contribution to the community.

### **17 WEST AUCKLAND AQUATIC SWIMMERS**

The Mayor will make a presentation to West Auckland Aquatic Swimmers - Michael Jack, Mark Herring, Lauren Boyle, and Donna Bouzaid (Coach) - in recognition of them being selected to swim at the World Aquatics Championships.



## **PART G - PROCEDURAL MATTERS**

### **18 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.



### **19 NOTICES OF MOTION**

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 MATTERS**

**20 REPORT FROM CITY DEVELOPMENT COMMITTEE - WILSHER VILLAGE REDEVELOPMENT - OPTIONS ANALYSIS**

**21 REPORTS FROM FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE - PROPOSED LEASE ACQUISITION:**

- 1. NEW LYNN KINDERGARTEN, TOTARA AVENUE, NEW LYNN**
- 2. PROPOSED LAND ACQUISITION: CAMBRIDGE CLOTHING LIMITED, GREAT NORTH ROAD, NEW LYNN**

These items 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 parts of the proceedings of this meeting, namely, Report from City Development Committee - Wilsher Village Redevelopment - Options Analysis and the Report from Finance and Operational Performance Committee - Proposed Lease Acquisition: New Lynn Kindergarten, Totara Avenue, New Lynn and Proposed Land Acquisition: Cambridge Clothing Limited, Great North Road, New Lynn.

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>• Report from the City Development Committee - Wilsher Village Redevelopment - Options Analysis.</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>• Report from the Finance and Operational Performance Committee - Proposed Lease Acquisition: New Lynn Kindergarten, Totara Avenue, New Lynn.</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>

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>Report from the Finance and Operational Performance Committee - Proposed Land Acquisition: Cambridge Clothing Limited, Great North Road, New Lynn.</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>

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 negotiations.*



**22 CLOSING PRAYER**

