

**MINUTES OF A MEETING OF THE COUNCIL HELD AT WAITAKERE CENTRAL,  
6 HENDERSON VALLEY ROAD, HENDERSON, WAITAKERE,  
ON WEDNESDAY, 28 FEBRUARY 2007,  
COMMENCING AT 5.33 PM**

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**PRESENT:**

Mayor	RA	Harvey, QSO, JP
Councillors	DQ	Battersby, JP
	MFP	Chan, JP
	JM	Clews, QSO, JP
	RI	Clow (from 5.37 pm)
	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

**OBSERVERS:**

M Te Huia	(Deputy Chairman, Te Taumata Runanga)
EAG Grimmer, MNZM	(Chairman, Henderson Community Board)
GE Barnard	(Chairman, Massey Community Board)
P van der Voort, JP	(Chairman, New Lynn Community Board)
CA Shepherd, JP	(Chairman, Waitakere Community Board)
SJ McDonald	(Henderson Community Board)
GJ Maurice	(Massey Community Board)
GPJ Marshall	(New Lynn Community Board)
SF Davies	(Waitakere Community Board)

**IN ATTENDANCE:**

- Chief Executive Officer
- Director: Corporate & Civic Services
- Director: Quality Assurance
- Director: Finance
- Director: Strategic Performance
- Director: Strategic Planning
- Group Manager: Democracy and Support Services
- Manager: Public Affairs
- Manager: Strategic Projects
- Executive Manager
- Mayoral Executive
- Team Leader Legal Services
- Administration Team Manager
- Executive Liaison Manager
- Security Manager
- Senior Analyst: Social Policy
- Democracy Support and Sister City Officer
- Committee Secretary (Intern): A Lin
- Committee Administrator: D Tukutama
- Committee Secretaries: S McDaid
- A Chan
- N Delamere

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

### **1 OPENING PRAYER**

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

5.37pm Cr Clow entered the meeting.

### **2 APOLOGIES**

198/2007

MOVED by Cr Neeson, seconded Cr Hulse:

That an apology from Cr Stone for absence be received and sustained.

**CARRIED**

### **3 CONFIRMATION OF MINUTES**

199/2007

MOVED by Cr Dallow, seconded Cr Clews:

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.

**CARRIED**

### **4 URGENT BUSINESS**

There was no Urgent Business.

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

200/2007

MOVED by Cr Clow, seconded Cr Dallow:

That the Report of the Mayor be received.

**CARRIED**

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

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

201/2007

MOVED by Cr Clews, seconded Cr Gilmour:

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

**CARRIED**

**6 MASSEY COMMUNITY BOARD**

202/2007

MOVED by Cr Neeson, seconded Cr Flaunty:

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

**CARRIED**

**7 HENDERSON COMMUNITY BOARD**

203/2007

MOVED by Cr Corban, seconded Cr Gilmour:

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

**CARRIED**

**8 WAITAKERE COMMUNITY BOARD**

204/2007

MOVED by Cr Harding, seconded Cr Hulse:

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

**CARRIED**

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

**9 DRAFT COMMERCIAL SEX POLICY**

205/2007

MOVED by Cr Neeson, seconded Cr Flaunty:

1. That the Draft Commercial Sex Policy report be received.
2. That the Council adopts the Commercial Sex Policy attached to the Agenda at pages A1 to A50.
3. That the Council approves the Implementation Plan for the Commercial Sex Policy as set out:

<b>Approaches in the Policy (5 in total)</b>	<b>Regulatory tool</b>	<b>Part of Council responsible for implementation and estimated time to complete</b>
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.

Approaches in the Policy (5 in total)	Regulatory tool	Part of Council responsible for implementation and estimated time to complete
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.
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.

4. That the Chief Executive Officer and the Chairman of the Planning and Regulatory Committee be delegated the authority to authorise any minor changes that may be made to the Commercial Sex Policy.

**CARRIED**

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

206/2007

MOVED by Cr Flaunty, seconded Cr Cooper:

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 Manager: Legal Services 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.

**CARRIED**

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

207/2007

MOVED by Cr Hulse, seconded Cr Clews:

1. That the Appointment to the New Zealand Historic Places Trust (Auckland Branch) Committee report be received.
2. That Council appoints Councillor Corban as the Council representative to the New Zealand Historic Places Trust (Auckland Branch) Committee to replace Councillor Flaunty.
3. That Council appoints Councillor Lawley as the alternate Council representative to the New Zealand Historic Places Trust (Auckland Branch) Committee.

**CARRIED**

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

**12 CITY DEVELOPMENT COMMITTEE**

**WILSHER VILLAGE REDEVELOPMENT - OPTIONS ANALYSIS**

This item was considered in the Public Excluded section of the meeting as Item 20.

208/2007

MOVED by Cr Hulse, seconded Cr Cooper:

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

**CARRIED**

**13 FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE**

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

209/2007

MOVED by Cr Clews, seconded Cr Neeson:

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.

**CARRIED**

**2. REVIEW OF RATING SYSTEM**

210/2007

MOVED by Cr Clews, seconded Cr Dallow:

That the current land value rating system be retained for the 2007/2008 financial year.

**CARRIED**

**NOTE:** Pursuant to Standing Order 32.12 Cr Flaunty requested that his vote against the motion be recorded.

211/2007

MOVED by Cr Clews, seconded Cr Dallow:

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.

ON A SHOW OF HANDS THE MOTION WAS:

**CARRIED**

**NOTE:** Pursuant to Standing Order 32.12 Cr Chan requested that his vote against the motion be recorded.

212/2007

MOVED by Cr Clews, seconded Cr Dallow:

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%.

**CARRIED**

**NOTE:** Pursuant to Standing Order 32.12 Crs Chan and Flaunty requested that their vote against the motion be recorded.

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

This item was considered in the Public Excluded section of the meeting as Item 21.

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

This item was considered in the Public Excluded section of the meeting as Item 21.

5. **OTHER MATTERS CONSIDERED**

213/2007

MOVED by Cr Clews, seconded Cr Clow:

That the report of the Meeting of the Finance and Operational Performance Committee held on Monday, 12 February 2007 be received.

**CARRIED**

14. **PLANNING AND REGULATORY COMMITTEE**

214/2007

MOVED by Cr Neeson, seconded Cr Dallow:

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

**CARRIED**

15. **TE TAUMATA RUNANGA**

215/2007

MOVED by Cr Lawley, seconded Cr Cooper:

That the report of the Meeting of Te Taumata Runanga held on Monday, 19 February 2007 be received.

**CARRIED**

**PART F - PRESENTATIONS**

16. **DALMATIAN CULTURAL SOCIETY**

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

**17 WEST AUCKLAND AQUATIC SWIMMERS**

The Mayor made a presentation to West Auckland Aquatic Swimmers - Michael Jack, Mark Herring and Lauren Boyle, and to the Coach Donna Bouzaid in recognition of the swimmers selection to swim at the World Aquatics Championships.

**PART G - PROCEDURAL MATTERS**

**18 QUESTIONS**

There were no Questions.

**19 NOTICES OF MOTION**

There were no Notices of Motion.

**PART H - PUBLIC EXCLUDED MATTERS**

**20 REPORT FROM CITY DEVELOPMENT COMMITTEE:**

**WILSHER VILLAGE REDEVELOPMENT - OPTIONS ANALYSIS**

**21 REPORTS FROM FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE:**

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

**PROCEDURAL MOTION TO EXCLUDE THE PUBLIC**

216/2007

MOVED by Cr Flaunty, seconded Cr Dallow:

That the public be excluded from the following parts of the proceedings of this meeting, namely, Report from the City Development Committee - Wilsher Village Redevelopment - Options Analysis, and Reports from the 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>• Reports from the Finance and Operational Performance Committee:               <ol style="list-style-type: none"> <li>1. Proposed Lease Acquisition - New Lynn Kindergarten, Totara Avenue, New Lynn.</li> <li>2. Proposed Land Acquisition - Cambridge Clothing Limited, Great North Road, New Lynn.</li> </ol> </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 reports contain information which if released could affect the Council's negotiations.*

**CARRIED**

6.40 pm      The public were excluded.

6.46 pm      Cr Hulse left the meeting.

Minute Numbers 217/2007 to 219/2007 are recorded in the Confidential Section of these Minutes.

6.48 pm      Cr Hulse returned to the meeting.

6.48 pm      The public were readmitted.

## **RESTATEMENTS**

The Council resolved while the public were excluded:

### **Wilsher Village Redevelopment - Options Analysis**

(Moved by Cr Hulse, seconded Cr Corban) (resolution 217/2007) *"That the Wilsher Village Redevelopment - Options Analysis Agenda report and associated resolutions remain confidential until such time as the reasons for confidentiality no longer exist."*

### **Proposed Lease Acquisition - New Lynn Kindergarten, Totara Avenue, New Lynn**

(Moved by Cr Clews, seconded Cr Clow) (resolution 218/2007) *"That the Proposed Lease Acquisition - New Lynn Kindergarten, Totara Avenue, New Lynn Agenda report and associated resolutions remain confidential until such time as the reasons for confidentiality no longer exist."*

### **Proposed Land Acquisition - Cambridge Clothing Limited, Great North Road, New Lynn**

(Moved by Cr Clews, seconded Cr Lawley) (resolution 219/2007) *"That the Proposed Land Acquisition - Cambridge Clothing Limited, Great North Road, New Lynn Agenda report and associated resolutions remain confidential until such time as the reasons for confidentiality no longer exist."*

## **22 CLOSING PRAYER**

Cr Corban gave the closing address.

6.52 pm

The Chairman thanked Members for their attendance and attention to business and declared the meeting closed.

CONFIRMED AT A MEETING OF THE COUNCIL  
HELD ON

**DATE:**.....

**CHAIRMAN:**.....