

**MINUTES OF A MEETING OF THE COUNCIL HELD AT WAITAKERE CENTRAL,
6 HENDERSON VALLEY ROAD, HENDERSON, WAITAKERE,
ON WEDNESDAY, 27 FEBRUARY 2008
COMMENCING AT 5.30 PM**

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PRESENT:

Mayor	RA	Harvey, QSO, JP
Deputy Mayor	PA	Hulse
Councillors	DQ	Battersby, JP
	MFP	Chan, JP
	JM	Clews, QSO, JP
	RI	Clow
	AK	Corban, OBE, JP
	RP	Dallow, QPM, JP
	WW	Flaunty, QSM, JP
	MM	Jolley
	JP	Lawley, JP
	PG	Mitchell
	VS	Neeson, JP

OBSERVERS:

W Paki, JP	(Chairman, Te Taumata Runanga)
EAG Grimmer, MNZM	(Chairman, Henderson Community Board)
JG Riddell	(Chairman, Massey Community Board)
GPJ Marshall	(Chairman, New Lynn Community Board)
KJP Witten-Hannah, JP	(Chairman, Waitakere Community Board)
CA Shepherd, JP	(Deputy Chairman, Waitakere Community Board)
SJ McDonald	(Henderson Community Board)
J Carrodus	(Massey Community Board)
A Mitchell	(Waitakere Youth Council)

IN ATTENDANCE:

Chief Executive Officer
Chief Executive Officer Designate
Director: City Services
Director: Strategic Performance
Director: Strategic Planning
Acting Director: Corporate & Civic Services
Director: Public Affairs
Director: Finance
Group Manager: Democracy and Support Services
Group Manager: Financial Management
Manager: Legal Services
Manager: Government Relations
Executive Manager
Executive Liaison Manager
Security Manager
Administration Team Manager
Projects and Contracts Officer
Administration Assistant: Executive Suite
Democracy and Governance Team Manager
Committee Secretaries: D Tukutama
N Delamere
A Chan
Committee Administrator: S Riley
Intern - J Edwards

ALSO IN

ATTENDANCE: S Wickham, Chief Executive Officer, The Trusts Stadium

PART A - OPENING OF MEETING

1 OPENING PRAYER

Reverend Charlie Hughes from St Michael's Anglican Church, Henderson said the Opening Prayer.

2 APOLOGIES

180/2008

MOVED by Cr Clews, seconded Cr Neeson:

That apologies from Crs Brady and Cooper for absence, be received and sustained.

CARRIED

3 CONFIRMATION OF MINUTES

181/2008

MOVED by Cr Dallow, seconded Cr Mitchell:

That the minutes of the Meeting of the Council held on Wednesday, 19 December 2007, including the public excluded minutes, as circulated, be taken as read and now be confirmed.

CARRIED

5 CONFLICTS OF INTEREST

Elected Members were reminded via the agenda, of the 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.

PART B - REPORT OF THE MAYOR

6 REPORT OF THE MAYOR

182/2008

MOVED by Cr Clews, seconded Cr Neeson:

That the Report of the Mayor be received.

CARRIED

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

7 MASSEY COMMUNITY BOARD

183/2008

MOVED by Cr Flaunty, seconded Cr Chan:

That the report of the Meeting of the Massey Community Board held on Wednesday, 30 January 2008 be received.

CARRIED

8 NEW LYNN COMMUNITY BOARD

184/2008

MOVED by Cr Clews, seconded Cr Dallow:

That the report of the Meeting of the New Lynn Community Board held on Monday, 4 February 2008 be received.

CARRIED

9 WAITAKERE COMMUNITY BOARD

185/2008

MOVED by Cr Hulse, seconded Cr Mitchell:

That the report of the Meeting of the Waitakere Community Board held on Tuesday, 5 February 2008 be received.

CARRIED

10 HENDERSON COMMUNITY BOARD

186/2008

MOVED by Cr Jolley, seconded Cr Corban:

That the report of the Meeting of the Henderson Community Board held on Thursday, 7 February 2008 be received.

CARRIED

11 WAITAKERE YOUTH COUNCIL

187/2008

MOVED by Cr Lawley, seconded Cr Hulse:

That the report of the Meeting of the Waitakere Youth Council held on Monday, 4 February 2008 be received.

CARRIED

PART D - REPORT OF THE CHIEF EXECUTIVE OFFICER

12 THE TRUSTS STADIUM DRAFT FUNDING AND SERVICE AGREEMENT 2007/2010

DECLARATION OF INTEREST

5.59 pm Cr Dallow declared an interest and withdrew from the table, taking no part in the discussion or decision on Item 12: The Trusts Stadium Draft Funding and Service Agreement 2007/2010.

188/2008

MOVED by Cr Flaunty, seconded Cr Clow:

1. That The Trusts Stadium Draft Funding and Service Agreement 2007/2010 report be received.
2. That pursuant to Standing Order 27.18 resolution 1064/2002:

“That subject to the completion of the Indoor Facility the Council provide for the depreciation for the building in the normal manner, such amount to be retained with the Council as a separate fund, for payment to the Waitakere Regional Sports Trust when required to fund any approved building renewal works.”

be revoked and replaced with:

“That the Council provide for renewals of The Trusts Stadium building only, in its Long Term Council Community Plan 2009-2019 with the funding of these renewals to be determined by the Council. This funding would be subject to the production of a full Asset Management Plan for The Trusts Stadium that is approved by the Council as part of the Long Term Council Community Plan 2009-2019 process and Waitakere City Stadium Trust meeting all commitments in respect to current and future Funding and Service agreements.”

3. That the Trusts Stadium Funding and Service Agreement 2007/2010 be approved.

CARRIED

6.34 pm Cr Dallow returned to the table.

PRECEDENCE OF BUSINESS

189/2008

MOVED by Cr Neeson, seconded Cr Mitchell:

That Part F: Presentations - Item 24: Project K and Item 23: The Bob Harvey Trophy be accorded precedence at this time.

CARRIED

PART F - PRESENTATIONS

24 PROJECT K

Graeme Dingle and Amanda Wheeler gave a presentation updating Council on the progress of Project K in Waitakere.

23 THE BOB HARVEY TROPHY

Mayor Bob Harvey presented 'The Bob Harvey Trophy' to Clara McNeil, Youth Councillor and community representative for Green Bay, for her time and effort put in over the year.

The Order of Business resumed at Part D - Report of the Chief Executive Officer, Item 13: Review of Bylaw No. 4 (1990) Chapter 13 - The Keeping of Animals, Poultry and Bees.

PART D - REPORT OF THE CHIEF EXECUTIVE OFFICER

13 REVIEW OF BYLAW NO. 4 (1990) CHAPTER 13 - THE KEEPING OF ANIMALS, POULTRY AND BEES

190/2008

MOVED by Cr Battersby, seconded Cr Clow:

1. That the Review of Bylaw No. 4 (1990) Chapter 13 - The Keeping of Animals, Poultry and Bees report be received.
2. That the Planning and Regulatory Committee's recommendations to Council in respect of the review of Bylaw No. 4 (1990) Chapter 13 - The Keeping of Animals, Poultry and Bees be approved namely (116/2008):
 - (a) Having considered the possible options, a bylaw is the most appropriate mechanism to assist in the regulation and management of animal, bird and bee keeping in the City.
 - (b) For the reasons given in the report presented to the Committee on 12 February 2008 the draft form of bylaw produced at the meeting and referred to as option (b) attached at pages A26 to A28 amending and updating the existing bylaw, is the most appropriate form of bylaw to achieve Council's objectives.
 - (c) That the draft bylaw be amended as follows:
 - (i) Delete "poultry" in line 2 of clause 4 and substitute "birds".
 - (ii) Delete "City" in line 3 of clause 4 and substitute "Council's district".
 - (iii) The spelling of "invertebrate" in the definition of "bird" in clause 5 be corrected.
 - (d) The draft bylaw has no implications which are inconsistent with the New Zealand Bill of Rights Act 1990.
 - (e) The statement of proposal and summary of information attached at pages A29 to A32 are approved in principle. Council officers are authorised to make any necessary editorial and format changes and to implement the Special Consultative Procedure as set out in Section 83 Local Government Act 2002.
 - (f) The Planning and Regulatory Committee will hear any submissions arising from the consultation, with a final report in relation to the proposed bylaw to be brought back to Council for final decision.

3. That the minor suggested improvements to the Interpretation Section of option (b) of the draft Animals, Birds and Bees Bylaw 2008 referred to in the background section of this report, are agreed.

CARRIED

14 EXTERNAL APPOINTMENTS TO NORTHERN STRATEGIC GROWTH AREA (NORSGA) URBAN DEVELOPMENT COMMITTEE

191/2008

MOVED by Cr Neeson, seconded Cr Clow:

1. That the External Appointments to Northern Strategic Growth Area (NorSGA) Urban Development Committee report be received.
2. That the Council approves the following appointments to the Northern Strategic Growth Area (NorSGA) Urban Development Committee:
 - Peter Spies, and Wayne McDonald as the alternate, from Transit New Zealand.
 - Allan McGregor from NZRPG Management Limited (formerly IMF New Zealand Limited).
 - Sean Bignell from the Hobsonville Land Company Limited.

CARRIED

15 EXTERNAL APPOINTMENTS TO THE TOWN CENTRES SUBCOMMITTEE

192/2008

MOVED by Cr Clews, seconded Cr Chan:

1. That the External Appointments to the Town Centres Subcommittee report be received.
2. That the Council approves the following appointments to the Town Centres Subcommittee:
 - Rolland Lindsay from ONTRACK.
 - David Cosgrove from AMP Capital Investors (NZ) Limited.
 - Ed Johnstone from the Henderson Business Network.

CARRIED

16 ANZAC DAY 2008

193/2008

MOVED by Cr Neeson, seconded Cr Jolley:

1. That the Anzac Day 2008 report be received.
2. That the following Councillors be appointed to represent the City at each of the Community Anzac Day Parades as follows:

Swanson	9.00 am	-	Cr Hulse
New Lynn	9.30 am	-	Cr Battersby, Cr Clow
Te Atatu	10.00 am	-	Cr Chan
Henderson	10.30 am	-	Cr Corban
Laingholm	10.30 am	-	Cr Mitchell

Titirangi	10.30 am	-	Cr Hulse
Glen Eden	11.00 am	-	Cr Clews
Hobsonville	11.00 am	-	Cr Neeson, Cr Chan
Waitakere	11.00 am	-	No representative
Piha	2.00 pm	-	Mayor Bob Harvey, Cr Hulse

CARRIED

PART E - REPORTS FROM THE STANDING COMMITTEES

17 INFRASTRUCTURE AND WORKS COMMITTEE

194/2008

MOVED by Cr Battersby, seconded Cr Clews:

That the report of the Meeting of the Infrastructure and Works Committee held on Wednesday, 30 January 2008 be received.

CARRIED

18 POLICY AND STRATEGY COMMITTEE

195/2008

MOVED by Cr Hulse, seconded Cr Neeson:

That the report of the Meeting of the Policy and Strategy Committee held on Thursday, 7 February 2008 be received.

CARRIED

19 FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE

196/2008

MOVED by Cr Clow, seconded Cr Clews:

That the report of the Meeting of the Finance and Operational Performance Committee held on Monday, 11 February 2008 be received.

CARRIED

DEFERRED

197/2008

MOVED by Cr Clow, seconded Cr Clews:

That part of Item 19: Report of the Finance and Operational Performance Committee - Proposed Land Acquisition: Ranui Library Redevelopment Project to be considered following Item 26: Notices of Motion as it is confidential and needs to be dealt with the public excluded.

CARRIED

20 PLANNING AND REGULATORY COMMITTEE

198/2008

MOVED by Cr Neeson, seconded Cr Mitchell:

That the report of the Meeting of the Planning and Regulatory Committee held on Tuesday, 12 February 2008 be received.

CARRIED

21 CULTURE AND COMMUNITY COMMITTEE

199/2008

MOVED by Cr Lawley, seconded Cr Corban:

That the report of the Meeting of the Culture and Community Committee held on Wednesday, 13 February 2008 be received.

CARRIED

22 TE TAUMATA RUNANGA

200/2008

MOVED by Cr Clow, seconded Cr Mitchell:

That the report of the Meeting of Te Taumata Runanga held on Monday, 18 February 2008 be received.

CARRIED

PART F - PRESENTATIONS

24 PROJECT K

This item was considered following Part D - Report of the Chief Executive Officer, Item 12: The Trusts Stadium Draft Funding and Service Agreement 2007/2010.

23 THE BOB HARVEY TROPHY

This item was considered following Item 24: Project K.

PART G - PROCEDURAL MATTERS

25 QUESTIONS

There were no Questions.

26 NOTICES OF MOTION

There were no Notices of Motion.

PUBLIC EXCLUDED MATTER

19 REPORT FROM FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE - PROPOSED LAND ACQUISITION: RANUI LIBRARY REDEVELOPMENT PROJECT

PROCEDURAL MOTION TO EXCLUDE THE PUBLIC

201/2008

MOVED by Cr Mitchell, seconded Cr Clow:

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 Acquisition: Ranui Library Redevelopment 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 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.
Report from Finance and Operational Performance Committee - Proposed Land Acquisition: Ranui Library Redevelopment 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 the Council's negotiations.*

CARRIED

7.22 pm The public were excluded.

Minute Number 202/2008 is recorded in the Confidential Section of these Minutes.

7.24 pm The public were readmitted.

RESTATEMENT

The Council resolved while the public were excluded:

That the Report from the Finance and Operational Performance Committee - Proposed Land Acquisition: Ranui Library Redevelopment Project.

(Moved by Cr Clews, seconded Cr Clow) (Resolution 202/2008) *"That the Report from the Finance and Operational Performance Committee - Proposed Land Acquisition: Ranui Library Redevelopment Project and associated resolutions remain confidential until such time as the reasons for confidentiality no longer exist."*

27 CLOSING PRAYER

Cr Corban said the closing prayer.

7.26 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:.....