

**MINUTES OF A MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBER AT  
WAITAKERE CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON,  
WAITAKERE, ON WEDNESDAY, 17 DECEMBER 2008  
COMMENCING AT 5.31 PM**

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**PRESENT:**

Mayor	RA	Harvey, QSO, JP
Deputy Mayor	PA	Hulse
Councillors	DQ	Battersby, JP (until 7.37 pm)
	BA	Brady, JP
	MFP	Chan, JP
	JM	Clews, QSO, JP
	RI	Clow
	LA	Cooper, JP
	AK	Corban, OBE, 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)
SA Savage	(Henderson Community Board Member)
JG Riddell	(Chairman, Massey Community Board)
AE Davies, JP	(Massey Community Board Member)
GPJ Marshall	(Chairman, New Lynn Community Board)
AK Hartnett	(New Lynn Community Board Member)
KJP Witten-Hannah, JP	(Chairman, Waitakere Community Board)
CA Shepherd, JP	(Deputy Chairman, Waitakere Community Board)
A Wadsworth	(Youth Council)
Alana Wadsworth	(Youth Council)

**IN ATTENDANCE:**

Chief Executive Officer  
Director: Corporate and Business Services  
Director: Finance  
Director: Public Affairs  
Director: Strategic Planning  
Group Manager: Asset Management  
Group Manager: Strategic Governance  
Group Manager: Democracy and Support Services  
Group Manager: Social and Cultural Strategy  
Manager: Legal Services  
Democracy and Governance Manager  
Administration Manager: Democracy and Support Services  
Security Manager  
Executive Liaison Manager  
Corporate Sustainability Manager: Resource Management and Building  
Alcohol Project Leader: Social and Cultural Strategy  
Team Leader: Safe Waitakere  
Team Leader Environmental Strategy  
Team Leader - Road Safety and Travel Plans  
Solicitor Team Leader: Legal - Regulatory

Strategic Advisor, Sustainability  
Executive Support to Deputy Mayor  
Committee Secretary: Quality and Training  
Committee Secretaries: M Petherick  
D Tukutama  
N Delamere

**ALSO**

**IN ATTENDANCE:**

P Sinton, Acting Secretary, Waitakere Lions Luncheon Club  
F Radisich, Past President, Waitakere Lions Luncheon Club  
S Walker, Past President, Waitakere Lions Luncheon Club  
Sergeant Brendon Stewart, New Zealand Police  
Constable Drew Shields, New Zealand Police

**PART A - OPENING OF MEETING**

**1 OPENING PRAYER**

There was no Opening Prayer.

**2 APOLOGIES**

2129/2008

MOVED by Cr Clews, seconded Cr Neeson:

That apologies from Crs Dallow and Flaunty for absence be received and sustained.

**CARRIED**

**3 CONFIRMATION OF MINUTES**

2130/2008

MOVED by Cr Neeson, seconded Cr Mitchell:

The Council resolved to:

**Receive** the minutes of the meeting of the Council held on Wednesday, 26 November 2008, as circulated, and that they be taken as read and now be confirmed.

**CARRIED**

**4 URGENT BUSINESS**

There was no Urgent Business.

**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**

2131/2008

MOVED by Cr Cooper, seconded Cr Hulse:

The Council resolved to:

**Receive** the Report of the Mayor.

**CARRIED**

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

**7 NEW LYNN COMMUNITY BOARD**

2132/2008

MOVED by Cr Clews, seconded Cr Lawley:

The Council resolved to:

**Receive** the report of the meeting of the New Lynn Community Board held on Monday, 1 December 2008.

**CARRIED**

**8 WAITAKERE COMMUNITY BOARD**

2133/2008

MOVED by Cr Hulse, seconded Cr Mitchell:

The Council resolved to:

**Receive** the report of the meeting of the Waitakere Community Board held on Tuesday, 2 December 2008.

**CARRIED**

**9 MASSEY COMMUNITY BOARD**

2134/2008

MOVED by Cr Chan, seconded Cr Neeson:

The Council resolved to:

**Receive** the report of the meeting of the Massey Community Board held on Wednesday, 3 December 2008.

**CARRIED**

**10 HENDERSON COMMUNITY BOARD**

2135/2008

MOVED by Cr Corban, seconded Cr Brady:

The Council resolved to:

**Receive** the report of the meeting of the Henderson Community Board held on Thursday, 4 December 2008.

**CARRIED**

**11 WAITAKERE YOUTH COUNCIL**

2136/2008

MOVED by Cr Cooper, seconded Cr Brady:

The Council resolved to:

**Receive** the report of the meeting of the Waitakere Youth Council held on Monday, 1 December 2008.

**CARRIED**

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

**12 APPOINTMENT TO TE TAUMATA RUNANGA**

2137/2008

MOVED by Cr Clow, seconded Cr Cooper:

The Council resolved to:

1. **Receive** the Appointment To Te Taumata Runanga report.
2. **Agree** that Pat Heremaia be appointed the Kakariki Marae alternate representative on Te Taumata Runanga replacing Te Whaiti Andrews.

**CARRIED**

**13 RESIGNATION OF MEMBER OF MASSEY COMMUNITY BOARD**

2138/2008

MOVED by Cr Hulse, seconded Mayor Bob Harvey:

The Council resolved to:

1. **Receive** the Resignation Of Member Of Massey Community Board report.
2. **Agree** that whilst the preparations for the necessary By-Election proceed, the Council urgently seek an amendment to the Local Electoral Act 2001 to enable deferment of the By-Election until after the future of Auckland Governance has been determined following the report of the Royal Commission.

**CARRIED**

14 **MASSEY COMMUNITY BOARD BY-ELECTION - EARLY PROCESSING AND ORDER OF CANDIDATES' NAMES ON VOTING DOCUMENTS**

2139/2008

MOVED by Cr Lawley, seconded Cr Mitchell:

The Council resolved to:

1. **Receive** the Massey Community Board By-Election - Early Processing And Order Of Candidates' Names On Voting Documents report.
2. **Agree** that the returned voting documents for the Massey Community Board By-Election to be held on Wednesday, 11 March 2009 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.
3. **Agree** that names of the candidates' on the voting documents for the Massey Community Board By-Election to be held on Wednesday, 11 March 2009 are to be arranged in random order of surname.

**CARRIED**

15 **DRAFT CONTROL OF LIQUOR IN PUBLIC PLACES BYLAW 2008**

2140/2008

MOVED by Cr Lawley, seconded Cr Jolley:

The Council resolved to:

1. **Receive** the Draft Control Of Liquor In Public Places Bylaw 2008 report.
2. **Determine** that the draft Control of Liquor in Public Places Bylaw 2008 in the form attached at pages A8 to A42 to the agenda report is the most appropriate form of bylaw and gives rise to no implications under the New Zealand Bill of Rights Act 1990.
3. **Adopt** the Control of Liquor in Public Places Bylaw 2008, in the form attached at pages A8 to A42 to the agenda report with any necessary editorial amendments.
4. **Agree** to the 23 December 2008 as the commencement date of the Control of Liquor in Public Places Bylaw 2008.

**CARRIED**

16 **RESOURCE MANAGEMENT AMENDMENT BILL - PREPARATION OF COUNCIL SUBMISSION**

2141/2008

MOVED by Cr Clews, seconded Cr Brady:

The Council resolved to:

1. **Receive** the Resource Management Amendment Bill - Preparation Of Council Submission report.
2. **Receive** a copy of the Government's Resource Management and Bluegreen policies as set out in their party policies attached at pages A43 to A50 to the agenda report.

3. **Agree** that, in relation to the Resource Management Amendment Bill, these matters and other desired positions be detailed in Council's submission to the Select Committee.
4. **Agree** that in the event that commentary or submissions are required for the Resource Management Amendment Bill before the Council or its committees meet again in February 2009, the Chairman of Policy and Strategy Committee, and the Chairman of Planning and Regulatory Committee be authorised to direct and approve any such comments or direction on behalf of the Council.

**CARRIED**

17 **UNITED NATIONS ENVIRONMENT PROGRAMME - CLIMATE NEUTRAL NETWORK**

2142/2008

MOVED by Cr Chan, seconded Cr Hulse:

The Council resolved to:

1. **Receive** the United Nations Environment Programme - Climate Neutral Network report.
2. **Agree** that Waitakere City Council join the United Nations Environment Programme's Climate Neutral Network.

**CARRIED**

18 **ROYAL NEW ZEALAND AIR FORCE - AGREEMENTS FOR WATER AND WASTEWATER SERVICES**

2143/2008

MOVED by Cr Clews, seconded Cr Corban:

The Council resolved to:

1. **Receive** the Royal New Zealand Air Force - Agreements For Water And Wastewater Services report.
2. **Agree** that the Deputy Director: City Services be delegated authority to negotiate agreements for water and wastewater services with the Royal New Zealand Air Force.
3. **Agree** that a report be brought back to Council to approve the negotiated agreements with the Royal New Zealand Air Force for water and wastewater services.

**CARRIED**

19 **NEW LYNN TRANSIT ORIENTED DEVELOPMENT PROJECT - DELEGATED AUTHORITY TO MAKE PAYMENTS TO ONTRACK**

2144/2008

MOVED by Cr Clow, seconded Cr Battersby:

The Council resolved to:

1. **Receive** the New Lynn Transit Oriented Development Project - Delegated Authority To Make Payments To ONTRACK report.

2. **Agree** that the Chief Executive Officer be authorised to make payments to ONTRACK for the New Lynn Transit Oriented Development project, provided that the payments do not exceed the amounts in the Annual Plan 2008/2009 and Long Term Council Community Plan 2009-2019 once approved.
3. **Direct** the Chief Executive Officer to provide regular reports to the Infrastructure and Works Committee on payments made to ONTRACK and cash flow forecasts for the New Lynn Transit Oriented Development project.

**CARRIED**

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

### **20 INFRASTRUCTURE AND WORKS COMMITTEE**

2145/2008

MOVED by Cr Battersby, seconded Cr Jolley:

The Council resolved to:

**Receive** the report of the meeting of the Infrastructure and Works Committee held on Wednesday, 3 December 2008.

**CARRIED**

### **21 POLICY AND STRATEGY COMMITTEE**

2146/2008

MOVED by Cr Hulse, seconded Cr Cooper:

The Council resolved to:

**Receive** the report of the meeting of the Policy and Strategy Committee held on Thursday, 4 December 2008.

**CARRIED**

### **22 FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE**

1. **WEST COAST ROAD, GLEN EDEN - ACQUISITION OF LAND FOR A FUTURE PROPERTY DEVELOPMENT**

#### **DEFERRED**

This item was dealt with in the public excluded part of the minutes.

2. **OTHER MATTERS CONSIDERED**

2147/2008

MOVED by Cr Clow, seconded Cr Clews:

The Council resolved to:

**Receive** the report of the meeting of the Finance and Operational Performance Committee held on Monday, 8 December 2008.

**CARRIED**

**23 PLANNING AND REGULATORY COMMITTEE**

**1. DRAFT CONTROL OF LIQUOR IN PUBLIC PLACES BYLAW 2008**

**NOTE:** This item was dealt with under the Report of the Chief Executive Officer as Item 15: Draft Control of Liquor in Public Places Bylaw 2008.

**2. OTHER MATTERS CONSIDERED**

2148/2008

MOVED by Cr Neeson, seconded Cr Mitchell:

The Council resolved to:

**Receive** the reports of the meetings of the Planning and Regulatory Committee held on Monday, 17 November 2008, Monday, 24 November 2008 and Tuesday, 9 December 2008.

**CARRIED**

**24 CULTURE AND COMMUNITY COMMITTEE**

2149/2008

MOVED by Cr Lawley, seconded Cr Corban:

The Council resolved to:

**Receive** the report of the meeting of the Culture and Community Committee held on Wednesday, 10 December 2008.

**CARRIED**

**25 NORSGA URBAN DEVELOPMENT COMMITTEE**

The minutes of the NorSGA Urban Development Committee meeting which took place in the same week as this Council meeting, will be presented at the Council meeting scheduled for 25 February 2009.

**26 TE TAUMATA RUNANGA**

The minutes of the Te Taumata Runanga meeting which took place in the same week as this Council meeting, will be presented at the Council meeting scheduled for 25 February 2009.

**27 LONG TERM COUNCIL COMMUNITY PLAN AND ANNUAL PLAN COMMITTEE**

The minutes of the Long Term Council Community Plan and Annual Plan Committee meeting which took place in the same week as this Council meeting, will be presented at the Council meeting scheduled for 25 February 2009.

## **PART F - PRESENTATIONS**

### **28 CITATIONS**

- A** Mayor Bob Harvey presented Charles Nicholls with a Citation in recognition of his outstanding service in providing alternative education and a future to young people in Waitakere.
- B** Mayor Bob Harvey presented Andrew Wadsworth with a Citation in recognition of his leadership in working for the youth of Waitakere.

### **29 WAITAKERE LIONS LUNCHEON CLUB**

Mr Peter Sinton, Acting Secretary, Waitakere Lions Luncheon Club presented to the Council a plaque in recognition of Council's support of the Waitakere Fireworks Event.

## **PART G - PROCEDURAL MATTERS**

### **30 QUESTIONS**

There were no Questions.

### **31 NOTICES OF MOTION**

There were no Notices of Motion.

## **PART H - PUBLIC EXCLUDED MATTER**

### **32 REPORT FROM FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE: WEST COAST ROAD, GLEN EDEN - ACQUISITION OF LAND FOR A FUTURE PROPERTY DEVELOPMENT**

#### **PROCEDURAL MOTION TO EXCLUDE THE PUBLIC**

2150/2008

MOVED by Cr Clow, seconded Cr Mitchell:

That the public be excluded from the following part of the proceedings of this meeting, namely, Report from Finance and Operational Performance Committee: West Coast Road, Glen Eden - Acquisition Of Land For A Future Property 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.
Report from Finance and Operational Performance Committee: West Coast Road, Glen Eden - Acquisition Of Land For A Future Property Development.	The withholding of information is necessary in order to: <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>	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**

7.20 pm        The public were excluded.

Minute Number 2151/2008 is recorded in the Confidential Section of these Minutes.

7.37 pm        Cr Battersby left the meeting.

7.44 pm        The public were readmitted.

**RESTATEMENT**

The Council resolved while the public were excluded:

**Report From Finance And Operational Performance Committee: West Coast Road, Glen Eden - Acquisition Of Land For A Future Property Development**

(Moved by Cr Clow, seconded Cr Clews) (resolution 2151/2008 no. 4) ***“Agree the Report From Finance and Operational Performance Committee: West Coast Road, Glen Eden - Acquisition Of Land For A Future Property Development resolutions remain confidential until such time as the reasons for confidentiality no longer exist.”***

**33        CLOSING PRAYER**

Cr Clews said the Closing Prayer.

7.45 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:**.....