

**MINUTES OF A MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBER AT
WAITAKERE CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON,
WAITAKERE, ON WEDNESDAY, 29 APRIL 2009,
COMMENCING AT 5.35 PM**

TABLE OF CONTENTS

<u>ITEM</u>	<u>PAGE NO.</u>
<u>PART A - OPENING OF MEETING</u>	2
1 OPENING PRAYER	2
2 APOLOGIES	2
3 CONFIRMATION OF MINUTES	2
<u>PART F - PRESENTATIONS</u>	3
25 MEMORANDUM OF UNDERSTANDING - TE WHANAU O WAIPAREIRA TRUST AND WAITAKERE CITY COUNCIL	3
23 CITATION	3
<u>PART A - OPENING OF MEETING</u>	3
4 URGENT BUSINESS	3
5 CONFLICTS OF INTEREST	3
<u>PART B - REPORT OF THE MAYOR</u>	3
6 REPORT OF THE MAYOR	3
<u>PART C - REPORTS OF NEW LYNN COMMUNITY BOARD, WAITAKERE COMMUNITY BOARD, MASSEY COMMUNITY BOARD, HENDERSON COMMUNITY BOARD AND WAITAKERE YOUTH COUNCIL</u>	4
7 NEW LYNN COMMUNITY BOARD	4
8 WAITAKERE COMMUNITY BOARD	4
9 MASSEY COMMUNITY BOARD	5
10 HENDERSON COMMUNITY BOARD	5
11 WAITAKERE YOUTH COUNCIL	5
<u>PART D - REPORTS OF THE CHIEF EXECUTIVE OFFICER</u>	5
12 NEW LYNN TRANSIT ORIENTED DEVELOPMENT PROJECT: APPROVAL OF TRANSPORT INTERCHANGE DESIGN AND APPROVAL OF DELEGATED AUTHORITY	5
13 CONTRACT NO. TA08025C - CITYWIDE ROAD MAINTENANCE	6
14 PROPOSED ROAD STOPPING OF ASTLEY AVENUE, NEW LYNN	6
15 AUCKLAND REGIONAL COUNCIL DRAFT LONG TERM COUNCIL COMMUNITY PLAN 2009-2019	7
16 LOCAL GOVERNMENT NEW ZEALAND CONFERENCE AND ANNUAL GENERAL MEETING 2009	7

<u>PART E - REPORTS FROM THE STANDING COMMITTEES</u>	8
17 INFRASTRUCTURE AND WORKS COMMITTEE	8
18 POLICY AND STRATEGY COMMITTEE	8
19 FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE	8
20 PLANNING AND REGULATORY COMMITTEE	9
21 CULTURE AND COMMUNITY COMMITTEE	9
22 TE TAUMATA RUNANGA	9
<u>PART F - PRESENTATIONS</u>	9
24 NEW ZEALAND POLICE ASSISTANT COMMISSIONER	9
<u>PART G - PROCEDURAL MATTERS</u>	10
26 QUESTIONS	10
27 NOTICES OF MOTION	10
28 ADJOURNMENT	10
<u>PART H - PUBLIC EXCLUDED MATTERS</u>	10
29 STURGES ROAD BRIDGE REPLACEMENT PROJECT	10
30 INTERNATIONAL SURFING EVENTS	10
31 PURCHASE OF CORE ASSETS WITHIN PC15	10
32 NEW LYNN INFRASTRUCTURE FUNDING WITHIN THE PLAN CHANGE 17 AREA	10
33 CLOSING PRAYER	12

**MINUTES OF A MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBER AT
WAITAKERE CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON,
WAITAKERE, ON WEDNESDAY, 29 APRIL 2009,
COMMENCING AT 5.35 PM**

PRESENT:

Mayor	RA	Harvey, QSO, JP
Councillors	DQ	Battersby, JP
	BA	Brady, JP
	JM	Clews, QSO, JP
	RI	Clow
	LA	Cooper, JP
	AK	Corban, OBE, JP
	RP	Dallow, QPM, JP
	WW	Flaunty, QSM, JP
	MM	Jolley
	JP	Lawley, JP
	PG	Mitchell

OBSERVERS:

W Paki, JP	(Chairman, Te Taumata Runanga)
A Hudson	(Te Taumata Runanga Member)
D Hansen	(Te Taumata Runanga Member)
Rev J Cooper	(Te Taumata Runanga Member)
G Wilcox	(Te Taumata Runanga Member)
EAG Grimmer, MNZM	(Chairman, Henderson Community Board)
JG Riddell	(Chairman, Massey Community Board)
GPJ Marshall	(Chairman, New Lynn Community Board)
AK Hartnett	(New Lynn Community Board)
KJP Witten-Hannah, JP	(Chairman, Waitakere Community Board)
M Thomas	(Waitakere Youth Council)

IN ATTENDANCE:

Chief Executive Officer
Director: City Services
Director: Corporate and Business Services
Director: Finance
Director: Public Affairs
Director: Strategic Planning
Group Manager: Democracy and Support Services
Group Manager: Asset Management
Group Manager: Social and Cultural Strategy
Group Manager: Rates and Financial Transactions
Manager: Legal Services
Manager: Government Relations
Manager: Urban Design and Development
Manager: Transport Services
Manager: Events & Special Projects
Manager: Strategic Framework and Research
Manager: Transport Strategy
Maori Relationships Manager
Events and Special Projects Manager
Special Projects Manager
Democracy and Governance Manager
Senior Engineer: Special Projects
Public Affairs Advisor: External Communications
Executive Assistant to Deputy Mayor

Senior Transport Engineer
Committee Secretary: N Delamere
C Fernandes
J Moore

ALSO

IN ATTENDANCE:

Inspector Mark O'Connor, New Zealand Police
Evelyn Taumaunu, Chairman, Te Whanau o Waipareira Trust
John Tamihere, Chief Executive Officer, Te Whanau o Waipareira Trust

PART A - OPENING OF MEETING

1 OPENING PRAYER

Mr Mohammed Shafee, from the Ranui Mosque said the Opening Prayer.

2 APOLOGIES

590/2009

MOVED by Cr Clews, seconded Cr Cooper:

That apologies from Crs Hulse, Chan and Neeson for absence be received and sustained.

CARRIED

3 CONFIRMATION OF MINUTES

591/2009

MOVED by Cr Clews, seconded Cr Jolley:

The Council resolved to:

Receive the minutes of the meetings of the Council held on Tuesday, 24 February 2009, Wednesday, 18 March 2009, Friday, 20 March 2009, Wednesday, 25 March 2009, the Extraordinary meetings held on Wednesday, 1 April 2009 and Tuesday, 7 April 2009, as circulated, and that they be taken as read and with an amendment to the Council minutes held on Tuesday, 24 February 2009, resolution no. 215/2009, no.1 "*to the Chief Executive Officer*" to read "*of the Chief Executive Officer*" now be confirmed.

CARRIED

PRECEDENCE OF BUSINESS

592/2009

MOVED by Cr Cooper, seconded Cr Jolley:

That Part F - Presentations, Item 25: Memorandum of Understanding - Te Whanau o Waipareira Trust and Waitakere City Council be accorded precedence at this time.

CARRIED

PART F - PRESENTATIONS

25 MEMORANDUM OF UNDERSTANDING - TE WHANAU O WAIPAREIRA TRUST AND WAITAKERE CITY COUNCIL

Mayor Bob Harvey, the Chief Executive Officer, Waitakere City Council, Vijaya Vaidyanath, the Chair Te Whanau o Waipareira Trust, Evelyn Taumaunu and the Chief Executive Officer, Te Whanau o Waipareira Trust, John Tamihere signed the Memorandum of Understanding between Te Whanau o Waipareira Trust and Waitakere City Council.

PRECEDENCE OF BUSINESS

593/2009

MOVED by Cr Clews, seconded Cr Jolley:

That Part F - Presentations, Item 23: Citation be accorded precedence at this time.

CARRIED

PART F - PRESENTATIONS

23 CITATION

Mayor Bob Harvey made a presentation to Inspector Mark O'Connor in recognition of his 9 years of service to the people in Waitakere.

The Order of Business resumed at Part A - Opening of Meeting, Item 4: Urgent Business.

PART A - OPENING OF MEETING

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

594/2009

MOVED by Cr Jolley, seconded Cr Flaunty:

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

1. MATTERS CONSIDERED

595/2009

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, 30 March 2009.

CARRIED

2. GLEN EDEN LIBRARY, GLEN EDEN - NEW NO STOPPING AT ALL TIMES PARKING RESTRICTION

596/2009

MOVED by Cr Clews, seconded Cr Lawley:

The Council resolved to:

Agree that in relation to **12 GLENDALE ROAD, GLEN EDEN** (Pt Lot 7, 1 and 2, DP No. 62621, 51163 and 76823):

(a) and in accordance with the powers conferred by virtue of the Local Government Act 1974, the Land Transport Act 1998, the Transport Act 1962 and the Waitakere City Council Bylaw No. 7, 1991 - Traffic, the following restriction now be resolved to be specified and imposed, namely,

(i) on the east kerb line of the access way alongside **GLEN EDEN LIBRARY** at 12 Glendale Road, from a point approximately 33 metres north of the northern kerb line of Oates Road and extending north for a distance of approximately 23 metres the **NO STOPPING AT ALL TIMES** parking restriction be put in place.

CARRIED

8 WAITAKERE COMMUNITY BOARD

597/2009

MOVED by Cr Mitchell, seconded Cr Jolley:

The Council resolved to:

Receive the report of the meeting of the Waitakere Community Board held on Tuesday, 31 March 2009.

CARRIED

9 MASSEY COMMUNITY BOARD

598/2009

MOVED by Cr Flaunty, seconded Cr Mitchell:

The Council resolved to:

Receive the report of the meeting of the Massey Community Board held on Wednesday, 1 April 2009.

CARRIED

10 HENDERSON COMMUNITY BOARD

599/2009

MOVED by Cr Brady, seconded Cr Jolley:

The Council resolved to:

Receive the report of the meeting of the Henderson Community Board held on Thursday, 2 April 2009.

CARRIED

11 WAITAKERE YOUTH COUNCIL

600/2009

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, 6 April 2009.

CARRIED

PART D - REPORTS OF THE CHIEF EXECUTIVE OFFICER

12 NEW LYNN TRANSIT ORIENTED DEVELOPMENT PROJECT: APPROVAL OF TRANSPORT INTERCHANGE DESIGN AND APPROVAL OF DELEGATED AUTHORITY

601/2009

MOVED by Cr Clow, seconded Cr Clews:

The Council resolved to:

1. **Receive** the New Lynn Transit Oriented Development Project: Approval Of Transport Interchange Design And Approval Of Delegated Authority report.
2. **Agree** that the Detailed Design for the New Lynn Transport Interchange be approved.
3. **Agree** that authority to enter into agreements with New Zealand Railways Corporation: ONTRACK and Auckland Regional Transport Authority to construct the New Lynn Transport Interchange be delegated to the Chief Executive Officer.

4. **Agree** that authority to enter into agreements with Watercare Services Limited to construct a trunk wastewater pipeline as part of Council's transport infrastructure contract be delegated to the Chief Executive Officer.

CARRIED

13 CONTRACT NO. TA08025C - CITYWIDE ROAD MAINTENANCE

602/2009

MOVED by Cr Clow, seconded Cr Battersby:

The Council resolved to:

1. **Receive** the Contract No. TA08025C - Citywide Road Maintenance report.
2. **Approve** that the tender from Fulton Hogan Limited for Contract No. TA08025C - Citywide Road Maintenance for a two year contract in the sum of \$31,840,089.02 plus \$3,980,011.13 GST, totalling \$35,820,100.15 be accepted.
3. **Approve** the commitment of \$15,920,044.51 excluding GST to the draft Annual Plan 2009/2010 for Contract No. TA08025C - Citywide Road Maintenance.
4. **Approve** the commitment of \$15,920,044.51 excluding GST to the Long Term Council Community Plan for 2010/2011 for Contract No. TA08025C - Citywide Road Maintenance.
5. **Approve** that authority to enter into Contract No. TA08025C - Citywide Road Maintenance on behalf of the Council be delegated to the Director: City Services.
6. **Approve** that authority to award cumulative contract variations to Contract No. TA08025C - Citywide Road Maintenance, up to the value of the contingency sum of \$3,184,000.00 plus GST on behalf of the Council be delegated to the Director: City Services.
6. **Agree** that authority to extend Contract TA08025C - Citywide Road Maintenance beyond 30 June 2011 on an annual basis until 30 June 2014 based on the satisfactory performance by the Contractor be reported back to Council.

CARRIED

14 PROPOSED ROAD STOPPING OF ASTLEY AVENUE, NEW LYNN

603/2009

MOVED by Cr Battersby, seconded Cr Lawley:

The Council resolved to:

1. **Receive** the Proposed Road Stopping of Astley Avenue, New Lynn report.
2. **Approve** that in accordance with the Tenth Schedule of the Local Government Act 1974, procedures be initiated to stop a portion of road of approximately 10 square metres to the north of Astley Avenue shown as Section A on drawing number 3121038-C-K300 attached at page A2 to the agenda.
3. **Approve** that the Chief Executive Officer be authorised to declare permanent road stopping of a portion of road shown as Section A on drawing number 3121038-C-K300 attached at page A2 to the agenda by public notification and that this be subject to no objections being received to the proposed road stopping or confirmation of the Council's decision by the Environment Court.

CARRIED

15 **AUCKLAND REGIONAL COUNCIL DRAFT LONG TERM COUNCIL COMMUNITY PLAN 2009-2019**

604/2009

MOVED by Cr Clews, seconded Cr Brady:

The Council resolved to:

1. **Receive** the Auckland Regional Council Draft Long Term Council Community Plan 2009-2019 report.
2. **Agree** that comments made on the Auckland Regional Council Draft Long Term Council Community Plan 2009-2019 at the Council meeting, scheduled to take place on Wednesday 29 April 2009, be included in the Council submission to the Auckland Regional Council.
3. **Direct** that the Council submission to the Auckland Regional Council Draft Long Term Council Community Plan 2009-2019 be approved and signed by the Mayor (or Alternate), and the Chief Executive Officer.
4. **Agree** that the Mayor (or Alternate) and the Chief Executive Officer present the Council submission on the Auckland Regional Council Draft Long Term Council Community Plan 2009-2019 to the Auckland Regional Council in person, at the hearing scheduled from 21 May to 29 May 2009.

CARRIED

16 **LOCAL GOVERNMENT NEW ZEALAND CONFERENCE AND ANNUAL GENERAL MEETING 2009**

605/2009

MOVED by Cr Clews, seconded Cr Brady:

The Council resolved to:

1. **Receive** the Local Government New Zealand Conference And Annual General Meeting 2009 report.
2. **Approve** the Mayor and Deputy Mayor to attend the Local Government New Zealand Conference and Annual General Meeting 2009 in Christchurch from Sunday, 26 July to Wednesday, 29 July 2009.
3. **Agree** that Crs Clow, Cooper and Corban attend the Local Government New Zealand Conference and Annual General Meeting 2009 in Christchurch from Sunday, 26 July to Wednesday, 29 July 2009.
4. **Approve** that the Mayor be appointed the Waitakere City Council presiding delegate for the purposes of the Local Government New Zealand Annual General Meeting 2009 in Christchurch on Wednesday, 29 July 2009, and be authorised to cast Waitakere City Council's votes at the Annual General Meeting.
5. **Approve** that the Deputy Mayor be nominated as the alternate presiding delegate for the purposes of the Local Government New Zealand Annual General Meeting 2009 in Christchurch on Wednesday, 29 July 2009.
6. **Approve** that Crs Clow and Corban be nominated as the delegates for the purposes of the Local Government New Zealand Annual General Meeting 2009 in Christchurch on Wednesday, 29 July 2009.

7. **Agree** that consideration be given to sending a representative from Te Taumata Runanga to the Local Government New Zealand Conference 2009 in Christchurch from Sunday, 26 July to Wednesday, 29 July 2009, and inviting Te Taumata Runanga to nominate a representative.
8. **Agree** that no remits from Waitakere City Council be forwarded to the Local Government New Zealand Annual General Meeting 2009 in Christchurch on Wednesday, 29 July 2009.

CARRIED

PART E - REPORTS FROM THE STANDING COMMITTEES

17 INFRASTRUCTURE AND WORKS COMMITTEE

606/2009

MOVED by Cr Battersby, seconded Cr Mitchell:

The Council resolved to:

Receive the report of the meeting of the Infrastructure and Works Committee held on Wednesday, 1 April 2009.

CARRIED

18 POLICY AND STRATEGY COMMITTEE

607/2009

MOVED by Cr Cooper, seconded Cr Clow:

The Council resolved to:

Receive the report of the meeting of the Policy and Strategy Committee held on Thursday, 2 April 2009.

CARRIED

19 FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE

608/2009

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, 6 April 2009.

CARRIED

20 PLANNING AND REGULATORY COMMITTEE

609/2009

MOVED by Cr Flaunty, seconded Cr Lawley:

The Council resolved to:

Receive the report of the meeting of the Planning and Regulatory Committee held on Tuesday, 7 April 2009.

CARRIED

21 CULTURE AND COMMUNITY COMMITTEE

610/2009

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, 8 April 2009.

CARRIED

22 TE TAUMATA RUNANGA

611/2009

MOVED by Cr Cooper, seconded Cr Lawley:

The Council resolved to:

Receive the report of the meeting of Te Taumata Runanga held on Monday, 20 April 2009.

CARRIED

PART F - PRESENTATIONS

23 CITATION

This item was dealt with after Item 25: Memorandum of Understanding - Te Whanau o Waipareira Trust and Waitakere City Council.

24 NEW ZEALAND POLICE ASSISTANT COMMISSIONER

This item was not dealt with due to Assistant Commissioner, Steve Shortland, not being able to attend the Council meeting.

25 MEMORANDUM OF UNDERSTANDING - TE WHANAU O WAIPAREIRA TRUST AND WAITAKERE CITY COUNCIL

This item was dealt with after Item 3: Confirmation of Minutes.

PART G - PROCEDURAL MATTERS

26 QUESTIONS

There were no Questions.

27 NOTICES OF MOTION

There were no Notices of Motion.

28 ADJOURNMENT

A procedural motion to adjourn the Council meeting pursuant to Standing Order 30.1(a) was considered after Item 30: International Surfing Events.

PART H - PUBLIC EXCLUDED MATTERS

29 STURGES ROAD BRIDGE REPLACEMENT PROJECT

30 INTERNATIONAL SURFING EVENTS

31 PURCHASE OF CORE ASSETS WITHIN PC15

32 NEW LYNN INFRASTRUCTURE FUNDING WITHIN THE PLAN CHANGE 17 AREA

PROCEDURAL MOTION TO EXCLUDE THE PUBLIC

612/2009

MOVED by Cr Clow, seconded Cr Clews:

That the public be excluded from the following parts of the proceedings of this meeting, namely, Sturges Road Bridge Replacement Project, International Surfing Events, Purchase of Core Assets within Plan Change 15 and New Lynn Infrastructure Funding Within the Plan Change 17 Area.

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.
Sturges Road Bridge Replacement 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.

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.
International Surfing Events	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.
Purchase of Core Assets within PC15	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.
New Lynn Infrastructure Funding Within the Plan Change 17 Area	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 parts of the proceedings of the meeting in public as follows:

- The reports contain information which if released could affect Council's negotiations.

CARRIED

7.48 pm The public were excluded.

Minute Numbers 613/2009 to 615/2009 are recorded in the Confidential Section of these Minutes.

8.13 pm The public were readmitted.

RESTATEMENTS

The Council resolved while the public were excluded:

Sturges Road Bridge Replacement Project

(Moved by Cr Cooper, seconded Cr Clews) (resolution 613/2009, no. 4) **“Agree that the Sturges Road Bridge Replacement Project Agenda report and associated resolutions remain confidential until such time as the reasons for confidentiality no longer exist.”**

International Surfing Events

(Moved by Cr Clow, seconded Mayor Bob Harvey) (resolution 614/2009, no. 3) **“Agree that the International Surfing Events Agenda report and associated resolutions remain confidential until such time as the reasons for confidentiality no longer exist.”**

ADJOURNMENT

(Moved by Cr Battersby, seconded Cr Cooper) (resolution 615/2009), **“Agree that pursuant to Standing Order 30.1 (a) the Council meeting adjourn to Thursday 7 May 2009 at 11.30 am to permit the Council to workshop the issues and then determine the action with respect to:**

Item 31: Purchase of Core Assets within PC15; and

Item 32: New Lynn Infrastructure Funding Within the Plan Change 17 area.”

33 CLOSING PRAYER

Cr Cooper said the Closing Prayer.

CARRIED

8.14 pm The meeting adjourned.