

**MINUTES OF A MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBER AT
WAITAKERE CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON,
WAITAKERE, ON WEDNESDAY, 16 SEPTEMBER 2009,
COMMENCING AT 9.33 AM**

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WAITAKERE, ON WEDNESDAY, 16 SEPTEMBER 2009,
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PRESENT:

Mayor	RA	Harvey, QSO, JP
Deputy Mayor	PA	Hulse
Councillors	MFP	Chan, JP
	JM	Clews, QSO, JP
	RI	Clow (until 10.27 am)
	LA	Cooper, JP
	RP	Dallow, QPM, JP (until 11.39 am - from 12.05 pm)
	MM	Jolley
	JP	Lawley, JP
	PG	Mitchell
	VS	Neeson, JP

OBSERVERS:

EAG Grimmer, MNZM	(Chairman, Henderson Community Board)
GPJ Marshall	(Chairman, New Lynn Community Board)

IN ATTENDANCE:

- Chief Executive Officer
- Director: Corporate and Business Services
- Director: Strategic Planning
- Director: Finance
- Director: Community Wellbeing
- Acting Director: City Services
- Group Manager: Transport Strategy
- Group Manager: Strategic Projects
- Acting Group Manager Democracy and Support Services
- Manager: Legal Services
- Manager: Government Relations
- Special Projects Manager
- Project Manager: Strategic Projects
- Project Manager: Strategic Property Project
- Manager: Urban Design and Development
- Principal Advisor: Town Centre Development
- Team Leader: Transport Safety
- Solicitor/ Team Leader: Regulatory
- New Lynn Communications: F Cunningham
- Community Sustainable Transport Programme Leader
- Senior Analyst
- Strategic Planner: Strategic Projects
- Strategic Advisor: Transport
- Social Infrastructure Planner
- Director's Group Coordinator
- Consultant: Mayoral Media
- Executive Assistant to Deputy Mayor
- Committee Secretary: E Joyce
- D Tukutama

**ALSO
IN ATTENDANCE:**

- Clive Fuhr, Principal Project Manager, New Zealand Transport Agency
- Paul Glucina, Senior Transport Engineer, New Zealand Transport Agency

1 APOLOGIES

1567/2009

MOVED by Cr Clews, seconded Cr Lawley:

That apologies from Crs Battersby, Brady, Corban and Flaunty for absence be received and sustained.

CARRIED

2 URGENT BUSINESS

There was no Urgent Business.

3 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.

4 PRESENTATION

The New Zealand Transport Agency made a presentation to the Council on planned improvements to the Northwestern Motorway (State Highway 16) between St Lukes Road and Westgate. As part of the Western Ring Route, State Highway 16 is considered by the government as one of seven 'roads of national significance' prioritised to promote economic growth. Proposed improvements include creating extra lanes in both directions to decrease journey times, improving interchanges, future provision for buses to use motorway shoulders during peaks, extending the cycleway further north, better pedestrian and cycle access over the motorway and raising the causeway to reduce flooding.

1568/2009

MOVED by Cr Clews, seconded Cr Jolley:

The Council resolved to:

Receive the presentation from the New Zealand Transport Agency on the planned improvements to the Northwestern Motorway (State Highway 16).

CARRIED

5 SUBMISSION ON SAFER JOURNEYS 2020 ROAD SAFETY PLAN

1569/2009

MOVED by Cr Mitchell, seconded Cr Clews:

The Council resolved to:

1. **Receive** the Submission on Safer Journeys 2020 Road Safety Plan report.
2. **Agree** that Council officers prepare a submission on the Safer Journeys 2020 Road Safety Plan, guided by the outcomes of the Council workshop to be held on Wednesday, 16 September 2009.

3. **Note** that the submission deadline for the Safer Journeys 2020 Road Safety Plan is Friday, 2 October 2009.
4. **Agree** to delegate to Mayor Bob Harvey the approval of Council's submission on the Safer Journeys 2020 Road Safety Plan.

CARRIED

6 CHANGE OF MEMBERSHIP - STREET EVENTS SUBCOMMITTEE

1570/2009

MOVED by Cr Neeson, seconded Cr Cooper:

The Council resolved to:

1. **Receive** the Change of Membership - Street Events Subcommittee report.
2. **Approve** the amended membership of the Street Events Subcommittee as follows:

The Street Events Subcommittee shall comprise:

1 Member of the Community Board
Team Leader - Transport Operations
Senior Transport Engineer: Planning

3. **Agree** to update the Delegations to Committees and Community Boards Register with the amended membership of the Street Events Subcommittee as follows:

The Street Events Subcommittee shall comprise:

1 Member of the Community Board
Team Leader - Transport Operations
Senior Transport Engineer: Planning

CARRIED

7 RECOMMENDATION FROM THE PLANNING AND REGULATORY COMMITTEE

DECLARATION OF INTEREST

10.27 am Crs Clow and Cooper declared an interest and withdrew from the table, taking no part in the debate or decision on Item 7: Recommendation from the Planning and Regulatory Committee.

10.27 am Cr Clow left the meeting.

1571/2009

MOVED by Cr Neeson, seconded Cr Lawley:

The Council resolved to:

Agree to adopt the 'sinking lid' as the gambling policy for Waitakere from June 2009 - June 2010.

CARRIED

DIVISION

A division was called for:

FOR

Cr Chan
Cr Neeson
Cr Lawley
Cr Hulse
Mayor Bob Harvey

AGAINST

Cr Dallow
Cr Jolley
Cr Clews
Cr Mitchell

CARRIED

NOTE: At the Council meeting on 25 November 2009, the Council resolved that the Gambling Venue Policy have no expiry date. (Minute number 1880/2009).

/2009

MOVED by Cr Dallow, seconded Cr Mitchell:

The Council resolved to:

Agree to approve the amendments to the Gambling Venue Policy as reflected in the amended 'sinking lid' policy option (Section 6) with a new point 6.7 as follows:

Point 6.7

A new consent may be issued for a new venue in the event of:

- (a) A compulsory acquisition of a venue under the Public Works Act 1981; or
- (b) A venue loses its assets and contents through natural disaster such as flood, fire or earthquake or such other natural disaster, where an independent report from the Fire Service of New Zealand or the Earthquake Commission proves that the event was not caused by the actions or inactions and any other event that is outside the control of the venue consent holder.
- (c) A venue loses its assets, contents or control of its premises through an event which is not and was not caused by the actions or inactions of the venue consent holder.

This exception would mean that venue consent holders are not prejudiced as a result of circumstances that are outside of their control.

LOST

1572/2009

MOVED by Cr Neeson, seconded Cr Hulse:

The Council resolved to:

Agree to approve the amendments to the Gambling Venue Policy as reflected in the amended 'sinking lid' policy option (Section 6) with a new point 6.7 as follows:

Point 6.7

A new consent may be issued for a new venue in the event of:

- (a) A compulsory acquisition of a venue under the Public Works Act 1981; or
- (b) A venue loses its assets and contents through natural disaster such as flood, fire or earthquake or such other natural disaster, where an

independent report from the Fire Service of New Zealand or the Earthquake Commission proves that the event was not caused by the actions or inactions of the venue consent holder.

This exception would mean that venue consent holders are not prejudiced as a result of circumstances that are outside of their control.

CARRIED

NOTE: Pursuant to Standing Order 32.12, Crs Dallow and Mitchell requested that their votes against the motion be recorded.

10.59 am Cr Cooper returned to the table.

ADJOURNMENT

1573/2009

MOVED by Cr Lawley, seconded Cr Neeson:

That the meeting stand adjourned until 11.15 am.

CARRIED

11.01 am The meeting adjourned.

11.15 am The meeting reconvened.

PUBLIC EXCLUDED MATTERS

8 NEW LYNN TOWN CENTRE - MERCHANT QUARTER PRECINCT DEVELOPMENT

9 ACQUISITION OF LAND IN NEW LYNN

10 NEW RANUI LIBRARY - UPDATE REPORT

PROCEDURAL MOTION TO EXCLUDE THE PUBLIC

1574/2009

MOVED by Cr Clews, seconded Cr Cooper:

That the public be excluded from the following part of the proceedings of this meeting, namely, New Lynn Town Centre - Merchant Quarter Development, Acquisition of Land for Open Space in New Lynn and New Ranui Library - Update Report.

The general subject of the matters 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 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.
New Lynn Town Centre - Merchant Quarter Development	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 	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of

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.
	disadvantage, negotiations (including commercial and industrial negotiations).	information for which good reason for withholding would exist.
Acquisition of Land in New Lynn	<p>The withholding of information is necessary in order to:</p> <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 Ranui Library - Update Report	<p>The withholding of information is necessary in order to:</p> <ul style="list-style-type: none"> • Protect the privacy of natural persons, including that of deceased natural persons; and • Maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to members or officers or employees of any local authority. 	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 Sections 7(2)(i), 7(2)(a) and 7(2)(f)(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 report contains information which if released could affect Council's negotiations.*
- *The Council needs to maintain the privacy of natural persons.*
- *The Council needs to maintain the effective conduct of public affairs.*

CARRIED

11.16 am The public were excluded.

Minute numbers 1575/2009 to 1577/2009 are recorded in the confidential section of these minutes.

12.44 pm The public were readmitted.

RESTATEMENTS

New Lynn Town Centre - Merchant Quarter Precinct Development

(Moved by Cr Lawley, seconded Cr Clews) (resolution no. 1575/2009 no. 7) **“Agree that the New Lynn Town Centre - Merchant Quarter Precinct Development report and associated resolutions remain confidential until such time as the reasons for confidentiality no longer exist”.**

Acquisition of Land in New Lynn

(Moved by Cr Lawley, seconded Cr Clews) (resolution no. 1576/2009 no. 6) **“Agree that the Acquisition of Land in New Lynn report and associated resolutions remain confidential until such time as the reasons for confidentiality no longer exist”.**

New Ranui Library - Update Report

(Moved by Cr Cooper, seconded Cr Neeson) (resolution no. 1577/2009 no. 4) **“Agree that the New Ranui Library - Update Report and associated resolutions remain confidential until such time as the reasons for confidentiality no longer exist”.**

12.44 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:.....