

**MINUTES OF A MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBER AT
WAITAKERE CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON,
WAITAKERE, ON WEDNESDAY, 16 DECEMBER 2009,
COMMENCING AT 5.33 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 |
| 4 URGENT BUSINESS | 2 |
| 4A TEMPORARY LIQUOR BAN – PIHA BEACH – 20 TO 28 JANUARY 2010 | 2 |
| 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> | 3 |
| 7 NEW LYNN COMMUNITY BOARD | 3 |
| 8 WAITAKERE COMMUNITY BOARD | 3 |
| 9 MASSEY COMMUNITY BOARD | 4 |
| 10 HENDERSON COMMUNITY BOARD | 4 |
| 11 WAITAKERE YOUTH COUNCIL | 4 |
| <u>PART D - REPORT OF THE CHIEF EXECUTIVE OFFICER</u> | 4 |
| 12 DETERMINATION REPORT - WAITAKERE CITY COUNCIL - SPEED LIMITS BYLAW | 4 |
| <u>PART E - REPORTS FROM THE STANDING COMMITTEES</u> | 5 |
| 13 INFRASTRUCTURE AND WORKS COMMITTEE | 5 |
| 14 POLICY AND STRATEGY COMMITTEE | 5 |
| 15 FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE | 6 |
| 1 SALE OF LAND - TRIG ROAD, WHENUAPAI | 6 |
| 2 MATTERS CONSIDERED | 6 |

**MINUTES OF A MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBER AT
WAITAKERE CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON,
WAITAKERE, ON WEDNESDAY, 16 DECEMBER 2009,
COMMENCING AT 5.33 PM**

PRESENT:

| | | |
|--------------|-----|---|
| Deputy Mayor | PA | Hulse (Presiding) |
| Councillors | DQ | Battersby, QSM, JP (until 6.48 pm) (from 6.58 pm) |
| | BA | Brady, JP |
| | MFP | Chan, JP |
| | RI | Clow (until 6.48 pm) (from 6.58 pm) |
| | LA | Cooper, JP |
| | RP | Dallow, QPM, JP (until 6.48 pm) (from 6.58 pm) |
| | WW | Flaunty, QSM, JP |
| | MM | Jolley |
| | JP | Lawley, JP |
| | PG | Mitchell |
| | VS | Neeson, JP |

OBSERVERS:

| | |
|-------------------|--|
| W Paki | (Chairman, Te Taumata Runanga) |
| EAG Grimmer, MNZM | (Chairman, Henderson Community Board) |
| JG Riddell | (Chairman, Massey Community Board) |
| GPJ Marshall | (Chairman, New Lynn Community Board) |
| M Te Huia | (Deputy Chairman, Te Taumata Runanga) |
| LE Davies | (Deputy Chairman, Waitakere Community Board) |
| E Heavey | (Deputy Chairman, Waitakere Youth Council) |
| SA Savage | (Henderson Community Board) |

IN ATTENDANCE:

Chief Executive Officer
Director: Corporate and Business Services
Director: Finance
Director: Public Affairs
Acting Director: City Services
Group Manager: Strategic Projects
Group Manager: Democracy and Support Services
Group Manager: Funds Management
Group Manager: Social and Cultural Strategy
Legal Services Manager
Manager: Government Relations
Acting Democracy and Governance Manager
Senior Transport Engineer
Team Leader: Transport Road Safety
Project Leader: Injury Prevention
Project Leader: Injury Prevention – Maori
Alcohol Project Leader
Property Consultant
Executive Liaison Manager
Executive Assistant to Deputy Mayor
Committee Secretary: E Joyce
J Moore
M Petherick

ALSO
IN ATTENDANCE: Carolynne Stone, Chairman, Injury Prevention Board

PART A - OPENING OF MEETING

1 OPENING PRAYER

Mr David Daly from the Salvation Army, Glen Eden said the Opening Prayer.

2 APOLOGIES

2049/2009

MOVED by Cr Neeson, seconded Cr Cooper:

That apologies from Mayor Bob Harvey and Cr Clews for absence be received and sustained.

CARRIED

3 CONFIRMATION OF MINUTES

2050/2009

MOVED by Cr Neeson, seconded Cr Jolley:

The Council resolved to:

Receive the minutes of the meeting of the Council held on Wednesday, 25 November 2009, as circulated, and that they be taken as read and now be confirmed.

CARRIED

4 URGENT BUSINESS

2051/2009

MOVED by Cr Clow, seconded Cr Brady:

The Council resolved to:

Agree that the Temporary Liquor Ban – Piha Beach – 20 to 28 January 2010 report be considered as Urgent Business due to the need to give authorisation for a liquor ban for the entire period of the Quiksilver ISA World Junior Surfing Championships to be held at Piha from 20 to 28 January 2010 as this special event will be held before the next meeting of the Council scheduled to be held on Wednesday, 17 February 2010.

CARRIED

4A TEMPORARY LIQUOR BAN – PIHA BEACH - 20 TO 28 JANUARY 2010

2052/2009

MOVED by Cr Cooper, seconded Cr Neeson:

The Council resolved to:

1. **Receive** the Temporary Liquor Ban – Piha Beach - 20 to 28 January 2010 report.
2. **Agree** to declare, pursuant to clause 7 of the Waitakere City Council Control of Liquor in Public Places Bylaw 2008, any public place within the area delineated on the map attached at page A1 to these minutes (Map 30 of the Waitakere City

Council Control of Liquor in Public Places Bylaw 2008 and referred to in Schedule 3 of the that Bylaw) to be a liquor ban area during the period commencing at midnight on 19 January 2010 and ending at midnight on 28 January 2010 for the purposes of holding a special event, namely the Quiksilver ISA World Junior Surfing Championships.

3. **Direct** the Chief Executive Officer to issue public notice of the resolution and to ensure that appropriate signage is erected during the period of the liquor ban.

CARRIED

5 CONFLICTS OF INTEREST

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

2053/2009

MOVED by Cr Mitchell, seconded Cr Lawley:

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

2054/2009

MOVED by Cr Lawley, seconded Cr Clow:

The Council resolved to:

Receive the report of the meeting of the New Lynn Community Board held on Monday, 30 November 2009.

CARRIED

8 WAITAKERE COMMUNITY BOARD

2055/2009

MOVED by Cr Mitchell, seconded Cr Brady:

The Council resolved to:

Receive the report of the meeting of the Waitakere Community Board held on Tuesday, 1 December 2009.

CARRIED

9 MASSEY COMMUNITY BOARD

2056/2009

MOVED by Cr Flaunty, seconded Cr Chan:

The Council resolved to:

Receive the report of the meeting of the Massey Community Board held on Wednesday, 2 December 2009.

CARRIED

10 HENDERSON COMMUNITY BOARD

2057/2009

MOVED by Cr Jolley, seconded Cr Brady:

The Council resolved to:

Receive the report of the meeting of the Henderson Community Board held on Thursday, 3 December 2009.

CARRIED

11 WAITAKERE YOUTH COUNCIL

2058/2009

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, 7 December 2009.

CARRIED

PART D - REPORT OF THE CHIEF EXECUTIVE OFFICER

12 DETERMINATION REPORT - WAITAKERE CITY COUNCIL SPEED LIMITS BYLAW

2059/2009

MOVED by Cr Cooper, seconded Cr Neeson:

The Council resolved to:

1. **Receive** the Determination Report - The Waitakere City Council Speed Limits Bylaw report.
2. **Agree** that:
 - (a) The problem to be addressed is excessive vehicle speeds in the City. Council is also required by Land Transport Rule 54001: Setting of Speed Limits 2003 to set and review speed limits by making a bylaw in a prescribed form;

- (b) Under the Local Government Act 2002, the Council should only make or continue a bylaw if a bylaw is the most appropriate way of addressing the perceived problem at issue;
- (c) Having considered the possible options, Council considers that there continues to be a need for a Waitakere City Council Speed Limits Bylaw because the problems addressed in the bylaw cannot be effectively dealt with through other means;
- (d) The Draft Waitakere City Council Speed Limits Bylaw 2010 gives rise to no implications under, and is not inconsistent with, the New Zealand Bill of Rights Act 1990;
- (e) The Statement of Proposal and Summary of Information, as attached at pages A2 to A5 to these minutes and subject to amendment of Schedule 5 so that the 40 kilometre per hour speed limit be applied to all schools in Waitakere, be approved for use as part of the special consultative procedure required by section 83 of the Local Government Act 2002;
- (f) Officers be directed to implement the special consultative procedure as set out in section 83 of the Local Government Act 2002 and any additional consultation that may be required to meet the specific requirements of section 7 of the Land Transport Rule 54001: Setting of Speed Limits 2003; and
- (g) The Infrastructure and Works Committee be directed to hear any submissions arising from the consultation.

CARRIED

PART E - REPORTS FROM THE STANDING COMMITTEES

13 INFRASTRUCTURE AND WORKS COMMITTEE

2060/2009

MOVED by Cr Battersby, seconded Cr Brady:

The Council resolved to:

Receive the report of the meeting of the Infrastructure and Works Committee held on Wednesday, 2 December 2009.

CARRIED

14 POLICY AND STRATEGY COMMITTEE

2061/2009

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, 3 December 2009.

CARRIED

15 **FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE**

2062/2009

MOVED by Cr Clow, seconded Cr Mitchell:

SALE OF LAND - TRIG ROAD, WHENUAPAI

The Council resolved to:

1. **Agree**, subject to resolution 2 below, that the Chief Executive Officer be authorised to negotiate the sale of 27-31 Trig Road, Whenuapai and execute all necessary documentation for the sale.
2. **Note** that resolution 1 above be subject to confirmation by the Auckland Transition Agency.

MATTERS CONSIDERED

3. **Receive** the report of the meeting of the Finance and Operational Performance Committee held on Monday, 7 December 2009.

CARRIED

16 **PLANNING AND REGULATORY COMMITTEE**

2063/2009

MOVED by Cr Neeson, seconded Cr Flaunty:

The Council resolved to:

Receive the report of the meeting of the Planning and Regulatory Committee held on Tuesday, 8 December 2009.

CARRIED

17 **CULTURE AND COMMUNITY COMMITTEE**

2064/2009

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, 9 December 2009.

CARRIED

18 **TE TAUMATA RUNANGA**

The minutes of the meeting of Te Taumata Runanga, which took place in the same week as this Council meeting, will be presented at the Council meeting scheduled for 24 February 2010.

19 LONG TERM COUNCIL COMMUNITY PLAN AND ANNUAL PLAN COMMITTEE

The minutes of the meeting of the Long Term Council Community Plan and Annual Plan Committee, which took place in the same week as this Council meeting, will be presented at the Council meeting scheduled for 24 February 2010.

PART F - PRESENTATION

20 CERTIFICATES OF MERIT

The Deputy Mayor presented certificates of merit to Coral Timmins, Safe Waitakere Injury Prevention Project Leader and Tuini Hakaraia-Tino, Safe Waitakere Injury Prevention Project Leader – Maori, in recognition of their longstanding commitment to injury prevention and safety in the community.

PART G - PROCEDURAL MATTERS

21 QUESTIONS

There were no Questions.

22 NOTICES OF MOTION

There were no Notices of Motion.

PART H - PUBLIC EXCLUDED MATTERS

23 NEW ZEALAND MUTUAL LIABILITY RISKPOOL - ADDITIONAL CONTRIBUTION

24 NEW LYNN TOWN CENTRE DEVELOPMENT PROJECT - APPROVAL TO PROCEED WITH PUBLIC WORKS ACT PROCESS

2065/2009

MOVED by Cr Jolley, seconded Cr Brady:

That the public be excluded from the following part of the proceedings of this meeting, namely, New Zealand Mutual Liability Riskpool - Additional Contribution and New Lynn Town Centre Development Project - Approval to Proceed with Public Works Act Process.

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. |
|---|---|--|
| New Zealand Mutual Liability Riskpool - Additional Contribution | 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 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. |
|--|---|--|
| New Lynn Town Centre Development Project - Approval to Proceed with Public Works Act Process | The withholding of information is necessary in order to: <ul style="list-style-type: none"> • maintain legal professional privilege. • 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)(g) and 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 report contains information which if released could affect Council's negotiations.*
- *The report contains information which if released could affect legal professional privilege.*

CARRIED

6.38 pm The public were excluded.

Minute numbers 2066/2009 and 2067/2009 are recorded in the confidential section of these minutes.

6.58 pm The public were readmitted.

6.58 pm Crs Battersby, Clow and Dallow returned to the meeting.

RESTATEMENT

New Zealand Mutual Liability Riskpool – Additional Contribution

The Council resolved while the public were excluded (Moved by Cr Battersby, seconded Cr Neeson) (resolution no. 2066/2009 no. 4) ***“Agree that the New Zealand Mutual Liability Riskpool - Additional Contribution report and associated resolutions remain confidential until such time as the reasons for confidentiality no longer exist”.***

New Lynn Town Centre Development Project – Approval to Proceed with Public Works Act Process

The Council resolved while the public were excluded (Moved by Cr Lawley, seconded Cr Cooper) (resolution no. 2067/2009 no. 3) ***“Agree that the New Lynn Town Centre Development Project - Approval to Proceed with Public Works Act Process report and associated resolutions remain confidential until such time as the reasons for confidentiality no longer exist”.***

25 **CLOSING PRAYER**

Cr Neeson said the Closing Prayer.

7.10 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:.....