

**MINUTES OF AN ORDINARY MEETING OF THE COUNCIL HELD IN THE
CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,
ON WEDNESDAY, 30 OCTOBER 2002 COMMENCING AT 5.35 PM.**

INDEX

<u>ITEM</u>	<u>PAGE NO.</u>
1	
OPENING PRAYER	2
WELCOME MAYOR DEBBIE COOK FROM HUNTINGTON BEACH	2
2	
APOLOGIES	2
3	
CONFIRMATION OF MINUTES	2
4	
URGENT BUSINESS	3
5	
AUCKLAND REGIONAL COUNCIL - 2003/2004 ANNUAL PLAN PROPOSALS	3
<u>PART B - TE TAUMATA RUNANGA AND STANDING COMMITTEES</u>	
6	
TE TAUMATA RUNANGA	4
7	
NEW LYNN COMMUNITY BOARD	4
8	
WAITAKERE COMMUNITY BOARD	4
9	
MASSEY COMMUNITY BOARD	4
10	
HENDERSON COMMUNITY BOARD	4
<u>PART C - REPORT OF THE CHIEF EXECUTIVE</u>	
11	
AUCKLAND REGIONAL ECONOMIC DEVELOPMENT STRATEGY - ESTABLISHMENT OF JOINT STANDING COMMITTEE	5
12	
ATTENDANCE AT INTERNATIONAL COUNCIL FOR LOCAL ENVIRONMENTAL INITIATIVES SUB-REGIONAL CONGRESS AND SOLAR ENERGY FORUM	5
13	
40 HENDERSON VALLEY ROAD - TRANSFER TO WAITAKERE PROPERTIES LIMITED	6
14	
INFRASTRUCTURE AUCKLAND FUNDING OF RAIL PROJECT	7
15	
APPOINTMENT TO LOPDELL HOUSE SOCIETY INC. MANAGEMENT COMMITTEE	7
16	
APPOINTMENTS TO THE COMMUNITY SPORT FUND ALLOCATION SUBCOMMITTEE	8
17	
APPOINTMENTS TO TE TAUMATA RUNANGA	8
<u>PART D - CONFIDENTIAL ITEMS</u>	
18	
AUCKLAND REGIONAL TRANSPORT NETWORK LIMITED - EXPANDED ROLE	8
19	
LAND PURCHASE - RANUI	8
<u>PART A - REPORT OF THE MAYOR</u>	
	9

PART F - PRESENTATIONS

23	DR JOHN AND MARY WEBSTER	10
24	AUCKLAND REGIONAL ECONOMIC DEVELOPMENT STRATEGY PRESENTATION	10
25	PRESENTATION OF PAINTINGS BY CR DENISE YATES AND MR PETER CHAN	10
26	KIDSAFE PRESENTATION	10

PART E - STANDING COMMITTEE REPORTS

20	CITY DEVELOPMENT COMMITTEE	11
21	ENVIRONMENTAL MANAGEMENT COMMITTEE	11
	1. THE SAFE PIERCING OF SKIN - PROPOSED BYLAW	11
	2. FEES AND CHARGES - BYLAW NO. 32, 2002 HEALTH PROTECTION - SKIN PIERCING	25
	3. OTHER MATTERS CONSIDERED	25
22	FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE	26
	1. ANNUAL REPORT 2001/2002	26
	2. ANNUAL PLAN BUDGET REVIEW - HOBSONVILLE ROAD CONSTRUCTION	26
	3. OTHER MATTERS CONSIDERED	26

PART D - CONFIDENTIAL ITEMS

18	AUCKLAND REGIONAL TRANSPORT NETWORK LIMITED - EXPANDED ROLE	27
19	LAND PURCHASE - RANUI PROCEDURAL MOTION TO EXCLUDE THE PUBLIC	27

PART G - PROCEDURAL MATTERS

27	QUESTIONS	28
28	NOTICES OF MOTION	28
29	CLOSING PRAYER	28

PART D - CONFIDENTIAL ITEMS

18	AUCKLAND REGIONAL TRANSPORT NETWORK LIMITED - EXPANDED ROLE	ERROR! BOOKMARK NOT DEFINED.
19	LAND PURCHASE - RANUI	ERROR! BOOKMARK NOT DEFINED.

**MINUTES OF AN ORDINARY MEETING OF THE COUNCIL HELD IN THE
CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,
ON WEDNESDAY, 30 OCTOBER 2002 COMMENCING AT 5.35 PM.**

PRESENT:

Mayor	RA	Harvey, QSO, JP
Deputy Mayor	CA	Stone
Councillors	DQ	Battersby, JP
	BA	Brady, JP
	JM	Clews, QSO, JP
	RP	Dallow, QPM, JP (until 8.25 pm)
	AC	Fenton
	OE	Hoskin, JP
	PA	Hulse (from 5.50 pm)
	JP	Lawley
	GE	Nash, JP
	GB	Presland
	GW	Russell
	DA	Yates, JP

TE TAUMATA RUNANGA:

Ms K Wikiriwhi
Mrs M Te Huia
Rev Judy Cooper

COMMUNITY BOARDS:

Mr B Jessopp	(Chairperson Massey Community Board)
Mrs HM Jones	(Chairperson Henderson Community Board)
Mrs EG Francke	(Chairperson New Lynn Community Board)
Mrs CA Shepherd, JP	(Chairperson Waitakere Community Board)
Mr WR Davis	(Henderson Community Board)
Mr P Chan, JP	(Massey Community Board)
Ms GPJ Marshall	(New Lynn Community Board)

IN ATTENDANCE:

Chief Executive
Director: City Services
Director: Strategic and Development
Director: Corporate & Civic Services
Director: Finance
Director: Public Affairs
Manager: Maori Issues
Manager: Democracy and Support Services
Manager Unit Co-ordination and Support
Strategic Leader
Partnerships and Advocacy Leader – Economic Development
Senior Project Manager, Transport Projects
Senior Analyst - Maori Policy
Project Manager, Transport Projects
Mayoral Executive Officer
Quality Liaison Officer
Committee Secretary: O Schuster
N Delamere
S Simiona
A Chan
Committee Administrator: M Keepa

1 OPENING PRAYER

Reverend Faamalua Peteru from the Congregational Church of American Samoa said the Opening Prayer.

WELCOME MAYOR DEBBIE COOK FROM HUNTINGTON BEACH

5.50 pm Cr Hulse entered the meeting.

Mayor Bob Harvey welcomed Mayor Debbie Cook and presented her with a gift from the City.

Debbie Cook replied and presented a painting to Mayor Bob Harvey and a surf board to Mr Matthew Wade, Chairperson, Karekare Surf Life Saving Club.

2 APOLOGIES

3100/2002

MOVED by Cr Clews, seconded Cr Nash:

That an apology from Cr Neeson for absence be received and sustained.

CARRIED

3 CONFIRMATION OF MINUTES

3101/2002

MOVED by Cr Clews, seconded Cr Nash:

That the minutes of the Special Meeting of the Council (Civic Future Project) held on Monday, 19 August 2002; the Special Meeting of the Council (Strategic Review) held on Tuesday, 20 August 2002; the Ordinary Meeting of the Council held on Wednesday, 25 September 2002; the Special Meeting of the Council held on Thursday, 26 September 2002; the Special Meeting of the Council (UnitedNetworks Limited - Takeover Offer) held on Thursday, 3 October 2002; the Special Meeting of the Council (Civic Future Project Implementation) held on Thursday, 10 October 2002; the Special Meeting of the Council (Governance) held on Friday, 11 October 2002, subject to the word control being changed to controlled and the brackets around LATES, Trusts etc being removed; the Special Meeting of the Council (Making of Rates and Charges) held on Tuesday, 15 October 2002; and the Special Meeting of the Council (Strategic Review) held on Tuesday, 15 October 2002 subject to the correction of the name A Hadley, including the Public Excluded minutes, as circulated, are taken as read and now confirmed.

CARRIED

4 **URGENT BUSINESS**

There was no Urgent Business.

5 **AUCKLAND REGIONAL COUNCIL - 2003/2004 ANNUAL PLAN PROPOSALS**

Auckland Regional Council Chairperson Gwen Bull, Councillors Sandra Cooney, Paul Walbran and Auckland Regional Council officers Mr Lance Vervoort, Director: Parks and Mr Craig Shearer, Director: Strategic discussed with Councillors, issues relevant to Waitakere City that will assist the Auckland Regional Council in aligning relevant strategic directions and specific work for the 2003/2004 fiscal year.

PRECEDENCE OF BUSINESS

3102/2002

MOVED by Cr Clews, seconded Cr Fenton:

That Part B: Te Taumata Runanga and Community Boards and Part C: Report of the Chief Executive be accorded precedence at this time.

CARRIED

PART B - TE TAUMATA RUNANGA AND COMMUNITY BOARDS

6 TE TAUMATA RUNANGA

3103/2002

MOVED by Cr Lawley, seconded Cr Yates:

That the report of the Ordinary Meeting of Te Taumata Runanga held on Monday, 14 October 2002 be received.

CARRIED

7 NEW LYNN COMMUNITY BOARD

3104/2002

MOVED by Cr Clews, seconded Cr Presland:

That the report of the Ordinary Meeting of the New Lynn Community Board held on Monday, 30 September 2002 be received.

CARRIED

8 WAITAKERE COMMUNITY BOARD

3105/2002

MOVED by Cr Stone, seconded Cr Yates:

That the report of the Ordinary Meeting of the Waitakere Community Board held on Tuesday, 1 October 2002 be received.

CARRIED

9 MASSEY COMMUNITY BOARD

3106/2002

MOVED by Cr Hoskin, seconded Cr Nash:

That the report of the Ordinary Meeting of the Massey Community Board held on Wednesday, 2 October 2002 be received.

CARRIED

10 HENDERSON COMMUNITY BOARD

3107/2002

MOVED by Cr Fenton, seconded Cr Brady:

That the report of the Ordinary Meeting of the Henderson Community Board held on Thursday, 3 October 2002 be received.

CARRIED

PART C - REPORT OF THE CHIEF EXECUTIVE

**11 AUCKLAND REGIONAL ECONOMIC DEVELOPMENT STRATEGY -
ESTABLISHMENT OF JOINT STANDING COMMITTEE**

3108/2002

MOVED by Cr Nash, seconded Cr Fenton:

1. That the information be received.
2. That Council approves the establishment of a Joint Standing Committee in accordance with Section 114S of the Local Government Act 1974 for the Auckland Regional Economic Development Strategy Establishment Group.
3. That Council delegate authority for this Joint Standing Committee to act within the purpose, scope and authorities provided in the draft Constitution attached to this agenda report.
4. That Council delegates authority to its Establishment Group members to negotiate a deletion of clause 3 of the current draft Constitution relating to powers related to co-opted members.

CARRIED

**12 ATTENDANCE AT INTERNATIONAL COUNCIL FOR LOCAL ENVIRONMENTAL
INITIATIVES SUB-REGIONAL CONGRESS AND SOLAR ENERGY FORUM**

DECLARATION OF INTEREST

6.53 pm Cr Hulse declared an interest and left the room taking no part in the debate or decision on Attendance at International Council for Local Environmental Initiatives Sub-Regional Congress and Solar Energy Forum.

3109/2002

MOVED by Cr Battersby, seconded Cr Clews:

1. That the information be received.
2. That approval is given for Councillor Hulse to attend the International Council for Local Environmental Initiatives Congress/Solar Energy Forum in Newcastle, Australia from Tuesday, 26 to Friday, 29 November 2002.

CARRIED

13 **40 HENDERSON VALLEY ROAD - TRANSFER TO WAITAKERE PROPERTIES LIMITED**

3110/2002

MOVED by Cr Clews, seconded Cr Dallow:

1. That the information be received.
2. That Council vest in Waitakere Properties Limited under the usual Deed of Trust mechanism the land situated at 40 Henderson Valley Road, Henderson being all the land described as follows:
 - Lot 4 Deposited Plan 9102 as contained within Certificate of Title 363/45;
 - Lot 5 Deposited Plan 9102 as contained within Certificate of Title 360/233;
 - Lots 1 and 16 Deposited Plan 9102 as contained within Certificate of Title 261/10;
 - Allotment 564 Parish of Waipareira as contained within Certificate of Title 9A/1026;
 - Lots 12, 13, 14, 15 and part of a strip of land marked "Drainage Reserve" on Deposited Plan 9102 as contained within Certificate of Title 819/28;
 - Lots 17, 18 and 19 Deposited Plan 9102 as contained within Certificate of Title 820/275;
 - Lot 2 Deposited Plan 41990 as contained within Certificate of Title 1128/265;
 - Lot 2 Deposited Plan 19021 as contained within Certificate of Title 1126/181;
 - Lot 2 Deposited Plan 197194 as contained within Certificate of Title 126A/59;(All North Auckland Registry)

to enable the company to manage, develop, administer and/or dispose of the lands in accordance with the Principal Objectives of the company as set out from time to time in its Statement of Corporate Intent for the benefit of the Council as a public work pursuant to Part XXXII of the said Act.

3. That a Letter of Direction be provided by the Chief Executive to the Company with respect to the future application and use of the land, on the basis set out, to ensure effect is given to Council's intentions.

CARRIED

14 INFRASTRUCTURE AUCKLAND FUNDING OF RAIL PROJECT

6.55 pm Cr Hulse returned to the meeting.

3111/2002

MOVED by Cr Clews, seconded Cr Yates:

1. That the information be received.
2. That Auckland Regional Transport Network Limited or its subsidiary be authorised to receive funding from Infrastructure Auckland in relation to stage one application, subject to the Shareholders' Representative Group being satisfied and approving of the quantum, terms and conditions of the funding.
3. That the Council acknowledges that it is proposed that Auckland Regional Transport Network Limited enters into a major transaction being the acceptance of Infrastructure Auckland's funding.
4. That the Chief Executive is authorised to sign on behalf of the Council any documentation necessary to approve the entry into and performance of the major transaction referred to in No. 3 above.

CARRIED

15 APPOINTMENT TO LOPDELL HOUSE SOCIETY INC. MANAGEMENT COMMITTEE

DECLARATION OF INTEREST

6.55 pm Crs Hoskin and Presland declared an interest and withdrew from the table and took no part in the debate or decision on the Appointment to Lopdell House Society Inc. Management Committee.

3112/2002

MOVED by Cr Battersby, seconded Cr Hulse:

1. That the information be received.
2. That Cr Gregory Presland be appointed to the Lopdell House Society Inc. Management Committee at 100% payment (Band 4) to replace Cr Owen Hoskin.

CARRIED

6.57 pm Crs Hoskin and Presland returned to the table.

16 APPOINTMENTS TO THE COMMUNITY SPORT FUND ALLOCATION SUBCOMMITTEE

3113/2002

MOVED by Cr Nash, seconded Cr Hulse:

1. That the information be received.
2. That Ropata Paora be appointed as the Sport Waitakere representative on the Community Sport Fund Allocation Subcommittee.

CARRIED

17 APPOINTMENTS TO TE TAUMATA RUNANGA

3114/2002

MOVED by Cr Nash, seconded Cr Lawley:

1. That the information be received.
2. That Grace Te Huia be appointed as Te Roopu Puawai O Waitakere representative on Te Taumata Runanga.
3. That Kristina Parata be appointed as the alternative Te Roopu Puawai O Waitakere representative on Te Taumata Runanga.
4. That the resignations of Rawiri Waititi and Raymond Dunn be noted and that they be thanked for their contributions to Te Taumata Runanga.

CARRIED

PART D - CONFIDENTIAL ITEMS

18 AUCKLAND REGIONAL TRANSPORT NETWORK LIMITED - EXPANDED ROLE

19 LAND PURCHASE - RANUI

DEFERRED

3115/2002

MOVED by Cr Lawley, seconded Cr Brady:

That Item 18: Auckland Regional Transport Network Limited - Expanded Role and Item 19: Land Purchase - Ranui be deferred at this time.

CARRIED

ADJOURNMENT

3116/2002

MOVED by Cr Battersby, seconded Cr Fenton:

That the meeting stand adjourned until 7.30 pm.

CARRIED

7.00 pm The meeting adjourned.

7.43 pm The meeting reconvened. Crs Battersby, Dallow and Hulse were not present.

The Order of Business resumed at Part A: Report of the Mayor.

PART A - REPORT OF THE MAYOR

6.44 pm Cr Hulse returned to the meeting.

6.45 pm Crs Battersby and Dallow returned to the meeting.

3117/2002

MOVED by Cr Hoskin, seconded Cr Presland:

That the Report of the Mayor be received.

CARRIED

PRECEDENCE OF BUSINESS

3118/2002

MOVED by Cr Clews, seconded Cr Hoskin:

That Part F: Presentations be accorded precedence at this time.

CARRIED

PART F - PRESENTATIONS

23 DR JOHN AND MARY WEBSTER

Mayor Bob Harvey made a presentation of a Len Castle book on ceramics to Dr John Webster (Chief Executive of UNITEC) and Mary Webster to commemorate the signing of the "Memorandum of Understanding" between UNITEC and Waitakere City Council.

24 AUCKLAND REGIONAL ECONOMIC DEVELOPMENT STRATEGY PRESENTATION

Cr Annette Fenton on behalf of Auckland Regional Economic Development Strategy Group presented a flax bush to Mayor Bob Harvey. The flax bush was given to each of the Territorial Local Authorities at the launch of the next and challenging Auckland Regional Economic Development Strategy phase to create and implement economic growth in the region. Flax is a token of growth, harmony and opportunity. This depicts the key strategies for the Auckland Regional Economic Development Strategy.

25 PRESENTATION OF PAINTINGS BY CR DENISE YATES AND MR PETER CHAN

Cr Denise Yates and Massey Community Board member Mr Peter Chan presented to Mayor Bob Harvey and the Deputy Mayor Cr Carolynne Stone paintings by a famous Chinese Artist, Zhang Cui Ying.

26 KIDSAFE PRESENTATION

The Kidsafe Week Coalition made a presentation to Council outlining ways in which members may be able to assist the reduction of child injuries in shared driveways, spa and swimming pools, and around schools.

Kidsafe Week 2002 has two main themes - pedestrian safety and water safety, both areas in which Council and the Community Boards are able to take a key advocacy role on behalf of their communities.

The Order of Business resumed at Part E: Standing Committee Reports.

PART E - STANDING COMMITTEE REPORTS

20 CITY DEVELOPMENT COMMITTEE

3119/2002

MOVED by Cr Stone, seconded Cr Dallow:

That the report of the Ordinary Meeting of the City Development Committee held on Monday, 7 October 2002 be received.

CARRIED

21 ENVIRONMENTAL MANAGEMENT COMMITTEE

1. THE SAFE PIERCING OF SKIN - PROPOSED BYLAW

3120/2002

MOVED by Cr Hulse, seconded Cr Brady:

1. That Council introduce by way of Special Order, Bylaw No. 32, 2002 Health Protection - Skin Piercing, as set out:

WAITAKERE CITY COUNCIL

BYLAW NO. 32, 2002

HEALTH PROTECTION – SKIN PIERCING

The Waitakere City Council acting in pursuance and exercise of the power and authorities conferred on it by the Local Government Act 1974, the Health Act 1956, the Bylaws Act 1910, their respective amendments, and all other powers and authorities in any way enabling it HEREBY RESOLVE BY WAY OF SPECIAL ORDER the following Bylaw.

1 SHORT TITLE

The short title of this Bylaw shall be Bylaw No. 32, 2002 Health Protection - Skin Piercing.

2 COMMENCEMENT

This Bylaw shall come into force on a date specified in the confirmation of the Special Order.

3 APPLICATION OF BYLAW

This Bylaw shall apply to all occupiers, operators or licensees of premises providing or intending to provide facilities and services for skin piercing as defined in clause 5 of this Bylaw at the date of the coming into force of this Bylaw and to all such premises intended to be operated thereafter.

4 PURPOSE

The purpose of this Bylaw is to control the licensing and minimise the risk of illness or injury due to infection or contamination resulting from skin piercing activities or activities associated with skin piercing by:

- (a) Imposing standards to ensure proper hygiene, sterilisation and infection control practises are maintained on premises used for skin piercing within the District; and
- (b) Monitoring the operation of premises providing skin piercing to ensure proper hygiene, sterilisation and infection control are maintained to prevent the spread of illness.

5 **INTERPRETATION**

In this bylaw unless the context otherwise requires or where otherwise expressly provided –

AUTHORISED OFFICER means any person appointed or authorised by the Council to carry out or exercise the duties of an authorised officer under this bylaw.

COUNCIL means the Waitakere City Council.

SKIN PIERCING means any process involving piercing, cutting and puncturing the skin or other part of the human body, but does not include the cutting of hair or nails. Skin piercing includes such processes as acupuncture, pedicure, epilation (hair removal), body piercing, hair restoration and tattooing.

6 **EXEMPTIONS**

6.1 Nothing in this Bylaw shall apply to the carrying out of skin piercing by:

- (a) A medical practitioner registered pursuant to the Medical Practitioners Act 1995, a dentist registered under the New Zealand Dental Act 1988, a nurse registered under the Nurses Act 1977, a physiotherapist registered under the Physiotherapists Act 1949, or a podiatrist registered under the Medical and Dental Auxiliaries Act 1966 where the process is carried out in the practise of medicine, dentistry, nursing, physiotherapy or podiatry, respectively; or
- (b) A person acting under the direction or supervision of any such medical practitioner, nurse, physiotherapist, podiatrist or dentist, where the process is carried out for the purpose of the practise of medicine, physiotherapy, podiatry or dentistry, respectively.

6.2 Nothing in this Bylaw shall apply to ear piercing carried out by staff of a pharmacy registered pursuant to the Pharmacy Act 1970 acting under the supervision of a pharmacist registered pursuant to the Pharmacy Act 1970.

7 **LICENSING**

7.1 No person shall carry out any skin piercing on any premises unless the premises are licensed by the Council and such licence is currently in force.

7.2 A licence shall not be issued unless the premises concerned complies with all requirements of this Bylaw and with all other statutory provisions governing its operation or occupancy.

7.3 The provisions of Clause 7.1 shall not apply to the carrying out of acupuncture where any person wishing to undergo acupuncture is unable to attend the licensed premises because of injury, infirmity or medical emergency provided that the acupuncture is carried out in compliance with the procedures specified in Clauses 9 and 10 of this Bylaw.

7.4 The provisions of Clause 7.1 shall not apply to the carrying out of any skin piercing in any temporary structure or premises for a maximum period of 5 days in any 30 day period provided that the person carrying out the skin piercing complies with all conditions specified by an authorised officer in respect of the temporary structure or premises and the skin piercing including the provision of approved facilities for the proper cleansing and sterilising of any instrument or like article, including any ear studs, ear keepers or similar jewellery is in accordance with the provisions of Clauses 8 and 9 of this Bylaw.

Any person wishing to take advantage of the provisions of this clause shall require the consent of an authorised officer and shall pay such fee for any inspection required and for the authorised officer's time to consider the matter.

7.5 Application for the licensing of any premises used or intended to be used for skin piercing shall be made by the owner, occupier, manager, or person proposing to use the premises. The applicant shall be a natural person or persons.

7.6 Each application shall be on the form prescribed and all requested information shall be provided.

7.7 On receipt of an application and payment of the required fee a licence may be issued to the applicant if an authorised officer is satisfied in respect of the following matters:

- (a) That the premises concerned and the proposed method of operation comply with:
 - (i) The requirements of all Acts or Regulations which relate to skin piercing;
 - (ii) The provisions of any plan or proposed plan (as those words are defined in Section 2 of the Resource Management Act 1991) which have application to the premises concerned;
 - (iii) The provisions of this Bylaw; and
- (b) That the applicant has a sufficient knowledge of this Bylaw and the hazards associated with carrying out skin piercing. For the purpose of determining an applicant's knowledge an authorised officer may require an applicant to undergo such tests as are necessary to show the applicant's knowledge of the requirements of this Bylaw.

- 7.8 Every licence issued pursuant to this Bylaw shall be prominently displayed in a public part of the premises to which it relates so as to be readily visible to any member of the public or authorised officer visiting the premises.
- 7.9 Every licence issued under this Bylaw shall expire on 30 June in every year or on such other date which the Council for administrative purposes from time to time may select. A licence may be renewed in accordance with the foregoing provisions. No licence shall be for a term of more than one year.
- 7.10 The foregoing provisions of this clause relating to licensing shall apply to every application for the renewal of a licence but in the case of Clause 7.7(a)(ii) shall be read subject to the provisions of Section 10 of the Resource Management Act 1991.
- 7.11 The Council may from time to time by resolution fix and alter fees and charges for the issue of licences and the making of inspections, and for any other services provided by the Council in respect of any provisions of this Bylaw.

8 **GENERAL**

- 8.1 No person shall carry out skin piercing on any person under the age of 16 years of age unless with the written permission of that person's parent or guardian in person on the premises upon which the skin piercing is to be carried out.
- 8.2 No person shall carry out skin piercing on any person who they suspect is under the influence of alcohol, drugs or mind-altering substances.
- 8.3 No person shall smoke on any premises where skin piercing is undertaken except in a part of the premises that is clearly separate from the area where a process of skin piercing is carried out.
- 8.4 Any person who wishes to undergo skin piercing shall sign (or if under the age of 16 years, have their parent or guardian sign) a declaration or consent form confirming that, to the best of their knowledge, he/she does not:
- suffer from a communicable disease or skin disease; or,
 - suffer from a bleeding disorder; or,
 - take medication such as anticoagulants which thin the blood or interfere with blood clotting; or,
 - have a history of allergies or adverse reactions to pigments, dyes or other skin sensitivities; or,
 - have a history of epilepsy or seizures,
- before any skin piercing is undertaken.

The licensee, manager, or other person for the time being in charge may decline to carry out any skin piercing on the basis of such information or agree to carry out the skin piercing subject to such conditions and safeguards as are considered appropriate in the circumstance. Nothing in this Bylaw shall be construed as requiring any person to perform a skin piercing on any other person.

- 8.5 No person who knows or suspects that he or she is suffering from or is a carrier of a skin infection or a communicable disease, or associated condition shall carry out any skin piercing, without taking adequate precautions to prevent the transmittance of such infection, disease or condition.
- 8.6 Prior to the commencement of any skin piercing the person who will be carrying out the process shall advise the person who wishes to undergo such process of risks associated with the process and the potential for infection to occur during and after the process and shall give written advice appropriate to the procedure to be undertaken, concerning precautions and post process procedures which should be taken by the person who wishes to undergo the process.
- 8.7 Every licensee shall keep records of the names and addresses of any person who undergoes any skin piercing; the date on which the skin piercing was undertaken; the nature of the skin piercing; and the location on the body where the skin piercing was undertaken. Such records shall only be made available where it is necessary to prevent or lessen a serious and imminent threat to public health or public safety; or the life or health of the individual concerned or another individual, such as to an Environmental Health Officer or a Medical Officer of Health as defined in the Health Act 1956 who are carrying out any investigation pursuant to Part III of the Health Act 1956 or the Health (Infectious and Notifiable Diseases) Regulations 1966.
- 8.8 Every licensee shall ensure that the information collected under Clause 8.7 is protected by such security safeguards as it is reasonable in the circumstances to take, against:
 - (i) loss;
 - (ii) access, use, modification, or disclosure; and
 - (iii) other misuse.
- 8.9 Every licensee shall ensure that the information collected under Clause 8.7 is disposed of after 5 years from the date of collection, in a manner that preserves the privacy of the information.
- 8.10 Where an authorised officer is satisfied that compliance with any requirements of this Bylaw would be impractical or unreasonable having regard to the premises in question or the skin piercing being undertaken, a written exemption may be granted with such modifications and subject to such conditions as are in the interest of public health as may be desirable in the circumstances.

- 8.11 The holder of the licence issued under Clause 7 or in the case of any premises where skin piercing is undertaken and no licence is required or is in force, the owner, occupier, manager, or other person in charge of the premises shall keep on the premises and make available for reading by any person employed on the premises and by any person attending the premises for the purpose of undergoing any skin piercing a copy of this Bylaw.
- 8.12 Where any premises, whether licensed or not, upon which skin piercing is so carried on as to be unnecessarily offensive or likely to be injurious to health, or, by reason of the state, situation, construction or disrepair of those premises the customer is likely to be exposed to contamination, an authorised officer may serve notice on the owner or occupier of those premises to carry out, within a time to be stated on the notice, such remedial action as may be specified in the notice.

During this period so specified, the conditions that are identified as unnecessarily offensive, likely to be injurious to health, or likely to expose the customer to contamination, shall be removed.

Any such notice may require that owner or occupier to cease using those premises or cause the use of those premises to cease for a period specified in the notice.

9 **STERILISATION OF INSTRUMENTS AND JEWELLERY**

- 9.1 No person shall use any instrument or like article, including any ear studs, ear keepers or similar jewellery for or in connection with carrying out skin piercing unless immediately before the instrument or article is used or since the instrument or article was last used the instrument or article has been sterilised in accordance with the provisions of Clause 10.1 and kept in such a manner to maintain its sterility.
- 9.2 A person who uses an instrument or like article to carry out skin piercing does not contravene Clause 9.1 if the instrument or article:
- (a) Has been taken in the presence of the person for whose treatment it is intended to be used, from a package which has been sealed by the manufacturer, being a package:
 - (i) In an unbroken and undamaged condition; and
 - (ii) To which the manufacturer has affixed a label containing a statement to the effect that the contents of the package have been sterilised; and
 - (iii) The article or instrument if steam sterilised has been packaged according to the NZ Code of Practice for Steam Sterilisation 1981; and
 - (iv) Has not been subjected to any contamination during storage.

- 9.3 The holder of a licence shall ensure that, immediately after the completion of a skin piercing carried out by the holder or a person employed by the holder, any instrument, appliance or like article used in that process:
- (a) Is disposed of to waste in a dry puncture resistant container; or
 - (b) Is thoroughly cleansed and sterilised and stored in an appropriate manner so as to maintain its sterility before use on any other person or the same person at a latter time.

- 9.4 Where an instrument or like article used for projecting a needle into the skin of any person would be rendered inoperable or be damaged if a hand piece attached to it were sterilised, the hand piece shall be deemed to be disinfected if it has been cleaned of all visible soiling then wiped with a clean paper towel saturated with:
- (a) a 70% dilution of industrial methylated spirit in water or
 - (b) a 70% dilution of ethyl alcohol or isopropyl alcohol in water; or
 - (c) a chlorine solution having a minimum strength of 500 parts per million.

The needle shall be removed from the hand piece and sterilised.

(Advisory Note: Chlorine solution will corrode metals.)

- 9.5 Notwithstanding the provisions of Clause 9.1 no needle or similar product having a hollow lumen shall be used for carrying out a skin piercing on any person if it has previously been used to carry out a skin piercing on any other person.

10 **STERILISATION**

- 10.1 An instrument or like article or a container shall be deemed to have been sterilised if the instrument, article or container has been:
- (a) Thoroughly cleansed by washing in warm water and detergent or within an ultrasonic cleaner and exposed to steam under the pressure indicated below in a steriliser (autoclave) for:
 - (i) 103 KPa (15psi) - At least 15 minutes at not less than 121⁰C; or
 - (ii) 138KPa (20psi) - At least 10 minutes at not less than 126⁰C; or
 - (iii) 206KPa (30psi) - At least 4 minutes at not less than 134⁰C.

The times quoted above are holding times and do not include the time taken for the autoclave contents to reach the required temperature.

Every steriliser (autoclave) used for the purpose of this Part of the Bylaw shall be fitted with time, temperature and pressure gauges. Additionally every time the autoclave is used chemical indicator strips shall be inserted to show that the temperatures as set out above have been attained during the autoclaving procedure. During each use the gauges shall be viewed to ensure that the correct times, temperatures and pressures are reached. Time, temperature and pressure readings shall be recorded and noted after each usage. Regular spore testing must be undertaken and the results noted. The autoclave shall be serviced at no less than 6 monthly intervals, and the results noted. These records shall be maintained for a minimum of 3 years. The records shall be made available to an Authorised Officer, Environmental Health Officer or a Medical Officer of Health on request.; or

- (b) Thoroughly cleansed by washing in warm water and detergent and exposed to dry heat for at least 60 minutes at not less than 170⁰C; or
- (c) Thoroughly cleansed in an ultrasonic cleaner using a proprietary cleaning solution for a minimum of 20 minutes and then totally immersed in clean gluteraldehyde solution of a minimum strength of 2 percent for a minimum of 30 minutes; or
(Advisory Note: Gloves should be used when handling gluteraldehyde.)
- (d) Thoroughly cleansed by washing in cold water and detergent and then totally immersed in a glass bead steriliser operating at 250⁰C for a minimum of 5 minutes; or
- (e) Thoroughly cleansed by a method appropriate to the nature of the article concerned and then submitted to a process of sterilisation approved by an authorised officer.

(Advisory Note: This may include ethylene oxide treatment and gamma irradiation.)

- 10.2 The holder of the licence issued in accordance with the provisions of Clause 7 shall cause to be displayed and maintained adjacent to every place in the premises where cleaning and/or sterilising of instruments and like articles is undertaken written instructions setting out in clear and legible format the processes to be followed to ensure compliance with the provisions of Clauses 9 and 10.

11 PREMISES

- 11.1 The following clauses may be waived if an authorised officer thinks it is unnecessary because of the nature of the skin piercing being carried out.

- 11.2 Premises in which skin piercing is or is intended to be carried on shall comply with the following requirements:
- (a) The premises shall be well constructed in accordance with the Bylaws of the Council and in accordance with any applicable provisions of the Building Act 1991 and the Health Act 1956;
 - (b) The premises and all fittings, fixtures and appliances in the premises shall be maintained in a state of good repair and in a clean and tidy condition;
 - (c) Any structural alterations, repairs, renovations, plumbing, or drainage work that may be undertaken or required shall be carried out without unnecessary delay;
 - (d)
 - (i) The walls, ceilings, fixtures and fittings in any area connected with the carrying out of skin piercing shall be constructed of materials that are light in colour, and capable of being easily cleaned, and shall be maintained in good repair. If the walls are liable to be wetted or fouled they shall be constructed of impervious material;
 - (ii) No ceiling shall be less than 2.4 metres above the floor measured at the lowest point of the ceiling;
 - (iii) The floor of that part of any premises where skin piercing is carried out shall be surfaced with a smooth, durable material that is impervious to water and capable of being easily cleaned. The floor and the material with which the floor is surfaced shall be maintained in good repair;
 - (e)
 - (i) A wash-hand basin supplied with a constant supply of hot and cold water or tempered running water at a temperature of not less than 38 degrees Celsius, soap, and approved hand-drying facilities shall be provided in a readily accessible position within 6 metres by the most practicable route of the place where any person carries out any skin piercing;
 - (ii) The supply of hot and cold water to the wash-hand basin shall be by way of elbow-operated taps however other taps of the hands-off type, including foot operated, electronically controlled or knee operated; taps may also be used;
 - (iii) The place where the wash-hand basin is situated shall be such that it cannot become directly contaminated by splashings or other contaminants from the use of any sink provided in accordance with subclause (f);
 - (f) A sink supplied with a constant piped supply of hot water at a temperature of not less than 63 degrees Celsius and cold water shall be provided in a readily accessible position for the sole purpose of cleaning instruments, equipment and articles used in the skin piercing;

- (g) A cleaner's sink equipped with a constant supply of hot and cold water shall be provided on the premises for the sole purpose of being used in connection with cleaning of the floors, walls and similar fixed parts of the premises. The cleaner's sink shall not be used except for such purpose.
The requirement for a sink or cleaner's sink as specified in subclauses (g) or (f) may be waived if an authorised officer thinks it is unnecessary because of the nature of the skin piercing being carried out;
- (h) All parts of the premises shall be adequately ventilated to the satisfaction of an authorised officer;
- (i) All parts of the premises shall be provided with a lighting system capable of providing adequate illumination to facilitate cleaning and inspection. Lighting of not less than 300 lux shall be provided at all working surfaces adjacent to every place where customers are attended to and where instruments and tools are cleaned and sterilised;
- (j) Adequate dust proof cupboards shall be provided for the storage of all clean towels, linen or other materials that may be required to carry out the skin piercing;
- (k) Suitable separate dust proof storage spaces shall be provided for the storage of sterile dressings, sterilised instruments, and all sterile articles, including jewellery, used in connection with skin piercing;
- (l) Adequate covered waste receptacles shall be provided for the storage of all waste materials. Every such waste receptacle shall have imprinted or affixed to the exterior the words "BIO HAZARD" in letters not less than 25 millimetres in height;
- (m) All mattresses, squabs and cushions used on any chair, bed, table or the like, used in conjunction with the carrying out of skin piercing shall be provided with permanent impervious covers that are easily cleaned. All permanent covers shall be maintained in good repair and cleaned and disinfected as frequently as is necessary to maintain them in a clean and hygienic condition. Clean auxiliary covers, towels or the like shall be provided to protect such chairs, beds, and tables where necessary, and changed if they come into contact with the skin or become soiled;
- (n) A separate biohazard area shall be provided for all sterilisation processes.

12 **CONDUCT**

12.1 Any person who undertakes skin piercing shall whilst on the premises:

- (a) At all times keep his or her clothing, hands, and fingernails clean and cover with an impermeable dressing any infected, damaged or inflamed skin;
- (b) Thoroughly cleanse his or her hands by washing with soap or antibacterial cleansing agent including brushing his/her hands and nails when necessary using a single use sterile brush and then drying them with a single service towel or other approved hand-drying equipment:
 - (i) Immediately before putting on the protective gloves required by subclause (e) and commencing any process which involves piercing of the skin;
 - (ii) Immediately after removing the protective gloves required by subclause (e) on the completion of any process which involved piercing of the skin;
 - (iii) Immediately after using a sanitary convenience, using any handkerchief or nasal tissue, smoking, eating or drinking;
 - (iv) Immediately after handling or touching with bare hands soiled towels, linen or similar materials, biological matter or waste materials used or produced in connection with a process of skin penetration;
- (c) Prior to commencing any skin penetration process cleanse the client's skin by swabbing with either:
 - (i) 70 per cent weight/weight ethyl alcohol; or
 - (ii) 80 per cent volume/volume ethyl alcohol; or
 - (iii) 60 per cent volume/volume isopropyl alcohol; or
 - (iv) Alcoholic (isopropyl and ethyl) formulations of 0.5 to 4 per cent weight/volume chlorohexadine; or
 - (v) Aqueous or alcoholic povidone-iodine (1 per cent weight/volume available iodine); or
 - (vi) Other cleansing agents approved by an authorised officer;followed by waiting for a period of at least two minutes before commencing any penetration of the skin;
- (d) Dispose of all blood contaminated materials (e.g. sharps) and dye residue into a puncture resistant container or otherwise in a manner approved by an authorised officer;
- (e) Before commencing any skin piercing cover his/her hands with new unused, sterile protective disposable gloves;

- (f) Discard the protective disposable gloves required by subclause (e):
 - (i) After carrying out any skin piercing on any person, and before carrying out any skin piercing on any other person;
 - (ii) After touching any object including surfaces and equipment which may have become contaminated with blood or serum of any person other than the person on whom the skin piercing is being undertaken or touching any object which has not been subject to a process of cleansing and sterilisation carried out in accordance with the provisions of Clause 9.
 - 12.2 An operator shall not use a towel, sheet, cloth or any other protective garment or cover, on, or immediately under or over, a customer unless:
 - (a) It has not been previously used; or
 - (b) Where it has been previously used, it has been laundered to render it clean and hygienic since last having been used.
 - 12.3 All towels, sheeting, clothes or other protective garments, disposable gloves or covers shall be placed into an appropriate lidded container after use.
 - 12.4 No surgical marker pen or similar device used to mark any mucous membrane of any person shall be used to mark any mucous membrane of any other person.
- 13 **TATTOOING**
- 13.1 On completion of any tattoo or part of a tattoo the person undertaking the tattoo shall provide to each customer suitable approved verbal and written instructions for the subsequent care of the tattoo to lessen the chance of infection.
 - 13.2 The sterilisation of equipment used in tattooing shall include but not be limited to the sterilisation of needles, needle bars, tubes and tube tips.
 - 13.3 Stencils used to transfer a pattern to the skin shall either be disposed of after use or shall otherwise be effectively washed and then disinfected with either 70% ethyl or isopropyl alcohol, or chlorohexadine gluconate (Hibitane) in 70% alcohol or providone-iodine (Betadine) in 70% alcohol before reuse. Any stencil that is to be reused shall be of a material that is able to be effectively cleaned and disinfected.

- 13.4 No person who carries out tattooing on premises licensed or required to be licensed pursuant to this Bylaw or exempt from licensing by virtue of Clause 7.4 shall, in carrying out tattooing on a customer on any premises, use any dye, pigment or solution, unless the dye, pigment or solution has been decanted into a clean sterilised container holding sufficient of the liquid for carrying out that tattoo on that customer only and while the process is being carried out on that customer is extracted or withdrawn only from that container.
- 13.5 Every person who carries out tattooing on premises licensed or required to be licensed pursuant to this Bylaw or exempt from licensing by virtue of Clause 7.4 shall ensure that on completion of the tattoo, any dye, pigment or solution residue is discarded and disposed of to waste, and the container is either sterilised or discarded. Any dye, pigment or solution residue remaining on the completion of a tattoo shall not be used in connection with the tattooing of any other person.
- 13.6 All dyes, pigments, or solutions used for tattooing shall be prepared, stored and dispensed in such a manner as to prevent any likelihood of any infection to any customer or other person.
- 14 **ELECTROLYSIS/EPILATION/BEAUTY THERAPY**
- 14.1 Wax that has been applied to a customer's body for hair removal shall not be reused.
- 14.2 A needle that has been used in an epilation/electrolysis process shall not be reused.
- 14.3 No person shall:
- (i) Remove hair from moles;
 - (ii) Perform electrolysis on any person who uses a hearing aid, or who has metal plates or pacemakers inserted in their body without the permission of a medical practitioner registered under the Medical Practitioners Act 1995.
- 15 **OFFENCES**
- Every person commits an offence against this Bylaw who:
- (a) Undertakes any skin piercing without being licensed in terms of clause 7 of this Bylaw;
 - (b) Breaches any condition under which a licence is issued under this Bylaw;
 - (c) Does, or causes to be done, or permits or suffers to be done, or is concerned in doing, anything whatsoever contrary to or otherwise than as provided by this Bylaw;
 - (d) Omits, or neglects to do, or permits or suffers to remain undone, anything which according to the true intent and meaning of this Bylaw ought to be done at the time and in the manner therein provided;

- (e) Does not cease any action which that person is required to cease under this Bylaw;
- (f) Knowingly permits or allows any condition of things to exist or continue to exist contrary to this Bylaw;
- (g) Fails, refuses or neglects to comply with any notice duly given to that person under this Bylaw;
- (h) Obstructs or hinders any authorised officer of the Council or other person appointed, employed or authorised by the Council in the execution or performance or attempted execution or performance of any duty to be discharged by such person under or in the exercise of any power conferred by this Bylaw;
- (i) Fails to comply with any notice, or direction, or conditions contained in any licence granted by the Council.

16 **PENALTIES**

- 16.1 Any person guilty of an offence against this Bylaw shall be subject to the penalties set out in Section 66 of the Health Act 1956 and is liable to a fine not exceeding \$500 and, in the case of a continuing offence, to a further fine not exceeding \$50 for every day on which the offence has continued.
- 16.2 Council may, after the conviction of any person for a continuing offence against this Bylaw, apply to any Court of competent jurisdiction for an injunction to restrain the further continuance of the offence by the person so convicted.
- 16.3 The continued existence of any work or thing in a state contrary to this Bylaw shall be deemed to be a continuing offence within the meaning of this clause.

CARRIED

ADVERTISING

3121/2002

MOVED by Cr Hulse, seconded Cr Fenton:

That the Council duly advertise its intention to introduce the bylaw:

- (i) Not less than 21 clear days before confirming its intention to introduce the Bylaw; and again,
- (ii) Not more than 14 days nor not less than 7 clear days before introducing the Bylaw.

CARRIED

CONFIRMATION

3122/2002

MOVED by Cr Hulse, seconded Cr Hoskin:

That the Special Order be set down for confirmation at an Ordinary Meeting of Council scheduled for Wednesday, 27 November 2002, commencing at 5.30 pm.

CARRIED

2. **FEES AND CHARGES - BYLAW NO. 32, 2002 HEALTH PROTECTION - SKIN PIERCING**

3123/2002

MOVED by Cr Hulse, seconded Cr Dallow:

That pursuant to the Health Act 1956, a fee of \$260.00 inclusive of GST be charged in respect of any license required pursuant to Bylaw No 32, 2002 Health Protection - Skin Piercing should the same come into force.

CARRIED

3. **OTHER MATTERS CONSIDERED**

3124/2002

MOVED by Cr Hulse, seconded Cr Hoskin:

That the report of the Ordinary Meeting of the Environmental Management Committee held on Tuesday, 10 September 2002 be received.

CARRIED

22 FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE

1. ANNUAL REPORT 2001/2002

3125/2002

MOVED by Cr Clews, seconded Cr Nash:

That the 2001/2002 Annual Report be approved.

CARRIED

2. ANNUAL PLAN BUDGET REVIEW - HOBSONVILLE ROAD CONSTRUCTION

8.25 pm Cr Dallow left the meeting

3126/2002

MOVED by Cr Clews, seconded Cr Brady:

1. That pursuant to Standing Order 27.18 resolution 2896/2002 "number three":

"3. That approval be granted to transfer an amount of \$645,000 (six hundred and forty five thousand dollars) as Council's Local Authority share from the Roding New Capital Expenditure approved Annual Plan 2002/2003 budget under Hobsonville Road Construction, to the Capital Expenditure – Roding Renewals scheduled for Contract TA 02501C."

2896/2002

be rescinded.

2. That an additional \$645,000 be provided from surplus depreciation funds for Roding Renewals scheduled for Contract TA 02501C.

CARRIED

3. OTHER MATTERS CONSIDERED

3127/2002

MOVED by Cr Clews, seconded Cr Fenton:

That the report of the Ordinary Meeting of the Finance and Operational Performance Committee held on Thursday, 10 October 2002 be received.

CARRIED

PART D - CONFIDENTIAL ITEMS

18 AUCKLAND REGIONAL TRANSPORT NETWORK LIMITED - EXPANDED ROLE

19 LAND PURCHASE - RANUI

PROCEDURAL MOTION TO EXCLUDE THE PUBLIC

3128/2002

MOVED by Cr Presland, seconded Cr Hoskin:

That the public be excluded from the following part of the proceedings of this meeting, namely Auckland Regional Transport Network Limited - Expanded Role and Land Purchase - Ranui.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation of each 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.
<ul style="list-style-type: none"> • Auckland Regional Transport Network Limited - Expanded Role • Land Purchase - Ranui 	<p>The withholding of information is necessary in order to:</p> <ul style="list-style-type: none"> • Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; and • Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). • Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). 	<p>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.</p>

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)(c)(i) and (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 two reports contain information which if released would affect Council's negotiating position and one report contains information in relation to proposed commercial arrangements for Auckland Regional Transport Network Limited which are still being assessed and are subject to an obligation of confidence.*

CARRIED

8.27 pm The public were excluded.

Minute Numbers 3129/2002 to 3132/2002 are recorded in the Confidential section of the Minutes.

8.40 pm The public were readmitted.

PART G - PROCEDURAL MATTERS

27 QUESTIONS

There were no Questions.

28 NOTICES OF MOTION

There were no Notices of Motion.

29 CLOSING PRAYER

Cr Yates said the Closing Prayer.

8.43 pm The Chairperson thanked members for their attendance and attention to business and declared the meeting closed.

CONFIRMED AT AN ORDINARY MEETING OF
THE COUNCIL HELD ON

DATE:.....

CHAIRPERSON:.....

