



**AGENDA FOR AN ORDINARY MEETING OF THE COUNCIL TO BE HELD IN THE  
CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,  
ON WEDNESDAY, 25 JUNE 2003 COMMENCING AT 5.30 PM**

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**AGENDA FOR AN ORDINARY MEETING OF THE COUNCIL TO BE HELD IN THE  
CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,  
ON WEDNESDAY, 25 JUNE 2003 COMMENCING AT 5.30 PM**

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**1 OPENING PRAYER**

Reverend Murray Wakelin from the ELIM Church in Te Atatu South will say the Opening Prayer.



**2 APOLOGIES**



**3 CONFIRMATION OF MINUTES**

Ordinary - Wednesday, 28 May 2003

**RECOMMENDATION**

That the minutes of the Ordinary Meeting of the Council held on Wednesday, 28 May 2003, including the Public Excluded minutes, as circulated, be taken as read and now be confirmed.



**4 URGENT BUSINESS**

Section 46A(7) and (7A) of the Local Government Official Information and Meetings Act 1987 provides that where an item of business is not on the agenda, it may only be dealt with at the meeting if:

- (i) the item is a minor matter; and
- (ii) the Chairperson has explained at the beginning of the meeting (when open to the public) that the item will be raised for discussion, why the item is not on the agenda, and why it cannot be delayed until a subsequent meeting; and
- (iii) the Council resolves to deal with the item.

No resolution, decision, or recommendation may be made in respect of the item except to refer the item to a subsequent meeting for further discussion.

**NOTE:** Urgent business need not be dealt with now and may be delayed until later in the meeting.



**PART A - REPORT OF THE MAYOR**

The report of the Mayor will be circulated under separate cover with this agenda.



**PART B - TE TAUMATA RUNANGA AND COMMUNITY BOARDS REPORTS**

**5 TE TAUMATA RUNANGA**

**I NOHO TE TAUMATA RUNANGA KOMITI MANE, TE KAU MA ONO O PIPIRI 2003**

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON MONDAY, 16 JUNE 2003**

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**MATTERS CONSIDERED**

*1-3  
Part B*

Your Committee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 1 to 3 in the supplement labelled Part B.

**NGA TAKE E WHIRIWHIRIA**

E whakatau ana Te Taumata Runanga i nga take i whakamanangia i te ture he whakaahua o nga tuhi kua tona ki nga mema o te Kaunihera.

**Your Committee Recommends:**

That the report of the Ordinary Meeting of Te Taumata Runanga held on Monday, 16 June 2003 be received.

Te Warena Taua  
**CHAIRPERSON**



**6 NEW LYNN COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON MONDAY, 9 JUNE 2003**

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**MATTERS CONSIDERED**

*4-8  
Part B*

The Board dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 4 to 8 in the supplement labelled Part B.

**The Board Recommends:**

That the report of the Ordinary Meeting of the New Lynn Community Board held on Monday, 9 June 2003, be received.

EG Francke  
**CHAIRPERSON**



7 **WAITAKERE COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING  
HELD ON TUESDAY, 3 JUNE 2003**

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**MATTERS CONSIDERED**

9-13  
Part B

The Board dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 9 to 13 in the supplement labelled Part B.

**The Board Recommends:**

That the report of the Ordinary Meeting of the Waitakere Community Board held on Tuesday, 3 June 2003 be received.

CA Shepherd, JP  
**CHAIRPERSON**



8 **MASSEY COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING  
HELD ON WEDNESDAY, 4 JUNE 2003**

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**MATTERS CONSIDERED**

14-17  
Part B

The Board dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 14 to 17 in the supplement labelled Part B.

**The Board Recommends:**

That the report of the Ordinary Meeting of the Massey Community Board held on Wednesday, 4 June 2003 be received.

RF Jessopp  
**CHAIRPERSON**



9 **HENDERSON COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING  
HELD ON THURSDAY, 5 JUNE 2003**

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**MATTERS CONSIDERED**

*18-21  
Part B*

The Board dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 18 to 21 in the supplement labelled Part B.

**The Board Recommends:**

That the report of the Ordinary Meeting of the Henderson Community Board held on Thursday, 5 June 2003 be received.

HM Jones  
**CHAIRPERSON**



## **PART C - REPORT OF THE CHIEF EXECUTIVE**

### **10 ADDITIONAL AUCKLAND REGIONAL TRANSPORT NETWORK LIMITED SUBSIDIARIES**

#### **PURPOSE OF THE REPORT**

This report seeks the Council's approval to Auckland Regional Transport Network Limited (ARTNL) establishing four additional wholly owned subsidiaries. Auckland Regional Transport Network Limited's shareholders' consent is required in accordance with the Auckland Regional Transport Network Limited Group's Statement of Corporate Intent.

#### **BACKGROUND**

There are currently three companies currently within the Auckland Regional Transport Network Limited Group:

- Auckland Regional Transport Network Limited (Parent);
- Auckland Regional Transport Network Limited Harbour Berths Limited (subsidiary);
- Auckland Regional Transport Network Limited Metro Limited (subsidiary).

The Auckland Regional Transport Network Limited Board has proposed that four additional 100% owned subsidiaries be established in the Auckland Regional Transport Network Limited Group.

One subsidiary is required to hold the Deed of Lease of the Britomart Transport Centre. This needs to be incorporated in June 2003 in order for Auckland Regional Transport Network Limited to take over management of the Britomart Transport Centre.

The additional three subsidiaries would provide the Auckland Regional Transport Network Limited group flexibility for structuring its business activities to achieve transparency and efficiency. The Board considers that it would be prudent for Auckland Regional Transport Network Limited to set up three 'off the shelf' subsidiaries now to afford flexibility in any restructuring arrangements that may be required in the future. The purpose of these subsidiaries would be to hold, develop and manage public transport infrastructure assets and related services as determined within the Statement of Intent.

At its meeting of 29 May 2003, the Shareholders Representative Group recommended the setting up of four subsidiaries including the one to hold the Britomart deed of lease.

#### **STRATEGIC CONTEXT**

Auckland Regional Transport Network Limited is the preferred regional entity, from the perspective of local authorities, to develop passenger transport infrastructure in the Auckland region. Auckland Regional Transport Network Limited is undertaking developments in relation to ferry and rail infrastructure. Auckland Regional Transport Network Limited is about to manage the Britomart facility. The region is considering whether or not to extend Auckland Regional Transport Network Limited's role to service contracting and to buses.

#### **ISSUES**

The structure of the Auckland Regional Transport Network Limited Group is designed to ensure the major business activities of Auckland Regional Transport Network Limited are held within a separate 100% owned subsidiary. This enables greater transparency and focus in relation to each business activity.

Auckland City Council and Auckland Regional Transport Network Limited have been working together to finalise the Deed of Lease (and associated documents) to Auckland Regional Transport Network Limited for use of the Britomart Transport Centre. A key focus has been to structure their relationship and related transactions in a way that will ensure that the funding requirement for the renewal of the assets reflects the Marsden Jacobs approach to pricing that has been adopted by the Auckland Regional Transport Network Limited Group. A 100% owned subsidiary of Auckland Regional Transport Network Limited would manage and carry out the responsibilities for the operation of the facility. The subsidiary would ensure that costs are isolated in that subsidiary.

By establishing the four subsidiaries before 30 June 2003, the establishment procedures of the Local Government Act 2002 would not apply. The Officers Advisory Group is satisfied that the four subsidiaries are being set up for administrative convenience and that Shareholders have been actively involved in the establishment of the existing subsidiaries.

The constitutions of the four subsidiary companies would be in the same format as the constitutions for the existing subsidiaries, which are currently being updated to include references to the Local Government Act 2002. Auckland Regional Transport Network Limited and the Officers Advisory Group are reviewing the need for Shareholder approval of major transactions where they are merely a transfer within the Auckland Regional Transport Network Limited Group.

The subsidiaries would be governed by the final Statement of Intent for the Auckland Regional Transport Network Limited Group. The Statement of Intent would be updated as the specific purpose of the three additional subsidiaries is determined. If Auckland Regional Transport Network Limited's role expands into service contracting and buses, as contemplated in one of the options for future passenger transport governance in the region, then the three additional subsidiaries might be used for those purposes.

The directors of the subsidiaries would be the same as those on the Board of the other companies of the Auckland Regional Transport Network Limited Group. There will be no additional Directors fees. The costs associated with these subsidiaries would be the cost of incorporation and ongoing annual returns and reporting, which should be minimal.

## **RESOURCES**

The Board has advised that the costs of incorporation will be absorbed within the management services already provided by the Auckland Regional Transport Network Limited parent.

## **CONCLUSION**

The Britomart subsidiary is required to ensure a transparent cost centre within the Auckland Regional Transport Network Limited Group. The additional three subsidiaries would provide flexibility for the Group to hold separate business activities in the future. These subsidiaries would be established in the same way as the existing subsidiaries of the Auckland Regional Transport Network Limited Group.

## **RECOMMENDATIONS**

1. That the information be received.
2. That the establishment and issue of shares in a 100% owned subsidiary of Auckland Regional Transport Network Limited be approved to hold the Overarching Deed of Lease of Britomart Transport Centre.

3. That the current Board of Auckland Regional Transport Network Limited be directors of the Britomart subsidiary, namely, Directors Keenan, Young-Cooper, Gower, Green, Jewel, Parsons and Brothers.
4. That the issues of shares in three further 100% owned subsidiaries of Auckland Regional Transport Network Limited be approved for the purpose of providing the Board with flexibility to restructure or to set up future business combinations related to the activities of the Statement of Intent of Auckland Regional Transport Network Limited.
5. That members of the current Board of Auckland Regional Transport Network Limited be directors of the three 100% owned subsidiaries, namely, Directors Keenan, Young-Cooper, Gower, Green, Jewel, Parsons and Brothers.
6. That the four subsidiaries be set up using the same form of constitution as those already approved by the shareholders of Auckland Regional Transport Network Limited for ARTNL Metro Limited and ARTNL Harbour Berths Limited subsidiaries.
7. That the Chief Executive be delegated authority to sign all necessary documents relating to the above resolutions.

Report prepared by: Kevin Wright, Acting Manager, Transport Strategy.



## 11 **RAIL DEAL UPDATE**

This is a brief update on the effect of recent events on the rail deal between the Crown and Auckland Regional Transport Network Limited.

As part of the Government's proposal to acquire a 35% shareholding in Tranz Rail Limited, the Government would also buy back the rail track, associated land lease, yards, terminals and control systems from Tranz Rail for one dollar, and other land, property and leases surplus to Tranz Rail requirements for about \$50 million.

The Board of Auckland Regional Transport Network Limited advised the Shareholders Representative Group that the Crown's proposal preserves the 'Auckland deal' between the Crown and Auckland Regional Transport Network Limited. This was based on an assurance from Chris McKenzie, an advisor to the Minister of Finance.

The Government requires the terms of the Auckland deal to be finalised. The terms of the management agreement and lease of the stations have been agreed but not yet signed. The Auckland Regional Council has not agreed the terms relating to holding access rights.

At a meeting on 12 June 2003, the Auckland Regional Council decided to defer entry into the special purpose vehicle, a subsidiary of Auckland Regional Transport Network Limited, which previously had agreement in principle to hold the access rights.

Government officials have suggested an alternative arrangement whereby the Crown holds the access rights while allowing Auckland Regional Transport Network Limited to continue to manage and develop the rail corridors and stations.

At an urgent meeting on 17 June 2003, the Shareholders Representative Group resolved to inform the Minister of Finance and the Minister of Transport that the special purpose vehicle is still available to hold the access rights and that if the Crown holds these rights, then Auckland Regional Transport Network Limited needs certainty of tenure and ability to receive access fees to cover its costs.

The immediate effects of the Auckland Regional Council's decision not to approve the special purpose vehicle arrangement are:

- The Crown continues to hold the access rights to the Auckland rail corridors;
- Tranz Rail will continue to operate until the end of its contract to mid 2004;
- Infrastructure Auckland's grant condition about agreement on access rights has not been met. As a result, Auckland Regional Transport Network Limited is unable to continue work on the signature stations, safety improvements, signalling at New Lynn, fibre optic cabling, and other work covered by the grant;
- That work could continue if Infrastructure Auckland agrees to waive the condition or a satisfactory arrangement for holding access rights is reached.

### **RECOMMENDATIONS**

That the information be received.

Report prepared by Kevin Wright, Acting Manager - Transport Strategy.



## **12 CODE OF CONDUCT FOR DIRECTORS APPOINTED BY COUNCIL TO COUNCIL ORGANISATIONS**

### **PURPOSE OF THE REPORT**

*A1-A14*

The purpose of this report is to seek Council's approval of amendments to the policy on Appointment and Remuneration of Directors of Council Organisations (the policy), by inclusion of a code of conduct for Directors appointed by Council to Council Organisations (the code). The proposed code is attached on pages A1 to A14.

### **BACKGROUND**

Section 57(1) of the Local Government Act 2002, requires all Local Authorities to adopt a policy for the Appointment and Remuneration of Directors of Council Organisations (COs). The Council, on 28 May 2003, adopted this policy, with amendment, by resolution 1028/2003.

During the debate in the Council meeting, the question of the possibility of a Director failing to uphold the highest standards of professional conduct after appointment was raised. Accordingly an amendment is being proposed to the policy, which will include a code of conduct for these Directors appointed by Council to Council Organisations. The proposed code is based on recommended best practices by the Institute of Directors of New Zealand.

### **STRATEGIC CONTEXT**

Council prides itself at taking the lead in matters of transparency and accountability, while continuing to pursue its strategic direction.

Council Organisations of all types are used as vehicles to pursue the Council's strategic direction through the implementation of aspects of the Long Term Council Community Plan and Annual Plan. Accordingly, Council requires to put in place clear guidelines relating to the professional conduct of those persons who are appointed to the Boards of these Organisations.

## **ISSUES**

Council resolution 1028/2003 also requires a review of Council policy on the Appointment and Remuneration of Directors of Council Organisations twelve months after adoption of the policy. However, there is no obligation or commitment on behalf of the Council, which would serve to discourage any earlier amendment of the policy, should the Council deem this necessary. The introduction of best practices in respect of good governance is a process not an event. Accordingly, there may be need to introduce additions as opposed to substantive changes to the policy prior to the scheduled 12 month review.

The alternative to amending the policy to incorporate the code would be to anchor it into the statements of intent (or equivalent performance agreement) for Council Organisations. The disadvantages of this approach would be twofold:

1. It would only apply to Council Controlled Organisations and not necessarily many of the non controlled organisations which are classified as Council Organisations by virtue of Council appointing one or more Directors thereof.
2. It would be a piecemeal approach as opposed to a generic one requiring inclusion in each and every Statement of Intent.

The prevailing practice with other Councils, based on information available to date is to anchor codes of conduct for directors, where these are introduced, into the policy on Appointment and Remuneration of Directors, rather than into Statements of Intent.

## **RESOURCES**

The resources required to implement the proposed additions to the current policy will be minimal, and already provided for in the context of ongoing Council operations. The addition to the policy is basically a further exercise in quantifying, and improving on existing practice.

## **CONCLUSION**

The debate at the Council meeting of 28 May, 2003, leading to the adoption of resolution 1028/2003, brought to light the desirability of introducing standards or guidelines regulating the professional conduct of Directors of Council Organisations. Accordingly, it is recommended that the policy be amended by the introduction of a code of conduct for Directors of Council Organisations.

## **RECOMMENDATIONS**

1. That the information be received.
2. That Council adopt the amended policy on the Appointment and Remuneration of Directors of Council Organisations, as attached at pages A1 to A14.

*A1-A14*

Report prepared by: Charlie Inggs, Acting Senior Committee Secretary and Robert Rudd, Director: Quality Assurance.



## 13 HIGH COURT APPEAL AGAINST PENALTY

### PURPOSE OF THE REPORT

The purpose of this report is to seek the Council's approval to lodge an appeal against a decision of Judge Thorburn in respect of a penalty imposed on a conviction of Barry Martin Kearney for breach of the Building Act 1991. The Judge delivered his decision on 12 June 2003. The Council must first seek leave from the Solicitor General to appeal. The time for this to occur expires on 12 July 2003. The action to commence an appeal to the High Court must be authorised by the Council pursuant to s.114Q(1)(c) of the Local Government Act 1974. (From 1 July an appeal will be able to be commenced on an authorisation from the Chief Executive Officer, assuming that power is delegated to the CEO after 1 July 2003).

### BACKGROUND

This prosecution arose from building without consent under s.80(1)(a) of the Building Act 1991. Mr Kearney obtained a building consent to erect an additional dwelling and a double garage on the rear of his property. Following the Council's inspection and the issue of a code compliance certificate, building work was undertaken without consent to alter the garage and loft into residential accommodation.

In delivering his sentencing decision the judge must have regard to decisions of a higher Court and in these case the criteria set out in the High Court decision of *Wilson & Fowler*. That case stipulated that offences against the provisions of s.80 (1)(a) could ordinarily be expected to attract a penalty somewhere in the range of \$5,000 plus as a starting point. The case considered that a starting point in the area of \$10,000 would not necessarily be untoward, although the financial circumstances of the defendant may reduce the penalty imposed.

More recent decisions have been in keeping with the *Wilson & Fowler* criteria, which include the following:

- the degree of culpability;
- the degree of harm resulting and the potential for harm;
- financial circumstances of the offender;
- the attitude of the offender;
- need for deterrence;
- scale and permanency and purpose of the building work;
- previous convictions.

The Sentencing Act 2002 codifies these criteria and increases the importance upon attitude, deterrence and the financial circumstances of the defendant.

The level of fines have gradually been increasing in acknowledgement of Parliament's intent under the Building Act to provide a deterrent and not simply a licence fee in respect of penalties. Recent penalties imposed include the following:

1. *Luff - Rota J - District Court - \$4,500 for an illegal carport and retaining wall built over a Council stormwater and sewer drains. No damage to the stormwater drain. The defendant had limited financial means.*

2. *Tweedie & Radford* - Johnston J - District Court - \$4,000 for undertaking building work to a dwelling without consent that increased the size of dwelling by 35%. A guilty plea was entered at the first opportunity and they were remorseful. The financial circumstances of the defendants were close to hardship and this matter was accurately taken into consideration upon sentencing.
3. *Milman* - Patterson J, High Court - \$15,000 for undertaking building work without consent to the main building and for building a sleep out without consent. The financial circumstances of the defendant were taken into consideration
4. *Abatal Ltd* - June 2002 - Chambers J - High Court - Upon appeal upheld a fine of \$25,000 for the building of a greenhouse without consent.

In this case there was blatant disregard for the process under the Building Act 1991. The works followed building consent and Council inspection. The defendant showed a lack of remorse. The work undertaken was extensive, intended for residential occupation raising issues of safety (as in the Milman case). The financial circumstances of the defendant indicate an ability to meet a higher penalty. Rates records show that the defendant is the owner of three properties in Waitakere City having a total Capital Value of \$954,000. This is not a case of an impecunious or uninformed defendant. Councillors should also note that the maximum penalty for Bylaw offences will increase to \$20,000 from 1 July 2003. In that context (and the context of a maximum penalty of \$100,000 for a breach of s.80(1)(a)) it is believed that an appeal against penalty in this case would succeed. However, leave to appeal is not automatic. A case will need to be made out. At the date of preparation of this report I am seeking further advice from Kensington Swan. That advice will be available in time for the Council meeting.

### **STRATEGIC CONTEXT**

It is an important part of the deterrent element of prosecutions by the Council that the level of penalties be appropriate having regard to the nature of the offence. Currently Council is receiving 90% of the fines imposed, within two to three weeks of payment of the fine. The amounts received in this way are used to defray enforcement costs. (In addition to imposing a fine an award of costs, usually around \$500.00, is usually made by the District Court.)

### **RECOMMENDATIONS**

1. That the information be received.
2. That pursuant to s.114Q(1)(c) the Chief Executive be authorised to seek the leave of the Solicitor General to appeal the decision of Judge Thornburn in the matter of *Waitakere City Council v. Kearney* (CRN: 309000642), as to penalty only, to the High Court.

Report prepared by: Denis Sheard, Legal Services Manager.



## 14 AMENDMENT OF DELEGATIONS TO OFFICERS

### PURPOSE OF THE REPORT

The purpose of this report is to amend the Delegations to Officers document to enable the Chief Executive or the Director: Corporate & Civic Services, to enter into short-term lease arrangements. The need for this amendment has arisen in relation to the property at 2-6 Henderson Valley Road, which the Council purchased in January 2003.

### ISSUES

When the property at 2-6 Henderson Valley Road was purchased, it was envisaged that short-term tenancies would be used to provide an income stream on the property while development was being planned and undertaken. These tenancies have been put in place since the date of purchase.

An issue that has arisen during this time is a lack of clarity in the Delegations as to whether Officers have the authority to enter into short-term tenancies or to delegate this authority to Waitakere Properties Limited prior to a Deed of Trust transfer of the property being put in place. While this has not prevented action being taken toward establishing tenancies, it has presented a situation where delegation may not be crystal clear. In order to resolve this lack of clarity, it is proposed that an authority be added to the Delegations to both the Chief Executive and the Director: Corporate & Civic Services, to enable tenancies of up to two years to be entered into. This will allow the Chief Executive and the property company to act on Council's behalf in obtaining commercial tenancies for properties. It will also allow other short-term commercial tenancies to be dealt with as needs arise.

### CONCLUSION

This report sets out recommendations to enable the Chief Executive and the Director: Corporate & Civic Services to enter into short-term tenancies on behalf of the Council and to delegate this authority where necessary to authorise third parties such as Waitakere Properties Limited.

### RECOMMENDATIONS

1. That the information be received.
2. That the Delegations to Officers - Responsibilities Document be amended by the addition of the following clause to the Powers and Authorities of the Chief Executive (as a new delegation 13A) and Director: Corporate & Civic Services (as a new delegation 23A), namely:

*"Authority to enter into tenancy agreements on behalf of Council in respect of land and buildings for a period of up to two years, whether as landlord or tenant, with the authority to delegate this authority to any agent to act on behalf of the Council, provided that any tenancy agreement entered into under this authority may not be extended beyond a two year period without reference back to the Council or its appropriate Committee."*

Report prepared by: Ross McLeod, Director: Corporate & Civic Services.

HV O'Rourke  
**CHIEF EXECUTIVE**



**PART D - STANDING COMMITTEE REPORTS**

**15 CITY DEVELOPMENT COMMITTEE**

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON THURSDAY, 6 JUNE 2003**

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**MATTERS CONSIDERED**

*1-8  
Part D*

Your Committee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 1 to 8 in the supplement labelled Part D.

**Your Committee Recommends:**

That the report of the Ordinary Meeting of the City Development Committee held on Thursday 6 June 2003 be received.

CA Stone  
**CHAIRPERSON**



**16 FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE**

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON MONDAY, 9 JUNE 2003**

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**1. SALE OF PART OF ROYAL RESERVE**

**Your Committee Recommends:**

1. That approval be given to the sale of 347 square metres of recreation reserve adjacent to 40 Royal Road (Section 1 on Survey Office Plan 314506) and that the proceeds of sale be paid into the reserves account.
2. That pursuant to section 40(4) of the Public Works Act 1981 that because of the size, shape and situation of the area of esplanade reserve to be sold that Council could not expect to sell the land to any person who did not own land adjacent to the land to be sold, and the land may be sold to the owners of the adjacent land, Mr and Mrs Vizor.

**2. LOT 4 DP 187089 - 423 - 429 WEST COAST ROAD - LOAN ADVANCE**

**Your Committee Recommends:**

1. That Te Whanau O Waipareira Trust be advised that the term of the first mortgage advance secured over the lands contained in Certificate of Title No 117 B/312 be approved to be extended for a further term of 12 months at the current rate of interest, and that quarterly reports be provided to this Committee by way of updates with regard to the proposed sustainable housing project and the Wananga development.

2. That full information be provided by the parties to the sustainable housing project to Council's representatives and to Waitakere Properties Limited as necessary to ensure ongoing consultation and communication towards delivery of the project.
3. That subject to proper protection of Council's security in respect of the existing mortgage advance approval be given to the Chief Executive to allow part of the land to be severed and disposed of for that purpose provided that payment is made to the Council so that adequate security for the balance of the mortgage advance is then maintained.

3. **AQUATIC CENTRE MAINTENANCE SHUTDOWN - DIVE POOL REMEDIAL WORKS**

**Your Committee Recommends:**

That a loan of \$226,000.00 be approved for remedial works to the dive pool at the Aquatic Centre.

4. **STREET NUMBERING AMENDMENT TO BYLAW NO. 4**

**Your Committee Recommends:**

That Council resolve by way of Special Order the following amendment to General Bylaw No. 4 1990.

**GENERAL BYLAW NO. 4 1990 - AMENDMENT NO. 6, 2003**

The Waitakere City Council acting in pursuance and exercise of the powers and authorities conferred upon it by the Local Government Act 1974, the Bylaws Act 1910 and all other powers and authorities in any way enabling it **HEREBY RESOLVES**, by Special Order, to amend General Bylaw No. 4 1990, as follows:

1. **Short Title**

The short title of this Bylaw shall be the Waitakere City Council General Bylaw No. 4 1990, Amendment No. 6, 2003.

2. **Commencement**

This amendment shall come into force on Monday, 1 September 2003.

3. **Amendment**

Clause 244 is hereby revoked and the following new clause substituted:

244 Street Numbering of Buildings

244.1 Every building shall at all times be marked with the number allocated to that building by the Council pursuant to s.319B of the Local Government Act 1974.

244.2 If at any time the Council (in exercise of its powers under s.319B of the Local Government Act 1974) alters the number of a building, the marking must be altered to comply with that change within one calendar month of written notification of the change being given by the Council to the owner or occupier of the building.

- 244.3 Building marking shall be comprised of characters which:
- (a) Subject to clause 244.4, comply with the specification in clause 244.5.
  - (b) Are affixed or placed in a position which is readily visible from the street to which the building has frontage and either:
    - (i) upon a post, fence, gate or letterbox located immediately adjacent to the street boundary or
    - (ii) if there is no such post, fence, gate or letterbox, upon the building itself.
- 244.4 Nothing in clause 244.3 shall be construed as requiring the marking which existed on 31 May 2003, and which complied with this Bylaw at that date, to be changed or replaced prior to 31 July 2005.
- 244.5 Building marking shall comply with the following:
- (a) residential building shall be marked with characters which are:
    - (i) not less than 50mm in height and 30mm in overall width (except for the number "1" or the letter "l").
    - (ii) Made out of lines not less than 3mm in width.
  - (b) all other building shall be marked with characters which are:
    - (i) not less than 75mm in height and 40mm in overall width (except for the number "1" or the letter "l").
    - (ii) Made out of lines not less than 5mm in width.
- 244.6 Building marking shall be maintained in good legible and visible condition at all times. Any marking which is covered up or obscured shall be immediately uncovered. Any marking which is obliterated or defaced shall be immediately replaced.
- 244.7 Responsibility for compliance with this clause lies with the owner and occupier for the time being of any building but the fact that the owner of a building is not the occupier of that building shall not be a defence to a conviction for an offence against this Bylaw.
- 244.8 Any person who neglects for one month after written notice to mark a building in accordance with this part of this Bylaw commits an offence.

#### **4. Affixing of the Seal**

That the Common Seal of the Waitakere City Council be affixed to such documents as may be necessary to give effect to the Special Order and be attested as soon as practicable by any two of the following:

- Mayor, or Deputy Mayor or Councillor;
- Chief Executive, or the Acting Chief Executive in his absence;
- Director: Corporate and Civic Services.

**5. Advertising**

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 clear days and not less than 7 clear days before introducing the Bylaw.

**6. Confirmation**

That the Special Order be set down for confirmation at an Ordinary Meeting of Council scheduled for Wednesday, 30 July 2003 commencing at 5.30 pm.

**5. OTHER MATTERS CONSIDERED**

9-27  
Part D

Your Committee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 9 to 27 in the Supplement labelled Part D.

**Your Committee Recommends:**

That the report of the Ordinary Meeting of the Finance and Operational Performance Committee held on Monday, 9 June 2003 be received.

JM Clews, QSO, JP

**CHAIRPERSON**



**17 ENVIRONMENTAL MANAGEMENT COMMITTEE**

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON TUESDAY, 10 JUNE 2003**

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**MATTERS CONSIDERED**

28-35  
Part D

Your Committee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 9 to 16 in the supplement labelled Part D.

**Your Committee Recommends:**

That the report of the Ordinary Meeting of the Environmental Management Committee held on Tuesday, 10 June 2003 be received.

PA Hulse

**CHAIRPERSON**



**PART E - PRESENTATIONS**

The presentation on item 18 will take place at 5.30 pm and the presentations on items 19 and 20 will be at 7.30 pm.

**18 LAURIE ROSS**

Mayor Bob Harvey will present a certificate of appreciation to Laurie Ross in recognition of her outstanding service in the promotion of peace in Waitakere City.

**19 GYPSY STRINGS**

Mayor Bob Harvey will present a certificate of appreciation to the Gypsy Strings in recognition of their outstanding contribution as Musical Ambassadors of Waitakere City.

**20 2003 RECIPROCAL SISTER CITY STUDENT EXCHANGE TO KAKOGAWA, JAPAN**

From 22 April 2003 to 7 May 2003, 11 students from Green Bay High School, Massey High School, Waitakere College and Rutherford College, (Holly Turner, Michael Hepi, Byron Van Niekerk, Bronwyn Presland, Kora Deverick, Pia Veitch, Kirsty Anderson, Jasmine Raharaha, Halima Nati, Scott Williams and Chantelle Smith) with two Council Chaperons, Kathryn Howard and Sharon Simiona participated in the reciprocal Sister City Student Exchange to Kakogawa, Japan, several students will be present at the meeting to relay to Council the highlights of the Exchange.



**PART F - PROCEDURAL MATTERS**

**21 QUESTIONS**

Pursuant to Standing Order 39.2, any member of the local authority may at any ordinary meeting of the local authority at the appointed time, put a question to the Mayor as Chairperson of the local authority, or through the Mayor to the Chairperson of any standing or special committee, or to any officer of the local authority concerning any matter relevant to the role or functions of the local authority concerning any matter that does not appear on the order paper, nor arises from any committee report or recommendation submitted to that meeting.



**22 NOTICES OF MOTION**

Notices of motion shall be in writing by the mover, stating the meeting at which it is proposed that the notice of motion be considered, and shall be delivered to the Chief Executive at least five clear days before such meeting.



**23 CLOSING PRAYER**

