

# MAIN AGENDA



## NOTICE OF MEETING COUNCIL

I hereby give notice that an Ordinary Meeting of the Council will be held on:-

**DATE:**            **Wednesday, 26 November 2003**            **TIME:**            **5.30 pm**

**VENUE:**        **Civic Centre, 6 Waipareira Avenue, Lincoln, Waitakere City**

to consider the business as set out herein and to take any necessary action connected therewith.

**NOTE:** Pursuant to Standing Order 25.8 at 5.00 pm a 30-minute Public Forum will precede the Council meeting.

- Anoma de Silva, on request to establish a multicultural advisory board
- George Parry, on liaison between the Waitakere City Council and the West Auckland Schools

21 November 2003

Audrey Chan  
**COMMITTEE SECRETARY**

Telephone (09) 836 8000 extn 8603

### **MEMBERSHIP:**

Mayor	RA	Harvey, QSO, JP
Deputy Mayor	CA	Stone
Councillors	DQ	Battersby, JP
	BA	Brady, JP
	JM	Clews, QSO, JP
	RP	Dallow, QPM, JP
	AC	Fenton
	OE	Hoskin, MNZM, JP
	PA	Hulse
	JP	Lawley
	GE	Nash, JP
	VS	Neeson, JP
	GB	Presland
	GW	Russell, JP
	DA	Yates, JP

(Quorum 8 members)

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(The reports and recommendations contained in all agendas are reports and recommendations only and are not to be construed, in any way, as Council policy until adopted.)

**AGENDA FOR AN ORDINARY MEETING OF THE COUNCIL TO BE HELD IN THE  
CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,  
ON WEDNESDAY, 26 NOVEMBER 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, 26 NOVEMBER 2003 COMMENCING AT 5.30 PM**

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**PART A - OPENING OF MEETING**

**1 OPENING PRAYER**

Mr Bruce Knox, Executive Director of the Bible College of New Zealand will say the Opening Prayer.



**2 APOLOGIES**



**3 CONFIRMATION OF MINUTES**

Ordinary -      Wednesday, 22 October 2003  
                         Wednesday, 29 October 2003

**RECOMMENDATION**

That the minutes of the Ordinary Meeting of the Council held on Wednesday, 19 October 2003 and the Ordinary Meeting held on Wednesday, 29 October 2003, as circulated with the public excluded minutes attached in the Confidential Supplement, 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 B - REPORT OF THE MAYOR**

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



**PART C - TE TAUMATA RUNANGA AND COMMUNITY BOARDS**

**5 TE TAUMATA RUNANGA**

**I NOHO TE TAUMATA RUNANGA KOMITI MANE TE KAU MA WHITU O WHIRINGI-A-RANGI 2003**

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON MONDAY, 17 NOVEMBER 2003**

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**MATTERS CONSIDERED**

*1-4  
Part C*

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 4 in the supplement labelled Part C. The public excluded minutes are attached in the Confidential Supplement circulated to members separately with this agenda.

**NGA TAKE E WHIRIWHIRIA**

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

**Your Committee Recommends:**

That the report of the Ordinary Meeting of Te Taumata Runanga held on Monday, 17 November 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, 3 NOVEMBER 2003**

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1. **TODD RESERVE UPDATE**

**The Board Recommends:**

1. That Council approves the budget allocation for Todd Reserve, Great North Road and the Ambrico pedestrian rail crossing be carried forward, to enable design work to be completed during the current financial year, in preparation for beginning physical works in the 2004/2005 financial year.
2. That notification of road closure of Todd Avenue as a through road, to enable it to become a pedestrian mall, proceeds in preparation for physical works.

**NOTE:** To comply with the statutory requirement, Council's Legal Services Manager advises that Council pass the following resolution to accommodate the Board's recommendation:

That the Council commence the statutory process under s336 of the Local Government Act 1974 to declare Todd Avenue a pedestrian mall, subject to appropriate conditions.

2. **BOB HILL PARK PROPOSED LAND EXCHANGE**

**The Board Recommends:**

That any reserve contribution from the Housing New Zealand/Redwood Properties development in the Hill Crescent/Astley Avenue/Portage Road area be allocated in the first instance to the upgrading of the Bob Hill Reserve at the time of development.

3. **OTHER MATTERS CONSIDERED**

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 5 to 14 in the supplement labelled Part C.

**The Board Recommends:**

That the report of the Ordinary Meeting of the New Lynn Community Board held on Monday, 3 November 2003 be received.

EG Francke  
**CHAIRPERSON**

5-14  
Part C



**7 WAITAKERE COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON TUESDAY, 4 NOVEMBER 2003**

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**MATTERS CONSIDERED**

15-19  
Part C

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 15 to 19 in the supplement labelled Part C.

**The Board Recommends:**

That the report of the Ordinary Meeting of the Waitakere Community Board held on Tuesday, 4 November 2003 be received.

CA Shepherd, JP  
**CHAIRPERSON**



**8 MASSEY COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON WEDNESDAY, 5 NOVEMBER 2003**

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**1. LEASE OF WHENUAPAI HALL**

**The Board Recommends:**

1. That Lot 24, Deposited Plan 15956 be classified under Section 16(1) of the Reserves Act 1977 as a local purpose (community buildings) reserve.
2. That Lot 25, Deposited Plan 15956 be declared under Section 14 (1) of the Reserves Act 1977 to be a reserve to be held for the purposes of a local purpose (community buildings) reserve as defined in Section 23.

**2. OTHER MATTERS CONSIDERED**

20-25  
Part C

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 20 to 25 in the supplement labelled Part C.

**The Board Recommends:**

That the report of the Ordinary Meeting of the Massey Community Board held on Wednesday, 5 November 2003 be received.

RF Jessopp  
**CHAIRPERSON**



9 **HENDERSON COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING  
HELD ON THURSDAY, 6 NOVEMBER 2003**

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1. **TE ATATU WALKWAY - CHAPMAN STRAND TO TAIPARI STRAND**

**The Board Recommends:**

That funding for Te Atatu Walkway from Chapman Strand to Taipari Strand be included in the 2006/2007 Long Term Council Community Plan.

**NOTE:** Council may wish to hold this recommendation until it begins consideration of the 2006/2007 Long Term Council Community Plan, or alternatively resolve that the issue be considered for inclusion in the Long Term Council Community Plan, which is standard Council practice.

2. **OTHER MATTERS CONSIDERED**

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 26 to 35 in the supplement labelled Part C.

**The Board Recommends:**

That the report of the Ordinary Meeting of the Henderson Community Board held on Thursday, 6 November 2003 be received.

HM Jones  
**CHAIRPERSON**

26-35  
Part C



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

### **10 DELEGATED AUTHORITY TO BORROW**

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

The purpose of this report is to formalise delegated authorities associated with the Council's borrowing programme and financial risk management activities for the 2003/2004 financial year and 2004/2005 financial years.

#### **BACKGROUND**

Under the Local Government Amendment Act (No.3) 1996 the Council was required under section 122ZD to raise loans or to enter into any incidental agreements by resolution passed at a meeting open to the public. Such resolutions were required to document the purpose of the loans or incidental agreements, describe the security offered, indicate the considerations of risk and benefits, and indicate that such loans, incidental agreements and security were in accordance with the adopted Borrowing Management Policy.

Under the Local Government Act 2002, section 122ZD was repealed with no new section enacted requiring such a resolution to be passed. However, while the effect of adoption of a Long Term Council Community Plan and an Annual Plan is to provide a formal and public statement of the local authority's intentions in relation to matters covered by such Plans (including the borrowing programme) S.96(2) of that Act provides that a resolution to adopt does not constitute a decision to act on any specific matter included within the plan.

#### **STRATEGIC CONTEXT**

Council uses various funding options to achieve strategic goals. These options are outlined within a number of policy documents adopted during the course of the Long Term Council Community Plan.

The 2003/2004 Annual Plan's new borrowing programme of \$48.260 million, plus the refinancing of \$29.780 million, plus the carry-forward of \$53.652 million of proposed borrowing expenditure related to the 2002/2003 Annual Plan, amounts to a total current borrowing programme of \$131.692 million.

#### **DELEGATED AUTHORITIES**

The Council adopted its Long Term Council Community Plan on 30 June 2003 which approved loan raising to be undertaken. When loans are raised from investors the Council provides security under its Debenture Trust Deed. This provides investors with rates income as security for the repayment of the loan. It is unclear whether the adoption of the borrowing programme as outlined within the Long Term Council Community Plan is explicit to meet the Council's borrowing security arrangements under its Debenture Trust Deed.

In order to clarify the Council's intent and approval to borrow from investors a number of resolutions have been prepared. The resolutions are similar to the previous resolutions that were required under the repealed provisions of the Local Government Amendment Act (No.3) 1996.

## **CREDIT RATING**

With the completion of the credit rating process and with net debt of \$67.350 million reported at year ended 30 June 2003, it is now prudent to consider the most cost effective method of financing the 2003/2004 and future years' borrowing requirements. Ideally, this would mean creating robust facility agreements that would cater for future borrowing requirements.

The Long Term Council Community Plan indicated an intention to increase borrowing levels to \$327.438 million. This level of borrowing does present some risks but with the adoption of the Liability Management and Investment Policy, these risks are considered manageable.

In order to maximise the benefits of the Standard and Poor's credit rating, approval is sought to have the delegation to enter into tactical financial solutions of up to \$300 million. The tactical financial solution encompasses Commercial Paper, Medium Term Notes and supporting standby funding facilities. The issuance of Commercial Paper may be for a period of 90 days duration and then refinanced. It is intended that one facility be put in place with a maximum value of \$300 million which is near the forecasted gross debt shown in the Long Term Council Community Plan.

This facility would be long term and reflects the 10 year borrowing programme. Loan raising in any one year will still be required to be within the approved annual plan debt level set by the Council as part of its planning processes.

## **INCIDENTAL AGREEMENTS**

The Liability Management and Investment Policy includes reference to the use of incidental agreements for hedging risks associated with debt.

In recognition of this, Council's Fund Management function actively monitors and trades in financial instruments for the purpose of minimising both the overall borrowing cost and interest rate risks. It is therefore desirable that the use of financial instruments continues as a valid means of reducing risks in interest rate volatility.

Council also has significant undrawn committed facilities that are used to eliminate the risks associated with liquidity. Again, there is a desirability for such facilities to continue and to renegotiate these on the basis of the Standard and Poor's AA - rating now attributed.

## **CONCLUSION**

A report will be provided to the Finance and Operational Performance Committee in due course discussing the way forward with additional new facilities as high level discussions with financial institutions are in progress. What is necessary at this time is that robust delegations be put in place to address the current borrowing programme. With respect to the Long Term Council Community Plan borrowing patterns, some alterations to delegated authorities are required to minimise the overall costs associated with developing such new facilities, which will provide Council with a significant tactical future advantage.

Council uses borrowings, financial instruments and other incidental agreements for the management of its debt requirements. Council no longer appears to require a separate resolution to enter into specific borrowing arrangements as previously prescribed. However, internal legal advice recommends that resolutions be passed encompassing the borrowing requirements for the 2003/2004 Annual Plan and formalising certain delegated authorities, and that it is equally appropriate to clearly resolve that such borrowing activities as are outlined in this report are approved.

## **RECOMMENDATIONS**

1. That the information be received.
2. That for the purpose of borrowing to carry out or continue the projects identified in the 2003/2004 Annual Plan or carried forward from any previous Annual Plan or for any project approved by Council subsequent to the adoption of such Plan:-
  - a) The security for such borrowing may be a charge over rates under the Debenture Trust Deed if the Chief Executive considers it appropriate.
  - b) The benefits of such borrowing are to enable the Council to carry out the projects identified within the 2003/2004 Annual Plan and Long Term Council Community Plan while spreading the costs for those projects over time to recognise the future benefits, while the risk is that interest rates may vary in the future resulting in higher debt servicing costs to Council.
  - c) The raising of loans, financial instruments and other incidental agreements associated with the Council's debt portfolio comply with the Council's Liability Management and Investment Policy.
  - d) The Council authorises the Chief Executive to increase debt by \$131.692 million in this or the 2004/2005 financial year by way of bank loan or loans, credit facility or facilities, or the issue of commercial paper, medium term notes or stock for the borrowing, secured by the Debenture Trust Deed, not exceeding the Annual Plan forecast 30 June 2004 gross debt position of \$189,861 million.
  - e) The Chief Executive be delegated the authority to negotiate and agree the terms, interest rates payable by the Council, the frequency of interest payments, the timing of draw downs, the number of loans or issues of commercial paper, medium term notes or stock which make up the borrowings, and all other terms and conditions of such loans or facilities as may be necessary for the obtaining of such loan or loan facilities and to execute any agreements, documents and certificates in respect of such loans or loan facilities on behalf of the Council.
3. That the Chief Executive be authorised to sub-delegate the powers, duties and discretions delegated to him, under the resolutions above to the Director: Finance or other Council officers as he considers appropriate.
4. That the Chief Executive and the Director: Finance be delegated authority to act as Council's authorised representatives for the purpose of renegotiating various facility agreements currently in existence.
5. That the Chief Executive and the Director: Finance be delegated authority to act as Council's authorised representatives, subject to satisfactory review by the Council's Solicitors, whether internal or external, for the purpose of executing under seal any renegotiated facility.
6. That the Chief Executive and the Director: Finance be delegated authority to act as Council's authorised representatives for the purpose of negotiating tactical financial solutions equal to, but not exceeding, \$300 million that will provide coverage of Council's current and future borrowing requirements.
7. That the Chief Executive and the Director: Finance be delegated authority to act as Council's authorised representatives, subject to satisfactory review by the Council's Solicitors, whether internal or external, for the purpose of executing under seal any such tactical financial solutions.

8. That delegated authority be given to the Director: Finance, with the approval of the Chief Executive and subject to satisfactory review by the Council's Solicitors, whether internal or external, to execute under seal any International Swap Dealers Association Master Agreement between approved counter parties associated with financial instruments.

Report prepared by: Bruce Wilkin, Funds Accountant.



## 11 TRIENNIAL AGREEMENT

### **PURPOSE OF THE REPORT**

The purpose of this report is to inform Council as to progress towards completion of the first Triennial Agreement for the Auckland region and seek Council direction for completion and execution of the Agreement.

### **STRATEGIC CONTEXT**

Under s.15 of the Local Government Act 2002 ("LGA02"), all local authorities within a region must enter into an Agreement containing protocols for communication and co-ordination among them, and for consultation on proposals for new Regional Council activities, for the period up to the next Triennial General Election of members. Local Government Act 2002 requires that the Agreement be executed and signed by 31 December 2003.

### **DISCUSSION**

*A1-A5*

Since Council last considered this matter on 26 October, the Regional Working Party has met again and further changes have been made to the draft Agreement. Attached at pages A1 to A5 is a redlined copy of the Agreement, showing the changes made since 29 October 2003.

These changes:

- a) Reflect the changes requested by this Council at its meeting on 29 October 2003. The issue relating to Council controlled organisations (Page 1 under the heading "Scope" has not gone completely but is removed for the moment. It will of course be necessary to renegotiate the Triennial Agreement following the elections in October 2004.
- b) Contain some new items inserted, for example bullet-point 5 on page 2, the penultimate bullet-point on page 2 and some additional words (which seem quite unnecessary) at the end of the first bullet-point on page 3. None of these additions are perceived as causing any difficulty to this Council.

The errors of grammar and syntax which previously existed in the document remain. A further attempt will be made to have those matters attended to before a final version of the Agreement is printed for execution, although Council will be aware that these changes require sign-off from seven other parties.

### **RECOMMENDATIONS**

1. That the information be received.
2. That the Triennial Agreement in the form attached at pages A1 to A5 to the Agenda be approved for execution, and that the Chief Executive be authorised to make minor changes to reach final agreement.

Report prepared by: Denis Sheard, Legal Services Manager.



12 **AUCKLAND AND NORTHLAND COMMUNITY BOARDS' ASSOCIATION MEETING**

**PURPOSE OF THE REPORT**

The purpose of this report is to request Council approval to meet the cost of attendance by Waitakere Community Boards' representatives at the December meeting of the Auckland and Northland Community Boards' Association meeting in Paihia on Saturday, 6 December 2003.

**BACKGROUND**

All four of Waitakere City Council's Community Boards are members of the Auckland and Northland Community Boards' Association. The Association meets quarterly to discuss community board business and provides for sharing information, networking and training aspects of being a community board elected member.

**ISSUES**

The December 2003 meeting of the Association is being hosted in Paihia by the Community Boards of the Far North District Council. There are costs of travel to Paihia for this meeting and one nights accommodation, which do not seem unreasonable when travelling so far for a full day meeting. Usually the Association meets in Auckland and attendance by representatives of Waitakere City Community Boards' representatives has not incurred any costs. The meetings are held on Saturdays.

**RESOURCES**

The Council provided a budget in the 2003/2004 Annual Plan for Community Board general expenses. There are sufficient funds available for the Council to meet the costs of one representative from each of the Henderson, Massey, New Lynn, and Waitakere Community Boards to attend this meeting.

**CONCLUSION**

A Council decision on attendance at this meeting is sought.

**RECOMMENDATIONS**

1. That the information be received.
2. That attendance by one representative from each of the Henderson, Massey, New Lynn and Waitakere Community Boards at the Auckland and Northland Community Boards' Association meeting at Paihia on 6 December 2003, be approved with costs of travel and one nights accommodation being met by the Council.

Report prepared by: Darryl Griffin, Group Manager Democracy and Support Services.



**13 ATTENDANCE AT TE WAKA AWHINA O AOTEAROA CONFERENCE**

**PURPOSE OF THE REPORT**

The purpose of this report is to enable Council to consider a request by Te Taumata Runanga to enable additional members of Te Taumata Runanga to attend Te Waka Awhina O Aotearoa Conference.

**BACKGROUND**

At its meeting held on 13 October 2003, Council approved attendance at Te Waka Awhina o Aotearoa Conference by three members of Te Taumata Runanga namely, Mihi Te Huia, Poata Northcroft and Wiremu Hetaraka.

The budget for Te Taumata Runanga provides for three members to attend Te Waka Awhina o Aotearoa Conference.

Due to confusion around the minutes of Te Taumata Runanga, the intention of the Committee to request Council to provide additional resourcing to enable two further representatives to attend the Conference was not picked up.

Te Taumata Runanga have now clarified their intention and accordingly a request is brought before Council.

**ISSUES**

The Maori Issues budget for supporting Te Taumata Runanga provides for three members to attend Te Waka Awhina o Aotearoa Conference. Council has approved this attendance. Te Taumata Runanga has requested that two further representatives namely, Ada Lauese and Gary Waho, be sent to the conference if additional funding could be made available.

There is no additional funding for this purpose in the budget allocated to support Te Taumata Runanga. However, the Maori Issues Manager advises that it would be possible given the moderate cost of the conference (\$500 all up per person), for funding to be transferred from the protocol budget.

This would not impact greatly on the delivery of the work programmes given current budget tracking.

From a staff perspective, there is considered to be some benefit in attendance at the conference for members of Te Taumata Runanga.

The Council's direction on this issue is sought.

**RECOMMENDATIONS**

1. That the information be received.
2. That attendance at Te Waka Awhina o Aotearoa Conference by Ada Lauese and Gary Waho be approved and that funding be made available for this purpose from the Maori Issues protocol budget.

Report prepared by: Warahi Paki, Manager: Maori Issues and Ngareta Delamere, Committee Secretary.



**14 2004 MEETING SCHEDULE AND ASSOCIATED ISSUES**

**PURPOSE OF THE REPORT**

A6-A18

The purpose of this report is to present to Council for consideration and adoption the proposed 2004 Meeting Schedule, which includes the timetable for the 2004/2005 Annual Plan, and to seek Council's confirmation regarding Community Board and Te Taumata Runanga representation in the Annual Plan process. The 2004 Meeting Schedule is attached at pages A6 to A18.

**2004 MEETING SCHEDULE**

The basis of preparation of the 2004 Meeting Schedule is similar to that used in preparing the 2003 Meeting Schedule. The only notable change is that which arises from a change introduced by the Local Government Act 2002, which no longer provides for "Special" or "Emergency" Meetings. Nevertheless, one day a month is, as in 2003, set aside (as an additional "Ordinary" Meeting) to accommodate any needs for "special" requirements. If not required, the meeting will be cancelled.

For convenience of Councillors, Te Roopu Puawai, Youth Council, Pacific Island Advisory Board continue to be shown on the schedule, but do not form part of the recommendation to the Council. Keep NZ Beautiful is no longer included as was the case with the 2003 Schedule since it is now a separate entity from Council. The Local Government Conference, the 2004 Community Board Conference, and the LGNZ Zone One meetings will be added to the schedule, at a later date once the meeting dates are available.

**2004/2005 ANNUAL PLAN**

Each year the Council produces a work programme (the Annual Plan) for the city in respect of the forthcoming financial year. The Annual Plan sets out the services and activities the Council will deliver, what it will cost and how the services will be paid for.

The intended dates for the Council to consider the 2004/2005 draft Annual Plan are included in the 2004 Meeting Schedule. It is based on the timeline indicated to the Long Term Council Community Plan and Annual Plan Special Committee meeting held on 20 October 2003.

In accordance with past practice, Community Boards and Te Taumata Runanga representatives are to be appointed to attend all meetings of the Long Term Council Community Plan and Annual Plan Special Committee to consider the process and approve the Annual Plan, and that the representatives are to be accorded speaking rights at these meetings.

**CONCLUSION**

The 2004 Meeting Schedule including the 2004/2005 Annual Plan meeting dates is presented to the Council for consideration. Also presented for consideration is the provision for the Chairpersons (or their designated alternate) of the Community Boards and Te Taumata Runanga to be required to attend all meetings of the Long Term Council Community Plan and Annual Plan Special Committee as in previous years.

**RECOMMENDATIONS**

1. That the information be received.
2. That the 2004 Meeting Schedule for the Council, its Standing Committees (including Te Taumata Runanga), Special Committees, Subcommittees and Community Boards as attached at pages A6 to A18 of the agenda be adopted.
3. That the Chairpersons of the Community Boards and Te Taumata Runanga or their designated alternates be required to attend all meetings of the Long Term Council Community Plan and Annual Plan Special Committee held to consider, progress and approve the 2004/2005 Annual Plan and further that they be accorded speaking rights at those meetings.

Report prepared by: Audrey Chan, Committee Secretary.

HV O'Rourke  
**CHIEF EXECUTIVE**



**PART E - PUBLIC EXCLUDED ITEMS**

**15 WAITAKERE STADIUM - AGREEMENT TO BE NAMING RIGHTS SPONSOR FOR SPORTS FIELD AND ALL WEATHER ATHLETIC TRACK**

This item has been circulated to members separately with this agenda in the Confidential Supplement and will be considered with the public excluded.



**16 ESTABLISHMENT OF THE TE ATATU MARAE DEVELOPMENT GROUP**

This item has been circulated to members separately with this agenda in the Confidential Supplement and will be considered with the public excluded.



**17 PROPOSAL TO ACQUIRE LAND**

This item has been circulated to members separately with this agenda in the Confidential supplement and will be considered with the public excluded.

**PROCEDURAL MOTION TO EXCLUDE THE PUBLIC**

1. That the public be excluded from the following part of the proceedings of this meeting, namely Waitakere Stadium - Agreement to be Naming Rights Sponsor for Sports Field and All Weather Athletic Track and The Establishment of the Te Atatu Marae Development Group, Proposal to Acquire Land and the Finance and Operational Performance Committee - Project Twin Stream Streams: Property Purchase.

The general subject of the matters to be considered while the public is excluded, the reason for passing this resolution in relation of the matters, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each of the matters to be considered.	Reason for passing this resolution in relation to each of the matters.	Ground(s) under Section 48(1)(a) for the passing of this resolution.
<ul style="list-style-type: none"> <li>• Waitakere Stadium - Agreement to be Naming Rights Sponsor for Sports Field and All Weather Athletic Track</li> <li>• Establishment of the Te Atatu Marae Development Group</li> <li>• Proposal to Acquire Land</li> <li>• Finance and Operational Performance Committee - Project Twin Stream Streams: Property Purchase</li> </ul>	<p>The withholding of information is necessary in order to:</p> <ul style="list-style-type: none"> <li>• enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);</li> <li>• protect the privacy of natural persons, including that of deceased natural persons;</li> <li>• enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);</li> <li>• enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</li> </ul>	<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 Sections 7(2)(a) and 7(2)(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 matters will address information which if released would affect the Council's negotiations and information regarding applicants for appointment to the Te Atatu Marae Development Group which if released would affect the privacy of the applicants.*

2. That Graham Wakefield, Consultant, Legal Services be permitted to remain at this meeting, after the public has been excluded, because of his knowledge of the matters being discussed. This knowledge, which will be of assistance in relation to the matters to be discussed, is relevant to those matters because of background information and advice which will be required by Council when assessing options available to it and in explaining any decision to the community.



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**PART F - STANDING COMMITTEE REPORTS**

**18 CITY DEVELOPMENT COMMITTEE**

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

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**MATTERS CONSIDERED**

*1-5  
Part F*

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 5 in the supplement labelled Part F. The public excluded minutes are attached in the Confidential Supplement circulated to members separately with this agenda.

**Your Committee Recommends:**

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

CA Stone  
**CHAIRPERSON**



**19 FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE**

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORTS OF ITS ORDINARY MEETINGS HELD ON THURSDAY, 23 OCTOBER 2003 AND MONDAY, 10 NOVEMBER 2003**

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**1. QUARTERLY REPORT OF WAITAKERE CITY HOLDINGS LIMITED AND SUBSIDIARIES**

**Your Committee Recommends:**

That a meeting be arranged between Council and Techscape Limited Board of Directors, to discuss issues raised in the presentation to the Finance and Operational Performance Committee regarding Techscape Limited's First Quarter Report 2003/2004 and the 2002/2003 Annual Report.

**2. PROJECT TWIN STREAMS: PROPERTY PURCHASE**

The Finance and Operational Performance Committee's report regarding the Project Twin Streams: Property Purchase will be considered, as set out in the Confidential Supplement, during the public excluded section of the meeting.

3. **OTHER MATTERS CONSIDERED**

6-24  
Part F

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 6 to 24 in the supplement labelled Part F. The public excluded minutes are attached in the Confidential Supplement circulated to members separately with this agenda.

**Your Committee Recommends:**

That the report of the Ordinary Meetings of the Finance and Operational Performance Committee held on Thursday, 23 October 2003 and Monday, 10 November 2003 be received.

JM Clews, QSO, JP  
**CHAIRPERSON**



20 **ENVIRONMENTAL MANAGEMENT COMMITTEE**

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORTS OF ITS EXTRAORDINARY MEETING HELD ON WEDNESDAY, 22 OCTOBER 2003 AND THE ORDINARY MEETING HELD ON WEDNESDAY, 11 NOVEMBER 2003**

1. **WAITAKERE CITY COUNCIL - CONTROL OF LIQUOR IN PUBLIC PLACES BYLAW 2003**

**Your Committee Recommends:**

That the Control of Liquor in Public Places Bylaw 2003, as set out below, be adopted:

**CONTROL OF LIQUOR IN PUBLIC PLACES BYLAW 2003**

**Title and Commencement**

1. This Bylaw is the Control of Liquor in Public Places Bylaw 2003 made pursuant to section 147 of the Local Government Act 2002.
2. This Bylaw comes into force on the date on which it is approved by Council resolution.

**Interpretation**

3. In this Bylaw:
  - (a) **Act** - means the Local Government Act 2002
  - (b) **Council** - means Waitakere City Council
  - (c) **Holiday Period** - subject to Clause 4, means any day in any year during the periods beginning with:
    - (i) 24 December and finishing with the second Sunday in January of the following year ("Christmas/New Year Holiday");

- (ii) the Friday immediately preceding Auckland Anniversary Day and finishing with Auckland Anniversary Day;
- (iii) 5 February and finishing with 6 February ("Waitangi Day");
- (iv) the Thursday immediately preceding Good Friday and finishing with the following Tuesday;
- (v) 24 April and finishing with 25 April ("Anzac Day");
- (vi) the Friday before Queen's Birthday and finishing on Queen's Birthday;
- (vii) the Friday before Labour Day and finishing with Labour Day;

and 5 November in any year.

- (d) **Liquor** - has the meaning given to it in the Sale of Liquor Act 1989
- (e) **Public Place** - means a place within Waitakere City:
  - (i) That is under the control of the Council; and
  - (ii) That is open to, or being used by, the public, whether or not there is a charge for admission; and includes
  - (iii) A road, whether or not the road is under the control of the Council; and
  - (iv) A part of a Public Place;but does not include any part of a Public Place which is the subject of a licence issued under the Sale of Liquor Act 1989.
- (f) **Special Event** - means any event, function or gathering of defined duration to be held in whole or in part in a Public Place.

4. In any year where:

- (a) The Christmas/New Year Holiday falls to begin:
  - (i) on a Friday, the Holiday Period will begin on the preceding Thursday;
  - (ii) on a Saturday, Sunday, Monday or Tuesday, the Holiday Period will begin on the preceding Friday.
- (b) Waitangi Day, Anzac Day or 5 November falls on a Friday or a Monday, the relevant Holiday Period will extend to include the immediately following, or preceding, Saturday and Sunday.

**Holiday Period Liquor Bans**

- 5. No person may, between the hours of 5.00 pm on any day in a Holiday Period and 5.00 am on the following day bring liquor into, possess liquor in or consume liquor in any Public Place within those parts of Marine Parade South, Piha South Road Reserve, Piha Domain, Lion Rock, Marine Parade North, North Piha Strand, Piha Esplanade Reserve, Les Waygood Park, North Piha Road and North Piha Esplanade at Piha outlined in black on the plan attached at Schedule 1 of this Bylaw.

**Special Event Liquor Bans**

6. The Council may at any time by ordinary resolution resolve to prohibit any person from bringing liquor into, possessing liquor in, or consuming liquor in any Public Place or part of a Public Place specified in that resolution for the purposes of a Special Event at such times or for such periods as may be specified in that resolution.
7. Before passing a resolution under clause 6 the Council must be satisfied that the benefits, in terms of the safe and effective conduct of the Special Event, of the proposed ban outweigh any disadvantages from the imposition of the ban upon the rights of the public.

**Police Powers**

8. For the purposes of Section 170(4) of the Act, it is recorded that the police may exercise powers of search and seizure under section 170(2) of the Act:
  - (a) on any day in a Holiday Period during the hours specified in clause 5 of this Bylaw;
  - (b) during any Special Event to which a ban under clause 6 of this Bylaw applies.

**Breach of Bylaw**

Any person who acts in breach of any provision of this Bylaw commits an offence and is liable to penalty as prescribed in Section 242 of the Local Government Act 2002.

**2. OTHER MATTERS CONSIDERED**

25-35  
Part F

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 25 to 35 in the supplement labelled Part F. The public excluded minutes are attached in the Confidential Supplement circulated to members separately with this agenda.

**Your Committee Recommends:**

That the report of the Extraordinary Meeting held on Wednesday, 22 October 2003 and the Ordinary Meeting of the Environmental Management Committee held on Tuesday, 11 November 2003 be received.

PA Hulse  
**CHAIRPERSON**



**PART G - PRESENTATIONS**

**Presentations will take place at 7.45 pm.**

**21 NINGBO**

A19

On Wednesday, 2 December 1998, Mayor Bob Harvey and Mr Chen Tai Sheng on behalf of the Mayor of Ningbo City signed an agreement to enter into a formal Sister City relationship. To mark the 5th anniversary of this occasion a delegation from Ningbo will be attending the meeting to sign a Memorandum of Understanding for 2004 (refer page A19). The delegation members are:

Mrs Li Xiuli	Adviser to Ningbo Municipal People's Government
Mrs Lu Yong	Deputy Secretary-General of Ningbo Municipal People's Government
Mr Qui Weikang	Deputy Director of Ningbo Foreign Affairs Office
Mr Pan Bailin	Deputy Director of Development Office, Ningbo Construction Commission
Mr Xu Pingyuan	Interpreter of Ningbo Foreign Affairs Office
Mrs Yin Xindi	Counsel of the Standing Committee of Ningbo People's Congress

In recognition of the partnership agreement Mrs Li Xiuli, the delegation leader, will present to the City a pair of Jin Dezhen porcelain vases ( 1.8m in height) which will be on display in the Council Chamber.

A reciprocal gift will be presented to Ningbo City in 2004 when a delegation from Waitakere travels to Ningbo.

**22 INDIAN TRADITIONAL DANCE**

The group, Bollywood Dancers, who have performed in the Diwali Celebrations, will present two items of Indian Traditional Dance.

**23 YOUTH COUNCIL**

Mayor Bob Harvey will present Leaving Certificates to Youth Councillors leaving, a Commendation Certificate to Ben Harawira for his support and actions in promoting youth safety in Waitakere City, and the Mayor Bob Harvey Cup for Leadership.



**PART H - PROCEDURAL MATTERS**

**24 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.



**25 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.



**26 CLOSING PRAYER**

