



NOTICE OF MEETING

COUNCIL

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

DATE: **Wednesday, 27 August 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: **No Public Forum will precede the Council meeting this month**

25 August 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, 27 AUGUST 2003 COMMENCING AT 5.30 PM**

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**AGENDA FOR AN ORDINARY MEETING OF THE COUNCIL TO BE HELD IN THE
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ON WEDNESDAY, 27 AUGUST 2003 COMMENCING AT 5.30 PM**

PART A - OPENING OF MEETING

1 OPENING PRAYER

Sister Margaret from St Paul's Catholic Parish will say the Opening Prayer.



2 APOLOGIES



3 CONFIRMATION OF MINUTES

Ordinary - Wednesday, 23 July 2003

Ordinary - Wednesday, 30 July 2003

RECOMMENDATION

That the minutes of the Ordinary Meetings of the Council held on Wednesday, 23 July 2003 and Wednesday, 30 July 2003, 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 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 WARU O HERE-TURI-KOKA 2003

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON MONDAY, 18 AUGUST 2003

MATTERS CONSIDERED

*1-5
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 5 in the supplement labelled Part C.

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, 18 August 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, 4 AUGUST 2003

MATTERS CONSIDERED

*6-14
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 6 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, 4 August 2003 be received.

EG Francke
CHAIRPERSON



7 **WAITAKERE COMMUNITY BOARD**

**YOUR BOARD SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING
HELD ON TUESDAY, 5 AUGUST 2003**

1. **THE PROVISION OF PARKING RESTRICTIONS IN the SWANSON RAILWAY
STATION PARK CAR PARK**

The Board Recommends:

SWANSON STATION PARK, SWANSON (Lot 1 DP 188043)

1. That pursuant to section 591 of the Local Government Act 1974 and Clause 9 of the Waitakere City Council Bylaw No. 7 1991-Traffic, the following place be authorised, appointed and declared to be used as a parking place as defined by subsection (6) of the Act namely:

- Lot 1 188043 760 Swanson Road known as Swanson Station Park.

2. That subject to Council adopting recommendation 1. above, then in accordance with the powers conferred by virtue of the Local Government Act 1974, the Transport Act 1962 and the Waitakere City Council Bylaw No 7, 1991 - Traffic, the following parking limitations and restrictions be now resolved to be specified and imposed namely:

- on the northern side of the car park, adjoining Swanson Road in front of the Railway Station, fourteen right angled car parking spaces, for approx. 35 metres in length, **P120 Monday to Saturday** parking restriction.

and, that the appropriate signage and/or road markings, in accordance with the provisions of the Traffic Regulations 1976 be hereby approved to be put in place to properly establish, delineate and record the said parking limitations and restrictions.

3. That the parking restrictions be revised in twelve months following monitoring of the use of the car park.

2. **OTHER MATTERS CONSIDERED**

15-23
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 23 in the supplement labelled Part C.

The Board Recommends:

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

CA Shepherd, JP
CHAIRPERSON



8 **MASSEY COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING
HELD ON WEDNESDAY, 6 AUGUST 2003**

1. **LEASE TO SWANSON SCOUT GROUP**

The Board recommends:

That the Chief Executive be given authority in the absence of any objections or submissions on the reclassification to apply to the Department of Conservation for the reclassification of the part of Ranui Domain to be occupied by the Swanson Scout Group hall (part Allotment 576, Waipareira Parish on Survey Office plan 46181) under Section 24 of the Reserves Act 1977 as a local purpose (community buildings) reserve as specified in Section 23 of that Act for the purposes of granting a lease to the Scout Association of New Zealand.

2. **THE PROVISION OF PARKING RESTRICTIONS IN THE MASSEY LEISURE CENTRE AND LIBRARY CAR PARK**

The Board recommends:

1. That pursuant to Section 591 of the Local Government Act 1974 and the Waitakere City Council Bylaw No. 7 1991-Traffic, the following place be authorised, appointed and declared to be used as a parking place as defined by subsection (6) of the Local Government Act namely:
 - Lot 1 DP 174335, 545 Don Buck Rd, known as the Massey Leisure Centre and Library.
2. That subject to Council adopting recommendation 1 above, then in accordance with the powers conferred by virtue of the Local Government Act 1974, the Transport Act 1962 and the Waitakere City Council Bylaw No 7, 1991 - Traffic, the following parking limitations and restrictions be now resolved to be specified and imposed namely:
 - on the western side of the car park, and immediately in front of the entrance to the Massey Leisure Centre, three angled car parking spaces, for approx. 12 metres in width, a **MOBILITY PARKING, P120 AT ALL TIMES** parking restriction;
 - on the western side of the car park, parallel with the kerb, in a northerly direction for approx. 30 metres, a **P5 LOADING ZONE, MONDAY TO SUNDAY PARKING** restriction;
 - and, that the appropriate signage and/or road markings, in accordance with the provisions of the Traffic Regulations 1976 be hereby approved to be put in place to properly establish, delineate and record the said parking limitations and restrictions.

3. **OTHER MATTERS CONSIDERED**

24-30
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 24 to 30 in the supplement labelled Part C.

The Board Recommends:

That the report of the Ordinary Meeting of the Massey Community Board held on Wednesday, 6 August 2003 be received.

RF Jessopp
CHAIRPERSON



9 **HENDERSON COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING
HELD ON THURSDAY, 7 AUGUST 2003**

1. **LEASE OF COVIL PARK COMMUNITY BUILDING (OLD TE ATATU WOMEN'S
BOWLING CLUB)**

Your Board Recommends:

That the Chief Executive be given authority in the absence of any objections or submissions on the reclassification to apply to the Department of Conservation under section 24 of the Reserves Act 1977 for the reclassification of the part of Lot 90 on Deposited Plan 39914 occupied by the former Te Atatu Women's Bowling Club buildings as a local purpose (community and educational buildings) reserve as specified in section 23 of that Act for the purposes of granting a lease to the Iranian Community Trust.

2. **OTHER MATTERS CONSIDERED**

31-39
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 31 to 39 in the supplement labelled Part C.

The Board Recommends:

That the report of the Ordinary Meeting of the Henderson Community Board held on Thursday, 7 August 2003 be received.

HM Jones
CHAIRPERSON



PART D - REPORTS OF THE CHIEF EXECUTIVE

10 WHENUAPAI AIRBASE - ECONOMIC AND SOCIAL IMPACTS OF CLOSURE

PURPOSE OF THE REPORT

This report provides background for a presentation by the Chairman of the Mayoral Taskforce on Whenuapai on the economic and social impacts of the Whenuapai airbase being closed. Consultants from the New Zealand Institute of Economic Research (NZIER) will also present the results of their research.

BACKGROUND

On 9 December 2002 the Crown signalled that it would downsize New Zealand Defence Force operations at Whenuapai and vacate the base within the next 1-5 years. The transition of the airbase land from military to some other use will have implications for the economies of the City and the region. The timing and process for the transition is not clear at this stage; however it is important that Council is in a position to react positively to any formalised decisions and processes set in train by the Ministry of Defence. Council has established a Mayoral Taskforce to consider the implications of the airbase being closed and the Taskforce is actively researching and discussing the case for developing a second commercial airport for the Auckland region at Whenuapai.

In the early 1990's the airbases at Hobsonville and Whenuapai (Base Auckland) employed over 1,800 people. This comprised the largest single employment centre in the City, and at the time represented nearly 6% of all employment located in Waitakere City. Since that time the Government has closed Hobsonville airbase, and has indicated that Whenuapai will be scaled down over the next five years.

Although the Waitakere economy has grown and diversified throughout the 1990's, there have already been significant impacts from the loss of employment at Hobsonville and Whenuapai, particularly over the last three years. These impacts will be exacerbated with the further loss of employment at the larger Whenuapai Airbase. In order to assess the magnitude of the economic and social losses that the City will suffer, Enterprise Waitakere contracted the New Zealand Institute of Economic Research to determine these effects.

STRATEGIC CONTEXT

A leading strategic priority for Waitakere City Council is the creation of a strong local economy and more local jobs - the future development of the Whenuapai area is recognised as being a key project for the City in relation to this objective.

The airbase represents a substantial physical resource in a strategic location. Because of the combination of existing use rights and the current infrastructure it would be difficult if not impossible to replicate this resource elsewhere in the Auckland region.

ISSUES

A1-A47 The New Zealand Institute of Economic Research report (attached at pages A1 to A47) indicates that:

- there are currently 1,067 personnel at Whenuapai (compared with 1,800 at peak in 1992 for Base Auckland);
- there are another 586 jobs generated locally in supplier companies;
- Whenuapai contributes \$103 million each year directly to the City's economy. A further \$132 million per year would be lost from other downstream activities in Waitakere with the airbase closure;
- the total direct and indirect loss is therefore \$235 million per year, and 1,647 jobs;
- a further \$21 million annually would be lost to the North Shore and Rodney economies;
- when the airbase closes, up to 355 privately owned houses and 421 airbase houses could be released onto the local housing market within a very short period;
- local schools at Whenuapai and Hobsonville will lose over 100 pupils (11% of their enrolment) and some staff;
- many local community groups will lose membership and support;
- there could be delayed response times to local fire and civil defence emergencies as a result of the withdrawal of support from the RNZAF fire service. (Base personnel currently assist with the control of nearby fires and with car accidents).

RESOURCES

The focus of work at this stage is to continue facilitating and developing strategic relationships with central government, key stakeholders and potential partners to ensure that the true impact of Base Auckland closure is fully understood by the relevant parties and that options to mitigate that impact are investigated and actioned as appropriate.

CONCLUSION

The closure of Base Auckland will have significant social and economic impacts to Waitakere City and the wider region. It is important that these impacts are recognised and addressed at both a Central Government and local level and that clear direction, process and timing for future development at Whenuapai is provided as soon as practicable.

RECOMMENDATIONS

1. That the information be received.
2. That Council continues to work with the Government to mitigate the economic and social losses the City will suffer as a result of the closure of Base Auckland.
3. That Council, through the Mayoral Taskforce, undertakes discussions with parties significantly affected by the airbase closure in order to determine methods by which these economic and social effects could be alleviated.

Report prepared by: Steve Wilcox, Project Manager, Strategy and Development.



11 **AUCKLAND REGION CIVIL DEFENCE EMERGENCY MANAGEMENT GROUP -
AMENDMENT TO ESTABLISHMENT AGREEMENT**

PURPOSE OF THE REPORT

The purpose of this report is to enable the Council to consider a late amendment to the *Auckland Region Civil Defence Emergency Management Group Establishment Agreement, Functions and Powers* document which was considered earlier in 2003.

BACKGROUND

As Council will be aware, the Civil Defence Emergency Management Act 2002 (hereinafter "the Act") requires each regional Council and all Territorial Local Authorities within that region to unite to establish a Civil Defence Emergency Management Group (hereinafter "CDEMG") as a joint committee. For the Auckland Region this has now been completed.

As part of the work done around establishment of the CDEMG, an establishment agreement was drafted and agreed to at staff and political representative level. This agreement was adopted by all of the Territorial Local Authorities in the region at the time the joint committee was established. The Auckland Regional Council (hereinafter "ARC"), at a late stage, has raised a concern over the section of the document relating to funding of the CDEMG. The Auckland Regional Council has resolved not to sign the document until clause 24.3 has been either deleted or amended.

The issue of continuity of the committee following each Triennial Election has also arisen. A mechanism for dealing with this issue is also addressed in this report.

ISSUES

Establishment Agreement - Funding Provisions and Minor Amendments

The original clause 24.3 reads as follows:

"The agreed Group budget will be met by the members of the Group via a funding formula to be agreed by the Group. The formula can be reviewed by a majority decision by the Group, notwithstanding the right of each Council to determine its funding contribution through its own annual plan process."

The Auckland Regional Council has expressed concern at the word *notwithstanding*, seeing this clause gives the CDEMG the power to set a funding formula which could put pressure on individual member Councils. This is despite the expressed provisions in the remainder of section 24 that each Council retains the power to determine its own contribution in each year.

It seems that an amended version of the establishment document is necessary. The following wording for clause 24.3 has been reviewed by the Co-ordinating Executive Group of the CDEMG and appears acceptable to all Councils.

"The agreed Group budget will be met by the members of the Group via a funding formula to be recommended by the Group to members. The formula to be recommended can be reviewed by a majority decision by the Group. The funding formula shall be subject to approval by each member and each member shall retain the ability to determine its own funding contribution through its Annual Plan process."

A48-A64 An amended version of the document containing this amended clause is appended at pages A48 to A64, and is recommended for adoption. The amended version now addresses a number of other minor amendments due to the Local Government Act now being in force.

Continuity of Civil Defence Emergency Management Group following Triennial Elections

The issue of continuity of the committee following each Triennial Election has also arisen. This can be dealt with under the Local Government Act 2002 by each member authority resolving that the committee not be discharged at each Triennial Election. A resolution to achieve this is set out below and the agreement has been changed to reflect this.

CONCLUSION

The Auckland Regional Council has raised an issue with the wording of a funding clause in the *Auckland Region Civil Defence Emergency Management Group Establishment Agreement, Functions and Powers* document. An amended document which deals with that issue has been prepared and is recommended for adoption. The amended version now addresses a number of other minor amendments due to the Local Government Act now being in force.

In addition, the issue of continuity of the committee following each Triennial Election has arisen. A recommendation for dealing with this issue is set out below.

RECOMMENDATIONS

1. That the information be received.
- A48-A64 2. That the amended *Auckland Region Civil Defence Emergency Management Group Establishment Agreement, Functions and Powers* document set out at pages A48 to A64 be adopted as the Establishment Agreement, Functions and Powers of the Auckland Region Civil Defence Emergency Management Group and that approval be given for the document to be executed under common seal, and further that the Chief Executive, in conjunction with the Chairman of the Emergency Services Special Committee, be authorised to make any minor variations to the document required to gain agreement with other member authorities.
3. That the Auckland Region Civil Defence Emergency Management Group Joint Committee (and any Sub Committees or Committees it has duly constituted) be deemed not to be discharged on the coming into office of the members of the council elected at the next triennial general election of members as provided for by clause 30(7) of schedule 7 of the Local Government Act 2002, and that each member be continued to be represented by their incumbent representative until they have appointed a representative following the said triennial election.

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



12 **LOCAL AUTHORITIES (MEMBERS' INTEREST) ACT 1968 - DECLARATION BY CONTROLLER AND AUDITOR-GENERAL RE WAITAKERE RANGES**

PURPOSE OF THE REPORT

The purpose of this report is to advise Council of a Declaration made by the Controller and Auditor-General pursuant to section 6 (4) of the Local Authorities (Members' Interest) Act 1968

BACKGROUND

Council is to consider proposals that may lead to the establishment of a Waitakere Ranges protection area. A range of methods has been mooted, including district plan changes and special legislation. At this stage, it seems likely that land owned by His Worship the Mayor, and Councillors Hulse, Stone, Presland, and Yates may fall within the proposed protection area.

STRATEGIC CONTEXT

Council has a reputation, both nationally and internationally, for championing natural heritage and ecological issues over many years. It is accepted that matters of natural heritage hold a special significance in Waitakere City. This is due to the local prominence of the Waitakere Ranges which, despite being adjacent to a large metropolis and having a significant proportion their area in private ownership with some residential development, are still largely covered in native forest and retain relatively unspoilt feel.

ISSUES

If the protection area proceeds, it is likely to impose significant controls over activities that are allowed to occur in the Waitakere Ranges. There is a reasonable chance that this will have some effect on the value of land that is within the protection area (although it is too soon to say whether this effect will be positive or negative, or to predict the extent of any such effect). For that reason persons who own land in the area may well have a pecuniary interest in the matter.

Following a survey of Members, Council, on behalf of those with land interests in the area likely to be affected, made an application to the Auditor-General requesting a declaration.

The Controller and Auditor General has advised that he is satisfied that to apply section 6 (1) of the Act to this matter would not be in the interests of the City or its electors or inhabitants and that he has made a declaration accordingly.

The declaration is in the following terms:

"The Audit Office declares, under section 6 (4) of the Local Authorities (Members' Interest) Act 1968, that section 6 (1) of the Act will not apply with respect to discussion or voting on any matter before the Waitakere City Council or any of its committees directly concerning proposals to establish a Waitakere Ranges protection area. This declaration will continue in effect until the next triennial elections of the Council."

A65-A70

A full copy of the declaration is attached at pages A65 to A70.

CONCLUSION

The Auditor-General has made a declaration under section 6 (4) of the Local Authorities (Members' Interest) Act and has advised that Council be made aware of the declaration.

RECOMMENDATION

That the information be received.

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



13 HOLIDAY PERIOD LIQUOR BANS

PURPOSE OF THE REPORT

The purpose of this report is to inform Council as to the steps that need to be taken under the new Local Government Act 2002 (LGA02) if it is intended to have liquor bans operating over the Christmas and New Year period 2003/2004.

STRATEGIC CONTEXT

The availability and use of alcohol is linked to many of Council's key objectives, including community safety and the general health and well-being of the community. Council is intimately involved in liquor matters through its role as a District Licensing Agency and as a regulatory body policing licensing requirements and public health bylaws.

ISSUES

Under the Local Government Act 1974 (LGA74), Council could impose liquor bans under s.709A-H. Traditionally the majority of territorial authorities impose the bans on an ad hoc basis. Territorial authorities with perceived problem holiday destination areas would usually resolve to ban liquor from specified parts of the district before the beginning of the holiday period, on an annual basis.

Practice in Waitakere City followed the national norm. In or about September of each year Council would resolve to impose liquor bans at Piha, in respect of public holidays from Labour Day in October through Christmas/New Year and up to Queen's Birthday in the following year. Those bans were not only site specific but also time specific. They referred to the specific dates and years to which they related.

Section 709 LGA74 was repealed by LGA02. Section 314 LGA02 provides that a liquor ban imposed under LGA74 will continue in force until 1 December 2004 "unless it is sooner revoked or sooner expires". In some quarters, and Waitakere City is not alone in this, the view was taken that bans enacted last year might somehow continue to apply on the following year. Clearly that is not the case, since bans enacted on a date specific basis expired on the date specified in the resolution setting the bans. It follows that if Council wishes to impose effective liquor bans within the district, it must now follow the bylaw process set out in LGA02.

At its meeting on 8 July 2003, the Environmental Management Committee considered a report from the Council's Sale of Liquor Inspector and resolved "that the general issue of liquor bans are addressed as part of the city-wide strategy for addressing alcohol related issues that have been identified through the process of developing the Sale of Liquor Policy" (Resolution 1421/2003). Councillors will be aware that the draft liquor licensing policy is out for public consultation, with the results due to be reported to the October round of Council meetings. A Project Plan is also being prepared for a study from which will emerge a city wide alcohol strategy. This report will look closely at the issue of liquor bans generally. However, the difficulty with leaving liquor bans as part of that policy development process is that the process will not be completed in time to enable a suitable bylaw to be put in place for the Christmas/New Year period 2003/04, nor to enable the imposition of special event bans.

The processes and timeframes for introducing a bylaw under LGA02 is far more complex and time consuming than the equivalent "process" and timeframe under LGA74. At the risk of over simplification, the new process involves:

- initial identification of the persons interested in or affected by the bylaw proposal;
- identification of the problem;
- identification and analysis of the options;
- making a decision whether a bylaw is the appropriate mechanism to deal with the problem;
- drafting of a bylaw and statement of proposal;
- making a decision to adopt the draft bylaw and put it out to a special consultative process;
- hearing of submissions;
- making a decision to adopt the bylaw.

From a decision-making point of view there are three separate and distinct phases: problem and solution identification; bylaw and statement of proposal drafting; adoption of the bylaw following a special consultative process. Each of those stages finishes with decision by Council (and marked with an asterisk above). The special consultative process requires a minimum notification period of 1 month following which time must be allowed to acknowledge submissions received and to hear and consider submissions. From a practical point of view it is unlikely that a bylaw-making process could be completed in less than 4 months from commencement.

It follows that if bans are to be implemented on the basis which this Council has traditionally banned liquor over the 2003/04 holiday period, the work relating to bans which was previously part of the general liquor policy work stream, will need to be separated out and dealt with separately, as a matter of urgency.

If Councillors wish to proceed down this path, then the proposed timetable is as follows:

Decision	Action
Investigate a bylaw permitting site and time specific liquor bans	Council 27 August 2003
Option assessment and decision	Council 24 September 2003
Approve draft Bylaw and Statement of Proposal	Council 29 October 2003
Notification of special consultative process and receipt of submissions	October 2003
Hear submissions	Second half of November 2003
Bylaw adopted	Either Council 26 November 2003 (unlikely), 10 December 2003 or 17 December 2003.

Councillors will note that each of the key steps in this process, except for the hearing of submissions, are steps taken at a full Council meeting. Clause 32(1)(b) of the Seventh Schedule to LGA02 prohibits the delegation by Council of "the power to make a bylaw". It is considered that there is no scope to delegate any one of those three key steps. There is room to debate this conclusion in respect of the decision relating to the approval of the draft Bylaw and approval of the Statement of Proposal. However, liquor bans or bylaws prohibiting liquor seem to attract challenges to the vires of such bans or bylaws, like bees to a honey pot. A precautionary approach is therefore recommended, at least until the law is clarified on this issue by decided cases. That is not likely to happen in the short to medium term. Regrettably therefore, there will be many more of these bylaw issues being brought to full Council meetings for consideration as the general bylaw review mandated by LGA02 is completed.

RESOURCES

A decision to deal with this matter on an urgent basis will result in pressure on resources, particularly in relation to the initial stages of the process. It is felt that the workload can be accommodated, but since staff working on city-wide alcohol policy issues will necessarily be involved in this matter there is a risk that other work may have to be temporarily deferred and that agreed target dates may not be able to be achieved. The chairs of the relevant committees will be briefed once the position is clear.

RECOMMENDATIONS

1. That the information be received.
2. That Council move with urgency to investigate the appropriateness of a bylaw under LGA02, to emulate the effect of liquor bans previously imposed under s.709A LGA74 as an interim measure pending development of Council's city-wide alcohol strategy.
3. That the Chief Executive be requested to establish an officer working party to report back to the Council's meeting in September 2003 with problem and option analysis and recommendations for action.
4. That Chairperson and Deputy Chairperson of the Environmental Management Committee be nominated to provide assistance with consultation and feedback and guidance to the working party with its other investigations and deliberations, as required.

Report prepared by: Denis Sheard, Legal Services Manager.



14 TE ATATU MARAE

This report was not available at the time of printing and will be circulated separately with this agenda.

HV O'Rourke
CHIEF EXECUTIVE



PART E - CONFIDENTIAL ITEMS

15 APPOINTMENT OF EXTERNAL MEMBER TO CONDUCT REVIEW BOARD

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

16 PURCHASE - 36-38 WAIPAREIRA AVENUE

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

PROCEDURAL MOTION TO EXCLUDE THE PUBLIC

That the public be excluded from the following part of the proceedings of this meeting, namely Appointment of External Member to Conduct Review Board.

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

General subject of the matter to be considered.	Reason for passing this resolution in relation to the matter.	Ground(s) under Section 48(1)(a) for the passing of this resolution.
<ul style="list-style-type: none"> • Appointment of External Member to Conduct Review Board; • Purchase - 36-38 Waipareira Avenue. 	<p>The withholding of information is necessary in order to:</p> <ul style="list-style-type: none"> • protect the privacy of natural persons, including that of deceased natural persons. • enable the 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)(a) 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 matters will address information regarding applicants for appointment of external member to Conduct Review Board and would affect the Council's negotiations.*



PART F - STANDING COMMITTEE REPORTS

17 CITY DEVELOPMENT COMMITTEE

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON THURSDAY, 7 AUGUST 2003

1. AUCKLAND REGIONAL ECONOMIC DEVELOPMENT STRATEGY UPDATE

Your Committee Recommends:

That Council approve a change to Clause D of the Auckland Regional Economic Development Strategy Joint Standing Committee (Establishment Group) Constitution to extend its term to 30 June 2004.

2. OTHER MATTERS CONSIDERED

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 11 in the supplement labelled Part F.

Your Committee Recommends:

That the report of the Ordinary Meeting of the City Development Committee held on Thursday, 7 August 2003 be received.

CA Stone
CHAIRPERSON

*1-11
Part F*



18 FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON MONDAY, 11 AUGUST 2003

MATTERS CONSIDERED

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 12 to 16 in the supplement labelled Part F.

Your Committee Recommends:

That the report of the Ordinary Meeting of the Finance and Operational Performance Committee held on Monday, 11 August 2003 be received.

JM Clews, QSO, JP
CHAIRPERSON

*12-16
Part F*



19 **ENVIRONMENTAL MANAGEMENT COMMITTEE**

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON TUESDAY, 12 AUGUST 2003

MATTERS CONSIDERED

17-24
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 17 to 24 in the supplement labelled Part F.

Your Committee Recommends:

That the report of the Ordinary Meeting of the Environmental Management Committee held on Tuesday, 12 August 2003 be received.

PA Hulse

CHAIRPERSON



PART G - PRESENTATIONS

These presentations will take place at 7.30 pm.

20 **CITATION FOR IRIS DONAGHUE**

Mayor Bob Harvey will present a certificate of appreciation to Iris Donahue in recognition of the work she has done with the EcoMatters Trust and services to Waitakere City over the years.

21 **DEVELOPING A CULTURE OF INCLUSION IN WAITAKERE CITY**

"Develop a Culture of Inclusion that fully includes all people in Waitakere" was one of the "Calls to Action" arising from the Waitakere Wellbeing Summit in December 2002. As an initial project the group working on this "Call to Action" has produced a checklist in posters and bookmark form entitled "Developing a Culture of Inclusion". The checklist is targeted at those responsible for setting up and facilitating meetings, forums and conferences to ensure that everyone who wishes to attend can participate.

This "Call to Action" group draws members from a variety of organisations including Sport Waitakere, Disability Waitakere Information Network, Waitakere Health Link, UNITEC, Epilepsy Association, Waitakere Multicultural Society, Northern Region Consumers Network and Council. Maureen Wood, Chairperson of Waitakere Health Link, will present the posters and bookmarks to Councillors on behalf of the group, with a short background briefing.

22 **HUNTINGTON BEACH EXCHANGE STUDENTS**

From 2-17 July 2003, four students from St Dominics College, Kelston Girls High School, Rutherford College and West City Christian School (Vanessa Appleton, Jessica Wright, Andrew Wadsworth and Ben Nuralli) with Council's Chaperon, Jo-Anne Inancsi participated in the reciprocal Sister City Student Exchange to Huntington Beach, California, USA. The students will be present at the meeting to relay to Council the highlights of the Exchange.



PART H - PROCEDURAL MATTERS

23 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.



24 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.



25 CLOSING PRAYER

