

**MINUTES OF AN ORDINARY MEETING OF THE COUNCIL HELD IN THE CIVIC CENTRE,  
6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY, ON WEDNESDAY,  
28 MAY 2003 COMMENCING AT 5.32 PM.**

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**MINUTES OF AN ORDINARY MEETING OF THE COUNCIL HELD IN THE CIVIC CENTRE,  
6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY, ON WEDNESDAY,  
28 MAY 2003 COMMENCING AT 5.32 PM.**

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**PRESENT:**

Mayor	RA	Harvey, QSO, JP
Councillors	DQ	Battersby, JP (until 9.31 pm)
	BA	Brady, JP
	JM	Clews, QSO, JP
	RP	Dallow, QPM, JP (until 9.23 pm)
	AC	Fenton
	OE	Hoskin, MNZM, JP
	PA	Hulse (from 5.40 pm)
	JP	Lawley
	GE	Nash, JP
	VS	Neeson, JP (until 9.32 pm)
	GB	Presland
	GW	Russell, JP
	DA	Yates, JP

**TE TAUMATA RUNANGA:** M Te Huia

**COMMUNITY BOARDS:**

HM Jones	(Chairperson Henderson Community Board)
RF Jessopp	(Chairperson Massey Community Board)
EG Francke	(Chairperson New Lynn Community Board)
CA Shepherd, JP	(Chairperson Waitakere Community Board)
WW Flaunty, JP	(Massey Community Board)
R Kernaghan	(New Lynn Community Board)
GPJ Marshall	(New Lynn Community Board)

**IN ATTENDANCE:**

Acting Chief Executive  
Manager Democracy and Support Services  
Director: Strategy and Development  
Director: Public Affairs  
Director: Quality Assurance  
Manager: Legal Services  
Group Manager: Planning & Community Services  
Strategic Projects - Projects Manager: City Projects  
Senior Project Manager: Transport Projects  
Project Manager: Strategy & Development  
Library and Information Services Manager  
Strategic Projects: Projects Manager  
Security Manager  
Quality Assurance and Liaison Officer  
Manager: Strategic Economic Development Projects  
Executive Officer: Legal: G Wakefield  
Community Assistance Administrator: J Brown  
Acting Senior Committee Secretary: C Inngs  
Committee Secretary: A Chan  
S Simiona  
O Schuster  
Committee Administrator: N Matthews  
  
M Casey, Barrister

1 **OPENING PRAYER**

Dr. Kirsten Zemke-White from the Baha'i Faith said the Opening Prayer.

2 **APOLOGIES**

1011/2003

MOVED by Cr Fenton, seconded Cr Clews:

That apologies from Cr Stone for absence and Cr Hulse for lateness be received and sustained.

**CARRIED**

3 **CONFIRMATION OF MINUTES**

1012/2003

MOVED by Cr Dallow, seconded Cr Clews:

That the minutes of the Special Meeting of the Council held on Wednesday, 16 April 2003 and the Ordinary Meeting of the Council held on Wednesday, 30 April 2003, including the Public Excluded minutes, as circulated, be taken as read and now be confirmed.

**CARRIED**

4 **URGENT BUSINESS**

There was no Urgent Business.

**PART A - CONFIRMATION OF SPECIAL ORDERS**

5.38 pm Cr Presland left the meeting.

5 **RESOURCE MANAGEMENT ACT 1991 - FEES AND CHARGES 2003 / 2004**

1013/2003

MOVED by Cr Hoskin, seconded Cr Brady:

1. The Waitakere City Council acting in pursuance and exercise of the power and authorities conferred on it by Section 36 of the Resource Management Act 1991 and Section 716A of the Local Government Act 1974 **HEREBY CONFIRMS BY WAY OF SPECIAL ORDER** the following fees specifically relating to fees under the Resource Management Act 1991:

**A RESOURCE MANAGEMENT**

All fees below unless otherwise specified are base fees only. Where the actual cost exceeds the base fee, the applicant will be charged the additional cost at the hourly rates indicated in the Schedule of Hourly Rates.

**Non Notified Land Use Consents**

Complex applications (e.g., Medium Density, significant discretionary & non-complying activities) - as determined by the Manager: Resource Consents

\$4,000.00

Normal - multi infringements & discretionary (non complex)	\$920.00
Single infringement (controlled activity/limited discretionary)	\$600.00
Minor applications (minor earthworks less than 300m <sup>2</sup> & 2 <sup>nd</sup> driveway)	\$295.00
Applications solely relating to heritage protection proposals	\$0.00
Applications solely relating to tree proposals	\$0.00
Combined land use and subdivision (plus subdivision deposit)	\$600.00

***Note: In addition to the above, other technical disciplines will also be charged out at their hourly rates.***

#### **Outline Plan of Works**

Outline complex plan processing	\$850.00
Outline Plan processing (eg. school & playground minor change)	\$395.00
Site Inspection fee (hourly rate)	\$94.00
Waiver fee (hourly rate)	\$94.00

***Note: In addition to the above, other technical disciplines will also be charged out at their hourly rate.***

#### **Notified Land Use Consents**

Only one potentially affected party (does not include hearing costs)	\$4,000.00
Land use/Subdivision (does not include hearing cost)	\$7,000.00
Complex (as determined by the Manager: Resource Consent e.g. density) Housing, larger subdivision (does not include hearing)	\$10,000.00
Applications solely relating to tree proposals deposit (additional charges may be incurred)	\$1,500.00
Hearings for staff, elected members, commissioner or consultant costs deposit	\$1,500.00
S94 determination hearing costs deposit	\$1,500.00

***Note: In addition to the above, other technical disciplines will also be charged out at their hourly rate.***

#### **Planning Checks on Building Consents**

(see building consent fees for definition of categories)

Category 2	\$0.00
Category 3	\$47.00
Category 4	\$94.00
Category 5 General Natural Area	\$94.00
Category 5 Other	\$101.00
Category 6 General Natural Area	\$130.00
Category 6 Other	\$146.00
Category 7	\$178.00
Category 8	\$300.00
Category 9	\$425.00

Section 35 (Certification) Single Condition	\$45.00
Section 35 (Certification) Complex, Multi Conditions	\$134.00
Site Visit (per Hour)	\$94.00

**Certificates of Compliance**

Land use COC - simple	\$385.00
Land use COC - complex	\$850.00
Sale of liquor COC	\$178.00
Sale of liquor COC (existing use complex*)	\$850.00
Sale of liquor COC ( existing use simple*)	\$356.00
Excess Hours *	\$94.00

**\*Note: As determined by the Manager:  
Resource Consents.**

**Note: In addition to the above, other  
technical disciplines will also be charged  
out at their hourly rate.**

**Pre-lodgement**

Pre-lodgement site visit	\$141.00
pre-lodgement meeting & associated work Planner (planner per Hour)	\$94.00

**(In addition, other disciplines may have  
involvement in these site visits/meetings  
and shall be charged out at their current  
hourly rate as available in the schedule)**

**Monitoring**

*All Resource Consents (Land Use, Subdivision) will incur a  
base charge for monitoring:*

Additions, Alterations, Accessory buildings, Signs, Earthworks < 300m <sup>3</sup> , Outline plans (schools)	\$178.00
Dwellings, Minor units, Earthworks > 300m <sup>3</sup> , Outline plans (other), subdivisions (<10 lots)	\$246.00
Pre-construction Inspection involving Earthworks	\$134.00
Multi-unit developments (per 3 units)	\$246.00
Non-residential activities / Complex Applications / subdivisions (>than 10 lots)	\$410.00
Additional monitoring inspections as required (including follow-up) per hour	\$89.00

**Miscellaneous**

Cancellation or Review of conditions	\$625.00
Extension of Land Use Consent (s125 and s126)	\$625.00
Determination of existing use rights (complex)*	\$850.00
Determination of existing use rights (simple)	\$356.00

Actual  
Hourly  
Rate

Site visit	
Request for Consent Check for LIMs / CCC	\$134.00
Planning Cert under Land Settlement Promotion Act	
Per Certificate of Title	\$134.00

Planning Cert for a Vehicle Sale Licence	\$134.00
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***\*Note: As determined by the Manager: Resource Consents.***

***Note: In addition to the above, other technical disciplines will also be charged out at their hourly rate.***

#### **Hard Copy Information**

Actual Hours at hourly rate of	\$68.00
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***Note: Plus copying any copying costs***

#### **Subdivision Fees**

Minor Boundary Adjustments/Amended Cross Leases	\$450.00
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2 Lot Freehold, Major Boundary Adjustment; 1st Stage Cross-Lease and 2 Unit Titles	\$920.00
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3-10 Lot Subdivisions- freehold / Unit Titles	\$1,000.00
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11-20 Lot Subdivisions-freehold / Unit Titles	\$1,600.00
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21 or more Lot Subdivisions- freehold / Unit Titles	\$2,750.00
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2nd Stage Cross-Lease, Unit Title Certificates, Converting cross lease to freehold	\$450.00
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Rights-of-Way	\$365.00
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Variation of Conditions (s.122)	\$625.00
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Re-approvals / Plan Amendments	\$350.00
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Survey Plan Processing / 2223 Processing	\$223.00
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Sec 224 Processing	\$267.00
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Other, including miscellaneous certificates, easement surrender	\$223.00
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Engineering Plan Approvals	\$141.00
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Amalgamation of CTs	\$280.00
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Alteration or cancellation of building line restriction	\$280.00
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Excess Hours *	\$94.00
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***Note: (1) Other disciplines external to Consent Services have involvement in subdivision consents and will be charged out at their current hourly rate over and above the fees listed above.***

***Note: (2) Any engineering plan approvals and works supervision required in respect of the above will be charged out at their current hourly rate.***

***\*Note: As determined by the Manager: Resource Consents.***

#### **Extra Fees**

Where Council costs exceed specified deposit, the applicant will be charged additional costs calculated at the scheduled rate for that role. Other disciplines have involvement in these consents and will be separately charged out at their current hourly rate.

#### **Consultants and / or Additional Reports**

Charged out at cost plus a 10% administration charge.

**Disbursements**

In addition to the base rates and specified fees for All Consent Services activities/ products; disbursement(s) will be charged at cost.

**B SCHEDULE OF HOURLY RATES****Consent and Field Services**

Group Manager: Regulatory	\$130.00
Manager: Resource Consents	\$120.00
Team Manager: Building Consents	\$102.00
Manager: Operations Support	\$120.00
Team Leaders: Planning	\$102.00
Administrator	\$88.00
Planners	\$94.00
Team Leader Construction Review	\$82.00
Building / Plumbing & Drainage Surveyor	\$72.00
Process Support / Clerical	\$67.00
LIMS Clerk	\$67.00
Debt Collector	\$67.00
Environmental Monitoring Officer	\$89.00
Manager: Field Services	\$123.00
Team Leader: Field Services	\$102.00
Customer Field Advisor - RM, Building, Health	\$94.00
Customer Field Advisor - General	\$67.00
Engineer: Aftercare & Special Projects	\$120.00

**EcoWater**

*EcoWater charges apply for consent services for development applications covering water supply, wastewater and stormwater at the following per hour scale of services:*

Water Engineer	\$102.00
Senior Water Asset Engineer	\$118.00
Drainage Engineer	\$102.00
Senior Drainage Asset Engineer	\$118.00
Building Consent Engineer	\$102.00
Subdivision Engineer	\$102.00
Quality Assurance Engineer	\$102.00
Administration Support Development Services	\$65.00
Team Leader/Manager Development Services	\$118.00
Specialist Consulting Engineers	
Administration support	\$65.00

**Roading and Traffic**

Service Manager: Transport Assets	\$120.00
Roading and Traffic Engineers: Transport Assets	
Minimum charge (equates to 0.5 hrs)	\$51.00
Additional time spent	\$102.00
Team Leaders Transport Assets	
Minimum Charge (Equates to 0.5 hrs)	\$59.00
Additional time spent	\$118.00
Administration support	\$65.00
Quality Assurance Engineer	\$102.00
Specialist Consulting Engineers	Cost plus 10%

**Parks and Green Assets**

Service Manager	\$120.00
Asset Manager	\$120.00
Specialist Engineers and Technical Staff	
Minimum charge (equates to 0.5 hrs)	\$51.00
Additional time spent	\$102.00
Team Leaders	
Minimum Charge (Equates to 0.5 hrs)	\$59.00
Additional time spent	\$118.00
Administration support	\$65.00
Quality Assurance Engineer	\$102.00
Specialist Consulting Engineers	Cost plus 10%

**Disbursements**

In addition to the base rates and specified fees for all Consent Services activities/ products; disbursement(s) will be charged at cost.

**C COMMENCEMENT**

These fees and charges to come into force on Tuesday, 1 July 2003.

**2. 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 & Civic Services.

**CARRIED**

6 **FOOD PREMISES GRADING - PROPOSED AMENDMENT TO FOOD SAFETY BYLAW**

1014/2003

MOVED by Cr Dallow, seconded Cr Hoskin:

**BYLAW NO. 26 1994 - FOOD SAFETY - AMENDMENT NO. 1 2003**

1. **SHORT TITLE**

The short title of this bylaw shall be the Waitakere City Council Bylaw No. 26 1994 - Food Safety, Amendment no. 1 2003.

2. **COMMENCEMENT**

This amended bylaw shall come into force on the 1<sup>st</sup> day of July 2003.

3. **APPLICATION OF BYLAW**

This bylaw will only apply to Food Premises subject to Annual Registration by Council.

4. **PURPOSE**

The purpose of this amended bylaw is to further improve the standard of food safety in Food Premises through the mandatory display of a Grading Certificate in a prominent place on the Food Premises to which it relates, so as to be readily visible to members of the public visiting the Food Premises, thereby creating a motivation to improve standards and achieve a higher grading.

5. **INTERPRETATION**

In this bylaw, unless the context otherwise requires:-

**Annual Registration** means the registration of Food Premises required by the Food Hygiene Regulations 1974 and the Health (Registration of Premises) Regulations 1966.

**Appliance** has the same meaning as appliance in Section 2 of the Food Act 1981.

**Council** means the Waitakere City Council.

**District** means the district within the jurisdiction and under the control of the Waitakere City Council.

**Environmental Health Officer** means an Environmental Health Officer appointed by the Council under the authority of the Health Act 1956.

**Food** has the same meaning as Food in Section 2 of the Food Act 1981:

Anything that is used or represented for use as food or drink for human beings; and includes -

- (a) Any ingredient or nutrient or other constituent of any food or drink, whether that ingredient or nutrient or other constituent is consumed or represented for consumption by human beings by itself or when used in the preparation of or mixed with or added to any food or drink; and
- (b) Anything that is or is intended to be mixed with or added to any food or drink; and

- (c) Chewing gum, and any ingredient of chewing gum, and anything that is or is intended to be mixed with or added to chewing gum.

**Food Premises** has the same meaning as Food Premises in Regulation 2 of the Food Hygiene Regulations 1974:

- (a) Any premises -
  - (i) On or at which food is manufactured, prepared, packed, stored, or handled, for sale; or
  - (ii) On or from which food is sold; or
  - (iii) That is used in connection with any other food premises, for the purposes of their work, by persons who work on those other food premises.
- (b) Any stall.

**Grade** and **Grading** means the allocated grade resulting from an inspection of the Food Premises by an Environmental Health Officer, assessed according to the grading system determined by Council from time to time and which shall take into account regulatory requirements and the current state of food safety knowledge, technology and practice.

**A Grade** means that during the last Grading Inspection the Food Premises were assessed according to Council's current grading system at the time, and found to exceed regulatory food hygiene requirements, displaying a high standard of cleaning and hygiene and superior food-handling practices.

**B Grade** means that during the last Grading Inspection the Food Premises were assessed according to Council's current grading system at the time, and found to meet regulatory food hygiene requirements, displaying a satisfactory standard of cleaning and hygiene and good food-handling practices.

**D Grade** means that during the last Grading Inspection the Food Premises were assessed according to Council's current grading system at the time, and found to fall below the minimum regulatory food hygiene requirements, with improvements in: cleaning and/or maintenance and/or food-handling practices required; for which Council has issued a Minor Requisition.

**E Grade** means that during the last Grading Inspection the Food Premises were assessed according to Council's current grading system at the time, and found to be in a poor condition and well below the minimum regulatory food hygiene requirements, with improvements in: cleaning and/or maintenance and/or food-handling practices required; for which Council has issued a Major Requisition.

**Local Authority** means the Council, person, or group of persons authorised by any Act to make bylaws, and which has made this bylaw, and includes the body corporate on behalf of which any such Council, or person or groups act.

**New Zealand Qualifications Authority** means the New Zealand Qualifications Authority established under Part 20 of the Education Act 1989.

**Occupier** means the occupier as defined in the Food Hygiene Regulations 1974.

**Officer** means any officer authorised to carry out or exercise the duties of an officer under this Bylaw.

**Requisition** means a written notice served on the Occupier of Food Premises by an Environmental Health Officer specifying works that are required to be carried out on the premises in order for the premises to comply with food hygiene legislation and reduce the risk of food borne illness or contamination arising from any food prepared, manufactured, stored or sold from the premises.

**Major Requisition** means a Requisition that addresses any situation in which Food Premises or its fittings, fixtures or equipment are found to be in disrepair or dirty; or where any condition or set of conditions on the premises could expose food to contamination or taint, or that could allow food to become dirtied or deteriorated.

**Minor Requisition** means any Requisition that is not a Major Requisition.

**Sale or Sell** has the same meaning as in the Food Act 1981 and also includes the extended meaning given in Regulation 2(5) of the Food Hygiene Regulations 1974.

**Team Manager - Environmental Compliance** means an Environmental Health Officer appointed to that position or the person for the time being carrying out the duties of Team Manager - Environmental Compliance.

**Unit Standard 167** means Unit Standard 167 (Produce Safe Food) or equivalent New Zealand Qualifications Authority National Qualifications Standard.

**Unit Standard 168** means Unit Standard 168 (Prevent Food Contamination) or equivalent New Zealand Qualifications Authority National Qualifications Standard.

**Unit Standard 169** means Unit Standard 169 (Plan for Production and Service of Food) or equivalent New Zealand Qualifications Authority National Qualifications Standard.

**Unit Standard 170** means Unit Standard 170 (Supervise a Food Safety Programme) or equivalent New Zealand Qualifications Authority National Qualifications Standard.

## 6. CLOSURE OF PREMISES

The following provisions shall apply with regard to the sale of food in the District:

6.1 **Closure of premises for cleaning, repair** - Where any food premises or part of any food premises or any appliance, fitting or fixture or other equipment on any food premises by reason of their situation, construction, disrepair, or state are in such a condition that any food in the food premises may be exposed to contamination or taint or become dirty or deteriorated the Team Manager - Environmental Compliance may cause a notice in writing to be served on the Occupier of the Food Premises requiring him/her:

- (a) To cease to use the premises as food premises, or to clean or reconstruct, or to repair the premises, or part of the premises; or
- (b) To cease to use, or to clean, reconstruct, or repair any appliance, fittings, fixture or other equipment on those premises:

In accordance with the requirements and within the time specified in the notice.

- 6.2 **Permission to re-open** - Where an occupier has been directed to cease to use any food premises the occupier shall not recommence use of those food premises until permission has been given in writing by an Environmental Health Officer.
- 6.3 **Operation to cease** - An occupier shall not continue to operate any food premises if the Council has revoked the Certificate of Registration pursuant to Regulation 9(3) and (4) of the Health (Registration of Premises) Regulations 1966.

7. **FOOD HYGIENE QUALIFICATION**

- 7.1 Every registered Food Premises shall, within three (3) months of its first registration, have working on the premises a person or persons who meet the following requirements:
- (a) The person, if that person is a natural person, has received credit for Unit Standards 167, 168, and 169, and will normally be present at the Food Premises when food manufacture, preparation, handling, sale or ancillary processes incidental thereto are being undertaken; or
  - (b) There will be working on the Food Premises a manager, or a staff member with sufficient authority and with specific responsibility for staff training and supervision who has received credit for Unit Standards 167,168 and 169; and
  - (c) Every other person to be employed as a food handler on those premises has received credit for Unit Standards 167 and 168, or satisfies an Environmental Health Officer that they are enrolled in an appropriate course and pursuing a course of study with the intent of gaining such credits within twelve (12) months of the date upon which application for registration is made; and
  - (d) In the case of any Food Premises, including premises commonly known as supermarkets, where there are several departments or sections such as delicatessen, butchery, bake house, cake kitchen, produce or grocery, or where in the case of eating house premises, including premises licensed under the Sale of Liquor Act 1989 there are separate departments, sections or facilities within the premises for the preparation or service of food there shall be a departmental manager, section manager, or similar person with responsibility for the area of operation concerned who has authority for staff supervision and training who in addition to Units 167 and 168 has received credit for Unit Standard 169;
  - (e) In any case to which the provisions of Clause 7.1(d) apply there shall in addition to the persons described in that Clause be a manager or other person with authority for staff supervision and food hygiene and food safety training throughout the entire premises who in addition to Units 167, 168 and 169 has received credit for Unit Standard 170.

- 7.2 In any case where an Environmental Health Officer is of the opinion that any food premises is of such a size or of such a nature that it may present a considerable risk to public health if there is a lapse in food safety supervision, the holder of the Certificate of Registration or the occupier of the food premises may be required to employ a manager or other person with authority for staff supervision and training throughout the entire premises who has received credit for Unit Standards 167, 168, 169 and 170.
- 7.3 The qualifications referred to in Clause 7.1 shall be renewed after the expiry of five (5) years from its issue.
- 7.4 Subject to an applicant satisfying the Team Manager - Environmental Compliance that he or she has undertaken appropriate training and holds a qualification equal to or in excess of any of the Food Handling Unit Standards 167, 168, 169 or 170 that person shall be deemed to have complied with the appropriate provisions of this Bylaw.
- 7.5 The Team Manager - Environmental Compliance may grant an exemption from the requirements of Clause 7.1 if satisfied that it would be unreasonable or impractical to insist on compliance, having regard to the type of premises, or types of food being packed, stored, handled or sold.
- 7.6 The holder of the Certificate of Registration or the occupier of the food premises shall be responsible for ensuring that adequate records relating to the training of staff in matters relating to food hygiene and food safety and copies of all certificates or other evidence of persons employed on those premises having obtained the appropriate Unit Standards or other qualifications are kept on the premises where the food handlers concerned are employed.
- 7.7 The holder of the Certificate of Registration or the occupier of the food premises shall on request make available for perusal by any Environmental Health Officer the records required to be kept pursuant to Clause 7.6.
8. **GRADING**
- 8.1 During the first Annual Registration inspection of the Food Premises an Environmental Health Officer shall perform a grading inspection (the "Grading Inspection") and shall grade the Food Premises.
- 8.2 A Grading Certificate noting the grading as determined by the Environmental Health Officer shall be delivered to the Occupier of the Food Premises as soon as practicable following the Grading Inspection.
- 8.3 The current Grading Certificate shall be displayed in a prominent place on the Food Premises to which it relates, so as to be readily visible to members of the public visiting the premises.
- 8.4 The Grading Certificate shall remain the property of the Waitakere City Council.
- 8.5 The Grading Certificate shall be deemed to be current for a period of twelve (12) months from the date of the Grading Inspection from which the grade was determined or until such lesser time as it is amended or withdrawn by an Environmental Health Officer following a subsequent grading or re-grading inspection, or any other inspection during which the food hygiene of the premises has worsened when compared to the current Grading Certificate.

- 8.6 The Grading Certificate shall be specific to the Food Premises and Occupier of the Food Premises at the time of the Grading Inspection. Grading Certificates shall not be transferable.
- 8.7 Fourteen (14) days after the commencement of operation by a new Occupier of Food Premises, the new Occupier shall make an application for a Grading Certificate, provided that new Food Premises, or Food Premises with a new Occupier, shall not be graded until at least two (2) months have passed since the commencement of operation, or taking over the occupancy, of the Food Premises.
- 8.8 An application for re-grading of Food Premises may be made at any time in writing to Council's Team Manager - Environmental Compliance, accompanied by the appropriate fee, provided that no such application shall be considered until the expiry of a period of two (2) months following the receipt of the notification referred to in sub clause 8.2.
- 8.9 An Occupier of Food Premises in respect of which a Grading Certificate has been issued under this Bylaw may contest their grading by writing to Council's Team Manager - Environmental Compliance within 14 days of receipt of the Grading Certificate.

9. **FEES**

**Setting of fees** - The Council may by resolution publicly notified prescribe fees in respect of any certificate, authority, approval, consent, service given or inspection made by the Council under this Bylaw or any other enactment in any case where that provision or enactment contains no provision authorising the Council to charge a fee, and does not provide that the certificate, authority, approval, consent, service or inspection is to be given or made free of charge.

**Reduction of licence fee** - Where an annual fee is payable in respect of a licence issued under this Bylaw or any Part thereof, such fee shall, where the licence is issued for less than one year, be reduced by one twelfth thereof for every complete month by which the term of the licence is less than one year.

10. **SERVING OF ORDERS AND NOTICES**

- 10.1 Except where otherwise expressly provided for in any Act, in any case in which it is provided by this bylaw, that an order may be made upon or notice be given to any person requiring him to do or abstain from doing anything, or any notice is required by this bylaw to be given or sent to any person, such order or notice shall be delivered to such person, and may be delivered to him either personally or by sending the same, by messenger or by registered post, to him at his last-known place of abode or business.
- 10.2 If such person is absent from New Zealand the order or notice may be sent to his agent instead of to such person, in any manner mentioned in the last preceding sub-clause.
- 10.3 If such person is not known, or is absent from New Zealand, and has no known agent in New Zealand, and the order or notice relates to any land or building the order or notice, addressed to the Occupier of such building or land, as the case may require, may be served on the person in occupation, or may be put on some conspicuous part of such building or land. It shall not be necessary in such notice to name the Occupier of such building or land.
- 10.4 Where an order or notice is sent by post it shall be sent so as to arrive in the due course of post on or before the latest time on which such order or notice is required to be served.

11. **POWERS OF DELEGATION**

In all cases where this bylaw provides for the issue of any order, notice or licence such order, notice or licence shall be deemed to be issued in compliance with this bylaw if the same be issued by any officer of the local authority authorised by the local authority for that purpose.

12. **INSPECTION**

12.1 For any of the purposes of this bylaw any inspector or other person duly appointed by the local authority in that behalf may at all reasonable times enter upon any land, building, or premises in order to carry out an inspection thereof.

12.2 Every person who obstructs or hinders any such inspector or other person as aforesaid in the execution of these powers hereunder shall be liable to prosecution for an offence against this bylaw.

13. **OFFENCES AND BREACHES**

13.1 No person shall do anything or cause any condition to exist for which a licence or approval from the local authority is required under this bylaw without first obtaining that licence or approval, and the failure to do so shall constitute a breach of this bylaw.

13.2 No application for a licence or authority from the local authority, and no payment of or receipt for any fee paid in connection with such application, licence, or authority, shall confer any right, authority, or immunity on the person making such application or payment.

13.3 Any person commits a breach of this bylaw who:

- (a) Does, or causes to be done, or knowingly permits or suffers to be done or be concerned in doing, anything whatsoever contrary to or otherwise than as provided by this bylaw; or
- (b) Omits or neglects to do, or knowingly permits or suffers to remain undone anything which according to the true intent and meaning of this bylaw, ought to be done by him at the time and in the manner therein provided; or
- (c) Does not refrain from doing anything which under this bylaw he is required to abstain from doing; or
- (d) Knowingly permits or suffers any condition of things to exist contrary to any provision contained in this bylaw; or
- (e) Refuses or neglects to comply with any notice duly given to him under this bylaw; or
- (f) Obstructs or hinders any officer of the local authority in the performance of any duty to be discharged by that officer under or in the exercise of any power conferred upon him by this bylaw; or
- (g) Fails to comply with any notice or direction given under this bylaw.
- (h) Fails to display a current Grading Certificate in a prominent place on the Food Premises to which it relates, so as to be readily visible to members of the public visiting the premises, except during the 2 month period provided for in sub clause 8.7 above.

- (i) Displays a Grading Certificate that is not current, except during the 2 month period provided for in sub clause 8.7 above.
- (j) Displays a Grading Certificate that is not applicable to the Food Premises or Occupier to which the Grading Certificate relates, except during the 2 month period provided for in sub clause 8.7 above.

14. **DISPENSING POWERS**

Where in the opinion of the local authority full compliance with any of the provisions of this bylaw, would needlessly or injuriously affect any person, or the course or operation of the business of, or be attended with loss or inconvenience to, any person without any corresponding benefit to the community, the local authority may, on the special application of that person dispense with the full compliance with the provisions of this bylaw.

Provided that any other terms or conditions (if any) that the local authority may deem fit to impose shall be complied with by such person as aforesaid.

15. **PENALTIES FOR BREACH OF BYLAWS**

- 15.1 Every person who commits a breach of this bylaw is liable to a fine prescribed by the Local Government Act 1974 or its successor.
- 15.2 The local authority may, after a conviction for the continuing breach of any bylaw, apply to any Court of competent jurisdiction for an injunction to restrain the further continuance of the breach by the person so convicted.
- 15.3 The continued existence of any work or thing in a state contrary to this bylaw shall be deemed a continuing offence within the meaning of this clause.

2. **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 & Civic Services.

**CARRIED**

5.39 pm Cr Presland returned to the meeting.

**PART B - REPORT OF THE MAYOR**

5.40 pm Cr Hulse entered the meeting.

1015/2003

MOVED by Cr Brady, seconded Cr Hoskin:

That Ms Mary Gilligan be appointed a volunteer ambassador for the Council to research historical collections within the City, and that she work in conjunction with Waitakere City Libraries and the Manager: Arts to develop protocols and policies to progress this work, and report back to Finance and Operational Performance Committee on a regular basis.

**CARRIED**

1016/2003

MOVED by Cr Hoskin, seconded Cr Fenton:

That the Report of the Mayor be received.

**CARRIED**

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

**7 TE TAUMATA RUNANGA**

1017/2003

MOVED by Cr Yates, seconded Cr Lawley:

That the report of the Ordinary Meeting of Te Taumata Runanga held on Monday, 19 May 2003 be received.

**CARRIED**

**8 NEW LYNN COMMUNITY BOARD**

**1. COMMUNITY WELLBEING FUND CHANGES TO ALLOCATION**

Council noted the following recommendations by the New Lynn Community Board:

- that in general, the maximum amount any one applicant receives from the Community Wellbeing Fund, Community Board allocation should be \$1,000;
- that in general, the maximum amount any one applicant can apply for to the Community Wellbeing Fund, Citywide allocation should be \$3,000;
- that the New Lynn Community Board portion of the Community Wellbeing Fund continues to be allocated by the New Lynn Community Board.

These recommendations were considered in conjunction with the report, Item 12: Community Wellbeing Fund Changes to Allocation on the agenda.

**2. OTHER MATTERS CONSIDERED**

1018/2003

MOVED by Cr Clews, seconded Cr Presland:

That the report of the Ordinary meeting of the New Lynn Community Board held on Monday, 5 May 2003 be received.

**CARRIED**

**9 WAITAKERE COMMUNITY BOARD**

**1. COMMUNITY WELLBEING FUND CHANGES TO ALLOCATION**

Council noted the following recommendations by the Waitakere Community Board:

1. That the following recommendations be adopted:
  - the maximum amount any one applicant can apply for to the Community Wellbeing Fund, Community Board allocation should be \$1,000;
  - the maximum amount any one applicant can apply for to the Community Wellbeing Fund, Citywide allocation should be \$3,000;
  - the Community Board portion, of the Community Wellbeing Fund remain being allocated by the Community Boards.
2. That the Waitakere Community Board support retaining the provisions of speaking rights to all Community Wellbeing Fund applications for the Waitakere Ward.

These recommendations were considered in conjunction with the report, Item 12: Community Wellbeing Fund Changes to Allocation on the agenda.

**2. OTHER MATTERS CONSIDERED**

1019/2003

MOVED by Cr Hulse, seconded Cr Fenton:

That the report of the Ordinary Meeting of the Waitakere Community Board held on Tuesday, 6 May 2003 be received.

**CARRIED**

10 **MASSEY COMMUNITY BOARD**

1. **COMMUNITY WELLBEING FUND CHANGES TO ALLOCATION**

Council noted the following recommendations by the Massey Community Board:

- that the maximum amount any one applicant can apply for to the Community Wellbeing Fund, Community Board allocation should be \$1,000;
- that the maximum amount any one applicant can apply for to the Community Wellbeing Fund, Citywide allocation should be \$3,000;
- that the Massey Community Board portion of the Community Wellbeing Fund remain being allocated by the Community Board, and that the provision of speaking rights to an application be retained.

These recommendations were considered in conjunction with the report, Item 12: Community Wellbeing Fund Changes to Allocation on the agenda.

2. **OTHER MATTERS CONSIDERED**

1020/2003

MOVED by Cr Hoskin, seconded Cr Nash:

That the report of the Ordinary Meeting of the Massey Community Board held on Wednesday, 7 May 2003 be received.

**CARRIED**

11 **HENDERSON COMMUNITY BOARD**

1. **COMMUNITY WELLBEING FUND CHANGES TO ALLOCATION**

Council noted the following recommendations by the Henderson Community Board:

- that in general, the maximum amount any one applicant receives from the Community Wellbeing Fund, Community Board allocation should be \$1,000;
- that in general, the maximum amount any one applicant can apply for to the Community Wellbeing Fund, Citywide allocation should be \$3,000;
- that the Henderson Community Board portion, of the Community Wellbeing Fund continues to be allocated by the Henderson Community Board;
- that subject to confirmation of funding from the Chief Executive the Henderson Community Board holds a separate meeting(s) to hear submissions and to decide on the allocations.

These recommendations were considered in conjunction with the report, Item 12: Community Wellbeing Fund Changes to Allocation on the agenda.

2. **COMMITTEE SECRETARY'S REPORT**

**Community Sport Fund Allocation Subcommittee - Alternative Member**

1021/2003

MOVED by Cr Fenton, seconded Cr Brady:

That C Nakhid be appointed to the Community Sport Fund Allocation Subcommittee as the alternate Member.

**CARRIED**

3. **CATHERINE MALL 'WALKWAY OF FAME'**

1022/2003

MOVED by Cr Fenton, seconded Cr Brady:

That the following candidates - in priority order - be approved for inclusion in the Catherine Mall "Walkway of Fame" (the first two of whom will be initially invited to take part):

- Beatrice Faumauina;
- June Mariu;
- Dorothy Butler.

**CARRIED**

4. **OTHER MATTERS CONSIDERED**

1023/2003

MOVED by Cr Fenton, seconded Cr Brady:

That the report of the Ordinary meeting of the Henderson Community Board held on Thursday, 8 May 2003 be received.

**CARRIED**

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

12 **COMMUNITY WELLBEING FUND CHANGES TO ALLOCATION**

1024/2003

MOVED by Cr Clews, seconded Cr Nash:

1. That the information be received.
2. That the following recommendations from the resolutions of the May 2003 Community Boards', be approved:

- “• that the maximum amount any one applicant can apply for to the Community Wellbeing Fund, Citywide allocation should be \$3,000;
- that the Community Board portion of the Community Wellbeing Fund continue to be allocated by the Community Boards.”

3. That the recommendation: *“that in general, the maximum amount any one applicant receives from the Community Wellbeing Fund, Community Board allocation should be \$1,000”*, be approved.

**CARRIED**

6.20 pm Cr Hoskin left the meeting.

**13 CREATIVE COMMUNITIES SCHEME SUBCOMMITTEE CHANGE OF REPRESENTATIVE**

1025/2003

MOVED by Cr Clews, seconded Cr Presland:

1. That the information be received.
2. That Council appoints Mata Tepai as the Pacific Islands Advisory Board nominated representative for the Creative Communities Scheme Allocation Subcommittee effective immediately, replacing Rhonda Roundtree.

**CARRIED**

**14 NEW ZEALAND LOCAL GOVERNMENT INSURANCE CORPORATION LIMITED - ANNUAL GENERAL MEETING**

1026/2003

MOVED by Cr Lawley, seconded Cr Dallow:

1. That the information be received.
2. That the appointment of Darryl Griffin as Council's proxy at the Annual General Meeting of the New Zealand Local Government Insurance Corporation Limited be confirmed.

**CARRIED**

**15 TENDERS SUBCOMMITTEE MEMBERSHIP**

1027/2003

MOVED by Cr Lawley, seconded Cr Dallow:

1. That the information be received.
2. That the Delegations to Committees - Tenders Subcommittee as attached at pages A2 to A3 to the agenda be approved.

**CARRIED**

6.22 pm Cr Hoskin returned to the meeting.

16 **DRAFT POLICY ON APPOINTMENT AND REMUNERATION OF DIRECTORS TO COUNCIL ORGANISATIONS**

MOVED by Cr Russell, seconded Cr Brady:

1. That the information be received.
2. That Council adopts the policy on the Appointment and Remuneration of Directors of Council Organisations, as attached at pages A4 to A13 to the agenda report.
3. That Council reviews the policy in 12 months time.

**AMENDMENT**

MOVED by Cr Battersby, seconded Cr Hoskin:

1. That the information be received.
2. That Council adopts the policy on the Appointment and Remuneration of Directors of Council Organisations, as attached at pages A4 to A13 to the agenda report, with the amendment to make it clear that in the event of an Elected Member being appointed a Director of a Council Organisation, that member will not be entitled to receive any remuneration in respect of such an appointment and be entitled only to a refund of expenses incurred.
3. That Council reviews the policy in 12 months time.

**AMENDMENT CARRIED**

**SUBSTANTIVE MOTION**

The Chairperson put the substantive motion:

1028/2003

1. That the information be received.
2. That Council adopts the policy on the Appointment and Remuneration of Directors of Council Organisations, as attached at pages A4 to A13 to the agenda report, with the amendment to make it clear that in the event of an Elected Member being appointed a Director of a Council Organisation, that member will not be entitled to receive any remuneration in respect of such an appointment and be entitled only to a refund of expenses incurred.
3. That Council reviews the policy in 12 months time.

**CARRIED**

**ADJOURNMENT**

1029/2003

MOVED by Cr Fenton, seconded Cr Dallow:

That the meeting stand adjourned until 7.30 pm.

**CARRIED**

6.50 pm        The meeting adjourned.

7.35 pm        The meeting reconvened. Cr Yates was not present.

**PART G - PRESENTATIONS**

7.40 pm        Cr Yates returned to the meeting.

**29    WAITAKERE CITY "TRUSTS" BRASS BAND**

Mayor Bob Harvey presented an Award to the Waitakere City "Trusts" Brass Band for their recent success in winning the 2003 National Brass Championships of Australia.

**30    CITATION**

Mayor Bob Harvey presented Ashley Maindonald, former Principal of Pomaria Primary School, with a Citation in appreciation of his contribution to Pomaria School and the wider community.

**31    HEALTHWEST**

The General Manager, Alan Greenslade, accompanied by the new Chairperson, Clive Stone, made a presentation on the Primary Health Organisation (PHO) development and initiatives that are proposed in Waitakere with the new funding that the Primary Health Organisation will attract. Lannes Johnson, the past Chairperson, also attended.

**PART D - REPORT OF THE CHIEF EXECUTIVE (CONTINUED)**

**PRECEDENCE OF BUSINESS**

1030/2003

MOVED by Cr Hulse, seconded Cr Presland:

That Item 18: New Lynn Library Location Options be accorded precedence at this time.

**CARRIED**

**18 NEW LYNN LIBRARY LOCATION OPTIONS**

1031/2003

MOVED by Cr Fenton, seconded Cr Brady:

That the information be received.

**CARRIED**

1032/2003

MOVED by Cr Fenton, seconded Cr Hulse:

That Council reconfirms its desire to locate the New Lynn Library in the central triangle car park, complementing the memorial development, within the time agreed in the draft Long Term Council Community Plan.

**CARRIED**

The Order of Business resumed at Item 17: Removal of Designations - Henderson.

8.31 pm Cr Battersby left the meeting.

8.32 pm Cr Hulse left the meeting.

**17 REMOVAL OF DESIGNATIONS - HENDERSON**

1033/2003

MOVED by Cr Brady, seconded Cr Dallow:

1. That the information be received.
2. That the Chief Executive be authorised to execute the Form contained within the attached pages A14 to A14(e) to the agenda on behalf of Council to request the removal of designation WCCCP2 (applying to Lot 32 DP8400 and part of Lot 15 DP 45417) from the District Plan, and that notice be given accordingly pursuant to S.182(1) of the Resource Management Act 1991.
3. That the Chief Executive be authorised to execute the Form contained within the attached pages A15 to A18 to the agenda on behalf of Council to request the removal of designation WCCSL7 (applying to part of Lot 15 DP 45417) from the District Plan, and that notice be given accordingly pursuant to Section 182(1) of the Resource Management Act 1991.
4. That upon execution and receipt of such notices the said designations WCCCP2 and WCCSL7 be forthwith removed from the District Plan without further formality.

**CARRIED**

8.35 pm Cr Battersby returned to the meeting.

**18 NEW LYNN LIBRARY LOCATION OPTIONS**

This item was considered following Part G - Presentations.

**19 RAIL BUSINESS PLAN**

8.45 pm Cr Hulse returned to the meeting.

1034/2003

MOVED by Cr Clews, seconded Cr Presland:

1. That the information be received.
2. That the draft Rail Business Plan for the Auckland Rail Upgrade Project (9 May 2003) be endorsed based on:
  - a) A patronage target of 25 million passengers on the Auckland rail network by 2015 and 30 million by 2021 in order to meet its share of passenger transport targets in the regional land transport strategy.
  - b) Electric heavy rail as the preferred network option.
  - c) Core infrastructure upgrades are staged over 2004 to 2008.
3. That it be acknowledged that further refinements may be made prior to the formal sign-off of the plan by the Auckland Regional Council and the Auckland Regional Transport Network Limited Board in August 2003 taking into account comments received from the Councils, their residents and key stakeholders, particularly in relation to Transfund funding, the Crown's role in funding and commitment to the proposed travel demand measures, and transport governance issues.
4. That Auckland Regional Transport Network Limited informs the Shareholders Representative Group as refinements are made to the business plan and that the Shareholders Representative Group determines whether these changes warrant further consideration by shareholding Councils.
5. That it be noted that the region's Councils have supported funding proposals to develop the region's transport network and jointly with central government will be investigating traffic demand management measures, including network pricing, and government's contribution to the completion of the network including potential funding of the electrification of the Auckland passenger rail network and double tracking of western corridor.
6. That the information on the integrated rail delivery governance structure be noted and the information be considered as part of the Auckland Regional Transport Governance project.

**CARRIED**

**20 39-41 TOTARA AVENUE, NEW LYNN - LOT 1 DP 209062**

1035/2003

MOVED by Cr Battersby, seconded Cr Presland:

1. That the information be received.
2. That the resource consent application for the proposed commercial development on Lot 1 DP 209062 be approved to be processed on the basis that ten (10) car parking spaces are allocated and maintained in future on the adjoining Lot 2 DP 209062, secured by a registered Memorandum of Encumbrance prepared by Council's solicitor at the applicant's expense in all respects, provided in conjunction with application for the related building consent.

3. That such approval is subject to the applicant constructing the development generally in accordance with the plans demonstrated by Architectus, incorporating an active open café frontage at ground level complimentary to the adjacent Community Centre, with any proposed amendments to such plans being approved by both Waitakere Properties Limited and Council's Urban Design Manager.
4. That construction includes provision for a canopy as depicted "roofing over" part of the Community Centre forecourt area and that tables and chairs be permitted to be maintained outside the site boundary underneath the said canopy, providing that such furniture is to a standard approved by Council and the café proprietor accepts responsibility for keeping that area free of litter and in a clean and tidy condition at all times, provided, however, that this approval does not extend to the frontage with Totara Avenue.

**CARRIED**

**21 BRITOMART TRANSPORT CENTRE**

1036/2003

MOVED by Cr Presland, seconded Cr Clews:

1. That the information be received.
2. That approval be given to Auckland Regional Transport Network Limited entering into the Overarching Deed with Auckland City Council for a period of up to 6 months, and thereafter a Britomart Lease and Management of Bus Precinct Agreement, for occupation and management rights to the Britomart Transport Centre on:
  - a) the same terms and conditions as the Britomart lease and associated legal agreements with the exception of asset renewals; and
  - b) the basis that Auckland Regional Transport Network Limited will lease the Britomart Transport Centre and assume the asset renewal obligation once Auckland Regional Council funding is secured, to the satisfaction of both Auckland Regional Transport Network Limited and Auckland City, for the ongoing asset renewal programme.
3. That approval be given to Auckland Regional Transport Network Limited and any of its subsidiaries entering into a major or substantial transaction relating to the occupation and management rights to the Britomart Transport Centre.
4. That delegated authority be given to the Chief Executive to approve and sign the necessary documentation and shareholders resolutions relating to the above.
5. That the Auckland Regional Transport Network Limited Board be given delegated authority to finalise the terms of the agreements referred to in resolution 2.
6. That the Auckland Regional Transport Network Limited Board be informed that Council does not intend to assume any financial obligations for the Britomart Transport Centre.

**CARRIED**

**22 ACQUISITION OF RAILWAY SIDINGS AT HENDERSON**

1037/2003

MOVED by Cr Fenton, seconded Cr Hulse:

That the information be received.

**CARRIED**

1038/2003

MOVED by Cr Presland, seconded Cr Lawley:

1. That the Chief Executive be authorised to acquire all or part of the land contained in Gazette Proclamations Gazette 1938 P 2355 Proc.9793, Gazette 1883 P 1802 Proc.706, and Gazette 1940 Page 1263.
2. That Council commits to supporting Auckland Regional Transport Network Limited with the development of a stabling facility and maintenance facility for trains - preferably the stabling facility to be developed at Swanson and the maintenance facility to be developed in the Bruce McLaren area, recognising the residential nature of Swanson and the light industrial nature of the Bruce McLaren area.
3. That through the process of settling of the appeal on the Penihana development, appropriate recognition is made of the adjacent rail corridor and its possible use as a train stabling, including possible inclusion of rules or assessment criteria.
4. That possible mechanisms for dealing with regulatory issues associated with the location of rail maintenance facilities be reported to the Environmental Management Committee.

**CARRIED**

9.23 pm Cr Dallow left the meeting.

**PART E - CONFIDENTIAL ITEMS**

**23 HIGH COURT JUDGEMENTS RELATING TO HOBSONVILLE AIRBASE**

**24 LAND ACQUISITION - LOT 14 DP 45417**

**25 1 KAMARA ROAD, GLEN EDEN (PUBLIC WORKS ACT 1981)**

**PROCEDURAL MOTION TO EXCLUDE THE PUBLIC**

1039/2003

MOVED by Cr Presland, seconded Cr Neeson:

1. That the public be excluded from the following part of the proceedings of this meeting, namely, High Court Judgements Relating to Hobvonsville Airbase and Land Acquisition - Lot 14 DP 45417.

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 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>• High Court Judgements Relating to Hobsonville Airbase</li> <li>• Land Acquisition - Lot 14 DP 45417</li> <li>• 1 Kamara Road, Glen Eden (Public Works Act 1981)</li> </ul>	<p>The withholding of information is necessary in order to:</p> <ul style="list-style-type: none"> <li>• protect the privacy of natural persons;</li> <li>• maintain legal professional privilege;</li> <li>• enable the 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), (g) 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 reports contain information which if released would affect the Council's negotiations, privacy of natural persons, and legal and professional advice which is subject to legal and professional privilege.
2. That Matt Casey, Solicitor for the Council, be permitted to remain at this meeting for Item 23: High Court Judgements Relating to Hobsonville Airbase, after the public has been excluded, because of his knowledge of the matter to be discussed. This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant because of background information and advice which will be required by Council when assessing the options available to it and in explaining any decision to the community.

**CARRIED**

9.22 pm      The public were excluded.

### **DECLARATION OF INTEREST**

9.23 pm Cr Russell declared an interest and withdrew from the table and took no part in the debate or decision on Item 23: High Court Judgements Relating to Hobsonville Airbase.

Minute Numbers 1040/2003 to 1043/2003 are recorded in the Confidential section of the minutes.

9.30 pm The public were re-admitted.

### **RESTATEMENTS**

The Council resolved while the public were excluded:

1. (Moved by Cr Clews, seconded Cr Battersby) (resolution 1040/2003 no. 3) *"That High Court Judgements Relating to Hobsonville Airbase report and nos. 1-2 of resolution 1040/2003 remain confidential until agreement is reached with the Crown or an appeal is lodged to the Court of Appeal"*.
2. (Moved by Cr Battersby, seconded Cr Brady) (resolution 1042/2003 no. 6) *"That Land Acquisition - Lot 14 DP 45417 report and resolution 1041/2003 and nos. 1-5 of resolution 1042/2003 remain confidential until further notice"*.
3. (Moved by Cr Clews, seconded Cr Hulse) (resolution 1043/2003 no. 8) *"That 1 Kamara Road, Glen Eden (Public Works Act 1981) report and nos. 1-7 of resolution 1043/2003 remain confidential until the Council has acquired the property"*.

## **PART F - STANDING COMMITTEE REPORTS**

### **26 CITY DEVELOPMENT COMMITTEE**

1044/2003

MOVED by Cr Hoskin, seconded Cr Brady:

That the report of the Ordinary Meeting of the City Development Committee held on Thursday, 8 May 2003 be received.

**CARRIED**

27 **FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE**

9.31 pm Cr Battersby left the meeting.

1. **BANKRUPTCY PROCEEDING - RECOVERY OF RATE ARREARS**

1045/2003

MOVED by Cr Clews, seconded Cr Hoskin:

1. That prior to the issuance of a Bankruptcy Notice that all reasonable attempts be taken to meet with the Ratepayer and resolve the outstanding rate arrears and that options be explained to the Ratepayer.
2. That if all reasonable attempts taken to meet with the Ratepayer fail then a Bankruptcy Notice be served in respect of the arrears outstanding in respect of Rate Account 34870 and for which judgement by default has been obtained, and, if settlement is not achieved within one month of the service of the Notice, that a bankruptcy petition be filed in the High Court so as to secure the Official Assignee to deal with the debtor's affairs.

**CARRIED**

9.32 pm Cr Neeson left the meeting.

2. **OTHER MATTERS CONSIDERED**

1046/2003

MOVED by Cr Clews, seconded Cr Hoskin:

That the report of the Ordinary Meeting of the Finance and Operational Performance Committee held on Monday, 12 May 2003 be received.

**CARRIED**

28 **ENVIRONMENTAL MANAGEMENT COMMITTEE**

1047/2003

MOVED by Cr Hulse, seconded Cr Yates:

That the report of the Ordinary Meeting of the Environmental Management Committee held on Tuesday, 13 May 2003 be received.

**CARRIED**

**PART H - PROCEDURAL MATTERS**

**32 QUESTIONS**

There were no Questions.

**33 NOTICES OF MOTION**

There were no Notices of Motion.

**34 CLOSING PRAYER**

Cr Clews concluded the meeting with a prayer.

9.38 pm

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

CONFIRMED AT AN ORDINARY MEETING OF  
THE COUNCIL HELD ON

**DATE:**.....

**CHAIRPERSON:**.....