



AGENDA FOR A MEETING OF THE COUNCIL TO BE HELD IN THE CIVIC CENTRE,  
6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,  
ON WEDNESDAY, 27 APRIL 2005  
COMMENCING AT 5.30 PM

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**PART A - OPENING OF MEETING**

**1 OPENING PRAYER**

Mr Mark Strom from the Bible College of New Zealand Inc. will say the Opening Prayer.



**2 APOLOGIES**



**3 CONFIRMATION OF MINUTES**

Meeting Minutes - 2 March 2005  
16 March 2005  
30 March 2005

**RECOMMENDATION**

That the minutes of the Meetings of the Council held on Wednesday, 2 March 2005, Wednesday, 16 March 2005 and Wednesday 30 March 2005, including the public excluded minutes, as circulated, be taken as read and now be confirmed.

*Page 10  
Part H*

The public excluded minutes are attached at page 10 of the confidential supplement labelled Part H.



**4 URGENT BUSINESS**

Section 46A(7) 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 Council by resolution so decides; 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 and decision, why the item is not on the agenda, and why it cannot be delayed until a subsequent meeting.

The Council may make a decision on a matter determined to be urgent.

**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 - REPORTS OF TE TAUMATA RUNANGA, NEW LYNN COMMUNITY BOARD, WAITAKERE COMMUNITY BOARD, MASSEY COMMUNITY BOARD AND HENDERSON COMMUNITY BOARD**

**5 TE TAUMATA RUNANGA**

**I NOHO TE TAUMATA RUNANGA KOMITI MANE, TE KAU MA WARU O PAENGA-WHAWHA 2005**

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON MONDAY, 18 APRIL 2005**

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**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 tonoa ki nga mema o te Kaunihera.

**Your Committee Recommends:**

That the report of the Meeting of Te Taumata Runanga held on Monday, 18 April 2005 be received.

TW Taua, MNZM  
**CHAIRPERSON**



6 **NEW LYNN COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON MONDAY 4 APRIL 2005**

1. **GLEN EDEN BOWLING CLUB SITE LEASE FOR PRE-SCHOOL**

**Your Board Recommends:**

- 1 That the Chief Executive Officer 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 Westview Reserve (part Lot 4, DP 49712; part Lot 2, DP 52708 and part Allotment 744 Parish of Waikomiti) as shown on the plan attached at page A118 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 pre-school.
- 2 That Council continue to pursue accommodation for the teenage parents school with high priority.

2. **OTHER MATTERS CONSIDERED**

6-12  
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 12 in the supplement labelled Part C.

**The Board Recommends:**

That the report of the Meeting of the New Lynn Community Board held on Monday, 4 April 2005 be received.

P van der Voort, JP  
**CHAIRPERSON**



7 **WAITAKERE COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON TUESDAY, 5 APRIL 2005**

**MATTERS CONSIDERED**

13-18  
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 13 to 18 in the supplement labelled Part C.

**The Board Recommends:**

That the report of the Meeting of the Waitakere Community Board held on Tuesday, 5 April 2005 be received.

CA Shepherd, JP  
**CHAIRPERSON**



8 **MASSEY COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON WEDNESDAY, 6 APRIL 2005**

1. **PROPOSED REVOCATION OF RESERVE STATUS AND SALE OF LAND AT REFLECTION DRIVE, WEST HARBOUR**

**Your Board Recommends:**

1. That the intention to revoke the reserve status of Lot 50 Deposited Plan 118891 be publicly notified and that in the absence of any objections the reserve status be revoked and the approval of the Minister of Conservation be sought to this revocation because the reserve can no longer be used for public access and therefore its maintenance is an unnecessary expense to Council.
2. That after the revocation, Lot 50 Deposited Plan 118891 be offered for sale by tender to the two adjoining owners who have expressed interest therein and the final price be negotiated with the highest tenderer but having regard to the recommendation of Council's registered valuer.

2. **OTHER MATTERS CONSIDERED**

The Board dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 19 to 25 in the supplement labelled Part C.

**The Board Recommends:**

That the report of the Meeting of the Massey Community Board held on Wednesday, 6 April 2005 be received.

JA Good

**CHAIRPERSON**



9 **HENDERSON COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON THURSDAY, 7 APRIL 2005**

**MATTERS CONSIDERED**

The Board dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 26 to 33 in the supplement labelled Part C. The public excluded minutes are attached at pages 11-12 of the confidential supplement labelled Part H.

26-33  
Part C  
Pages 11-12  
Part H

**The Board Recommends:**

That the report of the Meeting of the Henderson Community Board held on Thursday, 7 April 2005 be received.

EAG Grimmer, MNZM

**CHAIRPERSON**



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

**10 LOCAL GOVERNMENT NEW ZEALAND CONFERENCE AND ANNUAL GENERAL MEETING**

**PURPOSE OF THE REPORT**

This report is to invite Council to consider:

- Elected Member representation at the Local Government New Zealand Conference in Christchurch;
- Early notification as to whether it wishes to send a remit to the Local Government New Zealand Annual General Meeting; and
- Council's delegates for the purposes of voting at the Annual General Meeting.

**BACKGROUND**

The Local Government New Zealand Conference will take place this year from Sunday, 24 July to Wednesday, 27 July 2005 in Christchurch. Historically, Council has attended this conference each year and has sent the Mayor, Deputy Mayor, and a number of other Elected Members, supported by the Chief Executive Officer and other appropriate staff.

As part of the annual conference Local Government New Zealand also holds its Annual General Meeting and this year it will be held on Wednesday, 27 July 2005.

**STRATEGIC CONTEXT**

Membership of Local Government New Zealand has the potential to be of assistance to Council as it pursues a wide range of strategic and advocacy aims. Local Government New Zealand provides a vehicle through which Council's voice can be heard on the national stage as Local Government New Zealand undertakes its activities on behalf of its members.

The Conference provides an opportunity for Elected Members to discuss a wide range of Local Government issues and to network and share experiences with other Elected Members across the country.

## ISSUES

### Conference Attendance

The Conference theme for this year is National Goals, Local Roles. In past years Council has authorised attendance at the Conference for the Mayor, Deputy Mayor, a number of (other) Elected Members and the Chief Executive Officer as follows:

2004	Mayor, Deputy Mayor, Cr Brady and Cr Yates
2003	Mayor, Deputy Mayor, Cr Clews and Cr Russell
2002	Cr Fenton, Cr Brady, the Mayor and Deputy Mayor
2001	Cr Battersby, Cr Hulse, Cr Freeth and Cr Davies
2000	Mayor and Deputy Mayor and Evelyn Taumaunu as Chairperson of Te Taumata Runanga
1999	Deputy Mayor and Cr Riddell
1998	Mayor, Deputy Mayor and Cr Battersby

The cost of the Conference attendance is \$1,095 including GST per delegate plus accommodation, and travel.

The New Zealand Community Boards Executive Committee have formally requested that Christine Shepherd, Chairperson of Waitakere Community Board be given approval and support to attend the Conference in her role as Deputy Representative of Zone 1 of the Community Boards Executive Committee.

### Remits

A1-A5

Remits for consideration by the Annual General Meeting of Local Government New Zealand must be submitted to Local Government New Zealand by **Friday, 27 May 2005**. Remits are viewed as a vehicle for major strategic "issues of the moment" to be addressed. Local Government New Zealand requires that remits should have a national focus and represent the national voice of Local Government. Local Government New Zealand has adopted a number of criteria for considering remits; these are attached at pages A1 to A5. Remits are required to be supported by at least one Zone or Sector Group or five Councils.

Should Council wish to send a remit to the Conference then either the next Zone One meeting on 29 April 2005 will need to be asked to consider the issue or support will need to be gained through the Metropolitan Sector or from another four individual Councils. Council may wish to re-raise its remit relating to traffic enforcement powers and fine revenue with reference to speed camera and red light enforcement.

### Nominations for Office Of President / Vice President

The President and Vice President of Local Government New Zealand must be elected by ballot of member authorities at the Annual General meeting in the year following the year in which triennial Local Government elections are held.

A6-A7

Information in relation to the nominations for these positions is attached at pages A6 to A7.

The Council at its meeting on 23 February 2005 resolved:

*“That Council authorise the Mayor, or his nominee, or in their absence the Chief Executive or his nominee to exercise Council’s vote at any future Local Government New Zealand meetings in accordance with Council’s policy direction.”*

203/2005

This delegation gives flexibility to permit the nomination or support for any nomination for these offices.

### **Delegates to the Annual General Meeting**

The Local Government New Zealand constitution was amended in 2001 and the administrative procedures for the Annual General Meeting changed. To attend and exercise Council’s five votes at the Annual General Meeting it is necessary for Council to appoint and forward the names to Local Government New Zealand of its presiding delegate, alternate and other delegates attending the Annual General Meeting in advance of the meeting. Under the Constitution, Council is allowed to have no more than four (4) delegates at the Annual General Meeting. Other Councillors at the Conference can attend as observers.

### **Conference**

Council needs to determine attendance at Conference. Once attendance is resolved it would be opportune to resolve the question of presiding delegate, alternate delegate and other delegates for the Annual General Meeting.

### **RESOURCES**

Budget is available in the current Annual Plan to allow Elected Members to attend the Local Government New Zealand Conference.

### **CONCLUSION**

The Local Government New Zealand Conference (programme circulated to Members separately) provides an opportunity for Elected Members to share ideas and experiences with their colleagues across the country. The Annual General Meeting provides Council with an opportunity to influence the leadership and direction of Local Government New Zealand.

### **RECOMMENDATIONS**

1. That the Local Government New Zealand Conference and Annual General Meeting report be received.
2. That the Mayor attend the Local Government New Zealand 2005 Conference at Christchurch from 24 to 27 July 2005.
3. That the Deputy Mayor attend the Local Government New Zealand 2005 Conference at Christchurch from 24 to 27 July 2005.
4. That Council determine additional Councillor or other Elected or appointed Member representation to attend the Local Government New Zealand Conference.

5. That the Chairperson of the Waitakere Community Board be appointed to attend the Local Government New Zealand 2005 Conference in her capacity as Deputy Representative for Zone 1 of the New Zealand Community Boards' Executive Committee and that the costs of her attendance be met by the Council.
6. That Council determine whether it wishes to make any nomination for the positions of President or Vice President of Local Government New Zealand.
7. That the Mayor be appointed the Waitakere City Council presiding delegate for the purposes of the Local Government New Zealand Annual General Meeting on Wednesday 27 July 2005 and be authorised to cast Waitakere City Council's votes at the meeting.
8. That the Deputy Mayor be nominated as the alternate presiding delegate for the purposes of the Local Government New Zealand Annual General Meeting.
9. That up to two other Councillors be nominated as the delegates for the purposes of the Local Government New Zealand Annual General Meeting.
10. That Council consider whether it wishes to send any remits to the Local Government New Zealand 2005 Annual General Meeting.

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



## 11 ELECTED MEMBERS' REMUNERATION - REMUNERATION AUTHORITY DETERMINATION

### PURPOSE OF THE REPORT

The purpose of this report is to advise the Council of the funding pool available for the remuneration of Waitakere Elected Members released by the Remuneration Authority for the period from 1 July 2005 to 30 June 2006.

The Council in a workshop held on 1 February 2005 has confirmed the basis for allocating the remuneration and this was confirmed by at the 16 February 2005 meeting of the Council (resolution 180/2005) and submitted to the Remuneration Authority who subsequently approved the allocation.

Consultation must take place with Community Boards who have the opportunity to advise the Remuneration Authority whether they agree or disagree with the Council's determination. The Community Boards discussed the basis for allocating remuneration for Elected Members at Waitakere City at a workshop on 31 January 2005 and generally indicated approval of the proposal. They formally considered the matter at their March 2005 meetings and agreed to the basis for allocation. This basis of allocation has been used to apportion the new indicative pool.

### BACKGROUND

The Remuneration Authority is established and derives its delegations and functions from the Remuneration Authority Act 1977 and makes determinations on local authority remuneration pursuant to clause 6 of Schedule 7 of the Local Government Act 2002.

The Remuneration Authority is required to determine remuneration, allowances and expenses payable to all Elected Members, whilst having regard to:

- the need to minimise the potential for remuneration to distort the behaviour of Members;
- the need to achieve and maintain fair relativity with the levels of remuneration received elsewhere;
- the need to be fair to both the person whose remuneration is being determined and ratepayers;
- the need to recruit and retain competent persons.

## **STRATEGIC CONTEXT**

The Council is committed to increasing community participation and democratic processes. The way Elected Members are remunerated and the quantum of that remuneration will have considerable bearing on who can and who cannot stand for election. It has long been recognised that the role of an Elected Member can require a substantial investment of time and commitment to the role, and that this commitment can make it difficult to hold down either full or part time employment. The interests of a diverse and young community such as Waitakere are unlikely to be best served should the only candidates putting themselves forward for election be those who have private income available to subsidise their Council duties.

## **ISSUES**

### **Remuneration Pool and Salaries**

A8 Attached at page A8 is a spreadsheet of Elected Members Remuneration based on the Council's apportionment formula but using the new pool set by the Remuneration Authority.

The total remuneration pool is set by the Remuneration Authority and cannot be adjusted once finalised. The total remuneration pool established by the Remuneration Authority for this consideration is \$1,054,501 - an increase of \$27,629 pa.

The Mayor's salary is set by the Remuneration Authority and cannot be adjusted once finalised. The Mayor's salary (including the value of any deduction for a motor vehicle) is included in the indicative pool although separately specified. The total salary payable to the Mayor is set at \$128,749, inclusive of a motor vehicle. A deduction of 12% of the cost of the vehicle is made for private use of the vehicle. This deduction is set by the Remuneration Authority.

A9-A13 Advice from the Remuneration Authority advising the 2005/2006 indicative pool is attached at pages A9 to A13. The Remuneration Authority requires a response by 10 May 2005. The Community Boards will be copied this report and advised of the Council's decision at their May meetings. A formal response will be sent to the Remuneration Authority based on the decision made.

Half of the total sum payable to Community Board Members is deducted from the total remuneration pool and the other half is paid outside of the pool. The half outside the pool can be thought of as a "top up". Based on Council's apportionment formula, any further adjustment to the salaries of Community Board Chairs and Members will necessitate an adjustment to the salaries payable to Members of Council other than the Mayor.

In the apportionment formula the Council proposes to use the salaries of the Deputy Mayor and the Chairpersons of Standing Committees are established as a percentage of the Mayor's approved salary. The salaries of the Chairpersons of the other Committees are established as a percentage of a Standing Committee Chairperson. The principle that all Community Boards be assessed at the same level is continued. The formula in the spread sheet is the same as approved by the Council and Community Boards in February 2005 and the increase is applied proportionally across the board.

Payments to appointed Community and Iwi/Maori representatives on Committees are outside the indicative pool. These payments are matters that lie with the Council and are not within the Remuneration Authorities brief. Waitakere City Council has set a salary for the Chairperson of Te Taumata Runanga and meeting fees as appropriate for appointed Members to Te Taumata and any other Committee of the Council. Any determination made by the Council on this remuneration will not affect the indicative pool established by the Remuneration Authority for Waitakere City. The percentage movement in the salary for the Chairperson of Te Taumata Runanga is the same as the movement in the salaries for Community Board Members.

No changes are proposed to the way in which payments are claimed or made.

Any income for Elected Members from Resource Consent Hearings is outside the pool.

Expenses, including mileage allowances, are outside the pool, although the actual amounts/rates that can be claimed are set by the Remuneration Authority. This report also recommends amounts/rates for submission to the Remuneration Authority.

Should the Council wish to, it may request the Remuneration Authority to reduce the remuneration pool. This requires a unanimous vote of the Council.

### **Expenses**

The Council can review the expenses currently approved by the Remuneration Authority with a view to recommending changes if it is considered necessary. It is suggested that the retention of monthly allowances for Elected Members to cover the cost of technology and communications associated with Council business continue and that Elected Members be required to claim those allowances on their monthly claim forms.

Elected Members may also incur expenses that arise as a direct result of carrying out the role of an elected representative. Some of those expenses not covered by allowances already paid may be claimable as an expense reimbursement through Waitakere City Council. Other expenses may be claimable in an annual tax return.

Elected Members need to be aware of their responsibility for all taxation issues. Each will need to keep evidence of expenditure incurred for which the appropriately selected reimbursement allowances are claimed in case Inland Revenue seeks justification of the claim.

The Remuneration Authority has jurisdiction to make the determination and has requested representations from the Council. Consequently Elected Members have no pecuniary interests in voting on salaries and personal allowances. Elected Members will be paid the new amounts when the determination has been made. Elected Members have a choice whether to claim payment of allowances, part claim or not to make any claim at all. With respect to salaries, Elected Members are required to take the amount that is determined by the Remuneration Authority.

### **Meeting Allowance Rates**

No meeting allowance rates will be payable except for appointed members to Council Committees and Subcommittees. The meeting allowance rates have been increased by the same percentage as salaries payable to Elected Members.

## CONCLUSION

The Remuneration Authority will make the final determination for the Council after reviewing proposals put forward by the Council and its Community Boards.

## RECOMMENDATIONS

1. That the Elected Members' Remuneration - Remuneration Authority Determination report be received.
2. That the Council recommend the following salaries for Elected Members to the Remuneration Authority:
  - Deputy Mayor - \$70,812 per annum;
  - Chairpersons of Standing Committees (City Development, Planning and Regulatory and Finance and Operational Performance Committee) - \$67,593 per annum;
  - Committees:
    - Chairperson of Hearings - \$57,454 per annum;
    - Chairperson of Projects Special - \$57,454 per annum;
    - Chairperson of Arts Special - \$57,454 per annum;
    - Chairperson of Emergency Services Committee - 0;
    - Chairperson of Performance Review Committee - 0;
    - Chairperson of Tenders Subcommittee - 0;
    - Chairperson of Long Term Council Community Plan and Annual Plan Special Committee - 0.
  - Other Councillors - \$47,804 per annum;
  - Community Boards Chairpersons - \$21,887 per annum;
  - Community Board Members - \$11,266 per annum.
3. The following reimbursements and expenses be recommended to the Remuneration Authority:
  - That Councillors and Community Board Members receive a monthly allowance to cover reimbursement of the following costs incurred as appropriate;
  - Reimbursement of one domestic line rental and one domestic line maintenance charge related to telephone, fax and email operation and the call minder facility (currently \$45.20);
  - Reimbursement of one cell phone on the basis of the Waitakere City Call Plan including the Call Minder facility (currently \$35) when a cell phone is made available to be used on Council business;
  - Reimbursement of the best flat rate monthly fee available to the Council for Jet Stream 400 or its equivalent (currently \$69) (not currently available to Community Board Members).
4. That Councillors and Community Board Members claim reasonable business related core costs on telephone or cell phone on a monthly basis provided they are supported by presentation of an account detailing to whom the calls have been made.

5. That Councillors be paid a flat monthly fee of \$20 to cover all consumables (not currently available to Community Board Members) for computers including lap tops, printers, facsimiles etc.
6. That Councillors be supplied with either a personal computer at home or a lap top if necessary. Those Councillors that provide their own computer equipment be paid an additional monthly allowance of \$50 (not currently available to Community Board Members other than the Chairs).
7. That no other telephones, fax machines or cell phones be provided to Elected Members except that the Mayor be provided with a cell phone and the Council will pay for all expenses except private calls.
8. That when on approved Council business all actual or related expenses be met by the Council.
9. That the rate for reimbursing an Elected Member for travel, using their own motor vehicle on Council business is the maximum set by the Remuneration Authority - \$0.70 per kilometre and that the Council also pay the approved rate to appointed Members. Any infringement fees e.g. parking and speeding infringements are by law the responsibility of the offender.
10. That the Chairperson of Te Taumata Runanga be paid a salary of \$19,373 per annum.
11. That all appointed non-elected Members of Council Committees and Subcommittees except the Hearings Committee be paid a meeting fee of \$198 per meeting.

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



## 12 **APPOINTMENT TO THE WAITAKERE ARTS AND CULTURE DEVELOPMENT TRUST BOARD**

### **PURPOSE OF THE REPORT**

The purpose of this report is to enable Council to make an appointment to replace Councillor Stone on the Waitakere Arts and Culture Development Trust Board.

### **BACKGROUND**

At the Council Meeting held on 24 November 2004, Councillor Stone, together with Councillor Clow, was appointed as one of the two Council representatives on the Waitakere Arts and Culture Development Trust, via Resolution No. 2109/2004, which covers Council appointments of Councillors to other organisations. All Council appointments to external organisations are reviewed at the beginning of the each Council term.

### **STRATEGIC CONTEXT**

The appointment of Councillors to outside organisations is consistent with the Active Democracy and Strong Communities platforms of the 2003/2013 Long Term Council Community Plan.

## ISSUES

At the Arts and Events Special Committee held on 13 April 2005, Councillor Stone advised that as the Waitakere Arts and Culture Development Trust Board meeting was being scheduled on a Tuesday, this conflicts with the regional responsibilities which she had. Councillor Gilmour indicated at the meeting that he was available and was prepared to accept the appointment.

The Trust Deed specifies under section 6.4(a) *“that there shall be no more than 2 Trustees at any time who are a Councillor, a Community Board member or employees of the Council.”*

## RESOURCES

No additional resources will be required.

## RECOMMENDATIONS

1. That the Appointment To The Waitakere Arts And Culture Development Trust Board report be received.
2. That Councillor Gilmour be appointed as a Council representative to the Waitakere Arts and Culture Development Trust Board to replace Councillor Stone.

Report prepared by: Audrey Chan, Committee Secretary.

HV O'Rourke

**CHIEF EXECUTIVE OFFICER**



## PART E - STANDING COMMITTEE REPORTS

### 13 CITY DEVELOPMENT COMMITTEE

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON THURSDAY, 7 APRIL 2005**

#### 1. PROPOSED RESERVE EXCHANGE - OPANUKU STREAM RESERVE

**Your Committee Recommends:**

That in the absence of any objections, the proposal to exchange approximately 270m<sup>2</sup> of the Opanuku Stream Reserve (Lot 3 DP 113401) with approximately 270m<sup>2</sup> of land forming Lot 42 DP 112091 be approved.

#### 2. WAITAKERE INFORMATION ACCESS PROJECT - UPDATE ON THE CITY Portal

**Your Committee Recommends:**

That Cr Cooper be appointed to represent Council on the Waitakere Online Editorial Board.

3. **OTHER MATTERS CONSIDERED**

1-9  
Part E  
Page 13  
Part H

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 9 in the supplement labelled Part E. The public excluded minutes are attached at page 13 of the confidential supplement labelled Part H.

**Your Committee Recommends:**

That the report of the Meeting of the City Development Committee held on Thursday, 7 April 2005 be received.

PA Hulse  
**CHAIRPERSON**



14 **FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE**

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON MONDAY, 11 APRIL 2005**

1. **BORROWING AND INVESTMENT REPORT**

**Your Committee Recommends:**

1. That The National Bank of New Zealand and the ANZ Banking Group be replaced in the Liability Management and Investment Policy with ANZ National Bank Limited as an approved counterparty for counterparty credit risk purposes.
2. That ABN AMRO New Zealand Limited be added to the Liability Management and Investment policy as an approved counterparty for counterparty credit risk purposes.

2. **OTHER MATTERS CONSIDERED**

10-16  
Part E  
Pages 14-16  
Part H

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 10 to 16 in the supplement labelled Part E. The public excluded minutes are attached at pages 14 to 16 of the confidential supplement labelled Part H.

**Your Committee Recommends:**

That the report of the Meeting of the Finance and Operational Performance Committee held on Monday, 11 April 2005 be received.

JM Clews, QSO, JP  
**CHAIRPERSON**



15 **PLANNING AND REGULATORY COMMITTEE**

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON TUESDAY, 12 APRIL 2005**

1. **BYLAW REVIEW UNDER THE LOCAL GOVERNMENT ACT 2002**

**Your Committee Recommends:**

1. That the bylaws listed below be repealed for the reasons given in the Agenda report of the Planning and Regulatory Committee meeting held on Tuesday, 12 April 2005:
  - No.3 (1990) Land Subdivision & Development
  - No.12 (1990) Certification Fee for Document
  - No.15 (1990) Dangerous Goods Approvals & Inspection Fees
  - No.16 (1990) Fencing of Swimming Pools
  - No.23 (1990) Clean Indoor Air
2. That officers prepare a statement of proposal and summary of information in respect of the proposals to repeal each of these bylaws for inclusion in the special consultative procedure relating to the review of the Council's Bylaws and scheduled for October/November 2005.

2. **DOG REGISTRATION FEES - 2005/2006**

**Your Committee Recommends:**

1. That the following 2005/2006 dog registration and associated fees be set:

<b>DOG REGISTRATION &amp; ASSOCIATED FEES 2005-2006</b>			
<b>REGISTRATION FEES</b>		<b>Fee for Late Registration after 1/8/05 (GST incl)</b>	<b>Fee if Paid On or Before 1/8/05 (GST incl)</b>
1.	Entire Dog (not castrated) & Entire Bitch (not spayed)	\$141.00	\$94.00
2.	Neutered Dog (castrated male & spayed female)	\$102.00	\$68.00
3.	Dog Owner Licence Holder with un-neutered dog	\$82.50	\$55.00
4.	Dog Owner Licence Holder with neutered dog Superannuitants	\$72.00	\$48.00
5.	Seeing Eye & Hearing Ear Dogs	\$4.50	\$3.00

OTHER FEES	Fee
Replacement Registration Tags	\$3.00
<u>Impoundings:</u>	
First	\$65.00
Second	\$130.00
Third	\$195.00
Subsequent	\$260.00
Sustenance Fee (day or part thereof)	\$15.00
<u>Adoptions:</u>	
Adoption Fee	\$45.00
Adoption Registration Fee (for SPCA adoptions into Waitakere City & Waitakere Animal Welfare Services adoptions)	\$20.00

2. That all dog owners who book to sit the Dog Owner Licence test prior to the penalty date of 1st August 2005 pay the reduced fee within a week of passing the test; or pay the fee which they would have otherwise paid within a week of failing the test, otherwise the late fee applies to whatever category each dog falls into.
3. That for all newly acquired dogs (providing the owners have not been served an infringement notice), a reduced pro-rata fee based on the months of the year be applicable.
4. That where an adult dog is impounded and unregistered, or for which the owner is served an infringement notice, the full registration fee including the penalty be applied.
5. That the dog registration fees adopted for the 2005/2006 financial year be publicly notified in accordance with Section 37(6) of the Dog Control Act 1996.

**3. OTHER MATTERS CONSIDERED**

17-22  
Part E  
Pages 17-19  
Part H

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 22 in the supplement labelled Part E. The public excluded minutes are attached at pages 17 to 19 of the confidential supplement labelled Part H.

**Your Committee Recommends:**

That the report of the Meeting of the Planning and Regulatory Committee held on Tuesday, 12 April 2005 be received.

**4. DISTRICT PLAN - BETHELLS APPEALS**

The Planning and Regulatory Committee report regarding the District Plan - Bethells Appeals will be considered in the Public Excluded section of the meeting as Item 21.

VS Neeson, JP  
**CHAIRPERSON**



**PART F - PRESENTATIONS**

**16 AUCKLAND REGIONAL COUNCIL DELEGATION - DRAFT ANNUAL PLAN**

**This presentation will take place at 5.30 pm.**

A delegation of four people from the Auckland Regional Council will give an overview of the Auckland Regional Council's draft Annual Plan 2005/2006.

**17 CITATION**

**This presentation will take place at 6.30 pm.**

The Mayor will give a Citation to Hayden Smith to acknowledge his commitment and contribution to the Waitemata Harbour Clean Up Trust.



**PART G - PROCEDURAL MATTERS**

**18 QUESTIONS**

Pursuant to Standing Order 39.3, before putting a question, a member shall, in the first instance, endeavour to obtain the relevant information from the appropriate Local Authority, officer or the Chairperson of the Committee concerned. In the event of the information sought not being forthcoming, or the member not being satisfied with the answer, the member then has the right to raise the matter by way of a question at an ordinary meeting of the Local Authority, provided that the Mayor as Chairperson may refer a question to an appropriate Committee.

Pursuant to Standing Order 39.4, such questions shall be in writing and handed to the Mayor as Chairperson prior to the commencement of the meeting at which they are to be asked.



19 **NOTICE 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 Officer at least five clear days before such meeting.

**COUNCILLOR DEREK BATTERSBY - WAITAKERE RANGES LEGISLATION**

The following notice of motion has been received from Councillor Derek Battersby in accordance with Standing Order 28.1:

That the letter written to the Mayor and Councillors by Councillor Derek Battersby, namely:

*"Dear Mayor and Councillors,*

*I refer to a memorandum dated 13 th April 2005. There is a list of actions to be taken before council votes to proceed with the legislation options.*

*Councillors are currently being lobbied strongly from pro legislation to no legislation There is a wide range of views.*

*From my prospective the draft legislative bill may undermine the democratic property rights of those within the protected zone of normal process's afforded in our district plan and right of appeal to the environmental court that are afforded to the rest of the community. There will be other questions.*

*It would give me more comfort to hear other expert views from outside council.*

*I note that the schedule does not afford that opportunity.*

*I note that council has spend \$454,000.00 on this project with little opportunity for councillors to access other expert views*

*To that end I request that the Mayor and councillors support my views and request the Chief Executive Officer arrange for a list of suitable of experts to offer other insights to the proposed legislation and outcomes that may occur should the legislation be enacted. The experts to be selected by the council chairs. Council could meet with the panel on 18th May within the workshop framework scheduled. A sample below :-*

**Ken Palmer**

*Phone 64 9 373 7599 ext. 87828*

*email k.palmer@auckland.ac.nz*

*Teaching and research interests include local government law and planning law. He is author of Planning Law in New Zealand, Local Government Law in New Zealand and Planning and Development Law in New Zealand. He has published extensively on planning law in academic journals in New Zealand and abroad.*

**John Maassen**

Contact details

Phone 64 6 358 6123


E-mail [jmaassen@cooper-rapley.co.nz](mailto:jmaassen@cooper-rapley.co.nz)

*One of the leading practitioners in the field of resource management law in the central North Island, John has developed core advocacy skills and an ability to carry out incisive legal analysis over a number of years appearing as an advocate in a range of jurisdictions including the District Court, Environment Court, High Court and Court of Appeal. He also has appeared as a Crown Prosecutor on District Court jury trials. John is previously from Waitakere City and understands the issues well.*

**Judge David Sheppard**

*Appointed a Judge of the Planning Tribunal in May 1980 following many years law practice in Auckland in planning and local government law. He was appointed Principal Planning Judge in 1987 and with the Resource Management Amendment Act (1996) became Principal Environment Judge. He retired as Principal Environment Judge and as a full time Environment Judge at the end of March 2001. Judge Sheppard has himself taken part in Planning Tribunal and Environment Court decisions on many significant resource management cases, and has given papers at numerous seminars and conferences both in New Zealand and overseas. Judge Sheppard has also been a member of the Legislation Advisory Committee and is based at Auckland."*

Derek Battersby

  
Councillor

be received and that Council resolve to take the action requested in the letter, namely that the Chief Executive Officer arrange for a list of suitable experts who could offer insights on the proposed legislation and likely outcomes from whom the Chairs of Council's Committee could select experts to meet with at a workshop on 18 May 2005.



**PART H - PUBLIC EXCLUDED MATTERS**

**20 SWANSON STRUCTURE PLAN - ENVIRONMENT COURT MEDIATION**

**21 PLANNING AND REGULATORY COMMITTEE: DISTRICT PLAN - BETHELLS APPEALS**

These items will be considered in the Confidential Supplement of the agenda, and have 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, Swanson Structure Plan - Environment Court Mediation and Planning and Regulatory Committee - District Plan - Bethells Appeals.

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

General subject of the matters to be considered.	Reason for passing this resolution in relation to the matters.	Ground(s) under Section 48(1)(a) for the passing of this resolution.
<ul style="list-style-type: none"> <li>• Swanson Structure Plan - Environment Court Mediation.</li>   <li>• Planning and Regulatory Committee: District Plan - Bethells Appeals</li> </ul>	<p>The withholding of information is necessary in order to:</p> <ul style="list-style-type: none"> <li>• enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</li>   <li>• enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</li> </ul>	<p>That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</p> <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)(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 could affect the Council's negotiations.*



22 **CLOSING PRAYER**

