



**AGENDA FOR A MEETING OF THE COUNCIL TO BE HELD IN THE CIVIC  
CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,  
ON WEDNESDAY, 30 MARCH 2005  
COMMENCING AT 5.30 PM**

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**PART A - OPENING OF MEETING**

**1 OPENING PRAYER**

Reverend Kenneth Smith from the Waitakere Methodist Parish Church, Glen Eden will say the Opening Prayer.



**2 APOLOGIES**



**3 CONFIRMATION OF MINUTES**

- Meeting Minutes - 16 February 2005
- 23 February 2005
- 16 March 2005

**RECOMMENDATION**

That the minutes of the Meetings of the Council held on Wednesday, 16 February 2005, Wednesday, 23 February 2005 and Wednesday, 16 March 2005, including the public excluded minutes, as circulated, be taken as read and now be confirmed.

*Pages 3-6  
Part E*

The public excluded minutes are attached at pages 3 to 6 of the confidential supplement labelled Part E.



**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 - TE TAUMATA RUNANGA AND COMMUNITY BOARDS

### 5 TE TAUMATA RUNANGA

Pursuant to Standing Order 23.1, Te Taumata Runanga meeting scheduled to be held on Monday, 14 March 2005, lapsed for want a quorum. Pursuant to Standing Order 23.3 the business remaining on the order paper stands adjourned until the meeting of Te Taumata Runanga to be held on Monday, 18 April 2005.

TW Taua, MNZM

CHAIRPERSON



### 6 WAITAKERE COMMUNITY BOARD

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON TUESDAY, 1 MARCH 2005**

#### 1. 40KM/H SCHOOL SPEED ZONE OUTSIDE ORATIA DISTRICT SCHOOL

**The Board Recommends:**

1. That in relation to **WEST COAST ROAD, ORATIA:**
  - (a) That, subject to a New Zealand Gazette Notice being issued by the Director of Land Transport Safety approving the implementation of new school zone speed limits as permitted variable speed limits, the following control be now resolved to be specified and imposed, namely,
    - (i) That a '**SCHOOL ZONE SPEED LIMIT**' be established in **WEST COAST ROAD** from a point 283 metres west of the intersection with **SHAW ROAD** to a point 145 metres east of the intersection with **SHAW ROAD** measured along the centre of **WEST COAST ROAD**. The speed limit in this area shall be 50km/h except at times when the variable speed limit signs are activated during which times the speed limit shall be 40km/h.
2. That in relation to **SHAW ROAD, ORATIA:**
  - (a) That, subject to a New Zealand Gazette Notice being issued by the Director of Land Transport Safety approving the implementation of new school zone speed limits as permitted variable speed limits, the following control be now resolved to be specified and imposed, namely,

- (i) That a '**SCHOOL ZONE SPEED LIMIT**' be established in **SHAW ROAD** from the intersection with **WEST COAST ROAD** to a point 375 metres south of the intersection with **ANZAC VALLEY ROAD** measured along the centreline of **SHAW ROAD**. The speed limit in this area shall be 50km/h except at times when the variable speed limit signs are activated during which times the speed limit shall be 40km/h.

3. That the appropriate signage and/or road markings, in accordance with the provisions of the Traffic Regulations 1976 be hereby approved to be put in place to properly establish, delineate and record the said speed restriction.

4. That the 40km/h speed zone hours be extended to include the two preschool facilities located at/and opposite the Oratia Primary School given that preschools and their parents leave and start morning and afternoon sessions in the middle of the day on West Coast Road, Glen Eden.

## 2. OTHER MATTERS CONSIDERED

2-7  
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 2 to 7 in the supplement labelled Part C.

### **The Board Recommends:**

That the report of the Meeting of the Waitakere Community Board held on Tuesday, 1 March 2005 be received.

CA Shepherd, JP  
**CHAIRPERSON**



## 7 MASSEY COMMUNITY BOARD

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON WEDNESDAY, 2 MARCH 2005**

### **MATTERS CONSIDERED**

8-12  
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 8 to 12 in the supplement labelled Part C.

### **The Board Recommends:**

That the report of the Meeting of the Massey Community Board held on Wednesday, 2 March 2005 be received.

JA Good  
**CHAIRPERSON**



8 **HENDERSON COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON THURSDAY, 3 MARCH 2005**

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**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 Henderson Community Board held on Thursday, 3 March 2005 be received.

EAG Grimmer, MNZM  
**CHAIRPERSON**



9 **NEW LYNN COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON MONDAY, 7 MARCH 2005**

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**MATTERS CONSIDERED**

19-24  
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 19 to 24 in the supplement labelled Part C.

**The Board Recommends:**

That the report of the Meeting of the New Lynn Community Board held on Monday, 7 March 2005 be received.

P van der Voort, JP  
**CHAIRPERSON**



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

### **10 AMENDMENT OF ORDER OF BUSINESS**

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

The purpose of this report is to enable Council to amend the Order of Business on the Agenda to enhance management of meetings of the Council and its committees.

#### **BACKGROUND**

At its first meeting on 28 October 2004 after the triennial general election, Council determined by resolution (1888/2004) the following Order of Business for items on its meeting agendas:

Opening Prayer  
Apologies  
Confirmation of Minutes  
Urgent Business  
Deputations/Petitions  
Report of the Mayor  
Reports from the Te Taumata Runanga and the Community Boards  
Report of the Chief Executive  
Reports from the Standing Committees  
Presentations  
Questions  
Notices of Motion  
Closing Prayer

This Order of Business is adhered to in the agenda of the monthly Council meeting scheduled normally on the last Wednesday of each month.

#### **ISSUE**

The above Order of Business on the agenda does not include a specific item for public excluded (i.e., confidential) matters. Thus the order of any public excluded matters is necessarily tagged to that of the relevant items. If several items happen to each have a public excluded matter, this would technically mean that the public has to leave the meeting several times and then re-admitted several times after each of the public excluded matters have been dealt with. Pursuant to the existing Order of Business above these public excluded matters have to be set out on the agenda preceding other non public excluded (i.e. non confidential) items.

To minimise inconvenience to the press and public, the meeting invariably will pass resolutions to give precedence to all non public excluded items to be dealt with first at the open part of the meeting, leaving all public excluded matters to the end before the formal closing of the meeting.

It is therefore suggested that an item "Public Excluded Matters" be added to the Order of Business. This would regularise the meeting practice of having all the other non public excluded matters dealt with first before the public excluded items. The Order of Business on the agenda would therefore reflect accurately, at the outset, the order which items are to be dealt with at the meeting. The use of the procedural motions to accord precedence to certain items could thus be resorted to as an exception rather than the rule.

## CONCLUSION

Adoption of the proposed amendment to the Order of Business to include a "Public Excluded Matters" item before the item 'Closing Prayer' is recommended. This will facilitate improved meeting management and also forestall unnecessary confusion to the public by avoiding the current discrepancies between the Order of Business on the agenda and the order actually followed at the meeting.

## RECOMMENDATIONS

1. That the Amendment of Order of Business report be received.
2. That the Order of Business for Council be amended to be as follows:  
  
Opening Prayer  
Apologies  
Confirmation of Minutes  
Urgent Business  
Deputations/Petitions  
Report of the Mayor  
Reports from the Te Taumata Runanga and the Community Boards  
Report of the Chief Executive  
Reports from the Standing Committees  
Presentations  
Questions  
Notices of Motion  
Public Excluded Matters  
Closing Prayer
3. That a 'Public Excluded Matters' item be also included towards the end of the agenda for other Council meetings and meetings of Council committees and subcommittees, for dealing with public excluded matters, if any.

Report prepared by: Audrey Chan, Committee Secretary.



## 11 ANZAC DAY 2005

### PURPOSE OF THE REPORT

The purpose of this report is to seek appointment of Council representatives to attend the City's Returned Services Association (RSA) Anzac Day Parades Monday, 25 April 2005.

### ISSUES

This year, the City will host a Dawn Candlelight Parade at the Cenotaph commencing at 6.00 am with representatives from each Returned Services Association (RSA) across the City parading. This Parade was extremely successful last year and is now becoming an established annual event for the City.

In addition to the Dawn Parade, each of the City's Returned Services Association (RSA) will host their own Parade and have invited Council to nominate an official representative to lay a wreath on behalf of Council. The times of the Parades are as follows (although these are subject to confirmation from the Returned Services Associations (RSA's) and may change):

Swanson	9.00 am
New Lynn	9.30 am
Henderson	10.30 am
Titirangi	10.30 am
Hobsonville	11.00 am
Glen Eden	11.00 am
Te Atatu	10.00 am
Waitakere	11.00 am
Laingholm	10.30 am
Piha	2.00 pm

Members are welcome to attend any of the Parades, but it is customary to appoint official representatives to each parade.

### **RECOMMENDATIONS**

1. That the Anzac Day 2005 report be received.
2. That a Councillor be appointed to represent the City at each of the Community Anzac Day Parades as follows:

Swanson	9.00 am
New Lynn	9.30 am
Henderson	10.30 am
Titirangi	10.30 am
Hobsonville	11.00 am
Glen Eden	11.00 am
Te Atatu	10.00 am
Waitakere	11.00 am
Laingholm	10.30 am
Piha	2.00 pm

3. That the appointment of Community Board Members to the Services be referred to the appropriate Community Board.

Report prepared by: Tracy Haggio, Administration Clerk Democracy and Support Services.



## 12 SPEED LIMITS BYLAW

### **PURPOSE OF THE REPORT**

The purpose of this report is to commence the process for validating the City's current speed limits as required by the new Land Transport Speed Limits Rule which transfers responsibility to Councils for setting speed limits.

### **BACKGROUND**

A new speed limits rule came into force in April 2004 requiring Councils and other road controlling authorities to take over many of the Land Transport Safety Authority's responsibilities for setting speed limits which initially requires validation of current speed limits by 1 July 2005.

The new rule for setting speed limits represents more of an administrative change than a major shift in the philosophy of setting speed limits in New Zealand. Council will take over much of the administrative workload to do with speed limits from the Land Transport Safety Authority but the actual limits that can be set will still be determined by the same rules used previously to set limits to ensure national consistency. This is essentially based on the level of development in a particular area so changes to speed limits within the City will usually only be as a result of development. The benefit of the new rule is that Council may now review speed limits rather than wait for the Land Transport Safety Authority to do so, but only within the existing framework and Council must also now bear the cost of administering the speed limits.

### **STRATEGIC CONTEXT**

Waitakere City Council's 'Integrated Transport and Communication' platform provides the strategic context for this report. The vision is for public transport and communications systems that provide fast, effective services, and for city travel facilitated by integrated, environmentally responsible, and innovative design, with a focus on meeting the essential needs of all, for access, communication, and safety. Safe and appropriate speed limits play an essential role in ensuring safety on our roads.

### **ISSUES**

*A1-A4*

The new Speed Limits Rule initially requires Council to validate current speed limits by 1 July 2005. It then requires all subsequent speed limits to be set or reviewed according to the existing prescribed procedure, including conducting a speed limit rating survey and completing the required consultation (see attached June 2004 City Development report at pages A1 to A4).

Our current speed limits will be reviewed over the next year and it is expected that several rural speed limits will be reduced as a result. This will go through the special consultative procedure to provide the opportunity for formal public submission. Once that has been done it may then be appropriate for speed limits to be amended by Council resolution, subject to compliance with the Speed Limits Rule and completion of the appropriate consultation, but without the need for use of the special consultative procedure.

### **Speed Limits**

Council is required to set speed limits in accordance with the Land Transport Rule: Setting of Speed Limits 2003. The determining factor in deciding the appropriate speed limit under this rule is the level of roadside development. The rule encourages national consistency in speed limits and there is very limited choice available to individual territorial authorities in setting speed limits. This rule defines the types of locations which are appropriate for the particular speed limits which exist in the City at present.

### **30 KM**

This speed limit currently only applies to Kohu Road in Titirangi. It is appropriate for local roads in an urban setting where traffic calming measures have been installed to slow vehicles for safety reasons. The presence of traffic calming measures in these streets means that this type of speed limit is largely self enforcing.

### **50 KM Urban Traffic Area**

This speed limit is appropriate in fully developed areas, partially developed areas within or on the fringe of a metropolitan area and within small towns. Development on the land will generally be close to the roadside property boundary and there may be provision for parking and loading in front of commercial and industrial development. Sealed footpaths, kerb and channel, and landscaped grass areas between the kerb and the property boundary are typical of urban development.

### **70 KM**

This speed limit is appropriate in areas of intermediate roadside development, such as small country towns, urban fringe areas, short sections of road in partly built-up areas within a large urban traffic area or areas of single-sided development. It may also be used as a buffer between a 100 km and 50 km section, but only if there is sufficient roadside development to make the speed limit reasonable and safe.

### **80 KM**

This speed limit is appropriate:

- in rural areas where there is significant activity generated by adjacent land uses, for example, rural selling places or 'lifestyle' blocks;
- in small rural settlements where a 70 km speed limit is not warranted, but where local residents are obliged to use the road as part of their daily activity, due to the historical development of the area. An example of this would be where a primary school is across the main road, or along the road from the main part of the settlement;
- on lengths of arterial road through rural land within a large urban traffic area. In this situation, there should be good reason to reduce the speed limit from 100 km. Examples include high traffic flows (more than 10,000 vehicles a day) with a significant mix of local and through traffic; frequent turning movements; or considerable cycle, school or pedestrian traffic).

### **100 KM Rural Area**

This speed limit is appropriate to rural areas which is land outside towns and cities where the level of roadside development is minimal. Land use includes agriculture, market gardening, forestry, reserves and small settlements. Houses and other structures in rural areas will generally be set back some distance from the road. There will be little kerbing and no footpaths unless installed for a specific reason (e.g. a school remote from a residential area). Street lighting will generally not be provided but, if present, it will only be at specific community facilities or used as intersection indicator lighting.

### **40 KM School Zone Variable Speed Limit Areas**

This control has recently been installed outside Waitakere Primary and is about to be extended to Oratia Primary with the approval of Council as recommended by the Waitakere Community Board.

These are areas adjacent to schools which have been targeted with support from the police to improve road user safety in locations where mean vehicle speeds are particularly high. A speed limit of 50 kilometres per hour applies except during the times set out on fixed school zone signs or when school zone variable speed limit signs are activated during which times the speed limit is 40 kilometres per hour.

In accordance with Land Transport Safety Authority guidelines (Traffic Note 37 - July 2002), school zone variable speed limit signs will be operated for a maximum period of :

- 35 minutes before the start of school until the start of school;
- 20 minutes at the end of school commencing no earlier than five (5) minutes before the end of school;
- 10 minutes at any other time of day when 50 children are crossing the road.

### **Local Government Act 2002 Bylaw Requirements**

#### Most Appropriate Form of Bylaw

*A5-A10* The attached draft Speed Limits Bylaw (at pages A5 to A10) is based on a model bylaw prepared by the Land Transport Safety Authority for use by road controlling authorities to ratify current speed limits.

#### New Zealand Bill of Rights Act 1990

The draft Speed Limits Bylaw has no implications which are inconsistent with the New Zealand Bill of Rights Act. The Land Transport Speed Limits Rule (which has gone through a public consultation process) requires Council to make this Bylaw in order to ratify current speed limits to ensure the continued safety of road users.

### **CONCLUSION**

*A5-A10* The attached Speed Limits Bylaw (at pages A5 to A10) validates our current speed limits (and also includes recent 40 km school zone variable speed limit areas) as required by the new Land Transport Speed Limits Rule which transfers responsibility to Councils for setting speed limits. These speed limits will be reviewed over the next year in accordance with the prescribed procedure and any amendments publicly notified through the special consultative procedure to provide the opportunity for formal public submission. It is then likely that speed limits could be amended by Council resolution subject to compliance with the Speed Limits Rule and completion of the required consultation.

### **RECOMMENDATIONS**

1. That the Speed Limits Bylaw report be received.
2. That Council accepts that the ability to set speed limits is an important regulatory control, and a bylaw is the most appropriate way to give effect to that control.
3. That Council considers that the draft bylaw produced at this meeting is the most appropriate form of bylaw for this purpose.
4. That Council considers that the draft bylaw has no implications which are inconsistent with the New Zealand Bill of Rights Act 1990.
5. That the statement of proposal (draft bylaw and summary of information) attached to this report is approved in principle. Officers are directed to make any necessary editorial changes and to implement the special consultative procedure set out in Section 83 of the Local Government Act 2002.

6. That the Planning and Regulatory Committee is delegated authority to hear any submissions during June 2005 with a final report in relation to the bylaw to be brought back to Council.

Report prepared by: Denis Sheard, Manager: Legal Services.

HV O'Rourke  
**CHIEF EXECUTIVE OFFICER**



**PART E - CONFIDENTIAL ITEM**

**13 SOUTH KENSINGTON WAY LAND SWAP**

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

**PROCEDURAL MOTION TO EXCLUDE THE PUBLIC**

That the public be excluded from the following part of the proceedings of this meeting, South Kensington Way Land Swap.

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

General subject of the matter to be considered.	Reason for passing this resolution in relation to the matter.	Ground(s) under Section 48(1)(a) for the passing of this resolution.
<ul style="list-style-type: none"> <li>• South Kensington Way Land Swap</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> </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 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 report contains information which if released could affect the Council's negotiations.



**PART F - STANDING COMMITTEE REPORTS**

**14 CITY DEVELOPMENT COMMITTEE**

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON MONDAY, 3 MARCH 2005**

**1. ARTS AND EVENTS SPECIAL COMMITTEE**

**Your Committee Recommends:**

**SISTER CITIES NEW ZEALAND 2005 CONFERENCE**

That Council approve the nominations by the Arts and Events Special Committee of Councillors Lawley and Chan to attend the 23<sup>rd</sup> Sister Cities New Zealand 2005 Conference in the Bay of Islands, to be held from 6 - 9 April 2005 with all conference and associated expenses incurred being borne by the Council.

**2. OTHER MATTERS CONSIDERED**

Your Committee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 1 to 10 in the supplement labelled Part F, the public excluded minutes are attached at page 7 of the confidential supplement labelled Part E.

**Your Committee Recommends:**

That the report of the Meeting of the City Development Committee held on Thursday, 3 March 2005 be received.

PA Hulse  
**CHAIRPERSON**



**15 FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE**

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON MONDAY, 7 MARCH 2005**

**MATTERS CONSIDERED**

Your Committee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 11 to 16 in the supplement labelled Part F.

**Your Committee Recommends:**

That the report of the Meeting of the Finance and Operational Performance Committee held on Monday, 7 March 2005 be received.

JM Clews, QSO, JP  
**CHAIRPERSON**



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Part F

16 **PLANNING AND REGULATORY COMMITTEE**

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON TUESDAY, 8 MARCH 2005**

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**MATTERS CONSIDERED**

17-20  
Part F

Your Committee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 17 to 20 in the supplement labelled Part F.

**Your Committee Recommends:**

That the report of the Meeting of the Planning and Regulatory Committee held on Tuesday, 8 March 2005 be received.

VS Neeson, JP  
**CHAIRPERSON**



**PART G - PRESENTATIONS**

**SRI CHINMOY**

Centre Leader, Mr Jogyata Dallas of the Sri Chinmoy Centre for Waitakere in conjunction with Miss Juliette Galliene, Mrs Sutribra Gibbes and Mr John Marshall will present to Mayor Bob Harvey a painting by Sri Chinmoy.

A video of the presentation is intended to be sent to Sri Chinmoy who resides in New York.

**CITATIONS - DOUG KING AND RICKY CURTIN**

Citations to be awarded to Doug King and Ricky Curtin in recognition of an extreme act of bravery in saving the lives of Haley McDonald, April Xu Holland and Aaron Khan at Bethells Beach, Te Henga, Waitakere City, on the evening of Tuesday, 8 February 2005.

**2005 RECIPROCAL HUNTINGTON BEACH, CALIFORNIA, USA SISTER CITY STUDENT EXCHANGE TO WAITAKERE**

From 25 March to 5 April 2005, four students from our Sister City, Huntington Beach, California and their chaperon will be visiting Waitakere City as participants on the 2005 Reciprocal Sister City Student Exchange. The Waitakere home host students, Philip Cummings, Kate Cummings, Nadine MacKinnon, Jenna Bushett and the Council chaperon Kelly Taylor will be present at the meeting to introduce the Huntington Beach students Saumin Pathak, Lauren Kirylo, Deidre Doyle, Maxine Kantor and the Huntington Beach chaperon Kristin Sutcliffe to the Council.



**PART H - PROCEDURAL MATTERS**

**17 QUESTIONS**

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



**18 NOTICES OF MOTION**

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



**19 CLOSING PRAYER**

