

**AGENDA FOR A MEETING OF THE COUNCIL TO BE HELD IN THE COUNCIL CHAMBER
AT WAITAKERE CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON,
WAITAKERE, ON WEDNESDAY, 27 MAY 2009,
COMMENCING AT 5.30 PM**

TABLE OF CONTENTS

| <u>ITEM</u> | <u>PAGE NO.</u> |
|---|------------------------|
| <u>PART A - OPENING OF MEETING</u> | 1 |
| 1 OPENING PRAYER | 1 |
| 2 APOLOGIES | 1 |
| 3 CONFIRMATION OF MINUTES | 1 |
| 4 URGENT BUSINESS | 1 |
| 5 CONFLICTS OF INTEREST | 2 |
| <u>PART B - REPORT OF THE MAYOR</u> | 2 |
| 6 REPORT OF THE MAYOR | 2 |
| PART C - REPORTS OF NEW LYNN COMMUNITY BOARD, WAITAKERE COMMUNITY BOARD, MASSEY COMMUNITY BOARD, HENDERSON COMMUNITY BOARD AND WAITAKERE YOUTH COUNCIL | 2 |
| 7 NEW LYNN COMMUNITY BOARD | 2 |
| 8 WAITAKERE COMMUNITY BOARD | 3 |
| 9 MASSEY COMMUNITY BOARD | 3 |
| 10 HENDERSON COMMUNITY BOARD | 4 |
| 11 WAITAKERE YOUTH COUNCIL | 4 |
| <u>PART D - REPORT OF THE CHIEF EXECUTIVE OFFICER</u> | 5 |
| 12 APPOINTMENT TO TE TAUMATA RUNANGA | 5 |
| 13 CLARK STREET NEW LYNN – ROAD WIDENING LAND | 6 |
| PART E - REPORTS FROM THE STANDING COMMITTEES | 8 |
| 14 INFRASTRUCTURE AND WORKS COMMITTEE | 8 |
| 15 POLICY AND STRATEGY COMMITTEE | 8 |
| 16 FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE | 8 |
| 1. ELECTED MEMBERS REMUNERATION AND EXPENSES INCLUDING MILEAGE 2009/2010 | 8 |
| 2. OTHER MATTERS CONSIDERED | 8 |

| | | |
|----|---|---|
| 17 | PLANNING AND REGULATORY COMMITTEE | 8 |
| 18 | CULTURE AND COMMUNITY COMMITTEE | 8 |
| 19 | NORSGA URBAN DEVELOPMENT COMMITTEE | 8 |
| 20 | TE TAUMATA RUNANGA | 8 |
| | <u>PART F - PRESENTATIONS</u> | 8 |
| | These presentations will take place at 6.00 pm. | 8 |
| 21 | NEW ZEALAND POLICE ASSISTANT COMMISSIONER | 8 |
| 22 | ROYAL HUMANE SOCIETY AWARDS | 8 |
| 23 | CERTIFICATE OF MERIT | 8 |
| | <u>PART G - PROCEDURAL MATTERS</u> | 8 |
| 24 | QUESTIONS | 8 |
| 25 | NOTICES OF MOTION | 8 |
| | <u>PART H - PUBLIC EXCLUDED MATTER</u> | 8 |
| | ***** | |
| 26 | CLOSING PRAYER | 8 |

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PART A - OPENING OF MEETING

1 OPENING PRAYER

A Vicar from St Michaels Anglican Church will say the Opening Prayer.



2 APOLOGIES



3 CONFIRMATION OF MINUTES

Meeting Minutes - Wednesday, 29 April 2009
Reconvened Minutes - Thursday, 7 May 2009

RECOMMENDATION

It is recommended that the Council resolve to:

Receive the minutes of the meeting of the Council held on Wednesday, 29 April 2009 and the Reconvened meeting held on Thursday, 7 May 2009, as circulated, and that they be taken as read and now be confirmed.

*Pages 1-4
Part H*

The public excluded minutes are attached at pages 1 to 4 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 Chairman 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.



5 CONFLICTS OF INTEREST

The Council has acknowledged in its Code of Conduct that Elected Members need to be vigilant to stand aside from decision making when a conflict arises between their role as a member of the Council and any private or other external interest they might have. This note is provided as a reminder to members to check that no such conflicts arise in relation to any items on this agenda.



PART B - REPORT OF THE MAYOR

6 REPORT OF THE MAYOR

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

RECOMMENDATION

It is recommended that the Council resolve to:

Receive the Report of the Mayor.

RA Harvey, QSO, JP

MAYOR OF WAITAKERE



PART C - REPORTS OF NEW LYNN COMMUNITY BOARD, WAITAKERE COMMUNITY BOARD, MASSEY COMMUNITY BOARD, HENDERSON COMMUNITY BOARD AND WAITAKERE YOUTH COUNCIL

7 NEW LYNN COMMUNITY BOARD

THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON MONDAY, 4 MAY 2009

MATTERS CONSIDERED

*Pages 1-6
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 1 to 6 in the supplement labelled Part C.

It is recommended that the Council resolve to:

Receive the report of the meeting of the New Lynn Community Board held on Monday, 4 April 2009.

GPJ Marshall

CHAIRMAN



8 **WAITAKERE COMMUNITY BOARD**

THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON TUESDAY, 5 MAY 2009

MATTERS CONSIDERED

*Pages 7-10
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 7 to 10 in the supplement labelled Part C.

It is recommended that the Council resolve to:

Receive the report of the meeting of the Waitakere Community Board held on Tuesday, 5 May 2009.

KJP Witten-Hannah, JP
CHAIRMAN



9 **MASSEY COMMUNITY BOARD**

THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON WEDNESDAY, 6 MAY 2009

MATTERS CONSIDERED

*Pages 11-20
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 11 to 20 in the supplement labelled C.

It is recommended that the Council resolve to:

Receive the report of the meeting of the Massey Community Board held on Wednesday, 6 May 2009.

JG Riddell
CHAIRMAN



10 **HENDERSON COMMUNITY BOARD**

THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON THURSDAY, 7 MAY 2009

MATTERS CONSIDERED

*Pages 21-28
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 21 to 28 in the supplement labelled Part C.

It is recommended that the Council resolve to:

Receive the report of the meeting of the Henderson Community Board held on Thursday, 7 May 2009.

EAG Grimmer, MNZM
CHAIRMAN



11 **WAITAKERE YOUTH COUNCIL**

THE WAITAKERE YOUTH COUNCIL SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON MONDAY, 4 MAY 2009

MATTERS CONSIDERED

*Page 29-32
Part C*

The Waitakere Youth Council dealt with a number of items for which a copy of the minutes of the meeting is attached at pages 29 to 32 in the supplement labelled Part C.

It is recommended that the Council resolve to:

Receive the report of the meeting of the Waitakere Youth Council held on Monday, 4 May 2009.

A Wadsworth
CHAIRMAN



PART D - REPORT OF THE CHIEF EXECUTIVE OFFICER

12 APPOINTMENT TO TE TAUMATA RUNANGA

EXECUTIVE SUMMARY

The purpose of this report is to request the Council to formally approve the nomination of a replacement alternate representative for Te Whanau o Waipareira Trust on Te Taumata Runanga for appointment.

RECOMMENDATIONS

It is recommended that the Council resolve to:

1. **Receive** the Appointment To Te Taumata Runanga report.
2. **Agree** that Mereana Rangihuna be appointed Te Whanau o Waipareira Trust alternate representative on Te Taumata Runanga replacing Naida Glavish.

BACKGROUND

1. Formal advice has been received from Te Whanau o Waipareira Trust regarding the replacement of Naida Glavish as the alternate representative on Te Taumata Runanga.
2. Te Whanau o Waipareira Trust has advised that Mereana Rangihuna will be Te Taumata Runanga's new alternate representative.

DECISION MAKING

3. The Council is requested to formally appoint Mereana Rangihuna as the alternate representative, replacing Naida Glavish, on Te Taumata Runanga.

STRATEGIC CONTEXT

4. The representation of community groups on Te Taumata Runanga enhances the strong relationship between the Council and the Maori community and contributes directly to Waitakere's Community Outcomes and Priorities. It also serves Council's Treaty of Waitangi obligations and commitment to Active Democracy by providing opportunities for Maori to participate in the decision making process.

CONSULTATION

5. There is no consultation required for this report.

RESOURCES

6. There are no resource issues arising from this report.

IMPLEMENTATION ISSUES

7. There are no implementation issues arising from this report.

Report prepared by: Ngareta Delamere, Committee Secretary.



13 **CLARK STREET NEW LYNN – ROAD WIDENING LAND**

GLOSSARY

| | |
|----------------------------------|-----------|
| Public Works Act 1981 | (“PWA”) |
| Long-term council community plan | (“LTCCP”) |

EXECUTIVE SUMMARY

At its meeting on 20 August 2008 the Council resolved (1408/2008) to purchase parts of a number of properties in Clark Street New Lynn, between Astley Avenue and Rankin Avenue, for road widening purposes as part of the New Lynn Transit Oriented Development. Since that date officers have been negotiating with affected landowners in accordance with the provisions of the Public Works Act 1981 [“PWA”]. Substantial progress has been made.

The programme for this work requires that a contract be let no later than 30 June 2009 with work commencing as soon as possible after the contract has been let. The initial work will involve the relocation of services to the northern side of Clark Street. There is therefore some urgency to ensure that the Council is in a position to be able to let the contract and to start work. For that to occur Council needs to be assured of rights of entry to and/or ownership of all parcels of land affected by the road widening.

By the end of March 2009 Council had still not been able to conclude satisfactory entry or land purchase agreements with owners of 4 parcels of land. Notices of intention to take the land compulsorily under s 23 PWA were served upon the owners of those 4 parcels of land during April 2009. In the absence of any objection the Council is entitled to proceed to compulsorily acquire the parcels of land if it is satisfied that they should be taken for the particular public work and that “no private injury will be done for which due compensation is not provided in” PWA.

Negotiations with the owners of the 4 parcels of land continued after the service of the notices. One property has been resolved in the meantime and an update on negotiations with the remaining 3 owners will be given at the meeting. It is possible that agreement might be reached with some of the landowners before the date of the meeting so that the action required by the Council will be limited.

RECOMMENDATIONS

It is recommended that Council resolve to:

1. **Receive** the Clark Street New Lynn - Road Widening Land report.
2. **Agree** that the following parcels of land should be taken for road widening purposes:
 - a) Section 1 SO 419075 - being part CFR NA96A/261 (5 Clark Street);
 - b) Section 7 SO 419075 - being part CFR NA198/240 (24 Clark Street); and
 - c) Section 8 SO 419075 - being part CFR NA 197/47 (26 Clark Street).
3. **Agree** that no private injury will be done as a consequence of the taking of the land for roading purposes for which due compensation is not provided under the Public Works Act 1981.

BACKGROUND

1. The requirement for the widening of Clark Street arises partly out of an assessment that traffic demands on this road will increase partly as a result of the completion of the current extension of State Highway 20 and partly as a consequence of the urban intensification of New Lynn signalled by Plan Change 17. It was one of the conditions of approval for Plan Change 17 that Clark Street be widened to better accommodate the fullest range of road user requirements i.e. vehicles (for both movement and parking) pedestrians and cyclists.
- A1-A2 2. Clark Street therefore needs to be widened. The design approved by the Council required that a 2.50 metre strip be taken from land on the northern side of Clark Street west of Astley Avenue to accommodate the road widening generally and other areas from properties on the southern side of Clark Street, at the Rankin Avenue end, to better accommodate car parking, pedestrian and cyclist requirements and a new traffic layout at the intersection of Clark Street and Rankin Avenue. A copy of SO plan 419075 is attached at pages A1 to A2. The expenditure required to widen Clark Street qualifies for a New Zealand Transport Agency subsidy and an application for subsidy funding lodged by the Council in October 2008 has been approved.
3. At its meeting on 20 August 2008 the Council had resolved (1408/2008) to acquire those parts of the properties in Clark Street New Lynn required for this project under the provisions of PWA. Since that date officers have been negotiating with the affected landowners, and their tenants. This has been a substantial, time consuming and difficult task. Some of the properties were subdivided under the Unit Titles Act resulting in a need to negotiate with multiple owners. Some of the properties are tenanted so that discussion and negotiation was also required with tenants as well as landlords. Notwithstanding that complexity, and the short time frames for those negotiations to occur, substantial progress was made. By the end of March agreement had been reached with all but 4 of the landowners. The relevant properties were:
 - 5 Clark Street, owned by New Zealand Guardian Trust (as trustee);
 - 16 Clark Street owned by Maceys Confectionery Limited;
 - 24 Clark Street owned by Resene Paints Limited; and
 - 26 Clark Street owned by Clelland and Stevenson.
4. When negotiating with land owners under PWA the preferred position is to reach agreement over the compensation to be paid and to enter into a full compensation agreement under s17 PWA to acquire the land without the need for compulsory taking. Such an agreement always includes an authority to enter upon the land to do the relevant work to cover the eventuality that vesting of the land in the Council might be delayed. If agreement cannot be reached on compensation issues, for example because of genuine disagreement over values or because the land owner prefers to wait until the work is done to finalise compensation issues, the next best position is to secure an entry agreement which records the owner's acceptance that the land will be taken for the public work but authorises entry upon the land to do the relevant work while the compensation detail is being worked through. It is only if neither of these agreements can be secured that thought turns to compulsory acquisition under PWA. In this case the timetable pressures for the commencement of work necessitated that action be taken to compulsorily acquire the land, while negotiations continued in the meantime with the affected owners.

5. Accordingly the Chief Executive exercised her delegated authority and gave notice under s 23 PWA of the Council's intention to compulsorily acquire the 4 parcels of land in question. The notices were dated 17 April 2009 and served on 20 April 2009 in 3 cases and on 21 April 2009 in the other case (Resene Paints).
6. An owner receiving a notice under s23 has 20 working days within which to lodge an objection in the Environment Court to oppose the proposed taking. For those owners served on 20 April 2009, the time for objection expired on Monday 18 May 2009 and for Resene Paints the time period expired on Tuesday 19 May 2009.
7. A land owner receiving a notice under s23 PWA can do 2 things: it can lodge an objection, in which case the objection is heard in the Environment Court and nothing can happen in the meantime; or it can do nothing, in which case at the end of the objection period the Council can move to take the land compulsorily. A land owner may lodge an objection but then withdraw it, either before or after the objection period expires. If an objection is lodged and then withdrawn, Council can then proceed to take the land.
8. In this case:
 - Guardian Trust (5 Clark Street) has now indicated that it will execute an entry agreement to allow the work to proceed but Council will need to exercise its statutory powers to acquire the land;
 - Further negotiations with Maceys Confectionary have resulted in the execution of an entry agreement so that no further action is required;
 - Resene Paints Limited lodged an objection but following negotiations agreed to withdraw its objection and to enter into a full compensation agreement. At the date of preparation of this report it has not been possible to confirm withdrawal of the objection or to confirm that the compensation agreement has been signed; and
 - No objection has been lodged by Clelland and Stevenson. Further negotiation has resulted in a full compensation agreement being drafted which is presently with the owners' solicitor for approval and execution.
9. There is a reasonable prospect therefore that the Council may only be required to take formal action in respect of the property at 5 Clark Street.
10. To conclude these background comments it should also be noted that the compulsory acquisition process under s23 PWA also involves the publication of a notice in the Gazette under which members of the public may object to the taking of land for a public work. The Gazette notice was published on Thursday 23 April 2009 so that the 20 working day period for lodging objections concluded on Thursday 21 May 2009. It is considered unlikely that any member of the public will make an objection. An update will be provided at the meeting in respect of that issue.

DECISION MAKING

11. The recommendations of the report require the Council to make two decisions. The first is in essence a confirmation of the earlier decisions to adopt Plan Change 17 and to approve the widening of Clark Street. The second requires an assessment of the compensation provisions of PWA.

12. The circumstances which prevailed at the time of the decisions to adopt Plan Change 17 and to approve the widening of Clark Street have not changed and there is therefore no need to revisit those decisions. The Council is entitled to rely upon those earlier decisions and to conclude without further deliberation that the relevant parcels of land are still required for road widening purposes, particularly in circumstances where the majority of the land required for the project has already been secured.
13. As noted earlier in the report the road widening proposals involve relatively narrow strips of land being taken from the frontage of the relevant properties. PWA contains a number of provisions conferring rights of compensation upon landowners where land is taken for public works or injurious affection is occasioned as a consequence of those public works. While there were some practical issues to be worked through in several cases the negotiations with landowners and their tenants have disclose no other circumstances which might indicate that the compensation provisions of PWA are not adequate to provide full compensation to affected landowners. In other words, there is no evidence that a private injury will be done by the taking of the land for which due compensation is not liable to be provided under PWA.

Consultation and Consideration of Community Views

14. The Council has been in negotiation and consultation with those persons likely to be affected by this decision. This decision does not require a further consideration of community views. There has already been wide public consultation in relation to Plan Change 17. The interests of the community are best served by securing the “missing” land and getting on with the project.

STRATEGIC CONTEXT

15. New Lynn Town Centre is considered by high priority redevelopment area under the Auckland Regional Growth Strategy and is a key growth node and transport centre for the Auckland region. Projects such as the widening of Clark Street facilitate integrated transport and land use development that will assist the shift from current low density development towards suitable intensification and mixed uses which will attract business and employment and improve urban amenity.
16. The New Lynn Transit Oriented Development, of which the widening of Clark Street is part, is directed towards many of the Council's strategic platforms noticeably the platforms related to Urban and Rural Villages, Integrated Transport and Communication, Strong Innovative Economy and Strong Communities.

RESOURCES

17. There are no resources implications in this report. Budget has already been allocated for these land acquisitions.

IMPLEMENTATION ISSUES

18. There are no implementation issues arising from this report.

AUCKLAND COUNCIL TRANSITION ISSUES

18. The capital expenditure for the widening of Clark Street is provided for in the 19.Council's 2006-2009 long-term council community plan (LTCCP). Confirmation from the Auckland Transition Agency of a decision by the Council to purchase land is not required if that purchase is in accordance with the Council's LTCCP

Report prepared by: Denis Sheard, Legal Services Manager.

Vijaya Vaidyanath
CHIEF EXECUTIVE OFFICER



PART E - REPORTS FROM THE STANDING COMMITTEES

14 **INFRASTRUCTURE AND WORKS COMMITTEE**

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON WEDNESDAY, 6 MAY 2009

MATTERS CONSIDERED

*Pages 1-6
Part E*

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 6 in the supplement labelled Part E

It is recommended that the Council resolve to:

Receive the report of the meeting of the Infrastructure and Works Committee held on Wednesday, 6 May 2009.

DQ Battersby, JP
CHAIRMAN



15 **POLICY AND STRATEGY COMMITTEE**

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON THURSDAY, 7 MAY 2009

MATTERS CONSIDERED

*Pages 7-11
Part E*

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 7 to 11 in the supplement labelled Part E

It is recommended that the Council resolve to:

Receive the report of the meeting of the Policy and Strategy Committee held on Thursday, 7 May 2009.

PA Hulse
CHAIRMAN



16 **FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE**

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON MONDAY, 11 MAY 2009

1. **ELECTED MEMBERS REMUNERATION AND EXPENSES INCLUDING MILEAGE 2009/2010**

It is recommended that the Council resolve to:

Agree that the following salaries for Elected Members be recommended to the Remuneration Authority:

- Deputy Mayor - \$81,753;
- Chairmen of Committees:
 - Planning and Regulatory, Finance and Operational Performance, Infrastructure and Works, NorSGA Urban Development, and Culture and Community Committees - \$71,793.
- Chairmen of Other Committees:
 - Long Term Council Community Plan and Annual Plan Committee - \$68,625;
 - Policy and Strategy, Emergency Services Committees - 0;
 - Performance Review Committee - 0;
 - Tenders Subcommittee - 0;
 - Creative Communities Scheme Allocation Subcommittee - 0
- Deputy Chairmen:
 - Infrastructure and Works, Planning and Regulatory, and Culture and Community Committees - \$58,067.
- Other Councillors - \$55,333;

- Community Board Chairmen - \$25,299;
- Community Board Members - \$13,022.

2. OTHER MATTERS CONSIDERED

*Pages 12-21
Part E
Page 5
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 12 to 21 in the supplement labelled Part E. The public excluded minutes are attached at page 5 of the Confidential Supplement labelled Part H.

It is recommended that the Council resolve to:

Receive the report of the meeting of the Finance and Operational Performance Committee held on Monday, 11 May 2009.

RI Clow
CHAIRMAN



17 PLANNING AND REGULATORY COMMITTEE

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON TUESDAY, 12 MAY 2009

MATTERS CONSIDERED

*Pages 22-26
Part E
Page 6
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 22 to 26 in the supplement labelled Part E. The public excluded minutes are attached at page 6 of the Confidential Supplement labelled Part H.

It is recommended that the Council resolve to:

Receive the report of the meeting of the Planning and Regulatory Committee held on Tuesday, 12 May 2009.

VS Neeson, JP
CHAIRMAN



18 **CULTURE AND COMMUNITY COMMITTEE**

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON WEDNESDAY, 13 MAY 2009

MATTERS CONSIDERED

*Pages 27-31
Part E*

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 27 to 31 in the supplement labelled Part E.

It is recommended that the Council resolve to:

Receive the report of the meeting of the Culture and Community Committee held on Wednesday, 13 May 2009.

JP Lawley, JP
CHAIRMAN



19 **NORSGA URBAN DEVELOPMENT COMMITTEE**

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON MONDAY, 18 MAY 2009

MATTERS CONSIDERED

*Pages 32-34
Part E*

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 32 to 34 in the supplement labelled Part E.

It is recommended that the Council resolve to:

Receive the report of the meeting of the NorSGA Urban Development Committee held on Monday, 18 May 2009.

LA Cooper, JP
CHAIRMAN



20 **TE TAUMATA RUNANGA**

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON MONDAY, 18 MAY 2009

MATTERS CONSIDERED

*Pages 35-39
Part E*

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 35 to 39 in the supplement labelled Part E.

NGA TAKE E WHIRIWHIRIA

E whakataua 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.

It is recommended that the Council resolve to:

Receive the report of the meeting of Te Taumata Runanga held on Monday, 18 May 2009.

W Paki, JP
CHAIRMAN



PART F - PRESENTATIONS

These presentations will take place at 6.00 pm.

21 **NEW ZEALAND POLICE ASSISTANT COMMISSIONER**

Mayor Bob Harvey will introduce Assistant Commissioner, Steve Shortland to the Council.

22 **ROYAL HUMANE SOCIETY AWARDS**

Mayor Bob Harvey will present on behalf of the Royal Humane Society an In Memoriam Certificate to the Ngaumo Family for Mr Ngaumo's act of bravery to save his son that ended tragically on 30 January 2006.

Mayor Bob Harvey will also present a Certificate to Donna Kitchener for her act of bravery in saving Mr Ngaumo's son on 30 January 2006.

23 **CERTIFICATE OF MERIT**

Mayor Bob Harvey will present a Certificate of Merit to Senior Sergeant Garth Stockley who risked his life going to assist a swimmer at Piha Beach.



PART G - PROCEDURAL MATTERS

24 QUESTIONS

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



25 NOTICES OF MOTION

Pursuant to Standing Order 28.1, 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.



PART H - PUBLIC EXCLUDED MATTER



26 CLOSING PRAYER

