

**MINUTES OF A MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBER AT
WAITAKERE CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON,
WAITAKERE, ON WEDNESDAY, 16 JUNE 2010,
COMMENCING AT 9.42 AM**

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PRESENT:

Deputy Mayor	PA	Hulse (presiding)
Councillors	DQ	Battersby, QSM, JP
	MFP	Chan, JP
	JM	Clews, QSO, JP
	RI	Clow
	LA	Cooper, JP
	AK	Corban, OBE, JP
	JP	Lawley, JP

OBSERVERS: WR Davis (New Lynn Community Board)

IN ATTENDANCE: Acting Chief Executive Officer
Acting Director: City Services
Acting Director: Public Affairs
Group Manager: Democracy and Support Services
Team Leader: Legal - Regulatory
Solicitor: J Lamm
Acting Democracy and Governance Manager
Committee Secretary: E Joyce

1 APOLOGIES

796/2010

MOVED by Cr Cooper, seconded Cr Clow:

That apologies from Mayor Harvey and Crs Brady, Dallow, Jolley, Mitchell, Neeson and Flaunty for absence be received and sustained.

CARRIED

2 URGENT BUSINESS

797/2010

MOVED by Cr Hulse, seconded Cr Lawley:

The Council resolved to:

Agree that the draft submission on the Local Government Act 2002 Amendment Bill be considered as Urgent Business as the deadline for submission is Friday, 18 June 2010 and that this be considered after Item 4: Bylaw Report – Review and Recommendation on Bylaws.

CARRIED

3 CONFLICTS OF INTEREST

Members were reminded via the agenda of the 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.

4 BYLAW REPORT - REVIEW AND RECOMMENDATION ON BYLAWS

798/2010

MOVED by Cr Cooper, seconded Cr Clews:

The Council resolved to:

1. **Receive** the Bylaw Report – Review and Recommendation on Bylaws report.
2. **Agree** in respect of the existing bylaws, that the following bylaws be left to expire:
 - Bylaw No 1 - Upper Harbour Bridge (1990);
 - Bylaw No 4 - General (Adoption of New Zealand Standard 9201, No.4);
 - Bylaw No 4 Chapter 07 - Water Supply (1990);
 - Bylaw No 4 Chapter 09 – Scaffolding and Deposit of Building Materials (1990);
 - Bylaw No 4 Chapter 11 - Nuisances (1990);
 - Bylaw No 6 - Fire Prevention (1990);
 - Bylaw No 19 - Septic Tanks and Disposal Systems (1990);
 - Bylaw No 20 - Amusement Galleries (1990);
 - Bylaw No 25 - Radio Frequency Radiation (1991);
 - Bylaw No 27 - Spray Paint Cans (1995); and
 - Building Bylaw (1990).
3. **Agree** that the bylaws noted in Table One below be revoked and replaced with new bylaws, which are the most appropriate form of regulating use of public places (including cemeteries and Urupa), hygiene and sanitation in commercial premises offering services to the public, use of roads and parking, control of noise from intruder alarms. In a new general administration bylaw is necessary to ensure consistent interpretation of bylaws:

Bylaw to be revoked	Proposed new bylaw
Bylaw No 4 Chapter 02 – Public Places (1990) Bylaw No 4 Chapter 04 - Mobile or Travelling Shops and Hawkers (1990) Bylaw No 4 Chapter 17 – Parks and Reserves (1990) Bylaw No 7 - Traffic (1991) Bylaw No 8 - Barbed Wire Fences (1990) Bylaw No 9 - Beaches and Waters (1990) Bylaw No 18 - Cemeteries and Crematoria (1990) Bylaw No 22 - Use of Public Roads (1990)	[Draft] Public Places Bylaw 2010

Bylaw to be revoked	Proposed new bylaw
Bylaw No 31 - Hygienic Operation of Massage Facilities (1999) Bylaw No 32 - Health Protection - Skin Piercing (2002)	[Draft] Sanitation and Hygiene in Commercial Premises Bylaw 2010
Bylaw No 2 - Waitakere Scenic Drive (1990) Bylaw No 7 - Traffic (1991)	[Draft] Use of Roads and Parking Bylaw 2010
Bylaw No 4 Chapter 20 – Control of Noise (1990)	[Draft] Control of Intruder Alarm Systems 2010
Bylaw No 28 - Urupa (Maori Burial Site) (1996)	[Draft] Urupa (Maori Burial Site) 2010
Bylaw No 4 Chapter 01 - Introductory (1990)	[Draft] General Administration Bylaw 2010

4. **Agree** that officers commence the Special Consultative Procedure under section 83 of the Local Government Act 2002 in respect of the following proposed bylaws:
- [Draft] Public Places Bylaw 2010;
 - [Draft] Sanitation and Hygiene in Commercial Premises Bylaw 2010;
 - [Draft] Use of Roads and Parking Bylaw 2010;
 - [Draft] Control of Intruder Alarm Systems 2010;
 - [Draft] Urupa (Maori Burial Site) 2010; and
 - [Draft] General Administration Bylaw 2010.
5. **Note** that the draft bylaws have no implications which are inconsistent with the New Zealand Bill of Rights Act 1990.
- A1-A20 6. **Approve** the statement of proposal and summary of information attached at pages A1 to A20 for use as part of the special consultative procedure required by section 83 of the Local Government Act 2002, subject to an amendment to include the rationale for the bylaw review programme and a note that there are no substantive changes to the bylaws.
7. **Agree** that officers implement the Special Consultative Procedure as set out on section 83 of the Local Government Act 2002.
8. **Agree** to delegate to the Planning and Regulatory Committee the hearing of any submissions arising from the Special Consultative Procedure on these bylaws.
9. **Agree** that when submissions have been heard Council officers will prepare an updated report to be presented to Planning and Regulatory Committee for its consideration along with an updated version of the draft bylaws reflecting the changes suggested as a result of the Special Consultative Procedure.

CARRIED

5 **ANIMALS, BIRDS AND BEES BYLAW 2010 - HEARING REPORT**

Carol Downer

Auckland Beekeeper's Club

- Spoke to her submission on the Animals, Birds and Bees Bylaw 2010 and suggested Enforcement Officers have some understanding of beekeeping and work with beekeepers to resolve complaints;
- Noted her involvement with the Auckland Regional Council in investigating complaints about bees; and
- Noted that hives can be organised so that they do not cause a nuisance.

799/2010

MOVED by Cr Corban, seconded Cr Clow:

The Council resolved to:

1. **Receive** the Animals, Birds and Bees Bylaw 2010 – Hearing Report.
2. **Receive** the Draft Animals, Birds and Bees Bylaw 2010 and hear any submissions.
3. **Approve** the Draft Animals, Birds and Bees Bylaw 2010 as proposed Animals, Birds and Bees Bylaw 2010.
4. **Direct** Council officers to advertise the Animals, Birds and Bees Bylaw 2010 and that it come into force on 1 July 2010.

CARRIED

2A **DRAFT SUBMISSION ON LOCAL GOVERNMENT ACT 2002 AMENDMENT BILL**

800/2010

MOVED by Cr Clow, seconded Cr Lawley:

The Council resolved to:

1. **Receive** the draft submission to the Local Government Act 2002 Amendment Bill.
2. **Agree** to delegate authority to the Deputy Mayor to approve Council's submission to the Local Government Act 2002 Amendment Bill.

CARRIED

11.02 am

The Chairman thanked Members for their attendance and attention to business and declared the meeting closed.

CONFIRMED AT A MEETING OF THE COUNCIL
HELD ON

DATE:.....

CHAIRMAN:.....