

# MAIN AGENDA



## NOTICE OF MEETING

### COUNCIL

I hereby give notice that an Ordinary Meeting of the Council will be held on:-

**DATE:**        **Wednesday, 24 September 2003**        **TIME:**        **5.30 pm**

**VENUE:**        **Civic Centre, 6 Waipareira Avenue, Lincoln, Waitakere City**

to consider the business as set out herein and to take any necessary action connected therewith.

**NOTE:** Pursuant to Standing Order 25.8 at 5.00 pm a 30-minute Public Forum will precede the Council meeting.

Mr Ray Kernaghan on the NZ Motor Caravan Association and Tui Glen

19 September 2003

Audrey Chan  
**COMMITTEE SECRETARY**

Telephone (09) 836 8000 extn 8603

#### MEMBERSHIP:

Mayor	RA	Harvey, QSO, JP
Deputy Mayor	CA	Stone
Councillors	DQ	Battersby, JP
	BA	Brady, JP
	JM	Clews, QSO, JP
	RP	Dallow, QPM, JP
	AC	Fenton
	OE	Hoskin, MNZM, JP
	PA	Hulse
	JP	Lawley
	GE	Nash, JP
	VS	Neeson, JP
	GB	Presland
	GW	Russell, JP
	DA	Yates, JP

(Quorum 8 members)

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

(The reports and recommendations contained in all agendas are reports and recommendations only and are not to be construed, in any way, as Council policy until adopted.)

**AGENDA FOR AN ORDINARY MEETING OF THE COUNCIL TO BE HELD IN THE  
CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,  
ON WEDNESDAY, 24 SEPTEMBER 2003 COMMENCING AT 5.30 PM**

---

**TABLE OF CONTENTS**

<b><u>ITEM</u></b>	<b><u>PAGE NO.</u></b>
<b><u>PART A - OPENING OF MEETING</u></b>	<b>1</b>
1 <b>OPENING PRAYER</b>	<b>1</b>
2 <b>APOLOGIES</b>	<b>1</b>
3 <b>CONFIRMATION OF MINUTES</b>	<b>1</b>
4 <b>URGENT BUSINESS</b>	<b>1</b>
<b><u>PART B - REPORT OF THE MAYOR</u></b>	<b>2</b>
<b><u>PART C - TE TAUMATA RUNANGA AND COMMUNITY BOARDS</u></b>	<b>2</b>
5 <b>TE TAUMATA RUNANGA</b>	<b>2</b>
6 <b>NEW LYNN COMMUNITY BOARD</b>	<b>2</b>
1. <b>FOOTPATHS - BUDGET ALLOCATION PRIORITIES</b>	<b>2</b>
2. <b>OTHER MATTERS CONSIDERED</b>	<b>2</b>
7 <b>WAITAKERE COMMUNITY BOARD</b>	<b>3</b>
8 <b>MASSEY COMMUNITY BOARD</b>	<b>3</b>
9 <b>HENDERSON COMMUNITY BOARD</b>	<b>4</b>
<b><u>PART D - REPORT OF THE CHIEF EXECUTIVE</u></b>	<b>5</b>
10 <b>ADOPTION OF FIRST LOCAL GOVERNANCE STATEMENT</b>	<b>5</b>
11 <b>ADOPTION OF REVISED DELEGATIONS TO OFFICERS - RESPONSIBILITIES REGISTER</b>	<b>7</b>
12 <b>REGIONAL ECONOMIC DEVELOPMENT CONFERENCE</b>	<b>9</b>
13 <b>CENTRAL GOVERNMENT/LOCAL GOVERNMENT MEETINGS ON AUCKLAND ISSUES AND TRANSPORT FUNDING</b>	<b>10</b>
14 <b>EXERCISE OF DELEGATED AUTHORITY TO MAKE A DECISION UNDER S.40(2)(A) PUBLIC WORKS ACT 1981</b>	<b>12</b>
15 <b>ESTABLISHMENT OF COUNCIL'S SEAWARD BOUNDARIES AT MEAN LOW WATER MARK</b>	<b>13</b>
16 <b>ACCESS TO WATER, FORESHORE AND SEABED ISSUE</b>	<b>14</b>
17 <b>CONTROL OF LIQUOR IN PUBLIC PLACES BYLAW</b>	<b>17</b>

<b><u>PART E - CONFIDENTIAL ITEMS</u></b>	<b>21</b>
18 PURCHASE 36-38 WAIPAREIRA AVENUE	21
19 WESTPARK MARINA LIMITED	21
PROCEDURAL MOTION TO EXCLUDE THE PUBLIC	21
<b><u>PART F - STANDING COMMITTEE REPORTS</u></b>	<b>22</b>
20 CITY DEVELOPMENT COMMITTEE	22
21 FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE	22
1. ACQUISITION OF LAND FOR ROAD - PORTAGE AND GOLF ROADS, TITIRANGI	22
2. OTHER MATTERS CONSIDERED	22
22 ENVIRONMENTAL MANAGEMENT COMMITTEE	23
<b><u>PART G - PRESENTATIONS</u></b>	<b>24</b>
This presentation will take place at 6.30 pm.	24
23 JUDGE PHILIP RECORDON	24
These presentations will take place at 7.30 pm.	24
24 DAVID PARKER	24
25 CHEQUE PRESENTATION BY THE CANTONESE OPERA SOCIETY OF NEW ZEALAND TO KAREKARE SURF LIFE-SAVING PATROL	24
<b><u>PART H - PROCEDURAL MATTERS</u></b>	<b>24</b>
26 QUESTIONS	24
27 NOTICES OF MOTION	24
28 CLOSING PRAYER	24

**AGENDA FOR AN ORDINARY MEETING OF THE COUNCIL TO BE HELD IN THE  
CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,  
ON WEDNESDAY, 24 SEPTEMBER 2003 COMMENCING AT 5.30 PM**

---

**PART A - OPENING OF MEETING**

**1 OPENING PRAYER**

Phra Kavivarayan, Buddhist Monk from the Thai Temple in Kelston will say the Opening Prayer.



**2 APOLOGIES**



**3 CONFIRMATION OF MINUTES**

Ordinary - Wednesday, 27 August 2003

**RECOMMENDATION**

That the minutes of the Ordinary Meeting of the Council held on Wednesday, 27 August 2003, as circulated, be taken as read and now be confirmed.



**4 URGENT BUSINESS**

Section 46A(7) and (7A) 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 item is a minor matter; 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, why the item is not on the agenda, and why it cannot be delayed until a subsequent meeting; and
- (iii) the Council resolves to deal with the item.

No resolution, decision, or recommendation may be made in respect of the item except to refer the item to a subsequent meeting for further discussion.

**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**

Te Taumata Runanga did not meet and therefore will not be reporting this month.



### **6 NEW LYNN COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING  
HELD ON MONDAY, 1 SEPTEMBER 2003**

#### **1. FOOTPATHS - BUDGET ALLOCATION PRIORITIES**

##### **The Board Recommends:**

- i) That the New Lynn Community Board Chairperson and Deputy Chairperson attend the Finance and Operational Performance Committee meeting and be accorded time to present the Board's view regarding the footpath budget allocation formula.
- ii) That Council readdress properly the new footpath budget allocation in consultation with the Community Boards, as the New Lynn Community Board has expressed its concern that the new footpath budget allocation formula is adopted for the 2002/2003 financial year only (resolution 2893/2002) has not been properly readdressed as requested by this Board.

A1-A4

(NOTE: Resolution 2893/2002 states: "That the Council adopts the Waitakere Community Board's proposal as detailed in the agenda report (attached at pages A1 to A4) for the current fiscal year, and that Council through its 2003/2004 Annual Plan process consider allocating an increased amount for the construction of new footpaths within the City)."

#### **2. OTHER MATTERS CONSIDERED**

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.

**The Board Recommends:**

That the report of the Ordinary Meeting of the New Lynn Community Board held on Monday, 1 September be received.

EG Francke  
**CHAIRPERSON**



**7 WAITAKERE COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON TUESDAY, 2 SEPTEMBER 2003**

**MATTERS CONSIDERED**

7-9  
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 9 in the supplement labelled Part C.

**The Board Recommends:**

That the report of the Ordinary Meeting of the Waitakere Community Board held on Tuesday, 2 September 2003 be received.

CA Shepherd, JP  
**CHAIRPERSON**



**8 MASSEY COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON WEDNESDAY, 3 SEPTEMBER 2003**

**MATTERS CONSIDERED**

10-15  
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 10 to 15 in the supplement labelled Part C.

**The Board Recommends:**

That the report of the Ordinary Meeting of the Massey Community Board held on Wednesday, 3 September be received.

RF Jessopp  
**CHAIRPERSON**



9 **HENDERSON COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING  
HELD ON THURSDAY, 4 SEPTEMBER 2003**

---

**MATTERS CONSIDERED**

16-22  
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 16 to 22 in the supplement labelled Part C.

**The Board Recommends:**

That the report of the Ordinary Meeting of the Henderson Community Board held on Thursday, 4 September 2003 be received.

HM Jones

**CHAIRPERSON**



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

### **10 ADOPTION OF FIRST LOCAL GOVERNANCE STATEMENT**

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

The purpose of this report is for Council to adopt its First Local Governance Statement in terms of the Local Government Act 2002.

#### **BACKGROUND**

Section 40 of the Local Government Act 2002 provides for Council to

- “(1) A local authority must prepare and make publicly available following the triennial general election of members, a local governance statement.*
- “(2) A local Authority must comply with subsection (1) within 6 months after each triennial general election of members of the local authority.*
- “(3) A local authority must update its governance statement as it considers appropriate.”*

This statement is required to include information on governance, management, community interaction and planning issues. It replaces the Official Information Directory, formerly required in terms of Section 19 of the Local Government Official Information and Meetings Act 1987. This Section was repealed by Schedule 18 of the Local Government Act 2002.

The major part of the Local Government Act 2002 became operative on 1<sup>st</sup> July 2003 (selected provisions, mostly concerned with long term planning, having come in to operation on 25 December 2002). Section 274 of that Act states:

*“Every local authority that is in existence on 1 July 2003 must before the close of 31 December 2003, prepare and make publicly available a local governance statement that include the information required by section 40(1).”*

*A5-A40* A First Governance Statement has been prepared for Council, and is attached at pages A5 to A40.

#### **STRATEGIC CONTEXT**

Active Democracy is one of the nine strategic platforms that underpin Council's Long Term Council Community Plan. The vision for 2020 is:

*“People are able and willing to engage in City issues, and feel that they can make a difference. There are high levels of community participation, and people respect each others views.”*

Availability of relevant information on Council, its operations, structures and plans is fundamental to developing community understanding of, and participation in civic affairs. Council has also taken pride in taking the lead in the implementation of the Local Government Act 2002, and the adoption of the First Local Governance Statement is well ahead of the 31 December 2003 deadline.

## ISSUES

Unlike the Sections dealing with other mandatory policies and the Code of Conduct, Section 40 (1) does not require Council to “adopt” the Governance Statement, but to “prepare and make publicly available”. This is presumably in line with the now repealed Section 19 of the Local Government Official Information and Meetings Act, where there was no requirement to have the publication adopted. However, the requirement to prepare these statements within six months of every Triennial General Election of Councillors could be interpreted as encouraging the approval of the Local Governance Statement by Council’s Elected Members. Section 40(3) further requires the regular updating of Local Governance Statements.

## RESOURCES

No additional resources will be required. The resources previously used to make the Official Information Directory publicly available and up to date will be re-applied to doing the same in respect of the Local Governance Statement.

## CONCLUSION

*A5-A40* Local Governance Statements are required to be prepared (although not necessarily formally adopted) for each new Council term. There is a further requirement for Council to regularly update the Governance Statement. It is therefore submitted that Council should adopt the First Local Governance Statement, as attached at pages A5 to A40 (and each new Governed Statement, prepared after every Triennial General Election of Councillors), while delegating to the Chief Executive and his staff the authority to regularly update the information contained therein.

## RECOMMENDATIONS

1. That the information be received.
- A5-A40* 2. That Council adopt the circulated first Governance statement attached to the Agenda at pages A5 to A40.
3. That Council require the Chief Executive to update the information contained in the First Local Governance Statement on an ongoing basis.

Report prepared by: Charlie Inggs, Acting Senior Committee Secretary.



11 **ADOPTION OF REVISED DELEGATIONS TO OFFICERS - RESPONSIBILITIES REGISTER**

**PURPOSE OF THE REPORT**

The purpose of this report is for Council to adopt an updated version of the Delegations to Officers - Responsibilities Register, in order to reflect changes made necessary by the commencement of the Local Government Act 2002, on 1 July 2003, together with other changes in legislation.

**BACKGROUND**

A limited number of the provisions of the Local Government Act 2002 (concerning decision making processes and planning) came into effect on 25 December 2002. The remaining provisions became effective on 1 July 2003. The Local Government Act 1974 was repealed by the new Act. However, Schedule 18 of the 2002 Act has saved a number of the provisions of the Local Government Act 1974. These relate to infrastructural issues such as drainage and roading as well as Auckland only provisions (including those relating to Infrastructure Auckland and Watercare). It has been necessary to revise the Delegations Registers to reflect the current legislative regime.

Other related legislative changes, together with relevant transitional provisions, including the Local Government (Rating) Act 2002 and the Civil Defence Emergency Management Act 2002 have also necessitated changes to the Delegations Registers. Changes to the Resource Management Act provisions relating to delegations took effect on 1 August 2003.

Council adopted revised Delegations to Committees and Community Boards Register on 14 July 2003 (resolution 1474/2003).

**ISSUES**

Schedule 7 clause 32(1)(g) of the Local Government Act 2002 specifically prohibits the Council from delegating the authority to issue warrants to Enforcement Officers under the Local Government Act 2002, or the Building Act 1991. While any current warrants issued under delegated authority during the life of the Local Government Act 1974 remain in force, no further warrants may be issued by officers or by Committees. Council has acted swiftly to implement this provision, and issued its first warrants under the new legislative provisions on 14 July (resolution 1470/2003), however it is necessary that the Delegations to Officers - Responsibilities Register is updated to reflect this.

The power to sub-delegate is contained in Schedule 7 clause 32(3) of the Local Government Act 2002:

*“(3) A committee or other subordinate decision-making body, community board, or member or officer of the local authority may delegate any of its responsibilities, duties, or powers to a subcommittee or person, subject to any conditions, limitations, or prohibitions imposed by the local authority or by the committee or body or person that makes the delegation.”*

The wording in the 1974 Act expressly prohibited an officer from delegating to another officer a delegation from Council unless the delegation from Council authorised this. The wording above does not place any limitations on an officer sub-delegating a delegation received from Council. Rather, it is up to Council to impose any limitations.

It is considered prudent to retain limitations on sub-delegations by including a rule that an officer can sub-delegate a delegated power to another officer under their direct control except the power to sub-delegate. As an example, an officer about to go on leave could sub-delegate to another officer who can be held accountable because of the reporting relationship, but the second officer is prevented from sub-delegating that delegation any further. This ensures the delegation remains at an appropriate level of authority.

In addition, with the commencement of the Local Government Act 2002, Council is no longer a Public Body for the purposes of the Public Bodies Contracts Act 1959 and delegations need to be updated to reflect this change.

A number of references to the Local Government Act 1974 have been retained, as these are references to sections saved by the Local Government Act 2002.

The Local Government Act 2002 is generally less prescriptive in nature as compared to the Local Government Act 1974. Accordingly many delegations have been made generic in nature, where there is no specific reference in the Local Government Act 2002 to the particular activity for which responsibility is delegated.

The Resource Management Act 1991 provides for Council to delegate to officers. It requires that such delegations are made through "*the Chief Executive Officer*". The Resource Management Amendment (No. 2) Act 2003 came into force on 1 August 2003 and the substantive Act now provides as follows:

*"34A Delegation of powers and functions to employees and other persons*

- (1) *A local authority may delegate to an employee, or hearings commissioner appointed by the local authority (who may or may not be a member of the local authority), any functions, powers or duties under this Act except the following:*
  - a) *the approval of a policy statement or plan;*
  - b) *this power of delegation.*
- (2) *A local authority may delegate to any other person any functions, powers or duties under this Act except for the following:*
  - (a) *the powers in section (1)(a) and (b);*
  - (b) *the decision on an application for a resource consent;*
  - (c) *the making of a recommendation on a requirement for a designation.*
- (3) *A delegation under this section must be made by the chief executive officer of the local authority or by a group of senior executive officers."*

Thus, by Section 34A(3) of the Resource Management Act 1991, as amended, Council's delegations to commissioners as well as employees, in terms of this Act, need to be made through the Chief Executive. It was necessary for the Chief Executive to act swiftly to authorise delegations necessitated by the commencement of the Resource Management Amendment Act 2003 on 1 August 2003, in order to avoid any disruption or delays in Council's processing of consent applications. Accordingly the Chief Executive authorised the necessary changes in delegations, in writing, on 26 August 2003. These are included in the attached Register for the sake of convenience and ease of reference.

## **RESOURCES**

No additional resources will be required as a result of the adoption of the updated Registers as recommended in this report.

## CONCLUSION

*A41-A121* Council is required to ensure that its Delegations Registers fully reflect the current legislative arrangements in order that all actions undertaken with delegated authority have full legal standing. Council is therefore being requested to adopt the revised Delegations to Officers - Responsibilities Register attached at pages A41 to A121.

## RECOMMENDATIONS

1. That the information be received.
- A41-A121* 2. That Council adopt the Delegations to Officers - Responsibilities Register as attached at pages A41 to A121 to the agenda with effect from 24 September 2003.
- 3 In any case where there is an inconsistency or ambiguity between a delegation, to an officer acting under Section 112 of the Resource Management Amendment Act 2003, in this Register and an earlier delegation given under Section 34 of the Resource Management Act 1991, then the latter delegation shall be deemed to continue and to have full effect, according to its tenor, until such time as that officer has dealt with all the matters under Section 112 of the Resource Management Amendment Act 2003.

Report prepared by: Charlie Inggs, Acting Senior Committee Secretary.



## 12 REGIONAL ECONOMIC DEVELOPMENT CONFERENCE

### PURPOSE OF THE REPORT

The purpose of this report is to advise Council about the Regional Economic Development Conference being held in Timaru from 24-26 September 2003 and to ratify the attendance of Councillor Gary Russell at the Conference as a representative of the Council.

### BACKGROUND

Regional economic development has made, and will increasingly make, a positive difference to New Zealanders. This conference programme notes it will focus on making the most of our regions' strengths in the following:

- **celebrating** progress to date;
- **inspiring** others - through sharing experiences;
- **promoting** and developing partnerships - key factors in successful regional development;
- **stretching** our thinking, action and performance.

Keynote speakers include: Hon. Jim Anderton - "Where to From Here?"; Dr. Paul Collits - "The Regional Divide - trends, successes and policy issues around small town survival"; Hon. Pete Hodgson - "Getting There Faster - The Role of Growth and Innovation in Regional Development"; Mark Solomon - "Forward together - Collaboration for Economic Growth"; Hon. Jim Sutton "Regions Taking on The World"

## **STRATEGIC CONTEXT**

Development of a strong innovative economy is one of the nine strategic platforms under the Long Term Council Community Plan. Council is actively involved in regional economic development through its membership of and participation in the Auckland Regional Economic Development Strategy. This conference offers a forum to exchange economic and regional development learning's with counterparts throughout the country.

## **ISSUES**

Councillor Russell is going to be in Christchurch before this Conference and has expressed an interest in attending. He has indicated there will be no travel or accommodation costs involved. The registration fee is \$250.00. Councillor Russell is one of the Council's alternative members on the Auckland Regional Economic Development Strategy (AREDS) Establishment Group.

## **RESOURCES**

Councillor Russell's attendance (the registration fee) can be met from the Civic Services Elected Member cost centre.

## **CONCLUSION**

Councillor Russell is attending this conference as the Council's representative and formal approval is sought to ratify this and to authorise the costs incurred.

## **RECOMMENDATIONS**

1. That the information be received.
2. That Councillor Russell's attendance at the Regional Economic Development Conference be ratified and the registration fee be paid by the Council.
3. That Councillor Russell report back on any matters relevant to Waitakere.

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



## **13 CENTRAL GOVERNMENT/LOCAL GOVERNMENT MEETINGS ON AUCKLAND ISSUES AND TRANSPORT FUNDING**

### **PURPOSE OF THE REPORT**

The purpose of this report is to advise Council about meetings between Central and Local Government on Auckland Issues and Transport Funding being scheduled in Wellington during October 2003 and to approve the attendance of the Mayor and Chairperson of the City Development Committee as representatives of the Council.

### **BACKGROUND**

The Government launched the Sustainable Cities programme earlier this year and Officials groups have undertaken considerable work with representatives of Central and Local Government represented on those working parties. In a similar context, working parties of Officials have been meeting to discuss the vexed issue of Transport Funding for Auckland.

## ISSUES

The Ministers of Local Government and Transport have or will be extending invitations to the Mayor, one other Elected Member and the Chief Executive to discuss issues of mutual interest relating to the Auckland region with the focus being on the Sustainable Auckland Project and Transport Funding respectively.

The Government has indicated that it wishes to continue to foster strong lines of communication with the local government sector. These meetings will provide a further opportunity for central government to dialogue with local authorities on a range of issues affecting Auckland.

The Sustainable Cities working groups include: Social Well-being, Community Safety and Migrant Settlement Outcomes; Sustainable Building and Development; Transport/Urban Form; Sustainable Communities; Auckland Provisions of the Local Government Act; Auckland Regional Economic Development interface with Central Government, and Regional projects such as: Local Government Act Implementation (Triennial Agreement, Bylaws, Community Outcomes and Long-term Framework). The reporting lines include the Regional Growth Forum. As the Council's representative on the Regional Growth Forum and Regional Land Transport Committee, and as Chairperson of the Council's City Development Committee, Councillor Stone is the most appropriate representative to accompany the Mayor to these meetings.

## RESOURCES

The costs of such travel budget are adequately provided for in the Council's Annual Plan.

## CONCLUSION

Councillor Stone is the most appropriate representative to accompany the Mayor to these meetings as the Council's representative on the Regional Growth Forum and Land Transport Committee, and as Chairperson of the Council's City Development Committee.

## RECOMMENDATIONS

1. That the information be received.
2. That the Mayor and the Chairperson of the City Development Committee represent Council at proposed meetings between Central and Local Government in Wellington on Sustainable Cities and Transport Funding.

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



14 **EXERCISE OF DELEGATED AUTHORITY TO MAKE A DECISION UNDER S.40(2)(A)  
PUBLIC WORKS ACT 1981**

**PURPOSE OF THE REPORT**

The purpose of this report is to inform Councillors of a decision made by the Chief Executive, acting with delegated authority, in relation to s.40(2) of the Public Works Act 1981.

**BACKGROUND**

The Council at its meeting on 30 July 2003, resolved to delegate to the Chief Executive the power to make a decisions required under ss.40(2), 40(4) and 42 of the Public Works Act 1981 (resolution 1533/2003).

At its meeting on 23 July 2003, Council received a presentation on the Henderson Civic Future Project and the proposed joint development of a parcel of land, owned by the Council, with UNITEC. Council approved a design principle in concept. Inherent in that design concept is a proposal that two parcels of land presently owned by the Council might, assuming the project gets a final go-ahead, be surplus to Council's requirements and sold to UNITEC for development of the expanded UNITEC facilities at Henderson.

**ISSUES**

Before any sale can occur it is necessary for Council to establish its obligations, if any, under s.40 of the Public Works Act 1981 ("PWA").

In the Legal Services Manager's opinion, the Council has no offer back obligation under s.40 PWA since the former owner has "died" without successor.

In the alternative, the circumstances are such that it is appropriate for the Council to resolve that it is excused from any offer back obligation on the grounds "that it would be impracticable, unreasonable and unfair to do so".

*A122-A124* The full opinion setting out the discussion and reasoning on which the opinion is based is attached at pages A122 to A124.

*A125* The Chief Executive accepted the advice received and signed the resolution attached at page A125.

**RECOMMENDATIONS**

That the information be received.

Report prepared by: Denis Sheard, Legal Services Manager.



15 **ESTABLISHMENT OF COUNCIL'S SEAWARD BOUNDARIES AT MEAN LOW WATER MARK**

**PURPOSE OF THE REPORT**

The purpose of this report is to seek the Committee's approval to make an immediate investigation into Council's seaward boundary, and should this prove to be other than the mean low water mark, approval to apply to the appropriate Minister under the appropriate provisions of the Local Government Act 2002 to change Council's seaward boundary by Gazette Notice to be the mean low water mark.

**BACKGROUND**

Council can exercise its jurisdiction only over the area within its boundaries. The sea forms a substantial proportion of the boundaries of this Council and it is therefore essential for Council to know the exact limits of its seaward boundaries.

**ISSUES**

Schedule 2, Part 3, paragraph 2(1) of the Local Government Act 2002 states that if any part of the boundary of a district is the sea, that boundary may be between the mean high-water mark and the outer limit of the territorial sea of New Zealand as determined by the Order-in-Council defining the district.

A126

This Council was established by an Order-in-Council published in the New Zealand Gazette in 1989 under number 1989/2247. This Gazette Notice states that this Council comprises the area delineated on Survey Office plan No. 63494. A copy of this plan is attached at page A126. Attention is directed to the notation near the top right-hand side from the plan which states:

*"All seaward boundaries follow MLWM but cross the mouths of all rivers, streams, inlets and estuaries unless otherwise shown."*

This would appear to indicate that the Council's seaward boundaries are set at the mean low water mark, however the matter is complex and covers several statutory changes which have taken place over the 14 year period since the Council was constituted. It is therefore considered that the matter should be more fully investigated to establish the seaward boundary beyond any doubt.

The practical significance of this issue is that Council had jurisdiction to enforce its bylaws only over those areas within its boundaries and if Council's seaward boundary is only up to the mean high-water mark then it will not be able to apply its bylaws over any area below that mark. This is of particular significance with respect to bylaws relating to such matters as dogs, livestock, boats, vehicles and liquor bans.

Should it transpire that Council's boundary is the mean high-water mark then the appropriate course of action is to make application to the appropriate Minister to extend the boundary to the mean low water mark as provided for in the Local Government Act 2002.

**CONCLUSION**

This important matter is of some urgency as Council may in the near future find itself able to enforce its bylaws above mean high-water mark but unable to enforce them below that mark.

## **RECOMMENDATIONS**

1. That the information be received.
2. That an urgent investigation be carried out to establish beyond doubt Council's seaward boundary.
3. That if this boundary proves to be the mean high-water mark then Council forthwith apply to the appropriate Minister under the Local Government Act 2002 to have that boundary extended to the mean low water mark by Order-in-Council.

Report prepared by: Maurice Hieatt, Solicitor.



## **16 ACCESS TO WATER, FORESHORE AND SEABED ISSUE**

### **PURPOSE OF THE REPORT**

The purpose of this report is to formally report to Councillors in relation to the paper of the Land Access Ministerial Reference Group "Walking Access in the New Zealand Outdoors" and the Government's discussion piece in relation to the foreshore and seabed "Protecting Public Access and Customary Rights".

### **STRATEGIC CONTEXT**

The Waitakere District is substantially bounded by sea. Within its boundaries there are numerous lakes and streams. The question of access to the waters of the sea and to rivers and lakes is an issue of importance to all New Zealanders. In addition, if legislative reform is to occur, there is a potential for those changes to impact upon the Council not only in its capacity as territorial authority exercising regulatory powers under the Resource Management Act or by way of bylaw but also in its capacity as an owner of land adjoining water.

### **BACKGROUND**

The Reference Group's paper is an extensive document, running into 121 pages. It is very informative. It provides a detailed historical analysis of access arrangements in New Zealand over the last 150 years and explores (and explodes many of) the myths surrounding such access. The report makes a number of suggestions for improved public access to water both across private land, public land and land in Maori ownership. The report is not a consultation document, although some consultation with land owners was undertaken by the Reference Group in a course of preparation of the report. The report now lies with the Ministry of Agriculture & Fisheries and no doubt over time new policy initiatives will be developed taking into account the proposals in the paper.

At the same time, Government has put forward its proposals in relation to the foreshore and seabed. It is this document which has led to so much debate (some of it ill informed) and discussion. The proposal records that it is the third of three separate issues currently being debated within New Zealand.

- a) The first was the Court of Appeal decision relating to Maori claims for customary rights in respect of the foreshore and seabed. The Court of Appeal held that the right to make such claim had not been vacated by statute, but did not actually decide any claim in respect to the foreshore and seabed. It merely opened up the way for such claims to be made. In the course of its judgment the Court observed that the establishment of customary rights over the foreshore and seabed may well be very difficult.
- B) The second element is the discussion surrounding land access to water and the paper referred to above, in respect of which it is noted that “a separate process of public consultation is underway on the options for progressing”. It is however not at all clear how and when that will occur.
- c) The third element is Government’s proposals relating to the foreshore and seabed.

It is important here to draw the distinction between the two separate work streams referred to above. The Reference Group’s paper is concerned with access over land to water, both inland waters and the sea. In respect of the sea the brief of the Reference Group finished at mean high water springs (the high tide mark). The Government’s proposals start at mean high water springs and deals with the foreshore, (the strip of land between the high tide and low tide marks) and the seabed (land beyond low water always covered by water).

The importance of this distinction is also relevant to the Council both in its capacity as a District Council and as landowner. As a consequence of the repeal of s.37P of the Local Government Act 1974, and the Local Government Boundary Alteration Notice (No. 2) 1997 by the Local Government Act 2002, it appears that the seaward boundary of the district extends only to mean high water springs. This has significance to the Council as territorial authority, since its regulatory powers do not extend beyond mean high water springs. It is therefore important for Council to know when regulating activities (for example dog control bylaws or liquor bans) which body or organisation has responsibility for regulating activities within the foreshore itself. There is for example little point in regulating and prohibiting an activity on the beach (above mean high water springs), if the activity can be conducted with impunity from that regulatory control below mean high water springs. The distinction is also relevant to the Council as landowner. Much of the “public” land adjoining the sea is in fact land in the ownership of territorial authorities either for road or for reserve purposes. Title to the land does not therefore extend beyond mean high water springs. As with any other landowner, Council is concerned to know who might be its “neighbour”, in land ownership terms.

## ISSUES

The consultation paper puts forward four basic principles:

1. “The foreshore and seabed should be public domain, with open access and use for all New Zealanders” (the principle of access).
2. “The Crown is responsible for regulating the use of the foreshore and the seabed, on behalf of all present and future generations of New Zealanders” (the principle of regulation).

3. "Processes should exist to enable the customary interests of whanau hapu and iwi in the foreshore and seabed to be acknowledged, and specific rights to be identified and protected" (the principle of protection).
4. "There should be certainty for those who use and administer the foreshore and seabed about the range of rights that are relevant to their actions" (the principle of certainty).

A127

In that context the consultation document seeks answers to 18 specific questions, which include some options outlined in the discussion paper. A copy of list of questions is attached at page A127. Much of the discussion relates to matters in respect of which the Council, as local authority, has not formed a specific view. In the time period between publication of the proposals and the closing date for submissions (3 October 2003), there has been little practical opportunity for the Council to consider its position, then to consult so as to seek some mandate as to the position it might take on some of the more contentious issues, even if the Council was minded to do so, in particular, Council has had no opportunity to consult with manawhenua groups in relation to their views. Council's view on this matter would, in that context, be support for the principle of protection, with a call to the Crown to consult thoroughly with Maori as to the best mechanisms for effecting this principle. The issues relating to land access discussed in the Reference Group's paper seem more important to a territorial authority, in the sense of its role as a local authority, than the issues which have arisen in relation to the foreshore and seabed.

The other issue that Councillors have raised is that of ongoing protection of public access (and ownership), particularly if Crown ownership is to be asserted. The notion of ownership connotes the ability of the owner to dispose of property. Council view appears to be that they would wish that any regime for "ownership" of the seabed or foreshore provided some form of special protection that meant that ownership could not be alienated into private ownership at some future stage.

### **SUBMISSION**

A128-A130 Attached at pages A128 to A130 is a draft submission that it is felt may be appropriate for this Council to make in respect of the Government's foreshore and seabed proposals.

### **RECOMMENDATIONS**

1. That the information be received.
2. That the Chief Executive, in consultation with CAF, be requested to finalise the submission and submit the same prior to the submission closing date of 3 October 2003.

Report prepared by: Denis Sheard, Legal Services Manager.



## 17 CONTROL OF LIQUOR IN PUBLIC PLACES BYLAW

### **PURPOSE OF THE REPORT**

At its meeting on 27 August 2003, Council resolved to “Move with urgency and investigate the appropriateness of a bylaw under the Local Government Act 2002, to emulate the effect of liquor bans previously imposed under s.709A of the Local Government Act 1974 (LGA74) as an interim measure pending development of Council’s city-wide alcohol strategy” (1759/2003). The conclusions drawn during that investigation are set out below, together with recommendations for future action.

### **STRATEGIC CONTEXT**

The availability and use of alcohol is linked to many of the Council’s key objectives, including community safety and the general health and well-being of the community.

### **ISSUES**

The issues relating to this matter were set out in the report to the Council meeting on 27 August 2003. In brief, the previous liquor ban powers under LGA74 are no longer available to the Council so that if there is a wish to impose liquor bans, a bylaw is needed for that purpose. The process to be followed to promulgate a bylaw under the Local Government Act 2002 (LGA02) was also set out in that report.

### **CONSULTATION**

While formal consultation is not required as part of the bylaw-making process at this stage, problem identification and the identification of those persons interested in or affected by the bylaw are part of the process. Given the short timeframe necessary for action, assuming a ban is to be imposed for the Christmas holiday period 2003/2004, a very abbreviated form of consultation was followed. Staff spoke to representatives of the Waitakere Community Board, Piha Ratepayers Association, the owner of the Piha Camping ground and representatives of the Piha RSA, Bowling and Surf Clubs. From that consultation, it was clear that there was unanimous support for liquor bans at Piha over the Christmas and other holiday periods during the year. As a result of internal consultation with the Public Affairs, Regulatory Compliance, Liquor Licensing, Road Safety, Leisure Services and Strategy teams, it was clear that there was not only general support for a Piha liquor ban but also continuation of the power to give effect to a liquor ban for special events.

### **PROBLEM IDENTIFICATION AND ANALYSIS**

The broad issues in relation to the consumption of liquor in public places are well understood. There is ample evidence showing alcohol as a primary cause of disorderly behaviour and criminal offences both in public places and elsewhere. It is also well understood that in public places such as parks, reserves and at the beach, the presence of liquor can have an effect on the ability of families and others to carry on recreational activities with a feeling of safety and security. In addition, alcohol consumption in public places seems inevitably to lead to problems relating to littering, vandalism and, to the extent that liquor is contained in bottles, created a public safety and potential fire risk.

In that background staff have reviewed a range of options:

- a) Do nothing (maintain status quo). This option does nothing to address the issues that have previously been managed by bans imposed under LGA74. While this option has no direct cost ramifications to the Council, it is likely to lead to an increase in litter and vandalism, negative perceptions of safety and limit growth of recreational use of public places in the city for proper recreational purposes.
- b) Public and education campaign. There are benefits in pursuing this option, but they are not likely to generate immediate short-term benefits.
- c) Support for increased Police numbers in Waitakere City to provide increase policing. There is considerable pressure on Police resources, and the Council would not be alone in seeking an increase in numbers. More importantly, the Police, without a bylaw mechanism to assist them, do not have a remedy by way of pre-emptive strike for the search of vehicles and seizure of alcohol within a ban area. This option is considered to have limited effectiveness.
- d) The funding of private security forces to patrol and respond to problems. While this solution may result in some reduction of the problem, it is an expensive option requiring substantial ongoing resourcing not currently budgeted by the Council. It is an inferior option to the proposal of a bylaw, which is supported by and administered by the Police.
- e) Community/citizens patrol. While this option may deliver some benefits, it exposes members of the community groups who participate in such patrols to what may be considered unreasonable risks to personal health and safety. Giving those persons powers under a bylaw (as Enforcement Officers) may have some merit, particularly in relation to the Piha area which is somewhat remote from Police and other resources. Without a bylaw, those community/citizens patrols are powerless, and best operate at the level operating as "eyes and ears" alongside the Police.
- f) The use of other regulatory mechanisms to achieve the same outcome. There are only two possibilities: an Act of Parliament and regulation under the RMA. Parliament has already decided that these matters should be decided at a community level by way of bylaw, if appropriate. The RMA is not an appropriate mechanism for dealing with these issues.
- g) Develop a bylaw for the control of the consumption of alcohol in public places. The advantages of this action are seen as reduced disorderly behaviour and criminal offences linked to the consumption of alcohol in public places, an increase in the perception of safety so that people using public areas subject to a liquor ban may feel more inclined to visit or return to that place. There are no additional resource issues to the Council in implementing a liquor ban bylaw, which will be enforced by the Police. The only costs to the Council are the costs incurred in the promulgation of the bylaw including the special consultative procedure, public notification and the passing of the bylaw and signage costs incurred on an annual basis when the bans take effect.

The analysis undertaken confirms that the most appropriate way to deal with the issue of control of drinking in public places is by way of bylaw, either for special events, holiday periods for specified locations or permanent bans for specified locations. As noted above there is overwhelming community support for the continued imposition of a public holiday liquor ban at Piha (and also for an extension of the ban to include summertime weekends and school holidays). The analysis undertaken would support the imposition of bans at other places within the city, where there could be a demonstrated need for such action. However, given the urgent basis upon which promulgation of this bylaw has been

undertaken, it has not been possible for staff to fully investigate the appropriateness or otherwise of any other form of permanent or temporary liquor ban for specified parts of the district. As previously indicated in the report to Council on 27 August 2003, it is felt that that work best awaits development by the Council of its city-wide alcohol strategy plans, likely to occur during 2004.

Notwithstanding that however, staff believe that there are sufficient grounds to support a bylaw permitting liquor bans to be imposed for special events (as in s.709A LGA74). Again the reasons for a special event liquor ban emulate those for liquor bans generally. Where a special event is being held in a public place to which the public may have normal rights of access the ability to ban liquor can be critical to the safe and effective conduct of the event itself. While a ban for special events may be able to be managed by private security agents, again the Police are available to enforce special events liquor bans if required.

### FORM OF BYLAW

*A131-A133* In anticipation that Council will be persuaded that a bylaw is the most appropriate way to address the problems related to the consumption of liquor in public places, particularly at Piha during the public holiday periods and in the case of special events, a draft bylaw has been prepared and is attached to this report at pages A131 to A133. When considering this bylaw, Council is required to determine whether:

- a) The bylaw is in the most appropriate form; and
- b) The bylaw in this form gives rise to any implications under the New Zealand Bill of Rights Act 1990.

The issue of form of the bylaw is a difficult one. As at the date of preparation of the draft bylaw, no other bylaw has been adopted by a territorial authority in New Zealand seeking to impose any form of liquor ban. Draft bylaws for Nelson City and Auckland City have been reviewed, but only at the stage of first draft by staff, without consideration by elected members.

*A137* It is felt that the bylaw submitted with this report meets the test of appropriate form since: It is restricted to those matters in respect of which Council has asked an investigation to be made; and it does no more than specifically contemplated by those liquor specific provisions of LGA02, namely ss.147, 169 and 170 (attached to this report at page A137).

Any bylaw which purports to restrict the right to carry on an act which is lawful will necessarily have Bill of Rights Act implications. Under the law in New Zealand the consumption of liquor in a public place is not unlawful, and it might be argued that a bylaw which deals with the consumption of liquor in a public place impinges upon freedoms of assembly, association and movement. These issues were raised in *Police v. Hall* [2001] DCR 239. The Judge observed that where such rights are impinged upon, not only for residents of the district to which the bylaw relates but also visitors to that district, "close scrutiny is called for". The Judge stated that a ban for specific periods for specific locations was less likely to infringe fundamental rights than a permanent ban. While that case was decided in the context of the Local Government Act 1974, the reasoning remains valid. Staff have concluded that a holiday period liquor ban for Piha, and the ability to impose special events liquor bans will not be inconsistent with the Bill of Rights Act since each of these provides for a net balance between competing rights.

## THE DRAFT BYLAW

In respect of the proposed liquor ban at Piha, the bylaw defines the public holiday periods for which it is to apply. Councillors may or may not agree to the time periods specified in the draft bylaw. That may be debated now but it is felt to be preferable to defer discussion until after any submissions have been received. The terms of the bylaw can be amended on a final consideration.

## SPECIAL CONSULTATIVE PROCEDURE

*A134-A141* If the Council is comfortable with the recommendation that a bylaw is in the most appropriate form and that there will be no infringements of Bill of Rights Act issues, the proposed bylaw must be submitted for public consultation by the special consultative procedure. For that purpose, Council is required to adopt the statement of proposal which is attached to this report at pages A134 to A141. It is proposed that submissions received as a result of the special consultative procedure will be heard by the Environmental Management Committee at a meeting to be held sometime in November 2003 with a final report in relation to the proposed bylaw brought back to Council for its meeting on 10 December 2003. It is critical to the effective working of the proposed bylaw that this timetable be achieved. Under s.169 LGA02 the Police are authorised to search and seize liquor within the area of a ban. This can only occur if the bylaw refers to that power, public notice is given at least 14 days in advance and the ban area is the subject of appropriate signage. If action to adopt the bylaw is deferred to the Council meeting on 17 December 2003, then there would be no effective liquor ban bylaw in Piha for the critical New Year period.

## RECOMMENDATIONS

1. That the information be received.
2. That Council accepts that the social problems caused by the drinking of alcohol in public places at Piha during public holidays are best regulated by a bylaw.
3. That Council accepts that the ability to ban liquor from public places for the conduct of special events is an important regulatory control, and a bylaw is the most appropriate way to give effect to that control.
4. That Council declares that the draft form of bylaw attached to this report is the most appropriate form of bylaw to achieve those objectives.
5. That Council declares that the draft bylaw has no implications which are inconsistent with the New Zealand Bill of Rights Act 1990.
6. That the statement of proposal attached to this report be approved and officers be directed to implement the special consultative procedure set out in s.83 LGA02 with the Environmental Management Committee being delegated the authority to hear any submissions at its November meeting, and a final report in relation to the proposed bylaw be brought back to Council for adoption at its meeting scheduled for 10 December 2003.

Report prepared by: Denis Sheard, Legal Services Manager.

HV O'Rourke  
**CHIEF EXECUTIVE**



**PART E - CONFIDENTIAL ITEMS**

**18 PURCHASE 36-38 WAIPAREIRA AVENUE**

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

**19 WESTPARK MARINA LIMITED**

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 parts of the proceedings of this meeting, namely Purchase 36-38 Waipareira Avenue and Westpark Marina Limited.

The general subject of the matters 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 each of the matters to be considered.	Reason for passing this resolution in relation to each of the matters.	Ground(s) under Section 48(1)(a) for the passing of this resolution.
<ul style="list-style-type: none"> <li>• Purchase 36-38 Waipareira Avenue;</li> <li>• Westpark Marina Limited.</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>• protect information where the making available of the information, would be likely unreasonably to prejudice the commercial position of who is the subject of the information.</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) and 7(2)(b)(ii) of that Act which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public as follows:

- *The reports contain information which if released would affect the Council's negotiations or the commercial position of who is the subject of the information.*



**PART F - STANDING COMMITTEE REPORTS**

**20 CITY DEVELOPMENT COMMITTEE**

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON DAY, DATE YEAR**

---

**MATTERS CONSIDERED**

*1-9  
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 1 to 9 in the supplement labelled Part F.

**Your Committee Recommends:**

That the report of the Ordinary Meeting of the City Development Committee held on Thursday, 4 September 2003 be received.

CA Stone

**CHAIRPERSON**



**21 FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE**

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON MONDAY, DATE YEAR**

---

**1. ACQUISITION OF LAND FOR ROAD - PORTAGE AND GOLF ROADS, TITIRANGI**

**Your Committee Recommends:**

That the 56m<sup>2</sup> area of land on the corner of Portage and Golf Roads, Titirangi be acquired for road from the Titirangi Golf Club Incorporated, under the Public Works Act 1981.

**2. OTHER MATTERS CONSIDERED**

*10-17  
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 10 to 17 in the supplement labelled Part F.

**Your Committee Recommends:**

That the report of the Ordinary meeting of the Finance and Operational Performance Committee held on Monday, 8 September 2003 be received.

JM Clews, QSO, JP

**CHAIRPERSON**



22 **ENVIRONMENTAL MANAGEMENT COMMITTEE**

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORTS OF ITS ORDINARY MEETING HELD ON THURSDAY, 9 SEPTEMBER AND THE EXTRAORDINARY MEETING HELD ON THURSDAY, 9 SEPTEMBER 2003.**

---

**MATTERS CONSIDERED**

*18-26  
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 18 to 26 in the supplement labelled Part F.

**Your Committee Recommends:**

That the report of the Ordinary Meeting of the Environmental Management Committee held on Thursday, 9 September 2003 and the Extraordinary meeting held on Thursday, 9 September 2003 at 2.03 pm be received.

PA Hulse

**CHAIRPERSON**



**PART G - PRESENTATIONS**

This presentation will take place at 6.30 pm.

**23 JUDGE PHILIP RECORDON**

Mayor Bob Harvey will extend an official welcome by Powhiri to Judge Philip Recordon, the new Judge for the Waitakere District Court, and present him with a Citation.

These presentations will take place at 7.30 pm.

**24 DAVID PARKER**

Mayor Bob Harvey will present a Citation to Jon Parker in recognition of his contribution to music in the Waitakere City.

**25 CHEQUE PRESENTATION BY THE CANTONESE OPERA SOCIETY OF NEW ZEALAND TO KAREKARE SURF LIFE-SAVING PATROL**

The Cantonese Opera Society of New Zealand will present to the Karekare Surf Life-Saving Patrol a donation raised from a fund-raising concert organised by the Society on 9 August 2003.



**PART H - PROCEDURAL MATTERS**

**26 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.



**27 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 at least five clear days before such meeting.



**28 CLOSING PRAYER**

