

MAIN AGENDA



NOTICE OF MEETING COUNCIL

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

DATE: **Wednesday, 29 October 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.

- Gary Osbourne on Democracy
- Kidsafe Week Coalition on Cycle Safety

Audrey Chan
COMMITTEE SECRETARY

23 October 2003

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.)

WAITAKERE CITY COUNCIL



AGENDA FOR AN ORDINARY MEETING OF THE COUNCIL TO BE HELD IN THE
CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,
ON WEDNESDAY, 29 OCTOBER 2003 COMMENCING AT 5.30 PM

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**AGENDA FOR AN ORDINARY MEETING OF THE COUNCIL TO BE HELD IN THE
CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,
ON WEDNESDAY, 29 OCTOBER 2003 COMMENCING AT 5.30 PM**

PART A - OPENING OF MEETING

1 OPENING PRAYER

Mohammed Safi, Imam from the West Auckland Mosque and Islamic Centre will say the Opening Prayer.



2 APOLOGIES



3 CONFIRMATION OF MINUTES

Ordinary - Wednesday, 17 September 2003
 Wednesday, 24 September 2003

RECOMMENDATION

That the minutes of the Ordinary Meetings of the Council held on Wednesday, 17 September 2003 and Wednesday, 24 September 2003, including the Confidential Public Minutes, 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

I NOHO TE TAUMATA RUNANGA KOMITI MANE, TE KAU MA TORU O WHIRINGA-A-NUKU 2003

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON MONDAY, 13 OCTOBER 2003

1. TE WAKA AWHINA O AOTEAROA (NATIONAL MAORI LOCAL GOVERNMENT TRAINING CONFERENCE) - ROTORUA, 27 - 30 NOVEMBER 2003

Your Committee Recommends:

That expenditure incurred for registration, travel, accommodation and meal costs by three members of Te Taumata Runanga to attend Te Waka Awhina O Aotearoa Annual National Maori Training Conference 2003, be approved.

2. COMMEMORATING WAITANGI DAY CELEBRATIONS 6 FEBRUARY 2003

Your Committee Recommends:

1. That subject to funding being made available by the Ministry of Culture and Heritage, Te Taumata Runanga will take the lead to host citywide commemorating Waitangi Day celebrations in February 2004 on or before 6 February 2004.
2. That four citywide voluntary planning groups be established by the middle of November 2003 consisting of a member from Te Taumata Runanga, a Ward Councillor, a Ward Community Board member, a member from Te Roopu Puawai, a member from the Waitakere Youth Council, a member from the Pacific Island Advisory Board, a member from Te Whanau O Waipareira Trust, a member from each of the Marae of the city and a key designated staff member for administrative support for this project.
3. That the voluntary planning groups provide to the December 2003 meeting of Te Taumata Runanga a programme around Te Taumata Runanga commemorating Waitangi Day festival that the voluntary planning groups will have organised to be held on or before 6 February 2004.

3. OTHER MATTERS CONSIDERED

Your Committee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 1 to 4 in the supplement labelled Part C.

NGA TAKE E WHIRIWHIRIA

E whakatau ana Te Taumata Runanga i nga take i whakamanangia i te ture he whakaahua o nga tuhi kua tonoa ki nga mema o te Kaunihera.

Your Committee Recommends:

That the report of the Ordinary Meeting of Te Taumata Runanga held on Monday, 13 October 2003 be received.

Te Warena Taua
CHAIRPERSON



6 NEW LYNN COMMUNITY BOARD

THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON MONDAY, 29 SEPTEMBER 2003

MATTERS CONSIDERED

5-12
Part C

The Board dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 5 to 12 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, 29 September 2003 be received.

EG Francke
CHAIRPERSON



7 **WAITAKERE COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING
HELD ON TUESDAY, 30 SEPTEMBER 2003**

MATTERS CONSIDERED

13-17
Part C

The Board dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 13 to 17 in the supplement labelled Part C.

The Board Recommends:

That the report of the Ordinary Meeting of the Waitakere Community Board held on Tuesday, 30 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, 1 OCTOBER 2003**

MATTERS CONSIDERED

18-23
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 18 to 23 in the supplement labelled Part C.

The Board Recommends:

That the report of the Ordinary Meeting of the Massey Community Board held on Wednesday, 1 October 2003 be received.

RF Jessopp
CHAIRPERSON



9 **HENDERSON COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING
HELD ON THURSDAY, 2 OCTOBER 2003**

MATTERS CONSIDERED

24-32
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 24 to 32 in the supplement labelled Part C.

The Board Recommends:

That the report of the Ordinary Meeting of the Henderson Community Board held on Thursday, 2 October 2003 be received.

HM Jones
CHAIRPERSON



PART D - REPORT OF THE CHIEF EXECUTIVE

10 APPOINTMENT TO THE TREE COUNCIL

PURPOSE OF THE REPORT

The purpose of the report is to enable Council to make an appointment to replace Elizabeth Francke as Waitakere City Council's representative at meetings of The Tree Council.

BACKGROUND

The primary objective of The Tree Council is to secure continuing protection, conservation and improvement of the tree-cover within the Auckland Region. In the past, Council has considered it desirable to maintain Waitakere City Council's relationship with The Tree Council as these objectives have a certain synergy with the Council's Eco-City vision.

Waitakere City Council has established a long-term relationship with The Tree Council mainly through the work of Elizabeth Francke. At the Council Special Meeting held on 14 November 2001, Elizabeth Francke was appointed for a new term as a Council's representative *"at The Tree Council meetings on a voluntary basis"* (Resolution no. 2690/2001 refers).

ISSUES

Elizabeth Francke has recently resigned from The Tree Council for personal reasons and has suggested Diane Goodley, a Member of the Waitakere Community Board, take her place.

The duties required, as performed by Elizabeth Francke, are to attend The Tree Council meetings, write occasional items for The Tree Council, undertake general liaison activities between Council, The Tree Council and, where necessary, other relevant parties. The meeting is generally on the second Tuesday of each month.

It is noted Elizabeth Francke has contacted Diane Goodley and she is happy to accept the position.

Unless Council wishes to re-consider its relationship with The Tree Council or considers it necessary to appoint a Councillor, it is recommended that Diane Goodley be appointed to the role.

RECOMMENDATIONS

1. That the information be received.
2. That Diane Goodley be appointed as Council's representative at The Tree Council meetings on a voluntary basis.

Report prepared by: Audrey Chan, Committee Secretary and Roscoe Webb, Parks Arborist & Quality Assurance.



11 WARRANTS OF APPOINTMENT

PURPOSE OF THE REPORT

The purpose of this report is to obtain Council's approval for the issuing of Warrants of Appointment under the Local Government Act 2002 for those officers required to undertake the role as Enforcement Officers under the Act.

BACKGROUND

The Council must exercise the power to appoint Enforcement Officers pursuant to Section 177 of the Local Government Act 2002.

ISSUES

On 14 July 2003 the Council adopted the following policy in relation to the issuing of Warrants of Appointment:

- a) *Council recognises that the employment of staff and contractors is an issue for the Chief Executive at his/her sole discretion.*
- b) *Council will not unreasonably withhold a Warrant of Appointment for any person requiring a Warrant of Appointment, and will only concern itself in determining whether or not to issue the Warrant, with relevant information being the recommendation of suitability from the Chief Executive and the findings of background and reference checking done as part of the employment and/or appointment process.*
- c) *The following checks will form part of the Chief Executives vetting process irrespective of whether the appointment is one which must be made by Council resolution, or may be made by the Chief Executive, under delegated authority or otherwise, in relation to staff to be submitted for Warrants of Appointment, namely:*
 - *a full criminal record check to check for previous offences that could affect the honesty or creditability of the officer (i.e. dishonesty or violence offences);*
 - *a full credit history check to check for issues that could affect the honesty or impartialness of the officer (i.e. large indebtedness or proceedings);*
 - *new appointments would require at least two reference checks with previous employers and two referee checks.*
- d) *For persons employed by external contractors submitted for Warrants of Appointment the external contractor must provide a report to the Chief Executive providing proof of staff vetting to at least the same standard as required in a), b) and c) above. All Security personnel must have current Certificates of Approval to be a Security Guard issued by the Department of Courts."*

As part of that policy the Council adopted the following wording for Warrants of Appointment in relation to the Acts listed:

"a) The Building Act 1991

The holder of this warrant is authorised pursuant to SECTION 77 of the BUILDING ACT 1991 ("the Act") to carry out all or any of the functions and powers of Waitakere City Council as an Enforcement Officer under the Act, including but not limited to the following:

- **Notice to rectify (Section 42):**
Issue a notice to cease building work and/or rectify building work.

- **Compliance schedules (Section 44):**
Issue a compliance schedule.
- **Power to enter for inspection (Section 76):**
To inspect land or building work for compliance with a building consent, the building code, the Act or to determine whether a building is dangerous, insanitary or earthquake prone within the meaning of Sections 64 or 66 of the Act.

This warrant is issued pursuant to section 77(2) of the Building Act 1991.

b) The Local Government Act 2002

The holder of this warrant is authorised pursuant to section 177 of the Local Government Act 2002 ("the Act") to carry out all or any functions and powers of the Waitakere City Council as an Enforcement Officer under the Act including but not limited to:

- *Seize property in accordance with section 164 - 166 of the Act;*
- *Enter upon private property under sections 171 - 173 of the Act;*
- *Enforce offences against the Act;*
- *Enforce offences against bylaws made under the Act.*

This warrant is issued pursuant to sections 174 and 177 of the Local Government Act 2002.

c) The Resource Management Act 1991

The holder of this warrant is authorised pursuant to SECTION 38 of the RESOURCE MANAGEMENT ACT 1991 ("the Act") to carry out all or any of the functions and powers of Waitakere City Council as an Enforcement Officer under the Act, including but not limited to the following:

- **Require name & address (Section 22):**
To require any person concerned to give his or her name & address.
- **Abatement notices (Section 322):**
Serve an abatement notice.
- **Power to enter & seize noise source (Section 323):**
Where an abatement notice relating to the emission of noise is not complied with, may without further notice enter the place where the noise source is situated (accompanied by a Constable if the place is a dwelling house) and take any reasonable steps to reduce the noise to a reasonable level, and/or where accompanied by a Constable seize and impound the noise source.
- **Noise direction (Section 327):**
Issue an excessive noise direction.
- **Power to enter & remove equipment/render inoperable (Section 328):**
Where an excessive noise direction is not complied with, enter property (when accompanied by a Constable) and remove the noise source, or render inoperable or unusable.
- **Power to enter for inspection (Section 332):**
Inspect property to ensure compliance with any resource consent or the requirements of the Act.
- **Power to enter for survey (Section 333):**
Enter property to take samples and make other investigations.

- **Infringement notices (Section 343C):**
Serve or deliver an infringement notice.

This warrant is issued pursuant to section 38(50 of the Resource Management Act 1991."

All of the checks required as part of the vetting process have been carried out.

In accordance with the policy the Chief Executive recommends that the following warrants of appointment be issued:

Name	Position	Unit	Statuses
WOOD, Kirsten	Environmental Monitoring Officer	City Services, Consent Services, Resource Consents	01, 03, 06, 07, 09

CONCLUSION

Due to the changes brought about by the Local Government Act 2002, it is necessary for Council to resolve to issue the warrants of appointment as recommended by the Chief Executive.

RECOMMENDATIONS

1. That the information be received.
2. That Warrants of Appointment to exercise the powers and responsibilities of Enforcement Officer under Section 177 of the Local Government Act 2002 and the powers under the other Acts listed be issued to the following person as follows:

Name	Position	Unit	Statuses
WOOD, Kirsten	Environmental Monitoring Officer	City Services, Consent Services, Resource Consents	01, 03, 06, 07, 09



12 **PROSTITUTION REFORM ACT 2003**

PURPOSE OF THE REPORT

This report discusses the Council's options for managing the potential negative effects of the decriminalisation of prostitution by the Prostitution Reform Act 2003 (PRA).

BACKGROUND

The Prostitution Reform Act 2003 decriminalises the soliciting and provision of sexual services for reward. Decriminalisation means repealing the previous laws relating to prostitution, making it subject to the same laws and controls, which regulate other businesses. It is now viewed by Parliament as just another "commercial" activity, meaning that sex workers have the same status in law as their clients; and labour laws and health and safety regulations can be openly applied.

The Prostitution Reform Act 2003 creates two types of brothels. The first is a Small Owner-Operated Brothel where there are no more than four sex workers, and where each worker retains control over his or her individual earnings. Small owner-operated brothels do not require certification or licensing of their premises. The other type of brothel is where there are five or more sex-workers, with an operator who manages or controls the business. An operator of such a brothel is required to obtain a certificate from the District Court.

A report on the legal implications of the Prostitution Reform Act 2003 was presented to the August 2003 Meeting of the Environmental Management Committee. The Committee resolved to continue Council's active involvement with a regional staff working party.

An internal staff team comprising officers from Consents, Legal Services, Strategy & Development, Field Services and City Services was formed to work through the various issues arising from the decriminalisation of prostitution. The team has been considering various options for the Council's response to the Prostitution Reform Act 2003. The team has met with representatives from the Police and Auckland Regional Public Health Service. Some members of the team have also met with the New Zealand Prostitutes' Collective and the owner of one of the massage parlours located in Waitakere City.

A workshop attended by staff, Councillors, Community Board Chairperson's, Police and Health Service representatives was held on 6 October 2003.

A regional staff working party has met regularly over the past months. With the exception of Auckland City, none of the other Councils have finalised options for responding to the Prostitution Reform Act 2003. The other Councils are also working through the options internally and liaising with each other to obtain as much consistency as possible across the Auckland Region.

Auckland City has begun consultation on a draft Brothel Bylaw, which allows the Council to restrict brothels to certain areas of the Central Business District and a handful of residential areas. The Bylaw also seeks to regulate commercial sex premises other than brothels, such as striptease clubs and sex shops. These would be banned from certain areas and from the ground floor of main retail strips. In addition the Bylaw imposes rules about advertising and signage.

STRATEGIC CONTEXT

The Council's strategic objectives are to encourage social and economic activity in its urban and rural centres, to encourage the development of strong communities and to provide a home for innovative economic activities. The Council has a range of regulatory mechanisms available to it for achieving its objectives and controlling the negative effects associated with activities. These mechanisms include the District Plan, Bylaws and Council policies.

Council policies that are currently under development, and which are linked with issues arising out of the Prostitution Reform Act 2003, include the Liquor Licensing Policy (through the Sale of Liquor Act 1989), a proposed citywide alcohol strategy and a Gambling Venue Social Impact Assessment and Gaming Venue Policy. Any regulatory response by the Council to the Prostitution Reform Act 2003 needs to be considered in the context of these policies.

ISSUES

Key issues that have emerged from the regional and internal work to date and from the discussion at the 6 October 2003 workshop are summarised below.

1 Level of Impact of the Prostitution Reform Act 2003

The purpose of the decriminalisation of prostitution is to make sex work safer and to allow Councils to manage the potential negative outcomes of decriminalisation. This requires a realistic assessment of what these negative impacts might be and a framework is required to put them in perspective with other social issues confronting the City, such as drugs, alcohol, crime and violence.

There are currently four massage parlours known to be operating in Waitakere City and an estimated 25-35 prostitutes known to be working privately in the residential sector. According to the Police there have been no complaints relating to prostitution and the only call in the past three years regarding a massage parlour related to the sale of liquor.

2 Relationships with Key Stakeholders

Engaging key stakeholders to discuss ways to minimise the visible impact of the Prostitution Reform Act 2003 is a viable option. Key stakeholders include the business community, residential organisations and the sex industry (prostitution and other commercial sex operators).

The Auckland branch of the New Zealand Prostitutes' Collective has indicated its willingness to work with Councils and the commercial sex industry to minimise any negative impacts of the Prostitution Reform Act 2003.

3 Auckland City Bylaw

The proposed Auckland City bylaw may have the effect of encouraging elements of the sex industry to consider locating outside of the Auckland City area. The Bylaw also imposes a 250-metre exclusion from any residential zone, and the matter of where that exclusion zone falls within Waitakere City needs clarification. The Council should consider expressing concern that the Auckland City Council has not considered the potential implications of its proposed approach on the other councils in the Auckland Region.

Options for Waitakere City Council

The Prostitution Reform Act 2003 empowers the Council to minimise the visibility of prostitution and the activity's potential to cause avoidable offence but it does not allow the Council to place constraints on the industry based on moral reasons.

The District Plan is an environmentally effects-based regulatory mechanism. If a brothel creates effects outside the regulatory sphere of the District Plan that the Council wishes to regulate, then the Council may consider using the bylaw options under the Prostitution Reform Act 2003 and Local Government Act 2002.

Changes to the District Plan and developing new Bylaws are expensive to put in place and there is no point in putting any regime in place unless there is to be a concurrent and ongoing commitment to resourcing enforcement.

Maintaining the status quo is a viable option. Council can rely on its existing mechanisms to regulate the effects of the Prostitution Reform Act 2003 while developing other policies and strategies to address any other effects not currently covered. This could include minimising the impact of "mixed" types of entertainment establishments through its liquor and gaming controls. In the meantime more analysis can be undertaken to assess the impact of the Prostitution Reform Act 2003 on the City (including the impact of Auckland City's bylaw) and the development of a long-term holistic strategy to manage that impact can begin.

A1-A2 Issues and options identified from the work of the regional and internal staff teams and the 6 October 2003 workshop are attached at pages A1 to A2.

A summary of options and resources required for each option is tabled below.

Summary of Options & Resources Required

Options	Action Required	Time Frame	Estimated Costs
Leave District Plan as is because most adverse effects can be avoided/mitigated by current rules regarding frontage, landscaping, parking, noise, signs etc.	None	Current	None
Make brothels a prohibited activity	S32 analysis, draft change, notification, submissions & hearings & adopt	12 months (if no Environment Court appeals)	Approximately \$10-15,000.00 (Excluding costs associated with Environment Court actions)
Update District Plan Liquor Rule	S32 analysis, draft change, notification, submissions & hearings & adopt	12 months (if no Environment Court appeals)	Approximately \$10-15,000.00 (Excluding costs associated with Environment Court actions)
Create City Wide Rule - e.g. make activity discretionary or non-complying, which requires notification	S32 analysis, draft change, notification, submissions & hearings & adopt	12 months (if no Environment Court appeals)	Approximately \$10-15,000.00 (Excluding costs associated with Environment Court actions)

Options	Action Required	Time Frame	Estimated Costs
Signage Bylaw	Analyse problem, draft bylaw & statement of proposal, special consultative procedure and adopt	8 months	Auckland City has spent over \$45,000 - more anticipated expenditure due to probable legal challenge. Would probably require consultant/staff resources & external legal advice
Location Bylaw	Analyse problem, draft bylaw & statement of proposal, special consultative procedure and adopt	8 months	Auckland City has spent over \$45,000 - more anticipated expenditure due to probable legal challenge. Would probably require consultant/staff resources & external legal advice
Liquor Licensing Policy	In final stages	December 2003	In 2003/2004 Annual Plan Budget
Gambling Policy	In development	June 2004	In 2003/2004 Annual Plan Budget
Impact assessment methodology	In development	June 2004	In 2003/2004 Annual Plan Budget
Develop Sex Industry Residential Design Guidelines (for brothels and other sex - related businesses) to address adverse effects of sex industry on residential neighbourhoods.	Focussed discussions between Council, business community, residents associations and sex industry operators	6 months	Staff/Councillor & Community Board time
Develop Sex Industry Urban Design Guidelines (for brothels and other sex -related businesses) to address adverse effects of sex industry on revitalisation of town centres.	Focussed discussions between Council, business community and sex industry operators	6 months	Staff, Councillor and Community Board time
Review Long Term Council Community Plan to address impacts of social legislation	Staff analysis	Part of 2003/2004 Annual Plan process	Staff time
Develop City Wide Alcohol Strategy	Staff together with Community Stakeholders (in development)	12 months	Staff time plus Ministry of Health contract for Alcohol Project Coordinator.

CONCLUSION

The decriminalisation of prostitution raises a complex set of issues relating to the residential and urban sectors of Waitakere City. It requires a holistic approach that is linked with other Council policies and strategies that are currently being developed to manage the impact of legislation such as the Sale of Liquor Act 1989 and the recently enacted Gambling Act 2003. It also requires a realistic assessment of what the negative impacts of the Prostitution Reform Act 2003 might be, and work to put them into perspective with other issues confronting the City, such as drugs, alcohol, crime and violence.

In summary the options are:

1. In the short term rely on the current District Plan, and Council policies to regulate any adverse effects of the Prostitution Reform Act 2003 (such as liquor, gambling, noise, visibility etc). This includes proposed changes to the Sale of Liquor Rule as a result of the Council's new Liquor Licensing Policy (in final draft).
2. Develop further policies/guidelines to address urban design issues.
3. Assess the impact of the Prostitution Reform Act 2003 and other social legislation over time and develop Bylaws or changes to the District Plan in response to any adverse effects.

RECOMMENDATIONS

1. That the information be received.
2. That the Council uses the current District Plan and policies to regulate commercial sex premises (including brothels, sex shops, striptease clubs, massage parlours or activities of a similar nature) while it develops a long-term holistic strategy for dealing with any negative effects relating to the decriminalisation of prostitution.
3. That the long-term strategy includes the following:
 - 3.1. Assessing, evaluating and monitoring the impact on the City of "social" legislation such as the Sale of Liquor Act 1989, Gambling Act 2003 and the Prostitution Reform Act 2003 and providing appropriate resources in the 2004/2005 Annual Plan to undertake such impact assessments.
 - 3.2. Begin focussed discussions with the commercial sex industry, residential organisations and local businesses to develop guidelines to address urban design issues and other issues relating to the potential effects of the Prostitution Reform Act 2003.
 - 3.3. Continue working regionally with the view to achieving some consistency across the region.
4. That the Chairperson and Deputy Chairperson of the Environmental Management Committee be delegated authority to approve a submission on the proposed Auckland City Bylaw, expressing concern that the Auckland City Council has not considered the potential implications of its proposed approach on the other Councils in the region.

Report prepared by: Annika Lane; Senior Policy Analyst: Social Policy.



13 **EXERCISE OF DELEGATED AUTHORITY TO COMMENCE HIGH COURT PROCEEDING**

PURPOSE OF THE REPORT

The purpose of this report is to inform Councillors of a decision by the Chief Executive, acting with delegated authority, to commence an appeal in the High Court at Auckland.

BACKGROUND

The Council has been engaged in litigation with Estate Homes Limited in relation to a resource consent granted by the Council for the subdivision of a property at Ranui Station Road, Ranui. The Court's decision in that matter was delivered on 16 September 2003. The 15 working day period for the lodging of an appeal expired on Thursday, 8 October 2003.

The Council was unsuccessful in those proceedings. Following consideration of the Environment Court decision, Kensington Swan offered advice recommending an appeal. A copy of that advice will be provided to the Environment Management Committee as part of the normal reporting process for its meeting in November 2003.

A3 It was not appropriate to bring this matter to the Council at its meeting on 24 September 2003 since there had been an inadequate opportunity to consider the effects of the decision. Since the appeal period would expire prior to the next scheduled Council meeting, the Chief Executive has exercised his powers under delegated authority to commence the appeal. Attached to this report at page A3 is a copy of the resolution signed by the Chief Executive.

RECOMMENDATIONS

1. That the information be received.
2. That the action taken by the Chief Executive to commence the appeal be approved.

Report prepared by: Denis Sheard, Legal Services Manager.



14 **EXERCISE OF DELEGATED AUTHORITY TO SEEK A DECLARATORY JUDGEMENT - HIGH COURT PROCEEDING**

PURPOSE OF THE REPORT

The purpose of this report is to inform Councillors of a decision by the Chief Executive, acting with delegated authority, to seek, in support of Local Government New Zealand, a Declaratory Judgement in the High Court at Wellington.

BACKGROUND

The Council has supported the retention of the Casting Vote provisions provided for in the Local Government Act 1974 and, according to legal advice, carried over into the Local Government Act 2002. The Department of internal Affairs contend, supported by Crown Law advice, that the 2002 Act does not provide for casting votes. The declaratory Judgement seeks to clarify that position.

- A4 Local Government New Zealand sought the Council's involvement as second plaintiff because Waitakere adopted its current Standing Orders on 14 July 2003 and has provided for the use of the casting vote in those Standing orders. The Declaratory Judgement was required to be lodged on Friday 17 October 2003 and the Chief Executive has exercised his powers under delegated authority to join the action. Attached at page A4 is a copy of the resolution signed by the Chief Executive.

RECOMMENDATIONS

1. That the information be received.
2. That the action taken by the Chief Executive to seek a declaratory judgement, be approved.

Report prepared by: Denis Sheard, Legal Services Manager.



15 TRIENNIAL AGREEMENT

PURPOSE OF THE REPORT

The purpose of this report is to inform Council as to progress towards completion of the first Triennial Agreement for the Auckland region and seek Council direction for completion and execution of the Agreement.

STRATEGIC CONTEXT

Under s.15 of the Local Government Act 2002 ("LGA02"), all local authorities within a region must enter into an Agreement containing protocols for communication and co-ordination among them, and for consultation on proposals for new Regional Council activities, for the period up to the next Triennial General Election of members. Local Government Act 2002 requires that the Agreement be executed and signed by 31 December 2003.

DISCUSSION

- A5-A8 A regional working party established by the Auckland Regional CEO Forum has been undertaking work on a draft Triennial Agreement. The original draft Agreement was developed by Auckland City and following some discussion and debate by the working party has now reached a position where it is ready for consideration by Councils. A copy of the current draft of the Triennial Agreement is attached at pages A5 to A8.

There was a view on the working party, in a minority, that a Triennial Agreement should restrict itself to the statutory minimum required to satisfy the provisions of s.15 Local Government Act 2002. The majority of members of the working party, however, had a preference for a fuller document, along the lines of the initial draft prepared by Auckland City Council and considered in that form by the CEO Forum.

All of the Councils in the region will be considering this draft during meetings in October. A meeting of the Regional Working Party is scheduled for 30 October 2003 at which point any proposed alterations to the Agreement will be considered and a final draft of the Agreement prepared for consideration by all Councils, preferably at their November meetings but failing that at meetings in early December. There is in all of this some urgency, because of the approaching deadline of 31 December 2003.

The matter worthy of specific attention by Councillors are:

- **Page 2** - The final sentence under the sixth bullet point (counting from the top of the page) on page 2. This requires notification in relation to consultation policies and policies on significance which may have implications regionally or beyond the boundaries of the decision-making Council. This is more likely to affect Auckland Regional Council than the other Councils.
- **Page 3** - The provisions in relation to new regional council activities have provoked the most debate. Section 16 applies where the regional council proposes to undertake an activity already undertaken by a district council, and contains a formal mediation process in the event of disagreement. In all other cases consultation on new regional council activities will be in accordance with bullet point 3, which seems to be a fair and workable outcome.
- **Page 3** - The suggestion that support servicing follow the servicing of the Mayoral Forum, with Waitakere City Council being the first Council responsible for that task. Waitakere City has serviced the CEO Forum, but currently servicing of the Mayoral Forum lies with North Shore City. Staff think it is more logical that support services related to the Triennial Agreement lie with the CEO Forum and follow the rotation policy of that forum and that agreement should be altered accordingly. This may or may not result in Waitakere City having initial responsibility.

RECOMMENDATIONS

1. That the information be received.
2. That the Chief Executive be given delegated authority to negotiate further amendments (if any) to the Triennial Agreement.
3. That the Triennial Agreement in the form finally approved by the Regional Working Party be reported back to this Council at its meeting on 26 November 2003.
4. That the Mayor and the Chief Executive be delegated authority to sign the Triennial Agreement once it has been approved by the Waitakere City Council.

Report prepared by: Denis Sheard, Legal Services Manager



16 WAITAKERE SPORTS COMPLEX - ALL WEATHER ATHLETIC TRACK

PURPOSE OF THE REPORT

The purpose of the report is to seek Council's approval for the final design and terms of contract for the construction of the All Weather Athletic Track (AWAT) prior to the award of the contract by the Waitakere Sports Complex Development Board (WSCDB). Construction is planned to commence in November 2003 with completion late February 2004.

BACKGROUND

The original signed Charter between the Trust and the Council identified the project objectives and defined the basis for the relationship between Council and the Trust. The Charter also defined the Waitakere Sports Complex Development Board, which is an executive committee of the Trust charged with the implementation of the project.

With regards the All Weather Athletic Track project, the Charter identified that the All Weather Athletic Track was to be developed by Council, however, at the Council meeting on 30 April 2003, the following was resolved:

“That Council advise the parties to the Charter that at the request of the Waitakere Sports Complex Development Board it is prepared to allow the all weather athletics track to be contracted for construction by the Waitakere Regional Sports Trust subject to Council approving by prior resolution the final design and terms of contract, utilising the sum of \$1.1M to be approved within the 2003/2004 Annual Plan budget for that purpose, and otherwise as outlined.”

842/2003

Therefore, prior to award of the All Weather Athletic Track construction contract and commencement of the works on site, approval is being sought from Waitakere City Council for the final design and terms of contract, as per the above resolution.

ISSUES

Synthetic Surface & Installer

Following a meeting in June 2003 between the key stakeholders in the All Weather Athletic Track project (including representatives from the Athletics Rugby Trust, Waitakere Sports Complex Development Board and the Board's expert advisor, Mr Bruce Pulman), a recommendation was forwarded to the Waitakere Sports Complex Development Board and, at their meeting on 14 August 2003, the following was resolved:

“That Sports Technology International, with their Spurtan BV surfacing system be accepted and notified as the preferred supplier and installer of the All Weather Athletic Track at the Waitakere Stadium.”

The surfacing product, being Spurtan BV, is an International Association of Athletics Federation (IAAF) approved product and is guaranteed by the installers for a period of five years. The system represents the best value for money in terms of quality and cost for the type of track to be installed at the Waitakere Stadium, i.e. predominantly community use. The standard, quality and construction of the Waitakere Stadium Athletic track will be very similar to the resurfaced Papakura track and the decision will enable utilisation of the professional work undertaken by the team involved in the Papakura project last year including the sharing of the design information and utilising the very competitive costs procured for that project.

The Australian agent of the system, Sports Technology International is a reputable company, well experienced in track construction work, and have completed similar works in New Zealand satisfactorily.

Project Cost

Based on contract costs negotiated to date, overall project cost is assessed by Waitakere Sports Complex Development Board as follows:

Project Management	\$40,000
Design	\$10,000
Sandfield/Irrigation works	\$30,000
Drainage works	\$80,000
All Weather Athletic Track construction contract	\$896,056
Modification to changing rooms	\$40,000
Survey	\$15,000
Consent	\$8,000
Contingency	\$50,000
TOTAL COST	\$1,169,056.00

- A9 The above costs are based on a track area of approximately 6,300 Square metres, a plan of which is attached at page A9. A more comprehensive plan including the survey dimensions will be tabled. The current project cost is marginally in excess of Council's approved contribution of \$1,100,000. It is proposed that through the negotiation process with Sports Technology International the costs will be reduced to meet the available budget.

Track Layout

The track layout has been designed by Waitakere Sports Complex Development Board, in conjunction with their professional advisors and key stakeholders, such that it meets the requirements of the users and will also meet the stringent International Association of Athletics Federation requirements for such a facility. A representative from the AR Trust (the Athletics/Rugby entity) has approved the layout.

Terms of Contract

The final terms of contract have yet to be agreed with Sports Technology International, however the contract will generally be based on NZS3910:1998, Waitakere City Council's standard contract documentation, and some of the key aspects of the documentation will be:

1. The synthetic surface to be installed is to be an International Association of Athletics Federation approved product.
2. The layout of the track is to meet International Association of Athletics Federation requirements.
3. The contractor will be required to survey the finished track and obtain International Association of Athletics Federation certification to prove that all necessary requirements have been met.
4. The surface is to be guaranteed for a period of five years

Project Timeframes

Construction of the All Weather Athletic Track is due to commence in early November 2003 and due for completion in late February 2004.

CONCLUSION

It is proposed that the All Weather Athletic Track at Waitakere Stadium be constructed by Sports Technology International using their Spurtan BV product, which represents the best value for money in terms of quality and cost for the type of track to be installed at the Waitakere Stadium.

Whilst the current project cost is marginally in excess of the available budget, it is expected that the continuing negotiations will reduce the overall project cost to meet the available budget of \$1,100,000.

The track layout design meets the requirements of the users and will also meet International Association of Athletics Federation requirements. A representative from the AR Trust has approved the layout.

Whilst the final terms of contract have yet to be agreed with Sports Technology International, the contract will generally be based on NZS3910:1998, Waitakere City Council's standard contract documentation and will ensure that the track meets the stringent International Association of Athletics Federation requirements.

RECOMMENDATIONS

1. That the information be received.
2. That subject to satisfactory negotiation of the final contract detail by the Waitakere Sports Complex Development Board the intended layout of the Waitakere Stadium All Weather Athletic track be as depicted on the plan now tabled and the synthetic surface be approved to be the Spurtan BV product constructed by Sports Technology International to all International Association of Athletics Federation requirements and specifications.
3. That Council's financial contribution towards the overall All Weather Athletic Track project costs including the associated sand field/irrigation works, drainage and changing room modification, be \$1.1m as budgeted through the 2003/2004 Annual Plan for that purpose, to be applied by way of reimbursement of contract progress payments made by the Waitakere Regional Sports Trust pursuant to the certifications provided for that purpose by the Engineer to the contract.
4. That providing all the project works itemised have been certified by the Engineer as completed the Director: Finance be authorised to apply any unexpended balance of the said sum of \$1.1m as a further grant towards the overall completion of the Waitakere Sports Complex project in accordance with the Charter.

Report prepared by: Peter Sewell, Site Development Project Manager, Waitakere Sports Complex and Graham Wakefield, Consultant, Legal Services.



17 AN INTERIM DEVELOPMENT GROUP TO ADVANCE THE TE ATATU MARAE PROPOSAL

PURPOSE OF THE REPORT

This report follows up on various reports to Council regarding the development of the Te Atatu Marae. Specifically, this report recommends to Council, on behalf of the Advisory Group, the process, criteria and proposed members of an Interim Development Group to advance the Te Atatu Marae Proposal.

BACKGROUND

Waitakere City Council has determined to make land available for a Community Marae at Te Atatu Peninsula on land formally known as Harbourview. The land area available is 2.5 hectares and the land surrounding the 2.5 hectare area is to become Harbourview Park/Orangihina.

The Council has taken the step to make land available at Harbourview in response to over 35 years of calls from the Maori Community for a Marae at Te Atatu Peninsula. The decision to make land available was made in February 2002 and the intervening period has seen the Council involved in the various legal processes necessary to change the status of the land under the Resource Management Act framework, address integration issues with the proposed park and address tenure issues. This has been undertaken by the Te Atatu Marae Advisory Group meeting with Te Atatu Marae Coalition Trust.

Council has been clear that its principle focus is to provide land for the Marae and that at this stage it does not see its role as funding or taking a role in the development of any buildings on the Marae land.

Council has now addressed tenure issues and has determined that its preferred approach is to vest the land for the Marae as a reserve under Sections 338 and 340 of the Te Ture Whenua Maori Act 1993. This will provide for long term tenure for the Marae under the jurisdiction of the Maori Land Court. Part of this approach involves the appointment of Trustees to manage the land and the development of it in terms of the regime established under the Te Ture Whenua Maori Act 1993.

Another issue faced by Council and those parties wishing to develop a Marae is adopting the most appropriate structure for the development process and to enable progress while the Maori Land Court processes are being addressed. It seems likely that the land cannot be vested as reserve under the Te Ture Whenua Maori Act 1993, nor the Trust established, until District Plan issues have been finalised. It also appears that the Trust structure may not be the best vehicle for undertaking the development process. To that extent, an interim development structure involving a development group (some or all whom might go on to be Trustees), and an interim lease or license to occupy arrangement over the land may be more appropriate. Council, in vesting land under the Maori Land Court regime, has the ability to recommend the initial Trustees. It also has the ability to appoint the members of any development group that might precede the establishment of the Trust.

Council has been working through the process required to get to this stage in consultation with the Te Atatu Marae Coalition Trust.

At its meeting on 27 August 2003 Council considered a report on a number of these issues and resolved as follows:

- “1. *That the progress made by Te Atatu Marae Advisory Group and Te Atatu Marae Coalition Trust in completing the tasks set in the terms of reference established for Te Atatu Marae Advisory Group be noted, and that Te Atatu Marae Advisory Group and Te Atatu Marae Coalition Trust be thanked for their work to this point.*
2. *That Council confirms that its priority in providing the land for a Marae site is the establishment of a Marae, but notes that other activities permitted under the relevant rules of the District Plan and the conditions of the Reserve to be established under Section 338 and Section 340 Te Ture Whenua Maori Act 1993 will likely be permitted in conjunction with the Marae.*
3. *That the Chief Executive be requested to report back the details and implementation plan for a Reserve under Section 338 and Section 340 Te Ture Whenua Maori Act 1993 and any interim tenure arrangements during the development phase to the October 2003 meeting of Council.*
4. *That Council continue to work, through Te Atatu Marae Advisory Group, with Te Atatu Marae Coalition Trust and any other parties as determined by Te Atatu Marae Advisory Group, in order to consult over the details and implementation plan for the Reserve under Section 338 and Section 340 Te Ture Whenua Maori Act 1993 and any interim development arrangements.*
5. *That the initial trustees for the Trust to be established under Section 338 and Section 340 Te Ture Whenua Maori Act 1993 be selected by Council for nomination to the Maori Land Court after consultation with Te Atatu Marae Coalition Trust and any other parties as determined by Te Atatu Marae Advisory Group.*

6. *That the members of any development steering group which may be required as part of an interim development phase prior to the establishment of the Reserve under Section 338 and Section 340 Te Ture Whenua Maori Act 1993 be selected by Council after consultation with Te Atatu Marae Coalition Trust and any other parties as determined by Te Atatu Marae Advisory Group.*

1745/2003

And further:

“That Council request that Te Atatu Marae Advisory Group address with urgency the process for appointing Trustees to Te Atatu Marae Development Group and that these names be forwarded to the October 2003 meeting of Council for clarification.”

1746/2003

PROCESS FOR APPOINTMENT OF DEVELOPMENT GROUP AND TRUSTEES

Council has charged the Te Atatu Marae Advisory Group, which consists of the Chairman of Te Taumata Runanga, Councillor's Presland and Fenton and Mayor Bob Harvey, to undertake consultation on these issues with the Te Atatu Marae Coalition and other interested parties in the Community that are prepared to work within Council's framework for the Marae development, and to recommend to a Council a proposed process and set of criteria for the appointment of Trustees and members of any interim Development Group. Council has also asked the Advisory Group to consider who might be suitable for membership of the Trust or any development group. The Mayor and a number of Councillors have also indicated that they would like to see people brought into a Trust structure from outside of the groups that have been to the forefront of the process to date, in order to ensure there is an adequate mix of skills and fundraising capacity to move the project forward.

Council has indicated that it sees its primary role as that of providing the land for the marae, and assisting in establishing a structure which will enable the marae to proceed.

Resolution of conflicting aspirations as to what is finally built on the land set aside as the Marae Special Area will need to be resolved by the members of the interim development group. It is envisaged that the group will begin as an unincorporated body, but this may be reviewed by the group or Council as the development moves forward.

It should be made clear from the outset that the purpose of the interim development group is to develop a marae on the land put aside for this purpose by Council. The Waitakere City Council District Plan enables a variety of activities to be undertaken on land identified as Marae Special Area, provided it is associated with a marae.

Process

The process undertaken for the selection of members of the interim development group has been the following:

1. Establishment of the draft process and criteria with the Te Atatu Marae Advisory Group. This group agreed at its meeting on 26 September 2003 that the first step was to provide names for the interim development group, and that nominations for a Trust would be sought at a later date.
2. Consultation with Te Atatu Marae Coalition and other interested parties, including Te Atatu Multicultural Marae Trust, to identify potential members of an interim development group. Names were put forward by all interested parties for consideration.

3. Selection of members for the Interim Development Group by the Te Atatu Advisory Group.
4. Recommendation to Council of the members for the Interim Development Group.

Meetings were held with the Advisory Group, the Coalition, and the Multicultural Trust over the last week of September and early October 2003. Each group, after discussion of the criteria and aims of an interim development group, put forward names with accompanying CV's for consideration. The Te Atatu Marae Advisory Group then selected the members that are recommended in this report to become the Te Atatu Marae Interim Development Group.

It is expected that the Advisory Group will continue to operate, providing advice to Council and the interim development group, on issues related to the Resource Consent process and other Marae establishment issues, until the Trust is established.

Criteria for Trustees and/or Membership of Development Group

It is important to note that in setting out the criteria for members, it was considered to be highly unlikely that any one person would meet all of the criteria listed. The aim was to have a mix of different skills and strengths that would enable the objectives of the future Trust or the Interim Development Group to be met.

There were a number of criteria that were deemed to be useful in either the ongoing management of the Marae land and complex, or the initial development process. The criteria were:

- representative of the Te Atatu Maori Community (or part thereof);
- experience in establishing and/or managing Marae projects;
- project management/governance experience and skills (this could include legal skills, project management skills, financial skills, etc);
- leadership skills (including wide leadership appeal);
- mediating skills;
- fundraising skills and capacity;
- links with iwi Manawhenua.

These criteria were adopted by the Advisory Group.

Recommendations for members of the Te Atatu Marae Interim Development Group

At its meeting on Friday, 10 October 2003, the Te Atatu Marae Advisory Group considered the names put forward by the Advisory Group itself, the Te Atatu Marae Coalition Trust, and Te Atatu Multicultural Marae Trust. The Advisory Group selected a group and is currently in the process of approaching potential members and confirming interest and availability. A verbal update will be able to be provided at the Council meeting. It may be necessary to exclude the public to consider the membership of the group, and a suitable exclusion of public has been prepared.

TERMS OF REFERENCE

Key tasks for the interim group were discussed at each consultation meeting. These can be summarised as:

1. Fundraising.
2. Agreement with Council to lease or license to occupy.

3. Advice on governance arrangements (i.e. nominate Trustees for recommendation to Council and Maori Land Court).
4. Design resolution (i.e. work through sustainable building issues, kura kaupapa issues, and any associated issues such as car parking, relationship to the whole park etc).

However, it is proposed that final Terms of Reference be brought back to Council once the group is established and has been able to participate in developing the appropriate Terms of Reference for this project.

CONCLUSION

Council has established a Te Atatu Marae Advisory Group to work through the issues associated with developing a marae on 2.5 hectares set aside on what was formerly known as Harbourview Land (Orangihina).

Council has now addressed tenure issues and has determined that its preferred approach is to vest the land for the Marae as a reserve under Sections 338 and 340 of the Te Ture Whenua Maori Act 1993. It is envisaged that a Trust will be established to oversee the marae development and management in the future. However, due to requisite legal processes, this may take some time to establish.

Council decided at the August meeting 2003, that an interim development group would be an appropriate method to ensure the ongoing development of the marae, and could also act as a mechanism to resolve issues associated with the divergent opinions as to the appropriate activities on the marae in the future. Council required that a report be brought back to the October 2003 meeting.

During September 2003 and early October 2003, the process and criteria for the membership of an interim development group were approved by the Te Atatu Marae Advisory Group. Meetings were held with the Coalition Trust and the Multicultural Trust to discuss these criteria, the idea and probable tasks of an interim development group, and possible membership thereof.

This report brings for Council approval the recommended membership of the Te Atatu Marae Interim Development Group.

RECOMMENDATIONS

1. That the information be received.
2. That Council approve the formation of a Te Atatu Marae Interim Development Group to progress development of the Te Atatu Marae.
3. That Council approve the members of the Te Atatu Marae Interim Development Group.
4. That Terms of Reference be brought back to Council by December 2003.

Report prepared by: Ross McLeod, Director: Corporate & Civic Services and Cathy Kenkel, Group Manager: Strategic Policy & Planning.



**18 URBAN SEARCH AND RESCUE TASK FORCE TRAINING EXERCISE:
PALMERSTON NORTH - ATTENDANCE BY ELECTED MEMBER**

PURPOSE OF THE REPORT

The purpose of this report is to inform Councillors of the opportunity to attend and observe Auckland's Urban Search And Rescue Task Force Training Exercise, on Wednesday, 19 November 2003, in Palmerston North, and to confirm the participation of Councillor Battersby.

ISSUES

As a means of improving its emergency response capacity, the Auckland Region is engaged in an ongoing process to build a multi agency, Urban Search and Rescue (USAR) Task Force. From 3 November to 21 November 2003, 33 members of the Auckland team will be undertaking advanced training at Palmerston North's Urban Search and Rescue Training facility.

During the third week of the course a 72-hour exercise is planned. The opportunity has been provided, on Wednesday 19 November 2003, for representatives of the signatories to Memorandum of Support for the Auckland Urban Search and Rescue Task Force to attend and observe operations during this exercise.

A10-A11 The invitation to participate, including details of the training is attached at pages A10 to A11.

It is anticipated that Cr Battersby as Chairperson of the Emergency Services Special Committee and an Alternate Controller would find the content and interaction with Emergency Service Commanders, Emergency Management Group Members and experts, of significant benefit, and therefore may wish to attend.

RESOURCES

Elected member attendance is provided for under the Council's "Policy for Overseas Travel and Conference Attendance by Elected Members". The course organisers will provide transport to and from Palmerston North Airport as well as meals and refreshments. Council's will be required to meet the costs of the participant's travel to Palmerston North, and any related expenses. The Council provided a budget in the 2003/2004 Annual Plan for Elected Members' attendance at training opportunities, seminars and conferences and that fund can be utilised for attendance at this event.

In reaching a decision on whether any Elected Members should attend the conference, the policy requires that the following matters should be considered:

- is the travel and or attendance in line with Council's policy direction or operational requirements?
- availability and location of funds?
- is the travel or attendance necessary or beneficial to the extent of the cost?
- is the most appropriate representative being sent?

CONCLUSION

It is considered that attendance at the Open Day would be consistent with the Council's policy direction and operational requirements. There is a need for the Chairperson of the Emergency Services Special Committee to maintain and enhance his knowledge of Emergency Management issues.

RECOMMENDATIONS

1. That the information be received.
2. That the Council appoint Cr Battersby to attend the Auckland Urban Search and Rescue Task Force Training Exercise, to be held in Palmerston North on Wednesday, 19 November 2003.

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



19 LOCAL GOVERNMENT ACT 2002 - LOCAL GOVERNMENT NEW ZEALAND KNOWHOW SEMINARS

PURPOSE OF THE REPORT

The purpose of this report is to advise Council about further Local Government New Zealand KNOWHOW seminars being organised to appraise Elected Members and staff on selected provisions Local Government Act 2002 and to present some guidelines and best practise notes for its implementation.

BACKGROUND

The Local Government Act 2002 was passed by Parliament in December 2002 and received the assent of the Governor General on 24 December 2002. Parts of the Act came into force immediately and the rest of the Act came into force on 1 July 2003. Local Government New Zealand have had a number of work groups comprising elected members, local authority officers, Local Government New Zealand staff and other advisors have been developing seven KNOWHOW Guides. Each KNOWHOW Guide deals with a different aspect of the new legislation; the full "product range" includes KNOWHOW Guides on different aspects of recent Local government Legislation.

The Development Contributions Guide is being supported by a series of 1-Day KNOWHOW Seminars, for Elected Members and officials, to be held in Christchurch, Auckland, and Wellington between 23 October and 31 October 2003.

A series of two-day seminars on the Community Outcome process are also to be held in Christchurch, Dunedin, Palmerston North, Auckland and Rotorua, between 13 October and 20 November 2003. The first day of each of this latter series of seminars is also designed for Elected Member participation.

A further series of 1-Day KNOWHOW Seminars, for Elected Members and officials, to be held in Christchurch, Auckland, and Palmerston North between 6 November and 11 November 2003 has been organised around the theme: "Getting Value for your Library?".

A12-A16 The seminar programmes are attached at pages A12 to A16.

STRATEGIC CONTEXT

The new Local Government Act is the fourth but most significant component in a group of legislative reforms aimed at enhancing and strengthening New Zealand's system of local government and democracy. The other three parts of this package are the Local Electoral Act 2001, the Local Government (Elected Member Remuneration and Trading Enterprises) Amendment Act 2001, and the Local Government (Rating) Act 2002.

The new Act explicitly charges local government with the leadership of their local communities. It empowers Councils but equally empowers communities by requiring a high standard of accountability. While Councils are encouraged to be flexible in how they meet the needs of their communities, they must ensure that their decision-making processes are open to the influence and scrutiny of their communities.

The key to the whole act is set out in Section 10 - Purpose of local government:

“The purpose of local government is-

- *to enable democratic local decision-making and action by, and on behalf of, communities; and*
- *to promote the social, economic, environmental and cultural well-being of communities, in the present and for the future.”*

This purpose aligns well with Council's Eco-city vision, which has been focused on sustainable development for a period of ten years now.

ISSUES

The Local Government Act is the principal Act under which the Council operates and it is important that Elected Members and staff are familiar with and understand its requirements. The Local Government New Zealand KnowHow seminars are designed specifically by people in local government to share collective wisdom with their peers. All Councillors and a number of Directors and Senior Managers should attend these seminars to increase their knowledge of the Act and to ensure Waitakere is able to meet or exceed legislative requirement. The Chief Executive will determine who will attend from among the staff.

RESOURCES

The Council provided a budget in the 2003/2004 Annual Plan for Elected Members' attendance at training opportunities, seminars and conferences and that fund can be utilised for attendance at this event.

In reaching a decision on whether any Elected Members should attend the conference, the policy requires that the following matters should be considered:

- is the travel and or attendance in line with Council's policy direction or operational requirements?
- availability and location of funds?
- is the travel or attendance necessary or beneficial to the extent of the cost?
- is the most appropriate representative being sent?

It is considered that attendance at the Seminar would be consistent with the Council's policy direction and operational requirements. There is a need for Elected Members to maintain and enhance their knowledge of the Local Government Act 2002.

The Development Contribution Seminar is on 30 October 2003 and registrations have been made for Councillors Hulse, Nash and Clews. Those Councillors were invited to attend because of their responsibilities associated with chairing the Environmental Management Committee, Hearing Committee and Finance and Operational Performance Committee respectively. It would have been appropriate for Councillor Stone as Chairperson of the City Development Committee to attend too but she is unable to attend this Seminar.

CONCLUSION

Councillors should avail themselves of this excellent opportunity to gain knowledge about the Local Government Act 2002 at these purpose-designed seminars.

RECOMMENDATIONS

1. That the information be received.
2. That Councillors Hulse, Nash and Clews be approved to attend the Local Government New Zealand KNOWHOW Seminar on Development Contributions to be held at the Sheraton Hotel, Auckland on Thursday 30 October 2003, with costs being met by the Council.
3. That Councillors be nominated to attend the first day of the Local Government New Zealand KNOWHOW Seminar on Community Outcomes to be held at Copthorne Harbourn City, Auckland on Wednesday, 17 November 2003, with costs being met by the Council.
4. That Councillors be nominated to attend the first day of the Local Government New Zealand KNOWHOW Seminar on Getting Value for Your Library? to be held at Lakeside Convention Centre, Manukau, Auckland on Wednesday 17 November 2003, with costs being met by the Council.

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

HV O'Rourke
CHIEF EXECUTIVE



PART E - CONFIDENTIAL ATTACHMENTS

Confidential minutes of last meetings of the Council and Standing Committees are circulated separately with this agenda.



PART F - STANDING COMMITTEE REPORTS

20 CITY DEVELOPMENT COMMITTEE

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON THURSDAY, 2 OCTOBER 2003

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, 2 October 2003 be received.

CA Stone
CHAIRPERSON



21 **REFERRAL FROM PROJECTS SPECIAL COMMITTEE**

The Projects Special Committee met on Wednesday, 1 October 2003 and dealt with, inter alia, the following items which due to time constraints are now referred to Council for ratification.

1. **WEST WAVE FITNESS CENTRE - PURCHASE OF ADDITIONAL FITNESS EQUIPMENT**

Your Special Committee Recommends:

That borrowings of up to \$40,000 be approved for the purchase of additional equipment for the West Wave Fitness Centre.

2. **PROPOSED SUMMERLAND DRIVE COMMUNITY FACILITY**

Your Special Committee Recommends:

That the cost of the Summerland Drive Community Facility as provided in years 2004/2005 and 2005/2006 be re-confirmed at \$660,000 and be available for 2004/2005.

RP Dallow, QPM, JP
CHAIRPERSON



22 **FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE**

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON MONDAY, 6 OCTOBER 2003

1. **ANNUAL REPORT 2002/2003**

Your Committee Recommends:

That the Annual Report for 2002/2003 be approved.

2. **OTHER MATTERS CONSIDERED**

Your Committee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 10 to 18 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, 6 October 2003 be received.

JM Clews, QSO, JP
CHAIRPERSON



23 ENVIRONMENTAL MANAGEMENT COMMITTEE

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON TUESDAY, 7 OCTOBER 2003 AND THE EXTRAORDINARY MEETING HELD ON TUESDAY, 7 OCTOBER 2003 AT 1.07 PM

MATTERS CONSIDERED

*19-28
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 meetings are attached at pages 19 to 28 in the supplement labelled Part F.

Your Committee Recommends:

That the report of the Ordinary Meeting of the Environmental Management Committee held on Tuesday, 7 October 2003 and the Extraordinary Meeting held on Tuesday, 7 October 2003 at 1.07 pm be received.

PA Hulse
CHAIRPERSON



PART G - PRESENTATION

This presentation will take place at 7.30 pm.

CITATION

Mayor Bob Harvey will present Citations to Yvonne Dufaur, Rob Astley and Fiona Anderson for their services to the Piha community.



PART H - PROCEDURAL MATTERS

24 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.



25 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.



26 CLOSING PRAYER

