

**AGENDA FOR AN ORDINARY MEETING OF THE COUNCIL TO BE HELD IN THE
CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,
ON WEDNESDAY, 30 APRIL 2003, COMMENCING AT 5.30 PM.**

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1 OPENING PRAYER

Reverend David Jang from the Korean Presbyterian Church of Auckland will say the Opening Prayer.



2 APOLOGIES



3 CONFIRMATION OF MINUTES

Special - Tuesday, 25 March 2003 (Long Term Council Community Plan and Annual Plan)
Ordinary - Wednesday, 26 March 2003

RECOMMENDATION

That the minutes of the Special Meeting of the Council held on Tuesday, 25 March 2003 and the Ordinary Meeting of the Council held on Wednesday, 26 March 2003, including the Public Excluded 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 A - PETITION



PART B - CONFIRMATION OF SPECIAL ORDERS

5 AMENDMENT TO BYLAW NO. 7 1991, TRAFFIC - LINCOLN ROAD - BUS PRIORITY LANE

The Council on Wednesday, 26 March 2003 resolved by way of Special Order to Amendment to Bylaw No. 7 1991, Traffic - Lincoln Road - Bus Priority Lane. The Special Order was publicly notified on Monday, 7 April 2003 and Monday, 21 April 2003 in accordance with Section 716B of the Local Government Act 1974. At the time of the agenda printing no objections had been received.

The Special Order resolution is now submitted for confirmation:

1. The Waitakere City Council acting in pursuance and exercise of the power and authorities conferred on it by the Local Government Act 1974, the Transport Act 1962, Traffic Regulations 1976 the Bylaws Acts 1910 and all other powers and authorities in any way enabling it **HEREBY RESOLVES BY SPECIAL ORDER** the following amendment to Bylaw No. 7 1991, Traffic hereby:-

1. **SHORT TITLE**

- The Short Title of this Bylaw shall be the Waitakere City Council Bylaw No. 7 1991, Traffic, Amendment No. 6, 2003.

2. **COMMENCEMENT**

- This Amendment shall come into force on 30 April 2003.

3. **AMENDMENT**

- Bylaw No. 7 1991, Traffic is amended by adding after clause 10 - CYCLE TRACKS the following clause entitled "BUS PRIORITY LANE"

- 10A) **BUS PRIORITY LANE**

- 10A.1 The Council or any duly delegated committee of the Council including a community board may at any time and from time to time by resolution determine that any part of street which shall be defined in such resolution shall be a 'bus priority lane' for the purposes of this Bylaw.

- 10A.2 The Council or any duly delegated committee of the Council including a community board may at any time by resolution prohibit, limit or restrict all classes of vehicle from using any 'bus priority lane' except for large passenger service vehicles, bicycles, police and traffic enforcement vehicles, emergency vehicles, and by any vehicle for a distance of not more than 50 metres for the purpose of turning into or out of side streets and properties.

- 10A.3 The Council or any duly delegated committee of Council including a community board may further and in like manner prohibit the parking of any vehicles in any bus priority lane in excess of a period fixed by such resolution.

- 10A.4 The Council shall maintain in or on the street a notice, traffic sign, marking or sign indicating a bus priority lane and the nature of such prohibition, limitation or restriction and purposes so determined.

10A.5 No person or driver in charge of any vehicle shall stop, stand or park it whether attended or unattended in any such lane where such a notice, traffic sign, marking or sign on the street is maintained except in conformity with the terms of such prohibition, limitation or restriction or for the purposes so determined.

2. **AFFIXING OF THE SEAL**

That the Common Seal of The Waitakere City Council be affixed to such documents as may be necessary to give effect to the Special Order and be attested as soon as practicable by any two of the following:

- Mayor, or Deputy mayor or Councillor;
- Chief Executive, or the Acting Chief Executive in his absence;
- Director: Corporate and Civic Services.



PART C - REPORT OF THE MAYOR

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



PART D - TE TAUMATA RUNANGA AND COMMUNITY BOARDS

6 TE TAUMATA RUNANGA

I NOHO TE TAUMATA RUNANGA KOMITI MANE TE KAU MA WHA O PAENGA-WHAWHA 2003

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON MONDAY, 14 APRIL 2003

1. YOUNG MAORI LEADERS CONFERENCE 2003

Your Committee Recommends:

That Council support two representatives which Te Roopu Puawai O Waitakere will choose to attend the sixth national Young Maori Leaders' Conference to be held in Wellington, on 16 - 17 June 2003.

2. REPRESENTATION ON WAITAKERE ARTS AND CULTURAL TRUST

Your Committee Recommends:

That Rev Judy Cooper be appointed as a Trustee on the Waitakere Arts and Cultural Trust on a voluntary basis.

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 D.

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, 14 April 2003 be received.

Te Warena Taua
CHAIRPERSON

1-4
Part D



7 **NEW LYNN COMMUNITY BOARD**

THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON MONDAY, 31 MARCH 2003

MATTERS CONSIDERED

5-14
Part D

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 14 in the supplement labelled Part D.

The Board Recommends:

That the report of the Ordinary Meeting of the New Lynn Community Board held on Monday, 31 March 2003 be received.

EG Francke
CHAIRPERSON



8 **WAITAKERE COMMUNITY BOARD**

THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON TUESDAY, 1 APRIL 2003

MATTERS CONSIDERED

15-18
Part D

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 15 to 18 in the supplement labelled Part D.

The Board Recommends:

That the report of the Ordinary Meeting of the Waitakere Community Board held on Tuesday, 1 April 2003 be received.

CA Shepherd, JP
CHAIRPERSON



9 **MASSEY COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING
HELD ON WEDNESDAY, 2 APRIL 2003**

1. **COMMUNITY SPORT FUND CHANGES TO MEMBERSHIP**

The Board Recommends:

That Community Board representation on the Community Sport Fund Allocation Subcommittee remain the status quo (no alternative member), and that Te Taumata Runanga representation be one member to enable the quorum to be reduced from six to five.

NOTE: This matter is addressed by a report that forms part of the Report of the Chief Executive, Item 16: Changes to Community Sport Fund. This recommendation should be considered in conjunction with that report.

2. **OTHER MATTERS CONSIDERED**

19-25
Part D

The Board dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 19 to 25 in the supplement labelled Part D.

The Board Recommends:

That the report of the Ordinary Meeting of the Massey Community Board held on Wednesday, 2 April 2003 be received.

RF Jessopp
CHAIRPERSON



10 **HENDERSON COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING
HELD ON THURSDAY, 3 APRIL 2003**

MATTERS CONSIDERED

26-32
Part D

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 26 to 32 in the supplement labelled Part D.

The Board Recommends:

That the report of the Ordinary Meeting of the Henderson Community Board held on Thursday, 3 April 2003 be received.

HM Jones
CHAIRPERSON



PART E - REPORT OF THE CHIEF EXECUTIVE

11 AUCKLAND REGIONAL TRANSPORT NETWORK LIMITED - DRAFT STATEMENT OF INTENT

PURPOSE OF THE REPORT

This report is seeking the Council's comments on the draft Statement of Intent for the Auckland Regional Transport Network Limited group of companies, which has been prepared in accordance with the requirements of the Local Government Act 2002.

BACKGROUND

A1-A12

Auckland Regional Transport Network Limited has provided a draft Statement of Intent for the 3 years from 2003/2004, as attached at pages A1 to A12. The Auckland Regional Transport Network Limited group currently comprises Auckland Regional Transport Network Limited, Auckland Regional Transport Network Limited Harbour Berths Limited and Auckland Regional Transport Network Limited Metro Limited.

This Statement of Intent is subject to the new requirements of the Local Government Act 2002. The key new requirements are:

- The group has a broader principal purpose;
- A governance statement from the board is required; and
- Feedback on the draft Statement of Intent is required by 30 April.

The 2003/2004 year will be the third year of operations of Auckland Regional Transport Network Limited, with an expanded focus on rail, ferry and management of the Britomart facility. The draft Statement of Intent has been prepared on the basis of information available early March 2003. At that time, the rail business plan, funding arrangements and governance arrangements for passenger transport were still being developed.

Each shareholding Council is required to consider the draft Statement of Intent and forward comments to the Shareholders' Representative Group so that a formal response can be made to the board of directors. This response will be discussed at the Shareholders' Representative Group meeting on 2 May 2003.

The Shareholders' Representatives Group has not had an opportunity to comment on the draft Statement of Intent yet. The Shareholders' Representatives Group will consider the Shareholding Councils' views and provide its feedback to the board.

STRATEGIC CONTEXT

Shareholding Councils have a governance role in relation to the Auckland Regional Transport Network Limited Group, to ensure that the objectives and strategies of the Auckland Regional Transport Network Limited Group are aligned with those of the Auckland Regional Growth Strategy and Auckland Regional Transport Strategy. The Group's activities include development of ferry and rail infrastructure. Governance and funding arrangements with Auckland Regional Transport Network Limited are under development in regional processes to conclude regional passenger transport governance arrangements and the rail business plan.

ISSUES

Issues Raised by the Officers Advisory Group

The following is an outline of key issues that the Officers Advisory Group has raised as feedback to the Auckland Regional Transport Network Limited board:

1. Passenger Transport Governance - The region is considering a change in passenger transport governance arrangements which are likely to affect the Auckland Regional Transport Network Limited group. The options being considered could extend the Group's responsibilities to bus infrastructure as well as rail and ferry. The Group's responsibilities could also extend to service planning as well as infrastructure planning. The Statement of Intent needs to enable the Group to enter into these arrangements if regional agreement is reached. The third paragraph on page 4 of the draft Statement of Intent needs to be expanded.
2. Rail Deal - The Statement of Intent should reflect Auckland Regional Transport Network Limited's proposed role under the rail deal, particularly any responsibilities in relation to the Crown. Shareholders are considering a proposal to establish a wholly owned subsidiary of Auckland Regional Transport Network Limited Metro Limited as a special purpose vehicle to deal with access rights. If approved by shareholders, the Statement of Intent should outline the role of this subsidiary.
3. Sound Business Practice - The draft Statement of Intent (page 5) provides that, in accordance with the Local Government Act 2002, the principal objective of the Auckland Regional Transport Network Limited Group includes conducting its affairs in accordance with "sound business practice". This wording suggests that the Auckland Regional Transport Network Limited Group is a Council Controlled Trading Organisation. However, the Group has since received advice that it is not a Council Controlled Trading Organisation to which this objective applies because it is mostly trading to achieve a cash breakeven result. Accordingly, the reference to "sound business practice" should be deleted. There is an adequate statement on page 5 covering fiscal responsibilities: *"In carrying out the above the Group will take into account the principles of Local Government triple bottom line requirements which allow the Group to operate without strictly following a commercial focus. This does not mean that the Group will reject commercial opportunities or avoid prudent fiscal responsibilities of stewardship."*
4. Assumptions - The draft Statement of Intent is based on a number of assumptions about the rail deal, rail business plan, governance and funding arrangements. Shareholders will need to note and monitor the particular performance measures that are affected by these assumptions. For example, if a rail business plan is not agreed, then specific targets for rail would need to be set for the Group.
5. Land Development - There are explicit statements on page 4 relating to the Group making links and synergies with other network development. A performance measure needs to be added which assesses the Group's fit with and contribution to local developments, particularly along the Western rail corridor.
6. Service Frequency Targets (page 8) - The Auckland Regional Council's target of 10-minute frequency along the rail corridors at peak hours by 2006 does not appear in the Group's draft Statement of Intent. Shareholders would like the Group to provide the infrastructure that supports achievement of that target, subject to the outcome of an agreed rail business plan.
7. Contribution to Strategy - Page 8 includes a performance measure about the Group's contribution to regional strategies. This may be better measured by the extent to which the Group carries out its responsibilities as identified in the Regional Land Transport Strategy.

8. Safety - Although the performance measure on page 9 refers to meeting safety standards in an agreed Asset Management Plan, Shareholders may wish to require the Board to work towards a strict safety standard in relation to the rail network, to be achieved within a certain timeframe. This would provide guidance to the Board in the development of the rail business plan and its asset management plan.
9. Provision of Advisory Services - Clause 4.8 notes that Auckland Regional Transport Network Limited will be seeking a contract for the provision of advisory services to its Shareholders. The amount is to be negotiated and may need to be raised as a submission to the draft Annual Plan of some of the Shareholders.

Other Issues Relevant to this Council

Auckland Regional Transport Network Limited has already been advised on two occasions of this Council's requirements in relation to the rail business plan. The following are particular requirements that may be appropriate in the context of the draft Statement of Intent:

1. Double Tracking by 2006 - The electrification of the Western rail corridor, if approved, could result in a delay in completion. This would delay the introduction of 10-minute frequency services at peak periods to about January 2007. Auckland Regional Transport Network Limited has a choice to construct the double track either on a piecemeal basis (estimated to take about 18 months) or all at once (which would involve closing the track for about 6 months). This Council may wish to direct that Auckland Regional Transport Network Limited holds both options open so that residents' view can be sought and a decision made. The Council could signal a preference for Auckland Regional Transport Network Limited's business planning.
2. Removal of Graffiti and Weeds along Western Rail Corridor - Raising this issue may influence the preparation of Auckland Regional Transport Network Limited's asset management plan for the rail corridors. This is an opportunity for this Council to hold an entity accountable for the state of the corridor. This work could be done at the same time as double tracking.
3. Provision of a Cycle Track Along Western Rail Corridor - It is envisaged that the Council and Auckland Regional Transport Network Limited would jointly seek funding to provide a cycle track along the Western rail corridor. This work could be done by Auckland Regional Transport Network Limited at the same time as double tracking.

RESOURCES

No further resources are considered necessary for the review of this draft Statement of Intent. The draft Statement of Intent is based on Auckland Regional Transport Network Limited receiving sufficient funding from a variety of sources, which are being negotiated in the context of the rail business plan.

As previously noted, Auckland Regional Transport Network Limited will be seeking a contract for the provision of advisory services to its Shareholders. The amount is to be negotiated and would need to be raised as a submission to the Council's draft Annual Plan.

CONCLUSION

The final Statement of Intent should relate to Auckland Regional Transport Network Limited's proposed role and provide measurable boundaries within which the group knows it can or cannot operate. The Council has an opportunity to provide its comments on the draft Statement of Intent and give direction to its representatives to take back to the Shareholders' Representatives Group meeting on 2 May 2003. The board is not bound to comply with Shareholders' comments unless Shareholders specifically require the board to do so.

RECOMMENDATIONS

1. That the information be received.
2. That the Council's views on the draft Statement of Intent for the Auckland Regional Transport Network Limited Group, including those set out in this report, be expressed by the Council's representatives to the Auckland Regional Transport Network Limited Shareholders' Representatives Group at their meeting on Friday, 2 May 2003.

Report prepared by: Kevin Wright, Senior Project Manager: Transport Projects.



12 PASSENGER TRANSPORT SUB-COMMITTEE REPRESENTATIVE PAYMENT

PURPOSE OF THE REPORT

The purpose of this report is to clarify payment of the representative to the Passenger Transport Sub-Committee of the Auckland Regional Council.

BACKGROUND

The Auckland Regional Council has re-established the Passenger Transport Sub-Committee. Each Auckland Territorial Authority, Transit New Zealand, and Auckland Regional Transport Network Limited were invited to nominate one representative and an alternate member on the Sub-Committee. On 19 December this Council resolved:

“That the Council representative on the Passenger Transport Subcommittee of the Auckland Regional Council be Councillor Presland, and that Councillor Stone be the alternate member.”

200/2003

ISSUES

Attendance payment of the representative was overlooked in the original report and resolution of this aspect is required.

RECOMMENDATIONS

1. That the information be received.
2. That the Council representative on the Passenger Transport Subcommittee of the Auckland Regional Council be Councillor Presland, with Councillor Stone as the alternate member and that the appointment be paid at 100% payment (Band 4) in terms of Council's payment scale for meeting attendances.

Report prepared by: Gyles Bendall, Project Manager: Transport Projects.



13 **CIVIL DEFENCE CONTROLLERS' COURSE AND TECHSCAPE WORKING PARTY REPRESENTATIVE AND PAYMENT**

PURPOSE OF THE REPORT

The purpose of this report is to confirm the appointment of Council's representative to the Civil Defence Emergency Management Controllers' Course and to provide for payment for that appointment, and to provide for payment for Council representatives to the Council Controlled Organisations Governance Sub-committee's Techscape Working Party.

ISSUES

Civil Defence Controllers' Course

Councillor Derek Battersby attended a Civil Defence Controllers course at Manukau City Council on 27 March 2003. This course is a key part in the programme to maintain regional and local emergency capability. It is appropriate that Councillor Battersby's attendance at the course should be officially approved as the course forms part of his official duties as Controller.

Joint Techscape Working Party

The Council Controlled Organisations Governance Subcommittee has established a Joint Techscape Working Party with North Shore City Council. Both Councils nominated two elected representatives to participate in addition to staff. On 17 December this Subcommittee resolved:

“That the joint Working Party with North Shore City Council to review the governance and performance of Techscape include Councillor Presland, the Director: Finance and the Director: Quality Assurance.”

3630/2002

“That the joint Working Party with North Shore City Council to review the governance and performance of Techscape also include Councillor Lawley.”

3631/2002

Attendance payment of the representative was not considered because it has been this Council's policy not to make payment for Working Parties. This Working Party has, and will continue, to spend some considerable time on the process of reviewing the governance and performance of Techscape including recommending appointment of Directors to the Board of Techscape. North Shore City Council have recognised this by remunerating their members for participating in the Working Party. It would seem appropriate that the workload associated with the Working Party should be recognised by the Council providing for the payment of meeting fees to its representatives should they wish to claim for them. A payment at payment level Band 4 (100% of the allowable meeting allowance) would seem appropriate.

These issues are brought before the Council for consideration.

RECOMMENDATIONS

1. That the information be received.
2. That Councillor Batterby's attendance at the Regional Civil Defence Emergency Management Controllers' Course be approved and that the appointment be paid at (100%) Band 4 in terms of Council's payment scale for the meeting attendance.
3. That meeting fees be paid to the Council representatives on the Council Controlled Organisations Governance Subcommittee Joint Techscape Working Party for attendance at Working Party meetings at payment level Band 4 (100%) in terms of Council's payment scale for meeting attendance.

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



14 NEW ZEALAND PLANNING INSTITUTE ANNUAL CONFERENCE - ATTENDANCE BY ELECTED MEMBERS

PURPOSE OF THE REPORT

The purpose of this report is to inform Councillors of the New Zealand Planning Institute's annual conference, and to ascertain participation by elected members.

ISSUES

The New Zealand Planning Institute holds an annual conference. In past years, interested elected members have often attended the conference.

This year, the conference will be held in Hamilton from 22 May to 24 May 2003. The theme of the conference is 'Vision 50/50', reflecting on the last 50 years of planning since the 1953 Town and Country Planning Act, and creating a vision for planning over the next 50 years.

Topics for discussion at the conference include environmental education, coastal management, second-generation plans, waste management, energy, local government, strategic planning and transportation. A full conference programme was not available at the time this report was prepared.

It is anticipated that some elected members would find the content and interaction with other local authority elected members of significant benefit, and therefore may wish to attend.

Elected member attendance is provided for under the Council's 'Policy for Overseas Travel and Conference Attendance by Elected Members'. The policy directs that elected members would be paid for their attendance at the conference. It is estimated that the total cost arising from the attendance of each elected member would not exceed \$2,000. This figure includes travel allowances, accommodation, conference registration fees and payment for attendance.

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 conference would be consistent with the Council's policy direction and operational requirements. There is a need for a number of elected members to maintain and enhance their knowledge of resource management issues and processes in order to effectively fulfil their statutory obligations, particularly in respect of Hearings and Environmental Management Committee functions.

The benefits obtained through attendance at the conference seminars and workshops, and by informal networking, would more than outweigh the cost of attendance. There are sufficient remaining funds in the budget allocated for elected member attendance at conferences and seminars to cover the costs of attendance at the conference for up to three elected members. The Council would need to determine the most appropriate representatives. In past years, attendees have generally been selected from the Chairpersons and Deputy Chairpersons of the Environmental Management Committee and the Hearings Committee.

RECOMMENDATIONS

1. That the information be received.
2. That the Council consider elected member attendance at the New Zealand Planning Institute's annual conference, to be held in Hamilton between Thursday, 22 May and Saturday, 24 May 2003.

Report prepared by: Philip Brown, Group Manager: Planning & Community Services.



15 APPOINTMENT TO TE TAUMATA RUNANGA

PURPOSE OF REPORT

The purpose of this report is to request Council to formally appoint a replacement representative and replacement alternate representatives to Te Taumata Runanga.

ISSUES

Formal advice has been received from Te Whanau O Waipareira Trust regarding the replacement of Reg Ratahi as representative and Ricky Houghton as alternate on Te Taumata Runanga.

Te Whanau O Waipareira Trust have advised that Denis Hansen will be its new representative and Rawiri Waititi will be the alternate representative.

Formal advice has also been received from Hoani Waititi Marae recommending Joseph Turner as alternate representative for that organisation.

CONCLUSION

The nominations of a replacement member and alternate for Te Whanau O Waipareira Trust and an alternate for Hoani Waititi Marae are brought before the Council for formal appointment.

RECOMMENDATIONS

1. That the information be received.
2. That Denis Hansen be appointed as Te Whanau O Waipareira Trust representative on Te Taumata Runanga replacing Reg Ratahi.
3. That Rawiri Waititi be appointed as alternative Te Whanau O Waipareira Trust representative on Te Taumata Runanga replacing Ricky Houghton.
4. That Joseph Turner be appointed as alternate Hoani Waititi Marae representative on Te Taumata Runanga.
5. That Reg Ratahi and Ricky Houghton be thanked for their service and efforts as members of Te Taumata Runanga.

Report prepared by: Ngareta Delamere, Committee Secretary.



16 CHANGES TO COMMUNITY SPORT FUND

PURPOSE OF THE REPORT

The purpose of the report is to seek Council's endorsement for the Community Boards' alternative representatives for the Community Sport Fund Allocation Subcommittee.

BACKGROUND

The Community Sport Fund has been a partnership between Sport and Recreation New Zealand (formerly Hillary Commission) and Waitakere City Council, through which funding has been provided to support community sport, fitness and physical leisure organisations and activities. The fund is allocated by the Community Sport Fund Allocation Subcommittee.

The Delegations to Committees and Community Boards Register states that the Subcommittee shall comprise of:

- 1 Councillor representative who shall be the Chairperson
- 1 Community Board representative from each Board (total 4)
- 1 Representative from Waitakere Regional Sports Trust
- 2 Representatives from Te Taumata Runanga
- 1 Representative from the Pacific Islands Communities
- 2 Representatives from the Community

Quorum: 6 members

STRATEGIC CONTEXT

Through the Community Assistance Policy, Council has outlined its commitment to help strengthen the ability of local community groups to create a strong social base for Waitakere City and to improving local leisure and recreation opportunities and choices.

Through adoption of First Call for Children, Council has also stated its commitment to proactively supporting children, young people and their families in Waitakere City. Direct financial assistance to organisations providing activities to train volunteers and get people more active, with a priority on youth, assists Council's commitment to these policies.

ISSUES

At a recent Community Sport Fund Allocation Subcommittee there were insufficient members who were able to attend and as a result the meeting lapsed after the required time frame. Also, due to the pressure of meetings, it is not always possible for the elected Community Board members' to attend the meeting.

As a result, a request was received from the Waitakere Community Board seeking an alternative nomination should the elected member be unable to attend.

This request was put to all four Community Boards. The following are the resolutions adopted by the Community Boards:

New Lynn

"That no action be taken for the New Lynn Community Board to nominate an alternate member for the Community Sport Fund Allocation Subcommittee."

351/2003

Waitakere

"That Waitakere Community Board nominates DJ Goodley as the alternate member for the Community Sport Fund Allocation Subcommittee."

324/2003

Massey

"That it be recommended to Council that Community Board representation on the Community Sport Fund Allocation Subcommittee remain the status quo (no alternative member), and that Te Taumata Runanga representation be one member to enable the quorum to be reduced from six to five."

376/2003

Henderson

"That the Henderson Community Board nominates Wayne Davis as an alternate member for the Community Sport Fund Allocation Subcommittee."

432/2003

There are a number of items of business that the Subcommittee needs to deal with in this financial year. Should a lack of quorum occur again, there is a possibility of it not being able to complete this business.

WAY FORWARD

It is proposed that alternative members be provided for from Community Boards, where Boards have elected to recommend alternates.

It is also proposed that the quorum be reduced in order to minimise the risk of future lapsed meetings.

It is noted that the Massey Community Board have recommended that the Te Taumata Runanga representatives be reduced from two to one. This request is outside of the Community Board delegations, and it is not considered that this would aid the effectiveness of the Sub Committee.

RESOURCES

There are no additional financial or staffing requirements.

CONCLUSION

The recent Community Sport Fund Allocation Subcommittee lapsed after the required timeframe due to insufficient members being able to attend.

As a result a request came from the Waitakere Community Board seeking an alternative member to attend meetings when the nominated member was unavailable.

Nominations were called from each Community Board for an alternative member, and where nominations have been made, they were put forward for Council's consideration.

RECOMMENDATIONS

1. That the information be received.
2. That the quorum for the Community Sport Fund Subcommittee be reduced from 6 to 4 members.
3. That Diane Goodley be appointed as the alternate representative for the Waitakere Community Board on the Community Sport Fund subcommittee.
4. That Wayne Davis be appointed as the alternative representative for the Henderson Community Board on the Community Sport Fund Subcommittee.

Report prepared by: Jan Brown, Community Assistance Administrator.



17 **PROPOSED REMIT TO LOCAL GOVERNMENT NEW ZEALAND ANNUAL CONFERENCE 2003 - BIOSECURITY**

PURPOSE OF THE REPORT

The purpose of the report is to obtain Council approval to promote a remit to the Local Government New Zealand Annual Conference, to propose that applicable legislation should be amended to:

- a. Significantly improve border control to a level matching world best-practice (or exceeding it if necessary) to prevent incursions of pests of all kinds.
- b. When incursions do occur, to permit a better, more effective, more cohesive and less socially disruptive response than is currently possible, to incursions of pests that threaten national biosecurity and require the spraying of populations with pesticides.

BACKGROUND

The primary route for members of Local Government New Zealand to propose areas of work for national action on legislative or policy matters is through the process of developing the annual Work Programme. In addition, members have Zone meetings available to them throughout the year as a means of raising and actioning particular problem issues as they arise. Proposed remits, other than those relating to the internal governance and constitution of Local Government New Zealand should address only major strategic "issues of moment". They should have a national focus articulating a major interest or concern at the national political level.

STRATEGIC CONTEXT

The Council has strategic objectives in respect of the health and well being of citizens and also for the preservation of the environment generally and the Waitakere Ranges and Green Network particularly.

This has produced a dilemma for the Council in respect of the Painted Apple Moth. As an introduced pest it is a prolific breeder and a voracious eater and therefore has the potential to severely damage a range of native tree species over a rapidly spreading area. This potentially has catastrophic consequences for the environment. For this reason the Council has supported the eradication of the moth.

The manner in which the Ministry of Agriculture and Forestry has undertaken the spray programme, however, has been unsympathetic at best, to the concerns of a significant number of citizens and to the Council. This has resulted in a significant level of distress in some hundreds of citizens (diminishing their general well-being), a significant level of ill health in a similar number of people and has left unresolved - indeed unaddressed - both the distress and ill-health of another portion of the community whose concerns were considered by them to be spray related, but not considered to be so by Ministry of Agricultural and Forestry.

The Council believes that prevention is better than cure and that border control needs to be significantly improved to include at the border, both exhaustive cargo/container inspection and cargo/container spraying in all cases where this will not damage the cargo (with other inspection methodologies with susceptible cargoes).

This is justified by (a) the fact the more rigorous border controls of this type already exist in other countries and can therefore be used here and (b) the serious incursions that are now occurring.

In respect of the latter, the country has, in recent years, suffered the invasion of the Painted Apple Moth, The Gum Leaf Skeletoniser moth, The White Spotted Tussock moth, the Southern Salt Marsh Mosquito (capable of spreading Ross River Virus), Black Widow spiders (possibly established) and Red Back spiders (definitely established), other spiders, the Red Fire Ant, types of Stag Beetle, Dutch Elm Disease, snakes, frogs and toads among others.

In addition, the Council believes that if the environment is to be adequately protected against future incursions requiring spraying of urban areas, the manner in which that is done has to be extensively amended (as described below) to ensure that it does not unduly diminish the health and well being of the community.

ISSUES

Waitakere City Council proposes that all relevant legislation shall be amended to ensure that:

- The Minister of Biosecurity and/or the Ministry of Agriculture and Forestry (if different), shall be required to (if necessary) amend applicable legislation and/or improve Ministry of Agricultural and Forestry's border security processes, in order to achieve border control against pests that is at least the equivalent of - and if necessary - superior to, world best practice.

If this requires additional resource to achieve, the Government shall provide the necessary resources.

Such increased border control would typically include (but not be limited to) -

- downgrading of reliance on self-inspection or affidavits from exporters to New Zealand or New Zealand importers;
 - downgrading of reliance on risk profiling of imports;
 - border inspections of all cargoes either at the point of export or at the point of import (or both);
 - fumigating/spraying of all cargoes/containers not susceptible to damage by these processes;
 - alternative intensive preventative measures with cargoes susceptible damage by fumigation or spraying;
 - quarantine where this may be of assistance.
- The following parties, namely:
 - The Minister of Biosecurity and/or Minister of Agriculture and Forestry (if different);
 - The Minister of Health;
 - The Minister for the Environment;
 - The affected Local Governments;

equal partners in managing the response to a serious pest incursion and that each shall be funded adequately from an overall response budget provided by Central Government, to manage their share of the response.

Waitakere City Council further proposes that all relevant legislation shall be amended to permit:

- The Minister of Health to have primary responsibility for the protection of health in the affected community;
- Protection of health to have an equal importance with pest extermination;
- Protection of health to be separately and independently managed by the Minister of Health;
- Protection of health to be managed through the physician of choice of the people whose health is affected – or apparently affected by the procedures/substances used control or eradicate the pest;
- All reasonable associated costs, fees and management strategies relating to health assessment, treatment or other required support procedures to be borne by the Ministry of Health;
- Health protection to be further guaranteed by independent peer review of health management methodology;
- The affected local Government(s) to be an equal partner with the Minister of Health and Minister of Biosecurity in terms of protecting the well-being of its citizens and especially having access to knowledge about ingredients in sprays.

Waitakere City Council further proposes that the relevant legislation shall be amended to ensure that appropriate, adequate and timely management strategies are followed in the process of identification, containment and/or eradication of pest incursions. This shall include:

- Biosecurity is the Ministry of Agriculture and Forestry's responsibility (jointly with Ministry of Fisheries for sea-borne incursions);
- Ministry of Agriculture and Forestry shall respond in a timely fashion to a suspected incursion;
- If Ministry of Agriculture and Forestry does not respond in a timely fashion the affected Local Government shall be entitled to act to identify, contain and/or eradicate the pest at Ministry of Agricultural and Forestry's expense;
- That Ministry of Agriculture and Forestry shall be responsible for host species removal.

Waitakere City Council further proposes that the relevant legislation shall be amended to ensure that:

- The Minister for the Environment shall have primary responsibility for mitigating the environmental impacts of an eradication or control campaign, including restitution of impacted areas (land or water);
- An arrangement shall be negotiated between the Ministry for the Environment and the affected Local Government, as to share of costs/resources, as appropriate.

Waitakere City Council further proposes that all relevant legislation shall be amended to ensure that the management of pest eradication techniques should at all times:

- represent the best international practice;
- encompass the best available strategic alliances with local and international agencies with appropriate experience (eg. Commonwealth Scientific and Industrial Research Organisation (Australia), Environmental Science and Research, and private consultants, etc);
- comply with all other relevant legislation, including the Resource Management Act and OSH to ensure that operations are carried out with due regard for the health and safety of the affected populations and also the workers carrying out the work.

Waitakere City Council further proposes that all relevant legislation shall be amended to ensure that Ministry of Agriculture and Forestry shall:

- establish meaningful community consultation processes and procedures *via the affected Local Government* – with the affected Local Government as an equal partner - and adequately resource same;
- establish and maintain a timely and effective public information campaign in conjunction with the affected Local Government and adequately resource it.

Waitakere City Council further proposes that all relevant legislation shall be amended to ensure that the parties directly involved in the incursion response shall:

- conduct regular review of the strategies and methodologies as they unfold;
- conduct a debrief after the conclusion of the campaign, the terms of reference for which are mutually agreed by the key participants and which shall be independently chaired by an appropriately qualified person.
- There is an independent review of the management and strategies adopted for the incursion response.

RESOURCES

There are no additional resources required to promote a remit to the Local Government New Zealand Conference.

CONCLUSION

That the Council approve that this remit be submitted to Zone 1 of Local Government New Zealand to seek support for it to be considered by the 2003 Conference.

RECOMMENDATIONS

1. That the information be received.
2. That the Council approve the lodging of a remit requesting Local Government New Zealand to support and advocate to the Government for amendment of the relevant legislation as outlined in this report.

Report prepared by: Darryl Griffin, Manager: Democracy and Support Services and Dai Bindoff, Manager: Public Affairs.



18 PROPOSED REMIT TO LOCAL GOVERNMENT NEW ZEALAND ANNUAL CONFERENCE 2003 - 40KM SCHOOL SPEED ZONE

PURPOSE OF THE REPORT

To approve the lodging of a remit seeking support from Local Government New Zealand.

BACKGROUND

For the past five years Waitakere City has been a strong and vocal advocate for a 40km zone around all schools.

In 1999 as part of our Safe Routes to school project in five Kelston Schools we successfully adopted a 40km voluntary speed zone.

This was strengthened in 2002 by taking this 40km voluntary speed zone into all the primary schools in Waitakere City. A petition from these schools to Central Government asked that 40km be legislated nationwide around schools. This was part of our kidsafe week activities. Presentations were also made to all community boards and a full council meeting.

At the October Council Meeting 2002 a resolution was passed by Council to support a 40km school zone nationally.

STRATEGIC CONTENT

Support for a 40km school zone nationally fits very closely with our Road Safety Strategy, locally, regionally and nationally and also our First Call For Children strategic priority.

ISSUES

The Remit

Waitakere City Council seeks Local Government New Zealand to advocate to Government for a legislated and enforceable national 40kmph around schools speed limit for all schools in the country. In considering the remit Council should note:

- The Land Transport Safety Authority has recently allowed local authorities the ability to set local speed limits.
- With this remit we have an opportunity, it is if supported, to have one national legislated and enforceable speed limit of 40kms around all schools in the country.
- If this remit goes forward to Local Government New Zealand Zone 1 conference and is not supported nationally, we will still have the ability to pass our own local bylaw and have a 40km school zone in Waitakere City.

CONCLUSION

This remit fits with Council's strategic goals and would provide a consistent national law for speed limits around schools.

RECOMMENDATIONS

1. That the information be received.
2. That the Council approve the lodging of a remit to the Local Government New Zealand Conference 2003 seeking Local Government New Zealand support and advocacy to Government for the introduction of a national 40kms per hour around all schools.

Report Prepared by: Kitch Cuthbert, Road Safety Co-ordinator, Waitakere City Council.



19 WAITAKERE SPORTS COMPLEX - PROJECT UPDATE AND APPROVALS

PURPOSE OF THE REPORT

To provide an update report from the Waitakere Sports Complex Development Board and seek Council's approval for the disbursement of budgeted funding and to review the proposal for development of the associated all weather athletic track.

BACKGROUND

Pursuant to a Charter executed on 31 July 2002 the Waitakere Regional Sports Trust and Council are partnering with the support of the Waitakere City Rugby Football and Sports Club Inc and the Waitakere City Athletic Club Inc to provide a multi-purpose indoor sports complex together with two additional sports fields and an all weather athletics track at the Waitakere Stadium.

A13-A21

Delivery/implementation is through the Waitakere Sports Complex Development Board being an executive committee of the Trust with broad-based representation. A report from the Waitakere Sports Complex Development Board is attached at pages A13 to A21.

The Waitakere Sports Complex Development Board is currently seeking three approvals/authorisations from Council, namely:

- (a) Confirmation of the \$750,000 provisional budget for the architectural and sustainability elements of the project.
- (b) A variation to Clause 18 of the Charter to enable the Waitakere Regional Sports Trust, through the Waitakere Sports Complex Development Board, to develop the all weather athletics track.
- (c) A progress payment of the remaining capital funds allocated through the Council Annual Plan processes towards the Waitakere Sports Complex for the 2001/2002 and 2002/2003 financial years.

COMMENT

As to (a) the sum of \$750,000 net of GST is a provisional budget commitment for the 2003/2004 financial year "subject to further approvals by Council". Clause 3.0 of the Waitakere Sports Complex Development Board report addresses the design commitments made, as well as various sustainability features incorporated.

Now that the Trust has entered into a construction contract for the building, supported by the Memorandum of Understanding with Canam Construction Limited, greater certainty is required with respect to the total quantum of project funding available to the Waitakere Sports Complex Development Board.

If Council is comfortable with the detail provided in the present submission it will be appropriate to confirm that the provisional sum will be secured through the 2003/2004 Annual Plan so as to be able to be disbursed later in that financial year subject to confirmation that these features have been retained through the construction phase and compliance by the Waitakere Sports Complex Development Board with the existing arrangements for provision of progress completion certificates.

As to (b) Clauses 18 and 19 of the Charter read as follows:

18. Development of the All Weather Athletics Track

18.1 *The all weather athletics track will be developed by the Council as a community amenity generally in accordance with the outline plan in Schedule H providing however that the final design will be approved for implementation by resolution of the Council following full consultation with the Trust and Athletics. Such Council approval will be given independently of any resource consents granted by the Council acting in its regulatory capacity, and any terms and conditions attaching to such resource consent.*

18.2 *That Council will act as a responsible developer and will be accountable for all health and safety and other legal and regulatory requirements in relation to the development of the all weather athletics track. The all weather athletics track will be owned and maintained by the Council.*

18.3 *The Council will build the all weather athletics track in consultation with the Trust.*

19. Use of the All Weather Athletics Track

19.1 *Use of the all weather athletics track will be managed by the LPCWG, subject to the terms of the Licence to be granted by the Council to Athletics providing for the user entitlements as set out in Schedule E.*

Clause 4.0 of the Waitakere Sports Complex Development Board submission now seeks that the Trust be granted the construction responsibility for the all weather athletics track resourced from the existing gross budget committed to the Sports Complex. This funding is part of the further \$3,715,000 to be contributed by Council through the 2003/2004 Annual Plan, also sourced from loan.

In principle this can be recommended as acceptable on the basis set out in the report, subject to Council continuing to have the final design approval authority by resolution as presently recorded by Clause 18.1 of the Charter. However the Trust, through the Waitakere Sports Complex Development Board, will need to secure all the required consents through Council as the regulatory authority, will be accountable for all health and safety obligations and the letting of the contract albeit the track must continue to be owned and maintained by Council (as the underlying landowner) and the provisions of Clause 19.1 will still be operative so far as all parties to the Charter are concerned.

As to (c) the sum of \$1m was disbursed to the Waitakere Sports Complex Development Board in August 2002 to provide a working float. The Waitakere Sports Complex Development Board now requests payment of the remaining \$5.85m allocated by Council to the project for the financial years ending 30 June 2003.

Firstly, all funding obtained for the purpose of development of the sports complex is required by Clause 22.5 of the Charter to be held in a separate specified trust account operated by the Trust and managed separately from other funds held by the Trust, and do not form part of the Trust's general funds.

Secondly, every payment made from the trust account is pursuant to a contract for construction or consultancy services towards delivery of the project, supported by a progress certificate prepared upon receipt of claim and signed by both Suresh Nagaiya, Project Engineer and Stephen Drumm, Project Financial Controller and Cr Ross Dallow, Chairperson, Waitakere Sports Complex Development Board. Cheques are issued by Sport Waitakere, signed by two trustees. There is a monthly reporting regime to the Waitakere Sports Complex Development Board. Over \$2.3m has been paid to date, albeit only the original \$1m has been sourced from Council grant.

Clause 5.0 deals with the current direction with respect to the paying over of Council's contribution and the project costs are addressed by Clause 6.0 of the Waitakere Sports Complex Development Board submission and the supplementary information to be provided. Given the current status of the project and the tight control exercised by the Waitakere Sports Complex Development Board it seems reasonable to authorise the payment of a further \$2.0m at this point and the balance of \$3.85m on or just prior to 30 June 2003 subject to a further brief update being provided to the June 2003 meeting of Council.

Any payment of the balance of Council funding intended to be allocated from the 2003/2004 budget should remain subject to resolution 1604/2002 at this time, ie. the Director: Finance and Director: City Services will jointly review project progress at a later date.

RECOMMENDATIONS

1. That the information be received.
2. That the Waitakere Sports Complex Development Board be advised that the provisional sum of \$750,000 net of GST for the incorporation of architectural and sustainable design elements be approved for contribution to the project, subject to confirmation of the 2003/2004 Annual Plan budget.
3. 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.
4. That subject to invoice a further \$2.0m be now authorised to be advanced as a grant for payment into the Sports Complex Project Trust fund towards contracted expenditures, and a further \$3.85m be authorised to be so paid as a grant on or about 30 June 2003, providing all disbursements from the trust fund are applied to the project in strict accordance with the payment procedure identified in this report and another update report is made by the Waitakere Sports Complex Development Board to the June 2003 meeting of Council.

Report prepared by: Graham Wakefield, Contract Solicitor to the Legal Services Manager.



20 **HENDERSON LIBRARY AND CIVIC CENTRE DEVELOPMENT - PROPOSED ELECTED MEMBER WORKING PARTY**

PURPOSE OF THE REPORT

This report seeks the Council's approval for establishing an elected member working party for ongoing liaison and communication throughout the design and construction of the Henderson Library and Council Civic Centre projects.

BACKGROUND

At its meeting of 18 December 2002, the Council decided to go ahead with the development of the Henderson Library and associated Citizens Advice Bureau, car parking building and civic open space in the Ratanui Street/Trading Place car park in conjunction with the UNITEC campus development, while at the same time developing the Civic Centre adjacent to the Railway Station on the ex Carter Holt land in Henderson Valley Road. The Council also resolved that the two projects be run simultaneously with a completion date of December 2005.

STRATEGIC CONTEXT

Henderson is one of the three major town centres in Waitakere City and is recognised as a key centre in the Urban Strategy. It is the city's most centrally located town centre. It is located on the rail corridor and has the largest percentage of retail floor-space and community facilities. There has been significant recent investment, notably at Westfield's West City Mall, Sel Peacock Drive retirement complex and Council's Aquatic Centre. There is significant opportunity for further development and redevelopment. Good planning and co-ordination are essential to ensure Henderson consolidates its critical position as a key working environment and employment locality, hence furthering Council's objectives in creating a sustainable City.

The Henderson Library/UNITEC Campus development and Civic Centre project will play a pre-eminent role in catalysing the redevelopment of the Henderson Town Centre, providing two major cornerstones within the town centre. An analysis of the TBL benefits of the projects has identified significant economic, social and economic benefits to the City from the two projects.

The projects in particular will catalyse the redevelopment of the Henderson Town Centre, provide a leading edge example of transit supportive development, increase street and pedestrian activity within the town centre, allow the south-western portion of Henderson to be opened up to integration with the rest of the town centre, provide a "civic heart" and substantial boost to the "business address" of Waitakere City, provide significant improvement in access to tertiary education for the City's residents and provide a significant boost to the economic activity within Waitakere City.

ISSUES

As part of the process of developing significant community projects, it is considered important to establish an Elected Members Working Party to liaise with staff over the projects. Similar arrangements have been successfully implemented on other major projects.

There is currently in existence a small Elected Member working party dealing with Communications around the Civic Centre project. It is however felt that the project would benefit from a wide involvement of the whole Council to ensure that progress on both projects is in the best interests of the wider community.

There is currently in existence a Project Control Group for the Henderson Library / UNITEC Campus project, made up of Waitakere City Council staff and UNITEC staff which is subject to a legal Heads of Agreement between the two parties which outlines the decision making process for the project. Another report on this agenda recommends the set up of a joint liaison group between the UNITEC Council and Waitakere City Council.

Working Party Role

The role of the working party would be to assist Council staff to successfully plan and implement the projects to ensure progress is in the best interests of Henderson and the city as a whole.

The Working Party would be in a position to provide informal guidance on processes for the project including community consultation, design specification, and initial feedback on design issues as they arise to staff and the design team.

The group would also be a key channel for the exchange of views, information, issues and concerns between staff and elected members and the residents and ratepayers they represent.

As per the Heads of Agreement between UNITEC and Waitakere City Council, decision making for the Henderson Library/UNITEC Campus project would rest with the Council and Committees of Waitakere City Council and UNITEC, or where delegations exist, with the joint Waitakere - UNITEC Project Control Group.

Decision making for the Civic Centre project would rest with the Council and Committees of Waitakere City Council, or where delegations exist, with staff on the Project Control Group.

Project Scope

The Henderson Library/UNITEC Campus development project on the Ratanui Street & Trading Place car park will incorporate:

- A new public Library and Citizens' Advice Bureau, incorporating tertiary library facilities for UNITEC.
- A tertiary building incorporating teaching and office space for UNITEC.
- A car parking building, vehicle lane and associated on-site parking.
- A landscaped public town square and open space.
- Art works integrated into the design of buildings and site landscaping.
- Installation of appropriate energy efficient services and sustainable construction methods and materials.

The Civic Centre development project at 2-6 Henderson Valley Road will incorporate:

- A new Civic Centre.
- Associated on-site parking.
- A landscaped open space area.
- A connection across the rail corridor to Railside Avenue.
- Art works integrated into the design of buildings and site landscaping.
- Installation of appropriate energy efficient services and sustainable construction methods and materials.

The scope of the projects is also aimed at providing the opportunity to:

- Increase street and pedestrian activity in the main street thus supporting adjacent shops and businesses and revitalising the town centre.
- Contribute to the development of a Central Business District for Waitakere City.
- Integrate with proposed improved vehicle and pedestrian connections from existing streets into the sites.
- Encourage the use of public transport services.
- Generally, anchor and support a continued programme of revitalisation for Henderson which will contribute to Council's strategic direction of building intensified urban communities with a strong local economy, based on sustainable, dynamic centres linked to a transport interchange.

RESOURCES

It is envisaged that the working party would meet on a monthly basis throughout the projects term with meetings facilitated by staff and attended by UNITEC Council members and staff, the Architects and Design Teams as appropriate.

NOTE: It is proposed that Elected Members will serve on this working party on a voluntary basis until the new remuneration system commences on July 2003.

CONCLUSION

In line with the approach adopted for other community building projects, and recognising the significant effect this project will have across the City, it is suggested that the proposed Working Party be made up of all Councillors and the chair of the Henderson Community Board.

RECOMMENDATIONS

1. That the information be received.
2. That a working party consisting of all Councillors and the Chair of the Henderson Community Board be set up to act as a liaison and communication forum regarding the Henderson Library/UNITEC Facility and Civic Centre Projects.
3. That this report be forwarded to the Henderson Community Board.

Report prepared by: Lois Easton, City Projects Manager.



21 **UNITEC / WAITAKERE CITY COUNCIL PARTNERSHIP - PROPOSED WORKING PARTY**

PURPOSE OF THE REPORT

This report seeks the Council's approval for establishing a joint working party of Waitakere City elected members and UNITEC Council members for ongoing liaison and communication around the implementation of the Memorandum of Understanding between the two parties, including the design and construction of the Henderson Library / Citizen's Advice Bureaux / UNITEC Library / UNITEC campus and public open space project.

BACKGROUND

On 11 October 2002 Waitakere City Council and UNITEC signed a Memorandum of Understanding around working together to develop quality tertiary facilities within Waitakere City.

One aspect in the implementation of the Memorandum of Understanding is the joint development in the Trading Place/Ratanui Street area of a Library and UNITEC teaching building. This development is seen very much as a first stage of a larger expansion of UNITEC Waitakere. The current building development project allows for 1000 full time equivalent students with a view to expanding to 3500 students by 2010. In conjunction with the physical development of the Waitakere Campus, the Memorandum of Understanding allows for a range of other key areas of co-operation. These are as follows:

1. Strategic Planning
2. Information Sharing
3. Education and Training Programmes
4. Research and Development Initiatives
5. Building and Facility Development
6. Communication

While efforts to date have focussed on the development of the building project, it is considered appropriate that the wider issues contained within the Memorandum of Understanding are progressed and that Council and UNITEC work closely together to see the fruition of our joint vision.

STRATEGIC CONTEXT

As part of its economic and community development objectives the Council has been seeking the establishment of a public tertiary institute in Waitakere City for a number of years. With the signing of a Memorandum of Understanding in October 2002, Waitakere City Council and UNITEC have strongly signalled their desire to work more closely together to improve the accessibility and quality of tertiary education within Waitakere City. The joint development of the Henderson Library and the UNITEC campus expansion is a critical component in achieving this improvement. Equally important however are aspects such as the courses taught and who these are targeted to, and the provision of a wide range of tertiary training opportunities at the UNITEC Waitakere campus.

ISSUES

There is currently in existence a Project Control Group for the joint Library / UNITEC building, made up of Waitakere City Council staff and UNITEC staff which operates under a legal agreement between the two parties.

As part of the process of developing a new library in Henderson, it is considered important to establish an Elected Members Working Party to liaise with staff over the project. UNITEC Council and staff have also signalled a desire for greater liaison between UNITEC Council members and the project. A concurrent report on this agenda proposes the establishment of a Waitakere City Council working party to look at the Waitakere City Civic Centre project in the context of the development of Henderson, however a smaller group could fruitfully work with UNITEC Council members around the joint relationship and development of the Henderson Library/UNITEC campus project and the implementation of the Memorandum of Understanding.

It is recommended therefore that a joint working party of Waitakere City Council elected members and UNITEC Council members be set up to liaise with Council and UNITEC staff regarding the Library/CAB, UNITEC campus, civic space and car parking building joint project. Such a working party would also provide an ability for elected members and UNITEC Council members to raise issues for discussion and develop a greater common understanding and partnership.

Role

The role of the working party would be to assist Council staff to successfully plan and implement projects that achieve the objectives of the Memorandum of Understanding and to ensure that this is in the best interests of the city as a whole.

The Working Party would be in a position to provide informal guidance on ways to increase Waitakere City residents' participation and success in tertiary education facilities that reflect the needs of residents, businesses and the wider community and maximises the benefits of UNITEC's presence in the city.

The group would also be a key channel for the exchange of views, information, issues and concerns between UNITEC and Waitakere City Council and between staff and elected members.

The Working Party would also provide informal guidance on the current Henderson Library/UNITEC Campus project with respect to community consultation, design specification, and initial feedback on design issues as they arise to staff and the design team.

As per the Heads of Agreement between UNITEC and Waitakere City Council, decision making for the Henderson Library/UNITEC Campus project would rest with the Council and Committees of Waitakere City Council and UNITEC, or where delegations exist, with the joint Waitakere - UNITEC Project Control Group.

Scope

The purpose of the Memorandum of Understanding is to provide a basis for an ongoing relationship between UNITEC and Waitakere City Council and identifies a number of key areas for co-operation. It commits the parties to meet together on a regular basis in the form of a working group to monitor progress on implementing the objectives of the Memorandum of Understanding in accordance with the guiding principles.

The Henderson Library/UNITEC Campus development project on the Ratanui Street & Trading Place car park will incorporate:

- A new public Library and Citizens' Advice Bureau, incorporating tertiary library facilities for UNITEC
- A tertiary building incorporating teaching and office space for UNITEC
- A car parking building, vehicle lane and associated on-site parking
- A landscaped public town square and open space
- Art works integrated into the design of buildings and site landscaping
- Installation of appropriate energy efficient services and sustainable construction methods and materials.

RESOURCES

It is envisaged that the working party would meet on a regular basis to monitor progress on implementing the objectives of the Memorandum of Understanding and monthly during the Henderson Library/UNITEC Campus development project term with meetings facilitated by staff and attended by UNITEC Council members and staff, the Architects and Design Teams as appropriate. No additional resources will be required to undertake this work.

NOTE: It is proposed that Councillors will serve on the working party, on a voluntary basis, until the new remuneration system commences on July 2003.

CONCLUSION

In line with the Memorandum of Understanding and the approach adopted for other significant community building projects, it is suggested that the proposed Waitakere City Council - UNITEC Partnership Working Party be made up of Waitakere City Council elected members and UNITEC Council members.

RECOMMENDATIONS

1. That the information be received.
2. That a combined Waitakere City Council - UNITEC Partnership Working Party consisting of nominated Waitakere City Council elected members and UNITEC Council members be established for ongoing liaison and communication in accordance with the role and scope as outlined in this agenda report.
3. That the Council nominate 3 members to the proposed Waitakere City Council – UNITEC Partnership Working Party.

Report prepared by: Lois Easton, Manager: City Projects.



22 RANUI RAIL STATION - PLATFORM ENCROACHMENT ON TO COUNCIL LAND

Council is currently working with Auckland Regional Transport Network Limited over the development of the Ranui rail station. At the May 2002 meeting of the City Development Committee it was resolved that Ranui be developed as a signature station:

“That the City Development Committee supports the use of Ranui station for design and implementation of a new station facility.”

882/2002

A22 From workshops held with key stakeholders in mid 2002 preliminary concept designs for the station were developed, including a proposed new station location. It was not possible to retain the station in its current location as the corridor is of insufficient width to allow for future double tracking and platforms on both sides of the track. The new location, detailed map as attached at page A22 is the only possible site for the station given rail constraints and safety issues.

A22 To facilitate the development of the station and improved pedestrian access between Ranui Station Road and Pooks Road, Council purchased the first four sections of Carlas Way that are adjacent to the rail corridor, Lot 1-4 DP 319849 - and marked on the map as attached at page A22. This land has been designated for roading, car parking and access purposes.

Auckland Regional Transport Network Limited has received funding from Infrastructure Auckland for the development of the Ranui rail station. The grant terms require that the works be completed by February 2004. Given the time constraints related to the project, Council and Auckland Regional Transport Network Limited have agreed to separate the development of the station into two components - the building of the platform (given) and the design/building of the station building and use/development of adjacent land (involving community input). Auckland Regional Transport Network Limited plan to commence building of the station within the next month. This will comprise the construction of the physical platform and some other basic elements such as seats, lighting and a temporary shelter.

STRATEGIC CONTEXT

Station location, development, and linkages are an important part of developing the rail network. Stations are the key interface between the rail corridor and town centres and communities. Their location and design are critical, in terms of the tone they set for the rail corridor and the way in which they interface with the town centre or community. Therefore, it is important that stations are sited in the best possible location and that design work is undertaken to a high standard. The proposed location is considered optimal in terms of meeting both the needs of rail users and local residents using the pedestrian access between Ranui Station Road and Pooks Road.

ISSUES

Auckland Regional Transport Network Limited have now developed detailed designs for the station platform. These require that the station platform and ramp encroach onto Council land for an area of approximately 180m² (the ramp covering an area of approximately 15.9m x 3.2m and the platform approximately 2m X 66m). Auckland Regional Transport Network Limited have requested under the provisions of Section 176(1)(b) of the Resource Management Act 1991, for written approval to enable the use of the and to accommodate facilities for railway purposes.

Two issues therefore arise:

- Whether Council will consent to this encroachment on its land and if so upon what terms.
- Whether Council will consent under Section 176 (1)(b) which reads:

“Where a designation is included in a district plan then no person may, without the prior written consent of that requiring authority, do anything in relation to the land that is the subject of the designation that would prevent or hinder the public work or project or work to which the designation relates.”

S176 (1) (b) RMA 1991

The answer to the second question follows naturally from the first.

Given the reasons for Council’s purchase of this land, to facilitate development of the station, it seems appropriate to agree to the encroachment. Therefore the only debate might centre around how best to do that. There are three ways of doing this:

- a. Undertake a boundary adjustment and sell the land at market value so that there is no encroachment. From a legal viewpoint, this is considered a good option. However it is not in the spirit of cooperation with Auckland Regional Transport Network Limited.
- b. Lease the land at market rental (not in the spirit of cooperation) or for a peppercorn rental. The maximum term currently allowed for land lease without a subdivision is 19 years, 364 days.
- c. Provide Auckland Regional Transport Network Limited with a Licence to Occupy at a peppercorn rental. This is the way in which Council deals with the similar situation of road encroachments.

Council purchased the land at Lots 1-4 DP 319849 to facilitate the development of the Ranui rail station and it would be appropriate for Council to approve this request, subject to development of the platform occurring in accordance with the relevant resource consent granted by Council. Option C, above outlines the way in which Council deals with the similar situation of road encroachments and appears to be a way to meet both the needs of Council and Auckland Regional Transport Network Limited in the spirit of co-operation or this project.

Whatever choice Council makes, it is important to ensure that Auckland Regional Transport Network Limited agrees to the following conditions:

- To keep the platform in good repair.
- Provide indemnity for all injuries occurring on Council land.
- To remove structures and make good, should the structures no longer be required.

These conditions would be included in any documentation authorised by Council.

CONCLUSION

Waitakere City Council support the development of the Ranui Rail Station as a signature station and have purchased approximately 1433m² to facilitate the station development in the optimum location, both in terms of station development and pedestrian access. Given Council's support for the project, it would be appropriate for Council to permit Auckland Regional Council Network Limited to encroach onto Council land for station platform development.

RECOMMENDATIONS

1. That the information be received.
2. That the Council permit encroachment of the Ranui rail station platform onto Council land (lot 1-4 DP 319849) for an area of approximately 180m², by way of a Licence to Occupy, in accordance with the conditions set out in this report, and that the Chief Executive be authorised to execute the said Licence to Occupy.
3. That the Council authorise the Director: Corporate and Civic Services to sign any necessary approvals under the provisions of S176 (1) (b) of the Resource Management Act 1991.

Report prepared by: Glenda Lock, Project Manager: Transport Projects.



23 SUMMARY JUDGMENT PROCEEDING - RECOVERY OF RATES

PURPOSE OF THE REPORT

To advise elected members of the intention to issue proceedings in the High Court at Auckland against the Crown (New Zealand Defence Force) to recover \$591,977.47 arrears of rates owing with respect to Defence Force housing at Whenuapai and Hobsonville Airbases for the rating years ending 30 June 2001 and 30 June 2002 respectively.

BACKGROUND

On 19 September 1983 New Zealand Defence Force wrote to the District Valuer requesting that each of the houses at Whenuapai and Hobsonville Airbases be separately valued. The request was actioned, and each house was then shown as a separate entry on the Valuation Roll. As a result, Waitemata City Council (and subsequently Waitakere City Council) made and levied rates based upon the Roll in each succeeding year, including a separate Uniform Annual General Charge with respect to each property, in accordance with the rating systems applicable from time to time.

Rates were paid on that basis until the years ending 30 June 2001 and 30 June 2002 respectively, when the UAGC component was withheld in each instance, resulting in part payment only of the levy, and causing penalty charges to be incurred.

At the 2001 Roll revision Defence lodged notices of objection in relation to the housing areas, and sought that the Valuation Roll be amended to consolidate those 300+ entries into 20 or so entries coinciding with the boundaries of the proclamations taking the land originally for defence Purposes. Consistent with the Rating Valuations Act 1998 that step was taken and the Roll adjusted and rates made and levied from 1 July 2002 (including the UAGC) have been paid in full.

Although Defence have in the intervening period awaited the outcome of the Privy Council decision given last October in proceedings between the New Zealand Local Government Association and the Crown, the outcome of that case has in fact strengthened Council's position and it appears clear that there is not even a reasonably arguable defence to Council's claim for payment of the outstanding rates. Kensington Swan have again made demand upon New Zealand Defence Force on Council's behalf earlier this month, and sought confirmation that payment will be made without further delay.

It is necessary to bring this outstanding issue to a head, and it is now appropriate to issue summary judgment proceedings in the High Court for that purpose. Costs will also be sought.

CONCLUSION

Under Section 137(3) of the Rating Powers Act 1988 the Chief Executive or any other person authorised by Council to collect rates can authorise proceedings for recovery. This is an exception to the general rule that High Court proceedings require a Council resolution, however it is desirable that the circumstances are reported to Council and authority obtained to proceed given the Crown involvement. The sum owing is substantial and any ongoing contentions can be resolved in context. There is also the necessity, for audit purposes, to initiate active recovery/collection measures.

RECOMMENDATIONS

1. That the information be received.
2. That in the event the outstanding rate arrears have not been paid by New Zealand Defence Force by Friday, 9 May 2003, that Council commence proceedings against the Crown in the High Court for summary judgment in the sum \$591,977.47 being arrears of rates properly made and levied in accordance with the Rating Powers Act 1988.

Report prepared by: John Mackenzie, Revenue Services Manager and Andrew Pollock, Director: Finance.



24 SUBMISSION TO THE DRAFT AUCKLAND REGIONAL COUNCIL ANNUAL PLAN 2003/2004

PURPOSE OF THE REPORT

Submissions on the Auckland Regional Council's Draft Annual Plan for 2003/2004 close on 1 May 2003. This report overviews the Auckland Regional Council's Draft Annual Plan 2003/2004, highlights key issues, and presents a draft submission for Council's consideration and approval.

BACKGROUND

A copy of the Auckland Regional Council Draft Annual Plan 2003/2004 has been placed in the Councillors' Lounge. A draft submission has been prepared by officers to reflect Waitakere City Council's interest in regional and local issues that have an impact on the city and its residents.

The Auckland Regional Council, in conjunction with the territorial local authorities of the region, has prepared the Regional Growth Strategy, the Regional Open Space Strategy, and has undertaken work on Civil Defence Emergency Management and a range of other programmes. This Draft Annual Plan reflects these processes.

There are changes imposed by the new Local Government Act 2002 and the Local Government Rating Act 2002 which have been addressed by the Auckland Regional Council in their Draft Annual Plan. Waitakere City Council has some comments on some of the proposals in the Draft Annual Plan arising out of these.

ISSUES

A23-A28

The Draft Annual Plan lists a number of highlights and outcome areas for 2003/2004. The priority concerns for Waitakere City Council are summarised in the proposed submission as attached at pages A23 to A28 and key issues are briefly presented below. The order of issues is consistent with the Auckland Regional Council's Draft Annual Plan 2003/2004 document.

Transport

Overall the Auckland Regional Council intends to spend more this year than last on its transport function (from \$36.7 million to \$58.8 million) and signals continued increase in the cost of this activity in subsequent years. Much of the increase in cost is related to the implementation of passenger transport initiatives. Waitakere City Council has promoted the implementation of passenger transport projects and it is suggested that we indicate our support to the Auckland Regional Council in our submission.

Councillors' attention is drawn to the following aspects of the Auckland Regional Council's Draft Annual Plan:

- As shown on page 13 of the Draft Annual Plan and discussed with this Council previously at a presentation by Auckland Regional Council representatives, Waitakere residents will be asked to pay more per ratepayer for passenger services than Manukau or North Shore residents. The explanation given for this is that we are receiving better services, especially between Henderson and North Shore City. From information supplied to date it is not clear how adequate an explanation this is. Staff intend to commission more work on whether Waitakere is receiving an equitable level of service relative to the charge to ratepayers within the city, as compared to other parts of the region. It is recommended that Council's submission to the Regional Council's Draft Annual Plan seeks a review of the Passenger Transport Services Rate and that this be undertaken via a regional forum.
- At page 29 of the Draft Annual Plan the Auckland Regional Council outlines an option for funding rail rolling stock over the next ten years via ratepayer subsidy and Transfund contribution. The Draft Annual Plan then outlines two other funding options that rely less on regional rates and seeks comment on which option is preferred. The second option relies on a higher Transfund subsidy per passenger. The third option relies on Infrastructure Auckland and Transfund paying for the rolling stock.
The way in which rail rolling stock should be paid for is being debated through the Rail Business Plan process. Council is represented in this process by Councillor Stone and will also be asked to endorse or otherwise the outcome of that work in the near future. It is suggested that Council submit to the Auckland Regional Council that: (1) all parties seek to support and fund the outcome of the Rail Business Plan and that the Auckland Regional Council should provide adequately in its Draft Annual Plan to do so; and (2) ask that the Auckland Regional Council provide for funding of rolling stock under option one but pursue option two. The reasons for promoting option one are that this enables Infrastructure Auckland to put more money towards other capital elements of the rail project thus making options such as electric heavy rail more feasible. Further, while it would be desirable to have Transfund pay more this may not be possible to achieve and the Auckland Regional Council should plan to fund option one so that the rail project can be implemented (noting that if no agency budgets to fund the rail project then it cannot be credibly initiated).
- Councils of the region have been working towards agreeing and implementing a change in the governance of passenger transport. Any change would be significant for the Auckland Regional Council. The Auckland Regional Council does not appear to have provided significant funding to help implement any changes in the next financial year. It is suggested that Council's submission ask for such funding to be provided.

- On pages 19 and 20 of the Draft Annual Plan the Auckland Regional Council notes projects that it intends to delay. While each of the projects is worthwhile it is assumed that they are delayed in order to reduce costs. If Councillors wish to see any of these projects picked up it is suggested that they raise this at the Committee meeting. Any reinstatement of projects is likely however to have some impact on regional rates.
- One item that is confusing relates to “Marketing and Publications” on page 20, where the Auckland Regional Council identifies its intention to reduce this project. However, at pages 26 and 27 a list of promotional projects that will be implemented is provided. It is suggested that Council submit along the lines that the Auckland Regional Council should provide budget to promote and advertise its passenger transport services commensurate with the significant new expenditure it is providing on services.

Environmental Quality

Waitakere City Council seeks clarification that the Environmental Quality budgets incorporate resources for a study to determine best management practices for Lake Wainamu, which is suffering degradation in water quality. Waitakere City Council recommends that resourcing for further studies to be undertaken and management recommendations implemented to address aquatic weeds, exotic fish species and degrading water quality in Lake Wainamu.

Waitakere City Council requests that the region works together to set up appropriate systems in the resource consent area, to enable industry to implement waste minimisation. Regarding waste management, any regulatory action associated with discharge consents needs to have regard to the barriers that it may create, especially for small and emerging businesses. Assistance with applications and implementation of conditions of consent may need to be considered regionally for such cases where all participating Territorial Local Authorities are seeking to encourage this ‘public good’ aspect of an emerging industrial cluster.

Parks

Waitakere City Council seeks clarification as to whether the implementation of the recreation policy for the Waitakere Ranges, which is to be work-shopped and reviewed with the community, includes the development of a visitor management strategy, and whether resources for such a strategy are provided for in the Draft Annual Plan for 2003/2004.

Waitakere City Council also seeks further clarification as to whether there are sufficient resources in the 2003/04 Draft Annual Plan for implementing the Open Space Strategy, and in particular, for actioning all the priority projects identified for year one of implementing the strategy.

Heritage

Waitakere City Council recommends that a higher level of commitment to controlling ecological weeds in the Waitakere Ranges Regional Park be considered as critical to ensuring the values of the bush are maintained. Many weeds are taking hold and identification of and access to weed populations is sometimes difficult. Waitakere City Council recommends a higher level of surveillance and increased resources for managing weeds within the Waitakere Ranges Regional Park.

Waitakere City Council recommends that the Waitakere Ranges should be included in the list of high conservation areas for possum control again in the near future. Waitakere City Council further recommends that an assessment as to the urgency of mustelid control in the Waitakere Ranges be considered, particularly in the light of the mainland island project in the Ranges.

Waitakere City Council also recommends additional resources for implementation of the Waitakere Ranges Weed Control Zone, to ensure landowners within the boundary destroy the nominated Containment Pest Plants for the Zone.

Waitakere City Council requests that the Waitakere Ranges be included within market research assessing recreational needs, including visitor activity.

Regional Direction

There are a number of issues that Council wishes to address under this heading. These are addressed in detail in the submissions but a number are highlighted here:

- The reduction in the Building and Maintaining of Effective Iwi Relationships is of concern to Waitakere City Council, especially given the changes in the Local Government legislation. Council is concerned that this area be adequately resourced, and regards the decrease in budget in the area of education as potentially counter-productive.
- Given the level of public concern regarding medium density housing standards and quality, there will need to be an increased budget set aside to provide sufficient information to the general public about the successes achieved in this form of housing. The submission seeks such an increase.
- The Emergency Services Special Committee has been addressing regional Civil Defence Emergency Management arrangements. Funding of this area is a key issue. Waitakere City submits that the Auckland Regional Council should raise its funding contribution for regional Civil Defence Emergency Management activities to 50% of the quantum required. This could be collected by way of a Uniform Annual Charge.

Draft Revenue and Financing Policy

Regional rates are to be calculated on property values as they appear in the District Valuation Rolls of the constituent Councils. These values are assessed at different dates.

There have been significant movements in property values of recent times and this will inevitably impact on the rates that particular property owners are paying as a result of the disparity in valuation dates. It is therefore recommended that the Auckland Regional Council reconsiders the equalisation of property values for rating purposes.

There does not appear to be any provision in the rates remission policies for the Auckland Regional Council for remission of rates other than remission of penalties. In particular there is no provision for remission of rates on land used by community and sporting organisations. Unless the rates remission policy makes such a provision, rates will not be able to be remitted even if the Council should wish to do so. It is therefore recommended that provision be made for a policy on remission of rates on land used by community organisations.

Waitakere City requests that the rate accounts relating to its area be sent out at the end of the billing cycle, rather than the start of the billing cycle. This would allow a gap of some four weeks between the due dates of the two rate accounts, which would be of assistance to low-income ratepayers. It is therefore recommended that the due date for payment of rates for Waitakere City ratepayers be changed to the end of the billing cycle.

The existing formula for sharing transport costs has been slightly modified for 2003/2004. There are also inconsistencies in the Passenger Transport Rateable Area boundaries for the allocation of transport costs. We are unsure whether the formula will be subject to a review during the 2003/2004 year. If the formula is to be reviewed, Waitakere City would like to be involved as part of the consultation process. It is recommended that the formula and Passenger Transport Rateable Area boundaries for allocation of transport costs be reviewed and that Waitakere City be involved in the consultation process.

CONCLUSION

Submissions to the Auckland Regional Council Draft Annual Plan 2003/2004 close on 1 May 2003, one day after this meeting, and officers have developed a draft submission for Council's consideration. In view of this tight timeframe, it is suggested that Council indicates any amendments to the attached draft submission during this meeting.

Should Council wish to present its submission at the public hearing to be held by the Auckland Regional Council from 20 May 2003, an elected member will need to be nominated to appear at the hearing on Council's behalf. It should be noted that the Emergency Services Committee has authorised Councillor Battersby to present the Civil Defence part of the submission in this forum and others if necessary.

RECOMMENDATIONS

1. That the information be received.
2. That the draft submission, as attached at pages A23 to A28 of the agenda report, be approved.
3. That Council appoint a representative (or representatives) to present its submission at the public hearings to be held by the Auckland Regional Council from 20 May 2003

A23-A28

Report prepared by: Liz Ennor, Research Analyst, Strategy and Development.

HV O'Rourke
CHIEF EXECUTIVE



PART F - CONFIDENTIAL ITEMS

19 WAITAKERE SPORTS COMPLEX - PROJECT UPDATE AND APPROVALS

NOTE: This item will only be considered with the public excluded, should the Council want to discuss the Memorandum of Understanding Canam Construction Limited (Waitakere Sports Complex - Project Update and Approvals).

25 LAND PURCHASE TRIG ROAD

26 RAIL DEAL

These items will be considered in the Confidential Supplement of the agenda, and have 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, Land Purchase Trig Road; and Rail Deal.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each of the matters, 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"> • Land Purchase Trig Road • Rail Deal • Memorandum of Understanding - Canam Construction Limited (Waitakere Sports Complex - Project Update and Approvals) 	<p>The withholding of information is necessary in order to:</p> <ul style="list-style-type: none"> • enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) • protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information - <ul style="list-style-type: none"> - would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or - would be likely otherwise to damage the public interest. 	<p>That the public conduct of the 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)(c)(i)(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 contains information which if released would affect the Council's negotiations and the information is provided in confidence.***



PART G - STANDING COMMITTEE REPORTS

27 CITY DEVELOPMENT COMMITTEE

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON THURSDAY, 3 APRIL 2003

1. WAITAKERE CITY COUNCIL'S FIRST CALL FOR CHILDREN POLICY

Your Committee Recommends:

That the First Call for Children Policy be adopted and that the policy statement be accompanied by the unedited and updated set of key objectives.

2. LIBRARIES - MIGRANT INFORMATION FORUM, RANUI

Your Committee Recommends:

That Cr Fenton be appointed on a voluntary basis to attend the Migrant Information Forum and speak on behalf of Council.

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 9 in the supplement labelled Part G.

Your Committee Recommends:

That the report of the Ordinary Meeting of the City Development Committee held on Thursday, 3 April 2003 be received.

CA Stone
CHAIRPERSON

*1-9
Part G*



28 **FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE**

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON MONDAY, 7 APRIL 2003

1. **DECLARATION OF LAND IN HENDERSON TOWN CENTRE TO BE SERVICE LANE**

Your Committee Recommends:

That the Minister of Lands be requested to declare Lots 4 and 3 Deposited Plan 85296 to be a service lane pursuant to Section 114 of the Public Works Act 1981.

2. **WAIKUMETE CEMETERY AND CREMATORIUM PROPOSED FEE STRUCTURE**

Your Committee Recommends:

That the following fees be set for Swanson Cemetery, Waikumete Cemetery, including Urupa and Cremation services to be effective from 1 May 2003, as follows:

SWANSON CEMETERY, WAIKUMETE CEMETERY INCLUDING URUPA AND CREMATION SERVICE FEES		
	Item	Fees
Hebrew <i>(includes Liberal Hebrew)</i>	Plot Purchase	\$1,600
	Digging Fee	\$680
Muslim <i>(includes Liberal Muslim)</i>	Plot Purchase	\$1,890
	Digging Fee	\$820
Plots	Swanson	\$1,370
	Lawn - Waikumete and Urupa	\$1,370
	Berm - Waikumete	\$1,600
	East Berm - Waikumete	\$3,000
Cremation	Cremation Only	\$240
	Chapel Hire	\$150
	Full Service	\$390
	Saturday am	\$450
	Saturday pm	\$555
	Ash Interment	\$126
Digging Swanson, Waikumete and Urupa	Interment Single Depth	\$550
	Double Depth	\$680
	Additional Fee for Saturday am	\$210
	Additional Fee for Saturday pm	\$315
Miscellaneous	RSA Maintenance Fee	\$170
	Disinterment	\$2,000
	Mausoleum Site	\$9,450
	Monumental Fee	\$30

3. **HENDERSON CREEK AND PROJECT TWIN STREAMS - FINANCIAL ISSUES**

Your Committee Recommends:

1. That Council accept any funding grant offered by Infrastructure Auckland for Henderson Creek: Project Twin Streams South Henderson Riparian Planting stormwater application.
2. That Council accept any funding grant offered by Infrastructure Auckland for Henderson Creek: Project Twin Streams Pixie Streams.
3. That Council accept any funding grant offered by Infrastructure Auckland for Henderson Creek: Project Twin Streams Waikumete (Area 3); Riparian Planting.
4. That Council accept any funding grant offered by Infrastructure Auckland for Henderson Creek: Project Twin Streams Lower Oratia (Area 2); Riparian Planting.
5. That Council accept any funding grant offered by Infrastructure Auckland for Henderson Creek: Project Twin Streams Swanson Stream Riparian Planting.

4. **OTHER MATTERS CONSIDERED**

10-19
Part G

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 19 in the supplement labelled Part G.

Your Committee Recommends:

That the report of the Ordinary Meeting of the Finance and Operational Performance Committee held on Monday, 7 April 2003 be received.

JM Clews, QSO, JP

CHAIRPERSON



29 **ENVIRONMENTAL MANAGEMENT COMMITTEE**

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON TUESDAY, 8 APRIL 2003

1. **FEES AND CHARGES 2003 / 2004**

Your Committee Recommends:

The Waitakere City Council acting in pursuance and exercise of the power and authorities conferred on it by Section 36 of the Resource Management Act 1991 and Section 716A of the Local Government Act 1974 **RESOLVE BY WAY OF SPECIAL ORDER** the following fees specifically relating to fees under the Resource Management Act 1991:

A RESOURCE MANAGEMENT

All fees below unless otherwise specified are base fees only. Where the actual cost exceeds the base fee, the applicant will be charged the additional cost at the hourly rates indicated in the Schedule of Hourly Rates.

Non Notified Land Use Consents

Complex applications (eg., Medium Density , significant discretionary & non-complying activities) - as determined by the Manager: Resource Consents	\$4,000.00
Normal - multi infringements & discretionary (noncomplex)	\$920.00
Single infringement (controlled activity/limited discretionary	\$600.00
Minor applications (minor earthworks less than 300m ² & 2 nd driveway)	\$295.00
Applications solely relating to heritage protection proposals	\$0.00
Applications solely relating to tree proposals	\$0.00
Combined land use and subdivision (plus subdivision deposit)	\$600.00

Note: In addition to the above, other technical disciplines will also be charged out at their hourly rates.

Outline Plan of Works

Outline complex plan processing	\$850.00
Outline Plan processing (eg. school & playground minor change	\$395.00
Site Inspection fee (hourly rate)	\$94.00
Waiver fee (hourly rate)	\$94.00

Note: In addition to the above, other technical disciplines will also be charged out at their hourly rate.

Notified Land Use Consents

Only one potentially affected party (does not include hearing costs)	\$4,000.00
Land use/Subdivision (does not include hearing cost)	\$7,000.00

Complex (as determined by the Manager: Resource Consent eg. density) Housing, larger subdivision (does not include hearing)	\$10,000.00
Applications solely relating to tree proposals deposit (additional charges may be incurred)	\$1,500.00
Hearings for staff, elected members, commissioner or consultant costs deposit	\$1,500.00
S94 determination hearing costs deposit	\$1,500.00

Note: In addition to the above, other technical disciplines will also be charged out at their hourly rate.

Planning Checks on Building Consents

(see building consent fees for definition of categories)

Category 2	\$0.00
Category 3	\$47.00
Category 4	\$94.00
Category 5 General Natural Area	\$94.00
Category 5 Other	\$101.00
Category 6 General Natural Area	\$130.00
Category 6 Other	\$146.00
Category 7	\$178.00
Category 8	\$300.00
Category 9	\$425.00
Section 35 (Certification) Single Condition	\$45.00
Section 35 (Certification) Complex, Multi Conditions	\$134.00
Site Visit (per Hour)	\$94.00

Certificates of Compliance

Land use COC - simple	\$385.00
Land use COC - complex	\$850.00
Sale of liquor COC	\$178.00
Sale of liquor COC (existing use complex*)	\$850.00
Sale of liquor COC (existing use simple*)	\$356.00
Excess Hours *	\$94.00

***Note: As determined by the Manager: Resource Consents.**

Note: In addition to the above, other technical disciplines will also be charged out at their hourly rate.

Pre-lodgement

Pre-lodgement site visit	\$141.00
pre-lodgement meeting & associated work Planner (planner per Hour)	\$94.00

(In addition, other disciplines may have involvement in these site visits/meetings and shall be charged out at their current hourly rate as available in the schedule)

Monitoring

All Resource Consents (Land Use, Subdivision) will incur a base charge for monitoring:

Additions, Alterations, Accessory buildings, Signs, Earthworks < 300m ³ , Outline plans (schools)	\$178.00
Dwellings, Minor units, Earthworks > 300m ³ , Outline plans (other), subdivisions (<10 lots)	\$246.00
Pre-construction Inspection involving Earthworks	\$134.00
Multi-unit developments (per 3 units)	\$246.00
Non-residential activities / Complex Applications / subdivisions (>than 10 lots)	\$410.00
Additional monitoring inspections as required (including follow-up) per hour	\$89.00

Miscellaneous

Cancellation or Review of conditions	\$625.00
Extension of Land Use Consent (s125 and s126)	\$625.00
Determination of existing use rights (complex)*	\$850.00
Determination of existing use rights (simple)	\$356.00
Site visit	Actual Hourly Rate
Request for Consent Check for LIMs / CCC	\$134.00
Planning Cert under Land Settlement Promotion Act	
Per Certificate of Title	\$134.00
Planning Cert for a Vehicle Sale Licence	\$134.00

****Note: As determined by the Manager: Resource Consents.***

Note: In addition to the above, other technical disciplines will also be charged out at their hourly rate.

Hard Copy Information

Actual Hours at hourly rate of	\$68.00
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Note: Plus copying any copying costs

Subdivision Fees

Minor Boundary Adjustments/Amended Cross Leases	\$450.00
2 Lot Freehold, Major Boundary Adjustment; 1st Stage Cross-Lease and 2 Unit Titles	\$920.00
3-10 Lot Subdivisions- freehold / Unit Titles	\$1,000.00
11-20 Lot Subdivisions-freehold / Unit Titles	\$1,600.00
21 or more Lot Subdivisions- freehold / Unit Titles	\$2,750.00

2nd Stage Cross-Lease, Unit Title Certificates, Converting cross lease to freehold	\$450.00
Rights-of-Way	\$365.00
Variation of Conditions (s.122)	\$625.00
Re-approvals / Plan Amendments	\$350.00
Survey Plan Processing / 2223 Processing	\$223.00
Sec 224 Processing	\$267.00
Other, including miscellaneous certificates, easement surrender	\$223.00
Engineering Plan Approvals	\$141.00
Amalgamation of CTs	\$280.00
Alteration or cancellation of building line restriction	\$280.00
Excess Hours *	\$94.00

Note: (1) Other disciplines external to Consent Services have involvement in subdivision consents and will be charged out at their current hourly rate over and above the fees listed above.

Note: (2) Any engineering plan approvals and works supervision required in respect of the above will be charged out at their current hourly rate.

***Note: As determined by the Manager: Resource Consents.**

Extra Fees

Where Council costs exceed specified deposit, the applicant will be charged additional costs calculated at the scheduled rate for that role. Other disciplines have involvement in these consents and will be separately charged out at their current hourly rate.

Consultants and / or Additional Reports

Charged out at cost plus a 10% administration charge.

Disbursements

In addition to the base rates and specified fees for All Consent Services activities/ products; disbursement(s) will be charged at cost.

B SCHEDULE OF HOURLY RATES

Consent and Field Services

Group Manager: Regulatory	\$130.00
Manager: Resource Consents	\$120.00
Team Manager: Building Consents	\$102.00
Manager: Operations Support	\$120.00
Team Leaders: Planning	\$102.00
Administrator	\$88.00
Planners	\$94.00
Team Leader Construction Review	\$82.00
Building / Plumbing & Drainage Surveyor	\$72.00
Process Support / Clerical	\$67.00
LIMS Clerk	\$67.00
Debt Collector	\$67.00
Environmental Monitoring Officer	\$89.00
Manager: Field Services	\$123.00
Team Leader: Field Services	\$102.00
Customer Field Advisor - RM, Building, Health	\$94.00
Customer Field Advisor - General	\$67.00
Engineer: Aftercare & Special Projects	\$120.00

EcoWater

EcoWater charges apply for consent services for development applications covering water supply, wastewater and stormwater at the following per hour scale of services:

Water Engineer	\$102.00
Senior Water Asset Engineer	\$118.00
Drainage Engineer	\$102.00
Senior Drainage Asset Engineer	\$118.00
Building Consent Engineer	\$102.00
Subdivision Engineer	\$102.00
Quality Assurance Engineer	\$102.00
Administration Support Development Services	\$65.00
Team Leader/Manager Development Services	\$118.00
Specialist Consulting Engineers	Cost plus 10%
Administration support	\$65.00

Roading and Traffic

Service Manager: Transport Assets	\$120.00
Roading and Traffic Engineers: Transport Assets	\$51.00

Minimum charge (equates to 0.5 hrs)	
Additional time spent	\$102.00
Team Leaders Transport Assets	
Minimum Charge (Equates to 0.5 hrs)	\$59.00
Additional time spent	\$118.00
Administration support	\$65.00
Quality Assurance Engineer	\$102.00
Specialist Consulting Engineers	Cost plus 10%
Parks and Green Assets	
Service Manager	\$120.00
Asset Manager	\$120.00
Specialist Engineers and Technical Staff	
Minimum charge (equates to 0.5 hrs)	\$51.00
Additional time spent	\$102.00
Team Leaders	
Minimum Charge (Equates to 0.5 hrs)	\$59.00
Additional time spent	\$118.00
Administration support	\$65.00
Quality Assurance Engineer	\$102.00
Specialist Consulting Engineers	Cost plus 10%

Disbursements

In addition to the base rates and specified fees for All Consent Services activities/ products; disbursement(s) will be charged at cost.

C COMMENCEMENT

These fees and charges to come into force on Tuesday, 1 July 2003.

D ADVERTISING

That the Council duly advertise its intention to introduce the bylaw:

- (i) Not less than 21 clear days before confirming its intention to introduce the bylaw, and again,
- (ii) Not more than 14 days nor not less than seven clear days before introducing the bylaw.

E CONFIRMATION

That the Special Order be set down for confirmation at an ordinary meeting of Council scheduled for Wednesday, 28 May 2003, commencing at 5.30 pm.

2. **FOOD PREMISES GRADING - PROPOSED AMENDMENT TO FOOD SAFETY BYLAW**

Your Committee Recommends:

That Bylaw 26 1994 Food Safety, be amended by way of Special Order. The amended Bylaw 26 1994 Food Safety is as follows:

BYLAW NO. 26 1994 - FOOD SAFETY - AMENDMENT NO. 1 2003

The Waitakere City Council, acting in pursuance and exercise of the powers and authorities conferred on it by the Local Government Act 1974, the Health Act 1956, the Bylaws Act 1910, their respective amendments, and all other powers and authorities in any way enabling it HEREBY RESOLVES BY SPECIAL ORDER TO MAKE the following bylaw.

1. **SHORT TITLE**

The short title of this bylaw shall be the Waitakere City Council Bylaw No. 26 1994 - Food Safety, amendment no. 1 2003.

2. **COMMENCEMENT**

This amended bylaw shall come into force on the 1st day of July 2003.

3. **APPLICATION OF BYLAW**

This bylaw will only apply to Food Premises subject to Annual Registration by Council.

4. **PURPOSE**

The purpose of this amended bylaw is to further improve the standard of food safety in Food Premises through the mandatory display of a Grading Certificate in a prominent place on the Food Premises to which it relates, so as to be readily visible to members of the public visiting the Food Premises, thereby creating a motivation to improve standards and achieve a higher grading.

5. **INTERPRETATION**

In this bylaw, unless the context otherwise requires:-

Annual Registration means the registration of Food Premises required by the Food Hygiene Regulations 1974 and the Health (Registration of Premises) Regulations 1966.

Appliance has the same meaning as appliance in Section 2 of the Food Act 1981.

Council means the Waitakere City Council.

District means the district within the jurisdiction and under the control of the Waitakere City Council.

Environmental Health Officer means an Environmental Health Officer appointed by the Council under the authority of the Health Act 1956.

Food has the same meaning as Food in Section 2 of the Food Act 1981:

Anything that is used or represented for use as food or drink for human beings; and includes -

- (a) Any ingredient or nutrient or other constituent of any food or drink, whether that ingredient or nutrient or other constituent is consumed or represented for consumption by human beings by itself or when used in the preparation of or mixed with or added to any food or drink; and
- (b) Anything that is or is intended to be mixed with or added to any food or drink; and
- (c) Chewing gum, and any ingredient of chewing gum, and anything that is or is intended to be mixed with or added to chewing gum.

Food Premises has the same meaning as Food Premises in Regulation 2 of the Food Hygiene Regulations 1974:

- (a) Any premises -
 - (i) On or at which food is manufactured, prepared, packed, stored, or handled, for sale; or
 - (ii) On or from which food is sold; or
 - (iii) That is used in connection with any other food premises, for the purposes of their work, by persons who work on those other food premises.
- (b) Any stall.

Grade and **Grading** means the allocated grade resulting from an inspection of the Food Premises by an Environmental Health Officer assessed according to the grading system determined by Council from time to time and which shall take into account regulatory requirements and the current state of food safety knowledge, technology and practice.

A Grade means that during the last Grading Inspection the Food Premises were assessed according to Council's current grading system at the time, and found to exceed regulatory food hygiene requirements displaying a high standard of cleaning and hygiene and superior food-handling practices.

B Grade means that during the last Grading Inspection the Food Premises were assessed according to Council's current grading system at the time, and found to meet regulatory food hygiene requirements displaying a satisfactory standard of cleaning and hygiene and good food-handling practices.

D Grade means that during the last Grading Inspection the Food Premises were assessed according to Council's current grading system at the time, and found to fall below the minimum regulatory food hygiene requirements, with improvements in: cleaning and/or maintenance and/or food-handling practices required; for which Council has issued a Minor Requisition.

E Grade means that during the last Grading Inspection the Food Premises were assessed according to Council's current grading system at the time, and found to be in a poor condition and well below the minimum regulatory food hygiene requirements, with improvements in: cleaning and/or maintenance and/or food-handling practices required; for which Council has issued a Major Requisition.

Local Authority means the Council, person, or group of persons authorised by any Act to make bylaws, and which has made this bylaw, and includes the body corporate on behalf of which any such Council, or person or groups act.

New Zealand Qualifications Authority means the New Zealand Qualifications Authority established under Part 20 of the Education Act 1989.

Occupier means the occupier as defined in the Food Hygiene Regulations 1974.

Officer means any officer authorised to carry out or exercise the duties of an officer under this Bylaw.

Requisition means a written notice served on the Occupier of Food Premises by an Environmental Health Officer specifying works that are required to be carried out on the premises in order for the premises to comply with food hygiene legislation and reduce the risk of food borne illness or contamination arising from any food prepared, manufactured, stored or sold from the premises.

Major Requisition means a Requisition that addresses any situation in which Food Premises or its fittings, fixtures or equipment are found to be in disrepair or dirty; or where any condition or set of conditions on the premises could expose food to contamination or taint, or that could allow food to become dirtied or deteriorated.

Minor Requisition means any Requisition that is not a Major Requisition.

Sale or **Sell** has the same meaning as in the Food Act 1981 and also includes the extended meaning given in Regulation 2(5) of the Food Hygiene Regulations 1974.

Team Manager - Environmental Compliance means an Environmental Health Officer appointed to that position or the person for the time being carrying out the duties of Team Manager - Environmental Compliance.

Unit Standard 167 means Unit Standard 167 (Produce Safe Food) or equivalent New Zealand Qualifications Authority National Qualifications Standard.

Unit Standard 168 means Unit Standard 168 (Prevent Food Contamination) or equivalent New Zealand Qualifications Authority National Qualifications Standard.

Unit Standard 169 means Unit Standard 169 (Plan for Production and Service of Food) or equivalent New Zealand Qualifications Authority National Qualifications Standard.

Unit Standard 170 means Unit Standard 170 (Supervise a Food Safety Programme) or equivalent New Zealand Qualifications Authority National Qualifications Standard.

6. **CLOSURE OF PREMISES**

The following provisions shall apply with regard to the sale of food in the District:

6.1 **Closure of premises for cleaning, repair** - Where any food premises or part of any food premises or any appliance, fitting or fixture or other equipment on any food premises by reason of their situation, construction, disrepair, or state are in such a condition that any food in the food premises may be exposed to contamination or taint or become dirty or deteriorated the Team Manager - Environmental Compliance may cause a notice in writing to be served on the Occupier of the Food Premises requiring him/her:

- (a) To cease to use the premises as food premises, or to clean or reconstruct, or to repair the premises, or part of the premises; or
- (b) To cease to use, or to clean, reconstruct, or repair any appliance, fittings, fixture or other equipment on those premises:

In accordance with the requirements and within the time specified in the notice.

6.2 **Permission to re-open** - Where an occupier has been directed to cease to use any food premises the occupier shall not recommence use of those food premises until permission has been given in writing by an Environmental Health Officer.

6.3 **Operation to cease** - An occupier shall not continue to operate any food premises if the Council has revoked the Certificate of Registration pursuant to Regulation 9(3) and (4) of the Health (Registration of Premises) Regulations 1966.

7. **FOOD HYGIENE QUALIFICATION**

7.1 Every registered Food Premises shall, within three (3) months of its first registration, have working on the premises a person or persons who meet the following requirements:

- (a) The person, if that person is a natural person, has received credit for Unit Standards 167, 168, and 169, and will normally be present at the Food Premises when food manufacture, preparation, handling, sale or ancillary processes incidental thereto are being undertaken; or
- (b) There will be working on the Food Premises a manager, or a staff member with sufficient authority and with specific responsibility for staff training and supervision who has received credit for Unit Standards 167, 168 and 169; and

- (c) Every other person to be employed as a food handler on those premises has received credit for Unit Standards 167 and 168, or satisfies an Environmental Health Officer that they are enrolled in an appropriate course and pursuing a course of study with the intent of gaining such credits within twelve (12) months of the date upon which application for registration is made; and
 - (d) In the case of any Food Premises, including premises commonly known as supermarkets, where there are several departments or sections such as delicatessen, butchery, bake house, cake kitchen, produce or grocery, or where in the case of eating house premises, including premises licensed under the Sale of Liquor Act 1989 there are separate departments, sections or facilities within the premises for the preparation or service of food there shall be a departmental manager, section manager, or similar person with responsibility for the area of operation concerned who has authority for staff supervision and training who in addition to Units 167 and 168 has received credit for Unit Standard 169;
 - (e) In any case to which the provisions of Clause 7.1(d) apply there shall in addition to the persons described in that Clause be a manager or other person with authority for staff supervision and food hygiene and food safety training throughout the entire premises who in addition to Units 167, 168 and 169 has received credit for Unit Standard 170.
- 7.2 In any case where an Environmental Health Officer is of the opinion that any food premises is of such a size or of such a nature that it may present a considerable risk to public health if there is a lapse in food safety supervision, the holder of the Certificate of Registration or the occupier of the food premises may be required to employ a manager or other person with authority for staff supervision and training throughout the entire premises who has received credit for Unit Standards 167, 168, 169 and 170.
- 7.3 The qualifications referred to in Clause 7.1 shall be renewed after the expiry of five (5) years from its issue.
- 7.4 Subject to an applicant satisfying the Team Manager - Environmental Compliance that he or she has undertaken appropriate training and holds a qualification equal to or in excess of any of the Food Handling Unit Standards 167, 168, 169 or 170 that person shall be deemed to have complied with the appropriate provisions of this Bylaw.
- 7.5 The Team Manager - Environmental Compliance may grant an exemption from the requirements of Clause 7.1 if satisfied that it would be unreasonable or impractical to insist on compliance, having regard to the type of premises, or types of food being packed, stored, handled or sold.
- 7.6 The holder of the Certificate of Registration or the occupier of the food premises shall be responsible for ensuring that adequate records relating to the training of staff in matters relating to food hygiene and food safety and copies of all certificates or other evidence of persons employed on those premises having obtained the appropriate Unit Standards or other qualifications are kept on the premises where the food handlers concerned are employed.

7.7 The holder of the Certificate of Registration or the occupier of the food premises shall on request make available for perusal by any Environmental Health Officer the records required to be kept pursuant to Clause 7.6.

8. **GRADING**

8.1 During the first Annual Registration inspection of the Food Premises an Environmental Health Officer shall perform a grading inspection (the "Grading Inspection") and shall grade the Food Premises.

8.2 A Grading Certificate noting the grading as determined by the Environmental Health Officer shall be delivered to the Occupier of the Food Premises as soon as practicable following the Grading Inspection.

8.3 The current Grading Certificate shall be displayed in a prominent place on the Food Premises to which it relates, so as to be readily visible to members of the public visiting the premises.

8.4 The Grading Certificate shall remain the property of the Waitakere City Council.

8.5 The Grading Certificate shall be deemed to be current for a period of twelve (12) months from the date of the Grading Inspection from which the grade was determined or until such lesser time as it is amended or withdrawn by an Environmental Health Officer following a subsequent grading or re-grading inspection, or any other inspection during which the food hygiene of the premises has worsened when compared to the current Grading Certificate.

8.6 The Grading Certificate shall be specific to the Food Premises and Occupier of the Food Premises at the time of the Grading Inspection. Grading Certificates shall not be transferable.

8.7 Fourteen (14) days after the commencement of operation by a new Occupier of Food Premises, the new Occupier shall make an application for a Grading Certificate, provided that new Food Premises, or Food Premises with a new Occupier, shall not be graded until at least two (2) months have passed since the commencement of operation, or taking over the occupancy, of the Food Premises.

8.8 An application for re-grading of Food Premises may be made at any time in writing to Council's Team Manager - Environmental Compliance, accompanied by the appropriate fee, provided that no such application shall be considered until the expiry of a period of two (2) months following the receipt of the notification referred to in sub clause 8.2.

8.9 An Occupier of Food Premises in respect of which a Grading Certificate has been issued under this Bylaw may contest their grading by writing to Council's Team Manager - Environmental Compliance within 14 days of receipt of the Grading Certificate.

9. **FEES**

Setting of fees - The Council may by resolution publicly notified prescribe fees in respect of any certificate, authority, approval, consent, service given or inspection made by the Council under this Bylaw or any other enactment in any case where that provision or enactment contains no provision authorising the Council to charge a fee, and does not provide that the certificate, authority, approval, consent, service or inspection is to be given or made free of charge.

Reduction of licence fee - Where an annual fee is payable in respect of a licence issued under this Bylaw or any Part thereof, such fee shall, where the licence is issued for less than one year, be reduced by one twelfth thereof for every complete month by which the term of the licence is less than one year.

10. **SERVING OF ORDERS AND NOTICES**

10.1 Except where otherwise expressly provided for in any Act, in any case in which it is provided by this bylaw, that an order may be made upon or notice be given to any person requiring him to do or abstain from doing anything, or any notice is required by this bylaw to be given or sent to any person, such order or notice shall be delivered to such person, and may be delivered to him either personally or by sending the same, by messenger or by registered post, to him at his last-known place of abode or business.

10.2 If such person is absent from New Zealand the order or notice may be sent to his agent instead of to such person, in any manner mentioned in the last preceding sub-clause.

10.3 If such person is not known, or is absent from New Zealand, and has no known agent in New Zealand, and the order or notice relates to any land or building the order or notice, addressed to the Occupier of such building or land, as the case may require, may be served on the person in occupation, or may be put on some conspicuous part of such building or land. It shall not be necessary in such notice to name the Occupier of such building or land.

10.4 Where an order or notice is sent by post it shall be sent so as to arrive in the due course of post on or before the latest time on which such order or notice is required to be served.

11. **POWERS OF DELEGATION**

In all cases where this bylaw provides for the issue of any order, notice or licence such order, notice or licence shall be deemed to be issued in compliance with this bylaw if the same be issued by any officer of the local authority authorised by the local authority for that purpose.

12. **INSPECTION**

12.1 For any of the purposes of this bylaw any inspector or other person duly appointed by the local authority in that behalf may at all reasonable times enter upon any land, building, or premises in order to carry out an inspection thereof.

12.2 Every person who obstructs or hinders any such inspector or other person as aforesaid in the execution of these powers hereunder shall be liable to prosecution for an offence against this bylaw.

13. **OFFENCES AND BREACHES**

- 13.1 No person shall do anything or cause any condition to exist for which a licence or approval from the local authority is required under this bylaw without first obtaining that licence or approval, and the failure to do so shall constitute a breach of this bylaw.
- 13.2 No application for a licence or authority from the local authority, and no payment of or receipt for any fee paid in connection with such application, licence, or authority, shall confer any right, authority, or immunity on the person making such application or payment.
- 13.3 Any person commits a breach of this bylaw who:
- (a) Does, or causes to be done, or knowingly permits or suffers to be done or be concerned in doing, anything whatsoever contrary to or otherwise than as provided by this bylaw; or
 - (b) Omits or neglects to do, or knowingly permits or suffers to remain undone anything which according to the true intent and meaning of this bylaw, ought to be done by him at the time and in the manner therein provided; or
 - (c) Does not refrain from doing anything which under this bylaw he is required to abstain from doing; or
 - (d) Knowingly permits or suffers any condition of things to exist contrary to any provision contained in this bylaw; or
 - (e) Refuses or neglects to comply with any notice duly given to him under this bylaw; or
 - (f) Obstructs or hinders any officer of the local authority in the performance of any duty to be discharged by that officer under or in the exercise of any power conferred upon him by this bylaw; or
 - (g) Fails to comply with any notice or direction given under this bylaw.
 - (h) Fails to display a current Grading Certificate in a prominent place on the Food Premises to which it relates, so as to be readily visible to members of the public visiting the premises, except during the 2 month period provided for in sub clause 8.7 above.
 - (i) Displays a Grading Certificate that is not current, except during the 2 month period provided for in sub clause 8.7 above.
 - (j) Displays a Grading Certificate that is not applicable to the Food Premises or Occupier to which the Grading Certificate relates, except during the 2 month period provided for in sub clause 8.7 above.

14. **DISPENSING POWERS**

Where in the opinion of the local authority full compliance with any of the provisions of this bylaw, would needlessly or injuriously affect any person, or the course or operation of the business of, or be attended with loss or inconvenience to, any person without any corresponding benefit to the community, the local authority may, on the special application of that person dispense with the full compliance with the provisions of this bylaw.

Provided that any other terms or conditions (if any) that the local authority may deem fit to impose shall be complied with by such person as aforesaid.

15. **PENALTIES FOR BREACH OF BYLAWS**

15.1 Every person who commits a breach of this bylaw is liable to a fine prescribed by the Local Government Act 1974 or its successor.

15.2 The local authority may, after a conviction for the continuing breach of any bylaw, apply to any Court of competent jurisdiction for an injunction to restrain the further continuance of the breach by the person so convicted.

15.3 The continued existence of any work or thing in a state contrary to this bylaw shall be deemed a continuing offence within the meaning of this clause.

16. **ADVERTISING**

That the Council duly advertise its intention to introduce the bylaw:

- (i) Not less than 21 clear days before confirming its intention to introduce the bylaw, and again,
- (ii) Not more than 14 days nor not less than seven clear days before introducing the bylaw.

17. **CONFIRMATION**

That the Special Order be set down for confirmation at an ordinary meeting of Council scheduled for Wednesday, 28 May 2003, commencing at 5.30 pm.

3. **OTHER MATTERS CONSIDERED**

20-43
Part G

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 20 to 43 in the supplement labelled Part G.

Your Committee Recommends:

That the report of the Ordinary Meeting of the Environmental Management Committee held on Tuesday, 8 April 2003 be received.

PA Hulse
CHAIRPERSON



PART H - PRESENTATIONS

These presentations will take place at 7.30 pm.

30 LOUISE DAVIES

Louise Davies won the Pacifica Fashion award which means in June she will go to Versace in Milan. Louise also won the Deutz Award that will enable her to travel to London. She is 23 years old and lives in Waitakere City.



31 WORK AND INCOME NEW ZEALAND - REGIONAL COMMISSIONER BARRY FISK

Regional Commissioner of Work and Income New Zealand, Barry Fisk wishes to brief the Mayor and Councillors on the details of a review and proposed structure involving the existing three Auckland Regions of Work and Income New Zealand. An opportunity has arisen to review the current region configuration into a structure where Auckland is co-managed by two Regional Commissioners and supported by one head office. The proposal is to better align structures and support approaches to achieve the desire for strategies that look at Auckland as a whole. Commissioner Barry Fisk is also seeking feedback from the Council on the proposed change.



PART I - PROCEDURAL MATTERS

32 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.



33 CLOSING PRAYER

