

**MINUTES OF AN ORDINARY MEETING OF THE COUNCIL HELD IN THE CIVIC CENTRE,
6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY, ON WEDNESDAY,
30 APRIL 2003, COMMENCING AT 5.35 PM.**

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**MINUTES OF AN ORDINARY MEETING OF THE COUNCIL HELD IN THE CIVIC CENTRE,
6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY, ON WEDNESDAY,
30 APRIL 2003, COMMENCING AT 5.35 PM.**

PRESENT:

Mayor	RA	Harvey, QSO, JP
Deputy Mayor	CA	Stone
Councillors	DQ	Battersby, JP
	BA	Brady, JP
	JM	Clews, QSO, JP
	RP	Dallow, QPM, JP
	AC	Fenton
	OE	Hoskin, MNZM, JP (from 7.43 pm)
	PA	Hulse
	JP	Lawley
	GE	Nash, JP
	VS	Neeson, JP
	GB	Presland
	GW	Russell, JP
	DA	Yates, JP

TE TAUMATA RUNANGA: F Delamere

COMMUNITY BOARDS:

H Jones	(Chairperson Henderson Community Board)
B Jessopp	(Chairperson Massey Community Board)
E Francke	(Chairperson New Lynn Community Board)
CA Shepherd, JP	(Chairperson Waitakere Community Board)
JA Good	(Massey Community Board)
G Marshall	(New Lynn Community Board)

IN ATTENDANCE:

Chief Executive
Director: City Services
Director: Strategy and Development
Director: Public Affairs
Director: Corporate and Civic Services
Director: Quality Assurance
Director: Finance
Manager: Democracy and Support Services
Manager: Public Affairs
Manager: City Projects
Legal Services Manager
Contract Solicitor to the Legal Services Manager
Leisure Services Manager
Transport Strategy Manager
Security Manager
Group Manager, Strategic Policy & Planning
Senior Project Manager: Transport Projects
Project Manager: Transport Projects
Revenue Services Manager
Partnerships and Advocacy Manager
Service Manager: Transport Assets
Road Safety Co-ordinator
Principal Transport Engineer

Special Projects Engineer
Mayoral Executive Officer
Quality Assurance & Liaison Officer
Committee Secretary: O Schuster
N Delamere
A Chan
C Inggs
Committee Administrator: N Matthews

1 OPENING PRAYER

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

2 APOLOGIES

802/2003
MOVED by Cr Brady, seconded Cr Clews:

That apologies from Cr Hoskin for lateness be received and sustained.

CARRIED

3 CONFIRMATION OF MINUTES

803/2003
MOVED by Cr Clews, seconded Cr Brady:

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, with the following amendment to:

Special Council - Tuesday, 25 March 2003

Item 2 - Long Term Council Community Plan and Annual Plan, page 3, resolution 535/2003, no. 19 - delete "Councillors" and add "Councillor Clews."

are taken as read and now confirmed.

CARRIED

4 URGENT BUSINESS

There was no Urgent Business.

PART A - PETITION

Dr Paul Robinson presented Mayor Bob Harvey with a Petition containing 523 signatures. The Petition was received and will form part of the wider discussion over the range of issues surrounding the Penihana land.

PART B - CONFIRMATION OF SPECIAL ORDERS

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

The Council on Wednesday, 26 March 2003 resolved by way of Special Order to Amendment to Bylaw No. 7 1991, Traffic - 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, however a correction to the commencement date of the Bylaw has been recommended by staff to make the Bylaw legally correct.

The Special Order resolution incorporating the correction of the commencement date is now confirmed as follows:

804/2003

MOVED by Cr Presland, seconded Cr Yates:

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 CONFIRMS 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 Friday, 16 May 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.

CARRIED

PART C - REPORT OF THE MAYOR

805/2003

MOVED by Cr Fenton, seconded Cr Brady:

1. That the Report of the Mayor be received.
2. That the Council actively pursues a working partnership with Henderson retailers and landowners, in order to jointly ensure that lighting, safety and a coordinated shopping and leisure experience is delivered in Henderson.
3. That the Council works closely with Waitakere Police, the Henderson Community Board, Waitakere Safer Community Council and the Maori Wardens and reports to Council on actions to resolve the street kid problem.
4. That the Chief Executive be asked to consider and report back to Council on how Council could develop a comprehensive retail and community revitalisation programme for Henderson, in conjunction with the Civic Future, Henderson Library and Twin Streams Projects, with a view to building on existing work programmes and recognising the resourcing levels provided for in the Draft Long Term Council Community Plan.

CARRIED

PART D - TE TAUMATA RUNANGA AND COMMUNITY BOARDS

6 TE TAUMATA RUNANGA

1. YOUNG MAORI LEADERS CONFERENCE 2003

806/2003

MOVED by Cr Brady, seconded Cr Hulse:

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.

CARRIED

2. REPRESENTATION ON WAITAKERE ARTS AND CULTURAL TRUST

807/2003

MOVED by Cr Dallow, seconded Cr Lawley:

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

CARRIED

3. OTHER MATTERS CONSIDERED

808/2003

MOVED by Cr Fenton, seconded Cr Yates:

That the report of the Ordinary Meeting of Te Taumata Runanga held on Monday, 14 April 2003 be received.

CARRIED

7 NEW LYNN COMMUNITY BOARD

809/2003

MOVED by Cr Clews, seconded Cr Presland:

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

CARRIED

8 WAITAKERE COMMUNITY BOARD

810/2003

MOVED by Cr Yates, seconded Cr Hulse:

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

CARRIED

9 MASSEY COMMUNITY BOARD

1. COMMUNITY SPORT FUND CHANGES TO MEMBERSHIP

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

2. OTHER MATTERS CONSIDERED

811/2003

MOVED by Cr Neeson, seconded Cr Russell:

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

CARRIED

10 HENDERSON COMMUNITY BOARD

812/2003

MOVED by Cr Fenton, seconded Cr Brady:

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

CARRIED

PART E - REPORT OF THE CHIEF EXECUTIVE

11 AUCKLAND REGIONAL TRANSPORT NETWORK LIMITED - DRAFT STATEMENT OF INTENT

813/2003

MOVED by Cr Dallow, seconded Cr Fenton:

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.

CARRIED

12 PASSENGER TRANSPORT SUB-COMMITTEE REPRESENTATIVE PAYMENT

DECLARATION OF INTEREST

6.25 pm Crs Stone and Presland declared an interest and withdrew from the table, taking no part in the discussion or voting on Item 12: Passenger Transport Sub-Committee Representative Payment.

814/2003

MOVED by Cr Dallow, seconded Cr Hulse:

1. That the information be received.
2. That the Council representative on the Passenger Transport Sub-Committee 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.

CARRIED

6.26 pm Crs Stone and Presland returned to the table.

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

DECLARATION OF INTEREST

6.27 pm Crs Battersby, Lawley and Presland declared an interest and withdrew from the table, taking no part in the discussion or voting on Item 13: Civil Defence Controllers' Course and Techscape Working Party Representative and Payment.

815/2003

MOVED by Cr Russell, seconded Cr Dallow:

1. That the information be received.
2. That Councillor Battersby'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.

CARRIED

6.28 pm Crs Battersby, Lawley and Presland returned to the table.

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

816/2003

MOVED by Cr Russell, seconded Cr Presland:

1. That the information be received.
2. That Crs Nash, Neeson and Yates be appointed to attend the New Zealand Planning Institute's Annual Conference, to be held in Hamilton between Thursday, 22 May and Saturday, 24 May 2003, with other Councillors to attend in their place if they are unable to attend on certain days.

CARRIED

15 APPOINTMENT TO TE TAUMATA RUNANGA

817/2003

MOVED by Cr Dallow, seconded Cr Lawley:

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 the alternate Te Whanau O Waipareira Trust representative on Te Taumata Runanga replacing Ricky Houghton.
4. That Joseph Turner be appointed as the 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.

CARRIED

16 CHANGES TO COMMUNITY SPORT FUND

At the request of the Chairperson of the Henderson Community Board the Chief Executive referred recommendation 4 from his report on the appointment of the alternate representative to the Community Sport Fund Allocation Subcommittee from the Henderson Community Board so that it could be referred back to the Board for reconsideration.

818/2003

MOVED by Cr Hulse, seconded Cr Presland:

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.

CARRIED

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

819/2003

MOVED by Cr Yates, seconded Cr Clews:

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 the report.

CARRIED

820/2003

MOVED by Cr Yates, seconded Cr Clews:

That a Subcommittee be formed comprising of Mayor Bob Harvey, the Deputy Mayor and Cr Hulse to work on the issues relating to methamphetamine use in Waitakere City and prepare a report for consideration by the Local Government New Zealand Annual Conference 2003.

CARRIED

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

821/2003

MOVED by Cr Nash, seconded Cr Neeson:

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.

CARRIED

19 WAITAKERE SPORTS COMPLEX - PROJECT UPDATE AND APPROVALS

822/2003

MOVED by Cr Fenton, seconded Cr Dallow:

That this item be deferred and be dealt with as the last item before the reports to be dealt with, with the public excluded.

CARRIED

20 WAITAKERE CITY LIBRARY AND CIVIC CENTRE DEVELOPMENT - PROPOSED ELECTED MEMBER WORKING PARTY

823/2003

MOVED by Cr Clews, seconded Cr Fenton:

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

CARRIED

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

ADJOURNMENT

824/2003

MOVED by Cr Stone, seconded Cr Dallow:

That the meeting stand adjourned until 7.35 pm.

CARRIED

6.59 pm The meeting adjourned.

7.43 pm The meeting reconvened. Cr Hoskin entered the meeting.

PROCEDURAL MOTION

825/2003

MOVED by Cr Stone, seconded Cr Clews:

That Item 21: Unitec / Waitakere City Council Partnership - Proposed Working Party be discussed after the Presentations.

CARRIED

PART H - PRESENTATIONS

30 **LOUISE DAVIES**

Mayor Bob Harvey presented Louise Davies with a Citation. 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 briefed 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.

31A **WAITAKERE POLICE**

Constable Leigh Johns presented an update to Council on the current trends on methamphetamine use in Waitakere City.

PART E - REPORT OF THE CHIEF EXECUTIVE

21 UNITEC / WAITAKERE CITY COUNCIL PARTNERSHIP - PROPOSED WORKING PARTY

826/2003

MOVED by Cr Dallow, seconded Cr Lawley:

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

CARRIED

827/2003

MOVED by Cr Lawley, seconded Cr Yates:

That Crs Clews, Fenton, Russell and Stone, with Cr Brady as the alternate, be nominated to the proposed Waitakere City Council - UNITEC Partnership Working Party and that UNITEC be advised that the Council would like four representatives from each party.

CARRIED

22 RANUI RAIL STATION - PLATFORM ENCROACHMENT ON TO COUNCIL LAND

828/2003

MOVED by Cr Presland, seconded Cr Clews:

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 the agenda 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.

CARRIED

8.25 pm Cr Hulse left the meeting.

23 HIGH COURT PROCEEDING - RECOVERY OF RATES

829/2003

MOVED by Cr Clews, seconded Cr Neeson:

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, or an arrangement to pay agreed with Council to the satisfaction of the Chief Executive, Council commence proceedings against the Crown in the High Court for the sum \$591,977.47 being arrears of rates properly made and levied in accordance with the Rating Powers Act 1988.

CARRIED

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

8.34 pm Cr Hulse returned to the meeting.

830/2003

MOVED by Cr Russell, seconded Cr Presland:

1. That the information be received.
2. That the draft submission, as attached at pages A23 to A28 to the agenda report, be approved.
3. That Council appoint the Chairs of the City Development Committee, Environmental Management Committee and Finance and Operational Performance Committee to present its submission at the public hearings to be held by the Auckland Regional Council from 20 May 2003 and endorses Cr Battersby presenting the Emergency Management part of the submission to the public hearing if necessary.

CARRIED

PART G - STANDING COMMITTEE REPORTS

27 CITY DEVELOPMENT COMMITTEE

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

831/2003

MOVED by Cr Stone, seconded Cr Lawley:

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

CARRIED

2. LIBRARIES - MIGRANT INFORMATION FORUM, RANUI

832/2003

MOVED by Cr Stone, seconded Cr Hulse:

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

CARRIED

3. OTHER MATTERS CONSIDERED

833/2003

MOVED by Cr Stone, seconded Cr Dallow:

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

CARRIED

8.56 pm Cr Fenton left the meeting.

28 FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE

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

834/2003

MOVED by Cr Clews, seconded Cr Dallow:

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.

CARRIED

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

835/2003

MOVED by Cr Clews, seconded Cr Hoskin:

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

CARRIED

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

836/2003

MOVED by Cr Clews, seconded Cr Hulse:

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.

CARRIED

4. **OTHER MATTERS CONSIDERED**

837/2003

MOVED by Cr Clews, seconded Cr Brady:

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

CARRIED

9.15 pm Cr Fenton returned to the meeting.

29 **ENVIRONMENTAL MANAGEMENT COMMITTEE**

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

838/2003

MOVED by Cr Hulse, seconded Cr Hoskin:

1. 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
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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	\$223.00

surrender	
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	
Minimum charge (equates to 0.5 hrs)	\$51.00
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.

2. 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.

3. CONFIRMATION

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

CARRIED

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

839/2003

MOVED by Cr Hulse, seconded Cr Neeson:

1. 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.

2. **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.

3. **CONFIRMATION**

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

CARRIED

3. **OTHER MATTERS CONSIDERED**

840/2003

MOVED by Cr Hulse, seconded Cr Hoskin:

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

CARRIED

PART I - PROCEDURAL MATTERS

32 **QUESTIONS**

There were no Questions.

PART E - REPORT OF THE CHIEF EXECUTIVE

19 WAITAKERE SPORTS COMPLEX - PROJECT UPDATE AND APPROVALS

9.40 pm Cr Hulse left the meeting.

9.55 pm Cr Hulse returned to the meeting.

DECLARATION OF INTEREST

9.09 pm Cr Dallow declared an interest and withdrew from the table and made a presentation to Council on the project update and approvals to the Waitakere Sports Complex.

PROCEDURAL MOTION TO EXCLUDE THE PUBLIC

841/2003

MOVED by Cr Presland, seconded Cr Fenton:

That the public be excluded from the following parts of the proceedings of this meeting, Waitakere Sports Complex - Project Update and Approvals.

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"> • 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"> • 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)(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 report contains information which if released would affect the Council's negotiations.*

CARRIED

Minute Number 844/2003 is recorded in the Confidential Section of the Minutes.

9.20 pm The public were excluded.

10.15 pm The public were re-admitted.

842/2003

MOVED by Cr Fenton, seconded Cr Stone:

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.

CARRIED

PART F - CONFIDENTIAL ITEMS

25 LAND PURCHASE TRIG ROAD

26 RAIL DEAL

PROCEDURAL MOTION TO EXCLUDE THE PUBLIC

843/2003

MOVED by Cr Battersby, seconded Cr Nash:

1. 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 	<p>The withholding of information is necessary in order to:</p> <ul style="list-style-type: none"> • 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. • enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). 	<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)(c) (i) (ii) and (i) of that Act which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public as follows:

- *The reports contain information which if released would affect the Council's negotiations and the information is provided in confidence.*

2. That Mr Martin Gummer, Chief Executive, Auckland Regional Transport Network Limited be permitted to remain at this meeting, after the public has been excluded in relation to Item 26: Rail Deal, because of his knowledge of the matter to be discussed. This knowledge, which will be of assistance in relation to the of the matter to be discussed, is relevant to that matter because of background information and advice which will be required by the Council when assessing the options available to it and in explaining any decision to the Community.

CARRIED

Minute Numbers 844/2003 to 846/2003 are recorded in the Confidential Section of the Minutes.

10.16 pm The public were excluded.

10.32 pm The public were re-admitted.

PART I - PROCEDURAL MATTERS

33 CLOSING PRAYER

Cr Stone concluded the meeting with a reading.

10.34 pm The Chairperson thanked members for their attendance and attention to business and declared the meeting closed.

CONFIRMED AT AN ORDINARY MEETING OF
THE COUNCIL HELD ON

DATE:.....

CHAIRPERSON:.....

