



**AGENDA FOR A MEETING OF THE COUNCIL TO BE HELD IN THE CIVIC CENTRE,  
6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY, ON WEDNESDAY,  
26 OCTOBER 2005 COMMENCING AT 5.30 PM**

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**PART A - OPENING OF MEETING**

**1 OPENING PRAYER**

Reverend Ian McCleary, St Paul's Anglican Church, Te Atatu Peninsula will say the Opening Prayer.



**2 APOLOGIES**



**3 CONFIRMATION OF MINUTES**

Meeting Minutes - Wednesday, 21 September 2005  
- Wednesday, 28 September 2005

**RECOMMENDATION**

That the minutes of the Meeting of the Council held on Wednesday, 21 September 2005 and Wednesday, 28 September 2005 including the public excluded minutes as circulated, be taken as read and now be confirmed.

*Pages 1 to 3  
Part H*

The public excluded minutes are attached at pages 1 to 3 of the confidential supplement labelled Part H.



**4 URGENT BUSINESS**

Section 46A(7) 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 Council by resolution so decides; 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 and decision, why the item is not on the agenda, and why it cannot be delayed until a subsequent meeting.

The Council may make a decision on a matter determined to be urgent.

**NOTE:** Urgent Business need not be dealt with now and may be delayed until later in the meeting.



**PART B - REPORT OF THE MAYOR**

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



**PART C - REPORTS OF TE TAUMATA RUNANGA, NEW LYNN COMMUNITY BOARD, WAITAKERE COMMUNITY BOARD, MASSEY COMMUNITY BOARD AND HENDERSON COMMUNITY BOARD**

**5 TE TAUMATA RUNANGA**

**I NOHO TE TAUMATA RUNANGA KOMITI MANE TE KAU MA WHITU O WHIRINGA-A-NUKU 2005**

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON MONDAY, 17 OCTOBER 2005**

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**MATTERS CONSIDERED**

*1-3  
Part C*

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 3 in the supplement labelled Part C.

**NGA TAKE E WHIRIWHIRIA**

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

**Your Committee Recommends:**

That the report of the Meeting of Te Taumata Runanga held on Monday, 17 October 2005 be received.

TW Taua, MNZM

**CHAIRPERSON**



6 **NEW LYNN COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON MONDAY, 3 OCTOBER 2005**

1. **NEW LYNN COMMUNITY BOARD MINOR PARKS PROJECTS 2005/2006**

**The Board Recommends:**

That the New Lynn Community Board's recommendation to install a basketball half court close to the skate park in the Shadbolt Park at a cost of \$12,500 and to install swings at Wood Bay Beach at \$14,000, be approved, the expenditure of these two park development projects being greater than the maximum of \$10,000 which the Board can allocate to any one project.

2. **OTHER MATTERS CONSIDERED**

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 4 to 8 in the supplement labelled Part C.

**The Board Recommends:**

That the report of the Meeting of the New Lynn Community Board held on Monday, 3 October 2005 be received.

P van der Voort. JP  
**CHAIRPERSON**



7 **WAITAKERE COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON TUESDAY, 4 OCTOBER 2005**

**MATTERS CONSIDERED**

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 9 to 14 in the supplement labelled Part C.

**The Board Recommends:**

That the report of the Meeting of the Waitakere Community Board held on Tuesday, 4 October 2005 be received.

CA Shepherd, JP  
**CHAIRPERSON**



4-8  
Part C

9-14  
Part C

8 **MASSEY COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON WEDNESDAY, 5 OCTOBER 2005**

1. **LEASE OF PART OF TE RANGI HIROA RESERVE TO TECHSCAPE LIMITED**

**The Board Recommends:**

That in the absence of any objections or submissions on the intention to lease, the Chief Executive Officer be given authority to negotiate and conclude a lease with Techscape Limited for a part of Te Rangi Hiroa Reserve (part Allotment 15, Deposited Plan 7867 and part Lot 1, Deposited Plan 19247) and the lease be executed as negotiated.

2. **OTHER MATTERS CONSIDERED**

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 23 in the supplement labelled Part C.

**The Board Recommends:**

That the report of the Meeting of the Massey Community Board held on Wednesday, 5 October 2005 be received.

JA Good  
**CHAIRPERSON**



9 **HENDERSON COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON THURSDAY, 6 OCTOBER 2005**

1. **HENDERSON COMMUNITY BOARD MINOR PARKS PROJECTS 2005/2006**

**The Board Recommends:**

That the Henderson Community Board's recommendation to install a basketball half court in the Akatea Park at a cost of \$12,500, be approved, expenditure of this park development project being greater than the maximum of \$10,000 which the Board can allocate to any one project.

2. **OTHER MATTERS CONSIDERED**

The Board dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 24 to 28 in the supplement labelled Part C.

15-23  
Part C

24-28  
Part C

### **The Board Recommends:**

That the report of the Meeting of the Henderson Community Board held on Thursday, 6 October 2005 be received.

EAG Grimmer, MNZM

**CHAIRPERSON**



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

### **10 DELEGATED AUTHORITY TO BORROW**

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

The purpose of this report is to formalise delegated authorities associated with the Council's borrowing programme and financial risk management activities for the 2005/2006 financial year.

#### **BACKGROUND**

Under the Local Government Amendment Act (No. 3) 1996, which introduced Section 122ZD into the Local Government Act 1974, the Council was required to raise loans or to enter into any incidental agreements by resolution passed at a meeting open to the public. Such resolutions were required to document the purpose of the loans or incidental agreements, describe the security offered, indicate the considerations of risk and benefits, and indicate that such loans, incidental agreements and security were in accordance with the adopted Borrowing Management Policy.

Under the Local Government Act 2002, section 122ZD of the Local Government Act 1974 was repealed with no new section enacted requiring such a resolution to be passed. However, while the effect of adoption of a Long Term Council Community Plan and an Annual Plan is to provide a formal and public statement of the local authority's intentions in relation to matters covered by such plans (including the borrowing programme), Section 96(2) of that Act provides that a resolution to adopt does not necessarily constitute a decision to act on any specific matter included within the Plan.

#### **STRATEGIC CONTEXT**

Council uses various funding options to achieve strategic goals. These options are outlined within a number of policy documents adopted during the course of the Long Term Council Community Plan.

The 2005/2006 Annual Plan's new borrowing programme of \$77.526 million, plus the refinancing of an estimated \$9.820 million, plus the carry forward of \$54.142 million of proposed borrowing expenditure related to the 2004/2005 Annual Plan, amounts to a total current borrowing programme of \$141.491 million.

#### **DELEGATED AUTHORITIES**

The Council adopted its Long Term Council Community Plan on 30 June 2003 which approved loan raising to be undertaken. When loans are raised from investors the Council provides security under its Debenture Trust Deed. This provides investors with rates income as security for the repayment of the loan. It is unclear whether the adoption of the borrowing programme as outlined within the Long Term Council Community Plan, is explicit to meet the Council's borrowing security arrangements under its Debenture Trust Deed.

In order to clarify the Council's intent and approval to borrow from investors, a number of resolutions have been prepared. The resolutions are similar to the previous resolutions that were required under the repealed provisions of the Local Government Amendment Act (No. 3) 1996.

### **INCIDENTAL AGREEMENTS**

The Liability Management and Investment Policy includes reference to the use of incidental agreements for hedging risks associated with debt. In recognition of this, Council's Fund Management function actively monitors and trades in financial instruments for the purpose of minimising both the overall borrowing cost and interest rate risks. It is therefore desirable that the use of financial instruments continues as a valid means of reducing risks in interest rate volatility.

Council also has significant undrawn committed facilities that are used to eliminate the risks associated with liquidity. Again, there is a desirability for such facilities to continue and to renegotiate these on the basis of the Standard and Poor's AA- rating now attributed.

### **CONCLUSION**

To ensure clarity, it is prudent that robust delegations be put in place to address the 2005/2006 borrowing programme. With respect to the Long Term Council Community Plan borrowing patterns, some alterations to delegated authorities are required to minimise the overall costs associated with developing such new facilities, which will provide Council with a significant future advantage.

Council uses borrowings, financial instruments and other incidental agreements for the management of its debt requirements. Council no longer appears to require a separate resolution to enter into specific borrowing arrangements as previously prescribed. However, internal legal advice recommends that resolutions be passed encompassing the borrowing requirements for the 2005/2006 Annual Plan and formalising certain delegated authorities, and that it is equally appropriate to clearly resolve that such borrowing activities as are outlined in this report are approved.

### **RECOMMENDATIONS**

1. That the Delegated Authority to Borrow report be received.
2. That for the purpose of borrowing to carry out or to continue the projects identified in the 2005/2006 Annual Plan or carried forward from any previous Annual Plan, or for any project approved by Council subsequent to the adoption of such Plan:
  - (a) The security for such borrowing may be a charge over rates under the Debenture Trust Deed if the Chief Executive Officer considers it appropriate.
  - (b) The benefits of such borrowing are to enable the Council to carry out the projects identified within the 2005/2006 Annual Plan and Long Term Council Community Plan while spreading the costs for those projects over time to recognise the future benefits, while the risk is that interest rates may vary in the future resulting in higher debt servicing costs to Council.
  - (c) The raising of loans, financial instruments and other incidental agreements associated with the Council's debt portfolio comply with the Council's Liability Management and Investment Policy.

- (d) That the Chief Executive Officer be authorised to borrow to a maximum gross debt of \$296.681 million in this or the 2006/2007 financial year, as approved in the 2005/2006 Annual Plan, by way of bank loan or loans, credit facility or facilities, or the issue of commercial paper, medium term floating rate notes or fixed coupon bonds for the borrowing, secured by the Debenture Trust Deed.
  - (e) The Chief Executive Officer be delegated the authority to negotiate and agree the terms, interest rates payable by the Council, frequency of interest payments, timing of draw downs, number of loans or issues of commercial paper, medium term floating rate notes or fixed coupon bonds which make up the borrowings, and all other terms and conditions of such loans or facilities as may be necessary for the obtaining of such loan or loan facilities and to execute any agreements, documents and certificates in respect of such loans or loan facilities on behalf of the Council.
3. That the Chief Executive Officer be authorised to sub-delegate the powers, duties and discretions delegated to him under the resolutions above to the Director: Finance or other Council officers as he considers appropriate.
  4. That the Chief Executive Officer and the Director: Finance be delegated authority to act as Council's authorised representatives for the purposes of negotiating various facility agreements necessary to facilitate the strategic direction outlined within the Council's Long Term Council Community Plan 2003/2013.
  5. That the Chief Executive Officer and the Director: Finance be delegated authority to act as Council's authorised representatives, subject to satisfactory review by the Council's solicitors, whether internal or external, for the purpose of executing under seal any facility agreements necessary to facilitate the strategic direction outlined within the Council's Long Term Council Community Plan 2003/2013.

Report prepared by: Bruce Wilkin, Treasury Manager.



## 11 APPOINTMENT TO TE TAUMATA RUNANGA

### **PURPOSE OF THE REPORT**

The purpose of this report is to advise the Council of the names of the representatives who will be representing Kakariki Marae for appointment to Te Taumata Runanga.

### **BACKGROUND**

Kakariki Marae have not had appointed representatives on Te Taumata Runanga since the beginning of this term.

### **ISSUES**

Kakariki Marae have advised that Sonny Livingstone is the representative for Kakariki Marae and Wihiria Mark is the alternate representative seeking appointment.

### **RESOURCES**

Provision is made in the Annual Plan to meet the costs of appointments to Te Taumata Runanga.

## CONCLUSION

The nominations of a representative and alternate representative are brought before the Council for formal appointment.

## RECOMMENDATIONS

1. That the Appointment to Te Taumata Runanga report be received.
2. That Sonny Livingstone be appointed as the Kakariki Marae representative on Te Taumata Runanga.
3. That Wihiria Mark be appointed as the Kakariki Marae alternate representative on Te Taumata Runanga.

Report prepared by: Ngareta Delamere, Committee Secretary.



## 12 ARTS AND EVENTS COMMITTEE - COMMITTEE DELEGATIONS

### PURPOSE OF THE REPORT

The purpose of this report is to bring forward to Council, at the request of the Arts and Events Special Committee, possible changes to the fields of activity and scope of delegations for the Arts and Events Special Committee and consequential changes to the delegations to other Committees, and if the changes proposed are confirmed to rename the Arts and Events Special Committee the Arts, Events and Culture Special Committee.

### BACKGROUND

At its inaugural meeting in October 2004, the Council adopted its 'Delegations to Committees and Community Boards Register'. This document sets out, among other things, the Council's governance processes and the roles and responsibilities of various Committees.

The Arts and Events Special Committee was established in response to a desire for a more coordinated and proactive approach to arts, events and other related activities. In the past, arts and events activities had been spread across various Council Committees and funding committees.

The Arts and Events Special Committee reports to the City Development Committee.

At recent meetings Members of the Committee have expressed a desire for these responsibilities to be expanded and clarified to encompass all arts-related projects and to change the delegations to remove reference to educational, leisure and recreational activities that more properly sit with the City Development and Finance and Operational Performance Committees.

### STRATEGIC CONTEXT

Good governance, which includes unambiguous delegations to Committees, Subcommittees and Community Boards, is the basis for the effective running of any democratic institution, enabling in this case for the Council decision making process to be clear and efficient.

The Arts and Events Special Committee also plays an integral part in overseeing delivery of the City's Arts and Cultural Strategy. In addition, it is responsible for advising its parent committee on matters within its delegations as they relate to the Local Government Act 2002 (which charges Council with fostering the cultural well-being of its communities).

## ISSUES

### Current State and Committee suggestions

In the 12 months since its inception, the Arts and Events Special Committee has deliberated on a wide range of activities within its delegated authority, ranging from festivals and events to community funding schemes and Sister Cities programmes.

Members have however expressed concern that there appears to be an "overlap" of responsibilities in some areas. For example this Committee is charged with overseeing the possible re-development of the Lopdell House Gallery whilst its parent Committee (City Development) oversees re-development of other significant arts precincts/projects in the City, such as the development at Corban Estate.

The inclusion of monitoring approval of Statements of Intent and/or business plans and annual performance agreements for the Waitakere Education Sector Trust (WEST) does not relate to any other aspect of the Arts and Events Special Committee's work and in the view of the Committee should therefore be included in the City Development Committee's delegations.

There are currently references to Arts, Events and Culture and Sister Cities under the Fields of Activity for both the City Development and Arts and Events Special Committees.

It is also felt that the determination of policy for the allocation of funds from the Community Sport Fund of Sport and Recreation New Zealand (SPARC) should not be in the Arts and Events Special Committee 'fields of activity' and that subcommittee should report directly to the Finance and Operational Performance Committee.

The Arts and Events Special Committee considers that it has a role to provide input into arts issues related to broader developments. In this respect the Committee has expressed a desire to have input into briefs for art works, including those for major projects and this aspect should be specifically referenced through its delegations.

All City Festivals and City Wide Events should come within the ambit of the Arts and Events Special Committee's delegations and responsibilities. Such annual festivals include Music in the Park, Matariki, Pacifica, Trash to Fashion, the Going West Literary Festival, the Moon Festival, and the Christmas Festival, and the Committee feels it should also make a contribution to special significant city-wide events such as the opening of Waitakere Central.

For purposes of clarity, the Committee considers that other operational aspects of arts development in the City should be noted in the 'fields of activity' including the Playhouse, the two Community Arts Councils, the Pacific Islands Arts Trust, the Waitakere Orchestra and Band, Shadbolt House and Macahon House.

It also believes that the Mayor's notion for Art Laureates Awards to be established in 2006 should come into the 'fields of activity' for the Arts and Events Special Committee.

## DISCUSSION

The above changes to delegations are presented for the Council's consideration.

The changes would have the impact of centralising arts and events related projects and issues under one special committee. However, they could also have the impact of cutting across other 'portfolio' groupings currently in place under Council's Committee structure.

Council's sustainable development approach means that it is essential that the inter-relationships between various projects, programmes (outputs of Council) and outcomes (desired results) are recognised. This means recognising that one project can have an impact on a range of other projects and on a number of outcomes. This has led to the development of a Committee structure that deals with all strategy issues (regardless of subject matter) under one standing committee, all operational and performance monitoring matters under one standing committee, and all regulatory matters under another.

Some of the projects identified as arts projects above, such as development of Corban Estate, are also town centre, economic development and, eventually, physical development projects. Thus, there is a role for involvement by City Development and possibly the Projects Special Committee.

This is not to say that the changes suggested by the Arts and Events Special Committee are not appropriate. However, Council needs to carefully consider any changes it may wish to make to the delegations to ensure linkage and cross-over issues have been taken into account.

A1-A11

A proposed new "Fields of Activity and Delegations" for the Arts, Events and Culture Committee and amended 'Fields of Activity and Delegations' for the City Development Committee and Finance and Operational Performance Committee, based on the suggestions made at the Arts and Events Special Committee meeting, are attached at pages A1 to A11. The Council's direction on these matters is sought.

## **RESOURCES**

There are no extra resources required to implement any change to delegations or Committee structure.

## **CONCLUSION**

Since its inception, the Arts and Events Special Committee has deliberated on a wide range of issues for which it has delegated authority. Committee Members and the Chairperson in particular, have asked for those delegations to be reviewed. Amendments proposed by the Committee to the Arts and Events Special Committee 'Fields of Activity and Delegations', and amended "Fields of Activity and Delegations" for the City Development Committee and Finance and Operational Performance Committee have been brought forward for consideration by Council. If the changes proposed are agreed for implementation the name of the Committee should be changes to the Arts, Events and Culture Special Committee to better reflect the Committee's focus and responsibilities.

## **RECOMMENDATIONS**

1. That the Arts and Events Committee - Committee Delegations report be received.
2. That Council determine whether amendments to delegations are required.

Report prepared by: Wally Thomas, Director: Public Affairs, and Darryl Griffin, Group Manager: Democracy and Support Services.

HV O'Rourke  
**CHIEF EXECUTIVE OFFICER**



## **PART E - REPORTS FROM THE STANDING COMMITTEES**

### **13 CITY DEVELOPMENT COMMITTEE**

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON THURSDAY, 6 OCTOBER 2005**

#### **MATTERS CONSIDERED**

1-9  
Part E  
4  
Part H

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 E. The public excluded minutes are attached at page 4 of the confidential supplement labelled Part H.

#### **Your Committee Recommends:**

That the report of the Meeting of the City Development Committee held on Thursday, 6 October 2005 be received.

PA Hulse

**CHAIRPERSON**



### **14 FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE**

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON MONDAY, 10 OCTOBER 2005**

#### **1. DRAFT ANNUAL REPORT 2004/2005**

##### **Your Committee Recommends:**

That the Annual Report for 2004/2005 be approved.

#### **2. TRIENNIAL REPRESENTATION REVIEW (MAORI WARD/S)**

##### **Your Committee Recommends:**

That the Council resolve not to introduce Maori Ward/s for the 2007 triennial local authority elections.

#### **3. OTHER MATTERS CONSIDERED**

10-19  
Part E  
5-6  
Part H

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 E. The public excluded minutes are attached at pages 5 to 6 of the confidential supplement labelled Part H.

##### **Your Committee Recommends:**

That the report of the Meeting of the Finance and Operational Performance Committee held on Monday, 10 October 2005 be received.

JM Clews, QSO, JP

**CHAIRPERSON**



15 **PLANNING AND REGULATORY COMMITTEE**

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON TUESDAY, 11 OCTOBER 2005**

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**MATTERS CONSIDERED**

20-23  
Part E  
7  
Part H

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 23 in the supplement labelled Part E. The public excluded minutes are attached at page 7 of the confidential supplement labelled Part H.

**Your Committee Recommends:**

That the report of the Meeting of the Planning and Regulatory Committee held on Tuesday, 11 October 2005 be received.

VS Neeson, JP  
**CHAIRPERSON**



**PART F - PRESENTATION**

There are no presentations.



**PART G - PROCEDURAL MATTERS**

16 **QUESTIONS**

Pursuant to Standing Order 39.2, any member of the local authority may at any 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.



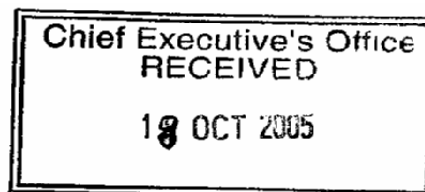
17 **NOTICE OF MOTION**

Notices of motion shall be in writing by the mover, stating the meeting at which it is proposed that the notice of motion be considered, and shall be delivered to the Chief Executive Officer at least five clear days before such meeting.

Pursuant to Standing Order 28.1 the following Notice of Motion has been received from Councillor Assid Corban.

18 October 2005

Mr Harry O'Rourke  
Chief Executive  
Waitakere City Council  
Private Bag 93109  
Henderson  
WAITAKERE CITY



*original  
Recd  
11:30 AM  
HOC*

Dear Sir

In view of the Public concern re the closing of the Te Atatu South Library as resolved at the Long Term Council Community Plan and Annual Plan Special Committee meeting of 24 June 2005, I have been asked to give you formal Notice to move the following Notice of Motion at the Council meeting to be held on Wednesday 26 October 2005.

**MOTION**

I Assid Corban MOVE that:

- a. The resolution set out in the Minutes of the Long Term Council Community Plan and Annual Plan Special Committee meeting on 24 June 2005 *"That the Te Atatu South Library remain open with reduced hours to be determined by the Library Manager until the opening of the Waitakere Central Library (where enhanced services will be available) and that the Te Atatu South Library be closed at that time"* be rescinded.
- b. That in view of the public concern at closing of the Te Atatu South Library, provision be made to include the continued operation of the library in the Long Term Council Community Plan and Annual Plan process for future funding.



Assid Corban  
COUNCILLOR  
HENDERSON WARD



**PART H - PUBLIC EXCLUDED MATTERS**



**CLOSING PRAYER**

