

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

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PART A - OPENING OF MEETING

1 OPENING PRAYER

Doug Hewlett from the New Lynn Bible Chapel will say the Opening Prayer.



2 APOLOGIES



3 CONFIRMATION OF MINUTES

- Meeting Minutes - Tuesday, 28 June 2005
- Wednesday, 29 June 2005

RECOMMENDATION

That the minutes of the Meeting of the Council held on Tuesday, 28 June 2005 and Wednesday, 29 June 2005, including the public excluded minutes, as circulated, be taken as read and now be confirmed.

Page 2
Part I

The public excluded minutes are attached at page 2 of the confidential supplement labelled Part I.



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 - DEPUTATION

Provisions have been made in the Standing Orders for deputations to be received by Council. Deputations have to be delivered to the Chief Executive Officer 5 clear days before the meeting.

Where in the opinion of the Chairperson the matter which is the subject of a deputation is one of urgency or major public interest, the Chairperson may determine that the deputation be received by the Local Authority.

For the guidance of Councillors, Standing Orders have the following provisions in regard to deputations:

1. Unless the meeting determines otherwise in any particular case, a limit of 10 minutes is placed on a speaker making a presentation, or five minutes each if there are two members of the deputation addressing the meeting.
2. Except with the approval of the Local Authority or Committee, not more than two Members of a deputation may address the meeting.
3. After a presentation is received Members may put to the deputation any question pertinent to the subject heard, but no Member shall express an opinion upon or discuss the subject until the deputation has completed making its submissions and answering questions.
4. The Chairperson may terminate a presentation in progress which is disrespectful or offensive, or where the Chairperson has reason to believe that statements have been made with malice.



PART C - REPORT OF THE MAYOR

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



PART D - 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 O I TE TEKAU MA WARU O HONGONGOI 2005

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON MONDAY, 18 JULY 2005

MATTERS CONSIDERED

*1-3
Part D*

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 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 totoa ki nga mema o te Kaunihera.

Your Committee Recommends:

That the report of the Meeting of Te Taumata Runanga held on Monday, 18 July 2005 be received.

M Te Huia

DEPUTY CHAIRPERSON



6 NEW LYNN COMMUNITY BOARD

THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON MONDAY, 4 JULY 2005

1. CHAIRPERSON'S REPORT - TRIBUTE TO SIR TOM CLARK

The Board Recommends:

That Sir Tom Clark be commemorated in New Lynn with an appropriate statue or other work of art.

2. OTHER MATTERS CONSIDERED

*4-15
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 4 to 15 in the supplement labelled Part D.

The Board Recommends:

That the report of the Meeting of the New Lynn Community Board held on Monday, 4 July 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, 5 JULY 2005

MATTERS CONSIDERED

16-21
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 16 to 21 in the supplement labelled Part D.

The Board Recommends:

That the report of the Meeting of the Waitakere Community Board held on Tuesday, 5 July 2005 be received.

CA Shepherd, JP

CHAIRPERSON



8 MASSEY COMMUNITY BOARD

THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON WEDNESDAY, 6 JULY 2005

1. LEASE OF PART OF GLEN NORMAN RESERVE

The Board Recommends:

That the Chief Executive Officer be given authority in the absence of any objections to the reclassification to apply to the Department of Conservation under section 24 of the Reserves Act 1977 for the reclassification of Lot 2 Deposited Plan 54537 as a local purpose (community buildings) reserve as specified in section 23 of that Act for the purposes of granting a lease to Te Akoranga Playcentre Association Incorporated.

2. OTHER MATTERS CONSIDERED

22-27
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 22 to 27 in the supplement labelled Part D.

The Board Recommends:

That the report of the Meeting of the Massey Community Board held on Wednesday, 6 July 2005 be received.

JA Good

CHAIRPERSON



9 HENDERSON COMMUNITY BOARD

THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON THURSDAY, 7 JULY 2005

MATTERS CONSIDERED

28-33
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 28 to 33 in the supplement labelled Part D.

The Board Recommends:

That the report of the Meeting of the Henderson Community Board held on Thursday, 7 July 2005 be received.

EAG Grimmer, MNZM

CHAIRPERSON



PART E - REPORT OF THE CHIEF EXECUTIVE OFFICER

10 WESTPARK MARINA - UPDATE

This report was not available at the time of printing the Agenda and will be circulated separately to Members.

HV O'Rourke

CHIEF EXECUTIVE OFFICER



PART F - REPORTS FROM THE STANDING COMMITTEES

11 CITY DEVELOPMENT COMMITTEE

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON THURSDAY, 7 JULY 2005

1. PROPOSAL FROM WEST AUCKLAND DISTRICT COUNCIL OF SOCIAL SERVICES INCORPORATED FOR A COMMUNITY RESOURCE CENTRE AT TUI GLEN RESERVE

Your Committee Recommends:

A1

That the Chief Executive Officer be given authority in the absence of any objections to the reclassification to apply to the Department of Conservation for the reclassification of the part of Tui Glen to be occupied by the West Auckland District Council of Social Services Incorporated as identified on the map attached at page A1 under section 24 of the Reserves Act 1977 as a local purpose (community buildings) reserve as specified in section 23 of that Act for the purposes of granting a lease to West Auckland District Council of Social Services Incorporated.

2. OTHER MATTERS CONSIDERED

*1-9
Part F
3-4
Part I*

Your Committee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 1 to 9 in the supplement labelled Part F. The public excluded minutes are attached at pages 3 to 4 of the confidential supplement labelled Part I.

Your Committee Recommends:

That the report of the Meeting of the City Development Committee held on Thursday, 7 July 2005 be received.

PA Hulse

CHAIRPERSON



12 FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON MONDAY, 11 JULY 2005

1. SALE OF SURPLUS PROPERTY AT 8 HUGH BROWN DRIVE, NEW LYNN

Your Committee Recommends:

- (a) That it be noted that the surplus land has been offered back to the former owners consistent with the requirements of Section 40 of the Public Works Act 1981, and they have declined;

- (b) That the land for the pump station at 8 Hugh Brown Drive, New Lynn be requested to be set apart pursuant to Section 52(4) of the Public Works Act;
- (c) That a report on opportunities for development around the surplus land at 8 Hugh Brown Drive, New Lynn be brought to the September 2005 meeting of the Finance and Operational Performance Committee.

2. OTHER MATTERS CONSIDERED

10-18
Part F
5-7
Part I

Your Committee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 10 to 18 in the supplement labelled Part F. The public excluded minutes are attached at pages 5 to 7 of the confidential supplement labelled Part I.

Your Committee Recommends:

That the report of the Meeting of the Finance and Operational Performance Committee held on Monday, 11 July 2005 be received.

3. THE WAITAKERE REGIONAL SPORTS TRUST - FINANCIAL ASSISTANCE

1
Part I

The report from Finance and Operational Performance Committee: The Waitakere Regional Sports Trust - Financial Assistance will be considered in the Public Excluded section of the meeting as Item 19 (attached at page 1 in the confidential supplement labelled Part I).

JM Clews, QSO, JP

CHAIRPERSON



13 PLANNING AND REGULATORY COMMITTEE

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON TUESDAY, 12 JULY 2005

1. BYLAW REVIEW UNDER THE LOCAL GOVERNMENT ACT 2002

PURPOSE OF THE REPORT

The purpose of this report is to refer the recent recommendations of the Planning and Regulatory Committee to Council for approval.

BACKGROUND

On 15 December 2004, Council resolved (2337/2004) that the Planning and Regulatory Committee be directed to review and finalise the Bylaw Review Programme and make recommendations upon all reports in respect of the Bylaw Review Programme prior to those reports coming to Council for final deliberation and decision.

The Planning and Regulatory Committee has considered a number of reports this year concerning 11 existing Bylaws. In relation to two Bylaws, No.25 (1990) 'Radio Frequency Radiation', and No.27 (1995) 'Spray Paint Cans', the statutory review has been postponed until further information is available. With regard to Bylaw No.10 (1990) 'Restriction On The Use Of Jaw Traps', the review has been deferred pending its repeal by operation of law under the Animal Welfare Act 1999, or expiry by virtue of the Local Government Act 2002.

The Planning and Regulatory Committee has also resolved to recommend to Council that 7 Bylaws be repealed, and that an updated Food Safety Bylaw be approved, in both cases subject to the public consultation process as defined in the Local Government Act 2002.

BYLAWS RECOMMENDED FOR REPEAL

On 12 April 2005 (631/2005) the Committee resolved to recommend to Council that the Bylaws listed below be repealed for the reasons given in the agenda report:

No.3 (1990) Land Subdivision and Development
No.12 (1990) Certification Fee for Documents
No.15 (1990) Dangerous Goods Approvals and Inspection Fees
No.16 (1990) Fencing of Swimming Pools
No.23 (1990) Clean Indoor Air

On 10 May 2005 the Planning and Regulatory Committee resolved (808/2005) to recommend to Council that the following Bylaws be repealed for the reasons given in the agenda reports:

No.21 (1990) Hazardous Substances
No.24 (1990) Construction Noise

On both occasions the Planning and Regulatory Committee also authorised officers to prepare a Statement of Proposal and Summary of Information in respect of the proposed repeals for inclusion in the Special Consultative Procedure relating to the review of Council's Bylaws scheduled for October/November 2005.

On 12 July 2005 the Planning and Regulatory Committee considered a Summary of Information covering all 7 Bylaws recommended for repeal. The reasons for repeal in each case are given on the Summary of Information and are taken directly from the agenda reports considered by the Planning and Regulatory Committee in April and May. In each case, the Bylaws have been superseded by subsequent legislation and/or are not relied upon for enforcement purposes. The Statement of Proposal consists only of the Summary of Information and copies of the Bylaws recommended for repeal. The consultation documents are less detailed than would normally be provided, because the proposals relate to redundant Bylaws, consequently the repeal is not believed to have any obvious community implications.

A2-A34

The Planning and Regulatory Committee recommended to Council that the Summary of Information and Statement of Proposal attached at pages A2 to A34 in respect of the proposed repeal of all 7 Bylaws, be approved.

REVIEW OF BYLAW No.26 (1994) FOOD SAFETY BYLAW

A35-A57

On 12 July 2005 the Committee considered a draft Food Safety Bylaw updating and simplifying the existing Bylaw. A copy as amended by the Planning and Regulatory Committee is attached at pages A35 to A45. Some changes have been made to the existing Bylaw relating to the display of grading certificates and the qualification requirements for food handlers. There is also a new section proposed to regulate and monitor persons who hire out equipment used in the service or consumption of food. The Planning and Regulatory Committee resolved to recommend that the draft Food Safety Bylaw 2005 together with the Summary of Information and Statement of Proposal attached at pages A46 to A57, by approved by Council and submitted for public consultation.

SPECIAL CONSULTATIVE PROCEDURE

If the Council accepts the Committee's recommendations, the proposals relating to all 8 Bylaws will be submitted for public consultation pursuant to Section 83 of the Local Government Act 2002. Submissions received will be heard by the Planning and Regulatory Committee in November, in accordance with Council's previous resolution. Final reports relating to both the proposed Food Safety Bylaw and the proposal to repeal 7 bylaws will be brought back to Council for final determination (with amendments as appropriate) at the end of the consultation process.

RECOMMENDATIONS

1. That this Bylaw Review Under The Local Government Act 2002 report be received.
2. That the Planning and Regulatory Committee's recommendations to Council in respect of the review of **Bylaw No.26 (1994) Food Safety** be approved, namely:
 - a) That having considered the possible options, a Bylaw is the most appropriate mechanism to assist in the regulation of food premises and to ensure the provision of safe food within the City;
 - b) That for the reasons given in the agenda report, the draft form of Bylaw produced and amended at the Planning and Regulatory Committee on 12 July 2005 updating the existing Food Safety Bylaw No.26 (1994), is the most appropriate form of Bylaw to achieve Council's objectives;
 - c) That the draft Bylaw has no implications which are inconsistent with the New Zealand Bill of Rights Act 1990;
 - d) That the Statement of Proposal and Summary of Information attached to this report is approved in principle. Officers are authorised to make any necessary editorial and formatting changes and implement the Special Consultative Procedure as set out in Section 83 Local Government Act 2002;
 - e) That the Planning and Regulatory Committee will hear any submissions during November 2005 with a report in relation to the proposed Bylaw to be brought back to Council for final decision.

3. That the Planning and Regulatory Committee's recommendations to Council (Resolutions 631/2005 and 808/2005 refers) regarding the proposal to repeal redundant bylaws are approved, namely:

a) That the 7 Bylaws listed below be repealed for the reasons given on the agenda reports;

No.3 (1990) Land Subdivision and Development

No.12 (1990) Certification Fee for Documents

No.15 (1990) Dangerous Goods Approvals and Inspection Fees

No.16 (1990) Fencing of Swimming Pools

No.23 (1990) Clean Indoor Air

No.21 (1990) Hazardous Substances

No.24 (1990) Construction Noise

A46-A57

b) That the Summary of Information and Statement of Proposal attached at pages A46 to A57 in respect of the proposed repeals, are approved.

c) That officers be authorised to proceed with the Special Consultative Procedure as defined in the Local Government Act 2002.

Report prepared by: Vanessa Neeson, Chairperson, Planning and Regulatory Committee, Denis Sheard, Legal Services Manager and Yvonne Donaldson, Team Leader: Legal Services.

2. OTHER MATTERS CONSIDERED

19-22
Part F

Your Committee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 19 to 22 in the supplement labelled Part F.

Your Committee Recommends:

That the report of the Meeting of the Planning and Regulatory Committee held on Tuesday, 12 July 2005 be received.

VS Neeson, JP
CHAIRPERSON



PART G - PRESENTATIONS

14 **RAIL SERVICE**

The Mayor has invited Chris White from Connex to make a presentation on the Auckland Rail Service.

15 **AUCKLAND MUSEUM**

The Mayor has given approval for David Hill (Chairman, Auckland Museum Trust Board), Dr Rodney Wilson (Director, Auckland Museum) and Amanda Sutherland (Development Manager, Auckland Museum) to make a presentation on the development of the Auckland Museum.

16 **CITATION**

The Mayor will give a Citation to Lydia Gillies, Life Guard at West Wave Aquatic Centre, in recognition of her extreme act of bravery in saving the life of an American Kite Surfer in Muriwai, on Saturday, 28 May 2005.



PART H - PROCEDURAL MATTERS

17 **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.



18 **NOTICES OF MOTION**

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



PART I - PUBLIC EXCLUDED MATTER

19 REPORT FROM FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE: THE WAITAKERE REGIONAL SPORTS TRUST - FINANCIAL ASSISTANCE

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

PROCEDURAL MOTION TO EXCLUDE THE PUBLIC

That the public be excluded from the following part of the proceedings of this meeting, namely, Report from Finance and Operational Performance Committee: The Waitakere Regional Sports Trust - Financial Assistance.

The general subject of the matter to be considered while the public is excluded, the reason for passing this resolution in relation of the matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of the matter to be considered.	Reason for passing this resolution in relation to the matter.	Ground(s) under Section 48(1)(a) for the passing of this resolution.
<ul style="list-style-type: none"> • Report from Finance and Operational Performance Committee - The Waitakere Regional Sports Trust - Financial Assistance. 	<p>The withholding of information is necessary in order to:</p> <ul style="list-style-type: none"> • protect information where the making available of the information - would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information. 	<p>That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</p>

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 7(2)(b)(ii) of that Act which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public as follows:

- *The report contains information which if released could affect the Council's negotiations.*



20 CLOSING PRAYER

