

**AGENDA FOR A MEETING OF THE COUNCIL TO BE HELD IN THE CIVIC CENTRE,
6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,
ON WEDNESDAY, 29 JUNE 2005
COMMENCING AT 5.30 PM**

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PART A - OPENING OF MEETING

1 OPENING PRAYER

Martien Kelderman (Elder of Te Atatu Bible Chapel) will say the Opening Prayer.



2 APOLOGIES



3 CONFIRMATION OF MINUTES

Meeting Minutes - 17 May 2005
- 24 May 2005
- 25 May 2005
- 15 June 2005

RECOMMENDATION

That the minutes of the Meetings of the Council held on Tuesday, 17 May 2005, Tuesday, 24 May 2005, Wednesday, 25 May 2005 and Wednesday, 15 June 2005, as circulated, be taken as read and now be confirmed.

Page 8
Part G

The public excluded minutes are attached at page 8 of the confidential supplement labelled Part G.



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 I TE MANE I TE 13 O PIPIRI 2005

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON MONDAY, 13 JUNE 2005

MATTERS CONSIDERED

*1-4
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 4 in the supplement labelled Part C.

NGA TAKE E WHIRIWHIRIA

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

Your Committee Recommends:

That the report of the Meeting of Te Taumata Runanga held on Monday, 13 June 2005 be received.

TW Taua, MNZM

CHAIRPERSON



6 NEW LYNN COMMUNITY BOARD

THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON MONDAY, 30 MAY 2005

MATTERS CONSIDERED

*5-11
Part C*

The Board dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 5 to 11 in the supplement labelled Part C.

The Board Recommends:

That the report of the Meeting of the New Lynn Community Board held on Monday, 30 May 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, 31 MAY 2005

MATTERS CONSIDERED

12-19
Part C

The Board dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 12 to 19 in the supplement labelled Part C.

The Board Recommends:

That the report of the Meeting of the Waitakere Community Board held on Tuesday, 31 May 2005 be received.

CA Shepherd, JP

CHAIRPERSON



8 MASSEY COMMUNITY BOARD

THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON WEDNESDAY, 1 JUNE 2005

MATTERS CONSIDERED

20-26
Part C

The Board dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 20 to 26 in the supplement labelled Part C.

The Board Recommends:

That the report of the Meeting of the Massey Community Board held on Wednesday, 1 June 2005 be received.

JA Good

CHAIRPERSON



9 **HENDERSON COMMUNITY BOARD**

THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON THURSDAY, 2 JUNE 2005

MATTERS CONSIDERED

27-30
Part C

The Board dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 27 to 30 in the supplement labelled Part C.

The Board Recommends:

That the report of the Meeting of the Henderson Community Board held on Thursday, 2 June 2005 be received.

EAG Grimmer, MNZM
CHAIRPERSON



PART D - REPORT OF THE CHIEF EXECUTIVE OFFICER

10 **OFFICIAL VISIT TO KAKOGAWA AND NINGBO AND ATTENDANCE AT THE MAYORS FOR PEACE CONFERENCE**

PURPOSE OF THE REPORT

The purpose of this report is to seek the Council's approval and resourcing for Councillor Peter Chan to accompany Mayor Bob Harvey to Japan and China in July/August 2005 and to attend the Mayors for Peace Conference as an observer. This is being reported to Council as it involves overseas travel.

BACKGROUND

Mayor Bob Harvey is attending the Mayors for Peace Conference in Hiroshima, Japan from 3 to 7 August 2005. This conference will be held on the 60th Anniversary of the atomic bombings in that City.

Mayor Bob Harvey is also to pay an official visit to the Council's Sister City in Kakogawa, Japan before the conference and will travel on to the Council's Sister City in Ningbo, China where he is to receive an honorary citizenship.

The two day visit to Kakogawa will include the official opening of a native plant garden with some 100 eco-sourced plants and shrubs having being shipped to Japan, along with a planting plan prepared by the Parks department. The garden will surround the three pou whenua (carved poles) previously presented to Kakogawa City.

Mayor Harvey has requested that Councillor Chan accompany him on this visit for two principal reasons:

- to engage with business contacts in Ningbo to create opportunities for economic development between the two cities;
- to provide translation services for the Mayoral party whilst in China.

Councillor Chan is also seeking the opportunity to visit Kakogawa and to attend the Mayors for Peace Conference in Hiroshima as an observer on the way to Ningbo.

STRATEGIC CONTEXT

The Council has a strategic framework and direction based around the concept of sustainable development and being an Eco-city. Within this framework the Council has a number of outcomes and goals that it wishes to achieve. Among these is supporting the development of sustainable business and economic growth. Engaging with our Sister Cities may open up opportunities for trade to develop that would be beneficial to the City and to New Zealand.

ISSUES

Waitakere City has entered into a Sister City relationship with Ningbo, in China, and this relationship is essentially business focused. There is potential for a much stronger economic relationship.

The continuing developments of closer economic relationships between New Zealand and China are being promoted by the Government.

The opportunity for Councillor Chan to engage with businesses in Ningbo may aid the development of the relationship with Ningbo, strengthen the City's trade links with that City, open doorways for possible trade links with other Cities in China, and assist in the economic development of Waitakere City.

Councillor Chan will assist Mayor Bob Harvey to present an investment opportunity for Henderson Valley Studios. The presentation will be made to television and film industry contacts in Ningbo, who visited Waitakere last year and were impressed with development plans for the Henderson Valley Studios.

Councillor Chan will also follow up at the Mayor's request, initial discussions held with the Geeley Motor Company, visit the Youngor Group a major manufacturing enterprise specialising in clothing, and discuss marine and aquaculture investment possibilities with the Ningbo Ocean and Fishery Administration.

The potential to engage with the Investment New Zealand office in China will be investigated. Investment New Zealand is the investment promotion arm of New Zealand Trade and Enterprise. Investment New Zealand has a beachheads programme aimed at encouraging and supporting potential investors prepared to commit to New Zealand.

RESOURCES

The costs for Councillor Chan to accompany the Mayor would be of the order of \$7,000 for travel, \$2,750 for accommodation and \$130 for the Conference registration fee. Councillor Chan has indicated that he would meet a proportion of the accommodation costs (approximately \$1,500) for those additional nights not directly attributable to the Kakogawa and Ningbo visits.

The costs for Council/or Chan to travel to Ningbo only would be of the order of \$5,000 for travel and about \$720 for accommodation.

In summary: Kakogawa/Hiroshima/Ningbo, after contribution (\$1,500) by Councillor Chan for some accommodation, \$8,380 or Ningbo only \$5,720.

Councillor Chan will also stay on in Hong Kong, as a stop-over on his return, at his own expense and may also pursue business opportunities for Waitakere City amongst his contacts there.

The costs to Council can be met from existing resources in the Councillor's expenses budget.

CONCLUSION

Council is asked to approve the resourcing and attendance of Councillor Chan on Sister City visits to Kakogawa and Ningbo and attendance at the Mayors for Peace Conference in Hiroshima, in the intervening period, excluding a contribution towards additional accommodation as outlined in the report. Councillor Chan would be making the official part of this trip on behalf of the Council at the Mayor's request. An option is for the Council to approve the resourcing and attendance in respect of accompanying the Mayor on the Ningbo portion of the visit only.

RECOMMENDATIONS

1. That the Official Visit to Kakogawa and Ningbo and Attendance at the Mayors for Peace Conference report be received.
2. That the Council approve the attendance and resourcing of Councillor Peter Chan on the official visit to Ningbo from 7 August to 11 August 2005 inclusive, on the basis that all costs outside of those dates be paid for by Councillor Peter Chan.
3. That the Council approve the attendance and resourcing of Councillor Peter Chan on the official visit to Kakogawa, and attendance at the Mayors for Peace Conference in Hiroshima from 30 July to 6 August 2005 inclusive, on the basis that accommodation costs related to the conference in Hiroshima be paid for by Councillor Peter Chan.

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



11 REPLACEMENT APPOINTMENT TO TE TAUMATA RUNANGA - REPRESENTATIVE OF TE RUNANGA O NGATI WHATUA

PURPOSE OF THE REPORT

The purpose of the report is to enable Council to make an appointment to Te Taumata Runanga to replace Karen Wikiriwhi, the current representative of Te Runanga O Ngati Whatua, with Awa Hudson, the existing alternate member.

BACKGROUND

At the Council Meeting held on 24 November 2004, Karen Wikiriwhi was appointed to Te Taumata Runanga representing Te Runanga O Ngati Whatua, with Awa Hudson as the alternate (via resolution No. 2111/2004).

ISSUES

- A1-A2 The Secretary of Te Runanga O Ngati Whatua has recently advised that Karen Wikiriwhi has tendered her resignation from representing Te Runanga O Ngati Whatua on Te Taumata Runanga, and that Awa Hudson will be appointed to represent Ngati Whatua at Te Taumata Runanga meetings in place of Karen Wikiriwhi. An alternate member will be nominated at a later stage. Copies of the Secretary's letters giving the advice on Mr Hudson's appointment are attached at pages A1 to A2.

RESOURCES

No additional resources will be required.

RECOMMENDATIONS

1. That the Replacement Appointment To Te Taumata Runanga - Representative of Te Runanga O Ngati Whatua report be received.
2. That Awa Hudson be appointed as Te Runanga O Ngati Whatua representative on Te Taumata Runanga, and that an alternate be appointed once notification of the appointee has been received from Te Runanga O Ngati Whatua.

Report prepared by: Audrey Chan, Committee Secretary.



12 COUNCIL REPRESENTATION ON LOWER ORATIA STREAM RESERVES MANAGEMENT PLAN SUBCOMMITTEE

PURPOSE OF THE REPORT

The purpose of this report is to seek Council approval for a member of the City Development Committee to represent Council on the Lower Oratia Stream Reserves Management Plan Subcommittee of the Henderson and Waitakere Community Boards.

BACKGROUND

The Lower Oratia Stream Reserves Management Plan Subcommittee was established in the last term of Council as a Subcommittee of the Henderson and Waitakere Boards to oversee the preparation of the Lower Oratia Stream Reserves Management Plan. The membership of the Subcommittee includes a representative of the Council to be appointed via the appropriate committee.

ISSUES

- A3 It is appropriate for Council representation on the Subcommittee to be from the City Development Committee, as this Committee oversees, *inter alia*, city wide strategies and policies covering Parks and Reserves. The delegations to the Subcommittee will be amended to reflect the appropriate membership (see attachment at page A3).

RESOURCES

There are no additional financial or staffing requirements in regard to this matter.

CONCLUSION

Subject to Council's approval of the proposed Council representation, the City Development Committee will at its meeting scheduled on Thursday, 7 July 2005, be requested to appoint a member onto the Lower Oratia Stream Reserves Management Plan Subcommittee.

RECOMMENDATIONS

1. That the Council Representation on the Lower Oratia Stream Reserves Management Plan Subcommittee report be received.
2. That Council approve that a member of the City Development Committee represent Council on the Lower Oratia Stream Reserves Management Plan Subcommittee, and that the delegations of the Subcommittee be amended accordingly.
3. That the Waitakere and Henderson Community Boards be advised of the amended delegations of the Lower Oratia Stream Reserves Management Plan Subcommittee.

Report prepared by: Audrey Chan, Committee Secretary.



13 TE ATATU BOATING CLUB INCORPORATED

PURPOSE OF THE REPORT

The purpose of this report is to inform Councillors of a decision by the Chief Executive Officer acting under delegated authority, to file an application in the High Court in Auckland for an injunction to restrain Te Atatu Boating Club Incorporated ('the Boating Club') from taking any steps to enforce a decision to terminate the tenancy of Waitakere Outrigger Canoe Club on a portion of the Boating Club's land at Bridge Avenue, Te Atatu South. Those proceedings were filed in the High Court on Wednesday, 15 June 2005 and served on the Boating Club on that day. In accordance with normal procedures, the Chief Executive Officer has also signed an undertaking as to damages.

BACKGROUND

The Boating Club occupies land bordering the Whau River at Bridge Avenue Te Atatu South. The land is reclamation and is comprised in two titles:

- Lot 1 DP 92355 which is 6624m² in area on which is located the club house and slipway ('the club house land');
- Lot 1 DP 133949 is 1.69ha in area on which is located the boat parking and storage areas ("the balance land").

A4

A plan of this land is attached at page A4.

The club house land was transferred by the Council to the Boating Club in 1992 at a full market value. The Boating Club had previously leased the land from the Auckland Harbour Board (subsequently from the Council) and paid a market rent. The purchase price paid effectively bought out the lease. The balance land was transferred in 1997 at a price of \$1.00 in recognition of the expenditure, in money, time and effort made by the club and its members in the reclamation of the land.

Each parcel of land was sold subject to a Memorandum of Encumbrance in favour of the Council.

- The club house land is subject to a covenant that the Boating Club will at all times *“ensure that adequate pedestrian and vehicular access is made available to the public ...to enable the public to utilise any jetty boat ramps and refilling facilities established and maintained by the club”* on that land. It is believed that this covenant may reflect similar provisions in original Harbour Board lease.
- The encumbrance over the balance land includes a covenant by the Boating Club to preserve free public access across the balance land for the purpose of *“launching and retrieving of boats from any ramp or other authorised launching facility”* and then goes on to provide that the Boating Club will give *“continued support to other water based sport and recreation entities, not incompatible with the club’s own use”*. This encumbrance also provides that on a proposed sale, or in the event of a winding up or dissolution of the Boating Club, the Council will have *“the first option to re-acquire the land at nil consideration”*. This provision makes it clear that the Boating Club’s ownership of the balance land was not intended to be absolute but rather that its ownership is in the nature of what may loosely be described as a 'custodial' relationship on behalf of the Council.

A4

Part of the balance land is occupied by Waitakere Outrigger Canoe Club under a lease. This area is marked Waitakere Outrigger Canoe Club on the plan attached at page A4. Waitakere Outrigger Canoe Club pays a rental of \$1,500 per annum. Part of the area occupied by Waitakere Outrigger Canoe Club is legal road.

Approximately 12 months ago the Boating Club indicated that it wanted Waitakere Outrigger Canoe Club to vacate the balance land. A suggestion made by Waitakere Outrigger Canoe Club that it relocate within the balance land and upgrade another slipway at the southern end of the site was rejected by the Boating Club. Its published reason for asking Waitakere Outrigger Canoe Club to go was a complaint that growing activity from both clubs had led to congestion that made the yard ramp and pontoons far too crowded. A notice was given to Waitakere Outrigger Canoe Club in November 2004 requiring that it vacate the site by 15 May 2005.

When Waitakere Outrigger Canoe Club was unable to resolve its dispute with the Boating Club it referred the matter to the Leisure Services Manager. Following correspondence from the Council, the Boating Club agreed to defer action for one month and to meet with Waitakere Outrigger Canoe Club at a 'mediation' chaired by the Leisure Services Manager. That meeting took place on 24 May 2005 but was unsuccessful. The Boating Club was intransigent in its position, although the reasons for its action are now said to be the need for additional boat/tractor storage and for storage of furniture and other goods in the shed on the Waitakere Outrigger Canoe Club site.

Waitakere Outrigger Canoe Club has attempted to find other suitable alternative accommodation without success. The Boating Club site offers all tides access and pontoons for launching. All other sites are affected by tides and unusable for various periods before and after low tide. There was a prospect of a temporary (during the winter only) arrangement with a rowing club but it has been unable to locate any permanent and satisfactory alternative premises. There is therefore a risk that Waitakere Outrigger Canoe Club may become homeless and if that occurs, it will be a great deal more difficult for the club to survive, let alone thrive.

Waitakere Outrigger Canoe Club has 110 full members and over 100 other members of both genders and all ages. It owns six, 6 person canoes and about 15 other single and 2 person canoes. Waitakere Outrigger Canoe Club says that the growth area of the sport in recent times has been with junior members, which comprise over half the membership of Waitakere Outrigger Canoe Club. This is consistent with the potential growth of the sport in recent times. Over 2,000 paddlers attended the Secondary School Championships in Rotorua. Waitakere Outrigger Canoe Club has a close association with schools in West Auckland, several of which use Club facilities and canoes.

Waitakere Outrigger Canoe Club is the only outrigger canoe club in West Auckland. It is the largest of 15 clubs in the Auckland Region and also the most successful in local, national and international competitions.

ISSUES

Questions surrounding the foreshore and public access to waterways are generally contentious issues at the present time. The boat ramps and the pontoons on the Boating Club's land are valuable assets. Wherever such assets exist there is always a demand for space for vehicle manoeuvring, boat parking and boat storage. Potential for conflict between users of the site in those circumstances is inevitable. The position adopted by the Boating Club appears to be that the uses by its members (it needs to be noted that some members of Waitakere Outrigger Canoe Club are also members of the Boating Club) should take priority over potential use by Waitakere Outrigger Canoe Club or by other water based sporting entities. The terms of the Memorandum of Encumbrance however, require a different approach.

At the present time, apart from Waitakere Outrigger Canoe Club there appears to be only one other water based sporting entity with a presence on the balance land. The Piha Surf Club has surf boats in one of the storage bays depicted on the plan. It is not known whether the Surf Club is the tenant of the storage bay or is simply able to use the bay by arrangement with a member of the Boating Club. (There is anecdotal evidence that historically other surf clubs stored equipment on the site but were squeezed out by the Boating Club some time during the 1980s.) Waitakere Outrigger Canoe Club advises that it has been on the site since 1992, long before the sale of the balance land in 1997, and that it is only in recent time that its relationship with the Boating Club has deteriorated. If the Council does not enforce the terms of the encumbrance at this stage, it may not be able to reassert its rights at a later time.

It is the view of officers that Council's interests would be best served by the Boating Club continuing to accommodate bodies such as Waitakere Outrigger Canoe Club within the balance land. Currently, the Boating Club charges Waitakere Outrigger Canoe Club a rental, which appears to be fairly commercial rental, and which provides some return on investment to the Boating Club. If the Boating Club remains intransigent about accommodating other water base sporting entities Council might, as an alternative to enforcing the encumbrance, consider using its powers under the Public Works Act 1981 to acquire all or part of the balance land so that it can control and manage competition between all water based sporting entities (including the Boating Club) which might wish to have storage facilities in this location in close proximity to the publicly accessible boat ramps. This would not however, be considered to be a preferred outcome, because of the time, trouble and expense that would be involved in implementing that solution. It is however noted that assessing a value of the land to be taken under the Public Works Act 1981 would be an 'interesting' exercise, given the terms of the encumbrance relating to the sale of any part of the balance land for the designation of the balance land on a winding up or dissolution of the Boating Club (i.e. the requirement to transfer the balance land at nil consideration).

One further issue has arisen as a result of investigation of the circumstances relating to Waitakere Outrigger Canoe Club and that relates to the location of the western boundary of the balance land at the Bridge Avenue frontage. As will be seen from the plan, the playground and recreation area developed in that locality is partly within the boundary of the Boating Club land and partly on esplanade reserve. Irrespective of a resolution of the dispute in relation to the terms of encumbrance there will need to be some rationalisation of the boundaries of the esplanade reserve and the balance of the Boating Club's land.

CONCLUSION

It is recommended that Council approve the Chief Executive Officer's actions in commencing injunction proceedings. The matter received its first call-over on the morning of 16 June 2005 and the next call-over date is set for 7 July 2005. In the meantime, the Boating Club must file affidavits by 30 June and Council must file affidavits in reply by 6 July 2005. Pending call-over on 7 July 2005, the status quo is preserved and Waitakere Outrigger Canoe Club can remain on the site.

The Boating Club has instructed counsel (Jeremy Atkinson) since filing of the injunction proceeding and once the Boating Club's legal advisers have an understanding of the issues, there may be an opportunity for further discussions to explore an acceptable basis for settlement of the matter without the need for further resort to the litigation process.

RECOMMENDATIONS

1. That the Te Atatu Boating Club Incorporated report be received.
2. That the action of the Chief Executive Officer in authorising the issue of injunction proceedings against the Te Atatu Boating Club Incorporated, and the giving of an undertaking as to damages, be approved.
3. That officers be directed to endeavour to find a suitable basis for a negotiated settlement of the differences between the Council and the Te Atatu Boating Club Incorporated, so as to avoid the need for further litigation if possible.
4. That officers enter into negotiation with the Te Atatu Boating Club for rationalisation of the boundaries between the Boating Club's land (Lot 1 DP 133949) and the adjoining esplanade reserve (Lot 89 DP 39914).

Report prepared by: Denis Sheard, Manager: Legal Services.



14 WAITAKERE CITY COUNCIL SPEED LIMITS BYLAW 2005

PURPOSE OF THE REPORT

The purpose of this report is to complete the process for validating Waitakere City's current speed limits by Bylaw as required in the new Land Transport Speed Limits Rule 54001.

BACKGROUND

The Land Transport Speed Limits Rule 54001 requires Councils and other road controlling authorities to take over many of the Land Transport Safety Authority's responsibilities for setting speed limits, which initially requires validating current speed limits by Bylaw before 1 July 2005.

The new rule is simply an administrative change with the actual limits that can be set still being determined by the same rules used previously to ensure national consistency. There is very limited choice available to individual territorial authorities in setting speed limits, which are essentially based on the level of development in a particular area so that changes to speed limits will usually only be as a result of development. The rule defines the types of locations which are appropriate for the particular speed limits which exist in the city at present.

The benefit of the new rule is that Council may now review speed limits rather than wait for the Land Transport Safety Authority to do so, but only within the existing framework and Council must also now bear the cost of administering the speed limits.

STRATEGIC CONTEXT

Waitakere Council's 'Integrated Transport and Communication' platform provides the strategic context for this report. The vision is for public transport systems that provide fast, effective services, and for city travel facilitated by integrated, environmentally responsible, and innovative design, with a focus on meeting the essential needs of all, for access, communication, and safety. Safe and appropriate speed limits play an essential role in ensuring safety on our roads.

ISSUES

A5-A11

The issues relating to this matter were set out in detail in the 30 March 2005 Council Agenda Report attached at pages A5 to A11. In brief, the new Land Transport Speed Limits Rule 54001 initially requires Council to validate current speed limits by 1 July 2005. It then requires all subsequent speed limits to be set or reviewed according to the existing prescribed procedure, including conducting a speed limit rating survey and completing the required consultation.

Waitakere City's speed limits will be reviewed by the end of the year and it is expected that several rural speed limits will be reduced as a result. This will go through the special consultative procedure to provide the opportunity for formal public submission. Once that process has been completed it may then be appropriate for speed limits to be amended by Council resolution, subject to compliance with the Speed Limits Rule and completion of the appropriate consultation, but without the need for use of the more formal special consultative procedure.

PUBLIC CONSULTATION ON DRAFT BYLAW - SPECIAL CONSULTATIVE PROCEDURE

A12-A14

In accordance with the required Special Consultative Procedure, public notice of the draft Bylaw and submission closing date was given in the Western Leader (19 April), Auckland West Edition (20 April) and Council website, which included information regarding obtaining a Statement of Proposal (including Summary of Information and draft Bylaw) and submission form attached at page A12. In addition, as required by the Local Government Act 2002 and clause 7.1(2) of the new Land Transport Rule 54001, a Summary of Information in respect of the draft Bylaw was distributed widely to adjoining road controlling authorities, Ratepayers & Residents Groups, Police, Automobile Association, Road Transport Forum NZ, Land Transport NZ, the Mayor, Councillors, Community Board Chairpersons, Te Taumata Runanga, and relevant Council staff attached at pages A13 to A14.

It was however, clearly noted that this draft Bylaw only ratifies current speed limits as required by the new Land Transport Rule 54001, and that Waitakere City's speed limits would be reviewed over the next year with an opportunity to make submissions on these in due course.

SUBMISSIONS MADE ON THE DRAFT BYLAW

A15-A18

The closing date for submissions was 20 May 2005. Only two submissions were received, including one from the Land Transport Safety Authority's Auckland Office, and the other from the Huia-Cornwallis Ratepayers & Residents Association, which have been responded to by Council Officers attached at pages A15 to A18. Submissions were scheduled to be heard by the Planning and Regulatory Committee on 10 and 14 June 2005, but this was not required in the end as there were no presenters who wished to be heard.

Submission from the Huia-Cornwallis Ratepayers & Residents Association

This group supported the draft Speed Limits Bylaw ratifying existing speed limits, but submitted that some speed limits (e.g. Huia Road, Whatipu Road) are dangerously inappropriate in that they indicate maximum speed limits that are dangerous given the nature of the roads. It was stated that this concern is shared by many communities in the City's rural areas.

It was asked that in relation to the upcoming review of existing Waitakere City speed limits:

- The review of speed limits referred to in the background information be given a high priority and carried out as soon as possible;
- This review be done with maximum input;
- Council prepare a report on the wider road issues and speed issues relating to Huia Road, Cornwallis Road and Whatipu Road, and perhaps even in relation to rural roads generally (similar to the report requested of the Chief Executive Officer by Waitakere Community Board at its 3 May 2005 meeting in respect of Waitakere Road, Waitakere).

The Council's Transport Engineer spoke with representatives from this group over the phone and at a meeting on 31 May 2005. He indicated that the review of existing Waitakere City speed limits will take place later this year, and priority will be given to those in rural areas such as theirs. There will be an opportunity for community input both during this review, and in the formal submission process in relation to reviewed speed limits, which will be presented as an amendment to the Speed Limits Bylaw 2005.

The Council's Transport Engineer explained that the request for a report on wider road and speed issues at Huia, Cornwallis and Whatipu needs to be made in the Public Forum section of the Waitakere Community Board meeting.

Submission from the Land Transport Safety Authority's Auckland Office

The submission set out some general comments regarding suggested editorial amendments, and also a number of comments about specific roads which relate to the Schedules attached to the Bylaw detailing the varying speed limits that apply in Waitakere City.

In relation to Schedule 3 (roads with a limit of 80 km/hr), it was submitted that there are inconsistencies between the start and end points of a number of roads according to the descriptions in the current map gazette for roads excluded from the derestricted limit of 100 km/hr. However as mentioned in the submission, this relates to 80 km/hr limits set in Council's Bylaw No.7 Traffic (Clause 11A Speed Limits), to be confirmed by this Speed Limits Bylaw.

Comments made regarding Schedules 2 and 4 relate largely to an older version of the Bylaw attached to the 30 March 2005 Council Agenda Report, and not the version for consultation that was displayed on Council's website (now at <http://www.waitakere.govt.nz/AbtCnl/pp/draft-policies/speedbylaw.asp>). This is with the exception of the final comments for Schedule 4 on Duffy and Sunnyvale Roads, and these have now been corrected.

EDITORIAL AMENDMENTS MADE TO SPEED LIMIT SCHEDULES IN THE DRAFT BYLAW

A19 In addition to editorial amendments made (prior to public consultation) to the Speed Limit Schedules by Council officers as authorised at Council's 30 March 2005 meeting, the following amendments have been made as a result of the Land Transport Safety Authority submission and their notice in the NZ Gazette on 2 June 2005 attached at page A19.

In accordance with the submission received from the Land Transport Safety Authority's Auckland Office, corrections have been made to Schedule 4 (roads with a limit of 100 km/hr) to incorporate their final comments for Schedule 4 on Duffy and Sunnyvale Roads.

The following additions have been made to Schedule 4:

- Duffy Road;
- Sunnyvale Road (North of 25 Metres South of Red Hills Road).

Schedule 5 (40km/hr School Zone Variable Speed Limits) has been updated to incorporate the Land Transport Safety Authority notice in the NZ Gazette on 2 June 2005. This now permits school zone variable speed limit signs to be operated for a maximum period of:

- 10 minutes at any other time when at least 50 children cross the road *or enter or leave vehicles at the roadside.*

ADOPTION OF THE DRAFT BYLAW

A20-A25 It is recommended that Council adopt, with immediate effect (in order to validate current speed limits by the required date in the new Land Transport Rule 54001 of 1 July 2005), the draft Bylaw attached at pages A20 to A25 incorporating editorial amendments made to the Speed Limit Schedules by Council officers as authorised at Council's 30 March 2005 meeting.

As previously stated, these speed limits will be reviewed by the end of 2005 in accordance with the prescribed procedure and any amendments to the limits and/or the form of the Bylaw will be publicly notified using the special consultative procedure.

RECOMMENDATIONS

1. That the Waitakere City Council Speed Limits Bylaw 2005 report be received.
2. That editorial amendments authorised to be made by Council officers in respect of the draft Bylaw approved for public consultation at Council's 30 March 2005 meeting be adopted.
3. That the draft Bylaw as amended, a copy of which is attached at pages A20 to A25, be adopted with immediate effect.
4. That the Speed Limit Schedules in the draft Bylaw attached at pages A21 to A25 form the basis of the Council's Speed Limits Register as required by the new Land Transport Rule 54001.

5. That Council officers complete a review of Waitakere City's speed limits and the Speed Limits Bylaw 2005 by the end of 2005 in accordance with the procedure prescribed in Schedule 1 of the Land Transport Rule 54001 and in consultation with the local community. A report, with an amended Bylaw, should then be presented to the City Development Committee.

Report prepared by: Denis Sheard, Manager: Legal Services and Sharleen Grounds, Solicitor - Legal Services Unit.



15 WESTPARK MARINA SEABED LICENCE

PURPOSE OF THE REPORT

The purpose of the report is to update elected members with the current position extant under the Seabed Head Licence and Sub-Licence at Westpark Marina, to acknowledge the outcome of the recent rent review process, and to address the position arising as a result of the imminent expiry of the initial 20 year term under the respective licence documents. This report does not address extant issues relating to car parking and other development issues, which will be the subject of a separate report to an appropriate meeting within the next two months.

BACKGROUND

As part of the original marina construction arrangements committed during the early 1980s, and as envisaged under the Waitemata City Council (West Harbour) Empowering Act 1979, that part of the seabed adjacent to the land based reclamation at Westpark Marina and as enclosed by the breakwater arms (including all piles, gangways, pontoons, mooring berths and other boat harbour equipment) was licensed to enable the operation of the boat marina and to provide for the conferring of berth entitlements.

The scheme provided for a Head Licence from the then Auckland Harbour Board in favour of the former territorial authority, the Waitemata City Council, and a Sub-Licence on the same terms (*mutatis mutandis*) from the Council to the developer, Westpark Marina Limited. The terms of the Head Licence and Sub-Licence commenced on 8 October 1985 and extend for 20 years, with further rights of renewal for additional periods of 20 years and 10 years respectively, making a maximum tenure of 50 years. The initial term is scheduled to expire on 7 October 2005.

Under the Foreshore & Seabed Endowment Revesting Act 1991 the ownership of the underlying seabed has since reverted in the Crown, while the 1989 Local Government Reorganisation resulted in Waitakere City Council assuming the obligations as licensee under the Head Licence, and as licensor under the Sub-Licence. By virtue of the Resource Management (Transitional, Fees, Rents, and Royalty) Regulations 1991 Amendment No.5, the payment of rent under the Head Licence continues to be payable, notwithstanding the reversion in the Crown, to the party entitled prior to that Act, determined by the Local Government Commission to be the Auckland Regional Council.

In recognition of the significant development expenditure incurred to create the marina environment, and the fact that the rights granted over the seabed area are time limited, and to mitigate the developer's risk, the initial licence fee under the Head Licence was established at \$1,000 per annum for the first five (5) years rising subsequently to \$50 per annum per berth actually provided (592). The latter charge, \$29,600 plus GST still represented a significant concession.

Thereafter, the annual licence fee for each succeeding five (5) year period is mandated to be a fair annual fee being the rental value of the seabed and water area included as protected water space within an operating marina i.e. a market rent.

Under the seabed Sub-Licence, rental is automatically fixed at a sum equal to the rent payable by the licensee (Council) under the Head Licence plus a 10% on-cost. Accordingly, the sub-licensee (Westpark Marina Limited) is specifically recognised as a party to any negotiations with respect to rental under the Head Licence, and can force an arbitration under the Head Licence by declining to reach agreement with respect to the head rental.

CURRENT

The rental review due in October 2000 took some time to resolve in the absence of agreement between the affected parties. In particular, Westpark Marina Limited indicated it preferred Council not take a direct role in negotiations because Council is a net beneficiary of rental income, and because the operating company did not wish to disclose information that it considered commercially sensitive relevant to marina costs and expenditures. In that situation Auckland Regional Council and Westpark Marina Limited were effectively left to establish an agreed rental under the Head Licence on the basis Council would abide the result. As a consequence, Council did not incur any external legal, valuation or consultant costs during that process.

Although a formal arbitration was ultimately initiated, after the exchange of valuation reports, evidence and submissions a negotiated outcome was finally agreed and documented in March 2005, backdated to the renewal date. The parties further agreed as part of the settlement that the annual rental then adopted would also be applicable for the next five (5) year term, expiring in 2010, avoiding the potential for further dispute in October 2005.

The agreement also referred to the excessive siltation at Westpark Marina (dredging costs are the responsibility of the sub-licensee, Westpark Marina Limited) and that the annual figure represented a "substantial reduction from the fair annual fee" that would otherwise be payable, in recognition of the problem.

A26-A32

The licence fee under the Head Licence has therefore been established at \$115,000 plus GST, and accordingly, the licence fee under the Sub-Licence (including the 10% increment) is \$126,500 plus GST. A copy of the Deed of Rent Review is attached at pages A26 to A32.

Pending this decision, the parties had continued since 2000 to pay the respective licence fees at the former rates. The arrears under both the Head Licence and Sub-Licence are required to be paid in one lump sum on 30 June 2005. Accordingly, Council has been invoiced by the Auckland Regional Council in the sum \$427,000 plus GST, payable on that date, and has invoiced Westpark Marina Limited \$469,700 plus GST likewise due for payment at that time.

The payment of these sums will be a condition precedent to renewal of the Head and Sub-Licences respectively.

REQUEST FOR RENEWAL

Westpark Marina Limited has since indicated its intention to seek renewal of the seabed Sub-Licence for the next 20 year term, with effect from 8 October 2005. A renewal must be granted if the sub-licensee is not then in breach of any obligations under the document and has made reasonable provision to meet any renewal or replacement of marina structures likely to be necessary during the term of the renewal. It should be noted that berth holder entitlements, which derive from the Sub-Licence, expire in 2006, and also contain related rights of renewal available to be exercised subject to the prior renewal of the seabed licence documents.

Accordingly, Council, in turn, is obliged to seek renewal of the Head Licence from the Crown for the similar period.

CONCLUSION

Agreement has been reached with respect to the annual licence fees payable under the seabed Head Licence and seabed Sub-Licence at Westpark Marina, with the outstanding arrears payable, by Council to Auckland Regional Council (and by Westpark Marina Limited to Council) in a lump sum on 30 June 2005. Additionally, the annual rental has been fixed for the next succeeding five (5) year period, assuming the parties renew for the next 20 year term under the licence and sub-licence documents.

Westpark Marina Limited has formally indicated its intention to apply for renewal of the seabed Sub-Licence for a further 20-year term with effect from 8 October 2005, which will enable berth holders, in turn, to renew their own licence entitlements when these fall due in 2006.

Therefore, it is appropriate for Council to lodge a formal application with the Crown to obtain a renewal of the seabed Head Licence. Steps will be taken, in conjunction with any renewal of the Sub-Licence, to confirm that Westpark Marina Limited has made satisfactory arrangements with respect to its dredging obligation, and to provide funding for any renewal of existing structures within the licensed area to the extent that may be required during the forthcoming term.

RECOMMENDATIONS

1. That the Westpark Marina Seabed Licence report be received.
2. That the Deed of Rent Review be endorsed and that the current arrears for the five (5) year period ending 7 October 2005 in the sum \$427,000 plus GST be authorised to be paid to the Auckland Regional Council on 30 June 2005.
3. That authority be granted to make application to the Crown to renew the Seabed Head Licence at Westpark Marina for a further term of 20 years commencing on 8 October 2005 and, providing the renewal document is consistent with the terms of the existing licence and is to the satisfaction of Council's Manager: Legal Services in all respects, to execute the new licence under seal.
4. That, subject to Council's Manager: Legal Services being satisfied with respect to compliance under the current Sub-Licence and as to the arrangements outlined in the Agenda report, and subject to Council obtaining renewal of the Head Licence as set out above, approval be given to grant a renewal of the seabed Sub-Licence at Westpark Marina to Westpark Marina Limited for a further term of 20 years commencing on 8 October 2005 in accordance with the existing obligation so to do, and authority be given to execute such document under seal.

Report prepared by Denis Sheard, Manager: Legal Services.



16 DRAFT WASTE BYLAW

PURPOSE OF THE REPORT

The purpose of this report is to present to the Council the recommendations of the Planning and Regulatory Committee following the hearing of submissions to the draft Waste Bylaw and Licence Fee.

BACKGROUND

Waitakere City Council, in partnership with Rodney District Council and North Shore City Council, developed the Draft Waste Bylaw pursuant to section 145 of the Local Government Act 2002, section 542 of the Local Government Act 1974, section 12 of the Litter Act 1979, and sections 64 and 65 of the Health Act 1956. The purpose of the Bylaw is to regulate Waste Management Facilities and the collection, transport and disposal of waste. In addition, from the commencement date all collectors, transporters, and disposers of waste in excess of 20 tonnes per annum and operators of Waste Management Facilities are subject to a licensing system and may be required to pay a levy on the waste collected, transported and disposed of in accordance with that licence. The levy is intended to introduce a system of financial incentives and disincentives consistent with the Council's waste reduction objectives and statutory responsibilities.

In preparing the draft Bylaw, discussions were held with Ministry for the Environment. Also, two workshops were held in November and December 2004 with representatives from the waste industry to discuss the issues for the waste sector around the licensing and levy provisions.

The Council has followed the Bylaw making process as set out within the Local Government Act 2002. Hill Young Cooper provided the policy analysis and justification for the Bylaw as a mechanism for achieving the Council's objectives, and for the form of the Bylaw as drafted.

A33-A40

The Statement of Proposal was approved for public notification by the Council at its meeting of 16 February 2005 (182/2005 No.4) and the public consultation process presented at the meeting has been followed. The draft Bylaw has attracted fifty submissions and considerable media attention. The summary of submissions is attached at pages A33 to A40.

4. *That the draft Waitakere City Council Waste Bylaw 2005 (Statement of Proposal) and Summary of Information be publicly notified for consultation following the Special Consultative Procedure as required by Section 156 of the Local Government Act 2002, for a period of public submission from 22 March 2005 to 22 April 2005.*

182/2005

Submissions were heard by the Planning and Regulatory Committee on 19 and 23 May 2005, and the Committee deliberated on the submissions on 24 May 2005. At the Planning and Regulatory Committee meeting on 24 May 2005 it was resolved:

“That subject to the approval of the North Shore City Council and legal review that the Planning and Regulatory Committee resolves to replace the words Part 9 108 (2) with words to the effect that “it is an offence to scavenge inorganic waste placed on the kerb for collection”:

- a) *on a repetitive basis;*
- b) *for more than one item per week;*
- c) *in a manner likely to cause -*

- (i) injury,
- (ii) scattering of waste piles,
- (iii) or breakage to any items for collection;

and that should North Shore City Council not agree to the wording then the Planning and Regulatory Committee resolves to reintroduce Part 9 108 (2)."

921/2005

"That it be recommended to Council to adopt the Waste Bylaw subject to the following changes:

- (a) *All the proposed wording changes as attached at A11 to A16 on the Planning and Regulatory Committee Agenda of 19 May 2005.*
- (b) *This includes adopting Part 5: Offence to Deposit Unsolicited Advertising, but not making Part 5 operative until 1 July 2006 to enable a national voluntary Code of Practice to be developed and trialled by the media industry.*
- (c) *Clause 95 (3): Delete the words "contains communication" and alters (a) - (h) to present tense, i.e. "offering" becomes "offers."*
- (d) *Renumbering the exclusions from "a, b, c" to "i, ii, iii."*
- (e) *Clause 96 (2) to read:*
"Every person who breaches this bylaw may be liable on conviction by the courts to a fine not exceeding \$20,000" (with a footnote - as stipulated by the Local Government Act 2002).
- (f) *Part 4 Clause 93: Add the words "and permanently" after "plainly" in line 4.*
- (g) *Part 9 Clause 111 (2) mend the wording to read "Term - A Licence shall be granted for a term of 5 years, and is able to be renewed for a further 5 years."*

924/2005

A41-A79

A marked up copy of the Bylaw showing the changes that are recommended is attached at page A41 to A79.

STRATEGIC CONTEXT

Zero waste to landfill by 2020 is one of the Council's nine strategic platforms. The Long Term Council Community Plan 2003 vision for solid waste is that by 2020 Waitakere will be a clean and attractive city that turns all its waste into resources. The city has made good progress on waste minimisation with kerbside recycling, composting of green waste, establishment of a re-use centre, education and cleaner production programmes. However, further initiatives will be required to achieve this goal by 2020.

The Draft Waste Bylaw is the mechanism to introduce licensing by which the Council will be able to gather all waste information throughout the city, and to impose a waste levy in order to further fund waste minimisation initiatives and provide an incentive for waste generating behavioural change.

ISSUES

Sub-regional co-ordination

North Shore City Council will be considering similar recommendations made by their Regulatory Committee at their Council meeting on 23 June 2005. If the recommendations are adopted by both Councils, the two Bylaws will be compatible. Rodney District Council has yet to deliberate on the submissions but the expectation is that generally similar recommendations will be considered and adopted. Kensington Swan are the legal advisors to all three Councils and are preparing all three final Bylaws.

Part 4 (shopping trolleys)

It may be that Rodney District Council will adopt but not make operative Part 4 of their Bylaw as they do not perceive there is a problem with abandoned shopping trolleys in their district currently. North Shore City Council are consistent with the approach recommended in this report.

Part 5 (unsolicited material)

All three Councils are considering the recommendation to adopt but not make operative Part 5 of the Bylaw to enable the industry groups to agree and implement a voluntary Code of Practice in conjunction with the Councils.

Part 9 (licensing)

Many submissions raised issues with the proposed licensing and levy. Waitakere City Council already has a licensing system in place for its own waste contractors and the licence requires a levy to be paid to meet administration costs and the cost of cleaning street litter as a result of the collection service. The new Bylaw carries this levy requirement over to the new licensing regime. However, it is the intention to determine an appropriate levy on waste to also part fund new waste minimisation initiatives. This component of the levy cannot be determined until more information becomes available on total waste volumes and diversion rates. Any new levy determined will be consulted on using the Special Consultative Procedure under the Local Government Act 2002 once sufficient information becomes available and waste minimisation initiatives have been agreed.

Submissions also raised issues with the term of the licence being only one (1) year. The Planning and Regulatory Committee are recommending the term of the licence be for five years with the right of renewal for a further five (5) years but that the Licence Fee should remain set at \$300 per annum and payable each year.

Three submissions and many phone calls were received regarding the requirement in the Bylaw for "scavengers" of inorganic collections to be licensed. Whereas it has been unlawful since 1999 for anyone other than contracted collectors to take anything from inorganic waste put on the kerbside, it has been recognised that there is a major problem with organic waste piles being spread and items broken presenting a potential hazard. Furthermore, organic items of resale value have also been stripped for commercial gain. In response to submissions, the Planning and Regulatory Committee recommend that it remains unlawful to interfere with the inorganic waste placed on the kerbside unless it is for removing the occasional item in a safe and satisfactory manner for personal use. Collection from inorganic kerbside piles for commercial gain still requires a licence.

Legal challenge

The Council has received notice from Bell Gully, solicitors acting for Carter Holt Harvey, that they consider the requirement for licensing and payment of licence fees and levies for the collection of recyclable material from private property under private commercial arrangements to be unlawful and invalid. However, the Council's own legal advisors do not agree with this opinion.

RESOURCES

If adopted by the Council by 1 July 2005, the Bylaw will become operative on 1 August 2005. The implementation of the new Waste Bylaw will be shared amongst the three Councils which are parties to the joint Bylaw. Provided a levy at the level that is currently required under the Council's Bylaw 30 is carried over according to the officers' submission, the costs of implementing the new Bylaw can be met within the budget sought for the Annual Plan 2005/2006. Once a new levy is set for the three Councils, implementation of the Bylaw will become cost neutral.

CONCLUSION

A80-A118 The Draft Waste Bylaw has been notified using the Special Consultative Procedure required by the Local Government Act 2002. Submissions on the Draft Waste Bylaw have been considered by the Planning and Regulatory Committee which has made a number of recommendations on the draft to the Council. If the Council accepts the recommendations, the Bylaw as amended, attached at pages A80 to A118, can be adopted by the Council as the Waitakere City Council Waste Bylaw 2005.

RECOMMENDATIONS

1. That the Draft Waste Bylaw report be received.
- A80-A118* 2. That the Council adopt the Waitakere City Council Waste Bylaw 2005 as amended by the recommendations of the Planning and Regulatory Committee and by the Council's legal advisor's Kensington Swan, as attached at pages A80 to A118.
3. That the Licence Fee be set at \$300 per annum.
4. That the Council determines that the Waitakere City Council Waste Bylaw 2005, with the exception of Part 5: Offence to Deposit Unsolicited Advertising, becomes operative on 1 August 2005.
5. That the Council considers, at its meeting in June 2006, whether or not Part 5 becomes operative on 1 July 2006, depending upon the success of the voluntary Code of Practice respect to the generation of street litter.

Report prepared by: Carol Bergquist, Senior Analyst Environmental Policy.

HV O'Rourke
CHIEF EXECUTIVE OFFICER



PART E - REPORTS FROM THE STANDING COMMITTEES

17 CITY DEVELOPMENT COMMITTEE

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON THURSDAY, 2 JUNE 2005

1. COUNCIL REPRESENTATION AT THE URBANISM DOWN UNDER CONFERENCE, 18 - 20 AUGUST 2005, WELLINGTON

Your Committee Recommends:

That the approval of the attendance (and resourcing) of four (4) Councillors at the Urbanism Down Under Conference in Wellington, 18 - 20 August 2005.

2. OTHER MATTERS CONSIDERED

Your Committee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 1 to 8 in the supplement labelled Part E.

Your Committee Recommends:

That the report of the Meeting of the City Development Committee held on Thursday, 2 June 2005 be received.

PA Hulse
CHAIRPERSON



18 PLANNING AND REGULATORY COMMITTEE

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON TUESDAY, 7 JUNE 2005

MATTERS CONSIDERED

Your Committee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 9 to 12 in the supplement labelled Part E. The public excluded minutes are attached at page 9 of the confidential supplement labelled Part G

Your Committee Recommends:

That the report of the Meeting of the Planning and Regulatory Committee held on Tuesday, 7 June 2005 be received.

VS Neeson, JP
CHAIRPERSON



1-8
Part E

9-12
Part E
9
Part G

19 **FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE**

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON MONDAY, 13 JUNE 2005

MATTERS CONSIDERED

13-19
Part E

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 13 to 19 in the supplement labelled Part E.

Your Committee Recommends:

That the report of the Meeting of the Finance and Operational Performance Committee held on Monday, 13 June 2005 be received.

JM Clews, QSO, JP
CHAIRPERSON



PART F - PROCEDURAL MATTERS

20 **QUESTIONS**

Pursuant to Standing Order 39.2, any member of the local authority may at any ordinary meeting of the local authority at the appointed time, put a question to the Mayor as Chairperson of the local authority, or through the Mayor to the Chairperson of any standing or special committee, or to any officer of the local authority concerning any matter relevant to the role or functions of the local authority concerning any matter that does not appear on the order paper, nor arises from any committee report or recommendation submitted to that meeting.



21 **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.



PART G - PUBLIC EXCLUDED MATTER

22 CIVIL DEFENCE OPERATING CENTRE - FUTURE OPTIONS

This item will be considered with the Public Excluded, the Confidential Supplement 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, Civil Defence Operating Centre - Future Options.

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"> Civil Defence Operating Centre - Future Options. 	<p>The withholding of information is necessary in order to:</p> <ul style="list-style-type: none"> enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). 	<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)(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 report contains information which if released could affect the Council's negotiations.*



23 CLOSING PRAYER

