



Waitakere City Council  
*Te Taiao o Waitakere*

## NOTICE OF MEETING COUNCIL

I hereby give notice that a meeting of the Council will be held on:-

**DATE:**            **Wednesday, 16 December 2009**            **TIME:**            **5.30 pm**

**MEETING ROOM:**    **Council Chamber**

**VENUE:**            **Waitakere Central, 6 Henderson Valley Road, Henderson, Waitakere**

to consider the business as set out herein and to take any necessary action connected therewith.

11 December 2009

Emma Joyce  
**COMMITTEE SECRETARY**

Telephone (09) 836 8000 extn 8114

### **MEMBERSHIP:**

Mayor	RA	Harvey, QSO, JP
Deputy Mayor	PA	Hulse
Councillors	DQ	Battersby, QSM, JP
	BA	Brady, JP
	MFP	Chan, JP
	JM	Clews, QSO, JP
	RI	Clow
	LA	Cooper, JP
	AK	Corban, OBE, JP
	RP	Dallow, QPM, JP
	WW	Flaunty, QSM, JP
	MM	Jolley
	JP	Lawley, JP
	PG	Mitchell
	VS	Neeson, JP

(Quorum 8 members)

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

(Meeting Room could be subject to change)

(The reports and recommendations contained in all agendas are reports and recommendations only and are not to be construed, in any way, as Council policy until adopted.)

**AGENDA FOR A MEETING OF THE COUNCIL TO BE HELD IN THE COUNCIL CHAMBER  
AT WAITAKERE CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON,  
WAITAKERE, ON WEDNESDAY, 16 DECEMBER 2009,  
COMMENCING AT 5.30 PM**

---

**TABLE OF CONTENTS**

<b><u>ITEM</u></b>	<b><u>PAGE NO.</u></b>
<b><u>PART A - OPENING OF MEETING</u></b>	<b>1</b>
1 <b>OPENING PRAYER</b>	<b>1</b>
2 <b>APOLOGIES</b>	<b>1</b>
3 <b>CONFIRMATION OF MINUTES</b>	<b>1</b>
4 <b>URGENT BUSINESS</b>	<b>1</b>
5 <b>CONFLICTS OF INTEREST</b>	<b>2</b>
<b><u>PART B - REPORT OF THE MAYOR</u></b>	<b>2</b>
6 <b>REPORT OF THE MAYOR</b>	<b>2</b>
<b><u>PART C - REPORTS OF NEW LYNN COMMUNITY BOARD, WAITAKERE COMMUNITY BOARD, MASSEY COMMUNITY BOARD, HENDERSON COMMUNITY BOARD AND WAITAKERE YOUTH COUNCIL</u></b>	<b>2</b>
7 <b>NEW LYNN COMMUNITY BOARD</b>	<b>2</b>
8 <b>WAITAKERE COMMUNITY BOARD</b>	<b>3</b>
9 <b>MASSEY COMMUNITY BOARD</b>	<b>3</b>
10 <b>HENDERSON COMMUNITY BOARD</b>	<b>4</b>
11 <b>WAITAKERE YOUTH COUNCIL</b>	<b>4</b>
<b><u>PART D - REPORT OF THE CHIEF EXECUTIVE OFFICER</u></b>	<b>5</b>
12 <b>DETERMINATION REPORT - WAITAKERE CITY COUNCIL SPEED LIMITS BYLAW</b>	<b>5</b>
<b><u>PART E - REPORTS FROM THE STANDING COMMITTEES</u></b>	<b>10</b>
13 <b>INFRASTRUCTURE AND WORKS COMMITTEE</b>	<b>10</b>
14 <b>POLICY AND STRATEGY COMMITTEE</b>	<b>11</b>
15 <b>FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE</b>	<b>11</b>
1. <b>SALE OF LAND - TRIG ROAD, WHENUAPAI</b>	<b>11</b>
2. <b>MATTERS CONSIDERED</b>	<b>11</b>
16 <b>PLANNING AND REGULATORY COMMITTEE</b>	<b>12</b>



**AGENDA FOR A MEETING OF THE COUNCIL TO BE HELD IN THE COUNCIL CHAMBER  
AT WAITAKERE CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON,  
WAITAKERE, ON WEDNESDAY, 16 DECEMBER 2009,  
COMMENCING AT 5.30 PM**

---

**PART A - OPENING OF MEETING**

**1 OPENING PRAYER**

Mr David Daly from the Salvation Army, Glen Eden will say the Opening Prayer.



**2 APOLOGIES**



**3 CONFIRMATION OF MINUTES**

Meeting Minutes - 25 November 2009

**RECOMMENDATION**

It is recommended that the Council resolve to:

**Receive** the minutes of the meeting of the Council held on Wednesday, 25 November 2009, as circulated, and that they be taken as read and now be confirmed.



**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 Chairman 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.



## 5 CONFLICTS OF INTEREST

The Council has acknowledged in its Code of Conduct that Members need to be vigilant to stand aside from decision making when a conflict arises between their role as a Member of the Council and any private or other external interest they might have. This note is provided as a reminder to Members to check that no such conflicts arise in relation to any items on this agenda.



## PART B - REPORT OF THE MAYOR

### 6 REPORT OF THE MAYOR

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

#### RECOMMENDATION

It is recommended that the Council resolve to:

**Receive** the Report of the Mayor.

RA Harvey, QSO, JP

**MAYOR OF WAITAKERE**



## PART C - REPORTS OF NEW LYNN COMMUNITY BOARD, WAITAKERE COMMUNITY BOARD, MASSEY COMMUNITY BOARD, HENDERSON COMMUNITY BOARD AND WAITAKERE YOUTH COUNCIL

### 7 NEW LYNN COMMUNITY BOARD

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON MONDAY, 30 NOVEMBER 2009.**

#### MATTERS CONSIDERED

*Pages 1-9  
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 1 to 9 in the supplement labelled Part C.

**It is recommended that the Council resolve to:**

**Receive** the report of the meeting of the New Lynn Community Board held on Monday, 30 November 2009.

GPJ Marshall  
**CHAIRMAN**



8 **WAITAKERE COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON TUESDAY, 1 DECEMBER 2009.**

---

**MATTERS CONSIDERED**

*Pages 10-19  
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 10 to 19 in the supplement labelled Part C.

**It is recommended that the Council resolve to:**

**Receive** the report of the meeting of the Waitakere Community Board held on Tuesday, 1 December 2009.

LE Davies  
**DEPUTY CHAIRMAN**



9 **MASSEY COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON WEDNESDAY, 2 DECEMBER 2009.**

---

**MATTERS CONSIDERED**

*Pages 20-25  
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 25 in the supplement labelled Part C.

**It is recommended that the Council resolve to:**

**Receive** the report of the meeting of the Massey Community Board held on Wednesday, 2 December 2009.

JG Riddell  
**CHAIRMAN**



10 **HENDERSON COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON THURSDAY, 3 DECEMBER 2009.**

---

**MATTERS CONSIDERED**

*Pages 26-31  
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 26 to 31 in the supplement labelled Part C.

**It is recommended that the Council resolve to:**

**Receive** the report of the meeting of the Henderson Community Board held on Thursday, 3 December 2009.

EAG Grimmer, MNZM  
**CHAIRMAN**



11 **WAITAKERE YOUTH COUNCIL**

**THE WAITAKERE YOUTH COUNCIL SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON MONDAY, 7 DECEMBER 2009.**

---

**MATTERS CONSIDERED**

*Pages 32-35  
Part C*

The Waitakere Youth Council dealt with a number of items for which a copy of the minutes of the meeting is attached at pages 32 to 35 in the supplement labelled Part C.

**It is recommended that the Council resolve to:**

**Receive** the report of the meeting of the Waitakere Youth Council held on Monday, 7 December 2009.

C Finlay  
**CHAIRMAN**



## PART D - REPORT OF THE CHIEF EXECUTIVE OFFICER

### 12 DETERMINATION REPORT - WAITAKERE CITY COUNCIL SPEED LIMITS BYLAW

#### **GLOSSARY**

Waitakere City Council Speed Limits Bylaw 2005	(the 2005 bylaw)
Land Transport Rule 54001: Setting of Speed Limits 2003	(the rule)
New Zealand Transport Agency	(NZTA)
Local Government Act 2002	(LGA 2002)
Special Consultative Procedure	(SCP)
kilometres per hour	(kph)
Draft Waitakere City Council Speed Limits Bylaw 2010	(draft bylaw)

#### **EXECUTIVE SUMMARY**

The purpose of this report is to progress the review of the Waitakere City Council Speed Limits Bylaw 2005 (the 2005 bylaw) and to determine whether a bylaw is the most appropriate way of dealing with issues related to enforcement of speed controls on public roads within the City pursuant to section 155 of the Local Government Act 2002 (LGA 2002).

#### **RECOMMENDATIONS**

It is recommended that the Council resolve to:

1. **Receive** the Determination Report - The Waitakere City Council Speed Limits Bylaw report.
2. **Agree** that:
  - (a) The problem to be addressed is excessive vehicle speeds in the City. Council is also required by Land Transport Rule 54001: Setting of Speed Limits 2003 ("The Rule") to set and review speed limits by making a bylaw in a prescribed form;
  - (b) Under the Local Government Act 2002, the Council should only make or continue a bylaw if a bylaw is the most appropriate way of addressing the perceived problem at issue;
  - (c) Having considered the possible options, Council considers that there continues to be a need for a Waitakere City Council Speed Limits Bylaw because the problems addressed in the bylaw cannot be effectively dealt with through other means;
  - (d) The draft form of bylaw produced at this meeting and referred to as the Draft Waitakere City Council Speed Limits Bylaw 2010 is the most appropriate form of bylaw to achieve the Council's objective and complies with the requirements of the Land Transport Rule 54001: Setting of Speed Limits 2003;
  - (e) The Draft Waitakere City Council Speed Limits Bylaw 2010 gives rise to no implications under, and is not inconsistent with, the New Zealand Bill of Rights Act 1990;
  - (f) The Statement of Proposal and Summary of Information attached to this report be approved for use as part of the special consultative procedure required by section 83 of the Local Government Act 2002;
  - (g) Officers be directed to implement the special consultative procedure as set out in Section 83 of the Local Government Act 2002 and any additional consultation that may be required to meet the specific requirements of section 7 of the Land Transport Rule 54001: Setting of Speed Limits 2003;
  - (h) The Infrastructure and Works Committee be directed to hear any submissions arising from the consultation.

## BACKGROUND

1. Council approved the 2005 bylaw which formalised the existing speed limits throughout the City that had existed prior to the Land Transport Rule 54001: Setting of Speed Limits 2003 (the rule) coming into effect. Subsequent to the 2005 bylaw, work has been carried out to review the existing speed limits and identify where changes could potentially be made.
2. At its meeting on 18 March 2009, the Council considered a report seeking direction on which speed limit changes to take forward to a bylaw change process, and resolved the following:

*“The Council resolved to:*

- 1 **Receive** the Speed Limits Review report.
- 2 **Approve** the speed limit changes proposed in Option 3, that is schedules A and C attached at pages A1 to A3 to the agenda report, and then separately pursue a second round of changes to include schedules B and D attached at pages A4 to A5 to the agenda report for consultation.
- 3 **Direct** the Chief Executive Officer to advocate to the New Zealand Transport Agency to finalise the review of the New Zealand Speed Zoning promptly, with input from Council.”

373/2009

A1-A18 3. Schedules A and C referred to in the above resolution are speed limit changes that are able to be supported by the New Zealand Transport Agency (NZTA). Copies of Schedules A and C, as approved by the Council on 18 March 2009, are attached at pages A1 to A2. These form the basis of the Draft Waitakere City Council Speed Limits Bylaw 2010 (draft bylaw) in this report (attached at pages A3 to A13), and have been amalgamated into Schedules 1 to 5 of the draft bylaw (attached with explanatory notes at pages A14 to A18).

A19-21 4. Schedules B and D referred to in the above resolution were roads for which there was a public desire for speed limits to be changed. However, NZTA did not support the changes as they fell outside the normal speed limit setting process under the rule. As a result, they are not included in the draft bylaw, and will be separately considered as a second round of changes at a later date. Copies of Schedules B and D that were included in the report considered by Council on 18 March 2009 are attached at pages A19 to A21.

### Draft bylaw

A3-A13 5. The draft bylaw attached at pages A3 to A13 contains the bylaw changes proposed in schedules A and C of the report that was considered by Council on 18 March 2009. It has been further supplemented with a number of additional 40 kilometres per hour (kph) school zone sites that have been identified for implementation in the 2009/2010 work programme. Based on preliminary consultation, it is expected that these speed limit changes will be supported by NZTA.

## DECISION MAKING

### Issues

6. Section 145 of the LGA 2002 allows local authorities to make bylaws for one or more of the following purposes:
  - (a) protecting the public from nuisance;
  - (b) protecting, promoting, and maintaining public health and safety; and
  - (c) minimising the potential for offensive behaviour in public places.

7. Section 155(1) of the LGA 2002 requires that local authorities must determine whether a bylaw is the most appropriate way of addressing the perceived problem, including:
  - (a) the definition of the problem and outcome sought;
  - (b) the identification and assessment of options to achieve the outcome sought;
  - (c) the consideration of the views and preferences of affected or interested people;
  - (d) the identification and explanation of any inconsistency with any Council policy or plan;
  - (e) providing Maori with opportunity to contribute; and
  - (f) promoting compliance with principles of consultation.
8. Section 155(2)(a) of the LGA 2002 requires that local authorities must determine whether the bylaw is the most appropriate form of bylaw. For speed limits, Council is required by the rule to set and review speed limits and to do so by making a bylaw. The rule largely prescribes the form that the bylaw must take.
9. The rule requires Council, in its role as a road controlling authority, to review speed limits as a result of significant changes in a road, its use, or the nature, scale or intensity of adjacent land use. The LGA 2002 also requires Council to review bylaws within five years of their establishment. The existing speed limit bylaw is four years old, and preliminary work undertaken to date has identified a substantial number of roads where changes significant enough to justify a change in the applicable speed limits have occurred. Therefore, it is considered timely to review the bylaw.
10. Section 155(2)(b) of the LGA 2002 requires that bylaws made by local authorities must not give rise to implications under the New Zealand Bill of Rights Act 1990, in that, bylaws must not unjustifiably interfere with the rights of the public to do what are otherwise legal activities. Section 18(1) of the New Zealand Bill of Rights Act 1990 states that everyone lawfully in New Zealand has the right to freedom of movement and residence in New Zealand. While the existing speed limits bylaw and draft bylaw seek to limit the speed at which movement takes place, this is justified for the purpose of maintaining public health and safety. A speed limits bylaw generally, and the draft bylaw in particular, are therefore not inconsistent with the New Zealand Bill of Rights Act 1990 and no implications arise under that Act.

### **Options Identified**

11. There are very few options open to the Council. "Do nothing" is not an option since the rule requires a local authority to consider and set appropriate speed limits within its district. The Council's community outcomes, which arise from a wide public consultation process, also dictate an approach which will deliver an outcome which puts public safety first. The only options, therefore, relate to the extent and nature of the controls imposed and the role, if any, to be played in assisting compliance through public awareness campaigns. It is generally accepted that the appropriate course of action in the case of speed limits is to set the limits prudently, after consultation, ensure that the bylaw consultation process and the speed limits finally adopted are given wide public notice, relevant signage is erected and there are adequate public awareness campaigns as a follow-up to assist compliance.

### Preferred Option

12. So far as the bylaw itself is concerned, there are two options: retain the existing 2005 bylaw and amend it or adopt a new bylaw incorporating the old and the new. Of these options, the second is preferred for convenience of understanding by officers and the public alike. Under the second option, all the requirements of the bylaw are recorded in a single document and there is no need to cross-reference from one document (the 2005 bylaw) to the other (the amendment).
13. In that context, no further detailed consideration of decision making principles (consultation aside) is required in this report. Nor is it necessary to find any other justification for making a decision beyond a consideration of the requirements of the rule and the Council's Transport Strategy.

### Consideration of Community Views

14. If Council adopts the recommendations in this report, there will be an opportunity for the public to make submissions on the draft bylaw through a special consultative procedure (SCP).
15. The review process has sought comment from NZTA and the Police at a regional level. Under Section 7.1(2) of the rule, there are specific requirements to consult with the following persons which will be conducted in parallel with the consultation required under the LGA 2002:
  - (a) Road controlling authorities that are responsible for roads that join, or are near, the roads on which the speed limits are to be set or changed (Rodney District Council, Auckland City Council and NZTA's Highways Division);
  - (b) A territorial authority that is affected by the existing or proposed speed limit (Rodney District Council and Auckland City Council);
  - (c) Any local community that the road controlling authority considers to be affected by the proposed speed limit;
  - (d) The Commissioner of Police;
  - (e) The Chief Executive Officer of the New Zealand Automobile Association Incorporated;
  - (f) The Chief Executive Officer of the Road Transport Forum New Zealand;
  - (g) Any other organisation or road user group that the road controlling authority considers to be affected by the proposed speed limit; and
  - (h) The New Zealand Transport Agency.

### STRATEGIC CONTEXT

16. Council's Transport Strategy provides the strategic context for this report. The vision is for public transport and communications systems that provide fast, effective services, and for safe 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.
17. Reviewing and setting speed limits in accordance with the rule meets Council's obligation as a road controlling authority, and contributes to safer operation of the road network.
18. The draft Bylaw is not inconsistent with any other plans or policies of the Council.

## CONSULTATION

### Special Consultative Procedure

- A3-A13 19. If the Council determines that a bylaw is the most appropriate way of addressing the problem of excessive vehicle speeds in the City, that the draft bylaw, attached at pages A3 to A13 is the most appropriate form of bylaw; and that there will be no implications or inconsistencies with the New Zealand Bill of Rights Act 1990 in the adoption of the draft bylaw, then the next step is to direct Council officers to advertise the draft bylaw for public consultation in accordance with the SCP, as defined in the LGA 2002.
- A22-25 20. To do this, the Council is required to adopt a Statement of Proposal (attached at page A22 to A24) and Summary of Information (attached at page A25). This will assist the public to understand the key issues and respond to frequently asked questions. An Information Pack and Communication Plan are being developed to assist the public in this respect. For example, it is anticipated that speed limits around schools will need to be explained – as this is a variable speed limit, reducing to 40kph for a maximum period of:
- 35 minutes before the start of school until the start of school;
  - 20 minutes at the end of school, beginning no earlier than 5 minutes before the end of school; and
  - 10 minutes at any other time when at least 50 children cross the road or enter or leave vehicles at the roadside.
21. Consultation will be conducted in accordance with the SCP of the LGA 2002 and in accordance with section 7 of the rule. Dependent on Council approval, it is proposed to have a lengthy consultation period. Every effort will be made to have initial notification undertaken during the week before Christmas with submissions closing at the end of February 2010. If advertising is not commenced until after Christmas, the submission period will remain open for a minimum of six weeks. (The minimum statutory period is one calendar month). Notification will be undertaken through a range of media (particularly print).
22. Submissions received as a result of the consultation process will be heard by the Infrastructure and Works Committee as soon as possible after the closing date for submissions. Council officers will then prepare a final report (with amendments as appropriate arising from the consultation process) for the Infrastructure and Works Committee's consideration, prior to the final amended bylaw being taken to the full Council for adoption.
23. Section 82 of the LGA 2002 sets out the principles of consultation, including enabling Maori to participate in the decision making process. Should Council determine that a new Speed Limits Bylaw be adopted, the views of Maori will be sought. Consultation will be in accordance with Council policies and procedures and advice will be sought from Council's contracted iwi consultants.

## RESOURCES

24. If Council resolves to proceed with consultation upon the draft bylaw, there will be some additional costs, specifically costs associated with the special consultative procedure. Those costs can be funded from Transport Assets operational budgets. Implementation of speed limit changes will ultimately require expenditure on relocations, replacements and new installations of regulatory speed limit signs. It is envisaged that this would result in a one-off expenditure on road signs in the order of \$20,000, to be funded through the minor safety projects budget in 2009/2010. This excludes the implementation of the 40kph school zone variable speed limit signs for which a separate project budget is provided in the Annual Plan 2009/2010.

## IMPLEMENTATION ISSUES

25. There will be few implementation issues as there is an existing speed limits bylaw. However, any implementation issues associated with the new bylaw should be minor as the new provisions largely reflect current practice. Given that a speed limit bylaw is currently in force, there will be little noticeable change, with the public perception being "business as usual".

## AUCKLAND COUNCIL TRANSITION ISSUES

26. The decision making proposed in this report is not constrained by section 31 of the Local Government (Tamaki Makaurau Reorganisation) Act 2009, as it does not directly or because of its consequences:
- (a) significantly prejudice the reorganisation;
  - (b) significantly constrain the powers or capacity of the Auckland Council, or any subsidiary of the Auckland Council following the reorganisation, or;
  - (c) have a significant negative impact on the assets or liabilities that are transferred to the Auckland Council as a result of the reorganisation.

**Report prepared by:** Adam Moller, Senior Transport Engineer and Jennifer Lamm, Solicitor.

Vijaya Vaidyanath  
**CHIEF EXECUTIVE OFFICER**



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

### **13 INFRASTRUCTURE AND WORKS COMMITTEE**

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON WEDNESDAY, 2 DECEMBER 2009.**

#### **MATTERS CONSIDERED**

*Pages 1-6  
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 1 to 6 in the supplement labelled Part E.

**It is recommended that the Council resolve to:**

**Receive** the report of the meeting of the Infrastructure and Works Committee held on Wednesday, 2 December 2009.

DQ Battersby, QSM, JP  
**CHAIRMAN**



14 **POLICY AND STRATEGY COMMITTEE**

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON THURSDAY, 3 DECEMBER 2009.**

---

**MATTERS CONSIDERED**

*Pages 7-60  
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 7 to 60 in the supplement labelled Part E.

**It is recommended that the Council resolve to:**

**Receive** the report of the meeting of the Policy and Strategy Committee held on Thursday, 3 December 2009.

PA Hulse  
**CHAIRMAN**



15 **FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE**

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON MONDAY, 7 DECEMBER 2009.**

---

1. **SALE OF LAND - TRIG ROAD, WHENUAPAI**

1. **Agree**, subject to resolution 2 below, that the Chief Executive Officer be authorised to negotiate the sale of 27-31 Trig Road, Whenuapai and execute all necessary documentation for the sale.
2. **Note** that resolution 1 above be subject to confirmation by the Auckland Transition Agency.

2. **MATTERS CONSIDERED**

*Pages 61-71  
Part E  
Page 15  
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 61 to 71 in the supplement labelled Part E. The confidential minutes are attached at page 15 in the confidential supplement labelled Part H.

**It is recommended that the Council resolve to:**

**Receive** the report of the meeting of the Finance and Operational Performance Committee held on Monday, 7 December 2009.

RI Clow  
**CHAIRMAN**



16 **PLANNING AND REGULATORY COMMITTEE**

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON TUESDAY, 8 DECEMBER 2009.**

---

The report of the meeting of the Planning and Regulatory Committee held on Tuesday, 8 December 2009 was not available at the time of printing and will be circulated under separate cover.

VS Neeson, JP  
**CHAIRMAN**



17 **CULTURE AND COMMUNITY COMMITTEE**

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON WEDNESDAY, 9 DECEMBER 2009.**

---

**MATTERS CONSIDERED**

*Pages 72-74  
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 72 to 74 in the supplement labelled Part E.

**It is recommended that the Council resolve to:**

**Receive** the report of the meeting of the Culture and Community Committee held on Wednesday, 9 December 2009.

JP Lawley, JP  
**CHAIRMAN**



18 **TE TAUMATA RUNANGA**

The minutes of Te Taumata Runanga were not available at the time of printing this agenda as the meeting took place in the same week as the full Council meeting. The minutes of the December 2009 meeting will be reported to the next full Council meeting scheduled to be held on 24 February 2010.

W Paki, JP  
**CHAIRMAN**



**19 LONG TERM COUNCIL COMMUNITY PLAN AND ANNUAL PLAN COMMITTEE**

The minutes of the Long Term Council Community Plan and Annual Plan Committee were not available at the time of printing this agenda as the meeting took place in the same week as the full Council meeting. The minutes of the December 2009 meeting will be reported to the next full Council meeting scheduled to be held on 24 February 2010.

JM Clews, QSO, JP  
**CHAIRMAN**



**PART F - PRESENTATION**

This presentation will take place at 6.30 pm.

**20 CERTIFICATES OF MERIT**

The Deputy Mayor will present certificates of merit to Coral Timmins, Safe Waitakere Injury Prevention Project Leader and Tuini Hakaraia-Tino, Safe Waitakere Injury Prevention Project Leader - Maori in recognition of their longstanding commitment to injury prevention and safety in the community.



**PART G - PROCEDURAL MATTERS**

**21 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 Chairman of the local authority, or through the Mayor to the Chairman 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.



**22 NOTICES OF MOTION**

Pursuant to Standing Order 28.1, 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 H - PUBLIC EXCLUDED MATTERS**

**23 NEW ZEALAND MUTUAL LIABILITY RISKPOOL - ADDITIONAL CONTRIBUTION**

**24 NEW LYNN TOWN CENTRE DEVELOPMENT PROJECT - APPROVAL TO PROCEED WITH PUBLIC WORKS ACT PROCESS**

These items will be considered in the confidential supplement of the agenda and have been circulated to Members separately with this agenda.

**PROCEDURAL MOTION TO EXCLUDE THE PUBLIC**

That the public be excluded from the following part of the proceedings of this meeting, namely, New Zealand Mutual Liability Riskpool - Additional Contribution and New Lynn Town Centre Development Project - Approval to Proceed with Public Works Act Process.

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.
New Zealand Mutual Liability Riskpool - Additional Contribution	The withholding of information is necessary in order to: <ul style="list-style-type: none"> <li>• enable any local authority holding the information to carry on without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</li> </ul>	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.
New Lynn Town Centre Development Project - Approval to Proceed with Public Works Act Process	The withholding of information is necessary in order to: <ul style="list-style-type: none"> <li>• maintain legal professional privilege.</li> <li>• enable any local authority holding the information to carry on without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</li> </ul>	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.

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)(g) and 7(2)(i) of that Act which would be prejudiced by the holding of the relevant parts of the proceedings of the meeting in public as follows:

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



25 **CLOSING PRAYER**

