

**AGENDA FOR AN ORDINARY MEETING OF THE HENDERSON COMMUNITY BOARD
TO BE HELD IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN,
WAITAKERE CITY, ON THURSDAY, 7 AUGUST 2003,
COMMENCING AT 6.30 PM.**

TABLE OF CONTENTS

<u>ITEM</u>		<u>PAGE NO.</u>
1	APOLOGIES	1
2	CONFIRMATION OF MINUTES	1
3	URGENT BUSINESS	1
4	PRESENTATION - NEW ZEALAND POLICE	1
5	PUBLIC FORUM	2
6	CHAIRPERSON'S REPORT	2
7	COMMITTEE SECRETARY'S REPORT	4
8	BOARD MEMBERS' REPORTS	6
9	WAITAKERE CENTRAL LIBRARY PRELIMINARY DESIGN	7
10	FOOTPATHS - BUDGET ALLOCATION PRIORITIES	10
11	LEASE TO CONDUCTIVE EDUCATION ON TUI GLEN	14
12	LEASE OF COVIL PARK COMMUNITY BUILDING (OLD TE ATATU WOMEN'S BOWLING CLUB)	17
13	LOWER ORATIA STREAM RESERVES MANAGEMENT PLAN	21
14	ADOPTION OF STANDING ORDERS	26
15	ADOPTION OF CODE OF CONDUCT FOR COMMUNITY BOARD MEMBERS	27
16	NOTICES OF MOTION	28

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1 APOLOGIES



2 CONFIRMATION OF MINUTES

Ordinary - 3 July 2003

RECOMMENDATION

That the minutes of the Ordinary Meeting of the Henderson Community Board held on Thursday, 3 July 2003, as circulated, be taken as read and now be confirmed.



3 URGENT BUSINESS

Section 46A(7) and (7A) of the Local Government Official Information Act 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 item is a minor matter; 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, why the item is not on the agenda, and why it cannot be delayed until a subsequent meeting; and
- (iii) the Board resolves to deal with the item.

No resolution, decision, or recommendation may be made in respect of the item except to refer the item to a subsequent meeting for further discussion.

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



4 PRESENTATION - NEW ZEALAND POLICE

Provision has been made on this agenda for a representative from the New Zealand Police to update the Board on matters in the Henderson area.



5 PUBLIC FORUM

For guidance of Community Board Members, the Council's Standing Orders have the following provisions in regard to Public Forum.

- (i) Members of the public wishing to address the Board in Public Forum shall furnish their names to the Chairperson at the beginning of the meeting; and
- (ii) The Chairperson shall determine the order of speakers, and allow five minutes for speaking time.
- (iii) Questions by members are to be confined to obtaining information or clarification on matters raised by the speaker.

Section 46A(7A) of the Local Government Official Information and Meetings Act 1987 provides that no resolution, decision, or recommendation may be made in respect of any specific item of business not on the agenda except to refer the items to a subsequent meeting for further discussion. Therefore, no decision may be made on matters raised in Public Forum. However, written reports on matters raised may be requested from the Chief Executive.



6 CHAIRPERSON'S REPORT

The past month has certainly been quieter in comparison to the last few months. Not to say that nothing had been happening but there did not seem to be the frenetic activity that has marked the previous months. Given that, I will report back against the activities that I have been involved in:

1. **WALKWAY OF FAME:** It was my absolute privilege recently to officiate at the unveiling of the latest recipients to our Walkway of Fame - June Mariu and Beatrice Faumauina. The weather held out and a great number of people turned up to celebrate our choices.

Among those present was our Mayor Bob Harvey, local M.P's Lynne Pillay, John Tamihere and Chris Carter, Mayor George Wood, from the North Shore and Superintendent Alistair Beckett, our previous District Commander, who came to support Beatrice.

The morning tea that was provided after the opening was delicious; thanks to Moka Café and it was a pleasure to include two such outstanding women in the Walkway.

I'd particularly like to acknowledge the incredible work June and her committee and workers do down at the Te Kotuku Marae with the young people who have often been seen as failing in the mainstream school system. What June and her group do is literally turn these kids lives around and they should be getting medals for what they do. I am at a loss to understand why they are still struggling to get the funding they need to complete their building programme - it seems self evident that they are doing a ton of prevention which is a lot less costly than the cure that is needed when a young person drops out and gives up on being a useful member of society.

Unfortunately due to my commitments at Catherine Street Mall I was unable to attend the street planting ceremony at Roberts Road which was held on the same morning. I hope to hear from some of our other members at the meeting as to how that went.

2. **HENDERSON RE-DEVELOPMENT:** I attended a workshop on Henderson re-development recently and felt energized by the vision that was discussed and developed at that meeting in regard to the projects that are coming together in Henderson.

The totality of the work is going to be its strength and it is so much more than just a new building here and another one there; the potential to really change the environment and create a vibrant and exciting streetscape is very inspiring.

The big challenge is to achieve a Central Business District that is 21st century but also safe and welcoming to people and to new business. The opportunities are there to design and build something that is outstanding and I believe we can do it.

3. **MCLAREN PARK:** It's funny what some people find exciting- as they say 'one man's treasure is another man's rubbish'. I went out on a cold rainy night recently to attend a meeting of the McLaren Park Community Project group (as did Councillor Fenton).

We sat in the school staff room with a small group of local interested residents and other community people, discussing how we might get things underway and the potential projects that we feel the community may want to engage with. It was a long evening and as I drove home it occurred to me that while some people may not find it interesting to be involved in such planning, for me it is exciting and rewarding to be in at the beginning of such a project and to think of what may come out of it.

I'd like to acknowledge the work that Council staff have been putting in to this and all I can say is watch this space - there are going to be exciting things happening in that community over the next few months.

4. **LIBRARY UPDATE:** For those of you unable to attend the recent council meeting where preliminary plans for the new library were shown, again it gave me a glimpse of the exciting possibilities for Henderson.

We saw a beautiful set of buildings that will include parking, a café, and a central locus for the community. This development can only benefit the Henderson Central Business District. Like many of Auckland's outlying settlements, Henderson grew up along the edges of the main Great North highway and sprawled out from there.

Now we are looking at creating a depth to that landscape and I believe that will lead to a sense of pride and ownership by the community. That's without even looking at the resources that will be contained within the library.

In referring to that can I make a plea for books of the highest standard for our new library?

I know we are going to have state-of-the-art technology but please save some of the budget for those beautiful classics from our wonderful legacy of literature.

From Plato to the present day the written word has had the power to change humanity, and I would love to have a library where I can find any of the great poetry, drama and novels of our culture, and others.

I particularly hope to see the library's collection of great New Zealand literature grow.

We have some wonderful writers and every year we award prestigious prizes for their work.

However, when I go into our library I can never find any copies of those books, only lots of Courtenay, Cookson, Wilbur Smith and Archer. So my plea is for lots of great as well as popular literature please.

In closing I would like to signal to all Community Board members that we have an informal Community Board meeting coming up on Friday, 8 August 2003 at 4 p.m. Please try to make the time to come - it is a good opportunity to have discussion with our colleagues on a variety of issues and there is an agenda that will be circulated shortly.





RECOMMENDATIONS

That the Chairperson's Report be received.


Helen Jones
CHAIRPERSON









7 COMMITTEE SECRETARY'S REPORT

ISSUE	COMMENTS	REPORTING OFFICER
Te Atatu Motorway - Traffic Management	Officers of Councils Transport Assets Section have been advised that the Police have reached agreement with Transit New Zealand on the changes required. Council would also be required to make some small changes. However it will be necessary for all parties to wait for the results of the Te Atatu Corridor study in order to evaluate the possible effects of the proposed changes.	Alan Hopkinson  836 8000 ext: 8742
Traffic Management Jaemont Avenue - Test of the Island	Site survey and traffic counts are now planned for August, as July was unsuitable due to the school holidays. Accordingly this report has been deferred to September.	Honwin Shen  836 8000 ext: 8738
Vera Road, Te Atatu South through to the intersection of Vera and Te Atatu Roads - Parking Issues	This item is to be included in the Te Atatu Road Corridor Study. Study fieldwork on Vera Road, Te Atatu South has been completed. The consultants report is currently being prepared. The report to Board is now scheduled for September.	Edwin Dearham  836 8000 ext: 8736
Holy Cross School/Robert Burke Place - Traffic Issues	Consultation letters were circulated to the residents of Robert Burke Place. Responses have now been received from approximately half the residents. A report summarising the results of the consultation will come back to the September meeting of the Board.	Adam Moller  836 8000 ext: 8750

A1-A11

ISSUE	COMMENTS	REPORTING OFFICER
The Local Government Act 2002 - Implications for Community Boards	Following the commencement of the Local Government Act 2002 in July 2003, a document on the Implications for Community Boards, has been prepared by Local Government New Zealand, and is attached at pages A1 to A11 for the guidance of Members. Please note that this Local Government New Zealand document contains a substantial number of typographical errors, which do not originate from Council.	Charlie Inggs  836 8000 ext: 8854

REPORTS PENDING			
Subject	Date Requested	Report Due	Reporting Officer
Intersection Strid Road and Keru Place and nearby Essex Street including Ozich Avenue down to the Intersection of Edmonton Road	3 April 2003 Resolution No: 729/2003	7 August 2003, now deferred to 4 September 2003	Ross Hill  836 8000 ext: 8737
Traffic safety issues along Edmonton Road, particularly Tui Glen intersection	30 January 2003 Resolution No: 11/2003	7 August 2003, now deferred to 4 September 2003	Ross Hill  836 8000 ext: 8737
Te Atatu Road (Samoan Congregational Church) - No Stopping Restriction	3 April 2003 Resolution No: 715/2003	7 August 2003; now deferred to 4 September 2003	Alan Hopkinson  836 8000 ext: 8742
Traffic Management Jaemont Avenue - Test of the Island	4 March 2002 Resolution No: 623/2002	4 September 2003	Honwin Shen  836 8000 ext: 8738
Vera Road, Te Atatu South through to the intersection of Vera and Te Atatu Roads - Parking Issues	5 December 2002 Resolution No: 3467/2002	4 September 2003	Edwin Dearham  836 8000 ext: 8736
Holy Cross School/Robert Burke Place - Traffic Issues	3 April 2003 Public Forum	4 September 2003	Adam Moller  836 8000 ext: 8750

RECOMMENDATION

That the information be received.

Report prepared by: Charlie Inggs, Committee Secretary.



8 BOARD MEMBERS' REPORTS

Provision has been made on this agenda for Board Members should they so wish to submit a report on their activities during the month in regard to matters within the scope and delegations of the Board. However, to comply with the provisions of the Local Government Official Information and Meetings Act 1987, no decision may be made on matters raised in Board Members' reports.

HENDERSON COMMUNITY BOARD APPOINTMENTS

OUTSIDE ORGANISATIONS	APPOINTMENT
Auckland Region Community Boards' Association Executive Committee	Wayne Davis
Auckland Regional Council pest Liaison Group	Annette Fenton
Harbourview "People's Park" Working Party Voluntary Membership	Barry Shaw
Henderson Citizens Advice Bureau	Bill Postlewaight
Henderson Heritage Trust Inc. (Henderson Railway Station)	Brenda Brady
Keep Waitakere Beautiful Committee	Wayne Davis
Liaison Officer for Waitakere District of the New Zealand Police	Helen Jones
Henderson Creek Reserves Management Plan	Camille Nakhid
Te Atatu Community House Committee	Bill Postlewaight Annette Fenton
Waipareira Community House	Bill Postlewaight
Wai Care Programme	Camille Nakhid Bill Postlewaight Wayne Davis
Herbicide Reduction Working Party	Annette Fenton
Sunnyvale Residents & Ratepayers Association	Barry Shaw
Henderson Business Association	Annette Fenton
COUNCIL COMMITTEES	
Community Sport Fund Allocation Subcommittee	Bill Postlewaight (Alternate: Wayne Davis)
Hearings	Camille Nakhid Barry Shaw



9 WAITAKERE CENTRAL LIBRARY PRELIMINARY DESIGN

PURPOSE OF THE REPORT

The purpose of this report is to update the community board on progress of the design for the Waitakere Central Library, and surrounds including the associated UNITEC campus expansion.

BACKGROUND

Following Council's resolution at the 18 December 2002 Council meeting

“that the Henderson Library/UNITEC development based on the Ratanui Street and Trading Place site continue on the current timeline with projected completion date of December 2005”;

3656/2002

Preliminary design work for this project has commenced with the awarding of the Architectural Services contract to the design team led by Architectus and Athfield Architects on 3 April 2003.

The design team have completed the first stage of the three-stage design process for the Waitakere Library and UNITEC campus, with the preliminary design being presented today.

The preliminary design was presented to Waitakere City Council and UNITEC for their approval at the end of July and beginning of August respectively.

Throughout the process input into the design has been received from internal stakeholders and appointed advisors (Iwi representatives, lead artists, quantity surveyor) with coordination from a joint Project Control Group assisted by an independent project manager.

Councillors from Waitakere City Council and UNITEC have formed an elected members working party to advise staff on this project and other matters relating to Waitakere City's and UNITEC's partnership.

LIBRARY STRATEGIC CONTEXT

The Waitakere Library/UNITEC campus development is one of a number of projects that support Waitakere City's Long Term Council Community Plan, the Henderson 20 Year Strategic Plan (1995) and the Henderson Town Centre Concept Plan (2002). It is also a key project in delivering on Council's Library Development Strategy.

This project supports the platforms and principles of the of the Long Term Council Community Plan, including:

- **Te Tiriti o Waitangi:** The Waitakere Central Library will house Pukapuka collections and Kaiwhakahere Maori Ruemi;
- **Sustainable Development:** The Waitakere Central Library and landscaped spaces will incorporate a number of sustainable features;
- **First Call for Children:** The Waitakere Central Library will cater for all aged users but will have a children's' librarian, and special children and teen collections;
- **Lifelong Learning:** The project allows for the ongoing expansion of the first major tertiary institute in Waitakere City.

The project is a key part of the Library Development Strategy. The Library will spearhead Council's delivery of community access to new technologies and is aimed at being a 21st century information facility. It will also provide expanded space for delivery of traditional library services, and enhanced support services to the other branch libraries in the City. Research and Heritage collection services will be greatly improved.

The principles of the Henderson 20 Year Strategic Plan are to:

- encourage mixed use development and improve the quality of the built environment
- develop the streams and the green networks and improve the leisure facilities
- improve public transport, road and walking linkages
- encourage a range of economic activities to sustain a robust economy in an adaptable innovative and dynamic way

The Henderson Town Centre Concept Plan was produced to guide the future development of Henderson in a planned and co-ordinated way to ensure that Henderson consolidates its critical position as a key working environment and local employer, furthering Council's key objectives in creating a sustainable city.

This plan identified specific economic strategies for Henderson's revitalisation and identified three key redevelopment clusters including a Business/Community/Education cluster in the Trading Place / Ratanui Street area. The requirements to make the Business/Community/Education cluster successful were identified as:

- combining community facilities, business development and tertiary education in the most integrated way possible;
- offering high quality, safe, vibrant public spaces and amenities facilitating a mixture of uses that encourages the development of a 24hr life area that extends the commercial trading viability of the town centre;
- being easily accessible by car to assist trade;
- having a new road and bridge link from Edmonton Road;
- offering sufficient parking to replace the existing provision and providing more for new uses;
- maintaining good access from the mall;
- having an integrated civic library and tertiary education development.

The preliminary design meets the strategic goals of these two plans.

UNITEC has long been aware that a large proportion of its students come from Waitakere, and many more Waitakere citizens were not accessing tertiary education. Planning for the establishment a UNITEC presence in Waitakere City has been progressing for many years with significant recent progress with the opening of their Henderson campus in 2001 and signing a Memorandum of Understanding with Waitakere City Council in 2002 that identifies ways in which both organisations can work together in the future.

ISSUES

Architectus & Athfield Architects and the design team have now developed the preliminary design concept for the Waitakere Library, UNITEC campus and associated facilities including car parking, public open space and road links.

Budget

An independent project manager has been appointed to co-ordinate Waitakere City Council's and UNITEC's requirements to ensure that the project meets the needs of both parties. To ensure that the project will be delivered within budget, an independent quantity surveyor has been contracted by Council to oversee budget and value management processes. This collaboration will continue throughout the design and construction process to ensure that the project is delivered within budget and without any compromise on quality.

Environmentally Sustainable Design

To achieve a high standard of sustainability for the building and site development, the Architects and design team have worked closely with acknowledged experts in the field of environmentally sustainable design (ESD) to include a number of sustainable elements and services.

Art

The Architects and design team have also collaborated closely with the nominated lead artists for the project; Matthew von Sturmer and Kate Wells.

Car parking

Construction of a parking building in Henderson is a required element of the developments at Trading Place, both to meet resource consent requirements and to replace existing parking. This parking will also support the growth of UNITEC and the Library.

Oratia Stream vehicle crossing & Great North Road punch-through

The preliminary design links with the proposed bridge crossing the Oratia Stream from Edmonton Road and allows for, but is not dependent upon, the future punch through to Great North Road. The preliminary design also allows for future private development of surrounding sites and the expansion of UNITEC's campus in the future.

Library Services

Alongside the design work, planning to make this Library a 21st century information facility is occurring. The Library will help Council deliver on its Waitakere On-line programme. Work is being undertaken with UNITEC to capitalise on the benefits of a shared community/tertiary institute library.

Following approval of the preliminary design, it will be publicly displayed as part of the communications process, and the Design team will move into the next stage of the design process; the developed design, due for completion by October 2003.

RESOURCES

Resources for Council's proportion of this project have been approved through the 2003/2004 Annual Plan and Long Term Council Community Plan. A total budget of \$11.8 million dollars over three years has been allocated to this project.

CONCLUSION

The design team has completed the first stage of the design process with the completion of the preliminary design that meets all the requirements of the project brief. Following Council and UNITEC approval, the next stage of the process, developed design, will commence and is due to be completed by October 2003 when the developed design will be presented to Council.

RECOMMENDATION

That the information be received.

Report prepared by: Lois Easton, Group Manager: City Development Projects.



10 FOOTPATHS - BUDGET ALLOCATION PRIORITIES

PURPOSE OF THE REPORT

The purpose of this report is to update and seek approval from the Henderson Community Board regarding the following:

- “Priority Points System”;
- the footpath priority list;
- the Budget allocation formula;
- the Budget allocation;
- the construction programme for 2003/2004, programmes for 2004/2005 and 2005/2006.

BACKGROUND

At the full Council meeting in September 2002 the following was resolved:

That the Council adopts the Waitakere Community Board’s proposal as detailed in the agenda report for the current fiscal year, and that Council through its 2003/2004 Annual Plan process consider allocating an increased amount for the construction of new footpaths within the City.”

2893/2002

At the Community Board’s December 2002 meeting, a report titled New Footpath Construction was submitted recommending the following:

1. *That the information is received.*
2. *That the Community Board adopts the Priority Points System to determine the priority order for the construction of new footpaths in its Ward.*
3. *That the proposed new footpath construction programme for 2002/2003 be approved.*
4. *That a report be brought back to the Community Board detailing the final priority list.”*

3473/2002

The recommendations were approved and resolved by each of the Community Boards except Massey Community Board. This Board voted against recommendation 2. Some of the Board members requested a review of the priority points system and that consideration be given to include environmental impact and accident data in the points system.

The formula to determine the budget allocated to each Ward is based on the Waitakere Community Board's formula, in brief the allocations for the 2002/2003 year are as agreed to by all Boards as stipulated by Finance and Operational Performance Committee.

WARD	BUDGET ALLOCATED
Henderson	\$ 23,747
Massey	\$132,290
New Lynn	\$ 75,642
Waitakere	\$218,321
Total	\$450,000

Council staff and representatives of each Community Board have been working together to ratify, prioritise and validate each Wards footpath priority list. To date the following have been undertaken:

- a review of the RAMM footpath output list. This is a list of all the roads in each Ward, with specific reference to roads with a footpath on each side, one side and with no footpath;
- a compilation of the proposed final lists that are considered suitable for the construction of a new footpath;
- a visit to each site to determine its priority points, feasibility, practicality, and physical constraints;
- prioritisation of the final list for each Ward;
- a review of the cost estimates;
- determination of the construction programmes based on the revised footpath priority lists.

STRATEGIC CONTEXT

Safety for pedestrians is a key objective of Council's Strategic Plan "Access and Travel Choice", 'that people can get easily and safely to where they need to go by walking, cycling, passenger transport, or private vehicle'.

In this context it is important that the backlog of footpath construction is addressed equitably with regard to the whole city. This means taking into account the overall distribution of the backlog and the overall distribution of pedestrian activity.

ISSUES

Priority Points System

A14-A16

A meeting was held with all representatives from each Community Board on the 28 May 2003 to agree on the tangible factors used to determine points allocated to each site, with specific reference to environmental impact and accident statistics. The group agreed after Council staff demonstrated the effects of using the environmental impact and accident statistics that these two factors should not be included in determining the points allocated to each site. For example if a site required substantial earthworks and vegetation removal, 10 priority points would be deducted from that site. The cost to mitigate this effect can be ten times more than the cost of the footpath. This agreement is consistent with a resolution of the Corporate Affairs Committee at their November 1992 meeting. See attachment pages A14 to A16.

Footpath Priority List

A site inspection was undertaken for each individual site with priority points allocated accordingly. The final list for each Ward has the following features:

- a list of all the roads in priority order that do not have a footpath on one side;
- a list of all the roads in priority order that do not have a footpath on either side;
- a separate list of roads where it is impractical that a footpath will be built.

A17

These lists form the basis of a construction programme for each Ward. See attachment at page A17.

Budget Allocation 2003/2004

The approved Annual Plan budget allows \$550,000 for the construction of new footpaths in the 2003/2004 year. This is an increase of \$100,000 on the previous year and is consistent with the resolution of Council at its September 2002 meeting.

Using the agreed footpath budget allocation formula and the latest and agreed priority lists, the allocations are as follows:

Ward	Footpath One side (km)	No Footpaths (km)	Weighted (X1)	Budget Allocation (B1)
Henderson	4.542	0.426	1.775	\$5,854
Massey	16.191	23.940	39.958	\$131,822
New Lynn	33.419	9.105	22.012	\$72,619
Waitakere	27.478	64.068	102.972	\$339,705
All Wards			166.716 (X)	\$550,000 (B)

The formula used to calculate the budget allocation to each Ward is:

$$B1 = \frac{X1}{X} \times B$$

B=B1+B2+B3+B4 where B is the citywide budget and B1 is the budget for Ward 1 etc.

X1=(Kilometre of road with no footpath * 3 + kilometre of road with one footpath *1)/4 for Ward 1 etc and is based on the total practical backlog X=(X1+X2+X3+X4), it excludes road sections where provision of a footpath would not be sensible as agreed by the Board's representative.

Construction Programme

The proposed construction programmes are based on the priority list and discussions with representative(s) from each Board. The programmes are:

Henderson Ward 2003/2004

Road Name	Road Section	Length (m)	Estimated Cost (\$)
Stevies Lane		3	\$360
Vitasovich Ave Stage 1	Briscoes Building	46	\$5,494
Total		49	\$5,854

Henderson Ward 2004/2005 (Draft)

Road Name	Road Section	Length (m)	Estimated Cost (\$)
Vitasovich Ave Stage 2	Briscoes Building	38	\$4,654
Gloria Ave	RAB Te Atatu Rd	10	\$1,200
Total		48	\$5,854

Henderson Ward 2005/2006 (Draft)

Road Name	Road Section	Length (m)	Estimated Cost (\$)
School Road	School Rd to Edmonton Rd	30	\$3,600
Blethyn Place Stage 1	Entrance to #5	19	\$2,254
Total		49	\$5,854

The draft budgets for future years will be reviewed and possibly adjusted each year as part of the process for determining the current programme.

Alternative Methods

A New Lynn Community Board Representative, Mr Pim van der Voort, has requested that the allocation formula be reviewed again with the suggestion that it revert to the original procedure that has been abandoned.

Under that procedure, footpaths at the top of the citywide priority list, to the value of the citywide new footpath construction budget, are recommended to the relevant Community Boards. The list of lower priority sites within the Ward is then considered and the Board may change priorities depending on its experience and perception of conditions within their Ward.

The sizes of the individual Ward budgets can vary considerably from year to year, and it is possible that a Ward may receive no budget. The previous footpath priority list did not take into account roads for which requests had not been made. Using a procedure suggested by Mr Pim van der Voort and the new priority list the budget allocation becomes :

WARD	BUDGET ALLOCATED
Henderson	Nil
Massey	\$193,200
New Lynn	\$310,840
Waitakere	\$45,960
Total	\$550,000

The main effect is a 'reversal' of the allocations to New Lynn and Waitakere Wards.

RESOURCES

Resources and funding are available for the construction of new footpaths for this year.

CONCLUSION

Agreement has been reached with each Community Board in regard to the tangible factors used for allocating points to each site. The footpath priority lists for each Ward have now been reviewed and agreed and can be used for determining a three year programme.

The Council has adopted a new formula to allocate the annual budget for construction of new footpaths to each Community Board. The formula is based on the total practical footpath backlog for each Ward. This ensures that each Ward will have work done in proportion to its footpath backlog. It is concluded that the formula presented is to be used for future budget allocations.

An alternative method has been proposed. It has been found that this has the disadvantages that Ward budgets could vary considerably from year to year, and that a Ward could receive no budget.

RECOMMENDATIONS

- A17
1. That the information be received.
 2. That the Henderson Community Board adopts the Priority Points System appended at page A17 to determine the order for the construction of new footpaths in its Ward.
 3. That the footpath budget allocation formula presented in this report is endorsed by the Henderson Community Board, and recommended to the Finance and Operational Performance Committee for approval.
 4. That the proposed footpath construction programmes for 2003/2004, 2004/2005 and 2005/2006 be approved.

Report prepared by: Reg Cuthers, Principal Transport Engineer, Development.



11 LEASE TO CONDUCTIVE EDUCATION ON TUI GLEN

PURPOSE OF THE REPORT

The purpose of this report is to consider granting the Conductive Education Foundation a new lease of the building they occupy on Tui Glen.

BACKGROUND

The Conductive Education Foundation currently occupy the old Tui Glen reception lounge on Tui Glen. This is a building of some 284 square metres erected around 1950 and situated on the northern side of Claude Brookes Drive, a no exit road which serves Tui Glen. The building today comprises one large meeting room, two kitchens and a number of offices and is in very good repair.

Conductive Education is a charitable trust and has been operating since 1992. They run programmes to assist people with motor disorders such as Parkinson's disease and multiple sclerosis as well as stroke victims and those who have suffered head injuries. They offer intensive programmes for adults that teach them increased independence and daily living skills.

The Conductive Education Foundation was granted an 18 month lease of the old reception lounge in January 1995 and in July 1999 the Henderson Community Board granted them a lease for a term of five years with a right of renewal for a further term of five years.

A18

At the time the future of Tui Glen was being considered, the foundation made submissions to Council. They wished to have ownership of the building transferred to them, they requested that the lease also include a concrete pad adjacent to the building and that a longer term lease be given to them to enable them to have access to funding to extend the building over that area. A map attached at page A18 shows the area that Conductive Education Foundation wish to lease.

At its July 2002 meeting, the following resolution was passed by the City Development Committee:

That the City Development Committee recommends to the Finance and Operational Performance Committee that the building occupied by the Conductive Education Foundation on Tui Glen be transferred into the ownership of Conductive Education Foundation (2267/2002).

Subsequently this matter was considered by the Finance and Operational Performance Committee and at their meeting in December 2002 they resolved as follows:

2. *That the old Tui Glen reception lounge building be transferred into the ownership of the Conductive Education Foundation.*
3. *That the Chief Executive be given authority to renegotiate and execute a new lease under section 54(1)(a) of the Reserves Act 1977 with the Conductive Education Foundation for a five plus five "footprint" lease of the old Tui Glen reception lounge and the adjacent concrete pad (part Lot 11, Deposited Plan 6760) and the lease be executed as negotiated.*

3596/2002

Also in the process of considering the submissions on the draft Te Huruuru Henderson Creek Reserves Management Plan submissions, the Henderson Creek Reserves Management Subcommittee passed the following resolution:

2. *That it be recommended to the Henderson Community Board that the Chief Executive be given authority to renegotiate and execute a new lease under Section 54(1)(a) of the Reserves Act 1977 with the Conductive Education Foundation for a ten plus five years "footprint" lease of the old Tui Glen reception lounge and the adjacent concrete pad (part Lot 11, Deposited Plan 6760).*

1501/2003

STRATEGIC CONTEXT

The Henderson Creek corridor, including Tui Glen Reserve, is classified as a City Wide Reserve due to its high visibility, its importance as a Green Network Ecological Linkage, its relationship with the Henderson Town Centre and the number of important and high profile parks along its length. The future of Tui Glen Reserve is a key component within the development of the Reserve Management Plan for the Henderson Creek Corridor.

The corridor runs through both the Henderson and Massey wards. It is a priority area for the Green Network Strategy, and also links together a number of areas of significance to both the Urban and Well-being Strategies.

In addition to the above, the area is a key component within the Henderson town centre and the Henderson Design Workshop held in September 2001, which was the accumulation of a number of planning processes and projects undertaken in Henderson in the past five years. The outcome of the workshop was to develop three precincts, a new library, community and social services hub, parking building, tertiary and revitalised business area in Trading Place/Ratanui Street, a regional attractor and youth facilities adjacent to the aquatic centre and development within, and adjacent to the rail transport centre on Railside Avenue.

The outcome of the workshop highlighted the need for a concentration of activities combined with safe and vibrant movement routes between those activities, in order to stimulate and integrate the economic sectors whilst providing confidence to the investment market. This mixture of initiatives is considered essential to meeting Council's sustainability objectives for Henderson and the wider City.

ISSUES

The Community Board holds the delegated authority to grant a lease on a reserve and it is recommended that the resolution from the Henderson Creek Reserves Management Subcommittee now be adopted.

Council's policy on leasing land or buildings to community groups provides for a standard term of five years, however the policy also provides that Council will consider requests for ten year leases or more in rare cases - for example if the group intends to build its own facilities and an ongoing need for the service can be demonstrated. The greater term of the lease proposed here has been recommended by a group of Council officers meeting as a lease assessment committee. The longer term lease propose will enable the Conductive Education Foundation to apply for funding for their proposed building extension.

As the management plan provides for the proposed lease, it will not need to be publicly advertised nor will the approval of the Minister of Conservation be required.

The retention of the Conductive Education facility on the site links well with adjacent facilities such as walkways and the pool/gym complex. It also fits well with the development of any accommodation or health facilities on the Tui Glen site.

RESOURCES

Currently Council budgets several thousand dollars each year for maintenance of the Conductive Education building. While there will be some reduction in the rent paid by the Foundation to reflect the fact that they will be renting only the site rather than the building, this loss in rent will be offset by the fact that all maintenance costs will be borne by the Conductive Education Foundation.

CONCLUSION

In view of Conductive Education's long term future on Tui Glen, it is recommended that the resolution of the Henderson Creek Reserves Management Subcommittee be adopted and a new lease be entered into with the Conductive Education Foundation for a ten plus five years "footprint" lease of the old Tui Glen reception lounge and the adjacent concrete pad.

RECOMMENDATIONS

1. That the information be received.
2. That the Chief Executive be given authority to negotiate and execute a new lease under Section 54(1)(a) of the Reserves Act 1977 with the Conductive Education Foundation for a ten plus five years "footprint" lease of the old Tui Glen reception lounge and the adjacent concrete pad (part Lot 11, Deposited Plan 6760).

Report prepared by: Alastair Dougal, Solicitor, Legal Services.



12 LEASE OF COVIL PARK COMMUNITY BUILDING (OLD TE ATATU WOMEN'S BOWLING CLUB)

PURPOSE OF THE REPORT

The purpose of this report is to seek approval from the Henderson Community Board to grant a lease of the Covil Park Community Building (old Te Atatu Women's Bowling Club) to the Iranian Community Trust. The report also seeks a resolution from the Community Board to recommend to Council the reclassification of the area occupied by the building as a local purpose (community and educational buildings) reserve.

BACKGROUND

The building available for lease is the old Te Atatu Women's Bowling Club clubhouse situated in Covil Park, alongside a small to medium sized car park, next to the Bridge Club, and is accessed from Covil Avenue, Te Atatu South. The land on which the building stands (part Lot 90, Deposited Plan 39914) is shown as Open Space in the District Plan and is a recreation reserve under the Reserves Act 1977.

The Bowling Club leased the land within the park from the Council from 1959 until April this year when they closed down due to low membership leading to financial difficulties in running the club. The club representatives transferred ownership of the buildings surrounding the bowling green and lawns (clubhouse and one shed) to the Council. A report on options for community utilisation of the Te Atatu Women's Bowling Club's green and clubrooms was presented to the Henderson Community Board on the 6 March 2003. The Board resolved:

"That the Te Atatu Women's Bowling clubroom building be leased to a community group and the bowling green and surrounding land be redeveloped into park space."

395/2003

The lease would include the clubhouse and a small shed directly adjacent to the clubhouse. Council's Parks Department plans to commence the bowling green redevelopment work in October 2003 and have advised that the work will take approximately one week to complete.

STRATEGIC CONTEXT

Council's Well-being and Urban Village Pathway strategic and policy objectives aims to provide networks of appropriate and accessible public buildings as key community focal points and through a wide range of low cost, low impact community activities.

In 1998, Council approved a Community Leases Policy, which in part encourages the maximised use of its community facilities and states that priority will be given to groups undertaking activities that will make a significant contribution to:

- improving access to information, education and learning opportunities;
- encouraging the community to be involved in looking after the City's natural, heritage and cultural resources;
- fostering co-operation, partnership, and sharing of resources between community groups; and
- promoting a sense of belonging and identify for all people in Waitakere City.

ISSUES

Following the closure of the Te Atatu Women's Bowling Club and the Community Board's resolution to lease the clubrooms to a community group Council's Leisure Services unit invited expressions of interest for the building. An advertisement was placed in the Western Leader in May 2003 calling for expressions of interest from community groups. Five groups submitted applications including the Waitakere Adult and Community Education Association, Kahurangi No Te Atatu (Kaphahaka group), the Iranian Community Trust (migrant and refugee resettlement services), Thai Bro's (Kickboxing club), and Best Buddys (services for disadvantaged youth). All applicants were sent an acknowledgement letter on 30 June 2003 advising that the Lease Assessment Committee's recommendations would be forwarded in a report to the Henderson Community Board for a final decision. Applicants were also invited to attend the meeting on 7 August 2003 to hear the Community Board decision and advised that they will all be notified of the decision in writing.

Leisure Services developed a list of critical factors or lease assessment criteria to consider in awarding this lease. These factors were weighted to reflect their importance to Council and included with the application form and information sent to all applicants. The factors considered in assessing the applications were:

- Community and City wide benefits: In particular, significant contribution to one of more of the following strategic outcomes:
 - a) Increasing participation in community activities.
 - b) Improving access to health, leisure and other services essential to mental health and physical well being.
 - c) Improving access to information, education and learning opportunities.
 - d) Fostering iwi, hapu and Maori development.
 - e) Fostering cultural diversity in Waitakere City.
 - f) Meeting the needs of young people.
 - g) Encouraging community to be involved in looking after natural and heritage resources.
 - h) Improving safety in homes, neighbourhoods, town centre's
 - i) Fostering co-operation, partnership and sharing of resources between community groups.
 - j) Promoting a sense of belonging and identity for all people living in Waitakere City.
- A proven need for the services offered and strong levels of community support;
- Financial viability and sustainability of the organisation over the likely period of the lease (taking into consideration track record and financial information supplied);
- Ability to access alternative premises and immediate need for premises;
- Amount of use and/or willingness to share the premises;
- Suitability of the service and organisation to the neighbourhood location in Covil Park, Te Atatu South; and
- Willingness and ability to provide ongoing and general internal building maintenance.

All applicants were reviewed by Council's Lease Assessment Group who scored each group on the above factors. The Iranian Community Trust scored the highest (86%) and was selected as the preferred tenant for the Covil Park Community Building. The Iranian Community Trust has been offering services such as migrant and refugee resettlement services including cross-cultural and bilingual English classes, advocacy, counselling, advice, Justice of the Peace services, information and drop in centre services for migrants, refugees and the wider Waitakere community for over nine years. They are the only full time migrant and refugee resettlement service in Waitakere City.

The Iranian Community Trust has been sub-leasing and operating out of the Council owned premises at 4 Olympic Place, New Lynn since 1996. The Iranian Community Trust are required to vacate these premises after the lease was awarded last year to EcoMatters Trust who intend to develop and maintain the property as an environmental educational centre. Council officers have worked with EcoMatters Trust and the Iranian Community Trust to assess options to permit the ongoing sublease of part of the house to the Iranian Community Trust. Although the groups are currently operating under a shared arrangement they have both advised Council that this is only workable for a short term and EcoMatters Trust requires the entire property by mid August 2003.

The Iranian Community Trust has a reasonable level of financial support and is confident that it has enough resources to fund ongoing and general internal maintenance associated with the building. The main operating hours of the Iranian Community Trust are between 9am-5pm weekdays and as many clients use carpooling or public transport to access the services, noise and disruption to the neighbourhood would be minimal. The Iranian Community Trust also demonstrated high levels of community benefit and support through a number of letters from politicians and community based supporters and a petition from at least 60 people using the services they provide.

Whilst most of the remaining four applicant community groups for the lease scored well according to the lease assessment process the Iranian Community Trust scored more highly and consistently across all of the lease assessment criteria. It is recommended that the lease should be awarded to the Iranian Community Trust and also that Council officers work with the remaining four applicants on various alternative options available for community lease and facility use in Waitakere city.

The Community Leases Policy provides for a standard five year lease term (with a provision that the lease may be renewed for a further five year term if Council continues to be happy with this use). It is proposed that a lease of this term should be granted at the minimum rental under the lease policy.

Other Issues Considered

The local community around the club was advised in May 2003 via a community newsletter of the closure of the bowling club and the resolution to lease the Te Atatu Women's Bowling clubroom building to a suitable community group in addition to redeveloping the bowling green into park space. Once a final decision has been made by the Board regarding the lease, the local community will be advised via a further newsletter of the successful community group and when they intend to move into the premises. Appropriate security measures for the site have been arranged by Property Services from 1 April 2003 until such time that a community group take up the lease for the building.

Reclassification of Part of Covil Park

The area the Bowling Club occupies is at present classified under the Reserves Act 1977 as a recreation reserve, a classification appropriate for sporting activities and physical welfare. A change of classification of the area occupied by the buildings is required under that Act in order to grant a lease to any of the applicants.

In order to change the classification of the reserve the following steps must be taken:

- a resolution of Council must be obtained;
- iwi must be consulted;
- public advertising of the proposed reclassification must be undertaken (with any objections or submissions being brought back to the community board); and
- the consent of the Department of Conservation must be obtained.

In order to speed up the process of granting the successful applicant a lease, the Chairperson of this Community Board agreed to public notification of the proposed reclassification being placed in advance of this meeting.

RESOURCING

The bowling green was previously let to the Te Atatu Women's Bowling Club at a low rental. This land will no longer be leased out however any tenant will contribute to Council's basic costs for the building through rent payments and will also cover costs of internal general maintenance whilst the Council will cover structural and external maintenance costs.

The 2003/2004 Annual Plan budget included \$20,000 for the redevelopment of the Te Atatu Women's Bowling Club green and surrounding land into park space.

CONCLUSION

Due to the closure of the Te Atatu Women's Bowling Club in Covil Park the club representatives transferred ownership of the buildings surrounding the bowling green and lawns to the Council. The Henderson Community Board subsequently agreed that the building be available for lease to a community group and that the green and surrounding land be redeveloped into park space. Council's Leisure Services unit invited expressions of interest for the building from community groups. Five groups submitted applications that were then assessed against critical factors by Council's Lease Assessment Group. The Iranian Community Trust scored the highest (86%) and more consistently than any other applicant group across all of the lease assessment criteria and was selected as the preferred tenant. It is recommended that the lease of the Covil Park Community Building (old Te Atatu Women's Bowling Club) be awarded to the Iranian Community Trust and that Council officers continue to work with the remaining applicants for the lease on alternative accommodation options.

RECOMMENDATIONS

1. That the information be received.
2. That the Henderson Community Board approves the public notification of the intention to reclassify under section 24 of the Reserves Act 1977 as a local purpose (community and educational buildings) reserve the part of Lot 90 on Deposited Plan 39914 occupied by the old Te Atatu Women's Bowling Club buildings for the purposes of granting a lease to the Iranian Community Trust.
3. That it be recommended to Council that the Chief Executive be given authority in the absence of any objections or submissions on the reclassification to apply to the Department of Conservation under section 24 of the Reserves Act 1977 for the reclassification of the part of Lot 90 on Deposited Plan 39914 occupied by the old Te Atatu Women's Bowling Club buildings as a local purpose (community and educational buildings) reserve as specified in section 23 of that Act for the purposes of granting a lease to the Iranian Community Trust.

4. That the Chief Executive be delegated authority to negotiate and execute a lease under section 61 of the Reserves Act 1977 with the Iranian Community Trust for the footprint of the building and shed on Covil Park.

Report prepared by: Polly O'Brien, Leisure Services, Project Leader Community Resources.



13 LOWER ORATIA STREAM RESERVES MANAGEMENT PLAN

PURPOSE OF THE REPORT

The purpose of this report is to seek approval to publicly notify the intention to prepare a draft Management Plan for the Lower Oratia Stream Reserves, to outline to the Community Board the proposed reserves to be included in the Lower Oratia Stream Reserves Management Plan and to request that the Community Board establish and elect two representatives to a sub-committee with delegated authority to oversee the passage of the Management Plan.

BACKGROUND

Ecowater Solutions are proposing to develop a Reserve Management Plan for the Lower Oratia Stream Area. The Management Plan is being developed under the umbrella of Project Twin Streams, an ecological improvement and stormwater management initiative for the Oratia and Opanuku Streams catchments in Waitakere City.

Project Twin Streams is an initiative by Waitakere City Council to restore the riparian margins and improve the stream ecology and water quality along the Oratia Stream (including the Waikumete Stream), the Opanuku Stream, Swanson Stream and Henderson Creek. This project is set within the wider context of the Eco City and its nine strategic platforms. The project was launched in October 2001 in partnership with Landcare Research and links with the overall Green Network vision and other interconnected programmes initiated by Council.

The purpose of Project Twin Streams is "to develop and implement a comprehensive management strategy and works programme to mitigate adverse effects in the Oratia and Opanuku Streams (known as the Twin Streams)." These adverse effects include flooding, erosion, deterioration of water quality and the ecology of the streams. Project Twin Streams is aimed at enabling communities to develop understanding, ownership and uptake of these issues in their local catchments.

The Council has considered a number of options to address these adverse effects and has resolved to proceed with a combination of the following:

- low impact future development;
- riparian corridor restoration;
- vegetation clearance and re-planting;
- mimicking of existing run-off behaviour; and
- protection of restoration of ecosystems.

A key to achieving this vision is the engagement of local communities. The development of a Lower Oratia Stream Reserves Management Plan will be a step in implementing this large project and will be the main focus for gaining community involvement in the design and planning for this part of the Twin Streams Project.

The Reserves Management Plan will provide direction for proposed planting and landscape plans (Lower Oratia Catchment), and ecological improvement for the Lower Oratia Stream.

The Management Plan will include the existing reserves along the lower Oratia Stream situated between Parrs Cross Road and Great North Road and will also encompass 23 privately owned lots situated along the lower Waikumete Stream between the confluence of the Waikumete and Oratia Streams and Parrs Park. Council resolved to purchase these properties in June 2003 for riparian planting and stormwater management improvements. Negotiations are currently taking place with property owners and the first of 23 properties settled on 3 July 2003. They are included in the Plan as they will eventually be vested as reserves.

Currently there are no operative Reserve Management Plans for any of the reserves. The reserves proposed to be included in the Management Plan include the following;

- Oratia Esplanade;
- Serwayne Walk;
- Millbrook Esplanade;
- Millbrook Road Reserve;
- Railside Road Reserve;
- Hart Domain;
- Catherine Esplanade Reserve;
- Vitasovich Esplanade.

A19

See map attached at page A19.

It is proposed that the preparation of an integrated Management Plan for the Lower Oratia Stream area, incorporating significant stretches of riparian margin, both reserve and future reserve, will enable Council to develop and manage the esplanade reserves in a way that reflects community desires and provides direction for the proposed planting and landscape plans for Project Twin Streams (Lower Oratia Catchment).

STRATEGIC CONTEXT

The Lower Oratia Stream Reserves Management Plan will be prepared in the context of the Parks Strategy, which provides guidelines on the management of parks within the City.

Policies outlined in the Plan will be guided by the objectives of the Parks Strategy which aims to improve the quality of parks and provide parks services in a fair and equitable way for Waitakere people within financial constraints.

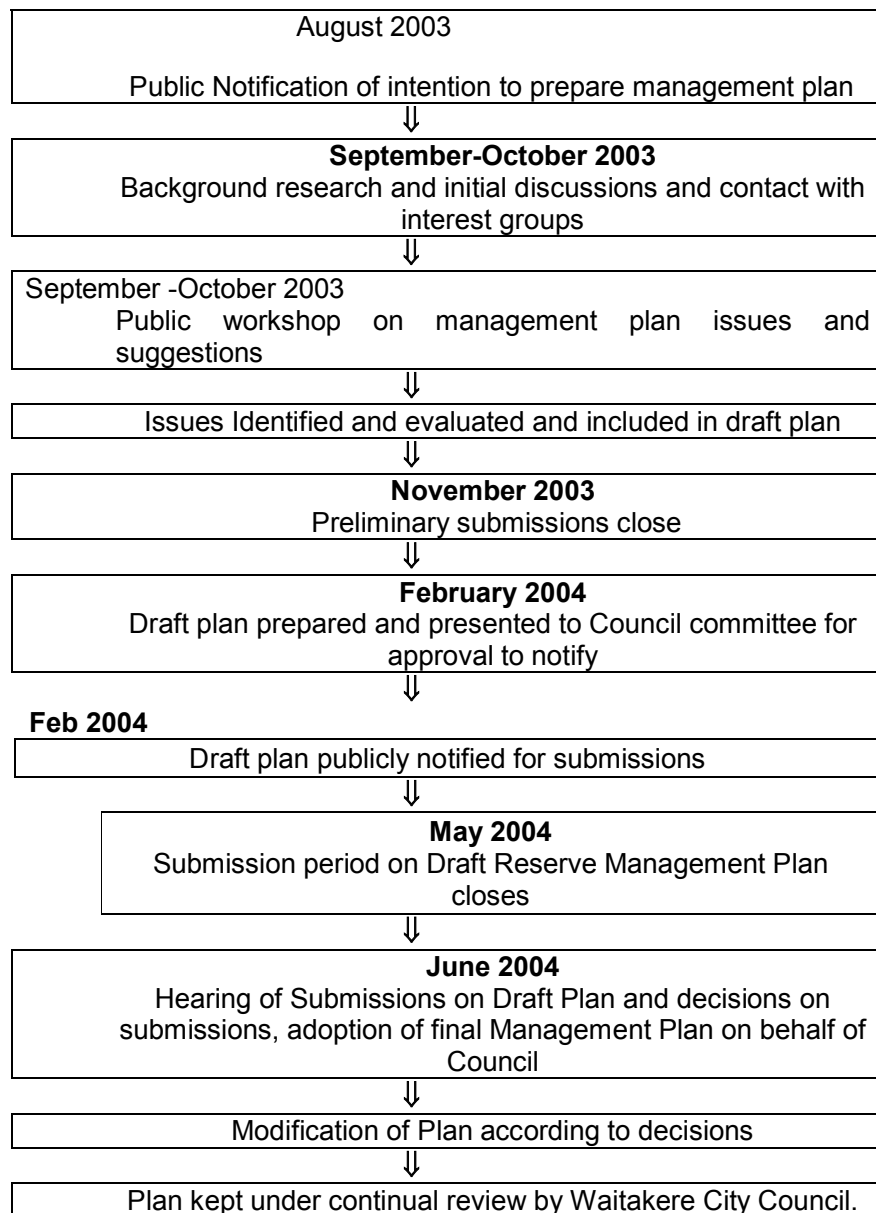
The Plan will also promote the Green Network, which is an approach to integrate native ecosystems on private and public land by recreating a vegetated link between the Waitakere Ranges and the city's harbours. The goals of the Green Network, to be incorporated into the Plan are to: provide ecosystem protection, form ecological corridors, enhance the landscape, enhance public access to natural areas, mitigate hazards and protect water quality.

ISSUES

The delegated authority to oversee and adopt Management Plans generally lies with the Community Boards. The authority to classify or reclassify local reserves also lies with the Community Boards. All other matters pertaining to reserves, such as acquisition, are delegated to the Environmental Management Committee. In addition, the Environmental Management Committee have had input into decisions relating to Project Twin Streams.

The Lower Oratia Stream Reserves Management Plan includes local reserves and spans two wards, requiring input from two Community Boards as well as input from the Environmental Management Committee.

All reserves (other than local purpose reserves) are required under the Reserves Act 1977, to have a current Reserve Management Plan. The process of developing a Reserve Management Plan is set down in the Reserves Act 1977 and includes a public consultation process, including two rounds of public submissions. The second round of submissions is to a draft Plan and at this stage, submitters have the opportunity to speak at a hearing where the Community Board then deliberates on proposed amendments to the Draft Management Plan and pending amendments, adopts the Plan.



The hearing for submissions to the Plan would involve the two Community Boards. Under Sec 120 (1) (c) of the Reserves Act, Council, as the administering body, is authorised to appoint a special committee to hear the submissions.

As the Lower Oratia Stream Reserves span both the Henderson and Waitakere Wards and encompass the issue of reserves acquisition and Project Twin Streams, it is proposed that the Henderson and Waitakere Community Boards establish a subcommittee with delegated authority to oversee the passage of the Plan, including the hearing of submissions to the Draft Plan and make recommendations on amendments and the subsequent adoption of the Plan.

While input to this subcommittee will be at the discretion of the Community Boards, it is recommended that due to the consideration of other issues, members of the Environmental Management Committee are represented on this Subcommittee.

RESOURCES

The Plan is being prepared by Ecowater Solutions through Project Twin Streams funding with peer review and management by Landscape Development who are responsible for the preparation of Reserve Management Plans.

The acquisition of land to be vested as reserve and included in the plan is to be jointly funded by the Reserves Contribution Fund and Ecowater Solutions. Infrastructure Auckland has recently approved funding of \$8.9 million for the Lower Oratia catchment. This includes funding towards replanting and land acquisition.

CONCLUSION

The Lower Oratia Stream Reserves Management Plan is made up of the reserves that bound the lower Oratia Stream between Parrs Cross Road and Great North Road and spans two Wards. In addition, the Management Plan includes properties to be purchased along the riparian margin of the Waikumete Stream. The Plan involves Twin Streams and Green Network issues as well as issues of reserves acquisition and classification.

Community boards have delegated authority to approve Reserve Management Plans and exercise the powers of the Council under the Reserves Act 1977 relating to local parks and reserves. The Environmental Management Committee have delegated authority over all other matters pertaining to reserves, including reserves acquisition. Under the Reserves Act, the administering body are authorised to establish a subcommittee with authority to hear submissions on the Draft Management Plan and make recommendations as appropriate. In view of the range of responsibilities of the various delegations involved in the preparation of this plan, it is suggested that a subcommittee be established including representatives from the Waitakere and Henderson Community Boards and the Environmental Management Committee and a Chairperson in order to oversee the entire passage of this Plan.

RECOMMENDATIONS

1. That the information be received.
2. That the Henderson Community Board, in conjunction with the Waitakere Community Board, establish the Lower Oratia Stream Reserves Management Plan Subcommittee, to appoint two representatives to the subcommittee to prepare and recommend the preparation of the Lower Oratia Stream Reserves Management Plan with the scope of delegation as follows:

The Lower Oratia Stream Reserves Management Plan Subcommittee shall report to the Henderson and Waitakere Community Boards. Where the Subcommittee is not empowered to act it shall report to the Community Boards and make recommendations as necessary.

FIELD OF ACTIVITY

To prepare and recommend the preparation of the Lower Oratia Stream Reserves Management Plan, including preparing the consultation plan and programme and the hearing of submissions to the draft Plan and to make recommendations to the Henderson and Waitakere Community Boards regarding the adoption of the Lower Oratia Stream Reserves Management Plan.

MEMBERSHIP

The Subcommittee shall comprise:

- two members appointed by the Henderson Community Board;
- two members appointed by the Waitakere Community Board;
- one member of the Environmental Management Committee;
- the Mayor (ex officio).

Quorum: 3 members.

DELEGATED POWERS

1. To prepare and recommend the preparation of the Lower Oratia Stream Reserves Management Plan, including the adoption of the draft Plan.
 2. To hear the submissions to the draft Reserves Management Plan and make recommendations to the Henderson and Waitakere Community Boards regarding the adoption of the Lower Oratia Stream Reserves Management Plan.
 3. To classify or reclassify local parks included in the Management Plan as recommended by the draft Plan and required by the Reserves Act 1977.
 4. To appoint a Chairperson.
3. That public notification of the intent to prepare the Lower Oratia Reserves Management Plan be undertaken in August 2003.
 4. That a report be brought to the first meeting of the subcommittee outlining a detailed programme for the management plan process and requesting nomination of representatives to be on an internal advisory group for the management plan.

Report prepared by: Mandy McMullin, Reserve Management Planner.



14 ADOPTION OF STANDING ORDERS

PURPOSE OF THE REPORT

The purpose of this report is to adopt Standing Orders, which comply with, and refer to, the Local Government Act 2002.

BACKGROUND

Clause 27 of Schedule 7 of the Local Government Act 2002 requires that Council adopts a set of Standing Orders for the conduct of its meetings and those of its Committees. This clause further provides that once adopted, Standing Orders can only be replaced or amended by a vote of not less than 75% of the Members present. In terms of Section 54(2) of the said Act, this clause is also applicable to Community Boards.

Section 293 of the Local Government Act 2002 makes a transitional provision to the effect that Standing Orders adopted under the Local Government Act 1974, and in force at the date of commencement of the Local Government Act 2002, will continue in existence or until replaced or amended in accordance with clause 27 of Schedule 7 of the Local Government Act 2002.

A20 The Standing Orders circulated to members separately (refer attachment A20) have been reformatted to comply with the consultation copy of the standard New Zealand Standard Model Standing Orders NZ9202: 2003 (except with regard to the casting vote, as discussed in issues below). The changes that have been made are to update all the terminology and all references to the Local Government Act, so that these refer to the 2002 Act, not the 1974 Act.

Council formally adopted these Standing Orders on 14 July 2003. Council also recommended that the four Community Boards in Waitakere City adopt the revised Standing Orders as soon as practicable.

ISSUES

All references to the Local Government Act 1974 have been replaced with references to the Local Government Act 2002. The following changes are also highlighted:

- the term "Chief Executive" has now replaced the term, "Principal Administrative Officer";
- all references to "Special" and "Emergency" meetings have been replaced by references to "Extraordinary" meetings;
- in terms of a consequential amendment to the Local Government Official Information and Meetings Act, all resolutions from Extraordinary Meetings require to be advertised;
- notices of time and place of meetings are now required to be sent out no later than 14 days before the meeting (the 1974 Act provided for 10 working days notice; the new requirement includes Saturdays, Sundays and Public Holidays).

Some uncertainty has been created as to the interpretation of clause 24 of Schedule 7 of the Local Government Act 2002, which relates to the exercise of a casting vote by a Mayor or Chairperson.

The Department of Internal Affairs has issued a Newsletter (Issue 5) in respect of the Local Government Act 2002, in which they advise that they have obtained a Crown Law Office opinion to the effect that it is not possible for a Mayor or Chairperson to exercise a casting vote. Standards New Zealand has followed the Department of Internal Affairs line, by specifically providing against a casting vote in the consultation copy of the revised model Standing Orders.

Council's Legal Services Manager is of the opinion, that the casting vote is permissible provided it is specifically provided for in Standing Orders. The latter opinion is strongly supported by Simpson Grierson, Brookfields, and Buddle Findlay legal practices, as well as by a leading academic lawyer, Professor John Burrows of the University of Canterbury.

The matter is currently being pursued through the Auckland Region CEO's Forum and Local Government New Zealand. In the light of this advice, Council has continued to provide for a casting vote while this issue is being resolved. It is strongly recommended that Community Boards likewise retain this provision.

RESOURCES

There are no additional Resources required.

CONCLUSION

It is advisable to update the current Standing Orders in order to incorporate all changes made by the Local Government Act 2002. These include changes in terminology and references to sections in the Local Government Act. It is further advisable to continue to provide for a casting vote in the Standing Orders, while the issue of uncertainty on the issue is being pursued.

RECOMMENDATIONS

1. That the information be received.
2. That the Standing Orders as circulated be adopted for the remainder of the 2001/2004 term of Henderson Community Board.

Report prepared by: Charlie Inggs, Acting Senior Committee Secretary.



15 ADOPTION OF CODE OF CONDUCT FOR COMMUNITY BOARD MEMBERS

PURPOSE OF THE REPORT

The purpose of this report is for Henderson Community Board to adopt a Code of Conduct (the Code) as recommended by Council at its meeting of 14 July 2003.

BACKGROUND

Schedule 7 Clause 15 of the Local Government Act 2002 requires Local Authorities to adopt a Code of Conduct for Members of the Local Authority as soon as practicable after the date of commencement of the Act on 1 July 2003.

A draft Code of Conduct was circulated to Councillors and a workshop for Councillors to discuss the Code was held on 16 April 2003.

A20

Council's Legal Services Manager subsequently re-drafted the Code in order to ensure full compliance with the Local Government Act 2002, while capturing all of the sentiments expressed at the Councillors workshop. This Code was then adopted with further amendments, by the Council on 14 July (1471/2003), with the further recommendation that Henderson Massey, New Lynn and Waitakere Community Boards adopt similar codes as soon as practicable. The relevant extract from Council minutes, together with the amended Code has been circulated separately to members (refer attachment A20).

Section 54 of the Local Government Act 2002 specifically excludes Community Boards from the provisions of Schedule 7 Clause 15. Furthermore, the definition of Members of a Council, provided in Section 41 of the Local Government Act 2002, does not include Community Board Members. These exclusions mean that the Code is not automatically applicable to Community Boards. However, Community Boards may adopt a Code of Conduct on a voluntary basis and may use the Council's Code as a basis for their own.

STRATEGIC CONTEXT

Council has taken pride in taking the lead in the implementation of a number of aspects of the Local Government Act 2002. Council has continued this trend by adopting the required Code of Conduct, 14 days after the date of commencement of the Act. The Community Boards are encouraged to support Council's lead in establishing high standards of accountability and transparency.

ISSUES

Care was taken in the drafting of the Code to fully comply with the provisions of Schedule 7 Clause 15 of the Act. A worked example of a Statement of Interests by an Elected Member is attached to the Code.

The adopted Code is binding on all Councillors, including the Mayor. Once adopted a Code can only be amended or replaced by a 75% vote of the Members present. It is not possible to revoke the Code once adopted, without replacing it with another.

The Code adopted by the Council is being referred to each Community Board for its consideration. The Community Boards are being encouraged to adopt similar Codes. It would be a clear indication of the Boards commitment to the highest standards of transparency and accountability for the Boards to do so.

RESOURCES

No additional resources will be required.

CONCLUSION

Council adopted its first Code of Conduct on 14 July 2002. It further recommended that all the Community Boards in Waitakere City adopt their own, similar, Codes of Conduct.

The Henderson Community Board is therefore being strongly encouraged to adopt the Council Code as its own.

RECOMMENDATIONS

1. That the information be received.
2. That Henderson Community Board adopt the Code of Conduct.

Report prepared by: Charlie Inggs, Acting Senior Committee Secretary.

