

**AGENDA FOR AN ORDINARY MEETING OF THE COUNCIL TO BE HELD IN THE
CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,
ON WEDNESDAY, 26 JUNE 2002, COMMENCING AT 5.30 PM.**

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1 OPENING PRAYER

Reverend David Ock-Youn Jang from the Korean Presbyterian Church of Auckland will say the Opening Prayer.



2 APOLOGIES



3 CONFIRMATION OF MINUTES

Special - Tuesday, 21 May 2002
Ordinary - Wednesday, 29 May 2002
Emergency - Thursday, 6 June 2002
Special - Friday, 7 June 2002

RECOMMENDATION

That the minutes of the Special Meeting of the Council (Strategic Review (eco city + 10)) held on Tuesday, 21 May 2002, the Ordinary Meeting of the Council held on Wednesday, 29 May 2002 including the Public Excluded minutes, the Emergency Meeting of the Council (Waitakere Stadium Sports Complex) held on Thursday, 6 June 2002, and the Special Meeting of the Council (Strategic Review) held on Friday, 7 June 2002, as circulated, be taken as read and now be confirmed.



4 URGENT BUSINESS

Section 46A(7) and (7A) 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 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 Council 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.



PART A - REPORT OF THE MAYOR

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



PART B - COMMUNITY BOARDS AND TE TAUMATA RUNANGA

5 TE TAUMATA RUNANGA

I NOHO TE TAUMATA RUNANGA KOMITI MANE TE KAU MA WHITU PIPIRI 2002

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON MONDAY, 17 JUNE 2002

MATTERS CONSIDERED

*1-3
Part B*

Your Committee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 1 to 3 in the supplement labelled Part B.

NGA TAKE E WHIRIWHIRIA

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

Your Committee Recommends:

That the report of the Ordinary Meeting of Te Taumata Runanga held on Monday, 17 June 2002 be received.

Te Warena Taua
CHAIRPERSON



6 WAITAKERE COMMUNITY BOARD

THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON TUESDAY, 4 JUNE 2002

MATTERS CONSIDERED

*4-8
Part B*

The Board dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 4 to 8 in the supplement labelled Part B.

The Board Recommends:

That the report of the Ordinary Meeting of the Waitakere Community Board held on Tuesday, 4 June 2002 be received.

CA Shepherd, JP
CHAIRPERSON



7 **MASSEY COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING
HELD ON WEDNESDAY, 5 JUNE 2002**

MATTERS CONSIDERED

9-13
Part B

The Board dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 9 to 13 in the supplement labelled Part B.

The Board Recommends:

That the report of the Ordinary Meeting of the Massey Community Board held on Wednesday, 5 June 2002 be received.

RF Jessopp
CHAIRPERSON



8 **HENDERSON COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING
HELD ON THURSDAY, 6 JUNE 2002**

MATTERS CONSIDERED

14-19
Part B

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 14 to 19 in the supplement labelled Part B.

The Board Recommends:

That the report of the Ordinary Meeting of the Henderson Community Board held on Thursday, 6 June 2002 be received.

HM Jones
CHAIRPERSON



9 **NEW LYNN COMMUNITY BOARD**

THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON MONDAY, 10 JUNE 2002

MATTERS CONSIDERED

20-25
Part B

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 B.

The Board Recommends:

That the report of the Ordinary Meeting of the New Lynn Community Board held on Monday, 10 June 2002 be received.

EG Francke
CHAIRPERSON



PART C - REPORT OF THE CHIEF EXECUTIVE

10 SINGLE TRANSFERABLE VOTING SYSTEM

PURPOSE OF THE REPORT

The purpose of this report is to appraise the Council on the process to consider the Single Transferable Voting system so that it can make an informed decision when it considers the electoral system during 2002 that will be used for the 2004 triennial election.

BACKGROUND

In May 2001 the Local Electoral Act 2001 was enacted. This Act significantly updated the legislation governing the running of Local Government and District Health Board elections in New Zealand.

Traditionally, First Past the Post has been the only electoral system used for all local government and District Health Board elections in New Zealand. As part of the new legislation, it is now mandatory that the District Health Board elections in 2004 be carried out under the system known as Single Transferable Voting.

Territorial and Regional Councils also have the option to choose between the New Zealand Single Transferable Voting system and First Past the Post as their electoral system for the 2004 elections. This decision needs to be made by councils during 2002 and early 2003, in accordance with the timetable set out in the Local Electoral Act 2001.

There is a three-part process that councils can take to determine their electoral system for 2004 and beyond:

- (i) Council resolution, and public notification of the decision on voting systems;
- (ii) Possible demand for a Poll to be held by the community (5% of Electors);
- (iii) Council can hold a Poll on the voting system of its own volition.

The last date by which a council must have made a final determination its electoral system is 28 February 2003.

STRATEGIC CONTEXT

Council is committed to increasing community participation in democratic processes. Elections are a key democratic process. The form of voting is now an option between First Past the Post and Single Transferable Voting.

There are advantages and disadvantages perceived in both systems and the public will likely be very interested in being consulted on this issue. Council needs to ensure that balanced information is shared with the community so that it receives informed advice when making its policy decision.

The Single Transferable Voting Taskforce (Local Government New Zealand, New Zealand Society of Local Government Managers and the Department of Internal Affairs) released a discussion document with an overview summary in May. A copy has been placed in the Elected Members lounges.

WHAT IS SINGLE TRANSFERABLE VOTING?

The main aim of an Single Transferable Voting system is to give the voter the widest choice possible between candidates, and thereby increase the diversity of representation. It is an electoral system designed to try and make sure that the candidates elected represent accurately the opinions of the voters across the whole electorate.

It is based on the principle that the elector has a first choice of candidate, but if the preferred candidate has either more than the required number of votes to be elected, or so few as to have the least chance of being elected, then the elector's vote is transferred to a second or subsequent choice.

It allows Voters to cast a positive vote and to know that their vote is not likely to be wasted whatever their choice is:

- It is ideally suited for council mayoralty elections because the candidate who receives an outright majority of votes (including transferred votes) will be elected.
- It is proposed that the Council hold a workshop to learn about and understand the principles of Single Transferable Voting. A full report on the Single Transferable Voting system will be provided for that Workshop and external presenters may also be utilised to discuss the more intricate details of the system.

COUNCIL PROCESS FOR DECIDING ELECTION SYSTEMS FOR 2004

The legislation provides for a three-part mechanism for Councils to decide which electoral system they wish to use for 2004 and beyond. Sections 27 to 37 of the Local Electoral Act 2001 set out what councils are required to do.

The Local Electoral Act 2001 defines an “**electoral system**” as one of the following two options.

“**electoral system** means any of the following electoral systems that are prescribed for use at an election or poll:

- (a) the system commonly known as First Past the Post.
- (b) the system commonly known as Single Transferable Voting using Meek's method of counting votes.”

The three-part process is:

1. Council can resolve to use First Past the Post or Single Transferable Voting.
2. The community can demand a Poll.
3. Council can decide to hold a Poll.

Any Poll to decide the electoral system (First Past the Post or Single Transferable Voting) is binding for the next two triennial elections.

Council Can Resolve Which Electoral System

A council can resolve which electoral system to use under its own volition, and if it does, it must do so not later than 12 September two years prior to the next triennial election, unless it decides to hold a Poll.

Therefore if, for example, a council wishes to consider changing its system from First Past the Post to Single Transferable Voting for the 2004 election, it must do so before 12 September 2002, pursuant to Section 27(1). If Council chooses to stay with First Past the Post, it still must pass a resolution and publicly advertise it accordingly.

A resolution under this section takes effect for the next triennial election and continues in effect until either the council resolves otherwise, prior to 12 September two years prior to the next triennial election, or a poll of electors is held under Section 33 of the Local Electoral Act 2001.

N.B. It should be noted that a provision has been included in the draft Local Government Bill that, should a Council resolve to change its system by resolution, and no poll is held, the new system must be used for the next two elections, and not just one election, as required by Section 27. This provision may or may not make it into the final Local Government Act.

Electors Have the Right to Demand a Poll

Prior to 19 September two years prior to the next triennial election, the Council must give public notice of:

- (i) Its resolution pursuant to Section 27, ie. what electoral system it wishes to use, First Past the Post or Single Transferable Voting.
- (ii) A statement that a poll is required to change that resolution pursuant to Section 29.

Section 29 allows the electors enrolled at the previous triennial general election to demand a binding Poll be held on a proposal to determine which electoral system is to be used for the next two triennial elections. The Poll demand must be made in writing to the Principal Administrative Officer by a number of electors equal to or greater than 5% of those registered and must be made no later than 90 days after the date of the public notice under Section 28 (no later than 90 days after 19 September).

Council May Hold a Poll by Resolution

A Council can also decide under its own volition to hold a Poll at any time during the process. This is irrespective of whether a valid demand has been received, or the expiry of the time for delivering a demand has passed.

Public notice of the Poll must be not later than 28 February in the year immediately before the year of the next triennial election. Council has to decide a voting system under which to hold its Poll, with First Past the Post being the default if there is no council resolution.

The Poll is binding and will determine whether First Past the Post or Single Transferable Voting is to be used for at least the next **two** triennial council elections, and for all subsequent elections until either a further resolution under Section 27 takes effect or a further poll is held.

Timeline

May to September 2002	Council to investigate/consider electoral systems.
12 September 2002	Last day for council to resolve electoral system for 2004.
19 September 2002	Last day for council to give public notice of electoral system resolution and notice of right to demand a Poll.
19 December 2002	Last day for Poll demand in writing from 5% of electors. (A separate demand from 5% of electors can be made in writing at anytime prior to 19 December.)
28 February 2003	Last day that Council may resolve to hold a Poll to determine electoral system. <ul style="list-style-type: none">• Principal Administrative Officer to give notice to the Electoral Officer to hold a Poll as soon as possible after receiving demand in writing, or Council so resolving.• Poll must be held not later than 82 days after the Electoral Officer receives the notice.• Any such Poll is binding on Council.
31 August 2003	Last day for Council to determine its Basis of Representation for the next triennial general election, ie. the number of Councillors, wards etc.

RESOURCES

The costs of running an election under the Single Transferable Voting system are unknown at this time. Set up costs for new software may be able to be shared. More information will be gathered and assessments made to assist the Council before it is required to make its decision.

It should be noted that Single Transferable Voting will be in use for the Health Board Elections, meaning that the arrangement to use this method will need to be put in place in any event.

CONCLUSION

If Council does not resolve to change electoral systems, the existing First Past the Post system will be used for 2004, subject to there being no poll demand from 5% of the electors.

Council may, without consultation, resolve to change the electoral system from First Past the Post to New Zealand Single Transferable Voting for the next triennial election, prior to 12 September 2002, and give public notice accordingly.

5% of the electors may require Council to hold a binding Poll if they so demand in writing by 19 December 2002, even if council does not resolve to change systems.

Council may resolve at any time prior to 28 February 2003 to hold a binding Poll of electors to determine the electoral system (First Past the Post or Single Transferable Voting) for the next two elections, ie. 2004 and 2007. Only one Poll (per triennium) can be held, and it is binding on Council.

The result of the Poll will determine the electoral system for the next two elections, 2004 and 2007. Council may by resolution change the electoral system in 2008, subject to the same provisions.

If no Poll demand is received, and council does not hold a Poll, council may resolve prior to 12 September 2005 to change the electoral system again (from Single Transferable Voting to First Past the Post) for 2007, subject to this not being changed via the Local Government Bill.

That the Council hold a workshop to learn about and understand the principles of Single Transferable Voting.

At the last elections in 2000 the Council used Election.com, consultants for software and process assistance and their services may be utilised for the proposed workshop.

RECOMMENDATIONS

1. That the information be received.
2. That a Workshop to explore the principles of Single Transferable Voting and its implications for Waitakere be scheduled.

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



11 WEST AUCKLAND NEIGHBOURHOOD SUPPORT INCORPORATED

PURPOSE OF THE REPORT

The purpose of this report is to consider a Council representative being appointed to attend the West Auckland Neighbourhood Support Management Committee meetings on a voluntary basis.

BACKGROUND

A1

A request has been received from the West Auckland Neighbourhood Support Management Committee, as attached at page A1 for a representative from the Council to attend their monthly meetings on a voluntary basis. It is anticipated that this representation will be a long-term appointment. The Management Committee believe that this arrangement will be beneficial to both the Council and the Neighbourhood Support, as both organisations are actively involved in the promotion of community safety.

The Management Committee meetings are held at the Te Atatu Police Station 492 Te Atatu Road, Te Atatu Peninsula on the last Thursday of every month, the next meeting is scheduled for Thursday, 27 June 2002.

ISSUES

Council has supported crime prevention in the city by means of funding support and representation on the Waitakere Safer Community Council Trust. West Auckland Neighbourhood Support Incorporated is a constituent member of the Safer Community Council.

Council may consider it advantageous to also be represented on the West Auckland Neighbourhood Support Management Committee. However, it may also be prudent for Council to consider whether given Councillors other external duties it is necessary to add representation to this organisation to Councillors work load.

CONCLUSION

The West Auckland Neighbourhood Support Management Committee have requested that Council give consideration to a representative being appointed to attend their monthly meetings. They have specified that the position is of a voluntary nature. Remuneration for attendance from Council is an issue that Council may wish to consider, however an initial assessment indicates that treating the appointment as voluntary would be appropriate.

RECOMMENDATIONS

1. That the information be received.
2. That Council consider whether or not a representative be appointed to attend the West Auckland Neighbourhood Support Management Committee meetings on a voluntary basis.

Report prepared by: Sharon Simiona, Committee Secretary.



12 HEARINGS COMMITTEE ALTERATION OF MEMBERSHIP

PURPOSE OF THE REPORT

The purpose of this report is to alter the membership of the Hearings Committee.

ISSUE

At the Inaugural meeting of the Council in October 2001, Cr Ross Dallow was made a member of the Hearings Committee, and appointed as Deputy Chairperson. The Deputy Mayor Cr Stone has now advised that Cr Ross Dallow, due to other Council commitments has requested that he no longer be a member of the Hearings Committee. Cr Derek Battersby has indicated that he would be available to attend the Hearings Committee meetings.

The Hearings Committee will also need to give consideration to the appointment of a replacement Deputy Chairperson, it is recommended that this be undertaken at the next meeting of the Hearings Committee.

CONCLUSION

Cr Ross Dallow has requested that he no longer be a member of the Hearings Committee and Cr Derek Battersby has indicated his availability to attend the Hearings Committee meetings. The Hearings Committee will also need to appoint a replacement Deputy Chairperson.

RECOMMENDATIONS

1. That the information be received.
2. That the request of Cr Ross Dallow to no longer be a member of the Hearings Committee be accepted and that the appointment of Cr Derek Battersby as the replacement member on the Hearings Committee be approved.
3. That the Hearings Committee consider the appointment of a replacement Deputy Chairperson at the next meeting of the Hearings Committee.

Report prepared by: Sharon Simiona, Committee Secretary.



13 ENTERPRISE WAITAKERE - APPOINTMENT OF TRUSTEES AND REVIEW

PURPOSE OF THE REPORT

The purpose of this report is to establish a Working Group to establish a process for the appointment of Trustees to vacancies on the Enterprise Waitakere Trust Board, and to recommend a scope for a review of Enterprise Waitakere.

BACKGROUND

In 1994 Waitakere City Council established the Waitakere Enterprise Trust (trading as 'Enterprise Waitakere') to provide economic development services. The Trust Deed was executed in May 1994 establishing the duties and responsibilities of the trustees.

In accordance with the Trust Deed, the number of Trustees shall not be fewer than five and not more than eight.

There are currently the minimum number of five Trustees on the Enterprise Waitakere Trust Board. The Trustees are; Mr Brian Mogridge ONZM (Chairperson), Dr Margo Buchanan-Oliver, Mr Taha Fasi, Ms Annette Fasher-Dow and Mr Harry O'Rourke.

The minimum total number of five appointments has been made to the Board to date because the future structure, skills and appointment process for Trustees was to be considered within the scope of a planned review of Enterprise Waitakere. A draft scope of the review has been prepared but has yet to be finalised.

One of the Trustees, Ms Annette Fasher-Dow, has tendered her resignation.

STRATEGIC CONTEXT

The creation of a strong local economy and more local jobs is Council's number one strategic priority. Enterprise Waitakere is the primary mechanism for Council to fund the delivery of economic development services.

ISSUES

Number of Trustees

In accordance with the Trust Deed, the number of Trustees shall not be fewer than five and not more than eight. Therefore, with the resignation of Ms Annette Fasher-Dow as a Trustee, the Board will be unable to transact any business from the date her resignation becomes effective.

Process for Appointment of Trustees

Council has the power to appoint or remove Trustees at any time. However, a process for the selection of potential Trustees for Council to consider is not specified in the Trust Deed. Currently, no formal process is adopted as Council policy

Review of Enterprise Waitakere

No comprehensive review of the Waitakere Enterprise Trust has taken place since its inception in 1994. The economic development field has changed dramatically in this time and it is appropriate that consideration be given to undertaking a review of the purpose and function of the Trust.

The structure, skills and appointment process for the Trust Board will be included in the scope of such a review. In this way, the issues of an appointment process for current vacancies and the scope of a review of Enterprise Waitakere are related.

A Position on the Waitakere Enterprise Board for Maori

At its 15 May 2000 meeting, Te Taumata Runanga requested:

“4. That consideration be given to one position of the Waitakere Enterprise Trust Board being made available for a suitably qualified person nominated by Te Taumata Runanga.”

1174/2000

The current Trust Deed makes no provision for specific sector or ethnic representation. To date, no formal resolution has been made on this matter as this was to be considered under a review of Enterprise Waitakere.

CONCLUSION

There are a number of related outstanding issues affecting the structure and appointment process for the Enterprise Waitakere Trust Board. The urgency to resolve these is now highlighted by the resignation of Ms Annette Fasher-Dow.

It is recommended that a Working Group be established to:

- Establish an appointment process for trustees, and make recommendations on Trustee appointments to Council.
- Consider the draft scope of the Enterprise Waitakere review. This Working Group would then recommend the scope to the City Development Committee.

This will advance the resolution of these outstanding issues in a timely manner.

It is further recommended that this Working Group consist of His Worship the Mayor, Chair and Deputy Chair of the City Development Committee, Chair of the Finance and Operational Performance Committee, Chief Executive and the Director: Strategic Group.

RECOMMENDATIONS

1. That the information be received.
2. That a Working Group consisting of His Worship the Mayor, Chair and Deputy Chair of the City Development Committee, Chair of the Finance and Operational Performance Committee, Chief Executive, Director: Strategic Projects and the Director: Strategic Group be established.
3. That the Working Group set up a process for the appointment of Trustees to the Enterprise Waitakere Trust Board, and make recommendations on Trustee appointments to Council and on the scope of a review of Enterprise Waitakere to the City Development Committee.

Report prepared by: John Wadsworth, Partnerships and Advocacy Leader: Economic Development.



14 WORKSHOP - "ELECTION BRAIN STORM" - WELLINGTON

PURPOSE OF THE REPORT

This report seeks the approval of Council for Deputy Mayor Cr Stone's attendance at the Local Government New Zealand Workshop on Election Year Strategy ("Election Brain Storm"), held in Wellington on Thursday, 30 May 2002.

The workshop ran for a full day and discussed key policy initiatives sought from the next Government of New Zealand. Local Government New Zealand specifically requested that Cr Stone attend this workshop because of her expertise in a range of important fields including transport, sustainable development, social policy and inter-governmental relationships.

Approval is sought for Cr Stone's travel and associated expenses to attend the Workshop. There is budgetary provision for this expenditure.

RECOMMENDATIONS

1. That the information be received.
2. That Council endorses Cr Stone's attendance at the "Election Brain Storm" Workshop held in Wellington on Thursday, 30 May 2002.

Report prepared by: Ann Magee, Director Strategic Projects.



15 **RODNEY DISTRICT PLAN - FURTHER SUBMISSIONS**

PURPOSE OF THE REPORT

Rodney District Council has recently released submissions to its Proposed District Plan and is now inviting further submissions. This report is intended to form the basis for Waitakere City Council's further submissions to the Rodney District Proposed District Plan.

BACKGROUND

A2-A27

The Rodney District Proposed District Plan was notified in November 2000. Submissions to the Rodney District Proposed District Plan were lodged by Waitakere City Council in June 2001. These submissions related to cross boundary issues and primarily focussed on the need to strengthen the natural area and rural subdivision standards in order to protect Waitakere's water quality and ecology. A full copy of the original submissions and relevant agenda item are attached at pages A2 to A27.

Approximately 8000 points of submission were raised on the Rodney District Proposed District Plan. There are many submissions that threaten the integrity of the Rodney District Proposed District Plan, as notified, and this is likely to threaten the future sustainable management of Waitakere City. The further submission process is Waitakere City Council's opportunity to positively influence resource management along our northern boundary.

STRATEGIC CONTEXT

Waitakere City Council shares its northern boundary and access to the West Coast and the Upper Waitemata Harbour as well as several water catchments with Rodney District. Waitakere City along with North Shore City and the Auckland Regional Council are partners with Rodney District Council in the Northern and Western Sectors Agreement which addresses growth management issues to implement the Auckland Regional Growth Strategy, including transport, and infrastructural issues. The Rodney District Proposed District Plan is one method that Rodney District utilises to manage its resources and implement the growth management directions in the Sector Agreement.

ISSUES

Section 74 of the Resource Management Act points out that District Plans should be consistent with those of adjoining territorial authorities and Section 75 indicates that District Plans should have a process to deal with cross boundary issues.

Accordingly this report analyses the submissions to the Rodney District Proposed District Plan, in terms of any cross boundary issues that may arise, and how these issues can be dealt with through further submissions.

It should be noted that the submission lodged by Waitakere City Council in June 2001 requested the strengthening of rural subdivision and natural area rules. Accordingly, Council's further submission continues to focus on these critical cross boundary issues.

Natural Area Controls

The natural area rule submissions are generally considered robust enough to ensure appropriate standards are maintained without undertaking further submissions. These submissions seek to:

- Decrease earthworks limits;
- Increase the significance of the Te Henga Wetland and other Significant Natural Areas; and
- Deter the practice of damming/diversion and inappropriate streamside revegetation.

Of note however is the submission from Royal Forest and Bird Protection Society of New Zealand that seeks that the Auckland West Coast Marine Park between Te Henga and Kaipara South Head be established offering a higher level of protection from the mean high water mark and the first significant ridgeline in from the Coast. The proposal for the marine park concept does extend to Waitakere City's coastline, south to Whatipu and the Manukau Heads. This Council is working with the Royal Forest and Bird Protection Society to achieve a satisfactory mechanism for the protection of the west coast's significant values. The concept of a marine park can be supported but the means of achieving this are still being worked through. The concept is consistent with the Waitakere City Council's eco city and Green Network objectives. Accordingly, Council should provide a supporting submission.

Rural Subdivision

The rural subdivision submissions focus on the need for the potential impact on water quality to be recognised, particularly in the water catchments shared by Rodney and Waitakere City. Apart from water quality issues, the rural subdivision standards currently in the Rodney District Proposed District Plan are comparable with those of Waitakere City. However, many broad submissions have been lodged that attempt to erode the rural subdivision density, landscape, rural character, and water quality controls currently provided for in the Rodney District Proposed District Plan. Should these submissions be successful, a significant potential impact on the rural character of development along the Waitakere City/Rodney District border may result. Accordingly, further submissions should be lodged opposing the changes to the rural subdivision controls and supporting, in general, the current Proposed District Plan provisions.

Future Urban Growth

The Rodney District Proposed District Plan identified Future Urban Zones around the periphery of existing town centres and villages including, of relevance to Waitakere City, Riverhead. Waitakere's submission focussed on the need for future development around Riverhead to recognise the impact on water quality in the Upper Waitemata Harbour. Submissions from others seek that the sequencing of growth be better recognised in District Plan provisions. One submission (from Green and McCahill, now renamed the Hugh Green Group) sought that land bounded by Henwood Road, Red Hills Road, and the Waitakere City border be included as a future urban area. This land is adjacent to the Redhills area, which is currently Foothills and Countryside Environments in the Waitakere Proposed District Plan, and is essentially rural in nature. The Regional Growth Strategy has identified the Redhills area in Waitakere City as a future urban area. The Northern and Western Sectors Agreement assessed this area against environmental and strategic considerations and determined that it would not be released for urban development for at least 20 years. The life of a District Plan is 10 years. To classify the land for future urban development now may give false expectations that land could be developed for urban purposes in the short-term and there may be pressure for similar development to occur in adjacent areas in Waitakere City before the 20 year horizon.

As Waitakere City Council is a partner with Rodney District in the Northern and Western Sectors Agreement, support for the sectors agreement should be made through a further submission, particularly where the sequencing of growth may have an impact on Waitakere City. A further submission should be lodged opposing the 'rezoning' of land in Rodney District which adjoins the Redhills area in Waitakere City to Future Urban.

Town Centre/Transport Strategy

Similar to the Waitakere City Proposed District Plan, town centres in Rodney District are seen as desirable locations for commercial development to occur. Whilst it is recognised that business activities that generate large numbers of vehicles should be located to minimise cumulative vehicle trip generation, there is no recognition that public transport should be supported around town centre nodes. Furthermore, District Plan policy does not discourage Rodney from becoming a large dormitory suburb for the Auckland Region. This approach could add to vehicle emission concerns in Waitakere and have a negative effect on Waitakere's transport strategy. On average, approximately 20,000 vehicles currently travel into Waitakere City from Rodney District per day. The Auckland Regional Council in particular have raised concern over this issue through submissions. Due to the potential impact of Rodney's current policy direction on Waitakere it would be appropriate for Waitakere to support the Auckland Regional Council in a further submission.

Timeframe

Further submissions close on the Rodney District Proposed District Plan on 27 June 2002. Summaries updating Councillors of the further submissions have been made available in the Councillors lounge prior to this meeting. In recognition of the tight timeframe for the lodging of further submissions, it is recommended that the authority for the final approval of the further submissions be delegated to the Chairperson of the Environmental Management Committee.

CONCLUSION

Waitakere City Council's submissions to the Rodney District Proposed District Plan primarily focus on strengthening natural area and rural subdivision standards in order to protect the ecology and water quality of Waitakere City. Submissions to the Rodney District Proposed District Plan have sought to further erode these standards. These submissions should be opposed. Other submissions have been made that would negatively impact on the sequencing of Waitakere's future growth and on Council's transport strategy - potentially increasing vehicle emissions in Waitakere City. These submissions should also be opposed.

Conversely, submissions that support Waitakere City Council's position on these issues should be supported through the further submissions process.

RECOMMENDATIONS

1. That the information be received.
2. That delegated authority be given to the Chairperson of the Environmental Management Committee to approve the lodgement of further submissions to the Rodney District Proposed District Plan as outlined in the agenda report.

Report prepared by: Matt Heale, Policy Analyst.



16 ECOMATTERS ENVIRONMENT TRUST

PURPOSE OF THE REPORT

The purpose of this report is to bring back to Council the confirmed details of the Waitakere Environmental Trust (known as the EcoMatters Environment Trust) for Council's consideration.

BACKGROUND

At the Finance and Operational Performance Committee meeting held on Thursday, 11 April 2002, a presentation was made of a partnership proposal between Keep Waitakere Beautiful, Weedfree Waitakere Trust and the Graffiti Trust. The following resolution was passed at that meeting:

“That Gretchen Schubeck be thanked for the Partnership Proposal presentation and that the Letter of Intent be forwarded to the Chief Executive for his consideration.”

716/2002

A28

The letter of intent forwarded to the Chief Executive, as attached at page A28.

At 29 May 2002 meeting of Council endorsed in principle the establishment of the Trust and the following resolutions were passed:

“That the establishment of the Waitakere Environmental Trust, as presented in the partnership proposal report, be endorsed by Council in principle for further work on giving effect to the proposal.

That the proposed constitution and draft trust deed of the Environmental Trust be subject to review and approval by Council's Manager: Legal Services, Director: Quality Assurance and Director: Corporate and Civic Service prior to further consideration by Council.

That issues relating to funding, partnering, contractual arrangements and appointment of trustees be considered by Council subsequent to the actions outlined in recommendation 3 above, if considered necessary.”

992/2002

STRATEGIC CONTEXT

Keep Waitakere Beautiful was established as a Council/Community partnership in 1993. Keep Waitakere Beautiful is affiliated to the Keep New Zealand Beautiful Society and is considering seeking Council approval to become either an incorporated society or a trust in the near future. The Tag Out Trust and the Weedfree Waitakere Trust are already incorporated as entities under the Charitable Trusts Act 1957.

All the organisations proposed for inclusion under the umbrella of the new Trust help to achieve Council strategic vision, in particular with regard to environmental, community and education objectives. The objectives of the EcoMatters Environment Trust include providing leadership in environmental and ecological enhancement services, and community awareness in relation to all aspects of the environment and natural ecology within Waitakere City, as well as promoting, facilitating and co-ordinating collaboration between other entities engaged in environmental and ecological upgrade work, including the undertaking of advocacy and joint planning initiatives.

ISSUES

Funding

It is recommended that a one year funding arrangement at the current 2002/2003 base level should be provided through the Annual Plan process for Keep Waitakere Beautiful and/or the EcoMatters Environment Trust to secure the capability to establish the appropriate administration and management outcomes and to ensure the continuation of the existing Keep Waitakere Beautiful programmes and outcomes. Funding will remain subject to that process with any contract of service including performance measures linked to that funding allocation.

Currently Keep Waitakere Beautiful is bulk funded by Council. The 2001/2002 contribution to Keep Waitakere Beautiful projects was \$175,580. The 2002/2003 draft budget includes a funding amount of \$157,080.

Current staff salary components (including one cell phone and computer, payroll oncosts) are in the order of \$60,540.

Council Staff

At present Keep Waitakere Beautiful is resourced by two .5 full time equivalents who work within the Landscape Development Section of Waitakere City Council.

These staff members currently provide the major component of Keep Waitakere Beautiful's project management, sponsorship and communication activities, with administration support from the Administration and Support section of City Services.

The implication of the constitution of the new environmental trust is that the Keep Waitakere Beautiful positions will potentially no longer be within Council. A process of negotiation through a consultative/partnership approach with the staff members is currently being undertaken following the Placement Protocols established for the Council and can be finalised in conjunction with the implementation of the new administration management and project co-ordination envisaged by the parties associated with the new Trust.

Governance Issues

The Waitakere Environmental Trust (EcoMatters) will not be a Council controlled organisation as defined under S.594B of the Local Government Act 1974 and will also not be an in-substance subsidiary for Council's accounting purposes.

Accountabilities for Council's funding provision and delivery of service will be established and provided through the service performance contracts and agreements that will be in place with the three partner groups and/or the EcoMatters Environment Trust as the case may be.

Deed of Trust

A29-A40

The Deed of Trust now executed by the First Trustees of the EcoMatters Environment Trust is attached at pages A29 to A40. The Deed has been reviewed and approved by Council's Manager: Legal Services, Director: Quality Assurance and Director: Corporate and Civic Service and is acceptable in its present format subject to the Trust becoming incorporated under the Charitable Trusts Act 1957 in accordance with an application presently made for that purpose.

CONCLUSION

The proposed Waitakere Environmental Trust (EcoMatters) should provide a number of benefits to service delivery in terms of the Strategic Vision for Council if effect is given to the Trust's objectives. In particular, the partnering of the three organisations will enable co-ordinated administration and a comprehensive package of community education and city improvements to be delivered to those entities and Council, and for the Waitakere City as a whole.

The Deed of Trust has been reviewed by Council officers and is in an acceptable format.

RECOMMENDATIONS

1. That the information be received.
2. That participation under the EcoMatters Environment Trust as a party entitled to appoint one Trustee from time to time be approved as set out in the Trust Deed.
3. That a one year bulk-funding arrangement be provided as outlined through the draft 2002/2003 Annual Plan at the current base level proposed in the draft budget and that the application of these moneys and any associated contractual arrangements be reported back to the appropriate Committee in due course.
4. That the partnering Agreements and/or any current contracts between Council and Keep Waitakere Beautiful, the Tag Out Trust, and the Weedfree Waitakere Trust remain as at present meantime.
5. That Council's Principal Administrative Officer be authorised to notify the appointment of one trustee to the EcoMatters Environment Trust Board in accordance with the Trust's Constitution once the trust has been incorporated under the provisions of the Charitable Trusts Act 1957.
6. That Council now determine the initial Trustee to be so appointed.

Report prepared by: Ross McLeod, Director: Corporate and Civic Services and Renee Lambert, Service Manager: Landscape Development.



17 ESTABLISHMENT OF REGIONAL FERRY SUBSIDIARY

PURPOSE OF THE REPORT

This report seeks the Council's approval of the constitution of ARTNL Harbour Berths Limited, an amendment to the constitution of Auckland Regional Transport Network Limited and a Variation of the Shareholders Agreement. This would enable shareholding Councils to exercise their governance responsibilities in relation to subsidiaries in the same way as they currently exercise their responsibilities in relation to Auckland Regional Transport Network Limited.

BACKGROUND

Auckland Regional Transport Network Limited is the regional company structure that was established to own and manage passenger transport infrastructure. Its main focus has been securing the rail corridors and ferry terminals.

Shareholding Councils approved the establishment of a company subsidiary structure for the operation of the ferry terminals business (Waitakere City Council resolution 804/2002).

At its meeting on 22 May, the Shareholders' Representatives Group recommended that the documentation for the establishment of a company subsidiary, called ARTNL Harbour Berths Limited, be forwarded to the shareholding Councils for approval.

The attached documentation comprises:

- Constitution of ARTNL Harbour Berths Limited,
- Resolution to amend the constitution of Auckland Regional Transport Network Limited;
- Deed of Variation of Shareholders' Agreement relating to Auckland Regional Transport Network Limited.

The documentation was prepared by Phillips Fox Solicitors, reviewed by staff of Auckland Regional Transport Network Limited and the Officers Advisory Group and approved by the Board of Auckland Regional Transport Network Limited.

A41-A67

An agreement between Auckland Regional Transport Network Limited and the Ports of Auckland Limited is intended to go unconditional on 21 June, which provides for the transfer of ferry terminals to ARTNL Harbour Berths Limited by 28 June. Shareholding Councils have approved the ferry terminals acquisition subject to certain conditions (Waitakere City Council resolution 804/2002). Auckland Regional Transport Network Limited intends to incorporate ARTNL Harbour Berths Limited by 21 June with the constitution as attached at pages A41 to A67.

STRATEGIC CONTEXT

Shareholding Councils need to ensure appropriate governance mechanisms are in place in relation to Auckland Regional Transport Network Limited's subsidiaries. In particular, shareholding Councils need to be able to approve significant transactions relating to subsidiaries of Auckland Regional Transport Network Limited. The proposed documentation provides an approval mechanism whereby shareholding Councils can fulfil their responsibilities under the Auckland Regional Growth Strategy and Auckland Regional Transport Strategy.

ISSUES

Auckland Regional Transport Network Limited is currently empowered to incorporate ARTNL Harbour Berths Limited and other subsidiaries. Phillips Fox Solicitors advised that "the most effective way to ensure that the TA shareholders retain the desired degree of control over the operations of Auckland Regional Transport Network Limited subsidiaries is to place positive constitutional obligations on the board of Auckland Regional Transport Network Limited to seek TA Shareholder approval prior to carrying out Auckland Regional Transport Network Limited's functions as a shareholder of each subsidiary". This requires an amendment to Auckland Regional Transport Network Limited's constitution and a variation of the Shareholders Agreement.

Amendment of Auckland Regional Transport Network Limited's constitution - This amendment requires Shareholding Councils to approve certain transactions relating to ARTNL Harbour Berths Limited or a subsidiary of Auckland Regional Transport Network Limited. This ensures that shareholding Councils have the same rights as a shareholder of subsidiary as they currently have in relation to Auckland Regional Transport Network Limited.

Variation of Shareholders agreement - This variation extends the agreement amongst shareholders to contemplate ferry as well as rail activities. It also provides for the approval mechanism in relation to transactions of subsidiaries.

Constitution of ARTNL Harbour Berths Limited - ARTNL Harbour Berths Limited's constitution is in a standard form for a subsidiary company and has been amended so that it is consistent with the provisions of Auckland Regional Transport Network Limited's constitution. If the proposed amendment of Auckland Regional Transport Network Limited's constitution is approved, no changes to ARTNL Harbour Berths Limited's constitution would be required.

The separation of businesses in subsidiaries ensures transparent operation of the ferry and rail businesses. Auckland Regional Transport Network Limited has signalled its intention to create a subsidiary company to own rail infrastructure. The Auckland Regional Transport Network Limited Board and Shareholders' Representatives Group will have a coordination and overview role.

RESOURCES

No new resources are required under the proposed arrangements. The Board of Auckland Regional Transport Network Limited has indicated that the same board members would be on the board of subsidiary companies with no extra entitlement to directors' fees.

CONCLUSION

A41-A67

The attached documentation is intended to provide shareholding Councils with the ability to approve transactions of subsidiaries of Auckland Regional Transport Network Limited in the same way that they can approve transactions of Auckland Regional Transport Network Limited as attached at pages A41 to A67.

RECOMMENDATIONS

1. That the information be received.
2. That the terms of the constitution of ARTNL Harbour Berths Limited be approved.
3. That the resolution to amend the constitution of Auckland Regional Transport Network Limited be approved and signed.
4. That the Deed of Variation of the Shareholders' Agreement relating to Auckland Regional Transport Network Limited be approved and signed under common seal.

Report prepared by: Kevin Wright, Strategic Planner Monitoring.

HV O'Rourke
CHIEF EXECUTIVE



PART D - STANDING COMMITTEE REPORTS

18 CITY DEVELOPMENT COMMITTEE

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON MONDAY, 10 JUNE 2002

MATTERS CONSIDERED

*1-11
Part D*

Your Committee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 1 to 11 in the supplement labelled Part D.

Your Committee Recommends:

That the report of the Ordinary Meeting of the City Development Committee held on Monday, 10 June 2002 be received.

CA Stone

CHAIRPERSON



19 ENVIRONMENTAL MANAGEMENT COMMITTEE

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON TUESDAY, 11 JUNE 2002

MATTERS CONSIDERED

*12-20
Part D*

Your Committee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 12 to 20 in the supplement labelled Part D.

Your Committee Recommends:

That the report of the Ordinary meeting of the Environmental Management Committee held on Tuesday, 11 June 2002 be received.

PA Hulse

CHAIRPERSON



20 **FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE**

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON THURSDAY, 13 JUNE 2002

1. **FUTURE OF OLD TITIRANGI COMMUNITY HOUSE**

Your Committee Recommends:

That the sale of the old Titirangi Community House (Lot 4, Deposited Plan 191856) be approved, and that the Chief Executive be given authority to negotiate and execute a sale of the property at an appropriate time.

2. **SALE OF ESPLANADE RESERVE**

Your Committee Recommends:

1. That the Chief Executive be given authority to apply to the Department of Conservation for the revocation of the reserve classification of the area of approximately 165 square metres of encroachment onto the Meadow Glade Esplanade Reserve adjacent to 157 Tirimoana Road in order to sell this area to Mr and Mrs Alach.
2. That subject to the consent of the Minister of Conservation to the revocation of the reserve status, approval be given to the sale of the area of Esplanade Reserve occupied by Mr and Mrs Alach and that the proceeds of sale be paid into the reserves account.
3. That pursuant to Section 40 of the Public Works Act 1981 that because of the size, shape and situation of the area of Esplanade Reserve to be sold that Council could not expect to sell the land to any person who did not own land adjacent to the land to be sold, and the land may be sold to the owners of the adjacent land, Mr and Mrs Alach.

3. **EXCHANGE AND DECLARATION OF LAND - TRAM VALLEY ROAD**

Your Committee Recommends:

That the Council land at Tram Valley Road marked F on the plan attached at page 38 in the supplement labelled Part D be exchanged for the Crown land marked A, B, C and D on the plan, as agreed with the Department of Conservation.

4. **ANNUAL REVIEW - PROPOSED AMENDMENTS TO THE BORROWING AND INVESTMENT POLICY**

Your Committee Recommends:

That the revised Borrowing and Investment Policy be adopted.

NOTE: The Borrowing and Investment Policy was circulated at the same time as the Finance and Operational Performance Committee agenda.

5. **OTHER MATTERS CONSIDERED**

21-37
Part D

Your Committee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 21 to 37 in the supplement labelled Part D.

Your Committee Recommends:

That the report of the Ordinary Meeting of the Finance and Operational Performance Committee held on Thursday, 13 June 2002 be received.

JM Clews, QSO, JP
CHAIRPERSON



PART E - PRESENTATIONS

These presentations will take place at 7.30 pm.

21 AUCKLAND REGIONAL COUNCIL

Councillor Gwen Bull, together with representatives from the Auckland Regional Council will make a presentation regarding matters of mutual concern and especially issues relating to our respective Annual Plans.



22 DAVID AND JOAN HALLETT

Waitakere Community Board member David Hallett during a recent visit to Great Britain presented the Citys Coat of Arms plaques to the Provost of Inverness and Highland Council and the Mayor and Admiral of the Port and Borough of Poole in Dorset.

David Hallett will present to the Council the reciprocal gifts from:

- a) Provost of Inverness and the Highlands Regional Council - Bill Smith. Inverness has around 200,000 residents and is the Gateway to the Highlands. Inverness Castle dates back to the 12th century. The region covers Loch Ness, Cawdor Castle (Macbeth) and Culloden Moor (1746 rebellion).
- b) Mayor of Poole Borough Council in Dorset - Ron Parker. Poole claims the second largest Natural Harbour and comprises around 141,000 residents. The status of the Poole Mayoralty was initiated by Royal favour with Mace around year 1750. Poole is a well established holiday area with fine beaches with a well known boat and yacht manufacturing industry.



23 NEW LYNN COMMUNITY CENTRE AND MASSEY LEISURE CENTRE AND LIBRARY

The New Lynn Community Centre and the Massey Leisure Centre and Library have recently been successful in winning architecture and property Council awards. A presentation of the certificates and the Council team will be made to Council.



PART F - PROCEDURAL MATTERS

24 QUESTIONS

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



25 NOTICES OF MOTION

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



26 CLOSING PRAYER

