



NOTICE OF MEETING COUNCIL

I hereby give notice that an Ordinary Meeting of the Council will be held on:-

DATE: **Wednesday, 26 February 2003** **TIME:** **5.30 pm**

VENUE: **Civic Centre, 6 Waipareira Avenue, Lincoln, Waitakere City**

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

NOTE: Pursuant to Standing Order 25.8 at 5.00 pm a 30 minute Public Forum will precede the Council meeting.

1. Ms Jennifer Nairn, Mayoral Taskforce on Whenuapai
2. Mr Kubi Witten-Hannah, Painted Apple Moth Community Advisory Group

Owena Schuster
COMMITTEE SECRETARY

21 February 2003

Telephone (09) 836 8000 extn 8864

MEMBERSHIP:

Mayor	RA	Harvey, QSO, JP
Deputy Mayor	CA	Stone
Councillors	DQ	Battersby, JP
	BA	Brady, JP
	JM	Clews, QSO, JP
	RP	Dallow, QPM, JP
	AC	Fenton
	OE	Hoskin, MNZM, JP
	PA	Hulse
	JP	Lawley
	GE	Nash, JP
	VS	Neeson, JP
	GB	Presland
	GW	Russell
	DA	Yates, JP

(Quorum 8 members)

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

AGENDA FOR AN ORDINARY MEETING OF THE COUNCIL TO BE HELD IN THE
CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,
ON WEDNESDAY, 26 FEBRUARY 2003 COMMENCING AT 5.30 PM.

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CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,
ON WEDNESDAY, 26 FEBRUARY 2003 COMMENCING AT 5.30 PM.**

1 OPENING PRAYER

Reverend McLeary from the Te Atatu Anglican Church will say the Opening Prayer.



2 APOLOGIES



3 CONFIRMATION OF MINUTES

Special - Wednesday, 18 December 2002
Ordinary - Wednesday, 18 December 2002

RECOMMENDATION

That the minutes of the Special Meeting of the Council held on Wednesday, 18 December 2002 and the Ordinary Meeting of the Council held on Wednesday, 18 December 2002, including the Public Excluded minutes, 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.



4A PETITION - WHENUAPAI AIRBASE

A69 - A71

The Mayor has approved the receipt of a petition containing 48 signatures from residents of Mt Roskill and Lynfield requesting Council to keep the Whenuapai Air Base for aircraft. The petition is attached at pages A69 to A71. The prayer of the petition reads as follows:

"We the undersigned want the Whenuapai Air Base kept for aircraft and feel this must not be replaced with state houses.

We feel that for security and protection reasons this air base should be kept intact for the sake of future generations and should not be bulldozed down for state house placement.

While terrorists are still around we feel it is essential to have all means of protection stabilised and reinforced. In the reality of the world climate today we should not be blindly led into denial of these issues."

For guidance of Councillors, Standing Orders has the following provision in regard to petitions:

1. The petition shall comprise less than 500 words and shall not be disrespectful, nor use offensive language or make statements made with malice.
2. A limit of five minutes shall be permitted for the person to present the petition.



PART A - REPORT OF THE MAYOR

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



PART B - TE TAUMATA RUNANGA AND COMMUNITY BOARDS

5 TE TAUMATA RUNANGA

I NOHO TE TAUMATA RUNANGA KOMITI MANE TE KAU MA WHITU O HUITANGURU 2003

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON DAY, DATE YEAR

1. RIPOTA O TE KAI TUHITUHI - COMMITTEE SECRETARY'S REPORT

The Committee Recommends:

That K Wikiriwhi replace R Waititi on the Community Sport Fund Allocation Subcommittee.

2. OTHER MATTERS CONSIDERED

Your Committee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 1 to 4 in the supplement labelled Part B.

NGA TAKE E WHIRIWHIRIA

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

Your Committee Recommends:

That the report of the Ordinary Meeting of Te Taumata Runanga held on Monday, 17 February 2003 be received.

Te Warena Taua
CHAIRPERSON

*1 - 4
Part B*



6 **NEW LYNN COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING
HELD ON MONDAY, 3 FEBRUARY 2003**

1. **TODD TRIANGLE RESERVE DEVELOPMENT CONCEPT PLAN**

The Board Recommends:

A1

That Todd Avenue, New Lynn, as defined in the diagram attached at page A1 of the Agenda Report be declared to be a pedestrian mall by Special Order under Section 336 of the Local Government Act 1974.

2. **COMMITTEE SECRETARY'S REPORT - TITIRANGI PARKING AND TRAFFIC**

The Board Recommends:

That it be conveyed to Council that the Community Board expresses its concern about the continuing delay in the response to concerns expressed by Titirangi residents about parking.

3. **OTHER MATTERS CONSIDERED**

*5 - 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 5 to 13 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, 3 February 2003 be received.

EG Francke
CHAIRPERSON



7 **WAITAKERE COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING
HELD ON TUESDAY, 4 FEBRUARY 2003**

MATTERS CONSIDERED

*14 - 16
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 16 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 February 2003 be received.

CA Shepherd, JP
CHAIRPERSON



8 **MASSEY COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING
HELD ON WEDNESDAY, 5 FEBRUARY 2003**

1. **NEW ZEALAND COMMUNITY BOARD CONFERENCE, NEW PLYMOUTH -
JULY 2003**

The Board Requests:

That the travel and associated costs for Andrew Good to attend the New Zealand Community Board Conference in New Plymouth on July 2003 as the Massey Community Board Representative be met by the Council.

2. **OTHER MATTERS CONSIDERED**

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 17 to 20 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 February 2003 be received.

RF Jessopp
CHAIRPERSON



9 **HENDERSON COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING
HELD ON THURSDAY, 30 JANUARY 2003**

MATTERS CONSIDERED

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 21 to 24 in the supplement labelled Part B.

The Board Recommends:

That the report of the Ordinary Meeting of the Henderson Community Board held on Thursday, 30 January 2003 be received.

HM Jones
CHAIRPERSON



17 - 20
Part B

21 - 24
Part B

PART C - REPORT OF THE CHIEF EXECUTIVE

10 GENERAL AGREEMENT ON TRADE IN SERVICES: CONSULTATION REQUIREMENTS

PURPOSE OF THE REPORT

The purpose of this report is to provide Councillors with a brief outline of the nature of the proposed General Agreement on Trade in Services and the concern expressed by some Local Authorities. Councillors are also recommended to instruct the Chief Executive to write to the Government, to explain this Council's dissatisfaction at the lack of consultation regarding General Agreement on Trade in Services, notably at the local government level.

BACKGROUND

In 1994, the General Agreement on Tariffs and Trade reached a final stage and was supported by New Zealand. The origins of General Agreement on Tariffs and Trade can be traced back to the post-war era, when it was first developed in 1947. General Agreement on Tariffs and Trade encouraged free trade between member nations, by regulating, reducing, and removing tariffs on traded goods.

Since signing of General Agreement on Tariffs and Trade, the World Trade Organisation has progressed work on a 'sister document', being the General Agreement on Trade in Services. Simply, the purpose of the General Agreement on Trade in Services is to remove international barriers to service delivery among member nations, in order that service deliverers in member nations have an equal right to trade in service delivery across international borders.

STRATEGIC CONTEXT

The General Agreement on Trade in Services agreement could affect Local Authority operations in many ways, potentially affecting Council's business more significantly than its predecessor (General Agreement on Tariffs and Trade). Strong concern has been expressed by other New Zealand councils, notably Christchurch and North Shore City Councils, while the Arena Organisation (www.arena.org.nz) reports objection by Local and State Authorities overseas.

General Agreement on Trade in Services introduces rules and processes for tendering services that will limit organisations from their current ability to determine the nature of general and specific tendering arrangements.

ISSUES

Should the government proceed with signing the General Agreement on Trade in Services agreement, it is likely that the ability of councils to continue their current service delivery practices will be significantly affected. While public service organisations can find exemption for 'non-commercial' activities (for example, regulatory services), some of the non-commercial aspects of Council's current services could be deemed by the World Trade Organisation as barriers to trade and open to challenge.

Policies such as Council's desire to plough local money back into the local economy, might also be deemed to be barriers to trade and open to challenge by the World Trade Organisation. Service delivery partnerships established with iwi in both public and private sectors could be affected in a similar way.

The Local Government Act 2002 is designed to enable local communities to nurture and grow, its local economy, and give local people power over its own decision-making and service delivery. The General Agreement on Trade in Services appears contrary to this.

Consultation on the proposed General Agreement on Trade in Services agreement is subject to a very narrow 'window' of time. The Ministry of Foreign Affairs and Trade have requested that all submissions be sent to the Government by 28 February 2003, in order that the government can sign the agreement by 31 March 2003.

A2 - A12

This council has obtained a copy of the comprehensive Christchurch City agenda report on the General Agreement on Trade in Services proposal, which is attached at pages A2 to A10. A copy of North Shore City's detailed media release, outlining its position on the matter is also attached at pages A11 to A12.

These are matters in which Local Government clearly has an interest, and has expectations that, in line with recent practice, consultation would occur. However, Local Authorities have not been afforded specific consultation opportunities, beyond the brief 'window' offered to the general public.

Therefore, following from the stance taken by Christchurch and North Shore City Councils, it is recommended that the Chief Executive be instructed to write to the Government, expressing this Council's concern, both at the lack of an opportunity for consultation with local authorities, and the need to incorporate amendments to the agreement that protect local government in its delivery of services, so that it can continue to develop and strengthen local communities.

CONCLUSION

The General Agreement on Tariffs and Trade, signed by the New Zealand government in 1994, is now proposed to be supplemented by a General Agreement on Trade in Services. Both documents are administered by the World Trade Organisation.

The latter document (General Agreement on Trade in Services) could significantly restrict Local Authorities' ability to set and administer policy and to develop local economies by returning local resources to the community. This would seem contrary to the purposes and goals encapsulated in the recently enacted Local Government Act 2002.

Following the stance taken by Christchurch and North Shore City Councils, it is recommended that the Chief Executive be instructed to write to Government, outlining this Council's concern at both the lack of consultation with local government, and the restrictions placed on local government by the present document.

RECOMMENDATIONS

1. That the information be received.
2. That the Chief Executive be instructed to write to the Government to express this Council's concern at the lack of consultation regarding the proposed General Agreement on Trade in Services, and to request amendments to remove the restrictions placed on local government by the present document.

Report prepared by: Michael Riley, Partnerships and Advocacy Leader: Governance and Infrastructure.



11 **ESTABLISHMENT OF THE KAY ROAD BALEFILL SITE MANAGEMENT COMMITTEE**

PURPOSE OF THE REPORT

The purpose of this report is to request Council to establish the Site Management Committee to oversee the management of the Kay Road Balefill site and to request that the Council select two new representatives to sit on this Committee.

BACKGROUND

Kay Road Balefill site encompasses 33.8002 hectares and is owned by Waitakere City Council.

A13 - A25

Between the years of 1983 and 1997, the Kay Road site was used for dumping West Auckland's domestic and other refuse as balefill. The landfill was due to close in 1993, and when Council proposed to extend its life beyond that, there was strong opposition from the Swanson community. In October 1993, following intensive negotiations, Council and the community reached a Mediation Agreement, effectively allowing a three-year extension to the life of the Balefill. Council agreed to make payment into a trust established by the residents. Mediation Agreement attached at pages A13 to A25.

Under the terms of the Mediation Agreement, a Site Management Committee (SMC) was established to oversee the operation and management of the Balefill in accordance with the Site Management Plan. The Site Management Committee was established as a Council sub-committee with delegated powers of authority. The Committee consists of three members appointed by the Swanson Community, 1 member appointed by the Community Board and two members appointed by Council.

The Clauses (8 to 11 inclusive) of the Mediation Agreement that relate to the Site Management Committee are laid out below;

Terms Of Agreement

8. *There shall at all times be a site Management committee comprising representatives of the residents and of Waitakere. The Site Management Committee shall overview operations in accordance with the Management Plan and shall approve any amendment of or departure from the plan provided that there shall be no such amendment or departure, which contravenes any resource consent or other approval.*
9. *The Site Management Committee will comprise up to six members of whom 3 shall be appointed by the residents in such a manner as they may from time to time decide and 3 shall be appointed by Waitakere.*
10. *Waitakere shall consult with the Site Management Committee concerning administration and sequencing of the work.*
11. *The Site Management Committee shall be constituted as a subcommittee of Waitakere and shall be delegated to it the functions, duties and powers of Waitakere as to minor amendments or to departures from the Management Plan.*

Outlined below are the scope and delegations for the Kay Road Balefill Site Management Committee, adopted by Council on 24 February 1999.

Preamble

The Committee shall be called the Kay Road Balefill Site Management Committee. The purpose of the Kay Road Balefill Site Management Committee is to give effect to the conditions of the mediation agreement between Council and the Swanson community and to make decisions on any matter within the ambit of the powers delegated to it by Council.

These decisions are to be made bearing in mind Council's Statement of Purposes, Goals and Principles, as well as the conditions of statutory approvals for the Kay Road Balefill site.

Scope

Within the scope defined by the Annual and Strategic Plans, the Mediation Agreement and statutory approvals, the following shall be the scope of the Kay Road Balefill Site Management Committee:

Overview the management of the site in accordance with the Management Plan and ensure compliance with A.R.C. standards, and make recommendations to the Environmental Management Committee accordingly. Monitor the Annual Review of operational performance and management, and make recommendations as necessary for consideration by the Planning and Regulatory Committee. Consider such minor changes or departures from the Management Plan, and recommend as appropriate to Council's Planning Manager and the Auckland Regional Council, provided that no such amendment or departure contravenes any resource consent or other approval. Right of access to the site and access to monitoring records. Be provided with any Waitakere City Council information on health effects, and to make recommendations to the Planning and Regulatory Committee based on that information. To act in the Site's best interest.

Recommendations to the Environmental Management Committee

Where the Kay Road Balefill Site Management Committee is not empowered to act, the Committee shall report to the Environmental Management Committee and make recommendations as required.

Membership

2 members appointed by the Council

1 member appointed by the Waitakere Community Board.

3 members appointed by the Swanson Community

Quorum

3 members

Parent Committee

Environmental Management Committee

In addition, Site Management Committee members have the right to ask questions of the Service Manager: Aftercare/Special Projects regarding ongoing environmental monitoring and any other works on site. Site Management Committee members have rights of access to the site and access to monitoring records. Members of the Site Management Committee have the right to ask verbal questions of the contractor who is required to answer to the best of his or her knowledge (except for commercially sensitive information). Any Site Management Committee queries requiring written responses are to be directed through the Waitakere City Council Service Manager: Aftercare / Special Projects.

In accordance with the Mediation Agreement of 20 December 1993, the Site Management Committee will have access to any Waitakere City Council information on health effects, and will make recommendations to Council based on that information.

The Kay Road Balefill Post Closure Management Plan states, "The Site Management Committee has been formed to overview operations in accordance with the Management Plan. The Site Management Committee shall remain in existence as long as it sees fit, meeting at a frequency decided by the Site Management Committee. The Site Management Committee will meet with the Waitakere City Council Parks and Green Assets Department regarding the management and development of the Kay Road Reserve for as long as they choose" (3.2)

When landfill operations at Kay Road ceased in 1997, it was envisaged that issues such as Aftercare issues such as gas emissions, leachate and stormwater collection, settlement and surface remediation would require ongoing Aftercare management of some 30 years duration, and that the site would eventually be vested as a reserve. The site remains closed off and cannot currently operate as a reserve due to the presence of the landfill gas extraction system. It is anticipated that this situation will remain until Aftercare management is no longer required. Until that time, the site, or at least part of it, will remain closed to public access. The Post Closure Management Plan 1998, states "The Council's role in the management of the site will move from an engineering emphasis to predominantly Waitakere City Council Parks and Green Assets involvement, although an engineering overview will be maintained". In the meantime, the timetable for vesting of the site as a reserve is reviewed on an ongoing basis.

Although it is anticipated that the site will remain under Aftercare management for some time, the future development of the balefill is currently being reviewed through the draft Swanson Reserves Management Plan. This Management Plan, which encompasses thirteen reserves in Swanson, proposes an integrated network of walkways and complimentary reserves to serve the Swanson community into the future. As the balefill will one day form an integral part of this network, it is being included in the Management Plan process now in order to review the direction of development, assess community expectations for access and include Parks input into its management and development, all with a view to its eventual handover as a reserve.

STRATEGIC CONTEXT

In 2001, Council began preparing a draft Management Plan for the reserves within the Swanson area. The Swanson Reserves Management Plan is being prepared in the context of the Parks Strategy, which provides guidelines on the management of parks within the City. This plan is now ready to go before the community for a second round of submissions.

At the same time, the draft Swanson Reserves and Public Access Plan was being prepared as part of the Swanson Structure Plan. The draft Swanson Reserves and Public Access Plan identifies the best possible future reserves network for Swanson and the land that would need to be acquired by Council through the subdivision process or direct purchase in order to implement this network. This draft plan is also ready to go back to the community for informal submissions.

Against this background of strategic planning concurrently focusing on the future development of the existing Swanson Reserves and the development of an integrated reserves network for Swanson, Council considers that it would be timely to include the Kay Road Balefill in the draft Swanson Reserves Management Plan so that it can be incorporated into the public consultation process as it is anticipated that it will fulfil a pivotal role in the Swanson Reserves network in the future.

ISSUES

As the Site Management Committee are required to oversee the management of the balefill with its eventual handover as a reserve, Landscape Development wishes to consult the Committee with regards to those provisions of the draft Swanson Reserves Management Plan that relate to Kay Road Balefill.

It would therefore seem an appropriate time to reconstitute the Site Management Committee as an advisory group to the Kay Road section of the draft Management Plan. Two representatives from the Council are required by the terms of the Agreement.

It appears from Council records that the most recent meeting of the Site Management Committee was in March 2001. The membership then consisting of:

- 2 members appointed by the Council - Councillor Stone, (Councillor Sunde)
- 1 member appointed by the Waitakere Community Board - Andrew Kirk
- 3 members appointed by the Swanson Community - Penny Hulse, Wolfgang Theuerkauf and Morris Yozin.

As the Site Management Committee have not met for a year, Council procedures require that Council approve the reconstitution of a new Site Management Committee.

In November 2002, the Waitakere Community Board, which is responsible for overseeing the Reserve Management Plan process, approved the reconvening of the Site Management Committee and elected David Hallet to be their representative on the new Committee. The Swanson Residents and Ratepayers Association have also been approached with a view to appointing three representatives from the community.

RESOURCES

Work on the Kay Road balefill and Swanson Reserves Management Plan is being undertaken by the Landscape Development Section of Waitakere City. The 2002/2003 Annual Budget has allocated funding to undertake this and other Management Plans. The Management Plan will also enable a prioritisation of capital works projects for Swanson parks and reserves to be put forward through the Annual Budget process.

Aftercare will continue to fund and take responsibility for the implementation of the Aftercare Site Management Plan.

CONCLUSION

The inclusion of Kay Road Balefill in a Management Plan for all the reserves within the Swanson area will ensure that the reserves are developed in an integrated way and that community expectations for the future are met.

The establishment of the Site Management Committee will ensure that the terms of the Mediation Agreement are met and that the Swanson Community and the Waitakere Community Board have direct input into the formulation of the Management Plan.

RECOMMENDATIONS

1. That the information be received.
2. That the Kay Road Balefill Site Management Committee be established in terms of the Kay Road Balefill Mediation Agreement with the Field of Activity and Delegations as follows, namely:

Preamble

The Committee shall be called the Kay Road Balefill Site Management Committee. The purpose of the Kay Road Balefill Site Management Committee is to give effect to the conditions of the mediation agreement between Council and the Swanson community and to make decisions on any matter within the ambit of the powers delegated to it by Council.

These decisions are to be made bearing in mind Council's Statement of Purposes, Goals and Principles, as well as the conditions of statutory approvals for the Kay Road Balefill site.

Scope

Within the scope defined by the Annual and Strategic Plans, the Mediation Agreement and statutory approvals, the following shall be the scope of the Kay Road Balefill Site Management Committee:

Overview the management of the site in accordance with the Management Plan and ensure compliance with A.R.C. standards, and make recommendations to the Environmental Management Committee accordingly. Monitor the Annual Review of operational performance and management, and make recommendations as necessary for consideration by the Planning and Regulatory Committee. Consider such minor changes or departures from the Management Plan, and recommend as appropriate to Council's Planning Manager and the Auckland Regional Council, provided that no such amendment or departure contravenes any resource consent or other approval. Right of access to the site and access to monitoring records. Be provided with any Waitakere City Council information on health effects, and to make recommendations to the Planning and Regulatory Committee based on that information. To act in the Site's best interest.

Recommendations to the Environmental Management Committee

Where the Kay Road Balefill Site Management Committee is not empowered to act, the Committee shall report to the Environmental Management Committee and make recommendations as required.

Membership

2 members appointed by the Council

1 member appointed by the Waitakere Community Board.

3 members appointed by the Swanson Community

Quorum

3 members

Parent Committee

Environmental Management Committee

3. That the Council nominate two representatives to be on the Site Management Committee.
4. That the Kay Road Balefill Site Management Committee be asked to work in an advisory capacity on the Kay Road Balefill section of the draft Swanson Reserves Management Plan.
5. That this report be circulated to the Waitakere Community Board for their information.

Report prepared by: Mandy McMullin, Reserves Management Planner.



12 LAND TRANSPORT MANAGEMENT BILL SUBMISSION

PURPOSE OF THE REPORT

The purpose of this report is to present a draft submission on the Land Transport Management Bill and seek the Council's comments so that the submission can be sent.

BACKGROUND

The City Development Committee received a report on the Bill at its meeting on 13 February 2003. At that meeting the Committee resolved:

"That under subpart 2 of the Land Transport Management Bill:

- a) the Minister's discretion in tolls and concessions be retained;
- b) the consultation requirements be supported;
- c) the public sector protection from patronage risk be retained."

A26 - A29

The Bill is open for submissions by Friday, 28 February 2003. A copy of a draft submission from Council is attached at pages A26 to A29 for Councillors' comment and direction.

Copies of the Bill are available in the Councillors' lounge. The Bill is focused on:

- Changes to the purpose, roles and funding framework of land transport agencies (mainly Transfund and Transit New Zealand) to enable them to take account of the Government's strategic objectives and funding priorities.
- Amendments to various elements of other laws relevant to land transport.
- Enabling land transport infrastructure to be built on a tolled or public private partnership (PPP) basis, subject to various constraints.

A30 - A61

The Mayoral Forum has received a number of presentations on the Bill and is of the view that the Councils of the region should be consistent in their submissions to Government. A report on the Bill and a draft regional submission were presented to the Regional Land Transport Committee on 18 February 2003. Information on the outcome of that meeting will be presented at the Council meeting on 26 February 2003. A copy of the draft regional submission and its appendix are attached at pages A30 to A61.

STRATEGIC CONTEXT

At the regional and national levels Council has promoted the roles of all modes of land transport – rail, bus, walking, ferry, freight, private vehicles and cycling. However, national policy and funding has overwhelmingly favoured investment in road transport. The current government has changed that focus and has given greater status to the historically less favoured modes of transport. Therefore, this Bill is in many aspects consistent with Council's goals.

As part of recognising the value of all modes of land transport the Bill seeks to address funding problems. Transport agencies in the Auckland region have identified \$4.4 billion worth of major transport projects to be implemented over the next ten years. It is expected that the region will be short \$1.2 billion to fund these unless alternative funding mechanisms are made available.

Waitakere City Council has identified a number of major, regionally significant passenger transport and road projects that it wishes to have implemented – the rail project, the Upper Harbour motorway and the extension of State Highway 20 through to the north western motorway, including a further crossing of the Whau river. Progress on these will in part be dependant upon the availability of funding.

ISSUES

Overall it is suggested that Council take a positive approach to this Bill on the grounds that it:

- Broadens the focus of transport funding and decision-making.
- Promotes strategic planning and prioritisation of investments.
- Seeks to make a wider variety of funding options available.

Within this context, however, there are a number of significant areas where the Bill could be improved. Most notably:

- In places the consultation requirements are poorly worded, poorly linked to other legislative requirements and unclear.
- There is significant Ministerial discretion over major decisions without adequate checks on the Minister's authority.
- The constraints on toll roads and public private partnerships may make these impossible to implement.

The City Development Committee reviewed these matters and the draft submission reflects their guidance.

With regard to funding, some Councils of the region are likely to seek significant changes to the practical constraints on implementing toll roads and concessions (known as public private partnerships). The City Development Committee elected not to support significant changes. At least one other Council in the region may take a similar view.

One matter not raised with the Committee but which is suggested for inclusion in Council's submission relates to the ability of Transit New Zealand and Transfund to raise debt. Sections 75 and 84 of the Bill and clause 48 of Schedule 1 enable Transfund and Transit to borrow with Ministerial approval. It is suggested that this be supported as it enables the costs of infrastructure projects to be spread more fairly amongst those who benefit from the project. Debt funding will also enable more money to be put into completing the transport projects identified in the Regional Land Transport Strategy and thus make it more likely they will be completed within the desired ten-year time frame. The regional submission promotes the idea of raising debt to fund the "network" rather than individual projects. What this means is that the Minister would be asked to agree to a sum of debt sufficient to fund the major elements of the region's transport network being raised by Transit and / or Transfund, net of contributions from other agencies. This would provide a higher level of certainty that projects would get built. However, each project would still need to be justified and go through a resource consent process. It is suggested that Council support both the sections of the Bill enabling debt funding and the extension of this to raising debt to fund the network.

RESOURCES

At this stage there are no unbudgeted resource requirements associated with submitting to this Bill.

CONCLUSION

This legislation will have a significant impact on the development of transport and the achievement of the Council's goals. There are a number of important improvements in the Bill to the way in which transport will be planned and funded. However, there are other aspects of the Bill that are poorly written and which may disallow the Bill from achieving some of its stated goals.

RECOMMENDATIONS

1. That the information be received.
2. That the Council identify any changes it wishes to make to the draft submission on the Land Transport Management Bill attached to this report.
3. That the draft submission on the Land Transport Management Bill be adopted and sent to the Government.

Report prepared by: Jeff Murray, Manager Transport Strategy.



13 REPRESENTATIVE APPOINTMENTS TO THE PASSENGER TRANSPORT SUBCOMMITTEE OF THE AUCKLAND REGIONAL COUNCIL

PURPOSE OF THE REPORT

The purpose of this report is to nominate a representative and an alternate member for the Passenger Transport Subcommittee of the Auckland Regional Council.

BACKGROUND

At its December meeting the Auckland Regional Council resolved to re-establish the Passenger Transport Subcommittee. It has requested that each territorial authority, Transit New Zealand, and Auckland Regional Transport Network Limited be invited to nominate one representative and an alternate member on the Subcommittee.

STRATEGIC CONTEXT

The Subcommittee is being re-established to share information and to coordinate passenger transport implementation of the region. At this stage the Subcommittee will not be given any delegated authority. It is intended to review the Subcommittee's delegated authority within the next six months to align with developments in transport governance.

A62 - A63

Draft terms of reference have been attached at pages A62 to A63.

It is believed that the Subcommittee will provide some value to assist the regional overview of public transport planning and delivery. The Subcommittee will provide regional direction in public transport including ferry, bus, and rail whereas other forums are rail focused.

ISSUES

Auckland City has resolved not to support the formation of the subcommittee and therefore has not nominated a member to participate. Auckland City believes there are enough regional transport forums and that the proposed Subcommittee would add to the confusion of transport governance.

An update on the Subcommittee will be provided at the Council meeting in light of discussions at the Regional Land Transport Committee on Tuesday, 18 February 2003.

CONCLUSION

The Passenger Transport Subcommittee of the Auckland Regional Council is being re-established. The Subcommittee's role is to share information and to coordinate passenger transport implementation of the region. Auckland Regional Council has requested that Council nominate one representative and an alternate member. It is suggested that Councillor Presland be nominated as the representative, and that Councillor Stone be nominated as the alternate member.

RECOMMENDATIONS

1. That the information be received.
2. That the Council representative on the Passenger Transport Subcommittee of the Auckland Regional Council be Councillor Presland, and that Councillor Stone be the alternate member.
3. That the draft submission on the Land Transport Management Bill be adopted and sent to the Government.

Report prepared by: Gyles Bendall; Project Manager, Transport Projects.



14 AUCKLAND REGIONAL ECONOMIC DEVELOPMENT STRATEGY - MAORI REPRESENTATION

PURPOSE OF THE REPORT

The purpose of this report is to seek Council endorsement of the two nominated Maori representatives on the Establishment Group of the Auckland Regional Economic Development Strategy.

BACKGROUND

The Auckland Regional Economic Development Strategy was adopted by Waitakere City and the other Councils of the Auckland region in July/August 2002.

In order to provide a structure for the implementation of Auckland Regional Economic Development Strategy, the Councils of the Auckland region adopted a Constitution that established a Joint Standing Committee called the 'Establishment Group'.

Clause 2 of the Constitution provides that the Establishment Group shall consist of eighteen members and that two of these members shall represent Maori interests and be appointed by the Councils.

Waitakere City Council's representatives on the Establishment Group are the Deputy Mayor Carolynne Stone and Annette Fenton, with alternates Greg Presland and Gary Russell.

ISSUES

Nomination process

The process to nominate and elect the two Maori representatives to the Establishment Group followed a standard formal nomination process, and was coordinated by Anita Stowers, Auckland Regional Economic Development Strategy Project Coordinator for Maori. The process was independently facilitated and two independent returning officers ensured valid nomination and voting processes. Calls for nominations were sent out widely via a number of databases of Maori organisations in the Auckland region, but no formal approach was made to Council's Te Taumata Runanga.

At a meeting on 22 November 2002, nominators, nominees and supporting voters were given speaking rights, then voting took place. The result of the process was that two Maori representatives were duly nominated and proposed to the Auckland Regional Economic Development Strategy Establishment Group. They are:

- a. Anne Candy, Nga Wahine Atawhai O Matukutureia Maori Women's Welfare League; and
- b. John Kerr, Tamaki Ki Raro Trust.

At its meeting on 17 December 2002, the Establishment Group endorsed the two Maori representatives and recommended that the Councils appoint the two Maori representatives in accordance with Clause 2(b) of the Constitution.

To formalise the appointment of the elected Maori representatives to the Auckland Regional Economic Development Strategy Establishment Group, Clause 2(b) of the Constitution requires that the Councils now appoint the Maori representatives to the Establishment Group.

Remuneration

In accordance with Part IVc of the Local Government Act 1974, Councils are entitled to pay meeting allowances to members of a Joint Standing Committee who are not members representing a Council based on nominations set by the Minister of Local Government.

Clause 28 of the Local Government (Local Authorities Salaries and Allowances) Determination 2001 sets the meeting allowance payable to a person who is a member of a Joint Standing Committee, but who does not represent a Council. The meeting allowance is set at the same rate as if that person were representing a Council.

Consequently, it has been suggested that the Councils resolve to pay the two Maori members meeting allowances. These payments would be in accordance with the Local Government Act 1974 and Clause 28 of the Local Government (Local Authorities Salaries and Allowances) Determination 2001 (as updated from time to time by the Minister of Local Government) and would be paid from the Auckland Regional Economic Development Strategy budget.

CONCLUSION

In accordance with the Constitutional structure set up to implement the Auckland Regional Economic Development Strategy, two Maori representatives are required on the Joint Standing Committee called the Establishment Group. Two nominees, Anne Candy and John Kerr, have been nominated following a standard nomination process. It is proposed that Council endorse these nominees and an appropriate meeting allowance for their attendance.

RECOMMENDATIONS

1. That the information be received.
2. That Council approve the appointment of Anne Candy and John Kerr as Maori representatives on the Auckland Regional Economic Development Strategy Establishment Group.
3. That Council endorse the recommendation that the two Maori members be paid meetings allowances in accordance with Part IVC of the Local Government Act 1974.

Report prepared by: Rachael Trotman, Strategic Leader.



15 ATTENDANCE AT 2003 ASIA PACIFIC CITIES SUMMIT

PURPOSE OF THE REPORT

This report seeks the agreement of the Council for the Mayor to attend the Asia Pacific Cities Summit.

BACKGROUND

A64 - A67

Mayor Bob Harvey has been invited by Mayor Jim Soorley to attend this Summit, as part of Brisbane City Council's *Living in Brisbane 2010* strategy and the Queensland Government's *Smart State* initiative. Attached at pages A64 to A67 is a copy of the letter and invitation for the Summit.

STRATEGIC CONTEXT

The Asia Pacific Cities Summit is a high profile international event with a focus in such areas as sustainable development, water and wastewater management, increasing public transport utilisation, and attracting significant commercial investment. This is relevant to Waitakere, which is dealing with similar issues, and has made significant progress over the last ten years. These issues, and particularly the attraction of commercial investment in the film production and marine construction industries, are areas where the Summit provides the potential for the City to make further gains.

The event will offer delegates a chance to meet directly with Mayors, key policy and decision-makers and business delegations from major cities throughout the Asia Pacific, including China, Korea, America, Japan, Taiwan, India and New Zealand.

ISSUES

The Summit's scheduled workshops include *Transforming Urban Sprawl - Cutting the Cost of Congestion*, *Business and Trade Opportunities*, *Greening Our Cities - Turning Green Into Gold*, and *Scenarios of the Future*. Focusing on the theme Emerging Futures of the City, the 2003 Summit will include interactive workshops, panel discussions and networking forums.

This Summit will serve to reinforce the substantial and longstanding relationship between the two Cities at a senior level on these and other related matters. It will provide learning and networking opportunities for the Council through the Mayor and will promote Waitakere City as an innovative leader in sustainable development in social, environmental and economic fields. It will also provide an opportunity to seek investment in key industries in the City.

TRAVEL POLICY

Attendance at the Summit complies with the requirements of Council's Policy for Overseas Travel and Conference attendance by Elected Members and is in line with our strategic direction. Funds are available, attendance is beneficial to the extent of the cost, and the most appropriate representatives are being sent.

RESOURCES

Costs for attendance at the Summit can be covered within the budget allocated for Elected Members Expenses budget.

RECOMMENDATIONS

1. That the information be received.
2. That Council approves the attendance of Mayor Bob Harvey at the Asia Pacific Cities Summit in Brisbane from 13 April to 16 April 2003.

Report prepared by: Owena Schuster, Committee Secretary.



16 ELECTED MEMBERS REMUNERATION - HIGHER SALARIES COMMISSION DETERMINATION

This issue is to be considered at a Workshop of Councillors. Provision is made on this agenda for any matters arising to be considered at this meeting and any subsequent action taken.

HV O'Rourke
CHIEF EXECUTIVE



PART D - CONFIDENTIAL ITEMS

17 STURGES PARK AND RIDE - LAND PURCHASE

18 ENTERPRISE WAITAKERE - APPOINTMENT OF TRUSTEES

These items will be considered in the Confidential Supplement of the agenda, and have been circulated to members separately with this agenda.

PROCEDURAL MOTION TO EXCLUDE THE PUBLIC

That the public be excluded from the following part of the proceedings of this meeting, namely Sturges Park and Ride - Land Purchase and Enterprise Waitakere - Appointment of Trustees.

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

General subject of the matters to be considered.	Reason for passing this resolution in relation to the matters.	Ground(s) under Section 48(1)(a) for the passing of this resolution.
<ul style="list-style-type: none"> • Sturges Park and Ride - Land Purchase • Enterprise Waitakere - Appointment of Trustees 	<p>The withholding of information is necessary in order to:</p> <ul style="list-style-type: none"> • to enable any local authority holding the information to carry out, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) • to protect the privacy of natural persons 	<p>That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</p>

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

- *The reports contain information which if released would affect the Council's negotiation.*



PART E - STANDING COMMITTEE REPORTS

19 FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON MONDAY, 10 FEBRUARY 2003

1. ROAD STOPPING AND SALES OF LAND AT SCENIC DRIVE NORTH, SWANSON

A68

1. That the part of Scenic Drive North, adjacent to numbers 1160 and 1162 as defined on the diagram attached at page A68 to the agenda be stopped in accordance with the 10th schedule of the Local Government Act 1974.
2. That after the land ceases to be road, it be sold to the owners of numbers 1160 and 1162 Scenic Drive North because due to its size, shape and situation, it could not be expected to be sold to any person that did not own adjoining land.

2. OTHER MATTERS CONSIDERED

1 - 7
Part E

Your Committee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 1 to 7 in the supplement labelled Part E.

Your Committee Recommends:

That the report of the Ordinary Meeting of the Finance and Operational Performance Committee held on Monday, 10 February 2003 be received.

JM Clews, QSO, JP
CHAIRPERSON



20 **ENVIRONMENTAL MANAGEMENT COMMITTEE**

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON TUESDAY, 11 FEBRUARY 2003

MATTERS CONSIDERED

8 - 15
Part E

Your Committee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 8 to 15 in the supplement labelled Part E.

Your Committee Recommends:

That the report of the Ordinary Meeting of the Environmental Management Committee held on Tuesday, 11 February 2003 be received.

PA Hulse

CHAIRPERSON



21 **CITY DEVELOPMENT COMMITTEE**

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON THURSDAY, 13 FEBRUARY 2003

MATTERS CONSIDERED

16 -23
Part E

Your Committee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 16 to 23 in the supplement labelled Part E.

Your Committee Recommends:

That the report of the Ordinary Meeting of the City Development Committee held on Thursday, 13 February 2003 be received.

CA Stone

CHAIRPERSON



PART F - PROCEDURAL MATTERS

22 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.



23 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.



24 CLOSING PRAYER

