



AGENDA FOR AN ORDINARY MEETING OF THE COUNCIL TO BE HELD IN THE  
CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,  
ON WEDNESDAY, 26 MAY 2004, COMMENCING AT 5.30 PM.

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**TABLE OF CONTENTS**

<b><u>ITEM</u></b>	<b><u>PAGE NO.</u></b>
<b><u>PART A - OPENING OF MEETING</u></b>	<b>1</b>
1 OPENING PRAYER	1
2 APOLOGIES	1
3 CONFIRMATION OF MINUTES	1
4 URGENT BUSINESS	1
<b><u>PART B - REPORT OF THE MAYOR</u></b>	<b>2</b>
<b><u>PART C - TE TAUMATA RUNANGA AND COMMUNITY BOARDS</u></b>	<b>2</b>
5 TE TAUMATA RUNANGA	2
6 NEW LYNN COMMUNITY BOARD	3
1. LEASE OF PART OF OLYMPIC PARK	3
2. OTHER MATTERS CONSIDERED	3
7 WAITAKERE COMMUNITY BOARD	4
1. PIHA DUNE MONITORING REPORT	4
2. OTHER MATTERS CONSIDERED	4
8 MASSEY COMMUNITY BOARD	4
9 HENDERSON COMMUNITY BOARD	5
<b><u>PART D - REPORT OF THE CHIEF EXECUTIVE</u></b>	<b>6</b>
10 2004 ELECTIONS - GUIDELINES FOR USE OF COUNCIL RESOURCES IN THE PRE-ELECTION PERIOD	6
11 WARRANTS OF APPOINTMENT	10
12 RELOCATION OF WAITEMATA MAORI WARDENS TO TUI GLEN RESERVE	11
13 TODD AVENUE, NEW LYNN - CREATION OF PEDESTRIAN MALL	21
14 WAITAKERE RANGES PROJECT TIMELINE	27
15 RESOURCE MANAGEMENT FEES AND CHARGES	32
16 PIHA COMMUNITY PRESCHOOL - SECTION 37 BUILDING ACT 1991	39
17 ADOPTION OF GAMBLING VENUE POLICY	42

<b><u>PART E - STANDING COMMITTEE REPORTS</u></b>		<b>46</b>
<b>18</b>	<b>CITY DEVELOPMENT COMMITTEE</b>	<b>46</b>
<b>19</b>	<b>FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE</b>	<b>46</b>
	<b>1. SCHEDULE OF FEES - WAIKUMETE CEMETERY AND         CREMATORIUM AND SWANSON CEMETERY</b>	<b>46</b>
	<b>2. OTHER MATTERS CONSIDERED</b>	<b>48</b>
<b>20</b>	<b>ENVIRONMENTAL MANAGEMENT COMMITTEE</b>	<b>49</b>
	<b>1. REVIEW OF THE POLICY ON DOGS AND DOG CONTROL         BYLAW</b>	<b>49</b>
	<b>2. OTHER MATTERS CONSIDERED</b>	<b>49</b>
<b><u>PART F - PRESENTATION</u></b>		<b>49</b>
	This presentation will take place at 7.30 pm.	<b>49</b>
<b>21</b>	<b>AWA HUDSON</b>	<b>49</b>
<b><u>PART G - PROCEDURAL MATTERS</u></b>		<b>50</b>
<b>22</b>	<b>QUESTIONS</b>	<b>50</b>
<b>23</b>	<b>NOTICES OF MOTION</b>	<b>50</b>
<b>24</b>	<b>CLOSING PRAYER</b>	<b>50</b>

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**PART A - OPENING OF MEETING**

**1 OPENING PRAYER**

Rev Judy Cooper will say the Opening Prayer.



**2 APOLOGIES**



**3 CONFIRMATION OF MINUTES**

Ordinary - Wednesday, 28 April 2004  
- Friday, 14 May 2004

**RECOMMENDATION**

That the minutes of the Ordinary Meetings of the Council held on Wednesday, 28 April 2004 and Friday, 14 May 2004, with the public excluded minutes as circulated, be taken as read and now be confirmed.

*Pages 1-4  
Part E*

The public excluded minutes are attached at pages 1 to 4 of the confidential supplement labelled Part E.



**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 B - REPORT OF THE MAYOR**

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



## **PART C - TE TAUMATA RUNANGA AND COMMUNITY BOARDS**

### **5 TE TAUMATA RUNANGA**

**I NOHO TE TAUMATA RUNANGA KOMITI MANE TE KAU MA WHITU O HARATUA  
2004**

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY  
MEETING HELD ON MONDAY, 17 MAY 2004**

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### **MATTERS CONSIDERED**

*1-4  
Part C*

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

### **NGA TAKE E WHIRIWHIRIA**

E 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 May 2004 be received.

Te Warena Taua  
**CHAIRPERSON**



6 **NEW LYNN COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING  
HELD ON MONDAY, 3 MAY 2004**

1. **LEASE OF PART OF OLYMPIC PARK**

**Your Board Recommends:**

1. That Allotment 87, Section 2, Township of Whau North be classified under Section 16(2A) of the Reserves Act 1977 as a recreation reserve as defined in Section 17 of that Act.
2. That in the absence of any objections or submissions the Chief Executive be given authority to apply to the Minister of Conservation for consent to grant a lease to the Olympic Park Trust and to negotiate and execute a lease with that Trust under Section 54(1)(c) and Section 61 of the Reserves Act 1977.

2. **OTHER MATTERS CONSIDERED**

5-8  
Part C

The Board dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 5 to 8 in the supplement labelled Part C.

**The Board Recommends:**

That the report of the Ordinary Meeting of the New Lynn Community Board held on Monday, 3 May 2004 be received.

EG Francke  
**CHAIRPERSON**



7 **WAITAKERE COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING  
HELD ON TUESDAY, 4 MAY 2004**

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1. **PIHA DUNE MONITORING REPORT**

**Your Board Recommends:**

That Council continue to maintain the dune and associated area consistent with the recommendations of the Piha Dune Monitoring Group established through its monitoring programme.

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 9 to 25 in the supplement labelled Part C.

**The Board Recommends:**

That the report of the Ordinary meeting of the Waitakere Community Board held on Tuesday, 4 May 2004 be received.

CA Shepherd, JP  
**CHAIRPERSON**



8 **MASSEY COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING  
HELD ON WEDNESDAY, 5 MAY 2004**

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**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 26 to 32 in the supplement labelled Part C.

**The Board Recommends:**

That the report of the Ordinary Meeting of the Massey Community Board held on Wednesday, 5 May 2004 be received.

RF Jessopp  
**CHAIRPERSON**



9-25  
Part C

26-32  
Part C

9 **HENDERSON COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING  
HELD ON THURSDAY, 6 MAY 2004**

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**MATTERS CONSIDERED**

33-40  
Part C  
5-6  
Part E

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 33 to 40 in the supplement labelled Part C and the public excluded minutes attached at pages 5 to 6 of the confidential supplement labelled Part E.

**The Board Recommends:**

That the report of the Ordinary Meeting of the Henderson Community Board held on Thursday, 6 May 2004 be received.

HM Jones  
**CHAIRPERSON**



**PART D - REPORT OF THE CHIEF EXECUTIVE**

**10 2004 ELECTIONS - GUIDELINES FOR USE OF COUNCIL RESOURCES IN THE PRE-ELECTION PERIOD**

**PURPOSE OF THE REPORT**

The purpose of the report is to present to the Council the Office of the Controller and Auditor-General's "Suggested Guidelines for Public Communications by Local Authorities" which contain aspects that are particularly relevant to the pre-election period. It is recommended that the guidelines are adopted as 'good practice' and that the Code of Conduct be amended to be consistent with the Guidelines.

**BACKGROUND**

The Office of the Controller and Auditor-General has recently circulated "Suggested Guidelines for Public Communications by Local Authorities". Among other things, the Guidelines cover the use of Council resources in the pre-election period.

**STRATEGIC CONTEXT**

Council is committed to increasing community participation in democratic processes. Elections are a key democratic process. Elected Member behaviour, particularly during the lead up to Elections, is considered to be a factor in contributing to the validity and integrity of the election process.

**ISSUES**

**Guidelines from the Office of the Controller and Auditor-General**

A1-A25

The Guidelines contain 14 Principles. A full copy of the Guidelines is attached at pages A1 to A25.

Those Principles that are relevant to the pre-election period (Principles 12 - 14) are described below.

PRINCIPLE	EXAMPLES
<p><b>Principle 12</b> Communication of a Member's personal views or opinions using Council resources is unacceptable during a pre-election period.</p>	<p><b>Not permitted:</b></p> <ul style="list-style-type: none"> <li>- communicating personal views using Council stationery, email, postage or fax/phone facilities or any other Council resource</li> </ul>
<p><b>Principle 13</b> A Council's communications policy should also recognise the risk that communications by or about Members, whether in their capacities as spokespersons for Council or otherwise, during a pre-election period, could result in the Member achieving electoral advantage at ratepayers' expense. The Chief Executive (or his delegate) should actively manage the risk in accordance with the relevant electoral law.</p>	<p><b>Permitted:</b></p> <ul style="list-style-type: none"> <li>- photographs of members where it is the practice to include them, such as the Annual Report or website</li> </ul> <p><b>Not permitted:</b></p> <ul style="list-style-type: none"> <li>- anything that could be construed as giving a sitting member an unfair advantage through a raised profile, such as a photo-opportunity or chairing a public meeting.</li> </ul>

PRINCIPLE	EXAMPLES
<p><b>Principle 14</b></p> <p>The use of Council resources (including stationery and internet, e-mail and telephone communications facilities) for re-election purposes is unacceptable.</p>	<p><b>Not permitted:</b></p> <ul style="list-style-type: none"> <li>- using, for re-election purposes, Council stationery, email, postage, fax/phone facilities or any other Council resource.</li> </ul>

The Guidelines define the “pre-election period” to be three months before the close of polling day (10 July 2004 to 9 October 2004). The Guidelines also note that a Council may decide to apply restrictions over a longer period. An example of this was the decision in December 2003 to discontinue the monthly columns by elected members in the Waitakere City News.

### Election Irregularity

The Local Electoral Act 2001 sets out a number of principles in section 4:

“4 *Principles*

- (1) *The principles that this Act is designed to implement are the following:*
- (a) *fair and effective representation for individuals and communities:*
  - (b) *all qualified persons have a reasonable and equal opportunity to -*
    - (i) *cast an informed vote:*
    - (ii) *nominate 1 or more candidates:*
    - (iii) *accept nomination as a candidate:*
  - (c) *public confidence in, and public understanding of, local electoral processes through -*
    - (i) *the provision of a regular election cycle:*
    - (ii) *the provision of elections that are managed independently from the elected body:*
    - (iii) *protection of the freedom of choice of voters and the secrecy of the vote:*
    - (iv) *the provision of transparent electoral systems and voting methods and the adoption of procedures that produce certainty in electoral outcomes:*
    - (v) *the provision of impartial mechanisms for resolving disputed elections and polls.”*

In a case last year the District Court established that a breach of the principles can lead to an election “irregularity” and result in the election result being over-turned. Particularly relevant is the principle that all qualified persons have a reasonable and equal opportunity to accept nomination as a candidate. There should not be a perception that any candidate has an unfair advantage through being able to use Council resources.

## Re-election Purposes

There may be instances where the use of Council resources would normally be entirely legitimate but doubts are raised because of the pre-election period. Two concepts that are used in the Guidelines and in the Local Electoral Act may be of assistance:

- whether there is a perceived electoral advantage through the use of Council resources;
- whether the activity is being carried out by the member in their capacity as a candidate or in their capacity as a member of the authority.

It is also important to note the activities that need to be accounted for in terms of declaring electoral expenses. The Local Electoral Act 2001 defines “electoral activity” to be (s 104):

- “electoral activity, in relation to a candidate at an election, means an activity—*
- (a) that is carried out by the candidate or with the candidate’s authority; and*
  - (b) that relates to the candidate solely in the candidate’s capacity as a candidate and not to the candidate -*
    - (i) in his or her capacity as a member of the local authority or community board, or as the holder of any other office; or*
    - (ii) in any other capacity; and*
  - (c) that comprises -*
    - (i) advertising of any kind; or*
    - (ii) radio or television broadcasting; or*
    - (iii) publishing, issuing, distributing, or displaying addresses, notices, posters, pamphlets, handbills, billboards, and cards; or*
    - (iv) any electronic communication to the public, including (without limitation) the establishment or operation of a website or other method of communication to the public using the Internet; and*
  - (d) that relates exclusively to the campaign for the election of the candidate; and*
  - (e) that takes place within the applicable period before the close of polling day.”*

The “applicable period” is the three months prior to polling day.

## Complaints

In order to support the principles in the Act referred to above that elections need to be managed independently it is important that any complaints are dealt with independently, outside of the political realm. Complaints about the integrity of the elections should be made to the Electoral Officer. The Electoral Officer would, in turn, bring any complaints about the use of Council resources to the attention of the Chief Executive.

## RESOURCES

There are no additional resources required to action the recommendations contained in this report.

## CONCLUSION

The “Suggested Guidelines for Public Communications by Local Authorities” produced by the Office of the Controller and Auditor-General is good practice and is recommended to the Council for adoption. The particular aspects of the Guidelines that relate to elections are also recommended for inclusion in the Council’s Code of Conduct.

**RECOMMENDATIONS**

1. That the 2004 Elections - Guidelines for use of Council Resources in the Pre-Election Period report be received.
2. That the "Suggested Guidelines for Public Communications by Local Authorities" produced by the Office of the Controller and Auditor-General be adopted as 'good practice'.
3. That the following be included in the Code of Conduct:

*Pre-election period*

*During the three months prior to polling day for local body elections Council resources should not be used in any way that could be deemed to give any sitting member an electoral advantage or by any sitting member solely in their capacity as a candidate for the elections.*

*During this period the following practice will be observed:*

PRINCIPLES	EXAMPLES
<i>Communication of a Member's personal views or opinions using Council resources is unacceptable during a pre-election period.</i>	<b>Not permitted:</b> <i>communicating personal views using Council stationery, email, postage or fax/phone facilities or any other Council resource.</i>
<i>There is a risk that communications by or about Members, whether in their capacities as spokespersons for Council or otherwise, during a pre-election period, could result in the Member achieving electoral advantage at ratepayers' expense. The Chief Executive (or his delegate) should actively manage the risk in accordance with the relevant electoral law.</i>	<b>Permitted:</b> <i>photographs of members where it is the practice to include them, such as the Annual Report or website</i> <b>Not permitted:</b> <i>anything that could be construed as giving a sitting member an unfair advantage through a raised profile, such as a photo-opportunity or chairing a public meeting.</i>
<i>The use of Council resources (including stationery and internet, e-mail and telephone communications facilities) for re-election purposes is unacceptable.</i>	<b>Not permitted:</b> <i>the use, for re-election purposes, of Council stationery, email, postage, fax/phone facilities or any other Council resource.</i>

*Complaints in regard to any matter relating to the conduct of the elections are to be made through the Electoral Officer. If any complaint involves the use of Council resources the Electoral Officer will bring the complaint to the attention of the Chief Executive.*

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



## 11 WARRANTS OF APPOINTMENT

### **PURPOSE OF THE REPORT**

The purpose of this report is to obtain Council's approval for the issuing of warrants of appointment under the Local Government Act 2002 and the Building Act 1991 for those officers required to undertake the role as Enforcement Officers under these Acts. For ease of reference, where warrants of appointment under the Resource Management Act 1991 are also required in respect of the same staff members, these are also included.

### **BACKGROUND**

Clause 32(1)(g) Schedule 7 of the Local Government Act 2002, specifically prohibits Council from delegating the power to appoint enforcement officers pursuant to Section 177 of that Act.

Schedule 16 of the Local Government Act 2002 repealed and replaced Section 78 of the Building Act 1991. This amended Section 78 of the Building Act 1991 extends the prohibition on delegation of powers to issue warrants to warrants issued in terms of Section 77 of the Building Act.

The prohibition against delegating the power to issue warrants to enforcement officers does not, in terms of Section 34A of the Resource Management Act 1991, apply to warrants issued under Section 38 of that Act. However, for ease of reference appointments of enforcement officers under Section 38 of the Resource Management Act 1991 are included (where required in respect of the same staff members), with warrants issued under Section 177 of the Local Government Act 2002, and Section 77 of the Building Act 1991.

Warrants issued in terms of other enactments are issued under delegated authority, and not included here.

### **ISSUES**

On 14 July 2003 the Council adopted a policy in relation to the issuing of warrants of appointment.

As part of that policy the Council requires specific vetting processes to be undertaken before warrants may be issued. All of the checks required as part of the vetting process have been carried out.

In accordance with the policy the Chief Executive recommends that the following warrants of appointment be issued:

### **CONCLUSION**

In terms of Clause 32(1)(g) Schedule 7 of the Local Government Act 2002, it is necessary for Council to resolve to issue warrants of appointment pursuant to Section 77 of the Building Act 1991 and Section 177 of the Local Government Act 2002, as recommended by the Chief Executive.

Warrants of Appointment pursuant to Section 38 of the Resource Management Act 2002, in respect of the staff members listed, are included in the Chief Executive's recommendation, for ease of reference.

## **RECOMMENDATIONS**

1. That the Warrants of Appointment report be received.
2. That Warrants of Appointment to exercise the powers and responsibilities of Enforcement Officer under Section 177 of the Local Government Act 2002 and the powers under the other Acts listed be issued to the following person as follows:

<b>Name</b>	<b>Position</b>		<b>Requirement(s) of Warrant</b>
UALIKA, Will	Armourguard Security	Section 38	Resource Management Act 1991
FORSYTH, David	Armourguard Security	Section 38	Resource Management Act 1991
KEY, Feleti	Armourguard Security	Section 38	Resource Management Act 1991

Report prepared by: Charlie Inggs, Democracy and Governance Team Manager.



## **12 RELOCATION OF WAITEMATA MAORI WARDENS TO TUI GLEN RESERVE**

### **PURPOSE OF THE REPORT**

The report recommends to Council to provide direction on the costs and options for relocating the Maori Wardens at two building(s) in the Tui Glen Reserve. This will provide a much needed base for their community service.

### **BACKGROUND**

The Maori Wardens have been located at Ratanui Street since 1995 on a month to month tenancy. This building has always been scheduled for redevelopment and identified to be demolished. The purposes being the development of the UNITEC/Council development to be built at this location.

The UNITEC/Council development is a key strategic element in the future of the Henderson Central Business District and it is critical to progress that this high profile project is not compromised through a late start to construction. The non relocation of the Maori Wardens to Tui Glen Reserve has the potential to threaten this start date.

The building is programmed for demolition originally programmed for 18 May 2004 however this date has been able to be extended by one month. Further extensions in time will impact upon the contractual obligations Council has entered into with UNITEC and the construction contract.

The Citizens Advice Bureau and Grey Power, who also shared the building, have now been successfully relocated.

The area tenanted by the Maori Wardens is approximately 93m<sup>2</sup>. The premises were provided on a rent free basis in recognition of the warden's services to the community, and the poor condition of the building and the fact it was to be demolished. The Maori Wardens refurbished their part of the building at their own cost as initially it was not in a reasonable enough state to rent out.

## COUNCIL DECISION TO ASSIST IN RELOCATION

Council's decision to assist in relocation must be seen in light of a resolution from the 15 December 1999 Council meeting:

*"That, in relation to accommodation for occupants of the former Ratanui Medical Centre building other than the Citizens Advice Bureau, the Council resolve as follows:*

- (A) That Council endeavour to find space for the existing occupants of the Ratanui Street building on a temporary, month by month tenure with no guarantee of long term accommodation being provided.*
- (B) That some level of rental be charged to the groups, with the level of rental and subsidy to be determined in accordance with the Community Assistance Policy.*
- (C) That any relocation and fit out costs associated with the shifting of occupants of the Ratanui building be met by those occupants.*
- (D) That longer-term decisions in relation to provision for and assistance to the current occupants of the Ratanui building be made through the broader work being undertaken on Social Sector needs in relation to Henderson."*

4763/99

The Wardens were initially hopeful on moving to the Henderson Historic Railway Station and when this option failed they re-approached Council directly. Various Council owned options such as Corban Estate and the proposed new Civic building site have been explored by a number of Council officers and all except Tui Glen found to be unsuitable.

The Tui Glen option is the only Council owned facility within a walking distance of the Central Business District that can be made suitable for their use. The move to Tui Glen ensures the high profile UNITEC/Library project can progress smoothly while reducing crime and damage directed at to the heritage assets visitors to the recreation reserve. Parks are fully supportive of the proposed move as the safety and vandalism concerns have greatly curtailed present use options in the park.

Recently the Maori Wardens made an informal presentation before the Council Meeting of 25 February 2004. The Wardens highlighted the service they provide and the benefits they deliver to the community and their presentation was warmly received by Council. Council requested that a report be written to address the costs and options of relocating the Maori Wardens at Tui Glen Reserve and also Council's long term options of accommodating the Maori wardens. A version of this report relating to the proposed lease on Tui Glen was adopted by the Henderson Community Board on 6 May 2004.

- "1. That the Relocation of Waitemata Maori Wardens to Tui Glen Reserve report be received."*

739/2004

- "2. That subject to approval of funding for renovation works by the Finance and Operational Performance Committee, the Chief Executive be delegated authority to negotiate and execute a lease under section 54(1) (d) of the Reserves Act 1977 with the Waitemata Maori Wardens Trust Incorporated for the cottage at Tui Glen."*

740/2004

- "3. That in all negotiations regarding the leasing of accommodation in Tui Glen, with the Waitemata Maori Wardens Trust, the Chief Executive is to take cognisance of any relevant provisions in the Tui Glen Reserve Management plan."*

741/2004

- “4. That subject to funding from the Waitakere Licensing Trust, the Chief Executive be delegated authority to negotiate and execute a lease, under section 54(1) (d) of the Reserves Act 1977, with the Waitemata Maori Wardens Trust Incorporated, for the two flats at Tui Glen.”

742/2004

The sum of money to refurbish the cottage at \$15,850 plus GST is within Group Manager delegation, however in view of the profile of this matter a version of this report was presented to the Finance and Operational Performance Committee on 10 May 2004.

The Finance and Operational Performance Committee deferred the recommendation decision by one month. The prime reason for this deferral was a reluctance to make a decision while the Waitakere Licensing Trust funding decision was pending on 24 May 2004.

- “1. That the Relocation of Waitemata Maori Wardens to Tui Glen Reserve report be received.  
2. That the matter be deferred until such time as the Maori Wardens have secured the additional funds required to bring the buildings up to a usable standard.”

761/2004

- “3. That Council Officers continue to work with the Maori Wardens to find a short term solution until funding issues are resolved.”

762/2004

The next Finance and Operational Performance Committee meeting date of 14 June 2004 does not provide enough time for the cottage to be prepared and move the wardens from Ratanui Street before the UNITEC/Library project demolition phase contract starts. A reworked report and recommendations have been prepared for this Council meeting. The changes are to allay concerns raised by Councillors and Board members.

## **OVERVIEW OF MAORI WARDENS COMMUNITY SERVICE**

The Maori Wardens primarily provide a patrol service to the community, particularly targeting the railway yard area and Henderson Central Business District. The twenty four (including rangatahi) wardens service goes the extra mile and attempts where possible to identify the cause in individuals delinquent behaviour, often using links with other organisations such as the Maori Women's Welfare League, to attempt to address these issues.

Through a more conciliatory community based approach the Maori Wardens have been very successful in reducing crime in the areas they have targeted. Most of their services are voluntary however they do have a financial agreement with Transrail to provide security services on the trains. The income helps towards their outgoings.

Through strong links with local Iwi and Whanau, local gangs and the police, their mostly non-confrontational approach provides significant community benefit through safer streets and private/public space throughout the city.

## OTHER COUNCILS LEVEL OF SUPPORT - Auckland Region

Maori Wardens receive significant support throughout the Region.

- Manukau City provide facilities at three locations. The Wardens are not charged any lease costs but are required to cover outgoings such as power and telephone.
  - **Mangere Town Centre:** A Skyline type garage shed of 37m<sup>2</sup>, which is used as a base for 6 local wardens.
  - **Otara Town Centre:** Offices of 156m<sup>2</sup> are provided for six - eight Maori Wardens also on a 24/7 basis. This facility is shared with other pacific island warden groups, the Maori Wardens occupy approximately 1/3 of the area.
  - **Manurewa Town Centre:** A purpose built Portacom like building of 40m<sup>2</sup> used as a base for 6 wardens.
- **Central Auckland:** The New Zealand Police provide rent-free accommodation for five Maori Wardens in the Fort Street area and the Wardens claim Auckland City contribute financially. The facility is approximately 50-60m<sup>2</sup>.
- **Helensville:** Rodney District provides shared use of the Citizen's Advice Bureaux for four wardens.
- Waitemata Maori Wardens seek or have received financial support from Community Organisation Grants (COGS - Department of Internal Affairs), Youth at Risk funding (Te Puni Kokiri) Local community trust grants where available. Most warden members are volunteers.

## STRATEGIC CONTEXT

Through support of the Maori Wardens the city public safety is increased. While mainly focussed on young Maori at risk, their services contribute to many of Waitakere City's core strategies.

### Waitakere City Five Priorities

The relocation of Maori Wardens to Tui Glen is consistent with Councils commitment to:

- The Treaty of Waitangi.
- Building a safe city.

### Waitakere City Nine Platforms

Through making a safer city particularly focussing on Tui Glen, Henderson and New Lynn Central Business District and the railways the Maori Wardens service contributes to three of the nine platforms:

- Strong Communities.
- Integrated Transport and Communication.
- Urban and Rural Villages.

### Improving Safety In Waitakere

#### A Good Practice Guide for Council Staff (November 2003)

The location of Maori wardens at Tui Glen will contribute to the following Key Objectives:

- Lower levels of crime.
- Safe public places.

## Waitakere City Wellbeing Strategy

The location of Maori Wardens at Tui Glen will contribute to the Wellbeing Strategies:

- Maori Sector - Local Government Role: (as put forward by Te Taumata Runanga) Strengthen relationship with existing processes and Groups eg. safe Waitakere and Maori Wardens (p12).
- Community Safety Sector - Maori Crime Prevention Strategy (p29).

## RESERVES MANAGEMENT PLAN

While a lease to the Maori Wardens is not specifically identified in the Henderson Creek Reserves Management Plan (which was adopted in July 2003), policy 2.5 of the plan states that a safe environment should be provided for reserve users. There have been significant problems with violence and vandalism in Tui Glen and there is little doubt that the wardens' presence and patrols will significantly reduce crime, protect natural and non-natural amenities and promote greater use of the reserve by the public who presently regard it as unsafe.

The premises to be occupied will be within the Proposed Accommodation Lease Area as identified in the Tui Glen Reserve Concept Plan (p73). This area is intended to operate as a short stay option potentially aligning to other uses in the park. The public submissions overwhelmingly supported the retention of the old camp ground use although on a more upmarket scale than previously. The wider administrative functions in relation to these activities are also intended to be contained within this area. The location of the Maori Wardens in this area is within the scope of these administrative functions. The Tui Glen Management Plan is presently in draft form due to technical reasons, it will be adopted formally with a report going to the City Development Committee on 3 June 2004.

Policy 9.5 of the plan provides as follows: *"To use the control of lease agreements to ensure the most effective and equitable use of the Henderson Creek reserves and facilities"*. This policy goes on to provide in its implementation provisions: *"Continue the leasing of areas within the reserves to provide for community use and well-being. The leases of facilities such as buildings will be reviewed when the opportunity arises, to ensure maximum potential of the reserve is realised for the community"*. There is no doubt that the presence of the Maori Wardens on Tui Glen will assist in realising the potential of Tui Glen as a useful community reserve.

Policy 9.6 is to keep the Reserves Management Plan under regular review - At the next opportunity it is recommended the Maori Wardens be listed as a community lease occupying premises on the reserve (p68). This should be done following the Amendment to a Management Plan process as outlined in Section 41(2) of the Reserves Act.

## IWI CONSULTATION AND SUPPORT

Consultation has been undertaken with local iwi as to their support of the Maori Wardens in relocating to Tui Glen Reserve. Ngati Whatua and Te Kawerau a Maki both have indicated their strong support for the services provided by the Maori Wardens and their suitability in locating in the Tui Glen Reserve.

## SERVICE DELIVERY PROPOSAL

The Maori Wardens operate under the Maori Development Act 1962. All Maori Wardens throughout New Zealand are warranted under this Act. Waitemata Maori Wardens are a charitable Trust, to enable them to seek and retain public grants, which are used to provide services within the greater Waitakere Community.

The Maori Wardens are proposing a two-fold community service.

At Tui Glen the Maori Wardens propose for two wardens to sleep over which will enable periodic patrols of the area during the night. This will enable increased night time security. In fact the wardens have raised concerns that even the proposed premises on the reserve would be at risk if not occupied at night.

The lease provisions will specifically exclude residential use and minors from the premises after hours and the occupation of any other cottages on the reserve and that such activity will be considered a serious breach of their lease making it immediately terminable.

A separate service agreement will be set up with the wardens to formalise their security role on the reserve. This will be priced at the same rate as Parks are presently paying for security services at Tui Glen (approximate average \$450 per month). This will be identified as a net off against the monthly rental due. Should their security patrol service performance warrant the termination of the service contract, then they would be required to pay the \$450 per month as a rental charge over and above the \$150 per annum proposed.

The wardens would also continue to patrol the Henderson Central Business District and known trouble areas including the railways and New Lynn centre on much the same basis as they presently do. The community benefit of this work has been discussed above.

The wardens have also advised that they will make their facilities available for the Maori Woman's Welfare League, which will allow them to provide counselling, and advocacy services targeting young Maori at risk.

## COUNCIL FACILITIES PROPOSAL

A26 It is proposed that Council refurbish the single cottage marked A on the plan attached at page A26, and lease to the Waitemata Maori Wardens as their office facility. It is also proposed that subject to funding being successfully sought by the Wardens from The Waitakere Licensing Trust a further two flats be leased marked C and D on the plan attached at page A26.

### Single Cottage

Glen Haven cottage was originally a kitchen and laundry block built in 1964 and converted to a cabin in the 1970s.

A26 It is proposed that Council refurbish the cottage marked A on the plan attached at page A26 to enable the Maori Wardens to move to the premises by mid June 2004.

The 56m<sup>2</sup> cottage is approximately half the size of the present wardens facility and in sound condition externally the primary works are repaint due to the existing paint starting to crack and peel. Internally it has considerable damage to linings and the kitchen. The costs have risen by \$4,400 over the initial estimate as electrical items had not been included.

Cost to renew	\$12,760.00
Repainting Cost (exterior)	\$ 3,090.00
<b>Total Cost</b>	<b>\$15,850.00 Plus GST</b>

The works to be carried out internally are simply damage rectification such as the removal of boards over the windows re-glazing, patching of holes and similar replacement of like for like. They will not impact the heritage values of the building and will in fact prevent further damage to the building. While Tui Glen camp is registered under Auckland Regional Council reference number 3524 as a "Historic Structure" the listing indicates "Interior Protection Not Specified". The contractor will in any case be required to carry out works in accordance with the principles of heritage conservation. The exterior repainting and rectification works do not have to occur prior to the Maori Wardens occupation, the intention is to simply match original as closely as practical. This cottage rests on wooden pile foundations which make it particularly susceptible to vandalism by fire. Attention will be given to securing the foundation area from intruders.

A two year lease over this building is proposed, this will allow greater flexibility than the five year lease previously recommended.

#### Additional Two Flats

A26

It is proposed that Council express their support for the Maori Wardens' funding application to secure \$53,820.00 plus GST from the Waitakere Licensing Trust. The purpose of this funding will be to also bring the two 42m<sup>2</sup> flats marked C and D on the plan attached at page A26 up to an acceptable standard.

The two 1970's style blockwork flats are in a very poor condition with all glazing, floor coverings and the roof needing refurbishment. Aside from the paintwork the block exterior walls and internal linings are in a reasonable condition.

A five year lease over all the two flats is proposed, following which this renewal benefit will potentially flow to the local community.

Cost to renew	\$48,420.00
Repainting Cost (exterior)	\$ 5,400.00
<b>Total Cost Flats</b>	<b>\$53,820.00 Plus GST</b>

The decision on the lease over the two flats can wait until the outcome of their funding application with the Waitakere Licensing Trust. To provide Council officers with direction it is recommended this recommendation be changed to Council endorse in principle the five year lease over the two flats subject to the Maori Wardens securing external funding for the upgrade. This would leave the raising of funding responsibility clearly with the Maori Wardens should their application with the Trust be unsuccessful.

The impact on the Maori Wardens should the flats not able to be leased are two fold:

Their ability to provide night time security is significantly reduced. The cottage is likely to require an alarm system as it will be at a much higher risk of break in. The purpose the Waitemata Maori Wardens require premises to sleep over is simply to protect their computers, security and communication equipment. This valuable equipment is essential to their service and has been built up over a number of years.

### **Options**

Extensive searching of Councils property portfolio has not revealed any suitable alternative accommodation within walking range of the Henderson Central Business District. A Twin Streams residential property may be available. The rent forgone by EcoWater would be in the order of say \$14,000 per annum for a 3 bedroom property renting for say \$270 per week. The drawbacks are possible District Plan complications over non residential use and being in a known flood plain.

Councillor Battersby indicated a caravan may be an inexpensive alternative and suitable for their use. The market indicates large caravans (7.8m x 3.0m) typically rent for \$165 per week plus an initial bond of \$400. This equates to an annual fee of \$8,580.

A portacom style building of 12m x 3.6m dimensions rents for approximately \$10,000 per year. Depending upon the site and location an up front cost of \$5,000 is reasonably typical to transport and arrange services and permits etc. An enquiry has been made with Westfield Mall Henderson in regards to locating such a structure on their property.

Commercial lease in the Henderson Central Business District of low to mid price range are \$100m<sup>2</sup> - \$150m<sup>2</sup> per annum. To replace their present 92m<sup>2</sup> premises would be in the order of \$10,000 per annum lease payment. A preliminary survey of properties in the Central Business District did not reveal any properties immediately available.

### **FUNDING**

#### Single Cottage

The cottage upgrade of \$15,820.00 + GST will be provided by Council from savings in the property capital renewal budget.

A lease prepared on the basis of \$150 per annum in rent and outgoings being paid by the Tenant.

#### Additional Two Flats

Waitakere City has assisted the Maori Wardens in applying for \$53,820 + GST of funding from the Waitakere Licensing Trust. Closing date of the trust applications was 19 April 2004 and final decision was made by the Licensing Trust on 24th of May 2004.

A rental application, for the two flats has been prepared on the basis of \$150 per annum in rent and outgoings being paid by the Tenant.

#### Security Service Costs Passed on as a Rent Benefit

The security services proposal by the Maori Wardens is valued at \$5,400 per annum based on the present Parks security arrangements for the reserve. It is proposed that a \$300 rental per month be charged over and above the base community lease of \$150 per annum for the two flats and a \$300 per month charge over and above the separate \$150 per annum for the cottage.

If the Maori Wardens service delivery falls below the required standard of the proposed Service Delivery contract then \$225 per month rental for the cottage and \$225 per month rental for the two flats will become chargeable on a monthly basis.

The concept is that should only one building be leased (ie. the cottage) then the value of their service specifically on the reserve is expected to be similarly reduced and therefore the value would remain at \$225 per building.

### ISSUES AND RISKS

The services for all three buildings have not operated for some time. The costs associated with reinstatement of power and water is an estimate based on tender pricing. A separate project is underway to provide better clearance of power lines over McLeod cottage by 18 May 2004. These lines also ultimately feed power to the flats and cottage.

If the recommendations in this report are not adopted there is now a high risk of impact upon the UNITEC/Library project in terms of timelines, contractual obligations and media. This is a strategically important project for Council.

The funding from the Waitakere Licensing Trust may not be granted:

#### Contingency Plan

- Scenario 1. Continue renting the cottage while the Maori Wardens and seek funding from other sources.
- Scenario 2. Continue renting the cottage while the Maori Wardens seek alternative accommodation.

Council to endeavour where to assist where possible in both scenarios but no onus to guarantee either funding or accommodation.

Questions of equity with the Grey Power organisation have been raised. This is a quite separate issue to this report and will be addressed through an approach to Communication and Facilitation Group for direction with a further report to Council. In order to prevent further distraction from this matter a brief summary should enable Council to understand enough to allay their concerns and have confidence the matter is being dealt with satisfactorily.

Grey Power initially indicated they would accept space in the Pīataata Trust facility Massey. This building is leased by the Trust from Council on a commercial rate. Grey Power agreed to move in querying the rental amount. It was explained the building was leased on a market rate and the arrangement was to be they paid rent on a pro rata basis direct to the Pīataata Trust. An improved accommodation option was then discovered, the Te Atatu South Library storage area and offered on the same rental basis to Grey Power on the basis they had agreed to move to the previous tenancy at the same rental and therefore would be able to afford to pay. From a valuation perspective the Library ex storeroom was slightly larger and overall the situation and location are of a higher standard than the Massey premises.

In the case of the library store room Council has forgone space that was not under community use, therefore we charge a (market) rate for the premises as opposed to the applicants circumstance for a community lease property. Independent valuation evidence indicates their opinion of the market rate for the premises is \$15 per month above the \$250 per month being charged. Mr Vanderwee (Grey Power Secretary) was encouraged to seek funding from Trusts operating in the local area and Council understands they applied to the Waitakere Licensing Trust but it has never been confirmed to Council officers dealing with him what assistance has been received. Staff also encouraged Mr Vanderwee to apply to the Community Wellbeing Fund including a letter dated 8 March 2004. To staff knowledge no application has been received. It is also unclear where Grey Power's community role and political role sit or if they were assessed on a community lease basis.

The Maori Wardens provide a more visible community service, and Tui Glen being a recreation reserve is a community lease type property. Placement of Grey Power on the reserve at Tui Glen would be outside the provisions of the Reserves Act. The Communication and Facilitation Group workshop will be addressed in terms of direction setting over the Grey Power rent issue.

## **CONCLUSION**

The relocation of Waitemata Maori Wardens to Tui Glen will enable the Wardens to continue with their service to the community as a whole, and address some specific security concerns at Tui Glen Reserve.

The work proposed will only rectify damage, and will in fact serve to prevent further damage and vandalism to the building. Appropriate care will be taken on with heritage values of the cottage and flats and will recognise any special values identified in the Heritage Assessment of Tui Glen Motor Camp Henderson report completed August 2001.

Other Councils in the Auckland Region support the Waitemata Maori Wardens, and Waitakere City's support would be consistent with this approach, while also providing a security presence in the reserve.

Support of the Waitemata Maori Wardens service is supportive of Councils Strategic direction ranging from the safer city priority through to the Waitakere City Wellbeing Strategy.

## **RECOMMENDATIONS**

1. That the Relocation of Waitemata Maori Wardens to Tui Glen Reserve report be received.
2. That Council support the relocation of the Waitemata Maori Wardens to Tui Glen for the reasons outlined in the agenda report, subject to an agreement satisfactory to the Chief Executive being put in place for specific security patrol services to be provided.
3. That the refurbishment of the cottage at Tui Glen Reserve be approved on the basis of a \$15,850.00 Plus GST funded from savings from the general property fund.
4. A two year lease be granted to the Waitemata Maori Wardens for occupation of the cottage.
5. The refurbishment of the two flats be approved on the basis that external funding is obtained.
6. A five year lease be granted to the Waitemata Maori Wardens for occupation of the two flats.

Report prepared by: Rex Harland, Property Assets Manager and Duncan Miller, Property Assets Team Leader.



13 **TODD AVENUE, NEW LYNN - CREATION OF PEDESTRIAN MALL**

**PURPOSE OF THE REPORT**

Further to previous reports on this project, the purpose of this report is for the Council to commence Special Order Procedures pursuant to Section 716B of the Local Government Act 1974 to declare Todd Avenue, New Lynn, to be a pedestrian mall under Section 336 of the Local Government Act 1974, and also to set out the decision making analysis and consultation that has taken place in relation to this project (as required by the Local Government Act 2002).

**BACKGROUND**

The proposal for Todd Avenue to be converted to a pedestrian mall is part of a larger concept known as the Todd Triangle Reserve Development Concept Plan. Todd Triangle Reserve is a town centre park in Waitakere City, and is long overdue for a major upgrade, the bulk of the reserve having been installed in the 1960's, with significant involvement from New Lynn Rotary. Existing conditions in the reserve no longer fit with the image of a modern town centre and community aspirations. The aging brick structures are deteriorating and are exhibiting significant wear and tear, leading to an increased need for maintenance. The clock tower donated by the New Lynn Rotary in 1960 was the first pre-stressed brick column in the world, that we know of, and is highly valued by members of the community, and therefore is worthy of preservation as a historic monument in New Lynn to reflect the brick history and character of the area.

An ongoing challenge to improving amenity and access in the New Lynn Town Centre is the domination of vehicles. The town centre is intersected by busy streets carrying high numbers of cars. Todd Triangle Reserve is particularly problematic, being a small reserve, bounded by busy roads on three sides, it is currently little more than a traffic island, and it is difficult for the community to use as a recreational space. Nevertheless it is used by a significant number of local residents and workers for casual meeting, sitting and eating, and meeting people.

Improving pedestrian links to the reserve and shopping area, and increasing foot traffic to the western edge of the town centre, has the potential to enhance business in the town centre.

The 2001/2002 Community Board Discretionary Park Fund allocated funding for the development of an initial concept plan. The 2002/2003 Annual Budget included a further \$50,000 for the continued professional detailed design and development of the Todd Triangle Reserve. Further funding of \$250,000 was allocated in the 2003/2004 Annual Plan for the project.

In February 2003 the New Lynn Street Events Subcommittee resolved in minute 131/2003 to temporarily close and prohibit traffic on Todd Avenue on the second and fourth Saturday of every month for a period not exceeding 15 months for the hours of 7.30 am to 3.00 pm.

“2. *That approval be granted to temporarily close and prohibit traffic on the following roads on the second and fourth Saturday of every month for a period not exceeding 15 months. (Pursuant to Clause 11(e) in the Tenth Schedule of the Local Government Act 1974).*

(a) *From 7.30 am to 3.00 pm:*

- *Todd Avenue*

3. *That approval be subject to:*

a) *The closures being carried out in accordance with the authorised traffic management plan.*

- b) *The Applicant accepting full responsibility for public and participant safety requirements.*
- c) *The applicant appointing a traffic management and safety co-ordinator to liaise with Council's Transport Engineers and New Zealand Police, and to ensure that the applicant's responsibilities are met.*
- d) *The applicant obtaining, placing and removing any road cones, detour signs and any other barriers in accordance with the traffic management plan and as directed by New Zealand Police and/or Council officers and meeting associated costs.*
- e) *The applicant advising all emergency services of the road closure details.*
- f) *The applicant ensuring that all litter is cleared up immediately following the event.*
- g) *The applicant being notified that Council accepts no responsibility for incidents, injuries or damage caused by the event.*
- h) *The applicant accepting responsibility for the cost of repairs to any Council property damaged during the event.*
- i) *The applicant meeting any costs arising from Public Notices arranged by Council.*
- j) *That the approval to close the roads can be suspended or cancelled at any time by Council's Service Manager: Transport Assets giving two weeks notice in writing, or cancelled effective immediately where any conditions of the approval to close the roads are not complied with.*

131/2003

This resolution was passed to enable the establishment of a fortnightly organic market on the carriageway of Todd Avenue. The temporary road closure was seen as an interim measure to allow the market to operate in the period prior to the redevelopment of Todd Triangle Reserve.

## **STRATEGIC CONTEXT**

The proposal to turn Todd Avenue into a pedestrian mall is in line with the City's Urban Villages Strategy, adding to the value of the overall concept for New Lynn, and more specifically the Todd Triangle Reserve Development Concept Plan. Creating an urban plaza at the western edge of New Lynn will facilitate pedestrian movement close to the strip shopping area and provide a core gathering area for the connection of other pedestrian linkages.

The Todd Triangle Reserve Development Concept Plan also responds to requirements of the Council's Parks Strategy, designing the reserve as an open gathering area, with landscape plantings, park furniture and path linkages. In addition the concept responded to the Council's Strategic Plan by enabling the improvement of the city's parks, bush and streams to form a link throughout the town centres. The Urban Villages Strategic Platform is about making the town centres a vibrant, fun place to live work and play and do business, giving people choices about recreation in their town centres. It is also about improving the amenity in the town centres, making sure pedestrians can get around easily by improving links and creating more foot traffic around the business areas, which in turn will help strengthen the local economy, as well as looking after the natural environment.

## ISSUES

### Consultation

Consultation in accordance with Section 82 of the Local Government Act 2002 was undertaken. More specifically:

- The draft Todd Triangle Reserve Development Concept Plan prepared for consultation, showing Todd Avenue as a pedestrian mall, was widely circulated to local residents and businesses and public meetings were held in August 2001 and November 2001, as well as separate workshops with the New Lynn Village Association, with general agreement eventually being reached.
- The concept featuring Todd Avenue connected to the shopping precinct, was adopted by the Community Board and published in the Western Leader in January 2003
- The New Lynn Village Business Association is a key stakeholder with a keen interest in Todd Reserve and were participants in earlier consultation regarding the upgrade of Todd Reserve. As a first step to informing the community of the Board's decision in November 2003 to accept modifying the Todd Reserve landscape concept, the New Lynn Village Business Association was advised at their January 2004 meeting. The report was summarised and copies were made available to those who attended.
- General agreement was reached with the Association on an appropriate approach for engaging with interested parties. Two 'drop-in' viewing sessions were held. Those community members listed as having participated in public meetings in August 2002 and again in November 2002 were invited. In addition known New Lynn stakeholders, such as the chairpersons/presidents of the RSA, Rotary, and Lions, and Lynnmall management were invited. Contact details were provided for people wishing an individual viewing if they were unable to attend the sessions. Over the two days 32 people attended the 2 drop-in sessions on Monday 1 and Wednesday 3 March 2004. One person came into Council for an individual viewing. The drop-in viewing sessions were attended by representative politicians.

The draft modified concept for Todd Reserve as well as a sample concept of Great North Road streetscape improvements was displayed in plan and sketch, as well as a list of the main features of the concepts. The main features of the concepts were explained to small groups of people as they gathered around to view the drawings. This method of display had the advantage of being informal, allowing viewers the opportunity to chat about the concept and hear each others views and suggestions, and people readily gave feedback.

- In general the concept received positive comments, but a few issues were raised on specific features. Both positive and negative responses were received to the concept showing Todd Avenue as a paved urban plaza/ pedestrian mall, with no access to public vehicles. Modifications to the design were made to respond to the issues raised by the community, but this has not involved any modifications to the proposal to convert Todd Avenue into an urban plaza/pedestrian mall, prohibiting public vehicle access. Concerns raised about this aspect of the proposal related to reduced service access to commercial properties on Todd Avenue and a reduction in customer parking close to the shops in Todd Avenue. The suggested response is that these matters can be addressed through improved signage in the main core of the town centre, indicating vehicle access routes and location of public parking. In the case of service access to commercial properties, this can be provided for via the rear of these properties. The loss of vehicle traffic could be compensated for in an increase of foot traffic.

The draft Todd Triangle Reserve Development Concept Plan prepared for consultation showed Todd Avenue as a pedestrian mall. A report presented to the New Lynn Community Board at its 3 February 2003 meeting requested to prohibit public vehicle use of this area of road. The Board resolved:

- “2 That it be recommended to Council that Todd Avenue, New Lynn, as defined in the diagram attached at page A8 of the Agenda Report, be declared to be a pedestrian mall by Special Order under Section 336 of the Local Government Act 1974.”

49/2003

At Council's meeting 26 March 2003, the decision on the creation of a pedestrian mall in Todd Avenue was deferred:

- “That Item 6: Todd Avenue - creation of a pedestrian mall be deferred pending further consultation on the exact siting of the pedestrian mall.”

540/2003

A decision was deferred to enable further consultation to take place on the most appropriate siting of the pedestrian mall in relation to Todd Triangle Reserve.

Following the further report to the Board on 3 November 2003, at Council's 26 November 2003 meeting it was resolved:

- “2 That Council commences the statutory process under Section 336 of the Local Government Act 1974 to declare Todd Avenue a pedestrian mall, subject to appropriate conditions.”

4188/2003

Following the development of the alternative concept, at the New Lynn Community Board's 5 April 2004 meeting it was resolved:

- “1. That the Board approves the Todd Reserve landscape concept.  
2. That the funding required for the Todd Reserve project be referred to the Long Term Community Council and Annual Plan Special Committee 2004/2005 as part of this Board's formal submission.”

542/2004

A27 The Concept Plan 5 April, 2004 is attached at page A27.

A28 A plan showing the area of the proposed pedestrian mall is attached at page A28.

### Decision Making Analysis

The opportunity to develop a concept plan for the redevelopment of Todd Triangle Reserve highlighted the imperative of providing improvements to the level of pedestrian access, safety and amenity in and around the reserve. During the preliminary phases of the concept development staff reviewed a range of options developed by Palimpsest Consultancy Limited, (now Studio of Urban Landscape):

- a) Do nothing (maintain status quo). This option does nothing to address the Council's Strategic Urban Villages goals, to improve pedestrian accessibility, safety and amenity in the town centre. Furthermore it denies an opportunity to improve the presentation, walk-ability and integration of the street with Todd Triangle Reserve.

- b) Retain slow vehicle access through Todd Avenue, over a paved surface and removing parking at the northern end (third) of Todd Avenue, but retaining four car parks on the western side of the avenue at the southern end.  
The advantages of this option are that some parking is retained and service access to commercial properties with Todd Avenue addresses can be retained, while the disadvantages are that pedestrian exposure to traffic will remain high, compromising pedestrian safety, and accessibility.
- c) Retain slow drive access through the avenue, with a series of paved pedestrian crossings along the avenue, retaining parking on both sides of the south western edge of Todd Avenue.  
The advantages of this option are similar to the above in that some parking is retained and service access to commercial properties with Todd Avenue address can be retained, while the disadvantages are that pedestrian exposure to traffic will remain high, compromising pedestrian safety and accessibility.
- d) Prohibit public vehicle access through Todd Avenue - create a paved urban plaza/pedestrian mall immediately adjacent to the shopping precinct.  
The advantages of this option are that public vehicles will be prohibited from driving past the shops in Todd Avenue making it a pedestrian friendly environment, improving safety and amenity, and increasing foot traffic to the west end of New Lynn. The creation of a pedestrian mall adjacent to Todd Triangle Reserve also has the benefit of increasing the amenity and accessibility of the reserve.  
The disadvantages of this option is that access to commercial properties with Todd Avenue, and public parking in the immediate vicinity of the Todd Avenue businesses will be reduced. An analysis has been undertaken of the proposal to prohibit public vehicle access through Todd Avenue and this indicates a minimal impact on traffic flow and connectivity of the road network from such a prohibition.

The analysis confirms that the most appropriate way to deal with the challenge of providing improvements to the level of pedestrian access, safety and amenity in and around Todd Reserve that also meets the Council's strategic town centre context, parks and roading requirements and the community's aspirations is by way of prohibiting public vehicle access through Todd Avenue. As noted above there is significant community support for the creation of an urban pedestrian plaza connecting the reserve to the shopping precinct and because in comparison to the other options considered, it achieves the greatest number of values and is more sustainable in the long term. Prohibiting public vehicle access to Todd Avenue to could be achieved in one of two ways.

The road could be stopped. Legal road stopping requires the uplifting of legal road status, and the consequent substitution of another environmental definition from the District Plan. The disadvantage of this is that Council would have to achieve legal access to the Todd Avenue properties in some other way. This could require easements over the Council's public car park which is adjacent to the rear of the Todd Avenue properties.

An alternative to stopping the road available to council is that of declaring Todd Avenue to be a pedestrian mall under Section 336 of the Local Government Act 1974. The advantages of using this mechanism is that it retains the legal road status, retaining legal access to Todd Avenue properties, but allows Council to prohibit the driving or parking of vehicles other than emergency vehicles within the pedestrian mall. The disadvantages being that public vehicle access is prohibited which may impact on businesses ease of access for quick stop shoppers.

The option of declaring Todd Avenue a pedestrian mall was suggested by staff over the option of 'road stopping' because the process is not a permanent one and would allow for a review should significant problems occur. It also removes issues around provision of legal road access to affected properties.

## RESOURCES

Funding of \$295,000 has been provided as part of the total Todd Triangle Village Space development in 2003/2004. Design is being undertaken in the current financial year. To enable the construction to be completed, the Council meeting of 26 November 2003 resolved:

- "1. That Council approves the budget allocation for Todd Reserve, Great North Road and the Ambrico pedestrian rail crossing be carried forward, to enable design work to be completed during the current financial year, in preparation for beginning physical works in the 2004/2005 financial year".

4188/2003

Additional funding may be required to complete the work and will be reported to the Long Term Council Community Plan and Annual Plan Special Committee once the costings are complete.

## CONCLUSION

Further to previous reports on this project, this report recommends that Council now formally resolve to commence Special Order Procedures to declare Todd Avenue, New Lynn, to be a pedestrian mall under Section 336 of the Local Government Act 1974.

## RECOMMENDATIONS

1. That the Todd Avenue, New Lynn - Creation of Pedestrian Mall report be received.
2. That Council resolve to proceed with by way of Special Order pursuant to Section 716B of the Local Government Act 1974 that Todd Avenue, New Lynn, be declared a pedestrian mall under Section 336 of the Local Government Act 1974 and that the driving, riding and parking of any vehicle or the riding of any animal on any part of the pedestrian mall shall be prohibited.
3. That the Hearings Committee be delegated authority to hear any submissions to the Special Order in relation to the pedestrian mall with a final report brought back to Council for confirmation of the Special Order.

Report prepared by: Chris Fourie, Project Manager: Revitalisation.



## 14 WAITAKERE RANGES PROJECT TIMELINE

### **PURPOSE OF THE REPORT**

The purpose of this report is to update the Council on the Waitakere Ranges Project work to date and seek a decision from the Council regarding the proposed timeline for the remainder of the project. This report contains an appraisal by officers in line with the direction given by the Environmental Management Committee at their workshop of 11 May 2004. The report also contains information on the alternative approach requested by the Political Liaison Group for consideration by the Council as proposed at their meeting of 17 May 2004.

### **BACKGROUND**

The Waitakere Ranges Protection Project was initiated in response to concerns expressed by local people, local MP's, lobby groups, the Parliamentary Commissioner for the Environment and the West Coast Plan, that the Waitakere Ranges and Foothills continue to be under pressure and further action is needed to ensure more secure protection for future generations. From the information gathered in Phase One of the community consultation for this project it is clear that most people believe that the Ranges and Foothills are not currently protected enough now and for the future, and that something 'extra' is needed.

There are five key components to the Waitakere Ranges Protection Project, which together are designed to provide for stakeholder involvement and integrated decision making: They include working closely with partners through the Political Liaison Group, research and information gathering on the area to determine current management weaknesses and gaps, community consultation, policy development to determine how the current management weaknesses and gaps might be filled, and implementation. Councillors Hulse, Yates and Presland are the Waitakere City Council's representatives on the Waitakere Ranges Political Liaison Group.

The goal of the Waitakere Ranges Protection Project as agreed by the partners is:

*'Through a partnership of iwi, Waitakere City Council, Auckland Regional Council, Rodney District Council & local Members of Parliament, and in close consultation with stakeholders, to find and implement ways of achieving better long-term protection for the natural and landscape values of the Waitakere Ranges and West Coast'.*

### **STRATEGIC CONTEXT**

The Waitakere Ranges Protection Project is a key project within the Green Network platform of the Long Term Council Community Plan. The 'Green Network' strategic platform contains a vision that would see streams and forests full of life, the Waitakere Ranges permanently protected and a Green Network in place linking the Ranges to the sea, as well as connecting the everyday lives of the people of Waitakere with the natural world.

Council has indicated a strong commitment to working on protection of the Ranges, whilst recognising that there are many different values relating to the Ranges, and that much is already being done to achieve protection. However, the tools for protection are many and varied, and community views diverse, so that a robust process is crucial.

## ISSUES

### Phase Two consultation

The Phase Two consultation process is now complete. While a complete analysis of the consultation material has not yet been completed, it is clear from the analysis that has been done that there is still considerable confusion from the community about the best way forward to achieve the goals of the project. Generally, there appears to be support for the process of looking at better ways to protect the Waitakere Ranges and Foothills, however there was strong feedback that the details of the proposed package, and in particular the implications for landowners and residents within the Ranges and Foothills, has not been provided in a manner to give people an ability to make clear choices about whether they support or oppose the individual package components. Given Council's strong commitment to open consultation, it is considered important that the community are given a good opportunity to make and express their views on this issue.

### Boundary of the Project

The Environmental Management Committee approved a draft boundary for the Phase Two consultation process which included much of the Foothills Environment abutting the Waitakere Ranges, but excluded Redhills, Birdwood, Pakinui and the Crows Road area from the project area. The Phase One consultation process had considered the whole of the Foothills Environment, including the areas now excluded. Throughout both phases of consultation there has been concern expressed by the communities in the foothills that this represents a significant policy change for the Council, as, for example in the District Plan, the foothills are considered to be separate and not part of the Waitakere Ranges.

This debate has coalesced around the Swanson Structure Plan area. While many parts of the foothills have significant, natural values such as bush cover, outstanding landscapes and significant fauna habitat, the Swanson Structure Plan area is outside of these, previously identified, core values. The importance of such areas as a buffer to the values and how such a buffer should be managed, lies at the heart of the community concerns now being expressed in those areas. It is considered that extensive technical landscape work, to identify the intrinsic landscape values of the foothills, as well as the role of the foothills as a buffer and transitional area, needs to be undertaken to help inform the community discussion and aid policy development. While this work is currently being briefed, and a consultant is expected to be employed shortly, indications are that this work is of major importance, and will take the rest of the calendar year for the consultant to complete. It is noted that legislation, if this is agreed to, cannot be finalised until the boundary issue is resolved.

### Timeline from Here - Staff Recommendations

The timeline previously presented to Council anticipated that following the Phase Two consultation process, the Council would be in a clear position to understand the community views, their support or otherwise for different aspects of the package, and be in a position to decide on which parts of the package would be proceeded with. This process saw a short Phase Three communication of the Council decisions occurring in late July.

Given the concerns expressed in the consultation process, the significant issues raised by the community regarding the detail of the information provided at the Phase Two consultation process, and the lack of key technical information with regard to the landscape issues and role of the foothills in relation to the Waitakere Ranges, it is considered that a different approach to Phase Three needs to be undertaken. It is clear that further consultation on the detail of the package needs to be undertaken with the community before the Council is in a position to make a final decision on what it wishes to do to further protect the Waitakere Ranges and Foothills. It would also be desirable if technical work on the landscape issues was completed, before the Council made a final decision on the boundary of the Waitakere Ranges and Foothills protection area.

A modified timeline is proposed as follows to ensure both a clear direction and sufficient consultation and technical information to give the Council the confidence to make a decision on the best final package for the protection of the Waitakere Ranges and Foothills. Such a changed timeline would affect the Council's project partners, however Council has an obligation to the whole community to make an informed and robust decision.

June 2004	Presentation to Environmental Management Committee 8 June of Summary of Phase Two Consultation Analysis. Communication to Waitakere Ranges and Foothills residents and landowners of next steps in the process.
June - August 2004	Further detailed work on the package to clarify the components and clearly document the implications for landowners and residents of each component. Reporting to Environmental Management Committee on progress monthly.
June - December 2004	Landscape and role of the foothills technical study undertaken.
September 2004	Report to Council on detailed development of proposed package in order for Council to clearly identify which components it supports for further consultation.
October - December 2004	Development of consultation materials and process for Phase 3 consultation.
February 2005	Report to Council on recommended final boundary for the project area.
February - March 2005	Phase 3 consultation.
May 2005	Council decision on final package for implementation.

### **Timeline from Here - Recommendations of the Political Liaison Group**

The Political Liaison Group considered this issue at their meeting of 17<sup>th</sup> May. Because of the timeframes required to see legislation pass through the house, and the key date of the central government elections next year, the Political Liaison Group wished to recommend to Council a different approach than that recommended by officers. Specifically the Political Liaison Group wishes to recommend to Council that development of the draft legislation to the "Briefing Notes" stage be done, and that consultation on the legislation be undertaken in time for the current Council to make a decision whether or not to proceed by August this year. The implications of such a process in terms of timeline, boundary issues and resourcing are outlined below:

### Timeline

June 2004	Presentation to Environmental Management Committee 8 June of Summary of Phase Two Consultation Analysis. Environmental Management Committee workshop on legislation. Organisation of consultation meetings (venues, advertising etc). Drafting of consultation materials for Phase Three (legislation only, with the rest of the package considered over a longer time frame)
July 2004	Environmental Management Committee decision on draft legislation and content of consultation materials Completion of development of consultation materials Attendance at community organised meetings (four assumed) July 26-31 Drop in Consultation Sessions (1 each weekday evening and 2 on Saturday)
August 2004	Summary of consultation process
August 2004	Council meeting to consider consultation outcomes and determine way forward with legislation
End August 2004	Briefing notes sent to Parliament if Council wishes to proceed with a Local Bill

### Boundary Issues

Clearly the process outlined above does not allow for time to resolve the issues identified around the boundary. This means that Council needs to have a clear basis, on existing work done, for the boundary of any legislation. It is suggested that such a boundary would need therefore to follow a Human Environment boundary, as these boundaries have been subject to significant tests through the District Plan process. It would therefore be recommended that, for the purposes of consultation either the entire Foothills Environment (including Redhills, Birdwood and Pakinui) be included in the area proposed to be covered by legislation, or the entire Foothills Environment be excluded from the area proposed to be covered by legislation. This is a matter that should be resolved by June 04, because that decision will have a direct bearing on the form that the legislation would take and the material that will be prepared to consult on it.

### The Rest of the Package

The proposal from the Political Liaison Group would see further consultation on the rest of the package to protect the Waitakere Ranges undertaken as per the Option One timeline recommended by staff above. This envisages, what would effectively be a "Phase Four" consultation process in February/March 2005.

### Resourcing

In order to meet the timeline proposed by the Political Liaison Group significant technical and legal work and preparation for the consultation process would be required. In terms of resourcing the most significant issue is staff time, and in particular preparation for, organisation of and attendance at the consultation meetings. A "drop in" process is proposed for the end of July which would involve five night sessions and a Saturday morning and afternoon session. These sessions would be geographically distributed throughout the Ranges area in order to endeavour to engage with local communities.

Staff Time		
Organisation of venues (booking, key collection, setup of room etc)		4 hours/drop in (28 hrs)
Development of advertising material, flyer delivery, placement of ads		20 hrs
Development of legislative option and analysis of implications		2-4 staff, 6 weeks (part time)
Preparation of consultation materials – content		2 staff, 2 weeks
Preparation of consultation materials – layout and production		2 staff, 2 weeks
Preparation of communications materials (press releases, WCN etc)		20 hours
Attendance at “drop in” meetings		1 support and 4 technical staff @ 5 hours / meeting (175 hours)
Attendance at community organised meetings		2 staff, estimated 4 meetings (24 hours)
Summary of consultation process		2 staff, 1 week
Receiving and responding to enquiries from community and media		20 hours
Total Time estimate	Support Staff	7 weeks, 2 days 1 person full time
	Communications Staff	5 weeks, 3 days 1 person fulltime
	Technical Staff	2 staff 5 weeks, 2 staff 3 weeks 3 days

It should be noted that currently there are 2 technical positions working full time on the Waitakere Ranges Project, with 1 support staff and 1 communications staff member working part time on the project. There are 8 working weeks until the commencement of the proposed consultation (including a long weekend). Therefore support, communications and some technical staff would need to be reallocated to work on the Waitakere Ranges Project during this time period. Alternatively significant communications and administration support and some technical staff support contributions would be required from the project partners - the Auckland Regional Council and Central Government. To date some consultation support and technical support has been provided to the project by the Auckland Regional Council and no assistance whatsoever has been provided by Central Government.

**Cost**

Venue Hire and Catering	\$3000
Consultation materials production	\$8000
Advertising and flyers	\$6000
Legal Advice	\$20,000
<b>Total</b>	<b>\$37,000</b>

While the budget for the 2003/2004 financial year is largely spent or committed, the costs as identified above would either be spent in the 2004/2005 financial year, or could, with Council approval, be committed against the \$110,000 budgeted for the project in the 2004/2005 financial year.

## RESOURCES

The Council has allocated \$110,000 in the 2004/2005 draft Annual Plan for the further development of the Waitakere Ranges Project. This budget is anticipated to be sufficient to undertake the technical and legal work, as well as further consultation necessary for the project. Two staff are currently working full time on the project, with part time support, communications and management support allocated to the project.

## CONCLUSION

The Phase Two consultation process has raised a number of issues regarding the details of the package for the Waitakere Ranges Protection Project. In particular it is clear that further technical work, and detailing of the proposed package is required, in addition to further consultation with the community. Two options are proposed to address this issue:

**Option One:** would see an extended timeline with further consultation on the package in early 2005.

**Option Two:** would see priority placed on development of the legislation and consultation with the community on this aspect.

This would require re-allocation of staff from other projects, or significant input from the project partners. The recommendation of the staff is clear as is that of the Political Liaison Group, the decision on this matter is for the Council.

## RECOMMENDATIONS

1. That the Waitakere Ranges Project Timeline report be received.
2. That the Council determine the timeframe which it wishes to see for the next stage of the Waitakere Ranges Project.
3. That the other partners in the Waitakere Ranges Project be advised of the Council's decision with regard to the timeline for the project.

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



## 15 RESOURCE MANAGEMENT FEES AND CHARGES

### PURPOSE OF THE REPORT

The purpose of this report is to recommend fees and charges payable for Resource Consents for the financial year 2004/2005.

### BACKGROUND

Revenue, from the fees and charges, in the Resource Consent area totals around \$2,400,000 per annum.

Council's Revenue and Financing Policy sets the basis on which fees and charges are to be set and in terms of Consents; 100% user funding applies. The existing and proposed Annual Plan are both geared in accordance with the Revenue and Financing Policy.

Legislation provides that only reasonable and actual costs may be recovered through the fees set. In terms of the framework of charging "actual and reasonable", the following applies in respect of setting fees:

- (a) **Actual Costs:** these have been developed from a zero base against each activity.
- (b) **Reasonable Costs:** this is gauged in two ways:
  - (i) Reference to the Market - where fees set compare favourably with Competitors or other authorities.
  - (ii) Cost Efficiency - where actual costs are only those incurred in supplying the service. These have been the basis of the recommended charges.

The fees and charges as proposed framed the basis of the Annual Plan for the year 2004/2005.

A review has now been completed to identify costs in relation to given processes and this forms the basis of the proposed fees and charges structure.

### **STRATEGIC CONTEXT**

Resource Consent processing is part of the regulatory arm of Council working with the community to contribute to Council's Strategic Platforms of Urban and Rural Villages and Strong Communities. Input from other areas in Council, ensures contribution to most of the Strategic Platforms, thereby assisting Council to meet its strategic objectives.

One of the significant drivers is the statutory provisions of the Resource Management Act 1991.

### **BENCHMARKING - RESOURCE CONSENTS**

#### **FEES AND CHARGES**

Lodgement costs for non-notified Resource Consents are in the mid-range of Auckland area Territorial Authorities. Overall processing costs are at the upper level of mid-range.

The proposed notified application fee is at the high end, however it should be noted that other Authorities are in the process of reviewing their base fee upwards.

#### **PERFORMANCE**

During the last Ministry for the Environment survey, Waitakere City was amongst the top performers in relation to Statutory Timeframes. There is no indication that this situation will have changed.

#### **FEES AND CHARGES STRUCTURE**

The existing fees and charges are made up of base fees and actual hourly charges when then base fee is exceeded. New fees and charges have been included to establish base fees for privately initiated plan changes, and the processing by the Council of notices of requirements for designations by external requiring authorities. Notices of requirement for designations are in effect a change to the District Plan.

A29-A32

The proposed schedule of fees and charges as attached at pages A29 to A32, (Note: All fees and charges as scheduled are GST inclusive).

The recommended changes to the schedule are in line with the Revenue and Financing Policy.

Where necessary, base charges have altered in order to cover the majority of the 'upfront' costs; thus improving debt management and further reducing 30 day outstanding invoices.

## **CONCLUSION**

The proposed fees and charges as previously outlined, are in accordance with the Revenue and Financing Policy and seek to recover 'Actual and Reasonable' costs in accordance with prevailing statute.

## **RECOMMENDATIONS**

1. That the Resource Management Fees and Charges report be received.
2. It is recommended that Council, pursuant to Section 36 of the Resource Management Act 1991 and Sections 83 and 150 of the Local Government Act 2002, resolve by way of Special Consultative Procedure the Resource Management Fees and Charges as set out:

### **RESOURCE MANAGEMENT**

#### **FEES & CHARGES**

The Waitakere City Council, by resolution pursuant to section 36 of the Resource Management Act 1991, Sections 83 and 150 of the Local Government Act 2002 and the relevant Council Bylaws has adopted the following fees for the 2004/2005 year. These fees come into force from 1 July 2004.

A copy of the fees and charges is available for inspection during ordinary office hours at the following offices of Council:

Civic Centre, 6 Waipareira Avenue, Lincoln, Waitakere City; Service Management, 131 Lincoln Road, Lincoln, Waitakere City; New Lynn Service Centre, Memorial Drive, New Lynn; and at the Glen Eden Titirangi, Henderson, Te Atatu South, Te Atatu Peninsula, New Lynn, Ranui and Massey Branch Libraries.

All fees and charges are GST inclusive, unless stated otherwise

#### **RESOURCE MANAGEMENT**

All fees below, unless otherwise specified, are base fees only. Where the actual cost exceeds the base fee, the applicant will be charged the additional cost at the hourly rates indicated in the attached schedule.

#### **District Plan**

District Plan Changes	\$10,000
District Plan Designations	\$7,000
District Plan Designations Alterations (Notified)	\$7,000
District Plan Designations Alterations (Non Notified)	\$2,000
District Plan Designation Removals	\$600

#### **Non Notified Land Use Consents**

Complex applications (eg., Medium Density, significant discretionary & non-complying activities) - as determined by the Manager: Resource Consents	\$4,000
Normal - multi infringements & discretionary (noncomplex)	\$920

Single infringement (controlled activity/limited discretionary	\$600
Minor applications (minor earthworks less than 300m <sup>2</sup> & 2 <sup>nd</sup> driveway)	\$295
Applications solely relating to heritage protection proposals	No Charge
Applications solely relating to tree proposals	No Charge
Combined land use and subdivision (plus subdivision deposit)	\$600

**Note: In addition to the above, other technical disciplines will also be charged out at their hourly rates**

#### Outline Plan of Works

Outline complex plan processing	\$850
Outline Plan processing (eg. school & playground minor change)	\$395
Site Inspection fee (hourly rate)	\$94
Waiver fee (hourly rate)	\$94

**Note: In addition to the above, other technical disciplines will also be charged out at their hourly rate.**

#### Notified Land Use Consents

Only one potentially affected party (does not include hearing costs)	\$4,000
Landuse/Subdivision (does not include hearing cost)	\$7,000
Complex (as determined by the Manager: Resource Consent eg. density) Housing, larger subdivision (does not include hearing)	\$10,000
Applications solely relating to tree proposals deposit (additional charges may be incurred)	\$1,500
Hearings for staff, elected members, commissioner or consultant costs deposit	\$1,500
S94 determination hearing costs deposit	\$1,500

**Note: In addition to the above, other technical disciplines will also be charged out at their hourly rate.**

#### Planning Checks on Building Consents

(see building consent fees for definition of categories)

Category 2	No Charge
Category 3	\$50
Category 4	\$99
Category 5 General Natural Area	\$99
Category 5 Other	\$107
Category 6 General Natural Area	\$137
Category 6 Other	\$157
Category 7	\$190
Category 8	\$313
Category 9	\$446

Section 35 (Certification) Single Condition	\$50
Section 35 (Certification) Complex, Multi Conditions	\$141
Site Visit (per Hour)	\$99

**Certificates of Compliance**

Land use COC - simple	\$385
Land use COC - complex	\$850
Sale of liquor COC	\$188
Sale of liquor COC (existing use complex*)	\$850
Sale of liquor COC (existing use simple*)	\$356
Excess Hours *	\$99

**\* Note: As determined by the Manager: Resource Consents**

**Note: In addition to the above, other technical disciplines will also be charged out at their hourly rate.**

**Pre-lodgement**

Pre-lodgement site visit	\$141
pre-lodgement meeting & associated work Planner (planner per Hour)	\$99

**(In addition, other disciplines may have involvement in these site visits/meetings and shall be charged out at their current hourly rate as available in the schedule)**

**Monitoring**

*All Resource Consents (Land Use, Subdivision) will incur a base charge for monitoring:*

Additions, Alterations, Accessory buildings, Signs, Earthworks < 300m <sup>3</sup> , Outline plans (schools)	\$180
Dwellings, Minor units, Earthworks > 300m <sup>3</sup> , Outline plans (other), subdivisions (<10 lots)	\$249
Pre-construction Inspection involving Earthworks	\$136
Multi-unit developments (per 3 units)	\$249
Non-residential activities / Complex Applications / subdivisions (>than 10 lots)	\$415
Additional monitoring inspections as required (including follow-up) per hour	\$90

**Miscellaneous**

Cancellation or Review of conditions	\$625
Extension of Land Use Consent (s125 and s126)	\$625
Determination of existing use rights (complex)*	\$850
Determination of existing use rights (simple)	\$356
Site visit	Actual Hourly Rate
Request for Consent Check for LIMs / CCC	\$136

Planning Cert under Land Settlement Promotion Act	
Per Certificate of Title	\$136
Planning Cert for a Vehicle Sale Licence	\$136

**\* Note: As determined by the Manager: Resource Consents**

**Note: In addition to the above, other technical disciplines will also be charged out at their hourly rate.**

#### Hard Copy Information

Actual Hours at scheduled rate for that role

**Note: plus any copying costs**

#### Subdivision Fees

Minor Boundary Adjustments/Amended Cross Leases	\$450
2 Lot Freehold, Major Boundary Adjustment; 1st Stage Cross-Lease and 2 Unit Titles	\$920
3-10 Lot Subdivisions- freehold / Unit Titles	\$1,000
11-20 Lot Subdivisions-freehold / Unit Titles	\$1,600
21 or more Lot Subdivisions- freehold / Unit Titles	\$2,750
2nd Stage Cross-Lease , Unit Title Certificates, Converting cross lease to freehold	\$450
Rights-of-Way	\$365
Variation of Conditions (s.122)	\$625
Re-approvals / Plan Amendments	\$350
Survey Plan Processing / 2223 Processing	\$223
Sec 224 Processing	\$267
Other, including miscellaneous certificates, easement surrender	\$223
Engineering Plan Approvals	\$141
Amalgamation of CTs	\$280
Alteration or cancellation of building line restriction	\$280
Excess Hours *	\$99

**Note: (1) Other disciplines external to Consent Services have involvement in subdivision consents and will be charged out at their current hourly rate over and above the fees listed above.**

**Note: (2) Any engineering plan approvals and works supervision required in respect of the above will be charged out at their current hourly rate.**

**\* Note: As determined by the Manager: Resource Consents**

#### Extra Fees

Where Council costs exceed specified deposit, the applicant will be charged additional costs calculated at the scheduled rate for that role. Other disciplines have involvement in these consents and will be separately charged out at their current hourly rate.

### Consultants and / or Additional Reports

Charged out at cost plus a 10% administration charge.

### Disbursements

In addition to the base rates and specified fees for All Consent Services activities/ products; disbursement(s) will be charged at cost.

### SCHEDULE OF HOURLY RATES

Group Manager: Regulatory	\$145
Manager: Resource Consents	\$140
Team Manager: Building Consents	\$102
Administration Manager: Regulatory	\$120
Manager: Construction Review	\$120
Team Leaders: Planning	\$125
Administrator	\$88
Planners	\$99
Team Leader Construction Review	\$104
Building / Plumbing & Drainage Surveyor	\$91
Process Support / Clerical	\$70
Arborist	\$85
Debt Collector	\$70
Environmental Monitoring Officer	\$90
Structural Engineer	\$88
Manager: Field Services	\$120
Team Leader: Field Services	\$102
Customer Field Advisor - RM, Building, Health	\$94
Customer Field Advisor - General	\$75
Call Centre Representative	\$49
Customer Services Representative	\$74
Group Manager: Planning & Community Services	\$145
Principal Planner	\$125

*EcoWater charges apply for consent services for development applications covering water supply, wastewater and stormwater at the following per hour scale of services:*

Group Manager / Manager: Asset Management	\$145
Water Engineer	\$123
Senior Water Asset Engineer	\$135
Drainage Engineer	\$123
Senior Drainage Asset Engineer	\$135
Building Consent Engineer	\$113
Subdivision Engineer	\$113

Quality Assurance Engineer	\$113
Administration Support Development Services	\$75
Senior Engineer Development Services	\$145

*The following disciplines have a minimum charge of half an hour*

Service Manager: Transport Assets	\$155
Roading and Traffic Engineers: Transport Assets	\$122
Team Leaders Transport Assets	\$144
Quality Control Auditor	\$125
Service Manager Parks Assets or Parks Planning	\$120
Parks Planner	\$135
Planning Coordinator	\$127
Administration support	\$70

Cost plus  
10%

Specialist Consulting Engineers

#### **Disbursements**

In addition to the base rates and specified fees for All Consent Services activities/ products; disbursement(s) will be charged at cost.

In addition to the base rates and specified fees for All Consent Services activities/ products; disbursement(s) will be charged at cost.

Report prepared by: Grant Gillard, Group Manager: Regulatory.



## **16 PIHA COMMUNITY PRESCHOOL - SECTION 37 BUILDING ACT 1991**

### **PURPOSE OF THE REPORT**

This report identifies a difficulty which has arisen under the Building Act in relation to the proposed Piha Community Preschool and identifies a potential solution to that difficulty.

### **BACKGROUND**

A33

Barnett Hall adjoins Les Waygood Park on North Piha Road and is constructed on land owned by the Piha Community Centre Society Incorporated ("the Society"). Piha Community Preschool Trust ("the Trust") currently occupies part of Barnett Hall from which it runs a preschool service. The Trust currently has 44 preschool children and 31 play group children on its roll and wishes to extend Barnett Hall to cater for increased demand and to add a new children's sleeping area and toilets. Attached at page A33 is a plan which shows the Society's land (Lot 2 DP 61084 and Lot 1 DP 173989) and the existing building.

The proposed extension to Barnett Hall to accommodate the expanded activities of the Trust will extend over the boundary of the Society's into the adjoining Lot 2 DP 173989 which is land owned by the Council under the Reserve Act 1977, classified as a Local Purpose (Community Buildings) Reserve and is part of Les Waygood Park. It is intended that the area over which this building is to be constructed will be leased to the Trust, which has had funding for the construction of the building approved by the Ministry of Education. The Piha Reserves Management Plan adopted by Waitakere Community Board in September 1999 provides (Clause 6.2) that "A lease will be granted that Piha Community Preschool over an area of Les Waygood Park for the preschool to expand into". This leasing arrangement was always considered to be a short term solution pending revocation of the reserve status of the land (it is a Local Purpose (Community Building) Reserve under the Reserves Act 1977), and for the transfer of that land to the Society, in the same way that Lot 1 DP 173989 had previously been transferred to the Society in September 2000 (resolution 3217/2000) to regularise an existing situation of the Hall extending on to that land.

The Waitakere Community Board has delegated authority to deal with issues relating to leasing of the land and revocation of the reserves status. There is also a related matter of a sewage easement to connect Barnett Hall into the septic tank system serving the new toilets in Les Waygood Park. These matters are to be considered by the Waitakere Community Board at its meeting on 3 June 2004. The issue under discussion in this report is however beyond the Board's delegations.

## ISSUES

A33 The plan attached at page A33 shows the boundaries of the land owned by the Society and the Council, the existing building and the proposed building. As can be seen from this diagram, the proposed buildings straddles the boundaries between land owned by the Council and land owned by the Society.

Section 37 of the Building Act prevents the issue of the building consent for a building which straddles the boundaries of two parcels of land without the prior issue of a certificate under Section 37 of the Building Act. That certificate has the effect of preventing either parcel being dealt with separately while a building remains constructed over the common boundary. Such arrangements are not ordinarily an issue where both parcels are held by the same owner. That is not the case here.

The Trust has therefore been faced with three potential solutions to the difficulty either:

- Relocate the new building so that it is contained entirely within the boundaries of the Council's land, perhaps linked by some sort of walkway to the Hall;
- Undertake a boundary adjustment of the Society's land and transfer the dark area on the plan into Council ownership (as part of the Local Purpose (Community Buildings) Reserve);
- Register a certificate under Section 37 of the Building Act 1991, notwithstanding that the land was in different ownership.

The Trust was not comfortable with either of the first two options. Relocating the building involved additional building costs (to form two extra exterior walls) and would have resulted in a building with not nearly the same operational efficiency as the original design. The proposal for a boundary adjustment of the Society's land while potentially a permitted activity under the District Plan would require a special general meeting of the Society and a special resolution for the transfer to occur. Council was advised that this solution was not plain sailing for the Society for a number of reasons.

A34-A35

The solicitor for the Trust, Chris Wilson at Herne Bay Law, therefore wrote to the Registrar General of Land on 12 May, as attached at page A34 and received a response dated 14 May, as attached at page A35. This letter indicates an ability to register a Section 37 certificate against land with two different owners. Sadly the letter of 12 May 2004 does not identify the fact that one of the parcels is land held under the Reserves Act. This is a matter which will need to be clarified and a brief oral report will be available at the Council meeting.

## **DISCUSSION**

In ordinary circumstances, it would be difficult to recommend that Council consent to the construction of a building where Council is required to tie up its land with other land in different ownership by a certificate under Section 37 of the Building Act 1991. However, the benefit to the local community in ensuring that the funding arranged by the Trust from the Ministry of Education are secured for the construction of this addition to Barnett Hall perhaps outweigh any perceived disadvantages. Subject only to revocation of the reserve and an agreement to transfer Lot 2 to the Society, the position will then be reached that Barnett Hall, as extended will be owned and managed under a single structure. This seems a sensible and practicable outcome, so that any potential inconvenience and technical difficulty from having the land held together in the interim is only a matter of temporary concern. Execution of the certificate should however be deferred until the point in time that all matters are in hand and that is the only thing to be resolved before work can commence.

## **RECOMMENDATIONS**

1. That the Piha Community Preschool - Section 37 Building Act 1991 report be received.
2. That the Chief Executive be authorised to execute a certificate under s.37 of the Building Act to enable the issue of a building consent for the proposed Preschool extension to Barnett Hall if he is satisfied that:
  - (a) the Waitakere Community Board has resolved to grant a lease of the area to be occupied by the extension to the Trust;
  - (b) the Trust has an arrangement to lease the dark area on the plan from the Society;
  - (c) the Society has agreed to execute the Section 37 certificate in relation to its land;
  - (d) the Waitakere Community Board has resolved to the grant of an easement over Les Waygood Park, for sewage disposal purposes, serving Barnett Hall;
  - (e) the Trust has secured sufficient funding to enable it to commence and complete construction of the extension immediately following issue of the building consent;
  - (f) The Waitakere Community Board has resolved to commence the reserve revocation process.

Report prepared by: Denis Sheard, Legal Services Manager.



## 17 ADOPTION OF GAMBLING VENUE POLICY

### PURPOSE OF THE REPORT

A36-A52

The purpose of this report is to present the Council's Gambling Venue Policy for final approval. The Policy, with proposed amendments highlighted, as attached at pages A36 to A52.

### BACKGROUND

The Gambling Act 2003 (the Act) came into force on 18 September 2003. The Act requires the Council to adopt a policy on Class 4 gambling venues (premises with electronic gambling machines) for the City, and to have regard to the social impact of gambling in developing this policy. The Council may also take into account other specified matters when developing the Policy.

The Act also amended the Racing Act 2003 to require that the Council adopt a Board Venue Policy for the City. A board venue is a stand alone venue owned or leased by the New Zealand Racing Board (TAB) where race and sports betting is carried out. The Board Venue Policy must specify whether new Board venues may be established in the city, and if so, where they may be located. When developing this policy, the Council must have regard to the social impact of gambling and may also take into account other specified issues.

The Council's draft Gambling Venue Policy (draft Policy) covers both Class 4 Gambling Venues and TAB venues. The Policy must be reviewed at least once every three years, which means that the next policy review will be in 2007.

The Council joined with other local authorities in the Auckland region to commission a social impact assessment on the impact of gambling. A workshop with community, social services and industry groups was held in November 2003 to discuss the impact of gambling on the community, and gain the input of stakeholders on the development of the draft Policy.

The draft Policy was developed based on the information provided by the Social Impact Assessment and feedback from stakeholders. The draft Policy was endorsed for public consultation by the Environmental Management Committee in February 2004 and submissions closed in April 2004.

26 submissions were received on the draft Policy, five submissions supported the draft Policy and four submissions opposed the draft Policy, while a number of other submissions made comments both supporting and opposing aspects of the draft Policy.

The Environmental Management Committee held hearings on the submissions on 11 May 2004. Issues that were raised during the submissions process included:

- the location of gambling venues;
- the number of gambling machines at Class 4 venues;
- the Citywide cap on existing venue and machine numbers;
- the merger of clubs into an existing venue;
- signage and visibility of gambling venues;
- the primary activity of gambling venues;
- the Code of Conduct;
- the requirement that Class 4 gambling venues hold a liquor license.

At its 11 May 2004 meeting, the Environmental Management Committee recommended that the draft Policy be approved by Council with a number of amendments. The amendments proposed by the Committee resulted from public submissions or additional advice received by the Council, and are outlined under the 'Recommendations' heading of this report.

## **STRATEGIC CONTEXT**

In developing the draft Policy, Council's strategic objectives were taken into account. The draft Policy's harm prevention approach is consistent with Council's strategic objectives in the areas of Sustainable Development, First Call for Children and Strong Communities.

## **ISSUES**

As well as several minor amendments to the draft Policy, the Environmental Management Committee recommended three significant changes to the draft Gambling Venue Policy as a result of public submissions. These are as follows:

### **1. Primary Activity Specified**

A major amendment to the draft Gambling Venue proposed by the Environmental Management Committee was that the Policy should specify what the primary activity of gambling venues should be. The Committee recommended that the policy specify that the primary activity of new gambling venues must be:

- the sale or supply of liquor under the Sale of Liquor Act; or
- racing or sports betting, or the venue must be racecourse; and must be owned or leased by the New Zealand Racing Board; or
- sporting or recreational activities in a licensed chartered club.

The Committee recommended that only venues licensed after September 2003 would need to meet requirements regarding the primary activity of their venues, as venues licensed prior to this have not been consulted on this proposal.

### **2. Allowing For Variations in Machine/Venue Numbers**

The Council has also received updated data from the Department of Internal Affairs on gambling machine and venue numbers within Waitakere City. As a result of this the Committee recommended that the draft Policy be amended to reflect that there are currently 501 gambling machines and 38 Class 4 gambling venues in Waitakere City. Because there has been some variation in gambling machine and venue numbers the Committee recommended that a clause be inserted into the draft Policy that Council may consent to an increase in venue and machine numbers beyond the Citywide Cap when an existing venue in the City was licensed prior to September 2003 but this has not been included in records held by the Department of Internal Affairs.

### **3. Restrictions on Club Mergers**

Several submissions were also received commenting on the proposal in the draft Policy to allow the merger of clubs into one site.

The Committee recommended that section of the Policy which referred to the merger of existing venues be amended to specify that Council would not allow a site where a merger had occurred to operate more than 18 machines, and would only allow a merger to occur if it was satisfied that this would not result in an increase in existing machine numbers in the City.

## RESOURCES

The implementation of the Council's Gambling Venue Policy in its current form will require minimal resources, due to the introduction of a cap on existing machine and venue numbers. Monitoring costs are included in the 2004/2005 draft Annual Plan.

## CONCLUSION

The draft Gambling Venue Policy has been developed with regard to the social impact of gambling on the community, the wishes of key stakeholders and Council's strategic objectives. It is recommended that Council approve the draft Gambling Venue Policy with the amendments proposed by the Environmental Management Committee as outlined below.

## RECOMMENDATIONS

1. That the Adoption of Gambling Venue Policy report be received.
2. That the draft Gambling Venue Policy be amended to specify the following policy objectives:
  - 2.1 To manage the growth of Class 4 gambling in Waitakere City.
  - 2.2 To support the minimisation of harm caused by gambling, including problem gambling, in Waitakere City.
  - 2.3 To encourage clarity regarding the distribution of gambling funds.
  - 2.4 To ensure that the actual and reasonable costs relating to venue consent applications are paid by the applicant.
3. That the Policy be further amended to specify:
  - 3.1 That when determining fees associated with consents issued under the Policy the cost of processing the application and of monitoring compliance with the terms of this consent be considered, and that the consent application fee be amended to \$240 for an existing venue and \$320 for a new venue, and that these fees may be reviewed annually with other consent fees.
  - 3.2 That Class 4 gambling venues must hold a current on license or club license.
  - 3.3 That the primary activity of a Class 4 gambling venue should not be gambling.
  - 3.4 That there are currently 38 Class 4 gambling venues and 501 electronic gambling machines within Waitakere City.
  - 3.5 That in cases where an existing gambling venue was licensed but this has not been captured in records held by the Department of Internal Affairs, Council may give consent for venue or machine numbers to increase beyond the existing cap on venue and machine numbers.
  - 3.6 Where two or more existing clubs merge, the merged club may have no more than 18 machines. Council will only give consent for a merger where it is satisfied that it will not result in an increase in machine numbers beyond the cap established by this policy.
  - 3.7 That the Code of Conduct be amended to specify that information provided by Gambling Societies should be Waitakere specific where possible.
  - 3.8 That consent applications not be required to provide evidence of Police approval for owners and managers of the gambling venue.

4. That the draft Gambling Venue Policy be amended to specify the following:
  - 4.1 That the primary activity of new gambling venues licensed after 22 September 2003 must be:
    - the sale or supply of liquor under the Sale of Liquor Act, or
    - racing or sports betting, or be a racecourse; and must be owned or leased by the New Zealand Racing Board, or
    - sporting or recreational activities in a licensed chartered club.
  - 4.2 That consent applications be required to provide that the primary activity of a venue is either the sale or supply of liquor, racing or sports betting or sporting or recreational activities.
  - 4.3 That a summary of the impacts of gambling be included in Part Two of the Gambling Venue Policy.
5. That the Council adopt the draft Gambling Venue Policy as amended by Recommendations 2, 3 and 4.
6. That Council officers continue to work regionally and nationally to address any issues arising from the Gambling Act, the Council's policy, and its implementation.
7. That the Gambling Voluntary Code of Conduct be incorporated into the development of the Alcohol Strategy.
8. That the Citywide Alcohol Strategy include consideration of issues associated with gambling signage.

Report prepared by: Annika Lane, Senior Analyst: Governance and Infrastructure.

HV O'Rourke  
**CHIEF EXECUTIVE**



**PART E - STANDING COMMITTEE REPORTS**

**18 CITY DEVELOPMENT COMMITTEE**

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON THURSDAY, 6 MAY 2004**

**MATTERS CONSIDERED**

*I-5  
Part F*

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 5 in the supplement labelled Part F.

**Your Committee Recommends:**

That the report of the Ordinary Meeting of the City Development Committee held on Thursday, 6 May 2004 be received.

CA Stone  
**CHAIRPERSON**



**19 FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE**

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON MONDAY, 10 MAY 2004**

**1. SCHEDULE OF FEES - WAIKUMETE CEMETERY AND CREMATORIUM AND SWANSON CEMETERY**

**Your Committee Recommends:**

That the Fees Schedule be set for Cemetery and Crematorium services to be effective from 1 July 2004, as follows:

<b>CREMATION ONLY FEES</b>	<b>FEE \$</b>	<b>GST \$</b>	<b>TOTAL \$</b>
Adults & Children (10 years & over)	224.00	28.00	252.00
Children (to 10 years)	93.54	11.66	105.00
Infant (to 12 months)	37.34	4.66	42.00
Stillborn (no charge unless Chapel is used, then Chapel hire as below)	-	-	-
<b>CHAPEL HIRE</b>			
Full Service - per hour or part thereof	140.45	17.55	158.00
Committal Service (30 minutes)	70.23	8.77	79.00
<b>MEMORIAL PLOTS</b>			
Cremation Lawn Plot	284.45	35.55	320.00

Erebus Memorial Ash Garden	386.67	48.33	435.00
Car Park Memorial Ash Garden	386.67	48.33	435.00
Wall of Remembrance	195.56	24.44	220.00
Columbarium Wall (2 ash urns)	737.78	92.22	830.00
Family Memorial Garden (16 ash interments)	993.78	124.22	1118.00
Returned Servicemen's Lawn	177.78	22.22	200.00
Book of Memories (minimum 2 lines)	57.78	7.22	65.00
Ash Interment	117.34	14.66	132.00
<b>ADDITIONAL FEES</b>			
Saturday am (to 12.00 noon)	195.56	24.44	220.00
Saturday pm (from 12.00 noon)	293.34	36.66	330.00
Audio tape of service Chapel	13.33	1.67	15.00
Video tape of service in Chapel (Main Chapel only)	40.00	5.00	45.00
<b>THE CHAPELS AND CREMATORIUMS ARE CLOSED ON SUNDAYS AND PUBLIC HOLIDAYS</b>			

<b>PLOT PURCHASE</b>	<b>FEE \$</b>	<b>GST \$</b>	<b>TOTAL \$</b>
North Lawn	1280.00	160.00	1440.00
West Berm & West Lawn	1493.34	186.66	1680.00
East Berm	2800.00	350.00	3150.00
Hebrew - Orthodox & Progressive	1493.34	186.66	1680.00
Muslim	1764.45	220.55	1985.00
Urupa	1280.00	160.00	1440.00
Swanson	1280.00	160.00	1440.00
Mausoleum Sites	8826.67	1103.33	9930.00
Avenue of Remembrance (Eco burials)	1493.34	186.66	1680.00
Children's Area (up to 7 years)	831.12	103.88	935.00
Stillborn Sanctuary (to 27 days)	168.89	21.11	190.00

<b>INTERMENT FEES</b>			
Single depth	515.56	64.44	580.00
Double depth	635.56	79.44	715.00
Hebrew	635.56	79.44	715.00
Muslim	764.45	95.55	860.00
Children (up to 7 years)	173.33	21.67	195.00
Stillborn (to 27 days)	84.44	10.56	95.00

Avenue of Remembrance	515.56	64.44	580.00
Returned Services Plot Maintenance Fee	151.12	18.88	170.00
<b>ADDITIONAL CHARGES</b>			
Chapel Hire for burial services (1 hr or part thereof)	140.45	17.55	158.00
Saturday am (to 12.00 noon)	195.56	24.44	220.00
Saturday pm (from 12.00 noon)	293.34	36.66	330.00
Oversize Casket (in addition to digging fee)	182.23	22.77	205.00
Vault Interment	182.23	22.77	205.00
Disinterment (minimum)	1960.00	245.00	2205.00
Breaking concrete	140.45	17.55	158.00
Monumental Permit Fee	62.22	7.28	70.00
Plot Transfer Fee	17.78	2.22	20.00
Duplicate Certificate of Purchase	17.78	2.22	20.00
<b>PLEASE NOTE</b>			
<ul style="list-style-type: none"> <li>• Working hours notice is required prior to burial.</li> <li>• Any other services required will be at the discretion of the Manager: Waikumete Cemetery and Crematorium and may be subject to additional charges.</li> <li>• Outside daylight saving hours, burials will not be conducted after 3.00 pm.</li> <li>• Cemetery is closed on Sundays and Public Holidays.</li> </ul>			

**2. OTHER MATTERS CONSIDERED**

6-24  
Part F  
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 6 to 24 in the supplement labelled Part F and the public excluded minutes attached at page 7 of the confidential 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 May 2004 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 MAY 2004**

1. **REVIEW OF THE POLICY ON DOGS AND DOG CONTROL BYLAW**

**Your Committee Recommends:**

A53-A88

That the draft Policy and Bylaw as attached at pages A53 to A88 be adopted for public notification using the special consultative procedure in accordance with section 83 of the Local Government Act 2002.

2. **OTHER MATTERS CONSIDERED**

25-30  
Part F

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 25 to 30 in the supplement labelled Part F.

**Your Committee Recommends:**

That the report of the Ordinary Meeting of the Environmental Management Committee held on Tuesday, 11 May 2004 be received.

PA Hulse

**CHAIRPERSON**



**PART F - PRESENTATION**

**This presentation will take place at 7.30 pm.**

21 **AWA HUDSON**

Mayor Bob Harvey will present to Awa Hudson a Citation that recognises Awa's 30 year commitment to the Community as a long standing teacher at Massey High School and former Deputy Mayor of Waitemata City Council 1986 - 1989.



**PART G - 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**

