



AGENDA FOR AN ORDINARY MEETING OF THE COUNCIL TO BE HELD IN THE  
CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,  
ON WEDNESDAY, 28 APRIL 2004, COMMENCING AT 5.30 PM.

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**PART A - OPENING OF MEETING**

**1 OPENING PRAYER**

Father David Mullins from Our Lady of Lourdes Church, Glen Eden, will say the Opening Prayer.



**2 APOLOGIES**



**3 CONFIRMATION OF MINUTES**

Ordinary - Thursday, 11 March 2004  
Wednesday, 31 March 2004  
Extraordinary - Monday, 5 April 2004

**RECOMMENDATION**

That the minutes of the Ordinary Meetings of the Council held on Thursday, 11 March 2004 and Wednesday, 31 March 2004, the Extraordinary Meeting held on Monday, 5 April 2004, with the public excluded minutes as circulated, be taken as read and now be confirmed.

*Pages 3-4  
Part E*

The public excluded minutes are attached at pages 3 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 IWA O PAENGA-  
WHAWHA 2004**

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY  
MEETING HELD ON MONDAY, 19 APRIL 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 tona ki nga mema o te Kaunihera.

**Your Committee Recommends:**

That the report of the Ordinary Meeting of Te Taumata Runanga held on Monday, 19 April 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, 5 APRIL 2004**

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**MATTERS CONSIDERED**

5-12  
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 12 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, 5 April 2004 be received.

EG Francke  
**CHAIRPERSON**



7 **WAITAKERE COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING  
HELD ON TUESDAY, 6 APRIL 2004**

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**MATTERS CONSIDERED**

13-19  
Part C

The Board dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 13 to 19 in the supplement labelled Part C.

**The Board Recommends:**

That the report of the Ordinary Meeting of the Waitakere Community Board held on Tuesday, 6 April 2004 be received.

CA Shepherd, JP  
**CHAIRPERSON**



**8 MASSEY COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING  
HELD ON WEDNESDAY, 7 APRIL 2004**

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**MATTERS CONSIDERED**

20-25  
Part C

The Board dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 20 to 25 in the supplement labelled Part C.

**The Board Recommends:**

That the report of the Ordinary Meeting of the Massey Community Board held on Wednesday, 7 April 2004 be received.

RF Jessopp  
**CHAIRPERSON**



**9 HENDERSON COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING  
HELD ON THURSDAY, 8 APRIL 2004**

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**MATTERS CONSIDERED**

26-34  
Part C

The Board dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 26 to 34 in the supplement labelled Part C.

**The Board Recommends:**

That the report of the Ordinary Meeting of the Henderson Community Board held on Thursday, 8 April 2004 be received.

HM Jones  
**CHAIRPERSON**



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

### **10 LOCAL GOVERNMENT (AUCKLAND) AMENDMENT BILL**

#### **PURPOSE OF THE REPORT**

This report outlines the Local Government (Auckland) Amendment Bill that is currently before a select committee. The Bill is the mechanism to implement the Central Government's transport package announced last December. Submissions are invited on the Bill until 4 May 2004.

#### **BACKGROUND**

Council received previous reports in February and March regarding the Region's response to the Central governments Transport package. These reports outline the establishment of a new Authority to manage the transport system and associated changes to the Regional Policy Statement to support the transport initiatives. Previously Council supported changes to the Resource Management Act in order to facilitate the implementation of changes to the Regional Policy Statement and the District Plan. These changes were considered necessary to ensure a better integration between land transport priorities and land use policies.

#### **STRATEGIC CONTEXT**

*A1-A57*

The following is a brief overview of the content of the Bill. A copy of the Bill explanation is attached at pages A1 to A57.

#### **Governance**

The Auckland Regional Council will be responsible for setting the strategy for the Auckland regional land transport system, for integrating the planning, associated funding and managing transport and stormwater funding and assets in the long term interests of the Auckland region.

The Auckland Regional Council will also be responsible for establishing the Auckland Regional Transport Authority (ARTA) which will be the main mechanism to implement the strategy and Auckland Regional Holdings (ARH). The Auckland Regional Council will monitor the administration costs of both the Auckland Regional Transport Authority and Auckland Regional Holdings. The Auckland Regional Council will supply funds to the new bodies on the basis of their objectives and in consideration of the previous notional programme set out in Infrastructure Auckland's annual plan.

Clause 8 of the Bill outlines the objectives of the Auckland Regional Transport Authority. Its principle objective is to plan, fund and develop the Auckland regional land transport system for the Auckland region. The Auckland Regional Transport Authority will be responsible for the land transport programme and the public service obligations of the Auckland Regional Council.

The Bill outlines a very specific process for appointing the members (directors) to a Board of the Auckland Regional Transport Authority. This includes an appointments panel that has a representative from each Territorial Local Authority and an equal number of representatives from the Auckland Regional council, with the chair position being filled by the chair of the Auckland Regional Council. The Bill sets out who is eligible to apply to be a director of the Auckland Regional Transport Authority.

The Bill dissolves the existing Infrastructure Auckland and transfers its assets and liabilities to a new body, Auckland Regional Holdings (ARH). Auckland Regional Holdings must act in the long term interests and for the benefit of the Auckland region and manage its assets prudently. Clauses 20 and 21 deal with the establishment and management of a Board for Auckland Regional Holdings. The functions of Infrastructure Auckland will be continued by Auckland Regional Holdings.

### **Regulatory**

The Bill (Clause 31) requires that each Auckland local authority must prepare and notify the proposed changes to the Regional Policy Statement and the relevant District Plan by 26 February 2005. The changes should integrate the land transport and land use provisions and ensure that these changes are consistent with the Auckland Regional Growth Strategy and the Auckland Regional Land Transport Strategy. Clause 36 required the Auckland Regional Council to complete a review the Auckland regional Land Transport Strategy no later than December 2004.

Clause 33(1) requires Auckland Territorial Local Authorities to appoint a joint panel of one or more hearings commissioners to hear any submissions on the changes. Clause 33(2) requires Auckland local authorities to delegate their powers, functions and duties to hear submissions and make recommendations on the proposed changes. This is similar to previous joint hearings panels established under the Resource Management Act.

Clause 35 clarifies that the consultation undertaken as part of this process will also meet the requirements of the Local Government Act.

### **ISSUES**

The intent of the proposed changes and the transport package remains the same in the Bill. However, the Bill as it is currently proposed is somewhat different from the position previously negotiated with Government officers. The process changes to the Resource Management Act previously proposed are not included in the Bill. This means that a conventional Resource Management Act process will apply to the changes required to the Regional Policy Statement and District Plans.

### **Regional submission**

A58-A84

A draft regional submission is attached at pages A58 to A84 and has been prepared by officers on regional working groups under the direction of the Chief Executives Forum. The draft is still being refined and takes into account the February 2004 positions of each Council but is yet to take into account the positions of Councils since the Bill was introduced. The regional submission has two components - Transport Governance and Regulatory. While there may be agreement about most aspects of the regional submission, there may be some aspects that the Waitakere City Council wishes to include in a separate submission.

### **Suggested transport governance comments**

The regional submission tacitly accepts the Government's direction on the transport governance arrangements and focuses on aspects which are considered to be still negotiable or raised in order to make the proposed transport governance arrangements work. This approach is in accordance with advocacy guidelines issued by Minister Mallard and also advice by Government officials.

The regional submission sets out common views which also serve the interests of Waitakere City. Where there are points of difference between the Auckland regional council and the Territorial Authorities, those differences are stated. It is considered that the Territorial Local Authorities view serves the interests of Waitakere City over the Auckland Regional Council view.

There are two recommendations in the regional submission that it is suggested the Waitakere City Council may wish to express in a different view:

- **Recommendation b (i)** - provides for the delegation of Transfund functions to the Auckland Regional Transport Authority. Waitakere City Council's position in February was that a coordinated arrangement, as set out in recommendation b (ii), is preferred. There is a concern that Auckland Regional Transport Authority would be overwhelmed with additional responsibilities regarding planning and funding roading and state highways and would lose its focus on passenger transport and travel demand management. It is suggested that this delegation should not be available until after 2006, when the Auckland Regional Transport Authority is established in its role and has the capacity to take on additional responsibilities. There is a risk that Auckland Regional Transport Authority will fail if it is not allowed to "walk before it runs". Currently the Transport Assets section has strong working relationships with Auckland office of Transfund, which would be at risk if the Auckland Regional Transport Authority intervenes to a greater extent. The Auckland Regional Council view is that many local roads have a strategic role in the network and should be planned and funded by Auckland Regional Transport Authority.
- **Recommendation c (ii)** - provides in the long term for a transfer to Auckland Regional Transport Authority of Transit and Track Co functions. Waitakere City Council's position in February was that a coordinated arrangement, as set out in recommendation c (i), is preferred at least in the short term. There is a concern that Auckland Regional Transport Authority would be overwhelmed with additional responsibilities regarding implementation of state highways and would lose its focus on passenger transport and travel demand management. It is suggested that this transfer should not be available until after 2006, when Auckland Regional Transport Authority is established in its role and has the capacity to take on additional responsibilities.

In addition to the above, there are specific points that Waitakere City Council may wish to raise in a separate submission in relation to the transport governance aspects:

1. **Recommendation a** - in the regional submission is required to ensure political decision-making by the Regional Land Transport committee on strategic issues such as a second harbour bridge crossing, electrification of the rail line, and the Eastern Transport corridor. The Bill restricts these activities being addressed/prioritised in the Regional Land Transport Strategy. These matters would instead be determined firstly in a regional land transport programme by Auckland Regional Transport Authority and submitted to Transfund and the Auckland regional Council for funding. The only political input into this process is via Auckland Regional Transport Authority's Statement of Intent by the Auckland Regional Council. It is critical that strategically significant activities are considered as part of the Regional Land Transport Strategy. If Auckland Regional Transport Authority determines that the rail line should not be electrified, there is no opportunity for political input by the Waitakere City Council.
2. In relation to **recommendation b** - it would be desirable for direct relationship between Territorial Local Authorities and Transfund to continue until at least 2006 and that Auckland Regional Transport Authority's role in relation to Transfund applications is similar to the current Auckland Regional Council role of reviewing applications of each Territorial Authority to fit with the regional strategy.

3. **Recommendation d** - is necessary to ensure Infrastructure Auckland funds that are managed by Auckland Regional Holdings are not diverted to other purposes. Infrastructure Auckland has already exerted pressure to reduce the scope of the rail stations. A possible further 15% dilution of funds could adversely affect the rail project. Unless there is strong requirement by the public to relocate funds away from designated transport and stormwater purposes, 100% of those funds should be used for those purposes.
4. Transition arrangements - The Auckland region need to be consulted on Transfund's proposed interim priorities. This is essential to ensure programmes such as the rail project do not falter and are progressed as soon as practicable. To this end, it is essential that the Auckland Regional Council provides a process to ensure access to committed Infrastructure Auckland fund from 1 July to 30 September 2004 when Auckland Regional Transport Authority is operational. The Auckland Regional Council also needs to establish a process whereby funding applications for infrastructure projects can be made after 1 July 2004 and taken up by Auckland Regional Transport Authority from 30 September 2004 when Auckland Regional Transport Authority is operational. This is critical for the next phase of double tracking the rail line and for the upgrade of stations and park and ride facilities along that line.

### **Suggested Regulatory comments**

It is suggested that it be optional to include changes to District Plans to make them consistent with the Regional Policy Statement and the Regional Growth strategy during the process to amend the Regional Policy Statement. This allows Territorial Local Authorities the opportunity to focus on the policy changes at a regional level in the first stage. A suggested change to the Bill is that the deadline for notification be move by one month to allow Territorial Local Authorities a meeting cycle in the new year to finalise the changes. It is further proposed that a clause be added to require Territorial Local Authorities to undertake changes to their relevant District Plans if they are not consistent with the amended Regional Policy Statement within twelve months of the original notification. These suggestions are included as sub clauses to clause 32. However, there is a risk that this will draw out the process further, the advantages of a compact process are lost and that a will to align planning policy across the regional is dissipated. Waitakere City's position to date has been to undertake all the changes at the one time Waitakere City's submission should street that while it agrees with

Suggested change to Clause 32(2)(a) is to only allow changes to the Metropolitan Urban Limit subject to Auckland Regional Council approval. This does in one sense give additional authority to the Auckland Regional Council in that it can decide which proposed shifts will be considered as part of the Regional Policy Statement changes during this process. This is a little tighter than the current situation but will effectively work in the same way it does now, in that while Council can initiate a shift that is in keeping with the Regional Growth Strategy and it is likely to be supported by the Auckland Regional Council. If a shift was proposed that was not in keeping with the Regional Growth Strategy, including development that is out of sequence, then the Auckland Regional Council could decide that the proposed shift not be included as part of the process. If the Auckland Regional Council does not agree with a particular Metropolitan Urban Limit shift there is the option of running a separate Resource Management Act process.

## **Resource Management Act process changes**

Councils previous position has been to support changes to the Resource Management Act to facilitate and assist in the management of the large scale and complexity of the Regional Policy Statement changes project. In light of these process changes not being included in the Bill, it is suggested that Council highlight to the Government that additional support (in the form of resources and funding) should be considered to ensure that a comprehensive communication strategy is implemented as part of the over all package.

## **RESOURCES**

Council has already made a commitment to provide officer resources towards the project. This includes providing comments and making submissions on behalf of council. Submissions are due 3 May 2004. There are no direct costs associated with making a submission unless Council decides to make a direct representation to the Select Committee meeting in Auckland on 10 May 2004.

## **CONCLUSION**

The Local Government (Auckland) Amendment Bill has been prepared and submissions are invited. The Bill provides for the establishment of two new bodies to manage the land transport system in the Auckland region. These bodies will oversee the development implementation and funding of a transport strategy for the region.

The regional submission covers the majority of issues that directly impact on Waitakere City.

Council should consider if its wants to make a separate submission to include any issues not covered by the regional submission. Council has the opportunity to present its own submission to the Select Committee which will sit in Auckland in mid-May 2004.

## **RECOMMENDATIONS**

1. That the Local Government (Auckland) Amendment Bill report be received.
2. That Waitakere City Council support and agree in principle the regional submission prepared being Version 20 April 2004 as attached at pages A58 to A84.
3. That, if any issues are not covered by the regional submission, Waitakere City prepare a separate submission which further outlines its specific response to the proposed Bill.
4. That the Mayor and Deputy Mayor be authorised to sign off both the regional and local submissions following the Mayoral Forum on 30 April 2004.
5. That Waitakere City Council request the opportunity to make a presentation to the Select Committee due to meet in Auckland on 10 May 2004 and that this presentation be made by the Deputy Mayor.

Report prepared by: Yvonne Rust, Principal Advisor Urban Policy.



11 **SUBMISSION ON THE LOCAL GOVERNMENT LAW REFORM) BILL (NO. 3) AND SUPPLEMENTARY ORDER PAPER 203**

**PURPOSE OF THE REPORT**

The purpose of this report is to seek the Council's approval for a submission to be made on the Local Government Law Reform Bill (No. 3) (the 'Bill') and Supplementary Order Paper 203.

**BACKGROUND**

Council received a copy of the Bill immediately after its introduction into the House on 30 March 2004 and a copy of the Supplementary Order Paper shortly after. The Bill and the Supplementary Order Paper have been referred to the Local Government & Environment Select Committee. The Select Committee's deadline for submissions is 7 May 2004.

This is an omnibus bill making amendments (mainly minor and technical in nature) to the following Acts:

- Chatham Island Council Act 1995;
- Dog Control Act 1996;
- Local Electoral Act 2001;
- Local Government Act 2002;
- Local Government Act 1974;
- Local Government (Rating) Act 2002.

**OVERVIEW OF THE OMNIBUS BILL**

**Chatham Island Council Act 1995**

Provides the Chatham Island Council with the powers of a regional council under the Resource Management Act.

**Dog Control Act 1996**

In relation to probationary dog owners, requiring dog rangers to give written notice to owners of dangerous and menacing dogs when seizing the dog and authorising recovery of reasonable costs incurred from the owner, clarifying the time period within which an owner must comply with the requirement that certain dogs be implanted with a microchip transponder, inserting three new infringement offences and other matters.

**Local Electoral Act 2001**

Provides definitions for FPP and STV electoral system for elections, updates the rating terminology for the Ratepayers Roll and clarifies that there is no new prohibition on candidacy for both mayor and ward councillor.

**Local Government Act 2002**

Amends certain provisions on Council controlled organisations (port companies) confirms the policy intention that the casting vote cannot be provided for in standing orders, clarifies the definition of a majority voting for a council decision relates to member present *and voting*; deals with issues related to quorums for joint committees, extends the exemption of first long term council community plans from audit requirements to include amendments to those plans.

### **Local Government Act 1974**

Amends provisions which retain the Special Order process (including the provisions relating to establishment of pedestrian malls). In some cases an ordinary resolution is now proposed, in others a special consultative process and in one case (relating to the covering of watercourses) a hybrid process is proposed.

### **Local Government Official Information and Meetings Act 1987**

Removes the restriction that only minor matters can be dealt with at a meeting if the matter is not an item on the agenda.

### **Local Government (Rating) Act 2002**

Restricts the general access to Councils rates records to solicitors, conveyancers, and other persons acting for a party to the transaction relating to the rating unit and who reasonably require the information for the purposes of the transaction.

### **SUBMISSION**

A85-A90

The Council's draft submission is attached at pages A85 to A90. The issues addressed by the Bill are generally in accordance with Council's policy framework or previously expressed views, or else make good sense. Accordingly, the provisions of the Bill are mainly supported.

There are some exceptions. The Bill fails to address the delegation to the Chief Executive of the authority to approve Warrants of Appointment which have been raised by the Council previously. The submission seeks to have the matter addressed.

The Council submission also opposes the policy desire to prohibit casting votes. The Council view has been that casting votes have worked well for a number of years, and that there is no good reason to prohibit them.

There are also a number of other issues contained in the submission which address the implications of the Bill. Council's direction on, and approval of, the submission is sought.

### **RESOURCES**

There are no additional resources required to make this submission.

### **CONCLUSION**

Local Government Law Reform Bill (No 3) and Supplementary Order Paper 203 have been referred to the Local Government & Environment Select Committee and the Council has the opportunity to make a submission on them. The Select Committee's deadline for submissions is 7 May 2004. The proposed submission by this Council also generally supports the proposed sector submission being prepared by Local Government New Zealand.

### **RECOMMENDATIONS**

1. That the submission on the Local Government Law Reform) Bill (No. 3) and Supplementary Order Paper 203 be received.
2. That the submission attached at pages A85 to A90 be approved on the proviso that the Chief executive and the Chairperson of the Finance and Operational Performance Committee be authorised to make any required last minute amendments.

3. That Councillor Janet Clews as Chairperson of the Finance and Operational Performance Committee be authorised to present the submission on behalf of the Council.

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



## 12 **81A GODLEY ROAD, GREEN BAY**

### **PURPOSE OF THE REPORT**

The purpose of the report is to obtain authority to transfer the above property under the usual Declaration of Trust mechanism to Waitakere Properties Limited to enable assessment and development as a public work in accordance with the Living (L2) Environment attributed under the District Plan.

### **ISSUES**

*A91-A92* Lot 14 DP 39391 comprising 5893m<sup>2</sup> is contained in Certificate of Title NA24D/137, copy attached at pages A91 to A92, and was acquired by the former Waitemata Authority in 1988. The land is contiguous along the eastern boundary with the existing Godley Road housing for the elderly complex, Godley Court, and is situated within 100m of the Green Bay shopping Centre with ready access to bus passenger transport.

The former long term tenant has recently vacated and following an approach from Waitakere City Council Property Services, the property has been inspected and accepted by the Board of Waitakere Properties Limited as suitable for the Company to cause to be developed pursuant to Declaration of Trust with the net proceeds accounted to Council in due course. The company is prepared to accept all outgoings and holding costs with effect from 1 May 2004 and will proceed with a comprehensive assessment once it has the authority to do so.

This site, which contains a single 50 year old wooden bungalow and extensive associated land is a rear one, but essentially flat with gentle slope at the rear to the Avondale Creek which in turn is bush clad and provides an attractive outlook, quietness and greenery. The dwelling is structurally sound, but would need to be moved off-site to secure full utilisation and optimum development of the property. The site is capable of being developed for residential purposes subject to riparian margin requirements in a sensitive manner compatible with the adjoining use with the support of either public or private sector, and would be evaluated for a retirement-type complex, although that need not necessarily be the preferred outcome.

### **CONCLUSION**

This is a particularly suitable site for scoping and development by the Property company. It is sizeable and well located. Any development needs to respect Council's existing Godley Court complex and secure a compatible interface. The intent to proceed in this fashion was signalled when Waitakere Properties Limited presented its most recent half-yearly report to the Finance and Operational Performance Committee.

## **RECOMMENDATIONS**

1. That the 81A Godley Road, Green Bay report be received.
2. That approval be given to transfer Lot 14 DP 39391 situated at No.81A Godley Road, Green Bay and being all the land contained in Certificate of Title No.NA24D/137 to Waitakere Properties Limited subject to the usual Declaration Trust mechanism for the purposes of undertaking subdivision and/or residential development on Council's behalf as a public work provided that any actual development proposal be subject to Council approval prior to any application being lodged for resource consent.

Report prepared by: Denis Sheard, Manager: Legal Services.



## **13 HEARINGS COMMITTEE DELEGATIONS**

### **PURPOSE OF THE REPORT**

The purpose of this report is to seek Council approval to amend the delegations to the Hearings Subcommittee.

### **BACKGROUND**

Two new pieces of legislation were enacted in 2003 that may require hearings to be conducted from time to time. To enable the Hearings Committee to deal with matters pertaining to the Gambling Act 2003 and the Prostitution Reform Act 2003 the delegations to the Hearings Committee need to be amended.

### **ISSUES**

With the enactment of the two new pieces of legislation, the delegations to the Hearings Committee needs to be amended to include within the Fields of Activity, reference to the Gambling Act 2003 and the Prostitution Reform Act 2003. A further amendment is also required to the Hearings Committee delegations to enable the Committee to hear any submissions or grant consents under those Acts.

A93-A95 A copy of the amended delegations to the Hearings Committee is attached at pages A93 to A95.

### **CONCLUSION**

It is proposed that the delegations to the Hearings Committee be amended to include within the Fields of Activity reference to the Gambling Act 2003 and the Prostitution Reform Act 2003. It is also proposed to amend the delegations to the Hearings Committee to enable the Committee to hear any submissions or grant consents under those Acts.

## **RECOMMENDATIONS**

1. That the Hearings Committee Delegations be received.
2. That the Delegations to Committees - Hearings Committee as attached at pages A93 to A95 to the agenda be approved, and that the previous delegation be replaced.

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



## 14 CIVIL DEFENCE EMERGENCY MANAGEMENT APPOINTMENTS

### PURPOSE OF THE REPORT

The purpose of this report is to seek the nomination of persons to declare a state of local emergency within Waitakere City and the nomination of Civil Defence Emergency Management Controllers as required for inclusion in the Local Civil Defence Plan. This Plan is currently being developed to meet the requirements of the Auckland Region Civil Defence Emergency Management Group Plan and Civil Defence Emergency Management Act 2002.

Although not a statutory requirement, this report also seeks Council appointment of an appointed Local Recovery Manager as required by the Auckland Regional Civil Defence emergency Management Group Plan.

### BACKGROUND

It is a requirement of the Civil Defence Emergency Management Act 2002 (hereinafter "the Act") that Territorial Authorities plan for Civil Defence Emergency Management (CDEM) measures. The Act also requires Territorial Authorities to form regionally based Civil Defence Emergency Management Groups within which Waitakere City is a member of the Auckland Region Civil Defence Emergency Management group.

The Act further states that Territorial Authorities shall plan for Civil Defence Emergency Management and that local plans shall be consistent with the requirements of the Group Plan.

As well as having to develop a new local plan for Waitakere City Civil Defence Emergency Management purposes, the Group Plan also requires that local plans nominate those persons approved to declare a state of local emergency, as well as the Controller and Alternate controllers for declared emergency management purposes.

These nominations are required to be endorsed by respective councils and then forwarded to the Civil Defence Emergency Management Group for formal appointment in accordance with the Act and the provisions of the Auckland Region Civil Defence Emergency Management Group Establishment Agreement.

While the requirement to have persons nominated in plans who are able to declare and manage an emergency is not new under the new Act, the criteria for the selection of Controllers is now subject to recommendation by the Ministry of Civil Defence Emergency Management and is covered in the issues section of this report.

### STRATEGIC CONTEXT

Civil Defence Emergency Management activities fall principally under the strategic platform of strong communities in the Long Term Council Community Plan. The aim of Civil Defence Emergency Management activities is to help protect people and property from the impacts of hazards and emergency events, by undertaking activities that: **Reduce** exposure and likely impacts from hazards and emergency events; increase the **Readiness** of communities and organisations (emergency services, lifeline utilities; social infrastructure agencies) to respond in emergency situations; provide an emergency **Response** capability within the Council and in other organisations; and, provide the ability and capacity to **Recover** from the impacts of emergency events. Activities under the broader emergency management heading such as rural fire also contribute to strategic goals under the Green Network platform.

While the Act places an emphasis on a regional approach to Civil Defence Emergency Management, the Act also clearly places a responsibility on Local Authorities to provide for Civil Defence Emergency Management measures within their area of responsibility.

In doing so there is a clear expectation to ensure that those persons nominated as Controllers should be selected based on assessments of attributes, skills and competency, as well as in accordance with Ministry guidelines and the time availability of personnel for required training.

## ISSUES

A96-A98 In February 2003, the Ministry of Civil Defence Emergency Management issued a Controllers position description to be used as the basis for future selection criteria. Although descriptive rather than prescriptive by nature, the position description outlines the key accountabilities and critical competencies required for persons selected to undertake the position of controller, a copy of the key relationships, accountabilities and tasks of the position description are shown on pages A96 to A98.

Although the decision of who is appointed as local controllers is discretionary, the Ministry of Civil Defence Emergency Management guidelines set an expectation that appointments will:

- a) Recognise the need for qualified and experienced persons who can devote the requisite time to maintain the required skill base and undertake up to date training.
- b) Not focus on the appointments of politicians to the position. Political representatives are seen as having an important role in governance, policy and plan setting, and community leadership in an emergency and the Ministry view is that they should not be tied up in the Civil Defence Emergency Management practitioner role in a Civil Defence Emergency Operating Centre.
- c) Avoid the appointment of Chief Executives in Controller roles where possible, so that their organisational leadership role is not compromised in an emergency. It is considered that Chief Executives cannot effectively perform dual roles in a declared emergency situation.

A99-A101 While there is no specific guideline relating to the appointment of the Local Recovery Manager, it is considered that the appointee should be a senior manager of Council with the skills and attributes the Recovery Manager position description outlines in the attached pages A96 to A101. Given the nature of the appointment, the guidelines relating to the appointment of controllers are also relevant to this position.

The Ministry of Civil Defence Emergency Management recommendations as listed above may at first glance appear quite radical and a departure from what has been the practice amongst some Territorial Local Authorities in the past including Waitakere City. Comprehensive emergency management as envisioned under the Act is based upon an all hazards approach in terms of training, and the development of a consistent approach to emergency management nationally. While the guidelines above are only recommendations, the basis for them has been derived through experience and is being followed to a great extent already by other Territorial Authority's within the Auckland Region.

In examining existing appointments, these guidelines have a number of implications. If acted upon they would remove the Chief Executive and the Chairman of the Emergency Services Special Committee from the Controller role. These two individuals have an enormous experience in Civil Defence, however, both would continue to play vital roles, and may have difficulty maintaining the training requirements for the new expectations of controllers due to other commitments. The Chief Executive would become someone able to declare, and would, in an emergency, retain the organisation leadership role. Councillor Battersby is Chair of Council's Emergency Services Special Committee, and has a vital governance, leadership and monitoring role as Council's representative of the regional Civil Defence Emergency Management Group. He would also take on an alternate Declarer role.

The guidelines also indicate that person should not be both recovery managers and controllers due to the workload issues. Given his particular skills and responsibilities, and given the environment under the Act, the most appropriate person for the Recovery Manager role is considered to be John Dragicevich, supported by two senior staff with engineering skills. The key focus of the Recovery Manager role is to focus on restoring to service key Council infrastructure and facilities (particularly lifelines infrastructure, such as roads, bridges and water networks). If political representatives are not to be appointed to these roles, Councillor Dallow would no longer be required in the Recovery Manager role.

Following discussion with the Chief Executive and the existing controllers in the current Local Civil Defence Plan, there has been agreement in principle to follow the recommendations of the Ministry of Civil Defence Emergency Management and the requirements of the Act as stated above.

It is recommended that the following nominations be forwarded to the Auckland Region Civil Defence Emergency Management Group for approval:

**Persons able to declare:**

Mayor

Deputy Mayor (First Alternate)

Chairperson: Emergency Service Special Committee (Second Alternate)

Councillor Ross Dallow (Alternate Representative, Civil Defence Emergency Management Group)

**Controllers:**

- |                           |   |  |
|---------------------------|---|--|
| Controller                | - | Ross McLeod, Director: Corporate & Civic Services            |
| 1 <sup>st</sup> alternate | - | Darryl Griffin, Group Manager: Democracy and Support         |
| 2 <sup>nd</sup> Alternate | - | Philip Brown, Group Manager: Planning and Community Services |
| 3 <sup>rd</sup> Alternate | - | Bill Morley, Manager: Emergency Management                   |

**Recovery Manager:**

- |   |   |   |
|---|---|---|
| Recovery Manager                            | - | John Dragicevich, Director: City Services       |
| Deputy Recovery Manager and First Alternate | - | Tony Miguel, Group Manager: Asset Management    |
| Second Alternate Recovery Manager           | - | Alan Tresadern, Group Manager: Project Services |

## CONCLUSION

It is concluded that all of the above recommended appointments meet both legislative and operational requirements as envisaged in the both the Act, the Auckland Region Civil Defence Emergency Management Group Plan and the guidelines indicated by the Ministry of Civil Defence Emergency Management for such appointments.

## RECOMMENDATIONS

1. That the Civil Defence Emergency Management Appointments report be received.
2. That the following persons be nominated as persons able to declare a local emergency in terms of the Civil Defence Emergency Management Act 2002 and the Civil Defence Act 1983:  
Declarer - Mayor.  
1<sup>st</sup> Alternate - Deputy Mayor.  
2<sup>nd</sup> Alternate - Chairperson: Emergency Services Special Committee.  
3<sup>rd</sup> Alternate - Councillor Ross Dallow - Alternate Representative, Civil Defence Emergency Management Group.
3. That the following persons be nominated as Local Controllers pursuant to the Civil Defence Emergency Management Act 2002 and the Civil Defence Act 1983:  
Controller - Ross McLeod, Director: Corporate and Civic Services.  
1<sup>st</sup> alternate - Darryl Griffin, Group Manager Democracy and Support.  
2<sup>nd</sup> Alternate - Philip Brown, Group Manager Planning and Community Services.  
3<sup>rd</sup> Alternate - Bill Morley, Manager Emergency Management.
4. That the following persons be appointed Recovery Manager:  
Recovery Manager - John Dragicevich, Director City Services.  
Deputy Recovery Manager and First Alternate - Tony Miguel, Group Manager: Asset Management.  
Second Alternate Recovery Manager - Alan Tresadern, Group Manager: Project Services.
5. That the Delegations to Officers - Responsibilities Manual and the Waitakere City Council Local Civil Defence Plan be amended to reflect resolutions 2-4 above.
6. That Councillor Battersby, the Chief Executive, John Dragicevich be thanked for their input and effort as Controllers, and that Councillor Dallow be thanked for his input and effort as Recovery Manager.

Report prepared by: Bill Morley, Manager: Emergency Management and Ross McLeod, Director: Corporate and Civic Services.



## 15 APPOINTMENT TO TE TAUMATA RUNANGA

### PURPOSE OF THE REPORT

The purpose of this report is to request Council formally to appoint a replacement alternative representative to Te Taumata Runanga.

Poata Northcroft and Gary Waho are currently, respectively, the representative and alternative representative of Te Roopu Kaumatua O Waipareira on Te Taumata Runanga. Formal notification has now been received from Te Roopu Kaumatua O Waipareira advising that Gary Waho is no longer the representative of their organisation and nominating Teresa Toki as the alternative representative.

### CONCLUSION

The nomination of a replacement alternative representative for Te Roopu Kaumatua O Waipareira is brought before the Council for formal appointment.

### RECOMMENDATIONS

1. That the Appointment to Te Taumata Runanga report be received.
2. That Teresa Toki be appointed as the alternative Te Roopu Kaumatua O Waipareira representative on the Te Taumata Runanga, replacing Gary Waho.

Report prepared by: Audrey Chan, Committee Secretary.



## 16 STATEMENT OF PROPOSAL TO AMEND THE LONG TERM COUNCIL COMMUNITY PLAN

### PURPOSE OF THE REPORT

The purpose of this report is to obtain Council approval in accordance with the Local Government Act 2002 to commence the statutory process for proposed amendments to the Long Term Council Community Plan as a consequence of the recent adoption of the draft Development Contributions and Financial Contributions Policy, Rates Remission Policy and Rates Postponement Policy for consultation.

### BACKGROUND

The Local Government Act 2002 was passed by Parliament in December 2002 and received the assent of the Governor General on the 24 December 2002. The Council adopted a transitional Long Term Council Community Plan on 30 June 2003. At that time it was signalled in the Long Term Council Community Plan the Development Contributions and Financial Contributions Policy would be developed and consulted upon during 2003/2004. The Long Term Council Community Plan also indicated that the policies for Rates Remissions and Postponement would be prepared and adopted under the provisions of the Rating Act 2000 by 30 June 2004.

The draft Development Contributions and Financial Contributions Policy has recently been adopted by Council, 5 April 2004 and the draft Rates Remission Policy and draft Rates Postponement Policy were adopted 11 March 2004.

In order for Council to adopt the final policies a special consultative procedure must be undertaken and Audit New Zealand have advised that it is appropriate to undertake this consultation as a Statement of Proposal to amend the Long Term Council Community Plan.

### **STRATEGIC CONTEXT**

The Local Government Act 2002 explicitly charges local government with the leadership of their local communities. It empowers Councils but equally empowers communities by requiring a high standard of accountability. While Councils are encouraged to be flexible in how they meet the needs of their communities, they must ensure that their decision making processes are open to the influence and scrutiny of their communities. The Long Term Council Community Plan and the Statement of Proposal process are key parts of this.

### **STATEMENT OF PROPOSAL**

*A102-A182* Attached at pages A102 to A182 is the content of the Statement of Proposal to amend the Long Term Council Community Plan. The proposal contains the following:

- Proposed amendments to the Long Term Council Community Plan;
- Draft policies for consultation;
- Drafts of the relevant financial parts of the Long Term Council Community Plan that are proposed to be amended as a consequence of the draft Development Contributions and Financial Contributions Policy;
- Draft amendments to the Revenue and Financing Policy relating to planned introduction of the Development Contributions and Financial Contributions Policy from 1 July 2004;
- An audit report on the Statement of Proposal in meeting the requirements of the Local Government Act 2002 (to be received);
- Submission information.

Audit New Zealand is currently auditing the Statement of Proposal and any required amendments will be advised at the meeting.

In addition to the requirement to prepare a Statement of Proposal, the Local Government Act 2002 also requires that a summary of the proposal be distributed as widely as reasonably practicable, having regard to the matter to which the proposal relates, as a basis for general consultation. A summary will be included in the May 2004 edition of the Waitakere City News.

The final adoption of the Development Contributions and Financial Contributions Policy will enable additional revenue to cover the cost of growth to be recovered from developers. This additional revenue will reduce Councils debt and borrowing costs and may result in rates decreases from that shown in the current Long Term Council Community Plan. The Rates Remission Policy and Rates Postponement Policy have minimal financial impact on the current Long Term Council Community Plan.

The consultation period is scheduled to commence 30 April 2004 and submissions close at 5.00 pm 1 June 2004. The draft policies and a summary of the consequential financial adjustments to the Long Term Council Community Plan Long Term Council Community Plan have already been included in the draft Annual Plan 2004/2005. Hearing of submissions on the draft Annual Plan 2004/2005 and amendments to the Long Term Council Community Plan can be heard concurrently. These are due to commence from 4 June 2004.

## RESOURCES

Consultation on the proposed policies has been provided in the current work programme.

## CONCLUSION

The Council has adopted a draft Development Contributions and Financial Contributions Policy, draft Rates Remission Policy and a draft Rates Postponement Policy. These are required to be consulted upon as an amendment to the Long Term Council Community Plan. Some minor amendments to the Revenue and Financing Policy are also required. An audit compliance certificate is to be provided and any required amendments will be advised at the meeting. The Statement of Proposal requires public notification in order to adopt the proposed policies and consequential financial amendments by 30 June 2004.

## RECOMMENDATIONS

1. That the Statement of Proposal to Amend the Long Term Council Community Plan report be received.
2. That the content of the attached Statement of Proposal to amend the Long Term Council Community Plan be approved for public notification and consultation.

Report prepared by: Andrew Pollock, Director: Finance.

HV O'Rourke  
**CHIEF EXECUTIVE**



**PART E - CONFIDENTIAL ITEM**

**17 LAND PURCHASE - TRIANGLE LAND HOBSONVILLE AIRBASE**

This item will be considered in the Confidential Supplement of the agenda, and has been circulated to members separately with this agenda.

**PROCEDURAL MOTION TO EXCLUDE THE PUBLIC**

That the public be excluded from the following part of the proceedings of this meeting, namely, Land Purchase - Triangle Land Hobsonville Airbase.

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

General subject of the matter to be considered.	Reason for passing this resolution in relation to the matter.	Ground(s) under Section 48(1)(a) for the passing of this resolution.
<ul style="list-style-type: none"> <li>• Land Purchase - Triangle Land Hobsonville Airbase</li> </ul>	<p>The withholding of information is necessary in order to:</p> <ul style="list-style-type: none"> <li>• enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);</li> </ul>	<p>That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</p>

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

- *The matter contains information which if released would affect the Council's negotiations.*



**PART F - STANDING COMMITTEE REPORTS**

**18 FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE**

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON MONDAY, 5 APRIL 2005**

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**MATTERS CONSIDERED**

1-12  
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 12 in the supplement labelled Part F.

**Your Committee Recommends:**

That the report of the Ordinary Meeting of the Finance and Operational Performance Committee held on Monday, 5 April 2004 be received.

JM Clews, QSO, JP

**CHAIRPERSON**



**19 CITY DEVELOPMENT COMMITTEE**

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON THURSDAY, 8 APRIL 2004**

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**MATTERS CONSIDERED**

13-21  
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 13 to 21 in the supplement labelled Part F.

**Your Committee Recommends:**

That the report of the Ordinary Meeting of the City Development Committee held on Thursday, 8 April 2004 be received.

CA Stone

**CHAIRPERSON**



20 **ENVIRONMENTAL MANAGEMENT COMMITTEE**

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON TUESDAY, 13 APRIL 2004**

**MATTERS CONSIDERED**

22-29  
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 22 to 29 in the supplement labelled Part F.

**Your Committee Recommends:**

That the report of the Ordinary Meeting of the Environmental Management Committee held on Thursday, 13 April 2004 be received.

PA Hulse  
**CHAIRPERSON**



**PART G - PRESENTATION**

This presentation will take place at 7.30 pm.

21 **ERADICATION OF HEART DISEASE**

Dr Lannes Johnson will make a presentation on the Waitakere Cardiovascular Disease Project.



**PART H - 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**

