

**AGENDA FOR A MEETING OF THE COUNCIL TO BE HELD IN THE CIVIC CENTRE,
6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY, ON TUESDAY,
17 MAY 2005 COMMENCING AT 12.30 PM**

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1 APOLOGIES



2 URGENT BUSINESS

Section 46A(7) 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 Council by resolution so decides; 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 and decision, why the item is not on the agenda, and why it cannot be delayed until a subsequent meeting.

The Council may make a decision on a matter determined to be urgent.

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



3 REPORT OF THE TE ATATU MARAE DEVELOPMENT GROUP

PURPOSE OF REPORT

The purpose of this report is to present the report of the Te Atatu Marae Development Group, and to discuss and recommend action connected therewith.

BACKGROUND

As part of its policy of support for a Marae at Te Atatu, Council established a Te Atatu Marae Development Group at the end of 2003. The Group was tasked with undertaking work required for the development of a Marae in advance of a formal Trust structure being established to build and manage the Marae. The Group was required to report back to Council in August 2004.

The Development Group was ready to report back at that time and had advanced all issues referred to them by Council. Unfortunately, due to extant workloads, Council officers were not able to complete their review of the material prior to the election. This, along with Council's own workloads in February, March and April, has meant that the report back to Council has been delayed until now. In the interim, Council has discussed this issue at a workshop, where members had the opportunity to become more familiar with the Marae design concept.

STRATEGIC CONTEXT

Council's support for a Marae at Te Atatu fits well with its overall strategic policy framework. Council has a Marae Support Policy which provides for Council support of the Te Atatu Marae Project. The project also contributes to the acknowledgement of urban Maori in terms of the Treaty of Waitangi principle in the Long Term Council Community Plan, as well as to the Strong Communities Platform.

ISSUES

Report of the Marae Development Group

A1-A9

The Te Atatu Marae Development Group was required to report back to Council in August 2004. The report of Group was submitted at that time and is now reported to Council with officer comment. A copy of the report is attached at pages A1 to A9. The Chairman of the Development Group, the Honourable Tau Henare, will be present with the rest of the Group to present the key points of the report and to answer any questions.

The Development Group has made good progress on undertaking the work set for it by Council. The preliminary design concept for the Marae has been further developed, and staff analysis suggests that it meets Council's goals in terms of integration with Harbourview Park and the visual amenity of the area. It also appears to model sustainable design principles. The Development Group also appears to have a good grasp on the tenure and fundraising issues it needs to deal with.

The Group has made a number of recommendations to Council in order to provide for work on the Marae project to continue. Staff are satisfied that all but one of these recommendations are appropriate and in order for Council to adopt.

The one issue where some further consideration is required is in the area of the timing of the transfer of land to a Trust entity under the Te Ture Whenua Maori Act 1993. The Development Group sees the transfer of the land as vital in allowing fundraising to occur. Staff agree with this assessment. The Development Group would like to see the transfer occur immediately after they have taken the preliminary steps required to in terms of processes with the Maori Land Court. Council's Legal Services Manager has advised that transfer should not occur until after the Environment Court proceedings on the reference to the District Plan Change relating to the Marae have been resolved. This would prevent Council from being in a position where as land owner it had agreed to something not permitted under the District Plan, and would also protect Council from accusations of predetermination, even if such accusations would be unfounded.

This is an issue that Council may want to consider further. Transferring the land in advance of the Environment Court process would allow the Marae project to make significant progress in a shorter timeframe. The Council must weigh this against the risks identified by staff.

District Plan Issues

Council will also be aware of the approach by the Te Atatu Residents and Ratepayers Association, via the Planning and Regulatory Committee, to have Council change its position with respect to the allocation of a site for a Marae at Harbourview. This approach relates to Te Atatu Residents and Ratepayers Association's appeal to the Environment Court against Proposed Plan Change 2: Re-Identification of Land from Living Environment and Harbourview South Special Area to Open Space Environment and Marae Special Area. In terms of environmental effects, upon which decisions relating to the Proposed Plan Change must be based, the staff view is that there is insufficient merit in the representations of Te Atatu Residents and Ratepayers Association to either the Court or Council to warrant a change in Council's position.

In reality, what Te Atatu Residents and Ratepayers Association is really seeking is a change in Council's substantive decision to allocate land at Harbourview for use as a Marae. Their reported position is that they are not opposed to a Marae being sited elsewhere in Te Atatu, but that they are opposed to its location on Harbourview. As a number of Councillors will be aware, it has been seemingly impossible to find any other suitable site for a Marae in Te Atatu.

Consideration of any change to Council's decision on the allocation of land for a Marae is a matter for Council in its landowner role, rather than the Planning and Regulatory Committee acting in a regulatory capacity. Unless there is any new evidence or matters that relate to the environmental effects of the Proposed Plan Change, there is no basis to revisit previous regulatory decisions. Following Council's determination of the issues in this report, an appropriate update report and recommendations will be prepared for the Planning and Regulatory Committee.

Timeframe

One of the issues raised by Councillors during discussions over the Marae has been the issue of a development timeframe for the project. One suggestion has been that the Marae developers be given a set timeframe in which to develop the Marae, after which the land would return to Council if development had not occurred.

In the planning work done to date, the Development Group set a construction start date of mid 2006. However, this was based on Council approval being given and fundraising activity starting in 2004. Further, the Group has signalled that the success of fundraising activities will be linked to a clear resolution of land tenure issues. Council's own advice is that this is interlinked with appeal against Proposed Plan Change 2 still to be dealt with in the Environment Court.

If a timeframe were to be considered, experience within the City on major projects suggests that a reasonable period of time for fundraising and commencement should be allowed. Council may wish to consider a period of three (3) years for construction to commence from the date that the Environment Court proceedings are finalised.

RESOURCES

No additional Council resourcing is required for this project.

CONCLUSION

The Te Atatu Marae Development Group has now prepared its first report to Council. The Group has made significant progress and is working well. The Group has made a number of recommendations to Council which Council is now asked to consider. The Planning and Regulatory Committee is dealing with the Plan Change issue which will proceed before the Court, subject to any direction given by Council to the Committee. Staff and the Development Group disagree over only one issue which is the timing of the transfer of the land to a Trust structure.

RECOMMENDATIONS

1. That the Report of the Te Atatu Marae Development Group be received.
2. That the appointment of the Te Atatu Marae Development Group be extended for a further two years or until such time a Trust is established in terms of the Te Ture Whenua Maori Act 1993, to enable work to be continued on the development of the Te Atatu Marae.

3. That the preliminary design concept developed be endorsed as providing an appropriate fit with the surrounding park.
4. That the Council authorise the Chief Executive Officer to take all steps necessary to transfer the 2.5 hectares of land at Harbourview identified to be used for Marae purposes to a Trust structure under the Te Ture Whenua Maori Act 1993 as soon as all necessary steps have been taken with the Maori Land Court to enable the transfer to occur and once the proceedings in the Environment Court relating to the District Plan Change in respect of the land have been finalised, providing that the decision of the Court allows for Marae activities to occur on the land.
5. That the Chief Executive Officer continues to work with the Te Atatu Development Group to produce an appropriate Trust structure and documentation.

Report prepared by: Ross McLeod, Director: Corporate and Civic Services.



4 SUBMISSION TO THE TERTIARY EDUCATION COMMISSION ON UNITEC'S CASE FOR ESTABLISHMENT AS A UNIVERSITY

PURPOSE OF THE REPORT

The purpose of this report is to present for Council's consideration, a draft submission to the Tertiary Education Commission on Unitec New Zealand's (Unitec) application for establishment as university.

BACKGROUND

As previously reported to Council, the communities of Waitakere City have been disadvantaged for some time in comparison with other parts of the region and country by the absence of a tertiary education institute within the City. Census data indicates that Waitakere City has a lower proportion of residents with tertiary academic qualifications or advanced vocational qualifications than most of the Auckland region and the country as a whole. A lot of the most talented young people from Waitakere City are forced to leave and go elsewhere to take up tertiary education opportunities. Often they do not return. This has an impact on the education levels of the workforce in Waitakere City.

In response to this situation, and to the clear signal from the community through successive Long Term Council Community Plan and Long Term Financial Strategy consultation processes, Waitakere City Council has long sought to have a tertiary education institute of university status established within the City. The Council has pursued a number of initiatives to that end over the years, the most notable and successful of which has been the partnership with Unitec. This partnership, which is signified by a formal memorandum of understanding, has already seen the establishment of Unitec within the City, a presence which is being expanded by Unitec's significant capital investment in Henderson and the purchase of the existing Civic Centre at 6 Waipareira Avenue. There is no doubt that this investment by Unitec will improve access to tertiary education for Waitakere City residents.

Unitec has been seeking since 1996 to obtain university status under the Education Act 1989. In reality, Unitec has been operating as a university of technology for a number of years, undertaking applied research and offering degree and post graduate programmes, alongside the range of trade and vocational based programmes traditionally offered by polytechnics. Obtaining university status would be a benefit to Unitec in consolidating this range of programmes and confirming its credibility as an applied research and academic institution. Given its strong links to Waitakere City, that which benefits Unitec also benefits the communities of Waitakere City.

Council has previously signalled its strong support for Unitec to become a university. The Council made a submission on the Education (Establishment of Universities) Amendment Bill, and has been vocal in its support of Unitec's cause. Making a submission to the Tertiary Education Commission is in line with Council's long held position on the issue.

STRATEGIC CONTEXT

Raising education standards for the communities of Waitakere City through improved access to tertiary education has long been a part of the Council's eco-city strategic direction. This goal is reflected in the strong communities and strong innovative economy platforms and the lifelong learning priority within the Long Term Council Community Plan. The broader the range of the programmes that can be offered locally, the greater the proportion of the population that is likely to be able to use the services provided. University status for Unitec will assist in ensuring that a broad range of programmes and services that have credibility in the tertiary education and employment market places can be offered locally. Access to tertiary education locally will also contribute to Council meeting its goals in the transport area, as access to services locally is likely to contribute to a reduction in vehicle trips and vehicle kilometres travelled.

ISSUES

Tertiary Education Commission Process

The Tertiary Education Commission (TEC) has been asked by the Minister under Section 159F of the Education Act 1989 to provide advice on whether the establishment of Unitec as a university is in the interests of the tertiary education system and the nation as a whole. The Tertiary Education Commission has also been asked to carry out on behalf of the Minister the associated consultation process with the sector and other relevant bodies.

One issue to note is that Unitec lodged its application for university status in 1999, when there was no requirement in the Education Act for the national interest test to be assessed. The Government subsequently amended the Education Act via the Education (Tertiary) Reform Amendment Act 2002 and is now applying the criteria contained in that amendment to Unitec's application. While it is useful for Council to outline its substantive reasons as to why it supports Unitec's application for university status and believes it is in the interests of the education system and the nation as a whole, it also seems necessary to note the apparent unfairness in this situation where Unitec has had the rules changed on it after making its application. The fact that the application is being dealt with in 2005 when it was lodged in 1999 also seems to have strong elements of unfairness about it, although this is a point more suitably made through other channels.

In terms of the substantive issue as to whether Unitec being awarded university status is in the interest of the “tertiary education system and the nation as a whole”, the answer appears to be a very strong yes from Council’s perspective. Unitec being awarded university status would provide national and international university recognition of the high quality tertiary education programmes available from Unitec. This would be of immense benefit to both Waitakere City residents and those from the western areas of Auckland City who are in the natural catchment for Unitec, as well as for others who choose to study at Unitec. University status would enhance Unitec’s reputation locally, meaning that residents would be less likely to travel away from the City to study, which would be likely to provide a positive flow on effect of higher education levels among the local population, with consequent flow on effects to their workforce and business communities. Given that Unitec serves such a large population catchment in Auckland, these benefits must surely be regarded as being in the interests of the nation as a whole.

Unitec seeks to become a dual sector university of technology. Establishing this category of tertiary institution would provide for links between vocational and employment training and academic learning. This would provide a form of institution that would bridge the gap between polytechnics and research led universities, and provide pathways from practical learning through to lifelong career and professional development. Such a move would appear to be acutely aligned with New Zealand’s education needs as set out in the Government’s Tertiary Education Strategy and beneficial to the tertiary education system over all. Finally, Unitec being awarded university status would recognise an existing reality, and ensure that university level qualifications and learning provided by Unitec are recognised as such.

A10-A13

A draft submission to the Tertiary Education Commission is set out at pages A10 to 13. The submission covers the reasons why Unitec should be recognised as a university in greater detail.

Decision-Making

The options before Council in relation to this issue are to either choose to make a submission, or to choose not to. As noted above, Council has made the previous submissions in support of Unitec being granted university status, and has a partnership relationship with Unitec through which each party has undertaken to support and assist each other. Making a submission to the Tertiary Education Commission is not in effect a new decision, but is simply the restating of an already held policy position.

The costs to Council in making a submission to the Tertiary Education Commission are minimal. The draft submission has already been prepared using staff resources provided for in the current Annual Plan. If there are any hearings or subsequent follow-up requirements, the costs will be low comparative to the benefits (outlined above) that would be likely to accrue to the City and its residents from Unitec gaining university status.

It is the view of officers that, based on the preceding analysis, Council make a strong submission to the Tertiary Education Commission supporting Unitec’s application seeking university status as being in the interests of the tertiary education system and the nation as a whole.

RESOURCES

The draft submission has been prepared by officers within the resource framework provided for in the Annual Plan. It is not known whether hearings will be held by the Commission, but it is recommended that if they are, Council present its submission. Any costs associated with this will be able to be met from within travel budgets provided for in the Annual Plan.

CONCLUSION

The Tertiary Education Commission is consulting on Unitec's application to be recognised as a university in order to provide advice to the Minister on whether the granting of university status is in the interest of the tertiary education system and the nation as a whole. Unitec obtaining university status would be in the best interests of the communities of Waitakere City, and Council has previously strongly supported Unitec's application. It is the view of officers that it is in the best interests of the communities of Waitakere City for Unitec to gain university status, and it is recommended that a strong submission in support of Unitec's application be made by Council.

A draft submission to that effect has been prepared for Council's consideration.

RECOMMENDATIONS

1. That the Submission to the Tertiary Education Commission on Unitec's Case for Establishment as a University report be received.
2. That the draft submission to the Tertiary Education Commission, as circulated with this agenda paper, be approved as the Waitakere City Council submission.
3. That council be represented at any subsequent hearings or follow-up processes in relation to the Tertiary Education Commission's consultation process, and that an elected member or members be appointed to represent the Council at any such process.

Report prepared by: Ross McLeod, Director: Corporate & Civic Services.



5 RAIL CORRIDOR WALK AND CYCLEWAY UPDATE

PURPOSE OF THE REPORT

The purpose of this report is to provide an update on progress on the proposed rail corridor walk and cycleway and to seek guidance on the Council's preferred approach going forward.

BACKGROUND

Reporting timeframes have meant that this report could not be submitted to the City Development or Finance & Operational Performance Committees and the issues in this report are relevant to both Committees. The detailed design for Stage 2 double tracking is scheduled to be completed by the end of July 2005. Council guidance on its preferred approach to the proposed rail corridor walk and cycleway is urgently required before the opportunity is lost.

The Council's Walking and Cycle Strategy identifies a walk/cycle route along the rail corridor as a major route which forms the backbone of the walking and cycling network. As such the Council has been working with Auckland Regional Transport Authority and New Zealand Railways Corporation to ensure that a high quality walk and cycleway route is provided along the rail corridor.

The Twin Streams walk and cycleways network relies on a walk and cycleway along the rail line from Glen Eden to Sunnyvale to complete the Oratia Stream route.

An upgrade of the western rail corridor, including double tracking has been planned to allow for increased rail frequency and service reliability. Auckland Regional Transport Authority proposes that this will be undertaken in four stages. Detailed descriptions of the four stages were included in a report to the City Development Committee on 3 February 2005:

Stage 1 - Boston Road to Morningside.

Stage 2 - West of New Lynn to north of Henderson.

Stage 3 - Avondale to west of New Lynn.

Stage 4 - North of Henderson to Swanson.

Waitakere City Council plays a key role in working with parties responsible for planning and implementing the upgraded rail network to ensure it meets the needs of the local residents. The Council also provides much of the supporting infrastructure outside the rail corridor, including pedestrian accesses and potentially park and ride, bus and taxi facilities where relevant.

Other key players include:-

- **Auckland Regional Council (ARC)** - sets the broad transport strategy and provides funding to Auckland Regional Transport Authority;
- **Auckland Regional Transport Authority (ARTA)** - contracts passenger rail services and infrastructure improvements and specifies related performance outcomes;
- **Auckland Regional Transport Network Limited (ARTNL)** - holds long-term leases for stations on the Auckland rail network and is responsible for the upgrade and ongoing maintenance of rail stations;
- **New Zealand Railways Corporation (NZRC)** - owns the national rail network on behalf of the Crown;
- **Toll Rail** - rail freight operator;
- **Connex** - operates Auckland's urban rail passenger services under contract to Auckland Regional Transport Authority;
- **Land Transport New Zealand (formerly Transfund)** - provides funding for land transport, including rail passenger services, rail infrastructure improvements and other transport related projects.

STRATEGIC CONTEXT

Development of the rail network is a key component of meeting the Council's goals, particularly given that the rail network runs through some of the City's main town centres. Development of the rail network and its integration with other transport modes are key components of meeting the goals of the Regional Land Transport Strategy and the Regional Growth Strategy.

Completing the strategic walking and cycling network in Waitakere has key benefits in terms of providing a range of sustainable travel options for residents, increasing town centre connectivity and improving safety and accessibility for vulnerable road users. The rail corridor walk and cycleway would not only provide a direct connection between key town centres in Waitakere and with Auckland City but also between the rail stations and surrounding local catchment areas.

PROJECT DESCRIPTION

Auckland Regional Transport Authority/New Zealand Railways Corporation appointed GHD Pty Limited as consultants to investigate and develop a concept design for Stage 2 double tracking. GHD Pty Limited was also commissioned by Auckland Regional Transport Authority to undertake a feasibility study for the proposed walk and cycleway within the rail corridor in conjunction with the Stage 2 double tracking.

The concept design report identifies that a walk and cycleway can fit within the rail corridor for the majority of the route except for a small segment around Glen Eden that may need to be off-corridor. While supporting the project, the report raises a number of concerns regarding the process for implementation, including recommending that the rail corridor walk and cycleway should be treated as a separate project for consultation with the public and for design and resource consent purposes.

The next steps in the project are to complete detailed design work for the within-corridor walk and cycleway and concept and detailed design for the off-corridor walk and cycleway and connections / integration.

Stage 2 Section	Stage	Process	Cost Estimate	Expenditure required
Within-Corridor	concept design complete	<ul style="list-style-type: none"> detailed design planning - resource consent or designation confirm funding confirm Project Management construction Maintenance & renewals 	\$210,000 tbd (incl. below) \$6,765,446 tbd	Capital Capital Operational Capital Capital Opex/Capex
		Within-corridor cost estimate	Tbd	
Off-Corridor	not started	<ul style="list-style-type: none"> concept design (est. cost) detailed design (est. cost) planning - resource consent or designation confirm funding confirm Project Management construction maintenance & renewals 	\$25,000 \$50,000 tbd (incl. below) tbd tbd	Operational Capital Capital Operational Capital Capital Opex/Capex
		Off-corridor cost estimate	1,000,000	
		Combined cost estimate	Tbd	

- The cost estimate from the concept design for the within-corridor walk and cycleway is considered a conservative estimate. It is planned to have the construction cost estimate peer reviewed by consultants appointed for the Twin Streams project.
- Council officers have estimated the cost of the off-corridor parts of the walk and cycleway at \$1,000,000. However, as no design work has been completed, this has yet to be confirmed.

ISSUES

Funding

After discussions late in 2004 with Auckland Regional Transport Authority, it was understood by Council that funding for the design process of the 'in-corridor' section of the walk and cycleway would be applied for by Auckland Regional Transport Authority and that Council would be responsible for all sections of the walk and cycleway outside the rail corridor.

However, it was only recently confirmed that Auckland Regional Transport Authority did not apply for funding related to the walk and cycleway.

There are no Auckland Regional Transport Authority funds for undertaking the design of the walk and cycleway at the same time as the design of the rail double tracking. The Council funding options are considered in the section below after discussion of the design issues.

The Council therefore needs to secure funding from Land Transport New Zealand and Auckland Regional Transport Authority to progress the implementation of the walk and cycleway along the rail corridor. Auckland Regional Holdings is also a potential funder as the rail corridor walk and cycleway is acknowledged by Auckland Regional Council and Auckland Regional Transport Authority as a key regional route.

Design

It is considered that if the design of the double tracking and walk and cycleway is done at the same time, this would ensure that the walk and cycleway alignment issues would not be unnecessarily compromised and that synergies can be achieved with the double tracking and the Twin Streams walk and cycleways network projects. That is, it would result in a better walk and cycleway design than if the walk and cycleway design was fitted retrospectively around the double tracking alignment.

Auckland Regional Transport Authority and New Zealand Railways Corporation do not want the walk and cycleway design to hinder the design and construction of the double tracking. While the Council supports that position, there is a design process option that would not jeopardise the double tracking work. The current double tracking timetable is for the design to be completed by the end of June so that construction can start in July 2005.

It has been proposed that the Council works with Auckland Regional Transport Authority on the walk and cycleway, with Auckland Regional Transport Authority taking the lead role. However, Auckland Regional Transport Authority has advised that the Council should take the lead role.

Preliminary discussions have been held with GHD Pty Limited to determine ways to best complete the walk and cycleway design. Their initial estimate to complete the design of the walk and cycleway was very expensive. It is considered that a premium (related to the extra resources required by GHD Pty Limited) was included in the estimate to cover potential risks related to the extremely tight timeframes.

Consideration was also given to appointing GHD Pty Limited to undertake the design to meet the timeframe of the double tracking on the proviso that the double tracking work is not compromised. The intention was that some walk and cycleway components could be done with the rail construction to create efficiencies and cost savings. This would mean the Council would have to pay for the walk and cycleway share of the costs. However, the tight design and construction timeframe has a number of risks that are likely to be unacceptable to the Council.

- If there are design conflicts between the double tracking and the walk and cycleway, the design of the latter could be compromised. This would result in waste of effort and greater design costs if the design has to be reviewed and amended;
- There may be disputes related to the Council's share of costs and the Council could pay a greater cost than its share;
- Should unforeseen construction difficulties arise, the Council could be forced to compromise on the construction resulting in a lower quality walk and cycleway facility.

After discussions with GHD Pty Limited, it was agreed that the best way forward is for GHD Pty Limited to undertake an 'active' design brief/watch of the cycleway alignment. The cycleway alignment would be designed with the rail double tracking and any identified requirement (e.g. retaining walls, lack of width, etc) would be highlighted but not designed at this stage. The outcome would be an alignment that is largely 'final' with the complete 3-D design being done after the rail double tracking design is complete. Furthermore, this approach would ensure the walk and cycleway design objectives are being considered at all times during the design of the double tracking. This scope of work for the cycleway design would not cause any delays to the double tracking work. It is considered that this is the most pragmatic option considering the time available and the Auckland Regional Transport Authority 'constraints'. GHD Pty Limited is preparing a scope of works and a cost estimate to undertake this preliminary detailed design work.

Planning Process

In order to construct a walk and cycleway within the rail corridor the Council would have to either apply for a resource consent or a secondary designation. Both processes would require the Council to negotiate a lease of use for the corridor from New Zealand Railways Corporation.

As with the funding issues, it was understood by the Council that Auckland Regional Transport Authority would be taking the lead with regard to the planning applications. The double tracking work only requires an Outline Plan as the work is within the rail designation. Auckland Regional Transport Authority/New Zealand Railways Corporation is concerned that a combined application could delay the double tracking because the two processes are of a different magnitude. Furthermore, the Outline Plan does not require notification whereas a resource consent or secondary designation has to be notified.

Auckland Regional Transport Authority and New Zealand Railways Corporation officers have agreed in principle to the Council applying for a secondary designation. This would allow the Council greater flexibility with regard to implementation of the facility. A written understanding will be sought from New Zealand Railways Corporation.

It is considered that the potential timeframe of either process could impact on the feasibility of undertaking the final and detailed design at an early stage. However, it would be necessary to undertake a certain level of design as input to the planning process anyway as the alignment would need to be clear.

Advice is being sought from the Council's planning team to provide a clearer picture of the issues and requirements involved. At the time of writing this report, a detailed understanding of the issues cannot be reported. However, it is expected that this information would be available at the Council meeting.

Auckland Regional Transport Authority's Role

It is clear that Auckland Regional Transport Authority, while being supportive of the walk and cycleway, is unwilling to focus on the walk and cycleway in relation to funding, design or resource consent matters. Auckland Regional Transport Authority is expecting the Council to lead the application for the walk and cycleway and to provide funding and to lead the planning process.

It is considered that the walk and cycleway is a regional facility that would address regional transport issues and the implementation should be led by Auckland Regional Transport Authority. Nevertheless due to the existing situation, it might be necessary for the Council to take the lead in this matter.

OPTIONS

The following options can be considered:

	Option	Details	Benefits	Risks	Resources
1	The Council leads and funds the design and planning stage for both within-corridor and off-corridor sections of the walk and cycleway The Council continues to advocate to Auckland Regional Transport Authority to lead the construction funding and the construction stages	Regional funding through Auckland Regional Holdings is likely to be sought as well as from Land Transport New Zealand. Local share requirements will need to be determined.	Ensures alignment with the Stage 2 double tracking, but without hindering the double tracking. Undertaking the design in conjunction with the double tracking could offer potential cost savings. Ensures key connection between Glen Eden and Sunnyvale for Twin Streams walk and cycleways network.	The cycleway design could be compromised if decisions have to be made in a hurry – in parallel with the double tracking design. This could result in unnecessary and wasted Council expenditure. Auckland Regional Transport Authority may not agree to lead the construction funding and construction stages. If the Council provides funds for the design and planning process, there is a risk that this money might not be recovered.	There is \$250,000 capital budget available in the 2004/2005 Annual Plan (Strategy and Development, Transport Strategy) for the rail corridor walk and cycleway. Detailed design is appropriate capital expenditure. Construction costs could be as much as \$8million, of which Councils share will need to be determined.
2	The Council leads and funds the design and planning stage for both within-corridor and off-corridor sections of the walk and cycleway and also leads the construction stage.	This will require the Council to manage funding and resource the construction stage. The construction programme would need to be built into the 2005/06 Annual Plan and 2006 Long Term Council Community Plan. Regional funding through Auckland Regional Holdings is likely to be sought as well as from Land Transport New Zealand.	Ensures alignment with the Stage 2 double tracking, but without hindering the double tracking. Undertaking the design in conjunction with the double tracking could offer potential cost savings. Ensures key connection between Glen Eden and Sunnyvale for Twin Streams walk and cycleways network.	There is likely to be significant local share required. There is currently a lack of resources (in terms of people and funds) for the Council to lead more than the design stage of the within-corridor project over the next few years. The off-corridor section is small and resources are available to undertake this work.	There is \$250,000 capital budget available in the 2004/2005 Annual Plan (Strategy and Development, Transport Strategy) for the rail corridor walk and cycleway. Detailed design is appropriate capital expenditure. Construction costs could be as much as \$8million, of which Councils share will need to be determined. Resources (people and funds) will need to be allocated via the annual plan and Long Term Council Community Plan process.

	Option	Details	Benefits	Risks	Resources
3	<p>The Council leads and funds the design and construction of a route between Glen Eden and Sunnyvale Stations to link up the lower Oratia sections of the Twin Streams walk and cycleways network.</p>	<p>This may involve investigation of a more recreational route external to the rail corridor, through the Waikumete Cemetery. This will require the Council to manage funding and resource the construction stage. The construction programme would need to be built into the 2005/2006 Annual Plan and 2006 Long Term Council Community Plan. Regional funding through Auckland Regional Holdings is likely to be sought as well as from Land Transport New Zealand. There is likely to be significant local share required.</p>	<p>Ensures key connection between Glen Eden and Sunnyvale for Twin Streams walk and cycleways network. There would be no risk to double tracking.</p>	<p>There is likely to be significant local share required. There is currently a lack of resources (in terms of people and funds) to carry out this work. The route may or may not be within the rail corridor and may not form a consistent commuter quality section of the Rail Corridor Cycleway, if it is built in the future. There may be resource consent issues in attempting to put a route partly through Waikumete Cemetery.</p>	<p>Funding and resource requirements would need to be determined.</p>
4	<p>The Council continues to advocate to Auckland Regional Transport Authority to lead the walk and cycleway as its primary action, and does not fund the design or construction stage of the walk and cycleway except in partnership with Auckland Regional Transport Authority.</p>	<p>This is the status quo. To date, little progress has been made by taking this approach.</p>	<p>There would be no risk to double tracking. This could be done at current resource levels.</p>	<p>There is a risk that Auckland Regional Transport Authority will never agree to lead the project and that the Council will be faced with needing to pick up the project at a later date, after double tracking has been completed. This would mean that no synergies could be achieved with the double tracking design. There is also the risk that the route will be seen as "too hard" and never implemented, or that if the route is not built in advance of future electrification, the electrification may be implemented in such a way that the cycleway becomes impractical</p>	<p>Funding and resource requirements would need to be determined.</p>

	Option	Details	Benefits	Risks	Resources
5	The Council could wait until all double tracking is complete and then build the complete cycleway, from Swanson to New Lynn/Auckland City boundary at that time.		There would be no risk to double tracking. There could be design, planning and construction cost savings	There is a probable risk that the cycleway will cost more to build in the future than at current rates. Synergy could not be achieved with the double tracking design leading to higher costs being attributed to the cycleway design and construction. There is also the risk that the route will be seen as "too hard" and never implemented, or that if the route is not built in advance of future electrification, the electrification may be implemented in such a way that the cycleway becomes impractical.	Funding and resource requirements would need to be determined.
6	Do nothing	No cycleway provision.	There would be no risk to double tracking.	The opportunity is lost to gain synergy with the double tracking work. A Type 1 route in the Waitakere City Council Waling and Cycle Strategy is not implemented. Waitakere City Council does not meet its national obligations to provide for pedestrians and cyclists.	None

RISKS

There are risks associated with making progress with haste or with making little progress.

While undertaking the design (and some construction components) in conjunction with the double tracking could offer potential cost savings, there are risks that the walk and cycleway design could be compromised if decisions have to be made in a hurry. This could result in unnecessary and wasted Council expenditure and it would be difficult to estimate accurately the Council share of the walk and cycleway construction costs.

If however no progress is made on the walk and cycleway design, then opportunities could be lost to ensure that the bridges and double tracking adequately provide for the walk and cycleway. This might result in a retrofit at a later date being too costly. If the walk and cycleway does not proceed, a solution is required to complete the gap in the route of the Twin Streams walk and cycleway.

If the Council provides funds for the design and planning process, there is a risk that this money might not be recovered.

RESOURCES

Due to the lack of regional funding options at this time, it is considered that the Council consider reallocating funds to progress design work to the level described in Option 1 above.

The \$250,000 budgeted was originally intended as the Council contribution for the physical works (on the assumption that Auckland Regional Transport Authority would be leading the project). Specifically it has been intended that this capital budget be applied against the out-of-corridor component of the cycleway.

The purpose of the reallocation of funds is to progress the design and designation of the within-corridor and off-corridor parts of the cycleway in 2004/2005. Design work is required for the planning process, as detailed design is required for either the resource consent or designation process, and would also enable Council to progress funding assistance applications to Land Transport New Zealand, Auckland Regional Holdings and Auckland Regional Transport Authority.

CONCLUSION

Funding for the design work and planning process on the walk and cycleway in the rail corridor has not been allocated by Auckland Regional Transport Authority. Council therefore needs to provide funding to progress the project and also advocate for funding by Auckland Regional Transport Authority.

The design of the walk and cycleway could be undertaken together with the rail double tracking in a manner that would ensure the walk and cycleway design objectives are being considered. The design could be developed to a stage where there is sufficient information to progress the planning process. The design could be undertaken so that it does not hinder the design and construction of the double tracking, as is required by Auckland Regional Transport Authority and New Zealand Railways Corporation.

There are alternative funding options that would enable the Council to lead the design and planning processes.

It is believed that strong political support from and lobbying by Council to Auckland Regional Transport Authority would assist in implementing the walk and cycleway in the rail corridor without jeopardising the design and construction of the double tracking. It is concluded that a strong political message be sent to Auckland Regional Transport Authority that the Council wants to work together with them on the planning of the walk and cycleway and encourages Auckland Regional Transport Authority to take a lead role in the construction phase.

RECOMMENDATIONS

1. That the Rail Corridor Walk and Cycleway Update report be received.
2. That GHD Pty Limited undertakes an 'active' design brief/watch of the walk and cycleway alignment, subject to a satisfactory quote being provided.
3. That the Council leads and funds the design and planning stage for both within-corridor and off-corridor sections of the walk and cycleway, but not the construction stages.

4. That the Council continues to advocate to the Auckland Regional Transport Authority to lead the construction funding and the construction stages of the walk and cycleway along the rail corridor.
5. That the Council inform the Auckland Regional Transport Authority that the Council wants to collaborate on the planning of the walk and cycleway, ensuring alignment with the Stage 2 double tracking, but without hindering the double tracking.

Report prepared by: Rachel Sander, Project Manager: Transport Projects.



6 SUBMISSION TO THE DRAFT AUCKLAND REGIONAL COUNCIL ANNUAL PLAN 2005/2006 AND AMENDMENTS TO THE LONG TERM COUNCIL COMMUNITY PLAN 2004/2014

PURPOSE OF THE REPORT

The purpose of this report is to present to the Council the draft submission to the Auckland Regional Council draft Annual Plan and amendments to the Long Term Council Community Plan 2004/2014.

BACKGROUND

Submissions on the Auckland Regional Council's draft Annual Plan 2005/2006 and amendments to the Long Term Council Community Plan 2005/2014 closed on 6 May 2005.

A copy of the Auckland Regional Council Draft Annual Plan 2005/2006 and amendments to Long Term Council Community Plan 2004/2014 has been placed in the Councillor's Lounge. A draft submission was prepared by officers to reflect Waitakere City Council's interest in regional and local issues that have an impact on the City and its residents.

A14-A18

The document attached as pages A14 to A18 was forwarded to the Auckland Regional Council on 6 May 2005 signed off by the Chief Executive Officer, subject to the Council's final approval.

STRATEGIC CONTEXT

The Local Government Act 2002 requires all local authorities to develop a new Long Term Council Community Plan for 2006/2016.

The Auckland Regional Council's first Long Term Council Community Plan (including its community outcomes) was developed on the information collated by Auckland Regional Council for their Environmental Awareness Study and not from consultation with the community on developing their community outcomes and vision for the region. Nor did the Auckland Regional Council take sufficiently into consideration Long Term Council Community Plans that have already been adopted by some of the territorial authorities in the region.

The Auckland Regional Council has changed significantly in the last year as a result of changes to the Local Government Amendment Act, which gave the Auckland Regional Council overarching responsibility for the regional land transport strategy and integrating the planning, funding and development of the region's transport system and storm water funding.

These significant changes in the Auckland Regional Council's role, form and financial situation have meant that it will prepare a completely new Long Term Council Community Plan for 2006/2016, in response to the community outcomes process.

ISSUES

A14-A18

The priority concerns for Waitakere City Council are attached in the submission attached at pages A14 to A18 and are also presented below. The order of issues is consistent with the Auckland Regional Council's draft Annual Plan 2005/2006 and amendments to the 2004/2014 Long Term Council Community Plan and page numbers are given to assist in identification of the issue.

The Region's Transport (P. 16)

The draft Annual Plan signals a \$9m increase in Auckland Regional Council contributions to the Auckland Regional Transport Authority, as well as funding from Auckland Regional Holdings of \$143.3m to enable investment in new public transport infrastructure to continue.

Waitakere City Council's submission recognises and supports the increased funding provision for transport in the draft Annual Plan, in particular:

- Increased train services on the Western line;
- Completion of double tracking the Western line stage 2 including platform upgrades;
- School travel plan programme (general support and facilitators) and business and tertiary travel plan programme (general support).

Waitakere City Council submits that adequate funding should be provided in 2005/2006 to ensure the following:

- Completion of the Waitakere Central Henderson Transport Interchange. Discussions at officer level between the Councils have identified a number of possible funding mixes and the Waitakere City Council seeks an opportunity to discuss these at a political level;
- Train and bus services use the new train and bus interchange facility at Henderson as soon as they are completed;
- Full investigation into a design solution for the rail line at New Lynn which meets Waitakere City Council's requirements of the town centre, rail services, road and pedestrian crossings. Waitakere City Council favours rail undergrounding through New Lynn provided there is adequate funding support from the public and private sectors;
- The walk and cycle way along the Western line can be undertaken as part of the duplication, which will require the Auckland Regional Transport Authority to take a lead role in relation to design and construction;
- Double tracking the Western line stage 2 includes removal of graffiti, removal of weeds, revegetation, safety measures at crossings and fencing;
- Sufficient resources are applied to the review of the West Sector bus services in order to prevent further delays;

- Completion of design of stages 3 and 4 of double tracking the Western line;
- Immediate action is taken in response to a decision regarding electrification, in terms of design of electrification infrastructure and placing orders for electric motor units

The outcomes contained in the Auckland Regional Transport Authority Statement of Intent are listed on page 112. Outcome 5 is:

“To manage, maintain, replace and develop assets to meet required service standards and the delivery of the Regional Land Transport Strategy at minimum cost and least risk”.

Waitakere City Council's submission requests that this outcome be reconsidered in light of the requirement to integrate new transport infrastructure with land use which will require a more innovative approach, a measure of risk and the need to mitigate effects. It will not always be appropriate to adopt a minimum cost and least risk approach to new infrastructure projects. Outcome 6 ensures that a proper assessment of the costs and risks will be taken by the Auckland Regional Transport Authority.

Officers propose that a clear process is established whereby Auckland Regional Holdings funds can be allocated through the Auckland Regional Council to the Auckland Regional Transport Authority for Auckland Regional Transport Authority's projects; and to a local authority of the Auckland region via the Auckland Regional Transport Authority in relation to a specific transport project.

Currently there is no clear process and local authorities need to rely on a contribution out of Auckland Regional Holdings funds to a project that meets the criteria of a regional infrastructure project.

The Region's Parks (P. 32)

Page 34 states that the rates requirement for the outcome Parks to Enjoy for 2005/2006 is \$17.179m, but the planned rate requirement for 2004/2005 is \$18.998m. On the face of it this looks like a decrease in funding by \$1.819m next year.

Success with regard to the outcomes sought should also have an environmental quality measure, and not just be judged according to levels of visitor satisfaction (p.35).

The Region's Natural Environment (P. 60)

Waitakere City Council supports the amended long-term financial strategy 2004/2014 with regard to the proposed spending on aquatic management and stormwater management. The proposed \$8.9m from 2006/2014 for terrestrial biodiversity is supported, but concern is expressed that this may not be enough to cover the costs of revegetating the parks network in the region.

The Region's Resources (P. 74)

Rural Land Management: The Auckland Regional Council proposes to spend \$56,000 on the Trees for Survival programme in 2005/2006 (P.76). This project is clearly under funded as this amount will barely cover the administration costs alone for coordinating such a comprehensive regional programme.

The Region's Built Environment (P. 85)

Waitakere City Council supports resourcing the implementation of the Regional Growth Strategy and notes that a review of the Strategy is required every five years. This means that the review process should be undertaken during the 2005/2006 financial year. Waitakere City Council submits that the Auckland Regional Council clarifies in its Annual Plan how and when it intends to begin reviewing the Regional Growth Strategy.

The Region's Heritage (P. 92)

Natural Heritage Conservation: \$13.6m is proposed for natural heritage conservation over the period 2006/2014 (P. 97). This will not be enough to adequately meet the costs associated with the regional integration of natural heritage management.

The section on the Region's Heritage seems to focus on direct protection of heritage values in regional parks, information sharing and public education. There is no reference to statutory policy development for natural heritage. In particular, reference should be made to the Auckland Regional Council's support for passage and implementation of the Waitakere Ranges Heritage Area Bill.

Community Responsibilities and Representation (P. 99)

This section states that the Auckland Regional Council's goal is to strengthen its partnership with the regional community and it lists the activities to deliver this outcome, yet this section lacks a strong statement of activities that indicate commitment to social development in the region.

The Auckland Regional Council proposes to spend \$296,000 on consent appeals and objections in 2005/2006 (P.100). More than this may be required to ensure there is sufficient capacity for involvement in consent processes around the region.

The section on Maori relationships (P.102) seems to be very internally focused. It does not describe how the "external information and advice service" is to be provided and how that will flow through to customer service. It would be helpful to understand what, in the Auckland Regional Council's view, constitutes a "key Maori Authority". Waitakere City Council supports the encouragement of regional integration in relation to Maori consultation and relationships and would like to encourage sharing of resources around the region to achieve this desired outcome. Furthermore, the section states that key performance indicators will be the "increasing level of satisfaction of tangata whenua and the Auckland Regional Council with the effectiveness of their relationship", and "the level of effective Maori participation in Auckland Regional Council decision-making processes". Yet it is unclear as to how either of these indicators will be measured.

In the section for Regional Co-ordination (P.105) only the Regional Plan; Air, Land water is mentioned. There is no mention of the Auckland Regional Sport and Recreational Strategy.

AMENDED REVENUE & FINANCING POLICY

Business differential (P. 120)

The rates requirement allocated to the business sector should be based on the share of the benefit that the business sector gets from Auckland Regional Council services. The Auckland Regional Council proposes to set a business rate differential at 1.6 of the general rate based on:

- (a) its assessment of the beneficiaries of the services it provides;
- (b) the increased expenditure related to the delivery of the Auckland Regional Economic Development Strategy; and
- (c) its assessment of the most equitable allocation of rating burden across the business and non-business sectors.

This implies that the Auckland Regional Council is using the business differential to tax the business sector and subsidise the residential sector. The imposition of additional costs (over and above their fair share) on the business sector needs to be considered carefully particularly in view of the high ratio of very small businesses and the efforts taken to promote business growth by all territorial authorities in the region.

Estimate of Projected Valuation (P. 121)

Waitakere City Council supports the Auckland Regional Council proposal to obtain “estimates of projected valuation” to reduce the divergences of property values caused by the valuations undertaken at different dates by different territorial authorities in the region. The sharp increases in the property values in recent years have accentuated differences in the property values assessed at different times. Ideally, all valuations need to be undertaken within the same time period to establish a common basis for rating. However, it is acknowledged that because of the logistical problems involved this may not be practicable.

One of the weaknesses of the proposed approach is that it does not take into account the differences in the property value increases in different locations within a territorial authority area.

General comment on revenue and financing policy

The use of property rates for funding local government expenditure is a fundamental issue that needs to be addressed in the long term. Property rates have no direct relationship to incomes and hence they tend to place an unfair burden on the asset-rich but income-poor ratepayers such as pensioners. Nor are they directly related to the range and level of services enjoyed by the ratepayers, so the amount of rates paid is not proportionate to the benefits.

The imposition of property rates by the Auckland Regional Council has further exacerbated the inequalities that are caused by the property rates collected by the territorial authorities. Such inequities could be minimised to some extent, if the cost of services are funded, at least partly, by income tax and corporate taxes collected from the region. Such taxes are directly linked to the incomes of the rate payers, and therefore, more equitable than property rates. Income tax is also more effective in addressing the ability to pay aspect. Thus the need to introduce various forms of rates differentials could also be avoided.

Because of the existence of location specific costs related to the provision of services, some form of property tax may still be necessary, if not desirable. Hence, a mix of property rates and income tax has the potential to produce a better balance, and reduce the unfair burden on the asset-rich, income-poor segments of the community.

The Central Government taxation policy has contributed to increase the overall rates burden on ratepayers. The Central Government imposes GST on the rates collected by the local authorities but the properties of education and health services, which are funded by the Central Government at local level, are non-rateable. Furthermore, crown entities are exempt from the payment of development contributions introduced to fund the cost of growth. Thus, the local authorities forego the potential rates revenue and development contributions from the Central Government.

RESOURCES

Resources to support partnership, planning and activities with the Auckland Regional Council are provided in the Waitakere City Council's Annual Plan for 2005/2006.

CONCLUSION

The submission period for the Auckland Regional Council's draft Annual Plan 2005/2006 and amendments to the Long Term Council Community Plan 2004/2014 closed on 6 May 2005.

A submission was prepared by Council officers and approved in draft by the Chief Executive Officer and Director: Strategy and Development. The submission was forwarded to Auckland Regional Council on the grounds that it was subject to final approval by Council at its Special Council Meeting on 17 May 2005.

If the Council wishes to present its submission at the Auckland Regional Council public hearings scheduled from 24 May 2005, elected members will need to be nominated to appear on the Council's behalf.

RECOMMENDATIONS

1. That the Submission to the Auckland Regional Council's draft Annual Plan 2005/2006 and amendments to the Long Term Council Community Plan 2004/2014 report be received.
2. That the draft Submission, attached at pages A14 to A18 of the Agenda, be approved.
3. That the Council nominate representatives to present its submission on the Auckland Regional Council's draft Annual Plan 2005/2006 and amendments to the Long Term Council Community Plan 2004/2014 at the public hearings to be held by the Auckland Regional Council from 24 May 2005.

A14-A18

Report prepared by: Annika Lane, Joint Acting Group Manager: Strategic Policy & Planning.

