

MAIN AGENDA



Waitakere City Council
Te Taiao o Waitakere

NOTICE OF MEETING COUNCIL

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

DATE: **Wednesday, 19 December 2007** **TIME:** **5.30 pm**

VENUE: **Waitakere Central, 6 Henderson Valley Road, Henderson, Waitakere**

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

NOTE: There is no Public Forum.

14 December 2007

Owena Schuster
**DEMOCRACY AND GOVERNANCE
TEAM MANAGER**

Telephone (09) 836 8000 extn 8864

MEMBERSHIP:

Mayor	RA	Harvey, QSO, JP
Deputy Mayor	PA	Hulse
Councillors	DQ	Battersby, JP
	BA	Brady, JP
	MFP	Chan, JP
	JM	Clews, QSO, JP
	RI	Clow
	LA	Cooper, JP
	AK	Corban, OBE, JP
	RP	Dallow, QPM, JP
	WW	Flaunty, QSM, JP
	MM	Jolley
	JP	Lawley, JP
	PG	Mitchell
	VS	Neeson, JP

(Quorum 8 members)

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

**AGENDA FOR A MEETING OF THE COUNCIL TO BE HELD AT WAITAKERE CENTRAL,
6 HENDERSON VALLEY ROAD, HENDERSON, WAITAKERE,
ON WEDNESDAY, 19 DECEMBER 2007
COMMENCING AT 5.30 PM**

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PART A - OPENING OF MEETING

1 OPENING PRAYER

Pastor Ross Wilson from the New Lynn Bible Chapel will say the Opening Prayer.



2 APOLOGIES



3 CONFIRMATION OF MINUTES

Extraordinary Meeting Minutes - 20 November 2007

RECOMMENDATION

That the minutes of the Extraordinary Meeting of the Council held on Tuesday, 20 November 2007, as circulated, be taken as read and now be confirmed.

*Page 12
Part H*

The public excluded minutes are attached at page 12 of the Confidential Supplement labelled Part H.



4 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 Chairman 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.



5 CONFLICTS OF INTEREST

The Council has acknowledged in its Code of Conduct that Elected Members need to be vigilant to stand aside from decision making when a conflict arises between their role as a member of the Council and any private or other external interest they might have. This note is provided as a reminder to members to check that no such conflicts arise in relation to any items on this agenda.



PART B - REPORT OF THE MAYOR

6 REPORT OF THE MAYOR

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

RECOMMENDATIONS

1. That the Report of the Mayor be received.
2. That Council supports hosting a two-day conference, 'The Future of Auckland', to discuss the future of local government in Auckland, with particular regard to the Royal Commission on Regional Governance.
3. That Council officers report back to the Policy and Strategy Committee on options for hosting a conference on 'The Future of Auckland'.



PART C - REPORTS OF NEW LYNN COMMUNITY BOARD, WAITAKERE COMMUNITY BOARD, MASSEY COMMUNITY BOARD, HENDERSON COMMUNITY BOARD AND WAITAKERE YOUTH COUNCIL

7 NEW LYNN COMMUNITY BOARD

THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON MONDAY, 3 DECEMBER 2007

MATTERS CONSIDERED

*Pages 1-15
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 1 to 15 in the supplement labelled Part C.

The Board Recommends:

That the report of the Meeting of the New Lynn Community Board held on Monday, 3 December 2007 be received.

GPJ Marshall
CHAIRMAN



8 **WAITAKERE COMMUNITY BOARD**

THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON TUESDAY, 4 DECEMBER 2007

MATTERS CONSIDERED

*Pages 16-22
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 16 to 22 in the supplement labelled Part C.

The Board Recommends:

That the report of the Meeting of the Waitakere Community Board held on Tuesday, 4 December 2007 be received.

KJP Witten-Hannah, JP
CHAIRMAN



9 **MASSEY COMMUNITY BOARD**

THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON WEDNESDAY, 5 DECEMBER 2007

MATTERS CONSIDERED

*Pages 23-27
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 23 to 27 in the supplement labelled Part C.

The Board Recommends:

That the report of the Meeting of the Massey Community Board held on Wednesday, 5 December 2007 be received.

JG Riddell
CHAIRMAN



10 **HENDERSON COMMUNITY BOARD**

THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON THURSDAY, 6 DECEMBER 2007

MATTERS CONSIDERED

*Pages 28-33
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 28 to 33 in the supplement labelled Part C.

The Board Recommends:

That the report of the Meeting of the Henderson Community Board held on Thursday, 6 December 2007 be received.

EAG Grimmer, MNZM
CHAIRMAN



11 **WAITAKERE YOUTH COUNCIL**

THE YOUTH COUNCIL SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON MONDAY, 3 DECEMBER 2007

MATTERS CONSIDERED

*Pages 34-36
Part C*

The Youth Council dealt with a number of items for which a copy of the minutes of the meeting is attached at pages 34 to 36 in the supplement labelled Part C.

The Youth Council Recommends:

That the report of the Meeting of the Waitakere Youth Council held on Monday, 3 December 2007 be received.

A Wadsworth
CHAIRMAN



PART D - REPORT OF THE CHIEF EXECUTIVE OFFICER

12 NEW LYNN TRANSIT ORIENTATED DEVELOPMENT - ONTRACK LAND ACQUISITIONS AND RELATED ISSUES

GLOSSARY

Auckland Regional Transport Authority	(ARTA)
Fletcher Construction Limited consortium	(Fletcher)
New Zealand Railways Corporation	(ONTRACK)
Planet Kids Limited	(PKL)
Public Works Act 1981	(PWA)
New Lynn Transport Orientated Development	(New Lynn TOD)

PURPOSE OF THE REPORT

The purpose of this report is to provide delegated authority to the Chief Executive Officer to enable him to complete negotiations with New Zealand Railways Corporation (ONTRACK) in respect of the following:

- Council land required by the Crown for the purpose of the railway undergrounding project at New Lynn;
- Relocation of Council water, wastewater and stormwater services required to enable construction of the rail trench;
- Determining the scope of works to be carried out jointly with ONTRACK.

BACKGROUND

Planning for the proposed undergrounding of the railway at New Lynn is well advanced. ONTRACK advises that enabling works will commence in December 2007. Final design of the trench is now being completed.

A1 The final design has disclosed that the rail "box", which must also accommodate double tracking, cannot be contained within the existing boundaries of the rail corridor. Strips of land are required on either side of the rail corridor to accommodate the proposed structure, generally as indicated in the plan attached to this report at page A1.

Part of the land required is owned by Cambridge Clothing. ONTRACK advises that it has reached an accommodation with that company under an arrangement which involves a land swap. The balance of the land required is owned by the Council either in fee simple (the land to the north and south of the rail corridor to the west of Rankin Avenue) or for road.

The Council land on the southern side of the rail corridor (1A Rankin Avenue) is leased to Planet Kids Limited (PKL) and is operated as a Lollipop's child care facility. ONTRACK will negotiate directly with PKL to acquire that company's leasehold interest in the land required by the Crown.

STRATEGIC CONTEXT

New Lynn town centre is identified in the Auckland Regional Growth Strategy as a key growth node and transport centre. Facilitating an integrated transport and land use development plan that will assist a shift from current low-density development, toward suitable intensification and mixed uses will attract quality amenity, businesses and workers. The undergrounding of the railway at New Lynn is critical to the future development of the New Lynn Town Centre.

ISSUES

ONTRACK has kept the Council reasonably informed during the design process for the undergrounding at a New Lynn. Earlier iterations of ONTRACK's plans have indicated or extended encroachments on to Council land. Council officers are satisfied with the assurances given by ONTRACK that the extent of the proposed an encroachment has been minimised as far as is practicable in the circumstances.

The work in the rail corridor is a public work and accordingly the Crown is entitled to exercise the powers under the Public Works Act 1981 (PWA) to acquire the land in question. It is proposed that the relevant transactions be completed by agreement without the necessity to resort to compulsory acquisition process.

In that context the only issue for determination by the Council is the means by which the relevant parcels of land are made available to the Crown. In this regard there are 2 practicable options:

- a sale of the land in fee simple;
- a sale of the land in strata;
- a long-term lease of the land either in fee simple or strata.

In relation to these options reference to "*in fee simple*" is a reference to the land without limitation as to height and the reference to "*in strata*" is a reference to the land limited in height. Because the rail box is to be constructed below ground level it is practical to consider satisfying the Crown's requirements by only transferring to it the land below the surface of the land. The PWA expressly authorises the purchase of land "*in strata*" for public works purposes.

ONTRACK has proposed a purchase of the land owned by the Council to the west of Rankin Avenue in fee simple. This is because the railway is starting to emerge from the ground once it crosses Rankin Avenue (heading west). Officers believe that this proposal is reasonable and sensible since it is difficult to see how the airspace above the land required by the Crown could be put to any practical use in the future. The sale of these strips of land would proceed in accordance with PWA with compensation payable in accordance with the requirements of that Act i.e. land at market value plus compensation for any other injurious affection.

The position is, however, different in respect of the parcels of land held by the Council as road. In this regard there are two relevant considerations:

- the terms upon which ONTRACK grants licences to occupy railway land;
- the fact that the land in question is held by the Council for road.

Licence to occupy railway land

Where, as here, the intention is that roading activities will continue over part of the land once the rail box has been constructed, if the fee simple is sold it would be necessary for the Council to be granted a licence by the Crown to carry on those activities in the future once the rail box had been constructed. The terms upon which such licences are granted are generally innocuous but they do contain indemnity provisions which are potentially very onerous. This flows from the philosophical position adopted by ONTRACK that rail takes precedence within the rail corridor, so that persons using the rail corridor do so at ONTRACK's pleasure and on terms which ensure that the interests of rail are paramount.

This last point is well demonstrated by the strip of land proposed to be acquired along Totara Avenue. The existing footpath on the southern side of Totara Avenue is contained within railway land and is presently occupied by the Council under licence. In its current configuration, with adequate fencing, the use of railway land for pedestrian purposes gives rise to a low risk to the Council under its indemnity.

A2 Attached at page A2 is a cross-section diagram which indicates the extent to which in the rail box will encroach within the existing carriageway. It is proposed that the southern traffic lane will be physically supported by the rail box. If the Council was to sell the fee simple of the land to the Crown then a licence would need to be granted for the pedestrian and cycle pathway over the rail box and also for the southern traffic lane which will be supported by the rail box itself.

The sort of licence that would be granted would require the Council to vacate the area occupied if in the future the rail box was not sufficiently strong to support the continuing use of that part of the corridor for pedestrian, cycle or vehicular traffic. The Council would be in a poor bargaining position to force the Crown to expend money to undertake the necessary structural repairs to support the Council's road.

By contrast if the Council sells or leases the strata below the surface of the road only it would retain a position where it would be able to impose positive obligations upon the Crown to provide ongoing support for at least vehicular traffic and perhaps also for pedestrian and cycle traffic along the southern side of Totara Avenue.

Land held as road

Somewhat curiously the PWA makes express provision for a "short cut" method of setting aside land held as reserve, foreshore or seabed, or wildlife sanctuary for a public work but there is no similar provision for land held for road. It is therefore not clear under PWA whether the Council must first go through road stopping procedures (under the Local Government Act 2002 or under PWA) as a precondition to the disposal of land held for road by way of sale. The Railways Act 2005 provides, at Section 84, that *"if part of the road is used or occupied for a railway line (other than at a level crossing), that part of the road ceases to be a highway"*. However, this provision appears in the part of that Act which deals with the interrelationship between rail traffic and road traffic and appears to be only concerned with the vacating the common law rights of the public to use a 'highway'. Given the urgency with which it is proposed that this work proceed there is a natural preference to proceed in a manner which is least likely to result in any proposal to transfer, or make available, the land to the Crown for railway purposes becoming entangled in potential legal complexity resulting in delay. This potential complication arises if it is proposed to sell the fee simple or strata title in the land.

Section 341 of the Local Government Act 1974 authorises the Council to grant leases of the airspace above, or the subsoil below, land held by it for road. If the airspace or subsoil is leased under this section the land continues to be road (but to the extent that it is relevant, Section 84 of the Railways Act 2005 takes effect to ensure that the particular land is not 'highway'). There are no complications arising in relation to the need to stop the road. The following process would be followed:

- The area of land required for the rail box structure would be defined by survey in strata, limited in height to the top of the structure;
- The Crown would exercise its powers under PWA to acquire a leasehold interest in the land so defined;
- Since the area of land is defined on a survey plan, the Council would be able to grant a long term lease (for significantly more than 35 years) upon terms which required the Crown, as tenant, to ensure that the structure built within the leased premises is maintained in such a way that it continues to give support to the roadway, footpath and cycleway above. Valuation advice would be taken to determine the appropriate level of rental payable (if any).

- The Council would also grant a licence to the Crown to enable the construction of the rail box. This will necessitate the exercise of the Council's powers under Section 342 of the Local Government Act 1974 to put a temporary traffic prohibition in place to enable construction of the rail box under the road. Clause 11 (a) of Schedule 10 specifically authorises the temporary prohibition of traffic "*after consultation with the police and the Ministry of Transport... while... any... apparatus under ... the road is being constructed*". The Council's powers under Clause 11 (except for Clause 11(e), which relates to temporary traffic prohibitions for exhibitions, fairs, markets, film making, sporting events and the like) are able to be delegated to a nominated Council officer.

Services under the rail corridor

There are a range of Council services constructed under the rail corridor in the locality of the proposed undergrounding. ONTRACK has informed Council that it is Council's financial responsibility to meet the costs of relocating those services to enable the undergrounding to proceed. (The same advice has also been given to Vector and to Watercare.)

The basis upon which ONTRACK has taken this view is unclear. It may be that it flows from the particular deeds of grant (easements) entered into at the time these works were undertaken but the Council has been unable to locate any relevant documentation within its records. It has asked ONTRACK for copies. It may be that ONTRACK's view flows from Section 74 of the Railways Act 2005 which provides that where a sewage or stormwater drainage system under the control of a local authority is located within the rail corridor the cost of maintaining the drain must be borne by the local authority. There is however no mention in Section 74 of any requirement that a local authority must relocate its sewage or stormwater drainage systems to accommodate other physical works within the rail corridor.

From a territorial authority's perspective ONTRACK's view seems unprincipled. There are services laid in the Council's roads in respect of which, by statute, the Council cannot charge rental. When the Council is undertaking a roading project which requires the relocation of those services the cost of relocation of those services is part of the project cost rather than a cost to the owner of the services. Attempts to persuade ONTRACK to take a similar approach to the cost of relocating services within the rail corridor have not been successful to date.

The Council is therefore presently in a difficult position. On the one hand it does not wish to pay for work for which it may not have any legal responsibility and for which there is no budget. On the other hand it does not wish to be idle, at the potential for a lack of action on its part to delay the undergrounding work. Accordingly Council officers are proceeding with investigations into the nature and extent of the work necessary to relocate the relevant services, to prepare plans and specifications for that work and will, if necessary, in due course seek the necessary financial approvals from the Council to enable it to proceed to undertake construction of the work.

In the meantime Council officers will continue to liaise with Vector and Watercare (both of which organisations are equally unhappy at the prospect of being saddled with this unbudgeted expense) and will continue to attempt to persuade ONTRACK to a different view. It may be that the dispute over the costs of this work will ultimately need to be settled at a political level. As a last resort the Council might also be able to achieve some leverage in the discussion by setting off the costs incurred against the Council's \$20 million contribution to the project.

Scope of Works and Funding Commitments

Council has been working closely with ONTRACK, ARTA and the Fletcher Construction Limited consortium (Fletcher) to establish the optimal programme to deliver the scope of works in accordance with the concept plan signed off by Council on 10 October 2007.

The basic construction requirement of the Fletcher contract is to place the rail track in a trench below existing ground level.

However, there will be opportunities to enhance the project by adding to the basic contract a number of components such as the following:

- Road bridges;
- Cycleways;
- Transport interchange.

It is proposed to work with ONTRACK and Fletcher to establish the cost and timing for construction of these components. The timing for decision making is such that a commitment will need to be made in principle during January 2008, with confirmation by Council of any contractual arrangement by 28 February 2008.

An indicative timeframe for decision making is as follows:

- Extent of Council projects to be included in the Fletcher contract, to be advised to ONTRACK by 21 January 2008;
- Fletcher to confirm a targeted output cost by 14 February 2008;
- Council approval of any contracts by 28 February 2008.

Due to the timing constraints, it would be necessary for the Chief Executive Officer to be delegated authority to advise ONTRACK of any components that Council wishes to have included in the Fletcher contract. This does not necessarily mean that there is a contractual commitment and Council will have the opportunity to make the final decision.

Changes to Road Levels

The construction of the rail trench will require changes to existing road levels and these will need to be changed in accordance with the requirements of Section 330 and Schedule 13 of the Local Government Act 1974.

The Act requires the changes to be publicly notified, with a hearing by Council at least one month after public notification.

In order to expedite the process, it is recommended that the Chief Executive Officer be delegated authority to give notice of the Council's intention to fix new road levels once detailed information has been received from ONTRACK as to the changes required. This would then be followed by a hearing of submissions received, if any. The delegation for dealing with such matters lies with the Finance and Operational Performance Committee. Some consideration may need to be given as to whether the delegation properly sits with that Committee, in the light of the fields of activity of the Infrastructure and Works Committee and the particular responsibilities of that Committee for development issues at New Lynn.

RESOURCES

The 2006-2016 Long Term Council Community Plan provides funding of \$77,882,000 for New Lynn Transport Orientated Development (New Lynn TOD) related projects. However, the funding assumes certain levels of contribution from Land Transport New Zealand.

Since the time that the 2006-2016 Long Term Council Community Plan was prepared, there have been a number of significant changes which will have an impact on the funding required for the New Lynn TOD project, including the following:

- Inflation for transport projects of 15% compounding per annum;
- The requirement from the Crown that Council provides \$20 million contribution towards the rail trench;
- The possibility of ARTA providing funding for the transport interchange;
- The possibility of identifying alternative funding sources through targeted rates or development contributions.

Council officers are working through the detailed cost estimates and will also be taking into account pricing provided by Fletcher in order to provide Council with an updated cost estimate. The revised cost estimates will be submitted to the Finance and Operational Performance Committee at its February 2008 meeting, prior to making any contractual commitments.

In the meantime, there is a need for a commitment to be made of up to \$5 million to cover the cost of service relocations. This does not mean that Council accepts ONTRACK's view that Council is liable, and Council will be vigorously contesting this.

CONCLUSION

The Crown has the power to acquire the additional land it requires for the New Lynn undergrounding project under the PWA. The proposal to purchase the fee simple in the land to the west of Rankin Avenue is sensible. In respect of the land held by the Council for road the simplest solution is to lease the subsoil to the Crown.

ONTRACK is proposing that Council meet the cost of services relocation within the rail corridor to accommodate the undergrounding project. Planning for this work needs to be undertaken, notwithstanding that the liability for the cost of this work may be disputed.

The work at New Lynn will necessitate some changes to existing road levels. The Changes need to be notified as soon as the levels are available

RECOMMENDATIONS

1. That the New Lynn Transit Orientated Development - ONTRACK Land Acquisitions and Related Issues report be received.
2. That the Chief Executive Officer be delegated authority to negotiate agreements under the Public Works Act 1981 with the Crown for the sale or leasing (including licences to occupy for construction purposes) of land at New Lynn owned by the Council required by the Crown for the purpose of undergrounding of the railway line at New Lynn and to settle the terms of any compensation payable in accordance with the advice of a registered valuer.

3. That the Council officers be directed to continue to negotiate with ONTRACK over the costs of relocating services under the rail corridor for the purposes of the undergrounding project and in the meantime to continue with the planning and design work necessary to enable services relocation to occur on a timely basis having regard to the project timeline for the undergrounding project.
4. That the Chief Executive Officer be delegated authority to enter into any deeds of grant (easements) for services under the rail corridor, or licence arrangements in relation to the use of land or airspace within the rail corridor for pedestrian or cycleway purposes, which become necessary or desirable as a result of the undergrounding of the railway line at New Lynn.
5. That the Chief Executive Officer be delegated authority to include in the scope of works to be carried out by ONTRACK, through the Fletcher Construction Limited consortium, any works which are Council funded and are part of the New Lynn Transit Oriented Development project, in order to provide an optimal cost for construction of these works. (For the avoidance of doubt, this delegation does not authorise the Chief Executive Officer to enter into a contract to undertake those works without a further approval from the Council once costs are known.)
6. That the Chief Executive Officer be delegated authority to notify Council's intention to change road levels in the locality of the New Lynn Transport Orientated Development project in accordance with Section 330 and Schedule 13 of the Local Government Act 1974.
7. That the Chief Executive Officer be delegated authority to provide an undertaking to ONTRACK to fund the cost of relocating water, wastewater and stormwater networks as necessary to facilitate construction of the rail trench.
8. That a report be submitted to the Finance and Operational Performance Committee in February 2008 to finalise the funding arrangements for the New Lynn Transit Oriented Development project.

Report prepared by: Denis Sheard, Manager: Legal Services, and Tony Miguel, Group Manager: Asset Management.



13 **NORTH SHORE CITY STORMWATER AND WASTEWATER NETWORK CONSENTS APPEAL**

PURPOSE OF THE REPORT

The purpose of this report is to seek Council's approval to lodge an appeal with the Environment Court, opposing the Auckland Regional Council's resource consent conditions relating to the North Shore City Council stormwater and wastewater network discharge consent applications.

BACKGROUND

Under the Resource Management Act 1991, Council and other stormwater and wastewater network operators had existing use rights for discharges to the environment from these networks until 2001.

Council initiated a work programme to address this issue in 1999/2000, but progress has been delayed due to the introduction by the Auckland Regional Council of new requirements through the Air, Land and Water Plan.

North Shore City Council has proceeded with its consent applications, although Environment Court appeals to the Air, Land and Water Plan have not been resolved.

The issue for Council is that once the consent applications for North Shore City have been approved, they will create a precedent for other network consent applications.

On a regional basis it has been estimated that the cost of compliance could be in the order of \$2 to \$3 billion. Therefore, it is essential that Council is involved in the process to protect its interests and optimise costs.

STRATEGIC CONTEXT

The provision of stormwater and wastewater services is essential to protect public health and safety, however these services have a number of adverse effects on the environment.

Council's strategy is to provide 3 water services to minimise environmental effects through a number of tactical actions outlined in the 3 Waters Strategy and the Assessment of Water and Sanitary Services.

ISSUES

As required by the Resource Management Act 1991, North Shore City Council has applied for resource consents, to authorise various discharges and activities that are necessary for the operation of that Council's stormwater and wastewater networks. The consent applications address the diversion of stormwater through the network; the discharge of stormwater, the discharge of wastewater overflows, and passive odour discharges that may occur from the existing network and from identified future extensions of the network. The applications also cover the use and maintenance of existing network structures (dams, inlet and outlet structures, and pump stations), and some planned network upgrading works. All existing consents will be superseded by these network consents.

North Shore City Council has applied for each of these consents on a citywide basis, but has developed integrated catchment management plans on the basis of seven combined drainage catchments, that cover all the catchment areas of the city. North Shore City Council has been working with the Auckland Regional Council and its community to develop detailed supporting information and management options.

The consent applications include the following:

- an application for a Network Consent to Discharge Stormwater to land and water located outside the Coastal Marine Area.
- an application for Network Consent to Discharge Stormwater to land and water located inside the Coastal Marine Area.
- an application for Network Consent to Discharge Wastewater to land and water located outside the Coastal Marine Area.
- an application for Restricted Coastal Activity Consent to Discharge Wastewater to land and water inside the Coastal Marine Area.
- an application for Consent to Discharge Contaminants to Air arising from the stormwater and wastewater network.
- an application for Coastal Consent to occupy and use part of the Coastal Marine Area by existing wastewater and stormwater network structures, and minor new wastewater and stormwater network structures, owned and operated by North Shore City Council.

- an application for Coastal Consent to disturb the Coastal Marine Area for the purposes of repairing and maintaining existing wastewater and stormwater network structures, and to provide for minor works associated with the construction of minor new wastewater and stormwater network structures, owned and operated by North Shore City Council.
- an application for a Stream Work Consent to authorise the use (including the diversion of water) of stormwater and wastewater network structures. construction and use of various minor new structures, and disturbance associated with carrying out those activities.
- an application for a Dam Consent to authorise the damming, diversion and use of water by stormwater dams, and the construction and use of various minor new structures.

North Shore City Council has advised that in its view, it has developed an affordable and reasonable programme and Waitakere has supported this approach.

The Auckland Regional Council advised Council of its decision in relation to the above consents on 2 November 2007, and North Shore City Council has since appealed the decision. Some of the key reasons for the appeal are as follows:

- The term of the consent is less than 35 years. This is significant as the relatively short duration granted by the ARC means that the consents would have to be re-applied for and the duration of works required for compliance should have an economic life of at least 50 years.
- The ARC has given insufficient weight to community views and affordability.
- The timeframes for various works and plans are unrealistic.

A3-A5

Included at pages A3 to A5 is a copy of North Shore City Council's appeal.

Of general concern is the over-prescription by the Auckland Regional Council of the detailed management of the stormwater and wastewater networks, and also that the conditions do not recognise financial constraints and issues of affordability.

A further purpose for appealing is that these consents are among the first to be issued under the Proposed Regional Plan: Air, Land Water for stormwater and wastewater networks. The Auckland Regional Council is still developing their interpretation of the Plan, and it is essential that Council provide input into the conditions for these particular consents.

Council is entitled to be a party to the process under Section 274 of the Resource Management Act 1991. It is recommended that authority be granted to submit an appeal in order to protect Council's position.

RESOURCES

It is proposed to obtain legal advice to ensure consistency with Council's submission to the Air, Land and Water Plan and related resource consent applications and this has been budgeted for in the stormwater and wastewater network consents program in the 2007/2008 Annual Plan.

CONCLUSION

The consent conditions for the North Shore City Council stormwater and wastewater network discharge consents will have a significant impact on the environmental standards for these networks and hence cost to ratepayers. The Auckland Regional Council advised Council of its decision in relation to these consents on 2 November 2007, and North Shore City Council has since appealed the decision.

It is recommended that a Section 274 notice (appeal) be lodged to protect Council's position.

RECOMMENDATIONS

1. That the North Shore City Stormwater and Wastewater Network Consents Appeal report be received.
2. That the Chief Executive Officer be delegated authority to lodge an appeal with the Environment Court regarding the North Shore City Stormwater and Wastewater Networks Consent Conditions be endorsed.

Report prepared by: Tony Miguel, Group Manager: Asset Management.



14 DIRECTORS' REMUNERATION - WAITAKERE CITY HOLDINGS LIMITED AND WAITAKERE PROPERTIES LIMITED

PURPOSE OF THE REPORT

The purpose of this report is to provide information to the Council on remuneration for Directors of Waitakere City Holdings Limited and Waitakere Properties Limited and for the Council to review remuneration levels with effect from 1 July 2007.

BACKGROUND

The Council has established Council Controlled Organisations to undertake specific activities on behalf of the Council.

The Council reviewed its governance arrangements for these organisations following changes to the Local Government Act in 2002. Remuneration reviews for Directors serving on these Boards has been spasmodic despite adopting a policy on 15 December 1999 that included the following:

"REMUNERATION

Directors' remuneration will be reviewed annually by each directorate and a submission prepared for the shareholder's consideration where any alteration to the status quo is recommended. Any such submission shall be supported by an external expert's report.

SETTING OF REMUNERATION LEVELS

Remuneration levels will be set according to the status of the appointee. It is the policy that:

External parties are to be remunerated in accordance with the expected level of work at a market rate.

Elected representatives are to receive no remuneration as directors. However, in recognition of the additional obligations, elected representatives are to be entitled to a meeting allowance to be paid by Waitakere City Council

Council officers are to receive no remuneration as directors.

OTHER FEES AND ENTITLEMENTS

For the avoidance of doubt, it is the policy of the group that directors may be reimbursed for disbursements incurred in the execution of their duties upon receipt of evidence and written confirmation of the validity of the charge. Any reimbursement of disbursements requires the authorisation of two other directors.

No director may be entitled to any other amount beyond the set annual fee without the specific prior authorisation of Council."

The Council at its meeting on 27 November 2002 adopted a report that concluded that "a comprehensive review of Board remuneration of Council Controlled Organisations would be timely as part of Council's review of governance issues in respect of such entities. The timing of this review should be coordinated with the current annual planning process" and subsequently adopted a recommendation to that effect. No comprehensive review has been carried out to date.

STRATEGIC CONTEXT

Council's mechanisms for the delivery of core Council services and achievement of sustainable social, economic, environmental and cultural outcomes include either ownership or control of a number of entities where Council is required to maintain appropriate governance structures. The creation of a strong local economy and more local jobs is the Council's prime strategic priority. For these entities to be effective and to meet the Council's outcomes requires the recruitment and retention of suitably qualified Directors. Meeting the market expectations for the remuneration of Directors aids that recruitment and retention.

ISSUES

Waitakere City Holdings Limited carried out a review of remuneration payable to Directors of Waitakere City Holdings Limited and Waitakere Properties Limited in July 2007 using the professional services of McLaren and Associates Limited, Management Consultants, of Wellington. This review was presented to a subsequent Board meeting of Waitakere City Holdings Limited who determined that the report should be forwarded to the Council for consideration.

This review covers Waitakere City Holdings Limited and Waitakere Properties Limited but does not include Waitakere Enterprise or Prime West Limited. Waitakere Enterprise is a Council Controlled Organisation because the Council has the power to appoint and remove trustees pursuant to the Trust Deed. It is proposed to include both of these organisations in the next remuneration review from 1 July 2008.

Remuneration payable to the Directors of Waitakere City Holdings Limited was set when the company was formed in 1999 and to the present day Board members have been paid Directors' fees of \$10,000 per annum. There is no additional sum currently for the Chairman.

Directors:	Bryan Mogridge (Chairman)	\$10,000 p.a.
	Ross Jewell	\$10,000 p.a.
	Harry O'Rourke	Nil

The fees for Waitakere Properties Limited were reviewed in 2005. Current fees payable are:

Directors:	Bryan Taylor (Chairman)	\$35,000 p.a.
	Rob Noakes	\$25,000 p.a.
	Neil Ranford	\$25,000 p.a.
	Ross Jewell	\$25,000 p.a.
	Harry O'Rourke	Nil

Harry O'Rourke is the Chief Executive Officer of Waitakere City Council and his directorships whilst he is the Chief Executive Officer are not remunerated. Payments will commence when his retirement from the Council takes effect.

A6-A7

The report from McLaren and Associates Limited is attached at pages A6 to A7. The report recommends a change in fees payable to Directors of Waitakere City Holdings Limited and a change to the fees payable to the Chairman of Waitakere Properties Limited.

RESOURCES

The existing funding from the Council and retention of some earnings enables the companies to cover the payment of Directors' remuneration and expenses.

CONCLUSION

The Council has a requirement to fix remuneration for, deal with, and conclude all contractual matters with the Directors of Waitakere City Holdings Limited and Waitakere Properties Limited. An independent review of remuneration with effect from 1 July 2007 was sought from McLaren and Associates Limited. The recommendation for changes to remuneration of Directors of Waitakere City Holdings Limited and Waitakere Properties Limited is in accordance with that advice.

RECOMMENDATIONS

1. That the Directors' Remuneration - Waitakere City Holdings Limited and Waitakere Properties Limited report be received.
2. That the remuneration payable to the Chairman and Directors of Waitakere City Holdings Limited and Waitakere Properties Limited be approved with effect from 1 July 2007, as follows:
 - Waitakere City Holdings Limited - Chairman \$30,000, Directors \$15,000;
 - Waitakere Properties Limited - Chairman \$40,000, Directors \$25,000.

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



15 RESIGNATION OF MEMBER OF NEW LYNN COMMUNITY BOARD

PURPOSE OF THE REPORT

The purpose of this report is to advise the Council of the resignation, from the New Lynn Community Board, of Kelly Schwalger.

BACKGROUND

Kelly Schwalger submitted her resignation from the position of New Lynn Community Board Member, for personal reasons, to the Chief Executive Officer on 29 November 2007. The Chief Executive Officer subsequently notified the Electoral Officer of the resignation on 3 December 2007.

STRATEGIC CONTEXT

The smooth functioning of the New Lynn Community Board contributes positively to the "Active Democracy" and "Strong Communities" strategic platforms of Council's Long Term Council Community Plan.

ISSUES

Section 54 (2) of the Local Government Act 2002 provides that Part 1 of Schedule 7 of the Local Government Act 2002 applies to Community Boards, with the exception of Clauses 15 and 33 to 36.

Section of 4 (2) of Schedule 7 of the Local Government Act 2002, provides that resignations take effect from the day they are delivered to the Chief Executive Officer, so Kelly Schwalger's resignation as a Member of the New Lynn Community Board is effective from 29 November 2007.

Section 5 of Schedule 7 of the Local Government Act 2002, provides that sections 117 to 120 of the Local Electoral Act 2001 apply to extraordinary vacancies.

Section 117 (1) of the Local Electoral Act 2001 prescribes that where a vacancy occurs in the office of an elected member of a community board more than 12 months before the next triennial general election, the vacancy must be filled by an election under that Act.

A8 The resignation has created an extraordinary vacancy on the New Lynn Community Board. The extraordinary vacancy must be dealt with as required by sections 117 to 120 of the Local Electoral Act 2002. Section 138A (1) (b) of that Act provides that where the Electoral Officer receives notice of the resignation in the period beginning 21 November and before 15 December the polling day must not be earlier than 7 March in the following year. A timetable has been established for the running of a by-election and is attached at page A8 for information.

RESOURCES

It is expected that the cost of running the by-election to fill the extraordinary vacancy on the New Lynn Community Board will be approximately \$70,000. This has not been provided for in the 2007/2008 Annual Plan, and will need to be allocated during the six monthly review.

CONCLUSION

An extraordinary vacancy has occurred on the New Lynn Community Board created by the resignation of Kelly Schwalger. The Council has no option but to run a by-election to fill that extra-ordinary vacancy. The Electoral Officer has been notified of the vacancy and has started the by-election process.

RECOMMENDATION

That the Resignation of Member of New Lynn Community Board report be received.

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



16 **NEW LYNN COMMUNITY BOARD BY-ELECTION - EARLY PROCESSING AND ORDER OF CANDIDATES' NAMES ON VOTING PAPERS**

PURPOSE OF THE REPORT

The purpose of this report is to seek Council approval for the early processing of the returned voting documents used at the New Lynn Community Board By-Election to fill the extraordinary vacancy created by the resignation of Kelly Schwalger, to be held on Friday, 7 March 2008. A decision is also sought as to the order in which candidates' names are to be shown on the voting documents used at that election.

BACKGROUND

By-Election

Kelly Schwalger has resigned from the position of New Lynn Community Board Member. This advice is covered in a separate report.

Section 117 (1) of the Local Electoral Act 2001 prescribes that where a vacancy occurs in the office of an elected member of a community board more than 12 months before the next triennial general election, the vacancy must be filled by an election under that Act.

Early Processing

Section 79 of the Local Electoral Act 2001 permits a local authority to process (but not count) returned voting documents over the voting period (Thursday, 14 February 2008 to Friday, 7 March 2008).

Order of Candidates' Names on Voting Documents

Formerly, candidates' names were required to be listed on the voting documents in alphabetical order, by surname.

Clause 31 (1) of the Local Electoral Regulations 2001 now allows the Council to decide whether the names are to be arranged on the voting documents in alphabetical order of surname, pseudo-random order or random order. In the absence of any Council resolution approving another arrangement, the candidates' names must be arranged in Alphabetical Order of Surname.

System of Election

On 31 August 2005 Council resolved by Resolution 1584/2005 to retain the First Past the Post system of election for the 2007 Triennial Elections. In terms of Section 27 of the Local Electoral Act 2001 this also applies to any associated election to fill any extraordinary vacancy. Accordingly First Past the Post will be the system used for the New Lynn Community Board By-Election to be held on Friday, 7 March 2008.

Method of Voting

In terms of Section 36 of the Local Electoral Act 2001, unless Council resolves otherwise the voting method used in all elections conducted by Council will be postal voting. In order to retain consistency with the method used in the 2007 Triennial Election, Council is not being asked to consider any change at this time. Postal voting will be the voting method used for the New Lynn Community Board By-Election to be held on Friday, 7 March 2008.

ISSUES

Early Processing

Early processing of voting documents was introduced for the 1998 Waitakere City Council elections (but restricted to 84 hours before the close of voting) and was used very successfully throughout the country. Because of the success of early processing in 1998 and the benefits which early processing provides, the early processing period was subsequently increased to the whole three-week voting period now provided under the current legislation. The immediate benefit of adopting early processing is that much, if not all, of the cumbersome and time consuming task of extracting and checking the voting documents is undertaken progressively over the 22½ day voting period (under strict security and under the supervision of a Justice of the Peace). This means a quicker and more accurate result can be achieved on polling day.

Order of Candidates' Names on Voting Documents

The features of the three arrangements of Alphabetical Order of Surname, pseudo-random order or random order are described below:

Arrangement 1 - Alphabetical Order of Surname

This is the order that has been required to be used at previous elections, and is self-explanatory. This arrangement has worked well in the past and is recommended for this By-Election.

Arrangement 2 - Pseudo-Random Order*

Under this arrangement, the candidates names for each issue are placed in a hat (or similar receptacle) mixed together, and then drawn out of the receptacle, with the candidates' names being placed on all voting documents in that issue in the order in which they are drawn.

(*Note: Although the term "pseudo-random order" is used in the Local Electoral Regulations to describe this arrangement, this is a somewhat imperfect description, in that the term "pseudo-random" is understood by mathematicians and/or information technology specialists to have a quite different meaning.)

Arrangement 3 - Random Order

Under this arrangement, the names of the candidates for each issue are shown in a different order on each and every voting document, utilising software that permits the names of the candidates to be laser printed in a different order on each paper.

The Local Electoral Regulations 2001 provide that if a local authority has determined that pseudo-random order or random order is to be used, the Electoral Officer must state, in the public notice required to be given, the date, time and place at which the order of the candidates names will be arranged. Any person is entitled to attend while the arrangement is in progress.

On 28 February 2007, Council resolved to use Alphabetical Order of Surname for the 2007 Triennial Elections. Accordingly, for consistency, it is recommended that Council use this arrangement for the New Lynn Community Board By-Election to be held on Friday, 7 March 2008.

RESOURCES

The cost of printing the voting documents employing either Arrangement 1 or Arrangement 2 will be identical. Should Council adopt Arrangement 3 (random order) there will be some increase in cost, because of the need to individually laser print each voting document. While it is not yet possible to give an estimate of the likely additional costs that will arise from this arrangement, they are not expected to be substantial. No additional costs will be incurred by undertaking early processing.

The estimate total cost for the By-Election is \$70,000 and this has not been budgeted for in the current year.

CONCLUSION

Early Processing

The Council is required to determine that it will permit early processing of returned voting documents over the voting period as allowed for under Section 79 of the Local Electoral Act 2001. The Electoral Officer strongly recommends that approval for early processing be given.

Order of Candidates' Names on Voting Documents

Formerly, candidates' names were required to be listed on the voting documents in alphabetical order, by surname. Council now has the option to continue with that arrangement or adopt a pseudo-random or random arrangement. The default position is that candidates' names must be arranged in Alphabetical Order of Surname. This is the arrangement adopted by Council for the 2007 Triennial Elections and is therefore the arrangement recommended for the New Lynn Community Board By-Election to be held on Friday, 7 March 2008

RECOMMENDATIONS

1. That the New Lynn Community Board By-Election - Early Processing and Order of Candidates' Names on Voting Documents report be received.
2. That the returned voting documents for the New Lynn Community Board By-Election to be held on Friday, 7 March 2008 be processed during the voting period, such early processing to be undertaken in accordance with Section 79 of the Local Electoral Act 2001, the Local Electoral Regulations 2001 and the Society of Local Government Managers' Code of Good Practice for the Management of Local Authority Elections and Polls.
3. That Council determine that the order the names of the candidates at the New Lynn Community Board By-Election to be held on Friday, 7 March 2008 are to be arranged in Alphabetical Order of Surname.

Report prepared by: Darryl Griffin: Electoral Officer.



17 APPOINTMENTS TO THE SWIMMING POOL EXEMPTION SUBCOMMITTEE

GLOSSARY

Fencing of Swimming Pools Act 1987 (The Act)

PURPOSE OF THE REPORT

The purpose of this report is to request that Council appoint six members to the Swimming Pool Exemption Subcommittee and determine the Chairman and Deputy Chairman.

BACKGROUND

The Fencing of Swimming Pools Act 1987 (The Act) enables territorial local authorities to grant a full or partial exemption from the requirements of the Act where such an exemption would not significantly increase danger to young children. This function of the Council has been delegated to the Swimming Pool Exemption Subcommittee, a subcommittee of the Planning and Regulatory Committee.

Following a District Court decision clarifying Council's legal position with regards to the fencing of swimming pools, the Swimming Pool Exemption Subcommittee was established by resolution of the Council on 24 November 2004;

"That the Swimming Pool Exemption Committee be established and the powers, functions and authorities set out in the delegation attached at page A19 to the Agenda be delegated to that Committee".

2104/2004

A9-A16 Prior to the establishment of the Committee in 2004, pool owners had been discouraged from applying to Council for an exemption due to the expense. The establishment of a Swimming Pools Exemption Committee allowed for cheaper, faster and a more certain way to dispose of applications for exemption. A copy of the report establishing the 2004-2007 Swimming Pool Exemption Subcommittee is attached at pages A9 to A16.

A17 A copy of 2007-2010 term delegations to the Swimming Pool Exemption Subcommittee is attached at page A17. These were adopted at the first meeting of Council on 31 October 2007, however, no members were appointed at that time.

ISSUES

Council officers have indicated that there is a backlog of requests for exemptions from the Act that need to be resolved by the Subcommittee. It is now timely to appoint the membership of the Subcommittee to allow this to occur.

RESOURCES

No additional resources are required, other than Council officers' time.

CONCLUSION

The establishment of a Swimming Pools Exemption Subcommittee is required in order for Council to fulfil its statutory obligations under the Fencing of Swimming Pools Act 1987. Council is requested to appoint six members to the Swimming Pools Exemption Subcommittee and determine the Chairman and Deputy Chairman.

RECOMMENDATIONS

1. That the Appointments to the Swimming Pool Exemption Subcommittee report be received.
2. That Council appoint six members to the Swimming Pool Exemption Subcommittee.
3. That Council determine the Chairman and Deputy Chairman of the Swimming Pool Exemption Subcommittee.

Report prepared by: Owena Schuster, Democracy and Governance Team Manager.



18 APPOINTMENT TO TE TAUMATA RUNANGA

GLOSSARY

Te Roopu Kaumatua o Waitakere (Te Roopu Kaumatua)

PURPOSE OF THE REPORT

The purpose of this report is to request that Council formally appoint a replacement representative and alternate representative from Te Roopu Kaumatua o Waipareira (Te Roopu Kaumatua) to Te Taumata Runanga.

BACKGROUND

Te Taumata Runanga was established as a committee of the Council in 1991. Since its inception, the member organisations of Te Taumata Runanga have nominated their representatives and alternate representatives on the committee according to their own processes. Upon the advice of member organisations, recommended appointments are subsequently presented to Council for consideration.

At its meeting on 25 July 2007, the Council received a report requesting that the representative and alternate representative for Te Roopu Kaumatua be replaced, further to advice received from Te Roopu Kaumatua. This advice stated that Denis Hansen and Jim Brown had been nominated by Te Roopu Kaumatua to replace Poata Northcroft and Takangaroa Moanaroa as the representative and alternate representative for Te Roopu Kaumatua respectively. The Council subsequently resolved as follows:

“That the Council refer the representation of Te Roopu Kaumatua o Waipareira on Te Taumata Runanga back to Te Roopu Kaumatua o Waipareira and Te Taumata Runanga for further consideration.”

3120/2007

This matter was referred to the September 2007 meeting of Te Taumata Runanga, where it was resolved:

“That Te Taumata Runanga decline to provide advice to Council regarding the representation of Te Roopu Kaumatua o Waipareira on Te Taumata Runanga, and advise that it regards the matter as between Council and the nominating organisation”

3540/2007

The matter was also referred to Te Roopu Kaumatua, initially via a letter to their Secretary and subsequently by attendance at their October 2007 meeting

ISSUES

This is the first occasion where the Council has not immediately appointed representatives to Te Taumata Runanga upon the advice of one of the committee's member organisations. The reasons for the deferral of the Council's decision on this matter, as expressed to Te Roopu Kaumatua in the aforementioned letter, are outlined below:

“One of the reasons for the deferral of their decision is that the Council are not currently accepting appointments, as the Local Body Elections are in October, and appointments may be reviewed by the new Council following the Elections. The Council is also mindful of the review of Te Taumata Runanga currently taking place, and the implications this may have around how members are appointed to Te Taumata Runanga

Concern was also expressed by some of the Councillors regarding the appropriateness of one of the recommended appointees, Denis Hansen. Therefore, this matter has been referred back to Te Taumata Runanga and Te Roopu Kaumatua o Waipareira for further consideration."

Since deferring its decision on the proposed appointments, the Council has received further advice from Te Roopu Kaumatua, who has restated its request that Denis Hansen and Jim Brown are appointed as its representative and alternate representative on Te Taumata Runanga respectively.

Furthermore, advice has been received from Te Taumata Runanga emphasising that the matter of appointments to Te Taumata Runanga is between the Council and the respective member organisation.

CONCLUSION

At its 25 July 2007 meeting the Council referred the matter of the appointment of representation from Te Roopu Kaumatua to Te Taumata Runanga to both of the said bodies for further consideration. Further advice has subsequently been received, and the matter is now brought back to the Council for consideration. Te Roopu Kaumatua has not amended its original advice regarding its nominated representatives. Te Taumata Runanga has advised that it regards this matter as being between the Council and the nominating organisation.

RECOMMENDATIONS

1. That the Te Taumata Runanga Appointment report be received.
2. That Denis Hansen be appointed Te Roopu Kaumatua o Waipareira representative of Te Taumata Runanga replacing Poata Northcroft, and Jim Brown be appointed as alternate Te Roopu Kaumatua o Waipareira representative on Te Taumata Runanga replacing Takangaroa Moanaroa.

Report prepared by: Wayne Knox, Manager Maori Relationships and Ngareta Delamere, Committee Secretary.



19 APPOINTMENT OF COUNCILLORS TO EXTERNAL AND OTHER ORGANISATIONS

PURPOSE OF THE REPORT

The purpose of this report is to enable Council to consider a number of appointments to external and other organisations.

BACKGROUND

At its first meeting on 31 October 2007, Council made a number of appointments to external and other organisations that required representatives to be in place as soon as possible after the elections. At that meeting it was resolved;

"That appointments to the other external organisations and or ad hoc organisations/ ad hoc bodies be referred to the appropriate Committees or to subsequent Council meetings for consideration."

3673/2007

The appointments made by the previous Council to other organisations were generally categorised into the following groups:

- Appointments that Council has a statutory obligation to make;
- Appointments made pursuant to a deed establishing the organisation, or some other management or shareholders agreement entered into with the Council;
- Appointments that Council has made out of tradition, desire or request.

A18-A27 A schedule of appointments that now needs to be actioned is attached to the Agenda at pages A18 to A27.

ISSUES

A schedule was distributed to Councillors detailing organisations that have in previous years have had a Councillor appointed to their governing bodies. A presentation was made by the Director: Quality Assurance questioning the continuance of these appointments and the schedule was circulated for feedback.

The Council requested that a further check be undertaken to establish whether trust deeds required appointments and the necessary action to amend those deeds where it is determined that appointments are no longer deemed appropriate.

In addition, a number of organisations to which Councillors had been appointed to for the 2004-2007 term, have indicated that they do not require a Councillor on their governing bodies. This is indicated on the schedule.

The Council has informally decided not to appoint Councillors to some organisations and in some cases to invite Community Board members to consider appointments instead.

A18-A27 The schedule attached at pages A18 to A27 indicates those organisations where appointments should continue to be made, and in some cases who has volunteered for that appointment as well as those organisations where appointments are no longer considered appropriate. Explanations of the various organisations are included in the table contents.

RESOURCES

No further resources are required as Elected Members are remunerated by way of a salary that covers all appointments. Provision is made for the reimbursement of any expenses occurred on official Council business.

CONCLUSION

A18-A27 That Council consider the appointments of Councillors to external and other organisations as recommended in the schedule attached at pages A18 to A27.

RECOMMENDATIONS

1. That the Appointment of Councillors to External and Other Organisations report be received.
2. That Council determine appointments to external and other organisations as per the schedule of organisations attached to the Agenda at pages A18 to A27, with the tenure of office being effective within Council's current term.
3. That except where specifically provided in terms of a Trust, Council appointees are not permitted to vote in a manner contrary to Council's policy or directive.

Report prepared by: Owena Schuster, Democracy and Governance Team Manager.



20 COMMUNITY OUTCOMES AND STRATEGIC PLATFORMS MONITORING AND REPORTING

GLOSSARY

Long Term Council Community Plan (LTCCP)
Local Government Act 2002 (LGA)

PURPOSE OF THE REPORT

The report is seeking endorsement of this approach for monitoring and reporting for the Community Outcomes and Strategic Platforms.

BACKGROUND

The Local Government Act 2002 (LGA) requires Council to facilitate a process to develop a set of Community Outcomes. The Community Outcomes consultation process allows residents to state their desired social, environment, cultural and economic outcomes for their communities. These Community Outcomes then inform and guide the work of Council, through the Long Term Council Community Plan (LTCCP) and other organisations, such as Central Government. In 2005 the Council undertook a series of consultations with the community and key stakeholders to produce the community outcomes. The result was eight Community Outcomes and six Maori world view Community Outcomes.

Council is required to report progress made by itself and others in achieving the outcomes. Specifically Section 92 of the LGA states:

“A local authority must monitor and, not less than once every three years, report on progress made by the community of its district or region in achieving the Community Outcomes for the district or region.

A local authority may decide for itself how it is to monitor and report under subsection (1), but the local authority must seek to secure the agreement of organisations and groups identified under Section 91(3)(a) to the monitoring and reporting process, including the incorporation of any research, monitoring, or reporting undertaken by those organisations and groups.”

Groups according to Section 91(3)(a) are “*other organisations and groups capable of influencing either the identification or the promotion of Community Outcomes*”. Monitoring and reporting is seen to encompass both numerical and narrative processes.

STRATEGIC CONTEXT

Council is legally required to monitor progress against the Community Outcomes. These outcomes are a key aspect of the context for the setting of the strategic direction for the City and the Council through the Strategic Platforms. Their measurement provides an agreed base of data for analysis, dialogue and identification of areas for action. It also provides a benchmark for reporting progress.

ISSUES

Community Outcomes

Volume three of the current LTCCP 2006-2016 contains a number of indicators ‘of success’ that were selected to demonstrate progress in achieving the Community Outcomes. Specific measures were not identified as other contributing agencies’ input was required to ensure appropriate measures were used. Subsequently work has been progressed to identify the specific measures and collect data against these to fulfil our reporting requirements. As the data collection progressed it was found that for some of the proposed indicators data was either not collected or was not easily available, data sets for some of the indicators required further definition; ‘health statistics’ for example and some of the indicators are better expressed through narratives, such as case studies and examples.

A28-A32

Therefore some development has been required to finalise the measures. It should be noted that these proposed measures give indication of progress towards achieving the statements of the Community Outcome. It is not a comprehensive list of every possible measurement and it is anticipated that other data will be considered as required for identifying actions. The process for producing the measures has been to take the intent embodied within the outcomes, identify the key ideas in these statements and produce measures that encapsulate their meaning. A focus has been to ensure that such changes are in line with what has been recorded in the LTCCP. The list of measures for the outcomes is attached at page A28 to A32.

To enable a fuller picture for many of the outcomes and their supporting statements, the monitoring document will include a case study of an event or programme, of either the council or another agency. This is particularly useful in the framework for the maori Community Outcomes. It is worth noting that this technique was used in the Waitakere Wellbeing Report and indeed elsewhere in the country for similar reasons and has been well received.

A hui with Maori representatives has occurred to discuss the specific indicators to be used to monitor the Maori community outcomes and the overall monitoring approach. The attendees, some of whom participated in developing the maori Community Outcomes, were presented with a proposed list of measures associated with each outcome. This group expressed a strong desire for the monitoring report to highlight the range and success of many of the programmes being run in the city that align with the community outcomes.

A requirement of the Community Outcomes monitoring is that Council seek agreement with agencies on the monitoring approach. Key agencies who are involved in achieving the outcomes were involved in the development of the indicators through inter-agency meetings. A strong focus has been on meeting with social agencies involved with the Wellbeing Project and the strong interest in social measures. There was strong support for the proposed measures and the focus on narratives and case studies. Letters to key agencies capable of influencing the Community Outcomes are in the process of being sent out. These letters will outline the overall monitoring framework to be used, request any additional research that could be incorporated into the report as well as the proposed set of measures. This process allows Council to fulfil its legislative requirement around seeking input of other agencies capable of contributing towards and achieving the Community Outcomes.

Strategic Platforms: Council's response to Community Outcomes

Council has defined its direction and response to the Community Outcomes through the nine Strategic Platforms. These Platforms also had indicators associated with them and published in the Waitakere City LTCCP 2006-2016 and to be used to measure success. Data for some of these measures has been difficult to obtain and other data sets have required further definition. Therefore some changes have been required to the list of Strategic Platform measures.

A28-A32

The intent of some Strategic Platforms and Community Outcomes is strongly aligned. For example the Urban and Rural Villages Platform has a strong overlap with the Community Outcome (e.g. Urban and Rural Villages) in their intent and focus. Other Platforms have less overlap. For example the Strong Communities Platform has an emphasis on health and physical activity not covered under the Strong Communities Community Outcome. Therefore Strategic Platform specific measures are included where the intent and focus is different. For example the data on physical activity is specific to the strong communities Platform given the focus on health. Attached at pages A28 to A32 includes the indicators for the Platforms under the most appropriate Community Outcomes.

Achievement reporting approach and timeline

The LGA requires that progress toward the Community Outcomes be reported at least once every three years. The Waitakere Community Outcomes Progress Report 2007 will include statements and examples of what council and other agencies are doing to achieve the Community Outcomes and the list of measures.

Given the overlap between the Community Outcomes and Council's Strategic Platforms, it is proposed to produce a single report. The report will be framed around the Community Outcomes but clearly show the relationship to the Strategic Platforms measures.

RESOURCES

Funding has been set aside to publish the monitoring report in the 2007/2008 financial year. The report is to be completed by the end of December 2007. The report will be published in hard copy form and loaded onto Council's website.

CONCLUSION

A comprehensive list of measures/indicators to report progress against the Community Outcomes and Strategic Platforms has been developed. Most of the data for these measures has been collected. Discussions with key agencies have highlighted the need to include other ways of monitoring progress, such as highlighting actions and in depth case studies. Discussion of the measures is being used to inform dialogue on contributions to achieve the Community Outcomes. These will add some depth to the monitoring framework and also provide the community with a useful overview of how the council and others are achieving the Community Outcomes.

RECOMMENDATIONS

1. That the Community Outcomes and Strategic Platforms Monitoring and Reporting report be received.
2. That Council endorse the approach for monitoring and reporting framework for the Community Outcomes and Platforms.

Report prepared by: Regan Solomon, Strategic Research and Evaluation and Mark Allen, Strategic Advisor, Community Outcomes and Partnering.



21 ALDERMAN AND EDMONTON ROADS INTERSECTION UPGRADES

PURPOSE OF THE REPORT

The purpose of this report is for Council to approve an option for the upgrade of two intersections on Alderman Drive, Henderson - Alderman / Edmonton intersection and Alderman / Sel Peacock intersection.

BACKGROUND

These projects have previously been reported to the City Development Committee and consulted with the public.

At its meeting of 3 August 2006 the City Development Committee received a report on the results of analysis on the proposed intersection upgrades and recommended an option to proceed to detailed design. The Committee made the following recommendations:

- “1. *That the Alderman Drive / Edmonton Road Intersection - Analysis of Options report be received.*
2. *That Option 3, including construction of the new link to Trading Place via a new bridge over the Oratia Stream, the conversion of the two existing roundabouts to traffic signals controlled intersections, and the widening of the existing bridge on Alderman Drive, be approved.*
3. *That the detailed design work on the Alderman Drive / Edmonton Road Intersection be brought back to the City Development Committee for approval..”*

1480/2006

Officers undertook detailed design of the intersections and reported back to City Development Committee in April 2007. At that meeting the Committee deferred making a decision on this project and asked for further information.

Staff reported to the City Development Committee on 7 June 2007 regarding the Trading Place Bridge. The Committee resolved to approve development of the bridge (Resolution 978/2007). However, this cannot go ahead until agreement has been reached on the design and development of the Alderman / Edmonton and Alderman / Sel Peacock intersections. This is partly because the bridge needs to link into the Alderman / Edmonton intersection and partly because the funding of the bridge is bundled with the funding of the two intersection upgrades.

STRATEGIC CONTEXT

The implementation of the intersection upgrades and Trading Place bridge are identified on page 42 of Council's Transport Strategy and budgeted in the Long Term Council Community Plan. The aims of the project are to:

- Develop a more pedestrian and cycle friendly environment;
- Better manage vehicle traffic and to ease bus movements;
- Provide an effective, signalised and coordinated road network.

The development of the route along Sel Peacock, Alderman and Edmonton roads is a central part of Council's transport management for Henderson. This route links Lincoln road with Great North Road and enables the Henderson main street to function as a pedestrian focused environment.

Henderson is continuing to grow, and Council is continuing to promote it as a regionally significant centre. As the centre grows it is important to maintain accessibility through the further development of walking, cycling, passenger transport and vehicle access. The changes suggested to the Alderman / Edmonton and Alderman / Sel Peacock intersections improve conditions for pedestrians and cyclists by removing the roundabouts and providing signal controlled crossings and cycle priorities.

The provision of signalised intersections improves the safety of pedestrian access between the main part of Henderson town centre and the Westwave and Falls Hotel areas.

ISSUES

It is proposed to upgrade these intersections from roundabouts to signalised intersections in order to improve pedestrian and cyclist safety and to better manage vehicle traffic. The upgrade of the Alderman / Edmonton interchange is also necessary to enable construction of the Trading Place Bridge.

This report puts forward two options for Council consideration. Officers recommend Option 1 as it is most likely to be funded, manages traffic more efficiently and provides shorter crossing times to pedestrians.

Option 1 is a refinement of the option put to the City Development Committee in April 2007. Two slip lanes have been removed from the proposal to improve pedestrian conditions.

Option 2 is a variation on Option 1. The second option has no left turning slip lanes.

A33-A37 Attached at pages A33 to A37 are:

- (a) The original option tabled in April 2007.
- (b) Option 1 (Preferred Option).
- (c) (Option 2.

The table below compares the options.

Option 1	Option 2
a) Likelihood of funding subsidy from LTNZ is 85% (low risk)	(a) Likelihood of funding subsidy from LTNZ is 25% (high risk)
b) Detailed design completed 85%	(b) Detailed design completed 40%
c) Queues will occasionally extend through to Edsel Street, Great North Road and Pack & Save entrance	(c) Queues will consistently extend through to Edsel Street, Great North Road and Pack & Save entrance
d) PM queues inside the Aquatic Centre will reach 3-4 vehicles	(d) PM queues inside the Aquatic Centre will reach 10-12 vehicles
e) Area between the two intersections will be moderately occupied by queues	(e) Area between the two intersections will be heavily occupied by queues
f) Shorter signals cycle times	(f) Longer signals cycle times
g) Average pedestrian delay, AM 38 sec, PM 37 sec	(g) Average pedestrians delay, AM 45 sec, PM 47 sec
h) Average traffic delay, AM 34 sec, PM 36 sec	(h) Average traffic delay, AM 42 sec, PM 45 sec
i) Bus delays: moderate	(i) Bus delays: high
j) Level of service AM C, PM D	(j) Level of service, AM D, PM D
k) Benefit cost ratio 3.5	(k) Benefit cost ratio 2.8
l) Estimated costs \$10.3M	(l) Estimated costs \$9.9M

RESOURCES

Council has budgeted for this work in the Long Term Council Community Plan. However, it is noted that in April 2007 the construction cost of the work (including the Trading Place Bridge) was approximately \$6 million. The cost estimates now range from \$9.9 million for Option 2 to \$10.3 million for Option 1 (both including the Trading Place Bridge).

Option 1 is expected to receive government subsidy. Option 2 is far less likely to be subsidised.

Most of the detailed design work is complete on Option 1. Option 2 is less well developed and would require further Council design expenditure.

CONCLUSION

Completion of these projects is an important element in facilitating and managing the growth of Henderson. The projects contribute to pedestrian and cyclist safety. The projects improve the conditions for buses and general traffic. These projects, including the Trading Place Bridge, are important in facilitating the growth of Henderson.

RECOMMENDATIONS

1. That the Alderman and Edmonton Roads Intersection Upgrades report be received.
2. That in relation to the Alderman Drive and Edmonton Roads intersection upgrades, Council approves Option 1, as shown in the Agenda report, to be taken forward to implementation, subject to funding subsidy being secured from central government.

Report prepared by: Jeff Murray, Acting Manager: Urban Design and Development and Hussam Abdul-Rassol, Manager: Planning and Design, Transport Assets.

HV O'Rourke, MNZM, JP
CHIEF EXECUTIVE OFFICER



PART E - REPORTS FROM THE STANDING COMMITTEES

22 INFRASTRUCTURE AND WORKS COMMITTEE

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON TUESDAY, 4 DECEMBER 2007

MATTERS CONSIDERED

*Pages 1-6
Part E*

Your Committee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 1 to 6 in the supplement labelled Part E.

Your Committee Recommends:

That the report of the Meeting of the Infrastructure and Works Committee held on Tuesday, 4 December 2007 be received.

DQ Battersby, JP
CHAIRMAN



23 **POLICY AND STRATEGY COMMITTEE**

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON THURSDAY, 6 DECEMBER 2007

MATTERS CONSIDERED

*Pages 7-9
Part E*

Your Committee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 7 to 9 in the supplement labelled Part E.

Your Committee Recommends:

That the report of the Meeting of the Policy and Strategy Committee held on Thursday, 6 December 2007 be received.

PA Hulse
CHAIRMAN



24 **FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE**

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON MONDAY, 10 DECEMBER 2007

MATTERS CONSIDERED

*Pages 10-18
Part E*

Your Committee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 10 to 18 in the supplement labelled Part E.

Your Committee Recommends:

That the report of the Meeting of the Finance and Operational Performance Committee held on Monday, 10 December 2007 be received.

RI Clow
CHAIRMAN



25 **TE TAUMATA RUNANGA**

I NOHO TE TAUMATA RUNANGA KOMITI MANE TE KAU O HAKIHEA 2007

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON MONDAY, 10 DECEMBER 2007

MATTERS CONSIDERED

*Pages 19-22
Part E*

Your Committee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 19 to 22 in the supplement labelled Part E.

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 Meeting of Te Taumata Runanga held on Monday, 10 December 2007 be received.

W Paki, JP
CHAIRMAN



26 **PLANNING AND REGULATORY COMMITTEE**

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON TUESDAY, 11 DECEMBER 2007

MATTERS CONSIDERED

*Pages 23-28
Part E
Page 13
Part H*

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 23 to 28 in the supplement labelled Part E. The public excluded minutes are attached at page 13 of the Confidential Supplement labelled Part H.

Your Committee Recommends:

That the report of the Meeting of the Planning and Regulatory Committee held on Tuesday, 11 December 2007 be received.

VS Neeson, JP
CHAIRMAN



27 **CULTURE AND COMMUNITY COMMITTEE**

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON WEDNESDAY, 12 DECEMBER 2007

MATTERS CONSIDERED

*Pages 29-33
Part E
Page 14
Part H*

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 30 to 34 in the supplement labelled Part E. The public excluded minutes are attached at page 14 of the Confidential Supplement labelled Part H.

Your Committee Recommends:

That the report of the Meeting of the Culture and Community Committee held on Wednesday, 12 December 2007 be received.

JP Lawley, JP
CHAIRMAN



PART F - PRESENTATIONS

These presentations will take place at 6.30 pm.

28 **CITATIONS**

The Mayor will give Citations to Elizabeth Alanotama, Brian Asotasi, Solomona Savelio, Andrew Taia and Sione Lolohea, in recognition of their extreme act of bravery, courage and compassion when they caught a robber and dragged him to the New Lynn Police Station after he had robbed Dairy Owner, Mr Daniel Zheng.



PART G - PROCEDURAL MATTERS

29 **QUESTIONS**

Pursuant to Standing Order 39.2, any member of the local authority may at any meeting of the local authority at the appointed time, put a question to the Mayor as Chairman of the local authority, or through the Mayor to the Chairman 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.



30 NOTICES OF MOTION

Pursuant to Standing Order 28.1, 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 Officer at least five clear days before such meeting.



PART H - PUBLIC EXCLUDED MATTERS

31 REGIONAL BROADBAND INITIATIVE

32 HOBSONVILLE MARINE CLUSTER DEVELOPMENT PROPOSAL

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

PROCEDURAL MOTION TO EXCLUDE THE PUBLIC

That the public be excluded from the following parts of the proceedings of this meeting namely, Regional Broadband Initiative; Hobsonville Marine Cluster Development Proposal and Proposed Land Acquisitions - Ambrico Place; Rankin Avenue, New Lynn and Margan Avenue, New Lynn - Proposed Land Acquisition.

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

General subject of the matters to be considered.	Reason for passing this resolution in relation to the matters.	Ground(s) under Section 48(1)(a) for the passing of this resolution.
Regional Broadband Initiative	The withholding of information is necessary in order to: <ul style="list-style-type: none"> • enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). 	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
Hobsonville Marine Cluster Development Proposal	The withholding of information is necessary in order to: <ul style="list-style-type: none"> • enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). 	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

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 reports contain information which if released could affect Council's negotiations.*



33 **CLOSING PRAYER**

