

**AGENDA FOR A MEETING OF THE COUNCIL TO BE HELD IN THE COUNCIL CHAMBER
AT WAITAKERE CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON,
WAITAKERE, ON WEDNESDAY, 21 JULY 2010,
COMMENCING AT 9.30 AM**

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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 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.



3 CONFLICTS OF INTEREST

The Council has acknowledged in its Code of Conduct that 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.



4 TRASH TO FASHION® TRADE MARK

GLOSSARY

Keep Waitakere Beautiful
Keep Waitakere Beautiful Trust
Trash to Fashion® Awards
Trash to Fashion® trade mark
Auckland Transition Agency

(KWB)
(KWBT)
(T2F® Awards)
(the trade mark)
(ATA)

EXECUTIVE SUMMARY

The purpose of this report is to seek approval from the Council for the assignment of co-ownership of the Trash to Fashion® trade mark (the trade mark) between the Council and the Keep Waitakere Beautiful Trust (KWBT). This report also seeks approval for the Chief Executive Officer to negotiate an agreement with the KWBT to record the conditions of that assignment.

This report will require Auckland Transition Agency (ATA) confirmation as the trade mark is an asset.

RECOMMENDATIONS

It is recommended that the Council resolve to:

1. **Receive** the Trash to Fashion® Trade Mark report.
2. **Agree**, subject to resolution 4 below, to assign the Trash to Fashion® trade mark into the co-ownership of Waitakere City Council and Keep Waitakere Beautiful Trust.
3. **Agree**, subject to resolution 4 below, that the Chief Executive Officer be given authority to negotiate an agreement with the Keep Waitakere Beautiful Trust to record the conditions of the assignment for the Trash to Fashion® trade mark.
4. **Note** that resolutions 2 and 3 above are subject to confirmation by the Auckland Transition Agency.

BACKGROUND

1. The Trash to Fashion® Awards (T2F® Awards) project was started by Keep Waitakere Beautiful (KWB) in 1995 as a celebration of the annual Operation Spring Clean.
2. The rapid growth of the T2F® Awards led to an initial informal partnership between the Council and KWB to present the event. In 2000 a more formal partnership was established whereby the production and the T2F® Awards were managed from within Council with an allocated budget and dedicated Council officer support.
3. In 2000, the Council instructed Baldwin Shelston Waters (now known as Baldwins Law Ltd) to apply for the trade mark to be registered to protect the brand. It was understood that this instruction was for co-ownership between Council and KWB.
4. In May 2001, Council received official Notice of Acceptance for New Zealand Trade Mark Application No. 628611. The Council was the only named owner of the trade mark. A letter was then sent requesting that KWB be registered as a co-owner.
5. Following this there was correspondence with Baldwin Shelston Waters identifying some issues around co-ownership; namely that KWB was not an 'incorporated entity' and therefore not capable of holding a trade mark and that joint proprietorship was intrinsically problematic without formal agreements as to use of the brand.
6. In 2002, KWB was registered as a charitable trust and became KWBT. Correspondence shows that further inquiries regarding registration were sent by the Council but co-ownership was not implemented. It is clear that both KWBT and Council officers were under the impression that registration under both entities had been completed.

7. The Council has undertaken payment of all fees relating to the trade mark since registration. This amounts to approximately \$10,000 to date.
8. As a result of a recent request from the KWBT to clarify the status of the co-ownership of the trade mark in relation to the transition to the new Auckland Council, with an option to take over sole ownership of the brand, the current sole ownership by the Council has been confirmed.

DECISION MAKING

Issues

9. It has been informally agreed by the KWBT that co-ownership of the trade mark with the Council, with the Council's share of the trade mark passing automatically to the new Auckland Council, is acceptable.
- A1-A6* 10. A draft agreement setting out the conditions for co-ownership of the trade mark is attached at pages A1 to A6. This has been informally accepted by the KWBT.
11. It is recommended that the Council proceeds with the assignment of co-ownership of the trade mark to Council and KWBT and the implementing of an agreement with the KWBT outlining the use of the trade mark, subject to confirmation by ATA.
12. The recommended action supports the desire of the KWBT to be in a secure partnership with the new Auckland Council in relation to the T2F® Awards project and reflects the history of partnership which has now been in place, in practice, over a number of years.

STRATEGIC CONTEXT

13. The T2F® Awards project is noted in Council's Arts and Cultural Strategy (2002), now referred to as a Plan, as a flagship event for Waitakere.
14. The T2F® Awards project contributes to the 'vibrant sustainable environment of arts and cultural activity' outcome identified in Council's Cultural Wellbeing Strategy 2010.

CONSULTATION

15. Internal consultation has been undertaken with the Legal Services section as to the need for confirmation from the ATA. Legal Services advised that confirmation would be needed.
16. External consultation has been undertaken with Baldwins Law Ltd, who are the Council's consultants on Intellectual Property issues.

RESOURCES

17. The total cost of the registration of the trade mark in co-ownership and the preparation of an agreement around co-ownership of the trade mark is \$2,390. This cost can be met from existing Public Affairs budgets.

IMPLEMENTATION ISSUES

18. There are no implementation issues.

AUCKLAND COUNCIL TRANSITION ISSUES

19. The Local Government (Tamaki Makaurau Reorganisation) Act 2009 imposes restrictions on Waitakere City Council's decision making capabilities in respect of the disposal of assets other than in accordance with Council's long-term community plan – section 31(4)(f) - and this decision therefore requires confirmation by the ATA.

Report prepared by: Naomi McCleary, Manager: Arts



5 CONTRACT NO. NL09002A – PROFESSIONAL SERVICES FOR CROWN LYNN PRECINCT – DESIGN SERVICES - APPROVAL OF CONCEPT DESIGN

GLOSSARY

Crown Lynn Precinct	(the Precinct)
Long Term Council Community Plan 2009-2019	(LTCCP)
New Lynn Transit Oriented Development	(TOD)
GHD Limited	(GHD)
New Lynn Town Centre	(Town Centre)

EXECUTIVE SUMMARY

The purpose of this report is to seek approval from the Council for the concept design for Area 2 of the Crown Lynn Precinct (the Precinct), New Lynn.

The Precinct is envisaged as a high density sustainable residential neighbourhood built around a stunning New Lynn park.

The Council has approved funding in the Long Term Council Community Plan 2009-2019 (LTCCP) for the purchase of land, open space and infrastructure within the Precinct. On 7 May 2010, the Tenders Subcommittee approved the award of a professional services contract to GHD Limited (GHD) for the design of roading and streetscape in the Precinct.

The concept design stage has been completed, and has been reviewed by Council officers.

RECOMMENDATIONS

It is recommended that the Council resolve to:

1. **Receive** the Contact No. NL09002A – Professional Services for Crown Lynn Precinct – Design Services - Approval of Concept Design report.
- A7 2. **Approve** the concept design for Area 2 of the Crown Lynn Precinct as attached at page A7.
- A7 3. **Agree** that Contract No. NL09002A – Professional Services for Crown Lynn Precinct - Design Services proceed to the preliminary and detailed design stages for Area 2 as shown on the plan attached at page A7.

BACKGROUND

- A7
1. The Precinct, as shown in the site plan attached at page A7, including the land known as the Clay Pits and Monier sites, is envisaged as a high density sustainable residential led neighbourhood built around a stunning New Lynn park. This Precinct represents the single most important contribution to achieving the vision target of 20,000 residents living within walking distance of the New Lynn transit interchange.
 2. The Precinct is in multiple ownerships and it has been the Council's role to maintain a strategic planning overview ensuring that the various interests and elements of the projects are balanced across the Precinct. Over the last four years, Council officers have been working closely with the landowners and developers of the Clay Pits and owners of the former cinema and New World sites to develop the masterplanning and infrastructure requirements needed to deliver on the Council's vision for a high amenity intensive residential development on this site.

The Council's Role in New Lynn Town Centre

3. The Council has invested significantly in the New Lynn Town Centre (Town Centre) over a considerable period of time.
4. The Council has made provision in the LTCCP for delivering public transport and town centre improvements in the Town Centre to help unlock development opportunities and private sector investment.
5. In addition to investment in roads and public transport infrastructure and in response to a submission to the LTCCP, the Council allocated further enabling infrastructure investment in the Precinct. In May 2009, the Council resolved as follows:

"The Council resolved to:

1. **Receive** the New Lynn Infrastructure Funding Within the Plan Change 17 Area report.
2. **Agree** to authorise the Chief Executive Officer to arrange for a submission to be made to the Long Term Council Community Plan 2009-2019 for the inclusion of budget of \$23.13 million for the purchase of open space, road and parks infrastructure within the Plan Change 17 area.
3. **Agree** that consideration be given to the final Long Term Council Community Plan 2009 - 2019 containing a gross sum of \$23.128 million for the purchase of Open Space, road and parks infrastructure within Plan Change 17 and that financial contributions of \$13.76 million be allocated for this funding along with gross loan funding of \$9.638 million plus associated interest costs and that recoveries from future citywide development contributions be included.
4. **Agree** that consideration be given to the final Long Term Council Community Plan 2009 - 2019 including an additional sum per annum for maintenance costs of \$68,810 or the open space, roads and parks infrastructure within Plan Change 17.
5. **Agree** to delegate to the Finance and Operational Performance Committee, authority to resolve to purchase the properties at 9 - 13 Crown Lynn Place under the Public Works Act 1981, for recreation purposes.
6. **Agree** to authorise the Chief Executive Officer to negotiate a Memorandum of Understanding with the landowners and developers to work cooperatively to deliver a comprehensive development of the Crown Lynn Precinct area with a view to subsequently entering into a comprehensive infrastructure funding agreement."

Roading Infrastructure in the Crown Lynn Precinct

6. For district arterial roads and collector roads to work, they need good links to the rest of the network. It is the Council's role to ensure connectivity across the network. This implies implementing, funding and recovering costs from the community for the network provision.
7. A town centre of this scale is a regional hub and a comprehensive road network is required to reflect its strategic importance. This is the essential distinction that supports and justifies inclusion of the finer grain Town Centre road network (Memorial Drive extension, Crown Lynn Place extension and Hetana Street extension) within the Council's Citywide road network and within its Development Contribution project schedule.
8. The New Lynn Transit Oriented Development (TOD) project relies on the Memorial Drive extension being formed to reduce traffic congestion on Clark Street. Consequently, this project is driven by achieving the outcomes of the New Lynn TOD project.
9. On 7 May 2010 the Tenders Subcommittee resolved as follows:

"The Tenders Subcommittee resolved to:

 1. ***"Receive the Contract NL09002A – Professional Services for Crown Lynn Precinct – Design Services Award report.***
 2. ***Approve that the tender from GHD Limited for Contract No. NL09002A – Professional Services for Crown Lynn Precinct – Design Services in the sum of \$394,580.00 plus \$49,322.50 GST, totalling \$443,902.50 be accepted."***

602/2010

- A7
10. The design services contract awarded to GHD is for a concept design for roading and streetscape of the whole of the Precinct area shown as Area 1 on the site plan attached at page A7 and, subject to approval of the concept design, the preliminary and detailed design of Area 2 only, shown on the same attachment. The balance of Area 1 (outside Area 2) will be subject to private development. GHD has now completed the concept design.

DECISION MAKING

Concept Design

11. The main elements in the concept design of the roading and streetscape for the whole of the Crown Lynn Precinct (Area 1) are:
 - The extension of Memorial Drive from the recently constructed intersection on Clark Street, through the Monier and Clay Pits areas to link with Margan Avenue;
 - The extension of Hetana Street through Crown Lynn Place and the Clay Pits area to link with Margan Avenue;
 - The future extension of Ward Street from Clark Street to link with Margan Avenue;
 - The stopping of the existing northern arm of Crown Lynn Place;
 - The upgrade of Crown Lynn Place extension west; and
 - Provision of a network of minor roads and shared spaces linking with the principal roads in the Precinct.

12. The concept design of the whole of the Precinct has been undertaken so that Council officers can confirm that the configuration of future proposed roads and shared spaces is in accordance with the Council's long term urban planning requirements and vision as outlined in the New Lynn Urban Plan 2010-2030 which was adopted by the Policy and Strategy Committee in May 2010. The concept work will inform the future masterplanning of this Precinct and will form the basis of negotiations with developers of the Clay Pits and Monier areas.
13. The roading and streetscape within Area 2 will be constructed by the Council. The construction of Memorial Drive extension and Hetana Street extension will terminate at the southern boundary of Area 2 and the southern portions of these extensions will be undertaken by private developers. The Council's work within Area 2 will include the upgrade of Crown Lynn Place west and the provision of a link road between Memorial Drive extension and Hetana Street extension. The preliminary and detailed design stages for Area 2 will address the requirements in detail and will lead to a physical works contract for the construction of the roads and streetscape.
14. The concept design has addressed spatial issues of roads and streetscape with regard to lane widths, traffic volumes and proposed speed restrictions, parking requirements, pedestrian access and shared space usage. Within Area 2 the principal traffic routes will be from north to south (Memorial Drive extension and Hetana Street extension) while the east-west linkages will be highly calmed feeders for the adjacent commercial and residential developments. The same principal hierarchy of roads will be adopted in the balance of Area 1 (Monier and Clay Pits area).
15. Of special interest and concern is the intersection of Crown Lynn Place east and west with Memorial Drive extension. Council officers and GHD have addressed this intersection in detail to ensure that the configuration of the intersection will allow for all expected traffic flows and turning requirements whilst enabling it to be used as a shared space by pedestrians. Council officers are satisfied that the concept design will satisfy all these requirements.
16. The concept design carried out by GHD is for the whole of the Precinct (Area 1). While only Area 2 will proceed to the preliminary and detailed design stages, concept design of the area outside Area 2 has been carried out to ensure that future design and development of infrastructure is carried out in accordance with the Council's urban planning requirements and vision. It is anticipated that as the development of the Clay Pits and Monier sites will be undertaken by private developers, the size and configuration of the development blocks in these areas could change from what is shown on the concept design. However, the concept design will provide valuable guidance to the developers and the masterplanners of what the Council's expectations are for connectivity and the nature of the movement network that will need to be constructed within this precinct as it develops.
17. The concept design by GHD has been carried out in accordance with the brief from Council officers as part of the contract documentation. This brief was informed by the Precinct plan contained within the New Lynn Urban Plan 2010-2030. The proposed alignment and configuration of roads and streetscape are aligned to the basic concept proposal developed by Urban Design and Planning and Transport Assets officers in consultation with internal and external stakeholders. Therefore, there are no alternative options for the Council to consider.

Consideration of Community Views

18. No further consideration of community views is required at this time. The Council's proposals for the Town Centre and Precinct have been the subject of wide community consultation as part of the plan change process and in the development of the New Lynn Urban Plan 2010-2030.
19. The Precinct was consulted on as part of the LTCCP and submissions were received regarding the requirement for Council investment in enabling infrastructure that would be required to deliver on the Council's vision for this area of the Town Centre. The matter described in this report gives effect to the design of an infrastructure proposal which is necessarily inherent to the development of Plan Change 17 generally and the Town Centre vision in particular. It is proposed to use the concept design work to form the basis for ongoing negotiations and masterplanning work with the land owners and developers of the Precinct.

STRATEGIC CONTEXT

20. The Town Centre is considered a high priority redevelopment area within the Auckland Regional Growth Strategy. It is a key growth node and transport centre. Facilitating an integrated transport and land use development plan with effective road infrastructure that will assist a shift from current low-density development towards suitable intensification and mixed use will attract quality amenity, businesses and employment to the Town Centre. This will enable the Town Centre to capitalise on the western line transport improvements.
21. The New Lynn integrated project is identified as one of the Council's top priority projects and represents a substantial investment in the LTCCP.
22. The New Lynn integrated project delivers on the following community outcomes:
 - Strong Economy;
 - Sustainable and Integrated Transport; and
 - Urban and Rural Villages.
23. The New Lynn integrated project is aligned with the following strategies:
 - Economic Wellbeing - a catalytic environment for a flourishing and resilient community;
 - Transport - a sustainable multi-modal transport system and roading network that is integrated with land use and contributes to Waitakere as an eco city;
 - Growth Management - a dynamic network of vibrant town centres and neighbourhoods with a social, physical and natural fabric providing housing choice and employment opportunities for all; and
 - The Auckland Regional Growth Strategy, whereby New Lynn has been identified as a regional growth centre.

CONSULTATION

24. Council officers from Transport Assets, Urban Design and Planning and Special Projects sections have reviewed the concept design and recommend that the design proceeds to the preliminary and detailed design stages

RESOURCES

25. Resources to complete the preliminary and detailed design stages for Area 2 reside in GHD as the consultants appointed under Contract No. NL09002A – Professional Services for Crown Lynn Precinct – Design Services. Council officers will also input into the design process in terms of monitoring the progress and quality of GHD's output and reviewing and approving the design.

26. Provision has been made in the Annual Plan 2010/2011 and in the award of the professional services contract for the completion of the design.

IMPLEMENTATION ISSUES

27. There are no issues anticipated in the implementation of the design contract.

AUCKLAND COUNCIL TRANSITION ISSUES

28. The Local Government (Tamaki Makaurau Reorganisation) Act 2009 section 31(4)(b) imposes restrictions on Waitakere City Council's decision making capabilities in respect of a decision to adopt or amend a long-term council community plan or to adopt an annual plan.
29. The Auckland Transition Agency notified Council on 30 November 2009 that it approved the LTCCP, but issued a notice under section 20 and 31(1)b of the Local Government (Tamaki Makaurau Reorganisation) Act 2009, that any decision with regards to the wider New Lynn project required specific Auckland Transition Agency confirmation prior to implementation.
30. Subsequently the Auckland Transition Agency notified Council on 30 November 2009 to undertake a design contract within the Precinct (ATA 0621) and thus the recommendations in this report do not require confirmation by the Auckland Transition Agency.

Report prepared by: Duncan Miller, Senior Project Engineer, Special Projects and Caisey Marter, Senior Strategic Advisor, Urban Planning and Design.



PUBLIC EXCLUDED MATTER

6 LAND ACQUISITIONS: CROWN LYNN PRECINCT

This item will be considered in the confidential supplement of the agenda and has been circulated to members separately with this agenda.

PROCEDURAL MOTION TO EXCLUDE THE PUBLIC

That the public be excluded from the following part of the proceedings of this meeting, namely, Land Acquisitions: Crown Lynn Precinct.

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

General subject of the matter to be considered.	Reason for passing this resolution in relation to each of the matter.	Ground(s) under Section 48(1)(a) for the passing of this resolution.
Land Acquisitions: Crown Lynn Precinct	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 report contains information which if released could affect Council's negotiations.*

