

**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, 6 OCTOBER 2010,
COMMENCING AT 9.30 AM**

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1 APOLOGIES



2 CONFIRMATION OF MINUTES

Meeting Minutes - Wednesday, 29 September 2010

RECOMMENDATION

It is recommended that the Council resolve to:

Receive the minutes of the meetings of the Council held on Wednesday, 29 September 2010 and reconvened on Thursday, 30 September 2010, and that they be taken as read and now be confirmed.

NOTE: The minutes of the Council meeting held on Wednesday, 29 September 2010 and reconvened on Thursday, 30 September 2010 were not available at the time of printing and will be circulated under separate cover.



3 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.



4 **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.



5 **PRESENTATIONS**

A **WAITEMATA HARBOUR CLEANUP TRUST**

Hayden Smith from the Waitemata Harbour Cleanup Trust will make a presentation to the Council on the activities and achievements of the Waitemata Harbour Clean Up Trust. The Council contributes funding to the Waitemata Harbour Clean Up Trust through the Annual Plan process.

B **UPDATE ON LEASES FOR LOPDELL HOUSE AND CORBAN ESTATE ARTS CENTRE**

Council's Manager: Arts will give a verbal update to the Council on progress towards gaining approval from the Auckland Transition Agency on the awarding of leases over Lopdell House and the Corban Estate Arts Centre.



6 **NEW LYNN TRANSIT ORIENTED DEVELOPMENT – GREAT NORTH ROAD CONCEPT DESIGN APPROVAL**

GLOSSARY

Transit Oriented Development	(TOD)
New Lynn Town Centre	(Town Centre)
New Lynn Urban Plan 2010-2030	(Urban Plan)

EXECUTIVE SUMMARY

The purpose of this report is to seek the Council's approval of the proposed concept design option 2 for Great North Road, New Lynn as part of the ongoing works for the New Lynn Transit Oriented Development (TOD).

RECOMMENDATIONS

It is recommended that the Council resolve to:

1. **Receive** the New Lynn Transit Oriented Development - Great North Road Concept Design Approval report.
2. **Approve** Option 2 of the New Lynn Transit Oriented Development – Great North Road concept design, as outlined in this report.

3. **Approve**, subject to recommendation 2 above, to proceed to detailed design of New Lynn Transit Oriented Development - Great North Road.

BACKGROUND

1. New Lynn Town Centre (Town Centre) is being developed in a number of stages. Phase 1 of the development comprises Stages 1 to 4, which includes the rail undergrounding work, a new transport interchange, five new bridges crossing over the rail trench and related road works in the immediate Town Centre.
2. The upgrading of roads currently under construction includes:
 - Upgrading and extension of Clark Street, New Lynn and Memorial Drive, New Lynn; and
 - Upgrading of Totara Avenue, Hetana Street, Portage Road, Neville Street, Astley Avenue and Rankin Avenue.
3. It is planned to integrate the TOD with future land use and in this regard, the Council is planning extensive redevelopment in the New Lynn area, both north and south of the rail trench. The planned redevelopment is described in more detail within the New Lynn Urban Plan 2010-2030 (Urban Plan).
4. As part of the planning of the redevelopment of the Town Centre, the Council has allocated budget in the Annual Plan 2010/2011 to undertake the concept designs for the upgrading of Great North Road, New Lynn from Clark Street extension to the Whau river bridge, New Lynn.
5. A contract for professional services for the concept design of Great North Road was awarded to CPG New Zealand Limited on 25 August 2010.

DECISION MAKING

Issues

6. It is proposed to upgrade Great North Road from the Clark Street extension to the Whau river bridge in order to create a true 'main street' through New Lynn, which will provide a more balanced relationship between cars and pedestrians. Currently Great North Road is an extremely car dominated road, which represents a major barrier to pedestrian movement across the Town Centre. The concept design proposes to create a new gateway into the Town Centre and to introduce more pedestrian amenity, including new and improved pedestrian crossings, high quality street furniture, improved lighting, etc. It is also proposed to upgrade Veronica Street and Binsted Road from Great North Road to Rata Street, as a freight bypass route for heavy vehicles, so as to future-proof the Town Centre for further development.

Options Identified

- A1-A25
7. Four options have been identified as listed below and as shown on the diagrams attached at pages A1 to A7 (for option 1), A8 to A14 (for option 2) and A15 to A25 (for option 3).

Design Option	Location	Design Requirements
Base Case		
	Great North Road from Clark Street extension to Whau river bridge.	<ul style="list-style-type: none"> Do nothing
Option 1		
	Great North Road from Clark Street extension to Memorial Drive.	<ul style="list-style-type: none"> Four lane carriageway with raised planted median. Planted median must not block existing access ways to businesses. Existing recessed parking bays to remain. New footpath to match existing good quality footpath on south side of Great North Road. Street furniture. Decorative lighting similar to Totara Avenue west design.
	Great North Road from Memorial Drive to Veronica Street.	<ul style="list-style-type: none"> Four lane carriageway with flush median. New footpaths to match existing good quality footpath on south side of Great North Road between Totara Avenue and Memorial Drive. Street furniture. Decorative lighting similar to Totara Avenue west design design.
	Great North Road from Veronica Street to Whau river bridge.	<ul style="list-style-type: none"> Four lane carriageway with flush median. Footpath surfacing to be brushed concrete similar to Clark Street. Standard lighting to match existing.
	Delta Avenue from Great North Road to Hugh Brown Drive.	<ul style="list-style-type: none"> New roundabout with speed control platforms and pedestrian crossings on all four legs. Footpath surfacing to be brushed concrete similar to Clark Street. Standard lighting to match existing. Low impact design features, if possible.
	Delta Avenue Car Parking (adjacent to Delta Triangle).	<ul style="list-style-type: none"> Widen southern side of car park to accommodate 90 degree parking. One-way road from Great North Road to car parking with speed control platform. Two-way road from new roundabout to car parking. Footpath surfacing to be brushed concrete similar to Clark Street. Standard lighting to match existing. Low impact design features, if possible.
Option 2		Repeat of design option 1 but with the following changes:
	Great North Road from Clark Street extension to Memorial Drive.	<ul style="list-style-type: none"> Remove existing recessed parking bays and replaced with wide footpaths and planting. Kerbside lanes on both sides of road to be used for parking during off-peak hours. Footpath surfacing to be exposed aggregate concrete with different coloured textures similar to Totara Avenue west design. Low impact design features, planting and landscape work.
	Great North Road from Memorial Drive to Veronica Street.	<ul style="list-style-type: none"> Kerbside lanes on both sides of the road are to be used for parking during off-peak hours. Footpath surfacing to be exposed aggregate concrete with different coloured textures similar to Totara Avenue west design. Low impact design features, planting and landscape work.

Design Option	Location	Design Requirements
Option 3		
	Great North Road from Clark Street extension to Memorial Drive.	<ul style="list-style-type: none"> • Two lane carriageway with either central median parking (option 3a) or kerbside parking (option 3b). • Footpath surfacing to be exposed aggregate concrete with different coloured textures similar to Totara Avenue west design. • Low impact design features, planting and landscape work. • Street furniture. • Decorative lighting similar to Totara Avenue west design.
	Great North Road from Memorial Drive to Veronica Street.	<ul style="list-style-type: none"> • Two lane carriageway with either kerbside parking or central median parking. • Footpath surfacing to be exposed aggregate concrete with different coloured textures similar to Totara Avenue west design. • Low impact design features, planting and landscape work. • Street furniture. • Decorative lighting similar to Totara Avenue west design.
	Great North Road from Veronica Street to Whau river bridge.	<ul style="list-style-type: none"> • Four lanes carriageway. • Footpath surfacing to be brushed concrete similar to Clark Street. • Standard lighting to match existing.
	Delta Avenue from Great North Road to Hugh Brown Drive.	<ul style="list-style-type: none"> • New roundabout with speed control platforms and pedestrian crossings on all four legs. • Footpath surfacing to be brushed concrete similar to Clark Street. • Standard lighting to match existing. • Low impact design features, if possible.
	Delta Avenue Car Parking (adjacent to Delta Triangle).	<ul style="list-style-type: none"> • Widen southern side of car park to accommodate 90 degree parking. • One-way road from Great North Road to car parking with speed control platform. • Two-way road from new roundabout to car parking. • Footpath surfacing to be brushed concrete similar to Clark Street. • Standard lighting to match existing. • Low impact design features, if possible.
	Veronica Street and Binsted Road.	<ul style="list-style-type: none"> • Two lane carriageway with kerbside parking, if possible. • To be designed as freight route to bypass Great North Road between Totara Avenue and Veronica Street. • Intersections to be redesigned to accommodate heavy vehicles. • Realign Binsted Road, Delta Avenue and Veronica Street intersections from a staggered T-intersection to a crossroad (4-leg) signalised intersection. • Flexible pavement, asphaltic concrete surfacing. • Footpath surfacing to be brushed concrete similar to Clark Street. • Standard lighting to match existing. • Low impact design features, if possible.

Table 1: Concept Design Options

Assessment of Options

Base Case – Do Nothing

8. The advantages are as follows:
 - The lowest cost option; and
 - Maintains existing traffic flows.
9. The disadvantages are as follows:
 - Provides a less pedestrian friendly environment;
 - May result in pressure from businesses and the community to upgrade Great North Road as a gateway to the Town Centre; and
 - Not attractive to businesses and developers.

Option 1

10. The advantages are as follows:
 - No need to remove the existing good quality footpath on south side of Great North Road between Todd Avenue and Memorial Drive;
 - Maintains existing recessed parking bays; and
 - Maintains existing traffic flows.
11. The disadvantages are as follows:
 - Option 1 is the second lowest cost option, estimated at \$7,350,000;
 - Footpaths will be narrow, with no room to implement low impact design features, planting, street furniture and landscape work.
 - Option 1 does not qualify for subsidised funding from New Zealand Transport Agency because it provides no benefits to vehicular traffic.

Option 2

12. The advantages are as follows:
 - Option 2 is the third lowest cost option, estimated at \$7,450,000;
 - Removal of the existing recessed parking will create wide footpaths in which to implement low impact design features, planting, street furniture and landscape work;
 - High quality palette of materials matching the proposed Totara Avenue west shared space design;
 - Allows for kerbside parking during off-peak hours;
 - Maintains existing traffic flows by retaining the existing four lanes of traffic during peak hours; and
 - Support from businesses and the community in terms of both a wide footpath and on-street parking during off-peak hours.
13. The disadvantages are as follows:
 - The removal of a recently upgraded footpath on Great North Road between Todd Avenue and Memorial Drive might not be supported by some businesses; and
 - Option 2 does not qualify for subsidised funding from New Zealand Transport Agency because it provides no benefits to vehicular traffic.

Option 3

14. The advantages are as follows:
 - A more pedestrian friendly environment; and
 - Lower traffic volumes through the Town Centre.

15. The disadvantages are as follows:
 - Option 3 is the highest cost option, estimated at \$16,050,000 due to proposed land acquisitions on Veronica Street and Binsted Road to accommodate road realignment and road widening of the proposed freight bypass route;
 - Traffic modelling indicates that the proposed freight bypass route along Veronica Street and Binsted Road has insufficient capacity for both current traffic volumes and future traffic volumes;
 - Traffic modelling indicates that Rata Street will also have to be upgraded to accommodate the additional vehicular traffic from the by-pass route;
 - The proposed narrowing of Great North Road between Clark Street extension and Veronica Street will increase congestion and queuing problems on Great North Road and the surrounding roading network; and
 - Option 3 does not qualify for subsidised funding from New Zealand Transport Agency because it provides no benefits to vehicular traffic.

Consideration of Community Views

16. The Council has implemented a comprehensive community outcome programme, with positive feedback from the community for the New Lynn TOD project and associated transport infrastructure. The needs of affected owners and occupiers have been identified through consultation and will be addressed in the detailed design.

17. The Council has held several Public Open Days since December 2006. The latest Open Day was held on 21 August 2010 to inform and update the community on more recent construction and design work, and also on future development work in the Town Centre.

Preferred Option

18. Option 2 is the preferred option because it offers the best facilitation of pedestrian movements across Great North Road and through the Town Centre without compromising traffic flows on Great North Road and the wider road network.

STRATEGIC CONTEXT

19. The New Lynn TOD project is identified as one of the Council's most significant projects and represents a substantial investment in the Long Term Council Community Plan 2009-2019.

20. The Urban Plan emphasises that the improvement to the overall pedestrian amenity of Great North Road is absolutely critical to the future development of the Merchant Quarter Precinct and to the overall Town Centre. One of the key outcomes of the Urban Plan's vision states that "Great North Road will no longer be a barrier for pedestrians moving into the heart of the Town Centre."

21. The New Lynn TOD project delivers on the following community outcomes:
 - Strong Economy;
 - Sustainable and Integrated Transport; and
 - Urban and Rural Villages.
22. The New Lynn TOD 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 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

23. The proposed concept design options have been consulted on with Council officers from the Transport Assets, Urban Planning and Design, Development and Investment Analysis, Parks Planning, EcoWater and Arts sections of the Council. Option 2 was well supported by Council officers.

RESOURCES

24. The budget for the proposed works has been provided in the Annual Plan 2010/2011 work programme under line items 'Great North Road Concept Design' and 'Widening Great North Road: Totara to Memorial'.

IMPLEMENTATION ISSUES

25. There are no implementation issues with this contract.

AUCKLAND TRANSITION ISSUES

26. The Local Government (Tamaki Makaurau Reorganisation) Act 2009 imposes restrictions on Waitakere City Council's decision making capabilities in respect of section 31(5)(a). This subsection applies to a decision in respect of which the Auckland Transition Agency (ATA) has notified the existing local government organisation under section 20(1) in which it may review any existing local government organisation decisions during the transition period.
27. The Auckland Transition Agency notified the Council on 31 August 2009 (ATA 0099) of approved expenditure on the New Lynn project and thus the recommendations in this report can be made without referral back to the Auckland Transition Agency.

Report prepared by: Jacqueline Robson – Principal Engineer, Special Projects.



7 **NEW LYNN TRANSIT ORIENTED DEVELOPMENT - MCCRAE WAY CONCEPT DESIGN APPROVAL**

GLOSSARY

New Lynn Urban Plan 2010-2030	(Urban Plan)
New Lynn: An Urban Regeneration Framework for New Lynn's Town Centre	(Urban Regeneration Framework)
Public Works Act 1981	(PWA)
New Zealand Transport Agency	(NZTA)
Long Term Council Community Plan 2009-2019	(LTCCP)
Auckland Transition Agency	(ATA)
New Lynn Town Centre	(the Town Centre)

EXECUTIVE SUMMARY

The purpose of this report is to seek approval from the Council for concept design of McCrae Way, New Lynn, as part of the ongoing works for the New Lynn Transit Oriented Development.

RECOMMENDATIONS

It is recommended that the Council resolve to:

1. **Receive** the New Lynn Transit Oriented Development - McCrae Way Concept Design Approval report.
2. **Approve** Option One of the New Lynn Transit Oriented Development – McCrae Way concept design, as outlined in this report.
3. **Approve**, subject to recommendation 2 above, to proceed to detailed design of New Lynn Transit Oriented Development – McCrae Way.

BACKGROUND

Merchant Quarter Development Planning and Design

1. In 1996, a design charette held in New Lynn first proposed developing the area of land bounded by Memorial Drive, Totara Avenue, Todd Avenue and Great North Road. This initial community planning exercise envisaged mixed-use development and strongly supported proposals for roading connectivity from Memorial Drive through to Totara Avenue by the completion of McCrae Way.
2. In 2007, Common Ground, an Urban Design consultancy, was appointed to assist in the preparation of a framework to guide the redevelopment of the New Lynn Town Centre. The resulting document, entitled "New Lynn: An Urban Regeneration Framework for New Lynn's Town Centre" (Urban Regeneration Framework) was adopted by the Council in May 2008. The Urban Regeneration Framework set out the key themes for the future regeneration of New Lynn and identified seven precincts, or character areas, which together make up the New Lynn Town Centre (the Town Centre).
3. In 2009, Council officers began work on the New Lynn Urban Plan 2010-2030 (Urban Plan). In addition to expanding the geographic area to reflect the wider natural catchment of New Lynn (including parts of Avondale), the Urban Plan identifies gaps and opportunities in current planning and investment including social infrastructure. It outlines strategic objectives and a number of key moves required to achieve a coordinated and shared vision for the future of New Lynn.
4. The Urban Plan was presented to the Policy and Strategy Committee on 6 May 2010, where it received full endorsement.

5. The Urban Plan specifies that the Merchant Quarter precinct presents one of the most significant mixed-use redevelopment opportunities in New Zealand. It will drive change across the wider New Lynn area by attracting new business and residents into a vibrant, walkable urban environment. It will also form an important activity hub, for entertainment and special functions or events, to complement the investment in public transport.
6. Development planning is progressing in parallel with the investment in the rail/bus interchange at New Lynn. The Council is seeking to leverage off this investment to stimulate private sector investment.
7. The area bounded by Memorial Drive, Great North Road and Totara Avenue (Merchant Heart) has the greatest potential to stimulate redevelopment, as it is centrally located, highly visible and will create a new heart for the Town Centre.
8. On 16 September 2009, the Council approved a revised roading pattern comprising the extension of McCrae Way through to Great North Road, with a further link through to Totara Avenue.
9. The new roads will maximise connectivity through the car park site for pedestrians, cyclists and vehicles. This supports the integrated public transport development. The new roads will also open up viable development sites essential for a high quality development and comprehensive solutions for access and servicing.
10. On 5 August 2010, a professional services contract for the detailed design of McCrae Way between Memorial Drive and Great North Road, including a road connection between McCrae Way and Totara Avenue, was awarded to CPG New Zealand Limited.

Land Acquisitions

11. In April 2007, the Council approved the purchase of 24 and 28 Totara Avenue under the provisions of the Public Works Act 1981 (PWA) for the purpose of extending McCrae Way and constructing new road connection through to Totara Avenue.
12. Negotiations are progressing with the owner of 24 Totara Avenue (land and buildings). A notice of intention to take land has been issued under section 23 of the PWA. No formal objection was received, however, the owner has submitted objection after the close of the statutory notice period.
13. Negotiations are continuing with the lessees of 24 Totara Avenue, the operators of Ricochet Bar, Portage Licensing Trust, in relation to potential relocation and/or compensation options. A notice of intention to take land (lessee's interest) has been issued under section 23 of the PWA. The lessee has objected and the matter has been referred to the Environment Court. The Council is continuing to work closely with the lessee in order to find an equitable solution. In any case, the existing lease expires in 2014, at which point, the Council can take possession of the property for the purposes of constructing the link through to Totara Avenue.
14. The Council has completed the purchase of 28 Totara Avenue, with the previous owners in occupancy as short term lessees.
15. Six shops at 3068 Great North Road (adjacent to the existing bus station) were purchased in November 2008 under the PWA. Although the proposed McCrae Way required only part of the property, it was necessary to acquire the property in its entirety in order to demolish the shops when construction occurs. The balance is available for amalgamation with the adjoining property.

16. The lessee's interests at 3068 Great North Road have been acquired and the lessees have vacated the premises. The contract for the demolition of the shops has been awarded to Demolition 1 Limited, who will begin the demolition of the shops on 27 September 2010.

DECISION MAKING

17. The Council is being asked to approve the concept design of McCrae Way between Memorial Drive and Great North Road, including a road connection between McCrae Way and Totara Avenue and an open space adjacent to McCrae Way.

Issues

Transport Funding

18. Funding for the construction of McCrae Way was not included in the New Zealand Transport Agency (NZTA) application in 2007. The function of McCrae Way is to provide access to and from businesses and therefore adds no calculable benefits to through traffic along the main roads.
19. The Council has secured NZTA funding for construction of the Clark Street extension and Totara Avenue west, which will allow the through traffic to bypass the town centre and enable better access for local traffic, pedestrians and cyclists.

Options Identified

- A26-A27 20. Two options have been identified, as listed below and as shown on the diagrams attached at pages A26 to A27 (for Option One).

Design Option	Design Requirements
Base Case	<ul style="list-style-type: none"> Do nothing
Option One	<ul style="list-style-type: none"> Two lane shared spaces similar to Totara Avenue west design at McCrae Way and the link to Totara Avenue. A 500 square metre hard urban open space enclosed on three sides on the southern side of McCrae Way between the link to Totara Avenue and Great North Road. Street furniture similar to Totara Avenue west design. Decorative lighting similar to Totara Avenue west design. Footpath surfacing to be exposed aggregate concrete with different coloured textures similar to Totara Avenue west design. Low impact design features, planting and landscape work.

Table 1: Design Options

Assessment of Options

21. Before committing to a particular scheme of development, the Council has, as fulfilment of the Council's obligation under the Local Government Act 2002, conducted assessment of the benefits and costs of all reasonably practicable options. The below synopsis of the assessment of options describes the project feasibility and analysis work that has been carried out to date.

Type of Analysis	Date
Merchant Quarter Rooding	July 2008
Merchant Quarter Urban Regeneration	May 2009
Merchant Quarter Urban Regeneration Final Options	August 2009

Table 2: Options Analysis

22. The Merchant Quarter Urban Regeneration Final Options report (August 2009), compiling all previous analysis, assessed the costs and benefits of redevelopment options for the Merchant Quarter in New Lynn in relation to the four wellbeings and recommends the preferred option, Option One above.
23. Option One realises best practice urban design and allows the most flexibility for future planning. It allows for the extension of the library, for either small or large scale commercial or retail development and/or for extra car parking in the Merchant Heart, if required. The concept design estimate for construction of Option One, excluding the open space, is \$1,960,000 excluding GST.
24. The Base Case, doing nothing, is not considered tenable. The Urban Plan represents a review of over 15 years of analysis of the Town Centre, and the culmination of a comprehensive urban design analysis that has been undertaken to identify issues, barriers and opportunities for redevelopment. The Urban Plan justifies the inclusion of McCrae Way into the Merchant Heart. It is an enabler to further development within the Merchant Quarter Precinct.

Preferred Option

25. The preferred option is Option One.

Consideration of Community Views

26. Planning for the future of New Lynn has been ongoing since the 1996 design charette and the community has had a number of formal and informal opportunities to express their views.
27. Consultation has been undertaken with key stakeholders in New Lynn over the past two years on a regular basis. Stakeholders have been presented with the New Lynn Framework, and most recently the Urban Plan, and have had an opportunity to provide feedback to Council officers. To date, feedback has been relatively positive, and all stakeholders acknowledged that the New Lynn Framework and the Urban Plan are based on a consistent level of best practice strategic thinking that has informed the last 15 years of the Council's planning for New Lynn.
28. The redevelopment of the Town Centre was one of the matters consulted on during the development of the Council's Long Term Council Community Plan 2009-2019 (LTCCP).
29. The Council has held several Public Open Days since December 2006. The latest Open Day was held on 21 August 2010 to inform and update the community on more recent construction and design work, and also on future development work in New Lynn Town Centre, including McCrae Way.

STRATEGIC CONTEXT

30. The Town Centre is considered a high priority sub-regional growth area within the 1999 Auckland Regional Growth Strategy.

31. New Lynn is identified in the Council's 2009 Growth Management Strategy as one of the City's urban growth areas. Significant growth is expected to occur in New Lynn as urban development and intensification takes place in residential, retail and employment areas and as part of the implementation of the New Lynn Plan Change 17.
32. The Merchant Quarter Precinct development project contributes to achieving the collective vision for Waitakere for thriving urban and rural villages, sustainable environment and sustainable integrated transport as community outcomes.
33. McCrae Way enables New Lynn's Merchant Heart to help realise the Waitakere eco city vision of "a network of resilient, productive and prosperous communities, living in compact towns and neighbourhoods, nourishing the environment, and celebrating our diverse and creative lifestyles."
34. Whilst the development of the Town Centre will concurrently input to all the key strategies to achieve the vision for Waitakere, the primary contributing strategies that this project contributes to are growth management, economic wellbeing and transport.
35. The Urban Plan emphasises that McCrae Way is a primary catalyst to the development of the Merchant Quarter Precinct.

CONSULTATION

36. The proposed concept design option has been consulted on with Council officers from the Transport Assets, Urban Planning and Design, Development and Investment Analysis, Parks Planning, EcoWater and Arts sections of the Council. Option One was well supported by Council officers.
37. Consultation has taken place with all businesses, land owners, developers, Ngati Whatua and Te Kawerau A Maki, with regard to the development of the Merchant Quarter Precinct and the concept design of McCrae Way.

RESOURCES

38. There is funding of \$300,000 in the Annual Plan 2010/2011 for the concept design, preliminary design and detailed design of the extension of McCrae Way. The design work is proposed to be completed in February 2010.
39. On 10 June 2010, the Finance and Operational Performance Committee approved that funding for the construction of McCrae Way, in the sum of \$2,090,000, should be made available from the 2009/2010 capital expenditure surplus.
40. Funding of \$2,090,000 for the construction of McCrae Way was carried forward to the Annual Plan 2010/2011. Construction of McCrae Way is expected to be completed by March 2012.
41. At present, there is no budget available in either the Annual Plan 2010/2011 or the LTCCP for the detailed design and the construction of the proposed open space.

IMPLEMENTATION ISSUES

42. Construction of the link from McCrae Way to Totara Avenue cannot commence until either the issues around the acquisition of 24 Totara Avenue have been resolved or the existing lease expires in 2014.

AUCKLAND TRANSITION ISSUES

43. The Local Government (Tamaki Makaurau Reorganisation) Act 2009 imposes restrictions on Waitakere City Council's decision making capabilities in respect of section 31(5)(a). This subsection applies to a decision in respect of which the Auckland Transition Agency (ATA) has notified the existing local government organisation under section 20(1) in which it may review any existing local government organisation decisions during the transition period.
44. The ATA notified the Council on 30 November 2009 (Decision Confirmation Request ATA 0260) of approved expenditure for the design of McCrae Way and thus the recommendations in this report can be made without referral back to the Auckland Transition Agency.

Report prepared by: Jacqueline Robson, Principal Engineer - Special Projects.



8 CONTRACT NO. SP09005C - PROFESSIONAL SERVICES FOR WESTGATE CIVIC PROJECT - ARCHITECTURAL SERVICES - CONCEPT DESIGN UPDATE

GLOSSARY

Warren and Mahoney Architects Limited	(Warren and Mahoney)
Auckland Transition Agency	(ATA)
Project Working Group	(PWG)
Northern Strategic Growth Area	(NorSGA)
New Zealand Retail Property Group	(NZRPG)
Comprehensive Development Plan	(CDP)
Environmentally Sustainable Design	(ESD)
New Zealand Green Building Council	(NZGBC)
Better Building Code	(the Code)
metre squared	(m ²)

EXECUTIVE SUMMARY

The purpose of this report is to present the concept design of the Westgate Civic Centre Project library, town square, a shared space and bus interchange to the Council, and to seek the endorsement of the concept design by the Council. It is also proposed that the library and town square be accredited by the New Zealand Green Building Council (NZGBC) as a 5 star library building, with the Council working with the NZGBC on a Custom Sustainability Rating Tool for which this library building would be the pilot project.

A professional services contract for Architectural services was awarded to Warren and Mahoney Architects Limited (Warren and Mahoney) after approval by the Tenders Subcommittee on 16 July 2010 and confirmation by the Auckland Transition Agency (ATA) on 28 July 2010.

The concept design has been developed by Warren and Mahoney's design team in consultation with the Project Working Group (PWG) and internal/external stakeholders at progress meetings and a concept design workshop. The concept design has been completed and has been submitted to Council officers for review and comment. The concept design, consisting of drawings and reports, will be reviewed by the PWG and internal/external stakeholders and, subject to satisfactory resolution of any design issues, a recommendation will be made to the Chief Executive Officer to approve the concept design in terms of the Tenders Subcommittee resolution No. 980/2010 dated 16 July 2010.

A28-A32

This report and selected drawings are presented to the Council for information and feedback. A perspective drawing of the proposed library from the vantage point of the town square is attached at page A29 and a site and context plan showing the library, town square, shared space, and bus interchange is attached at page A30. The options presented for the layout of the bus interchange are attached pages A31 and A32. Warren and Mahoney will make a short presentation to the Council.

RECOMMENDATIONS

It is recommended that the Council resolve to:

1. **Receive** the Contract No. SP09005C - Professional Services for Westgate Civic Project - Architectural Services - Concept Design Update report.
2. **Agree** that, subject to review and any subsequent changes to design detail, authority to approve the concept design produced through the implementation of Contract No. SP09005C - Professional Services for Westgate Civic Project - Architectural Services, on behalf of the Council be delegated to the Chief Executive Officer.
3. **Agree** that the Westgate library be designed to attain a 5 Green Star ("New Zealand Excellence") rating both for the design and construction of the building and for its operational performance when completed.

BACKGROUND

1. The Massey North Town Centre Special Area and Massey North Employment Special Area together encompass approximately 160 hectares of land to the north of Hobsonville Road. The area is bounded to the west by the existing State Highway 16, and to the north and east by the new State Highway 16 alignment to Kumeu.
2. Massey North has long been identified as the third of Waitakere's significant sub-regional centres. Projected population growth has been outstripped, with growth at Westgate much stronger than anticipated by the Auckland Regional Growth Strategy.
3. The Massey North Urban Concept Plan area forms part of a wider project area within the Northern Strategic Growth Area (NorSGA) corridor. Through the northern and western Sectors agreement, which sets the growth management framework for Rodney, Waitakere and North Shore, the Regional Growth Forum agreed in principle that Metropolitan Urban Limits be shifted north to the new State Highway 18 alignment.
4. The new mixed-use 'main street' based Westgate Town Centre is the key component of the Massey North Town Centre Special Area. The proposed development is currently progressing through its planning phase. The project will revolve around an integrated design of the central public space, bus interchange and adjacent new library in the heart of the proposed new Westgate Town Centre. The land incorporating the two major precincts, namely Precinct A and B, within this new green field town centre are owned, planned and developed by New Zealand Retail Property Group (NZRPG), a private development company. The site of the proposed Westgate Town Centre, comprising an area of approximately 25 hectares will be located in Precinct A. Council Officers are currently engaged in ongoing discussions with NZRPG on purchase of land for the Westgate Town Centre library site, town square and the key roading networks.

5. NZRPG has submitted a Comprehensive Development Plan (CDP) application for Precinct A via a limited notification process. This application must be processed prior to the lodgement of a resource consent or subdivision application for specific construction activities within the precinct. The application has been approved but is still subject to appeal.
6. The built form of the proposed development will be characterised by a fine grain, with a minimum two storey scale with the design of buildings and public spaces being of the highest quality. Streets and spaces focused on the pedestrian experience are considered to be a fundamental ingredient in the successful creation of this “main street” based town centre.
7. A two stage procurement process was undertaken for the design of Westgate Civic Project library, town square, shared space and bus interchange. The first stage was a Registration of Interest, which resulted in the shortlisting of five design teams. In the second stage these teams were invited to submit tenders for a professional services contract for Architectural Services.
8. At its meeting on 16 July 2010, the Tenders Subcommittee resolved to:

“The Tenders Subcommittee resolved to:

 1. **Receive** the Contract No. SP09005C - Professional Services for Westgate Civic Project - Architectural Services - Approval to Award report.
 2. **Approve**, subject to resolution 7 below, that Contract No. SP09005C - Professional Services for Westgate Civic Project - Architectural Services be awarded to other than the lowest priced tender, as the Weighted Attributes Tender Evaluation Method requires the tendering authority to enter into a contract only with the tender that scores the highest overall index.
 3. **Approve**, subject to resolution 7 below, that a satisfactory credit check, the tender from Warren and Mahoney Architects Limited for Contract No. SP09005C - Professional Services for Westgate Civic Project - Architectural Services in the sum of \$1,432,200.00 plus \$179,025.00 GST, totalling \$1,611,225.00 from 23 July 2010 to 30 April 2013 be accepted.
 4. **Approve**, subject to resolution 7 below, that authority to enter into Contract No. SP09005C - Professional Services for Westgate Civic Project - Architectural Services on behalf of the Council be delegated to the Group Manager: Project Services.
 5. **Approve**, subject to resolution 7 below, that authority to award cumulative contract variations to Contract No. SP09005C - Professional Services for Westgate Civic Project - Architectural Services, up to the value of the contingency sum of \$143,220.00 plus GST on behalf of the Council be delegated to the Manager: Special Projects.
 6. **Approve**, subject to resolution 7 below, that authority to approve the concept design produced through the implementation of Contract No. SP09005C - Professional Services for Westgate Civic Project - Architectural Services, on behalf of the Council be delegated to the Chief Executive Officer, Waitakere City Council.
 7. **Note** that resolutions 2 to 6 above are subject to confirmation by the Auckland Transition Agency.”

980/2010
9. The ATA confirmed resolutions 2 to 6 above (ATA decision confirmation ATA0722) on 28 July 2010, and Warren and Mahoney were awarded the contract on 30 July 2010.

10. An independent quantity surveyor has been engaged by the Council under a separate contract for cost estimating and budget tracking purposes.

Environmentally Sustainable Design

11. In 2000 the Waitakere City Council Better Building Code (the Code) was adopted by Council as a document to provide guidance for the implementation of Environmentally Sustainable Design (ESD) principles in the briefing, design and construction specifications for all of its new public buildings and for all Council funded buildings. The current Massey Library and Leisure Centre was the first Council building to be designed and constructed using the Code and it has been applied in the design briefing and construction processes for all Council buildings constructed subsequently. A number of these buildings have received architectural awards for excellence in sustainable building design and construction.
12. For the proposed new Westgate Library and Town Square project, the design brief to the consultant team requires that this project will continue to exemplify Council's commitment to the inclusion of best practise ESD principles in the design and construction of its public buildings.

DECISION MAKING

Issues

Scope of Work

13. Warren and Mahoney's design team has been briefed to provide professional services to design, manage and assist the implementation of the various elements of the Westgate Civic Project. In brief, the scope of services includes:
 - Consultation with key stakeholders;
 - Design of a landmark library with a floor area of 3500metres squared (m²) located within a 1715m² site on the western edge of the town square;
 - Design of a multi-use, predominantly 'hard' town square of 1424m² area, located at the intersection of Tahi Drive and Waru Street (provisionally named streets);
 - Design of a privately owned (but open to the public) piazza located on the eastern side of Tahi Drive, opposite the intersection with Waru Street, to be designed as a single space integrated with the town square and shared space;
 - Design of a shared space street environment at the intersection of Tahi Drive and Waru Street;
 - Design of a bus interchange located on the northern and southern sides of Waru Street;
 - Collaborative liaison with the project quantity surveyor and sub-consultants throughout the concept design process;
 - Attendance at fortnightly progress meetings and presentation of design and cost updates;
 - Presentation of the three concept options to the Project Control Group, including the delivery of a comprehensive concept report incorporating cost estimates and planning reports;
 - Attendance at a meeting of the full Council to present the three concept design options and respond to any technical questions.

- Attendance at any community workshops as required presenting the concept design options and addressing any questions on behalf of the Council.
- Provision of the Engineer's Representative during implementation of physical works.

14. The deliverables for the Concept Design phase of the contract are:

- **Library.** Production of floor plans, cross sections (at least two) perspectives and images to a high standard, as required, illustrating the design and key features, and production of cost estimates for the concept design.
- **Town Square and Piazza.** Production of a master plan of the study area, individual concept plans, cross-sections, perspectives and images illustrating the design and key features, and production of cost estimates for the concept design.
- **Shared space and bus interchange.** Production of layouts and sections in the form of neatly presented concept drawings showing key features, traffic restraint features including trees, street furniture, grassed areas, poles, artworks and sculptures, barriers and platforms. Production of a design report addressing the expected operational characteristics, and production of cost estimates for the concept design.
- **Design Statements and Planning Reports.** Production of a planning report addressing all elements, including an assessment of compliance with the Urban Concept Plan, the CDP and Development Guidelines and addressing likely resource consent requirements. Production of a Crime Prevention through Engineering Design assessment and an Injury Prevention through Engineering Design and universal access statement for concept design. Production of a draft feasibility report including cost estimates on the incorporation of Low Impact Design. Production of an Environmentally Sustainable Design (ESD) framework outlining how a variety of design aspects will be addressed and managed through the design, construction and commissioning stages for the library, town square, shared space, piazza and bus interchange.

A28-A31

15. Warren and Mahoney have completed the concept design and have submitted it to Council officers for review and approval. Concept drawings of the library, town square and piazza, and shared space and bus interchange are attached at pages A28 and A29 and the layout options for the bus interchange are attached at pages A30 and A31. The Design Statements and Planning Reports are currently under review by the PWG and the internal/external stakeholders.

Concept Design

16. At tender stage, all five invited tenderers were required to submit ideas and suggestions for the design as part of the tender process. Some of the tenderers, including Warren and Mahoney, chose to submit concept drawings with their tenders. The concept drawings attached to this report are based on the tender drawings submitted by Warren and Mahoney. A PWG has been formed comprising Council officers from Urban Planning and Design, Libraries, Special Projects, Arts, Parks Planning, Transport Assets, Strategic Transport and EcoWater. The concept design has been developed as a result of ongoing reviews by the PWG and internal/external stakeholders, and a concept design workshop held between Warren and Mahoney's design team and the internal/external stakeholders.

17. The brief to the design team required the submission of three concept options. As confirmation of the award of the contract to Warren and Mahoney was obtained only on 28 July 2010, the time frame for the production and assessment of three options was very tight, if the concept design was to be approved prior to the transition to the new Auckland Council. In addition, the shape of the town square, shared space and bus interchange are very much fixed and it was considered that the configuration of the library footprint could not be significantly varied. It was therefore agreed by the PWG that a single option for concept design would be developed from the tender concept drawings.
18. The footprint for the library is now 1,715 m². In agreement with NZRPG an additional area of 230 m² has been added to the footprint at the western end of the library. The additional footprint extends the library to the edge of the vehicle access lane leading into the car parking area adjacent to the Midgely block boundary. This avoids having a small space between the library and the access lane, that would be difficult to develop in the future. However, the floor area of the library remains unchanged at 3,500 m².
19. The extended footprint results in the floor area of the library being accommodated within two and a half floors. It is proposed that the remaining area on level three be used to create a rain garden or green roof with viewing and access decks, so that members of the public can access the garden.
20. The focus of the concept design stage has been on ensuring that the key spaces are located and sized appropriately, and that the adjacencies and relationships between spaces are considered. Ongoing consultation has taken place between the design team and key library stakeholders with regards to the detailed brief and the functionality of the library itself. Particular areas of discussion have included:
 - The appropriate area for the Citizens Advice Bureau;
 - The distribution and appropriate widths of vertical circulation stairs to avoid potential bottlenecks;
 - Additional requirements for long-term storage and a manager's office;
 - Potential areas for the provision of community office space, if required;
 - Access to and opening hours of a café to be situated on the ground floor inside the main entrance;
 - Staff working areas and allowance for transfer of trolleys containing books and other library material between staff areas; and
 - The capacity of the public lifts in relation to peak hours and with regard to prams in particular.
21. Consultation between the design team, the Council's Arts Coordinator and the appointed lead artist for the project resulted in a number of opportunities for further development. In particular, the children's story/activity area has been identified as a key element for integration of artwork within the building. Significant future opportunity for incorporation of artwork into the building fabric remains and will be explored in upcoming design stages.
22. The town square and shared space incorporates the east end of Waru Street and the intersection of Waru Street and Tahi Drive (running north-south and forming the eastern edge of the square). A bus interchange is to be situated on Waru Street alongside the northern edge of the library building. To the east of Tahi Drive is an extension of the shared space, or Piazza, which will be owned and operated by NZRPG and which is intended to act as a link between retail properties situated on the eastern side of Tahi Drive and the town square and library.

23. The town square and shared space have been designed on the basis of providing a space that meets the needs of pedestrians above the needs of vehicles. The over-arching principles for the design of the town square and shared space include:
- **People make places.** Public space is considered as an experience created by an interaction between people, vehicles and space rather than as a predetermined physical space.
 - **People first, vehicles second.** Improve pedestrian priority and the pedestrian experience. Where vehicle access is absolutely required allow vehicles to share the pedestrian space. Invite people in - to move through or stay. Many people are needed to modify vehicle behaviour and establish a shared space dynamic.
 - **Democracy of Space.** Meet the needs of our demographic - a new space/opportunity. The space should be free to use, without having to make a purchase. Free public space as a linkage to privatised internal mall public space.
 - **Flexibility – Overlapping activities in time and space.** The street is to be used as an event space day and night, with organised and everyday performances. It should provide opportunities for active participation and passive observation. Service vehicles and vehicles share the same space over the same time.
 - **Pedestrian priority as an agent for change.** More people provide more business opportunities, which in turn provide more reasons to visit. Establish a critical mass of active edges day and night.
24. Ongoing consultation has taken place between the design team and project stakeholders to develop the town square and shared space from the initial tender concept plans. Internal stakeholders have included members of the PWG Discussions took place around the following principles and requirements:
- Establishing the town square and shared space as a pedestrian priority space;
 - Integration of the space with the surrounding pedestrian network;
 - Transition of the space into a pedestrian priority zone at the thresholds of the space, and use of speed limits and narrow traffic routes to limit vehicle usage;
 - Subtle spatial definition for legibility and safety of all users. Spatial arrangement of street furniture, vegetation and paving to define areas for pedestrian activity and movement and vehicular movement;
 - Establishing the key patterns of movement through the space; and
 - Integration of artwork into the space.
- A31-A32 25. Two options for the layout of the bus interchange, shown on the plans attached at A31 and A32, have been presented by the design team. The options are:
- (a) An interchange extending from the western edge of the town square/shared space along the length of the northern edge of the library building, with buses stopping and picking up passengers on both sides of Waru Street.
 - (b) An interchange along the northern edge of the library as above, and extending approximately 70 metres further west along Waru Street. In this option the bus stops are on the south side of the road adjacent to the library and on the north side of the road further west.
26. The preferred option is to have all the bus stops in one area as per option (a), as this provides a closer link to public transport from the library, town square and Tahi Drive, allows users of the buses to obtain all information on timetables and routes within a well defined area, and provides for a more integrated well-defined bus interchange.

27. In addition to the layout drawings for the town square, shared space and the bus interchange, the concept design includes reports and drawings related to paving, low impact design, vegetation, lighting and artwork integration. The library concept design also includes reports and layouts related to ESD, to building plant and to structural elements and building services.
28. At the time of writing this report, the PWG had not yet had an opportunity to review and comment fully on the concept design submitted by the design team. The review of the full concept design will take place over the period leading up to the end of September, including further discussions with the design team. Once all issues have been resolved a recommendation will be made to the Chief Executive Officer to approve the concept design.

Environmentally Sustainable Design

29. After the initial introduction of the Better Building Code, Council officers gained considerable experience and insight into the issues that determine how effective the various sustainable design principles and elements are from a cost and performance perspective.
30. Council officers have however been aware for some time that, since adoption of the Code, the principles of ESD have become more developed, the sustainability standards for measurable targets and qualitative indicators have lifted and sustainable building construction systems and services equipment are technologically more advanced. It was therefore decided by the PWG and project sponsors that, for the proposed new Westgate Library and Town Square project, the introduction of a more widely recognised and authoritative tool for determining and assessing the sustainable design and performance of the new building would be timely.
31. The Council has been an active supporter of NZGBC which has been progressively developing a range of building sustainability rating tools appropriate for the context of the NZ built environment. The NZGBC uses the internationally recognised Green Star rating criteria as the basis for assessing the sustainability of different building typologies. The Council approached the NZGBC to see if Westgate Library could be assessed and rated using tools developed to date. An appropriate rating tool was not available at the time but NZGBC and WCC officers agreed to partner a programme whereby they would work together in collaboration with the Westgate Library project design consultants to develop a custom Sustainability Rating Tool for individual community building types (which would include library buildings).
32. It is intended that Westgate Library and Town Square project will be used as a pilot project to test and refine the tool before releasing it for national use. The development process has been progressing successfully over the last four months and the first draft of the Custom Tool was made available to Council for comment last week. It is a requirement of the development agreement that the completed Tool will be available for implementation in the detailed design stages of the Westgate Library and Town Square design contract before the end of October 2010.
33. The three main design consultants for the Westgate Library, Warren and Mahoney, Beca Engineering and Boffa Miskell Landscape Architects have established reputations for their commitment to and expertise in ESD and Low Impact Design (LID), and are enthusiastic about the opportunity to assist with development of the NZGBC Green Star Custom rating tool and piloting its application to this specific library project. The Green Star system rates a building's environmental sustainability on a scale from one to six stars, based on credits achieved as a result of assessment of the building in relation to an extensive set of performance criteria under a number of key sustainability categories.

34. Council officers are of the opinion that the Westgate Library and Town Square project is an opportunity to exemplify the high standard of ESD that can be achieved for public (and private) buildings, and have recommended that the design consultants work to attain a 5 Green Star (“New Zealand Excellence”) rating both for the design and construction of the building and for its operational performance when completed.

Liaison with NZRPG

35. Prior to the award of the design contract and during the concept design stage, considerable consultation between Council officers, the design team and NZRPG has taken place. NZRPG were invited to comment on the concept design as it has developed. Their feedback, where possible, has been incorporated into the concept design. PWG members and the design team held a meeting with NZRPG on 20 September 2010 to discuss the concept design layouts, and NZRPG have given their approval in principle of the concept design.

Options

36. Before committing to a particular scheme of development, Council has, as fulfilment of the Council’s obligation under the Local Government Act 2002, conducted assessment of the benefits and costs of all reasonably practicable options. The synopsis of the assessment of options below describes the project feasibility and analysis work that has been carried out to date.
- Massey North Social Infrastructure Plan, June 2007;
 - Purchase of core Assets within Plan Change 15, May 2009;
 - Business Case – Massey North Library, July 2009; and
 - Massey North Town Centre Assets, September 2009.
37. In accordance with the results of the previous analysis carried out, the single option is to proceed with the design and construction of the library, town square, shared space and bus interchange.
38. There are no further design options to be considered, for the reasons identified in paragraph 15 above. Any changes to the concept design will be as a result of reviews by the PWG and internal and external stakeholders. The concept design received from Warren and Mahoney therefore forms the basis for proceeding to the next stage of design.

Consideration of Community Views

39. Public Consultation around Plan Change 15 and in relation to roading and related transport issues has been extensive and has continued during the appeal process to the Plan Change. The tender concept plans have been posted in Massey Library for public viewing, and feedback received from the public has been incorporated, where possible, into the development of the concept design. At an early part of the next (preliminary) design stage, it is proposed to hold a public open day at which the community may view and provide feedback on the proposed project.

STRATEGIC CONTEXT

40. The wider NorSGA programme, which is included in the Long Term Council Community Plan 2009-2019 is expected to deliver on the community outcomes of Strong Economy, Vibrant Arts and Culture, and Urban and Rural Villages

41. The design and construction of the Westgate Civic Project is aligned with the following Council objectives:
- Creating a vibrant hub that will set the standard and establish the Council's vision for the wider NorSGA programme;
 - A catalytic environment for a flourishing and resilient community; and
 - Supporting learning and literacy and providing a built environment that is accessible, sustainable and promotes health and wellbeing.

CONSULTATION

42. Consultation has been undertaken with Council officers from the Urban Planning and Design, Legal Services, Library Services, Strategic Transport, Transport Assets, Parks, Arts and EcoWater sections of the Council. The internal stakeholders are in agreement that the concept design constitutes the basis for proceeding to the next (preliminary) design stage
43. External consultation has been undertaken with NZRPG and their consultants/design team, and the Citizens Advice Bureau. The comments received from these stakeholders will be addressed in more detail during the next design stage.

RESOURCES

44. Resources to complete the design reside with Warren and Mahoney as the consultants appointed in terms of Contract No. SP09005C – Professional Services for Westgate Civic Project – Architectural Services. Council officers will also have input into the design process in terms of continual monitoring, review and approval of the design and of design progress.
45. Provision has been made in the Annual Plan 2010/2011 for the completion of the design Contract No. SP09005C – Professional Services for Westgate Civic Project – Architectural Services.

IMPLEMENTATION ISSUES

46. There are no implementation issues expected with the delivery of the design contract.

AUCKLAND COUNCIL TRANSITION ISSUES

46. 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.
47. The ATA has confirmed the award of Contract No. SP09005C – Professional Services for Westgate Civic Project – Architectural Services to Warren and Mahoney (ATA decision confirmation ATA0722) on 28 July 2010.

Report prepared by: Duncan Miller, Senior Project Engineer, Special Projects.



9 PROPOSED MEMORANDA OF UNDERSTANDING

GLOSSARY

Brigham Creek Business Park Limited	(Brigham Creek Business Park)
Fulton Hogan Limited	(Fulton Hogan)
Infrastructure Funding Agreement	(IFA)
Northern Strategic Growth Area	(NorSGA)

EXECUTIVE SUMMARY

The purpose of this report is to seek Council's approval to develop two Memoranda of Understanding with landowners and developers in the Plan Change 14 Hobsonville Industrial area, and ensure business continuity in the Council handover of critical work within the Northern Strategic Growth Area (NorSGA) Programme to the Auckland Council.

This report also seeks the Council's agreement for the Chief Executive Officer to be authorised to enter into a Memorandum of Understanding with Brigham Creek Business Park Limited (Brigham Creek Business Park) and with Fulton Hogan Limited (Fulton Hogan).

RECOMMENDATIONS

It is recommended that the Council resolve to:

1. **Receive** the Proposed Memoranda of Understanding report.
2. **Agree** the Chief Executive Officer be authorised to enter into a Memorandum of Understanding with Brigham Creek Business Park Limited.
3. **Agree** the Chief Executive Officer be authorised to enter into a Memorandum of Understanding with Fulton Hogan Limited.

BACKGROUND

1. In the last 30-40 years, Waitakere has long had a shortage of business land relative to its population and has developed mainly as a dormitory suburb. Central government passed the Local Government (Auckland) Amendment Act 2004 to support the Auckland Regional Growth Strategy and to endorse the growth concept in district and regional plans. In 2006, Waitakere had 13 percent of the Auckland population, but only 8 percent of the region's business land; less than 100 hectares of business land described as vacant or potentially vacant; and over 56 percent of the working population leaving the City daily, to commute to their place of work.
2. Council took the lead in how to manage population growth and economic development with the identification of the NorSGA and changes to the Waitakere City District Plan to accommodate a sustainable development future. The NorSGA Programme is the product of many years of planning, consultation and concept design focussed on delivering a job-rich north-western edge of sustainable development to the dormitory suburbs of Hobsonville, Massey North and Westgate.
3. Over the next 20-plus years, this integrated planning approach for urban and economic development will benefit communities by providing approximately 4,300 new houses plus new business land and employment including the creation of an estimated 15,000 more jobs; the completion of the Western Ring Route (State Highways 16 and 18); new coastal accessways, parks and recreational facilities, and new schools.

4. Most of Waitakere's traditional industrial areas are relatively small, distant from the motorway network and due to the scarcity of sites, expensive. It is predicted that Waitakere will need another 435 hectares of business land by 2015 to accommodate this business land supply shortfall in the north-west of the Auckland region.
- A32 5. The Hobsonville Precincts A and A2 (approximately 32.5 hectares) encompasses an area of approximately 50 hectares of land to the north of Hobsonville Road, and bound to the west by the riparian edge of a tributary of the Waiarohia Stream (see plan attached at page A32).
- A32 6. Precinct A land (approximate 19 hectares) is designated for industry, offices and manufacturing with non-retail activities limited to convenience shops, service stations, and the retail sale of goods manufactured on site. A minimum of two-storey development is required on the Hobsonville Road frontage to support a quality transit network. There is no height minimum/maximum within the rest of the Hobsonville Precinct. It is also close to the Brigham Creek motorway off-ramp. The plan attached at page A32 shows the extent of ownership of the precinct by Brigham Creek Business Park.
- A32 7. Precinct A2 (approximately 14 hectares) is designated for similar non-residential activities. The plan attached at A32 shows the extent of ownership of the precinct by Fulton Hogan.
8. Council has commenced work with Brigham Creek Business Park and Fulton Hogan to ensure that their land-owner and developer interests will be realised, and give effect to Council's vision and the NorSGA Programme for economic development and the provision of employment for 3,250 people in Hobsonville.
9. Council wishes to develop two Memoranda of Understanding to progress the planning, design and construction of associated works for business and industrial development of the Hobsonville: Precincts A and A2 land owned by Brigham Creek Business Park and Fulton Hogan, respectively.

DECISION MAKING

Issues

10. Council is requested to agree that the Chief Executive Officer be authorised to enter into Memoranda of Understanding with the two parties: Brigham Creek Business Park and Fulton Hogan.
11. The main features of each Memorandum of Understanding relates to working and partnering together and will include:
- Shared vision and purpose;
 - Protocols for working together;
 - Roles and responsibilities;
 - Communications;
 - Ownership of information and intellectual property;
 - Confidentiality;
 - Development of a work programme;
 - Reporting and performance; and
 - Issues resolution.
12. The aim of the work programme will be to deliver an infrastructure funding agreement (IFA). The work programme to deliver the IFA will set out:

- A timeline of dates and deliverables, from October 2010 onwards;
- The list of agreements and key decisions;
- Current and future issues;
- Risk management; and
- Monitoring and review steps.

A32

13. Fulton Hogan proposes that these agreements would endeavour to set out the principals, work and costs related to the construction and vestment of stormwater; stormwater development contributions and reserve financial contributions; and cost-share for the construction of the wetland catchment areas identified on W5 (see plan attached at page A32), and potential vestment of drainage reserve surrounding and including W5. Fulton Hogan is scheduled to commence civil works in May 2011, for occupation of buildings in February 2012.
14. Brigham Creek Business Park has recently revised their development schedule to construct buildings for occupation in mid-2012 due to circumstances surrounding the construction of the Spine Road, for Brigham Creek Business Park. They envisage that it is unlikely they will commence construction of buildings ahead of the Hobsonville Road upgrades in 2014. The commencement of detailed work for the Memorandum of Understanding will involve further discussion and consideration of the issues surrounding Spine Road.

STRATEGIC CONTEXT

15. Plan Change 14 Hobsonville: Precinct A and A2 fits within the strategic context of the Local Government (Auckland) Amendment Act 2004, and is in support of the Auckland Regional Growth Strategy. The development of Hobsonville industrial area is included in the Best for the West: Economic Wellbeing Strategy for Waitakere; and Growth Management Strategy for Waitakere; and Waitakere's 10 Year Plan.

CONSULTATION

16. In 1999-2000, a series of scenario planning workshops were carried out as part of the State Highway 16 work; and from 2002 onwards concept planning for Hobsonville has been ongoing.
17. In June 2007, all of the community and stakeholder consultation and related studies culminated in the adoption of Plan Change 14 "Hobsonville Village Urban Concept Plan" which was prepared as part of the wider Growth and Transportation Integration Programme, in response to the Local Government (Auckland) Amendment Act 2004.
18. More recently, consultation with key officers across Council, Brigham Creek Business Park, and Fulton Hogan continues to take place for the planning and detailed design work related to consents and construction for Hobsonville: Precincts A and A2.

RESOURCES

19. Budget allocations for any potential cost-share arrangements for stormwater pond W5 is provided for within the Long Term Council Community Plan 2009-2019.

IMPLEMENTATION ISSUES

20. Council officers will continue to progress work for two Memoranda of Understanding agreements with Brigham Creek Business Park and Fulton Hogan for completion before 31 October 2010.

AUCKLAND COUNCIL TRANSITION ISSUES

21. The decision making proposed in this report is not constrained by section 31 of the Local Government (Tamaki Makaurau Reorganisation) Act 2009, as it does not directly or because of its consequences: significantly prejudice the reorganisation, significantly constrain the powers or capacity of the Auckland Council or any subsidiary of the Auckland Council following the reorganisation, or have a significant negative impact on the assets or liabilities that are transferred to the Auckland Council as a result of the reorganisation.

Report prepared by: Maureen Crombie, Manager: Programme Management Unit, and Denis Sheard, Manager: Legal Services/General Counsel.



10 BYLAW REVIEW - 2010 HEARING REPORT

GLOSSARY

Local Government Act 2002	(LGA 02)
Local Government Act 1974	(LGA 74)
New Zealand Bill of Rights Act 1990	(BORA)
Special consultative procedure	(SCP)

EXECUTIVE SUMMARY

The purpose of this report is to enable the Council to progress the review of bylaws following the special consultation procedure undertaken from 24 June 2010 to 23 July 2010, and resolve that certain bylaws be revoked, and, if satisfied as to the form of the six proposed bylaws, agree to their adoption.

If adopted and in force before 31 October 2010, the six proposed bylaws will be deemed to be made by the new Auckland Council or Auckland Transport and therefore, ensure continuity in management and enforcement within what was Waitakere after 1 November 2010.

RECOMMENDATIONS

It is recommended that the Council resolve to:

1. **Receive** the Bylaw Review - 2010 Hearing Report.
2. **Agree** to revoke the following bylaws:
 - Bylaw No 1 - Upper Harbour Bridge (1990);
 - Bylaw No 4 - General (Adoption of New Zealand Standard 9201, No.4);
 - Bylaw No 4 Chapter 07 - Water Supply (1990);
 - Bylaw No 4 Chapter 09 – Scaffolding and Deposit of Building Materials (1990);
 - Bylaw No 4 Chapter 11 - Nuisances (1990);
 - Bylaw No 6 - Fire Prevention (1990);
 - Bylaw No 19 - Septic Tanks and Disposal Systems (1990);
 - Bylaw No 20 - Amusement Galleries (1990);

- Bylaw No 25 - Radio Frequency Radiation (1991);
 - Bylaw No 27 - Spray Paint Cans (1995);
 - Building Bylaw (1990);
 - Bylaw No 4 Chapter 02 – Public Places (1990);
 - Bylaw No 4 Chapter 04 - Mobile or Travelling Shops and Hawkers (1990);
 - Bylaw No 4 Chapter 17 – Parks and Reserves (1990);
 - Bylaw No 7 - Traffic (1991);
 - Bylaw No 8 - Barbed Wire Fences (1990);
 - Bylaw No 9 - Beaches and Waters (1990);
 - Bylaw No 18 - Cemeteries and Crematoria (1990);
 - Bylaw No 22 - Use of Public Roads (1990);
 - Bylaw No 31 - Hygienic Operation of Massage Facilities (1999);
 - Bylaw No 32 - Health Protection - Skin Piercing (2002);
 - Bylaw No 2 - Waitakere Scenic Drive (1990);
 - Bylaw No 7 - Traffic (1991);
 - Bylaw No 28 - Urupa (Maori Burial Site) (1996); and
 - Bylaw No 4 Chapter 01 - Introductory (1990).
3. **Agree** to make the following bylaws:
- Public Places Bylaw 2010;
 - Sanitation and Hygiene in Commercial Premises Bylaw 2010;
 - Use of Roads and Parking Bylaw 2010;
 - Control of Intruder Alarm Systems 2010;
 - Urupa (Maori Burial Site) 2010; and
 - General Administration Bylaw 2010.
4. **Direct** the Chief Executive Officer to give public notice of resolutions 2 and 3 so that they take effect before 1 November 2010.

BACKGROUND

1. Council endorsed a timetable for the review of all Council bylaws in December 2004 (resolution no 2337/2004) as required by sections 158 and 159 of the Local Government Act 2002. In February 2005, the Planning and Regulatory Committee similarly approved the scheduled work programme for the bylaw review (resolution no 136/2005).
2. On 16 June 2010, the Council determined that 11 bylaws should be left to expire, 14 bylaws be revoked and replaced by 6 new bylaws as follows:

“The Council resolved to:

1. **Receive** the *Bylaw Report – Review and Recommendation on Bylaws report.*
2. **Agree** in respect of the existing bylaws that the following bylaws be left to expire:

Bylaw No 1 - Upper Harbour Bridge (1990);

Bylaw No 4 - General (Adoption of New Zealand Standard 9201, No.4);

*Bylaw No 4 Chapter 07 - Water Supply (1990);
Bylaw No 4 Chapter 09 - Scaffolding and Deposit of Building Materials (1990);
Bylaw No 4 Chapter 11 - Nuisances (1990);
Bylaw No 6 - Fire Prevention (1990);
Bylaw No 19 - Septic Tanks and Disposal Systems (1990);
Bylaw No 20 - Amusement Galleries (1990);
Bylaw No 25 - Radio Frequency Radiation (1991);
Bylaw No 27 - Spray Paint Cans (1995); and
Building Bylaw (1990).*

3. **Agree** that the bylaws noted in Table One below be revoked and replaced with new bylaws, which are the most appropriate form of regulating use of public places (including cemeteries and Urupa), hygiene and sanitation in commercial premises offering services to the public, use of roads and parking, control of noise from intruder alarms. In a new general administration bylaw is necessary to ensure consistent interpretation of bylaws:

BYLAW TO BE REVOKED	PROPOSED NEW BYLAW
<i>Bylaw No 4 Chapter 02 - Public Places (1990) Bylaw No 4 Chapter 04 - Mobile or Travelling Shops and Hawkers (1990) Bylaw No 4 Chapter 17 - Parks and Reserves (1990) Bylaw No 7 - Traffic (1991) Bylaw No 8 - Barbed Wire Fences (1990) Bylaw No 9 - Beaches and Waters (1990) Bylaw No 18 - Cemeteries and Crematoria (1990) Bylaw No 22 - Use of Public Roads (1990)</i>	<i>[Draft] Public Places Bylaw 2010</i>
<i>Bylaw No 31 - Hygienic Operation of Massage Facilities (1999) Bylaw No 32 - Health Protection - Skin Piercing (2002)</i>	<i>[Draft] Sanitation and Hygiene in Commercial Premises Bylaw 2010</i>
<i>Bylaw No 2 - Waitakere Scenic Drive (1990) Bylaw No 7 - Traffic (1991)</i>	<i>[Draft] Use of Roads and Parking Bylaw 2010</i>
<i>Bylaw No 4 Chapter 20 - Control of Noise (1990)</i>	<i>[Draft] Control of Intruder Alarm Systems 2010</i>
<i>Bylaw No 28 - Urupa (Maori Burial Site) (1996)</i>	<i>[Draft] Urupa (Maori Burial Site) 2010</i>
<i>Bylaw No 4 Chapter 01 - Introductory (1990)</i>	<i>[Draft] General Administration Bylaw 2010</i>

4. **Agree** that officers commence the Special Consultative Procedure under section 83 of the Local Government Act 2002 in respect of the following proposed bylaws:

[Draft] Public Places Bylaw 2010;
[Draft] Sanitation and Hygiene in Commercial Premises Bylaw 2010;
[Draft] Use of Roads and Parking Bylaw 2010;
[Draft] Control of Intruder Alarm Systems 2010;
[Draft] Urupa (Maori Burial Site) 2010; and
[Draft] General Administration Bylaw 2010.

5. *Note that the draft bylaws have no implications which are inconsistent with the New Zealand Bill of Rights Act 1990.*
6. *Approve the statement of proposal and summary of information attached at pages A1 to A20 for use as part of the special consultative procedure required by section 83 of the Local Government Act 2002, subject to an amendment to include the rationale for the bylaw review programme and a note that there are no substantive changes to the bylaws.*
7. *Agree that officers implement the Special Consultative Procedure as set out in section 83 of the Local Government Act 2002.*
8. *Agree to delegate to the Planning and Regulatory Committee the hearing of any submissions arising from the Special Consultative Procedure on these bylaws.*
9. *Agree that when submissions have been heard Council officers will prepare an updated report to be presented to Planning and Regulatory Committee for its consideration along with an updated version of the draft bylaws reflecting the changes suggested as a result of the Special Consultative Procedure.”*

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3. The six new bylaws recommended for adoption would replace a number of bylaws and address:
 - (a) public places and regulate and control a range of activities in parks, reserves, beaches, cemeteries and crematoria, and other places open to members of the public (whether or not there is charge for admission);
 - (b) sanitation and hygiene standards in certain commercial premises (skin piercing, beauty therapy, massage, health and fitness services) to protect the public from infection or contamination;
 - (c) management and regulation of parking and traffic in Waitakere;
 - (d) noise problems associated with intruder alarms by requiring control mechanisms to be fitted to new or upgraded alarms to prevent them from sounding for more than 15 minutes, and for Council to recover its costs where disconnection of offending alarms is necessary;
 - (e) health and safety issues associated with Urupa at Waikumete Cemetery and enabling the exercise of guardianship or kaitiakitanga of the Urupa by the Urupa Komiti; and
 - (f) interpretation and administration issues by providing general provisions to assist with the administration of Council's proposed bylaws.
4. The Special Consultative Procedure (SCP) was undertaken from 24 June to 23 July 2010. Information packs were prepared and included:

- The Statement of Proposal;
- A Summary of Information;
- A Frequently Asked Question information sheet; and
- The Bylaw Review Agenda Report (16 June 2010) with the draft bylaws, details of bylaws to be revoked/left to expire and submission forms.

A33-A186

5. Public notices were placed in the *New Zealand Herald* on 23 June 2010; the *Western Leader* on 22 June 2010 and the *Auckland* (Waitakere Edition) on 1 July 2010. Copies of the public notices are attached at pages A33 to A35. Information packs were publicly available at libraries (New Lynn, Henderson, Massey, Titirangi), at the Council offices and by post upon request. Copy of the information pack is attached at pages A36 to A186. Information was also placed on the Council website on the *Have Your Say* webpage (copy attached at A186A to A186B).
6. A number of enquiries were responded to, but no submissions were received by Council, and correspondingly no hearings have been held. The consultation period has however afforded the opportunity to review the proposed bylaws, and some minor amendments to the proposed bylaws have been suggested by officers, and these are reported on below.
7. It is now for the Council to:
 - Revoke the 25 bylaws that have been identified as being either essentially redundant or incorporated into draft new bylaws; and
 - Approve and adopt the six proposed bylaws if satisfied as to their form.

DECISION MAKING

Statutory considerations

8. The Local Government Act 2002 (LGA 02) imposes a statutory duty on all local authorities to review their existing bylaws to ensure continuing relevancy. Sections 158 and 159 of the LGA 02 requires that all bylaws made under the Local Government Act 1974 (LGA 74) be reviewed by 1 July 2008, and bylaws made under the LGA 02 after 1 July 2003 be reviewed no later than five years after the bylaw was made. Further reviews are required every 10 years. Where no review has taken place, that bylaw will be automatically revoked two years after the date on which the bylaw should have been reviewed (section 160A LGA 02).
9. The LGA 02 review timeframes are subject to the Local Government (Auckland Transitional Provisions) Act 2010, and bylaws made under the LGA02 or other enactment that are in force on 31 October 2010 may remain in force until 31 October 2015 (or 31 October 2012 for bylaws about solid waste, and 1 July 2015 for trade waste bylaws). Transport-related bylaws must be reviewed by Auckland Transport Council Controlled Organisation in accordance with the usual statutory requirements that would otherwise apply.

Issues

10. The LGA 02 imposes a detailed process for reviewing bylaws. The Council must first determine the issue to be addressed, and then consider whether there is a legal power to make a bylaw for that purpose and whether a bylaw is the best way of dealing with the issue, bearing in mind other available legislative powers, common law remedies and potential enforcement difficulties.

11. Having determined that a bylaw is the most appropriate means of dealing with the identified problem, consideration must be given to the most appropriate form of the proposed bylaw, whether there are any implications under the New Zealand Bill of Rights Act 1990 and whether a bylaw is in the community interest, is practical, enforceable and beneficial.
12. Council determined on 16 June 2010 that six new bylaws were necessary as the most appropriate form of regulating use of public places (including cemeteries and Urupa), hygiene and sanitation in commercial premises offering services to the public, use of roads and parking, control of noise from intruder alarms and to ensure consistent interpretation of bylaws.
13. Through the SCP, comments were sought on all aspects of the draft bylaws and review process. Public input was not restricted to the proposed wording and content of the new bylaws. The consultation documents contained information about the alternative options considered and why Council believes a bylaw is the most appropriate means of dealing with the perceived problem.
14. While no submissions were received, comments have been received from Council officers and, where appropriate, incorporated into the six draft bylaws. These comments largely concern format and typographical errors in the text of the draft bylaws, as discussed below.

Options Identified

15. As reported to Council on 16 June 2010, there are five options open to Council with regard to bylaws:
 - Option 1 - Make a new bylaw;
 - Option 2 - Amend an existing bylaw;
 - Option 3 - Revoke an existing bylaw by letting it expire;
 - Option 4 - Revoke an existing bylaw and replace with new bylaw; or
 - Option 5 - Continue an existing bylaw without amendment.

Assessment of Options

16. A full assessment of each option for each issue was included in the report to Council on 16 June 2010. Three options were preferred:
 - Option 1 - Make new bylaws;
 - Option 3 - Revoke existing bylaws by letting them expire on 30 June 2010; and
 - Option 4 - Revoke existing bylaws and replace with a new bylaw.

Option 3: Revoke existing bylaws by letting them expire on 30 June 2010

17. The Council resolved to let the following bylaws expire on 30 June 2010:
 - Bylaw No 1 - Upper Harbour Bridge (1990);
 - Bylaw No 4 - General (Adoption of New Zealand Standard 9201, No.4);
 - Bylaw No 4 Chapter 07 - Water Supply (1990);
 - Bylaw No 4 Chapter 09 - Scaffolding and Deposit of Building Materials (1990);
 - Bylaw No 4 Chapter 11 - Nuisances (1990);
 - Bylaw No 6 - Fire Prevention (1990);
 - Bylaw No 19 - Septic Tanks and Disposal Systems (1990);

- Bylaw No 20 - Amusement Galleries (1990);
- Bylaw No 25 - Radio Frequency Radiation (1991);
- Bylaw No 27 - Spray Paint Cans (1995); and
- Building Bylaw (1990).

Option 4: Revoke existing bylaws and replace with a new bylaw

18. The Council also resolved to revoke the following bylaws, which would be replaced with six new bylaws:
- Bylaw No 4 Chapter 02 – Public Places (1990);
 - Bylaw No 4 Chapter 04 - Mobile or Travelling Shops and Hawkers (1990);
 - Bylaw No 4 Chapter 17 - Parks and Reserves (1990);
 - Bylaw No 7 - Traffic (1991);
 - Bylaw No 8 - Barbed Wire Fences (1990);
 - Bylaw No 9 - Beaches and Waters (1990);
 - Bylaw No 18 - Cemeteries and Crematoria (1990);
 - Bylaw No 22 - Use of Public Roads (1990);
 - Bylaw No 31 - Hygienic Operation of Massage Facilities (1999);
 - Bylaw No 32 - Health Protection - Skin Piercing (2002);
 - Bylaw No 2 - Waitakere Scenic Drive (1990);
 - Bylaw No 7 - Traffic (1991);
 - Bylaw No 28 - Urupa (Maori Burial Site) (1996); and
 - Bylaw No 4 Chapter 01 - Introductory (1990).

Option 1: Make new bylaws

19. New bylaws have been developed and consulted on through the SCP. The cost/benefit analysis highlighted the fact that the alternatives to a bylaw were insufficient to protect the public and manage public places and issues within Waitakere with regard to Public Places, Sanitation and Hygiene in Commercial Premises, Use of Roads and Parking, Control of Intruder Alarm Systems, Urupa (Maori Burial Site), and General Administration.
20. It is considered that new bylaws could reflect current concerns and protect the public from nuisance and other harms, and, if adopted and in force before 31 October 2010, the six proposed bylaws will be deemed to be made by the new Auckland Council or Auckland Transport and therefore, ensure continuity in management and enforcement within what was Waitakere after 1 November 2010.

Consideration of Maori Views

21. The Urupa Komiti were consulted on the draft Urupa (Maori Burial Site) Bylaw 2010, which essentially updates Bylaw No 28 - Urupa (Maori Burial Site) (1996). No submissions were subsequently received by the Komiti. There are no special considerations to local Maori required in terms of section 77(c) of the LGA02 for the other new bylaws.

Consideration of Community Views

22. The views of the community have been canvassed through the SCP as required under the LGA 02. At the commencement of this bylaw review, officers sought the views of organisations and individuals likely to be affected by, or have an interest in the subject matter. Internal departments and staff were also consulted (including Environmental Health Officers, Managers, Transport Assets staff, and the Cemetery Manager).

Preferred Option

23. The making of six new bylaws is the preferred option. As noted above, these draft bylaws have been amended in response to officers' comments (see underlined amendments), and are attached as follows:

A187-A202

A203-A217

A218-A220

A221-A230

A231-A238

A239-A245

- Public Places (attached at pages A187 to A202);
- Sanitation and Hygiene in Commercial Premises (attached at pages A203 to A217);
- Control of Intruder Alarm Systems (attached at pages A218 to A220);
- Urupa (Maori Burial Site) (attached at pages A221 to A230);
- Use of Roads and Parking (attached at pages A231 to A238); and
- General Administration (attached at pages A239 to A245).

Officer's response

24. Officers' comments on the six new bylaws largely relate to format and typographical errors in the earlier drafts. Consistency of format and language across all bylaws was suggested, and accepted.
25. Consistency of timeframes for processing applications for approvals or licences by the Council in the various bylaws was also suggested (see clauses 8.2(c), 15.2(a), 15.4(i) draft Public Places Bylaw 2010 and clause 6.2 of the draft Sanitation and Hygiene in Commercial Premises Bylaw 2010). The relevant clauses are now consistent and applications must be received by Council at least ten working days in advance. This timeframe is considered reasonable, and can be compared to, for example, the 20 working days required for consents (Resource Management Act 1991 and Building Act 2004).
26. Clause 13(a) of the draft Use of Roads and Parking Bylaw 2010 enables the Council to designate or limit parking places for specified persons or uses. However, for the sake of clarity, an additional sub-clause (e) has been included to make it explicit that the Council can (by resolution) provide for disabled person parking spaces. A definition of "disabled person parking space" is also included in the bylaw as: "an area reserved for the stopping, standing or parking of vehicles displaying a current Mobility Parking Permit issued by CCS Disability Action". The specific provision for disabled person parking spaces in sub-clause (e) is provided for in section 591A(1)(b) of the LGA 74 which states that:

"The Council may make such bylaws as it thinks fit ... reserving any specified parking place ...for use, either generally or at specified times, only by ... disabled persons..."

27. Copies of the new bylaws incorporating the changes are attached as follows:

- A187-A202
 - A203-A217
 - A218-A220
 - A221-A230
 - A231-A238
 - A239-A245
- Public Places (attached at pages A187 to A202);
 - Sanitation and Hygiene in Commercial Premises (attached at pages A203 to A217);
 - Control of Intruder Alarm Systems (attached at pages A218 to A220);
 - Urupa (Maori Burial Site) (attached at pages A221 to A230);
 - Use of Roads and Parking (attached at pages A231 to A238);
 - General Administration (attached at pages A239 to A245).

STRATEGIC CONTEXT

28. The six draft bylaws have been developed in light of existing Council strategies and priorities, most of which have been developed in conjunction with the community. Council's Safe City and Sustainable Development priorities provide the strategic context for this work.
29. The making of the six new bylaws and the revocation of outdated bylaws will not affect the achievement of any of the Community Outcomes listed in the Council's Long Term Council Community Plan 2009-2019.

RESOURCES

30. Implementation of the bylaws will continue to be undertaken by the compliance section of the Council and carry over to the new unit in charge of bylaw enforcement at the Auckland Council or Auckland Transport.

IMPLEMENTATION ISSUES

31. There will be few implementation issues with the new bylaws as bylaws currently exist with similar provisions. Any implementation issues associated with the new bylaws should be minor as they may largely reflect current practice. Given this, there will be little noticeable change, with the public perception being "business as usual".

AUCKLAND COUNCIL TRANSITION ISSUES

32. The decision making proposed in this report is not constrained by section 31 of the Local Government (Tamaki Makaurau Reorganisation) Act 2009, as it does not directly or because of its consequences:
 - (a) significantly prejudice the reorganisation,
 - (b) significantly constrain the powers or capacity of the Auckland Council or any subsidiary of the Auckland Council following the reorganisation, or
 - (c) have a significant negative impact on the assets or liabilities that are transferred to the Auckland Council as a result of the reorganisation.
33. The Local Government (Auckland Transitional Provisions) Act 2010 proposes that the those bylaws that are in force on the 31 October 2010 carry over to Auckland Council or Auckland Transport CCO. Waitakere City Council bylaws that will be in force on 31 October 2010 are:
 - Control of Dogs, No 29 (2004);
 - Control of Liquor in Public Places (2008);
 - Food Safety (2005);
 - Waste (2005);
 - West Harbour Marina, No 13 (1990);

- Speed Limits Bylaw 2010;
 - Animals, Birds and Bees 2010; and
 - (pending adoption) the six proposed bylaws.
34. The Election Signs Bylaw 2010 (in place for the October 2010 triennial general elections in Auckland) will expire on 31 October 2010 and therefore will not carry over to the new Council.

Report prepared by: Jennifer Lamm, Solicitor and Setareh Masoud-Ansari, Team Leader Legal Services - Regulatory.



11 NORSGA WORK PROGRAMME FINANCIAL OVERVIEW UPDATE

GLOSSARY

Northern Strategic Growth Area	(NorSGA)
Infrastructure Funding Agreement	(IFA)
New Zealand Retail Property Group Management Limited	(NZRPG)
Plan Change 13	(PC 13)
Plan Change 14	(PC 14)
Plan Change 15	(PC 15)
Long Term Council Community Plan 2009-2019	(LTCCP)

EXECUTIVE SUMMARY

This report provides an overview of the key elements of infrastructure planned for the Northern Strategic Growth Area (NorSGA) and related financial considerations. The Long Term Council Community Plan 2009-2019 (LTCCP) adopted in June 2009 provided for funding of the NorSGA work programme of approximately \$316 million (unadjusted for inflation).

During the development of the NorSGA budget, certain aspects of the work programme were dependent upon entering into developer agreements, land acquisition, confirmation of District Plan changes, ongoing planning and design of infrastructure.

Since the adoption of the LTCCP, continual reappraisal of the infrastructural requirements for Plan Change areas 13 (PC 13), 14 (PC 14) and 15 (PC 15) in the NorSGA precinct has occurred. Key external relationships with various developers and government agencies have been fostered to ensure the City's strategic vision for this key growth area will be achieved.

A significant milestone was recently achieved in PC 15, with an Infrastructure Funding Agreement (IFA) between the New Zealand Retail Property Group Management Limited (NZRPG) and the Council being finalised. The IFA assists in the development of a retail town centre at Massey North.

As planning and design moves forward, additional financial considerations may be required. Variables such as land acquisition cost, future construction cost escalation and revision of service levels will all impact on the final cost. During deliberations on the Annual Plan 2010/2011 in June 2010, \$13.17 million was released from the NorSGA budget and made available for other citywide projects. However, additional costs have

arisen for undergrounding of power lines in PC 15 and the Town Square development. Present indications are that the 2010/2011 budget allocated can accommodate the immediate funding requirement. The budget provided in the LTCCP is considered a “funding envelope” and the approach has been to allocate the funding to bulk areas of infrastructure, these being roading, stormwater, wastewater, water supply, parks and land acquisition. The budget also provides for social infrastructure such as libraries and community facilities.

At the time of preparation of this report some budgetary provisions are being reassessed, in particular land acquisition and roading construction. Any reduction in these estimates could be made available to other areas in the NorSGA work programme requiring additional funding. An update to the Council will be made at the meeting.

RECOMMENDATION

It is recommended that the Council resolve to:

Receive the NorSGA Work Programme Financial Overview Update report.

BACKGROUND

1. The NorSGA programme is a major element of Waitakere City Council’s sustainable development programme. It is focused on supporting the development of the existing community; providing for future population and employment demand; and helping to meet regional demand for business land. Urbanisation is consistent with, and mandated by, City and Regional Council commitments to intensification of centres and corridors while accommodating greenfields growth in selected areas.

DECISION MAKING

Issues

2. The key components of the work programme approved in the LTCCP are described below by infrastructure component. The costs of each infrastructure asset in 2008/2009 were assessed and provided by an external consultant and reviewed by internal staff.

Social and Arts Infrastructure

3. The 10 year work programme provides for the Massey Leisure Centre to be extended into the current Massey Library, design of the Massey North Youth facility, a new Massey North Library and a Massey North Community Centre. The costs of these have been budgeted at:

Facility	Cost
Massey North Library (design work has commenced)	\$13,650,000
Massey North Youth Facility	\$150,000
Massey Leisure Centre extension	\$1,231,000
Massey North Community Centre	\$6,600,000
Massey North Arts Infrastructure	\$500,000
TOTAL	\$22,681,000

Table 1: Facility Costs

Roading

4. The LTCCP included the following allocations within the Plan Change areas for land acquisition, roading construction and contributions to external agencies:

Plan Change	Cost
PC 13	\$4,647,412
PC 14	\$36,680,083
PC15	\$74,946,575
Between PC 14 & PC 15	\$35,899,195
TOTAL	\$152,173,265

Table 2: Overview of Plan Change Costs

Plan Change 13

5. Elements of PC 13 comprise:

PC13 Elements	Cost
Contribution to Buckley motorway ramps	\$1,398,600
Buckley interchange contribution	\$305,000
Additional width of footpath (Hobsonville Point)	\$200,000
Additional traffic lanes Squadron Drive	\$543,812
Design of Clark and Scott Roads	\$200,000
Contribution to Waitakere Properties Ltd for Hobsonville Land Company works	\$2,000,000
TOTAL	\$4,647,412

Table 3: PC13 Costs

Plan Change 14

6. Elements of PC 14 comprise:

Intersections	Cost
Hobsonville Road & Wespark Drive	\$5,458,685
Hobsonville Road & Marina View Drive	\$5,213,753
Hobsonville Road & Suncrest Drive	\$4,993,056
Hobsonville Road & Brigham Creek Drive	\$11,875,755
Hobsonville Road & Clark / Wisely Roads	\$9,138,835
TOTAL	\$36,680,084

Table 4: PC 14 Costs

Plan Change 15

7. Elements of PC 15 comprise:

PC 15 Elements	Cost
Northside Drive Existing State Highway 16 intersection	\$1,850,187
Northside Drive West	\$16,952,014
Kedgley Drive North and part intersection	\$8,901,648
Hobsonville Road	\$9,039,948
Road 2 between Hobsonville Road & R8	\$3,252,986
Road 8a west (between Road R2 & NZRPG boundary)	\$1,029,192
NZRPG Roding Construction	\$13,883,000
Massey North Access Lane	\$500,000
Contribution to powerline undergrounding	\$2,000,000
Land acquisition State Highway 16 & NZRPG	\$16,290,000
Westgate Transport Interchange	\$1,247,600
TOTAL	\$74,946,575

Table 5: PC 15 Costs

Between Plan Changes 14 and 15 PC 14 and PC 15

8. Elements comprise:

PC	Cost
Hobsonville Road and Fitzherbert Avenue intersection	\$5,771,580
Hobsonville Road and Luckens Road intersection	\$4,512,947
Northside Drive east (from new SH16 to Trig Road)	\$16,834,659
Northside Drive diamond interchange	\$6,000,000
Hobsonville interchange contribution	\$1,300,000
Buckley intersection contribution	\$800,000
Cycleway Hobsonville State Highway 16 to Buckley Avenue	\$680,000
TOTAL	\$35,899,195

Table 6: Elements Comprise

Wastewater

9. The LTCCP includes the following allocation for wastewater services:

Allocations	Cost
PC 15	\$3,375,645
PC 14	\$8,115,716
State Highway 16/18 Services	\$116,000
TOTAL	\$11,657,361

Table 6: Wastewater

Expenditure comprises network infrastructure for residential and industrial properties.

Stormwater

10. The LTCCP includes the following allocation for land acquisition for stormwater ponds and construction:

Allocations	Cost
PC 15 Totara Ponds (6)	\$24,420,961
PC 14 Waiarohia Ponds (5)	\$9,412,839
State Highway 16/18 Services	\$634,500
NorSGA Stormwater	\$1,476,847
TOTAL	\$35,945,207

Table 8: Stormwater

Water Supply

11. The LTCCP includes the following allocation for water supply services:

Allocations	Cost
PC 13 Brigham Creek, Hobsonville Road, Clark Roads, Scott Road water services	\$614,900
PC 14 Hobsonville Road, Radich and Laurenson, Fulton Hogan	\$4,505,982
State Highway 16/18 Services	\$1,126,000
PC 15 Don Buck Road, Massey Town Centre and industrial area	\$3,301,481
TOTAL	\$9,458,363

Table 9: Water Supply

Parks

12. The LTCCP includes the following provision for Parks:

Parks Provision	Cost
PC 15	\$41,000,000
PC 14	\$9,328,000
PC 13	\$22,911,000
NorSGA Hobsonville Domain replacement	\$9,108,000
TOTAL	\$82,347,000

Table 10: Parks

Strategic Planning

13. The LTCCP includes the following expenditure:

LTCCP Expenditure	Cost
Urban Design and Management	\$600,000
Sustainable management	\$1,000,000
Transport Strategy	\$300,000
TOTAL	\$1,900,000

Table 11: LTCCP Expenditure

Annual Plan 2010/2011 Budget Adjustment and Other Financial Considerations

14. The overall allocation to the NorSGA budget was amended by the Council during the adoption of the 2010/2011 Annual Plan. The Long Term Council Community Plan and Annual Plan Committee, at its meeting held on 18 June 2010, considered a report titled 2009/2010 Capital Savings Application - Additional Projects. That report identified savings in the stormwater budget of \$8,725,079 and the roading budget of \$4,449,120, totalling \$13,174,199. At that time negotiations and preliminary valuations had progressed sufficiently for the cost component of some projects to be reduced. That saving was made available to other citywide projects. This reduces the NorSGA budget, along with an adjustment of the Parks budget, to approximately \$301.7 million.
15. The release of that identified surplus, however, did not take into account financial negotiations occurring for other developments in the PC 15 area and the likelihood of an additional contribution for the undergrounding of power lines of \$4.3 million and Westgate Town Square developments of up to \$4.2 million.
16. A review of some of the cost components of the NorSGA work programme is being undertaken to assess where possible savings can be achieved to keep costs within the revised budget total. Particular areas for review include the land acquisition and roading budgets. This will be reported at the Council meeting and appropriate recommendations, where necessary, will be tabled.

STRATEGIC CONTEXT

17. Council has identified the development of NorSGA as a key strategic priority in that it will provide for economic growth and job creation in the City, whilst mitigating the effects of workers commuting out of the City.
18. Development of NorSGA contributes to Council's strategies as follows:
 - Environment - network of green, clear air, clean water and nothing wasted;
 - Growth Management - a self sustaining dynamic network of vibrant town centres and neighbourhoods with a social, physical and natural fabric providing housing choice and employment opportunities for all;
 - Transport - a sustainable multi-modal transport system that is integrated with land use and contributes to Waitakere as an eco city; and
 - Economic Wellbeing - A catalytic environment for a flourishing and resilient economy.

CONSULTATION

19. Internal consultation has been undertaken with City Services and Legal Services in the preparation of this report.

RESOURCES

20. The LTCCP that was adopted on 30 June 2009 provided funding for the NorSGA work programme of approximately \$316 million (unadjusted for inflation). At the time of preparation of this report some budgetary provisions are being reassessed, in particular land acquisition and roading construction. Any reduction in these estimates could be made available to other areas in the NorSGA work programme requiring additional funding. An update to the Council will be made at the meeting.

IMPLEMENTATION ISSUES

21. There are no implementation issues arising from this report.

AUCKLAND COUNCIL TRANSITION ISSUES

22. The decision making proposed in this report is not constrained by section 31 of the Local Government (Tamaki Makaurau Reorganisation) Act 2009, as it does not directly or because of its consequences: significantly prejudice the reorganisation, significantly constrain the powers or capacity of the Auckland Council or any subsidiary of the Auckland Council following the reorganisation, or have a significant negative impact on the assets or liabilities that are transferred to the Auckland Council as a result of the reorganisation.

Report prepared by: Andrew Pollock, Director: Finance and Tony Miguel, Acting Director: City Services.



12 INTEGRATED FOUR WATERS MANAGEMENT PLAN – HENDERSON CREEK AND WHAU CREEK CATCHMENTS

GLOSSARY

Auckland Regional Council	(ARC)
Central Waitemata Harbour	(CWH)
Integrated Catchment Management Plan	(ICMP)
National Institute of Water and Atmospheric Research	(NIWA)
Project Twin Streams	(PTS)
Resource Management Act 1991	(RMA)
New Zealand Transport Agency	(NZTA)

EXECUTIVE SUMMARY

The purpose of this report is to provide a summary of activities and budgets and a presentation on the work programme for the Integrated Four Waters Management Plan – Henderson Creek and Whau Creek catchments.

A246

Under the Resource Management Act 1991 (RMA), a discharge consent from the Auckland Regional Council (ARC) is now due for the Henderson Creek and Whau Creek catchments. These catchments have become a regional priority as recent scientific reports have pointed to high levels of siltation and heavy metals flowing into their streams and into the Waitemata Harbour. The discharge consent will depend on completing an Integrated Catchment Management Plan (ICMP) and carrying out a comprehensive package of actions to reduce the quantum of pollution. An ICMP needs to cover both rural and urban areas, which is particularly necessary in this case, as the sedimentation is primarily coming from the more rural foothills of the Waitakere Ranges. The ICMP will also include the “Four Waters” – water supply, wastewater, stormwater and groundwater. An ICMP and implementation plan therefore have become urgent, as without a discharge consent, further development in the catchment is highly likely to be hindered. The extent of these catchments and priorities is shown in Appendix attached at page A246.

Project Twin Streams (PTS) has started to address some of the catchment issues through purchasing properties in the flood plain and restoring 28 kilometres of streams. However further details have established that there are still significant issues to be addressed, including the following:

- 153 properties have habitable buildings which would be flooded in a 1 in 100 year storm;
- 570 sections would be affected by flooding in a 1 in 100 year storm;
- 2,115 sections are within an overland flowpath and this requires management of effects; and
- Modelling of the central Waitemata Harbour has shown that the Henderson Creek catchment contributes 48% of sediment loading, 23% of zinc loading and 27% of copper loading into the harbour. Over 10 years this represents 101,427 tonne of sediment, 62 tonne of zinc and 14 tonne of copper to the harbour. The modelling for the Whau catchment has shown that it contributes 8% of sediment loading, 11% of zinc loading and 12% of copper loading into the harbour. Over 10 years this represents 17,203 tonne of sediment, 29 tonne of zinc and 6 tonne of copper to the harbour.

Addressing these effects will require a comprehensive approach using a combination of regulatory (for example District Plan and bylaws), non-regulatory methods (using the treatment train approach), education, public information, community development, monitoring, evaluation and detailed planning.

At this stage it is not possible to quantify the cost, but funding will be needed from various sources including rates, Development Contributions, New Zealand Transport Agency (NZTA) subsidies and in-kind contributions.

The alternative of not addressing these issues is not considered to be feasible as it would mean that there would need to be a moratorium on the whole of the Henderson Creek and the Whau catchment.

PTS has been working in the Henderson Creek catchment for the past five years, and it is proposed to expand the concept into the Whau Creek catchment, so that Project Twin Streams will, in the future, encompass both catchments.

RECOMMENDATIONS

It is recommended that the Council resolve to:

1. **Receive** the Integrated Four Waters Management Plan – Henderson Creek and Whau Creek catchments report and presentation.
2. **Agree** that the Chief Executive Officer be authorised to prepare a detailed Integrated Four Waters Management Plan – Henderson Creek and Whau Creek catchments for recommendation to the new Auckland Council to include the work programme required to address the adverse effects in these catchments and to include further funding in the Long Term Council Community Plan 2012-2022, together with a range of funding mechanisms including Development Contributions.

BACKGROUND

1. The adverse effects of urban stormwater in the Auckland region have been causing increasing concern over the past decade. Flooding, sewer overflows, and the level of pollutants in streams and harbours have been steadily increasing as land is developed and the ratio of impermeable surfaces increases. Recently, high levels of sediment and heavy metals identified in the mid-Waitemata Harbour have been directly attributed to Waitakere catchments. The worst of these are the Henderson Creek and Whau Creek catchments.

2. An ICMP is required to cover both rural and urban areas, which is particularly necessary in this case, as the sedimentation is primarily coming from the more rural foothills of the Waitakere Ranges. PTS is in a good position to tackle the complexities of this problem building on the firm foundation it has already established in the community through community involvement which has led to the devolution of ideas, initiatives and practical and technical solutions. Given the conflicting priorities that the new Auckland Council will face a detailed value case needs to be established to continue and expand the work in the catchment by Auckland Council.

DECISION MAKING

Issues

3. A report on the work programme to prepare an ICMP for the PTS catchment was submitted to the Infrastructure and Works Committee on 3 February 2010. At that meeting, the Infrastructure and Works Committee resolved as follows:

“The Infrastructure and Works Committee resolved to:

1. **Receive** the Integrated Catchment Management Plan – Project Twin Streams Catchment Report
2. **Agree** to the preparation of an Integrated Catchment Management Plan for the Project Twin Streams catchment.
3. **Direct** the Chief Executive Officer to report back to the Infrastructure and Works Committee by April 2010 with a further report covering the budget and funding plan required to continue and expand the work required in the Oratia / Opanuku Catchment.”

25/2010

4. The Infrastructure and Works Committee also requested Council officers to increase the scope of the ICMP to cover catchments draining to the Whau Creek.
5. A further report was submitted to the Policy and Strategy Committee meeting of 2 September 2010 and the Committee resolved as follows:

“The Policy and Strategy Committee

1. **Receive** the Integrated Four Waters Management Plan – Henderson Creek and Whau Creek catchments report and presentation.
2. **Direct** the Chief Executive Officer to report back to the Council meeting of 6 October 2010 with a further report covering the programme for integrated Four Waters Management of the Henderson and Whau Creek catchments.”

1269/2010

6. Detailed studies have identified the need for the ICMP to include the “four waters”, that is: water supply, wastewater, stormwater and ground water. This approach is consistent with the Water Cycle Strategy adopted by Council. Therefore the ICMP will include integrated management of the four waters.
7. To address the statutory requirements, an ICMP is being prepared. The ICMP’s will contain the history of the catchment, the options for management, the preferred option and consultation with its communities. Traditionally ICMP’s were narrowly focussed on stormwater and infrastructural solutions such as stormwater ponds. Now there is a growing awareness that there needs to be a much more comprehensive approach, including techniques such as low impact urban design and encouraging changes in human behaviour.

8. Modelling of the central Waitemata Harbour has shown that the Henderson Creek catchment contributes 48% of sediment loading, 23% of zinc loading and 27% of copper loading into the harbour. Over 10 years this represents 101,427 tonne of sediment, 62 tonne of zinc and 14 tonne of copper to the harbour. The modelling for the Whau catchment has shown that it contributes 8% of sediment loading, 11% of zinc loading and 12% of copper loading into the harbour. Over 10 years this represents 17,203 tonne of sediment, 29 tonne of zinc and 6 tonne of copper to the harbour.

Flooding

9. The original purpose of PTS was to address flooding and water quality issues in the lower reaches of the Oratia and Opanuku Stream catchments. The reason for this was the ARC had advised Waitakere that unless the flooding issues were addressed there would need to be restraints on further development within these catchments.
10. PTS has addressed flooding of 90 properties mainly by purchasing properties within the flood plain.
11. Further modelling has shown that there are still a large number of stormwater flooding issues to be addressed within the Henderson Creek and Whau catchments, including the following:
- 153 properties have habitable buildings which would be flooded in a 1 in 100 year storm;
 - 570 sections would be affected by flooding in a 1 in 100 year storm; and
 - 2,115 sections are within an overland flowpath and this requires management of effects.

A247-A251

12. Addressing flooding will require a number of methods and these are detailed in pages attached at A247-251.

Causes of Pollution

13. Studies by National Institute of Water and Atmospheric Research (NIWA), Landcare Research and the University of Auckland have shown that most of the heavy metals come from the urban areas of the catchment, while large part of the sediment comes from the foothills.
14. The two primary causes for the heavy metal component of the water pollution are the impact of vehicles on roads, and from (older) corrugated iron roofs, but other contaminants enter streams from such sources as artificial fertilisers, litter, waste material from industrial sites, and the illegal dumping or leakage of waste directly into streams.
15. The majority of sediment, on the other hand, comes from the foothills, from a wide range of human activities: stock grazing up to the edge of banks, earth moving, the absence of riparian margins, unmetalled roads and crumbling road edges as well as from natural processes.
16. The catchments have been gradually urbanised over the past 100 years, moving from forest to rural to urban. In geomorphological terms, the lower part of the catchment has always been naturally prone to ponding, urbanisation with its greatly increased levels of impermeable surfaces (eg. roads, pavements, building platforms) has drastically affected this natural process. Stormwater instead of soaking into the earth, slowing down and being cleansed by the earth, flows quickly along concrete and tarseal, is picked up by pipes, and increases in velocity. It then gushes out into streams causing erosion, distributing pollution and the thermal mass of the impermeable surfaces raises the temperature of the water.

17. Experts consider that significant improvement can be achieved with a comprehensive package of measures put in place over a period of time and, importantly, with the ownership and active support of the community.

Work Programme

A252-A254

18. A detailed work programme is being finalised, refer to pages A252 to A254 for the detailed elements. Within the 20-year forecast horizon, the following implementation strategy has been applied, where the Council will:

- Provide human and financial resources for planning, education, monitoring and evaluation as the first priority;
- Include Low Impact Design in all its new projects;
- Manage and control flooding;
- Provide onsite wastewater management as per the Onsite Wastewater Management Action Plan, including pump outs and monitoring;
- Prepare a detailed Stream and Stormwater implementation plan within three years;
- Review the District Plan and regulations within 1 year and implement changes within five years;
- Construct culvert inlet and outlet controls, fish passages and daylight streams where feasible over 10 years;
- Retrofit stormwater treatment on all priority roads within 10 years and for NZTA to do the same on its network. Secure funding from NZTA for road stormwater treatment;
- Retrofit cesspit controls and inlet controls over 10 years;
- Seal roads within 10 years (already partly funded);
- Plant road embankments and slopes within 3 years;
- Stabilise roadside drains over 10 years;
- Complete stream erosion control and stabilisation works over 20 years;
- Reduce wastewater overflows by 50% within 20 years (this will be a Watercare cost);
- Mitigate direct stormwater discharges to streams over 20 years;
- On Council land riparian planting and reforestation will be achieved over 20 years; and
- Provide ongoing funding for maintenance of the above as the works are completed.

Risks of Inaction

19. Apart from the statutory need to create a ICMP to deal with current stormwater issues, there are three new future threats to the health of the streams and the harbour that make addressing these issues more pressing. These stem from:

- predicted population growth;
- economic growth; and
- the global threat of climate change - extreme weather events and sea level rise.

20. All these will further strain the capacity of the catchment to deal with increased impermeable surfaces, sudden deluges of rain or droughts, and the wide range of human activities that impact adversely on the water quality and the life of the streams.

21. Without an ICMP, development is highly likely to be constrained. It would not be seen as responsible to allow unmitigated development, increasing the potential for flooding and increasing the siltation and contamination of the Waitemata Harbour

Consideration of Community Views

22. In order to comply with the RMA, Council must lodge an ICMP with the ARC by October 2010. In developing an ICMP there is a statutory requirement for ongoing consultation.

STRATEGIC CONTEXT

23. The ICMP will contribute to the achievement of Council's Environment Strategy and the eco city vision of "a network of resilient, productive and prosperous communities, living in compact town and neighbourhoods, nourishing the environment and celebrating our diverse and creative lifestyles".

24. Council's Environment Strategy embodies two strategic outcomes as follows:

- Green Network - The Natural Environment, with the strategic outcome of native forests full of native birds linking streams full of native fish contributing to a resurgence of the whitebait shoals in the harbours
- Air, Water, Waste - Environmental Resource Use with a strategic outcome of clean air, clean water and nothing wasted

- A255-A256
25. The relevant targets in the Environment Strategy are detailed in pages attached at A255 to A256.

- A257-A259
26. The ICMP work programme will contribute to the achievement of the Long Term Council Community Plan 2009-2019 targets detailed in pages attached at A257 to A259.

27. The vision for PTS is "Working together for healthy streams and strong communities: creating a sustainable future".

28. Internationally, the approach suggested in this report is in line with leading edge global policy on integrated water resources management, first defined at the Rio Conference in 1992 and Agenda 21. This policy direction recognises the importance of building capacity in the community and actively involving communities in the decisions that affect them, frequently referred to as: "building community understanding, ownership and uptake."

CONSULTATION

29. The ICMP forms the basis of consultation and it is in the enactment of that plan in which full consultation will begin. Consultation will include but not be limited to internal staff, elected members, PTS community engagement groups, the community and relevant external iwi agencies.

RESOURCES

30. Funding of approximately \$45 million has been provided to date for PTS through a combination of grants from Auckland Regional Holdings, Development Contributions and some rates funding.

31. Further funding will be required to implement the combination of methods recommended in this report, this requires further analysis and evaluation of optimum solutions in terms of costs and benefits.

AUCKLAND COUNCIL TRANSITION ISSUES

32. The decision making proposed in this report is not constrained by section 31 of the Local Government (Tamaki Makaurau Reorganisation) Act 2009, as it does not directly or because of its consequences: significantly prejudice the reorganisation, significantly constrain the powers or capacity of the Auckland Council or any subsidiary of the Auckland Council following the reorganisation, or have a significant negative impact on the assets or liabilities that are transferred to the Auckland Council as a result of the reorganisation.

Report prepared by: Tony Miguel, Acting Director: City Services.



13 CIVIC ARTS, GIFTS AND MEMORABILIA

GLOSSARY

Lopdell House Gallery	(LHG)
Corban Estate Arts Centre	(CEAC)
Waitakere Arts and Cultural Development Trust	(WACDT)
Portage Ceramics Trust	(PCT)

EXECUTIVE SUMMARY

This report provides Council with an overview of the work done to date to record and document the value of all artworks in the civic collection and the indexing of all memorabilia, awards and gifts.

It furthermore provides a framework for the interim safe management of these collections and provides indicative budget requirements to implement this work.

The intention of this report is to set out a process and management plan that will maximise public access to the collections within the Waitakere area while providing a structure for the ongoing care of the artworks.

RECOMMENDATIONS

It is recommended that the Council resolve to:

1. **Receive** the Civic Art Collection, Gifts and Memorabilia report.
2. **Agree** that the Auckland Council be advised that Lopdell House Gallery should take custody of the major part of the Civic Arts Collection on completion of the new gallery extension.
3. **Agree** that the Waitakere Arts and Cultural Development Trust becomes the custodian of the Peter Sauerbier collection to secure the collection's future as part of the Corban Estate Arts Centre.
4. **Agree** that the Council Ceramics Collection be packed and stored with the Portage Licensing Trust ceramics and be passed over to the Portage Ceramics Trust for display on completion of the refurbishment of the Ambrico Studio/Museum.

5. **Agree** that the Council collection of awards, gifts and memorabilia be indexed and packed to professional standards and placed in the Council archives until decisions can be made by the new Auckland Council as to its future.
6. **Approve** that the budget of \$15,000 in the Annual Plan 2020/2011, attributed to the Peter Sauerbier collection, be granted to the Waitakere Arts and Cultural Development Trust for the care and management of the collection.
7. **Note** that the Civic Arts Collection will be managed by the Auckland Council through the Arts Team - West.
8. **Note** that the Civic Arts Collection will become an asset of the Auckland Council on 1 November 2010.
9. **Note** that Peter Sauerbier, in bequeathing his collection to the City, wished it to reside permanently at the Corban Estate Arts Centre.
10. **Note** that the Honours Boards and Mayoral and Laureates photos will be sited in the Waitakere Central Library.

BACKGROUND

1. The Civic Arts Collection consists of works purchased, commissioned and gifted over the 20 years of Waitakere City Council tenure. The collection has been indexed and valued over the past months in preparation for the transfer of assets to the new Auckland Council. The value of the collection, excluding the Peter Sauerbier collection, is \$1,596,550. The Sauerbier collection is valued at \$716,300.
2. Currently the bulk of the collection is held within the Council buildings at Waitakere Central. Some works are on display at libraries and the crematorium. The Peter Sauerbier collection has been indexed, has had conservation work completed, and is held in professionally built crates in commercial storage.
3. Of particular importance are those works of carving commissioned by Council for the Civic Centre from Te Kawerau A Maki.
4. Council's collection of awards, gifts and memorabilia has been indexed and is ready for packing where appropriate.

DECISION MAKING

5. A key driver in any decision to manage the collected artworks acquired by Council is to maximise access to those artworks for the residents of Waitakere.

Issues

6. Currently, artworks owned by Council are spread throughout the current Civic Centre, both in the Administration wing and the formal Civic areas – Chambers, foyer, Mayoral suite and Directors area. A smaller number of works are already in libraries and the Crematorium. As it is clear that areas of the Council building may be designated for other uses, it is planned to remove all artworks from offices, meeting rooms, etc and to re-site as many of them as is possible in public spaces where access and use will not be changing, i.e. the City's libraries, art centres and Crematorium. Works that are either unsuitable or too fragile for public spaces can be professionally packed and stored.
7. The Council Honours Boards, Mayoral photographs and Laureates photographs can be shifted to the Waitakere Central Library for permanent display.

8. The Peter Sauerbier collection has been indexed, crated and put into commercial storage. All works have had a condition report completed and any urgent restoration has been undertaken. The collection is, therefore, in good condition and can be passed to CEAC for future development and eventually a permanent home on the Corban Estate. There is currently no formal agreement between Council and the Sauerbier family due to the lengthy time that has elapsed in forming a Sauerbier Family Trust. However, this trust has now been formed and it is appropriate that a formal agreement be initiated between the Sauerbier Family Trust and the Waitakere Arts and Cultural Development Trust (WACDT). There are costs associated with the ongoing care and development of the Peter Sauerbier collection (e.g. a potential national touring exhibition) and it is recommended that the Council budget for this collection of \$15,000 per annum is granted to WACDT for ongoing management.

Options Identified

9. The recommended option for Council to consider in relation to the future and ongoing custody of the Civic Arts Collection is as follows:
- To maintain care and custody of the collection by the Auckland Council through its Arts Team - West.
 - To recommend to Auckland Council that the major part of the collection is held by the Lopdell House Gallery on completion of the new gallery extension.
10. Note that much of this collection will remain on public display through libraries and other public spaces until such time as the gallery is completed. Work that is too fragile for non-gallery spaces will be professionally packed and stored.
11. The exceptions to this are the Peter Sauerbier collection, which was always intended to be housed at the Corban Estate Arts Centre (CEAC), and the small but significant ceramics collection, which can be stored in the interim with the Portage Licensing Trust collection and passed to the Portage Ceramics Trust at the Ambrico Studio after the building has been refurbished.

Consideration of Community Views

12. The driver for the recommendations in this report is to keep as much as possible of the Council's art collection accessible to the Waitakere community.

STRATEGIC CONTEXT

13. The Cultural Wellbeing Strategy (2010) has, as an overall strategic outcome, that "We all feel we belong, treasuring our diversity, creativity, culture and heritage". The Council art collection is a tangible expression to the community of this outcome.

CONSULTATION

14. Informal consultation has been undertaken with the LHG, CEAC and the Portage Ceramics Trust.
15. Internal consultation has been undertaken with Maori Relationships.

RESOURCES

16. There are costs associated with the implementation of the recommended process:
- a) The cost for the re-siting, packing and transport of the existing art collection can be sourced from current budgets.

- b) \$15,000 to be granted from the Annual Plan 2010/2011 budget to WACDT for the care and development of the Peter Sauerbier collection. Note that this sum is in the approved Long Term Council Community Plan 2009-2019 and Annual Plan 2010/2011 budget.

IMPLEMENTATION ISSUES

17. Staff time has already been expended in completing the indexing of the Council art collection. Further staff time will be required to manage contracts for professional packing, transport and re-siting of work.

AUCKLAND COUNCIL TRANSITION ISSUES

18. The decision making proposed in this report is not constrained by section 31 of the Local Government (Tamaki Makaurau Reorganisation) Act 2009, as it does not directly or because of its consequences: significantly prejudice the reorganisation, significantly constrain the powers or capacity of the Auckland Council or any subsidiary of the Auckland Council following the reorganisation, or have a significant negative impact on the assets or liabilities that are transferred to the Auckland Council as a result of the reorganisation.

Report prepared by: Naomi McCleary; **Manager:** Arts.



14 MASSEY NORTH TOWN CENTRE ASSETS

GLOSSARY

Massey North town centre	(town centre)
Auckland Transition Agency	(ATA)
Cannuck Holdings Limited	(CHL)
Local Government Act 2002	(LGA02)
Long Term Council Community Plan 2009-2019	(LTCCP)

EXECUTIVE SUMMARY

At its meeting held on 15 September 2010, the Council resolved to acquire further land from Cannuck Holdings Limited ("CHL") for the purposes of the town square and library site in the new Massey North Town Centre (Town Centre).

Council has now received an alternative proposal from CHL which involves the transfer of land covered by the earlier resolution and some additional land to the Council without consideration on the basis that Council will accept full financial responsibility for developing the town square and piazza, the roads and services through the town square and piazza and the right-of-way and rear access to the library site.

Analysis of that proposal is continuing but initial indications at the time of preparation of this report are that the proposal is affordable within the existing provisions in the Long Term Council Community Plan 2009-2019 (LTCCP). There are also obvious benefits in the Council having complete control over the achievement of urban design goals and appropriate standards of construction in relation to this key element of the town centre.

Authority is therefore sought to enable the Chief Executive Officer to fully investigate this alternative proposal and, if it is financially viable, to enter into an agreement to acquire additional land (without compensation) and to give the financial commitments relating to the development of the piazza, roads and other infrastructure as the consideration for the acquisition of that additional land.

RECOMMENDATIONS

It is recommended that the Council resolve to:

1. **Receive** the Massey North Town Centre Assets report.
- A260 2. **Approve**, subject to resolutions 4 below, the acquisition by the Council, under the Public Works Act 1981 but without payment of compensation, from Cannuck Holdings Limited of those parts of lots 1 and 2 on DP 127335 within the area outlined in pink on the Boffa Miskell plan attached to this report at page A260 that it has not already agreed to acquire under the Infrastructure Funding Agreement dated 22 October 2010.
3. **Agree**, subject to resolutions 4 and 5 below, to delegate to the Chief Executive Officer full authority to negotiate and execute a variation to the infrastructure funding agreement dated 23 October 2010, and the memorandum of encumbrance referred to in clause 40 of that agreement, to give effect to the transactions authorised by resolution 2. It is acknowledged that the negotiated terms will require the Council to make an additional financial commitment to the construction of the town square and piazza, roads and services though the town square and the vehicular access to the eastern side of the library site
4. **Direct** the Chief Executive Officer, before giving effect to resolutions 2 and 3, to satisfy herself that the cost of this proposal can be accommodated within existing provisions in the Long Term Council Community Plan 2009-2019 or that any additional funding that might be required has been approved by the Council.
5. **Note** that resolutions 2 and 3 above are subject to confirmation by the Auckland Transition Agency.

BACKGROUND

1. At its meeting held on 15 September 2010, the Council resolved as follows:

“The Council resolved to:

1. **Receive** the Massey North Town Centre Assets report
2. **Approve**, subject to resolution 5 below, the acquisition by the Council under the Public Works Act 1981 of those parts of lots 1 and 2 on DP 127335:
 - shown as lots 10A, 11A and 12 on the Cato Bolam plan attached to this report (job no. W/28364 – revision 7) at page A34 for, respectively: public open space (town square), library purposes and road; and
 - marked “B” on that plan for a right of way in favour of the library site (lots 11 and 11A on that plan).
3. **Agree**, subject to resolution 5 below, to delegate to the Chief Executive Officer full authority to negotiate and execute a variation to the Infrastructure Funding Agreement dated 22 February 2010, and the Memorandum of Encumbrance referred to in clause 40 of that agreement, to give effect to the transactions authorised by resolution 2.

4. *Approve the terms of the Road Agreement, Green Space Agreement and Cost Contribution Agreement in the form of attached at pages A35 to A50 and to authorise the Chief Executive Officer to sign those agreements on behalf of the Council.*
5. *Note that resolutions 2 and 3 above are subject to confirmation by the Auckland Transition Agency.*

1364/2010

2. A request for confirmation of these decisions was prepared and submitted to Auckland Transition Agency ("ATA") but as a consequence of receipt of this new proposal from CHL ATA was requested to suspend processing of the request for confirmation in respect of Resolution 2.
3. Before consideration of this report Councillors will have received a presentation and a report (Item 8 of this agenda) with updated advice on the progress which has been made in relation to concept urban design for the new town centre. There is therefore no need in this report to repeat that advice.
4. Arising from that process, and as a consequence of further discussion of the arrangements contemplated by the resolution of 15 September 2010, CHL has belatedly put forward a proposal that the Council acquire not only the land contemplated by that resolution but also further land within the area outlined in pink that it has not already agreed to acquire under the Infrastructure Funding Agreement dated 22 February 2010. The further land is the land needed for vehicular access purposes to the south and east of the library site and that part of the piazza on the eastern side of Tahī Drive. The proposal is that this further land, together with the land referred to in resolution 1364/2010, would pass to the Council without payment of compensation but in return Council would accept full financial responsibility for development of roads and services through the piazza, development of the piazza and the provision of access to the eastern side of the library site.
5. Financial analysis of these options is being undertaken and an oral report will be provided at the meeting. Work is also being undertaken to establish whether the estimated cost of that work can be accommodated within existing financial provisions and if it cannot be accommodated within those provisions to establish what further provision might be required. An oral report will be provided at the meeting in this regard also. The recommendations with this report reflect the uncertainty at the time of its preparation. Ordinarily a report would not be advanced until these matters had been resolved, and with some certainty, but the proximity of 31 October 2010 dictates a more flexible approach.

DECISION MAKING

Options, community views, consistency and significance

6. Council has limited decision making options in relation to this proposal:
 - (a) "do-nothing" will result in sub-optimal ownership and urban design outcomes.
 - Territorial authorities have traditionally preferred to have outright of key infrastructure such as public open space, roads. Ownership of the whole site means that Council can design, plan and deliver the heart of the new town without compromise; in particular without compromise from development and maintenance of a space with mixed ownership.

The complexities surrounding the determination of base costs and actual costs, and who pays for what, are avoided. The Council will be free to incorporate whatever components of landscaping, art and public amenity within the development of the area as it desires (subject always to the dictates of affordability.)

- The achievement of best practice urban design outcomes has been a key Council requirement for planning the new Town Centre.
- (b) The assessment of the benefits and costs, the achievement of community outcomes and the impact of the wider options have all been assessed as part of the policy analysis for Plan Change 15. The decisions required in this report are a natural progression of, and the final step in, the land purchase programme that started with the decision to approve Plan Change 15. While the Plan Change is not yet operative, none of the outstanding appeals relate to the location or dimensions of the roads, town square or library site.
7. The Local Government Act 2002 (LGA02) requires the consideration of community views at all relevant stages of the decision making process (s 78 LGA02) but permits the Council under s 79 LGA02 to exercise discretion as to how it may achieve compliance with that obligation. In respect of the decisions required in this report, there has been extensive public consultation during the course of the process under the Resource Management Act 1991 relating to the approval of Plan Change 15. As noted above, none of the appeals against Plan Change 15 relate to the dimensions or location of the town square or the library site and the proposals in this report are a fine tuning exercise of earlier decisions. Proposals to acquire land for storm water management purposes and for the community park were also contemplated by Plan Change 15. The proposals to fund the acquisition of these assets has also been the subject of extensive public consultation through the LTCCP process, including the public consultation process associated with the adoption of the current version of the Council's development contributions policy in 2009. It is therefore considered that there is underlying community support for a decision by the Council to secure the best ownership and urban design outcomes for community infrastructure related to the new Town Centre within the Plan Change 15 area.
8. The proposed decisions are consistent with Plan Change 15 and the LTCCP. The special consultation requirements of the LTCCP are not triggered, nor are they considered to be significant decisions in terms of the Council's significance policy.

STRATEGIC CONTEXT

9. The new Town Centre is a key element of the City's long term sustainable growth strategy. It is one of the sub regional centres of the City which is intended to assist the transformation of dormitory suburbs into communities, each with access to a Town Centre and to local services and jobs.
10. A 2006 estimate of Gross Domestic Product increase in the Massey North - Hobsonville area projected an increase of \$500 million per year by 2021 and \$1 billion a year by 2050. The area is projected to provide 15,000 new jobs. The City has a great deal at stake in the development of the Plan Change 15 area generally and in the town centre in particular and needs to do everything reasonably within its power to ensure that this sub-regional centre is successful.

CONSULTATION

11. External consultation in respect of these decisions is not considered necessary given the extensive consultation undertaken during Plan Change 15. There has been direct consultation with the parties directly involved and extensive internal consultation.

RESOURCES

12. The availability of the financial resources to give effect to these decisions has been discussed earlier in this report and the recommendations in the report reflect the likely outcome of the further work that is being done in that regard. There are no staff resourcing issues arising from these decisions and that any necessary agreements will be able to be negotiated by existing staff without course to external providers. If recourse to external providers is required budget is available.

IMPLEMENTATION ISSUES

13. There are no implementation issues associated with this report.

AUCKLAND COUNCIL TRANSITION ISSUES

14. Since the decisions sought by this report relates to matters within the wider Northern Strategic Growth Area confirmation of these decisions by the Auckland Transitional Agency will be required, in accordance with the advice given by ATA under section 20 of the Local Government (Tamaki Makaurau Reorganisation) Act 2009 at the time of approval of the Council's LTCCP.

Report prepared by: Denis Sheard, Legal Services Manager.



PUBLIC EXCLUDED MATTERS

15. CONTRACT NO. EW05061A - WATER SUPPLY, WASTEWATER AND STORMWATER DRAINAGE TERM MAINTENANCE CONTRACT AND CONTRACT NO. EW10027A - STORMWATER DRAINAGE TERM MAINTENANCE CONTRACT TERM EXTENSIONS

16. PLAN CHANGE 15 - INFRASTRUCTURE CONTRACTS

These items 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 parts of the proceedings of this meeting, namely; Contract No. EW05061A - Water Supply, Wastewater and Stormwater Drainage Term Maintenance Contract and Contract No. EW10027A - Stormwater Drainage Term Maintenance Contract Term Extensions; and Plan Change 15 - Infrastructure Contracts. .

The general subject of the matters to be considered while the public is excluded, the reason for passing this resolution in relation to 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 each of the matters to be considered.	Reason for passing this resolution in relation to each of the matters.	Ground(s) under Section 48(1)(a) for the passing of this resolution.
Contract No. EW05061A - Water Supply, Wastewater and Stormwater Drainage Term Maintenance Contract and Contract No. EW10027A - Stormwater Drainage Term Maintenance Contract Term Extensions	The withholding of information is necessary in order to: 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.
Plan Change 15 - Infrastructure Contracts	The withholding of information is necessary in order to: 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:

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

