

**AGENDA FOR A MEETING OF THE INFRASTRUCTURE AND WORKS COMMITTEE
TO BE HELD IN THE COUNCIL CHAMBER AT WAITAKERE CENTRAL,
6 HENDERSON VALLEY ROAD, HENDERSON, WAITAKERE, ON
WEDNESDAY, 4 NOVEMBER 2009, COMMENCING AT 9.30 AM**

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1 APOLOGIES



2 URGENT BUSINESS

Section 46A(7) of the Local Government Official Information and Meetings Act 1987 provides that where an item of business is not on the agenda, it may only be dealt with at the meeting if:

- (i) the Committee 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 Committee may make a decision on a matter determined to be urgent.

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



3 CONFLICTS OF INTEREST

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



4 CONFIRMATION OF MINUTES

Meeting Minutes - Wednesday, 7 October 2009

RECOMMENDATION

It is recommended that the Infrastructure and Works Committee resolve to:

Receive the minutes of the meeting of the Infrastructure and Works Committee held on Wednesday, 7 October 2009, as circulated, and that they be taken as read and now be confirmed.



5 KEN MAUNDER PARK REDEVELOPMENT LEASE ARRANGEMENT

GLOSSARY

Infrastructure and Works Committee	(the Committee)
Ken Maunder Park Community Trust	(the Trust)
Ken Maunder Park	(the Park)
Suburbs New Lynn Cricket Club and the Lynn Avon United Football Club	(the Clubs)

EXECUTIVE SUMMARY

The purpose of this report is to seek the approval of the Infrastructure and Works Committee (the Committee) for the Chief Executive Officer to negotiate a lease with the Ken Maunder Park Community Trust (the Trust). The lease is required for the footprint of the existing clubrooms, the new indoor training facility and the new public toilets and changing rooms at Ken Maunder Park (the Park).

The redevelopment plans of the Park were approved by the Committee at its August 2009 meeting however, a recommendation allowing for the negotiation of a lease was omitted.

RECOMMENDATIONS

It is recommended that the Infrastructure and Works Committee resolve to:

1. **Receive** the Ken Maunder Park Redevelopment Lease Arrangement report.
2. **Agree** that the Chief Executive Officer be delegated authority to negotiate and conclude a lease with the Ken Maunder Park Community Trust under section 54(1)(b) of the Reserves Act 1977 for a term of ten years with a right of renewal for a further ten years for that part of Ken Maunder Park required for the footprint of the clubrooms, indoor training facility and public toilets and changing rooms (PT ALLOT 258 SO 898 WAIKOMITI) and the lease be executed as negotiated.
3. **Agree** that the approval of the Minister of Conservation under section 54 of the Reserves Act 1977 be obtained in respect of the erection of the new indoor training facility at Ken Maunder Park (PT ALLOT 258 SO 898 WAIKOMITI).

BACKGROUND

1. The Park is a Citywide park therefore jurisdiction for its development resides with the Committee.
2. In 2006 Suburbs New Lynn Cricket Club and the Lynn Avon United Football Club (the Clubs) received \$250,000.00 plus GST from Council's Leisure Facility Partnership Fund to develop an indoor training facility and to upgrade the cricket clubrooms on the Park. The Clubs have been working with Council officers from Leisure Services and Parks Assets to develop a plan for the Park which incorporates new facilities and a number of other improvements to make the Park more accessible and appealing to the community.
3. The Trust has formed as a separate entity from the Clubs, focused on fundraising and managing the construction of the new indoor training facility and public toilets and changing rooms. The Trust will be responsible for managing all facilities on the Park allowing the Clubs to focus on the delivery of their sport. The Clubs have representation on the Trust to ensure solid communication lines.

4. Concept plans for the redevelopment of the Park were presented and approved by the Committee at its December 2007 meeting, where it was resolved:

“2. *That the Infrastructure and Works Committee approves the proposed plan for the redevelopment of Ken Maunder Park.*”

3868/2009

5. The Committee at its April 2009 meeting resolved to:

The Infrastructure and Works Committee resolved to:

“2. **Approve** the proposed public toilet and changing rooms at Ken Maunder Park be incorporated into the new indoor training facility at Ken Maunder Park.”

500/2009

6. The Committee at its August 2009 meeting resolved to:

The Infrastructure and Works Committee resolved to:

“2. **Approve** the final Ken Maunder Park redevelopment design which includes the inclusion of public toilets and changing rooms along with a new Parks maintenance storage area within the indoor training facility.

3. **Agree** to fund the Ken Maunder Park Community Trust up to \$330,000 + GST from the Parks Assets 2009/2010 budget to develop new public toilets and changing rooms as part of the indoor training facility at Ken Maunder Park.”

1343/2009

DECISION MAKING

Issues

7. Following approval of the final Park redevelopment design, a lease needs to be negotiated and granted to the Trust for the footprint of their buildings in line with the Community Leases Policy.
8. It is proposed to grant the lease to the Trust for a term of ten years, with a right of renewal for a further ten years. This will align with the 20 year term proposed in the agreement for Leisure Facility Partnership Fund funding. A major obligation of this agreement is that the Trust must provide ongoing community access to the new indoor training facility and public toilets and changing rooms. The lease will align with this agreement so that Council will have some additional leverage to ensure the Trust continue to fulfil their obligations in relation to, amongst other things, the ongoing community access.
9. It is recommended that the Chief Executive Officer be delegated authority to negotiate a lease with the Trust for the footprint of their buildings on the Park for a term of ten years, with a right of renewal for a further ten years.
10. The lease will be granted under section 54 of the Reserves Act 1977 which requires the Minister of Conservation to approve the erection of buildings. A recommendation is made in this report to seek the approval of the Minister of Conservation.

STRATEGIC CONTEXT

11. The Council recognises that the activities undertaken by community groups, not-for-profit organisations and individuals make a valuable contribution to the Strong Communities and Urban and Rural Villages community outcomes within the Social Strategy where communities feel strongly connected.
12. New facilities create more opportunities for residents to participate in sport and or physical activity and will complement the initiatives being implemented through the Active Waitakere 'Move It Waitakere' Action Plan.

CONSULTATION

13. Leisure Services, Parks Assets and the Trust are in regular contact and are working together to develop the Park to make it more accessible and appealing to the community.

RESOURCES

14. There are no resources required other than staff time.

IMPLEMENTATION ISSUES

15. Council officers from Leisure Services and Parks Assets are involved with overseeing the developments on the Park and its development. Before the lease can be granted it must receive approval from both the Minister of Conservation and Council's Lease Assessment Group.

AUCKLAND COUNCIL TRANSITION ISSUES

16. 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: Paul Edwards, Recreation Partnerships Project Leader - Leisure Services.



6 NEW LYNN INTEGRATED PROGRAMME - STATUS UPDATE MID-OCTOBER 2009

GLOSSARY

Transit Oriented Development	(TOD)
Auckland Regional Transport Authority	(ARTA)
Target Outturn Cost	(TOC)
Office of Treaty Settlements	(OTS)

EXECUTIVE SUMMARY

The purpose of this report is to update the Infrastructure and Works Committee on the progress of the New Lynn Integrated Programme to mid-October 2009.

The main developments which have taken place since the last report to the Infrastructure and Works Committee are:

- A business planning meeting will be held in the New Lynn RSA at 5.45 pm on 28 October 2009 to discuss any concerns around the sewer lines and Clark Street works;
- Negotiations are underway with the two pre-school centres, Planet Kids (also known as Lollipops) and New Lynn Kindergarten, with a view to the acquisition of the remaining leases on both Council owned properties; and
- The Office of Treaty Settlements (OTS) has confirmed that advertising is under way to ascertain any cultural/historical interest in the property at 1A Rankin Avenue with submissions closing on 6 November 2009.

RECOMMENDATION

It is recommended that the Infrastructure and Works Committee resolve to:

Receive the New Lynn Integrated Programme - Status Update Mid-October 2009 report.

BACKGROUND

1. The status of the New Lynn Integrated Programme was last reported to the Infrastructure and Works Committee at its meeting held on 7 October 2009.

DECISION MAKING

2. As this report is for information only there is no decision making required.

Issues

Transport Infrastructure

3. The New Lynn Transit Oriented Development (TOD) Stage 1 construction contract was awarded to Dempsey Wood Civil Contractors Limited on 2 September 2009. The commencement date on site was 16 September 2009. Works are expected to be completed by the end of October 2010.
4. The design for the New Lynn TOD Stage 2 Clark Street Extension has been completed and is currently being reviewed by Council officers. The construction of the Clark Street Extension is expected to start in November 2010.
5. The design for the proposed access ways at 8 Ambrico Place and 45 Totara Avenue (New Lynn Community Centre) is complete. Land acquisitions and consenting processes are being carried out and construction is expected to start in June 2010.

Artworks Integration

6. Artwork designs on New Lynn TOD are still in progress and Council officers continue to work on taking them forward as follows:

- The trench wall GRC art panels are currently in production. Finished samples have been reviewed by the design team and production is ongoing. Applied finishes will provide protection against graffiti;
- The Hetana Street markers, a way finding sculptural project, are in the final stages of detailed design. Fletcher Consortium is reviewing this work and is in discussions with the Council regarding the foundation design and pricing;
- The glass screen artwork is in the final stages of detailed design. Architectus are reviewing the work and discussions are underway with the contractors regarding the application process, costs and timeline;
- The development of a small integrated art project that engages workers involved in the construction of the New Lynn TOD development is progressing. Ceramic artist, John Parker, will be commissioned to develop a process that will allow individual workers to come into a studio space and create a tile design that will then be produced and installed in a location within the trench. The aim of this art project is to record the workers' involvement and commitment to the project. Feedback from all stakeholders will be sought prior to this art project progressing to implementation stage; and
- Three brick sculptures have been purchased from the Public Affairs functional arts budget. One additional piece of work will be commissioned from the New Lynn TOD arts budget. This work will not be commissioned until early December 2009.

Land Acquisition

7. Property acquisitions for Stage 1 continue. The Council has obtained access (for construction) to all but one of its property acquisitions and work is progressing to complete full acquisition of these property parcels. In regard to the remaining property, 5 Clark Street, a parallel process is under way to effect acquisition. A consultant has been engaged to manage the final stage of the Public Works Act acquisition, while discussions continue towards a negotiated settlement. The Council's engineers have devised a temporary plan for construction activities to bypass the property until full acquisition has been completed if the acquisition becomes protracted.
8. Land acquisitions for the Stage 2 Clark Street Extension continue. At the time of writing, Public Works Act notices have been sent to all property owners in the path of the Clark Street Extension, with the exception of owners of the townhouses at 1C Rankin Avenue. Notices for the 20 townhouses are in final draft, prior to signing and delivery. These notices formalise the Council's desire to acquire partial properties or current leases under the Public Works Act acquisition process.
9. Negotiations are underway with the two pre-school centres, Planet Kids and New Lynn Kindergarten, with a view to acquisition of the remaining leases on both Council owned properties under the Public Works Act. Council officers are liaising with both lease holders to pursue a mutually agreeable settlement as provided for in the Public Works Act.
10. The OTS confirmed that advertising is under way to ascertain any cultural/historical interest in the property at 1A Rankin Avenue (ONTRACK land). The statutory advertising period closes 6 November 2009. Subsequent to that date, the OTS will prepare a report to go to the official government committee in December 2009, pending a decision to allow the Council to purchase this property.

Development and Implementation of the New Lynn Town Centre

11. The Urban Planning and Design Group are leading a work stream to expand upon the Urban Regeneration Framework to develop an Urban Plan which will guide the regeneration of the wider New Lynn Town Centre area. A draft of the Urban Plan is being developed in further detail and will take into consideration the feedback received from internal stakeholders. The draft Urban Plan will be presented to the Council in December 2009.

Crown Lynn Precinct

12. The Crown Lynn Precinct, including the land known as the Claypits, will form part of Stage 5 (Phase 2) of the New Lynn TOD project. A budget was allocated for the delivery of road and open space infrastructure in the Crown Lynn Precinct through the Long Term Council Community Plan 2009-2019 process.
13. The Urban Planning and Design Group and Transport Assets have been preparing the background information required to advise on the formal design work of the roads into the Crown Lynn Precinct. It is anticipated that the roading design work will begin in the next two months.

Communications

14. Communications have largely focused on road works and advising the community of temporary traffic management plans through advertising, radio announcements and media releases. While local traffic is being directed to safe routes into the town centre, through-traffic has been advised to follow alternative routes during the construction period.
15. ONTRACK and the Council held a 'clay day' to give local artists free clay dug up from the trench. The event was well attended and resulted in good media coverage.
16. In the coming weeks the priorities for Communications will be signage that reflects the New Lynn Integrated Programme as a whole rather than just the trench, another edition of New Lynn Matters and developing a tactical communications plan for the remainder of the programme. Preliminary investigations of communications requirements for the ongoing communications plan indicate that additional budget will be required and the source for this will be from savings and efficiencies achieved in other activities and value engineering to date.

Relationship Management

17. The EcoWater/Watercare Services Limited sewer lines and Clark Street works are now under construction. These are major works and require attention to business continuity by the Council Relationship Management team. Queries are being received from businesses regarding the Clark Street works and complaints are being managed by the Council and their partners. The Council, Fletcher Consortium, ONTRACK and Dempsey Wood Civil Contractors Limited all have robust complaints processes in place. The Clark Street works are a disruption and there is a risk that this may negatively impact on Christmas trading. Every effort is being made to proactively work with businesses to mitigate this risk as far as possible.
18. New Lynn business planning focus groups are taking place. A business planning meeting will be held in the New Lynn RSA at 5.45 pm on 28 October 2009. All businesses and key stakeholders are welcome to attend.

19. Negotiations are underway with Planet Kids and Auckland Kindergarten Association representatives. Both organisations have been presented with section 18 notices under the Public Works Act. Council officers anticipate the two organisations will respond to these notices within two weeks, which will allow for further and more detailed negotiations to take place. This process is being managed by the Development Investment Group.

ONTRACK Target Outturn Cost (TOC) Status

20. ONTRACK's contractor for the Interchange and roading works that will be constructed on the Council's behalf by ONTRACK has commenced on site. NZ Strong Limited has been appointed by Fletcher Construction as subcontractors for the rail station and interchange facility. These works are scheduled for completion in October 2010.
21. An ongoing value engineering programme will be maintained to seek potential savings where appropriate.

Auckland Regional Transport Authority (ARTA) Status

22. During preliminary negotiations with ONTRACK it was envisaged that the Interchange facility would be constructed by ONTRACK under an agreement with the Council and ARTA would reimburse the Council for its share of costs. However, during the negotiations process, ARTA has become more involved and has independently secured its funding. As a result, ONTRACK will construct the Interchange facility under an agreement with ARTA and the Council will reimburse ARTA for its share of costs. Council and ARTA officers will continue to work in collaboration to ensure a good value outcome to the interchange project.

New Zealand Transport Agency Funding Applications

23. The Council application for category 1 funding from the New Zealand Transport Agency for the TOC 2 works (including bridge decks and interchange) has been approved. Ongoing monthly meetings are being scheduled with the New Zealand Transport Agency to discuss progress on the TOC 2 works and funding matters to enable future stages of works to be put in place.

Legal Agreements

24. The Council continues to work with ONTRACK to obtain revised Deeds of Grant to allow bridges and services to cross the rail corridor through New Lynn. A Deed of Grant for services crossing the corridor is currently being reviewed by ONTRACK. A Deed of Grant in respect of the bridges that will cross the corridor will be completed when the final dimensions of these structures are made available to ONTRACK.
25. An agreement with ONTRACK regarding the division of costs and responsibilities relating to the construction of the roading network and associated infrastructure at New Lynn has been executed. An agreement with ARTA regarding the division of costs and responsibilities associated with the transport interchange has also been executed.

Risk Management

26. All identified risks have been collated into a risk register. Risk mitigation strategies have been put into place for the most critical risks. Risk monitoring and reporting is an ongoing activity together with identification and management of new risks. As new risks are identified they are assessed and reported in the risk register.

Consideration of Community Views

27. The Council continues its consultation programme with New Lynn landowners in proximity to the rail corridor with ongoing public consultation meetings. Council officers are working with communications advisors from both ONTRACK and ARTA to manage consultation, the media and general public concerns during the construction period to ensure that the views of the community are clearly relayed back to the Council.

STRATEGIC CONTEXT

28. The New Lynn TOD project is identified as one of the Council's top five projects and represents a substantial investment in the Long Term Council Community Plan 2009-2019.
29. The New Lynn TOD project delivers on the following community outcomes:
- Strong Economy;
 - Sustainable and Integrated Transport; and
 - Urban and Rural Villages.
30. 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

31. Consultation and the updating of this report has taken place between the units of City Services, Public Affairs, Corporate and Business Services, Strategic Planning and Finance.
32. Council officers continue to liaise with affected property owners and tenants on Clark Street with regard to the proposed land acquisitions required for the widening of Clark Street.
33. Council officers continue to liaise with ONTRACK in regard to matters affecting the community and assist ONTRACK with community consultation where possible.

RESOURCES

34. Table 1 below provides a summarised financial status for the New Lynn Integrated Programme.

Budget Cluster		Budget (August 2009)	Risk and Escalation Committed To Date		Revised Budget	Expenditure To Date	Balance
		\$	\$	%	\$	\$	\$
1	Land Acquisition, Development and Implementation	12,066,470	-	0%	12,066,470	2,851,943	9,214,527
2	Strategic Planning and Coordination	229,553	-	0%	229,553	60,241	169,312
3	ONTRACK Agreements (Works for WCC by ONTRACK)						
	WCC Contribution to Trench	20,000,000	-	0%	20,000,000	8,000,000	12,000,000
	WCC-ONTRACK (TOC 2 Rooding Agreement)	11,695,627	-	0%	11,695,627	4,006,556	7,689,072
	WCC-ARTA (TOC 2 Interchange Agreement)	13,866,517	-	0%	13,866,517	-	13,866,517
	Risk and Escalation	543,034	-	0%	543,034	-	543,034
4	Professional Services and Consent Fees	11,532,679	-	0%	11,532,679	5,532,316	6,000,363
5	Artworks	500,000	-	0%	500,000	30,378	469,622
6	Physical Works						
	Enabling Works	540,100	-	0%	540,100	177,498	362,602
	Stage 1 (Clark Street East and Associated Works)	19,704,523	-	0%	19,704,523	732,120	18,972,403
	Stage 2 (Clark Street Extension and Road/Rail Bridge)	21,590,067	-	0%	21,590,067	-	21,590,067
	Stage 3 (Totara Avenue West and Todd Triangle)	3,627,633	-	0%	3,627,633	-	3,627,633
	Stage 4 (Interchange Option 2) Post- electrification	9,380,000	-	0%	9,380,000	-	9,380,000
7	Communications	231,000	-	0%	231,000	166,188	64,812
8	Risk and Escalation	19,417,412	-	0%	19,417,412	-	19,417,412
TOTALS		144,924,615	-	0%	144,924,615	21,557,239	123,367,376

Note: Under conditions of agreements between the Council, ONTRACK and ARTA, ARTA's funding contribution to the Interchange previously reported at \$13,59 million will be administered directly by ARTA and is excluded from this table.

Table 1 - Summarised Financial Status

IMPLEMENTATION ISSUES

Timeline/Milestones

35. Current established key milestones for the transport interchange include:
- Approval of TOC 2 contributions (Council/ARTA) by end of August 2009 (completed);
 - Train tracks installed in trench and new station TOC 1 complete - April 2010;
 - ONTRACK TOC 1 works completed - July 2010; and

- Completion of transport interchange (including TOC 2 scope) - October 2010.
36. Current established key milestones for the Council roading works include:
- Council roading works (Stage 1) commences - September 2009 (achieved);
 - Council roading works (Stage 1) completed - October 2010;
 - Clark Street Extension (Stage 2) commences - November 2010;
 - Clark Street Extension (Stage 2) completed - December 2011;
 - Totara Avenue West (Stage 3) commences - January 2012; and
 - Totara Avenue West (Stage 3) completed - mid 2012.

Project Risks

37. Sufficient funding to construct the interchange (Option 2) is yet to be confirmed.
38. Land/lease acquisitions for the Stage 2 Clark Street Extension must be confirmed by 30 March 2010 in order for the New Zealand Transport Agency funding process (raised from category 2 to category 1) to be completed.
39. ONTRACK has confirmed that the sale of 1A Rankin Avenue has been referred to the OTS. Claims on the site must be registered with the OTS by 6 November 2009. Any claims must be dealt with by the OTS, which may severely impact on the programme for construction of the Stage 2 Clark Street Extension. Stage 2 land/lease acquisitions under the Public Works Act cannot be completed until certainty of ownership of 1A Rankin has been achieved.
40. An alternative vehicle exit from the New Lynn Community Centre car park is required. Additional land is needed to accommodate the alternative vehicle exit. Construction of the alternative access must be completed before construction of the Stage 2 Clark Street Extension can commence.
41. An alternative access to 1B and 1C Rankin Avenue is also required. Additional land is needed to accommodate this new road. Construction of the new road must be completed before construction of the Stage 2 Clark Street Extension can commence.
42. The Council has approved the purchase of the remainder of the current lease for 1B Rankin Avenue (Planet Kids) through the Public Works Act. This must be achieved prior to 30 March 2010.
43. The Council has approved the offer of a loan to Auckland Kindergarten Association to facilitate relocation of the New Lynn Kindergarten to a new building constructed at 10 Ambrico Place. The risk in completing construction of the new building prior to Stage 2 works beginning has now been transferred to the New Lynn Kindergarten. However, the remainder of the current lease for 1 Totara Avenue must still be acquired through the Public Works Act prior to 30 March 2010.
44. Traffic delays and associated complaints are likely to increase as new signalised intersections constructed as part of TOC 1 are completed and as construction of both Stage 1 and the Interchange progress.

AUCKLAND COUNCIL TRANSITION ISSUES

45. 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.
46. The Auckland Transition Agency notified Council on 29 June 2009 that it approved the Long Term Council Community Plan, but issued a notice under section 20 and 31(1)b of the Act, that any decision with regards to the wider New Lynn project required specific Auckland Transition Agency confirmation prior to implementation.
47. Subsequently the Auckland Transition Agency notified Council on 31 August 2009 of approved expenditure on the New Lynn project (ATA No. 0099) and thus the recommendations in this report do not require confirmation by the Auckland Transition Agency.

Report prepared by: John Schermbrucker, Special Projects Manager (Programme Director: New Lynn Integrated Programme).



RECOMMENDATION FROM NEW LYNN COMMUNITY BOARD

7 NEW LYNN TRANSIT ORIENTED DEVELOPMENT - AMBRICO PLACE / TOTARA AVENUE, NEW LYNN - NEW ROAD MARKING RESTRICTIONS AND PROPOSED ACCESS WAYS

The New Lynn Community Board resolved to:

- A1 1. **Agree** to recommend to the Infrastructure and Works Committee that the proposed access way at **8 AMBRICO PLACE, NEW LYNN** be constructed as indicated on diagram number 7349-C01 attached at page A1.
- A2 2. **Agree** to recommend to the Infrastructure and Works Committee that the proposed access way at **45 TOTARA AVENUE, NEW LYNN** be constructed as indicated on diagram number 3121038-C-404 attached at page A2.

