

**AGENDA FOR AN ORDINARY MEETING OF THE COUNCIL TO BE HELD IN THE
CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,
ON WEDNESDAY, 28 MAY 2003 COMMENCING AT 5.30 PM**

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1 OPENING PRAYER

Dr. Kirsten Zemke-White from the Baha'i Faith will say the Opening Prayer.



2 APOLOGIES



3 CONFIRMATION OF MINUTES

Special - Wednesday, 16 April 2003
Ordinary - Wednesday, 30 April 2003

RECOMMENDATION

That the minutes of the Special Meeting of the Council held on Wednesday, 16 April 2003 and the Ordinary Meeting of the Council held on Wednesday, 30 April 2003, as circulated, be taken as read and now be confirmed.



4 URGENT BUSINESS

Section 46A(7) and (7A) 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 item is a minor matter; and
- (ii) the Chairperson has explained at the beginning of the meeting (when open to the public) that the item will be raised for discussion, why the item is not on the agenda, and why it cannot be delayed until a subsequent meeting; and
- (iii) the Council resolves to deal with the item.

No resolution, decision, or recommendation may be made in respect of the item except to refer the item to a subsequent meeting for further discussion.

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



PART A - CONFIRMATION OF SPECIAL ORDERS

5 RESOURCE MANAGEMENT ACT 1991 - FEES AND CHARGES 2003 / 2004

The Council on Wednesday, 30 April 2003 resolved by way of Special Order to set Fees and Charges specifically relating to fees and charges under the Resource Management Act 1991. The Special Order was publicly notified on Monday 5 May 2003 and Monday, 19 May 2003 in accordance with section 716B of the Local Government Act 1974. At the time of the agenda printing no objections had been received.

The Special Order resolution is now submitted for confirmation:

1. The Waitakere City Council acting in pursuance and exercise of the power and authorities conferred on it by Section 36 of the Resource Management Act 1991 and Section 716A of the Local Government Act 1974 **HEREBY CONFIRMS BY WAY OF SPECIAL ORDER** the following fees specifically relating to fees under the Resource Management Act 1991:

A RESOURCE MANAGEMENT

All fees below unless otherwise specified are base fees only. Where the actual cost exceeds the base fee, the applicant will be charged the additional cost at the hourly rates indicated in the Schedule of Hourly Rates.

Non Notified Land Use Consents

Complex applications (e.g., Medium Density , significant discretionary & non-complying activities) - as determined by the Manager: Resource Consents	\$4,000.00
Normal - multi infringements & discretionary (non complex)	\$920.00
Single infringement (controlled activity/limited discretionary	\$600.00
Minor applications (minor earthworks less than 300m ² & 2 nd driveway)	\$295.00
Applications solely relating to heritage protection proposals	\$0.00
Applications solely relating to tree proposals	\$0.00
Combined land use and subdivision (plus subdivision deposit)	\$600.00

Note: In addition to the above, other technical disciplines will also be charged out at their hourly rates.

Outline Plan of Works

Outline complex plan processing	\$850.00
Outline Plan processing (e.g. school & playground minor change	\$395.00
Site Inspection fee (hourly rate)	\$94.00
Waiver fee (hourly rate)	\$94.00

Note: In addition to the above, other technical disciplines will also be charged out at their hourly rate.

Notified Land Use Consents

Only one potentially affected party (does not include hearing costs)	\$4,000.00
Land use/Subdivision (does not include hearing cost)	\$7,000.00
Complex (as determined by the Manager: Resource Consent e.g. density) Housing, larger subdivision (does not include hearing)	\$10,000.00
Applications solely relating to tree proposals deposit (additional charges may be incurred)	\$1,500.00
Hearings for staff, elected members, commissioner or consultant costs deposit	\$1,500.00
S94 determination hearing costs deposit	\$1,500.00

Note: In addition to the above, other technical disciplines will also be charged out at their hourly rate.

Planning Checks on Building Consents

(see building consent fees for definition of categories)

Category 2	\$0.00
Category 3	\$47.00
Category 4	\$94.00
Category 5 General Natural Area	\$94.00
Category 5 Other	\$101.00
Category 6 General Natural Area	\$130.00
Category 6 Other	\$146.00
Category 7	\$178.00
Category 8	\$300.00
Category 9	\$425.00
Section 35 (Certification) Single Condition	\$45.00
Section 35 (Certification) Complex, Multi Conditions	\$134.00
Site Visit (per Hour)	\$94.00

Certificates of Compliance

Land use COC - simple	\$385.00
Land use COC - complex	\$850.00
Sale of liquor COC	\$178.00
Sale of liquor COC (existing use complex*)	\$850.00
Sale of liquor COC (existing use simple*)	\$356.00
Excess Hours *	\$94.00

***Note: As determined by the Manager:
Resource Consents.**

**Note: In addition to the above, other
technical disciplines will also be charged
out at their hourly rate.**

Pre-lodgement

Pre-lodgement site visit	\$141.00
pre-lodgement meeting & associated work Planner (planner per Hour)	\$94.00

**(In addition, other disciplines may have
involvement in these site visits/meetings
and shall be charged out at their current
hourly rate as available in the schedule)**

Monitoring

*All Resource Consents (Land Use, Subdivision) will incur
a base charge for monitoring:*

Additions, Alterations, Accessory buildings, Signs, Earthworks < 300m ³ , Outline plans (schools)	\$178.00
Dwellings, Minor units, Earthworks > 300m ³ , Outline plans (other), subdivisions (<10 lots)	\$246.00
Pre-construction Inspection involving Earthworks	\$134.00
Multi-unit developments (per 3 units)	\$246.00
Non-residential activities / Complex Applications / subdivisions (>than 10 lots)	\$410.00
Additional monitoring inspections as required (including follow-up) per hour	\$89.00

Miscellaneous

Cancellation or Review of conditions	\$625.00
Extension of Land Use Consent (s125 and s126)	\$625.00
Determination of existing use rights (complex)*	\$850.00
Determination of existing use rights (simple)	\$356.00
Site visit	Actual Hourly Rate
Request for Consent Check for LIMs / CCC	\$134.00
Planning Cert under Land Settlement Promotion Act	
Per Certificate of Title	\$134.00
Planning Cert for a Vehicle Sale Licence	\$134.00

***Note: As determined by the Manager:
Resource Consents.**

**Note: In addition to the above, other
technical disciplines will also be charged
out at their hourly rate.**

Hard Copy Information

Actual Hours at hourly rate of \$68.00

Note: Plus copying any copying costs

Subdivision Fees

Minor Boundary Adjustments/Amended Cross Leases	\$450.00
2 Lot Freehold, Major Boundary Adjustment; 1st Stage Cross-Lease and 2 Unit Titles	\$920.00
3-10 Lot Subdivisions- freehold / Unit Titles	\$1,000.00
11-20 Lot Subdivisions-freehold / Unit Titles	\$1,600.00
21 or more Lot Subdivisions- freehold / Unit Titles	\$2,750.00
2nd Stage Cross-Lease, Unit Title Certificates, Converting cross lease to freehold	\$450.00
Rights-of-Way	\$365.00
Variation of Conditions (s.122)	\$625.00
Re-approvals / Plan Amendments	\$350.00
Survey Plan Processing / 2223 Processing	\$223.00
Sec 224 Processing	\$267.00
Other, including miscellaneous certificates, easement surrender	\$223.00
Engineering Plan Approvals	\$141.00
Amalgamation of CTs	\$280.00
Alteration or cancellation of building line restriction	\$280.00
Excess Hours *	\$94.00

Note: (1) Other disciplines external to Consent Services have involvement in subdivision consents and will be charged out at their current hourly rate over and above the fees listed above.

Note: (2) Any engineering plan approvals and works supervision required in respect of the above will be charged out at their current hourly rate.

***Note: As determined by the Manager: Resource Consents.**

Extra Fees

Where Council costs exceed specified deposit, the applicant will be charged additional costs calculated at the scheduled rate for that role. Other disciplines have involvement in these consents and will be separately charged out at their current hourly rate.

Consultants and / or Additional Reports

Charged out at cost plus a 10% administration charge.

Disbursements

In addition to the base rates and specified fees for All Consent Services activities/ products; disbursement(s) will be charged at cost.

B SCHEDULE OF HOURLY RATES

Consent and Field Services

Group Manager: Regulatory	\$130.00
Manager: Resource Consents	\$120.00
Team Manager: Building Consents	\$102.00
Manager: Operations Support	\$120.00
Team Leaders: Planning	\$102.00
Administrator	\$88.00
Planners	\$94.00
Team Leader Construction Review	\$82.00
Building / Plumbing & Drainage Surveyor	\$72.00
Process Support / Clerical	\$67.00
LIMS Clerk	\$67.00
Debt Collector	\$67.00
Environmental Monitoring Officer	\$89.00
Manager: Field Services	\$123.00
Team Leader: Field Services	\$102.00
Customer Field Advisor - RM, Building, Health	\$94.00
Customer Field Advisor - General	\$67.00
Engineer: Aftercare & Special Projects	\$120.00

EcoWater

EcoWater charges apply for consent services for development applications covering water supply, wastewater and stormwater at the following per hour scale of services:

Water Engineer	\$102.00
Senior Water Asset Engineer	\$118.00
Drainage Engineer	\$102.00
Senior Drainage Asset Engineer	\$118.00
Building Consent Engineer	\$102.00
Subdivision Engineer	\$102.00
Quality Assurance Engineer	\$102.00
Administration Support Development Services	\$65.00
Team Leader/Manager Development Services	\$118.00
Specialist Consulting Engineers	Cost plus 10%

Administration support	\$65.00
Roading and Traffic	
Service Manager: Transport Assets	\$120.00
Roading and Traffic Engineers: Transport Assets	
Minimum charge (equates to 0.5 hrs)	\$51.00
Additional time spent	\$102.00
Team Leaders Transport Assets	
Minimum Charge (Equates to 0.5 hrs)	\$59.00
Additional time spent	\$118.00
Administration support	\$65.00
Quality Assurance Engineer	\$102.00
Specialist Consulting Engineers	Cost plus 10%
Parks and Green Assets	
Service Manager	\$120.00
Asset Manager	\$120.00
Specialist Engineers and Technical Staff	
Minimum charge (equates to 0.5 hrs)	\$51.00
Additional time spent	\$102.00
Team Leaders	
Minimum Charge (Equates to 0.5 hrs)	\$59.00
Additional time spent	\$118.00
Administration support	\$65.00
Quality Assurance Engineer	\$102.00
Specialist Consulting Engineers	Cost plus 10%

Disbursements

In addition to the base rates and specified fees for all Consent Services activities/ products; disbursement(s) will be charged at cost.

C COMMENCEMENT

These fees and charges to come into force on Tuesday, 1 July 2003.

2. AFFIXING OF THE SEAL

That the Common Seal of the Waitakere City Council be affixed to such documents as may be necessary to give effect to the Special Order and be attested as soon as practicable by any two of the following:

- Mayor, or Deputy Mayor or Councillor;
- Chief Executive, or the Acting Chief Executive in his absence;
- Director: Corporate & Civic Services.

6 FOOD PREMISES GRADING - PROPOSED AMENDMENT TO FOOD SAFETY BYLAW
BYLAW NO. 26 1994 - FOOD SAFETY - AMENDMENT NO. 1 2003

The Council on Wednesday, 30 April 2003 resolved by way of Special Order to an Amendment to Bylaw No. 26 1994 - Food Safety. The Special Order was publicly notified on Monday 5 May 2003 and Monday, 19 May 2003 in accordance with section 716B of the Local Government Act 1974. At the time of the agenda printing no objections had been received.

The Special Order resolution is now submitted for confirmation:

1. **SHORT TITLE**

The short title of this bylaw shall be the Waitakere City Council Bylaw No. 26 1994 - Food Safety, Amendment no. 1 2003.

2. **COMMENCEMENT**

This amended bylaw shall come into force on the 1st day of July 2003.

3. **APPLICATION OF BYLAW**

This bylaw will only apply to Food Premises subject to Annual Registration by Council.

4. **PURPOSE**

The purpose of this amended bylaw is to further improve the standard of food safety in Food Premises through the mandatory display of a Grading Certificate in a prominent place on the Food Premises to which it relates, so as to be readily visible to members of the public visiting the Food Premises, thereby creating a motivation to improve standards and achieve a higher grading.

5. **INTERPRETATION**

In this bylaw, unless the context otherwise requires:-

Annual Registration means the registration of Food Premises required by the Food Hygiene Regulations 1974 and the Health (Registration of Premises) Regulations 1966.

Appliance has the same meaning as appliance in Section 2 of the Food Act 1981.

Council means the Waitakere City Council.

District means the district within the jurisdiction and under the control of the Waitakere City Council.

Environmental Health Officer means an Environmental Health Officer appointed by the Council under the authority of the Health Act 1956.

Food has the same meaning as Food in Section 2 of the Food Act 1981:

Anything that is used or represented for use as food or drink for human beings; and includes -

- (a) Any ingredient or nutrient or other constituent of any food or drink, whether that ingredient or nutrient or other constituent is consumed or represented for consumption by human beings by itself or when used in the preparation of or mixed with or added to any food or drink; and
- (b) Anything that is or is intended to be mixed with or added to any food or drink; and
- (c) Chewing gum, and any ingredient of chewing gum, and anything that is or is intended to be mixed with or added to chewing gum.

Food Premises has the same meaning as Food Premises in Regulation 2 of the Food Hygiene Regulations 1974:

- (a) Any premises -
 - (i) On or at which food is manufactured, prepared, packed, stored, or handled, for sale; or
 - (ii) On or from which food is sold; or
 - (iii) That is used in connection with any other food premises, for the purposes of their work, by persons who work on those other food premises.
- (b) Any stall.

Grade and Grading means the allocated grade resulting from an inspection of the Food Premises by an Environmental Health Officer, assessed according to the grading system determined by Council from time to time and which shall take into account regulatory requirements and the current state of food safety knowledge, technology and practice.

A Grade means that during the last Grading Inspection the Food Premises were assessed according to Council's current grading system at the time, and found to exceed regulatory food hygiene requirements, displaying a high standard of cleaning and hygiene and superior food-handling practices.

B Grade means that during the last Grading Inspection the Food Premises were assessed according to Council's current grading system at the time, and found to meet regulatory food hygiene requirements, displaying a satisfactory standard of cleaning and hygiene and good food-handling practices.

D Grade means that during the last Grading Inspection the Food Premises were assessed according to Council's current grading system at the time, and found to fall below the minimum regulatory food hygiene requirements, with improvements in: cleaning and/or maintenance and/or food-handling practices required; for which Council has issued a Minor Requisition.

E Grade means that during the last Grading Inspection the Food Premises were assessed according to Council's current grading system at the time, and found to be in a poor condition and well below the minimum regulatory food hygiene requirements, with improvements in: cleaning and/or maintenance and/or food-handling practices required; for which Council has issued a Major Requisition.

Local Authority means the Council, person, or group of persons authorised by any Act to make bylaws, and which has made this bylaw, and includes the body corporate on behalf of which any such Council, or person or groups act.

New Zealand Qualifications Authority means the New Zealand Qualifications Authority established under Part 20 of the Education Act 1989.

Occupier means the occupier as defined in the Food Hygiene Regulations 1974.

Officer means any officer authorised to carry out or exercise the duties of an officer under this Bylaw.

Requisition means a written notice served on the Occupier of Food Premises by an Environmental Health Officer specifying works that are required to be carried out on the premises in order for the premises to comply with food hygiene legislation and reduce the risk of food borne illness or contamination arising from any food prepared, manufactured, stored or sold from the premises.

Major Requisition means a Requisition that addresses any situation in which Food Premises or its fittings, fixtures or equipment are found to be in disrepair or dirty; or where any condition or set of conditions on the premises could expose food to contamination or taint, or that could allow food to become dirtied or deteriorated.

Minor Requisition means any Requisition that is not a Major Requisition.

Sale or **Sell** has the same meaning as in the Food Act 1981 and also includes the extended meaning given in Regulation 2(5) of the Food Hygiene Regulations 1974.

Team Manager - Environmental Compliance means an Environmental Health Officer appointed to that position or the person for the time being carrying out the duties of Team Manager - Environmental Compliance.

Unit Standard 167 means Unit Standard 167 (Produce Safe Food) or equivalent New Zealand Qualifications Authority National Qualifications Standard.

Unit Standard 168 means Unit Standard 168 (Prevent Food Contamination) or equivalent New Zealand Qualifications Authority National Qualifications Standard.

Unit Standard 169 means Unit Standard 169 (Plan for Production and Service of Food) or equivalent New Zealand Qualifications Authority National Qualifications Standard.

Unit Standard 170 means Unit Standard 170 (Supervise a Food Safety Programme) or equivalent New Zealand Qualifications Authority National Qualifications Standard.

6. **CLOSURE OF PREMISES**

The following provisions shall apply with regard to the sale of food in the District:

6.1 **Closure of premises for cleaning, repair** - Where any food premises or part of any food premises or any appliance, fitting or fixture or other equipment on any food premises by reason of their situation, construction, disrepair, or state are in such a condition that any food in the food premises may be exposed to contamination or taint or become dirty or deteriorated the Team Manager - Environmental Compliance may cause a notice in writing to be served on the Occupier of the Food Premises requiring him/her:

- (a) To cease to use the premises as food premises, or to clean or reconstruct, or to repair the premises, or part of the premises; or
- (b) To cease to use, or to clean, reconstruct, or repair any appliance, fittings, fixture or other equipment on those premises:

In accordance with the requirements and within the time specified in the notice.

6.2 **Permission to re-open** - Where an occupier has been directed to cease to use any food premises the occupier shall not recommence use of those food premises until permission has been given in writing by an Environmental Health Officer.

6.3 **Operation to cease** - An occupier shall not continue to operate any food premises if the Council has revoked the Certificate of Registration pursuant to Regulation 9(3) and (4) of the Health (Registration of Premises) Regulations 1966.

7. **FOOD HYGIENE QUALIFICATION**

7.1 Every registered Food Premises shall, within three (3) months of its first registration, have working on the premises a person or persons who meet the following requirements:

- (a) The person, if that person is a natural person, has received credit for Unit Standards 167, 168, and 169, and will normally be present at the Food Premises when food manufacture, preparation, handling, sale or ancillary processes incidental thereto are being undertaken; or
- (b) There will be working on the Food Premises a manager, or a staff member with sufficient authority and with specific responsibility for staff training and supervision who has received credit for Unit Standards 167, 168 and 169; and
- (c) Every other person to be employed as a food handler on those premises has received credit for Unit Standards 167 and 168, or satisfies an Environmental Health Officer that they are enrolled in an appropriate course and pursuing a course of study with the intent of gaining such credits within twelve (12) months of the date upon which application for registration is made; and
- (d) In the case of any Food Premises, including premises commonly known as supermarkets, where there are several departments or sections such as delicatessen, butchery, bake house, cake kitchen, produce or grocery, or where in the case of eating house premises, including premises licensed under the Sale of Liquor Act 1989 there are separate departments, sections or facilities within the

premises for the preparation or service of food there shall be a departmental manager, section manager, or similar person with responsibility for the area of operation concerned who has authority for staff supervision and training who in addition to Units 167 and 168 has received credit for Unit Standard 169;

- (e) In any case to which the provisions of Clause 7.1(d) apply there shall in addition to the persons described in that Clause be a manager or other person with authority for staff supervision and food hygiene and food safety training throughout the entire premises who in addition to Units 167, 168 and 169 has received credit for Unit Standard 170.
- 7.2 In any case where an Environmental Health Officer is of the opinion that any food premises is of such a size or of such a nature that it may present a considerable risk to public health if there is a lapse in food safety supervision, the holder of the Certificate of Registration or the occupier of the food premises may be required to employ a manager or other person with authority for staff supervision and training throughout the entire premises who has received credit for Unit Standards 167, 168, 169 and 170.
- 7.3 The qualifications referred to in Clause 7.1 shall be renewed after the expiry of five (5) years from its issue.
- 7.4 Subject to an applicant satisfying the Team Manager - Environmental Compliance that he or she has undertaken appropriate training and holds a qualification equal to or in excess of any of the Food Handling Unit Standards 167, 168, 169 or 170 that person shall be deemed to have complied with the appropriate provisions of this Bylaw.
- 7.5 The Team Manager - Environmental Compliance may grant an exemption from the requirements of Clause 7.1 if satisfied that it would be unreasonable or impractical to insist on compliance, having regard to the type of premises, or types of food being packed, stored, handled or sold.
- 7.6 The holder of the Certificate of Registration or the occupier of the food premises shall be responsible for ensuring that adequate records relating to the training of staff in matters relating to food hygiene and food safety and copies of all certificates or other evidence of persons employed on those premises having obtained the appropriate Unit Standards or other qualifications are kept on the premises where the food handlers concerned are employed.
- 7.7 The holder of the Certificate of Registration or the occupier of the food premises shall on request make available for perusal by any Environmental Health Officer the records required to be kept pursuant to Clause 7.6.

8. **GRADING**

- 8.1 During the first Annual Registration inspection of the Food Premises an Environmental Health Officer shall perform a grading inspection (the "Grading Inspection") and shall grade the Food Premises.
- 8.2 A Grading Certificate noting the grading as determined by the Environmental Health Officer shall be delivered to the Occupier of the Food Premises as soon as practicable following the Grading Inspection.
- 8.3 The current Grading Certificate shall be displayed in a prominent place on the Food Premises to which it relates, so as to be readily visible to members of the public visiting the premises.
- 8.4 The Grading Certificate shall remain the property of the Waitakere City Council.
- 8.5 The Grading Certificate shall be deemed to be current for a period of twelve (12) months from the date of the Grading Inspection from which the grade was determined or until such lesser time as it is amended or withdrawn by an Environmental Health Officer following a subsequent grading or re-grading inspection, or any other inspection during which the food hygiene of the premises has worsened when compared to the current Grading Certificate.
- 8.6 The Grading Certificate shall be specific to the Food Premises and Occupier of the Food Premises at the time of the Grading Inspection. Grading Certificates shall not be transferable.
- 8.7 Fourteen (14) days after the commencement of operation by a new Occupier of Food Premises, the new Occupier shall make an application for a Grading Certificate, provided that new Food Premises, or Food Premises with a new Occupier, shall not be graded until at least two (2) months have passed since the commencement of operation, or taking over the occupancy, of the Food Premises.
- 8.8 An application for re-grading of Food Premises may be made at any time in writing to Council's Team Manager - Environmental Compliance, accompanied by the appropriate fee, provided that no such application shall be considered until the expiry of a period of two (2) months following the receipt of the notification referred to in sub clause 8.2.
- 8.9 An Occupier of Food Premises in respect of which a Grading Certificate has been issued under this Bylaw may contest their grading by writing to Council's Team Manager - Environmental Compliance within 14 days of receipt of the Grading Certificate.

9. **FEES**

Setting of fees - The Council may by resolution publicly notified prescribe fees in respect of any certificate, authority, approval, consent, service given or inspection made by the Council under this Bylaw or any other enactment in any case where that provision or enactment contains no provision authorising the Council to charge a fee, and does not provide that the certificate, authority, approval, consent, service or inspection is to be given or made free of charge.

Reduction of licence fee - Where an annual fee is payable in respect of a licence issued under this Bylaw or any Part thereof, such fee shall, where the licence is issued for less than one year, be reduced by one twelfth thereof for every complete month by which the term of the licence is less than one year.

10. **SERVING OF ORDERS AND NOTICES**

- 10.1 Except where otherwise expressly provided for in any Act, in any case in which it is provided by this bylaw, that an order may be made upon or notice be given to any person requiring him to do or abstain from doing anything, or any notice is required by this bylaw to be given or sent to any person, such order or notice shall be delivered to such person, and may be delivered to him either personally or by sending the same, by messenger or by registered post, to him at his last-known place of abode or business.
- 10.2 If such person is absent from New Zealand the order or notice may be sent to his agent instead of to such person, in any manner mentioned in the last preceding sub-clause.
- 10.3 If such person is not known, or is absent from New Zealand, and has no known agent in New Zealand, and the order or notice relates to any land or building the order or notice, addressed to the Occupier of such building or land, as the case may require, may be served on the person in occupation, or may be put on some conspicuous part of such building or land. It shall not be necessary in such notice to name the Occupier of such building or land.
- 10.4 Where an order or notice is sent by post it shall be sent so as to arrive in the due course of post on or before the latest time on which such order or notice is required to be served.

11. **POWERS OF DELEGATION**

In all cases where this bylaw provides for the issue of any order, notice or licence such order, notice or licence shall be deemed to be issued in compliance with this bylaw if the same be issued by any officer of the local authority authorised by the local authority for that purpose.

12. **INSPECTION**

- 12.1 For any of the purposes of this bylaw any inspector or other person duly appointed by the local authority in that behalf may at all reasonable times enter upon any land, building, or premises in order to carry out an inspection thereof.
- 12.2 Every person who obstructs or hinders any such inspector or other person as aforesaid in the execution of these powers hereunder shall be liable to prosecution for an offence against this bylaw.

13. **OFFENCES AND BREACHES**

- 13.1 No person shall do anything or cause any condition to exist for which a licence or approval from the local authority is required under this bylaw without first obtaining that licence or approval, and the failure to do so shall constitute a breach of this bylaw.
- 13.2 No application for a licence or authority from the local authority, and no payment of or receipt for any fee paid in connection with such application, licence, or authority, shall confer any right, authority, or immunity on the person making such application or payment.

- 13.3 Any person commits a breach of this bylaw who:
- (a) Does, or causes to be done, or knowingly permits or suffers to be done or be concerned in doing, anything whatsoever contrary to or otherwise than as provided by this bylaw; or
 - (b) Omits or neglects to do, or knowingly permits or suffers to remain undone anything which according to the true intent and meaning of this bylaw, ought to be done by him at the time and in the manner therein provided; or
 - (c) Does not refrain from doing anything which under this bylaw he is required to abstain from doing; or
 - (d) Knowingly permits or suffers any condition of things to exist contrary to any provision contained in this bylaw; or
 - (e) Refuses or neglects to comply with any notice duly given to him under this bylaw; or
 - (f) Obstructs or hinders any officer of the local authority in the performance of any duty to be discharged by that officer under or in the exercise of any power conferred upon him by this bylaw; or
 - (g) Fails to comply with any notice or direction given under this bylaw.
 - (h) Fails to display a current Grading Certificate in a prominent place on the Food Premises to which it relates, so as to be readily visible to members of the public visiting the premises, except during the 2 month period provided for in sub clause 8.7 above.
 - (i) Displays a Grading Certificate that is not current, except during the 2 month period provided for in sub clause 8.7 above.
 - (j) Displays a Grading Certificate that is not applicable to the Food Premises or Occupier to which the Grading Certificate relates, except during the 2 month period provided for in sub clause 8.7 above.

14. **DISPENSING POWERS**

Where in the opinion of the local authority full compliance with any of the provisions of this bylaw, would needlessly or injuriously affect any person, or the course or operation of the business of, or be attended with loss or inconvenience to, any person without any corresponding benefit to the community, the local authority may, on the special application of that person dispense with the full compliance with the provisions of this bylaw.

Provided that any other terms or conditions (if any) that the local authority may deem fit to impose shall be complied with by such person as aforesaid.

15. **PENALTIES FOR BREACH OF BYLAWS**

- 15.1 Every person who commits a breach of this bylaw is liable to a fine prescribed by the Local Government Act 1974 or its successor.
- 15.2 The local authority may, after a conviction for the continuing breach of any bylaw, apply to any Court of competent jurisdiction for an injunction to restrain the further continuance of the breach by the person so convicted.

15.3 The continued existence of any work or thing in a state contrary to this bylaw shall be deemed a continuing offence within the meaning of this clause.

2. **AFFIXING OF THE SEAL**

That the Common Seal of the Waitakere City Council be affixed to such documents as may be necessary to give effect to the Special Order and be attested as soon as practicable by any two of the following:

- Mayor, or Deputy Mayor or Councillor;
- Chief Executive, or the Acting Chief Executive in his absence;
- Director: Corporate & Civic Services.



PART B - REPORT OF THE MAYOR

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



PART C - TE TAUMATA RUNANGA AND COMMUNITY BOARDS

7 TE TAUMATA RUNANGA

I NOHO TE TAUMATA RUNANGA KOMITI MANE TE KAU MA IWA O HARATUA 2003

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON MONDAY, 19 MAY 2003

MATTERS CONSIDERED

*1-3
Part C*

Your Committee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 1 to 3 in the supplement labelled Part C.

NGA TAKE E WHIRIWHIRIA

E whakatau ana Te Taumata Runanga i nga take i whakamanangia i te ture he whakaahua o nga tuhi kua tona ki nga mema o te Kaunihera.

Your Committee Recommends:

That the report of the Ordinary Meeting of Te Taumata Runanga held on Monday, 19 May 2003 be received.

Te Warena Taua
CHAIRPERSON



8 NEW LYNN COMMUNITY BOARD

YOUR BOARD SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON MONDAY, 5 MAY 2003

1. COMMUNITY WELLBEING FUND CHANGES TO ALLOCATION

The Board Recommends:

That the following recommendations of the working party, as amended by the New Lynn Community Board, be adopted:

- that in general, the maximum amount any one applicant receives from the Community Wellbeing Fund, Community Board allocation should be \$1,000;
- that in general, the maximum amount any one applicant can apply for to the Community Wellbeing Fund, Citywide allocation should be \$3,000;
- that the New Lynn Community Board portion of the Community Wellbeing Fund continues to be allocated by the New Lynn Community Board.

NOTE: This matter is addressed by a report that forms part of the Report of the Chief Executive. Item 12: Community Wellbeing Fund Changes to Allocation. This recommendation should be considered in conjunction with that report.

2. **OTHER MATTERS CONSIDERED**

4-8
Part C

The Board dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 4 to 8 in the supplement labelled Part C.

The Board Recommends:

That the report of the Ordinary meeting of the New Lynn Community Board held on Monday, 5 May 2003 be received.

EG Francke

CHAIRPERSON



9 **WAITAKERE COMMUNITY BOARD**

THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON TUESDAY, 6 MAY 2003

1. **COMMUNITY WELLBEING FUND CHANGES TO ALLOCATION**

The Board Recommends:

1. That the following recommendations of the working party be adopted:
 - the maximum amount any one applicant can apply for to the Community Wellbeing Fund, Community Board allocation should be \$1,000;
 - the maximum amount any one applicant can apply for to the Community Wellbeing Fund, Citywide allocation should be \$3,000;
 - the Community Board portion, of the Community Wellbeing Fund remain being allocated by the Community Boards.
2. That the Waitakere Community Board support retaining the provisions of speaking rights to all Community Wellbeing Fund applications for the Waitakere Ward.

NOTE: This matter is addressed by a report that forms part of the Report of the Chief Executive. Item 12: Community Wellbeing Fund Changes to Allocation. This recommendation should be considered in conjunction with that report.

2. **OTHER MATTERS CONSIDERED**

9-14
Part C

The Board dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 9 to 14 in the supplement labelled Part C.

The Board Recommends:

That the report of the Ordinary Meeting of the Waitakere Community Board held on Tuesday, 6 May 2003 be received.

CA Shepherd, JP

CHAIRPERSON



10 **MASSEY COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING
HELD ON WEDNESDAY, 7 MAY 2003**

1. **COMMUNITY WELLBEING FUND CHANGES TO ALLOCATION**

The Board Recommends:

That the following recommendations of the working party with the amendment by the Massey Community Board to bullet point three be adopted:

- that the maximum amount any one applicant can apply for to the Community Wellbeing Fund, Community Board allocation should be \$1,000;
- that the maximum amount any one applicant can apply for to the Community Wellbeing Fund, Citywide allocation should be \$3,000;
- that the Massey Community Board portion of the Community Wellbeing Fund remain being allocated by the Community Board, and that the provision of speaking rights to an application be retained.

NOTE: This matter is addressed by a report that forms part of the Report of the Chief Executive. Item 12: Community Wellbeing Fund Changes to Allocation. This recommendation should be considered in conjunction with that report.

2. **OTHER MATTERS CONSIDERED**

The Board dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 15 to 22 in the supplement labelled Part C.

The Board Recommends:

That the report of the Ordinary Meeting of the Massey Community Board held on Wednesday, 7 May 2003 be received.

RF Jessopp
CHAIRPERSON

15-22
Part C



11 **HENDERSON COMMUNITY BOARD**

THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON THURSDAY, 8 MAY 2003

1. **COMMUNITY WELLBEING FUND CHANGES TO ALLOCATION**

The Board Recommends:

That Council adopt the following recommendations of the working party, as amended by the Henderson Community Board:

- that in general, the maximum amount any one applicant receives from the Community Wellbeing Fund, Community Board allocation should be \$1,000;
- that in general, the maximum amount any one applicant can apply for to the Community Wellbeing Fund, Citywide allocation should be \$3,000;
- that the Henderson Community Board portion, of the Community Wellbeing Fund continues to be allocated by the Henderson Community Board;
- that subject to confirmation of funding from the Chief Executive the Henderson Community Board holds a separate meeting(s) to hear submissions and to decide on the allocations.

NOTE: This matter is addressed by a report that forms part of the Report of the Chief Executive. Item 12: Community Wellbeing Fund Changes to Allocation. This recommendation should be considered in conjunction with that report.

2. **COMMITTEE SECRETARY'S REPORT**

That C Nakhid be appointed to the Community Sport Fund Allocation Subcommittee as the alternate member.

3. **CATHERINE MALL 'WALKWAY OF FAME'**

That the Henderson Community Board selects the following candidates - in priority order - for inclusion in the Catherine Mall "Walkway of Fame" (the first two of whom will be initially invited to take part):

- Beatrice Faumauina;
- June Mariu;
- Dorothy Butler.

4. **OTHER MATTERS CONSIDERED**

The Board dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 23 to 28 in the supplement labelled Part C.

The Board Recommends:

That the report of the Ordinary meeting of the Henderson Community Board held on Thursday, 8 May 2003 be received.

HM Jones
CHAIRPERSON

23-28
Part C



PART D - REPORT OF THE CHIEF EXECUTIVE

12 COMMUNITY WELLBEING FUND CHANGES TO ALLOCATION

PURPOSE OF THE REPORT

The purpose of the report is to seek approval from Council of the recommendations made at the Community Wellbeing Workshop, and subsequent Community Board meetings, which reviewed how the Community Wellbeing Funds should be allocated.

BACKGROUND

During the allocation process in late 2002 resolutions were passed by Waitakere (3161/2002) and Henderson Community Boards (3194/2002), as a result of the time it took to hear all the applicants and to make the decisions on the allocations.

As a result of these resolutions, a workshop was organised on Wednesday, 9 April 2003 consisting of representatives of all Community Boards. The purpose of this workshop was to consider options on how best to allocate funds for 2003/2004.

The decisions which were made at this workshop in relation to how best to allocate funds from the Community Wellbeing Fund was put before the Community Boards at their meetings in May 2003. All of the Community Boards made amendments to the working party decision.

STRATEGIC CONTEXT

The Community Wellbeing Fund aligns with Council's Community Assistance Policy with the goal of the Policy being to help strengthen the ability of local community groups to create a strong social base for Waitakere City and to meet local needs. For the Community Wellbeing Fund an applicant must meet one or more of the objectives from the Community Assistance Policy, which helps achieve this strategic goal.

ISSUES

There are two issues that resulted in the request to re-look at how the Community Wellbeing Fund is allocated. These were:

Increase of applicants to fund

Over the past three years the total number of applicants applying to the fund and the amount applied for from the Community Wellbeing Fund has increased dramatically as shown by Table 1.

Table 1

Year	Numbers of applicants	Amount requested	Amount of fund
2000	37	\$140,182	\$80,000
2001	63	\$212,095	\$80,000
2002	108	\$365,826	\$80,000

The fund has not increased in this time to take into account the increased community needs.

Increase in the time it takes to make decisions

Because of the increase in the volume of applications it has increased the time it takes at Community Board meetings to make considered decisions and to hear the number of organisations who now wish to speak in support of their applications.

It should also be noted that this increase resulted in the 2002 Citywide allocations, which are heard by the Finance and Operations Performance Committee, having to set a special meeting to hear the organisations and make the allocation recommendations. (There were 52 applications and 23 groups presenting their case). This took approximately four hours.

Working Party

The following is a list of alternatives that was put forward to the workshop by the Community Assistance Administrator for consideration:

1. That a working party from each Community Board meet with officers before the regular Community Board Meeting to prioritise applications.
2. That a separate meeting of the Community Boards be set once a year to hear the applications and make decisions, so removing from the regular meeting time.
3. That in future the option to speak to each application is removed, so reducing the time it takes to make the decision regarding the allocation.
4. That there is no change to the way it is currently allocated but that officers give greater guidance to the Community Boards on how to make decision making easier.
5. Amalgamate the Citywide and Community Board allocation under one Subcommittee and hear the speakers at one meeting and make the recommendations on another. (Still keeping the balance of allocations to wards as currently).
6. That the decision on allocation of the \$40,000 traditionally given by the Community Boards be allocated by a Subcommittee with representatives of each Community Board in line with the Community Sport Fund Allocation Subcommittee and the Creative Communities Scheme Allocation Subcommittee allocations.

The following recommendations came from the working party that met on 9 April 2003 to discuss the above issues:

1. That the maximum amount any one applicant can apply to the Community Wellbeing Fund, Community Board allocation is \$1,000.
2. That the maximum amount any one applicant can apply to the Community Wellbeing Fund, Citywide allocation is \$3,000.
3. That the Community Board portion of the Community Wellbeing Fund remain being allocated by the Community Boards, but without the provision of speaking rights to an application.

Community Boards' Resolutions

The recommendations of the working party were put before the Community Boards for discussion. The following are their resolutions:

Waitakere Community Board:

- *“that the maximum amount any one applicant can apply for to the Community Wellbeing Fund, Community Board allocation should be \$1,000;*
- *that the maximum amount any one applicant can apply for to the Community Wellbeing Fund, Citywide allocation should be \$3,000;*
- *that the Community Board portion, of the Community Wellbeing Fund remain being allocated by the Community Boards.”*

869/2003

Massey Community Board

- *“that the maximum amount any one applicant can apply for to the Community Wellbeing Fund, Community Board allocation should be \$1,000;*
- *that the maximum amount any one applicant can apply for to the Community Wellbeing Fund, Citywide allocation should be \$3,000;*
- *that the Massey Community Board portion of the Community Wellbeing Fund remain being allocated by the Community Board, and that the provision of speaking rights to an application be retained.”*

885/2003

New Lynn Community Board

- *“that in general, the maximum amount any one applicant receives from the Community Wellbeing Fund, Community Board allocation should be \$1,000;*
- *that in general, the maximum amount any one applicant can apply for to the Community Wellbeing Fund, Citywide allocation should be \$3,000;*
- *that the New Lynn Community Board portion of the Community Wellbeing Fund continues to be allocated by the New Lynn Community Board.”*

854/2003

Henderson Community Board

- *“that in general, the maximum amount any one applicant receives from the Community Wellbeing Fund, Community Board allocation should be \$1,000;*
- *that in general, the maximum amount any one applicant can apply for to the Community Wellbeing Fund, Citywide allocation should be \$3,000;*
- *that the Henderson Community Board portion, of the Community Wellbeing Fund continues to be allocated by the Henderson Community Board;*
- *subject to confirmation of funding from the Chief Executive, through the Committee Secretary’s Report, that the Henderson Community Board holds a separate meeting(s) to hear submissions and to decide an application, so removing this burden from the normal monthly meeting.”*

899/2003

All the Community Boards chose to reinstate the option of speaking rights to an application. The implications of this, is that there is a high possibility the time it takes will be more not less. This is because previously there was a \$3000 threshold before an organisation was eligible to speak, whereas now with a \$1000 threshold, all organisations will have this ability to speak, which would be most of the applications.

There are two different resolutions from the Community Boards' that needs Council direction on which one should be approved.

The Waitakere and Massey Community Boards' resolution bullet point number one states "*that the maximum amount any one applicant can apply for to the Community Wellbeing Fund, Community Board allocation should be \$1,000*".

The New Lynn and Henderson Community Boards' resolution bullet point number one states "*That in general, the maximum amount any one applicant receives from the Community Wellbeing Fund, Community Board allocation should be \$1,000*".

RESOURCES

There are no additional financial or staffing resources required for officers to allocate this fund. The Community Assistance Administrator administers the process.

CONCLUSION

During the allocation process in late 2002 resolutions were passed asking for the way funds were allocated by Community Boards to be reconsidered. There are two issues that resulted in the request to re-look at how the Community Wellbeing Fund is allocated.

These were:

- increase of applicants to fund;
- increase in the time it takes to make decisions.

As a result a working party came up with recommendations that removed the rights of organisations to speak to their application and reduced the amount of money any one organisation can apply to the Community Wellbeing Fund for, from \$5,000, to \$1,000 for Community Board funds and from \$5,000 to \$3,000 for Citywide funds.

Subsequently at the May 2003 Community Board meetings all four Community Boards chose to reinstate the option of organisations speaking to their application.

Also at these meetings differing resolutions were made regarding the amount that can be either applied for or can be received by an applicant when applying to the Community Wellbeing Fund, Community Board allocation.

RECOMMENDATIONS

1. That the information be received.
2. That the resolutions of the May 2003 Community Boards', which are as follows, be considered for approval by Council:
 - "*that the maximum amount any one applicant can apply for to the Community Wellbeing Fund, Citywide allocation should be \$3,000;*
 - "*that the Community Board portion, of the Community Wellbeing Fund remain being allocated by the Community Boards.*"

3 That Council give direction as to which of the two differing resolutions should be approved:

- *“that the maximum amount any one applicant can apply for to the Community Wellbeing Fund, Community Board allocation should be \$1,000; or*
- *that in general, the maximum amount any one applicant receives from the Community Wellbeing Fund, Community Board allocation should be \$1,000.”*

Report prepared by: Jan Brown, Community Assistance Administrator.



13 **CREATIVE COMMUNITIES SCHEME SUBCOMMITTEE CHANGE OF REPRESENTATIVE**

PURPOSE OF THE REPORT

The purpose of this report is to seek Council's approval of a replacement representative nominated by the Pacific Islands Advisory Board on the Creative Communities Scheme Subcommittee.

BACKGROUND

The Creative Communities Scheme is a partnership between Waitakere City Council and Creative New Zealand to disburse Creative Communities funding.

The purpose of Creative Communities funding is to increase participation in the arts at the local level, and to increase the range and diversity of arts available to local people.

The current composition of the Creative Communities Scheme Allocation Subcommittee is:

- | | |
|--|------------------------------|
| • One Waitakere City Councillor | Vanessa Neeson (Chairperson) |
| • Professional artist nominated by Lopdell House Society | Judith Moore-Chisholm |
| • Business sector | Heather Baugh |
| • Titirangi Community Arts Council | Jocelyn Reece |
| • Waitakere Community Arts Council | Janet Holtrigter |
| • Te Taumata Runanga | Evelyn Taumanu |
| • Te Taumata Runanga | Reg Ratahi |
| • Pacific Islands Community | Rhonda Rountree |

At a recent meeting of the Pacific Islands Advisory Board, the current representative agreed to stand aside to allow a new representative to undertake these duties.

STRATEGIC CONTEXT

Through the Community Assistance Policy, Council has outlined its commitment to help strengthen the ability of local community groups to create a strong social base for Waitakere City and to meet local needs. Direct financial assistance to providers of arts and cultural projects and activities assists Council's commitment to this policy.

ISSUES

A1

A letter advising of a change in the nominated representative for the Pacific Islands Advisory Board is attached at pages A1. This nomination needs to be approved by Council before the membership can be changed and the new representative can commence their duties in their full capacity.

CONCLUSION

That the nomination as notified by the Pacific Islands Advisory Board be approved.

RECOMMENDATIONS

1. That the information be received.
2. That Council appoints Mata Tepai as the Pacific Islands Advisory Board nominated representative for the Creative Communities Scheme Allocation Subcommittee effective immediately, replacing Rhonda Roundtree.

Report prepared by: Jan Brown, Community Assistance Administrator.



14 NEW ZEALAND LOCAL GOVERNMENT INSURANCE CORPORATION LIMITED - ANNUAL GENERAL MEETING

PURPOSE OF THE REPORT

To endorse the appointment of Council's Manager: Democracy & Support Services, Darryl Griffin, as proxy to represent Council's interests and vote on Council's behalf at the Annual General Meeting of the New Zealand Local Government Insurance Corporation Limited scheduled to be held in Wellington on Thursday, 29 May 2002.

BACKGROUND

The Annual General Meeting is scheduled to receive and adopt the Annual Report and Financial Statements of the above entity for the year ended 31 December 2001, and record the appointment of Auditor and to transact any other business properly brought before the meeting. Mr Griffin is one of the six Directors having held that position since June 2001. Accordingly, there is no expense to Council in Mr Griffin attending and acting as Council's representative on the basis outlined.

Because the formal Notice of Meeting was not received until 15 May 2003, and the appointment of proxy is required under the constitution to be lodged at the registered office of the company not less than 24 hours before the meeting commences, formal notice has been given subject to Council's endorsement on this occasion.

The Annual Report and Financial Statements will be circulated separately in due course for receipt at the June meeting of Council's Finance and Operational Performance Committee in the normal manner.

RECOMMENDATIONS

1. That the information be received.

2. That the appointment of Darryl Griffin as Council's proxy at the Annual General Meeting of the New Zealand Local Government Insurance Corporation Limited be confirmed.

Report prepared by: Denis Sheard, Manager: Legal Services.



15 **TENDERS SUBCOMMITTEE MEMBERSHIP**

PURPOSE OF THE REPORT

The purpose of this report is to seek Council approval to amend the membership of the Tenders Subcommittee.

BACKGROUND

The Tenders Subcommittee currently comprises of two Elected Members of the Council, the Chief Executive, six Directors and one Senior Manager (the Mayor and Deputy Mayor are ex officio members). Two directors listed in the current delegations have now left the Council and one Director has received a name change. The Chief Executive has also proposed the Director: Quality Assurance be added to the Subcommittee. It is therefore necessary to amend the membership of the Subcommittee.

ISSUES

It is proposed that the Director: Quality Assurance be added to the membership and to acknowledge that persons appointed as Acting Directors with full authority to exercise all of the delegations and authorities assigned to the Director by the Waitakere City Council and the Chief Executive be able to act as the Directors alternate on the Tenders Subcommittee. The membership of the Tenders Subcommittee will be as follows:

2 Elected Members of the Council
Chief Executive
Director: City Services
Director: Corporate & Civic Services
Director: Strategy & Development
Director: Finance
Director: Quality Assurance
Maori Issues Manager
The Mayor and Deputy Mayor (ex officio)

Quorum: 4 members

A2-A3

The amended Tenders Subcommittee delegations are attached at pages A2 to A3.

CONCLUSION

It is proposed that the membership of the Tenders Subcommittee be amended by deleting the Director: Strategic Group and Director: Enterprises, amending the name of Director: Strategic Projects to the Director: Strategy & Development and adding the Director: Quality Assurance, and that it be acknowledged that the authority for persons appointed as Acting Directors to be alternate members of the Tenders Subcommittee.

RECOMMENDATIONS

- A2-A3
1. That the information be received.
 2. That the Delegations to Committees - Tenders Subcommittee as attached at pages A2 to A3 to the agenda be approved.

Report prepared by: Sharon Simiona, Committee Secretary.



16 DRAFT POLICY ON APPOINTMENT AND REMUNERATION OF DIRECTORS TO COUNCIL ORGANISATIONS

PURPOSE OF THE REPORT

The purpose of this report is to seek Council's approval of the policy on Appointment and Remuneration of Directors of Council Organisations.

BACKGROUND

Section 57(1) of the Local Government Act 2002 requires all Local Authorities to adopt a policy for the Appointment and Remuneration of Directors of Council Organisations (COs). This policy should set out an objective and transparent process for this purpose. Section 275 of the Act requires that the first such policy be adopted no later than June 2003.

Section 6 of the Act defines Council Organisations as organisations on which one or more Local Authorities have voting rights or appoint one or more directors, whether directly or indirectly. The definition of Director includes Trustees or Managers. Two subcategories of Council Organisations are also defined. Council-Controlled Organisations (CCOs) are those in which one or more local authorities control at least 50% of the voting rights, or appoint at least 50% of the Directors. Council Controlled Trading Organisations (CCTOs) are Council-controlled organisations, established for the purpose of trading for a profit.

The Council Organisations in which Waitakere City Council has an interest can be classified into three broad categories. There are those (including Trading Organisations) controlled by the Council in its own right, and there are those in which Council's control is shared with a number of other Authorities at a regional level. In addition there are a number of generally "not for profit organisations", to which Council appoints Directors or Trustees, but over which Council does not have ownership or voting control.

The Council has direct and indirect shareholdings and control in a variety of Council-Controlled Organisations and Council Controlled Trading Organisations. These all operate at arm's length from the Council on a commercial basis either through ownership greater than 50% or the ability to appoint more than half of the respective entity board.

Specifically, these entities are:

- Waitakere City Holdings Limited;
- Waitakere Enterprise Trust;
- Waitakere Properties Limited;
- Techscape Limited.

In respect of Techscape Limited, which is owned equally by Waitakere City Council and North Shore City Council, the following appointment process is done in conjunction with Elected Members and officials of that Council by way of a Joint Working Party. Waitakere City Holdings Limited (WCHL) has a role in monitoring these Council-Controlled Organisations and Council Controlled Trading Organisations on behalf of the Council but governance of such entities is primarily effected through the Council Controlled Organisations Governance Subcommittee, which is a subcommittee of the Finance and Operational Performance Committee.

There are a number of regionally owned or controlled organisations in which this Council has an interest through ownership or representation, but where this Council does not have the ability to appoint more than half of the Directors, or does not own 50% or more of the shareholding.

Specifically these entities include:

- Auckland Regional transport Network Limited (ARTNL);
- Watercare Services Limited;
- Infrastructure Auckland Limited;
- a small number of other statutory bodies, such as the Aotea Centre.

Appointments to Auckland Regional Transport Network Limited are covered by a specific regional agreement, which incorporates similar principles concerning appointments. Watercare and Infrastructure Auckland are in a similar position through statutory provisions, and are in fact exempt from classification as a Council-Controlled Organisation, in terms of Section 6.

The Council has non-controlling interests in numerous Council Organisations. These are generally “not for profit” bodies and, in contrast with Council Controlled Trading Organisations, neither Waitakere City Holdings Limited nor the Council Controlled Organisations Governance Subcommittee has any involvement in monitoring or the director/trustee appointment process. In these cases, the usual procedure of bringing requests to the appropriate Council Committee will continue.

STRATEGIC CONTEXT

Council prides itself at being in the lead of the implementation of the Local Government Act 2002. It is essential that Council complies with all statutory requirements of the Act, while continuing to pursue its strategic direction.

Council Organisations of all types are used as vehicles to implement aspects of the Long Term Council Community Plan and Annual Plan. Accordingly Council requires to put in place transparent and objective procedures to ensure that appropriately skilled and experienced persons are appointed to the Boards of these Organisations.

ISSUES

While Council is required to adopt a policy on the Appointment and Remuneration of Directors of Council Organisations, it is for the Council to prepare a policy appropriate to its circumstances.

Council has a range of options with respect to policy formulation, from a simple one policy fits all outline, to a policy detailed in the extreme, taking into account every nuance of the variety of council-organisations in which the City has interests. The middle ground is to recognise the diversity of the Council's Council Organisations, and design a broad policy, which nonetheless, reflects the complexity and different needs of the organisations concerned.

A4-A13 A policy on the Appointment and Remuneration of Directors has been prepared on this basis and is attached at pages A4 to A13.

RESOURCES

The resources required to implement the proposed policy will be minimal, and already provided for in the context of ongoing Council operations. The policy is basically an exercise in quantifying, and improving on existing practice.

CONCLUSION

Council is required, in terms of the Local Government Act 2002, to adopt a policy on the appointment and remuneration of Directors of Council Organisations not later than June 2003. The proposed policy has been prepared to reflect both best practice, and the complexity and diversity of Waitakere's Council Organisations.

RECOMMENDATIONS

1. That the information be received.
- A4-A13 2. That Council adopt the policy on the Appointment and Remuneration of Directors of Council Organisations, as attached at pages A4 to A13 to the agenda.
3. That Council review the policy in 12 months time.

Report prepared by: Charlie Inggs, Acting Senior Committee Secretary and Robert Rudd, Director: Quality Assurance.



17 REMOVAL OF DESIGNATIONS - HENDERSON

PURPOSE OF THE REPORT

The purpose of this report is to seek Council approval to remove two separate designations in the vicinity of Trading Place and Ratanui Street, Henderson.

BACKGROUND

Council staff have identified two designations in the Henderson Town Centre that are no longer required.

Designation "WCCCP2" applies to two parcels of land that are located immediately east of Ratanui Street, and are currently developed and used for car parking. The land is owned by the Council. The purpose of the designation is identified in the District Plan as being for "public car parking purposes".

The other designation to be removed is referred to as "WCCSL7", and relates to a narrow strip of land extending westward from Trading Place. This designation is physically contiguous to designation WCCCP2. Again, the Council is the owner of the land. The purpose of designation WCCSL7 is defined in the District Plan as being for "service lane".

It is noted that, although the land is currently subject to a designation that reflects Council's former intentions for its use, the land has never been legally vested as a service lane.

A14-A18 Plans indicating the location and extent of the two designations, together with draft 'Notices of Removal of Designation' in the form prescribed by the Resource Management Act, and indication of service of those notices, are attached at pages A14 to A18.

STRATEGIC CONTEXT

The Council has the power under the Resource Management Act to designate land for public works. The effect of a designation is that it allows the Council to undertake any activity that is in accordance with the purpose of the designation, without the need to comply with any rules in a district plan.

The Council intends to develop the land that is currently subject to the designations for a new library and public open space, while also facilitating the expansion of the existing UNITEC campus. Associated car parking would also be provided. As such, the designations are inconsistent with the intended use of the land and are no longer required. The Project Co-ordinator has submitted a formal request that the designations be uplifted to facilitate the re-subdivision and redevelopment of those and related lands in the immediate vicinity for the purposes outlined, and to enable the required resource consents to be sought.

It is noted that a number of adjoining commercial properties rely on the land for physical access to private parking spaces, and the owners of businesses on those properties may consider that the public parking area is required to support the commercial activities that operate from adjacent premises. There is no formal opportunity for those parties to raise concerns through the designation removal process.

Council has made clear its intention to support the continued development of the existing town centres, as a focal point for the location of a range of services. Particular attention is given to enhancing the quality of the environment in these locations.

ISSUES

The procedure for effecting the removal of the designations is straightforward. The Council simply resolves that the designation is no longer required and removes it from the District Plan without further formality.

Section 182 of the Resource Management Act applies to any proposal to remove a designation. This section of the legislation states as follows:

"182. Removal of designation-

- (1) If a requiring authority no longer wants a designation or part of a designation, it shall give notice in the prescribed form to-*
 - (a) The territorial authority concerned; and*
 - (b) Every person who is known by the requiring authority to be the owner or occupier of any land to which the designation relates; and*
 - (c) Every other person who, in the opinion of the requiring authority, is likely to be affected by the designation.*
- (2) As soon as reasonably practicable after receiving a notice under subsection (1), the territorial authority shall without further formality, amend its district plan accordingly.*
- (3) The provisions of the First Schedule shall not apply to the removal of a designation or part of a designation under this section.*

- (4) *This section shall apply, with all necessary modifications, to a notice by a territorial authority to withdraw its own designation or part of a designation within its own district.*
- (5) *Notwithstanding subsection (2) to (4), where a territorial authority considers the effect of the removal of part of a designation on the remaining designation is more than minor it may, within 20 working days of receipt of the notice under subsection (1), decline to remove that part of the designation.*
- (6) *A requiring authority may object, under section 357, to any decision to decline removal of part of a designation under subsection (5)."*

The removal of the designation does not in itself mean that the public parking will be removed or that rear access to properties will no longer be available. Those decisions will be made separately by the Council, as part of the planning and development process required to establish the new library and UNITEC facility. However, the fact remains that if the Council no longer wishes to use the land for the designated purposes, then the designations are inappropriate and should be removed.

All of the land concerned is identified as 'Community Environment' under the Operative District Plan, and as such there is no impediment to the current uses being continued at this point in time notwithstanding that the designations are uplifted.

RESOURCES

There are no additional or unbudgeted resources required in order to remove the designations.

CONCLUSION

Existing designations are no longer consistent with the Council's intended purpose for land situated between Trading Place and Ratanui Street. The designations should therefore be removed from the District Plan.

RECOMMENDATIONS

1. That the information be received.
- A14-A14(e)* 2. That the Chief Executive be authorised to execute the Form contained within the attached pages A14 to A14(e) to the agenda on behalf of Council to request the removal of designation WCCCP2 (applying to Lot 32 DP8400 and part of Lot 15 DP 45417) from the District Plan, and that notice be given accordingly pursuant to S.182(1) of the Resource Management Act 1991.
- A15-A18* 3. That the Chief Executive be authorised to execute the Form contained within the attached pages A15 to A18 to the agenda on behalf of Council to request the removal of designation WCCSL7 (applying to part of Lot 15 DP 45417) from the District Plan, and that notice be given accordingly pursuant to S.182(1) of the Resource Management Act 1991.
4. That upon execution and receipt of such notices the said designations WCCCP2 and WCCSL7 be forthwith removed from the District Plan without further formality.

Report prepared by: Philip Brown, Group Manager Planning & Community Services.



18 NEW LYNN LIBRARY LOCATION OPTIONS

PURPOSE OF THE REPORT

The purpose of this report is to update the Council on the discussions which have been undertaken in relation to exploring the Ceramco House site option for the New Lynn Library.

BACKGROUND

At the meeting of the Finance and Operational Performance Committee of 12 May 2003, the New Lynn Request for Proposals process and outcomes were considered. The following resolutions were made:

“That no further action be taken in pursuit of the Request for Proposals process and that appropriate communications be undertaken to advise the submitters and wider community of this.”

954/2003

“That the Council endorses the immediacy of the development of the New Lynn Library and reconfirms its desire to site the New Lynn Library in the central triangle car park complementing the memorial development within the time agreed in the draft Long Term Council Community Plan however Council officers be directed to meet with the prospective owners of the Ceramco House to explore all the opportunities for the New Lynn Library building and that a report be brought to the May meeting of the Council on the outcome.”

955/2003

“That Waitakere Properties Limited be briefed to investigate the commercial and residential opportunities relating to the Library.”

956/2003

This report brings back the results of discussions with the owners of the Ceramco House.

STRATEGIC CONTEXT

The Town Centre Revitalisation Programme can be summarised as the following inter-related objectives:

- **economic development** - improve retail mix, increase economic activity, increase employment opportunities, increase town centre vibrancy, encourage intensification of land use;
- **social development** - improve visual and other amenity, improve pedestrian safety, reduce crime levels, improve public access to open space, improve vehicular connectivity, improve public access to community facilities, encourage community diversity;
- **environmental development** - enhance walk ability from surrounding community, support public transport utilisation and access, improve water quality, enhance ecological conditions, enhance and encourage sustainability by design.

The city's programme has been very successful in achieving these outcomes, and there is ongoing work to document and quantify these successes.

In New Lynn, successes include the Community Centre, Manawa Wetlands and the Rewarewa Bridge, which have all won awards, and the Ambrico Place medium-density housing precinct - all within 10 minutes walk of the rail station. Each of these projects contribute to multiple programme objectives.

ISSUES

A19

This report deals with the outcome of discussions with the prospective owners of Ceramco House and gives a preliminary analysis of the pros and cons of this in comparison to the Memorial Library option. The map attached at page A19 outlines the relationship of the two buildings.

Outline of Ceramco House Proposal

Ceramco House is an iconic building in New Lynn fronting Totara Avenue on the southern side. It has not now been tenanted for a number of months and has been the subject of repeated vandalism attacks. Inspection by Council staff indicates however that this damage is relatively superficial and that the building is able to be rehabilitated with reasonable ease.

A number of assumptions have formed the basis of the Ceramco House option and these are outlined below:

- that Council wishes to own the new New Lynn Library;
- that the proposal should meet operational requirements.

Discussion with the prospective owners of Ceramco House indicates that in order to meet the above requirements, the option would involve Council purchasing a strata title for the floor(s) required for the Library. The building has a floor plate of 490m² and the options are therefore to develop the Library, Service Centre and Citizens Advice Bureau across 2 floors giving a total area of 980m² or to utilise one floor and build a 500m extension out the back of the building over the car parking area. The one floor (including extension) option would be required in order to provide for operational preferences of a single level or mezzanine Library. Utilisation of two floors of the building would lead to significant operational cost increases because of the need to provide more staff.

Because of the current design of the building, co-location of the Citizens Advice Bureau and Service Centre with the Library would be less efficient than in a new facility, particularly with the round floor plate provided. In particular the placement of shelving and book stacks in a round building will be inefficient and this is likely to lead to a need for increased floor space or a less than optimal level of service.

Pedestrian access to the Library would be primarily from Totara Avenue, however the installation of a pedestrian crossing from Totara Avenue, across Todd Triangle by the Phoenix Palm and to the other side of Great North Road would significantly improve accessibility by pedestrians. Transport Assets proposals for pedestrian crossings however do not include this measure as it would affect traffic flow on both Totara Avenue and Great North Road. It would also be possible to build a pedestrian linkage to the site from Council's existing car park adjacent to the Community Centre, although this may necessitate use of some of the New Lynn Kindergarten's current site. Disabled access to the building would be required to be retrofitted with ramping across the front of the building. Disabled access could also be provided from the basement car parking area, however this would require some retrofitting of the basement area and a significant upgrade to the lift to allow for disabled access.

Vehicular access to and from the building is currently from a busy intersection where right turns are not possible. Long term proposals for addressing traffic and pedestrian amenity provisions on Totara Avenue could address this situation however.

Access for book loading and the mobile Library to the site is more problematic and it is likely that the mobile Library would not be able to utilise this site. Specific book loading areas would be required to be developed in the basement. In addition a separate service lift would need to be developed to transport book trolleys and stock as up to 80 boxes of books are delivered and removed from the Library every day.

In terms of car parking, the site currently has 37 spaces, short of the 48 required by the District Plan. Should an extension to the building be undertaken then a car parking contribution may be required, however the existing Community Centre car parking may be sufficiently close to offset this.

Access by public transport, in its current state, is less easy than the Memorial Library option with Ceramco House being approximately 220 metres from the bus station and rail platform. However, proposals to redevelop the roading network could see buses travelling along Totara Avenue with convenient access to the building.

The building has a good visual linkage to the open space area provided in Todd Triangle, and proposals to improve the amenity of this park would benefit the development.

Costings

While the time allowed for the investigation has not been sufficient to develop detailed costings, an estimate for purchase of a strata title for one floor is in the order of \$800,000. This would suggest that the area required to develop the Library would cost in the order of \$1.6 million. It should be noted that the rateable valuation for the entire building is \$1.3 million. This cost assumes restoration of the interior and exterior of the building would be restored to a inhabitable level, but would not include fitout of any kind, retrofitting of basement for Library uses or incorporation of any sustainable features. The estimate assumes purchase of the strata title of two floors of the Library. Obviously costs would be lower if one floor and the airspace above the car park was acquired.

In order to meet the current Council budget of \$3 million for the development, there would be approximately \$1.4 million available for the redevelopment/extension of the building to provide the Library to a completed standard. Fitout of the space for a Library, including shelving, counters, furnishings etc is estimated at around \$400,000 which would leave \$1 million available for retrofits to the lift for disabled access, a new service lift, disabled access ramp, basement area and the retrofitting of any appropriate sustainable features. Quantity survey work will be required to determine whether this is feasible.

Upgrading of Todd Triangle is budgeted to be undertaken in the 2003/2004 financial year with \$250,000 being allocated.

It should be noted that the prospective owner has an option on the building for only a short period of time. Should he decide not to take up that option, then Council would be in the position of dealing with either the current owner or another prospective buyer who may prefer an outright sale of the entire building to the Council.

Outline of Memorial Library Proposal

This proposal sees Council developing a new, purpose built, Library within the central car park and fronting onto Memorial Square. The Library would, like all new Council buildings, incorporate key sustainability features and be developed to create a civic presence and heart within New Lynn relating to the expanded Memorial Square.

The Citizens Advice Bureau and Service Centre would be incorporated within the Library, which would be a 1000m² development with a 700m² ground floor and 300m² mezzanine. A café and/or bookshop or other appropriate retail development could be incorporated on the ground floor.

From an urban design perspective, the Library would play a key role linking the old and new parts of New Lynn together. Memorial Drive is the busiest pedestrian street in New Lynn, the Library would act as a pedestrian attractor pulling pedestrians and towards the older part of New Lynn. The development of the Library, in conjunction with McRae Way and the Memorial Square completion would have a significant catalytic effect on the adjacent area, in particular the retail development adjacent to the Stagecoach site.

The key initiative of the new New Lynn vision was the development of Memorial Drive as a new main street linking not only the mall to the old town centre, but the south side of the rail track to the north. To function effectively it needs to be a two-sided street, with activities and good pedestrian connections. Development of the Library on this site was part of that vision.

This option allows for a purpose built facility that would enable the most efficient use of space and appropriate development and integration of the Citizens Advice Bureau, Service Centre and Library. It would enable a wide range of sustainable features to be incorporated and be designed to create a new iconic civic building within New Lynn.

Pedestrian access to the Library would be from Memorial Drive through Memorial Square, via a covered walkway from the McRae Way extension, via a landscaped pedestrian footpath through the McDonald's site and from Totara Avenue via the existing footpath on the bus station boundary. Development of McRae Way and associated pedestrian linkages would create a good pedestrian connection from Great North Road by the police station.

Vehicular access to the site would be from McRae Way via Memorial Drive, from Great North Road via the right of way through the McDonalds car park or from Great North Road beside the police station. Access for book loading and the book bus would be designed into the development and is not anticipated to be a problem.

In terms of access by public transport, the site is 33 metres from the bus station and 100 metres from the railway platform so exhibits a high level of public transport integration.

The proposed Library would take up approximately 22 of car parking spaces in the central triangle car park, with a approximately 112 remaining. The budget does not include provision for a car parking building as the parking study undertaken for New Lynn has identified that there is significant car parking capacity at the moment. In the long term however it is considered that a car parking building in that locality will probably be desirable with associated redevelopment of the rest of the central car park.

The building would have a strong visual and physical linkage to the extended Memorial Square and upgrading of Memorial Square is budgeted to be undertaken at the same time as the Library development.

Costings

The current budget of \$3 million has been prepared on the basis of construction of the Library as a stand alone 700m² building with a 300m² mezzanine. Recent experience with the Glen Eden Library and quality surveying work indicates that this would be sufficient to undertake the project. A further \$375,000 is currently allocated for the completion of Memorial Square. Following the development of the Library, further funding would need to be allocated for the development of McRae Way as a quality linkage through to the police station on Great North Road.

This option is dependent on the finalisation of land deals with McDonalds, which are expected to be completed at the end of the month once.

Past Undertakings and Community Expectations

Since the Charette in 1996 and the demolition of the old Library in 1997 Council has been promoting the development of the new Library in the central triangle car park and has undertaken at least two comprehensive consultation processes on the design and location of the Library building. Two previous options have been designed to concept stage and one to construction drawings and presented to the community. This has led to considerable expectation by Library users that the new Library will be located in the vicinity of Memorial Drive and one petition recently has been presented to Council espousing that view. In addition, promises have been made, albeit by previous Councils, to the RSA, the former members of the New Lynn Memorial Trust and AMP regarding the siting of Library and its strong relationship to the War Memorial. The original Library building was a War Memorial Library, and in the eyes of both the RSA and the former Memorial Library Trust, the linking of the Library with the War Memorial is a critical aspect.

Counter to this, there is a more recent expectation from New Lynn Businesses in the Totara Avenue/ Great North Road area that the siting of the Library will be used as a way of increasing foot traffic in those areas to counter the loss of business which has resulted from the BNZ and National Bank moving to a new banking centre up Great North Road. It is likely that these businesses would support the Ceramco House option over the Memorial Library option as it is likely to have a similar effect. It should be noted however that many current users of the Library are elderly and less able, and that such users are unlikely to combine on foot trips to the mall with those to the Library and that the situation may arise where older people drive to the mall and then drive to the Library with less increase in foot traffic resulting than expected.

Evaluation Of Site Options

An analysis of the two options in relation to key strategic and operational criteria is summarised below:

Criterion	Ceramco House	Memorial Library	Comment
Operational efficiencies	✓	✓✓✓	Co-location of Citizens Advice Bureau, Service Centre and Library in both options with expanded facility. Ceramco House would split the Library on two levels unless an extension was undertaken, Ceramco House is a less efficient layout and would have problems with integration of Citizens Advice Bureau, Service Centre and Library. Additional disabled and service access facilities would need to be provided. The mobile Library would be unable to access the Library.
Ease of access by Library Users	✓	✓✓✓	Car and disabled access to Ceramco House is limited with significant modification required to bring the site to an acceptable level. Access for loading will be difficult and the book bus will be unable to access the site.

Criterion	Ceramco House	Memorial Library	Comment
Catalytic Effect on Town Centre	✓-✓✓	✓✓✓	Significant increase in pedestrian movement will result from both developments. Ceramco House Option will have a positive effect on the Totara Avenue end of New Lynn, while the Memorial Library will draw pedestrians out of Lynn Mall into the town centre. The benefits of the Ceramco House option would be most achieved if an alternative to Totara Avenue as the main east-west vehicle linkage through New Lynn was developed.
Support for Passenger Transport	✓✓	✓✓✓	Memorial Library has strong links to public transport, Ceramco House is not so good, though still an easy walk; however, proposed roading changes will improve bus access.
Effect on Urban Form	✓✓✓	✓✓✓	Memorial Library will consolidate New Lynn creating a civic heart around the Memorial and Library, Ceramco House will see Totara Avenue as community end of town with the new New Lynn Community Centre and Library and Todd Triangle redeveloped as a village square.
Ability to link with Green Network	✓✓	✓	Ceramco House overlooks the Rewarewa Creek and has a historic pohutakawa within its grounds.
Ability to incorporate Sustainable Features	✓	✓✓✓	Opportunities are limited with Ceramco House as it would involve retrofitting part of a building not entirely owned by Council; however features such as energy saving lighting, increased insulation, double glazing etc could be incorporated. Memorial Library option would be able to be developed to maximise affordable sustainable technologies.
Speed of occupancy of Library	✓✓✓	✓	Ceramco House could be redeveloped and opened within a relatively short timeframe - within the next 18 months, Memorial Library would commence construction mid 2004 with completion early 2005.

Criterion	Ceramco House	Memorial Library	Comment
Future redevelopment	✓	✓✓✓	Purchase of a strata title of Ceramco House would result in very limited future development potential as Council would be part owners of the building. In order to preserve flexibility it would be preferable to purchase the entire building and lease unneeded space out. Future redevelopment prospects would be contingent on improving accessibility to the building. The Memorial Library option would create a building in a high value part of the town centre, with sufficient flexibility of design that would enable a wide range of future redevelopment options.
Financial	Modifications needed to meet operational requirements may exceed the current budget	Able to be built within current budget	At this stage it is possible to assess this criterion with sufficient confidence for detailed findings to be presented to Council; however, the significant modifications required to address access and loading issues at Ceramco House may be quite costly.

RESOURCES

Council has budgeted \$3 million for the development of the New Lynn Library and this has been carried forward for a number of years. Sufficient staff resources exist to oversee the development of the Library.

CONCLUSION

On balance it is considered that the Memorial Library provides the best option for the development of the New Lynn Library.

RECOMMENDATIONS

1. That the information be received.
2. That Council reconfirm its desire to locate the New Lynn Library in the central triangle car park complementing the memorial development within the time agreed in the draft Long Term Council Community Plan.

Report prepared by: Lois Easton, Group Manager: City Development Projects.



19 RAIL BUSINESS PLAN

PURPOSE OF THE REPORT

The purpose of this report is to seek the Council's endorsement of key elements of the draft rail business plan.

BACKGROUND

The region's Councils have been working towards upgrading the rail passenger transport system over many years. Significant progress has been made in recent years, with the near completion of the Britomart station, arrangements with the Crown over regional management of the rail corridors and regional planning for upgrades to stations.

The draft rail business plan for the rail upgrade project has been developed jointly between Auckland Regional Transport Network Limited ("ARTNL"), Auckland Regional Council and Infrastructure Auckland over the past four months and is now recommended for endorsement.

A copy of the plan has been separately circulated to each Councillor.

The draft rail business plan establishes:

- rail patronage targets;
- the preferred network option;
- the upgrade pathway.

The draft rail business plan is predicated on the implementation of travel demand management measures for the region.

The business planning process was set up following the review of the rail upgrade project led by Sir Ron Carter. The draft rail business plan was developed according to a three-phase process and is about to enter Phase II:

- Phase 0 - Establish the progress to date and the proposed scope and approach to developing the business plan.
- Phase I - Identify and confirm the optimal upgrade pathway, including funding sources.
- Phase II - Create detailed business plan.

A steering group was established to oversee the development of the rail business plan. The steering group has membership from Auckland Regional Transport Network Limited, Auckland Regional Council and Infrastructure Auckland. Councillor Hucker, Councillor Stone, Councillor McKeown, Mayor Buist and Councillor McGeachie are the representatives from the Auckland Regional Transport Network Limited Shareholders Representative Group.

The aim of the business planning process was to agree the overall timeframe and priorities for the rail upgrade programme. This was to include:

- patronage targets;
- decision on the preferred network option;
- service standards and costs;
- operator decisions;
- long term rolling stock decisions;
- timing and phasing of investment;
- funding;
- project governance.

The Shareholders Representatives Group considered the draft rail business plan on 19 May and unanimously recommended to shareholders:

- A. That the draft business plan for the Auckland Rail Upgrade Project (9 May 2003) be endorsed based on:
 - i) A patronage target of 25 million passengers on the Auckland rail network by 2015 and 30 million by 2021 in order to meet its share of passenger transport targets in the regional land transport strategy.
 - ii) Electric heavy rail as the preferred network option.
 - iii) Core infrastructure upgrades are staged over 2004 to 2008.
- B. That it be acknowledged that further refinements may be made prior to the formal sign-off of the plan by the Auckland Regional Council and Auckland Regional Transport Network Limited Board in August 2003 taking into account comments received from the Councils, their residents and key stakeholders, particularly in relation to Transfund funding, the Crown's role in funding and commitment to the proposed travel demand measures, and transport governance issues.
- C. That Auckland Regional Transport Network Limited inform the shareholders group as refinements are made to the business plan and that the shareholders group determine whether these changes warrant further consideration by shareholding councils.
- D. That it be noted that the region's councils have supported funding proposals to develop the region's transport network and jointly with central government will be investigating traffic demand management measures, including network pricing, and government's contribution to the completion of the network including potential funding of the electrification of the Auckland passenger rail network and double tracking of western corridor.
- E. That the information on the integrated rail delivery governance structure be noted and the information be considered as part of the Auckland Regional Transport Governance project.

At its April 2003 meeting, the City Development Committee considered key issues relating to the development of the draft rail business plan. A Councillors workshop was held on 21 May 2003 to develop an understanding of the draft rail business plan and the implications for Waitakere City.

STRATEGIC CONTEXT

The region's Councils have developed and agreed on the Auckland Regional Growth Strategy, Regional Land Transport Strategy and Regional Passenger Transport Plan. Fundamental to these strategies is the development of an attractive, frequent, fast and convenient passenger transport system, around a core of dedicated rapid transit corridors.

These strategies require an upgrade of the rail network, increased service frequencies and improved rolling stock. The Council has worked hard for a number of years to achieve a high quality rail upgrade to support its investments in town centres and provide the basis of a city wide, high quality passenger transport network.

The draft rail business plan sets out an implementation path for dramatically improving Auckland's rail passenger transport system.

ISSUES

The key decisions of the business plan are summarised below.

Increased patronage targets

The starting point was the objectives as set out in the Regional Land Transport Strategy. The Regional Land Transport Strategy sets out a passenger transport market share target of 10% of all passenger trips in the region by 2011. The increase in the rail patronage targets is necessary for the Auckland rail network to meet its share of passenger transport targets. The average passenger transport screen line share target for 2011 is 27% based on crossing points on key transport routes. This is an increase from 13% in 2001.

Rail patronage for the region in 2001 was 2.1 million passengers (0.9 million for the Western line).

The targets implied by the Regional Land Transport Strategy for rail are 25-35 million passengers by 2011, growing to 35-45 million by 2021.

The business plan recommends increasing the patronage targets for rail in 2011 from 9-11 million projected under the current model.

The business plan recommends targeting 25 million rail passengers by 2015 growing to 30 million by 2021.

The breakeven patronage at which the overall capital investment can be justified is 17 million passengers.

Introducing traffic demand management

Increasing the patronage targets for rail is predicated on the region introducing traffic demand management policies such as tolls or a regional petrol tax within the next seven years. This is consistent with the planning work being done by the Auckland Region in investigations of network pricing/congestion charging and other revenue sources, including tolls and a regional petrol tax, in order to fund the transport network to 2011.

Traffic demand management measures would supplement other drivers of increased rail trips such as:

- **System optimisation** - improving the frequency and convenience of services and station and train amenity;
- **Societal trends** - intensification patterns of population growth and changing preferences about passenger transport.

The traffic demand management envisaged under the business plan is a form which would change behaviour and generate patronage growth in passenger transport, including rail. The traffic demand measures would also produce revenue to fund further enhancements of the region's transport network system.

Electric heavy rail is the preferred network option

Electric heavy rail has been identified as the option which best allows the region to achieve its vision. It achieves environmental and congestion benefits over diesel, although it does carry more implementation risks regarding planning consents and disruption to services that would need to be managed.

The network options were assessed against the vision, including achieving the regional growth objectives, and community, environmental, safety, economic, financial and risk criteria.

While providing more land use benefits and the ease of extension onto new corridors, light rail involves significantly higher capital and operating costs. Moreover, concerns were raised about light rail achieving the higher end patronage targets.

Electric heavy rail requires \$109 million more capital than diesel, but results in lower operational costs of about \$7 million to 2021.

Rail delivery needs an integrated structure

An integrated business development unit is proposed to co-ordinate the upgrade and development of the new rail network.

Governance of rail delivery forms part of the overall passenger transport governance for the region which is currently under review. From a shareholders' perspective, Auckland Regional Transport Network Limited could perform the role of the business development unit outlined in the business plan.

During the transition period to any agreed new governance structure, it is imperative that Auckland Regional Transport Network Limited and Auckland Regional Council collaborate over the specification and implementation of their current respective accountabilities in the rail upgrade project.

Funding

Total capital requirements for the rail upgrade are \$1.5 billion by 2018.

Stage I - the core network upgrade will cost \$775 million, with 85% invested by 2009 and the remainder allocated to the replacement of the interim rolling stock fleet as it is retired and replaced by Electric Multiple Units.

Stage I can be financed by from the region's capital, including Infrastructure Auckland, Auckland Regional Council subsidies and the Crown.

Stage II - \$695 million for ongoing capacity expansion to meet increased demand as a result of system optimisation and the introduction of traffic demand management. This can be financed by revenue from traffic demand management measures. Subsidy requirements are in the range of \$75-90 million and are driven primarily by increased rolling stock costs. These can be funded by a mix of Auckland Regional Council, Transfund and traffic demand management revenues.

Infrastructure investment

The staged roll out of core infrastructure upgrades will occur between March 2004 and 2008/2009 and includes:

- western line double tracking, electrification and signalling and station upgrades;
- North Island main trunk and isthmus signalling and station upgrades followed by electrification;
- development of the Manukau link and Westfield-Otahuhu and Penrose works;
- 25 Electric Multiple Units procured for delivery in 2006/07;
- traffic demand management planning, design and testing.

Additional infrastructure works can be programmed after 2009. These works will provide increased capacity to meet demand from the system optimisation and traffic demand management measures. The works include western line grade separation, further station and corridor upgrades and 80-100 Electric Multiple Units to replace the interim rolling stock.

Rolling stock procurement/ operator appointment

The procurement process for new electric multiple units will begin in March 2004. The units will start to be commissioned in line with the completion of infrastructure upgrades and electrification.

The rolling stock fleet will increase from 24 equivalent 2-car sets in 2003 to 126 sets by 2023.

This process for appointing a new operator needs to be underway immediately.

Implications for Waitakere City

The following highlights specific implications for Waitakere City:

Benefits

- higher frequency and quality of rail services;
- reduced air emissions from electric vehicles;
- land use benefits arising from higher amenity rail stations;
- ability to change to light rail or other technology in future;
- congestion relief - an alternative to travel by motor vehicle, which is further encouraged by travel demand measures.

Costs

- **regional subsidy** - Auckland Regional Council has budgeted to fund the subsidy for the core network to 2011. However, Waitakere City Council may bear some of this cost if a new passenger transport governance structure involves shared funding between Auckland Regional Council and local Councils;
- **supporting infrastructure** - Waitakere City Council is expected to bear the cost of constructing park and ride facilities, walkways, cycleways, and facilities surrounding the stations.

Infrastructure

- western line double tracking and electrification - to be completed by March 2007;
- upgrade of rail stations on Western line - construction is from 2005 to 2007. The order of work is signature, major, intermediate, local and basic stations;
- amenities (safety, access, parking, interchange facilities) - scheduled for 2003 to 2007 along Western line;
- grade separation - New Lynn 2009/2011 and if required for Western line 2009 to 2012.

Services

- diesel vehicle passenger service in interim - 15 minute peak frequency to New Lynn;
- electric vehicle passenger service out to Swanson from mid 2007;
- 5 - 10 minute peak frequency from mid 2007.

Patronage & Passenger Transport Share

- passenger transport share is expected to double in Waitakere City. This requires the number of rail passenger trips along the Western corridor to increase substantially from the current one million per annum.

Impacts of Travel Demand Measures

- switch away from motor vehicles at peak times;
- increased demand for rail, bus and ferry services;
- supports local town centres and land use intensification along transport corridors;
- potential for increased economic activity within Waitakere City;
- extra cost to road users, which can be used to fund the transport network.

Major risks

The major risks identified in the draft rail business plan are:

- lack of agreement to funding;
- costs are underestimated;
- delay in introducing traffic demand management on which the patronage targets are predicated and investment justified;
- patronage targets not met;
- delays in the infrastructure approval process

The quality of the financial modelling and the infrastructure approval process are controllable or able to be influenced by the parties involved in the business plan process. Significant funders will also be involved in agreeing the business plan.

The significant risk outside the control of the region involves the introduction of traffic demand management measures. The region is working cooperatively with the government to develop a framework to investigate these measures.

Next Steps

Once the draft rail business plan has been considered by the Auckland Regional Council, Infrastructure Auckland and the shareholding Councils of Auckland Regional Transport Network Limited, resolution of any outstanding issues will be required.

Once approved, the next stage of work will be to prepare the detail of the plan and to confirm the implementation framework. The implementation framework will be developed and formal sign off on the detailed business plan and associated funding is scheduled for September 2003. This will include

- funding indications from Auckland Regional Council and funding applications to Infrastructure Auckland and Transfund;
- government endorsement of the plan, in particular aspects of capital funding, Transfund funding and traffic demand management;
- passenger transport governance resolved and implementation of the business development unit approach if it is consistent with the overall agreed governance.

Auckland Regional Council has signalled that it will undertake public consultation on the business plan through the Regional Land Transport Strategy.

Infrastructure detailed design and planning approvals can commence with double tracking and electrification of the western line scheduled to be underway by March 2004.

Shareholding Councils and the public will be consulted on the outline plan of works for stations.

Under the proposed structure of the rail deal, the mechanism for the Auckland Regional Council and Auckland Regional Transport Network Limited to resolve any issues with the implementation of the business plan is through the subsidiary of Auckland Regional Transport Network Limited Metro Limited.

Successful implementation of the rail business plan will rely on a collaborative approach between Auckland Regional Transport Network Limited and the Auckland Regional Council under existing governance arrangements.

The rail business plan will be a living document and will be reviewed at key stages.

RESOURCES

The Council has budgeted to provide financial support to the Shareholders Representative Group and to purchase services from Auckland Regional Transport Network Limited.

Costs under the draft rail business plan are borne by Auckland Regional Transport Network Limited and the Auckland Regional Council with external funding sources. The review of passenger transport governance arrangements could result in local authorities sharing with the Auckland Regional Council the responsibility for providing a subsidy for the core upgrade. This matter is yet to be considered by Councils in the region.

The Council will continue to be responsible for its own obligations to provide park and ride facilities, walkways, cycleways, and facilities surrounding the stations. The detailed rail business plan may help to determine the timing when these facilities are required to support the rail system.

CONCLUSION

The draft rail business plan sets out an implementation path for dramatically improving Auckland's rail passenger transport system. The proposed high quality rail upgrade would support this Council's investments in town centres and would provide a viable alternative to motor vehicle use.

RECOMMENDATIONS

1. That the information be received.
2. That the draft business plan for the Auckland Rail Upgrade Project (9 May 2003) be endorsed based on:
 - a) A patronage target of 25 million passengers on the Auckland rail network by 2015 and 30 million by 2021 in order to meet its share of passenger transport targets in the regional land transport strategy.
 - b) Electric heavy rail as the preferred network option.
 - c) Core infrastructure upgrades are staged over 2004 to 2008.
3. That it be acknowledged that further refinements may be made prior to the formal sign-off of the plan by the Auckland Regional Council and the Auckland Regional Transport Network Limited Board in August 2003 taking into account comments received from the Councils, their residents and key stakeholders, particularly in relation to Transfund funding, the Crown's role in funding and commitment to the proposed travel demand measures, and transport governance issues.
4. That Auckland Regional Transport Network Limited inform the Shareholders Representative Group as refinements are made to the business plan and that the Shareholders Representative Group determine whether these changes warrant further consideration by shareholding Councils.
5. That it be noted that the region's Councils have supported funding proposals to develop the region's transport network and jointly with central government will be investigating traffic demand management measures, including network pricing, and government's contribution to the completion of the network including potential funding of the electrification of the Auckland passenger rail network and double tracking of western corridor.
6. That the information on the integrated rail delivery governance structure be noted and the information be considered as part of the Auckland Regional Transport Governance project.

Report prepared by: Kevin Wright, Senior Project Manager, Transport Projects.



20 39-41 TOTARA AVENUE, NEW LYNN - LOT 1 DP 209062

PURPOSE OF THE REPORT

To update elected members with respect to the status of the above land, progress with the intent that the land be applied for a two level café/restaurant amenity building comprehensively designed to complement and be compatible with the New Lynn Community Centre and associated paved forecourt area, and address associated issues with regard to car parking.

BACKGROUND

In conjunction with development of the New Lynn Community Centre at Totara Avenue, Council acquired, under the provisions of the Public Works Act 1981, land comprising part of the former Potters Post site not encompassed by the footprint of the historic Potters Post building, so as to enable that land to be added to and used in conjunction with the New Lynn Community Centre lands.

A20-22

As part of the reformation of land titling underpinning that project that property and lands already owned by Council were resubdivided, the outcome creating a small site containing 151m² with frontage to Totara Avenue, contained in Certificate of Title NA137A/710, copy attached at pages A20 to A22.

Council then caused that property, now identified as No.39-41 Totara Avenue, to be conveyed to Waitakere Properties Ltd under the usual Deed of Trust mechanism with a brief to secure a commercial development outcome by way of a purpose designed café/restaurant amenity complementing the Community Centre based upon plans produced by Architectus, and a direction to ensure that the permitted use is maintained.

The approved design concept also envisaged some limited use of the adjacent Council landholding as an outdoor area for tables/chairs, subject to ongoing Council control, with a "roof over" canopy type structure. This understanding does not extend to land (footpath) forming part of Totara Avenue where any approval for tables and chairs would be subject to an application under Council's Public Places Bylaw in the normal manner, although the canopy structure is continued along that frontage.

The concept design was supported as the basis of an Agreement for Sale and Purchase because:-

- it incorporates an active open café frontage at ground level, complementary to the Community Centre;
- the use of the upper floor is flexible, but it has windows overlooking the Community Centre forecourt;
- the two-storey building is complementary in its design to the Community Centre, and in fact substitutes for a wing of the original design that was deleted originally for budget reasons.

A23-A27

Concept plans are attached at pages A23 to A27.

Current

Waitakere Properties Ltd have entered into a conditional Agreement for Sale & Purchase with Ashok Patel (the owner of the Potters Post building) or nominee which acknowledges the vendor's intention that the property will be subject to a Deed of Restrictive Covenant in favour of the Community Centre landholding, requiring the property to be developed substantially in accordance with the Architectus plans and specifications and requiring the land to be used to provide a café on the ground floor and a restaurant or offices on the upper floor. The purchaser has made application for a Land Use Consent based upon that outcome, so as to satisfy the relevant condition in that Agreement.

Because the development footprint occupies the entire 151m² site the applicant must effectively satisfy the parking requirement (10 spaces) within the adjoining Community Centre property, and the application cannot be processed further at this point pending Council's formal approval to the use of Lot 2 DP 209062 so that patrons/employees are able to park to that extent on an ongoing basis. That entitlement will be secured by a Memorandum of Encumbrance, to be provided upon lodgement of the related building consent application, prepared by Council's solicitor at the consent holder's cost.

Assessment

Resource consent for the Community Centre was granted on 16 June 2000 (RMA 20000661) and emphasised that the parking requirement for the proposed use pursuant to the District Plan was 44 spaces and that the sealed parking to be provided was 114 car parking spaces, thereby exceeding the requisite parking provision by 70 spaces.

The commercial development proposed on Lot 1 has been endorsed by Council on a number of occasions previously and is an outcome sought as part of that overall Community Centre precinct. The allocation of car parking spaces on this basis was also reported as part of the reconfiguration, and is not considered to compromise the function of either the Community Centre or the proposed restaurant given the actual extent of parking available on Lot 2. Utilisation of the existing parking/access arrangements provided for the Community Centre is also designed to allow safe and efficient movement on and off the road, and to continue to protect road safety and mitigate use of 'on street' parking spaces.

The general area is already well served by public transport routes and connections and public car parks. The subject site is located in the heart of the New Lynn Community Environment and there is no realistic opportunity to provide on-site parking associated with the intended commercial activity.

The resource consent will be finally determined by an independent Commissioner.

RECOMMENDATIONS

1. That the information be received.
2. That the resource consent application for the proposed commercial development on Lot 1 DP 209062 be approved to be processed on the basis that ten (10) car parking spaces are allocated and maintained in future on the adjoining Lot 2 DP 209062, secured by a registered Memorandum of Encumbrance prepared by Council's solicitor at the applicant's expense in all respects, provided in conjunction with application for the related building consent.
3. That such approval is subject to the applicant constructing the development generally in accordance with the plans demonstrated by Architectus, incorporating an active open café frontage at ground level complimentary to the adjacent Community Centre, with any proposed amendments to such plans being approved by both Waitakere Properties Ltd and Council's Urban Design Manager.
4. That construction include provision for a canopy as depicted "roofing over" part of the Community Centre forecourt area and that tables and chairs be permitted to be maintained outside the site boundary underneath the said canopy, providing that such furniture is to a standard approved by Council and the café proprietor accepts responsibility for keeping that area free of litter and in a clean and tidy condition at all times, provided however that this approval does not extend to the frontage with Totara Avenue.

Report prepared by: Graham Wakefield, Executive Officer (Legal) and approved by Denis Sheard, Legal Services Manager.



21 **BRITOMART TRANSPORT CENTRE**

PURPOSE OF THE REPORT

The purpose of this report is to seek the Council's approval for Auckland Regional Transport Network Limited ("ARTNL") to enter into lease and management agreements in respect of the Britomart Transport Centre. As this will be a major transaction, the approval of shareholding Councils is required.

BACKGROUND

On 2 July 2002 the Auckland City Council entered into a Heads of Agreement with Auckland Regional Transport Network Limited which set out the key terms concerning the ownership, operation and maintenance of the Britomart Transport Centre and provided the framework for the further detailed negotiations between the parties. After considering the options, it was identified that the most appropriate management structure for Britomart was for Auckland Regional Transport Network Limited to lease the Britomart Transport Centre from Auckland City Council who would retain the ownership but would transfer responsibility for the performance of the asset to Auckland Regional Transport Network Limited. This resulted in the preparation of a Deed of Lease and a separate Management of Bus Precinct Agreement.

The Lease of the Transport Centre identifies the specific terms of the 100 year lease which is the specified design life. Auckland Regional Transport Network Limited will lease the Central Post Office (CPO), the plaza behind the Central Post Office, the rail station (excluding the rail corridor leased to NZRC), and the concourse under Queen Elizabeth Square. Under this lease Auckland Regional Transport Network Limited will pay all operating costs incurred and asset renewals.

Under the Management of Bus Precinct Agreement, Auckland Regional Transport Network Limited will manage the above ground Britomart bus precinct. Auckland City Council will retain responsibility for the street network. Auckland Regional Transport Network Limited will be responsible for managing bus movements.

In February 2003 the Auckland Regional Transport Network Limited Shareholders' Representative Group resolved that it would further consider the major transaction for the management and control of Britomart once outstanding issues had been addressed.

Auckland Regional Transport Network Limited has addressed these issues, except for funding asset renewal costs. Auckland Regional Council has agreed to provide full operational funding, but negotiations are continuing about funding asset renewal costs.

The Britomart Transport Centre operations need to be in place as soon as construction is substantially complete. Auckland Regional Transport Network Limited is seeking shareholders' approval for the transaction of the lease and management of the Britomart Transport Centre for an interim period, and subsequently assuming the issue of funding asset renewals is resolved.

The Shareholders' Agreement states that any major transaction that is proposed by the company requires the Shareholders to approve the resolution. These agreements constitute a significant transaction for Auckland Regional Transport Network Limited because of the ongoing financial obligations.

At its meeting on 19 May 2003, the Auckland Regional Transport Network Limited Shareholders Representative Group resolved:

- A. *That the Shareholders Representative Group (SRG) recommend to the Shareholders to approve ARTNL entering into the Overarching Deed with Auckland City Council for a period of up to 6 months, for occupation and management rights to the Britomart Transport Centre on:*
- i) *the same terms and conditions as the Britomart lease and associated legal agreements with the exception of asset renewals; and*
 - ii) *the basis that ARTNL will lease the Britomart Transport Centre and assume the asset renewal obligation once ARC funding is secured, to the satisfaction of both ARTNL and Auckland City, for the ongoing asset renewal programme.*
- B. *That the SRG recommend to shareholders approval of ARTNL and any of its subsidiaries entering into a major or substantial transaction relating to the occupation and management rights to the Britomart Transport Centre.*
- C. *That delegated authority be given to the shareholder's Chief Executives to approve and sign the necessary documentation and shareholders resolutions.*
- D. *That the ARTNL Board be given delegated authority to finalise the terms of these agreements.*

STRATEGIC CONTEXT

Auckland Regional Transport Network Limited has responsibility for managing the regional rail network. The Britomart Transport Centre is a key part of the rail network and also the bus network. Auckland Regional Transport Network Limited proposes to manage the Transport Centre for the benefit of the region as a whole, assuming that adequate funding is secured from the Auckland Regional Council.

ISSUES

A28-A33 A full description of the proposed transaction is contained in the attached report from Auckland Regional Transport Network Limited's Manager Britomart and Commercial Development (attached at pages A28 to A33).

Under the negotiated draft agreements, Auckland City Council will retain ownership of the Britomart Transport Centre with the exception of the rail tracks, rail tunnel through Quay Park and associated rail infrastructure. Auckland City Council will lease the Britomart Transport Centre to Auckland Regional Transport Network Limited and the Crown, with Auckland Regional Transport Network Limited being responsible for the operational, maintenance and asset renewal requirements for the Transport Centre.

The long-term proposal is for Auckland Regional Transport Network Limited to take responsibility for the Britomart Transport Centre by way of:

- leases of the "premises" generally described as the ground floor of the Central Post Office (CPO), the plaza behind the Central Post Office, the rail station (excluding the rail corridor leased to NZRC), and the concourse under Queen Elizabeth Square;
- a Management of Bus Precinct Agreement to require Auckland Regional Transport Network Limited to manage the bus precinct, generally defined by Britomart Way, Quay Street, Customs Street, and QE Square. This requirement extends to maintenance of canopies and CCTV cameras and the setting and collection of access charges for users. Auckland City Council retains responsibility for the street network.

Pending resolution of the asset renewals issue, an Overarching Deed would be entered into to deal with the interim period of up to six months, as the operative agreement. Auckland Regional Transport Network Limited will not enter into any commitment to meet the cost of asset renewals, until the asset renewal issue is resolved.

The Overarching Deed will incorporate the tenor of the Britomart Lease, and Management of Bus Precinct Agreement. There will be terms for the handing of Auckland Regional Transport Network Limited commitments over to Auckland City Council, if the asset renewal issue is not resolved within six months.

The agreements of the Britomart transaction are at a stage where Shareholders need to approve the transaction before Britomart opens. Auckland Regional Transport Network Limited, Auckland City Council and Auckland Regional Council are continuing to work through the outstanding issues surrounding the funding of depreciation and asset renewals.

Officers are aware that there has been no agreement between the Auckland Regional Council and Auckland Regional Transport Network Limited for asset renewal funding. The Auckland Regional Council has resolved:

“That any ongoing operational funding for Britomart Station be subject to ARTNL entering into a management contract with ACC for the provision of services at Britomart Station, and ARTNL not assuming ongoing liability for the depreciation/renewal costs associated with Britomart Station until the issue of funding of these costs is resolved.”

It is understood that the Auckland Regional Council's position is that the asset renewal costs for Britomart should be considered as part of the rail business planning work and resolved in the context of an agreement on funding for asset renewal for the rail network as a whole.

A commitment from the Auckland Regional Council to fund the ongoing asset renewal programme for Britomart is required before Auckland Regional Transport Network Limited can enter into the Britomart lease for the following reasons.

- in terms of the Auckland Regional Council resolution set out above, the Auckland Regional Council will not fund the Britomart operating expenses if Auckland Regional Transport Network Limited commits to any asset renewal obligations prior to resolution of the asset renewal funding issue;
- Auckland Regional Transport Network Limited will need certainty of funding for both operating and asset renewal costs before it can commit to the Britomart lease agreement;
- Auckland City Council will need certainty that Auckland Regional Transport Network Limited can fund the asset renewal programme so that it does not have to fund the Britomart Transport Centre depreciation expense from rates.

It is unlikely that the Auckland Regional Council and Auckland Regional Transport Network Limited will have reached an agreed position on asset renewal funding either specifically for the Britomart Transport Centre or generally for the rail network by the time Britomart becomes operational.

The arrangements now proposed give Auckland Regional Transport Network Limited the certainty that it needs to open Britomart, and give the Auckland Regional Council the assurance it requested prior to authorising payment of the amounts provided by it in the Annual Plan.

RESOURCES

The Auckland Regional Council has agreed to provide the Auckland Regional Transport Network Limited full operational funding. If the Auckland Regional Council agrees within the next six months to provide Auckland Regional Transport Network Limited adequate funding for asset renewals, then the lease and management arrangements will continue.

If the Auckland Regional Council does not agree to fund asset renewal costs, then the Auckland City Council would be required to assume Auckland Regional Transport Network Limited's obligations for the Transport Centre. Auckland Regional Transport Network Limited may request shareholders to fund any deficit. Waitakere City Council has not budgeted for making a contribution to asset renewal costs in the draft Long Term Council Community Consultation Plan.

CONCLUSION

Approval of the proposed transactions would enable Auckland Regional Transport Network Limited to manage and control the Britomart Transport Centre for a six month period, and thereafter if funding for asset renewals is secured.

RECOMMENDATIONS

1. That the information be received.
2. That approval be given to Auckland Regional Transport Network Limited entering into the Overarching Deed with Auckland City Council for a period of up to 6 months, and thereafter a Britomart Lease and Management of Bus Precinct Agreement, for occupation and management rights to the Britomart Transport Centre on:
 - a) the same terms and conditions as the Britomart lease and associated legal agreements with the exception of asset renewals; and
 - b) the basis that Auckland Regional Transport Network Limited will lease the Britomart Transport Centre and assume the asset renewal obligation once Auckland Regional Council funding is secured, to the satisfaction of both Auckland Regional Transport Network Limited and Auckland City, for the ongoing asset renewal programme.
3. That approval be given to Auckland Regional Transport Network Limited and any of its subsidiaries entering into a major or substantial transaction relating to the occupation and management rights to the Britomart Transport Centre.
4. That delegated authority be given to the Chief Executive to approve and sign the necessary documentation and shareholders resolutions relating to the above.
5. That the Auckland Regional Transport Network Limited Board be given delegated authority to finalise the terms of the agreements referred to in resolution 2.
6. That the Auckland Regional Transport Network Limited Board be informed that Council does not intend to assume any financial obligations for the Britomart Transport Centre.

Report prepared by: Kevin Wright, Senior Project Manager, Transport Projects.



22 ACQUISITION OF RAILWAY SIDINGS AT HENDERSON

PURPOSE OF THE REPORT

The purpose of this report is to bring issues around the proposed acquisition of the railway sidings adjacent to the Henderson Railway Station and the new Civic Centre to the Council. The report seeks Council approval to work with Auckland Regional Transport Network Limited (ARTNL) and New Zealand Rail Corporation (Railcorp) to acquire that land not needed for rail purposes for addition to the Civic Centre site.

BACKGROUND

With the decision by Council to site the new Civic Centre at Henderson Valley Road, the relationship with Auckland Regional Transport Network Limited and the redevelopment of the Henderson Railway Station becomes a very significant issue to the project.

Currently the Henderson Railway Station is poorly located and designed for a major regional station. Redevelopment of the station is planned to be undertaken concurrently with the development of the new Civic Centre with the redeveloped railway station integrating with the Civic Centre.

Aside from the Henderson Railway Station, there is a large area of former railsidings adjacent to the Civic Centre site. This area was used for loading and unloading freight onto trains from the former Carter Holt tissue plant, and has lain idle since the plant closed.

STRATEGIC CONTEXT

Henderson is one of the three major town centres in Waitakere City and is recognised as a key centre in the Urban Strategy. It is the city's most centrally located town centre. It is located on the rail corridor and has the largest percentage of retail floor-space and community facilities. There has been significant recent investment, notably at Westfield's West City Mall, Sel Peacock Drive retirement complex and Council's Aquatic Centre. There is significant opportunity for further development and redevelopment. Good planning and co-ordination are essential to ensure Henderson consolidates its critical position as a key working environment and employment locality, hence furthering Council's objectives in creating a sustainable City.

The Henderson Library/UNITEC Campus development and Civic Centre projects will play a pre-eminent role in catalysing the redevelopment of the Henderson Town Centre, providing two major cornerstones within the town centre. An analysis of the Triple Bottom Line benefits of the projects has identified significant economic, social and economic benefits to the City from the two projects.

The projects in particular will catalyse the redevelopment of the Henderson Town Centre, provide a leading edge example of transit supportive development, increase street and pedestrian activity within the town centre, allow the south-western portion of Henderson to be opened up to integration with the rest of the town centre, provide a "civic heart" and significant boost to the "business address" of Waitakere City, provide significant improvement in access to tertiary education for the City's residents and provide a significant boost to the economic activity within Waitakere City.

ISSUES

As work has progressed on the Civic Centre project, it has become clear that acquisition of part of the rail sidings is important as part of the overall Henderson town centre programme and would be of significant benefit to the Civic Centre project, in order to bring the Civic Centre and associated development closer to the Henderson Railway Station and the Henderson Town Centre. While the concept has not yet been developed, it is envisaged that car parking, landscaping and pedestrian linkages would be located on this land integrating the Civic Centre and the Railway Station more closely.

Accordingly discussions have been undertaken with Auckland Regional Transport Network Limited and Railcorp (the land owners) regarding the possibility of acquiring the rail sidings. These discussions have highlighted a number of issues in relation to such possible acquisition and these are outlined below:

Need for Train Stabling and Maintenance Yard

Auckland Regional Transport Network Limited requires a site on the Western Line for garaging and maintenance of trains. While this is not needed for the Diesel Trains currently in operation, the planned electrification of the western line may require a facility specifically on that line and a garaging facility will be required. This activity would be able to be undertaken as of right within the existing Designation of the western line and no resource consents would be required.

Auckland Regional Transport Network Limited have identified three possible sites on the Western Line - the rail sidings adjacent to the Henderson Station, the rail sidings in the Bruce McLaren area and the rail sidings at Swanson.

Although the Henderson side is the best in terms of size and shape, Auckland Regional Transport Network Limited have recognised that siting of such a maintenance facility would be inappropriate within a major town centre such as Henderson and that a better use of the land would be an integrated rail supportive development such as the Civic Centre. However, they have sought Council support for proceeding with either the Swanson or Bruce McLaren option should it be required.

Auckland Regional Transport Network Limited have indicated, that they see a preference in the Swanson site for a maintenance facility, as being the end of the high frequency commuter service it is the best site for a stabling facility and a maintenance yard could be accommodation within the land already designated for rail corridor.

With regard to the Bruce McLaren option, additional land would need to be acquired and added into the rail corridor in order provide a piece of land of sufficient size for the maintenance facility.

Support Sought from Council

While recognising that they can proceed with the development of a maintenance and stabling facility within the rail corridor as of right, Auckland Regional Transport Network Limited are seeking Council support for both the Bruce McLaren and Swanson options.

Such support would involve Council assisting with acquisition and designation of additional land at the Bruce McLaren site and a commitment to work with Auckland Regional Transport Network Limited in respect of pre-application work associated with applicable regulatory processes if this is the preferred site. This site is located within an existing working environment zoning.

With regard to the Swanson site, the key issue of concern to Auckland Regional Transport Network Limited is the possible reverse sensitivity issues in relation to neighbouring properties. The land is situated between O'Neill's Road level crossing and Swanson Station, with a small amount of existing adjacent residential development (Swanson Oaks) and possible proposed residential development ("Penihana" land). Auckland Regional Transport Network Limited is therefore seeking that Council incorporate appropriate regulatory measures such as reverse sensitivity rules or notification of use or LIM reports in relation to these areas. In particular Auckland Regional Transport Network Limited is concerned that any further development is undertaken in such a way that recognises their use of the land for at least train stabling and possibly also as the maintenance facility.

RESOURCES

Currently there is \$500,000 budgeted in the draft 03/04 financial year for Henderson Land Acquisition, and this is anticipated to be sufficient to cover the cost of acquisition of the Henderson rail sidings.

CONCLUSION

Acquisition of the rail siding land at Henderson is important as part of the overall Henderson town centre development programme and strategy. Auckland Regional Transport Network Limited declaration of the land as surplus to rail needs is necessary to achieve acquisition of this land. In order to obtain the land support for a number of Auckland Regional Transport Network Limited requirements in providing rail services is recommended.

RECOMMENDATIONS

1. That the information be received.
2. That the Chief Executive be authorised to acquire all or part of the land contained in Gazette Proclamations Gazette 1938 P 2355 Proc.9793, Gazette 1883 P 1802 Proc.706, and Gazette 1940 Page 1263, if necessary using Council's powers under the Public Works Act 1981.
3. That Council commit to supporting Auckland Regional Transport Network Limited with the development of a stabling facility and maintenance facility for trains at either Swanson or the Bruce McLaren area.
4. That through the process of settling of the appeal on the Penihana development, appropriate recognition is made of the adjacent rail corridor and its possible use as a train stabling and maintenance facility, including possible inclusion of rules or assessment criteria.
5. That possible mechanisms for dealing with regulatory issues associated with the location of rail maintenance facilities be reported to the Environmental Management Committee.

Report prepared by: Lois Easton, Group Manager: City Development Projects.

HV O'Rourke
CHIEF EXECUTIVE



PART E - CONFIDENTIAL ITEMS

23 HIGH COURT JUDGEMENTS RELATING TO HOBSONVILLE AIRBASE

This item will be considered in the Confidential Supplement of the agenda, and has been circulated to members separately with this agenda.

24 LAND ACQUISITION - LOT 14 DP 45417

This item will be considered in the Confidential Supplement of the agenda, and has been circulated to members separately with this agenda.

25 1 KAMARA ROAD, GLEN EDEN (PUBLIC WORKS ACT 1981)

This item will be considered in the Confidential Supplement of the agenda, and has been circulated to members separately with this agenda.

PROCEDURAL MOTION TO EXCLUDE THE PUBLIC

That the public be excluded from the following part of the proceedings of this meeting, namely, High Court Judgements Relating to Hobvonsville Airbase and Land Acquisition - Lot 14 DP 45417.

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

General subject of the 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.
<ul style="list-style-type: none"> • High Court Judgements Relating to Hobsonville Airbase; • Land Acquisition - Lot 14 DP 45417; • 1 Kamara Road, Glen Eden (Public Works Act 1981). 	<p>The withholding of information is necessary in order to:</p> <ul style="list-style-type: none"> • protect the privacy of natural persons; • maintain legal professional privilege; • enable the Local Authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). 	<p>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.</p>

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 Sections 7(2)(a), 7(2)(g) and 7(2)(i) of that Act which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public as follows:

- the reports contain information which if released would affect the Council's negotiations, privacy of natural persons, and legal and professional advice which is subject to legal and professional privilege.

PART F - STANDING COMMITTEE REPORTS

26 CITY DEVELOPMENT COMMITTEE

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON THURSDAY, 8 MAY 2003

MATTERS CONSIDERED

1-8
Part F

Your Committee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 1 to 8 in the supplement labelled Part F.

Your Committee Recommends:

That the report of the Ordinary Meeting of the City Development Committee held on Thursday, 8 May 2003 be received.

CA Stone
CHAIRPERSON



27 FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON MONDAY, 12 MAY 2003

1. BANKRUPTCY PROCEEDING - RECOVERY OF RATE ARREARS

Your Committee Recommends:

1. That prior to the issuance of a Bankruptcy Notice that all reasonable attempts be taken to meet with the Ratepayer and resolve the outstanding rate arrears and that options be explained to the Ratepayer.
2. That if all reasonable attempts taken to meet with the Ratepayer fail then a Bankruptcy Notice be served in respect of the arrears outstanding in respect of Rate Account 34870 and for which judgement by default has been obtained, and, if settlement is not achieved within one month of the service of the Notice, that a bankruptcy petition be filed in the High Court so as to secure the Official Assignee to deal with the debtor's affairs.

2. OTHER MATTERS CONSIDERED

9-17
Part F

Your Committee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 9 to 17 in the Supplement labelled Part F.

Your Committee Recommends:

That the report of the Ordinary Meeting of the Finance and Operational Performance Committee held on Monday, 12 May 2003 be received.

JM Clews, QSO, JP
CHAIRPERSON



28 **ENVIRONMENTAL MANAGEMENT COMMITTEE**

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON TUESDAY, 13 MAY 2003

MATTERS CONSIDERED

*18-20
Part F*

Your Committee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 18 to 20 in the supplement labelled Part F.

Your Committee Recommends:

That the report of the Ordinary Meeting of the Environmental Management Committee held on Tuesday, 13 May 2003 be received.

PA Hulse

CHAIRPERSON



PART G - PRESENTATIONS

These presentations will take place at 7.30 pm

29 WAITAKERE CITY "TRUSTS" BRASS BAND

Mayor Bob Harvey will present an Award to the Waitakere City "Trusts" Brass Band for their recent success in winning the 2003 National Brass Championships of Australia.

30 CITATION

Mayor Bob Harvey will present Ashley Maindonald, former Principal of Pomaria Primary School with a Citation in appreciation of his contribution to Pomaria School and the wider community.

31 HEALTHWEST

The General Manager, Alan Greenslade, accompanied by the Chairman, Lannes Johnson will make a presentation on the Primary Health Organisation (PHO) development and initiatives that are proposed in Waitakere with the new funding that the Primary Health Organisation will attract.



PART H - PROCEDURAL MATTERS

32 QUESTIONS

Pursuant to Standing Order 39.2, any member of the local authority may at any ordinary meeting of the local authority at the appointed time, put a question to the Mayor as Chairperson of the local authority, or through the Mayor to the Chairperson of any standing or special committee, or to any officer of the local authority concerning any matter relevant to the role or functions of the local authority concerning any matter that does not appear on the order paper, nor arises from any committee report or recommendation submitted to that meeting.



33 NOTICES OF MOTION

Notices of motion shall be in writing by the mover, stating the meeting at which it is proposed that the notice of motion be considered, and shall be delivered to the Chief Executive at least five clear days before such meeting.



34 CLOSING PRAYER

