



**AGENDA FOR AN ORDINARY MEETING OF THE COUNCIL TO BE HELD IN THE  
CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,  
ON WEDNESDAY, 25 AUGUST 2004 COMMENCING AT 5.30 PM**

---

**TABLE OF CONTENTS**

<b><u>ITEM</u></b>	<b><u>PAGE NO.</u></b>
<b><u>PART A - OPENING OF MEETING</u></b>	<b>1</b>
1 <b>OPENING PRAYER</b>	<b>1</b>
2 <b>APOLOGIES</b>	<b>1</b>
3 <b>CONFIRMATION OF MINUTES</b>	<b>1</b>
4 <b>URGENT BUSINESS</b>	<b>1</b>
<b><u>PART B - REPORT OF THE MAYOR</u></b>	<b>2</b>
<b><u>PART C - TE TAUMATA RUNANGA AND COMMUNITY BOARDS</u></b>	<b>2</b>
5 <b>TE TAUMATA RUNANGA</b>	<b>2</b>
1. <b>FOURTH HUI TAUMATA MATAURANGA</b>	<b>2</b>
2. <b>OTHER MATTERS CONSIDERED</b>	<b>2</b>
6 <b>NEW LYNN COMMUNITY BOARD</b>	<b>3</b>
7 <b>WAITAKERE COMMUNITY BOARD</b>	<b>3</b>
8 <b>MASSEY COMMUNITY BOARD</b>	<b>4</b>
9 <b>HENDERSON COMMUNITY BOARD</b>	<b>4</b>
<b><u>PART D - REPORTS OF THE CHIEF EXECUTIVE</u></b>	<b>5</b>
10 <b>SUMMERLAND DRIVE COMMUNITY FACILITY - NAME SELECTION</b>	<b>5</b>
11 <b>WAITAKERE CENTRAL LIBRARY/UNITEC CAMPUS DEVELOPMENT</b>	<b>8</b>
12 <b>EDMONTON ROAD TRANSFORMER EASEMENT</b>	<b>11</b>
13 <b>APPROVAL OF CONFERENCE ATTENDANCE NEW ZEALAND COASTAL CONFERENCE, AUCKLAND 6 - 7 AUGUST 2004</b>	<b>13</b>
14 <b>LOCAL GOVERNMENT ACT 2002 AMENDMENT ACT 2002</b>	<b>14</b>
15 <b>DELEGATED AUTHORITY TO BORROW</b>	<b>17</b>

<b><u>PART E - CONFIDENTIAL ITEMS</u></b>	<b>20</b>
16 REORGANISATION OF AUCKLAND REGIONAL TRANSPORT NETWORK LIMITED GROUP	20
17 WATERHOLE SWIMMING CENTRE LIMITED - PROPOSED CHANGE OF SHAREHOLDING	20
PROCEDURAL MOTION TO EXCLUDE THE PUBLIC	20
<b><u>PART F - STANDING COMMITTEE REPORTS</u></b>	<b>21</b>
18 CITY DEVELOPMENT COMMITTEE	21
19 FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE	21
1. ACQUISITION OF LAND FOR ROAD - 21-29 LINCOLN ROAD, HENDERSON	21
2. OTHER MATTERS CONSIDERED	21
20 ENVIRONMENTAL MANAGEMENT COMMITTEE	22
1. GENETICALLY MODIFIED ORGANISMS PROGRESS REPORT	22
2. ALTERATION OF RESOLUTION 371/2004	22
3. OTHER MATTERS CONSIDERED	22
<b><u>PART G - PRESENTATION</u></b>	<b>22</b>
There will be no presentations.	22
<b><u>PART H - PROCEDURAL MATTERS</u></b>	<b>23</b>
21 QUESTIONS	23
22 NOTICES OF MOTION	23
23 CLOSING PRAYER	23

**AGENDA FOR AN ORDINARY MEETING OF THE COUNCIL TO BE HELD IN THE  
CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,  
ON WEDNESDAY, 25 AUGUST 2004 COMMENCING AT 5.30 PM**

---

**PART A - OPENING OF MEETING**

**1 OPENING PRAYER**

Pastor Steve Bryant from the West City Christian Centre, Glendene, will say the Opening Prayer.



**2 APOLOGIES**



**3 CONFIRMATION OF MINUTES**

Ordinary - Wednesday, 28 July 2004  
Extraordinary - Monday, 2 August 2004

**RECOMMENDATION**

That the minutes of the Ordinary Meeting of the Council held on Wednesday, 28 July 2004 and the Extraordinary Meeting held on Monday, 2 August 2004, including the public excluded minutes, as circulated, be taken as read and now be confirmed.

*Pages 11-12  
Part E*

The public excluded minutes are attached at pages 11 to 12 of the confidential supplement labelled Part E.



**4 URGENT BUSINESS**

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

- (i) the Council by resolution so decides; and
- (ii) the Chairperson has explained at the beginning of the meeting (when open to the public) that the item will be raised for discussion and decision, why the item is not on the agenda, and why it cannot be delayed until a subsequent meeting.

The Council may make a decision on a matter determined to be urgent.

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



## **PART B - REPORT OF THE MAYOR**

The report of the Mayor will be circulated under separate cover with this agenda. There will be a presentation on Waitakere Central by the Mayor during this time.



## **PART C - TE TAUMATA RUNANGA AND COMMUNITY BOARDS**

### **5 TE TAUMATA RUNANGA**

**I NOHO TE TAUMATA RUNANGA KOMITI MANE TE KAU MA ONO O HERE-TURI-KOKA 2004**

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON MONDAY, 16 AUGUST 2004**

#### **1. FOURTH HUI TAUMATA MATAURANGA**

**Your Committee Recommends:**

That Te Taumata Runanga nominates M Te Huia, A Lauese and T Toki to attend the fourth National Maori Education Hui, "Hui Taumata Mātauranga," to be held in Taupo on 3-5 September 2004 and that further Members are able to attend incurring no further costs to Council.

#### **2. OTHER MATTERS CONSIDERED**

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 5 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 tonoa ki nga mema o te Kaunihera.

**Your Committee Recommends:**

That the report of the Ordinary Meeting of Te Taumata Runanga held on Monday, 16 August 2004 be received.

Te Warena Taua  
**CHAIRPERSON**



**6 NEW LYNN COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING  
HELD ON MONDAY, 2 AUGUST 2004**

---

**MATTERS CONSIDERED**

6-19  
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 6 to 19 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, 2 August 2004 be received.

EG Francke

**CHAIRPERSON**



**7 WAITAKERE COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING  
HELD ON TUESDAY, 3 AUGUST 2004**

---

**MATTERS CONSIDERED**

20-28  
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 20 to 28 in the supplement labelled Part C.

**The Board Recommends:**

That the report of the Ordinary Meeting of the Waitakere Community Board held on Tuesday, 3 August 2004 be received.

CA Shepherd, JP

**CHAIRPERSON**



8 **MASSEY COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON WEDNESDAY, 4 AUGUST 2004**

---

**MATTERS CONSIDERED**

29-36  
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 29 to 36 in the supplement labelled Part C.

**The Board Recommends:**

That the report of the Ordinary Meeting of the Massey Community Board held on Wednesday, 4 August 2004 be received.

RF Jessopp  
**CHAIRPERSON**



9 **HENDERSON COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON THURSDAY, 5 AUGUST 2004**

---

**MATTERS CONSIDERED**

37-44  
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 37 to 44 in the supplement labelled Part C.

**The Board Recommends:**

That the report of the Ordinary Meeting of the Henderson Community Board held on Thursday, 5 August 2004 be received.

HM Jones  
**CHAIRPERSON**



## **PART D - REPORTS OF THE CHIEF EXECUTIVE**

### **10 SUMMERLAND DRIVE COMMUNITY FACILITY - NAME SELECTION**

#### **PURPOSE OF THE REPORT**

The purpose of the report is to request that Council select and approve a name for the new Summerland Drive Community Facility.

#### **BACKGROUND**

A partnership between Council, Community and the Ministry of Education was established several years ago to develop the idea of co-locating a community facility with the now existing Summerland Primary School. In November 2000 Council resolved to purchase the sites adjoining the new Primary School on which new community facilities can be co-located at a future date (4112/2000). The land was subsequently purchased in the 2001/2002 financial year.

A significant level of consultation was undertaken in 2003 to determine what the facility should deliver to the local community. Consultation findings, an analysis of strategic outcomes and funding and development options were presented to Projects Special Committee in October 2003, with the Committee approving to fund detail design and that provision of funding for capital development be reconfirmed in the 2004/2005 Annual Plan (2000/2003).

Work is now underway in establishing a Community Management Committee to manage and operate the facility, as endorsed by the City Development Committee June 2004 (904/2004). The Community Advisory Group, formed to facilitate the community consultation in 2003, provides a core nucleus of community members willing to commit.

A report seeking support and approval for the Concept Design was presented to the Waitakere Community Board and City Development Committee August 2004 meetings. A verbal report was also presented at these meetings, seeking support and approval for the facility name as recommended by the Community Advisory Group. The following recommendations were moved:

The Waitakere Community Board moved:

*“That the Waitakere Community Board endorses the Concept Design of the Summerland Drive Community Facility.”*

*“That the Waitakere Community Board recommends to the City Development Committee that the concept design be approved, pending the completion of a quantity survey cost analysis to confirm design meets budget.”*

1392/2004

*“That the Waitakere Community Board supports the Summerland Drive Community Facility being named “Sturges West Community House”, as recommended by the project Community Advisory Group.”*

1393/2004

The City Development Committee moved:

*“That the Summerland Drive Community Facility Concept Design be approved.”*

1429/2004

*“That the naming of the Summerland Drive Community Facility be forwarded to Council for further discussion.”*

1429/2004

## STRATEGIC CONTEXT

The initial (1998) brief conceived of a “Sustainable School Development Project” with the potential to integrate the social, environmental, educational and environmental ethos of Council into a practical initiative. The project was seen to contribute to the “Urban Village” concept through improving social contacts for residents and protecting the natural environment. Through partnerships with the Ministry of Education and the local school community it was envisaged that the new primary school would become the focal point for the area and also be a leading national example of sustainable development through the integration of:

- Sustainable building principles
- Energy, waste and water efficiency
- Co-location and shared use of school and community facilities
- Green network projects

Community and Leisure facilities and activities contribute to Council’s Strong Communities and Urban and Rural Villages Strategic Platforms by helping provide networks of appropriate and accessible public buildings as key community focal points, and through a wide range of low cost, low impact community activities.

Council’s strategic objective for leisure is that a comprehensive range of leisure, recreation and sports services and facilities are provided.

Through adoption of First Call for Children, Council has also stated its commitment to proactively supporting children, young people and their families in Waitakere City.

The Local Government Act defines one of Council’s responsibilities as being to promote the social, economic, environmental and cultural well being of communities, in the present and for the future.

## ISSUES

The project Community Advisory Group, after undertaking some recent community consultation by way of a informal survey of local residents’ opinions, has recommended that the new Community Facility on Summerland Drive be named the “Sturges West Community House”.

There are a number of factors as to why the Community Advisory Group feels this is a suitable and appropriate name for the facility. These factors are summarised as follows:

- Sturges Road is a well-established and well-known thoroughfare that adds identity to existing and new housing areas that spread from both sides of Sturges Road.
- Sturges Road bisects the main catchment area (through the middle) and provides the main entrance and exit route to the area.
- Sturges does not exclude the well established area that borders East of Sturges Road, most of whom do not identify with “Summerland Drive”.
- West provides a geographical reference – identifies West Auckland (Waitakere), and the facility is located West of Sturges Road.
- Existing Community Houses are all definitively named, e.g. Green Bay, Titirangi, and Sturges would define the new venture.

Other naming options were considered by the project Community Advisory Group throughout the community consultation in 2003, and discussed again recently in meetings with the current project Community Advisory Group, and include:

- Paremuka Community House;
- Paremuka Community and Learning Centre;
- Western Heights Community House;
- Summerland Community House.

A verbal report outlining the above was presented to the Waitakere Community Board at the meeting held on 3 August 2004 seeking support for the name of the facility, as recommended by the project Community Advisory Group. The Board resolved to support the recommended name (as detailed in the background section of this report).

A verbal report was also presented to the City Development Committee at the meeting held on 5 August 2004, seeking approval for the name of the facility, as recommended by the project Community Advisory Group and supported by the Waitakere Community Board.

Discussion followed surrounding the naming of the facility, with views expressed for and against the proposed facility name of "Sturges West Community House". Accordingly, the City Development Committee moved that the matter be forwarded to Council for further discussion.

This report provides a platform for this discussion to take place. In addition to this report, the project Community Advisory Group will be making a verbal presentation to Council in the Public Forum section of the meeting in relation to this matter.

## **CONCLUSION**

The project Community Advisory Group after undertaking some recent community consultation, has recommended that the new Community Facility on Summerland Drive be named the "Sturges West Community House".

There are a number of factors as to why the Community Advisory Group feels this is a suitable and appropriate name for the facility, as outlined in the body of this report.

The Waitakere Community Board moved their support of the recommended name "Sturges West Community House" at the August 2004 meeting. The City Development Committee resolved that the matter be referred to Council for further discussion.

## **RECOMMENDATIONS**

1. That the information be received.
2. That Council discuss and approve an appropriate name for the new Summerland Drive Community Facility that reflects and identifies the facility within the local community.

Report prepared by: Jo-Anne InanCSI, Leisure Planner, City Services.



## 11 WAITAKERE CENTRAL LIBRARY/UNITEC CAMPUS DEVELOPMENT

### **PURPOSE OF THE REPORT**

The purpose of this report is to bring the relevant Resource Consent conditions from the Waitakere Central Library/Unitec Campus Development to the Council for it to move the appropriate resolutions to enact them.

### **BACKGROUND**

The Unitec/Library design has now been completed. Resource consent and building consent has been granted for the development and construction has now commenced. The Unitec Campus will be completed in time for the start of the January 2006 semester and the joint Library facility will open in March 2006.

### **STRATEGIC CONTEXT**

The Waitakere Library/UNITEC campus development is one of a number of projects that support the Henderson 20 Year Strategic Plan (1995) and the Henderson Town Centre Concept Plan (2002).

The principles of the Henderson 20 Year Strategic Plan are to:

- Encourage mixed use development and improve the quality of the built environment;
- Develop the streams and the green networks and improve the leisure facilities;
- Improve public transport, road and walking linkages;
- Encourage a range of economic activities to sustain a robust economy in an adaptable innovative and dynamic way.

The Henderson Town Centre Concept Plan was produced to guide the future development of Henderson in a planned and co-ordinated way to ensure that Henderson consolidates its critical position as a key working environment and local employer, furthering Council's key objectives in creating a sustainable city.

This plan identified specific economic strategies for Henderson's revitalisation and identified three key redevelopment clusters including a Business/Community/Education cluster in the Trading Place / Ratanui Street area. The requirements to make the Business/Community/Education cluster successful were identified as:

- combining community facilities, business development and tertiary education in the most integrated way possible
- offering high quality, safe, vibrant public spaces and amenities facilitating a mixture of uses that encourages the development of a 24hr life area that extends the commercial trading viability of the town centre
- being easily accessible by car to assist trade
- having a new road and bridge link from Edmonton Road
- offering sufficient parking to replace the existing provision and providing more for new uses
- maintaining good access from the mall
- having an integrated civic library and tertiary education development

The library/campus design meets the strategic goals of these two plans.

Unitec has long been aware that a large proportion of its students come from Waitakere, and many more Waitakere citizens were not accessing tertiary education. Planning for the establishment a UNITEC presence in Waitakere City has been progressing for many years with significant recent progress with the opening of their Henderson campus in 2001 and signing a Memorandum of Understanding with Waitakere City Council in 2002 that identifies ways in which both organisations can work together in the future.

## ISSUES

### Resource Consent

The main issues picked up through the resource consent process are as follows:

1. Appropriate verandah / canopy coverage to recognise the need to provide as far as possible all weather access between the complex and into the Town Centre.
2. The need to provide parking and loading during the construction phase for abutting properties fronting Great North Road.
3. The need for long term vehicular access to the rear of these Great North Road properties in order that the retail frontage with no vehicular access along Great North Road is retained.
4. The requirement to establish and maintain the planting on the site.
5. The method of subdivision of the site both in the short and long term to recognise the ultimate owners of the land.
6. A construction management plan so that the public are aware of how the construction phase is to be managed.
7. The recognition that the public toilets in Ratanui Street will continue to remain in the area.

Many of these issues have already been dealt with, because of the nature of some issues relating in particular to the surrounding streets, implementation of two of the consent conditions require Council resolutions to implement. These two conditions, dealing with effects of the construction period required Council to dedicate areas for loading access and provide alternative parking to those sites who will not be able to access the rear of their sites during part of the construction period.

The conditions are as follows:

#### Condition 33

During the construction period when construction prevents access to the rear of properties known as 349-369 Great North Road, Henderson the Council will provide, if requested by affected owners/occupiers, an equivalent number of car parks to those lost on their respective sites. This car parking shall be provided on the corner of Edmonton and Alderman Drive.

#### Condition 34

During the construction period when construction prevents access to the rear of the properties known as 349 to 369 Great North Road, Henderson 3 (three) on street loading spaces shall be provided. One loading space shall be provided on the west side of Trading Place, one space on the east side of Ratanui Street at the Great North Road end and one space shall be provided on the north side of Great North Road toward the Trading Place end.

A1 Now that the tender for the construction contract has been awarded and work on site has commenced, appropriate resolutions from Council are sought in order to enable the Council to comply with the resource consent conditions. A plan attached at page A1 indicates the proposed location of the three loading zones required.

## **RESOURCES**

Provision for the Waitakere Central Library is included within the Long Term Council and Community Plan and Annual Plan. The Unitec component of the library and the Unitec campus development are being funded by Unitec.

## **CONCLUSION**

The Resource Consent conditions for the Waitakere Central Library/Unitec Development require several resolutions from the Council. This report outlines those conditions and seeks approval from Council for their implementation.

## **RECOMMENDATIONS**

1. That the Waitakere Central Library/Unitec Campus Development Report be received.
2. That in relation to **RATANUI STREET, TRADING PLACE AND GREAT NORTH ROAD**:
  - (a) That all existing parking restrictions or limitations currently applicable to **RATANUI STREET, TRADING PLACE AND GREAT NORTH ROAD** imposed by any prior resolution (including resolutions of any former authority), that are affected, or superseded, or replaced by part (b) of this resolution, cease to have any force and effect as from the date of this determination provided however that any current enforcement action by way of prosecution arising from, or infringement notice issued in relation to, any non-compliance with or breach of any such parking restriction or limitation be authorized to be concluded in the normal manner.
  - (b) That, in accordance with the powers conferred by virtue of the Local Government Act 1974, The Transport Act 1962 and the Waitakere City Council Bylaw No.7, 1991 - Traffic, the following controls be now resolved to be specified and imposed, namely,
    - (i) on the eastern side of **RATANUI STREET** from a point 7m north of the boundary of 7 and 5 Trading Place, and 5 m south of the boundary of 7 and 9 Trading Place a new "**10 MINUTE LOADING ZONE**" control be put into place.
    - (ii) on the western side of **TRADING PLACE** from a point 25 m north of the boundary of 345 Great North Road and Trading Place to a point 30 m north of the boundary of 345 Great North Road and Trading Place a new "**10 MINUTE LOADING ZONE**" control be put into place.
    - (iii) on the northern side of **GREAT NORTH ROAD** from a point 3 metres east of the boundary of 351 and 353 Great North Road to a point 10 metres east of the boundary 351 and 353 Great North Road a new "**10 MINUTE LOADING ZONE**" control be put into place.
3. That the appropriate signage and/or road markings, in accordance with the provisions of the Traffic Regulations 1976 be hereby approved to be put in place to properly establish, delineate and record the said parking limitations and restrictions.

4. That approval be given for the Chief Executive to negotiate and enter into contract with Care Park Limited for use of up to 30 car parking spaces allocated within the charge car parking trial in the Edmonton Road-Alderman Drive car park to be set aside as required for use by businesses affected by the closure of the Ratanui-Trading Place access lane during the construction of the Waitakere Central Library.

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



## 12 **EDMONTON ROAD TRANSFORMER EASEMENT**

### **PURPOSE OF THE REPORT**

The purpose of this report is to recommend to Council approval of an easement at the Falls car park Edmonton Road for a Vector Limited Power Packaged Substation and Switching Station as part of the Te Atatu Power and Telecom under-grounding project currently underway in Te Atatu.

### **BACKGROUND**

As part of the application for the under-grounding of Power and Telecom overhead services in the Te Atatu area a consent was issued to Vector Limited to place their Packaged Substation and Switching Station on Edmonton Road berm outside the Falls car park (see position 1 on attached plan). It is not recommended that the Packaged Substation and Switching Station be placed in this position, for the following reasons:

- Future road widening/realignment planned for 2005 would bring the road close to this equipment making the provision of pedestrian facilities difficult between the road and the equipment. The pedestrian facilities would also then be placed adjacent to the kerb of a busy arterial route.
- A danger could exist should a vehicle collide with this equipment with it being so close to the road edge. Due to the narrowness of the berm this danger also exists from the Falls car park side with vehicles parking in the car park.
- The site access visibility for the Falls car park and the Korean Church on Edmonton Road will be limited by this equipment, potentially creating an unsafe situation.
- Due to the lack of space the Transformer and Switch equipment cannot be contained by a timber fence for safety to vehicles using a nearby busy intersection.
- The consent for the placement of this equipment is in the centre of the Edmonton Road frontage of the Falls car park site. It is the officers opinion that it could devalue the site and limit the possible uses the site could be used for in the future.
- The cost to move this equipment once fixed into this approved position on the Edmonton frontage of the Fall car park site will be in the order of \$65,000.

A2

It is recommended that the Vector Limited Power Packaged Substation and Switching Station equipment be placed on a grassed area on the northern corner of the Falls car park (see position 2 on the attached plan at page A2). Due to time constraints Vector Limited has temporarily placed their equipment in this position pending a decision from Council.

## STRATEGIC CONTEXT

Helping communities to balance the need for transport against its social and environmental effects and encouraging individual responsibility for safety and for protection of the environment is one of the principles of the integrated Transport and Communication Platform of the Long Term Council Community Plan. Another is recognising the relationship between transport, people and the environment.

## ISSUES

### Original Position of Equipment

The approved position for the Vector Limited Power Packaged Substation and Switching Station on Edmonton Road is the centre of the Edmonton Road frontage of the Falls car park site (see position 1 on attached plan). It is now thought to be unacceptable to place this equipment in this position because of the reasons provided above.

### Recommended New Position for Equipment

It is recommended that the Vector Limited Power Packaged Substation and Switching Station be placed on a grassed area on the northern corner of the Falls car park (see position 2 on the attached plan). A layout plan is also provided for this equipment. This position is near the boundary between the Falls car park and the Korean Church on the adjoining property. This site allows this equipment to be placed well back from Edmonton Road so as not to be an obstruction to pedestrians and to provide additional safety to traffic. Site lines for the Falls car park and the Korean Church access is adequate and safe. Vector Limited has agreed to place this equipment in this position at no cost to Council. Council has decided that this equipment should be enclosed by a timber fence and gate to provide additional public safety.

Should Council agree to this site Vector Limited is to be granted an easement to place their equipment on Council owned land. Vector Limited is to cover the legal costs with regard to the establishment of the easement but Council does not seek compensation for the land value.

### Alternative Site One

- A3 Vector Limited has identified an alternative site along Edmonton Road for the Packaged Substation and Switching Station. This site is further north along Edmonton Road than the original site and on the opposite side of Edmonton Road (see position 3 on the attached plan at page A3). This site will also result in the pedestrian facilities being placed close to the road kerb. This site is however, less busy from a pedestrian perspective and is also not so close to a busy intersection. It is however, still subject to the high traffic volume of Edmonton Road. To move the equipment to this site will result in additional costs in the order of \$ \$22,000. Vector has agreed to split these costs equally between Council and themselves.

### Alternative Site Two

- A3 Vector has identified an alternative site along Takapu Street for the Transformer and Switch equipment. This site is east of the original site in front of the Falls car park (see position 4 on the attached plan at page A3). This site will also result in the pedestrian facilities being placed close to the road kerb. This site is however, less busy from a pedestrian and vehicle perspective. To move the equipment to this site will result in additional costs in the order of \$25,000. Vector has agreed to split these costs equally between Council and themselves.

## RESOURCES

No funding is required if Council resolves to place the Packaged Substation and Switching Station in the recommended position. If one of the alternative sites is chosen to place the Packaged Substation and Switching Station then funding will be required to place the equipment in this new position. The cost of legal documents is to be met by Vector Limited.

## CONCLUSION

It is recommended that the Vector Limited Packaged Substation and Switching Station be placed on a grassed area on the northern corner of the Falls car park (see position 2 on the attached plan). A layout plan is also provided for this equipment. This position is near the boundary between the Falls car park and the Korean Church on the adjoining property. That Council grant an easement to Vector Limited to place the equipment on Council land at no cost. Vector Limited will place this equipment in this new position at no cost to Council.

## RECOMMENDATIONS

1. That the Edmonton Road Transformer Easement report be received.
2. That Council approve the location for the Vector Limited Packaged Substation and Switching Station on a grassed area on the northern corner of the Falls car park on Edmonton Road.
3. That Council grant an easement to Vector to place the equipment on the site referred above, at no cost to Vector Limited, provided that any legal costs are met by Vector Limited.

Report prepared by: Edwin Dearham, Principal Transport Engineer Operations.



## 13 APPROVAL OF CONFERENCE ATTENDANCE NEW ZEALAND COASTAL CONFERENCE, AUCKLAND 6 - 7 AUGUST 2004

### PURPOSE OF THE REPORT

This report seeks Council endorsement of the Chief Executive's approval for the Chair and Deputy Chair of the Environmental Management Committee to attend the New Zealand Coastal Conference on 6 - 7 August 2004 in Auckland.

### BACKGROUND

The NZ Coastal Conference organised by the Environmental Defence Society in Auckland on the 6 - 7 August 2004 brought together an outstanding group of speakers and researchers on landscape issues of central concern to Council and its communities. The timing of the invitation to attend was such that the Chief Executive was asked to approve the attendance of the Chair and Deputy Chair of the Environmental Management Committee.

## **STRATEGIC CONTEXT**

Council's commitment to both protecting and enhancing the natural environment of the city now and in the future and to enabling people to enjoy the qualities of coastal environments is firmly established in Council's Long Term Council Community Plan 2003/2013 and in its District Plan.

Council needs to ensure that it benefits from best practice in managing the pressures that affect these areas.

## **ISSUES**

There are no additional issues.

## **RESOURCES**

Attendance of Councillors at major conferences is provided for in the relevant budgets.

## **CONCLUSION**

The Council's endorsement is sought for the Chief Executive's approval of the attendance of Councillors Hulse and Yates, as Chair, Deputy Chair of the Environmental Management Committee at the New Zealand Coastal Conference in Auckland on 6 - 7 August 2004.

## **RECOMMENDATIONS**

1. That the Approval Of Conference Attendance NZ Coastal Conference, Auckland 6 - 7 August 2004 be received.
2. That the Council endorse the Chief Executive's approval of the Attendance of Councillors Hulse and Yates, as Chair, Deputy Chair of the Environmental Management Committee at the New Zealand Coastal Conference in Auckland on 6 - 7 August 2004.

Report prepared by: Ann Magee, Director Strategy & Development.



## **14 LOCAL GOVERNMENT ACT 2002 AMENDMENT ACT 2002**

### **PURPOSE OF THE REPORT**

The purpose of this report is to recommend changes to Standing Orders and Officer Delegations consequent upon changes made to Local Government Act 2002 by the 2004 Amendment Act, and also to make a consequential amendment as a consequence of Local Government Act 2002 itself in respect of a matter of detail which has only recently come to light.

### **STANDING ORDERS - "WORKING DAY"**

Standing Orders contains a definition of "working day" which continues to reflect the definition of that phrase in Section 2 of the Local Government Act 1974 ("LGA74"). That definition excluded as a working day, among other things, any day in the period commencing with 25 December and ending with 15 January.

The Interpretation Act 1999 for the first time included a statutory definition of “working day”. The Christmas period in that Act was shortened (compared to Local Government Act 1974) so that it commences on 25 December and ends on 2 January, with provisions for extending that date where 1 January falls on a Friday, Saturday or Sunday. The definition of “working day” in Section 5 Local Government Act 2002 reflects the provisions of the Interpretation Act.

It is therefore recommended that the definition of “working day” in clause 102 of Standing Orders be amended by deleting the existing definition and substituting a new definition which more closely reflects the definition in Section 5 Local Government Act 2002.

#### **STANDING ORDERS - CASTING VOTE**

A4 Following the passing of Local Government Act 2002 there was some controversy over whether or not clause 24 of Schedule 7 Local Government Act 2002 permitted the exercise of a casting vote at meetings of a local authority. This Council took the view that a casting vote was permissible so that the Standing Orders adopted by this Council on 14 July 2003 contained provisions for the exercise of a casting vote. The Amendment Act has confirmed the ability for local authorities to include provisions in the Standing Orders permitting the exercise of a casting vote. A copy of the new clause 24, “highlighted” between the lines across the page, is attached at page A4.

A5 When Standing Orders were reviewed in 2003 the provisions of clause 24(2) of Schedule 7 Local Government Act 2002 were repeated (as clause 32.3 of Standing Orders). That section read “To avoid doubt, in the case of equality of vote, the question is defeated and the status quo is preserved”. This provision continues to give interpretation difficulty in the context of clause 32.2 which reads “The Chairperson at any meeting has a deliberative vote and, in case of equality of votes, also has a casting vote”. Clauses 32.1-32.3 of Standing Orders are also cross-referenced to clause 24 of Schedule 7 Local Government Act 2002 in its pre Amendment Act form. Those references are no longer entirely accurate. For convenience of reference a copy of the relevant page of Standing Orders is attached at page A5.

It is therefore recommended that Standing Orders be amended to more closely reflect the current wording of clause 24.

#### **DELEGATION OF APPOINTMENT OF ENFORCEMENT OFFICERS**

The Local Government Act 1974 contained no restrictions on the ability of the Council to delegate the power to appoint enforcement officers under the Local Government Act 1974 and under the Building Act 1991. Historically this Council had delegated that power to the Chief Executive (CEO). Local Government Act 2002 for the first time introduced a restriction on that delegation power. Since 1 July 2004, enforcement officers under those Acts have been appointed by resolution of the Council. The potential for practical difficulty continues to arise from the necessity for that action.

The 2004 Amendment Act has reversed the position and now permits the delegation of the power to issue warrants to enforcement officers to “a committee or member or officer of the Local Authority”. Any delegation may limit or restrict the exercise of the power, impose conditions on the exercise of the power or prohibit, in specified circumstances, the exercise of the power. The Council is required to determine those matters before exercising its power of delegation.

The reasons for the original change in the power of delegation to Local Government Act 2002 remain obscure. Local Government generally is not aware of any history of difficulty or complaint over the appointment of unqualified or unsuitable persons as enforcement officers under either Local Government Act 2002 or the Building Act. Nor is there any history of difficulty or complaint in that regard at Waitakere City Council.

Appointment of enforcement officers, whether staff newly hired by the Council or existing staff being appointed to an enforcement officer role, is the subject of a rigorous process. In addition to the normal recruitment interviews and reference checks, ICON Group is retained to obtain reports from LTSA (in relation to driving offences), Baycorp (in relation to credit worthiness) and the Justice Department Wanganui Computer (in relation to criminal convictions). The results of the ICON Group report are reviewed by the HR Manager, where necessary in consultation with the Security Manager. The outcome of that process is then reported through the Group Manager: Democracy and Support Services to the CEO for action as appropriate. This process is detailed and rigorous and provides a considerable measure of comfort to the CEO prior to the issue of a warrant. It is difficult to imagine any other process which might give greater comfort.

The practical difficulties arising out of the CEO not having a power to appoint enforcement officers are:

- (a) The employment of staff is entirely a matter within the CEO's authority. If a suitable candidate for appointment as enforcement officer is located by external recruiting it is not practical for a job offer to be made until the Council has resolved to issue a warrant. Conversely, however, Local Government Act 2002 only permits the warranting of "officers" which presupposes that person has already been employed by the CEO before an appointment is made. There is an unhappy measure of contradiction and potential for mistiming in those circumstances, which is resolved by having the power to appoint and the power to employ in the hands of one person.
- (b) In the ordinary course of events the person holding the power to issue warrants, is also the person with the power to suspend and cancel warrants. There may be circumstances where suspension or revocation of warrants is required urgently for disciplinary or other employment matters. If the power to appoint, and to suspend and revoke, is clearly delegated to the CEO no practical difficulties arise where urgent action is required.

In that background, it is recommended that this Council return to its former practice and delegate to the CEO the power to appoint, suspend and cancel the appointment of enforcement officers, on the basis that the CEO will at all times have a process in place to rigorously check all candidates to ensure that they are fit and proper persons to be appointed as enforcement officers.

### **RECOMMENDATIONS**

1. That the Local Government Act 2002 Amendment Act 2002 report be received.
2. That Standing Orders be amended as follows:
  - (a) Delete the definition of working day in clause 102 of Standing Orders and substitute:

**"Working Day"** means a day of the week other than:

    - a) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday; Anzac Day, the Sovereign's Birthday, and Labour Day; and
    - b) a day in the period commencing with 25 December in a year and ending with 2 January in the following year; and
    - c) if 1 January falls on a Friday, the following Monday; and
    - d) if 1 January falls on a Saturday or a Sunday, the following Monday and Tuesday; and
    - e) the day upon which a notice is served and the day on which the meeting is to be held.

- (b) Delete clause 32.1 and substitute  
*“32.1 The acts of a local authority must be done, and the question before the local authority must be decided, at a meeting by:  
a) vote; and  
b) the majority of members that are present and voting.”*  
[cl.24(1), Schedule 7, LGA];
  - (c) Delete the words *“[cl.24, Schedule 7, LGA]”* at the end of clause 32.2 and substitute *“[see cl.24(4)(b), Schedule 7, LGA]”*;
  - (d) Delete clause 32.3 and substitute  
*“32.3 In any case where there is an equality of votes (and the Chairperson at the meeting does not exercise the casting vote conferred under clause 32.2) the Act or question is defeated and the status quo is preserved. [see cl.24(2)(b), Schedule 7, LGA]”*;
  - (e) Delete clause 32.4 and substitute  
*“32.2 An act or question coming before the local authority must be done or decided by open voting.” [cl.24(3), Schedule 7, LGA02]”*;
3. That the delegations to the Chief Executive Officer be amended as follows:
- a) Delete clause 13 and substitute:  
*“13. Authority to appoint, to suspend or to revoke the appointment of, any person as an enforcement officer under the Local Government Act 2002”*;
  - b) Delete clause 34 and substitute  
*“34. Authority to appoint, to suspend or to revoke the appointment of, any person as an enforcement officer under the Building Act 1991”*.

Report prepared by: Denis Sheard, Legal Services Manager.



## 15 DELEGATED AUTHORITY TO BORROW

### PURPOSE OF THE REPORT

The purpose of this report is to formalise delegated authorities associated with the Council's borrowing programme and financial risk management activities for the 2004/2005 financial year.

### BACKGROUND

Under the Local Government Amendment Act (No.3) 1996 the Council was required under section 122ZD to raise loans or to enter into any incidental agreements by resolution passed at a meeting open to the public. Such resolutions were required to document the purpose of the loans or incidental agreements, describe the security offered, indicate the considerations of risk and benefits, and indicate that such loans, incidental agreements and security were in accordance with the adopted Borrowing Management Policy.

Under the Local Government Act 2002, section 122ZD was repealed with no new section enacted requiring such a resolution to be passed. However, while the effect of adoption of a Long Term Council Community Plan and an Annual Plan is to provide a formal and public statement of the local authority's intentions in relation to matters covered by such plans (including the borrowing programme), Section 96(2) of that Act provides that a resolution to adopt does not necessarily constitute a decision to act on any specific matter included within the Plan.

### **STRATEGIC CONTEXT**

Council uses various funding options to achieve strategic goals. These options are outlined within a number of policy documents adopted during the course of the Long Term Council Community Plan.

The 2004/2005 Annual Plan's new borrowing programme of \$69.059 million, plus the refinancing of an estimated \$14.115 million, plus the carry forward of \$55.389 million of proposed borrowing expenditure related to the 2003/2004 Annual Plan, amounts to a total current borrowing programme of \$138.563 million.

### **DELEGATED AUTHORITIES**

The Council adopted its Long Term Council Community Plan on 30 June 2003 which approved loan raising to be undertaken. When loans are raised from investors the Council provides security under its Debenture Trust Deed. This provides investors with rates income as security for the repayment of the loan. It is unclear whether the adoption of the borrowing programme as outlined within the Long Term Council Community Plan, is explicit to meet the Council's borrowing security arrangements under its Debenture Trust Deed.

In order to clarify the Council's intent and approval to borrow from investors, a number of resolutions have been prepared. The resolutions are similar to the previous resolutions that were required under the repealed provisions of the Local Government Amendment Act (No.3) 1996.

### **INCIDENTAL AGREEMENTS**

The Liability Management and Investment Policy includes reference to the use of incidental agreements for hedging risks associated with debt. In recognition of this, Council's Fund Management function actively monitors and trades in financial instruments for the purpose of minimising both the overall borrowing cost and interest rate risks. It is therefore desirable that the use of financial instruments continues as a valid means of reducing risks in interest rate volatility.

Council also has significant undrawn committed facilities that are used to eliminate the risks associated with liquidity. Again, there is a desirability for such facilities to continue and to renegotiate these on the basis of the Standard and Poor's AA - rating now attributed.

### **CONCLUSION**

To ensure clarity, it is prudent that robust delegations be put in place to address the 2004/2005 borrowing programme. With respect to the Long Term Council Community Plan borrowing patterns, some alterations to delegated authorities are required to minimise the overall costs associated with developing such new facilities, which will provide Council with a significant future advantage.

Council uses borrowings, financial instruments and other incidental agreements for the management of its debt requirements. Council no longer appears to require a separate resolution to enter into specific borrowing arrangements as previously prescribed. However, internal legal advice recommends that resolutions be passed encompassing the borrowing requirements for the 2004/2005 Annual Plan and formalising certain delegated authorities, and that it is equally appropriate to clearly resolve that such borrowing activities as are outlined in this report are approved.

### **RECOMMENDATIONS**

1. That the information be received.
2. That for the purpose of borrowing to carry out or to continue the projects identified in the 2004/2005 Annual Plan or carried forward from any previous Annual Plan, or for any project approved by Council subsequent to the adoption of such Plan:
  - a) The security for such borrowing may be a charge over rates under the Debenture Trust Deed if the Chief Executive considers it appropriate.
  - b) The benefits of such borrowing are to enable the Council to carry out the projects identified within the 2004/2005 Annual Plan and Long Term Council Community Plan while spreading the costs for those projects over time to recognise the future benefits, while the risk is that interest rates may vary in the future resulting in higher debt servicing costs to Council.
  - c) The raising of loans, financial instruments and other incidental agreements associated with the Council's debt portfolio comply with the Council's Liability Management and Investment Policy.
  - d) That the Chief Executive be authorised to borrow to a maximum gross debt of \$239.468 million in this or the 2005/2006 financial year, as approved in the 2004/2005 Annual Plan, by way of bank loan or loans, credit facility or facilities, or the issue of commercial paper, medium term notes or stock for the borrowing, secured by the Debenture Trust Deed.
  - e) The Chief Executive be delegated the authority to negotiate and agree the terms, interest rates payable by the Council, frequency of interest payments, timing of draw downs, number of loans or issues of commercial paper, medium term notes or stock which make up the borrowings, and all other terms and conditions of such loans or facilities as may be necessary for the obtaining of such loan or loan facilities and to execute any agreements, documents and certificates in respect of such loans or loan facilities on behalf of the Council.
3. That the Chief Executive be authorised to sub-delegate the powers, duties and discretions delegated to him under the resolutions above to the Director: Finance or other Council officers as he considers appropriate.
4. That the Chief Executive and the Director: Finance be delegated authority to act as Council's authorised representatives for the purposes of negotiating various facility agreements necessary to facilitate the strategic direction outlined within the Council's Long Term Council Community Plan 2003/2013.
5. That the Chief Executive and the Director: Finance be delegated authority to act as Council's authorised representatives, subject to satisfactory review by the Council's solicitors, whether internal or external, for the purpose of executing under seal any facility agreements necessary to facilitate the strategic direction outlined within the Council's Long Term Council Community Plan 2003/2013.

Report prepared by: Bruce Wilkin, Treasury Manager.

HV O'Rourke  
**CHIEF EXECUTIVE**



**PART E - CONFIDENTIAL ITEMS**

**16 REORGANISATION OF AUCKLAND REGIONAL TRANSPORT NETWORK LIMITED GROUP**

**17 WATERHOLE SWIMMING CENTRE LIMITED - PROPOSED CHANGE OF SHAREHOLDING**

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, Reorganisation of Auckland Regional Transport Network Limited Group and Waterhole Swimming Centre Limited - Proposed Change Of Shareholding.

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 matter to be considered.	Reason for passing this resolution in relation to the matter.	Ground(s) under Section 48(1)(a) for the passing of this resolution.
<ul style="list-style-type: none"> <li>• Reorganisation of Auckland Regional Transport Network Limited Group;</li> <li>• Waterhole Swimming Centre Limited - Proposed Change Of Shareholding</li> <li>• Environmental Management Committee - Alteration of Resolution 371/2004</li> </ul>	<p>The withholding of information is necessary in order to:</p> <ul style="list-style-type: none"> <li>• enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);</li> <li>• protect the privacy of natural persons, including that of deceased natural persons;</li> <li>• enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</li> </ul>	<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 Section 7(2)(a) and (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 Council's negotiations, and information relating to shareholder ownership of the Waterhole Swimming Centre Limited.*



## **PART F - STANDING COMMITTEE REPORTS**

### **18 CITY DEVELOPMENT COMMITTEE**

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON THURSDAY, 5 AUGUST 2004**

#### **MATTERS CONSIDERED**

1-8  
Part F  
Page 13  
Part E

Your Committee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 1 to 8 in the supplement labelled Part F and the public excluded minutes attached at page 13 of the confidential supplement labelled Part E.

#### **Your Committee Recommends:**

That the report of the Ordinary Meeting of the City Development Committee held on Thursday, 5 August 2004 be received.

CA Stone  
**CHAIRPERSON**



### **19 FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE**

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON MONDAY, 9 AUGUST 2004**

#### **1. ACQUISITION OF LAND FOR ROAD - 21-29 LINCOLN ROAD, HENDERSON**

##### **Your Committee Recommends:**

1. That a 371m<sup>2</sup> (approximate) strip of land at 21-29 Lincoln Road be acquired for road under the Public Works Act 1981.
2. That the Chief Executive be authorised to sign all documents necessary to complete the acquisition.

#### **2. OTHER MATTERS CONSIDERED**

9-16  
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 16 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, 9 August 2004 be received.

JM Clews, QSO, JP  
**CHAIRPERSON**



20 **ENVIRONMENTAL MANAGEMENT COMMITTEE**

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON TUESDAY, 10 AUGUST 2004**

1. **GENETICALLY MODIFIED ORGANISMS PROGRESS REPORT**

**Your Committee Recommends**

1. That Council endorse the approach for progressing investigations into the management of genetically modified organisms as outlined in the proposal attached at pages A32 to A33 to the Agenda report.
2. That Council agree to contribute \$8,350 to jointly fund with the northern Councils a Risk Evaluation and Options Report as outlined in the proposal attached at pages A34 to A35 to the Agenda report.
3. That Council nominate one Councillor to sit on the Joint Steering Group and take part in discussions with the Joint Working Party on genetically modified organisms.

2. **ALTERATION OF RESOLUTION 371/2004**

*Page 10  
Part E*

The Environmental Management Committee's report regarding the Alteration of Resolution 371/2004 will be considered, as set out on page 10 in the Confidential Supplement, during the public excluded section of the meeting.

3. **OTHER MATTERS CONSIDERED**

*17-26  
Part F  
Pages 14-17  
Part E*

Your Committee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 17 to 26 in the supplement labelled Part F and the public excluded minutes attached at pages 14 to 17 of the confidential supplement labelled Part E.

**Your Committee Recommends:**

That the report of the Ordinary Meeting of the Environmental Management Committee held on Tuesday, 10 August 2004 be received.

PA Hulse  
**CHAIRPERSON**



**PART G - PRESENTATION**

There will be no presentations.



**PART H - PROCEDURAL MATTERS**

**21 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.



**22 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.



**23 CLOSING PRAYER**

