



Waitakere City Council
Te Taiao o Waitakere

NOTICE OF MEETING

COUNCIL

I hereby give notice that a Meeting of the Council will be held on:-

DATE: **Wednesday, 16 November 2005** **TIME:** **9.30 am**

VENUE: **Civic Centre, 6 Waipareira Avenue, Lincoln, Waitakere City**

to consider the business as set out herein and to take any necessary action connected therewith.

11 November 2005

Audrey Chan
COMMITTEE SECRETARY

Telephone (09) 836 8000 extn 8603

MEMBERSHIP:

Mayor	RA	Harvey, QSO, JP
Deputy Mayor	CA	Stone
Councillors	DQ	Battersby, JP
	PJ	Booth, OBE
	MFP	Chan, JP
	JM	Clews, QSO, JP
	RI	Clow
	LA	Cooper
	AK	Corban, OBE, JP
	RP	Dallow, QPM, JP
	WW	Flaunty, QSM, JP
	DE	Gilmour
	PA	Hulse
	JP	Lawley
	VS	Neeson, JP

(Quorum 8 members)

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(The reports and recommendations contained in all agendas are reports and recommendations only and are not to be construed, in any way, as Council policy until adopted.)

**AGENDA FOR A MEETING OF THE COUNCIL (VARIOUS) TO BE HELD IN THE CIVIC
CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY, ON
WEDNESDAY, 16 NOVEMBER 2005
COMMENCING AT 9.30 AM**

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1 APOLOGIES



2 URGENT BUSINESS

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

- (i) the Council by resolution so decides; and
- (ii) the 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.



3 SPORT WAITAKERE TRUST

PURPOSE OF THE REPORT

The purpose of this report is to update Elected Members with progress towards implementation of the recommendations of the Waitakere Regional Sports Trust ("WRST") governance review and resolution 1072/2005 that subject to any practical issues the stadium business be placed into a separate structure and that an Electoral College (representing Council, sporting and community interests) be established for the selection of Members of that Board.

BACKGROUND

In the intervening period the Sport Waitakere and The Trusts Stadium business activities have necessarily continued to be managed and supervised by the Waitakere Regional Sports Trust acting as an "umbrella" with the support of two dedicated Executive Committees appointed by the full Board, the Sport Waitakere Committee and The Trusts Stadium Committee, with the co-operation of Chief Executives for the respective "divisions" of the organisation, Lynette Adams (Sport Waitakere) and Simon Wickham (The Trusts Stadium) although the legal situation is that all transactions, staff engagements, contracts and other operational arrangements are committed in the name of the Waitakere Regional Sports Trust.

As far as practical from the commencement of the current financial year on 1 July 2005, separate accounting records have been maintained for each activity and individual staff functions have been focused consistent with responsibilities for one or other arm.

PROCESS

Assessment of a range of legal considerations and practical concerns, principally related to issues surrounding The Trusts Stadium, led to the conclusion that delivery of the restructuring in final form should be undertaken incrementally and by extracting the Sport Waitakere component from the existing structure, rather than attempting to extract The Trusts Stadium from that structure.

A1-A20

The first major step has therefore been to constitute a new "Sport Waitakere Trust" and obtain registration with the Registrar of Charitable Trusts. That process has been completed as at 31 October 2005 and copies of the constitution and Certificate of Incorporation are attached at pages A1 to A20.

The inaugural trustees comprise the members of the current Sport Waitakere Executive Committee and are as follows:

Nic Schouten (Chairperson)
Val Dorling
Peter Garelja
Timothy Livingstone
Brent McAnulty
Meagan Tunks
Dirk Venter

Lynette Adams, who will transfer as Chief Executive of the Sport Waitakere Trust, and Nic Schouten, the inaugural Chairperson, will together introduce as many of the trustees as are able to be present on this occasion.

The Trust has been allocated GST registration and has opened bank accounts and taken preliminary steps towards a full transition to the new entity. That is now scheduled to occur on 1 December 2005 as follows:

- a) Sport Waitakere Trust will occupy "Sport House" at The Trusts Stadium under a 10 year lease rent free but subject to reimbursement on a full commercial basis of all relevant overhead initially assessed to be \$8,800 per annum, to maintain the existing synergies.
- b) Lynette Adams and all existing Sport Waitakere staff will transfer their contracts of employment (together with all accrued entitlements) to Sport Waitakere Trust effective from that date.
- c) Relevant chattels, IT systems/software, vehicle leases and account balances will be "passed over" and vested in the new Sport Waitakere Trust, pursuant to a formal Agreement.
- d) Current contract commitments with Sport and Recreation New Zealand, Council, the Health Board and other parties will be assigned by consent to the new entity consistent with the new structure.
- e) New insurances and other consequential arrangements are implemented/addressed, and payroll and accounting systems commenced to be operated on a fully independent basis, as Sport Waitakere Trust.
- f) Any minor "legacy" matters such as current debtors/creditors carried over by Waitakere Regional Sports Trust are resolved thereafter consistent with the intent of the restructure exercise.

FINANCIAL

When the Waitakere Regional Sports Trust accepted in principle the governance recommendations of the Nahkies report it was signalled that financial implications had not been addressed in context.

Initially, that Board was concerned that there could be significant legal, accounting and other costs which would necessarily be incurred to implement a restructure, and that direct Council support would be necessary given the overall straightened circumstances arising from completion of The Trusts Stadium facility and commencement of the stadium operations. In the event, these matters have been able to be addressed "in house" to date.

The critical remaining issue, therefore, is agreement by Council to reinstate the Waitakere Regional Sports Trust's base funding placed in or contributed towards the stadium project, being not less than \$250,000, so as to provide the new Sport Waitakere Trust entity with that cash reserve and the ability to move forward.

When the concept for The Trusts Stadium was originated and the Waitakere Regional Sports Trust accepted responsibility (consistent with its goals and objects) as the entity to fundraise and co-ordinate delivery of the project, with the support and endorsement of all stakeholders, it had accumulated, by prudent management since the beginning of the 1990s, cash reserves amounting to \$473,000. That asset base allowed that entity to function as a self-contained Trust, engaging staff and transacting its business activity, in a normal commercial fashion. The current position is that cash reserves held by Waitakere Regional Sports Trust on behalf of "Sport Waitakere" amount to \$35,000.

Part of this difference, \$200,000, can be accounted as monies directly granted by Sport Waitakere to the capital cost of The Trusts Stadium project. The remainder has arguably been absorbed, over the several years that the stadium project occupied, as part of broader overhead-type costs borne by the organisation.

This focus of energy and resources created performance issues for Waitakere Regional Sports Trust which did not commence to be turned around until mid-2004 and created a "tail of concern" only recently resolved with the successful completion of an extended formal audit process, development of appropriate strategic and business plans, and key staff appointments.

A21-A28

Both Council and the community are aware that the Sport Waitakere organisation has been reinvigorated, is professionally managed and operated, and is developing a "brand" based around a commitment to excellence. Lynette Adams will make a brief formal presentation with respect to the achievements of Sport Waitakere over the last 15 months. An indicative synopsis is attached at pages A21 to A28.

Effectively, during the entire period of The Trusts Stadium project Waitakere Regional Sports Trust was unable, or virtually unable, to obtain any funding support from charities and other sponsor organisations for the ongoing Sport Waitakere business activity. Because all these organisations had already been approached and "squeezed" to contribute to the Waitakere Regional Sports Trust as part of the Stadium construction build and fitout.

The overall consequence, however, is that it is unfair and untenable for the Trustees of the new Sport Waitakere Trust to accept the mandate and responsibility of acting in that capacity, and for the staff of Sport Waitakere who are expected to transfer their employment arrangements and commit to the new entity, to do so without the organisation being provided with a legitimate financial base from which to go forward.

Accordingly, the new Sport Waitakere Trust, with the support of all existing Trustees of the Waitakere Regional Sports Trust, has made application as previously signalled, for a grant amounting to \$250,000 plus GST, to reinstate Sport Waitakere as a viable separate operation. This will enable Stage I of the restructure to be implemented on the due date.

Discussion with Council's Director: Finance indicates such funding can be provided from loan as a reimbursing payment, attributed as part of Council's contribution to The Trusts Stadium project.

SUBSEQUENT STEPS

The current Waitakere Regional Sports Trust will continue, following the settlement on 1 December 2005, as the legal entity responsible for The Trusts Stadium and all related leases, contracts, staff and other assets of all the residual operation, with Simon Wickham as Chief Executive.

To provide for a clearer separation of functions, and to reduce the potential for confusion, Waitakere Regional Sports Trust will immediately change its name to Waitakere City Stadium Trust, and as provided under 1072/2005 will consult with Council's Director: Quality Assurance, Director: City Services and Manager: Legal Services to adopt a replacement constitution adapted to be consistent with its ongoing role and the intent that Trustees be appointed in future via the "electoral college" process. A Human Resources Consultant has been engaged to assist with the development of a robust Electoral College for selection of the Trustees who may be proposed to exercise governance over The Trusts Stadium business activity in due course.

Once any minor remaining issues arising from the separation of Sport Waitakere are resolved, the Sport Waitakere Executive Committee will be formally disbanded and its Trustees who have transferred to the new Sport Waitakere Trust, will resign as Trustees of the renamed Waitakere City Stadium Trust. The exception is Tim Livingstone, who is currently heavily involved in supervision of the financial systems operated by both entities and who presently has detailed knowledge with respect to the financial operation of both arms of the organisation. Similarly, the existing Trusts Stadium Executive Committee will be disbanded. Those members not already Trustees could be appointed temporarily in that capacity for continuity.

The final target date for completion of the restructure recommended by the Governance Review is 1 July 2006, but that date could possibly be advanced to 1 April 2006 dependent upon facilitation of the Electoral College process. The criteria and nominations for representation on the Electoral College, and the intended form of the new constitution to be adopted, will be the subject of further report.

RECOMMENDATIONS

1. That the Sport Waitakere Trust report be received.
2. That the formation of the Sport Waitakere Trust be endorsed and the intention to transfer the Sport Waitakere business activity to that entity on the basis outlined with effect from 1 December 2005, be approved.
3. That with the consent and approval of the Waitakere Regional Sports Trust a grant in the sum \$250,000 plus GST be made to the Sport Waitakere Trust concurrently with the operational transfer of that activity and the engagement of staff under the leadership of Lynette Adams, Chief Executive, as a full and final reimbursing payment with respect to cash reserves invested directly and indirectly by the predecessor of the Sport Waitakere Trust into delivery of The Trusts Stadium project.

4. That authority be given to assign all existing Council contracts and Service Agreements with Waitakere Regional Sports Trust that relate to the Sport Waitakere business to the Sport Waitakere Trust with effect from 1 December 2005 and that all accrued but unpaid entitlements under such contracts or Agreements as at that date be approved to be paid to the Sport Waitakere Trust when receivable according to the terms of those documents.
5. That the Chairperson, Nic Schouten, and inaugural Trustees of the Sport Waitakere Trust, and Lynette Adams, be extended best wishes for the future success of Sport Waitakere's operations.
6. That a further progress report be brought back to the February 2006 meeting of the Finance and Operational Performance Committee dealing with progress towards finalising implementation of the recommendations of the Governance Review.

Report prepared by: Denis Sheard, Manager: Legal Services and Graham Wakefield, Consultant, and Trustee, Waitakere Regional Sports Trust.



4 WAITAKERE CENTRAL BRANDING

PURPOSE OF THE REPORT

To update Councillors on Waitakere Properties Limited's concept for branding of the commercial development in Henderson known as Waitakere Central.

BACKGROUND

In 2002 Council committed to moving its administrative headquarters to the Henderson Town Centre. It subsequently purchased the former Carter Holt Harvey property in Henderson Valley Road and entered into a "deed of gift" arrangement with Waitakere Properties Limited which will see 1.8 hectares of the site developed as a modern office park. The entire site is to be known as "Waitakere Central".

Construction of the Civic Centre is on schedule for a mid-2006 opening. Waitakere Properties Limited is about to begin construction on the first of its commercial buildings, immediately adjacent to the Council's administration block. A further building is scheduled for completion in 2007.

A29-A30

The company has now developed a visual identity/brand to be used for marketing to prospective tenants/building owners, on-site signage and merchandising (attached at pages A29 to A30).

A Waitakere Properties Limited representative will be in attendance at the meeting to present the concept.

STRATEGIC CONTEXT

Henderson is one of the three major town centres in Waitakere City and is recognised as a key centre in the Council's urban strategy. The Waitakere Central project will play a major role in catalysing the redevelopment of the Henderson Town Centre, providing a cornerstone of transit oriented development as well as clearly defining Henderson as the Central Business District of Waitakere City.

Waitakere Central, along with other major developments, such as the Unitec/Waitakere Central Library, will bring significant social and economic benefits to the City.

ISSUES

Developing any sort of visual identity (brand or logo) is an iterative process. The first step is to identify the “values” or elements that are essential to the success of the product, organisation (or in this case development) and how they are perceived by various stakeholders. This is because any visual identity must not only be appealing and recognisable, but also have underlying meaning.

Over recent months, Waitakere Properties Limited has worked with Council officers and professional designers to develop a concept that reflects qualities of the Waitakere Central site which will best appeal to potential clients. The brief was a concept that:

- Has a point of difference to anything else in the Auckland region;
- Reflects Waitakere City Council's close association with the development but is not dominated by it;
- Reflects the centrality and “connectivity” of the site/project;
- Encompasses the idea of people, buildings and commerce;
- Is able to be used in a variety of ways.

It will be used primarily in producing marketing and leasing information by Waitakere Properties Limited (e.g. in brochures, flyers, web-site, power-point presentations, letterhead and advertising). It will also be incorporated into on-site signage and on merchandising (e.g. on café serviettes, pens etc).

The concept integrates with the Council's own visual identity in that it incorporates the standard print colour (PMS 201C) which is in the Council's logo. Its use will also be integrated with the Council's own way-finding project which is looking at directional signage in and around the Henderson Town Centre.

All costs associated with developing the Waitakere Central brand/logo have been met by Waitakere Properties Limited. The concept has been presented informally to the Mayor and Councillors and has the endorsement of the board of Waitakere Properties Limited.

RESOURCES

There are no resource implications for Council in the development or on-going use of the concept.

CONCLUSION

A visual identity for the commercial development on the 'Waitakere Central' site has been developed. It will be used by Waitakere Properties Limited primarily in producing marketing and leasing information. It will also be used in on-site directional signage.

Work to produce the logo/ brand imaging has been funded by Waitakere Properties Limited. Its implementation has no resource implications for Council.

RECOMMENDATION

That the Waitakere Central Branding report be received.

Report prepared by: Wally Thomas, Director: Public Affairs.



5 GENETICALLY MODIFIED ORGANISMS - THE NORTHLAND APPROACH

PURPOSE OF THE REPORT

The purpose of this report is to assess the options for Waitakere City Council to address the Genetically Modified Organisms (GMO) issue in the light of the outcome of the Northland Councils' Working Party.

BACKGROUND

At a Special Meeting of Council, 14 November 2001, a presentation on genetic engineering supported by a petition of 140 signatures was received from Dr Peter Maddison. A second presentation accompanying, a report from His Worship the Mayor on the principle of Waitakere being GE-free, was received from Ms Lisa Er who presented a vision for an organics industry cluster in Waitakere City.

At this Special Meeting, the Council resolved:

"That Waitakere City Council declares Waitakere City GE-free in field and food."

2635/2001

The City has confined its reservations regarding genetic engineering to the use of genetically modified products in food and the use of genetically modified plants and animals in the environment (agriculture and horticulture). GE-Free for Waitakere does not mean that the City opposes the use of genetic modification for medical purposes and for research confined to the laboratory situation. The Council also resolved at the same meeting:

"That there be further investigation to identify the most effective ways of advancing Council's aspirations for Waitakere City to be "GE-free", without compromising medical research or currently permitted activities but discouraging in every way possible any form of field trials."

2636/2001

Subsequently at the meeting of Council, 19 December 2001, it was resolved:

2. *That a survey (on community opinion on the GE issue) not be undertaken at this point in time.*
3. *That Council work with local businesses to develop an organics cluster and that this work be reflected in the Economic Development Strategy."*

2954/2001

Waitakere City Council, together with other local authorities under the ambit of Local Government New Zealand, sought an amendment to the Hazardous Substances and New Organisms Act 1996 (HSNO Act) via submission to the New Organisms and Other Matters Bill to require Environmental Risk Management Authority (ERMA) to accommodate local authority policy statements on Genetically Modified Organisms land use in its decisions on Genetically Modified Organisms releases. It further sought the incorporation of a link to the Resource Management Act 1991 to enable local authorities to set stricter controls on applications within the local authority boundaries through a tandem process with Environmental Risk Management Authority. The submissions were declined as the Government sought to specifically exclude local government from having a role in the management of Genetically Modified Organisms activities in the environment.

In April 2004, Mr Simon Terry, of Simon Terry Associates, gave a presentation to the Environmental Management Committee regarding options available for community management of genetically modified organisms under the Resource Management Act 1991. This presentation was based on a report commissioned by local councils of the Northland Region. The Committee resolved:

“That Council hold a workshop to consider options for giving effect to the Council policy on GE-free food and field with a view to:

- a) Setting the direction and scope of the approach Council wishes to take;*
- b) Establishing processes that are robust and meet statutory requirements including the Resource Management Act, the Local Government Act 2002 and the Hazardous Substances and New Organisms Act;*
- c) Learning from the experience of the councils in the Northland region;*
- d) Determining when Council should seek a range of advice on potential options and strategies for community management of genetically modified organisms/events/risks.”*

605/2004

A workshop was held on 17 May 2004 with staff and Councillors and representatives from the Environmental Risk Management Authority. The Environmental Risk Management Authority confirmed that the Council is registered as an interested party and would be advised, and comments sought, on any Genetically Modified Organisms release applications of interest to Waitakere City. To date, no applications for release have been lodged with Environmental Risk Management Authority.

On consideration of the outcomes from the workshop, the Council at its meeting, 25 August 2004 resolved:

“That Council agrees 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 of the Environmental Management Committee meeting held on 10 August 2004.”

1567/2004

The final report “*Community Management of Genetically Modified Organisms II Risks and Response Options*”, together with an independent peer review and legal opinion from R J Somerville QC have now been released. A copy of each is available in the Councillors’ Lounge.

Synopsis of the Reports

The legal opinion of Royden Somerville is that there is an avenue to regulate Genetically Modified Organisms-related land uses in a District Plan. There are differing views, however, on whether any regulation under the Resource Management Act 1991 could be successfully supported by a section 32 analysis.

The Risk and Response Options report identifies specific sources of risk for local government from releasing Genetically Modified Organisms into the environment. The report then examines options to address the risks identified.

The risks identified for the Northland Peninsula are:

- Cultivation of GM crops that could cause economic damage through trace GM contamination appearing in non-GM crops. Such trace contamination could jeopardise export potential for that crop;
- Other unresearched risks include adverse effects on non-target species, for example, harm to pollinators from GM crops containing self-produced insecticide, or GM crops that are herbicide resistant becoming invasive;
- Cultural risks such as offence to whakapapa.

The report explores some “deficiencies” in the national regulatory regime (Environmental Risk Management Authority regulation under Hazardous Substances and New Organisms Act 1996). For example, the report highlights the reliance that is placed on the common law provision for liability for damage arising as a result of Genetically Modified Organisms activity carried out in accordance with an approval from Environmental Risk Management Authority. A further deficiency is perceived in that precaution is a matter for Environmental Risk Management Authority’s discretion.

The report advocates that district councils have jurisdiction under the Resource Management Act 1991 to set rules for Genetically Modified Organisms that act in addition to those that may be set by Environmental Risk Management Authority under Hazardous Substances and New Organisms Act 1996. The report then discusses the classes of Genetically Modified Organisms that may be of concern and explores the district options for intervention; whether specific classes of Genetically Modified Organisms should be considered for discretionary activity or prohibited status.

Working Party Outcome

The Working Party, at its meeting of 9 September 2005 resolved:

- That the outcomes of the meeting be jointly reported to the participating councils at their November 2005 meetings;
- That a consistent covering brief be presented to each council along with the Risks and Response Options Report, legal opinion and independent review.

A31-A39 The covering brief is attached at pages A31 to A39.

STRATEGIC CONTEXT

Waitakere City’s GE-free status supports the Strong Innovative Economy strategic platform through supporting the locally based organics cluster’s desire to provide organic and GE-free products.

ISSUES

A40-A41 Northland Regional Council has decided to not pursue any further involvement in the issue at present on the basis that Northland Regional Council did not see Genetically Modified Organisms land use as a serious immediate threat and that community concerns over GE in Northland appeared to be driven by a small anti-GE lobby group (letter attached at pages A40 to A41). Whangarei, Rodney, Kaipara and Far North District Councils will be seeking their respective council’s direction through the November round of meetings and reporting back to the Working Party on the decisions reached.

On the matter of liability, the Crown Law Office, in its legal opinion of 3 November 2004, indicates that local authorities would not be financially responsible for any environmental damage arising from Environmental Risk Management Authority approved Genetically Modified Organisms activity unless that local authority were proven to be negligent or had created the nuisance. This is the case whether or not the local authority also had rules in a District Plan to control Genetically Modified Organisms-related land use.

It is not made clear in the Simon Terry report whether the basis for intervention is on community preference, i.e. submissions to Long Term Council Community Plans or District Plans, or is on an assessment of effects and perceived deficiencies in the Hazardous Substances and New Organisms Act 1996 risk assessment process. It is important to define the driver for intervention for the purpose of adequately preparing a section

32 report to support any District Plan change.

The declaration that Waitakere City is GE Free in field and food does not currently appear in either the Long Term Council Community Plan 2003/2013, or in the Annual Plan 2005/2006. No submissions on the issue have been received on either the Long Term Council Community Plan or Annual Plans since 2001. Consequently, Genetically Modified Organisms or GE issues for the community in the City have yet to be clearly identified.

The Council has a number of options to further cement the City as GE Free, as follows:

1. Retain the status quo

Leave the regulation of Genetically Modified Organisms release applications solely to Environmental Risk Management Authority but exercise the provision under the Hazardous Substances and New Organisms Act 1996 to submit on any applications of interest to Waitakere City.

Waitakere City Council has registered with Environmental Risk Management Authority as an interested party to applications for release of genetically modified organisms, and this will enable the Council to submit on any applications brought to notice anywhere in the country. It is not only use of genetically modified organisms in Waitakere City that may affect this community and the organics business sector but also their use across the City boundary or anywhere in the country that may have an effect on environmental safety or on trade relations. In particular, the Council will be concerned with the growing of any crops that may have an adverse environmental or economic effect on the organics industry, or on the environmental advantage that Waitakere City currently enjoys.

The Council's position could be reinforced by incorporating a statement of this intent under the Strong Innovative Economy strategic platform in the Long Term Council Community Plan; for example, by inserting 'Maintain/promote the City as GE-Free in field and food' as a strategic objective. This would meet the former Environmental Management Committee's resolution to include a package of information to explain the issues surrounding genetically modified organisms for public comment in the draft Long Term Council Community Plan 2006/2016 (1276/2004). The current format and content of the Draft Long Term Council Community Plan does not include a section in which information on particular issues can be incorporated for the purpose of consultation. However, the document does go out for public comment and a simple statement within a platform provides the opportunity for comment.

A42

A more explicit statement of how the Council will respond to any possibility of Genetically Modified Organisms-related land use potentially affecting Waitakere City could be adopted but would probably sit more compatibly within a corporate policy manual rather than the Long Term Council Community Plan. A draft statement of intent is attached at page A42.

2. Continue participation with the northern/north Auckland Councils

Participate, with the Northland councils, in consultation on options for District Plan rules to regulate Genetically Modified Organisms-related land uses.

This will involve participating in a joint consultation on the options presented in the Risk and Response Options report, and possibly commit the Council to further work to be commissioned to prepare a Plan Change supported by a Section 32 analysis depending on the results of the consultation. The Council is being encouraged to participate in a joint plan change by GE-Free Northland.

Staff consider that to pursue this option would be premature as the Genetically Modified Organisms-related issues for Waitakere City have not been canvassed sufficiently to be able to determine whether or not a District Plan approach would be appropriate. There is little available land in Waitakere City for growing crops or grazing stock at present, with the prospect of even less in the medium to long term. Waitakere City shares little in common with the particular issues of concern to Northland.

However, it would be useful to hold a watching brief over the progress of any plan changes in Northland while exploring further the risks or issues for Waitakere City of Genetically Modified Organisms activity.

3. Advocacy

Take every opportunity to lobby Central Government to address the issue of regulatory gaps in the Hazardous Substances and New Organisms Act 1996 and Local Government involvement in Genetically Modified Organisms applications.

RESOURCES

Option 2 would require approximately \$10,000 for joint consultation on District Plan options, \$15-20,000 contribution to prepare a plan change and Section 32 analysis report and further costs with notification, hearing of submissions (\$30-50,000) and the likely defence of appeals to the Environment Court (\$100,000).

CONCLUSION

The Council has declared Waitakere City GE free in field and food and has participated in the Northern Councils' joint Working Party to explore options for putting into practice the GE free stance.

The Council has a number of options to pursue this, including continued participation in the Northern Councils' regional consultation on the four options for District Plan regulation of GE-related land use. However, the Council would have to first identify the particular issue for Waitakere City of outdoor Genetically Modified Organisms land use, and then whether or not a District Plan method would be appropriate to address the issue before continuing further with the northern councils.

RECOMMENDATIONS

1. That the Genetically Modified Organisms - the Northland Approach report be received.
2. That the Council's GE free status be stated in the draft Long Term Council Community Plan 2006/2016 under the Strong Innovative Economy strategic platform.
3. That the Council holds a watching brief on the Northern Councils' joint action.

4. That the Council continues to take every opportunity to lobby the Government to address the issue of regulatory gaps in the Hazardous Substances and New Organisms Act 1996 and Local Government involvement in Genetically Modified Organisms applications.

Report prepared by: Carol Bergquist, Senior Analyst Environmental Policy.



6 APPOINTMENT TO AUCKLAND REGIONAL PHYSICAL ACTIVITY AND SPORTS STRATEGY - STRATEGIC PARTNERS GROUP

PURPOSE OF THE REPORT

The purpose of this report is to request the Council to formally appoint a representative and an alternate representative to the Auckland Regional Physical Activity and Sports Strategy - Strategic Partners Group. It is suggested that the ideal representatives will have some knowledge of either the Sport or Recreation industry and be able to attend a quarterly meeting of up to three (3) hours duration.

ISSUES

A43 A45

A letter (refer attachment at pages A43 to A44) has been received from Manukau City Council advising that they have, following a request from the Auckland Regional Physical Activity and Sports Trust (ARPAST) to form a Strategic Partners Group. The Chief Executive Officer of Manukau City is the sponsor of the Strategic Partners Group. The next step associated with the strategy implementation process is the formation of the Strategic Partners Group (SPG). A copy of the Auckland Regional Physical Activity and Sports Strategy Structure and the Strategic Partners Group Function is attached at page A45.

The Strategic Partners Group is to consist of:

- Elected member representation (Councillors) from the Territorial Local Authorities;
- The Chief Executive Officer (or nominee) of the Regional Sports Trust;
- The Chief Executive Officers (or nominee) of Sport and Recreation New Zealand and the Ministry of Health (regional level).

The Chief Executive Officer of Manukau City is now calling for nominations to the Strategic Partners Group and asks that Council consider appointing a representative and an alternate representative. The first meeting of this group is scheduled for Wednesday, 23 November 2005. Councillor Ross Dallow and Councillor Ross Clow have a sports interest background and have indicated that they would be available to attend meetings of the Strategic Partners Group.

CONCLUSION

The Council has received a request from the Chief Executive Officer of Manukau City Council to nominate a representative and an alternate representative to the Auckland Regional Physical Activity and Sports Strategy - Strategic Partners Group. Because of their sporting background and current activities, Councillor Ross Dallow and Councillor Ross Clow have indicated that they would be available to attend the quarterly meetings of Strategic Partners Group.

RECOMMENDATIONS

1. That the Auckland Regional Physical Activity and Sports Strategy Structure - Strategic Partners Group report be received.
2. That Council appoint Councillor Ross Dallow as the representative and Councillor Ross Clow as the alternate representative to the Auckland Regional Physical Activity and Sports Strategy Structure - Strategic Partners Group.

Report prepared by: Sharon Simiona, Democracy Support and Sister City Officer.



7 USE OF ADDITIONAL SURPLUS FOR THE YEAR ENDED 30 JUNE 2005

PURPOSE OF THE REPORT

The purpose of this report is to discuss the recommendations made to Council by the Finance and Operational Performance Committee at its 7 November 2005 meeting regarding the use of the June 2005 year end surplus.

BACKGROUND

At the meeting of the Finance and Operational Performance Committee on 7 November 2005 it was resolved:

That the Finance and Operational Performance Committee recommend to Council that the following additional matters be included within the expenditure for the Year Ended 30 June 2006:

<i>Legal Contingency</i>	<i>500,000</i>
<i>Pandemic Influenza Planning and Contingency</i>	<i>100,000</i>
<i>Old New Lynn Hotel</i>	<i>50,000</i>
<i>Lopdell House Society additional grant</i>	<i>80,000</i>
<i>Town Centres Maintenance</i>	<i>200,000</i>
<i>Facilities Manager (New Civic Centre)</i>	<i>50,000</i>
<i>Titirangi Music Festival</i>	<i>5,000</i>
<i>Trash to Fashion</i>	<i>30,000</i>
<i>Community Assistance Fund</i>	<i>18,000</i>
<i>Ground Stability Renewals (slips)</i>	<i>34,000</i>
<i>Utility Box Project</i>	<i>26,000</i>
<i>Urban Ex 06 Youth Event</i>	<i>30,000</i>
<i>School Travel Plans</i>	<i>77,000</i>
<i>Growth and Transport Integration Programme</i>	<i>100,000</i>
<i>Waitakere Ranges and Foothills Protection Project</i>	<i>50,000</i>
<i>Waitakere Central Community Arts</i>	<i>7,500</i>
<i>Youth Initiatives</i>	<i>30,000</i>
<i>Total</i>	<i>\$1,387,500</i>

It was further resolved:

That the Finance and Operational Performance Committee recommend to Council that the following additional matter be included within the expenditure for the Year Ended 30 June 2005:

New Lynn Underground \$300,000

2202/2005

A46-A52

The agenda report that was considered at the meeting is attached at pages A46 to A52.

CONCLUSION

The proposed list of items for additional expenditure in the 2005/2006 year was discussed by the Finance and Operational Performance Committee at its meeting on 7 November 2005. The Committee resolved to recommend to Council additional expenditure for 2005/2006 amounting to \$1,687,500, leaving a surplus of \$42,500.

RECOMMENDATIONS

1. That the Use of Additional Surplus for the Year Ended 30 June 2005 report be received.
2. That Council endorse the recommendations of the Finance and Operational Performance Committee regarding the use of the surplus for the year ended 30 June 2005 or alternatively direct the Chief Executive Officer on Council's preferred use of that surplus.

Report prepared by: Robert Rudd, Director: Quality Assurance.



PUBLIC EXCLUDED MATTER

8 LOT 2 DP 323734 - SETTLEMENT OFFER

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, Lot 2 DP 323734 - Settlement Offer.

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

General subject of the matters 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"> Lot 2 DP 323734 - Settlement Offer; 	<p>The withholding of information is necessary in order to:</p> <ul style="list-style-type: none"> enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); 	<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)(i) of that Act which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public as follows:

- The report contains information which if released could affect the Council's negotiations.*

