

**AGENDA FOR A MEETING OF THE COUNCIL TO BE HELD AT WAITAKERE CENTRAL,
6 HENDERSON VALLEY ROAD, HENDERSON, WAITAKERE, ON WEDNESDAY,
18 OCTOBER 2006, 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 Chairman has explained at the beginning of the meeting (when open to the public) that the item will be raised for discussion and decision, why the item is not on the agenda, and why it cannot be delayed until a subsequent meeting.

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

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



3 RAIL DEVELOPMENT PLAN 2006

PURPOSE OF THE REPORT

The purpose of this report is to inform the Council of the Rail Development Plan 2006 (the Plan) which was released by the Auckland Regional Transport Authority in September 2006. Representatives from the Auckland Regional Transport Authority will be in attendance at the meeting to present the Plan and to answer questions.

BACKGROUND

Work has been undertaken over many decades to determine how the Auckland rail network should be developed. The Plan presents the results of the evaluation of a range of options for upgrading the Auckland rail network. These include options to exit rail, replacement of rail by a bus based system, and 15 minute and 10 minute rail service frequencies using new diesel and/or electric trains.

The Auckland Regional Transport Authority identified its preferred option which provides a 10-minute rail service frequency on an electrified rail network. This option would allow Auckland's passenger rail system to cater for the 15.2 million trips per annum forecast by 2016, and provides the basis for subsequent development of the rail network. The report concludes that electrification of the Auckland rail network in the period commencing 2013/2014 is consistent with the outcomes sought by the Auckland Regional Council through the Regional Growth Strategy and the Auckland Regional Land Transport Strategy.

A1-A35

A copy of the Plan summary report - A Step-change for Auckland is attached at pages A1 to A35.

In a report to the 12 September 2006 meeting of the Auckland Regional Council Transport Policy Committee, the Auckland Regional Transport Authority proposed that the Plan be implemented incrementally, with electrification taking place as soon as possible to avoid unnecessary expenditure on additional diesel trains. The preferred pathway divides implementation into three phases over a 25-year time period, as outlined below.

Phase 1 - 2006 to 2011 includes

- Completion of the Core Network Upgrade infrastructure including:
 - Western Line double tracking;
 - Remodelling Newmarket Station and junction;
 - Station upgrades, park and ride, bus interchange facilities;
 - Manukau Link;
 - 10 minute peak period services on all lines;
 - Purchase of three or more SA (four car locomotive drawn) trains plus diesel locomotives by 2009 to meet increasing demand;
 - Purchase of up to 13 more SA trains plus diesel locomotives by 2011 to cover the period until electrification;
 - Procurement of 80 Electric Multiple Units (EMUs) (to operate as 20 4-car trains) for introduction by 2014.

Phase 2 - 2011 to 2016 includes

- Electrification of the Auckland rail network between Swanson and Papakura by 2014;
- Re-signalling and track upgrades.

Phase 3 - 2016 to 2030 includes

- Introduction of intensified services (frequencies and extensions);
- Possible Central Business District rail loop and Britomart major upgrade;
- Further orders of EMU trains.

STRATEGIC CONTEXT

The Plan has been developed as part of a hierarchy of plans that seek to guide the planning, funding and developing the Auckland regional land transport system.

The Plan is based on meeting the national and regional legislative and strategic drivers for integrated land and transport use and improved passenger transport. These include the New Zealand Transport Strategy, the Regional Growth Strategy, and in particular promoting quality compact urban environments, the National Rail Strategy and the Auckland Regional Land Transport Strategy. It recognises the strategic context of New Zealand's goals for a stronger economy. These are all strategic and legislative drivers that have guided the Council in its planning, particularly around the three town centres and Waitakere's transport vision:

“A sustainable multi-modal transport system that is integrated with land use and contributes to Waitakere being an eco city.”

The Auckland Regional Land Transport Strategy guides transport investment in the Auckland region until 2016 to assist in meeting the objectives of the Regional Growth Strategy and achieving the Government's goals as set out in the Land Transport Management Act 2003. The Auckland Regional Land Transport Strategy seeks to achieve these goals by assigning resources to the development of a Rapid Transport and Quality Transit system to service high density centres and corridors. In this way, it aims to support and promote the underlying objective of the Regional Growth Strategy of a more compact urban form that focuses growth in more intensive mixed-use centres. The Plan and Auckland Regional Transport Authority's draft Passenger Transport Network Plan to upgrade the rail network in Auckland to provide a high quality rapid transit system are consistent with the Auckland Regional Land Transport Strategy and the Regional Growth Strategy objectives.

ISSUES

The Plan provides a strategic and justified investment in rail infrastructure and services. There are many years of analysis and planning behind this. It builds on previous work undertaken for the planning of rail in the Auckland region.

The Plan supports objectives similar to those that have driven the Council's current and proposed investment in its town centres, particularly at Henderson and New Lynn. These include intensifying urban development, the responsibility to make far sighted decisions, taking a long term view, and that the cost of doing nothing may well be more than the cost of progressively implementing what is recommended.

The other key issues for the Council include:

- The analysis undertaken concludes that Auckland Regional Transport Authority's proposed upgrade of the rail network is appropriate and justified. The benefit-cost analysis of Auckland Regional Transport Authority's preferred option (10 minute frequency on electrified rail) is 1.37 assuming wider economic benefits and equal value of time (for planning purposes the value of time for a passenger transport user should be the same as a road user).
- **New Lynn trench** - The plan assumes costs and benefits of an at-grade option for rail through New Lynn. Auckland Regional Transport Authority's consultants have recently concluded that the trench option provides a higher benefit-cost ratio (1.6). Council was advised at its meeting on 27 September 2006 that the Auckland Regional Transport Authority Board had agreed (22 September 2006) to recommend to Treasury that it adopt the full trenching, grade separation option at New Lynn. The New Lynn trench option now needs to be incorporated into the Plan to further justify the investment in rail.
- **Support for electrification** - The Plan supports electrification and identifies that electrification stacks up, even without the Central Business District loop. Electrification is essential in order to achieve the intensification targets in the Regional Growth Strategy. Electrification future - proofs the region for a Central Business District loop and access to the Central Business District. The timing of electrification by 2014 is an appropriate response to the Minister of Finance's suggestion to delay electrification for six years to allow the region to focus on stage 1 of the rail project (i.e. double tracking the Western line). There may be a case to push for electrification of the western line to be undertaken before the southern and eastern lines given that all infrastructure being developed as part of double tracking is consistent with electrification and the intensive land use along the corridor.

Auckland Regional Transport Authority needs to make urgent decisions on purchase of rolling stock. Delay in a commitment to electrification would jeopardise future rolling stock, signalling work and planning for the rail system.

A36

- **Funding gap** - The report acknowledges the funding gap for rail. The Auckland Transport Strategic Alignment project is the mechanism for dealing with the rail funding gap. The Auckland Regional Council's support for the Auckland Regional Transport Authority's proposed approach shows a commitment to resolving the funding gap.
- **Central Business District loop** - It may be appropriate for the Council to support advancing the feasibility investigation of the Central Business District loop given its benefits to Waitakere. Potential benefits of the Central Business District loop include faster travel times, vastly improved Central Business District penetration (see map attached at pages A36), and addressing Britomart's limitations as a terminating station by providing two tracks in and out. The Central Business District loop is potentially the next big step change in rail after the core upgrade has been completed.

RESOURCES

Under current funding arrangements, responsibility for the capital funding of rail would be shared between Auckland Regional Transport Authority, ONTRACK and Auckland territorial local authorities. The Auckland Regional Transport Authority, with funding from the Auckland Regional Council, is responsible for 'above track' elements including rolling stock and above platform elements. ONTRACK, with funding from central government, is responsible for below track elements including track, structures, signalling, station platforms and access. Territorial authorities are responsible for broader station precinct assets such as toilets, accesses and park and ride.

Waitakere City Council has included in the Long Term Council Community Plan \$3,243,000 for 2006/2007 and \$2,352,000 for 2007/2008 for the development of station precincts including park and ride.

CONCLUSION

The Plan provides a guide to the development of the Auckland rail network. In general, the Plan is consistent with Council's objectives for integrating land use and transport, however it does not include the New Lynn trench. The report acknowledges the current gap in funding for rail. This is being further worked through by the Auckland Transport Strategic Alignment project.

RECOMMENDATIONS

1. That the Rail Development Plan 2006 report be received.
2. That the Chief Executive Officer provide a response to the Auckland Regional Council and the Auckland Regional Transport Authority setting out the Council's support for the Rail Development Plan 2006 and additional requirements in relation to New Lynn, electrification along the western rail corridor and investigation of the Central Business District loop.

Report prepared by: Glenda Lock, Senior Project Manager: Passenger Transport.



4 **DRAFT SUBMISSION ON THE PRINCIPLES OF THE TREATY OF WAITANGI DELETION BILL**

PURPOSE OF THE REPORT

The purpose of this report is to inform the Council of the Principles of the Treaty of Waitangi Deletion Bill, and to seek the Council's approval of the draft submission on the Principles of the Treaty of Waitangi Deletion Bill.

BACKGROUND

On 29 June 2006, the Principles of the Treaty of Waitangi Deletion Bill (Members Bill, R. Doug Woolerton, New Zealand First) was introduced to Parliament and received its first reading on 26 July 2006. The Justice and Electoral Select Committee are calling for submissions on this Bill. The closing date for all submissions is on Wednesday, 20 October 2006.

The purpose of the Bill is to eliminate all references to the expressions "the principles of the Treaty", "the principles of the Treaty of Waitangi" and the "Treaty of Waitangi and its principles" from the all New Zealand Statues including preamble, interpretations, schedules, regulations and other provisos included in or rising from each and every Statute.

A37-A41

In the explanatory note to the Bill, the Member states that the Bill seeks to "correct an anomaly which has harmed race relations in New Zealand since 1986 when the vague term 'principles of the Treaty of Waitangi' was included in legislation". The view of the Member is that over the last two decades these principles have been largely undefined and left ambiguous by Parliament, and have been a source of ongoing litigation. A copy of the Bill is attached at pages A37 to A41.

While the proposed Bill is focused on the removal of the term "principles" and not the Treaty of Waitangi itself, there are uncertainties on what the impacts will be on the now well understood legal framework for Local Government. This could affect the relationship between the Council and the City's Maori community and iwi groups Ngāti Whatua and Te Kawerau A Maki. The Council's current work programme is referenced in part to the Local Government Act 2002 which provides the legal framework for the Council to meet its obligations and responsibilities, in particular, in order to recognise and respect the Crown's responsibility to take appropriate account of the principles of the Treaty of Waitangi, and to maintain and improve opportunities for Maori to contribute to local government decision-making processes. However, the Council's experience and present work programme with Maori relationships is broader than the legal framework and the Council continues to develop policies and strategies to give effect to a range of principles which underpin the Treaty of Waitangi.

STRATEGIC CONTEXT

The Council's commitment to the Treaty of Waitangi focuses primarily on the practical opportunity for the Council and its community to go forward together by ensuring at the highest level the City's vision and the setting of common goals includes the Treaty of Waitangi. This approach is partly guided by the development of the Council's Long Term Council Community Plan 2006-2016 which recognises as a key strategic priority the Treaty of Waitangi. This requires that the Treaty of Waitangi is upheld in all the Council activities and planning process. The way in which the expression of the Treaty of Waitangi has been developed for the City continues to be based on a long history of goodwill and a willingness by the Council, the City's Maori community and iwi groups to recognise the practical application of key principles based on partnership models, participation and protection, and what this means for the City's future.

In addition Te Taumata Rūnanga through its Long Term Strategy and Action Plan 2003, Annual Plan submission process and the Council's Treaty of Waitangi Framework ensures the Council is informed on the appropriate application of the Treaty of Waitangi. As part of these processes the Council has also explored other principles important to the relationship between the Council and the Maori community which recognise:

- i) Kawanatanga, the right of the government, including the Council to govern and make laws;
- ii) The principle of tino rangatiratanga the right for iwi to self manage and control resources under the law, and
- iii) The principle of ōritetanga, the right of equality of all New Zealanders, including Maori as citizens and rate payers.

As part of the Council's Long Term Council Community Plan 2006-2016 process the Maori world view approach further endorsed the expression of the principles of the Treaty of Waitangi:

- Rangatiratanga - self determination;
- Whanaungatanga - relationship building;
- Kotahitanga - collaboration;
- Wairuatanga - intrinsic values;
- Kaitiakitanga - guardianship/stewardship;
- Mana Tupuna/Whakapapa - ancestral links between past, present and future.

These principles are fundamental and contribute to the identification of the Maori community outcomes:

Te Mana Whakahaere - Autonomy

- Active protection of Maori interest in accordance with the Treaty and recognition of iwi Maori.

Nga Manukura - Maori leadership

- Maori determination and integrity;
- Sustained iwi Maori leadership in Waitakere.

Whaiora - Participation in society

- Comprehensive participation of iwi Maori in the affairs of Waitakere City, Aotearoa and the world;
- Sustain positive growth of innovative Maori economic development.

Toiora - Healthy Lifestyle

- Good health, education and increased participation in a healthy and positive lifestyle.

Waiora - Environmental Protection

- Replenishment of the nature's food chain of Tiriwa, (flora and fauna);
- Maori and non Maori respect and appreciate the City's natural taonga/wonders.

Nga Manukura - Maori Leadership

- Maori determination and integrity;
- Sustained iwi Maori leadership in Waitakere.

ISSUES

Submission process

The Justice and Electoral Select Committee have called for submissions on the Principles of the Treaty of Waitangi Deletion Bill. While the Bill's attention is focused on removal of the term "principles," the extent of the impacts is unclear and the issue on the principles is a moot point. In recent times most legislative references to the Treaty have used the term 'principles of the Treaty of Waitangi'. The 1986 Court of Appeal Case (New Zealand Maori Council vs. Attorney General, 1987, 1 NZLR 641) did provide guidance on what the principles are.

Council officers believe, based on feedback from the community, there is value in making a general submission which serves to support the view that the Council has accumulated knowledge on the principles of the Treaty of Waitangi over time from a range of sources such as the case law, the Waitangi Tribunal, the political environment, academia, the City's Maori community and local iwi groups to confidently progress its Treaty of Waitangi relationships ensuring the range of principles which have evolved, change and are recognised at particular times do serve as a guide and expression of the Treaty of Waitangi for Waitakere. On this basis, it is proposed that legislative references to the principles of the Treaty are not unhelpful, meaning that the Bill is not necessary.

A42-A43

Council officers have drafted a submission for Te Taumata Runanga to consider and provide further direction. A copy of the draft submission on the Principles of the Treaty of Waitangi Deletion Bill are attached at pages A42 to A43. This submission has been presented to Te Taumata Runanga for their consideration and recommendation to the Council for approval; however, their determination on this matter was not available at the time of writing this report. A copy of the resolution on this matter from Te Taumata Runanga will be provided at the meeting.

RESOURCES

No additional resources are required other than staff time.

CONCLUSION

The proposed submission on the Principles of the Treaty of Waitangi Deletion Bill is an opportunity for the Council to inform decision makers in central government about the Waitakere experience and its key lessons from working within a Treaty of Waitangi framework. Furthermore, the range of principles that underpin the Treaty of Waitangi, be they explicit or implied through a range of legal frameworks including the Council's policies and strategies, have served to foster nation building and endorsement of the City's vision that people in the City are proud to uphold the Treaty of Waitangi.

RECOMMENDATIONS

1. That the Draft Submission on the Principles of the Treaty of Waitangi Deletion Bill report be received.
2. That the submission on the Principles of the Treaty of Waitangi Deletion Bill, as attached at pages A42 to A43 to the agenda, subject to amendments based on feedback from Te Taumata Runanga and the Council, be approved as the Council's submission on the Principles of the Treaty of Waitangi Deletion Bill.

A42-A43

Report prepared by: Wayne Knox, Maori Relationships Manager, and Georgina Parata, Maori Development Planner.



5 **APPOINTMENT OF COUNCILLOR HULSE AS A SECOND ALTERNATE TO THE AUCKLAND REGIONAL GROWTH FORUM**

PURPOSE OF THE REPORT

The purpose of this report is to enable Council to appoint a second alternate Council Representative to the Auckland Regional Growth Forum.

BACKGROUND

At the Council Meeting held on 28 October 2004, Councillor Stone was appointed to the Auckland Regional Growth Forum with Mayor Bob Harvey as the alternate Council representative, via resolution No. 1893/2004, which covers Council appointments of Councillors to other organisations.

ISSUES

Councillor Stone noted that for the Auckland Regional Growth Forum meeting held on 4 October 2006 there were items on which she needed to declare an interest, given her role in the hearings process associated with the Local Government Auckland (Amendment) Act implementation. As Mayor Bob Harvey was not available to attend as the alternate Council representative, Councillor Hulse attended that meeting with Councillor Stone, at the latter's request.

In view of the fact that Councillor Stone's conflict of interest could continue to arise at future meetings of the Auckland Regional Growth Forum and that Mayor Bob Harvey may not be available to attend as the alternate, Council appointment of a second alternate is appropriate. It is considered that Councillor Hulse being the Chairman of the City Development Committee is the appropriate candidate.

STRATEGIC CONTEXT

The appointment of Councillors to outside organisations assists implementation of both the Active Democracy and Strong Communities platforms of the 2006-2016 Long Term Council Community Plan.

RESOURCES

No additional resources will be required.

RECOMMENDATIONS

1. That the Appointment of Councillor Hulse as second alternate Council Representative to the Auckland Regional Growth Forum report be received.
2. That Councillor Hulse be appointed as the second alternate Council representative to the Auckland Regional Growth Forum.

Report prepared by: Audrey Chan, Committee Secretary.



6 RECOMMENDATION FROM STANDING COMMITTEE

FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE

RECOMMENDATION FROM THE FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE MEETING HELD ON MONDAY, 9 OCTOBER 2006

DRAFT ANNUAL REPORT 2005/2006

Your Committee Recommends:

That, subject to an unqualified audit opinion, the draft Annual Report for 2005/2006 be considered and adopted.

JM Clews, QSO, JP
CHAIRMAN

The draft Annual Report 2005/2006 will be circulated under separate cover.



PUBLIC EXCLUDED MATTER

7 PROPOSED STRATEGIC LAND ACQUISITION - UPDATE

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, Proposed Strategic Land Acquisition - Update.

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

General subject of 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.
Proposed Strategic Land Acquisition - Update.	The withholding of information is necessary in order to: <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). 	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 7(2)(i) of that Act which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public as follows:

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

