

**AGENDA FOR A MEETING OF THE COUNCIL TO BE HELD AT WAITAKERE
CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON, WAITAKERE,
ON WEDNESDAY, 20 JUNE 2007 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 REVIEW OF CODE OF CONDUCT

PURPOSE OF THE REPORT

The purpose of this report is to recommend to Council for approval of a new Code of Conduct (the Code) and relevant administrative process. This Code has been developed by Councillors through a workshop process, assisted by Philip Griffiths of GCL Consulting.

BACKGROUND

Since 1 July 2003, each local authority has been legally required to adopt a code of conduct for its Elected Members. Councillors decided that they wished to revise the existing code last confirmed at the meeting of Council held on 28 October 2004.

Although there are certain mandatory requirements for codes, councils also have some discretion as to the content and procedures to be included in a code. The Local Government Act 2002 (the Act) does not automatically apply the requirement for a code of conduct to community boards. Community boards have the option of accepting their parent council's code, adopting their own code (which could be an amended version of the council's code) or having no code at all. Currently the Waitakere Community Board has a code while the other Community Boards have decided against having a code.

ISSUES

Code Revision

Apart from some amendments the Code has not previously been subject to a full review. With the benefit of the report on Council Codes of Conduct published by the Office of the Auditor General in June 2006 and feedback from the councillor workshops held for the purposes of this review the objectives of a revised Code were formulated.

The revised Code must:

1. Ensure promotion of the general principles of good governance.
2. Enhance a positive public perception of members and their behaviour in office.
3. Must allow Elected Members to do their job effectively in the sometimes robust environment of the political arena.
4. Encourage and sustain:
 - a. respect for each Elected Member;
 - b. the dignity of the individual;
 - c. robust yet dignified debate which focuses on the issues not the personalities;
 - d. healthy resolution of any conflict between members as close to the source of conflict as possible.
5. Support and encourage collective accountability of Elected Members for good conduct and behaviour as a group as well as individual accountability for his/her own conduct and behaviour.
6. Facilitate self-regulation of members as far as is practicable.
7. Ensure compliance with the Act.

In addition the feedback from the workshops emphasised the need for the new Code to be drafted in a clear and concise manner that allowed the Code to be easily digested and understood.

Code Content

A1-A22

The proposed new Code is attached at pages A1-A22. The Act requires the Code to include certain content, being:

1. Guidance on understandings and expectations about the conduct of the Mayor and Elected Members while acting in their capacity as Elected Members including:
 - a. Behaviour toward one another, Council staff and the public;
 - b. Disclosure of information.
2. A general explanation of laws applicable to Elected Members including:
 - a. the Local Government Official Information and Meetings Act 1987;
 - b. Other applicable laws (enactments or rules of law). The new Code includes reference to:
 - i. the Local Authorities (Members' Interests) Act 1968;
 - ii. Secret Commissions Act 1910;
 - iii. Crimes Act 1961;
 - iv. Securities Act 1978;
 - v. extracts from the Local Government Act 2002 that are especially relevant to members; and
 - vi. non-financial conflicts of interest.

3. Whether Council must require a Elected Member or newly Elected Member to declare whether or not the Elected Member or newly Elected Member is an undischarged bankrupt.

Other Matters

Other matters which are addressed in the new Code include:

1. A statement of public sector related ethical and/or governance principles.
2. Consequences of breaching the Code.
3. The establishment of a Complaints Review Board.
4. The requirement to complete a Register of Interests.
5. Dealing with the news media.
6. Gifts, hospitality, travel and expenses.

Adoption of New Code - Voting Requirements

In order to amend an existing code of conduct or to adopt a new code the Act requires a vote in support of the change of not less than 75% of the Elected Members present.

Administrative Processes

Upon adoption of the new Code the Chief Executive officer will develop the necessary support structure to facilitate compliance by members with the procedural requirements of the Code.

These will include:

1. Reminder notices as to the requirement for filing and updating the Register of Interests.
2. Pertinent support for investigations undertaken by the Complaints Review Board.
3. Review of the Code within three months of triennial elections.
4. Communications to newly Elected Members regarding their responsibilities under the Code.
5. Inclusion in the agenda format of a reminder as to the need for Elected Members to consider any conflicts of interests which may arise as a result of the agenda items.

RESOURCES

There are no resources required for the review of the Code of Conduct other than staff time.

CONCLUSION

Since 1 July 2003, each local authority has been legally required to adopt a code of conduct for its Elected Members. This was a new requirement for councils, introduced by the Local Government Act 2002. This report sets out a new Code of Conduct for Waitakere City Council and seeks approval of that Code.

RECOMMENDATIONS

A1-A22

1. That the Review of Code of Conduct report be received.
2. That the existing Code of Conduct now be replaced by the new Code of Conduct, attached at pages A1 to A22, be approved.
3. That a relevant administrative process be established to facilitate compliance with the procedural requirements of the new Code of Conduct be approved.

Report prepared by: Ross McLeod, Director: Corporate & Civic Services.



4 PROPOSED DISTRICT PLAN CHANGE 22: WHENUAPAI AIRPORT SPECIAL AREA

PURPOSE OF THE REPORT

The purpose of this report is to seek the Council's approval of further submissions lodged by the Chief Executive Officer under his delegated authority to proposed Plan Change 22 relating to the creation of a Policy and Special Area Rule framework for Whenuapai Airport in the Waitakere City Council District Plan.

BACKGROUND

At its meeting on 29 November 2006, the Council resolved:

- “1. That the Proposed District Plan Change 22: Whenuapai Airport Special Area report be received.*
- 2. That pursuant to the First Schedule to the Resource Management Act 1991, the Council resolve to publicly notify proposed Plan Change 22 relating to the Whenuapai Airport Special Area as set out in pages A35 to A53 to the Agenda.*
- 3. That the statutory period for public submissions for proposed Plan Change 22, Whenuapai Airport Special Area, be 40 working days from the date it is notified, being double the statutory minimum period.”*

2284/2006

Subsequently the proposed Plan Change was publicly notified on 20 December 2006. The submission period closed on 7 March 2007. Further submissions, either in support or opposition were called for, with the date for lodging these submissions closing on 1 June 2007.

STRATEGIC CONTEXT

A leading strategic priority for Waitakere City Council is the creation of a strong local economy and more local jobs. The future development of the Whenuapai area is a key project for the City in relation to this objective.

The Whenuapai Airbase represents a substantial physical resource in a strategic location. Because of the combination of its existing and historical use and the current infrastructure, it would be difficult, if not impossible to replicate this resource elsewhere in the Auckland region. The proposed Plan Change sets the framework to protect this important resource and its future potential.

The City has a clear policy position on Whenuapai which it has been pursuing for a number of years. While Waitakere City has no control over any decision by the Crown to pursue joint use of the Airbase, or how it decides to dispose of the land under the options available to it (i.e. Airport Authorities Act or Public Works Act) the Council is responsible for the management of the natural and physical resources within its boundaries. The proposed Plan Change has been prepared as part of an on-going process to secure the future use of the Airbase for commercial airport activities.

ISSUES

Further submissions process

Pursuant to the First Schedule to the Resource Management Act 1991, Council advertised that a summary of the decisions sought by submitters was available to the public and a copy of this notice was given to all submitters. Further submissions, either in support or opposition to the original submissions received were called for, with the date for lodging of further submissions closing on 1 June 2007.

Further Submissions by Waitakere City Council

Section 8 of Schedule 1 Part 1 of the Resource Management Act states that:

“Any person, including the local authority in its own area, may, in the prescribed form, make a further submission to the relevant local authority, but only in support of or in opposition to those submissions made under clause 6 on a proposed policy statement or plan”

A23-A65

Separate to the assessment and processing of the proposed Plan Change which is being undertaken by Council's Resource Management section, Waitakere City Council has a clear policy direction regarding Whenuapai and as such further submissions which advocate for the support of the proposed Plan Change have been prepared as set out below. A full copy of the further submissions made is attached at pages A23 to A65.

Submissions in support to:

- Submission number 22/2303 - Rodney District Council

Submissions in partial support to:

- Submission number 22/2045 - North Shore City Council
- Submission number 22/2356 - Airways Corporation of New Zealand

Submissions in support in part and in opposition in part to:

- Submission number 22/1221 - Ardmore Airfield Tenants and Users Committee
- Submission number 22/2292 - Auckland Recreational Airparks Trust
- Submission number 22/2342 - Infratil Limited

Submission in opposition in part to:

- Submission number 22/2344 - Auckland Regional Council

Submissions in opposition to:

- Submission number 22/1100 - Board of Airline Representatives New Zealand (Inc)
- Submission number 22/1949 - Whenuapai Airbase Action Group Inc
- Submission number 22/2351 - Auckland International Airport Limited

Due to the timeframes, with further submissions closing on 1 June, and no opportunity to seek the Council's approval to lodge the further submissions prior to the closing date, the above submissions have been prepared and were approved by the Chief Executive Officer on 29 May 2007 under delegated authority. Approval is therefore sought from the Council to approve the lodging of the Chief Executive Officer's further submissions

RECOMMENDATIONS

1. That Proposed District Plan Change 22: Whenuapai Airport Special Area report be received.
2. That the Council approve further submissions on proposed Plan Change 22: Whenuapai Airport Special Area, lodged by the Chief Executive Officer under delegated authority and within the statutory timeframe.

Report prepared by: Fraser Henderson, Manager Strategic Projects.



5 LOT 1 DP 317419 - TRANSFER TO WAITAKERE PROPERTIES LIMITED

PURPOSE OF THE REPORT

The purpose of this report is to advise Council that settlement of the purchase of the above property was completed on Friday, 18 May 2007, in accordance with the Agreement for Sale & Purchase entered into on 22 June 2005, and to obtain approval for the land to now be conveyed to Waitakere Properties Limited under the normal bare trustee arrangement to facilitate establishment and development of the proposed marine industry precinct and the attainment of Council's strategic and economic development objectives for Hobsonville.

BACKGROUND

A66-A67

In June 2005, Council approved (1082/2005) that the Chief Executive Officer be authorised to enter into sale and purchase agreements to purchase 12.1572 hectares of land at Hobsonville Airbase as shown on the Plan attached at page A67, funded from the Strategic Land Acquisition Fund. The land is comprised in Identifier 68319 refer pages A66 to A67. The vendor has acknowledged that the sale is without any compulsion or coercion and that there are no offer back rights or entitlements arising in the event that the property be subsequently developed and/or disposed by Council.

In March 2005, Council promulgated a changed to its District Plan in respect of the Hobsonville area which will provide for suitable adjustments to the previous Countryside Human Environment to enable the Marine Industry objectives and other related precinct developments to be achieved under comprehensive developments plans in conjunction with an adjustment to the MUL.

A decision on these proposals is presently awaited, but preliminary planning work has continued to be undertaken during the intervening period on Council's behalf by Waitakere Properties Limited in consultation with Hobsonville Land Company Limited, Waitakere Enterprise, Marine Industry Association representatives and other parties. Now that the pre-requisites for legal settlement have occurred and the acquisition of this block of land has been triggered, it is imperative that this work be continued to achieve greater definition and the capability for early implementation in the event the plan changes are approved, to mitigate holding costs and enable the project to proceed to early implementation.

ISSUES

Waitakere Properties Limited has acted as Council's agent in undertaking preliminary assessment work and engaging in the related commercial interfaces to date and is in a position now to extend its activities and apply the appropriate resources to advance the project, subject to vesting of the land under the normal Declaration of Trust mechanism.

As is the case with all projects of this nature, there will be an extended timeframe where design, consenting, infrastructure and other development costs are carried in a transparent fashion through the property trust account before offsetting revenue from disposal actions is realised. As a major project, development will be implemented progressively having regard to the size of the landholding involved. There will be regular reporting back to Council, both as to progress with the project and the financial commitments. The terms of trust will involve formal Council approval as beneficial owner of the land to any subdivision and development outcome finally intended, before any actual construction activity is committed. This will occur independently of the required regulatory approvals.

The scale of this project is not dissimilar to the Harbourview Estate development successfully undertaken by Waitakere Properties Limited over some 8 years commencing in 1996. Although that development was largely based around residential outcomes, and the marine industry precinct is industrial in nature, both projects were/are intended to result in best practice urban design outcomes. The Hobsonville project has specific regard to the needs of the marine industry activities in particular and the special attributes available at this location including the proximity of deep water access. There are a range of partnerships already in place to advance this particular development in a cohesive fashion, including close liaison with Hobsonville Land Co Limited as proprietor of adjoining land.

In the intervening period, Waitakere Properties Limited will meet holding costs (rates) and once development expenditures have been amortised any surplus proceeds will ultimately be recycled back to the Strategic Land Acquisition Fund to reimburse the purchase cost and (unless Council at any time subsequently determine otherwise) to then further augment the Fund.

CONCLUSION

Acquisition of this property has provided the land base necessary to deliver upon Council's goals and objectives for this part of Hobsonville, subject only to the District Plan and related issues being appropriately resolved. It is desirable now that Council signal to Waitakere Properties Limited that the preliminary work to underpin the project be accelerated and preparations made to facilitate early implementation once the supporting decisions are available. Consistent with the process adopted at Harbourview, Lot 1 DP 317419 should be vested in Waitakere Properties Limited under the Declaration of Trust mechanism so that the company has authority to advance the project under the trust account mechanism and is enabled to focus upon and optimise its delivery on Council's behalf.

RECOMMENDATIONS

1. That the Lot 1 DP 317419 Transfer to Waitakere Properties Limited report be received.

2. That Lot 1 DP 317419 be vested forthwith in Waitakere Properties Limited under the normal bare trustee arrangement, to facilitate the marine industry precinct project in conjunction with the development of adjoining lands, with all income and expenditure managed through a single Hobsonville trust account and the company accepting responsibility for direct outgoings arising from ownership and management the land with effect from 1 July 2007.
3. That the form of the Declaration of Trust be to the satisfaction of Council's Manager: Legal Services and include provisions to the effect that the Company:
 - (I) Work co-operatively with the Hobsonville Land Company Limited to ensure that the marine precinct is integrated with adjacent development so as to secure a vibrant and self sustaining community.
 - (II) Ensure a formal Concept Plan is proposed by Waitakere Properties Limited for the development of the marine precinct and approved by resolution of Council before any significant implementation expenditures are incurred or contracted.

Report prepared by: Fraser Henderson, Manager: Strategic Projects.



6 WILSHER VILLAGE REDEVELOPMENT - PROJECT UPDATE

PURPOSE OF THE REPORT

The purpose of this report is to provide an update to the Council on the Wilsher Village Redevelopment Project (the project) and to seek Council direction on the process to progress the development proposals that will be presented in association with this report.

BACKGROUND

Due to its poor condition, site configuration and prime location, Wilsher Village has been identified as an optimal site for Council to undertake an ambitious medium-rise housing complex project which could deliver on a range of strategic objectives and housing service provision.

In December 2006, the City Development Committee considered an options analysis on the redevelopment of Wilsher Village and resolved the following:

- “1. *That the following redevelopment objectives for Wilsher Village be confirmed:*
By acquiring land and carrying out redevelopment at Wilsher Village, Council seeks to:
 - i) *Improve the quality and effectiveness of its Housing for Older Adults programme.*
 - ii) *Promote innovative and sustainable forms of Housing for Older Adults and other at-risk residents.*
 - iii) *Set new benchmarks for intensive residential development.*
 - iv) *Support affordable housing provision for all Waitakere residents, by building partnerships with Housing New Zealand Corporation and other social housing providers.*
 - v) *Limit the financial impact of achieving these goals.*

2. *That in-principle support and priority be given to creating a mixed-tenure older persons housing complex at Wilsher Village, including options for low-modest income people to own their own units, and enjoy a wider range of services than currently available through Council's Housing for Older Adults programme.*
3. *That Council officers report back with detailed plans for such a complex, including potential partnerships with other Housing for Older Adults service providers, commercial considerations, and how redevelopment of Wilsher Village would assist the Housing for Older Adults programme as a whole.*
4. *That the report back includes costings and potential arrangements that could minimise or eliminate the costs to ratepayers.*
5. *That the Chief Executive Officer be authorised to commence acquisition of the following properties, for the purpose of housing, in accordance with Council's powers under the Public Works Act 1981:*
 - *31 Henderson Valley Road Lot 1 DP 80023;*
 - *31A Henderson Valley Road Lot 2 DP 80023;*
 - *29 Henderson Valley Road Lot 3 DP 80023;*
 - *25 Henderson Valley Road currently Lot 2 DP 47225;*
 - *27 Henderson Valley Road Lot 3 DP 47225.*
6. *That additional pre-development operational funds be sought via the 2007/2008 Annual Plan process for the Wilsher Village redevelopment.*
7. *That Council officers report back with detailed plans on funding and implementing an interim refurbishment programme for Wilsher Village and that Council provide an update on development plans to the residents of Wilsher Village.*
8. *That the Wilsher Village Redevelopment - Options Analysis Agenda report and associated resolutions remain confidential until such time as the reasons for confidentiality no longer exist."*

2504/2006

A fully-costed design was required to provide Council with a more robust and detailed project outline (including financial impacts). This required additional resources which were approved through the Long Term Council Community Plan and Annual Plan Special Committee on 23 February 2007.

- “1. *That the New Funding - Wilsher Village Redevelopment Project report be received.*
- 2 (a) *That \$100,000 from the surplus identified at the half yearly review be allocated to the Wilshire Village Redevelopment Project to accelerate the completion of the project feasibility stage during 2006/2007.*

AND

- 2 (b) *That \$120,000 be included in the draft Annual Plan 2007/2008 to further progress pre-development planning for the Wilsher Village Redevelopment Project."*

244/2007

STRATEGIC CONTEXT

Council has the opportunity to meet several social housing and sustainable urban development objectives through comprehensive redevelopment of the Wilsher Village site. An innovative and significant housing redevelopment would support the direction of Council's draft Housing Action Plan. It would also contribute to Council's vision of future urban and economic development and community well-being, through the following strategic platforms: Urban and Rural Villages, Strong Communities, Strong Innovative Economy and Sustainable Energy & Clean Air.

ISSUES

Strategic Land Acquisition

The viability and potential of the Wilsher Village Redevelopment Project is reliant on the purchase of all five privately-owned properties that currently bisect the existing site, in order to form a contiguous square development site of approximately 1.6 hectares. Given that a start has been made with the planning process well in advance, Council has time to negotiate the purchase of these sites in a timely manner to maximise opportunities for the existing owners to find suitable alternatives.

Council served notice on the owner of 25 Henderson Valley Road to compulsorily acquire the property under the Public Works Act 1981 and this acquisition has now been successfully completed.

Council is continuing negotiations with the owners of 27, 29, 31 and 31A Henderson Valley Road for acquisition by agreement (section 17 of the Public Works Act 1981).

Concept Design & Partnerships

Waitakere Properties Limited has been working closely with its consultants and strategic partners to investigate viable development proposals that align to the vision and aspirations provided by Council. The Selwyn Foundation, a charitable trust focused on providing housing and care for older adults, a private senior living village developer and Housing New Zealand Corporation have provided constructive input to this preliminary design process.

The current master concept plan provides for 186 units in mostly two-storey blocks around the perimeter of the development site with a community hub in the centre of the development which provides a 'heart' to the development which is visible upon site entry. There is one four-storey building on the inner perimeter which would contain a lift and walkway gallery. The design provides for possible geriatric facilities to provide enable 'aging-in-place' through assisted care. View shafts are maintained throughout the development, public private space is maximised, and parking provisions are internalised. Development design will build in flexibility for use and tenancy. A concept master plan will be presented in association with this report – this will provide an overview on design ideas and general philosophy for site development and access to amenities and services.

A key determinant to the long-term success of this project will be the effective management of the mixed-tenure community established at Wilsher Village. In order to achieve Council's objectives for this village, particular attention will need to be paid to overall design and the distribution of Council's Housing For Older Adult units versus privately tenanted/owned units, and to the model for ongoing operational management and access to on-site services.

Financial Implications & Consultation Requirements

The Council is dealing with the proposed replacement (and potential increase in service level) of a strategic asset of Council. Whilst the current Long Term Council Community Plan 2006-2016 (refer pages 58-62 of Volume 2) refers to the need to upgrade Wilsher Village, it does not incorporate the extent or scale of expenditure now proposed. A Special Consultative Procedure will therefore be required for this project. It is proposed that an extensive consultation programme be undertaken as part of the 2008/2009 Annual Plan, once there is a clear understanding of the scale of the project and Council mandate to progress a particular development proposal.

Whilst capital expenditure has been approved for Property Acquisitions in the current budget, no capital budget has been allocated for future construction costs. Waitakere Properties Limited is working to deliver on a premium quality development at minimal cost to ratepayers. Preliminary costs are in keeping with previous development cost estimates for this project (approximately \$5 million contribution towards a \$30 million construction project plus professional services fees). Specific funding requirements and options will be determined following further developed design and detailed feasibilities and negotiations with potential investment partners. The impacts of this funding requirement could be minimised through staging and development partnerships. If necessary, further public consultation would be undertaken in conjunction with requests for additional operational and capital funding.

Interim Refurbishment Programme and Communication with Residents

Given that a significant project at Wilsher Village will take longer to plan and deliver (estimated at up to five years), provision has been made to ensure that the immediate needs of Wilsher Village residents are addressed through an interim refurbishment programme which will be delivered by Property Assets over the next 12 months. Urgent improvements will include the replacement of louvre windows and building insulation. Priority will also be given to minor kitchen reconfigurations and replacement of items with a five year replacement / maintenance requirement.

A preliminary project update has been provided to the Wilsher Village residents in early May 2007 and further information will be provided at an on-site meeting scheduled for 10 July 2007.

Significant care, attention and planning will be applied to the transitional management of existing Wilsher Village residents throughout this project. Proposed development staging will take account of the requirements of these residents, and Property Services will maintain the direct management of Council's Housing For Older Adult service provision throughout the development process. Council officers will update the Council further on this issue as the project proceeds.

RESOURCES

The current budget has sufficient provision for the capital expenditure required to acquire the five privately-owned properties that bisect the existing Wilsher Village site.

Subject to Council's final decisions on the draft 2007/2008 Annual Plan, \$120,000 is provided for the ongoing operational expenses required to finalise the pre-development planning phase of the project. The further work required will focus on finalising the baseline concept plan design (developed design on individual building layout and room design), further financial modelling on the staging of the proposed development and investigation into funding and development partnership models and service-delivery opportunities for the project.

It is proposed that Waitakere Properties Limited will continue to provide the commercial overview and project management services required to finalise the pre-development planning phase of the project. As a Council-Controlled Organisation that exists for the purpose of providing property consultancy services to the Council as well as developing and managing Council-owned properties, these services will be provided at low cost to Council.

The Selwyn Foundation and Housing New Zealand Corporation have expressed interest in providing ongoing support to this project during the planning phase.

It is anticipated that a comprehensive public consultation strategy could be implemented in association with the 2008/2009 Annual Plan process in order to minimise additional costs.

CONCLUSION

Council now has a preliminary development design that can be used as a basis to undertake more detailed development planning and attract external service and development partners and investment.

Council is in a position to undertake more detail work and plan for the special consultative procedure which will need to be undertaken before Council provides final sign-off and funding for a final development proposal.

RECOMMENDATIONS

1. That the Wilsher Village Redevelopment - Project Update report be received.
2. That the master concept plan for Wilsher Village be approved as the basis for ongoing design work and planning for Wilsher Village as an affordable, mixed-tenure older persons housing complex, with further detailed design work to be undertaken and brought back to Council at the appropriate time.
3. That, at the appropriate time, the Chief Executive Officer be authorised to transfer the land underlying the Wilsher Village development proposal to Waitakere Properties Limited under the normal bare trustee arrangement.
4. That Council officers continue to work with Waitakere Properties Limited and strategic partners to investigate funding and partnering arrangements to deliver on the Wilsher Village Redevelopment Project, and that further work be brought back to Council for further consideration.
5. That a Wilsher Village Redevelopment Project consultation programme, based on a final development proposal (developed design and detailed feasibilities), be undertaken as part of the 2008/2009 Annual Plan process.

Report prepared by: Fraser Henderson, Manager: Strategic Projects.



7 WAITAKERE RANGES HERITAGE AREA BILL

PURPOSE OF THE REPORT

The purpose of the report is to provide the Council with a copy of the Local Government and Environment Select Committee report to the House on the Waitakere Ranges Heritage Area Bill (the "Bill") and a progress update on the Parliamentary process.

BACKGROUND

The Bill was introduced to Parliament and, following its First Reading on 22 February 2006, it was referred to the Local Government and Environment Select Committee (the "Select Committee"). The Select Committee heard public submissions, completed its deliberations and has now reported back to the House.

At the City Development Committee on 2 November 2006 the following was resolved:

- "2. *That City Development Committee delegates to the Chief Executive Officer and the members of the Waitakere Ranges and Foothills Project Working Party (Mayor Bob Harvey, Councillors Clews, Hulse and Lawley) authority to approve Council responses to any proposed changes to the Waitakere Ranges Heritage Area Bill during the Select Committee and subsequent stages of the Parliamentary process."*

2177/2006

STRATEGIC CONTEXT

The protection of the Waitakere Ranges and Foothills is a central objective of the "Green Network" Platform of the City's Long Term Council Community Plan (LTCCP). The restricted growth and protection of this area is part of the City Growth Strategy and the corollary to the urban intensification objectives of the Council. As the urban city intensifies, the strategic importance of the unspoiled coast, the protected Ranges and the rural foothills will grow.

ISSUES

Local Government and Environment Select Committee Report

The Bill has reached another significant milestone with the Local Government and Environment Select Committee recommending, by majority, that the Bill be passed subject to amendments. The Select Committee completed its deliberations on 17 May and reported the Bill back to the house on 24 May 2007. The Bill will be available for its second reading on 27 June 2007, which is the first available members' day.

A68-A125 A copy of the Select Committee report is attached at pages A68 to A125.

The report back of the Bill marks the successful completion of a challenging and crucial Select Committee stage. The Select Committee concluded that:

"This Bill has been subject to a full and detailed process of consultation. Our consideration has reflected the deeply-held views of the promoters and submitters, and also takes account of expert advice received.

We acknowledge the views of the bill's promoters that the cumulative effects of development create special challenges for the heritage area. We recommend, by majority, that the bill be passed with amendments shown".

Prior to the deliberations, the Select Committee provided the promoters with a number of opportunities to answer questions and to respond to matters raised in the public hearings and through the departmental and ministerial officials' reports. The Select Committee also instructed the officials (Ministry for the Environment, Parliamentary Counsels' Office, Parliamentary Commissioner for the Environment, Department of Internal Affairs) to work with the promoters to address issues that had been raised in the reports. A number of amendments were proposed by the parties to resolve issues and these amendments were endorsed by the delegated Councillors and the Waitakere Ranges and Foothills Protection Joint Working Party.

The substance of the amendments contained in the Select Committee report to the House reflects those matters agreed to by the Joint Working Party. Overall, the amendments have not weakened the policy platform of the Bill. In fact, many of the amendments strengthened the ability to achieve certainty for the long-term protection of the Heritage Area.

Please note that because of the idiosyncrasies of the Parliamentary Counsels Office redrafting, where as little as a single word is amended in a paragraph, the entire paragraph is struck out and replaced. This makes the amendments seem more significant than they actually are. A 'track changes' version of the Bill can be provided to those Councillors who wish to review the extent of the amendments.

Timing of Bill

There are three phases of the Parliamentary process which must now be completed. These are illustrated in the flow chart and are: the Second Reading to explain the amendments recommended by the Select Committee; consideration of the amended Bill by the Committee of the House; and finally the Third Reading. The Bill is expected to have its second reading on 27 June 2007.

The timing of progress of the Bill to the third reading is dependent on whether the Committee of the House debates the Bill clause by clause or part by part. This could result in the Bill progressing to the Third Reading either within a couple of weeks or a couple of months. At the earliest the Bill could be passed during August.



*Stages at which the Bill may be defeated and therefore not proceeded

RESOURCES

Resources for the implementation of the Bill and the Local Area Plans have been allocated in the 2006/2007 and 2007/2008 LTCCP.

CONCLUSION

The Select Committee has reported on the Bill to the House and recommended that it be passed subject to amendments. The substance of the amendments reflects those matters agreed to by the Joint Working Party. The Bill is expected to have its second reading on 27 June 2007 and then will be considered by the Committee of the House before it can proceed to its third reading. At the earliest the Bill could be passed by the House during August.

RECOMMENDATION

That the Waitakere Ranges Heritage Area Bill report be received.

Report prepared by: Graeme Campbell, Director: Strategic Planning.



8 AUCKLAND REGIONAL LAND TRANSPORT STRATEGY REVIEW

PURPOSE OF THE REPORT

The purpose of this report is to consider the Council's input into the review of the Auckland Regional Land Transport Strategy.

BACKGROUND

The Auckland Regional Land Transport Committee, a committee of the Auckland Regional Council, is undertaking a review of the Regional Land Transport Strategy 2005, a ten year strategy that was adopted in November 2005. The reviewed strategy is planned to come into effect in 2009.

Auckland Regional Council has invited the Council to provide input at an early stage of the review. The council's views have been sought in respect of issues that need to be addressed or elements to be included in the strategic options for evaluation. This opportunity for input is in addition to officer participation in the development of the draft strategy, Councillor Stone's participation as Council's representative on the Regional Land Transport Committee, and the Council's ability to make a submission on the draft Regional Land Transport Strategy.

The Land Transport Management Act requires the strategy to contribute to an integrated, safe, responsive and sustainable land transport system. In doing so, the strategy must consider a wide range of objectives:

- Assisting economic development;
- Assisting safety and personal security;
- Improving access and mobility;
- Protecting and promoting public health;
- Ensuring environmental sustainability.

In addition, the strategy needs to focus on strengthening the integration between transport and land use by supporting the Auckland Regional Growth Strategy.

The Auckland Regional Council has advised that the new Regional Land Transport Strategy will be a high-level strategic document outlining the region's transport system for the next 50 years. The responsibility for implementing the strategy rests with:

- Transit New Zealand (soon to be merged with Land Transport New Zealand) for state highways;
- The Auckland Regional Transport Authority for public transport and travel demand management;
- Local authorities primarily for local roading, footpaths, cycleways, and bus infrastructure;
- ONTRACK for 'below platform rail infrastructure.

STRATEGIC CONTEXT

The Council's Integrated Transport and Communications Platform provides local context for this report.

The Auckland Regional Growth Strategy 1999, adopted by all Councils in the region, provides for a compact urban form and identifies nodes and corridors for intensive mixed-use growth.

The Auckland Regional Land Transport Strategy 2005 supports the growth strategy and allocates significant funding for major improvements to the roading and public transport networks over the next 10 years. It also provides strategic guidance and policies on transport and how it supports the Auckland Regional Growth Strategy.

The Waitakere City Transport Strategy 2006-2016 was largely based on the existing Auckland Regional Land Transport Strategy 2005.

Recent developments since 2005 provide important strategic context for the next Auckland Regional Land Transport Strategy:

- The Auckland Transport Strategic Alignment Project (ATSAP) identified a common Auckland and Government view for transport in the Auckland region.
- The Auckland Regional Council and territorial authorities are developing the Long Term Sustainability Framework, which provides principles and guidance for regional strategies.
- The Strengthening Auckland's Regional Governance Project is proposing a "One Plan" for the region, which aims to achieve better integration of transport and other regional strategies.
- Proposed legislative changes may allow the Auckland Regional Land Transport Strategy to refer to transport projects.
- The regional freight strategy, proposals for congestion charges, and a regional parking strategy provide more guidance for the next Auckland Regional Land Transport Strategy.
- The Budget announced additional funding for transport in the region, including a proposed regional fuel tax.
- There is a greater awareness of climate change issues, carbon dioxide emissions from the transport sector and the implications of New Zealand's commitment to the Kyoto Protocol.
- Cabinet has proposed to merge the activities of Transit New Zealand into Land Transport New Zealand.

The next Auckland Regional Land Transport Strategy 2009-2059 is expected to provide guidance on key strategic issues including:

- An additional harbour crossing;
- Congestion charges in the region;

- The strategy beyond the next 10 years and the pace of change to a sustainable transport system;
- Identification of future transport corridors.

ISSUES

The following issues and elements are proposed to be addressed and considered in the development of strategic options for evaluation in the next Auckland Regional Land Transport Strategy:

1. **Common vision** - The recommendations from the Auckland Transport Strategic Alignment project need to be incorporated into the next strategy. These need to include a rapid roll-out of public transport and commitment to introduction of push factors to encourage a shift out of single-occupant vehicles for commuter trips. This will prepare the region for an expected increase in demand for public transport as a result of increases in oil prices and an introduction of congestion charges in the region. A faster change to a sustainable transport system is required.
2. **Sustainability** - The Long Term Sustainability Framework and its principles should be applied to and incorporated into the next Regional Land Transport Strategy. Consideration should be given to the suggestions from the review of the Regional Land Transport Strategy 2005 in relation to the Long Term Sustainable Framework.
3. **New approach** - The Long Term Sustainability Framework requires a fundamental change from 'business as usual'. A long term sustainable vision for transport would envisage people routinely walking, cycling, car pooling and using public transport to get to where they need to go in the region. Parking restrictions and congestion charges for use of the road network would allow more efficient use by buses and goods and services vehicles. The transport system would strongly support planned land use, the economy, the environment and quality of life. Emissions from the transport system would be significantly reduced compared to 1991 levels. A strategic option for the Auckland Regional Land Transport Strategy which achieves sustainable outcomes in accordance with the Long Term Sustainability Framework should be developed and evaluated. Other strategic options should also be evaluated against the Long Term Sustainable Framework.
4. **Integration** - The next strategy should be explicit about the interrelationships between the Regional Land Transport Strategy and other regional strategies. Ensuring that all of the regional strategies are integrated is one of the aims of the proposed 'One Plan' for the region.
5. **Economic and environmental objectives** - Greater emphasis is needed on economic and environmental objectives and the response to climate change. Previously equal weightings between the objectives of the Land Transport Management Act have been used to evaluate strategic options. The next strategy should provide a clear path for achieving contributions to the economic and environmental objectives. This means a transport system that improves productivity, encourages business investment and growth in the areas targeted in the Regional Growth Strategy and Business Location Strategy. This is preferred to a narrow focus on improvement in travel times. Industry clusters should be encouraged. In relation to the environmental objective, the approach should not be just mitigating adverse impacts arising from a transport project: the approach should enable emissions to air and water to be reduced and a reduction in the overall footprint of the region's transport system. This includes response to climate change, sea level rises, higher standards for vehicles and fuels,

6. **Travel Demand Management** – The next strategy should commit to a congestion charge in the region. This is an important mechanism to manage the demand for travel and also to provide a sustainable funding source. This enables prioritisation of the use of roads by buses and goods and service vehicles. This approach may also be required if oil resources become scarce and need to be allocated for necessary travel that cannot be generated from renewable energy sources (for example, air travel, heavy vehicles). Congestion charges require additional public transport services and mitigation of social impacts. Significant environmental and economic benefits can arise from congestion charges. The next strategy should consider long term implications of distribution systems and interactions via telecommunications.
7. **Transport corridors** – The next strategy should provide more guidance regarding specific transport corridors, including freight routes, clear roles for rail and coastal shipping, and mode share targets. Future transport corridors need to be identified and evaluated for fit with the objectives and vision of the next strategy. It is vital to protect public transport routes, such as the central rail tunnel loop, and extensions of the bus way along State Highway 18 and 16.
8. **Third Harbour Crossing** – Proposals for an additional harbour crossing need to be evaluated as to whether a crossing is required to support the long term vision and objectives of the next strategy. An evaluation of proposals should be based on a reduction in forecast traffic and prioritised use for public transport and/or goods and service vehicles.
9. **Less traffic** - The next strategy should aim to reduce the investment in state highway and road projects from 2020 to 2050 on the basis that the state highway network will be established and a decline in traffic volume is expected. This is fundamental to a change from the traditional approach of providing road capacity to meet demand for motor vehicle travel.
10. **Public transport** - Public transport services should be reliable, affordable, convenient, fast, and direct to where people want to travel. Public transport provision should lead demand, rather than lag behind. The public transport network needs to expand with new rail, bus and ferry routes. At peak times, priority should be encouraged for buses, goods and services vehicles, walking and cycling. Single-occupant vehicle commuter trips should be discouraged.
11. **Walking and cycling** – The next strategy should create an urban environment that supports and encourages more active modes of travel for people of all ages and abilities. A travel demand management approach should include incentives, pricing mechanisms and restrictions in parking and road capacity in the urban environment.
12. **Transit Oriented Development** - Better planning and integration of transport and development projects are required for positive economic and environmental outcomes. Funding needs to take into account the public benefit that arise from transport projects that contribute to town centre development and also non-transport developments that contribute to transport outcomes.
13. **Reduce average trip lengths** – Regional strategies should plan for a spread of employment to reduce home-work distances. This is part of the goal to live, work and play locally and reduces the cost of the transport system. High pedestrian amenity and good public transport services need to be provided in growth centres and growth corridors. Higher densities are required to support these growth centres and corridors. Issues need to be addressed in the next strategy, such as affordable housing in growth centres and limiting growth in areas not serviced by public transport.

14. **Reduce emissions** - New Zealand's target under the Kyoto Protocol is to reduce its greenhouse gas emissions to the level they were in 1990, or take responsibility for excess emissions. Reduction in emissions of carbon dioxide (for climate change reasons) and fine particulates (for health reasons). The following are draft goals set by Waitakere City Council:

Community emissions (base year: 2001):

- Reduce greenhouse gas emissions by 15% per capita by 2010 (this would lead to a stabilisation of total emissions);
- Reduce greenhouse gas emissions by 40% per capita by 2021 (to three tonnes per capita);
- Reduce greenhouse gas emissions by 80% per capita by 2051 (to one tonne per capita).

These goals are based on the long term community goal to reduce per capita emissions to one tonne per year. This figure is based on research conducted by the International Panel for Climate Change and it is hoped that in the long term global emissions of one tonne per capita would eventually lead to climate stabilisation (at a temperature somewhat warmer than today).

Setting a per capita goal is appropriate for a city that is experiencing rapid population growth and it brings the somewhat abstract issue of climate change down to a level of individual responsibility.

The targets may be compared with London's targets:

In the 2004 Energy Strategy, the Mayor adopted for London the government's national targets to reduce carbon emissions by 60 per cent by 2050 (from 1990 levels). However, the Mayor of London has set a more ambitious target for London to stabilise carbon dioxide emissions in 2025 at 60 per cent below 1990 levels, with steady progress towards this over the next 20 years.

The next Auckland Regional Land Transport Strategy should determine whether the transport contribution to these targets is in accordance with its percentage contribution to total carbon dioxide emissions, or some other basis. Vehicle standards are required for the region and fuel. Emissions based charging could also be considered for introduction in the region.

15. **Rural roads** – maintained for commercial trips and safety. Do not want rural roads to provide for unplanned growth.
16. **Energy** – The transport sector is currently a large energy user. The next strategy should aim to reduce energy consumption and be innovative to generate energy from the transport system. Examples include solar powered lights and capturing the energy from braking to regenerate energy sources.
17. **Affordable transport system** – The next strategy should aim to provide affordable, but managed access to key services. Affordable costs of the transport system for users and infrastructure providers are an important part of access.

The incorporation of these elements into strategic options would require development of appropriate policies and actions to achieve the vision and objectives of the next Auckland Regional Land Transport Strategy.

RESOURCES

There are sufficient staff resources to support the development of the next Auckland Regional Land Transport Strategy.

CONCLUSION

The draft Regional Land Transport Strategy is being developed in a collaborative manner. The Council has the opportunity to provide input at an early stage in the development of the strategy. This report sets out issues and elements that the Council may wish to include in a response to the Auckland Regional Council.

RECOMMENDATIONS

1. That the Auckland Regional Land Transport Strategy Review report be received.
2. That the issues and elements set out in this report and as raised by this Committee be communicated to the Auckland Regional Council and provide guidance for the Council's representative on the Regional Land Transport Committee.
3. That Councillor Stone be delegated authority to finalise the communication to the Auckland Regional Council.

Report prepared by: Kevin Wright, Manager: Transport Strategy.



9 SUBMISSION ON PROPOSED NATIONAL POLICY STATEMENT ON ELECTRICITY TRANSMISSION

PURPOSE OF THE REPORT

The purpose of this report is to:

- inform the Council of the content and potential implications for the City and Council of the Proposed National Policy Statement (NPS) on Electricity Transmission; and
- request the Councils approval to lodge a submission to the Board of Enquiry on this matter.

BACKGROUND

A126-A151

The Minister for the Environment has prepared a Proposed National Policy Statement on Electricity Transmission attached at pages A126 to A151. The Minister for the Environment has appointed a Board of Inquiry to investigate and report on the NPS.

The NPS was notified by the Board of Inquiry on 16 May 2007. Submissions close on 26 June 2007. The NPS sets out the objective and policies for managing the electricity transmission network under the Resource Management Act 1991. The objective of the NPS is to "*recognise the national significance of the electricity transmission network*".

The NPS is one of a suite of policy documents as part of a 'whole of government' push towards providing greater guidance to local authorities regarding matters in the national interest and particularly in relation to major infrastructure. This is also part of a larger project relating to energy matters in particular and climate change in general.

The NPS is also partly a response to the unusual historic background of the construction of the Electricity Transmission Network (ETN). Records of land owner agreements and compensation (if any) are particularly poor, and the legislative framework provided by the Electricity Act 1992, does not provide Transpower (and others) with the same level of guidance and certainty, when compared to other major national lineal infrastructure and supporting legislation such as applies to the State Highway Network, managed by Transit NZ under the Transit New Zealand Act 1989 and the Land Transport Management Act 2003.

A NPS must be 'given effect to' by regional and local authorities via the regional and district plan documents, and must also 'be had regard to' when considering applications for resource consents or other applications under the Resource Management Act 1991.

Due to the short timeframes involved, and ongoing consultation across Council including legal advice, officers will table a proposed submission for the Council's discussion and approval at the meeting.

STRATEGIC CONTEXT

The Proposed National Policy Statement on Electricity Transmission has implications across a wide range of Strategic Platforms and Community Outcomes, by mandating changes to the Auckland Regional Policy Statement, (which the regions district plans must also 'give effect to'), the various Regional Plans, the Operative District Plan, and also when considering any resource consent, designation or subdivision application.

The strategic platforms most relevant are:

- Urban and Rural Villages;
- Strong Innovative Economy;
- Active Democracy;
- Green Network; and
- Sustainable Energy and Clean Air.

The Community Outcomes most relevant are:

- Green Network;
- Mauri Ora;
- Nga Manukura;
- Strong Communities;
- Strong Economy;
- Sustainable Environment;
- Urban and Rural Villages; and
- Waiora.

There are both positive and negative outcomes from the Proposed National Policy Statement on Electricity Transmission across the Strategic Platforms and Community Outcomes. This dichotomy is illustrated in the tension between the *wider benefits* to the national/regional/local area as a whole from the transmission network in the supply of a vital means of survival in a modern economy (i.e. electricity) and the *localised impacts* of the network on its surroundings.

While secure, reliable, efficient and resilient energy supply is absolutely vital for achievement of the City's wide goals of economic growth and social development, the electricity transmission network can have major impacts on local amenity, environmental values and health and safety.

Restrictions imposed on adjacent land-uses due to safety and access requirements may limit the ability of the City to achieve intensification goals and improve economic sustainability; on the other hand without a secure electrical supply, these goals are not achievable at all.

A strong and resilient energy system is important to Waitakere, now and in the future because:

- Increasing population and a growing economy will contribute to an ever increasing demand for reticulated energy;

- Higher density living has the potential to lead to increased energy demand, though smaller average household sizes, and design related issues such as increased use of air conditioning/mechanical ventilation, artificial lighting and clothes dryers;
- A move to a 'distributed' or 'embedded', renewables based generation system (as compared to the current centralised generation model) as envisioned by the New Zealand Energy Strategy, the Auckland Regional Policy Statement and the Waitakere Climate Change Plan of Action, will require a resilient and efficient Transmission Network to be successful, because of the increased variability of supply from geographically dispersed renewable sources.

ISSUES

The underlying purpose of the NPS is to better provide for recognition of the wider national benefits of the 'national grid'.

Nationally, district and regional planning documents (including the Waitakere City Council Operative District Plan) have typically concentrated mainly on managing the *local adverse effects* of the transmission network, without considering or recognising the *local and wider national benefits* of the network.

The NPS raises several important issues. These cover two interrelated matters:

- those that relate to the *process* by which the Minister has chosen for local authorities to give effect to the NPS; and
- those that relate to the *content* of the NPS itself.

Process

The NPS specifies that local authorities shall use a process to include the provisions of the NPS in the relevant statutory documents 'as soon as *practicable*', via the non-participatory Schedule 1, Clause 16 process.

The use of such a process may be desirable from a timeliness and efficiency perspective, but it does not provide direct opportunities for public participation in the plan change process, including potentially Transpower itself, nor any other directly affected or interested parties, such as adjacent landowners, to comment on the manner in which Waitakere or any other Council 'gives effect' to the direction set in the Proposed National Policy Statement on Electricity Transmission.

This would not be a concern if the NPS process itself provides the required consultative and public participatory process, and if the NPS provided clearer direction so nationally consistent outcomes are achieved.

Content

It is also a concern, in that the *content* of the NPS is not sufficiently clear or directive enough to ascertain how Waitakere may go about 'giving effect' to the NPS, without the benefit of Transpower's, or the public's input.

The NPS is particularly succinct, consisting of 2 pages of text (including preamble and footnotes), one objective, and six, single sentence policies (Attached at Appendix 1).

It does not provide the clarity of purpose, unambiguous and directive policy that would facilitate this, or any other Council making possibly significant changes to the District Plan, in a manner that would give nationally consistent effect to the intent of the NPS.

The lack of a submission based plan change process would also exclude Transpower (or anyone else) from suggesting changes that could improve this outcome.

Waitakere City Council Submission Summary

A126-A151

The draft submission, is attached at pages A126 to A151 for Councils' approval at the meeting.

Following consultation across Council, and after considering legal advice, the following points are included in the submission:

- Waitakere considers;
- Waitakere supports the need for electricity transmission generally, as one component of the energy system, as an important enabler of social, economic and environmental sustainability - security of supply is vital to the achievement of the City's goals;
- Waitakere supports the general intent of the Proposed National Policy Statement on Electricity Transmission which is to provide a consistent approach to electricity transmission across the Country. However this is on the basis that the policy statement itself is clear and directive, and is widely consulted on prior to approval.
- Waitakere suggests that the NPS could be improved to address the above concerns by:
 - better consideration and direction regarding reverse sensitivity issues, both on and as a result of the ETN;
 - advocating the use of appropriate technical standards and/or National Environmental Standards;
 - More directive wording providing more clarity regarding what changes are/maybe required to the District Plan;
 - effects assessment should not be limited to matters of national importance;
 - a consideration of the potential adverse effects should also be included to balance the current weighting towards the positive benefits of transmission;
 - Expand narrow focus on transmission to include other equally important components of the electricity generation and supply system;
 - Other wording and process changes suggested.

In short, the submission will indicate general support for the NPS, list Waitakere's main concerns, and suggest possible solutions to address these concerns.

RESOURCES

Preparation and presentation of the submission to the Board of Enquiry will involve internal staff resources and external Legal Advice, and forms part of the budgeted general work programme of the Urban and Environmental Strategy Team.

CONCLUSION

The Proposed National Policy Statement on Electricity Transmission provides important guidance to local authority's with respect to the national significance of the ETN, which is an important physical asset allowing people to provide for their economic and social wellbeing.

However, it is currently unclear what changes may be required to the Waitakere Operative District Plan to give effect to the NPS as currently drafted, and a non-participatory plan change process is mandated.

By lodging a submission, and speaking in support of that submission, Waitakere City Council is able to be involved in the process and positively influence the Board of Inquiry's recommendations to the Minister for the Environment.

RECOMMENDATIONS

1. That the Submission on Proposed National Policy Statement on Electricity Transmission report be received.
2. That delegated authority be given to the Chair of the Planning and Regulatory Committee to approve the lodgement of a Waitakere City Council submission to the Board of Enquiry on the Proposed National Policy Statement on Electricity Transmission.

Report prepared by: Kyle Balderston, Strategic Advisor: Sustainable Management.



10 TRANSPower OTAHUHU TO HENDERSON TRANSMISSION LINE

This report will be circulated separately as it was not available at the time of the Agenda printing.



11 AUCKLAND GOVERNANCE - WATERCARE DIVIDEND ISSUES - REVOCATION OF PREVIOUS RESOLUTION AND RELATED MATTERS

This report will be circulated separately as it was not available at the time of the Agenda printing.



PUBLIC EXCLUDED MATTERS

12 WAITAKERE INVESTMENT MARKETING STRATEGY

13 LG(A)AA HEARINGS PANEL RECOMMENDATIONS

These items 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 parts of the proceedings of this meeting, namely, Waitakere Investment Marketing Strategy and LG(A)AA Hearings Panel Recommendations.

The general subject of the matters 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 matters to be considered.	Reason for passing this resolution in relation to the matters.	Ground(s) under Section 48(1)(a) for the passing of this resolution.
Waitakere Investment Marketing Strategy	<p>The withholding of information is necessary in order to:</p> <ul style="list-style-type: none"> • Protect information where the making available of the information - <ul style="list-style-type: none"> (i) Would disclose a trade secret. (ii) Would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information. • 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>
LG(A)AA Hearings Panel Recommendations	<p>The withholding of information is necessary in order to:</p> <ul style="list-style-type: none"> • Prevent the disclosure or use of official information for improper gain or improper advantage. 	<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)(b)(i)(ii),(g) and (j) 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 will result in loss of legal professional privilege and could affect the Council's negotiations.*

