

**AGENDA FOR A MEETING OF THE COUNCIL TO BE HELD AT WAITAKERE CENTRAL,
6 HENDERSON VALLEY ROAD, HENDERSON, WAITAKERE, ON WEDNESDAY,
30 APRIL 2008 COMMENCING AT 5.30 PM**

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PART A - OPENING OF MEETING

1 OPENING PRAYER

Captain Nigel De Maine from the Salvation Army, Massey will say the Opening Prayer.



2 APOLOGIES



3 CONFIRMATION OF MINUTES

Meeting Minutes - Wednesday, 20 February 2008
 Wednesday, 27 February 2008
 Wednesday, 19 March 2008
 Wednesday, 16 April 2008
Extraordinary Friday, 18 April 2008

RECOMMENDATION

That the minutes of the meetings of the Council held on Wednesday, 20 February 2008, Wednesday, 27 February 2008, Wednesday, 19 March 2008, Wednesday, 16 April 2008 and the extraordinary meeting held on Friday, 18 April 2008, including the public excluded minutes, as circulated, be taken as read and now be confirmed.

*Pages 2-4
Part H*

The public excluded minutes are attached at pages 2 to 4 of the Confidential Supplement labelled Part H.



4 URGENT BUSINESS

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

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



5 CONFLICTS OF INTEREST

The Council has acknowledged in its Code of Conduct that Elected Members need to be vigilant to stand aside from decision making when a conflict arises between their role as a member of the Council and any private or other external interest they might have. This note is provided as a reminder to members to check that no such conflicts arise in relation to any items on this agenda.



PART B - REPORT OF THE MAYOR

6 REPORT OF THE MAYOR

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

RECOMMENDATION

That the Report of the Mayor be received.



PART C - REPORTS OF NEW LYNN COMMUNITY BOARD, WAITAKERE COMMUNITY BOARD, MASSEY COMMUNITY BOARD, HENDERSON COMMUNITY BOARD AND WAITAKERE YOUTH COUNCIL

7 NEW LYNN COMMUNITY BOARD

THE BOARD SUBMITS THE FOLLOWING REPORTS OF ITS MEETINGS HELD ON MONDAY, 3 MARCH 2008 AND MONDAY, 31 MARCH 2008

MATTERS CONSIDERED

*Pages 1-11
Part C*

The Board dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 1 to 11 in the supplement labelled Part C.

The Board Recommends:

That the report of the meetings of the New Lynn Community Board held on Monday, 3 March 2008 and Monday, 31 March 2008 be received.

GPJ Marshall
CHAIRMAN



8 WAITAKERE COMMUNITY BOARD

THE BOARD SUBMITS THE FOLLOWING REPORTS OF ITS MEETINGS HELD ON TUESDAY, 4 MARCH 2008 AND TUESDAY, 1 APRIL 2008

MATTERS CONSIDERED

*Pages 12-19
Part C*

The Board dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 12 to 19 in the supplement labelled Part C.

The Board Recommends:

That the reports of the meetings of the Waitakere Community Board held on Tuesday, 4 March 2008 and Tuesday, 1 April 2008 be received.

KJP Witten-Hannah, JP
CHAIRMAN



9 MASSEY COMMUNITY BOARD

THE BOARD SUBMITS THE FOLLOWING REPORTS OF ITS MEETINGS HELD ON WEDNESDAY, 5 MARCH 2008 AND WEDNESDAY, 2 APRIL 2008

MATTERS CONSIDERED

*Pages 20-31
Part C*

The Board dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 20 to 31 in the supplement labelled Part C.

The Board Recommends:

That the reports of the meetings of the Massey Community Board held on Wednesday, 5 March 2008 and Wednesday, 2 April 2008 be received.

JG Riddell
CHAIRMAN



10 **HENDERSON COMMUNITY BOARD**

THE BOARD SUBMITS THE FOLLOWING REPORTS OF ITS MEETINGS HELD ON THURSDAY, 5 MARCH 2008 AND THURSDAY, 3 APRIL 2008

MATTERS CONSIDERED

*Pages 32-43
Part C*

The Board dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 32 to 43 in the supplement labelled Part C.

The Board Recommends:

That the reports of the meetings of the Henderson Community Board held on Thursday, 5 March 2008 and Thursday, 3 April 2008 be received.

EAG Grimmer, MNZM
CHAIRMAN



11 **WAITAKERE YOUTH COUNCIL**

THE YOUTH COUNCIL SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON MONDAY, 3 MARCH 2008 AND MONDAY, 7 APRIL 2008

MATTERS CONSIDERED

*Pages 44-50
Part C*

The Youth Council dealt with a number of items for which a copy of the minutes of the meeting is attached at pages 44 to 50 in the supplement labelled Part C.

The Youth Council Recommends:

That the report of the meeting of the Waitakere Youth Council held on Monday, 3 March 2008 and Monday, 7 April 2008 be received.

A Wadsworth
CHAIRMAN



PART D - REPORT OF THE CHIEF EXECUTIVE OFFICER

12 OLD NEW LYNN HOTEL UPDATE

GLOSSARY

New Zealand Historic Places Trust	(HPT)
Old New Lynn Hotel	(the hotel)
Waitakere Properties Limited	(WPL)
West Auckland Historical Society	(the Society)
International Council on Monuments and Sites	(ICOMOS)

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with information regarding the current condition of the Old New Lynn Hotel (the hotel) following a thorough inspection of the building by a heritage architect and a peer review of all the reports and engineering advice received to date. The report also canvasses the potential use of this site for a childcare centre.

The hotel has cultural heritage value and is associated with the early development of the City. The significance of the building relates to its cultural heritage, social and landmark value. Although the Hotel is listed as a Category I building in the District Plan, it is not listed by the New Zealand Historic Places Trust (HPT). This means that any application to demolish the building would be a non-complying activity. If HPT have not registered a building, then they do not consider it to be outstanding.

Council intervened in 1995 to explore options for purchasing the hotel when the former owners of the building (the Bartulovich Estate) sought resource consent to demolish it. In 1998 the building was known to be dangerous and unsanitary and notice was served on the former owners forcing them to cease renting the building to residential tenants. In 1999 Council resolved to purchase the building and a heritage protection order was put in place shortly thereafter. The heritage protection order had the effect of making Council legally responsible to purchase the building, although it was not until 2005 that the Council finally got possession of the property, by which time a fire had gutted most of the interior. In the period of time between 1995 and now the condition of the building has deteriorated markedly. The condition report states:

“The structural integrity of this building has now reached a critical point. Although, technically and theoretically possible, the structural upgrade of the building would require large scale reconstruction that will incur extraordinarily high costs. In this process very little significant fabric can be saved.”

The consultant heritage architect believes that there was a window of opportunity when the building could have been restored, but that opportunity has passed largely because of delays that Council faced in its attempts to acquire the hotel. The building continues to be a dangerous and earthquake prone and very little original building fabric would be able to be re-used. This means that restoration of the building is not possible without completely re-building the hotel and in the process, creating an historic replica.

Council staff have considered a number of options for the building and undertaken some preliminary consultation with HPT and the West Auckland Historical Society (the Society). It is considered that demolition of the hotel is appropriate given its advanced state of decay and poor structural condition. Both HPT and the Society concur that demolition is the most realistic option for the building.

RECOMMENDATIONS

It is recommended that the Council resolve to:

1. **Receive** the Old New Lynn Hotel Update report.
2. **Agree** that demolition as recommended by the consultant heritage architect, is the best option for the Old New Lynn Hotel.
3. **Direct** Council staff to lodge for the appropriate building consent, resource consent and necessary permits forthwith to facilitate the demolition of the Old New Lynn Hotel.
4. **Direct** Council's Legal Services Manager to offer back the two properties to the Bartulovich Estate once the consent has been processed for demolition of the Old New Lynn Hotel.

BACKGROUND

1. The hotel was constructed around 1882 by Alfred Ramsden. Mr Ramsden was granted a publican's licence for the hotel, made the bricks for the hotel and fired them in a kiln in New Lynn near the Fruitvale Station. The hotel served as a staging post for horses on their way up Waikumete hill and stables were once located to the right of the building. In August 1883 Ramsden defaulted on his mortgage and the property was sold. The hotel changed ownership several times and had three female publicans in the 1890s. The hotel became known to its regulars as the "Old Grey Mare" and did a roaring trade on Sunday afternoons with the arrival of the cemetery train. In 1909 the area went "dry" as a result of the prohibition movement. The building has been used as a hotel, temporary coroners court, doctors surgery and residential accommodation. The former hotel was owned for 65 years by the Bartulovich family.
2. Council purchased the hotel in 2005 together with two neighbouring properties that do not have any heritage value for a total of \$650,000. It was considered that this would enable the hotel to be successfully re-developed. A conservation plan was commissioned for the site together with engineering drawings in 2006. Council sought expressions of interest to re-develop the hotel in early 2007. Although several parties initially responded to the publicly advertised offer, the only party to respond with any experience in property development was Waitakere Properties Ltd (WPL). WPL's response was at Council's invitation.
3. Towards the end of 2007, cracking on the front façade became noticeably worse and Chester Consultants (consultant structural engineers) recommended that the building should be temporarily stabilised by steel stanchions. WPL have been in discussions with a childcare provider to be a tenant in a redeveloped hotel and extension. WPL have had some underlying concerns about the viability of the restoration project and were involved in jointly briefing the heritage consultant. An updated condition assessment suggests that the cost of renovating the hotel to a usable condition would be in the vicinity of \$1.5 - \$2 million.

DECISION MAKING

Issues

4. Council staff commissioned an updated condition assessment and review of the structural engineer's recommendations in February 2008 following a noticeable deterioration in the condition of the front façade. The heritage architect employed to provide this advice is on the International Council on Monuments and Sites (ICOMOS) Charter Committee of New Zealand. This group of heritage professionals are dedicated to ensuring heritage best practice is in line with international standards.

AI-59

5. A thorough site inspection and condition assessment of the building has revealed that since the original decision to acquire the property in 1995 the overall condition of the building has considerably worsened to the point that any restoration would involve essentially re-building the entire structure with new material. The report prepared by the conservation architect is attached at pages A1 to A59. Re-building the hotel would amount to the creation of an historical replica, not a restoration. The most obvious flaws in the hotel can be summarised as follows:
- The bricks are failing (crumbling, and absorbing water);
 - The mortar between the bricks has failed and in some instances weeds from outside the building are growing through into the interior;
 - The floor is not connected to the walls;
 - The building has no proper foundations - simply a double layer of brick straight into the ground;
 - The walls are not stable;
 - The front façade is cracked and only being held in place by means of the steel stanchions;
 - Heavy traffic vibration and poor quality of original materials and craftsmanship have contributed to the structural failure of the building.
6. The consultant heritage architect has confirmed that although it is technically possible to re-build the hotel, it would no longer be an historic building as there would be very little of the original building fabric left in place. It would need to be dismantled brick by brick and those bricks in the best condition would need to be re-pointed and re-used with modern mortar. It is likely that even if these bricks were able to be re-used that they would fail and crumble again in the foreseeable future. The nine windows that are considered to be architecturally significant are virtually completely rotten, therefore the frames would need to be re-constructed and new glass inserted. It would not be possible to simply replace broken bricks as they have to be able to support a structural load. The building would require a new concrete floor, foundations, walls, bricks, windows, glass, roof and wooden joinery. The consultant heritage architect does not consider this to be consistent with heritage conservation best practice. Page 38 of that report states:
- “The achievement of best conservation practice while adhering to nationally and internationally recognised conservation standards for this project seems to be impossible....*
- In general, there might have been a window of opportunity to conserve the building at the time around 1995 when the first structural problems were apparent. Unfortunately, and notwithstanding the cultural heritage value the building holds, the conservation of the building is now unattainable.”*
7. The building’s deterioration has been classified as structurally significant and a possible collapse of the building cannot be discounted. Council needs to consider the health and safety of local residents, pedestrians and motorists, and act accordingly.
8. The consultant engineer that has peer reviewed the previous reports and undertaken a physical inspection of the building states:

“The bricks used were handmade and are of extremely poor quality. They are brittle and have very little strength. Pieces can be broken off by hand. They have no resistance to abrasion and the surface can be removed by hand rubbing. The compressive strength is likely to be very low. The mortar is extremely weak and has negligible adhesion to the brick. The mortar can be easily removed and crushed by hand...”

The works proposed are theoretically feasible. However the deterioration due to the initial poor quality of the bricks, the total lack of maintenance and the extensive settlement and cracking mean that a satisfactory long term restoration will be difficult and expensive."

Public Works Act 1981

9. Council put a heritage protection order on the building in the late 1990s and subsequently acquired the hotel, in order to preserve its heritage status. If the heritage protection order is removed as a result of the recommendation to demolish the building, then Council is obliged to offer back two of the three properties to the original owners. The original owners would then have a 40 day period in which to purchase the two properties from Council. The Legal Services Manager would conduct the "offer-back" process.

Waitakere Properties Limited and potential re-development

10. WPL have put their plans for the site "on hold" until Council clarifies its position in regard to the retention or demolition of the hotel.
11. The plans prepared by WPL would enable a childcare facility to be established on site, subject to obtaining any required resource consent. WPL has been working with the head office of Lollipops Childcare, to develop a facility that may be able to be used to relocate the New Lynn Lollipops facility, which lies in the path of the proposed Clark Street flyover, thus benefiting two of the Council's objectives.
12. Accordingly, WPL prepared plans for the re-use of the hotel site as a childcare centre.
13. The difference between the two options i.e. the hotel remaining or being removed is that WPL would be able to return the cost of the original land purchase to Council plus a modest profit. If the Council opts to create an historic replica of the hotel on site, it would cost approximately \$1.5 - \$2 million for that part of the project, plus the cost of the childcare building behind it. On that basis, WPL would not be able to return the land cost.
14. The Legal Services Manager has advised that if the historic building is demolished, then two of the three lots must be offered back to the original purchasers. If they fail to respond within the statutory timeframe then Council could retain the land and WPL could proceed with its current plans for a childcare centre.

Assessment of Options

Option 1 - Removal of heritage protection order and demolition

15. Cost estimate - \$150,000 for the demolition, professional services of a planner, heritage architect and archaeologist to obtain resource consent, building consent and an authority from HPT, document the building during the demolition phase, signage, temporary works, safety barriers and traffic control and creation of an interpretive heritage brochure on the hotel. The resource consent for demolition is likely to be publicly notified as the District Plan is clear that demolition of a Category I item is a non-complying activity. Notified resource consent take a minimum of 70 working days for processing, building consents have a minimum 20 working day timeframe and an authority can be obtained within 6 weeks to 3 months from the date of application.

16. A major advantage of this option is that Council recognises the poor condition of the building and considers the creation of an historic replica with very little original heritage fabric to be inappropriate. This approach is entirely consistent with the ICOMOS Charter. It is also considered to be cost-effective. There are other heritage projects in the City where the net community benefit would be greater such as the Lopdell House and Corban Estate re-development projects.
17. This approach is transparent and provides the former owners an opportunity to purchase the property.
18. Preliminary discussions with HPT and the Society have confirmed that neither party wish to see historic heritage destroyed. However, there is an understanding that the building is simply beyond repair or restoration.

Option 2 - Re-build the New Lynn Hotel

19. Cost estimate - \$1.5 - \$2million plus an interior fit-out of the building, landscaping, parking etc.
20. Under this option resource consent from Council is required together with an application to HPT for modification of an archaeological site. It is likely that the resource consent would be publicly notified and therefore take a minimum of 70 working days for processing. The application for an authority from HPT would take between 6 weeks and 3 months to process.
21. This option presents some real challenges in terms of engineering and construction techniques. These obstacles can technically be overcome, however, it is at the cost of authenticity and assumes a generous budget. Aside from financial concerns, the building would no longer be the "Old New Lynn Hotel" at the conclusion of the project.
22. The intention of putting the heritage protection order in place was to preserve one of New Lynn's last remaining heritage icons of the 1860s. Re-building the hotel would enable Council to keep the building for the purpose of protecting its heritage but it would not be in line with good conservation practice and would prove to be a costly exercise.
23. The following table highlights some of the wider issues:

	Option 1 - demolish		Option 2 - re-build	
	Disadvantages	Advantages	Disadvantages	Advantages
Social	Community loses a heritage icon.	Resources can go into heritage projects with greater net benefit e.g. Corban Estate and Lopdell	Resources taken for this project may threaten other heritage projects.	Building would be able to be re-used as a childcare centre.
Economic	nil	Lower costs than Option 2 i.e. \$150,000	\$1.5 - \$2 million	Provide for temporary employment of skilled construction staff.
Cultural	Loss of significant heritage building	Opportunity to celebrate the history through other media or interpretive works	Significant loss of original heritage fabric and replacement with a replica	People can see a modern interpretation of the building.

	Option 1 - demolish		Option 2 - re-build	
	Disadvantages	Advantages	Disadvantages	Advantages
Environment	Loss of heritage building to the surrounding urban form/amenity.	Derelict and dangerous building is removed from road frontage.	New building with little heritage value.	New building

Consideration of Community Views

24. An informal meeting of the Society Committee took place on 10 March 2007. The Society agreed that the hotel has deteriorated considerably over the last decade and they have revised their position from that taken in 1995 when they opposed demolition. The Society would like to see Council develop an interpretive brochure on the building and its history as a way of honouring the past.

Communications

25. Public Affairs have been informed of progress on this issue. There will be opportunities for public consultation through the resource consent process.

Preferred Option

26. The preferred option is for the demolition of the hotel (Option 1) for the reasons that:
- The heritage building fabric has substantially failed and the building is dangerous;
 - Restoration is not possible; only a complete construction of an historic replica;
 - It is not worth re-building the hotel to conserve nine original windows;
 - Historic replicas or retention of facades of buildings do not constitute good conservation practice.
27. For these reasons, the additional cost of creating an historic replica at \$1.5 - \$2 million cannot be justified.

STRATEGIC CONTEXT

28. The Urban and Rural Villages strategic platform provides for Henderson as the key central town centre with Westgate and New Lynn as major centres and a network of smaller villages and neighbourhoods. The centres reflect local character and foster pride. The priorities for this include more visible local identity and character and resourcing for local heritage initiatives.

CONSULTATION

29. Consultation has been undertaken with heritage agencies - HPT and the Society as well as WPL. Broader public consultation will be undertaken through the resource consent process.

RESOURCES

30. There is existing budget within the 2007/2008 financial year for the sum of \$220,000 held by the City Development Projects Team.

IMPLEMENTATION ISSUES

31. The uplifting of the heritage protection order and direction from Council on the future of the hotel will necessitate formal applications to be made for resource and building consent as well as an authority from the HPT. Any resource consent application for the site, would be publicly notified given that the building is registered as a Category I building. The offer-back process will be managed by Council's Legal Services Manager.

Report prepared by: Alina Wimmer, Principal Advisor: Heritage.



13 STATEMENT OF PROPOSAL AND SUMMARY OF INFORMATION - PROPOSED AMENDMENT TO THE REVENUE AND FINANCING POLICY TO INTRODUCE A TARGETED RATE TO FUND BUSINESS IMPROVEMENT DISTRICTS

GLOSSARY

Business Improvement District	BID
Business Improvement District Association	BIDA
Finance and Operational Performance Committee	FOP
Local Government Act 2002	LGA 02
Local Government (Rating) Act 2002	LGA (Rating) 02
Long Term Council Community Plan	LTCCP

EXECUTIVE SUMMARY

A60-A63

The purpose of this report is to seek the Council's approval for amending the Revenue and Financing Policy to permit the introduction of a targeted rate to fund the budget requirements of Business Improvement Districts within the City. The amendment to the Policy requires a special consultative procedure to be undertaken as prescribed by the Local Government Act 2002 (LGA 02). A Statement of Proposal and Summary of Information has been prepared and is attached at pages A60 to A63.

Under the town centre strategic partnership programme between the Council and stakeholders in each town centre, it is proposed to establish Business Improvement Districts to improve and enhance business retention and performance in the main town centres. Preparatory work is underway in Te Atatu Peninsula, Henderson, Ranui, New Lynn and Glen Eden town centres.

A targeted rate has been identified as the most appropriate method for funding the budget requirements of Business Improvement Districts within the City. It could be set as a rate in the dollar of land value. The Council may, at its discretion, consult formally on amending the Revenue and Financing Policy to levy a targeted rate to fund the BID programme.

RECOMMENDATIONS

It is recommended that the Council resolves to:

1. **Receive** the Statement of Proposal and Summary of Information - Proposed Amendment to the Revenue and Financing Policy to Introduce a Targeted Rate to Fund Business Improvements Districts report.

2. **Approve** the attached Statement of Proposal and Summary of Information for public consultation, following the special consultative process under Section 84 of the Local Government Act 2002.
3. **Approve** that the hearing of any submissions received take place in conjunction with hearings into submissions on the draft Annual Plan 2008/2009.

BACKGROUND

1. At the meeting held on 10 March 2008 the Finance and Operational Performance (FOP) Committee resolved:

“That it be recommended to the Council that the Council’s Revenue and Financing Policy be amended to permit the raising of a targeted rate to fund the budget requirements of Business Improvement Districts within the City and that a Statement of Proposal be prepared for Council consideration.”

304/2008

2. This resolution was based on the town centre strategic partnership programme endorsed by the City Development Committee in September 2006. The Town Centre Strategic Partnership Programme is designed to establish a mutually beneficial partnership structure in Waitakere between the Council and stakeholders in each town centre. The area that this structure applies to is known as a Business Improvement District (BID). The stakeholders in a BID form an Incorporated Society known as a Business Improvement District Association (BIDA) to enable collective stakeholder participation and management of activities and projects within the BID. The Council and stakeholders work together to improve and enhance business retention and performance in the town centre.
3. This strategic partnership programme will be introduced over time to all Waitakere town centres, linked to a programme of strategic planning for each of the City’s town centres as identified in the Growth Management Strategy. Preparatory work is being undertaken in Te Atatu Peninsula, Henderson, Ranui, New Lynn and Glen Eden town centres.

DECISION MAKING

Issues

4. In terms of section 101 (2) of the (LGA 02) the Council is required to make adequate and effective provision in its Long Term Council Community Plan (LTCCP) and its Annual Plan to meet the expenditure needs identified in those Plans. Such funding needs must be met from those sources that the local authorities determine to be appropriate following the consideration of the factors set out in section 101 (3) of LGA 02. The Council’s Revenue and Financing Policy, developed in accordance with this section of LGA 02, identifies the funding sources for the activities included in the LTCCP. The current Revenue and Financing Policy does not include the operations of a BID as a group of activities to be funded by the Council.

Options Identified

5. General rates and targeted rates were identified and considered as potential sources funding for BID operations in the report to the FOP Committee on 10 March 2008.

Assessment of Options

6. One of the fundamental principles in the Council's Revenue and Financing Policy relevant to the choice of an appropriate funding instrument to fund a BID is the allocation of costs in relation to the distribution of benefits ("beneficiary pays" principle). At present, the operating expenditures related to town centres are funded mainly by general rates, as the benefits of such expenditures are considered to be widely distributed among all rate payers. The costs that could be apportioned to the entire business sector are, however, allocated to that sector as a whole through the business differential.
7. The primary benefit from a BID will accrue to the business ratepayers located within a BID, through the joint action they take and activities they generate to improve their business performance. The services that would be provided in a BID are likely to be both private goods and local "public goods". Their benefits include increases in business turnover and property values in the BID. Indirectly, the activities in a BID could benefit the whole community in the area through its contribution to the community outcomes mentioned earlier; but it is not practicable to quantify such benefits (spill over effects). In general, the direct private benefits are more likely to outweigh the indirect public benefits.
8. Where Council activities (or those that are undertaken in partnership with others) primarily benefit identifiable business properties, there is no justification for distributing the related costs entirely among all the business ratepayers. General rates place an additional rate burden on businesses that are not directly benefiting from the expenditure; furthermore, they could result in cross-subsidising the businesses which directly benefit. There is, therefore, a case for levying targeted rates on the business properties that directly benefit from town centre developments, when such private benefits exceed the indirect public benefits.

Consideration of Community Views

9. The opinion of the businesses located in the proposed BID in Te Atatu Peninsula town centre was obtained by conducting a "targeted rate poll" and its results were presented in a report to the FOP Committee meeting dated 10 March 2008.

STRATEGIC CONTEXT

10. The activities of a BIDA are intended to promote and maintain vibrant and thriving town centres through a strong business association and active business stakeholder participation in local town centre and community matters. Thus the activities of a BIDA contribute to community outcomes identified in the LTCCP under: Strong Communities; Strong Economy; Urban and Rural Villages; Vibrant Arts and Culture; and Working Together.
11. Waitakere City's community outcomes are strongly aligned with the City's strategic direction. Through this linkage, a BIDA contributes to the Council's following strategic platforms:
 - Urban and Rural Villages;
 - Integrated Transport and Communication;
 - Strong Innovative Economy;
 - Strong Communities;
 - Active Democracy;
 - Green Network.
12. In addition, the programme also facilitates the implementation of several of the Council's key strategies including:
 - Town Centre Strategy;

- Growth Management Strategy;
- Transport Strategy;
- Social Infrastructure;
- Economic Development Strategy.

13. The programme is an integral part of the Council's support for business growth in Waitakere and, as such, sits alongside other Council work, as well as Waitakere Enterprise's work on business enhancement and recruitment. It has been identified in the Long Term Council Community Plan 2006-2016.

Preferred Option

14. A targeted rate, set at an affordable level for businesses in the town centre, is an appropriate response to the desire of those town centre business owners to improve their performance, their working environment and their economic condition.
15. In terms of section 16 of the Local Government (Rating) Act 2002, the Council may set a targeted rate to fund a function if the function is identified in its annual plan as a function for which a targeted rate may be set. There are several factors that could be applied to set a targeted rate according to the LGA (Rating) 02. A targeted rate set as a fixed charge is the simplest form of all; but it could have a regressive effect on properties with relatively low land values. This raises the issue of affordability, especially for small businesses. Also, for some businesses, the costs could be disproportionate to the benefits. Another option is to set the rate in relation to the property value. At present, general rates on properties are calculated as a rate in the dollar of land value. Setting a targeted rate on this basis is consistent with the principles underlying the general rates.
16. Finally, as the suggested targeted rate is solely to be charged on business properties within the area, it is appropriate that no further differentials are applied. An undifferentiated rate set as a rate in the dollar of land value is therefore considered appropriate for setting a targeted rate for BIDA purposes.
17. In order to introduce targeted rates, this method of funding a BIDA needs to be incorporated into the Council's Revenue and Financing Policy by way of an amendment. An amendment to this Policy will require the use of the special consultative procedure. The most convenient way to do that would be as part of the Annual Plan process.
- A60-A63 18. The proposed amendment to the Revenue and Financing Policy is produced in the attachment at pages A60 to A63.

CONSULTATION

19. A special consultative procedure will be followed to amend the Revenue and Financing Policy during the Annual Plan 2008/2009 process.

RESOURCES

20. Financial resources provided for the implementation of the BID programme in the 2007/2008 and 2008/2009 budgets.

Report prepared by: Andrew Pollock, Director: Finance and Ariya Randeni, Senior Analyst: Economic Policy.



14 **AUCKLAND REGIONAL COUNCIL - DRAFT ANNUAL PLAN 2008/09**

GLOSSARY

Auckland Regional Council (ARC)

EXECUTIVE SUMMARY

The purpose of this report is to inform the Council of the key issues included for consultation in the Auckland Regional Council's (ARC) Draft Annual Plan 2008/09, and to propose the content and direction of the Council's submission to the Plan.

A64-A70 A copy of a draft submission is attached at pages A64 to A70.

RECOMMENDATIONS

It is recommended that the Council resolve to:

1. **Receive** the Auckland Regional Council - Draft Annual Plan 2008/09 report.
2. **Agree** that any comment on the Auckland Regional Council - Draft Annual Plan 2008/09 be included in the submission to the Auckland Regional Council.
3. **Direct** that the submission to the Auckland Regional Council - Draft Annual Plan 2008/09 be signed off by the Chief Executive Officer and the Chairman of the Policy and Strategy Committee.
4. **Agree** that the Chairman of the Policy and Strategy Committee and the Chief Executive Officer (or alternate) will present the submission on the Auckland Regional Council - Draft Annual Plan 2008/09 at the Auckland Regional Council Annual Plan hearings.

BACKGROUND

1. The ARC's Draft Annual Plan 2008/09 has been published and submissions are currently being sought. The submission period closes on the 2 May 2008, with hearings scheduled from 19 May to 29 May 2008. Two copies of the ARC's Draft Annual Plan 2008/09 have been made available in the Councillor's Lounge and can also be accessed on line www.arc.govt.nz/plans/annual-plans-and-report/draft-annual-plan-200809.cfm
2. The ARC's Draft Annual Plan 2008/09 identifies a number of areas it seeks feedback on. Some are identified as amendments to their Long Term Council Community Plan 2006 - 2016 (marked with an *). These include:
 - raising a loan to be repaid by a regional fuel tax to fast-track public transport improvements*;
 - contributing \$10 million to the redevelopment of Eden Park to be paid in 2010/11*;
 - ARC taking on a broader role in regional tourism development;
 - how the ARC funds its role in regional tourism development;
 - setting new targeted rates for possum control in Awhitu and South Kaipara*;
 - extending the rating policy for postponement of rates on coastal farmlands to other rural farms*;
 - minor modifications to the transport rate area boundary map;
 - the transfer of functions, duties and powers under the Building Act 2004* for dams;
 - the removal of Schedule 7.1 Schedule of Services and Fees from the Auckland Regional Navigation Safety Bylaws*;

3. This submission is seeking to continue the close working relationship that Waitakere is developing with the ARC.
4. A number of outstanding achievements have occurred in the past year including the passing of the Waitakere Ranges Heritage Area Act 2008, Project Twin Streams and regional town centres planning.

DECISION MAKING

A64-A70

5. Officers have reviewed the ARC Draft Annual Plan 2008/09 and identified potential areas for submission. Attached at pages A65 to A70 are details of the proposed submission from Waitakere City Council.

STRATEGIC CONTEXT

6. ARC contributes to the achievement of Waitakere's community outcomes and our Council's strategic direction as outlined in the Strategic Platforms and Strategic Priorities.

CONSULTATION

7. The issues and areas identified for submission were reached after consultation with staff across the Council, particularly the Strategy, Public Affairs and City Services directorates and consideration by the Directors Group.

RESOURCES

8. Resources for working with the ARC are identified in Unit work plans. No additional resources are sought in this report.

IMPLEMENTATION ISSUES

9. The draft submission will be further developed from comments received during the consideration of this item. It is proposed that the final submission be signed off by the Chief Executive Officer and the Chairman of the Policy and Strategy Committee.

Report prepared by: Mark Allen, Team Leader Long Term Planning and Glenda Lock, Project Manager: LTCCP.



15 COUNCIL APPOINTMENTS TO COMMUNITY BOARDS

GLOSSARY

Councillor/s (Member/s)

EXECUTIVE SUMMARY

The purpose of this report is to inform Council of the legislative requirements to appoint Ward Councillors to Community Boards and to make an appointment following the resignation of Councillor Cooper from the Massey Community Board in November 2007.

The Council is requested to:

- Receive amended advice regarding the appointment of Councillors (Member/s) to Community Boards; and
- Appoint a Massey Ward Councillor to the Massey Community Board.

RECOMMENDATIONS

It is recommended that the Council resolves to:

1. **Receive** the Council Appointments to Community Boards report.
2. **Appoint** a Massey Ward Councillor to the Massey Community Board.
3. **Agree** to advise the Department of Internal Affairs and the Local Government Commission of the effective elimination of the Council's discretion to appoint Ward Councillors to Community Boards and the possible constitutional problem for Community Boards where Ward Councillors decline to accept appointment or subsequently resign from appointments to Community Boards.

BACKGROUND

1. The Council at its Triennial meeting held on Thursday, 31 October 2007 appointed Councillors Peter Chan and Linda Cooper to the Massey Community Board pursuant to the Section 19F(1)(c) of the Local Electoral Act 2001.
2. Subsequently, at the Council meeting on 20 November 2007 Councillor Linda Cooper tendered her resignation from that appointment. Councillor Cooper's resignation was covered by a report which invited the Council to make another appointment but did not indicate that the Council was required to do so. Subsequent reconsideration of that advice has resulted in a different conclusion that requires the Council to fill the vacancy created by that resignation.

DECISION MAKING

Issues

3. Section 50(b) of the Local Government Act 2002 provides for the Council to appoint Members "(if any)" to a Community Board in accordance with the Local Electoral Act 2001. The reference to "if any" indicates an element of choice whether the Council can appoint Members.
4. The Local Electoral Act 2001 (Section 19F) provides for membership of the Community Boards to consist of those persons elected and "may include appointed Members". Where there are appointed Members the number of appointed Members is to be less than half the total number of Members.

Any persons appointed as Members of the Community Board must:

- a) be Members of and must be appointed by the Council for the district in respect of which the community is constituted and;
- b) as the Council is divided into Wards they must also be members of the Council representing the Ward in which the community is situated.

5. Sections 19J provides for a review of Community Boards at the time of the Representation Review and Section 19J (2) (g) provides for the Council to determine the number of Members of a Community Board who “should” be elected and the number of Members of a Community Board who “should” be appointed as part of the Representation Review. It is open to the Council under Section 19J to decide that there should be no appointed Members on Community Boards generally, or on particular Community Boards.
6. The Council’s Final Proposal on its Representation Review, concluded in June 2006, provided for four Community Boards, identical in composition, for Henderson, Massey and New Lynn and different in numbers for Waitakere. For the purpose of consideration of this report the proposal for Massey was that:

“Massey Community

- (a) *There shall be constituted a Community for the area of the Massey Ward to be known as “the Massey Community”:*
 - (b) *The Community Board for the Massey Community **shall** (emphasis added) comprise:*
 - (i) *Five Members elected by the electors of the Massey Community; and*
 - (ii) *Two persons elected as Members of the Council representing the Massey Ward, being appointed from time to time, to the Community Board by the Council.”*
7. The use of the word “shall” was deliberate. The Council wished to appoint Members to Community Boards. In effect the Council exercised its discretion under Section 19F of the Local Electoral Act 2001 and decided that it would appoint Members to a Community Board.
 8. Subsequently, in March 2007, the Local Government Commission issued its determination of representation arrangements to apply for the election of the Waitakere City Council to be held on 13 October 2007. That Determination provided for four identical communities, including:
 - “(a) *There shall be a Massey Community, comprising the area of the Massey Ward; and*
 - (b) *The membership of the Community Board for each community **shall** (emphasis added) be as follows:*
 - (i) *The Massey Community Board: 5 Elected Members and 2 Members of the Council representing the Massey Ward and appointed to the Community Board by the Council.”*
 9. The advice to the Council is that the effect of the Determination is that the Council **must** appoint two Massey Ward Members to the Massey Community Board for that Board to be properly constituted. It follows that if a Member appointed to a Community Board wishes to resign another Ward Member must be appointed to replace the Member who has resigned. Otherwise the representation outcome of the review, that followed a public consultation process which accompanied it, will not deliver the representation balance that Determination specifies. There is a risk, albeit minor, that the Community Board may be unable to act because of a lack of quorum and a risk also that the Council is not abiding by the decision reached with public consultation that a Community Board shall have a required number of appointed Members.

10. The point of this is that once the Representation Review is completed and a Determination is made another six years will pass before the constitutional requirements of Community Boards will be revisited. There is a view that that this outcome was not intended (although there is no clear support for that view in the language used in the relevant statutes) and that it should be possible for a Council to effectively review the constitutional arrangements of Community Boards by electing not to appoint a full compliment of Members or, when a resignation occurs, by electing not to replace a member who has resigned. Alternatively problems may arise where a Member resigns and there is no other person eligible or willing to be appointed.
11. This is something which Council could take up with the Local Government Commission, through the Department of Internal Affairs, for a review of the relevant statutory provisions and either specific amendment to those provisions to permit more frequent review of representation arrangements or changes to the legislation to accommodate the circumstances where a Member who has been appointed, subsequently resigns and there is no person eligible or willing to accept appointment in place of the resigning Member. A suggested solution is to include in the Local Government Act 2002 a clause to the effect that the resignation of a Member, or the unwillingness of a Member to be appointed, does not invalidate any decisions of the Community Board otherwise properly made.

STRATEGIC CONTEXT

12. The appointment of Members to Community Boards contributes to Active Democracy, one of the Council's nine strategic platforms.

CONSULTATION

13. There is no consultation required for this report.

RESOURCES

14. There are no additional resources required to implement the recommendations in this report other than staff time.

IMPLEMENTATION ISSUES

15. There are no implementation issues raised by this report.

Report prepared by: Darryl Griffin, Group Manager: Democracy and Support Services.



16 LOCAL GOVERNMENT NEW ZEALAND NOMINATIONS

GLOSSARY

Local Government New Zealand (LGNZ)
Annual General Meeting (AGM)

EXECUTIVE SUMMARY

The President and Vice President of Local Government New Zealand must be elected by ballot of member authorities in accordance with the rules of Local Government New Zealand (LGNZ) at the Annual General Meeting (AGM) in the year following the year in which triennial local government elections are held.

Council has received a call for nominations for President and Vice President of LGNZ and the Council as a member authority is invited to make nominations.

Nominations close at midnight on Friday, 27 June 2008.

RECOMMENDATIONS

It is recommended that the Council resolves to:

1. **Receive** the Local Government New Zealand Nominations report.
2. **Agree** to consider whether to make any nominations for the positions of President and Vice President of Local Government New Zealand.
3. **Approve** authorisation to the Mayor to exercise the votes of Waitakere City Council in respect of any election required for the positions of President and/or Vice President of the National Council of Local Government New Zealand, and to second any nominations made by other member authorities for these positions.

BACKGROUND

1. Council is a member of LGNZ, the national group that exists to promote the interests of local government.
2. Should an election be necessary for the President or Vice President positions, the Council is entitled to five votes under the constitution of LGNZ.
3. If more than one nomination is received for either of these positions then an election will be held at the AGM on Wednesday, 30 July 2008 and voting papers with the voting entitlements will be distributed.
4. Any person who holds office as an Elected Member of a Council as at 31 May 2007 is qualified to be elected as President.
5. Any person (other than the President) who holds office as a National Council Member at the time the election for the Vice President is held can be elected as Vice President.
6. The current National Council includes Basil Morrison (President); Kerry Prendergast (Vice President), Mayor, Wellington City; Mark Farnsworth, Chair, Northland Regional Council; Dianne Hale, Councillor, North Shore City Council; Philippa Barriball, Mayor, Thames Coromandel District Council; Ian McKelvie, Mayor, Manawatu District Council; Adrienne Staples, Mayor, South Wairarapa District Council; Bede O'Malley, Mayor, Ashburton District Council; Frano Cardno, Mayor, Southland District Council; Stephens Cairns, Chair, Otago Regional Council; John Cronin, Chair, Environment Bay of Plenty; Lawrence Yule, Mayor, Hastings District Council; John Forbes, Mayor, Opotiki District Council; Peter Chin, Mayor, Dunedin City Council; and Len Brown, Mayor, Manukau City Council.
7. Basil Morrison is no longer an elected member of a local authority and is standing down as President.
8. National Council is the entity through which the majority of decisions relating to LGNZ are made. It is only subject to limitations contained in the constitution and by directions given by the AGM or any Special General Meeting of LGNZ. As such the President of LGNZ and the 14 National Council members have considerable influence and discretion as to the position that LGNZ adopts with respect to a range of issues that may affect Waitakere.

9. There are a wide range of issues where the views of a large Auckland metropolitan authority may be at considerable variance from those of a small rural authority and it is accordingly considered important that Council takes steps to ensure that its interests are given due weight in the position adopted by LGNZ on any issue.

DECISION MAKING

Issues

10. The forthcoming elections for President and Vice President provide an opportunity for Council to take an active part in LGNZ and help ensure that the organisation gives adequate weight to the interests of Waitakere.
11. The Mayor has indicated that Mayor Kerry Prendergast of Wellington City Council is prepared to accept a nomination as President of LGNZ. Under the LGNZ constitution it will be necessary for any nominations by Council to be seconded by another council.
- A71-A73 12. The LGNZ request for nominations for President and Vice President is attached at pages A71 to A73.

STRATEGIC CONTEXT

13. Membership of LGNZ has the potential to be of assistance to Council as it pursues a wide range of strategic and advocacy aims. LGNZ provides a vehicle through which Council's voice can be heard on the national stage as LGNZ undertakes its activities on behalf of its members.

CONSULTATION

14. There are no consultation requirements with respect to this report.

RESOURCES

15. There are no resource implications with respect to this report other than staff time.

IMPLEMENTATION ISSUES

16. The Council may nominate or second any eligible nominations for the positions of President or Vice President and will vote at the AGM in the event that an election for either position is necessary.

Report prepared by: Darryl Griffin, Group Manager: Democracy and Support Services.



17 **LOCAL GOVERNMENT NEW ZEALAND CONFERENCE AND ANNUAL GENERAL MEETING 2008**

GLOSSARY

Annual General Meeting	(AGM)
Local Government New Zealand Conference	(the Conference)

EXECUTIVE SUMMARY

The purpose of this report is to inform Council about the Local Government New Zealand Conference (the Conference) and Annual General Meeting (AGM) 2008 to be held in Rotorua from Sunday, 27 July to Wednesday, 30 July 2008.

The Council is requested to:

- Determine Elected Member representation at the Conference in Rotorua;
- Give early notification as to whether it wishes to send any remit to the AGM; and
- Determine Council's delegates for the purposes of voting at the AGM.

RECOMMENDATIONS

It is recommended that the Council resolves to:

1. **Receive** the Local Government New Zealand Conference and Annual General Meeting 2008 report.
2. **Approve** the Mayor to attend the Local Government New Zealand Conference and Annual General Meeting 2008 at Dunedin from Sunday, 27 July to Wednesday, 30 July 2008.
3. **Agree** to determine additional Councillors or other Elected or appointed Member representation to attend the Local Government New Zealand Conference and Annual General Meeting 2008 from Sunday, 27 July to Wednesday, 30 July 2008.
4. **Approve** that the Mayor be appointed the Waitakere City Council presiding delegate for the purposes of the Local Government New Zealand Annual General Meeting on Wednesday, 30 July 2008 and be authorised to cast Waitakere City Council's votes at the Annual General Meeting.
5. **Approve** that a Councillor be nominated as the alternate presiding delegate for the purposes of the Local Government New Zealand Annual General Meeting on Wednesday, 30 July 2008.
6. **Approve** that up to two other Councillors be nominated as the delegates for the purposes of the Local Government New Zealand Annual General Meeting on Wednesday, 30 July 2008.
7. **Agree** that consideration be given to sending a representative from Te Taumata Runanga to the Local Government New Zealand Conference from Sunday, 27 July to Wednesday, 30 July 2008 and inviting Te Taumata Runanga to nominate a representative.
8. **Agree** that consideration be given to sending a representative from the Waitakere City Community Boards to the Local Government New Zealand Conference from Sunday, 27 July to Wednesday, 30 July 2008 and inviting the Community Boards to nominate a representative.

9. **Agree** to consider whether it wishes to send any remits to the Local Government New Zealand Annual General Meeting on Wednesday, 30 July 2007.

BACKGROUND

A74-A87

1. The Conference will take place this year from Sunday, 27 July to Wednesday, 30 July 2008 in Rotorua. Historically, the Council has attended the Conference each year and has sent the Mayor, Deputy Mayor, and a number of other Elected Members, supported by the Chief Executive Officer and other appropriate staff.
2. As part of the Conference, Local Government New Zealand also holds its AGM and this year it will be held on Wednesday, 30 July 2008.
3. The Conference (the programme is attached at pages A74 to A87) provides an opportunity for Elected Members to share ideas and experiences with their colleagues across the country. The AGM provides Council with an opportunity to influence the leadership and direction of Local Government New Zealand.

DECISION MAKING

Issues

Conference Attendance

4. The Conference theme for 2008 is "Sustainable Communities" and the programme will be circulated when it becomes available.
5. Over the past 10 years the Council has authorised attendance at the Conference for the Mayor, Deputy Mayor, a number of (other) Elected Members and the Chief Executive Officer as follows:

2007	Mayor, Crs Clews, Hulse, Neeson, Stone and G Barnard and A Hudson
2006	Mayor, Crs Battersby, Clow, Lawley and Chan, and Mihi Te Huia as Deputy Chairman of Te Taumata Runanga,
2005	Mayor, Crs Battersby, Cooper, Hulse, Mihi Te Huia as Deputy Chairman of Te Taumata Runanga, Christine Shepherd as Deputy Community Board Representative of Zone 1
2004	Mayor, Deputy Mayor, Crs Brady and Yates
2003	Mayor, Deputy Mayor, Crs Clews and Russell
2002	Mayor, Deputy Mayor, Crs Brady and Fenton
2001	Crs Battersby, Davies, Freeth, and Hulse
2000	Mayor, Deputy Mayor and Evelyn Taumaunu as Chairman of Te Taumata Runanga
1999	Deputy Mayor and Cr Riddell
1998	Mayor, Deputy Mayor and Cr Battersby

6. The cost of Conference attendance is approximately \$1,000 (including GST) per delegate plus accommodation and travel.
7. Council needs to determine attendance at the Conference. Once attendance is resolved it would be opportune to resolve the question of presiding delegate, alternate delegate and other delegates for the AGM.
8. The Council is also being requested to consider representation from Te Taumata Runanga and the Community Boards to attend the Conference.

Remits

- A88-A91
9. Remits for consideration by the AGM of Local Government New Zealand must be submitted to Local Government New Zealand by **Wednesday, 28 May 2008**. Remits are viewed as a vehicle for major strategic “issues of the moment” to be addressed. Local Government New Zealand requires that remits should have a national focus and represent the national voice of Local Government. Local Government New Zealand has adopted a number of criteria for considering remits; these are attached at pages A88 to A91. Remits are required to be supported by at least one zone or Sector Group, or five councils.
 10. Should Council wish to send a remit to the Conference then it will be required to gain the support of either Zone One of Local Government New Zealand, or the Metropolitan Sector Council, or at least four other individual councils. The next Zone One meeting, a combined meeting with Zone Two, is being hosted by the Waikato District Council on Friday, 14 May 2008. To be considered at the Zone meeting, any remit should be drafted in time for consideration by Council at its meeting of 30 April 2008.

Delegates to the Annual General Meeting

11. The Local Government New Zealand constitution was amended in 2001 and the administrative procedures for the AGM changed. To attend and exercise the Council’s five votes at the Meeting it is necessary for the Council to appoint and forward the names to Local Government New Zealand of its presiding delegate, alternate and other delegates attending the AGM in advance of the AGM. Under the Constitution, Council is allowed to have no more than four (4) delegates at the AGM. Other Councillors at the Conference can attend as observers.

STRATEGIC CONTEXT

12. Membership of Local Government New Zealand has the potential to be of assistance to Council as it pursues a wide range of strategic and advocacy aims. Local Government New Zealand provides a vehicle through which Council’s voice can be heard on the national stage as Local Government New Zealand undertakes its activities on behalf of its members.
13. The Conference provides an opportunity for Elected Members to discuss a wide range of Local Government issues and to network and share experiences with other Elected Members across the country.

CONSULTATION

14. There is no consultation required for this report.

RESOURCES

15. Sufficient resources will be provided for in the 2008/2009 draft Annual Plan to allow Elected Members to attend the Local Government New Zealand Conference.

IMPLEMENTATION ISSUES

16. There are no implementation issues raised by this report.

Report prepared by: Darryl Griffin, Group Manager: Democracy and Support Services.



18 **REPRESENTATION AND VOTING ON REGIONAL SUSTAINABLE DEVELOPMENT FORUM**

GLOSSARY

Regional Sustainable Development Forum (the Forum)

EXECUTIVE SUMMARY

Cr Clow has been appointed an alternate member to the Regional Sustainable Development Forum (the Forum). The purpose of this report is to seek Council approval to authorise Cr Clow to vote at meetings of the Forum when the Mayor, Deputy Mayor and Cr Cooper are absent from the meeting.

It is recommended that Council authorise Cr Clow to exercise the Council's right to vote on the Forum should no other Elected Members with voting rights be able to attend.

RECOMMENDATIONS

It is recommended that Council resolve to:

1. **Receive** the Representation and Voting on Regional Sustainable Development Forum report.
2. **Agree** that Cr Clow be authorised to exercise the Waitakere City Council's voting rights on the Regional Sustainable Development Forum if the Mayor, Deputy Mayor and Cr Cooper are unable to attend meetings of the Forum.

BACKGROUND

1. The Forum succeeded the Auckland Regional Growth Forum in 2007 and is tasked with the implementation of the Auckland Sustainability Framework. The City Development Committee resolved the following in respect of the Forum at its meeting on 6 September 2007:

“6. That the City Development Committee recommends to the incoming Council that it appoints two Elected Members (plus two alternates) to represent the Council on the Regional Sustainable Development Forum.

7. That the City Development Committee accepts the renaming of the Regional Growth Forum to Regional Sustainable Development Forum.”

3457/2007

2. Elected Members were appointed to the Forum at a meeting of Council on 19 December 2007 where it was resolved:

“2. That council determines the appointments to external and other organisations as per the schedule of organisations indicated below:

Organisation	Meeting	Proposed Appointment for 2007-2010 Council
Regional Sustainable Development Forum (previously known as Auckland Regional Growth Forum)	Monthly	Mayor (voting) Cr Cooper (non-voting) (Alternates: Crs Hulse (voting) and Clow (non-voting) with Cr Cooper as alternate voting member should the Mayor and Deputy Mayor not be able to attend the meeting”

3986/2007

DECISION MAKING

Issues

3. The Auckland Regional Council has determined that Waitakere City Council should have only one vote at the Forum. However, Council has decided that all Elected Members appointed to the Forum, including alternates, should have voting rights to ensure that Council maintains the right to vote at all meetings of the Forum at which it is represented.
4. There may be occasions when a meeting of the Forum is held and the Elected Members appointed to the Forum and authorised to exercise the Council's voting rights may not be able to attend. It would not be appropriate for a Councillor to attend as an alternate Member in those circumstances without the right to exercise the Council's vote.

STRATEGIC CONTEXT

5. Membership of the Forum supports the strategic priority of Sustainable Development and all nine strategic platforms.

CONSULTATION

6. No consultation is required for this report.

RESOURCES

7. No further resources are required as Elected Members are remunerated by way of a salary that covers all appointments. Provision is made for the reimbursement of any expenses incurred by any Elected Member on official Council business.

IMPLEMENTATION ISSUES

8. There are no implementation issues.

Report prepared by: Owena Schuster, Democracy and Governance Team Manager

Vijaya Vaidyanath
CHIEF EXECUTIVE OFFICER



PART E - REPORTS FROM THE STANDING COMMITTEES

19 INFRASTRUCTURE AND WORKS COMMITTEE

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORTS OF ITS MEETINGS HELD ON WEDNESDAY, 5 MARCH 2008 AND WEDNESDAY, 2 APRIL 2008

MATTERS CONSIDERED

*Pages 1-7
Part E*

Your Committee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 1 to 7 in the supplement labelled Part E.

Your Committee Recommends:

That the reports of the meetings of the Infrastructure and Works Committee held on Wednesday, 5 March 2008 and Wednesday, 2 April 2008 be received.

DQ Battersby, JP

CHAIRMAN



20 POLICY AND STRATEGY COMMITTEE

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON THURSDAY, 6 MARCH 2008

MATTERS CONSIDERED

*Pages 8-11
Part E*

Your Committee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 8 to 11 in the supplement labelled Part E.

Your Committee Recommends:

That the report of the meeting of the Policy and Strategy Committee held on Thursday, 6 March 2008 be received.

PA Hulse

CHAIRMAN



21 **FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE**

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORTS OF ITS MEETINGS HELD ON MONDAY, 10 MARCH 2008 AND MONDAY, 7 APRIL 2008

1. **HOANI WAITITI MARAE CARETAKER REQUEST**

Your Committee Recommends:

That a \$60,000 grant be provided to the Hoani Waititi Marae Trust for maintenance and caretaking of the Hoani Waititi Marae and co-ordination of the stream restoration and environmental issues.

2. **ELECTED MEMBERS REMUNERATION - REMUNERATION AUTHORITY DETERMINATION 2008/2009**

Your Committee Recommends:

Approve the following salaries for Elected Members be recommended to the Remuneration Authority:

- Deputy Mayor - \$77,434;
- Chairmen of Committees:
 - (Planning and Regulatory, Finance and Operational Performance, Infrastructure and Works, NorSGA Urban Development, and Culture and Community Committees) - \$68,000.
- Chairmen of Other Committees:
 - Chairman - Long Term Council Community Plan and Annual Plan;
 - Committee - \$65,000;
 - Chairman - Policy and Strategy, Emergency Services Committee - 0;
 - Chairman - Performance Review Committee - 0;
 - Chairman - Tenders - 0;
 - Chairman Creative Communities Funds Allocation Subcommittee - 0.
- Deputy Chairmen:
 - Deputy Chairmen Infrastructure and Works, Planning and Regulatory and Culture and Community Committees - \$55,000.
- Other Councillors \$52,409;
- Community Board Chairmen - \$23,963;
- Community Board Members - \$12,334.

3. **SEABROOK AVENUE, NEW LYNN - PROPOSED ACQUISITION OF SURPLUS SCHOOL PROPERTY**

The report from Finance and Operational Performance Committee: Seabrook Avenue, New Lynn - Proposed Acquisition of Surplus School Property will be considered in the Public Excluded section of the meeting as Item 27 (attached at page 1 in the confidential supplement labelled Part H).

4. OTHER MATTERS CONSIDERED

*Pages 12-30
Part E
Pages 5-6
Part H*

Your Committee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 12 to 30 in the supplement labelled Part E. The public excluded minutes are attached at pages 5 to 6 of the Confidential Supplement labelled Part H.

Your Committee Recommends:

That the reports of the meetings of the Finance and Operational Performance Committee held on Monday, 10 March 2008 and Monday, 7 April 2008 be received.

RI Clow
CHAIRMAN



22 PLANNING AND REGULATORY COMMITTEE

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORTS OF ITS MEETINGS HELD ON TUESDAY, 11 MARCH 2008 AND TUESDAY, 8 APRIL 2008

MATTERS CONSIDERED

*Pages 31-39
Part E*

Your Committee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 31 to 39 in the supplement labelled Part E.

Your Committee Recommends:

That the reports of the meetings of the Planning and Regulatory Committee held on Tuesday, 11 March 2008 and Tuesday, 8 April 2008 be received.

VS Neeson, JP
CHAIRMAN



23 CULTURE AND COMMUNITY COMMITTEE

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORTS OF ITS MEETINGS HELD ON WEDNESDAY, 12 MARCH 2008 AND WEDNESDAY, 9 APRIL 2008

MATTERS CONSIDERED

*Pages 40-48
Part E
Page 7
Part H*

Your Committee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 40 to 48 in the supplement labelled Part E. The public excluded minutes are attached at page 7 of the Confidential Supplement labelled Part H.

Your Committee Recommends:

That the report of the meeting of the Culture and Community Committee held on Wednesday, 12 March 2008 And Wednesday, 9 April 2008 be received.

JP Lawley, JP

CHAIRMAN



24 **TE TAUMATA RUNANGA**

**I NOHO TE TAUMATA RUNANGA KOMITI RAHINA, TE KAU MA WHITU O POUTU
TE RANGI 2008 ME RAHINA, TE KAU MA WHA O PAENGA WHAWHA 2008**

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORTS OF ITS MEETINGS
HELD ON MONDAY, 17 MARCH 2008 AND MONDAY, 14 APRIL 2008**

1. **RIPOATA O TE HEKERETARI O TE KOMITI / COMMITTEE SECRETARY'S
REPORT**

Your Committee Recommends:

That the Chairman of Te Taumata Runanga and the representative of Te Runanga o Ngati Whatua be appointed to Te Atatu Marae Development Group.

2. **OTHER MATTERS CONSIDERED**

Your Committee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 49 to 57 in the supplement labelled Part E.

NGA TAKE E WHIRIWHIRIA

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

Your Committee Recommends:

That the reports of the meetings of Te Taumata Runanga held on Monday, 17 March 2008 and 14 April 2008 be received.

W Paki, JP
CHAIRMAN



PART F - PRESENTATION

WAITAKERE UNITED

A presentation will be made to Waitakere United in recognition of their achievement in winning the New Zealand Football Championship title for the 2007/2008 year. Waitakere United's Board's Chief Executive Officer and Chairman is Rex Dawkins, General Manager is Shelley Hodgkinson, Football Manager is Chris Milicich, Coach is Steve Cain and Captain is Danny Hay.



PART G - PROCEDURAL MATTERS

25 QUESTIONS

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



26 NOTICES OF MOTION

Pursuant to Standing Order 28.1, notices of motion shall be in writing by the mover, stating the meeting at which it is proposed that the notice of motion be considered, and shall be delivered to the Chief Executive Officer at least five clear days before such meeting.



PART H - PUBLIC EXCLUDED MATTER

27 REPORT FROM FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE: SEABROOK AVENUE, NEW LYNN - PROPOSED ACQUISITION OF SURPLUS SCHOOL PROPERTY

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, Report from Finance and Operational Performance Committee: Seabrook Avenue, New Lynn - Proposed Acquisition of Surplus School Property.

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

General subject of the matter to be considered.	Reason for passing this resolution in relation to the matter.	Ground(s) under Section 48(1)(a) for the passing of this resolution.
Seabrook Avenue, New Lynn - Proposed Acquisition of Surplus School Property	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 parts of the proceedings of the meeting in public as follows:

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



28 **CLOSING PRAYER**

