



**AGENDA FOR A MEETING OF THE COUNCIL TO BE HELD IN THE COUNCIL CHAMBER  
AT WAITAKERE CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON,  
WAITAKERE, ON WEDNESDAY, 15 OCTOBER 2008  
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 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.



4 **NEW LYNN TRANSIT ORIENTED DEVELOPMENT PROJECT - DEVELOPED DESIGN AND FUNDING APPLICATION APPROVAL**

**GLOSSARY**

Auckland Regional Transport Authority	(ARTA)
Long Term Council Community Plan	(LTCCP)
New Zealand Transport Agency	(NZTA)
New Zealand Railways Corporation	(ONTRACK)
Transit Oriented Development	(TOD)

**EXECUTIVE SUMMARY**

The purpose of this report is to seek:

- Council's approval of the Developed Design for transport infrastructure, associated with the New Lynn Transit Oriented Development Project, based on the Concept Design approved by Council on 10 October 2007;
- Council's commitment to building the Clark Street extension and fly-over;
- Council's approval to submit a funding application to New Zealand Transport Agency;
- Council's approval to initiate the road closing processes in the Local Government Act 1974 to close Astley Avenue, New Lynn; and
- Council's approval to initiate the processes in the Local Government Act 1974 to change the road levels of Totara Avenue, Clark Street, Rankin Avenue, Memorial Drive and Hetana Street.

**RECOMMENDATIONS**

It is recommended that Council resolve to:

1. **Receive** the New Lynn Transit Oriented Development Project - Developed Design and Funding Application Approval report.
2. **Agree** that the Developed Design for transport infrastructure, associated with the New Lynn Transit Oriented Development Project, as shown on the map attached at page A1 be approved.
3. **Agree** that Council is committed to building the Clark Street extension and flyover.
4. **Agree** that a funding application for transport infrastructure be submitted to the New Zealand Transport Agency.
5. **Agree** that the process for closing part of Astley Avenue (New Lynn) at its intersection with Portage Road, as set out in the Local Government Act 1974, Tenth Schedule, be implemented.
6. **Agree** that the process for changing road levels of Totara Avenue, Clark Street, Rankin Avenue, Memorial Drive and Hetana Street, as set out in the Local Government Act 1974, Thirteenth Schedule, be implemented.

A1

**BACKGROUND**

1. The first Concept Design for transport infrastructure was presented to Council at a workshop held on 10 July 2007. Feedback from Council was then incorporated into the final Concept Design and submitted to Council for approval at its meeting of 10 October 2007, whereby Council resolved as follows:

- “1. *That the New Lynn Transit Oriented Development Project - Progress Report and Concept Design Approval report be received.*
2. *That the Concept Design be approved.*
3. *That as necessary due to the upcoming election process, the Chief Executive Officer be delegated authority to act in all matters relating to the New Lynn TOD project, including:*
  - *Lodgement of any consents or regulatory applications that may be required under the Resource Management Act;*
  - *Submission of any funding applications to LTNZ and ARTA;*
  - *Taking of any land identified as necessary for the project that has not already been specifically approved by Council;*
  - *Letting of any contracts; and*
  - *Finalising any financial agreements between Council and ONTRACK or ARTA.*
4. *That the draft partnering and funding agreement with ONTRACK be approved.*
5. *That a further report be submitted to Council in December 2007 on implementation and funding issues for the New Lynn Transit Orientated Development project.”*

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2. The Developed Design is based on the approved Concept Design with modifications due to the following:
  - urban design requirements;
  - integration of transport modes;
  - feedback from land owners;
  - detailed planning with ARTA and ONTRACK;
  - feedback from NZTA;
  - requirements arising from the New Lynn District Plan Change 17 and associated Hearings; and
  - ARTA's decision to take the lead role in planning for the bus/rail interchange.
3. The road realignments at Totara Avenue, Hetana Street, Memorial Drive, Clark Street and Rankin Avenue are part of the New Lynn Transit Oriented Development (TOD) project that is moving the rail track and train station below ground level. This will improve transport and pedestrian movement through the town centre, provide development opportunities, and improve train services.
4. A new bridge will be constructed across the rail trench at the existing Clark/Rankin roundabout. The roundabout will become a signalised intersection. New bridges will also be constructed across the rail trench to connect Hetana Street to Totara Street and Memorial Drive to Clark Street. The height of the bridge decks will ensure clearance for future rail electrification and will result in some realignment of the bridge approach roads. Some changes in horizontal alignment result from widening of these roads. The grass verge and footpaths will need to be regraded to the new alignments. Totara Avenue's southern footpath will be reconstructed on top of the rail trench wall. The rail trench wall levels will govern the levels of the road and will result in one-way cross fall of the road.

5. An assessment has been completed of the anticipated effects of the above road alignment work on adjacent property and their access driveways. Effects are compared to acceptable geometric criteria for driveways and remedial works proposed where necessary. The appendices of this report contain drawings showing the road realignments and proposed remedial works. These will allow Council to form a remedial strategy and consultation plan for all affected parties. In general the remedial works include batters, driveway regrading, planting, land purchase and modifications to existing drainage where necessary.

## **DECISION MAKING**

### **Issues**

6. The primary issue to be addressed at this stage is ensuring that the NZTA's requirements for a funding application are satisfied. Council proposes to submit the funding application to ARTA by 27 October 2008, for approval of the ARTA Board, prior to submission to NZTA.

### **NZTA Prerequisite Requirements**

7. NZTA has advised that the following prerequisites will need to be addressed in the funding application to be lodged with NZTA (via ARTA) for construction funding:
  - Details of project phasing (e.g. main works and subsequent phase for Clark Street extension);
  - A written undertaking from Council that they will proceed with the Clark Street extension to mitigate NZTA's risk;
  - Confirmation of consent requirements, evidence that all consents are in place and that alterations to designations are confirmed, with lease agreements or Deeds of Grant formalised (designations only required for Clark Street extension);
  - Demonstration of Council ownership of bridges;
  - An integrated funding plan, meeting requirements of the NZTA Board Paper (November 2007), which states opportunities to reduce funding required from NZTA and Council through funding contributions related to Town Centre Development;
  - A status report detailing the commitments from public and private parties to develop sites in New Lynn's town centre;
  - Evidence of cost sharing arrangements with services providers to mitigate risk around cost escalation due to unexpected services diversions;
  - Documentary evidence of all consultation on the project (Consultation Report), including with private developers, to satisfy Land Transport Management Act 2003 requirements;
  - Completion of detailed design;
  - Completed safety audits;
  - Construction estimate update for roading components, following completion of detailed design;
  - Project Risk Update and Monte Carlo risk assessment and contingency provided for escalation;
  - A Benefit Cost Ratio of greater than 1;

- Alteration(s) to designation(s) is/are confirmed, lease agreement settled or Deed of Grant formalised with ONTRACK;
- Evidence from traffic modelling that the proposed delay to the Tiverton/Wolverton Phase two (Auckland City Council) still supports the seriousness and urgency of construction in the timeframe sought; and
- A report on alternative procurement processes if proposed to depart from standard Competitive Pricing Procedures processes for any element of the proposed works.

A2 8. The other issue to be addressed is approval of the Detailed Design of transport infrastructure, as shown on the map attached at page A2.

	<b>Design Component</b>	<b>Description</b>	<b>Amendments to Concept Design</b>
1.	Clark Street Extension	By-pass providing direct connection between Clark Street and Great North Road for through traffic. Incorporates 'overpass' of rail corridor.	As per Concept Plan but with addition of signal controlled access for Cambridge Clothing Company at high level. Consultation complete.
2.	Totara Avenue West and Great North Road	Low speed environment along Totara Avenue west. Repositioning of the Totara Avenue / Great North Road intersection.	As per Concept Plan.
3.	Transport Interchange	Transport interchange providing bus to bus, bus to rail, rail to bus and public transport to walk/cycle modal transfers.	ARTA have now taken design control of the rail station components within the corridor (including the main above ground building). Council now responsible for the design of the bus street (Totara Avenue between Memorial Drive and Clark Street), bus shelters, paving around the interchange, outside of the main interchange building, public toilet facilities, cycle storage facilities and waiting area on concourse for bus patrons. Individual responsibility for interchange components remains subject to confirmation and final agreement between ARTA and Council.

	<b>Design Component</b>	<b>Description</b>	<b>Amendments to Concept Design</b>
<b>4</b>	Bus layovers	Bus layover bays to be provided on Rankin Avenue (south of Clark Street) and Great North Road outside Lynn Mall. Layovers provide temporary '5 minute' waiting areas for bus services outside of the interchange proper to facilitate short drop-off (30secs) and pick-up (60secs) within the interchange itself. Toilet facilities to be included for drivers.	Bus layovers are an essential requirement of the Concept Plan but locations and layout are not identified in the Concept Plan.
<b>5</b>	Clark Street Widening	Widening of Clark Street to facilitate traffic lanes, pedestrian and cycleways and parking provisions to comply with ARC conditions of Plan Change 17.	As per Concept Design but with additional width consistent with ARC parking requirements. Additional land for the desired road layout approved by FOP Committee October 2008.
<b>6</b>	Memorial Drive bridge and extension	Extension of Memorial Drive from Totara Avenue to Clark Street with a new bridge crossing over the rail corridor and signalised intersections at both Totara Avenue and Clark Street.	As per Concept Design.
<b>7</b>	Hetana Street bridge and extension	Extension of Hetana Street from Totara Avenue to Clark Street with a new bridge crossing over the rail corridor and signalised intersections at both Totara Avenue and Clark Street.	As per Concept Plan Design but developed to include signal control of the Hetana/Totara intersection, for good pedestrian connection to Hetana rail concourse and to regularise bus service circulation.
<b>8</b>	Ward Street / Veronica Street bridge.	ONTRACK grade separated replacement of Ward Street/Veronica Street level crossing with tie-in to existing road levels at each end. Localised raising of road level at crossing. Council costs related to level of amenity and safety for pedestrians at bridge for (e.g. urban design inputs to bridge barriers and hand rails).	As per Concept Design with additional development of amenity and arts components.

	<b>Design Component</b>	<b>Description</b>	<b>Amendments to Concept Design</b>
<b>9</b>	Clark Street / Rankin Avenue bridge.	ONTRACK grade separated replacement of Clark Street/Rankin Avenue/Totara Street Level crossing and intersection with construction tie-in to existing road levels at each end. Includes localised raising of road level and signal control of new 4-leg intersection. Council costs relate to level of amenity and safety for pedestrians at bridge for (e.g. urban design inputs to bridge barriers and hand rails).	<p>The ONTRACK provision is a temporary stage to achievement of the Clark Street overpass of the approved Concept Design with additional development of amenity and arts components.</p> <p>The temporary stage is designed for efficient adaptation to the Clark Street Extension, this latter physically impossible to construct pending completion of the ONTRACK project.</p> <p>The final stage is as per Concept Plan but developed to include signal control for the Totara/Rankin intersection. This is to facilitate pedestrian access to the main rail station concourse and to regularise bus service circulation.</p> <p>Also, the urban design precludes the left turn from Rankin Avenue to Clark Street Extension to resolve pedestrian and cycle crossings and maintain local traffic movement in Totara Street West.</p>
<b>10</b>	Portage Road / Clark Street signalised intersection.	Replacement of existing 5-leg roundabout with 4-leg signalised intersection for improved traffic flow and safe movement for pedestrian and cyclists	As per Concept Plan but with the elimination of free left turns and land take, and with the addition of traffic signal control at the Portage Neville intersection (which is essential to maintain the existing Astley Avenue traffic movements).
<b>11</b>	Wolverton Street upgrade.	Localised upgrading of Wolverton Street between the signalised intersection at Clark Street and Portage Road and the Auckland City Council boundary.	As per Concept Design but with and one less traffic lane in the 'Wolverton Street' approach to the Portage Road intersection

	Design Component	Description	Amendments to Concept Design
12	Portage Road (south) / Astley Avenue and Neville Street	Upgrading of Portage Road (south of Clark Street) and Neville Street and closure of the northern end of Astley Avenue.	Additional upgrading of Portage Road (south of Clark Street) and Neville Street to maintain traffic circulation, traffic sight lines and pedestrian safety. Land required was approved by the FOP Committee in October. Also additional are cycle lanes in Portage Road as these are required in terms of Councils Cycle Network.
	Totara Street East	Footpath on Northern Side	This is an additional work essential in terms of the total reconstruction of Totara West required by the ONTRACK project.

10. It is proposed to close Astley Avenue at its intersection with Portage Road, as per the Concept Plan. This will require Council approval as set out in the Local Government Act 1974.

#### Options Identified

11. The Developed Design is based on various options that have been considered by Council since 2006 and is a refinement of the Concept Plan approved by Council.
12. Thus, there are no other viable options to be considered at this stage.
13. Council will have further opportunities to consider its options when it considers overall affordability as part of the Long Term Council Community Plan 2009-2019 process.

#### Assessment of Options

14. Council has previously evaluated a wide range of options using a Quadruple Bottom Line approach, which demonstrated a positive outcome in terms of the sustainable development of New Lynn.

#### Consideration of Community Views

15. Council has implemented a comprehensive community outcome programme, with positive feedback from the community for the New Lynn TOD project and associated transport infrastructure.

#### Preferred Option

- A2 16. The preferred option is to approve the Detailed Design as set out on the plan attached at page A2 and for Council to agree that the Detailed Design form the basis for a funding application to NZTA.

## STRATEGIC CONTEXT

17. The New Lynn Transit Oriented Development project is aligned with a number of strategies, as follows:
- The Regional Growth Strategy, whereby New Lynn has been identified as a regional growth centre;
  - The Regional Land Transport Strategy;
  - The Council's Transport Strategy; and
  - Council's plans for urban intensification and economic developments.

## CONSULTATION

18. Statutory consultation has also been carried out as required under the Resource Management Act 1991 and the Local Government Act 1974.

## RESOURCES

19. Project costs are still being worked through and a clearer understanding of what ONTRACK and ARTA will fund will be required before the full cost implications for Council can be confirmed. Once this information is available a report on costs and funding will be prepared and submitted.
20. Interim cost estimates, for the Council Works component of the project, have been prepared for the purposes of supporting an NZTA funding application based on the Detailed Design. The costs were estimated allowing for delivery of Council's preferred option, which includes allowance for 'improvements' to key aspects of the project, over and above the 'base cost' items normally allowed for by ONTRACK and ARTA.
21. These cost estimates do reflect cost increases that have become apparent since the original budgets were identified for the project. These cost increases have resulted from inflation and cost escalations and changes in project scope. Examples of scope changes include:
- The requirement to widen Clark Street to provide for parking, resulting from the Plan Change 17 process;
  - An increase in the required level of amenity that has become apparent through discussions with Councillors; and
  - The limited funding available from ARTA for the bus/rail interchange.
22. The design of the bus-rail interchange is future-proofed to enable enhancements, known as Option 2. Any significant changes to the bus-rail interchange design will be reported to Council's Infrastructure and Works Committee.
23. The updated project costs are estimated to be \$167,468,000. However, further work is required to establish final costs and funding.
24. A detailed funding plan will be submitted to Council as part of the LTCCP 2009-2019 process.

## IMPLEMENTATION ISSUES

25. The key implementation issue is resolving the funding arrangements, as the project can not proceed until there is certainty of funding.
26. A detailed project plan has been prepared, but this may need to be modified due to the funding issues. Once these are resolved, the project plan will be reported to the Infrastructure and Works Committee for approval.

**Report prepared by:** Tony Miguel, Group Manager: Asset Management.



## 5 COUNCIL APPOINTMENTS TO THE NORSGA URBAN DEVELOPMENT COMMITTEE

### GLOSSARY

Nil

### EXECUTIVE SUMMARY

The purpose of this report is to formally address the request by the Massey Community Board that the Council amend the Committees and Community Boards Delegations' Register by including a representative of the Massey Community Board as a Member of the NorSGA Urban Development Committee.

The Council is requested to:

- Receive advice regarding the appointment of Members to Committees, who are not Elected Members of the Council; and
- Consider the appointment of a Massey Community Board Member to the NorSGA Urban Development Committee.

### RECOMMENDATIONS

It is recommended that the Council resolve to:

1. **Receive** the Council Appointments to the NorSGA Urban Development Committee report.
2. **Invite** the Massey Community Board to nominate one of their Members for appointment to the NorSGA Urban Development Committee.

### BACKGROUND

1. The Council at its Triennial meeting held on Thursday, 31 October 2007 considered the appointments of Committees as part of the adoption of the Committees and Community Boards Delegations Register.

2. Subsequently, at the Massey Community Board meeting on 2 April 2008 the Board considered a Notice of Motion and resolved as follows:

*“Pursuant to Standing Order 28.1 the following Notice of Motion has been received from Community Board Members John Carrodus and Judith Fletcher requesting the following:*

*That it be recommended to Council that one member and an alternate of the Massey Community Board be appointed to the NorSGA Urban Development Committee.*

*The reasoning behind this motion is that the Community Boards are responsible for local decision making at the Ward level, assessing and responding to local needs, providing input to the Council’s strategic plans and annual budgets, and enhancing communication with community associations and special interest groups.”*

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## DECISION MAKING

### Issues

3. Section 31 of Schedule 7 of the Local Government Act 2002 provides for the Council to appoint and discharge any Member of a Committee or Subcommittee. In particular section 31 (3) provides that the members of a Committee or Subcommittee may, but need not be, Elected Members of the Council, the Council (or one of its Committees) may appoint to a Committee or Subcommittee a person who is not a member of the Council if in the opinion of the Council, that person has the skills, attributes, or knowledge that will assist the work of the Committee or Subcommittee.
4. The Councillors, following the elections, engaged informally in establishing its Committees and Subcommittees. That process is complicated by a number of matters including, but not limited to, the structure required for the best operation of the Council, Committee size, Committee Chairmanships, affects on individual workloads and remuneration.
5. This process is supported by staff and several iterations of the Register are developed before general consensus is reached about the proposal that is to be put forward for formal consideration by the Council's at its first meeting of the triennium.
6. The early iterations for the NorSGA Urban Development Committee did include advice for consideration of a Massey Community Board Member onto this Committee.
7. The decision taken by the Council not to ultimately include a representative on that Committee was determined at the Council meeting on 31 October 2007. That decision was predicated on the assertion that the appointment of community representation was covered by the Massey Ward Councillors and non-elected members were to be selected for the specific skills, attributes and knowledge that they would bring to the Committee.
8. Comparisons were subsequently drawn between the NorSGA Urban Development Committee and the Town Centres Subcommittee (a Subcommittee of the Infrastructure and Works Committee) which does include representation from the appropriate Community Boards. The reasoning for these latter appointments included that this was a subcommittee and that it was essentially implementing decisions rather than setting policy and strategy for future implementation.

9. The Massey Community Board has sought to have the decision reviewed to include representation from the Board on the NorSGA Urban Development Committee. That has been supported by some community groups and there has been considerable representation to the Council, including a recent deputation from the Board to the Chief Executive Officer. Guidance from the Council was sought regarding this matter being reconsidered as part of the review of the Committees and Community Boards Delegations' Register. That guidance did not support a review of the membership but more recent representations from Ward Councillors indicate that a review and formal decision is appropriate.

### **STRATEGIC CONTEXT**

10. The appointment of Members to Committees, including the appointment of non-elected members where that person has specific skills, attributes, or knowledge that will assist the work of the committee, contributes to Active Democracy, one of the Council's nine strategic platforms.

### **CONSULTATION**

11. Consultation has occurred with the Chief Executive Officer and the Directors of Strategic Planning and Corporate and Business Services.

### **RESOURCES**

12. There are no additional resources required to implement the recommendations in this report.

### **IMPLEMENTATION ISSUES**

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

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

