

# MAIN AGENDA



Waitakere City Council  
*Te Taiao o Waitakere*

## NOTICE OF MEETING COUNCIL

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

**DATE:**            **Wednesday, 17 December 2008**            **TIME:**            **5.30 pm**

**MEETING ROOM:**    **Council Chamber**

**VENUE:**            **Waitakere Central, 6 Henderson Valley Road, Henderson, Waitakere**

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

**NOTE:** Pursuant to Standing Order 25.8 at 5.00 pm Public Forum will precede the Council meeting:

- Waitakere High Schools EnviroChallenge

12 December 2008

Owena Schuster  
**DEMOCRACY AND GOVERNANCE  
MANAGER**

Telephone (09) 836 8000 extn 8864

### **MEMBERSHIP:**

Mayor	RA	Harvey, QSO, JP
Deputy Mayor	PA	Hulse
Councillors	DQ	Battersby, JP
	BA	Brady, JP
	MFP	Chan, JP
	JM	Clews, QSO, JP
	RI	Clow
	LA	Cooper, JP
	AK	Corban, OBE, JP
	RP	Dallow, QPM, JP
	WW	Flaunty, QSM, JP
	MM	Jolley
	JP	Lawley, JP
	PG	Mitchell
	VS	Neeson, JP

(Quorum 8 members)

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(Meeting Room could be subject to change)

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

**AGENDA FOR A MEETING OF THE COUNCIL TO BE HELD IN THE COUNCIL CHAMBER  
AT WAITAKERE CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON,  
WAITAKERE, ON WEDNESDAY, 17 DECEMBER 2008  
COMMENCING AT 5.30 PM**

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**TABLE OF CONTENTS**

<b><u>ITEM</u></b>	<b><u>PAGE NO.</u></b>
<b><u>PART A - OPENING OF MEETING</u></b>	<b>1</b>
1 <b>OPENING PRAYER</b>	<b>1</b>
2 <b>APOLOGIES</b>	<b>1</b>
3 <b>CONFIRMATION OF MINUTES</b>	<b>1</b>
4 <b>URGENT BUSINESS</b>	<b>1</b>
5 <b>CONFLICTS OF INTEREST</b>	<b>2</b>
<b><u>PART B - REPORT OF THE MAYOR</u></b>	<b>2</b>
6 <b>REPORT OF THE MAYOR</b>	<b>2</b>
<b><u>PART C - REPORTS OF NEW LYNN COMMUNITY BOARD, WAITAKERE COMMUNITY BOARD, MASSEY COMMUNITY BOARD, HENDERSON COMMUNITY BOARD AND WAITAKERE YOUTH COUNCIL</u></b>	<b>2</b>
7 <b>NEW LYNN COMMUNITY BOARD</b>	<b>2</b>
8 <b>WAITAKERE COMMUNITY BOARD</b>	<b>3</b>
9 <b>MASSEY COMMUNITY BOARD</b>	<b>3</b>
10 <b>HENDERSON COMMUNITY BOARD</b>	<b>4</b>
11 <b>WAITAKERE YOUTH COUNCIL</b>	<b>4</b>
<b><u>PART D - REPORT OF THE CHIEF EXECUTIVE OFFICER</u></b>	<b>5</b>
12 <b>APPOINTMENT TO TE TAUMATA RUNANGA</b>	<b>5</b>
13 <b>RESIGNATION OF MEMBER OF MASSEY COMMUNITY BOARD</b>	<b>6</b>
14 <b>MASSEY COMMUNITY BOARD BY-ELECTION - EARLY PROCESSING AND ORDER OF CANDIDATES' NAMES ON VOTING DOCUMENTS</b>	<b>7</b>
15 <b>DRAFT CONTROL OF LIQUOR IN PUBLIC PLACES BYLAW 2008</b>	<b>10</b>
16 <b>RESOURCE MANAGEMENT AMENDMENT BILL - PREPARATION OF COUNCIL SUBMISSION</b>	<b>14</b>
17 <b>UNITED NATIONS ENVIRONMENT PROGRAMME - CLIMATE NEUTRAL NETWORK</b>	<b>17</b>

18	ROYAL NEW ZEALAND AIR FORCE - AGREEMENTS FOR WATER AND WASTEWATER SERVICES	19
19	NEW LYNN TRANSIT ORIENTED DEVELOPMENT PROJECT - DELEGATED AUTHORITY TO MAKE PAYMENTS TO ONTRACK	21
	<b><u>PART E - REPORTS FROM THE STANDING COMMITTEES</u></b>	<b>25</b>
20	INFRASTRUCTURE AND WORKS COMMITTEE	25
21	POLICY AND STRATEGY COMMITTEE	25
22	FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE	26
23	PLANNING AND REGULATORY COMMITTEE	26
	1. DRAFT CONTROL OF LIQUOR IN PUBLIC PLACES BYLAW 2008	26
	2. OTHER MATTERS CONSIDERED	26
24	CULTURE AND COMMUNITY COMMITTEE	27
25	NORSGA URBAN DEVELOPMENT COMMITTEE	27
26	TE TAUMATA RUNANGA	27
27	LONG TERM COUNCIL COMMUNITY PLAN AND ANNUAL PLAN COMMITTEE	27
	<b><u>PART F - PRESENTATIONS</u></b>	<b>28</b>
	These presentations will take place at 6.30 pm.	28
28	CITATIONS	28
29	WAITAKERE LIONS LUNCHEON CLUB	28
	<b><u>PART G - PROCEDURAL MATTERS</u></b>	<b>28</b>
30	QUESTIONS	28
31	NOTICES OF MOTION	28
	<b><u>PART H - PUBLIC EXCLUDED MATTER</u></b>	<b>29</b>
32	REPORT FROM FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE: WEST COAST ROAD, GLEN EDEN - ACQUISITION OF LAND FOR A FUTURE PROPERTY DEVELOPMENT	29
	*****	
33	CLOSING PRAYER	29

**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, 17 DECEMBER 2008  
COMMENCING AT 5.30 PM**

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**PART A - OPENING OF MEETING**

**1 OPENING PRAYER**

Captain Stephen Jarvis from the Glen Eden Salvation Army will say the Opening Prayer.



**2 APOLOGIES**



**3 CONFIRMATION OF MINUTES**

Meeting Minutes - Wednesday, 26 November 2008

**RECOMMENDATION**

It is recommended that the Council resolve to:

**Receive** the minutes of the meeting of the Council held on Wednesday, 26 November 2008, as circulated, and that they 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

**It is recommended that the Council resolve to:**

**Receive** the Report of the Mayor.

RA Harvey, QSO, JP  
**MAYOR OF WAITAKERE**



## 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 REPORT OF ITS MEETING HELD ON MONDAY, 1 DECEMBER 2008**

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#### MATTERS CONSIDERED

*Pages 1-7  
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 7 in the supplement labelled Part C.

**It is recommended that the Council resolve to:**

**Receive** the report of the meeting of the New Lynn Community Board held on Monday, 1 December 2008.

GPJ Marshall  
**CHAIRMAN**



8 **WAITAKERE COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON TUESDAY, 2 DECEMBER 2008**

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**MATTERS CONSIDERED**

*Pages 8-13  
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 8 to 13 in the supplement labelled Part C.

**It is recommended that the Council resolve to:**

**Receive** the report of the meeting of the Waitakere Community Board held on Tuesday, 2 December 2008.

KJP Witten-Hannah, JP  
**CHAIRMAN**



9 **MASSEY COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON WEDNESDAY, 3 DECEMBER 2008**

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**MATTERS CONSIDERED**

*Pages 14-18  
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 14 to 18 in the supplement labelled Part C.

**It is recommended that the Council resolve to:**

**Receive** the report of the meeting of the Massey Community Board held on Wednesday, 3 December 2008.

JG Riddell  
**CHAIRMAN**



10 **HENDERSON COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON THURSDAY, 4 DECEMBER 2008**

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**MATTERS CONSIDERED**

*Pages 19-27  
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 19 to 27 in the supplement labelled Part C.

**It is recommended that the Council resolve to:**

**Receive** the report of the meeting of the Henderson Community Board held on Thursday, 4 December 2008.

EAG Grimmer, MNZM  
**CHAIRMAN**



11 **WAITAKERE YOUTH COUNCIL**

**THE WAITAKERE YOUTH COUNCIL SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON MONDAY, 1 DECEMBER 2008**

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**MATTERS CONSIDERED**

*Pages 28-30  
Part C*

The Waitakere Youth Council dealt with a number of items for which a copy of the minutes of the meeting is attached at pages 28 to 30 in the supplement labelled Part C.

**It is recommended that the Council resolve to:**

**Receive** the report of the meeting of the Waitakere Youth Council held on Monday, 1 December 2008.

A Wadsworth  
**CHAIRMAN**



## **PART D - REPORT OF THE CHIEF EXECUTIVE OFFICER**

### **12 APPOINTMENT TO TE TAUMATA RUNANGA**

#### **EXECUTIVE SUMMARY**

The purpose of this report is to request that the nomination of a replacement alternate representative for Kakariki Marae on Te Taumata Runanga be brought before the Council for formal appointment.

#### **RECOMMENDATIONS**

It is recommended that the Council resolve to:

1. **Receive** the Appointment To Te Taumata Runanga report.
2. **Agree** that Pat Heremaia be appointed the Kakariki Marae alternate representative on Te Taumata Runanga replacing Te Whaiti Andrews.

#### **BACKGROUND**

1. Formal advice has been received from Kakariki Marae regarding the replacement of Te Whaiti Andrews as the alternate representative on Te Taumata Runanga.
2. Kakariki Marae has advised that Pat Heremaia will be Te Taumata Runanga's new alternate representative.

#### **DECISION MAKING**

3. The Council is requested to formally appoint Pat Heremaia as the alternate representative, replacing Te Whaiti Andrews, on Te Taumata Runanga.

#### **STRATEGIC CONTEXT**

4. The representation of community marae on Te Taumata Runanga enhances the strong relationship between the Council and the Maori community and contributes directly to Waitakere's Community Outcomes and Priorities. It also serves Council's Treaty of Waitangi obligations and commitment to Active Democracy by providing opportunities for Maori to participate in the decision making process.

#### **CONSULTATION**

5. There is no consultation required for this report.

#### **RESOURCES**

6. There are no resource issues arising from this report.

#### **IMPLEMENTATION ISSUES**

7. There are no implementation issues arising from this report.

**Report prepared by:** Ngareta Delamere, Committee Secretary.



## 13 RESIGNATION OF MEMBER OF MASSEY COMMUNITY BOARD

### EXECUTIVE SUMMARY

The purpose of this report is to advise the Council of the resignation, from the Massey Community Board, of Michael Neeson. An extraordinary vacancy has therefore occurred on the Massey Community Board. The Council has no option but to run a by-election to fill that extra-ordinary vacancy. The Electoral Officer has been notified of the vacancy and has started the by-election process.

### RECOMMENDATION

It is recommended that the Council resolve to:

**Receive** the Resignation Of Member Of Massey Community Board report.

### BACKGROUND

1. Michael Neeson submitted his resignation from the position of Massey Community Board Member, for personal reasons, to the Chief Executive Officer on 10 December 2008. The Chief Executive Officer subsequently notified the Electoral Officer of the resignation on that same day.

### DECISION MAKING

#### Issues

2. Section 54 (2) of the Local Government Act 2002 provides that Part 1 of Schedule 7 of the Local Government Act 2002 applies to community boards, with the exception of Clauses 15 and 33 to 36.
3. Section 4 (2) of Schedule 7 of the Local Government Act 2002, provides that resignations take effect from the day they are delivered to the Chief Executive Officer, so Michael Neeson's resignation as a Member of the Massey Community Board is effective from 10 December 2008.
4. Section 5 of Schedule 7 of the Local Government Act 2002, provides that Sections 117 to 120 of the Local Electoral Act 2001 apply to extraordinary vacancies.
5. Section 117 (1) of the Local Electoral Act 2001 prescribes that where a vacancy occurs in the office of an elected member of a community board more than 12 months before the next triennial general election, the vacancy must be filled by an election under that Act.
6. *A1* The resignation has created an extraordinary vacancy on the Massey Community Board. The extraordinary vacancy must be dealt with as required by Sections 117 to 120 of the Local Electoral Act 2002. Section 138A (1) (b) of that Act provides that where the Electoral Officer receives notice of the resignation in the period beginning 21 November and before 15 December the polling day must not be earlier than 7 March in the following year. A timetable has been established for the running of a by-election and is attached at page A1 for information.

### STRATEGIC CONTEXT

7. The smooth functioning of Waitakere's Community Boards contributes positively to the "Active Democracy" and "Strong Communities" strategic platforms of Council's Long Term Council Community Plan.

### CONSULTATION

8. There is no consultation required.

## RESOURCES

9. It is expected that the cost of running the by-election to fill the extraordinary vacancy on the Massey Community Board will cost approximately \$90,000.

## IMPLEMENTATION ISSUES

10. There are no implementation issues arising from this report.

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



## 14 MASSEY COMMUNITY BOARD BY-ELECTION - EARLY PROCESSING AND ORDER OF CANDIDATES' NAMES ON VOTING DOCUMENTS

### EXECUTIVE SUMMARY

The purpose of this report is to seek Council approval for the early processing of the returned voting documents used at the Massey Community Board By-Election to fill the extraordinary vacancy created by the resignation of Michael Neeson, to be held on Wednesday, 11 March 2009. A decision is also sought as to the order in which candidates' names are to be shown on the voting documents used at that election.

### Early Processing

The Council is required to determine that it will permit early processing of returned voting documents over the voting period as allowed for under Section 79 of the Local Electoral Act 2001. The Electoral Officer strongly recommends that approval for early processing be given.

### Order of Candidates' Names on Voting Documents

Formerly, candidates' names were required to be listed on the voting documents in alphabetical order, by surname. Council now has the option to continue with that arrangement or adopt a pseudo-random or random arrangement. The default position is that candidates' names must be arranged in Alphabetical Order of Surname. This is the arrangement adopted by Council for the 2007 Triennial Elections. The Council in discussing the issues that arose out of the 2007 Triennial Elections indicated that it would give serious consideration to using random order of names at future elections.

## RECOMMENDATIONS

It is recommended that the Council resolve to:

1. **Receive** the Massey Community Board By-Election - Early Processing and Order of Candidates' Names on Voting Documents report.
2. **Agree** that the returned voting documents for the Massey Community Board By-Election to be held on Wednesday, 11 March 2009 be processed during the voting period, such early processing to be undertaken in accordance with Section 79 of the Local Electoral Act 2001, the Local Electoral Regulations 2001 and the Society of Local Government Managers' Code of Good Practice for the Management of Local Authority Elections and Polls.

3. **Agree** that names of the candidates' on the voting documents for the Massey Community Board By-Election to be held on Wednesday, 11 March 2009 are to be arranged in random order of surname.

## **BACKGROUND**

### **By Election**

1. Michael Neeson has resigned from the position of Massey Community Board Member. This advice is covered in a separate report.
2. Section 117 (1) of the Local Electoral Act 2001 prescribes that where a vacancy occurs in the office of an elected member of a community board more than 12 months before the next triennial general election, the vacancy must be filled by an election under that Act.

### **Early Processing**

3. Section 79 of the Local Electoral Act permits a local authority to process (but not count) returned voting documents over the voting period (Monday, 23 February 2009 to Wednesday, 11 March 2009).

### **Order of Candidates' Names on Voting Documents**

4. Formerly, candidates' names were required to be listed on the voting documents in alphabetical order, by surname.
5. Clause 31 (1) of the Local Electoral Act 2001 now allows the Council to decide whether the names are to be arranged on the voting documents in alphabetical order of surname, pseudo-random order or random order. In the absence of any Council resolution approving another arrangement, the candidates' names must be arranged in Alphabetical Order of Surname.

### **System of Election**

6. On 27 August 2008 Council resolved by Resolution 1584/2005 to change to the Single Transferable Voting system of election for the 2010 Triennial Elections.
7. In terms of Section 27 of the Local Electoral Act 2001 this decision applies to any associated election to fill any extraordinary vacancy following the 2010 elections but not to those applying before then.
8. Accordingly First Past the Post will be the system used for the Massey Community Board By-Election to be held on Wednesday, 11 March 2009.

### **Method of Voting**

9. In terms of Section 36 of the Local Electoral Act 2001, unless Council resolves otherwise the voting method used in all elections conducted by Council will be postal voting. In order to retain consistency with the method used in the 2007 Triennial Election, Council is not being asked to consider any change at this time. Postal voting will be the voting method used for the Massey Community Board By-Election to be held on Wednesday, 11 March 2009.

## DECISION MAKING

### Issues

#### Early Processing

10. Early processing of voting documents was introduced for the 1998 Waitakere elections (but restricted to 84 hours before the close of voting) and was used very successfully throughout the country. Because of the success of early processing in 1998 and the benefits which early processing provides, the early processing period was subsequently increased to the whole three-week voting period provided for under the current legislation. The immediate benefit of adopting early processing is that much, if not all, of the cumbersome and time consuming tasks of extracting and checking the voting documents is undertaken progressively over the 22½ day voting period (under strict security and under the supervision of a Justice of the Peace). This means a quicker and more accurate result can be achieved on polling day.

#### Order of Candidates' Names on Voting Documents

11. The features of the three arrangements of Alphabetical Order of Surname, pseudo-random order or random order are described below:

##### Arrangement 1 - Alphabetical Order of Surname

12. This is the order that has been required to be used at previous elections, and is self-explanatory. This arrangement was used for the 2007 elections. Following the 2007 elections the Council considered a report from the Electoral Officer that contained evidence that using the alphabetical order of names, in some circumstances, may have affected the result of the election.

##### Arrangement 2 - Pseudo-Random Order\*

13. Under this arrangement, the candidates' names for each issue are placed in a hat (or similar receptacle) mixed together, and then drawn out of the receptacle, with the candidates' names being placed on all voting documents in that issue in the order in which they are drawn.
14. (\*Note: Although the term "pseudo-random order" is used in the Local Electoral Regulations to describe this arrangement, this is a somewhat imperfect description, in that the term "pseudo-random" is understood by mathematicians and/or information technology specialists to have a quite different meaning.)

##### Arrangement 3 - Random Order

15. Under this arrangement, the names of the candidates' for each issue are shown in a different order on each and every voting document; utilising software that permits the names of the candidates to be laser printed in a different order on each paper and is recommended for this by-election
16. The Local Electoral Regulations 2001 provide that if a local authority has determined that pseudo-random order or random order is to be used, the Electoral Officer must state, in the public notice required to be given, the date, time and place at which the order of the candidates names will be arranged. Any person is entitled to attend while the arrangement is in progress.

17. It is recommended that Council use the random order arrangement of names for the Massey Community Board By-Election to be held on Wednesday, 11 March 2009.

### STRATEGIC CONTEXT

18. Active democracy is one of Council's nine strategic platforms. The Council is committed to increasing community participation and democratic processes through its Active Democracy platform. Elections are one of the most fundamental contributions that Council makes to this platform.

### CONSULTATION

19. There is no consultation required.

### RESOURCES

20. The cost of printing the voting documents employing either Arrangement 1 or Arrangement 2 will be identical. Should Council adopt Arrangement 3 (random order) there will be some increase in cost, because of the need to individually laser print each voting document. While it is not yet possible to give an estimate of the likely additional costs that will arise from this arrangement, they are not expected to be substantial. No additional costs will be incurred by undertaking early processing.
21. The estimate total cost for the Massey Community Board By-Election is \$90,000 and this has not been budgeted for in the current year. The costs incurred will be a first charge against rating income in the next financial year.

### IMPLEMENTATION ISSUES

22. There are no implementation issues arising from this report.

**Report prepared by:** Darryl Griffin, Electoral Officer.



## 15 DRAFT CONTROL OF LIQUOR IN PUBLIC PLACES BYLAW 2008

### GLOSSARY

Central Business Districts	(CBDs)
Control of Liquor in Public Places Bylaw 2008	(the draft bylaw)
Local Government Act 2002	(LGA)
Special Consultative Procedure	(SCP)

### EXECUTIVE SUMMARY

The Council has been following a process since March 2008 reviewing its Control of Liquor in Public Places Bylaw with a view to extending the areas subject to the existing bylaw. This report provides a summary of that process and submits a bylaw for adoption by the Council.

An extended liquor ban has wide public support as well as support from New Zealand Police and other key stakeholders.

## RECOMMENDATIONS

It is recommended that the Council resolves to:

1. **Receive** the Draft Control of Liquor in Public Places Bylaw 2008 Report.
2. **Determine** that the draft Control of Liquor in Public Places Bylaw 2008 in the form attached to this report is the most appropriate form of bylaw and gives rise to no implications under the New Zealand Bill of Rights Act 1990.
3. **Adopt** the Control of Liquor in Public Places Bylaw 2008, in the form attached to this report with any necessary editorial amendments.
4. **Fix** 23 December 2008 as the commencement date of the bylaw.

## **BACKGROUND**

1. On 11 March 2008 the Planning and Regulatory Committee considered a report discussing a proposal to extend and update the Council's controls over liquor in public places. It was resolved:

*“The Planning and Regulatory Committee resolved to:*

1. *That the determination report - Review of the Control of Liquor in Public Places Bylaw 2003 report be received.*
2. *That the problem to be addressed is to reduce the incidence of disorderly behaviour and criminal offending in the city linked to alcohol possession and consumption in public places.*
3. *That the most appropriate way of addressing the perceived problem is to extend the Control of Liquor in Public Places Bylaw 2003 to cover those parts of the City identified by the Police as particularly affected by the problem.*
4. *That Council officers in consultation with the Police prepare a draft bylaw, statement of proposal and summary of information for consideration and discussion at a future Planning and Regulatory Committee meets.”*

280/2008

2. A report and draft bylaw, along with a statement of proposal and summary of information was prepared by officers, in consultation with the Police and presented to the Planning and Regulatory Committee on 10 June 2008. The report considered a range of options and recommended an extended ban to include parks and central business districts (CBDs) The Committee resolved (934/2008) that a bylaw was the appropriate means of addressing the problem and approved the statement of proposal and draft bylaw for public consultation.

A2-A7

3. The special consultative procedure (SCP) was undertaken and 18 submissions were received. A summary of those submissions is attached at pages A2 to A7. The submissions were considered by the Planning and Regulatory Committee at its meeting on 24 November 2008. Following a discussion of the issues raised by the submissions the Committee resolved:

*“The Planning and Regulatory Committee resolved to:*

1. **Receive** the Draft Control of Liquor in Public Places Bylaw 2008 report.

2. **Approve** the form of the proposed draft Control of Liquor in Public Places Bylaw 2008, after consideration of the submissions received, with the following amendments to the third schedule of the draft Control of Liquor in Public Places Bylaw 2008, with areas generally known as:
  - Public area adjacent to Herald Island wharf car park;
  - Triangle Park;
  - Rush Creek walkway and Royal Reserve;
  - McLaren Memorial Park;
  - Henderson Valley Park; and
  - Corban Reserve.
3. **Approve** the form of the proposed draft Control of Liquor in Public Places Bylaw 2008, after consideration of the submissions received, with such amendments as are required to ensure consistency in all Central Business District hours.
4. **Invite** the Council to adopt the Control of Liquor in Public Places Bylaw 2008.
5. **Agree** that a report be brought to the Planning and Regulatory Committee to be held on Tuesday, 12 May 2009, to make any amendments required under clause 7 of the Control of Liquor in Public Places Bylaw 2008.”

1963/2008

## DECISION MAKING

### Issues

4. The issues around the control of liquor in public places, the options available to the Council and the use of a bylaw to deal with matters of concern have been fully canvassed at the meetings of the Planning and Regulatory Committee, which has delegated authority to deal with those issues, and do not therefore need to be revisited in this report.
5. Recommended resolution 2 is a necessary precondition to a decision to adopt the draft Liquor Control in Public Places Bylaw 2008 (the draft bylaw) and is required by s 155 of the Local Government Act 2002 (LGA).
- A8-A42 6. The draft bylaw is attached at pages A8 to A42. In its current form the draft bylaw is a very simple document. It specifies those areas of the city to which a liquor ban will apply, the hours of the day to which the ban applies, and in the case of Piha the periods over which the ban will apply. In addition to this the draft bylaw contains provisions, in clause 7, which permit the Council by resolution and without the need to undertake a special consultative procedure (SCP), to extend the ban to specified areas of the city from time to time and also to apply a ban for special events.
7. Whichever way it is viewed a liquor ban is a restriction on rights. The New Zealand Bill of Rights Act 1990 requires that the rights protected by that Act “*may be subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society*”. Given the level of public support for the draft bylaw the restrictions proposed by the bylaw seem reasonable, or “proportionate” to the perceived problem to use the current language of the judges. The wider (in a geographical sense) powers conferred upon the Police by the draft bylaw will better enable the Police to address the antisocial consequences of the unrestricted possession and consumption of liquor in public places.

8. The only other issues for discussion therefore relate to the content of the draft bylaw. The draft bylaw attached to this report differs from the draft considered by the Planning and Regulatory Committee in material respects which are detailed below. Editorial amendments have been made to improve the drafting and efficacy of the draft bylaw thereby ensuring that the form of the bylaw is appropriate. Those amendments do not affect the integrity or intent of the document which was put out for public consultation. The other amendments made give effect to the resolutions passed by the Committee.
9. The significant editorial amendments made to the draft bylaw are as follows (other non-material editorial amendments have also been made):
  - a) The clause headed "*Liquor Ban*" has been moved from clause 8 to clause 6 and rephrased.
  - b) The original clause 6 was rendered otiose as a consequence and has been deleted.
10. The amendments made as a consequence of submissions and the decision of the Planning and Regulatory Committee are as follows:
  - a) Clause 7.4 sets out those matters which the Council must take into account before extending the bylaw to a specified public place.
  - b) Clause 8 has been included in response to submissions, reflecting similar provisions in liquor ban bylaws enacted by other Auckland councils. The relevant clause reflects the provisions of LGA. There is residual concern about the desirability of repeating statutory provisions of a bylaw since the statutory provision may change leaving the bylaw in conflict with the statute. The drafting adopted is intended to avoid that problem.
  - c) The Second Schedule has been expanded to include the six additional areas referred to in the Committee's resolution. However, the plan of the Westgate area has been amended to omit the Westgate Shopping Centre. A liquor ban can only apply to a "public place". By definition that must be a place owned by the Council. The whole of Westgate Shopping Centre, including the roads, is land in private ownership and the liquor ban cannot therefore extend to that land.
11. One of the submitters on the draft bylaw was Alcohol Liquor Advisory Council. Its submission requested the addition of a definition of "container" in the bylaw. It is noted that the draughtsman of LGA did not think that it was necessary to define "container" for the purposes of Section 147 LGA. It is therefore difficult to understand why further definition might be necessary. Within Section 147 LGA the only reference to "container" is to an exclusion from the operation of a ban, in relation to unopened bottles or containers being transported through a public place. Under the draft bylaw the offence is to consume, bring or possess liquor in a public place. The nature of the receptacle, container or other item which contains the liquor is completely irrelevant to the commission of an offence. The proposed definition has therefore been omitted from the draft bylaw being considered by the Council.

### **Consideration of Community Views**

12. There has been wide consideration of community views in the development of the draft bylaw.

## STRATEGIC CONTEXT

13. The proposal for a liquor ban is aligned with the Council's strategic priorities for a Safe City and First Call for Children, as well as the Council's strategic platform of Strong Communities through supporting the health and well being of the City's residents, building community pride and local identity. It also aligns with the City Wide Alcohol Strategy, adopted by the Council in July 2005.

## CONSULTATION

14. There has been wide public consultation in respect of the proposal to extend the areas affected by a liquor ban. The draft bylaw has been the subject of a special consultation procedure.

## RESOURCES

15. There are no resources issues arising from this report. The costs of production of the necessary signage required to implement a liquor ban have already been budgeted for within the City Services directorate budget. The work necessary to assemble and erect the signs will be undertaken as a joint effort between Safe Waitakere and the Field Services Unit of the Council. There are no resourcing implications in relation to enforcement; the ban will be enforced by the Police.

## IMPLEMENTATION

16. Assuming the draft the bylaw is adopted, the signs will be erected in clear location in and around the areas of the ban so that the bylaw is able to be enforced as soon as possible. Notices of the adoption of the bylaw will be placed in all major newspapers, on the Council's website and in libraries. There may be some delay before all signage is erected. The Police have indicated that even if all the signage were erected immediately they are likely to first issue a warning before prosecuting offenders, in accordance with usual practice with respect to the enforcement of other liquor control bylaws throughout the country. It is, however, anticipated that all signage will be in place and the ban will be fully operative on the commencement date or very shortly thereafter.

**Report prepared by:** Setareh Masoud-Ansari, Team Leader Legal: Regulatory.



## 16 RESOURCE MANAGEMENT AMENDMENT BILL - PREPARATION OF COUNCIL SUBMISSION

### GLOSSARY

Resource Management Act Reform Bill	(RMARB)
Resource Management Act 1991	(RMA)
Local Government New Zealand	(LGNZ)

### EXECUTIVE SUMMARY

In its election policies the National Party stated its intention to introduce a Resource Management Act Reform Bill (RMARB) to reduce the costs, delays and uncertainties in the Resource Management Act 1991 (RMA).

A43-A50 The proposed Government work programme is tight and they will be introducing a Bill to Parliament in February 2009. They are looking for good ideas to put on the table alongside their proposals. Attached at pages A43 to A50 is a copy of the National Party's RMA policy.

The report recommends that two Councillors be delegated authority by the Council to provide input and direction and (subject to possible submission deadlines) if necessary be delegated authority to finalise the submission.

### **RECOMMENDATIONS**

It is recommended that Council resolve to:

1. **Receive** the Resource Management Act 1991 Reform Bill: Preparation Of The Council Submission report.
- A43-A50 2. **Receive** a copy of the Government's resource management and Bluegreen policies as set out in their party policies attached at pages A43 to A50.
3. **Agree** that these matters and other desired positions be detailed in Council's submission to the Select Committee.
4. **Agree** that in the event that commentary or submissions are required before the Council or its committees meet again in February 2009, the Chairman of Policy and Strategy Committee, and the Chairman of Planning and Regulatory Committee be authorised to direct and approve any such comments or submissions on behalf of the Council.

### **BACKGROUND**

1. In their election policies the National Party stated that they would introduce a RMARB in the first 100 days in office to reduce the costs, delays and uncertainties in the RMA, and pass any amendments to the RMA into law within six months. Amendments are likely to include provision for simplifying the RMA, priority consenting, improving consent processing, removing the ministerial veto on coastal consents, preventing vexatious submissions, and simplifying resource management planning documents (district and regional plans). Government also plans to establish an environmental protection agency (an expanded Environmental Risk Management Authority) with the responsibilities of:
  - The national regulatory functions of the RMA (as amended), including priority consenting;
  - Development of National Policy Statements and National Environmental Standards; and
  - Government's existing functions under the Hazardous Substances and New Organisms Act.
2. The Government will initiate a second phase of RMA reforms that covers complex areas where wider consultation and a slower process is required. This will include infrastructure regulation and the links to the RMA and Public Works Act, water allocation and new approaches to city development. The latter topic may well address some of the policy work set out in the "*Building Sustainable Urban Communities: A Discussion Document Exploring Place-Based Approaches to Sustainable Urban Development in New Zealand*" (considered by Strategy and Policy Committee on 6 November 2008) - and the National Policy Statement on Urban Design approved by the Planning and Regulatory Committee.

3. Government officials have been monitoring the current performance of the RMA and there has been some thinking about areas of duplication and unnecessary delays. As part of the Royal Commission on Auckland Governance work-streams has also undertaken an assessment about the roles and responsibilities of local government entities in administering the RMA in the Auckland region and what this means for good governance. There were a number of submissions to the Royal Commission that proposed changes to the RMA (the New Zealand Planning Institute).
4. The Royal Commission on Auckland Governance recently released an analysis on the Resource Management System in Auckland<sup>1</sup>. It raised a number of current issues and challenges, some of which may have legal implications if some of the ideas are implemented. For example the analysis described a change to the RMA to empower the Auckland Regional Council to call in, decide and determine such applications (for regionally important projects), with powers similar to those held by the Minister for the Environment, but on a regional scale.
- A51-A56 5. On the 4 December 2008 Local Government New Zealand (LGNZ) advised of their process to provide input to the Minister for the Environment's request for good ideas by 20 December 2008. They have set out views on the RMA as well as a list of suggestions for RMA amendments for further consideration attached at pages A51 to A56. A letter will be drafted that sets out some initial high level views of desirable amendments to the RMA.

## DECISION MAKING

### Process for Developing a Submission

6. A cross-Council officer working group has been established to assess the Government's likely amendments. The working group will build in work to date, experience in administering the RMA and will draw and test some of the issues generated in related work (as detailed in the background section above).
7. The RMARB will be introduced in February 2009 and there is a deadline of comments to the Minister for the Environment prior to the RMARB's introduction by 20 December. Officers propose drafting a letter to the Minister for the Environment with some high level proposed amendments and clearing this letter through the joint Chairmen of the Policy and Strategy Committee and the Planning and Regulatory Committee.
8. It would be desirable to be able to seek the support and direction of Councillors in late January and early February. At the time of writing the actual deadline for the submission is not known so the potential for two Councillors to give some direction the Council's submission is proposed. It is recommended that the Chairmen of the Policy and Strategy Committee and the Planning and Regulatory Committee be delegated the authority to assist in development of the Council's submission.
9. Officers will also identify and work with other councils and stakeholders who share potentially common positions. They will also liaise with LGNZ to work within any co-ordinated national process and a potential LGNZ submission to ensure that the interests of Council and of the wider Auckland region are communicated and incorporated into the Council's and any LGNZ submission.

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<sup>1</sup> Hill Young Cooper Limited, The Resource management System in Auckland : A situational analysis for the Royal Commission on Auckland Governance, July 2008 at [www.royalcommission.govt.nz](http://www.royalcommission.govt.nz)

## STRATEGIC CONTEXT

10. The Council has for a number of years pursued improvements to the RMA through commenting on bills, monitoring performance and improving its administration.

## CONSULTATION

11. As this report is focusing on matters of process limited internal consultation has occurred with key staff.

## RESOURCES

12. The resources for preparing the submission are met from existing budgets across Council.

## IMPLEMENTATION ISSUES

13. Subject to Council's confirmation of the process, a formal submission will be prepared and be considered by the Policy and Strategy Committee in February 2009. The detailed process and timeline for the Select Committee's review of the RMARB will be communicated to all Councillors as soon as this is known.

**Report prepared by:** Catherine Taylor Group Manager: Strategic Governance.



## 17 UNITED NATIONS ENVIRONMENT PROGRAMME - CLIMATE NEUTRAL NETWORK

### GLOSSARY

Climate Neutral Network	(CN Net)
Communities for Climate Protection	(CCP)
United Nations Environment Programme	(UNEP)

### EXECUTIVE SUMMARY

The purpose of this report is for the Council to consider joining the Climate Neutral Network (CN Net) initiative of the United Nations Environment Programme (UNEP). UNEP has invited the Council to become the first New Zealand city, and the sixth international city, to join.

### RECOMMENDATIONS

It is recommended that the Council resolve to:

1. **Receive** the United Nations Environment Programme - Climate Neutral Network report.
2. **Agree** to join the United Nations Environment Programme's Climate Neutral Network.

## BACKGROUND

1. UNEP has invited the Council to join CN Net. CN Net is an initiative that has been established to assist countries, cities, companies and communities to achieve big cuts in greenhouse gas emissions. It is called the Climate Neutral Network rather than the Carbon Neutral Network because its long-term aim is to address all greenhouse gases. The CN Net initiative is supported by UNEP. UNEP will call on the expertise of CN Net and the United Nations' Environmental Management Group to set basic benchmarks and foundations upon which the initiative can evolve.
2. CN Net recognises the influence cities can have on reducing climate impacts: within their own administration and activities; and by influencing their citizens' and others' behaviour, for example in industry and transport.
3. CN Net is a young initiative. Member countries are Costa Rica, Iceland, New Zealand, Niue and Norway. Member cities are Arendal, Rizhao, Slough, Vancouver and Växjö. CN Net also has 46 company members and six members which are associations and other types of organisation.

## DECISION MAKING

### Issues

4. Membership of CN Net has no cost implications. It does not require the Council to do anything over and above what it is already doing through its participation in the International Committee for Local Government Initiatives' Communities for Climate Protection (CCP) programme.
5. Membership requires the participants to undertake a greenhouse gas inventory and report it on the network and establish a climate neutral strategy identifying goals for emissions reduction and offsetting. Participants share lessons learned, innovative ideas and success stories, which appear on the CN Net website. It does not require participants to pay to offset carbon emissions. The Council has already established a greenhouse gas inventory and a climate neutral strategy under the CCP programme.
6. Membership of CN Net is an opportunity for Waitakere to 'stand up and be counted' as a city that has a strong commitment to addressing climate change. Membership would enable Waitakere to act as an example to inspire others through UNEP's publicity. Waitakere would gain access to an international forum for networking and strengthening plans for emissions reductions; and would demonstrate urban sustainability to developed and developing countries. Waitakere would be the first New Zealand city to join.

### Consideration of Community Views

7. Joining CN Net would contribute to meeting the Sustainable Environment Community Outcome, in particular by providing access to good quality water and air, and managing energy, waste and water innovatively and responsibly.

## STRATEGIC CONTEXT

8. Joining CN Net would contribute to the Strategic Platform of Sustainable Energy and Clean Air. It would align with the Strategic Priority of Sustainable Development.

## CONSULTATION

9. Consultation has not been undertaken as there is no change to either the Council's strategic direction or to its climate change programme.

## RESOURCES

10. Participation in CN Net involves no additional costs and no additional staff resources.

**Report prepared by:** Catherine Sheehan, Strategic Advisor, Sustainability Initiatives.



## 18 ROYAL NEW ZEALAND AIR FORCE - AGREEMENTS FOR WATER AND WASTEWATER SERVICES

### GLOSSARY

Royal New Zealand Air Force (RNZAF)  
RNZAF Base Auckland Sewage Connection Agreement (the Agreement)

### EXECUTIVE SUMMARY

The purpose of this report is to seek approval from Council to negotiate agreements with the Royal New Zealand Air Force (RNZAF) for water and wastewater services.

### RECOMMENDATIONS

It is recommended that Council resolve to:

1. **Receive** the Royal New Zealand Air Force - Agreements For Water And Wastewater Services report.
2. **Agree** that the Deputy Director: City Services be delegated authority to negotiate agreements for water and wastewater services with the Royal New Zealand Air Force.
3. **Agree** that a report be brought back to Council to approve the negotiated agreements with the Royal New Zealand Air Force for water and wastewater services.

### BACKGROUND

1. Council provides the RNZAF with wastewater services in relation to all wastewater discharged by the Whenuapai and Hobsonville Airfields, under the Agreement.
2. The Agreement is effective from 24 October 1997.
3. With effect from no earlier than 1 July 2000, RNZAF or Council may give not less than 12 months notice of its wish to renegotiate this Agreement.
4. Water supply is provided to the Whenuapai and Hobsonville airfields through a historical agreement that is based on an exchange of letters between Council and RNZAF.

## DECISION MAKING

### Issues

5. It is considered that the Agreement needs to be renegotiated for the following reasons:
  - There is an opportunity to promote greater sustainability with regards to minimising RNZAF wastewater flows by including new conditions in the Agreement to require this. This will achieve greater alignment with Council's direction to reduce wastewater flows;
  - The new agreement with Watercare Services Limited for the provision of domestic wastewater services includes a tariff structure that reflects peak flow components. However, the existing Agreement with RNZAF contains a tariff structure that does not represent the charges from Watercare Services Limited to Council under the domestic wastewater services tariff;
  - The flow rates from the Whenuapai and Hobsonville Airbase have changed from the flow rates in the Agreement and this will trigger the need for new charges; and
  - The pending redevelopment of the Hobsonville Airfield by the Hobsonville Land Company will trigger a change of use and changes to wastewater flows.
6. With regard to water supply, Council cannot charge RNZAF water rates and therefore it is considered that a formal agreement should now be prepared to address the following issues:
  - Minimisation of water use by RNZAF including conditions in the agreement to this effect and thereby contribute to achievement of Council's water conservation targets;
  - The new agreement with Watercare Services Limited relating to the supply and receipt of bulk water provides for incentive based pricing to promote water conservation. The existing flat water tariff charged to RNZAF does not include such an incentive and there is a risk that Council could pay a premium to Watercare Services Limited if RNZAF exceeds the targeted water use; and
  - Bring water charges for RNZAF in line with Council's water pricing and in line with that charged by other local authorities in the Auckland region.

### Options Identified

7. The only option available is to renegotiate the wastewater Agreement and negotiate a new agreement with RNZAF for water supply.

### Assessment of Options

8. It is proposed to negotiate new conditions to encourage reduction in wastewater and water demand and this aligns with Council's strategic objectives.
9. The provision of wastewater services to the RNZAF contributes to positive environmental outcomes for the Upper Waitemata Harbour.

### Consideration of Community Views

10. Prior to the connection of the RNZAF airbases to the Council's wastewater system, there was significant community concern regarding the poor performance of the RNZAF wastewater system, which was managed by RNZAF.
11. Ongoing connection of the RNZAF airbases, and subsequent redevelopment of the Hobsonville Airbase is considered to be supported by the community

### Preferred Option

12. The preferred option is to renegotiate the Agreement and to negotiate a new agreement for water supply.

### STRATEGIC CONTEXT

13. The proposed negotiation of agreements will contribute to achieving the Sustainable Environment community outcome and Council's targets, as follows:
  - Reduce domestic water usage per person by 25% by 2025;
  - A 50% reduction in wastewater overflows by 2025; and
  - Consideration of targeted rates or wastewater charges based on 80% of water use.

### CONSULTATION

14. No consultation has been undertaken at this stage. There will be consultation with RNZAF and stakeholders who made a submission to Council's application for wastewater discharge consents for Plan Change 13 (Hobsonville Airbase).

### RESOURCES

15. The negotiation and preparation of new agreements will be carried out by Council staff.

### IMPLEMENTATION ISSUES

16. Once the negotiations have been completed, the outcomes will be reported back to Council for approval.

**Report prepared by:** Tony Miguel, Deputy Director: City Services.



## 19 NEW LYNN TRANSIT ORIENTED DEVELOPMENT PROJECT - DELEGATED AUTHORITY TO MAKE PAYMENTS TO ONTRACK

### GLOSSARY

Transit Oriented Development (TOD)

### EXECUTIVE SUMMARY

Council has approved the physical infrastructure components of the New Lynn Transit Oriented Development (TOD) project, including walkways and cycleways, road bridges, roads and public transport infrastructure.

As well, Council has approved a partnering agreement with ONTRACK to make a contribution of \$20 million towards the rail trench and the Tenders Subcommittee has authorised negotiation with ONTRACK to build elements of Council's physical infrastructure within the rail corridor.

However, as the total value of payments exceeds the authority approved under Council's delegated authority, there is a need to authorise payments to ONTRACK.

Thus, the purpose of this report is to seek approval to delegate authority to the Chief Executive Officer to make payments to ONTRACK for the New Lynn TOD project.

### **RECOMMENDATIONS**

1. **Receive** the New Lynn Transit Oriented Development Project - Delegated Authority To Make Payments To ONTRACK report.
2. **Agree** that the Chief Executive Officer be authorised to make payments to ONTRACK for the New Lynn Transit Oriented Development project, provided that the payments do not exceed the amounts in the Annual Plan 2008/2009 and Long Term Council Community Plan 2009-2019 once approved.
3. **Direct** the Chief Executive Officer to provide regular reports to the Infrastructure and Works Committee on payments made to ONTRACK and cashflow forecasts for the New Lynn Transit Oriented Development project.

### **BACKGROUND**

1. Council has authorised a commitment of \$20 million to ONTRACK towards the cost of the New Lynn rail trench and it is provided for in the partnering agreement with ONTRACK. This was confirmed at the Council 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 New Lynn Transit Orientated Development 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 Transit Orientated Development 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 between Council and ONTRACK regarding the New Lynn Transit Orientated Development Project 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.”*

3621/2007

2. The Tenders Subcommittee approved the process to enable Council to work with ONTRACK to deliver components of Council's physical infrastructure projects included in the New Lynn TOD project, at its meeting of 22 June 2007. The Tenders Subcommittee resolved that:

- “1. *That the New Lynn Transit Oriented Development - Physical Works Expression of Interest report be received.*

2. *That authority be given to participate in ONTRACK's Expression of Interest process for the construction of infrastructure associated with the New Lynn Transit Oriented Development project.*
3. *That the outcomes of the Expression of Interest process be reported back to the Tenders Subcommittee for its consideration and determination as to whether Council wishes to enter into any contracts arising from this process."*

1101/2007

## DECISION MAKING

### Issues

3. There should be potential cost reductions by negotiating with ONTRACK to build Council's components of the physical infrastructure required for the New Lynn TOD project with the rail corridor, including the following:
  - Bridges at Memorial Drive and Hetana Street;
  - Walkways and cycleways;
  - Relocation of Council infrastructure;
  - Enhancements to the rail trench; and
  - Construction of the passenger transport interchange.
4. Some of the benefits arising from a joint process with ONTRACK include the following:
  - Significant reduced tendering and contract negotiation processes;
  - Avoided costs associated with track shutdowns and compliance with ONTRACK safety requirements for physical works; and
  - Reduced contractor establishment cost.
5. Furthermore, it will be very difficult to build the Council components within the rail corridor once the rail trench has been completed. ONTRACK has advised that it will not agree to a separate contractor working within the rail corridor at the same time as its own contractor, Fletcher Construction.
6. Council has engaged an independent quantity surveyor to verify claims made by ONTRACK and to confirm the reasonableness and cost efficiency of ONTRACK's claims. Furthermore, the Chief Executive Officer has written to ONTRACK's Acting Chief Executive Officer setting out a process to resolve any dispute arising from a difference in the assessment of costs made by Council's quantity surveyor and costs claimed by ONTRACK.
7. The total cost of payments to ONTRACK is likely to be \$30 million to \$40 million, comprising the following:
  - Contribution to the rail trench, \$20 million;
  - Relocation of services, \$4 million - \$5 million;
  - Roading and bridge components, \$3 million - \$9 million; and
  - Transport interchange, \$3 million - \$6 million.
8. Therefore delegated authority needs to be provided to enable payments to be made.

### Options Identified

9. There are no realistic options as Council is committed to carrying out the work and ONTRACK will not agree to other options.

### Assessment of Options

10. As this is the only viable option, no further assessment has been carried out.

### Consideration of Community Views

11. Community views with regard to the New Lynn TOD project have been canvassed through a wide variety of methods that have already been reported to Council.

### STRATEGIC CONTEXT

12. The New Lynn TOD project is aligned with the Sustainable and Integrated Transport community outcome and 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

13. There is no consultation required.

### RESOURCES

14. Funding for the New Lynn TOD project has been provided in the Long Term Council Community Plan 2006-2016 and the Annual Plan 2008/2009.

### IMPLEMENTATION ISSUES

15. A progress report will be provided to the Infrastructure and Works Committee to report on payments made and provide cashflow forecasts.

**Report prepared by:** Tony Miguel, Deputy Director: City Services.

Vijaya Vaidyanath  
**CHIEF EXECUTIVE OFFICER**



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**PART E - REPORTS FROM THE STANDING COMMITTEES**

**20 INFRASTRUCTURE AND WORKS COMMITTEE**

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON WEDNESDAY, 3 DECEMBER 2008**

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**MATTERS CONSIDERED**

*Pages 1-5  
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 5 in the supplement labelled Part E.

**It is recommended that the Council resolve to:**

**Receive** the report of the meeting of the Infrastructure and Works Committee held on Wednesday, 3 December 2008.

DQ Battersby, JP  
**CHAIRMAN**



**21 POLICY AND STRATEGY COMMITTEE**

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON THURSDAY, 4 DECEMBER 2008**

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**MATTERS CONSIDERED**

*Pages 6-14  
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 6 to 14 in the supplement labelled Part E. The public excluded minutes are attached at pages 5 to 6 of the Confidential Supplement labelled Part H.

**It is recommended that the Council resolve to:**

**Receive** the report of the meeting of the Policy and Strategy Committee held on Thursday, 4 December 2008.

PA Hulse  
**CHAIRMAN**



**22 FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE**

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON MONDAY, 8 DECEMBER 2008**

**1 WEST COAST ROAD, GLEN EDEN - ACQUISITION OF LAND FOR A FUTURE PROPERTY DEVELOPMENT**

*Page 1  
Part H*

The report from Finance and Operational Performance Committee: West Coast Road, Glen Eden - Acquisition Of Land For A Future Property Development will be considered in the Public Excluded section of the meeting as Item 32 (attached at page 1 in the confidential supplement labelled Part H).

**2. MATTERS CONSIDERED**

*Pages 15-26  
Part E  
Pages 7-8  
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 15 to 26 in the supplement labelled Part E. The public excluded minutes are attached at pages 7 to 8 of the Confidential Supplement labelled Part H.

**It is recommended that the Council resolve to:**

**Receive** the report of the meeting of the Finance and Operational Performance Committee held on Monday, 8 December 2008.

RI Clow  
**CHAIRMAN**



**23 PLANNING AND REGULATORY COMMITTEE**

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORTS OF ITS MEETINGS HELD ON MONDAY, 17 NOVEMBER 2008, MONDAY, 24 NOVEMBER 2008 AND TUESDAY, 9 DECEMBER 2008**

**1. DRAFT CONTROL OF LIQUOR IN PUBLIC PLACES BYLAW 2008**

**It is recommended that the Council resolve to:**

**Invite** the Council to adopt the Control of Liquor in Public Places Bylaw 2008.

**2. OTHER MATTERS CONSIDERED**

*Pages 27-37  
Part E  
Page 9  
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 these meetings are attached at pages 27 to 37 in the supplement labelled Part E. The public excluded minutes are attached at page 9 of the Confidential Supplement labelled Part H.

**It is recommended that the Council resolve to:**

**Receive** the reports of the meetings of the Planning and Regulatory Committee held on Monday, 17 November 2008, Monday, 24 November 2008 and Tuesday, 9 December 2008.

VS Neeson, JP  
**CHAIRMAN**



24 **CULTURE AND COMMUNITY COMMITTEE**

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON WEDNESDAY, 10 DECEMBER 2008**

**MATTERS CONSIDERED**

*Pages 38-41  
Part E  
Page 10  
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 38 to 41 in the supplement labelled Part E. The public excluded minutes are attached at page 10 of the Confidential Supplement labelled Part H.

**It is recommended that the Council resolve to:**

**Receive** the report of the meeting of the Culture and Community Committee held on Wednesday, 10 December 2008.

LA Cooper, JP  
**CHAIRMAN**



25 **NORSGA URBAN DEVELOPMENT COMMITTEE**

The minutes of the NorSGA Urban Development Committee were not available as the meeting took place in the same week as the full Council meeting.



26 **TE TAUMATA RUNANGA**

The minutes of the Te Taumata Runanga were not available as the meeting took place in the same week as the full Council meeting.



27 **LONG TERM COUNCIL COMMUNITY PLAN AND ANNUAL PLAN COMMITTEE**

The minutes of the Long Term Council Community Plan and Annual Plan Committee were not available as the meeting took place in the same week as the full Council meeting.



## **PART F - PRESENTATIONS**

These presentations will take place at 6.30 pm.

### **28 CITATIONS**

- A Mayor Bob Harvey will present Charles Nicholls with a Citation in recognition of his outstanding service in providing alternative education and a future to young people in Waitakere.
- B Mayor Bob Harvey will present Andrews Wadsworth with a Citation in recognition of his Leadership in working for the Youth of Waitakere.

### **29 WAITAKERE LIONS LUNCHEON CLUB**

Mr Peter Sinton, Secretary of the Waitakere Lions Luncheon Club will present to the Council, a plaque in recognition of Council's support of the Waitakere Fireworks Event.



## **PART G - PROCEDURAL MATTERS**

### **30 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.



### **31 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**

**32 REPORT FROM FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE: WEST COAST ROAD, GLEN EDEN - ACQUISITION OF LAND FOR A FUTURE PROPERTY DEVELOPMENT**

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: West Coast Road, Glen Eden - Acquisition Of Land For A Future Property Development.

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.
Report from Finance and Operational Performance Committee: West Coast Road, Glen Eden - Acquisition Of Land For A Future Property Development.	The withholding of information is necessary in order to: <ul style="list-style-type: none"> <li>• enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</li> </ul>	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.

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

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



**33 CLOSING PRAYER**

