

**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, 29 APRIL 2009,
COMMENCING AT 5.30 PM**

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PART A - OPENING OF MEETING

1 OPENING PRAYER

Mr Imtiaz Ali, President from the Ranui Mosque will say the Opening Prayer.



2 APOLOGIES



3 CONFIRMATION OF MINUTES

- Meeting Minutes - Tuesday, 24 February 2009
- Wednesday, 18 March 2009
- Friday, 20 March 2009
- Wednesday, 25 March 2009
- Extraordinary - Wednesday, 1 April 2009
- Extraordinary - Tuesday, 7 April 2009

RECOMMENDATION

It is recommended that the Council resolve to:

Receive the minutes of the meetings of the Council held on Tuesday, 24 February 2009, Wednesday, 18 March 2009, Friday, 20 March 2009, Wednesday, 25 March 2009, the Extraordinary meetings held on Wednesday, 1 April 2009 and Tuesday, 7 April 2009, as circulated, and that they be taken as read and now be confirmed.

*Pages 44-48
Part H*

The public excluded minutes are attached at pages 44 to 48 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, 30 MARCH 2009

1. MATTERS CONSIDERED

*Pages 1-4
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 4 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, 30 March 2009.

NOTE: The following recommendation is from the New Lynn Community Board's meeting held on Monday 3 March 2009

2. GLEN EDEN LIBRARY, GLEN EDEN - NEW NO STOPPING AT ALL TIMES PARKING RESTRICTION

It is recommended that the Council resolve to:

Agree that in relation to **12 GLENDALE ROAD, GLEN EDEN** (Pt Lot 7, 1 and 2, DP No. 62621, 51163 and 76823):

- (a) and in accordance with the powers conferred by virtue of the Local Government Act 1974, the Land Transport Act 1998, the Transport Act 1962 and the Waitakere City Council Bylaw No. 7, 1991 - Traffic, the following restriction now be resolved to be specified and imposed, namely,
 - (i) on the east kerb line of the access way alongside **GLEN EDEN LIBRARY** at 12 Glendale Road, from a point approximately 33 metres north of the northern kerb line of Oates Road and extending north for a distance of approximately 23 metres the **NO STOPPING AT ALL TIMES** parking restriction be put in place.

GPJ Marshall
CHAIRMAN



8 **WAITAKERE COMMUNITY BOARD**

THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON TUESDAY, 31 MARCH 2009

MATTERS CONSIDERED

*Pages 5-9
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 5 to 9 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, 31 March 2009.

KJP Witten-Hannah, JP
CHAIRMAN



9 **MASSEY COMMUNITY BOARD**

THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON WEDNESDAY, 1 APRIL 2009

MATTERS CONSIDERED

*Pages 10-18
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 10 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, 1 April 2009.

JG Riddell
CHAIRMAN



10 **HENDERSON COMMUNITY BOARD**

THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON THURSDAY, 2 APRIL 2009

MATTERS CONSIDERED

*Pages 19-23
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 23 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, 2 April 2009.

EAG Grimmer, MNZM
CHAIRMAN



11 **WAITAKERE YOUTH COUNCIL**

THE WAITAKERE YOUTH COUNCIL SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON MONDAY, 6 APRIL 2009

MATTERS CONSIDERED

*Pages 24-29
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 24 to 29 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, 6 April 2009.

C Finlay
CHAIRMAN



PART D - REPORTS OF THE CHIEF EXECUTIVE OFFICER

12 NEW LYNN TRANSIT ORIENTED DEVELOPMENT PROJECT: APPROVAL OF TRANSPORT INTERCHANGE DESIGN AND APPROVAL OF DELEGATED AUTHORITY

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 Detailed Design for the Transport Interchange;
- Council's approval to delegate authority to the Chief Executive Officer to enter into agreements with the New Zealand Railways Corporation (ONTRACK) and the Auckland Regional Transport Authority (ARTA) to construct the Transport Interchange; and
- Council's approval to delegate authority to the Chief Executive Officer to enter into an agreement with Watercare Services Limited to construct a trunk wastewater pipeline as part of Council's transport infrastructure contract.

RECOMMENDATIONS

It is recommended that Council resolve to:

1. **Receive** the New Lynn Transit Oriented Development Project: Approval Of Transport Interchange Design And Approval Of Delegated Authority report.
2. **Agree** that the Detailed Design for the New Lynn Transport Interchange be approved.
3. **Agree** that authority to enter into agreements with ONTRACK and ARTA to construct the New Lynn Transport Interchange be delegated to the Chief Executive Officer.
4. **Agree** that authority to enter into agreements with Watercare Services Limited to construct a trunk wastewater pipeline as part of Council's transport infrastructure contract be delegated to the Chief Executive Officer.

BACKGROUND

1. Council approved the concept designs for the Transport Interchange at its meeting of the 10 October 2007, 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 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.”*

3621/2007

2. A progress report on the Detailed Design and sustainability features was submitted to the Infrastructure and Works Committee meeting on 4 March 2009, where it was resolved to:

The Infrastructure and Works Committee resolved to:

1. **Receive** the New Lynn Integrated Programme - Status Update February 2009 report.
2. **Agree** to accept Group A changes (as attached at page A161 to the agenda), review Group B changes (as attached at pages A161 to A162 to the agenda) following tender outcomes and endorse the rejection of Group C changes (as attached at page A162 to the agenda).
3. **Agree** to the list of sustainable design features as outlined below and to report back to the Infrastructure and Works Committee on costings/savings in May 2009.

Sustainable Design Features

- *Passive solar shading via extensive canopy roof overhangs and fritted glass;*
- *Concourse space naturally ventilated;*
- *Extensive use of daylighting with a shallow floor plan and roof form designed to encourage light ingress;*
- *Energy efficient machine-room-less lift;*
- *Use of a restricted palette of materials making the structure resource efficient;*
- *Materials are used in their raw state with minimal applied finishes to reduce resource usage and ongoing maintenance requirements;*
- *Passive trench ventilation significantly reduces power consumption and plant requirements;*
- *Use of pre-fabricated components and self-finished materials to minimize construction material use and waste;*
- *Development of a significant integrated transport hub encouraging use of public transport and the sustainable growth and development of New Lynn;*
- *Provision of bicycle parks and lockers to encourage cycle commuting;*
- *Provision of cycle paths to encourage cycle commuting;*
- *Provision of improved footpaths and connectivity to encourage foot-commuting and use of the transport hub;*

- *Solar water heating (likely to be inefficient due to low demand application);*
- *Photovoltaic solar power generation on roof;*
- *Photovoltaic lighting within the station and in the external environment;*
- *Green roof on the future southern entry lobby (located on the southern edge of the rail corridor);*
- *Paint certified under the Environmental Choice New Zealand labelling scheme;*
- *Low flow sanitary fixtures including sensor or push button taps (public toilet brief to be agreed);*
- *Low water use native planting;*
- *Roof water recovery for flushing/irrigation (likely low-demand inefficient);*
- *Use of water based paints wherever possible;*
- *Use of concrete with a recycled content;*
- *Design for durability - use environmental choice suppliers;*
- *Energy efficient concourse lighting, possibly Light Emitting Diode (LED);*
- *Light Emitting Diode (LED) external public access lighting;*
- *Heat pump heating to ticketing office;*
- *PVC free/LSF cabling. Sensible for underground public buildings;*
- *Recycled glass bedding for pavers;*
- *Integration of artworks/cultural references;*
- *Crime Prevention Through Environmental Design (CPTED) report and anti graffiti measures;*
- *Contractor to adopt construction waste management (70% target);*
- *Contractor to provide an environmental management plan;*
- *Rubbish bins with recycling facilities (Metalion); and*
- *Onsite stormwater treatment.*

296/2009

3. During detailed discussions with network utilities Watercare Services Limited advised that it proposed to build a new trunk wastewater pipeline along Clark Street and Rankin Avenue. This work has been brought forward so that it can be included in Council's roading contracts to ensure a coordinated approach.

DECISION MAKING

Issues

Transport Interchange

4. In order to meet the target completion date for the Transport Interchange of September 2010, it is necessary to obtain Council's formal approval by May 2009.
5. A Detailed Design has been prepared and circulated to Councillors, which includes all the concepts and features previously approved by Council. A presentation will be made at the Council meeting to enable Council to approve the Detailed Design.

6. Construction of the Transport Interchange includes facilities for bus services, which are Council's responsibility, and rail services facilities that are the responsibility of ARTA and ONTRACK. Thus it is proposed to enter into agreements with ARTA and ONTRACK to define the areas of responsibility and funding.
7. It should be noted that these may change due to pending announcements from government, but nevertheless, it is necessary to prepare agreements and authorise the Chief Executive Officer to enter into agreements so that construction can commence as soon as possible.

Waitakere Trunk Water Pipeline

- A1*
8. Watercare proposes to construct a new trunk wastewater pipeline to serve New Lynn, along Clark Street, Rankin Avenue and Ambrico Place, as shown on the map attached at page A1.
 9. The pipeline is to be fully funded by Watercare.
 10. To ensure that construction activities are integrated, it is proposed to construct the pipeline as part of Council's roading contracts. This requires a legal agreement between Watercare and Council to provide certainty with regard to funding and contractual issues. Thus, it is recommended that the Chief Executive Officer be delegated authority to enter into an agreement with Watercare Services Limited for this purpose.

Options Identified

11. There are no alternative options as the recommendations of this report are necessary to progress implementation of Council's approved work programme for the New Lynn Transit Oriented Development (TOD).

Consideration of Community Views

12. The New Lynn Community has been involved in the future planning of New Lynn since the 1996 and 2005 Planning Charettes.
13. Over the last two years, the Council has undertaken a consultation programme with New Lynn landowners in proximity to the rail corridor, and has held three public consultation meetings. A portfolio has been established with the responsibility of communications. Council officers are working with communications advisors from both ONTRACK and ARTA to manage consultation, the media and general public concerns prior to and during the construction period to ensure that the views of the community are clearly relayed back to the Council.

STRATEGIC CONTEXT

14. The New Lynn TOD project is identified as one of the Council's top five projects and represents a substantial investment in the Long Term Council Community Plan 2006-2016 and the draft Long Term Council Community Plan 2009-2019. The New Lynn TOD Project delivers on the following strategic platforms:
 - Urban and Rural Villages.
 - Strong Communities.
 - Integrated Transport and Communications.

15. The New Lynn TOD project is aligned with the following strategies:
- The Auckland Regional Growth Strategy, whereby New Lynn has been identified as a regional growth centre;
 - Auckland Regional Land Transport Strategy;
 - The Council's Transport Strategy 2006 - 2016;
 - Working Draft Growth Management Strategy; and
 - Draft Economic Wellbeing Strategy 2009.

CONSULTATION

16. Ongoing consultations are held with affected property owners and tenants on Clark Street with regard to the proposed land acquisitions required for the widening of Clark Street. The Council has allocated a dedicated resource to provide an ongoing liaison channel and ensure that all issues raised by these parties are fully discussed with them and suitable solutions are engineered by technical officers to meet their needs.
17. Council officers continue to liaise with ONTRACK in regard to matters affecting the community and assist ONTRACK with community consultation where possible.

RESOURCES

Timeline/Milestones

18. While the timeline and milestones for the project will continue to be developed as the project progresses, current established key milestones include:
- ONTRACK works complete - July 2010;
 - New Lynn Transport Interchange – September 2010;
 - Council roading works (Stage 1) commence - mid 2009;
 - Council roading works (Stage 1) complete - mid 2011;
 - Clark Street extension (Stage 2) commence - early 2012; and
 - Clark Street extension (Stage 2) complete - mid 2013.

Financial Status

19. Funding of \$133,512,771 has been provided in the draft Long Term Council Community Plan 2009-2019. However there is still uncertainty around the Auckland Regional Council's funding of \$13.59 million towards the transport interchange. If the Auckland Regional Council does not fund this there is a potential shortfall of \$11.59 million. The Annual Plan 2008/2009 provided funding of \$66,956,600.00 and due to delays it is forecast that \$55,927,990.00 will be carried forward to the Annual Plan 2009/2010. Nevertheless the first stage of the project is expected to be completed on time.

IMPLEMENTATION ISSUES

21. By agreement the Chief Executive Officer will be delegated authority to sign the agreements referred to in this report.

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



13 **CONTRACT NO. TA08025C - CITYWIDE ROAD MAINTENANCE**

GLOSSARY

Request for Expression of Interest	(REOI)
Request for Tender	(RFT)
New Zealand Transport Agency	(NZTA)
Price Quality Method	(PQM)
Supplier Quality Premium	(SQP)

EXECUTIVE SUMMARY

The purpose of this report is to seek approval from the Council to award Contract No. TA08025C - Citywide Road Maintenance. This report is being presented to the Council as the contract amount exceeds the delegated authority of the Tenders Subcommittee and the Finance and Operational Performance Committee.

RECOMMENDATIONS

It is recommended that the Council resolve to:

1. **Receive** the Contract No. TA08025C - Citywide Road Maintenance report.
2. **Approve** that the tender from Fulton Hogan Limited for Contract No. TA08025C - Citywide Road Maintenance for a two year contract in the sum of \$31,840,089.02 plus \$3,980,011.13 GST, totalling \$35,820,100.15 be accepted.
3. **Approve** the commitment of \$15,920,044.51 excluding GST to the draft Annual Plan 2009/2010 for Contract No. TA08025C - Citywide Road Maintenance.
4. **Approve** the commitment of \$15,920,044.51 excluding GST to the Long Term Council Community Plan for 2010/2011 for Contract No. TA08025C - Citywide Road Maintenance.
5. **Approve** that authority to enter into Contract No. TA08025C - Citywide Road Maintenance on behalf of the Council be delegated to the Director: City Services.
6. **Approve** that authority to award cumulative contract variations to Contract No. TA08025C - Citywide Road Maintenance, up to the value of the contingency sum of \$3,184,000.00 plus GST on behalf of the Council be delegated to the Director: City Services.
6. **Agree** that authority to extend Contract TA08025C - Citywide Road Maintenance beyond 30 June 2011 on an annual basis until 30 June 2014 based on the satisfactory performance by the Contractor be reported back to Council.

BACKGROUND

1. Council has approximately 752 kilometres of sealed roads and 33 kilometres of unsealed roads. Nine (9) current term maintenance contracts are due to expire on the 30 June 2009 and have been incorporated into this contract.
2. This contract includes the maintenance and renewal of Council's sealed and unsealed road network, including their street facilities (with the exception of streetlights), footpaths and roadside drainage. It also includes minor bridge maintenance, street and commercial centre cleaning, minor safety improvements and rehabilitation works. It also includes roading asset emergency response work.

3. Council approved the use of a publicly advertised Request for Expression of Interest (REOI) process to enable short-listing the best contractors for the Council's Transport Assets maintenance programme. This was approved at a Tenders Subcommittee meeting held on 17 October 2008 where it was resolved to:

"The Tenders Subcommittee resolved to:

2. **Approve** the use of a Registration of Interest process for Council's Transport Assets maintenance programme, with reporting back to the Tenders Subcommittee for approval prior to tendering."

1782/2008

4. The Council approved that the four top-rated tenderers from the REOI process be issued with tender documents at a Tenders Subcommittee meeting held on 23 January 2009 where it was resolved to:

"The Tenders Subcommittee resolved to:

2. **Approve** that the four top-rated tenderers, being Fulton Hogan Limited, Downer EDI Works Limited, HEB Construction Limited and Transfield Services (New Zealand) Limited be issued with Request for Tender documents for Contract No. TA08034B - Road Maintenance - New Lynn / Waitakere Wards and Contract No. TA08035B - Road Maintenance - Henderson / Massey Wards."

9/2009

5. The Citywide option, being the combined wards option, was allocated as Contract No. TA08025C - Citywide Road Maintenance.
6. The Request for Tender (RFT) documents included options for contracts of different terms and combinations which gave the Council flexibility in maximising a "best value for money" result.

SCOPE OF WORK

7. The scope of works in the RFT's includes but is not limited to the following:
- Network inspections;
 - Sealed road maintenance and renewal;
 - Major road reconstruction and rehabilitation works;
 - Unsealed road maintenance;
 - Cesspit cleaning;
 - Road signs maintenance;
 - City and commercial centre cleaning and road sweeping;
 - Bus shelter and guard rail maintenance;
 - General bridge maintenance;
 - Minor safety works;
 - Footpath, kerb and channel, and cesspit repairs;
 - Miscellaneous drainage renewals; and
 - Road emergency, drainage and special works.

8. Six (6) options were tendered with combinations of two (2) area based contracts and a Citywide contract; each option included further options of two (2) year and three (3) year contracts with provision for up to three (3) annual extensions up to 30 June 2014. The options are summarised as follows:
- **Option 1.1** - New Lynn / Waitakere wards, two (2) year contract (to 30 June 2011) with provision for up to three (3) annual extensions up to 30 June 2014;
 - **Option 1.2** - New Lynn / Waitakere wards, three (3) year contract (to 30 June 2012) with provision for up to two (2) annual extensions up to 30 June 2014;
 - **Option 2.1** - Henderson / Massey wards, two (2) year contract (to 30 June 2011) with provision for up to three (3) annual extensions up to 30 June 2014;
 - **Option 2.2** - Henderson / Massey wards, three (3) year contract (to 30 June 2012) with provision for up to two (2) annual extensions up to 30 June 2014;
 - **Option 3.1** - combined Citywide, two (2) year contract (to 30 June 2011) with provision for up to three (3) annual extensions up to 30 June 2014; and
 - **Option 3.2** - combined Citywide, three (3) year contract (to 30 June 2012) with provision for up to two (2) annual extensions up to 30 June 2014.
9. Each annual extension period is based on the satisfactory performance by the Contractor and subject to Council's approval.

TENDERS RECEIVED

10. Tenders were invited from the four (4) top-rated companies from the REOI process. Fifteen (15) tenders were received from the four (4) tenderers by the closing date of 26 March 2009. These are summarised in Tables 1, 2 and 3 below:

New Lynn / Waitakere Wards:

TENDERER	REG OFFICE	Option 1.1 (2 year) TENDER PRICE (excl. GST)	Option 1.2 (3 year) TENDER PRICE (excl. GST)
Fulton Hogan Limited	Silverdale	\$16,940,162.03	\$25,410,243.05
HEB Construction Limited	Drury	\$18,957,713.55	\$28,436,570.33
Pre-tender contract estimate (based on most up-to-date tender rate)		\$20,996,917.00	\$30,865,467.99
Budget estimate		\$21,000,000.00	\$31,500,000.00

Table 1 - Summary of Tender Prices: New Lynn / Waitakere Wards

Henderson / Massey Wards:

TENDERER	REG OFFICE	Option 2.1 (2 year) TENDER PRICE (excl. GST)	Option 2.2 (3 year) TENDER PRICE (excl. GST)
Fulton Hogan Limited	Silverdale	\$15,248,676.60	\$22,873,014.90
Downer EDI Works Limited	Mangere	\$16,520,535.30	Not tendered
Transfield Services (New Zealand) Limited	Albany	\$16,776,913.20	\$25,165,369.80
HEB Construction Limited	Drury	\$18,392,963.86	\$27,631,036.93
Pre-tender contract estimate (based on most up-to-date tender rate)		\$18,798,543.25	\$27,633,858.58
Budget estimate		\$19,377,695.00	\$29,066,542.00

Table 2 - Summary of Tender Prices: Henderson / Massey Wards

Citywide contract:

TENDERER	REG OFFICE	Option 3.1 (2 year) TENDER PRICE (excl. GST)	Option 3.2 (3 year) TENDER PRICE (excl. GST)
Fulton Hogan Limited	Silverdale	\$31,840,089.02	\$47,760,133.53
HEB Construction Limited	Drury	\$36,071,047.38	\$54,106,571.06
Pre-tender contract estimate (based on most up-to-date tender rate)		\$38,371,870.45	\$56,406,649.56
Budget estimate		\$40,377,695.00	\$60,566,542.00

Table 3 - Summary of Tender Prices: Citywide

TAGS, ERRORS OR OMISSIONS

11. The tender submitted by Fulton Hogan Limited contained one minor tag and one minor tender clarification within their non-price attributes submission. The tag was addressed and removed and the clarification was accepted.
12. The tender submitted by Transfield Services (New Zealand) Limited contained a number of tags within their non-price attribute submission that were addressed and either removed or accepted.
13. There were no tags in the tenders submitted by HEB Construction Limited and Downer EDI Works Limited.
14. The tender submitted by Heb Construction Limited for Option 2.1 contained an error in the transferring of the tender sum to the Form of Tender. This was not addressed as it did not affect the outcome of the tender evaluation process.
15. There were no other errors or omissions in the other tenders.

TENDER EVALUATION

16. In accordance with the conditions of tendering, tenders were evaluated in line with the Price Quality Method (PQM) contained in the New Zealand Transport Agency's (NZTA) "Competitive Pricing Procedures".
17. Under the PQM method, only the first tender envelope is opened and the non-price attributes evaluated for all tenders together with a process to determine the "Supplier Quality Premium" (SQP) before the second envelope containing the tender price is opened, and the tender prices duly included in the evaluation.
18. The PQM procedures are summarised below:
 - Each of the tender's non-price attribute submission was scored by the tender evaluation team;
 - The difference in the score between each tender and the lowest scoring tender is converted to a dollar value called the SQP using a specified formula and process set out in the NZTA "Competitive Pricing Procedures";
 - The SQP for each tender is then reviewed and confirmed or replaced as allowed for in the PQM method;
 - Each of the tender's price submissions is opened;
 - Each tender's confirmed SQP is then deducted from their submitted tender sum; and
 - The preferred tender is the tender with the lowest price after the SQP is deducted.
19. Under the PQM procedures where the tender includes Provisional Sums (work valued by the Principal and placed within the Schedule of Prices) they are deducted from the pre-tender contract estimate prior to evaluating the SQP for each tender.
20. In this contract the value of Provisional Sums are:
 - **Option 1.1** - New Lynn / Waitakere wards, two (2) year contract (to 30 June 2011) - \$1,148,000;
 - **Option 1.2** - New Lynn / Waitakere wards, three (3) year contract (to 30 June 2012) - \$1,722,000;
 - **Option 2.1** - Henderson / Massey wards, two (2) year contract (to 30 June 2011) - \$1,148,000;
 - **Option 2.2** - Henderson / Massey wards, three (3) year contract (to 30 June 2012) - \$1,722,000;
 - **Option 3.1** - combined Citywide, two (2) year contract (to 30 June 2011) - \$2,296,000; and
 - **Option 3.2** - combined Citywide, three (3) year contract (to 30 June 2012) - \$3,444,000.
21. The SQP is the theoretical maximum additional amount that the Council is prepared to pay for a better supplier. The SQP is only used to assist the selection process; the contract with the winning tenderer is for the actual amount tendered.
22. The PQM method allows the tendering authority to replace any SQP with an acceptable figure if the review of the calculated SQP does not represent the extra amount that the tendering authority is prepared to pay for a higher quality supplier.

23. The SQP was re-evaluated following an analysis of the potential risks to Council in awarding the contract to the lowest scoring tender over the highest scoring tender. The risk analysis considers all reasonable potential risks and their impacts associated with a poorer performing contractor such as asset deterioration, health and safety, increased public complaints and cost increases to the Council in the management of the contract. The following calculated SQP values were used in the evaluation-

- **Option 1.1** - New Lynn / Waitakere wards, two (2) year contract (to 30 June 2011) - \$451,562.86 (Council share \$257,391.00 or \$128,695.50 per annum);
- **Option 1.2** - New Lynn / Waitakere wards, three (3) year contract (to 30 June 2012) - \$663,013.90 (Council share \$377,918.00 or \$125,972.66 per annum);
- **Option 2.1** - Henderson / Massey wards, two (2) year contract (to 30 June 2011) - \$458,362.55 (Council share \$261,267.00 or \$130,633.50 per annum);
- **Option 2.2** - Henderson / Massey wards, three (3) year contract (to 30 June 2012) - \$672,898.58 (Council share \$383,552.00 or \$127,850.67 per annum);
- **Option 3.1** - combined Citywide, two (2) year contract (to 30 June 2011) - \$840,116.83 (Council share \$478,867.00 or \$239,433.50 per annum); and
- **Option 3.2** - combined Citywide, three (3) year contract (to 30 June 2012) - \$1,233,367.70 (Council share \$703,020.00 or \$234,340.00 per annum).

24. A summary of the evaluation results is shown in Tables 4A to 4F below:

Tender Evaluation	Attributes	Exper.	Track Record	Tech. Skill	Resour.	Manag. Skill	Method.	Weighted sum of the non-price attribute grades (WS)	Supplier Quality Premium (SQP) (\$)	Contract Number TA08034B Option 1.1 Tender price less (SQP) (\$)
									70	
Weights	5	8	3	4	5	5				
Tenderer	Tender Sum	Grades						INDEX		
Fulton Hogan Limited	\$16,940,162.03	82	83	74	84	78	76	0.2396	451,562.86	16,488,599.17
HEB Construction Limited	\$18,957,713.55	68	65	68	58	66	63	0.1941	0.00	18,957,713.55
Engineer's Estimate LESS Provisional Sums	\$19,848,917.00									

Table 4A - Summary of Tender Evaluation: Option 1.1 New Lynn / Waitakere Wards - 2 Year Contract

Tender Evaluation	Attributes	Exper.	Track Record	Tech. Skill	Resour.	Manag. Skill	Method	Weighted sum of the non-price attribute grades (WS)	Supplier Quality Premium (SQP) (\$)	Contract Number TA08034B Option 1.2 Tender price less (SQP) (\$)
									70	
Weights	5	8	3	4	5	5				
Tenderer	Tender Sum	Grades						INDEX		
Fulton Hogan Limited	\$25,410,243.05	82	83	74	84	78	76	0.2396	663,013.90	24,747,229.15
HEB Construction Limited	\$28,436,570.33	68	65	68	58	66	63	0.1941	0.00	28,436,570.33
Engineer's Estimate LESS Provisional Sums	\$29,143,467.99									

Table 4B - Summary of Tender Evaluation: Option 1.2 New Lynn / Waitakere Wards - 3 Year Contract

Tender Evaluation	Attributes	Exper.	Track Record	Tech Skill	Resour.	Manag. Skill	Method	Weighted sum of the non-price attribute grades (WS)	Supplier Quality Premium (SQP) (\$)	Contract Number TA08035B Option 2.1 Tender price less (SQP) (\$)
	Weights	5	8	3	4	5	5			
Tenderer	Tender Sum	Grades						INDEX		
Fulton Hogan Limited	\$15,248,676.60	82	83	74	84	78	76	0.2396	458,362.55	14,790,314.05
Downer EDI Works Limited	\$16,520,535.30	77	56	69	72	72	69	0.2030	135,964.34	16,384,570.96
Transfield Services (New Zealand) Limited	\$16,776,913.20	66	61	63	61	65	60	0.1876	0.00	16,776,913.20
HEB Construction Limited	\$18,392,963.86	68	65	68	58	66	63	0.1941	56,812.69	18,336,151.17
Engineer's Estimate LESS Provisional Sums	\$17,650,543.25									

Table 4C - Summary of Tender Evaluation: Option 2.1 Henderson / Massey Wards - 2 Year Contract

Tender Evaluation	Attributes	Exper.	Track Record	Tech. Skill	Resour.	Manag. Skill	Method.	Weighted sum of the non-price attribute grades (WS)	Supplier Quality Premium (SQP) (\$)	Contract Number TA08035B Option 2.2 Tender price less (SQP) (\$)
	Weights	5	8	3	4	5	5			
Tenderer	Tender Sum	Grades						INDEX		
Fulton Hogan Limited	\$22,873,014.90	82	83	74	84	78	76	0.2396	672,898.58	22,200,116.32
Transfield Services (New Zealand) Limited	\$25,165,369.80	66	61	63	61	65	60	0.1876	0.00	25,165,369.80
HEB Construction Limited	\$27,631,036.93	68	65	68	58	66	63	0.1941	83,403.79	27,547,633.14
Engineer's Estimate LESS Provisional Sums	\$25,911,858.58									

Table 4D - Summary of Tender Evaluation: Option 2.2 Henderson / Massey Wards - 3 Year Contract

Tender Evaluation	Attributes	Exper.	Track Record	Tech. Skill	Resour.	Manag. Skill	Method.	Weighted sum of the non-price attribute grades (WS)	Supplier Quality Premium (SQP) (\$)	Contract Number TA08025C Option 3.1 Tender price less (SQP) (\$)
	Weights	5	8	3	4	5	5			
Tenderer	Tender Sum	Grades						INDEX		
Fulton Hogan Limited	\$31,840,089.02	82	83	74	85	78	76	0.2401	840,116.83	30,999,972.19
HEB Construction Limited	\$36,071,047.38	68	65	68	57	66	63	0.1936	0.00	36,071,047.38
Engineer's Estimate LESS Provisional Sums	\$36,075,870.45									

Table 4E - Summary of Tender Evaluation: Option 3.1 Citywide - 2 Year Contract

Tender Evaluation	Attributes	Exper.	Track Record	Tech. Skill	Resour.	Manag. Skill	Method.	Weighted sum of the non-price attribute grades (WS)	Supplier Quality Premium (SQP) (\$)	Contract Number TA08025C Option 3.2 Tender price less (SQP) (\$)
	Weights	5	8	3	4	5	5			
Tenderer	Tender Sum	Grades						INDEX		
Fulton Hogan Limited	\$47,760,133.53	82	83	74	85	78	76	0.2401	1,233,367.70	46,526,765.83
HEB Construction Limited	\$54,106,571.06	68	65	68	57	66	63	0.1936	0.00	54,106,571.06
Engineer's Estimate LESS Provisional Sums	\$52,962,649.56									

Table 4F - Summary of Tender Evaluation: Option 3.2 Citywide - 3 Year Contract

25. Scores for the non-price attributes were determined on the basis of information provided in each tender, on the information gathered from the referees nominated by the tenderers and on any recent Council experience with the tenderers.
26. There is a significant difference between the pre-tender contract estimate and the submitted tenders. An analysis of the submitted rates has indicated that some prices are close to (and below) those submitted five years ago. This could be attributed to the current and forecast economic climate, with contractors eager to secure work and maintain a stable cash flow during this time.
27. The results of the tender evaluation as summarised in Table 4 (A to F) shows that the tender submitted by Fulton Hogan Limited achieved the lowest price in all options after the SQP is deducted. This tender is also the lowest priced tender in all options.
28. Fulton Hogan Limited is a civil engineering contracting company that was founded in 1933 and has been operating in Auckland since 1989. They are the incumbent contractor for the sealed roads maintenance contract in Waitakere.
29. An evaluation of Fulton Hogan Limited's performance to date contains the following features:
 - They have invested in Waitakere by establishing a local area depot in Henderson Valley Road and have employed local staff from within the City;
 - They have developed a good working relationship with relevant Council staff members and other key stakeholders such as the Police and bus companies;
 - They have developed a good working knowledge of Council's roading asset and its needs thereby enabling better programming of works as they take "ownership" of the network;
 - They are a well resourced company;
 - They have a strong focus on health and safety;
 - Their workmanship is generally to a very good standard; and
 - They have successfully completed the annual programmed stabilisation and resealing works to date.
30. Fulton Hogan Limited has the necessary expertise and resources to satisfactorily carry out the works.

31. Reference checks made on a selection of clients indicated a well-resourced, well-managed and capable contractor.
32. As part of Council's contracting process "Quality, Health and Safety and Environmental compliance are not negotiable" - all contractors have had this focus clearly reinforced through the contract documents and this will be strongly reiterated at the subsequent pre-start meeting and imposed during the contract period.
33. Fulton Hogan Limited is the preferred tenderer for all six options and their tender is the lowest for all options. Their tender for the three year option compared to the two year option indicated no cost savings as the tender is exactly 50% more for the three year term than the two year term. This makes the consideration of options relatively simple.
34. An analysis of the Fulton Hogan Limited tender was then made to compare the annual costs of considering the two separate wards contracts and the Citywide contract. This is shown in Table 5 below:

Contract Option	Tender Amount (2 year Option)	Tender Amount (3 year Option)
New Lynn / Waitakere ward	\$16,940,162.03	\$25,410,243.05
Henderson / Massey ward	\$15,248,676.60	\$22,873,014.90
Total cost of area - based options	\$32,188,838.63	\$48,283,257.95
Citywide Contract	\$31,840,089.02	\$47,760,133.53
Total savings for Citywide options over area - based options	\$348,749.61	\$523,124.42
Savings per annum for Citywide options over area - based options	\$174,374.81	\$174,374.81

Table 5 - Comparison of Options

35. Table 5 above reveals that the annual savings to be made in awarding the Citywide contract option over the award of area-based contracts is \$174,374.81 per annum. However, there is no differential in costs per annum between the two and three year options and therefore no savings to be made by entering into a longer term contract.
36. Both contract options offer the Council the ability to offer extensions up to a possible five year contract duration (to 30 June 2014). These extensions are considered annually and based on the satisfactory performance of the contractor, budget and market conditions.
37. Option 3.1 (two year Citywide contracts) is recommended for the following reasons:
 - Cost fluctuations are built into the contract after year one and there is no difference in scheduled rates between the two year or three year options and therefore no cost savings offered;
 - Bringing the potential roll-over into the second year performance creates a slight tension in the contract where the Contractor has an incentive to ensure a good performance to ensure the roll-over is offered;
 - A single contract simplifies the administration of the contract and call centre procedures; and

- The uncertainty surrounding the governance of the Auckland region gives the Council more flexibility at an earlier stage.

CREDIT CHECK

38. A credit check on Fulton Hogan Limited dated 01 April 2009 revealed no adverse information.

JOB COSTS

39.		excl. GST
	Tender sum - Fulton Hogan Limited (Option 3.1)	\$31,840,089.02
	Contingency	\$ 3,184,000.00
	Engineering and Supervision	\$ 2,370,103.98

	Total Job Cost	\$37,394,193.00

SOURCE OF FUNDING

40. Source of funding is shown in Table 5 below:
41. The recommended tender provides savings to the Council of \$2,676,803 million per annum, inclusive of NZTA Subsidy.

Budget Description (from annual budget line item) Draft Annual Plan 2009/2010	Codes	Budget	Committed to other projects	Allocation to this project	Unallocated balance	Potential surplus
Urban Maintenance General	5830-74000	\$1,420,000	\$0	\$1,420,000	\$0	\$0
Rural Maintenance General	5850-74000	\$893,000	\$0	\$893,000	\$0	\$0
Street Cleaning	5870-74000	\$147,000	\$0	\$147,000	\$0	\$0
Flood Damage General	5900-74000	\$276,000	\$0	\$274,438	\$1,562	\$1,562
Bridge Maintenance - General	5930-74000	\$216,000	\$0	\$216,000	\$0	\$0
Traffic Facilities- Guardrails	5950-74000	\$79,000	\$0	\$79,000	\$0	\$0
Traffic Facilities- Signs	5980-74000	\$451,000	\$0	\$451,000	\$0	\$0
Traffic Facilities- Bus Shelters	6050-74000	\$88,000	\$0	\$88,000	\$0	\$0
Non-Subsidised Maintenance- High Profile Areas	6200-74000	\$32,000	\$0	\$32,000	\$0	\$0
Non-Subsidised Maintenance- Street Cleaning (unsubsidised 70%)	6220-74000	\$408,000	\$0	\$408,000	\$0	\$0
Non-subsidised Maintenance- General Road Maintenance	6180-74000	\$209,000	\$0	\$209,000	\$0	\$0
Non-subsidised Maintenance- Intersection Sweeping	6230-74000	\$53,000	\$0	\$53,000	\$0	\$0
Non-subsidised Maintenance- Commercial Centres Road Sweeping	6240-74000	\$210,000	\$0	\$210,000	\$0	\$0

Budget Description (from annual budget line item) Draft Annual Plan 2009/2010	Codes	Budget	Committed to other projects	Allocation to this project	Unallocated balance	Potential surplus
Non-subsidised Maintenance- Car Park Maintenance	6190-74000	\$42,000	\$0	\$42,000	\$0	\$0
Subsidised Renewals- Sealed Road	8AMTA-07-004	\$10,822, 000	\$0	\$8,303,047	\$2,518,953	\$2,518,953
Subsidised Renewals- Drainage Systems	8AMTA-07-006	\$1,011,3 00	\$50,000	\$953,111	\$8,189	\$8,189
Subsidised Renewals- Traffic Facilities	8AMTA-07-009	\$613,000	\$513,000	\$89,821	\$10,179	\$10,179
Subsidised Renewals- Road Reconstruction/Reha bilitation	8AMTA-08-003	\$1,800,0 00	\$0	\$1,769,561	\$30,439	\$30,439
Non-subsidised Renewals- Footpath	8AMTA-07-020	\$1,000,0 00	\$0	\$892,519	\$107,481	\$107,481
Non-subsidised Renewals- Vehicle Crossings	8AMTA-07-021	\$96,000	\$0	\$96,000	\$0	\$0
Subsidised Capital Expenditure- Safety Improvements	8AMTA-07-034	\$1,090,0 00	\$445,454	\$644,546	\$0	\$0
Non-subsidised Capital Expenditure- Road Drainage Extensions	8AMTA-07-128	\$200,000	\$0	\$200,000	\$0	\$0
Professional Services- Urban	5840-63000	\$123,000	\$0	\$123,000	\$0	\$0
Professional Services- Rural	5860-63000	\$131,000	\$0	\$80,000	\$51,000	\$0
Professional Services- Street Cleaning	5880-63000	\$13,000	\$0	\$13,000	\$0	\$0
Professional Services- Flood Damage	5890-63000	\$29,000	\$0	\$29,000	\$0	\$0
Professional Services- Bridge Maintenance	5920-63000	\$18,000	\$0	\$18,000	\$0	\$0
Professional Services- Traffic Facilities	5940-63000	\$315,000	\$	\$147,500	\$167,500	\$0
Professional Services- Bus Shelters	5880-63000	\$14,000	\$0	\$14,000	\$0	\$0
Professional Services- Amenities	6160-63000	\$89,000	\$0	\$89,000	\$0	\$0
Professional Services- Sealed Road Renewals	8AMTA-07-003	\$440,800	\$0	\$440,800	\$0	\$0
Professional Services- Drainage System Renewals	8AMTA-07-007	\$101,100	\$0	\$101,100	\$0	\$0
Professional Services- Road Reconstruction/Reha bilitation	8AMTA-08-003	\$200,000	\$0	\$100,000	\$100,000	\$0
	Subtotal 2009/2010			\$18,626,443		\$2,676,803
Annual Plan 2010/2011						
Physical Works				\$17,553,050		
Professional Services				\$1,214,700		
	Subtotal 2010/2011			\$18,767,750		
	Total			\$37,394,193		

Table 5 - Source of Funding

IMPLEMENTATION ISSUES

42. There are no expected implementation issues with this report.

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



14 PROPOSED ROAD STOPPING OF ASTLEY AVENUE, NEW LYNN

EXECUTIVE SUMMARY

The purpose of this report is to seek approval from Council:

- to initiate the road stopping process in accordance with the Local Government Act 1974 to close the northern portion of Astley Avenue intersecting with Clark Street, New Lynn to all vehicular traffic; and
- to permanently close the northern portion of Astley Avenue intersecting with Clark Street, New Lynn to all vehicular traffic.

RECOMMENDATIONS

It is recommended that Council resolve to:

1. **Receive** the Proposed Road Stopping of Astley Avenue, New Lynn report.
- A2 2. **Approve** that in accordance with the Tenth Schedule of the Local Government Act 1974, procedures be initiated to stop a portion of road of approximately 10 square metres to the north of Astley Avenue shown as Section A on drawing number 3121038-C-K300 attached at page A2 of the agenda.
- A2 3. **Approve** that the Chief Executive Officer be authorised to declare permanent road stopping of a portion of road shown as Section A on drawing number 3121038-C-K300 attached at page A2 of the agenda by public notification and that this is be subject to no objections being received to the proposed road stopping or confirmation of the Council's decision by the Environment Court.

BACKGROUND

1. At its meeting held on 15 October 2008, the Council resolved to:

“The Council resolved 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 to the agenda report 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.”*

DECISION MAKING

Issues

2. The traffic roundabout at the intersection of Clark Street and Portage Road has increasingly become subject to traffic pressure. These pressures will be further exacerbated as a result of completion of construction of State Highway 20. The highway works are likely to result in substantial increased traffic numbers from Maioro Street, along the Tiverton Street/Wolverton Street corridor to Clark Street, New Lynn, leading to further congestion in the New Lynn area.
3. Future growth, as predicted by the Auckland Regional Growth Strategy, will result in increasing population, business activity and retailing in New Lynn, which are all likely to increase traffic volume in the area.
4. Council has developed an integrated approach to traffic management through the New Lynn Transit Oriented Development project. This provides for a multi-modal strategy to manage the movement of people and goods including improvements to the roading network. As part of this process a number of options were tested and closing Astley Avenue was identified as the preferred option.
5. It is proposed to permanently close Astley Avenue at its intersection with Clark Street and replace the existing roundabout at the intersection of Clark Street and Portage Road with traffic signals. The proposed closure of Astley Avenue will result in traffic diversion to Neville Street and Portage Road. The proposed works will improve safety and effective operation of the Clark Street and Portage Road intersection by providing a more pedestrian and cycle friendly environment, better manage vehicle traffic, improve bus movements and provide capacity for traffic growth.
6. The legal process outlined under the Tenth Schedule of the Local Government Act 1974 is listed below:
 - a) *The council shall prepare a plan of the road proposed to be stopped, together with an explanation as to why the road is to be stopped and the purpose or purposes to which the stopped road will be put, and a survey made and a plan prepared of any new road proposed to be made in lieu thereof, showing the lands through which it is proposed to pass, and the owners and occupiers of those lands so far as known, and shall lodge the plan in the office of the Chief Surveyor (now the Assistant to the Surveyor General) of the land district in which the road is situated.*
 - b) *On receipt of the Chief Surveyor's notice of approval and plan number the council shall open the plan for public inspection at the office of the council, and the council shall at least twice, at intervals of not less than 7 days, give public notice of the proposals and of the place where the plan may be inspected, and shall in the notice call upon persons objecting to the proposals to lodge their objections in writing at the office of the council on or before a date to be specified in the notice, being not earlier than 40 days after the date of the first publication thereof. The council shall also forthwith after that first publication serve a notice in the same form on the occupiers of all land adjoining the road proposed to be stopped or any new road proposed to be made in lieu thereof, and, in the case of any such land of which the occupier is not also the owner, on the owner of the land also, so far as they can be ascertained.*
 - c) *A notice of the proposed stoppage, shall during the period between the first publication of the notice and the expiration of the last day for lodging objections as aforesaid be kept fixed in a conspicuous place at each end of the road proposed to be stopped:*

Provided that the council shall not be deemed to have failed to comply with the provisions of this clause in any case where any such notice is removed without the authority of the council, but in any such case the council shall, as soon as conveniently may be after being informed of the unauthorised removal of the notice, cause a new notice complying with the provisions of this clause to be affixed in place of the notice so removed and to be kept so affixed for the period aforesaid.

- d) *If no objections are received within the time limited as aforesaid, the council may by public notice declare that the road is stopped; and the road shall, subject to the council's compliance with clause 9 of this Schedule, thereafter cease to be a road.*
 - e) *If objections are received as aforesaid, the council shall, after the expiration of the period within which an objection must be lodged, unless it decides to allow the objections, send the objections together with the plans aforesaid, and a full description of the proposed alterations to the Environment Court.*
 - f) *The Environment Court shall consider the district plan, the plan of the road proposed to be stopped, the council's explanation under clause 1 of this Schedule, and any objection made thereto by any person, and confirm, modify, or reverse the decision of the council which shall be final and conclusive on all questions.*
 - g) *If the Environment Court reverses the decision of the council, no proceedings shall be entertained by the Environment Court for stopping the road for 2 years thereafter.*
 - h) *If the Environment Court confirms the decision of the council, the council may declare by public notice that the road is stopped; and the road shall, subject to the council's compliance with clause 9 of this Schedule, thereafter cease to be a road.*
 - i) *Two copies of that notice and of the plans hereinbefore referred to shall be transmitted by the council for record in the office of the Chief Surveyor of the land district in which the road is situated, and no notice of the stoppage of the road shall take effect until that record is made.*
 - j) *The Chief Surveyor shall allocate a new description of the land comprising the stopped road, and shall forward to the District Land Registrar or the Registrar of Deeds, as the case may require, a copy of that description and a copy of the notice and the plans transmitted to him by the council, and the Registrar shall amend his records accordingly."*
7. If objections to the proposed road stopping are received, Council staff will attempt to negotiate a withdrawal of the objections and that if these efforts prove unsuccessful, the objections will then be sent to the Environment Court for determination.
8. If objections to the proposed road stopping are received and to ensure the continuity of construction work at the intersection of Clark Street and Portage Road, the Transport Assets Manager and Field Services Manager have the authority under the Waitakere City Council Delegations to Officers (Appendix C, page 66) to approve temporary prohibition of traffic under the provisions of Clause 11 of the Tenth Schedule of the Local Government Act 1974.

Options Identified

9. The proposed options identified at the intersection of Clark Street and Portage Road are listed below:
- **Option 1** is the do nothing option;
 - **Option 2** is the replacement of the existing roundabout intersection with traffic signals. Astley Avenue intersecting with Clark Street is to be opened to all vehicular traffic; and
 - **Option 3** is similar to Option 2 except Astley Avenue intersecting with Clark Street is to be closed to all vehicular traffic.

Assessment of Options

Option 1

10. The advantage is the lowest cost option.
11. The disadvantages are:
- Not safe for cyclists manoeuvring around the roundabout;
 - Not safe for pedestrians crossing the roundabout intersection;
 - Due to the high and growing volume of traffic from Astley Avenue crossing the major flows on Clark Street, this will make this intersection very difficult to negotiate and will increase the number of accidents at this approach;
 - Increase in queuing problems on existing roading network;
 - Does not provide for future traffic growth; and
 - Does not facilitate future bus pre-emption device at traffic signals.

Option 2

12. The advantage is a more pedestrian and cycle friendly environment.
13. The disadvantages are:
- Insufficient capacity for current traffic;
 - Added delays to motorists, pedestrians and cyclists from all approaches; and
 - Does not provide for future traffic growth.

Option 3

14. The advantages are:
- A more pedestrian and cycle friendly environment;
 - Better manage vehicle traffic and to improve bus movements; and
 - Capacity for traffic growth.
15. The disadvantages are:
- Need to develop Neville Street and signal control its intersection with Portage Road owing to diverted traffic;
 - Need to provide improved lighting and security for owners and occupiers of affected properties; and
 - Have to go through the road stopping process in accordance with the Local Government Act 1974.

Consideration of Community Views

16. Council has implemented a comprehensive community outcome programme, with positive feedback from the community for the New Lynn Transit Oriented Development project and associated transport infrastructure. The needs of affected owners and occupiers have been identified through consultation and are addressed in the detailed design.

Preferred Option

17. Option 3 is the preferred option. The concept design and developed design including the proposed Option 3 were approved by Council on 10 October 2007 and 15 October 2008 respectively.

STRATEGIC CONTEXT

18. The New Lynn Transit Oriented Development project is identified as one of the Council's top five projects and represents a substantial investment in the Long Term Council Community Plan 2009-2019. The project delivers on the following strategic platforms:

- Urban and Rural Villages;
- Strong Communities; and
- Integrated Transport and Communications.

19. The New Lynn Transit Oriented Development project is also aligned with the following strategies:

- Both the Council's Growth Strategy and the Regional Growth Strategy, whereby New Lynn has been identified as a regional growth centre;
- Auckland Regional Land Transport Strategy;
- The Council's Transport Strategy 2009 - 2019;
- Growth Management Strategy; and
- Economic Development Strategy.

CONSULTATION

20. Statutory consultation has also been carried out as required under the Resource Management Act 1991 and the Local Government Act 1974.
21. The businesses on Astley Avenue between Clark Street and Neville Street have been consulted of the proposed road stopping. In general, they supported the proposed works subject to the mitigation measures as follows:

Astley Avenue

- The proposed cul-de-sac head at the northern portion of Astley Avenue intersecting with Clark Street should be designed for an 11 metres truck for U-turn movements;
- Two directional stack business sign directory on the berm at the intersection of Astley Avenue and Neville Street for businesses between Clark Street and Neville Street;
- Security gates across currently unprotected roller doors at 55 Portage Road, with its back yard in Astley Avenue;
- Review of street lighting to ensure brightly lit environment at night;

- See through cul-de-sac head with optimised landscaping and pedestrian amenity;
- A speed control platform on Astley Avenue between Clark Street and Neville Street; and
- Road marking improvements.

Neville Street

- Special detection and space in Portage Road signalled intersection for Green Bay Auctions dock entry.

Portage Road

- Repositioning of crossing and driveway at 44 Portage Road because of the close proximity to the proposed traffic signals at the intersection of Portage Road and Neville Street.

Responses to consultation

22. The above requests are justifiable concerns and Council will work through those requests.

RESOURCES

23. The budget for the proposed works has been provided in the Annual Plan 2008/2009 work programme line item 'New Lynn Transit Oriented Development'.

IMPLEMENTATION ISSUES

24. The implementation of the road stopping of Astley Avenue at its intersection with Clark Street is dependent on not receiving any objection from the public. If objections to the proposed road stopping are received, staff shall attempt to negotiate a withdrawal of the objections.

Report prepared by: Vinh Bui, Senior Transport Engineer.



15 **AUCKLAND REGIONAL COUNCIL DRAFT LONG TERM COUNCIL COMMUNITY PLAN 2009-2019**

GLOSSARY

Auckland Regional Council	(ARC)
Auckland Regional Transport Authority	(ARTA)
New Zealand Transport Agency	(NZTA)
Regional Fuel Tax	(RFT)
Your Region, Your Future Draft Long Term Council Community Plan	(LTCCP)
Waitakere City Council	(Council)

EXECUTIVE SUMMARY

The purpose of this report is to inform the Council of the key issues included for consultation in the Auckland Regional Council (ARC) Your Region, Your Future Draft Long Term Council Community Plan (LTCCP) 2009-2019, and to propose the content and direction of the Council's submission to the LTCCP 2009-2019.

A copy of the Waitakere City Council (Council) submission will be tabled separately.

RECOMMENDATIONS

It is recommended that the Council resolve to:

1. **Receive** the Auckland Regional Council Your Region, Your Future Draft Annual Long Term Council Community Plan 2009-2019 report.
2. **Agree** that comments made on the Auckland Regional Council Your Region, Your Future Draft Long Term Council Community Plan 2009-2019 at the Council meeting, scheduled to take place on Wednesday 29 April 2009, be included in the Council submission to the Auckland Regional Council.
3. **Direct** that the Council submission to the Auckland Regional Council Your Region, Your Future Draft Long Term Council Community Plan 2009-2019 be approved and signed by the Mayor (or Alternate), and the Chief Executive Officer.
4. **Agree** that the Mayor (or Alternate) and the Chief Executive Officer present the Council submission on the Auckland Regional Council Your Region, Your Future Draft Long Term Council Community Plan 2009-2019 to the Auckland Regional Council in person, at the hearing scheduled from 21 May to 29 May, 2009.

BACKGROUND

1. The ARC LTCCP 2009-2019 has been published and submissions are welcome before the 5pm on 6 May 2009. If Council wishes to present the submission to the ARC in person, the hearing is scheduled from 21 May to 29 May 2009.
2. A copy of the ARC LTCCP 2009-2019 has been made available in the Councillors' Lounge and can also be accessed on line at <http://www.arc.govt.nz/plans/annual-plans-and-report/draft-long-term-council-community-plan-2009-19.cfm> .
3. The ARC LTCCP 2009-2019 proposes a number of changes from previous years, across a range of activities which involves three areas of concern, including:
 - i) Removal of the Regional Fuel Tax (RFT) and impacts on transport plans and projects across the Auckland region.
 - ii) In anticipation of the new Auckland Council, greater prominence in the LTCCP 2009-2019 for the Regional Policy Statement, Auckland Sustainability Framework and the One Plan.
 - iii) Concerns and issues specific to Council activities such as economic development, parks and stormwater management etcetera.
4. A major issue is the 16 March 2009 announcement by the Minister of Transport that the Government will cancel the RFT. As part of this announcement the Government has signalled that it is committed to rail electrification, an increase in roading excise and road-user charges, and funding for Electric Multiple Units, which will be owned by Kiwi Rail.
5. The RFT would have enabled ARC to make available capital funding for ARTA to provide for rail electrification, non-electric rolling stock, rail and rail station upgrades, plus create 100 percent fully-funded joint ARC-NZTA projects such as integrated ticketing for passenger transport, the ferry terminal, real time information systems and other passenger transport infrastructure upgrades.

6. At this time there are a lot of unknown factors such as whether the Government will provide the same rail electrification upgrade as planned by the ARC, or whether KiwiRail will operate the rail services in the Auckland region, or if ARTA will continue to own, fund and manage rail stations.
7. The impact of the removal of the RFT upon the ARC LTCCP 2009-2019 is that there are now legal binding commitments that are without capital project funding, and a number of projects at risk including the New Lynn station upgrade which faces an \$11.6m shortfall in capital expenditure funds.
8. The ARC LTCCP 2009-2019 assumes the following:
 - responsibility for all rail related capital assets and rail capital investment transfers to KiwiRail from 1 July 2009;
 - responsibility for bus, ferry, and multimodal projects be retained by ARTA; and
 - existing funding arrangements for rail operations will continue.
9. The ARC is seeking to reach agreement with Government on future arrangements for the Auckland rail network that are efficient, affordable and provide mechanisms for meeting the Auckland region's strategic transport objectives.
10. In addition to dialogue and agreement with Government, the ARC plans to in order to address this funding deficit by either savings or deferral of a number of previously planned projects and activities.
11. The ARC states that it is "under significant pressure to constrain expenditure, not only due to the Government's announcement to withdraw the regional fuel tax, but also due to declining investment returns, slower than anticipated growth in the number of ratepayers, and uncertainty over interest rates."

DECISION MAKING

12. Impacts from the removal of the RFT: Council has deep dissatisfaction with the Government decision to remove the RFT and the impacts of this initiative on current and future transport funding needs. Strong support is offered to the ARC for their leadership in a unified Auckland approach for a swift resolution from Government on the issues related to the transport and economic impacts resulting from the removal of the RFT, and to seek clarification from the Government in its commitment for signalled for rail electrification, funding and KiwiRail in Auckland.
13. Auckland Regional Policy Statement and One Plan: Council places an emphasis on the importance of the ARC role and commitment to the Regional Policy Statement and One Plan tool for the structure and function of the new Auckland Council.
14. Council's activity-specific concerns and issues include:

Built environment

The priority for the Regional Future Land Use project work as key contributor to regional growth, transport and infrastructure planning is unclear. The timing and commitment to the review of the Auckland Regional Policy Statement needs to be confirmed.

Economic development

The availability, cost and location of business land; policy initiative and framework limitations; Metro Project Action Plan sole-focus on tourism; lack of funding details for economic activities; and a decrease in the funding available for economic development.

Freshwater management

Regional parks

To help ensure that important coastal and land with heritage value is retained in public ownership, Council seeks consideration from ARC for financial support and management of the Bomb Point land at Hobsonville. Also provide regional park bach facilities at a subsidised rate for those citizens on lower incomes.

Rugby World Cup 2011

In addition to the proposed \$10m for the upgrade of Eden Park and business-ready planning initiatives, regional funding for legacy items such as the design and implementation of: a Regional Disability Plan; Regional Recycling-Sustainability Plan; and funding to support the roll-out of the Auckland brand across the region.

Stormwater management and pollution response

Council supports the ARC Stormwater Management and Pollution Response activities and levels of service. However Council wishes to work with ARC in carrying out a pollution prevention project in the industrial site audit programme. Also the Stormwater Integrated Catchment Management Plans budgets should not be reduced, for this is a key instrument in working towards the achievement of long-term improvements to the receiving-water environments.

Transport and planning

Particular plans and project concerns including New Lynn Transit Oriented Development, rail station ownership, West Auckland bus service changes, Hobsonville ferry terminal, rates to fund transport plans and projects, funding for the electrification rolling stock and the bus service to rural areas.

15. Other changes and concerns consist of the need for better articulation of the ARC role as a member of the Civil Defence Emergency Management Group; sustainable schools and communities programme support; the ARC knowledge and influence related to housing demand and supply; and ARC's increased role in regional education and skill outcome achievement.
16. The Council submission seeks to continue the close working relationship that Waitakere has with the ARC during the transition to the new Auckland governance structure.

STRATEGIC CONTEXT

17. ARC contributes to the achievement of The Community Outcomes for Waitakere City 2006-2009, and Council's strategic direction, plans and activities as outlined in the Draft Best for the West - Waitakere's 10-year Plan.

CONSULTATION

18. The issues and areas identified for Council's submission to the ARC LTCCP 2009-2019 were reached after consultation with staff across the Council, particularly the Strategic Planning, Social and Cultural Wellbeing, Public Affairs and City Services directorates. Also the Chief Executive Officer and Directors have given consideration to the submission.

RESOURCES

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

IMPLEMENTATION ISSUES

20. The Council submission to the ARC LTCCP 2009-2019 shall be tabled at the Council meeting scheduled for Wednesday 29 April 2009. It is proposed that the final submission work will include points made at the Council meeting and be signed off by the Mayor (or Alternate) and Chief Executive Officer.

Report prepared by: Mark Allen, Team Leader Long Term Planning, Maureen Crombie, Manager: Strategic Framework and Research.



16 LOCAL GOVERNMENT NEW ZEALAND CONFERENCE AND ANNUAL GENERAL MEETING 2009

GLOSSARY

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

EXECUTIVE SUMMARY

The purpose of this report is to inform Council about the Local Government New Zealand Conference (the Conference) and Annual General Meeting (AGM) 2009 to be held in Christchurch from Sunday, 26 to Wednesday, 29 July 2009.

The Council is requested to:

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

RECOMMENDATIONS

It is recommended that the Council resolve to:

1. **Receive** the Local Government New Zealand Conference And Annual General Meeting 2009 report.
2. **Approve** the Mayor to attend the Local Government New Zealand Conference and Annual General Meeting 2009 in Christchurch from Sunday, 26 July to Wednesday, 29 July 2009.
3. **Agree** to determine additional Councillors or other Elected or appointed Member representation to attend the Local Government New Zealand Conference and Annual General Meeting 2009 in Christchurch from Sunday, 26 July to Wednesday, 29 July 2009.
4. **Approve** that the Mayor be appointed the Waitakere City Council presiding delegate for the purposes of the Local Government New Zealand Annual General Meeting 2009 in Christchurch on Wednesday, 29 July 2009, and be authorised to cast Waitakere City Council's votes at the Annual General Meeting.
5. **Approve** that a Councillor be nominated as the alternate presiding delegate for the purposes of the Local Government New Zealand Annual General Meeting 2009 in Christchurch on Wednesday, 29 July 2009

6. **Approve** that up to two other Councillors be nominated as the delegates for the purposes of the Local Government New Zealand Annual General Meeting 2009 in Christchurch on Wednesday, 29 July 2009
7. **Agree** that consideration be given to sending a representative from Te Taumata Runanga to the Local Government New Zealand Conference 2009 in Christchurch from Sunday, 26 July to Wednesday, 29 July 2009, and inviting Te Taumata Runanga to nominate a representative.
8. **Agree** that consideration be given to sending a representative from Waitakere's Community Boards to the Local Government New Zealand Conference 2009 from Sunday, 26 July to Wednesday, 29 July 2009 and inviting the Community Boards to nominate a representative.
9. **Agree** to consider whether it wishes to send any remits to the Local Government New Zealand Annual General Meeting 2009 in Christchurch on Wednesday, 29 July 2009.

BACKGROUND

1. The Conference will take place this year from Sunday, 26 July to Wednesday, 29 July 2009 in Christchurch. Historically, the Council has attended the Conference each year and has sent the Mayor, Deputy Mayor, and a number of other Elected Members, supported by the Chief Executive Officer and other appropriate staff.
2. As part of the Conference, Local Government New Zealand also holds its AGM and this year it will be held on Wednesday, 29 July 2009.
- A3-A6 3. The Conference provides an opportunity for Elected Members to share ideas and experiences with their colleagues across the country. The AGM provides Council with an opportunity to influence the leadership and direction of Local Government New Zealand. The conference programme is attached at pages A3 to A6.

DECISION MAKING

Conference Attendance

- A3-A6 4. The Conference theme for 2009 is "*Local government: our place in the world*" and the programme is attached at pages A3 to A6.
5. Over the past 10 years the Council has authorised attendance at the Conference for the Mayor, Deputy Mayor, a number of (other) Elected Members and the Chief Executive Officer as follows:

2008	Mayor, Deputy Mayor, Crs Jolley, Brady and Mitchell; Mr W Paki as Chairman of Te Taumata Runanga and Mr WS Bainbridge as the Community Boards' representative.
2007	Mayor, Crs Clews, Hulse, Neeson, Stone; Ms A Hudson as Te Taumata Runanga representative and Mr G Barnard as the Community Boards' representative.
2006	Mayor, Crs Battersby, Clow, Lawley and Chan, and Mihi Te Huia as Deputy Chairman of Te Taumata Runanga,
2005	Mayor, Crs Battersby, Cooper, Hulse; Mihi Te Huia as Deputy Chairman of Te Taumata Runanga and Christine Shepherd as Deputy Community Board Representative of Zone One and as the Community Boards' representative.
2004	Mayor, Deputy Mayor, Crs Brady and Yates

2003	Mayor, Deputy Mayor, Crs Clews and Russell
2002	Mayor, Deputy Mayor, Crs Brady and Fenton
2001	Crs Battersby, Davies, Freeth, and Hulse
2000	Mayor, Deputy Mayor and Evelyn Taumaunu as Chairman of Te Taumata Runanga
1999	Deputy Mayor and Cr Riddell
1998	Mayor, Deputy Mayor and Cr Battersby

6. The cost of early bird registration (registered before 18 May) for full Conference attendance is \$1145 (including GST) per delegate plus accommodation and travel. The standard registration cost from 19 May is \$1300 (including GST). Day registrations for Monday and Tuesday are \$625 per day (includes dinner).
7. Council needs to determine attendance at the Conference. Once attendance is resolved it would be opportune to resolve the question of presiding delegate, alternate delegate and other delegates for the AGM.
8. The Council is also being requested to consider representation from Te Taumata Runanga and the Community Boards to attend the Conference.

Remits

- A7
9. Remits for consideration by the AGM of Local Government New Zealand must be submitted to Local Government New Zealand no later than **Monday, 18 May 2009**. Remits are viewed as a vehicle for major strategic "issues of the moment" to be addressed. All remits must comply with Local Government New Zealand's Remit Policy, attached at page A7, which requires that remits:
 - must be relevant to local government as a whole rather than exclusively relevant to a single Zone or Sector Group;
 - should be of a major policy nature (constitutional and substantive policy) rather than matters that can be dealt with by administrative action; and
 - must have formal support from at least one Zone or Sector Group meeting, or five Councils, prior to submission.
- A8
10. Should Council wish to send a remit to the Conference then it will be required to gain the support of either Zone One of Local Government New Zealand, or the Metropolitan Sector Council, or at least four other individual councils. The next Zone One meeting is a joint Zone One/Zone two meeting and is being hosted by Environment Waikato on Friday, 15 May 2009. The Council has informally determined that it does not intend to promote any remits this year. The AGM 2009 Remit Application form is attached at page A8.

Delegates to the Annual General Meeting

11. The Local Government New Zealand Constitution was amended in 2001 and the administrative procedures for the AGM changed. To attend and exercise the Council's five votes at the AGM it is necessary for the Council to appoint and forward the names to Local Government New Zealand of its presiding delegate, alternate and other delegates attending the AGM in advance of the AGM. Under the Local Government New Zealand Constitution, Council is allowed to have a maximum of four delegates at the AGM. Other Councillors at the Conference can attend as observers.

12. The following business is to be conducted at the AGM on Wednesday, 29 July 2009:
- President's Report and Annual Report;
 - Financial Statements and Annual Statement of Accounts;
 - Reports from zones or sector groups;
 - Remits from zones, sector groups or member authorities;
 - Date and venue of the next AGM;
 - Any notice or notices of motion to alter, add to, rescind or otherwise amend the Rules of *Local Government New Zealand*; and
 - Any other business that the National Council or the AGM resolves to be considered.

STRATEGIC CONTEXT

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

CONSULTATION

15. There is no consultation required for this report.

RESOURCES

16. Sufficient resources have been provided for in the draft Annual Plan 2009/2010 to allow Elected Members to attend the Local Government New Zealand Conference.

IMPLEMENTATION ISSUES

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

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

Vijaya Vaidyanath
CHIEF EXECUTIVE OFFICER



PART E - REPORTS FROM THE STANDING COMMITTEES

17 INFRASTRUCTURE AND WORKS COMMITTEE

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON WEDNESDAY, 1 APRIL

MATTERS CONSIDERED

*Pages 1-10
Part E
Page 49
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 1 to 10 in the supplement labelled Part E. The public excluded minutes are attached at page 49 of the Confidential Supplement labelled Part H.

It is recommended that the Council resolve to:

Receive the report of the meeting of the Infrastructure and Works Committee held on Wednesday, 1 April 2009.

DQ Battersby, JP
CHAIRMAN



18 POLICY AND STRATEGY COMMITTEE

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON THURSDAY, 2 APRIL 2009

MATTERS CONSIDERED

*Pages 11-18
Part E
Page 50
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 11 to 18 in the supplement labelled Part E. The public excluded minutes are attached at page 50 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, 2 April 2009.

PA Hulse
CHAIRMAN



19 **FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE**

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON MONDAY, 6 APRIL 2009

MATTERS CONSIDERED

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

It is recommended that the Council resolve to:

Receive the report of the meeting of the Finance and Operational Performance Committee held on Monday, 6 April 2009.

RI Clow
CHAIRMAN



20 **PLANNING AND REGULATORY COMMITTEE**

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON TUESDAY, 7 APRIL 2009

MATTERS CONSIDERED

*Pages 28-30
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 28 to 30 in the supplement labelled Part E.

It is recommended that the Council resolve to:

Receive the report of the meeting of the Planning and Regulatory Committee held on Tuesday, 7 April 2009.

VS Neeson, JP
CHAIRMAN



21 **CULTURE AND COMMUNITY COMMITTEE**

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON WEDNESDAY, 8 APRIL 2009

MATTERS CONSIDERED

*Pages 31-36
Part E*

Your Committee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages 31 to 36 in the supplement labelled Part E.

It is recommended that the Council resolve to:

Receive the report of the meeting of the Culture and Community Committee held on Wednesday, 8 April 2009.

JP Lawley, JP
CHAIRMAN



22 **TE TAUMATA RUNANGA**

I NOHO TE TAUMATA RUNANGA KOMITI RAHINA RUA TE KAU O PAENGA-WHAWHA 2009

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON MONDAY, 20 APRIL 2009

MATTERS CONSIDERED

*Pages 37-42
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 37 to 42 in the supplement labelled Part E.

NGA TAKE E WHIRIWHIRIA

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

It is recommended that the Council resolve to:

Receive the report of the meeting of Te Taumata Runanga held on Monday, 20 April 2009.

W Paki, JP
CHAIRMAN



PART F - PRESENTATIONS

These presentations will take place at 7.00 pm.

23 CITATION

Mayor Bob Harvey will make a presentation to Inspector Mark O'Connor in recognition of his 9 years of service to the people in Waitakere

24 NEW ZEALAND POLICE ASSISTANT COMMISSIONER

Mayor Bob Harvey will introduce Assistant Commissioner, Steve Shortland to the Council.

25 MEMORANDUM OF UNDERSTANDING - TE WHANAU O WAIPAREIRA TRUST AND WAITAKERE CITY COUNCIL

Mayor Bob Harvey has agreed to the signing of the Memorandum of Understanding between the Te Whanau o Waipareira Trust and Waitakere City Council



PART G - PROCEDURAL MATTERS

26 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.



27 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.



28 ADJOURNMENT

Pursuant to Standing Order 30.1(a) it is proposed that the Council meeting be adjourned to Thursday, 7 May 2009 at 11.30 am. The procedural motion for the adjournment will be considered after the introduction of **Item 31**: Purchase of Core Assets within PC15 and **Item 32**: New Lynn Infrastructure Funding Within the Plan Change 17 Area.



PART H - PUBLIC EXCLUDED MATTERS

29 STURGES ROAD BRIDGE REPLACEMENT PROJECT

30 INTERNATIONAL SURFING EVENTS

31 PURCHASE OF CORE ASSETS WITHIN PC15

32 NEW LYNN INFRASTRUCTURE FUNDING WITHIN THE PLAN CHANGE 17 AREA

These items will be considered in the Confidential Supplement of the agenda, and have been circulated to members separately with this agenda.

PROCEDURAL MOTION TO EXCLUDE THE PUBLIC

That the public be excluded from the following parts of the proceedings of this meeting, namely, Sturges Road Bridge Replacement Project, International Surfing Events, Purchase of Core Assets within Plan Change 15, New Lynn Infrastructure Funding Within the Plan Change 17 Area, and.

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

General subject of the matters to be considered.	Reason for passing this resolution in relation to the matters.	Ground(s) under Section 48(1)(a) for the passing of this resolution.
Sturges Road Bridge Replacement Project	The withholding of information is necessary in order to: <ul style="list-style-type: none"> • enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). 	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.
International Surfing Events	The withholding of information is necessary in order to: <ul style="list-style-type: none"> • enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). 	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.
Purchase of Core Assets within PC15	The withholding of information is necessary in order to: <ul style="list-style-type: none"> • enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). 	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.

General subject of the matters to be considered.	Reason for passing this resolution in relation to the matters.	Ground(s) under Section 48(1)(a) for the passing of this resolution.
New Lynn Infrastructure Funding Within the Plan Change 17 Area	The withholding of information is necessary in order to: <ul style="list-style-type: none"> • enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). 	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.

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

- *These reports contain information which if released could affect Council's negotiations.*



33 CLOSING PRAYER

