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**NOTICE OF MEETING OF THE  
38<sup>TH</sup> COUNCIL MEETING**

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I hereby give notice that the 38<sup>th</sup> Council meeting of the 7<sup>th</sup> Papakura District Council is to be held on:

**DATE:**            **Tuesday**                    **27<sup>th</sup> April 2010**

**TIME:**            **4.00 P.M.**

**VENUE:**        **Council Chambers**  
                  **35 Coles Crescent**  
                  **PAPAKURA**

T Stratton  
**CHIEF EXECUTIVE OFFICER**

**MEMBERSHIP:**

Chairperson	His Worship the Mayor (Calum Penrose)
Deputy Chairperson	Clr Goldsmith
	Clr Auva'a
	Clr Catchpole
	Clr Conroy
	Clr Jones
	Clr O'Connor
	Clr Piggott
	Clr Pringle

*(Quorum 5 members)*

*(The reports and recommendations contained in this Order Paper are not necessarily Council Policy and should not be taken as Council Policy, or opinion)*

## PAPAKURA DISTRICT COUNCIL

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**PAPAKURA DISTRICT COUNCIL**

**AGENDA FOR THE 38<sup>TH</sup> MEETING OF THE PAPAKURA DISTRICT COUNCIL TO  
BE HELD IN THE COUNCIL CHAMBERS, 35 COLES CRESCENT, PAPAKURA  
ON TUESDAY 27<sup>TH</sup> APRIL 2010 COMMENCING AT 4.00 P. M.**

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**1. APOLOGIES**

**2. PERSONAL**

**3. CONFIRMATION OF MINUTES**

- (a) That the Minutes of the 37<sup>th</sup> Council Meeting held on Tuesday 23<sup>rd</sup> March 2010 be confirmed.

**4. APPROVAL OF RECOMMENDATIONS**

**5. MINUTES – TE ROOPU KAITIAKI O PAPAKURA**

- (a) That the Minutes of the Te Roopu Kaitiaki O Papakura Meeting held on Tuesday 19<sup>th</sup> February 2010 be received. (Attachment No.1)

**6. DEPUTATIONS**

**7. PRESENTATIONS**

**8. MAYOR'S REPORT**

**9. ITEMS FOR DECISION**

**(a) APPROVAL OF PROPOSAL AND PUBLIC CONSULTATION FOR 3500KG VEHICLE RESTRICTIONS**

**REPORTING OFFICER:** Erin Clarke  
Policy Advisor

**ATTACHMENT:** Proposal to implement restrictions of vehicles under 3500kg within specified areas of the district  
Maps showing proposed areas where vehicle restrictions on 3500kg may apply  
Parking and Traffic Bylaw 2009  
**(Attachment No. 2)**

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**PURPOSE OF THE REPORT**

The purpose of this report is to seek Council endorsement of the proposal (attached) to restrict vehicle access between the hours of 10pm and 5am daily for vehicles under 3500kg in specified areas of the District, for public consultation.

**BACKGROUND**

During the Resource Management and Regulatory Meeting on 13 April 2010, Council considered whether to enable the restricting of vehicles under 3500kg in certain areas of Papakura.

This followed discussion with Inspector Gary Hill of NZ Police at a Council workshop in March.

At its meeting Council resolved:

*“That a draft proposal to implement the 3500kg vehicle restrictions in the following areas is prepared for approval, at the next Council meeting prior to consultation as outlined in this report:*

- *Takanini Business Area*
- *Drury Industrial Area*
- *Hunua Industrial Area*
- *Gatland Road*
- *Unsealed section of Old Wairoa Road”.*

**NARRATIVE**

Council has provision in the Parking and Traffic Bylaw 2009 to impose passage restrictions on those vehicles weighing less than 3500kg. These restrictions entail prohibiting vehicles from driving through specified areas at specified times unless the car driver is able to show there is a legitimate purpose to them being in that location.

The provision states:

*The Council may by publicly notified resolution restrict or prohibit any vehicle weighing less than 3,500kg from being operated on any road or part of a road.*

*No driver of a vehicle shall drive or permit that vehicle to be driven in contravention of a resolution under Clause 12.1 unless:*

*That vehicle is used for the express purpose of visiting a property with a frontage to a road described in the resolution; or*

*Prior written permission from Council has been obtained.*

*Clause 12.1 does not apply to a vehicle being used for the time being as a passenger service vehicle.*

#### *Areas for restriction*

During the committee meeting, the following potential areas for restriction were endorsed:

Takanini Business Area – being Spartan Road, part of Oakleigh Ave, Westbrook Ave, Rawson Way, Rangi Road, Heb Place, Marphona Crescent and part of Takanini School Road.

Drury Industrial Area – being Norrie Road, Firth Street, Creek Street and part of Bremner Road.

Hunua Industrial Area – being part of Hunua Road, part of Boundary Road, Parker Street, Croskery Road, Markedo Place, Berlane Place, Margaret Williams Drive, part of Dominion Road, and Dent Place.

Gatland Road

Unsealed section at the end of Old Wairoa Road

A document entitled “*Proposal to Implement Restrictions of Vehicles under 3500 kg within Specified Areas of the District*” is attached which outlines the areas where the restrictions are proposed (including maps), along with its implications. Council approval of this document is sought, as it both describes what was resolved during the committee meeting and also forms the basis of information to be disseminated as part of the public consultation process.

#### *Consultation process*

On resolving to put this proposal out for public consultation, notification will occur as discussed at the Resource Management and Regulatory Committee meeting; being:

- A general (newspaper) explanation of the proposal and invitation for submissions
- Targeted consultation with the residents and/or occupiers of the properties on the affected roads
- Notification of the proposal and consultation period on Council’s website.

It is suggested that the consultation period be open from 4 May 2010 to 4 June 2010. Following this, hearings can be arranged should they be required.

### **CONCLUSION**

It was resolved at the recent Resource Management and Regulatory Committee meeting that a draft proposal to restrict vehicles weighing under 3500kg in specific areas of the district be brought to Council for approval and public consultation. The draft proposal is attached to this report.

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### **RECOMMENDATIONS**

1. That the information be received.
2. That Council approve the information in the attached *"Proposal to implement restrictions of vehicles under 3500kg within specified areas of the district"*
3. That public consultation period for this proposal occur from 4 May 2010 to 4 June 2010.

**9. ITEMS FOR DECISION**

**(b) APPROVAL FOR PAYMENT OF MEETING ATTENDANCE**

**REPORTING OFFICER:** Joy Hames  
Director Policy and Democracy Services

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**PURPOSE OF THE REPORT**

The purpose of this report is to seek Council approval for meeting attendance payments for the Regional Land Transport Strategy Hearings.

**NARRATIVE**

Clr Conroy is the Council representative on the Regional Land Transport Committee (RLTC). This regional committee is charged with setting the Regional Land Transport Strategy. The process for completing the Strategy includes hearings and the RLTC set up a hearings sub-committee to undertake this process.

Clr Conroy was appointed to the hearings sub-committee and took part in the hearings which were meetings over eight days in February. Four of these hearings were whole day meetings. While Clr Conroy has been appointed as the Council representative on the RLTC, technically the hearings are a different committee and the Council has not directly authorised her involvement and, therefore, payment for attendance. This was not clearly communicated to the sub-committee so the need for separate approval was not apparent to members.

**CONCLUSION**

Clr Conroy's participation in the development of the Regional Land Transport Strategy was clearly intended as a part of her appointment to the RLTC. As the Committee set up a hearings sub-committee to assist in the strategy process, it is proposed that Council retrospectively approve Councillor Conroy's participation in the hearings in order for payment to be made for this work.

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**RECOMMENDATIONS**

1. That the information be received.
2. That the appointment of Councillor Conroy to the Regional Land Transport Strategy Hearings sub-committee be endorsed including for the purposes of remuneration.

**9. ITEMS FOR DECISION**

**(c) 2010-2011 ANNUAL PLAN**

**REPORTING OFFICER:** **Victoria Villaraza**  
**Director Finance and Corporate Services**

**ATTACHMENT:** **2010-2011 Annual Plan**  
**(Attachment No. 3)**

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**PURPOSE OF THE REPORT**

The purpose of this report is to seek Council's approval of the 2010-2011 Annual Plan.

**BACKGROUND**

The 2010-2011 annual planning process has been changed by legislation to recognise the imminent changes to Auckland governance. In a nutshell these changes are:

- Councils must prepare an Annual Plan for the 2010-2011 financial year to cover the period from 1 July 2009 to 31 October 2010.
- So long as this Annual Plan is consistent with year two of the 2009-2019 LTCCP, no consultation is required in relation to this Annual Plan.
- Councils must set rates and other revenue mechanisms for the full twelve month period; these must be sufficient to fund the 4 month period plus the balance of the financial year as if the requirements identified for the 4-month period continued for the balance of the financial year.
- Councils must consult with the ATA throughout the preparation of the Annual Plan.

The 2010–2011 Annual Plan is year two of the Long Term Council Community Plan (LTCCP). Based on Council's direction, officers prepared budgets that are largely consistent with year two of the LTCCP. Council has approved that budget in March 2010.

Council will note that given a previous decision of the LTCCP Committee, it is not intended to consult on the annual plan.

The approved 2010-11 budget has now been split into two periods: 1 July to 31 October period (4 months) and the 1 November to 30 June period (8 months). Performance measures targets have also been split into the same periods where appropriate.

Approval of the Annual Plan will be subject to Auckland Transition Agency confirmation.

**NARRATIVE**

The 2010-11 Annual Plan, reflecting the Council's approved budget in March 2010, has now been prepared in line with the requirements of the new legislation. The budget and performance information has been split into the two periods – 4 months and 8 months. Council approval of the plan is now sought. The plan once approved, will be submitted to the Auckland Transition Authority (ATA) for confirmation.

The Annual Plan document is attached to this report. The budget contained in the plan is in line with year 2 of the LTCCP.

The budget shows a general rate increase of 11%. This compares with year 2 of the LTCCP at 10%. Page 92 of the document shows the key financial comparison between the Annual Plan and Year Two of the LTCCP.

### **CONCLUSION**

Council has concluded the process for the annual plan. The 2010-11 Annual Plan, reflecting the decisions of the Council in March 2010, is now presented to Council for approval. Following approval, the plan will be submitted to the ATA for confirmation.

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### **RECOMMENDATIONS**

1. That the information be received.
2. That the Council approve the 2010-2011 Annual Plan.

**9. ITEMS FOR DECISION**

**(d) LEASE OF 159 DOMINION ROAD**

**REPORTING OFFICER: Theresa Stratton  
Chief Executive**

**ATTACHMENT: Letter from Ministry of Education  
Letter from MP Judith Collins  
Correspondence between the Trust and Council**

**(Attachment No. 5)**

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**PURPOSE OF THE REPORT**

This report seeks Council direction related to the request from the High Wire Trust for a lease of Council land situated at 159 Dominion Road to enable the development of facilities to support a programme to provide training and development to “at risk” young people.

**BACKGROUND**

At the Operations and Monitoring Committee meeting in December 2009, a request from the High Wires Trust for a 33 year lease of 159 Dominion Road was considered. The Committee resolved:

“THAT COUNCIL IN PRINCIPLE ENTER INTO A 12\*12\*06 YEAR LEASE WITH THE HIGH WIRE TRUST SUBJECT TO FOLLOWING CONDITIONS:

- a. REGISTRATION AS A CHARITABLE TRUST
- b. GRANTING OF THE REQUIRED RESOURCE AND BUILDING CONSENTS
- c. SUBMISSION TO COUNCIL OF A DETAILED BUSINESS PLAN DEMONSTRATING ONGOING VIABILITY OF THE PROGRAMME.
- d. LETTER(S) OF SUPPORT FROM APPROPRIATE GOVERNMENT AGENCIES FOR PROGRAMMES.
- e. THE LEASE WILL BE RENEWED PROVIDING THAT THE COUNCIL IS SATISFIED THAT THE TRUST IS DELIVERING THE PROGRAMMES AS EXPECTED.”

Subsequently the Trust provided to Council a copy of their Business Plan and letters of support from NZ Police and the Ministry of Social Development. These were considered by Council at its meeting on 26 January 2010 along with information presented at that meeting by a representative of the Trust, Mr Rob Phillips. Council resolved at that meeting:

THAT COUNCIL ACCEPTS THE BUSINESS PLAN AND LETTERS OF SUPPORT ATTACHED TO THIS REPORT AND THE INFORMATION TABLED AND FURTHER LETTERS TO COME FROM THE MINISTRY OF EDUCATION AND THE MINISTER OF CORRECTIONS AS SUFFICIENT TO SATISFY THE CONDITION OF “A DETAILED BUSINESS PLAN DEMONSTRATING ONGOING VIABILITY OF THE PROGRAMME”.

## **NARRATIVE**

### **Conditions of lease**

Since the Council last considered the request for a lease the Trust has progressed with the lease conditions as follows:

1. At time of writing both the Resource Consent and Building Consent for 159 Dominion Road were well underway.
2. The Trust has forwarded a copy of the Certificate of Registration as a charitable entity
3. The Trust has supplied a copy of a letter of support from the Ministry of Education
4. Local MP Judith Collins has written to Council wishing the Trust well with their Resource Consent application. This letter is not written by Judith Collins as Minister of Corrections, nor does it expressly support the project. Council direction is sought as to whether this letter is sufficient to fulfil the condition set in the resolution of 26 January 2010.

A further matter of clarification has also arisen during correspondence with the Trust (see attached letters) related to the lease condition attached to obtaining Resource and Building Consents.

At the time of the original workshop presentation to Council late in 2009, the Trust representatives indicated to Council that there were two elements to the project – development of the current Cadet Hall facilities at 159 Dominion Road and the building of a confidence course on Ministry of Defence land in Ardmore Quarry Road. The representatives indicated that these two elements were intrinsically linked and that the sponsor funding of the project was dependant on the building of the confidence course. On that basis it has been assumed until now that the lease condition that Council set in December 2009

### **“GRANTING OF THE REQUIRED RESOURCE AND BUILDING CONSENTS”**

related to all consents i.e. those for the 159 Dominion Road site and those for the Ardmore Quarry Road site. However, subsequent discussion with the Trust Chairman has brought to light that the Trust does in fact see these as two discrete projects and that at this stage they are progressing the 159 Dominion Road site only. The Ardmore Quarry Road site will follow once the Dominion Road part of the project is substantially complete. The Trust has a view that as the lease with Council is only for 159 Dominion Road that the only consents that should be required to grant the lease, should be those for 159 Dominion Road. As Council’s previous resolution is open to interpretation, direction is sought on this matter.

### **Other matters**

The Trust had commenced some work ahead of both the Resource Consent and the lease. Resource Consent matters relate to the installation of a concrete pad (for the gun) and placement of donated fill/gravel on the vacant land. These issues should be attended to as part of the Resource Consent conditions, once granted, and are being worked through by the Regulatory staff.

Both of the above matters took place on the land that is subject to the proposed lease without Council’s knowledge or permission. In addition posts for a proposed fence around both the existing and proposed leased land were installed. These matters have been discussed with the Trust and agreement has been reached that work can continue (subject to any required consents) providing that the Trust accepts

the responsibility of reinstating the land, as may be required by Council, should the lease not be finally approved.

### **CONCLUSION**

The High Wire Trust has been working to fulfil the conditions set by Council in order to secure a lease for the land at 159 Dominion Road.

Two matters need Council direction in order to progress:

- a) Does the letter from MP Judith Collins fulfil the lease condition requiring a letter of support from the Minister of Corrections; and
- b) Does the lease condition related to obtaining Resource and Building Consents cover both the Dominion Road site and the Ardmore Quarry Road site or just the Dominion Road site.

Subject to Council direction on the above matters, staff will prepare a lease agreement for the High Wire Trust.

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### **RECOMMENDATIONS**

1. That the information be received.
2. That Council give direction on whether the conditions previously set in order to enter into a lease with the High Wire Trust are satisfactorily covered by:
  - a. The attached letter from MP Judith Collins instead of a letter of support from the Minister of Corrections; and
  - b. Granting of Resource and Building Consents on 159 Dominion Road only.

## **10. ITEMS FOR INFORMATION**

## **11. NOTICES OF MOTION**

**12. CONFIDENTIAL**

**APPROVAL OF RECOMMENDATION FROM  
CEO PERFORMANCE COMMITTEE  
MEETING HELD ON 13<sup>TH</sup> APRIL 2010**

**(a) LEASE OF 159 DOMINION ROAD**

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**RECOMMENDATION**

1. That Council move into public excluded session. The general subject matters to be considered, the reasons for passing this resolution in relation to the matters and the specific grounds under S 7 (2) a and S 7(2) i of Local Government Official Information and Meetings Act 1987 are:

<b>Item</b>	<b>Reason</b>	<b>Grounds</b>
Approval of Recommendation from CEO Performance Committee Meeting held on 13 <sup>th</sup> April 2010	To protect the privacy of natural persons.	S 7 (2) a
12(a) Lease of 159 Dominion Road	To enable Council to carry on, without prejudice or disadvantage negotiations (including commercial or industrial negotiations).	S 7 (2) i