



**NOTICE OF MEETING OF THE
41ST COUNCIL MEETING**

I hereby give notice that the 41st Council meeting of the 7th Papakura District Council is to be held on:

DATE: **Tuesday** **27th July 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

CONTENTS

<i>NO.</i>	<i>ITEM</i>	<i>PAGE</i>
1.	Apologies	3
2.	Personal	3
3.	Confirmation of Minutes	3
4.	Approval of Recommendations	3
5.	Minutes – Te Roopu Kaitiaki O Papakura	3
6.	Deputations and Petitions	3
7.	Presentations.....	3
8.	Mayor’s Report	3
9.	Items for Decision	4-15
	(a) Proposal to Change the Name of The Hawkins Theatre - Deliberations	4-6
	(b) Proposal to Implement Vehicle Restrictions on Vehicles Under 3500kg Within Specified Areas of the District - Deliberations	7-9
	(c) Gambling Policy Review	10-11
	(d) Hearings Committee for Draft Marybeth Reserve Management Plan	12
	(e) Plan Change 15 Takanini Structure Plan Area 6 and Notice of Requirement 47 – Hearing Panel Composition and S37 Approval of Late Submission	13-15
	(f) Auckland Energy Consumer Trust – Amendment to Trust Deed	16-17
10.	Items for Information	17
11.	Notices of Motion	17
12.	Confidential.....	17
	(a) Kopuahingahinga Island Future Options.....	17
	(b) Hingaia Sports Fields Update July 2010	17

PAPAKURA DISTRICT COUNCIL

**AGENDA FOR THE 41ST MEETING OF THE PAPAKURA DISTRICT COUNCIL TO
BE HELD IN THE COUNCIL CHAMBERS, 35 COLES CRESCENT, PAPAKURA
ON TUESDAY 27TH JULY 2010 COMMENCING AT 4.00 P. M.**

1. **APOLOGIES**

2. **PERSONAL**

3. **CONFIRMATION OF MINUTES**
 - (a) That the Minutes of the Extraordinary Council Meeting held on Tuesday 13th July 2010 be confirmed.

4. **APPROVAL OF RECOMMENDATIONS**

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

6. **DEPUTATIONS**

7. **PRESENTATIONS**

8. **MAYOR'S REPORT**

9. ITEMS FOR DECISION

**(a) PROPOSAL TO CHANGE THE NAME OF THE
HAWKINS THEATRE - DELIBERATIONS**

REPORTING OFFICER: Erin Clarke
Policy Advisor

PURPOSE OF THE REPORT

The purpose of this report is to advise elected members of the views expressed during community consultation on a proposal to change the name of the Hawkins Theatre, and to seek a Council decision on the proposal.

BACKGROUND

Council sought public feedback from 18 May 2010 to 18 June 2010, on a proposal to change the name of the Hawkins Theatre

Council asked the name should be changed and if so asked for preference to be indicated in relation to three alternative names; being:

- Arthouse Papakura
- Papakura Arts Theatre
- The Arts – Papakura

The proposal attracted 387 submissions and included a petition with 1591 signatories (a full copy is available in the Councillors Lounge).

On 6 July 2010 Council heard from those submitters who had expressed a wish to present an oral submission.

Of the written submissions, 16 supported a name change and stated a preference, while 371 opposed a name change. Many of the latter submissions were via form submission.

NARRATIVE

Summary of Submissions

Support for name change

Of the 16 submissions which supported a name change, 14 stated a clear preference for “Papakura Arts Theatre” citing that this provided a clear indication of what the theatre is for, and identified it as being part of Papakura.

The remaining two submitters suggested variations to the suggested names. These were “Papakura Theatre” or “Papakura Hawkins Arts Theatre”.

Opposition to name change

371 submissions registered opposition to changing the name of the Hawkins Theatre.

Arguments against the proposal were broadly related to the following points:

- Change for change's sake was not a compelling reason to change the name
- The cost of the name change was too high, particularly considering the recession conditions
- The name "Hawkins Theatre" honours George Hawkins who was instrumental in its inception. To take away the name is disrespectful.
- Renaming the theatre would be confusing to theatre goers – it would remain known as the "Hawkins Theatre" to many
- The Hawkins Theatre represents 20 years of branding and identity
- Other cities/districts identify with their brand names eg Michael Fowler Centre, Maidment Theatre, Bruce Mason Centre; and therefore there is no reason for the Hawkins Theatre to be changed
- A name change would diminish its identity and disregard the hard work and reputation which is associated with the Hawkins Theatre
- Using the word "Arts" in a new name narrows the scope for which the building is utilised (eg weddings and conferences would not come to mind)
- The proposed names have no historic connection
- It would take years for a new name to be recognised
- One submitter (50) suggested the old Papakura Central School has been known for some years as Papakura Arts Centre
- A large number of submitters asked for Council to concentrate on other issues (including a reduction in the rates increase) and some had suggestions on alternative ways the \$15000 estimate for rebranding could be spent.
- The lack of consultation with George Hawkins on the name change was not appropriate.
- Other Council owned properties (eg Bruce Pulman Park, Sir Edmund Hillary Library) are represented by people's names and so some submitters asked why the Hawkins Theatre was being "targeted".
- "Hawkins Theatre Papakura" (as referred to in recent advertisements) amply signals that the Hawkins Theatre is in Papakura.
- If Papakura's name were to change in the future (citing Howick being banded into Te Irirangi) the exercise in name change would be pointless.
- "Hawkins Theatre" offers a neutral name, particularly for groups from outside of Papakura who utilise the theatre, therefore giving it regional appeal.
- Submitter 6 (Operatunity) – a group which regularly uses the theatre - stated that a name change would involve changing references to the Hawkins Theatre on its website tickets and brochures meaning costly changes for the organisation.
- Submitter 356 (Brian Joyce) stated during his oral submission that any name change is unimaginable from a Maori perspective, except in a case where a building were to be demolished. Mr Joyce explained that to Maori, the building is a living thing, reflected in the karakia, incantations and sanctity of blessings which were performed on the buildings opening.

Having undergone the consultation process, Council now need to consider whether to proceed with a name change or retain the Hawkins Theatre name.

CONCLUSION

Council recently initiated public consultation on whether to change the name of the Hawkins Theatre and now need to deliberate and come to a decision on the matter.

RECOMMENDATIONS

1. That the information be received.
2. That Council determine whether they wish to change the name of the Hawkins Theatre, and if so what name it should be replaced with.

9. ITEMS FOR DECISION

(b) **PROPOSAL TO IMPLEMENT VEHICLE RESTRICTIONS ON VEHICLES UNDER 3500KG WITHIN SPECIFIED AREAS OF THE DISTRICT - DELIBERATIONS**

REPORTING OFFICER: Erin Clarke
Policy Advisor

ATTACHMENT: Submission Summary, Comments and Recommendations for the Proposed Vehicle Restrictions

(Attachment No. 1)

PURPOSE OF THE REPORT

The purpose of this report is to advise Council of the results of the submission process in relation to the proposal to implement vehicle restrictions on vehicles under 3500kg within specified areas of the district and seek Council's decisions on these submissions.

BACKGROUND

Council sought public feedback from 4 May 2010 to 4 June 2010 on a proposal to restrict vehicles weighing under 3500kg from specific areas within the District. This would entail including these roads under section 12 of the Parking and Traffic Bylaw 2009.

The proposal sought to restrict vehicles between the hours of 10pm and 5am daily unless the driver is able to show there is a legitimate purpose for being in that location.

The areas proposed for restriction were:

- Takanini Business Area – being Spartan Road, part of Oakleigh Ave, Westbrook Ave, Rawson Way, Rangī Road, Heb Place, Marphona Crescent and part of Takanini School Road.
- Drury Industrial Area – being part of Norrie Road, Firth Street and Creek Street.
- Hunua Industrial Area – being 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

The proposal attracted 65 written submissions.

On 6 July 2010 Council heard from those submitters who had expressed a wish to present an oral submission.

NARRATIVE

Two submitters expressed absolute opposition to the proposal. Six supported with provisos, and 57 supported the proposal outright.

One submitter (62) stated strong opposition to the proposal on the following grounds:

- That there are existing laws to deal with boy racers and antisocial behaviour
- The proposal stops innocent people from driving around

These are issues which the Council has previously considered during the drafting of the proposal.

Papakura Club expressed concern that the ban would have a detrimental effect on their patronage.

Six businesses, while supporting the proposed restrictions, did so, on the proviso that it would not affect their staff being able to access their premises 24/7, as many provided on call services.

In response to this concern, it is recommended that Council direct officers to develop a permit system so that permit's can be issued to relevant employees who need access to their place of work on a 24/7 basis. This will provide a faster process for both the employees and police officers.

In addition, a number of submitters asked that certain roads be removed from or added to the restricted road schedule. MacWhinney Drive was particularly cited as a road which could be added.

While additional roads may have issues, this would need to be investigated, and consultation would need to occur. As there is no time for such consultation to occur during the remainder of this Council's tenure, if Council support restrictions in these areas, it needs to recommend to the new Auckland Council that consideration and consultation on the inclusion of these roads as restricted areas occur.

No new information has been raised during the consultation phase that has not already been considered by Council. As such, the comments and recommendations contained in the attached "*Submission Summary, Comments and Recommendations for the Vehicle Restriction Proposal – an amendment to the Parking and Traffic Bylaw*" document have been written on the assumption that Council will want to implement the proposal

CONCLUSION

Council recently sought public feedback on a proposal to restrict vehicles under 3500kg from specified areas of the district. Council need to deliberate on the submissions (both written and oral) received, and come to a decision on whether to proceed with the proposal or not.

RECOMMENDATIONS

1. That the information be received.
2. That Council approve the proposal to restrict vehicle under 3500kg between the hours of 10pm and 5am daily unless the driver is able to show there is a legitimate purpose for being in that location in the following areas:
 - 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 part of Norrie Road, Firth Street and Creek Street.

- Hunua Industrial Area – being 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
3. That Council officers develop a permit process for employees of businesses in the restricted areas.
 4. That Council approve the recommendations contained in the attachment entitled *“Submission Summary, Comments and Recommendations for the Vehicle Restriction Proposal – an amendment to the Parking and Traffic Bylaw”*.

9. ITEMS FOR DECISION

(c) GAMBLING POLICY REVIEW

REPORTING OFFICER: Erin Clarke
Policy Advisor

ATTACHMENT: Proposed Gambling Policy 2010
(Attachment No. 2)

PURPOSE OF THE REPORT

The purpose of this report is to seek Council approval for its current gambling policy to be rolled over in its existing form for a further three years.

BACKGROUND

The Gambling Act 2003 (the Act) requires Papakura District Council to adopt a policy for class 4 and New Zealand Racing Board (NZRB) venues and that this be reviewed every three years.

A Class 4 gaming machine refers to an electronic gaming machine/pokie machine which operates outside of a casino, and a class 4 gambling venue is a premise which provides these machines for use by patrons.

As Council's current policy was last reviewed in 2007, Council is required to review its policy this year.

NARRATIVE

As per the requirements stated under the Act, Council's Class 4 Gambling Venue Policy encompasses the following objectives:

- To control growth of gambling
- To minimise harm from gambling
- To protect funds raised by gambling

In summary the Policy specifies that in Papakura:

- There will be no increase in the number of venues
- There will be no increase in the overall number of machines
- No venues are allowed more than 18 machines
- No new venues are allowed more than 9 machines
- There will be no increase in TAB venue numbers.

Currently in Papakura, 3 Clubs operate a total of 41 machines, 9 commercial businesses run 162 machines, and the districts 3 TAB agencies do not currently operate any.

In comparison with other Council's in the region, Papakura has a fairly "middle of the road" approach to class 4 venues.

At its workshop on 1 June 2010, Council discussed whether, in relation to its policy, it would like to:

- Retain the status quo
- Be more liberal (e.g. remove its cap on venues/machine numbers)
- Be more conservative (e.g. remove the new venues option)

These discussions resulted in elected members expressing a desire to retain the current policy.

Where there are no changes to the current policy a special consultative procedure does not have to be undertaken. It is anticipated however, that relevant parties will be contacted to advise them that the current policy has been reviewed and to provide them with a copy.

CONCLUSION

Council must review its current Class 4 Gambling Venue Policy this year. During a recent workshop elected members expressed a preference to retain the policy in its current form and effectively “roll it over”. As such Council are asked to approve the attached proposed Class 4 Gambling Venue Policy 2010.

RECOMMENDATIONS

1. That the information be received.
2. That Council adopt the attached Proposed Gambling Venue Policy 2010, effective immediately.

9. ITEMS FOR DECISION

(d) **HEARINGS COMMITTEE FOR DRAFT
MARYBETH RESERVE MANAGEMENT PLAN**

REPORTING OFFICER: Nicola Terry
Manager Community Assets

PURPOSE OF THE REPORT

The purpose of this report is to seek Council direction on an extraordinary meeting of the District Development Committee to hear submissions received on the Draft Marybeth Reserve Management Plan.

BACKGROUND

Section 41 of the Reserves Act 1977 requires the preparation Reserve Management Plans for certain reserves. A draft management plan for Marybeth Reserve has been prepared and was publicly notified for submissions on 23 June 2010. Submissions close on 23 August 2010.

NARRATIVE

Due to changes in regional governance and upcoming local body elections, there are limited opportunities for hearings on the Draft Marybeth Reserve Management Plan. There is community interest in the plan and particularly in the development plan for the reserve. It is hoped to undertake construction works on the reserve in the summer of 2010/11, however the reserve management plan needs to be adopted prior to detailed design and tendering for construction.

In order to facilitate development of the reserve, it is recommended that an extraordinary meeting of the District Development Committee be held on Tuesday 31 August 2010 in order to hear from submitters. Deliberations on the submissions and decisions on any changes to the draft plan would be undertaken at the scheduled District Development Committee meeting on 14 September 2010. The risk of not adopting the management plan prior to the interregnum and local body elections is that capital works could be delayed until the second quarter of 2011.

CONCLUSION

In order to hear submissions on the Draft Marybeth Reserve Management Plan, it is recommended that an extraordinary meeting of the District Development Committee be held.

RECOMMENDATIONS

1. That the information be received.
2. That an extraordinary meeting of the District Development Committee be held on 31 August 2010 in order to hear submissions on the Draft Marybeth Reserve Management Plan.

9. ITEMS FOR DECISION

(e) **PLAN CHANGE 15 TAKANINI STRUCTURE
PLAN AREA 6 AND NOTICE OF
REQUIREMENT 47 – HEARING PANEL
COMPOSITION AND S37 APPROVAL OF
LATE SUBMISSION**

**REPORTING OFFICER: Nathanael Savage
Senior Policy Planner**

**ATTACHMENT: List of preferred Independent Commissioners

(Attachment No. 3)**

PURPOSE OF THE REPORT

The purpose of this report is to request that Council:

- confirm the composition of a Hearing Committee to hear and make recommendations on submissions and an overall decision on Plan Change No.15 (PC15) and Notice of Requirement (NOR47);
- confirm a list of accredited independent commissioners from which to make appointments to the Hearing Committee;
- delegate the appointment of the final Hearing Committee members from the approved independent commissioner list to the Director of Policy and Democracy Services; and
- Seek a decision pursuant to Section 37 of the Resource Management Act 1991 (RMA) relating to a late submission

BACKGROUND

PC15 was notified on 9 December 2009 with submissions closing on 26 February 2010; 98 submissions were received. The further submission period covered 7 April 2010 to 23 April 2010; multiple further submissions were received, however no new parties entered the process as further submitters. Most submitters to PC15 indicated that they wish to be heard.

NOR47 seeks to designate part of the PC15 area for a stormwater pond to support the future development. All submitters to NOR47 indicated that they wish to be heard.

PC15 and NOR47 are to be heard contemporaneously with changes to the Regional Policy Statement (RPS14) to extend the Metropolitan Urban Limits (MUL) and the Proposed Regional Plan: Air, Land and Water (Var3) to extend the Urban and Industrial Air Quality Management Areas.

An indicative timetable has been circulated to all submitters advising them of a potential hearing in November 2010 and that the recommended decision of the hearing committee would be considered by the new Auckland Council.

A late submission was received by Auckland Regional Transport Authority (ARTA) after the closing time on 26 February 2010 – Submission No.11. Section 37 of the RMA allows Council to waive this non-compliance with the submission deadline.

NARRATIVE

Hearing Committee Composition

A Hearing Committee needs to be appointed for PC15 and NOR47. Council may delegate authority to a Hearing Committee to hear submissions and recommend to Council what decisions should be made on them, and what the outcome of the Plan Change should be. The majority of members of the Hearing Committee need to be accredited and that the Chairperson needs to be accredited.

The Auckland Regional Council (ARC) also needs to appoint a Hearing Committee for RPS14 and Var3.

Council officers have met with ARC officers and agreed on common recommendations to propose to the respective Councils for the composition of the respective Hearing Committees.

Given the number and nature of submissions, the timing of the local government elections and the amalgamation of Auckland Council's it is recommended that the Hearing Committee comprise three independent non-elected commissioners.

Council and ARC officers have compiled a common list of nine potential commissioners with strong planning backgrounds (refer to attachment). These commissioners have not yet been approached to ascertain their interest in this role.

Council are being asked to endorse the shortlist of accredited independent commissioners and to delegate the final selection of three from this list to the Director of Policy and Democracy Services. This final selection is to be made in collaboration with a similarly delegated ARC representative, with the intention that the same three commissioners sit on the respective Hearing Committees for PC15, NOR47, RPS14 and Var3. This will ensure a timely, consistent and integrated hearing and recommendation process.

The appointment of a Chairperson for the Hearing Committee may be made at the commencement of the hearing by the Committee members. All shortlisted commissioners are eligible to act as Chair as they have been suitably accredited.

Given the timing of the hearing the recommended decision of the Hearing Committee will be reported to the new Auckland Council.

S37 waiver of late submission by ARTA

Pursuant to Section 37 of the Resource Management Act 1991, Council may waive compliance with a time limit.

Pursuant to Section 37A of the Resource Management Act 1991, Council must not waive compliance with a time limit in accordance with Section 37 unless it has taken into account:

- the interests of any person who, in its opinion, may be directly affected by the waiver; and
- the interests of the community in achieving adequate assessment effects of a plan; and
- its duty to avoid unreasonable delay.

It is considered that as:

- the submission by ARTA was received by Council shortly after the closing time on the final day of submissions, it was received in time to be incorporated into the summary of submissions for notification; and
- ARTA has duties and responsibilities to fulfil that are of significance to the community; and
- acceptance will cause no unreasonable delay; and
- no-one was considered to be directly affected by the late submission as the late submission has already been included in the Summary of Submissions which was notified on 7 April 2010 (Further Submissions closed on 27 April 2010), with a note to the effect that a s37 decision is yet to be made.

Granting the time waiver meets the requirements of Section 37A of the Resource Management Act 1991.

CONCLUSION

Council needs to determine a composition and establish a Hearing Committee to hear submissions and recommend to Council what decisions should be made on them, and what the outcome of the Plan Change should be. It is recommended that this Committee be made up of 3 independent commissioners to be appointed by the Director of Policy and Democracy Services from a shortlist of commissioners approved by Council.

Council needs to decide whether it wishes to grant a time waiver for the late submissions to PC15 by ARTA. It is recommended that this time waiver be approved.

RECOMMENDATIONS

1. That the information be received.
2. That pursuant to Section 37 of the Resource Management Act 1991, Council waives the failure to comply with the submission time period for Plan Change No.15 for the submission by ARTA received by Council on 26 February 2010.
3. That the Council constitute and delegate to the Hearings Committee for Plan Change No.15 and Notice of Requirement 47 its functions, powers, and duties under the Resource Management Act 1991 to determine when the hearings should be convened, to hear submissions and make recommendations relating to them, and to recommend a decision on Plan Change No.15 and Notice of Requirement 47 to Council.
4. That Council endorse the appointment of three accredited independent commissioners from the shortlist of commissioners as attached to this report to the Hearings Committee established by the resolution above.
5. That Council delegate to the Hearings Committee the power to appoint a member of the Hearings Committee to chair the hearings.
6. That Council delegate to the Director of Policy and Democracy Services the power to approve the final selection of three accredited independent commissioners from the shortlist of commissioners that has been endorsed by Council in the resolution above.

9. ITEMS FOR DECISION

(f) AUCKLAND ENERGY CONSUMER TRUST – AMENDMENT TO TRUST DEED

REPORTING OFFICER: Theresa Stratton
Chief Executive

ATTACHMENT: Court Documents related to application to amend trust deed

Memo to Court from Auckland City Council
Letter of support from Manukau City Council

(Attachment No. 4)

PURPOSE OF THE REPORT

This report seeks Council approval to support the application to amend the Auckland Energy Consumer Trust Deed.

BACKGROUND

The Auckland Energy Consumer Trust (AECT) was formed in 1993 and is a major shareholder of Vector Limited. The capital beneficiaries of the Trust are Auckland City Council, Manukau City Council and Papakura District Council. The interests of the three Councils automatically pass to the new Auckland Council on 1 November 2010.

The income beneficiaries of AECT are approximately 300,000 households in the boundaries of Auckland City, Manukau City and part of Papakura District. The income of AECT (primarily dividends from Vector) are distributed, usually on an annual basis, to the income beneficiaries.

NARRATIVE

The AECT is seeking to vary some provisions of the Trust Deed through the High Court. In the past the High Court has directed that these proceedings should also be served on the capital beneficiaries. In doing this the AECT is also seeking an undertaking from the Council that it will abide by the decision of the Court.

The variations being sought do not affect the capital beneficiaries and are primarily around the method and timing of payments to income beneficiaries. There is also a variation to allow the Trustees to act on behalf of the income beneficiaries to leverage purchasing power for matters such as home energy efficiency projects.

Council's legal advisers have reviewed the documents and agree that there is no impact on the capital beneficiaries and that Council should abide by the Court decision.

Auckland and Manukau City Councils have already expressed their agreement to the changes (see attached).

Recent discussions with the legal adviser for AECT indicate that the expected court hearing date is in August so they are seeking Council's position as soon as possible.

CONCLUSION

As a capital beneficiary of the AECT Council has been served with proceedings related to varying the provisions of the Trust Deed. These provisions do not impact on Council's interests as a capital beneficiary and it is therefore recommended that Council agree to abide by the decision of Court in this matter.

RECOMMENDATIONS

1. That the information be received.
2. That the Chief Executive be authorised to write a letter to AECT supporting the proposed amendments to the AECT deed and authorising the letter to be presented to the court.

10. ITEMS FOR INFORMATION

11. NOTICES OF MOTION

12. CONFIDENTIAL

- (a) **KOPUAHINGAHINGA ISLAND FUTURE OPTIONS**
- (b) **HINGAIA SPORTS FIELDS UPDATE JULY 2010**
-

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 each matter and the specific grounds under S 7(2) i of Local Government Official Information and Meetings Act 1987 are:

Item	Reason	Grounds
12(a) Kopuahingahinga Island Future Options	To enable Council to carry on, without prejudice or disadvantage negotiations (including commercial or industrial negotiations).	S 7 (2) i
12(b) Hingaia Sports Fields Update July 2010	To enable Council to carry on, without prejudice or disadvantage negotiations (including commercial or industrial negotiations).	S 7 (2) i