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## NOTICE OF MEETING OF THE DISTRICT DEVELOPMENT COMMITTEE

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I hereby give notice that the District Development Committee meeting of the Papakura District Council is to be held on:

**DATE:**            Tuesday                    8<sup>th</sup> June 2010

**TIME:**            9.30 am

**VENUE:**        Council Chambers  
                  35 Coles Crescent  
                  PAPA KURA

T Stratton  
**CHIEF EXECUTIVE OFFICER**

### **MEMBERSHIP:**

Chairperson	Clr Jones
Deputy Chairperson	Clr Conroy
	HWM Penrose
	Clr Auva'a
	Clr Catchpole
	Clr Goldsmith
	Clr Piggott
	Clr O'Connor
	Clr Pringle

*(Quorum 4 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 MEETING OF THE DISTRICT DEVELOPMENT COMMITTEE TO BE  
HELD IN THE COUNCIL CHAMBERS, 35 COLES CRESCENT, PAPAKURA ON  
TUESDAY 8<sup>TH</sup> JUNE 2010 COMMENCING AT 9.30 A.M.**

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**1. APOLOGIES**

**2. CONFIRMATION OF MINUTES**

- (a) That the Minutes of the District Development Committee Meeting held on Tuesday 13<sup>th</sup> April 2010 be confirmed.

**3. DEPUTATION AND PETITIONS**

**4. PRESENTATION**

**5. STRATEGIES AND POLICIES**

**(a) PAPAKURA CEMETERY MANAGEMENT POLICY**

**REPORTING OFFICER:** Allan Christensen  
Community Services Planner

**ATTACHMENT:** Draft Papakura Cemetery policy  
**(Attachment No. 1)**

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**PURPOSE OF THE REPORT**

The purpose of this report is to seek a resolution from Council to adopt the draft Papakura Cemetery Management Policy for public consultation.

**BACKGROUND**

Papakura has two public cemeteries – Papakura Cemetery which is only available for re-opening of existing graves and Papakura South Cemetery (Gatland Road). Through the Cemetery Bylaw process in 2008, a number of items were raised that were best dealt with through a policy. These included the reservation of plots in advance and setting aside areas for specific purposes such as an urupa.

Papakura has been without an inclusive policy to guide management of cemeteries and it is important to have one in place prior to further development of Papakura South Cemetery. In drafting this policy, officers have researched other cemetery policies, conducted field work, held briefings, Councillor workshops and undertaken consultation with Manawhenua in order to get the draft policy into a form ready for public consultation.

**NARRATIVE**

It is necessary to have a cemetery policy to guide Council and the public through the process of reserving cemetery plots, and inform people of Council's role, duties and responsibilities in relation to ownership and sound management of cemeteries. Council must be responsible in its land use and must at all times ensure compliance with the Burial and Cremation Act 1964 as well as Council's own Cemetery Bylaw 2008.

The draft policy document sets out rules for the operation of cemeteries that Council must follow, policy objectives, a description of Papakura's two cemeteries, operational policies, definitions and appendices. It brings together the rules for cemetery operation and the practice of sound cemetery management.

The draft policy outlines the following:

- Improved information gathering and storage
- Plot reservation
- Improved administration and cemetery management
- Provision of Maori burial ground – Urupa within Gatland Road Cemetery
- Provision of Eco-Burial (Natural) burials within Gatland Road Cemetery
- Provision of enhanced service personnel features at Gatland Road
- Provision of a separate Children's section at Gatland Road
- Improved cemetery standards.

The section on urupa management is still being agreed with Mana Whenua and will need to be amended once this is complete. The provision of an urupa is very sensitive and needs careful consideration to ensure a good outcome. This can be updated by resolution of the Council once it is complete.

#### Consultation

Consultation is envisaged to involve a public notice, media release, a letter drop to adjacent land owners and occupiers, distribution of the policy to funeral directors and undertakers and website information. The consultation period proposed is one month and hearings will be arranged if required. Following submissions and proposed changes to the policy, the policy will be brought back to Council for adoption.

#### **CONCLUSION**

Council requires a cemetery management policy that acts as a reference for all cemetery management issues. The draft policy makes provision for plot reservation, special areas to be set aside for urupa, children, service personnel and eco burials as well as outlining rules and management and administration standards. Public consultation will ensure that the community and all those with an expertise and interest in cemetery management will have the opportunity to provide input.

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#### **RECOMMENDATIONS**

1. That the information be received.
2. That the draft Papakura Cemetery Management Policy is adopted for public consultation.

**5. STRATEGIES AND POLICIES**

**(b) MARYBETH AND CHICHESTER RESERVE  
MANAGEMENT PLAN**

**REPORTING OFFICER:** Allan Christensen  
Community Services Planner

**ATTACHMENT:** Draft Marybeth and Chichester Reserve  
Management Plan  
  
(Attachment No. 2)

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**PURPOSE OF THE REPORT**

The purpose of this report is to seek a resolution from Council to adopt the draft Marybeth and Chichester Reserve Management Plan for public consultation pursuant to sections 41 and 119 of the Reserves Act 1977.

**BACKGROUND**

Section 41 of the Reserves Act 1977 requires the preparation of reserve management plans for recreation reserves. Council resolved to begin the process of preparing a combined reserve management plan for Marybeth and Chichester reserves in March 2009. Submissions were called for prior to drafting the management plan and a community event was held to gain feedback. The management principles drawn from the pre-draft consultation were reported to the Rosehill residents group and the Operations and Monitoring Committee in September 2009.

**NARRATIVE**

The combined draft management plan for Marybeth and Chichester reserves has been written and is ready for public consultation. The management plan includes the following principles and outlines the implementation actions required to meet the principles.

- Marybeth Reserve will be a safe and secure central recreation place for the area with access and accessibility for all ages.
- The reserve will cater for all ages through a mix of open space, structured play areas, passive open space, quality furniture and a high level of amenity provision.
- The reserve will encourage people of all ages to stay and engage with the qualities and facilities of the reserve.
- The reserve will be a focus for families and community development.

Consultation Process

The Reserves Act 1977 outlines the process for reserve management plan consultation including a public notice and call for submissions over a period of not less than 2 months. A hearing can be held to allow submitters to speak to their submissions. Changes to the draft plan based on submissions are then undertaken and the plan is brought before Council for adoption. Council can adopt recreation reserve management plans without requesting approval from the Minister of Conservation.

It is proposed that in addition to the public notice, consultation includes a media release, website information, letter box drop to surrounding residents and a public drop in meeting/open day following advice from the Rosehill residents group and their suggestions for consultation.

It is envisaged that a hearing could be held to hear submissions towards the end of August 2010 and that the plan could be presented to Council for adoption in September 2010.

### **CONCLUSION**

The draft Marybeth and Chichester Reserve Management Plan has been written and is ready for public consultation. Consultation must be for a minimum of 2 months after which Council can adopt the plans after hearing any submissions received on them.

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### **RECOMMENDATIONS**

1. That the information be received.
2. That Council adopts the draft Marybeth and Chichester Reserve Management Plan for public consultation pursuant to s41 and s119 of the Reserves Act 1977.

## **6. DEVELOPMENT PROJECTS**

**7. REGIONAL ISSUES**

**(a) SUBMISSION ON TAFM BILL (LOCAL GOVERNMENT AMENDMENT BILL (NO.2))**

**REPORTING OFFICER:** Erin Clarke  
Policy Advisor

**ATTACHMENT:** Draft Papakura District Council submission on the Local Government Amendment Bill (No. 2)  
**Local Government Amendment Bill (No.2): Six of One, Half Dozen of the Other: Submission of the Society of Local Government Managers on the Local Government Amendment Bill (No. 2)**  
**Copy of the Local Government Act 2002 Amendment Bill**  
  
**(Attachment No. 3)**

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**PURPOSE OF THE REPORT**

The purpose of this report is to notify Council that the Local Government Act 2002 Amendment Bill is now undergoing public consultation, the contents of a draft submission created by the Society of Local Government Managers (SOLGM), and Council endorsement of the attached draft submission.

**BACKGROUND**

Parliament recently heard a first reading of the Local Government Amendment Bill (No.2), and this has now been passed onto select committee, and public submissions on the Bill have been sought.

The stated reason for the amendment is to “improve transparency, accountability, and financial management in local government”; (colloquially referred to as the TAFM Bill).

Council has received a draft submission from the Society of Local Government Managers which sets out their response to the proposals in the Bill. This has been used as the basis for the development of the attached submission.

The timeframe for submissions is relatively tight with the consultation period closing on 18 June 2010.

**NARRATIVE**

*The Bill*

As previously stated, the key drivers behind the Bill are said to be the improvement of transparency, accountability and financial management in local government.

This is underpinned by the following principles:

- That local government should operate within a defined fiscal envelope;
- That local authorities should focus on core activities;
- That local authority decision making should be clear, transparent, and accountable

The Bill states that, at a strategic level it aims to change the way local authorities set their direction and the way this can be influenced and assessed by their communities through:

- Reinforcing the need for local authorities to focus on “core services”:
- Introducing a pre-election report to encourage and inform election debate:
- Introducing a financial strategy to the long-term plan (this is a new name for a Long Term Council Community Plan (LTCCP) in the Bill) to help local authorities and their communities debate and resolve the key financial and service delivery trade-offs that local authorities must make:
- Integrating the community outcomes (it should be noted community outcomes have been redefined) and long-term planning processes to encourage better prioritisation of community aspirations:
- Focusing community outcomes on the role a local authority intends to play in its district or region:
- Improving the financial and non-financial information in long-term plans by making it more useful and comprehensible to users.

At an operational level, the Bill aims to simplify decision-making processes through:

- Removing unnecessary auditing by taking a number of operational policies out of the long-term plan:
- Removing unnecessary consultation:
- Levelling the playing field to better enable the private sector to deliver local authority services.

The Bill also makes changes to achieve the Government’s objective of removing unnecessary barriers to water infrastructure development by reducing restrictions on private sector involvement in the delivery of water services. The stated intention is to provide local authorities, and their communities, with greater flexibility in choosing methods for delivering water services and developing water infrastructure through the following parameters

- Allowing entry into contracts for the supply of services for a period of up to 35 years:
- Allowing delegation aspects of water services management to contractors:
- Allowing the lease of water assets from the private sector, provided that the assets are transferred to the local authority at the end of the period of the agreement.

Local authorities will still not be permitted to sell or privatise water services or to enter into legal agreements that transfer the responsibility for delivering water services

#### *Overarching comments*

A cornerstone to the development of this Bill has been to reduce costs to Council and drive down rates through setting parameters around what “core services” should be.

Research undertaken on behalf of the sector shows that this view does not take into account, nor acknowledge the fact that the bulk of local government expenditure is on network infrastructure – the types of activities deemed to be core within the definition of the Bill. Key drivers of these increasing costs include rising capital programmes, a shortage of skilled labour, increased costs of raw materials and greater demands on both the construction industry and of acquiring land for public works. Concurrently, infrastructure standards have also risen.

While the provision of core infrastructure is a significant and essential part of local government activity, the importance of “place shaping” a community should not be understated nor undervalued. The nature of Papakura’s community has seen social provision being an area identified by the community as important during the community outcomes identification process. As such, Council has a key role in the funding and provision of a range of activities which aim to ensure Papakura is a great place to live and work.

While the requirements under the new LTP have been streamlined to an extent, new provisions mean that the savings for Council in terms of both regulation and compliance from a cost and resource perspective are negligible.

#### *Specific provisions and issues*

#### Community Outcomes (s5(1))

The new Community Outcomes clause provides councils with greater discretion over the definition of community outcomes. This will allow Council to better align its policies and work programmes with the aspirations of its community.

The process for identifying community outcomes has been made more streamlined, with a lot of the prescription around their development being removed. The only requirement is that the outcomes be stated within the LTP, which means it will be open for consultation, alongside the other facets of the LTP. Further there will be no separate engagement required for agreement on community outcomes (eg with stakeholders) – and they will not have to be reviewed 6 yearly or reported on.

It is considered that Council should support these changes as stated in the attached draft submission as, although the processes provided for in current legislation are, arguably, best practice, the proposed legislation does not prohibit these processes and does provide greater flexibility.

#### Core Services

Clause 5 of the Bill requires Council to have regard to the contribution the following core services make to its community:

- Network infrastructure
- Public transport services
- Solid waste collection and disposal
- Avoidance or mitigation of natural hazards
- Libraries, museums, reserves, recreational facilities, and other community infrastructure

Absent from the Bill is any clarity around what this clause means for Councils. Signals from the Minister of Local Government suggest that this is not intended to be a definitive list of core services, but rather that those services listed are of key importance, and should not be overlooked.

The provision as it stands is open to interpretation, and there are exceptions to any rule. For example, some districts may have the private sector deliver these services, rather than Councils, service levels, quantities and quality may differ between rural and urban areas –

creating a tension between what is suggested as a core service in the Act, and what may then become new expectations from both a central government and community level.

With such anomalies it would arguably be most prudent for either the core services to be defined and parameters around exceptions to be stated, or for this clause to be removed altogether.

#### Pre Election Report (PER) (s99A)

The Pre Election Report is a new requirement under the Bill with its stated objective being “to provide information that will “promote public discussion about the issues facing the local authority”. It requires the Chief Executive to prepare a pre election report two weeks before election nominations open. The report must include the funding impact statement, summary balance sheets for the previous three years and statements as to whether the Council has complied with its financial strategy. Information on the coming 3 years including major projects planned during that period must also be included.

The key reason for this proposal is said to be to engage more interest from the public in the lead up to an election. The need for this information to be published in this way is highly debatable as this information is already available via Council’s website and published material and major issues already receive good coverage through the local newspapers. It is apparently modelled on the Pre-election forecast update (PREFU) which the Treasury is required to prepare prior to each election for central government but the circumstances for this report are very different. The Treasury report looks in to the overall economic outlook and sets the economic context for the election.

Also of concern is that responsibility for the production of the report is laid squarely with the Chief Executive for a public audience. The PER could well be regarded as political in nature by an incoming Council, and the requirement for the CEO to examine the previous Council’s compliance with its financial strategy could conceivably lead to tension where previous performance is regarded as poor.

The usefulness of this proposal is not evident and it will impose additional costs. Therefore, the draft submission recommends that either the clause be withdrawn or that the idea be trialled with a small sample of Council’s and evaluated before a nationwide rollout is proposed.

#### Local Government Secretary enabled to make rules specifying performance measures (clauses 39-41)

This clause allows the secretary of local government to make rules specifying performance measures for:

- Water supply
- Sewerage
- Stormwater
- Flood protection
- Provision of roads

The provision describes what the rules may contain and how they are to be developed and distributed. It also allows the Secretary to levy councils for the cost.

It is presumed that the logic behind this is to ensure that ratepayers have consistent and transparent information on the quality of services being provided by their Council. While this tenet in itself is undoubtedly important there are a number of issues which need to be considered:

- This proposal is an unfunded mandate being imposed on local government - and consequently the cost must be passed on to ratepayers
- Interpretation of the information by citizens is likely to be problematic where measurements of council infrastructure standards and the service levels inherent alongside these differ to other parts of the District.

In relation to the abovementioned costs, the direct and indirect costs Councils will be liable for include the new cost of a government levy, amendments to administrative systems and the replacement of existing measures (small but additional) and potential increase in audit costs.

The draft submission recommends that either the clause be withdrawn or that the idea be trialled with a small sample of Council's and evaluated before a nationwide rollout is proposed.

## **CONCLUSION**

Submissions have been invited on the Local Government Amendment Bill (No.2). The Bill's stated aim is to "improve transparency, accountability, and financial management in local government". Council need to consider the contents of the Bill and determine its endorsement of the attached draft submission.

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## **RECOMMENDATIONS**

1. That the information be received.
2. That Council endorse the attached draft submission.

**7. REGIONAL ISSUES**

**(a) FINANCIAL ASSISTANCE PACKAGE FOR LEAKY HOMES**

**REPORTING OFFICER:** David McIntosh  
Management Accountant

**ATTACHMENT:** Government media statement  
Letter from Department of Building and Housing  
Document – Elements of Proposed Scheme  
Document – Claims Process

**(Attachment No. 4)**

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**PURPOSE OF THE REPORT**

This report outlines the Government's proposed financial assistance package for leaky homes. The package involves funding of remediation costs through contributions by Government, local authorities, and homeowners. Government is seeking responses from local authorities indicating whether they support the proposal.

**BACKGROUND**

Following the establishment of the Weathertight Homes Resolution Service (WHRS) to deal with costs of remediation for leaky homes there has been concern at the financial cost, time involved, and uncertainty of outcome involved in pursuing a claim.

This has resulted in Government, following initiatives by local government towards more effective resolution of claims, proposing the establishment of a financial assistance package for leaky homes where the costs of remediation would be shared by Government, local authorities and homeowners concerned.

**NARRATIVE**

On 17 May 2009 the Government announced a proposed financial assistance package for leaky homes. The scheme is an option aimed at resolving leaky home claims while avoiding time consuming and expensive legal processes and/or litigation.

It is proposed that the costs of remediation for homes will be shared with contributions from Government (25%), local authorities (25%) and homeowners (50%) with no attribution of fault or blame. It is important to remember that prior to this proposal the Government has denied any liability to contribute to leaky home settlements. The homeowner's contribution may be made from loans with a supporting government guarantee where bank lending criteria are met.

Where a homeowner participates in the package they will forego the right to make any separate and additional legal claims from Government or local authorities. The scheme will not however prevent homeowners from pursuing other liable parties such as builders, architects, developers, and other professionals involved in the design and building of houses. The scheme will be voluntary and homeowners may elect as an alternative to seek remedy under existing processes.

Eligibility for the proposed scheme will be consistent with that for the WHRS.

Following is a summary of the key benefits and costs of the scheme:

### Benefits

- Enables homeowners to reasonably quickly get repairs carried out instead of having potentially years of legal battles, with reduced stress for all parties especially the homeowner.
- Scheme provides an alternative for homeowners which may be more attractive than alternative actions when all factors are considered.
- Administratively more cost effective, with no requirement to determine and attribute fault thus avoiding litigation and legal costs.
- More timely resolution and remediation.
- Limits the liability of Council to 25%; in some cases Council has 100% potential liability as the "last man standing"

### Costs

- For Council, may be cases of accepting a share of cost of remediation where no fault was present.
- For homeowners, accepting 50% of remediation costs where ideally these should be borne by other parties.

Currently Papakura District has no active claims lodged with the WHRS and has not identified any recognisable specific future liability for claims.

Settlements paid by Council under this scheme would not be covered by liability policies held with Riskpool. This is due to the fact that, to activate cover, Council's direct liability for claims would have to be established and this is not a feature of the proposed scheme. While this may seem to indicate that Council would be worse off in supporting the scheme and not relying on insurance cover to meet claims under the current processes, there is the issue of Riskpool not being able to meet the full cost of claims made on insurance. Where this is the case member Councils are required to meet a share in funding any residual. This situation has already arisen resulting in Council making payments to Riskpool against insurance claims settled. There is therefore some benefit in minimising claims against the liability policies given the significant overall potential value of claims. Since 2009 Riskpool has not provided cover for leaky homes.

Full details of how the package will operate have yet to be developed but the Government has committed to working on this with parties involved. It is expected that operation of the package will be established early next year.

This report has not considered the impact in terms of leaky homes claims and liability the amalgamation of Auckland region councils will have ultimately on the ratepayers of the Papakura District. While there can be little doubt that the greater extent of liability attributable to other councils in the region will eventually be spread across all ratepayers of the new Auckland Council, this is a function of the decision to amalgamate councils rather than an issue directly related to this proposal. It could be expected that each Council in the region will evaluate the proposal on the basis of the best outcome for their ratepayers which is likely in turn to be, overall, the best outcome for the region.

The proposal is supported currently by Christchurch, Wellington, Auckland, and North Shore City Councils.

**CONCLUSION**

The proposed financial assistance package for leaky homes provides additional benefits over processes currently offered under the WHRS in terms of minimising costs and time involved in dealing with leaky home remediation. While resulting in costs being borne by parties (Government, local authorities, and homeowners) that they should not necessarily be expected to carry it does offer an efficient means of resolution and remediation which could be considered a better overall outcome for homeowners and the wider community.

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**RECOMMENDATIONS**

1. That the information be received.
2. That Council confirm support for the Government's Financial Assistance package for Leaky Homes.

**8. NOTICES OF MOTION**

**9. CONFIDENTIAL**