



**NOTICE OF MEETING OF THE
42ND COUNCIL MEETING**

I hereby give notice that the 42nd Council meeting of the 7th Papakura District Council is to be held on:

DATE: **Tuesday** **31st August 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

NO.	ITEM	PAGE
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	4-11
	(a) Karaka Centre Ltd. – Rates Remission 2010/11 (Re-Zoned Rating Units in the Business Rating Group Pending Development).....	4-6
	(b) Papakura Road Safety Strategy 2010	7-8
	(c) Plan Change 15 Takanini Structure Plan Area 6 and Notice of Requirement 47 – Hearing Panel Composition and S37 Approval of Late Submission	9-11
10.	Items for Information	12
11.	Notices of Motion	12
12.	Confidential.....	12
	(a) Hingaia Sports Fields Update August 2010	12
	(b) Papakura Interchange Pylon Access and Land Transfer.....	12
	(c) Massey Park Upgrade Contract CS2010-04 Award.....	12
	(d) Railway Street West Reconnection Contract PDC/10/07.....	12

PAPAKURA DISTRICT COUNCIL

**AGENDA FOR THE 42ND MEETING OF THE PAPAKURA DISTRICT COUNCIL TO
BE HELD IN THE COUNCIL CHAMBERS, 35 COLES CRESCENT, PAPAKURA
ON TUESDAY 31ST AUGUST 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 3rd August 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 20th July 2010 be received. (Attachment No.1)

6. DEPUTATIONS

7. PRESENTATIONS

There will a presentation to Brian Joyce.

8. MAYOR'S REPORT

9. ITEMS FOR DECISION

(a) **KARAKA CENTRE LTD. – RATES REMISSION 2010/11 (RE-ZONED RATING UNITS IN THE BUSINESS RATING GROUP PENDING DEVELOPMENT)**

REPORTING OFFICER: D McIntosh
Management Accountant

ATTACHMENT: Remission Application Letter
Property Site Plan
Rates Remission Policy

(Attachment No. 2)

PURPOSE OF THE REPORT

This report presents an application from Karaka Centre Ltd for rates remission in relation to two properties where the sites are re-zoned rating units in the business rating group pending development.

BACKGROUND

Council has a rates remission policy adopted in the 2009-2019 LTCCP (volume 2, page 60, copy attached) which provides as its objective:

“... the opportunity for rates relief on rating units which have been re-zoned and now fall within the business rating group. The policy recognises that development of business land may take some time following re-zoning and that the application of the business differential in initial years prior to development may be inequitable.”

Karaka Centre Ltd. has applied for rates remission under this policy for sites located at 43 Hingaia Road (6.3ha) and 47 Harbourside Drive (7.6ha) (valuation references. 37401-00618 & 37401-00619).

Remission was granted to the ratepayer for these sites under this policy for the 2009/10 rating year.

NARRATIVE

Remission Criteria

Consideration of the rates remission application requires assessment against the conditions and criteria established in the policy. Following are the criteria and an evaluation of whether these have been met.

	Criteria Details	Evaluation
1	The rating unit must be rated within the business differential rating group.	✓ - rated in business group
2	Remission will be available in rating years following the year in which the land on which the rating unit is located is re-zoned	✓ - land covered by these sites was first rated as business in the 2006/07 year following re-zoning in the prior year.
3	Remission will normally only be available for 5 years following re-zoning, however the time-	✓ - the standard 5 year period would extend to

Agenda
42nd Council Meeting
31 August 2010

	frame may be extended or reduced at the sole discretion of council. The time period over which remissions may be granted will depend on specific circumstances in each case, particularly the extent to which the development of business sites is dependent on the development of surrounding areas	2010/11
4	Remission will cease to be available for any years following that in which a building consent is issued for the rating unit for the first building.	✓ - no building consents issued for sites (note building consents issued on these sites for advertising signs have been considered not relevant)
5	The ratepayer must make application annually to the council on the prescribed form at any time during the rating year for which remission is sought.	✓ - application made within rating year

The table shows that all the core criteria have been met.

Criteria 3 does however include a discretionary element in that Council may reduce or extend the default 5 year time-frame for remission availability depending on the specific circumstances in each case. The applicant has submitted that the development of business land has been delayed by a slower “take-up of the surrounding residential environment” than originally forecast. On this basis it is proposed that there is no reason to consider a reduction in the 5 year remission availability time-frame.

It should also be noted that the application of rates remission policies are governed by section 114 of the Local Government (Rating) Act 2002. This provides that council may remit rates where the conditions and criteria of an adopted remission policy are met. Importantly this implies there is no compulsion to do so, however it is not considered that there are any reasons associated with this application for the Council not to approve the remission.

Remission Amount

The remission policy specifies that the rates remission for any approved applications will be

“up to an amount equal to the difference between actual rates levied for the year and the amount that would have been levied if the rating unit was rated within the residential rating group”

The maximum available remissions are:

Site	2010/11 Rates on Business basis (as levied)	2010/11 Rates on Residential basis	Maximum Remission
43 Hingaia Rd	\$ 76,165.00	\$ 20,616.80	\$ 55,548.20
47 Harbourside Dr	\$ 84,492.00	\$ 22,793.20	\$ 61,698.80
Total	\$160,657.00	\$ 43,410.00	\$117,247.00

(Note: The amount calculated in the Karaka Centre Ltd. application letter as an expected remission is incorrect as it uses the residential step differential rate applying to rating unit land values exceeding \$290,000 to calculate the value of the residential rate. This understates the rates that would be charged on a residential

basis for the portion of land covered by the residential base rate and therefore slightly overstates the maximum remission.)

In 2009/10 remission was granted to Karaka Centre Ltd. for the full maximum remission available totalling \$110,768.90.

CONCLUSION

The application for rates remission received from Karaka Centre Ltd. meets the core criteria of the remission policy concerned. It is therefore proposed that the remission application be approved.

It is further recommended that Council consider and determine whether to apply the maximum remission available or alternatively a lesser amount which would provide an appropriate measure of rates relief.

RECOMMENDATIONS

1. That the information be received.
2. That the application by Karaka Centre Ltd. for remission of rates for re-zoned rating units in the business rating group pending redevelopment, in relation to properties at 43 Hingaia Road and 47 Harbourside Drive, be approved.
3. That the amount of remission for the 2010/11 rating year be set at \$xxx.xx for 43 Hingaia Road and \$xxx.xx for 47 Harbourside Drive.

9. ITEMS FOR DECISION

(b) PAPAURA ROAD SAFETY STRATEGY 2010

REPORTING OFFICER: Clem Reeve
Transportation & Roading Assets Manager

ATTACHMENT: Papakura District Council Road Safety Strategy 2010

(Attachment No. 3)

PURPOSE OF THE REPORT

The purpose of this report is to present the draft Papakura District Council Road Safety Strategy and to seek Council adoption of this strategy.

BACKGROUND

The New Zealand Transport Agency (NZTA) requires each Territorial Local Authority (TLA) to produce a Road Safety Strategy (RSS) to set the direction of their overall road safety programme in order to work towards the goals set out in the government's *2020 Safer Journeys Strategy*.

Council's previous RSS was developed in 2007 for the period 2007-2010. This Strategy was adopted by Council at the 9 July 2007 District Development Committee Meeting. As that strategy expires in 2010, it is timely for Council to adopt a new RSS, particularly to cover the period immediately following amalgamation. Council's Road Safety Action Plan will be updated based on the new RSS to outline in detail how the strategies goals will be achieved.

NARRATIVE

The RSS identifies key issues relating to road safety in the District, outlines education, engineering and enforcement measures that Council will undertake to address these issues, and sets road safety goals for the next three years.

The key road safety issues detailed in the RSS have been identified based on an analysis of Police reported crashes from the previous five years to identify common crash types and contributing factors in crashes occurring in the District. A comparison has also been made with crash statistics from other local authorities with similar roading characteristics to identify road safety issues in the Papakura District that could be improved.

Based on the data from NZTA Road Safety Briefing Notes and analysis undertaken by Council, the following four major road safety issues have been identified for the Papakura District:

- Intersection crashes
- Night time crashes
- Crashes involving drivers impaired by alcohol
- Use of child restraints

The most significant changes in focus from the 2007 RSS and the draft 2010 RSS are the removal of the wet road and speed related crashes as key safety issues and the inclusion of night time crashes. It is noted that existing initiatives targeting wet road and speed related crashes will continue; however, priority will given to the four road safety issues currently identified as the highest risk.

As part of the development of the RSS, consultation has been carried out with Council's key road safety partners via the Police Liaison Group.

Council's draft Road Safety Strategy was presented at the workshop of 17th August 2010 where feedback received endorsed the draft strategy as proposed.

CONCLUSION

The Papakura District Council Road Safety Strategy has identified the following key road safety issues for the District:

- Intersection crashes
- Night time crashes
- Crashes involving drivers impaired by alcohol
- Use of child restraints

The strategy also outlines measures in terms of education, engineering and enforcement that should be taken over the next three years to address these key road safety issues.

RECOMMENDATIONS

1. That the information be received.
2. That the draft Papakura District Council Road Safety Strategy 2010 be adopted.

9. ITEMS FOR DECISION

(c) **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. 4)

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.

10. ITEMS FOR INFORMATION

11. NOTICES OF MOTION

12. CONFIDENTIAL

- (a) HINGAIA SPORTS FIELDS UPDATE AUGUST 2010
 - (b) PAPAURA INTERCHANGE PYLON ACCESS AND LAND TRANSFER
 - (c) MASSEY PARK UPGRADE CONTRACT CS2010-04 AWARD
 - (d) RAILWAY STREET WEST RECONNECTION CONTRACT PDC/10/07
-

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
(a) Hingaia Sports Fields Update August 2010	To enable Council to carry on, without prejudice or disadvantage negotiations (including commercial or industrial negotiations).	S 7 (2) i
(b) Papakura Interchange Pylon Access And Land Transfer	To enable Council to carry on, without prejudice or disadvantage negotiations (including commercial or industrial negotiations).	S 7 (2) i
(c) Massey Park Upgrade Contract CS2010-04 Award	To enable Council to carry on, without prejudice or disadvantage negotiations (including commercial or industrial negotiations).	S 7 (2) i
(d) Railway Street West Reconnection Contract PDC/10/07	To enable Council to carry on, without prejudice or disadvantage negotiations (including commercial or industrial negotiations).	S 7 (2) i