



NOTICE OF MEETING OF THE 40TH COUNCIL MEETING

I hereby give notice that the 40th Council meeting of the 7th Papakura District Council is to be held on:

DATE: Tuesday 22nd June 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 40TH MEETING OF THE PAPAKURA DISTRICT COUNCIL TO
BE HELD IN THE COUNCIL CHAMBERS, 35 COLES CRESCENT, PAPAKURA
ON TUESDAY 22ND JUNE 2010 COMMENCING AT 4.00 P. M.**

1. APOLOGIES

2. PERSONAL

A letter requesting leave of absence from Cllr Auva'a has been received.

(Attachment No. 1)

RECOMMENDATION

1. That the council approve the request for leave of absence of 6 – 8 weeks received from Cllr Auva'a.

3. CONFIRMATION OF MINUTES

- (a) That the Minutes of the Extraordinary Council Meeting held on Tuesday 8th June 2010 be confirmed.

4. APPROVAL OF RECOMMENDATIONS

5. MINUTES – TE ROOPU KAITIAKI O PAPAKURA

6. DEPUTATIONS

There will be a presentation to Papakura District people who received "Wai Care" awards.

7. PRESENTATIONS

8. MAYOR'S REPORT

9. ITEMS FOR DECISION

(a) APPROVAL OF HEARINGS RELATING TO PROPOSED VEHICLE RESTRICTIONS AND HAWKINS THEATRE NAME CHANGE PROPOSALS

REPORTING OFFICER: Erin Clarke
Policy Advisor

PURPOSE OF THE REPORT

The purpose of this report is to seek Council approval in relation to the setting up of hearings relating to the Vehicle Restriction and Hawkins Theatre proposals which have been, or are currently, subject to public consultation processes.

BACKGROUND

Council recently put two proposals out for consultation. These were:

- A proposal to place restrictions on vehicles under 3500kg within certain areas of the district (submission period closed on 4 June 2010)
- A proposal to change the name of the Hawkins Theatre (submission period closes on 18 June 2010).

Elected members now need to hold hearings for those submitters who have indicated a wish to speak to their submission.

NARRATIVE

Eight submitters have expressed a wish to be heard on the vehicle restrictions proposal. In order to expedite the process, it is suggested that Council delegate the hearing of these submissions and deliberations on these submissions to a hearings committee consisting of at least four elected members. It is also proposed to hold the hearings on the 29 June 2010 and that deliberations also take place on that day.

At time of writing this report, eight submitters had expressed a wish to be heard on the Hawkins Theatre name change proposal. It is expected that there will be a larger number of people who will wish to be heard once the consultation period is completed and a verbal update will be provided on this matter at the Council meeting.

In order to expedite this hearing, it is suggested that Council approve a special Council meeting on 6 July 2010. Once hearings have taken place, a report will be prepared covering all submissions received (both written and oral) and this will be presented at a later Council meeting to enable the Council to deliberate on this matter.

CONCLUSION

Council recently embarked on two public consultations; being a proposal for vehicle restrictions in certain areas of the district, and a proposal to change the name of the Hawkins Theatre. Council now need to agree on the process for public hearings on these issues.

RECOMMENDATIONS

1. That the information be received.
2. That the Council appoint the following elected members to hear submissions and make recommendations to Council on the "*Proposal to implement restrictions of vehicles under 3500kg within specified areas of the district*" on 29th June 2010:
Cllrs ...
3. That Council approve a Hearings Committee meeting regarding the "*Proposal to implement restrictions of vehicles under 3500kg within specified areas of the district*" t on 29 July beginning at 10.00am.
4. That Council approve a special Council meeting on 6 July 2010 beginning at 10.30am to hear submissions on the Hawkins Theatre name change proposal.

9. ITEMS FOR DECISION

(b) SETTING OF RATES FOR THE 2010/11 YEAR

**REPORTING OFFICER: David McIntosh
Management Accountant**

**ATTACHMENT: Commercial Promotion Area Plan 456
(Attachment No. 2)**

PURPOSE OF THE REPORT

The purpose of this report is to set rates by way of Council resolution for the 2010/11 year.

BACKGROUND

Council adopted the 2010/11 Annual Plan at a Council meeting held on 27 April 2010.

Rates for 2010/11 are required to be set in accordance with the Revenue and Financing Policy contained within the 2009-19 LTCCP and Rating Policy outlined in the 2010/11 Annual Plan.

NARRATIVE

The recommendation for setting of rates at the conclusion of this report reflects the rating policy contained within the 2010/11 Annual Plan adopted by Council on 27 April 2010.

Advice has been received from Franklin District Council that the Karaka Hall Levy has been set at \$75.00 plus GST (2009/10 levy was \$50.00 plus GST)

The attached plan for the Commercial Promotion Area (Plan 456) is drawn from the LTCCP and specifies the area covered by this targeted rate.

Specific rates and charges have been established based on property valuations and other information held in Council's Rating Information Database at the time of preparing this report.

For the 2010/11 year rating valuations effective 1 September 2009 apply. As provided for in the 2009-19 LTCCP, differential rating group factors have been adjusted following the district revaluation in 2009 to eliminate the impact of differing average increases in property values for each rating group and to ensure congruence with the relativities outlined in the rating policy contained within the 2009-19 LTCCP. Also, differential step values for the Residential /Residential in Business Zones and Rural rating groups have been adjusted following the district revaluation by the average land value change for residential and rural properties respectively.

Rates and charges must be adopted by Council resolution to give effect to rating in terms of the Local Government Rating Act (2002).

On 1 October 2010 the GST rate will change from 12.5% to 15% with the following implications for rates assessment and invoicing:

- Rates will initially be assessed for the full year, 1 July 2010 to 30 June 2011 on a GST inclusive basis at a GST rate of 12.5%
- Instalment 1 invoices will be issued on 1 August 2009 for ¼ of annual rates and will include GST at 12.5%.
- An amount to clear annual rates in full by the instalment 1 due date of 1 September 2009 net of the 5% discount will be shown on the invoice. This amount will be based on a GST rate of 12.5%.
- As at the 1st of October the amounts to be levied for remaining instalments will be adjusted to reflect the increase in GST rate to 15% except where these have already been paid in advance. This is due to GST legislation providing that GST is chargeable at the rate prevailing at the time of payment or time of invoicing whichever is earlier.
- Invoices for instalments 2, 3, and 4 which are all issued subsequent to 1 October 2010 will therefore include GST charged at 15% or a portion including GST charged at 12.5% equating to the value of payments received in advance prior to 1 October 2010.

The rates to be charged for 2010/11 specified in this resolution are all expressed inclusive of GST at 12.5%. The resolution notes that for amounts charged following 1 October 2010, and which have not been paid in advance at that date, will be adjusted to reflect the amended GST rate of 15%. The reason the resolution does not express the rates charged on a GST exclusive basis is due to the rating systems employed using the inclusive basis solely in calculation of rates assessed and invoice charges.

CONCLUSION

The recommendations below set out matters requiring resolution by Council to set rates for the 2010/11 year.

RECOMMENDATIONS

1. That Council set rates for the year commencing 1 July 2010 as follows:

Rates for the 2010/11 Financial Year

1. Uniform Annual General Charge

- A Uniform Annual General Charge (UAGC) of **\$465** including GST at 12.5% will be applied to each separately used or inhabited part of a rating unit.

2. Differential General Rate

- The General Rate is assessed at a rate in the dollar based on the land value (LV) of the rating unit.
- The General Rate is set differentially for all rateable land based on:
 - o location of the rating unit in terms of zones within the Papakura District Plan, and
 - o land value, and
 - o use of the land

- The following table shows the General Rate as it will be levied on a differential basis:

GENERAL RATE Rating Group	Differential Factor	General Rate Cents per \$ of Land Value (incl. GST at 12.5%)
Residential & Residential in Business Zones		
- for portion of land value up to \$290,000	1.00	0.5060
- for portion of land value over \$290,000	0.75	0.3795
Rural		
- for portion of land value up to \$1,420,000	0.62	0.3137
- for portion of land value over \$1,420,000	0.37	0.1872
Business (General)	2.96	1.4978
Business in Residential Zones	1.77	0.8956
Business in Rural Zones	1.77	0.8956

Rating Group - Definitions

The rating groups established for the purpose of applying the General Rate on a differential basis are defined as follows:

Residential

All rating units located in the following District Plan Zones:

- Urban Residential 1,2,3,4,5,6,7,8,8a,8b & 9
- Ardmore Aerodrome Zone (Lots 1 to 24 DP 173310)
- Any zone not included within any other rating group

With the exception of that portion of any rating unit used for industrial or commercial purposes, which will be rated under the Business in Residential rating group.

Residential in Business Zones

The portion of rating units which would otherwise fall into the Business (General) rating group except for the fact that they are used for residential purposes.

Rural

All rating units located in the following District Plan Zones:

- Rural Papakura
- Rural Papakura (Drury Subdivision Area)
- Rural Papakura (Hill Subdivision Area)
- Rural Residential
- Rural Takanini/Drury
- Karaka Centre
- Nature Conservation Area
- Hingaia Education Zone
- Rural Plains
- Countryside Living
- Hunua Hills
- Future Urban

With the exception of that portion of any rating unit used for business purposes and which would, due to the nature of the activity, require a resource consent for the zone the rating unit is located within, which will be rated under the Business in Rural Zones rating group.

Business (General)

All rating units located in the following District Plan Zones:

- Urban Commercial 1, 2, 3, 4 & 5
- Urban Industrial 1, 2, 3, & 4
- Mixed Use 1
- Quarry
- Ardmore Aerodrome Zone (excluding Lots 1 to 24 DP 173310)

The rating unit located at 53 Parkhaven Drive, valuation reference 37401-17501.

With the exception of that portion of any rating unit used for residential purposes, which will be rated under the Residential rating group.

Business in Residential Zones

The portion of rating units which would otherwise fall into the Residential rating group except for the fact that they are used for an industrial or commercial purpose.

With the exception of the rating unit located at 53 Parkhaven Drive, valuation reference 37401-17501.

Business in Rural Zones

The portion of rating units which would otherwise fall into the Rural rating group except for the fact that they are used for an business purpose which would, due to the nature of the activity, require a resource consent for the zone the rating unit is located within.

3. Targeted Rates

3.1 Karaka Community Centre Uniform Annual Charge

A targeted uniform annual charge of \$84.38 including GST at 12.5% is set covering costs associated with the maintenance of the Karaka Community Centre. This rate, which is set in relation to all land located within the Karaka Community Centre Area, is levied as a uniform annual charge on each rating unit.

3.2 Papakura Commercial Promotion Targeted Rate

A targeted rate is set to provide funding for promotion of the Papakura Central Business Area. This rate, which is set in relation to all rating units located within the Papakura Commercial Area described in Plan No. 456 and rated within the Business rating group, is levied at a rate of 0.1354 cents including GST at 12.5% per \$1 dollar of land value.

3.3 Auckland War Memorial Museum Targeted Rate

A targeted rate is set to cover the Auckland War Memorial Museum levy. This rate, which is set in relation to all rateable land in the District, is levied at a rate of 0.0087 cents including GST at 12.5% per \$1 dollar of capital value.

3.4 Museum of Transport & Technology Targeted Rate

A targeted rate is set to cover the Museum of Transport & Technology levy. This rate, which is set in relation to all rateable land in the District, is levied at a rate of **0.0036** cents including GST at 12.5% per \$1 dollar of capital value.

3.5 Auckland Regional Amenities Targeted Rate

A targeted rate is set to cover the Auckland Regional Amenities levy. This rate, which is set in relation to all rateable land in the District, is levied at a rate of **0.0039** cents including GST at 12.5% per \$1 dollar of capital value.

4. Instalment Due Dates

Rates will become due and payable at the Council Office, Coles Crescent, Papakura, in four instalments on the following dates:

Instalment No.	Due Date
1	1 September 2010
2	1 December 2010
3	1 March 2011
4	1 June 2011

Payments must be received on or before the due date, or where this day falls on a weekend or public holiday, the next working day.

5. Penalties

In accordance with Sections 57 and 58 of the Local Government (Rating) Act 2002:

A penalty charge of 10% will be added to the amount of rates remaining unpaid for each instalment after the due date. The dates upon which the 10% penalty charge will be added to any rates remaining unpaid for each instalment will be the day after the due date for each instalment.

A penalty of 10% of the amount of rates assessed in any financial year that are unpaid after the 30th of June 2010 will be added on the day following that date.

Note: The amount of unpaid rates to which a penalty is added includes:

- (a) Any additional charges previously added to the amount of unpaid rates under Section 132 of the Rating Powers Act 1998; and
- (b) Any penalties previously added to unpaid rates under Section 58 of the Local Government (Rating) Act 2002.

6. Discount for the early payment of rates

In accordance with Section 55 of the Local Government (Rating) Act 2002 a discount of 5% will be allowed if all rates assessed for the year plus arrears are paid in full on or before the due date of the 1st instalment being 1 September 2010

7. Goods and Services Tax (GST)

Rates to be charged specified in this resolution are expressed inclusive of GST at a rate of 12.5%.

From 1 October 2010 the GST rate will increase to 15%

Rates instalment invoices issued subsequent to 1 October 2010 (ie. Instalments 2, 3, and 4) will incorporate an adjustment to increase the rates levied to reflect the increase in GST from 12.5% to 15%. This adjustment will apply to the value of 2010/11 annual rates not invoiced as at 1 October 2010 except for any amount levied at 12.5% which has been paid in advance prior to 1 October 2010.

9. ITEMS FOR DECISION

(c) AUDIT ARRANGEMENTS FOR THE 16 MONTH PERIOD ENDING 31 OCTOBER 2010

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

ATTACHMENT: Audit Arrangements Letter – April 2010

(Attachment No. 3)

PURPOSE OF THE REPORT

The purpose of this report is to present the arrangements for the audit of the financial statements and performance information for the 16-month-period to 31 October 2010 for Council's approval.

BACKGROUND

Section 14 of the Public Audit Act 2001 states that the Auditor-General is the auditor of every public entity. Sections 32 and 33 of the Act relates to the Auditor-General's ability to appoint someone else to conduct the audit on his behalf.

The Controller and Auditor General has appointed Francis Caetano, Audit New Zealand as Council's approved auditor for the period to 31 October 2010.

This arrangements letter covers the 16-month-period ending 31 October 2010.

The Audit Arrangements Letter outlines the terms of the audit engagement, and the nature and limitations of the audit. It also sets out the respective responsibilities regarding matters associated with the audit.

NARRATIVE

This audit provides for both the final audit of the Papakura District Council as well as the transition to the Auckland Council. The audit will incorporate the following:

- Auckland Council Transition Issues;
- “Business as usual” risks; and
- Areas of interest across all local authorities

The key issues under each heading are described on pages 5 to 28 of the attachments.

Timetable

The key dates for the audit are as follows:

Prior to 1 November	
April to June 2010	Review of the 2010/2011 Annual Plan
March, July and October 2010	Interim audits in preparation for the 16 month report to 31 October 2010
Post 1 November	
January 2011	Final audit commences
By 31 March 2011	Council adopts the 16 month report

The fee for this audit is \$177K excluding GST and disbursements. \$171K is charged directly to Papakura District Council and \$6,000 to the Auckland Transition Agency. Audit fees are fixed by the Auditor-General under section 42 of the Public Audit Act. Council will note that the budgets for audit fees are \$129K for 2009/10 and \$45K for the July to October 2010 period. A further \$90K is available for the 8-month-period to 30 June 2011.

CONCLUSION

This year’s Report will be prepared pursuant to the provisions contained in the LGA2002 and the transition legislation related to the Auckland reorganisation. The report sets out the requirements and the timeline for preparing and adopting a 16-month report within the legislative timeframes.

RECOMMENDATIONS

1. That the information be received.
2. That the Council approves the audit arrangements for the 16-month-period ending 31 October 2010.

9. ITEMS FOR DECISION

(d) SAFER PAKURA TRUST – APPOINTMENT OF TRUSTEES

**REPORTING OFFICER: Theresa Stratton
Chief Executive**

PURPOSE OF THE REPORT

This report seeks Council direction on the extension of the appointment of existing independent Trustees and seeking expressions of interest for additional Trustees.

BACKGROUND

The Safer Papakura Trust was formed in September 2008 as a Council Controlled Organisation (CCO) to deliver graffiti services (previously delivered by the Proudly Papakura Trust), the Town Centre Ambassador programme and Town Centre security services (previously delivered by the Town Centre Association).

At the time of the formation of the Trust the Council appointed five interim Trustees for a maximum period of nine months. The interim Trustees were Councillors Goldsmith (Chairman), Jones and O'Connor and two staff members – Theresa Stratton and Teresa Turner. Early in 2009 three new independent Trustees were appointed and Theresa Stratton and Teresa Turner stepped down.

In October 2009 Council extended the appointments of the three Councillor Trustees (as individuals rather than as Councillors) to 31 December 2010. This was put in place to ensure that the new Auckland Council had the opportunity to consider replacement in the early part of its term but that the Trust could continue operating until these appointments were considered.

At the same meeting Council resolved:

“THAT COUNCIL REVIEW THE APPOINTMENT OF THE INDEPENDENT TRUSTEES IN MAY 2010 WITH A VIEW TO ENSURING CONTINUITY OF THE TRUST OPERATIONS THROUGH 2011.”

NARRATIVE

The Trust has now been operating under the current governance and management arrangements for approximately 18 months. The quarterly reports to Council show that the Trust always meets or exceeds its KPIs and that it is being effective in the range of objectives set through the Trust's Strategic Plan and Statement of Intent. From Council's perspective it appears that the current Board of Trustees are operating well.

In view of the good performance of the Trust, Council may wish to suggest to the Trust that the existing Trustees be approached to see if they are available to extend their term of appointment for a further 12-18 months. It would be useful to have a mixture of expiry times as this would ensure continuity as Trustees change.

The Trust Deed allows for between 5 and 8 Trustees. Currently the Trust is operating with 3 independent Trustees and 3 Councillor Trustees. As mentioned above the three Councillor Trustees appointments will expire on 31 December 2010. Therefore it is considered it would be appropriate to seek expressions of interest from other potential Trustees so that should any of the existing independent Trustees withdraw or should the Auckland Council encounter any delays in appointing replacements for

the three Councillor Trustees the Trust can continue to function. Council could do this by either:

- a) Asking the Trust to identify potential candidates; or
- b) Advertising for interested parties (it should be noted that this approach was not particularly successful last time)

Council will need to approve both the extension of the term of the existing Trustees and the appointment of any new Trustees. New Trustees should meet the criteria as set out in Council's policy on the appointment of Directors and Trustees.

CONCLUSION

In order to ensure the continuity of the operations of the Safer Papakura Trust, Council is asked to give direction on both the extension of the term of the three independent Trustees and seeking expressions of interest for up to two additional independent Trustees.

RECOMMENDATIONS

1. That the information be received.
2. That the Safer Papakura Trust be asked to confirm whether the three existing independent Trustees would be willing to extend their term for a further 12-18 months.
3. That the Safer Papakura Trust be asked to propose up to two additional independent Trustees that meet the criteria set out in Council's policy for the appointment of Directors and Trustees.

9. ITEMS FOR DECISION

(e) SAFER PAPAURA TRUST – STATEMENT OF INTENT

REPORTING OFFICER: Theresa Stratton
Chief Executive

ATTACHMENT: Draft 2010/11 Statement of Intent for Safer Papakura Trust

(Attachment No. 4)

PURPOSE OF THE REPORT

This report seeks Council feedback and endorsement of the 2010/11 Statement of Intent for the Safer Papakura Trust.

BACKGROUND

The Safer Papakura Trust was formed in September 2008 as a Council Controlled Organisation (CCO) to deliver graffiti services (previously delivered by the Proudly Papakura Trust), the Town Centre Ambassador programme and Town Centre security services (previously delivered by the Town Centre Association).

As a CCO the Trust is required, unless specifically exempted, to prepare a Statement of Intent (SOI) on an annual basis for consideration and feedback by Council. The Trust then considers the Council's feedback and adopts a final SOI. This is normally to be completed by June of the year preceding that to which the SOI applies.

The Trust has recently forwarded their Statement of Intent and now seeks Council feedback.

NARRATIVE

Attached to this report is the draft SOI for Safer Papakura Trust for 2010/11. Only minor alterations have been made to the previously approved SOI.

It is considered that the attached document is in line with:

- a) The Trust document and the contractual arrangements that have been entered into between Council and the Trust; and
- b) The relevant requirements for a CCO such as the Trust, as set out in the Local Government Act 2002.

On that basis it is recommended that Council approve the SOI in its current form and advise the Safer Papakura Trust accordingly.

CONCLUSION

The Safer Papakura Trust was formed as a Council Controlled Organisation in late 2008 to deliver the Ambassador programme, graffiti and security services. As CCO it is required to have a Statement of Intent approved by Council and adopted by the Trust by June of the year preceding that to which the SOI applies. The SOI is recommended for approval as it reflects the Trust Deed, the contract between Council and the Trust and complies with the basic requirements for a SOI as set out in the Local Government Act 2002.

RECOMMENDATIONS

1. That the information be received.
2. That Council approve the 2010/11 Statement of Intent for Safer Papakura Trust and advise the Trust accordingly.

9. ITEMS FOR DECISION

(f) MYCARD FEES AND CHARGES

REPORTING OFFICER: Kim Taunga
Manager Library Services

ATTACHMENT: Schedule of proposed library circulation fees and charges at November 1 2010

(Attachment No. 5)

PURPOSE OF THE REPORT

The purpose of this report is to seek Council approval of the library fees and charges to be implemented on November 1st 2010.

BACKGROUND

The Auckland Libraries MyCard project has been approved as a priority project by the Auckland Transition Agency (ATA) for delivery from November 1st 2010.

This project will enable all residents of the new Auckland Council area to use their current library card to borrow from any library in the Auckland Council area, and return items to any library in the area. This project is recognised as a tangible day one benefit of the Auckland Council.

An essential element of this project is the harmonisation of circulation-related fees and charges across all libraries. A schedule of proposed changes to these fees and charges has been prepared, which achieves a fiscally neutral outcome when aggregated across all seven Councils. This schedule is attached.

The successful implementation of the MyCard Project requires the adoption of the proposed harmonised fees and charges. In the current governance environment the only way to achieve a unified fee structure is for it to be adopted independently by all seven Councils. There is no unilateral delegation of authority for making the requisite changes.

NARRATIVE

The main objective of MyCard is to put in place people, processes and technology that allow customers to borrow collection items from any of the 58 future Auckland Council Library sites and return these items to any of these Libraries.

Other key project objectives are;

1. To standardise circulation business rules (including fees and charges) and related logistical and support processes
2. To implement a revenue-neutral pricing model for fees and charges that meets revenue targets at the aggregate level
3. Integration of Pukekohe and Waiuku libraries into Auckland Council Libraries
4. Migration of Pukekohe and Waiuku library data into the Millennium Library Management System (LMS)
5. To renegotiate software, database licensing and contractual arrangements to meet new requirements
6. To align and ensure consistent customer access to online resources
7. To deliver tangible benefits to Auckland Council ratepayers on day one through seamless access to all library services.

Harmonisation of charges

Harmonisation of charges across all seven libraries is a key component of the My Card project. This project is made possible within the timeframe by the fact that all 7 libraries utilise the Millennium library system, as part of the eLGAR consortium. This database will no longer be partitioned by local authority as at present. Thus, from 1 November the Millennium system will only be able to sustain one set of circulation-related fees and charges.

The harmonisation of these fees and charges is an important element of the customer experience.

If it is not possible to implement harmonised charges by 1 November, significant aspects of the My Card project would be put at risk.

- Creation of one customer database would not be possible.
- Revenue budgets would not be achieved.
- Customers would quickly find ways to avoid those libraries with the highest charges, for example;
 - by placing holds where there are no holds fees,
 - returning late items to those libraries with the lowest overdue charges.
 - requesting the item with the lowest rental, thereby preventing sensible lowest-cost logistics management.

Scope of proposed changes to circulation fees and charges

The My Card project seeks to harmonise existing circulation-related fees and charges that are applied automatically by the Millennium library system. These include rental fees for borrowing some items, e.g. DVD's and best sellers; and overdue fees for late return of items.

The aim of the harmonisation is to achieve a situation which is fiscally neutral, therefore the proposed fees and charges will collect the same aggregated revenue as the fees and charges currently applied by the seven eLGAR partner libraries.

The scope applies to existing fees and charges only. It does not introduce new charges not already in place within the seven libraries.

Some charges will no longer apply, where the cost of collection or other negative impacts outweigh revenue gained. The main changes for Papakura are as follows;

1. No overdue charges for children (currently 10c per day to a maximum of \$5.00)
2. Increase in fines for adults from 20c per day to 50c per day (to a maximum of \$10.00)
3. Reduction in adult DVD rental from \$5.00 to \$2.00 per week
4. Reduction in overdue charges for rental items from \$1.00 per day to 50c per day

Papakura has recently implemented courtesy notices reminding customers of due dates in advance. These notices will be universally implemented before November 1 2010.

There is no proposal to introduce a general borrowing charge for all items.

ATA decision

As part of the ATA project approval process the ATA agreed to the following MyCard project objective;

“• to standardise circulation business rules and related collection management, logistical and support processes to enable seamless and consistent customer access to library collection resources.”

However having agreed to this objective the ATA has advised that it is not in a position to approve the proposed changes to these fees and charges. Therefore, the Auckland CEO forum advised that each Council should use its existing processes to approve these changes to fees and charges. These changes would normally be advised to the public through the Annual Plan consultation process. This year, as the Annual Plan was not required to be consulted on so long as it was consistent with Year 2 of the LTCCP 2009-19, this opportunity was not available. It is considered that the change to these fees is not a significant decision in terms of the Council's significance policy and therefore, it is proposed that these changes should be adopted by resolution of the Council only.

CONCLUSION

The successful implementation of the MyCard Project requires the adoption of the proposed harmonised fees and charges by individual Councils.

As at June 9th 2010, Auckland City Council and Waitakere City Council have approved the new fees and charges. Rodney District Council have approved in principle with approval to be given at a Council meeting in late June.

RECOMMENDATIONS

1. That the information be received.
2. That Council approves the harmonised library circulation fees and charges to be implemented on November 1 2010 as per the attachment to this report.

9. ITEMS FOR DECISION

(g) AMENDMENT TO CONTROL OF ADVERTISING SIGNS BYLAW 2008

REPORTING OFFICER: Erin Clarke
Policy Advisor

ATTACHMENT: Papakura District Council Control of Advertising Signs Bylaw 2008 with Proposed Amendments

(Attachment No. 6)

PURPOSE OF THE REPORT

The purpose of this report is to seek Council approval for an amendment to the Control of Advertising Signs Bylaw 2008 in relation to election signage, as required by the Local Government (Tamaki Makaurau Reorganisation) Act, and to provide the results of an investigation by officers into additional signage locations.

BACKGROUND

The Local Government (Auckland Law Reform) Bill tabled in Parliament on 24 May 2010 contained an amendment to the Local Government Act (Tamaki Makaurau Reorganisation) Act, requiring Council's to give effect to a number of provisions in relation to election signage. It stipulates that the relevant bylaws must contain these provisions by 1 July 2010.

The Resource Management and Regulatory Committee considered the proposal to change the bylaw at its meeting on 7 June 2010. The agreed to the amendments being sent through for approval by full Council, however they also asked that a further election signage site be investigated on the Hingaia Peninsula.

As well as seeking formal Council sign off of the proposal, this report highlights the investigation taken by officers into an additional site.

NARRATIVE

The Bill contains a specific amendment to the Local Government (Tamaki Makaurau Reorganisation) Act 2009.

The new Section 29D and Schedule 3 of the Local Government (Tamaki Makaurau Reorganisation) Act 2009 (The Act) is quoted below:

“29D Obligations of existing local authorities in relation to October 2010 triennial general elections

- (1) *For the purposes of preparing for the October 2010 triennial general elections for the Auckland Council, each existing local authority that is a territorial authority must, no later than 1 July 2010,—*
 - (a) *make a bylaw, or amend an existing bylaw,—*
 - (i) *to give effect, within its district, to the rules and requirements set out in Schedule 3 (which relates to signs); and*
 - (ii) *that identifies all the land owned by the existing local authority on which signs may be erected in accordance with the bylaw; and*
 - (b) *revoke any existing bylaw or part of any bylaw that is inconsistent with the rules and requirements set out in that schedule.*
- (2) *Sections 155 and 156 of the Local Government Act 2002 do not apply to the making, amending, or revoking of a bylaw under this section.*
- (3) *To avoid doubt, subsection (1) does not require the Franklin District Council to make, amend, or revoke any bylaw in respect of any part of its district in which, because of the reorganisation, elections for the Auckland Council will not be held.”*

“Schedule 3 s 29D(1)(a)(i)

Matters in relation to election signs that must be included in bylaw to be made for purposes of section 29D(1)(a)(i)

1 Interpretation

In this schedule,—

election means the October 2010 triennial general elections in relation to the election of members of Auckland Council and its local boards

local authority designated site means land identified in accordance with section 29D(1)(a)(ii)

sign means a sign erected for the purposes of the election and includes an election hoarding.

2 No building consent required or fee payable for sign 3 m² or less in size

- (1) *Signs do not require a building consent or fee to be paid.*
- (2) *Subclause (1) applies only if the sign is 3 m² or less in size.*
- (3) *This clause applies whether the sign is erected on a local authority designated site or on private property.*

3 Time period that sign may be displayed

- (1) A sign may be displayed at any time within the 2 months preceding the election.
- (2) Every sign must be removed before the day on which the voting period for the election ends (polling day).
- (3) This clause applies whether the sign is erected on a local authority designated site or on private property.

4 Prohibited sites for signs

- (1) A sign must not be erected on any footpath, traffic island, or road (except if the sign is on or connected to a legally parked motor vehicle within the meaning of section 2(1) of the Land Transport Act 1998).
- (2) A sign must not be erected on private property without the landowner's consent.

5 Signs must be erected in manner that ensures public safety

A sign must be erected in a way that, in the opinion of an officer authorised by the existing local authority for the purpose, ensures public safety.

6 Signs on local authority designated sites

- (1) A sign erected on a local authority designated site must comply with the following conditions:
 - (a) the sign must be less than 3 m above ground level:
 - (b) there must be at least 1.4 m clearance between the base of the sign and the ground:
 - (c) the sign must have an area of 3 m² or less:
 - (d) the sign must be securely braced with supports at an angle of 45° to the sign and anchored at ground level:
 - (e) the sign must be free-standing (for example, it must not be fixed to a tree, building, or furniture):
 - (f) the sign must be placed outside the dripline of any tree:
 - (g) the sign must not have any secondary sign, poster, flag, or other thing attached to it.
- (2) A sign must also comply with any site-specific requirements.
- (3) Only 1 sign may be erected per candidate or per party on each site.

7 Existing local authority may remove signs

- (1) An existing local authority may remove a sign that—
 - (a) does not meet the requirements of this schedule; or
 - (b) is damaged, is vandalised, or is unsafe in the opinion of an officer referred to in clause 5.
- (2) The existing local authority may recover from the candidate concerned the costs of removing and storing a sign and any associated administrative costs.

8 Candidates must supply contact details of person responsible for signs

- (1) Each candidate must supply the electoral officer with the name and contact details of the person responsible for establishing and maintaining signs for the candidate.

- (2) *The electoral officer may make this information available to any existing local authority.*

It should be noted that this requirement is exempt from the usual bylaw determination and special consultative procedure process.

Council's current bylaw

Section 11 of Council's current Control of Advertising Bylaw 2008 states that:

- 11.1 *Election signs shall have a maximum area of 3m²*
- 11.2 *Election signs shall not be erected earlier than two months before an election*
- 11.3 *With regard to public land, election signage, may only be erected in areas designated by Council for this purpose*
- 11.4 *On public land, candidates may erect not more than one sign per site*
- 11.5 *Candidates must comply with any other conditions Council may deem fit to impose in relation to election signage on public land.*

These provisions are not inconsistent with the stipulated requirements with the Act and so can remain.

In order to satisfy the further requirements the Committee has recommended that Council insert the following provisions into the bylaw:

- 11.6 For the purposes of preparing for the October 2010 triennial local body general elections:
 - (a) The rules and requirements set out in Schedule 3 to the Local Government (Tamaki Makaurau Reorganisation Act 2009 shall apply over and above other election signage requirements within this bylaw (as contained in Appendix 1 of this Bylaw)
 - (b) Signs may be erected on the sites stipulated in Appendix 2 of this Bylaw.

Council will note that the signage sites specified in 11.6b are those identified through the election signage policy previously approved by Council and utilised during previous election campaigns.

Additional signage

The Committee requested that officers investigate additional election signage sites on the Hingaia Peninsula, particularly in proximity to the motorway overbridge. Following site visits officers can advise that there are no locations on either side of the road towards the Hingaia Bridge that would be suitable due to the safety concerns.

A small stretch of road on the south side of Hingaia Road before the Oaklands intersection was also investigated, however it is too narrow. The Hayfield/Oakland intersection and Pararekau Road are also unsuitable due to lack of room and poor sightlines.

However, a site close to the Harbourside Drive intersection was found to be suitable. Signs would need to be located 3 metres back from the manhole covers to ensure they do not interfere with the intersection sightlines and the length of the strip would allow a number of signs side by side without too much clutter. These are detailed on Appendix 2 to the proposed amendment to the signage bylaw for Council consideration.

CONCLUSION

The Local Government (Tamaki Makaurau Reorganisation) Act 2009 (as stated in an amendment contained in the Local Government (Auckland Law Reform) Bill) requires that Council ensure its bylaw relating to election signage reflect provisions contained within the Act. The Resource Management and Regulatory Committee recommended that the changes outlined in this report be approved by Council and that a further site in the Hingaia area be investigated.

RECOMMENDATIONS

1. That the information be received.
2. That the following clause be inserted into the Control of Advertising Signs Bylaw 2008:

11.6 For the purposes of preparing for the October 2010 triennial local body general elections:

 - (a) The rules and requirements set out in Schedule 3 to the Local Government (Tamaki Makaurau Reorganisation Act 2009 shall apply over and above other election signage requirements within this bylaw (as contained in Appendix 1 of this Bylaw)
 - (b) Signs may be erected on the sites stipulated in Appendix 2 of this Bylaw;

and that this clause be enacted on 1 July 2010 as stipulated in the Local Government (Tamaki Makaurau Reorganisation) Act 2009.
3. That Council approve the inclusion of the additional area (shown as traced changes in the attached appendix 2 to the bylaw) for election signage in the Control of Advertising Signs Bylaw 2008

10. ITEMS FOR INFORMATION

11. NOTICES OF MOTION

12. CONFIDENTIAL

(a) LAND PURCHASE FOR SCHOOL ACCESS ROAD

RECOMMENDATION

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

Item	Reason	Grounds
12(a) Land Purchases for School Access Road	To enable Council to carry on, without prejudice or disadvantage negotiations (including commercial or industrial negotiations).	S 7 (2) i