



MINUTES OF MEETING OF THE 43RD COUNCIL MEETING

HELD IN THE COUNCIL CHAMBERS, 35 COLES CRESCENT, PAPA KURA
ON TUESDAY 28TH SEPTEMBER 2010 COMMENCING AT 9.30 A. M.

PRESENT:

Chairperson	His Worship the Mayor (Calum Penrose)
Deputy Chairperson	Clr Goldsmith
	Clr Auva'a
	Clr Catchpole
	Clr Conroy
	Clr Jones
	Clr O'Connor (until 10.12am, from 4.10pm)
	Clr Pringle

ATTENDING:

T Stratton	Chief Executive Officer
J Hames	Director Policy & Democracy Services
V Villaraza	Director Finance & Corporate Services
T Turner	Director Business & Promotion
T Kay	Director Infrastructure Management
G McCarrison	Director Regulatory Services
R Seth	Democracy Services Officer
R Firth	Manager Capital Works
N Terry	Manager Community Assets
P LeGros	Stormwater Operations Engineer
J La Nauze	Senior Policy Planner
E Clark	Policy Advisor
D Cox	Policy Advisor Infrastructure Management
D McIntosh	Management Accountant

PAPAKURA DISTRICT COUNCIL

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PAPAKURA DISTRICT COUNCIL

**MINUTES FOR THE 43RD MEETING OF THE PAPAKURA DISTRICT COUNCIL
HELD IN THE COUNCIL CHAMBERS, 35 COLES CRESCENT, PAPAKURA
ON TUESDAY 28TH SEPTEMBER 2010 COMMENCING AT 9.30 A. M.**

1. APOLOGIES

HIS WORSHIP THE MAYOR MOVED
CLR JONES SECONDED

THAT THE APOLOGY RECEIVED ON BEHALF OF CLR PIGGOTT BE
SUSTAINED.

CARRIED

2. PERSONAL

3. CONFIRMATION OF MINUTES

- (a) That the Minutes of the 42nd Council Meeting held on Tuesday 31st August 2010 be confirmed.

HIS WORSHIP THE MAYOR MOVED
CLR PRINGLE SECONDED

- (a) THAT THE MINUTES OF THE 42ND COUNCIL MEETING HELD ON
TUESDAY 31ST AUGUST 2010 BE CONFIRMED.

CARRIED

4. APPROVAL OF RECOMMENDATIONS

- (i) That the following recommendation from the Operations & Monitoring Committee Meeting held Tuesday 31st August 2010 be adopted:

OPAHEKE SPORTS FIELDS UPDATE

2. THAT THE COUNCIL WORK WITH THE PONY CLUB ON HOW TO ESTABLISH THE VEHICLE ENTRANCE IN LINE WITH THE RESOURCE CONSENT AND THAT IT BE RECOMMENDED TO COUNCIL THAT, SUBJECT TO APPROVAL OF THE ATA, UP TO \$40,000.00 BE BROUGHT FORWARD TO FUND THIS INITIATIVE FROM THE 2013/14 BUDGET.

HIS WORSHIP THE MAYOR MOVED
CLR CONROY SECONDED

- (i) THAT THE FOLLOWING RECOMMENDATION FROM THE OPERATIONS & MONITORING COMMITTEE MEETING HELD TUESDAY 31ST AUGUST 2010 BE ADOPTED:

OPAHEKE SPORTS FIELDS UPDATE

2. THAT THE COUNCIL WORK WITH THE PONY CLUB ON HOW TO ESTABLISH THE VEHICLE ENTRANCE IN LINE WITH THE RESOURCE CONSENT AND THAT IT BE RECOMMENDED TO COUNCIL THAT, SUBJECT TO APPROVAL OF THE ATA, UP TO \$40,000.00 BE BROUGHT FORWARD TO FUND THIS INITIATIVE FROM THE 2013/14 BUDGET.

CARRIED

5. MINUTES – TE ROOPU KAITIAKI O PAPAKURA

- (a) That the Minutes of the Te Roopu Kaitiaki O Papakura Meeting held on Tuesday 17th August 2010 be received. (Attachment No.1)
- (b) That the Minutes of the Te Roopu Kaitiaki O Papakura Meeting held on Tuesday 21st September 2010 be received. (Attachment No.2)

HIS WORSHIP THE MAYOR MOVED
CLR PRINGLE SECONDED

- (A) THAT THE MINUTES OF THE TE ROOPU KAITIAKI O PAPAKURA MEETING HELD ON TUESDAY 17TH AUGUST 2010 BE RECEIVED. (ATTACHMENT NO.1)
- (B) THAT THE MINUTES OF THE TE ROOPU KAITIAKI O PAPAKURA MEETING HELD ON TUESDAY 21ST SEPTEMBER 2010 BE RECEIVED. (ATTACHMENT NO.2)

CARRIED

6. DEPUTATIONS

7. PRESENTATIONS

8. MAYOR'S REPORT

A letter from Pips was tabled. (Attachment 1A)

9. ITEMS FOR DECISION

(a) BRUCE PULMAN PARK LAND SWAP

**REPORTING OFFICER: Nicola Terry
Manager Community Assets**

**ATTACHMENT: Plan of Land Swap
Letter from Bruce Pulman Park Trust
(Attachment No. 3)**

RECOMMENDATIONS

1. That the information be received.
2. That, subject to Auckland Transition Authority approval, Council enter into a land swap agreement with the Catholic Diocese of Auckland as per the attached plan.
3. That the Chief Executive Officer be delegated authority to sign the land swap documents and amended lease.

HIS WORSHIP THE MAYOR MOVED
CLR GOLDSMITH SECONDED

1. THAT THE INFORMATION BE RECEIVED.
2. THAT, SUBJECT TO AUCKLAND TRANSITION AUTHORITY APPROVAL, COUNCIL ENTER INTO A LAND SWAP AGREEMENT WITH THE CATHOLIC DIOCESE OF AUCKLAND AS PER THE ATTACHED PLAN.
3. THAT THE CHIEF EXECUTIVE OFFICER BE DELEGATED AUTHORITY TO SIGN THE LAND SWAP DOCUMENTS AND AMENDED LEASE.

CARRIED

9. ITEMS FOR DECISION

**(b) STOPPING OF ARDMORE QUARRY ROAD
PAPER ROAD**

**REPORTING OFFICER: Graeme McCarrison
Director Regulatory Services**

**ATTACHMENT: Map of unformed paper road
Aerial photograph of unformed paper road
(Attachment No. 4)**

RECOMMENDATION

1. That the information be received.
2. That pursuant to Section 116 of the Public Works Act 1981 that the unformed road as shown on the attached plan be stopped subject to the agreement of the adjoining owners.

HIS WORSHIP THE MAYOR MOVED
CLR JONES SECONDED

1. THAT THE INFORMATION BE RECEIVED.
2. THAT PURSUANT TO SECTION 116 OF THE PUBLIC WORKS ACT 1981 THAT THE UNFORMED ROAD AS SHOWN ON THE ATTACHED PLAN BE STOPPED SUBJECT TO THE AGREEMENT OF THE ADJOINING OWNERS.

CARRIED

9. ITEMS FOR DECISION

(c) PROPOSED PARTIAL UPLIFTING OF INLET ROAD RESERVE STATUS

**REPORTING OFFICER: Graeme McCarrison
Director Regulatory Services**

**ATTACHMENT: Location Plan
Photograph
Proposed Plan

(Attachment No. 5)**

RECOMMENDATION

1. That the information be received.
2. That Council commences the process under Section 114(2)(e) of the Public Works Act 1981 to change the status of the recreation reserve shown on the attached plan to road reserve.
3. That after consultation with Iwi that council makes the application under section 114(2)(e) of the Public Works Act 1981.

HIS WORSHIP THE MAYOR MOVED
CLR JONES SECONDED

1. THAT THE INFORMATION BE RECEIVED.
2. THAT COUNCIL COMMENCES THE PROCESS UNDER SECTION 114(2)(E) OF THE PUBLIC WORKS ACT 1981 TO CHANGE THE STATUS OF THE RECREATION RESERVE SHOWN ON THE ATTACHED PLAN TO ROAD RESERVE.
3. THAT AFTER CONSULTATION WITH IWI THAT COUNCIL MAKES THE APPLICATION UNDER SECTION 114(2)(E) OF THE PUBLIC WORKS ACT 1981.

CARRIED

9. ITEMS FOR DECISION

(d) APPOINTMENT OF HEARINGS PANEL COMMISSIONER

**REPORTING OFFICER: Graeme McCarrison
Director Regulatory Services**

RECOMMENDATION

1. That the information be received.
2. That approval is given pursuant to Sections 34 and 34A of the Resource Management Act 1991 and Clauses 32 and 32B of Schedule 7 of the Local Government Act 2002 for the appointment of John Childs and Kathleen Ryan as the hearing panel to determine the resource consent and subdivision applications by Takanini Industrial Trust Ltd at 55 Takanini School Rd and 3 Popes Road under Sections 104D and 113 of the Resource Management Act 1991.

HIS WORSHIP THE MAYOR MOVED
CLR CATCHPOLE SECONDED

1. THAT THE INFORMATION BE RECEIVED.
2. THAT APPROVAL IS GIVEN PURSUANT TO SECTIONS 34 AND 34A OF THE RESOURCE MANAGEMENT ACT 1991 AND CLAUSES 32 AND 32B OF SCHEDULE 7 OF THE LOCAL GOVERNMENT ACT 2002 FOR THE APPOINTMENT OF JOHN CHILDS AND KATHLEEN RYAN AS THE HEARING PANEL TO DETERMINE THE RESOURCE CONSENT AND SUBDIVISION APPLICATIONS BY TAKANINI INDUSTRIAL TRUST LTD AT 55 TAKANINI SCHOOL RD AND 3 POPES ROAD UNDER SECTIONS 104D AND 113 OF THE RESOURCE MANAGEMENT ACT 1991.

CARRIED

9. ITEMS FOR DECISION

(e) **2009/2010 BUDGETS TO BE CARRIED FORWARD TO 2010/2011**

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

ATTACHMENT: Schedule of Proposed Carry Forward Budgets

(Attachment No. 6)

RECOMMENDATIONS

1. That the information be received.
2. That the projects and budgets brought forward as included in the attached schedule be carried forward from 2009/10 to the 2010/11 financial year along with the associated funding sources.

HIS WORSHIP THE MAYOR MOVED
CLR GOLDSMITH SECONDED

1. THAT THE INFORMATION BE RECEIVED.

CLR JONES MOVED
CLR AUVA'A SECONDED

2. THAT THE PROJECTS AND BUDGETS BROUGHT FORWARD AS INCLUDED IN THE ATTACHED SCHEDULE BE CARRIED FORWARD FROM 2009/10 TO THE 2010/11 FINANCIAL YEAR ALONG WITH THE ASSOCIATED FUNDING SOURCES.

CARRIED

9. ITEMS FOR DECISION

(f) **DECISIONS BETWEEN 9 OCTOBER 2010
AND 1 NOVEMBER 2010**

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

RECOMMENDATIONS

1. That the information be received.
2. That Council approve the following additional delegation to the Chief Executive:

In relation to matters arising at the end of the term of the Council, from the day of the declaration of results of the triennial general election until 31 October 2010, authority to make decisions on behalf of the Council, in respect of urgent matters arising during this time:

- (a) in consultation with the Director Infrastructure Management or the Director Finance and Corporate Services, in respect of Tenders and Contracts with delegated powers up to \$2.5 million;
- (b) in consultation with the Director Regulatory Services or the Director Policy and Democracy Services in respect of Liquor Licensing and Regulatory matters;

with any decision made to be reported to the first ordinary meeting of the incoming Council or to any prior meeting of the appropriate Standing Committee of the Council.

HIS WORSHIP THE MAYOR MOVED
CLR AUVA'A SECONDED

1. THAT THE INFORMATION BE RECEIVED.

CLR AUVA'A MOVED
CLR O'CONNOR SECONDED

2. THAT COUNCIL APPROVE THE FOLLOWING ADDITIONAL DELEGATION TO THE CHIEF EXECUTIVE:

IN RELATION TO MATTERS ARISING AT THE END OF THE TERM OF THE COUNCIL, FROM THE DAY OF THE DECLARATION OF RESULTS OF THE TRIENNIAL GENERAL ELECTION UNTIL 31 OCTOBER 2010, AUTHORITY TO MAKE DECISIONS ON BEHALF OF THE COUNCIL, IN RESPECT OF URGENT MATTERS ARISING DURING THIS TIME:

- (A) IN CONSULTATION WITH THE DIRECTOR INFRASTRUCTURE MANAGEMENT OR THE DIRECTOR FINANCE AND CORPORATE SERVICES, IN RESPECT OF TENDERS AND CONTRACTS WITH DELEGATED POWERS UP TO \$2.5 MILLION;
- (B) IN CONSULTATION WITH THE DIRECTOR REGULATORY SERVICES OR THE DIRECTOR POLICY AND DEMOCRACY SERVICES IN RESPECT OF LIQUOR LICENSING AND REGULATORY MATTERS;

WITH ANY DECISION MADE TO BE REPORTED TO THE FIRST ORDINARY MEETING OF THE INCOMING COUNCIL OR TO ANY PRIOR MEETING OF THE APPROPRIATE STANDING COMMITTEE OF THE COUNCIL.

CARRIED

10. ITEMS FOR INFORMATION

11. NOTICES OF MOTION

12. CONFIDENTIAL

- (a) SAFER PAPAURA TRUST – APPOINTMENT OF TRUSTEES
- (b) FINANCIAL ASSISTANCE PACKAGE FOR LEAKY HOMES – AGREEMENT TO PARTICIPATE
- (c) HINGAIA DEVELOPMENT AGREEMENTS REVIEW
- (d) PRIVATE PLAN CHANGE NO 8 PARAREKAU ISLAND COUNTRYSIDE LIVING ZONE
- (e) LAND PURCHASES FOR ROADING UPGRADE – 161 AND 171 HINGAIA ROAD
- (f) 2010/11 ANNUAL PAVEMENT REHABILITATION AND RURAL ROAD IMPROVEMENT WORKS CONTRACT PDC/10/26
- (g) HINGAIA ROAD IMPROVEMENTS, STAGE 3 CONTRACT PDC/10/23
- (h) PORCHESTER ROAD IMPROVEMENT, STAGE 2 CONTRACT PDC/10/24

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) a, S 7(2) i and S 48 (2) a (i) of Local Government Official Information and Meetings Act 1987 are:

Item	Reason	Grounds
(a) Safer Papakura Trust – Appointment of Trustees	To protect the privacy of natural persons.	S 7 (2) a
(b) Financial Assistance Package for Leaky Homes – Agreement to Participate	To enable Council to carry on, without prejudice or disadvantage negotiations (including commercial or industrial negotiations).	S 7 (2) i
(c) Hingaia Development Agreements Review	To enable Council to carry on, without prejudice or disadvantage negotiations (including commercial or industrial negotiations).	S 7 (2) i
(d) Private Plan Change No 8 Pararekau Island Countryside Living Zone	To enable the local authority to deliberate in private on its decision or recommendation in any proceedings before a local authority where a right of appeal lies to any Court or Tribunal	S 48 (2) a (i)

		against the final decision of the local authority in those proceedings.	
(e)	Land Purchases For Roothing Upgrade – 161 and 171 Hingaia Road	To enable Council to carry on, without prejudice or disadvantage negotiations (including commercial or industrial negotiations).	S 7 (2) i
(f)	2010/11 Annual Pavement Rehabilitation and Rural Road Improvement Works Contract PDC/10/26	To enable Council to carry on, without prejudice or disadvantage negotiations (including commercial or industrial negotiations).	S 7 (2) i
(g)	Hingaia Road Improvements, Stage 3 Contract PDC/10/23	To enable Council to carry on, without prejudice or disadvantage negotiations (including commercial or industrial negotiations).	S 7 (2) i
(h)	Porchester Road Improvement, Stage 2 Contract Pdc/10/24	To enable Council to carry on, without prejudice or disadvantage negotiations (including commercial or industrial negotiations).	S 7 (2) i

HIS WORSHIP THE MAYOR MOVED
CLR PRINGLE SECONDED

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) A, S 7(2) I AND S 48 (2) A (I) OF LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987 ARE:

ITEM	REASON	GROUNDS
(A) SAFER PAPAKURA TRUST – APPOINTMENT OF TRUSTEES	TO PROTECT THE PRIVACY OF NATURAL PERSONS.	S 7 (2) A
(B) FINANCIAL ASSISTANCE PACKAGE FOR LEAKY HOMES – AGREEMENT TO PARTICIPATE	TO ENABLE COUNCIL TO CARRY ON, WITHOUT PREJUDICE OR DISADVANTAGE NEGOTIATIONS (INCLUDING COMMERCIAL OR INDUSTRIAL NEGOTIATIONS). TO ENABLE COUNCIL TO	S 7 (2) I

(C) HINGAIA DEVELOPMENT AGREEMENTS REVIEW	CARRY ON, WITHOUT PREJUDICE OR DISADVANTAGE NEGOTIATIONS (INCLUDING COMMERCIAL OR INDUSTRIAL NEGOTIATIONS).	S 7 (2) I
(D) PRIVATE PLAN CHANGE NO 8 PARAREKAU ISLAND COUNTRYSIDE LIVING ZONE	TO ENABLE THE LOCAL AUTHORITY TO DELIBERATE IN PRIVATE ON ITS DECISION OR RECOMMENDATION IN ANY PROCEEDINGS BEFORE A LOCAL AUTHORITY WHERE A RIGHT OF APPEAL LIES TO ANY COURT OR TRIBUNAL AGAINST THE FINAL DECISION OF THE LOCAL AUTHORITY IN THOSE PROCEEDINGS.	S 48 (2) A (I)
(E) LAND PURCHASES FOR ROADING UPGRADE – 161 AND 171 HINGAIA ROAD	TO ENABLE COUNCIL TO CARRY ON, WITHOUT PREJUDICE OR DISADVANTAGE NEGOTIATIONS (INCLUDING COMMERCIAL OR INDUSTRIAL NEGOTIATIONS).	S 7 (2) I
(F) 2010/11 ANNUAL PAVEMENT REHABILITATION AND RURAL ROAD IMPROVEMENT WORKS CONTRACT PDC/10/26	TO ENABLE COUNCIL TO CARRY ON, WITHOUT PREJUDICE OR DISADVANTAGE NEGOTIATIONS (INCLUDING COMMERCIAL OR INDUSTRIAL NEGOTIATIONS).	S 7 (2) I
(G) HINGAIA ROAD IMPROVEMENTS, STAGE 3 CONTRACT PDC/10/23	TO ENABLE COUNCIL TO CARRY ON, WITHOUT PREJUDICE OR DISADVANTAGE NEGOTIATIONS (INCLUDING COMMERCIAL OR INDUSTRIAL NEGOTIATIONS).	S 7 (2) I
(H) PORCHESTER ROAD IMPROVEMENT, STAGE 2 CONTRACT PDC/10/24	TO ENABLE COUNCIL TO CARRY ON, WITHOUT PREJUDICE OR DISADVANTAGE NEGOTIATIONS (INCLUDING COMMERCIAL OR INDUSTRIAL NEGOTIATIONS).	S 7 (2) I

CARRIED

The public were then excluded at 10.04am.

The meeting resumed in public session at 10.16am.

HIS WORSHIP THE MAYOR MOVED
CLR GOLDSMITH SECONDED

THAT THE MEETING BE ADJOURNED FROM 10.16AM UNTIL 4.00PM.

CARRIED

The meeting reconvened at 4.10pm.

9. ITEMS FOR DECISION

(g) **PUKEKIWIRIKI PAA JOINT MANAGEMENT AGREEMENT**

REPORTING OFFICER: Nicola Terry
Manager Community Assets

ATTACHMENT: Pukekiwiriki Paa Joint Management Agreement

(Attachment No. 7)

RECOMMENDATIONS

1. That the information be received.
2. That the Pukekiwiriki Paa Joint Management Agreement, as attached to this report, be adopted.

His Worship the Mayor invited Ted Ngataki to speak.

HIS WORSHIP THE MAYOR MOVED
CLR PRINGLE SECONDED

1. THAT THE INFORMATION BE RECEIVED.
2. THAT THE PUKEKIWIRIKI PAA JOINT MANAGEMENT AGREEMENT, AS ATTACHED TO THIS REPORT, BE ADOPTED.

CARRIED

9. ITEMS FOR DECISION

(h) **FINAL REPORT TO COUNCIL ON
PROJECTS, ACHIEVEMENTS AND STATUS
OF TRANSITION**

**REPORTING OFFICER: Theresa Stratton
Chief Executive**

RECOMMENDATIONS

1. That the information be received.

HIS WORSHIP THE MAYOR MOVED
CLR CATCHPOLE SECONDED

1. THAT THE INFORMATION BE RECEIVED.

CARRIED

The meeting closed at 5.25pm.

CONFIRMED THIS DAY OF 2010

.....
CHAIR

.....
CHIEF EXECUTIVE