



MINUTES OF AN ORDINARY MEETING OF THE FRANKLIN DISTRICT COUNCIL HELD IN THE COUNCIL CHAMBERS, MANUKAU ROAD, PUKEKOHE ON THURSDAY 28 FEBRUARY 2008 COMMENCING AT 11.10 AM.

Present:

**The Mayor M Ball,
Councillors B Crompton, J Hayman, S Jackson, M Kay (from 12.20 pm),
D Lynch, J Morris, D Morrison, L Petersen, M Ranchhod, J Rennie,
D Robertson and P Sands.**

Attending:

**Mr W Deed (Waiuku/Awhitu Community Board Chairperson),
Ms S Davis (Chief Executive),
Mrs P Hovelle (Director: Corporate Services),
Mr C Worth (Director: Strategic Planning and Policy),
Mr I Alexander (Director: Assets and Operations),
Mr D Pentz (District Planning Manager),
Mrs P Anscombe (Principal Technical Adviser: Strategic Policy),
Mr G Lowe (Parks Officer: Community Facilities),
Ms J Wild (Policy Analyst),
Mrs D Pentz (Senior Policy Analyst),
Mr D Manton (Project Co-ordinator),
Mrs D Thurlow (Principal Technical Adviser: Meetings Support), and
Mrs T Wayper (Committee Support Officer).**

OPENING PRAYER

Council observed a moments silence in remembrance of Sir Edmond Hillary.

Mr Maurice Milmine, Minister from the Franklin Baptist Church led Council in prayer.

1. APOLOGIES

Item 1 was considered at 11.10 am.

**Councillor Ranchhod moved
The Mayor seconded**

That the apology from Councillor Kay for lateness be sustained.

2008/2/10

Carried.

Item 2 was dealt with at this time.

2. CONFIRMATION OF MINUTES

Item 2 was considered at 11.10 am.

2.1 MINUTES OF THE EXTRAORDINARY MEETING OF THE FRANKLIN DISTRICT COUNCIL HELD ON THURSDAY 13 DECEMBER 2007:

Councillor Rennie moved
Councillor Hayman seconded

That the minutes of the Extraordinary Meeting of the Franklin District Council held on Thursday 13 December 2007 be confirmed with the following amendments:

- Under Resolution No. 2007/12/4 after the word "*Jackson*" add the words "*and Councillor Hayman*";
- Under Resolution No. 2007/12/5 after the word "*Jackson*" add the word "*, Hayman*".

2008/2/11

Carried.

2.2 MINUTES OF THE ORDINARY MEETING OF THE FRANKLIN DISTRICT COUNCIL HELD ON THURSDAY 20 DECEMBER 2007:

Councillor Petersen moved
Councillor Morrison seconded

That the minutes of the Ordinary Meeting of the Franklin District Council held on Thursday 20 December 2007 be confirmed.

2008/2/12

Carried.

2.3 MINUTES OF THE ORDINARY MEETING OF THE FRANKLIN DISTRICT COUNCIL HELD ON TUESDAY 12 FEBRUARY 2008 AND RECONVENED ON WEDNESDAY 13 FEBRUARY 2008 AND THURSDAY 14 FEBRUARY 2008:

Councillor Lynch moved
Councillor Jackson seconded

That the minutes of the Ordinary Meeting of the Franklin District Council held on Tuesday 12 February 2008 and reconvened on Wednesday 13 February 2008 and Thursday 14 February 2008 be confirmed.

2008/2/13

Carried.

Item 3 was dealt with at this time.

3. MINUTES OF COMMITTEES

Item 3 was considered at 11.11 am.

3.1 MINUTES OF THE MEETING OF THE STRATEGY AND POLICY COMMITTEE HELD ON THURSDAY 13 DECEMBER 2007: (GREEN)

Councillor Morrison moved
Councillor Rennie seconded

That the minutes of the meeting of the Strategy and Policy Committee held on Thursday 13 December 2007 be received and that Resolution No. SP/2007/12/14 be adopted.

2008/2/14

Carried.

3.2 MINUTES OF THE MEETING OF THE ACTIVITY AND MONITORING COMMITTEE HELD ON TUESDAY 18 DECEMBER 2007: (PINK)

Councillor Lynch moved
Councillor Morris seconded

That the minutes of the meeting of the Activity and Monitoring Committee held on Tuesday 18 December 2007 be received and adopted.

2008/2/15

Carried.

3.3 MINUTES OF THE MEETING OF THE ACTIVITY AND MONITORING COMMITTEE HELD ON THURSDAY 21 FEBRUARY 2008: (PINK)

Councillor Lynch moved
Councillor Hayman seconded

That the minutes of the meeting of the Activity and Monitoring Committee held on Thursday 21 February 2008 be received and adopted.

2008/2/16

Carried.

Item 4 was dealt with at this time.

4. MINUTES OF COMMUNITY BOARDS

Item 4 was considered at 11.12 am.

4.1 MINUTES OF THE MEETING OF THE WAIUKU/AWHITU COMMUNITY BOARD HELD ON MONDAY 17 DECEMBER 2007: (BLUE)

**Councillor Lynch moved
Councillor Sands seconded**

That the minutes of the meeting of the Waiuku/Awhitu Community Board held on Monday 17 December 2007 be received and that Resolution No. WA/2007/12/18 be adopted.

2008/2/17

Carried.

4.2 MINUTES OF THE MEETING OF THE ONEWHERO/TUAKAU COMMUNITY BOARD HELD ON MONDAY 11 FEBRUARY 2008: (GOLD)

**Councillor Petersen moved
Councillor Robertson seconded**

That the minutes of the meeting of the Onewhero/Tuakau Community Board held on Monday 11 February 2008 be received.

2008/2/18

Carried.

4.3 MINUTES OF THE MEETING OF THE WAIUKU/AWHITU COMMUNITY BOARD HELD ON MONDAY 18 FEBRUARY 2008: (BLUE)

**Councillor Lynch moved
Councillor Sands seconded**

That the minutes of the meeting of the Waiuku/Awhitu Community Board held on Monday 18 February 2008 be received and Resolution Numbers WA/2008/2/4, WA/2008/2/6, WA/2008/2/8 and WA/2008/2/16 be adopted.

2008/2/19

Carried.

Item 5 was dealt with at this time.

5. ADOPTION OF MODEL STANDING ORDERS FOR THE CONDUCT OF COUNCIL, COMMITTEE AND COMMUNITY BOARD MEETINGS

Item 5 was considered at 11.13 am.

**Councillor Robertson moved
Councillor Petersen seconded**

That the report be received.

2008/2/20

Carried.

**Councillor Robertson moved
Councillor Lynch seconded**

- a. That, pursuant to clause 27, Schedule 7 of the Local Government Act 2002, Council replace its Standing Orders NZS 9202:2003 with revised NZS 9202:2003 (incorporating Amendment No.1) effective from 1 March 2008 and that:**
- b. Standing Orders 2.5.1 and 3.14.2 be amended to read:
*'...b) In the case of an equality of votes, does have a casting vote.'***
- c. Standing Orders 2.4 and 3.4 be amended by the addition of:
*'2.4.4 (and 3.4.4): That a quorum at any meeting of a committee shall be in accordance with the Committee Brief adopted for any such committee and clause 23(3), Schedule 7 of the Local Government Act 2002.'***
- d. Standing Order 2.6.1 be amended by deletion of the references to System A and System B and the addition of:
*'2.6.1 (cont.)
When electing or appointing one of the above, Council resolves to use the following system of voting:
System B
(a) requires that a person is elected or appointed if he or she receives more votes than any other candidate; and
(b) has the following characteristics:
(i) there is only one round of voting; and
(ii) if two or more candidates tie for the most votes, the tie is resolved by lot.'***
- e. Standing Orders be amended by the addition of:
*'3.3.8 (d): Any member of the public who is not a bona fide member of the news media shall obtain the consent of the meeting for the use of audio or visual recording devices.'***

- f. **Standing Orders be amended by the addition of:**
'3.3.17: That Councillors attending a committee meeting (of which they are not a member) be granted speaking rights.'
- g. **Standing Orders be amended by the addition of:**
'3.3.18: That Community Board Chairpersons and the Chairperson of Te Roopu Paehere be granted speaking rights on matters considered by Council in public session which pertain specifically to the community that they represent.'
- h. **Standing Orders be amended by the addition of:**
'3.3.20: That Councillors from wards represented by Community Boards and the Mayor be granted speaking rights on matters considered by those Community Boards in public session.'
- i. **Standing Orders be amended by the addition of:**
'3.14.1.A: Voting
In accordance with Part (III) of Resolutions 1999/6/42 and 1999/6/43, any future divestment of the new fund created from the sale proceeds of the shareholdings in Auckland International Airport Limited and Serco Viatech Limited, must be included in the draft Annual Plan or LTCCP and be supported by at least 75% of Council;
For clarity: '75% of Council' means 75% of the entire membership of Council. The current membership is 13, and so 75% of Council is 10 members.'
- j. **Standing Order 3.17.2 be amended by the addition of the words:**
'...and officers...'
to the list of names to be recorded in minutes under Standing Order 3.17.2.
- k. **Standing Order 3.19.1 be amended by replacement of the number:**
'2'
with the number:
'10'.
- l. **Standing Order 3.8.7 be amended by deletion of the following words:**
'...save that this order does not apply to meetings of committees or subcommittees.'
- m. **Standing Orders be amended by the addition of:**
'3.3.19: That, with the exception of Audit, Regulatory and District Plan Change Hearings Committee meetings, one Community Board appointee from each Community Board and one appointed representative from Te Roopu Paehere be granted speaking rights on matters considered by committees in public session which pertain specifically to the community that they represent.'

- n. **Standing Orders be amended by the deletion of:**
3.7.7: Chairperson's recommendation
Appendix F: Public Forum
Appendix G: Additional Provisions for Tangata Whenua

2008/2/21

Carried.

Item 6 was dealt with at this time.

6. REGIONAL TRIENNIAL AGREEMENTS

Item 6 was considered at 11.53 am.

Councillor Morris moved
Councillor Rennie seconded

- a. **That the report be received.**
- b. **That Council approves the final Auckland Regional Triennial Agreement, as outlined in Attachments 2-2.5, and the Mayor and Chief Executive be delegated authority to sign the final Agreement.**
- c. **That Council approves the final Waikato Regional Triennial Agreement, as outlined in Attachments 2.6-2.9 and the Mayor and Chief Executive be delegated authority to sign the final Agreement.**

2008/2/22

Carried.

Item 7 was dealt with at this time.

7. WEST END RESIDENTS AND LANDOWNERS ASSOCIATION (WERLA) – MEMORANDUM OF UNDERSTANDING

Item 7 was considered at 12.00 noon.

The Mayor moved
Councillor Morrison seconded

- a. **That the report be received.**
- b. **That Council endorses the growth area 'D' as a proposed urban growth area, as per the Franklin District Growth Strategy 2051.**

- c. **That Council approves the Memorandum of Understanding between Franklin District Council and the West End Residents and Landowners Association as per Attachments 3-3.28.**
- d. **That Council delegates authority to the Mayor and Chief Executive to negotiate any minor amendments to the draft Memorandum of Understanding between Franklin District Council and the West End Residents and Landowners Association and to action the final version of the West End Residents and Landowners Associations Memorandum of Understanding.**

With the consent of the meeting Item 8 was dealt with at this time.

Item 7 was further considered at 12.17 pm.

Mr Pentz presented information (see Attachment 3.29).

Councillor Kay arrived at the meeting at 12.20 pm.

The original motion was put and carried.

2008/2/23

The meeting adjourned for lunch at 12.45 pm and reconvened at 1.28 pm when Item 9 was dealt with.

8. MAINTENANCE OF “GROWERS STADIUM” FOR 2008

Item 8 was considered at 12.01 pm.

**Councillor Robertson moved
Councillor Morrison seconded**

- a. **That the report be received.**
- b. **That Council approve the recommendation of the Recreation Hub Working Party that Franklin District Council Community Facilities staff implement the proposed development and maintenance programme for “Growers Stadium” for 2008.**

- c. **That \$100,000 is allocated for development and maintenance work from the \$200,000 budget previously approved for the Resource Consent work at “Growers Stadium”.**

2008/2/24

Carried.

Item 7 was further considered at this time.

9. ELECTED MEMBERS REMUNERATION 2008/2009

Item 9 was considered at 1.29 pm.

**Councillor Rennie moved
Councillor Petersen seconded**

That the report be received.

2008/2/25

Carried.

**Councillor Petersen moved
Councillor Jackson seconded**

- a. **That Council:**

- i. **recommends the attached 2008/2009 option to the Remuneration Authority for allocation of the total remuneration pool for Elected Members for 2008/2009, as outlined in Attachment 4 and the officer’s report; and**
 - ii. **presents the recommended option to the Waiuku/Awhitu and Onewhero/Tuakau Community Boards for consideration at their meetings to be held in March 2008, prior to forwarding the recommended option to the Remuneration Authority.**
- b. **That Council recommends, for the Remuneration Authority’s approval, the changes to its Policy A.4.2 – as contained in the Draft Elected Members’ Expenses and Allowances Policy (as outlined in Attachments 4.3-4.4).**

2008/2/26

Carried.

**Councillor Morris moved
Councillor Robertson seconded**

That the Mayor write to the Remuneration Authority, with a copy to the Local Government Minister, requesting that the Authority review the travel allowance earlier than the scheduled date of 1 July 2008 given the cost of fuel.

2008/2/27

Carried.

Item 10 was dealt with at this time.

10. WORKING PARTIES: CONFIRMATION OF MEMBERSHIP

Item 10 was considered at 1.45 pm.

**Councillor Jackson moved
Councillor Lynch seconded**

That the report be received.

2008/2/28

Carried.

**Councillor Morrison moved
Councillor Lynch seconded**

That Councillors Morrison, Ranchhod and Kay be appointed to the Pukekohe Town Centre Working Party.

2008/2/29

Carried.

**Councillor Rennie moved
Councillor Sands seconded**

That Councillors Lynch, Sands and Crompton be appointed to the Waiuku Town Centre Working Party.

2008/2/30

Carried.

**Councillor Petersen moved
Councillor Hayman seconded**

That the Mayor and Councillors Robertson, Morrison, Morris and Lynch be appointed to the Recreation Hub Working Party.

2008/2/31

Carried.

Item 11 was dealt with at this time.

11. EX-WAIUKU BOROUGH COUNCIL BUILDING – 2 QUEEN STREET, WAIUKU

Item 11 was considered at 2.02 pm.

**Councillor Sands moved
Councillor Lynch seconded**

- a. That the report be received.**
- b. That Council approves the leasing of the 175m² site, formally occupied by the Waiuku Borough Council at 2 Queen Street, Waiuku.**
- c. That Council undertakes the necessary remedial work to the ex Waiuku Borough Council building at 2 Queen Street, Waiuku, at an estimated cost of \$20,000, to be recovered from the lease rental.**
- d. That public expressions of interest be called to lease the ex Waiuku Borough Council building at 2 Queen Street, Waiuku.**
- e. That the expressions of interest for the lease of the ex Waiuku Borough Council building at 2 Queen Street, Waiuku, be forwarded to the Waiuku Town Centre Working Party for consideration and a recommendation to Council for a suitable tenant.**

2008/2/32

Carried.

Item 12 was dealt with at this time.

12. 79 CAPE HILL ROAD, PUKEKOHE - PROPERTY OFFER

Item 12 was considered at 2.10 pm.

**Councillor Morris moved
Councillor Jackson seconded**

- a. **That the report be received.**
- b. **That the Community Facilities Team continue discussions with Doctors K and A Elborough regarding their offer to vest to Council, at no cost, a portion of their land at 79 Cape Hill Road, Pukekohe.**
- c. **That provided there is a recognised benefit to the community and the ongoing maintenance costs are minimal, the Chief Executive be authorised to complete the vesting of the small area of land at 79 Cape Hill Road, Pukekohe, into Council ownership.**

2008/2/33

Carried.

Item 13 was dealt with at this time.

13. PROPOSED TRADING IN PUBLIC PLACES BYLAW

Item 13 was considered at 2.25 pm.

**Councillor Petersen moved
Councillor Hayman seconded**

That the report be received.

2008/2/34

Carried.

**Councillor Robertson moved
Councillor Rennie seconded**

- a. **That Council determines, pursuant to section 155(2) of the Local Government Act 2002, that the proposed Franklin District Council Trading in Public Places Bylaw (see Attachments 6-6.3) is the most appropriate form of bylaw to regulate the conduct of trading activities in public places in the Franklin District and does not give rise to any implications under the New Zealand Bill of Rights Act 1990.**
- b. **That Council approves the proposed Franklin District Council Trading in Public Places Bylaw, Statement of Proposal and Summary of Information (see Attachments 6.4-6.9) as the basis for consultation using the special consultative procedure conducted under section 86 of the Local Government Act 2002.**

- c. **That, pursuant to the public notice required under section 83(1)(e) of the Local Government Act 2002, Council approves publication of the Summary of Information on the proposed Franklin District Council Trading in Public Places Bylaw (see Attachments 6-6.3) in the Franklin County News on Thursday 6 March 2008, and that the submission period runs from Thursday 6 March 2008 until 5.00 pm on Friday 11 April 2008.**
- d. **That should any hearing of submissions be required in respect of the proposed Trading in Public Places Bylaw, that hearing be conducted at the Strategy and Policy Committee meeting to be held on Thursday 8 May 2008.**

2008/2/35

Carried.

Item 14 was dealt with at this time.

14. DESIGNATION OF AREAS FOR CAMPING BY SELF-CONTAINED VEHICLES

Item 14 was considered at 2.32 pm.

**Councillor Morris moved
Councillor Jackson seconded**

- a. **That the report be received.**
- b. **That, pursuant to section 5(5)(b) of the Franklin District Council Public Places Bylaw 2007, the First Schedule of that Bylaw be amended to set aside areas for camping, subject to the conditions listed therein, as shown in Attachment 7.**

2008/2/36

Carried.

Item 15 was dealt with at this time.

15. PROPOSED CEMETERIES BYLAW

Item 15 was considered at 2.33 pm.

**Councillor Rennie moved
Councillor Lynch seconded**

That the report be received.

2008/2/37

Carried.

**Councillor Kay moved
Councillor Crompton seconded**

- a. That Council determines, pursuant to section 155(2) of the Local Government Act 2002, that the proposed Franklin District Council Cemeteries Bylaw (see Attachments 8-8.5) is the most appropriate form of bylaw to manage, and regulate the use of, Council-controlled cemeteries in the Franklin District and does not give rise to any implications under the New Zealand Bill of Rights Act 1990.**
- b. That Council approves the proposed Franklin District Council Cemeteries Bylaw, Statement of Proposal and Summary of Information (see Attachments 8.6-8.10) as the basis for consultation using the special consultative procedure conducted under section 86 of the Local Government Act 2002.**
- c. That, pursuant to the public notice required under section 83(1)(e) of the Local Government Act 2002, Council approves publication of the Summary of Information on the proposed Franklin District Council Cemeteries Bylaw (see Attachments 8-8.5) in the Franklin County News on Thursday 6 March 2008, and that the submission period runs from Thursday 6 March 2008 until 5.00 pm on Friday 11 April 2008.**
- d. That should any hearing of submissions be required in respect of the proposed Cemeteries Bylaw, that hearing be conducted at the Strategy and Policy Committee meeting to be held on Thursday 8 May 2008.**

2008/2/38

Carried.

Item 16 was dealt with at this time.

16. SUBMISSION ON AFFORDABLE HOUSING: ENABLING TERRITORIAL AUTHORITIES BILL

Item 16 was considered at 2.47 pm.

**The Mayor moved
Councillor Hayman seconded**

- a. That the report be received.**
- b. That Council approves the submission to the Local Government and Environment Select Committee in respect of the Affordable Housing: Enabling Territorial Authorities Bill as shown in Attachment 9, with the following amendments:**
 - Delete the entire second bullet point under the heading “2. Executive Summary”.**

- Under the heading “*2. Executive Summary*”, in the third bullet point, at the end of the first sentence add the following words:

“in the wider context of social policy that impacts on housing need and availability.”

- Under the heading “*Provision of Affordable Housing*” delete all of the third paragraph.

2008/2/39

Carried.

Item 17 was dealt with at this time.

17. PUBLIC EXCLUDED

Item 17 was considered at 3.02 pm.

Councillor Morris moved
Councillor Jackson seconded

That the public be excluded from the following parts of the proceedings of this meeting, namely:

17.1 Alternative Council Accommodation Sites

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered:	Reason for passing this resolution in relation to each matter:	Ground(s) under section 48(1) for the passing of this resolution:
17.1 Alternative Council Accommodation Sites	That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	48(1)(a)(i) and 7(2)(i)

2008/2/40

Carried.

There being no further business the meeting concluded at 3.15 pm.

Approved and confirmed this day of.....2008.

Mayor