

CENTRAL HAWKE'S BAY DISTRICT COUNCIL

**COUNCIL MEETING**

**25 JUNE 2009**

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# CENTRAL HAWKE'S BAY DISTRICT COUNCIL

Notice is hereby given that a meeting of Council will be held in the Council Chamber, Ruataniwha Street, Waipawa on **Thursday, 25 June 2009** commencing at **2.00pm (1400 hours)**.

**PRESENT:** Her Worship the Mayor, P M Giddens  
Councillors S Butler, T K Kingston, M R Manning, M A Mullins,  
H C Pedersen, T G Story and M J Waite

**IN ATTENDANCE:**

J B Freeman	[Chief Executive]
S J Thrush	[Technical Services Manager]
K E Brown	[Corporate Services Manager]
B E Way	[Utilities Manager]
P S McKinley	[Roading Manager]
T R Cook	[Regulatory Services Manager]
D C Moorcock	[Administration Assistant]
R Rupuha	[Maori Consultative Committee Representative]

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## 1.0 PRAYER

*"We dedicate ourselves to the service of the District of  
Central Hawke's Bay/Tamatea and its people.  
We ask for God's help  
to listen to all  
to serve all  
and to lead wisely.  
Amen."*

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## 2.0 APOLOGIES

### RECOMMENDATION:

That the apology for absence received from Councillor D N Tennent, be sustained.

Crs \_\_\_\_\_ / \_\_\_\_\_

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## 3.0 DECLARATIONS OF CONFLICTS OF INTEREST

Conflicts of interest (if any) to be reported for minuting.

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#### 4.0 CONFIRMATION OF MINUTES

##### 1. MINUTES OF THE MEETING OF COUNCIL HELD ON 14 MAY 2009

*Pages 1 – 4*

Attached are the minutes of the meeting of Council held on 14 May 2009.

##### **RECOMMENDATION:**

That the minutes of the meeting of Council held on 14 May 2009, as circulated, be confirmed as a true and correct record.

Crs \_\_\_\_\_ / \_\_\_\_\_

##### 2. MINUTES OF THE SPECIAL MEETING OF COUNCIL TO HEAR SUBMISSIONS TO THE LTCCP 2009/2019 HELD ON 28 MAY 2009

*Pages 5 – 15*

Attached are the minutes of the meeting of Council held on 14 May 2009.

##### **RECOMMENDATION:**

That the minutes of the special meeting of Council to hear submissions to the draft LTCCP 2009/2019 held on 28 May 2009, as circulated, be confirmed as a true and correct record.

Crs \_\_\_\_\_ / \_\_\_\_\_

#### 5.0 REPORT FROM SERVICES COMMITTEE

*Pages 16 – 18*

Attached are the minutes of the meeting of the Services Committee held on 4 June 2009.

##### **RECOMMENDATION:**

That the minutes of the meeting of the Services Committee held on 4 June 2009 be received.

Crs \_\_\_\_\_ / \_\_\_\_\_

The Committee refers the following recommendations to Council:

##### 1. Closure of Unformed part of Mangakuri Road

That

1. Council initiates the road stopping procedure for the unformed part of Mangakuri Road adjacent to SR & BJ Williams Charitable Trust block as shown in the attached plan.
2. Council notifies SR & BJ Williams Charitable Trust of its intention to close the road and confirms agreement with the Trust to purchase the land when the stopping procedure is completed.

##### **REASON**

**The objective of the decision will contribute to the following Community Outcomes:**

- A strong, prosperous and thriving economy.
- An environment that is appreciated, protected and sustained for future generations.

Crs \_\_\_\_\_ / \_\_\_\_\_

## 2. Waipukurau Water Fluoridation

That Council consult the residents connected to the Waipukurau reticulated water network whether fluoridation of the Waipukurau water supply continues or is discontinued.

### **and That**

Council holds a household survey as well as calling for submissions from people directly affected by the decision for consideration by Council alongside expert advice from both sides of the debate. Council to make the final decision based on the information and survey results presented.

### **The Objective of the decision will contribute to the following Community Outcome:**

- *A lifetime of good health and wellbeing.*

Crs \_\_\_\_\_ / \_\_\_\_\_

## 6.0 MAYORAL REPORT FOR MAY AND JUNE 2009

*Pages 19 - 21*

### **RECOMMENDATIONS:**

That the report from Her Worship the Mayor for May and June 2009 be received.

Crs \_\_\_\_\_ / \_\_\_\_\_

## 7.0 FEES AND CHARGES FOR 2009/2010 Report – Corporate Services Manager

*Pages 22 - 23*

That

1. The 2009/2010 Fees and Charges Schedule is adopted.
2. Council give notice pursuant to Section 103 of the Local Government Act 2002 of its intention to prescribe the fees payable for the period 1 July 2009 to 30 June 2010 in respect of certificates, authorities, approvals, consents and services given or inspections made by the Council under the Local Government Act 2002, the Building Act 2004, the Amusement Devices Regulations 1978, the Dog Control Act 1996, Impounding Act 1955, the Resource Management Act 1991, Health (Registration of Premises) Regulations 1966 and the Central Hawke's Bay District Council Bylaws as set out in the Fees and Charges Schedule 2009/2010.

Crs \_\_\_\_\_ / \_\_\_\_\_

## 8.0 SPECIAL CONSULTATIVE ISSUES Report – Corporate Services Manager

*Pages 24 - 25*

### **RECOMMENDATION:**

That Council agrees to sell the vacant Otane Library section and to respect the wishes of the descendants of the donor by using the sale proceeds for the proposed construction of a new Waipawa Library.

Crs \_\_\_\_\_ / \_\_\_\_\_

## 9.0 CONTINUED REVIEW OF COUNCIL POLICY MANUAL

### Report – Corporate Services Manager

*Pages 26 - 29*

#### RECOMMENDATION:

That Council adopt the following policies

- 1. COMMUNITY LEADERSHIP GROUP**
  - 1.10 Partnerships with the Private Sector Policy
  - 1.12 Significance Policy
  - 1.19 Statement on Maori Decision Making Policy
  
- 2. PLANNING AND REGULATORY GROUP**
  - 2.7 Development Contributions Policy
  
- 7. CORPORATE POLICIES**
  - 7.3 Investment Policy
  - 7.4 Liability Management Policy
  - 7.6 Club Rebate Remission Policy
  - 7.7 Community Contribution Remission Policy
  - 7.8 Uniform Annual Charges on Contiguous Properties Remission Policy
  - 7.9 Rates Discount Policy
  - 7.10 Rates Holiday Postponement Policy
  - 7.11 Remission of Rates for QEII Trust and Land for Natural, Historic or Cultural Conservation Policy
  - 7.12 Remission and Postponement of Rates on Maori Freehold Land Policy
  - 7.13 Remission of Rates for Natural Calamities Policy
  - 7.14 Remission of Additional Charges Policy
  - 7.15 School Sewerage Charges Remission Policy
  - 7.16 Outstanding Accounts Policy
  - 7.17 Sundry Remission of Rates Policy

– subject to any adjustments required and any typographical or presentation corrections.

#### REASON

To ensure that the requirements of the LGA 2002 are met.

Crs \_\_\_\_\_/\_\_\_\_\_

## 10.0 SETTING OF 2009/2010 RATES

### Report – Corporate Services Manager

*Pages 30 - 36*

#### RECOMMENDATION:

That pursuant to Section 23(1) of the Local Government (Rating) Act 2002, the Central Hawke's Bay District Council resolves to set the rates for the 2009/10 year, in accordance with the relevant provisions of the Council's Long-Term Council Community Plan 2009/19 and funding impact statement, as set out below:

#### Note:

All amounts are inclusive of GST

All section references are references to the Local Government (Rating) Act 2002

### 1. **General Rate**

A general rate set under section 13 of the Local Government (Rating) Act 2002 for the purposes of providing all or some of the cost of:

- All regulatory activities, including planning, resource and subdivision consent costs, building control, public health, animal control, emergency management, and bylaws, litter and parking
- Solid waste
- Parks and reserves, public toilets, theatres and halls, cemeteries, and miscellaneous property costs

For the 2009/10 year this rate will be 0.089 cents in the dollar (including GST) based on the rateable capital value of all rateable property within the District.

### 2. **District Land Transport Rate**

A rate for the Council's land transport facilities set under section 13 of the Local Government (Rating) Act 2002. This rate is set for the purpose of funding the operation and maintenance of the land transport system.

For the 2009/10 year this rate will be 0.235 cents in the dollar (including GST) based on the land value of all rateable land in the district.

### 3. **Uniform Annual General Charge**

A rate set under section 15 of the Local Government (Rating) Act 2002 on each separately used or inhabited part of a rating unit within the District. This rate is for the purpose of providing:

- Community leadership, including administration, cost of democracy, community voluntary support grants, and economic development
- A portion of the cost of solid waste
- Libraries and swimming facilities

For the 2009/10 year this rate will be \$280.00 (including GST).

## **Targeted Rates**

### **Definitions:**

"Ruataniwha Urban" and Waipawa Urban are each defined by maps held by the Council.

"Non Residential" is defined by reference to land use codes in the valuation database, being every code other than "residential" or "lifestyle".

"Non Rural" is defined by reference to land use codes in the valuation database, being every code other than farming.

"Separately used or inhabited part of rating unit"

### 4. **Water Supply Operations and Loans Rates**

A differential targeted rate set under section 16 of the Local Government (Rating) Act 2002 for water supply operations of a fixed amount per separately used or inhabited part of a rating unit. The purpose of this rate is to fund water supplies for Otane, Takapau, Waipukurau, Waipawa, Kairakau, Porerere, Poranghau and Te Paerahi.

- *Operations Rate:* The purpose of this rate is to fund the maintenance and operation of water supplies in those parts of the District where these systems are provided.
- *Loans rate:* The purpose of this rate is to fund capital upgrades of water supplies and treatment in those parts of the District where these systems are provided.

This rate is applied as follows:

- (a) a charge of per separately used or inhabited part of a rating unit for Otane, Takapau, Waipukurau, Waipawa, Kairakau, Porangahau, and Te Paerahi Beach connected.
- (b) a half charge per separately used or inhabited part of a rating unit which is serviceable for the above locations.

For this rate:

- "Connected" means a rating unit to which water is supplied.
- "Serviceable" means a rating unit to which water can be but is not supplied being a property situated within 100 metres of the water supply.

For the 2009/10 year these rates will be:

	<b>Charge</b>	<b>Operations Rate (incl GST)</b>	<b>Loan Rate (incl GST)</b>
a	Connected	\$436.51	\$89.91
b	Serviceable, not connected	\$218.25	\$44.96

A targeted rate under section 19 of the Local Government (Rating) Act 2002 per cubic metre of water supplied, as measured by cubic meter, over 300 cubic metres per year. This is applied to water users deemed 'Extraordinary' where payment of the Water Operations rate above entitles extraordinary users to the first 300 cubic metres of water without additional charge. The Volume of water used over 300 cubic metres per year is charged at the rate set out in Council's Fees and Charges Schedule.

#### **5. Sewerage Operations and Loans Rates**

Two differential targeted rates set under section 16 of the Local Government (Rating) Act 2002 for the Council's sewage disposal function of a fixed amount per separately used or inhabited part of a rating unit in relation to all land in the district to which the Council's sewage disposal service is provided or available.

- *Operations Rate:* The purpose of this rate is to fund the maintenance and operation of sewage collection, treatment and disposal systems in those parts of the District where these systems are provided.
- *Loans rate:* The purpose of this rate is to fund capital upgrades of sewage collection, treatment and disposal systems in those parts of the District where these systems are provided.

These rates are applied as follows:

- (a) a charge per rating unit connected.
- (b) a charge per water closet or urinal within the rating unit, after the first one.
- (c) a charge per rating unit which is serviceable.

For the purposes of these rates:

- "Connected" means the rating unit is connected to a public sewerage system;
- "Serviceable" means the rating unit is not connected to a public sewerage drain but is within 30 metres of such a drain;
- A rating unit used primarily as a residence for one household is treated as not having more than one water closet.
- For commercial accommodation providers, each subsequent water closet or urinal will be rated at 50% of the charge.

For the 2009/10 year these rates will be:

	<b>Charge</b>	<b>Operations Rate (incl GST)</b>	<b>Loan Rate (incl GST)</b>
a	First charge per rating unit connected	\$356.51	\$134.50
b	Additional charge per water closet	\$356.51	\$134.50
c	Serviceable, not connected	\$178.26	\$67.25
d	Additional charge per water closet – commercial accommodation provider	\$178.26	\$67.25

## 6. Stormwater Operations and Loans Rates

Two targeted rates set under section 16 of the Local Government (Rating) Act 2002 for the purpose of funding operations and maintenance, plus improvements and loan charges on the stormwater drainage as follows:

- Operation rate - A uniform targeted rate on the capital value of all rateable land in the Waipukurau and Waipawa Stormwater Drainage Areas.

For the 2009/10 year this rate will be 0.068 cents in the dollar (including GST);

- Loan rate - A uniform targeted rate on the capital value of all rateable land in the Waipukurau and Waipawa Stormwater Drainage Areas.

For the 2009/10 year this rate will be 0.024 cents in the dollar (including GST).

The Waipukurau and Waipawa Stormwater Drainage Areas are defined by reference to stormwater drainage area plans held by the Council.

## 7. Kerbside Recycling Rate

A targeted rate set under section 16 of the Local Government (Rating) Act 2002 for the Council's collection of household recyclables for Waipukurau and Waipawa on each separately used or inhabited part of a rating unit to which the Council is prepared to provide the service.

For the 2009/10 year this rate will be \$60.54 (including GST).

## 8. Refuse Collection Rate

A targeted rate set under section 16 of the Local Government (Rating) Act 2002 for the collection of household and commercial refuse for Otane, Onga Onga, Takapau, Tikokino, Waipukurau, Waipawa, Porangahau, Te Paerahi, Blackhead Beach, Kairakau, Mangakuri and Purerere Beach on each separately used or inhabited part of a rating unit to which the Council is prepared to provide the service.

For the 2009/10 year this rate will be \$3.22 (including GST).

## 9. Economic Development Rate

A uniform targeted rate set under section 16 of the Local Government (Rating) Act 2002 to assist in the funding of Economic Development Activities within the district on each separately used or inhabited part of a rating unit that is Non Residential and Non Rural.

For the 2009/10 year this rate will be \$79.90 (including GST).

## 10. Waipawa Ward Loans Rate

A differential targeted rate set under section 16 of the Local Government (Rating) Act 2002 based on the land value within the Waipawa Urban ward for the purpose of paying historical loan charges that the Waipawa Ward of the District was responsible for, prior to local body amalgamation and the creation of the Central Hawke's Bay District on 1 November 1989.

For the 2009/10 year this rate will be 0.028 cents in the dollar (including GST).

## 11. Ruataniwha Ward Rate for Waipukurau and Waipawa Mainstreet upgrades

A uniform targeted rate on all rateable land in the Ruataniwha Ward Urban set under section 16 of the Local Government (Rating) Act 2002 for the purposes of funding the Main Street Waipukurau and Waipawa improvements undertaken between 2003 and 2005.

For the 2009/10 year this rate will be \$30.68 (including GST).

## 12. Te Aute Drainage Rate

Te Aute Drainage rates are set on all rateable area of all rateable property within the designated area subject to a graduated scale for the purpose of funding the operations, loan charges and the repayment of loans of the Te Aute Drainage Scheme Area. Each hectare of land in each property is classified according to the susceptibility of that hectare to flooding as follows:

A (100 points), B (80 points), C (15 points), F (3 points), and G (0 points).

The total number of points is 73614. The total amount of funding required each year determines how much each of these points are worth. In this way, the total amount required is apportioned on a pro rata basis using the weightings on each hectare.

The total amount of funding required for 2009/2010 is \$39,375.

The Te Aute Drainage Scheme area is defined by reference to the classification list establishing the graduated scale.

Valuation Number	Hectares in each classification				Total Points	Amount
	A (100pts)	B (80pts)	C (15pts)	F (3pts)		
1092000300	0	11.3	8.15	31.63	1121	\$599.61
1092000800	0	32.83	74.69	23.42	3817	\$2,041.65
1092000900	0	0	0.83	2.15	19	\$10.16
1092001001	77.96	16.65	11.94	17.95	9361	\$5,007.06
1092001100	78.22	0	25.28	101.17	8505	\$4,549.19
1092001200	0	2.88	18.35	18.86	562	\$300.61
1092001201	0	20.25	19.15	12.31	1944	\$1,039.82
1092001400	0	0	0	14.16	42	\$22.47
1092001600	0	0	0	10.12	30	\$16.05
1092001700	38.74	51.06	36.24	45.12	8638	\$4,620.33
1092002100	188.81	0	0	23.93	18953	\$10,137.67
1092002200	84.02	4.14	1.16	6.45	8770	\$4,690.94
1092002300	41.02	5.2	20.43	22.8	4893	\$2,617.19
1092002900	0	0	0	0.81	2	\$1.07
1092003400	0	0	8.02	6.6	140	\$74.88
1092005800	0	18.63	0	4.93	1505	\$805.00
1092006100	0	65.81	0	15.84	5312	\$2,841.31
<b>Total</b>	<b>508.77</b>	<b>228.75</b>	<b>224.24</b>	<b>358.25</b>	<b>73614</b>	<b>\$39,375.00</b>

## Separately Used or Inhabited Parts of a Rating Unit

Definition – for the purposes of the Uniform Annual Charge and the targeted rates above, a separately used or inhabited part of a rating unit is defined as –

Any part of a rating unit that is, or is able to be, separately used or inhabited by the owner or by any other person or body having the right to use or inhabit that part by virtue of a tenancy, lease, licence or other agreement.

Examples of separately used or inhabited parts of a rating unit include

- For residential rating units, each self contained household unit is considered a separately used or inhabited part. Each situation is assessed on its merits, but factors considered in determining whether an area is self contained would include the provision of independent facilities such as cooking/kitchen or bathroom., and its own separate entrance
- Residential properties, where a separate area is used for the purpose of operating a business, such as a medical or dental practice. The business area is considered a separately used or inhabited part.

These examples are not considered inclusive of all situations.

### Due Dates for Payment

There will be four rates instalments of equal amounts rounded. Each rates instalment will be due on the following dates:

Instalment Number	Due Date	Date Penalty Added
1	1 July 2009	20 August 2009
2	7 October 2009	19 November 2009
3	6 January 2010	18 February 2010
4	7 April 2010	20 May 2010

### REASON

To enable Council to obtain rates revenue for the 2009/2010 year.

Crs \_\_\_\_\_/\_\_\_\_\_

## 11.0 RATES PENALTIES

### Report – Corporate Services Manager

Pages 37 - 39

### RECOMMENDATION:

That Council adopt the following penalty charges on unpaid rates:

1. Pursuant to Section 58(1)(a) of the Local Government (Rating) Act 2002, an additional charge of 10% will be added to all rates remaining unpaid for each instalment after the last day of payment, shown below:

Instalment number	Due Date	Last day of payment without additional charge	Additional charges added
1	1 July 2009	19 August 2009	20 August 2009
2	7 October 2009	18 November 2009	19 November 2009
3	6 January 2010	17 February 2010	18 February 2010
4	7 April 2010	19 May 2010	20 May 2010

2. Pursuant to Section 58(1)(b) of the Local Government (Rating) Act 2002, a further additional charge of 10% will be added on 1 July 2009 to the amount of rates levied in previous financial years and remaining unpaid as at 30 June 2009.

**REASON**

In order to apply a disincentive for late payment of rates instalments which represent Council's main revenue source and to satisfy the requirements of Section 58(1) of the Local Government (Rating) Act 2002.

Crs \_\_\_\_\_ / \_\_\_\_\_

**12.0 ADOPTION OF 2009/2019 LONG TERM COUNCIL COMMUNITY PLAN  
Report – Corporate Services Manager**

*Pages 40 - 41*

**RECOMMENDATION:**

That Council adopt the final Central Hawke's Bay District Council Long Term Council Community Plan 2009/2019 as amended.

**REASON**

Council is required to adopt the updated 2009/19 LTCCP before 1 July 2009 pursuant to Section 93 of the Local Government Act 2002.

Crs \_\_\_\_\_ / \_\_\_\_\_

**13.0 DELEGATIONS**

**Proposed Subdivisions**

	<b>Name</b>	<b>Address</b>	<b>Type</b>	<b>Number of Additional Lots Proposed</b>
•	W Pullar	55A & 55B Bibby Street, Waipawa	Residential	1
•	Birch Hill Trust	Wilder Road, Mangaorapa	Rural	<i>Boundary Adjustment</i>
•	Woodbine Trust	Beach Road, Porangahau	Township	<i>Variation</i>
•	D and M Petersen	601 Farm Road, Waipukurau	Rural	1
•	Waipuna NZ Ltd	Kairakau Road, Elsthorpe	Rural	1
•	B and L Smales	16 Holyrood Terrace, Waipukurau	Residential	1

**Land Use Consent – Residence in a Business Zone**

•	P Gallagher	26 Ruataniwha Street, Waipawa	Business 2
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**RECOMMENDATION:**

That Council note the actions of the officers.

Crs \_\_\_\_\_ / \_\_\_\_\_

#### 14.0 USE OF COMMON SEAL

09/12	12 June 2009	Relocation Bond – J R and M E Frew
09/13	18 June 2009	Deed of Lease – Otawhao Hall

##### RECOMMENDATION:

That the schedule for the use of the Common Seal for June 2009 be received.

Crs \_\_\_\_\_ / \_\_\_\_\_

#### 15.0 DATE OF NEXT MEETING

##### RECOMMENDATION:

That the next meeting of the Central Hawke's Bay District Council be held on Thursday 6 August 2009.

Crs \_\_\_\_\_ / \_\_\_\_\_

#### 16.0 PUBLIC EXCLUDED BUSINESS

##### RECOMMENDATION:

That in accordance with Section 48 of the Local Government and Official Information and Meetings Act 1987, the public be excluded from the meeting during discussion on Tamatea Limited Statement of Intent, the reason being that the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to enable the local authority holding the information to carry out, without prejudice or disadvantage, commercial activities.

Crs \_\_\_\_\_ / \_\_\_\_\_

#### 17.0 TIME OF CLOSURE