



NOTICE OF MEETING

RODNEY DISTRICT COUNCIL

TO: Penny Webster - Mayor (Chairperson)
Crs Ross Craig
Pat Delich
Michael Goudie
Gaye Harding
John Kirikiri
Dave Parker QSM
Grahame Powell
Zane Taylor
June Turner
Grev Walker
Wayne Walker
Suzanne Weld

The Rodney District Council will meet in the Council Chamber, Centreway Road, Orewa on Thursday, 5 November 2009, commencing at 9.00 a.m.

for: CHIEF EXECUTIVE
Rodger Kerr-Newell

OREWA
29 October 2009

* * * * *

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CONFIDENTIAL

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ITEM NO: 1

APOLOGIES

ITEM NO: 2

REPORT



TO Council
ON 5 November 2009
SUBJECT **CONFIRMATION OF MINUTES**

CONFIRMATION OF MINUTES

- Notes:
1. Minutes for Council and Committee meetings are distributed through the month as they are published and are available for public inspection at Council offices and libraries.
 2. The purpose of the item is confirmation of correctness of the minutes only. Any recommendations to the Council from the Committees are shown as separate items in the next section of the agenda.
 3. Minutes produced after the publication of this agenda but prior to the meeting will be tabled as a supplementary item at the meeting.

RECOMMENDATION:

	Page Number
<p>(a) <u>District Plan and Regulatory Committee – 9 September 2009</u></p> <p>That the minutes of a meeting of the District Plan and Regulatory Committee held on 9 September 2009, as circulated, be received and adopted.</p>	<p>019800-019814 (White)</p>
<p>(b) <u>Council – 24 September 2009</u></p> <p>(i) That it be noted that the decision recorded in 615/09/09 was moved by Cr Kirikiri, seconded by Cr Goudie.</p> <p>(ii) That, with the amendment above noted, the minutes of the Council meeting held on 24 September 2009, as circulated, be received and confirmed.</p>	<p>019815-019840 (Blue)</p>
<p>(c) <u>Independent Commissioners Hearing (District Plan and Regulatory) – 25 September 2009</u></p> <p>That the minutes of a meeting of the Independent Commissioners Hearing (District Plan and Regulatory) held on 25 September 2009, as circulated, be received and adopted.</p>	<p>019841-019843 (White)</p>

- (d) **Kawau Island Advisory Committee – 22 September 2009**
- That the minutes of a meeting of the Kawau Island Advisory Committee held on 22 September 2009, as circulated, be received and adopted. 019844-019848
(Gold)
- (e) **District Plan and Regulatory Committee – 23 September 2009**
- That the minutes of a meeting of the District Plan and Regulatory Committee held on 23 September 2009, as circulated, be received and adopted. 019849-019865
(White)
- (f) **District Plan and Regulatory Committee – 20 July 2009**
- That the minutes of a meeting of the District Plan and Regulatory Committee held on 20 July 2009, as circulated, be received and adopted. 019866-019879
(White)
- (g) **Resource Consents Hearings Panel – 1 May 2009**
- That the minutes of a meeting of the Resource Consents Hearings Panel held on 1 May 2009, as circulated, be received and adopted. 019880-019902
(White)
- (h) **District Plan and Regulatory Committee – 7 October 2009**
- That the minutes of a meeting of the District Plan and Regulatory Committee held on 7 October 2009, as circulated, be received and adopted. 019903-019910
(White)
- (i) **Resource Consents Hearings Panel – 17 July 2009**
- That the minutes of a meeting of the Resource Consents Hearings Panel held on 17 July 2009, as circulated, be received and adopted. 019911-019933
(White)
- (j) **Infrastructure and Environment Committee – 8 October 2009**
- That the minutes of a meeting of the Infrastructure and Environment Committee held on 8 October 2009, as circulated, be received and adopted. 019934-019939
(Pink)
- (k) **Resource Consents Hearings Panel – 21 August 2009**
- That the minutes of a meeting of the Resource Consents Hearings Panel held on 21 August 2009, as circulated, be received and adopted. 019940-019979
(White)
- (l) **Independent Commissioners Hearing (Resource Consents) – 14 September 2009**
- That the minutes of a meeting of the Independent Commissioners Hearing (Resource Consents) held on 14 September 2009, as circulated, be received and adopted. 019980-020003
(White)

- (m) **Strategy and Community Committee – 19 October 2009**
- That the minutes of a meeting of the Strategy and Community Committee held on 19 October 2009, as circulated, be received and adopted. 020004-020007
(Buff)
- (n) **Audit Committee – 20 October 2009**
- That the minutes of a meeting of the Audit Committee held on 20 October 2009, as circulated, be received and adopted. 020008-020012
(Green)
- (o) **District Plan and Regulatory Committee – 21 October 2009**
- That the minutes of a meeting of the District Plan and Regulatory Committees held on 21 October 2009, as circulated, be received and adopted. 020013-020025
(White)

REPORT



TO Council
 ON 5 November 2009
 FROM Kevin Ramsay – Director: Corporate Services
 APPROVED BY Rodger Kerr-Newell – Chief Executive
 SIGNATURE

SUBJECT **SIGNIFICANT CONTRACTS LET OVER PERIOD 5 SEPTEMBER 2009 – 16 OCTOBER 2009**
 FILE REF CE/1/1

PURPOSE OF REPORT:

<input checked="" type="checkbox"/> Information only	<input type="checkbox"/> Strategic decision	<input type="checkbox"/> Policy decision	<input type="checkbox"/> Statutory process
<input type="checkbox"/> Community issue	<input type="checkbox"/> Contract decision	<input type="checkbox"/> Delegation	<input type="checkbox"/> Appointment
<input type="checkbox"/> Administrative matter			

IMPLICATIONS:

(i)	Is this matter significant in terms of Council's Policy on Significance? No
(ii)	Implications in terms of Vision Rodney? No
(iii)	Implications in terms of Long Term Council Community Plan / Annual Plan? No
(iv)	Implications in terms of other Council Strategic documents or Council Policy? No
(v)	Is a budget amendment required? No
(vi)	Have the views of affected or interested persons been obtained and is any further public consultation required? Not applicable
(vii)	Does a decision on this matter require Auckland Transitional Authority approval? (yes / no / advice being sought?) No

FINANCIAL IMPLICATIONS:

Capital cost implications	Not applicable
Is it currently budgeted for?	Not applicable
Funding source of capital costs	Not applicable
Ongoing operational cost implications	Not applicable
Is it currently budgeted for?	Not applicable
Funding & rating impact (whether resulting from capital expenditure or arising directly)	Not applicable

SUMMARY:

The Council has resolved that:

A list of all significant contracts is to be tabled at the next Council meeting.

Attached as **Appendix 1** is a list of all significant contracts let over the period 5 September 2009 – 16 October 2009.

Note: *Councillors should raise any queries they may have with the relevant director prior to the day of the meeting so that these may be responded to on the day.*

RECOMMENDATION:

That the information be received.

APPENDIX 1

REPORT



TO Council
 ON 5 November 2009
 FROM David Low – Manager: Revenue
 APPROVED BY Kevin Ramsay – Director: Corporate Services
 SIGNATURE

SUBJECT 2008/2009 REMISSION FOR RESIDENTIAL PROPERTIES IN COMMERCIAL OR INDUSTRIAL AREAS
 FILE REF RB/9/1

PURPOSE OF REPORT:

<input checked="" type="checkbox"/> Information only	<input type="checkbox"/> Strategic decision	<input type="checkbox"/> Policy decision	<input type="checkbox"/> Statutory process
<input type="checkbox"/> Community issue	<input type="checkbox"/> Contract decision	<input type="checkbox"/> Delegation	<input type="checkbox"/> Appointment
<input type="checkbox"/> Administrative matter			

IMPLICATIONS:

(i)	Is this matter significant in terms of Council's Policy on Significance? No
(ii)	Implications in terms of Vision Rodney? No
(iii)	Implications in terms of Long Term Council Community Plan/Annual Plan? No
(iv)	Implications in terms of other Council Strategic documents or Council Policy? No
(v)	Is a budget amendment required? No
(vi)	Have the views of affected or interested persons been obtained and is any further public consultation required? Not applicable
(vii)	Does a decision on this matter require Auckland Transition Agency approval? (yes / no / advice being sought?) No

FINANCIAL IMPLICATIONS:

Capital cost implications	Nil
Is it currently budgeted for?	Yes
Funding source of capital costs	Not applicable
Ongoing operational cost implications	Nil
Is it currently budgeted for?	Yes
Funding & rating impact (whether resulting from capital expenditure or arising directly)	Minor

SUMMARY:

For information, five remissions were processed for the 2008/2009 rating year, totalling \$1,880.63.

RECOMMENDATION:

That the information relating to the remissions for residential properties in commercial or industrial areas be received.

1.0 Background

The current Council Policy states:

Objectives of the Policy

To grant some rate relief to land that is classified as being for use or development exclusively or principally for commercial or industrial purposes under an operative or proposed district scheme; and is used exclusively or principally for residential purposes and the value of the land is affected by the potential use of the land.

Conditions and Criteria

1. *The land is used exclusively/or principally for residential purposes.*
2. *Applications for a rate remission may be made to Council anytime during the current rating year. Application cannot be backdated for previous years.*
3. *Council's valuation service provider will be engaged to calculate a special rateable value for the property. There will be no appeals against the special rateable value.*
4. *The amount remitted shall be the difference between the rates calculated on the rateable value of the property and the rates calculated as though the special rateable value were the rateable value of the property.*
5. *The special rateable value of any land shall be determined by the Valuer - upon the assumption that:*
 - (a) *the actual use to which the land is being put is a use permitted as of right in an operative district scheme in force for the district in which the land is situated (whether or not such a scheme is for the time being actually in force); and*
 - (b) *that use will be exclusively or principally for residential purposes;*
 - (c) *the improvements on the land will be continued and maintained or replaced in order to enable the land to continue to be so used.*

2.0 Conclusion

That the information relating to the remissions for residential properties in commercial or industrial areas be received.

REPORT



TO Council
 ON 5 November 2009
 FROM David Low – Manager: Revenue
 APPROVED BY Kevin Ramsay – Director: Corporate Services
 SIGNATURE

SUBJECT 2008/2009 REMISSION OF RATES IN MISCELLANEOUS CIRCUMSTANCES
 FILE REF RB/9/1

PURPOSE OF REPORT:

<input checked="" type="checkbox"/> Information only	<input type="checkbox"/> Strategic decision	<input type="checkbox"/> Policy decision	<input type="checkbox"/> Statutory process
<input type="checkbox"/> Community issue	<input type="checkbox"/> Contract decision	<input type="checkbox"/> Delegation	<input type="checkbox"/> Appointment
<input type="checkbox"/> Administrative matter			

IMPLICATIONS:

(i)	Is this matter significant in terms of Council's Policy on Significance? No
(ii)	Implications in terms of Vision Rodney? No
(iii)	Implications in terms of Long Term Council Community Plan/Annual Plan? No
(iv)	Implications in terms of other Council Strategic documents or Council Policy? No
(v)	Is a budget amendment required? No
(vi)	Have the views of affected or interested persons been obtained and is any further public consultation required? Not applicable
(vii)	Does a decision on this matter require Auckland Transition Agency approval? (yes / no / advice being sought?) No

FINANCIAL IMPLICATIONS:

Capital cost implications	Nil
Is it currently budgeted for?	Yes
Funding source of capital costs	Not applicable
Ongoing operational cost implications	Nil
Is it currently budgeted for?	Yes
Funding & rating impact (whether resulting from capital expenditure or arising directly)	Minor

SUMMARY:

For information, eleven remissions were processed for the 2008/2009 rating year, totalling \$9.12.

RECOMMENDATION:

That the information relating to the remission of rates in miscellaneous circumstances be received.

1.0 Background

The current Council Policy states:

Objectives of the Policy

To avoid the costs of collection of rates where it is inequitable or uneconomic to do so.

Conditions and Criteria

The Council may, on its own motion, or on application from the ratepayer or occupier of such properties, remit any value based rates less than \$250, together with uniform charges, if it considers it reasonable in the circumstances to do so. There are two situations where remissions may be given:

- 1. Where the rating unit is realistically unable to be used for any purpose other than in conjunction with an adjoining property, and the ratepayer/occupier has no interest in any of the adjoining properties nor do the ratepayer/occupiers of adjoining properties have any interest in the subject property.*
- 2. Where it is uneconomic to pursue collection of the rates due to the low rateable value of the property.*

2.0 Conclusion

That the information relating to the remission of rates in miscellaneous circumstances be received.

REPORT



TO Council
 ON 5 November 2009
 FROM David Low – Manager: Revenue
 APPROVED BY Kevin Ramsay – Director: Corporate Services
 SIGNATURE

SUBJECT 2008/2009 REMISSION OF WATER RATES FOR HARDSHIP RESULTING FROM A WATER LEAK
 FILE REF RB/9/1

PURPOSE OF REPORT:

<input checked="" type="checkbox"/> Information only	<input type="checkbox"/> Strategic decision	<input type="checkbox"/> Policy decision	<input type="checkbox"/> Statutory process
<input type="checkbox"/> Community issue	<input type="checkbox"/> Contract decision	<input type="checkbox"/> Delegation	<input type="checkbox"/> Appointment
<input type="checkbox"/> Administrative matter			

IMPLICATIONS:

(i)	Is this matter significant in terms of Council's Policy on Significance? No
(ii)	Implications in terms of Vision Rodney? No
(iii)	Implications in terms of Long Term Council Community Plan / Annual Plan? No
(iv)	Implications in terms of other Council Strategic documents or Council Policy? No
(v)	Is a budget amendment required? No
(vi)	Have the views of affected or interested persons been obtained and is any further public consultation required? Not applicable
(vii)	Does a decision on this matter require Auckland Transition Agency approval? (yes / no / advice being sought?) No

FINANCIAL IMPLICATIONS:

Capital cost implications	Nil
Is it currently budgeted for?	Yes
Funding source of capital costs	Not applicable
Ongoing operational cost implications	Nil
Is it currently budgeted for?	Yes
Funding & rating impact (whether resulting from capital expenditure or arising directly)	Minor

SUMMARY:

For information, 62 remissions were processed for the 2008/2009 rating year, totalling \$40,967.81.

RECOMMENDATION:

That the information relating to the remission of water rates for hardship resulting from a water leak be received.

1.0 Background

The current Council Policy states:

Objectives of the Policy

To provide a measure of relief, by way of partial rates remission, for ratepayers for whom the payment of full water rates, as a result of the existence of a water leak on the property which they occupy (is otherwise likely to cause extreme financial hardship).

Conditions and Criteria

1. Definition of Hardship and Eligibility for Relief:

In the Council's opinion "hardship" may occur, and a measure of relief may be given by the Council, when the following aspects are present:

- a. the existence of a leak on the occupied property has been established and a plumber has been engaged to repair the leak as soon as possible after its detection and a copy of the plumber's account has been submitted to the Council officer dealing with the application for relief; and*
- b. the ratepayer's water rates account is not less than three times larger than the average of the water rates accounts for the previous four consumption periods (or consumption based upon a controlled reading period when the tenure is less than 4 periods) NB: commercial = twice; and*
- c. an application for water rates relief has not been received during the preceding two year period in respect of the subject property (to prevent abuse of the provision of relief).*

2. Applications for water rates remission:

Any ratepayer may make application to the Council on the prescribed form for rates remission relief pursuant to this policy.

3. Officers authorised to deal with applications for rates remission:

The Director: Corporate Services or Manager: Revenue are authorised to deal with all applications received from ratepayers for water rates remission relief pursuant to this policy.

Any ratepayer who is aggrieved with any decision of the Director: Corporate Services or Manager: Revenue may object to the Council.

The Council's decision will be final.

The Director: Corporate Services will provide an annual report summarising for the Council's information, properties in respect of which applications for remission pursuant to this policy have been granted, and the amount remitted in total (number approved and total).

4. How and when rates remitted:

Council considers that as Commercial Ratepayers are able to claim water rates as a legitimate business expense, the relief granted to commercial ratepayers under this policy should be limited. When an application for water rates remission is approved pursuant to this policy, the amount of the water rates account which must be paid will be based on:

a. non-commercial Ratepayers

- the average of the previous four periods' consumption and 50% of the excess consumption over and above this.*
- when the ratepayers' tenure of the property is less than 4 periods, a consumption based upon a controlled reading period will be used.*
- 50% of the excess consumption will only be up to a maximum of three times the average of the previous four periods ("normal" consumption).*

Payment of the amount owing may be arranged over an agreed upon timeframe (not exceeding 12 months). The remainder of the account will be remitted.

Note: 50% roughly equates to the actual cost of producing/purchasing and delivering the water to the Council, so that the Council does not sustain a financial loss as a result of this. However, it is acknowledged as being unfair to charge for more than four times the average consumption.

b. commercial ratepayers

- as for non-commercial ratepayers except that any remission is limited to twice the "normal" water consumption.*

Payment of the amount owing may be arranged over an agreed upon timeframe (not exceeding 12 months). The remainder of the account will be remitted.

Volumetric Wastewater Charges – the same conditions and criteria will be extended to wastewater charges where those charges are based on volumetric consumption of water as measured by meter.

2.0 Conclusion

The information relating to the remission of water rates for hardship resulting from a water leak should be received.

REPORT



TO Council
ON 5 November 2009
FROM David Low – Manager: Revenue
APPROVED BY Kevin Ramsay – Director: Corporate Services
SIGNATURE

A handwritten signature in black ink, appearing to read "Kevin Ramsay".

SUBJECT 2008/2009 REMISSION OF RATES FOR MORE THAN ONE RATING UNIT USED AS A SINGLE FARMING OPERATION
FILE REF RB/9/1

PURPOSE OF REPORT:

<input checked="" type="checkbox"/> Information only	<input type="checkbox"/> Strategic decision	<input type="checkbox"/> Policy decision	<input type="checkbox"/> Statutory process
<input type="checkbox"/> Community issue	<input type="checkbox"/> Contract decision	<input type="checkbox"/> Delegation	<input type="checkbox"/> Appointment
<input type="checkbox"/> Administrative matter			

IMPLICATIONS:

(i)	Is this matter significant in terms of Council's Policy on Significance?
	No
(ii)	Implications in terms of Vision Rodney?
	No
(iii)	Implications in terms of Long Term Council Community Plan/Annual Plan?
	No
(iv)	Implications in terms of other Council Strategic documents or Council Policy?
	No
(v)	Is a budget amendment required?
	No
(vi)	Have the views of affected or interested persons been obtained and is any further public consultation required?
	Not applicable
(vii)	Does a decision on this matter require Auckland Transition Agency approval? (yes / no / advice being sought?)
	No

FINANCIAL IMPLICATIONS:

Capital cost implications	Nil
Is it currently budgeted for?	Yes
Funding source of capital costs	Not applicable
Ongoing operational cost implications	Nil
Is it currently budgeted for?	Yes
Funding & rating impact (whether resulting from capital expenditure or arising directly)	Minor

SUMMARY:

For information, 72 remissions were processed for the 2008/2009 rating year, totalling \$42,926.31.

RECOMMENDATION:

That the information relating to the remission of uniform charges for properties used as a single farming operation be received.

1.0 Background

The current Council Policy states:

Objectives of the Policy

The objective of this policy is to promote fairness in the application of uniform annual charges by providing for their remission where a single farm entity includes more than one rating unit. This does not include those rating units which must be treated as one rating unit for setting a rate under s20 Local Government (Rating) Act.

Conditions and Criteria

The Council may, on its own motion, or on written application from a ratepayer or occupier of such properties, remit any uniform annual charges in excess of one, if it considers it reasonable in the circumstances to do so. There are two situations where remissions may be given. In both cases remission may only be granted where the rating units will be used jointly as a single farm entity and where residential dwellings are situated on no more than one rating unit within the group:

- 1. Rating units not strictly contiguous. The group of rating units would otherwise be treated as a single rating unit, except that the units are not strictly contiguous (e.g., a farm run off block).*
- 2. The occupier of all the rating units is the same but the occupier does not own the rating units or does not own all the rating units. If the occupier is not the ratepayer for all of the rating units concerned, the Council will only consider such application provided there is a written lease of at least 12 months certain naming the occupier as lessee.*

2.0 Conclusion

That the information relating to the remission of uniform charges for properties used as a single farming operation be received.

REPORT



TO Council
 ON 5 November 2009
 FROM David Low –Manager: Revenue
 APPROVED BY Kevin Ramsay – Director: Corporate Services
 SIGNATURE

SUBJECT 2009/2010 RATES REMISSION SCHEDULE
 FILE REF RB/9/1

PURPOSE OF REPORT:

<input type="checkbox"/> Information only	<input type="checkbox"/> Strategic decision	<input type="checkbox"/> Policy decision	<input checked="" type="checkbox"/> Statutory process
<input type="checkbox"/> Community issue	<input type="checkbox"/> Contract decision	<input type="checkbox"/> Delegation	<input type="checkbox"/> Appointment
<input type="checkbox"/> Administrative matter			

IMPLICATIONS:

(i)	Is this matter significant in terms of Council's Policy on Significance? No
(ii)	Implications in terms of Vision Rodney? No
(iii)	Implications in terms of Long Term Council Community Plan/Annual Plan? No
(iv)	Implications in terms of other Council Strategic documents or Council Policy? No
(v)	Is a budget amendment required? No
(vi)	Have the views of affected or interested persons been obtained and is any further public consultation required? Not applicable

(vii)	Does a decision on this matter require Auckland Transition Agency approval? (yes / no / advice being sought?)
	No

FINANCIAL IMPLICATIONS:

Capital cost implications	Nil
Is it currently budgeted for?	Yes
Funding source of capital costs	Not applicable
Ongoing operational cost implications	Nil
Is it currently budgeted for?	Yes
Funding & rating impact (whether resulting from capital expenditure or arising directly)	Minor

SUMMARY:

This report is to summarise details of proposed remissions for the 2009/2010 rating years in accordance with Council Policy and Section 85 of the Local Government (Rating) Act 2002.

RECOMMENDATION:

That the 2009/2010 Rates Remission Schedule attached as Appendix 1 to the agenda report be approved.

1.0 Background

Attached as **Appendix 1** is the 2009/2010 rates remission schedule. All remissions are in accordance with current Council policy.

If there are any specific queries regarding any of these remissions, councillors should contact David Low, Manager: Revenue, before the meeting.

2.0 Conclusion

Properties as scheduled should be approved for remission.

APPENDIX 1

REPORT



TO Council
 ON 5 November 2009
 FROM David Low – Manager: Revenue
 APPROVED BY Kevin Ramsay – Director: Corporate Services
 SIGNATURE

SUBJECT REMISSION OF PENALTIES APPLIED TO LATE RATES PAYMENTS FOR THE 2008/2009 FINANCIAL YEAR
 FILE REF RB/9/1

PURPOSE OF REPORT:

<input checked="" type="checkbox"/> Information only	<input type="checkbox"/> Strategic decision	<input type="checkbox"/> Policy decision	<input type="checkbox"/> Statutory process
<input type="checkbox"/> Community issue	<input type="checkbox"/> Contract decision	<input type="checkbox"/> Delegation	<input type="checkbox"/> Appointment
<input type="checkbox"/> Administrative matter			

IMPLICATIONS:

(i)	Is this matter significant in terms of Council's Policy on Significance? No
(ii)	Implications in terms of Vision Rodney? No
(iii)	Implications in terms of Long Term Plan/Annual Plan? No
(iv)	Implications in terms of other Council Strategic documents or Council Policy? No
(v)	Is a budget amendment required? No
(vi)	Have the views of affected or interested persons been obtained and is any further public consultation required? Not applicable
(vii)	Does a decision on this matter require Auckland Transition Agency approval? (yes / no / advice being sought?) No

FINANCIAL IMPLICATIONS:

Capital cost implications	No
Is it currently budgeted for?	Yes
Funding source of capital costs	Not applicable
Ongoing operational cost implications	Nil
Is it currently budgeted for?	Yes
Funding & rating impact (whether resulting from capital expenditure or arising directly)	Minor

SUMMARY:

For information, 696 penalty remissions totalling \$44,973.83 were processed this year, compared to last year when there were 1051 remissions totalling \$63,969.33.

If there are any specific queries regarding any of these penalty remissions, councillors should contact the Manager: Revenue prior to the meeting.

RECOMMENDATION:

That the information relating to the remission of penalty charges applied to late rates payments during the 2008/2009 financial year be received.

1.0 Background

The Council's current policy states:

Policy Objectives

- 1. To consider remission of penalties on compassionate and other grounds.*
- 2. To consider remission for new owners and to ratepayers who have a long term excellent payment record.*

Conditions and Criteria

- 1. That the remission of a penalty may be granted where any of the following three circumstances apply:*
 - a. An excellent payment record for two years or more:
If the ratepayer has paid all rate instalments on or before the due date for payment for the previous two years then a penalty will be remitted if the ratepayer pays the overdue rates as soon as practicable after they become aware of the late payment.*
 - b. New owners:
New owners, who are new to the district, paying their first instalment, may be granted a remission of penalty if the ratepayer pays the overdue rates as soon as practicable after they become aware of the late payment.*

- c. *Compassionate grounds:*
- (i) *the ratepayer must have had a good payment record since owning the property or for the past two years, whichever is the lesser period. That is, only one penalty has been incurred in that period and this has been paid promptly (no remission was granted), and*
 - (ii) *the ratepayer was unable to attend to payment due to compelling circumstances. There must be a very good reason for requesting remission such as unusual tragic circumstances e.g., family tragedy, hospitalisation, serious accident etc. around the time for last day for payment, and*
 - (iii) *the rates owing must have been paid as soon as possible taking into consideration the circumstances which caused the delay in payment.*
2. *Remission of penalties for new owners and for ratepayers who have had an excellent payment record for two years may be approved after confirmation of the excellent payment record or that the ratepayer is a new owner paying their first instalment.*
3. *Applications for the remission of penalties on compassionate grounds will be required to be in writing.*
4. *That the Manager: Revenue be authorised to approve remissions that do not strictly meet the conditions and criteria set out above. Such cases would avoid a bureaucratic requirement to insist on death certificates, for instance.*

Delegations

The Director: Corporate Services, Group Manager: Financial Services or Manager: Revenue have delegated authority to deal with those remissions under this section that fit within the criteria and will report remissions in total annually to Council.

2.0 Conclusion

The remissions have been granted in accordance with policy.

REPORT



TO Council
ON 5 November 2009
FROM David Low – Manager: Revenue
APPROVED BY Kevin Ramsay – Director: Corporate Services
SIGNATURE

SUBJECT APPLICATION FOR REMISSION OF RATES BY KAIPARA CRUISING AND SPORTSFISHING CLUB
FILE REF RB/1/1; RB/9/1

PURPOSE OF REPORT:

<input type="checkbox"/> Information only	<input type="checkbox"/> Strategic decision	<input type="checkbox"/> Policy decision	<input type="checkbox"/> Statutory process
<input type="checkbox"/> Community issue	<input type="checkbox"/> Contract decision	<input type="checkbox"/> Delegation	<input type="checkbox"/> Appointment
<input checked="" type="checkbox"/> Administrative matter			

IMPLICATIONS:

(i)	Is this matter significant in terms of Council's Policy on Significance? No
(ii)	Implications in terms of Vision Rodney? No
(iii)	Implications in terms of Long Term Council Community Plan / Annual Plan? Nil
(iv)	Implications in terms of other Council Strategic documents or Council Policy? Nil
(v)	Is a budget amendment required? Nil
(vi)	Have the views of affected or interested persons been obtained and is any further public consultation required? No

(vii)	Does a decision on this matter require Auckland Transition Agency approval? (yes / no / advice being sought?)
	No

FINANCIAL IMPLICATIONS:

Capital cost implications	Nil
Is it currently budgeted for?	Not applicable
Funding source of capital costs	Not applicable
Ongoing operational cost implications	Nil
Is it currently budgeted for?	No
Funding & rating impact (whether resulting from capital expenditure or arising directly)	Minor

SUMMARY:

An application for a rate remission has been received from the Kaipara Cruising and Sportsfishing Club Inc, for its properties at 72, 82 and part of 86 Mill Road, Helensville (900sqm of 86 Mill Road is leased to Helensville Drainage Ltd). If this remission application is successful, the Council will apply to Quotable Value NZ for the property to be split for rating purposes and this part to be excluded from the remission. The balance of the area of approximately 7350sqm is currently used by the club and includes a 900sqm portion subleased to the Kaipara Coastguard. As the Kaipara Cruising and Sportsfishing Club Inc has a current club liquor licence, the property does not qualify for 50% non-rateability status. The club is a non-profit organisation and has recently applied for Charitable Trust status with the Charities Commission.

RECOMMENDATION:

- (a) That the Council approve a 50% remission of the 2008/2009 rates (excluding sewerage and water rates and the portion used by Helensville Drainage Ltd) for the Kaipara Cruising and Sportsfishing Club's properties at 72, 82 and 86 Mill Rd, totalling approximately \$3,800.
- (b) That the properties be included on future annual remission schedules.

The objective of the Council's remission policy for "Organisations which by their existence in the district directly benefit the residents of the district" is "to encourage certain sport, recreation and welfare organisations in the district which directly benefit the residents of the district". Clause 4 of the policy states that:

Sporting clubs and similar organisations that would be 50% non-rateable in accordance with the Local Government (Rating) Act 2002 Schedule 1 Part 2, except that a liquor licence is in force in respect of the land, receive a 50% remission of all rates, with the exception of water and sewerage charges.

Rates on the club's properties for the 2008/09 year total \$9,762.55. These properties are zoned Commercial and Industrial and do not meet the definition for the residential use rating category. After excluding water and sewerage charges and an allowance for rates relating to the area used by Helensville Drainage Ltd, the 50% remission will total approximately \$3,800. This remission figure will further reduce for the 2009/2010 rating year when the Commercial and Industrial rating category will specifically exclude properties such as this one.

REPORT



TO Council
 ON 5 November 2009
 FROM Kevin Ramsay – Director: Corporate Services
 APPROVED BY Kevin Ramsay – Director: Corporate Services
 SIGNATURE

SUBJECT EXTENSION OF BRIDGING FINANCE FOR PUHOI WHARF PROJECT
 FILE REF FS/186

PURPOSE OF REPORT:

<input type="checkbox"/> Information only	<input type="checkbox"/> Strategic decision	<input type="checkbox"/> Policy decision	<input type="checkbox"/> Statutory process
<input checked="" type="checkbox"/> Community issue	<input type="checkbox"/> Contract decision	<input type="checkbox"/> Delegation	<input type="checkbox"/> Appointment
<input checked="" type="checkbox"/> Administrative matter			

IMPLICATIONS:

(i)	Is this matter significant in terms of Council's Policy on Significance? No
(ii)	Implications in terms of Vision Rodney? No
(iii)	Implications in terms of Long Term Council Community Plan / Annual Plan? Minor potential impact if funding not repaid.
(iv)	Implications in terms of other Council Strategic documents or Council Policy? No
(v)	Is a budget amendment required? No
(vi)	Have the views of affected or interested persons been obtained and is any further public consultation required? No consultation required.

(vii)	Does a decision on this matter require Auckland Transition Agency approval? (yes / no / advice being sought?)
	No

FINANCIAL IMPLICATIONS:

Capital cost implications	Nil
Is it currently budgeted for?	Not applicable
Funding source of capital costs	Not applicable
Ongoing operational cost implications	Nil (although potential of \$21,500).
Is it currently budgeted for?	Not applicable (no)
Funding and rating impact (whether resulting from capital expenditure or arising directly)	Not applicable (potentially very minor rating impact).

SUMMARY:

On 18 December 2008 the Council provided an interest free loan of \$30,000 to the Puhoi Community Forum for the purpose of assisting with the funding of the Puhoi Wharf project. This loan was for a period of the lesser of one year or until alternative funding was received.

The project comprises the construction of two wharves, one a community facility on the reserve side of the river and the other a smaller wharf with historical significance on the township side.

The Puhoi Community Forum has requested an extension to this loan period for an additional six months, meaning that the remaining loan balance of \$21,700 must be fully repaid by 30 June 2010 at the latest.

RECOMMENDATION:

That the Council extend the period for the bridging finance provided to the Puhoi Community Forum for the Puhoi Wharf Project by an additional six months, giving a final repayment date of 30 June 2010 at the latest.

1.0 Background

The Puhoi Community Forum approached the Council in October 2008 with a request for financial assistance with the Puhoi Wharf Project. It was requested on the basis of bridging finance through a loan as, although it was anticipated that funding would be received, it was unlikely to be available in time to fund the current timetable for the project.

On 18 December 2008 the Council approved an interest free loan of \$30,000 to the Puhoi Community Forum for a maximum period of one year.

2.0 Issues

2.1 Payments to Date

Two repayment amounts of \$4,000 each have been made to the Council, the first in April 2009 and the second in August 2009, giving a clear indication of the intention to repay the amount advanced by the Council.

In addition, Cr Powell has paid \$300 from his discretionary grant towards this loan, leaving a current balance of \$21,700.

2.2 Plans for Repayment

In correspondence with Mr Larry Mitchell of the Wharf Project, it has been stated that there is still confidence that the loan will be repaid. Fundraising is continuing, with donations being constantly received.

If current plans (most of which are confidential at this stage) come to fruition then it is possible that the outstanding balance will be repaid before Christmas. However, to be sure it is still suggested that an extension be approved.

One source of funding being applied for is the Council's Heritage Fund for the added costs of constructing the historic wharf.

2.3 Council Support

As well as this interest free loan, the Council has provided other support for this project through grants to the engineering firm that undertook the design work on the wharves (\$7,384.08) and assistance with resource and building consent fees (\$3,098.73).

2.4 Community Project

One of the key considerations in supporting this project to date has been the perception that, to many, this project could be seen as work on a community facility of the sort that a council might have otherwise provided. The projects also provide benefit to the community and visitors, with no personal gain to the parties involved.

2.5 Financial Considerations

It was accepted when the loan was agreed to that there was no appropriate security that should be required owing to the size and type of project involved.

It was also accepted that there was a risk of non-payment, which would then mean that the outstanding balance would have to be met by ratepayers. This risk has reduced since original approval was given from the initial advance amount of \$30,000 down to the current balance of \$21,700.

3.0 Options

The Council can either approve an extension to the existing loan, demand payment under the original terms approved in December 2008, or decline such a request.

4.0 Conclusion

The circumstances stated in the original agenda item still exist today and it is therefore considered appropriate that an extension to this loan period be approved. The circumstances in question include the community facility nature of this project, its previous support and the successful completion of the wharves.

REPORT



TO Council
 ON 5 November 2009
 FROM Morna Macfarlane – Manager: Finance
 APPROVED BY Kevin Ramsay – Director: Corporate Services
 SIGNATURE

SUBJECT **SUMMARY OF THE ANNUAL REPORT FOR THE YEAR ENDED 30 JUNE 2009**
 FILE REF AB/14/5

PURPOSE OF REPORT:

To adopt the Summary Annual Report for the year ended 30 June 2009.

<input type="checkbox"/> Information only	<input type="checkbox"/> Strategic decision	<input type="checkbox"/> Policy decision	<input checked="" type="checkbox"/> Statutory process
<input type="checkbox"/> Community issue	<input type="checkbox"/> Contract decision	<input type="checkbox"/> Delegation	<input type="checkbox"/> Appointment
<input type="checkbox"/> Administrative matter			

IMPLICATIONS:

(i)	Is this matter significant in terms of Council's Policy on Significance? No
(ii)	Implications in terms of Vision Rodney? No
(iii)	Implications in terms of Long Term Council Community Plan/Annual Plan? No
(iv)	Implications in terms of other Council Strategic documents or Council Policy? No
(v)	Is a budget amendment required? No
(vi)	Have the views of affected or interested persons been obtained and is any further public consultation required? No
(vii)	Does a decision on this matter require Auckland Transition Agency approval? (yes / no / advice being sought?) No

FINANCIAL IMPLICATIONS:

Capital cost implications	Not applicable
Is it currently budgeted for?	Not applicable
Funding source of capital costs	Not applicable
Ongoing operational cost implications	Not applicable
Is it currently budgeted for?	Not applicable
Funding & rating impact (whether resulting from capital expenditure or arising directly)	Not applicable

SUMMARY:

The Council adopted its 2008/09 Annual Report at an Extraordinary meeting on 27 October. The Annual Report is prepared to meet the statutory requirements of Section 98 of the Local Government Act 2002 and comply with the Accounting Standards. For this reason the document contains many technical disclosures which, although required by some of the Council's stakeholders, i.e. lenders, does not really meet the requirements of ratepayers. In order to address this a summary of the Annual Report is prepared and distributed.

Staff are currently finalising the summary document which needs to contain an overview of the Council's financial performance as well as the projects and initiatives undertaken. It is intended to provide the readers of details of some of the projects undertaken in each ward area.

The Summary Annual Report is being finalised and formatted. Audit New Zealand is required to issue an audit opinion to confirm that the requirements of the accounting standard concerning summarised information has been complied with. The summary itself will therefore be tabled at the Council meeting on 5 November and any amendments can be actioned prior to the public release of the summary.

RECOMMENDATION:

That (subject to any alterations the Council may make and minor editing changes) the Summary Annual Report be adopted and copies distributed.

REPORT



TO Council
 ON 5 November 2009
 FROM Kevin Ramsay – Director: Corporate Services
 Rory Palmer – General Manager: Strategy
 APPROVED BY Kevin Ramsay – Director: Corporate Services
 SIGNATURE

SUBJECT **UPDATE ON AUCKLAND'S GOVERNANCE AND NEXT YEAR'S ANNUAL PLAN**
 FILE REF CF/1/1

PURPOSE OF REPORT:

<input type="checkbox"/> Information only	<input checked="" type="checkbox"/> Strategic decision	<input type="checkbox"/> Policy decision	<input type="checkbox"/> Statutory process
<input type="checkbox"/> Community issue	<input type="checkbox"/> Contract decision	<input type="checkbox"/> Delegation	<input type="checkbox"/> Appointment
<input type="checkbox"/> Administrative matter			

IMPLICATIONS:

(i)	Is this matter significant in terms of Council's Policy on Significance? No
(ii)	Implications in terms of Vision Rodney? No
(iii)	Implications in terms of Long Term Council Community Plan / Annual Plan? No
(iv)	Implications in terms of other Council Strategic documents or Council Policy? No
(v)	Is a budget amendment required? No
(vi)	Have the views of affected or interested persons been obtained and is any further public consultation required? Not applicable

(vii)	Does a decision on this matter require Auckland Transition Agency approval?
	No

FINANCIAL IMPLICATIONS:

Capital cost implications	Nil
Is it currently budgeted for?	Not applicable
Funding source of capital costs	Not applicable
Ongoing operational cost implications	Nil
Is it currently budgeted for?	Not applicable
Funding and rating impact (whether resulting from capital expenditure or arising directly)	Not applicable

SUMMARY:

The review of Auckland Regional Governance continues to gain momentum with the Auckland Transition Agency (ATA) having completed a discovery process and now entering a design and strategy phase through its initiated workstreams.

A second piece of legislation has now been enacted building on the first to give more detail around boundaries, the role of the mayor and transitional reporting responsibilities.

The purpose of this report is to update the Council on the current situation, to outline the approach being taken by the Transition Agency in implementing the legislation, and to recommend some principles to be applied around the adoption of an annual plan for next year.

RECOMMENDATION:

- (a) That the update on Auckland Regional Governance be received.**
- (b) That directions be given as to the principles to be applied regarding the preparation and adoption of next year's annual plan.**

1.0 Background

1.1 Local Government (Tamaki Makaurau Reorganisation) Act 2009

The first piece of legislation, the Local Government (Tamaki Makaurau Reorganisation) Act 2009 (first Act), came into force on 24 May 2009, establishing the Auckland Transition Agency (ATA), placing some restrictions around the decision-making powers of the existing councils, detailing the disestablishment of the existing councils and the establishment of a new Auckland Council as of 1 November 2010.

1.2 Local Government (Auckland Council) Act 2009

The Local Government (Auckland Council) Act 2009 (second Act) came into force on 22 September 2009, advising that all of Rodney District would be included in the new Super City, more formally establishing the Auckland Council, describing the governance arrangements including mayor, councillors and local boards, and stating obligations around annual plans and annual reports.

1.3 Third Bill

The third Bill is to follow and is expected to provide more detail on the actual processes to be followed to make the transition and establishment of the new council happen, as well as setting out the respective activities of the Auckland Council and the local boards. It is expected to be introduced to Parliament in December this year and be enacted around March or April 2010.

1.4 Local Government Commission

A separate but related process is also taking place, in that the Local Government Commission has been tasked by the Government to consider issues, including the final lines for the northern and southern boundaries of the Auckland Council, as well as internal boundaries for local boards and electoral wards.

The Local Government Commission has visited councils to get input into the proposal that it will develop and then issue for public comment.

1.5 Auckland Transition Agency

The Board of the ATA was announced by the Government in May 2009. For information, the members of the board are shown in **Appendix 1**, which has been extracted from the ATA website.

The ATA has produced a draft project outline identifying twelve workstreams that are to be managed within the overall scope of its role. In addition there are two separate workstreams, one each for the Transport and Watercare Council Controlled Organisations (CCOs). The total fourteen resulting workstreams are as follows:

- Governance
- Workforce and Human Resources
- Community Services
- Customer Services
- Finance & Treasury
- Communications and Public Affairs
- CCOs, Trusts, Investments and Infrastructure
- Business Processes and Systems
- Legal
- Environment
- Property and Assets
- Economic Development
- Transport
- Watercare

These workstreams are then broken down into sub-streams, and in many cases even further into more specific project streams, resulting in well over 100 sub-streams or projects. Each of these workstreams has or will have a project plan and meetings are being held to finalise these and progress the determined actions.

The draft project outline identifies that each workstream is to be broken down into three phases:

- High level discovery phase – just completed;
- Strategy and design phase – now underway;
- Delivery phase – split into three delivery stages, with only the first being by 31 Oct 2010.

The ATA has seconded and contracted a team of people to support the board, including the appointment of workstream leaders and appointments to a project management office.

1.6 Interim Chief Executive

After a contestable process, Sheffield Search has been appointed by the ATA to undertake the search and recruitment of the interim chief executive of the Auckland Council.

1.7 Electoral Officer for 2010 Election

Two organisations responded to a Request for Proposal process to run the October 2010 Triennial Local Body Election. ATA appointed Independent Election Services Ltd (IESL), with Dale Ofoske as the Electoral Officer.

1.8 Discussion Document for Consultation

The ATA is intending to issue a discussion document on 2 November 2009 containing an organisational design for the Auckland Council, Auckland Transport Agency and Watercare, and the associated service delivery models. It will also include a draft of the ATA's change management plan as it relates to protocols and processes for the transition of staff to the new organisational structure.

The discussion document will identify options for how different functions may operate under the new Council, for example, whether services may be centralised or de-centralised (with staff operating at a variety of offices), or dispersed through the organisation (for example, Human Resources staff could be attached to different directorates). It will also identify a proposed structure for the Council at chief executive, director and group manager level, as well as the core services different units will be delivering.

The document will also identify which areas ATA will introduce changes to prior to 1 November and in which areas ATA is not proposing to make any changes to services.

Consultation on the draft document will take place during November 2009 and the Agency hopes to announce a high level structure for the new Council just prior to Christmas, beginning the appointment of group managers, directors and the chief executive of the new Council in around February 2010.

1.9 Rodney District Council (RDC) Involvement

Each workstream within the ATA Project Outline has been assigned at least one key contact from RDC to coordinate information requests, handle initial contacts and take responsibility for that workstream at a high level.

Many officers are also now involved in workstream meetings to develop project plans and implement the actions identified within those project plans.

All material decisions being made by the Council are reviewed against the requirements of the first Act as to whether ATA confirmation is required and weekly reporting to the Executive Team is in place to consider these decisions.

The establishment of a project office is to be the next step to ensure that appropriate resourcing is available to meet the needs of this transition.

1.10 Annual Report

The second Act removes the requirement for existing councils to produce an annual report for the 2009/2010 financial year. Instead, the new Auckland Council is required to produce a sixteen month (1 July 2009 to 31 October 2010) annual report for each of the disestablished councils. These reports must be audited, completed and adopted by the end of February 2011. In practical terms it is expected that current RDC staff will be heavily involved in assisting with this new sixteen month annual report, as they will have the knowledge and the new Council would otherwise struggle to produce eight annual reports within the required timeframe.

1.11 Annual Plan

As a result of the second Act each of the eight existing councils, including RDC, need only prepare and adopt an annual plan for the four months from 1 July 2010 to 31 October 2010. However, in doing so it must set rates and other revenue mechanisms for the full twelve months.

In addition, if this plan is consistent with the financial statements and funding impact statement included in the adopted Long Term Council Community Plan (LTCCP), it may simply be adopted by resolution without the need for consultation, although the ATA must be consulted throughout the preparation of this plan.

The ATA is then responsible for the preparation of planning documents for each of the eight existing councils for the eight months from 1 November 2010 to 30 June 2011, with these documents to be completed by 31 October 2010.

1.12 Auckland Council

The new Auckland Council is to be a single unitary authority with the powers of both a regional council and a territorial local authority.

The governing body of the Auckland Council is to consist of a mayor and 20 elected members, with the mayor to be elected by the electors of Auckland as a whole. The decision-making responsibilities of the Auckland Council are to be shared between this governing body and the local boards.

1.13 Mayor of Auckland

The second Act states that the role of the mayor is to articulate and promote a vision for Auckland, and to provide leadership for the purpose of achieving objectives that will contribute to that vision.

The mayor has the power to establish processes and mechanisms for the Auckland Council to engage with the people of Auckland, to appoint the deputy mayor, to establish committees, and to appoint chairpersons to those committees.

In addition the mayor has the power to establish and maintain an appropriately staffed office of the mayor, provided this is done in consultation with the chief executive and within a budget approved through the annual plan, which will not be less than 0.2% of the Council's total operating budget.

1.4 Local Boards

Around half of the sections making up the second Act relate to the establishment and functioning of local boards.

The intention is still to have between twenty and thirty local boards, with one for each of the local board areas determined by the Local Government Commission.

The second Act gives an outline of the decision-making accountabilities that will rest and not rest with the local boards. Basically, regulatory function accountabilities will rest with the Auckland Council itself and non-regulatory function accountabilities will be allocated based on stated principles.

To give certainty around these decision-making roles the Auckland Council must adopt a local boards' funding policy and each local board must adopt a local board plan. In addition, each LTCCP and annual plan must identify the local activities for which decision-making accountability is allocated to the local boards and also include a copy of the local board agreements for each local board area.

The Act is explicit in that local boards will not have the ability to acquire, hold, or dispose of property, nor will they be able to appoint, suspend or remove employees.

2.0 Issues

The key issue for deliberation within this agenda item relates to next year's annual plan.

What the second Act requires is the preparation and adoption of a four month annual plan, with the requirement for consultation being determined by how consistent this plan is with the LTCCP.

The issues for discussion and direction are therefore:

- *What process should officers use in preparing this annual plan and, more specifically, does it make sense to produce twelve month budgets and then extract the required four months from them?*

The remaining eight months will have to be prepared and, although this is to be done by the ATA, there is little doubt that this will require at the very least some assistance from the Council. Realistically it is expected that the ATA will simply ask for the eight month budgets and so the Council will have to have them ready, supporting the motion of preparing a twelve month budget anyway.

In addition, it is likely to be much easier to produce a twelve month forecast and then split on some basis. In the case of capital expenditure, this could be done by specific projects. In the case of operational expenditure, this is likely to be split on some allocation basis, perhaps using historical trends to indicate in which period costs were incurred.

- *Will this annual plan be consistent with the last adopted LTCCP and, more specifically, with the budgeted costs and funding sources identified for year two of that LTCCP?*

It is very clear from the wording of the second Act that the intention is that councils will produce annual plans that are consistent with the LTCCP. In fact, regardless of the current Auckland Governance transition issue, this has always been the intention of the local government planning process, in that the LTCCP adopted every three years should set the expected service and expenditure levels and the annual plans for the intervening years should simply be an extract of those respective years.

There is a requirement within the second Act for the Council to consult with the ATA throughout the preparation of next year's annual plan, so ATA will be assessing any proposed changes from the LTCCP within the context of risks and obligations to the new Auckland Council, or to the transition process itself.

In certain cases a deviation within the annual plan from the LTCCP may trigger a requirement to produce an amendment to the LTCCP, which in itself may then trigger a special consultative process.

Obviously there may be some cost changes to account for as a result of inflation, as well as small service changes in some areas to reflect such things as market conditions, legislative requirements, customer expectations and new information. These to a certain extent are reflected in the Act and in most cases will not be seen as being inconsistent with the LTCCP.

- *Will there be any requirement for consultation on this four month annual plan?*

Whether consultation is required or desired will be determined by the directives from the two issues above and by any other specific changes that the Council determines should be implemented.

3.0 Option

The options relevant to the issue of the four month annual plan are generally covered within the discussion above.

4.0 Conclusion

Directives are sought from this agenda item, which will follow on from a previous workshop on 4 November.

APPENDIX 1

ATA ORGANISATION

The Auckland Transition Agency (ATA) was established by legislation in May 2009. Its role is to manage and oversee the transition process of amalgamating the eight current local authorities into one Auckland Council, and 20 to 30 Local Boards, by the time of the next local body elections in October 2010.



The ATA is a statutory entity and will only exist until the Auckland Council comes into existence in November 2010. Current councils will retain their existing responsibilities until then, but their decision-making will be constrained and monitored during the transition period by the ATA.

From left to right: Miriam Dean QC, John Waller, Mark Ford, Wayne Walden, John Law.

AGENDA OPEN



Mark Ford, Executive Chairman

Chief Executive of Watercare Services Ltd since 1994 and Chairman of the Auckland Regional Transport Authority (ARTA) since 2007. Previous roles have included Chief Executive of the Auckland Regional Services Trust and the Chief Executive of NZ Forestry Corporation.



Miriam Dean, QC

Extensive legal experience, appointed Queen's Counsel in 2004. An experienced mediator and arbitrator with strong governance experience.



John Law

Extensive Auckland region local government experience, including seven years as Mayor of Rodney District Council (2001-07).



Wayne Walden

Experienced company director and manager, with extensive governance experience. Former Chair of Maori Television (2003-08). Affiliated to Ngati Kahu and Tai Tokerau.



John Waller

Chartered accountant with change management expertise. Chairman of the Bank of New Zealand and adviser on many successful restructurings.

REPORT



TO Council
 ON 5 November 2009
 FROM Ray Ginnever – Penlink Project Officer
 Peter Vari - Manager: District Planning
 APPROVED BY Warren MacLennan – Assistant Chief Executive
 SIGNATURE

SUBJECT **GENERAL BYLAW 1998:**
GRAND DRIVE OREWA - AMENDMENT TO CHAPTER 25 - PARKING AND TRAFFIC CONTROL AND CHANGE TO DISTRICT PLAN DESIGNATION - HEAVY VEHICLE RESTRICTION
 FILE REF RF/38/1; BC/1/4

PURPOSE OF REPORT:

<input type="checkbox"/> Information only	<input type="checkbox"/> Strategic decision	<input type="checkbox"/> Policy decision	<input checked="" type="checkbox"/> Statutory process
<input type="checkbox"/> Community issue	<input type="checkbox"/> Contract decision	Delegation	<input type="checkbox"/> Appointment
<input type="checkbox"/> Administrative matter			

IMPLICATIONS:

(i)	Is this matter significant in terms of Council's Policy on Significance? No
(ii)	Implications in terms of Vision Rodney? No
(iii)	Implications in terms of Long Term Council Community Plan / Annual Plan? No
(iv)	Implications in terms of other Council Strategic documents or Council Policy? No
(v)	Is a budget amendment required? No, within existing budgetary provisions.
(vi)	Have the views of affected or interested persons been obtained and is any further public consultation required? Yes, a Special Consultative Procedure under the Local Government Act s83 has been completed and notified in conjunction with an Amendment to Designation re ALPURT B2.

(vii)	Does a decision on this matter require Auckland Transitional Authority approval? (yes/no advice being sought?)
	No

FINANCIAL IMPLICATIONS:

Capital cost implications	None
Is it currently budgeted for?	Not applicable
Funding source of capital costs	Not applicable
Ongoing operational cost implications	Regular signage maintenance programme.
Is it currently budgeted for?	Yes, annual maintenance program contracts.
Funding & rating impact (whether resulting from capital expenditure or arising directly)	Covered under current budget provisions.

SUMMARY:

Public consultation under the Resource Management Act (RMA) and the Local Government Act 2002 (LGA) has been completed on the proposed changes to the District Plan Designation and General Bylaw 1998 amending heavy vehicle use on Grand Drive, Orewa.

A joint hearing on both the proposed designation alteration and the bylaw amendment was held in April 2009 in the Council Chambers, Centreway Road, Orewa, conducted by independent commissioners, who issued a binding decision amending the designation and recommending an amendment to Chapter 25 of the General Bylaw 1998 - Parking and Traffic Control.

The appeal period to the Environment Court for the commissioners' decision on the designation lapsed in August 2009 with no appeals to consider. The Council itself voted in June 2009 not to appeal the decision. The decision on the designation must be given effect to without further formality.

The designation amendment permits heavy vehicles to access and use Grand Drive between 7am and 7pm daily and requires that the Council amend Chapter 25 of its General Bylaw 1998 - Parking and Traffic Control (previously chapter 14) to permit such use.

RECOMMENDATION:

- (a) That the amendment of Designation 129 to the Rodney District Operative District Plan 2000 (operative in part) as a result of the commissioners' decision on L54807 be noted.
 - (b) That the Council amend Chapter 25 - Parking and Traffic Control of the Rodney District Council General Bylaw 1998 under clause 20.1 in Schedule 2 in accordance with the recommendation of the Commissioners to read:

Grand Drive, Orewa - between the hours of 7pm to 7am on the following day and throughout the year.
 - (c) That the decisions in (b) become operative the day following the required public notification.
 - (d) That pursuant to clause 156(2) of the Local Government Act 2002, the Council renumber clause 20.1 in Chapter 25 of its General Bylaw 1998 - Parking and Traffic Control, to clause 21.1 and publicly notify the fact that it has made the amendment.
-

1.0 Process to date

The Council notified a requirement for alteration of Designation 129 (L54807) in the Rodney District Plan 2000 (operative in part) to remove the heavy vehicle restriction on Grand Drive, Orewa. A Statement of Proposal to amend Chapter 14 (subsequently amended to Chapter 25) - Parking and Traffic Control of the Rodney District Council General Bylaw 1998 was issued simultaneously. This bylaw amendment was necessary as Chapter 25 is the legal means by which the conditions in the designation are given effect to.

Submissions for both processes closed on Monday, 16 February 2009 and a joint hearing to consider both sets of submissions on the matter was held on 20 and 24 April 2009.

Independent commissioners heard submitters who wished to speak to their submissions on both the designation alteration and the bylaw amendment matters. The commissioners deliberated on the submissions and issued a decision on the designation alteration as required under the RMA.

The commissioners also deliberated on the submissions on the proposed amendment to the bylaw (an LGA matter) as a duly constituted sub-committee of the Council and issued a report with a recommendation to vary the bylaw. The Council can now consider the recommendation of the sub-committee and decide whether to accept, decline or amend its recommendation.

A copy of the commissioner's decision on both rules is attached as **Appendix 1**.

2.0 Issues

2.1 The two issues to note are:

- (a) The RMA provides for the designation to be amended without further formality once the period for appeals has passed and no appeals have been received. Recommendation (a) acknowledges that no further Council action is required.
- (b) Adoption of recommendation (b) formally amends Chapter 25 as a result of the special consultative procedure and the commissioners' recommendation.

2.2 The Council could choose not to amend the bylaw. However, the current bylaw is in conflict with the amended designation so not amending the bylaw leaves it that way.

2.3 The New Zealand Transport Agency (NZTA) is of the view that the designation itself is no longer required as ALPURT B2 has been completed and is open. NZTA considered appealing the commissioners' decision but declined to do so.

2.4 The Area Commander for the New Zealand Police has indicated to the Council that enforcement of any heavy vehicle restrictions on Grand Drive would be a low priority for the Police and that securing convictions for breaches of the bylaw could be problematic.

2.5 If the designation is withdrawn there is no requirement to have a bylaw in place. The Council can remove the current designation at any time by simple resolution. If the designation was to be removed, the existing use rights of those affected by the prior designation remain intact.

2.6 In the case of Grand Drive, the existing use rights would be either the current use restrictions on heavy vehicles or the new heavy vehicle restrictions arising from a bylaw change.

2.7 Leaving the current bylaw in place does not put the Council at financial risk.

2.8 NZTA has revoked the state highway status of the portion of Grand Drive extending from the Orewa Interchange to Maire Road. This means that the full length of Grand Drive from the Orewa Interchange to West Hoe Road is now vested in Council and the Council is the road controlling authority. The amended designation now refers to the whole length of Grand Drive. The current Council bylaw arguably only refers to the section of Grand Drive from West Hoe Road to Maire Road. (A plan showing the roading position is attached as **Appendix 2**.)

2.9 The road and intersection designs and the pavement quality of Maire Road are at or above the accepted standard necessary to accommodate heavy vehicle traffic.

- 2.10 Where either bylaw option is adopted, amended signage on the route will be required. This is estimated to cost approximately \$5,000, including installation, and can be covered under existing signage and network service budget provisions.
- 2.11 A numbering error has become apparent in section 21 of Chapter 25 of the General Bylaw 1998 - Parking and Traffic Control. Clause 20.1 should read 21.1. The opportunity should be taken at the meeting to correct this by resolution.

3.0 Options

The two options are:

- (a) The Council can amend the bylaw as recommended by the commissioners. This means that heavy vehicle access to Grand Drive will be restricted from 7pm to 7am the following day throughout the year, except for heavy vehicles that are delivering goods, services or passengers directly accessible from Grand Drive, which can use the road at any hour of the day.
- (b) The Council can revoke the current amended designation. This means that there is no requirement to have a bylaw in place. As stated in 2.8 above, even if the designation was to be removed, the existing use rights of those affected by the prior designation remain intact.

4.0 Conclusion

Given that prior use rights remain even if the designation is removed and that the designation has been amended by a consultative process, it would be imprudent to ignore the amendment to the designation. For practical purposes, the proposed amendment to the bylaw allows access to Grand Drive for heavy vehicles during the business working day. It is recommended the bylaw be amended as recommended by the commissioners.

APPENDIX 1

APPENDIX 2

REPORT



TO Council
 ON 5 November 2009
 FROM Ellen Barrett – Democracy Services Manager
 APPROVED BY Kevin Ramsay – Director: Corporate Services
 SIGNATURE

SUBJECT MEETING SCHEDULE FOR JANUARY – SEPTEMBER 2010
 FILE REF CF/1/1

PURPOSE OF REPORT:

<input type="checkbox"/> Information only	<input type="checkbox"/> Strategic decision	<input type="checkbox"/> Policy decision	<input type="checkbox"/> Statutory process
<input type="checkbox"/> Community issue	<input type="checkbox"/> Contract decision	<input type="checkbox"/> Delegation	<input type="checkbox"/> Appointment
<input checked="" type="checkbox"/> Administrative matter			

IMPLICATIONS:

(i)	Is this matter significant in terms of Council's Policy on Significance? No
(ii)	Implications in terms of Vision Rodney? No
(iii)	Implications in terms of Long Term Council Community Plan / Annual Plan? No
(iv)	Implications in terms of other Council Strategic documents or Council Policy? No
(v)	Is a budget amendment required? No
(vi)	Have the views of affected or interested persons been obtained and is any further public consultation required? Once approved, the schedule will be made available to interested persons and organisations, as well as being published on the Council's web site.
(vii)	Does a decision on this matter require Auckland Transition Agency approval? (yes / no / advice being sought?) No

FINANCIAL IMPLICATIONS:

Capital cost implications	Not applicable
Is it currently budgeted for?	Not applicable
Funding source of capital costs	Not applicable
Ongoing operational cost implications	Not applicable
Is it currently budgeted for?	Not applicable
Funding and rating impact (whether resulting from capital expenditure or arising directly)	Not applicable

The meeting schedule attached as **Appendix 1** covers the period January to September 2010, with the last meeting for the term being the Council meeting on 30 September. It reflects a continuation of the six-weekly meeting cycle for Council, Strategy and Community and Infrastructure and Environment Committee meetings, the District Plan and Regulatory Committee meeting once each fortnight, and the Resource Consents Hearings Panel meeting on a Monday and Friday as necessary.

Note: Elections for the new Auckland Council are on Saturday 9 October 2010, while the Rodney District Council will be dissolved on 1 November 2010. The meeting schedule has been prepared until the end of September, envisaging that if any further matters require urgent attention, there could be extraordinary meetings.

RECOMMENDATION:

That the meeting schedule for the period January to September 2010, attached as Appendix 1 to the agenda item, be approved.

APPENDIX 1

REPORT



TO Council
ON 5 November 2009
SUBJECT **GENERAL BYLAW 1998:
REVIEW OF CHAPTER 16 – LIQUOR BANS**
FILE REF BC/1/4

The following recommendation is from the Strategy and Community Committee meeting held on Thursday, 22 October 2009:

That it be recommended to the Council:

- (a) That the Liquor Ban Specified Public Places under Section 5.1 Chapter 16 – Liquor Bans Bylaw be amended as follows:
- (i) **The Warkworth Old Cement Works and Wilson Road Warkworth: Inclusion of Section 1 SO 70472 and that the ban apply 24 hours each day throughout the year.**
 - (ii) **Lake Tomarata, Mangawhai: Extension of the liquor ban specified public place over the whole of Atkins Road from its junction with Ocean View Road to the end of the formed road 214 metres from the north western boundary of the Lake public reserve.**
- as set out in 9.17 and 9.18 of the Schedule of Specified Public Places attached as Appendix 3 to the agenda report.
- (b) That the Council confirm the reviewed draft Chapter 16 - Liquor Bans of General Bylaw 1998 attached as Appendix 3 to the agenda report and amended by the Strategy and Community Committee at its meeting on 22 October 2009.
- (c) That Chapter 16 - Liquor Bans become operative on 9 December 2009 following public notification under section 157 of the Local Government Act 2002.

*Note: The bylaw is attached to this report as **Appendix 1**.*

APPENDIX 1

ITEM NO: 17

REPORT



TO Council
ON 5 November 2009
SUBJECT **RODNEY DISTRICT COUNCIL COMMUNITY GRANTS SCHEME 2009**
FILE REF GA/1/1

The following recommendation is from the Community Grants Sub-Committee meeting held on Wednesday, 28 October 2009:

RECOMMENDATION:

That it be recommended to the Council:

That the allocation of funds to those groups and organisations which have made applications for funding through the Rodney District Council Community Grants Scheme for 2009, as determined at the meeting and summarised in Appendices 1, 2, 3, 4 and 5 to the minutes of the meeting, be confirmed.

*Note: **Appendices 1 – 5** from the Sub-Committee meeting minutes are attached to this report.*

APPENDIX 1

APPENDIX 2

APPENDIX 3

APPENDIX 4

APPENDIX 5

REPORT



TO Council
 ON 5 November 2009
 SUBJECT **REPORTS FROM COUNCIL REPRESENTATIVES ON MEETINGS OF REGIONAL COMMITTEES AND OTHER REGIONAL BODIES**
 FILE REF CF/1/1; AI/1/1

PURPOSE OF REPORT:

<input checked="" type="checkbox"/> Information only	<input type="checkbox"/> Strategic decision	<input type="checkbox"/> Policy decision	<input type="checkbox"/> Statutory process
<input type="checkbox"/> Community issue	<input type="checkbox"/> Contract decision	<input type="checkbox"/> Delegation	<input type="checkbox"/> Appointment
<input type="checkbox"/> Administrative matter			

IMPLICATIONS:

(i)	Is this matter significant in terms of Council's Policy on Significance? No
(ii)	Implications in terms of Vision Rodney? No
(iii)	Implications in terms of Long Term Council Community Plan / Annual Plan? No
(iv)	Implications in terms of other Council Strategic documents or Council Policy? No
(v)	Is a budget amendment required? No
(vi)	Have the views of affected or interested persons been obtained and is any further public consultation required? Not applicable
(vii)	Does a decision on this matter require Auckland Transitional Authority approval? (yes / no / advice being sought?) No

FINANCIAL IMPLICATIONS:

Capital cost implications	No
Is it currently budgeted for?	Not applicable
Funding source of capital costs	Not applicable
Ongoing operational cost implications	No
Is it currently budgeted for?	Not applicable
Funding & rating impact (whether resulting from capital expenditure or arising directly)	Not applicable

SUMMARY:

In making appointments to regional committees and other regional bodies it was noted that it would be valuable to provide an opportunity at the six-weekly Council meeting for councillors to report on significant issues and developments from meetings they had attended. Council representatives are:

Regional Sustainable Development Forum – the Mayor and Cr Weld
Auckland Regional Civil Defence Emergency Management Group – the Deputy Mayor
Hauraki Gulf Forum - the Deputy Mayor
Auckland Regional Land Transport Committee – the Mayor
Auckland Transport Plan (ATP) Advisory Group - Cr Delich
Regional Economic Development Forum Territorial Authority Political Network – Cr Parker
Local Authority Electoral College for Auckland War Memorial Museum and MOTAT – the Deputy Mayor
Watercare Shareholders' Representative Group – Cr Weld
Auckland Regional Physical Activities and Sports Strategy Working Party – Cr G Walker
Inter-Council Working Party on Genetic Engineering – Cr Powell
Zone 1, NZ Local Government Association – the Mayor
Rodney Economic Development Trust – Cr Parker.

Councillors who have attended such meetings during the period since the last Council meeting should prepare brief *written* reports which include the *date of the meeting*, the *key points discussed* and the *names of any other Rodney District councillors or staff* who attended. These should be circulated to other councillors prior to or tabled at the meeting.

Note: If any matters to be reported on are of a confidential nature, the councillor should recommend that the public be excluded – prior advice can be sought from the Executive Manager or Democracy Services Manager.

RECOMMENDATION:

That the reports from Council representatives provided at the meeting be received.

REPORT



TO Council
 ON 5 November 2009
 FROM Ian Dobson – Manager: Resource Consents
 APPROVED BY Lloyd Barton – Director: Customer Service
 SIGNATURE

SUBJECT **REQUEST BY PROGRESSIVE ENTERPRISES LTD FOR THE PUBLIC NOTIFICATION AND DIRECT REFERRAL TO THE ENVIRONMENT COURT OF AN APPLICATION TO CONSTRUCT A SUPERMARKET, FIVE RETAIL SHOPS, ASSOCIATED CAR PARKING AND EARTHWORKS AT 20-26 NEVILLE STREET AND 3-7 MILL LANE, WARKWORTH**

FILE REF L55743; TP/1/10

PURPOSE OF REPORT:

<input type="checkbox"/> Information only	<input type="checkbox"/> Strategic decision	<input type="checkbox"/> Policy decision	<input checked="" type="checkbox"/> Statutory process
<input type="checkbox"/> Community issue	<input type="checkbox"/> Contract decision	<input type="checkbox"/> Delegation	<input type="checkbox"/> Appointment
<input type="checkbox"/> Administrative matter			

IMPLICATIONS:

(i)	Is this matter significant in terms of Council's Policy on Significance? No
(ii)	Implications in terms of Vision Rodney? No
(iii)	Implications in terms of Long Term Council Community Plan / Annual Plan? No
(iv)	Implications in terms of other Council Strategic documents or Council Policy? No
(v)	Is a budget amendment required? No
(vi)	Have the views of affected or interested persons been obtained and is any further public consultation required? Yes

(vii)	Does a decision on this matter require Auckland Transition Agency approval? (yes / no / advice being sought?)
	No

FINANCIAL IMPLICATIONS:

Capital cost implications	Nil
Is it currently budgeted for?	Yes
Funding source of capital costs	Not applicable
Ongoing operational cost implications	Not applicable
Is it currently budgeted for?	Yes
Funding and rating impact (whether resulting from capital expenditure or arising directly)	Not applicable

SUMMARY:

Progressive Enterprises has lodged an application with the Council for the construction of a supermarket, five speciality retail shops, associated car parking and earthworks at 20-26 Neville Street and 3-7 Mill Lane, Warkworth.

The application has been lodged with a request that it proceed on a publicly notified basis and that, having proceeded to notify the application, the Council refer consideration of the proposal directly to the Environment Court, in accordance with s87 of the Resource Management (Simplifying and Streamlining) Amendment Act 2009.

RECOMMENDATION:

- (a) That pursuant to s94(c) of the Resource Management Act 1991, the application for construction of a supermarket, five speciality retail shops, associated car parking and earthworks at 20-26 Neville Street and 3-7 Mill Lane, Warkworth, be publicly notified as requested by the applicant.
- (b) That following the public notification of the application and pursuant to s87(e) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009, the application be determined by the Environment Court and not Rodney District Council.

1.0 Background

Sections 87(c) to 87(l) of the Resource Management Act (RMA) (Simplifying and Streamlining) Amendment Act 2009 allow applicants to make a request to the Council for resource consent applications to be decided by the Environment Court instead of by the Council. This process is known as Direct Referral and applies to notified applications only.

Progressive Enterprises has lodged an application with Rodney District Council seeking resource consent for the construction of a retail development at 20-26 Neville Street and 3-7 Mill Lane, Warkworth. It has been requested that the application be publicly notified and referred directly to the Environment Court under the provisions of the new RMA (Simplifying and Streamlining) Amendment Act.

2.0 Issues

When a request is made to refer a notified application to the Environment Court, the Council may agree or decline the request. If a request is declined, the Council must give its reason and notify the applicant of its decision. The applicant then has a right of objection to this decision.

However, should the Consent Authority agree to the referral, it must continue to process the application and prepare a report on the assessment of the proposal, to be sent to the applicant and all submitters. The applicant, should it wish to proceed with the referral, must then lodge a notice of motion with the Environment Court. Of course, if the Council notifies the application and there are no submitters, the applicant can decide not to lodge the notice of motion with the Court, in which case the application falls to be determined by the Consent Authority again.

The application to construct a new supermarket within Warkworth has already generated much public debate. On that basis, should an application be notified, the Council could reasonably expect a number of submissions and, potentially, an appeal to the Environment Court. Having regard to the key aims of the new RMA (Simplifying and Streamlining) Amendment Act to improve the efficiency in which applications are considered, it would seem prudent to refer consideration of this proposal directly to the Environment Court. The amendment to the Act, which specifically enables applications such as this to be referred directly to the Court, is intended to reduce duplication of process, costs and time delays as a result of applications going through a council hearing process and then being heard again in the Environment Court. Thus, a direct referral would enable all interested parties to debate the application before the Court without the usual time delays and costs associated with first proceeding through a council hearing process.

3.0 Options

The Council has the following two options before it at this time:

1. Agree to the public notification and direct referral of the application to the Environment Court where the applicant, the Council and all submitters can be heard either in support or opposition to the application. The Court will then make the final decision relating to the proposal.
2. Decline to refer the application to the Environment Court, which then enables the applicant to object to this decision under the provisions of s357A(1)(e).

4.0 Conclusion

As stated earlier in this report, the RMA (Simplifying and Streamlining) Amendment Act 2009 introduced specific provisions to increase the speed and efficiency of potentially controversial applications by allowing them to be referred directly to the Environment Court for determination. Having regard to the nature of the current proposal and the interest likely to be generated from potentially affected parties, it is considered appropriate for the Council to notify the application, dispense with a Council hearing into the merits or otherwise of the proposal, and defer to consideration of the application by the Environment Court.

SUBJECT PUBLIC EXCLUDED**Recommendation:**

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

Agenda Item No(s) 21, 22, 23, 24, 25, 26, 27 and 28

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	Grounds under section 48(1) for the passing of this resolution
Grant for Financial Assistance	The disclosure of information would not be in the public interest because of the greater need to protect the privacy of natural persons, including that of deceased natural persons (section 7(2)(a) Local Government Official Information and Meetings Act 1987).	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 for which good reason for withholding would exist, under section 6 or section 7 (except section 7(2)(f)(i) of the Act). (section 48(1)(a) Local Government Official Information and Meetings Act 1987.)
Postponed Rates	The disclosure of information would not be in the public interest because of the greater need to protect the privacy of natural persons, including that of deceased natural persons (section 7(2)(a) Local Government Official Information and Meetings Act 1987).	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 for which good reason for withholding would exist, under section 6 or section 7 (except section 7(2)(f)(i) of the Act). (section 48(1)(a) Local Government Official Information and Meetings Act 1987.)
Debt Write Off	The disclosure of information would not be in the public interest because of the greater need to enable the council to carry out, without prejudice or disadvantage, commercial activities (section 7(2)(h) Local Government Official Information and Meetings Act 1987).	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 for which good reason for withholding would exist, under section 6 or section 7 (except section 7(2)(f)(i) of the Act). (section 48(1)(a) Local Government Official Information and Meetings Act 1987.)
Update of Financial Position	The disclosure of information would not be in the public interest because of the greater need to protect the privacy of natural persons, including that of deceased natural persons (section 7(2)(a) Local Government Official Information and Meetings Act 1987).	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 for which good reason for withholding would exist, under section 6 or section 7 (except section 7(2)(f)(i) of the Act). (section 48(1)(a) Local Government Official Information and Meetings Act 1987.)

Possible Appeal	Refer grounds	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 deliberate in private on its decision or recommendation in any proceedings before it where: (i) a right of appeal lies to any court or tribunal against the final decision of the Local Authority in those proceedings; or (ii) the Local Authority is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings. (section 48(1)(d) Local Government Official Information and Meetings Act 1987.)
Resolution of Appeals	Refer grounds	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 deliberate in private on its decision or recommendation in any proceedings before it where: (i) a right of appeal lies to any court or tribunal against the final decision of the Local Authority in those proceedings; or (ii) the Local Authority is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings. (section 48(1)(d) Local Government Official Information and Meetings Act 1987.)
Possible Property Sale	The disclosure of information would not be in the public interest because of the greater need to enable the council to carry out, without prejudice or disadvantage, commercial activities (section 7(2)(h) Local Government Official Information and Meetings Act 1987).	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 for which good reason for withholding would exist, under section 6 or section 7 (except section 7(2)(f)(i) of the Act). (section 48(1)(a) Local Government Official Information and Meetings Act 1987.)
Possible Property Sale	The disclosure of information would not be in the public interest because of the greater need to enable the council to carry out, without prejudice or disadvantage, commercial activities (section 7(2)(h) Local Government Official Information and Meetings Act 1987).	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 for which good reason for withholding would exist, under section 6 or section 7 (except section 7(2)(f)(i) of the Act). (section 48(1)(a) Local Government Official Information and Meetings Act 1987.)

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