

ORDINARY AGENDA

COUNCIL

DATE: Wednesday, 24 June 2009

TIME: 9.15 am

VENUE: Council Chambers
Matamata-Piako District Council
35 Kenrick Street
TE AROHA

MEMBERSHIP – Quorum (6)

Members:

Mayor G W H Vercoe QSM, ED, JP
Cr J E Barnes
Cr S D Gillard JP
Cr C L Greenville JP
Cr M L Gribble
Cr J W Harris
Cr P M Jager
Cr T J M Johnston JP
Cr R J McGrail
Cr G R Stanley
Cr M P Steffert
Cr L M Tisch

Information and recommendations are included in the reports to assist Council in the decision making process and may not constitute Council's decision until considered by Council.

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1 MEETING OPENING**2 PRESENT****MEMBERS PRESENT****OFFICERS PRESENT****IN ATTENDANCE****3 APOLOGIES****MEMBERS APOLOGIES****4 NOTIFICATION OF URGENT BUSINESS**

Pursuant to clause 3.7.5 and 3.7.6 of the Standing Orders NZS 9202:2003 and Section 46A (7) of the Local Government Official Information and Meetings Act 1987, the Chairman to enquire from members whether there are any additional items for consideration which qualify as extraordinary or urgent additional business.

5 OFFICER REPORTS

5.1 CHIEF EXECUTIVE

5.1.1 OUR COMMUNITY OUR FUTURE 2009 – 2019

(LONG TERM COUNCIL COMMUNITY PLAN)

File No: SUPP 163710

Responsible Officer: D McLeod
Chief Executive Officer

Author: P Rolfe
Community Development Manager

EXECUTIVE SUMMARY

The community plan “Our Community Our Future 2009-2019” has been audited by Audit New Zealand and been through the second phase of a “hot review” by an independent team of experts in Wellington after changes were made upon the consultation process and Council decisions received to submissions.

Some changes have occurred as a result of Councils decisions but fundamentally these have not changed the bottom line of the rates increase. Council will obtain a clear Audit Opinion from the Auditor-General.

Council is now required to adopt the community plan for it to become effective as from 1 July 2009.

The community plan has been provided on disc and some copies will be available at the meeting.

In conjunction with this approval Council must balance the budget as required by section 100 of the Local Government Act 2002.

BACKGROUND

Council has worked through a number of strategies and projects over the last three years and as a result activity plans and business plans for our business have been developed for the next ten years, with an emphasis on the next three years.

The activity plans for each activity identified within the community plan have been adopted by Council and provide the basis for this plan. These will provide a tool for the on-going planning of these activities.

As a result of the Councils decisions to the submissions received the following amendments have been included within the plan:

- Update of “Forward” to identify the key decisions Council has made as a result of submissions
- Updated wording in “Decisions for the Future” and “What’s New” to identify Councils final decisions
- Addition of Appendix 4 Rates examples for urban and rural properties

- Alteration to budgets and financial statements to identify changes

STATUTORY ISSUES

This development of the community plan is to meet Councils responsibilities under the Local Government Act 2002 and as indicated through the Audit Opinion Council has met its requirements.

POLICY AND BYLAW ISSUES

The outcome of this process will result in new policy and bylaws.

COMMUNICATION AND CONSULTATION ISSUES

Upon the community plan being adopted it will become available to the public for use.

FINANCIAL IMPLICATIONS

Balancing the budget

Council must ensure that operating revenues are sufficient to cover operating expenses for each year of the plan. In other words, Council must balance the budget.

Council may make an exception if is satisfied that it is prudent after considering the impact on:

- the desired level of service
- the costs and revenues needed to maintain the capacity and integrity of assets throughout their useful lives
- how these costs will be equitably funded over the life of assets
- Council's funding and financial policies.

The financial statements indicate that surpluses will occur for all but 2 years of the plan (2016/2017 and 2017/2018).

There are a number of activities where Council has planned for operational deficits. These are listed below.

Short-term deficits – In previous long term plans Council has used a strategy to phase in large rate increases by running short-term deficits. The deficits are recovered in later years.

In 2006 Council faced significant cost increases for water and wastewater to meet resource consent requirements and drinking water standards.

Council decided to absorb the impact of these changes by increasing utility rates by a set amount (\$82.00) over a 5 year period. Council projected operational deficits in the first 3 years, which would be offset by surpluses in years 4 and 5.

Council is in year 4 of this strategy.

The expenses for utilities (refuse collection, stormwater, wastewater and water) have risen above the level projected in the 2006 plan.

Council will retain the fixed sum increase (\$82.00) but must extend the timeframe as indicated in the following table:

(\$ 000)	2010	2011	2012	2013	2014	2015
2009 \$	(231)	(183)	211	466		
Incorporating the impact of Inflation	(231)	(365)	(255)	156	571	384

This strategy does not impact on the levels of service for these activities or the service capacity and integrity of the assets.

The strategy achieves Council's objective to avoid extraordinarily large rate increases in any one year.

Self-funding activities - Housing

Council's Revenue and Financing Policy provides that the Housing activity will be fully self funded from rental or maintenance charges.

Any surplus or deficit held against the activities and recovered/or used in future years.

Council can reduce costs or increase charges to ensure the balance does not become un-manageable. Council reviews the financial position and rental/charges with tenants and owners annually.

The projected annual deficit is in the following table:

Housing	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Annual Deficit	116,564	87,206	78,288	61,341	42,995	55,779	39,787	25,605	43,728	34,632

Halls

Rural Halls operate on the basis that funding is provided from the local communities through targeted rates or hall hire revenue.

The Halls were built by these communities from locally raised funds.

Council is comfortable allowing those communities to decide if the halls are to be maintained and/or replaced in the future.

For this reason Council has decided that it will not fund depreciation for halls. The table below lists the resulting annual deficit for Halls:

Halls	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Annual Deficit	210,793	210,627	210,300	215,771	215,542	214,703	235,908	235,653	234,916	255,943

Using Current Surplus to Offset Future Deficits – Council has reviewed its Development Contributions policy and has identified projects undertaken in the last 3 years with growth components. These have been included in the policy and we can recover the growth portion through development contribution levies. The projects have been loan funded with repayments funded from rates.

Council estimates that in 2009 it can recognise income of \$1.9 million of development contribution levies currently held as liabilities.

This one-off windfall will be used to reduce the rates impact of the borrowing.

The following table quantifies the annual value of this strategy.

(\$ 000)	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Drainage	110	110	72	72	72	72	72	80	80	80
Waste Water	145	145	95	95	95	95	95	105	105	105
Water	54	54	35	35	35	35	35	39	39	39
Total	309	309	203	203	203	203	203	223	223	223

This strategy does not impact on the levels of service for these activities or the service capacity and integrity of the assets.

Council achieves a more equitable allocation of funding as the cost of capital for growth projects is funded from development. Ratepayers have historically met this cost.

OFFICER RECOMMENDATION

That:

1. Council approve the Long Term Council Community Plan, which includes all the decisions following the consultation process.
2. Council receives the audit opinion from Audit New Zealand.
3. Pursuant to section 93 of the Local Government Act 2002, the 2009-2019 Long Term Council Community Plan and the Audit Opinion be adopted.
4. Pursuant to section 102 of the Local Government Act 2002 Council adopts its revenue and financing policy, liability management policy, investment policy, development contributions policy, partnerships and the private sector policy, and rates remissions policy.
5. Council in accordance with Section 100 of the Local Government Act 2002, resolve that the operating revenues projected in Our Community Our Future 2009 -2019 (Long Term Council Community Plan) be set at a level that does not meet the operating expenses for the following activities:
 - Housing
 - Halls
 - Parks & Reserves
 - Other reserve funded activities

5.1.2 ADOPTION OF AMENDMENT TO THE PUBLIC SAFETY BYLAW - LIQUOR BAN

File No: RMR340401
Attachments: [Final Schedule 4.doc](#)
Responsible Officer: D McLeod
Chief Executive Officer
Author: H Helleur
Policy Planner

EXECUTIVE SUMMARY

It has been indicated that there is an increasing need for liquor bans within the Matamata-Piako District. Liquor bans can be implemented by Council through an amendment to the existing Public Safety Bylaw 2008 by scheduling specific areas and times prohibiting the possession and consumption of alcohol.

After public consultation Council has decided liquor bans are to be implemented within the 50km speed zones and some 70 km zones of Matamata, Morrinsville, Te Aroha and Waharoa, at all times, 24 hours a day, seven days a week. A final copy of the amended schedule is attached.

BACKGROUND

Late last year Council met with members of the Police, District Health Board and local iwi to discuss the benefits of imposing liquor bans across various parts of the district.

Council has previously agreed that a bylaw is the most appropriate mechanism to deal with the control of liquor in public places. A bylaw provides the Police with an effective way to address the negative effects associated with the consumption of liquor in public places, without impacting on law abiding citizens. The amendment to Schedule Four of the Public Safety Bylaw was then released for public consultation as part of the submission process and hearing for the 2009-19 LTCCP.

ISSUES

Council received nine submissions in support of the liquor ban and seven in opposition. After reviewing the submissions Council decided that the following note is to be added to the schedule for clarification:

"This bylaw is introduced pursuant to the specific empowering provisions of the Local Government Act 2002 that provide for bylaws for liquor control purposes. This bylaw does not repeat or paraphrase those statutory provisions, and accordingly those provisions should be read in conjunction with this bylaw. In particular, the following provisions are noted:

- *Section 147 empowers the Council to make this bylaw. It also defines 'liquor' and 'public place'. In addition, s147 (3) sets out a number of specific*

exemptions when the bylaw will not apply with respect to the transportation of unopened bottles or containers.

- *Section 169 provides the Police with powers of search and seizure, without warrant, to enforce the bylaw. The Police are responsible for enforcing the bylaw.*
- *Section 170 sets out certain conditions imposed on the Police powers of search under s169 such as informing the person in possession of liquor they have the opportunity to remove it from the public place.*

This bylaw has no effect on any other Police powers of search, seizure and arrest or any other statutory offences.

In addition Council requires the monitoring of this bylaw to be undertaken by the police and the reporting of this to Council on an annual basis.”

STATUTORY ISSUES

The amendment has been through the following process as required by the Local Government Act 2002:

- 1 Council approval under Section 155(1) of the LGA 2002 that a bylaw is the best mechanism to deal with the issue
- 2 Council approval under s155(2) of the LGA 2002 that the amendment to the Public Safety Bylaw was the most appropriate form of form of bylaw and not in conflict with any aspect of the New Zealand Bill of Rights Act 1990
- 3 Released for public consultation using the Special Consultative Procedure as required under s156(1) of the LGA 2002

The final step in this process is for Council to adopt the amendment to the Public Safety Bylaw, bringing the liquor bans into force on the 1 July 2009.

POLICY AND BYLAW ISSUES

The outcome of this process may result in an amendment to an existing bylaw.

OFFICER RECOMMENDATION

That:

- 1. the amendment to Schedule Four of the Public Safety Bylaw be adopted**
- 2. the amendment become operative on the 1 July 2009, bringing liquor bans into force within the 50km speed zone and some 70km zones of Matamata, Morrinsville, Te Aroha and Waharoa, 24 hours a day, seven days a week.**

5.1.3 ADOPTION OF STORMWATER MANAGEMENT BYLAW

File No: RMR340401
Attachments: [Final SW Bylaw.doc](#)
Responsible Officer: D McLeod
Chief Executive Officer
Author: H Helleur
Policy Planner

EXECUTIVE SUMMARY

The Stormwater Management Bylaw intends to manage stormwater within the urban and rural areas of the district, protecting people, property and the environment by minimising the impact of flooding, erosion and environmental pollution. The bylaw will be in addition to controls already in place on stormwater management, such as resource consent conditions, regulations and Acts.

After public consultation Council has decided to implement the Stormwater Management Bylaw with some amendments. A final copy of the bylaw is attached.

BACKGROUND

For many years there have been concerns over stormwater issues in the district, particularly in Matamata which were brought to a head as a result of a storm in April 2008.

The district's growth and environmental factors such as soil type have put pressure on the public stormwater network. There is no spare capacity in the stormwater system throughout some of the district and especially throughout Matamata and in some of Morrinsville.

In October 2008 Harrison Grierson Consultants were commissioned to prepare a report on a stormwater strategy for Matamata. The Harrison Grierson report set out various options and made comprehensive recommendations for future actions. One specific recommendation was for Council to adopt a Stormwater Management Bylaw.

Council agreed that a Stormwater Management Bylaw was the most appropriate way to deal with the district's stormwater issues, and a working party consisting of Councillors and staff was established. The Stormwater Management Bylaw was then released for public consultation as part of the submission process and hearing for the 2009-19 LTCCP.

ISSUES

Two submissions were received during public consultation and these have now been discussed with the submitters, and the following amendments made.

Federated Farmers suggested an amendment to the definition of stormwater to exclude precipitation on to pervious surfaces. They also had concerns about the wording of clause 6.1c.

Barr & Harris submitted numerous amendments and clarifications but these have been reduced in discussions.

It is recommended that the following changes be made to meet the concerns expressed:

- Change definition of Public Stormwater system to "means any stormwater system provided and maintained by Council"
- Change Clause 3.1a to read "In general all stormwater generated by developments within a premises boundary shall be disposed of on that site"
- Change Clause 3.6 by deleting "and private"
- Change Clause 5.3 by changing heading to read "Building Over Public Stormwater Drains"
- Change Clause 5.3 d)i by inserting "Professional" between "Chartered" and "Engineer"
- Change Clause 6.1 to read "Obstruct any overland flow paths or flood plains with any material or structures such as buildings, solid or panel fences, retaining walls and rock gardens without the prior permission of Council."

STATUTORY ISSUES

The bylaw has been through the following process as required by the Local Government Act 2002:

- 4 Council approval under Section 155(1) of the LGA 2002 that a bylaw is the best mechanism to deal with the issue
- 5 Council approval under s155(2) of the LGA 2002 that the Stormwater Management Bylaw was the most appropriate form of form of bylaw and not in conflict with any aspect of the New Zealand Bill of Rights Act 1990
- 6 Released for public consultation using the Special Consultative Procedure as required under s156(1) of the LGA 2002

The final step in this process is for Council to adopt the Stormwater Management Bylaw bringing it into force on the 1 July 2009.

POLICY AND BYLAW ISSUES

The outcome of this process may result in a new bylaw.

OFFICER RECOMMENDATION

That:

- 1. the Stormwater Management Bylaw be adopted**
- 2. the bylaw become operative on the 1 July 2009**

5.2 COMMUNITY AND SUPPORT**5.2.1 SETTING OF RATES -2009-2010**

File No: SUP562801
Responsible Officer: M Te Wiata
 Community and Support Services Manager
Author: D Anglesey
 Finance & Business Services Manager

EXECUTIVE SUMMARY

Council has adopted the Long Term Council Community Plan (LTCCP) and can now, in accordance with Section 23 of the Local Government (Rating) Act 2002, set the rates for the 2009-2010 year.

POLICY AND BYLAW ISSUES

There are no policy issues.

SIGNIFICANCE POLICY

This issue is not considered significant in terms of Council's Significance Policy.

OFFICER RECOMMENDATION

That the Matamata-Piako District Council hereby resolves that the following rates be set under the Local Government (Rating) Act 2002, for the financial year commencing on 01 July 2009 and ending on 30 June 2010.

The rates shown below are inclusive of twelve and a half percent (12.5%) Goods and Services Tax.

The Revenue sought shown below is exclusive of Goods and Services Tax.

	Revenue Sought '000s
(A) General Rate	
A general rate set under Section 13 of the Local Government (Rating) Act 2002 and made on all rateable land in the Matamata-Piako District, at .001407 cents in the dollar of capital value, for the purposes of funding activities as identified in Councils Annual Plan.	\$11,375
(B) Uniform Annual General Charge	
A uniform annual general charge set under Section 15 of the Local Government (Rating) Act 2002 and made on all rateable land in the Matamata-Piako District, being three hundred and eighty four dollars and seventy one cents	\$4,567

(\$384.71) per rating unit, for the purposes of funding activities as identified in Councils Annual Plan.

(C) Community Board Targeted Rates

Uniform targeted rates for each Community Board set under Section 16 of the Local Government (Rating) Act 2002 to fund Community Board expenditure as identified in Councils Annual Plan, as follows:

- (i) A targeted rate of twenty two dollars and four cents (\$22.04) per rating unit on every rating unit in the Morrinsville ward. \$93**
- (ii) A targeted rate of twenty dollars and forty seven cents (\$20.47) per rating unit on every rating unit in the Matamata ward. \$96**
- (iii) A targeted rate of thirty one dollars and eighty one cents (\$31.81) per rating unit on every rating unit in the Te Aroha ward. \$93**

(D) Water Supply Targeted Rates (not metered)

A differential targeted rate for Water Supply under Section 16 of the Local Government (Rating) Act 2002 to fund expenditure on water activities as identified in Councils Annual Plan:

- (i) Of two hundred and eighty six dollars and fifty four cents (\$286.54) in respect of each separately used or inhabited portion of a rating unit where that rating unit is connected and supplied; and \$2,389**
- (ii) Of one hundred and forty three dollars and twenty seven cents (\$143.27) in respect of each separately used or inhabited portion of a rating unit which is capable of being serviced, where the rating unit has not been connected to the supply. \$48**

(E) Water Supply Targeted Rates (metered)

Targeted rates for Water Supply under Section 19 of the Local Government (Rating) Act 2002 to fund expenditure on water activities as identified in Councils Annual Plan, as follows:

- (i) A targeted rate for metered water supply of seventy six cents (\$0.76) per cubic metre of water consumed, with a threshold before the charge applies of the first 82 cubic metres of**

water consumed per quarter, district wide, except for the Te Aroha West supply, Braeside Aquaria, and Inghams supply.

- (ii) A targeted rate for metered water supply of fifty four cents (\$0.54) per cubic metre of water consumed, with a threshold before the charge applies of the first 82 cubic metres of water consumed per quarter, in respect of the Te Aroha West supply.
- (iii) A targeted rate for metered water supply of forty cents (\$0.40) per cubic metre of water consumed, with a threshold before the charge applies of the first 82 cubic metres of water consumed per quarter, in respect of Braeside Aquaria.
- (iv) A targeted rate for metered water supply of forty two cents (\$0.42) per cubic metre of water consumed, with a threshold before the charge applies of the first 82 cubic metres of water consumed per quarter, in respect of the Matamata farm properties containing the Matamata water main.
- (v) A targeted rate for metered water supply of thirty five cents (\$0.35) per cubic metre of water consumed, with a threshold before the charge applies of the first 82 cubic metres of water consumed per quarter, in respect of the Inghams supply.

(F) Wastewater Disposal Targeted Rates

Differential targeted rate for Waste Water disposal under Section 16 of the Local Government (Rating) Act 2002 to fund expenditure on waste water disposal activities as identified in Councils Annual Plan:

- (i) Of four hundred and seventy two dollars and eighty eight cents (\$472.88) in respect of each rating unit connected to the service. **\$3,417**
- (ii) Of two hundred and thirty six dollars and forty four cents (\$236.44) in respect of each rating unit which is capable of being serviced but has not been connected. **\$68**

(G) Stormwater Drainage Targeted Rates

A targeted rate for Storm Water Drainage Disposal under Section 16 of the Local Government (Rating) Act 2002 to fund expenditure on storm water disposal activities as

identified in Councils Annual Plan:

- (i) Of one hundred and thirty dollars and twenty four cents (\$130.24) per rating unit in the townships of Morrinsville, Matamata and Te Aroha. **\$992**

(H) Waste Management Targeted Rates

A targeted rate for Waste Management under Section 16 of the Local Government (Rating) Act 2002 to fund expenditure on waste management activities as identified in Councils Annual Plan:

- (i) Of one hundred and eighty one dollars and two cents (\$181.02) in respect of each separately used or inhabited portion of a rating unit to which the service is provided or available. **\$1,441**

(I) Rural Halls

Targeted rates for Rural Halls under Section 16 of the Local Government (Rating) Act 2002 to fund expenditure on rural halls as identified in Councils Annual Plan, as follows:

Tauhei Hall: a targeted rate of 0.0067 cents per dollar on the land value of all rating units within the Tauhei Hall rating area. \$3.9

Hoe-O-Tainui Hall: a targeted rate of 0.0029 cents per dollar on the land value of all rating units within the Hoe-O-Tainui Hall rating area. \$2.8

Springdale Hall: a targeted rate of 0.0017 cents per dollar on the land value of all rating units within the Springdale Hall rating area. \$2.6

Kiwitahi Hall: a targeted rate of 0.0010 cents per dollar on the land value of all rating units within the Kiwitahi Hall rating area. \$1.8

Patetonga Hall: a targeted rate of 0.003 cents per dollar on the land value of all rating units within the Patetonga Hall rating area. \$3.5

Wardville hall: a targeted rate of 0.0012 cents per dollar on the land value of all rating units within the Wardville hall rating area. \$1.5

Tahuna Hall: a targeted rate of \$33.00 per rating unit on all rating units within the Tahuna Hall \$5.0

rating area

Mangateparu Hall: a targeted rate of \$22.20 per rating unit on all rating units within the Mangateparu Hall rating area. \$3.3

Tirohia Hall: a targeted rate of \$12.00 per rating unit on all rating units within the Tirohia Hall rating area. \$0.1

Kereone Hall: a targeted rate of \$40.00 per rating unit on all rating units within the Kereone Hall rating area. \$4.4

Tatuanui Hall: a targeted rate of \$60.00 per rating unit on all rating units within the Tatuanui Hall rating area. \$5.3

Okauia Hall: a targeted rate of \$0.0016 cents per dollar on the capital value of all rating units within the Okauia Hall rating area. \$2.1

Taihoa Hall: a targeted rate of \$0.0024 cents per dollar on the capital value of all rating units within the Taihoa Hall rating area. \$2.8

Hinuera Hall: a targeted rate of \$0.0015 cents per dollar on the capital value of all rating units within the Hinuera Hall rating area. \$4.3

Piarere Hall: a targeted rate of \$0.0017 cents per dollar on the capital value of all rating units within the Piarere Hall rating area. \$1.6

Peria Hills Hall: a targeted rate of \$0.0011 cents per dollar on the capital value of all rating units within the Peria Hills Hall rating area. \$1.7

Mangaiti Hall: a targeted rate of \$12.00 on every separately inhabited part (dwelling) of all rating units within the Mangaiti Hall rating area. \$0.8

Waharoa Hall: a targeted rate of \$10.00 on every separately inhabited part (dwelling) of all rating units within the Waharoa Hall rating area. \$2.6

Waitoa Hall: a targeted rate of \$25.00 on every separately inhabited part (dwelling) of all rating units within the Waitoa Hall rating area. \$4.6

Waihou Hall: a targeted rate of \$11.50 on every separately inhabited part (dwelling) of all rating units within the Waihou Hall rating area. \$2.5

units within the Waihou Hall rating area.

**Elstow Hall: a targeted rate of \$21.00 on every \$3.5
separately inhabited part (dwelling) of all rating
units within the Elstow Hall rating area.**

**Manawaru Hall: a targeted rate of \$25.00 on
every separately inhabited part (dwelling) of all
rating units within the Manawaru Hall rating \$4.3
area.**

**Walton Hall: a targeted rate of \$63.00 on per \$13.9
rating unit on all rating units within the Walton
Hall rating area.**

(J) Due Dates for Payment of Rates

That all rates, except water by meter rates, will be payable in four instalments on the following dates (or where this is a non business day, the next business day)

First instalment	15 August 2009
Second instalment	15 November 2009
Third instalment	15 February 2010
Fourth instalment	15 May 2010

That water by meter rates will be payable on the following dates (or where this is a non business day, the next business day)

(i) Ratepayers on Quarterly Billing Cycle

Quarter ending 30 September 2009	25 October 2009
Quarter ending 31 December 2009	25 January 2009
Quarter ending 31 March 2010	25 April 2010
Quarter ending 30 June 2010	25 July 2010

(ii) Ratepayers on Monthly Billing Cycle

The 25th of the month following end month billing date.

(K) Penalties (applicable to all rates, except water by meter)

That a ten percent (10%) penalty Pursuant to Sections 57 and 58 of the Local Government (Rating) Act 2002 be added to any amount of rates instalment unpaid at the close of business, being 5:00 p.m. on the dates prescribed below or the next business day as the case may be:

First instalment	25 August 2009
Second instalment	25 November 2009
Third instalment	25 February 2010
Fourth instalment	25 May 2010

and that the Community and Support Services Manager and the Finance Manager be delegated authority to apply the penalty.

- 6 URGENT ADDITIONAL BUSINESS**
- 7 EXCLUSION FROM THE PUBLIC**
- 8 CLOSURE**