

MINUTES OF KAITAKE COMMUNITY BOARD

FILE REFERENCE: ECM 7335559
MEETING DATE: Monday 30 January 2017 at 4.30pm.
VENUE: NPOB Surf Club, Oakura
MEMBERS PRESENT: Mr Doug Hislop (Chair), Mr Graham Chard, Mr Paul Coxhead, Mr Mike Pillette and Cr Roy Weaver

STAFF IN ATTENDANCE: Mr David Langford, Mr Peter Scantlebury, Mr Richard Mowforth, Ms Julie Straka and Mrs Jayne Beer

NON-MEMBERS PRESENT: Councillors Murray Chong, John McLeod, Shaun Biesiek, Richard Jordan and Mike Merrick

MATTERS FINALLY DETERMINED BY THE KAITAKE COMMUNITY BOARD UNDER DELEGATED AUTHORITY AND REFERRED TO THE COUNCIL FOR INFORMATION AND RECORD

1. Confirmation of Minutes of Previous Meeting

File Reference:

Moved: Paul Coxhead)

Seconded: Mike Pillette)

Resolved:

That the minutes of the Kaitake Community Board meeting dated 14 November 2016 and the proceedings of the said meeting, as previously circulated, be taken as read and confirmed as a true and accurate record.

2. Kaitake Community Board – Request for Changes to Annual Plan 2017/18

File Reference: ECM7329158

This report advises the Council of the Kaitake Community Board's (the Board) request for changes to the Annual Plan 2017/18. The changes are considered to be of importance to the Kaitake community, and as such the Board would like them to be included for consideration as part of the Annual Plan for 2017/18.

Resolved:

Moved: Graham Chard)

Seconded: Mike Pillette)

That, having considered all matters raised in the report, the Kaitake Community Board's requested changes be included for consideration as part of the Annual Plan 2017/18.

Cr Roy Weaver took no part in discussions or voting on the above matter.

ITEMS FOR FINAL DETERMINATION BY THE COUNCIL

3. **Schedule of Fees and Charges for 2017-18**

File Reference: ECM7311801

The matter for consideration by the Council is the adoption of the part Schedule of Fees and Charges for the 2017-18 financial year and the adoption of a statement of proposal for special consultative procedure on the remaining fees and charges relating to the proposed changes to trade waste and solid waste fees and charges.

Recommendation:

Moved: Paul Coxhead)

Seconded: Doug Hislop)

That having considered all matters raised in the report the Council:

- a) Adopt the part schedule of fees and charges for the 2017/18 financial year.
- b) Adopt the Statement of Proposal for Special Consultative Procedure on the proposed trade waste and solid waste fees and charges.
- c) Note that the submissions received on the Special Consultative Procedure will be assessed and reported to Council at a later date with a recommendation for the adoption of the fees and charges for trade waste and solid waste to complete the schedule of fees and charges for the 2017/18 financial year.

4. **Adoption Of Local Governance Statement 2016-2019**

File Reference: ECM7293516

The purpose of this report is to present the Local Governance Statement 2016-2019 for adoption.

Recommendation:

Moved: Doug Hislop)

Seconded: Graham Chard)

That, having considered all matters raised in the report the Local Governance Statement 2016-2019 be adopted and released.

5. Stopping and Sale Of Unformed Legal Road Frontage Parcels – 73 and 77-79 Messenger Terrace Oakura

File Reference: ID 4700, ID 4702, ECM 7305433

The matter for consideration by the Council is a decision on the stopping and sale at a combined market value purchase price of \$92,500 (including GST if any) of surplus unformed legal road frontage, to the two property owners situated at 73 and 77-79 Messenger Terrace, Oakura Township.

Recommendation:

Moved: Mike Pillette)

Seconded: Graham Chard)

That having considered all matters raised in the report:

- a) It is noted that the two land owner(s) at 73 and 77-79 Messenger Terrace, (latter two separate titled allotments) have entered into a conditional Memorandum of Agreement to purchase the freehold of road frontage to their properties subject to stopping, issue of title, reservation of necessary ROW and required utility easements, approvals and consents.
- b) The sale price of the land has been independently assessed as to market value at \$44,000 (inclusive of GST if any) for 73 Messenger and \$48,500 (inclusive of GST if any) for 77 -79 Messenger, (two separate allotments) a combined total \$92,500 (inclusive of GST if any).
- c) As background it is noted that:
 - 47 property owners were originally given the opportunity based on a 2008 resolution to purchase their road frontage along the seaward side of Messenger Terrace based on a market valuation price conveyed to those owners; and
 - 34 property owners responded and indicated that they wished to proceed with voluntary purchase at the market price conveyed, conditional upon road stopping being successfully achieved.
 - The blanket road stopping process was subsequently instigated under Sections 319(h) and 342 and the 10th schedule to the Local Government Act 1974, that included public notice and calling for any objection to stopping.
 - The one objection received to the road stopping sought to have the height of trees limited to no higher than 1 metre over road level was referred to the Environment Court and

was dismissed by the Court as being a matter not relevant to the stopping of the road parcels; and

- 29 owners of the 34 owners subsequently took up the purchase offer and entered into binding Agreements for Sale and Purchase. Those sales have since been completed netting combined aggregate sale price income of \$714,000 (including GST if any); and
- The remaining 18 owners on seaward Messenger Terrace are still able at any time to make application to purchase their unformed road frontage; and
- Notes a plan change was implemented as part of the stopping and sale process to provide that road land parcel additions became subject to the coastal policy area and view shaft extensions in the District Plan.

- d) It is noted that because the stopping and sale of 34 land parcels has been well tested for community objection through the public process under the Local Government Act 1974, and extensive consultation under the Local Government Act 2002, that the current stopping now proposed be facilitated under the Public Works Act 1981 as the most efficient cost effective mechanism rather than repeating the process under the Local Government Act 1974.
- e) Approves pursuant to the Public Works Act 1981, the stopping those parcels of surplus unformed legal road frontage to the properties situated at 73 and 77-79 Messenger Terrace, described in the Schedule hereunder, and to the sale of the estate in fee simple of those land parcels for the price of \$44,000 (inclusive of GST if any) and \$48,500 (inclusive of GST if any) respectively by standard transfer conveyance, subject to an amalgamation condition, reservation of ROW and required utility easements.
- f) Approve that the Minister for Land Information's delegate be requested to undertake the necessary gazettal declaration to stop the road parcels described in the schedule hereunder to secure estate in fee simple title pursuant to Sections 116 (1) and 117 (1) of the Public Works Act 1981, to enable sale of the land by way of standard conveyance.

- g) Approve the sales revenue being applied toward Loan Debt reduction.

SCHEDULE

Unformed legal Road proposed to be stopped for sale purposes

Property	Adjoining	Description	CFR	Area
73 Messenger Terrace	Lot 37 DP 7538	Section 29 SO 451564 and ROW F	TNC3/530	74m ²
77-79 Messenger Terrace (two allotments)	Lot 39 and 40 DP 7538	Road Parcels to be defined by survey	TNC3/531 and TNC3/532	238m ² (combined area)

The meeting closed at 4.49pm.