

**BULLER DISTRICT COUNCIL**

**FOR THE MEETING OF 18 FEBRUARY 2009**

**Report for Agenda Item No 1**

**Prepared by - Gary Murphy  
- Chief Executive**

**Members Interest**

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Councillors are encouraged to consider the items on the agenda and disclose whether they believe they have a financial or non-financial interest in any of the items in terms of Council's Code of Conduct.

The attached flowchart may assist Councillors in making that determination (Appendix A from Code of Conduct)

**Recommendation**

**That Councillors disclose any financial or non-financial interest in any of the agenda items.**

**BULLER DISTRICT COUNCIL**

**FOR THE MEETING OF 18 FEBRUARY 2009**

**Report for Agenda Item No 2**

**Prepared by - Gary Murphy  
- Chief Executive**

**Confirmation of Minutes**

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Minutes of the meetings held on 21 January 2009.

**Recommendation**

**That the minutes of the meetings held on 21 January 2009 be confirmed.**

**BULLER DISTRICT COUNCIL**  
**FOR THE MEETING OF 18 FEBRUARY 2009**

**Report for Agenda Item No 3**

**Prepared by - Gary Murphy**  
**- Chief Executive**

**Council Programme of Works**

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**Recommendation**

**That the report be received for information.**

## BULLER DISTRICT COUNCIL

### FOR THE MEETING OF 18 FEBRUARY 2009

#### Report for Agenda Item No 4

Prepared by - Gary Murphy  
- Chief Executive

#### Matters Under Action

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Date	Agenda Item	Action	Status
October 2005	15 - Ikamatua Boundary Adjustment		In progress
November 2006	11 - Tourism Waste Management Strategy	Strategy endorsed. Final document to be developed.	In progress
	12 - Study of Effects of Climate Change	Discussion with other Coast Councils	In progress
February 2007	16 - Road Stopping Fox River	Notification required	In progress
May 2007	10 - WestReef Services	Letter written to Board about Reefton Depot	In progress
	11 - Abbeyfield Residential Home	Land transfer to be carried out	Subdivision complete. Transfer to be arranged.
	15 - SNAs	Proposed strategy to be followed	In progress
	11 - Umere Road Stopping	Road to be stopped	In progress
July 2007	13 - Bakers Creek Road Stopping	Road to be stopped	In progress
	15 - Flood Mitigation	Initiate more detailed cost estimates	Awaiting action from West Coast Regional Council
October 2007	12 - Sale of Land Reefton	With Department of Conservation to complete	Department of Conservation approved process now back with land owner to progress.
November 2007	6 - Westport Airport	Policy on building standards required	In progress

<b>Date</b>	<b>Agenda Item</b>	<b>Action</b>	<b>Status</b>
	13 - Council Investment Property	Report on options	In progress
April 2008	9 - North Beach Accreted Land	Local purpose reserve to be created. Commercial leases set. Expression of interest sought.	Awaiting transfer
May 2008	12 - Legalisation Denniston Track	Minister of Transport to vest track in Council	Commenced
	13 - Gifting of Land Towards Denniston Heritage Reserve	Land swap sought	In progress
July 2008	12 - Legalisation Beach Road Charleston	Legalisation required	Not yet commenced
	13 - Flagstaff Access	Consultation with land owner required	In progress
	16 - Water and Wastewater Services Punakaiki	SCP required after further work	In progress
	Solid Energy Centre Governance Options	Consultation required	To be included in LTCCP
September 2008	9 - Carters Beach Erosion	Waiting for Consent	In progress
	10 - Walking Cycling Strategy	Consultation required	Submissions now closed
October 2008	10 - Revenue and Financing	Formulae to be developed	In progress
	11 - Administration of South Gravity Water	To be included in LTCCP	In progress
November 2008	8 - Westport Performing Arts Centre	Detailed Design	In progress
December 2008	13 - Utopia Road Speed Restriction	Review Brougham Street speed limit	Not yet commenced

### **Recommendation**

**That the report be received for information.**

**BULLER DISTRICT COUNCIL**  
**FOR THE MEETING OF 18 FEBRUARY 2009**

**Report for Agenda Item No**

**Prepared by - Stephen Griffin**  
**- Manager Operations**

**Licence to Occupy - Road Reserve - Solid Energy New Zealand**

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**Purpose of Report**

Council has received an application to site a temporary office at the head of Stockton Road while they review their site infrastructure including site security. The land on which the facility is to be placed is road reserve and they require under Council Policy 7.17 specific Council approval. This report seeks that consent.

**Background**

With recent mine developments at the Stockton mine and a large increase in worker numbers Solid Energy is reviewing its site infrastructure.

The site office will be manned continuously and will monitor and control access to the mine site haul road. The location of the office has been determined from user requirements so that current access and haul road operation continue almost unchanged.

**Options**

The Council can provide the Licence to Occupy or could decline the request.

**Community Outcomes**

The temporary site office will control access to the mine and assist with security and safety for both Solid Energy and the public.

**Identification of Relevant Legislation, Council Policy and Plans**

Road Reserve has no title and is vested in Council so there is a need to obtain specific approval from the land owner.

**Assessment of Significance**

This matter is not deemed significant under the Council's Significance Policy.

**Consultation**

There has been no consultation undertaken.

### **Recommendation**

**That Council issues a Licence to Occupy to Solid Energy New Zealand to establish a temporary site security office at the head of Stockton Road while a permanent site in the new office development review is completed.**

**BULLER DISTRICT COUNCIL**  
**FOR THE MEETING OF 18 FEBRUARY 2009**

**Report for Agenda Item No 8**

**Prepared by** - Lisa Hankey  
- Team Leader Community Services

- Gary Murphy  
- Chief Executive

**Council Participation in Restorative Justice**

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**Purpose of Report**

To determine whether Council wish to alter their resolution to decline future participation in the West Coast Restorative Justice programme.

**Background**

Council has previously resolved not to participate in this programme (where property crimes are committed against council assets) due to no longer having Safer Community Council personnel and funding.

The Restorative Justice Co-ordinator has written to Council asking them to review this decision.

The West Coast Restorative Justice programme was originally operated under the auspices of Buller, Grey and Westland Safer Community Councils. The programme was established in 2003.

In September 2003 the following resolutions were made by Council:

1. *That Council address property crime through the West Coast Restorative Justice process and that the offender participates in the process by attending a meeting of Council.*
2. *That Council appoints the Councillors represented on the Safer Community Council, along with a staff member, at Restorative Justice conferences.*

The purpose of the conferences is to have the victim of crimes, the offender, community panel members and police meet with a restorative justice co-ordinator. At this meeting a plan of action to "put right the wrong done" is agreed and drawn up. This becomes a contract which is monitored and failure to complete the contract conditions sees the case return to the court for sentencing.

One of the major benefits of the conferences is that offenders must face up to victims. In Council's case the victim is the community as a whole, so the offender is facing up to representatives of the community in lieu of a specific victim.

Following the dissolution of the Safer Community Council, Council reviewed their participation in the programme.

In January 2006 the following resolution was made by Council:

*That Council revoke the resolutions of September 2003, decline further participation in the programme given that we no longer have Safer Community Council personnel and funding.*

The report to Council in 2006 identified that it was difficult to assess the success of the programme. Council staff involved in dealing with vandalism have a perception that it is not a system that effectively deals with the offenders, especially given the time and costs associated with attending a conference.

### **Options**

The Restorative Justice Co-ordinator has requested that Council review this decision, and undertake to:

- use Restorative Justice as a means of resolving any crimes against them involving damage to property; and
- that a process be set in place for the Chief Executive to assign appropriate staff members to attend meetings when property crime is committed against the Council.

There has been no change to the existing drivers, the Council still has no Safer Community Council personnel and funding.

Council has the option to:

- Revoke the resolution of January 2006 and agree to participate in the Restorative Justice programme and to allocate the responsibility of attending conferences to selected Councillors
- Revoke the resolution of January 2006 and agree to participate in the Restorative Justice programme and to allocate the responsibility of attending conferences to staff
- Advise the co-ordinator of the Restorative Justice Programme that they decline further participation at this time

### **Community Outcomes**

Finding better ways to deal with the perpetrators of crime will assist Council to deliver to the community outcome of a safe and secure environment.

### **Financial implications**

With the demise of the Safer Community Council, Council no longer receives funding for crime prevention programmes or resourcing. Any decision for staff to represent the community at Restorative Justice conferences will have a resource implication (that would effectively mean staff reprioritising time resource).

### **Assessment of Significance**

This matter is not deemed significant under the Council's significance policy.

### **Recommendation**

**That Council decide whether they wish to be involved in the Restorative Justice programme.**

**BULLER DISTRICT COUNCIL**  
**FOR THE MEETING OF 18 FEBRUARY 2009**

**Report for Agenda Item No**

**Prepared by - Bede Brown**  
**- Property Officer**

**Closure Unformed Legal Road**

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**Purpose of Report**

Deer Hills Farm Ltd have applied to Council to close a portion of unformed legal road known as Deadmans Road which runs between Powerhouse and Cawthron Roads. This road is approximately parallel to and situated close to the base of the hills.

**Background**

Deer Hills Farms wish to close the portion of Deadmans Road shown as Section 1 on the attached plan an area of approximately 1.3298 hectares using the provisions of Section 116 of the Public Works Act 1981.

The road is currently unformed and the applicant owns all the blocks of land on either side of the proposed closure.

The stopping of the road has no impact on any other properties for access.

The application is to allow the owner to reconfigure and develop the blocks of land he currently owns on either side of the unformed road with a view to future subdivision.

**Assessment of Significance**

The matter is not deemed significant under the Council's Significance Policy.

**Consultation**

Stopping a road under the provisions of the Public Works Act is a process only able to be used on occasions when the applicant:

- owns all the surrounding land
- no other persons current or future access is likely to be affected by the process
- the Minister is satisfied that the application meets the prescribed criteria

Public advertising of the proposed stopping does not occur using the Public Works Act.

### **Identification of Relevant Legislation**

The Council has the authority to close roads under the Public Works Act 1981.

### **Financial Implications**

The applicant meets all costs in closing the road.

### **Recommendation**

**The Council agrees to close the portion of unformed legal road known as Deadmans Road, shown as section 1 on the attached plan and to dispose of the stopped road to the applicant subject to:**

- 1. The applicant meeting all the costs in closing the road and raising title.**
- 2. There being no legal impediment to the stopping of the road.**
- 3. The applicant purchasing the land gained at a cost determined by a registered valuer engaged by Council for the purpose.**

**BULLER DISTRICT COUNCIL**  
**FOR THE MEETING OF 18 FEBRUARY 2009**

**Report for Agenda Item No**

**Prepared by - Angela Oosthuizen**  
**- Manager Corporate Services**

**Councillors Remuneration**

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**Purpose of Report**

To consider the allocation of the indicative remuneration pool for the 2009/2010 year.

**Background**

The Remuneration Authority determines the total indicative pool and the Mayor's salary each year based on Council's total assets, operating expenditure and population.

Currently the councillors' annual remuneration levels are as follows.

	<b>No.</b>	<b>Annual Salary</b>	<b>Total Salaries</b>
Mayor	1	56,501	56,501
Deputy Mayor	1	18,785	18,785
Councillors	9	13,697	123,273
Community Board Members	4	2,613	10,452
			<u>209,011</u>
Less 50% community board not from pool			<u>-5,226</u>
<b>Total Pool</b>			<b>203,785</b>

The Remuneration Authority has issued an indicative pool for the 2009/2010 year. The authority has not made any changes to the calculation.

The authority has also factored in a 3% increase to the pool.

The effect of these changes has meant the Council's pool for the 2009/2010 year is now \$209,899 (an increase of \$6,114 or 3%).

Using the current allocation basis the new salaries effective from 1 July 2009 would be:

	<b>No.</b>	<b>Annual Salary</b>	<b>Total Salaries</b>
Mayor	1	58,196	58,196
Deputy Mayor	1	19,349	19,349
Councillors	9	14,108	126,972
Community Board Members	4	2,691	10,764
			<hr/>
			215,281
Less 50% community board not from pool			-5,382
<b>Total Pool</b>			<hr/> <b>209,899</b>

It should be noted that the Inangahua Community Board (ICB) at their meeting of 18 February 2008 made a recommendation that needs to be considered by Council, that the \$10,764 for Community Board Members be split between the four ICB representatives and not the 4 ICB representative plus the two Council appointed members of the ICB.

#### **Recommendation**

- 1. The proposed remuneration levels be approved and submitted to the Remuneration Authority.**  
**or**
- 2. Alternatively if Council agrees to other than a full allocation of the pool, a submission can be made to the Remuneration Authority provided there is unanimity among the elected representatives for this course of action. Valid reasons will be required for this submission.**

**BULLER DISTRICT COUNCIL**  
**FOR THE MEETING OF 18 FEBRUARY 2009**

**Report for Agenda Item No 9**

**Prepared by - Angela Oosthuizen**  
**- Manager Corporate Services**

**LTCCP Policies**

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**Purpose of Report**

The purpose of this report is for Council to review and adopt the following policies as required by the Local Government Act 2002.

**Background**

Amendments have been made to the Treasury Management, Revenue and Financing and Significance Policies (to be circulated). After reviewing, all other policies have remained largely unchanged as per the previous LTCCP.

**Recommendation**

**That Council reviews and adopts the various policies.**

**BULLER DISTRICT COUNCIL**  
**FOR THE MEETING OF 18 FEBRUARY 2009**

**Report for Agenda Item No 10**

**Prepared by - Gary Murphy**  
**- Chief Executive**

**Correspondence Received**

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- 1. Sarah Nelson**  
New Zealand Women Axemens Team

**BULLER DISTRICT COUNCIL**  
**FOR THE MEETING OF 18 FEBRUARY 2009**

**Report for Agenda Item No 11**

**Prepared by - Gary Murphy**  
**- Chief Executive**

**Public Forum Response**

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**Recommendation**

**That Council decide what if any response will be given to those persons making a presentation at the public forum.**

**BULLER DISTRICT COUNCIL**  
**FOR THE MEETING OF 18 FEBRUARY 2009**

**Report for Agenda Item No 13**

**Prepared by - Gary Murphy**  
**- Chief Executive**

**Publications Received**

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West Coast Tai Poutini Conservation Board - Agenda 13 February 2009

Buller Promotion Association Agenda - 17 February 2009

**BULLER DISTRICT COUNCIL**  
**FOR THE MEETING OF 18 FEBRUARY 2009**

**Report for Agenda Item No 12**

**Prepared by - Gary Murphy**  
**- Chief Executive**

**Documents for Consent and Seal**

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Document for consent and seal are scheduled hereunder:

Contract

Buller District Council and Ferguson Bros

**Recommendation**

That the transaction be approved and the fixing of the Common Seal under authorised signatories on the appropriate documents be ratified.

**BULLER DISTRICT COUNCIL**

**FOR THE MEETING OF 17 DECEMBER 2008**

**Report for Agenda Item No 14**

**Prepared by - Gary Murphy  
- Chief Executive**

**Public Excluded**

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Section 48, Local Government Official Information and Meetings Act 1987.

**Recommendation:**

<b>Item No</b>	<b>Minutes/Report of:</b>	<b>General Subject</b>	<b>Reason for Passing Resolution Section 7 LGOIMA 1987</b>
<b>1</b>	<b>Chief Executive - Gary Murphy</b>	<b>Westport Harbour</b>	<b>Section 7(2)(j) - Enable the local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</b>
<b>2</b>	<b>Chief Executive - Gary Murphy</b>	<b>Review of Directors</b>	<b>Section 7(2)(a) - Protect the privacy of natural persons, including that of deceased natural persons</b>

