

BULLER DISTRICT COUNCIL

FOR THE MEETING OF 21 JANUARY 2009

Report for Agenda Item No 1

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

Members Interest

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 21 JANUARY 2009

Report for Agenda Item No 2

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

Confirmation of Minutes

Minutes of the meetings held on 17 December 2008.

Recommendation

That the minutes of the meetings held on 17 December 2008 be confirmed.

BULLER DISTRICT COUNCIL
FOR THE MEETING OF 21 JANUARY 2009

Report for Agenda Item No 3

Prepared by - Gary Murphy
- Chief Executive

Council Programme of Works

Recommendation

That the report be received for information.

BULLER DISTRICT COUNCIL

FOR THE MEETING OF 21 JANUARY 2009

Report for Agenda Item No 4

Prepared by - Gary Murphy
- Chief Executive

Matters Under Action

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

Date	Agenda Item	Action	Status
	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	Letters written to sponsors
September 2008	9 - Carters Beach Erosion	Waiting for Consent	In progress
	10 - Walking Cycling Strategy	Consultation required	Submissions now closed
October 2008	9 - Partnering with Pacific Councils	Determine suitable projects	Stalled due to Fiji Government action
	10 - Revenue and Financing	Formulae to be developed	In progress
	11 - Administration of South Granity 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 21 JANUARY 2009

Report for Agenda Item No 5

Prepared by - Angela Oosthuizen
- Manager Corporate Services

Quarterly Submission of Financial Reports to Council

A discussion was held with the Finance and Audit Committee on 5 December 2008 with a recommendation being made by the Finance and Audit Committee that the monthly management and borrowing and investment reports be submitted to Council on a quarterly basis.

The rationale was that members of the Finance and the Audit Committee would scrutinize the reports in greater detail than time permits Council to do. The Finance and Audit Committee will be formally meeting with the Corporate Services staff on a regular basis and will be covering the following aspects:

- Management Report
- Compliance with Treasury Management Policy and Investment Performance
- Outstanding rates debtors and debt recovery procedure
- Financial performance of CCO's and Buller Holdings Limited
- Progress made on Holding Company Structure
- Internal Audits and Quality Assurance Reviews undertaken
- External Audit Management letters - 2008/2009
- Risk Management Strategy (including Fraud Risk Assessment)
- Disaster Recovery and Business Continuity Planning
- Legislative Compliance
- Review of Member's Interest register
- Other Projects

The Finance and Audit Committee also intends to workshop the format of the reports that are to be presented to Council.

Recommendation

That the Management and Investment and Borrowings reports are submitted to Council on a quarterly basis. The reports will be circulated monthly to Finance and Audit Committee members for consideration. Any major changes in financial position will be communicated immediately to Council should they arise. It is recommended that the next financial report be submitted to Council in March 2008.

BULLER DISTRICT COUNCIL

FOR THE MEETING OF 21 JANUARY 2009

Report for Agenda Item No 6

Prepared by - Angela Oosthuizen
- Manager Corporate Services

Council Financial Report for Period Ending 31 December 2008

	Actual	Year to Date		Annual	Note
		Budget	Variance	Budget	
Income (incl recoveries)					
Community Services	709,031	754,202	(45,171)	1,832,403	
Democracy	-	-	0	-	
Tourism and Promotion	-	-	0	-	
Water Supply	586,674	615,950	(29,276)	1,231,900	
Airport	71,104	71,350	(246)	142,700	
Amenities and Reserves	672,888	542,091	130,797	1,084,182	1
Roading and Urban Development	623,607	1,696,362	(1,072,755)	3,392,724	2
Environmental Services	556,597	513,202	43,395	917,060	
Solid Waste	437,519	873,642	(436,123)	1,771,300	3
Support Services	1,493,159	1,452,180	40,979	2,711,918	
Council (General Rates and Investments)	3,375,009	3,582,411	152,598	7,664,822	
Wastewater	6,609,333	6,796,192	(186,859)	10,425,605	4
Total Income	15,494,921	16,897,581	(1,402,660)	31,174,614	
Expenditure					
Community Services	1,572,112	1,452,984	(119,1269)	3,187,774	
Democracy	302,471	311,849	9,378	623,697	
Tourism and Promotion	185,404	141,953	(43,451)	283,851	
Water Supply	586,932	598,216	11,284	1,223,313	
Airport	43,092	73,250	30,158	146,500	
Amenities and Reserves	1,063,691	1,068,857	5,166	1,894,575	
Roading and Urban Development	1,994,434	2,391,937	397,503	4,783,874	5
Environmental Services	985,101	836,797	(148,304)	1,677,364	6
Solid Waste	861,512	889,847	28,335	1,979,694	
Support Services	1,664,028	1,467,917	(196,111)	2,711,918	7
Council (General Rates)	-	-	0	-	
Wastewater	685,851	706,445	20,594	2,627,692	
Total Expenditure	9,944,628	9,940,051	(4,577)	21,140,252	
Net Expenditure	5,550,293	6,957,530	(1,407,237)	10,034,362	

Notes

- 1 Received Grant from Housing NZ which was budgeted in last financial year. Pensioner Housing income was less due to renovations
- 2 Delay in claiming Transit subsidies
- 3 Solid Waste - still on old charges
- 4 Sewerage charges for new customers were budgeted as a result of Orowaiti sewerage and the service is not yet commenced
- 5 Roading repairs and maintenance budgeted but not spent
- 6 Over expenditure on Consultants Fees still to be recovered from Resource Consents
- 7 Over expenditure on Audit Fees and Consultants Fees plus coupled with 2008/2009 budget error

	Actual	Year to Date		Annual	Note
		Budget	Variance	Budget	
Capital					
Community Services	4,020,145	4,357,350	337,205	6,464,700	
Democracy	0	0	0	-	
Tourism and Promotion	0	0	0	-	
Water Supply	123,067	261,400	138,333	522,800	
Airport	794,788	0	(794,788)	5,000	1
Amenities and Reserves	481,502	129,708	(351,795)	259,415	2
Roading and Urban Development	308,960	684,044	375,084	2,551,500	3
Environmental Services	0	29,500	29,500	59,000	
Solid Waste	1,282,995	0	(1,282,995)	157,000	4
Support Services	13,002	0	(13,002)	156,400	
Wastewater	4,027,857	357,768	(3,670,090)	715,535	5
Total Capital	11,052,316	5,819,769	(5,232,547)	10,891,350	

Notes

- 1 Airport capital expenditure budgeted last year and work is in progress (Airport lighting)
- 2 Amenities and Reserves capital expenses were budgeted last year and work is in progress
- 3 Some roading projects have not been started as yet
- 4 Solid Waste capital expenditure budgeted last year and work is in progress, overspent capex - facilities Reefton and Westport \$125,890, Transfer Stations \$110,585
- 5 Orowaiti Sewerage budgeted last year and work is in progress

Recommendation

That the report be received for information.

BULLER DISTRICT COUNCIL

FOR THE MEETING OF 21 JANUARY 2009

Report for Agenda Item No 7

**Prepared by - Dean Phibbs
- Accountant**

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

Borrowings and Investments

Attached is a summary of the borrowings and investment position for the month ended December 2008.

Investments

Investments in the form of term deposits have increased markedly from last month due to the receipt of the Sewerage Subsidy from the Government. This has enabled repayment of a major portion of the Westport Sewerage Scheme internal loan hence freeing up funds for investment.

Interest Revenue

Year to date interest revenue is \$730k versus a budget to date of \$550k.

Borrowings

Total borrowings have decreased by \$5.8m mainly due to receipt of the Sewerage Subsidy. It should be noted that only \$5.6m was received and that the remainder of \$1.4m will be claimed on completion of the Orowaiti Extension.

External borrowings have decreased \$960k from last month mainly due to repayment of some external borrowings and refinancing to take advantage of the lower cost of internal borrowings.

Recommendation

That the report be received for information.

BULLER DISTRICT COUNCIL

FOR THE MEETING OF 21 JANUARY 2009

Report for Agenda Item No 8

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

National Representation Grant - Sarah Nelson

Purpose of Report

Sarah Nelson is seeking assistance under the National Representation Grants policy.

Background

Sarah Nelson has been selected for the New Zealand Women's Chopping Team to compete in Australia in January 2009. The competition will be held in Brunswick Heads, NSW Australia, in January 2009.

The total cost of the trip will be around \$2,500.

Council Policies

The policy for National Representation Grants is attached to this report.

Conclusion

An amount of up to \$1,000 could be provided by Council to assist Sarah in her attendance as part of the New Zealand Women's Chopping Team.

Recommendation

That Council determine whether a grant of up to \$1,000 be made to assist Sarah in this endeavour.

37.14 NATIONAL REPRESENTATION - FINANCIAL ASSISTANCE

Source: Council Meeting 26/7/06

1. A grant is payable to any person residing in the Buller District and also to any primary or secondary student attending boarding school whose parents reside in the Buller District selected by a recognised bona-fide national body/association or organisation to represent New Zealand within New Zealand or to represent New Zealand overseas.

The objective of the policy is to recognise those that reach the pinnacle of their chosen activity and gain what amounts to selection as a New Zealand representative at an international event. The policy is not intended to provide funding for selection of area or district representatives who are attending a meeting or symposium type event as part of national representation at an international forum.

2. Grants are to be considered on an application basis as per Council's official form, with the value of grant to be determined by Council.
3. Each individual person is to be eligible for no more than two grants, one representing New Zealand internally and one representing New Zealand overseas.
4. **The grant is payable regardless of the activity or the country to be visited, other than professional activities which are not eligible.**
5. The level of the grant to be reviewed by Council from time to time with the present maximum level being -
 - (a) Representing New Zealand overseas - \$1,000
 - (b) Representing New Zealand internally - \$400

BULLER DISTRICT COUNCIL

FOR THE MEETING OF 21 JANUARY 2009

Report for Agenda Item No 9

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

Quarterly Report - Sport Buller

As part of the agreed key performance indicators Sport Buller is required to provide quarterly reports to Council.

Attached for your information is the first quarterly report July 2008 - September 2008.

Recommendation

That the report be received for information.

BULLER DISTRICT COUNCIL

FOR THE MEETING OF 21 JANUARY 2009

Report for Agenda Item No 10

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

New Coasters Organisation (Migrant Forum)

Attached is an email from Anne Chapman Chair of the New Coasters Organisation outlining their current responsibilities and functions.

The New Coasters Organisation is looking for a Council representative to attend monthly meetings and help newcomers settle in our region.

Recommendation

That Council appoint a representative to the New Coasters Organisation.

BULLER DISTRICT COUNCIL

FOR THE MEETING OF 21 JANUARY 2009

Report for Agenda Item No 11

Prepared by - Gary Murphy
- Chief Executive

Licence to Occupy - Delegated Authority

Purpose of Report

This report requests Council to consider reviewing the delegated authority for this activity.

Background

Council Policy 7.17 states as follows:

7.17 BUILDING ON RESERVE LAND

Source: *Operations Committee 14/11/96, item 4.6*

1. *Buildings or building extensions will not be permitted on reserve land or road reserve without the prior, specific approval of the Buller District Council.*
2. *In recognition of the fact that reserve land does not generally have certificates of title, building consents are not able to be issued on land which is subject to a natural hazard, as defined within Section 36 of the Building Act.*

Source: *Council Meeting 22/1/98*

Verandah construction over road reserve is permitted providing prior approval is given from the Manager Operations for Council owned land or an encroachment agreement has been obtained from Transit New Zealand for state highways.

At the December Council meeting, the question was posed as to whether it would be sensible to delegate this approval to Council staff. The reasons for this were that the same conditions were applied to each application, these conditions seemed to be appropriate and have sufficient controls in place and Council seemed to be merely "rubber stamping". It was felt that Council was not adding any value to the process and granting such a delegation could reduce bureaucracy.

It was felt that if such a delegation were to be given, it would be limited to bridges only and not other buildings as these would have to be considered on their merits.

Should Council staff have any concerns about a particular application, they would still have the ability to bring the matter to the attention of Council for consideration.

Options

Council could decide not to grant a delegation in which case the status quo would remain or it could decide to grant a delegation.

The benefits of granting the delegation are faster processing of applications and hence better customer service. The disbenefits are a perceived lack of control on the part of the elected members.

Community Outcomes

This activity supports the outcomes of safety, environment and economy.

Identification of Relevant Legislation, Council Policy and Plans

The Building Act, RMA and Council's Policy 7.17 are applicable. Delegations such as the matter under consideration are permissible under LGA, Schedule 7 Part 1.

Assessment of Significance

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

Education/Information Requirements

Should Council decide to grant the delegation, there would be limited education requirements as the impact would be small and effect a narrow segment of the community.

Consultation

Internal staff consultation has been undertaken.

Financial Implications

There are no budget implications.

Resource Implications

Should Council decide to grant the delegation, there would be little change to current resource requirements.

Timetable

This matter has no particular timeframe.

Other Considerations

No legal advice has been sought relating to this matter.

Recommendation

That Council amend Policy 7.17 (point 1) to state, “Where permission is sought to construct a bridge on road reserve, prior specific approval may be granted by the Manager Operations subject to the following conditions:

- a) The applicant obtains resource consents if required from the West Coast Regional Council and Buller District Council and complies with all conditions of those consents;**
- b) The applicant enters into a licence to occupy which will require a bond to be furnished to the Council to cover the cost of removal. The costs to be determined by the Manager Operations;**
- c) The applicant agree as part of the licence to occupy to have the bridge/s inspected on a three yearly cycle (or at any other time after a major flood event that in the opinion of the Manager Operations is warranted) by a Chartered Professional Engineer and that any maintenance that is identified as part of the inspection is undertaken at their cost to the standard required by the Engineer who will furnish producer statements for any maintenance undertaken;**
- d) That while the bridge/s remain in place that these conditions apply to any successor in title.**

BULLER DISTRICT COUNCIL

FOR THE MEETING OF 21 JANUARY 2009

Report for Agenda Item No 12

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

Harbour Governance

Purpose of Report

This report requests Council to consider reviewing the current governance arrangements for Westport Harbour.

Background

Currently Buller Holdings Limited acts in an advisory capacity for the Westport Harbour. The General Manager Buller Port Services, reports monthly to Buller Holdings Limited at their board meetings on operational matters and any strategic or budgetary decisions are referred to Council with a recommendation from Buller Holdings Limited.

Buller Holdings Limited has currently no delegated authority and any decisions are required to be made by the full Council.

Recent decisions on safety matters and acquisition of assets, has highlighted some deficiencies in the current arrangements.

It was suggested at the November Council meeting that a paper be brought to Council discussing the various governance options.

After 1 July 2009, the harbour assets and operations are proposed to be transferred to Buller Holdings Limited via Westport Harbour Limited. Buller Holdings Limited will then assume full responsibility for the harbour assets and operations with oversight provided by the Council through Westport Harbour Limited's Statement of Intent and Constitution.

Options

There are three basic options. The first is to retain the status quo, the second is to delegate full responsibility to Buller Holdings Limited and the third is to modify the status quo by improving the information flow and reporting requirements.

Council has clearly signalled that the status quo is not acceptable. Council could delegate full responsibility to Buller Holdings Limited now. This has the benefit of allowing a smooth transition from advisory capacity to full responsibility. Buller Holdings Limited would in effect become a committee of

Council. In discussions with Buller Holdings Limited, they indicated that establishing these delegations as well as additional meeting requirements might not be worth the effort for perhaps 4-5 months.

The third option is to modify the status quo. Council indicated that it was difficult for them to act on a recommendation from Buller Holdings Limited when they had not been privy to all of the information. They would like to receive the same information from Buller Port Services that Buller Holdings Limited received. It was noted that the attendance of the General Manager Buller Port Services at the November 2008 Council meeting was most helpful in providing answers to questions.

Under this scenario, the General Manager Buller Port Services would continue to report to Buller Holdings Limited but also provide the same monthly reports to Council and attend the Council meeting. In this way Buller Holdings Limited would continue to be kept informed for when they take over the control of the harbour and provide recommendations to Council. Council in turn would be arguably better informed.

It is acknowledged that this will involve duplication of reporting (although it is proposed that the same not different reports will be provided to Buller Holdings Limited and Council) but during this transition phase it is not considered to be too onerous.

Community Outcomes

The community outcomes of safety, environment and economy are supported by this activity.

Identification of Relevant Legislation, Council Policy and Plans

Under the Local Government Act 2002, Council does have the ability to delegate various responsibilities.

Assessment of Significance

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

Education/Information Requirements

Should Council decide to change the governance or reporting requirements, Buller Port Services will need to be advised.

Consultation

Consultation has taken place with Buller Holdings Limited and Buller Port Services. Buller Holdings Limited would have no objection if Council wished to either delegate full responsibility or if Council wished Buller Port Services to report to them.

Financial Implications

There are no budget implications.

Resource Implications

Should Council require the General Manager Buller Port Services to provide additional reports and attend Council meetings this will have a minor impact on Buller Port Services resources.

Timetable

Should Council decide to make any changes, they will be in effect until 1 July 2009.

Other Considerations

No legal advice has been sought relating to this matter.

Recommendation

That Buller Holdings Limited continue to act in an advisory capacity for Westport Harbour providing only recommendations to Council, and the General Manager Buller Port Services provide monthly reports to Council and attends Council meetings until such time as the harbour assets and operations are transferred to Buller Holdings Limited.

BULLER DISTRICT COUNCIL

FOR THE MEETING OF 21 JANUARY 2009

Report for Agenda Item No 13

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

Correspondence Received

1. Grey District Council

Initiative to Request Investigation into Three Unitary Councils on the West Coast

2. Office of Hon Maurice Williamson - Minister for Building and Construction

Congratulations on obtaining Building Consent Authority Accreditation

3. Robert Terry - Senior Counsel to the Supreme Court S.C.1.

Copies of Correspondence to Minister of Finance Hon B English and Development West Coast

4. New Zealand Police - Blue Light Ventures

Blue Light Training Conference

BULLER DISTRICT COUNCIL

FOR THE MEETING OF 21 JANUARY 2009

Report for Agenda Item No 14

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

Public Forum Response

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 21 JANUARY 2008

Report for Agenda Item No 15

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

Publications Received

West Coast Tai Poutini Conservation Board - Agenda 5 December 2008

NZ Association of Citizens Advice Bureaux - 2008 Annual Report

Buller Promotion Association - Agenda 25 November 2008/Minutes 23
September 2008, Agenda 20 January 2009/Minutes 2 December 2008

BULLER DISTRICT COUNCIL

FOR THE MEETING OF 21 JANUARY 2009

Report for Agenda Item No 16

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

Documents for Consent and Seal

Documents for consent and seal are scheduled hereunder:

Contracts

Buller District Council and WestReef Services Limited
Buller District Council and Fulton Hogan Limited

Transfer

MJ Reynolds and BJ Ashby to MJ Reynolds and J Hawes
G and AM Russell to CJ and JC Coll and IF Garvey

Recommendation

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