

BULLER DISTRICT COUNCIL

FOR THE MEETING OF 27 JANUARY 2010

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 27 JANUARY 2010

Report for Agenda Item No 2

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

Confirmation of Minutes

Minutes of the meeting held on 16 December 2009.

Recommendation

That the minutes of the meeting held on 16 December 2009 be confirmed.

BULLER DISTRICT COUNCIL
FOR THE MEETING OF 27 JANUARY 2010

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 27 JANUARY 2010

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		LINZ is responsible for progressing this issue
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
	11 - Abbeyfield Residential Home	Land transfer to be carried out	Transfer to be arranged when requested
	15 - SNAs	Proposed strategy developed	With the change in government and the unavailability of the consultant engaged to undertake this work (the locally based consultant has left the firm) consultation trials have been postponed.
	15 - Flood Mitigation	Initiate more detailed cost estimates	Awaiting action from West Coast Regional Council
	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.	Department of Conservation have reviewed file and agree that Local Purpose Reserve suitable. They are now requesting conservator to approve vesting.
May 2008	12 - Legalisation Denniston Track	Minister of Transport to vest track in Council	Complete. Road is legalised.

Date	Agenda Item	Action	Status
May 2008	13 - Gifting of Land Towards Denniston Heritage Reserve	Land swap sought	Agreed by both Council and Department of Conservation. Will occur when swap is required. Road stopping not started.
July 2008	12 - Legalisation Beach Road Charleston	Legalisation required	In progress
	13 - Flagstaff Access	Consultation with land owner required	Stalled
September 2008	9 - Carters Beach Erosion	Consent granted	Community to decide when to proceed
December 2008	13 - Utopia Road Speed Restriction	Review Brougham Street speed limit	Not yet commenced
February 2009	7 - Closure Unformed Legal Road (Deadmans)	Road to be closed	In progress
April 2009	7 - Stock Movement Bylaw	Consultation required	Open for submissions. Submissions to be considered in March.
July 2009	6 - Westport Water Supply	Tunnel repair strategic review	Report under review
August 2009	10 - Palmerston Street Parking	Review of all Westport parking in next 12 months	Not yet commenced
	12 - Inangahua Community Board Request	West Coast Regional Council to register water takes	West Coast Regional Council do not consider register necessary - Community Board have been advised
September 2009	4 - Breast Screening	Discussion with Breast Screen South required	In progress
	12 - Road Stopping Lower Buller Gorge	Road to be stopped - land disposal	In progress
November 2009	13 - Public Forum Response	Investigation into payments for dumping vehicles at Westport Transfer Station	In progress
December 2009	10 - Playground Audit	Working group to prioritise action items	In progress
	11 - Boy Racers Snodgrass	Install judder bars	Not yet commenced

Recommendation

That the report be received for information.

BULLER DISTRICT COUNCIL
FOR THE MEETING OF 27 JANUARY 2010

Report for Agenda Item No 5

Prepared by - Gary Murphy
- Chief Executive

Westport Harbour - Monthly Report

Purpose of Report

To provide Council with an update on Westport Harbour activities.

Attached is a report from the Harbourmaster for the month of December 2009.

Recommendation

That the report be received for information.

BULLER DISTRICT COUNCIL

FOR THE MEETING OF 27 JANUARY 2010

Report for Agenda Item No 6

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

Tenders Awarded Under Delegated Authority

The following tenders were awarded under delegated authority during November/December 2009.

Contract Number	Contract Name	Contractor	Price GST Excluded
09/10/01	Westport Pool Demolition and Site Works	Pearson Contracting	\$93,374.09
09/10/08	Footpath - Rehabilitations and Reseals	Pearson Contracting	\$77,266.17
09/10/09	Footpath - Slurry Seals	Fulton Hogan	\$64,504.33

Recommendation

That the report be received for information.

BULLER DISTRICT COUNCIL
FOR THE MEETING OF 27 JANUARY 2010

Report for Agenda Item No 8

Prepared by - Kathryn Bainbridge
- Councillor

Westport Crime Prevention Cameras

Purpose of Report

For Council to consider an annual budget to cover maintenance, upgrading and possible extension of camera covered area with cameras becoming a responsibility of Council.

Background

The cameras have been in place since 2002 when eight were installed along Palmerston Street between Brougham and Lyndhurst Streets. A sharp decline in crime was noticed, then in 2004 the covered area was extended from Lyndhurst Street to Henley Street.

There are now 20 cameras in total along Palmerston Street which have been very beneficial for Police in crime prevention along with making Palmerston Street safer for our residents and visitors.

The original cameras were purchased by the Buller District Business Association. To get us to the situation we have now the additional cameras have been mainly funded by approaching businesses along Palmerston Street, and funding from Council through community grants and some funds from the Streetscape Vision 2010 project.

Status

There is no real ownership of these cameras, Paul Sampson has worked hard to get cameras operating to this level but with no funding and limited time he can not take responsibility for these.

With the introduction of the promotion and development rate it is now inappropriate to ask the businesses of Westport to also contribute to the continual costs of these cameras.

Conclusion

There are benefits to Council being responsible for reducing crime in our district, protecting the public, local businesses and protecting Council's investment in Vision 2010 project work on Palmerston Street. With an annual accumulating budget for crime prevention cameras, funds would then be available as maintenance and upgrading was required.

This accumulative budget would also see extension of camera covered areas in our district as needed.

Recommendation

That Council agrees to give crime prevention cameras an annual budget of \$5,000 and Council will take full ownership of these cameras.

BULLER DISTRICT COUNCIL
FOR THE MEETING OF 27 JANUARY 2010

Report for Agenda Item No 7

Prepared by - Stephen Griffin
- Manager Operations

Procurement Policy

Purpose of Report

Recent changes to the Land Transport Management Act require Council to have a procurement strategy. It is a requirement to have this strategy endorsed by the New Zealand Transport Agency. This report has a draft strategy attached for adoption by Council.

Background

The draft strategy has been submitted to the New Zealand Transport Agency and received their endorsement.

The changes made to the Land Transport Management Act now allow Council to develop its own procurement system and strategy. Prior to this Council was required to comply with the Competitive Pricing Procedures that were developed by Transfund New Zealand. These procedures will still be followed for most of the contracts dealing with capital renewals.

The Council now has the opportunity to put in place alternative procedures which will enable the Council to undertake activities in accordance with their strategies to provide for the maintenance and renewals within the district.

The Council now has the opportunity to initiate a cost plus approach for maintenance works. The benefits of such an approach are to reduce confrontation and waste. The main change promoted by the strategy is enter into informal partnerships with the contractors engaged for maintenance contracts. These contracts will be based on an informal relationship and will not have a schedule of tasks with associated tendered rates. In place of this Council will negotiate a cost plus regime where the contractor can make a fair profit on all works and in return all parties strive for continued efficiencies, improvements and value for money. The typical confrontational areas in a unit scheduled rate type contract revolve around how the work is tendered and the strategies used by the contractor in order to win the work. The contractor will naturally target areas of the schedule where they can maximise their profits however that may not be the area that the road controlling authority wishes to utilise.

The strategy gives a guide to the type of performance indicators that will be included in the contract. The key mitigation factor in the proposed contract is if for any reason continuous improvement is not occurring in the work then both or either parties may exercise a right to withdraw after giving a reasonable notice period that would be included in the contract.

Options

The Council can amend the attached strategy, approve the strategy as presented or decide not to accept the proposal and have a further strategy prepared for consideration.

The Council needs to have an endorsed strategy adopted with sufficient time to re-tender the road maintenance contract which ends on 30 June 2010.

Community Outcomes

The procurement strategy will allow suppliers and other stakeholders who have an interest in providing services to the Council an opportunity to plan their offers of service to the Council.

Identification of Relevant Legislation, Council Policy and Plans

The Council is required to have a procurement policy acceptable to the New Zealand Transport Agency in order to meet the requirements of section 25 of the Land Transport Management Act 2003.

Assessment of Significance

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

Education/Information Requirements

Once the policy has been approved by Council it will be circulated to stakeholders and also included on the Council's web site.

Consultation

Consultation has been undertaken with the New Zealand Transport Agency.

Financial Implications

The adoption of the procurement policy will not have any financial implications for Council.

Timetable

The procurement policy will become active once it has been endorsed by the New Zealand Transport Agency who have signalled that the document will be endorsed.

Recommendation

That Council adopt the attached Procurement Policy.

BULLER DISTRICT COUNCIL
FOR THE MEETING OF 27 JANUARY 2010

Report for Agenda Item No 9

Prepared by - Stephen Griffin
- Manager Operations

New Landfill Development

Purpose of Report

This report is to be considered along with the report considered by Council at the meeting held on 28 October 2009. A copy of this report is attached. The resolution from the October meeting was to consult with Nelson City Council to determine if a longer term option is available for the disposal of the districts residual refuse. This report considers the Nelson response and recommends that Council seek resource consents to develop a landfill at the Caroline Terrace site.

Background

The historical background has been covered by previous reports. This report will consider the implications of transport and the use of the Nelson City Landfill on the decision on how to proceed with the landfill site.

The existing contract with Johnson Bros Transport was for the three year period that was originally agreed with Nelson City. The transport operator is keen to continue the cartage at the tendered rate adjusted for changes in quantity and inflation trends.

The Council has received a response from Nelson City concerning a long term arrangement for the disposal of residual refuse at Nelson. Nelson City have advised that they are prepared to give the Council a further three years on a year by year basis. The renewal is at the discretion of the Nelson City and is conditional upon an annual report being submitted by 30 April each year on solid waste disposal initiatives.

It is my understanding that Nelson and Tasman Councils are at present preparing a new or revised solid waste strategy. We have signalled to them that the Buller District would like to be part of discussions around the disposal of solid waste if that was possible. Council also needs to update the Solid Waste Strategy prepared in 2000. The revised strategies could well provide the answers for the long term waste disposal for the Council's residual refuse. However while these are being prepared short term options only are available. The short term of the arrangement with Nelson leads the Council into considering what the options are if the Council is denied access. The options

then are to look at another landfill or construction of the site at Caroline Terrace. The first stage of developing the Caroline Terrace site is to obtain resource consent. If a long term option had been available an interim process would have been to apply for a designation over the site. Obtaining resource consents for the site does not require Council to immediately construct a landfill on the site but will allow the construction to proceed when either the economics are the best option for construction or there are no viable alternatives.

The time taken to obtain resource consents is an unknown factor and will depend on the number of objections, appeals etc so this is a risk that Council needs to consider. The time taken to design, tender and construct does have more certainty. The short term option from Nelson City means that Council needs to proceed with the preparation of the application now to reduce risk and uncertainty.

Options

The Council has purchased the site but in order to be able to use it for the purpose for which it was purchased Council need to have resource consents. If the Council had a long term option to dispose of residual refuse at Nelson or another landfill then land banking with a designation would be an option. The short term provided at the Nelson landfill at present exposes Council to risks that require Council to be able to construct a landfill and therefore resource consents need to be obtained to allow the Council to do this.

Decision Making

Environmental - The Council's consulting engineers have prepared reports on this site that included a matrix that demonstrated the environmental factors that were considered as part of site selection.

Social - The provision of refusal removal provides for employment and also quality of life.

Cultural - Discussions have been held with Ngati wae wae from an early stage and they have been engaged to provide a cultural assessment of the site in preparation for either designation or resource consent applications.

Community Outcomes

The provision of refuse facilities within the district provides for a sustainable future and meets the outcomes for a healthy community, will be environmentally acceptable, and will be economically viable.

Identification of Relevant Legislation, Council Policy and Plans

The disposal of solid waste and how this is to be achieved is covered by the Local Government Act, including the requirement to have a Solid Waste Plan. The disposal of residual waste and the provision of an in district landfill is consistent with this plan.

Assessment of Significance

The construction of a landfill and the disposal of residual waste is considered to be a strategic asset and is therefore significant in accordance with the Council policy on significance.

Consultation

Consultation with the general public will be undertaken as part of the resource consent process. There has been consultation ongoing since 2006 on various sites for a landfill and on the need to construct an in district landfill or cartage out of district. This consultation has been a formal review of landfill sites as well as the discussion that has been included in the LTCCP where the Council states that a landfill will be built if it is the best economic and environmental solution to the disposal of residual refuse for the district. Further consultation will be undertaken as part of the annual plan process.

Financial Implications

The development of the proposed landfill and the application for resource consents is included in the annual plan and LTCCP. The development of the landfill will be loan funded. The LTCCP provides for the landfill to be completed by June 2010.

Recommendation

That Council prepares a brief and calls for expressions of interest from Consultant Planners and Engineers to submit an application for resource consents from the West Coast Regional Council and the Buller District Council.

**BULLER DISTRICT COUNCIL
FOR THE MEETING OF 27 JANUARY 2010**

Report for Agenda Item No 10

**Prepared by - Lana Hands
- Community Services Officer**

National Representation Grant - Blair Nixon

Purpose of Report

Blair Nixon is seeking assistance under the National Representation Grants policy.

Background

Blair Nixon was selected to attend the Great Murray River Basketball Jamboree in Aubury, Australia in October 2009. The Jamboree had 10 girls and 10 boys under 12 years picked from the North and South Island. The main focus of the jamboree was coaching as well as having competitive games against other teams.

The total cost of the trip was approximately \$1,510.

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 Blair (his parents) in covering costs they incurred when he attended the Jamboree in October 2009.

Recommendation

That Council determine whether a grant of up to \$1,000 be made to assist Blair his endeavour.

BULLER DISTRICT COUNCIL

FOR THE MEETING OF 27 JANUARY 2010

Report for Agenda Item No 11

**Prepared by - David Barnes
- Councillor**

Literacy - Summer and Winter Programme Funding

Purpose of Report

To add Council funding of this project in next years budget ensuring that the library can plan with assurance that the project will be funded.

Background

The library is running, each summer and winter holidays reading programmes for children (mainly primary school level). The successful concept of these reading programmes were developed by librarians of the Eastern and Central Reading and Development Network and many libraries throughout New Zealand have adopted this idea and participate each year. This allows the library to use a concept of a very high quality level, share promotional material we would not be able to develop on our own. In the past we have applied for a maximum \$600 for the summer and a maximum \$400 for the winter programmes. Funding has come from Rotary and private funds which we are extremely grateful for. The money is used for programme materials and incentives, promotion and advertising, roll out of the programme, decoration, final prize gifts - and if a bit money is left we reward our volunteers with a small acknowledgement gift.

Community Outcomes

Westport children and families have responded very positively since the library started three years ago and there is a 100% satisfaction rate with our participants. This is essential to maintain reading levels during the breaks and to bond children with their local libraries. It also has the advantage for children travelling in their holidays to report in at other participating libraries

Assessment of Significance

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

Conclusion

Literacy and numeracy is a hidden drawback within any community and whilst there is various government funding for the subject this particular project

needs a comparatively small sum and shows in a small way that the Buller District is willing to assist its self.

Recommendation

That Council approve the addition of \$1,200 in the 2010 library budget for the Literacy Summer and Winter projects.

BULLER DISTRICT COUNCIL

FOR THE MEETING OF 27 JANUARY 2010

Report for Agenda Item No 12

Prepared by - Angela Oosthuizen
- Manager Corporate Services

Councillors Remuneration

Purpose of the Report

To consider the allocation of the indicative remuneration pool for the 2010/2011 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:

	No	Annual Salary	Total Salaries
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
			209,011
Less 50% community board not from pool			-5,226
Total Pool			203,785

The Remuneration Authority has issued an indicative pool for the 2010/2011 year. The authority has not made any changes in the calculation. In December 2008, the Remuneration Authority had provided a total movement in local authority remuneration of around 3% but the Authority has not had any support for any significant increase in the pool for 2010/2011.

Last year our Council requested that they be allowed to decline the 3% increase proposed by the Authority. The Authority accepted that.

Using the allocation basis advised last year the new salaries effective 1 July 2010 would be:

	No	Annual Salary	Total Salaries
Mayor	1	58,281	58,281
Deputy Mayor	1	19,349	19,349
Councillors	9	14,183	127,649
Community Board Members	4	2,691	10,972
			216,043
Less 50% community board not from pool			-5,382
Total Pool			210,661

The Remuneration Authority has advised that a second determination will be issued for the immediate post election period, as in previous years, to provide base salaries until councils determine their final structure and recommend remuneration levels to the Authority. This amount will be made available by mid-year.

Recommendation

That the proposed remuneration levels be approved and submitted to the Remuneration Authority.

BULLER DISTRICT COUNCIL

FOR THE MEETING OF 27 JANUARY 2010

Report for Agenda Item No 13

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

Correspondence Received

1. Westport Kindergarten Association (Inc)

Holland Hall Site

2. Inangahua Community Board

West Coast Community Law Centre

3. Robert Terry

Carbon Emissions
Corrections Department
Legal Aid

BULLER DISTRICT COUNCIL

FOR THE MEETING OF 27 JANUARY 2010

Report for Agenda Item No 14

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

Documents for Consent and Seal

Documents for consent and seal are scheduled hereunder:

Warrant of Appointment

JJI Mackay
SC Nunes

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 27 JANUARY 2010

Report for Agenda Item No 15

**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 27 JANUARY 2010

Report for Agenda Item No 16

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

Public Excluded

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

Recommendation:

Item No	Minutes/Report of:	General Subject	Reason for Passing Resolution Section 7 LGOIMA 1987
1	Gary Murphy - Chief Executive	Possible Property Purchase	Section 7(2)(j) - Enable the local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)