

BULLER DISTRICT COUNCIL

FOR THE MEETING OF 18 MARCH 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 18 MARCH 2009

Report for Agenda Item No 2

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

Confirmation of Minutes

Minutes of the meetings held on 18 February 2009.

Recommendation

That the minutes of the meetings held on 18 February 2009 be confirmed.

BULLER DISTRICT COUNCIL
FOR THE MEETING OF 18 MARCH 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 18 MARCH 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
September 2008	9 - Carters Beach Erosion	Consent granted	In progress
	10 - Walking Cycling Strategy	Consultation required	Submissions now closed
	10 - Revenue and Financing	Formulae to be developed	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
February 2009	7 – Closure Unformed Legal Road (Deadmans)	Road to be closed.	Not yet commenced

Recommendation

That the report be received for information.

BULLER DISTRICT COUNCIL

FOR THE MEETING OF 18 MARCH 2009

Report for Agenda Item No 5

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

Tenders Awarded Under Delegated Authority

The following tenders were awarded under delegated authority during January/February 2009.

Contract Number	Contract Name	Contractor	Price GST Excl
08/09/03	Roadmarking	Roadmarkers NZ Ltd	\$92,452.40
08/09/05	Footpath Rehabilitation & Reseals	WestReef Services Ltd	\$95,596.78
08/09/06	Footpath Slurry Sealing – Westport	Fulton Hogan Ltd	\$24,078.09

Recommendation

That the report be received for information.

BULLER DISTRICT COUNCIL

FOR THE MEETING OF 18 MARCH 2009

Report for Agenda Item No 6

Prepared by - Gary Murphy
- Chief Executive

Buller Holdings Limited, WestReef Services Limited and Westport Harbour – Draft Statement of Intent

Purpose of Report

Council is required to receive the draft statement of intent of its Council controlled organisations.

Background

Schedule 8 of the Local Government Act 2002 states that the purpose of a Statement of Intent is to:

- State publicly the activities and intentions of a council controlled organisation for the year and the objectives to which those activities will contribute; and
- Provide an opportunity for the shareholders to influence the direction of the organisation; and
- Provide a basis for the accountability of the Directors to their shareholders for the performance of the organisation

The draft statement of intent must be delivered to its shareholders on or before 1 March each year. The final statement of Intent must be delivered to Council before 30 June each year.

Council has the power to pass a resolution requiring a modification to the statement of intent however before passing a resolution it should consult with the entity concerned.

Recommendation

That Council receive and review the Draft Statement of Intent.

BULLER DISTRICT COUNCIL

FOR THE MEETING OF 18 MARCH 2009

Report for Agenda Item No 12

**Prepared by - Dean Phibbs
- Accountant**

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

Quarterly Financial Reports

Attached is a summary of the borrowings and investment position for the month ended January 2009.

Investments

Investments in the form of term deposits are unchanged from last month except for the investment of short term funds collected from rates.

Interest Revenue

Year to date interest revenue is \$843k versus a budget to date of \$606k.

Borrowings

Total borrowings have increased by \$1.0m due to draw downs for Vision 2010 and the Orowaiti Sewerage Scheme. This matches the loans to the level of capital expenditure to date.

Recommendation

That the report be received for information.

BULLER DISTRICT COUNCIL
FOR THE MEETING OF 18 MARCH 2009

Report for Agenda Item No 7

Prepared by - Gary Murphy
- Chief Executive

Buller Holdings – Half Year Report

In accordance with section 66 of the Local Government Act 2002 Council controlled organisations must deliver a half yearly report to shareholders.

Recommendation

That this report be received by Council for information purposes.

BULLER DISTRICT COUNCIL
FOR THE MEETING OF 18 MARCH 2009

Report for Agenda Item No 8

Prepared by - Angela Oosthuizen
- Manager Corporate Services

Buller Health Trust – Draft Statement of Intent

Purpose of Report

Council is required to receive the draft statement of intent of its council controlled organisations.

Background

Schedule 8 of the Local Government Act 2002 states that the purpose of a Statement of Intent is to:

- State publicly the activities and intentions of a council controlled organisation for the year and the objectives to which those activities will contribute; and
- Provide an opportunity for the shareholders to influence the direction of the organisation; and
- Provide a basis for the accountability of the Directors to their shareholders for the performance of the organization

The draft statement of intent must be delivered to it's shareholders on or before 1 March each year. The final statement of Intent must be delivered to Council before 30 June each year.

Council has the power to pass a resolution requiring a modification to the statement of intent however before passing a resolution it should consult with the entity concerned.

Recommendation

That Council receive and review the Draft Statement of Intent.

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

Report for Agenda Item No 9

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

Buller Health Trust – Half Year Report

In accordance with section 66 of the Local Government Act 2002 Council controlled organizations must deliver a half yearly report to shareholders.

Recommendation

That this report be received by Council for information purposes.

BULLER DISTRICT COUNCIL
FOR THE MEETING OF 18 MARCH 2009

Report for Agenda Item No 10

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

Westport Airport Authority – Draft Statement of Intent

Purpose of Report

Council is required to receive the draft statement of intent of its Council controlled organisations.

Background

Schedule 8 of the Local Government Act 2002 states that the purpose of a Statement of Intent is to:

- State publicly the activities and intentions of a council controlled organisation for the year and the objectives to which those activities will contribute; and
- Provide an opportunity for the shareholders to influence the direction of the organisation; and
- Provide a basis for the accountability of the Directors to their shareholders for the performance of the organisation

The draft statement of intent must be delivered to its shareholders on or before 1 March each year. The final statement of Intent must be delivered to Council before 30 June each year.

Council has the power to pass a resolution requiring a modification to the statement of intent however before passing a resolution it should consult with the entity concerned.

Recommendation

That Council receive and review the Draft Statement of Intent.

BULLER DISTRICT COUNCIL
FOR THE MEETING OF 18 MARCH 2009

Report for Agenda Item No 11

Prepared by - Angela Oosthuizen
- Manager Corporate Service

Westport Airport Authority – Half Year Report

In accordance with section 66 of the Local Government Act 2002 Council controlled organisations must deliver a half yearly report to shareholders.

Recommendation

That this report be received by Council for information purposes.

BULLER DISTRICT COUNCIL
FOR THE MEETING OF 18 MARCH 2009

Report for Agenda Item No 13

Prepared by - Angela Oosthuizen
- Corporate Services Manager

LTCCP Policies

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 Revenue and Financing and Significance policies. After reviewing, all other policies have remained largely unchanged except for minor wording changes.

Recommendation

That Council reviews and adopts the various policies for inclusion in the Draft LTCCP.

BULLER DISTRICT COUNCIL

FOR THE MEETING OF 18 MARCH 2009

Report for Agenda Item No 14

Prepared by - Rachel Townrow
- Policy Planner

District Plan Review – Outline of Timeline

Purpose of Report

To inform Council of the proposed timeline for undertaking the review of the Buller District Plan.

Background

Section 79(2) of the Resource Management Act (RMA) requires territorial authorities to commence a full review of their district plan, no later than 10 years after the plan became operative.

The Buller District Plan (the Plan) became operative in 2000. A timeline has been developed for undertaking this review. It is anticipated that the review will take three years to complete. If the review identifies a need for changes to be made to the Plan, these changes will take an additional 12-24 months to complete.

Timeline

Baseline information has been collected to determine how the plan is operating and to identify areas that we believe need work. This will be compiled into a State of the Environment Report.

March 2009 – inform stakeholders, plan holders and regular users of the plan of the review and invite them to give their initial views on the Plan and areas that need work.

April 2009 – invite the community to give their initial views on the Plan and areas that need work.

May 2009 – begin consultation with the community based around six or seven discussion papers on areas of the plan we have identified as needing work. The aim is to bring out a discussion paper every three-four months and to give the community the opportunity to comment on each. The last discussion paper should go out in early 2011.

2009-2011 – the following tasks will be completed alongside the consultation stages of the review:

- compile information on best practice, guidelines and examples from other plans
- compile comments on discussion papers as they come in
- prepare subsequent discussion papers
- start work on drafting any plan changes that have been identified as necessary and prepare to consult on these changes.

Late 2011/early 2012 – begin the official plan change process with any changes that have been identified from the review.

Based on current provisions in the RMA, this process involves the following steps:

1. Notify the proposed plan changes
2. Receive submissions (allow 20 working days for submissions)
3. Summarise submissions and ask for further submissions (allow 20 working days for further submissions)
4. Compile reports and organize hearings
5. Conduct hearings on the proposed plan changes
6. Receive decisions from Council on the proposed plan changes
7. Notify decisions
8. Address any appeals resulting from the decisions
9. Integrate the changes into the Plan

Community Outcomes

The Plan assists Council in carrying out its functions in order to achieve the purpose of the RMA. The review of the Plan contributes to the community outcome 'Environment'.

Identification of relevant legislation, Council policy and plans

The Government has indicated that they are looking to change the provisions in the RMA relating to the process for making changes to district plans. Other changes to the RMA have also been indicated.

Amendments to the RMA have the potential to impact on the format and timelines of the District Plan review. The format and timelines will be reassessed as and when relevant amendments are made to the RMA.

Recommendation

That this report be received for information.

BULLER DISTRICT COUNCIL
FOR THE MEETING OF 18 MARCH 2009

Report for Agenda Item No 15

Annual Report on Dog Control Policy and Practices 2007/2008

Prepared by - Tracy Judd
- Senior Animal Control Officer

Purpose of Report

The Dog Control Act 1996 requires that territorial authorities report annually on specified requirements relating to their dog control policy and practices. This report addresses those requirements.

Background

The provisions of Section 10A of the Dog Control Act requires territorial authorities to report annually on dog control policy and practices. Section 10A of the Act is included in this report as Annex C.

Policy

Section 4.13 of the policy manual contains the Dog Control Policy. This policy, which was adopted in 1997, was reviewed and reaffirmed in August 2004. It is considered there is no need to further amend this existing policy.

The policy identifies dog control areas and places restrictions and requirements on dog owners in regard to:

- Prohibited dog areas
- Leash control areas
- Dog exercise areas
- Conservation prohibited areas
- Menacing dogs

The policy also contains provisions relating to the issue of infringement notices, delegations and procedures for the return of roaming dogs.

Most of these requirements are specifically reflected in the Control of Dogs bylaw, which has been adopted from NZS 9201 Part 12:1999 as the Model General Bylaw produced by Standards New Zealand, with local amendments based on this policy.

In summary, the current policy is considered as appropriate and working well within the district and understood by dog owners and there is no need to amend the policy.

Dog Control Practices

The Dog Control Act and the supporting bylaw are enforcement tools for ensuring that the legislation is complied with. Day to day dog control however is enforced initially through an education policy and only in the event of continued non-compliance are infringement notices or prosecution options pursued.

Pre-School and Elderly Groups

An education programme involving visits to schools by animal control staff is continuing this year. A professionally produced “Dog Safety” presentation was adopted for this programme.

Dog control activities however continue to remain an exceptionally difficult undertaking when unfortunately some dog owners are abusive and uncooperative. Such confrontation, abuse and criticism does not provide for pleasant working conditions and may have a significant influence on the short tenure of animal control officers.

Statistical Information

Attached as Annex A is the statistical information required to be reported on under Section 10A(2).

Outcomes of the Report

The report is required to be adopted by Council and publicly notified before a copy is sent to the Secretary for Local Government.

Recommendation

That the report be adopted and publicly notified.

Dog Control Statistics
During the 2007/2008 Financial Year

Number of registered dogs	2,146
Number of probationary owners	0
Number of disqualified owners	0
Number of dogs classified dangerous under Section 31 1B due to sworn evidence	5
Number of dogs classified as menacing under Section 33C (by breed)	5
Number of dogs classified as menacing under Section 33A 1 (b) (i) (by threat)	3

Number of infringement notices issued for:

▪ Failing to register a dog	7
▪ Failure to comply with menacing classification	1
▪ Failure to comply with dangerous classification	0
▪ Failure to keep dog under control	7
Total Infringement Notices	15

Number of dog related complaints consisting of:

▪ Barking complaints - Section 55 - notice of barking dog issued causing nuisance	106
▪ Dogs impounded - wandering dogs	98
▪ Dog/s attack stock	5
▪ Dog/s attack other dog/s	4
▪ Dog/s attack on people	4
▪ Aggressive dog behaviour	39
▪ Miscellaneous (including lost, found, neglected and defecating dogs)	215
Total Dog Related Complaints	471

Number of prosecutions	0
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WHAT YOUR DOG REGISTRATION PAYS FOR

24 HOUR RESPONSE TO COMPLAINTS

1. Barking
2. Wandering
3. Attacks on People
4. Attacks on animals/stock
5. Animal welfare concerns

24 HOUR IMPOUNDING SERVICE

1. Maintenance of pound facilities in Westport and Reefton, rates
2. Portable traps and cages
3. Re-homing of dogs
4. Destruction of unwanted dogs
5. Catching equipment/safety equipment

ENFORCEMENT ACTIVITY

1. Property inspections
2. House to house dog registration checks
3. Issuing permits
4. Court costs
5. Dangerous dog classification & follow-ups
6. Issue & processing of infringement fines

ANNUAL COSTS

1. Two full-time officers
2. Registration tags/forms/ postage
3. Pamphlets – forms/advertising
4. Vehicle maintenance, replacement, mileage

ASSOCIATED COSTS

1. Maintenance of dog register
2. Office space, computer system
3. Phones and On-call numbers
4. Maintenance of signs
5. Secretarial work
6. Ranger education
7. Public information - school programme
8. Overhead management costs
9. Insurance
10. Legal expenses
11. Building maintenance

Annex C
Dog Control Report 2007/2008

The Dog Control Act 1996 Section 10A. Territorial Authorities must report on dog control policy and practices:-

- (1) A territorial authority must, in respect of each financial year, report on the administration of –
 - a. Its dog control policy adopted under Section 10; and
 - b. Its dog control practices.
- (2) The report must include, in respect of each financial year, information relating to –
 - a. The number of registered dogs in the territorial authority district;
 - b. The number of probationary owners and disqualified owners in the territorial authority district;
 - c. The number of dogs in the territorial authority district classified as dangerous under Section 31 and the relevant provision under which the classification is made;
 - d. The number of dogs in the territorial authority district classified as menacing under Section 33A or Section 33C and the relevant provision under which the classification is made;
 - e. The number of infringement notices issued by the territorial authority;
 - f. The number of dog related complaints received by the territorial authority in the previous year and the nature of those complaints;
 - g. The number of prosecutions taken by the territorial authority under this Act.
- (3) The territorial authority must give public notice of the report –
 - a. By means of a notice published in –
 - i. 1 or more daily newspapers circulating in the territorial authority district; or
 - ii. 1 or more other newspapers that have at least an equivalent circulation in that district to the daily newspaper circulating in that district; and
 - b. By any means that the territorial authority thinks desirable in the circumstances.
- (4) The territorial authority must also, within 1 month after adopting the report, send a copy of it to the Secretary for Local Government.

BULLER DISTRICT COUNCIL

FOR THE MEETING OF 18 MARCH 2009

Report for Agenda Item No 22

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

Correspondence Received

- 1. Department of Internal Affairs**
Local Authorities (Members' Interests) Act 1968 – Review
- 2. Robert Terry**
Lodging of Formal Complaint
- 3. Marg Milne**
Proposal for old Swimming Pool Site
- 4. Federated Farmers of New Zealand**
Long-Term Council Community Plans
- 5. Families Commission**
Family Day 15 May 2009
- 6. Office of Hon Simon Power**
Funding of Community Law Centres
- 7. Brian McCarthy Q.S.M.**
Local Body Amalgamation
- 8. Cancer Society**
Tobacco Litter in the Community
- 9. Graeme Neylon**
Resignation – Buller Holdings Ltd

BULLER DISTRICT COUNCIL

FOR THE MEETING OF 18 MARCH 2009

Report for Agenda Item No 23

**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



*Council Meeting
18 March 2009*

FOR THE MEETING OF MARCH 2009

Report for Agenda Item No 18

Prepared by - Stephen Griffin
- Manager Operations

Stock Movement Bylaw

Purpose of Report

The purpose of this report is to introduce a Livestock Movement Bylaw. The By Law was developed by members of the Road Controlling Association with input from Federated Farmers. The Council will be required to undertake consultation in accordance with the special consultative procedures as defined in the Local Government Act 2002 if it wishes to adopt this bylaw.

Background

There has been an increase in dairying in the District as the returns for this type of farming have increased. This has resulted in amalgamation of farms and larger herd sizes. In some instances the amalgamation of farms has included land on the other side of the road to the present farm. This in turn increases the number of stock crossings used to shift stock around the farm.

The damage that occurred to roads as a result of stock crossings was included in the audit undertaken in 2008 by the New Zealand Transport Agency. This report recommended that Council consider a bylaw to allow better control of this activity.

The proposed bylaw has been developed by members of the Road Controlling Association (RCA) and included representation from Federated Farmers on the steering committee. The purpose of the model bylaw was to obtain some consistency across the country and while the committee has developed a model this can be and will be amended by Councils as part of the consultative process.

The Council has an existing bylaw that does require that stock races are constructed where practical. This bylaw was adopted by Council in 1996 and was at the time quite innovative and was used as the basis for other Councils bylaws. It was considered as part of the development of the model bylaw along with numerous other Councils bylaws.

The key differences are that the model bylaw requires that all stock crossings are inspected and classified.

The bylaw establishes that certain livestock movements that meet specified criteria can proceed without the need for consent. As it is now common usage

to refer to an activity not requiring the consent of a local authority to proceed as being a permitted activity, this is the usage adopted in this bylaw. Where a livestock movement would require the consent of the council, but where no grounds exist to decline consent, the council may impose conditions on the consent and such a livestock movement is classed therefore as conditional.

The bylaw provides for two exemptions from the requirement to have a valid consent for a livestock movement. The provision for emergency livestock movements or for the return or impounding of loose livestock is a necessary exemption. The inclusion of an exemption for livestock being placed within the road not for the purpose of being moved across or along it, but to graze within it, is considered necessary for consistency with the purpose of the bylaw.

Neither exemption is an exemption from the provisions of the bylaw. Liability for any damage to the road or any structure within the road caused by moving livestock on to the road to graze would not be avoided by the exemption. The bylaw provides for consent holders to pay charges, but also for livestock owners who are not consent holders to pay where a permitted movement resulted in the council incurring costs for unscheduled maintenance.

Options

The Council has an existing bylaw that provides for the movement of stock. The Council can consider retaining this by law or undertaking consultation on the proposed 2009 version of the bylaw.

Community Outcomes

The proposed bylaw takes into account the community outcomes linked to road safety, economy and environment.

Identification of relevant legislation, Council policy and plans

Under section 151 of the Local Government Act 2002 (LGA 02) a Council has general powers to make a bylaw to regulate or control any activity within its district. More specifically, under section 145 a Council may make a bylaw for the purpose of (a) protecting the public from nuisance or (b) protecting, promoting and maintaining public health and safety.

Under section 72(1)(d) and (dd) of the Transport Act 1962 a Council may make a bylaw prescribing the routes and times at which livestock might pass over or along any road in its control, or prohibit the passage of such livestock or permit such passage on condition as it sees fit.

Under section 684(1)(13) of the Local Government Act 1974 (LGA 74) a Council may make a bylaw concerning roads and cycle tracks and the use thereof.

Notwithstanding section 151(1AA) of LGA 02, section 684AA of LGA 74 provides that sections 150, 151, 155 and 156 of LGA 02 shall apply to any

bylaw made under LGA 74. This means that the procedures required for making a bylaw prescribed by LGA 02 must be followed where a bylaw is made under section 684 of LGA 74.

Assessment of significance

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

Consultation

The process for making a bylaw must take the form of a consideration of the matters set out in section 155 of LGA 02, and it must use the special consultative procedure set out in section 83 of that Act.

Under section 155(1) of LGA 02, a local authority must determine whether a bylaw is the most appropriate way of addressing a perceived problem. Having made a determination, under section 155(2)(a) the local authority must then determine whether the bylaw is the most appropriate form of bylaw for the purpose.

No bylaw may be repugnant to the laws of New Zealand, under section 17 of the Bylaws Act 1910, but section 155(2)(b) requires that a local authority specifically determine whether a bylaw gives rise to implications under the New Zealand Bill of Rights Act 1990.

The special consultative procedure set out in section 83 of LGA 02 requires a local authority to prepare a Statement of Proposal and a Summary of Information in that Statement, and to adhere to a specified procedure for consultation with all affected and interested parties. The period within which submissions may be made must be not less than one month from the first publication of the public notice of the proposal.

Section 86 of LGA 02 requires that, where the special consultative procedure is used in relation to the revocation of a bylaw, the statement of proposal must include the reasons and a report of the review carried out under section 158 (which is a reconsideration of the process set out in section 155).

As any decision on the proposal must invoke section 77 of LGA 02, the Council must assess the reasonably practicable options available in considering any bylaw.

The Statement of Proposal is to be made available for public inspection at the Council offices, and public libraries. The Summary of Information must meet the requirements of section 89 of LGA 02. In particular, it must be distributed as widely as reasonably practicable and indicate where the Statement of Proposal may be inspected, how a copy may be obtained and what period has been provided for interested parties to make submissions.

Financial Implications

There is a time and resource cost associated with the adoption of this bylaw. There is a need to have vehicle counts or an assessment of vehicle counts on all roads that is subject to an application. A register will be required for all consents and these have a two year life. The application costs are expected to recover the costs involved. Any additional inspections required will be additional as they are at present and most likely not recoverable.

Timetable

The consultative procedures will realistically take around four months to consider submissions and consider any changes before adoption should Council decide to progress this bylaw.

Recommendation

That Council resolves to initiate the process outlined in section 155 of the Local Government Act 2002 to give public notice of its intention to make a Stock Movements Bylaw for a period of not less than two months. That any submissions received during the consultation process be considered before the by law is made.

Appendix A

Current Stock Bylaw

Appendix B

Proposed New Stock Bylaw

BULLER DISTRICT COUNCIL
FOR THE MEETING OF 18 MARCH 2009

Report for Agenda Item No 24

Prepared by - Gary Murphy
- Chief Executive

Documents for Consent and Seal

Document for consent and seal are scheduled hereunder:

Contract

Buller District Council and Roadmarkers N.Z. Ltd

Performance Bond

ST Dellaca

Recommendation

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

BULLER DISTRICT COUNCIL

FOR THE MEETING OF 18 MARCH 2009

Report for Agenda Item No 20

Prepared by – Bede Brown
- Chief Executive Westport Airport

Westport Airport Policy

Purpose of Report

At its meeting of the 21 November 2007 Council considered a report (copy attached) that suggested that Policies and Recommendations were necessary to cover the operation of Westport Airport with the intention of creating a level playing field for all users.

This report presents the policies and recommendations subsequently resolved by Council. (Copy attached)

Background

The Westport Airport is a joint venture owned 50% by Council and 50% by the Crown represented by the Ministry of Transport. Management and control of the airport and its assets is vested in the Buller District Council.

The role of the Westport Airport Authority is to:

- operate the airport as close as possible to a commercial business in a cost effective and efficient manner
- maintain the Airport Assets
- enter into any commercial undertakings at the airport that will complement the operation and that are considered desirable

Recently a Memorandum of Understanding (copy attached) has been agreed upon between the Chief Executive of the Airport and the Directors of Council's Holding Company with the aim of offering advice and guidance in the business development.

For Council the role of the airport is to also:

- foster development of the Buller District
- take a leadership role in facilitating air transport development opportunities
- facilitating air travel for residents and visitors
- offer administrative support for airport activities

On 21 September 2007 the new Westport Airport Terminal was opened, this new development is to be soon followed by a new fuel facility and a pilot activated automatic lighting system. It is envisaged that the latter two will be commissioned and operational by mid 2008.

The effect of these developments and the introduction of an extra daily scheduled flight is that the airport has rapidly progressed and this necessitates the need to put some policies in place.

Suggested Policies

Advertising Policy

Advertising and advertising space within the new Terminal is limited to Tenants of the Airport Terminal building only. An exception to this policy is advertising by Buller Promotions promoting the District.

No commercial advertising is permitted on the Terminal building exterior

Building Standards

New Hangers

The design for any proposed new Hangers will be required to conform to the Totalspan/Formsteel type building design, to provide for uniformity of design and the opportunity of uniform additions.

Existing Hangers

Existing building users are to be encouraged to maintain and paint their buildings in color combinations, as used on the main terminal

Utilization of Land

Council agrees in principle to encourage business utilization of land suitably zoned around the operational area of the Airport. Any proposals or expressions of interest will be considered on a case by case basis and if necessary a firm policy will be formulated.

Identification of relevant legislation

District Plan

Assessment of Significance

This matter is not deemed significant under the Councils significance policy

Recommendation

That Council adopts the policies and recommendations as proposed.

BULLER DISTRICT COUNCIL

FOR THE MEETING OF 18 MARCH 2009

Report for Agenda Item No 16

**Prepared by - Rosalie Sampson
- Deputy Mayor**

Breast Screening Bus

Councillors will be aware of the recent media coverage regarding the withdrawal of this important service from Westport and the implications for Buller women.

This is yet another example of an erosion of our health services.

I believe that Council needs to show some leadership and take up an advocacy role on behalf of our community in this very important area of women's health.

Recommendation

That the Mayor seeks an urgent meeting with the Minister of Health to discuss this matter.

BULLER DISTRICT COUNCIL
FOR THE MEETING OF 18 MARCH 2009

Report for Agenda Item No 17

Prepared by - Gary Murphy
- Chief Executive

Nomination of Trustee for West Coast Primary Health Organisation (PHO)

Purpose of report

The purpose of this report is for Council to consider making a nomination to the West Coast Primary Health Organisation.

Background

The current nominee is Cr RM Sampson. The term of office for the nomination is 3 years from April 2009 until March 2012.

Recommendation

That Council considers making a nomination to the West Coast Primary Health Organisation (PHO).

BULLER DISTRICT COUNCIL

FOR THE MEETING OF 18 MARCH 2009

Report for Agenda Item No 19

**Prepared by - Bede Brown
- Chief Executive Westport Airport**

Westport Airport Security

Purpose of Report

This report considers a recent incident at Westport Airport where five cars left overnight in the car park were broken into and one subsequently stolen. A subsequent News report suggested that the Airport Authority may have a duty of care for vehicles left on its property.

Background

The Westport Airport is a joint venture owned 50% by Council and 50% by the Crown represented by the Ministry of Transport. Management and control of the Airport and its assets is vested in the Buller District Council.

The role of the Westport Airport Authority is to

- operate the Airport as close as possible to a commercial business in a cost effective and efficient manner.
- maintain the Airport Assets
- enter into any commercial undertakings at the Airport that will complement the operation and that are considered desirable.

In the last thirty months Westport Airport has undergone a major upgrade of its assets with the building of a new Terminal Building, installation of Fuel facilities and a pilot activated lighting system.

The Airport is used by a variety of casual users who come and go twenty four seven.

Car parking at the Airport is provided for in a sealed car park. Signage clearly visible at either entrance of the car park advises potential users that the vehicles being left there are left at the owners risk.

Historically in the last five years there have been no know incidents involving vehicles left overnight in the Airport car park.

No locked gate system where the gate is locked at night and reopened in the morning is in place at the main entrance to the Airport. Such a system is not practical with people accessing the airport for recreational use of micro lights stored on site, contractors calling to get aviation fuel, rental car companies retrieving left vehicles, fuel tankers making deliveries and farm vehicles accessing the leased Airport grazing land.

The former control tower building under the jurisdiction of the Westport Aero Club is occupied as a full time residence, that tends to act as a deterrent however there is no obligation on the tenant to provide twenty four seven coverage. On the night of the recent incident this person was away.

Currently Westport Airport Terminal is only opened and manned on a contractual basis when a scheduled flight is due. Approximately 8am to 10am mornings and 4.30pm to 6.30 pm evenings Monday to Friday and 11.30am to 1.30 pm Saturdays and Sundays.

This is unlikely to change unless more commercial flight routes are developed.

A security camera system has been purchased for the Airport. The intention of this system was primarily to record casual air traffic users to improve revenue from landing charges. The system can take up to sixteen individual camera's and in discussion with the Police, present on the day of the incident, it was suggested that cameras be installed to cover the car park area and Terminal entrance as well

Car Parking

Paid car parking at Airports is usually developed for two reasons,

- demand on the available spaces
- as an extra source of revenue for the Airport Operating Authority

At its meeting on 21 September 2007 Council considered a report on the Airport. Parking was included as a topic, it read,

“ In the event that daily flight services increase to the point that it creates pressure on the current car parking facilities available, that users are aware that Council reserves the right to introduce over night car parking charges”.

Such charges do exist at other Airports, in open, barrier accessed car parks, in all cases the duty of care for the vehicles left is still the owners and signage similar to what exists at Westport advises people of this.

The development of paid unsecured daily parking at Westport would involve substantial extra fencing costs to close off the vast areas of mowed grass areas where many people would gravitate to rather than pay a parking fee.

Secure Parking Compounds

Enclosed car parking compounds are also provided at other Airports, these are known as

“Pay and Display Secure Parking”

These compounds are usually secured by high security fences with gates that are locked after the last scheduled flight and are not reopened until 30 minutes before the next scheduled flight.

Their purpose is intended generally for “long term car parking” Airport users only.

They all attract a daily fee plus a substantial after hours opening fee, they have camera surveillance, in all cases have signage/small print on tickets, advising that cars are stored at the “owner’s risk”.

No car parking operator accepts an absolute “duty of care for vehicles left in their car parks”

The costs of the development and operation of such a compound would be substantial (\$100,000.00 plus,)

It will reduce the risk of opportunist vandalism and theft, but will not provide a 100% secure environment.

It needs to be acknowledged that not all users would choose to use the secure compound.

A secure compound averaging 5 cars per night would have a ten plus year cost recovery period.

e.g. Average 5 cars per night x \$7 = \$35per night x 7 = \$245 x 52 = \$12,740 minus \$1,416 GST = \$11,324 per annum

Over night car parking usage at Westport is a long way from requiring such development.

Recommendation

That Council endorses the provision of two extra cameras at the Airport for security surveillance.

BULLER DISTRICT COUNCIL
FOR THE MEETING OF 18 MARCH 2009

Report for Agenda Item No 21

Prepared by - Stephen Griffin
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Adoption Walking and Cycling Strategy

Purpose of Report

The purpose of this report is to adopt the walking and cycling strategy.

Background

The Council considered a report at the September 2008 meeting on the Walking and Cycling Strategy a copy of that report is attached. The strategy was prepared for the region but with the aim to also have each District or Road Controlling Authority to also adopt. The Regional Transport Advisory Group (RTAG) undertook the development of the strategy with support from other stakeholders such as the District Health Board. The recommendation from this report was that Council supported the strategy in principle for consultation.

This consultation has been undertaken and a report from Rob Daniels, Manager Operations Westland District, was presented to the West Coast Regional Transport Committee at their meeting on 2 March 2009. This report and the minutes of the Transport Committee are attached as information. The Regional Land Transport Committee received the report and adopted the strategy.

Options

The Council can adopt the strategy as presented or can consider developing an alternative strategy. The governments transport strategy requires that consideration is given to walking and cycling activities as part of the land transport programme.

Community Outcomes

The strategy reinforces community outcome of a healthy society as well as economic and environmental drivers.

Identification of relevant legislation, Council policy and plans

The Council has the authority under the Land Transport Management Act prepare a land transport programme that complies with the Land Transport Strategy..

Assessment of significance

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

Consultation

The walking and cycling strategy has been consulted with the community and submissions have been considered by the RTAG committee and adopted by the Regional Transport Committee.

Financial Implications

There will be programmes submitted as part of future Council budgets to address the strategies that are included strategy. These will be subject to Council consideration as part of the normal budget considerations.

Recommendation

That Council receives the report and adopts the West Coast Regional Walking and Cycling Strategy.