

BULLER DISTRICT COUNCIL

FOR THE MEETING OF 25 NOVEMBER 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 25 NOVEMBER 2009

Report for Agenda Item No 2

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

Confirmation of Minutes

Minutes of the meeting held on 28 October 2009 and 2 November 2009.

Recommendation

That the minutes of the meeting held on 28 October 2009 and 2 November 2009 be confirmed.

BULLER DISTRICT COUNCIL
FOR THE MEETING OF 25 NOVEMBER 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 25 NOVEMBER 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	Proposed strategy written. Planning underway for consultation trial.
	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.	Still awaiting Department of Conservation
May 2008	12 - Legalisation Denniston Track	Minister of Transport to vest track in Council	In progress
	13 - Gifting of Land Towards Denniston Heritage Reserve	Land swap sought	In progress
Date	Agenda Item	Action	Status
July 2008	12 - Legalisation Beach Road Charleston	Legalisation required	In progress
	13 - Flagstaff Access	Consultation with	In progress

		land owner required	
September 2008	9 - Carters Beach Erosion	Consent granted	Not yet commenced
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
April 2009	7 - Stock Movement Bylaw	Consultation required	Agenda item
July 2009	6 - Westport Water Supply	Tunnel repair strategic review	In progress
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	Not yet commenced
September 2009	4 - Breast Screening	Discussion with Breast Screen South required	Completed
	12 - Road Stopping Lower Buller Gorge	Road to be stopped - land disposal	In progress
October 2009	8 - Dangerous, Earthquake Prone and Insanitary Building Policy	Consultation required	In progress

Recommendation

That the report be received for information.

BULLER DISTRICT COUNCIL
FOR THE MEETING OF 25 NOVEMBER 2009

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 October 2009.

Recommendation

That the report be received for information.

BULLER DISTRICT COUNCIL
FOR THE MEETING OF 25 NOVEMBER 2009

Report for Agenda Item No 6

Prepared by - Stephen Griffin
- Manager Operations

Roading Improvements Millerton Track

Purpose of Report

This report is to advise Council that work has started on a project to improve the alignment onto the Mine Creek Armco culvert on the Millerton Stockton Road.

Background

This was a section of the Millerton Stockton Road that was narrow with houses on the hill on one side of the road and Mine Creek on the other side of the road. In recent times the house properties have been purchased by Solid Energy and the houses have been removed. This has provided an opportunity to widen this section of the road without strengthening the shoulder edge adjacent to Mine Creek.

This bridge was the site where a fuel tanker tipped over when the rear wheels went off the pavement while waiting for another vehicle to pass over the culvert.

The new alignment will provide two lane access over the culvert and also eliminate a blind corner further up the road.

The project has been promoted by Solid Energy for access security to the Stockton Mine. The project has been tendered and the successful contractor was Ferguson Bros of Greymouth. Solid Energy are meeting the cost of the physical works, the successful tender price was \$333,150 excluding GST. Council is meeting the internal costs of design, contract supervision and management. Council staff has also negotiated land swaps with the Department of Conservation and Land Information New Zealand to allow a short deviation to remove a blind corner.

This area was also damaged as a result of an extraordinary rain event on 29 April 2009 and part of the costs of this project will be claimed as emergency works.

The road is legal road vested in Council and the road serves the Stockton Mine and one other property.

Recommendation

That the report be received for information.

BULLER DISTRICT COUNCIL
FOR THE MEETING OF 25 NOVEMBER 2009

Report for Agenda Item No 7

Prepared by - Stephen Griffin
- Manager Operations

Revised Draft Stock Movement Bylaw

Purpose of Report

Council is to consider the attached revised Stock Movements Bylaw for consultation.

Background

The Council has previously consulted on a bylaw to control stock movements that was based on a model bylaw prepared by the Road Controlling Authorities Forum. The draft that Council consulted on was changed from the model bylaw and created considerable interest particularly from the farming sector. They were generally concerned about the costs involved and also the amount of 'paperwork' the proposal was to add to not only the farmers but also the Council.

The Council agreed at the October meeting that a working group be established with representatives from Federated Farmers, Westland Dairy Company, Council and Staff to prepare a revised draft that has some acceptance to all parties.

One meeting was held to consider the changes and format of the proposed bylaw and this has since been circulated to the working group for comments and corrections. The meeting was attended by P Langford, J O'Connor, G Hateley, D Milne, (Federated Farmers) M O'Regan (Federated Farmers and Westland Dairy Company) Cr G Neylon, Cr D Barnes, S Gray and S Griffin (Buller District Council). Crs Sampson and Roberts were unable to make the meeting.

Options

The Council now need to consider the draft and any changes that they may wish to make. Once the Council is satisfied that the bylaw meets their intentions then the bylaw will be put out for consultation during January and February 2010. Council will then in March consider any submissions that have been made.

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.

Education/Information Requirements

Once the bylaw has been updated there will need to be some effort put into the notification of changes to those sections of the community that may be affected. This will be done by utilising both the Council's web site and the Council newsletter.

Consultation

The draft bylaw when approved by Council for consultation will be advertised in the media, website and in the Council newsletter. Submissions on the document will be sought during January and February with Council considering any submissions received in March.

Timetable

The timeline to have a new bylaw in place is 1 July 2010.

Recommendation

That Council consult on the bylaw during January and February 2010 and consider all submissions received at the March Council Meeting.

BULLER DISTRICT COUNCIL
FOR THE MEETING OF 25 NOVEMBER 2009

Report for Agenda Item No 8

Prepared by - Stephen Griffin
- Manager Operations

Use of Reefton Transfer Station for Car Dismantling

Purpose of Report

The Council has received a request from Kevin and Jill Arnesen to allow them to use an area of the Reefton Transfer Station for a car dismantling operation. This report will recommend against allowing this activity at the Transfer Station.

Background

The letter attached to this report provides the Council with the background to why Mr and Mrs Arnesen wish Council to make land available. Mr Arnesen has been operating a car dismantling business in a reasonably remote area of the Inangahua Valley. The land on which he has been operating was Crown land and they had no formal arrangement to occupy this land.

During the time that this operation has been going Council has not received any cars at the Reefton refuse tip site. Mr Arnesen was prepared to take the cars for little or no cost while the Council charges per vehicle. A vehicle taken to the Council for disposal requires the owners to pay \$60 for an unprepared vehicle or \$30 for a prepared vehicle. A prepared vehicle requires that all fluids have been drained, tyres removed from rims and loose upholstery to be removed.

The Council stores the vehicles on site in a partially crushed state until there are sufficient quantities to arrange for the car crusher to visit. Council then receives the going rate at the time per tonne of metal.

At present all activities at the transfer stations are arranged using WestReef Services or in the case of transportation a separate contract has been tendered but with WestReef having an input into the operation. The Council does not allow scavenging at any of its transfer stations or landfills.

Risks

There are a number of risks associated with this sort of activity that need to be addressed these include:

1. Occupational Safety and Health - the dismantling of vehicles has a number of risks depending on how well managed the site is. These hazards include explosion from using cutting torches around fuel tanks, cars toppling depending on how they are stacked, toxic dust from brake linings etc. Council could also be exposed if the public were given access to the vehicles so that parts could be removed.
2. Environmental - discharge of oils, brake fluids, radiator contaminants to ground.
3. Theft and misuse may increase if the community perceive that there is value in the vehicles.
4. Economic - While there may be an opportunity for Mr Arnesen to operate a business this could be to the detriment of any other person wishing to conduct a similar business.

Options

The Council can allow a car dismantle business to operate on the site conducted by a third party or not allow this business to set up at the transfer station.

If the Council considers that the advantages of allowing such an activity to start outweigh the risks then they must also consider a mechanism of determining rental and the lease of the area. It would be presumptuous to just negotiate with Mr Arnesen as there may well be other residents who would like this opportunity. Consideration also needs to be given to allowing this activity at other similar facilities. In Westport for example there is an established car dismantling business which has all the necessary consents. To allow a similar business to commence in Reefton is in competition to this business. It follows therefore that any business established on Council owned land should have similar overheads to allow for fair competition.

Community Outcomes

The process of dismantling vehicles supports community outcomes of environmental sustainability in the provision of services that assist the process of re-use and recycling.

Identification of Relevant Legislation, Council Policy and Plans

Council has a designation over the Reefton site to allow for the collection, transfer and storage of solid waste. When using a designated area for a purpose that may not be specifically covered then the underlying zone rules apply. In the Reefton case the underlying zone is a rural zone. In the rural zone industrial activities require a resource consent. Certainly at the time of meetings to discuss the designation it was not the intention to operate such a facility on the site.

Assessment of Significance

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

Consultation

There has been no consultation undertaken on this issue.

Financial Implications

Any use of the area would need to be at a commercial lease and to an amount to cover all outgoings such as rates. The area to be occupied needs to be valued and a lease drawn up to provide a return to Council determined by the valuer. The lease would require the lessee to meet rate requirements over the site.

Resource Implications

An operation of this nature is likely to cause tension between the contractor who runs and operates the transfer station and the lessee, this is likely to require staff resource to keep the demarcation between the operators.

Conclusion

The staff recommendation is that while dismantling of vehicles adds value to the recycling of motor vehicles it is an activity that has shown to be profitable and assistance from Council can be seen to be anti competitive. There are a number of risks associated with a venture such as this that have the potential to leave Council with a clean up not only of car bodies but of contaminated ground.

Recommendation

That Council decline the application to utilise a section of the transfer station site at Reefton for a car dismantling business.

BULLER DISTRICT COUNCIL

FOR THE MEETING OF 25 NOVEMBER 2009

Report for Agenda Item No 9

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

West Coast Events Calendar

Purpose of Report

For Council to consider a proposal from Paroa School and decide if Buller will join Grey and Westland District Councils in a West Coast wide events Calendar.

Background

The Paroa School PTA, in conjunction with Development West Coast is compiling a list of upcoming West Coast events for 2010 and beyond. The events are to be produced into a calendar which will be available online through Development West Coast and can also be distributed by Councils participating.

It is hoped to make this a regular production that will continue for many years depending on Council support.

Currently the organisers are seeking any events that the public would like to include in the calendar. There is no cost for having an event added to this calendar and the intention is to promote all events and eliminate, or at least minimise events conflicted by being held on the same date. The organisers intend listing as much information as possible eg meeting dates, sporting events, community events, A and P shows etc.

Status

Development West Coast currently has an events calendar on their website. This calendar is proposed to compliment what is on the website.

The Grey District Council has also decided to support this initiative for the next 12 months by providing a hard copy of events to Grey District ratepayers in each quarterly rate demand.

The Westland District Council will be considering this as a submission to next years annual plan.

The cost per annum of this events calendar will be \$1,666 per council. If the Buller District Council supported the idea it could go out with the Community Newsletter which is delivered to every household in Buller and posted to ratepayers who live out of district.

If supportive of this calendar Council has the option of beginning now or can wait and consider as part of 2010/2011 Annual Plan funding.

Conclusion

This events calendar is currently on the Development West Coast website which the Buller District Council does not pay for. If Council supports this calendar we will receive a quarterly calendar of events that cover the West Coast that we can provide to all households/ratepayers of Buller for a cost of \$1,666 per annum.

Recommendation

- 1. That Council considers whether they are happy to support this initiative for a quarterly events calendar supplied by Paroa School PTA to then be distributed to all Buller residents in the community newsletter on a quarterly basis.**
- 2. If supportive, Council decide when funding for this calendar will commence.**

BULLER DISTRICT COUNCIL
FOR THE MEETING OF 25 NOVEMBER 2009

Report for Agenda Item No 10

Prepared by - Gary Murphy
- Chief Executive

2010 Meeting Schedule

The draft meeting schedule for 2010 is attached.

Recommendation

That Council adopt the 2010 meeting schedule with any amendments as necessary.

BULLER DISTRICT COUNCIL
FOR THE MEETING OF 25 NOVEMBER 2009

Report for Agenda Item No 11

Prepared by - Gary Murphy
- Chief Executive

Correspondence Received

- 1. Jenette Hawes**
Reefton Community Gym
- 2. Taupo District Council**
1080 Use

BULLER DISTRICT COUNCIL

FOR THE MEETING OF 25 NOVEMBER 2009

Report for Agenda Item No 12

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

Documents for Consent and Seal

Documents for consent and seal are scheduled hereunder:

Transfer

WH Brown to KJ and CA Davies
North West Livestock to PE and ZL Claridge
TD Warne and CE Ritchie to HM Tekoronga

Contract

Buller District Council and Programmed Maintenance Service
Buller District Council and Ferguson Brothers Limited

Licence to Occupy

Buller District Council and B Nolan and J Crawford and LJ Proffit

Easement

Buller District Council and Keoghan Farms Limited

Banking Facilities

Buller District Council and Westpac New Zealand Limited

Recommendation

That the transactions 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 25 NOVEMBER 2009

Report for Agenda Item No 13

**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 25 NOVEMBER 2009

Report for Agenda Item No 14

Prepared by - Gary Murphy
- Chief Executive

Publications Received

West Coast Tai Poutini Conservation Board Agenda - 6 November 2009

BULLER DISTRICT COUNCIL

FOR THE MEETING OF 25 NOVEMBER 2009

Report for Agenda Item No 15

**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	Angela Oosthuizen - Manager Corporate Services	Buller Recreation Limited	Section 7(2)(j) - Enable the local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)
2	Gary Murphy - Chief Executive	Correspondence	Section 7(2)(j) - Enable the local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)