

BULLER DISTRICT COUNCIL

FOR THE MEETING OF 26 NOVEMBER 2008

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 26 NOVEMBER 2008

Report for Agenda Item No 2

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

Confirmation of Minutes

Minutes of the meetings held on 22 and 31 October 2008.

Recommendation

That the minutes of the meetings held on 22 October 2008 and 31 October 2008 be confirmed.

BULLER DISTRICT COUNCIL
FOR THE MEETING OF 26 NOVEMBER 2008

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 26 NOVEMBER 2008

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
August 2008	15 - Electoral System for 2010	Advertisement required	Completed
September 2008	9 - Carters Beach Erosion	Waiting for Consent	In progress
	10 - Walking Cycling Strategy	Consultation in progress	Submissions by 19 December
	11 - Utopia Road Speed Restriction	Consultation in progress	Submissions by 21 November
October 2008	9 - Partnering with Pacific Councils	Determine suitable projects	In progress
	10 - Revenue and Financing	Formulae to be developed	In progress
	11 - Administration of South Granity Water	To be included in LTCCP	In progress

Recommendation

That the report be received for information.

BULLER DISTRICT COUNCIL

FOR THE MEETING OF 26 NOVEMBER 2008

Report for Agenda Item No 5

Prepared by - Vipul Mehta
- Management Accountant

Authorised by - Angela Oosthuizen
- Manager Corporate Services

Council Financial Report for Period Ending 31 October 2008

	Actual	Year to Date Budget	Variance	Annual Budget	Note
Income (incl recoveries)					
Community Services	543,663	562,801	(19,138)	1,832,403	
Democracy	-	-	0	-	
Tourism and Promotion	-	-	0	-	
Water Supply	410,731	410,633	98	1,231,900	
Airport	17,682	47,567	(29,885)	142,700	
Amenities and Reserves	492,192	361,394	130,798	1,084,182	1
Roading and Urban Development	467,449	1,174,572	(707,123)	3,392,724	2
Environmental Services	439,796	374,940	64,856	917,060	
Solid Waste	282,786	582,428	(299,642)	1,771,300	3
Support Services	968,778	968,120	658	2,711,918	
Council (General Rates and Investments)	2,179,944	2,119,607	60,337	7,664,822	
Wastewater	6,258,874	6,384,424	(125,550)	10,425,605	4
Total Income	12,061,895	12,986,486	(924,591)	31,174,614	
Expenditure					
Community Services	977,999	1,062,591	84,592	3,187,774	
Democracy	205,654	207,899	2,245	623,697	
Tourism and Promotion	63,335	73,301	9,966	283,851	
Water Supply	354,840	371,869	17,029	1,223,313	
Airport	32,828	48,833	16,005	146,500	
Amenities and Reserves	645,781	631,525	(14,256)	1,894,575	
Roading and Urban Development	1,278,428	1,594,625	316,197	4,783,874	5
Environmental Services	665,372	620,638	(44,734)	1,677,364	
Solid Waste	516,183	559,898	43,715	1,979,694	
Support Services	1,036,920	997,109	(39,811)	2,711,918	
Council (General Rates)	-	-	0	-	
Wastewater	848,408	875,897	27,489	2,627,692	
Total Expenditure	6,625,748	7,044,186	418,438	21,140,252	
Net Expenditure	5,436,147	5,942,301	506,154	10,034,362	

Notes

1 Received Grant from Housing NZ which was budgeted in last financial year

- 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 services is not yet commenced
- 5 Some roading repairs and maintenance budgeted but not yet spent

	Actual	Year to Date		Annual Budget	Note
		Budget	Variance		
Capital					
Community Services	2,222,976	2,154,900	(68,076)	6,464,700	
Democracy	0	0	0	-	
Tourism and Promotion	0	0	0	-	
Water Supply	105,025	174,267	69,242	522,800	
Airport	88,302	0	(88,302)	5,000	1
Amenities and Reserves	256,304	86,472	(169,832)	259,415	2
Roading and Urban Development	252,200	416,696	164,496	2,551,500	3
Environmental Services	0	19,667	19,667	59,000	
Solid Waste	210,609	0	(210,609)	157,000	4
Support Services	8,736	0	(8,736)	156,400	
Wastewater	1,626,427	238,512	(1,387,915)	715,535	5
Total Capital	4,770,579	3,090,513	1,680,066	10,891,350	

Notes

- 1 Airport capital expenditure budgeted last year and work is in progress
- 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
- 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 26 NOVEMBER 2008

Report for Agenda Item No 6

**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 October 2008.

Investments

Investments are unchanged from last month.

Interest Revenue

Year to date interest revenue is \$187k versus a budget to date of \$98k.

Borrowings

The principal on internal loans is repaid every six months (December and June). As has been noted we are in breach of the \$10m limit placed on internal loans via the Investment Policy. The breach relates to the sewerage subsidy not having been received. However this is likely to be rectified in the short to medium term now that the subsidy has been approved.

External borrowings have not changed from last month at \$16m.

Recommendation

That the report be received for information.

BULLER DISTRICT COUNCIL

FOR THE MEETING OF 26 NOVEMBER 2008

Report for Agenda Item No 7

**Prepared by - Vipul Mehta
- Management Accountant**

Timetable - Long Term Council Community Plan 2009-2019

Purpose of Report

The purpose of this report is to inform Council on preparation of the Long Term Council Community Plan (LTCCP) 2009.

Background

Every local authority is required by the Local Government Act 2002 to once every three years prepare a 10 year LTCCP. In 2006 Council completed an LTCCP with an unqualified audit report and Council would like to achieve no less this time round.

The LTCCP will be for the period 1 July 2009 to 30 June 2019. Please find attached the timetable for the project with key dates and responsibilities.

The process is well underway according to the timetable and we are confident that the dates as set out in the timetable will be achieved.

Recommendation

That Council receive the LTCCP project plan for information.

BULLER DISTRICT COUNCIL
FOR THE MEETING OF 26 NOVEMBER 2008

Report for Agenda Item No 8

Prepared by - Trish Casey
- Manager Community and Environmental Services

Westport Performing Arts Centre

Purpose of Report

This report provides an outline of the proposal to convert the Westport Community Hall into a new Performing Arts Centre, and seeks Council's approval to proceed with full design and tendering to complete the project.

Background

Council resolved at the Annual Plan hearings of 10 June 2008 that the preferred site for performing arts is the Community Hall. A full copy of the resolutions passed at this meeting is attached to this report.

Since this meeting Council staff have worked with the consulting architects and quantity surveyors to develop the design for the conversion. In addition to the design work, Council staff have developed operating assumptions and a forecast of expected financial performance for the new centre.

The detail of this work is attached to this report in a report entitled Westport Performing Arts Centre.

The detailed design and cost estimates have been provided in a separate report to Council by Boon Goldsmith Bhaskar.

Options

Council was to compare this proposal with the back up option of renovating the St James Theatre, which was estimated to cost close to \$2m. Unfortunately the St James Theatre is no longer available for renovation, and the only alternative for comparison is a new build. A new build is estimated to be in the order of \$4.5-\$5m.

Two options have been included for the Community Hall, one is for theatre and cinema and the other is for theatre without cinema.

Community Outcomes

The role of the performing arts centre in providing for the cultural needs of our district is well established and has been reinforced by the feedback received

in past consultation exercises. There is no doubt that the community value and need a centre for live and film performance.

Assessment of Significance

The provision of theatre and performance space to the community is noted as a significant activity, and for this reason consultation was carried out through the 2008/2009 Annual Plan process to hear community views.

Consultation

A community working group has carried out substantial work on developing solutions for the future of performing arts. This work resulted in a brief which has formed the basis of the proposed project design.

There have been many different consultation exercises that have included the performing arts needs for the community over recent years and Council has had a large amount of feedback and input from members of the community in reaching the current position.

Financial Implications

Capital

The estimated capital cost of the community hall conversion is \$2,176,807 including cinema or \$1,887,102 without cinema. The Council currently has allocated \$700,000 to this Vision 2010 project, and expects to be able to secure a further \$700,000 from Development West Coast's MDI fund. Council would need to determine where to raise the balance of the capital cost from if the project is to proceed.

Operating Information

The estimated operating budgets for a new centre show that a deficit of approximately \$145,000 would need to be funded from general rates for the annual operation of the performing arts centre. The detailed operational budget and assumptions about the business can be found in the report.

Resource Implications

It is estimated that up to 25% of one full time staff member would be required to assist during the detailed design phase of this project up to tender stage.

Timetable

If Council resolves to move forward with this project, it is estimated that tenders could be considered by Council around April 2009, and with an immediate start the project could be completed in time for the beginning of 2010.

Recommendation

- 1. That Council provide approval for the project to proceed for the conversion of the Community Hall to a Performing Arts Centre, including cinema and screening room at an estimated capital cost of \$2.176m.**
- 2. That detailed design now commence and tenders be sought and brought back to Council for approval to proceed.**

ATTACHMENT ONE

- 1 That Council reconfirms its resolution of 12 December 2008 being:

“That Council staff be directed to investigate and cost other options for a performing arts venue, including all the requirements detailed in the MacKay report. This information to be reported back to Council by March 2008 to enable a comparison to be made with the costings received for the St James Theatre renovation.

PJ McManus/MMJ Montgomery

Carried

Cr Roberts voted against

MacKay Report Recommendations for a Performing Arts Centre

- *Seating capacity of at least 400 for live performance*
- *Seating capacity of not less than 125-150 for cinema screenings*
- *Fixed, tiered seating with appropriate audience access*
- *Audience sight lines optimised for live (dance) performances*
- *A stage area of 10-12 metres wide and not less than 10 metres deep*
- *A sprung stage floor for dance performances*
- *Appropriate stage access and load-in*
- *Suitable heating and ventilation*
- *Appropriate auditorium sound proofing and acoustics*
- *Suitable dressing rooms and backstage accommodation including assembly areas, a green room and practice rooms*
- *Appropriate storage including space for the civic pianos*
- *Foyer space sufficient to accommodate all those attending a performance and the necessary front of house facilities, including a ticket office, sufficient public toilets and good and beverage services*
- *A basic stage lighting system that will cater for the performance activities currently taking place and capable of being expanded as required*
- *A method of suspending lighting, drapes and scenic elements over the stage area*

- *A full set of stage draperies including masking drapes and cyclorama*
- *Appropriate accommodation for the technical systems including FOH control rooms, a dimmer room and technical workshop/storage*
- *An audio visual system that will provide standard production communications, an audio/visual patching system that will allow for future expansion and a basis speech/music reinforcement system for meetings and small scale musical events*
- *Any venue on the Buller High School Campus would, in addition, require rehearsal rooms and set, costume and prop storage.”*

- 2 That Council's preferred site for a performing arts centre be at the current Community Hall.
- 3 That Council's back up choice be refurbishment of the St James Theatre.
- 4 That the current budget of \$1.4 million be retained for the 2008/2009 financial year.
- 5 That Council further investigates the final design and determines the capital and operating costs for a new performing arts centre at the Community Hall.

BULLER DISTRICT COUNCIL
FOR THE MEETING OF 26 NOVEMBER 2008

Report for Agenda Item No 9

Prepared by - Trish Casey
- Manager Community and Environmental Services

Request for Waiver of Resource Consent Fees - Buller Community Development Company

Purpose of Report

This report outlines a request from the Buller Community Development Company (BCDC) for a waiver of consent fees in relation to a community noticeboard. The request from BCDC is attached to this report.

Background

Where a sign does not meet the requirements for a permitted activity in the District Plan, a resource consent is required to enable a full assessment of any effects of the sign. The sign requested by BCDC is a Discretionary Activity under the Plan because it does not comply with the Permitted Activity status, being contrary to 7.7.1.6.1 of the District Plan which requires signs to be fixed or painted directly onto existing walls of buildings. The sign proposed by BCDC is to be located outside the entrance to the building but is not attached to a wall and therefore requires a consent for its erection

Consent fees are calculated on a time and costs basis using the hourly rates for staff involved as outlined in the fees and charges schedule. As such there is not a standard fee for this service. An estimation of the likely charges associated with processing this consent has been derived by reviewing similar applications. This comes to \$420.

Council has a revenue and financing policy that requires a 100% recovery rate of consent processing costs, therefore there is no ability for staff to provide discounts or to waive fees.

A request such as this one could seek funding assistance from the community grants pool, however this is only open during the months of February and August for applications. A retrospective application could be made, but there would be no guarantee that the committee would find this application to have more merit than competing applications. Other applicants have in the past been granted community grants funding for similar costs.

Options

Council may determine that it is appropriate to allow this waiver as an exception to the policy, could apply some sort of discount or could uphold the policy of full recovery.

Assessment of Significance

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

Conclusion

BCDC seeks an exemption from the approved policy regarding fees and charges on the basis that the activity is for the benefit of the community.

Recommendation

That Council determine whether any discount or waiver of fees should be provided to BCDC in relation to the resource consent applied for.

BULLER DISTRICT COUNCIL

FOR THE MEETING OF 26 NOVEMBER 2008

Report for Agenda Item No 10

Prepared by - Gary Murphy
- Chief Executive

Request for Approach to Local Government Commission

Purpose of Report

Council has received a request from the Grey District Council (GDC) for the four councils on the West Coast to make a formal approach to the Local Government Commission (LGC) to investigate the abolition of the West Coast Regional Council (WCRC).

Background

The letter from the GDC and response from WCRC is attached. It is understood that Westland District Council (WDC) has effectively rejected the request.

In March 1993, the Local Government Commission received a proposal from WDC for that council to exercise the functions, duties, and powers of the WCRC within the Westland District. The LGC referred the proposal back to proposers for the following reasons:

- (a) *The West Coast Region is recognized as one distinct region in terms of its physical geography, economy, history and resource management requirements. It would be detrimental to providing for the effective and efficient exercise of regional council functions, duties, and powers to remove from that region a part with characteristics and resource management requirements little or no different from those of the remaining part of the region.*
- (b) *The northern boundary of the proposed unitary authority district is not appropriate as a boundary between authorities undertaking regional council functions as it divides a significant river catchment. Neither is it considered appropriate for such a significant resource area as is contained in the river catchment to be administered on an ad hoc basis by a joint committee.*

- (c) *The size of the Westland District in terms of both population and financial resources is, in the opinion of the Commission, too small to ensure that the statutory functions of a regional council particularly those under the Resource Management Act (including both planning and enforcement), would be able to be carried out adequately in accord with the relevant legislation and in the most effective and efficient manner.*
- (d) *Implementation of the proposal would transfer not only regional functions but also regional financial resources to the Westland District Council. This would reduce the financial base of the Westland Regional Council to a level that would make it extremely difficult, if not impossible, for that Council to exercise its functions, duties and powers within the remaining part of the region.*

In 1995, the LGC was asked to report to the Minister of Local Government whether the WCRC was fully meeting its statutory functions. In 1996, Cabinet authorised the Minister to request the Commission to undertake a review of the structure of local government on the West Coast. The Commission made several conclusions and recommendations. It recommended that the present structure should continue in the interim but the long term view was that it “*will probably tend toward the establishment of a unitary authority*”.

Local Government New Zealand (LGNZ) commissioned a report in 2006 on Local Government Structure and Efficiency. This report reviewed the arguments for and against amalgamation and considered other means of addressing matters such as efficiency, effectiveness and critical mass.

The report found that evidence from examples both of sector-wide initiatives equivalent to New Zealand’s 1989 experience, and of individual amalgamation initiatives, is at best “*equivocal on whether amalgamation has produced the promised gains in efficiency and cost effectiveness. The evidence does often suggest that costs have exceeded benefits.*”

A case study also “*provides strong evidence of commitment to ‘place’ on the part of individual electors. It raises the question of whether the present powers of the LGC, which are focused primarily on constitutional and geographic restructuring, are really appropriate to meet current circumstances. There is strong implication that these powers are in conflict with the demands of local democracy if local democracy is understood to include people’s attachment to the places where they live, including the institutional forms through which local democracy is expressed.*”

Options

Council can decide to agree to the request of the GDC for a formal approach to the LGC or decide to decline.

It appears that even if Council agrees to the request, the lack of support by the other councils would mean the matter would not proceed any further.

Community Outcomes

All community outcomes are supported by democracy by providing opportunity for civic engagement.

Identification of Relevant Legislation, Council Policy and Plans

The relevant legislation is the Local Government Act 2002. In February 2008, Council adopted the Triennial Agreement. This agreement requires all councils on the Coast to work co-operatively with "no surprises".

The Buller District Council already works co-operatively in a number of areas with the other councils and has been one of the initiators of a shared services forum.

Assessment of Significance

If Council were to indicate a preference to look at some form of re-organisation, it would be deemed significant under the Council's Significance Policy.

Education/Information Requirements

Such a proposal would require significant education of the community in terms of the process to be followed, opportunity for consultation and input, role of the councils and Local Government Commission.

Consultation

No consultation has taken place to date.

Financial Implications

No allowance has been made in the budget for this matter.

Resource Implications

Should Council wish to make an approach to the LGC or consider other re-organisation options, this will have an impact on current resources. It is likely that information requests from the LGC could be quite resource intensive.

Timetable

The timetable is not known at this stage if the decision were to proceed with an approach to the LGC but is likely to coincide with the LTCCP preparation which will have an impact on resources.

Other Considerations

No advice has been sought on this matter.

Recommendation

That Council consider a response to the Grey District Council.

BULLER DISTRICT COUNCIL
FOR THE MEETING OF 26 NOVEMBER 2008

Report for Agenda Item No 11

Prepared by - Gary Murphy
- Chief Executive

KEEP (Karamea Estuary Enhancement Project)

Council has been liaising with KEEP (Karamea Estuary Enhancement Project) for several months now following their submission to the Annual Plan.

Development of a Memorandum of Understanding (MOU) is almost finalised. Attached is their Annual Report and latest MOU draft.

Recommendation

That the report is received for information.

BULLER DISTRICT COUNCIL

FOR THE MEETING OF 26 NOVEMBER 2008

Report for Agenda Item No 12

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

Tourism West Coast

Purpose of Report

To consider amendments to Tourism West Coast's Constitution.

Background

The letter from Tourism West Coast requests that Council as a funding partner approve of amendments to sub-clause 8.1 of the Constitution relating to the change in financial year being moved from the last day of June in each year to the last day of March in each year.

Recommendation

That Council approve of the change to the Constitution.

BULLER DISTRICT COUNCIL

FOR THE MEETING OF 26 NOVEMBER 2008

Report for Agenda Item No 13

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

Correspondence Received

- 1. Inangahua Community Board**
Demolition Process - St James Theatre

BULLER DISTRICT COUNCIL

FOR THE MEETING OF 26 NOVEMBER 2008

Report for Agenda Item No 14

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

Publications Received

Royal Humane Society of New Zealand Inc - Annual Report and Financial Report for 2008

Buller Promotion Association - Agenda 25 November, Minutes 23 September 2008

West Coast Tai Poutini Conservation Board - Minutes 1 August 2008

BULLER DISTRICT COUNCIL
FOR THE MEETING OF 26 NOVEMBER 2008

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 26 NOVEMBER 2008

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:

Lease

Buller District Council and CCS Disability Action
MA Parslow to MF and RK Marks

Transfer

Buller District Council to J Sanderson, RA Cashman and SSLAW Trustee
Company Limited

ME Hoggard

K and L Roche Family Trust to MW and KM Quirke

Warrant of Appointment

AJ Rose
JA Campbell

Deed of Renewal

Buller District Council and Telecom Mobile Limited
Buller District Council and Ministry for the Environment

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 26 NOVEMBER 2008

Report for Agenda Item No 17

**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	Chief Executive - Gary Murphy	Harbour Safety	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	Chief Executive - Gary Murphy	Harbour Budget Update	Section 7(2)(j) - Enable the local authority holding the information to carry out, without prejudice or disadvantage negotiations (including commercial and industrial negotiations)
3	Chief Executive - Gary Murphy	Possible Property Acquisition	Section 7(2)(j) - Enable the local authority holding the information to carry out, without prejudice or disadvantage negotiations (including commercial and industrial negotiations)