

*The Council, in considering each matter, must be:*

- (a) Satisfied that it has sufficient information about the practicable options and their benefits, costs and impacts, bearing in mind the significance of the decisions;*
- (b) Satisfied that it knows enough about and will give adequate consideration to the views and preferences of affected and interested parties bearing in mind the significance of the decisions to be made.*

### **Significance Consideration**

*Evaluation : Council officers, in preparing these reports have had regard to Council's policy on significance. Council, Committee and Community Board members will make the final assessment on whether the subject under consideration is to be regarded as being significant or not. Unless Council a Committee or the Community Board explicitly determines that the subject under consideration is to be deemed significant then the subject will be deemed as not being significant.*

## **BULLER DISTRICT COUNCIL**

**FOR THE MEETING OF 16 DECEMBER 2009**

**Report for Agenda Item No 1**

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

### **Members Interest**

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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 16 DECEMBER 2009**

**Report for Agenda Item No 2**

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

**Confirmation of Minutes**

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Minutes of the meeting held on 25 November 2009.

**Recommendation**

**That the minutes of the meeting held on 25 November 2009 be confirmed.**

**BULLER DISTRICT COUNCIL**  
**FOR THE MEETING OF 16 DECEMBER 2009**

**Report for Agenda Item No 3**

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

**Council Programme of Works**

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**Recommendation**

**That the report be received for information.**

## BULLER DISTRICT COUNCIL

### FOR THE MEETING OF 16 DECEMBER 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
	11 - Abbeyfield Residential Home	Land transfer to be carried out	Subdivision complete. Transfer to be arranged.
	15 - SNAs	Proposed strategy developed	With the change in government and the unavailability of the consultant engaged to undertake this work (the locally based consultant has left the firm) consultation trials have been postponed.
	15 - Flood Mitigation	Initiate more detailed cost estimates	Awaiting action from West Coast Regional Council
	13 - Council Investment Property	Report on options	In progress
April 2008	9 - North Beach Accreted Land	Local purpose reserve to be created. Commercial leases set. Expression of interest sought.	Still awaiting Department of Conservation

<b>Date</b>	<b>Agenda Item</b>	<b>Action</b>	<b>Status</b>
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
July 2008	12 - Legalisation Beach Road Charleston	Legalisation required	In progress
	13 - Flagstaff Access	Consultation with land owner required	In progress
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	In progress
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	In progress
	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
November 2009	13 - Public Forum Response	Investigation into payments for dumping vehicles at Westport Transfer Station	Not yet commenced

### **Recommendation**

**That the report be received for information.**

**BULLER DISTRICT COUNCIL**  
**FOR THE MEETING OF 16 DECEMBER 2009**

**Report for Agenda Item No 5**

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

**Westport Harbour - Monthly Report**

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**Purpose of Report**

To provide Council with an update on Westport Harbour activities.

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

**Recommendation**

**That the report be received for information.**

**BULLER DISTRICT COUNCIL**  
**FOR THE MEETING OF 16 DECEMBER 2009**

**Report for Agenda Item No 6**

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

**Buller Holdings - Quarterly Report**

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

**Recommendation**

**That the report be received for information.**

# BULLER DISTRICT COUNCIL

FOR THE MEETING OF 16 DECEMBER 2009

Report for Agenda Item No 7

Prepared by - Rachel Townrow  
- Policy Planner

## Local Government Leaders Position Statement on Climate Change

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### Purpose of Report

For Council to consider whether or not to sign the Local Government Leaders Position Statement on Climate Change.

### Background

The Local Government Leaders Position Statement on Climate Change (copy attached) has been produced as a collaborative effort between staff from nine local authorities and Local Government New Zealand (LGNZ). LGNZ are seeking endorsement for the statement from local government leaders. The attached report from LGNZ provides background information on the statement.

The position statement highlights that local government is prepared to play its part in preparing for the future and to respond to the challenges, risks and opportunities of climate change. It recognises that the different parts of local government bring a different focus on climate change issues. The position statement also builds a picture of the expectations that local government have of central government - particularly around responsibilities for leading on mitigation.

To date, 16 councils have signed the Local Government Leaders Position Statement on Climate Change.

### Options

Council can either agree or decline to sign the statement.

### Community Outcomes

This supports the outcome of environment.

### Assessment of Significance

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

## **Conclusion**

Council can decide whether or not it wants to endorse the Local Government Leaders Position Statement on Climate Change.

## **Recommendation**

**That Council decides whether or not to sign the Local Government Leaders Position Statement on Climate Change.**

**BULLER DISTRICT COUNCIL**  
**FOR THE MEETING OF 16 DECEMBER 2009**

**Report for Agenda Item No 8**

**Prepared by – Angela Oosthuizen**  
**– Manager, Corporate Services**

**Quarterly Management and Investment Reports**

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Attached find the management and borrowings and investment position for the month ended October 2009.

**Management report (including capital expenditure)**

Lower income on Dump fees than predicted likely to become permanent variances. Recycling product valued at \$6000 was burnt in a recent arson attack and is subject to an insurance claim. Fixed rate loans at higher interest rates than current rates have also increased costs.

**Investments**

Term deposits have decreased from 30 September 2009 to raise internal loans for Pensioner Housing, Stormwater and landfill Transfer Station and bio-solids.

**Interest Revenue**

Year to date interest revenue is \$283 versus a budget to date of \$203k. Council's investment portfolio is currently outperforming the benchmark set to measure performance.

**Borrowings**

Corporate Services is in the process of finalising the loan agreement with Westpac and this should be finalised by mid December 2009. Council is in breach of the Treasury Management policy in that 40% of the debt is not at a fixed rate but this will be rectified on finalisation of the loan agreement. Debt has increased due to drawdown on the debt facility for the Performing Arts and Cultural Hub capital projects.

**Recommendation**

**That the reports be received for information.**

## **BULLER DISTRICT COUNCIL**

**FOR THE MEETING OF 16 DECEMBER 2009**

**Report for Agenda Item No 9**

**Prepared by - Craig Scanlon  
- Manager Community and Environment**

### **Adopt Changes to Dangerous, Earthquake-Prone and Insanitary Building Policy**

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#### **Purpose of Report**

For Council to consider and adopt proposed changes to its Dangerous, Earthquake-Prone and Insanitary Buildings Policy.

#### **Background**

Council currently has a policy that was adopted on 27 April 2006, this policy is considerably different to the other Councils that exist on the West Coast, and by adopting these changes will align all the Councils. In my opinion the current policy is very aggressive and we should be adopting a more passive approach, that will result in cost efficiencies and greater community acceptance. At it's meeting on 28 October Council resolved to carry out the special consultative process for the proposed changes. The submission period closed on 30 November, we received no submissions. I have approached some local builders and building owners and they fully support the change of policy.

#### **Conclusion**

As no submissions were received, there is no need to conduct a hearing, and Council can now resolve to adopt the amended policy.

#### **Recommendation**

**That Council resolves to adopt the amended Dangerous, Earthquake-Prone and Insanitary Building Policy.**

**BULLER DISTRICT COUNCIL**  
**FOR THE MEETING OF 16 DECEMBER 2009**

**Report for Agenda Item No 10**

**Prepared by - Bede Brown**  
**- Property and Waste Minimisation Officer**

**Buller District Playgrounds Audit 2009**

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**Purpose of Report**

This report is for Council to consider the audit condition report commissioned in 2009 of Buller District playgrounds. In addition the formation of a working group of councillors and staff to prioritise work to be undertaken and formulate budgets for this to happen.

**Background**

On 27 August 2008 Council considered a report (attached) on the use of Reserve Contributions. At its meeting on 22 October 2008 it considered a further report on the same subject (attached).

As a result of these two reports Council resolved to set a budget of \$15,000 to employ an auditor in 2009 to assess the safety and condition of the 13 playgrounds located on land under Council's jurisdiction. This audit has been completed over a three month period at a cost of \$10,012.50 GST inclusive and is attached.

Of the 13 playgrounds audited six are located on land overseen and maintained by elected domain boards. The other seven are in Parks and Reserves managed by Council and maintained by its contractor WestReef Services.

The audit report suggests areas of improvement that Council needs to address and concurs in some instances with apparatus named in a previous audit commissioned in 1999.

The audit highlights four playgrounds where items need to be replaced or removed. Two are Council controlled and two are on Domain Boards. It makes further suggestions where Council can make improvements in both apparatus and surfaces to better comply with NZS 5828:2004.

Overall the audit report states in item 9 -

*“That the Buller District Council provides a good range of play equipment in their playgrounds with substantial geographic spread.”*

Council acknowledges that some of this equipment has been provided by various Domain Boards and interest groups.

### **Options**

The Council resolved at its meeting of 27 August 2008 -

*“To commission the current audit report and as a consequence of this report to upgrade the playgrounds district wide over a 10 year period.”*

The audit report recommendations suggest that once costings have been completed and work prioritised that an overall upgrade can be achieved in considerably less than a 10 year period.

For Council to form a working group comprised of Councilors and staff to -

- prioritise work and types of play apparatus
- formulate annual budgets over a five year period
- work with various interest groups to achieve this

### **Community Outcomes**

The Health and Safety Act requires that Council have playgrounds that comply with the relevant New Zealand Standard (NZS 5828:2004). The audit has stated that Council already has this and that with some replacements and improvements the residents of the district will continue to be well catered for in respect of the availability of playgrounds.

### **Identification of Relevant Legislation, Council Policy and Plans**

Health and Safety and Employment Act 1992 and NZS Playground Standards 5828:2004.

### **Assessment of Significance**

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

### **Consultation**

The working group will consult with various interest groups as necessary.

## **Financial Implications**

Council has already resolved that it is able to use accumulated Reserve Contribution funds for this upgrade.

## **Resource Implications**

No additional staff resources will be required.

## **Timetable**

The original timetable envisaged by Council was a 10 year period. The results of the Audit suggest this length of time may not be necessary

## **Other Considerations**

There are no other considerations. Previous Legal advice obtain on 18 September 2008 has confirmed that accumulated Reserves Contribution funds may be used to upgrade district playgrounds.

## **Conclusion**

The audit report received indicates that playgrounds throughout the district are generally well maintained. Opportunity does exist to enhance them further. The availability of funding from accumulated Reserve Contributions allows this to be achieved district wide.

## **Recommendation**

- 1. That the Council forms a working group headed by Councillor Montgomery with one other Councillor, the Property and Waste Minimisation Officer and a Planning Officer.**
- 2. That this group reviews the audit report, prioritises recommended work and the costs of, in order of compliance urgency.**
- 3. Sets budget requirements over the next five years to achieve district wide compliance overall.**

# BULLER DISTRICT COUNCIL

FOR THE MEETING OF 16 DECEMBER 2009

Report for Agenda Item No 11

Prepared by - Stephen Griffin  
- Manager Operations

## Boy Racers Snodgrass

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### Purpose of Report

The Council has received a petition from residents who live in the Snodgrass area concerned about the speed generated and the danger created by the speed from boy racers. This report recommends that the residents make contact with the Westport Police to increase the enforcement of the area.

### Background

Snodgrass is no different to a lot of other areas around the district and indeed the country where the boy racer phenomenon is causing concerns. Residents have not to date made their concerns known to the police and Sergeant Frost of the Westport Police would like to hear from residents to discuss this problem.

The use of speed humps as suggested by the residents is not necessarily the right answer as these can have more of a detrimental effect to the residents who travel the road every day than to the occasional 'boy racer'. Initially the objective should be to see if enforcement in this area reduces the opportunity. If enforcement does not work then traffic calming can be considered as part of future minor safety projects. Traffic calming normally reduces the available width as well as providing a surface that discourages speed. The surface can be a speed hump or a roughened surface. Typically a series of calming devices are used to control speed through the length of the road. Speed humps and similar devices also have an effect on emergency vehicles accessing the area.

An inspection of the area does show that minor improvements could be made that may have some impact. The speed restriction signs can be enlarged and placed on both sides of the entrance road, pavement marking of 50 on road surface could also be painted to reinforce and the corner should have an advisory speed limit as it is too acute to travel around at 50 kph.

Snodgrass is not the only area of Westport to experience the issues of drivers travelling at speed with the accompanying noise. Council have had complaints

from the North Beach area together with requests for speed humps, and other areas such as Derby Street and Mill Street.

Changes to the traffic regulations or Act that have recently been made allow Councils to introduce bylaws that give the law enforcement agencies greater powers to address issues. Council should perhaps further investigate this option together with other local authorities.

### **Options**

The Council can refer the residents to the Police and support more enforcement in the area or the Council could look at traffic calming as an engineering solution to reduce speed or undertake both options. The introduction of traffic calming may create a precedent for a series of treatments throughout the district.

### **Community Outcomes**

Safety of road users and the protection of the neighbourhood values is a community outcome and the measures recommended all contribute to this.

### **Identification of Relevant Legislation, Council Policy and Plans**

The Council has authority to undertake road improvement works that comply with recognised standards.

### **Assessment of Significance**

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

### **Consultation**

There has been no consultation undertaken other than discussions with Westport Police.

### **Financial Implications**

Changes to the sign layout and pavement marking are network maintenance items that can be done as part of the land transport programme. Should any calming be considered as part of the 2010/2011 annual plan. There is no budget available within the current years minor safety work programme.

### **Recommendation**

**That residents contact the police for assistance and that Council increase awareness through sign duplication of the speed limit.**

**BULLER DISTRICT COUNCIL**

**FOR THE MEETING OF 16 DECEMBER 2009**

**Report for Agenda Item No 12**

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

**Correspondence Received**

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- 1. West Coast Community Trust**  
Aspiring Leaders Conference
- 2. Westport Kindergarten Association (Inc)**  
Holland Hall Site
- 3. Development West Coast**  
Major District Initiative Policy

**BULLER DISTRICT COUNCIL**  
**FOR THE MEETING OF 16 DECEMBER 2009**

**Report for Agenda Item No 13**

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

**Documents for Consent and Seal**

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Documents for consent and seal are scheduled hereunder:

Consent of Caveator

Keoghan Farm Limited

**Recommendation**

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

**BULLER DISTRICT COUNCIL**

**FOR THE MEETING OF 16 DECEMBER 2009**

**Report for Agenda Item No 14**

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

**Public Forum Response**

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**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 16 DECEMBER 2009**

**Report for Agenda Item No 15**

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

**Public Excluded**

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

**Recommendation:**

<b>Item No</b>	<b>Minutes/Report of:</b>	<b>General Subject</b>	<b>Reason for Passing Resolution Section 7 LGOIMA 1987</b>
<b>1</b>	<b>Gary Murphy - Chief Executive</b>	<b>Solid Energy Centre Car Park</b>	<b>Section 7(2)(j) - Enable the local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</b>
<b>2</b>	<b>Stephen Griffin - Manager Operations</b>	<b>Reseal Tender</b>	<b>Section 7(2)(j) - Enable the local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</b>