

**BULLER DISTRICT COUNCIL**

**FOR THE MEETING OF 24 JUNE 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 24 JUNE 2009**

**Report for Agenda Item No 2**

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

**Confirmation of Minutes**

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Minutes of the meetings held on 26, 27 (to be circulated) and 28 May 2009.

**Recommendation**

**That the minutes of the meetings held on 26, 27 and 28 May 2009 be confirmed.**

**BULLER DISTRICT COUNCIL**  
**FOR THE MEETING OF 24 JUNE 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 24 JUNE 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
	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

<b>Date</b>	<b>Agenda Item</b>	<b>Action</b>	<b>Status</b>
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	Waiting for Consent	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
March 2009	16 - Breast Screening Bus	Meeting to be arranged	Meeting likely in June
	10 - Westport Airport Security	Cameras to be installed	In progress
April 2009	7 - Stock Movement Bylaw	Consultation required	Consultation started
May 2009	6 - Restricted Parking Palmerston Street	Consultation required	Not yet commenced
	9 - Class 4 Gambling Policy Review	Draft policy to be developed with working group	Not yet commenced

### **Recommendation**

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

**BULLER DISTRICT COUNCIL**  
**FOR THE MEETING OF 24 JUNE 2009**

**Report for Agenda Item No 5**

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

**- Dean Phibbs**  
**- Accountant**

**Quarterly Investment Report and Financial Report**

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Attached is a summary of the borrowings and investment position for the month ended May 2009 and financial report for the period ending April 2009.

**Investments**

Investments in the form of term deposits are unchanged from last month.

**Interest Revenue**

Year to date interest revenue is \$1,120,000 versus a budget to date of \$680,000. Council's investment portfolio is currently outperforming the benchmark set to measure performance.

**Borrowings**

Total borrowings have increased by \$0.8m due to final draw-downs for the Solid Energy Centre. This matches the loans to the level of capital expenditure to date on Council's major capital expenditure projects.

**Recommendation**

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

**BULLER DISTRICT COUNCIL**  
**FOR THE MEETING OF 24 JUNE 2009**

**Report for Agenda Item No 6**

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

**West Coast Rural Fire District Committee**

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**Purpose of Report**

The purpose of this report is to seek a resolution of Council to appoint Stuart Gray to the West Coast Rural Fire District Committee.

**Background**

The National Rural Fire Authority has provided for a Rural Fire Committee on the West Coast pursuant to Section 8 of the Forest and Rural Fires Act 1977 to administer the responsibilities of the act. Members of the committee include the Buller District Council. Trish Casey was the Council's representative on the committee until her recent resignation. Stuart Gray is the Council's Compliance and Emergency Manager. His duties include some responsibilities for rural fire fighting. A Council resolution is required to appoint the Council's representative on the committee.

**Options**

Appointing a Council Officer to represent the interests of the Buller District Council is the only practicable option.

**Community Outcomes**

The prudent and cost effective management of rural fire reduction, readiness and response in the Buller District contributes to Community Outcomes of Safety and Sustainability.

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

The West Coast Rural Fire District Committee has been established pursuant to Section 8 of the Forest and Rural Fire Act 1977.

**Assessment of Significance**

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

## **Consultation**

Not required for this matter.

## **Financial Implications**

Stuart Gray's cost have already been budgeted for so no additional funding required.

## **Resource Implications**

The Committee meets quarterly and as required to meet their responsibilities under the act.

## **Timetable**

The Buller District requires representation on the committee immediately.

## **Other Considerations**

There are no other considerations relevant to this matter.

## **Recommendation**

**That Stuart Gray be appointed as the Buller District Council's representative on the West Coast Rural Fire District Committee.**

**BULLER DISTRICT COUNCIL**  
**FOR THE MEETING OF 24 JUNE 2009**

**Report for Agenda Item No 7**

**Prepared by - Lisa Hankey**  
**- Team Leader Community Services**

**Annual Tourism Grant for Inangahua Tourism Promotions**

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**Purpose of Report**

Inangahua Tourism Promotions (ITP) have invoiced Council for the release of their annual grant but are unable to meet the Key Performance Indicators (KPIs) requested by Council.

**Background**

At the Council meeting held on 10 June 2008, Council resolved to fund ITP an annual grant of \$15,000, subject to agreed key performance indicators.

This funding was a tourism grant to assist with the provision of ITP's core activities for the 2008/2009 year.

Council staff wrote to ITP Reefton Promotions (copy of letter attached) in July 2008, advising them that the grant had been approved and outlining three KPI's.

The funding was subject to ITP accepting the KPI's. The grant was to be provided in two equal installments during the year on receipt of an invoice.

Similar conditions were placed on other tourism grant recipients who were allocated funding in 2008/2009.

**Status**

As at the end of May 2009, ITP had not accepted the KPIs nor invoiced Council for any of the grant allocation. A note to this effect was included in the background notes prepared by staff for the 2009/2010 submissions to the draft long term plan, as ITP were again submitting for financial support from Council. These staff notes were provided to councillors with their long term plan submission papers.

Since then, an invoice from ITP for the full amount of the grant has been received by Council staff.

## **Conclusion**

The \$15,000 allocated to ITP remains in the 2008/2009 tourism grants budget. All other tourism grants monies have been distributed to recipients during the year, following confirmation of KPIs and receipt of invoices.

As we now only have a few weeks of the financial year remaining, ITP are unable to meet the three KIPs set for 2008/2009. While the information may be able to be provided, any benefit gained from receiving it has now been lost.

The third KPI was included as we have previously had issues keeping abreast of changes of office and therefore keeping up to date with projects that the funding contributes towards.

## **Recommendation**

**That Council considers whether they are happy to provide the \$15,000 grant (or part thereof) for 2008/2009 given that the Key Performance Indicator accountabilities are unable to be met, and the financial year is nearly at an end.**

**BULLER DISTRICT COUNCIL**  
**FOR THE MEETING OF 24 JUNE 2009**

**Report for Agenda Item No 8**

**Prepared by - Rachel Townrow**  
**- Policy Planner**

**Community Outcomes Monitoring Report**

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**Purpose of Report**

To update Council on the “Draft Progress Report on Community Outcomes 2006-2009”, and to ask that authority be delegated to the Chief Executive to approve completion of the report by 30 June.

**Background**

The Local Government Act 2002 (the Act) requires councils to identify community outcomes at least every six years, to monitor and, every three years, report on the progress made by the community in achieving the community outcomes for the district or region.

The four West Coast Councils have jointly prepared the attached draft report on progress towards achieving the six overarching community outcomes, to avoid duplication by each Council.

The six community outcomes are:

- Health
- Economy
- Environment
- Education
- Safety
- Identity

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

Our community outcomes were consulted on and identified in the Long Term Council Community Plan (LTCCP) 2006-2016. The outcomes remain unchanged in the draft LTCCP 2009-2019.

The obligation to monitor and report against the community outcomes is found in s92 of the Act. Councils may decide for themselves how to carry out the monitoring and reporting.

## **Assessment of Significance**

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

## **Conclusion**

The report is at a final draft stage and needs some minor editing and formatting to be completed. It will not change substantially from its present form, but must be finished by 30 June 2009, which is after this Council meeting but before the July meeting. It is therefore suggested that the Council delegates authority to the Chief Executive to approve completion of the report.

The West Coast Regional Council has approved the draft report and has delegated authority to its Chief Executive to approve completion of the report.

The report will also go to the Grey and Westland District Councils' June meetings.

## **Recommendation**

**That Council resolves to:**

- 1. Receive the "Draft Progress Report on Community Outcomes 2006-2009" for information.**
- 2. Delegate authority to the Chief Executive to approve completion of the report, in conjunction with the West Coast Regional Council and the Grey and Westland District Councils.**

**BULLER DISTRICT COUNCIL**  
**FOR THE MEETING OF 24 JUNE 2009**

**Report for Agenda Item No 9**

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

**District Promotion and Tourism Targeted Rate**

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**Purpose of Report**

To present Council with a classification mechanism for the various categories of commercial, industrial and tourism operators to enable the implementation of the targeted District Promotion and Tourism rate.

**Background**

During the deliberations, Council agreed to the following:

- 40% of tourism and promotion expenditure was to be funded from General Rates with the remainder to be funded via a Targeted Rate aimed at all commercial, industrial and tourism operators who advertise or who are members of a registered tourism organisation.
- Council debated whether to accept the targeted rate which was based on capital value or whether to accept a flat tiered rate plus a targeted rate based on capital value.
- Council resolved to accept the flat tiered rate plus a targeted rate based on capital value because it resulted in a more equitable solution for the commercial, industrial and tourism operators within the Buller District.
- Council had asked the Manager Corporate Services to take advice on how the flat tiered rate could be structured and to revert to Council with a classification mechanism for the various categories of commercial, industrial and tourism operators.

**Assessment of Significance**

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

**Consultation**

This issue formed part of the LTCCP consultations and several submissions were received against the implementation of this rate because ratepayers and tourism operators had felt that the implementation of the targeted rate based upon a capital value was inequitable.

## Discussion

Legal advice received has indicated the following:

- There is some risk associated with categorising units as proposed to Council in the deliberations. This is because each category does not have a different land use as envisaged by the Local Government Rating Act eg a motel with five beds does not have a different land use to a motel with six beds.
- This risk could be reduced by having a greater number of differential categories that differentiate on the particular land use rather than the size of the operation eg takeaways, restaurants, restaurants with liquor license, splitting of retail into high end use (supermarkets, service stations and liquor outlets. This would be in compliance with clause 1 of the Schedule 2 of the Rating Act because the use to which the land is put is identifiably different.
- The number of beds dictates the amount of the rate that the rating unit would be liable for. It is possible that this may be viewed as being directed at the number of visitor stay units within the rating unit. A liability factor based on “the number of visitor stay nights within the rating unit” (so called “bed tax”) was originally included in the Rating Bill prior to its enactment but was later removed from the Bill after lobbying by the Tourism Industry Association.

## Other Options

- Setting the rate with reference to the capital value of the property would result in more revenue being collected from the larger businesses as they will benefit more from the activity than would be. In terms of restaurants, hotels and motels, rating units with higher capital values are presumably more likely to have more rooms or at least more luxurious rooms for which they may be charged.
- If Council is concerned with the impact of this on the industrial rating units, that generally have high capital values but receive comparatively little benefit from the rate, then Council should differentiate between industrial and commercial rating units and set the rate in the dollar at a lower amount for industrial rating units. Alternatively Council could calculate liability for the rate as a fixed amount on industrial rating units or combination thereof.
- If the Council wants to retain the fixed amount component in relation to all rating units subject to that rate, then Council could differentiate on the basis of the capital value of the property. The rationale would be

the higher the capital value the larger the operation and consequently the larger the benefit from the rate.

- Council would not be able to rate tourism operators that have no rating premises (section 12 of the Local Government Rating Act).

## **Conclusion**

Given the risks listed above, Council should rather adopt a tiered flat rate (uniform charge) based on capital value plus a targeted rate of 0.000676 on the capital value of the rating unit. Note that ratepayers with contiguous properties which are used as one will only be targeted for the above uniform charge once. Homestays and bed and breakfasts will not immediately be subjected to this rate as their property will need to be partitioned into the differential categories by Quotable Value over a period of time. Tourism operators that do not have premises are not subject to this targeted rate. Council has an existing remission policy in regard to sporting, cultural and non profit organisations within the district and these properties will benefit from a rates remission on this rate. Any other organisation eg service bodies such as the Fire Service Commission may apply to Council for a remission. This will result in actual revenue collected being lower than the budgeted amount by approximately \$60,000.

## **Recommendation**

1. **A fixed rate for industrials at \$100 per rating unit plus a targeted rate on capital value set at \$0.000676**
2. **For all commercial properties as defined in the Funding Impact Statement, Council sets a tiered flat rate (uniform charge) per rating unit differentiating on the basis of the capital value of the property plus a targeted rate on capital value set at \$0.000676**
3. **Tiered Rate**

<b>Tier 1 : 0 to \$300,000</b>	<b>- \$ 100</b>
<b>Tier 2 : \$300,001 to \$500,000</b>	<b>- \$ 300</b>
<b>Tier 2 : \$500,001 upwards</b>	<b>- \$ 600</b>
4. **Homestays and Bed and Breakfasts**
5. **Council authorises the partition of the rating units for all Homestays and Bed and Breakfasts to reflect the various parts of the rating unit into their respective differential categories.**

# BULLER DISTRICT COUNCIL

## FOR THE MEETING OF 24 JUNE 2009

### Report for Agenda Item No 10

Prepared by - Angela Oosthuizen  
- Manager Corporate Services

#### Clarification of Issues Pertaining to the Transfer of the Solid Energy Centre and Westport Harbour to Buller Holdings Limited

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##### **Purpose of Report**

To address the seven issues pertaining to the transfer of the Solid Energy Centre (SEC) to Buller Recreation Limited (BRL) and the harbour to Westport Harbour Limited (WHL).

##### **Background**

At the LTCCP deliberations on 27 May the Council passed a resolution:

*“That the assets of the Solid Energy Centre and Westport Harbour be transferred to Buller Holdings subject to the following:*

*Working Group to be set up:*

- *David Barnes*
- *David Hawes*
- *Rosalie Sampson*
- *Margaret Montgomery*

*With assistance from:*

- *Angela Oosthuizen*
- *Gary Murphy*
- *Paddy Austin*
- *Possibly BHL Board*

*The working group will hold a workshop 23 June 2009:*

- *Strategic Plan to developed by Buller Holdings Ltd and given to Councillors*
- *Harbour Safety issues to be addressed*
- *Determine what happens to the Harbour if Holcim leaves?*
- *Address all issues/concerns related to the BPS Management Contract*
- *Protocols to be setup around the social aspect of the Solid Energy Centre and Westport Harbour*
- *Revisit Holding Company in two years to check performance*

- *Protocols given to Directors of BHL to see how they will manage the process”*

A working group was to present a document to councillors at a workshop on 23 June. The decision regarding the transfer of assets was pended until the workshop on 23 June. A formal report is to be presented to Council on 24 June and should detail the issues below (itemised 1 to 7). If these issues are satisfactorily resolved, Council will then proceed with the transfer of the assets.

**Issues to be satisfactorily addressed:**

1. BHL to supply business/strategic plans from for WestReef, SEC, Harbour, Punakaiki Beach Camp and Airport
2. Harbour safety issues being addressed
3. Business plans proposed for the harbour should Holcim decide to move its operations withdraw from Westport Harbour
4. Review of the Buller Port Services Management Contract to address all issues/concerns raised
5. Concerns that SEC will not be run purely as a commercial operation and that social responsibility issues will be addressed
6. Review performance of BHL against agreed KPI's in 12 months
7. Communication and Governance Protocol's received from Paddy Austin to be agreed and adopted by Council

**Assessment of Significance**

The transfer of the harbour and SEC assets are deemed significant under the Council's significance policy as both are deemed to be strategic assets.

**Consultation**

A Statement of Proposal stating the options of transfer of the SEC to BRL and the harbour to WHL was submitted for consultation together with the Long Term Community Plan.

**Clarification with respect to the issues raised:**

**Issue 1:** BHL to supply business/strategic plans for WestReef, SEC, Harbour, Punakaiki Beach Camp and Airport

**Issue 3:** Business plans proposed for the harbour should Holcim decide to move its operations/withdraw from Westport Harbour

It should be noted that whilst high level strategic plans has been undertaken with regard to WestReef, Airport and the Punakaiki Beach Camp, limited development business planning has occurred. Given the recent board changes and commencement of duties by the newly appointed General Manager it is the opinion of the working group that:

- The BHL Board of Directors should engage with Council in a forward strategic planning session to make sure that any proposed business

development plans are aligned with the direction of the Buller District Council.

- That social responsibility towards the Buller community plays an important role in their decision making and business planning.
- BHL be asked to prepare a project plan with timelines and responsibilities for preparation and development of business plans for WestReef, Harbour, SEC, Punakaiki Beach Camp and the Airport.

**Issue 2: Harbour safety issues being addressed:**

The breakwater and the navigational structures have been deemed to be Council infrastructural assets and have not been included in the assets transferred to BHL. The rationale behind this is that harbour safety remains a Council responsibility. Breakwaters also flood control structures for Westport. Holcim and BPS have been contacted to provide an indication of operational costs attributable to harbour safety and they have indicated that they will need time to determine this value. There may need to be a charge back of these costs to Council from BHL dependent on negotiations with BHL.

**Issue 4: Review of the BPS Management Contract to address all issues/concerns raised:**

BHL and councillors are currently in negotiations with Holcim and as port operations are a key component of the Holcim logistics value chain, Holcim have indicated that high degree of control over BPS provides them with the requisite assurance that reduces any risk to their logistics. The current contract expires in August 2010 and it is important that BHL be given sufficient flexibility with regard to the contract negotiation process to achieve a commercially advantageous outcome.

**Issue 5: Concerns that SEC will not be run purely as a commercial operation and that social responsibility issues will be addressed:**

BHL to be made aware that fees for the SEC cannot be increased to inflate profitability and that there be recognition of the need to provide an economic sports and recreation service to the residents in Westport and Reefton. This has been raised by various submitters in the LTCCP submission process.

**Issue 6: Review performance of BHL against agreed KPI's in two years:**

Performance of BHL and its subsidiaries are to be measured against amended KPI's as agreed to in the SOI documents adopted by Council.

**Issue 7: Communication and Governance Protocol's received from Paddy Austin to be agreed and adopted by Council:**

**Accountability**

BHL is accountable to the Council through a number of mechanisms, including:

- Negotiation of an annual Statement of Intent
- Council appointment of directors

- Regular reporting to the Council
- Regular engagement with Council on business plans
- Publication of six monthly and annual reports

The Council has an interest in ensuring that the region's strategic assets are operated in a commercial manner, but also in a way that is beneficial for the region as a whole. Through Statements of Intent, the Council is able to establish broad parameters reflecting the public nature of these assets, but without inhibiting proper commercial management.

BHL remains committed to the ownership and monitoring role entrusted to it by its shareholder, the Buller District Council.

There is a perception that Council are likely to lose control of assets, service levels or governance in general. It should be noted that Council are the owners of BHL and are thus able to pass resolutions at Council level, and/or issue directives to the directors of BHL to add or remove entities at will, or any other instructions that they collectively decide to issue.

It is suggested that a Board Charter, Communications and Authority Policy be compiled and approved (refer Annexure A).

### **Recommendation**

**That:**

- 1. Council considers the seven issues highlighted above have been satisfactorily addressed.**
- 2. The Solid Energy Centre be transferred to Buller Recreation Limited and Westport Harbour transferred to Westport Harbour Limited effective 1 July 2009.**
- 3. A working group be nominated to finalise the terms of the negotiation of the purchase and sale of the aforementioned assets to Buller Holdings Limited.**
- 4. Buller Holdings Limited Board be consulted over the draft protocols as outlined in Annexure.**



**BULLER**  
DISTRICT COUNCIL



**BULLER DISTRICT COUNCIL**  
**FOR THE MEETING OF 24 JUNE 2009**

**Report for Agenda Item No 11**

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

**Buller Health Trust - Statement of Intent**

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Council is required to adopt the Statement of Intent for the Buller Health Trust on or before 30 June each year.

**Recommendation**

**That Council adopt the Buller Health Trust Statement of Intent for the year ending 30 June 2010.**

**BULLER DISTRICT COUNCIL**  
**FOR THE MEETING OF 24 JUNE 2009**

**Report for Agenda Item No 12**

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

**Westport Airport Authority - Statement of Intent**

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Council is required to adopt the Statement of Intent for the Westport Airport Authority on or before 30 June each year.

**Recommendation**

**That Council adopt the Westport Airport Authority Statement of Intent for the year ending 30 June 2010.**

**BULLER DISTRICT COUNCIL**  
**FOR THE MEETING OF 24 JUNE 2009**

**Report for Agenda Item No 13**

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

**Buller Holdings Limited - Statement of Intent**

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Council is required to adopt the Statement of Intent for Buller Holdings Limited on or before 30 June each year.

**Recommendation**

**That Council adopt the Buller Holdings Limited Statement of Intent for the year ending 30 June 2010.**

**BULLER DISTRICT COUNCIL**  
**FOR THE MEETING OF 24 JUNE 2009**

**Report for Agenda Item No 14**

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

**Buller Recreation Limited - Statement of Intent**

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Council is required to adopt the Statement of Intent for Buller Recreation Limited on or before 30 June each year.

**Recommendation**

**That Council adopt the Buller Recreation Limited Statement of Intent for the year ending 30 June 2010.**

**BULLER DISTRICT COUNCIL**  
**FOR THE MEETING OF 24 JUNE 2009**

**Report for Agenda Item No 15**

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

**WestReef Services Limited - Statement of Intent**

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Council is required to adopt the Statement of Intent for WestReef Services Limited on or before 30 June each year.

**Recommendation**

**That Council adopt the WestReef Services Limited Statement of Intent for the year ending 30 June 2010.**

**BULLER DISTRICT COUNCIL**  
**FOR THE MEETING OF 24 JUNE 2009**

**Report for Agenda Item No 16**

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

**Delegations**

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**Purpose of Report**

The purpose of this report is for Council to approve the Delegations Policy.

**Background**

The Council has an existing Delegations Policy and this has been amended to take cognisance of staff complement changes and to increase staff expenditure authorisation limits to appropriate levels. The expenditure limits have been increased to keep pace with inflation to ensure efficient Council operations.

**Recommendation**

**That Council reviews the amended delegations policy and adopts the amended policy.**

**BULLER DISTRICT COUNCIL**  
**FOR THE MEETING OF 24 JUNE 2009**

**Report for Agenda Item No 17**

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

**Use of Dye in Weed Spray**

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**Purpose of Report**

Council has requested a report on the use of dye in weed spray.

**Background**

The Council has had submissions from Ms Inta who would prefer that Council use dye in weed spray so that the areas that are sprayed are clearly visible. Her reasons for this request are so that people do not harvest blackberries etc after spray and that children will not pick up a piece of grass and put in their mouths.

The existing Council policy on weed spray only covers the 'no spray option'. The use of the dye in weed spray is so that the area being sprayed is covered and that areas are not sprayed twice. It is a method to show coverage.

The use of weed spray is to control unwanted weeds on the sides of roads, in footpaths, around marker pegs, in drains and generally as a method that the contractor can choose as part of vegetation control.

The Council specifications require that there is no spraying of edible berries such as blackberries between the period 1 October and 28 February. It is during this period that they may be harvested.

Council also wished to find out what procedures other councils made. The asset management list serve asked for comments on what precautionary measures that they take to advise ratepayers that you have used weed spray in their vicinity. Specifically do they use dye, notices or advertisements or do they undertake the work without any specific warning? Unfortunately the number of responses was small with only four answering none of which uses dye but three advertise in their newsletters that weed spraying would be undertaken.

A look at the criteria provided for dyes show that the period for which the dye lasts is about three days. The cost to Council should they decide to use dye will be an additional \$1,750 plus GST per month for vegetation control.

One of the unknowns and this has been tagged by the contractor is the effect that the dye may have on roadside furniture such as delineators, concrete channels etc should the dye stain.

### **Options**

The Council can continue with the status quo which is no dye in spray or could require the use of dye in spray.

### **Community Outcomes**

The use of chemicals used as part of vegetation control is considered to be a cost effective method of undertaking part of this activity. The Council like others has adopted a no spray policy where if ratepayers do not want spray used on their frontage they advise the Council and then give an undertaking that they will maintain their frontage to the appropriate standard.

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

Council requires that any applicator of chemicals has the appropriate qualifications. Council has a user guideline which is mandatory to follow and a copy of this is attached. This requires that areas that where the public are likely to be present requires advertising. This could be extended to use of the Council newsletter to advise when weed spray activities are likely to take place.

### **Assessment of Significance**

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

### **Education/Information Requirements**

The use of the Council's newsletter to advise when weed spray is to take place will help to inform the public.

### **Consultation**

No specific consultation has been undertaken.

### **Financial Implications**

The use of dye in weed spray will be an additional cost of \$1,750 per month.

## **Conclusion**

The use of dye in the weed spray operation does not have widespread acceptance based on the asset management list serve query, or from queries made to the weed spray contractor. The only complaints against weed spray in recent years has been to use organic spray or heat. The current enquiry is the first directed at the use of dye.

## **Recommendation**

**That Council not include dye in weed spray but that weed spray activities are notified in the Council newsletter to advise residents when the operation is due to be undertaken.**

# BULLER DISTRICT COUNCIL

## FOR THE MEETING OF 24 JUNE 2009

### Report for Agenda Item No 18

Prepared by - Stephen Griffin  
- Manager Operations

#### Westport Transfer Station Hours

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##### **Purpose of Report**

Council requested that a report be prepared to consider the operating hours at the Westport Transfer Station.

##### **Background**

The landfill when it was operating was open seven days a week but for various hours. The staffing required at the landfill was one person. The change in operation to a transfer station also included an increased recycling activity with the advent of baling. The transfer station also incorporated a weighbridge so that staffing was required for this function as well.

Council considered this matter in April 2008 and the report is attached. There has been no change to the reasons justifying reduced hours of operation. The changed hours have been in operation now for 12 months. During this period Council considered a submission and then resolved to open the transfer station on a Tuesday if the Monday falls on a public holiday.

The Environment Committee considered this matter at a meeting held on 12 June and were supportive of the opening hours remaining as they currently are but that consideration be given to access for other commercial business operations that can demonstrate that the dump hours creates a hardship. On this basis the contractor would allow their refuse to come to the transfer station at a convenient time.

Concerns have been expressed that the reduction in hours that the transfer station is open is contributing to fly dumping. It is difficult to determine what factors influence fly dumping but most believe that it is a community issue that the community needs to take some responsibility for by advising when fly dumping is observed. Fly dumping is anti social and while some may offer this as an excuse I believe that fly dumping is more often than not premeditated.

## **Options**

Council can determine the hours of operation for the transfer station.

## **Community Outcomes**

The disposal of residual waste as well as catering for recycled waste streams has environmental, economic and health outcomes for the district.

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

The operation of the transfer station and recycling is an activity that is included in the Local Government Act as well as the Council's Solid Waste Plan.

## **Assessment of Significance**

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

## **Consultation**

Consultation on the hours of operation of transfer stations and recycling facilities are included as part of the Long Term Council Community Plan.

## **Financial Implications**

Should the Council accept the recommendation of the status quo there are no budget implications. If the Council decide to extend the opening times additional staff would be required and this would increase the budget needed. The amount of increase would be dependant on the number of additional hours sought.

## **Recommendation**

**That the Council continue to open the Transfer Station to the public Monday, Thursday, Friday, and Saturday 9.00am to 4.00 pm and Sunday and Public Holidays from 10.30am to 4.00 pm, however any commercial business that can show hardship can dump on the days that the transfer station is closed to the public by arrangement with the contractor.**

**BULLER DISTRICT COUNCIL**  
**FOR THE MEETING OF 24 JUNE 2009**

**Report for Agenda Item No 19**

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

**Tidal Creek Bridge Replacement**

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**Purpose of Report**

The purpose of this report is to advise that the replacement of Tidal Creek Bridge will not proceed as planned because the benefit cost required can not be attained.

**Background**

The replacement of Tidal Creek Bridge was put into the programme for replacement as a safety project as well as a high maintenance bridge. The investigations that have followed have determined that the accident history is not well documented and no injury crashes are in the official data base. While the maintenance of the bridge is considered high it is not sufficient to generate a benefit cost. The replacement bridge planned was to be a two lane structure and the higher cost of providing such a structure has also worked against the replacement.

Council have also investigated the option of design build in an effort to achieve a lower cost structure.

**Options**

The Council could consider replacing the bridge without subsidy however this would require Council to fund outside its budget. To construct the bridge without subsidy would cost Council an additional \$487,500.

**Recommendation**

**That Council continue to maintain the bridge and defer the replacement until a cost benefit can be attained.**

**BULLER DISTRICT COUNCIL**  
**FOR THE MEETING OF 24 JUNE 2009**

**Report for Agenda Item No 20**

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

**LTCCP Adoption**

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**Purpose of Report**

To adopt the Long Term Council Community Plan.

**Background**

Under section 93(3) of the Local Government Act 2002, the Council is required to adopt a Long Term Council Community Plan before the commencement of the first year to which it relates, and continues in force until the close of the third consecutive year to which it relates.

Please also find attached a summary of the major changes in the LTCCP estimates since the workshop held with Council on 10 March 2009.

**Recommendation**

**That Council adopt the Statement of Proposal including the Long Term Council Community Plan.**

**BULLER DISTRICT COUNCIL**  
**FOR THE MEETING OF 24 JUNE 2009**

**Report for Agenda Item No 21**

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

**Correspondence Received**

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- 1. Westland District Council**  
Report on Thailand Conference
- 2. Carters Beach Domain Board**  
Carters Beach Playground

**BULLER DISTRICT COUNCIL**

**FOR THE MEETING OF 24 JUNE 2009**

**Report for Agenda Item No 23**

**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 24 JUNE 2009**

**Report for Agenda Item No 24**

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

**Publications Received**

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West Coast Tai Poutini Conservation Board - Agenda 19 June 2009

**BULLER DISTRICT COUNCIL**  
**FOR THE MEETING OF 24 JUNE 2009**

**Report for Agenda Item No 22**

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

**Documents for Consent and Seal**

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Document for consent and seal are scheduled hereunder:

Transfer

Buller District Council to S Forsyth  
Buller District Council to KR Thomas

Declaration in Support

Buller District Council to S Forsyth

Performance Bond

Crushington Lands 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 24 JUNE 2009

### Report for Agenda Item No 25

Prepared by - Gary Murphy  
- Chief Executive

#### Public Excluded

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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 Management	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	Westport Harbour - Monthly Report	Section 7(2)(j) - Enable the local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)
3	Chief Executive - Gary Murphy	Buller Port Services Negotiations Report	Section 7(2)(j) - Enable the local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)
4	Chief Executive - Gary Murphy	Appointment of Buller Holdings Limited Chairman	Section 7(2)(a) - Protect the privacy of natural persons, including that of deceased natural persons
5	Chief Executive - Gary Murphy	Solid Energy Centre Solar Proposal	Section 7(2)(j) - Enable the local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)
6	Manager Corporate Services - Angela Oosthuizen	Clarification of Issues Pertaining to the Transfer of the Solid Energy Centre and Westport Harbour to Buller Holdings 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)

7	Manager Corporate Services - Angela Oosthuizen	District Promotion and Tourism Targeted Rate	Section 7(2)(h) - Maintain legal professional privilege
8	Property and Reserves Officer - Bede Brown  Accountant - Dean Phibbs	Possible Sale of Building	Section 7(2)(j) - Enable the local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)