

**MINUTES OF THE MEETING OF THE BULLER DISTRICT COUNCIL HELD  
IN THE CLOCKTOWER CHAMBERS, PALMERSTON STREET, WESTPORT,  
ON, WEDNESDAY 22 APRIL 2009 COMMENCING AT 10.00AM**

PRESENT:

His Worship the Mayor PJ McManus (Chairperson), Crs KL Bainbridge, DI Barnes, PA Campbell, MMJ Montgomery, GT Neylon, FTW Ratahi, LM Roberts and RM Sampson.

IN ATTENDANCE:

Chief Executive (GM Murphy), Manager Operations (SR Griffin), PA Operations (L Hartigan) and PA Corporate Services (MS Wilson).

PUBLIC FORUM

**Jim O'Regan Q.S.M.** spoke on Understanding Beech. He advised that too much of the West Coast land is under the control of the Government and therefore is not rateable. He would like the four Councils' to pressure Government to have a portion of this land designated as sustainable production forest. A field trip with Councillors is to be arranged.

**Freda Inta** spoke on dye in weed spraying. She said it was irresponsible of Council not to advise the public where weeds have been sprayed. Many people are not aware that the blackberries they have been eating from the side of some roads have been sprayed.

Manager Operations advised that Council considered the practicalities at the LTCCP hearings and decided against dye in the weed spray.

Council to readdress the issue.

**Robert Terry** advised that at the March Council meeting held in Reefton he addressed the Council and has still not received a reply to his submission.

Mayor McManus advised a response would be forthcoming.

**Alec Adamson** spoke on the Westport water supply and what would have happened if there was a major fire in the town on Easter Monday when there was a malfunction at the Treatment Plant.

He added that the ratepayers paid extra rates one year for the renewal of the water pipe from the Treatment Plant to the top of Derby Street. He would like to know what happened to the rates that were paid at that time.

The Manager Operations added that there was an extra rate was created in 1986 to pay for the capital upgrade for the Treatment Plant only. The Borough Council decided to accumulate \$50,000 per year to replace the trunk main. When the District Council was formed in 1989 they decided against accumulating the \$50,000 but would use loan money or something similar in the event the whole main needed to be replaced. He added that some sections of the pipe have been replaced.

Mr Adamson asked the meeting if the ratepayers of the Buller know that the Solid Energy Centre is built on swamp. What will happen if there is a decent earthquake?

Mayor McManus advised that the Centre has been built to Engineering standards.

Mr Adamson asked how are the ratepayers of Buller going to pay for the maintenance of the Solid Energy Centre upkeep?

Mayor McManus suggested Mr Adamson get a copy of the LTCCP which will cover all the questions he has asked.

Another item of interest Mr Adamson raised was the intersection at the corner of Brougham and Palmerston Street and the safety aspect of pedestrians walking out onto oncoming traffic.

Mayor McManus added that a safety audit had been done by New Zealand Transport Agency.

Cr Roberts added that cars and trucks used to park close to the corner so at least now the traffic is further away from the corner.

#### APOLOGIES

An apology on behalf of Cr Halsall and Hawes was sustained.

#### 1 MEMBERS INTEREST

Nothing to report.

#### 2 CONFIRMATION OF MINUTES

Resolved: **That the minutes of the meeting held on 18 March 2009 be confirmed.**

**PJ McManus/DI Barnes**

**Carried Unanimously**

3 COUNCIL PROGRAMME OF WORKS

Cr Barnes asked about progress of Carters Beach erosion work.

Mayor McManus advised that it was a busy period for some of the volunteers and they would commence the work soon.

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

**PJ McManus/FTW Ratahi**

**Carried Unanimously**

4 MATTERS UNDER ACTION

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

**PJ McManus/FTW Ratahi**

**Carried Unanimously**

5 ELECTORAL SYSTEM FOR 2010 ELECTIONS

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

**LM Roberts/DI Barnes**

**Carried Unanimously**

6 SMOKE FREE PARKS POLICY

Mayor McManus to clarify with the West Coast District Health Board Smoke Free Coordinator as to what costs Council are going to be expected to meet in regard to the erection of the signs and the ongoing maintenance from vandals. Council is happy for the signs to go up on Council property as long as there is no cost to ratepayers.

Cr Neylon added that he would support the signs as long as there was zero cost to Council.

Resolved:

1. That the public be encouraged through signage and publicity to maintain a clean healthy smoke free environment in the named areas:
2. Derby Street, Victoria Square, Carters Beach, Crampton Road and King George Playgrounds being areas that are primarily used by young people for recreational activity:
3. That the Council appeals through signage and publicity, the positive environmental health benefits and that the policy be educational as opposed to penalty in seeking compliance.
4. That the signs be erected and maintained at no cost to Council.

**DI Barnes/KL Bainbridge**

**Carried Unanimously**

7 STOCK MOVEMENT BYLAW

Changes have been made as requested and document is ready to go out for consultation.

Cr Sampson asked if farmers are not complying now do they have 12 months to come up to standard.

Manager Operations to investigate the option of the 12 month transition period while the document is out for consultation.

Cr Neylon asked in the consideration of an application who determines the social impact of the bylaw?

Chief Executive advised that as long as the conditions are met no application will be refused.

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

**RM Sampson/MMJ Montgomery**

**Carried Unanimously**

8 LITTER INFRINGEMENT OFFENCES

Cr Neylon is not in favour of rewarding someone who reports illegal dumpers.

Cr Roberts has noticed an increase in litter being dumped at the North Beach and near the Millennium Track.

Cr Campbell added that a number of citizens have been working with the Enforcement Officer identifying the fly dumpers returning the rubbish back to their addresses. He would like to know if an offender was caught once, could Council up the fine if there was a second offence.

**Resolved: That the Council adopt the infringement notice provisions of Section 13 and Section 14 of the Litter Act 1979 in relation to the deposit of litter or the leaving of litter in any public place.**

- 1. Where such litter comprises a single item the infringement fee in respect of the deposit or leaving of that litter be \$100.00.**
- 2. Where such litter comprises more than a single item the infringement fee in respect of the deposit or leaving of that litter be \$200.00.**
- 3. Where the litter comprises a large quantity of rubbish and/or comprises broken glass, food scrapes or other offensive matter the infringement fee in respect of the deposit or leaving of that litter be \$400.00.**
- 4. In serious cases Council proceed by way of summary proceedings pursuant to S.15 of the Litter Act 1979.**

The Council Policy Planner to bring back to the next Council meeting the legal process that Council can adopt if a person has had a previous litter conviction.

**PA Campbell/FTW Ratahi**

**Carried Unanimously**

9 **PERFORMING ARTS CENTRE – UPDATE**

Cr Roberts advised there were some Councillors who had concerns regarding the seating in the new Performing Arts Centre. After a meeting with the Architect these have been amended.

Bruce Middleton addressed the meeting and said there were three concerns the Group had spoken to the Architect about.

1. Losing floor space e.g. when Balls were booked. Bruce advised that seating can be taken away from the middle of the block and can be placed back after the function.
2. Inadequate backstage space. An additional 4 metres is been incorporated in the plan for adequate crossover for performers.
3. Lack of kitchen facilities – Increased servery and more plug in space for catering from the front of house.

**Resolved: That this report be received by Council for information purposes.**

**LM Roberts/RM Sampson**

**Carried Unanimously**

10 **COUNCIL APPROVAL OF CHANGES TO THE BULLER DISTRICT PLAN**

The Chief Executive advised the meeting there is no ability to debate any of the Plan changes as that process has been gone through.

**Resolved: That in terms of the First Schedule of the Resource Management Act 1991 Council resolves to:**

1. Pursuant to Clause 17 of the First Schedule of the Resource Management Act 1991, approve proposed plan changes 5, 14, 15, 43, 48-52, 57, 58, 63, 65, 75-87 and 90-110 as per the decisions made by the Hearings Committee.
2. Pursuant to Clause 17 of the First Schedule of the Resource Management Act 1991, approve proposed plan changes 3, 4, 6, 7, 21, 44, 66, 69 and 72, as per the Consent Orders signed by Environment Judge JE Borthwick.
3. Pursuant to Clause 20 of the First Schedule of the Resource Management Act 1991, allow the Chief Executive to publicly notify Monday 25 May 2009 as the day on which the amended Buller District Plan will become operative.

**MMJ Montgomery/LM Roberts**

**Carried Unanimously**

11 **REPORT FROM INANGAHUA COMMUNITY BOARD**

Resolved: That Council support this request to New Zealand Transport Agency via the Regional Land Transport Committee and/or any other New Zealand Transport Agency avenue.

**DI Barnes/KL Bainbridge**

**Carried Unanimously**

12 CORRESPONDENCE RECEIVED

**Office of Hon Steven Joyce** – Notification of Proposed Changes to the Government Statement of Land Transport Funding 2009/10 – 2018/19 and Other Transport Funding Changes – Local Government New Zealand responding on behalf of Local Authorities

**Office of Hon Simon Power** – Funding of Community Law Centres

**Robert Terry** – Letter to be sent regarding submission to March Meeting

**Department of Conservation** – Conservation Board Vacancies 2009 – Time line has expired for nominations

**Friends of Fox River Bridge Society Inc** – Letter to be written back to Society asking that they forward a letter when a meeting is due and Council will arrange for a Councillor if available to attend

Cr Barnes raised a question regarding his appointment to the Restorative Justice Panel. Chief Executive to check letter has been sent.

**Office of Hon Anne Tolley** – Support for Taskforce

**JR O'Regan Q.S.M.** – Letter to be written thanking him for his attendance and advise that some Councillors are keen to go on the field trip when a date has been set

**Mike Toseland** – Letter to advise that Council Policy is that there are no aerial drops around our public Water Supplies

13 PUBLICATIONS RECEIVED

**Buller Promotions Association** – Agenda 21 April 2009/Minutes 11 March 2009

14 PUBLIC FORUM RESPONSE

Freda Inta – Manager Operations to follow up regarding dye in weed spray

Robert Terry – Letter to be written regarding submissions

Alex Adamson – Manager Operations to write regarding Mr Adamson’s concerns.

15 PUBLIC EXCLUDED

**Resolved:** That the public be excluded from the following parts of the proceedings of this meeting.

Item No	Minutes/Report of:	General Subject	Reason for Passing Resolution Section 7 LGOIMA 1987
1	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)
2	Trish Casey - Manager Community & Environment	Performing Arts Centre Update	Section 7(2)(j) - Enable the local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)

**PJ McManus/PA Campbell**

**Carried Unanimously**

**Resolved:** That the Council revert to open meeting and the resolutions and disclosures made whilst the public were excluded remain confidential.

**PJ McManus/MMJ Montgomery**

**Carried Unanimously**

There being no further business the meeting concluded at 12.35 pm

Confirmed ..... Date .....