

**MINUTES OF THE MEETING OF THE BULLER DISTRICT COUNCIL HELD
IN THE CLOCKTOWER CHAMBERS, PALMERSTON STREET, WESTPORT,
ON, WEDNESDAY 24 JUNE 2009 COMMENCING AT 1.00PM**

PRESENT:

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

IN ATTENDANCE:

Chief Executive (GM Murphy), Manager Operations (SR Griffin), Team Leader, Regulatory Services (J Donaldson) and PA Corporate Services (MS Wilson).

PUBLIC FORUM

Dawn Chandler representing **Reefton ITP**, addressed Council on Item 7 on today's Agenda.

An apology was given to Council for not addressing and meeting KPI's set by Council which was required to ensure they received their annual funding to 30 June 2009. She said a number of issues had contributed to this being overlooked including staff changes during the year, and the fact that ITP's mail was going to several different addresses - this has now been corrected by opening a PO Box.

Ms Chandler said ITP need the funding, and presented last year's Annual Plan and this year's Draft Annual Plan, and will forward Draft Annual Accounts in the immediate future.

She indicated the funding required from Council is \$12,000, which is made up as follows:

Brochures	\$10,000
Website Updates	\$1,000
Information Packs	\$1,000

Robert Terry asked Council for clarification on Development West Coast. He also made comments regarding the Terry Brothers property which was sold by

the Crown a number of years ago to pay for outstanding rates - he hasn't yet uplifted the remaining funds.

Frida Inta spoke to Council regarding Item 17 on Council's Agenda.

She advocates the use of dye in weed spray, and would like Council to support her recommendation that it should be added to all weed spray used in the Buller District so members of the public can easily see where spray has recently been used, and if they like, can take the opportunity to disconnect their rain-fed water supplies.

She spoke of a letter she received from Council on 10 July 2008 whereas Council said they would recommend the use of dye in weed spray.

Ms Inta would like the contractors to use a wind meter to determine if it is suitable to spray. Spray could not be carried by the wind. She did not believe this was currently being done. She mentioned a recent incident in Seddonville (where she resides) where weeds were sprayed and she wasn't aware of it until the vegetation started dying - and wasn't given the opportunity to disconnect her rain-fed water supply.

APOLOGIES

No apologies were received.

1 MEMBERS INTEREST

Cr Campbell was concerned that because he currently does professional work for Buller Health Trust and Buller Holdings Ltd. He has been asked to submit a quote for future work for providing accounting services to the Solid Energy Centre. This matter was discussed in depth by Council and all members were comfortable that no conflict of interest was evident.

2 CONFIRMATION OF MINUTES

Cr Hawes was inadvertently missed off those present at the meeting, and is to be added to the minutes.

Resolved: That the minutes of the meeting held on 28 May 2009 be confirmed, with the above change.

DJ Hawes / MMJ Montgomery

Carried Unanimously

3 COUNCIL PROGRAMME OF WORKS

Cr Barnes asked whether unregistered and unwarranted vehicles left on the roadside were under Council control?

Team Leader, Regulatory Services (J Donaldson) replied that they were, and Council will act on complaints received.

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 QUARTERLY INVESTMENT REPORT AND FINANCIAL REPORT

Resolved: That the report be received for information.

PJ McManus / FTW Ratahi

Carried Unanimously

6 WEST COAST RURAL FIRE DISTRICT COMMITTEE

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

LM Roberts / MMJ Montgomery

Carried Unanimously

7 ANNUAL TOURISM GRANT FOR INANGAHUA TOURISM PROMOTIONS

Cr Hawes is in support of the annual funding being granted.

Mayor McManus indicated that since they have now shown which projects the money would be tagged to support, he is in favour of the funding being granted.

Cr Barnes mentioned that volunteers had been utilised to manage these organisations and projects, and staff turn over that has taken place in ITP over the past 12 months which had contributed to the lack of formality. He was in support of the funding now being given.

Cr Campbell has no issue with the payment of the money providing the KPI's are met retrospectively as much as they can be.

Cr Roberts would like to see the \$12,000 funding required paid. She acknowledges there has been an error made with ITP not complying with their accountability, but they have now made an effort to rectify that and she would not like to see them penalised. Council has had a long association with ITP and this hasn't been a problem in the past.

Cr Sampson reiterated that the KPI's are set by Council and it is Council funding – she is quite emphatic that the KPI's are met before the funding is given, and would like to see the financial accounts also.

Cr Hawes urged Councillors not to confuse the Reefton I-Site and Reefton ITP.

Mayor McManus asked Councillors if they would be happy to see a report from ITP regarding activities carried out during the year, and financial reports (they can provide draft accounts)?

Councillors responded they would like to see this documentation.

Resolved: That Council provide \$12,000 2008/09 funding providing the KPI accountabilities are to be met, and subject to ITP furnishing a 12 month report on activities to-date and draft financial accounts.

PJ McManus / LM Roberts

Carried Unanimously

8 COMMUNITY OUTCOMES MONITORING REPORT

Resolved: 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.**

PJ McManus / DI Barnes

Carried Unanimously

9 DISTRICT PROMOTION AND DEVELOPMENT TARGETED RATE

Cr Montgomery would like fairness to all and would like to introduce another tier to capture home-based businesses.

Cr Roberts said at the last Buller Promotions Association (BPA) meeting the members all agreed with the rate, and the rationale behind it – to move the district forward as long as it would be fair and equitable. BPA member’s subscription rate would be dropped and would be replaced with the P&D Rate, and the members would pay for services required at the I-Site, ie, brochure display, etc.

Cr Neylon has concerns that the district promotion rate now appears as a development rate?

He disagrees with the home-based businesses being taxed, and would this now include farmers who previously believed they wouldn’t be rated?

Cr Neylon is also concerned that BPA will drop their subscriptions. His understanding is it was an industry group and that this fund would replace I-Sites, ITP, etc. Would like to see value for money. He noted that Council had previously indicated this system would still be \$60,000 short of the funding required.

Mayor McManus said that the \$150.00 flat rate for home-based businesses would go some way towards addressing this shortfall.

Cr Neylon asked where the funding would come from for the intended Events Officer?

Mayor McManus replied that this has always been intended for year 3 that the Visitor Strategy would take place, and somebody would need to run it, and an Events Officer type-role would be required.

Cr Neylon said that most people were not familiar with the Visitor Strategy document, and it is not well understood. And is not well known

within the group that will be paying the rate. And he thought Tourism West Coast would drive the Visitor Strategy Project?

Cr Neylon further asked if an industry group was going to be set up to manage Council's Promotion and Development Strategy?

Mayor McManus confirmed that a group of industry representatives would be set up, with the likes of Development West Coast, Tourism West Coast, Buller Promotions Association, Solid Energy, Holcim, Ngai Tahu, Minerals West Coast, Federated Farmers and other relevant representatives. The group will be sector-based, with information going to Council from each relevant industry.

He expanded further to say that when the groups are setup a structure will be agreed to manage the process.

Cr Montgomery asked and if they advertise?

Manager, Corporate Services (A Oosthuizen) noted that the submission process did not envisage that farmers would be included in this rate, the exception to this would be if they run a homestay (for example).

Cr Campbell asked about businesses that operate from leased premises, that do not own their own?

Mayor McManus said that the person that owns the property and then lease it to a business, would be responsible for the P&D Rate, and in most cases business leases include payment of rates to the occupier, so this cost would be on-charged.

Cr Halsall asked for further clarification on farmers – would they be included in this rate?

Mayor McManus responded that Council have never had any intention that farmers would be captured.

Resolved: That Council adopt the District Promotion and Development Targeted Rate with the following recommendations:

- 1. A fixed rate for industrials at \$100.00 per rating unit plus a targeted rate on capital value of \$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 se at \$0.000676**
- 3. Tiered Rate on capital value:**

Tier 1: 0 to \$300,000	- \$100.00
Tier 2: \$300,001 to \$500,000	- \$300.00

Tier 3: \$500,001 upwards - \$600.00

4. Any home-based businesses who advertise or who are registered with a tourism organisation will pay a flat rate of \$150.00, until such time as the partitioning of their rating units into their commercial and residential uses are effected.

LM Roberts / RM Sampson

Cr Neylon – Against

Cr Halsall – Abstained

CARRIED

- 10 CLARIFICATION OF ISSUES PERTAINING TO THE TRANSFER OF THE SOLID ENERGY CENTRE AND WESTPORT HARBOUR TO BULLER HOLDINGS LIMITED

Recommendation 1:

Mayor McManus mentioned that the workshop has now taken place and he believes concerns of that Councillors had have now been met.

Cr Neylon disagreed, and does not believe all the information has been provided. Council had not yet seen any business plans for the Harbour and the Solid Energy Centre and he indicated he believed Council has not yet received enough information to enable them to make a decision.

Mayor McManus responded that he is happy with the data received to-date and feels comfortable to vote on Recommendation 1.

Resolved: That Council consider the seven issues highlighted in the above report, and agree they have been satisfactorily addressed.

PJ McManus / DJ Hawes

Cr Neylon - Against

All others in favour

CARRIED

Recommendation 2:

Resolved: The Solid Energy Centre be transferred to Buller Recreation Limited and Westport Harbour transferred to Westport Harbour Limited effective 01 July 2009.

RM Sampson / MMJ Montgomery

Cr Neylon - Against

Cr Campbell - Abstained

All others in favour

CARRIED

Recommendation 3:

Council agreed that Cr's Barnes and Sampson, Mayor McManus and Chief Executive (GM Murphy) would make up the working group, which would bring recommendations back to Council to finalise and approve details.

Resolved: 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.

DJ Hawes / KL Bainbridge

CARRIED Unanimously

Recommendation 4:

Cr Barnes said that the Charter that has been produced has alleviated his concerns.

Cr Hawes reiterated that the benefit of this process is the ongoing benefit to ratepayers.

Cr Neylon said he has concerns over the interpretation of the information given and believes the financial information given has been manipulated, and concerns over the management of Westreef Services.

Cr Hawes is concerned that Cr Neylon has indicated that he has other information and has not shared this with Council, and questioned his integrity in doing so.

Cr Sampson said that given that Cr Neylon has previously been on the Board of Directors of WestReef and that she also questions his integrity.

Cr Neylon said when you are on a Director on a Board, you have a collective responsibility towards the organisation you are working for –

and it is not always your own personal opinion that is shown, but that of the group.

Mayor McManus said he has faith in the quality of the financial information provided by Council staff, and doesn't have any concerns.

Resolved: Buller Holdings Limited Board be consulted over the draft protocols as outlined in Annuxure.

DI Barnes / DJ Hawes

**Cr Neylon - Against
All others in favour**

CARRIED

11 **BULLER HEALTH TRUST – STATEMENT OF INTENT**

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

PJ McManus / MMJ Montgonery

Carried Unanimously

12 **WESTPORT AIRPORT AUTHORITY – STATEMENT OF INTENT**

Cr Montgomery said keeping in mind that these reports are two months behind, in actual fact an additional flight has commenced and these changes will show on operating profit.

Mayor McManus reminded Council that Air West Coast stopped their service earlier in the year.

**Resolved: That Council adopt the Westport Airport Authority Statement of Intent for the year ending 30 June 2010.
RM Sampson / KL Bainbridge**

CARRIED Unanimously

13 **BULLER HOLDINGS LIMITED – STATEMENT OF INTENT**

Cr Neylon queried the difference in Group Revenue on page 96 of \$251,000 in 2009/2010.

Manager, Corporate Services (A Oosthuizen) will pass this information on to Council.

Resolved: That Council adopt the Buller Holdings Limited Statement of Intent for the year ending 30 June 2010, subject to charter protocols being developed and brought into alignment and changes reported back to July Council meeting.

PJ McManus / DI Barnes

CARRIED Unanimously

14 **BULLER RECREATION LIMITED – STATEMENT OF INTENT AND CHARTER**

Resolved: That Council adopt the Buller Recreation Limited Statement of Intent for the year ending 30 June 2010, subject to charter protocols being developed and brought into alignment and changes reported back to July Council meeting.

LM Roberts / MMJ Montgonery

CARRIED Unanimously

15 **WESTREEF SERVICES LIMITED – STATEMENT OF INTENT**

Mayor McManus reminded Council that the Statement of Intent for the Westport Harbour would be before Council during the July meeting.

Cr Neylon mentioned the statutory deadline of 30 June to get the Statement of Intent's ratified.

Manager, Corporate Services (A Oosthuizen) confirmed this.

Resolved: That Council adopt the Westreef Services Limited Statement of Intent for the year ending 30 June 2010, subject to charter protocols being developed and brought into alignment and changes reported back to July Council meeting.

PJ McManus / RM Sampson

CARRIED Unanimously

16 **DELEGATIONS**

Manager, Corporate Services (A Oosthuizen) ran through the changes to the document.

Cr Neylon questioned 121 (h) where it mentioned staff complement additions, within the budget – does this mean the CEO has the authority to hire extra staff outside the budget, or is this within the budget?

Manager, Corporate Services (A Oosthuizen) confirmed changes were within the budget.

Resolved: That Council review the amended delegations policy and adopts the amended policy.

DI Barnes / DJ Hawes

CARRIED Unanimously

17 **USE OF DYE IN WEED SPRAY**

Cr Halsall asked if dye could be used as a trial in the Seddonville area where Ms Inta lives?

Cr Hawes understands her concerns with sprays, but also has concerns over the dyes. He also doesn't think it looks visually attractive to tourists and ratepayers to be viewing pink trees, bushes, etc.

Cr Roberts acknowledges that Frida has been coming to Council meetings for sometime and this issue is of real concern to her, and she feels for her in that nothing has been actioned. Cr Roberts asked if there is any way Ms Inta can be given any more immediate notice that spraying is going to take place?

Manager, Operations (SR Griffin) advised Council that there will never be a foolproof method of advertising planned spraying, as spraying is

weather dependent. The best we can advise is that (for example) during the next month we are going to be spraying in a specific area - and this is the method used by Council's all over New Zealand.

Mayor McManus asked if it would be possible to dye the weed spray at Seddonville only?

Manager, Operations (SR Griffin) replied that he presumed so, but when he last spoke to the spraying contractor about this he was told it wasn't practical. Mr Griffin does not believe that roadside spraying effects watersupplies.

Mayor McManus said that if it were possible to dye just one area (Seddonville for example) perhaps Ms Inta could organise a petition from those residents to agree to this – and if 75% signed it could be done?

Manager, Operations (SR Griffin) said it really needed to be one way or the other (dye in the spray or not) – spraying just one area is not practical, and has received information from the contractor that dye has been known to block spray nozzles.

Cr Neylon believes that even if dye is used, the drift of the spray could enter water supplies before the residents even saw the colour on the roadside indicating spraying had taken place. Further, dyes do not last more than three days when they are used. He suggested a notification register be kept by Council, and carry on with radio and newspaper notices.

Cr Hawes suggested Ms Inta be given notification in her letterbox by the contractor before spraying commences.

Resolved: That Council do 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. Council will set up a register of people that would like to be notified when spraying is occurring in their area.

GT Neylon / RM Sampson

CARRIED Unanimously

18 WESTPORT TRANSFER STATION HOURS

Mayor McManus does not believe that the dump being closed two days per week has contributed to fly dumping, this has always been an issue.

Resolved: That Council:

- 1. Continue to open the Transfer Station to the public Monday, Tuesday, Friday and Saturday 9:00am to 4:00pm and Sunday and Public Holidays from 10:30am to 4:00pm, however any commercial business that can show hardship can dump on days that the transfer station is closed to the public by arrangement with the contractor.**
- 2. Council rubbish bags are to be made available for purchase at the transfer station.**

LM Roberts / KL Bainbridge

CARRIED Unanimously

19 TIDAL CREEK BRIDGE REPLACEMENT

Cr Sampson said the bridge in serious need of repairs and maintenance, and she would like to see it replaced.

Manager, Operations (SR Griffin) said there has not been enough money spent on repairs to the bridge to justify its replacement.

Mr Griffin said he had spent a considerable amount of time and effort to-date on getting the cost of a replacement down, but cannot justify this to acquire funding.

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

DJ Hawes / PJ McManus

CARRIED

Cr Sampson voted against

20 LONG TERM COUNCIL COMMUNITY PLAN

Manager, Corporate Services (A Oosthuizen) explained the additional changes made to the Draft document.

Resolved: Council adopt the Statement of Proposal including the Long Term Council Community Plan, with changes to the Promotion and Development Targeted Rate as detailed in Agenda Item 9 above.

PJ McManus / MMJ Montgomery

CARRIED Unanimously

21 CORRESPONDENCE RECEIVED

1. Westland District Council – **received for information**
2. Carters Beach Domain Board – **received for information**
Cr Campbell is concerned that the Domain Board believe the playground is unsafe, but it is still open for public use?

Manager, Operations (SR Griffin) explained that CBDB own the asset and Council own the land. An Audit is to be carried out to determine if it is safe for use.

22 DOCUMENTS FOR CONSENT AND SEAL

Resolved: that the transactions be approved and the fixing of the Common Seal under authorised signatories on the appropriate documents be ratified.

PJ McManus / RM Sampson

CARRIED Unanimously

23 PUBLIC FORUM RESPONSE

Reefton ITP – letter to be sent with details of resolution.

Frida Inta – letter to be sent with details of resolution.

Robert Terry – CEO will write to the Ministry of Justice to clarify the situation with regards to the proceeds from the Terry brothers farm, and copy the letter to Mr Terry. He will also suggest that Mr Terry take up his concerns regarding Development West Coast with their Chairman.

24 PUBLICATIONS RECEIVED

West Coast Tai Poutini Conservation Board – Agenda 19 June 2009.
Received for information.

25 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	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 Development 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)

PJ McManus / MMJ Montgomery

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 / PA Campbell

Carried Unanimously

There being no further business the meeting concluded at 5:15pm

Confirmed Date