

**MINUTES OF THE MEETING OF THE BULLER DISTRICT COUNCIL HELD
IN THE CLOCKTOWER CHAMBERS, PALMERSTON STREET, WESTPORT,
ON WEDNESDAY 24 SEPTEMBER 2008 COMMENCING AT 10.00AM.**

PRESENT:

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

IN ATTENDANCE:

Chief Executive (GM Murphy), Acting Manager Operations (T Robertson), and PA to Chief Executive (LM Pablecheque).

PUBLIC FORUM

Robert Terry spoke about correspondence he circulated from Justice Fogarty and to the High Court.

Lyn Taylor said the results of the questionnaire being conducted by the Westport ISite Centre will be presented to Council in due course.

Bruce Walsh spoke about the erosion at Carters Beach and the impact it could have on the hall, sports field, pavilion and playground. He sought a \$10,000 contribution from Council to trial the sandbagging idea.

Frida Inta provided a visual overview of indigenous destruction of vegetation in the Seddonville/Mokihinui area.

APOLOGIES

An apology on behalf of Cr Halsall was sustained.

1 MEMBERS INTEREST

Cr Campbell in relation to item 14A 'Buller Health Trust - Going Concern Letter'.

2 CONFIRMATION OF MINUTES

Resolved: That the minutes of the meetings held on 27 August 2008 be confirmed subject to Cr Bainbridge being recorded as voting for the recommendation at the top of page 20 in the public excluded section.

PJ McManus/FTW Ratahi

Carried Unanimously

3 BORROWINGS AND INVESTMENT REPORT

Resolved: That the report be received for information.

PJ McManus/MMJ Montgomery

Carried Unanimously

4 COUNCIL PROGRAMME OF WORKS

Resolved: That the report be received for information.

PJ McManus/MMJ Montgomery

Carried Unanimously

5 MATTERS UNDER ACTION

Cr Neylon questioned whether the Audit New Zealand Management Report for 2007 would be an agenda item at a future meeting. He advised he would prepare a report for the October meeting.

Resolved: That the report be received for information.

PJ McManus/MMJ Montgomery

Carried Unanimously

6 COUNCIL FINANCIAL REPORT FOR THE PERIOD ENDING 31 AUGUST 2008

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

PJ McManus/MMJ Montgomery

Carried Unanimously

7 WEST COAST REGIONAL TRANSPORT COMMITTEE MEETING 28 AUGUST 2008

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

PJ McManus/LM Roberts

Carried Unanimously

8 SEAL EXTENSION PROGRAMME

It was pointed out that submissions were received as part of the Annual Plan process to seal not only Okari Road and Ray Street, but Arapito Road.

The Acting Manager Operations advised that the benefit cost ratio had not increased significantly from last year.

Cr Montgomery said a reasonable amount of sealing had been undertaken on Okari Road as a result of subdivision conditions.

Resolved: **That the Council proceeds with an extension of seal on Okari Road.**

PJ McManus/DI Barnes

Carried

Crs Neylon and Sampson voted against

9 CARTERS BEACH EROSION

Cr Campbell said the proposal to place sand filled bags could be constructive for the protection of the airport.

Cr Sampson expressed concern that if Council agreed with the proposal it could be setting a precedent and hoped Carters Beach would only be viewed as an experiment.

Resolved:

1. That Council support the trial of sand filled bags and planting as a staged rehabilitation for the Carters Beach foreshore and up to \$10,000 be set aside for this trial.
2. That work does not proceed until all consents are in place.
3. That the Carters Beach Domain Board seek advice from a coastal erosion expert.
4. If the trial fails then the Carters Beach Domain Board removes all sandbagging and carries out remedial work as required under the resource consent conditions.

MMJ Montgomery/FTW Ratahi

Carried Unanimously

10 DRAFT WALKING AND CYCLING STRATEGY

Resolved: That the Draft West Coast Regional Walking and Cycling Strategy report is received and Council supports the strategy in principle for consultation.

MMJ Montgomery/KL Bainbridge

Carried Unanimously

11 SPEED RESTRICTION UTOPIA ROAD

Cr Montgomery said she had recently spoken to a considerable number of Utopia Road residents who had not signed the petition and were happy with the current speed limit. She was concerned the residents would also want a footpath sometime in the future. It was her suggestion to leave the speed limit as is as most people drive to the conditions.

Cr Bainbridge pointed out a section of state highway at Birchfield, considerably less populated, had a speed reduction to 80km/hour.

Cr Neylon was unsure why Council was proposing 80km/hour when the residents clearly wanted 70km/hour.

Resolved: That Council undertakes consultation to reduce the speed limit on Utopia Road, Morris Road and Garveys Road to 80

km/hour from the junction with State Highway 67 to the end of the roads in accordance with the attached plan.

DI Barnes/DJ Hawes

Carried

Crs Montgomery, Neylon and Ratahi voted against

12 AMENDMENTS TO THE BANNING OF LIQUOR IN PUBLIC PLACES BYLAW 2005 AND THE NAVIGATION SAFETY BYLAWS 2008

Cr Neylon said he objected to the proposal as Council were planning on using the Liquor Bylaw to control what was essentially a litter problem.

Cr Hawes did not see a problem with the amendments as he felt that liquor and litter went together.

Resolved: That Council adopt the amendments to the Banning of Liquor in Public Places Bylaw 2005 which will come into force on 6 October 2008.

PJ McManus/DJ Hawes

Carried

Cr Neylon voted against

Resolved: That Council adopt the amendments to the Navigation Safety Bylaws 2008 which will come into force on 6 October 2008.

PJ McManus/DI Barnes

Carried Unanimously

13 REVENUE AND FINANCE POLICY
TREASURY MANAGEMENT POLICY

Cr Neylon, referring to section 3 'Delegation of Authority and Authority Limits' did not see the merit in including 'Approving Transactions Outside Policy' when Council can resolve at any time to go outside the policy as it did with the Nelson Building Society investment. Referring to clause 4.10, second paragraph, he saw the need to include 'at call or onto demand market rate' rather than just 'market rate'. He also thought the statement relating to 'Property Investments', paragraph one and three contradicted each other.

Resolved: That Council adopts the Treasury Management Policy with the change to 4.10 to be included in the 2009 LTCCP.

MMJ Montgomery/RM Sampson

Carried

Cr Neylon voted against

14 **DENNISTON HERITAGE CHARITABLE TRUST**

Resolved: That Chief Executive Gary Murphy be appointed as an ex-officio to the Denniston Heritage Charitable Trust.

PJ McManus/RM Sampson

Carried Unanimously

14A **BULLER HEALTH TRUST - GOING CONCERN LETTER**

Cr Campbell declared his interest in this item and did not take part in the discussion.

Resolved: That Council approve Crs Barnes and Sampson as designated signatories of the 'Going Concern' letter to Audit New Zealand on behalf of Council.

MMJ Montgomery/DJ Hawes

Carried

Cr Campbell abstained from voting

15 **CORRESPONDENCE RECEIVED**

Hon David Cunliffe - Punakaiki Water Supply and Sewerage Schemes

Hon Damien O'Connor - Tourism Demand Subsidy Scheme

EUFA - Exposing Unacceptable Financial Activities Inc Soc -
Open Letter to All Mayors and Councillors 21 August 2008

Hon Damien O'Connor - Sanitary Works Subsidy Scheme and
Punakaiki Water Supply and Sewerage Schemes

Mayor McManus said he had been approached about writing a letter to the Ministry of Education supporting the retention of Cunninghams Coaches contract for the transportation of children to Westport schools.

16 PUBLICATIONS RECEIVED

Buller Promotion Association - Agenda 26 August, 23 September 2008

Buller Promotion Association 0 Minutes 22 July, 26 August 2008

MOTivate - Transport Newsletter - Winter 2008

17 PUBLIC FORUM RESPONSE

Robert Terry to be thanked for his presentation

Frida Inta - It was agreed the main concern seemed to relate to accessing information. Cr Neylon said resource consents were public documents and should be readily accessible. He said Council must be respectful enough and respond to complaints although he did not think the planning staff should be harassed.

The Chief Executive said the planning staff had spent several hours discussing Ms Inta's concerns and was satisfied with the outcome. He had arranged to meet with Ms Inta recently, however she failed to turn up to the appointment.

Lyn Taylor and the ISite team to be thanked for their presentation.

Bruce Walsh to be sent a copy of the report and resolution.

18 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.**

Transfer

JW and GAM Luff to AS and RJ Parkin

Lease

**Buller District Council and B Knegjens
Buller District Council and Buller Budget Advisory Service**

PJ McManus/MMJ Montgomery

Carried Unanimously

RESERVES CONTRIBUTION

Resolved: **That this public excluded item be considered during the public section of the meeting.**

PJ McManus/GT Neylon

Carried Unanimously

Cr Montgomery said the working group needed additional time to consider the legal opinion.

Cr Neylon expressed concern at the length of time taken to request the legal advice after the September Council meeting and the late circulation.

The Chief Executive pointed out that staff endeavoured to undertake some of the work prior to requesting the advice in order to reduce the cost and the time. Cr Montgomery reiterated these comments.

Cr Neylon felt the legal opinion was a public document. The Chief Executive said it was considered necessary to keep the opinion confidential until such time as it was discussed at this meeting in order to maintain legal professional privilege.

Cr Montgomery said the working group had two specific questions remaining to be answered.

Cr Sampson said legal opinions were always kept confidential, but often after discussion part of the document released.

Moved: **That the legal opinion be released to the public immediately.**

GT Neylon/

Resolved: **That the legal opinion remain confidential until it is discussed at the October Council meeting.**

RM Sampson/MMJ Montgomery

Carried

Cr Neylon voted against saying there was nothing in the legal opinion that had not already been discussed at the September meeting.

19 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	Possible Asset Acquisition	Section 7(2)(j) - Enable the local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)
2	Chief Executive - Gary Murphy	Harbour Budget Update	Section 7(2)(i) - Enable the local authority holding the information to carry out, without prejudice or disadvantage commercial activities

PJ McManus/LM Roberts

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/DJ Hawes

Carried Unanimously

There being no further business the meeting concluded at 12.40pm

Confirmed Date