

**OF THE MEETING OF THE BULLER DISTRICT COUNCIL HELD AT THE
RSA, BRIDGE STREET, KARAMEA ON WEDNESDAY 23 SEPTEMBER
2009 COMMENCING AT 11.00AM**

PRESENT:

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

IN ATTENDANCE:

Chief Executive (GM Murphy), Manager Operations (SR Griffin), Manager Community and Environment (CM Scanlon), Manager Corporate Services (AE Oosthuizen) and PA Chief Executive (LM Pablecheque).

PUBLIC FORUM

Gary Smith and Debra Wagner spoke about plans to hold a holiday programme for Karamea children.

Robert Terry pointed out the Community Law Centre in Westport does not provide a service to Karamea residents. He also hoped the Minister of Justice would look at the mistakes made with his rating sale.

Hamish Macbeth thanked Council for holding its meeting in Karamea. He raised several issues including the late response to LTCCP submissions; the Solid Energy Centre and the public verses private cost of operation over the next 12 months; District Plan maps being available on the website; Ray Street seal extension; broom control in Karamea region; availability of Council agenda on the website and the possibility of having it emailed; he complimented the customer services staff for a job well done; whether Council had a policy stipulating the response time for emails and the national cycle way strategy.

James Rae said he was having difficulty with accessing his property on Bridge Street as a result of yellow no parking lines having been painted over. At times if large vehicles park outside his property he is unable to use either of his two access ways.

1 MEMBERS INTEREST

Councillor Bainbridge as the chair of the Buller Recreation and Arts Trust declared her interest in item 11.

2 CONFIRMATION OF MINUTES

Resolved: That the minutes of the meeting held on 15 April 2009 be confirmed, and the minutes of 19 August 2009 be confirmed subject to Cr Campbell being recorded as declaring his interest in public excluded item number 1.

PJ McManus/FTW Ratahi

Carried Unanimously

3 COUNCIL PROGRAMME OF WORKS

Cr Hawes pointed out the large variance in the budget for the holding company investigations and the costs to date. The Manager Corporate Services advised the only remaining outstanding costs will be for legal fees associated with the transfer documentation.

The Manager Corporate Services advised that the Community Services figures had not been amended. Updated figures would be provided for the October meeting.

Resolved: That the report be received for information.

PJ McManus/RM Sampson

Carried Unanimously

4 MATTERS UNDER ACTION

Cr Sampson said the breast screening visits to Westport had not been resolved and requested this item be included in future reports.

Resolved: That the report be received for information.

PJ McManus/RM Sampson

Carried Unanimously

5 TENDERS AWARDED UNDER DELEGATED AUTHORITY

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

DI Barnes/LM Roberts

Carried Unanimously

6 WESTPORT HARBOUR - MONTHLY REPORTS

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

PJ McManus/DI Barnes

Carried Unanimously

7 APPOINTMENT OF MEMBERS TO BOARD OF TOURISM WEST COAST

Mayor McManus advised that Development West Coast have appointed Margaret Grant to the Board.

He also pointed out that despite Tourism West Coast wanting an open application process, time did not permit this as an appointment was required by 30 September.

Resolved: **That Council advise Tourism West Coast that Council's representative will be Margaret Montgomery.**

PJ McManus/RM Sampson

Carried Unanimously

Cr Montgomery abstained from voting

8 EXCHANGE OF SECTION 122 AND ROAD AT DENNISTON FOR FORMED ROAD TO BE LEGALISED AT CHARLESTON
LEGALISATION OF DENNISTON TRACK WHERE NECESSARY

Resolved:

1. **That Council agree to the swapping of section 122 (outlined orange) and the land shown as road contained within the proposed Denniston Historic Reserve (outlined in blue) on the plan for the areas of land shown as A and B on the plan of Beach Road Charleston.**

2. That Council formally agrees to a “Road to be Stopped” process for the areas of road shown (outlined in blue) on the plan, located within the boundaries of the proposed Denniston Historic Reserve using the provisions of the Public Works Act 1981.
3. That Council continues the process of legalising the road known as the Denniston Track.

LM Roberts/FTW Ratahi

Carried Unanimously

9 CHANGE TO DELEGATION OF POWERS UNDER THE BUILDING ACT

Resolved: That Council resolves to amend Delegation B6 of powers under the Building Act to read:

“approve waivers/modifications to requirements of the Building Act and New Zealand Building code”.

PJ McManus/DJ Hawes

Carried Unanimously

10 DISTRICT PROMOTION AND DEVELOPMENT

Resolved: That District Promotion and Development incorporates promotion and marketing of the district not only as a place to visit but a place to live and work as well as encouragement of business and industry development. The strategic drivers of District Promotion are the Visitor Strategy, the Regional Economic Development Strategy and Buller 2050.

RM Sampson/KL Bainbridge

Carried Unanimously

Resolved: That District Promotion is best led and driven by Council. Co-ordinating and aligning with existing agencies so that promotion and marketing is consistent, effective, strategic and cohesive.

LM Roberts/RM Sampson

Carried Unanimously

Resolved: That Governance of this activity is to be carried out by a governance group comprising the Mayor, the Council executive management group and two councillors.

PJ McManus/LM Roberts

Carried Unanimously

Resolved: The governance group will oversee the District Promotion direction and activities and ensure that these are consistent with the strategic drivers and other projects such as the Vision 2010 projects, Major District Initiatives and Major Regional Initiatives.

MMJ Montgomery/RM Sampson

Carried Unanimously

Resolved: That industry advisory groups will be established as required by inviting expressions of interest from stakeholders and external advisers.

PA Campbell/DI Barnes

Carried Unanimously

Resolved: The governance group will consult with and take advice from the industry advisory groups when reviewing strategy, considering new activities or initiatives. Accountability for expenditure and funding vest with Council and the Governance Body. It is important to note that the advisory body will be consulted when required but that the final decision regarding expenditure, projects and funding will vest in the Council.

KL Bainbridge/MMJ Montgomery

Carried Unanimously

Resolved: The governance group will have delegated authority to authorise expenditure within approved budgets. Any other authorisation will be required by full Council approval.

PJ McManus/LM Roberts

Carried Unanimously

Resolved: The governance group will report to Council on a quarterly basis on activities and expenditure.

RM Sampson/KL Bainbridge

Carried Unanimously

Resolved: That the actions and timelines as per the table be carried out.

PJ McManus/RM Sampson

Carried Unanimously

Resolved: That Councillors Hawes and Sampson form part of the governance group.

PJ McManus/MMJ Montgomery

Carried

Crs Hawes and Sampson abstained from voting

11 **CLASS 4 GAMBLING AND TAB VENUE POLICY REVIEW**

Crs Bainbridge and Roberts did not participate in the discussion of this item.

A summary of the hearings held the previous day was tabled. Cr Montgomery pointing out that all submissions received needed to be considered not just the three who spoke at the hearing.

Cr Hawes said he did not think the number of machines in any one venue was the issue rather the number of venues that had machines was where the harm was being done.

Cr Ratahi expressed concern that if the number of machines available in the community was reduced distributions to local groups would likewise be reduced.

Resolved: That Council resolves to adopt the draft Class 4 Gambling and Totalisator Agency Board (TAB) Venue Policy without amendments.

PA Campbell/FTW Ratahi

Carried

Crs Barnes and Hawes voted against
Cr Roberts abstained from voting

12 PROPOSED ROAD STOPPING LOWER BULLER GORGE

Resolved: That Council resolves to undertake the process to stop the road adjacent to Part Section 2 SO 14713 Blk I Ohika SD and disposes of the land to the adjoining property owner and to purchase Section 2 to be declared legal road.

LM Roberts/RM Sampson

Carried Unanimously

13 BULLER PROMOTION ASSOCIATION

Resolved: That Council agrees to provide the funding towards the printing of the Westport maps and brochures.

PJ McManus/FTW Ratahi

Carried Unanimously

14 USE OF SOLID ENERGY CENTRE CONTRARY TO THE PURPOSE OF ITS DESIGNATION

Resolved: That Council as the requiring authority for the designation of the Solid Energy Centre resolves to grant permission for "The Wizard of Oz Show" to be performed at the Solid Energy Centre on 6 October 2009.

PJ McManus/MMJ Montgomery

Carried Unanimously

15 PURCHASE AND SALE OF WESTPORT HARBOUR BY WESTPORT HARBOUR LIMITED AND SOLID ENERGY CENTRE BY BULLER RECREATION LIMITED

The Manager Corporate Services speaking in relation to the harbour said the tax liability had been significantly reduced. However the value of the harbour assets needed to be changed, excluding the vessels, and she recommended deferring this part of the transfer.

Cr Barnes explained the Demise Charter and the reasoning behind including the harbour vessels in such an agreement.

The Chief Executive said Buller Holdings Limited had been circulated the information and were satisfied with all the documentation.

Resolved: That Council approve the following documentation in order that the purchase and sale be finalised:

- **Agreement for sale and purchase between Buller District Council and Westport Harbour Limited, with the vessels being excluded and a Demise Charter put in place that has been approved by the Mayor and Chief Executive**
- **Agreement for sale and purchase between Buller District Council and Buller Recreation Limited**
- **Service Level Agreement between Buller District Council and Buller Recreation Limited**
- **Supplemental Deed to Harbour Management Agreement**
- **Deed of Assignment of Harbour Management Agreement**
- **Share Issue Document - Buller Holdings**
- **Share Issue Document - Westport Harbour Limited**
- **Share Issue Document - Buller Recreation**

RM Sampson/DJ Hawes

Carried Unanimously

15 **CORRESPONDENCE RECEIVED**

Jennifer Anderson - Rubbish Disposal

Jean King - Fred King

It was agreed that a register be kept of suitable street names

Robert Terry - Award to Celebrate Buller Youth, Adult Education Awareness Week

Minister of Justice - Terry Brothers Rating Sale

Jenette Hawes - Inangahua Community Board

The Chief Executive said \$2,500 had been included in the budget to be used for items not covered by normal maintenance.

Resolved: That the Inangahua Community Board treat their budget in a similar way to Councillors Minor Grants Fund. There will however be no limit on individual allocations.

DJ Hawes/PJ McManus

Carried Unanimously

Earth Hour - Support Requested

Resolved: That in support of this cause Council offices will turn off their lights on Friday 26 March 2010 between 3pm and 4pm.

PJ McManus/MMJ Montgomery

Carried Unanimously

16 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.

Lease

Buller District Council and BP Oil New Zealand Limited

Performance Bond

Fairdown Farms Limited

Warrant of Appointment

Craig Scanlon

PJ McManus/KL Bainbridge

Carried Unanimously

17 PUBLIC FORUM RESPONSE

Appropriate responses to be provided to all speakers.

18 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	Angela Oosthuizen - Manager Corporate Services	Westport Performing Arts Centre	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	Angela Oosthuizen - Manager Corporate Services	Promotion and Development Rate	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	David Barnes - Councillor	Harbour 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)
4	Stephen Griffin - Manager Operations	Customer Complaint	Section 72(a) - Protect the privacy of natural persons, including that of deceased natural persons

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/RM Sampson

Carried Unanimously

There being no further business the meeting concluded at 3.15pm

Confirmed Date