

*The Council, in considering each matter, must be:*

- (a) Satisfied that it has sufficient information about the practicable options and their benefits, costs and impacts, bearing in mind the significance of the decisions;*
- (b) Satisfied that it knows enough about and will give adequate consideration to the views and preferences of affected and interested parties bearing in mind the significance of the decisions to be made.*

### **Significance Consideration**

*Evaluation : Council officers, in preparing these reports have had regard to Council's policy on significance. Council, Committee and Community Board members will make the final assessment on whether the subject under consideration is to be regarded as being significant or not. Unless Council a Committee or the Community Board explicitly determines that the subject under consideration is to be deemed significant then the subject will be deemed as not being significant.*

## BULLER DISTRICT COUNCIL

FOR THE MEETING OF 28 OCTOBER 2009

Report for Agenda Item No 1

Prepared by - Gary Murphy  
- Chief Executive

### Members Interest

---

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 28 OCTOBER 2009**

**Report for Agenda Item No 2**

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

**Confirmation of Minutes**

---

Minutes of the meeting held on 23 September 2009.

**Recommendation**

**That the minutes of the meeting held on 23 September 2009 be confirmed.**

**BULLER DISTRICT COUNCIL**  
**FOR THE MEETING OF 28 OCTOBER 2009**

**Report for Agenda Item No 3**

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

**Council Programme of Works**

---

**Recommendation**

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

## BULLER DISTRICT COUNCIL

### FOR THE MEETING OF 28 OCTOBER 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	Proposed strategy written. Planning underway for consultation trial.
	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.	Still awaiting Department of Conservation
May 2008	12 - Legalisation Denniston Track	Minister of Transport to vest track in Council	In progress
	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	In progress
	13 - Flagstaff Access	Consultation with land owner required	In progress
September 2008	9 - Carters Beach Erosion	Consent granted	Not yet commenced
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
April 2009	7 - Stock Movement Bylaw	Consultation required	Agenda item
July 2009	6 - Westport Water Supply	Tunnel repair strategic review	Out for tender
August 2009	10 - Palmerston Street Parking	Review of all Westport parking in next 12 months	Not yet commenced
	12 - Inangahua Community Board Request	West Coast Regional Council to register water takes	Not yet commenced
September 2009	4 - Breast Screening	Discussion with Breast Screen South required	Not yet commenced
	12 - Road Stopping Lower Buller Gorge	Road to be stopped - land disposal	In progress

### **Recommendation**

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

**BULLER DISTRICT COUNCIL**  
**FOR THE MEETING OF 28 OCTOBER 2009**

**Report for Agenda Item No 5**

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

**Westport Harbour - Monthly Report**

---

**Purpose of Report**

To provide Council with an update on Westport Harbour activities.

Attached is a report from the Harbourmaster for the month of September 2009.

**Recommendation**

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

## **BULLER DISTRICT COUNCIL**

### **FOR THE MEETING OF 28 OCTOBER 2009**

#### **Report for Agenda Item No 6**

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

#### **Proposed Livestock Movement Bylaw 2010**

---

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

This report recommends that Council form a working group with Federated Farmers and the Westland Dairy Company to redraft the Livestock Movement Bylaw.

##### **Background**

The Council has initiated a new bylaw for managing the movement of stock across and along legal road in the district. The Council started the process by using the model bylaw that had been developed by the Road Controlling Authorities and then altered this document prior to releasing for consultation. It is the changes that were made to the model documents as well as the costs included in that draft that have caused the most concerns with farmers.

There are though a large number of areas within the bylaw that needs further discussion according to the discussions that have been had with farmers and other road users.

There have been meetings held with farmers in the Karamea region, a further meeting in Westport and staff have met with the Federated Farmers Policy Analyst Anna Mackenzie and vice president Peter Langford.

Federated Farmers have developed a submission to the bylaw suggesting a number of changes. Quite a few of those changes were included in the second draft of the bylaw which was distributed at the discussion time following the Council meeting in Karamea.

With the close of submissions Council have received 67 submissions mainly from farmers but also a few from other road users. Nineteen of these indicated that they wished to be heard and a further eight needed to be contacted to see if they wished to be heard in support of their submission.

There are a number of areas that Council will not be against the changes proposed and because of the number of these changes the document will be quite different to what is currently being consulted on. Council could proceed

with the hearings in October the result of which is likely to be a substantial rewrite of the bylaw.

### **Proposal to Appoint Working Party**

The farmers that have attended meetings as well as Federated Farmers have suggested that Council consider forming a joint working party to develop a bylaw that is more acceptable. This approach will help to align both the Council's and the farmers ideas into a document that would have more acceptance by the rural community. This approach is likely to generate goodwill and buy in from those who will be most affected. The Council will still need to consider the wording of the bylaw and take into account the non farmers point of view. The 'new' document would then be released for consultation.

If Council agrees with this co-operative approach Federated Farmers and Westland Milk Company will be asked through Peter Langford to form a group to meet with the Manger Operations Stephen Griffin and Compliance and Emergency Team Leader Stuart Gray.

### **Options**

Council could decide to continue with the consultation which has started as part of this process, form a working party and prepare a new draft for consultation, prepare a new draft without the working group or abandon the process and retain the existing bylaw.

The existing bylaw needs to be amended to take into account changing times and changing expectations. A revised bylaw is required and forming a working group will provide a platform to have acceptance from the sector most affected by the bylaw.

### **Community Outcomes**

The proposed bylaw takes into account the community outcomes linked to road safety, economy and environment.

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

Under section 151 of the Local Government Act 2002 (LGA 02) a Council has general powers to make a bylaw to regulate or control any activity within its district. More specifically, under section 145a Council may make a bylaw for the purpose of (a) protecting the public from nuisance or (b) protecting, promoting and maintaining public health and safety.

Under section 72(1)(d) and (dd) of the Transport Act 1962 a Council may make a bylaw prescribing the routes and times at which livestock might pass over or along any road in its control, or prohibit the passage of such livestock or permit such passage on condition as it sees fit.

Under section 684(1)(13) of the Local Government Act 1974 (LGA 74) a Council may make a bylaw concerning roads and cycle tracks and the use thereof.

Notwithstanding section 151(1AA) of LGA 02, section 684AA of LGA 74 provides that sections 150, 151, 155 and 156 of LGA 02 shall apply to any bylaw made under LGA 74. This means that the procedures required for making a bylaw prescribed by LGA 02 must be followed where a bylaw is made under section 684 of LGA 74.

### **Assessment of Significance**

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

### **Education/Information Requirements**

Once the bylaw has been updated there will need to be some effort put into the notification of changes to those sections of the community that may be affected. This will be done by utilising both the Council's website and the Council newsletter.

### **Consultation**

The draft bylaw when approved by Council for consultation will be advertised in the media, website and in the Council newsletter. Submissions on the document will be sought during January and February with Council considering any submissions received in March.

### **Financial Implications**

The additional financial implication from a further draft are staff time and advertising costs. These are not considered to be substantial.

### **Timetable**

The timeline to have a new bylaw in place is 1 July 2010, that is included in the document currently being consulted on so Council has the time to consider a joint approach and still achieve the objective by the start of the next financial year. It is more important to get this right than to meet an arbitrary deadline.

The proposed timeline would be to bring back a document for Council to consider at the November meeting. If Council are happy with the document it can then go out to consultation January and February. If Council wish to have changes made then these can be made and considered at the December meeting with consultation being undertaken still in the January/February period.

## **Other Considerations**

Councillors Neylon, Roberts, Barnes and Bainbridge advised that they would be available to take part on the working group in response to the memo circulated to Councillors.

## **Recommendation**

**That a working party be formed with representatives to be nominated from Council, Federated Farmers, Westland Dairy Company to meet with staff members being the Manager Operations and Compliance and Emergency Team Leader.**

# BULLER DISTRICT COUNCIL

## FOR THE MEETING OF 28 OCTOBER 2009

### Report for Agenda Item No 7

Prepared by - Stephen Griffin  
- Manager Operations

#### Landfill Construction Economics

---

#### Purpose of Report

This report provides information on the factors that Council will consider prior to deciding to construct the landfill on Caroline Terrace.

#### Background

The Council has considered a number of reports that have been prepared by Consultant Engineers MWH discussing the economics of constructing a landfill within the district or to cart residual waste to a landfill out of the district. The first report was based on a site in general vicinity to Westport, the second report was based on a site on Caroline Terrace near Dirty Mary's Creek, the third study was based on a site at Virgin Terrace. The latest report is based on the site at Caroline Terrace. The last report indicated that if the volumes of waste exceeded 5,200 tonnes per annum it would be economic to construct an in district landfill. This report also indicated that a weighbridge was to be installed at the Westport Transfer Station site. This information was deemed essential to get a measured volume of refuse rather than volumes based on the SWAP analysis and/or New Zealand averages per head of population. The previous studies were also based on indicative gate prices that were likely to be charged by neighbouring authorities, and estimates of cartage rates which were based on the cartage of refuse from other areas.

Since that time the Council has negotiated a short term arrangement with Nelson City, has a contract in place to cart residual refuse to Nelson and has installed a weighbridge at Westport. This latest report from MWH takes all these factors into account.

#### Volume of Residual Refuse

The volume of residual refuse that is carted to Nelson is summarised below on the basis of monthly weighbridge receipts from the Nelson Landfill. This shows that the volume of refuse required to be carted to Nelson is not as large as previously thought. Council has introduced recycling in this period and this

will account for some of the decrease, the cost of dumping has increased which will have the effect of deterring the dumping of refuse unless there are no other options, and Council no longer accepts inert waste.

This leads to better utilisation of waste minimisation measures with activities such as composting. It can also unfortunately lead to an increase in fly dumping. These factors are difficult to quantify.

### **Cost of Residual Refuse**

The Council now has the actual cost of using an out of district landfill, and not the estimated costs in previous reports. The combined cost of utilising the York Valley landfill is \$121.60 per tonne. This has been achieved as a result of competitive tendering and the inclusion by the cartage contractor of the availability of backloads from Nelson. It is the availability of backloads that gives Nelson a cartage edge over Greymouth, even though Greymouth is closer.

There are risks in retaining this link however unless long term contracts are arranged.

### **Economics**

The report prepared by MWH is included in the public excluded part of the agenda because several references within the report are commercially sensitive and may impact on the Council's ability to negotiate in the future.

A spreadsheet is also attached with the MWH report that shows a reasonably simplistic approach and is not aligned to the MWH report. The cost of operating the service is shown without inflation and it can be clearly seen that the major costs associated with this activity are the interest charges to service the loans required to construct and also the cost of depreciation.

The depreciation costs have been split with some costs spread over the 100 years life that the site has and cell costs have been spread over 12.5 years being the estimated average life of a cell.

Transportation costs are those to bring refuse from Reefton to Caroline Terrace and also from Westport to Caroline Terrace.

The economics all point to the continuation of cartage to Nelson at present particularly if longer or medium term contracts can be arranged.

### **Resource Consents**

The decision on how to progress the site approvals in terms of the Resource Management Act and the District Plan will have some dependence on the decision being made to construct a landfill now or defer construction until the economics make it more attractive.

If the decision or preferred option was to proceed with the construction of a landfill now then the Council would need to apply for resource consents to construct and operate a landfill. However if Council decided not to proceed until the landfill was a more economic proposal than out of district then Council could either proceed with an application for a resource consent or could proceed with an application for a designation. This decision will be dependant on the likely time frame to construct and use a landfill. It may also be possible to apply for resource consent now with a longer lead in period than the normal five years.

Another alternative is to use the re-write of the District Plan to have a designation put over the proposed site if the use of the site for a landfill is to be some time away.

### **Options**

The Council has a number of options to consider concerning the timeline to develop the site. These options are both for the development of a landfill and also on the approach to get either resource consents or designation of the site. The information currently available points to the site being land banked until the economics of constructing a landfill show that this is the best option for the ratepayers. However within this mix is the risk of the transport contract not being able to be re-negotiated or a longer term option with Nelson City.

Prior to Council considering the timeline to construct or apply for resource consent the option to negotiate with Nelson City and the cartage contractor should take place now. The outcome if not favourable will have a significant bearing on the timeline to construct.

### **Decision Making**

Environmental - The Council's consulting engineers have prepared reports on this site that included a matrix that demonstrated the environmental factors that were considered as part of site selection.

Social - The provision of refuse removal provides for employment and also quality of life.

Cultural - Discussions have been held with Ngati Wae Wae from an early stage and they have been engaged to provide a cultural assessment of the site in preparation for either designation or resource consent applications.

### **Community Outcomes**

The provision of refuse facilities within the district provides for a sustainable future and meets the outcomes for a healthy community, will be environmentally acceptable, and will be economically viable.

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

The disposal of solid waste and how this is to be achieved is covered by the Local Government Act, including the requirement to have a Solid Waste Plan. The disposal of residual waste and the provision of an in district landfill is consistent with this plan.

## **Assessment of Significance**

The construction of a landfill and the disposal of residual waste is considered to be a strategic asset and is therefore significant in accordance with the Council's Policy on Significance.

## **Consultation**

Consultation with the general public will be undertaken as part of the resource consent process and/or the designation process. There has been consultation ongoing since 2006 on various sites for a landfill and on the need to construct an in district landfill or cartage out of district. This consultation has been a formal review of landfill sites as well as the discussion that has been included in the LTCCP where the Council states that a landfill will be built if it is the best economic and environmental solution to the disposal of residual refuse for the district.

## **Financial Implications**

The development of the proposed landfill and the application for resource consents is included in the Annual Plan and LTCCP. The development of the landfill will be loan funded. The LTCCP provides for the landfill to be completed by June 2010.

## **Recommendation**

**That Council consults with Nelson City Council to determine if a longer term option to continue cartage to the Nelson landfill is feasible. This information is to be used in the final economic analysis to determine the longer term option for the disposal of the districts residual refuse.**

# BULLER DISTRICT COUNCIL

## FOR THE MEETING OF 28 OCTOBER 2009

### Report for Agenda Item No 8

Prepared by - Craig Scanlon  
- Manager Community and Environment

### Review and Adopt Changes to Dangerous, Earthquake-Prone and Insanitary Building Policy

---

#### **Purpose of Report**

For Council to consider and adopt proposed changes to its Dangerous, Earthquake-Prone and Insanitary Buildings Policy.

#### **Background**

Council currently has a policy that was adopted on 27 April 2006, this policy is considerably different to the other Councils that exist on the West Coast, and by adopting these changes will align all the Councils. In my opinion the current policy is very aggressive and we should be adopting a more passive approach, that will result in cost efficiencies and greater community acceptance.

#### **Status**

The attached report contains proposed changes to the existing policy, which will achieve the desired outcome.

#### **Conclusion**

If Council wants to adopt the proposed changes, the special consultative procedure found in the Local Government Act must be followed. My intention would be that it will be put out for public consultation immediately following the meeting, submissions heard at the December meeting, and a decision made at that meeting.

#### **Recommendation**

**That Council resolves to begin the special consultation process with a decision to be made on the changes at the December Council meeting with regard to the Dangerous, Earthquake-Prone and Insanitary Building Policy.**

## **BULLER DISTRICT COUNCIL**

### **FOR THE MEETING OF 28 OCTOBER 2009**

#### **Report for Agenda Item No 9**

**Prepared by - Craig Scanlon  
- Manager Community and Environment**

#### **Annual Tourism Grant for Inangahua Tourism Promotions**

---

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

To review the resolution passed at the June Council meeting to grant \$12,000 to Inangahua Tourism Promotions (ITP) for the 2008/2009 financial year.

##### **Background**

At the June meeting councillors resolved to provide \$12,000 funding from the 2008/2009 financial year provided KPI accountabilities are met, and subject to ITP furnishing a 12 month report on activities to date and draft financial accounts. Previously at the Council meeting held on 10 June 2008, Council resolved to provide \$15,000 subject to meeting agreed KPI's. One of these KPI's being quarterly reports, that have not been provided.

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 in July 2008, advising them that the grant had been approved and outlining three KPI's. Since the June 2009 meeting, Council staff have spoken to and emailed ITP members asking for this information, Council staff have received nothing until 25 September when some information was provided but not all the 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 June 2009 ITP provided Council with no information until 25 September.

### **Conclusion**

The \$12,000 allocated to ITP in the 2008/2009 tourism grants budget has not been allocated as the end of the financial year has passed and this money cannot be carried over. All other tourism grants monies have been distributed to recipients during the year, following confirmation of KPIs and receipt of invoices.

### **Recommendation**

**That Council considers whether they are happy to provide the \$12,000 grant (or part thereof) for 2008/2009 given that the Key Performance Indicator accountabilities are unable to be met, and the financial year has been completed. That was passed at the 24 June meeting.**

## BULLER DISTRICT COUNCIL

FOR THE MEETING OF 28 OCTOBER 2009

Report for Agenda Item No 10

Prepared by - Rachel Townrow  
- Policy Planner

### Renewable Energy Generation

---

#### Purpose of Report

To provide Council with information on the upcoming revision of the Energy chapter of the West Coast Regional Council's Regional Policy Statement and the impact of this on the Buller District Plan.

#### Background

In 2008 the "West Coast Renewable Energy Assessment" was produced for the West Coast Regional Council (WCRC). The aim of the report was to "identify and assess the renewable energy potential in the West Coast region and provide advice to the WCRC on how to realise this potential."

This report concluded that hydro power generation is the only realistic renewable energy option for the West Coast region. The full report is over 100 pages long and can be read on the WCRC's website ([http://www.wcrc.govt.nz/state\\_of\\_the\\_environment/reports/renewable\\_energy.htm](http://www.wcrc.govt.nz/state_of_the_environment/reports/renewable_energy.htm)).

At its August 2009 meeting the WCRC considered the attached "Report on Energy Demand and Supply". This report looked at the earlier assessment and the likely regional demand for energy over the coming years to provide background context for the upcoming review of the Regional Policy Statement (RPS), and in particular the chapter on energy.

The report was well received by Regional Councillors and the recommendations on page 4 were adopted. The review process is set to begin on the "Energy" chapter in the RPS, with a particular focus on better enabling renewable energy projects in the region.

There was some opposition to the report from interest groups, including Fish and Game and kayaking clubs. While generally in support of renewable energy generation, their opposition was directed at the impact hydro schemes can have on rivers which their members use for recreational activities.

The WCRC have approached Development West Coast about developing a renewable energy strategy for the West Coast region. As well as guiding future development around renewable energy and energy efficiency, the strategy would also look at addressing the concerns raised by interest groups.

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

Section 75(3)(c) of the Resource Management Act (RMA) states that district plans must give effect to regional policy statements. This means that any changes made to the RPS as a result of the review of the “Energy” chapter must be given effect to in the Buller District Plan (BDP).

“Energy Development” is currently referred to in Part 3 of the BDP. Energy is recognised as a vital infrastructure resource for the district (3.5.5.5). “Energy Development” is referred to in the section on “Resource Use and Development” (see 3.5.6).

The BDP currently refers to the significant hydro potential that has been identified in Buller. It goes on to say that Council recognises that a number of rivers in Buller have been identified for their high wild and scenic values, but it is also mindful of the need to promote energy independence and efficiency of energy supply in the district (3.5.6.1).

The “West Coast Renewable Energy Assessment” noted that the resources for renewable energy generation in each of the three districts which make up the West Coast region are unique, and that the response of each district will be based on their resources. As such, good practice suggests that the WCRC work in collaboration with the district councils to address these issues.

The assessment recommends that, “the Regional Council work closely with the District Councils within the region to ensure that District Plans reflect the renewable energy objectives and policies of the Regional Policy Statement.”

Given this recommendation, and the requirements of s75(3)(c) of the RMA, it may be appropriate for the Buller District Council to indicate to the WCRC that they are willing to work collaboratively with them throughout the review of the RPS, to ensure the best outcome for the Buller district .

### **Conclusion**

The WCRC have begun looking at the issue of renewable energy generation on the West Coast. This includes reviewing the provisions in the RPS relating to energy.

The outcomes of the review of the RPS will have an impact on the Buller district and the BDP, as the BDP must give effect to what is contained in the RPS.

As such, Council may wish to work closely with the WCRC, providing input into the review of the RPS through the RMA process and looking at reviewing the energy provisions of the BDP alongside the work being done on the RPS.

### **Recommendation**

**That Council resolves to:**

- 1. Receive the report for information.**
- 2. Advise the West Coast Regional Council that the Buller District Council is interested in the two councils working closely on the issue of renewable energy generation in the Buller district.**

## **BULLER DISTRICT COUNCIL**

**FOR THE MEETING OF 28 OCTOBER 2009**

**Report for Agenda Item No 11**

**Prepared by - Lana Hands  
- Community Services Officer**

**National Representation Grant - Molli Daily**

---

### **Purpose of Report**

Molli Daily is seeking assistance under the National Representation Grants policy.

### **Background**

Molli Daily has been selected for the New Zealand Under 16 Koru Basketball team. The team will tour to Australia to play Australian State teams at the Australian Country Junior Basketball Cup in Albury, New South Wales.

The total cost of the trip will be around \$3,000.

### **Council Policies**

The policy for National Representation Grants is attached to this report.

### **Conclusion**

An amount of up \$1,000 could be provided by Council to assist Molli in her attendance as part of the New Zealand Under 16 Girls Basketball team.

### **Recommendation**

**That Council determine whether a grant of up to \$1,000 be made to assist Molli in this endeavour.**

## **BULLER DISTRICT COUNCIL**

**FOR THE MEETING OF 28 OCTOBER 2009**

**Report for Agenda Item No 12**

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

### **Adoption of Annual Reports**

---

#### **Purpose of Report**

Council is required to adopt Audited Financial Statements for Council Controlled Organisations.

Attached are Financial Statements for:

- Westport Harbour Limited
- Buller Heath Trust
- Westport Airport Authority

#### **Background**

Council under the Local Government Act 2002 is required to adopt the Financial Statements for Council Controlled Organisations three months after the end of the financial year.

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

Sections 67-69 of the Local Government Act 2002.

#### **Assessment of Significance**

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

#### **Consultation**

No consultation is required.

#### **Financial Implications**

The attached Financial Statements were prepared by Council staff. Included in the costs of preparation of the reports is an audit fee. All these costs are budgeted.

## **Conclusion**

The attached Financial Statements need to be adopted by Council.

## **Recommendation**

**That Council adopt the Audited Financial Statements for:**

- **Westport Harbour Limited**
- **Buller Health Trust**
- **Westport Airport Authority**

**BULLER DISTRICT COUNCIL**  
**FOR THE MEETING OF 28 OCTOBER 2009**

**Report for Agenda Item No 14**

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

**Correspondence Received**

---

**1. Robert Terry**

Attorney Generals Office  
Ministry of Justice  
Hon Paula Bennett

**BULLER DISTRICT COUNCIL**

**FOR THE MEETING OF 28 OCTOBER 2009**

**Report for Agenda Item No 15**

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

**Documents for Consent and Seal**

---

Documents for consent and seal are scheduled hereunder:

Licence to Occupy

Buller District Council and Keoghan Farms Limited

Lease

Buller District Council and C Auchinvole

Performance Bond

Terry Young

Agreement for Sale and Purchase of Real Estate

Westport Advantage Limited and Buller District Council

Freeholding

M Reynolds and J Hawes

Contracts

Buller District Council and Bannockbrae Traffic Services Limited

Transfer

NJ Sumner to KG Auld

Warrant of Appointment

Michael Doncliff  
Atila De Oliveira  
Averil De Oliveira  
Shane Pycroft

**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 28 OCTOBER 2009**

**Report for Agenda Item No 16**

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

**Public Forum Response**

---

**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 28 OCTOBER 2009**

**Report for Agenda Item No 17**

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

**Public Excluded**

---

Section 48, Local Government Official Information and Meetings Act 1987.

**Recommendation:**

<b>Item No</b>	<b>Minutes/Report of:</b>	<b>General Subject</b>	<b>Reason for Passing Resolution Section 7 LGOIMA 1987</b>
<b>1</b>	<b>Gary Murphy - Chief Executive</b>	<b>Update on Harbour Negotiations</b>	<b>Section 7(2)(j) - Enable the local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</b>
<b>2</b>	<b>Stephen Griffin - Manager Operations</b>	<b>Landfill Construction Economics</b>	<b>Section 7(2)(j) - Enable the local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</b>