



# AGENDA

Meeting of the  
**Buller District Council**

**Commencing at 3:30pm**  
**Wednesday 22 February 2023**

*To be held at the*  
Clocktower Chambers  
Palmerston Street  
Westport

# Council

**Chairperson:** Mayor

**Membership:** The Mayor and all Councillors

**Meeting Frequency:** Monthly – or as required

**Quorum:** A majority of members (including vacancies)

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## Purpose

The Council is responsible for:

1. Providing leadership to, and advocacy on behalf of, the people of Buller district.
2. Ensuring that all functions and powers required of a local authority under legislation, and all decisions required by legislation to be made by local authority resolution, are carried out effectively and efficiently, either by the Council or through delegation.

## Terms of Reference

1. To exercise those powers and responsibilities which cannot legally be delegated by Council:
  - a) The power to set district rates.
  - b) The power to create, adopt and implement a bylaw.
  - c) The power to borrow money, or purchase or dispose of assets, other than in accordance with the Long Term Plan.
  - d) The power to adopt a Long Term Plan or Annual Plan, or Annual Report.
  - e) The power to appoint a Chief Executive Officer.
  - f) The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the Long Term Plan, or developed for the purpose of the Council's governance statement, including the Infrastructure Strategy.
  - g) The power to adopt a remuneration and employment policy for Chief Executive Officer.
  - h) The power to approve or change the District Plan, or any part of that Plan, in accordance with the Resource Management Act 1991.
  - i) The power to approve or amend the Council's Standing Orders.
  - j) The power to approve or amend the Code of Conduct for Elected Members.
  - k) The power to appoint and discharge members of committees.
  - l) The power to establish a joint committee with another local authority or other public body.
  - m) The power to make the final decision on a recommendation from the Parliamentary Ombudsman, where it is proposed that Council not accept the recommendation.
  - n) Health & Safety obligations and legislative requirements are met.

2. To exercise the following powers and responsibilities of Council, which the Council chooses to retain:
  - a) Resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of an electoral officer and reviewing representation arrangements.
  - b) Approval of any changes to Council's vision, and oversight of that vision by providing direction on strategic priorities and receiving regular reports on its overall achievement.
  - c) Adoption of governance level strategies, plans and policies which advance Council's vision and strategic goals.
  - d) Approval of the Triennial Agreement.
  - e) Approval of the local governance statement required under the Local Government Act 2002.
  - f) Approval of a proposal to the Remuneration Authority for the remuneration of Members.
  - g) Approval of any changes to the nature and delegations of the Committees.

# Common Delegations

The following delegations from Council are common to the Risk and Audit Committee, the Community, Environment and Services Committee and the Regulatory, Hearings and Planning Committee within their respective areas of responsibility.

## General Principal

1. The work of these Committees will be in accordance with the priorities and work programme agreed by the Council.
2. These Committees have the powers necessary to perform the Committee's responsibilities, in accordance with the approved Long Term Plan and Annual Plan budgets. Subject to confirmation of compliance with the financial strategy.

These Committees will:

## Strategy, plans and policy

1. Develop and agree to strategies, plans and policies for the purposes of consultation and/or engagement with community.
2. Recommend to Council for adoption.
3. Monitor and review as and when required.

## Bylaws

1. Develop and agree to the statement of proposal for new or amended bylaws for consultation.
2. Recommend to Council new or amended bylaws for adoption.

## Consultation and engagement

1. Ensure appropriate, effective and transparent engagement with the community, tangata whenua and other stakeholders.
2. Conduct any public engagement required on issues before the Committee, in accordance with Council's Significance and Engagement Policy.
3. Conduct hearings, where appropriate, to consider submissions from members of the public and external organisations, making determinations on such matters unless they are reserved for Council to decide.

## Submissions and legislation

1. Approve submissions to external bodies/organisations on legislation and proposals, related to the Committee's areas of responsibility, that impact governance policy or matters.
2. Monitor and oversee strategic projects and programmes.
3. Monitor Council's Asset Management Plans/Strategic Infrastructure Plan.



**Contracts**

1. Approve and monitor contracts and other legally binding arrangements provided that such contracts/arrangements:
  - a) Do not require the approval of the whole of Council; and
  - b) Fall within the budget approved under the Long Term Plan or Annual Plan and have a value exceeding the Chief Executive's financial delegation.

**Other**

1. Consider and make decisions which are within the Chief Executive Officer's delegations, and which the Chief Executive Officer has referred to the Committee for recommendation to Council.
2. Consider and make decisions on operational matters that fall within a Committee's area of responsibility that are outside of delegations to the Chief Executive Officer or other Council officers.
3. Commission new Committee reports and work required to respond to significant or compliance issues, or to complete the agreed programme of Council.
4. Monitor Audit recommendations and ensure completion.

# Buller District Council

Venue: Clocktower Chambers, Westport. Livestreamed on BDC YouTube Channel



22 February 2023 03:30 PM

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**BULLER DISTRICT COUNCIL**

**22 FEBRUARY 2023**

**AGENDA ITEM 1**

**Prepared by** Rachel Townrow  
Acting Chief Executive

**APOLOGIES**

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**1. REPORT SUMMARY**

That Buller District Council receive any apologies or requests for leave of absence from elected members.

**2. DRAFT RECOMMENDATION**

**That there are no apologies to be received and no requests for leave of absence.**

**OR**

**That Buller District Council receives apologies from (insert councillor name) and accepts councillor (insert name) request for leave of absence.**

## BULLER DISTRICT COUNCIL

22 FEBRUARY 2023

### AGENDA ITEM 2

**Prepared by** Rachel Townrow  
Acting Chief Executive

#### MEMBERS INTEREST

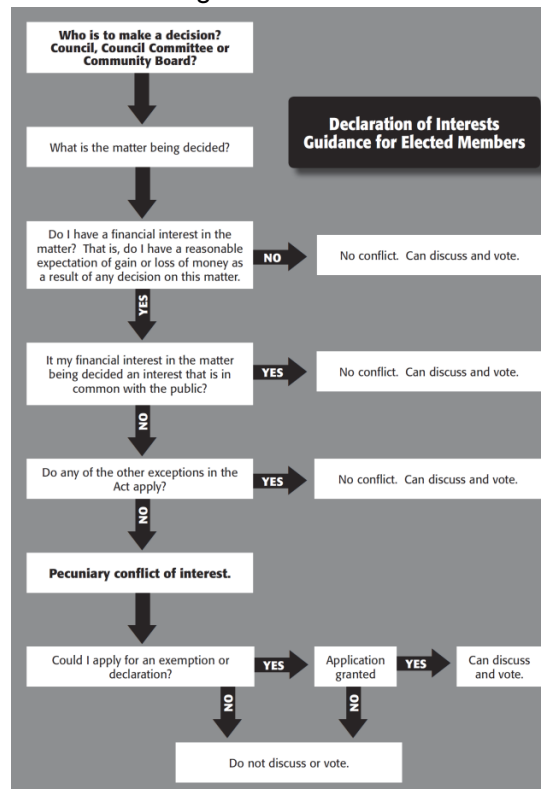
Members are encouraged to consider the items on the agenda and disclose whether they believe they have a financial or non-financial interest in any of the items in terms of Council's Code of Conduct.

Councillors are encouraged to advise the Governance Assistant, of any changes required to their declared Members Interest Register.

The attached flowchart may assist members in making that determination (Appendix A from Code of Conduct).

#### DRAFT RECOMMENDATION:

**That Members disclose any financial or non-financial interest in any of the agenda items.**



**BULLER DISTRICT COUNCIL**

**22 FEBRUARY 2023**

**AGENDA ITEM 3**

**Prepared by** Rachel Townrow  
Acting Chief Executive

**CONFIRMATION OF MINUTES**

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**1. DRAFT RECOMMENDATION**

**That Council receive and confirm minutes from the meetings of 14 December 2022 and 25 January 2023.**

**THE BULLER DISTRICT COUNCIL, HELD AT 3.30PM ON WEDNESDAY 14 DECEMBER 2022 AT CLOCKTOWER CHAMBERS, PALMERSTON STREET, WESTPORT.**

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**PRESENT:** Mayor J Cleine, DM A Basher, Councillors P Grafton, J Howard, Cr G Neylon, Cr T O'Keefe, Cr A Pfahler, Cr C Reidy, Cr R Sampson, Cr L Webb, Cr G Weston,

**IN ATTENDANCE:** R Townrow (Acting CEO), D Marshall (Chief Financial Officer), K Trigg (Group Manager Community Services), G Barrell (Governance Secretary)

**PUBLIC ATTENDANCE:** Jack Collin, Allen Morris

**MEDIA:** Ellen Curnow

**PUBLIC FORUM:** Dale Ashworth

**Attendee 1: Dale Ashworth**

Dale Ashworth introduced the Voice of Youth / Te Reo a Te Taiohi (TRATT): Nikki Singleton, Georgia Campbell and Mikaere Clarkson.

She spoke about the new trust they formed in August 2022, Voice of Youth.

A survey was run and 100% of that survey indicated they wanted a youth space.

They have been writing policies to get funding etc.

Ms Ashworth requested to be advised if council support this concept as they may ask for a support letter for funding.

45 people came to a community meeting and indications from this showed a lot of support for a youth space.

It would be a space for youth, led by youth and overseen by adults but not having adults everywhere. The youth have indicated they would like music, food and connections.

That the youth want to come; this is their vision of success.

The space would be just Westport for now. They are trying to work in the wider districts however, they have found it difficult to get anyone to take on the coordinator role in Reefton.

If funded, then they would like to be open every day after school. Wanting to be open for those who are not at school. Would also like Saturdays and Sundays.

Mayor J Cleine thanked Voice of Youth for their presentation.

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**MEETING DECLARED OPEN AT 3:43PM**

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**1. APOLOGIES (Page 8)**

**Discussion:**

N Tauwhare (Iwi Representative).

**RESOLVED** that Buller District Council receives apologies from N Tauwhare.

**Mayor J Cleine/Cr G Weston**

**11/11**

**CARRIED UNANIMOUSLY**

**2. MEMBERS INTEREST (Page 9)**

**Discussion:**

Nil

**RESOLVED** that members disclose any financial or non-financial interest in any of the agenda items.

**Mayor J Cleine/DM A Basher**

**11/11**

**CARRIED UNANIMOUSLY**

**3. CONFIRMATION OF MINUTES (Page 10)**

**Discussion:**

Cr J Howard noted Item 3 page 15, please add Council unanimously asked that Buller have representation on Locality Committee at a Governance level - *noted and amended*.

Change R Townrow to Deputy CEO (in attendance) - *noted and amended*.

**RESOLVED** that Council receive and confirm minutes from the Council meeting of 30 November 2022.

**Cr A Pfahlert/Cr J Howard**

**11/11**

**CARRIED UNANIMOUSLY**



**4. COUNCIL ACTION POINT LIST (Page 18)**

**Discussion:**

Nil

**RESOLVED** that Council receive the Action Point List for information

**Mayor J Cleine/Cr L Webb**

**11/11**

**CARRIED UNANIMOUSLY**

**5. RATING POLICY REVIEW – REVISED WORK PROGRAMME AND TIMETABLE (Page 20)**

**Discussion:**

This report provides the council with a revised work programme and timetable for the rates review to be undertaken during the 2023 calendar year.

**RESOLVED** that Council receive the proposed work programme and timetable to undertake a review by 31 December 2023 of how the Council's rates are set.

**DM A Basher/Cr P Grafton**

**11/11**

**CARRIED UNANIMOUSLY**

**6. RESERVE AND HALL SUBCOMMITTEES APPOINTMENTS (Page 25)**

**Discussion:**

K Trigg spoke to the report. 12 Reserve and Hall subcommittees and a Creative Communities Subcommittee were established at the Community Environment Services Committee in November. This report asks Council to appoint members to each subcommittee from the applicants who have responded from each community.

She noted a late amendment on the Creative Communities Subcommittee. Ned Tauwhare will be the Iwi representative on this Subcommittee.

The Terms of Reference were adopted by the CESC Committee. Amendments to the Ngakagawau Terms of Reference will come back to Community Environment Services Committee in March 2023 meeting.

There was an addition made to the resolution to include Ngakawau. This is noted in italics in the resolution.

It was agreed that while there was no interest from the Mawheraiti Board it would be a good idea to have someone assess the state of the old building there and have a discussion as to the intention for the hall / land area.

ACTION POINT: Put on CESC Action list K Trigg to request someone assess the state of the Mawheraiti building.

**RESOLVED:**

1. That Council makes the following appointments:

<b>Karamea (10)</b>	<b>Little Wanganui (7)</b>	<b>Seddonville (7)</b>
<b>Councillor Rosalie Sampson</b>		
Barry Chalmers	Caroline Wood	Lorraine Zielinski
Ronald Pope	Emma Duncan	Betty Watson
Cliff Meakin	Anji Hamson	Dave Watson
Stan Tristram	Dianne Anderson	Karen Mulholland
Peter Moynihan	Melanie Horncastle	Wayne Mulholland
Christine Hynes	Kathy Blumm	Aroha Commons
Johnathon Cole		
Pat Jones		
Peter Gibson		

<b>Mokihinui (3)</b>	<b>Waimangaroa (9)</b>	<b>Ngakawau (6)</b>
<b>Councillor Toni O'Keefe</b>		
Mandy Coleman	Bev Morrow	Dick Marsh
Kate McKenzie	Susan Lightbown	Jackie Mathers
	Barry Lightbown	Sharlene Terry
	Alister Perry	Richard King-Turner
	Sally Brown	Bart Gillman
	Jacqueline McDonald	
	Carmel Whittle	
	David Orchard	

<b>Carters Beach (11)</b>	<b>Omau (6)</b>	<b>Reefton (4)</b>
<b>Councillor Grant Weston</b>		<b>Councillor Graeme Neylon</b>
Carmel Carroll	Bruce Cargill	Lennox Shaw
Jess Denholm	Robert Warren	Jan Moore
Mike Palmer	Vaughan Leigh	John Bougen
Cody Frewin	Richard Niederer	
Shayne Barry	Wendy Chisnall	
Pete Archibald		
Lynda Walker		
Pat Dudley		
Veronica de Friez		
Richard Nichol		

Inangahua (4)	Springs Junction / Maruia (6)	Mawheraiti
<b>Councillor Linda Webb</b>		No expressions of interest received
Tony McCarthy	Alison Candy	
Yvonne Hammond	Natalie Brailey	
Nicola Fowlie	Margaret Brooker	
	Ruth Thomson	
	Peter Brooker	

Creative Communities (8)	
Elected Members	<b>Rosalie Sampson Annalise Pfahlert</b>
Art Council Representative Karamea	Kathy Ramsay
Art Council Representative Buller	Mary McGill
Art Council Representative Inangahua	Daisy Sawyers
Community representative from Te Runanga o Ngāti Waewae	Ned Tauwhare
Community Representative	Stephanie Newburry
Community Representative	Carlos de Treend
Community Representative	Veronica de Friez
<p style="text-align: right;"><b>DM A Basher/Cr G Neylon 10/11 Cr C Reidy Abstained CARRIED</b></p> <p><i>2. Council notes amendments to Ngkagawau Terms of Reference will come back to Community Environment Services Committee in March 2023 meeting.</i></p> <p style="text-align: right;"><b>Cr R Sampson/Cr L Webb 11/11 CARRIED UNANIMOUSLY</b></p>	

## 7. CE REPORT (Page 30)

A verbal report was given by R Townrow. No written report was documented due to Ms Townrow taking Bereavement Leave.

Ms Townrow updated councillors on the reform work that is currently being undertaken.

**RESOLVED** that Council receive the verbal update from Acting Chief Executive Townrow.

**Cr A Pfahlert/Cr J Howard**  
**11/11**  
**CARRIED UNANIMOUSLY**

**8. MAYORS REPORT (Page 31)**

**Discussion:**

Mayor J Cleine spoke to his report.

He acknowledged councillors and staff, having navigated some very unusual events. He thanked everyone for all their effort and wished them a good break.

Regarding the Chief Executive recruitment, Mr Cleine and Douglas Marshall A Basher have been meeting with Jackson Stone and are nearly ready to send a mock-up of print ads. This is likely to go live by the end of this week.

Mr Cleine is looking to get a more functional reporting system to present to council from Mayors Taskforce for Jobs (MTFJ).

He noted that the Mayoral Relief Fund is almost completely exhausted.

The first TTPP meeting will be held tomorrow for the new committee.

Mr Cleine noted correspondence provided by Cr G Neylon. This was a report that was published by a medical student. The CEO of the PHO responded saying it reflected badly on mental health services in Westport. There was an update given from the PHO clarifying this.

R Townrow spoke that they were keen for people to understand the context of the report. This was a third-year student assignment and was not peer reviewed and not meant to be released more widely.

It was noted that it is good to receive this from PHO but also that this information is not publicly known. It is important to spread this information to the community to advise people of the services which are available for people who need them.

R Townrow clarified regarding the infrastructure acceleration fund for a new sub-division. The fund is for areas where there are developers who could develop at least 30 houses within a short period of time to support the infrastructure being put in place quickly. Developers are able to pay 'fair share' contribution towards this infrastructure. This is not a free ride or hand out. It is to give it a kick start.

Infrastructure is not exclusively for one developer. This services all the lifestyle blocks up Alma Road.

**RESOLVED**

1. That Council receive the report for discussion and information.
2. That Council receive and note incoming and outgoing correspondence and Councillors provide direction for any responses or additions.

**Cr P Grafton/Cr G Neylon**  
**11/11**

**CARRIED UNANIMOUSLY**

**9. WESTPORT JOINT COMMITTEE – CONFIRMATION OF INDEPENDENT CHAIR AND COMMUNITY MEMBER APPOINTMENTS FOR NEXT TRIENNIUM (Page 41)**  
**Discussion**

Nil

**RESOLVED** That the Council:

1. Reconfirm Hugh McMillan as Chair of the Westport Rating District Joint Committee; and
2. Reconfirm Jodi Murray and Dan Moloney as the Community Members of the Westport Rating District Joint Committee.

**Cr J Howard/ Cr G Neylon**  
**11/11**

**CARRIED UNANIMOUSLY**

**RESPONSE TO PUBLIC FORUM**

There was discussion and guidance given to Mayor J Cleine as to how council would like to respond to the Public Forum. A letter will be sent by Mr Cleine.

**10 PUBLIC EXCLUDED REPORT (Page 53)**  
**Discussion**

**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
11	Douglas Marshall	Applications for Risk and Audit Committee Independent Chairperson	<b>section (2)(a)</b> - Protect the privacy of natural persons, including that of deceased natural persons

**Mayor J Cleine/DM A Basher**  
**11/11**  
**CARRIED UNANIMOUSLY**

**EXTRAORDINARY MEETING OF THE BULLER DISTRICT COUNCIL, HELD AT 3:30PM ON WEDNESDAY 25 JANUARY 2023 AT CLOCKTOWER CHAMBERS, PALMERSTON STREET, WESTPORT.**

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**PRESENT:** Mayor J Cleine, DM A Basher, Councillors P Grafton, Cr J Howard, Cr G Neylon, Cr T O'Keefe, Cr A Pfahlert, Cr C Reidy, Cr R Sampson, N Tauwhare, Cr L Webb, N Tauwhare (Iwi Representative)

**APOLOGIES:** G Weston

**IN ATTENDANCE:** R Townrow (Acting CE), Douglas Marshall (Chief Financial Officer), Sean Judd (GM Regulatory Services), M Williams (GM Infrastructure Services), K Trigg (GM Community Environment Services), L Brooks (Finance Manager), G Barrell (Governance Secretary)

**MEDIA:** Ellen Curnow

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**MEETING DECLARED OPEN AT: 3.31pm**

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**1. APOLOGIES (Page 7)**  
**Discussion:**

G Weston

**RESOLVED** that Buller District Council receives apologies from Cr G Weston

**DM A Basher/Cr T O'Keefe**  
**11/11**  
**CARRIED UNANIMOUSLY**

**2. MEMBERS INTEREST (Page 8)**  
**Discussion:**

Nil

**RESOLVED** that members disclose any financial or non-financial interest in any of the agenda items.

**Mayor J Cleine/Cr A Pfahlert**  
**11/11**  
**CARRIED UNANIMOUSLY**

### 3. **BDC ANNUAL REPORT ADOPTION (Page 9)**

#### **Discussion:**

D Marshall spoke to the report. He stated that the Auditors had advised they had not yet signed their opinion, but that the draft opinion circulated to Councillors on Tuesday is the opinion they would be signing and the Annual Report is ready for adoption. He noted that in general, considering the flood events that financially council is in a good position.

Mayor J Cleine acknowledged Mr Marshall, L Brooks and the Finance team for the workload they undertook to get the Annual Report completed.

It was noted that the valuation of infrastructure assets was a snapshot in time at the time of assessment, being June 2022.

#### **RESOLVED:**

**That Council, with regard to the 2021/2022 Annual Report:**

- a) adopts the annual report with the Auditor's Report; and**
- c) authorises the Mayor and Acting Chief Executive to sign the representation letter to Ernst & Young.**

**Cr A Pfahlert/Cr J Howard**

**10/1**

**Cr C Reidy against**

**CARRIED**

D Marshall and L Brooks left the meeting at 3.49pm.

### 4. **PROPOSED SUBMISSIONS ON CENTRAL GOVERNMENT REFORM (Page 199)**

#### **Discussion:**

Sean Judd spoke to this report stating that the majority of the work on the proposed submission had been done by West Coast Regional Council (WCRC) and reminded that it was still in draft form.

WCRC is keen for feedback from councillors.

It was confirmed that, this submission being a combined submission from WCRC and BDC, there would be a request that the *submitters*, as opposed to *submitter*, wish to have speaking rights orally.

D Marshall arrived back at 3.53pm

R Townrow advised that the TTPP would survive the transition provisions of the new Resource Management Act (RMA). Noting that what is proposed in the new Bill is along the lines of the TTPP.



**RESOLVED:**

**That the Council:**

1. **Endorse Buller District Council's inclusion in the joint West Coast councils' submission on the Natural and Built Environment Bill and Spatial Planning Bill;**

**Mayor J Cleine/DM A Basher**

**11/11**

**CARRIED UNANIMOUSLY**

R Townrow spoke to the new Bills. Noting the actual documents will come back to council and this is just a brief summary at this time.

It was confirmed that the draft submissions will be circulated to councillors prior to this endorsement being given.

**RESOLVED:**

**That the Council:**

2. **Delegate authority to the Mayor and the Chair of the Regulatory, Hearings and Planning Committee to endorse submissions from Buller District Council being made on the Local Government Official Information and Meetings Amendment Bill and the Sale and Supply of Alcohol (Community Participation) Amendment Bill.**

**Cr G Neylon/Cr C Reidy**

**11/11**

**CARRIED UNANIMOUSLY**

- There being no further business the meeting concluded at **4.04pm**
- **Next meeting:** 3.30pm Wednesday 22 February 2023, Clocktower Chambers, Palmerston Street, Westport.

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**Confirmed:** ..... **Date:** .....

**BULLER DISTRICT COUNCIL**

**14 DECEMBER 2022**

**AGENDA ITEM 4**

**Prepared by** Rachel Townrow  
Acting Chief Executive

**COUNCIL ACTION POINT LIST**

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**1. REPORT SUMMARY**

A summary of council resolutions requiring actions.

**2. DRAFT RECOMMENDATION**

**That Council receive the Action Point list for information.**

**Council Action Points - CURRENT**

No	Meeting Date / Action Point	Responsible	Update	Date Required By
			No Outstanding Action Points 22 February 2023	

## **BULLER DISTRICT COUNCIL**

**22 FEBRUARY 2023**

### **AGENDA ITEM 5**

**Prepared by** Bronwyn Little  
Policy Advisor

**Reviewed by** Krissy Trigg  
Acting Group Manager Community Services

#### **MĀORI ARCHEOLOGICAL SITE - RESERVE STATUS**

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##### **1. REPORT SUMMARY**

This report summarises the history of the area of Council owned land near Carters Beach which has been identified as being of significant historic and cultural value. Council agreed to sell the land to the Department of Conservation for the sum of \$200,000 (plus GST if any) in September 2021.

The draft agreement drawn up by Council and the Department requires Council to change the reserve classification on the western portion of the land from local purpose (harbour purposes) reserve to historic reserve.

##### **2. DRAFT RECOMMENDATION**

**That the Council:**

- 1. Notes the decision of Council (29 September 2021) ‘to sell the land shown in orange in Appendix 1 (land) to the Department of Conservation for \$200,000 (plus GST if any)’;**
- 2. Notes that the draft agreement between the Council and Department of Conservation states that the western parcel of the land (in record of title 258215) which is currently classified as Local Purpose (Harbour Purposes) Reserve must be changed to Historic Reserve prior to the sale and transfer of the land to the Department;**
- 3. Resolves, pursuant to section 24(1)(b) of the Reserves Act 1977, that upon the Council and the Department of Conservation entering into an agreement for sale and purchase of the land and such agreement becoming unconditional, the classification of reserve Lot 1 DP 363544 (record of title 258215) be changed from Local Purpose (Harbour Purposes) to Historic in order to better**

recognise and provide for the heritage values present on the reserve;

4. Resolves to authorise the Acting Chief Executive to undertake all statutory steps required to give effect to the change of reserve classification; and
5. Resolves that subject to the Council and the Department of Conservation entering into an agreement for sale and purchase of the land and such agreement becoming unconditional, the Council agrees that the reserve described in record of title 258215 can cease to be vested in and administered by the Council and instead can vest in the Crown (Department of Conservation) as historic reserve to be administered in accordance with that classification.

### 3. ISSUES AND DISCUSSION

#### BACKGROUND

##### 3.1 Setting:

The background to this matter was outlined in a report to the Community, Environment and Services Committee (CESC) meeting of 17 March 2021 and a report to the Council meeting of 29 September 2021. A brief history of the land and decision to transfer the land to the Department of Conservation is contained in Appendix 1 for reference.

At the Council meeting of 29 September 2021 (Public Excluded) the Council resolved as follows:

*'Resolved that the Council resolves to sell the land shown in orange in Appendix 1 to the Department of Conservation for \$200,000 (plus GST if any)'*

(Please note that *Appendix 1* in the resolution refers to land identified in Appendix 2 to this report)

##### 3.2 Current Situation

Since that resolution Council officers, legal advisors and Department of Conservation staff have been working together on an agreement for sale and purchase.

The Department has specified that they require Council to change the classification of the reserve on the western portion of the land (Lot 1 DP 363544 - record of title 258215) from Local Purpose (Harbour Purposes) reserve to Historic Reserve under the Reserves Act 1977. Classification of reserves under the Reserves Act 1977 Act identifies the primary purpose of a reserve and helps direct its management,

usage and development. Classifying land as reserve provides an additional layer of legislative protection under the Act.

Classification binds the Council and limits (to a greater or lesser extent) how the land can be used. This increases the protection that the land has and provides the community with certainty as to the types of activities that can take place on the land.

The Department requires this change to be made prior to the land being purchased and vested in the Department.

The change of classification by Council makes the process simpler for the Department and clearly shows why the Council is selling the land to them.

## **4. CONSIDERATIONS**

### **4.1. Strategic Alignment**

The sale of this land to the Department will enable the Department to transfer the land to Te Rūnanga o Ngāti Waewae and Ngāti Apa ki te Rā Tō. Enabling this transfer by changing the reserve classification supports Council's partnership approach with iwi.

Through the Long-Term Plan 2021-2031 Council has signalled a strategy of property rationalisation, and budgeting for each year of the Plan includes income from property sales. The budget for the current financial year includes income from the sale of Council owned land such as this property.

### **4.2 Significance Assessment**

This matter is not considered to meet the significance threshold under Council's Significance and Engagement Policy.

### **4.3 Tangata Whenua Considerations**

Council has worked in partnership with Te Rūnanga o Ngāti Waewae and Ngāti Apa ki te Rā Tō on this land sale.

### **4.4 Risk Management Implications**

This site is of great cultural and historic significance, yet very little protection for it is currently in place. There is a risk of physical damage or destruction to the site if it is not well managed and cared for. Te Rūnanga o Ngāti Waewae and Ngāti Apa ki te Rā Tō are better placed to manage and care for this site than Council.

Council has worked in good faith with Te Rūnanga o Ngāti Waewae, Ngāti Apa ki te Rā Tō and the Department to progress to this point. Reputational risk could be incurred if a transfer of the land to the Department does not go ahead. Reclassifying the reserve portion of

the site will enable the Department to move ahead with the sale and the subsequent transfer to Te Rūnanga o Ngāti Waewae and Ngāti Apa ki te Rā Tō.

**4.5 Policy Frame Implications**

As referred to above, the sale of the property fits with the strategic direction for property rationalisation contained in the Long-Term Plan 2021-2031.

**4.6 Legal Implications**

The sale and vesting of the land will be completed in accordance with all relevant legal requirements. Under section 24(1)(b) of the Reserves Act 1977 local authorities can change the classification of a reserve for which they are the administering authority.

**4.7 Financial / Budget Implications**

As referred to above, the budget for the current financial year includes income from the sale of Council property no longer required. The changing of the reserve classification does not incur any costs.

**4.8 Media / Publicity**

Overall the sale of the land is a good example of Council working in partnership with Te Rūnanga o Ngāti Waewae, Ngāti Apa ki te Rā Tō and the Department to achieve a positive outcome. Once the site has transferred to Te Rūnanga o Ngāti Waewae and Ngāti Apa ki te Rā Tō there will be an opportunity for a formal announcement (potentially by the Minister of Conservation) and other media/publicity opportunities. Given the significance of the site this is likely to be of national interest.

**4.9 Consultation Considerations**

Those parties directly involved have been engaged with throughout this process. The Reserves Act process for changing the classification of a reserve will be followed.

## Archaeological Site at Carters Beach – Background

Council owns property located in the Carters Beach area:

- Record of Title 258215 - Lot 1 DP363544 (Local Purpose 'Harbour Purpose' Reserve), purchased by council in 2005 in order to protect the historic values of the land; and
- Record of Title NL9B/1299 - Pt Sec 238 SQ 141 and Section 223 SQ 141 (Gazette 1951 page 935; acquired under Public Works Act 'for purpose of harbour), former Harbour Board land now under administration of Council ;

The above encloses a significant and well preserved historic archaeological site dating back to 1330 AD and containing rare examples of early Polynesian settlement in the Buller.

In December 2018 Council resolved to consider options to progress a land swap agreement that would see ownership of this significant site go to Te Rūnanga o Ngāti Waewae and Ngāti Apa ki te Rā Tō. The intention was to swap a piece of Crown land for the site.

At its 1 May 2019 meeting Council considered a report advising that the Punakaiki Beach Camp site had been identified as the recommended option for a land swap, with the intention that Council receive a freehold title to the camp property.

That property is currently a Crown reserve which Council administers on the Crown's behalf. This places responsibilities on Council, and also limits how we can manage the site as it must be managed under the Reserves Act. As it is managed on behalf of the Crown, if Council decided it no longer wished to manage the reserve it would revert back to the Crown who would be required to manage it.

A freehold title would have meant opportunities at the camp could have been rationalised to maximise benefits to the community. Council resolved to support this option being put forward to the Minister of Conservation, and that there be community consultation before finalisation of a land swap that would see the Punakaiki site no longer a reserve.

Council and Department of Conservation staff pursued this option.

After a thorough investigation by Department staff, advice was received that an option on the Punakaiki site could be progressed, however, to satisfy the relevant legal processes the site would have to remain a reserve. The option put forward by the Department created risk for Council and would have resulted in an outcome that was no better, and was arguably worse, than the status quo for the Punakaiki site.



In summary it would have meant that Council would continue to control the site as a reserve, however it would no longer be on behalf of the Crown. The requirements under the Reserves Act would remain, and Council would no longer have the ability to return control and management of the reserve to the Crown should it want or need to.

In light of this, the Punakaiki site was no longer the recommended option for a land swap. Efforts to identify an alternative site did not come up with any viable alternatives.


The Department then wrote to Council offering to purchase the Carters Beach site, which they will then gift to iwi. An indication was given that the Crown would offer a figure above the valuation, as an acknowledgement to Council for its foresight in recognising the values of the site and its acquisition of the land in order to protect them.

At the Council meeting in September 2021 (Public Excluded) Council resolved to sell the Carters Beach site to the Department, including all those parts of Council land that make up the area of significant historic and cultural value, is the best way forward for the price of \$200,000 (plus GST if any) as offered by the Department. This aligned with our strategy of property rationalisation strategy as set out in the, then, draft Long-Term Plan 2021-2031.

## Appendix 2

Plan of land to be sold to Department of Conservation:

Reserve to be reclassified to Historic: 

Rest of land to be sold and transferred: 



Not to scale.

**BULLER DISTRICT COUNCIL**

**23 FEBRUARY 2023**

**AGENDA ITEM 6**

<b>Prepared By</b>	John Salmond Senior Project Lead
<b>Reviewed By</b>	Mike Williams Group Manager Infrastructure Services
<b>Attachments</b>	A - Water Services Legislation Bill – BDC Draft Submission B - Water Services Economic Efficiency & Consumer Protection Bill – BDC Draft Submission C - Water Services Entities Bill – BDC Submission (13 July 2022)

**WATER SERVICES LEGISLATION BILL – BDC SUBMISSION**

**WATER SERVICES ECONOMIC EFFICIENCY AND CONSUMER PROTECTION BILL –  
BDC SUBMISSION**

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**1. REPORT PURPOSE**

The purpose of this report is to seek council endorsement for the BDC submission prepared for the Water Services Legislation Bill and the Water Services Economic Efficiency and Consumer Protection Bill currently before parliament.

The **Water Services Legislation Bill** is the second of a suite of Bills to reform New Zealand's drinking-water, wastewater and stormwaters services – the "Three Waters". This follows on from the BDC Submission on the Water Services Entities Bill on 13 July 2022. It was introduced to parliament on 8 December 2022, had first reading on 13 December 2022 and is currently with the Select Committee (Finance & Expenditure).

**WATER SERVICES ECONOMIC EFFICIENCY AND CONSUMER PROTECTION  
BILL**

The **Water Services Economic Efficiency and Consumer Protection Bill** is the third of a suite of bills. It was introduced to parliament on the 8 December 2022, had first reading on 13 December 2022 and is currently with the Select Committee (Finance & Expenditure).

The Government received public submissions for these Bills until Sunday 12 February 2023, with the BDC submission due to Parliament by 24 February 2023 after receiving an extension to allow for the Council Meeting.

## **2. REPORT SUMMARY**

A BDC submission for the Bill has been prepared by staff, cognisant of the national views and implications, however with a particular focus on potential impact to the Buller community and our consumers who are currently serviced by Council. Matters such as representation, local knowledge, service levels, affordability for rate payers and the impact on our CCO due to the new legislation.

The following summary of the Bills are published by the Government:

### **WATER SERVICES LEGISLATION BILL**

#### **Introduction**

This Bill amends the Water Services Entities Act 2022, which provides for the creation of the service for the new entities. This Bill would empower the new entities by setting out their functions, powers, obligations, and oversight arrangements

#### **What Is the Bill About?**

- additional, detailed implementation arrangements for the new water services entities, including provisions relating to the transfer of assets, liabilities, and other matters from local authorities to new water services entities
- service delivery functions and powers, to enable water services entities to deliver water services in place of local authorities
- regulatory functions and powers, to enable water services entities to make rules, plans, and other instruments relating to water services, and engage in compliance and enforcement activities
- pricing and charging arrangements for water services
- detailed changes to local government legislation, the Water Services Act 2021, the Resource Management Act 1991, and other legislation relating to regulation and service delivery of water services

If this Bill is passed, the entities will be established, and will commence delivery of services on 1 July 2024.

**What is the purpose of this Bill?**

This omnibus Bill is the second bill in a suite of legislation to reform water services delivery in New Zealand. The single broad policy for this Bill is to establish and empower water services entities by setting out their functions, powers, obligations, and oversight arrangements.

**Who Might This Bill Affect?**

This Bill will impact everyone in Aotearoa New Zealand, but particularly:

- Local governments
- Drinking water suppliers
- Iwi
- CCO's (Westreef)

**WATER SERVICES ECONOMIC EFFICIENCY AND CONSUMER PROTECTION BILL****Introduction**

This Bill would establish a regulatory framework for the new entities and provide for independent oversight of them. The Commerce Commission would be the regulator.

**What Is the Bill About?**

This Bill proposes the following economic regulation and consumer protection measures for the Three Waters sector:

- the Commission would be required to set and enforce minimum service level codes
- the Commission would be required to apply price-quality requirements for the entities. These would place both a ceiling on prices charged, or revenue collected by the entities, and set a floor for quality of service
- the Commission would be required to set information disclosure and reporting requirements for the entities
- a consumer dispute resolution service would be established and would be subject to regular reviews by the Commission
- the position of Water Services Commissioner would be established on the Commission's Board to reflect the unique nature of the water sector and the importance of Te Mana o te Wai.

This Bill also provides for funding of the regime via levies on regulated suppliers on behalf of consumers, and for remedies and enforcement mechanisms for breaches of

regulatory obligations, including pecuniary penalties, enforceable undertakings, injunctions, and compensation.

**What is the purpose of this Bill?**

The purpose of this Bill is to provide for the regulation of the price and quality of water infrastructure services, and consumer protection for water infrastructure services.

**What Happens Next?**

These Bills were introduced to parliament on 8 December 2022, had first reading on 13 December 2022 and is currently with the Select Committee (Finance & Expenditure). Local Government Organisations have to 23 February 2023 to input their submission.

The report from this is due on 25 May 2023 where further information will be given.

**3. DRAFT RECOMMENDATIONS**

**That Council:**

- 1. Notes the content of this report and attachments.**
- 2. Endorses the BDC Submission for the Water Services Legislation Bill and Water Services Economic Efficiency and Consumer Protection Bill**

**4. CONSIDERATIONS**

**4.1 Strategic Alignment**

Community benefit and well-being is in accordance with our LTP and is critical to the success of our district.

**4.2 Significance Assessment**

Infrastructure strategy and planning is considered significant in terms of fit for future levels of service and community benefit.

**4.3 Tangata Whenua Considerations**

Council works in partnership with Ngāti Waewae to provide governance. Infrastructure planning has high importance in relation to Tangata Whenua matters. This is also in line with the consultation we have ongoing with Iwi at present.

**4.4 Risk Management Implications**

Major risks are managed in accordance with Council's risk management processes including a "what could go wrong?" approach to ensure all practicable steps are being taken to assess, control and monitor identified risks.

**4.5 Policy Framework Implications**

Council must comply with the relevant policy and legal requirements including the Local Government Act 2002.

**4.6 Legal Implications**

There is no legal context, issue or implication relevant to this decision.

**4.7 Financial / Budget Implications**

Costs for delivering services are expended against approved budgets established in the LTP and Annual Plans and are rated by Council accordingly.

**4.8 Media/Publicity**

Publicity is expected with levels of service, not all of which will be positive. However, this should not deter from the reasons for delivering important assets and infrastructure for the community.

**4.9 Consultation Considerations**

Affected parties and stakeholders including community members, private sector, government ministries, agencies and authorities are consulted throughout the service delivery process.

17 February 2023

Committee Secretariat  
Finance & Expenditure Committee  
Parliament Buildings  
Wellington  
fe@parliament.govt.nz

### **SUBMISSION FROM BULLER DISTRICT COUNCIL ON THE WATER SERVICES LEGISLATION BILL**

Buller District Council (BDC) thanks the Finance and Expenditure Committee (the Committee) for the opportunity to submit and provide feedback on the Water Services Legislation Bill (the Bill).

BDC is a territorial authority located on the West Coast of the South Island. BDC owns and operates seven water schemes which supply drinking water to approximately 3,800 properties (approximately 6,800 residents, or 68% of our district's population), three sewerage schemes (providing for 3,200 properties) and also stormwater throughout the district.

We are aware that the concerns we raise within this submission are likely to be very similar to those from other provincial councils across New Zealand.

#### **The Intent of the Bill**

We broadly support the Government's intention to create four Water Service Entities (WSE) to facilitate the delivery of safer, more reliable, and efficient water services.

We believe that reform is needed and would be beneficial to our community.

There are however fundamental parts of the Bill which we are opposed too, and feel would have a substantial impact on our district, the ratepayers and our key CCO (Westreef).

The Bill follows on from the Water Services Entity (WSE) Act 2022 and the Water Services Act 2021 and sets the framework for the establishment of the four water service entities. This is the largest reform that the water sector has seen in decades. It has been BDC's position throughout the reform programme to support initiatives that improve the delivery of water services to New Zealand communities.

We do support the LGNZ submission, however we have outlined our key thoughts below.



## Recommendations, Questions & Concerns

### *Outline of LGNZ Submission*

#### **1.0 General Relationship Between Councils and WSE's –**

- a. We are concerned that the relationship between BDC and the WSE could be set up in a way that could detriment the ongoing role and function of the council.
- b. We suggest that the WSL Bill creates more of a collaborative approach to ongoing water management services.
- c. The legislation needs to reflect the fact that councils will remain a key stakeholder in the management of water services so that we work together to benefit our community. There's no real mandate in terms of how the council and the WSE will partner and integrate moving forward.
- d. We are concerned that we will lose the ability to control our own assets.

#### **2.0 Functions of Water Services Entities**

- a. It is unclear how, and with no real guidance the council will be able to formulate the ability to commit too, and actively promote our wellbeing function without the Council control element.

#### **3.0 Absent Alignment of 'Purpose' Between Councils and WSE's**

- a. We think the WSL Bill should expressly recognise that councils' ability to influence three waters services is restricted given that councils will not be the decision maker on how this then looks in terms of our ability to continue our projected growth in our regions.
- b. What happens if the decisions made by the WSE do not fall in line with the council's vision as well as the "community needs"?
- c. We are concerned that the lack of shared 'purpose' between councils and WSEs will create tension. Under the Local Government Act 2002 (LGA), councils are required to promote the social, economic, environmental and cultural wellbeing of communities both, now and in the future. WSEs do not share this purpose. This lack of clear alignment could create tension and favour the 'plan implementer' (WSEs) over the 'plan maker' (BDC).

#### **4.0 Political Accountability**

- a. BDC, and our elected members will attract a level of political responsibility for the three waters system., we are obligated and have a responsibility to look out for community interests. Our community will assume that we still have a say in the overall outlook of the delivery of water services when, under the new legislation that may not be the case.
- b. We think the LGA should expressly recognise that a council's ability to achieve some aspects of its 'purpose' will be heavily dependent on WSE decisions – over which it has limited or no control. As such, the duties of a council should expressly reflect those limits.

- c. We feel the council should be given a louder voice and be involved more with the overall outlook moving forward.

### **5.0 Relationship Agreements**

- a. We think agreements with individual councils (as opposed to agreements with multiple councils) are the best way to ensure individual council needs are met. However, we think some elements of these relationship agreements should be 'standard form'. This would ensure that all councils/WSEs benefit from a best-practice approach to matters which we all share - It would also help develop consistency and reduce the need to 'learn' and apply bespoke arrangements.
- b. It is unclear what 'status' a relationship agreement will have, and what 'binding effect' it will have. If such an agreement will not be legally enforceable, then the Bill should do more to frame up the context of the special role and nature of the relationship agreement between the WSE and BDC.
- c. Relationship agreements should be used to provide for the interface between three waters and council planning systems. In time, relationship agreements should be established with the regional planning committees that will be established through RM reforms.
- d. There are suggestions throughout the Bill that the scope for engagement is limited to the operation of stormwater, land drainage, or related services (cl 468(1)(c)(iii)). This is too narrow. There are multiple touchpoints for the WSE/council relationship, all of which need to be identified and managed.
- e. We think some of the planning interface arrangements used in the Scottish Water model could be adopted in water services legislation, for example:
  - 1. WSEs should contribute to the writing of 'main issues reports' (which are front-runners to local development plans);
  - 2. WSEs should contribute to the writing of any proposed local development plans.
  - 3. WSEs should contribute to the writing of an 'action programme', which supports delivery of local development plans; and
  - 4. WSEs should comment on all outlines or full planning applications referred to by local authorities.

### **6.0 Purpose and Content of the Government Policy Statement**

- a. The areas of influence under the Government Policy Statement have been expanded to include statements in relation to geographic averaging, redressing inequities in servicing of Māori and redressing historic service inequities.
- b. Consistent with our previous recommendations, we see this as adding to an unfunded mandate for local government. If central government is to have influence and control like this, it needs to go together with a commitment to funding. Otherwise, some local priorities may need to be sacrificed to deliver on central government priorities.

### 7.0 Charging Provisions – Collecting Charges

- a. We are concerned about the provisions relating to councils collecting water charges on behalf of WSEs. BDC oppose to being compelled to collect revenue for a service which we would no longer control and deliver. We believe that this would create public confusion / distrust.
- b. The bill says that a WSE will be able to insist that a council collects charges on its behalf (in exchange for a 'reasonable payment for providing the service') until 1 July 2029. To facilitate this, a WSE will enter a 'charges collection agreement' with the council. But if a charging agreement is not agreed upon, the Minister has power to impose terms.
- c. The provisions in the WSL Bill are based on those in the Infrastructure Funding and Financing Act 2020 (IFF) for collecting IFF levies. However, these circumstances are very different. There are range of other matters that need to be recognised:
- d. WSL Bill contains a diverse range of charges. Are councils expected to invoice and collect them all, as and when requested by the WSE? This requires councils to collect a diverse range of charges and would have implications for existing processes/IT systems. This would create additional costs for councils - The full cost of any enhancements / resources will need to be covered by the WSE.
  - 1. Alternatively, it should be very clear that each council will only do what its current systems can do, which may fall short of what the WSEs want. Three waters billing will not be councils' core business nor a priority in term of the performance of their continuing functions.
  - 2. If a WSE utilises the IFF itself, would it be appropriate for councils to collect those levies (given that the council is not the proposer of the project which the levy will support)?
  - 3. Councils will need to be fully insulated from any risk associated with this function and not liable for failures if they exercise reasonable endeavours.
  - 4. The Bill should specifically address the compliance risk associated with Anti-Money Laundering and Countering Financing of Terrorism Act 2009 and responsibility for accounting for GST.

### 8.0 Geographic Averaging

- a. The Bill does not direct how, when or where geographically averaged prices should be applied by the WSEs. Instead, it leaves this up to a WSE board, which will need to act consistently with the general charging principles (clause 331), including Commerce Commission input methodologies and determinations (which will not be in place on 1 July 2024).
- b. The transitional provisions contemplate a WSE carrying forward existing tariff or charging structures until (as late as) 30 June 2027
- c. A core pricing principle (which, if not brought forward by regulations, will apply from 1 July 2027) is that charges should 'reflect the costs of service provision'. Given the way the principle has been expressed, and then qualified, it suggests a starting point of

standardised user pricing by reference to the WSE's total cost base. The Bill says that charging a group of consumers differently may only occur if the group receives a different level (or type) of service, or the cost of providing the service to that group is different. But even then, a WSE board may decide not to apply a 'costs should lie where they fall' approach (including in order to remedy prior inequities in the provision of services), or the WSE CE may discount charges that would otherwise apply.

- d. Geographic price averaging of residential water supply/wastewater services is a sensitive issue – as is addressing historic service inequities. This has been recognised by their inclusion as additional topics that can be addressed in the GPS.

### **9.0 Water Infrastructure Contribution Charges**

- a. WSEs will have the power to set water infrastructure contribution charges. These can be used if new development or increased commercial demand mean the WSE must provide additional or new water services assets.
- b. Under clause 348, the Crown is exempt from paying water infrastructure contribution charges. This is a concern, as Crown agencies are often major developers and can exacerbate issues that are the responsibility of the WSE (or local council). Such an exemption should be something that the Crown applies for and needs to justify. This application should reference the benefits derived for a particular community from such a Crown project – and those benefits need to be sufficient to justify the associated water services-related costs that will be borne by all consumers across the WSE service area.

### **Combined Cost to Ratepayers**

- a. The reform assumes that all other things being equal, the combined costs of water bills and rates bills should not change when the water services entities stand up. We have some concerns with this view - Although this outcome may be forced in the short term, there will be a point of material adjustment down the track, for the reasons discussed below.
- b. To date, councils have taken a long-term, portfolio view of their finances and activities. Taking this approach means there may be current levels of under-rating or cross subsidising. Without three waters services, councils may need to increase their general rates to cover the real costs associated with their remaining functions.
- c. It is unclear whether DIA has a plan to address situations where council rates do not drop by an amount equal to what the WSE is charging for water services. This needs to be addressed.

### **10.0 Rating WSE Assets**

- a. WSEs will not pay rates on pipes through land they do not own, nor on assets located on land they do not own. However, other utilities (such as electricity line companies and telecommunications companies) contribute their share of rates related to land and assets they benefit from.
- b. Whether water services entities should be approached in the same way as other utilities depends on the nature of the relationship between councils and their WSE. A partnering relationship of an overall system for the benefit of local communities is quite a different scenario from the relationship that exists between councils and existing utility providers.

- c. However, if councils will be active collaborators with their WSE in performing their respective roles in the most cost- and process- efficient way, then councils need to be funded to do that. Collecting a share of rates from WSEs is one way of creating a revenue source to fund that. Alternatively, councils will require some other source of funding.

### **11.0 Stormwater**

- a. Our points made in response to the Water Services Entities Bill around a phased transition are still relevant and of concern. Our core position is that there is significant complexity associated with urban stormwater networks transferring to the WSE but not the 'transport stormwater system' or those aspects which are mixed use.
- b. BDC must agree that network rules created by the WSE (for its stormwater system) will also apply to council systems. Taumata Arowai will be responsible for setting environmental performance standards for stormwater networks.

#### **Management Plans:**

- a. WSEs will be required to produce 'stormwater management plans'. When producing these plans, the WSE must engage with councils. According to the Bill, councils must work with the WSE to develop the plan. But clarification is needed around how WSEs and councils will work together to develop and implement these plans.
- b. The operational interface and touchpoints will be many and varied. These need to be carefully managed as each council and its WSE find their feet and set up channels of communication and processes to support their ongoing engagement and legal compliance obligations.

#### **Charges:**

- a. A WSE may charge a council for stormwater services between 1 July 2024 and 1 July 2027 if the WSE is not charging system users directly. WSEs cannot charge directly until the earlier of 1 July 2027 and when the Commission has put in place input methodologies for determining the total WSL Bill and Economic Regulation Bill submission outline // 11 recoverable cost of delivering stormwater services (cl 63 of Schedule 1 – new Part 2 of Schedule 1 of WSE Act 2022). But how will councils pay any stormwater services charges if they are not allowed to rate or charge for water services?

### **12.0 Interface with Councils' Roles and Functions**

- a. WSEs will have the power to construct or place water infrastructure on or under land owned by councils. The WSE only needs to provide 15 days' notice where it intends to carry out work. We question how this will work cohesively with council processes, and whether the 15-day notice period is sufficient warning for councils.

**13.0 Sharing Rating Information:**

- a. The Act will require local authorities to share rating information kept and maintained under the Local Government (Rating) Act 2002.
- b. Not only do councils need to be compensated for the work required to share this information:
  - 1. they need to be insulated from any risk associated with complying with a WSE request (cl 319(2)) that is beyond what the WSE is entitled to ask for; and
  - 2. their obligation needs to be subject to what their existing systems can produce (with the resources councils have available, recognising that this will not be their core business nor a priority in terms of the performance of their continuing functions).
  - 3. (Privacy Act 2020) consent necessary?

**14.0 Councils' Three Waters Debt**

- a. We are concerned about the process for determining councils' three waters debts. The Bill says the assessment of the total debt amount will be made by the DIA Chief Executive. There is no recourse to the Minister if there is a disagreement on the amount. The council only gets a chance to agree date and manner of payment (not amount). We believe this needs to be viewed in conjunction with the 'no worse off' commitments made by Ministers under the Heads of Agreement between the Crown and LGNZ (these are referenced in cl26A of sched 1 Part 1, subpart 6 of WSE Act)
- b. The Bill anticipates scenarios where councils may keep holding (some portion of) this debt for a period of up to five years. This may be to accommodate instalment payments over time to match the existing debt repayment profile. But more detail is required from DIA about what is contemplated here

**15.0 WSE Subsidiaries**

- a. The addition of provisions based on the CCO provisions of the Local Government Act 2002 is a materially different from existing understandings of what Three Waters Reform would look like. This introduces flexibility but creates a whole new layer of operational activity below the board that is even more 'removed' from Regional Representative Group (RRG) oversight. The careful disciplines that are wrapped around the WSE board do not flow down and into the subsidiaries
- b. Contemplating 'listed subsidiaries', a 'subsidiary of a subsidiary' and operating for profit all seems wholly out of place with the policy settings originally promoted by the Government. **We are very concerned about these new details of the reform.**
- c. Any proposal to establish a subsidiary should be regulated by the WSE constitution and be subject to a process that involves the RRG. This process needs to consider the rationale and purpose (and the risks and mitigations) involved in devolving matters from the direct control of the WSE board appointed by the RRG.
- d. Even though significant water assets must remain with the WSE, it is expressly contemplated in the Bill that such a subsidiary may be formed by more than one WSE (possibly with other

investors) to undertake borrowing or manage financial risks that involve a risk of loss, which the WSE may guarantee, indemnify or grant security for.

- e. More detail is required from DIA about what is under contemplation here.

#### **16.0 Legal claims and liability**

We have concerns around who will 'wear the liability' when things go wrong, and what legal remedies will (and should) be available. For example:

- a. What happens if water controlled by a WSE damages council assets?
- b. What will the consequences be if a council or WSE fails to act consistently with the terms of their relationship agreement? Should the non-defaulting party be granted statutory relief if this situation results in them failing to comply with a requirement?
- c. Will councils or landowners be able to bring judicial review proceedings against WSE decisions on policies/plans that adversely impact the value of their property or other aspects of their economic interests?
- d. Will councils continue to be liable for past breaches and failures relating to water infrastructure, which they may not now be able to fund – These matters need to be clarified

#### **17.0 Application of Transfer Provisions to CCOs**

Buller District Council wholly oppose the CCO transfer to the entity under the proposed structure. We wanted to highlight some key issues that we see and how it will affect our council as well as our CCO Westreef Services.

We have repeatedly raised our concerns about the potential transfer of CCO's throughout the reform process -We pointed out previously that this amendment only really came into place after the December version of the Bill.

We are disappointed to see that the Bill continues to provide uncertainty for the CCO - more specifically Westreef from our point of view. If the Bill goes ahead as it currently is, the Act confirms that council-controlled organisations, including trading organisations, are within the scope of transition provisions.

WestReef is a multi-disciplinary contracting company. Their Services department which takes care of Three Waters and other contracts has 21 full time and two casual staff, making up 22% of their 93 FTE workforce. These staff do not exclusively work on Three Waters.

WestReef has provided the following feedback on the potential impact should those staff transfer;

*"The effect of this is that it reduces the ability of the organisation to be resilient, in that staff can be utilised from other departments to fill gaps in demand within another department ie. Numerous flood responses. In addition, the reduction in Service staff does not necessarily mean proportionate reduction in support costs such as admin, health and safety and workshop. It would be more likely that overheads would be spread over the remaining departments. More analysis would be required."*

We are concerned that removing Three Waters contracts and staff will impact on the overall viability of WestReef.



As a CCO, WestReef provides a dividend back to Council, which offsets rates for Buller ratepayers. Buller has a small ratepayer base, and 87% of our district is under Department of Conservation control meaning it is non-rateable. Current estimates are that the loss of three waters work could reduce the dividend by \$300,000 per year. This would mean Council would either have to reduce services or increase rates by 2-3% to cover this shortfall and maintain existing levels of service (the majority of our Three Waters work is funded through targeted rates, so not having to provide Three Waters services will make no difference to the impact of this loss of income on rates).

Pro's	Con's
Strategies Planning for New Opportunities	Dividend Disadvantage to Shareholder
Potential Business Model Change	Potential Devaluing of Business
Decrease in Liabilities	Limited Growth
	Resource Balance (Scale)
	Staff Attrition (Job Losses)
	Loss of Institutional Knowledge
	Uncertainty, Morale, Culture & Values Clash
	Level of Service Impact
	Disruption to Intrinsic Benefits
	Community & Social Impact
	Mixed Use Implications
	Settlement Fee (Valuation)
	Distraction from Daily Management of Business
	Westreef Staff potentially see this as a Hostile Takeover
	Upset Community

### Concluding Remarks

Buller District Council would like to thank you for the opportunity to provide this submission and for our council to be heard. We will continue to support the collaborative approach of the reform moving forward, and we would like to contribute to the regulation implementation.

If there are any questions regarding this submission, please contact Rachel Townrow at [Rachel.townrow@bdc.govt.nz](mailto:Rachel.townrow@bdc.govt.nz).

We wish to be heard in support of this submission.

Ngā mihi





17 February 2023

Committee Secretariat  
Finance & Expenditure Committee  
Parliament Buildings  
Wellington  
fe@parliament.govt.nz

**SUBMISSION FROM BULLER DISTRICT COUNCIL ON THE WATER SERVICES ECONOMIC EFFICIENCY & CONSUMER PROTECTION BILL**

Buller District Council (BDC) thanks the Finance and Expenditure Committee (the Committee) for the opportunity to submit and provide feedback on the Water Services Economic Efficiency & Consumer Protection Bill.

BDC is a territorial authority located on the West Coast of the South Island. BDC owns and operates seven water schemes which supply drinking water to approximately 3,800 properties (approximately 6,800 residents, or 68% of our district's population), three sewerage schemes providing for 3,200 properties and also stormwater throughout the district.

We are aware that the concerns we raise within this submission are likely to be very similar to those from other provincial councils across New Zealand.

**The Intent of the Bill**

We broadly support the Government's intention to create four Water Service Entities (WSE) to facilitate the delivery of safer, more reliable, and efficient water services.

We believe that reform is needed and would be beneficial to our community. The purpose of this bill is to provide for the regulation of the price and quality of water infrastructure services, and consumer protection for water infrastructure services.

This Bill proposes the following economic regulation and consumer protection measures for the three waters sector:

- the Commission would be required to set and enforce minimum service level codes
- the Commission would be required to apply price-quality requirements for the entities. These would place both a ceiling on prices charged, or revenue collected by the entities, and set a floor for quality of service
- the Commission would be required to set information disclosure and reporting requirements for the entities
- a consumer dispute resolution service would be established and would be subject to regular reviews by the Commission

## ATTACHMENT B

- the position of Water Services Commissioner would be established on the Commission's board to reflect the unique nature of the water sector and the importance of Te Mana o te Wai.

### **Recommendations, Questions & Concerns**

We agree with Taituarā that the key priorities for this piece of legislation are to ensure that our communities:

- a. are not overcharged for services
- b. have the appropriate protections in place if they are unhappy, or encounter any issues with services
- c. do not experience a loss in quality as a result of these reforms, and the transitional period

### ***BDC Support the Outline of LGNZ Submission***

#### ***1.0 Problem Definition***

- a. We do not think the Economic Regulation Bill approaches the core 'problem definition' from the right perspective.
- b. The policy work supporting the Bill suggests the focus of economic regulation should be:
  1. quality information to support robust asset management.
  2. efficiency; and
  3. transparency and accountability for expenditure and investment.
  4. In our view, information disclosure should be the primary focus (at least in the first instance)

#### ***2.0 Information Disclosure***

- a. The Government should provide the Commerce Commission with a clear (and focused) direction on the problem definition, which would then inform key elements that need to be covered in information disclosure. It appears the Government wants to increase information/transparency around assets held by the WSEs (and their condition), expenditure and revenue/charging. We question whether this is already provided for in the Water Services Entities Act (and the WSL Bill), and whether there is any additional value to be obtained from adding a costly resource and expertise.
- b. Not focusing on information disclosure alone and asking stakeholders to embrace a high trust/high hope approach to a central component of the reform will only heighten existing scepticism around (and potentially opposition to) the proposed reform.
- c. If *just* this information disclosure element was adopted (at least initially), the simplified approach would provide clarity in the early stages of reform. It would be simple to explain and understand, and would:

## ATTACHMENT B

1. Avoid creating a medium/long term source of regulatory risk on day one that is impossible to accurately predict and factor in at a time when key WSE systems (including funding arrangements and long-term planning) need to be put in place.
2. Ensure councils (and communities) are not required to accept a delivery model with a key element still undecided. By creating clarity at the start of reform, councils would be able to give their communities a clear, simple outline of what to expect. Alternatively, adopting an incomplete regulatory regime will mean New Zealand's communities are committing to potentially negative future outcomes, without an ability to turn back.

### 3.0 Quality Regulation

- a. Introducing quality regulation in the first regulatory period is an unrealistic target
- b. Quality regulation applies to other utilities. However, quality regulation requires:
  1. A clear long-run view of current quality performance across the whole asset base
  2. Information on the level of service quality consumers support, and are prepared to pay for; and
  3. An understanding of what level of quality performance is realistically achievable in the future, on what timeframe and at what cost.
- c. This is particularly important given failure to comply with quality standards exposes both the WSE and individual directors and officers to civil and criminal liability.
- d. Other sectors (e.g., electricity or telecommunications) implemented their quality regulations with an existing historic data set of network performance, which provided a clear baseline and supported a forecast of achievable future performance. Outside of the main metros, we doubt this would be the case for Three Waters.
- e. The first regulatory period should instead be dedicated to information gathering to support future quality regulation (including engaging with WSL Bill and Economic Regulation Bill submission outline // 16 communities to understand what they will need from the service). Quality regulation should be introduced, at the earliest, in the second regulatory period, not the first, and utilise information obtained through information disclosure in the first regulatory period.
- f. The first regulatory period should instead be dedicated to information gathering to support future quality regulation (including engaging with WSL Bill and Economic Regulation Bill submission outline // 16 communities to understand what they will need from the service). Quality regulation should be introduced, at the earliest, in the second regulatory period, not the first, and utilise information obtained through information disclosure in the first regulatory period.
- g. The performance requirements that the Commerce Commission may regulate are also unprecedented and unduly intrusive. They would allow the Commission to substitute its own view for the engineering judgement of the WSE. This goes well beyond the incentives-based regulation that has traditionally (and effectively) applied in New Zealand. Not only

## ATTACHMENT B

is the Commission not well placed to carry out this role, but it would compromise the ability of the board to discharge its duties.

- h. The relationship between quality regulation and service quality codes under Part 3 also needs to be clarified.

### 4.0 Price-Quality Regulation

- a. Price-quality regulation should similarly be delayed and made subject to a further recommendation by the Minister.
- b. Price-quality regulation is an extremely costly and complex form of regulation. It is not realistic to roll out price-quality regulation just three years into the new regime. It is also likely to represent a disproportionate regulatory burden considering the gains that can be made with information disclosure alone.
- c. Price-quality regulation aims to address excessive profits and increase efficiency. As we outlined above, excessive profit taking is not an issue in the three waters sector. Efficiency would be addressed through the information disclosure regulation. We think the information disclosure component should be given a chance to do its work, before we move to a more complex, onerous, and costly form of regulation.
- d. Information disclosure has been effective in other sectors. For example, airports are regulated with information disclosure only, and it has been effective in driving efficiency. It doubles as a 'soft' form of price control, because financial returns can be exposed to scrutiny.
- e. Like quality regulation, price-quality regulation is more effective with better data. If price-quality regulation becomes necessary down the track, the regulator would be better placed to implement it with two or more regulatory periods of data.

### 5.0 Debt Capacity and Financial Concerns

- a. We are concerned about the potential impact this regulation could have on the short/medium term debt capacity of the new water services entities.
- b. We are unsure of the impact this regulation would have on WSEs' ability to meet their share of the 'better off' funding commitment to councils without using the debt needed to meet three waters compliance.
- c. If WSEs could *not* fund their mandatory commitments, we think the Crown should fund an interim solution and only look to recover that cost (for example, by transitioning the debt to the WSEs) when the WSEs can handle it without compromising their operations.
- d. We also think WSEs should only make financial support package payments out of 'excess' borrowing capacity, and so long as that debt burden does not result in a materially increased cost to consumers.
- e. If the economic pricing and transitional arrangements create 'abnormal financial circumstances' for the WSEs, we think the Government should provide additional financial support to the entities in order to bridge the gap between:
  - 1. The 'known realities' the entities will face during the transition phase; and
  - 2. The financial position the modelling *assumes* the entities will be in to operate as intended and start delivering on the benefits intended to accrue from the new model.

## ATTACHMENT B

- f. This may mean the Government will need to make a short-term compromise on one or more of its policies during this initial period of fragility.

### **6.0 Te Mana o te Wai and Te Tiriti Obligations**

- a. We would like to get a better sense of how the Commission will account for the WSEs' obligations under Te Tiriti, Te Mana o te Wai, and Treaty settlements. How will these aspects be reconciled with the Commission's well-established economic/input data-based approaches for regulating other utilities? Taumata Arowai is better placed to address these matters. The Commission should have regard to Taumata Arowai's position on these matters.

### **Concluding Remarks**

Buller District Council would like to thank you for the opportunity to provide this submission. We will continue to support the collaborative approach of the reform moving forward, and we would like to contribute to the regulation implementation and are keen to be engaged in the design of the new regime as it progresses further down the line.

If there are any questions regarding this submission, please contact Rachel Townrow at [Rachel.townrow@bdc.govt.nz](mailto:Rachel.townrow@bdc.govt.nz).

We do not wish to be heard in support of this submission.

Ngā mihi

13 July 2022

Committee Secretariat  
Finance & Expenditure Committee  
Parliament Buildings  
Wellington  
fe@parliament.govt.nz

### **SUBMISSION FROM BULLER DISTRICT COUNCIL ON THE WATER SERVICES ENTITIES BILL**

Buller District Council (BDC) thanks the Finance and Expenditure Committee (the Committee) for the opportunity to submit and provide feedback on the Water Services Entities Bill (the Bill).

BDC is a territorial authority located on the West Coast of the South Island. BDC owns and operates seven water schemes which supply drinking water to approximately 3,800 properties (approximately 6,800 residents, or 68% of our district's population), three sewerage schemes providing for 3,200 properties and also stormwater throughout the district.

We understand that some of the concerns raised in this submission will also be relevant to other rural and provincial Councils in New Zealand.

#### **The intent of the Bill**

We broadly support the Government's intention to create four Water Service Entities (WSE) to facilitate the delivery of safer, more reliable, and efficient water services.

We understand a Second Bill is expected to be released by October 2022 which will cover economic regulation, rural supplies, links to planning and more detailed powers.

#### **Recommendations, Questions & Concerns**

##### ***Critical Issues for Buller***

##### ***Consumer Representation***

There is concern that the current organisation structure does not promote strong community engagement and representation. With a population of 9,800 people, Buller will have only one share in the respective WSE. It also seems unlikely Buller (or the West Coast) will have members within the Regional Representative Group (RRG) and will instead rely upon a Regional Advisory Panel (RAP) for consumer representation. To help ensure that consumer voices will be heard, we recommend that there is a direct link established between the RAP's and governance.

We also have questions regarding the accountability of RAP's, and the role and function of their members. This needs to be understood by all stakeholders, so clear expectations are established.

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### *Privatisation*

BDC supports the additional measures put in place to prevent privatisation of Three Waters Services. There remains a concern that future governments could change the law allowing easier privatisation. We recommend that entrenched clauses be considered for attention protection.

### *Council Interaction*

While planning requirements are expected to be covered in the Second Bill, we do not have a clear understanding of how local outcomes for urban development or land use change will inform the strategic direction of the WSE and their interrelationship with BDC.

We also have questions regarding how competing priorities of the Water Services Entity and BDC will be resolved. We recommend that the WSE planning, and accountability decisions take into account of the strategic planning of BDC. We also recommend that input pathways for BDC and our community be incorporated into asset management plans and infrastructure strategy.

### *Local Knowledge & Service Levels*

BDC and our current maintenance contractor have been providing utilities (three waters) services to our consumers for decades. We have concerns that this local knowledge and overall service level e.g. response times will diminish if a large centralised WSE takes over. We recommend that local service providers be appropriately recognised by WSE for the advantages they offer.

### *Community Wellbeing*

Councils and three-waters services currently play a critical role in community well-being, particularly through the planning, design and management of public spaces. We recommend that community well beings (social, economic, environmental, cultural) be emphasised more in this Bill.

### *Funding & Pricing*

We recommend that affordability for consumers be emphasised more in this Bill. Affordability is a critical issue for our community.

### ***Draft LGNZ Submission***

We note the draft submission which LGNZ have prepared and agree with the following items most relevant to Buller and recommend they be appropriately considered.

- This legislation, like RM reform, sets out a shift to an aggregated, regional approach to planning and delivery. This must be balanced with local consultation and democratic input from the communities that are effectively pooling resources to access the advantages of greater scale and expertise.
- Communities must still have their say on things that matter to them, and the right level of influence over decisions that affect them. This is a critical concern for councils. In other words,



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the regional/aggregated approach of the WSEs should not leave communities worse off than they are under the current system.

- Currently councils have the democratic mandate to make decisions on behalf of their communities across their portfolio of responsibilities. It needs to be clearer how councils (and communities) will feed into key WSE planning/accountability documents aside from councils having input via RRGs (and potentially RAPs). How can existing council engagement with communities (via long-term plans, asset management plans, infrastructure strategies and community plans) inform the various planning documents that the WSEs will be responsible for preparing?
- Recommend that there's a specific requirement for the various WSEs' planning/accountability documents to take into account council planning/strategy documents. Where possible the WSEs documents should adopt and give effect to council planning/strategy documents.
- The WSEs will have a singular focus on three waters – but three waters services and infrastructure are closely connected to many other activities councils perform, including supporting community wellbeing, development and placemaking. Councils need greater clarity around how WSEs will connect into the broader system.
- How WSEs integrate with other council planning roles and functions is a key concern. WSEs should be seen as an enabler and implementer within the wider planning environment, which includes community wellbeing, growth and development. While they may be 'plan makers' for the water piece, they should not dictate the shape of other plans.
- Having to submit on this Bill before we know key details of new RM legislation and other parts of the 3W framework is far from ideal. We're concerned by the lack of clarity about which part of the system will end up determining particular matters that other parts of the system need to adopt or comply with.
- Concerned by the lack of consideration given to how to resolve competing priorities of WSE and individual councils/communities.
- Support the operating principle around WSEs partnering and engaging early and meaningfully with councils and their communities. But how will this work in practice to create clear and reliable connections between 3W decisions by WSEs and the broader system? This will be critical to councils' continuing to play their placemaking role.
- Also support the operating principle of WSEs co-operating with, and supporting, other WSEs, infrastructure providers, local authorities, and the transport sector – all are critical to placemaking outcomes and influence or depend on the provision of 3W services. Again, how will this work in practice?
- Concerns around whether communities will genuinely and meaningfully connect with large multi-regional entities. Communities have existing connections to and relationships with councils. How will that connection feed into (or ultimately be replicated by) the WSEs?
- Currently no certainty around on-the-ground presence in different locations – and this is needed. For example, who will respond quickly to broken pipes/blockages when things go wrong? There must be dedicated on the ground local delivery and maintenance teams; 24/7 responsiveness through support centres etc. The legislation (or constitutions) should guarantee that local contractors be used and retained for scheduled and reactive works.
- There is an absence of reference to affordability in the objectives and operating principles of the Bill. This is in the context of councils continuing to make rating decisions. Councils have broader concerns around affordability, equity and communities' ability to pay for different services (which may also include IFF levies).
- The sequencing of the Bills mean that when submitting on the core model (reflected in this Bill), councils are being asked to 'assume' that these pricing/funding elements (including issues like price harmonisation or the ability to socialise costs and adopt differential pricing to support social equity) will be resolved satisfactorily down the track.
- The longstanding historical deficit in infrastructure investment and the legacy of central government decisions impacting water services need to be addressed – and funded. Central Government must develop a funding plan – otherwise we run the risk of setting up new entities

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that will continue to underinvest, or be unable to address the existing deficit, or costs will fall regionally rather than nationally.

- Councils should be given a choice about whether they're involved in billing for water or not.
- Representation of council views and needs in the new system is critical.
- The role and function of the RRG and its members (including what they will **not** be doing or responsible for) needs to be clear and understood by all stakeholders. That means stakeholders know where to go in the overall WSE/3W system to seek influence or accountability for particular matters. For example, should they go the water regulator, the economic regulator, the WSE board/management, the RRG or their council.
- Pleased to see stronger accountability between the WSE Boards and RRGs – including the RRG appointing the board, approving the Statement of Intent that will guide the board, and setting a Statement of Strategic and Performance Expectations that the Board must give effect to together with performance reporting and monitoring. These additional accountability tools also create a direct link back to local voice/input.
- Good to see that the RRGs have appropriate clout in terms of their ability to set strategic direction.
- Subject to there being sufficient other direct links between the WSEs and the individual councils/communities they serve, RRGs may need to play more of a role in ensuring there are connections with the communities they represent.
- Is it the role/function of an RRG to engage with all communities in the area covered by a WSE and, if so, how will they achieve this for communities that do not have a council representative on the RRG?
- Flexibility around the appointment of RRG chairpersons/deputy chairpersons/co-chairpersons and deputy chairpersons is positive.
- Pleased to see all councils will be involved in making appointments to the RRG (and will be able to establish their own rules to govern that appointment process).
- Should RRG membership be subject to competency requirements linked to the role/function of an RRG, to make sure an RRG can effectively perform its role in the overall system?
- In terms of resignations from the RRG, need to specify what happens if a council representative who is an elected member is not re-elected in local government elections.

Yours sincerely,



Michael Duff  
Group Manager Infrastructure Services  
Buller District Council

## BULLER DISTRICT COUNCIL

22 FEBRUARY 2023

### AGENDA ITEM 7

**Prepared by** Rachel Townrow  
Acting Chief Executive

**Appendices** 1 Buller District Council Submission to He mata whāriki, he matawhanui

#### PROPOSED SUBMISSION ON FUTURE FOR LOCAL GOVERNMENT REVIEW

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##### 1. REPORT PURPOSE

For Council to consider the attached draft submission on the “Future for Local Government” (FFLG) review.

##### 2. REPORT SUMMARY

This report presents a draft submission, for Council's review and consideration, on the draft report presented by the panel conducting the review into the future for local government.

##### 3. DRAFT RECOMMENDATIONS

**That the Council:**

**Approves the Buller District Council Submission to He mata whāriki, he matawhanui, attached as Appendix One, either;**

- a) without amendments; or**
- b) with the following amendments [inserted as required].**

##### 4. BACKGROUND

The Review into the Future for Local Government is described as “*an opportunity to create a new system of local governance and democracy that will effectively respond to a changing New Zealand and create conditions for communities to thrive.*”

The rationale for the review is described as follows  
(<https://www.futureforlocalgovernment.govt.nz/about/>):

Current local governance structures and systems were designed many years ago and are now facing considerable pressure.

Since the 1989 reorganisation of local government and the 2002 Local Government Act, local government has become much more complex and demanding, having been dealt increasingly more responsibilities with little increase in funding or capability.

Further, planned resource management and Three Water reforms, if implemented as signalled, will also call into question the broader functions and roles of local government and have implications for local governance and wellbeing.

Over the next 30 years, local governments around Aotearoa will face new challenges and may need to change their role and functions.

The impacts of climate change; relationships between local government, iwi, hapū and Māori; and reforms of resource management, water infrastructure, health and education will all have implications for local governance in the future.

Ineffective local governance can create or exacerbate challenges. Effective local governance can create the conditions in which communities prosper and thrive.

This is an opportunity to consider how local democracy and governance might need to develop in order to maximise wellbeing and prosperity for all.

A panel has been appointed by Cabinet to undertake the review. The review is taking place in three stages:

1. The first stage, completed in 2021, involved initial scoping and early engagement with local government and other organisations to help the panel take a future-focused look at the local governance system and identify key issues and lines of inquiry. The panel's interim report reflects the results of that work and signals their broad lines of inquiry for the next stages of the review.
2. Stage two of the review, completed in 2022, involved broader public engagement about the future of local governance and democracy in New Zealand, alongside research and policy development. The panel's draft report outlines draft findings and recommendations and poses questions. Submissions on the draft report will be considered towards their final report.
3. The third stage will involve formal consultation about the panel's draft recommendations. They will consider public submissions, before delivering their final report in June 2023.

The panel's draft report, *He mata whāriki, he matawhanui*, outlines the need for a local governance system in Aotearoa that is community-focussed and citizen-centred, based on strong relationships and partnerships. This report intends to provoke further discussion and invites submissions to shape our final report and recommendations.

The report can be viewed at

<https://www.futureforlocalgovernment.govt.nz/assets/Reports/Draft-report-final.pdf>.”

A draft submission has been prepared for Council's consideration, including responses to a number of the discussion points raised by the panel. The submission process closes on 28 February 2023, so there is time to incorporate Council's feedback and make amendments to the draft submission before it is put forward.

## **5. CONSIDERATIONS**

### **5.1 Strategic Alignment**

The preparation and lodgement of the submission is aligned with our community outcomes.

### **5.2 Significance Assessment**

The resolution to endorse the submission is not considered to meet the significance threshold under Council's Significance and Engagement Policy.

### **5.3 Tangata Whenua Considerations**

No specific considerations have been identified in relation to the endorsement of the submission.

### **5.4 Risk Management Implications**

The risk to Council from endorsing the submission is considered to be low. A greater risk would arise from not taking this opportunity to provide feedback into the review, and seeking change where it is considered this would lead to a better outcome.

### **5.5 Policy Framework Implications**

The endorsement of the submission does not affect current policy.

### **5.6 Legal Implications**

No legal implications exist with the endorsement of the submission.

### **5.7 Financial / Budget Implications**

The endorsement of the submission will not have financial / budget implications for Council.

### **5.8 Media/Publicity**

It is anticipated that there will be strong community and media interest in the submission and Buller District Council's view on the FFLG reforms, and other central government reform related to local government.

## Appendix One – Draft Submission

Buller District Council (BDC) thanks the Panel for their work, and this opportunity to provide feedback before the Panel prepares its final report.

BDC is a territorial authority located on the West Coast of the South Island. Stretching from Punakaiki in the south to Karamea in the north and inland as far as Springs Junction, the district spans 8,574 square kilometres and is home to a population of just over 9,500.

We believe that the Panel has captured and articulated the challenges facing local government well, and that the issues it raises are ones that should be addressed as New Zealand's local government system is reformed. We strongly agree that the entire suite of current reforms touching on local government need to be considered as a package, and that the Panel must take account of the broader local government reform programme in making its final recommendations.

BDC supports the submission by Local Government New Zealand (LGNZ) and the recommendations it makes, except as outlined below. Where we strongly agree with submission points made by LGNZ we also discuss this below, along with additional points in response to the Panel's draft report.

We strongly agree that we would like to see direct, clear and brave thought leadership from the Panel on local government's future role, the services councils could deliver and how they should be funded. It is not simply that we want to see a clear roadmap about how to get there, we believe that if this review is going to lead to actual change and outcomes then it is critical that the Panel outlines a clear and tangible action plan for delivery.

### **Roles, functions and enhancing local wellbeing**

We agree with the principle that enhancing community wellbeing is fundamental to the purpose of local government, and that local government's proximity to communities is a strength that could be better utilised when roles and functions are allocated. Some roles and functions can be better delivered at place and we support the concept of subsidiarity that appears throughout the Panel's report – functions of government should be performed at the level of government closest to affected communities as possible.

This has to be overlaid with the practical realities of capability and capacity to resource these functions, and doing so in a way that provides equitable outcomes for all New Zealanders regardless of where they live. We expand more on this later in our submission.

Without further details, we have serious reservations about the transfer of managing the conservation estate, either fully or partly, to local government. In Buller's case, approximately 87% of our district is in the conservation estate. Thinking about what our organisation will look like post three waters and resource management reform, even factoring in some of the other functions that may transfer to councils through local government reform, the requirements of managing approximately 7,500 square kilometres of land are likely to be of a scope and scale that is disproportionate with the rest of the organisation. We agree that the conservation estate is an important public asset that contributes to community wellbeing and as such it should be thought about as part of the wider picture that can contribute to the objectives of local government reform. If the transfer of this function is to be given further consideration we respectfully request that the

West Coast region be part of those conversations before any final recommendations are made, given our high percentage of conservation estate.

Any transfer of services has to be contingent on a revenue sharing approach, and must take into account the need for capability and capacity – both of those delivering the service, and in councils who would have to plan, procure and manage these services. Some of the services under consideration require particular skillsets, expertise and/or qualifications that are in short supply and can be difficult to attract to smaller, rural communities. This should not be a barrier to those communities accessing these services.

We strongly agree that the Panel's thinking about roles and functions should be much more integrated with its thinking about structure and funding – the structure and funding of local government must be determined by the services it's responsible for delivering. Thinking about how we better resource and enable existing facilities to deliver services differently where they have this capability appears to be an opportunity to start making the kinds of shifts referred to in the report.

Like LGNZ, we believe it is crucial that there remains a local-level focus on the natural and built environment and a place in the future local government system for the environmental roles and functions that currently sit with regional councils. We consider these to be examples of functions where, in many cases, the affected communities are at the local level.

The city or regional deal concept put forward by LGNZ appears to us to have merit. We believe the intention is that this could apply at a district level as well, and would strongly support that to be the case if this concept is taken forward by the Panel as a recommendation. Of the alternatives suggested in the LGNZ submission, regional public service commissioners (RPSCs) as a vehicle to facilitate the delivery of local priorities with councils as the gateway between communities and RPSCs, or an integrated planning process are our preference as they allow for more direct local input. If the option of a house of mayors and iwi chairs is put forward we would want to see all mayors and iwi chairs able to take part, as opposed to one mayor representing a region.

### **Building an equitable, sustainable funding and financing system**

We strongly agree with recommendations 6-8 in LGNZ's submission and believe that these are critical to the success of local government, whatever form it takes.

Our strong preference would be to see an agreed funding model for provision of services, rather than a discretionary grants system where councils have to apply for their share. The latter approach takes significant resourcing and we believe it will maintain inequity in the system as those we are already better resourced will be better placed to access more of the discretionary funding. Any agreed funding model or grant criteria must take account of need and circumstances. It cannot be based on population alone as this would not address inequality of access and level of service across communities.

The concept of an equalisation scheme to ensure that councils representing low socio-economic communities can provide comparable services to those councils representing better off communities has our full support. As well as funding, this could also take the form of broader resourcing support to assist with capability and capacity building and ensuring councils in low socio-economic areas can attract and retain the staff and contractors needed to carry out these new functions.

Requiring Government Regulatory Impact Statements to include any impacts on local government goes part way to addressing the issue of unfunded mandates. To address the issue fully requires ensuring that local government can fund those impacts. We believe it is also critical that the recommendations on funding and financing in the Panel's final report take into account the impact of reform programmes on the functions and funding of councils – both in terms of functions anticipated to be removed (e.g. three waters) and functions recommended to be added. For the latter, consideration also needs to be given to the fact that many council organisations will need to introduce additional capacity and capability into their teams, and that this will be accompanied by the need for additional support requirements and other costs (e.g. IT equipment, systems and processes, share of overheads, staff management etc).

### **A Tiriti-based partnership between Māori and local government**

We strongly agree with LGNZ's recommendation that all statutes pertaining to local government's obligations under Te Tiriti o Waitangi be reviewed to develop a clear and consistent legislative framework that directs councils how to give effect to the principles of Te Tiriti. Reviewing the Local Government Act is a good start, but in order for local government to truly give effect to the articles and principles of Te Tiriti o Waitangi this must be present across the entire legislative framework for local government.

The recommendations of both the Panel and LGNZ on building councils' capability, understanding and knowledge of Te Tiriti, the whakapapa of local government and te ao Māori values have our full support.

### **Stewardship, structure and capability**

We strongly encourage the Panel to consider the framework presented in the Tasmanian Future of Local Government Review Options Paper, as outlined in LGNZ's submission.

Two strong themes throughout the Panel's report are retaining community identities and enabling communities to access services to support their wellbeing. Opportunities to consolidate services in the way that allows for their most effective and efficient delivery, regardless of geographical boundaries, enables both. For smaller, rural areas in particular there are likely to be times when better service provision can be achieved if we are not constrained by thinking in terms of districts or regions for service delivery, while retaining our district and community identities for the purpose of planning and priority setting.

An example of this principle in practice is the Kotahitanga mō te Taiao Alliance which brings together Top of the South iwi, councils and the Department of Conservation to work on landscape-scale restoration and conservation projects. Based on the philosophy that “we can go faster alone but further together” the Alliance aims to get the best possible results for conservation and people's connection to it. Our natural landscapes do not have regard to geographical boundaries, so it makes sense that we do not constrain our thinking about their management in that way. The Alliance's work over recent years shows that such partnerships are possible and can deliver results.

### **Strengthened local democracy**

We strongly support the suggestion that the Panel undertake research to understand why councils are not currently making more use of deliberative and participatory democracy



tools, ideally prior to releasing its final report so that if the Panel goes ahead with these recommendations it can also include additional recommendations to address these barriers.

In relation to the Panel's recommendations on deliberative and participatory democracy we concur with those councils who told LGNZ that “resourcing is more important than legislating”. As a small council it is lack of resources, not the lack of a legislative mandate that prevents us making greater use of these tools. Resourcing here is not just about funding, it includes capacity and capability of elected members, council staff and communities. Professional support from within the industry, increased civics education and promotion of the roles and value of local government will all assist. A legislative mandate will then ensure these tools are used and used consistently across the country.

We strongly support the recommendation to shift responsibility for the administration of local body elections to the Electoral Commission. It is not efficient to have each council resource this function independently, and as it is only carried out once every three years it can be a challenge to retain the skills and knowledge required.

With regards to the proposed hybrid model of elected and appointed members, we strongly agree that the issue has been overstated and that there are already tools available to enable councils to overcome this. Encouraging rather than mandating their use would be a more proportionate response to the issue.

We strongly support the extension of incorporating an agreed, local expression of tikanga whakahaere in standing orders and engagement practices to all councils, not just those with Māori wards.

### **Additional points not raised in LGNZ's submission**

#### **Government to pay rates**

BDC strongly supports recommendation 25, that central government agencies pay local government rates and charges on all properties. While we appreciate that in many cases government puts significant investment into these sites which contribute to community well-being, they also require significant investment from communities through rates in order for these sites to be accessible and have access to services.

By way of example, as mentioned above 87% of the Buller district is under the control of the Department of Conservation and is effectively non-rateable. The Department takes their role as the majority landowner in our district seriously and we have a strong partnership approach to work together where we can for the benefit of the area. We appreciate that the Department has invested significantly in its Buller assets over recent years and this in turn has created opportunities for increased tourism and economic development for the district, as well as providing facilities that our communities can enjoy.

In order to enjoy these facilities and enable tourism, there must be roads to get there and townships with services. The costs of providing these fall to ratepayers, and this can create affordability issues particularly for small communities. An example of this in practice is the village of Punakaiki. Home to approximately 70 permanent residents, at its peak pre-Covid the village had been known to host over 500,000 visitors in a year. A community the size of Punakaiki cannot afford to fund the services to meet its own needs let alone the services needed to cater for that number of visitors, and we need to continue promoting Punakaiki

as a destination due to the part tourism plays in the region's economy.

While this is arguably an extreme example, the same thing is playing out to varying degrees in a number of small communities around the country. While three waters reform will address some aspects, those are not the only services required by these communities. Having central government pay rates on its land would go some way to addressing these affordability and service provision issues, although in cases like Punakaiki the amount of rates that could be collected from the land would not be proportionate to the number of visitors it attracts.

An alternative model would be to factor government land ownership and the service requirements this creates into the formula for determining need and unique circumstances used to calculate a district or region's annual general grant. This way the funding would be proportionate to the issue, and assist in achieving the principle of equalisation – ensuring all New Zealand communities receive comparable local government services regardless of their socio-economic conditions. Funding models must allow for fair and equitable outcomes.

### **What makes a “community”?**

The Panel's report frequently refers to community, as it rightly should. We think it is important that there is a clear, shared understanding of what is meant when community is referred to as community can not only mean different things to different people, it can also mean different things depending on the context.

The report refers to Westport as “ground zero” for the increasingly damaging impacts of climate change and the need to adapt and build resilience in the face of these. It talks about our experiences with the July 2021 and February 2022 floods, noting the efforts and resilience of our communities and the impacts this has had on them.

In this example we saw a broad range of communities in action (as the Panel mentions in its draft report). The volunteer community helped the flood impacted community. These people came from the Westport community, part of the Buller and West Coast communities. People came from around New Zealand to assist, and became part of our response and recovery community.

Clarity on what is meant when referring to community becomes important when specific recommendations are made, particularly around community and local boards. Buller contains a number of towns and settlements, ranging in size from 5 to 5,000. It is important that the concept of community used can cater for these and provide representation and outcomes at an appropriately local level. Regardless of how it is defined, the need to ensure adequate resourcing, capability and capacity for people to fully engage and participate remains.

We strongly agree with what the Panel has said about climate change funding at section 8.7 of its draft report and with recommendation 23.

New Zealand, like the rest of the world, is going through a time of significant change and disruption. People are tired, and in many cases their main concern is ensuring they have food and shelter. Even when times are good, we still hear from people that first and foremost they want to know that they have access to basic services that are safe and affordable. It is only after these needs are met that people can start to turn their minds to

improving wellbeing and engaging on our wicked problems like climate change adaptation.

Whatever the future of local government looks like, we cannot lose sight of the fact that local (and central) government is there to provide services for our communities. We need to ensure that all of our communities can access affordable and reliable basic services, and that the quality and affordability is not dependant on where in New Zealand you live. With those needs taken care of our communities will be better placed to make plans, set priorities and start acting on things that will improve wellbeing outcomes.



# TOMORROW'S LOCAL GOVERNMENT

// Local Government New Zealand's response to the Future for Local  
Government Review Panel's draft report

//DRAFT FOR MEMBER FEEDBACK

// FEBRUARY 2023



# Introduction

## Ko Tātou LGNZ.

Local Government New Zealand (LGNZ) provides the vision and voice for local democracy in Aotearoa New Zealand, in pursuit of the most active and inclusive local democracy in the world. We want local democracy to thrive. We support and advocate for our member councils across New Zealand, ensuring the needs and priorities of their communities are heard at the highest levels of central government. We also promote the good governance of councils and communities, as well as providing business support, advice, and training to our members.

## Our vision for the future of local government

Our LGNZ vision – of Aotearoa New Zealand as the most active and inclusive local democracy in the world – embodies our vision for the future for local democracy. We want to see a local government system that communities value, that drives diverse participation, is well funded, embodies a Tiriti-based partnership, and works collaboratively to enhance community wellbeing. Where people understand why local government matters and what it does, and everyone actively contributes to local democracy. We described this [Vision for the Future](#) in our paper to the Panel last year, and it reflects what councils have told us they want the future of local government to look like.

The Review into the Future for Local Government must be a catalyst towards a collective vision for the future and that's what we want to see in the final report.

## Executive summary

Local government faces a once-in-a-generation opportunity to reshape itself for the future. Many factors are converging and shifting the nature of local government's work and role. Today's councils struggle with funding mechanisms and legislation created decades ago. They're under pressure from climate change and catastrophic weather events, demographic change and an avalanche of reform. These reforms pose fundamental questions around councils' purpose, roles and responsibilities. Aotearoa New Zealand needs a more flexible, local-democracy and citizen-centred system that will work for tomorrow's world, where councils could deliver very different services for their communities, with and communities are much more involved in decision-making.

Community wellbeing and placemaking are the beating heart of local government's purpose and value. Councils have consistently told us they want a greater role in influencing, enabling and delivering services that make a real difference to their communities' wellbeing. That's why they're disappointed in the draft report and want to see much bolder and more tangible recommendations in the Future for Local Government Panel's final report. The draft report spends a lot of time outlining the status quo and current challenges, which local government lives and breathes every day. Councils want to see much more concrete, innovative suggestions for change, including how they can meaningfully involve their communities in decisions. They would like to see direct, clear and brave thought leadership from the Panel on local government's future role, the services councils could deliver and how they should be funded. And a clear roadmap about how to get there.

This paper makes recommendations that bring to life principles and concepts from the report, as well as responding to the Panel's key ideas. Our recommendations consider both the history of local government in Aotearoa New Zealand and international models. They suggest short- and medium-term actions to make our local democracy more active, inclusive and effective, along with actions that will require longer-term planning. Some of these ideas are new, while others have been discussed before. Making them a reality will require political willpower and cross-party support so that local government can support the needs of all communities whatever happens on the national political stage.

If we're serious about delivering for communities, we must consider radical change. Greater use of participatory democracy – actually getting citizens in the room to find solutions – shifts power downwards to people who we are here to serve. Shaking up the revenue model means local government being fairly funded to deliver both existing and new services. For this to work, Aotearoa New Zealand needs genuine partnership between central and local government, as we collectively serve our communities.

LGNZ's vision is bold We welcome any opportunity to support the Panel and this review – and to help the review become reality.

We look forward to the Panel taking the feedback from this and other submissions to develop bold, clear and tangible recommendations to the Minister, and to councils, in its final report.

## **Our top five recommendations for change**

### **1. Embed neighbourhood governance and participatory democracy**

Amend the Local Government Act 2002 to include stronger requirements for councils to use and enable participatory approaches to decision-making, such as citizen's assemblies and participatory budgeting. The legislation should also be amended to enable, promote and support local and neighbourhood networks (like community boards and residents' associations).

### **2. Share revenue more fairly**

Adopt a revenue-sharing model under which local government receives an automatic share of national taxation. This could be in the form of an annual general grant, based on each district or region's population, need and unique circumstances.

### **3. Create a mechanism for establishing city or regional deals**

These deals allow departments to transfer services and funding to councils or regions that can deliver the service more effectively. But we need a legislative or regulatory mechanism so that government departments and councils can initiate a negotiation process to do this.

### **4. Sign a memorandum of understanding between central and local government after each general election**

Strengthen the relationship between central and local government by having both tiers of government commit to signing a memorandum of understanding after each general election that anchors a meaningful partnership. This would set out values, priorities, communication protocols and commitments to work together on specific initiatives.

### **5. Found a Local Government Centre of Excellence**

Establish a Local Government Centre of Excellence, jointly owned and funded by central and local government, that promotes good practice and innovation across local government and could deliver to many of the Panel's recommendations. In the interim, to support transition, LGNZ and Taituarā should be funded to undertake relevant aspects of this role, recognising our current work in support of local government to address stewardship gaps and advance the Panel's recommendations.

## **Our full list of recommendations**

### **Roles, functions and enhancing local wellbeing**

1. Introduce a legislative or regulatory mechanism for establishing city or regional deals, which allows departments to effectively transfer services and funding to those councils or regions that show they can deliver the service more effectively.
2. Sign a memorandum of understanding between central and local government after each general election to set out values, priorities, communication protocols and commitments to work together on specific initiatives.
3. Make specific recommendations about which roles and functions could be reallocated from central government to local government, along with the structural change and funding model needed to deliver on them.
4. Explore the potential for councils to work with regional public service commissioners (RPSCs) as a mechanism for aligning local wellbeing outcomes with central and local government investment.
5. Introduce a requirement for local government, iwi and communities to develop local place plans that agree on local wellbeing priorities.

### **Building an equitable, sustainable funding and financing system**

6. Adopt a revenue-sharing model under which local government receives an automatic share of national taxation. This could be in the form of an annual general grant, based on each district or region's population, need and unique circumstance.
7. Introduce an equalisation scheme to ensure that councils representing low socio-economic communities can provide comparable services to councils representing wealthier communities.
8. Recommend that central government expands its regulatory impact assessments to include the impacts on local government and makes funding provisions to reflect those impacts (in order to end unfunded mandates).

### **A Tiriti-based partnership between Māori and local government**

9. Review all statutes pertaining to local government's obligations under Te Tiriti o Waitangi to develop a clear and consistent legislative framework that directs councils how to give effect to the principles of Te Tiriti.
10. Recommend the development of a cultural competency framework for councils to guide and measure progress in areas like increasing understanding of Te Tiriti, the practice of tikanga, kawa and te ao Māori values, and the use of te reo. This framework should apply to both elected members and council staff.

### **Stewardship, structure and capability**

11. Establish a Local Government Centre of Excellence, jointly owned and funded by central and local government, that promotes good practice and innovation across local government. In the interim, to support transition, LGNZ and Taituarā should be funded to undertake relevant aspects of this role, recognising our current work in support of local government to address stewardship gaps and advance the Panel's recommendations.



12. Develop a broader and bolder definition of system stewardship that moves beyond the status quo to completely redefine what is needed to support and enable the system of local government to realise its vision for the future.
13. Develop an entrenchment clause in the Local Government Act so that substantive changes to local government must attract a higher threshold of parliamentary support. This would include changes to local government's purpose, roles, functions or structure .
14. Include local government in the Constitutional Act 1986 to strengthen its constitutional status.
15. Create a stronger requirement in the Local Government Act 2002 that councils enable, promote and support local and neighbourhood networks, including community boards and residents' associations.
16. Set out how to give neighbourhood governance a greater role in the future structure of local government.
17. Review elected member remuneration to recognise this role's increasing complexity and encourage a more diverse range of people to stand.
18. Remove the proscription against elected members receiving support for superannuation and/or KiwiSaver.
19. Change the immediate loss of remuneration when elected members no longer have a seat.

#### **Strengthened local democracy**

20. Review the Local Government Act 2002 by the end of 2025 so that it:
  - Enables more direct and deliberative forms of democratic participation such as citizens assemblies and participatory budgeting;
  - Replaces the Long Term Plan with a more dynamic and strategic planning framework that allows communities to develop local wellbeing priorities and reflects the changes made through other reform programmes; and
  - Strengthens Code of Conduct accountability mechanisms and sanctions to provide a safer environment for members.
21. Develop an engaging, participatory civics curriculum or education initiative with suggested steps for implementation.
22. Shift to a four-year local electoral term.

# Roles, functions and enhancing local wellbeing

## Overview

**We want to see a local government system where councils support communities to shape local wellbeing priorities, and work collaboratively with their partners to co-invest in and deliver to those priorities.**

This section responds to **chapters four, five and six** of the Panel's draft report.

### Our recommendations to the Panel

1. Introduce a legislative or regulatory mechanism for establishing city or regional deals, which allows departments to effectively transfer services and funding to those councils or regions that show they can deliver the service more effectively.
2. Sign a memorandum of understanding between central and local government after each general election to set out values, priorities, communication protocols and commitments to work together on specific initiatives.
3. Make specific recommendations about which roles and functions could be reallocated from central government to local government, along with the structural change and funding model needed to deliver on them.
4. Explore the potential for councils to work with regional public service commissioners (RPSCs) as a mechanism for aligning local wellbeing outcomes with central and local government investment.
5. Introduce a requirement for local government, iwi and communities to develop local place plans that agree on local wellbeing priorities.

## Wellbeing and placemaking come first

Enhancing community wellbeing and making our towns and cities great places to live are fundamental to the purpose of local government. To really deliver on this purpose, we need to rethink the roles and functions councils are responsible for delivering. This includes how councils work with other partners, including iwi/hapū and central government, to deliver, facilitate or enable services that will enhance their community's wellbeing.

Local government in New Zealand is responsible for a relatively narrow range of functions compared to other local government systems around the world. This range will narrow further as the delivery of water services and resource management shift away from territorial authorities. Given one of

local government's greatest strengths is its proximity to communities, we see an opportunity for councils to take on additional roles that could be better delivered at place. There's good evidence from the US and UK that empowering local communities to determine priorities and services can shift the dial on 'wicked issues' that state and central governments have failed to address.

### Re-allocate roles and functions

We would like the Panel to take a much stronger position on the question of what a future local government system's roles and responsibilities need to be, so that councils can better fulfil their wellbeing and placemaking purpose. The existing top-down approach to delivering services to communities is failing on multiple fronts. It's time to take a more nuanced approach that utilises the skill and experience of communities and their local councils.

Providing councils with a broader range of options to influence local wellbeing has associated benefits like increasing interest in local government, increasing voter turnout and diverse participation – and making councils more attractive to a wider range of candidates.

LGNZ has asked NZIER to develop a practical framework for determining where roles and responsibilities should be placed. This is attached in Appendix 2 and we encourage the Panel to make use of the methodology. We have looked at a range of public functions and recommend that the following three roles are transferred, either fully or partly, to local government:

- vocational training
- managing the conservation estate
- social welfare navigators (who help people access the right social services)

This transfer should be contingent on a revenue sharing approach, as set out in the next section. These are not the only roles and responsibilities that might benefit from more local input, whether through full transfer, joint provision or delegation. Other possibilities that should be looked at closely include:

- Social housing
- Public health, including participation in locality planning
- Community-based mental health services
- Services for older citizens
- Services for youth
- Migrant resettlement services
- Stronger role in arts and culture
- Stronger role in sport and recreation
- Community policing.

A more detailed discussion is included in Appendix 2.

Re-allocating more of these roles and functions to local government would create the opportunity for subsequent transfer of responsibilities from the council to iwi/hapū, depending on local context, capacity and capability. It would also balance an increasing tendency for all services to be run from the centre and delivered top down, which removes influence from the communities themselves.

In addition to re-allocating roles and functions, existing facilities should be enabled and resourced to deliver different services locally. For example, public libraries are already evolving their services to deliver community wellbeing. They are trusted providers of government services extending well beyond their core services.

Our survey of 39 public libraries found that 92% are delivering additional services on behalf of local government, and 97% are delivering additional services on behalf of central government. Examples include a community kitchen, children's play area, and community hub (Te Paataka Koorero o Takaanini, Auckland); a digitisation centre and archive for collecting migrants' stories (Dunedin Public Libraries); a learning hub for services like finding employment and renewing a driver's licence (Te Huinga Wai, Central Hawke's Bay); and children's health care services (Te Aka Mauri, Rotorua).

However, they operate on a significant unfunded mandate, meaning that libraries receive no funding support for 16% of the services they deliver for local government and 45% of the services they deliver for central government. While two in three libraries agree that they are a good vehicle for delivering these services, these useful and effective evolved hubs are not sustainable without additional resourcing.. Libraries are one discrete and concrete area that could benefit from clear mechanisms for central and local government co-investment in agreed local wellbeing priorities, as discussed in the next section. We'd like to see public libraries and the services they are delivering specifically recognised and supported in central and local government planning and budgeting.

We also believe that the Panel's current thinking about roles and functions must be much more integrated with its thinking about structure and funding. We think that form should follow function: the structure and funding of local government must be determined by the services it's responsible for delivering.

For example, if the structure of local government is to change, what would this mean for environmental roles and functions that currently sit with regional councils? The role of regional councils was largely overlooked in the draft report but it is crucial that there remains a local-level focus on the natural and built environment.

### **Councils as convenors of wellbeing priorities**

For councils to effectively deliver on their wellbeing and placemaking responsibilities, the future system of local government must shift away from a top-down, institutional approach to determining local priorities and outcomes. Councils work hard at consultation to avoid this but acknowledge that community engagement and participation is often low. This means shifting towards giving communities themselves more voice, choice and control over decisions affecting their place – including setting local priorities and determining the services they receive. We want to see councils doing more to facilitate participation in community decision-making, which will enable communities to be more resilient.

To deliver on local wellbeing priorities set by communities, there must be systems established that enable local government and central government to align their investment with these priorities. As the Panel has identified, co-investment happens already but is very ad hoc. Specific mechanisms are

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needed to develop an empowered and integrated public service that can work for and with our communities.

One potential mechanism is a memorandum of understanding between central and local government, signed after each general election. This would set out the values, priorities and communication protocols agreed to by both parties, and commitments to work together on specific initiatives. These commitments could cover the delivery of services and outline how the services would be delivered, funded and monitored. We'd like to see the Panel include this recommendation in its final report.

City or regional deals allow departments to transfer services and funding to councils or regions that can deliver the service more effectively. We strongly recommend the development of a legislative or regulatory mechanism that would allow government departments and councils to initiate a negotiation process for establishing a city or regional deal. This which would allow departments to effectively transfer services and funding to councils or regions that show they can deliver the service more effectively locally or regionally. Any deal should set out mutual obligations for matters like funding, expected outcomes, collaboration and evaluation.

Another option could be to examine the regional system leadership framework, including regional public service commissioners (RPSCs) as a vehicle to facilitate the delivery of local priorities. RPSCs have a mandate to convene cross agency decision-making for the purpose of planning and delivering wellbeing outcomes for communities. They provide an existing option for central and local government collaboration in the interests of the communities they serve, with the flexibility to recognise local and regional differences and avoid a one-size-fits-all approach to developing policy and priorities. In essence, there's an opportunity for councils to be the gateway between communities and RPSCs, acting as a place-maker and convenor. Councils are a logical fit for this role because they can bring together input from individual communities to inform RPSCs.

Another option is to develop a lever for local leaders to be involved in central decision-making. This would make sure central decisions integrate agreed local wellbeing outcomes and can be adapted to local places. This could be achieved through a house of mayors and iwi chairs that convene at an agreed frequency.

It could also be enabled through an integrated planning process – for example, introducing a requirement for central government, local government and iwi to develop a local place plan that delivers to agreed local wellbeing priorities, which would then be used to determine funding and delivery. This would be similar to the Community Planning Partnership (CPP) model in Scotland, where services come together to take part in community planning and focus on where partners' collective efforts and resources can add the most value to their local communities and reduce inequality. An important question for the Panel to consider would be whether to make these plans mandatory or discretionary.

# Building an equitable, sustainable funding and financing system

## Overview

**We want to see a local government system where funding and financing are determined by the functions local government delivers, the unfunded mandate is brought to an end, and councils can access funding that equitably supports communities to thrive.**

This section responds to **chapter eight** of the draft report.

## Our recommendations to the Panel

6. Adopt a revenue-sharing model under which local government receives an automatic share of national taxation. This could be in the form of an annual general grant, based on each district or region's population, need and unique circumstance.
7. Introduce an equalisation scheme to ensure that councils representing low socio-economic communities can provide comparable services to councils representing wealthier communities.
8. Recommend that central government expands its regulatory impact assessments to include the impacts on local government and makes funding provisions to reflect those impacts (in order to end unfunded mandates).

## Sustainable sources of funding

Our members unanimously agree the funding and financing of local government must change so that councils can optimally deliver community wellbeing and placemaking outcomes. They are best placed to do this – and it relieves pressure on central government.

There have been 18 reviews into the funding and financing of local government – and all agreed that property taxes are not a sustainable funding source for local government, making recommendations for change. The most recent reviews, such as the LGNZ review of 2014 and the Productivity Commission's review of 2019, have also highlighted a need to remove constraints on councils' ability to raise capital, particularly in the face of population growth and climate change.

Despite all these reviews and all the recommendations, none have resulted in change.

Our challenge to the Panel is: what will make this Review different? Funding will not change without political will, and buy-in from central government. This buy-in needs to be sustainable and removed from the whims of the electoral cycle.

Funding will only become more urgent as current reform programmes take effect, particularly Three Waters and Resource Management reform. As councils lose assets, they lose the ability to raise revenue to finance other investments – and their ability to enhance intergenerational wellbeing. This is an essential circumstantial difference from previous reviews of funding. It can't be overlooked and is why an equalisation scheme must be implemented and prioritised in the short- to medium- term.

We support the Panel's recommendation that councils retain rating as a primary funding mechanism, because this maintains and reinforces the autonomy of local government, alongside the recommendation to add new funding mechanisms. However, we'd like to see the Panel's list of alternative funding tools developed and narrowed further to provide specific recommendations about implementation and prioritisation.

LGNZ recommends a revenue-sharing model, under which local government receives an automatic share of national taxation, in the form of an annual general grant, based on each district or region's population, need and unique circumstance.

If central government allocates new roles or functions to councils in the future, we recommend an equalisation scheme be introduced to ensure that councils representing low socio-economic communities can provide comparable services to those councils representing better off communities. However, there is also a need for some form of equalisation grant now, in response to the changes already happening through Three Waters and Resource Management Reform.

LGNZ has previously undertaken extensive work on funding and financing mechanisms and would be happy to provide assistance.

### Ending the unfunded mandate

The significant number of unfunded mandates imposed by central government on local government is unfair and unsustainable. An unfunded mandate is where councils are given additional roles and responsibilities without any funding to deliver. Greater accountability is key to resolving this situation.

We strongly support of the recommendation to require Government Regulatory Impact Statements (RIS) to include any impacts on local government – a recommendation which we included in our [Vision for the Future](#) paper.

To prevent unfunded mandates, funding must follow function, as we highlighted earlier. It is also essential to anticipate any impact reform programmes will have in terms of functions and funding. Councils will probably be expected to shoulder new costs – for example, establishing secretariats to support the new regional planning committees. This is why LGNZ recommends a revenue sharing model. We ask that the Panel take these impending changes into account in developing its final recommendations and report.

## APPENDIX 7.1.1

Further consideration should also be given to arrangements like City and Regional Deals, which could prevent the unfunded mandate by forming a model for services to be transferred to councils where appropriate, or shared service agreements with funding attached.

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# A Tiriti-based partnership between Māori and local government

## Overview

**We want local government to embody Tiriti-based partnerships with Māori, and develop the capacity (both elected members and council staff) to work with iwi/hapū/runanga to invest in the wellbeing of future generations.**

This section responds to **chapter three** of the draft report.

## Our recommendations to the Panel

9. Review all statutes pertaining to local government's obligations under Te Tiriti o Waitangi to develop a clear and consistent legislative framework that directs councils how to give effect to the principles of Te Tiriti.
10. Recommend the development of a cultural competency framework for councils to guide and measure progress in areas like increasing understanding of Te Tiriti, the practice of tikanga, kawa and te ao Māori values, and the use of te reo. This framework should apply to both elected members and council staff.

## Clarifying local government's Te Tiriti's implications in legislation

Creating a system of local government that gives effect to the articles and principles of Te Tiriti o Waitangi requires a clear and consistent legislative framework to underpin and guide the relationship between iwi/hapū/Māori and councils.

We've heard from our wider network of members as well as Te Maruata Roopu Whakahaere and Whānui that there's strong support to revisit the legislative framework for Te Tiriti in local governance. We've consistently heard that enshrining Te Tiriti in local government legislation is fundamental, as it creates the statutory obligation for councils to work with iwi/Māori. But for councils to carry out that obligation, there also must be clear and consistent direction across statutes, which is not currently the case.

We support the Panel's recommendation to develop a new legislative framework for Tiriti-related provisions in the LGA. But to drive genuine partnership and explicitly recognise te ao Māori values, a wider review of the legislative framework is needed. In our [Vision for the Future](#) paper, we recommended reviewing legislation giving roles and responsibilities to councils by the end of 2025. This review would ensure the legislation provides clear and consistent direction to councils about how to give effect to the articles and principles of Te Tiriti o Waitangi. However, given potential changes through the Three Waters and Resource Management reform programmes, we think a broader review across the suite of statutes pertaining to local government is essential.

Since different statutes relate to different articles of Te Tiriti, any revision of the legislative framework would need to avoid taking a blanket approach. For example, the Resource Management Act 1991 gives councils duties towards mana whenua, reflecting Article 2 obligations, whereas the Local Government Act 2002 sets out requirements to provide for equal citizenship to Māori as individuals, including maata waka, taura here, and urban Māori (Article 3). Treaty clauses in other statutes, such as the Land Transport Management Act 2003, are different again.

### Building council capability

We strongly support the recommendation to develop and maintain the capacity and capability of council staff to grow understanding and knowledge of Te Tiriti, the whakapapa of local government and te ao Māori values. We'd like to see this recommendation extended to include both staff *and* elected members.

We also want more detail about how this could be implemented. While the draft report includes plenty of emphasis on the need to grow capability and capacity, there's little detail around the infrastructure that would enable and underpin this shift, such as the policies, processes and cultural competencies that are needed. We suggest that the Panel recommend the development of a cultural competency framework that could be adopted by councils. This could be a practical way to monitor and increase cultural capability in local government by guiding and measuring progress in areas like increasing understanding of Te Tiriti, the practice of tikanga, kawa and te ao Māori values, and the use of te reo. The education and health sectors already have similar frameworks. Some members have suggested a cultural audit process could be developed alongside a framework to monitor councils' practices when engaging and partnering with Māori.

This recommendation can't be implemented without new funding. Members were generally supportive of a central government fund to subsidise building both Māori and council capability and capacity, with a number saying this should be a given. We'd like further detail in the final report to ensure that any funding is sustainable and doesn't pit councils against each another. One option is Te Maruata being funded to lead the development of the framework.

# Stewardship, structure and capability

## Overview

**We want to see a local government system prepared to embrace a new future with strong leadership, well-supported elected members and staff that reflect the diversity of their communities, and a structure that enhances local voice.**

This section responds to **chapters seven, nine and ten** of the draft report.

## Our recommendations to the Panel

11. Establish a Local Government Centre of Excellence, jointly owned and funded by central and local government, that promotes good practice and innovation across local government. In the interim, to support transition, LGNZ and Taituarā should be funded to undertake relevant aspects of this role, recognising our current work in support of local government to address stewardship gaps and advance the Panel's recommendations.
12. Develop a broader and bolder definition of system stewardship that moves beyond the status quo to completely redefine what is needed to support and enable tomorrow's system of local government.
13. Develop an entrenchment clause in the Local Government Act so that substantive changes to local government must attract a higher threshold of parliamentary support. This would include changes to local government's purpose, roles, functions or structure.
14. Include local government in the Constitutional Act 1986 to strengthen its constitutional status.
15. Create a stronger requirement in the Local Government Act 2002 that councils enable, promote and support local and neighbourhood networks, including community boards and residents' associations.
16. Set out how to give neighbourhood governance a greater role in the future structure of local government.
17. Review elected member remuneration to recognise this role's increasing complexity and encourage a more diverse range of people to stand.
18. Remove the proscription against elected members receiving support for superannuation and/or KiwiSaver.
19. Change the immediate loss of remuneration when elected members no longer have a seat.

## System stewardship

We view stewardship, structure and capability as very interconnected.. For tomorrow's local government to be able to realise its vision for the future, we need bold and innovative stewards who aren't afraid to reimagine the current structures, roles and functions and funding of local government. Increasing the capability also requires stronger and more cohesive stewardship of the system as a whole.

We want to see a broader definition of stewardship in the Panel's final report and much, much stronger recommendations. The current stewardship chapter reflects a tweaked status quo rather than boldly redefining what will support and enable local government's transition to a new future in the short, medium and long term. The Panel's definition of stewardship focuses overly on the functions of monitoring, capability and compliance. We already lack cohesive stewardship, as the current, disjointed programme of reforms impacting local government demonstrates. Good stewardship in a context of total change to an arm of government doesn't just include supporting local government transition into a new future. It also means ensuring that the fundamental purpose and value of local democracy is nurtured and strengthened, that the reputation of local government is enhanced and that there is a proportionate, responsive, sector-led accountability process.

Aotearoa New Zealand needs an overarching and arm's-length body to take responsibility for aspects of system stewardship but first we have to determine the best model. Options could include a local democracy commissioner, an independent crown entity, a Ministry for Local Government or the Danish approach, where the local government association acts as the Ministry of Local Government and distributes part of the Government's budget to its members. Any overarching entity should receive baseline funding reflecting the scale of its responsibility to support local government's 1600 elected members and 30,000 staff.

This entity could liaise with local government roles spread across multiple central government agencies. For example, staff in Ministers' offices, existing departments and agencies, and any future bodies such as the new water services entities. These all have roles focused on local government but there's no meaningful coordination or collaboration.

To completely reimagine system stewardship, there must be a transition period. During this time, those currently working within the system must be much better and more consistently enabled and resourced to fill the gaps. LGNZ does much more than the small number of roles outlined in chapter ten. For example, in addition to those roles and our advocacy and policy function, we:

- promote local government through our media and political engagement;
- have recently launched a modern and holistic learning and development programme;
- are developing the early stages of an elected member accountability/complaints and resolution framework;
- have begun reconfiguring CouncilMark to drive performance recruitment;
- developed template policies on parental leave and childcare allowances to support people from a range of diverse backgrounds to stand for office;
- provide clear and consistent communications about the Government's reform programmes to fill major gaps;
- are developing a diversity, equity and inclusion work programme;

- led a Vote 22 campaign;
- are considering innovative ways to support and demonstrate different ways for Councils to drive increased democratic participation.

With greater resourcing consistently directed to stewardship (as opposed to member advocacy, which is member funded), LGNZ could do much more to bolster and strengthen the foundations of local democracy to ensure it thrives. For example, in terms of council accountability, modern regulation and accountability systems work on the basis that sectors, industries and systems can and should do much to triage, pre-empt and resolve conflict and disputes before they escalate. LGNZ does some informal work in this area and is developing an elected member complaints and resolution framework. Support for this stewardship role would accelerate this work in real time.

We're committed to working closely with the system's current players to both reimagine the future and activate some of the key shifts that will be vital in transitioning to it.

### **Strengthening the constitutional status of local government**

Without a written constitution, constitutional court or upper house, local government plays a critical role in New Zealand's system of government. LGNZ wants the constitutional status of local government to be strengthened. At the moment, parliament can change the LGA with a 50.1% majority. We want the Panel to recommend a higher threshold for substantive changes – for example, to the purpose, roles, functions or structure of local government. This could be achieved through an entrenchment clause.

The constitutional status of local government could also be strengthened through inclusion in the Constitutional Act 1986 to recognise local government as a formal part of New Zealand's constitutional arrangements, which would make it more difficult for a simple parliamentary majority to significantly change the role of local government or abolish it completely.

### **Getting local government's structure right**

When it comes to structural change, councils generally support the Panel's design principles. However, the principles' order of priority isn't right. Principles one (local voice and decision-making) and four (partnership) are the most important.

There was no clear consensus from our members on a preferred model. We heard that the joined-up approach and economies of scale in the unitary model (example one) were a strength, but the potential reduction of local voice was a concern. There was some interest in the combined authority model (example three) but concern that an overarching mayor was not practical given the workload this would entail. An independent chair was suggested as an alternative.

Structural change is necessary to realise local government's vision for the future. There are obvious examples where services could be delivered much more effectively if joined-up or done at scale. For example, smaller provincial councils have told us that they struggle with resourcing and can end up competing with other councils in their region. In the Wellington region, many people commute between council jurisdictions; while these councils deliver the same services to potentially the same people, they don't benefit from any economies of scale or scope. In other areas, connecting specific services across a larger area could deliver better outcomes – for example, a larger unitary authority to deliver regional transport between smaller districts and larger towns or cities in the region.

However, increasing the size of councils lowers voter turnout<sup>1</sup>. The real challenge is to improve both democratic participation and the effectiveness of council services. Our recommendations below on neighbourhood governance models are designed to maintain local democratic participation within more efficient structures.

Any structural change will require clear leadership and the right mandate, as the 1989 reforms demonstrated. Those reforms had clear mandate from the Minister and government of the day that was carried out by the Local Government Commission within a specific and relatively short timeframe. The Panel's final report must set out a clear roadmap for structural reform and how it would be implemented.

### Enhancing neighbourhood governance models

Members want neighbourhood governance (like community boards or local boards) retained and strengthened to elevate local voice and increase participation. These neighbourhood governance structures can help deliver active and inclusive local democracy if they're well supported by their governing body. Bringing decision-making closer to communities means all city, district and regional councils need structures at the neighbourhood level.

There's general consensus that community boards and other neighbourhood governance structures could be doing more. Councils need incentives to give them decision-making authority and resources. Alternatively, these structures need a clearer mandate that spells out their role.

CBEC has recommended<sup>2</sup> that the Local Government Act 2002 be amended to recognise the role of local governance organisations and enhance their status. This includes specific decision-making responsibilities and the power to draft their own locality plans that set out community aspirations. It also includes subsidiarity requirements, like those found in the Auckland Council legislation. Subsidiarity is the concept that functions of government should be performed at the level of

<sup>1</sup> In 'Attachment 2: The relationship of voter turnout to council size' a part of the 'Vision for the Future' paper LGNZ prepared for the Panel in May 2022.

<sup>2</sup> In a paper prepared by the Community Boards Executive Committee (CBEC) for the Panel on the role of community boards and other governance bodies in May 2022.

government closest to affected communities as possible. We strongly support CBEC's recommendation.

### **The relationship between form and function**

We're concerned by how much the draft report separates structure and roles. Any change to the structure of local government must be informed by its roles and functions. This is reflected well in the Tasmanian Future of Local Government Review Options Paper, which sets out three options for change:

1. Significant (mandated) sharing and consolidation of services;
2. Significant boundary consolidation to achieve fewer larger councils; and
3. A 'hybrid' model combining both service and boundary consolidation.

This approach recognises that while economies of scope might drive geographical consolidation in some areas, this won't be right everywhere. Sometimes a consolidation of services rather than boundaries might be a better approach. This could be achieved through city or regional deals as discussed above. We encourage the Panel to consider this framework as a more joined-up approach to changing both form and function rather than treating both separately, as much of the draft report does.

Current reform programmes are establishing new boundaries. Water services entity areas, regional planning committee boundaries and health reform localities are unlikely to match. Having different boundaries for every service is complex and inefficient for councils, their communities and Aotearoa New Zealand as a whole.

As we highlighted in the first section of this submission, we'd like to see the Panel present clear recommendations about local government's future roles and functions along with the structural change (and funding model) needed to deliver on them.

## Fairer elected member remuneration

We strongly support the Panel's recommendation to review elected member remuneration. This would both recognise the increasing complexity of these roles and encourage a more diverse range of people to stand. A healthy democracy reflects the diversity of its citizens.

Current remuneration levels put many people off from standing for election, inhibiting diversity of representation. The very low remuneration for elected members can particularly affect people who support extended family members, parents or disabled people, for example. These people may need to work multiple jobs or forego significant income to take on the position of an elected member. Often being an elected member is only viable for those who have time on their hands and/or other income or assets, which limits diversity.

We also strongly recommend that the proscription against elected members receiving support for superannuation and/or KiwiSaver is removed. Similarly, elected members should not immediately lose remuneration when they no longer have a seat is changed. These are real barriers to diversity of representation and put people off standing. They also create a double standard given they do not apply to members of parliament.

## Prioritising professional development

To attract and retain skilled leaders who can realise local government's vision for the future, more investment in training and professional development opportunities is essential. This applies not just to elected members but also council staff.

Before developing any additional programmes, there should be a stocktake of current offerings. LGNZ, Taituarā, and the Local Government Commission provide professional development and training in various forms. In January 2023, LGNZ launched our new holistic and modern professional development programme, Ākona, which focuses on our members' development needs. It is an interactive, user-friendly tool that can be responsive and will evolve. Topics range from management versus governance and running council meetings to financial stewardship, relationships with iwi, community engagement, working with media, te reo and tikanga as well as providing resources around wellbeing, and insights and tips from members. This programme is voluntary. For a professional development programme to be mandatory, it would need to be embedded in legislation and clearly delegated.

We support the recommendation of a shared professional development and secondment programme across central and local government. This could be implemented in the short to medium term. It would build relationships and increase mutual understanding.



# Strengthened local democracy

## Overview

**We want to see a diverse range of citizens actively participating in local democracy through a range of democratic mechanisms that provide simple and accessible ways to have a say in their community's vision, and enable councils to uphold the principles of Te Tiriti.**

This section responds to **chapters two and seven** of the draft report.

### Our recommendations to the Panel

20. Review the Local Government Act 2002 by the end of 2025 so that it:
  - Enables more direct and deliberative forms of democratic participation such as citizens assemblies and participatory budgeting;
  - Replaces the Long Term Plan with a more dynamic and strategic planning framework that allows communities to develop local wellbeing priorities and reflects the changes made through other reform programmes; and
  - Strengthens Code of Conduct accountability mechanisms and sanctions to provide a safer environment for members.
21. Develop an engaging, participatory civics curriculum or education initiative with suggested steps for implementation.
22. Shift to a four-year local electoral term.

## Boosting participatory and deliberative democracy

There's clear consensus from our members on increasing citizens' participation in local democracy. Many councils are open to deliberative and participatory democracy methods, with some using them already.

We strongly support the Panel's recommendation that local government adopts greater use of deliberative and participatory democracy tools. However, research is needed to understand why councils aren't using these tools more widely, given there's nothing structural stopping their use now. When we asked our members, the most frequent barrier was capacity and resourcing. For many smaller councils, these tools aren't viable because something like a citizen's assembly takes so much support to set up, facilitate and implement. There's also a perception that participatory or deliberative democracy means "handing over power", which reflects a need to build elected members' understanding of these tools' purpose and value. This is a role that the Local Government Centre of Excellence could fulfil in time but LGNZ is ready to step into now during the transition.

For these methods to be used more widely, they need to be resourced. Members have told us that “resourcing is more important than legislating”. This is a key question to address in the Panel’s final report.

While we’re in favour of exploring deliberative and participatory methods, they depend on public willingness to participate. If New Zealanders don’t understand what their local council does and how this provides value for their community, they’re unlikely to participate. That’s one driver for our recommendation of a Centre of Excellence to carry out research and drive uptake of innovative approaches to engagement and local government generally, but we cannot wait for that. In the meantime, much can be done by resourcing LGNZ and Taituarā.

### Better civics education

To bridge the gap in public understanding about the role and value of local government, education is critical. We’re disappointed the draft report lacked specific recommendations about the need for civics education or what role local government might play in this.

An engaging civics education curriculum could cover topics such as the rights and duties of New Zealand citizens, how civic processes work, and what it means to live in a democratic society. Ideally this would be an interactive and participatory model. This would cover topics such as how laws are made and how voting works. It could also address what services councils are responsible for delivering, and how they provide value for communities. For example, services like public libraries, vocational training/job support initiatives, community infrastructure and emergency response.

In our ‘Vision for the Future’ paper, we suggested civics education should be included in the national curriculum, with councils a partner in its delivery. Tamariki and rangatahi must learn about the role of democratic institutions, the value of voting and how they can have a voice in the future of their communities. If the voting age is lowered to 16, most young people would still be at school, making civics education more immediately relevant, and providing opportunities for the voting process to be embedded into the curriculum.

In the Panel’s final report, we want to see a civics curriculum or education initiative as a specific recommendation, with suggested steps for implementation.

### Election cycles and voting

Chapter seven of the Panel’s draft report contains helpfully specific and tangible actions about elections and voting. We’ve heard general support for the recommendation to shift responsibility for the administration of local body elections to the Electoral Commission. LGNZ has previously suggested that the Electoral Commission could fill some specific roles that are gaps in the current system, such as providing advice (including legal advice) to candidates, promoting elections and education about voting systems. We are very mindful that there have already been a series of

Justice Select Committee recommendations and reviews – with little action or change. The process of voting needs to be made much easier for the public.

We've also called for an independent review into local body elections, after the low turnout in many areas in 2022. The first step of the review would be to stocktake existing recommendations to generate change and ensure elections will be delivered more consistently. We are also interested in the key and broader question of how we can increase engagement and accessibility – and diverse participation.

LGNZ supports a four-year electoral term.

LGNZ's view is that all ways of increasing the voter turnout need to be looked seriously. We note there are a wide range of views among our members about lowering the voting age to 16. Should it be lowered, we would want to see a greater focus on engaging youth in civics.

### **A mix of elected and appointed members**

We don't support a shift towards a hybrid model of elected and appointed members. While some members recognised the value of co-opting specific skills, there was real concern about the impact on local democracy. For example, how would any lack of capability be defined, assessed and filled? Where would these appointed members come from? They might need to be brought in from outside a local area, affecting local voice and place-based decision making. The potential impact on voter turnout is another consideration: why vote if your choice can be undermined by appointed members without a popular mandate?

Councils aren't convinced there is a problem to solve. They've told us that their current abilities to 1) appoint people to committees and 2) contract in specific expertise give them sufficient tools to address capability gaps. Some of the perceived problems around local democracy capability and culture would be better addressed through other mechanisms like professional development and a clearer and proportionate accountability framework.

A hybrid model has been touted as achieving Tiriti-partnership in council governance. LGNZ agrees that decision-making processes must be responsive to the mana whenua and Māori citizens' concerns, with tikanga upheld. However, there are existing mechanisms to enable this, such as the appointment of iwi/hapū onto council committees and the introduction of Māori wards. We want to see further research about how this would work in practice.

While a hybrid model could work well in some areas, it would be very complex where there are many iwi/hapū within a council's boundaries. We wonder what would happen if iwi/hapū opt out, and whether there is a difference between appointing to territorial authorities versus appointing to regional councils given their difference in mandate. Any proposals for iwi or mana whenua appointments must be sensitive to local circumstances, respect long-standing relationships that already exist, and most of all respect the preferences of mana whenua.

## **Māori wards and tikanga**

We support central government retaining the Māori wards and constituencies mechanism, which are currently being reviewed. We would like to see more options that create stronger, Tiriti-based partnership at the council table.

We strongly support councils incorporating an agreed, local expression of tikanga whakahaere in their standing orders and engagement practices. This should be extended to all councils, not just those with Māori wards.

The Māori wards mechanism should be reviewed in six years' time, with input from first-term Māori ward councillors.

## Appendix 1: LGNZ's engagement on this review

LGNZ has carried out a range of workshops and discussions to gather feedback from councils and engage them in this Review. These have included:

1. National workshops for elected members and council staff on some of the draft report's key themes. These includes separate sessions on strengthening local democracy, the future structure of local government, and councils' non-negotiables for future change. Each of these three workshops were attended by 60-100 mayors, chairs, elected members, chief executives and council officers.
2. Hosting the Panel at our Sector meetings. Each of the Rural and Provincial Sector, Metropolitan Sector and Regional Sector had an opportunity to provide feedback and ask questions about the draft report and the Panel's future direction. We also held discussions with both the Te Maruata Roopu Whakahaere and wider Whānui to receive their feedback on the draft report.
3. National workshops on each of the Panel's five priority question areas and key shifts, which were well attended by mayors, chairs, elected members, chief executives and council officers. Up to 200 members attended some of the sessions. These workshops informed our Vision for the Future paper that we shared with the Panel in May 2022.
4. Scenario workshops based on three possible futures for local government, with our Rural and Provincial Sector, Metropolitan Sector, Regional Sector and Young Elected Members' Network. Sessions on the future for local government were also held with Te Maruata and the Community Boards Executive Committee.
5. Supporting an independent group of sector representatives to develop a vision for what an integrated public service could look like, and the kinds of change to local government's roles, functions and structures needed to support better outcomes for communities.

## Appendix 2

[This appendix is currently being finalised and will be inserted in the final version.]

DRAFT

## **BULLER DISTRICT COUNCIL**

**22 FEBRUARY 2023**

### **AGENDA ITEM 8**

**Prepared by** Bronwyn Little  
Policy Advisor

**Reviewed by** Rachel Townrow  
Acting Chief Executive Officer

**Appendices** 1 - Local Governance Statement Draft  
2 - 2022 - 2025 West Coast Triennial Agreement Draft - post MCI

#### **LOCAL GOVERNANCE STATEMENT 2022-2025 AND WEST COAST TRIENNIAL AGREEMENT 2022-2025**

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##### **1. REPORT SUMMARY**

This report advises Council of the need to adopt a Local Governance Statement for the current triennium and make it publicly available within six months of a local government election as required under the Local Government Act 2002 (LGA). Council's previous Local Governance Statement has been reviewed, updated and amended to create a draft 2022-2025 version which is attached as Appendix One.

Council can approve the draft 2022-2025 Local Governance Statement or amend it before approving it.

This report also advises Council of the LGA requirement to adopt a triennial agreement by 1 March 2023, and presents at Appendix Two a draft agreement for Council's consideration. Council can approve the draft 2022-2025 West Coast Triennial Agreement, or seek amendments before approving it. It is noted that the triennial agreement is between all four West Coast councils, and each will be asked to consider it at their February meeting.

## **2. DRAFT RECOMMENDATION**

**That Council:**

- 1. Approves the 2022–2025 Local Governance Statement attached as Appendix One, either;  
a) without amendments; or  
b) with the following amendments [inserted as required];**
- 2. Instructs the Chief Executive to make the 2022-2025 Local Governance Statement publicly available before 12 April 2023 in accordance with section 40 (2) of the Local Government Act 2002;**
- 3. Confirms the Chief Executive be granted the delegated authority to update and amend the Local Governance Statement in response to changes to the organisation, legislative authority and obligations, or resolutions of Council as necessary; and**
- 4. Agrees to enter into the 2022-2025 West Coast Triennial Agreement, either:  
a) without amendments; or  
b) with the following amendments [inserted as required].**

## **3. ISSUES AND DISCUSSION**

### **Local Governance Statements**

The LGA (section 40(2)) requires councils to prepare and make publicly available a Local Governance Statement within six months of each triennial general election. The Statement can be updated by the council during the triennium as needed and before it is formally reviewed again after the next election.

The LGA (section 40(1)) provides the following list of information which must be included in the Statement:

- (a) the functions, responsibilities, and activities of the local authority; and
- (b) any local legislation that confers powers on the local authority; and
- (ba) the bylaws of the local authority, including for each bylaw, its title, a general description of it, when it was made, and, if applicable, the date of its last review under section 158 or 159; and
- (c) the electoral system and the opportunity to change it; and
- (d) representation arrangements, including the option of establishing Māori wards or constituencies, and the opportunity to change them; and



- (e) members' roles and conduct (with specific reference to the applicable statutory requirements and code of conduct); and
- (f) governance structures and processes, membership, and delegations; and
- (g) meeting processes (with specific reference to the applicable provisions of the Local Government Official Information and Meetings Act 1987 and standing orders); and
- (h) consultation policies; and
- (i) policies for liaising with, and memoranda or agreements with, Māori; and
- (j) the management structure and the relationship between management and elected members; and
- (ja) the remuneration and employment policy, if adopted; and
- (k) equal employment opportunities policy; and
- (l) key approved planning and policy documents and the process for their development and review; and
- (m) systems for public access to it and its elected members; and
- (n) processes for requests for official information.

The previous Statement has been reviewed and updated to create the draft Local Governance Statement 2022-2025 as attached as Appendix 1.

### **Review**

The review of the previous Statement has resulted in a number of updates to the content in the Draft Statement. The updates follow the Long-Term Plan 2021-2031 and also the 2022-2023 Annual Plan. They also reflect the new Council committee structure and the list of councillors elected in the 2022 election. This is intended to make the Statement as useful as possible as a reference document to be used by both Council (elected members and staff) and the community.

The draft Statement includes the following:

1. A description of the Statement;
2. An explanation of what Council does and the principles guiding it (Vision, Purpose, Values and Community Outcomes) as set out in the Long-Term Plan 2021-2031 (LTP);
3. The different functions, responsibilities and activities of Council (as set out in the LTP);
4. Local Legislation, listing all the local legislation relating to Buller District Council;
5. Bylaws, listing all current bylaws (in Appendix One);
6. Electoral System used by Buller District Council (First Past the Post) and ways to change it;
7. Representation arrangements i.e. three wards and one community board and ways to change them;
8. Members' roles and conduct (as set out in the Code of Conduct);
9. Governance structures and processes, memberships and delegations as adopted at the first Council meeting of the triennium in October 2022 including committees, subcommittees and appointments to external advisory groups;
10. Meeting processes with reference to Standing Orders;
11. Consultation processes with reference to the Significance and Engagement Policy (LTP) and Special Consultative Procedure (LGA) and including Māori Liaison;
12. Management structures and relationships;
13. Equal Employment Opportunities Policy;
14. Key approved planning and policy documents and the process for development and review. This section highlights the LTP, Annual Plan and Annual Report and District Plan. The Statement outlines review processes for each;
15. Public access to Council and elected members including Council details and elected members' contact details;
16. Processes for requests for official information with reference to Council's procedures.

### **Triennial Agreements**

The LGA (section 15) requires all councils within each region to enter into an agreement covering the period until the next triennial general election of members. Referred to as triennial agreements, these must be in place by 1 March in the year following each triennial general election of members.

Triennial agreements must include (section 15(2)):

- (a) protocols for communication and co-ordination among the local authorities; and
- (b) a statement of the process by which the local authorities will comply with section 16 of the LGA in respect of proposals for new regional council activities; and
- (c) processes and protocols through which all local authorities can participate in identifying, delivering, and funding facilities and services of significance to more than one district.

Triennial agreements may include (section 15(3)):

- (a) commitments by local authorities within the region to establish or continue one or more joint committees or other joint governance arrangements to give better effect to one or more of the matters referred to in subsection (2); and
- (b) the matters to be included in the terms of reference for any such committees or arrangements, including any delegations.

Triennial agreements may be varied by agreement between all the councils in the region (section 15(4)), and they remain in force until they are replaced by another agreement (section 15(5)).

If a decision of a council is significantly inconsistent with, or is expected to have consequences that will be significantly inconsistent with, a triennial agreement that is currently in force within the region, the council must, when making the decision, clearly identify (section 15(6)):

- (a) the inconsistency; and
- (b) the reasons for the inconsistency; and
- (c) any intention of the local authority to seek an amendment to the agreement under subsection (4).

As soon as practicable after making any decision to which the above applies, the council must give notice of the decision and of the matters specified in section 15(6) to each of the other councils within the region (section 15(7)).

A draft 2022-2025 West Coast Triennial Agreement (Agreement) is attached as Appendix Two. It is also being presented to the other three West Coast councils for consideration at their February meetings.

#### **4. CONSIDERATIONS**

##### **4.1 Strategic Alignment**

The Statement will act as a useful guide to, and summary of, Council activities for the community, stakeholders, elected members and Council staff. It simply draws together in one place key existing information on the Council and its activities.

The Agreement outlines how the councils will communicate and work together, to ensure that regional approaches align with Council's strategic direction.

##### **4.2 Significance Assessment**

This matter is not considered to meet the significance threshold under Council's Significance and Engagement Policy.

##### **4.3 Tangata Whenua Considerations**

No specific considerations have been identified.

##### **4.4 Risk Management Implications**

Approving the Statement and Agreement (with or without amendment) does not pose any risk to Council or its communities as it complies with the requirements of the LGA. If Council does not adopt a Statement and Agreement, it will not be meeting its obligations under the LGA.

##### **4.5 Policy Framework Implications**

The Statement draws on existing policy documents such as the LTP and is compliant with the requirements of the LGA.

The Agreement outlines a way of working that ensures opportunities for Council's policy framework to be taken into account when operating in a regional context.

##### **4.6 Legal Implications**

As noted above, the LGA (section 40(2)) requires councils to prepare and make publicly available a Local Governance Statement within six months of each triennial general election of members, and to enter into a triennial agreement by 1 March of the year following the triennial general election of members (section 15).

##### **4.7 Financial/Budget Implications**

There is no cost associated with this Statement and Agreement other than staff time to review.

#### **4.8 Media/Publicity**

There is not expected to be particular public interest in the approving of the Statement and the Agreement, however there is an opportunity to promote the Statement as a source of information about Council and its activities.

#### **4.9 Consultation Considerations**

There is no requirement for public consultation on these documents as all the information for the Statement is sourced from existing policy documents and legislation, and the Agreement is between the councils outlining how they will work together.

Buller District Council

# Local Governance Statement

March 2023



## WHAT IS A LOCAL GOVERNANCE STATEMENT?

This Local Governance Statement is a collection of information about the structure of Council, its functions, responsibilities and activities, decision-making processes, legal authority and policies that assist in fulfilling its role in meeting the current and future needs of the Buller District. The Council is required to produce this statement under section 40 of the Local Government Act 2002 (LGA) within six months of each triennial general election.

In accordance with the LGA this Local Governance Statement includes information on the following:

- (a) the functions, responsibilities, and activities of the local authority; and
- (b) any local legislation that confers powers on the local authority; and
- (b.a) the bylaws of the local authority, including for each bylaw, its title, a general description of it, when it was made, and, if applicable, the date of its last review under section 158 or 159; and
- (c) the electoral system and the opportunity to change it; and
- (d) representation arrangements, including the option of establishing Māori wards or constituencies, and the opportunity to change them; and
- (e) members' roles and conduct (with specific reference to the applicable statutory requirements and code of conduct); and
- (f) governance structures and processes, membership, and delegations; and
- (g) meeting processes (with specific reference to the applicable provisions of the [Local Government Official Information and Meetings Act 1987](#) and standing orders); and
- (h) consultation policies; and
- (i) policies for liaising with, and memoranda or agreements with, Māori; and
- (j) the management structure and the relationship between management and elected members; and
- (j.a) the remuneration and employment policy, if adopted; and
- (k) equal employment opportunities policy; and
- (l) key approved planning and policy documents and the process for their development and review; and
- (m) systems for public access to it and its elected members; and
- (n) processes for requests for official information.



## 1. HOW COUNCIL WORKS:

### Buller District Council's Vision, Purpose and Values:

The Council's **Vision** for Buller is:

Our vision is for the Buller District to grow and for the District to become a thriving community where families enjoy a great quality of life and the distinctive nature, cultural and historical environment are treasured.

The Council's **Core Purpose** is:

To service the residents of the Buller District, conscious of their needs, by providing facilities and services and creating an environment for progress and develop while preserving the distinctive natural environment as well as the cultural and historical environments.

The way that Council works is summarised in our **Values**:

- **Community driven** - we are committed to making a difference in the community we call home.
- **One team** - shared direction, shared effort.
- **Future focused** - we seek solutions that are fit the future.
- **Integrity** - open and honest in decisions and action.
- **We care** - about people and place.

The purpose of Local Government is set out in the LGA:

- a. To enable democratic local decision-making and action by, and on behalf of, communities; and
- b. To promote the social, economic, environmental and cultural well-being of communities in the present and future

The Council's Vision, Purpose and Values outline how Buller District Council will give effect within the Buller District to the purpose of local government and to perform the duties and exercise the rights, conferred on it under the Local Government Act 2002.

The Buller District Council's Long Term Plan 2021-2031 outlines the activities and services Council plans to provide over the next 10 years in accordance with our Vision, Purpose and Values. It outlines Council's Community Outcomes, the services and activities Council is planning to undertake to contribute to those Outcomes and the costs of Council providing those services and activities.

Copies of the 2021-2031 Long Term Plan are available on Council's website at:

<https://bullerdc.govt.nz/your-council/plans-policies-and-bylaws/long-term-plan/>



**Community Outcomes:**

Community Outcomes are the goals and shared aspirations for Buller District that Council wants to achieve for the Community. They reflect what the Community sees as important for its well-being and they help to build up a picture of the collective vision for the District's future. The outcomes guide decision-making by Council. The Council links its activities and services back to the outcomes.

Five community outcomes were developed following community involvement, these outcomes are:

- Social  
Our communities are vibrant, safe and inclusive
- Affordability  
Our communities are supported by quality infrastructure, facilities and services that are efficient, fit-for purpose, affordable and met our current and future needs.
- Prosperity  
Our district is supported by quality technology and an innovative and diverse economy that creates opportunities for self-sufficiency, sustainable growth and employment.
- Culture  
Our lifestyle is treasured, our strong community spirit is nurtured, and our inclusive and caring communities understand our whakapapa and heritage and support lifelong learning.
- Environment  
Our distinctive environment and natural resources are healthy and valued.

## 2. FUNCTIONS, RESPONSIBILITIES AND ACTIVITIES

**Functions and Responsibilities:**

The purpose of the Council, as set out in section 10 of the Local Government Act 2002, is to enable democratic local decision making and action by, and on behalf of, communities. Also, to meet the current and future needs of communities for good quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.

In order to fulfill the purpose of local government, to meet the responsibilities and obligations of local government as set out in the LGA, and to give effect to the Vision and Community Outcomes, the Council performs a variety of roles:

- Advocate
- Funder
- Service Provider
- Regulator
- Facilitator



- Monitor

**Activities:**

In fulfilling its purpose, the Council exercises powers and fulfils responsibilities conferred on it by legislation. The Council undertakes a variety of services for the District. The work Council undertakes on behalf of the ratepayers and communities in Buller includes, but is not limited to the following activities:

**Regulatory Services**

Council undertakes a number of regulatory activities to fulfill requirements under various legislation including the Local Government Act 2002, Resource Management Act 1991, Dog Control Act 1996, Building Act 2004, Health Act 1956 and Civil Defence and Emergency Management Act 2002.

These regulatory services are delivered under the following functions:

- Animal management
- Plans, policies and guidance documents
- Provision of consents
- Building control
- Compliance and enforcement management
- Alcohol licensing
- Emergency management and civil defence
- Environmental health

**Roading:**

The roading activity provides for the planning, operations, maintenance, development and improvements to the roading network so that it is affordable, integrated, safe, responsive and sustainable.

Roading provides and maintains:

- Sealed and unsealed roads
- Culverts
- Bridges
- Footpaths
- Seats and shelters
- Road signs and markings
- Street lighting

**Transport:**

The transport activity provides for the planning, operations, maintenance, development and improvements to the transport network so that it is affordable, integrated, safe, responsive and sustainable. Council also reviews the transport network in response to changing needs and develops plans to ensure that a transport network can support future growth and urban



development. Having strong links with roading, the transport activity offers newly established programs of work and budgets.

These programs include:

- public transport services
- cycle and walkways
- signs and wayfinding, parking infrastructure
- footpaths and pedestrian access mobility plans

#### **Water supplies:**

Council provides the management of water supplies to support the health and well-being of the community. Under this activity Council provides sufficient quantities of potable water for domestic and commercial needs and public amenities.

There are currently nine drinking water supplies in the District:

- Westport (including Carters Beach)
- Reefton
- Little Wanganui
- Mokihinui
- Ngakawau-Hector (administered by Council)
- Waimangaroa
- Punakaiki
- Inangahua Junction
- South Granity Tank Supply (administered by Council)

#### **Wastewater/sewerage**

Council currently provides for the collection and transportation of wastewater, through the underground piping infrastructure and treatment facilities, from residential and commercial properties of the townships of:

- Westport (including Carters Beach)
- Little Wanganui
- Reefton

Council continues a routine sewer mains replacement programme throughout Westport, Carters Beach, Little Wanganui and Reefton, as well as treatment plant upgrades as required.

#### **Stormwater:**

Stormwater management systems are a set of procedures and physical assets designed to manage the need to dispose of surface water from rainfall. Council manages open drain stormwater systems in:

- Hector
- Ngakawau
- Seddonville



- Granity
- Waimangaroa
- Westport
- Carters Beach
- Reefton

In addition, there is a piped stormwater system in Westport. Sections of the Westport piped sewerage system and all of the Reefton piped sewer system also convey stormwater.

#### **Solid Waste:**

The Solid Waste activity provides for the collection, transfer and final disposal of waste materials generated by households and businesses within the District. Council provides solid waste collection and recycling services through an environmentally sustainable contractor.

Council also operates two active landfills at Karamea and Maruia. The Maruia Resource Consent has been in progress of renewal. Council provides the aftercare of Council's closed landfill sites (Birchfield, Westport, Charleston, Inangahua, Reefton, Springs Junction, Mawheraiti, Ikamatua and Hector) and monitors surface and groundwater quality at these sites as required under resource consent conditions

#### **Infrastructure Delivery:**

The Professional Services Business Unit (PSBU) provides engineering services and project services to support the maintenance, development and construction of Council infrastructure.

This includes the preparation of contracts for roading, water, wastewater, solid waste and property, amenities and reserves. The PSBU also monitors the performance of contractors and issue instructions for work in response to requests for service and comments from the community.

#### **Community Services**

Council works alongside our communities to support them to identify and implement solutions to the complex social issues in our society. The team work strategically and practically to ensure issues are identified, prioritised and addressed through a collaborative approach. This activity provides a range of services that deliver to the cultural and recreational needs of residents including:

- Funding – community grants, museum support, community-led revitalisation projects, arts funding, facilities hire, rural travel fund
- Libraries
- NBS Theatre
- Reefton cinema
- Communications – website, Connect newsletter, news releases, social media, advertising.
- Customer services – over the counter and by phone and email through offices in Westport and Reefton



- Economic development
- Community engagement and consultation

### **Governance, Representation:**

Council is an elected body that provides a governance structure for effective leadership, advocacy and accountable stewardship of the Council's assets and resources.

Buller District Mayor and Councillors provide governance to set direction, monitor and review Council performance, represent the community as well as inform the community of decisions made.

Council and the Inangahua Community Board provide:

- Advocacy for community issues
- Monitoring of performance
- Strategy setting to decide the level of services and activities to be provided to the district's communities
- A way for our community to have its views heard
- A way to promote social, economic, environmental and cultural wellbeing for the Buller District

### **Support Services:**

The activity supports the functioning of all Council's activities and service provision. Council provides customer and support services through these activities:

- Customer service offices in Westport and Reefton.
- Corporate planning and support to governance.
- Financial and accounting operations.
- Production of Annual Plans, Long Term Plans, and Annual Reports.
- Rates operations and customer database management
- Information technology management.
- General administration.
- Health and safety compliance.
- Monitoring and compliance of all Council controlled organisations.
- Guidance and monitoring of Holding Company performance.
- Asset management.
- Management functions.
- Human Resources Management

### **Property/Community Facilities**

This activity provides and maintains a range of facilities, buildings, amenities and reserves for the benefit of the community including:

- Amenities, parks, domains, reserves and public spaces
- Cultural and community facilities,



- Buildings and structures
- Public toilets
- Property Management
- Cemeteries
- Housing for Seniors
- Fleet Management
- Urban Renewals and revitalisation
- Events Facilitation

Council also owns and manages a number of other properties, land and buildings in the district. These have a range of uses including community groups, private licences and commercial leases.

### **Commercial Infrastructure**

Westport Airport:

The Westport Airport is a joint venture between the Buller District Council and the Ministry of Transport. The airport is managed and operated by the Buller District Council which oversees the daily operation. The airport provides facilities for commercial airline and charter operations, aero-medical evacuation and transfer and general aviation including training and recreational activities.

Westport Harbour:

The Westport Harbour is located on the Buller River at Westport. The harbour provides facilities for commercial shipping, the local fishing fleet, and recreational aquatic activities.

### **Council Controlled Organisations**

Buller Holdings Limited

Buller Holdings Limited is a holding company that was set up to provide a commercial focus in the governance and management of the Buller District Council's commercial assets.

Buller Holdings Limited has two fully owned subsidiaries:

- WestReef Services Limited – provides contracting services for physical work in the Buller District and the West Coast predominantly maintenance and construction services; and
- Buller Recreation Limited trading as the Pulse Energy Recreation Centre (PERC).

### **Other Council Organisations:**

Buller Health Trust

The Buller Health Trust (BHT) is a charitable trust assisting to preserve public health and well-being in the Buller District. BHT is the owner and operator of the Westport Dental Clinic and Coast Medical

Denniston Heritage Trust

The purpose of the trust is the preservation, enhancement and interpretation of Denniston's



natural, social, industrial and geological history. Council appoints one of the trustees to the Trust Board (minimum number of Trustees is seven). Funding is not provided to the Trust by Council.

#### **STRATEGIC DOCUMENTS:**

A full description of Council's activities can be found in the Buller District Council Long Term Plan 2021-2031 and in the current Annual Plan. Copies of the Long Term Plan and Annual Plans are available on Council's website and at Council offices in Westport and Reefton.

- **Long Term Plan**  
Council's Long Term Plan sets out the Community Outcomes and Council's priorities for the next ten years. The Long Term Plan also provides information on budgets, rating levels, major projects and general Council services.  
<https://bullerdc.govt.nz/your-council/plans-policies-and-bylaws/long-term-plan/>
- **Annual Plan**  
Council's Annual Plan sets out any variations to the plans and work priorities agreed in the Long Term Plan.  
<https://bullerdc.govt.nz/your-council/plans-policies-and-bylaws/annual-plans/>
- **Annual Report**  
Council prepares an Annual Report on its activities each year. The Annual Report compares Council's actual performance against what was forecast in the Long Term Plan / Annual Plan. It includes both financial and non-financial information.  
<https://bullerdc.govt.nz/your-council/plans-policies-and-bylaws/annual-reports/>

### **3. LOCAL LEGISLATION**

In addition to the many pieces of legislation that apply to all local authorities, Council has obligations under local legislation. The following local legislation confers various powers on the Buller District Council specifically:

- Local Legislation Act 1926; 1927; 1929; 1930; 1931; 1932-33; 1936; 1938; 1939; 1940; 1941; 1942; 1943; 1944; 1948; 1949; 1955; 1963; 1969; 1979
- Reserves and other Lands Disposal Act 1934; 1935; 1941
- Reserves and other Lands Disposal and Public Bodies Empowering Act 1911; 1913; 1915; 1916; 1920; 1922; 1924; 1925
- Sanitary Plumbing (Permission for Householders) Notice (No 2) 1991
- West Coast Regional Council (Loans and Rates Validation) Act 1997
- Westport Public Parks Vesting Act 1913

Details of these Acts can be found on the New Zealand Legislation website:

[www.legislation.govt.nz](http://www.legislation.govt.nz)



#### 4. **BYLAWS**

Bylaws are special laws created by Council that apply to the Buller district specifically. They are a localised form of legislation that apply to local issues not already covered by any existing acts of Parliament or regulations. The Local Government Act 2002 (LGA) contains many of the bylaw making powers used by Council. Section 146 of the Local Government Act 2002 provides for councils to make bylaws for the following purposes:

- a) Protecting the public from nuisance;
- b) Protecting, promoting and maintaining public health and safety; and
- c) Minimising the potential for offensive behaviour in public places.

In addition, Council is able to make bylaws under other acts for example the Health Act 1956, the Dog Control Act 1996 and the Freedom Camping Act 2011.

Once passed, bylaws must be reviewed periodically. Bylaws in existence at 1 July 2003 must be reviewed by 1 July 2008 (s158 LGA). Bylaws made after 1 July 2003 must be reviewed within five years of the date on which they were made (s158 LGA). After the first review, all bylaws must be reviewed every ten years (s159 LGA). Failure to do so will result in bylaws ceasing to have effect after a further two years.

The bylaws in force for Buller District as at January 2023 are listed In Appendix 1. Copies are available on Council's website: <https://bullerdc.govt.nz/your-council/plans-policies-and-bylaws/bylaws/> and at Council offices in Westport and Reefton.

#### 5. **ELECTORAL SYSTEM**

Local Government elections are prescribed by the Local Electoral Act 2001 (LEA 2001). As per sections 5A and 5B of the LEA 2001. Council can use one of two electoral systems:

First Past the Post:

The Buller District Council currently uses the first past the post (FPP) electoral system, the same form of voting that is used for the parliamentary constituency seats. Under the FPP system, electors vote by indicating their preferred candidate(s), with the number of vacancies being filled by the candidate(s) receiving the most votes, regardless of what proportion of the votes each candidate received.

Single Transferable Vote:

The other option for a voting method allowed under the LEA 2001 is the single transferable vote (STV) system. Under STV, electors rank the candidates in order of preference, with the number of votes required by a candidate to win (called the quota) calculated on the number of vacancies to be filled and the number of valid votes.





### **Electoral System for triennial elections**

At its meeting held in March 2017 the Council decided to retain the use of the FPP electoral voting system for its 2019 triennial election. A public notice of the right of the public to demand a poll to countermand the resolution was published. There were no demand for a poll to countermand the resolution.

### **Electoral System for triennial elections in 2025 and 2028**

The LEA 2001 requires the Council to review the full system at least once every six years.

The next opportunity to change the electoral system is in 2023. The Council will consider which electoral system it wishes to use for the next two triennial elections (2025 and 2028) - if the Council wishes to change to the Single Transferable Vote (STV) system, it must make a formal resolution to this effect no later than 12 September 2023.

Regardless of the decision to retain FPP or change to STV the Council must release a public notice no later than 19 September 2023, advising residents of whether it intends to continue with First Past the Post (FPP), or shift to Single Transferable Vote (STV), and informing the public of their right to demand a poll on this issue (under section 28 of the LEA 2001).

Under the LEA 2001 the Council may resolve to change the electoral system, or conduct a binding poll on the issue. Electors, through a petition signed by no less than 5% of those eligible, can also demand a poll on the same subject. If a change to the system is made then the new system must be retained for at least the following two elections.

## **6. REPRESENTATION ARRANGEMENTS & THE OPPORTUNITY TO CHANGE THEM**

Buller District was established in 1989 with amalgamation of the then Westport Borough, Buller County and Inangahua County. At that time the then Local Government Commission identified three distinct groupings of communities of interest being those that:

- exist in Granity and Ngakawau and north to Karamea;
- lie in the vicinity of Westport; and
- identify with the township of Reefton.

It established the wards of Seddon, Westport and Inangahua respectively for these three groupings with the following elected member representation:

Ward	Elected Members
Seddon	2
Inangahua	2
Westport	6
TOTAL	10



This ward arrangement remains in place with Councillors elected from within the wards and the Mayor elected from the District at large.

### **Community Board:**

The Inangahua Ward is also represented by the Inangahua Community Board, on which there are four members, elected by those in the Inangahua Ward. The two Councillors from that Ward are also appointed to join these four members. The full board elects its own chairperson at its first meeting following the election.

### **Māori Wards and constituencies**

The LEA 2001 also gives Council the ability to establish separate wards for Māori electors. The Council may resolve to create a separate Māori ward or wards or conduct a poll on the matter, or the community may demand a poll. A petition of no less than 5% of electors can require the Council to conduct a poll. Council has not established a separate Maori Ward in the Buller District.

In May 2019 the council resolved to establish a non-elected Maori Portfolio Councillor role (non-voting) and endorsed a Memorandum of Understanding between the Council and Te Rūnanga O Ngāti Waewae.

Buller Council resolved in May 2021 that one Iwi representative will have voting rights at Buller District Council committee meetings from 1 July 2021 but no voting right in Council meetings. These rights have continued into Council's committee structure following the 2022 election. The addition of these voting rights was a logical step to further enhance Council and Iwi partnership. It also further strengthens, develops and extends the Council relationship with Te Rūnanga o Ngāti Waewae especially across Council's wider cultural, social, economic, environmental and legal interests regarding its districts obligations.

### **Changing the Representation Arrangements:**

The Council is required to review its representation arrangements at least once every six years. 'Representation arrangements' means the way in which the District is divided or where its boundaries are, and the make-up of elected members. This review must include the following:

- The number of elected members (within the legal requirement to have a minimum of six and a maximum of 30 members, including the Mayor).
- Whether the elected members (other than the Mayor) shall be elected by the entire District, or whether the District will be divided into wards for electoral purposes, or whether there will be a mix of 'at large' and 'ward' representation.
- If election by wards is preferred, then the boundaries and names of those wards and the number of members that will represent each ward.
- Whether or not to have separate Māori wards.
- Whether to have community boards and if so how many, their boundaries and membership and whether to subdivide a community for electoral purposes.



The Council must follow the procedure set out in the LEA 2001 when conducting this review, and should also follow guidelines published by the Local Government Commission. The LEA 2001 gives the public the right to make a written submission to the Council, and to be heard if desired.

There is also the right to appeal any decisions on the above to the Local Government Commission, which will make a binding decision on the appeal. Further details on the matters that the Council must consider in reviewing its membership and basis of election can be found in the LEA 2001 (New Zealand Legislation website: [www.legislation.govt.nz](http://www.legislation.govt.nz) ).

### **Representation Review 2018**

In 2018 Council undertook a full representation review. After consideration of submissions to a proposal for four wards the Council finally resolved to adopt the existing representation arrangements - that is a council comprising the mayor and 10 councillors elected from three wards, as its final representation proposal. It was also resolved to retain the Inangahua Community Board.

This decision to retain the status quo was appealed and the matter was referred to the Local Government Commission for final determination.

In April 2019 the Commission determined that for the general election of Buller District Council to be held on 12 October 2019, the following representation arrangements would apply:

1. *Buller District, as delineated on SO Plan 11451 deposited with Land Information New Zealand, will be divided into three wards.*
2. *Those three wards will be:*
  - a) *Seddon Ward, comprising the area delineated on SO Plan 14452 deposited with Land Information New Zealand*
  - b) *Inangahua Ward, comprising the area delineated on SO Plan 14454 deposited with Land Information New Zealand*
  - c) *Westport Ward, comprising the area delineated on SO Plan 14453 deposited with Land Information New Zealand.*
3. *The council will comprise the mayor and 10 councillors elected as follows:*
  - a) *2 councillors elected by the electors of Seddon Ward*
  - b) *2 councillors elected by the electors of Inangahua Ward*
  - c) *6 councillors elected by the electors of Westport Ward.*
4. *There will be an Inangahua Community, comprising the area of Inangahua Ward.*
5. *The Inangahua Community Board will comprise four elected members and two members appointed by the council representing Inangahua Ward.*



The next opportunity to review representation arrangements will be in 2024.

### **The Reorganisation Process**

The Local Government Act 2002 sets out procedures which must be followed during proposals to:

- Make changes to the boundaries of the District.
- Create a new District.
- Create a unitary authority (i.e. one body with the powers of both the district and regional councils).
- Transfer a particular function or functions to another Council.

The procedures for resolving each type of proposal are slightly different. In general they begin with a proposal either from the local authority, the Minister of Local Government, or by a petition signed by 10% of electors.

Proposals for a boundary alteration or transfer of functions from one local authority to another will be considered by one of the affected local authorities, or by the Local Government Commission if the local authorities refer the proposal to the Commission, or if they cannot agree on which of them should deal with the matter. Proposals for the establishment of a new District or for the creation of a unitary authority will be dealt with by the Commission. These proposals cannot be implemented without a poll of electors.

Further information on these requirements can be found in the LGA 2001 (details of these acts can be found on the New Zealand Legislation website: [www.legislation.govt.nz](http://www.legislation.govt.nz)). The Local Government Commission has also prepared guidelines on procedures for local government reorganisation.

In 2015 some members of the West Coast community asked the Local Government Commission to look at options for streamlining the local councils. The Commission ran a collaborative process with the four West Coast councils, looking at their current systems and options to improve them. In 2018 the Local Government Commission released its proposal for local government reorganisation on the West Coast. The Commission did not recommend any changes to the boundaries of the three districts. However, it did recommend:

- Transferring the statutory obligations for preparing district plans from the three West Coast district councils to the West Coast Regional Council.
- Delegating these obligations to a joint committee comprising all four councils and local iwi, with an independent chair.

This recommendation was confirmed by an Order in Council.



## 7. MEMBERS' ROLES AND CONDUCT

### Role of Elected Members:

Elected Members, acting as the Council, are responsible for governance, including:

- the development and approval of Council plans, policies and budgets;
- monitoring the performance of the Council against its stated objectives and policies;
- prudent stewardship of Council resources;
- representing the interests of the residents and ratepayers of the district: and
- employing the Chief Executive Officer (CEO). Under the Local Government Act 2002 the local authority employs the CEO, who in turn employs all other staff on its behalf.

### Role of the Mayor:

The Mayor is elected by the district as a whole. Section 41A of the LGA 2002 states that role of a Mayor is to provide leadership to other members of the Council and to the people of Buller.

The Mayor also has the following roles:

- lead the development of the Council's plans (including long-term plan and annual plan), policies and budgets for consideration by members of the territorial authority;
- appoint the Deputy Mayor;
- establish committees of the Council and appoint the chairperson of each committee established. However, nothing limits or prevents the Council from discharging or reconstituting committees or chairpersons of those committees established by the Mayor by way of Council resolution at a later date.
- presiding at Council meetings. The Mayor is responsible for ensuring the orderly conduct of business during Council meetings (as determined by Standing Orders);
- advocating on behalf of the community. This role may involve promoting the community and representing its interests. Such advocacy will be most effective where it is carried out with the knowledge and support of the Council;
- ceremonial head of the Council;
- providing leadership and feedback to other Elected Members on teamwork and chairing of committees; and
- keeping the Council informed of matters brought to his/her attention.

### Role of the Deputy Mayor:

The Deputy Mayor exercises the same roles as other Elected Members, and if the Mayor is absent or incapacitated, the Deputy Mayor must perform all the responsibilities and duties, and may exercise the powers, of the Mayor (as summarised above).

The Deputy Mayor may be removed from office by resolution of the Council.

### Role of the Committee Chairperson:



A committee chairperson presides over all meetings of the committee, ensuring that the committee acts within the powers delegated by the Council and the orderly conduct of business during committee meetings (as determined by Standing Orders).

Committee chairpersons may be called on to act as official spokespersons on issues within the terms of reference for their committees.

Chairpersons may be removed from office by resolution of the Council. The Council may also appoint deputy chairpersons of committees, who shall fulfil the functions of the chair when the chairperson is absent.

**Legislation Regarding Conduct of Elected members:**

Specific obligations for the conduct of elected members can be found in the following legislation:

- Schedule 7 of the LGA 2002, which includes obligations to act as a good employer in respect of the Chief Executive and to abide by the current Code of Conduct and Standing Orders.
- The Local Authorities (Members' Interests) Act 1968 which regulates the conduct of elected members in situations where there is, or could be, a conflict of interest between their duties as an elected member and their financial interests (either direct or indirect).
- The Secret Commissions Act 1910, which prohibits elected members from accepting gifts or rewards which could be seen to sway them to perform their duties in a particular way.
- The Crimes Act 1961 regarding the acceptance of gifts for acting in a certain way and the use of official information for private profit.
- The Securities Act 1978, which applies if securities are being offered to the public.

Details of these acts can be found on the New Zealand Legislation website:

[www.legislation.govt.nz](http://www.legislation.govt.nz)

**Code of Conduct:**

Under the LGA 2002 Council is required to have a Code of Conduct for Elected Members. All elected members are required to adhere to a Code of Conduct. Once adopted such a Code may only be amended by a 75% or more vote of the Council.

The Code sets out the Council's understanding and expectations of how the Mayor and Councillors will relate to one another, to the CEO and staff, to the media and to the general public in the course of their duties. It is also concerned with the disclosure of information that Elected Members receive in their capacity as members and information which impacts on the ability of the Council to give effect to its statutory responsibilities, and contains details of the sanctions that the Council may impose if an individual breaches the Code.

The general principles the Buller District Council Code of Conduct for Elected Members are set out below.

- Integrity and Honesty



- Accountability
- Respect
- Good Faith
- Proper Use of Position

The full Code of Conduct can be viewed at Council's Westport office and on the Council website <https://bullerdc.govt.nz/your-council/mayor-and-councillors/>

## 8. GOVERNANCE STRUCTURES AND PROCESSES, MEMBERSHIP & DELEGATIONS

### Governance Structures and Processes

#### Council:

Council meetings are held monthly. A schedule of meeting dates can be found on Council's website at: <https://bullerdc.govt.nz/your-council/council-committees/>

The Council is responsible for:

- Providing leadership to, and advocacy on behalf of, the people of Buller district.
- Ensuring that all functions and powers required of a local authority under legislation, and all decisions required by legislation to be made by local authority resolution, are carried out effectively and efficiently, either by the Council or through delegation.

#### Standing Committees:

The Council reviews its committee structures after each triennial election. At the last review (2022) the Council established the committees outlined below.

The Councils '*Governance Structure - Terms of Reference and Delegations for Council, and Committees of Council 2022-2025 Triennium*' can be found on the Council's website at : [www.bullerdc.govt.nz](http://www.bullerdc.govt.nz)

Council's committees each have delegated powers to handle the matters they are responsible for. All Councillors and the Mayor have membership on these committees, as does the Iwi representative.

The following is a brief summary of each committee and its responsibilities. Full details of each committee's responsibilities, Terms of Reference, delegated powers to act and other details can be found in the '*Governance Structure - Terms of Reference and Delegations for Council, and Committees of Council 2022-2025 Triennium*' document referred to above.

#### Risk and Audit Committee:

This committee meets monthly and the committee's responsibilities include, but are not limited to:

- Monitoring Council's financial strategy, and financial performance against the Annual and Long Term Plans.





- Monitoring Council's interests in its Council Controlled Organisations (CCOs).
- Reviewing the Council's risk register and associated process for managing current and emerging risk.
- Ensuring the independence and effectiveness of Council's External and Internal Audit processes.
- Monitoring existing corporate policies and recommending new or amended policies as required.
- Ensuring that council policies and practices will prevent unethical, questionable or illegal activities.
- Providing a communication link between management, internal auditors/external auditors and Council.
- Supporting measures to improve management performance and internal controls

**Community, Environment and Services Committee:**

This committee meets bi-monthly and is responsible for:

- Guiding and monitoring the provision of strategic community infrastructure and services to meet the current and future needs of the district and its communities.
- Governance of recreational, event, and community facilities and amenities.
- Facilitating community and stakeholder involvement and discussion on community infrastructure, community safety and community wellbeing matters.
- Funding to benefit the social, cultural, arts and environmental wellbeing of communities in Buller District.
- Advising Council on the best ways to improve Buller district's people quality of life environmentally, socially, culturally and economically by protecting and enhancing the local environment.
- Guiding the development of Council's Climate Change Adaptation Plan.
- Facilitating Council's engagement with stakeholders and communities of interest, including but not limited to the Punakaiki community and Youth.

This committee also has the following special purpose subcommittees which report to it. These only meet when required.

- Creative Communities Scheme
- Reserves and Halls as follows:
  - Reefton Reserve Subcommittee
  - Seddonville Reserve Subcommittee
  - Karamea Reserve Subcommittee
  - Mokihinui Reserve and Hall Subcommittee
  - Carters Beach Reserve and Hall Subcommittee
  - Springs Junction/Maruia Reserve and Hall Subcommittee
  - Little Wanganui Reserve and Hall Subcommittee
  - Ngakawau/Hector Reserve and Hall Subcommittee
  - Waimangaroa Reserve and Hall Subcommittee
  - Omau Reserve Subcommittee





- Inangahua Junction Hall Subcommittee

**Chief Executive Officer Review and Performance Committee:**

This committee meets as required and is responsible for:

- Acting for and advising Council on matters pertaining to the employment and performance of the Council's Chief Executive Officer

**Regulatory, Hearings and Planning Committee:**

This committee meets as required and its purpose is to:

- To conduct fair and effective hearings and make determinations on a range of the Council's quasi-judicial functions under legislation and other matters as referred to the Committee.
- Ensuring Buller is performing to the highest standard in the area of civil defence and emergency management through:
  - a. Implementation of Government requirements.
  - b. Contractual service delivery arrangements with the West Coast Regional Group Emergency Management Office.

**Independent Hearings Commissioners' Panel:**

This panel meets as required to undertake certain hearings under the Resource Management Act 1991, unless otherwise reserved by full Council. The Panel sits under the Regulatory Committee.

Further details on the above, including their terms of reference, membership and meeting arrangements can be obtained from the Council website [www.bullerdc.govt.nz](http://www.bullerdc.govt.nz). The Council may, from time to time, establish ad hoc committees to consider a particular issue or issues.

**Other Entities:**

**Inangahua Community Board:**

Council is represented on the community board by the two councillors from the Inangahua Ward. The legislative role of community boards (Local Government Act 2002, s.52) is to:

- Represent, and act as an advocate for, the interests of its community, and
- Consider and report on all matters referred to it by Council, or any matter of interest or concern to the community board: and
- Maintain an overview of services provided by the Council within the community: and
- Prepare an annual submission to the Council for expenditure within the community: and
- Communicate with community organisations and special interest groups within the community: and
- Undertake any other responsibilities delegated to it by Council.

In addition to the community board's legislative role the community board is responsible for and accountable to the Council for:



- Providing local leadership and developing relationships with Council, the community, and community organisations in developing local solutions within the Community board area.
- Assisting the organisation with consultation with local residents, ratepayers, Iwi, community groups and other key stakeholders on local issues including input into the Long Term Plan and the Annual plan.
- Making recommendations to Council on leases, licenses or concessions associated with all Council owned property included within the locally funded activities of the community board area, excluding Council administration land and buildings.
- Making recommendations to council on property (including land & buildings) acquisitions and disposals in the local area.

Further details on the above, including their terms of reference, membership and meeting arrangements can be obtained from the Council website [www.bullerdc.govt.nz](http://www.bullerdc.govt.nz).

#### **Other committees/groups:**

The following committees or groups operate under separate legislation and their membership includes both Council and external members

- Regional Transport Committee
- Westport Rating District Joint Committee
- Te Tai o Poutini Plan Committee (One District Plan)
- Civil Defence Emergency Management Group
- District Licensing Committee (Alcohol Licensing)

#### **Advisory and Working Groups**

The Council also has representatives on the following external working and advisory groups:

- Dolomite Point Redevelopment Project Steering Group and Social Hub Feasibility Working Group
- West Coast Regional Housing Forum
- West Coast Health Localities Project Governance Group
- West Coast Road Safety Co-Ordinating Committee

Council may also from time to time appoint representatives to other external advisory or working groups. Further information on the above, including the names of Council appointees, is available from Council's Westport office.

#### **Delegations Register**

The Council believes that it is essential, in the interests of good management and effective administration, to encourage the delegation of decision making to the lowest competent level. This achieves the best use of the abilities of elected representatives and officers, minimises the cost of material, technical and financial resources, promotes the development of effective managers and minimises bureaucratic interference in the daily affairs of Buller's residents. Accordingly, the Council has delegated powers to Council committees and officers.



The Delegations Register records all delegations from the Buller District Council to committees, subcommittees, elected members and staff. The delegations have been approved by Council resolution and, unless stated, are deemed to have been made under clause 32, schedule 7 of the LGA 2002.

The purpose of the Delegations Register is to set out the Council's policies, procedures and delegations relating to decision making when giving effect to its statutory duties, responsibilities and powers.

The Delegations Register is a 'living document' and as such will be reviewed, updated and amended from time to time to ensure it remains current as Council resolutions are made.

## 9. MEETING PROCESSES

The legal requirements for Council meetings are set down in the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987 (LGOIMA).

### **Public Attendance at meetings:**

All Council and committee meetings must be open to the public unless there is reason to consider some items with the public excluded. LGOIMA 1987 contains a list of the circumstances where Councils may consider items with the public excluded. These circumstances generally relate to protection of personal privacy, professionally privileged or commercially sensitive information, and the maintenance of public health, safety and order. The Council agenda is a public document, although parts may be withheld if the above circumstances apply.

Although meetings are open to the public, members of the public do not generally have speaking rights unless prior arrangements have been made with the Council. Time is set aside for a public forum before each ordinary monthly meeting of the Council. Members of the public have the opportunity to address Council during the public forum. Anyone interested in speaking at the public forum is advised to contact the Governance Assistant, via Council's Westport office, prior to the meeting to register their interest and to be allocated a speaking time.

### **Standing Orders:**

Clause 27, schedule 7 of the Local Government Act 2002 requires local authorities to adopt a set of standing orders for the conduct of its meetings and those of its committees, including community boards. During meetings the Mayor and Councillors must follow Standing Orders. The Council may suspend Standing Orders by a vote of 75% of the members present and voting.

The current Standing Orders for the Buller District Council and Inangahua Community Board can be found on the Council's website ([www.bullerdc.govt.nz](http://www.bullerdc.govt.nz))



The Mayor or committee chairperson is responsible for maintaining order at meetings and may, at his or her discretion, order the removal of any member of the public for disorderly conduct, or remove any member of the Council who does not comply with Standing Orders.

#### **Agendas and Minutes:**

Minutes of meetings must be kept as evidence of the proceedings of the meeting. Minutes are not a verbatim record of the meeting but rather a record of the nature of the topic, motions put, amendments and resolutions adopted. These must be made publicly available, subject to the provisions of the LGOIMA.

For an ordinary meeting of the Council, at least 14 days notice of the time and place of the meeting must be given. Extraordinary meetings generally can be called on three working days notice.

All meeting agendas are public documents, although parts may be withheld if the criteria under LGOIMA apply. Copies of Buller District Council agendas and minutes can be found on the Council website ([www.bullerdc.govt.nz](http://www.bullerdc.govt.nz))

## **10. CONSULTATION POLICIES**

Consultation is an integral part of the Council's relationship with the community. In consulting with the community Council is seeking and obtaining of information and feedback from the community to assist the council to make informed decisions. The primary purpose of consultation with the community is to enable effective participation of individuals and communities in the decision making of council.

The Local Government Act 2002 sets out certain consultation principles and also a procedure that local authorities must follow when making important decisions, such as adoption of the Annual Plan or adopting/amending bylaws (Special Consultative Procedure, see below). Council must comply with section 82 of the Local Government Act 2002 principles of consultation in a manner it considers appropriate (for details see [www.legislation.govt.nz](http://www.legislation.govt.nz)) .

#### **Significance and Engagement Policy:**

The Significance and Engagement Policy forms part of the Long Term Plan 2021-2031 . It is available on the Council website ([www.bullerdc.govt.nz](http://www.bullerdc.govt.nz) )

The decisions local authorities make affect their communities on a daily basis. Some have greater significance than others. Council has developed a Significance and Engagement Policy to help explain how Council will determine the significance of matters and, as a result, the level of community engagement it is likely to undertake on a particular matter. The extent of significance and engagement is determined on a case-by-case basis. The higher the significance of a matter (e.g. a policy or a project), the more engagement Council will need to undertake.



Council engages with the community during its everyday business using a range of informal methods. However some Council decisions require a more structured form of engagement due to the significance that a matter has within the wider community or for groups within communities. The Significance and Engagement Policy provides guidance on Council's engagement processes. The policy does not apply to decision making under the Resource Management Act 1991.

#### **Special Consultative Procedure:**

The Special Consultative Procedure (SCP) is a prescribed process for consultation set out in the Local Government Act 2002. When making certain types of decisions, Council must follow the SCP as required by the Local Government Act 2002 (e.g. when it is adopting or amending a Long Term Plan, adopting an Annual Plan, adopting, revoking, reviewing or amending a bylaw). The procedure provides for the minimum consultation requirements required of Council and involves:

- Preparing a description of the proposal (a statement of proposal) and a summary of that description.
- Making the proposal available to the public (at a minimum at Council offices).
- Publicly notifying the proposal and the consultation being carried out on it.
- Inviting submissions for at least one month.
- Hearing submitters who request to be heard at a Council meeting.
- Councillors deliberating at a Council meeting on the submissions received.
- Providing a copy of the Council's decisions as a result of the submissions process and its reasons to those who submitted.

Council may be required to use the special consultative procedure under other legislation, and it may use this procedure in other circumstances if it wishes to do so.

#### **Consultation and Liaison with Māori**

Council recognises the importance of establishing and maintaining processes to provide opportunities to Māori to contribute to its decision making processes and make information available to Māori for this purpose. The Significance and Engagement Policy includes information about how Council will undertake engagement with Māori.

Ngāti Waewae are legally recognised as mana whenua by Council in regards to meeting its obligations under legislation around consenting. Under the Memorandum of Understanding between Council and Te Rūnanga o Ngāti Waewae (May 2019) Council also acknowledges the mana whenua status of Ngāti Waewae as represented by the Rūnanga. The Memorandum of Understanding also notes that the Rūnanga acknowledges that Council will also consult with Ngāti Apa ki te Rā on matters pertaining to the Buller District and that the input of Māori not associated with Ngāti Waewae may from time to time be considered.

The appointment of the non-elected Maori Portfolio Councillor role into the Buller District Council Governance structure further recognises the importance of the crucial relationship with Te Rūnanga o Ngāti Waewae. The appointment strengthens, develops and extends the Council

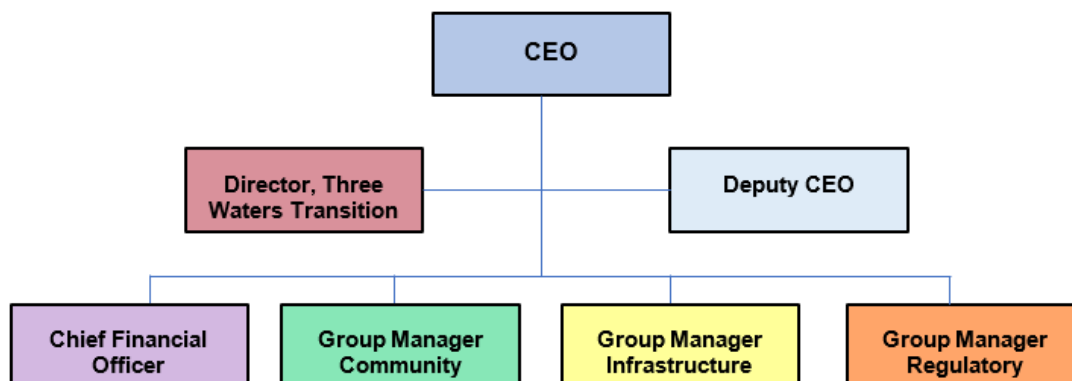


relationship with Te Rūnanga o Ngāti Waewae especially across Council's wider cultural, social, economic, environmental and legal interests in regard to its district obligations.

## 11. MANAGEMENT STRUCTURES AND RELATIONSHIPS

The Local Government Act 2002 requires Council to employ a Chief Executive whose responsibility it is to employ other staff on behalf of the Council, implement Council decisions and provide advice to the Council. Under the Local Government Act the Chief Executive is the only person who may lawfully give instructions to a staff member. Any complaint about individual staff members should therefore be directed to the Chief Executive, rather than the Mayor or councillors.

Council's current management structure is as follows:



## 12. EQUAL EMPLOYMENT OPPORTUNITIES POLICY

Council is firmly committed to the principles and practices of Equal Employment Opportunities (EEO) as a means of ensuring all applicants and employees have equal opportunity to achieve their potential. Council therefore rejects unfair discrimination on any grounds including race, nationality, ethnic origin, sex, religious belief, age, marital status, family or parental status, sexual orientation or disability, thereby drawing from the overall pool of talent which exists in New Zealand society.

Council endeavours to create and maintain a safe and supportive working environment for its employees and customers. We believe that our organisation will benefit from a diverse workforce which is free from discriminatory practices. Council has an *Equal Employment Opportunities Policy* which is available on Council's website [www.bullerdc.govt.nz](http://www.bullerdc.govt.nz) and from Council's Westport office.



### 13. KEY APPROVED PLANNING AND POLICY DOCUMENTS AND THE PROCESS FOR THEIR DEVELOPMENT & REVIEW

The following documents are all available on Council's website [www.bullerdc.govt.nz](http://www.bullerdc.govt.nz) and at Council's Westport office.

#### **Long Term Plan (LTP) 2021 TO 2031**

The LTP outlines the activities and services Council is planning to provide over the coming ten years. It states the proposed vision for the District, the Community Outcomes, the services and activities Council is undertaking to contribute to those Outcomes and the costs of Council providing those services and activities over the next ten years.

Under the Local Government Act 2002 the LTP must be reviewed and re-evaluated every three years. This includes preparing a draft LTP for public consultation with a period for written submissions followed by the hearing of oral submissions before Council adopts the LTP.

Council adopted the current LTP on 30 June 2021.

#### **Annual Plan and Annual Report**

Between the three yearly reviews of the LTP Council produces an Annual Plan which outlines what activities and services Council will be undertaking in that year and any changes from the LTP.

Each year, including years when the LTP is reviewed, Council produces an Annual Report which outlines what Council actually did that year compared to what it was planning to do in the LTP or Annual Plan.

#### **District Plan/Te Tai o Poutini Plan**

A District Plan is a statutory requirement under section 73 of the Resource Management Act 1991 (RMA). Its purpose is to assist Council to carry out its functions under the RMA in order to promote the sustainable management of Buller's natural and physical resources. It controls the effects of the use and development of land through objectives, policies and rules.

The Buller District Plan was made operative in 2000. Sections of the Plan were reviewed, amended and became operative in 2004, 2009 and 2011.

As a result of the Local Government Commissions review and recommendations in 2019 the West Coast Regional Council now has statutory responsibility for preparing district plans for the three West Coast district councils including Buller District.

The Regional Council is in the process of developing Te Tai o Poutini Plan (one district plan for the West Coast Region). Development of the plan will be overseen by Te Tai o Poutini Plan Committee which is a joint committee made up of the four West Coast councils and local iwi. It is comprised





of the Mayor or Chair and one other Councillor from each council and one representative each from Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio. It is chaired by an independent chairperson.

The Committee has full decision-making powers, and the make-up of the Committee ensures each district has equal input and voting rights on what goes in the Plan.

Technical support is provided by the technical advisory team. This team comprises planners with expertise from across the four councils and local iwi ensuring local interests are well understood and represented. There is also a steering group, comprising the four council chief executives and iwi representatives, to ensure the project is supported and progressing as planned.

Information about Te Tai o Poutini Plan progress, what's in the plan and consultations being undertaken can be found on the West Coast Regional Council website at: <https://tppp.nz/>

#### 14. **PUBLIC ACCESS TO COUNCIL AND ITS ELECTED MEMBERS**

Council has two offices where you can conduct your business:

##### **Westport Office**

Address: 6-8 Brougham Street, Westport

Phone: 0800 807 239 or 03 788 9111

Email: [info@bdc.govt.nz](mailto:info@bdc.govt.nz)

Postal address:

Buller District Council

PO Box 21

Westport 7866

Opening hours:

Monday – Friday

8.30am – 4.30pm

##### **Reefton Visitor and Service Centre**

Address: 67-69 Broadway, Reefton

Phone: 03 732 8821 or 03 732 8391

Email: [reeftonsc@bdc.govt.nz](mailto:reeftonsc@bdc.govt.nz)

Postal address:

Buller District Council

PO Box 75

Reefton 7851

Opening hours:

Monday – Friday





9am – 4.30pm

**Council website:** [www.bullerdc.govt.nz](http://www.bullerdc.govt.nz)

**Contact details for Councillors and Community Board members can be found in Appendix B.**

## **15. PROCESSES FOR REQUESTS FOR OFFICIAL INFORMATION**

The [Local Government Official Information and Meetings Act 1987 \(LGOIMA\)](#) gives everyone the right to request official information held by Council. Council holds a large amount of official information including reports, emails, policies, documents, and databases.

### **How to make a request:**

If you want to request official information from Council, you can [complete our online form](#), or lodge your request in writing. Please email written requests to [LGOIMA@bdc.govt.nz](mailto:LGOIMA@bdc.govt.nz) or send to:

**Attention:** Chief Executive  
Buller District Council  
P O Box 21, Westport 7866

### **How long will it take?**

Council must respond to requests as soon as reasonably practicable and no later than 20 working days from receiving the request. In most instances, staff will try to get the information out to you as soon as possible. Urgent requests can be made, but the reasons for making an urgent request must be specified.

### **How much will it cost?**

The first hour and first 20 pages of information are free.

Council may charge for official information in accordance with the Fees and Charges schedule in Council's Annual Plan. Under clause 13(4) of LGOIMA Council can request the amounts due are paid in advance of the release of information requested. Go to our Annual Plan's [Fees and Charges](#) to find out how much it might cost.

Land Information Memorandums (LIMs) are subject to a separate timeframe and charging regime.

### **What information can be requested?**

The LGOIMA states that any information held by Council is subject to the Act and can be requested.



This is a key principle of LGOIMA and the information you request has to be made available unless there is a good reason for withholding it. This key principle is always kept in mind when Council responds to your request for official information.

The type of information you can request is not limited to documents. The type of information that can be requested includes:

- written documents, reports, memos, letters, notes, and emails
- non-written information, such as material stored on or generated by computers and databases, video and tape recordings, maps and photographs
- information that is known to an agency but which has not yet been recorded in writing or otherwise.

#### **Why would Council withhold information?**

There are several reasons for withholding requests for information made under the [Local Government Official Information and Meetings Act 1987](#).

Under the Act, Council may withhold information for specific reasons. If so, Council will explain the reason why in its response to your request.

Key reasons for withholding are:

Administrative reasons:

- Making the information available would be contrary to an enactment or constitute contempt of Court or Parliament.
- The information requested is or will soon be publicly available.
- The information requested does not exist or cannot be found.
- The information requested cannot be made available without substantial collation or research.
- The information requested is not held by the Council and we are not aware of another local authority or government organisation that might hold the information that we could transfer the request to.
- The request is frivolous and vexatious or for trivial information.

Conclusive reasons for refusal – making the information available would be likely to:

- Prejudice the maintenance of the law including the prevention, investigation, and detection of offences and the right to a fair trial; or
- Endanger the safety of any person.

Other reasons:

The Council is required to assess whether each of the following withholding reasons is outweighed by other considerations which render it desirable in the public interest to make the information available.

Withholding the information is necessary to:



- Protect the privacy of natural persons;
- Protect information where the making available would disclose a trade secret or would be likely unreasonably to prejudice the commercial position of a person;
- Avoid serious offence to tikanga Māori or avoid disclosure of the location of a waahi tapu (relates to Resource Management Act 1991 matters);
- Protect information which is subject to an obligation of confidence or which a person has been or could be compelled to provide under the authority of any enactment;
- Avoid prejudice to measures protecting public health and safety;
- Avoid prejudice to measures that prevent or mitigate material loss to members of the public;
- Maintain the effective conduct of public affairs through the free and frank expression of opinions by or between members, officers, or employees of Council or to protect them from improper pressure or harassment;
- Maintain legal professional privilege;
- Enable Council to carry out, without prejudice or disadvantage, commercial activities;
- Enable Council to carry out, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);
- To prevent the disclosure or use of official information for improper gain or improper advantage.

If a non-natural person (such as a company or organisation) makes a request for its personal information, it has a right to access that information (under section 23) unless one of the grounds for refusal in section 26 applies.

If you are unhappy with the information you received, or the decision to withhold information, fees charged, the time frame to process your request, or how Council has dealt with your request, you are able to have the decision reviewed by the [Office of the Ombudsmen](#).

If you are not happy with the outcome of your request made under the Privacy Act you can contact the [Office of the Privacy Commissioner](#).

Information about making a request for Official Information can be found on the Ombudsman's website at:

<https://www.ombudsman.parliament.nz/resources/making-official-information-requests-guide-requesters?1516146924=>

View the Local Government Official Information and Meetings Act 1987 at:

<http://www.legislation.govt.nz/act/public/1987/0174/latest/DLM122242.html>

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## APPENDIX 1 – BULLER DISTRICT COUNCIL BYLAWS

Bylaw	Date adopted	Description
<b>Model General Bylaw NZS9201: Part 1: 2007 - Introductory</b>	Made: 1 September 2002 ( <i>NZS9201:Part 1: 1999 – Introductory</i> ) 10 June 2008 ( <i>NZS9201:Part 1: 1999</i> replaced with <i>NZS9201:Part 1: 2007</i> ) Last reviewed under S158 or S159 LGA: 26 August 2020	Sets out definitions, provision for fees, licenses, dispensations, remedies, breaches, offences and penalties.
<b>Model General Bylaw NZS9201: Part 2: 1999 - Public Places (with local amendments)</b>	Made: 1 September 2002 Last reviewed under S158 or S159 LGA: 26 August 2020	Sets controls for activities within public places, facilities and reserves to ensure that acceptable standards are maintained. Local amendments relate to the setting of traps and the control of skateboards in public places.
<b>Banning of Alcohol in Public Places Bylaw 2018</b>	Made: 12 February 2018	Prohibits the possession and consumption of alcohol on footpaths and other public places in certain areas of Westport and Reefton.
<b>Model General Bylaw NZS9201: Part 3: 1999 - Hostels</b>	Made: 1 September 2002 Last reviewed under S158 or S159 LGA: 26 August 2020	Sets operational and management criteria for defined accommodation premises with regard to safety, ventilation, sanitary conditions and overcrowding.
<b>Model General Bylaw NZS9201: Part 4: 1999 - Trading in Public Places (with local</b>	Made: 1 September 2002 Last reviewed under S158 or S159 LGA: 26 August 2020	Regulates the conduct of people selling goods in public places. Local amendments relate to

amendments)		itinerant traders
<b>Model General Bylaw NZS9201: Part 6: 1999 - Solid Waste</b>	Made: 1 September 2002 Last reviewed under S158 or S159 LGA: 26 August 2020	Sets standards for the collection and disposal of refuse.
<b>Model General Bylaw NZS9201: Part 7: 2007 - Water Supply (with local amendments)</b>	Made: 1 September 2002 (NZS9201:Part 7: 1994 - Chapter 7 - Water Supply)) Reviewed: 10 June 2008 (NZS9201:Part 7: 1994 replaced with NZS9201:Part 7: 2007) Last reviewed under S158 or S159 LGA: 26 August 2020	Sets standards for the management of Council public water supplies.
<b>Model General Bylaw NZS9201: Part 8: 1999 - Control of Advertising Signs</b>	Made: 1 September 2002 Last reviewed under S158 or S159 LGA: 26 August 2020	Controls the placement, size and maintenance of advertising signs to ensure aesthetic standards are maintained and that the signs do not pose a danger to public safety.
<b>Model General Bylaw NZS9201: Part 8: 1999 - Control of Advertising Signs</b>	Made: 1 September 2002 Last reviewed under S158 or S159 LGA: 26 August 2020	Controls the placement, size and maintenance of advertising signs to ensure aesthetic standards are maintained and that the signs do not pose a danger to public safety.
<b>Model General Bylaw NZS9201: Part 11: 2000 - Fires in the Open Air</b>	Made: 1 September 2002 Last reviewed under S158 or S159 LGA: 26 August 2020	Enables Council to control burning in the open air in urban areas of the District, and helps prevent the spread of fires involving vegetation.
<b>Model General Bylaw</b>	Made:	Sets standards and

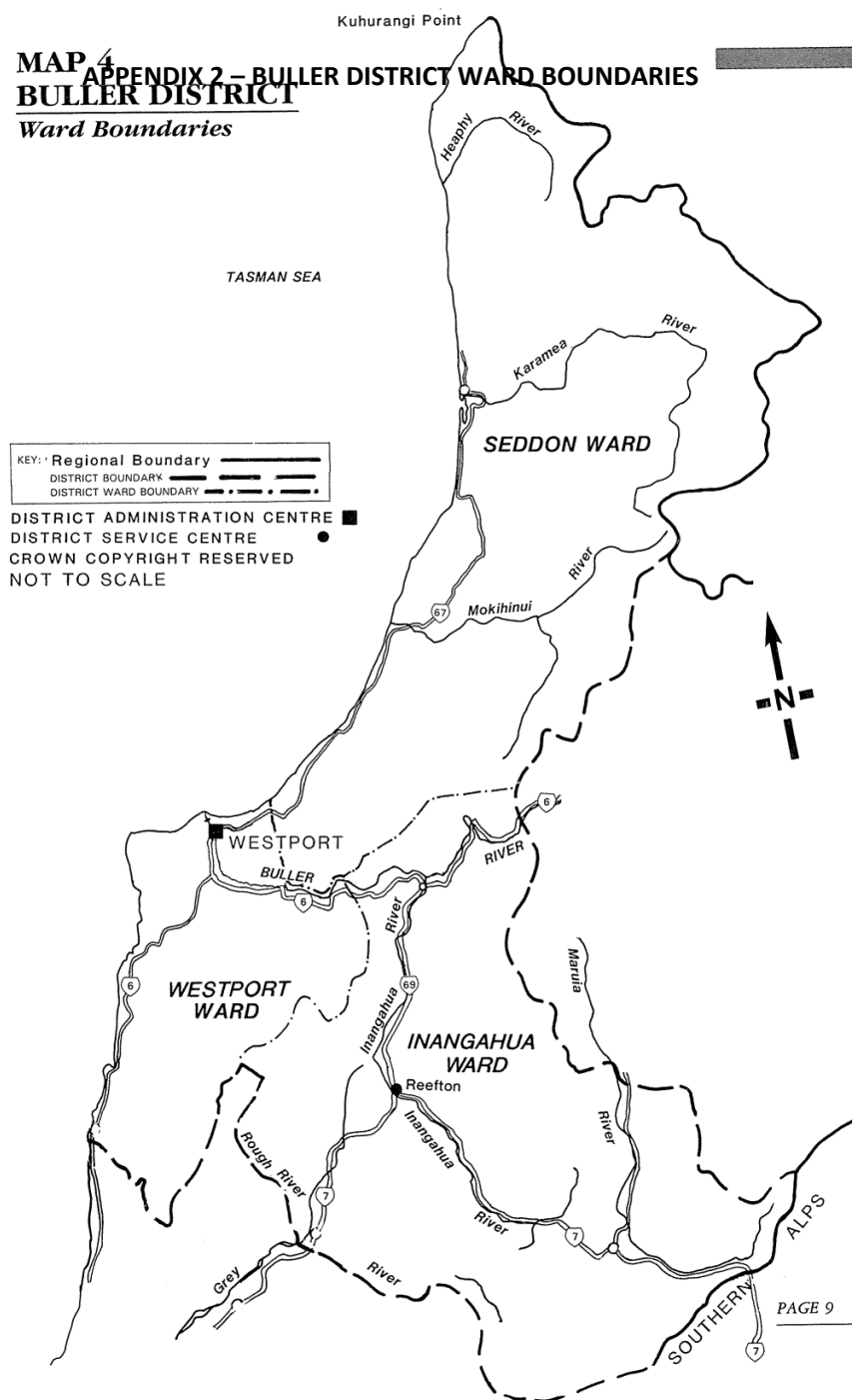
<b>NZS9201: Part 12: 1999 - Control of Dogs (with local amendments)</b>	Made: 1 September 2002 Last reviewed under S158 or S159 LGA: 26 August 2020	controls that must be met by dog owners.
<b>Model General Bylaw NZS9201: Part 13: 1999 - The Keeping of Animals, Poultry and Bees (with local amendments)</b>	Made: 1 September 2002 Last reviewed under S158 or S159 LGA: 26 August 2020	Sets requirements for the keeping of animals, poultry and bees.
<b>Fencing Bylaw 1991</b>	Made: 1 September 1991 Last reviewed under S158 or S159 LGA: 26 August 2020	Requires an adequate fence be maintained along road boundaries of any land used to depasture or hold stock.
<b>Livestock Movement Bylaw 2010</b>	Made: 1 July 2010 Last reviewed under S158 or S159 LGA: 28 June 2017	Sets controls for the movement of stock over public roads.
<b>Model General Bylaw NZS9201: Part 14: 1999 - Cemeteries and Crematoria</b>	Made: 1 September 2002 Last reviewed under S158 or S159 LGA: 26 August 2020	Enables Council to control and set standards for the operation of cemeteries and crematoria within the District.
<b>Model General Bylaw NZS9201: Part 22: 1999 - Wastewater Drainage (with local amendments)</b>	Made: 1 September 2002 Last reviewed under S158 or S159 LGA: 26 August 2020	Controls the collection, treatment and disposal of wastewater.
<b>Trade Waste Bylaw 2007</b>	Made: 1 July 2008 Last reviewed under S158 or S159 LGA: 26 August 2020	Regulates the discharge of trade waste to a sewerage system operated by a Wastewater Authority.

<b>Model General Bylaw NZS9201: Part 25: 2007 - Traffic (with local amendments)</b>	Made: 1 September 2002 ( <i>NZS9201:Part 25: 1999 - Traffic</i> ) Amended: 10 June 2008 ( <i>NZS9201:Part 25: 1999</i> replaced with <i>NZS9201:Part 25: 2007</i> )	Sets requirements for parking and control of traffic on roads within the District other than State Highways.
<b>Model General Bylaw NZS9201: Part 28: 2007 - Speed (with local amendments)</b>	Made: 10 June 2008 Last Reviewed under S158 or S159 LGA: June 2015	Sets speed restrictions for roads within the District.
<b>Navigation and Safety Bylaws 2008</b>	Made: 2002 Amended: 6 October 2008, 22 August 2012 and 26 June 2013 Last reviewed under S158 or S159 LGA: 26 August 2020	Sets safety standards and requirements for the Westport Harbour.
<b>Freedom Camping Control Bylaw 2012</b>	Made: 30 August 2012 Last reviewed under S158 or S159 LGA: 28 November 2018	Defines the local authority areas in the District where freedom camping is restricted and the restrictions that apply to freedom camping in those areas. Defines the local authority areas in the District where freedom camping is prohibited.





**MAP 4**  
**APPENDIX 2 – BULLER DISTRICT WARD BOUNDARIES**  
**BULLER DISTRICT**  
*Ward Boundaries*





**APPENDIX B – ELECTED MEMBERS’ CONTACT DETAILS**

**Buller District Council Elected Members:**

**Mayor**

Jamie Cleine

Mobile: 027 423 2629

Email: [mayor@bdc.govt.nz](mailto:mayor@bdc.govt.nz)

**Inangahua Ward**

Graeme Neylon

Home: 03 732 8382

Email: [graeme.neylon@bdc.govt.nz](mailto:graeme.neylon@bdc.govt.nz)

Linda Webb

Mobile: 027 331 2090

Email: [linda.webb@bdc.govt.nz](mailto:linda.webb@bdc.govt.nz)

**Seddon Ward**

Rosalie Sampson

Mobile: 027 356 7388

Email: [rosalie.sampson@bdc.govt.nz](mailto:rosalie.sampson@bdc.govt.nz)

Toni O’Keefe

Mobile: 027 367 1315

Email: [toni.okeefe@bdc.govt.nz](mailto:toni.okeefe@bdc.govt.nz)

**Westport Ward**

Andrew Basher – Deputy Mayor

Mobile: 027 759 9176

Email: [andrew.basher@bdc.govt.nz](mailto:andrew.basher@bdc.govt.nz)

Phil Grafton

Mobile: 021 027 83568

Email: [phil.grafton@bdc.govt.nz](mailto:phil.grafton@bdc.govt.nz)

Joanne Howard

Mobile: 027 547 4370

Email: [joanne.howard@bdc.govt.nz](mailto:joanne.howard@bdc.govt.nz)

Annelise Pfahlert

Mobile: 027 233 5706

Email: [annelise.pfahlert@bdc.govt.nz](mailto:annelise.pfahlert@bdc.govt.nz)

APPENDIX 1



Colin Reidy

Mobile: 027 461 6644

Email: [colin.reidy@bdc.govt.nz](mailto:colin.reidy@bdc.govt.nz)

Grant Weston

Mobile: 022 155 0369

Email: [grant.weston@bdc.govt.nz](mailto:grant.weston@bdc.govt.nz)

**Inangahua Community Board Members:**

Robyn Abbey: 027 651 0990

Alun Bollinger: 03 732 8123

Dean Giddens: 022 591 0717

Ashleigh Neil: 021 263 4503

Councillor Graeme Neylon: 03 732 8382

Councillor Linda Webb: 027 331 2090

## APPENDIX 2



# 2022 – 2025 West Coast Triennial Agreement

### Our purpose

This triennial agreement has been prepared in accordance with, and to satisfy, the requirements of sections 14, 15 and 16 of the Local Government Act 2002.

The parties to this agreement commit to working together for the good governance of their towns, districts and the region, by acting collaboratively and ensuring that issues in common are determined in a manner that is inclusive and avoids unnecessary duplication.

This agreement will ensure appropriate levels of consultation and coordination are maintained between the local authorities of the West Coast, and between individual local authorities as might be notified.

### The Agreement

The parties:

- Buller District Council;
- Grey District Council;
- Westland District Council; and
- West Coast Regional Council,

agree to work in good faith together for the good governance of their localities and the region.

As signatories to this agreement, each local authority will ensure:

- Early notification to affected local authorities, through the distribution of draft documentation, of major policy discussions which may have implications beyond the boundaries of the decision making authority;
- The application of a 'no surprises' policy whereby early notice will be given over disagreements between local authorities concerning policy or programmes before key public announcements are made;
- The parties agree to refrain from expressing criticism of each other publicly, through the media or any other form. While it is accepted that disagreements will occur from time to time, it is preferable to deal with the issues by open discussion between the parties rather than via the media;
- Support opportunities for involvement by affected local authorities in the development of policies or plans that have inter-jurisdictional or cross boundary implications, including the identification of outcomes and priorities;
- That where practicable, processes for engaging with communities and agencies in order to identify community outcomes, and prioritise these outcomes, are undertaken jointly or in a collaborative manner which avoids unnecessary duplication; and
- Support opportunities for other local authorities, whether party to this agreement or not, to work jointly on the development of strategies and plans for the achievement of identified outcomes and priorities.

## APPENDIX 2

### Scope and Issues

The parties agree that, in addition to the general obligations under this agreement to consult, the local authorities will meet together to develop common approaches on the following issues identified as priorities for the region:

- Stewardship Land Review
- Legislation reform, including but not limited to,
  - o Three Water
  - o National Policy Statement on Indigenous Biodiversity
  - o RMA Reform
  - o Local Government Reform
- Climate resilience projects
- Renewable energy opportunities
- Civil Defence & Emergency Management
- Te Whanaketanga 2050 Strategy – in collaboration with DWC

### A commitment to working together collaboratively

The parties agree to work together collaboratively and cooperatively, through the Mayors and Chairs forum, as a means to improve effectiveness and efficiency, and to, in particular:

- Identify, deliver and fund facilities or services that benefit more than one district;
- Develop and implement joint governance arrangements and associated terms of reference;
- Maintain this commitment, and in the event of one of the parties making a decision that is inconsistent with this commitment, the party will advise the other parties of the inconsistent decision and the reasons for it.

This commitment to working together collaboratively reflects section 15 of the Local Government Act and all parties will, through the Mayors and Chairs forum, annually review their compliance with these provisions.

### Significant new activities proposed by the West Coast Regional Council

The parties agree that should the West Coast Regional Council, or its Council Controlled Organisations, wish to undertake a significant new activity, or undertake an activity currently undertaken or proposed to be undertaken by one or more of the other parties, the West Coast Regional Council will consult with the other parties as required by section 16 of the Local Government Act.

### Form of consultation

Consultation in relation to this agreement will take the following forms:

- A forum comprising the Mayors, Chair of the West Coast Regional Council, Chair of Development West Coast, Chair of Te Rūnanga o Ngāti Waewae and Chair of Te Rūnanga o Makaawhio, and their Chief Executives, will occur at least once every three months to review performance of the agreement and discuss any other topical issues where a collaborative approach may add value.
- Meetings between staff will occur as necessary to achieve communication and coordination on issues identified in the agreement.

### Servicing

The parties agree that responsibility for servicing this agreement will be undertaken by the West Coast Regional Council. This includes providing those secretarial services as required, including but not limited to:

- Coordination of meeting dates, agendas and meeting papers;
- Drafting of communications material including media releases; and,

## APPENDIX 2

- Development of strategic documentation.

Chairing of the forum will pass from local authority to local authority following the triennial election.

### **Delegations**

The meeting will act as a collective and no member will have the delegation to act on behalf of the Group unless specifically mandated to do so by the meeting on a case-by-case basis.

Submissions, or other correspondence, will be on the letterhead displaying the logos of the four Councils, and where appropriate, those of Development West Coast, Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio. They are to be signed by the Mayors and Chairs.

### **Agreement to review**

The parties agree to review the term of this agreement within four (4) weeks of a request by one of the parties made in writing to the local authority delegated responsibility to service this Agreement.

### **Resolving disagreement**

In the event of a disagreement over the terms of this agreement, the parties agree to refer the issue to a mediator appointment by the President of Local Government New Zealand.

### **Authority**

This agreement is signed on this ..... day of MONTH YEAR, by the following on behalf of their respective authorities.

Council

Signature

Buller District Council

.....  
Jamie Cleine  
Mayor

Grey District Council

.....  
Tania Gibson  
Mayor

Westland District Council

.....  
Helen Lash  
Mayor

West Coast Regional Council

.....  
Peter Haddock  
Acting Chair

## **BULLER DISTRICT COUNCIL**

**22 FEBRUARY 2022**

### **AGENDA ITEM 9**

<b>Prepared by</b>	Lynn Brooks Manager Finance
<b>Reviewed by</b>	Douglas Marshall Chief Financial Officer
<b>Attachments</b>	1 - Buller Holdings Limited Financial Report (Unaudited)

#### **BULLER HOLDINGS LIMITED – HALF YEAR FINANCIAL REPORT TO 31 DECEMBER 2022**

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##### **1. REPORT SUMMARY**

This report presents the quarterly (unaudited) financial results for the six- month period ended 31 December 2022 including the budget for this period. The report also presents results against the Statement of Intent targets which are non-financial measures.

##### **2. DRAFT RECOMMENDATION**

**That Council receives the Financial Report for the six months ending December 2022.**

##### **3. ISSUES AND DISCUSSION**

This report is presented to Council to monitor Buller Holdings Limited (BHL) financial results. Council finance staff have noted a small number of minor presentation matters which they will work alongside BHL staff to resolve for future reports.

The Council owns 100% of the shares in BHL, therefore BHL is deemed to be a Council Controlled Organisation. The BHL group incorporates WestReef Services Limited and Buller Recreation Limited (trading as the Pulse Energy Recreation Centre)

The Group reports a surplus of \$271k for the half year against a budgeted surplus of \$269k. Reported revenue is \$3.633m more than budget of \$7.747m. Expenses follow this pattern with \$3.631m more than budget of \$7.478m.

However, the above needs to be taken into context as the operating surplus is only slightly over budget.

Further detail on these results is included in the commentary section of the attached report. This information should be read in conjunction with the financial statements to provide detail about the group's reported results.

## **4. CONSIDERATIONS**

### **4.1 Strategic Impact**

BHL is a holding company that was set up to provide a commercial focus in the governance and management of the Council's commercial activities. The aim of the group is to operate as a successful company and provide a competitive rate of return on the investments of the company.

### **4.2 Significance Assessment**

The significance and engagement policy sets out the criteria and framework for a matter or transaction to be deemed significant. The content included in this report is not considered significant by nature.

### **4.3 Values**

The Council values are future focussed, community driven, one team, integrity and we care. Monitoring the performance of BHL is important. The strong performance of BHL is integral to ensuring Council can fund current and future services for the community.

### **4.4 Risk Analysis**

Risk is assessed by taking into account the likelihood of an event occurring and the result of that event.

This report provides oversight of the financial operations of BHL but does not elaborate on other risks which may be present with those operations. Risk is mitigated by engaging suitably qualified Directors to oversee the operations of the group, and to have a dedicated Committee of Council to oversee and report upon the operations of the group.

Financial risk is mitigated when the results of operations are reported on and understood by staff and governance, and provision of the interim report to the Finance and Risk & Audit Committee.

### **4.5 Policy/Legal Considerations**

BHL is required to provide regular financial results to Council as stipulated in Council's Long-Term Plan and/or Annual Plan.

### **4.6 Tangata Whenua Consultation Considerations**

The contents of the report are not a matter requiring consultation with Tangata whenua.



**4.7 Views of Those Affected**

The provision of services through the holdings company model and the type and nature of those services are consulted upon annually as part of the Annual Plan of Council.

**4.8 Costs**

There are no extraordinary costs included in the attached reports, nor are there any additional costs incurred due to the submission of this report.

**4.9 Benefits**

The benefit of reviewing a half-yearly report is the financial results are monitored on a regular basis.

**4.10 Media/Publicity**

There are no media or publicity opportunities with this report.

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# Financial Report (unaudited)

For

Buller Holdings Ltd

*For the Period Ending 31 December 2022*

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Directors Report to the shareholders of Buller Holdings Ltd on the financial performance for the six months to 31 December 2022

**Commentary:**

The result for the first 6 months of the financial year is currently tracking just ahead of budget.

WestReef Services Ltd (WSL) has had strong revenue figures for start to the new year. However, margins have been under pressure due to higher inflation and rising costs and these costs cannot always be fully recovered in contract revenues.

The Kawatiri to Charleston trail continues to progress well and is receiving positive feedback as each section of the trail is completed and opened to the public.

The Alma Road development reached practical completion during this quarter and WSL recently signed a 9 ½ - year contract with Council to maintain 3 waters infrastructure for the district.

Work volumes are strong into the immediate future, and this will be aided by WSL being accepted as a pre-qualified tenderer for contract work on the Return to Service infrastructure program.

The IT project is currently being implemented and is expected to be operational by mid-year. This project will improve the organizational operational and accounting systems. It will also provide a platform that is fit for purpose and will allow efficient reporting with an aim to improve efficiency and performance across the group. The depot project is also progressing with the Hamilton block of land purchased adjacent to the Cape Foulwind highway.

Moving forward into the next 2 quarters of the year WSL will continue to look for new opportunities to maximize commercial returns and improve margins.

It has been a pleasing first six months for Buller Recreation Ltd. Despite the increased inflationary pressures, the half yearly budget was close to being achieved. BRL increased its customer experience by adding Pilates classes to its timetable. This class has proved popular. Swim lessons numbers continue to perform very well, as we continue to educate children about water safety. Multi membership income is the highest currently it has been since the centre has been open. This has been achieved whilst continuing to provide low-cost options for senior members of the community.

The Group continues to look for new opportunities for the individual companies and any other opportunities that present themselves. The group now employs approximately 135 staff and is one of the biggest employers within the district, providing social and economic well-being spread throughout the district.

A commentary against key indicators is contained in the next section of the report.

On behalf of the Board

Steve Grave

Chair

**Statement of Intent Targets:**

The targets as set out in the individual statements of intent for each subsidiary are shown below with an update of progress:

**Buller Holdings Limited**

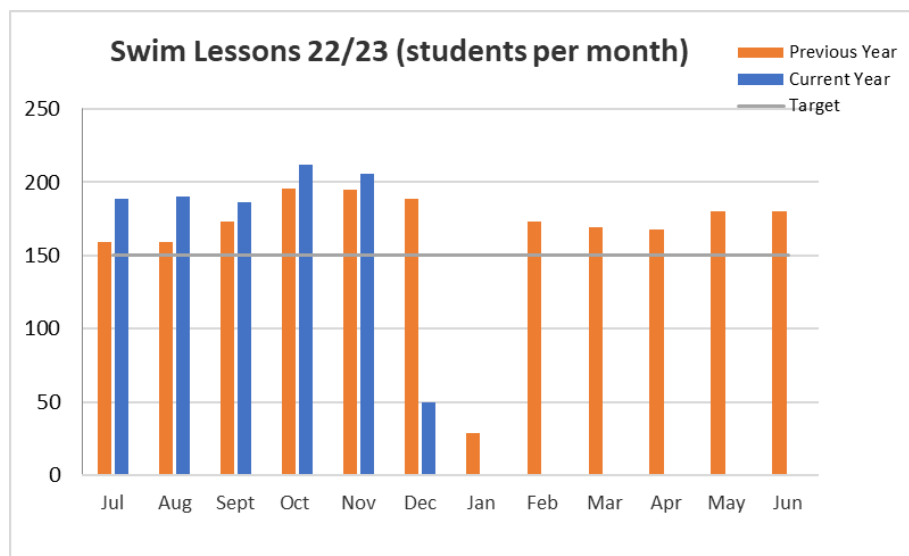
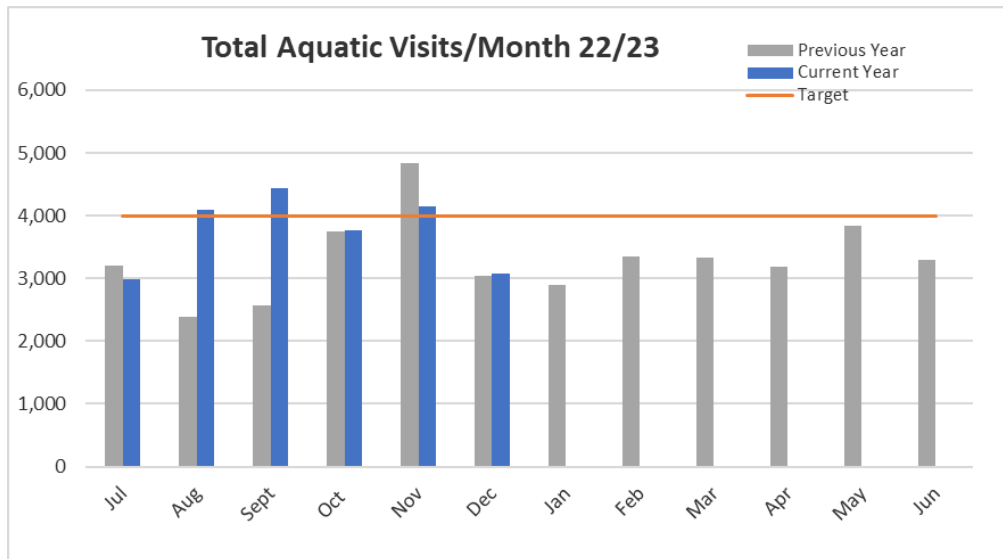
	Key Performance Measure	Target	Achieved
<b>Health &amp; Safety</b>	Medical Treatment Injury	Nil	Nil
	Serious harm accidents	Nil	Nil
	LTI Target	Nil	Nil
<b>Operational</b>	The board of directors will meet with the BDC, CCTO Committee on a formal basis: (per/year)	3 times per year	2
	The Buller Holdings Ltd Chief Executive will provide a formal and or informal report to Council as requested.	As requested	2 Reports
	The Chief Executive of Buller Holdings Ltd will meet with the Chief Executive of Buller District Council when requested.	As requested	5
<b>PARENT</b> Financial (000's)	Revenue	\$588	\$300 YTD
	Expenditure	\$583	\$328 YTD
	Net Operating Surplus	\$5	\$(28) YTD
	Ratio of Shareholders Funds to Total Assets	60%	80%
<b>GROUP</b> Financial (000's)	Group Revenue	\$15,493	\$11,380 YTD
	Group Expenditure	\$14,957	\$11,109 YTD
	Group Operating Surplus	\$536	\$271 YTD
	Provision for capex	\$1.298m	\$585 YTD
	Forecasted distribution to Shareholders	\$1.3m	On Track

**WestReef Services Ltd**

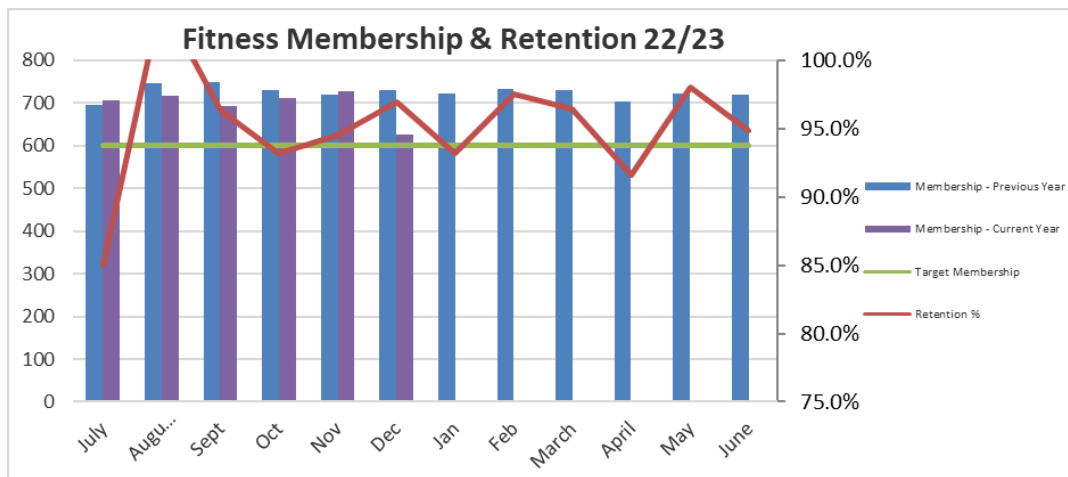
OBJECTIVE	KEY PERFORMANCE INDICATOR	Target	Achieved
<b>HEALTH &amp; SAFETY</b>	Medical Treatment Injuries	Nil	1
	Serious Harm (notifiable) Accidents	Nil	0
	LTI Target	Nil	3
	ISO 45001 Accreditation	Maintain accreditation	Achieved
<b>OPERATIONAL</b>	Employee Satisfaction – Staff turnover excluding retirement, redundancy and internal transfers	Within the range of +/- 5% of the national benchmark	Achieved
	Client Satisfaction – Min 12 meetings per year	12	5
	Renewal of TQS1 certification	Achieve	Achieved July 22
<b>EMPLOYEE DEVELOPMENT &amp; SATISFACTION</b>	Undertake staff satisfaction survey (2 yearly)	Undertake Survey Sept 22	Achieved
	Regular department staff meetings	Achieve	Achieved
<b>FINANCIAL (\$ 000)</b>	Revenue (\$ 000)	\$13,395	\$10,654 YTD
	Expenditure	\$ 12,076	\$9,955 YTD
	Net Operating Surplus	\$1,319	\$699 YTD
	Provision for Capex	\$1.115m	\$499 YTD
	Competitively Procured Revenue	45%	86%
	Ratio of Shareholders Funds to Total Assets	60%	87%
<b>ENVIRONMENTAL</b>	Number of Enforcement notices	Nil	Achieved
<b>COMMUNITY</b>	Support Minimum community activities	25	19 YTD

**Buller Recreation Ltd**

Performance Measure	Key Performance Indicator	Target	Achieved
Fitness membership	Average membership over 12-month period.	700	700
	Average retention rate over 12-month period	>75%	94%
Aquatic centre usage	Average visits per month over 12 months	3,750	3,531 YTD
	Achieve number of students over 4 swimming terms	140	161 YTD
Safety	MTI	Nil	Achieved
	Serious Harm Accidents	Nil	Achieved
	LTI	Nil	Achieved
Work Environment	Maintain regular communication with all employees through weekly emailed updates and meetings with all staff every 4 months.	Achieve	Weekly meetings held with management and quarterly meetings with each department
	Review the succession plan for key positions and identify training needs and actions for the next 12 months	Achieve	Achieved. Consideration given at Management meeting to skills and training if personnel in key positions leave.
	Complete annual review process with all staff	Achieve	To be completed by 30 June 2023
	Undertake staff satisfaction survey every second year	No survey required 2023	To be completed by 30 June 2024
	Undertake client satisfaction survey every second year.	Survey required 2023	To be completed by June 2023
Asset Management	Review of the Asset Replacement Schedule annually	Achieve	Comprehensive asset management Plan in place
	Complete maintenance and replacement in accordance with AMP (monitor monthly)	Achieve	Ongoing
	Ratio of Shareholders Funds to Total Assets	60%	95%
Financial Forecasts \$000's	Revenue	\$659	\$346 YTD
	BDC Service level fee	\$851	\$426 YTD
	Expenditure	\$2,297	\$1,172 YTD
	Net operating surplus (deficit)	(\$787)	\$(400) YTD
	Provision for capex	\$183	\$86 YTD







October, November, December			
	2020	2021	2022
Pool	14,563	11,618	10,984
Gym	5,115	6,001	6,576

**STATEMENT OF FINANCIAL PERFORMANCE**

For the period ending 31 December 2022

	ACTUAL	BUDGET	ACTUAL	BUDGET
	GROUP	GROUP	PARENT	PARENT
	\$000	\$000	\$000	\$000
Revenue	11,380	7,747	300	294
Expenses	11,109	7,478	328	292
<b>OPERATING SURPLUS/(DEFICIT) before taxation</b>	<b>271</b>	<b>269</b>	<b>(28)</b>	<b>2</b>

**STATEMENT OF FINANCIAL PERFORMANCE**

For the period ending 31 December 2021

	ACTUAL	BUDGET	ACTUAL	BUDGET
	GROUP	GROUP	PARENT	PARENT
	\$000	\$000	\$000	\$000
Revenue	9,981	7,725	285	259
Expenses	9,186	7,395	290	257
<b>OPERATING SURPLUS/(DEFICIT) before taxation</b>	<b>795</b>	<b>330</b>	<b>(5)</b>	<b>2</b>

**STATEMENT OF CHANGES IN EQUITY**

For the period ending 31 December 2022	Actual			Actual		
	Group			Parent		
	Share Capital	Retained Earnings	Total Equity	Share Capital	Retained Earnings	Total Equity
	\$000	\$000	\$000	\$000	\$000	\$000
Opening balance 01 July 2022	19,934	(8,045)	11,889	19,934	(13,920)	6,014
Profit for the period	-	271	271	-	(28)	(28)
	<b>19,934</b>	<b>(7,774)</b>	<b>12,160</b>	<b>19,934</b>	<b>(13,948)</b>	<b>5,986</b>
<b>Transactions with owners, recorded directly in equity</b>						
Issued capital	183	-	183	183		183
Closing balance 31 December 2022	<b>20,117</b>	<b>(7,774)</b>	<b>12,343</b>	<b>20,117</b>	<b>(13,948)</b>	<b>6,169</b>

For the period ending 31 December 2021	Actual			Actual		
	Group			Parent		
	Share Capital	Retained Earnings	Total Equity	Share Capital	Retained Earnings	Total Equity
	\$000	\$000	\$000	\$000	\$000	\$000
Opening balance 01 July 2021	19,832	(3,294)	16,538	19,832	(13,938)	5,894
Profit for the period	-	681	681	-	(5)	(5)
	<b>19,832</b>	<b>(2,613)</b>	<b>17,219</b>	<b>19,832</b>	<b>(13,943)</b>	<b>5,889</b>
<b>Transactions with owners, recorded directly in equity</b>						
Issued capital	102	-	102	102		102
Closing balance 31 December 2021	<b>19,934</b>	<b>(2,613)</b>	<b>17,321</b>	<b>19,934</b>	<b>(13,943)</b>	<b>5,991</b>

**STATEMENT OF CASH FLOWS**  
**For the period ending 31 December 2022**

	GROUP	PARENT	GROUP	PARENT
	\$000	\$000	\$000	\$000
	2022	2022	2021	2021
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>				
Cash was provided from:				
Management fees	426	279	426	317
Receipts from Customers	13,627	19	12,134	19
Interest received	37	1	10	0
	14,090	299	12,570	336
Cash was applied to:				
Payments to suppliers and employees	14,246	306	10,451	318
Taxes paid	357	24	877	32
Interest paid	23	23	23	23
	14,626	353	11,351	373
<b>Net cash inflow/(outflow) from operating activities</b>	(536)	(54)	1,219	(37)
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>				
Cash was provided from:				
Realisation of term investments	4,077	123	3,228	121
Proceeds from sale of fixed assets	26	-	-	-
	4,103	123	3,228	121
Cash was applied to:				
Term investments	1,587	130	3,374	122
Purchase of fixed assets	585	-	962	-
	2,172	130	4,336	122
<b>Net cash inflow/(outflow) from investment activities</b>	1,931	(7)	(1,108)	(1)

	GROUP	PARENT	GROUP	PARENT
	\$000	\$000	\$000	\$000
	2022	2022	2021	2021
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>				
Cash was provided from:				
Dividends received	-	-	-	-
Share Issue	183	183	102	102
	183	183	102	102
Cash was applied to:				
Share Issue	183	183	-	102
Subvention payment made	1,300	-	500	-
	1,483	183	500	102
<b>Net cash inflow/(outflow) from financing activities</b>	<b>(1,300)</b>	<b>-</b>	<b>(398)</b>	<b>-</b>
Net increase in cash held	95	(61)	(287)	(38)
Add opening cash as at 1 July 2022	959	140	1,296	127
<b>Closing cash balance</b>	<b>1,054</b>	<b>79</b>	<b>1,009</b>	<b>89</b>
Made up of:				
Bank	1,054	79	1,009	89
<b>Closing cash balance</b>	<b>1,054</b>	<b>79</b>	<b>1,009</b>	<b>89</b>

**STATEMENT OF FINANCIAL POSITION**  
**As at 31 December 2022**

	Group	Parent	Group	Parent
	\$000	\$000	\$000	\$000
	2022	2022	2021	2021
<b>ASSETS</b>				
<b>Current Assets</b>				
Cash and short-term deposits	1,054	79	1,009	89
Receivable and prepayments	2,396	57	1,988	53
Inventories	186	0	110	0
Short Term Investments	1,587	130	3,374	122
Other current assets	1,000	1,000	0	0
<b>Total current assets</b>	<b>6,223</b>	<b>1,266</b>	<b>6,481</b>	<b>264</b>
<b>Non-current assets</b>				
Deferred tax	311	30	220	12
Fixed assets	8,467	405	14,659	409
Goodwill	389	0	389	0
Investment in Subsidiaries	0	7,075	0	6,892
<b>Total non-current assets</b>	<b>9,167</b>	<b>7,510</b>	<b>15,268</b>	<b>7,313</b>
<b>Total Assets</b>	<b>15,390</b>	<b>8,776</b>	<b>21,749</b>	<b>7,577</b>
<b>LIABILITIES</b>				
<b>Current liabilities</b>				
Payables and accruals	870	52	1,627	40
Employee entitlements	677	55	716	46
Provision for Subvention	0	0	0	0
<b>Total current liabilities</b>	<b>1,547</b>	<b>107</b>	<b>2,343</b>	<b>86</b>

**Non current liabilities**

Deferred Tax	0	0	585	0
Loans	1,500	2,500	1,500	1,500
<b>Total non-current liabilities</b>	<b>1,500</b>	<b>2,500</b>	<b>2,085</b>	<b>1,500</b>
<b>Total liabilities</b>	<b>3,047</b>	<b>2,607</b>	<b>4,428</b>	<b>1,586</b>

**EQUITY**

Share capital	20,117	20,117	19,934	19,934
Accumulated Funds	271	(28)	681	(5)
Retained earnings	(8,045)	(13,920)	(3,294)	(13,938)
	<b>12,343</b>	<b>6,169</b>	<b>17,321</b>	<b>5,991</b>

**Net Assets**

<b>15,390</b>	<b>8,776</b>	<b>21,749</b>	<b>7,577</b>
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## **BULLER DISTRICT COUNCIL**

**22 FEBRUARY 2023**

### **AGENDA ITEM 10**

**Prepared by** Julia Gear  
Management Accountant

Lynn Brooks  
Finance Manager

**Reviewed by** Douglas Marshall  
Chief Financial Officer

#### **WESTPORT AIRPORT AUTHORITY HALF YEARLY REPORT TO 31 DECEMBER 2022**

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##### **1. REPORT SUMMARY**

In accordance with section 66 of the Local Government Act 2002, Council Controlled Organisations must deliver a half yearly report to shareholders. This report presents the interim (unaudited) financial statements for the six-month period ended 31 December 2022 including the budget for this period. The report also presents a Statement of Service Performance summary.

##### **2. DRAFT RECOMMENDATION**

**That the half yearly report for the Westport Airport Authority to 31 December 2022 be received by Council for information.**

##### **3. ISSUES & DISCUSSION**

This report is presented to Council to monitor the Westport Airport Authority financial results.

###### **3.1 Revenue**

Total revenue is \$95,518 actual compared to \$79,288 budget.

This is pleasing and is a result of budgets for Airport dues and Terminal rent being set when uncertainty existed over flight scheduling activity as a result of Covid-19 restrictions which meant the budget for income was prepared with caution (i.e. on the lower end). The improved income is anticipated to continue for the last six months of 2022/2023.



**3.2 Expenditure:**

Total operating expenditure (\$277,524) is more than budget (\$261,168). This is mainly due to a higher-than-expected salaries and wages for the first six months of the year. Staffing levels have been reviewed and revised, in conjunction with the airport staff in a manner which will lower costs over the balance of the financial year.

Staff levels will continue to be reviewed though to ensure we have the right balance of resources needed, particularly as flight activity improves.

This cost is balanced out by airport maintenance being under budget and the depreciation charge also being under budget.

**3.3 Capital Expenditure:**

Capital expenditure to date (\$37,076) is less than budgeted (\$42,051) and this has been spent on retaining and flood protection for the generator shed and fencing. The rest of the budget will be put towards carpark resealing and other smaller items.

**4. CONSIDERATIONS**

**4.1. Strategic Impact**

The provision of centralised Airport services is important for the community providing travel for economic and social reasons.

**4.2. Significance Assessment**

The significance and engagement policy set out the criteria and framework for a matter or transaction to be deemed significant. The content included in this report is not considered significant by nature due to the value of transactions. However, the provision of an Airport service is significant for the District.

**4.3. Risk Analysis**

Risk is assessed by considering the likelihood of an event occurring and the result of that event. This report provides oversight of the financial operations of the Westport Airport Authority but does not elaborate on other risks which may be present with this operation. Risk is mitigated by engaging suitably qualified staff to oversee the Airport operations. Financial risk is mitigated when the results of operations are reported on and understood by staff and governance.

**4.4. Policy / Legal Considerations**

Section 66 (1) of the Local Government Act 2002 governs the activities of Buller District Council and sets out the requirement to present a half yearly report to shareholders.

The legislation requires that within two months after the end of the first half of each financial year, the board of a council-controlled

organisation must deliver to the shareholders a report on the organisation's operations during that half year.

**4.5. Tangata Whenua Consultation Considerations**

The contents of the report are not a matter requiring consultation with Tangata Whenua.

**4.6. Views of Those Affected**

The provision of a Westport Airport service is consulted on with the community during Long-Term and Annual Plan processes.

**4.7. Costs**

There are no extraordinary costs incurred within the reporting period.

**4.8. Benefits**

The benefits of reviewing the half yearly report are the financial results are monitored at a Council wide level.

**4.9. Media / Publicity**

There are no media or publicity opportunities with this report.

**WESTPORT AIRPORT  
AUTHORITY**

**INTERIM (unaudited)  
FINANCIAL STATEMENTS  
FOR THE 6 MONTHS ENDED  
31 DECEMBER 2022**

**WESTPORT AIRPORT AUTHORITY  
STATEMENT OF FINANCIAL POSITION  
AS AT 31 DECEMBER 2022**

	December 2022 \$	December 2021 \$
<b>CURRENT ASSETS</b>		
Accounts Receivable and accruals	12,375	12,258
Pre-paid Expenses	<u>8,381</u>	<u>7,339</u>
<b>Total Current Assets</b>	20,757	19,597
<b>NON-CURRENT ASSETS</b>		
Property, Plant & Equipment	<u>5,706,694</u>	<u>5,581,864</u>
<b>TOTAL ASSETS</b>	<u>5,727,450</u>	<u>5,601,462</u>
<b>CURRENT LIABILITIES</b>		
Accounts Payable and accruals	24,235	13,491
Revenue in Advance	678	4,408
Buller District Council Current Account	<u>343,573</u>	<u>219,851</u>
<b>Total Current Liabilities</b>	368,486	237,751
<b>NET ASSETS</b>	<u>5,358,964</u>	<u>5,363,712</u>
<b>EQUITY</b>		
Equity Ministry of Transport	1,938,721	1,804,072
<u>Less</u> Share of accumulated losses	<u>(326,002)</u>	<u>(188,979)</u>
	<u>1,612,719</u>	<u>1,615,093</u>
Equity Buller District Council	4,111,031	3,976,382
<u>Less</u> Share of accumulated losses	<u>(364,786)</u>	<u>(227,763)</u>
	<u>3,746,245</u>	<u>3,748,619</u>
Equity Ministry of Transport & Buller District Council	6,049,752	5,780,454
<u>Less</u> Total accumulated losses	<u>(690,788)</u>	<u>(416,742)</u>
<b>TOTAL EQUITY</b>	<u>5,358,964</u>	<u>5,363,712</u>

**WESTPORT AIRPORT AUTHORITY  
STATEMENT OF COMPREHENSIVE REVENUE AND EXPENSE  
FOR THE 6 MONTHS ENDED 31 DECEMBER 2022**

<b>6 Months Dec 2021 \$</b>		<b>6 Months Dec 2022 \$</b>	<b>Budget 6 Months \$</b>
	<b>Revenue</b>		
18,579	Airport Dues/ Landing Fees	19,842	17,005
49,380	Terminal Rental & Sundry Income	54,676	41,283
21,000	Farming Lease	21,000	21,000
<u>88,960</u>	<b>Total Revenue</b>	<u>95,518</u>	<u>79,288</u>
	<b>Less Expenditure</b>		
19,827	Airport Maintenance	15,012	22,979
156,117	Administration	193,085	160,499
6,951	Audit Fees	0	5,399
28,203	Depreciation	42,942	51,852
4,965	Rates and Insurance	14,105	10,772
4,927	Power and Telephone	4,151	4,627
5,112	General Expenses	8,229	5,040
<u>226,102</u>	<b>Total Expenditure</b>	<u>277,524</u>	<u>261,168</u>
(137,142)	<b>Operating Surplus (Deficit)</b>	(182,006)	(181,880)
6,524	Interest Expense	5,219	-
<u>(143,486)</u>	<b>Net Surplus/(Deficit) Before Tax</b>	<u>(187,224)</u>	<u>(181,880)</u>
-	Less Tax Expense	-	-
<u>(143,486)</u>	<b>Net Surplus (Deficit) after Tax</b>	<u>(187,224)</u>	
<u>(34,518)</u>	<b>Net Surplus/(Deficit)</b>	<u>(187,224)</u>	
	Attributable to:		
(17,259)	Profit / (Loss) Buller District Council	(93,612)	
(17,259)	Profit/ (Loss) Ministry of Transport	(93,612)	
<u>(34,518)</u>		<u>(187,224)</u>	

**APPROPRIATION ACCOUNT  
FOR THE 6 MONTHS ENDED 31 DECEMBER 2022**

<b>6 Months Dec 2021 \$</b>		<b>6 Months Dec 2022 \$</b>
(382,224)	Opening Balance (Accumulated Losses)	(503,563)
<u>(34,518)</u>	<b>Net Surplus / (Deficit)</b>	<u>(187,224)</u>
<u>(416,742)</u>	<b>Closing Balance (Accumulated Losses)</b>	<u>(690,788)</u>

**WESTPORT AIRPORT AUTHORITY  
STATEMENT OF CHANGES IN EQUITY  
FOR THE 6 MONTHS ENDED 31 DECEMBER 2022**

	<b>6 Months Dec 2022 \$</b>	<b>6 Months Dec 2021 \$</b>
Equity at Start of the Period	5,407,150	5,398,230
Total Comprehensive Income	(187,224)	(34,518)
Contributions from Buller District Council	69,519	0
Contributions from the Crown	69,519	0
Equity at End of the Period	<u>5,358,964</u>	<u>5,363,712</u>

**STATEMENT OF CASH FLOWS  
FOR THE 6 MONTHS ENDED 31 DECEMBER 2022**

	<b>6 Months Dec 2022 \$</b>	<b>6 Months Dec 2021 \$</b>
<b>Cash Flows from Operating Activities</b>		
Cash was provided from:		
Airport Dues and Landing Fees	22,571	22,673
Rental Charges	54,676	49,380
Farming Lease	21,000	21,000
Insurance Proceeds	0	133,346
	<u>98,247</u>	<u>226,575</u>
Cash was applied to:		
Payments to Suppliers and Employees	(251,552)	(244,040)
Interest	-	-
Net GST	(4,439)	4,936
	<u>(251,991)</u>	<u>(249,132)</u>
Net Cash Flows from Operating Activities	<u>(157,744)</u>	<u>(22,557)</u>
<b>Cash Flows from Investing Activities</b>		
Cash was applied to:		
Purchase of fixed assets	(57,833)	(64,398)
Net Cash Flow from Investing Activities	<u>(57,833)</u>	<u>(64,398)</u>
<b>Cash Flows from Financing Activities</b>		
Cash was provided from:		
Buller District Council	69,519	-
Contributions from Joint Venture Partners	69,519	-
Cash was provided to/from:		
Buller District Council Current Account	76,538	86,954
Net Cash Flows from Financing Activities	215,577	86,954
Net Increase in Cash and cash equivalents	-	-
Add Cash and cash equivalents at Start of Year	-	-
Cash and cash equivalents End of Year	<u>-</u>	<u>-</u>

**WESTPORT AIRPORT AUTHORITY  
STATEMENT OF SERVICE PERFORMANCE  
FOR THE 6 MONTHS ENDED 31 DECEMBER 2022**

The Authority's performance in comparison to its performance targets is outlined as follows.

	<b>Actual Performance</b>	<b>Performance Target</b>
	<b>\$</b>	<b>\$</b>
Operating Revenue	95,518	79,288
Operating Expenditure	<u>277,524</u>	<u>261,168</u>
Net Profit (Loss)	(182,006)	(181,880)
 <b>Capital Expenditure</b>		
Equipment (including Work in Progress)	37,076	42,051

**WESTPORT AIRPORT AUTHORITY  
STATEMENT OF SERVICE PERFORMANCE  
NARRATIVES  
FOR THE 6 MONTHS ENDED 31 DECEMBER 2022**

**Revenue**

Total revenue is \$95,518 actual compared to \$79,288 budget.

This is pleasing and is a result of budgets for airport dues and terminal rent being set when uncertainty existed over flight scheduling activity as a result of Covid-19 restrictions which meant the budget for income was prepared with caution (i.e. on the lower end). The improved income is anticipated to continue for the last six months of 2022/2023.

**Expenditure**

Total operating expenditure (\$277,524) is more than budget (\$261,168),

This is mainly due to a higher-than-expected salaries and wages for the first 6 months of the year. Staffing levels have been reviewed and revised, in conjunction with the airport staff in a manner which will lower costs over the balance of the financial year. Staff levels will continue to be reviewed though to ensure we have the right balance of resources needed, particularly as flight activity improves.

This cost is balanced out by airport maintenance being under budget and the depreciation charge also being under budget.

**Capital Expenditure**

Capital expenditure to date (\$37,076) is less than budgeted (\$42,051) and this has been spent on retaining and flood protection for the generator shed and fencing. The rest of the budget will be put towards carpark resealing and other smaller items.



## **BULLER DISTRICT COUNCIL**

**22 FEBRUARY 2023**

### **AGENDA ITEM 11**

<b>Prepared by</b>	Rachel Townrow Acting Chief Executive Officer
<b>Appendices</b>	1 - CEO KPIs for FY 2022/2023 2 - BDC Submission - LGOIMA Amendment Bill 3 - BDC Submission - Sale and Supply of Alcohol Community Participation Amendment Bill 4 - Water Fluoridation Notification Response

#### **ACTING CHIEF EXECUTIVE REPORT**

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##### **1. REPORT SUMMARY**

This report provides an overview and update on strategic aspects that are happening in the Buller District, and a 'horizon-scan' of upcoming strategic focus areas and opportunities.

##### **2. DRAFT RECOMMENDATIONS**

**That the Council:**

- 1. Receives this report for information;**
- 2. Endorses Mayor Cleine, the Group Manager Regulatory Services and Acting Chief Executive to present to the Justice Committee .**
- 3. Council's submission on the Local Government Official Information and Meetings Act Amendment Bill.**
- 4. Endorses Councillor Neylon, the Group Manager Regulatory Services and Acting Chief Executive to present to the Justice Committee on Council's submission on the Sale and Supply of Alcohol (Community Participation) Amendment Bill.**

### 3. OVERVIEW OF INFORMATION

This report provides information on activity which has occurred over January and February 2023, and horizon scans matters of interest to Council.

It also provides quarterly updates on the CEO's key performance indicators (KPIs) and central government reform.

#### 3.1 National State of Emergency

Our thoughts are with all of those who have been impacted by the recent severe weather events around the country. We have reached out to the National Emergency Management Agency and other agencies working on the response to offer support.

#### 3.2 CEO Key Performance Indicators Progress Update

Council sets the Chief Executive's KPIs each year at the same time as the Annual Plan (or Long-Term Plan) is adopted, to ensure alignment between the two. These KPIs are then made public and reported against.

The Mayor, Deputy Mayor and CEO meeting monthly to discuss progress on the KPIs. It has been agreed that a quarterly update will be presented to Council through the Chief Executive's Report. These will be presented in February (as no January meeting), April, July (wrapping up the previous financial year) and October.

Attached at Appendix One is a table containing the KPIs for the current financial year and outlining progress against them. All are tracking well, with some having been completed.

In April Council will begin the process to draft the CEO's KPIs for the 2023/24 financial year.

#### 3.3 Reform Update

As required by the CEO's KPIs, below is an update on central government reform and Council's ability to respond.

It has been a busy period for responding to central government reforms. Since the 25 January extraordinary meeting:

- **Resource Management Reform**

The feedback provided by Council at the 25 January meeting on the draft West Coast council's submission on the Natural and Built Environment Bill and the Spatial Planning Bill has been provided to the team working on the submissions and they have incorporated it into the documents.

Ensuring Buller District Council has the opportunity to be heard on these submissions was raised by Councillors at the 25 January meeting. Staff have followed through on this by registering an interest for Buller District Council to be heard.

- **Local Government Official Information and Meetings Act Amendment Bill**

A submission was lodged on 2 February 2023. A copy of the submission is attached as Appendix Two. It advises that Council wishes to be heard in support of the submission. At the time of writing, we have not received an indication of when this hearing is likely to take place. It is recommended that Mayor Cleine, given his knowledge of Council's natural hazard resilience work, the Group Manager Regulatory Services and Acting Chief Executive present the submission on behalf of Council.

- **Sale and Supply of Alcohol (Community Participation) Amendment Bill**

A submission was lodged on 12 February 2023. A copy is attached as Appendix Three. It advises that Council wishes to be heard in support of the submission. Hearings will be held on 16 and 23 February and 1 March, and we have requested a speaking time on 23 February. It is recommended that Councillor Neylon as Chair of the District Licensing and Regulatory, Hearings and Planning Committees, the Group Manager Regulatory Services and Acting Chief Executive present the submission on behalf of Council.

- **Three Waters Reform**

A draft submission on two bills related to Three Waters Reform are the subject of a report on this agenda. The Finance and Expenditure Select Committee has granted Council an extension until 24 February 2023 to make this submission, to allow Council to consider the submission at its February meeting.

We were requested to put in a 'placeholder' submission by the closing date, and this was done on 10 February 2023. Alongside the submission, Council staff along with the Buller Holdings Ltd CEO and WestReef staff have been engaging with the Three Waters National Transition Unit on the CCO transfer issue. We have also been working with Local Government New Zealand (LGNZ) and other impacted councils on this issue

- **Future for Local Government (FFLG) Review**

Elected members and staff have been engaging with LGNZ, Taituarā, the FFLG Panel and other councils on the FFLG report. A draft submission in response to the document currently out for consultation is the subject of a report on this agenda.

Looking ahead, the new Prime Minister has undertaken a reprioritisation of the reform programme. Of particular interest is the request that the new Minister of Local Government report back on how to refine the Three Waters reforms. It is understood that the reform is still intended to go ahead. Staff are actively engaged with the Three Waters Reform programme and will continue with this work. Updates will be provided to Council as and when more is known.

### **3.4 Response to Manatū Hauora (The Ministry of Health) – Potential Fluoridation Direction for Westport and Reefton**

As discussed at the workshop on 14 December 2022, Manatū Hauora (the Ministry of Health) wrote to Council in November 2022 asking for a comment on the estimated financial cost of adding fluoride to the Westport and Reefton drinking water supplies, as well as the date by which Council would be able to comply with a direction to fluoridate. A response to the letter was required by 2 February 2023.

Feedback from Councillors, noting community views on this issue, was incorporated into the letter as discussed at the workshop. A media release was issued shortly after the response was sent. The letter from Manatū Hauora, Council's response and the media release are attached as Appendix Four for information.

It is noted that the Health (Fluoridation of Drinking Water) Amendment Act 2021 shifted decision-making on fluoridation from local authorities to the Director-General of Health on the basis that it is a health-based decision.

In July 2022 Manatū Hauora directed 14 local authorities around New Zealand to add fluoride to some or all of their water supplies. It is expected that local authorities who are directed to fluoridate will be invited to apply for funding for capital projects associated with this work.

The letter to Buller District Council was part of a second wave of requests to 27 further local authorities.

**Chief Executive Officer KPIs for FY 2022/23  
Quarterly Update – January 2023**

**SECTION 1: “Core” Key Performance Indicators**

Core Key Performance Indicators			Progress Update
Statutory Duties	Statutory compliance will be reviewed at least annually, including identifying progress against the top 5 risks agreed by Council, and that those updated risk reviews will be formally reported to Council prior to the draft 2023/2024 annual plan.	30 June 2023	A report will be provided to Council in March 2023
	An unqualified audit report is received in respect of the 2021/2022 annual report and all issues raised by Audit NZ in their management letter have agreed timeframe to be cleared.	31 Jan 2023	An unqualified audit report has been received for the 2021/2022 annual report
Health & Safety	Health and safety reports through to Risk & Audit on a quarterly basis, noting trends and mitigation strategies.	30 June 2023	Quarterly report provided in September 2022. The December 2022 report did not occur due to staff vacancies. The next report will be in March 2023
Risk	Quarterly Strategic risk report to RAC and annual review of strategic risk register.	30 June 2023	Quarterly report provided in December 2022, next report in March 2023
Financial Prudence	<p>OPEX – operating budgets will not be exceeded in total</p> <p>CAPEX delivery:</p> <ul style="list-style-type: none"> <li>Individual capital projects over \$750K will be achieved within +/-5%</li> <li>Any changes outside of +/-5% will be brought to Council for re-approval along with consequent effects.</li> <li>The total capital budget achieved within +/-5%</li> </ul>	30 June 2023	Reported on via Risk and Audit Committee
Staff Satisfaction	Staff satisfaction is raised as follows onto an 18-month cycle:	Ongoing	A staff engagement survey is planned for April/May 2023 with results to be available by 30 June 2023

	<ul style="list-style-type: none"> <li>Staff engagement surveys attain a minimum of 70% response rate.</li> </ul>	30 June 2023	
	<ul style="list-style-type: none"> <li>The overall staff engagement index is 5% higher than 30 June 2021.</li> </ul>	30 June 2023	
	<ul style="list-style-type: none"> <li>The staff confidence that collective organisational leadership inspires and motivates is 5% higher than at 30 June 2021.</li> </ul>		

## SECTION 2: Strategic Areas of Focus

One Year Specific Goals:		Progress Update
<p>The key most visible projects should be placed into this KPI on a completed/not-completed basis each year. For the 2022/2023 financial year, the following are key KPI projects:</p> <ul style="list-style-type: none"> <li>Delivering central government funded projects for the betterment of the Buller District.</li> <li>That Council engages with the Buller community to assist forming the climate change action plan.</li> <li>That council deliver the toll gate strategy to ensure Westport port and Kawatiri are a viable commercial business or appropriate mitigations are put in place if viable commercial business are not in place.</li> <li>That council is agile enough to respond to the strategic implications which will arise through the 3 Water, RMA and Local Govt reforms process as</li> </ul>	By June 2023	Infrastructure Acceleration Fund (IAF) and Better-off funding packages were announced in late 2022. Project delivery in is in its early stages.
	By June 2023	A project plan is currently being developed, with engagement to commence in early 2023
	By June 2023	This is a work in progress. An update will be provided to Council in April
	Quarterly through to June 2023	Workload and resource planning underway to ensure Council can respond. Quarterly updates to Council are included in the

## APPENDIX 1

<p>well as Emission reduction plan and National Adaption plan. Council to receive quarterly or as appropriate updates given the pace of the reform.</p> <ul style="list-style-type: none"> <li>That Tranche 2 Economic development Environmental opportunities is progressed throughout the year and in partnership with relevant key stakeholders.</li> </ul>	<p>By June 2023</p>	<p>agenda timetable for 2023, with the first in February 2023</p> <p>We are continuing to actively work with the Kotahitanga mō te Taiao Alliance to pursue opportunities</p>
<p>That the CEO runs a successful local government election process.</p> <p>That CEO pre-election report is prepared.</p> <p>That community engagements activities occur to encourage voting and potential candidates: outlining roles and responsibility of council and councillors.</p> <p>That a comprehensive orientation package is made available for incoming councillors.</p>	<p>Oct 2022</p>	<p>Complete</p> <p>Complete</p> <p>Complete</p> <p>Orientation and induction sessions delivered. Site visits to Council-owned assets and facilities to be arranged</p>
<p>BDC recovery plan</p> <p>That the CEO has overall oversight of the post flood recovery plan and that plan:</p> <p>Has a clear transition date to business as usual activity.</p>	<p>June 2023</p>	<p>Transition plan in action, with reviews as milestones reached</p>

## APPENDIX 1

<p>That the tranche 2 business case has been successful and that a programme of work is in place through the projects in partnership (PiP) framework and governance oversight through the Buller Flood committee to deliver the agreed activities within agreed timelines.</p> <p>That the recovery funding is transparent and visible and reported monthly .</p> <p>That a MOU is in place between council and the Buller Resilience Trust (BRT) Stafford Street homes.</p> <p>That a divestment plan is articulated and approved through partnership with Council, Iwi and MBIE with regards to the Alma Road temporary village.</p>		<p>Tranche 2 programme is progressing well, and is reported to PiP monthly</p> <p>Recovery funding is reported monthly to PiP and RAC</p> <p>Draft documents completed, currently being reviewed by both parties</p> <p>On Council agenda timetable for April 2023</p>
<p>The CE will agree a personal development programme with Council that includes measurable deliverables/actions, including regular supportive coaching/performance feedback (for both Council and the CE).</p>	<p>Agreed by December 2022</p>	<p>To be agreed with the new permanent CEO once appointed</p>



## APPENDIX 1

Multi-Year Goals:		
<ul style="list-style-type: none"> <li>• That an information management system upgrade is implemented and delivered.</li> </ul>	By June 2023	Good progress is being made on this project
<ul style="list-style-type: none"> <li>• Raise cultural awareness amongst council staff and Councillors through the provision of a development programme in partnership with Buller District Council non-elected Māori representatives.</li> </ul>	By June 2023	A training day for Councillors and senior staff is currently being organised, aiming for a date in mid-May 2023
<p>Customer service satisfaction is a 2 yearly survey and :</p> <ul style="list-style-type: none"> <li>• Users' perception of Council staff interaction is 5% greater than at 30 June 2021.</li> <li>• Overall residents' perception of Council service performance is 5% greater than at 30 June 2021.</li> </ul>	By June 2023	Customer satisfaction survey to be carried out in March 2023 with results to be available by 30 June 2023

3 February 2023

Mr Ian McKelvie  
Chair  
Governance and Administration Committee  
Parliament Buildings  
Wellington

Kia ora Mr McKelvie

Local Government Official Information and Meetings Amendment Bill

Thank you for the opportunity to comment on the Local Government Official Information and Meetings Amendment Bill (the Bill).

Buller District Council (BDC) strongly supports the Bill's broad policy and purpose to provide clarity and certainty for local authorities on provisions of the Local Government Official Information and Meetings Act 1987. Clarity and certainty assist not only the local authorities exercising their functions under the Act, but also our communities who are the recipients of the information being provided.

We support the Bill's intention to create a statutory framework that makes better natural hazard information, including information about the impacts of climate change, available through Land Information Memorandums (LIMs). With our recent experience of flood events, and the broader hazardscape of the Buller district, we understand the importance of quality natural hazard information for people to make informed decisions and the broader role this plays in making our communities more resilient.

The objective of natural hazard information on LIMs being "clear, concise, nationally consistent in its presentation, and easily understood" is supported, as is certainty for local authorities. Achieving this objective will come down to how the legislation is applied in practice. BDC supports the development of regulations to provide greater certainty for local authorities and LIM recipients, and to create efficiencies in providing this service. We request that such regulations are made and that this happens soon after these changes come into effect.

We also support reducing exposure to legal liability for both territorial authorities and regional councils. Providing a level of legal protection for councils acting in good faith will better enable sharing of this information between district and regional councils, and onto the community through LIMs, supporting achievement of the Bill's broader aims.

BDC supports the submission made by Local Government New Zealand (LGNZ) and seeks the amendments outlined in that submission.

BDC supports the proposed changes around alignment with the withholding and certification processes in the Official Information Act 1982.

## APPENDIX 2

BDC would welcome the opportunity to speak to this submission.

If the Governance and Administration Committee would like to discuss any aspects of this submission in further detail, please contact Rachel Townrow, Acting Chief Executive at [rachel.townrow@bdc.govt.nz](mailto:rachel.townrow@bdc.govt.nz).

Ngā mihi nui



**Rachel Townrow**

Acting Chief Executive Officer

12 February 2023

Justice Committee  
Parliament Buildings  
Wellington

Submitted online: [www.parliament.nz](http://www.parliament.nz)

Tēnā koutou

### **Sale and Supply of Alcohol (Community Participation) Amendment Bill**

Thank you for the opportunity to comment on the Sale and Supply of Alcohol (Community Participation) Amendment Bill (the Bill).

Buller District Council (BDC) strongly supports the Bill's aim of improving communities' ability to influence alcohol regulation in their area to ensure that the sale, supply, and consumption of alcohol is undertaken safely and responsibly and that the harm caused by excessive or inappropriate consumption of alcohol is minimised.

We believe that while the Sale and Supply of Alcohol Act 2012 (the principal Act) intended to enable these outcomes for communities, in practice some of the provisions of the principal Act have not enabled this to be achieved as hoped.

BDC supports targeted changes to those provisions in the principal Act to better enable territorial authorities to support their communities in achieving these outcomes. In particular we make the following comments on the clauses in the Bill:

#### **Clause 4**

The proposed definition of "trade competitor" is clear and concise. It is simple to determine from the definition whether or not someone is a "trade competitor" for the purposes of the legislation. This will support fair and consistent interpretation and application of the legislation by providing clarity and certainty for territorial authorities applying the legislation and people considering making a submission. The definition is supported.

#### **Clause 6**

BDC supports removing the requirement to produce a provisional local alcohol policy (LAP) and agrees that using the special consultative procedure to consult on a draft LAP before adopting is the appropriate process, as this is consistent with the process for council policy documents of a similar scale. The amendments proposed in clause 6 give effect to this clearly and are supported.

## APPENDIX 3

### Clause 7

Proposed sections 80-83 outline the process well. It is pleasing to see specific reference to the ability to both discontinue and recommence the process.

It is suggested that 20 working days from public notification would be an appropriate timeframe for a LAP to be adopted under proposed section 81(a). This timeframe is consistent with that used in other legislation (e.g. Resource Management Act 1991, Local Government Official Information and Meetings Act 1987), and would enable more timely completion of the process and better alignment where territorial authorities hold monthly meetings.

In proposed new section 83(2), it is assumed that “completed consultation” means that the steps at section 83(1) of the Local Government Act 2002 have been completed (e.g. written submissions have been received and a hearing or other opportunity to present views has been conducted) and therefore the relevant date for proposed section 83(2)(b) would be the date the hearing was closed, or that written submissions closed if no hearing was required. Clarification of this point would be appreciated to avoid doubt as to whether or not recommencement is within the six year time period.

### Clause 9

If territorial authorities wish to adopt the LAP following the special consultative procedure, the process is understood to be:

- Public notice of the policy is given (s80(1))
- Policy is deemed to be adopted 30 days after the public notice (s81(a))
- At that time (i.e. 30 days after the s80(a) public notice) a further public notice is given to confirm that the policy has been adopted (s90(1))
- At a meeting following the s90(1) public notice the territorial authority can pass a resolution that will bring the LAP into force on a specified date (s90(1)(b))

It is suggested that the step at point three above is unnecessary where the LAP is to continue to adoption, as this is implied through sections 80(1) and 81(a). Instead it is suggested that the LAP be deemed notified on the date 30 days after notification under section 81(a) unless public notification is given within that period of the LAP being discontinued.

This would require an addition to proposed section 82 noting that discontinuance is by way of a resolution and public notice, and the deletion of existing section 90(1)(a). Consequential amendments would also be needed to regulations 17 and 19 of the Sale and Supply of Alcohol Regulations 2013.

### Clauses 10-11

BDC supports removal of the requirement for an objector on licence applications to have a greater interest in the application for the licence than the public generally.

With this requirement removed, we consider the proposed step of excluding trade competition as a reason for objection is appropriate. Trade competition is not what the principal Act is trying to address, and we agree that it should not be a consideration in considering applications under the Act. Enabling people who meet the definition of “trade competitor” to object on matters not related to trade competition or its effects is considered

## APPENDIX 3

appropriate as it allows people to be involved in the process where there is a legitimate reason for them to be in terms of the intentions of the Act.

### Clause 12

Proposed section 133 is supported. In order for LAPs and the Act to achieve their intended outcomes, LAPs must be able to be applied to all licensing decisions.

Use of the word “may” is supported, as it acknowledges that there could be individual cases where there is technically an inconsistency with the LAP however the facts and circumstances of that case may mean the licence can be renewed while still achieving the intent of the LAP. This is further enhanced by the ability to impose conditions in such circumstances, which is supported.

### Clauses 13-16

BDC supports provisions aimed at making hearings accessible, efficient and fit for purpose.

BDC supports the submission made by Local Government New Zealand (LGNZ).

BDC would welcome the opportunity to speak to this submission.

If the Justice Committee would like to discuss any aspects of this submission in further detail, please contact Rachel Townrow, Acting Chief Executive at [rachel.townrow@bdc.govt.nz](mailto:rachel.townrow@bdc.govt.nz).

Ngā mihi nui



Rachel Townrow

Acting Chief Executive Officer



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3 November 2022

Sharon Mason  
Chief Executive  
Buller District Council  
[sharon.mason@bdc.govt.nz](mailto:sharon.mason@bdc.govt.nz)

Tēnā koe Ms Mason

### **Community water fluoridation - notification of active consideration**

Thank you for your work to date with Manatū Hauora (the Ministry of Health) on matters concerning community water fluoridation.

As you will be aware, in July 2022, the Director-General of Health issued directions to 14 local authorities to fluoridate some or all of their drinking water supplies. Consistent with the Director-General's June 2022 letter to you, I am now writing to a second set of 27 local authorities advising each that I am actively considering whether to issue a direction to fluoridate some or all of its drinking water supplies. I have chosen to prioritise consideration of these 27 local authorities based on the needs and size of the populations served by their water supplies.

The Buller District Council is one of the local authorities I am now actively considering for a potential direction to fluoridate. I will consider separately each of the following drinking water supplies in your area: Westport and Reefton.

Regarding each water supply listed above, before I can decide whether to issue a direction to fluoridate, I am required under section 116G(2) of the Health Act (the Act) to invite written comment from you on:

- a) the estimated financial cost of adding fluoride to the drinking water, including any additional costs of ongoing management and monitoring
- b) the date by which your local authority would be able to comply with a direction to fluoridate.

Thank you for providing information earlier this year on the status of the fluoridation infrastructure in your area and the estimated costs and timeframes that would be necessary to fluoridate your drinking water supplies. That information is summarised in the attached table. Please note that the table expresses the information you provided about timeframes in terms of the number of months it would take to implement community water fluoridation if a direction were given and funding available. Please confirm or update the attached table and, where applicable, provide additional comment.



The Act requires that I give you at least 40 working days to respond to my request for written comment. To take into account the summer holiday period, I am giving you an additional 20 working days to respond. Please provide written comment to me **by 2 February 2023**. Please send your response to [fluoride@health.govt.nz](mailto:fluoride@health.govt.nz).

When deciding whether to issue any directions to fluoridate I will also consider the scientific evidence on the effectiveness of fluoridation and, for each drinking water supply, whether the benefits of fluoridation outweigh the financial cost, taking into account the oral health status, population size, and estimated costs of fluoridation.

I continue to be mindful of current service delivery pressures across the water services and broader local government sectors. In light of this, if I do issue directions regarding your drinking water supplies, they will have compliance dates set for after July 2024 when the new water service entities are due to be established.

An official from Manatū Hauora will contact your team during the consultation phase to discuss any questions you may have. Manatū Hauora recognises that this is a busy time for local authorities and wishes to work with you to make the process as straightforward as possible for your team.

Nāku noa, nā



Dr Diana Sarfati  
**Te Tumu Whakarae mō te Hauora**  
**Director-General of Health**





### Information about drinking water supplies for Buller District Council

Local Authority	Reticulated drinking water supply name	Water supply pop	Estimated number of months to fluoridate if a direction is given and funding available	Estimated capital works cost to fluoridate	Estimated ongoing mgmt. & monitoring costs	Additional comments
Buller District Council	Westport	4974	24	\$250,000		
	Reefton	951	24	\$250,000		

2nd February 2023

Rachel Townrow  
Acting Chief Executive  
Buller District Council  
[Rachel.townrow@bdc.govt.nz](mailto:Rachel.townrow@bdc.govt.nz)

Tēnā koutou

### Community water fluoridation – response to notification of active consideration

I am writing in response to the letter we received on the 3 November 2022 where you notified Buller District Council that Manatū Hauora are actively considering whether to issue a direction to fluoridate some, or all our drinking water supplies for both Westport and Reefton.

Whilst the consideration is currently ongoing, Buller District Council did want to note that whilst we have consulted our council, we have not consulted with our wider communities.

Following on from this we did want to highlight that there are differing views within our communities regarding fluoridation, both for and against.

Attached is the costing report that we sent over previously for your perusal. I wanted to note that since we previously sent over our costings in June, we have saw an increase in overall costs and therefore have added 23% on to our estimates, including ongoing costs for management and monitoring which can be found below:

Local Authority	Reticulated drinking water supply name	Water supply pop	Estimated number of months to fluoridate if a direction is given and funding available	Estimated capital works cost to fluoridate	BDC Estimated cost to fluoridate water for Westport and Reefton	Estimated ongoing mgmt. & monitoring costs	Additional comments
Buller District Council	Westport	4974	24	\$250,000	\$466,000	\$21678.75	Increased costs for supplies, delivery, labour, inflation and contractors
	Reefton	951	24	\$250,000	\$368,000	\$12485.29	Increased costs for supplies, delivery, labour, inflation and contractors

I note that this response was to be based on our costings, as well as the timescales in which we forecast fluoridation to be complete however, we wanted to highlight that community water fluoridation has not been included in our Long Term Plan, and therefore would like to seek clarity on how this is going to be funded both in the immediate and long term.

Furthermore, as part of the service delivery pressure currently on the water services and broader government sectors, we would like to suggest the consideration of a standardised approach to the fluoridation system to be put in place across Entity D.

Buller District Council believe that if we work in close consultation with the rest of the Entity, it will give us a more effective and favourable approach in terms of ongoing repairs, resource constraints and the ability to maintain compliant water services for our community.

We are happy to work with the Ministry of Health and welcome any feedback on the points raised.

Ngā mihi



Mike Williams  
*Having full delegated authority*  
p.p Acting CEO Buller District Council

7 February 2023

## **Council responses to Manatū Hauora (Ministry of Health) consideration to fluoridate water supplies in Buller**

Buller District Council (BDC) has sent a letter to Manatū Hauora in response to a letter received in November last year, that Manatū Hauora is actively considering issuing a direction to fluoridate our water supplies for both Westport and Reefton.

Buller Mayor Jamie Cleine says: “We wanted to highlight some key issues like the increased overall cost of implementation, monitoring and management, and the fact that fluoridation is not included in our Long-Term Plan which raises the question how it will be funded.

“Also, we wanted to emphasise that the community has not been consulted on this issue and there are differing views within our communities regarding fluoridation, both for and against.”

Council estimates an increase in overall costs of 23% to the figures provided in June last year including ongoing expenses for management and monitoring.

Council’s response highlights the current pressure on the water service delivery and the government sectors. Council suggests considering a standardised approach to the fluoridation system across Entity D to manage this. Entity D will encompass the entire South Island as one of the new water services regions under the Three Waters Reform.

Buller Mayor Jamie Cleine says: “We are aware adding fluoride to the water supply can be a controversial issue. With this letter we wanted to bring in our local voice and knowledge into the discussion.

“However, the decision-making on fluoridation has been taken out of Council’s hands and sits with the health authorities.”

### **Background**

In July this year, the Ministry of Health directed 14 local authorities around New Zealand to add fluoride to some or all of their water supplies. It is expected that local authorities who are directed to fluoridate will be invited to apply for funding for capital projects associated with this work. Buller District Council was part of a second wave of requests to 27 further local authorities in regard to this topic.

Manatū Hauora (the Ministry of Health) wrote to Council in November 2022 asking for a comment on the estimated financial cost of adding fluoride to the drinking water, as well as the date by which Council would be able to comply with a direction to fluoridate.

Councillors came together in December 2022 to discuss potential fluoridation of the town water supplies in both Reefton and Westport.

Around half of all New Zealanders currently are connected to water supplies that have fluoridated water.

The Health (Fluoridation of Drinking Water) Amendment Act 2021 shifted decision-making on fluoridation from local authorities to the Director-General of Health on the basis that it is a health-based decision.

***ENDS-***

For more information please contact:

Mayor Jamie Cleine

Jamie.cleine@bdc.govt.nz

## **BULLER DISTRICT COUNCIL**

**22 FEBRUARY 2023**

### **AGENDA ITEM 12**

**Prepared by** Jamie Cleine  
Buller District Mayor

**Appendices** 1 TTPP Project Managers Report  
2 TTPP Stakeholder Newsletter  
3 WCEM Joint Committee Agenda

### **MAYOR'S REPORT**

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#### **1. REPORT SUMMARY**

This report is to provide commentary of significant events and meetings attended by the Mayor. The report also provides information on advocacy or political matters currently before Council.

#### **2. DRAFT RECOMMENDATION**

- 1. That Council receive the report for discussion and information.**
- 2. That Council receive and note incoming and outgoing correspondence and Councillors provide direction for any responses or additions.**

#### **3. COUNCIL**

##### **3.1 Chief Executive Recruitment**

The recruitment is progressing largely to timelines previously advised. The CE recruitment working group (WG) consists of Cr's Neylon, O'Keefe, Pfahlert, Deputy Mayor Basher and Mayor. On 2 February the WG met with Jackson Stone recruiter Simon Boyes to discuss the 35 applicants on the long list. The WG approved applications to be further progressed by Jackson Stone who will report back on 22 February to recommend a potential shortlist. It is intended this shortlist will progress to panel interview by full Council in early March.

##### **3.2 Councillor – Senior Leadership Team “Reset for Success” Workshop**

Councillors and senior staff came together for a workshop to identify the strategic issues/challenges we will be working on during 2023 and how we may best work to be successful in achieving what is a large workload ahead. This was an excellent opportunity to bring the key players in our

team together (staff and elected members) to better understand how we can support each other to be successful.

I anticipate a summary of the workshop themes will be collated from the workshop and refined into a document to be endorsed by full Council as part of our aspiration to continuously improve how we work together.

Progress has already been made on some common themes:

- Finding ways to improve communication and information sharing across the team.
- Improving Councillor access to training and professional development. Council has provided access to Ākona, LGNZ's new learning and development programme for all council and community board elected members. Learning through Ākona is accessible both online and in person. It includes an intuitive and easy-to-navigate eLearning platform, e-modules, Ako hours (lunchtime Q&A with experts), and workshops to provide additional networking and connection opportunities – plus, the chance to both teach and learn through shared experiences.

### **3.3 Tuia**

After consulting ward Councillors for any potential candidates, I have announced Maddox Manawatu as the successful Kawatiri Tuia programme candidate. Maddox will start his Tuia journey at a wananga in Tuia i Runga (Waikato) early next month.

The Tuia youth leadership programme brings together young Māori, 18 – 25 years old, from across Aotearoa/New Zealand - connecting passions, aspirations, and dreams of rangatahi to serve our communities well.

The youth leadership programme seeks to weave people together well, so that their collective contribution has a greater positive impact on communities.

Maddox, lives in Westport and is working at Buller High School as a Kaiāwhina.

I interviewed Maddox and was impressed by his enthusiasm to take part in the programme. It will be a great learning and development opportunity and I look forward to being part of his journey over the coming months.

Maddox is Council's third Tuia participant and I have introduced him to previous mentees Ella Moore and Cee Te Haara Barr. I anticipate the Tuia cohort can grow and support leadership of rangatahi in our district and is a way to strengthen the cultural focus in Kawatiri.

During his Tuia journey, Maddox will do 100 hours of community service and attend five wananga with other Tuia participants, to build networks, obtain support, and exposure to diversity.

### **3.4 Mayors Taskforce for Jobs (MTFJ)**

#### **Mayors Comment:**

The Summer holiday period continues to be busy throughout the District. There seems to be a growing confidence in the community, with flood recovery activities winding down and significant investment continuing into infrastructure and housing. Kaianga Ora has recently announced a major investment into new housing, meeting their client needs and utilising local home builders.

I recently visited the plant site for Westland Mineral Sands(WCMS) near Westport and gained an understanding of the significance this new industry will play for Buller. They are well established and have clear development plans to grow capacity and utilisation of the Port.

This was part of a Council collaboration and port strategy with WCMS to ensure a new industry could establish and diversify the local economy.

I expect long term employment will be generated in the mining operations, port and transport fields.

Federation Mining in Reefton have also gained consent for a processing plant to support their mine as they move into production in 12-18months.

Small business continues to be a focus of MTFJ/MSD working together with a number of trades apprenticeships continuing to be filled.

#### **MTFJ Co Ordinator Julie Moore**

Mid January Ruby and I travelled to Greymouth to spend the day with their new MTFJ coordinator Selena Moles. It was great to connect to other councils on the Coast; we are quite isolated here on the West Coast which can be very challenging.

We also travelled to Karamea and met with several local businesses and farms that are keen to utilise the fund.

The end of January we went to Reefton. Ruby met with some of our past recipients as part of her pastoral care role, and again we made contact with a number of businesses that were unfamiliar with MTFJ. This has resulted some applications for the fund.

Planning has begun on the delivery of our Youth Employability Programme (YEP) programmes for 2023. Our proposed start date for this is 20 February.



One of the challenges we face here in Buller is the reluctance in clients wanting to engage with EMA and Clearhead.

MTFJ supported 5 individuals for January. These included four grants to assist with drivers licensing and one to support an electrical trades employee.

**Total distributions for the month                   \$ 3,738.00**

**Total distributions year to date                   \$68,678.45**

### **3.5 Buller Mayoral Relief Fund (MRF)**

The MRF is almost exhausted with any claim against the February 2022 granted funds being closed from 28 February 2023.

NEMA funded MRF grants are typically for six-months duration to cover immediate needs of communities.

Given the complexity and scale of the recovery from 2022 flood event, Council applied for a six-month extension to this time limit to the end of February 2023. The NEMA component of the July 2021 fund has been expended and the remaining balance is community donations without an expiry time, however the fund is almost fully distributed.

There is no avenue to combine the two funds.

The Flood Recovery Hub were the key referrer of applicants as the navigator programme worked alongside those of highest need. With the Hub now closed, most applications have ceased as the flood affected residents move to more long-term support options.

The MRF committee intend to meet one more time to consider any final applications.

#### **The MRF balances as at 14 February:**

**July 2021 Fund                   \$ 3,483.20**

**February 2022 Fund   \$17,666.20**

## **4. EXTERNAL MEETINGS & EVENTS**

### **4.1 Te Tai Poutini Plan TTPP (One District Plan)**

The TTPP committee agreed at its meeting on 15 December that a steering group be established to recruit and appoint a Chairperson for the hearing of submissions.

The TTPP Steering Group (comprising the four council CEs and two rūnanga Kaiwhakahaere) and TTPP Chair met on 19 January 2023 to discuss the applicants and the process for shortlisting.

The agenda for the meeting included:

1. Discussion of applicant CVs,
2. Decision about which applicants to recommend for interview,
3. Criteria setting to inform the interview process,
4. Weighting of criteria to enable scoring of applicant attributes,
5. Selection of a panel to interview applicants.

Discussion on points 1 and 2 included agreement that depth of experience on hearings panels was required, and Chair experience preferred. The criteria for assessing interviewees, and how best to weight them, was discussed at length. A criteria and weightings were agreed to be applied to the panel chair interview process.

It was considered most appropriate for the Chief Executives of the three district councils, one representative from Poutini Ngai Tahu and the TTPP Committee Chair to form the interview panel as listed below:

- Rachel Townrow (Acting CE Buller District Council)
- Paul Morris (CE Grey District Council)
- Simon Bastion (CE Westland District Council)
- Francois Tumahai (Chair Ngāti Waewae)
- Rex Williams (Chair TTPP Committee)

At the time of this report the interview process and any appointment were yet to be completed.

The TTPP Projects Manager's report for January is attached as Appendix 1.

The TTPP stakeholder newsletter for January is attached as Appendix 2

#### **4.2 Mayors, Chairs & Iwi Forum**

The forum met at Arahura Marae on 1 February.

Various presentations and updates were provided to members:

**Kevin Hague, Takiwā Poutini Partnership Chairperson**

- All district councils are now represented on the partnership
- Monthly meetings are now established so the locality plan can be developed at pace
- There are risks to the success of the locality including political risk, commissioning, funding and community consultation.

Further reading on the localities project and to understand what the partnership is working to achieve is available on the link below:

<https://www.tewhātuora.govt.nz/whats-happening/work-underway/localities/>

**Heath Milne, Chief Executive Development West Coast**

- Release of the West Coast energy strategy document
- “Cut out for the Coast” advertising campaign to attract international medical professionals
- Update on current fund status and distributions

**Teresa Wooding, National Transition Unit – Three Waters Reform**

- Developing the induction plan for new entity D chief executive
- New CE’s will report via the NTU until 2024
- NTU continuing to work with Councils on transitioning and going live with new entities by 2024

**Mark Davies, Regional Director Department of Conservation**

- Noted third new Minister in this parliamentary term just appointed Hon Willow-Jean Prime
- Work on reviewing the Conservation Management Strategy (CMS) is planned
- Important that TTPP and CMS are in alignment where they can be
- Heaphy Track repairs on track for October opening at this stage
- Noted \$15m in lost revenue to community as a result of Heaphy Track partial closure

**Francois Tumahai, Te Ara Pounamu, Pounamu Pathway**

- Concrete placement is underway for new visitor centre build in Greymouth
- Greymouth location on track for November opening date
- WETA Digital working on fit out and this work is ahead of schedule
- WETA working on design for Westport site (coal town)
- Te Ara Pounamu are continuing to meet with Coal Town Trust to liaise on the project

**4.3 West Coast Emergency Management (WCEM) – Joint Committee**

The Joint Committee met on 1 February at Arahura Marae.

Members discussed various matters specific to local resources that should be made known to emergency management in a local response. WCEM now have a full complement of emergency management officers (EMO), with coverage in all three Districts that make up the regional group.

One of the key work outcomes of the EMO are to support volunteer community co-ordinated groups to develop their own community resilience plans. These plans will include the local knowledge on resources that may be utilised or re-deployed during an emergency response.

There is also very good uptake in CIMS training courses across the districts, enhancing the capability we have to staff emergency operations centres. It is critical that WCEM are able to develop and support our community members through training and support for them to have the tools they need to perform when required.

NEMA are also working on a catastrophe plan for New Zealand. This would consider events of a national scale that may require national and international assistance and develop plans to respond.

One West Coast risk likely to be included in this planning will be an alpine fault magnitude 8 event (AF8). A series of workshops across NZ will likely include a West Coast opportunity to contribute to the development of the plan.

The meeting papers and reports are attached as Appendix 3.

**5. LOCAL EVENTS & RELATIONSHIP MEETINGS**

I have attended various local events and relationship meetings over the period. Some highlights included:

- Visited the Westland Mineral Sands site at Tauranga Bay to see the export of pilot shipments of mineral sand concentrate from the port of Westport. There are already a number of new jobs with this business and strong plans to grow and fully utilise the port.
- I travelled to Hokitika with Councillors O'Keefe and Howard to attend a roadshow engagement session on central government's Future for Local Government review. This review is being conducted by an appointed panel chaired by Jim Palmer who was joined by panellist Gael Surgenor in presenting and discussing their second draft report.
- Wednesday, I hosted a TVNZ Sunday programme crew for the afternoon, filming for a story likely to air in March.
- I joined Buller Health Trust staff on a factory tour at SouthPeak Homes to have a first walkthrough of our new Primary Health facility under construction. The 750sqm building is made up of six units, all nearing completion, and transport to the Bentham Street site. The preparatory site work is well underway and pile driving to receive the buildings is to start soon. As a trustee of BHT it was really exciting to see our clinicians and support staff together, excited and ambitious for the future of BHT.
- Buller Gorge Marathon race finish line events at Victoria Square. To support and acknowledge the significant contribution over 40 years of this event has made to Buller.
- Kawatiri Coastal Trail Trust "halfway" opening event, to celebrate and acknowledge the effort of this project team to deliver a wonderful cycle and heritage trail for Buller. Now complete from Westport to Okari River, approximately halfway to Charleston.
- Ngai Tahu Takiwa – 3 Waters Reform update, I joined other Entity D Mayors and Ngai Tahu via Zoom to discuss any alignment on input into the Entity D constitution. There may be a paper for Council's consideration for endorsement.
- I was interviewed for a BBC docu-series on the BDC partnership with Ko Tahitanga Mo te Taio Alliance

## 6. CORRESPONDENCE

For Council consideration – see attached as Appendix 4

<b>Incoming Correspondence 2022/23</b>	<b>From</b>	<b>Subject</b>
20 December 2022	Census Stats	Mark Sowden
January 2023	Keeley Ridley	Thank you – Assistance with Rugby Travel
12 January 2023	Gary Jefferies	Various
7 February 2023	Charlie Brunning (to Hon Damien O'Connor)	Westport Flood Walls
<b>Outgoing Correspondence 2022/23</b>	<b>To</b>	<b>Subject</b>
16 December 2022	Dale Ashworth	Public Forum Response
22 December 2022	Carol Keoghan	Letter of Support – Sergeants Hill Hall
8 January 2023	Buller Electric Power Trust	Letter of Support
9 January 2023	Swoop Aero	Letter of Support – Medical Drone pilot programme
27 January 2023	Te Reo A Te Taiohi Trust	Letter of Support
8 February 2023	Buller Electricity Power Trustees	Letter of Support



**Te Tai o Poutini**  
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APPENDIX 1

# Project Manager Update

**1 January 2023 – 31 January 2023**

Prepared By: **Jo Armstrong**  
Date Prepared: **31 January 2023**

## Accomplishments this Period

- The planning staff and contractors have been focusing on loading the final submissions to the Spoken analysis tool and continuing to summarise the submissions.
- The Chair continues to receive late submissions which he is accepting on your behalf.
- 540 submissions have been received.
- To date nearly 420 submissions containing over 4500 submission points have been summarised.
- From these 420 submissions the top numbers of submission points are on:
  - Natural Hazards
  - Ecosystems and biodiversity
  - Sites and Areas of Significance to Māori
  - General Rural Zone
  - Mineral Extraction
  - Rezoning Requests (134 rezoning requests so far)
  - Coastal Environment
  - Subdivision
  - Strategic Direction
  - Rural Zone Policy
- The remaining submissions are mostly large with, comments on multiple parts of the Plan. These will take longer to summarise, and the summary of submissions is unlikely to be completed in time to be brought to the February meeting. This will necessitate running a Committee meeting in March to approve the summary.
- The search for a new senior planner continues. To date two applications have been received but neither applicant had the requisite training or experience.
- We received three expressions of interest for the role as Chair of the hearings panel.
- The Steering Group and Committee Chair met on 19 January to make an initial assessment of the applications, determine selection criteria and select an interview panel from among their number. This panel will make recommendations to the Committee for its decision.
- Early discussions on the 2023/24 budget have taken place with the WCRC Corporate Services Manager. Work on the budget continues.
- Research to assess the coastal inundation impact on properties where this has not previously

been undertaken is due in early February. Details will be brought to the next Committee meeting.

- The next TTPP Committee meeting is on 28 February 2023 at Buller District Council. Early budget discussions and selection of the hearing panel Chair will be on the agenda.

#### Plans for Next Period

- Respond to queries
- Summarise submissions
- Interview hearings panel Chair applicants for short-listing
- Develop draft 2023/24 budget
- Update WCRC Resource Management Committee
- TTPPC meeting 28 February 2023 at Buller District Council

#### Key Issues, Risks & Concerns

Item	Action/Resolution	Responsible	Completion Date
Decision makers can't agree	Get agreement on pieces of work prior to plan completion	Chairman	Ongoing
Budget insufficient for timely plan delivery	Work with TTPPC to recommend budget, and with WCRC to raise rate to achieve deliverables	Project Manager TTPP Committee CE WCRC	Annually Jan/Feb
Changes to national legislation	Planning team keep selves, Committee and Community updated on changes to legislation and the implications for TTPP	Project Manager Planning Team	Ongoing
Staff safety at public consultation	Committee members to proactively address & redirect aggressive behavior towards staff	TTPP Committee	Ongoing
National emergencies such as Covid-19 lock down	Staff and Committee ensure personal safety and continue to work remotely as able. Work with contractors to expedite work.	Project Manager TTPP Committee	Ongoing
Time and Cost of Appeals Process	Realistic budget set for best case costs. Awareness that contentious issues such as SNAs, natural hazards, mineral extraction and landscape provisions could see an extended appeals process, increasing costs to reach operative plan status	TTPP Committee TTPP Steering Group Project Manager	Ongoing
Community concerns over proposed Plan content	Respond to queries by phone, email and public meetings. Update information.	TTPP Committee Project Manager	Ongoing

#### Status

<b>Overall</b>		
Schedule		Proposed Plan Notified. Summary of submissions underway.
Resources		Future budgets required to cover hearings and mediation
Scope		Schedule 1 processes leading to updates to Plan to achieve operative status

#### Schedule

Stage	Target for Completion	Comments
Te Tai o Poutini Plan Notified	14 July 2022	This will be the <b>"Proposed"</b> Plan



Stage	Target for Completion	Comments
Summary of Submissions	February 2023	
Further Submissions	March 2023	Submissions must be summarised and published and then there are 10 working days for further submissions
Pre-hearing meetings /Mediation	April/May 2023	Indicative time only
Hearings Te Tai o Poutini Plan	From July 2023	Indicative time only.
Decisions Te Tai o Poutini Plan	2024	Indicative time only
Ongoing Decision Making for TTPP	2024 onward	TTPPC is a permanent Committee. Once the Plan is adopted the ongoing Committee role includes monitoring implementation and the need for any amendments, undertaking amendments and reviews, or ensuring these are undertaken, as required.
Appeals and Mediation Te Tai o Poutini Plan	From mid-2024	Indicative time only. Any parts of the Plan not appealed are operative from the end of the Appeal Period.
Environment or High Court	2024-2025	Indicative time only.



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# news

**January 2023**

APPENDIX 2

Update 15

## Submission Period for Proposed Te Tai o Poutini Plan closed

The Proposed Te Tai o Poutini Plan (TPPP) was notified on 14 July 2022. Extensions to the submission period were provided to enable submitters sufficient time to review the Proposed Plan and corresponding maps, particularly in relation to individual properties, and provide comment. The submission period closed at 5pm on Friday 11 November 2022.

Over 500 submissions spanning the breadth of the plan were received. Submissions are currently being summarized, and it is anticipated that a call for further submissions will go out in March 2023.

## How the Proposed TPPP integrates with the three current District Plans

Now the Proposed TPPP has been notified, there are some rules in both the operative district plans and the Proposed TPPP that must be complied with. In some scenarios, an activity may require consent under the operative district plan, the Proposed TPPP, or both.

The objectives and policies of the Proposed TPPP are relevant to all consent decisions from the time it was notified, even if the corresponding rule in the Proposed TPPP does not yet have legal effect (Section 104(1)(b) of the Resource Management Act requires the Council to consider any relevant provisions of a plan or proposed plan).

Under section 86B of the Resource Management Act (RMA), there are some rules that have immediate legal effect upon notification. These include rules that:

- Protect or relate to water, air, or soil (for soil conservation); or
- Protect areas of significant indigenous vegetation; or
- Protect areas of significant habitats of indigenous fauna; or
- Protect historic heritage; or
- Provide for, or relate to, aquaculture activities.

Other rules in a proposed plan have legal effect at different times throughout the process. These include:

- Rules that have not been submitted on;
- Rules where submissions have been withdrawn; and
- Rules where a decision on the submissions relating to the rule has been reached.

Remaining rules will take effect once appeals on these have been resolved.

### Ongoing access to TTPP

Te Tai o Poutini Plan is primarily an e-plan. This means that it is available for online viewing. A mapping tool enables plan users to zoom in on particular properties or areas of interest to determine what zoning and overlays may apply. The Plan and maps are available to view at [www.ttpp.nz](http://www.ttpp.nz)

Hard copies of the Proposed TTPP are also available at council offices and libraries.



### Opportunities for input in the RMA Schedule 1 process

Input opportunity	When	Where	How to get involved
Submitter Meetings - following further submissions	Early to mid-2023	West Coast venues and via Zoom	Submitters will be invited to meetings on topics they submitted about
Hearings	From mid-2023	West Coast venues	Submitters who indicated they wish to be heard will be contacted
Te Tai o Poutini Plan Website	Anytime	<a href="http://ttpp.nz">ttpp.nz</a>	Email <a href="mailto:info@ttpp.nz">info@ttpp.nz</a>

### To find out more

If you have any questions about the information contained in this update, please contact:

- Jo Armstrong - Project Manager  
Email - [info@ttpp.nz](mailto:info@ttpp.nz)



**Te Tai o Poutini**  
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## Joint Committee West Coast Emergency Management

Meeting Time: 9.00am – 10.30am Wednesday, 1 February 2023  
Location: Arahura Marae, 1 Old Christchurch Road HOKITIKA  
Board Room  
ZOOM Details: Meeting ID: 847 0046 9100  
Passcode: 275342

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### Agenda

Joint Committee Chair – Mayor Jamie Cleine

1. Welcome and apologies
2. Confirmation of the Minutes of last meeting held on Wednesday, 9 November 2022. **Pg. 3-5**  
Matters arising from Minutes
3. Group Manager Report - Claire Brown **Pg. 6-1**
4. National Emergency Management Agency (NEMA) Update – Oliver Varley **Pg. 11-12**
5. General Business
6. Meeting Close

**Next Meeting:**  
10 May 2023, Westland District Council Chambers

**THE MINUTES OF THE WEST COAST EMERGENCY MANAGEMENT JOINT COMMITTEE  
HELD AT BULLER DISTRICT COUNCIL CHAMBERS AND VIA ZOOM  
9 November 2022, 9:00AM**

Chair (outgoing) – Mayor Tania Gibson, Chair (incoming) – Mayor Jamie Cleine

**Attendees:**

Mayor Tania Gibson (Chair outgoing – GDC), Mayor Jamie Cleine (Chair incoming - BDC), Francois Tumahai (Te Rūnganga o Ngāti Waewae), Paul Madgwick (Te Rūnganga o Makaawhio), Mayor Helen Lash (WDC), Heather Mabin (WCRC), Simon Bastion (CEG Chair, WDC), Paul Morris (GDC), Sharon Mason (BDC), Claire Brown (WCEM), Paul Renshaw and Mike Gillooly (NEMA).

Allan Birchfield (WCRC Chair – arrived at 0926)

**Apologies:**

**1. Welcome and apologies.**

T Gibson welcomed all present to the meeting and noted new member to the Committee, Mayor Helen Lash.

**Apologies:** Allan Birchfield (WCRC Chair)

**Moved**(T Gibson/J Cleine)

*Carried*

**2. Appointment of the Joint Committee Chair**

T Gibson noted she was the current Chair since Mayor Smith, the former Chair, stood back from this role.

T Gibson understood there was more than one interested party.

T Gibson **moved** that due to the CEG Chair role revolving to each district Chief Executive annually, that the Joint Committee Chair is brought inline with a revolving Chair as well.

**Seconded** by H Lash.

J Cleine advised he was not in favour of the motion and believed the Chair should be consistent throughout the triennium.

F Tumahai added that he also supported consistency in the Chair role for the three year term, noting the frequency of events in the region.

P Madgwick asked for some clarification on the rationale for the proposed change.

T Gibson expanded on this saying there had been interest by more than one, and that this would enable the experience to be shared across each elected member and the opportunity that they work with their respective CEG Chair Chief Executive for a term of one year.

S Bastion added to the background noting the decision for revolving CEG Chair gave each district Chief Executive the opportunity to work more closely with the WCEM Group Manager. He also noted the opportunity to have a better understanding of the workings of WCEM by chairing the four CEG meetings each year and participate in national CEG forum. S Bastion noted it was agreed that he would continue as CEG chair into this calendar year one, followed by Grey and then Buller Chief Executives (noting the imminent departure of the current Buller Chief Executive). He said it shared the burden and offered experience across all district Chief Executives. The proposed term for revolving Joint Committee chair would be 1 November to 31 October, that would provide a three month overlap for consistency for incoming new Joint Committee chair due to match the triennium timeframe.

S Bastion noted that the Chair of both Joint Committee and CEG could be from different districts, and didn't need to be from the same.

F Tumahai added that the revolving CEG Chair made sense but not the Joint Committee Chair.

P Madgwick added that he wanted stability in the Joint Committee Chair role.

T Gibson reminded the committee the importance that the Chair was regionally, not district, minded.

T Gibson asked the motion to be put to the vote. The motion was not carried (two - for, three - against).

T Gibson called for nominations.

P Madgwick **moved** to nominate Mayor Jamie Cleine as the new Joint Committee Chair, and noting that Buller has been heavily impacted with recent events and the experience Mayor Cleine has as a result.

F Tumahai **seconded** the nomination.

J Cleine accepted the nomination and advised he would enjoy with the challenges of dealing with emergency management responses, noting his recent experience both as Mayor and prior to that as councilor. He noted his understanding and relationship with NEMA and the broader emergency management environment at national and regional level. He agreed with the need to look across the region especially given the wide risk and impact of large events such as AF8.

Motion Carried

*Carried*

**Chair role moved from T Gibson to J Cleine.**

### 3. Confirmation of the Minutes

The minutes from the last meeting held on Wednesday 10 August 2022 were confirmed as correct.

**Moved** (J Cleine / P Madgwick)

*Carried*

#### Matters Arising

There were no matters arising

**West Coast Regional Council Chair, Allan Birchfield, joined the meeting via Zoom link from WCRC Council Chambers at 0926am.**

### 4. Group Manager Report

C. Brown took the report as read noting the following highlights:

Two activations occurring since the committee last meet, due to red rain warning in August and Orange warning in November.

CEG took place on 26 October 2022 where they were updated on the following:

- Readiness and Response, and Buller EMO positions were now filled, with interview currently underway for Westland EMO.
- Work is underway across south island to explore HF radion network.
- Franz Josef Community Support officer is in place – the position funded by the a lotteries grant.
- Opportunity to test and exercise the Westport operational evacuation planning work in the recent August activations, with a subsequent workshop with agencies in September and new version as a result.
- Two NEMA Resilience proposals are being worked on at present and will be discussed in more detail at the next Operational Sub-Committee.
- Progress update on 2021 Review showed of the 40 recommendation, two were still be progressed that were incorporating exercises into training programme and raising profile of Lifeline Utilities group work. She also noted the changes to her title (Group Manager) and reporting line has occurred, both inline with the review.
- Participated in new councilor inductions for WCEC and WDC with example of presentation packs attached.

S Bastion asked for the addition to the report that confirms the CEG Chair nomination and the position for the next three years for formal endorsement as set out earlier in the meeting.

J Cleine asked about the exercises referred to and asked if that would include different types of scenarios given the amount of flood related activations.

C Brown agreed good to test other types of scenarios and noted the need to look more at catastrophic planning and the risk of AF8.

J Cleine noted the filled Buller EMO role and the importance of gaining the support and trust of the community coordinators.

F Tumahai asked for more detail regarding the fuel storage project. C Brown advised one of the key areas was developing a MOU with priority service stations of which there were up to 30 across the region, and also providing assistance to have them 'generator ready' with the ability to provide a limited number of generators to assist.

P Madgwick asked about why this was a unique arrangements. C Brown replied it is in response to the awareness that access to and availability of fuel will be a key critical resource for our region.

S Bastion asked about Controller Recruitment and training. C Brown referred to the current Controllers going through the national Response and Recover Leadership programme. She noted the improvement required in providing network training opportunities for current and prospective controllers in the new year.

S Mason advised the Douglas Marshall had committed to his Controller position in the region having resigned as controller for Selwyn.

In response to a query from H Lash, C Brown advised that the work on Fuel Storage did incorporate AvGas.

P Madgwick asked about the Franz Communiyt Support Officer position and the alignment of the work they were doing and what happens after the 12 month fixed term ended. C Brown talked about the focus of the role and that there would be a qustion of either seeking additional funding or absorbing the activites into the existing WCEM resource. P Madgwick expressed concern if the momentum was not able to be maintained after the 12 month term.

P Madgwick asked also about the disconnect he understood existed between emergency management and community groups. C Brown responded that she had attended the most recent FENZ Local Advisory committee with reference to their feedback about emegency managment not working well with FENZ in some communities. C Brown advised the ongoing challenge, and desire to have a more unified agency approach to communith resilience planning, but noted that this work is more separte in nature than it is joined up.

J Cleine noted the role that FENZ now has as Chair of the OSC that will also assist.

P Madgwick suggested bringing local Fire Chiefs together in one room. C Brown agreed that was one of the actions discussed at the LAC about a shared agency forum to get it started in the new year.

S Batsion noted the examples from the recent activation where community coordinators were able to zoom into participate in agency briefings and contribute more directly to the response effort.

T Gibson noted the imporatnce to the EMOs joining in with Council community meetings and the importance of this continuing

#### Recommendation

Receive the report, and endorse the CEG Chair appointment (Simon Bastion for the term of one calendar year, followed by the Chief Executive for Grey and Buller district councils)

**MOVED** (J Cleine / F Tumahai)

*Carried*

#### 5. National Emergency Management Agency (NEMA) Update

P Ranshaw took his report as read and highlighted the follwoing points:

- Trifecta – final cabinet paper due to be proactively releasae with a copy to CEG members as soon as possible.
- Emergency Managment Bill drafting is underway and due to be introduced to the house later this year or early 2023. There will be opprotunity to provide feedback through select committee process
- And early draft of the new national plan will be shared with an extended timeframe.

## APPENDIX 3

- Te Kotahitanga o Nga Tai wananga took place in September hosted by Ngati Toa Rangatira and Te Ati Awa.
- Catastrphic Planning the number one prioroty for NEMA commences this year focuses on AF8 and Hikurangi Sub-duction zone.
- Monitoring, alerting and Reporting (MAR) team up and running and providing 24/7 service.
- Foot and Mouth Disease – MPI lead the planning with CDEM and NEMA closely involved.
- Mayoral Relief Funds – changne to the amounts now beiong GST exclusive, not inclusive.
- The Wellington NRT (NZ Response Team) was the first to acheive accreditation in August this year. Teams in Selwyn, Nelson/Tasman and Marlborough are scheduled to go through accreditation later this year.

H Mabin asked about catastrophic planning takes into account support from the likes of Australia. P Renshaw confirmed this was the place and noted the resources in NEMA that provie linkages to internatal readiness and support resources.

P Madgwick asked about the wananga and representation. P Renshaw and C Brown confirmed Ngai Tahu involvement in the wananga.

### Recommendation

To receive the report.

**MOVED** (T Gibson / H Lash)

*Carried*

### 6. General Business

Nothing to report.

### 7. Meeting closed at 0957hrs.

2023 Meeting Schedule still to be advised.



### AGENDA ITEM THREE

**Prepared for:** West Coast Emergency Management Joint Committee  
**Prepared by:** Claire Brown  
**Meeting Date:** 1 February 2023  
**Subject:** Group Manager Report

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#### PURPOSE

To update the West Coast Emergency Management (WCEM) Joint Committee on work progress, key projects, and highlights since the last meeting on 9 November 2022.

#### EMERGENCY RESPONSE MONITORING AND ACTIVATION

There have been no activation activity for the region since the committee last.

#### COORDINATING EXECUTIVE GROUP (CEG) UPDATE

CEG had its first meeting for 2023 on 17 January 2023. To following is a summary of the items covered:

##### Group Manager Report:

- Westland's new Emergency Management Officer starts on 7 February. WCEM group office will then be at its full complement of staff. In addition is the Franz Josef Community Support officer fixed term contract who is a member of our team.
- An update of the current Alt Communication and Fuel Storage projects is at **Appendix One** for information. We met in January with representative of the South Island groups on the development of a HF network design.
- We are submitting two applications for the new funding round, 1) deployable emergency supplies for Marae, community and EOC/ECCs, and 2) 'KitMe' household preparedness tool national roll out.
- We continue to work closely with Buller and Westland in the purchase, implementation and ongoing management of the emergency equipment they have both secured through the Better Off Funding. This involves ensuring that we have a strategic and all or region approach to improving community resilience.
- We facilitated meetings of both the Welfare and Lifeline Utilities networks in November and December respectively. We need to work hard to ensure these relationships are maintained and strengthened throughout this coming year and that we link these to our Operational Sub Committee (OSC) particularly relating to AF8 planning.
- We are meeting with each council on their annual plan / budget processes. We have a focus on budgets allocations for:
  - 1) Maintenance and call plans for alternate communication (Sat phones / Starlink units)
  - 2) Staff training and exercises (approx. \$15,00 annually per council)
  - 3) Regional rollout of D4H response system (approx. \$4,000 annually per council)

##### Operational Sub-Committee (OSC) Chair Report:

- Agree the three areas of focus for the OSC are 1) WCEM office work Plan, 2) Training and capability building, and 3) AF8 planning.
- 2023 Training programme underway is at **Appendix Two**
- Updated work plan that noted the progress on traction on Controller network and AF8 agency planning.
- AF8 Workshop on 24 November with an agreed set of proposed collaboration activities including:

## APPENDIX 3

- Interoperable alternate communication plan (include satellite, InCase Starlink, VHF, UHF)
- Resource Register (including assets and equipment such as generators)
- Building Facilities register (GIS mapped with building strength)
- Common Operating Picture – shared access to dashboard / TEAMS / D4H
- Community Resilience Plans – with cross agency input
- Promote key messaging campaign to manage expectations
- Sharing BCPs across OSC agencies – what is our own agency preparedness
- ECC / EOC Start-Up teams – first onsite team to start ECC / EOC
- Bottom-up planning to connect with SAFER (South Island Alpine Fault Emergency Response) plan and national CATPLAN (catastrophic planning)

### RECOMMENDATION

That the West Coast Emergency Management Joint Committee:

***receive*** this report

Claire Brown  
Group Manager

## APPENDIX 3

### Agenda Item 3: APPENDIX ONE

#### ALTERNATE COMMUNICATIONS PROJECT KEY COMPONENTS (One year only, all excl GST)

VHF Repeater – additional DOC repeater Mt Bonar		<b>\$29,000</b>
VHF Provisioning and Programming WCEM and stakeholder radios		<b>\$15,480</b> <b>\$10,320</b>
Deployable Sat Assets (Starlink InCase units)	4 x	<b>\$17,300</b>
KA Band Upgrade	3 x	<b>\$25,200</b>
Inmarsat Sat Phones	25 x	<b>\$42,720</b>
HF Radion West Coast Region Design		<b>\$30,000</b>
Project Coordination		<b>\$20,000</b>

#### FUEL STORAGE PROJECT KEY COMPONENTS ((Two year project – all excl GST)

Geneator power for multiple EOC/ECC response costs e.g. accessing fuel	10 x 8.9 kVa Generators	<b>Y1</b> <b>\$23,000</b>
Mobil 35kVa Generator units on trailers	3 x	<b>Y1</b> <b>\$69,000</b>
Fuel Storage Mobile Units 1,000L with pump	4 x	<b>Y1</b> <b>\$41,538.44</b>
Storage Container	1 x	<b>Y1</b> <b>\$20,000</b>
Service Station Eletrical Survey and assessment (requires MoU)	30 x	<b>Y2</b> <b>\$12,500</b>
Complete electrical work across prioroity service stations to be 'generator ready'	30 x	<b>Y2</b> <b>\$120,000</b>
Project Management		<b>Y1 and Y2</b> <b>\$12,000</b>



**APPENDIX 3**
**2023 TRAINING BUDGET – Work in progress**

LOCATION: GREYMOUTH				
Month	Course	Provider	Attendees	Cost
<b>FEB</b>	CIMS4	Mines Rescue	16	\$ 5,000
<b>MAR</b>	PIM	FENZ	16	\$ 1,500
	Welfare	TOA	20	\$ 2,000
	Welfare Assessment/coordination	TOA	20	\$ 2,000
	Lifelines	TOA	20	\$ 2,000
<b>APR</b>	Intelligence	EM Consulting	12	\$ 1,200
	Planning		12	\$ 1,200
	Operations		12	\$ 1,200
	Logistics		12	\$ 1,200
<b>MAY</b>	CIMS4	Mines Rescue	16	\$ 5,100
	Psychological 1st Aid	Red Cross	20	\$ 3,800
<b>JUN</b>				
<b>JUL</b>	Lifelines	TOA	20	\$ 2,000
	Welfare	TOA	20	\$ 2,000
<b>AUG</b>	CIMS4	L SAR		\$ 5,000
<b>SEP</b>	Psychological 1st Aid	Red Cross	20	\$ 3,800
<b>OCT</b>	Intelligence	EM Consulting	12	\$ 1,200
	Planning		12	\$ 1,200
	Operations		12	\$ 1,200
	Logistics		12	\$ 1,200
<b>NOV</b>	Lifelines	TOA	20	\$ 2,000
	Welfare	TOA	20	\$ 2,000
<b>Other</b>	RRANZ PT1	\$995pp	6	\$ 5,970
	RRANZ PT2	\$3995 pp	4	\$ 15,980
			<b>334</b>	<b>\$ 69,750</b>

LOCATION: BULLER				
Month	Course	Provider	Attendees	Cost
<b>FEB</b>	CIMS4	Mines Rescue	16	\$ 5,100
<b>MAR</b>	Welfare	TOA	20	\$ 2,000
	Welfare Assessment/coordination	TOA	20	\$ 2,000
	Lifelines	TOA	20	\$ 2,000
<b>APR</b>	Intelligence	EM Consulting	12	\$ 1,000
	Planning		12	\$ 1,000
	Operations		12	\$ 1,000
	Logistics		12	\$ 1,000
<b>MAY</b>	CIMS4	Mines Rescue	16	\$ 5,100
	Psychological 1st Aid	Red Cross	20	\$ 3,800
<b>JUN</b>				
<b>JUL</b>	Lifelines	TOA	20	\$ 2,000
	Welfare	TOA	20	\$ 2,000
<b>AUG</b>	CIMS4	L SAR		\$ 5,100
<b>SEP</b>	Psychological 1st Aid	Red Cross	20	\$ 3,800
<b>OCT</b>	Intelligence	EM Consulting	12	\$ 1,000
	Planning		12	\$ 1,000
	Operations		12	\$ 1,000
	Logistics		12	\$ 1,000
<b>NOV</b>	Lifelines	TOA	20	\$ 2,000
	Welfare	TOA	20	\$ 2,000
			<b>308</b>	<b>\$ 44,900</b>

<b>OVERALL TOTAL</b>	<b>642</b>	<b>\$ 114,650</b>
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## AGENDA ITEM FOUR

**Prepared for:** West Coast Emergency Management Joint Committee  
**Prepared by:** Olive Varley  
**Meeting Date:** 1 February 2023  
**Subject:** National Emergency Management Agency (NEMA) Update

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### Emergency Management Bill

- Cabinet has made the final round of policy decisions on the matters raised through engagement that NEMA and the Minister had with CDEM Groups and local government in early 2022.
- The Cabinet paper is due to be proactively released shortly, we will send an update to CDEM Group Managers and CEG Chairs when it is released.
- The Emergency Management Bill is currently being drafted and is likely to be introduced to the House of Representatives in early 2023.
- We will also send an update to CDEM Group Managers and CEG Chairs when it is the Bill is introduced.

### Background:

- In December 2021, the former Minister for Emergency Management, Minister Allan, announced that a new Emergency Management Bill (the Bill) will be introduced to replace the Civil Defence Emergency Management Act 2002 (the CDEM Act).
- The new Bill implements the Government's response to a Technical Advisory Group's (TAG) report into how New Zealand responds to natural disasters and other emergencies and addresses lessons learnt since, including from COVID-19.
- The Bill will build upon existing structures in the system and is not intended to be significantly transformative. It retains the existing functions and powers for managing emergency responses at local, regional, and national levels.
- An [overview](#) showing what the Emergency Management Bill seeks to achieve, and how it fits within other reform work is available on the NEMA website (under "Programme Resources" on the Trifecta page).
- [Cabinet papers outlining past policy decisions](#) are also available on the NEMA website.

### Review of the National Emergency Management Plan

- We are extremely grateful for the time, energy and collaboration that CDEM Groups and local emergency management practitioners have invested so far.
- For this first phase, we have been taking a networked approach whereby the business units in NEMA connect with their partners and stakeholders as they work through the 'lift and shift' of the parts that will be carried over – and identify areas for improvement.
- Substantial progress has been made, and the draft National EM Plan is taking good shape to support the targeted engagement for the next round of testing.
- The prioritisation of catastrophic event planning will provide us with an opportunity to both test elements of our draft new plan and identify common components across our planning activity. We are aware that there are overlaps in the resourcing of both the review of the National EM Plan and catastrophic event planning.

- We are reviewing how we can best complete the next phases of the review of the National EM Plan (which includes engagement) to ensure that existing resources are not over stretched, and we can align the lessons.
- We are currently working on an updated timeline, including consulting with CDEM Group Managers on a couple of options, and will share this with you as soon as decisions are made.
- In the meantime, we ask that if you are not participating in the catastrophic event planning, to keep working on your parts of the National EM Plan – but keep in touch with us about competing priorities

### Catastrophic Planning

- NEMA has commenced a series of workshops to increase our collective readiness for a catastrophic event. Known as CATPLAN (Catastrophic Planning), the workshop series is focusing on how NEMA and national agencies will deliver critical response tasks following a catastrophic event.
- In November, NEMA hosted the first five-day CATPLAN workshop involving national agencies and with a presentation from a selection of CDEM Groups. This first workshop focused on a Hikurangi subduction event. This year we plan to run a further CATPLAN workshop focused on Alpine Fault.
- This work is being done with urgency as the likelihood and risk exposure to a catastrophic event for New Zealand is not currently reflected in the readiness of our emergency management system to respond to such an event. New Zealand has not seen a catastrophic level event which exceeds our capacity on a large scale.
- NEMA will keep the CDEM sector updated as this work takes shape, particularly how this planning will be regionalised going forwards. We are conscious that this is a new piece of work for the wider CDEM sector and will work with the Groups to ensure that the various workstreams are aligned.

### Ministerial Portfolios

- Subsequent to the announcement of Prime Minister Ardern on January 19<sup>th</sup> that she is stepping down, the new Prime Minister may review current Ministerial portfolios, including Emergency Management.

### RECOMMENDATION

That the West Coast Emergency Management Joint Committee:

- **receive** this report

Oli Varley | Regional Emergency Management Advisor  
National Emergency Management Agency Te Rākau Whakamarumaru  
E: Oli.Varley@nema.govt.nz  
P: 027 230 3029

20 December 2022

Jamie Cleine  
Your Worship the Mayor  
Buller District Council  
PO Box 21  
Westport 7866  
By email: [jamie.cleine@bdc.govt.nz](mailto:jamie.cleine@bdc.govt.nz)

Tēnā koe Mayor Cleine

### 2023 Census – help make it count

Stats NZ is conducting the next New Zealand Census of Population and Dwellings in early 2023. Census Day will be **Tuesday, 7 March 2023**.

The census is a survey of everyone in Aotearoa New Zealand, including overseas visitors. The information collected provides the most complete picture of life in New Zealand, and is used by community groups, iwi, businesses, as well as central and local government to plan and make decisions about services that affect every community in the country.

The census is so important that everyone's participation is required under the Data and Statistics Act 2022.

### Helping make the census a success

We would appreciate any assistance you may offer to build awareness of, and encourage participation in, the 2023 Census.

We have prepared census information for stakeholders, which you may like to share with your staff and networks through your own communications channels. This information is available on our 2023 Census website at [www.census.govt.nz/census-resources](http://www.census.govt.nz/census-resources).

Your staff can share this information with their community networks and stakeholders.



Should you or anyone in your organisation have a question or would like to discuss opportunities to help promote the 2023 Census in your community, please get in touch by emailing [census.communications@stats.govt.nz](mailto:census.communications@stats.govt.nz).

We appreciate your help to make the 2023 Census a success.

Ngā mihi nui



Mark Sowden  
**Government Statistician and Chief Executive of Stats NZ**

Tatau tātou - All of us count

# 2023 Census

Simon Mason, Deputy Government Statistician  
and Deputy Chief Executive Census and  
Collection Operations



## Key features of the 2023 Census

**– to rebuild trust and confidence and deliver quality data**



- We are focusing on doing a better job of collecting data, with double the number of census collectors
- Combined census model “by design” using administrative data
- Greater collaboration with iwi and Māori as Te Tiriti and community partners
- Ongoing and permanent community engagement – long-lasting relationships that go beyond the collection period

## How we are working with Local Government

- We are working with Taituarā and Local Government Commission (DIA)
- Local Government Census Advocacy Programme, with key contacts in most regional and district councils.
- Engagement with Councils through our Engagement and Collection Operations Teams
  - **Customer Engagement team:** Call to Action tour
  - **Collection Operations team:** Data collection logistics
  - **Census Engagement team:** understanding the relationships in your communities.

## Census collection

– supporting a better respondent experience

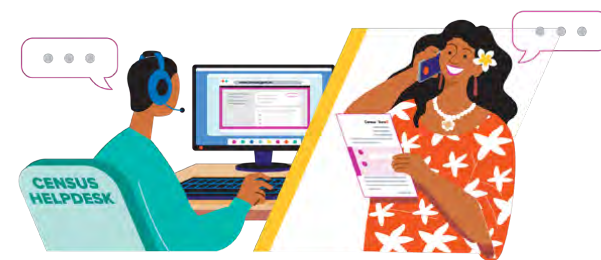
– 30% of households visited before Census Day



- More choice (paper or online)
- More paper forms
- More census collectors
- More assistance
- More accessible and alternate formats
- More language support

# Taking part in the census

- **Everyone will have what they need before Census Day**
- Households will receive (in person or by mail):
  - a letter with an online access code or
  - a letter with an online access code and paper forms
- If you do not receive paper forms, or you need more, bilingual, or Large Print forms, you can ask us for them (online or through 0800)
- **People can ask for help to complete forms and have someone collect paper forms**
- **Non-private dwellings will support census collection at their locations**



## Data detail

### – Housing, ethnic breakdown and population estimates

- **Housing** – we provide the total count of Aotearoa New Zealand’s dwellings, with qualitative detail such as heating, mould and basic amenities.
- **Ethnic breakdown** – we collect information on over 200 ethnicities across the country.
  - There will be a review of the ethnicity classification and standard after the 2023 Census.
- **Population estimates** – Census is a key input into population estimates and projections.

# Helping make the census a success



- Promote awareness and understanding of the census and its importance
- Encourage participation in the census when the time comes
- Support recruitment drive for 3,500 field staff
- Engage with Stats NZ in your region



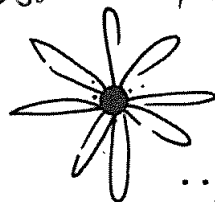
Tatau tātou - All of us count

# Q&As



To, The Mayor  
Jamie Cleine.

I would just like to say  
thank you for supporting me  
this year, by providing monetary  
assistance, allowing me to



...very much  
travel to + from Nelson.

I have had a successful rugby  
season, playing for Waimea  
Old Boys Rugby Union Women's  
team, then selected for Tasman  
Mako's Women's team, where I  
did get to play in the exciting 15.  
Otago Spirit vs Tasman in Dunedin

The support you provided  
helped immensely + I am very  
grateful.

With thanks.

Keeley Ridley - #9 Tasman.  
Finz up!



Buller District Council  
Re recent Connect issue

*The Mayor*

*Thanks*

Westport

My present accomodation was recently repaired although not damaged by the July 21 flood although I would like to see the flood risk from the **Buller resolved soon as recent weather events** make an extreme flood likely, occuring at any time without warning, and next time my possessions could end up out to sea

The next topic is elimination of gorse. It is not realised the value of gorse, as it provides pollen to feed birds like the Waxeyes etc when no other protein sources are available from native plants.

The same source supports beehives over the autumn and again in the spring.

If gorse is growing among native shrubs it will eventually will die, Gorse is a excellent nursery plant which enriches poor soils with nitrogen- from it's root noduals like all other legumes.

Spraying gorse is often not needed and adds to the council costs. It can still provide stock shelter as it was introduced for in the early days and will respond to being trimmed to keep it neat.

One other important matter brought to my attention this week.

As many of the domestic phone numbers start with 789, If a person wants to contact Coast Medical, for instance if they dial 789-5000 the call will be interrupted by Vodophone saying they have withdrawn their 789 service, and the call will not reach its destination. The same for the Buller Pharmacy,

03 has to be put in front of all the 789 numbers when dialling.

The next matter that needs resolving is recycling, which no doubt costs the council and ratepayers a great deal each year, and really does to achieve anything long term. The original Waste To Energy project was never inteneded to operate full term. long term a great amount of waist would have remained to be disposed of.

However the one proposed by John Hill was one that would solve all rubbish problems indefinitely and also recover valuable wasted minerals and metals, and would also create new high value jobs. and produce hydrogen for vehicle fuel, better than the present electric power idea.

Could also provide pure water for the town, independent of the present system.

I suggest that someone in the council should contact John Hill and go over the idea with him. He has many more ideas that could be considered by the council soon. His phone is not going at present.

I had worm farming in mind when I moved to my present address, But being on Super little left for the initial cost. Could reduce the **need for the expensive** separate council rubbish bags to a great extent.

Probably quite enough from me at this time. Always thinking of other things which will no doubt end up the Westport News

Yours

Gary Jeffery

**Hon Damien O'Connor  
MP for Tasman West Coast  
Government Buildings  
Wellington**

**Mayor Jamie Cline  
Buller District Council  
Brougham Street  
Westport**

**Hello Damien and Jamie**

**A couple of things continue to bother me of late that you should be aware of. Please forgive me if you already have a better answer to how they can be resolved.**

**First and foremost are the proposed flood protection walls for Westport. Some time ago, it was brought to my attention by the Hatley families that the back road to Sergeants Hill, Stephens Road, and the bridge alignment hold back the overflow of flood water from the Buller River. In July 2021, the flood waters backed up and ran down Cats Creek through the low-lying parts of Westport, flooding the town.**

**Stephens Road and bridge alignment was built during my term as a councillor on the Buller District Council as an alternate road north during floods. Unfortunately, it was built on the cheap crossing swampy land by building a stone causeway, leaving very narrow abutments on each side of a small single-lane bridge. During the July 2021 flood, the waters were restricted to the point that the flood water built up and ran through the low-lying parts of Westport.**

**If you take a look at the railway lines alongside the road to Stephens Bridge, you will see where several viaducts were built, leaving a lot more room for rising flood water to vent its forces.**





The first photo shows the flood water unable to flow under Stephens Bridge. The second photo shows the height of the bridge abutments against the railway viaduct, restricting the flood water flow.



These photos show how flood water escapes once it builds up and flows over the Stephens Road and Railway line abutments.



These photos show the direction the flood water needs to take to get around the road approach to Stephens Bridge. If the bridge approach is altered to allow a more significant flow of water to pass under it, this could well stop the build-up of flood water entering the town.

The second observation I have noted is the lack of attention given to an early flood warning system. During both floods in July 2021 and February 2022, Civil Defence Emergencies were declared, and on both occasions, people were asked to evacuate their homes, the call to do so far too early. And when the flood waters did come, the call to evacuate was far too late. During the July 2021 flood, it wasn't until the Blenheim storm hit already-filled lakes Rotoiti and Rotaroa that we had exceptionally high water levels in the upper reaches of the Buller River. Likewise, in the February 2022 flood, the rains from the upper reaches of the Kaikoura backcountry came down the Murchison and Inangahua Rivers, flooding Westport again.

I asked NIWA about an early warning flood level system in our back country rivers, and the answer was 5 to 7 years away. However, given that I spent 20 years in civil defence, most of these as Chief Warden, we had a Ham Radio network set up with farmers living near the tributaries of major rivers entering the Buller. On occasions of an emergency, we made contact with them to not only gauge the height of the river but to quantify the water lying around. An early flood warning system is as important to Westport as are flood protection walls. No one should be left in Westport once the Buller Bridge closes.

Kind Regards

Charlie Bruning

[Redacted]

Westport

[Redacted]

**OFFICE OF THE MAYOR**  
Jamie Cleine

16 December 2022

Dale Ashworth  
Te Reo a te Taiohi Trust

Via email:

Dear Dale et.al

**Public Forum Response 14 December 2022**

Thank you for speaking at Council Public Forum on 14 December 2022 regarding the Te Reo a te Taiohi Trust. It is fantastic to hear of your groups aspirational goal to establish a youth space/hub in Kawatiri. Councillors will be circulated a copy of your slide presentation that gives more detail on the Trust's activities.

Councillors discussed your presentation and encourage you to work on a trial youth space to prove the concept and broader youth support for the project. This will be a powerful tool to present to potential funders. We also urge you to keep exploring ways to include the broader youth of the District from areas such as Northern Buller and Reefton.

Council would consider offering a letter of support in future. However, we would need some further detail as your proposal develops including how this fits into the broader youth services and funding opportunities available in the District.

Best Regards



**Jamie Cleine**

Buller District Mayor  
Phone 027 423 2629 | Email [jamie.cleine@bdc.govt.nz](mailto:jamie.cleine@bdc.govt.nz)



**OFFICE OF THE MAYOR**  
Jamie Cleine

22 December 2022

Carol Keoghan  
via email:

**Letter of Support – Sergeants Hill Hall Committee  
Application to The Trust Community Fund (TTCF)**

I wish to provide my full support to the Sergeants Hill Hall Committee in their application to The Trust Community Fund to enable the re-build of their community hall.

The Sergeants Hill community have rallied in support of the greater Buller during recent natural disaster emergencies by making their hall available to receive flood affected residents in their time of need. The location of the building is high and dry, providing much needed reassurance to the evacuees that this is a safe place.

The hall also provides the only communal facility in this area for residents to come together for social events, educational activities and the arts. I believe it plays an important role in maintaining the social fabric of the Sergeants Hill and surrounding communities.

The volunteer committee continue to work hard to maintain the hall and provide its essential services, however the building requires a new kitchen and toilets to continue to provide this community service. I fully support these renovations to ensure this vital community facility is reliable, safe and future proof for many years to come.

Yours faithfully



**Jamie Cleine**


Buller District Mayor  
Phone 027 423 2629 | Email [jamie.cleine@bdc.govt.nz](mailto:jamie.cleine@bdc.govt.nz)



**OFFICE OF THE MAYOR**  
Jamie Cleine

8 February 2023

Buller Electric Power Trustees  
C/- Chairperson, Jan Coll

Via email: 

Dear Chairperson & Trustees,

**LETTER OF SUPPORT - TRUSTEES, BULLER ELECTRIC POWER TRUST**

I note your recent media coverage regards legal proceedings to challenge Transpower and the Electricity Authority in its decision to apply transmission pricing methodology to the BEL network.

This was the first time this issue has been brought to my attention and I share your concerns about the impact of this pricing model being applied to BEL and subsequently all consumers. The economic cost of this to our business community and domestic users will undoubtedly place additional barriers to our combined efforts to improve social deprivation statistics and grow economic diversity in the District, all points you have clearly articulated in your submissions to date.

Please advise if there is any political advocacy or support my office can provide that may assist you in resolving this issue.

Best Regards



**Jamie Cleine**

Buller District Mayor  
Phone 027 423 2629 | Email [jamie.cleine@bdc.govt.nz](mailto:jamie.cleine@bdc.govt.nz)

**OFFICE OF THE MAYOR**  
Jamie Cleine

9 January 2023

To Whom it May Concern

**RE: SWOOP AERO OPERATION**

I am writing on behalf of the Buller District Council to express support for the Swoop Aero and Te Whatu Ora Health NZ medical drone logistics pilot program between Westport and Greymouth.

Following engagement and discussions between the Buller District Council and Swoop Aero, we can confirm that we support the development of a drone logistics network on the West Coast. This network will enhance access to healthcare for communities on the West Coast while providing employment opportunities for local job seekers in an exciting growth industry.

The Buller District Council is currently confirming options for the use of council managed land as a landing site in the vicinity of Westport and the Buller Health healthcare facility. To enable the development and success of this pilot program, the Buller District Council will also provide assistance to Swoop Aero in their stakeholder engagement efforts, both with airspace stakeholders who utilise Westport Airport, and with the wider community in and around Westport.

Best Regards



**Jamie Cleine**

Buller District Mayor  
Phone 027 423 2629 | Email [jamie.cleine@bdc.govt.nz](mailto:jamie.cleine@bdc.govt.nz)

**OFFICE OF THE MAYOR**  
Jamie Cleine

27 January 2023

Dale Ashworth  
Via email: [REDACTED]

Dear Trustees,

The Buller District Council Council supports the Te Reo A Te Taiohi Trust (TRATT) toward the enhancement of the Youth Voice Kawatiri programme based on the strategic direction Mission, Vision and Goals presented to Council.

The initiative to establish a youth hub has been instigated by the Kawatiri Youth Voice members and will be a valuable asset to youth development and support in the District.

Council has grown our commitment to youth development over the past several years and is excited by and commends the initiative and momentum that TRATT is encouraging as a youth led organisation.

Best Regards



**Jamie Cleine**

Buller District Mayor  
Phone 027 423 2629 | Email [jamie.cleine@bdc.govt.nz](mailto:jamie.cleine@bdc.govt.nz)

## **BULLER DISTRICT COUNCIL**

**23 FEBRUARY 2023**

### **AGENDA ITEM 13**

**Reviewed by** Rachel Townrow  
Acting Chief Executive Officer

#### **VERBAL UPDATES FROM COMMITTEE CHAIRS**

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##### **1. REPORT SUMMARY**

A summary of updates is verbally provided by each of the Chairs and Council Representatives listed below.

##### **2. DRAFT RECOMMENDATION**

**That Council receive verbal updates from the following Chairs and Council Representatives, for information:**

- 1. Inangahua Community Board – Cr L Webb**
- 2. Ngati Waewae Representative – N Tauwhare**
- 3. Regulatory & Hearings Committee – Cr G Neylon**
- 4. Community, Environment & Services Committee – Cr J Howard**
- 5. Te Tai o Poutini Plan – Mayor J Cleine and Cr G Neylon**
- 6. Joint Committee Westport Rating District – Mayor J Cleine, Cr J Howard and Cr C Reidy**
- 7. WC Health Localities Project - Cr G Neylon**
- 8. Regional Transport Committee - Cr T O’Keefe**