

23 January 2024

Dear [REDACTED]

Official Information Request for Waimangaroa Reserve & Building Information Ref: 003/24

We refer to your official information request dated 5 January 2024 for information regarding the Waimangaroa Reserve and building information.

Your request was as follows:

"I wish to be provided with Official Information regarding the ownership and management status of the Waimangaroa Reserve and Associated building.

Please inform me as to the role of the District Council, both as regards of responsibilities unto the Reserves Act and in terms of ownership. What entity owns these facilities? What rights are vested in the District Council, if any, regarding any potential lease of grounds and/or buildings, and in any potential sale or other transfer of assets. Please provide notes, minutes, agendas and correspondence referring to any potential sale or lease.

I understand that the reserves in the district may be encompassed by similar or identical ownership and management responsibilities. Please supply full information. I am aware of other communities having concerns.

Please be informed that copies of a recent document provided under The Protected Disclosure Act be forwarded to the office of the Controller of the Auditor General's office and also to Maureen Pugh, MP. Further information has come to hand making it imperative that Central Government oversight is engaged, together with an appropriate community response."

Part of the information you have requested is marked below in blue.

Role of the District Council, both as regards of responsibilities unto the Reserves Act and in terms of ownership

The land known as the Waimangaroa Reserve (as defined in the New Zealand Gazette Notices attached) is owned by the Crown and has the status of recreation reserve subject to the Reserves Act 1977. Pursuant to The Local Government (West Coast Region) Reorganisation Order 1989 (Gazette 1989, page 2517) the Waimangaroa Reserve Board was dissolved on 1 November 1989 and Buller District Council assumed the role of the Reserve Board being to administer, manage and control the reserve. The functions, duties, and powers of the Board, as administering body of the Waimangaroa Recreation Reserve, passed to Buller District Council.

The Council, as administering body, must manage the Waimangaroa Recreation Reserve in accordance with the Reserves Act 1977 'to ensure the use, enjoyment, development, maintenance, protection, and preservation' of the land as a recreation reserve (section 40).

Section 40 (1)

- The administering body shall be charged with the duty of administering, managing, and controlling the reserve under its control and management in accordance with the appropriate provisions of this Act and in terms of its appointment and the means at its disposal, so as to ensure the use, enjoyment, development, maintenance, protection, and preservation, as the case may require, of the reserve for the purpose for which it is classified.

Council has delegated some responsibilities regarding the reserves and halls to individual Reserve and Hall Subcommittees. In July 2023 Council adopted a revised terms of reference under which the subcommittees operate. Delegations are as follows:

5. Delegations: The delegations to the Subcommittee are as follows:

- 5.1 The maintenance and operation of the reserve
- 5.2 The negotiation of Licences to Occupy for the reserve provided such licence shall be temporary in nature (up to 3 years) and capable of being terminated on no more than one month's notice, and be in accordance with The Reserves Act 1977 Section 74 (Licences to Occupy reserves temporarily)
- 5.3 The letting of facilities
- 5.4 The setting of fees and charges for the reserve (Council to be advised of fees and charges for each following financial year by February of each year)
- 5.5 The raising and expenditure of finance (in accordance with the financial delegations below)
- 5.6 To enter contracts necessary for the efficient running and suitable use of the reserve in accordance with the financial delegations below.

What entity owns these facilities?

Ultimately the Crown owns the land. However the Crown has, under the Local Government (West Coast Region) Reorganisation Order 1989 vested all property which was vested in the former authority, in this case the Waimangaroa Reserve Board, in the Buller District Council subject to existing encumbrances.

What rights are vested in the District Council, if any, regarding any potential lease of grounds and/or buildings, and in any potential sale or other transfer of assets. Please provide notes, minutes, agendas and correspondence referring to any potential sale or lease?

Buller District Council is not aware of any potential leases of the grounds and/or buildings or any potential sale and/or transfer of assets. As the land is not owned by the Council it cannot grant a lease or sell or transfer the land under the provisions of the Reserves Act 1977. Only the Crown can process an application to lease the reserve under the provisions of Part 3B of the Conservation Act 1987.

Regarding your request for:

1. *"Please provide notes, minutes, agendas and correspondence referring to any potential sale or lease."*
 - This is refused under The Local Government Official Information and Meetings Act (LGOIMA) section 17 (e) as BDC are not aware of any discussions regarding sale or lease therefore no records exist"

Regarding your request for:

2. *I understand that the reserves in the district may be encompassed by similar or identical ownership and management responsibilities. Please supply full information. I am aware of other communities having concerns*

As this request would take staff considerable time to collate there would be a charge for this information. We estimate around 7-8 hours of staff time at a cost of \$40 per half hour (approximately \$560 - \$640). **Please let us know if you would like to continue with this.**

Charging information;

For requests that are likely to involve substantial collation and/or research, there may be a charge for staff time. Under our charging policy, staff time for the first hour is free of charge. Thereafter this will be charged at the prescribed rate of \$40 (GST inclusive) per half hour. We will provide the information electronically, however should you wish a hard copy, there will be photocopying charges at 20c per sheet, with the first 20 pages being copied free of charge. Under section 13(4) of LGOIMA we do have the ability to request the amounts due are paid in advance of the release of information. **Please be assured that if a charge is likely to apply you will be notified ahead of the request being processed** so that you can decide if you wish to proceed. At that time you will also be given the option to refine your request.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

If you wish to discuss this decision with us, please feel free to contact the Buller District Council by return email to lgoima@bdc.govt.nz.

Please note that it is our policy to proactively release our responses to official information requests where possible. Our response to your request will be published shortly at <https://bullerdc.govt.nz/district-council/your-council/request-for-official-information/responses-to-lgoima-requests/> with your personal information removed.

Kind regards,



Steve Gibling | Chief Executive Officer

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