



AGENDA

Meeting of the
Buller District Council

Commencing at 3:30pm
Wednesday 31 July 2023

To be held at the
Clocktower Chambers
Palmerston Street
Westport



CORE COUNCILLOR ROLE AND RESPONSIBILITIES

- The Governance role entails:
- Strategic planning and decision-making;
 - Policy and strategy review;
 - Community leadership and engagement, and stewardship;
 - Setting appropriate levels of service;
 - Maintaining a financially sustainable organisation; and
 - Oversight/scrutiny of Council's performance as one team.

The governance role focusses on the big picture of 'steering the boat' - management's role focusses on 'rowing the boat'

Our commitments to best support each other and meet the challenges and opportunities of 2023 include:

CLEAR AND RESPECTFUL COMMUNICATION

We are committed to:

- Actively listening and not interrupting;
- Remaining conscious of 'tone', body language, and amount of time speaking (allowing time for others);
- Responding/answering in a timely manner; and
- Being honest, reasonable, and transparent.

TRUST AND RESPECT

We recognise that trust and respect must be earned and that a team without trust isn't really a team. Trust can be built by:

- Valuing long-term relationships;
- being honest; honouring commitments; admitting when you're wrong; communicating effectively; being transparent; standing up for what's right; showing people that you care; being helpful; and being vulnerable.

CONTINUOUS LEARNING AND IMPROVEMENT

Continuous learning and improvement are critical for growing together as a team.

We are committed to constantly reviewing what is going well and what needs to improve in relation to the way we work together, the processes we follow, and the outcomes we deliver.

NONE OF US IS AS SMART AS ALL OF US

Council

Chairperson:	Mayor
Membership:	The Mayor and all Councillors
Meeting Frequency:	Monthly – or as required
Quorum:	A majority of members (including vacancies)

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



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BULLER DISTRICT COUNCIL

31 JULY 2023

AGENDA ITEM 1

Prepared by Sean Judd
Acting Chief Executive

APOLOGIES

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

31 JULY 2023

AGENDA ITEM 3

Prepared by Sean Judd
Acting Chief Executive

CONFIRMATION OF MINUTES

1. DRAFT RECOMMENDATION

That Council receive and confirm minutes from the meeting of 28 June 2023.



THE BULLER DISTRICT COUNCIL, HELD AT 3.30PM ON WEDNESDAY 28 JUNE 2023 AT CLOCKTOWER CHAMBERS, PALMERSTON STREET, WESTPORT.

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

IN ATTENDANCE: S Judd (Acting CEO), D Marshall (Chief Financial Officer), M Williams (Acting GM Infrastructure Services), M Duff (Director 3 Waters Transition), K Trigg (GM Community Services), S Jope (Team Leader Customer Service), G Barrell (Governance Secretary)

PUBLIC FORUM: Frida Inta

Frida Inta:

Ms Inta spoke to update Council on the swing bridge over the Chasm Creek walkway. They had received seed funding of \$30k but are experiencing difficulty getting building consents for this. They hope to have it by the end of the year. The scarcity of Engineers is causing delays. It was confirmed by L Brooks that regardless of the delays, the funding is still available to them.

Lynne Higgins:

Ms Higgins expressed her concerns regarding the money being spent by Council in wages etc.

PRESENTATION: Lisa Maathuis from Dignity NZ

Ms Maathuis is the GM at Dignity NZ where they are looking to create period equity in NZ.

24% of people at some point have missed work or school because they have not had period products available to them.

86% of people have been caught out not having products when they needed them.

Dignity NZ is looking to encourage Council to buy one, get one. One lot to workplaces and the rest to places where accessing may be difficult.

Partnered with a number of companies to provide period products.

MOE began in 2021 to provide products in schools.

Now looking at other groups in the community experiencing hardships.

NZ owned and operated.

Right now people are missing out on activities because they don't have access to period products.

Asking Council to provide availability to these products in the community.

MEETING DECLARED OPEN AT: 3.46pm

1. APOLOGIES (Page 9)
Discussion:

Nil

RESOLVED that there are no apologies to be received and no requests for leave of absence.

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

2. MEMBERS INTEREST (Page 10)
Discussion:

Cr L Webb declared an interest in Sacred Heart School which is addressed in agenda item 13.

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 PREVIOUS MINUTES (Page 11)
Discussion:

31 May: Cr R Sampson advised of correct spelling for Jessie Creedmore. *Noted and amended.*

Page 24 - Public forum response. More information required for the feedback to Brian Jones and Jessie Creedmore. *Noted and amended. Noting the full response was given in the Mayors Correspondence within this agenda.*

Item 13 - Mayors Report - Request to add in the question about SLT. *Noted and amended.*

The confirmation of the minutes from 31 May were set aside to be confirmed at the next Council meeting.

RESOLVED that Council receive and confirm minutes from the meetings of 14 June 2023.

Cr A Pfahlert/Cr P Grafton
10/10
Cr C Reidy Abstained

4. ACTION POINTS REPORT (Page 37)

Discussion:

Nil

RESOLVED that Council receive the Action Points list for information.

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

5. 2023-2024 ANNUAL PLAN ADOPTION (Page 39)

Discussion:

The following questions were addressed:

\$750k previously approved for the emergency water plan. Where does this fall in the Annual Plan and budget, for water tanks and bore investigation?

D Marshall advised this was added to the 2022/2023 capital works programme during the year and is not a 2023/2024 item as such but will appear in the capital programme for 2023/2024 as a carry forward. The funding is from the Westport water account initially and will be part of the debt funding programme.

Page 10 of AP states that the net increase in staff roles is \$469k, and then employee benefits expenses are expected to increase by \$1.35m. Does this include the \$469k on page 10 or is this additional?

D Marshall spoke that the net increase of \$469k noted on Page 10 comes from general rates. Page 11 outlines the various employee expenses over the entire budget, irrespective of funding source.

Page 9 regarding the Roding Return to Service. Notification was made that in December Buller District Council received \$13.2m for roading. \$1.2 was used immediately after floods. Leaving around \$12m. The report states as \$9.8m, of

which \$3.6 is Council. This leaves around \$9.5m coming from RTS. There is \$2.5m left - where is it?

D Marshall replied that the \$13.3m is a total package and the works fall into different budget years spread over different years. Noting it won't all be reflected in the AP.

Concern was raised over the inability to appoint local contractors as a lot of this was externally funded.

Mayor J Cleine noted the perception was that the floods have not been expensive for ratepayers as a district, but despite the ability to secure a lot of funds, there was still a lot of costs that were unavoidably at ratepayer cost.

RESOLVED that Council:

1. Receives the Annual Plan 2023-2024 adoption report; and

Cr C Reidy/Cr J Howard
10/1
Cr R Sampson against
MOTION CARRIED

2. Endorses the Tourism Infrastructure Fund application noting:
 - a. Council's 50% share of \$855,000 will be provided from:
 - (i) existing carry over budgets,
 - (ii) \$460,000 drawdown on the Reserve Fund Contributions balance,
 - (iii) funding from an external party.
 - b. Should the Tourism Infrastructure Fund not approve the application, these projects will not proceed.
 - c. Should the Tourism Infrastructure Fund propose a lower rate than 50% for this application, this would be a matter to come back to Council to consider before the projects proceed.
 - d. Should the additional funding from the external party not eventuate, this would be a matter to come back to Council to consider before the Punakaiki Wastewater project proceeds.

Mayor J Cleine/Cr G Neylon
10/1
MOTION CARRIED

Discussion was held regarding Resolution 3. The AP stated an increase of 6.8%. Noting that Karamea rates show an increase larger than any other area. Specifically Residential 14.9%, Commercial 63.2%, Rural 22.15% and Rural Residential 26.46%. Nowhere within these figures does 6.8% come into it. Noting also that letters have gone to debit payees that their rates have gone up even before adoption of this AP. No consultation or engagement.

L Brooks spoke regarding the varying rates. The total rates revenue increase was 6.8% overall. A revaluation was done which puts ratepayers in certain differential groups. If their valuation has risen a lot more than others in the same group then everyone within that group will see a rise in their rates.

She went further that they had tried to establish what the rates would be for ratepayers. This was intended to give ratepayers as much notice as possible of their potential rates costs. There was no intention to pre-empt what would happen at the Council meeting, rather to give notice to ratepayers as a heads up.

D Marshall advised regarding Karamea; if you take out targeted rates and just concentrate on general rates, the increase was 10.9%. Noting the revaluation in Karamea was a lot higher than other areas.

3. Notes that the total rates revenue increase of 6.8% in the Annual Plan 2023 - 2024 is 1.4% higher than the same year of the 2021-2031 Long Term Plan, and exceeds the 2.2% limit set in the Financial Strategy; and

**Mayor J Cleine/Cr A Pfahlert
9/2
Cr C Reidy against
MOTION CARRIED**

It was noted that there could have been more information given in the letters as to why they were going out.

Concern that financial strategies had failed. Noting the staff submissions being added on after agreement to not consult and viewing the proposed Draft AP.

Discussion that the main burden is the increase in General Rates. Feeling that the conversation should have been 8.8% initially and then the 10.9% as opposed to 6.8%

The importance of comparing apples with apples was expressed.

This shows many have been paying higher rates for many years and now rural Karamea is catching up. The only way to even out is if the whole sector rose.

Cr G Neylon was cautious of not consulting with public and is keen to see a review on this. It is important to re-engage the community especially with LTP coming. While he has reservations on parts of the plan, he feels he is unable to not vote on it.

Mayor J Cleine concurred with this and while full consultation hasn't worked for quite a long time, he believes that it would have been better to consult. Open minded as to how best to do this. Comparing apples with apples is important but difficult. This year we chose a different way to measure.

4. Notes that the increase in the net debt in the Annual Plan 2022-2023 at \$29.36 million exceeds the net debt limit set in the Financial Strategy; and

Mayor J Cleine/Cr A Pfahlert
9/2
Cr C Reidy against
MOTION CARRIED

The following correction to the AP was requested:

Page 62 of AP - begin numbering again (a,b,c etc) under Policy heading.

5. Agrees that exceeding both the total rates revenue increase and net debt limits are required to ensure that the Council appropriately funds its operating and capital expenditure activities for 2023/2024, and that these decisions have been explained and are not considered significant enough to warrant an LTP amendment or affect the decision to not follow a formal Annual Plan consultation under section 95(2A) of the Local Government Act (LGA); and

Cr G Neylon/Cr G Weston
9/2
Cr C Reidy against
MOTION CARRIED

6. Notes that staff have incorporated in the Annual Plan 2023 - 2024 (under separate cover) the decisions made at the special Annual Plan Council meeting held 14 June 2023; and

Cr G Neylon/Cr G Weston
9/2
Cr C Reidy against
MOTION CARRIED

7. Approves the list of proposed fees and charges to be included in the Buller District Council Annual Plan 2023 - 2024;

Cr G Neylon/Cr G Weston
9/2
Cr C Reidy against
MOTION CARRIED

8. In accordance with section 95 of the Local Government Act 2022, adopts the Buller District Council Annual Plan 2023 - 2024 on 28 June 2023 (attached); and

**Cr G Neylon/Cr G Weston
9/2
Cr C Reidy against
MOTION CARRIED**

9. Authorises the Acting Chief Executive Officer to approve any minor editorial amendments to the Final Annual Plan 2023 - 2024 document, prior to being printed and made available online on the Council's website.

**Cr G Neylon/Cr G Weston
9/2
Cr C Reidy against
MOTION CARRIED**

**6. 2023-2024 Rates Setting Report (Page 48)
Discussion:**

There were a number of errors for dates and some grammatical errors within the resolution.

Therefore, the recommendation has been amended

FROM:

That Council resolves the following:

- (a) That the rates listed in the attached Schedule 1 (being those listed in the Funding Impact Statement of the 2023-2024 Annual Plan), as adopted at the Council meeting of 28 June 2023 are set under the Local Government (Rating) Act 2002 ("the Act") on rating units in the district for the financial year commencing 1 July 2023 and ending on 30 June 2024.
- (b) That each of the rates for the financial year are set under the following sections of the Act:
1. **General Rates**
 - 1.1 **General (differential) Land Rate – Section 13**
 - 1.2 **Uniform Annual General Charge – Section 15**
 2. **Water Supply Rates**
 - 2.1 **Targeted Water Supply Rate(s) – Section 16 & Schedule 3**
 - 2.2 **Metered water rate – Section 19**
 3. **Sewage Disposal Rates**
 - 3.1 **Targeted Sewage Disposal Rate(s) – Section 16 & Schedule 3**
 4. **Waste Management Rates**

4.1 Targeted Waste Management Rate(s) – Section 16 & Schedule 3

(c) That all rates will be payable in 4 instalments with the due dates being:

- 1. Instalment 1 – 28 August 2023**
- 2. Instalment 2 – 28 November 2023**
- 3. Instalment 3 – 28 February 2024**
- 4. Instalment 4 – 28 May 2024**

(d) That rates for metered water will be payable by the 20th day of the month following the invoice date, sic:

- 1. July 2023 invoice – 20 August 2023**
- 2. August 2023 invoice – 20 September 2023**
- 3. September 2022 invoice – 20 October 2022**
- 4. October 2022 invoice – 20 November 2022**
- 5. November 2022 invoice – 20 December 2022**
- 6. December 2022 invoice – 20 January 2023**
- 7. January 2023 invoice – 20 February 2023**
- 8. February 2023 invoice – 20 March 2023**
- 9. March 2023 invoice – 20 April 2023**
- 10. April 2023 invoice – 20 May 2023**
- 11. May 2023 invoice – 20 June 2023**
- 12. June 2023 invoice – 20 July 2023**

(e) That all unpaid rates will incur penalties on the penalty dates being:

- 1. Instalment 1 – 29 August 2022**
- 2. Instalment 2 – 29 November 2022**
- 3. Instalment 3 – 29 February 2023**
- 5. Instalment 4 – 29 May 2023**

- 6. Any year's rates struck prior to 1 July 2023 – 1 September 2023**
- (f) That all unpaid balance of metered water rates will incur penalties on the penalty dates being:**
- 1. July 2022 invoice – 21 August 2022**
 - 2. August 2022 invoice – 21 September 2022**
 - 3. September 2022 invoice – 21 October 2022**
 - 4. October 2022 invoice – 21 November 2022**
 - 5. November 2022 invoice – 21 December 2022**
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 - 9. March 2023 invoice – 21 April 2023**
 - 10. April 2023 invoice – 21 May 2023**
 - 11. May 2023 invoice – 21 June 2023**
 - 12. June 2023 invoice – 21 July 2023**
- (g) That Council apply the following penalties in terms of Sections 57 and 58 of the Act:**
- 1. On the penalty date a ten percent (10%) charge to be added to the balance of rates (excluding metered water rates) left owing of the instalment due on that date.**
 - 2. A charge of five percent (5%) be added on 1 September 2023 to any balance owing from any year's rates struck prior to 1 July 2023.**
 - 3. On the 21st day of each month, a charge of 10% to be added to any balance of the metered water rates owing from that total amount invoiced in the previous month (as set out in Section (D) above).**
 - 4. That rates shall be payable at Council's main office, Brougham Street, Westport (open 8.30am-4.30pm, Monday to Friday), or the Service Centre at 66 Broadway, Reefton (open 8.30am- 4.30pm), or by using on-line banking, or through direct credit, direct debit, or credit card.**

TO:

RESOLVED that the Council:

- (a) That the rates listed in the attached Schedule 1 (being those listed in the Funding Impact Statement of the 2023-2024 Annual Plan), as adopted at the Council meeting of 28 June 2023 are set under the Local Government (Rating) Act 2002 (“the Act”) on rating units in the district for the financial year commencing 1 July 2023 and ending on 30 June 2024.
- (b) That each of the rates for the financial year are set under the following sections of the Act:
 - 1. General Rates
 - 1.1 General (differential) Land Rate – Section 13
 - 1.2 Uniform Annual General Charge – Section 15
 - 2. Water Supply Rates
 - 2.1 Targeted Water Supply Rate(s) – Section 16 & Schedule 3
 - 2.2 Metered Water Rate – Section 19
 - 3. Sewage Disposal Rates
 - 3.1 Targeted Sewage Disposal Rate(s) – Section 16 & Schedule 3
 - 4. Waste Management Rates
 - 4.1 Targeted Waste Management Rate(s) – Section 16 & Schedule 3
- (c) That all rates will be payable in 4 instalments with the due dates being:
 - 1. Instalment 1 – 28 August 2023
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 8. February 2024 invoice – 21 March 2024
 9. March 2024 invoice – 21 April 2024
 10. April 2024 invoice – 21 May 2024
 11. May 2024 invoice – 21 June 2024

12. June 2024 invoice – 21 July 2024

(g) That Council apply the following penalties in terms of Sections 57 and 58 of the Act:

1. On the penalty date a ten percent (10%) charge to be added to the balance of rates (excluding metered water rates) left owing of the instalment due on that date.
2. A charge of five percent (5%) be added on 1 September 2023 to any balance owing from any year's rates struck prior to 1 July 2023.
3. On the 21st day of each month, a charge of 10% to be added to any balance of the metered water rates owing from that total amount invoiced in the previous month (as set out in Section (D) above).
4. That rates shall be payable at Council's main office, Brougham Street, Westport (open 8.30am - 4.30pm, Monday to Friday), or the Service Centre at 67 - 69 Broadway, Reefton (open 8.30am - 4.30pm), or by using on-line banking, or through direct credit, direct debit, or credit card.

**Cr G Neylon/DM A Basher
9/2**

**Cr C Reidy and Cr R Sampson against
MOTIONS CARRIED**

As Right of Reply, Cr G Neylon noted that this is the third rating reviews Council has been through and each one had too many differentials. Today there are 47 differentials. Today show how each of those differentials over the years have eventuated. These differentials have occurred over the last 30 years.

**7. THREE WATERS REFORM – “BETTER OFF” FUNDING REAPPROPRIATION
(Page 59)**

Discussion:

P Bicknell spoke to her report. Noting that the Karamea Reserve (written as Karamea Water Supply) should be \$65k, not \$650k.

It is not necessary to make a decision today. Would be good to be given some form or direction.

Concern was raised that there was no information provided for the Northern Buller. This should have been included to give a fair analysis.

It was recommended that Council hold Table 3 over until we have a complete report including Northern Buller.

Mayor Cleine reminded councillors that this isn't part of the AP. This is an attempt for Council to get funding for, yet to be detailed projects. This is not high level. That is at the next stage.

There was general discussion around where councillors felt funding should be allocated.

Ms Bicknell reminded councillors that this is a very positive thing for Buller.

RESOLVED that Council:

1. Takes out \$400k from Better Off Funding to be reallocated.
2. Puts \$100k of the \$400k towards the Westport critical waters supply
3. Allocates the remaining \$300k to the Better Off Funding pool to be considered at a later date
4. Removes Project 8
5. Allocates authority to the Acting Chief Executive to discontinue the \$400k stormwater/wastewater project so that funds can be reallocated at a later date.

Cr G Neylon Cr L Webb
11/11

CARRIED UNANIMOUSLY

Mayor J Cleine requested that a list of projects that are eligible for this funding be brought forward and assessed against the criteria.

RESOLVED that Council allocates a maximum of \$300k to the Reefton Campground

Cr A Pfahlert/Cr G Weston
9/2

Cr C Reidy against
MOTION CARRIED

ACTION POINT: Remainder of BOF allocation report come to August Council and a workshop be held prior.

Mayor J Cleine called a recess at 5.26pm.

The meeting resumed at 5.35pm.

**8. STATEMENTS OF INTENTS - COUNCIL CONTROLLED ORGANISATIONS
(Page 84)**

Discussion:

There was discussion about whether it was necessary to keep the increased management fee. D Marshall advised that if they are in there then this simply allows for debate to take place. It is not a given that this will happen.

Suggestion was made under the heading of Vision on Page 90, Attachment 1, the wording be amended to read "assisting the shareholder with fulfilling the requirements of its Four Wellbeings". It was confirmed that this can be amended.

RESOLVED that Council adopt the draft Statements of Intent for Buller Holdings Limited, WestReef Services Limited and Buller Recreation Limited for the year ending 30 June 2024.

**Mayor J Cleine/Cr C Reidy
11/11
CARRIED UNANIMOUSLY**

**9. STATEMENT OF INTENT – WESTPORT AIRPORT AUTHORITY
(Page 132)**

Discussion:

D Marshall noted on Page 134 that an amendment between repairs and maintenance and employment cost categories for the 2024/2025 and 2025/2026 numbers had been made to be consistent with the same change for these items reflected in the 2023/2024 financial year. It is important to note that the total operating costs have not changed in the 2 years, just a reallocation between expense categories.

D Marshall advised that the drop between the draft and final capex budgets came as a result of updated cost information and what assets needed replacing in the 2023/2024 financial year. This has resulted in a reduction in asset budget requirements.

It was confirmed that the costs, including capex will be met are 50/50 between MOT and Buller District Council.

RESOLVED that Council adopt the Statement of Intent for the Westport Airport Authority for the year ending 30 June 2024.

**DM A Basher/Cr P Grafton
11/11
CARRIED UNANIMOUSLY**

10. LGNZ – AGM REMITS FOR CONSIDERATION (Page 142)

Discussion:

Votes are as follows:

LGNZ President:

Sam Broughton - **8**

Dan Gordon - 1

Neil Holdom - 0

Vice President:

Campbell Barry - 4

Paula Southgate - **5**

1. Allocation of risk and liability in the building sector - **Y**
2. Rates Rebate - **Y**
3. Roading/Transport Maintenance Funding - **Y**
4. Local election accessibility - **Y**
5. Ability for co-chairs at formal meetings - **Y**
6. Parking infringement penalties - **N**
7. Rural and regional public transport - **Y**
8. Establishing resolution service - **Y**
9. Earthquake prone buildings - **Y**
10. KiwiSaver contributions for elected members - **Y**
11. Audit NZ Fees - **Y**

RESOLVED

1. That Council receive the attached remits for consideration and provide direction on voting.

Mayor J Cleine/Cr C Reidy

11/11

CARRIED UNANIMOUSLY

2. That Council considers the candidates for LGNZ President and Vice President election and provide direction on voting.

Cr G Neylon/Cr T O'Keefe
10/10

Cr C Reidy abstained
MOTION CARRIED

3. That Council confirm the delegate/s to attend the AGM meeting 26 July and mandate the delegate to vote as per Council resolutions be Mayor J Cleine as the voting delegate with Cr A Pfahlert and Cr L Webb as observers

Cr G Neylon/Cr G Weston
11/11

CARRIED UNANIMOUSLY

11. CUSTOMER AND STAKEHOLDER SATISFACTION SURVEY RESULTS
(Page 190)
Discussion

N Tauwhare departed the meeting at 6.05pm

Councillors were keen to look at how this is measured in future and see if there is a way to capture feedback more immediately than currently.

RESOLVED that Council receive the report for information.

DM A Basher/Cr J Howard
11/11

CARRIED UNANIMOUSLY

12. ACTING CHIEF EXECUTIVE REPORT (Page 237)
Discussion:

S Judd spoke to the report noting at the time of writing they were still waiting on the Local Government reforms.

M Williams advised that the funding for Consultant Shaun Hubbard, who was recommended by Waka Kotahi as someone who had extensive knowledge of West Coast roading issues, would be coming out of the roading network funds.

When asked if there was anyone locally available qualified enough to do this process, Mr Williams advised that this process has been going on for a very long time. We only have the time period between now and 2024 and we want to ensure we do it well. He believes it is wrong for us to accept what the government is saying. Has taken advice and are now working with what they believe to be a very good consultant.

M Williams to check to see if Mr Hubbard eligible for 73% subsidy funding.

RESOLVED that Council receive the report for information.

Cr L Webb/Cr C Reidy

11/11

CARRIED UNANIMOUSLY

13. MAYORS REPORT (Page 257)

Discussion:

Mayor J Cleine advised regarding the \$500k for the Buller Health Trust. They are on track for a basic fit out. There are still applications in for the 'nice to have' parts.

Mr Cleine to check and advise who the guarantor is for the lease on the building.

RESOLVED that Council receive the report for discussion and information.

Cr T O'Keefe/Cr J Howard

11/11

CARRIED UNANIMOUSLY

Cr T O'Keefe departed the room at 6.21pm.

14. VERBAL COMMITTEE UPDATES (Page 286)

Discussion:

Cr C Reidy departed the room at 6.22pm.

1. Inangahua Community Board – Cr L Webb

Chlorination went live today. Service Centre work starting soon. A contractor has been appointed for this. Advertised for a pool working group. Women's institute rooms going well. Zyman House letters written. ICB will contribute to speed sign on top of Blacks Point. Thank you to St Johns for donating an AED outside public toilets.

Cr C Reidy returned at 6.25pm

Cr T O'Keefe returned at 6.30pm.

2. Ngati Waewae Representative – N Tauwhare

No update as Mr Tauwhare had departed the meeting.

3. Regulatory & Hearings Committee – Cr G Neylon

Still expecting gambling and animals consultations to come out. A few resource consent hearings currently happening. Three of these hearings have had objections. Majority are without objections. There have been webinars

with the District Licencing Committee. There are some changes coming. They will be requiring a fourth member soon, so open to applicants.

4. Community, Environment & Services Committee – Cr J Howard

The following has been happening for CESC:

Caught up with Buller District Council staff.

Had a Kawatiri Cycle Trail conversation along with Mr Cleine.

Update on the Restoration for Design Strategy with Mr Cleine and Di Rossiter.

Community hub and multicultural feasibility study meeting.

Cr A Pfahlert spoke that she and J Cleine went to Festival for the Future in Wellington. Great for youth council members to meet with other youth around the country. 1400 attendees. Great Buller representation from the wider field. Council historically give \$10k to Youth Voice Coordinator. This is no longer a position that is held by an employee. Looking at allocating the money slightly differently. Having discussions as to how this money can be spent.

5. Te Tai o Poutini Plan – Mayor J Cleine and Cr G Neylon

Submissions on submissions has been extended to 17 July. Iwi rep on Hearings Panel has been voted in. With regard to the 16.4% increase in regional rates, Mr Neylon advised that all the obligations under RMA got transferred to the Regional Council. Regional Council then discharged all of their obligations to the Joint Committee. Regional Council is required to pay for the process.

This being the Regional Council Plan, is in fact that it is a Joint Committee Plan. The reality is there has been no decrease in District Council work to offset the increase in rates in Regional Council work; thus, a lot of work being done at District Council level. It is expected there will be appeals and Buller District Council will need to appear at hearings, therefore the costs will be extra.

Cr J Howard departed at 6.34 and returned at 6.35pm.

Cr G Neylon spoke that they had asked why the BDC District Plan hadn't simply been overlaid with the Regional DP. They were advised that funding would be contributed to this. There was roughly \$250k allocated to this. The actual costs are closer to \$5m.

6. Joint Committee Westport Rating District – Mayor J Cleine, Cr J Howard and Cr C Reidy

7. WC Health Localities Project - Cr G Neylon -

Request that councils provide someone for the operational side of this, specifically community services. This needs to be a discussion between the three Council representatives. Noting there is no funding for this person. A summit to be held tomorrow about rebuilding the health system from the bottom up.

8. Regional Transport Committee - Cr T O'Keefe

No correspondence. Cr G Weston noted that WC Road Safety is running a road safety course for motorbike riders. Free of charge.

RESOLVED 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

Mayor J Cleine/Cr J Howard

11/11

CARRIED UNANIMOUSLY

15. SUBMISSION TO WATER SERVICES ENTITIES AMENDMENT BILL

(Page 287)

Discussion:

J Salmond spoke to his report. Noting the timeframes given by central government meant this has come through as an urgent paper.

He outlined the legislative requirements and noted the importance of giving authority to Mayor J Cleine. Without it, the submission cannot be made.

Biggest question being 'when will we be moving to the new entity?' There is a Chief Executive Forum next week and hopefully more information will come at that time.

Mayor J Cleine advised he intends to circulate the submission when ready to sign.

RESOLVED that Council

- a. Notes the content of the report and attachments.
- b. Delegates authority to Mayor Jamie Cleine to review, feedback and sign off for Buller District Councils submission for the Water Services Entities Amendment Bill

Cr C Reidy/Cr G Neylon
11/11

CARRIED UNANIMOUSLY

PUBLIC FORUM RESPONSES:

Frida Inta: Letter of thanks and reiterate that the funding is still there.

Lynn Higgins: Acknowledged her concerns. Noting that a number of people are feeling the pinch and Council is trying to keep costs down.

Dignity NZ: K Trigg advised this is not currently in the budget. Council will look at the budgets to see if this is an option.

16. PUBLIC EXCLUDED REPORT (Page 299)

Discussion:

ACTION POINT: Management report on the PMO to be updated in July Council.

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 LGOIMA
17	Buller District Council Meeting of 26 April 2023	Confirmation of Public Excluded Minutes	(s 7(2)(a)) - protect the privacy of natural persons, including that of deceased persons. (s 7(2)(i)) - enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).
18	Jamie Cleine	Interim CE Recruitment	(s 7(2)(i)) - enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);

BULLER DISTRICT COUNCIL

31 JULY 2023

AGENDA ITEM 4

Prepared by Sean Judd
Acting Chief Executive

COUNCIL ACTION POINT LIST

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
19	28 June 2023 Remainder of BOF allocation report come to August Council and a workshop be held prior.	D Marshall/P Bicknell		30 August 2023
20	28 June 2023 Management report on the PMO to be updated in July Council	S Judd	To be addressed in ACEO Report	31 July 2023

BULLER DISTRICT COUNCIL

31 JULY 2023

AGENDA ITEM 5

Prepared by Bronwyn Little
Policy Advisor

Reviewed by Shelley Jope
Acting Group Manager Community Services

Appendix 1	Revised Draft Terms of Reference for Council April 2023
Appendix 2	Analysis of Major Points of Difference for Council April 2023
Appendix 3	Karamea Subcommittee Feedback
Appendix 4	Little Wanganui Subcommittee Feedback
Appendix 5	Seddonville Subcommittee Feedback
Appendix 6	Mokihinui Subcommittee Feedback
Appendix 7	Ngakawau/Hector Subcommittee Feedback
Appendix 8	Waimangaroa Subcommittee Feedback
Appendix 9	Carters Beach Subcommittee Feedback
Appendix 10	Feedback July 2023
Appendix 11	Revised Terms of Reference July 2023

TERMS OF REFERENCE RESERVES AND HALLS SUBCOMMITTEES

1. REPORT SUMMARY

This report outlines the issues related to establishing Terms of Reference for the Reserves and Halls Subcommittees which were re-established and re-appointed in November 2022. This report is a follow up to the report in April 2023 which discussed changes to the Terms of Reference presented by some of the Northern Buller subcommittees. It outlines the further feedback from the subcommittees and includes analysis of that feedback for Council consideration.

2. DRAFT RECOMMENDATION

That the Council:

- 1. Recognises and thanks the Reserves and Halls Subcommittees for the work they undertake to manage the reserves and halls on behalf of the communities throughout Buller and the Council;**
- 2. Thanks the subcommittees for the time they have put into reviewing the draft Terms of Reference and for their feedback;**

3. **Approves the Terms of Reference recommendations for the Halls and Reserve Subcommittees as outlined in Appendix 11 with - either**
 - **No change; or**
 - **The following changes: OR**
4. **Approves the Proposed Terms of Reference as submitted by the individual Reserve and Hall Subcommittees and requests those subcommittees that have not submitted proposals to do so for approval.**

3. ISSUES AND DISCUSSION

3.1 Background

A full background to the establishment of the Reserves and Halls Subcommittees is included in a number of reports to Council, including the April 2023 report.

In relation to Terms of Reference the Council adopted a General Terms of Reference and Delegations for all the Reserve and Hall Subcommittees which were first appointed in 2020.

In November 2022, after the new Council had been elected, the Community Environment and Services Committee once again established the subcommittees and adopted the Terms of Reference included in the report to the committee, and:

“Instructs the Chief Executive to advise subcommittees of the opportunity to request appropriate changes to the ‘Frequency of Meetings’ and ‘Other Delegations and Responsibilities – Financial’ provisions in the ‘General Terms and Reference and Delegations for Reserve and Hall Subcommittees’;

(Community Environment and Services Committee minutes for 9 November 2022).

3.2 Terms of Reference

As noted in the April report, it is common practice to adopt a Terms of Reference for committees and subcommittees amongst local authorities in New Zealand. It is not required under the Local Government Act 2002 but is vital to empower a committee or subcommittee to undertake specific duties which Council has responsibility to undertake. In empowering the subcommittees through the Terms of Reference, the Council delegates many of the responsibilities to carry out matters which the subcommittee has the skills and experience to perform. This is the intention of the Terms of Reference for the Reserves and Halls Subcommittees.

The Terms of Reference are a governance tool and should be based on the principles of good delegation. That is; that they will endeavour to enable efficient and effective functioning without undue interference while still

ensuring accountability and transparency for decisions relating to public land and money.

Terms of Reference provide guidance for both the Council, the overseeing committee and the subcommittee on:

- Purpose
- Scope
- Delegations
- Duties
- Responsibilities

In the case of the Reserves and Halls Subcommittees, the Terms of Reference set out Council's responsibilities to the subcommittees and those of the subcommittee to Council and the community.

Without the Terms of Reference and the delegations included in them, the Council would be responsible for carrying out all the requirements set out in the Reserves Act 1977 and the Local Government Act 2002 for the Reserves for which Council is deemed to be the Administering Body; that is where Council has the responsibility to control and manage.

During the first term of the subcommittees (April 2020 to October 2022) a number of subcommittees requested financial delegations be set in the Terms of Reference which were duly approved by Council. More recently some of the subcommittees proposed several significant changes to the Terms of Reference.

The subcommittees for Ngakawau-Hector, Seddonville, Mokihinui, Waimangaroa and Little Wanganui proposed the changes set out in the April Council report.

3.3 Feedback

A revised Draft Terms of Reference for consideration by the subcommittees and the Council is attached as Appendix 1 in the report. This version incorporated many of the changes proposed by the subcommittees but also set out a number of options for consideration by Council for several key points.

This was circulated prior to Easter to the subcommittees in Northern Buller for their response by email (at the request of two of the subcommittees). However, given the timeframe, full consideration of the proposed Terms of Reference was not possible before the Council meeting in April 2023. As a result, Council resolved the following at the April meeting:

RESOLVED That the Council receive this report for information and requests the details of Appendices 5 and 6 be workshopped with the subcommittee and staff with a report back to Council in June.

Appendix 5 was an analysis of the issues raised by the subcommittees and Appendix 6 was a draft copy of a new version of the Terms of Reference with options for those matters specifically under consideration.

As a result, Council staff forwarded the material to all the subcommittees and offered to attend workshops to discuss the matters raised in the appendices. These documents are attached to this Report as Appendix 1 - Revised Draft Terms of Reference for Council April 2023 and Appendix 2 - Analysis of Major Points of Difference.

Many of the subcommittees held workshops and Council staff attended when requested to do so by the subcommittee.

In total, seven of the subcommittees provided feedback to Council:

- Karamea – Appendix 3
- Little Wanganui – Appendix 4
- Seddonville – Appendix 5
- Mokihinui – Appendix 6
- Ngakawau-Hector – Appendix 7
- Waimangaroa – Appendix 8
- Carters Beach – Appendix 9

Responses were not received from the Reefton or Maruia-Springs Junction Subcommittees. Omapere also made some comments via email which are noted in the Feedback Appendix 10. Inangahua made some general comments regarding responsibilities for various aspects of the Halls and Reserves which will be considered by Council in further reports.

3.4 Discussion

Given the number of variables involved, it is somewhat difficult to provide a concise summary of the feedback. Appendix 10 attempts to outline the feedback and provide recommendations.

There are some 'themes' amongst the feedback which have been taken on board in the recommendations:

- Include specific reference to Local Government Act 2002 (LGA 2002) and Reserves Act 1977 provisions for clarity
- Reference to the Councillors Code of Conduct for guidance
- As the subcommittees are made up of volunteers, they will make their 'best endeavours' to comply with various matters such as plans and policies but cannot be expected to always be able to do so all the time.

There are other matters which may be helpful to clarify:

- Advice to date has confirmed that the reserves which were previously (before 1989) administered by Reserve/Domains Boards are Crown reserves which are administered by Council. Council does not own them but has specific powers to administer, control and manage the reserves under its control and management (S40, Reserves Act 1977).
- Terms of Reference are given to the subcommittee by the Community Services and Environment Committee. It is for Council and the Committee to make these Terms of Reference. The opportunity for feedback from the subcommittees has been made and feedback received and will now be considered.
- Some matters cannot be limited or prescribed by a Terms of Reference document outside of the LGA 2002, the Reserves Act 1977 or the Local Government Official Information and Meetings Act 1987. Some powers cannot be delegated such as the acquiring or disposing of land under the LGA 2002.

Council as the administering authority itself is ultimately responsible for preparing Reserve Management Plans then seeking Ministerial approval. The manner in which formal meetings of Council, committees and subcommittees are undertaken in terms of public notification and agendas.

- Whist understanding that the subcommittees are volunteers they are still appointed by the Committee under the LGA 2002, and as such need to comply with the provisions of Schedule 7 of LGA 2002 which states subcommittees must do certain things such as carry out general and special directions of the committee.
- Under S 48 Local Government (West Coast) Reorganisation Order 1989 - Vesting of Property all property, real and personal, vested in any former authority i.e. the former Reserve Boards listed in the Order and situated in Buller District is now vested in the Buller District Council, subject to all existing encumbrances.

To date our advice has been that this includes the halls situated on the reserves. It is understood that the Ngakawau/Hector Hall is considered by the reserve subcommittee as being not included in the above clause.

3.5 Moving Forward

A Terms of Reference for the Reserve and Halls Subcommittees is necessary in order for the appropriate delegations and responsibilities to be given to the subcommittees. It would be usual practice for all the subcommittees to have similar Terms of Reference as they are being tasked

to undertake the same tasks in terms of managing the reserves and halls in partnership with Council.

One option is for Council to approve each of the individual Terms of Reference as presented by the subcommittees which responded with feedback and invite the remaining subcommittees to do the same. This is not recommended as it would result in some delegations and powers being given to subcommittees which cannot be delegated. The subcommittees are subject to the provisions of legislation by virtue of being part of Council.

The other option is to approve a generic Terms of Reference as set out in Appendix 12 – with or without changes.

4. CONSIDERATIONS

4.1. Strategic Impact

The appointment of Reserve and/or Hall Subcommittees allows for decisions regarding reserves and halls to be managed at a local level while being aligned to the Council's policy and direction. Terms of Reference and delegations mean that the subcommittees are included within the Council's Governance Structure.

4.2 Significance Assessment

"Reserves" are listed as a strategic asset in Council's Significance and Engagement Policy. Appointing Reserve and/or Hall Subcommittees is not considered to be transferring control of these assets as they are subcommittees of Council itself, and the ultimate responsibility, liability and control sits with Council as the administering body under the Reserves Act 1977.

The decisions in this report are not considered to meet the threshold to be considered significant decisions under the Policy.

4.3 Risk Management Implications

- **Public Perception** – Council has taken on board the need for further resource to support the subcommittees and the community volunteers that take on the responsibility of subcommittee appointments. In March 2023 the role of Subcommittees Liaison Officer was created and filled on a part time basis. This role includes the position being the one source of contact for the subcommittees to improve communication and feedback.

Appropriate Terms of Reference, delegations and support to the subcommittees acknowledge that the work of the volunteers on the subcommittees is highly valued by Council.

- **Strategic** – The appointment process Terms of Reference and Delegations are in line with the Council's overall Governance

Structure and carried out according to legal requirements and advice

4.4. Values

'To serve the residents of the Buller district, conscious of their needs, by providing facilities and services and creating an appropriate environment for progress and development while preserving the distinctive natural environment, as well as the cultural and historical environments.'

The Buller District Values are: Community Driven, One Team, Future Focussed, Integrity and We Care. The recommended option is aligned with these values.

4.5 Policy / Legal Considerations

The following are relevant:

- Buller District Council Governance Structure
- Local Government Act 2002
- Reserves Act 1977

4.6 Tangata Whenua Considerations

No specific considerations have been identified relating to this issue.

4.7 Views of Those Affected

There has been mixed feedback from those on the various Reserves and/or Halls Subcommittees over the last three years. Much of this has related to the lack of support around meetings and day to day matters. The other matter of great concern to the subcommittees has been the role they have in the management of reserves and halls which are and have been for many years an integral part of the communities they serve.

The development of Reserve Management Plans for each reserve, in partnership with each subcommittee, as required under the Reserves Act 1977 will be a priority for the Liaison Officer. This will assist the subcommittees in their future financial planning and identification of projects.

4.8 Costs

Council staff time and resources will continue to be managed under existing workloads and budgets.

4.9 Benefits

- The establishment of clear Terms of Reference for the subcommittees ensures that reserves are managed in line with

Council's legal obligations and responsibilities under the Reserves Act 1977

- Provides an opportunity for the Council and community to work together to ensure that public assets are used in the best way for the local community
- The responsibilities and expectations on both Council and the subcommittees are clearly outlined and understood through Terms of Reference

4.10. Media / Publicity

There may be interest from the media in this issue. This will be managed by the Communications team as and when required.

**GENERAL TERMS AND REFERENCE AND DELEGATION OF ALL RESERVE AND HALL
SUBCOMMITTEES:**

PREAMBLE:

- a) Short History of Reserve, development and current facilities; or*
- b) Matters outlined by subcommittee or similar;
The purpose of the X Reserve Subcommittee, is as a “Committee of Management” for the X Reserve as historically appointed by the Buller District Council under Section 57 of The Local Government (West Coast Regional) Reorganisation Order 1989 and pursuant to Schedule 7 sections 30 and 31 of the Local Government Act 2002 and the Reserves Act 1977. In making these delegations Council recognises the functions, powers, and duties transferred to the X Reserve Subcommittee by this document are matters of significance to the community and therefore require legislative standards to be met.
In making these delegations Council recognises that many recreation activities are provided through a range of organisations and on land that is either in public ownership or protected and administered under the Reserves Act 1977. There are also a range of recreation spaces and community facilities that are and will remain in community ownership. These aspects are to be managed through Reserve Management Plans as required under the Reserves Act in full consultation with the community and which are specific to each Reserve; or*
- c) No Preamble*

1. PURPOSE:

- 1.1 The purpose of Reserve and Hall Subcommittee is to manage the X reserve and hall with the support of Council;
- 1.2 In making these delegations the Council recognises that it is ultimately responsible for the reserves and halls in the district under the Instrument of Delegation for Territorial Authorities dated 12 June 2013 and/or as the administering body (specific to each reserve)

2. COUNCIL RESPONSIBILITIES:

- 2.1 Formally appoint members of the Subcommittees which will report to the Community, Environment and Services Committee of Council - see 3.3 below for appointment process
- 2.2 In partnership with the Subcommittee and local community endeavour to develop Reserve Management Plans, to provide clear guidelines for maintenance and development programmes in the best interests of the local community and District and within the provisions of the Reserves Act 1977.
- 2.3 If disputes arise concerning these terms of reference, determine the interpretation;
- 2.4 To produce and distribute the Subcommittee Order Paper for the formal annual/biennial subcommittee meeting, give public notice for the meeting and provide secretarial support at the meeting;

The Reserves and Halls Subcommittee is delegated the following General Terms of Reference and powers:

3. GENERAL TERMS OF REFERENCE:

The Subcommittees (Local Government Act 2002, s. 30 and 32 Schedule 7) :

- 3.1 *Are to be formally appointed by Council,*
- a) *which has the power to appoint and discharge members of the Subcommittee or the Subcommittee in its entirety; OR*
 - b) *which has the power to appoint and discharge members of the Subcommittee or the Subcommittee in its entirety for a breach of the general principles of good governance as outlined in Section 3 of Council's Code of Conduct.*
- 3.2 Will be discharged on the coming into office of the members of Council elected at the triennial general election of members unless Council resolves otherwise;
- 3.3 *Will be formally appointed by Council following the Local Government triennial election of members in the following way; either*
- 3.3a) *following a publicly advertised Special General Meeting of the subcommittee where officers and committee members are nominated as having the skills, attributes, or knowledge that will assist the work of the subcommittee; or*
 - 3.3b) *Following a call for expressions of interest from those having the skills, attributes, or knowledge that will assist the work of the subcommittee within the District; OR*
 - 3.3c) *Following a call for expressions of interest from those within the local area having the skills, attributes, or knowledge that will assist the work of the subcommittee ((determined by use of appropriate NZ Statistics census boundaries): OR*
 - 3.3d) *Following a call for expressions of interest from those living within the district who have been nominated by at least two residents or ratepayers within the District and have the skills, attributes, or knowledge that will assist the work of the subcommittee ; OR*
 - 3.3e) *Following a call for expressions of interest from those living within the local area who have been nominated by at least two residents or ratepayers within the local area ((determined by use of appropriate NZ Statistics census boundaries) and have the skills, attributes, or knowledge that will assist the work of the subcommittee*
- 3.4 Is subject in all things to the control of the Council;
- 3.5 Must carry out all general and special directions of the Community, Environment and Services committee, and the Council, given in relation to the Subcommittee;
- 3.6 Is prohibited from the disposing of or purchasing of land or buildings without the express approval of the Community Environment and Services Committee and/or Council, whichever is appropriate; and
- 3.7 Is prohibited from appointing any subordinate body.

4. Role

The role of Reserve and Halls Subcommittees is to:

- 4.1 Manage the reserve and hall for the benefit of the local community and wider district (including all that land identified in Appendix 1) in accordance with the Reserves Act 1977 and the Reserve Management Plan when it is completed and approved;
- 4.2 Develop, in partnership with Council, Reserve Management Plans where required and within Council's budgets as set out in Council's Annual Plan;
- 4.3 Make recommendations to council on property (including land & buildings) acquisitions and disposals in relation to the reserve or hall.
- 4.4 Develop and approve an annual budget each financial year to achieve 1. above

5. Delegations

The delegations to the Subcommittee are as follows:

- 5.1 The maintenance and operation of the reserve
- 5.2 a) *The issuing of licences to occupy; OR*
- 5.2 b) *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;
- 5.7 a) *Any other powers necessary for the efficient and effective management of the reserve; OR*
- 5.7 b) *No further powers, remove 5.7*

6. FINANCIAL DELEGATIONS

6.1 Invoices

All invoices for goods and/or services costing no more than \$5,000 for budgeted items, and \$1,000 for non-budgeted items may be authorised for payment by the Treasurer and Secretary of the Subcommittee.

Approval for the payment of invoices over \$5,000 for budgeted items and \$1,000 for non-budgeted items must be authorised by a Council staff member with appropriate delegated authority.

6.2 Contracts

6.2a) *All contracts for goods and/or services costing no more than \$5,000 for budgeted items, and \$1,000 for non-budgeted items may be authorised by the Treasurer and Secretary of the Subcommittee.*

Approval of contracts over \$5,000 for budgeted items and \$1,000 for non-budgeted items must be authorised by a Council staff member with appropriate delegated authority; OR

6.2b) *No reference to contracts*

7. EXERCISE OF DELEGATIONS

In exercising the delegated powers, the Subcommittee will

- 7a) *operate within; OR*
- 7b) *use its best endeavours to operate within:*
- 7.1 Policies, plans, standards or guidelines that have been established and approved by Council;
- 7.2a) *The Council approved annual budget ; OR*
- 7.2b) *The Agreed budgets for the activity*
- 7.3 All general and special directions of the Community, Environment and Services Committee and Council given in relation to the Subcommittee.

8. POWER TO DELEGATE

The Subcommittee may not delegate any of their responsibilities, duties or powers to a committee, subcommittee or person.

9. CESSATION OF SUBCOMMITTEE

- 9.1 The Subcommittee may be terminated:
- by resolution of the Council; OR
 - for a breach of the general principles of good governance as outlined in Section 3 of Council's Code of Conduct.
- 9.2
- 9.2 a) *If the Subcommittee is terminated, any money raised by the Subcommittee may be allocated to the reserve or hall associated to the terminated Subcommittee, or reallocated to another reserve or hall as the Council sees fit; OR*
- 9.2 b) *If the Subcommittee is terminated, any money raised by the Subcommittee must, in the first instance, be allocated to the reserve associated to the terminated Subcommittee*

10. MATTERS WHICH ARE NOT DELEGATED BY COUNCIL.

- 10.1 The power to:
- Make a rate or bylaw;
 - Borrow money, or purchase or dispose of assets;
 - Acquire, hold or dispose of property;
 - Appoint, suspend or remove staff;
 - Institute an action for the recovery of any amount; or
 - Issue and police building consents, notices, authorisations, and requirements under any Acts, Statutes, Regulations, By-laws and the like
- 10.2 The powers and duties conferred or imposed on Council by The Public Works Act 1981 or those powers listed in the Section 34 (2) of The Resource Management Act 1991

11. Membership

The membership of the Subcommittee consists of:

- 11.1 One Ward member elected under the Local Electoral Act 2001; and
- 11.2 Appointed members – up to 10 selected by - see options above.

12. Officers of the Subcommittee

The Subcommittee must have a chairperson, secretary, and treasurer and up to seven committee members who shall be appointed by Council by way of - see above options

- 12.1 The Chair's main duty is to guide the meeting so that fair and satisfactory decisions are reached on the various items on the agenda.
- 12.2 The Secretary shall summon the meetings, co-ordinate the agenda for meetings and workshops, keep a true record of the proceedings and distribute these to members and the Community, Environment and Services committee as soon as practicable. Noting that the annual or biennial formal meeting will be managed by council staff.
- 12.3 The Treasurer is responsible for oversight of payments made, and deposits to, the subcommittee's nominated bank account; and to prepare income and expenditure accounts with a balance sheet at the end of the financial year to be audited by Council. The annual balance date for all financial reports shall be June 30th.

13 FINANCIAL ACCOUNTABILITY

- 13.1 The Subcommittee shall:
- i) *Present its proposed Annual Budget and Programme of Works to Community Environment and Services Committee for:*
- 13.1i a) *approval; OR*

13.1i b) information and comment.

- ii) Present to the Council any other report it is requested to provide.
- iii) Keep clear and accurate accounts and records of all transactions and make them available to the Council on request.
- iv) Provide its Annual Report and Annual Accounts to Council, by the date specified by Council for Review

- 13.2 Members of the Subcommittee shall not be personally liable for any act done or omitted to be done in good faith in the course of operations of the Subcommittee or for any debt or other liability lawfully incurred by the Subcommittee.

14 CONTACT WITH MEDIA

- 14 a) *In accordance with the provisions set out in Council's adopted Code of Conduct; or*
- 14 b) *The following rules apply for media contact on behalf of the Council:*
- *the Mayor is the first point of contact for the official view on any issue, unless delegations state otherwise. Where the Mayor is absent, any matters will be referred to the Deputy Mayor or relevant Committee chairperson.*
 - *No other member may comment officially on behalf of the Council without having first obtained the approval of the Mayor or (where delegated) the relevant Committee chairperson.*

Subcommittee Members are free to express a personal view in the media, at any time, provided the following rules are observed:

- i) media comments must not state or imply that they represent the views of the Council;*
 - ii) where an Subcommittee Member is making a statement that is contrary to a Council decision or Council policy, the member must not state or imply that his or her statements represent a majority view;*
 - iii) media comments must observe the other requirements of the Code, e.g. not disclose confidential information; compromise the impartiality or integrity of staff; or avoids aggressive, offensive or abusive comments which reflects adversely on the member or the Council; and*
 - iv) media comments must not be misleading and should be accurate within the bounds of reasonableness.*
- 14 c) *Chairperson may speak on behalf of the subcommittee provided that:*
- i) media comments must not state or imply that they represent the views of the Council;*
 - ii) where the chair is making a statement that is contrary to a Council decision or Council policy, the member must not state or imply that his or her statements represent a majority view;*
 - iii) media comments must observe the other requirements of the Code, e.g. not disclose confidential information; compromise the impartiality or integrity of staff; or avoids aggressive, offensive or abusive comments which reflects adversely on the member or the Council; and*
 - iv) media comments must not be misleading and should be accurate within the bounds of reasonableness.*

All Subcommittee Members are free to express a personal view in the media, at anytime, provided i) to iv) above are observed.

- 14d) *Only the Chairperson may speak with the media and outside organisations on behalf of the Subcommittee*
- 14e) *No media related clause in Terms of Reference*

15 Frequency of meetings

- 15.1 The Subcommittee shall hold at least one formal meeting per year.
- 15.2 This formal meeting will be administered by Council and follow all requirements for council meetings including agenda compilation (with Chair), advertising, distribution of agenda, secretarial and officer support at meeting and preparation and distribution of minutes;

Subject to resolution in 3.3 above

- 15.3a) *One Special General Meeting will be held for the purpose of publicly nominating members (as per the membership criteria above) prior to each Local Government triennial election of members which will then be provided to Council). Or*
- 15.3b) *No reference to Special General Meeting (15.3 removed)*
- 15.4 For the avoidance of doubt, this clause does not prevent the Subcommittee holding informal meetings, workshops or working bees outside of the formal meeting schedule.

16 CONDUCT OF AFFAIRS

The Subcommittee shall conduct its affairs in accordance with the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, the Local Authorities (Members' Interests) Act 1968, and Council's Standing Orders and Code of Conduct.

17 QUORUM

The quorum at a meeting of the Subcommittee shall consist of:

- Half of the members if the number of members (including vacancies) is even; or
- A majority of members if the number of members (including vacancies) is odd.

18 REMUNERATION

No honorarium or meeting allowance will be payable to Subcommittee members.

19 OTHER DELEGATIONS AND RESPONSIBILITIES

- 19a) *These general provisions and delegations can be superseded by specific Reserve Management Plans and Reserve and Hall Subcommittee Terms of Reference and Delegations; OR*
- 19b) *These general provisions and delegations can be superseded by specific Reserve Management Plans by agreement with the subcommittee members and the local community and with subsequent approval from the Community, Environment and Services Committee.*

Introduction:

The issues below have been identified as the major matters on which the April 2023 Council Revised Draft Terms of Reference (Appendix 4) and the 2022/2023 Proposed Terms of Reference (Appendix 2) as preferred by the Ngakawau-Hector, Little Wanganui and Seddonville Subcommittees. The Council Revised Draft includes many of the changes that the subcommittees have put forward and these are not discussed below.

For some issues, officers have presented a number of options for Council to consider or inclusion in the Terms of Reference.

NB: in the following discussion:

- ‘subcommittee terms of reference’ refers to the 2022/2023 Proposed Terms of Reference as presented by the three subcommittees (Appendix 2); and
- ‘council revised draft’ refers to the document prepared by officers (Appendix 4)

1. Purpose and general outline of roles and responsibilities:

Throughout the Subcommittee Proposed terms of reference there are various explanatory statement which could be combined in a Preamble or Purpose.

- The purpose of the Reserve Subcommittee, is as a “Committee of Management” for the Reserves as historically appointed by the Buller District Council under Section 57 of The Local Government (West Coast Regional) Reorganisation Order 1989 and pursuant to Schedule 7 sections 30 and 31 of the Local Government Act 2002 and the Reserves Act 1977.
- In making these delegations Council recognises the functions, powers, and duties transferred to the Reserve Subcommittee by this document are matters of significance to the community and therefore require legislative standards to be met.
- In making these delegations Council recognises that many recreation activities are provided through a range of organisations and on land that is either in public ownership or protected and administered under the Reserves Act 1977. There are also a range of recreation spaces and community facilities that are and will remain in community ownership. These aspects are to be managed through Reserve Management Plans as required under the Reserves Act in full consultation with the community and which are specific to each Reserve.

Advantages	Challenges
<ul style="list-style-type: none"> • References back to the very beginning of the change from Domain Boards • Delegations highlighted as important aspect of the terms of reference 	<ul style="list-style-type: none"> • ‘Committee of Management’ term used in the Local Government Reorganisation Order. The initial committees were not functioning legally with appropriate delegations.

<ul style="list-style-type: none"> Community ownership used to emphasise importance of local decision making 	<p>The subcommittee have been set up within the parameters of the LGA 2002.</p> <ul style="list-style-type: none"> No definition of ‘committee of management’ in either the LGA 2002 or the Reserves Act 1977 – nor are they referenced in either statute. Reference to matters of significance – LGA 2002 uses the term ‘significance’ in a very particular way and defines significance and significant. Matters deemed to be of significance require certain processes to be undertaken in particular the special consultative procedure. It is not considered that this process is of such significance given that it was and is correcting an existing non complying situation and returning legal power to manage the reserves to the local community. Council is the administering body for the reserves, held for the community but still ultimately responsible under the Reserves Act 1977 for all the matters set out in the Act <p><i>Reserves Act 1977 Section 40:</i> <i>(40) Functions of administering body</i> <i>(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.</i></p> <ul style="list-style-type: none"> Council is also responsible for what happens on the reserve in relation to such things as Health and Safety (as the PCBU – person in charge of a business or undertaking)
<p>Recommendation Preamble - either:</p> <ul style="list-style-type: none"> Include a Preamble outlining history of the reserve/hall, development and current facilities; OR No preamble <p>Purpose: 1. PURPOSE:</p>	

1.1	The purpose of Reserve and Hall Subcommittee is to manage the X reserve and hall with the support of Council;
1.2	In making these delegations the Council recognises that it is ultimately responsible for the reserves and halls in the district under the Instrument of Delegation for Territorial Authorities dated 12 June 2013 and/or as the administering body (specific to each reserve)
KARAMEA:	
Preamble: remove	
Purpose: As above 1.1 and 1.2	

2. General Terms of Reference :

Under General Terms of Reference the subcommittees propose including the following:

The subcommittee will act within the delegated powers and annual financial requirements contained within these terms of reference, its Reserve Management Plan and in conjunction with the overarching functions, duties and powers provided as a Committee of Management under the Reserves Act 1977.

The Subcommittee:

- Will be formally appointed or reappointed by Council following the Local Government triennial election of members and following a publicly advertised Special General Meeting of the subcommittee where officers and committee members are nominated as having the skills, attributes, or knowledge that will assist the work of the subcommittee;
- Is subject in all things to the control of the Committee that appointed it;

Advantages	Challenges
<ul style="list-style-type: none"> • Appointment process within the hands of the appointed subcommittee and local community through a public meeting • Would encourage those with support in the area to participate in the subcommittee • Nominations would help to ensure candidates have the support of others in the community 	<ul style="list-style-type: none"> • Reference to committee of management (see 1. Above) and in relation to the Reserves Act 1977 where committee of management is not defined or identified • Appointment recommendations managed through the existing subcommittee could dissuade the wider community from expressing their interest in the subcommittee. May be seen as a deterrent to those who are not connected in some way with the existing subcommittee and discourage new members with differing views • Reference to subject in all things to the committee is contrary to matters outlined further on in the document in the 'power to delegate' which states that in exercising the delegated powers the subcommittee will <u>endeavour</u> to operate within all general and special directions of the committee and

	<p>council. LGA 2002 Schedule 7, S. 30 (4): <i>A subcommittee is subject in all things to the control of the committee that appointed it, and must carry out all general and special directions of the committee given in relation to the subcommittee or its affairs.</i></p>
<p>Recommendation</p> <p>Below are some options for the appointment of members which provide for an open system with or without nomination requirements. In general it is considered that requiring potential appointees to be nominated by other community members would help in identifying those with support from the community. Council may also consider it important that nominees and/or appointees are residents or ratepayers of the local area as defined by using NZ Statistics census boundaries.</p> <p>Include In 'General Terms of Reference':</p> <p>3.3 Will be formally appointed by Council following the Local Government triennial election of members in the following way; either</p> <ul style="list-style-type: none"> a) following a publicly advertised Special General Meeting of the subcommittee where officers and committee members are nominated as having the skills, attributes, or knowledge that will assist the work of the subcommittee; OR b) Following a call for expressions of interest from those having the skills, attributes, or knowledge that will assist the work of the subcommittee within the District; OR c) Following a call for expressions of interest from those within the local area having the skills, attributes, or knowledge that will assist the work of the subcommittee (determined by use of appropriate NZ Statistics census boundaries): OR d) Following a call for expressions of interest from those living within the district who have been nominated by at least two residents or ratepayers within the District and have the skills, attributes, or knowledge that will assist the work of the subcommittee ; OR e) Following a call for expressions of interest from those living within the local area who have been nominated by at least two residents or ratepayers within the local area (determined by use of appropriate NZ Statistics census boundaries) and have the skills, attributes, or knowledge that will assist the work of the subcommittee <p>3.4 Is subject in all things to the control of the Council;</p> <p>3.5 Must carry out all general and special directions of the Community, Environment and Services committee, and the Council, given in relation to the Subcommittee;</p>	
<p>KARAMEA:</p> <p>3.3 c) members following a call for expressions of interest from those living within the local area who have been nominated by at least two residents or ratepayers within the local area (determined by use of Census NZ statistical areas) and have the skills, attributes, or knowledge that will assist the work of the Subcommittee.</p> <p>3.4 Is subject in all things to the control of the Council;</p> <p>3.5 Must carry out all general and special directions of the Community, Environment and Services committee, and the Council, given in relation to the Subcommittee</p>	

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3. Power to discharge and money raised

The subcommittee’s Terms of reference Power to Delegate section includes the following:

Council has the power to discharge members of the Subcommittee or the Subcommittee in its entirety for a breach of the general principles of good governance as outlined in Section 3 of Council’s Code of Conduct.

If the Subcommittee is terminated, any money raised by the Subcommittee must, in the first instance, be allocated to the reserve associated to the terminated Subcommittee.

Advantages	Challenges
<ul style="list-style-type: none"> • Code of Conduct referenced as the standard for behaviour of subcommittee members • Code of Conduct provides guidance to members • Money raised by the subcommittee to be invested in the reserve for which is was raised 	<ul style="list-style-type: none"> • Under the LGA 2002 Council is not limited to breaches of the Code of Conduct should it decide to discharge a subcommittee: LGA 2002 Schedule 7, S. 30 (5): <i>Unless expressly provided otherwise in an Act, (a) a local authority may discharge or reconstitute a committee or subcommittee or other subordinate decision-making body; and (b) a committee may discharge or reconstitute a subcommittee</i> • Council may not wish to be limited to breaches of the Code of Conduct - this is not a standard used across it’s committees • The Reserves Act 1977 Section 80 Expenditure of Funds allows for money received from reserves can be used on any reserve across the District: Reserves Act 1977 s. 80 Expenditure of Funds (2) <i>Where pursuant to section 37 or section 38 an administering body is appointed to control and manage more than 1 reserve or a reserve and other land, then—</i> (a) <i>money received from the separate areas may be used for the improvement and benefit of all those areas or any of them</i>
<p>Recommendation: In general terms it is considered that keeping the Terms of Reference in line with the provisions of the LGA 2002 and the Reserves Act 1977 is good practice however the following are options:</p> <p>Include the following in the General Terms of Reference:</p> <p>3. The Subcommittees (Local Government Act 2002, s. 30 and 32 Schedule 7) :</p> <p>3.1 Are to be formally appointed by Council, which has the power to either:</p> <p>a) appoint and discharge members of the Subcommittee or the Subcommittee in its entirety; OR</p>	

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<p>b) appoint and discharge members of the Subcommittee or the Subcommittee in its entirety for a breach of the general principles of good governance as outlined in Section 3 of Council’s Code of Conduct.</p> <p>9. Cessation of Subcommittee:</p> <p>9.2 If the Subcommittee is terminated, any money raised by the Subcommittee:</p> <p>a) may be allocated to the reserve or hall associated to the terminated Subcommittee, or reallocated to another reserve or hall as the Council sees fit</p> <p>OR</p> <p>b) must, in the first instance, be allocated to the reserve associated to the terminated Subcommittee</p>
<p>KARAMEA:</p> <p>3.1b) Which has the power to appoint and discharge members of the Subcommittee or the Subcommittee in its entirety for a breach of the general principles of good governance as outlined in Section 3 of Council's Code of Conduct.</p> <p>9.2b) If the Subcommittee is terminated, any money raised by the Subcommittee must, in the first instance, be allocated to the reserve associated to the terminated Subcommittee</p>

4. Delegations

In the original Terms of Reference matters to be delegated were limited and required council approval for most decisions. It is considered that given the role of the subcommittee’s delegations are in need of expansion and clarification.

The subcommittee’s proposal is as follows:

The Reserve Subcommittee’s key delegations are:

- The maintenance and operation of the reserve including licences to occupy
- The letting of facilities
- The setting of hire fees and annual budgets for the reserve
- To raise and expend finance as per agreed budgets
- To enter into contracts necessary for the efficient running and suitable use of the reserve
- Any other powers necessary for the efficient and effective management of the reserve

Advantages	Challenges
<ul style="list-style-type: none"> • Provides for the day to day management of the reserve/hall to be carried out by the subcommittee • Clearly states the specific delegations and defines the role of the subcommittee 	<ul style="list-style-type: none"> • Licences to occupy are binding legal agreements and a limited time period and one month termination notice would the fact that reserve subcommittees are subject to re-establishment and re-appointment every 3 years. • The ‘any other powers’ provision is considered to be too wide to be granted without further definition

	<ul style="list-style-type: none"> • Leaves council in a vulnerable position in terms of delegations • No limit on amount for contracts A limit on the amount permitted to be committed in a contract needs to be line with financial delegations for payment of invoices
<p>Recommendation</p> <p>Its is considered that all the delegations except for the last ‘any other powers’ are appropriate and will greatly assist the subcommittees understand and carry out their roles more effectively and efficiently.</p> <p>With respect to the power to grant licences to Occupy it is suggested that the term be defined and it be noted that the Reserves Act 1977 has certain requirements for the issuing of licences to occupy:</p> <p>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</p> <p>With respect to contract limitations these should be linked to financial delegations as follows:</p> <p>6.2 Contracts</p> <p>All contracts for goods and/or services costing no more than \$5,000 for budgeted items, and \$1,000 for non-budgeted items may be authorised by the Treasurer and Secretary of the Subcommittee.</p> <p>Approval of contracts over \$5,000 for budgeted items and \$1,000 for non-budgeted items must be authorised by a Council staff member with appropriate delegated authority.</p>	
<p>KARAMEA</p> <p>5. Delegations:</p> <ul style="list-style-type: none"> • 5.2 Licences to Occupy – remove from delegations • Any other powers – remove from delegations 	

5. Exercise of Delegations:

The subcommittee’s proposed Terms of Reference includes the following as:

In exercising the delegated powers, the Subcommittee will endeavour to operate within:

1. All general and special directions of the Community, Environment and Services committee, and Council, given in relation to the Subcommittee or its affairs;
2. Policies, plans, standards or guidelines that have been established and agreed;
3. Agreed budgets for the activity

Advantages	Challenges
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<ul style="list-style-type: none"> Provides the subcommittee with opportunity to make their best efforts to follow council’s requirements 	<ul style="list-style-type: none"> Use of the term ‘endeavour’ in relation to 1 is not compliant with the provisions of the LGA 2002: LGA 2002 Schedule 7, S. 30 (4): <i>A subcommittee is subject in all things to the control of the committee that appointed it, and must carry out all general and special directions of the committee given in relation to the subcommittee or its affairs.</i> ‘Agreed Budgets’ - not clear who are the budgets are agreed between. It is considered that budgets should be at least seen by the Committee if not formally approved to ensure they are in line with the Reserve Management Plan
<p>RECOMMENDATION: It is considered that the Subcommittees could operate under a ‘best endeavours’ mandate however if they are to be in line with the LGA 2002 they should be required to comply with the matters outlined.</p> <p>7. EXERCISE OF DELEGATIONS In exercising the delegated powers, the Subcommittee will</p> <p>7a) operate within; OR 7b) use its best endeavours to operate within:</p> <p>7.1 Policies, plans, standards or guidelines that have been established and approved by Council;</p> <p>7.2a) The Council approved annual budget OR 7.2b) The Agreed budgets for the activity;</p> <p>7.3 All general and special directions of the Community, Environment and Services Committee and Council given in relation to the Subcommittee.</p>	
<p>KARAMEA</p> <p>7b) use its best endeavours to operate within;</p> <p>7.2b) The approved/agreed annual budget</p>	

6. Accountability

The Subcommittee’s proposed Terms of Reference outline the audit of accounts process and the keeping of good financial records as follows:

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The Subcommittee shall:

- i) Provide its Annual Report and Annual Accounts, by the date specified to Council’s Finance Department
- ii) Provide to the Community Environment and Services Committee or to Council any other report it is requested to provide.
- iii) Keep clear and accurate accounts and records of all transactions and make them available to the Council on request.

Buller District Council's auditors, Audit New Zealand, have the following two requirements for the audit verification of banking arrangements:

1. Copies of all bank account and investment statements as at 30 June certified as being true and correct by the Chairperson and the Treasurer/Secretary on behalf of the Subcommittee.
2. A letter signed for and on behalf of the Subcommittee certifying that during the period:
 - no new bank or investment accounts were opened,
 - no monies were borrowed, and
 - no guarantees were sought or given.

This audit method has been agreed to on the understanding that it does not detract from Audit New Zealand's ability to request bank confirmation if deemed necessary.

Advantages	Challenges
<ul style="list-style-type: none"> • The Audit and record keeping standards are clearly set out • Any reports requested by the Council are to be provided 	<ul style="list-style-type: none"> • There is no reference to budgets or budget approval by Council. It is considered that the presentation of annual budgets to the committee would assist council in their understanding of the financial situation of the reserves and halls. • Budgets could either be presented for information or require approval by the committee would also help inform the council’s annual plan process. • Audit New Zealand is no longer the Council’s auditor and reference to their processes should be removed. • The Chief Financial Officer advises that the definition of Audit has a particular meaning and technically what is undertaken by Council is a review. Reference to ‘Audit’ should be replaced by ‘review’. • As the budget is part of Council’s overall financial planning it is recommended by the Chief Financial Officer that budgets need to be approved by Council.
<p>RECOMMENDATION</p>	

It is considered that the audit provisions proposed by the subcommittees are comprehensive and appropriate. It is however recommended that budgets for the coming year be presented to the committee for either approval or information:

13 FINANCIAL ACCOUNTABILITY

13.1 The Subcommittee shall:

i) Present its proposed Annual Budget and Programme of Works to the Council for endorsement by the date specified to the Community Environment and Services Committee for:

13.1i a) approval

OR

13.1i b) information and comment.

KARAMEA

13.1i b) Present its proposed Annual Budget and Programme of Works to the Council for endorsement by the date specified to the Community Environment and Services Committee for information and comment

7. Contacts with the Media and Outside Organisations

The subcommittee's proposed terms of reference are silent in relation to the matter of contact with the Media. It is considered that the original Terms of Reference Media provisions could be relaxed however there is probably a need for guidance in the Terms of Reference around media contact when the subcommittees are speaking on behalf of the subcommittee and therefore Council.

Options include the following:

14a) Duplicate Code of Conduct for Elected members or

14b) Refer to this clause from the Code of Conduct in the terms of reference as follows:

The following rules apply for media contact on behalf of the Council:

- the Mayor is the first point of contact for the official view on any issue, unless delegations state otherwise. Where the Mayor is absent, any matters will be referred to the Deputy Mayor or relevant Committee chairperson.
- No other member may comment officially on behalf of the Council without having first obtained the approval of the Mayor or (where delegated) the relevant Committee chairperson.
- Subcommittee Members are free to express a personal view in the media, at any time, provided the following rules are observed:
 - i) media comments must not state or imply that they represent the views of the Council;
 - ii) where an Subcommittee Member is making a statement that is contrary to a Council decision or Council policy, the member must not state or imply that his or her statements represent a majority view;
 - iii) media comments must observe the other requirements of the Code, e.g. not disclose confidential information; compromise the impartiality or integrity of staff; or avoids

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aggressive, offensive or abusive comments which reflects adversely on the member or the Council; and

iv) media comments must not be misleading and should be accurate within the bounds of reasonableness.

14c) Chairperson may speak on behalf of the subcommittee provided that:

- i) media comments must not state or imply that they represent the views of the Council;
- ii) where the chair is making a statement that is contrary to a Council decision or Council policy, the member must not state or imply that his or her statements represent a majority view;
- iii) media comments must observe the other requirements of the Code, e.g. not disclose confidential information; compromise the impartiality or integrity of staff; or avoids aggressive, offensive or abusive comments which reflects adversely on the member or the Council; and
- iv) media comments must not be misleading and should be accurate within the bounds of reasonableness.

All Subcommittee Members are free to express a personal view in the media, at anytime, provided i) to iv) above are observed.

14d) Only the Chairperson may speak with the media and outside organisations on behalf of the Subcommittee

14e) No media related clause in Terms of Reference

RECOMMENDATION:

It is considered that some guidance regarding interaction with the media should be included in the Terms of Reference. Similar guidance to that given to councillors would seem appropriate.

- Given the special nature of the subcommittees with their narrow focus of attention being on the management of individual reserves and halls it is unlikely that the full code of conduct clause would be necessary.
- Speaking on behalf of the subcommittee itself would naturally fall to the chair person;
- Personal views should still be able to be expressed provided that it is clear these are not the necessarily the views of the Council or subcommittee.

For these reasons the approach in b) above is recommended.

KARAMEA:

14d) Only the Chairperson may speak with the media and outside organisations on behalf of the Subcommittee

8. Frequency of meetings

The Subcommittees Proposed Terms of Reference includes the following:

- The Subcommittee shall hold at least one formal meeting per year.
- In addition, one Special General Meeting will be held for the purpose of publicly nominating members (as per the membership criteria above) prior to each Local Government triennial election of members which will then be provided to Council.

Advantages	Challenges
<ul style="list-style-type: none"> • One formal meeting a year reduces the workload for council • A formal meeting provides the platform for official decisions on matters of importance to be made. • It does not preclude more than one formal meeting a year if more prove to be needed for formal decision making 	<ul style="list-style-type: none"> • The Special General meeting would not be required if Council chooses an alternative appointment process (see 2. above) • The formal meeting will need to be organised by Council under the provisions of the Local Government Official Information and Meetings Act 1987 – agenda preparation, public notification, meeting protocol etc. This could be noted in the Terms of Reference to avoid any doubt regarding the process.
<p>RECOMMENDATION: To avoid doubt or confusion regarding the running of the formal meetings it is recommended that the following be included in Terms of Reference:</p> <p>15 Frequency of meetings 15.1 The Subcommittee shall hold at least one formal meeting per year. 15.2 This formal meeting will be administered by Council and follow all requirements for council meetings including agenda compilation (with Chair), advertising, distribution of agenda, secretarial and officer support at meeting and preparation and distribution of minutes;</p>	
<p>KARAMEA 15.1 The Subcommittee shall hold at least one formal meeting per year. 15.2 This formal meeting will be administered by Council and follow all requirements for council meetings including agenda compilation (with Chair), advertising, distribution of agenda, secretarial and officer support at meeting and preparation and distribution of minutes;</p> <p>Retain: In addition, one Special General Meeting will be held for the purpose of publicly nominating members (as per the membership criteria) prior to each Local Government triennial election of members which will then be provided to Council.</p>	

9. Other delegations and Responsibilities:

The Subcommittees proposed Terms of Reference include the following:

Analysis of Major Points of Difference for Council April 2023

These general provisions and delegations can be superseded by specific Reserve Management Plans by agreement with the subcommittee members and the local community and with subsequent approval from the Community, Environment and Services Committee.

Council may delegate the Subcommittee’s functions duties and powers to a Ward specific Community Board if such delegation would enable a Community Board to better achieve the Subcommittee’s role.

Advantages	Challenges
<ul style="list-style-type: none"> • Recognises the importance and role of the Reserve Management Plan 	<ul style="list-style-type: none"> • Under the Reserves Act 1977 the preparation of the Reserve Management Plan is the responsibility of the administering body (in this case Council). A process for preparation and approval is then submitted to the Minister for approval – Section 41 – Management Plans. • Under S41 (5) and (6) of the Act the process for public notification is set out and covers the intention to prepare a plan, notification of the draft plan and holding a hearing. • The process is prescribed and not in the hands of the subcommittee, local community or even the committee. • The preparation of the Reserve Management Plan will be undertaken in consultation and partnership the subcommittee however final approval rests with the Council and the Minister. • The advantages of the delegation to a Ward Committee are not clear • Any changes to the Terms of Reference would need to be considered by Council.

RECOMMENDATION:
 It is recommended that this clause in the Terms of Reference remain as simple and clear as possible as follows:
19 OTHER DELEGATIONS AND RESPONSIBILITIES
 These general provisions and delegations can be superseded by specific Reserve Management Plans and Reserve and Hall Subcommittee Terms of Reference and Delegations;

KARAMEA
 OTHER DELEGATIONS AND RESPONSIBILITIES.
 These general provisions and delegations can be superseded by specific Reserve Management Plans by agreement with the Subcommittee members and the local community and with subsequent approval from the Community, Environment and Services Committee.

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GENERAL TERMS OF REFERENCE AND DELEGATION OF THE KARAMEA RESERVE SUBCOMMITTEE:

PREAMBLE

Matters outlined by subcommittee or similar;

The purpose of the X Reserve Subcommittee, is as a "Committee of Management" for the X Reserve as historically appointed by the Buller District Council under Section 57 of The Local Government (West Coast Regional) Reorganisation Order 1989 and pursuant to Schedule 7 sections 30 and 31 of the Local Government Act 2002 and the Reserves Act 1977. In making these delegations Council recognises the functions, powers, and duties transferred to the X Reserve Subcommittee by this document are matters of significance to the community and therefore require legislative standards to be met.

In making these delegations Council recognises that many recreation activities are provided through a range of organisations and on land that is either in public ownership or protected and administered under the Reserves Act 1977. There are also a range of recreation spaces and community facilities that are and will remain in community ownership. These aspects are to be managed through Reserve Management Plans as required under the Reserves Act in full consultation with the community and which are specific to each Reserve; or

1. PURPOSE:

- 1.1 The purpose of Reserve and Hall Subcommittee is to manage the X reserve and hall with the support of Council;
- 1.2 In making these delegations the Council recognises that it is ultimately responsible for the reserves and halls in the district under the Instrument of Delegation for Territorial Authorities dated 12 June 2013 and/or as the administering body (specific to each reserve)

2. COUNCIL RESPONSIBILITIES:

- 2.1 Formally appoint members of the Subcommittees which will report to the Community, Environment and Services Committee of Council - see 3.3 below for appointment process
- 2.2 In partnership with the Subcommittee and local community endeavour to develop Reserve Management Plans, to provide clear guidelines for maintenance and development programmes in the best interests of the local community and District and within the provisions of the Reserves Act 1977.
- 2.3 If disputes arise concerning these terms of reference, determine the interpretation;
- 2.4 To produce and distribute the Subcommittee Order Paper for the formal annual/biennial subcommittee meeting, give public notice for the meeting and provide secretarial support at the meeting;

The Reserves and Halls Subcommittee is delegated the following General Terms of Reference and powers:

3. GENERAL TERMS OF REFERENCE:

The Subcommittees (Local Government Act 2002, s. 30 and 32 Schedule 7) :

- 3.1 *Are to be formally appointed by Council,*
which has the power to appoint and discharge members of the Subcommittee or the Subcommittee in its entirety for a breach of the general principles of good governance as outlined in Section 3 of Council's Code of Conduct.

- 3.2 Will be discharged on the coming into office of the members of Council elected at the triennial general election of members unless Council resolves otherwise;
- 3.3 *Will be formally appointed by Council following the Local Government triennial election of members in the following way;*
 - Following a call for expressions of interest from those living within the local area who have been nominated by at least two residents or ratepayers within the local area ((determined by use of appropriate NZ Statistics census boundaries) and have the skills, attributes, or knowledge that will assist the work of the subcommittee*
- 3.4 Is subject in all things to the control of the Council;
- 3.5 Must carry out all general and special directions of the Community, Environment and Services committee, and the Council, given in relation to the Subcommittee;
- 3.6 Is prohibited from the disposing of or purchasing of land or buildings without the express approval of the Community Environment and Services Committee and/or Council, whichever is appropriate; and
- 3.7 Is prohibited from appointing any subordinate body.

4. Role

The role of Reserve and Halls Subcommittees is to:

- 4.1 Manage the reserve and hall for the benefit of the local community and wider district (including all that land identified in Appendix 1) in accordance with the Reserves Act 1977 and the Reserve Management Plan when it is completed and approved;
- 4.2 Develop, in partnership with Council, Reserve Management Plans where required and within Council's budgets as set out in Council's Annual Plan;
- 4.3 Make recommendations to council on property (including land & buildings) acquisitions and disposals in relation to the reserve or hall.
- 4.4 Develop and approve an annual budget each financial year to achieve 1. above

5. Delegations

The delegations to the Subcommittee are as follows:

- 5.1 The maintenance and operation of the reserve
- 5.2 *The issuing of licences to occupy;*
- 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;
- 5.7 *Any other powers necessary for the efficient and effective management of the reserve;*

7. EXERCISE OF DELEGATIONS

In exercising the delegated powers, the Subcommittee will

use its best endeavours to operate within:

- 7.1 Policies, plans, standards or guidelines that have been established and approved by Council;
- 7.2 *The Agreed budgets for the activity*
- 7.3 ~~It~~ general and special directions of the Community, Environment and Services Committee and Council given in relation to the Subcommittee.

8. POWER TO DELEGATE

The Subcommittee may not delegate any of their responsibilities, duties or powers to a committee, subcommittee or person.

9. CESSATION OF SUBCOMMITTEE

9.1 The Subcommittee may be terminated:

- for a breach of the general principles of good governance as outlined in Section 3 of Council's Code of Conduct.

9.2 : , If the Subcommittee is terminated, any money raised by the Subcommittee must, in the first instance, be allocated to the reserve associated to the terminated Subcommittee

10. MATTERS WHICH ARE NOT DELEGATED BY COUNCIL.

10.1 The power to:

- Make a rate or bylaw;
- Borrow money, or purchase or dispose of assets;
- Acquire, hold or dispose of property;
- Appoint, suspend or remove staff;
- Institute an action for the recovery of any amount; or
- Issue and police building consents, notices, authorisations, and requirements under any Acts, Statutes, Regulations, By-laws and the like

10.2 The powers and duties conferred or imposed on Council by The Public Works Act 1981 or those powers listed in the Section 34 (2) of The Resource Management Act 1991

11. Membership

The membership of the Subcommittee consists of:

11.1 One Ward member elected under the Local Electoral Act 2001; and

11.2 Appointed members – up to 10

12. Officers of the Subcommittee

The Subcommittee must have a chairperson, secretary, and treasurer and up to seven committee members who shall be appointed by Council

12.1 The Chair's main duty is to guide the meeting so that fair and satisfactory decisions are reached on the various items on the agenda.

12.2 The Secretary shall summon the meetings, co-ordinate the agenda for meetings and workshops, keep a true record of the proceedings and distribute these to members and the Community, Environment and Services committee as soon as practicable. Noting that the annual or biennial formal meeting will be managed by council staff.

12.3 The Treasurer is responsible for oversight of payments made, and deposits to, the subcommittee's nominated bank account; and to prepare income and expenditure accounts with a balance sheet at the end of the financial year to be audited by Council. The annual balance date for all financial reports shall be June 30th.

13 FINANCIAL ACCOUNTABILITY

13.1 The Subcommittee shall:

- i) Present its proposed Annual Budget and Programme of Works to Community Environment and Services Committee for:
information and comment.
- ii) Present to the Council any other report it is requested to provide.
- iii) Keep clear and accurate accounts and records of all transactions and make them available to the Council on request.
- iv) Provide its Annual Report and Annual Accounts to Council, by the date specified by Council for Auditing in accordance with Audit New Zealand requirements

NOTE:

Audit New Zealand, have the following two requirements for the audit verification of banking arrangements:

- a) Copies of all bank account and investment statements as at 30 June certified as being true and correct by the Chairperson and the Treasurer/Secretary on behalf of the Subcommittee.
- b) A letter signed for and on behalf of the Subcommittee certifying that during the period:
 - no new bank or investment accounts were opened,
 - no monies were borrowed, and
 - no guarantees were sought or given.

This audit method has been agreed to on the understanding that it does not detract from Audit New Zealand's ability to request bank confirmation if deemed necessary.

- 13.2 Members of the Subcommittee shall not be personally liable for any act done or omitted to be done in good faith in the course of operations of the Subcommittee or for any debt or other liability lawfully incurred by the Subcommittee.

14 CONTACT WITH MEDIA

Chairperson may speak on behalf of the subcommittee provided that:

- i) *media comments must not state or imply that they represent the views of the Council;*
- ii) *where the chair is making a statement that is contrary to a Council decision or Council policy, the member must not state or imply that his or her statements represent a majority view;*
- iii) *media comments must observe the other requirements of the Code, e.g. not disclose confidential information; compromise the impartiality or integrity of staff; or avoids aggressive, offensive or abusive comments which reflects adversely on the member or the Council; and*
- iv) *media comments must not be misleading and should be accurate within the bounds of reasonableness.*

All Subcommittee Members are free to express a personal view in the media, at anytime, provided i) to iv) above are observed.

15 Frequency of meetings

15.1 The Subcommittee shall hold at least one formal meeting per year.

15.2 This formal meeting will be administered by Council and follow all requirements for council meetings including agenda compilation (with Chair), advertising, distribution of agenda, secretarial and officer support at meeting.

Subject to resolution in 3.3 above

15.3r *One Special General Meeting will be held for the purpose of publicly nominating members (as per the membership criteria above) prior to each Local Government triennial election of members which will then be provided to Council). Or*

15.4 For the avoidance of doubt, this clause does not prevent the Subcommittee holding informal meetings, workshops or working bees outside of the formal meeting schedule.

16 CONDUCT OF AFFAIRS

The Subcommittee shall conduct its affairs in accordance with the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, the Local Authorities (Members' Interests) Act 1968, and Council's Standing Orders and Code of Conduct.

17 QUORUM

The quorum at a meeting of the Subcommittee shall consist of:

- Half of the members if the number of members (including vacancies) is even; or
- A majority of members if the number of members (including vacancies) is odd.

18 REMUNERATION

No honorarium or meeting allowance will be payable to Subcommittee members.

19 OTHER DELEGATIONS AND RESPONSIBILITIES

- 19a) *The general provisions and delegations can be superseded by specific Reserve Management Plans by agreement with the subcommittee members and the local community and with subsequent approval from the Community, Environment and Services Committee.*
- 19b) *These general provisions and delegations can be superseded by specific Reserve Management Plans by agreement with the subcommittee members and the local community and with subsequent approval from the Community, Environment and Services Committee.*

Little Wanganui Hall Reserve Subcommittee

Reports To: Community, Environment & Services Committee

Chairperson: Kathy Blumm

Secretary: Kate Grey

Treasurer: Caroline Wood

Committee Members: Emma Duncan, Dianne Anderson, Owen Morrisey, Linda Hyndman, Pat Parkinson, Kirsty Barkman, Melanie Horncastle, Anji Hamson, Kathleen Gavigan, Jill Newman.

Preamble:

The Little Wanganui Hall Reserve were vested in the Buller District Council by The Local Government (West Coast Regional) Reorganisation Order 1989. The role of the former Reserve Boards and subsequent Subcommittees has been to manage reserves in accordance with the Reserves Act 1977 for the benefit of the local community and the wider Buller District. The reserves managed by the Little Wanganui Hall Subcommittee are identified in Appendix 1.

In making these Terms of Reference and Delegations Council recognises the functions, powers, and duties delegated to the Little Wanganui Hall Reserve Subcommittee by this document are important to the community and therefore require legislative standards to be met.

In making these delegations Council recognises that many recreation activities are provided through a range of organisations and on land that is either in public ownership or protected and administered under the Reserves Act 1977. There are also a range of recreation spaces and community facilities that are and will remain in community ownership. These aspects are to be managed through Reserve Management Plans as required under the Reserves Act in full consultation with the community and which are specific to each Reserve.

The Community Services and Environment Committee of Council (CESC) has delegated authority under its Terms of Reference to perform the Council's functions, powers and duties under the Reserves Act and to act pursuant to Schedule 7 Pt 1 cl 32 (1, 3 & 4) of the Local Government Act (LGA) 2002.

Purpose:

The purpose of the Little Wanganui Hall Subcommittee, is as a "Committee of Management" for the Little Wanganui Reserve as historically appointed by the Buller District Council under Section 57 of The Local Government (West Coast Regional) Reorganisation Order 1989 and pursuant to Schedule 7 sections 30 and 31 of the Local Government Act 2002 and the Reserves Act 1977.

General Terms of Reference:

The subcommittee will act within the delegated powers and annual financial requirements contained within these terms of reference, its Reserve Management Plan and in conjunction with the overarching functions, duties and powers provided as a Committee of Management under the Reserves Act 1977.

The Subcommittee:

1. Will be discharged on the coming into office of the members of Council elected at the triennial general election of members unless Council resolves otherwise;
2. Will be formally appointed or reappointed by Council following the Local Government triennial election of members and following a publicly advertised Special General Meeting of the subcommittee where officers and committee members are nominated as having the skills, attributes, or knowledge that will assist the work of the subcommittee;
3. Is subject in all things to the control of the Committee that appointed it;
4. Is prohibited from the disposing of or purchasing of land or buildings without the express approval of the Community Environment and Services Committee and/or Council, whichever is appropriate; and
5. Is prohibited from appointing any subordinate body.

Power to delegate

The Subcommittee may not delegate any of their responsibilities, duties or powers to a committee, subcommittee, or person.

Council has the power to discharge members of the Subcommittee or the Subcommittee in its entirety for a breach of the general principles of good governance as outlined in Section 3 of Council's Code of Conduct. If the Subcommittee is terminated, any money raised by the Subcommittee must, in the first instance, be allocated to the reserve associated with the terminated Subcommittee.

In exercising the delegated powers, the Subcommittee will endeavour to operate within:

1. All general and special directions of the Community, Environment and Services committee, and Council, given in relation to the Subcommittee or its affairs;
2. Policies, plans, standards or guidelines that have been established and agreed;
3. Agreed budgets for the activity.

Delegations:

In making these delegations Council recognises the functions, powers, and duties transferred to the Little Wanganui Reserve Subcommittee by this document are matters of significance to the community and therefore require legislative standards to be met.

In making these delegations Council recognises that many recreation activities are provided through a range of organisations and on land that is either in public ownership or protected and administered under the Reserves Act 1977. There are also a range of recreation spaces and community facilities that are and will remain in community ownership. These aspects are to be managed through Reserve Management Plans as required under the Reserves Act in full consultation with the community and which are specific to each Reserve.

Matters delegated by Council

The Little Wanganui Reserve Subcommittee's key delegations are:

- The maintenance and operation of the reserve including licences to occupy
- The letting of facilities
- The setting of hire fees and annual budgets for the reserve
- to raise and expend finance as per agreed budgets
- to enter into contracts necessary for the efficient running and suitable use of the reserve
- any other powers necessary for the efficient and effective management of the reserve

Matters which are NOT delegated by Council.

1. The power to:

- Make a rate or bylaw.
- Borrow money, or purchase or dispose of assets.
- Acquire or dispose of property.
- Appoint, suspend, or remove staff.
- Issue and police building consents, notices, authorisations, and requirements under any Acts, Statutes, Regulations, By-laws and the like.

2. The powers and duties conferred or imposed (on Council) by the Public Works Act 1981 or those powers listed in the Section 34 (2) of the Resource Management Act 1991

Membership

The membership of the Subcommittee consists of:

1. One Seddon Ward member elected under the Local Electoral Act 2001; and
2. Appointed members – up to 10 nominated via a Subcommittee Special General Meeting in the year of the Local Government triennial election of members.

Officers of the Subcommittee

The Subcommittee must have a chairperson, secretary and treasurer and up to seven committee members who shall be locally elected at a Special General Meeting of the Little Wanganui Reserve Subcommittee in the year of the Local Government triennial election of members and which is publicly advertised.

The Chair's main duty is to guide the meeting so that fair and satisfactory decisions are reached on the various items on the agenda.

The Secretary shall summon the meetings, co-ordinate the agenda for meetings, keep a true record of the proceedings and distribute these to members and the Community, Environment and Services committee as soon as practicable.

The Treasurer is responsible for oversight of payments made, and deposits to, the subcommittee's nominated bank account; and to prepare income and expenditure accounts with a balance sheet at the end of the financial year to be audited by Council. The annual balance date for all financial reports shall be June 30th.

Accountability

The Subcommittee shall:

- i) Provide its Annual Report and Annual Accounts, by the date specified to Council's Finance Department
- ii) Provide to the Community Environment and Services Committee or to Council any other report it is requested to provide.
- iii) Keep clear and accurate accounts and records of all transactions and make them available to the Council on request.

Buller District Council's auditors, Audit New Zealand, have the following two requirements for the audit verification of banking arrangements:

1. Copies of all bank account and investment statements as at 30 June certified as being true and correct by the Chairperson and the Treasurer/Secretary on behalf of the Subcommittee.
2. A letter signed for and on behalf of the Subcommittee certifying that during the period:
 - no new bank or investment accounts were opened,
 - no monies were borrowed, and
 - no guarantees were sought or given.

This audit method has been agreed to on the understanding that it does not detract from Audit New Zealand's ability to request bank confirmation if deemed necessary.

(c) Members of the Subcommittee shall not be personally liable for any act done or omitted to be done in good faith in the course of operations of the Subcommittee or for any debt or other liability lawfully incurred by the Subcommittee.

Frequency of meetings

The Subcommittee shall hold at least one formal meeting per year.

In addition, one Special General Meeting will be held for the purpose of publicly nominating members (as per the membership criteria above) prior to each Local Government triennial election of members which will then be provided to Council.

For the avoidance of doubt, this clause does not prevent the Subcommittee holding workshops or working bees outside of the formal meeting schedule.

Conduct of affairs

The Subcommittee shall conduct its affairs in accordance with Council's Code of Conduct.

Quorum

The quorum at a meeting of the Subcommittee shall consist of:

1. Half of the members if the number of members (including vacancies) is even; or
2. A majority of members if the number of members (including vacancies) is odd.

Remuneration

No honorarium or meeting allowance will be payable to Subcommittee members.

Other Powers and Responsibilities

These general provisions and delegations can be superseded by specific Reserve Management Plans by agreement with the subcommittee members and the local community and with subsequent approval from the Community, Environment and Services Committee.

Council may delegate the Sub Committee's functions, duties and powers to a Ward specific Community Board if such delegation would enable a Community Board to better achieve the Sub Committee's role.

**GENERAL TERMS AND REFERENCE AND DELEGATION OF ALL RESERVE AND HALL
SUBCOMMITTEES:**

PREAMBLE:

a) Short History of Reserve, development and current facilities; or

b) Matters outlined by subcommittee or similar;

The purpose of the X Reserve Subcommittee, is as a "Committee of Management" for the X Reserve as historically appointed by the Buller District Council under Section 57 of The Local Government (West Coast Regional) Reorganisation Order 1989 and pursuant to Schedule 7 sections 30 and 31 of the Local Government Act 2002 and the Reserves Act 1977. In making these delegations Council recognises the functions, powers, and duties transferred to the X Reserve Subcommittee by this document are matters of significance to the community and therefore require legislative standards to be met.

In making these delegations Council recognises that many recreation activities are provided through a range of organisations and on land that is either in public ownership or protected and administered under the Reserves Act 1977. There are also a range of recreation spaces and community facilities that are and will remain in community ownership. These aspects are to be managed through Reserve Management Plans as required under the Reserves Act in full consultation with the community and which are specific to each Reserve; or

c) No Preamble

1. PURPOSE:

- 1.1 The purpose of Reserve and Hall Subcommittee is to manage the X reserve and hall with the support of Council;
- 1.2 In making these delegations the Council recognises that it is ultimately responsible for the reserves and halls in the district under the Instrument of Delegation for Territorial Authorities dated 12 June 2013 and/or as the administering body (specific to each reserve)

2. COUNCIL RESPONSIBILITIES:

- 2.1 Formally appoint members of the Subcommittees which will report to the Community, Environment and Services Committee of Council - see 3.3 below for appointment process
- 2.2 In partnership with the Subcommittee and local community endeavour to develop Reserve Management Plans, to provide clear guidelines for maintenance and development programmes in the best interests of the local community and District and within the provisions of the Reserves Act 1977.
- 2.3 If disputes arise concerning these terms of reference, determine the interpretation;
- 2.4 To produce and distribute the Subcommittee Order Paper for the formal annual/biennial subcommittee meeting, give public notice for the meeting and provide secretarial support at the meeting;

The Reserves and Halls Subcommittee is delegated the following General Terms of Reference and powers:

3. GENERAL TERMS OF REFERENCE:

The Subcommittees (Local Government Act 2002, s. 30 and 32 Schedule 7) :

- 3.1 *Are to be formally appointed by Council,*
- a) *which has the power to appoint and discharge members of the Subcommittee or the Subcommittee in its entirety; OR*
 - b) *which has the power to appoint and discharge members of the Subcommittee or the Subcommittee in its entirety for a breach of the general principles of good governance as outlined in Section 3 of Council's Code of Conduct.*
- 3.2 *Will be discharged on the coming into office of the members of Council elected at the triennial general election of members unless Council resolves otherwise;*
- 3.3 *Will be formally appointed by Council following the Local Government triennial election of members in the following way; either*
- 3.3a) *following a publicly advertised Special General Meeting of the subcommittee where officers and committee members are nominated as having the skills, attributes, or knowledge that will assist the work of the subcommittee; or*
 - 3.3b) *Following a call for expressions of interest from those having the skills, attributes, or knowledge that will assist the work of the subcommittee within the District; OR*
 - 3.3c) *Following a call for expressions of interest from those within the local area having the skills, attributes, or knowledge that will assist the work of the subcommittee ((determined by use of appropriate NZ Statistics census boundaries): OR*
 - 3.3d) *Following a call for expressions of interest from those living within the district who have been nominated by at least two residents or ratepayers within the District and have the skills, attributes, or knowledge that will assist the work of the subcommittee ; OR*
 - 3.3e) *Following a call for expressions of interest from those living within the local area who have been nominated by at least two residents or ratepayers within the local area ((determined by use of appropriate NZ Statistics census boundaries) and have the skills, attributes, or knowledge that will assist the work of the subcommittee*
- 3.4 *Is subject in all things to the control of the Council;*
- 3.5 *Must carry out all general and special directions of the Community, Environment and Services committee, and the Council, given in relation to the Subcommittee;*
- 3.6 *Is prohibited from the disposing of or purchasing of land or buildings without the express approval of the Community Environment and Services Committee and/or Council, whichever is appropriate; and*
- 3.7 *Is prohibited from appointing any subordinate body.*

4. Role

The role of Reserve and Halls Subcommittees is to:

- 4.1 *Manage the reserve and hall for the benefit of the local community and wider district (including all that land identified in Appendix 1) in accordance with the Reserves Act 1977 and the Reserve Management Plan when it is completed and approved;*
- 4.2 *Develop, in partnership with Council, Reserve Management Plans where required and within Council's budgets as set out in Council's Annual Plan;*
- 4.3 *Make recommendations to council on property (including land & buildings) acquisitions and disposals in relation to the reserve or hall.*
- 4.4 *Develop and approve an annual budget each financial year to achieve 1. above*

5. Delegations

The delegations to the Subcommittee are as follows:

- 5.1 The maintenance and operation of the reserve
- 5.2 a) *The issuing of licences to occupy; OR*
- 5.2 b) *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;
- 5.7 a) *Any other powers necessary for the efficient and effective management of the reserve; OR*
- 5.7 b) *No further powers, remove 5.7*

6. ~~FINANCIAL DELEGATIONS~~

~~6.1 Invoices~~

~~All invoices for goods and/or services costing no more than \$5,000 for budgeted items, and \$1,000 for non-budgeted items may be authorised for payment by the Treasurer and Secretary of the Subcommittee.~~

~~Approval for the payment of invoices over \$5,000 for budgeted items and \$1,000 for non-budgeted items must be authorised by a Council staff member with appropriate delegated authority.~~

~~6.2 Contracts~~

~~6.2a) All contracts for goods and/or services costing no more than \$5,000 for budgeted items, and \$1,000 for non-budgeted items may be authorised by the Treasurer and Secretary of the Subcommittee.~~

~~Approval of contracts over \$5,000 for budgeted items and \$1,000 for non-budgeted items must be authorised by a Council staff member with appropriate delegated authority; OR~~

~~6.2b) No reference to contracts~~

7. EXERCISE OF DELEGATIONS

In exercising the delegated powers, the Subcommittee will

- 7a) operate within; OR*
- 7b) use its best endeavours to operate within:*
- 7.1 Policies, plans, standards or guidelines that have been established and approved by Council;
- 7.2a) The Council approved annual budget ; OR*
- 7.2b) The Agreed budgets for the activity*
- 7.3 All general and special directions of the Community, Environment and Services Committee and Council given in relation to the Subcommittee.

8. POWER TO DELEGATE

The Subcommittee may not delegate any of their responsibilities, duties or powers to a committee, subcommittee or person.

9. CESSATION OF SUBCOMMITTEE

- 9.1 The Subcommittee may be terminated:
- by resolution of the Council; OR
 - for a breach of the general principles of good governance as outlined in Section 3 of Council's Code of Conduct.
- 9.2
- 9.2 a) If the Subcommittee is terminated, any money raised by the Subcommittee may be allocated to the reserve or hall associated to the terminated Subcommittee, or reallocated to another reserve or hall as the Council sees fit; OR*
- 9.2 b) If the Subcommittee is terminated, any money raised by the Subcommittee must, in the first instance, be allocated to the reserve associated to the terminated Subcommittee*

10. MATTERS WHICH ARE NOT DELEGATED BY COUNCIL.

- 10.1 The power to:
- Make a rate or bylaw;
 - Borrow money, or purchase or dispose of assets;
 - Acquire, hold or dispose of property;
 - Appoint, suspend or remove staff;
 - Institute an action for the recovery of any amount; or
 - Issue and police building consents, notices, authorisations, and requirements under any Acts, Statutes, Regulations, By-laws and the like
- 10.2 The powers and duties conferred or imposed on Council by The Public Works Act 1981 or those powers listed in the Section 34 (2) of The Resource Management Act 1991

11. Membership

The membership of the Subcommittee consists of:

- 11.1 One Ward member elected under the Local Electoral Act 2001; and
- 11.2 Appointed members – up to 10 selected by - ~~see options above.~~

12. Officers of the Subcommittee

The Subcommittee must have a chairperson, secretary, and treasurer and up to seven committee members who shall be appointed by Council by way of - see above options

- 12.1 The Chair's main duty is to guide the meeting so that fair and satisfactory decisions are reached on the various items on the agenda.
- 12.2 The Secretary shall summon the meetings, co-ordinate the agenda for meetings and workshops, keep a true record of the proceedings and distribute these to members and the Community, Environment and Services committee as soon as practicable. Noting that the annual or biennial formal meeting will be managed by council staff.
- 12.3 The Treasurer is responsible for oversight of payments made, and deposits to, the subcommittee's nominated bank account; and to prepare income and expenditure accounts with a balance sheet at the end of the financial year to be audited by Council. The annual balance date for all financial reports shall be June 30th.

13 FINANCIAL ACCOUNTABILITY

- 13.1 The Subcommittee shall:
- i) Present its proposed Annual Budget and Programme of Works to Community Environment and Services Committee for:*
- 13.1i a) approval; OR*

13.1i b) information and comment.

- ii) Present to the Council any other report it is requested to provide.
- iii) Keep clear and accurate accounts and records of all transactions and make them available to the Council on request.
- iv) Provide its Annual Report and Annual Accounts to Council, by the date specified by Council for Review

- 13.2 Members of the Subcommittee shall not be personally liable for any act done or omitted to be done in good faith in the course of operations of the Subcommittee or for any debt or other liability lawfully incurred by the Subcommittee.

14 CONTACT WITH MEDIA**14 a) In accordance with the provisions set out in Council's adopted Code of Conduct; or****14 b) The following rules apply for media contact on behalf of the Council:**

- the Mayor is the first point of contact for the official view on any issue, unless delegations state otherwise. Where the Mayor is absent, any matters will be referred to the Deputy Mayor or relevant Committee chairperson.
- No other member may comment officially on behalf of the Council without having first obtained the approval of the Mayor or (where delegated) the relevant Committee chairperson.

Subcommittee Members are free to express a personal view in the media, at any time, provided the following rules are observed:

- i) media comments must not state or imply that they represent the views of the Council;*
- ii) where an Subcommittee Member is making a statement that is contrary to a Council decision or Council policy, the member must not state or imply that his or her statements represent a majority view;*
- iii) media comments must observe the other requirements of the Code, e.g. not disclose confidential information; compromise the impartiality or integrity of staff; or avoids aggressive, offensive or abusive comments which reflects adversely on the member or the Council; and*
- iv) media comments must not be misleading and should be accurate within the bounds of reasonableness.*

14 c) Chairperson may speak on behalf of the subcommittee provided that:

- i) media comments must not state or imply that they represent the views of the Council;*
- ii) where the chair is making a statement that is contrary to a Council decision or Council policy, the member must not state or imply that his or her statements represent a majority view;*
- iii) media comments must observe the other requirements of the Code, e.g. not disclose confidential information; compromise the impartiality or integrity of staff; or avoids aggressive, offensive or abusive comments which reflects adversely on the member or the Council; and*
- iv) media comments must not be misleading and should be accurate within the bounds of reasonableness.*

All Subcommittee Members are free to express a personal view in the media, at anytime, provided i) to iv) above are observed.

- 14d) *Only the Chairperson may speak with the media and outside organisations on behalf of the Subcommittee*
- 14e) *No media related clause in Terms of Reference*

15 Frequency of meetings

- 15.1 The Subcommittee shall hold at least one formal meeting per year.
- 15.2 This formal meeting will be administered by Council and follow all requirements for council meetings including agenda compilation (with Chair), advertising, distribution of agenda, secretarial and officer support at meeting and preparation and distribution of minutes;

Subject to resolution in 3.3 above

- 15.3a) *One Special General Meeting will be held for the purpose of publicly nominating members (as per the membership criteria above) prior to each Local Government triennial election of members which will then be provided to Council). Or*
- 15.3b) *No reference to Special General Meeting (15.3 removed)*
- 15.4 For the avoidance of doubt, this clause does not prevent the Subcommittee holding informal meetings, workshops or working bees outside of the formal meeting schedule.

16 CONDUCT OF AFFAIRS

The Subcommittee shall conduct its affairs in accordance with the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, the Local Authorities (Members' Interests) Act 1968, and Council's Standing Orders and Code of Conduct.

17 QUORUM

The quorum at a meeting of the Subcommittee shall consist of:

- Half of the members if the number of members (including vacancies) is even; or
- A majority of members if the number of members (including vacancies) is odd.

18 REMUNERATION

No honorarium or meeting allowance will be payable to Subcommittee members.

19 OTHER DELEGATIONS AND RESPONSIBILITIES

- 19a) *These general provisions and delegations can be superseded by specific Reserve Management Plans and Reserve and Hall Subcommittee Terms of Reference and Delegations; OR*
- 19b) *These general provisions and delegations can be superseded by specific Reserve Management Plans by agreement with the subcommittee members and the local community and with subsequent approval from the Community, Environment and Services Committee.*

Mokihinui Reserve & Hall Subcommittee

Reports To: Community, Environment & Services Committee

Chairperson: Kate McKenzie

Secretary: Amanda Coleman

Treasurer: Faye Spillane

Committee Members: Silas Coleman, Kim Cameron & Haley Brunner

Preamble:

The purpose of the Mokihinui Reserve & Hall Subcommittee is as a “Committee of Management” for the Mokihinui Reserve & Hall as historically appointed by the Buller District Council under Section 57 of The Local Government (West Coast Regional) Reorganisation Order 1989 and pursuant to Schedule 7 sections 30 and 31 of the Local Government Act 2002 and the Reserves Act 1977.

1. Purpose:

1.1 The purpose of Reserve and Hall Subcommittee is to manage the Mokihinui reserve and hall with the support of Council.

1.2 In making these delegations the Council recognises that it is ultimately responsible for the reserves and halls in the district under the Instrument of Delegation for Territorial Authorities dated 12 June 2013 and/or as the administering body (specific to each reserve)

2. Council Responsibilities:

2.1 Formally appoint members of the Subcommittees which will report to the Community, Environment and Services Committee of Council - see 3.3 below for appointment process.

2.2 To support the Subcommittee and local community endeavour to develop Reserve Management Plans, to provide clear guidelines for maintenance and development programmes in the best interests of the local community and District and within the provisions of the Reserves Act 1977.

2.3 If disputes arise concerning these terms of reference, determine the interpretation.

2.4 To produce and distribute the Subcommittee Order Paper for the formal annual/biennial subcommittee meeting, give public notice for the meeting and provide secretarial support at the meeting.

The Reserves and Halls Subcommittee is delegated the following General Terms of Reference and powers:

3. GENERAL TERMS OF REFERENCE:

The Subcommittees (Local Government Act 2002, s. 30 and 32 Schedule 7) :

3.1 Are to be formally appointed by Council,

b) which has the power to appoint and discharge members of the Subcommittee or the Subcommittee in its entirety for a breach of the general principles of good governance as outlined in Section 3 of Council’s Code of Conduct.

3.3 Will be formally appointed by Council following the Local Government triennial election of members in the following way:

3.3 a) Following a publicly advertised Special General Meeting (blend these two or align with others if unanimous)

3.3e) Following a call for expressions of interest from those living within the local area who have been nominated by at least two residents or ratepayers within the local area ((determined by use of appropriate NZ Statistics census boundaries) and have the skills, attributes, or knowledge that will assist the work of the subcommittee

3.4 Is subject in all things to the control of the Council.

3.5 Must carry out all general and special directions of the Community, Environment and Services committee, and the Council, given in relation to the Subcommittee.

3.6 Is prohibited from the disposing of or purchasing of land or buildings without the express approval of the Community Environment and Services Committee and/or Council, whichever is appropriate; and

3.7 Is prohibited from appointing any subordinate body.

4. Role

The role of Reserve and Halls Subcommittees is to:

4.1 Manage the reserve and hall for the benefit of the local community and wider district (including all that land identified in Appendix 1) in accordance with the Reserves Act 1977 and the Reserve Management Plan when it is completed and approved.

4.2 Develop, in partnership with Council, Reserve Management Plans where required and within Council’s budgets as set out in Council’s Annual Plan.

4.3 Make recommendations to council on property (including land & buildings) acquisitions and disposals in relation to the reserve or hall.

4.4 Develop and approve an annual budget each financial year to achieve 1. Above

5. Delegations

The delegations to the Subcommittee are as follows:

5.1 The maintenance and operation of the reserve

5.2 **b)** 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) *Can this be changed to July end of financial 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.

5.7 **a)** Any other powers necessary for the efficient and effective management of the reserve.

6. Financial Delegations

6.1 Invoices

All invoices for goods and/or services costing no more than \$10,000 for budgeted items, and \$2,000 for non-budgeted items may be authorised for payment by the Treasurer and Secretary of the Subcommittee.

Approval for the payment of invoices over \$10,000 for budgeted items and \$2,000 for non-budgeted items must be authorised by a Council staff member with appropriate delegated authority. *(inflation & practicality)*

6.2 Contracts

6.2a) All contracts for goods and/or services costing no more than \$10,000 for budgeted items, and \$2,000 for non-budgeted items may be authorised by the Treasurer and Secretary of the Subcommittee.

Approval of contracts over \$10,000 for budgeted items and \$2,000 for non-budgeted items must be authorised by a Council staff member with appropriate delegated authority. *(inflation & practicality)*

7. Exercise of Delegations

In exercising the delegated powers, the Subcommittee will

7**b**) use its best endeavours to operate within:

7.1 Policies, plans, standards, or guidelines that have been established and approved by Council.

7.2 **b**)The Agreed budgets for the activity

7.3 All general and special directions of the Community, Environment and Services Committee and Council given in relation to the Subcommittee.

8. Power to Delegate

The Subcommittee may not delegate any of their responsibilities, duties or powers to a committee, subcommittee, or person.

9. Cessation of Subcommittee

9.1 The Subcommittee may be terminated:

~~By resolution of the Council; OR~~

· For a breach of the general principles of good governance as outlined in Section 3 of Council's Code of Conduct.

9.2 b) If the Subcommittee is terminated, any money raised by the Subcommittee must, in the first instance, be allocated to the reserve associated to the terminated Subcommittee.

10. Matters which are not delegated by Council.

10.1 The power to:

- Make a rate or bylaw.
- Borrow money, or purchase or dispose of assets.
- Acquire, hold, or dispose of property.
- Appoint, suspend, or remove staff.
- Institute an action for the recovery of any amount; or
- Issue and police building consents, notices, authorisations, and requirements under any Acts, Statutes, Regulations, By-laws and the like

10.2 The powers and duties conferred or imposed on Council by The Public Works Act 1981, or those powers listed in the Section34 (2) of The Resource Management Act 1991

11. Membership

The membership of the Subcommittee consists of:

11.1 One Ward member elected under the Local Electoral Act 2001; and

11.2 Appointed members – up to 10 selected by - see options above.

12. Officers of the Subcommittee

The Subcommittee must have a chairperson, secretary, and treasurer and up to seven committee members who shall be appointed by Council by way of - see above options.

12.1 The Chair's main duty is to guide the meeting so that fair and satisfactory decisions are reached on the various items on the agenda.

12.2 The Secretary shall summon the meetings, co-ordinate the agenda for meetings and workshops, keep a true record of the proceedings and distribute these to members and the Community, Environment and Services committee as soon as practicable. Noting that the annual or biennial formal meeting will be managed by council staff.

12.3 The Treasurer is responsible for oversight of payments made, and deposits to, the subcommittee's nominated bank account: and to prepare income and expenditure accounts with a balance sheet at the end of the financial year to be audited by Council. The annual balance date for all financial reports shall be June 30th.

13 Financial Accountability

13.1 The Subcommittee shall:

i) Present its proposed Annual Budget and Programme of Works to Community Environment and Services Committee for:

13.1 **b)** information and comment.

ii) Present to the Council any other report it is requested to provide.

iii) Keep clear and accurate accounts and records of all transactions and make them available to the Council on request.

iv) Provide its Annual Report and Annual Accounts to Council, by the date specified by Council for Review **(Can this please align with end of financial year 30th June)**

13.2 Members of the Subcommittee shall not be personally liable for any act done or omitted to be done in good faith during operations of the Subcommittee or for any debt or other liability lawfully incurred by the Subcommittee.

14 Contact with Media

14 **a)** In accordance with the provisions set out in Council's adopted Code of Conduct, **(need to see code of conduct)**

14 **d)** Only the Chairperson may speak with the media **or delegated member** and outside organisations on behalf of the Subcommittee **but will not bring council distribute or something similar.** **(Maybe Ngakawau might have something that aligns with this?)**

15 Frequency of meetings

15.1 The Subcommittee shall hold at least one formal meeting per year.

15.2 This formal meeting will be administered by Council and follow all requirements for council meetings including agenda compilation (with Chair), advertising, distribution of

agenda, secretarial and officer support at meeting and preparation and distribution of minutes.

Subject to resolution in 3.3 above

15.3 a) One Special General Meeting will be held for the purpose of publicly nominating members (as per the membership criteria above) prior to each Local Government triennial election of members which will then be provided to Council).

15.4 For the avoidance of doubt, this clause does not prevent the Subcommittee holding informal meetings, workshops or working bees outside of the formal meeting schedule.

16 Conduct of affairs

The Subcommittee shall conduct its affairs in accordance with the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, the Local Authorities (Members' Interests) Act 1968, and Council's Standing Orders and Code of Conduct.

17 Quorum

The quorum at a meeting of the Subcommittee shall consist of:

- Half of the members if the number of members (including vacancies) is even; or
- A majority of members if the number of members (including vacancies) is odd.

18 Remuneration

~~No honorarium or meeting allowance will be payable to Subcommittee members.~~ (We need to look at this collectively, maybe we need to pay something or an 'income based' bookkeepers roll, this is an area where that we need to work on to retain our treasurers)

19 Other delegations and responsibilities

19b) These general provisions and delegations can be superseded by specific Reserve Management Plans by agreement with the subcommittee members and the local community and with subsequent approval from the Community, Environment and Services Committee.

Reports To: Community, Environment & Services Committee

Chairperson:

Secretary:

Treasurer:

Committee Members:

Preamble:

The Ngakawau-Hector Reserves were vested in the Buller District Council by The Local Government (West Coast Regional) Reorganisation Order 1989. The role of the former Reserve Boards and subsequent Subcommittees has been to manage reserves in accordance with the Reserves Act 1977 for the benefit of the local community and wider Buller District. The reserves managed by the Ngakawau-Hector Reserve Subcommittee are identified in Appendix 1.

In making these Terms of Reference and Delegations Council recognises the functions, powers, and duties delegated to the Ngakawau-Hector Reserve Subcommittee by this document are important to the community and therefore require legislative standards to be met.

In making these delegations Council recognises that many recreation activities are provided through a range of organisations and on land that is either in public ownership or protected and administered under the Reserves Act 1977. There are also a range of recreation spaces and community facilities that are and will remain in community ownership. These aspects are to be managed through Reserve Management Plans as required under the Reserves Act in full consultation with the community and which are specific to each Reserve.

The Community Services and Environment Committee of Council (CESC) has delegated authority under its Terms of Reference to perform the Council's functions, powers and duties under the Reserves Act and to act pursuant to Schedule 7 Pt 1 cl 32 (1, 3 & 4) of the Local Government Act (LGA) 2002.

1. Purpose:

- 1.1 The purpose of the Ngakawau-Hector Reserve Subcommittee, is to administer, manage and control the Ngakawau-Hector Reserves with the support of Council in accordance with the appropriate provisions of the Reserves Act 1977 and pursuant to Schedule 7 Pt 1 cl 30, 31 & 32 of the Local Government Act (LGA) 2002.
- 1.2 In making these delegations the Council recognises that it is ultimately responsible for the reserves in the district under the Instrument of Delegation for Territorial Authorities dated 12 June 2013 and/or as the administering body (specific to each reserve)

2. Council (CESC) Responsibilities

- 2.1 As per Schedule 7 cl 31(2) of the LGA 2002, Council's Community Environment & Services Committee will formally appoint the Reserve Subcommittees and members of those subcommittees;
- 2.2 To support the Subcommittee and each local community to develop Reserve Management Plans for each reserve under the provisions of the Reserves Act 1977 Sec 41;
- 2.3 If disputes arise concerning these terms of reference or any other matter concerning the Subcommittee, cooperatively work to find a resolution with all parties adhering to the Principles of Governance as set out in Section 3 of the Council's Code of Conduct; and
- 2.4 If a dispute resolution cannot be reached, to use an appropriate independent mediator to mediate between the parties or an arbitrator to help produce a reasonable compromise;
- 2.5 Provide the Subcommittee with Secretarial and/or other staff support at formal subcommittee meetings if required and give public notice for formal meetings.

3. General Terms of Reference:

APPENDIX 7

- 3.1 The Subcommittee is to be appointed by Council's Community Environment and Services Committee which also has the power to discharge members of the Subcommittee for a breach of the general principles of good governance as outlined in Section 3 of Council's Code of Conduct and pursuant to Schedule 7 cl 30 (5b) of the LGA 2002;
- 3.2 The Subcommittee will be automatically discharged on the coming into office of the members of Council elected at the triennial general election of members unless Council resolves otherwise as per Schedule 7 cl 30 (7) and 31(5) of the LGA 2002;
- 3.3 Unless Council resolves otherwise as per clause 3.2 above, the Subcommittee will be appointed under Schedule 7 cl 30 (5b) of the LGA 2002 by the Community Environment and Services Committee following the Local Government triennial election of members and following a publicly advertised Special General Meeting of the subcommittee where officers and subcommittee members are nominated as having the skills, attributes, or knowledge that will assist the work of the subcommittee;
- 3.4 The Subcommittee is subject in all things to the control of the Committee that appointed it and must carry out all general and special directions of the committee given in relation to the subcommittee or its affairs as per Schedule 7 cl 30 (4) of the LGA 2002;
- 3.5 The Subcommittee is prohibited from appointing any subordinate body.

4. Delegations

The delegations to the Subcommittee are as follows:

- 4.1 The maintenance and operation of the reserve;
- 4.2 The issuing of Licences to Occupy in accordance with the Reserves Act 1977 s 74;
- 4.3 The letting of facilities;
- 4.4 The setting of fees and charges for the reserve which will be provided to CESC with the Annual Report each year;
- 4.5 To raise and expend finance as per agreed budgets for the activity or reserves contribution allocations approved for the activity;
- 4.6 To enter into contracts necessary for the expenditure of finance as per 4.5 above; and
- 4.7 Any other powers necessary for the safe, efficient and effective management of the reserve

5. Financial Delegations

- 5.1 All invoices for goods and/or services costing no more than \$10,000 for budgeted items, and \$2,000 for non-budgeted items may be authorised for payment by the Treasurer and Secretary of the Subcommittee.
- 5.2 Approval for the payment of invoices over \$10,000 for budgeted items and \$2,000 for non-budgeted items must be authorised by a Council staff member with appropriate delegated authority.

6. Exercise of Delegations

In exercising its delegated powers, the Subcommittee will use its best endeavours to operate within:

- 6.1 Policies, plans, standards or guidelines that have been agreed, established and approved by Council;
- 6.2 Agreed budgets for the activity;
- 6.3 All general and special directions of the Community, Environment and Services committee, given in relation to the Subcommittee or its affairs.

7. Power to delegate

The Subcommittee may not delegate any of their responsibilities, duties or powers to a committee, subcommittee, or person.

8. Cessation of Subcommittee

- 8.1 The Subcommittee may be terminated for a breach of the general principles of good conduct outlined in Section 3 of Council's Code of Conduct.
- 8.2 If the Subcommittee is terminated, any money raised by the Subcommittee must, in the first instance, be allocated to the reserve associated with the terminated Subcommittee.

9. Matters which are NOT delegated by Council.

9.1 The power to:

- Make a rate or bylaw;
- Borrow money;
- Purchase or dispose of its assets (unless budgeted for/approved);
- Acquire or dispose of land;
- Appoint, suspend, or remove staff;
- Institute an action for the recovery of any amount; or
- Issue and police building consents, notices, authorisations, and requirements under any Acts, Statutes, Regulations, By-laws and the like.

10. Membership

- 10.1 With the exception of the Seddon Ward member, eligibility for Subcommittee membership is restricted to residents of the Ngakawau, Hector or Granity townships.
- 10.2 The membership of the Subcommittee consists of:
1. One Seddon Ward member elected under the Local Electoral Act 2001; and
 2. Appointed members – up to 10 nominated via a Subcommittee Special General Meeting in the year of the Local Government triennial election of members.

11. Officers of the Subcommittee

The Subcommittee must have a chairperson, secretary and treasurer and up to seven committee members who shall be locally elected at a Special General Meeting of the Ngakawau-Hector Reserve Subcommittee in the year of the Local Government triennial election of members and which is publicly advertised.

- 11.1 The Chair's main duty is to guide the meeting so that fair and satisfactory decisions are reached on the various items on the agenda.
- 11.2 The Secretary shall summon the meetings, co-ordinate the agenda for meetings, keep a true record of the proceedings and distribute these to members and the Community, Environment and Services committee as soon as practicable.
- 11.3 The Treasurer is responsible for oversight of payments made, and deposits to, the subcommittee's nominated bank account; and to prepare income and expenditure accounts with a balance sheet at the end of the financial year to be audited by Council. The annual balance date for all financial reports shall be June 30th.

12. Accountability

12.1 The Subcommittee shall

- a) Develop and approve an annual budget each financial year
- b) Provide its Annual Report, Annual Accounts and Annual Budgets, by the date specified to Council's Community Environment and Services Committee for information and comment;
- c) Provide its Annual Report and Annual Accounts to Council for Auditing;
- d) Provide to the Community Environment and Services Committee or to Council any other report it is requested to provide;
- e) Keep clear and accurate accounts and records of all transactions and make them available to the Council on request.

Note: Buller District Council's auditors have the following two requirements for the audit verification of banking arrangements:

1. Copies of all bank account and investment statements as at 30 June certified as being true and correct by the Chairperson and the Treasurer/Secretary on behalf of the Subcommittee.
2. A letter signed for and on behalf of the Subcommittee certifying that during the period:
 - no new bank or investment accounts were opened,
 - no monies were borrowed, and
 - no guarantees were sought or given.

This audit method has been agreed to on the understanding that it does not detract from the external auditor appointed by the Office of the Auditor-General to request bank confirmation if deemed necessary.

- 12.2 Members of the Subcommittee shall not be personally liable for any act done or omitted to be done in good faith in the course of operations of the Subcommittee or for any debt or other liability lawfully incurred by the Subcommittee.

13. Contact with Media

All Subcommittee members are free to express a personal view in the media, at any time, provided this is:

- a) Sanctioned by the Subcommittee Chair; and
- b) Does not state or imply that it represents the views of Council, its employees, or officers.

14. Frequency of meetings

- 14.1 The Subcommittee shall hold at least one formal meeting per year.
- 14.2 Secretarial and other staff support at meetings (including preparation and distribution of the minutes) will be provided by Council if required; and

Subject to clause 3.3 above

- 14.3 One Special General Meeting will be held for the purpose of publicly nominating members (as per the membership criteria above) which will then be provided to the Community, Environment and Services Committee for appointment.
- 14.4 For the avoidance of doubt, this clause does not prevent the Subcommittee holding workshops or working bees outside of the formal meeting schedule.

15. Conduct of affairs

Council recognises that Subcommittee members are volunteers, and as such will use their best endeavours to conduct their affairs in accordance with the principles outlined Section 3 of Council's Code of Conduct.

16. Quorum

The quorum at a meeting of the Subcommittee shall consist of:

- Half of the members if the number of members (including vacancies) is even; or
- A majority of members if the number of members (including vacancies) is odd.

17. Remuneration

No honorarium or meeting allowance will be payable to Subcommittee members unless first agreed with the Community Environment and Services Committee.

18. Other Powers and Responsibilities

These general provisions and delegations may be partially superseded by specific Reserve Management Plans or amended by agreement with the subcommittee members with subsequent approval from the Community, Environment and Services Committee.

Waimangaroa Reserve & Hall Subcommittee

Reports To: Community, Environment & Services Committee

Chairperson: Bev Morrow

Deputy Chairperson: Barry Lightbown

Secretary: David Orchard

Treasurer: David Orchard

Committee Members: Susan Lightbown, Sally Brown, Andrew Wiseman, Jacqueline McDonald, Alister Perry.

Preamble:

The purpose of the Waimangaroa Reserve & Hall Subcommittee is as a "Committee of Management" for the Waimangaroa Reserve & Hall as historically appointed by the Buller District Council under Section 57 of The Local Government (West Coast Regional) Reorganisation Order 1989 and pursuant to Schedule 7 sections 30 and 31 of the Local Government Act 2002 and the Reserves Act 1977.

1. Purpose:

1.1 The purpose of Reserve and Hall Subcommittee is to manage the Waimangaroa reserve and hall with the support of Council.

1.2 In making these delegations the Council recognises that it is ultimately responsible for the reserves and halls in the district under the Instrument of Delegation for Territorial Authorities dated 12 June 2013 and/or as the administering body (specific to each reserve)

2. Council Responsibilities:

2.1 Formally appoint members of the Subcommittees which will report to the Community, Environment and Services Committee of Council - see 3.3 below for appointment process.

2.2 To support the Subcommittee and local community endeavour to develop Reserve Management Plans, to provide clear guidelines for maintenance and development programmes in the best interests of the local community and District and within the provisions of the Reserves Act 1977.

2.3 If disputes arise concerning these terms of reference, determine the interpretation.

2.4 To produce and distribute the Subcommittee Order Paper for the formal annual/biennial subcommittee meeting, give public notice for the meeting and provide secretarial support at the meeting.

The Reserves and Halls Subcommittee is delegated the following General Terms of Reference and powers:

3. GENERAL TERMS OF REFERENCE:

The Subcommittees (Local Government Act 2002, s. 30 and 32 Schedule 7) :

3.1 Are to be formally appointed by Council,

b) which has the power to appoint and discharge members of the Subcommittee or the Subcommittee in its entirety for a breach of the general principles of good governance as outlined in Section 3 of Council's Code of Conduct.

3.2 Will continue to function until the new subcommittee is appointed.

3.3 The New subcommittee will be formally appointed by Council following the Local Government triennial election of members in the following way:

3.3 e) Following a call for expressions of interest from those living within the local area (which, the purposes of these Terms of Reference comprises the area between the northern boundary of Birchfield and the centre line of Mount Rochford Road and including Waimangaroa Township) and have the skills, attributes or knowledge that will assist the work of the Subcommittee that have been nominated by at least two residents or ratepayers of the area and elected by a simple majority of the attendees at a Public Meeting advertised for the purpose of such election.

3.4 Is subject in all things to the control of the Council.

3.5 Must carry out all general and special directions of the Community, Environment and Services committee, and the Council, given in relation to the Subcommittee.

3.6 Is prohibited from the disposing of or purchasing of land or buildings without the express approval of the Community Environment and Services Committee and/or Council, whichever is appropriate; and

3.7 Is prohibited from appointing any subordinate body.

4. Role

The role of Reserve and Halls Subcommittees is to:

4.1 Manage the reserve and hall for the benefit of the local community and wider district (including all that land identified in Appendix 1) in accordance with the Reserves Act 1977 and the Reserve Management Plan when it is completed and approved.

4.2 Develop, in partnership with Council, Reserve Management Plans where required and within Council's budgets as set out in Council's Annual Plan.

4.3 Make recommendations to council on property (including land & buildings) acquisitions and disposals in relation to the reserve or hall.

4.4 Develop and approve an annual budget each financial year to achieve 1. Above

5. Delegations

The delegations to the Subcommittee are as follows:

5.1 The maintenance and operation of the reserve

5.2 **b)** 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) *Can this be changed to July end of financial 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.

5.7 **a)** Any other powers necessary for the efficient and effective management of the reserve.

6. Financial Delegations

6.1 Invoices

All invoices for goods and/or services costing no more than \$10,000 for budgeted items, and \$2,000 for non-budgeted items may be authorised for payment by the Treasurer and Secretary of the Subcommittee.

Approval for the payment of invoices over \$10,000 for budgeted items and \$2,000 for non-budgeted items must be authorised by a Council staff member with appropriate delegated authority. *(inflation & practicality)*

6.2 Contracts

6.2a) All contracts for goods and/or services costing no more than \$10,000 for budgeted items, and \$2,000 for non-budgeted items may be authorised by the Treasurer and Secretary of the Subcommittee.

Approval of contracts over \$10,000 for budgeted items and \$2,000 for non-budgeted items must be authorised by a Council staff member with appropriate delegated authority. *(inflation & practicality)*

7. Exercise of Delegations

In exercising the delegated powers, the Subcommittee will

7**b** use its best endeavours to operate within:

7.1 Policies, plans, standards, or guidelines that have been established and approved by Council.

7.2 **b**The Agreed budgets for the activity

7.3 All general and special directions of the Community, Environment and Services Committee and Council given in relation to the Subcommittee.

8. Power to Delegate

The Subcommittee may not delegate any of their responsibilities, duties or powers to a committee, subcommittee, or person.

9. Cessation of Subcommittee

9.1 The Subcommittee may be terminated:

~~By resolution of the Council; OR~~

· For a breach of the general principles of good governance as outlined in Section 3 of Council's Code of Conduct.

9.2 **b** If the Subcommittee is terminated, any money raised by the Subcommittee must, in the first instance, be allocated to the reserve associated to the terminated Subcommittee.

10. Matters which are not delegated by Council.

10.1 The power to:

- Make a rate or bylaw.
- Borrow money, or purchase or dispose of assets.
- Acquire, hold, or dispose of property.
- Appoint, suspend, or remove staff.
- Institute an action for the recovery of any amount; or
- Issue and police building consents, notices, authorisations, and requirements under any Acts, Statutes, Regulations, By-laws and the like

10.2 The powers and duties conferred or imposed on Council by The Public Works Act 1981, or those powers listed in the Section34 (2) of The Resource Management Act 1991

11. Membership

The membership of the Subcommittee consists of:

11.1 One Ward member elected under the Local Electoral Act 2001; and

11.2 Appointed members – up to 10 selected by - see options above.

12. Officers of the Subcommittee

The Subcommittee must have a chairperson, deputy Chairperson, secretary, and treasurer and up to seven committee members who shall be appointed by Council by way of - see above options.

12.1 The Chair's main duty is to guide the meeting so that fair and satisfactory decisions are reached on the various items on the agenda.

12.2 The Secretary shall summon the meetings, co-ordinate the agenda for meetings and workshops, keep a true record of the proceedings and distribute these to members and the Community, Environment and Services committee as soon as practicable. Noting that the annual or biennial formal meeting will be managed by council staff.

12.3 The Treasurer is responsible for oversight of payments made, and deposits to, the subcommittee's nominated bank account: and to prepare income and expenditure accounts with a balance sheet at the end of the financial year to be audited by Council. The annual balance date for all financial reports shall be June 30th.

13 Financial Accountability

13.1 The Subcommittee shall:

i) Present its proposed Annual Budget and Programme of Works to Community Environment and Services Committee for:

13.1 **b**) information and comment.

ii) Present to the Council any other report it is requested to provide.

iii) Keep clear and accurate accounts and records of all transactions and make them available to the Council on request.

iv) Provide its Annual Report and Annual Accounts to Council, by the date specified by Council for Review (Can this please align with end of financial year 30th June)

13.2 Members of the Subcommittee shall not be personally liable for any act done or omitted to be done in good faith during operations of the Subcommittee or for any debt or other liability lawfully incurred by the Subcommittee.

14 Contact with Media

14 **a**) In accordance with the provisions set out in Council's adopted Code of Conduct. (need to see code of conduct)

14 **d**) Only the Chairperson may speak with the media or delegated member and outside organisations on behalf of the Subcommittee but will not bring council distribute or something similar. (Maybe Ngakawau might have something that aligns with this?)

15 Frequency of meetings

15.1 The Subcommittee shall hold at least one formal meeting per year.

15.2 This formal meeting will be administered by Council and follow all requirements for council meetings including agenda compilation (with Chair), advertising, distribution of agenda, secretarial and officer support at meeting and preparation and distribution of minutes.

Subject to resolution in 3.3 above

15.3 a) One Special General Meeting will be held for the purpose of publicly nominating members (as per the membership criteria above) prior to each Local Government triennial election of members which will then be provided to Council).

15.4 For the avoidance of doubt, this clause does not prevent the Subcommittee holding informal meetings, workshops or working bees outside of the formal meeting schedule.

16 Conduct of affairs

The Subcommittee shall conduct its affairs in accordance with the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, the Local Authorities (Members' Interests) Act 1968, and Council's Standing Orders and Code of Conduct.

17 Quorum

The quorum at a meeting of the Subcommittee shall consist of:

- Half of the members if the number of members (including vacancies) is even; or
- A majority of members if the number of members (including vacancies) is odd.

18 Remuneration

~~No honorarium or meeting allowance will be payable to Subcommittee members.~~ (We need to look at this collectively, maybe we need to pay something or an 'income based' bookkeepers roll, this is an area where that we need to work on to retain our treasurers)

19 Other delegations and responsibilities

19b) These general provisions and delegations can be superseded by specific Reserve Management Plans by agreement with the subcommittee members and the local community and with subsequent approval from the Community, Environment and Services Committee.

APPENDIX 6

Revised Draft Terms of Reference for Council April 2023

GENERAL TERMS AND REFERENCE AND DELEGATION OF ALL RESERVE AND HALL SUBCOMMITTEES:**PREAMBLE:**

b) *Matters outlined by subcommittee or similar;*
The purpose of the Carters Beach Reserve Subcommittee, is as a "Committee of Management" for the Carters Beach Reserve as historically appointed by the Buller District Council under Section 57 of The Local Government (West Coast Regional) Reorganisation Order 1989 and pursuant to Schedule 7 sections 30 and 31 of the Local Government Act 2002 and the Reserves Act 1977. In making these delegations Council recognises the functions, powers, and duties transferred to the Carters Beach Reserve Subcommittee by this document are matters of significance to the community and therefore require legislative standards to be met. In making these delegations Council recognises that many recreation activities are provided through a range of organisations and on land that is either in public ownership or protected and administered under the Reserves Act 1977. There are also a range of recreation spaces and community facilities that are and will remain in community ownership. These aspects are to be managed through Reserve Management Plans as required under the Reserves Act in full consultation with the community and which are specific to each Reserve.

1. PURPOSE:

- 1.1 The purpose of Reserve and Hall Subcommittee is to manage the Carters Beach reserve and hall with the support of Council;
- 1.2 In making these delegations the Council recognises that it is ultimately responsible for the reserves and halls in the district under the Instrument of Delegation for Territorial Authorities dated 12 June 2013 and/or as the administering body (specific to each reserve)

2. COUNCIL RESPONSIBILITIES:

- 2.1 Formally appoint members of the Subcommittees which will report to the Community, Environment and Services Committee of Council - see 3.3 below for appointment process
- 2.2 In partnership with the Subcommittee and local community endeavour to develop Reserve Management Plans, to provide clear guidelines for maintenance and development programmes in the best interests of the local community and District and within the provisions of the Reserves Act 1977.
- 2.3 If disputes arise concerning these terms of reference, determine the interpretation;
- 2.4 To produce and distribute the Subcommittee Order Paper for the formal annual/biennial subcommittee meeting, give public notice for the meeting and provide secretarial support at the meeting;

The Reserves and Halls Subcommittee is delegated the following General Terms of Reference and powers:

3. GENERAL TERMS OF REFERENCE:

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Revised Draft Terms of Reference for Council April 2023

The Subcommittees (Local Government Act 2002, s. 30 and 32 Schedule 7) :

- 3.1 *Are to be formally appointed by Council,
B) which has the power to appoint and discharge members of the Subcommittee or the Subcommittee in its entirety for a breach of the general principles of good governance as outlined in Section 3 of Council's Code of Conduct.*
- 3.2 Will be discharged on the coming into office of the members of Council elected at the triennial general election of members unless Council resolves otherwise;
- 3.3 *Will be formally appointed by Council following the Local Government triennial election of members in the following way;
3.3c) Following a call for expressions of interest from those within the local area having the skills, attributes, or knowledge that will assist the work of the subcommittee (determined by use of appropriate NZ Statistics census boundaries).*
- 3.4 Is subject in all things to the control of the Council;
- 3.5 Must carry out all general and special directions of the Community, Environment and Services committee, and the Council, given in relation to the Subcommittee;
- 3.6 Is prohibited from the disposing of or purchasing of land or buildings without the express approval of the Community Environment and Services Committee and/or Council, whichever is appropriate; and
- 3.7 Is prohibited from appointing any subordinate body.

4. Role

The role of Reserve and Halls Subcommittees is to:

- 4.1 Manage the reserve and hall for the benefit of the local community and wider district (including all that land identified in Appendix 1) in accordance with the Reserves Act 1977 and the Reserve Management Plan when it is completed and approved;
- 4.2 Develop, in partnership with Council, Reserve Management Plans where required and within Council's budgets as set out in Council's Annual Plan;
- 4.3 Make recommendations to council on property (including land & buildings) acquisitions and disposals in relation to the reserve or hall.
- 4.4 Develop and approve an annual budget each financial year to achieve 1. above

Commented [SB1]: There needs to be some comment around the sub-committees obligations and powers between the time of the local election and the appointment of the new sub-committee as this can take months and the Reserve and Hall still need to operate between this time.

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5. Delegations

The delegations to the Subcommittee are as follows:

- 5.1 The maintenance and operation of the reserve
- 5.2 b) *With consultation between the sub-committee and Council staff - thenegotiation 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;
- 5.7 a) *Any other powers necessary for the efficient and effective management of the reserve*

6. FINANCIAL DELEGATIONS

6.1 Invoices

All invoices for goods and/or services costing no more than \$5,000 for budgeted items, and \$1,000 for non-budgeted items may be authorised for payment by the Treasurer and Secretary of the Subcommittee.

Approval for the payment of invoices over \$5,000 for budgeted items and \$1,000 for non-budgeted items must be authorised by a Council staff member with appropriate delegated authority.

6.2 Contracts

6.2a) *All contracts for goods and/or services costing no more than \$5,000 for budgeted items, and \$1,000 for non-budgeted items may be authorised by the Treasurer, the chairperson, the hall manager or the Secretary of the Subcommittee.*

Approval of contracts over \$5,000 for budgeted items and \$1,000 for non-budgeted items must be authorised by a Council staff member with appropriate delegated authority.

Commented [SB2]: The Chairperson and the CB hall manager are also authorised to approve budgeted expenses up to \$5000 and non - budgeted expenses up to \$1000.

7. EXERCISE OF DELEGATIONS

In exercising the delegated powers, the Subcommittee will

- *7b) use its best endeavours to operate within:*
- 7.1 Policies, plans, standards or guidelines that have been established and approved by Council;
- 7.2 - *7.2 b) The Agreed budgets for the activity*
- 7.3 All general and special directions of the Community, Environment and Services Committee and Council given in relation to the Subcommittee.

8. POWER TO DELEGATE

The Subcommittee may not delegate any of their responsibilities, duties or powers to a committee, subcommittee or person.

APPENDIX 6

Revised Draft Terms of Reference for Council April 2023

9. CESSATION OF SUBCOMMITTEE

- 9.1 The Subcommittee may be terminated:
- by resolution of the Council; OR
 - for a breach of the general principles of good governance as outlined in Section 3 of Council's Code of Conduct.

9.2

9.2 b) If the Subcommittee is terminated, any money raised by the Subcommittee must, in the first instance, be allocated to the reserve associated to the terminated Subcommittee

10. MATTERS WHICH ARE NOT DELEGATED BY COUNCIL

- 10.1 The power to:
- Make a rate or bylaw;
 - Borrow money, or purchase or dispose of assets;
 - Acquire, hold or dispose of property;
 - Appoint, suspend or remove staff;
 - Institute an action for the recovery of any amount; or
 - Issue and police building consents, notices, authorisations, and requirements under any Acts, Statutes, Regulations, By-laws and the like
- 10.2 The powers and duties conferred or imposed on Council by The Public Works Act 1981 or those powers listed in the Section34 (2) of The Resource Management Act 1991

11. Membership

The membership of the Subcommittee consists of:

- 11.1 One Ward member elected under the Local Electoral Act 2001; and
- 11.2 Appointed members – up to 10 selected by - see options above.

12. Officers of the Subcommittee

The Subcommittee must have a chairperson, secretary, and treasurer and up to seven committee members who shall be appointed by Council by way of - see above options

- 12.1 The Chair's main duty is to guide the meeting so that fair and satisfactory decisions are reached on the various items on the agenda.
- 12.2 The Secretary shall summon the meetings, co-ordinate the agenda for meetings and workshops, keep a true record of the proceedings and distribute these to members and the Community, Environment and Services committee as soon as practicable. Noting that the annual or biennial formal meeting will be managed by council staff.
- 12.3 The Treasurer is responsible for oversight of payments made, and deposits to, the subcommittee's nominated bank account; and to prepare income and expenditure accounts with a balance sheet at the end of the financial year to be audited by Council. The annual balance date for all financial reports shall be June 30th.

13 FINANCIAL ACCOUNTABILITY

- 13.1 The Subcommittee shall:
- i) *Present its proposed Annual Budget and Programme of Works to Community Environment and Services Committee for:*
-

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13.1i b) information and comment.

- ii) Present to the Council any other report it is requested to provide.
- iii) Keep clear and accurate accounts and records of all transactions and make them available to the Council on request.
- iv) Provide its Annual Report and Annual Accounts to Council, by the date specified by Council for Review

Commented [SB3]: What is the Annual Report - we only supply annual accounts??

- 13.2 Members of the Subcommittee shall not be personally liable for any act done or omitted to be done in good faith in the course of operations of the Subcommittee or for any debt or other liability lawfully incurred by the Subcommittee.

14 CONTACT WITH MEDIA

14 b) The following rules apply for media contact on behalf of the Council:

- the Mayor is the first point of contact for the official view on any issue, unless delegations state otherwise. Where the Mayor is absent, any matters will be referred to the Deputy Mayor or relevant Committee chairperson.
- No other member may comment officially on behalf of the Council without having first obtained the approval of the Mayor or (where delegated) the relevant Committee chairperson.

Subcommittee Members are free to express a personal view in the media, at any time, provided the following rules are observed:

- i) *media comments must not state or imply that they represent the views of the Council;*
- ii) *where an Subcommittee Member is making a statement that is contrary to a Council decision or Council policy, the member must not state or imply that his or her statements represent a majority view;*
- iii) *media comments must observe the other requirements of the Code, e.g. not disclose confidential information; compromise the impartiality or integrity of staff; or avoids aggressive, offensive or abusive comments which reflects adversely on the member or the Council; and*
- iv) *media comments must not be misleading and should be accurate within the bounds of reasonableness.*

APPENDIX 6

15 Frequency of meetings

- 15.1 The Subcommittee shall hold at least one formal meeting per year.
- 15.2 This formal meeting will be administered by Council and follow all requirements for council meetings including agenda compilation (with Chair), advertising, distribution of agenda, secretarial and officer support at meeting and preparation and distribution of minutes;

Subject to resolution in 3.3 above

- 15.3 a) *One Special General Meeting will be held for the purpose of publicly nominating members (as per the membership criteria above) prior to each Local Government triennial election of members which will then be provided to Council).*

15.4 For the avoidance of doubt, this clause does not prevent the Subcommittee holding informal meetings, workshops or working bees outside of the formal meeting schedule.

16 CONDUCT OF AFFAIRS

The Subcommittee shall conduct its affairs in accordance with the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, the Local Authorities (Members' Interests) Act 1968, and Council's Standing Orders and Code of Conduct.

17 QUORUM

The quorum at a meeting of the Subcommittee shall consist of:

- Half of the members if the number of members (including vacancies) is even; or
- A majority of members if the number of members (including vacancies) is odd.

18 REMUNERATION

No honorarium or meeting allowance will be payable to Subcommittee members.

19 OTHER DELEGATIONS AND RESPONSIBILITIES

- 19b) *These general provisions and delegations can be superseded by specific Reserve Management Plans by agreement with the subcommittee members and the local community and with subsequent approval from the Community, Environment and Services Committee.*

Preamble and 1. Purpose

PREAMBLE:

a) Short History of Reserve, development and current facilities; or

b) Matters outlined by subcommittee or similar;

The purpose of the X Reserve Subcommittee, is as a “Committee of Management” for the X Reserve as historically appointed by the Buller District Council under Section 57 of The Local Government (West Coast Regional) Reorganisation Order 1989 and pursuant to Schedule 7 sections 30 and 31 of the Local Government Act 2002 and the Reserves Act 1977. In making these delegations Council recognises the functions, powers, and duties transferred to the X Reserve Subcommittee by this document are matters of significance to the community and therefore require legislative standards to be met.

In making these delegations Council recognises that many recreation activities are provided through a range of organisations and on land that is either in public ownership or protected and administered under the Reserves Act 1977. There are also a range of recreation spaces and community facilities that are and will remain in community ownership. These aspects are to be managed through Reserve Management Plans as required under the Reserves Act in full consultation with the community and which are specific to each Reserve; or

c) No Preamble

Options	Support
<p>b) Matters outlined by subcommittee or similar...</p>	<ul style="list-style-type: none"> • Karamea (detail to be decided) • Little Wanganui • Seddonville • Ngakawau/Hector/Hector • Carters Beach • Mokihinui (abbreviated) • Waimangaroa (abbreviated)
<p>Replace with: The purpose of the X is as a “Committee of Management” for the X Reserve & Hall as historically appointed by the Buller District Council under Section 57 of The Local Government (West Coast Regional) Reorganisation Order 1989 and pursuant to Schedule 7 sections 30 and 31 of the Local Government Act 2002 and the Reserves Act 1977.</p>	<ul style="list-style-type: none"> • Mokihinui • Waimangaroa
<p>Discussion: In general the use of the term ‘Committee of Management ‘ is not supported as it does not have any reference in contemporary legislation. However as such it does not imply any further powers or delegations either. Overall the inclusion of either a full preamble or abbreviated version does not alter the intention of the Terms of Reference.</p>	

Recommendation:
There is no need for a preamble.

1. PURPOSE:

- 1.1 The purpose of Reserve and Hall Subcommittee is to manage the X reserve and hall with the support of Council;
- 1.2 In making these delegations the Council recognises that it is ultimately responsible for the reserves and halls in the district under the Instrument of Delegation for Territorial Authorities dated 12 June 2013 and/or as the administering body (specific to each reserve)

Options	Support
As above unchanged	<ul style="list-style-type: none"> • Karamea • Seddonville • Mokihinui • Waimangaroa • Carters Beach
The purpose of the Little Wanganui Hall Subcommittee, is as a “Committee of Management” for the Little Wanganui Reserve as historically appointed by the Buller District Council under Section 57 of The Local Government (West Coast Regional) Reorganisation Order 1989 and pursuant to Schedule 7 sections 30 and 31 of the Local Government Act 2002 and the Reserves Act 1977.	<ul style="list-style-type: none"> • Little Wanganui
<p>1.1 The purpose of the Ngakawau/Hector-Hector Reserve Subcommittee, is to administer, manage and control the Ngakawau/Hector-Hector Reserves with the support of Council in accordance with the appropriate provisions of the Reserves Act 1977 and pursuant to Schedule 7 Pt 1 cl 30, 31 & 32 of the Local Government Act (LGA) 2002.</p> <p>1.2 In making these delegations the Council recognises that it is ultimately responsible for the reserves in the district under the Instrument of Delegation for Territorial Authorities dated 12 June 2013 and/or as the administering body (specific to each reserve)</p>	<ul style="list-style-type: none"> • Ngakawau/Hector/Hector
<p>Discussion: Note discussion re. Committee of Management above. Further reference to the LGA 2002 and Reserves Act provisions could be included. Council cannot devolve or delegate all of its functions as set out in S 40 of the Reserves Act 1977 as the administering authority – i.e. the administration, management and control the reserves under its control and management. It is appointing the reserve and hall subcommittees to manage with Council’s support the reserves (which were previously administered under the Domain Boards - the functions of which passed to Council in the Reorganisation Order in 1989). Council remains the administering body and that cannot change without the Minister of Conservations authority.</p>	

<p>Recommendation:</p> <p>1. PURPOSE:</p> <p>1.1 The purpose of Reserve and Hall Subcommittee is to manage the X reserve and hall with the support of Council;</p> <p>1.2 In making these delegations the Council recognises that it is ultimately responsible for the reserves and halls in the district under the Instrument of Delegation for Territorial Authorities dated 12 June 2013 and as the administering body (specific to each reserve) under S.40 Reserves Act 1977.</p>

2. COUNCIL RESPONSIBILITIES:

- 2.1 Formally appoint members of the Subcommittees which will report to the Community, Environment and Services Committee of Council - see 3.3 below for appointment process
- 2.2 In partnership with the Subcommittee and local community endeavour to develop Reserve Management Plans, to provide clear guidelines for maintenance and development programmes in the best interests of the local community and District and within the provisions of the Reserves Act 1977.
- 2.3 If disputes arise concerning these terms of reference, determine the interpretation;
- 2.4 To produce and distribute the Subcommittee Order Paper for the formal annual/biennial subcommittee meeting, give public notice for the meeting and provide secretarial support at the meeting;

Options	Support
As outlined above with no change	<ul style="list-style-type: none"> • Karamea • Seddonville • Carters Beach
Change proposed : In partnership To support with the Subcommittee and local community <u>endeavour</u> to develop Reserve Management plans.....	<ul style="list-style-type: none"> • Mokihinui • Waimangaroa
Replacement Proposed: 2. Council (CESC) Responsibilities 2.1 As per Schedule 7 cl 31(2) of the LGA 2002, Council’s Community Environment & Services Committee will formally appoint the Reserve Subcommittees and members of those subcommittees; 2.2 To support the Subcommittee and each local community to develop Reserve Management Plans for each reserve under the provisions of the Reserves Act 1977 Sec 41;	<ul style="list-style-type: none"> • Ngakawau/Hector

<p>2.3 If disputes arise concerning these terms of reference or any other matter concerning the Subcommittee, cooperatively work to find a resolution with all parties adhering to the Principles of Governance as set out in Section 3 of the Council’s Code of Conduct; and</p> <p>2.4 If a dispute resolution cannot be reached, to use an appropriate independent mediator to mediate between the parties or an arbitrator to help produce a reasonable compromise;</p> <p>2.5 Provide the Subcommittee with Secretarial and/or other staff support at formal subcommittee meetings if required and give public notice for formal meetings.</p>	
<p>No reference to Council responsibility</p>	<ul style="list-style-type: none"> • Little Wanganui
<p>Discussion: Reserve Management Plans – Under Section 41 Reserves Act 1977 Council as the administering Authority is responsible for the preparation and presentation (to the Minister) of management plans for reserves.</p> <p>Reference to Code of Conduct dispute resolution and independent mediation adds a further layer to dispute resolution. Council would most likely use the principles in the code of conduct as a guide without specific reference to it. Use of a mediator may be required to formulate a resolution to some issues. Council does have legislative responsibilities and standards which must be adhered to as the administrator of the reserve in question and under the Local Government Act 2002. It is also important to stress that the terms of reference are set by the council/committee for any subcommittee as they are an entity of council as created under cl 31(2) Schedule 7 of the LGA 2002.</p> <p>Formal subcommittee meetings must follow certain governance principles regarding agendas, public notification and making agendas available to the public within a certain time period. It is these matters which the Council need to be involved with and ensure that due process is followed. It is clear that secretarial support at the formal meetings may not be required by some subcommittees however it should be offered as the taking of minutes may be difficult for some subcommittees.</p>	
<p>Recommendation: 2. COUNCIL RESPONSIBILITIES:</p> <p>2.1 The Community Environment and Services Committee will Formally appoint members of the Subcommittees which will report to the Community, Environment and Services Committee of Council – see 3.3 below for appointment process under Schedule 7 s31(2) LGA 2002</p> <p>2.2 In partnership with the Subcommittee and local community endeavour to develop Reserve Management Plans in accordance with S41 Reserves Act 1977, -to provide clear guidelines for maintenance and development programmes in the best interests of the local community and District and within the provisions of the Reserves Act 1977.</p>	

2.3	If disputes arise concerning these terms of reference <u>or any other matter concerning the Subcommittee, cooperatively work to find a resolution with all parties adhering to the Principles of Governance as set out in Section 3 of the Council’s Code of Conduct; determine the interpretation;</u>
2.4	<u>If a dispute resolution cannot be reached, to use an appropriate independent mediator to mediate between the parties or an arbitrator to help produce a resolution which is acceptable to both parties and does not in any way contradict the provisions and responsibilities of Council as set out in the LGA 2002 or the Reserves Act 1977;</u>
2.5	To produce and distribute the Subcommittee Order Paper for the formal annual/biennial subcommittee meeting, give public notice for the meeting and, <u>if required, to</u> provide secretarial support at the meeting;

3. GENERAL TERMS OF REFERENCE:

The Subcommittees (Local Government Act 2002, s. 30 and 32 Schedule 7) :

- 3.1 *Are to be formally appointed by Council,*
- a) *which has the power to appoint and discharge members of the Subcommittee or the Subcommittee in its entirety; OR*
 - b) *which has the power to appoint and discharge members of the Subcommittee or the Subcommittee in its entirety for a breach of the general principles of good governance as outlined in Section 3 of Council’s Code of Conduct.*

Options	Support
b) which has the power to appoint and discharge members of the Subcommittee or the Subcommittee in its entirety for a breach of the general principles of good governance as outlined in Section 3 of Council’s Code of Conduct.	<ul style="list-style-type: none"> • Karamea • Seddonville • Mokihinui • Ngakawau/Hector/Hector (adding reference to Schedule 7 LGA 2002) • Waimangaroa • Carters Beach • Omau
No reference	<ul style="list-style-type: none"> • Little Wanganui

Discussion:
 Under the LGA 2002:
S30 Power to appoint committees, subcommittees, other subordinate decision-making bodies, and joint committees:
(2) A committee may appoint the subcommittees that it considers appropriate unless it is prohibited from doing so by the local authority.
(5) Unless expressly provided otherwise in an Act,—
(a) a local authority may discharge or reconstitute a committee or subcommittee or other subordinate decision-making body; and
(b) a committee may discharge or reconstitute a subcommittee.

S31 Membership of committees and subcommittees
(1) A local authority may appoint or discharge any member of a committee or a subcommittee.
(2) Unless directed otherwise by the local authority, a committee may appoint or discharge any member of a subcommittee appointed by the committee.

These responsibilities cannot be over ridden or limited by clauses in a terms of reference.

Recommendation:

<p>3. GENERAL TERMS OF REFERENCE: The Subcommittees (Local Government Act 2002, s. 30 and 32 Schedule 7): 3.1 Are to be formally appointed by Council <u>under S30 (2), Schedule 7 LGA Act 2002</u>, which has the power <u>under s30(b), Schedule 7 LGA2002 to discharge or reconstitute the subcommittee and under S31(2)</u> to appoint and discharge members of the Subcommittee or the Subcommittee in its entirety</p>
--

3.2 Will be discharged on the coming into office of the members of Council elected at the triennial general election of members unless Council resolves otherwise;

Options	Support
As above unchanged	<ul style="list-style-type: none"> • Karamea • Little Wanganui • Seddonville • Mokihinui • Ngakawau/Hector/Hector (adding reference to Schedule 7 LGA 2002) • Carters Beach
Will continue to function until the new subcommittee is appointed	<ul style="list-style-type: none"> • Mokihinui
<p>Discussion: The decision to allow the subcommittees to continue to function until the new subcommittee is appointed is not a decision that can be made ahead of time. It has to be a formal resolution of for the outgoing council to determine at the time.</p>	
<p>Recommendation: 3.2 Will be discharged on the coming into office of the members of Council elected at the triennial general election of members unless Council resolves otherwise;</p>	

- 3.3 Will be formally appointed by Council following the Local Government triennial election of members in the following way; either
- 3.3a) following a publicly advertised Special General Meeting of the subcommittee where officers and committee members are nominated as having the skills, attributes, or knowledge that will assist the work of the subcommittee; or
 - 3.3b) Following a call for expressions of interest from those having the skills, attributes, or knowledge that will assist the work of the subcommittee within the District; OR
 - 3.3c) Following a call for expressions of interest from those within the local area having the skills, attributes, or knowledge that will assist the work of the subcommittee ((determined by use of appropriate NZ Statistics census boundaries): OR
 - 3.3d) Following a call for expressions of interest from those living within the district who have been nominated by at least two residents or ratepayers within the District and have the skills, attributes, or knowledge that will assist the work of the subcommittee ; OR
 - 3.3e) Following a call for expressions of interest from those living within the local area who have been nominated by at least two residents or ratepayers within the local area ((determined by use of appropriate NZ Statistics census boundaries) and have the skills, attributes, or knowledge that will assist the work of the subcommittee

Options	Support
3.3a) following a publicly advertised Special General Meeting of the subcommittee where officers and committee members are	<ul style="list-style-type: none"> • Little Wanganui • Seddonville

nominated as having the skills, attributes, or knowledge that will assist the work of the subcommittee	<ul style="list-style-type: none"> Ngakawau/Hector/Hector (adding reference to Schedule 7 LGA 2002)
3.3c) Following a call for expressions of interest from those within the local area having the skills, attributes, or knowledge that will assist the work of the subcommittee (determined by use of appropriate NZ Statistics census boundaries)	<ul style="list-style-type: none"> Carters Beach
3.3e) Following a call for expressions of interest from those living within the local area who have been nominated by at least two residents or ratepayers within the local area ((determined by use of appropriate NZ Statistics census boundaries) and have the skills, attributes, or knowledge that will assist the work of the subcommittee	<ul style="list-style-type: none"> Karamea Mokihinui Waimangaroa – with area defined.
<p>Discussion: The points of difference remain with the first part of the appointment process and whether there should be a nomination process managed by the current subcommittee or an ‘at large’ system with nominations (or not). In the past there was some concern expressed about at least one of the previous (pre-2020) boards being a ‘closed shop’ with the existing board determining who could be on the board.</p> <p>It is considered that the best way to avoid this situation in the future is to make the process transparent and under the control of Council rather than the individual subcommittees. It is considered that requiring potential appointees to be nominated by other community members would help in identifying those with support from the community. Council may also consider it important that nominees and/or appointees are residents or ratepayers of the local area as defined by using NZ Statistics census boundaries.</p>	
<p>Recommendation: 3.3 Will be formally appointed by Council following the Local Government triennial election of members in the following way: Following a call for expressions of interest from those living within the local area who have been nominated by at least two residents or ratepayers within the local area ((determined by use of appropriate NZ Statistics census boundaries) and have the skills, attributes, or knowledge that will assist the work of the subcommittee</p>	

3.4 Is subject in all things to the control of the Council;

3.5 Must carry out all general and special directions of the Community, Environment and Services committee, and the Council, given in relation to the Subcommittee;

3.6 Is prohibited from the disposing of or purchasing of land or buildings without the express approval of the Community Environment and Services Committee and/or Council, whichever is appropriate; and

3.7 Is prohibited from appointing any subordinate body.

Option	Support
As above	<ul style="list-style-type: none"> Karamea

	<ul style="list-style-type: none"> • Seddonville • Mokihinui • Waimangaroa • Carters Beach
As above but remove 3.6	<ul style="list-style-type: none"> • Little Wanganui
<p>3.4 The Subcommittee is subject in all things to the control of the Committee that appointed it and must carry out all general and special directions of the committee given in relation to the subcommittee or its affairs as per Schedule 7 cl 30 (4) of the LGA 2002;</p> <p>3.5 The Subcommittee is prohibited from appointing any subordinate body.</p>	<ul style="list-style-type: none"> • Ngakawau/Hector
<p>Discussion</p> <p>Combining 3.3 and 3.4 as Ngakawau/Hector have suggested does not reduce the authority of the Committee or council and it notes the authority given within the LGA 2002.</p> <p>The disposing of or purchasing of land or buildings should be subject to Council approval – Council must give permission for any Council owned land to be sold or purchased. This is a requirement of the LGA 2002 in that it is a matter which cannot be delegated by Council (S32, Schedule 7 LGA 2002). Any proposal to sell reserve land must also be passed through Council as the administering body under the Reserves Act 1977 and then proceed through the process under the Act for final approval by the Crown. Purchasing of land or buildings is also a process which should be approved by Council as the resulting asset would become an asset of Council. In addition 4.3 below sets out one of the roles of the subcommittee to be making recommendations on the acquisition and disposal of land and buildings to Council.</p> <p>The reserves and halls subcommittees are subject to the Committee that appointed them under Schedule 7 clause 30</p> <p><i>(4) A subcommittee is subject in all things to the control of the committee that appointed it, and must carry out all general and special directions of the committee given in relation to the subcommittee or its affairs.</i></p> <p>For preciseness reference to the Community Environment and Services Committee throughout the document is correct.</p>	
<p>Recommendation:</p> <p>3.4 Is subject in all things to the control of the Council<u>Community Environment and Services Committee (s30 (4) Schedule 7 LGA 2002) and;</u></p> <p>3.5 m<u>Must carry out all general and special directions of the Community, Environment and Services committee given in relation to the Subcommittee</u><u>or its affairs;</u></p> <p>3.56 Is prohibited from the disposing of or purchasing of land or buildings without the express approval of the Community Environment and Services Committee and/or Council, whichever is appropriate; and</p> <p>3.67 Is prohibited from appointing any subordinate body.</p>	

4. The role of Reserve and Halls Subcommittees is to:

- 4.1 Manage the reserve and hall for the benefit of the local community and wider district (including all that land identified in Appendix 1) in accordance with the Reserves Act 1977 and the Reserve Management Plan when it is completed and approved;

- 4.2 Develop, in partnership with Council, Reserve Management Plans where required and within Council’s budgets as set out in Council’s Annual Plan;
- 4.3 Make recommendations to council on property (including land & buildings) acquisitions and disposals in relation to the reserve or hall.
- 4.4 Develop and approve an annual budget each financial year to achieve 1. Above Role

Option	Support
As above	<ul style="list-style-type: none"> • Karamea • Seddonville • Carters Beach
4.2 Develop, in partnership with Council, Reserve Management Plans where required and within Council’s budgets as set out in Council’s Annual Plan	<ul style="list-style-type: none"> • Mokihinui • Waimangaroa
Removal of 4.	<ul style="list-style-type: none"> • Ngakawau/Hector • Little Wanganui
<p>Discussion</p> <p>Including this clause makes it clear what the role of the subcommittee is and it is considered it should remain in the Terms of Reference. It includes the power to make and approve an annual budget which needs to be stated as a specific task.</p> <p>The removal of ‘in partnership’ with Council in 4.2 is not significant however it does clarify the role of Council with the subcommittee in making the Management plans which are ultimately the responsibility of Council under the Reserves Act 1977.</p>	
<p>Recommendation:</p> <p>4. The role of Reserve and Halls Subcommittees is to:</p> <p>4.1 Manage the reserve and hall for the benefit of the local community and wider district (including all that land identified in Appendix 1) in accordance with the Reserves Act 1977 and the Reserve Management Plan when it is completed and approved;</p> <p>4.2 Develop, in partnership with Council, Reserve Management Plans where required and within Council’s budgets as set out in Council’s Annual Plan;</p> <p>4.3 Make recommendations to council on property (including land & buildings) acquisitions and disposals in relation to the reserve or hall.</p> <p>4.4 Develop and approve an annual budget each financial year to achieve 4.1- above</p>	

5. Delegations

5. Delegations

The delegations to the Subcommittee are as follows:

- 5.1 The maintenance and operation of the reserve
- 5.2 a) *The issuing of licences to occupy; OR*
- 5.2 b) *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;
- 5.7 a) *Any other powers necessary for the efficient and effective management of the reserve; OR*
- 5.7 b) *No further powers, remove 5.7*

Option	Support
As above with 5.2a and 5.7a	<ul style="list-style-type: none"> • Karamea • Ngakawau/Hector (with reference to Reserves Act 1977)
As above with 5.2b and 5.7a	<ul style="list-style-type: none"> • Mokihinui • Waimangaroa • Carters Beach
As above with 5.7a and no reference to licensing	<ul style="list-style-type: none"> • Little Wanganui
As above with 5.7a and no preference for 5.2	<ul style="list-style-type: none"> • Seddonville
<p>Discussion</p> <p>5.3 Limiting or not limiting the term of licences is not considered a significant issue.</p> <p>5.7 An open clause related to any other powers is not considered appropriate. It is unlikely that such powers would be needed given the powers already delegated are considered appropriate. It could leave the Council in a vulnerable position should other decisions and actions be undertaken without the input and approval of the Council as the administering authority of the reserves under the Reserves Act 1977.</p>	
<p>Recommendation:</p> <p>5. Delegations</p> <p>The delegations to the Subcommittee are as follows:</p> <p>5.1 The maintenance and operation of the reserve</p> <p>5.2 <i>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</i></p> <p>5.3 The letting of facilities</p> <p>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)</p> <p>5.5 The raising and expenditure of finance (in accordance with the financial delegations below)</p> <p>5.6 To enter contracts necessary for the efficient running and suitable use of the reserve in accordance with the financial delegations below;</p> <p>5.7 a) Any other powers necessary for the efficient and effective management of the reserve; OR</p> <p>5.7 b) No further powers, remove 5.7</p>	

6. FINANCIAL DELEGATIONS

6.1 Invoices

All invoices for goods and/or services costing no more than \$5,000 for budgeted items, and \$1,000 for non-budgeted items may be authorised for payment by the Treasurer and Secretary of the Subcommittee.

Approval for the payment of invoices over \$5,000 for budgeted items and \$1,000 for non-budgeted items must be authorised by a Council staff member with appropriate delegated authority.

6.2 Contracts

6.2a) *All contracts for goods and/or services costing no more than \$5,000 for budgeted items, and \$1,000 for non-budgeted items may be authorised by the Treasurer and Secretary of the Subcommittee.*

Approval of contracts over \$5,000 for budgeted items and \$1,000 for non-budgeted items must be authorised by a Council staff member with appropriate delegated authority; OR

6.2b) *No reference to contracts*

Option	Support
Budgeted Items - \$10,000 Non Budgeted - \$2,000 Invoices and contracts	<ul style="list-style-type: none"> • Mokihinui • Waimangaroa
Budgeted Items - \$10,000 Non Budgeted - \$2,000 Invoices only	<ul style="list-style-type: none"> • Ngakawau/Hector
Financial delegations removed	<ul style="list-style-type: none"> • Karamea • Little Wanganui • Seddonville
All contracts for goods and/or services costing no more than \$5,000 for budgeted items, and \$1,000 for non-budgeted items may be authorised by the Treasurer, the chairperson, the hall manager or the Secretary of the Subcommittee. Approval of contracts over \$5,000 for budgeted items and \$1,000 for non-budgeted items must be authorised by a Council staff member with appropriate delegated authority	<ul style="list-style-type: none"> • Carters Beach
<p>Discussion</p> <p>Setting of financial delegations for both invoices and contracts is considered necessary otherwise the subcommittees have no specific powers to spend or commit to spending money. Council would become responsible for this task.</p> <p>In signing contracts the subcommittee is committing to the payment of those contracts and it is therefore considered that these delegations should be included as they form binding agreements with financial implications. Limits should be in line with invoice approval limits.</p> <p>It is not considered that increasing the amounts would have any particular negative impact and reflects the rising costs of goods and services.</p>	
<p>Recommendation:</p> <p>6.1 Invoices</p> <p>All invoices for goods and/or services costing no more than \$5,000<u>10,000</u> for budgeted items, and \$21,000 for non-budgeted items may be authorised for payment by the Treasurer and Secretary of the Subcommittee.</p> <p>Approval for the payment of invoices over \$105,000 for budgeted items and \$21,000 for non-budgeted items must be authorised by a Council staff member with appropriate delegated authority.</p> <p>6.2 <i>Contracts</i></p>	

6.2 All contracts for goods and/or services costing no more than \$~~105~~,000 for budgeted items, and \$~~24~~,000 for non-budgeted items may be authorised by the Treasurer and Secretary of the Subcommittee.
Approval of contracts over \$~~105~~,000 for budgeted items and \$~~24~~,000 for non-budgeted items must be authorised by a Council staff member with appropriate delegated authority;

7. EXERCISE OF DELEGATIONS

In exercising the delegated powers, the Subcommittee will

7a) operate within; OR

7b) use its best endeavours to operate within:

7.1 Policies, plans, standards or guidelines that have been established and approved by Council;

7.2a) The Council approved annual budget ; OR

7.2b) The Agreed budgets for the activity

7.3 All general and special directions of the Community, Environment and Services Committee and Council given in relation to the Subcommittee.

Option	Support
7 b) and 7.2 b)	<ul style="list-style-type: none"> • Karamea • Mokihinui • Ngakawau/Hector • Waimangaroa • Carters Beach
7 a) and 7.2 b)	<ul style="list-style-type: none"> • Seddonville
Exercise of Delegations deleted	<ul style="list-style-type: none"> • Little Wanganui

Discussion

It is considered that the Subcommittees could operate under a ‘best endeavours’ mandate. This does not however follow the provisions in S30(4) Schedule 7 LGA 2002 which stipulates that a subcommittee must carry out all ‘*general and special directions given in relation to the subcommittee or its affairs*’. Also it is noted that there are legal standards and requirements under various legislation such as the Health and Safety legislation which ultimately Council is responsible for complying with as the PCBU (person conducting a business or undertaking).

Council may consider it important to approve any budgets for these reserves and it is the opinion of the Chief Financial Officer that budgets should be approved by Council. The funds within the subcommittees accounts are used for covering expenditure on the reserves however there are times when further finance is sought for projects through grants and also through budget allocated to the maintenance of property in Council’s Annual Plan.

In relation to 7.2 this matter will reflect the decision made under 13 Financial Accountability. It is considered important to express these powers to clarify the responsibilities of the subcommittees.

Recommendation:

7. EXERCISE OF DELEGATIONS

In exercising the delegated powers, the Subcommittee will *operate within*:

7.1	Policies, plans, standards or guidelines that have been established and approved by Council;
7.2	The Council approved annual budget <u>as approved by the Community Environment and Services Committee</u> ;
7.3	All general and special directions of the Community, Environment and Services Committee and Council given in relation to the Subcommittee

8. POWER TO DELEGATE

The Subcommittee may not delegate any of their responsibilities, duties or powers to a committee, subcommittee or person.

All subcommittees have accepted this clause

9. CESSATION OF SUBCOMMITTEE

9.1 The Subcommittee may be terminated:

- by resolution of the Council; OR
- for a breach of the general principles of good governance as outlined in Section 3 of Council’s Code of Conduct.

9.2

9.2 a) If the Subcommittee is terminated, any money raised by the Subcommittee may be allocated to the reserve or hall associated to the terminated Subcommittee, or reallocated to another reserve or hall as the Council sees fit; OR

9.2 b) If the Subcommittee is terminated, any money raised by the Subcommittee must, in the first instance, be allocated to the reserve associated to the terminated Subcommittee

Option	Support
<ul style="list-style-type: none"> • by resolution of the Council; OR • for a breach of the general principles of good governance as outlined in Section 3 of Council’s Code of Conduct. 9.2 b)	<ul style="list-style-type: none"> • Karamea • Mokihinui • Ngakawau/Hector • Waimangaroa
9.2 b)	<ul style="list-style-type: none"> • Seddonville • Carters Beach
9. Cessation of Subcommittee deleted	<ul style="list-style-type: none"> • Little Wanganui

Discussion
 Under the LGA 2002, Schedule 7, 30 (5)
5) Unless expressly provided otherwise in an Act,—
(a) a local authority may discharge or reconstitute a committee or subcommittee or other subordinate decision-making body; and
(b) a committee may discharge or reconstitute a subcommittee.
 The terms of reference will not negate this legislative ability and it is therefore considered that it should be retained in the Terms of Reference.

 9.2 references the expenditure of monies raised by the Subcommittee for the reserve, it is considered that it would be fair and reasonable to expect that the money be spent on that particular reserve.

It is noted that the Reserves Act 1977 Section 80 Expenditure of Funds allows for money received from reserves can be used on any reserve across the District:

Reserves Act 1977 s. 80 Expenditure of Funds

(2) Where pursuant to section 37 or section 38 an administering body is appointed to control and manage more than 1 reserve or a reserve and other land, then—

(a) money received from the separate areas may be used for the improvement and benefit of all those areas or any of them

It is also considered that reference to the cessation of the subcommittee should be expressed in the Terms of Reference.

Recommendation:

9. CESSATION OF SUBCOMMITTEE

9.1 The Subcommittee may be terminated by resolution of the Council;

9.2 *If the Subcommittee is terminated, any money raised by the Subcommittee must, in the first instance, be allocated to the reserve associated to the terminated Subcommittee*

10. Matters which are not delegated by council:

10.1 The power to:

- Make a rate or bylaw;
- Borrow money, or purchase or dispose of assets;
- Acquire, hold or dispose of property;
- Appoint, suspend or remove staff;
- Institute an action for the recovery of any amount; or
- Issue and police building consents, notices, authorisations, and requirements under any Acts, Statutes, Regulations, By-laws and the like

10.2 The powers and duties conferred or imposed on Council by The Public Works Act 1981 or those powers listed in the Section 34 (2) of The Resource Management Act 1991

No changes submitted by any of the subcommittees.

11. Membership

The membership of the Subcommittee consists of:

11.1 One Ward member elected under the Local Electoral Act 2001; and

11.2 Appointed members – up to 10 selected by - see discussion of options in 3.3 above.

No changes submitted by any of the subcommittees other than preferences expressed in 3.3 for selection of subcommittee process.

12. Officers of the Subcommittee

The Subcommittee must have a chairperson, secretary, and treasurer and up to seven committee members who shall be appointed by Council by way of - see above options

12.1 The Chair’s main duty is to guide the meeting so that fair and satisfactory decisions are reached on the various items on the agenda.

12.2 The Secretary shall summon the meetings, co-ordinate the agenda for meetings and workshops, keep a true record of the proceedings and distribute these to members and the Community, Environment and Services committee as soon as practicable. Noting that the annual or biennial formal meeting will be managed by council staff.

- 12.3 The Treasurer is responsible for oversight of payments made, and deposits to, the subcommittee’s nominated bank account; and to prepare income and expenditure accounts with a balance sheet at the end of the financial year to be audited by Council. The annual balance date for all financial reports shall be June 30th.

No changes submitted by any of the subcommittees other than preferences expressed in 3.3 for selection of subcommittee process.

13 FINANCIAL ACCOUNTABILITY

- 13.1 The Subcommittee shall:
- i) *Present its proposed Annual Budget and Programme of Works to Community Environment and Services Committee for:*
 - 13.1i a) *approval; OR*
 - 13.1i b) *information and comment.*
 - ii) Present to the Council any other report it is requested to provide.
 - iii) Keep clear and accurate accounts and records of all transactions and make them available to the Council on request.
 - iv) Provide its Annual Report and Annual Accounts to Council, by the date specified by Council for Review
- 13.2 Members of the Subcommittee shall not be personally liable for any act done or omitted to be done in good faith in the course of operations of the Subcommittee or for any debt or other liability lawfully incurred by the Subcommittee.

Option	Support
13.1i b)	<ul style="list-style-type: none"> • Mokihinui • Seddonville • Waimangaroa • Carters Beach
13.1i b) and add: iv) Provide its Annual Report and Annual Accounts to Council, by the date specified by Council for Review -Auditing in accordance with Audit New Zealand requirements Note added re. Audit NZ requirements	<ul style="list-style-type: none"> • Karamea
13.1 i - deleted iv) Provide its Annual Report and Annual Accounts to Council, by the date specified by Council’s Finance Department Note added re. Audit NZ requirements	<ul style="list-style-type: none"> • Little Wanganui
13.1 – add: a. Develop and approve and annual budget each financial year b. Provide its Annual Report, Annual Accounts and Annual budget by the date specified by Council’s Community Environment and Services Committee for Review	<ul style="list-style-type: none"> • Ngakawau/Hector

<p>c. Provide its Annual Report and Annual Accounts to Council for Auditing</p> <p>13 1 (iii) and (iv) unchanged</p> <p>Note added re. Council’s auditors requirements</p>	
<p>Discussion</p> <p>As noted above, Council may consider it important to approve any budgets for these reserves and it is the opinion of the Chief Financial Officer that budgets should be approved by Council. The funds within the subcommittees accounts are used for covering expenditure on the reserves however there are times when further finance is sought for projects through grants and also through budget allocated to the maintenance of property in Council’s Annual Plan.</p> <p>Audit New Zealand is no longer the Council’s auditor and it is considered there is no particular reason to include Audit New Zealand’s requirements as these are part of Council’s requirements under legislation.</p> <p>The Chief Financial Officer advises that the definition of Audit has a particular meaning and technically what is undertaken by Council is a review. Reference to ‘Audit’ should be replaced by ‘review’. The Council submits the reviews under the general audit of Council.</p>	
<p>Recommendation:</p> <p>13 FINANCIAL ACCOUNTABILITY</p> <p>13.1 The Subcommittee shall:</p> <ul style="list-style-type: none"> i) <u>Develop and approve an annual budget each financial year</u> ii) <u>Provide its Annual budget by the dates specified by Council’s Community Environment and Services Committee for approval;</u> iii) Present to the Council any other report it is requested to provide. iv) Keep clear and accurate accounts and records of all transactions and make them available to the Council on request. v) Provide its Annual Report and Annual Accounts to <u>the Council’s Chief Financial Officer</u>, by the date specified by Council for review <u>on the understanding this review will form part of the information Council will present during its overall annual Audit.</u> <p>13.2 Members of the Subcommittee shall not be personally liable for any act done or omitted to be done in good faith in the course of operations of the Subcommittee or for any debt or other liability lawfully incurred by the Subcommittee.</p>	

14 CONTACT WITH MEDIA

- 14 a) *In accordance with the provisions set out in Council’s adopted Code of Conduct; or*
- 14 b) *The following rules apply for media contact on behalf of the Council:*
- *the Mayor is the first point of contact for the official view on any issue, unless delegations state otherwise. Where the Mayor is absent, any matters will be referred to the Deputy Mayor or relevant Committee chairperson.*
 - *No other member may comment officially on behalf of the Council without having first obtained the approval of the Mayor or (where delegated) the relevant Committee chairperson.*

Subcommittee Members are free to express a personal view in the media, at any time, provided the following rules are observed:

- i) media comments must not state or imply that they represent the views of the Council;*
- ii) where an Subcommittee Member is making a statement that is contrary to a Council decision or Council policy, the member must not state or imply that his or her statements represent a majority view;*
- iii) media comments must observe the other requirements of the Code (of Conduct), e.g. not disclose confidential information; compromise the impartiality or integrity of staff; or avoids aggressive, offensive or abusive comments which reflects adversely on the member or the Council; and*
- iv) media comments must not be misleading and should be accurate within the bounds of reasonableness.*

14 c) *Chairperson may speak on behalf of the subcommittee provided that:*

- i) media comments must not state or imply that they represent the views of the Council;*
- ii) where the chair is making a statement that is contrary to a Council decision or Council policy, the member must not state or imply that his or her statements represent a majority view;*
- iii) media comments must observe the other requirements of the Code (of Conduct), e.g. not disclose confidential information; compromise the impartiality or integrity of staff; or avoids aggressive, offensive or abusive comments which reflects adversely on the member or the Council; and*
- iv) media comments must not be misleading and should be accurate within the bounds of reasonableness.*

All Subcommittee Members are free to express a personal view in the media, at anytime, provided i) to iv) above are observed.

14d) *Only the Chairperson may speak with the media and outside organisations on behalf of the Subcommittee*

14e) *No media related clause in Terms of Reference*

Option	Support
14a	<ul style="list-style-type: none"> • Seddonville
14b	<ul style="list-style-type: none"> • Carters Beach
14c	<ul style="list-style-type: none"> • Karamea
14a however have not seen Code of Conduct; and 14d with additions Only the Chairperson may speak with the media or delegated member and outside organisations on behalf of the Subcommittee but will not bring council disrepute (or something similar)	<ul style="list-style-type: none"> • Mokihinui • Waimangaroa
All Subcommittee members are free to express a personal view in the media, at any time, provided this is: a) Sanctioned by the Subcommittee Chair; and b) Does not state or imply that it represents the views of Council, its employees, or officers.	<ul style="list-style-type: none"> • Ngakawau/Hector

14 Contact with Media - deleted	<ul style="list-style-type: none"> • Little Wanganui
<p>Discussion</p> <p>There is a wide range of preferences for this clause. It is considered that such a clause should be included for clarity. On balance 14c may be the best solution in that it provides for the Chair to speak on behalf of the Subcommittee with some guiding principles and makes it clear that subcommittee member are free to express personal views within those principles.</p>	
<p>Recommendation:</p> <p>14 CONTACT WITH MEDIA</p> <p>Chairperson may speak on behalf of the subcommittee provided that:</p> <ul style="list-style-type: none"> i) media comments must not state or imply that they represent the views of the Council; ii) where the chair is making a statement that is contrary to a Council decision or Council policy, the member must not state or imply that his or her statements represent a majority view; iii) media comments must observe the other requirements of the Code (of Conduct), e.g. not disclose confidential information; compromise the impartiality or integrity of staff; or avoids aggressive, offensive or abusive comments which reflects adversely on the member or the Council; and iv) media comments must not be misleading and should be accurate within the bounds of reasonableness. <p>All Subcommittee Members are free to express a personal view in the media, at anytime, provided i) to iv) above are observed.</p>	

15 Frequency of meetings

- 15.1 The Subcommittee shall hold at least one formal meeting per year.
- 15.2 This formal meeting will be administered by Council and follow all requirements for council meetings including agenda compilation (with Chair), advertising, distribution of agenda, secretarial and officer support at meeting and preparation and distribution of minutes;
Subject to resolution in 3.3 above
- 15.3a) *One Special General Meeting will be held for the purpose of publicly nominating members (as per the membership criteria above) prior to each Local Government triennial election of members which will then be provided to Council. Or*
- 15.3b) *No reference to Special General Meeting (15.3 removed)*
- 15.4 For the avoidance of doubt, this clause does not prevent the Subcommittee holding informal meetings, workshops or working bees outside of the formal meeting schedule.

Option	Support
15.3a Remainder unchanged	<ul style="list-style-type: none"> • Karamea • Mokihinui • Seddonville • Waimangaroa • Carters Beach
15.3b Replace with: 14.1 The Subcommittee shall hold at least one formal meeting per year.	<ul style="list-style-type: none"> • Omau • Ngakawau/Hector

<p>14.2 Secretarial and other staff support at meetings (including preparation and distribution of the minutes) will be provided by Council if required; and Subject to clause 3.3 above 14.3 One Special General Meeting will be held for the purpose of publicly nominating members (as per the membership criteria above) which will then be provided to the Community, Environment and Services Committee for appointment. 14.4 For the avoidance of doubt, this clause does not prevent the Subcommittee holding workshops or working bees outside of the formal meeting schedule.</p>	
<p>Replace with: The Subcommittee shall hold at least one formal meeting per year. In addition, one Special General Meeting will be held for the purpose of publicly nominating members (as per the membership criteria above) prior to each Local Government triennial election of members which will then be provided to Council. For the avoidance of doubt, this clause does not prevent the Subcommittee holding workshops or working bees outside of the formal meeting schedule.</p>	<ul style="list-style-type: none"> • Little Wanganui
<p>Discussion As noted above formal subcommittee meetings must follow certain governance principles regarding agendas, public notification and making agendas available to the public within a certain time period as set out in the Local Government Official Information and Meetings Act 1987. It is therefore considered that council staff should undertake the administration. If it is decided that the subcommittees will forward appointments to Council then the 15a or a similar clause should be included.</p>	
<p>Recommendation: 15 Frequency of meetings 15.1 The Subcommittee shall hold at least one formal meeting per year. 15.2 This formal meeting will be administered by Council and follow all requirements for council meetings including agenda compilation (with Chair), advertising, distribution of agenda, secretarial and officer support at meeting <u>if required</u> and preparation and distribution of minutes; 15.3 For the avoidance of doubt, this clause does not prevent the Subcommittee holding informal meetings, workshops or working bees outside of the formal meeting schedule.</p>	

16 CONDUCT OF AFFAIRS

The Subcommittee shall conduct its affairs in accordance with the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, the Local Authorities (Members’ Interests) Act 1968, and Council’s Standing Orders and Code of Conduct.

Option	Support
No Change	<ul style="list-style-type: none"> • Karamea • Mokihinui • Seddonville • Waimangaroa • Carters Beach
Replace with: Council recognises that Subcommittee members are volunteers, and as such will use their best endeavours to conduct their affairs in accordance with the principles outlined Section 3 of Council's Code of Conduct.	<ul style="list-style-type: none"> • Ngakawau/Hector
Replace with: The Subcommittee shall conduct its affairs in accordance with Council's Code of Conduct.	<ul style="list-style-type: none"> • Little Wanganui
<p>Discussion</p> <p>The various Acts and Documents referred to in the proposed clause should be adhered as the subcommittees are formally appointed by Council.</p>	
<p>Recommendation:</p> <p>16 CONDUCT OF AFFAIRS</p> <p>The Subcommittee shall conduct its affairs in accordance with the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, the Local Authorities (Members' Interests) Act 1968, and Council's Standing Orders and Code of Conduct.</p>	

17 QUORUM

The quorum at a meeting of the Subcommittee shall consist of:

- Half of the members if the number of members (including vacancies) is even; or
- A majority of members if the number of members (including vacancies) is odd.

No changes submitted by any of the subcommittees.

18 REMUNERATION

No honorarium or meeting allowance will be payable to Subcommittee members.

Option	Support
No Change	<ul style="list-style-type: none"> • Karamea • Mokihinui • Seddonville • Waimangaroa • Carters Beach
Add: ...unless first agreed with the Community, Environment and Services Committee	<ul style="list-style-type: none"> • Little Wanganui • Ngakawau/Hector
<p>Discussion</p> <p>Given the volunteer nature of the subcommittee members and the time some of the roles take to fulfil Council may see it as appropriate to provide for subcommittees to apply to the Committee for some form of honorarium. In particular the role of treasurer can take up a significant amount of time. Such applications could be considered on a case by case basis with evidence shown of the amount of time being spent on subcommittee affairs.</p>	

<p>Recommendation: 18 REMUNERATION No honorarium or meeting allowance will be payable to Subcommittee members <u>unless first agreed by formal resolution of the Community, Environment and Services Committee.</u></p>

19 OTHER DELEGATIONS AND RESPONSIBILITIES

- 19a) *These general provisions and delegations can be superseded by specific Reserve Management Plans and Reserve and Hall Subcommittee Terms of Reference and Delegations; OR*
- 19b) *These general provisions and delegations can be superseded by specific Reserve Management Plans by agreement with the subcommittee members and the local community and with subsequent approval from the Community, Environment and Services Committee.*

Option	Support
19b)	<ul style="list-style-type: none"> • Karamea • Mokihinui • Seddonville • Ngakawau/Hector • Waimangaroa • Carters Beach
19b) with addition: Council may delegate the Sub Committee's functions, duties and powers to a Ward specific Community Board if such delegation would enable a Community Board to better achieve the Sub Committee's role.	<ul style="list-style-type: none"> • Little Wanganui
These general provisions and delegations may be partially superseded by specific Reserve Management Plans or amended by agreement with the subcommittee members with subsequent approval from the Community, Environment and Services Committee.	<ul style="list-style-type: none"> • Ngakawau/Hector

Discussion
 It is considered that the Terms of Reference need to be set with the only possible change being in the content of the Reserve Management Plans which will be the guiding documents for the future management of the reserves and have, most importantly, been through consultation and engagement with the community. Any change to the delegations would need to be approved by the Community Services and Environment Committee rather than subsequently. The Terms of Reference are ultimately the given to the subcommittees by the committee, they cannot be altered by the subcommittee without a resolution is made by the committee.

<p>Recommendation: 19 OTHER DELEGATIONS AND RESPONSIBILITIES 19 These general provisions and delegations can be superseded by specific Reserve Management Plans and Reserve and Hall Subcommittee Terms of Reference and Delegations <u>as resolved by the Community Services and Environment Committee;</u></p>
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REVISED TERMS OF REFERENCE JULY 2023

RESERVES AND HALLS SUBCOMMITTEES

1. PURPOSE:

- 1.1 The purpose of Reserve and Hall Subcommittee is to manage the X reserve and hall with the support of Council;
- 1.2 In making these delegations the Council recognises that it is ultimately responsible for the reserves and halls in the district under the Instrument of Delegation for Territorial Authorities dated 12 June 2013 and as the administering body (specific to each reserve) under S.40 Reserves Act 1977.

2. COUNCIL RESPONSIBILITIES:

- 2.1 The Community Environment and Services Committee will Formally appoint members of the Subcommittees which will report to the Community, Environment and Services Committee of Council – see 3.3 below for appointment process under Schedule 7 s31(2) LGA 2002
- 2.2 In partnership with the Subcommittee and local community endeavour to develop Reserve Management Plans in accordance with S41 Reserves Act 1977, -to provide clear guidelines for maintenance and development programmes in the best interests of the local community and District and within the provisions of the Reserves Act 1977.
- 2.3 If disputes arise concerning these terms of reference or any other matter concerning the Subcommittee, cooperatively work to find a resolution with all parties adhering to the Principles of Governance as set out in Section 3 of the Council’s Code of Conduct; determine the interpretation;
- 2.4 If a dispute resolution cannot be reached, to use an appropriate independent mediator to mediate between the parties or an arbitrator to help produce a resolution which is acceptable to both parties and does not in any way contradict the provisions and responsibilities of Council as set out in the LGA 2002 or the Reserves Act 1977;
- 2.5 To produce and distribute the Subcommittee Order Paper for the formal annual/biennial subcommittee meeting, give public notice for the meeting and, if required, to provide secretarial support at the meeting;

3. GENERAL TERMS OF REFERENCE:

The Subcommittees (Local Government Act 2002, s. 30 and 32 Schedule 7):

- 3.1 Are to be formally appointed Council under S30 (2), Schedule 7 LGA Act 2002, which has the power under s30(b), Schedule 7 LGA2002 to discharge or reconstitute the subcommittee and under S31(2) to appoint and discharge members of the Subcommittee ~~or the Subcommittee in its entirety~~
- 3.2 Will be discharged on the coming into office of the members of Council elected at the triennial general election of members unless Council resolves otherwise
- 3.3 Will be formally appointed by Council following the Local Government triennial election of members in the following way:
Following a call for expressions of interest from those living within the local area who have been nominated by at least two residents or ratepayers within the local area ((determined by use of appropriate NZ Statistics census boundaries) and have the skills, attributes, or knowledge that will assist the work of the subcommittee

- 3.4 Is subject in all things to the control of the ~~Council~~Community Environment and Services Committee (s30 (4) Schedule 7 LGA 2002) and ;
- ~~3.5-m~~Must carry out all general and special directions of the Community, Environment and Services committee,~~and the Council,~~ given in relation to the Subcommittee or its affairs;
- 3.56 Is prohibited from the disposing of or purchasing of land or buildings without the express approval of the Community Environment and Services Committee and/or Council, whichever is appropriate; and
- 3.67 Is prohibited from appointing any subordinate body.

4. The role of Reserve and Halls Subcommittees is to:

- 4.1 Manage the reserve and hall for the benefit of the local community and wider district (including all that land identified in Appendix 1) in accordance with the Reserves Act 1977 and the Reserve Management Plan when it is completed and approved;
- 4.2 Develop, in partnership with Council, Reserve Management Plans where required and within Council's budgets as set out in Council's Annual Plan;
- 4.3 Make recommendations to council on property (including land & buildings) acquisitions and disposals in relation to the reserve or hall.
- 4.4 Develop and approve an annual budget each financial year to achieve 4.1-above

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;
- ~~5.7 a) —Any other powers necessary for the efficient and effective management of the reserve; OR~~
- ~~5.7 b) —No further powers, remove 5.7~~

6.1 Invoices

All invoices for goods and/or services costing no more than ~~\$5,000~~\$10,000 for budgeted items, and ~~\$24,000~~ for non-budgeted items may be authorised for payment by the Treasurer and Secretary of the Subcommittee.

Approval for the payment of invoices over ~~\$105,000~~ for budgeted items and ~~\$24,000~~ for non-budgeted items must be authorised by a Council staff member with appropriate delegated authority.

6.2 Contracts

All contracts for goods and/or services costing no more than ~~\$105,000~~ for budgeted items, and ~~\$24,000~~ for non-budgeted items may be authorised by the Treasurer and Secretary of the Subcommittee.

Approval of contracts over ~~\$105,000~~ for budgeted items and ~~\$24,000~~ for non-budgeted items must be authorised by a Council staff member with appropriate delegated authority

7. EXERCISE OF DELEGATIONS

In exercising the delegated powers, the Subcommittee will *operate within*:

- 7.1 Policies, plans, standards or guidelines that have been established and approved by Council;

7.2 The ~~Council approved~~ annual budget as approved by the Community Environment and Services Committee;

7.3 All general and special directions of the Community, Environment and Services Committee and Council given in relation to the Subcommittee

8. POWER TO DELEGATE

The Subcommittee may not delegate any of their responsibilities, duties or powers to a committee, subcommittee or person.

9. CESSATION OF SUBCOMMITTEE

9.1 The Subcommittee may be terminated by resolution of the Council;

9.2 *If the Subcommittee is terminated, any money raised by the Subcommittee must, in the first instance, be allocated to the reserve associated to the terminated Subcommittee*

10. Matters which are not delegated by council:

10.1 The power to:

- Make a rate or bylaw;
- Borrow money, or purchase or dispose of assets;
- Acquire, hold or dispose of property;
- Appoint, suspend or remove staff;
- Institute an action for the recovery of any amount; or
- Issue and police building consents, notices, authorisations, and requirements under any Acts, Statutes, Regulations, By-laws and the like

10.2 The powers and duties conferred or imposed on Council by The Public Works Act 1981 or those powers listed in the Section 34 (2) of The Resource Management Act 1991

11. Membership

The membership of the Subcommittee consists of:

11.1 One Ward member elected under the Local Electoral Act 2001; and

11.2 Appointed members – up to 10 *following a call for expressions of interest from those living within the local area who have been nominated by at least two residents or ratepayers within the local area ((determined by use of appropriate NZ Statistics census boundaries) and have the skills, attributes, or knowledge that will assist the work of the subcommittee*

12. Officers of the Subcommittee

The Subcommittee must have a chairperson, secretary, and treasurer and up to seven committee members who shall be appointed by Council ~~by way of – see above options~~ (as outlined in 3.3 above)

12.1 The Chair's main duty is to guide the meeting so that fair and satisfactory decisions are reached on the various items on the agenda.

12.2 The Secretary shall summon the meetings, co-ordinate the agenda for meetings and workshops, keep a true record of the proceedings and distribute these to members and the Community, Environment and Services committee as soon as practicable. Noting that the annual or biennial formal meeting will be managed by council staff.

12.3 The Treasurer is responsible for oversight of payments made, and deposits to, the subcommittee's nominated bank account; and to prepare income and expenditure accounts with a balance sheet at the end of the financial year to be audited by Council. The annual balance date for all financial reports shall be June 30th.

13 FINANCIAL ACCOUNTABILITY

13.1 The Subcommittee shall:

- i) Develop and approve an annual budget each financial year
- ii) Provide its Annual budget by the dates specified by Council's Community Environment and Services Committee for approval;
- iii) Present to the Council any other report it is requested to provide.
- iv) Keep clear and accurate accounts and records of all transactions and make them available to the Council on request.
- v) Provide its Annual Report and Annual Accounts to the Council's Chief Financial Officer, by the date specified by Council for review on the understanding this review will form part of the information Council will present during its overall annual Audit.

13.2 Members of the Subcommittee shall not be personally liable for any act done or omitted to be done in good faith in the course of operations of the Subcommittee or for any debt or other liability lawfully incurred by the Subcommittee.

14 CONTACT WITH MEDIA

Chairperson may speak on behalf of the subcommittee provided that:

- i) *media comments must not state or imply that they represent the views of the Council;*
- ii) *where the chair is making a statement that is contrary to a Council decision or Council policy, the member must not state or imply that his or her statements represent a majority view;*
- iii) *media comments must observe the other requirements of the Code (of Conduct), e.g. not disclose confidential information; compromise the impartiality or integrity of staff; or avoids aggressive, offensive or abusive comments which reflects adversely on the member or the Council; and*
- iv) *media comments must not be misleading and should be accurate within the bounds of reasonableness.*

All Subcommittee Members are free to express a personal view in the media, at anytime, provided i) to iv) above are observed.

15 Frequency of meetings

15.1 The Subcommittee shall hold at least one formal meeting per year.

15.2 This formal meeting will be administered by Council and follow all requirements for council meetings including agenda compilation (with Chair), advertising, distribution of agenda, secretarial and officer support at meeting if required and preparation and distribution of minutes;

15.3 For the avoidance of doubt, this clause does not prevent the Subcommittee holding informal meetings, workshops or working bees outside of the formal meeting schedule

16 CONDUCT OF AFFAIRS

The Subcommittee shall conduct its affairs in accordance with the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, the Local Authorities (Members' Interests) Act 1968, and Council's Standing Orders and Code of Conduct.

17 QUORUM

The quorum at a meeting of the Subcommittee shall consist of:

- Half of the members if the number of members (including vacancies) is even; or
- A majority of members if the number of members (including vacancies) is odd.

18 REMUNERATION

No honorarium or meeting allowance will be payable to Subcommittee members unless first agreed by formal resolution of the Community, Environment and Services Committee.

19 OTHER DELEGATIONS AND RESPONSIBILITIES

These general provisions and delegations can be superseded by specific Reserve Management Plans and Reserve and Hall Subcommittee Terms of Reference and Delegations as resolved by the Community Services and Environment Committee;

BULLER DISTRICT COUNCIL

31 JULY 2023

AGENDA ITEM 6

Prepared by	John Salmond Senior Project Lead
Reviewed by	Douglas Marshall Chief Financial Officer
Appendix 1	Council Meeting Schedule Option 1 Council Meeting Schedule Option 2

PROPOSED LTP, RATES REVIEW AND OTHER WORKSHOPS

1. REPORT SUMMARY

This report outlines options for the Council meetings and workshops for the rest of the 2023 calendar year as it stands relating to the preparation of the Long-Term Plan (LTP) and Rates Review (RR) workshops. This also includes a proposed workshop for Water and climate adaptation and the workshops that have already been booked in so far.

2. RECOMMENDATION

That the Council:

- 1. Instructs the acting Chief Executive Officer to book either Option 1 / Option 2 in terms of workshops and presentations for the rest of the 2023 calendar year, noting that this may change as the year progresses if the need occurs for more workshops.**
- 2. Council to decide if the climate adaptation workshop is to be booked for the 13th or 20th October 2023**

3. ISSUES AND DISCUSSION

3.1 Background

The Long-Term Plan (LTP) and the Rates review (RR) are key documents for the Council to review, update and ultimately adopt by 30 June 2024.

Council use workshops to prepare both types of documents. We also require a climate adaptation workshop that can only be booked on either the 13 or 20 October.

Workshops allow the Council, in an informal manner, to receive information from the community, elected members and Council staff as to what policy decisions and in general terms, information, should be included for formal community consultation in 2024 on both documents.

Both processes require significant commitment from Councillors over the coming months. Two options have been prepared to create a workshop schedule for Council to select from:

Option 1: The LTP and Rates review workshops are booked in on the same days as the current Council and committee meetings. This option follows the desire Councillors have indicated to try and manage all Council business on one day every one-to-two weeks to make the best use of Councillor time and minimise travel for those outside of Westport. This option does make for some long days though.

The only difference with this one is that the climate adaptation workshop be booked for either 13 or 20 October due to these being the only dates the necessary stakeholders can attend.

Option 2: The workshops are booked on days separate from other Council/committee meetings in an effort not to overload Councillors with a heavy workload on any one specific day, but it does require more travel from those outside of Westport.

The two options proposed are attached to this report for Councillor consideration and selection of the preferred option.

Council staff are currently finalising the schedule of LTP and Rates review topics for the schedules proposed. That will be issued in the coming weeks.

4. CONSIDERATIONS

4.1 Strategic Alignment

Under the 2024-2034 Long Term Plan the Council will make the decisions as to what the key objectives and outline the future 10 years for the region

4.2 Significance Assessment

The LTP and rates review are considered highly significant in terms of capital and operating expenditure, complexity and importance for our community.

4.3 Tangata Whenua Considerations

Council works in partnership with Ngāti Waewae to provide governance. At this stage it is appropriate to continue discussions with Ngāti Waewae around their involvement of the LTP moving forward.

4.4 Risk Management Implications

The key risks associated with the assessment of these options are as follows:

- Auditor failings
- Lack of community engagement
- Community not feeling a part of the process
- Strategic plan not implemented as expected
- The future of our district

4.5 Policy Framework Implications

Council must comply with the relevant policy and legal requirements including the Resource Management Act 1991, Local Government Act 2002, Health Act 1956, and Council's own Procurement Policy.

4.6 Legal Implications

- Local Government Act 2002
- Buller District Council Long Term Plan 2024-2034

4.7 Financial / Budget Implications

None applicable

4.8 Media/Publicity

There may be interest from the media in this issue. This will be managed by the Communications team as and when required.

4.9 Consultation Considerations

None applicable

Option 1

Day	July	Day	August	Day	September	Day	October	Day	November	Day	December	Date
S		T		F		S		W		F		1
S		W		S		M		T		S		2
M		T		S		T	ICB	F		S		3
T		F		M		W		S		M		4
W		S		T		T		S		T	ICB	5
T		S		W		F		M		W		6
F		M		T		S		T		T		7
S		T	ICB	F		S		W		F		8
S		W		S		M		T		S		9
M		T		S		T		F		S		10
T		F		M		W	LTP / RR RAC	S		M		11
W	RAC	S		T		T		S		T		12
T		S		W	LTP / RR 2 X WORKSHOP RAC	F	Climate change workshop either 13th or 20th October	M		W	LTP / RR RAC COUNCIL	13
F	MATARIKI	M		T		S		T		T		14
S		T		F		S		W	CNZ CESC RAC	F		15
S		W	CNZ CESC RAC	S		M		T		S		16
M		T		S		T		F		S		17
T		F		M		W		S		M		18
W		S		T		T		S		T		19
T		S		W		F	Climate change workshop either 13th or 20th October	M		W		20
F		M		T		S		T		T		21
S		T		F		S		W		F		22
S		W		S		M	LABOUR DAY	T		S		23
M		T		S		T		F		S		24
T		F		M		W	WS LTP COUNCIL	S		M		25
W	COUNCIL	S		T		T		S		T		26
T		S		W	LTP PRESENTATION COUNCIL	F		M		W		27
F		M		T		S		T		T		28
S		T		F		S		W	LTP / RR WS COUNCIL	F		29
S		W	LTP / RR MIHI PRESENTATION COUNCIL	S		M		T		S		30
M		T				T				S		31
Day	July	Day	August	Day	September	Day	October	Day	November	Day	December	

Option 2

Day	July	Day	August	Day	September	Day	October	Day	November	Day	December	Date
S		T		F		S		W	LTP / RR	F		1
S		W		S		M		T		S		2
M		T		S		T	ICB	F		S		3
T		F		M		W	LTP / RR	S		M		4
W		S		T		T		S		T	ICB	5
T		S		W	LTP / RR	F		M		W	LTP / RR	6
F		M		T		S		T		T		7
S		T	ICB	F		S		W		F		8
S		W		S		M		T		S		9
M		T		S		T		F		S		10
T		F		M		W	RAC	S		M		11
W	RAC	S		T		T		S		T		12
T		S		W	2 x workshop RAC	F	Climate change workshop either 13th or 20th October	M		W	RAC COUNCIL	13
F	MATARIKI	M		T		S		T		T		14
S		T		F		S		W	CNZ CESC / RHC RAC	F		15
S		W	CNZ CESC / RHC RA	S		M		T		S		16
M		T		S		T		F		S		17
T		F		M		W	LTP	S		M		18
W		S		T		T		S		T		19
T		S		W	LTP	F	Climate change workshop either 13th or 20th October	M		W		20
F		M		T		S		T		T		21
S		T		F		S		W	LTP	F		22
S		W	LTP / RR	S		M	LABOUR DAY	T		S		23
M		T		S		T		F		S		24
T		F		M		W	Workshop COUNCIL	S		M		25
W		S		T		T		S		T		26
T		S		W	Presentation COUNCIL	F		M		W		27
F		M		T		S		T		T		28
S		T		F		S		W	Workshop COUNCIL	F		29
S		W	Mihi Presentation COUNCIL	S		M		T		S		30
M	Workshop COUNCIL	T				T				S		31
Day	July	Day	August	Day	September	Day	October	Day	November	Day	December	

BULLER DISTRICT COUNCIL

31 JULY 2023

AGENDA ITEM 7

- Prepared by:** Douglas Marshall – Chief Financial Officer
- Reviewed by:** Sean Judd – Acting Chief Executive Officer
- Attachment 1:** 2025 Election Timetable
- Attachment 2:** Local Government Determination for Representation Arrangements to Apply for the Election of the Buller District Council to be Held on 12 October 2019

APPOINTMENT OF ELECTORAL OFFICER / DECISIONS RELATING TO THE 2025 COUNCIL ELECTIONS

1. REPORT SUMMARY

This report seeks a Council decision on the appointment of a new Electoral Officer.

It also updates the Council on two processes it needs to consider for the 2025 elections being:

- the method of voting, and
- the representation review that must be undertaken for that election.

2. DRAFT RECOMMENDATION

- 1. Receives this report for information.**
- 2. As provided for under section 12 of the Local Electoral Act 2001, appoints Antony Morton, as the Buller District Council Electoral Officer.**

3. ISSUES AND DISCUSSION

3.1 Appointment of Electoral Officer

Section 12 of the Local Electoral Act 2001 requires local authorities to always have an appointed Electoral Officer. John Rodger retired in early 2023 as Council's Rating and Electoral Officer and therefore needs to be replaced.

Council staff with the appropriate skills and expertise were the preferred choice as an Electoral Officer but approximately 20 years ago, contracted Electoral Officers became a viable option. A contracted resource does have a cost to the Council as does an employee of Council, as decisions need to be made about whether their time is best spent at election time undertaking the Electoral Officer role for a period of weeks or their day-to-day role which also continues.

Currently there are no staff employed by the Council who are either interested in or are deemed to have the appropriate skills and time available to undertake the role. Like all statutory roles of a Council, there is a certain skill set of expertise that is built up over time.

These skills are generally only needed for a six-month period every three years. Contractors available for the Council to consider are undertaking numerous local authority elections every three years but in addition, manage numerous Council by-elections and elections every year for a variety of entities in New Zealand and Australia.

This Council has been very fortunate to have held those skills in an employed staff member for so long.

Section 14(5) provides that the Chief Executive of a local authority must not be appointed as an Electoral Officer, Deputy Electoral Officer or an Electoral Official unless the local authority is satisfied that no other course of action is reasonably practicable in the circumstances.

It is important for Council to note that section 14(1) of the Local Electoral Act provides that, once appointed, the Electoral Officer and other electoral officials are not subject to the direction of the Council in the exercising of powers or the carrying out of duties.

Apart from the above requirements, there are no other restrictions on the appointment of an Electoral Officer. The appointee may be a local authority officer but does not have to be.

Section 15 of the Act states the general duties and responsibilities of an Electoral Officer as:

- The compilation and certification of electoral rolls
- The publication of any public notice relating to elections and polls and the calling of nominations, required to be given
- Receiving nominations, candidate profile statements, and deposits required to be paid
- Issuing and receiving ordinary and special votes and other official documents

- The processing and counting of votes
- The declaration of results
- Receiving returns of electoral expenses
- Investigating possible offences and reporting alleged offences to the police.

Other non-statutory tasks include reporting to the local authority on electoral matters, including post-election reports, and providing statistical and other information on elections and polls to the Department of Internal Affairs.

electionz.com are a contractor who have undertaken a significant number of local authority and other entity elections for over 23 years. They processed the Buller District Council votes for the 2022 elections.

Members of electionz.com have been involved as members of the Taituara (formerly SOLGM) Electoral Working Party, which played a significant part in the development of the Local Electoral Act in 2001.

The contract with electionz.com is awaiting a decision by the Council on the appointment. The financial value of the contract is within the \$ value limits of staff to appoint, but the role appointment itself needs a decision of the Council.

The writer of this report has been an Electoral Officer in the past and is very familiar with the skills and competency of the electionz.com team.

I have no hesitation in recommending them to the Council to be appointed as Electoral Officer.

Section 13 of the Local Electoral Act requires that every Electoral Officer must appoint a Deputy Electoral Officer. The deputy Electoral Officer must act as Electoral Officer if the Electoral Officer dies, resigns, is dismissed from office, or becomes incapable of acting, and must continue to act until the Electoral Officer is again capable of acting or a new Electoral Officer is appointed and comes into office.

The deputy Electoral Officer has all the powers of the Electoral Officer and must carry out the duties of the Electoral Officer while the deputy is acting as the Electoral Officer

If appointed, electionz.com would appoint a deputy and electoral officials closer to the time of the 2025 election.

3.2 Method of Voting (Electoral System) in the 2025 Buller District Council Election

The Council currently uses the First Past the Post Method of electing candidates. Councils can also use the STV or Single Transferable Vote system.

The two electoral systems available for Councils are –

- [First Past the Post \(FPP\)](#) – voters tick the names of candidates they wish to vote for. The voter can vote for as many candidates as there are positions to be filled. The candidates with the most votes are elected to Council.
- [Single-Transferable Vote \(STV\)](#) – voters use numbers to rank candidates in their order of preference. A voter would write “1” next to their favourite candidate, “2” next to their second favourite and so on. Voters may rank as many of the candidates as they wish. A quota (determined from the number of valid votes and number of positions) is used to determine who is elected.

The electoral system for a Council may be changed through one of the following processes.

- A Council may resolve to change its system. If so, a poll on the decision must be held if five percent of the electors of the city, district or region request one.
- A Council may decide to hold a poll on whether the electoral system should be changed.
- A poll on electoral systems must be held if requested by a petition signed by five percent of the electors of the city, district or region.

All these polls are binding on the Council.

If the Council decides not to resolve to change the system or have a poll, it still needs to publicly notify the system being used for the 2025 election by 19 September.

3.3 Reviewing Representation Arrangements

A Council is required, at least once every six years, to review its representation arrangements. It must consider -

- Whether for city or district Council, members should be elected from the whole district, wards, or from a mixture of both on an ‘at large’ basis.
- Regional Council members must be elected from constituencies.
- The areas of wards and constituencies and their boundaries.
- The number of members to be elected from each ward and constituency.

- Whether there should be community boards in a city or district.
- If there are to be community boards, the number of members of the board, the boundaries of the community and whether the area is to be divided for electoral purposes.

The process is as follows –

- The Council develops a proposal for its representation arrangements.
- The public has one month to make a submission on the Council's proposal.
- The Council considers the submissions and makes a final decision.
- People who made a submission may appeal against the Council's final decision.
- If the Council amends its proposal anyone may object to the Council's amended proposal.
- Where appeals and objections have been lodged, the Local Government Commission considers the appeals and objections and makes a final determination.

3.4 Māori Wards and Constituencies

Māori wards may be established for a district. Similar to the Māori Parliamentary seats, a Māori ward establishes an area where only those on the Māori Parliamentary electoral roll vote for the representatives. They sit alongside the general wards and constituencies which also cover the whole district. Those voting in Māori wards and constituencies receive only the same number of votes as anyone else.

Māori wards and constituencies may be established through a Council resolving. There are no provisions for polls of the community to either review the decision to create a Māori ward by the Council or have the community ask for a Māori ward to be created.

If the Council decides not to create a Māori ward, it still needs to publicly notify that there will be no Māori ward for the 2025 election by 30 November.

3.5 Councillor Workshop

Staff will advise of a workshop in the coming weeks to discuss the options.

4. CONSIDERATIONS

4.1. Significance Assessment

The Significance and Engagement Policy sets out the criteria and framework for a matter or a transaction to be deemed significant. The

Significance and Engagement Policy is written in accordance with The Local Government Act 2002 (LGA 2002) section 76AA.

The policy does not cover the decisions in this report as they are governed by the applicable legislation being the Local Electoral Act.

4.2. Values Assessment

The Buller District Council values are: One Team; Community Driven; We Care; Integrity; and Future Focussed. The matters outlined in this report are considered to be consistent with our values.

4.3. Policy/Legal Considerations

The applicable legislation for the decisions in this report is the being the Local Electoral Act 2001.

4.4. Strategic Impact

Council's key strategies, to achieve the vision of Council are:

Resilient - Building and promoting resilience in a community, services and infrastructure

Growing - Facilitating growth and a transition to a diversified, resilient and sustainable economy,

Quality Infrastructure - Providing reliable and sustainable infrastructure that meets the needs of current and future generations

Liveable - Investing in our towns to ensure we are an attractive district to live work invest and play

Affordable - Growing our non-rates income so rates are affordable to all residents

4.5. Risk Analysis

Risk is assessed by considering the likelihood of an event occurring and the result of that event.

4.6. Policy / Legal Considerations

None identified.

4.7 Tangata Whenua

The contents of the report are not a matter requiring consultation with tangata whenua.

4.8 Views of Those Affected

The decision required in this report relates to an operating activity, the election process, which can be made by the council without any community consultation/engagement.

Decisions in the coming months relating to the choice of election system, Māori ward and the representation review need will follow the statutory processes with consultation/engagement as required.

4.9 Media / Publicity

Media and the public will have a strong interest in the decisions considered in this report. All decisions and workshops will be considered at meetings held where the public can attend.

4.10 Cost of Decisions

The 2022 election cost this Council \$50,011. Gross cost of the election was \$79,951. West Coast Regional Council and West Coast Development run their elections in conjunction with Buller and so share costs of \$29,940 which they are charged for.

The 2025 election cost, after taking into consideration the contract for an Electoral Officer is estimated to cost Buller \$57,909.

A point to note is that base staff costs (ie no overheads included) charged to the 2022 election budget item were approximately \$13,000. There are no staff costs included in the 2025 budget.

Instead, this cost of \$13,000 will be recovered/funded from the overhead allocation process used for the finance cost centre that the former staff member worked for.

For clarity, the cost of contracting the Electoral Officer role for 2025 when considering the election as a standalone cost is \$22,000.

All other matters needing to be considered for elections in this report will be managed by the Chief Financial Officer. The assumption here is that the representation review will not take any additional external support to complete the review apart from his cost.

2025 Local Government Representation Review and Election Timetable

Representation Review Key Dates

29 May 2023	Representation Review Forum
By 12 September 2023	Council resolution on electoral system (optional)
By 19 September 2023	Public notice of electoral system (mandatory – subject to previous poll mandate)
By 23 November 2023	Council resolution on Māori Representation (optional)
By 21 February 2024	Last date to receive poll demand on electoral system, or council resolution on poll for 2025
From 1 March 2024	Earliest date for council to resolve an initial rep review proposal
By 31 August 2024	Last date for council to resolve an initial rep review proposal
By 8 September 2024	public notice of initial proposal
By 8 October 2024	close of public submissions on initial proposal (not less than one month after public notice)
By 19 November 2024	after submissions heard, last date for public notice of final rep review proposal
By 20 December 2024	last date for close of public appeals on rep review proposal (one month after public notice)
By 15 January 2025	last date for rep review appeals and documents sent to LGC
By 10 April 2025	Last date for LGC determinations on representation reviews

Election Timetable

October 2024	Taituarā Electoral Officer Training Forum
After 1 February 2025	Declaration of Electoral Officer and Deputy Electoral Officer, and Electoral Officials
1 March - 30 April	Ratepayer Roll Enrolment Confirmation Forms Sent to existing ratepayers
1 March - 3 July	Preparation of Ratepayer Roll
10 March (Monday)	EEC questionnaire sent to EOs
1 April - 31 May	National Public Notice of Ratepayer Roll Qualifications and Procedures
5 May (Monday)	EEC test data sent to EOs
By 30 May (Friday)	Candidate Information Booklets and key dates on council websites
By 30 June	Order of Candidate Names Resolution (optional)
1 July (Tuesday)	EEC Enrolment Update Campaign commences
7 July (Monday)	Check It Electoral Roll closes with Electoral Commission
8 July (Tuesday)	Receive Preliminary Electoral Rolls from EEC
8 July to 16 July (Tuesday to Wednesday)	Compile Preliminary Electoral Roll
9 July (Wednesday)	First public notice completed and booked with ad agency
14 July (Monday)	Nomination forms, Preliminary Rolls completed, and all documents dispatched to Councils
16 July (Wednesday)	Public Notice of Election – Prelim Roll inspection, close of nominations and electoral roll (First Public Notice of Election)
18 July (Friday)	Nominations open/Roll Open for Inspection
By 31 July (Thursday)	Appointment of JPs by Electoral Officers
15 August (Friday)	Nominations Close (12 noon), Electoral Roll Closes
By 20 August (Wednesday)	Public Notice of Candidates, order of names, special voting places – on council websites (Second Public Notice of Election)
By 22 August (Friday)	Receive final Electoral Roll from EEC
15 August to 5 September	Final Postal Sort Data to mail house, design and print voting papers, verify Candidate Profiles
By 31 August	Ratepayer Roll insert with rates notice
15 September (Monday)	EO certifies final roll – final rolls distributed by EO
By 19 September (Friday)	EEC letter sent to electors on Unpublished Roll
19 September to 24 September 19 September to 11 October	Delivery of Voting Documents Commences Voting Period - Progressive Roll Scrutiny, Progressive Processing, Special Voting Period
11 October 2025 (Saturday)	Election Day - Voting Closes at Noon Progress Results available as soon as practicable after close of voting
11 – 16 October	Official Count – process special votes
16 October (Thursday)	Official Result Declaration
16 October to 19 October	Public Notice of Official Declaration of Election Results – on council websites
December 2025	EO Forum
Mid December 2025	Return of Election Expenses Forms



Local Government Commission
Mana Kāwanatanga ā Rohe

Determination

of representation arrangements to apply for
the election of Buller District Council
to be held on 12 October 2019

Background

1. All territorial authorities are required under sections 19H and 19J of the Local Electoral Act 2001 (the Act) to review their representation arrangements at least every six years. These reviews are to determine the number of councillors to be elected, the basis of election for councillors and, if this includes wards, the boundaries and names of those wards. Reviews also include whether there are to be community boards and, if so, membership arrangements for those boards. Representation arrangements are to be determined so as to provide fair and effective representation for individuals and communities.
2. The Buller District Council (the council) last reviewed its representation arrangements prior to the 2013 local authority elections. Therefore, it was required to undertake a review prior to the next elections in October 2019.
3. At the time of the last review, there were no appeals against the council's final proposal. As a result, the representation arrangements determined by the council applied for the 2013 and subsequent 2016 local authority elections. These arrangements are set out in the following table.

Ward	Population*	Number of councillors per ward	Population per councillor	Deviation from district average population per councillor	% deviation from district average population per councillor
Seddon	1,740	2	870	-139	-13.78
Inangahua	1,980	2	990	-19	-1.88
Westport	6,370	6	1,062	+53	+5.25
Total	10,090	10	1,009		

*Based on Statistics NZ 2011 population estimates

4. There is also one community board, Inangahua, in the district.
5. For its current review, the council, at a meeting on 27 June 2018, considered a report on requirements for a representation review which identified four possible representation options:

- retention of existing arrangements
 - introduction of a separate ward for the Karamea area
 - introduction of a separate ward for the Punakaiki-Charleston area
 - creation of Karamea and Punakaiki community boards.
6. At a meeting on 18 July 2018, the council adopted its initial representation proposal. This was for a council comprising the mayor and ten councillors elected from four wards as set out in the following table.

Ward	Population*	Number of councillors per ward	Population per councillor	Deviation from district average population per councillor	% deviation from district average population per councillor
Seddon	1,670	2	835	-179	-17.65
Inangahua	1,970	2	985	-29	-2.86
Westport	5,580	5	1,116	+102	+10.06
Paparoa	920	1	920	-94	-9.72
Total	10,140	10	1,014		

*Based on Statistics NZ 2017 population estimate

7. The proposal was also for retention of the Inangahua Community Board with its same membership.
8. The council notified its initial proposal on 31 July 2018 and called for submissions by 31 August 2018.
9. The council received 48 submissions with 20 supporting the proposal and 28 opposing the proposal.
10. At a meeting on 9 October 2018, the council, after considering the submissions, resolved to adopt existing representation arrangements, that is a council comprising the mayor and 10 councillors elected from three wards, as its final representation proposal. The proposal was also for retention of Inangahua Community Board.
11. The proposed ward arrangements are set out in the following table.

Ward	Population*	Number of councillors per ward	Population per councillor	Deviation from district average population per councillor	% deviation from district average population per councillor
Seddon	1,670	2	835	-179	-17.65
Inangahua	1,970	2	985	-29	-2.86
Westport	6,500	6	1,083	+69	+6.84
Total	10,140	10	1,014		

*Based on Statistics NZ 2011 population estimates

12. The final representation proposal was notified on 2 October 2018 and appeals/objections invited by 2 November 2018. One appeal against the council's final proposal was received.

Appeal against the council's final proposal

13. An appeal against the council's final proposal was received from Andrew Beaumont, supported by a petition signed by 51 people, seeking establishment of a revised new Paparua ward.

Hearing of appeals

14. The Commission met with the council and the appellant Andrew Beaumont supported by Richard Arlidge and Ross Smith at a hearing held in Westport on 20 March 2019.
15. The council was represented by deputy mayor Graeme Neylon and chief executive Sharon Mason.

Matters raised at hearing and in appeals

Buller District Council

16. The deputy mayor referred to the approach the council had received from the Punakaiki community that led to the council proposing a new Paparua ward in its initial representation proposal. The proposed new ward was for that part of Westport Ward south of the Buller River with the exception of Carters Beach. He said the council was not unanimous in deciding its initial proposal.
17. Mr Neylon said more of the submissions on the council's initial proposal were opposed to the proposal than supported it, with many submitters describing their connections to Westport and their preference to vote for six councillors rather than one. The proposal also excluded some people from Westport Ward who were closer to Westport than people in Carters Beach.
18. After considering the submissions, the council considered the proposed ward would not work and resolved accordingly to retain existing representation arrangements as its final representation proposal.
19. Mr Neylon referred to the revised proposal now being submitted by the appellants which reduced the population of a new Paparua ward to a third of that proposed by the council. He noted this was a long way outside the fair representation requirements of the Act. He and the chief executive also described other informal initiatives being taken by the council to engage with Punakaiki and other communities of a similar size in the district.
20. In relation to community boards, Mr Neylon outlined his long experience on the Inangahua Community Board and how the board sometimes struggled to get enough candidates to hold an election. The board now held meetings two-monthly and if it wasn't for his chairman's report there would often not be enough business for these meetings. This lack of enthusiasm for community boards had also led the council not to propose any new boards including for Punakaiki.
21. On the boundary between the Seddon and Westport wards, Mr Neylon said while it might be described as arbitrary, the perceptions of people in Seddon Ward relating to their area were different to those in Westport and this was unlikely to change.

Appellants: Andrew Beaumont & Richard Arlidge

22. Mr Arlidge began by playing recorded messages from Marie Elder from Punakaiki and Kerry-Jane Wilson from Charleston in support of the proposed Paparua ward.

23. The appellants outlined their concerns with present arrangements and the services provided by the council. These covered issues such as the local water supply and on which the appellants questioned the data the council had on numbers of users as the basis for its decisions, also seawalls and resource consent processes. All these issues demonstrated the need for the area to have a local representative to sit at the council table. Mr Arlidge said the Punakaiki-Charleston area also had a different demographic from Westport.
24. Mr Beaumont referred to the level of growth in the area and the range of activities throughout the whole coast road area. Tourism was increasing and the amount of traffic in the peak summer period put real pressure on local services. This highlighted differences between the usually resident population as used by the council for its decision-making, and actual numbers of tourists and other visitors in peak times. He said the area really needed a local representative who knew what was going on 'on the ground'.
25. Mr Smith from Fox River spoke of his experiences with the council and other agencies as local issues seemed to be becoming more intense, while local representation was getting less and less, but was needed more and more.

Matters for determination by the Commission

26. Section 19R of the Act makes it clear that the Commission, in addition to consideration of the appeals and objections against a council's final representation proposal, is required to determine, in the case of a territorial authority, all the matters set out in sections 19H and 19J which relate to the representation arrangements for territorial authorities. This interpretation was reinforced by a 2004 High Court decision which found that the Commission's role is not merely supervisory of a local authority's representation arrangements decision. The Commission is required to form its own view on all the matters which are in scope of the review.
27. Given this requirement, any concerns expressed by appellants/objectors relating to the council's review process are not matters that the Commission needs to address. We may, however, comment on a council's process if we believe it would be of assistance to the council in a future review.
28. The matters in scope of the review are:
 - whether the council is to be elected from wards, the district as a whole, or a mix of the two
 - the number of councillors
 - if there are to be wards, the area, boundaries and names of wards and the number of councillors to be elected from each ward
 - whether there are to be community boards
 - if there are to be community boards, the area, boundaries and names of their communities, and the membership arrangements for each board.

Key considerations

29. Based on legislative requirements, the Commission's *Guidelines for local authorities undertaking representation reviews* identify the following three key factors when considering representation proposals:
 - communities of interest

- effective representation of communities of interest
- fair representation for electors.

Communities of interest

30. The Guidelines identify three dimensions for recognising communities of interest:
- *perceptual*: a sense of identity and belonging to a defined area or locality as a result of factors such as distinctive geographical features, local history, demographics, economic and social activities
 - *functional*: ability of the area to meet the needs of communities for services such as local schools, shopping areas, community and recreational facilities, employment, transport and communication links
 - *political*: ability to represent the interests of local communities which includes non-council structures such as for local iwi and hapū, residents and ratepayer associations and the range of special interest groups.
31. We note that in many cases councils, communities and individuals tend to focus on the perceptual dimension of communities of interest. That is, they focus on what intuitively they ‘feel’ are existing communities of interest. While this is a legitimate view, more evidence may be required to back this up. It needs to be appreciated that the other dimensions, particularly the functional one, are important and that they can also reinforce the ‘sense’ of identity with an area. In other words, all three dimensions are important but should not be seen as independent of each other.
32. In addition to evidence demonstrating existing communities of interest, evidence also needs to be provided of *differences* between neighbouring communities i.e. that they may have “few commonalities”. This could include the demographic characteristics of an area (e.g. age, ethnicity, deprivation profiles) and how these differ between areas, and evidence of how different communities rely on different services and facilities.
33. In the case of Buller District, the 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. These three groupings have remained in place since 1989.

Effective representation of communities of interest

34. Section 19T of the Act requires the Commission to ensure that:
- the election of members of the council, in one of the ways specified in section 19H (i.e. at large, wards, or a mix of both) will provide effective representation of communities of interest within the city
 - ward boundaries coincide with the boundaries of the current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes
 - so far as is practicable, ward boundaries coincide with community boundaries (where they exist).

35. 'Effective representation' is not defined in the Act, but the Commission sees this as requiring consideration of factors including the appropriate total number of elected members and the appropriate basis of election of members for the district concerned (at large, wards, or a mix of both).
36. Section 19A of the Act provides that a territorial authority shall consist of between 5 and 29 members, excluding the mayor. Buller District Council comprised a mayor and 11 councillors on its constitution in 1989 and until the 2007 elections when this number was reduced to the current ten councillors as a result of a determination by the Local Government Commission. This number is in line with other councils of a similar size.
37. The Commission's Guidelines note the following factors need to be considered when determining effective representation:
 - avoiding arrangements that may create barriers to participation, such as at elections by not recognising residents' familiarity and identity with an area
 - not splitting recognised communities of interest between electoral subdivisions
 - not grouping together two or more communities of interest that share few commonalities of interest
 - accessibility, size and configuration of an area including access to elected members and vice versa.
38. As noted, the current three wards were established when the district was constituted in 1989 and remain in place today. As a result, the wards are familiar to residents who are likely to identify reasonably closely with them.
39. This is particularly the case in respect of Inangahua Ward which reflects a geographically distinct community of interest based on the town of Reefton. This was first recognised by the Local Government Commission when it constituted Buller District in 1989. As part of its constitution, a community board was established covering Inangahua Ward and a service centre was established in Reefton.
40. In 2007, the Commission described this area as "different from the other two areas, being inland and surrounded by mountain ranges with access to the rest of the district only via state highway 6 through the lower Buller Gorge". The Commission also noted that some residents of the ward were more likely to use particular services in Greymouth (in neighbouring Grey District) than in Westport.
41. The other two wards (Seddon and Westport) have some commonalities being more coastal in nature with residents using Westport as the main service town. In 2007 the Commission described the boundary between these two wards as "somewhat arbitrary". This was reflected in the observation that the townships of Hector, Ngakawau and Granity and their surrounding areas (in the southern part of the Seddon Ward) comprised approximately fifty per cent of the ward's population with their residents having easy access and travelling regularly to Westport, within an approximate 35 minutes' drive, for services. This is in contrast with Karamea which is a 90-minute drive from Westport, with residents north of Karamea Bluff likely to use services and facilities in Karamea and with travel to Westport less frequent.
42. While the boundary between the two wards may be "somewhat arbitrary", clearly the further you travel north from Westport the more distinct the northern area becomes.

Given the longevity of these ward arrangements, we assume they are familiar to residents and that residents identify reasonably closely with their ward. The deputy mayor confirmed this to us by saying the perceptions of the residents of Westport and Seddon wards in relation to their own area, are quite different.

43. In summary, we believe the current ward arrangements in the district may be seen to assist achievement of effective representation for the communities of interest concerned. We address the suggestion of a new southern ward next.

Fair representation for electors

44. For the purposes of fair representation for the electors of a district, section 19V(2) of the Act requires that the population of each ward divided by the number of members to be elected by that ward must produce a figure no more than 10 per cent greater or smaller than the population of the district divided by the total number of members (the '+/-10% rule').
45. However, section 19V(3)(a) makes it clear that if a territorial authority or the Commission considers that one or more of the following apply, wards may be defined and membership distributed between them in a way that does not comply with the '+/-10% rule':
- a) non-compliance is required for effective representation of communities of interest within island communities or isolated communities situated within the district of the territorial authority
 - b) compliance would limit effective representation of communities of interest by dividing a community of interest between wards
 - c) compliance would limit effective representation of communities of interest by uniting within a ward, two or more communities with few commonalities of interest.
46. In the council's final proposal two wards (Inangahua and Westport) comply with the rule and one (Seddon) does not. In addition, the revised Paparoa ward being promoted by the appellants would also not comply with the '+/-10% rule'.
47. We believe to extend Seddon Ward southward toward Westport, with a view to it complying with the '+/-10% rule', is likely to result in the boundary between these two wards being seen as even more arbitrary than it has been described at present. This is because it would require the transfer of people with a closer identification and affinity with the Westport urban area to the rurally focussed Seddon Ward.
48. One ground for non-compliance is that it is necessary for effective representation of isolated communities. We heard from the council there is a case that can be argued that the Karamea area in the northern area of Seddon Ward is an isolated community. We note that a further ground for non-compliance is that it is necessary for effective representation so as to avoid either splitting communities of interest between wards or grouping together communities of interest with few commonalities.
49. We believe that latter grounds i.e. not splitting communities of interest, namely the Westport community of interest, and not grouping communities with few commonalities, those of urban Westport with those of the rural Seddon Ward, are the most appropriate grounds for the non-compliance of Seddon Ward with the '+/-10% rule'. We determine accordingly to endorse the council's decision in respect of Seddon Ward.

50. We turn now to the appellants' suggestion of establishing a revised Paparoa ward for an area of Westport Ward south of a line between Mountain Creek and Okari River with an estimated population of 310. This population is based on the usually resident population (2017 population estimates) which we and the council are required to use. It is well short of the average population per councillor used to apply the '+/-10% rule' of 1,014.
51. We acknowledge concerns raised by the appellants and their supporters arising in large part as a result of increased tourism, development and other activities at Punakaiki and its environs. However, we do not consider a ward with an estimated resident population of just 310 people can be supported given the statutory criteria for fair representation including the grounds for non-compliance. While actual numbers of people at any one time may be considerably higher than this, particularly in the peak summer period, we are bound by legislation to use usually resident population figures to calculate fair representation. We therefore must reject the appeal.
52. We encourage the appellants and their supporters to engage further with the council with their concerns with a view to identifying other mechanisms for ongoing consultation and providing input into council decision-making. We note the only such mechanism within the scope of a representation review is the establishment of a community board. However, as noted there was not a lot of enthusiasm from either the appellants or the council for establishment of further community boards in the district including in the Punakaiki-Charleston area. However, we encourage the concerned parties to maintain dialogue with a view to identifying mutually agreed arrangements to address issues of concern.

Communities and community boards

53. Section 19J of the Act requires every territorial authority, as part of its review of representation arrangements, to determine whether there should be community boards in the district and, if so, the nature of those communities and the structure of the community boards. The territorial authority must make this determination in light of the principle in section 4 of the Act relating to fair and effective representation for individuals and communities.
54. The particular matters the territorial authority, and where appropriate the Commission, must determine include the number of boards to be constituted, their names and boundaries, the number of elected and appointed members, and whether the boards are to be subdivided for electoral purposes. Section 19W also requires regard to be given to such of the criteria as apply to reorganisation proposals under the Local Government Act 2002 as is considered appropriate. The Commission sees two of these criteria as particularly relevant for the consideration of proposals relating to community boards as part of a representation review:
- Will a community board have an area that is appropriate for the efficient and effective performance of its role?
 - Will the community contain a sufficiently distinct community or communities of interest?
55. An Inangahua Community Board was established when Buller District was constituted in 1989 and the council is proposing this board remains in place with its current membership. We endorse this aspect of the council's proposal.

56. As noted, the council did identify the options of establishing further community boards in Karamea and/or Punakaiki in the early stages of the review, it did not proceed with either of these options. While there was a lack of enthusiasm expressed at the hearing for community boards, they do remain options for consideration for the council and local communities.

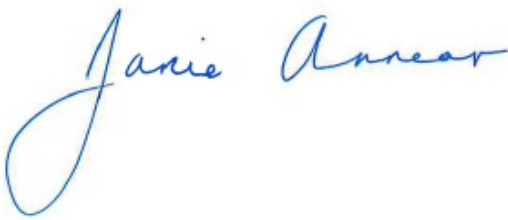
Commission's determination

57. Under section 19R of the Local Electoral Act 2001, the Commission determines that for the general election of Buller District Council to be held on 12 October 2019, the following representation arrangements will 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.
58. As required by sections 19T(b) and 19W(c) of the Local Electoral Act 2001, the boundaries of the above wards and community coincide with the boundaries of current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes.

LOCAL GOVERNMENT COMMISSION

A handwritten signature in black ink, appearing to read 'P. Paraone', with a large, stylized initial 'P'.

Commissioner Pita Paraone (Chairperson)

A handwritten signature in blue ink, reading 'Janie Annear', with a large, stylized initial 'J'.

Commissioner Janie Annear

A handwritten signature in black ink, reading 'B. J. Duffy', with a large, stylized initial 'B'.

Commissioner Brendan Duffy

9 April 2019

BULLER DISTRICT COUNCIL

31 JULY 2023

AGENDA ITEM 8

- Prepared by:** Juliana Ruiz
Waste Management Coordinator
- Reviewed by:** Eric de Boer
Manager of Infrastructure Delivery
- Attachments:** A - Joint Regional Governance Committee Terms of Reference
B - Statement of Service Level Proposal

NEW WASTE MANAGEMENT MODEL OF SERVICES – STATEMENT OF PROPOSAL

1. REPORT PURPOSE

Current Council Solid Waste contract expires in February 2024. The three West Coast Councils are working on a joint collaborative solid waste contract that has consistent level of service.

The Statement of Proposal proposes to change the waste management model of services from February 2025 onward to align with the new contract. The current contract will receive a 12-month extension.

2. REPORT SUMMARY

The report includes a description about how the current waste management services are provided in the district.

- Kerbside refuse and recycling collection services are offered in Zone 1
- Two refuse transfer station (RTS) and recycling centres are operated in both Westport and Reefton
- Two landfills and recycling centres are operated in Karamea and Maruia.

Recycling is collected, sorted and stored upon which it is sold and disposed of to the commercial market. Refuse is collected, handled and transported to York Valley Landfill in Tasman where it is disposed of at market rates.

The report presents four proposals of change that will address the delivery of a new waste management model of services for the District.

The benefits include:

- Reduce operational costs
- Maximise economies of scale
- Raise Council incomes and possible revenues from recyclables
- Combat illegal dumping and strength residents' satisfaction.

Since the advent of the previous contract model in 2014, there has been significant changes to waste management legislation and government policies, this will necessitate changes for Council to ensure future management of risk and costs.

3. DRAFT RECOMMENDATION

That Council:

- **Adopts the Statement of Proposal to change the waste management services model.**
- **Endorses the commencement of a Public Consultation Process to seek residents' feedback to inform the final model of waste management services. After consultation this will be brought to Council for final approval.**
- **Endorses the Joint Committee of Council Terms of Reference.**

4. BACKGROUND

The Buller District is divided into three zones for recycling and refuse. Each of these zones operates different to the others as described below:

ZONE 1:

Westport to the Mokihinui Bridge, Westport to Punakaiki, Westport to Reefton including Blacks Point and Inangahua, and Reefton to Ikamatua

Kerbside refuse and recycling collection services are offered in Zone 1 by 60L refuse bags, 240L recycle bin and a 45L glass crate.

Table 1. Kerbside refuse and recycling services in Buller Zone 1

Service	How is it offered?	Service Provider	Costs
Refuse collection	60L refuse plastic bags	By Smart Environmental (Refuse collection services in Zone 1 is via a private commercial operation managed and operated by Smart Environmental).	Users pay the fully costs by purchasing the refuse bags (currently \$9.10 per bag). Rates are not used to subsidise the refuse service.
Recycling collection	240L Recycling bin 45L glass crate	The services is offered by Council and operated by Smart Environmental Ltd.	Service is fully funded by rates (\$178 incl GST per annum).

Refuse Transfer Station (RTS) and Recycling Facilities

There are two refuse transfer stations in the district, one in Westport and one in Reefton. These facilities will accept refuse disposal and recycling. Both facilities are owned by the Council, however, they are operated and managed by Smart Environmental Ltd (SEL) currently under contract.

The current contract sees SEL own the recyclables upon collection and allows SEL a certain level of autonomy to propose annual user charges and gate fees to cover their operational costs.

The facilities ongoing capital upkeep and maintenance work is funded by Council from rates. SEL pays Council a monthly rent for the site occupation.

In the current contract model, Council does not receive the income for the operation of the transfer stations, nor does it receive the income from the recyclables and waste stream. This is at odds with the other West Coast Councils (and puts Buller as a minority oddity even in a national sense).

The waste received in the transfer stations is general domestic and commercial refuse and may including “bulky” items and green waste.

Recycling materials received are mainly plastics, fibres (paper and cardboard), ferrous metals (scrap), non-ferrous metals (aluminium, cans), glass, tyres, batteries, paints.

We now also accept e-waste via a partnership with TechCollect NZ that has been in place since 2021.

Council has set in place a recyclable collection for agricultural farm waste items, such as triple-rinsed farm spray containers. These can be received at the Reefton facility, and we do this in partnership with AgRecovery.

ZONE 2:
Karamea, from Mokihinui Bridge to Karamea

There is no kerbside collection in Zone 2. Users transport their refuse and recyclables to the local facility - the *Karamea Landfill and Recycling Centre* - where residents drop off their waste and recycling.

The landfill accepts household waste, commercial and institutional waste, including bulky items and green waste.

The recycling centre accepts plastics, ferrous metal (scrap), non-ferrous metal (aluminium, cans), used oils, tyres and batteries.

Fibres and glass are not recycled in Karamea due to negative sale returns as once the handling, transport and freight costs are added it is not financially viable. If users in this zone wish to recycle these items, they can bring them to the Westport RTS.

The Landfill and the recycling centre are owned by the Council and operated by WestReef Services Limited (WRSL). All operating costs are funded by gate fees and the set annual Karamea waste management rate.

ZONE 3:
Rahu Saddle, Springs Junction and Maruia

There is no kerbside collection in Zone 3. Users transport their refuse and recyclables to the local facility - the *Maruia Landfill and Recycling Centre* - where residents drop off their waste and recycling.

The landfill accepts household waste, commercial and institutional waste, including bulky items and green waste.

The recycling centre accepts only plastics, paper/cardboard, cans, and sorted glass. Tyres, metals, batteries, e-waste, paints as well as used oil and agrichemical containers may be taken to the Reefton Transfer station and Recycling Centre.

The Landfill and the recycling centre are owned by the Council directly. All operating costs are funded by gate fees and the set annual Maruia waste management rate.

5. THE PROPOSAL FOR CHANGE

The following are the proposed changes for the waste management services contract from February 2025 onwards:

#	Proposal
1	Replace the current 60l plastic bags collected weekly to a 120l refuse wheelie bin to be collected fortnightly; for each Zone 1 property that is proposed to be serviced by a collection route.
2	Reconfirm the current policy of making the recycling and refuse collection service in Zone 1 mandatory on the routes the collection truck is proposed to take.
3	Council control profit and risk from owning the recyclables and does not transfer ownership across to a Contractor to make potential profits.
4	To attain economies of scale across the West Coast via collaboration; we work together towards one single regional joint contract along with Grey and Westland District Councils via a Joint Council Committee.

PROPOSAL #1:

120L Refuse Wheelie Bin, on a Fortnightly Collection, Added to Current Service Level

Council introduces the kerbside collection services for both refuse and recycling. This is directly funded by rates and replaces the current 60L plastic refuse bags (weekly collection) with a 120L refuse wheelie bin on fortnightly collection for all.

Kerbside refuse collection is currently fully funded by users through the purchase of an official refuse bag (\$9.10 each).

Kerbside recycling collection is funded by a waste management rate (\$178 incl GST per annum).

The proposal is that both services; being refuse and recycling collection, become funded by rates. This will align Buller District service levels with the other Councils on the West Coast and with most Councils across New Zealand.

The service will be competitively tendered via Council's established procurement and supplier selection processes. The level of service being procured will be directly influenced by the level of that is supported through public consultation on the statement of proposal.

At this stage it is not possible to indicate the likely future costs, as this is yet to be tendered, but it is Council staff's view that the service level of offering refuse and recycling for eligible residents may tender at the approximate cost range of \$375 - \$450 annum per ratepayer serviced by the service.

These cost impacts will be considered at all stages of the procurement planning, which includes the public consultation on the statement of service levels and the cost impacts

will then again need to be included once the tendered costs are known into Councils Long Term Plans and Annual Plans.

As the introduction of the 120L wheelie bin would see refuse services covered by rates, this means that residents do not need to pre-purchase Council refuse bags anymore.

Introducing a 120L refuse wheelie bins will also reduce bag spillage and kerb side bags being torn open from animals interference. This will minimise any environmental spill hazards and keep areas cleaner and tidy.

Wheelie bin collection trucks would better manage the need for manual handling of bags and maximise safe health and safety work practices by reducing manual contact with the bags. Moving the collection from weekly to fortnightly will minimise routing and truck collection routes in the network and will likely reduce freight costs.

An additional benefit is the reduction in illegal dumping. We know that one driver of illegal dumping is the refusal to purchase the official refuse bags.

What is the Rest of New Zealand Doing

Most of the Councils in New Zealand provide the fully kerbside refuse and recycling collection services by providing bins and funded the services by rates. Some examples are seen in Table 2.

Table 2. Kerbside refuse and recycling services other Councils

Council	Type of Bins Provided
Marlborough District Council	80L, 140L and 240L refuse bins (from July 2025) 60L Recycling crate (weekly collection)
Grey District Council	120L Refuse bin 240L Recycling bin 45L grass crate
Westland District Council	120L Refuse bin 240L Recycling bin
Selwyn District Council	80L and 240L refuse bin 240L recycling bin 80L organic bin
Central Otago District Council	140L refuse bin 240L glass bin (collection every 4 weeks) 240L recycling bin 240L organic bin
Tauranga City Council	140L refuse bin 240L recycling bin 40L glass crate 23L scraps food bin 240L green waste bin
New Plymouth Council	120L refuse bin 240L recycling bin 40L glass crate 23L scraps food bin

**PROPOSAL #2:
Reinforcing that Kerbside Collection Services are Mandatory**

Current Council policy is that ratepayers whom are serviced by the collection routes in Zone 1 are eligible for service fee payment. This however, has been sporadically applied in the past and it is proposed that Council reinforces that kerbside collection services (if on the serviced routes) is to be mandatory.

There are currently 5,240 bins provided in the kerb side collection services routes (note: some properties have more than one set of bins). There are 5,124 rate payers that make up Zone 1 collection routing.

Continuing to make the collection services mandatory will centre economies of scale, as there will be more users paying for the same provision. It will make the service viable into the future.

Reinforcing that the service is mandatory could also support the reduction of illegal dumping as this approach would allow more control over how residents are managing their waste.

Mandatory kerbside collection services would only be for properties located on roads where the kerbside collection vehicle routes past. Properties located outside of the set collection routes can still choose to be included in the collection network, but if they want to be included, they will need to take their bins to the nearest main road where the collection service does route past and there will be no discount for that self-transportation of the wheelie bins.

Mandatory collection services would be for the properties located on the following parts of the network:

- Westport, Carters Beach and Reefton urban areas.
- SH67 from Westport to Seddonville area.
- SH67A from Buller Bridge to Cape Foulwind.
- SH6 Buller Gorge Road and Coast Road.
- SH69 from Inangahua to Black Points.
- SH7 from Reefton to Ikamatua.

**PROPOSAL #3:
Council Keeps Profit and Risk from Recyclables and Holds Material Ownership**

Westport and Reefton Transfer Stations and Recycling Centres become Council businesses operated by a contractor on behalf of the Council, ensuring Council keeps the profit from recyclables and saleable items to offset the cost-of-service provision.

Westport and Reefton Transfer Stations and Recycling Centres facilities are owned by the Council, but, currently operated and managed as a private commercial business by Smart Environmental.

The proposal is that both facilities will only be operated by a contractor on behalf of the Council (similar approach is used to operate other councils for their facilities) but the Council will hold all costs and incomes from revenue streams.

This operation model will allow Council to receive the incomes and revenues from the gate fees charged to the users when disposing their waste. It will allow Council full control over the gate fees charges (controlled currently by the contractor).

The total quantity of refuse received in both transfers station, Westport and Reefton, is around 3,100 Tonnes a year; 92% of this is received by drop offs (2,800 Tonnes), resulting in an average operational revenue of \$1.4M per year (refuse per tonne currently \$503 per tonne).

Additional incomes/revenues could be generated by the commercialisation of valuable recycling material such as scrap metal, aluminium and certain construction and demolition waste streams (these are revenue streams currently received by Smart Environmental).

The aim is the run the RTS facilities operating costs covered by the gate fees, with no rates used to cover operational expenses.

PROPOSAL #4:

West Coast Councils Work Collaboratively Towards One Regional Solid Waste Contract

Operate the district waste management services – kerbside collection, transfer stations, recycling centres and landfills operations by a single regional joint contract along with Grey and Westland District Councils

A single regional joint waste management services contract will pool economies of scale, bring value for money and a reduction in administration costs. Moreover, a regional joint contract would be a large-scale contract that will foster competitive pricing tension between suppliers competing for the tender, resulting in potential costs savings for all the Councils.

Governance

A joint Committee under the Local Government Act 2002 would be appointed with delegated authority to oversee the procurement, tendering and award of the contract and make decisions relating to effective waste minimisation and management across the West Coast region.

The Committee would be also tasked to supervise the implementation of the Regional Waste Minimisation and Management Plan (adopted by each of the constituting Councils). *Refers to Attachment 1 – Joint Committee Terms of Reference Agreement Draft.*

Noting, the operation of the Karamea and the Maruia Landfill recycling centres would be included in the regional single contract. However, the level of services in both areas would

remain as it is for the local resident. It would simply be the running of the landfill sites that would be included.

6. DESTINATION LANDFILL

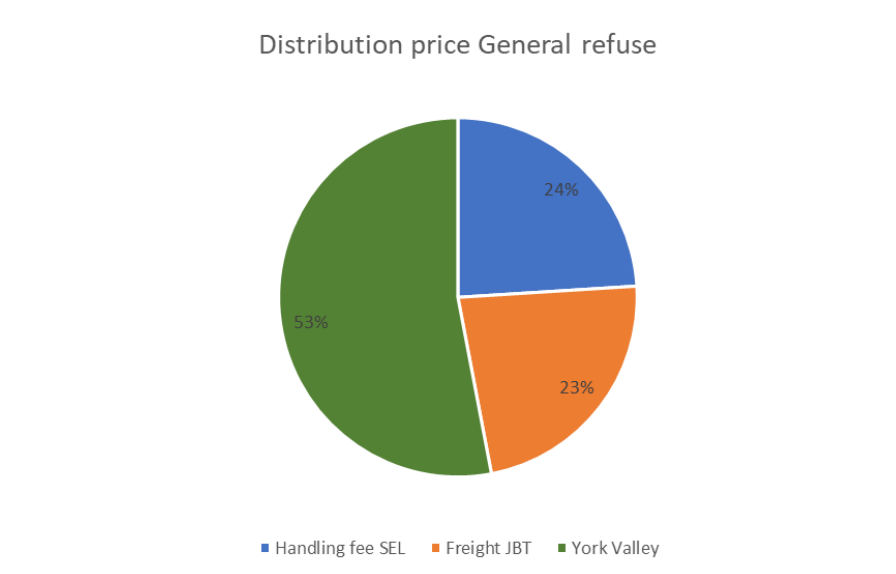
York Valley Landfill vs Local West Coast Landfill Options

Waste management services are a considerable expense across the district. The current annual costs are around \$2M. Refuse costs in Zone 1 are \$1.2M annually, recycling costs in Zone 1 are \$800K annually.

Karamea costs \$70K annually and Maruia costs \$30K annually.

The cost of refuse in Zone 1 is directly recovered by residents purchasing SEL Official Refuse bags or paying the transfer station gates fees.

In Zone 1, for refuse on a per tonne basis, more than half (53%) goes towards covering the disposal fee at the York Valley landfill. 24% covers the costs to collect, store and handle the waste and the remaining 23% pays for freight costs to Nelson.



Distribution Price Refuse in Buller Zone 1 (2022 data)

Continued trucking our waste to York Valley remains an expensive proposition. We know that Buller does not generate enough waste on its own to justify the expense of establishing a Class 1 landfill (on its site at Caroline Terrace).

It is part of this proposal of change to work closely with the other Coast councils, via the Joint Committee of Council, to further explore opportunities to better understand and utilise the most effective and efficient transport, collection, handling and disposal routes

and options across all the regions to ensure effective waste disposal is best matched to a mix of destination landfills; Butlers, McLean and York Valley.

Budget Implications

LTP 2024-2034 to be updated to reflect the new operational costs under the new model of services as follow:

Collection Service Provided	Cost Per Year
Kerbside collection (refuse + recycling) operating	\$1.8M - \$2M
Revenue from recycling collection	\$50k
NETT	\$1.75M - \$1.95M

RTS Site Operations	Cost Per Year
Westport and Reefton Transfer Station and Recycling Centres	\$1.2 - \$1.4M
Revenue from operating sites (Gate fees and incomes)	\$1.2 - \$1.4M
NETT	\$0,- (neutral)

Note: Karamea and Maruia Landfills and Recycling Centres are expected to require no significant budget variations from the LTP.

7. TIMELINES

The process of engaging the residents on the statement of proposal and service level, and then working with the other West Coast Councils on a joint approach to service procurement will take a considerable effort and time.

7.1 Statement of Proposal and Consultation

Items/Tasks	Timeline	Responsible
Council Workshop	31 May	Infrastructure
Statement of Proposal Adoption	31 July	BDC Councillors
Public Consultation	7 Aug – 4Sep	Community Services
Community Meetings	14 Aug – 30 Aug	Community Services Infrastructure
Public Consultation Compile Information	4 Sept - 22 Sept	Infrastructure
Public Hearings	27 Sept	Councillors
Prepare Final Proposal Report	2 Oct -13 Oct	Infrastructure
Council Final Proposal Adoption	25 October	BDC Councillors

7.2 Joint Committee Establishment

Items/Tasks	Timeline	Responsible
Council Workshop	31 May	Infrastructure
Terms of Reference	7 July	Project Management Team
Terms of Reference Adoption	31 July	BDC Councillors
Joint Committee Establishment	1 Aug – 29 Sept	Project Management Team Councillors
Joint Committee Briefings (2)	12 Oct & 26 Oct	Project Management Team

7.3 Procurement Plan and Open Tender

Items/Tasks	Timeline	Responsible
Procurement Plan Completed	30 June	Project Management Team
Technical Specification Draft	28 July	Project Management Team
Technical Specifications Completed	10 Nov	Project Management Team
Scope and Technical Specification Approved	30 Nov	Joint Committee Decision
Request for Tender Documents Completed	27 Nov – 15 Dec	Project Management Team
Tender Advertised on GETS (including supplier briefings)	5 Feb – 15 Mar 2024	Project Management Team
Tender Close and evaluation	18 Mar - 5 Apr 2024	Tender Evaluation Team
Evaluation Report Approved	26 Apr 2024	Joint Committee Decision
Contract award and mobilisation negotiations	30 Apr - 17 May 2024	Project Management Team
Mobilisation period	June 2024 – June 2025	Project Management Team
Contract Implementation Date (go live)	1 July 2025	Project Management Team Contractor

Note: Blue Sections are key Milestones where BDC Councillors or the Joint Committee of Council can make progress decisions on this programme and project.

8. CONSIDERATIONS

8.1 Strategic Alignment

Section 42 of the Waste Minimisation Act 2008 establishes that a territorial authority must promote effective and efficient waste management and minimisation within its district for the direct benefit of the rate payer.

Section 52 of the Waste Minimisation Act 2008 establishes that a territorial authority may undertake, or contract for, any waste management and minimisation service, facility, or activity (whether the service, facility, or activity is undertaken in its own district or otherwise).

The Long-Term Plan 2021-2031 requires Council to continue providing solid waste activity for the collection, transfer and final disposal of waste materials generated by households and businesses within the district.

The Regional Waste Minimisation and Management Plan 2018 – 2024, adopted by the three West Coast Councils in 2018, sets out how the Councils will progress work more collaboratively to ensure an efficient and effective regime of waste management and minimisation across the West Coast Region.

8.2 Significance Assessment

The proposal for change has high significance to the local residents and will be consulted upon as part of the Local Government Act 2002 requirements.

8.3 Tangata Whenua Considerations

Iwi will have representation in the Regional Joint Committee of Council to inform the implementation of the Regional Waste Minimisation and Management Plan and the delivery of the Regional Waste Management Services Contract. Two Iwi representatives are to be included as part of the draft terms of reference; one from Ngati Waewae and one from Ngati Mahaki Ki Makaawhio.

8.4 Risk Management Implications

Cost impacts on residents due to the change in service levels of the new waste management model of services. There are also cost and revenue implications on the operational running and profit/loss costs to be covered by the Council.

8.5 Policy Framework Implications

Waste management rates approach and charges would need to be varied to cover the operational expenditure to provide the kerbside collection services under the new model of waste management services.

8.6 Legal Implications

Waste management services contract must be in accordance with the Waste Minimisation Act 2008 and the proposed waste management model of services must be approved and adopted by Council before it can be consulted on.

Special Consultative Procedure will be undertaken in accordance with Section 83 of Local Government Act 2002.

Regional Joint Committee is to be appointed under Local Government Act 2002 and adopted by each Council via resolution.

8.7 Financial / Budget Implications

LTP 2024-2034 to be updated to reflect the new operational costs under the new model of services.

Costs impacts will be considered at all stages of the procurement planning, which includes the public consultation on the statement of service levels and the cost impacts will then again need to be included once the tendered costs are known, into Councils Long Term Plans and Annual Plans.

8.8 Consultation Considerations

Under of the Local Government Act 2002 there is a statutory requirement that community consultation be undertaken in accordance with Section 83 (Special Consultative Procedure) of the Act.

The consultation procedure shall include the preparation and adaptation of the Statement of Proposal (current document as attached), ensure the proposal be publicly available (not less than 1 month) and provide an opportunity for persons to present their views.

Consultation procedure 'Have Your Say' is expected to be undertaken between 7 August and 4 September 2023, once Council has endorsed this current Statement of Proposal.

The consultation will be addressed to the **Proposals #1 and #2 only**. Proposals #3 and #4 may be adopted under current Council Governance power decision.

Constituting Agreement - Te Tai Poutini Waste Management and Minimisation Joint Committee

Parties

- (1) BULLER DISTRICT COUNCIL
- (2) GREY DISTRICT COUNCIL
- (3) WESTLAND DISTRICT COUNCIL

Background

- A Buller District Council, Grey District Council and Westland District Council are local authorities pursuant to the Local Government Act 2002.
- B The Councils wish to appoint a joint committee to manage the procurement of a contract or contracts for the provision of waste services in areas within the jurisdiction of the Councils, and to oversee implementation of the West Coast Minimisation and Management Plan.
- C Pursuant to clause 30A Schedule 7 of the Local Government Act 2002 the Councils wish to record their agreement on matters relating to the appointment, operation and responsibilities of the joint committee.

It is agreed

Definitions

1. In this Agreement, unless the context otherwise requires:

Act means the Local Government Act 2002.

Commencement Date means the date described in clause 4.

Committee means the joint committee appointed by the Councils under clause 6.

Councils means Buller District Council, Grey District Council and Westland District Council, and **Council** means any one of them.

Person includes an individual, the Crown, a corporation sole, a body corporate, and an unincorporated body.

Working Day means any day of the week other than—

- (a) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Te Rā Aro ki a Matariki/Matariki Observance Day, and Labour Day; and
- (b) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and
- (c) a day in the period commencing with 25 December in any year and ending with 15 January in the following year; and

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- (d) the day observed as the anniversary of Buller or Westland.

Interpretation

2. Unless otherwise stated, a reference to a clause is to a clause in this Agreement.
3. Where the context requires, words importing the singular include the plural and vice versa.

Commencement Date

4. This Agreement shall commence on the date that it has been signed by all of the Councils.
5. This Agreement shall remain in force until:
 - (a) All the Councils agree in writing to cancel this Agreement and discharge the Committee; or
 - (b) Cancellation of this Agreement under clause 51.

Appointment of the Committee

6. The Councils shall unite in appointing a joint committee under clause 30(1)(b) Schedule 7 of the Act by the date 90 Working Days after the Commencement Date.
7. The Committee shall be known as Te Tai Poutini Waste Management and Minimisation Committee.
8. Each Council shall resolve that the Committee is not to be discharged at any time under clause 30(7) Schedule 7 of the Act.
9. Each Council shall prohibit the Committee from appointing a subcommittee.
10. Subject to clause 51, no Council shall discharge or reconstitute the Committee without the prior written consent of the other Councils.
11. No Council shall give general or specific directions to the Committee without the prior written consent of the other Councils.

Number of members each Council may appoint to the Committee

12. The Committee shall consist of 11 members, being the Mayor of each Council pursuant to section 41A(5) of the Local Government Act 2002 and 8 additional members of whom:
 - (a) 2 members shall be appointed by Buller District Council (at least one of whom shall be an elected member of Buller District Council);
 - (b) 2 members shall be appointed by Grey District Council (at least one of whom shall be an elected member of Grey District Council);
 - (c) 2 members shall be appointed by Westland District Council (at least one of whom shall be an elected member of Westland District Council);

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- (d) 1 member representing Te Rūnanga o Ngati Waewae shall be appointed by Westland District Council; and
 - (e) 1 member representing Te Rūnanga o Makaawhio shall be appointed by Buller District Council with the prior written approval of Grey District Council.
13. The power to discharge any individual member of the Committee appointed under clauses 12 (a) to (e), and to appoint another in his or her stead, must only be exercised by the Council that appointed that member.

First meeting of the Committee

14. The first meeting of the Committee shall be held no later than 60 Working days after the date that all of the Councils have appointed the Committee under clause 6.
15. One of the members appointed by Buller District Council shall convene the first meeting and shall preside at the first meeting until the election of the chairperson of the Committee.

Appointment of chairperson and deputy chairperson

16. The Committee shall have a chairperson and a deputy chairperson who are members of the Committee.
17. At the first meeting of the Committee, it shall elect 1 of its members to be chairperson and elect 1 of its members to be deputy chairperson. Thereafter, the chairperson and deputy chairperson shall be elected at the first meeting of the Committee in each calendar year.
18. A resolution that a person is elected chairperson or deputy chairperson carries if a majority of the total membership of the Committee votes in favour of the resolution.
19. The chairperson and the deputy chairperson must not be from the same Council.
20. The deputy chairperson shall perform all the responsibilities and duties, and may exercise all the powers, of the chairperson at any time while the chairperson is prevented by illness or other cause from performing the responsibilities and duties, or exercising the powers, of his or her office, or while there is a vacancy in the office of the chairperson.
21. The Committee may remove its chairperson or deputy chairperson from office at any meeting of the Committee. A resolution removing a chairperson or deputy chairperson carries if a majority of the total membership of the Committee votes in favour of the resolution.
22. Clauses 1 to 4A of Schedule 7 of the Act shall apply to the Committee in relation to the chairperson and deputy chairperson as if it were a local authority.

The terms of reference of the Committee

23. The terms of reference for the Committee are to:
- (a) Oversee and approve the procurement process for delivery of waste management and minimisation services to the Councils under a joint contract

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or separate contracts that comply with the Councils' obligations under the Waste Minimisation Act 2008 and the Local Government Act 2002 (**Contract**);

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- (b) Prepare and approve tender and contract documentation for the Contract, subject to each Council approving the scope of services applicable to its district;
- (c) Oversee any consultation that each Council is required to undertake under the Act prior to entering into the Contract;
- (d) Evaluate tenders and negotiate with tenderers, subject to each Council approving any changes to the scope of services applicable to its district;
- (e) Make recommendations to the Councils to enter into the Contract;
- (f) Monitor the delivery of services under the Contract;
- (g) Monitor implementation of the West Coast Regional Waste Minimisation and Management Plan (**WMMP**);
- (h) Report to the Councils on implementation of the WMMP and recommend amendments to the WMMP;
- (i) Oversee the spending of levy money by each Council under section 32 of the Waste Minimisation Act 2008;
- (j) Provide reporting and auditing information to enable each Council to comply with their obligations under the Waste Minimisation Act 2008;
- (k) Contribute to waste service delivery reviews undertaken under section 17A of the Act; and
- (l) Contribute to the Annual Plan and Long Term Plan planning processes of the Councils.

24. For the avoidance of doubt:

- (a) Nothing in this Agreement shall alter the ownership of any facility in Buller, Grey or Westland districts at which waste is disposed of (**disposal facility**), including a landfill; and
- (b) Nothing in this Agreement shall amount to a consent or permission for any Council to dispose of waste at a disposal facility owned or operated by any other Council.

Responsibilities to be delegated to the Committee by each Council

25. Upon the appointment of the Committee each Council shall delegate to the Committee the following responsibilities, duties and powers:

- (a) [*To be advised*];

26. The Committee shall not delegate any of its responsibilities duties or powers to a subcommittee, committee or subordinate decision-making body, community board or to any Person.

How this Agreement may be varied

27. This Agreement may only be varied by agreement in writing signed by all of the Councils.

Quorum

28. A meeting of the Committee is constituted if a quorum is present.
29. Business may not be transacted at any meeting of the Committee unless a quorum is present during the whole of the time at which the business is transacted.
30. The quorum at a meeting of the Committee shall be:
- (a) half of the members if the number of members (including vacancies) is an even number; or
 - (b) a majority of members if the number of members (including vacancies) is an odd number;

and in both cases the quorum must include at least 1 member appointed by each Council under subclauses 12 (a) to (c).

31. Any Mayor who is a member of the Committee solely by operation of Section 41A (5) of the Local Government Act 2002 must not be counted as a member of the Committee for the purpose of determining the number of members required to constitute a quorum or whether a quorum is present at any meeting of the Committee.

Voting

32. The acts of the Committee must be done, and the questions before the Committee must be decided, at a meeting by—
- (a) vote; and
 - (b) the majority of members that are present and voting on the basis of one vote per member.
33. The Chairperson of the Committee, or other member presiding at any meeting of the Committee:
- (a) Has a deliberative vote; and
 - (b) In the case of an equality of votes does not have a casting vote (and therefore the motion is not passed and the status quo remains).

Meetings and Standing Orders

34. The Committee shall meet no less than once every two months.

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35. Meetings of the Committee shall be held at the offices of [*tba*] District Council or such other location agreed to by the Committee.
36. The Committee shall comply with the provisions of the Local Government Official Information and Meetings Act 1987.
37. The standing orders applicable to meetings of the Committee shall be the Buller District Council Standing Orders, dated October 2022.
38. A meeting of the Committee must be called and conducted in accordance with the standing orders of the Committee.
39. In the event of a conflict between the standing orders described in clause 37 and the provisions of this Agreement, the provisions of this Agreement shall prevail.
40. To the extent that it may be necessary, the Councils shall procure an amendment to their own standing orders to ensure compliance with this Agreement.

Attendance at meetings by audio or audiovisual link

41. A member of the Committee shall have the right to attend any meetings of the Committee by means of audio link or audiovisual link.
42. A member of the Committee who attends a meeting by means of audio link or audiovisual link is counted as present for the purposes of clauses 30 and 32.
43. In this Agreement 'audio link' and 'audiovisual link' shall have the meaning given to those words in clause 25A (7) Schedule 7 of the Local Government Act 2002.

Appointment of a manager

44. [*tba*] District Council shall employ a person to be the Regional Waste Contract Manager, who shall be responsible for:
- (a) Providing advice to the Committee; and
 - (b) Implementing the decisions of the Committee.

Administrative facilities

45. [*tba*] District Council shall provide administrative facilities and secretarial services for the Committee.

Funding

46. The costs of the Committee shall be borne and paid by the Councils in equal proportions. The costs of the Committee include:
- (a) The expenses of the performance and exercise by the Committee of its responsibilities, duties, and powers; and
 - (b) The costs incurred by [*tba*] District Council to employ the Regional Waste Contract Manager; and

(c) The costs incurred by [*tba*] District Council to provide administrative facilities and secretarial services for the Committee.

47. Invoices for costs of the Committee will be issued by [*tba*] District Council to the Councils on a monthly basis. Invoices shall be paid by the 20th of the following month.

Reporting

48. The Committee shall keep minutes of its meetings and deliver the minutes to the Councils.

49. The Committee shall report to the Councils at least quarterly on the activities of the Committee, and include such other information in the report as is required by the Councils.

Media

50. The Councils shall endeavour to agree all public and media statements concerning the activities of the Committee prior to release. However, this shall not restrict each Council from discussing any aspect of this Agreement in open Council meetings, and to have such discussions reported in the media, or make statements in relation to such discussions as each Council reasonably considers is necessary or desirable in the performance of its role as a territorial authority.

Cancellation and discharge

51. Any Council may cancel this Agreement and discharge the Committee at any time by giving not less than 6 months' written notice to the other Councils of its intention to do so.

52. Cancellation of this Agreement shall not release the Councils from their obligation to pay costs described in clause 46 up to and including the cancellation of this Agreement.

Counterparts

53. The Councils acknowledge that this Agreement may be signed in two or more counterparts each of which may be a facsimile/email copy (pdf) and which will be deemed to be an original but together will constitute the same instrument and will be binding on the Councils. Without limiting the foregoing, a Council may enter into this Agreement by signing any such counterpart by way of electronic signature in accordance with Part 4 of the Contract and Commercial Law Act 2017.

DATED

2023

SIGNED on behalf of
BULLER DISTRICT COUNCIL

Authorised signatory

13/07/2023

**SIGNED on behalf of
GREY DISTRICT COUNCIL**

Authorised signatory

**SIGNED on behalf of
WESTLAND DISTRICT COUNCIL**

Authorised signatory

13/07/2023

Draft

WASTE MANAGEMENT BULLER DISTRICT
NEW MODEL OF SERVICES
Considerations of Statement of Proposal
July 2023

Buller District Council – Infrastructure Group
Acknowledgement: Tonkin & Taylor

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1 Background

1.1 The current situation

Under the requirements of the Waste Minimisation Act 2008 Buller District Council must promote effective and efficient waste management and Minimisation within the District. This is achieved by:

- Having a Regional Waste Minimisation and Management Plan.
- Working with a contractor to provide waste and recycling collection from households in Westport and Reefton.
- Provides for the rubbish and recyclable materials drop off at transfer stations (Westport, Reefton,) and small landfills (Maruia, Karamea).

Council is proposing changes to the household collection services for Zone 1. This includes Sedonville, Hector, Granity and Waimangaroa in the North. Cape Foulwind, Charleston, Fox River and Punakaiki to the South and Buller Gorge Road, Inangahua, Reefton, Blackball, Ikamatua to the East.

The key changes will be a shift from the current rubbish bags to mandatory wheelie bins for rubbish collection (for properties located on roads where the Kerbside collection vehicle routes past). With rubbish collection funded through a standard charge for each property receiving the service. Recycling collections, transfer station and landfill services will remain the same.

1.2 Existing waste and recycling services for Buller

Residential Collection

Waste and recycling collection services are provided in parts of the Buller District with both urban and rural residents in Zone 1 having access to refuse and recycling collections at the main roadsides.

Kerbside waste is collected in compactor trucks and consolidated at the Westport Transfer Station and Recycling Centre for transportation to landfill. For refuse collection households can use (60L) bags at a cost of \$9.10 per bag (since 1 July 2023) or use one of several commercial wheelie bin collection services, which costs approximately \$356 annually. The bag charges reflect the cost of collection and transport to landfill shared amongst those who use the bag service.

There is also a two-stream kerbside recycling service in all areas except Karamea and Maruia. Households have fortnightly collections of co-mingled materials (paper, cardboard, plastics, and tins in a 240L wheelie bin) and glass (in a 45L crate). This service is currently covered by a targeted rate.



Image of existing bags and recycle containers.

Transfer Stations & Refuse Drop-off Points

Transfer stations accept recyclable materials and waste and are located at Westport and Reefton. The public can also drop off refuse to landfills at Karamea (some recyclable materials) and Maruia.

Refuse from Westport and Reefton (transfer stations and residential collections) is transported to Nelson's York Valley Landfill. Recyclable materials are captured for recycling and transported

with Kerbside recyclable materials around the country, depending on the current market. Green waste is used to build a soil cover on the closed Westport Landfill.

In the Buller District refuse drop-off and transfer station services attract user charges for waste and some recyclable materials.



1.3 Drivers for Change

The current contract for waste minimisation and management services in Buller is coming to an end in mid-2024 (In progress to be extended until Mid-2025). Council have agreed to work with Grey District Council and Westland District Council to deliver consistent household collection and transfer station services across the West Coast. This is anticipated to make delivery of services more efficient and increase the resilience of our service delivery with more staff and equipment available across the Coast.

In reviewing the services in Buller, we have identified several issues that suggest it is timely to make changes to our household collections. These are:

- The waste collection sector is moving away from the use of bags to collect rubbish for health and safety reasons.
- The Ministry for the Environment have announced standard household collection services, focussed on recyclable materials and food waste.
- There is ongoing illegal dumping in the District, providing a service for all households in key areas is anticipated to reduce illegal dumping.
- By controlling services, Council is able to invest on behalf of the community to capture more materials for recycling or recovery.
- By providing a universal household collection service to the specified areas of the Buller District, Council is able to manage costs for each household.

These issues are discussed further below.

1.3.1 Health & safety

The current bag-based waste collection in Buller Zone 1 presents a health and safety risk to collection staff. These risks are actively managed by the current collection contractor, but the waste sector is moving away from bag-based collections due to the need to manage these risks and potential consequences. The key risks include:

- Repeated lifting of bags
- Running in traffic
- Sharps in bags

Moving away from bags to a wheelie bin system addresses these risks, reducing the potential for injury or death.

1.3.2 New Zealand's Waste System changes

Recently the Government announced some key changes to New Zealand's waste system, these are future focused and are working towards the commitment to a low-emissions, low-waste circular economy by 2050.

Among the key changes outlined is the intention to deliver 'improved household recycling and food scrap collections, making it easier for people to recycle and divert food scraps from landfills'. Under this banner, the three main changes being introduced are:

- From February 2024, councils across Aotearoa will accept the same materials in their household collections - the current recycling service meets these requirements.
- By 2027, recycling collections will be available to households in all urban areas - the current recycling service meets these requirements.
- By 2030, food scraps collections will be available to households in all urban areas. – a new service will be required by 2030.

1.3.3 Illegal dumping

Illegal dumping is an issue for the Buller District as it is widespread and has a negative effect on both people and the environment. Illegal dumping also has a financial cost to the community – for removal and disposal of the waste by Council. Moving from a system where households need to pay directly for waste collection to a service that is provided to all households is anticipated to reduce illegal dumping by reducing financial barriers to accessing waste disposal.

A move from bags to wheelie bins also prevents animals getting into bags and spreading waste/ litter.

1.3.4 Council control of services

By providing a rubbish and recycling service to all residents Council is able to encourage households to recycle materials.

Many households already use Smart Environmental wheelie bins for rubbish, typically a 120L.

A Council service provided to all households will be significantly lower cost per household compared to a similar service purchased by individual households.

Providing 120L refuse wheelie bins to all households is anticipated to improve the capture of recyclable materials. Providing smaller bins (80L for example) will also encourage households to divert garden waste, either to composting at home or dropping off at Council transfer stations in Westport or Reefton.

1.3.5 Cost of Kerbside rubbish service to households

The cost for a household using 1 bag per fortnight is \$9.10 per bag (from 1 July 2023) or around \$239 per year. For a household using a bag per week the cost is around \$478 per year, more than the cost of a fortnightly wheelie bin service.

When compared with similar areas bag prices in Buller District are relatively high, most likely reflecting the rural nature of the District and high disposal costs (including transport).

1.4 New contract (Regional)

The current contract for waste services in Buller District end in 2024, Grey and Westland have recently extended theirs to also end in 2024. The intention is to adopt a single contract across the

Grey, Buller and Westland Districts for kerbside collections, transfer of materials, transfer station operations and trading of recyclables.

For the Buller District, the proposal is to match Grey and Westland District Kerbside services for waste. These are based on a fortnightly collection of waste in 120 L wheelie bins. Funding is through a targeted rate (a standard charge for each property).

In order to deliver the combined services contract the three councils will establish a formal Joint Committee. The Joint Committee will oversee waste Minimisation and management activities across the West Coast on behalf of the three Councils, including:

- Delivery of services (collections, transfer stations) under a joint contract with a single contractor.
- Implementation of the Regional WMMP.

2 The Proposal

The Buller District Council is proposing changes to the way that household waste collection services are delivered and funded.

Currently a contractor operates the rubbish bag collections in Zone 1 with the service funded by bag sales. Recycling collection is funded by Council through a standard charge for each household.

The proposal involves a move away from the existing 60 Litre rubbish bags to the use of 120 Litre wheelie bins for rubbish. The wheelie bins will be collected fortnightly, equivalent to using one rubbish bag each week.

Instead of having to buy rubbish bags, the rubbish and recycling service will be funded by a standard charge through each property's rates bill. This means that households will no longer need to buy rubbish bags (or make arrangement for a private wheelie bin service).

The recycling collections will remain the same with a wheelie bin for mixed recyclables and a crate for glass. These will continue to be collected fortnightly.

3. Implications

2.1 Overview

The implications of this proposal for both council and the community are related to the service change and funding change.

The move from bags to bins will reduce the potential for damage to bags resulting in rubbish being spread on the streets on collection day. The bins also provide a secure container to store rubbish while on properties between collection days.

The shift from rubbish bags (collected weekly) to wheelie bins (collected fortnightly) will deliver a similar level of service for households using one bag per week or less. For households using more than one bag per week, they will need to find other ways of managing the waste that they produce.

This could include:

- Reducing rubbish by purchasing less.
 - Reusing or re-selling items rather than putting them in the rubbish.
 - Using a compost bin or worm farm to deal with food and garden waste.
-

- Where possible, recycling materials through the kerbside collection or by taking materials to their local transfer station.
- Taking extra waste to the local transfer station or arranging for a private collection of waste.

Council will continue to provide information and education to support actions that reduce waste and maximise the capture of materials for recycling.

2.2 Implications for households

For households, key changes will be:

- A shift from using rubbish bags to having a wheelie bin provided by Council.
- Service going from user choice to mandatory.
- Changing from weekly to fortnightly collection of rubbish.
- Paying for rubbish collection through rates rather than buying rubbish bags.

For landlords, this means that you will start paying for rubbish collection services from your properties through your annual rates bill.

For tenants, this means that rubbish collection will be paid for through your landlord's rates bill. You will no longer need to buy rubbish bags or pay for a private wheelie bin collection.

The changes in funding are outlined below (presenting estimates for 2023, costs will increase in the future due to inflation). It is important to note that for homeowners, the costs are anticipated to be similar to current costs for 1-2 bags per week. For rented properties, the cost will shift from the tenant to the property owner.

	Existing (Up to July 1 2023)	Proposed from 1 July 2023	Proposed (2025 forward estimated)
Rubbish collection by bags	\$7.10 per bag \$185 per year (1 bag a fortnight) \$356 per year (1 bag a week)	\$9.10 per bag \$239 per year (1 bag a fortnight) \$478 per year (1 bag a week)	Targeted rate funded wheelie bin Est \$175 - \$225 per year*
Rubbish collection by wheelie bins	\$356 per year for a private wheelie bin (fortnightly)		No longer provided
Recycle collection	Target rate funded. \$171 per property each year	\$178 per property	TBD

* General cost escalations/inflation, landfill levy and emissions trading scheme charges will increase costs over time.

2.3 Implications for Council

For Council, the change in funding approach means that there will be an increase in rates charged to properties that receive the rubbish collection service. The funding will cover costs including provision of wheelie bins for rubbish to each household, rubbish collection and rubbish disposal.

The change to the rubbish collection and charging through rates means that Council is required to formally consult on the changes. This is termed a Special Consultative Procedure under Section 83 of the Local Government Act 2002.

This 'Statement of Proposal' meets the requirements of the Local Government Act. Your feedback on the proposal, through written submissions and/or presenting to a Council hearing, will be considered by Councillors in deciding whether to implement the proposal, modify the proposal or adopt an alternative approach.

4. Other Alternatives Considered for Rubbish Collection

In considering how to ensure that households in Westport and Reefton have access to rubbish collection services a number of other options have been considered. These are:

- Continue the current weekly bag service funded by bag sales:

There is an industry wide move away from bag based collections due to health and safety and efficiency concerns. The current bag collection competes with private sector wheelie bins, this has an impact on the cost for each household.

On balance this option is considered **more expensive** for households, **less safe** and **less effective** in containing waste prior to collection.
- Rely on private sector services for household rubbish collection:

The private sector currently offers rubbish collection using wheelie bins in Westport and Reefton. This service is a similar price to the cost of using one rubbish bag each week and significantly higher than the anticipated cost of a Council provided service. This is because a Council provided service is shared by every household and is more efficient to deliver than collections from a smaller number of households.

On balance, this option is considered **more expensive** for households.
- Council to provide a weekly collection of rubbish in 80L wheelie bins:

This would continue the weekly service, but with 80L wheelie bins (larger containers than the 60L bags currently sold for rubbish collection). This service is likely to be more costly than the current for households, reflecting the cost of the wheelie bins and the weekly collection.

Provide larger containers for a weekly service is likely to increase the proportion of garden waste and recyclable materials in the rubbish container.

On balance, this option is considered **more expensive** for households and result in **more green waste and recyclables** disposed of as rubbish.

5. Have Your Say

As part of the Local Government Act 2002, Councils are required to consult with residents and affected parties on significant changes to levels of service.

This means that council seek community views about the proposed changes to the Buller District Council's waste service delivery through a public consultation before any final decisions are made. Anyone can give feedback on the proposal including individuals, organizations, and businesses. Once the timeline for seeking feedback is confirmed it will be advertised on when the submission period will be.

People can give their feedback by:

- Completing an online submission form at [link to be confirmed].
- Completing a hard copy submission form.

There will be an opportunity to talk in support of your submission at a Council hearing, which is still to be scheduled.

BULLER DISTRICT COUNCIL

31 JULY 2023

AGENDA ITEM 9

Prepared by Ian Hunter
Contractor, Acting Transport Coordinator

Reviewed by Eric de Boer
Manager Infrastructure Delivery

NEW ROAD NAMING

1. REPORT SUMMARY

A new residential development off South Terrace Road, Karamea requires road naming approval by council. Staff recommend that Council approve the name "Rata Drive".

2. DRAFT RECOMMENDATION

That Council approve Rata Drive as the name for the roadway at the development underway of South Terrace Road at Karamea.

3. ISSUES & DISCUSSION

A new subdivision road to be vested off South Terrace Road in Karamea requires naming approval. The developer has suggested "Northern View", which is the company name, or "Rata Drive". It is the staff view that Northern View off South Terrace Road could be seen to be confusing by some. Rata Drive exists only in Otematata, Otago, so there is limited scope for confusion. Furthermore, while no liaison with Iwi has been undertaken, it is the view of staff that Rata Drive is a more appropriate name to give mana to Te Reo in our District. Rata are a significant natural feature of northern Buller.

4. CONSIDERATIONS

4.1 Strategic Impact
No impact.

- 4.2 Significance Assessment**
Minor – This is a requirement for subdivisions and allows affected landowners to receive mail.
- 4.3 Risk Management Implications**
This decision does not provide Council with a significant risk
- 4.4 Values**
Aligns with BDC values.
- 4.5 Policy / Legal Considerations**
Aligns with BDC procedure for road naming. *There is no legal context, issue or implication relevant to this decision*
- 4.6 Tangata Whenua Considerations**
Under the council procedure for road naming GIS has been checked with no Nohoanga Sites or Statutory Acknowledgements found nearby.
- 4.7 Views of Those Affected**
The developer at Karamea is not worried about the name decision but has provided two suggestions. The primary focus is to meet the resource consent conditions and provide the necessary information to prospective owners once the development is complete.
- 4.8 Costs**
All signage and other associated costs will be borne by the developer.
- 4.9 Benefits**
Minor
- 4.10 Media / Publicity**
No issues are expected

BULLER DISTRICT COUNCIL

31 JULY 2023

AGENDA ITEM 10

Prepared by Sean Judd
Acting Chief Executive Officer

Appendix 1 BDC Further Submission TToPP
2 BDC Submission - Water Services Entities Amendment

ACTING CHIEF EXECUTIVE REPORT

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 receive the report for information.

3. OVERVIEW OF INFORMATION

This report provides information on activity which has occurred over July 2023, and horizon scans matters of interest to Council.

3.1 PMO Review

Morrison Low review of the PMO Office is underway with a site visit and relevant interviews undertaken earlier in the month. Senior staff from a range of external agencies have been contacted so the review team can carry out interviews with key stakeholders.

3.2 TToPP Further Submissions

The further submissions on the Te Tai o Poutini Plan due on 17 July have been submitted. Staff met with Mayor Jamie, Deputy Mayor Andrew Basher and Councillor Graeme Neylon to discuss the submission and decide upon any changes.

Given the volume of information involved, the process focussed on the more significant matters initially such as the natural hazard provisions and future zoning, working down through the list thereafter.

Please find the submission attached as Appendix 1

3.3 Water Services Entities Amendment Bill

On 16 June 2023 the Government introduced legislation that gives effect to changes to the water services reforms announced in April 2023.

The Water Services Entities Amendment Bill forms part of the legislation that will reform the delivery of New Zealand's drinking water, wastewater, and stormwater services.

Buller District Council submitted our official response on 5 July 2023, within the designated deadline - The submission was authorised by Mayor Jamie Cleine, who was granted the necessary delegated authority.

Please find the BDC submission document attached for your reference marked Appendix 2.

FURTHER SUBMISSION ON THE PROPOSED TE TAI O POUTINI PLAN

Under Clause 8 of the First Schedule, Resource Management Act 1991

To: Te Tai o Poutini Plan Committee
388 Main South Road
Paroa
Greymouth 7805

By e-mail: info@tppp.nz

Name of Submitter: Buller District Council

Contact: Gina Hogarth
Acting Team Leader Planning
Email: planning@bdc.govt.nz

Address for Service: Buller District Council
PO Box 21
Westport 7866

1. Buller District Council (BDC) made a submission (S538) on the Proposed Te Tai o Poutini Plan (pTTPP).
2. BDC has an interest in the pTTPP that is greater than the interest that the general public has.
3. BDC is appreciative of the two extensions for lodging of further submissions as this enabled more time to assess the merits of various submission points. Unfortunately given the number of submissions, staff were unable to complete a comprehensive review of all the submissions and therefore our further submission is not indicative of all matters of interest to Council.
4. We would also like to acknowledge the difficult task posed for the planning team in compiling the Summary of Submissions given the number and size of submissions. However, we would like to express concern over the potential for remaining inaccuracies with the Summary of Submissions on which submitters may have relied on. We are concerned that this may present challenges down the track.
5. BDC's further submission on the pTTPP is on various submission points and seeks various forms of relief (allowing and disallowing in whole or part the original submissions) as set out in Appendix 1 attached.
6. BDC wishes to be heard in support of its further submission.



Sean Judd
Acting Chief Executive Officer
Buller District Council

Dated 17 July 2023

Appendix 1: Further Submission Points [Buller District Council]

Submitter	Submission No.	Provision	Submission Point Summary	Our position on the submission	Reason for position	Decision Sought
NZ Agricultural Aviation Association (S166)	S166.007	Definitions – Conservation Activities	The submission supports the definition but seeks that it explicitly include weed and pest control and the use of aircraft.	Support	Council supports the submission as weed and pest control is an important part of conservation activities.	Allow
Lynne Lever & Greg Tinney (S320)	S320.003	ECO-R1 Ecosystems & Indigenous Biodiversity	The submission seeks that ECO-Rule 1 is clarified regarding permitted activities and clearance areas. There is conflicting interpretation and information circulating.	Support	<p>Council has encountered varying interpretations of ECO-R1. However, for Buller District we have interpreted this rule to be that provided clauses 1 and 2 are met that an activity is permitted if it meets either the listed clause 3 activities or clause 5 thresholds for indigenous vegetation clearance (i.e. <5ha of manuka/kanuka removal or <0.5ha of general indigenous clearance).</p> <p>Council's interpretation of ECO-R1 is consistent with the drafting intent that was explained in the Information Sheet released by the pTTPP planning team i.e. carrying the operative District Plan provisions for general indigenous vegetation clearance through to the pTTPP.</p>	<p>Allow</p> <p>ECO-R1 is clarified to make it clear that Buller District's permitted activity approach for indigenous vegetation clearance continues.</p>
Waka Kotahi (S450)	S450.048	Transport Policies	The submission seeks that a new policy be included that reflects the high trip generating standards so that they are appropriately considered and requests that TRN-S14 is adopted as a policy.	Support in part	Council agrees that the policy framework does not specifically address High Trip Generating activities and this is an omission. However, it is considered that adopting TRN-S14 in its entirety as a policy is not appropriate and a specific policy should be developed.	Allow in part – Develop a new policy for High Trip Generating Activities.

Submitter	Submission No.	Provision	Submission Point Summary	Our position on the submission	Reason for position	Decision Sought
Waka Kotahi (S450)	S450.049	TRN-R1 Transport Rules	The submission supports the intent of the rule but raises concerns with the lack of standards for vehicle crossing design guidance for both the state highway and the local roading network. The submissions also notes it is unusual to refer to guidance from another region to manage stormwater.	Support	Council agrees that the Transport Performance Standards should include guidance on design standards for vehicle crossings for both the state highway and the local roading network. Council also agrees that the Advice Note that refers to the Auckland Design Manual guideline document for stormwater is not appropriate.	Allow
Waka Kotahi (S450)	S450.050	TRN-R2 Transport Rules	The submission generally supports the rule but seeks amendments. The title of the rule and R2.2c refer to designations under which matters regulated by section 9(3) do not apply. The submission seeks the title be amended to removed reference to designations and to delete R2.2c.	Support	Council supports the request for removal of R2.2c relating to designations given the effect of a designation is to provide for activities otherwise managed through the Plan.	Allow
Waka Kotahi (S450)	S450.051	TRN-R3 Transport Rules	The submission generally supports the rule but seeks removal of R3.2iii relating to designations as it repeats the purpose of a designation.	Support	Council supports the request for removal of R3.2iii relating to designations given the effect of a designation is to provide for activities otherwise managed through the Plan.	Allow
Waka Kotahi (S450)	S450.060	Transport Rules	The submission seeks a new rule is included to require resource consent for any new activity or change in land use where the activity will have direct access onto the state highway network. It is recommended that the activity be a Restricted Discretionary activity with the safe and efficient operation of the state highway network and traffic safety matters of discretion.	Support in part	Council agrees that a new rule managing site access onto the SH is appropriate but considers it should differentiate between activities using an existing vehicle crossing and where there is a need for a new vehicle crossing. Council agrees that all new crossings onto the SH should have a restricted discretionary status. However, where there is an existing crossing, if it meets the design guidelines of the	Allow in part

Submitter	Submission No.	Provision	Submission Point Summary	Our position on the submission	Reason for position	Decision Sought
					Transport Chapter/standards then the activity should not trigger the need for consent. This approach aligns with the submitter's requested changes to the zone rules whereby any new activity needs to meet the transport standards (see submission points S450.272, 278, 283).	
Waka Kotahi (S450)	S450.083	ECO-P2 Ecosystems & Indigenous Biodiversity	The submission supports the intent of the policy as it allows activities within areas of significant indigenous vegetation or significant habitats of indigenous fauna where the activity has a function need to be located in the area. However, there are many instances where the state highway has an operational requirement to be located in these areas and it is recommended that the policy be amended to include 'operational need'.	Support	Council agrees with the suggested amendment to include 'operational need' in clause 2 of the policy. 'Operational Need' is defined in the Plan and captures somewhat different considerations to 'Functional Need'. Council supports consideration of operational constraints particularly in relation to activities associated with critical infrastructure.	Allow
Waka Kotahi (S450)	S450.100	NFL-R10 Natural Features and Landscapes	The submission generally supports the rule but is concerned with R10.2 that states that earthworks are the minimum required to undertake the activity and how the term 'minimum' is to be interpreted.	Support	Council agrees that the term 'minimum' needs to be replaced by a quantifiable measure to aid implementation of the rule	Allow
Waka Kotahi (S450)	S450.102	NC-O3 Natural Character and Margins of Waterbodies	The submission supports the intent of the objective but considers that use of 'minimise' can be an onerous requirement and that 'significant adverse effects' on natural character are better managed by 'avoiding, remedying or mitigating' and this should be reflected in the rule. The submission also seeks that 'operational need' is included.	Support	The addition of 'operational need' is supported as it covers somewhat different constraints to 'functional need'. Council would also support the replacing 'minimise' with 'avoiding, remedying or mitigating' as it provides clear direction but would suggest that reference to the Effects management Hierarchy may be more appropriate.	Allow

Submitter	Submission No.	Provision	Submission Point Summary	Our position on the submission	Reason for position	Decision Sought
Waka Kotahi (S450)	S450.103	NC-P1 Natural Character and Margins of Waterbodies	The submission generally supports the policy but seeks amendments to align with NC-O3 above whereby 'minimise' is deleted and 'avoid, remedy or mitigate' is inserted.	Support	Council agrees with the suggested amendments as providing clearer direction.	Allow
Waka Kotahi (S450)	S450.105	NC-P3 Natural Character and Margins of Waterbodies	The submission supports the intent of the policy as it provides for structures within riparian margins that have a functional need. However, there are instances where the state highway has an operational requirement to be located within riparian and it is recommended that the policy be amended to include 'operational need'.	Support	Council agrees with the suggested amendment to include 'operational need' in the policy. 'Operational Need' is defined in the pTTPP and captures somewhat different considerations to 'Functional Need'. Council supports consideration of operational constraints particularly in relation to activities associated with critical infrastructure.	Allow
Waka Kotahi (S450)	S450.131	CE-O3 Coastal Environment	The submission supports the intent of the objective as it provides for activities that have a functional need to be located in the coastal environment. However, there are times where there is an operational need to be located within the coastal environment as there are no other reasonable alternatives and it is recommended that the objective be amended to include 'operational need'.	Support	Council agrees with the suggested amendment to include 'operational need' in the objective. 'Operational Need' is defined in the Plan and captures somewhat different considerations to 'Functional Need'. Council supports consideration of operational constraints particularly in relation to activities associated with critical infrastructure.	Allow
Waka Kotahi (S450)	S450.133	CE-P3 Coastal Environment	The submission supports the intent of the policy as it provides for activities that have a functional need to locate in the coastal environment. However, there are times where there is an operational need to be located within the coastal environment as there are no other reasonable alternatives. It is recommended that the policy be amended to	Support	Council agrees that policy CE-P3(e) should provide for Critical Infrastructure given it supports the wellbeing of our communities.	Allow

Submitter	Submission No.	Provision	Submission Point Summary	Our position on the submission	Reason for position	Decision Sought
			provide for Critical Infrastructure where it has an operational or functional need to be located within the coastal environment.			
Waka Kotahi (S450)	S450.246	GRZ-R5 Home Business in General Residential Zone	The submission generally supports the rule but has concerns over the permitted number of vehicle movements. Up to 40 equivalent car movements (ECM) per day could be permitted in a residential zone which could have adverse effects on the safety and function of the roading network. The submission seeks that the permitted level of vehicle movements are reduced to no more than 30 ECM per day. Over this level, use of the vehicle crossing is considered a high trip generating activity.	Support	Council agrees that the permitted level of vehicle movements (40 ECM) within the residential zone could have adverse effects on the safety and function of the roading network and such levels are not necessarily consistent with residential amenity. Council supports amending the rule to reduce the permitted level to no more than 30 ECM per day. Council also prefers the simpler approach of specifying ECM rather than specifying limits for heavy vehicles and light vehicles.	Allow
Waka Kotahi (S450)	S450.271	GRUZ-R1 General Rural Zone	The submission generally supports the rule but suggests that it should require that any new activity has an access that meets vehicle crossing standards within the transport chapter/standards to ensure that any rural site with a residential activity has a safe vehicle crossing.	Support	Council agrees that the performance standards for the General Rural Zone should require that any new activity that generates vehicle movements should have a vehicle crossing that meets the required design standards.	Allow
Waka Kotahi (S450)	S450.272	GRUZ-R3 General Rural Zone	The submission generally supports the rule but suggests that it should require that any new activity has an access that meets vehicle crossing standards within the transport chapter/standards to ensure that any rural site with a residential activity has a safe vehicle crossing.	Support	Council agrees that the rule should require that any new activity that generates vehicle movements should have a vehicle crossing that meets the required design standards. If the performance standards for the Zone are amended as per the request for GRUZ-R1 this will address this matter.	Allow

Submitter	Submission No.	Provision	Submission Point Summary	Our position on the submission	Reason for position	Decision Sought
Waka Kotahi (S450)	S450.275	GRUZ-R9 General Rural Zone	The submission generally supports the rule but has concerns over the permitted number of vehicle movements allowed under the rule. The rule allows for 10 heavy vehicle movements per day (i.e. 50 ECM) and up to 30 light vehicle movements per day or 210 per week. This is considered a high level of permitted vehicle movements associated with a home business and there are implications for vehicle crossings which may need upgrading.	Support	Council agrees that the permitted level of vehicle movements associated with a home business could have adverse effects on the safety and function of the roading network. Council supports amending the rule to reduce the permitted level to no more than 30 ECM per day. Council also prefers the simpler approach of specifying ECM rather than specifying limits for heavy vehicles and light vehicles.	Allow
Waka Kotahi (S450)	S450.278	RLZ-R3 Rural Lifestyle Zone	The submission generally supports the rule but suggests that it should require that any new activity has an access that meets vehicle crossing standards within the transport chapter/standards to ensure that a site with a residential activity has a safe vehicle crossing.	Support	Council agrees that the rule should require that any new residential activity should have a vehicle crossing that meets the required design standards.	Allow
Waka Kotahi (S450)	S450.280	GLZ-R8 Rural Lifestyle Zone	The submission generally supports the rule but has concerns over the permitted number of vehicle movements allowed under the rule. The rule allows for 10 heavy vehicle movements per day (i.e. 50 ECM) and up to 30 light vehicle movements per day or 210 per week. This is considered a high level of permitted vehicle movements associated with a home business and there are implications for vehicle crossings which may need upgrading.	Support	Council agrees that the permitted level of vehicle movements associated with a home business could have adverse effects on the safety and function of the roading network. Council supports amending the rule to reduce the permitted level to no more than 30 ECM per day. Council also prefers the simpler approach of specifying ECM rather than specifying limits for heavy vehicles and light vehicles.	Allow
Waka Kotahi (S450)	S450.283	SETZ-R1 Settlement Zone	The submission generally supports the rule but suggests that it should require that any new residential activity has an access that meets vehicle crossing standards within the transport chapter/standards.	Support	Council agrees that the zone performance standards should require that any new residential activity should have a vehicle crossing that meets the required design standards.	Allow

Submitter	Submission No.	Provision	Submission Point Summary	Our position on the submission	Reason for position	Decision Sought
Waka Kotahi (S450)	S450.286	SETZ-R9 Settlement Zone	The submission generally supports the rule but has concerns over the permitted number of vehicle movements allowed under the rule. The rule allows for 10 heavy vehicle movements per day (i.e. 50 ECM) and up to 30 light vehicle movements per day or 210 per week. This is considered a high level of permitted vehicle movements associated with a home business and there are implications for vehicle crossings which may need upgrading.	Support	Council agrees that the permitted level of vehicle movements associated with a home business could have adverse effects on the safety and function of the roading network. Council supports amending the rule to reduce the permitted level to no more than 30 ECM per day. Council also prefers the simpler approach of specifying ECM rather than specifying limits for heavy vehicles and light vehicles.	Allow
Waka Kotahi (S450)	S450.297	MINZ-R3 Mineral Extraction Zone	The submission generally supports the rule but has concerns that the permitted 30 heavy vehicle movements can be generated without consideration to road safety if using an existing access. The submission recommends that the rule either reduces the level of permitted vehicle movements or requires appropriate consideration of transport rules and standards to ensure safe access. seeks to include reference to the.	Support	Council agrees that the permitted level of vehicle movements associated with mining activity could have adverse effects on the safety and function of the roading network. Council supports amending the rule to require consideration of safe access.	Allow
Davis Ogilvie & Partners Ltd (S465)	S465.005	Rules - Mineral Extraction Zone	The submission states that no consideration appears to have been given to appropriate land uses after mining has been completed in the Mineral Extraction Zone with permitted activities limited to conservation, recreation, research and grazing of animal activities. The submission seeks that the rules are amended to allow for appropriate long term development of land that has been mined.	Support	Council agrees that the focus of the rule framework is on land uses that are compatible with mining activities while mining activities are occurring and there is limited provision for appropriate land uses post mining. Council agrees that consideration should be given to providing for rural industries and rural-residential development following mining activities rather than having these activities default to non-complying status.	Allow

Submitter	Submission No.	Provision	Submission Point Summary	Our position on the submission	Reason for position	Decision Sought
Davis Ogilvie & Partners Ltd (S465)	S465.006	Rules - Mineral Extraction Zone	The submission supports the restriction on incompatible activities being established before and during mining. However, in accordance with the policy framework, the submission seeks that the rules allow activities that are not incompatible with the effects of mineral extraction and ancillary activities. The submission requests that a new Permitted Activity rule is included allowing the establishment of rural industries.	Support	Council supports the requested amendment to the rules for the Zone.	Allow
Davis Ogilvie & Partners Ltd (S465)	S465.007	Rules - Mineral Extraction Zone	The submission seeks provision is made within the Mineral Extraction Zone for appropriate land uses (similar to the General Rural Zone) to establish in the zone after mining is completed.	Support	Council supports the requested amendment to the rules for the Zone.	Allow
Davis Ogilvie & Partners Ltd (S465)	S465.008	MINZ – R9 Mineral Extraction Zone	The submission seeks that in conjunction with the new proposed rule for activities on sites once mining is completed, the title for Rule MINZ – R9 (non-complying status) should be amended. The non-complying status only needs to be retained until mining has been completed.	Support	Council supports the requested amendments.	Allow
Davis Ogilvie & Partners Ltd (S465)	S465.009	Mineral Extraction Zone	The submission requests that the provisions covering the Mineral Extraction Zone need further work to: <ul style="list-style-type: none"> • Ensure that the description of the zone is accurate and refers to the correct legislation. • Ensure the zone overlay covers all appropriate permits in keeping with the purpose. 	Support	Council agrees that the Mineral Extraction provisions require further work particularly in relation to providing for appropriate land uses post mining.	Allow

Submitter	Submission No.	Provision	Submission Point Summary	Our position on the submission	Reason for position	Decision Sought
			<ul style="list-style-type: none"> Ensure that all appropriate land uses are permitted within the zone including provision for rural industries and long-term land uses after mining is completed. 			
Davis Ogilvie & Partners Ltd (S465)	S465.015	SUB – R7/ ECO – R4	The submission seeks that the rule is amended to clarify that the allotment(s) created from the parent title must contain the area of significant indigenous biodiversity and be for the purpose of legal protection of that land. As written, the rule does not make this clear.	Support	Council supports the amendment.	Allow
Davis Ogilvie & Partners Ltd (S465)	S465.016	SUB – R9/ ECO – R6	The submission seeks that the rule is amended to clarify that the allotment(s) created from the parent title must contain the area of significant indigenous biodiversity and be for the purpose of legal protection of that land. As written, the rule does not make this clear.	Support	Council supports the amendment.	Allow
Davis Ogilvie & Partners Ltd (S465)	S465.026	SETZ – R1 Settlement Zone	The submission requests the rule be amended noting that it includes a grandfather clause (R1.1.i.a) allowing the establishment of residential units on fully serviced sites lawfully established under the existing District Plans. The submission seeks that the grandfather clause is extended to include un-serviced sites that have been lawfully established under the relevant District Plans. Noting that Settlement Zones areas are typically not fully reticulated, there are sure to be a significant number of ‘un-serviced’ sites within the zone that have not been built on which will subsequently be caught by this rule.	Support	<p>Council supports the rule being amended to provide for existing sites to be built on without further consent. Council agrees that all servicing matters will have been considered and approved at the time of subdivision and requiring land use consent to build on existing sections will only add an additional hurdle. All on-site servicing will still be subject to the building consent process.</p> <p>NB: Council’s original submission on this rule requested its deletion but on review this is not supported.</p>	<p>Allow</p> <p>Council’s original submission also sought deletion of similar Grandfather Clauses in GRUZ – R3.3(i) and RLZ – R3.2 but on review, Council wishes</p>

Submitter	Submission No.	Provision	Submission Point Summary	Our position on the submission	Reason for position	Decision Sought
						to retract this part of our original submission.
Davis Ogilvie & Partners Ltd (S465)	S465.029	Sign – R1	The submission states that SIGN R1(10) is grammatically incorrect and confusing. The rule sets out a minimum letter size but sets out that signs should not 'exceed' these dimensions. The rule requires clarification.	Support	Council agrees that the rule requires clarification.	Allow
Davis Ogilvie & Partners Ltd (S465)	S465.030	Sign – R1	The submission states that in the Commercial, Mixed Use and Industrial zones, the limit on the number of words and characters required by SIGN-R1(10)(iii) is too restrictive. This limit may be appropriate for higher-speed areas but is not practical to convey the level of information often displayed on commercial signage. The submission seeks that R1(10)(iii) is amended to exclude lower-speed roads within the Commercial, Mixed Use and Industrial zones.	Support	Council agrees that the rule is too restrictive and supports amendment.	Allow
Davis Ogilvie & Partners Ltd (S465)	S465.031	Sign – R1	The submission states that the separation distances required by SIGN-R1(11) are seriously flawed when considered against typical site sizes in the Commercial and Mixed Use Zones. The rule requires 60m separation between signs in areas with <70kph speed limits but sites in Commercial ones would generally have less than 60m road frontage. The rule requires amendment.	Support	Council agrees that the rule is too restrictive and supports amendment of the rule	Allow
Davis Ogilvie & Partners Ltd (S465)	S465.031	Zones – Recession Planes	The submission plane rules do not appear to be consistent and may require some reassessment.	Support	Council agrees that a consistent approach to recession planes across the plan is needed.	Allow

Submitter	Submission No.	Provision	Submission Point Summary	Our position on the submission	Reason for position	Decision Sought
Davis Ogilvie & Partners Ltd (S465)	S465.033	GRUZ –R1 General Rural Zone	The submission seeks that the requirement in Rule GRUZ – R1 for a 10m setback from all internal boundaries is amended to 5m. This is a significant departure from the previous District Plans (BDP 1.5m, Grey DP 5m and WDP 3m).	Support	Council supports the amendment.	Allow
NZ Coal & Carbon Ltd (S472)	S472.029	NOSZ – R16 Natural Open Space Zone	The submission seeks that ‘mineral prospecting and exploration activities’ are inserted into the heading of the rule.	Support	Council supports the amendment.	Allow
NZ Coal & Carbon Ltd (S472)	S472.032	OSZ – R22 Open Space Zone	The submission seeks that ‘mineral prospecting and exploration activities’ are inserted into the heading of the rule.	Support	Council supports the amendment.	Allow
Bathurst Resources Ltd & BT Mining Ltd (S491)	S491.006	Definitions – Mineral Extraction	The submission seeks an amendment to the definition noting that not all the specified activities occur at the same site. The following amendment is sought: <i>“Means the excavation, blasting and processing....and access within, to, from and between the mineral extraction sites and ancillary sites.</i>	Support	Council supports the amendment	Allow
Bathurst Resources Ltd & BT Mining Ltd (S491)	S491.008	MIN – O6 Strategic Direction	The submission seeks inclusion of the full effects hierarchy to the objective.	Support	Council Supports the amendment.	Allow

Submitter	Submission No.	Provision	Submission Point Summary	Our position on the submission	Reason for position	Decision Sought
Bathurst Resources Ltd & BT Mining Ltd (S491)	S491.011	HH – P7 Historic Heritage	The submission seeks an amendment to the policy stating that a suitably qualified professional at considerable cost is not always necessary. Amend as follows: <i>“Demolition and destruction of historic heritage items identified in Schedule One will not be allowed unless it can be demonstrated, through investigation and assessment by a suitable qualified heritage professional that a...c have been fully considered. A suitably qualified professional may be required to undertake an assessment where it is deemed necessary by the Consent Authority having regard to the nature of the protected heritage item”.</i>	Support	Council supports the amendment.	Allow
Bathurst Resources Ltd & BT Mining Ltd (S491)	S491.036	OSRZ – P14 Opens Space and Recreation Zone	While the policy provides for mineral extraction activities it does not include mineral exploration and prospecting activities. The submission requests that these are included.	Support	Council supports the amendment.	Allow
Bathurst Resources Ltd & BT Mining Ltd (S491)	S491.037	OSRZ – P14 Opens Space and Recreation Zone	The submission seeks that duplication is avoided. Clause (a) is a subset of clause (c) and should be removed.	Support	Council supports the amendment.	Allow
Bathurst Resources Ltd & BT Mining Ltd (S491)	S491.038	OSRZ – P14 Opens Space and Recreation Zone	The submission seeks that clause (b) of the policy relating to any Open Space Management Plan for the area is removed as this is a process independent of the RMA.	Support	Council supports the amendment.	Allow

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Bathurst Resources Ltd & BT Mining Ltd (S491)	S491.039	OSRZ – P14 Opens Space and Recreation Zone	The submission seeks that the structure of clause (c) is amended for consistency.	Support	Council supports the amendment.	Allow
Bathurst Resources Ltd & BT Mining Ltd (S491)	S491.042	Rural Zones	The submission seeks that the rural zone provision apply not only to mineral extraction activities but include mineral prospecting and exploration activities.	Support	Council supports the amendment.	Allow
Bathurst Resources Ltd & BT Mining Ltd (S491)	S491.043	RURZ – P18 Rural Zone Objectives & Policies	The submission seeks inclusion of the full effects hierarchy to the objective.	Support	Council supports the amendment.	Allow
Bathurst Resources Ltd & BT Mining Ltd (S491)	S491.046	GRUZ – R18 Rural Zone	There are no restricted discretionary rules for mineral exploration and prospecting activities. The submission seeks inclusion of a new rule.	Support	Council supports the amendment.	Allow
Federated Farmers of NZ (S524)	S524.008	Definitions – Farm Quarry	The submission generally supports the definition of ‘Farm Quarry’ but considers it is not practical to require that these can only serve farm activities that occur on the same site. The term ‘Site’ is defined in the Plan as meaning a single record of title and many farms have a number of titles.	Support	Council supports the amendment and removal of the qualifier that the farm quarry occur ‘on the same site’.	Allow
Federated Farmers of NZ (S524)	S524.009	Definitions – Heritage Professional	The submission opposes the definition of ‘Heritage Professional’ as being too onerous and requests that it is deleted and the relevant	Support in part	Council opposes removal of the definition of ‘Heritage Professional’ in its entirety as it provides guidance on what constitutes a suitably qualified heritage professional but	Allow

Submitter	Submission No.	Provision	Submission Point Summary	Our position on the submission	Reason for position	Decision Sought
			rules refer to 'suitably qualified heritage professional'.		supports the removal of the requirement that the professional have a minimum of 5 years experience. This qualifier is not considered necessary and Council does not wish to have to ascertain the work history/experience of every professional.	
Federated Farmers of NZ (S524)	S524.012	Definitions – Lawfully Established	<p>The submission states that the definition for 'Existing Use Rights' within the pTTPP refers to 'Lawfully Established Activities' therefore it is confusing and incorrect to then state that Lawfully Established Activities include activities permitted.... by an Existing Use Right. The submission seeks that the definition is amended to make it clear that lawfully established can be achieved by a number of ways which are independent of each other as follows:</p> <p><i>"Means activities provided for by one of the following:</i></p> <ol style="list-style-type: none"> <i>1. Permitted through a rule in a plan; or</i> <i>2. Through a resource consent; or</i> <i>3. In a National Environment Standard; or</i> <i>4. By an existing use right (as provided for in Section 10 of the RMA)".</i> 	Support	Council supports the submission that the definition should be restructured to provide clarity.	Allow
Forest & Bird (S560)	S560.006	Ecosystems & Indigenous Biodiversity	The submission recommends that the Wildlands Report should be used as the basis for an immediate regionwide SNA survey.	Oppose	The Wildlands Report identified that at a desktop level the overwhelming majority of indigenous vegetation across the region could meet the significant criteria. It is understood that this assessment was not supported by detailed ecological	Disallow The SNA mapping process should be based on

Submitter	Submission No.	Provision	Submission Point Summary	Our position on the submission	Reason for position	Decision Sought
					information and used poor quality aerial imagery.	detailed ecological information and ground truthing and not based on a desktop exercise.
Forest & Bird (\$560)	S560.009	Ecosystems & Indigenous Biodiversity	The submission states that the ECO chapter does not protect significant habitat of fauna where that is found in non-indigenous vegetation because the rules only regulate indigenous vegetation clearance. The submission seeks that the provisions are amended to ensure protection to significant habitats of indigenous fauna, including from exotic vegetation clearance.	Oppose	Council does not support the addition of rules that would control exotic vegetation clearance.	Disallow
Forest & Bird (\$560)	S560.010	Ecosystems & Indigenous Biodiversity Rules	The submission seeks inclusions of a general consent requirement for all indigenous vegetation clearance to undertake an ecological assessment as part of the consent application applying the RPS significance criteria and to manage vegetation clearance within those areas through discretionary or non-complying rules.	Oppose	Council does not consider that an ecological assessment is required in every instance where vegetation clearance is proposed. Some level of permitted activities is considered appropriate where the adverse effects are less than minor. Such an approach is consistent with the RPS which recognises that there are circumstances when activities can occur within SNAs which will maintain the values of the SNA.	Disallow

Submitter	Submission No.	Provision	Submission Point Summary	Our position on the submission	Reason for position	Decision Sought
Forest & Bird (S560)	S560.013	Planning Maps and Overlays	The submission seeks that all public conservation land is rezoned to Natural Open Space Zone (NOSZ) and the Planning Maps are updated accordingly.	Oppose	The current approach to zoning public conservation land is considered appropriate. Areas with significant natural, biodiversity and landscape biodiversity values e.g. national parks, wilderness areas etc are NOSZs and all other conservation land OSZ. The implications of changing the zoning would have significant implications for land use activities on conservation land.	Disallow
Forest & Bird (S560)	S560.055	Definitions - Activity	The submission opposes the definition of 'Activity' as it potentially excludes activities that are intended to be considered in the Plan such as activities on the surface of water, residential or commercial activities. The submission seeks that the definition is deleted.	Oppose	The reference to 'land use' effectively captures all activities managed by District Councils but Council agrees that for lay plan users this is not readily apparent and the definition would benefit from further clarification.	Disallow - Consider amending for clarity but retain the definition
Forest & Bird (S560)	S560.056	Definitions – Agricultural, Pastoral and Horticultural Activities	The submission supports the definition of 'Agricultural, Pastoral and Horticultural Activities' with amendments including insertion of advice notes and deletion of farm quarries from this definition given the lack of SNA identification.	Oppose	Council opposes the amendments sought. The concern is in relation to the protection of unidentified SNAs. Farm quarries are generally small scale providing roading materials for individual farms and are unlikely to pose a threat to SNAs.	Disallow
Forest & Bird (S560)	S560.057	Definitions – Area of Significant Indigenous Biodiversity	The submission opposes the definition on the basis that it is not clear why a separate definition to 'Significant Natural Area' (SNAs) is necessary for subdivision purposes. The definition creates confusion with the pTTPP definition of SNAs and is inconsistent with the definition of SNAs in the RPS. The submission seeks deletion of this definition and reliance on the definition of SNAs with respect to subdivision.	Support	Council agrees that having a separate definition for subdivision purposes for what is essentially an SNA is unnecessary and confusing and Council would support removal of this definition.	Allow

Submitter	Submission No.	Provision	Submission Point Summary	Our position on the submission	Reason for position	Decision Sought
Forest & Bird (S560)	S560.058	Definitions – Building Platform	The submission seeks amendments to the definition as it is uncertain how the definition should be applied in rules where the matters specified in the definition are not the subject of conditions or standards. The submission seeks deletion of the following: “... <i>having regard to ground conditions, gradient, access, natural hazards, indigenous vegetation and habitat, amenity and health and safety</i> ”	Support	Council agrees with the suggested deletion to the Building Platform definition as applying the qualifiers could be problematic. Council also suggests that the definition could be improved by adding ‘suitable’ and residential ‘unit’ instead of ‘house’ given this is defined in the plan.	Allow with suggested amendments: <i>“Means land that is suitable and practical for accommodating a residential unit house, or other intended building.</i>
Forest & Bird (S560)	S560.059	Definitions – Coastal Environment	The submission opposes the definition for the ‘Coastal Environment’. There are areas where no coastal environment is identified at all. There is no clear basis for excluding urban areas . To effectively give effect to the NZCPS, the submission seeks mapping of the Coastal Environment again using appropriate experts to identify the extent by applying Policy 1 of the NZCPS. Until it is mapped accurately, include a default of at least 2km landward of the CMA.	Oppose in part	Council agrees that there are areas of the Coastal Environment that have been missed off the Overlay which need to be addressed. Council understands that there has been expert input into determining the coastal environment boundaries and does not support re-doing the mapping and in the meantime including a default position of at least 2km landward of the CMA.	Allow in so far as identifying those parts of the coastal environment that have been missed e.g. Carter Beach and Charleston. Disallow the request for redoing the mapping and applying an interim 2km default boundary.

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Forest & Bird (S560)	S560.063	Definitions – Energy Activities	<p>The submission opposes the definition stating that clarifying the definition is critical to the scope of ‘Energy Activities’ chapter as the overview to this sets out these activities are recognised as regionally significant infrastructure.</p> <p>The definition does not appear to restrict energy activity to activities for infrastructure that is regionally significant.</p> <p>For example it is not clear if an energy activity would include geothermal, petroleum or coal including its investigation and distribution when unrelated to electricity generation.</p>	Support in part	<p>Council agrees that the current plan framework does not qualify what is considered ‘Energy Activities’ and therefore what is recognised as Critical Infrastructure/RSI.</p> <p>Council considers the issue could be addressed by amending the definition of Critical Infrastructure so that it only includes energy activities that generate more than 1MW of electricity (as per the definition of RSI in the RPS).</p>	<p>Disallow</p> <p>Consider an amendment to the definition of Critical Infrastructure to align with the RPS.</p>
Forest & Bird (S560)	S560.064	Definitions – Existing Buildings and Structures	<p>The submission opposes the definition stating that it clearly includes buildings and structures that are not existing. It is also clearer to use the term ‘Lawfully Established’ so that people do not take the term ‘existing’ to include unlawful activities or structures.</p>	Support in principle	<p>Without a thorough examination of where the term ‘Existing Building and Structures’ is used in the plan, Council agrees in principle with replacing ‘Existing Buildings and Structures’ with ‘Lawfully Established’ This will prevent unlawful existing activities or structures being considered appropriate.</p>	<p>Allow following a review of the respective provisions.</p>
Forest & Bird (S560)	S560.066	Definitions – Lake	<p>The submission opposes the definition as being inconsistent with the RMA definition and seeks that it be deleted and the definition in the RMA used.</p>	Oppose	<p>Council does not support amending the definition. The definition follows the RMA definition and then goes on to provide clarification on what is considered a ‘Lake’ for the purpose of the definition. This is considered appropriate and consistent with how riparian margins are defined in the Regional Land & Water Plan i.e. exclude ephemeral waterbodies and artificial watercourses.</p>	<p>Disallow</p>

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Forest & Bird (\$560)	S560.069	Definitions – Māori Purpose Activities	The submission supports the Plan providing for the relationship of tangata whenua with their ancestral lands but is unclear on why there are two definitions and activities used in the Plan that cover apparently very similar subject matter – this definition and ‘Poutini Ngai Tahu Activities’. The submission seeks clarification and/or amalgamation if appropriate.	Support in principle	Council supports review of this definition	Allow
Forest & Bird (\$560)	S560.070	Definitions – Mineral Extraction	The submission opposes the definition as it includes several activities not actually part of extraction itself e.g. distribution and vehicle movements. The submission seeks that ‘Landscaping and rehabilitation’ should be separate from extraction as they require specific considerations which are critical to determining appropriateness. The definition should exclude the removal of overburden and activities that occur before extraction of the mineral.	Oppose	Council supports the current definition. While some of the included activities are not ‘extraction’ per se they are all activities directly associated with mineral extraction.	Disallow
Forest & Bird (\$560)	S560.071	Definitions – Mineral Extraction Management Plan	The submission opposes the definition stating that the definition only appears in provisions of the BCZ which Forest & Bird oppose in its entirety. The submission seeks deletion of the definition.	Oppose	Council supports the definition.	Disallow
Forest & Bird (\$560)	S560.072	Definitions – Mineral Extraction Management Plan	The submission opposes the definition for the reasons given above.	Oppose	Council supports the definition	Disallow

Submitter	Submission No.	Provision	Submission Point Summary	Our position on the submission	Reason for position	Decision Sought
Forest & Bird (S560)	S560.075	Definitions – Renewable Electricity Generation Activities	The submission seeks amendments to the definition to clarify its application to renewable electricity generation structures and associated/ancillary infrastructure and to limit the definition to only renewable electricity generation that is also RSI as set out in the glossary of the RPS.	Oppose	Council opposes amending the definition but does consider there is merit in considering an amendment to the definition of Critical Infrastructure so that it only includes electricity generation activities that generate more than 1MW of electricity (as per the definition of RSI in the RPS).	Disallow Consider an amendment to the definition of Critical Infrastructure to align with the RPS.
Forest & Bird (S560)	S560.078	Definitions – Temporary Activity	The submission seeks amendments as the definition makes the application of rules uncertain. If an activity does not meet a zone standard consent processes should apply. The submission seeks the exclusion aspect of the definition is amended as follows: <i>“Note: Temporary Activities do not include:</i> i. Permitted <i>Recreation Activities meeting addressed within Zone rules standards;</i> ii. <i>Events and other types of activities meeting addressed within Zone standards rules in the Stadium one or any Open Space and Recreation Zone; or</i> <i>Temporary military training activities”</i>	Support	Council supports the amendment.	Allow
Forest & Bird (S560)	S560.082	Interpretation - New	The submission seeks consideration be given to including a definition for indigenous vegetation as per the following: <i>“Indigenous vegetation means vascular and nonvascular plants that are native to the ecological district”.</i>	Support in part	Council would support a new definition for ‘Indigenous Vegetation’ but a simplified version.	Allow in including the following new definition:

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						<i>“Indigenous vegetation means naturally occurring flora containing plant species that are native to the area.”</i>
Forest & Bird (S560)	S560.215	Ecosystems and Indigenous Biodiversity Rules	The submission states that due to the lack of SNAs being comprehensively identified, scheduled and mapped in the Plan, that indigenous vegetation clearance must be treated as if it were occurring within an SNA. The type of activities needs to be limited to those that may be appropriate as permitted within an SNA and to a scale that ensures the SNA is protected and that adverse effects are no more than minor. The submission considers that separate rules should be used for activities outside of Schedule 4 SNAs to those within Schedule 4 SNAs. Within the Coastal Environment even more stringent conditions are required to ensure that the policy direction to avoid adverse effects is achieved.	Support in part	Council agrees that the rule framework should have separate rules for activities inside and outside of identified and/or scheduled SNAs. Council does not agree that until SNAs are comprehensively identified, scheduled and mapped in the Plan that all indigenous vegetation must be treated as if it were occurring within an SNA. The interim situation is that the RPS criteria is used to assess significant indigenous vegetation and fauna habitat through the resource consent process and/ or if needed, to confirm compliance with permitted standards.	Allow in part
Forest & Bird (S560)	S560.333	How The Plan Works	The submission seeks: <ul style="list-style-type: none"> a. Inclusion of another section to the plan listing all relevant chapters with an explanation. b. Make clear that all vegetation clearance is dealt with by the ECO (and 	Oppose	Council considers that the Plan already clearly sets out that the relationship between the chapters. For mining activities, an ecological assessment is not justified in every instance	Disallow

Submitter	Submission No.	Provision	Submission Point Summary	Our position on the submission	Reason for position	Decision Sought
			<p>NC) chapters, in both the zone overviews and amend any relevant provisions within each chapter to that effect.</p> <p>c. All mining activities require consent (except NOSZ) where they should be prohibited and an ecological assessment in accordance with Appendix 1 of WCRPS is required for all mining activity consent applications.</p>		<p>(e.g. where sites fall outside of any overlays) and should be based on actual effects on the environment rather than the activity per se.</p> <p>A prohibited activity status for mining activities in the NOSZ is not considered appropriate and proposals should be considered on their respective merits.</p>	
Forest & Bird (\$560)	S560.359	Natural Open Space Zone – Planning Maps and Overlays	The submission seeks that all public conservation land be zoned NOSZ.	Oppose	Council does not support the submission. The current approach to zoning public conservation land is supported and is considered appropriate. Areas with significant natural, biodiversity and landscape biodiversity values e.g. national parks, wilderness areas etc are NOSZs and all other conservation land OSZ.	Disallow
Forest & Bird (\$560)	S560.392	Buller Coalfield Zone	The submission opposes the BCZ and seeks removal of the zone from the plan and rezoning of the affected land.	Oppose	Council opposes the request.	Disallow
Forest & Bird (\$560)	S560.398	Mineral Extraction Zone	The submission opposes the MINZ and seeks removal of the Zone from the plan and rezoning of the affected land.	Oppose	Council opposes the request.	Disallow
Fire & Emergency NZ (\$573)	S573.012	Appendix One: Transport Performance Standards	The submission oppose in part the minimum driveway width of 3m with a preference for a minimum width of 3.5m to sufficiently cater for fire appliances.	Support	Council supports the amendment for increasing the minimum width of driveways from 3m to 3.5m to allow for fire appliance access.	Allow
Chris J Coll Surveying Ltd (\$566)	S566.274	Definitions – Building	The submission seeks that the definition for ‘Building’ is amended to clarify it does not capture caravans.	Oppose	Excluding caravans from the definition of buildings means that they will not need to comply with boundary setback standards.	Disallow

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					This could result in nuisance effects for neighbours if a caravan is situated on or near a boundary and is being used for long-term accommodation. Council has encountered issues in the past with such activities.	
Chris J Coll Surveying Ltd (\$566)	S566.285	Definitions – Building	The submission seeks that the definition for ‘Building’ is amended to clarify it does not capture trailed Tiny Homes.	Oppose	Excluding trailed Tiny Homes from the definition of buildings means that they will not need to comply with boundary setback standards. This could result in nuisance effects for neighbours if a Tiny Home is situated on or near a boundary and is being used for long-term accommodation.	Disallow
Chris J Coll Surveying Ltd (\$566)	S566.329	Definitions - New	The submission seeks a new definition for ‘woodlots’ is inserted.	Support	Woodlots are one of the listed permitted land uses under the definition of ‘Agricultural, Pastoral and Horticultural Activities’. Council agrees that it would be helpful to clarify what constitutes a ‘woodlot’.	Allow
WMS Group (HQ) Ltd & WMS Land Co. Ltd (\$599)	S599.011	Definitions – Mineral Exploration	The submission seeks the definition is amended to provide for ‘ancillary activities’.	Support	Council supports the amendment.	Allow
WMS Group (HQ) Ltd & WMS Land Co. Ltd (\$599)	S599.013	Definitions – Mineral Prospecting	The submission seeks the definition is amended to provide for ‘ancillary activities’.	Support	Council supports the amendment.	Allow

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WMS Group (HQ) Ltd & WMS Land Co. Ltd (\$599)	S599.095	NOISE – R6	The submission does not consider that there is appropriate justification to limit the weekend/public holiday daytime hours to 8.00am to 8.00pm in the General Rural and Open Space Zones in particular. A consistent time is sought for every day of the week.	Support	Council supports the amendment. The General Rural Zone is a working environment therefore a consistent approach for noise emissions across every day of the week is considered appropriate. Similarly, for the Open Space where a variety of activities are anticipated.	Allow
WMS Group (HQ) Ltd & WMS Land Co. Ltd (\$599)	S599.126	MINZ – O2 Mineral Extraction Zone	The submission seeks an amendment to allow for the full effects management hierarchy.	Support in part	Council supports the amendment but suggests that the objective refers to the 'Effects Management Hierarchy' specifically.	Allow in part
WMS Group (HQ) Ltd & WMS Land Co. Ltd (\$599)	S599.130	MINZ – P4 Mineral Extraction Zone	The submission seeks an amendment to allow for the full effects management hierarchy.	Support in part	Council supports the amendment but suggests that the policy refers to the 'Effects Management Hierarchy' specifically.	Allow in part
WMS Group (HQ) Ltd & WMS Land Co. Ltd (\$599)	S599.105	RURZ – O1 Rural Zones Objectives & Policies	The submission seeks that enabling activities in the rural zone should refer to 'primary production' as in the National Planning Standards 2019.	Support	Council supports the amendment.	Allow
WMS Group (HQ) Ltd & WMS Land Co. Ltd (\$599)	S599.109	RURZ – P3	The policy provides for management of reverse sensitivity effects on certain activities with the submission seeking that this is extended to all 'primary production activities'.	Support	Council supports the amendment.	Allow

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WMS Group (HQ) Ltd & WMS Land Co. Ltd (\$599)	S599.121	RURZ – R25	The submission seeks that clause k. of the matters of discretion which reads: ' <i>effects on riparian margins and water quality</i> ' is amended with 'water quality' removed. This is a regional consenting matter.	Support	Council supports the amendment.	Allow
WMS Group (HQ) Ltd & WMS Land Co. Ltd (\$599)	S599.161	GRUZ – R25 General Rural zone	The submission seeks that the rule applies to mineral prospecting and exploration activities, consistent with GRUZ – R11.	Support	Council supports the amendment.	Allow
Department of Conservation (\$602)	S602.013	Definition – Conservation Activities	The submission seeks an amendment to the definition to that it excludes 'commercial activities' to avoid any unintended consequences with the current definition.	Support	Council supports the amendment.	Allow
Department of Conservation (\$602)	S602.014	Definitions – Indigenous Vegetation Clearance	The submission seeks that the definition is amended to make it explicit that this also includes the damage and destruction of indigenous vegetation including by mob stocking.	Support	Council supports amending the definition to include 'damage' and 'destruction' as part of the definition and including 'mob stocking' to the listed activities.	Allow
Department of Conservation (\$602)	S602.015	Definitions – Riparian Margin	The submission seeks an amendment to the definition to remove the term 'stream' as the definition of river under the RMA includes streams.	Support	Council supports the amendment.	Allow
Department of Conservation (\$602)	S602.016	Definitions – Significant Natural Area (SNA)	The submission generally supports the definition as it clearly sets out that SNAs apply to all areas that have been assessed as an area of significant indigenous vegetation or significant habitat of indigenous fauna, not just those that are scheduled but seeks removal of	Support in part	Council supports the removal of the first part of the definition for clarity but recommends that 'identified' is added to the definition which is consistent with the clause b. wording.	Allow in part with the following change:

Submitter	Submission No.	Provision	Submission Point Summary	Our position on the submission	Reason for position	Decision Sought
			<p>the following in clause (a): <i>“areas that have been assessed as an area of significant indigenous vegetation”</i></p> <p>The submission also seeks that the definition is amended to ensure that SNAs can also be assessed in accordance with any future nationally developed criteria.</p>			<p><i>“Areas that have been assessed as an area of significant indigenous vegetation or significant habitat of indigenous fauna identified in accordance with the criteria set out in the West Coast Regional Policy Statement”.</i></p>
Department of Conservation (S602)	S602.018	New Definition – Compensation	The submission seeks the inclusions of a new definition for ‘Compensation’ which is used in the Plan	Support in part	Council agrees that a definition is needed for ‘Compensation’ but considers the submitter’s definition needs work as its overly complex	Allow in part – Develop a suitable definition for ‘Compensation’
Department of Conservation (S602)	S602.019	New Definition – Effects Management Hierarchy	The submission seeks the inclusion of a new definition for ‘Effects Management Hierarchy’ to ensure that there is an appropriate cascade of effects management approaches. The new definition sought is:	Support in part	Council generally supports the addition of a new definition for ‘Effects Management Hierarchy’ but requests that where ‘minimised’ is used that this is changed to ‘mitigated and/or remedied’ where appropriate. The focus should also be on	Allow in part with alternative wording:

Submitter	Submission No.	Provision	Submission Point Summary	Our position on the submission	Reason for position	Decision Sought
			<p><i>Effects management hierarchy means an approach to managing the adverse effects of subdivision, use and development that requires that:</i></p> <ul style="list-style-type: none"> • <i>Adverse effects are avoided where possible;</i> • <i>Where adverse effects that cannot be demonstrably avoided, they are minimised where possible;</i> • <i>Where adverse effects that cannot be demonstrably minimised, they are remedied where possible;</i> • <i>In relation to adverse effects that cannot be avoided, minimised or remedied, offsetting is provided where possible (including but not limited to biodiversity offsets and freshwater offsets); and</i> • <i>Where offsetting is not demonstrably possible, adverse effects are compensated</i> 		offsetting and compensation for more than minor residual adverse effects.	<p><i>“Effects management hierarchy means an approach to managing the adverse effects of subdivision, use and development that requires that:</i></p> <p><i>Adverse effects are avoided where possible;</i></p> <p><i>Where adverse effects cannot be avoided, they are remedied or mitigated where possible;</i></p>

Submitter	Submission No.	Provision	Submission Point Summary	Our position on the submission	Reason for position	Decision Sought
						<p><i>In relation to adverse effects that cannot be avoided, remedied or mitigated, offsetting of any more than minor residual adverse effects is provided where possible;</i></p> <p><i>Where offsetting of any significant residual adverse effects is not possible, adverse effects are compensated”.</i></p>
Department of Conservation (S602)	S602.020	New Definition – Net Gain	The submission seeks the inclusion of a new definition for “Net Gain’ which is used in the Plan.	Oppose	Council’s preference is that a definition is not provided and the term speaks for itself. Ultimately it will be informed by ecological experts.	Disallow

Submitter	Submission No.	Provision	Submission Point Summary	Our position on the submission	Reason for position	Decision Sought
Department of Conservation (S602)	S602.021	New Definition - Offsets	The submission seeks the inclusion of a new definition for 'Offsets' which is used in the Plan	Support in part	Council agrees that a definition is needed for 'offsets' but considers the submitter's definition needs work as its overly complex	Allow in part – Develop a suitable definition for 'Offsets'.
Department of Conservation (S602)	S602.022	New Definition – Watercraft	The submission seeks that 'Watercraft' is defined so that the structures the definition applies to are explicit as the term could otherwise be very broad. Definition requested as follows: <i>“Watercraft means a boat or other vessel that travels on water. This excludes use for commercial or residential activities and excludes fixed structures on water”.</i>	Support in part	Council supports inclusion of the definition but suggests it does not need to exclude commercial or residential activities as the policies and rules already differentiate between commercial and non-commercial use.	Allow in part as follows: <i>“Watercraft means a boat or other vessel that travels on water. This excludes use for commercial or residential activities and excludes fixed structures on water”.</i>
Department of Conservation (S602)	S602.034	ENG – P8 Energy	The submission seeks that the policy is amended so that it aligns with the functional need definition of the Plan, applies the effects management hierarchy where adverse effects on schedule or overlay items cannot be avoided, protects values identified in schedules in addition to areas and removes duplication.	Support	Council supports the amendments. Applying the Effects Management Hierarchy is consistent with the RPS provisions for Regionally Significant Infrastructure.	Allow
Department of Conservation (S602)	S602.035	INF – P2 Infrastructure	The submission seeks that the policy is amended so that it aligns with the functional need definition of the Plan and applies the effects management hierarchy to schedules, SNAs and overlay areas.	Support	Council supports the amendments. Applying the Effects Management Hierarchy is consistent with the RPS provisions for Regionally Significant Infrastructure.	Allow

Submitter	Submission No.	Provision	Submission Point Summary	Our position on the submission	Reason for position	Decision Sought
Department of Conservation (S602)	S602.067	ECO-P1 Ecosystems & Indigenous Biodiversity	The submission requested that the policy be amended to align with the terms used in Section 6(c) of the Act, ensure that the criteria used to assess significance is consistent with the RPS and any future national criteria and that the criteria is also used to assess significant indigenous vegetation and fauna habitat through the resource consent process or if needed, to confirm compliance with permitted standards. The submission notes that even with robust mapping, the level of significance at a site scale is often not known until such time as development is proposed through a resource consent application	Support in part	<p>Council agrees that consistent terminology needs to be used and this should align with Section 6(c) to avoid confusion. However, reference to any future national criteria in the Plan is not considered necessary as such matters are a requirement of the RMA.</p> <p>Council agrees that even when SNAs are mapped, there is likely to be a need for further assessment of the values present as mapping does not always provide sufficient detail at a site specific scale. Council also agrees with the submission point that there may be a need for a party to confirm an area is not an SNA in order to proceed as a permitted activity.</p>	Allow in Part
Department of Conservation (S602)	S602.068	ECO-P2 Ecosystems & Indigenous Biodiversity	The submission seeks amendments to the policy to better manage adverse cumulative effects from lawfully established activities within areas of significant indigenous vegetation or significant habitats of indigenous fauna, apply the effects management hierarchy to appropriately manage adverse effects and removed clause (d) relating to provision for activities with a functional need.	Support in part	<p>Council supports inserting the requested qualifier to clause (a) that the lawfully established activity <i>'and adverse effects are no greater in intensity, scale or character over time than at the operative date'</i>. This wording is consistent with the RPS. However, Council does not support the requested change to the last limb of clause (a) that reads <i>'and do not result in the loss of extent or degradation of ecological integrity'</i>. This would effectively prevent any further removal of native vegetation or fauna habitat associated with a lawful activity even if it was over a small area.</p>	Allow in part

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					Inclusion of the Effects Management Hierarchy as a means of addressing potential adverse effects of activities is supported but the removal of clause (d) relating to activities with a functional need is not.	
Department of Conservation (S602)	S602.069	ECO-P3 Ecosystems & Indigenous Biodiversity	The submission seeks the policy is amended to enable any measures to protect, enhance and restore biodiversity to be considered and biosecurity programmes to manage plant and predator pest.	Support	Council supports the amendment.	Allow
Department of Conservation (S602)	S602.070	ECO-P6 Ecosystems & Indigenous Biodiversity	The submission seeks to simplify the policy by referring to 'Threatened or At Risk (Declining) species' and to ensure the policy also captures locally endemic species important to the West Coast.	Support in principle	Council supports simplifying the policy and agrees in principle with the amendments sought. However, it is understood that amending the policy to cover Threatened or At Risk (Declining) species will effectively widen the net of species to be considered.	Allow in principle but seek further input into the implications of the amendments
Department of Conservation (S602)	S602.071	ECO-P7 Ecosystems & Indigenous Biodiversity	The submission seeks to ensure that when assessing resource consent applications, locational constraints are considered for any critical infrastructure or renewable electricity generation, an assessment of alternative is provided, the effects management hierarchy is applied and where offsetting and compensation is provided consideration is given to the extent of the net gain achieved.	Support	Council supports the amendments.	Allow
Department of Conservation (S602)	S602.072	ECO-P8 Ecosystems & Indigenous Biodiversity	The submission seeks amendments to encourage and enable active management and to encourage and enable biosecurity programmes to manage plant and predator pests.	Support	Council supports the amendments.	Allow

Submitter	Submission No.	Provision	Submission Point Summary	Our position on the submission	Reason for position	Decision Sought
Department of Conservation (S602)	S602.074	ECO-P10 Ecosystems & Indigenous Biodiversity	The submission seeks to include an additional clause that refers directly to Policy 11(a) of the NZCPS and apply the effects management hierarchy to appropriately managed adverse effects on biodiversity in the coastal environment.	Support in part	Council supports the inclusion of the effects management hierarchy to the provisions but does not see the necessity to referring to Policy 11(a) of the NZCPS specifically.	Allow in part
Department of Conservation (S602)	S602.077	ECO-R4/SUB-R7 Ecosystems & Indigenous Biodiversity	The rule duplicates the subdivision rules and is unnecessary in the ECO section and should be deleted	Support	Council agrees with deletion of the duplicated rule	Allow
Department of Conservation (S602)	S602.079	ECO-R6/SUB-R9 Ecosystems & Indigenous Biodiversity	The rule duplicates the subdivision rules and is unnecessary in the ECO section and should be deleted	Support	Council agrees with deletion of the duplicated rule	Allow
Department of Conservation (S602)	S602.081	ECO-R8/SUB-R15 Ecosystems & Indigenous Biodiversity	The rule duplicates the subdivision rules and is unnecessary in the ECO section and should be deleted	Support	Council agrees with deletion of the duplicated rule	Allow
Department of Conservation (S602)	S602.082	ECO-R9/SUB-R27 Ecosystems & Indigenous Biodiversity	The rule duplicates the subdivision rules and is unnecessary in the ECO section and should be deleted	Support	Council agrees with deletion of the duplicated rule	Allow
Department of Conservation (S602)	S602.085	Rules - Natural Features & Landscapes	The submission seeks that all matters of discretion and control are amended to include: <ol style="list-style-type: none"> 1. <i>Adverse effects on historical, cultural and biodiversity values;</i> 2. <i>Amenity and visual effects</i> 	Support	Council agrees that the matters of discretion and control are missing some important considerations and supports inclusion of the suggested matters.	Allow

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Department of Conservation (S602)	S602.086	NFL – O1 Natural Features & Landscapes	The submission supports the objective but seeks amendment to make it more explicit that ONLs and ONFs should be protected from inappropriate subdivision, use and development in accordance with Section 6(b) of the Act, and development in these areas should only be ‘allowed’ where the values are maintained or enhanced.	Support	Council supports the amendment as being consistent with Section 6(b) of the Act and replacing ‘provided’ with ‘allowed’ is more directive.	Allow
Department of Conservation (S602)	S602.087	NFL – P1 Natural Features & Landscapes	The submission supports the policy with amendments to delete provision for new infrastructure, renewable electricity generation, and hazard mitigation as these activities can adversely affect ONFLs.	Oppose	Council opposes the amendments sought.	Disallow
Department of Conservation (S602)	S602.088	NFL – P2 Natural Features & Landscapes	The submission supports the policy with amendments to explicitly set out the sequence of effects assessment in accordance with the effects management hierarchy.	Support	Council supports amending the policy to include the Effects Management Hierarchy.	Allow
Department of Conservation (S602)	S602.089	NFL – P3 Natural Features & Landscapes	The submission supports the policy with amendment to replace ‘provide for’ with ‘allow’.	Support	Council supports the amendment as being more directive.	Allow
Department of Conservation (S602)	S602.091	NFL – P5 Natural Features & Landscapes	The submission supports the policy with amendments to ensure adverse effects are managed by limiting landform modification through earthworks, are assessed in accordance with the effects management hierarchy, and the assessment considers effects on amenity, recreation, historical and biodiversity values.	Support	Council supports the amendment.	Allow

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Department of Conservation (S602)	S602.092	NFL – R3 Natural Features & Landscapes	The submission opposes the rule as natural hazard mitigation structures, particularly where these are hard protection structures or of a larger scale, can have more than minor adverse effects on ONLFs.	Oppose	Council does not support restricting the extent of activities permitted under this rule or elevating the activity status.	Disallow
Department of Conservation (S602)	S602.093	NFL – R5 Natural Features & Landscapes	The submission supports the rule with amendment to limit the permitted size of additions/alterations to buildings and structures to no greater than 50m ² or 10% of the total floor area whichever is greater.	Support	Council supports the additional standard but suggests that an additional amendment to the maximum height standard (5m) is also appropriate to allow for alterations to the same height of an existing building.	Allow inclusion of the additional standard sought but also include the following amendment: <i>“The maximum height of buildings and structures above ground level is 5m or the height of the existing building (whichever is the greatest)”.</i>
Department of Conservation (S602)	S602.099	Public Access Chapter	The submission seeks deletion of the Public Access chapter as it contains only one objective regarding the maintenance and enhancement of public access with these matters already sufficiently addressed in other chapters of the plan.	Support	Council agrees with removal of the Public Access chapter.	Allow
Department of Conservation (S602)	S602.101	NC – O1 Natural Character and	The submission seeks amendments to ensure the effects management hierarchy is applied to appropriately manage adverse effects to	Support	Council supports the amendment.	Allow

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Conservation (S602)		Margins of Waterbodies	protect the natural character of waterbodies and their margins in accordance with Section 6(a) of the Act.			
Department of Conservation (S602)	S602.103	NC – O3 Natural Character and Margins of Waterbodies	The submission seeks the objective be amended so that it is more directive and uses language that better accords with the Act.	Support	Council supports the amendment.	Allow
Department of Conservation (S602)	S602.104	NC – P1 Natural Character and Margins of Waterbodies	The submission seeks that subdivision and land use must be of a form and scale that is compatible with the natural character of riparian margins.	Support	Council supports the amendment.	Allow
Department of Conservation (S602)	S602.105	NC – P2 Natural Character and Margins of Waterbodies	The submission seeks replacement of 'provide for' with the term 'allow' as this language is enabling.	Support	Council supports the amendment.	Allow
Department of Conservation (S602)	S602.108	NC – R2 Natural Character and Margins of Waterbodies	The submission opposes the rule on the basis that a number of the activities can have adverse effects on the environment that should be assessed through a resource consent application so appropriate conditions can be imposed if required and the application be declined if adverse effects are significant or contrary to statutory documents.	Oppose	Council opposes the amendments sought.	Disallow
Department of Conservation (S602)	S602.109	NC – R3 Natural Character and Margins of Waterbodies	The submission opposes the rule for the same reasons as for NC – R2 above.	Oppose	Council opposes the amendments sought.	Disallow

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Department of Conservation (S602)	S602.0132	ASW – R5 Activities on the Surface of Water	The submission seeks that the rule apply to temporary swimming platforms and include an additional matter of control regarding the management of effects on ecological and biodiversity values.	Support in part	Council supports the additional matter of control but does not support the added qualifier that swimming platforms are installed for a single swimming season.	Allow in part
Department of Conservation (S602)	S602.0133	ASW – R6 Activities on the Surface of Water	The submission seeks an additional matter of discretion regarding the management of effects on ecological and biodiversity values.	Support	Council supports the additional matter of discretion.	Allow
Department of Conservation (S602)	S602.0134	New Rule - Activities on the Surface of Water	Following on from submission point 132, an additional rule is requested to capture permanent swimming platforms as a discretionary activity.	Oppose	Council does not see the necessity for an additional rule and regards swimming platforms as having less than minor adverse effects.	Disallow
Department of Conservation (S602)	S602.0135	New Rule - Activities on the Surface of Water	The submission seeks an additional rule to capture any other unanticipated activities and structures as a non-complying activity.	Oppose	Council does not see the necessity for an additional rule as ASW – R7 is a catch-all discretionary rule nor does Council support elevating the activity status. However, in the interests of simplifying the rule, amend the title of ASW – R7 as suggested in the submission.	Disallow Consider changing the title of the rule to: <i>“Activities, watercraft, structure or buildings not provided for in another rule”.</i>
Department of Conservation (S602)	S602.149	CE – O3 Coastal Environment	The submission supports the objective with amendment so that it is more directive and uses language that accords with the Act and is consistent with the NZCPS.	Support	Council supports the amendment.	Allow

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Department of Conservation (S602)	S602.149	CE - P8 Coastal Environment	The submission seeks that the Effects Management Hierarchy is applied to ensure that there is an appropriate cascade of effects management approaches.	Support	Council supports applying the Effects Management Hierarchy with this consistent with the RPS direction on the National Grid.	Allow
Department of Conservation (S602)	S602.150	CE - R4 Coastal Environment	<p>The submission opposes rule CE-R4 and seeks an additional setback rule of >25m from CMA so that all buildings and structure are appropriately set back from the CMA and require resource consent when they are not so the adverse effects can be assessed.</p> <p>The submission also seeks to amend the rule to refer to 'overlay areas' rather than a detailed list as this simplifies the rule and ensures that no overlay areas are inadvertently excluded. It also seeks the removal of energy activities, natural hazard mitigation structures and network utilities from the permitted activity list.</p>	Support in part	<p>Council does not support a generic rule that excludes all buildings and structures within 25m of the CMA as this will capture the likes of temporary whitebait shelters etc but it would support the setback applying to residential buildings.</p> <p>Council agrees with simplifying the reference to the overlay areas but does not support removal of energy activities, natural hazard mitigation structures or network utilities from the permitted activity list.</p>	Allow in part
Department of Conservation (S602)	S602.151	CE – R5 Coastal Environment	The submission opposes rule CE-R5 and seeks an additional setback rule of >30m from CMA so that all buildings and structures within High Coastal Natural Character Areas are appropriately set back from the CMA and require resource consent when they are not so the adverse effects can be assessed.	Support in part	Council does not support a generic rule that excludes all buildings and structures within 30m of the CMA as this will capture the likes of temporary whitebait shelters but it would support the setback applying to residential buildings.	Allow in part
Department of Conservation (S602)	S602.152	CE – R6 Coastal Environment	The submission opposes the rule and seeks that 'reconstruction' is removed from the permitted activity rule as it can have adverse natural character effects that should be assessed through a resource consent application. Additionally, an amendment is	Support in part	Council does not support removing 'reconstruction' from the rule as the adverse effects of rebuilding an existing structure are not expected to be significant. Nor does Council consider that the activity	Allow in part.

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			sought to the activity status where compliance is not achieved form controlled to restricted discretionary so any application under that rule has the ability to be declined where adverse effects are significant.		status needs changing where compliance with the rule is not achieved. The changes sought to clause 2 where the earthworks and land disturbance is to be <i>'contained wholly within the footprint of the mitigation structure'</i> is supported.	
Department of Conservation (S602)	S602.154	CE – R8 Coastal Environment	The submission seeks the rule is amended to explicating apply to 'Lawfully Established' buildings and structures only.	Support	Council supports the amendment.	Allow
Department of Conservation (S602)	S602.155	CE – R9 Coastal Environment	The submission opposes the rule and seeks that 'reconstruction' is removed from the permitted activity rule as it can have adverse natural character effects that should be assessed through a resource consent application. Additionally, an amendment is sought to the activity status where compliance is not achieved form controlled to restricted discretionary so any application under that rule has the ability to be declined where adverse effects are significant.	Support in part	Council does not support removing 'reconstruction' from the rule as the adverse effects of rebuilding an existing structure are not expected to be significant. Nor does Council consider that the activity status needs changing where compliance with the rule is not achieved. The changes to clause 2 where the earthworks and land disturbance is to be <i>'contained wholly within the footprint of the mitigation structure'</i> is supported.	Allow in part
Department of Conservation (S602)	S602.157	CE – R11 Coastal Environment	The submission seeks the rule is amended to ensure that it applies to existing access areas and structures, and that earthworks are contained to the existing footprints of the access areas and structures.	Support	Council supports the amendment.	Allow
Department of Conservation (S602)	S602.170	EW – R2 Earthworks	The submission seeks to amend the rule to remove duplication and simplifying the rule.	Support	Council supports the amendment.	Allow

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Department of Conservation (S602)	S602.176	Light – R1	The submission seeks an additional standard to require that light is directed away from any adjoining and adjacent overlay areas to protect the significant values of these areas from light spill.	Oppose	Council opposes insertion of the additional standard as the policy framework already addresses consideration of natural character and biodiversity values when assessing light emissions.	Disallow
Department of Conservation (S602)	S602.180	Noise – R2	The submission seeks that noise from aircraft used for ‘conservation activities’ such as biodiversity projects and activities is included in the permitted activity list of Rule - Noise R2.12.	Support	Council supports the amendment but queries whether helicopter movements need to be included in the rule as they are a type of aircraft. NB: This submission links to submission point S166.007 where the definition of ‘Conservation Activities’ is sought to be amended to include weed and pest control activities and the intermittent use of aircraft.	Allow
Department of Conservation (S602)	S602.184	OSRZ – P11 Open Space and Recreation Zones	The submissions seeks the policy is amended to recognise natural, cultural and biodiversity values which are all important within the Open Space Zones.	Support	Council supports the amendment.	Allow
Department of Conservation (S602)	S602.190	OSRZ – P20 Open Space and Recreation Zones	The submission seeks a minor amendment and inclusion of ‘indigenous biodiversity’ values to ensure small scale buildings and structures do not adversely affect biodiversity values.	Support	Council supports the amendment but also suggests that ‘conservation values’ are removed given this is captured by ‘indigenous biodiversity values’.	Allow

Submitter	Submission No.	Provision	Submission Point Summary	Our position on the submission	Reason for position	Decision Sought
Department of Conservation (S602)	S602.192	Natural Open Space - Zone Mapping	The submission supports the NOSZ mapping of significant public conservation land but seeks to upzone additional significant public conservation land to NOSZ where these contain ONLFs, SNAs, HNCAs, ONCAs outside of urban areas.	Oppose in part	Council supports re-zoning of additional areas of public conservation land to NOSZ where this has identified high biodiversity values but does not support using the overlays as the sole basis for this process. Council considers that specific areas for re-zoning should be considered on their respective merits. Up-zoning has consequences for potential land uses and should be carefully evaluated.	Allow in part
Department of Conservation (S602)	S602.222	BCZ - P4 Buller Coalfield Zone	The submission supports Policy BCZ-P4 with amendment to enable adverse effects on natural character, landscape, historic values and biodiversity to be considered as adverse effects on significant indigenous vegetation and significant habitats of indigenous fauna are addressed in Policy BCZ-P5.	Support	Council agrees with the suggested changes and inserting the effects management hierarchy.	Allow
Department of Conservation (S602)	S602.223	BCZ – P5 Buller Coalfield Zone	The submission supports Policy BCZ-P5 with amendment to apply the effects management hierarchy to appropriately address adverse effects.	Support	Council agrees with the suggested changes and inserting the effects management hierarchy.	Allow
Department of Conservation (S602)	S602.224	BCZ – R5 Buller Coalfield Zone	The submission opposes BCZ-R5 and seeks that the activity status is elevated from controlled to restricted discretionary with clause (g) removed from the matters of discretion and a new clause added being ' <i>management of effects on natural character, landscape, historical and cultural values and biodiversity</i> '. The submission also seeks changes to clause 1 dealing with vegetation removal.	Support in part	While Council does not support the change in activity status it does support the changes sought to the matters of discretion.	Allow in part

Submitter	Submission No.	Provision	Submission Point Summary	Our position on the submission	Reason for position	Decision Sought
Department of Conservation (S602)	S602.225	BCZ – R6 Buller Coalfield Zone	The submission opposes BCZ-R6 and seeks that the activity status is elevated from controlled to restricted discretionary with clause (h) removed from the matters of discretion and a new clause added being ' <i>management of effects on natural character, landscape, historical and cultural values and biodiversity</i> '.	Support in part	While Council does not support the change in activity status it does support the changes sought to the matters of discretion.	Allow in part
Department of Conservation (S602)	S602.230	RURZ - P25 Rural Zone	The submission opposes Policy RURZ-P25 and seeks an amendment to require that adverse effects on significant indigenous vegetation and significant indigenous fauna are managed in accordance with the effects management hierarchy so that these effects are appropriately managed, and where there are residual effects, these are offset or compensated.	Support	Council supports the changes sought to clause (d) which applies the effects management hierarchy as this provides clear direction on the management of adverse effects.	Allow
Grey District Council (S608)	S608.006	Definition – Critical Infrastructure	The submission seeks that the definition of 'Critical Infrastructure' is amended to give effect to the definition RPS.	Support	The RPS definition of 'Regionally Significant Infrastructure' (RSI) is broader and includes such infrastructure as radio communications and reticulation associated with 3 waters which is missing from the pTTPP definition of Critical Infrastructure. Council agrees that in order to give effect to the RPS the definitions should align.	Allow - Amend the definition of Critical Infrastructure to cover all infrastructure identified in the definition for RSI in the RPS.
Grey District Council (S608)	S608.110	GRUZ-R12 General Rural Zone	The submission seeks GRUZ-R12 is amended as it is unlikely to be functional for the majority (the rule provides for permitted mineral extraction where the volume of material is <20,000m ³ within a 12 month period). The	Support	Council agrees that for mineral extraction the current limit of 20,000m ³ is not likely to be workable.	Allow

Submitter	Submission No.	Provision	Submission Point Summary	Our position on the submission	Reason for position	Decision Sought
			submission seeks that the material limit is increased to 100,000m ³ .			
Grey District Council (S608)	S608.652	CE-P8 Coastal Environment	The submission seeks the addition of 'Regionally Significant Infrastructure' into this provision to provide for the maintenance, repair and operation of existing RSI	Support	Council agrees that Policy CE-P8 should have a wider focus than the National Grid and should apply to Critical Infrastructure/RSI generally as this is infrastructure that supports the wellbeing of our communities.	Allow
Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio (S620)	S620.195	ASW – P3 Activities on the Surface of Water	The submission supports the policy as it enables commercial activities that support the wellbeing of the community.	Support	The rule framework does not implement ASW – P3 as no provision has been made for commercial vessels utilising the region's ports. While the port operates under existing by-laws, for the avoidance of doubt, Council requests a new permitted activity rule to provide for commercial vessels.	Consequential amendment – insert a new permitted activity rule to allow commercial vessel activities on the surface of rivers associated with port operations.
West Coast Regional Council (S488)	S488.034 & 0.35	Rezoning Requests and Subdivision Rules	The submissions seek that: The pTTPP HPL Precincts should be scientifically reviewed by the four West Coast Councils and; Review the pTTPP HPL provisions in terms of whether they meet the NPSHPL provisions, and amend the pTTPP HPL provisions once further consultation with affected landowners is undertaken.	Support	Council supports evidence based approaches to overlays, given the impact to those it may affect.	Allow

Submitter	Submission No.	Provision	Submission Point Summary	Our position on the submission	Reason for position	Decision Sought
West Coast Regional Council (S488)	S488.002	NHR-38	The submission seeks to amend permitted Rule NH - R38 to provide for maintenance and repair of existing weather event monitoring structures and WCRC Rating District protection structures.	Support in Part	Council wishes to be involved in this submission, as this will have an impact to the Buller District.	Allow in part
Westland District Council (S181)	S181.005	NH-R1	<p>The submission states: Notwithstanding existing use rights which exist due a building being lawfully established at the time of notification of the plan.</p> <p>Westland District Council does not support NH-R1-4. Which states that reconstruction or replacement of a destroyed/damaged building is permitted if it is reconstructed or replaced within 5 years in all other natural hazard overlays. - There are concerns that with volatile waterways, unexpected landslips and potential for flooding that not only could the site become unsuitable to rebuild with no consideration for mitigation against the natural hazard that destroyed it in the first instance, but also within a period of 5 years from the time a building was destroyed the hazard scape could change and intensify drastically.</p> <p>Creating this permitted rule takes away Council's ability to assess risk and require mitigation against further natural hazard threats. - It is considered that existing use rights provisions under s10 of the RMA 1991 may cause difficulty enough if a site is considered to</p>	Oppose in part	Council supported this rule in the original submission. An appropriate balance between restricting and allowing development must be considered after significant events.	Disallow for the Buller District

Submitter	Submission No.	Provision	Submission Point Summary	Our position on the submission	Reason for position	Decision Sought
			<p>no longer be suitable for rebuilding or replacement of a dwelling. With no ability under the West Coast RPS to extinguish existing use rights Council may be forced to allow a member of public to rebuild in an unsuitable site subjecting them to further emotional and financial effects if it becomes an issue again.</p> <p>For example if a dwelling owner rebuilds where a creek has jumped out of its bed and gone through the building, the Plan (even if this risk has increased) up to 5 years later gives can still rebuild. Effectively setting the dwelling up to fail.</p> <p>The submission seeks to remove NH-R1 4 or make it restricted discretionary to reconstruct or replace beyond the 12 months allowed.</p>			
Westland District Council (S181)	S181.011	NH-R7	The decision sought is to change the status for New Unoccupied Buildings in the Flood Severe and Flood Susceptibility Overlays to a Controlled or Restricted Discretionary Activity with controls or restrictions including:- Assessment of risk to building- Consideration of mitigation measures to reduce/manage flood hazard- Consideration of likelihood or potential of complete loss of the building in a flood situation.	Oppose in part	Council support that unoccupied buildings do not trigger a resource consent, being a different approach to Westland District Council.	Disallow for the Buller District.

Submitter	Submission No.	Provision	Submission Point Summary	Our position on the submission	Reason for position	Decision Sought
Garry Howard (\$358)	S358.002, S358.004	Rezoning Requests, Planning Maps and Overlays	S358 - Alma Road Cross Roads Area, Cape Foulwind Tauranga Bay Area	Oppose in part	Where rezoning is proposed, Council requests involvement to comment on suitability noting that rezoning must be based on evidence. Council does not support rezoning that allows an increase in density in areas subject to Natural Hazards. This includes but is not limited to low lying areas, coastal areas, rockfall hazard areas and areas subject to erosion.	Disallow where evidence does not support rezoning.
Murray Dellaca (\$87)	S87.001		S87 - Alma Road			
Charles Elley (\$251)	S251.002		S251 - Beach Drive DP 543155			
Cape Foulwind Staple 1 (\$557)	S557.003 S557.004		S557 - Guardian Lakes Flats (adjacent to Tauranga Bay Road), Holcim Quarry Lake			
Cape Foulwind Staple 2 (\$568)	S568.005		S568 – Inner Cape Foulwind Road – Identified as Area 2 in the submission			
Tauranga Bay Holdings LTD (\$597)	S597.001		S597 - Cape Foulwind Area			
Chris and Jan Coll (\$558)	S558.499		S558 – Land between Bulls Road and Bradshaw’s Road south of the State Highway 67A			

Submitter	Submission No.	Provision	Submission Point Summary	Our position on the submission	Reason for position	Decision Sought
			<i>The rezoning submissions included in this further submission are not an exhaustive list, however present examples of rezoning in larger areas.</i>			
Joanne and Ken Dixon (S213), Kevin Scanlon (S503), Rick Hayman (S471) Margaret Montgomery (S446) Scenic Hotel Group (S483)	S213.003, S503.001, 002 S471.001 S446.010 S483.011	Natural Hazards, Natural Hazard Rules	<p>Extent of Natural Hazard Overlays and Rule Restrictions</p> <p>S213 – Natural Hazard overlays applied to Westport and outlying areas</p> <p>S503 – Extent of Flood Hazard Overlays, Amend Flood Hazard Rules</p> <p>S471 – Extent of Flood Hazard Maps</p> <p>S446 – Support approach of identifying hazard areas in overlays</p> <p>S483 – Remove natural hazard provisions for lawfully established activities</p> <p><i>Various submissions received relate to the extent of Natural Hazard overlays and their restrictions. The submissions included in this further submission are not an exhaustive list, however present examples.</i></p>	Oppose in part	<p>Councils Submission Cover Letter noted that one area Council understands will be contentious are the Natural Hazards provisions. Council realises the significant impact of the various overlays to residents and in particular the current challenges facing Buller.</p> <p>Multiple submissions have been received that relate to the natural hazard overlays and their restrictions. A review of all natural hazard overlays is required and needs to be supported with evidence to justify their extent to enable a resilient Buller.</p>	Disallow where evidence does not support.

**Committee Secretariat
Governance and Administration Committee
Parliament Buildings
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SUBMISSION FROM BULLER DISTRICT COUNCIL ON THE WATER SERVICES ENTITIES AMENDMENT BILL

Buller District Council (BDC) thanks the Governance and Administration Committee (the Committee) for the opportunity to submit and provide feedback on the Water Services Entities Amendment 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 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 but given our geographical area, we do have different challenges to some of those faced elsewhere in the country.

The intent of the Bill

We broadly support the Government's intention to move forward with the move to the 10-entity model. There are elements of the proposed legislation that we feel could impact our community and feel necessary to include these below.

Given our geographic location, the infrastructure challenges we face and the deprivation index of our region, we believe that reform is needed and would be beneficial to our community. The purpose of this policy is to provide for, and adjust the establishment, governance, functions, and accountability arrangements for 10 publicly owned water services entities that will deliver water services in New Zealand in place of local authorities.

This Bill proposes the following key features:

- Representation of all territorial authority owners on the regional representative group of the entity they own – This gives all councils "A seat at the table".
- A model that involves 10 water services entities, which are more closely based on existing regions.
- A longer period for establishment of water services entities, between 1 July 2024 and 1 July 2026.
- A new mechanism called community priority statements, which give community groups who have an interest in a water body an opportunity to make statements to their entity about their priorities for that body.

As part of the decision to establish 10 water services entities and amend the establishment time frames, the Bill proposes—

- A locally led merger process set out which enables water services entities to merge if their regional representative groups decide to.
- A Water Services Entities Funding Agency, together with arrangements for Crown financial support – This differs from the previous funding mechanisms.
- Shared services arrangements, which entities may enter voluntarily, or by ministerial direction in defined areas:
- Transitional arrangements for local government and water service entities.

Recommendations, Questions & Concerns

We agree with Taituarā from the original Water Services Entities act 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 or service level because of these reforms, and the transitional period.

BDC Support the Water Services Entities Amendment Bill

1.0 Entity Go Live Approach

- A. Buller District Council understand the need for a staggered approach, but we are keen to understand the exact proposal as the later the date of the go – live for the new entity could have a detrimental impact to our community. We believe that the larger timeframe will create unnecessary uncertainty for the public.
- B. We think that it is unclear how the decision is going to be made in terms of go-live dates. The introduction to the Bill outlines that it will depend on council owners’ readiness for this to happen and National Transition Unit (NTU) guidance, but we believe that leaves a lot of unanswered questions – We would like the Bill to provide more information on this.
- C. Our community would be keen to understand if we were ready to transition over to the new entity what criteria would be set to allow this to happen.
- D. BDC would like more information in terms of the Entity Transition Runway (ETR) framework to be provided moving forward.

2.0 Community priority statements

- A. There is no certainty as to how the community priority groups will be assigned or what their responsibilities would be, this should be outlined.
- B. It should also outline how the decision-making process for elected members would be implemented.

3.0 Process for locally led voluntary mergers of entities

- A. It is not outlined in the Bill how the decisions will be taken in terms of the voluntary mergers, i.e. is there set criteria around it, does population play a part etc?
- B. There is no outline as to whether this can happen from prior to go live date or after July 2026. i.e. can mergers happen before the launch of the entities?

4.0 Entity financing arrangements

- A. BDC would like the legislation to give clarity in terms of the debt settlement process and if there's been any changes to that from the new legislation. The previous process worked for us given the debt would be settled on the day the new entity went live – We would like clarity that this is still the case.

5.0 Shared services arrangements

- A. It is important for our staff to understand how their working lives could be impacted moving forward. For example, looking at a shared services arrangement what does it mean for Rural councils when the expectation would be on a larger scale head office? – Does it mean they will they need to move location and is there going to be local offices for them to work from? - BDC would expect a clearer output moving forward.

6.0 Transitional arrangements relating to local government planning and reporting

- A. It is outlined that Councils do not need to consult on changes to an LTP if the reform changes in relation to Water Services – This leaves the council in a situation where we are still expected to plan for the status quo as well as the Water Services Reform when we look at the long-term planning process in case the reform changes.
- B. It outlines in the Bill that Councils will still be expected to collect unpaid rates for the full year, even when the entity go – live date is during that financial year. This gives our financial team problems when it comes to planning and the setting of the rates for that period.
- C. Buller District Council would like to move to a go – live of the entity at the start of a financial period. Given the nature of the resource constraints we have it would be economically prudent to do so, as alluded to previously in the submission an earlier go live date would be our preference.

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.

The biggest issues for our district remain affordability of compliant water services for our communities, the viability of our CCO, and certainty for our staff regarding the go – live date. The sooner we have those issues resolved, the better it is for everyone involved.

If there are any questions regarding this submission, please contact Sean Judd (Acting CEO) at Sean.Judd@bdc.govt.nz. We do not wish to be heard in support of this submission.

Ngā mihi



Sean Judd
Acting Chief Executive Officer
Buller District Council

BULLER DISTRICT COUNCIL

31 JULY 2023

AGENDA ITEM 11

Prepared by Jamie Cleine
Buller District Mayor

Appendix

- 1 Media Release – Westport Flood Resilience Programme
- 2 Letter from Minister of Local Government
- 3 Proactive Release Westport Flood Resilience
- 4 Mayors Correspondence

MAYOR'S REPORT

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

That Council receive the report for discussion and information.

3. COUNCIL

3.1 Interim CEO Appointment

The recruitment process to appoint an interim CEO of Council is now complete.

At a meeting on the 28 June in public excluded Council resolved as follows:

“that Steve Gibling be appointed as Interim CEO and authorises the Mayor to confirm a start date and sign the IEA as negotiated and included as Attachment 3.”

The above resolution has now been completed, with an Individual Employment Agreement signed by Steve Gibling and Council on 29 June. The effective start date has been confirmed as 21 August.

In consideration of Steve's obligations to his current employer an announcement to all BDC staff was delayed until 5 July, ahead of a formal media release on the 6 July.

Steve is now in contact with Acting CEO Sean Judd and my office to plan his induction to the organisation.

It is fantastic to have this appointment made and I thank Councillors for their patience and contribution to a successful outcome.

3.2 MAYORS TASKFORCE FOR JOBS (MTFJ)

Mayors Comment

It has been a very busy final push for the Buller MTFJ programme team to get to our target of 50 outcomes. I'm proud of the efforts of Coordinator Julie Moore and Pastoral Care Support Ruby Erickson to really work hard to find and support our young people in innovative ways, via a much narrower and focused contract than in previous years.

I now have a new contract in hand to be finalised over the next few weeks. Although not as much funding is on the table, there is a comparable reduction in targets and importantly the pastoral care and support element of the contract remains. I look forward to working with the team on planning for the 2023/24 year, and MTFJ benefitting from an on-going close relationship with Buller REAP.

MTFJ Co Ordinator Julie Moore comments:

Meetings with our MSD Work Broker in June has resulted in 3 referrals from MTFJ for Mana in Mahi or Apprenticeship Boost - 1 Hospitality, 1 Engineering, 1 Construction.

Ruby and I have been invited to the team Planning Day in July to give Westport MSD staff a better understanding of the MTFJ programme.

We attended the West Coast Pathways Career Expo with our driving simulator, which proved very popular with students. We are taking it to Karamea Area School in a few weeks.

Buller REAP and MTFJ are now collaborating to provide a Defensive Driving course for Year 13 students.

We are working with Buller High School in delivering a First Aid course for school leavers in August.

In June we had 12 outcomes achieved, giving us a total of 51, a very busy and satisfying end to the 2022-23 year after a slow start.

Planning is now well underway for our 2023-24 campaign.

Distributions for June	\$ 32,326
Total Distributions Year to Date	\$311,029

4. EXTERNAL MEETINGS

4.1 Resilient Westport Steering Group (RWSG)

This steering group has been established by the Department of Internal Affairs (DIA) to ensure the successful delivery of Resilient Westport initiatives included in the \$22.9m Government funding announcement in May 2023.

The Steering Group composition is determined by the independent Chair to allow efficient oversight of programmes. Although the composition may change over the life of the programme, the initial membership includes Mayor of BDC, Chair WCRC, Chair Ngāti Waewae, CEO of WCRC and BDC, representatives of DIA and National Emergency Management Agency (NEMA).

A draft term of reference has been considered and changes suggested for formal agreement at the next meeting.

The RWSG itself does not have formal financial delegations, and members remain accountable to their parent organisation.

However, a condition of Government funding is that any drawdown from the Crown funds is first approved by the RWSG, comprising leaders from both Councils and Iwi.

The first meeting was held in Westport on 23 June and a media release was made on the 28 June attached as Appendix 1. This meeting discussed the terms of reference and the next steps in delivering the projects and drawdown of funds.

Council received a letter from Local Government Minister Keiran McAnulty and Minister of Finance Grant Robertson which clearly laid out the next steps in satisfying the government on the project and subsequent draw-down of funds. (see Appendix 2)

Next Steps

The flood wall components will be progressed by WCRC.

The concept design submitted for approval in the Kawatiri Business Case was an interim design. The final design was always going to be dependent on the funding that was allocated, as well as any changes that would occur as the project progressed through the various design steps – Concept design (submitted through the Kawatiri Business Case), Preliminary design (develops the concept design toward a more final design, resolves any issues), Detailed design (exactly how it will be constructed and where etc.).

The West Coast Regional Council, of behalf of the Resilient Westport Steering Group will be engaging independent experts to review the concept design and the Tonkin+Taylor technical review. This work will address the technical issues and risks raised with the concept design so it can progress

to the preliminary design phase or identify if there are any matters that do require further work. (See Appendix 3 for a proactive release: DIA evaluation of the Westport flood resilience proposal).

The redesigned flood protection proposal needs to be considered by the Minister of Finance and Minister of Local Government to provide assurance that the next stages of the project can proceed. With the upcoming national election, there is a limited window for drawdowns of funding from Government to occur prior to the election.

There are other steps that will need to be progressed to get to construction.

It is intended to progress this work as quickly as possible. However, we do need to follow proper process around the design phase, obtaining consent, tendering, community consultation and all the other components to this project. As such, it is very difficult to put a firm timeframe around this.

The construction of the Westport flood protection will be one of the first 'green field' flood protection schemes that has been built in New Zealand for some decades. As the project progresses, it is our intention to keep the community informed.

The issue of removal of stormwater or spillover water inside the flood protection scheme has also not been funded as part of the Resilient Westport package, with the government directing this is best referred to the new water services entities as part of Three Waters Reforms. It will be important that this component is considered as part of the design and the appropriate funder is included early in project.

There are other funded components for the RWSG to consider under the themes of retreat, relocate and avoid as part of the PARA framework. These are critical elements to ensure the resilience outcomes are achieved.

The next meeting of the RWSG was held 21 July at the WCRC offices in Greymouth which is post close off for this agenda.

5. LOCAL EVENTS & RELATIONSHIP MEETINGS

I have attended various local events and relationship meetings over the period.

Some highlights included:

- Westport Rotary Club, I spoke to the members at their weekly gathering to provide a general update on Council business. Rotary is working on a project to procure a mobile kitchen unit (caravan) that can support the community during emergency events with catering and support.
- Youth Voice Kawatiri, I attended the youth led planning day to provide some insight into how the youth can be involved in Council planning via the annual

and long term plans. I also discussed the importance of them fostering new participation as a key to the sustainability of youth voice.

- Citizenship ceremony, I accepted the oaths of 7 new citizens who have chosen Buller as their home and New Zealand as their country. The new residents originated from Australia, UK, Philippines, Mexico and South Africa.
- I hosted Dan Gordon, Mayor of Waimakariri District. Mayor Gordon was in town as part of a tour to visit most Councils in New Zealand seeking support for his election to president of Local Government New Zealand. It was interesting to discuss local government issues with the Mayor of a district that has seen significant growth in population over the past 10 years. This casts a very different lens over the challenges when compared to a district such as Buller with less growth and a very different demographic.
- I attended the finale performance of Newsies Jr the Buller High School stage production. This was an outstanding effort from a cast of 40-50 students, fast paced, passionate and artistically staged, such a credit to the staff and students involved in bringing a high-level dramatic production to the NBS theatre.
- Grace Hall, policy advisor at Local Government New Zealand to discuss the complexities of climate change adaptation policy. This is an important discussion on a local and national level and Buller should take every opportunity to influence the formation of policy that is likely to be introduced by government via the Climate Adaptation Bill. The timelines for this are not yet confirmed.

6. CORRESPONDENCE

For Council consideration – see attached.

Incoming Correspondence 2023		
27 June 2023	Minister of Finance Minister of Local Government	WCRC/BDC Buller Flood Resilience Steering Group (see Appendix 2)
29 June 2023	Minister of Local Government	Future for Local Government Review
8 July 2023	Anna McInroe & Ratepayer	Ikamatua Footpaths
13 July 2023	Friends of Waiuta	Invitation for Letter of Support – Waiuta Police Cottage & Newsletter for Sponsors
Outgoing Correspondence 2023		
28 June 2023	Robert Miedema	Letter of Response Reefton Visitor & Service Centre front doors
30 June 2023	Frida Inta	Public Forum Response
30 June 2023	Lisa Maathuis – Dignity NZ	Public Forum Response
30 June 2023	Lynne Higgins	Public Forum Response
5 July 2023	Westport Rotary	Community Hub Caravan Fundraising
5 July 2023	Whakatu Rotary	Community Hub Caravans Fundraising
20 July 2023	Anna McInroe	Ikamatua Footpaths – Letter of Response



MEDIA RELEASE

28 June 2023

Westport Flood Resilience Programme kicks off

In May Prime Minister Chris Hipkins announced a \$22.9m package to support initiatives that will improve Westport's flood resilience.

On Friday a Steering Group convened to plan how this will work. The Steering Group is a partnership agreed by Ministers to progress the implementation of the funding agreed in the budget.

The Steering Group is independently chaired and comprises key leaders from Buller District Council, the West Coast Regional Council, Te Rūnanga o Ngāti Waewae, The Department of Internal Affairs and the National Emergency Management Agency.

The Steering Group will meet regularly to maintain oversight and synchronisation of the various packages of work that will be delivered by the respective Councils.

The Steering Group has adopted a four-pronged approach known as PARA:

- To **Protect** areas in the short term where this is practical and affordable. Protect does not mean eliminating the risk of flooding; it means reducing the risk of flooding while longer term measures can be put in place.
- To **Avoid** development and intensification in high-risk areas, and as quickly as possible.
- To **Relocate** at risk communities in the medium and long term into low-risk areas.
- To **Accommodate** flooding in some areas through measures such as raising floors and temporary moveable flood barriers.

While exact details are still being planned, the funded packages of work that the Steering Group will oversee and co-ordinate over the next two years include:

- \$15.9m for a ringbank to reduce the risk of flooding, this is in addition to the Westport Rating District's contribution. Further work needs to be undertaken to determine the detailed location and design of the ringbank.
- \$1.5m for the reforestation of the Organs Island area.
- \$1.0m to restore the Regional Council's emergency funds for immediate works on Buller riverbank.
- \$1.0m to replenish the Regional Council's contingency fund (which has been exhausted).
- \$0.5m for a development plan for Alma Road and to support the development of low-risk areas.
- \$0.25m for a Feasibility study into strategic land purchase at Alma or other low risk sites.
- \$2.0m for an Adaptation Relief Fund to assist owners in high-risk areas for initiatives such as raising buildings, or to procure moveable flood barriers for example.
- \$0.5m to improve local civil defence capability.

- \$0.25m for a sea level monitor/tide gauge to improve early warning.

Over and above this funded work, the Government requires a report back from Councils on how they intend to strengthen planning rules to limit further development and intensification in locations at risk of flooding.

Managed retreat and buyouts are not in scope for the Steering Group or for the funding provided. Buller Mayor Jamie Cleine and West Coast Regional Council Chair Peter Haddock agree that the approach is sensible and realistic given the inevitability of climate change and the increased intensity and frequency of weather events in future.

‘We have to get used to living with higher flood flows, more stormwater and eventually, sea level rise,’ said Mayor Cleine.

‘We cannot wish away this challenge. Looking around Aotearoa New Zealand, it is clear that we need to adapt our towns and cities. Westport is at the forefront of this adaptation and fortunately we do have some great options available.

‘Adaptation is a complex issue, and we have an obligation to current and future residents to get started on a multi-pronged approach to dealing with it. In some ways, what we are doing is leading development of approaches to climate adaptation that can be applied in other Districts’, he said.

Peter Haddock agrees: ‘There’s a temptation to focus on the ringbank as solving our problems. Really, it’s just buying us some time - Mother Nature will win this battle eventually.

‘The model we have adopted here shows that careful consideration has been given for residents now and for future generations, and that we have had the courage and foresight to act decisively for the long-term future of Westport’.

ENDS -

Media contact

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Jamie Cleine | Mayor | Buller District Council | 027 423 2629

Hon Kieran McAnulty

Minister for Emergency Management
Minister of Local Government
Minister for Racing
Minister for Rural Communities
Deputy Leader of the House



Peter Haddock
Chair, West Coast Regional Council
By email: peter.haddock@wrc.govt.nz

Jamie Cleine
Mayor, Buller District Council
By email: jamie.cleine@bdc.govt.nz

Francois Tumahai
Chief Executive, Ngāti Waewae Arahura
By email: francois@ngatiwaewae.org.nz

Dear Peter, Jamie, and Francois,

We are pleased to hear the news of the Buller Flood Resilience Steering Group's (the Steering Group) establishment.

As the Minister of Finance and Minister of Local Government, we will be overseeing the \$22.9 million set aside in Budget 23 to coinvest in the building of future flood resilience in Westport.

Now that the Steering Group has been stood up, we are keen to progress this work and start working with you on the next stage. As outlined in Hon Kieran McAnulty's letter on 12 May 2023, the first job of the Steering Group will be to refine the Westport flood resilience proposal (the Westport proposal).

We understand that officials shared with you the Department of Internal Affairs' evaluation report on the Westport proposal including a Tonkin+Taylor technical review of the flood protection structures. These reports informed the Government response to the Westport proposal in Budget 23.

Revising the proposal

We have been authorised to release the funding once the revised proposal meets Government expectations.

We consider that the Westport proposal is generally sound and provides a range of actions to improve the town's flood resilience. However, we consider that the proposal needs to address the technical matters raised in the Tonkin+Taylor review and ensure the right balance of actions across the PARA (Protect, Avoid, Relocate, Accommodate) framework is met to support the long-term resilience of Westport.

To do this, there needs to be more flexibility built into the flood protection structures. We consider that the current plan for the flood protection structures in the Westport proposal:

- provides universal risk coverage at high levels of flood protection that may dull incentives for other adaptation actions that may be more cost-effective in the long run; and
- may increase residual risk by allowing development and intensification behind the flood protection structures.

There are also a range of technical risks with the flood protection structures as identified in the Tonkin+Taylor technical review that must be addressed.

Process for the release of Crown funding

Cabinet has only authorised us to release Crown funding once we are satisfied the Westport proposal has been satisfactorily revised. Our expectations are that the revised proposal will

- rely less on universal long-term flood protection structures to mitigate the risks identified above;
- place greater emphasis on flexibility over the medium-to-long term;
- create incentives to support a longer-term transition to relocate growth outside the flood zone; and
- address the technical risks identified with the flood protection structures.

The Government will contribute a maximum of \$22.9 million funding to flood resilience actions in the revised proposal. The indicative Crown funding allocation on the actions across the PARA framework are:

- *Protect*: structural flood protections for a 1-in-100-year event but with flexibility to allow for changes as risks shift and broader adaption tools are developed. No structural protection to be provided at Carter's beach due to the risk this creates for Buller bridge during flooding. **\$19.4 million.**
- *Relocate*: support for the Buller District Council to design a structure plan (a framework to guide the development of an area, including future land use, open space and infrastructure) with a focus on developing in lower-risk areas. **\$0.5 million.**
- *Avoid*: strengthen planning provisions to limit further development and intensification in high-risk locations at Westport. **\$0.25 million.**
- *Accommodate*: assistance to those in hardship to be able to undertake property or area-level flood resilience measures (e.g. raising floor heights or using temporary moveable flood barriers), and an increase in civil defence and emergency management capability. **\$2.75 million.**

These costs are indicative only – we recognise things will shift as the proposal is revised. A full table of the Government's response across the PARA components is attached.

We expect that the Chair will work with you and the Department of Internal Affairs to confirm membership and agree the terms of reference of the Steering Group. Council representatives will then need to secure the engagement and endorsement of their respective councils and te Rūnanga o Ngāti Waewae for the revised proposal, including the West Coast Regional Council's \$10.2m co-investment component.

We will consider the revised proposal and officials' advice before making a decision on the drawdown of funds.

Next steps

The next step is then for the Steering Group to provide a work programme to the Department of Internal Affairs and the Treasury.

We have agreed to an initial drawdown of up to \$300,000 to support the Steering Group to commission technical expertise for the revision of the proposal. This will be available from 1 July 2023.

Officials will provide further support to understand the process and conditions for future drawdowns of Crown funding.

We look forward to receiving your revised proposal in the near future.

Yours sincerely,



Hon Grant Robertson
Minister of Finance



Hon Kieran McNulty
Minister of Local Government

Westport Flood Resilience: Budget Summary				
	Description of request from councils	Amount requested in business case	Amount provisioned by Government funding	Explanation
Protect	Ring bank that fully encircles Westport and includes Carter's Beach	\$19.5m (plus council contribution of \$10.2m)	\$15.6m plus \$0.3m for redesign of structural protection	The Tonkin+Taylor assessment found significant technical issues in the original plan for a ring bank. These include heightened risk if walls are breached, risk of increased flood water levels at the Buller bridge, seismic risk and seepage concerns. Structural protection will need to be redesigned to address these risks and take into account the level of co-investment from Government.
	Contingency	\$1m	\$1m	Supported, although further cost increases must be met by councils.
	Immediate emergency works	\$3.3m	\$1m	A contribution to restore West Coast Regional Council's emergency funds to pre-flooding levels.
	Planting of Organ's Island	\$1.5m	\$1.5	Government supports nature-based solutions to protect the community. Ongoing operating expenditure is for councils to fund, not the Crown.
	Operating expenditure	\$6.5m	~	
Avoid	Fast-track flood resilience provisions through changing planning rules: increase required floor heights for buildings in council's long term plan and amend the Building Code	~	~	Councils will report back to the Government on strengthening planning rules to limit further development and intensification in locations at high risk of flooding in Westport.
	Feasibility study into strategic land purchase at Alma Road or other sites at low risk of flooding	\$0.25m	\$0.25	Supports move to lower-risk areas.

Retreat or relocate	Development plan at Alma Road to ensure positive community outcomes	\$0.25m	\$0.5m	A broader structure plan is needed. It will guide development of an area that includes future land use, open spaces and infrastructure. This will need to complement the structural protection and support the move to develop in lower-risk areas.
Accommodate	Adaption relief fund to assist those who remain exposed to risk	\$10m	\$2m	Support for property resilience measures, such as raised floor heights, and area resilience measures, such as moveable flood barriers. Managed retreat is not within scope. The Government is considering developing legislation to address the complex technical, legal and financial issues associated with managed retreat.
	Stormwater infrastructure upgrade	\$12m	~	This is to be considered as part of the Government's Affordable Water programme.
	Support for Civil Defence and Emergency Management capability and monitoring of sea level	\$0.75m	\$0.75m	Government supports this as it will ensure the safety of the community in a future severe weather event.
Total cost		\$56.1m (\$45m from Crown)	\$22.9m	

Proactive release: DIA evaluation of the Westport flood resilience proposal incorporating a Tonkin+Taylor technical review.

Westport was hit by severe flooding in July 2021 and February 2022. It is likely to face increasing flood events in future and currently has limited flood protection in place.

On 17 February 2022 the Minister for Local Government wrote to the Westport Regional Council, Buller District Council and te Rūnanga o Ngāti Waewae requesting they submit a [co-investment proposal](#) to the Government to improve Westport's flood resilience. This proposal was submitted on 30 June 2022.

The Department of Internal Affairs completed an evaluation of the proposal to inform the Government's response. As part of this evaluation, the Department commissioned Tonkin+Taylor engineering consultants to undertake a technical review of the structural flood protection elements of the proposal.

In Budget 2023 the Government set aside \$22.9 million to increase Westport's flood resilience in response to the co-investment proposal and the Government's evaluation of the proposal. This funding will support:

- protecting the Westport urban area from flooding through structural flood protection such as stop banks
- avoiding future flood risk by supporting the councils to strengthen planning provisions
- relocating growth away from flood risk by facilitating development and growth in lower-risk areas
- measures to protect properties including temporary flood barriers and enhanced emergency management measures.

The table on the following page outlines the actions in the Westport proposal that the Government has agreed to fund for the PARA model (protect – avoid – retreat/relocate – accommodate).

An independently chaired Steering Group has been established to take the work forward comprising key leaders from Buller District Council, the West Coast Regional Council, te Rūnanga o Ngāti Waewae, the Department of Internal Affairs and the National Emergency Management Agency. The Steering Group's purpose is to ensure the successful delivery of the proposal to strengthen Westport's resilience to flooding.

Westport Flood Resilience: Budget Summary			
	Action	Amount provisioned by Government funding	Explanation
Protect	Structural protection	\$15.6m plus \$0.3m for redesign of structural protection	The Tonkin+Taylor assessment found significant technical issues in the original plan for a ring bank. These include heightened risk if walls are breached, risk of increased flood water levels at the Buller bridge, seismic risk and seepage concerns. Structural protection will need to be redesigned to address these risks and take into account the level of co-investment from Government.
	Contingency	\$1m	Supported, although further cost increases must be met by councils.
	Immediate emergency works	\$1m	A contribution to restore West Coast Regional Council's emergency funds to pre-flooding levels.
	Planting of Organ's Island	\$1.5	Government supports nature-based solutions to protect the community.
Avoid	Fast-track flood resilience provisions through changing planning rules: increase required floor heights for buildings in council's long term plan and amend the Building Code	~	Councils will report back to the Government on strengthening planning rules to limit further development and intensification in locations at high risk of flooding in Westport.
	Feasibility study into strategic land purchase at Alma Road or other sites at low risk of flooding	\$0.25	Supports move to lower-risk areas.
Retreat or relocate	Development plan at Alma Road to ensure positive community outcomes	\$0.5m	A broader structure plan is needed. It will guide development of areas for future land use, open spaces and infrastructure. This will need to complement the structural protection and support the move to develop in lower-risk areas.
Accommodate	Adaption relief fund to assist those who remain exposed to risk	\$2m	Support for property resilience measures, such as raised floor heights, and area-wide resilience measures, such as moveable flood barriers. Managed retreat is not within scope. The Government is developing legislation to address the complex technical, legal and financial issues associated with managed retreat.
	Stormwater infrastructure upgrade	~	This is to be considered as part of the Government's Affordable Water programme.
	Support for Civil Defence and Emergency Management capability and monitoring of sea level	\$0.75m	Government supports this as it will ensure the safety of the community in future severe weather events.
Total cost		\$22.9m	

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Te Tari Taiwhenua The Department of Internal Affairs

Proactive release of the Department's evaluation of the proposal Westport
flood resilience proposal

29 June 2023

The following documents have been proactively released in full:

September 2022, Evaluation Report: Co-investment in Westport's Resilience. By the Department of Internal Affairs.

August 2022, Review of the Westport Flood Resilience Better Business Case (BBC) and supporting documents. Prepared for the Department of Internal Affairs by Tonkin+Taylor.

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Evaluation Report: Co-investment in Westport's Resilience

September 2022

Proactively released by the Department of Internal Affairs

Proactively released by the Department of Internal Affairs

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Proactively released by the Department of Internal Affairs

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Purpose

1. This report provides a high-level evaluation of the case for co-investment in flood risk resilience at Westport and the Westport Flood Risk Mitigation Business Case (Business Case) provided for the Government's consideration by West Coast Regional Council (WCRC), Buller District Council (BDC) and Te Rūnanga o Ngāti Waewae. The Business Case was invited by the Minister of Local Government on 17 February 2022 and submitted on 30 June 2022.
2. Officials carried out a two-stage inquiry for this evaluation report:
 - Is there a case for Government co-investment in flood resilience at Westport?
 - Should Government co-invest in the proposed Business Case package?

This distinguishes between the broader strategic decision about the case for co-investment and a more focussed consideration of the Business Case.

Co-investment in flood resilience

3. Co-investment in flood resilience is an approach to funding that involves the sharing of flood resilience costs between parties – in this case local and central government. Co-investment may take different forms, including a fixed Crown subsidy scheme where central government funds a fixed proportion of risk reduction actions, or a Crown fund with a fixed amount for co-investment in a specific area or contestable fund. Central government currently engages in cost-sharing for emergency response and recovery (60% of essential infrastructure repair and roading).
4. The following summarises the key arguments for co-investment in Westport before assessing this against the Cabinet agreed principles for central government's role in improving community resilience to flood risk [DEV-20-MIN-0120].¹

Westport is highly exposed to flooding and urgently needs improved flood resilience

5. The series of floods in Westport in July 2021 and February 2022 highlighted the urgent need for flood resilience improvements. The town of 4,600 people is built on a narrow low-lying floodplain, between the Buller and the Orowaiti rivers and the sea. The Buller River has the highest recorded flood volume and velocity of any river in New Zealand with an associated risk to life.²
6. Westport is highly exposed to flood events and regularly experiences fluvial (river), pluvial (rainfall/stormwater) and coastal flooding. It is likely to face increasing flood events in future – exacerbated by climate change, a subsiding coastline, and high existing groundwater levels that impede drainage. Climate modelling also shows that risk to life from flooding will increase.

¹ Cabinet agreed principles for central government's role in improving community resilience to flood risk: invest in effective risk reduction; make risk management decisions at the level closest to the affected community; provide effective outcomes for Māori; intervene where there is national interest or benefit; require beneficiaries of risk mitigation to pay ensure fairness and equity for communities, including across generations.

² NIWA, Flood modelling of the Buller River, Westport, Available from: <https://niwa.co.nz/climate/urban-impacts-toolbox/case-studies/flood-modelling-of-the-buller-river-westport>

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7. Mapping prepared for the Te Tai o Poutini combined district plan (TTPP) consultation³ shows extensive areas of Westport are subject to unsafe levels of flooding without intervention.⁴ Risk exposure is increasing as current planning rules are weak and allow development in areas prone to flooding.
8. Based on Aon's modelling commissioned by the Treasury and EQC, 56% of homes in the Buller region are particularly exposed to flooding (within the modelled 1% floodplain, or 100 year return period) compared to an average 8% nationally.⁵ NIWA modelling in Westport estimates that under a 100 year annual recurrence interval (ARI) and Representative Concentration Pathway (RCP) 6 flooding scenario, approximately \$405 million of damages will occur to Westport buildings and \$191 million to roads and rail.⁶
9. Westport currently has only limited flood protection in place and there is a risk that people could be trapped in the town if the two state highway bridges are cut off in a flood event. WCRC started to investigate flood mitigation scheme options in the mid-2010s, but until recently the full extent of flood risk and the impacts of climate change have not been well understood, and there has not been significant community support for flood risk mitigation measures.⁷
10. Westport is also exposed to multiple other hazards including seismic risk (the Alpine Fault), liquefaction, coastal inundation, and tsunamis.⁸

The Westport community will face significant challenges funding flood resilience measures

11. Westport will face significant challenges funding flood resilience under current cost-sharing arrangements for the following key reasons:
 - **Westport is one of the most vulnerable communities in New Zealand:** Westport is one of the most vulnerable communities exposed to flood hazard in New Zealand (one of seven territorial authorities with a significant proportion of their population experiencing a high level of socio-economic vulnerability and exposure to flood hazard).⁹ The Buller District has an older, small rating population (around 7,500 people)¹⁰, the lowest median household income of these vulnerable communities (\$40,600) and 72.4% of the population is in the most highly vulnerable categories.¹¹
 - **Rates are increasing:** While rates are currently relatively low, BDC rates are projected to increase by 23.5% from 2022 to 2031. WCRC rates increased by 30% in 2021/22, and will

3 LRS (2018) Hazard map: Scenario 1 – 50-year flow current climate, available from: https://tppp.nz/wp-content/uploads/2022/01/2018_LRS_Buller-Combined-Hazard-Maps.pdf

4 Tonkin+Taylor, Technical assessment at 3.1.1.

5 AON (June 2017) Buller District Council: Earthquake Loss Estimate Analysis for Infrastructure Asset

6 NIWA (March 2022) Mapping for priority coastal hazard areas in the West Coast Region

7 In 2017, the Buller Flood Working Group put forward five flood risk mitigation options to the community but only 10.8 percent of respondents were in support; 24.6 percent preferred to do nothing about their town's flood risk and 30 per cent had no opinion.

8 AON (June 2017) Buller District Council: Earthquake Loss Estimate Analysis for Infrastructure Asset; NIWA (March 2022) *Mapping for priority coastal hazard areas in the West Coast Region*; Proposed Te Tao o Poutini Plan Section 32 – Report 5 Hazards and Risk.

9 Department of Internal Affairs (2022) Vulnerable communities exposed to flood hazard.

10 Statistics NZ (2018) 2018 Census: Population and Migration. Available from: [NZ.Stat \(stats.govt.nz\)](https://www.stats.govt.nz/)

11 Environmental Health Intelligence New Zealand – Massey University, Socioeconomic deprivation profile, Available at <https://www.ehinz.ac.nz/indicators/population-vulnerability/socioeconomic-deprivation-profile/>

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increase 10% in 2022/23. Current rates are at 4% and will rise to nearly 5% of household incomes, the rate commonly accepted in the sector as an upper limit of rates affordability.¹²

- **WCRC has limited financial capacity:** WCRC is the smallest regional council with the lowest rating income of all regional councils (\$6.12 million) and a relatively large number of catchments to manage over a large geographical area. WCRC scores low or lowest across measures of regional council financial capacity (e.g. the WCRC has \$10.15 million of cash and financial investments, when the median is \$35.42 million). WCRC's expenditure has been rising faster than revenue over the last decade (increasing from \$3.1 million in 2012 to \$9.5 million in 2020) and it has limited sources of revenue to offset the increase in operating expenditure.
- **WCRC will face challenges borrowing to fund flood resilience:** It has a high level of debt per rating unit relative to other regional councils¹³ and its debt is forecast to rise to \$ 150% of total revenue by 2026. Any additional debt would push WCRC over its 175% debt limit.¹⁴ WCRC has agreed to carry out urgent maintenance work at two sites on the Buller River and is funding the work by liquidating the \$982,184 catastrophe fund and increasing maturing debt by \$1,736,908.¹⁵
- **Flood hazard mitigation costs will be higher than anticipated:** The Westport community support the development of an extensive stopbank and flood wall scheme (\$10.2 million) in the WCRC Long-Term Plan 2021-31. This will be funded by a loan from the Local Government Funding Agency and repaid by the Westport Special Rating District. However, the cost of the scheme presented in the Business Case is significantly higher (\$22.85 million not including planning, consenting and contingency) and Tonkin+Taylor's technical assessment suggests that this underestimates likely costs.

Central government has significant post-event response and recovery exposure, as well as benefitting from greater resilience

12. Responsibility for planning, funding and implementing flood resilience measures has largely been delegated to local government and communities.¹⁶ While central government is responsible for the regulatory and policy settings for flood risk management, as well as funding for response and recovery costs.¹⁷

¹² MorrisonLow (October 2021) Buller District Council: Health Check Report at [56].

¹³ WCRC has \$383,000 debt per rating unit, compared to the median for all regional councils of \$201,000.

¹⁴ West Coast Regional Council (2021) Financial Strategy, Available from: [Financial Strategy 2021 \(wrc.govt.nz\)](https://www.wcrc.govt.nz/financial-strategy-2021)

¹⁵ Urgent maintenance work includes installing rock riprap armour near the O'Connor home and a replacement rock wall at Organ's Island. Extraordinary Meeting of Council, Tuesday 3 May 2022, [Agenda Extraordinary Council meeting 3 May 2022.pdf \(wrc.govt.nz\)](https://www.wcrc.govt.nz/agenda-extraordinary-council-meeting-3-may-2022.pdf)

¹⁶ Resource Management Act 1991, Local Government Act 2002, and the National Civil Defence Emergency Management Plan Order 2015 (a legislative instrument made pursuant to the Civil Defence Emergency Management Act 2002).

¹⁷ National Emergency Management Agency (2015) Guide to the National CDEM Plan, Available from: <https://www.civildefence.govt.nz/cdem-sector/guidelines/claims-factsheets/response-other-response-and-recovery-claims-following-an-emergency-event/>

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13. The Government has made significant contributions to Buller's flood response and recovery to date with total central government contributions of approximately \$100 million (e.g. welfare, response, 60% of essential infrastructure repair and roading contribution).¹⁸ Government can expect future instances of similar or increased response and recovery costs, depending on the scale of the event.
14. The Government does not generally provide funding for proactive flood resilience work except through recent Covid-19 Shovel ready funding, where ministers approved in principle \$217 million for 55 flood protection projects. However, proactive funding yields long-term cost savings in managing natural hazard risk.¹⁹
15. There are arguably strong reasons for central government to intervene, given the shortfall in planning and funding for flood risk management activities, and wider benefits from improved flood resilience:
 - Crown assets (e.g. schools, hospitals, rail and state highways) benefit from flood protection works but are non-rateable and there are \$113.25 million of exposed rail infrastructure and \$77.42 million (replacement cost) of exposed roading infrastructure in Buller²⁰
 - reducing flood risk also has positive spillovers to national policy goals by maintaining insurance markets, increasing the resilience of critical national infrastructure and critical supply chains
 - barriers to effective land-use planning (such as a lack of national direction on natural hazards and climate change) have yet to be addressed by central government
 - local authorities lack incentives to manage risks – the Crown bears most post-disaster costs, which may have led local authorities to accept higher levels of risk (i.e., moral hazard)
 - on equity grounds, it may be unfair for local authorities and private asset owners to be held solely responsible for meeting the costs of the unforeseeable risks posed by climate change on flooding and
 - It is in the Crown's fiscal interest to support effective flood risk management and thereby reduce the significant contingent liability it faces for response and recovery costs.

Co-investment aligns with the Government's priorities

16. Co-investment in flood resilience in Westport is highly aligned with the Government's priorities. Namely, to ensure there is a just transition to a climate-resilient economy, and that communities and economies are protected against the unavoidable effects of climate change.²¹
17. Overall, the principle of co-investment in flood resilience at Westport is well-aligned with the current regulatory framework and direction of Government's reform programmes:
 - Building flood resilience in Westport would both help reduce the risks of natural hazards in line with matters of national importance under the current Resource Management Act 1991 (RMA) and Natural and Built Environment Act (NBA) outcomes – reducing risks arising from natural hazards and the effects of climate change – proposed under the Resource Management system reforms.

¹⁸ Figures from NEMA.

¹⁹ NZIER. (2020). Investment in natural hazards mitigation, NZIER report to Department of Internal Affairs.

²⁰ NIWA (2022) Direct Damage Analysis for Scenario Flooding in Westport Technical Summary Report.

²¹ New Zealand Labour Party & Green Party of Aotearoa New Zealand (2020) Coalition agreement: 53rd Parliament, Available from: [labour greens cooperation agreement-1.pdf \(www.parliament.nz\)](#)

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- Greater flood resilience will also support the social, economic, environmental, and cultural wellbeing of communities under the Local Government Act 2002.
- This is also well aligned with the National Disaster Resilience Strategy's vision to proactively manage risks and build resilience through the 4 Rs and Toka Tū Ake / EQC's *Resilience Strategy for Natural Hazard Risk Reduction 2019-2029*.
- Reducing flood risk will help support the Government's work on insurance availability and affordability by helping avoid insurers increasing or withdrawing insurance.
- Co-investment in flood resilience in Westport will provide a case study to help inform the development of adaptation policy and is an action under the National Adaptation Plan (NAP).

Agencies support co-investment at Westport in principle but are concerned about precedent

18. The National Emergency Management Agency (NEMA) and Ministry for the Environment (MfE) are broadly supportive of co-investment in flood resilience. MfE consider there is a strong case for some level of co-investment by Government to reduce the underlying flood risk in Westport. The Ministry for Housing and Urban Development (HUD) also considers that the medium-term implications of repeated flood damage in Westport for housing supply adds to the case for co-investment in resilience. It seems unlikely that the risks will be adequately mitigated without government co-investment, which poses a significant fiscal risk to the central government (given its leading role in emergency management, welfare, social services, public housing and infrastructure).
19. However, agencies are concerned that co-investment in Westport could set a precedent. Treasury is concerned that co-investment is outside of the existing policy and legislative settings that local government is responsible for managing and funding natural hazard risk management (except for emergency relief and recovery), could raise significant fiscal and moral hazard risk, and result in similar requests from other councils.
20. The risk of creating precedent for central government co-investment in flood resilience needs to be balanced against the high-risk of ongoing response and recovery costs for Government without co-investment in flood resilience measures at Westport (set out above). Co-investment in flood risk reduction now is likely to have significant resilience dividends for government. Internationally, flood protection schemes achieve benefit-cost ratios between 6:1 and 10:1.²²
21. The precedent risk can also be mitigated as Westport has significant distinguishing features, which in combination mean it is unique in New Zealand (as discussed above):
 - **Westport is highly exposed to flood risk and this is being exacerbated by climate change:** Improvements to flood resilience at Westport are urgent as the town has already experienced multiple significant flood events in the past two years and there is a high-risk of future flood events that is being exacerbated by climate change. The current high exposure of people and property to flood risk is increasing as current and proposed planning rules are weak.
 - **The town is suffering repeat flood events with high recovery costs and Crown asset exposure:** Westport has suffered three significant flood events and several near misses over the last year two years, which has cost the Government around \$100 million.

²² NZIER (2020) Investment in natural hazards mitigation.

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- **Westport has extreme socio-economic vulnerability with limited ability to pay rates:** Buller District Council is one of seven territorial authorities with a significant proportion of their population in vulnerable communities which are exposed to flood hazard and has the lowest median income.²³
- **Local authorities have limited financial capacity.** Both BDC and WCRC have limited capacity to invest in flood risk management and will not be able to advance flood resilience measures without Government support.
- **Westport has already been identified as a case study for co-investment in the NAP:** This provides an opportunity to explore new approaches to inform the Government's climate adaptation responses without committing to a roll-out to other communities.

Assessment of co-investment against the Government's principles for intervention in flood risk management

22. Table 1 summarises an assessment of the case for co-investment against the Government's principles for intervention in flood risk management based on the analysis above.

Table 1: Assessment of the case for co-investment in Westport against the principles for Central Government intervention in flood risk management

Principles for Central Government intervention in flood risk management	Evaluation
Invest in effective risk reduction	<ul style="list-style-type: none"> • Co-investment would enable investment in both short-term protection and civil defence and emergency capability improvements, as well as planning for long-term relocation and retreat. This would reduce natural hazard risks and impacts on the community. • The Crown has spent \$100 million on Buller flood response and recovery in the last year. International evidence suggests that investing in flood risk reduction is more effective. This would also reduce the Crown's liability for funding future response and recovery in Westport.
Make risk management decisions at the level closest to the affected community	<ul style="list-style-type: none"> • Co-investment with WCRC and BDC would ensure that decisions are still made at the local level, and further community engagement on any flood resilience measures is likely to be required under the Local Government Act 2002.
Provide effective outcomes for Māori	<ul style="list-style-type: none"> • Co-investment can provide benefits for Māori by enabling flood resilience measures that benefit Māori land and address concerns regarding water-quality, taonga species and biodiversity.²⁴ • Te Rūnanga o Ngāti Waewae, as mana whenua have participated in decision making on flood mitigation measures considered in the Business Case.

²³ Department of Internal Affairs (2022) Vulnerable communities exposed to flood hazard report.

²⁴ Te Rūnanga o Ngāti Waewae (2022) Assessment of Impacts on Rangatiratanga and Treaty Principles – Westport Resilience Proposal.

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	<ul style="list-style-type: none"> Central and local government will need to collaborate on the design of flood resilience measures with Te Rūnanga o Ngāti Waewae, as Mana Whenua, to ensure positive outcomes for Māori will be achieved.
Intervene where there is national interest or benefit	<ul style="list-style-type: none"> Improving the flood resilience of Westport provides national benefits for central government owned infrastructure in the area, as well as reducing the post-event response and recovery burden on central government. There is also national interest in a case study on co-investment in Westport as it is an action under the NAP.
Require beneficiaries of risk mitigation to pay	<ul style="list-style-type: none"> Beneficiaries of flood risk mitigation include residents, businesses and infrastructure owners (central and local government). Crown assets will also be protected (e.g. roads, rail and hospitals) Property owners who will benefit from these measures will contribute via both general rates and potentially targeted rates contributions through the Westport Rating District.
Ensure fairness and equity for communities, including across generations.	<ul style="list-style-type: none"> Westport is a highly vulnerable community with significant flood exposure and socio-economic deprivation. BDC and WCRC face significant challenges funding flood resilience without support. Co-investment in flood resilience will benefit future generations, provided measures adequately provide for relocation/retreat, alongside any protection solutions.

Westport Flood Risk Mitigation Business Case evaluation

23. The Business Case was prepared by WCRC, BDC and Te Rūnanga o Ngāti Waewae with the assistance of a Technical Advisory Group of senior experts and the Buller Recovery Steering Group. Reference should be made to the full document for more information about the development process and package of options presented (See Appendix A for summary of the package costing and ask).
24. We have assessed the Business Case based on the following criteria: technical feasibility, long-term flood resilience and integration across the PARA (Protect, Avoid, Retreat/Relocate, Accommodate) framework for flood resilience, value for money (including costing), strategic and regulatory alignment. Separate consideration is provided for outcomes for Māori.
25. Assessment criteria were selected based on the problem definition, Government's priorities and strategic objectives, the Minister of Local Government's expectations, Treasury's Better Business Cases requirements, and the Cabinet agreed principles for central government's role in improving community resilience to flood risk [DEV-20-MIN-0120].²⁵

²⁵ invest in effective risk reduction; make risk management decisions at the level closest to the affected community; provide effective outcomes for Māori; intervene where there is national interest or benefit; require beneficiaries of risk mitigation to pay ensure fairness and equity for communities, including across generations.

IN-CONFIDENCE**Counterfactual**

26. As set out above, Westport is currently highly exposed to flood events and this will be exacerbated by climate change. The WCRC and BDC are unlikely to be able to fund comprehensive flood resilience measures to enable greater protection of the town in the short-term or retreat/relocation in the long-term.
27. Local government and Crown assets, infrastructure and private property are likely to be damaged. NIWA RiskScape modelling predicts approximately \$400 million (replacement cost) of damage for buildings alone under a 100-year ARI RCP6 flooding scenario.²⁶
28. While RM system reforms will introduce measures (including national direction) to reduce risks arising from natural hazards and the effects of climate change, strengthen local authorities' planning decisions and provide additional mechanisms to support managed retreat. However, key elements such as regional spatial strategies and NBA plans are unlikely to become operative for five to 10 years. The TTPP (if upheld) will provide somewhat stronger planning rules than the status quo but will not take effect for several years. The TTPP rules will also not prevent new development and additions in Westport – increasing flood risk exposure and future response and recovery costs for Government.

Technical feasibility

29. A technical review of the Protect actions of the Business Case proposal was undertaken by Tonkin+Taylor. A summary of the key feasibility issues identified is provided in table 2 below. Tonkin+Taylor consider that all these issues have significant implications for the proposal's technical feasibility.

²⁶ NIWA (2022) Direct Damage Analysis for Scenario Flooding in Westport Technical Summary Report.

Table 2 - Summary of technical feasibility issues:

<p>1. The BBC is clear that it is not possible to eliminate flood risk and that the proposed Protect measures present residual risk. However, there is currently insufficient information in the BBC and supporting documents to enable the community and other stakeholders to understand the nature and scale of consequences and impacts associated with that residual risk. This information is necessary to understand the measures that may be required to manage and mitigate (accommodate) those risks, and in turn, to set appropriate expectations about the time the protections measures could or should “buy”.</p> <p>2. Conceptually, the main component of the Protect proposal, a ring bund around urban Westport, functions as ‘bathtub’. For smaller (more frequent) flood events it should provide protection by keeping the water out. However, failure of the wall during a large flood event would result in the town being rapidly inundated with water. This exacerbates the residual risk to life and property for the larger events above the ‘do nothing’ scenario. There is not a precedent for this type of design in NZ.</p> <p>3. No breach modelling analysis has been completed to demonstrate the consequences of failure.</p> <p>4. Bathymetry changes because of existing geomorphological processes and accelerated by climate change, are not accounted for in the LRS model and these changes would likely raise water levels in the Buller and Orowaiti during floods.</p> <p>5. The Protect scheme will increase peak flood levels at the Buller Bridge by 600mm, reducing the free board beneath the bridge to less than 200mm, significantly increasing the risk of a bridge blockage and overtopping of the Westport flood defences upstream of the Buller Bridge. This would have significant implications for evacuation planning as the bridge is the only route out of town for a large flood event (based on the assumption that for an event that would block the Buller Bridge the Orowaiti Bridge is also likely to be blocked / damaged).</p> <p>6. Design standards for an encirclement option need to be much higher than what is presented in the BBC, as the consequences of failure are much higher than for non-encirclement options (namely, increased potential for loss of life in the case of failure of the wall during a large flood event).</p>	<p>7. Design standards for an encirclement option need to be much higher than what is presented in the BBC, as the consequences of failure are much higher than for non-encirclement options (namely, increased potential for loss of life in the case of failure of the wall during a large flood event).</p> <p>8. No geotechnical investigations have been undertaken, which is a significant gap when trying to understand the feasibility and cost of the proposed designs. This is acknowledged in the BBC.</p> <p>9. There is a mismatch between the heights for the stopbanks / floodwalls used in the LRS modelling and what is presented in the BBC. This has implications for design assumptions and cost calculations.</p> <p>10. Very limited information is provided about the design, and concept sketches only have been provided for the embankments and timber floodwalls.</p> <p>11. No design details or conceptual sketches are provided for the concrete sections of the wall.</p> <p>12. Timber floodwalls have not been used for rivers the size of the Buller or Orowaiti rivers.</p> <p>13. Seepage path length beneath the proposed walls and embankments is substantially less than industry guidelines such as the Bay of Plenty Regional Council guidelines²⁷ for stopbank design.</p> <p>14. Construction assumptions result in an underestimation of costs.</p> <p>15. Changes in groundwater levels overtime have not been accounted for. This is acknowledged in the BBC, but still needs to be addressed.</p> <p>16. The Protect proposals are not resilient to seismic events and the proposal is not ‘multi-hazard resilient’.</p> <p>17. Timber floodwalls will not be readily adaptable and repairable as suggested in the BBC.</p> <p>18. The assessment of low consenting risk for most of the works depends on assumptions that need to be tested and confirmed. The assessment does advise that further investigation will be needed to determine consent needs (and consent-ability) in areas near the coast and where works in the riverbed/wetlands areas are proposed.</p> <p>19. The seven ‘protect’ options considered prior to the selection of the current proposal presented in the BBC are different iterations of the same conceptual design (full encirclement of Westport). The proposal has not considered a wider spectrum of protect options (such as partial / targeted protection).</p>
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²⁷ <https://www.boprc.govt.nz/media/395649/stopbank-design-and-construction-guidelines.pdf>

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30. The technical assessment report provides proposed alternatives to help mitigate some of the issues raised – outlined in table 3 below.

Table 3: Technical issues, proposed mitigation and alternative options

Issue	Proposed mitigation/alternative option
Geotechnical issues and resilience to seismic events	<ul style="list-style-type: none"> • Undertake geotechnical investigations to reduce design and cost uncertainty • Consider not protecting all liquefaction-vulnerable areas and bring forward their relocation timeframes to more suitable / higher ground • Design the floodwalls and stopbanks to safely cope with the seepage pressures – note this will significantly increase costs • Alternatively consider a lower level of service and/or move the floodwalls and stopbanks back inland to higher ground, which would reduce their height.
Hydraulic/hydrological issues:	<ul style="list-style-type: none"> • Design the floodwalls and stopbanks to safely cope with seepage pressures – note this will significantly increase costs • Alternatively consider a lower level of service / standard of protection and/or move the floodwalls and stopbanks back inland to higher ground which would reduce their height.
Proposed protection design results in a raising of the peak water levels in the Buller River	<ul style="list-style-type: none"> • Protection works should not be undertaken until after the Buller Bridge is raised to meet the minimum requirements set out by Waka Kotahi. This sequencing requirement is acknowledged in the LRS report but not included in the Business Case. There is no commitment by Waka Kōtahi to raise or replace the bridge. • An alternative mitigation measure is not protecting the airport and Carters Beach to allow floodwater to spill over the true left bank of the Buller River thereby reducing the water level further upstream.

31. The technical assessment report also identifies information gaps which they consider significant or moderate for understanding the feasibility of the protect option. This includes, most significantly, breach modelling, multi-hazard analysis (including Alpine Fault analysis), assessment of ecological values and impacts, assessment of proposed works/structures, location within coastal marine areas, and riverbeds or identified wetlands.

Long-term flood resilience and integration across the PARA framework

32. This section assesses the extent to which the Business Case proposes an integrated package of measures that will achieve long-term flood resilience.

Long-term flood resilience

- **While existing development remains on the flood plain, long-term flood resilience will be difficult to achieve:** Protecting Westport town from higher magnitude and increasingly frequent flood events will remain a challenge even with flood protection. There will continue to be residual risk and effective emergency management systems are needed. Flood protection structures also have the potential to create moral hazard and increase residual risk without appropriate limitations on development.
- **An all-hazards approach is essential to considering long-term flood resilience:** Westport is located in a multi-hazard environment including seismic risks (e.g. earthquakes, tsunami, liquefaction), coastal hazards, and the exacerbating impacts of climate change. The technical report has identified deficiencies in the protect actions as it does not address multiple hazards
- **The package will improve the resilience of the town to flooding over doing nothing:** Noting technical feasibility issues need to be addressed – the proposed Westport flood protection is designed for a 100-year ARI RCP6 flood event. This will provide some interim flood protection for the town and buy time for councils and the community to make strategic decisions and plan for Westport’s longer-term future. The proposed protection scheme was modelled against a RCP8.5 scenario to understand the impact of an overdesign event, which we consider appropriate given the overall objective to direct growth and transition to lower risk locations. However, this did not identify the risks of failure observed by Tonkin+Taylor.
- **The package avoids building flood protection for all areas based on risk:** Some areas face much higher flood risk than others (e.g. Snodgrass Road area). Good practice flood risk management identifies that absolute protection is not possible.²⁸ Properties remaining in the high flood risk areas would need to be adapted (where possible) to achieve long-term flood resilience (e.g. through raising floor heights or flood-proofing existing structures) and/or relocate in future.
- **The package provides a staged approach to flood resilience:**
 - Short term – investment in emergency works on the Buller riverbanks, enhanced emergency management capability (including evacuation and sea level monitors and tide gauges).
 - Medium term – flood protection structures to protect large parts of the existing town, some limitations on new development within flood-prone areas.
 - Longer-term – land use planning measures to facilitate infrastructure development and move existing development to lower risk locations, adaptation funding relief.
- **The package incorporates aspects of adaptive planning pathways:** The protection option is an option to ‘buy time’ while other longer-term avoid and retreat/relocate strategic initiatives are developed. Adaptive planning allows communities to change course and shift to new options as circumstances change (e.g. where flooding becomes more frequent and requires retreat/relocation). The package does not show how options will play out spatially over time or its impacts on existing and future development patterns and plans for Westport. It does identify a funding need for strategic/feasibility planning for future development and land purchase.

²⁸ Sayers P. et al (2014) *Strategic flood management: ten ‘golden rules’ to guide a sound approach*. International Journal of River Basin Management (13).

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- **The 50-year transition period to develop housing and infrastructure outside the flood zone is too long:** The proposed flood protection structures are designed to protect the town for up to 50 years (i.e. the design life of a building). The 50-year design-life for flood protection is a lengthy transition period that increases the risk of additional development in areas protected leading to increased residual risk and moral hazard.
- **If there is limited funding or costs escalate the protect action may be favoured over longer-term resilience actions:** There is a risk that longer-term resilience actions (i.e. avoid, relocate/retreat actions) could be compromised as the protect actions require the greatest share of funding. The technical review found that costs are likely to be significantly underestimated and identified information gaps. This could result in less money for non-protect measures which may achieve greater flood resilience.
- **Fast-tracking the TTPP provisions may not achieve long-term flood resilience:** The proposed TTPP requires buildings that are unprotected by stopbanks to have a higher floor height. However, the TTPP extends the right to reconstruct post-event, and enables new buildings and additions as of right in the centre of Westport, where the land is protected by a stopbank. This will increase residual risk exposure in the town. The TTPP also needs to strengthen provisions around other natural hazard risks such as liquefaction and high groundwater levels.

Integration across the PARA framework

- **The package does provide some degree of integration across levers in the PARA framework:** It contains several flood risk management measures typically included in a PARA framework. In addition to the structural protection works, it incorporates other flood resilience solutions– e.g. nature-based solutions at Organ’s Island, increased Civil Defence Emergency Management (CDEM) funding, groundwater level investigations, temporary flood barriers and spatial planning / zoning provisions, and an adaptation relief fund.
- **The Business Case process prioritised the development of structural protection works as the primary element of the package:** The refinement of structural flood protection options was a process that was already underway in the community as part of the WCRC and BDC’s planning for flood protection through the LTP process. Other elements of the package across the PARA framework have not been considered to the same level of detail as the protect actions.
- **Although there is some integration across the package, it is not strong:** There is little detail about how the actions will be integrated effectively. The technical assessment found “*there is no coherent long-term plan or schedule to provide a framework for the current proposal*” and the “*importance of immediate opportunities to use the developing TTPP and availability of land for relocation as part of the Avoid and Retreat/Relocate elements of the BBC is not emphasised and could be given greater weight in the overall BBC*”. Further information is needed around what the protect actions achieve, the nature and scale of residual risk, and what this means for the nature and pace of planning interventions.
- **There could be greater consideration of how the flood protection works will integrate with stormwater management:** The Business Case provides little detail on the stormwater and groundwater proposals, apart from the need for pumps to remove accumulated local stormwater, and groundwater modelling. Stormwater and groundwater issues will be managed and funded by the new water services entities as part of the Three Waters Reforms.
- **Better integration is needed between civil defence and emergency management (CDEM) actions and the rest of the package:** While funding is sought for a senior CDEM officer for two years, there is little detail of how this work will link to other actions. The technical assessment also identifies missing elements from the proposal (such as breach modelling). Without this it is

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difficult to analyse the adequacy of the CDEM accommodate measures, particularly if flood protection fails.

- **Other available tools have not been included in the package:** While councils sought to limit the overall cost of the package, there are a range of other tools that could have been incorporated (e.g. incentivising property-level and area-wide resilience measures, and partnering with insurers/other parties to provide solutions).
- **Greater detail on implementation phasing and the cost breakdown could assist with integration:** A clear schedule is needed for delivering the different actions, costs, and dependencies between actions.

Effective outcomes for Māori

33. Te Rūnanga o Ngāti Waewae are mana whenua and are the sole authority exercising rangatiratanga over the Business Case area. Te Rūnanga o Ngāti Waewae were members on the Business Case steering group and prepared a separate report.²⁹
34. Te Rūnanga o Ngāti Waewae does not oppose the councils seeking approval for the proposed option for Crown funding. But this is subject to conditions including collaboration on the design of specific solutions and ensuring solutions avoid, remedy or mitigate adverse effects on water-quality, taonga species and their habitats and enhance biodiversity values.
35. Te Rūnanga o Ngāti Waewae also request that further consideration be given to the needs of Māori land blocks within and adjacent to the project area in collaboration with them. This aligns with feedback from HUD that the Business Case does not explain implications for Māori housing or Māori land in line with the Māori and Iwi Housing Innovation (MAIHI) Ka Ora, the Māori Housing Strategy.
36. On this basis, the effectiveness of outcomes for Māori cannot currently be assessed and will need to be ensured through both the further development of any proposal and the resource consenting process.

Value for money and costing

37. We have not peer reviewed the economic analysis carried out by NIWA and Infometrics. However, agencies consider that greater evidence and a more detailed cost benefit analysis for a range of options is generally expected for the scale of investment proposed. We understand that a cost benefit analysis was only carried out on the protection actions. A sensitivity analysis around cost estimates would also assist given current cost and supply chain pressures.
38. DIA and other agencies have identified the following key issues regarding elements of the proposal:

²⁹ Te Rūnanga o Ngāti Waewae 'Assessment of Impacts on Rangatiratanga and Treaty Principles – Westport Resilience Proposal' (2022).

IN-CONFIDENCE**Protect actions**

39. Economic assessments by NIWA and Infometrics found that the stopbank protection option would provide significant economic benefits by avoiding \$400 million of damage to Westport buildings alone (under a 100-year ARI RCP6 flooding scenario). Flood protection was seen as highly cost-effective given Westport's current high flood risk, without factoring in the escalation in risk from climate change. However, this assumes that the flood protection scheme is effective and feasible and does not transfer risks elsewhere.
40. Each of the flood protection options assessed includes an extensive ring bank design, which was supported by the community through the West Coast Regional Council Long-Term Plan 2021-31 process. Significant consideration was not given to other alternative flood protection options and this has been raised as a concern by agencies and Tonkin+Taylor.
41. The report did not consider the potential for the residual risk to increase due to a breach of the stopbank ring in a more significant flood event (see technical feasibility assessment). It also assumes development will not increase in areas protected by the stopbank, which is not borne out by the proposed TTPP provisions (see below).
42. The report did not separately assess the Carter's Beach, Westport and Snodgrass areas due to time constraints. This means it is difficult to assess the economic case in favour of the Carter's beach flood protection works given the concurrent risk of coastal inundation and potential impacts on the Buller bridge from increased flows. We understand that Better off funding is being sought for an option study for the relocation of the Westport airport.
43. Funding is also sought for activities that are considered operational costs or part of councils' existing flood risk management functions (e.g. reforestation of Organ's Island, emergency works, project management, contingency and design costs).

Avoid actions

44. Agencies (including Toka Tū Ake / EQC and NEMA) consider that the Business Case needs strengthened proposals to avoid or minimise future and residual risks, including limiting development.
45. While the proposed TTPP includes a new Westport Hazard Overlay, rules under the overlay would still enable new buildings and additions as of right where they are protected by the future flood protection scheme, or outside the scheme, with higher finished floor levels.³⁰ Subdivisions is allowed in the overlay with resource consent (discretionary activity). Any additional development will increase flood risk exposure (especially residual risk for areas protected by stopbanks) and moral hazard. The TTPP also extended the right to reconstruct buildings after an event from one year under the RMA to two years without requiring any risk mitigation through, for example, raised finished flooring.³¹
46. Changes to the Building Code would help improve the resilience of building to flood hazards with potential reductions in repair costs. However, the wider economic impacts on construction and housing supply would need to be considered as changes to the Building Code apply across New Zealand. Any regulatory change would need to be undertaken by MBIE.

³⁰ 500mm for residential and 300 mm for commercial above a 1% ARI plus 1m sea level rise coastal event and a 1% AEP flood event. Te Tai o Poutini combined district plan, SUB-R20.

³¹ Te Tai o Poutini combined district plan, NH-R1.

IN-CONFIDENCE***Relocate/retreat actions***

47. **Adaptation relief fund:** The Business Case does not provide the methodology used in support of the \$10 million fund available for the 35 homes at Snodgrass Road to adapt. Agencies are concerned that while residents would be expected to pay at least half of the costs of any action and there would be a cap, the amount proposed is very large relative to the number of eligible residents – roughly equating to the average house price in the Buller district (\$286,000).³² This raises concerns regarding precedent, cost-effectiveness, and equity for other communities needing to retreat in future.
48. **Alma Road development:** Planning for future development and relocation at Alma Road would help to reduce future response and recovery costs and enable future managed retreat as the area is not flood prone (under existing hazard mapping). BDC has applied to Kāinga Ora for funding from the Infrastructure Acceleration Fund to support multiple developments at this location. However, there are likely to be challenges incentivising relocation to Alma Road and it is unlikely this new development will be more competitive than current development.

Accommodate actions

49. **CDEM Capability:** CDEM investment is a cost-effective measure to help reduce response and recovery costs and mitigate impacts on the community. Proposals for enhanced civil defence and emergency management capability will need to be discussed further with the councils and CDEM Group to ensure the right mix of capability on the West Coast covering people, planning, resources and procedures to better enable managing flood and other hazard events.
50. **Stormwater:** Stormwater and groundwater impacts on stormwater systems will be managed and funded by the new water services entities as part of the Three Waters Reforms.

Central Government's requested contribution to the package

51. The Business Case requests a significant contribution from central government towards the package: 75% of the Westport ring-bank, 100% of retreat/relocate activities and 81% of the proposal overall (see Appendix A). This is largely based on past contributions under the COVID shovel ready funding and pre-1990 Government contributions. The remaining contribution will be funded by community beneficiaries through a loan from the New Zealand Local Government Funding Agency and repaid by the Westport Special Rating District.
52. However, many agencies (including MfE, HUD and NEMA) consider reliance on this funding as precedent for the Business Case is problematic because:
- 'shovel ready funding' was an interim solution to enable economic investment and not intended to set precedent for future contributions
 - pre-90s funding was focused on enabling regional development, some of which has enabled a 'moral hazard' of excessive development in 'protected' areas now at risk and/or concentrated benefits for some landowners.

³² Infometrics Quarterly Economic Monitor, Buller District (March 2022) <https://gem.infometrics.co.nz/buller-district/indicators/houseValue?compare=new-zealand,west-coast-region>

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53. A stronger case for co-investment (as set out above) is the vulnerability of the Westport community, the councils' limited financial capacity, and the direct and indirect benefits to Government from improved flood resilience. However, further consideration is needed before determining the appropriate structure and quantum of any Government contributions to flood resilience measures, against councils' capacity to contribute through rates and other funding sources.

Strategic and regulatory alignment

54. As set out in the discussion above on co-investment, the intent of the proposal is highly aligned with the Government's priorities to ensure there is a just transition to a climate-resilient economy and protect our communities and economies against the unavoidable effects of climate change. Westport is at high risk of flooding, has a highly vulnerable community and its councils have limited ability to contribute to flood resilience measures.
55. In principle, the measures proposed across the PARA spectrum would assist with reducing the risks of natural hazards in line with matters of national importance under the current RMA and the NBA outcome of reducing risks arising from natural hazards and the effects of climate change. The proposals also align with the Government Policy Statement – Housing and Urban Development, which includes priorities such as supporting communities to adapt to the effects of climate change, and a focus on supporting the supply of housing.

Protect

56. Effective flood protection measures can help reduce the risks of natural hazards for communities. Although predating the release of the National Adaptation Plan, the flood protection measures were modelled against a range of future climate change scenarios including a RCP8.5 scenario.
57. However, the strong weighting towards hard flood protection measures is less well aligned with national direction under the current RMA (and future National Planning Framework):
- the New Zealand Coastal Policy Statement has a strong preference for natural defences over hard structures in the coastal environment, except where needed to protect infrastructure
 - the National Policy Statement on Freshwater Management requires activities in freshwater to avoid the loss of extent or values of natural inland wetlands and rivers, with some exceptions for natural hazard infrastructure.

Avoid actions –proposed planning and regulatory changes

58. **'Fast-tracking' the proposed TTPP:** While fast tracking of planning provisions that limit further development and intensification would help prevent increased future exposure and residual risk, the proposed TTPP provisions will enable additional development in high-risk locations contrary to Government policy objectives to reduce natural hazard risk.
59. **Changes to Building Code requirements:** Raising finished floor levels would help to avoid additional flood risk but require amendments to the Building Code. Under the NAP there is an action to update the building code to ensure buildings are designed and constructed to withstand more extreme climate hazards (including flooding), but this is not scheduled until 2024-2028.

IN-CONFIDENCE***Relocate/Retreat***

60. MfE have indicated that the level of compensation provided by the adaptation relief fund could set an unhelpful precedent for the development of the Climate Adaptation Act as Ministers have not yet agreed under what circumstances and to what extent the government intends to support retreat and adaptation measures.
61. Providing for development at Alma Road for future relocation will help to reduce natural hazard risks and support a just transition in future.

Accommodate

62. Building CDEM capacity is aligned with the CDEM Act and National Disaster Resilience Strategy '4 Rs'. This will enable better community engagement and preparedness for living with the residual flood risk.
63. However, Stormwater and groundwater issues will be managed and funded by the new water services entities as part of the Three Waters Reforms. The National Transition Unit (the NTU) has agreed that it will consider future stormwater management issues for Westport and will work with the councils to ensure:
 - an integrated catchment management approach is applied to flood risk management and stormwater system and
 - roles and responsibilities are clearly understood and agreed.

Proactively released by the Department of Internal Affairs

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Table 4: Assessment of Business Case package against counterfactual and assessment criteria

	Status Quo/Counterfactual	Protect actions	Avoid actions	Relocate/Retreat actions	Accommodate actions	Overall
Technical feasibility (technical effectiveness at reducing flood risk/increasing flood resilience)	0 <ul style="list-style-type: none"> Very high risk of future flood events (exacerbated by climate change) combined with limited flood protection will result in risks to life and property. 	0 <ul style="list-style-type: none"> The protect actions will provide some enhanced protection particularly for smaller more frequent flood events Overall effectiveness of stopbank design is uncertain (e.g. use of timber and seepage risk) But the effectiveness of the design for larger flood events is uncertain and would exacerbate residual risk to life. The design does not account for other hazards, such as liquefaction. 	N/A	N/A	N/A	0
Long-term flood resilience and integration across the PARA framework	0 <ul style="list-style-type: none"> Limited ability to fund improvements to flood resilience through protection and other PARA actions. Te Tai o Poutini combined district plan should strengthen current natural hazard planning settings in several years 	+ <ul style="list-style-type: none"> Protect option will improve the community's short-term resilience but the 50-year timeframe is too long for transition/relocation Significant emphasis on protect actions which reduces funding and emphasis on other PARA actions Risk of moral hazard through increased development in protected areas and additional burden for future generations. 	+ <ul style="list-style-type: none"> Proposed fast tracking of TPPP amendments would limit future development in a shorter time frame than the counterfactual But provisions still enable additional development that will increase flood risk exposure (especially residual risk for areas protected by stopbanks) and moral hazard The ability for building consent authorities to require higher finished floor heights for buildings would improve flood resilience. 	++ <ul style="list-style-type: none"> Development planning and investment in infrastructure at Alma Road will provide the community with future relocation options, increasing long-term flood resilience 	+ <ul style="list-style-type: none"> Proposed CDEM actions would assist with improving the community's flood resilience. But accommodate actions are not well linked to other resilience actions and it is difficult to analyse their adequacy overall. 	+
Value for money/robust costing	0 <ul style="list-style-type: none"> Ongoing significant response and recovery costs for both central and local government – \$100 million Government contribution to Westport flood response and recovery to date. 	+ <ul style="list-style-type: none"> Reduced response and recovery costs provided protection measures are effective for smaller floods (Technical assessment report has raised concerns about effectiveness) Beneficiary community is contributing through Westport Rating District No significant consideration given to alternative protection options without Westport ringbank Economic costs and benefits of discrete parts of protect action not assessed (e.g. Carter's beach protection) Construction assumptions have resulted in an underestimation of costs (Tonkin+ Taylor). 	+ <ul style="list-style-type: none"> Proposed TPPP amendments will limit some future development, but proposed provisions will still enable additional development. This means potentially only small reduction for future response and recovery costs. Changes to the Building Code (e.g. raised finished floor heights post-event) would help reduce repair costs in future but consideration is needed on the impacts for construction across New Zealand. 	+ <ul style="list-style-type: none"> No economic analysis has been provided for the Adaptation Relief Fund and the quantum of the fund appears high for the number of eligible residents Investigations for Alma Road development is positive but may be funded through alternative sources 	+ <ul style="list-style-type: none"> Increased CDEM capability can help reduce future recovery costs. But CDEM capability work identified is business as usual for CDEM groups and funding may set a precedent for other under-resourced councils Stormwater will be managed and funded by water services entities. 	+
Strategic and regulatory alignment	0 <ul style="list-style-type: none"> Risks from flood events (exacerbated by climate change) increase Negative impacts for community wellbeing High risk of unjust transition negatively impacting vulnerable community members 	+ <ul style="list-style-type: none"> Risks from smaller flood events reduced Some positive impacts for community wellbeing, particularly improved safety Increased protection of current housing supply (if effective) Focus on hard protection structures and potential impacts for coastal environment and wetlands less well aligned with current and likely future RM national direction 	+ <ul style="list-style-type: none"> The avoid proposals will result in lower natural hazard risk and more risk informed development than status quo But overall the TPPP provisions will not reduce natural hazard risk or avoid new development in line with Government policy and future RM settings. Changes would be out of sync with NAP action to update the building code. 	+ <ul style="list-style-type: none"> Providing for development at Alma Road for future relocation will help to reduce natural hazard risks and support a just and equitable transition in future The adaptation relief fund could set an unhelpful precedent for the development of the CAA. 	+ <ul style="list-style-type: none"> Building CDEM capacity is aligned with the CDEM Act and National Disaster Resilience Strategy '4 Rs' Stormwater will be managed and funded by water services entities. 	+

Key for assessment
 ++ better than the status quo/ counterfactual
 + slightly better than the status quo/ counterfactual
 0 about the same as the status quo/ counterfactual
 - worse than the status quo/ counterfactual
 -- much worse than the status quo

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Conclusions

64. Overall, we consider that there is a case for Government co-investment in some parts of the Business Case package. But this will require significant refinement, particularly for any protect actions, and a stronger focus on avoid and retreat/relocate actions.
65. The following provides a summary of our analysis of actions under the four PARA elements of the Business Case:

Protect

66. The current protect actions outlined in the Business Case have been assessed as slightly better than the counterfactual. The protect actions would improve resilience to smaller and more frequent flood events, but the Tonkin+Taylor technical assessment raises concerns about the design, increased residual risk and uncertainties over cost.
67. The protect actions dominate the overall proposal and is not well integrated with the other actions. Developing a full ring-bank around Westport may lead to behavioural changes that underestimate flood risk (e.g. moral hazard).
68. We support some protect actions, but major refinement of the stop-bank proposal is needed and the transitional protection provided should be shorter than the 50 years proposed in the Business Case. This would allow the adaptive planning components to take effect sooner providing more chance of achieving long-term resilience.

Avoid

69. The proposed avoid action to fast track the TTPP provisions would improve current land use planning settings in a shorter time frame than the counterfactual. However, we consider the new planning rules are weak overall, as they still enable further development in the Westport Hazard Overlay and increased residual risk contrary to long-term flood resilience and Government objectives.
70. Fast-tracking of stronger planning restrictions could be a key measure to prevent additional exposure and increased residual risk in Westport.
71. Changes to the Building Code to increase finished floor height requirements could assist in improving flood resilience and reducing future repair costs. However, this would be out of step with the proposed Building Code review action under the NAP scheduled for 2024-2028 and would need further assessment to establish impacts on nationwide construction.

Relocate/Retreat

72. We support the proposed measures that incentivise moving development to lower-risk locations such as Alma Road, as these will help reduce flood risk in the long-term more than the counterfactual.
73. However, the proposed Adaptation Relief Fund has not been robustly costed and could set unhelpful precedent for future policy development for the CAA. This does not mean other appropriate incentives or support for relocation could not be provided in future.

Accommodate

74. Proposed CDEM actions would assist with improving the community's flood resilience more than the counterfactual. But these actions are not well linked to other resilience actions in the Business Case and it is difficult to analyse their adequacy given missing technical information (e.g. breach data).
75. Further consideration is needed of proposed CDEM actions to demonstrate value for money and the uniqueness of the Westport context given BAU aspects of the package.

IN-CONFIDENCE

Appendix A: Summary of package of options presented in the Business Case

Initiative	The Ask		Comments
	Total Cost	Our Ask of Government	
Protect			
Westport ring-bank (Option B), plus Carters Beach	\$19,550,000	\$14,662,500	Year 1 (FY22/23) – planning and design Year 2-4 construction (75/25% split)
Organs Island reforestation	\$1,500,000	\$1,125,000	Years 2-17 – 3 x 5-year tranches
Immediate works on the Buller riverbank	\$3,300,000	\$3,300,000	Years 0-2
Operational expenditure Buller riverbank	\$3,000,000	\$3,000,000	Years 3 -10
Operational expenditure over ten years on Westport ring-bank and Carters Beach	\$3,500,000	\$2,625,000	Years 3 -10 ²
Resource consents, owner agreement, Council project management, final design	\$1,000,000	\$750,000	Year 1
Contingency	\$1,000,000	\$750,000	
Avoid			
An Order in Council or other fast-tracking mechanism for TTPP resilience provisions			Minimal additional cost
Ability for BDC to align the Building Code with sensible flood resilience within the TTPP			Minimal additional cost
Retreat/relocate			
Invest in infrastructure at Alma Road			Live \$18m IAF application
Development plan at Alma Road to ensure positive community outcomes	\$250,000	\$250,000	
Feasibility study into strategic land purchase at Alma Road or other resilient sites	\$250,000	\$250,000	
Adaptation Relief Fund to assist owners in areas like Snodgrass	\$10,000,000	\$10,000,000	Evaluation criteria to be developed
Accommodate			
CDEM capability	\$500,000	\$500,000	Over two years
Sea level monitor / tide gauge and GNSS	\$250,000	\$250,000	Via GNS and NIWA
Stormwater	\$12,000,000	\$8,000,000	Opex. @ 1-3%
TOTAL	\$56,100,000	\$45,462,500	

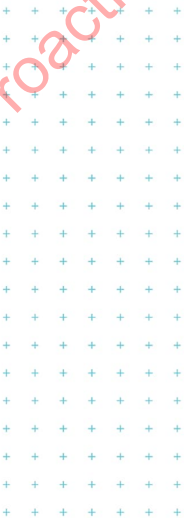
REPORT



Review of the Westport Flood Resilience Better Business Case (BBC) and supporting documents

Prepared for Te Tari Taiwhenua / Department of Internal Affairs
Prepared by Tonkin & Taylor Ltd
Date August 2022
Job Number 1019553 v1

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Date	Version	Description	Prepared by:	Reviewed by:	Authorised by:
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1 Purpose and scope of this review

Tonkin & Taylor Ltd (T+T) has undertaken a technical review of the Westport flood resilience Better Business Case (BBC) as proposed by the Working Group, and supplementary information referred to in the BBC. This review contributes to the Government's overall evaluation of the proposal. As requested, our review focussed on the "protect" elements of the proposal. Broader comments on the BBC are also provided as part of this review such as the integration of the "protect" elements with other proposed elements of the proposal.

The review provides commentary on the technical aspects of the proposal from a "best practice" perspective including:

- **Feasibility and likely effectiveness of proposed measures including:**
 - Technical assessment (i.e. engineering, geotechnical, hydrological) using available information provided for the proposal.
 - Any key constraints with the proposal.
 - Resilience to future modelled scenarios.
 - Resilience of proposal to multiple hazards.
- **Review of proposed measures in terms of feasibility to deliver/implement:**
 - Ability to mitigate adverse impacts.
 - Ability to obtain landowner/lessee approvals.
 - Ability to obtain resource consents.

The review also identifies key gaps, where further information is needed to assess the feasibility of the proposal. The technical information is in Section 3 of this report.

The review provides commentary on the proposed costing at a high level (e.g., where costs might be under-estimated if certain factors have not been taken into account) including their relative significance. This information is in Section 4 of this report.

Finally, the review provides in Section 5 high-level comments on how the proposal meets/does not meet the criteria set out in the letter from the Minister of Local Government to West Coast Regional Council (WCRC), Buller District Council (BDC) and Te Rūnanga Ngāti Waewae (TRNW), particularly focusing on the criteria:

- Does the proposal present an integrated package of measures?
- Will the proposal provide for longer-term flood resilience?
- Does the proposal provide value for money and is it robustly costed?

2 Documents reviewed

This review included the documents listed below:

Better Business Case Proposal

- (BDC, WCRC and TRNW) Proposal to Hon. Nanaia Mahuta, Minister of Local Government. Co-Investment in Westport's Resilience, June 2022.

Flood Modelling Report

- (LandRiverSea - LRS) Buller River Flood Mitigation Options Assessment, 23rd June 2022.

Westport Flood Damage Mitigation Costs Assessment

- (NIWA) Direct Damage Analysis for Scenario Flooding in Westport (for Henley Hutchings), May 2022.

Engineering Report (including costing spreadsheets)

- (G&E Williams Consultants) Buller River Westport Flood Mitigation, Engineering Report, Business Case, Engineering Design & Risk Assessment, June 2022 (including Appendix).
- Supplementary costing spreadsheets.

Consent-ability Assessment

- (Landmark Lile) Resource Consent 'Consent-ability' issued 24 May 2022.

Benefit Analysis

- (Infometrics) Real Options Analysis of Strategies to Manage Risks to Westport from Climate Change (for Henley Hutchings), June 2022.

Strategic Context

- (Henley Hutchings) Resilience against flood risks at Westport. Co-investment business case Context and 'Strategic Fit', 8 June 2022.

Liquefaction Assessment:

- (BECA) West Coast Regional Liquefaction Assessment, 1 November 2021.

The following reports were also reviewed but no comments on them are included in this review:

- (Ngāti Waewae) Assessment of Impacts on Rangatiratanga and Treaty Principles – Westport Resilience Proposal, 29 June 2022.
- (River Managers Group) Central Government Co-Investment in Flood Protection Schemes, Supplementary Report.

3 Feasibility and likely effectiveness of proposed 'Protect' measures**3.1 The Westport BBC proposals****3.1.1 Introduction**

In June 2022, Buller District Council, West Coast Regional Council and Te Rūnanga Ngāti Waewae, presented a proposal to the Minister for Local Government "Co-Investment in Westport's Resilience" (also referred to as the Better Business Case – BBC). The BBC addresses real threats the community of Westport faces from natural hazards; specifically, from flooding including the effects of climate change. The town is located in the floodplain of the Buller River, which, as the BBC describes, "is the most powerful in New Zealand, with peak flows estimated at 12,700m³/s in 1926, which is almost double any other recorded in New Zealand. As a comparison, the mean flow of the Buller River is 454 cubic metres per second. The Buller catchment is very large. The river passes through a small flood plain to discharge through a very confined exit" (page 16). The town has faced destructive flood events in the past (1873, 1926, 1970 and from Cyclone Fehi in 2018). In July 2021, Buller River flooding resulted in 826 properties and over 2000 people being evacuated. The BBC describes the damage - "A total of 563 houses were damaged (with 71 homes deemed unsafe for ongoing occupation) representing 23% of the town's housing stock. The Insurance Council of New Zealand puts the insurance claims for the West Coast flooding from July 2021 at \$88m to date (not all claims are settled)" page 18). In addition, a rupture of the Alpine Fault (which effectively has a 30-

year ARI) when combined with the liquefaction susceptible soils underlying parts of Westport, also poses a significant risk to property.

Mapping prepared by LRS¹ for the Te Tai o Poutini (One Plan) consultation shows the extent of flooding that can be expected, in the future, for a range of scenarios (for different flood flow events, sea level rise and blockage of the river flows by the SH and rail bridges) under a 'do nothing' scenario. These show that extensive areas of Westport would be subject to unsafe levels of flooding, without intervention. The BBC acknowledges the challenge the community faces - *"It is also about change. In developing this proposal, it became obvious to us that Westport cannot remain unchanged forever. Eventually the water will win – it is impossible to completely eliminate the risk of flooding in Westport"* (page 5).

The BBC proposes an approach to address the challenges the community faces. This is based on the Protect, Accommodate, Retreat, Avoid (PARA) model. The BBC describes this as *"an interdependent strategic package of initiatives"* (page 5). The package would see new growth of Westport in low hazard areas, with the expectation that this could occur *"over the next 50 years"*. It also looks to address the *"considerable flood risk for the citizens of Westport"* with more immediate protection measures – *"embankments and walls that will reduce (but not eliminate) flood risks"* that would *"buy us time"* (page 5). The BBC further addresses this on Page 85 – *"There will always be a degree of residual risk. The ring-bank does buy us valuable time so that we can deploy some of the Avoid and Retreat / Relocate strategic initiatives"*. It also notes the importance of making *"sure the decisions we take today do not prevent future decision makers from making their own sensible decisions when the time comes"* (Page 5).

The Protect proposals in the BBC are designed to provide mitigation of adverse effects of flood events, particularly those that are smaller in scale and frequent. However, as noted in the BBC, *"it is impossible to completely eliminate the risk of flooding"*. This review by T+T is focussed on the proposed Protect measures in the BBC. It identifies information gaps and issues within the proposals that are important to understand and then, to manage, residual risk. Amongst those issues are considerations of extent of protection, levels of service and the time that the protection measures can/should "buy". The review addresses specific technical issues associated with the Protect proposals, feasibility of those proposals and their integration with the rest of the PARA approach in the BBC.

3.1.2 The proposed "Protect" ring-bund and level of service

The proposed 'Protect' ring-bund around Westport and the bund landward of Carters Beach comprises:

On the Buller River Side:

- 6,800 m of stopbanks. The maximum height of the stopbanks is 3.5 m upstream of the Buller Bridge and 2.1 m downstream of the Buller Bridge.
- 300 m of concrete flood walls. The maximum height is 2.1 m.
- 200 m of concrete block flood walls. The maximum height is 1.5 m.

On the Orowaiti Side and northern side of Westport:

- 7,400 m of stopbanks. The maximum height of the stopbanks is 2.4 m upstream of the Orowaiti Bridge and 3.0 m downstream of the Orowaiti Bridge.
- 1,000 m of a single timber flood wall. The maximum height is 3.0 m.
- 300 m of a double timber flood wall. The maximum height is 2.4 m.

¹ [2018 LRS Buller-Combined-Hazard-Maps.pdf \(ttop.nz\)](http://2018_LRS_Buller-Combined-Hazard-Maps.pdf)

Carters Beach:

- 4,400 m of stopbanks. The maximum height is 3.7 m.

The proposed level of the top of the flood defences is to prevent:

- River flooding from inundating Westport and Carters Beach for the 100-year Annual Recurrence Interval (ARI) period river flows of 9540 m³/s from the Buller River (based on existing records). An RCP 6.0² climate change scenario has been incorporated by increasing the river flow by 15.4%, flow duration by 10.2% and sea level by 0.97 m.
- Storm Surge Flooding from inundating Westport for the 100-year ARI period storm surges including 0.97 m of sea level rise for RCP6.0 climate change scenario. The Carters Beach bund has not been designed to prevent storm surge flooding from inundating the Carters Beach area.

3.2 Review outline

Our review addresses technical aspects of the proposal from a “best practice” perspective and identifies key gaps, where further information is needed to assess the feasibility of the proposal. Section 3.3 provides a summary of the key findings from the review, and Section 3.4 provides details relating to the geotechnical, general civil engineering and hydraulic / hydrological aspects of the proposal, and Section 3.5 provides comments on feasibility to implement the options.

3.3 Summary of key issues

The list below provides a summary of the key feasibility issues identified in this review. All issues identified in the list below are significant:

- 1 The BBC is clear that it is not possible to eliminate flood risk and that the proposed Protect measures present residual risk. However, there is currently insufficient information in the BBC and supporting documents to enable the community and other stakeholders to understand the nature and scale of consequences and impacts associated with that residual risk. This information is necessary to understand the measures that may be required to manage and mitigate those risks, and in turn, to set appropriate expectations about the time the protections measures could or should “buy”.
- 2 Conceptually, the main component of the Protect proposal, a ring bund around urban Westport, functions as ‘bathtub’. For smaller (more frequent) flood events it should provide protection by keeping the water out if properly designed and constructed. However, failure of the wall during a large flood event would result in the town being rapidly inundated with water. This exacerbates the residual risk to life and property for the larger events above the ‘do nothing’ scenario. There is not a precedent for this type of design in NZ.
- 3 No breach modelling analysis has been completed to demonstrate the consequences of failure.
- 4 Bathymetry changes because of existing geomorphological processes and accelerated by climate change, are not accounted for in the LRS model and these changes would likely raise water levels in the Buller and Orowaiti during floods.
- 5 The Protect scheme will increase peak flood levels at the Buller Bridge by 600 mm, reducing the free board beneath the bridge to less than 200 mm, significantly increasing the risk of a bridge blockage and overtopping of the Westport flood defences upstream of the Buller Bridge. This would have significant implications for evacuation planning as the bridge is the

² All references to RCP6.0 relate to climate for the period 2080-2100.

- only route out of town for a large flood event (based on the assumption that for an event that would block the Buller Bridge the Orowaiti Bridge is also likely to be blocked / damaged).
- 6 Design standards for an encirclement option need to be much higher than what is presented in the BBC, as the consequences of failure are much higher than for non-encirclement options (namely, increased potential for loss of life in the case of failure of the wall during a large flood event).
 - 7 No geotechnical investigations have been undertaken, which is a significant gap when trying to understand the feasibility and cost of the proposed designs. This is acknowledged in the BBC.
 - 8 There is a mismatch between the heights for the stopbanks / floodwalls used in the LRS modelling and what is presented in the BBC. This has implications for design assumptions and cost calculations.
 - 9 Very limited information is provided about the design, and concept sketches only have been provided for the embankments and timber floodwalls.
 - 10 No design details or conceptual sketches are provided for the concrete sections of the wall.
 - 11 Timber floodwalls have not been used for rivers the size of the Buller or Orowaiti rivers.
 - 12 Seepage path length beneath the proposed walls and embankments is substantially less than industry guidelines such as the Bay of Plenty Regional Council guidelines³ for stopbank design.
 - 13 Construction assumptions result in an underestimation of costs.
 - 14 Changes in groundwater levels overtime have not been accounted for. This is acknowledged in the BBC, but still needs to be addressed.
 - 15 The Protect proposals are not resilient to seismic events and the proposal is not 'multi-hazard resilient'.
 - 16 Timber floodwalls will not be readily adaptable and repairable as suggested in the BBC.
 - 17 The assessment of low consenting risk for most of the works depends on assumptions that need to be tested and confirmed. The assessment does advise that further investigation will be needed to determine consent needs (and consent-ability) in areas near the coast and where works in the riverbed/wetland areas are proposed.
 - 18 The seven 'protect' options considered prior to the selection of the current proposal presented in the BBC are different iterations of the same conceptual design (full encirclement of Westport). The proposal has not considered a wider spectrum of protect options (such as partial / targeted protection).

3.4 Technical assessment

This section provides a review of the engineering, geotechnical and hydraulic / hydrological information provided within the BBC and supplementary documents.

3.4.1 Geotechnical aspects

Key points:

- No geotechnical investigations have been undertaken.
 - Portions of the proposed wall / embankment alignment may cross over highly permeable sediments resulting in very high seepage rates and erosion failure of the walls / embankments.
 - Portions of the proposed wall / embankment may cross over thick deposits of loose to medium dense sands, which are susceptible to liquefaction. Large portions of Westport

³ <https://www.boprc.govt.nz/media/395649/stopbank-design-and-construction-guidelines.pdf>

are at risk of liquefaction and lateral spreading under earthquake shaking, as observed during historical events.

- Portions of the proposed wall / embankment may cross over soft silts and clays which would cause very poor founding conditions for the walls and embankments requiring more substantial foundations.

We also note that in this dynamic alluvial environment, the ground is also likely to be highly variable over short distances and with depth due to the nature of the deposited sediments.

- The proposed wall crosses an area with historically observed liquefaction in the north of the town, and the rest of the wall is situated on land identified as 'liquefaction damage is possible within the 2021 BECA report'⁴.
- The floodwalls proposed within the BBC are similar to those that failed during the Edgecumbe flood in 2017 (i.e. very short seepage pathways at their foundations).
- No details are given for the proposed concrete wall in the G & E Williams Consultants Otaki Ltd (GW) report and neither is a conceptual sketch provided.
- The Alpine Fault has a 75% probability of rupturing in the next 50 years. This event has an 80% probability of causing a magnitude 8 (or greater) event (Howarth et al., 2021) and is not effectively considered within the proposal. Such a rupture now has an equivalent ARI of 30 years because 305 years have elapsed since it last ruptured (1717).
- The seepage path lengths for the timber wall conceptual sketches are very short (even shorter than the seepage path length for the flood wall that failed at Edgecumbe). The proposed designs are less than 1 m compared to 12 m minimum for the stopbank (see the appendices in the BOP Guidelines which cite international best practice). The short seepage path would likely result in the rapid failure of proposed flood defences during a flood event.
- The proposed embankments are made of highly permeable gravel material with a very thin skin of low permeable material over the top. This very thin skin of low permeable material is highly likely to fail in locations due to erosion which could then result in very high seepage rates through the embankment resulting in geotechnical instability.

Resilience to seismic events

Westport would be severely impacted by the rupturing of the Alpine Fault which has a 75% probability of occurring in the next 50 years. This event has an 80% probability of causing a magnitude 8 (or greater) event (Howarth et al., 2021). This would be bigger than any seismic event observed in Westport since European settlement. In response to this, the BBC and GW report suggests that this has been accounted for in the designs and choice of materials for the flood defences:

"The structures are, thus, easily added to, as well as easily maintained. As low embankments and walls they are robust, and can accommodate earthquake movement and liquefaction, or be easily repaired. They can also accommodate overflows from flood events or tsunamis" (GW, 2022)

Beyond this statement, there is no further evidence provided in the form of design information or drawings, case studies or industry guidelines.

A recently completed liquefaction hazard study by BECA (2021) for the West Coast Regional Council shows all of the Westport area (and Carters Beach Area) mapped as 'liquefaction damage being possible'. We (T+T) have undertaken some deep geotechnical investigations for a QuakeCoRE

⁴ BECA, 2021. West Coast Regional Liquefaction Assessment. Available on request.

research project on the West Coast (including Westport) in areas where liquefaction is purported to have occurred in historic earthquakes. These investigations showed that the ground conditions in some of the areas (but not all) are similar to the ground conditions in the residential red zone in Christchurch. Due to these ground conditions, a magnitude 8 (or greater) event would cause a severe level of damage to all structures, including infrastructure, in these areas. We note that the alignment of the floodwalls and embankments (Figure 19 of the BBC) through the north of town crosses an area where liquefaction occurred from the 1968 Inangahua earthquake. The 1968 earthquake was a magnitude 7.1 earthquake. An Alpine Fault event would be expected to cause a greater level of liquefaction damage compared to historical events impacting a greater area of Westport.

An earthquake event that causes widespread liquefaction will result in areas with lateral spreading towards the riverbanks and estuary edges. The lateral spreading is likely to vary along the alignment ranging from 0 (no lateral spread) to 2 to 4 m, based on the varying soil conditions along the alignment. This variability will cause significant damage to infrastructure and tear flood walls apart, destroying them. Further, liquefaction and lateral spreading will cause a significant drop of the land (typically 20 to 50% of the horizontal movement). This means in lateral spread areas the wall repairs may include needing them to be raised in height by an additional 0.5 to 1 m to restore it to its pre-earthquake level. This has significant practical, consenting and cost implications.

Finally, the Infometrics analysis to determine the benefits generated by the proposed flood defences does not account for any potential damage or losses from a seismic event. Given the history of observed seismic events and high probability of events in the near future (e.g. within 50 years), this is a significant omission and is further discussed in Section 4.

Seepage Assumptions / Edgecumbe Flood 2017 case study

The below statement is taken from the GW report and forms a key assumption of the design for the proposed flood defences within the BBC:

“No geotechnical investigations have been undertaken at this stage, however the stopbank and wall heights are at the low end of the scale for flood defences. A 2m high stopbank is considered a low embankment, with very low risk of instability or seepage generated failures. The standard crest width for construction and maintenance access is wide for such a low height bank. An allowance has been made in the cost estimates for a cut-off key under the stopbank, as a standard feature for seepage control, and to cover areas with unsuitable ground conditions. A shallow key would be sufficient as it is only seepage at the stopbank surfaces that is important for stopbank security” (GW, 2022).

The Edgecumbe floodwall that failed in 2017 was similar in nature to the conceptual sketches on which the BBC is based and it was approximately 2 to 2.5 m high. The independent report⁵ into the Edgecumbe failure concluded that at no time did the flood wall over top. Instead, the wall was found to have failed because of the seepage pressures beneath the wall. Section 4.2 of that report provides a sketch of the wall and the observations of the wall immediately before and after failure. Screenshots from that report are provided in Figure 3.1 to Figure 3.3 below.

⁵ Rangitāiki River Scheme Review Panel for BOPRC (2017). Accessed at: [2017-10-03-rrsr-final-report-public.pdf](https://www.boprc.govt.nz/assets/Uploads/2017-10-03-rrsr-final-report-public.pdf)

Based on learnings from the Edgecumbe 2017 flood, a 2 m high embankment should not be considered as having a low risk of instability and seepage. We do not agree that the proposed measures would be sufficient to safeguard against stopbank failure during the design flood event. They are not consistent with industry guidelines for defences of this nature (refer to the BOPRC embankment design and Victorian levee management guidelines⁶). Furthermore, due to the proposed design, the proposed flood walls and stopbanks may be at risk from failure; not just during more extreme events but also during more frequent return period events – i.e. 1 in 10-year ARI, 1 in 20-year ARI etc.

Further to the above, there is a mismatch between the comments about the use of a 2 m high embankment in the GW report and the height of proposed embankments within the BBC. This results in the embankment being higher than 3 m in places for the proposal. This is further discussed in Section 3.4.3 (see ‘Mismatch in proposed flood defence heights’).

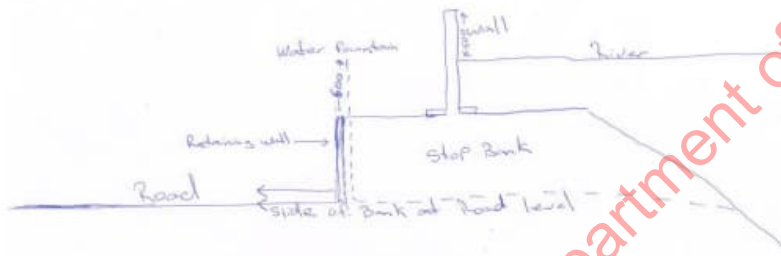


Figure 3.1: (Caption from report) Sketch of the College Road floodwall breach (Source: Regional Council Contractor, 2017)



Figure 3.2: (Caption taken from report) The Edgecumbe Floodwall, known locally as 'The Painted Wall', at 0814 on 6th April, 15-20 minutes before the breach (Source: BOPRC, 2017)

⁶ Victorian State Government (2015). Accessed at: [DEP-8419-Levee-design-construction-and-management-guidelines FA web.pdf \(water.vic.gov.au\)](https://www.water.vic.gov.au/dep-8419-levee-design-construction-and-management-guidelines-fa-web.pdf)



Figure 3.3: (Caption taken from report) The breached Floodwall at Edgcombe, looking downstream; image file, date stamped 0835 6th April, some 5 minutes after the breach (Source: BOPRC Contractor, 2017).

Seepage issues discussed above for embankments also apply to proposed flood walls. Based on the provided designs, the seepage path will go directly between the posts of the timber floodwalls and will inevitably lead to piping failure and geotechnical instability. Similarly for the proposed concrete flood walls, based on the low costing rates provided within the accompanying spreadsheets to the GW report, we have assumed that a shallow strip foundation is proposed. No material cut-off trench is proposed to lengthen the seepage path for both the proposed embankments and floodwalls. For this reason, we also expect that the proposed concrete walls will also have geotechnical instability issues, similar to the proposed timber walls and embankments.

Options to mitigate these geotechnical risks include:

- Bring the geotechnical investigations forward to reduce the uncertainty in the design and the uncertainty around costs; and
- Consider not protecting all of the liquefaction vulnerable areas and bring forward their relocation timeframes to more suitable / higher ground; and
- Design the floodwalls and stopbanks to safely cope with the seepage pressures. Note that this will significantly increase the costs of the protect measures; and/or
- Alternatively consider a lower level of service and/or move the floodwalls and stopbanks back inland to higher ground which would reduce their height.

3.4.2 General civil engineering aspects

Key points:

- Lack of detail around the proposed design of the stopbanks and floodwalls (see Figure 19 of the BBC). Due to geotechnical investigations being absent from the BBC it has limited our ability to determine the suitability of the designs, particularly the proposed heights of the defences relative to the proposed foundations (see previous section for geotechnical comments).

- Mismatch between the heights for the stopbanks / floodwalls used in the LRS modelling, and what is presented in the BBC. Further to this, the GW report assumes that the stopbanks are only 2 m high for design purposes; but Appendix D of the LRS report shows that the maximum proposed height of the stopbanks along the Buller is 3.5 m and 3 m along the banks of the Orowaiti (including the extra 0.6 m for protection for the RCP6.0 climate change scenario).
- As a result of the mismatch between the designed and modelled stopbank / floodwall heights seepage pressures are 50 to 75% higher and the water pressure forces are 125 to 200% higher than the 2 m height assumed in the GW report. This would require the proposed designs to be reviewed.
- No detail provided on flood defence crossings. Compared to roads, railways require considerably longer ramps meaning that a considerable length of the railway formation may need to be raised. This work is not included in the BBC.
- The proposed stopbank conceptual sketch (Figure 19 of the BBC) shows that the core of the proposed stopbank is to be constructed of a highly permeable gravel material, with a very thin 0.2 m low permeability skin over the top. This thin, low permeability skin could very easily become compromised in locations (given the extensive length of the stopbank network). When this occurs, the seepage through the stop bank over a long duration flood event (e.g. 36-hour period) while the stopbank retains water, could lead to stopbank instability / collapse (refer to geotechnical comments in Section 3.4.1).
- We do not consider that the proposed timber floodwalls will be readily repaired or adaptable as claimed within the GW report and the BBC. The reports give no explanation of the design features to back up this claim
- Timber floodwalls have not been widely used in New Zealand with only a handful of case studies. An example of where they have been used is Orphanage Stream⁷ in Nelson which is a small tributary in an urban area. Relative to the Buller and Orowaiti Rivers, the scheme was completed on a minor watercourse with a much smaller wall height (i.e. less than 1 m) than that proposed in the BBC and only needs to hold back water for a much shorter duration (less than a couple of hours) compared to the flood duration of the Buller (typically 36 hours for the larger events). This type of construction method is untested for rivers of the size of the Buller and Orowaiti (noting the Buller has New Zealand's highest recorded flood peak discharge).

Timber Flood Walls

Any extension to the timber floodwalls, as proposed in the BBC, would result in higher seepage pressures and water pressure forces and hence would require deeper foundations, a deeper cut off trench and larger pole sizes to withstand the higher forces. Therefore, we do not consider that they can be practically extended in the future, as the entire structure (i.e. the wall and its foundations) would need to be rebuilt to extend the height of the defences. These structures are untested on rivers the size of the Buller and Orowaiti.

Design Standards

Any stopbank needs to be designed in accordance with international and industry best practice. Such practice has been incorporated into the Bay of Plenty Regional Council Stopbank design guidelines⁸.

We note that while stopbanks are technically excluded from being a "dam" under **the Building Act 2004**, the NZSOLD guidelines⁹ specifically suggest that stopbank designers consider following the

⁷ [Orphanage Stream flood protection | Shape Nelson](#)

⁸ BOPRC (2014), Stopbank Design and Construction Guidelines, Available at:

<https://www.boprc.govt.nz/media/395649/stopbank-design-and-construction-guidelines.pdf>

⁹ https://nzsold.org.nz/wp-content/uploads/2019/10/nzsold_dam_safety_guidelines-may-2015-1.pdf

NZSOLD Dam Safety Guidelines (see page 84 of the guidelines). Similarly, the Victorian State levee management guidelines recommend the use of ANCOLD dam design guidelines.

Water retaining structures shift risk profiles. We recommend that the consequences of failure be considered and that these consequences should be used as the basis for setting performance standards, as per the principles set out in the NZSOLD Dam Safety Guidelines. Specifically:

- Explore the consequences of a flood across a range of different return period events in say the mean annual flood or 10-year flood, 100-year flood, 200-year or 500-year flood, 1,000-year flood, 2,500-year flood and 10,000-year flood (i.e., estimate model depth, duration, velocity in these various events and superimpose impacted people, property, and the environment).
- Consider the above flood consequences in three scenarios: (1) with the encircling stopbank in place and failing, (2) with the encircling stopbank in place and no failure, and (3) without the stopbank i.e., do-nothing option. Identify (compare) the incremental consequences of (1) vs (2), (1) vs (3), and (2) vs (3).
- Consider these incremental consequences across multiple categories, specifically life safety hazard, number of people affected, community, cultural / heritage, critical infrastructure, and natural environment.
- NZSOLD then provides precedent for correlation of performance standards (for design floods, earthquake floods, level of rigour of investigation, design, construction, and ongoing safety management) based on the assessed incremental consequences (1) vs (2).
- The comparison of consequences for (1) vs (3) and (2) vs (3) provide information regarding how the stopbank option shifts the risk profile compared with the do-nothing option.

The consequences of failure of the proposed embankment and floodwall design mean that it's likely to fall under a high Potential Impact Classification (PIC) as per NZSOLD guidelines (specifically, flooding of an urban area with a high potential for loss of life). This would need to be confirmed by modelling (see breach modelling comments in the next section).

3.4.3 Hydraulic / hydrological aspects

- No breach modelling was completed for the proposal. Consequences of failure are not considered.
- Mismatch between the stopbank / floodwall heights in the LRS modelling and the proposals within the BBC.
- No rating curve for the selected model runs is presented in the LRS report. This would help to understand the appropriateness of the peak flood flows used for the protect scheme.
- The design event uses a lower flow rate than the historically estimated maximum peak flow of 12,700 (m³/s)¹⁰. In the LRS report the 100-year ARI flow of the Buller River ranges from 8,390 m³/s to 10,590 m³/s (95% confidence range), and an adopted design flow of 9,540 m³/s is used for the 100-year ARI event (historic climate). An RCP 6.0 climate change scenario has an adopted design flow of 11,009 m³/s, and RCP8.5 11,877 m³/s.
- Future changes in groundwater levels have not been considered within the LRS modelling-report or BBC proposals. The BBC acknowledges that this is a knowledge gap.
- Bathymetry changes because of climate change, and subsequent impacts on flow, have not been accounted for in the LRS modelling report or BBC. These changes are likely to raise water levels around the town.
- Bridge blockage is not accounted for. Only bridge pier blockage is accounted for in the LRS model. This distinction is important as if this occurs it will substantially raise the water levels

¹⁰ [Flood modelling of the Buller River, Westport | NIWA](#)

upstream of the Buller bridge and also because the Buller Bridge is the main evacuation route out of town.

- The decision to provide protection for the Carters Beach area (including the airport) raises peak water levels reducing freeboard to the underside of the bridge deck to as little as 0.16 m under the 100-year RCP6.0 scenario. The LRS report states “consideration will need to be given to replacing the main bridge in the future to ensure there is adequate freeboard” as the freeboard does not meet requirements as per the Waka Kotahi bridge manual (2013).

Mismatch in proposed flood defence heights

The preferred Option B, put forward in the BBC, is to provide protection for all of Urban Westport for a 100-year average recurrence interval (ARI) river flooding and cyclone storm surge allowing for a RCP6 scenario (refer to paragraph 1 of ‘Service Levels’ on Page 42). This differs from the recommended option put forward in the technical reports by LRS and GW, which provide protection for Urban Westport for 100-year ARI river flooding and cyclone storm surge allowing for a RCP6 scenario only on the Buller River side and on the Orowaiti side upstream of the Railway embankment at Stephens Road.

Downstream of the Railway embankment at Stephens Road, these technical reports recommended only providing protection for a 100-year ARI for river flooding and cyclone storm surge based on existing sea levels and river flows (i.e. no climate change / historical events).

Due to the changes downstream of the Railway embankment at Stephen Road, the 1 in 100-year ARI RCP 6 scenario presented in the technical reports is different to the 1 in 100-year ARI RCP 6 scenario presented in the BBC. The technical reports assume a lower level of protection around the Lower Orowaiti whereas the BBC proposes a higher level of protection for this area.

The stopbank / floodwall heights are on average approximately 0.6 m higher on the Orowaiti side downstream of the Orowaiti Bridge than what is shown in the LRS report (for reference compare screenshots taken from the LRS report below). In many places the heights have increased by 0.8 m.

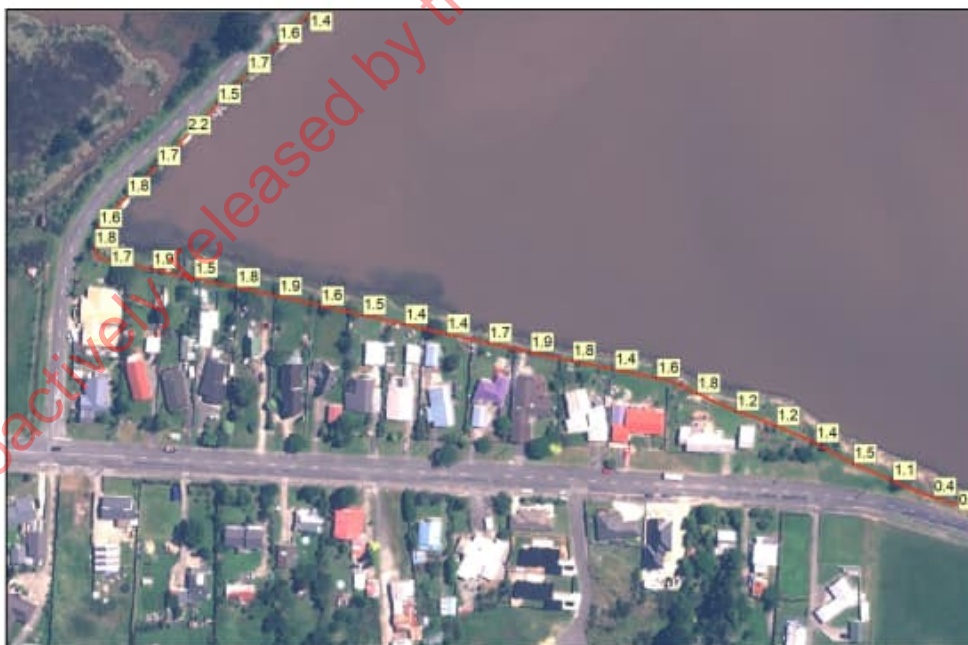


Figure 3.4: Design heights for a historic climate 100-year ARI event as modelled (Lower Orowaiti) – number labels are height of embankment along its alignment in metres



Figure 3.5: Design heights for a future climate 100-year ARI event with RCP6 as proposed within the BBC (Lower Orowaiti) – number labels are height of embankment along its alignment in metres

This presents a significant constraint on the review of the proposal, as the changes would impact water levels in the Orowaiti and the overall costs of the scheme. The mismatch between the heights proposed in the BBC and the technical reports result in the following issues:

- The 100-year ARI future design RCP6 overdesign assessment of the preferred / recommended scheme in the LRS Report and the NIWA Report are not consistent with the BBC proposal. We note that the 100-year ARI future design RCP8.5 assessment is still valid because the LRS model assumed the stopbank heights are based on the RCP6.0 protection for the entire urban Westport.
- While the costing for the preferred option in the BBC was updated, the costing rates used were not reviewed. Increasing the height of the embankments by 30% (from 2 m to 2.6 m) results in a 70% increase in water pressure force. The costing rates were not suitably adjusted for the higher walls (i.e. consideration of deeper foundations required as per comments in Sections 3.4.1 and 3.4.2).
- The GW Report (page 11-12) uses a representative height of 2 m for design assumptions and cost calculations for the proposed stopbanks and floodwalls. As a result, there is further mismatch between the representative heights used for the design assumptions and the heights proposed within the BBC. As an example, when comparing a 2.0 m wall / embankment to a 2.6 m high wall / embankment the latter would be subject to a 70% higher water pressure force. Further to this, due to the higher forces acting on the structures, material and construction costs would need to be revised to accommodate for this. It should be noted that construction costs are not linear. Any increase in height would result in higher seepage and water pressure forces which would require deeper foundations, cut-off trenches and pole sizes to withstand the forces. We note that there are sections of the stopbank that are higher than 3 m (see map 2 of 12 in Appendix D of the LRS report).

Breach modelling

Currently the modelling assumes that overtopping does not result in stopbank erosion and embankment collapse. Because the proposed stopbanks are not armoured, when overtopping occurs, it can quickly erode and cut down the embankment and widen the gap, resulting in much higher flood depths and also very high velocities. This can potentially result in a higher level of damage and increasing the potential for loss of life, due to the rapid inundation of water at high velocities reducing the window of time for evacuations. Breach modelling is needed to understand the consequences of failure of the proposal.

The loss modelling undertaken by NIWA is not a form of breach modelling as it only accounts for overtopping flood heights. A distinction needs to be made within the analysis between the failure of the proposed defences during a flood event and the overtopping of defences.

Bridge blockage

“Results show that there is a lack of available capacity under the main Buller River bridge which will be exacerbated by the proposed scheme particularly for the future climate RCP6 scenario. The Waka Kotahi bridge design manual specifies a desired minimum freeboard for new bridge structures to be 1.2m above the 100-year ARI flood level. Extending protection to the airport is the primary cause for raising the levels in the Buller River with a significant overflow path blocked off by the bank. It is essential that the bridge is raised in the near future if this bank is built.” (LRS 2022, Pg. 53-54)

Further to the above the modelling of the preferred option does not allow for potential debris blockage. The table below is taken from page 53 of the LRS report and provides a summary of the freeboard for the preferred option:

Table 3.1: Impact on bridge freeboard (no allowance for potential debris blockage) (Source: LRS Report, 2022)

Scenario	Base Scenario Available Freeboard (m)	Option A Available Freeboard (m)
100-year	1.04	0.83
100-year RCP6	0.72	0.16

The LRS report acknowledges that the proposed ring-bund protection around Westport raises the water levels in the Buller River as demonstrated by the reduction in freeboard at the Buller Bridge. The decision to provide protection on the left bank of the Buller River for the Carters Beach area (including the airport) is the primary reason why the peak flood levels at the Buller Bridge increase. It should be noted that debris blockage is not accounted for, which would further reduce the available freeboard. Raised water levels will increase the likelihood of debris snagging on the underside of the bridge resulting in bridge blockage or damage to the structure during a flood event.

If the response to this risk is to build even higher stopbanks upstream of the Buller Bridge (to prevent over topping) then the water levels will back up further upstream and could send more flow down the Orowaiti and further raise flood levels on that side.

The BBC does not present the higher risks of the Buller Bridge being blocked during a flood due to the proposed protect scheme. The reason blockage is of concern and should be considered is that the encirclement of the town and Carters Beach will increase the peak flood level causing insufficient clearance beyond the modelled 1 in 100-year ARI event (with climate change RCP 6). In the LRS report (page 40) it states that:

“While the stopbanks do increase the likelihood of blockage at the bridge in an extreme event, the stopbanks do have the advantage that they will allow the bridge to remain open (because the approaches are not flooded)”.

The above comment does not consider the consequences if the proposed defences were to fail during an extreme flood event and highlights the need for breach modelling. Given the seepage issues raised in the geotechnical and engineering sections of this review, the failure of the embankments in conjunction with the bridge being blocked would result in the only evacuation route out of town being cut-off or destroyed. The consequences of this would be catastrophic.

If protection is to be provided to around Westport and the Carters Beach area resulting in a raising of the peak water levels in the Buller River, then this should not be undertaken until after the Buller Bridge is raised to meet the minimum requirements set out by Waka Kotahi (2013). This sequencing requirement is acknowledged in the LRS report but not included in the BBC. An alternative mitigation measure is not protecting the airport and Carters Beach to allow floodwater to spill over the true left bank of the Buller River thereby reducing the water level further upstream in the Buller River.

Stormwater

The LRS modelling does not account for the performance / contributions from local stormwater flooding (from direct rainfall on the area) which will become exacerbated due to rising groundwater levels as a result of sea level rise. During river floods, urban runoff from Westport will be dependent on discharge points remaining clear, but if peak flood levels exceed the discharge point levels, this will effectively result in the lower parts of town slowly filling up like a bathtub. An example of a mitigation would be to put in place large drainage pumps to deal with the local stormwater accumulation over a 36-hour period. This issue is not mentioned in the LRS modelling. The BBC (Page 75) acknowledges the need for further work to understand how excess stormwater would be managed during a flood and its impact on the proposed protect scheme.

Bathymetry

Impacts of existing geomorphological processes and accelerated by climate change on bathymetry are absent from the LRS modelling report and BBC. Due to the known coastal aggradation and the high sediment load of the Buller River, it is necessary better to understand fluvial mechanisms (e.g. changes to streambed profiles) and changes from coastal aggradation (e.g. extension of the coastline due to the breakwaters). This is important because of backwater effects, whereby water levels increase further upstream due to geomorphological changes between flood events.

Options to mitigate these issues could include:

- Design the floodwalls and stopbanks to safely cope with the seepage pressures. But this will significantly increase the costs of the protect measures.
- Alternatively consider a lower level of service / standard of protection and/or move the floodwalls and stopbanks back inland to higher ground which would reduce their height.

3.5 Feasibility to deliver / implement the proposed measures

3.5.1 Ability to mitigate adverse impacts

Mitigating adverse flood event impacts

The Protect proposals in the BBC will provide mitigation of adverse effects of flood events, particularly those that are smaller in scale and frequent. However, as noted in the BBC, *“it is impossible to completely eliminate the risk of flooding”*.

Whatever flood protection is provided, residual risk will remain for flood events greater than the design level of service and/or other failure of flood protection structures. Civil Defence Emergency Management (CDEM) plans, including evacuation plans will, therefore, be an important part of any flood resilience scheme for Westport. Ensuring the town is prepared for more extreme events than those on which designs in the BBC are based (i.e. greater than a 1 in 100-year ARI event) is critical to prevent the loss of life and provide resilience to residual risk.

Residual risks will increase over time, as extreme weather events increase in size and frequency due to climate change, sea level rises, and time elapses on the Alpine Fault. This means that robust CDEM planning should be central to any proposed package. This is reflected in the BBC with funding requested for CDEM measures.

As noted in the geotechnical and engineering sections of our assessment, some aspects of the Protect proposals within the BBC exacerbate residual risk associated with a large flood event or failure of flood defences. These aspects may also reduce the ability of CDEM measures to mitigate adverse impacts during these events because:

- Once defences fail, particularly for encirclement defences, there is a very small window for evacuations, even if a failure is incorporated within CDEM planning. Impacts of Hurricane Katrina on New Orleans provide an example of this.
- Protect measures, as proposed in the BBC, raise water levels around the Buller Bridge which is the main evacuation route out of town (as the Orowaiti Bridge goes underwater) and links the Temporary Accommodation Village (TAS) with the rest of Westport. The LRS modelling indicates that the bridge may need to be raised *prior* to the implementation of the proposed protect scheme, to ensure it is available and accessible for evacuation.

Mitigating adverse impacts by avoiding and reducing exposure

The BBC includes proposals to mitigate impacts from flooding by measures in its section headed “Avoid – Ensure new development of property and vulnerable assets are not exposed to the hazard”. The BBC notes that “it would be a mistake to allow for uncontrolled intensification and development behind the embankments”. It presents aspirations that “residents understand and continue to prepare for future vulnerabilities and risks” and for “Westport to grow in areas that are outside of the flood hazard zone”. The BBC presents the latter aspiration as a “long-term goal”; that is “difficult to achieve under current legislative settings”.

It is true that current regulatory and planning settings do limit the ability of councils to restrict further development within areas provided with flood protection. Section 106 of the RMA empowers councils to refuse subdivision consents where there is a significant risk from natural hazards. However, the ability to control other land use activities and development relies on planning provisions in regional and district plans. Current applicable plans do not contain provisions that would enable effective intervention to restrict further development. Proposals in the BBC are therefore focussed on the Te Tai o Poutini Plan (TTPP), the new combined district plan being developed for the whole of the West Coast.

We note that the Proposed TTPP has now been formally notified, with submissions open until 30 September. The BBC advises that hearings on the Proposed TTPP are likely to be held in mid-2023 and raises concern that lack of certainty about the BBC proposal and its funding may impact on submissions that may be made. It also acknowledges that the proposed rules in the TTPP are “far from perfect”. The BBC asks for Government intervention to enable rules to be given early effect.

The TTPP is a critical opportunity to achieve outcomes that avoid exposure to adverse impacts of flooding. It will be important that the formal processes and decision-making on it be used to the fullest extent possible, to ensure appropriate controls are included in the Plan and that they are made effective as early as possible. To support this, additional information that assists the community to understand the nature and scale of residual risk associated with proposed Protection measures in the BBC will be important. Some of this could be provided by appropriate breach modelling which is noted earlier as an information gap.

Mitigating impacts by retreat or relocation

The BBC's proposals on Retreat/Relocate are intended to relocate existing people, property and assets from locations exposed the hazard. The BBC acknowledges that *"the risk in Westport is already unacceptable"*. The BBC describes provisions being included in TTPP to zone land that is suitable for relocation and identifies a bid in process with the Infrastructure Acceleration Fund to enable infrastructure provisions to service that land. The BBC is asking for funding of \$500,000 to prepare a development plan and complete a feasibility study into strategic land purchase. It is also asking for an adaptation relief fund of \$10 million to assist owners in areas, like Snodgrass. Details of criteria for use of this funding are yet to be "refined".

The BBC anticipates a long timeframe for retreat/relocate initiatives, noting that *"over time as Westport grows, this growth needs to occur in low hazard areas. This could occur over the next 50 years"*. It sees land purchase now as a means *"to enable future decision makers to be able to speed up or slow down decisions, depending on which climate scenario eventuates"* and that flood protection measures *"buy us time"*.

There is, in our view, an important opportunity to strengthen this element of the BBC. The availability of suitable land for relocation and to develop appropriate supportive provisions in TTPP to encourage and incentivise relocation, provide an immediate window of opportunity, that could be realised with more significant investment in this element of the BBC proposals.

3.5.2 Ability to obtain landowner / lessee approvals

The BBC provides some information about the properties impacted by the flood defence proposals as follows:

"The total length of the proposed Westport flood risk mitigation embankment and walls (Option B) is approximately 18 km. Around 50% of this is on public / reserve land, 44% is on private property and 6% is on KiwiRail property. Most of the private property length of the embankment traverses six farms. In addition, up to 12 lifestyle blocks may be affected. The relatively small remaining length of the embankment will affect 7 properties which are primarily used for residential purposes. A further 15-20 properties will have the embankment or walls on reserve land adjacent to their properties."

The currently proposed footprint for the defences would require negotiations with up to 25 private landowners and likely engagement with 15-20 potentially affected neighbouring property owners. Negotiations of this sort are more appropriately commenced when more detailed design and proposals are confirmed. Implications of construction on KiwiRail property on rail infrastructure and operations would also need to be addressed, if decisions to proceed with the current or any modified proposals are made.

3.5.3 Ability to obtain resource consents

The consent-ability review completed by Landmark Lile opines that:

- there is low consenting risk for much of the proposed protection works.
- some areas present more complex consenting issues, but, that consents should be able to be obtained.
- the portions of the stopbanks in coastal areas and identified wetlands present significantly more complexity and will require further investigation to determine likely consenting requirements; and that further consent requirements may need to be considered at detailed design stage.

The consent-ability assessment relies on some assumptions that will need to be confirmed as outlined below.

- That stopbanks are permitted activities in the District Plan. We note that the activity status of protection works that involve wall structures is not clear (stopbanks are not defined in the district plan).
- That the volume of earthworks will be within the limits to be controlled activities. This will need to be confirmed as this status is important for the low-risk consent-ability assessment. We note that determining this may be complex, as volume limits apply on a “per site” basis.
- That native vegetation removal can be appropriately offset and replanted. This will need to be confirmed by ecological assessment.
- Location of works with respect to the riverbed and MHWS will need to be confirmed, as these are where more demanding consent requirements apply.
- That the concrete and timber wall portions of the stopbanks may be exempt from building consent. – This will need to be confirmed and will likely be impacted by the proposed height of these structures.

We have identified possible threats/challenges to consent-ability of the BBC proposals as outlined below.

- The potential for consent applications to be bundled, particularly if any element of the activities is non-complying (e.g. work in identified wetlands). This would subject all of the proposal consents to the higher statutory tests for non-complying activities.
- The potential for opposition and objections by residents (either included/excluded from protection areas).
- The potential for opposition and objections by ratepayers re general/targeted rates funding and contesting the consideration of alternatives.
- The potential for a national “test case” by climate change activists (or other individuals or groups) raising matters such as:
 - the appropriateness of the balance between avoid, retreat and protect options.
 - the adequacy of technical assessments, design feasibility/costs and the Assessment of Effects on the Environment.
 - issues of taxpayer funding, precedent and moral hazard.
 - the need for the National Adaptation Plan to be included as an “other matter” to consider in consenting.
 - the need for a strong Part 2 assessment in consenting decision-making, given weaknesses in the existing regional and district policy frameworks regarding climate change, in particular; but also that they do not address liquefaction/lateral spreading.

- the need to consider climate change in consent applications, as now provided by RMA amendments.

3.5.1 Summary of data/information gaps

As detailed in this section, the review of the BBC and accompanying reports has been constrained by missing information. A summary of the key missing information is presented in Table 3.2. Provision of this information would allow for a greater understanding of likely costs of the costs and benefits associated with the proposal.

Table 3.2: Summary of key missing information / data from the BBC proposal

Data/Information gap	Criticality of issue (Significant, Moderate, Minor)	Risks associated with information gap	Will this issue need to be addressed prior to further consideration of the proposal and why?
No geotechnical investigations have been undertaken (acknowledged in the BBC and GW Engineering Report, 2022)	Significant	Likely to increase costs provided in the BBC for proposed structures. Proposed designs may be unfeasible in some locations due to the ground conditions.	Yes – This is a key information gap. Fundamental component of any design and required to get an accurate indication of likely costs.
No Breach Modelling has been done to demonstrate the consequences of the proposed defences failing. Loss modelling completed by NIWA is not breach analysis and only provides details on overtopping.	Significant	Potential for loss of life, property damage and impacts on evacuation routes not being demonstrated. Likely ingress points and potential for Buller Bridge blockage not discussed within CDEM measures of the proposal (knock on impacts for evacuation planning and funding requirements).	Yes – This needs to be addressed to understand if the consequences of failure are acceptable. If not, then the design would have to be revised or greater emphasis placed on the accommodate measures included in the proposal (e.g. CDEM planning).
Multi-hazard analysis missing. Specifically, the Alpine Fault (AP8) event has been excluded from the benefit analysis.	Significant	Overstating benefits and overlooking resilience against seismic events. Continued exposure of properties and assets on areas at risk of liquefaction in Westport.	Yes – Westport is exposed to severe natural hazards and these need to be accounted for in any proposal. Addressing just one hazard leaves the town vulnerable to the remaining hazards and could result in wasted investment.
No bathymetry modelling under future climate scenarios.	Moderate	Potential for water levels for future climate scenarios to be higher than what is presented in the LRS report (2022).	Yes – Whilst climate change is accounted for within the flood modelling using the RCP6 scenario, the model should also factor in bathymetry as it

Data/Information gap	Criticality of issue (Significant, Moderate, Minor)	Risks associated with information gap	Will this issue need to be addressed prior to further consideration of the proposal and why?
			is likely to have a significant influence on flood flows in the future.
Concrete wall designs	Moderate	Concrete sections of the wall are going to be subject to different design constraints relative to timber and earth flood defences.	Yes – Whilst some of this detail has been inferred from the proposed designs for the timber floodwalls and earth embankments, this detail should be provided.
Confirm activity status of concrete and wood walls under the District Plan and exemption of these from requiring build consent	Moderate	This may change activity status from permitted to one requiring consents	Will not need to be resolved prior to further consideration but will need to be considered as more detailed design and consenting preparation proceeds.
Confirm if proposed earthwork volumes to construct stopbanks are within the limits for controlled activities	Moderate	This may change activity status to one where consents could be declined	
Assessment of ecological values and potential impacts to support (or otherwise) the expectation that they will be able to be mitigated by replanting and offsetting	Significant	An ecological assessment may identify ecological values for which mitigation will be unlikely to be supported in consent decision-making. Some aspects of the proposals may need to be significantly modified	An initial ecological assessment including locations of key elements of the proposed option should be considered sooner rather than later. The outcome of this work could identify significant consenting issues that may impact on the feasibility of some aspects of the proposals. This could mean changes to areas able to be provided protection and/or the level of service that can be provided.
Location of proposed works/structures with respect to MHWS, riverbed or identified wetlands.	Significant	Could result in an assessment of high risk to consent-ability and/or require significant change to the proposals to avoid these areas.	

4 Benefit analysis and cost assumptions

Key issues:

- To resolve issues identified in the Geotechnical and Engineering sections, geotechnical investigations would need to be undertaken and cost estimates would need to be revised. This

would result in a significant increase to the material and construction costs provided in the BBC. For example, if foundations with cut off walls are included to address the geotechnical seepage instability issue, this will significantly increase the cost of the proposed floodwalls well beyond what is presented in the BBC.

- There would not be a linear increase in costs to address the mismatch between the modelled flood defence heights and proposed flood defence heights identified in Section 3.4.3. Geotechnical and engineering requirements for increasing a floodwall or embankment height do not result in linear increases in construction material used. What is meant by this is, a 2 m high wall is not double the cost of a 1 m high wall, it is substantially more.
- Construction cost rates assumed will be too low because contractors with larger construction gear will be needed. Based on the available information we do not consider that the defences could be built using local contractors with farm tractors as suggested in the GW report (on which the BBC rates are based).
- Due to poor correlation between modelled damages and observed damages we consider that the Riskscape model does not provide a reliable model for assessing the benefits as an input for the economic options analysis presented in the Infometrics Report.
- The Infometrics report does not account for costs associated with seismic activities within its benefit analysis.

Construction Cost Assumptions

A reason for promoting the use of the timber walls is that there is not enough room for stopbanks everywhere due to existing properties, and costing is based on the assumption that they will be able to be constructed by local contractors with farm tractors with fencing pole drivers. The option of putting stopbanks everywhere, and removing properties to allow for this, has not been considered nor costed. From the information available, we consider that it would not be feasible for local contractors to construct the walls using the construction method stated in the GW report. Firstly, as a rough rule of thumb the length of the timber poles below the ground would be typically twice that above the ground. Therefore, for a 2 m high flood wall the timber pole embedment length would be 4 m, which means the total length would be 6 m, which exceeds the size / capacity of farm tractor fencing pole drivers (noting the wall is greater than 2 m in places). Secondly the size (diameter) of the timber poles required to withstand the water pressures of a 2 to 3 m high wall would be in the order of 2 times larger than the size of farm fencing posts. Thirdly, the alluvial deposits will comprise areas with silts, others with sands and others with gravels. In areas with gravels, driving the poles to get sufficient embedment may not be possible with farm machinery. Construction cost rates assumed within the BBC and GW report are too low because contractors with larger construction gear will be needed.

When combined with the additional material costs and amendments to the design required (i.e. lengthening the seepage path, deeper foundations etc.) the costs for the Protect proposals would increase substantially relative to what is presented in the BBC. Different alignment options which might include removal of existing properties to allow for stopbank construction on higher ground instead of timber walls could help offset the substantial cost increases of Protect Proposal.

5 Summary – Does this meet the criteria set by the Minister?

This section of the report provides some high -level comments on how the proposal meets criteria set out by the Minister of Local Government for the BBC. These are focussed on three of the criteria.

Is an integrated package of options presented?

The BBC contains elements, based on the PARA (Protect, Avoid, Retreat, Accommodate) framework that could form an integrated package of options. However, integration across the package is not strong.

A range of flood resilience measures is provided within the BBC proposal. Some of these measures provide a degree of integration, such as the 'Adaptation Relief Fund' proposed in the retreat / relocation chapter on page 69. This section of the BBC acknowledges that the proposed structures in the Protect chapter do not protect Snodgrass property owners and acknowledges others might be adversely affected downstream and upstream by the embankment and walls. As a result, a \$10 million fund is proposed to assist impacted residents. Other measures such as increased Civil Defence Emergency Management (CDEM) funding, groundwater level investigations, temporary flood barriers and spatial planning / zoning provisions are included within the proposal and could represent appropriate components of a resilience package.

The detail required to confirm if the package of measures are effectively integrated is missing. There is no coherent long-term plan or schedule to provide a framework for the current proposal. The importance of immediate opportunities to use the developing TTPP and availability of land for relocation as part of the Avoid and Retreat/Relocate elements of the BBC is not emphasised and could be given greater weight in the overall BBC. Greater integration would see information about Protect proposals and the nature and scale of the impacts of residual risk being provided, understood and driving decision-making about the nature and pace of planning interventions.

Details around the phasing of implementation and breakdown of costs could also assist better integration of the proposals, such as those for emergency management.

The CDEM proposal on page 73 of the BBC, requests a total of \$500,000 for a senior official for two years and resilience officer based in Westport. Whilst some detail is provided about the tasks that could be completed by these individuals, the links to the other chapters of the BBC are missing. Specifically, for an encirclement flood defence, there are significant consequences of failure. Missing elements from the proposal such as breach modelling would allow for an analysis of the adequacy of CDEM accommodate measures.

Does the proposal provide longer-term flood resilience?

Aspects of the BBC provide a basis for longer term flood resilience, most particularly those focussing on Avoid and Retreat/Relocate measures. However, these future-resilient aspects of the proposal could be compromised due to the Protect proposals as presented in the BBC. The protect elements require the greatest share of the proposed funding. This review has found that costs are likely to be significantly underestimated. Allocating funding to meet the information gaps and other issues in the existing designs could result in less money being available to effectively implement non-protect measures.

Is the proposal robustly costed?

Based on the proposed designs within the Protect chapter to the BBC, the BBC Protect proposal is not robustly costed as there are a number of assumptions and limitations with the design and construction method, which if resolved would significantly increase the cost of the proposed encirclement wall. The mismatch between the technical reports and proposal within the BBC also increases the costs above what is presented in the BBC.

6 Applicability

This report has been prepared for the exclusive use of our client Te Tari Taiwhenua / Department of Internal Affairs, with respect to the particular brief given to us and it may not be relied upon in other contexts or for any other purpose, or by any person other than our client, without our prior written agreement.

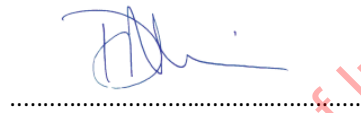
Tonkin & Taylor Ltd
Environmental and Engineering Consultants

Report prepared by:

Authorised for Tonkin & Taylor Ltd by:



Divesh Mistry
Water Resources Specialist



Damian Velluppillai
Project Director

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Proactively released by the Department of Internal Affairs

Proactively released by the Department of Internal Affairs

www.tonkintaylor.co.nz

Hon Kieran McNulty

Minister for Emergency Management
Minister of Local Government
Minister for Racing
Minister for Rural Communities
Deputy Leader of the House



Thursday, 29th June 2023

Local Government Mayors and Chief Executives
By email

Dear Local Government Mayors and Chief Executives

I am writing to express my thanks for the support the local government sector has provided to the Future for Local Government Review (the Review). The Review's final report, launched on 21 June 2023, is a true reflection of the challenges facing the sector and provides a clear vision for what local government can be.

I am pleased to see the positive responses to the report so far. The Review's roadmap for reforming the sector is ambitious, and councils will need to agree on how to give effect to its recommendations.

Accordingly, I have written to Local Government New Zealand (LGNZ) to highlight that LGNZ is well placed to facilitate a sector-wide conversation on the final report. I consider that the central government pre-election phase provides the sector with an ideal opportunity to hold these discussions. The objective is that the sector is in a position to outline its agreed views by the time the Government is ready to consider the Review's work in the next term. This is the commitment I made to you before the panel concluded the Review.

I encourage you to contact LGNZ to discuss how best to engage on the Review's final report. I very much look forward to working with you to help make local government fit for purpose for the next 30 plus years.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'K. McNulty', written over a light blue grid background.

Hon Kieran McNulty
Minister of Local Government

From: [anna.mcinroe](#)
To: [Sattvajt Ghogare](#)
Cc: [Mayor Jamie Cleine](#)
Subject: Ikamatua footpaths
Date: Saturday, 8 July 2023 1:22:17 pm
Attachments: [Mayor of Buller8.7.23.docx](#)

Good morning,

I am writing about the state of the footpath in Ikamatua. They have not improved since my last email to you in March of this year.

The footpath from the Golf links Road to the community hall is in very bad repair, it is muddy and slippery where the water pools after rain. Weeds and moss have grown through the original surface where it has broken down, making it a potential for injury, hospitalisation, ACC and everything else that follows such a scenario.

The footpath provides a lifeline for those in the community who do not drive and those who choose not to drive. They are dependent on the footpath for communication, for exercise and a link to the community. Without a safe footpath, they will become a prisoner in their own home. This isolation can cause further problems of loneliness and compound the feelings of separation.


We urgently request your attention to this matter before an unlucky pedestrian slips, falls and becomes another statistic.

Please see attached letter from another upset ratepayer.

I look forward to your response.

Kind regards

Anna McInroe


Ikamatua 7846

Mr Mayor of Buller,

We in Ikamatua (do you know where that is?) have been waiting for **four** long years for our footpaths to be fixed. They are a health safety issue now. On the northern end by the hall, down to the old Golf links Road, big holes, slippery moss, weeds and mud. When it rains, it is dangerous. You have to walk out on the road. We pay rates for what!! Rubbish collection once a fortnight and street lights, that's all. The footpath and roadsides are a disgrace, weeds on the side of the road are not been sprayed. We might be on the backside of Buller, but we still pay our rates.

Why don't you and your cronies come here one day for a walk and see for yourselves. Don't just drive. Walk and you will see for yourselves how the bad the place is.

You have all winter to sort out all the work that needs to be done in future months.

Upset rate payer



Jamie Cleine
Buller District Council

Invitation to send a letter of support to help
Friends of Waiuta to obtain funding to restore Waiuta Police Cottage.

Kai ora

The Waiuta area was accepted as an entry on the New Zealand Heritage list in July 2021.

In a report prepared by Robyn Burgess, Heritage New Zealand Pouhere Taonga she states:

“Waiuta in the Upper Grey Valley (Buller District), contains the evocative remains of the last and longest-lived of the gold mining towns established on the West Coast, built around what became one of New Zealand’s most successful quartz mines that operated between 1906 and 1951. It comprises the remains of both the gold mining and the town for what was, at the time, the South Islands largest gold mines.

In its heyday, the town has a highly social population of over 600 people, with shops, school, two churches, police station, post office, hospital, hotel and sporting facilities.”

Friends of Waiuta have restored some buildings on the site already.
The estimated cost of this project is 60 to 100K.

Friends of Waiuta are applying to the Heritage Lotteries Foundation to assist with funding to add to the funds already available.

The Friends of Waiuta is a charitable organisation.

A letter of support from Damion would be appreciated to add to the application.

Other recently completed projects are:

JOS DIVIS Documentary, - Summary

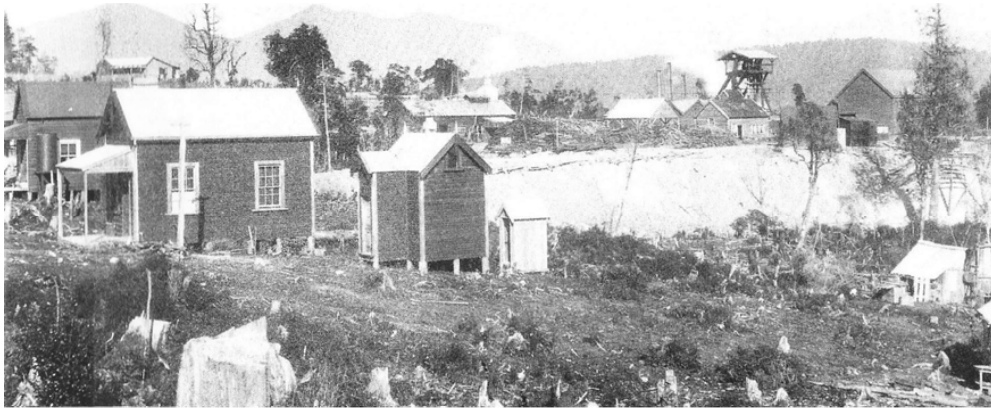
Wow! This was a great achievement - praise received from across the country. On opening week, Jos reached 12 th at the box office, and it has been watched by over 3000 in cinemas throughout NZ.

Publicity has included TV, Radio and Film. It has been featured on Seven Sharp, and on Radio NZ’s, Nine to Noon with Kathryn Ryan. There has also been a film review by James Croot.

‘Through the Eyes of a Miner’ - 3rd edition by Simon Nathan, has been in demand and selling well. Simon certainly demonstrates Jos’ character in this book.

Margaret Sadler
President
Friends of Waiuta

“Friends of Waiuta Inc” is a registered Charitable organization under the Charities Act 2005. Our Charity Commission registered number is CC33634



The Police Cottage was a three room dwelling shown on the left with the jail next to it on the right.



Existing building.



PROGRESS OVER THE LAST YEAR AT WAIUTA



One of the highlights has to be the release of the documentary of Jos – the forgotten photographer who saved a town.

On opening week Jos reached 12th at the box office, and it has been watched by over 3000 people in cinemas across the country.

Filmmakers Dave Kwant and Robyn Janes spent two years making Jos, with assistance from Simon Nathan, Brian Scadden and Les Wright.

Complemented by the publication of the book 'Through the eyes of a Miner' this project was an outstanding success.

Many sponsors helped to make this happen.

The work on Jos Divis cottage at Waiuta is continuing.

The Department of Conservation staff are continuing to work on the refurbishment of the Jos Divis cottage and the finished cottage will be used to display the cottage etc.

All the timber in the building was hewed by hand and this style of workmanship is being continued by the Department staff.



The next project the Friends of Waiuta are raising money for is the restoration of the Police Cottage

"Friends of Waiuta Inc" is a registered Charitable organization under the Charities Act 2005. Our Charity Commission registered number is CC33634

OFFICE OF THE MAYOR
Jamie Cleine

28 June 2023

Robert Miedema
CCS Disability Action
90 Tainui Street
GREYMOUTH 7805

Via email: robert.miedema@ccsdisabilityaction.org.nz

Dear Mr Miedema

Thank you for your letter dated 20 June 2023 in regard to the planned building upgrades at our Reefton Visitor and Service Centre.

Council have spent a significant amount of care and time communicating and liaising with the Reefton community, Community Board members, staff, the project manager and architect assigned to this group of works and our Team Leader Building to formulate the best outcomes for the community including those with mobility concerns.

This stage of works is to relocate all of the services into one building and to ensure that the building is compliant, which it currently is not.

It is correct that for now, the fully accessible entrance will be at the rear of the building by the newly installed car park, there were multiple reasons for deciding this, including the safety aspect of reducing the need for persons to carry heavy parcels to vehicles parked on Broadway, which you have noted in your letter. Clear signage advising of this accessible entrance will be erected at the front of the building.

Council have not made any decisions on further upgrades in on-going years, however this could be discussed as part of the upcoming Long Term Plan budgeting process.

Advice from a door specialist company has been that an automatic door at the front of the building is not a simple retrofit, and they were not comfortable quoting on that basis. Council has clearly heard the community concern and is looking at alternative hinges, handles and self-locking systems for the current double door system, that could improve accessibility in the front door.

We will continue to monitor and welcome feedback on the services and entrances at the Reefton Visitor and Service Centre during and after this stage of works are completed.

Best Regards



Jamie Cleine

Buller District Mayor
Phone 027 423 2629 | Email jamie.cleine@bdc.govt.nz



OFFICE OF THE MAYOR
Jamie Cleine

30 June 2023

Frida Inta
Via email: [REDACTED]

Dear Frida,

Public Forum Response

Thank you for speaking at public forum to update Councillors on the Chasm Creek project. We fully understand the delays that come about as a project moves through its various stages. It will be great for you and your small team to achieve the necessary consents to proceed in the near future. Our finance team have confirmed that the seed funding previously set aside by Council for the project is still available.

You have been such a champion for this project over a few years now and this is acknowledged by Council.

Best Regards

Jamie Cleine

Buller District Mayor
Phone 027 423 2629 | Email jamie.cleine@bdc.govt.nz

Our Values: Community Driven | One Team | Future Focused | Integrity | We Care

6-8 Brougham Street • PO Box 21 • Westport 7866 • New Zealand • Ph: (03) 788 9111 • E: info@bdc.govt.nz • www.bullerdc.govt.nz

WEST COAST
UNTAMED NATURAL WILDERNESS



OFFICE OF THE MAYOR
Jamie Cleine

30 June 2023

Lisa Maathuis
Via email: hello@dignitynz.com

Dear Lisa

Public Forum Response

Thank you for your presentation to Council via zoom on 28 June, the information has been shared via email with Councillors.

The issue of "period poverty" was not one that Council had previously been made aware of and we are keen to explore further how we might work together with Dignity NZ to improve the access to period products. It is also great that the partner suppliers you use are sourced locally and there is a social enterprise element to the Dignity NZ offering.

You are already in touch with our Community Services team, who are the best contact to discuss how we can bring this service to our community.

Best Regards

Jamie Cleine

Buller District Mayor
Phone 027 423 2629 | Email jamie.cleine@bdc.govt.nz



OFFICE OF THE MAYOR
Jamie Cleine

30 June 2023

Lynne Higgins

Westport 7825

Dear Lynne,

Public Forum Response

Thank you for speaking at public forum to highlight the affordability challenge that concerns a number of residents, especially those on fixed incomes.

The issue of affordability is always a key part of decision-making Council faces when balancing the needs of the community and the requirements to invest into the town for the future.

Your passion for the community was very evident and is shared by elected members in putting themselves forward to represent the community on Council. Councillors are members of the community first and foremost and share in the challenges both personal and professional that affect all residents in one way or another.

Thank you for your continued interest in Council matters and for feeding back how you are feeling about the district.

Best Regards

Jamie Cleine

Buller District Mayor
Phone 027 423 2629 | Email jamie.cleine@bdc.govt.nz

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WEST COAST
UNTAMED NATURAL WILDERNESS

OFFICE OF THE MAYOR
Jamie Cleine

5 July 2023

To Whom It May Concern,

Letter of Support – Community Hub Caravan Fundraising

I am writing in support of Westport Rotary’s fundraising project to provide a community hub caravan as part of increasing local resilience.

This fully self-contained unit would be available to supply food to a large group of people, whether it be staff and crew, or community members, as well as doubling as an area for use as a lounge for meeting and supporting people.

The caravan would also be available for Rotary to use for other community events and organisations such as councils, as a mobile site unit for disasters etc. A unit such as this would have been of great benefit to the Buller community in the wake of recent flooding events. This would also increase the number of evacuation centres that could be set up if required.

This is a worthwhile cause that I fully support.

Best Regards



Jamie Cleine

Buller District Mayor

Phone 027 423 2629 | Email jamie.cleine@bdc.govt.nz

OFFICE OF THE MAYOR
Jamie Cleine

5 July 2023

To Whom It May Concern,

Letter of Support – Community Hub Caravans Fundraising

I am writing in support of Whakatu Rotary's fundraising project to provide community hub caravans as part of increasing local resilience.

These fully self-contained units would be available to supply food to a large group of people, whether it be staff and crew, or community members, as well as doubling as an area for use as a lounge for meeting and supporting people.

The caravans would also be available for Rotary to use for other community events and organisations such as councils as a mobile site unit for disasters etc.

These units would be of great benefit to the community and add to local resilience. This is a worthwhile cause that I fully support.

Best Regards



Jamie Cleine

Buller District Mayor

Phone 027 423 2629 | Email jamie.cleine@bdc.govt.nz

OFFICE OF THE MAYOR
Jamie Cleine

20 July 2023

Anna McInroe
Via email: [REDACTED]

Dear Anna

Ikamatua Footpaths Response Letter

Thank you for your email of 8 July and attached letter. I apologise it has taken some time for me to respond.

You have raised some concerns about footpath safety in and around Ikamatua.

I have asked the BDC staff team to follow up to see what improvements can be made.

We certainly don't want anyone to become injured or feel unsafe using the footpath, so thank you for reporting your observations.

I have a scheduled afternoon in Reefton on Tuesday 8th August and will come through to Ikamatua to have a look on that day, likely mid-afternoon. If you would like to meet me and show me the areas of concern, please let me know.

Best Regards



Jamie Cleine

Buller District Mayor
Phone 027 423 2629 | Email jamie.cleine@bdc.govt.nz

BULLER DISTRICT COUNCIL

31 JULY 2023

AGENDA ITEM 12

Reviewed by Sean Judd
Acting Chief Executive Officer

VERBAL UPDATES FROM COMMITTEE CHAIRS

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**

BULLER DISTRICT COUNCIL

31 JULY 2023

AGENDA ITEM 13

Prepared by Sean Judd
Acting Chief Executive

PUBLIC EXCLUDED

1. REPORT SUMMARY

Subject to the Local Government Official Information and Meetings Act 1987 (LGOIMA) s48(1) right of Local Authority to exclude public from proceedings of any meeting on the grounds that:

2. DRAFT RECOMMENDATION

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 under LGOIMA
14	Douglas Marshall Chief Financial Officer	30 June 2022 Annual Report Follow up Issues Ernst & Young	(s 7(2)(i)) - enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or
15	Douglas Marshall Chief Financial Officer	BDC Buller Port Co Ltd Sublease - Crane Wharf	(s 7(2)(i)) - enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or
16	Douglas Marshall Chief Financial Officer	BDC Kiwirail Lease - Crane Wharf	(s 7(2)(i)) - enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or