



# **AGENDA**

Meeting of the  
**Buller District Council**

**Commencing at 3:30pm**  
**Wednesday 29 November 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

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

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## **Purpose**

The Council is responsible for:

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

## **Terms of Reference**

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

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



# Common Delegations

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

## General Principal

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

These Committees will:

## Strategy, plans and policy

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

## Bylaws

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

## Consultation and engagement

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

## Submissions and legislation

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

**Contracts**

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

**Other**

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

# Buller District Council

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



29 November 2023 03:30 PM

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**BULLER DISTRICT COUNCIL**

**29 NOVEMBER 2023**

**AGENDA ITEM: 1**

**Prepared by** Steve Gibling  
Chief Executive Officer

**APOLOGIES**

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**1. REPORT SUMMARY**

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

**2. DRAFT RECOMMENDATION**

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

**OR**

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

# BULLER DISTRICT COUNCIL

29 NOVEMBER 2023

AGENDA ITEM: 2

Prepared by Steve Gibling  
Chief Executive Officer

## MEMBERS INTEREST

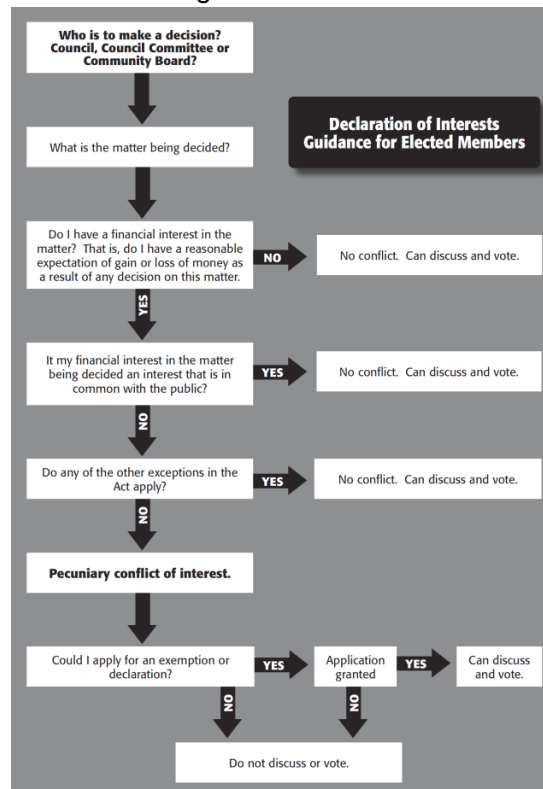
Members are encouraged to consider the items on the agenda and disclose whether they believe they have a financial or non-financial interest in any of the items in terms of Council's Code of Conduct.

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

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

### DRAFT RECOMMENDATION:

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



**BULLER DISTRICT COUNCIL**

**29 NOVEMBER 2023**

**AGENDA ITEM: 3**

**Prepared by** Steve Gibling  
Chief Executive Officer

**CONFIRMATION OF MINUTES**

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**1. DRAFT RECOMMENDATION**

- A) That Council receive and confirm the Public minutes from the meeting of 25 October 2023, and;**
- B) That Council receive and confirm the Public minutes from the Extraordinary Council Meeting of 1 November 2023.**

**THE BULLER DISTRICT COUNCIL, HELD AT 3.30PM ON WEDNESDAY 25 OCTOBER 2023 AT CLOCKTOWER CHAMBERS, PALMERSTON STREET, WESTPORT.**

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

**IN ATTENDANCE:** S Gibling (CEO), S Judd (GM Regulatory Services), M Duff (GM Infrastructure Services), D Marshall (CFO), S Jope (Acting GM Community Services, M Sutherland (Manager Infrastructure Planning), G Barrell (Governance Secretary), A Naik (Legal Assistant)

**PUBLIC FORUM:** Nil

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**MEETING DECLARED OPEN AT: 3.31pm**

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**1. APOLOGIES (Page 9)**

**Discussion:**

N Tauwhare

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

**Cr P Grafton/Cr G Weston**

**11/11**

**CARRIED UNANIMOUSLY**

**2. MEMBERS INTEREST (Page 10)**

**Discussion:**

Nil

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

**Mayor J Cleine/DM A Basher**

**11/11**

**CARRIED UNANIMOUSLY**

**3. CONFIRMATION OF PREVIOUS MINUTES (Page 11)**

**Discussion:**

Nil



**RESOLVED** that Council receive and confirm minutes from the meeting of 27 September 2023 and the Extraordinary meeting of 18 October 2023.

**Mayor J Cleine/Cr J Howard**  
11/11

**CARRIED UNANIMOUSLY**

Mayor J Cleine advised that due to the availability of the report writer to speak to their report in Agenda Item 14, this item may be brought forward in the order.

**4. ACTION POINTS REPORT (Page 22)**

**Discussion:**

Nil

**RESOLVED** that Council receive the Action Points list for information.

**Cr A Pfahlert/Cr P Grafton**  
11/11

**CARRIED UNANIMOUSLY**

**5. ANNUAL REPORT ADOPTION (Page 24)**

**Discussion:**

Nil

**RESOLVED** that Council receive the report on the preparation of the 2022/2023 Annual Report for information.

**Cr C Reidy/Cr A Pfahlert**  
11/11

**CARRIED UNANIMOUSLY**

**6. THREE WATERS REFORM – “BETTER OFF” FUNDING ALLOCATION OF \$650,000 OF UNALLOCATED FUNDS (Page 26)**

**Discussion:**

A question was raised as to whether we should prioritise this money being directed towards preventing the bacteria outbreak, as has happened in Queenstown recently?

Mayor J Cleine noted there is already some money looking to go to potentially treating some of the smaller supplies in the northern Buller.

It was questioned as to whether DIA criteria allowed for funding for water.

S Gibling advised that if holding a few things back in order to assess potential costs to get compliance up, we can do so, noting this would hold some or all of the projects up.

A lot of investigation is required regarding water improvement. It's important to follow through on what was agreed to be seen as of most importance at this time.

Cr J Howard clarified the reasonings behind the importance of having a cultural community hub and the ability from this to support the entire district.

Recommendations 1 - 4 were moved and seconded by Cr J Howard and DM A Basher respectively and the vote was broken down as below.

**RESOLVED** that the Council:

1. Receive the Three Waters Reform – “Better Off” Funding Allocation of \$650,000 of Unallocated Funds report.

**11/11**

**CARRIED UNANIMOUSLY**

2. Note the previously approved initiatives and initiatives that were considered but not progressed.

**11/11**

**CARRIED UNANIMOUSLY**

3. Approve the following list of initiatives for the unallocated \$650,000 of funding from the \$3,500,000 of Better Off Funding Package, including:

- i. Westport Emergency Water Supply

**8/3**

**Cr C Reidy against  
MOTION CARRIED**

- ii. Ngakawau Swimming Pool

**10/1**

**MOTION CARRIED**

- iii. Granity Fundraising Centre

**10/1**

**MOTION CARRIED**

- iv. Cultural Community Hub Concept Designs

**6/5**

**Crs C Reidy, G Neylon, L Webb, R Sampson against  
MOTION CARRIED**

- v. Westport Stormwater/Wastewater works

**10/1**

**Cr C Reidy against  
MOTION CARRIED**

- vi. Test Bore & Sampling for Non-Compliant Water Supplies

**10/1**

**Cr C Reidy against  
MOTION CARRIED**

4. Delegate authority to the Chief Executive to apply to Crown Infrastructure/Department of Internal Affairs (DIA) for the allocation of the \$650,000 to the approved initiatives.

**7. PAPAROA WAY LEASE AGREEMENT AND PROPERTY MANAGEMENT PROPOSAL (Page 35)**

**Discussion:**

S Gibling spoke to his report noting that two houses are currently being retained for emergency requirements.

The Property Manager would decide who is to accommodate those houses and rent would be set at market rate.

Mayor J Cleine noted this would free up some quality housing for the community.

S Gibling noted the criteria for TAS housing is currently very strict and by Council having this option this will help a lot within the community.

Credit given to the team in working to bring the project to this point.

A question was asked as to whether the houses on Stafford and Queen Streets will be treated the same. The Stafford and Queen St houses will not allow for Council to have a similar approach to Paparoa Way due to differing ground leases.

Mayor J Cleine noted that neighbours shared concerns regarding the potential use of these houses being used for social housing. He understood residents were assured during the planning and consenting of the site that these houses would not become used for social housing.

Concern was raised about the risk to ratepayers for those who do not pay their rent etc. Comment was made that this is a win/win for Council. It wouldn't be social housing and the Property Manager would be doing all the appropriate checks.

Mayor J Cleine reiterated the broader package and what the Crown has done: They have borrowed a section of land that was otherwise a rural paddock, fully funded and serviced 20 houses; including roading, then gifted all of the inground services and roading to Council, and gifting for \$1, the use of 12 houses for the next 18 months while considering possible divestment to the community.

It was noted that the biggest barrier for getting health professionals into the Buller is the issue of accommodation and some of these properties should be tagged for those workers. S Gibling suggested he will seek advice on how we could market towards health professionals for this housing.

It was noted to remember that it is better to have the houses occupied rather than empty being unable to put health workers in there.

Recommendations 1 - 4 were moved and seconded by Cr R Sampson and Cr T O'Keefe respectively and the vote was broken down as below.

**RESOLVED** that Council

1. Receives the “Paparoa Way Lease Agreement and Property Management Proposal” report.

11/11

**CARRIED UNANIMOUSLY**

2. Approve the signing of a lease agreement from the Crown to sublet 12 houses at Paparoa Way and the additional six houses as and when they become vacant and are released from the Temporary Accommodation Service.

10/1

**Cr C Reidy against  
MOTION CARRIED**

3. Delegate authority to the Chief Executive Officer to engage a property management company to manage the houses for the duration of the lease agreement.

10/1

**Cr C Reidy against  
MOTION CARRIED**

4. Approve the modification of the permitted use on the Ground lease agreement between the Crown and BDC.

10/1

**Cr C Reidy against  
MOTION CARRIED**

Agenda Item 14 was addressed next:

**8. (Previously Item 14) BULLER DISTRICT COUNCIL'S SUBMISSION TO THE ENVIRONMENT SELECT COMMITTEE INQUIRY INTO COMMUNITY-LED RETREAT AND ADAPTATION FUNDING (Page 210)**

**Discussion:**

S Gibling spoke that 23 of the 43 questions have been answered. This is open for submission until 1 November.

Di Rossiter spoke to her report noting that Council holds a vested interest in the outcome of this inquiry.

Cr L Webb departed Zoom at 4.19pm and returned at 4.23pm.

Discussion was had around whether retreat or acting in an emergency should be mandatory or voluntary.

Mayor J Cleine noted the importance as a Council Regulator of sometimes making a mandatory call.

It was noted that these issues may take time and include discussion with community.

Comment was made that trigger points need to be made as to when mandatory issues come into play.

Were Māori invited to participate in this discussion? No, they were not.

Cr L Webb departed Zoom at 4.31pm and returned at 4.34pm.

Comment was made that there are a number of questions that still need answering but there was not enough time given to understand and answer some of these.

Mayor J Cleine noted the importance to remember the multi-hazard risk across the district that could hasten the need for this work.

Thanks was given to staff and D Rossiter for the work put into this paper.

**RESOLVED** that Council:

1. That the Council receive the report "Buller District Council's Submission to the Environment Select Committee Inquiry into Community-Led Retreat and Adaptation Funding".
2. That the Council reviews and approves the Draft Buller District Council submission to the Environment Select Committee Inquiry.

**Cr C Reidy/Cr A Pfahlert**  
**10/10**

**Cr T O'Keefe abstained**  
**CARRIED UNANIMOUSLY**

Cr C Reidy left the room at 4.22pm and returned at 4.24pm.

**9. SPEED MANAGEMENT PLAN CONSIDERATION FOR CONSULTATION  
(Page 64)**

**Discussion:**

M Duff spoke to the report.

He noted that with the new government, some of the speed management policy may change, but feels the recommendations still hold despite this.

Request was made that Princes St in Charleston be included. M Sutherland confirmed that the 'do minimum' was to include schools, and that high priority roads can be added in.

M Sutherland confirmed that there could be money within the current budget to put zig-zag lines at some points, which would cause motorists to think to reduce their speed automatically.

Does this include speed reduction in Palmerston St and possibly the side streets with angle parking? M Sutherland advised that it would be 30km for Palmerston St up to the wharf area.

Cr L Webb departed Zoom at 4.50pm and returned at 4.53pm.

Cr J Howard departed the room at 4.51pm and returned at 4.52pm.

It was confirmed that there would be an increase in signs, which could potentially cause some confusion to motorists.

Is there a consultation with the community around this? M Sutherland replied that the timeline would be determined by the Regional Transport Committee and suggests this may be around February 2024.

'Do Minimum' - is this in line with the new government? Assumes yes as it is around schools, but the focus is more on open road speeds and requiring getting benefit cost assessments around the more controversial issues.

**RESOLVED** that Council:

1. Receives this report.
2. Agrees to consult on the Speed Management Plan (Attachment 2)
3. Agrees to consult through the Regional Land Transport Committee
4. Confirms the preferred option for consultation is the Do Minimum Option and that this option be incorporated into the Speed Management Plan.

**DM A Basher/Cr C Reidy**  
**11/11**  
**CARRIED UNANIMOUSLY**

**10. PROPOSED COUNCIL MEETING CALENDAR REPORT  
(Page 127)**

**Discussion:**

S Jope spoke to the report noting this is based on current staff resources and councillor days being very busy. S Gibling identified that staffing resources is an issue. If we can get a little bit more separation between meetings this can help with the workload.

It was requested to adjust ICB meetings as follows: Push June meeting out a week and move the May meeting into the second week of April. CESC may look to seek an amendment.

The following resolutions were made, with the addition of the amendment to the ICB meetings in Recommendation 2.

**RESOLVED** that Council:

- (1) Receive the report; and

**Cr C Reidy/Cr A Pfahlert**  
**11/11**  
**CARRIED UNANIMOUSLY**

(2) Approve the proposed Council meeting calendar structure for 2024 as set out in Appendix 2, noting the requested changes to the ICB meeting schedule.

**Cr C Reidy/Cr J Howard**

**8/3**

**MOTION CARRIED**

OR

~~(3) Continue with the current Council meeting calendar approved by Council 31 May 2023 with an understanding that an increase of staffing resources may be required to meet required legislative timeframes.~~

Cr A Pfahlert departed room at 5.08pm and returned at 5.11pm.

**11. DRAFT PROTECTED DISCLOSURES (*WHISTLE-BLOWER*) POLICY  
(Page 132)**

**Discussion:**

Page 137: Last sentence in clause 12. Sentence seems to be repeated. Should this be revised? Yes

Page 138: Felt that responder and receiver should receive a reply in writing. Yes *agreed for first and last bullet point.*

Page 139: Second bullet point, if a manager is implicated, then where do they go for disclosure? *Additional bullet point to be added under the PDA CEO, that if a manager is implicated, the correct PDA Coordinator would be the CEO.*

Cr T O'Keefe departed room at 5.13pm and arrived back at 5.15pm.

Cr R Sampson departed room at 5.15pm and arrived back at 5.17pm.

Cr L Webb departed Zoom at 5.15pm and returned at 5.17pm.

The resolutions were amended to replace 'Risk and Audit Committee' with 'Council'.

**RESOLVED** that Council:

1. That Council receive the "Draft Protected Disclosures (*Whistle-Blower*) Policy" report.

2. That Council adopt the Draft Protected Disclosures (*Whistle-Blower*) Policy.

**Mayor J Cleine/Cr C Reidy**

**11/11**

**CARRIED UNANIMOUSLY**

**12. MAYOR'S REPORT (PAGE 141)**

**Discussion:**

Mayor J Cleine spoke to his report, drawing attention that he is seeking feedback in Recommendation 3. Councillors provided no specific feedback in relation to the LGNZ hui to build consensus on future for local government reforms.

Page 143: Regarding the 2021-2031 LTP, Mayor J Cleine clarified this is about elected members attending events and hearing from members of the community. Important to note that this is a pre-engagement process. Doing more than is expected.

Regarding the councillor performance, Mayor J Cleine clarified this is around self-reflection and also how councillors across the board could be more effective.

Page 150: Number 8 - is a steering group just for recommending; not delegating? S Gibling noted the steering group can effectively communicate early and regularly with community members. Looking to start steering group working across the four areas of work.

**RESOLVED** that Council:

1. Receive the report for discussion and information.
2. Receive Inwards and Outwards Correspondence and provide direction for any responses required.
3. Considers the outcomes of the first LGNZ consensus building hui on the Future for Local Government Reforms (Appendix 3) and provides feedback and direction to the Mayor on Council's position for the second hui to be held 2 November 2023.

**Cr C Reidy/Cr A Pfahlert**

**11/11**

**CARRIED UNANIMOUSLY**

### **13. CEO'S REPORT (Page 203)**

#### **Discussion:**

S Gibling spoke to his report.

He thanked councillors for their engagement with LTP.

He noted that item 3.4 (correspondence from the Water Regulator Taumata Arowai) will be big for council and communities. The costs are significant to get drinking water compliant in these small communities. This will come through LTP budgets.

**RESOLVED** that Council:

1. That the Council receive the report Chief Executive Officers Report
2. That Council note progress made against the Chief Executive Officer Key Performance Indicators

**Mayor J Cleine/Cr C Reidy**

**11/11**

**CARRIED UNANIMOUSLY**



**14. COMMITTEE CHAIRS VERBAL UPDATES (Page 209)**

**Discussion:**

1. **Inangahua Community Board – Cr L Webb** - Toddler pool fixed. Ramp finished at Women’s Institute Rooms. Working to reconnect with community.
2. **Ngati Waewae Representative – N Tauwhare** - Not present.
3. **Regulatory & Hearings Committee – Cr G Neylon** - Waste Hearing held. Deliberations on 1 November. Looking to complete Keeping of Animals Bylaw before end of year. Recertified for RMA. Subdivision consent going out tomorrow.
4. **Community, Environment & Services Committee – Cr J Howard** - Cr J Howard and Cr L Webb both now qualified for RMA. Very busy period. Attended a number of meetings and workshops.
5. **Te Tai o Poutini Plan – Mayor J Cleine and Cr G Neylon** - Main update in Mayor’s Report.
6. **Joint Committee Westport Rating District – Mayor J Cleine, Cr J Howard and Cr C Reidy** - No meeting held.
7. **WC Health Localities Project - Cr G Neylon** - Hiatus with election. Awaiting to see what happens in first 100 days from new government.
8. **Regional Transport Committee - Cr T O’Keefe** - Meeting today. SPR looking good. Cr G Weston spoke regarding road safety; There will be another Ride Forever course in Hokitika. There was an ACC initiative held at Whitebait festival. Another WCRS meeting at end of month tying in with White Ribbon drive on 24 November.

**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

15. **PUBLIC EXCLUDED REPORT (Page 224)**  
**Discussion:**

It was noted that BDC Harbourmaster, Domonic Venz will be present for the Public Excluded section in order to speak to his report.

**RESOLVED** that the public be excluded from the following parts of the proceedings of this meeting with the exception of D Venz.

Item No.	Minutes/Report of:	General Subject	Reason For Passing Resolution Section 7 LGOIMA 1987
1	Eric de Boer - Manager Infrastructure Delivery	Karamea Highway SPR Rehabilitation Tender Recommendation Report	(s 7(2)(i)) - enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);
2	Douglas Marshall - Chief Financial Officer	Proposed Harbour Vessel Purchase	(s 7(2)(i)) - enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);

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

Mayor J Cleine called a short break at 5.47pm.

**EXTRAORDINARY MEETING OF THE BULLER DISTRICT COUNCIL, HELD AT 3.00PM ON WEDNESDAY 1 NOVEMBER 2023 AT CLOCKTOWER CHAMBERS, PALMERSTON STREET, WESTPORT.**

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**PRESENT:** Mayor J Cleine, DM A Basher, Councillors P Grafton, J Howard, C Reidy, T O'Keefe, A Pfahlert, G Neylon, L Webb (via Zoom).

**IN ATTENDANCE:** S Gibling (CEO), D Marshall (Chief Financial Officer), M Duff (GM Infrastructure Services), K Trigg (GM Community Services), S Jope (Acting GM Community Services), G Barrell (Governance Secretary)

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**MEETING DECLARED OPEN AT: 3.01pm**

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**1. APOLOGIES (Page 8)**

**Discussion:**

Cr G Weston, N Tauwhare, Cr R Sampson.

**RESOLVED** that Buller District Council receives apologies from Crs G Weston, R Sampson and N Tauwhare.

**Mayor J Cleine/Cr A Pfahlert**

**9/9**

**CARRIED UNANIMOUSLY**

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

**Discussion:**

Nil

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

**Mayor J Cleine/DM A Basher**

**9/9**

**CARRIED UNANIMOUSLY**

**3. PUBLIC EXCLUDED REPORT (Page 10)**

**Discussion:**

It was questioned why this meeting is Public Excluded based on commercial sensitivity when we already have a quote?

D Marshall advised if there was a reason that we did not 'place' today, it shouldn't be going out to public until this is finalised as being acceptable. It is more appropriate to keep it in Public Excluded at this stage.

**Resolved** that the public be excluded from the following parts of the proceedings of this meeting.

<b>Item No.</b>	<b>Minutes/Report of:</b>	<b>General Subject</b>	<b>Reason For Passing Resolution Section 7 LGOIMA 1987</b>
<b>4</b>	Douglas Marshal – Chief Financial Officer	Placement of insurance for 2023-2024 year	<b>s 7(2)(h)</b> - enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities; or  <b>s 7(2)(i)</b> - enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);

**Mayor J Cleine/Cr P Grafton**  
**8/1**  
**Cr C Reidy against**  
**CARRIED UNANIMOUSLY**

**BULLER DISTRICT COUNCIL**

**29 NOVEMBER 2023**

**AGENDA ITEM: 4**

**Prepared by** Steve Gibling  
Chief Executive Officer

**COUNCIL ACTION POINT LIST**

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**1. REPORT SUMMARY**

A summary of council resolutions requiring actions.

**2. DRAFT RECOMMENDATION**

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

## Council Action Points - CURRENT

No	Meeting Date / Action Point	Responsible	Update	Date Required By								
22	<p>12 July 2023 RAC Meeting (RAC Action Point 205)  <b>Punakaiki Lease</b>                      Bring report to RAC re Punakaiki Lease</p>	D Marshall	<p>As noted in the CEO report, Council has been successful in receiving funding from the TIF for Punakaiki Campground waste disposal site. A programme of works to develop design, update costing, obtain any necessary consents and secure the external party funding will commence.</p> <p>Design and costings etc of programme of works to come back to Council along with a report on what ratepayer funding has gone into the camp.</p> <p>The CEO reported on the successful application to the Tourism Infrastructure Fund (TIF) for Punakaiki Campground wastewater disposal site upgrade. Council staff are currently working on the detailed design to undertake the upgrade project.</p> <p>Key to this project is working with the campground operator.</p> <p>The cost and funding of this project is as follows:</p> <table border="1"> <tr> <td>Total Project Budget</td> <td>\$792,456</td> </tr> <tr> <td>TIF</td> <td>\$396,228</td> </tr> <tr> <td>BDC via Reserves Fund</td> <td>\$192,228</td> </tr> <tr> <td>Lease Holder/Operator of Campground</td> <td>\$200,000</td> </tr> </table>	Total Project Budget	\$792,456	TIF	\$396,228	BDC via Reserves Fund	\$192,228	Lease Holder/Operator of Campground	\$200,000	<p>27 September 2023</p> <p>29 November 2023</p>
Total Project Budget	\$792,456											
TIF	\$396,228											
BDC via Reserves Fund	\$192,228											
Lease Holder/Operator of Campground	\$200,000											
23	<p>27 September 2023  <b>Roebuck Street</b>                      Update report with a completion date to come to November Council</p>	M Duff	Report included in this Agenda	29 November 2023								

**BULLER DISTRICT COUNCIL**

**29 NOVEMBER 2023**

**AGENDA ITEM: 5**

**Prepared by** Julia Gear  
Management Accountant

Lynn Brooks  
Manager Finance

**Reviewed by** Douglas Marshall  
Chief Financial Officer

**Attachments** 1 Westport Airport Authority Annual Report 2023  
2 Audit Report

**ANNUAL REPORT 2023 – WESTPORT AIRPORT AUTHORITY**

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**1. REPORT SUMMARY**

To adopt the audited 2022/2023 Annual Report for the Westport Airport Authority as required by section 67 of the Local Government Act 2002.

**2. DRAFT RECOMMENDATION**

**That the Annual Report for the Westport Airport Authority be adopted for the year ending 30 June 2023.**

**3. ISSUES & DISCUSSION**

In accordance with section 67 of the Local Government Act 2002 Council Controlled Organisations are required to deliver a yearly report to shareholders.

The Annual Report has been audited by Ernst & Young and a draft audit report has been prepared. Following annual report adoption, a final signed audit report will be issued.

## 4. CONSIDERATIONS

### 4.1 Strategic Impact

Appropriate reporting provides valuable information to enable decisions to be made on the future operations of the entities.

### 4.2 Significance Assessment

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

### 4.3 Risk Analysis

If reports are not provided a number of legislative requirements would be breached. Analysis of financial reports enables adjustment to future operations to be made contributing to better efficiency and effectiveness.

### 4.4 Values

Reports provide accountability to the shareholders and the community and assurance that ratepayer funds are being utilised in an effective manner.

The Buller District Values are: Integrity, Future Focussed, Community Driven, One Team and We Care.

### 4.5 Policy / Legal Considerations

Compliance is required under various Acts with regard to provision of Annual Reports.

### 4.6 Tangata Whenua Considerations

There is no requirement to consult with iwi.

### 4.7 Views of Those Affected

There is no requirement to consult or seek the views of other parties with respect to this report.

### 4.8 Costs

The cost of providing an Annual report is included in budgets.

### 4.9 Benefits

Provision of an annual report provides accountability to the shareholders/ratepayers. This also enables future decisions to be made on the provision of services.

### 4.10 Media / Publicity

There are no media opportunities.



**WESTPORT AIRPORT  
AUTHORITY**

**FINANCIAL STATEMENTS**

**For the year ended  
30 June 2023**



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**WESTPORT AIRPORT AUTHORITY**  
**Entity Information**  
**For the year ended 30 June 2023**

---

**Legal name**

Westport Airport Authority (the Authority).

**Type of entity and legal basis**

The Authority was established by a Joint Venture Agreement entered into by the Crown and the Buller District Council pursuant to section 5 of the Airport Authorities Act 1966. The Authority is controlled by Buller District Council and is a Council Controlled Organisation (CCO) as defined by section 6(1) of the Local Government Act 2002.

**The Authority's purpose or mission**

The Authority's primary business activity is the operation of an airport. An airport is considered a crucial aspect of regional infrastructure servicing the Buller district.

**The structure of the Authority's operations, including governance arrangements**

The Authority comprises of a Chief Executive Officer who runs the day-to-day operations of the airport including compliance with Civil Aviation regulation. This is supported by staff who assist the day-to-day operations and maintenance of the airport. All staff are appointed by Buller District Council who also oversees the governance of the Authority through Council.

**Main sources of the Authority's cash and resources**

Landing fees and lease income are the primary sources of funding for the Authority.

**WESTPORT AIRPORT AUTHORITY**  
**Statement of Accounting Policies**  
**For the year ended 30 June 2023**

---

**BASIS OF PREPARATION**

The financial statements presented here are for the Westport Airport Authority. The Airport Authority is a public benefit entity for financial reporting purposes under PBE IPSAS.

The financial statements have been prepared in accordance with generally accepted accounting practice NZ GAAP, the Local Government Act 2002 and the Joint Venture Agreement. The financial statements comply with PBE SFR-A (PS) Public Benefit Entity Simple Format Reporting - Accrual (Public Sector) This standard has been applied on the basis that the Authority does not have public accountability (as defined) and has total annual expenses of less than \$2 million.

The accounting policies set out below have been applied consistently to all periods presented in these financial statements.

Reliance is placed on the fact that the Authority will continue to receive financial, operational and administrative support from the Buller District Council sufficient to maintain its services. The attention of readers is drawn to note 9.

The financial statements have been prepared on the basis of historical cost. All transactions in the financial statements are reported using the accrual basis of accounting.

The financial statements are presented in New Zealand dollars and are stated at whole dollar amounts. The functional currency of the Westport Airport Authority is New Zealand Dollars.

The financial statements are prepared on the assumption that the Authority will continue to operate in the foreseeable future.

**ACCOUNTING POLICIES****Property, Plant and Equipment**

Property, Plant and Equipment are stated at cost less accumulated depreciation. Cost includes expenditures that are directly attributable to the acquisition and construction of the asset.

**Depreciation**

Depreciation of fixed assets, other than land, has been provided on a straight-line basis at rates calculated to allocate the cost of the assets over their estimated useful lives. The depreciation rates applied are:

Buildings	2.5% -5.0%
Runway - Basecourse	1.30%
- Seal	2.0% - 7.7%
Runway Lighting	10.0% - 20.0%
Fuel Facility	8.0%
Other Assets	1.0%-15.0%
Seawall	0.0%

**Goods and Services Tax**

The financial statements have been prepared exclusive of Goods and Services Tax except for accounts payable and receivable which are stated inclusive of GST. The Westport Airport Authority is not registered for GST on their own account, GST is accounted for as a division of Buller District Council.

**Income Tax**

Tax expense is calculated using the taxes payable method. As a result, no allowance is made for deferred tax. Tax expense includes the current tax liability and adjustments to prior tax liabilities.

**Cash and Bank Accounts**

Cash and bank accounts include cash on hand and deposits held at call with banks.

**Trade and Other Receivables**

Trade and other receivables are initially measured at the amount owed. When it is likely that the amount owed (or some portion) will not be collected, a provision for impairment is recognized and the loss is recorded as a bad debt expense.

**Buller District Council Current Account**

Buller District Council advances funds to the Airport Authority on a current account basis to enable the Authority's creditor obligations to be met as they fall due. This current account advance is recognised as either a current asset or a current liability. The account is measured at amortised cost using the effective interest rate method.

**Creditors and Other Payables**

Creditors and other payables are measured at the amount owed.

**Revenue and Expenditure**

Landing fees and Grazing income are billed by the Authority and are recognised when receivable. Expenses are recognised when they are incurred. Leases are recognised on a straight-line basis over the lease term.

**Significant Management Estimates and Assumptions**

There are no significant management assumptions or estimates for the period.

**Changes in Accounting Policies**

There have been no changes in accounting policies applied or adopted during the period. (2022 Nil).

**WESTPORT AIRPORT AUTHORITY**  
**Statement of Financial Position**  
**As at 30 June 2023**

	Note	2023 \$	2022 \$
<b>Current Assets</b>			
Accounts receivable and accruals	3	26,458	15,513
Prepayments		3,919	2,992
<b>Total Current Assets</b>		<b>30,377</b>	<b>18,505</b>
<b>Non-Current Assets</b>			
Property, plant & equipment	5	5,710,596	5,712,560
<b>Total Assets</b>		<b>5,740,972</b>	<b>5,731,065</b>
<b>Current Liabilities</b>			
Accounts payable and accruals		71,767	56,881
Buller District Council - current account	9	286,254	267,034
<b>Total Current Liabilities</b>		<b>358,021</b>	<b>323,915</b>
<b>Net Assets</b>		<b>5,382,951</b>	<b>5,407,150</b>
<b>Equity</b>			
Equity: Ministry of Transport	7	1,965,532	1,869,201
Less: Share of accumulated losses		(429,489)	(232,390)
		<b>1,536,043</b>	<b>1,636,812</b>
Equity: Buller District Council	7	4,315,181	4,041,511
Less: Share of accumulated losses		(468,273)	(271,174)
		<b>3,846,908</b>	<b>3,770,338</b>
Equity: Ministry of Transport & Buller District Council		6,280,713	5,910,713
Less: Total accumulated losses		(897,762)	(503,563)
<b>Total Equity</b>		<b>5,382,951</b>	<b>5,407,150</b>

Authorised for issue on behalf of the Westport Airport Authority on 21 November 2023 by:



**Krissy Trigg**  
**CHIEF EXECUTIVE**



**Jamie Cleine**  
**MAYOR**

*The accompanying Notes are an integral part of and are to be read  
in conjunction with these statements.*

**WESTPORT AIRPORT AUTHORITY**  
**Statement of Financial Performance**  
**For the year ended 30 June 2023**

2022	Note	2023	Unaudited Budget
\$		\$	\$
<b>Revenue</b>			
41,304		40,008	34,000
100,273		101,515	82,538
42,000		42,000	42,000
268,106		-	-
<b>451,683</b>		<b>183,523</b>	<b>158,538</b>
<b>Less: Expenditure</b>			
42,732		61,474	105,000
299,264	4	308,903	294,076
17,601	11	19,692	10,710
67,716	5	86,849	103,709
9,312		10,050	10,772
6,496		9,037	2,000
9,774		10,210	10,180
88,904		-	-
29,336		33,947	38,252
<b>571,135</b>		<b>540,163</b>	<b>574,699</b>
<b>(119,452)</b>		<b>(356,640)</b>	<b>(416,161)</b>
<b>Less:</b>			
1,887	9	37,559	-
<b>(121,339)</b>		<b>(394,198)</b>	<b>(416,161)</b>
-	2	-	-
<b>(121,339)</b>		<b>(394,198)</b>	<b>(416,161)</b>
<b>Attributable to:</b>			
(60,670)		(197,099)	(208,081)
(60,670)		(197,099)	(208,081)

The accompanying Notes are an integral part of and are to be read  
in conjunction with these statements.

**WESTPORT AIRPORT AUTHORITY**  
**Statement of Changes in Equity**  
**For the year ended 30 June 2023**

	Note	2023 \$	2022 \$
Equity at Start of the Year		5,407,150	5,398,230
Total Comprehensive Revenue and Expense		(394,198)	(121,339)
Contributions from Buller District Council	9	273,669	65,130
Contributions from the Crown	9	96,330	65,130
<b>Equity at End of the Year</b>		<b>5,382,951</b>	<b>5,407,150</b>

**CONTRIBUTIONS BY THE JOINT VENTURE PARTNERS**

Equity Account as at 30 June 2023	Ministry of Transport \$	Buller District Council \$	Total \$
Land		2,159,000	2,159,000
Contributions for assets purchased to 30 June 2023	1,485,912	1,522,767	3,008,679
Contributions for accumulated losses to 30 June 2023	479,620	633,414	1,113,033
Total before share of accumulated losses or surplus	1,965,532	4,315,181	6,280,713

Equity Account as at 30 June 2022	Ministry of Transport \$	Buller District Council \$	Total \$
Land	-	2,159,000	2,159,000
Contributions for assets purchased to 30 June 2022	1,480,882	1,475,293	2,956,175
Contributions for accumulated losses to 30 June 2022	388,320	407,219	795,538
Total before share of accumulated losses or surplus	1,869,201	4,041,511	5,910,713

**EQUITY APPROPRIATION ACCOUNT**

	2023 \$	2022 \$
Opening Balance (Accumulated Losses)	(503,563)	(382,224)
Total Comprehensive Revenue and Expense	(394,198)	(121,339)
<b>Closing Balance (Accumulated Losses)</b>	<b>(897,762)</b>	<b>(503,563)</b>

The accompanying Notes are an integral part of and are to be read  
in conjunction with these statements.



**WESTPORT AIRPORT AUTHORITY**  
**Statement of Cash Flows**  
**For the year ended 30 June 2023**

	Note	2023 \$	2022 \$
<b>Cash Flows from Operating Activities</b>			
<i>Cash was provided from:</i>			
Landing Fees & Airport Dues		30,490	41,304
Rental, Service Charges & Other Income		101,515	103,713
Farming Lease		42,000	42,000
Flood Recovery Income Received		-	268,106
		<b>174,005</b>	<b>453,123</b>
<i>Cash was applied to:</i>			
Payments to Suppliers and Employees		(420,539)	(502,928)
Interest Paid		-	(1,229)
Net GST		516	487
		<b>(420,023)</b>	<b>(503,670)</b>
<b>Net Cash Flows from/(to) Operating Activities</b>		<b>(246,018)</b>	<b>(50,547)</b>
<b>Cash Flows from Investing Activities</b>			
<i>Cash was provided from:</i>			
Sale of Assets		-	-
<i>Cash was applied to:</i>			
Purchase of fixed assets		(105,643)	(213,850)
<b>Net Cash Flow from/(to) Investing Activities</b>		<b>(105,643)</b>	<b>(213,850)</b>
<b>Cash Flows from Financing Activities</b>			
<i>Cash was provided from:</i>			
Contributions from Joint Venture Partners		370,000	130,260
Buller District Council Current Account		-	134,138
		<b>370,000</b>	<b>264,398</b>
<i>Cash was provided to:</i>			
Buller District Council Current Account		(18,340)	-
<b>Net Cash Flows from/(to) Financing Activities</b>		<b>351,660</b>	<b>264,398</b>
<b>Net Increase in Cash and cash equivalents</b>		<b>-</b>	<b>-</b>
Add Cash and cash equivalents at Start of Year		-	-
<b>Cash and cash equivalents End of Year</b>	<b>1</b>	<b>-</b>	<b>-</b>

The accompanying Notes are an integral part of and are to be read  
in conjunction with these statements.

**WESTPORT AIRPORT AUTHORITY**  
**Notes to the Financial Statements**  
**For the year ended 30 June 2023**

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**1. Cash**

Buller District Council provides administrative services to the Authority. The Airport does not run a bank account and all Airport income and expenses are paid through the Buller District Council general bank account.

**2. Taxation**

	2023	2022
	\$	\$
Net Surplus (Deficit) before Tax	(394,198)	(121,339)
Tax at 28%	(110,376)	(33,975)
Temporary Differences not recognised	(6,729)	(58,781)
Tax Losses not recognized	117,105	92,756
Tax Expense	-	-

Unrecognised tax losses of \$2,885,728 (2022: \$2,467,497) with a tax effect of \$808,003 (2022: \$690,899) are available to carry forward.

**3. Accounts Receivable and Accruals**

Accounts receivable and accruals are disclosed net of any provision for impairment. There was no impairment recognized in 2023 (2022: Nil).

**4 Support by Buller District Council**

The operation of the Authority is undertaken by the Buller District Council, which is also responsible for the financing of those operations.

Buller District Council has included in its Annual Plan provision to support the Westport Airport Authority for the next twelve months to enable the Authority to maintain its current level of operation. This support includes all financial, operational and administrative support services. Administrative support includes employment of operational staff and internal charges for administration of the Authority.

	2023	2022
	\$	\$
Employment related costs	226,632	246,728
Buller District Council - internal charges	82,272	52,536
<b>Total Administration Expenses</b>	<b>308,903</b>	<b>299,264</b>

## 5. Property, Plant and Equipment

Property, Plant and Equipment - 2023								
	Cost 1 July 2022	Accumulated Depreciation 1 July 2022	Additions	Disposals & Transfers	Depreciation 30 June 2023	Accumulated Depreciation 30 June 2022	Cost 30 June 2023	Carrying Amount 30 June 2023
Land & Improvements	4,619,353	-			-	-	4,619,353	4,619,353
Runway	387,977	74,292			15,495	89,787	387,977	290,060
Runway Lighting	701,637	513,778			18,944	532,722	701,637	168,915
Terminal Building	542,554	200,067			13,564	213,631	542,554	328,923
Toilet Block	13,995	8,514			700	9,214	13,995	4,782
Furniture & Fittings	26,375	12,487			1,541	14,028	26,375	12,347
Other Assets	362,397	132,592	42,893		36,535	169,127	405,290	236,163
Fuel Facility	288,195	288,195			-	288,195	288,195	-
Carpark	-	-	41,994		70	70	41,994	41,924
Capital WIP	-	-			-	-	-	-
	<b>6,942,483</b>	<b>1,229,923</b>	<b>84,888</b>	<b>0</b>	<b>86,849</b>	<b>1,316,774</b>	<b>7,027,370</b>	<b>5,710,596</b>

Property, Plant and Equipment - 2022								
	Cost 1 July 2021	Accumulated Depreciation 1 July 2021	Additions	Disposals & Transfers	Depreciation 30 June 2022	Accumulated Depreciation 30 June 2022	Cost 30 June 2022	Carrying Amount 30 June 2022
Land & Improvements	4,618,573	-	780	-	-	-	4,619,353	4,619,353
Runway	387,977	66,916	-	-	7,376	74,292	387,977	313,686
Runway Lighting	512,199	512,199	189,438	-	1,579	513,778	701,637	187,859
Terminal Building	542,554	186,503	-	-	13,564	200,067	542,554	342,487
Toilet Block	13,995	7,814	-	-	700	8,514	13,995	5,481
Furniture & Fittings	12,774	11,903	13,601	-	584	12,487	26,375	13,888
Other Assets	331,641	88,678	11,012	19,744	43,914	132,592	362,397	229,805
Fuel Facility	288,195	288,195	-	-	-	288,195	288,195	-
Capital WIP	19,744	-	-	(19,744)	-	-	-	-
	<b>6,727,652</b>	<b>1,162,208</b>	<b>214,831</b>	<b>-</b>	<b>67,715</b>	<b>1,229,923</b>	<b>6,942,483</b>	<b>5,712,560</b>

**6. Post Balance Date Events**

There were no post balance date events subsequent to June 2023.

**7. Equity**

The Airport Authority capital is equity. Equity is represented by net assets.

The Statement of Intent requires the Airport Authority to manage its revenue, expenses, assets, liabilities, investments and general financial dealings prudently. The Authority's equity is largely managed as a by-product of managing revenues, expenses, assets, liabilities, investments and general financial dealings.

The objective of managing the Airport Authority's equity is to ensure it effectively achieves its objectives and purpose, while remaining a going concern.

**8. Shareholders Statement of Intent**

The 2022/2023 Draft Statement of Intent was required to be delivered by the Authority to shareholders under Part 2 of Schedule 8 of the Local Government Act 2002 by 1 March 2022. The Draft Statement of Intent was delivered to shareholders on 23 February 2022.

**9. Related Party Transactions**

The Westport Airport Authority is a joint venture between the Crown and Buller District Council, with each holding a 50% interest. During the period the following related party transactions occurred between the Airport Authority and Buller District:

	Note	2023 \$	2022 \$
Services Provided by Buller District Council	4	308,903	299,264
Interest Charges		37,559	1,887
Rates charges		957	850
Current Account balance owed by/(owed to) Buller District Council		(286,254)	(267,034)

WestReef Services Limited is a CCO of Buller District Council. During the period the following related party transactions occurred between the Airport Authority and WestReef Services Limited:

	2023 \$	2022 \$
Services Provided by WestReef Services Limited	5,556	588
Balance owed to WestReef Services Limited	-	-

There were equity contributions totaling \$370,000 in 2023 by the joint venture partners. (2022: \$130,260).

**10. Commitments, Contingent Assets and Contingent Liabilities**

The Authority had no contingent assets as at 30 June 2023 (2022: Nil). The Authority had no contingent liabilities in 2023. (2022: Nil).

**11. Audit**

Audit fees include \$19,692 for Ernst & Young to complete the 2023 annual audit. (2022: \$5,520 for Audit NZ to complete the annual audit for the 2021 financial year, an accrual of \$10,650 for EY to complete the 2022 annual audit and \$2,863 for Civil Aviation Audits).

	2023	2022
	\$	\$
Ernst & Young <i>(for annual report audit)</i>	19,692	16,170
Civil Aviation Authority <i>(for aviation audit)</i>	0	2,863

**12. Delay in completion of the audited Annual Report**

The Westport Airport Authority, as a Council Controlled Organisation, was required to complete its 2022/23 Annual Report within three months after the end of the financial year (i.e. by 30 September 2023).

This timeframe was not met because the tax work was not completed by the external tax advisors until after this date.

**WESTPORT AIRPORT AUTHORITY**  
**Statement of Service Performance**  
**For the year ended 30 June 2023**

The Westport Airport Authority operates an Airport at Westport. It is involved in the provision, maintenance, upgrading and enhancement of services and facilities to accommodate the landing of aircraft and the efficient and safe facilitation of passengers and cargo through the Airport, having regard to the regulatory requirements of the Civil Aviation Authority of New Zealand.

The principal objective of the Authority is to:

- Operate as close as possible to a commercial business in a cost effective and efficient manner;
- Maintain the airport's assets; and
- Enter into any commercial undertakings at the airport that will complement the Airport operation and that are considered desirable.

The Authority's performance in comparison to its performance targets agreed in the 2022-2023 Westport Airport Authority Statement of Intent is outlined as follows:

**PERFORMANCE COMMENTARY**

Operating Revenue for the Westport Airport Authority was \$25k higher than budgeted. This is pleasing and is a result of budgets for airport dues and terminal rent being set when uncertainty existed over flight scheduling activity as a result of Covid-19 restrictions which meant the budget for income was prepared with caution.

Operating Expenditure was \$35k lower than budgeted primarily due to less repairs and maintenance being required.

The Capital Budget allowed for \$128k of capital expenditure as set out below. This budget was for various small value fixed assets and carpark resealing and total expenditure was \$43k less than budget as the upgrades to the carpark allowed for in the budget were not as extensive as originally required.

	2023		2022	
	Actual Performance	Performance Targets (as per SOI)	Actual Performance	Performance Targets (as per SOI)
Operating Revenue	183,523	158,538	451,683	211,704
Operating Expenditure	540,163	574,699	573,022	406,096
Net Profit (Loss)	(356,640)	(416,161)	(121,339)	(194,392)
<b>Capital Expenditure:</b>				
Signs		1,224	-	-
Website		1,020	-	-
Furniture and Fittings		-	-	-
Other Plant	28,529	30,000	-	-
Runway Lighting		-	189,438	-
Other Assets	14,365	15,300	24,613	22,000
Rock Protection Wall		-	780	-
Carpark	41,994	80,000	-	-
<b>Capital Income:</b>				
MBIE Grant		-	-	-
<b>Ratio Performance:</b>				
<b>Total Equity/total Assets (excluding liabilities)</b>	<b>91%</b>	<b>99%</b>	<b>94%</b>	<b>99%</b>



## INDEPENDENT AUDITOR'S REPORT

### TO THE READERS OF WESTPORT AIRPORT AUTHORITY'S FINANCIAL STATEMENTS AND PERFORMANCE INFORMATION FOR THE YEAR ENDED 30 JUNE 2023

The Auditor-General is the auditor of Westport Airport Authority (the airport authority). The Auditor-General has appointed me, Brendan Summerfield, using the staff and resources of Ernst & Young, to carry out the audit of the financial statements and the performance information of the airport authority on his behalf.

#### Opinion

We have audited:

- the financial statements of the airport authority on pages 2 to 11, that comprise the statement of financial position as at 30 June 2023, the statement of financial performance, statement of changes in equity and statement of cash flows for the year ended on that date and the notes to the financial statements that include accounting policies and other explanatory information; and
- the performance information of the airport authority on page 12.

In our opinion:

- the financial statements of the airport authority on pages 2 to 11:
  - present fairly, in all material respects:
    - its financial position as at 30 June 2023; and
    - its financial performance and cash flows for the year then ended; and
  - comply with generally accepted accounting practice in New Zealand in accordance with the Public Benefit Entity Simple Format Reporting – Accrual (Public Sector) Standard; and
- the performance information of the airport authority on page 12 presents fairly, in all material respects, the airport authority's actual performance compared against the performance targets and other measures by which performance was judged in relation to the airport authority's objectives, for the year ended 30 June 2023.

Our audit was completed on 21 November 2023. This is the date at which our opinion is expressed. We acknowledge that our audit was completed later than required by the Local Government Act 2002.

The basis for our opinion is explained below. In addition, we outline the responsibilities of the Buller District Council and our responsibilities relating to the financial statements and the performance information, and we explain our independence.



### **Basis for our opinion**

We carried out our audit in accordance with the Auditor-General's Auditing Standards, which incorporate the Professional and Ethical Standards and the International Standards on Auditing (New Zealand) issued by the New Zealand Auditing and Assurance Standards Board. Our responsibilities under those standards are further described in the Responsibilities of the auditor section of our report.

We have fulfilled our responsibilities in accordance with the Auditor-General's Auditing Standards.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

### **Responsibilities of the Buller District Council for the financial statements and the performance information**

The Buller District Council is responsible on behalf of the airport authority for preparing financial statements and performance information that are fairly presented and that comply with generally accepted accounting practice in New Zealand.

Buller District Council is responsible for such internal control as it determines is necessary to enable it to prepare financial statements and performance information that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements and the performance information, Buller District Council is responsible on behalf of the airport authority for assessing the airport authority's ability to continue as a going concern. The Buller District Council is also responsible for disclosing, as applicable, matters related to going concern and using the going concern basis of accounting, unless there is an intention to liquidate the airport authority or to cease operations, or there is no realistic alternative but to do so.

Buller District Council's responsibilities arise from the Local Government Act 2002 and a Deed between Buller District Council and the Crown.

### **Responsibilities of the auditor for the audit of the financial statements and the performance information**

Our objectives are to obtain reasonable assurance about whether the financial statements and the performance information are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion.

Reasonable assurance is a high level of assurance but is not a guarantee that an audit carried out in accordance with the Auditor-General's Auditing Standards will always detect a material misstatement when it exists. Misstatements are differences or omissions of amounts or disclosures and can arise from fraud or error. Misstatements are considered material if, individually or in the aggregate, they could reasonably be expected to influence the decisions of readers, taken on the basis of these financial statements and the performance information.

We did not evaluate the security and controls over the electronic publication of the financial statements and the performance information.





As part of an audit in accordance with the Auditor-General's Auditing Standards, we exercise professional judgement and maintain professional scepticism throughout the audit. Also:

- We identify and assess the risks of material misstatement of the financial statements and the performance information, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of the internal control.
- We obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances but not for the purpose of expressing an opinion on the effectiveness of the airport authority's internal control.
- We evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Buller District Council.
- We evaluate the appropriateness of the reported performance information within the airport authority's framework for reporting performance.
- We conclude on the appropriateness of the use of the going concern basis of accounting by the Buller District Council and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the airport authority's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements and the performance information or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the airport authority to cease to continue as a going concern.
- We evaluate the overall presentation, structure and content of the financial statements and the performance information, including the disclosures, and whether the financial statements and the performance information represent the underlying transactions and events in a manner that achieves fair presentation.

We communicate with the Buller District Council regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify in our audit.

Our responsibilities arise from the Public Audit Act 2001.

#### **Other Information**

The Buller District Council is responsible for the other information. The other information comprises the information included on page 1 but does not include the financial statements and performance information, and our auditor's report thereon.

Our opinion on the financial statements and the performance information does not cover the other information and we do not express any form of audit opinion or assurance conclusion thereon.



In connection with our audit of the financial statements and the performance information, our responsibility is to read the other information. In doing so, we consider whether the other information is materially inconsistent with the financial statements and the performance information, or our knowledge obtained in the audit, or otherwise appears to be materially misstated. If, based on our work, we conclude that there is a material misstatement of this other information, we are required to report that fact. We have nothing to report in this regard.

#### **Independence**

We are independent of the airport authority in accordance with the independence requirements of the Auditor-General's Auditing Standards, which incorporate the independence requirements of Professional and Ethical Standard 1: *International Code of Ethics for Assurance Practitioners* issued by the New Zealand Auditing and Assurance Standards Board.

Other than the audit, we have no relationship with, or interests in, the airport authority.

A handwritten signature in blue ink, appearing to read 'B Summerfield', is written over a faint, light blue circular stamp.

Brendan Summerfield  
Ernst & Young  
On behalf of the Auditor-General  
Christchurch, New Zealand

**BULLER DISTRICT COUNCIL**

**29 NOVEMBER 2023**

**AGENDA ITEM: 6**

- Prepared by** Eric de Boer  
Manager Infrastructure Delivery
- Reviewed by** Michael Duff  
Group Manager Infrastructure Services
- Attachments**
1. FVM Legal advice on restricting the use of heavy vehicles on Council roads.
  2. BECA field design drawings for traffic entry constriction
  3. Annual Transport Sector advocacy letter for usage of the Heavy Traffic Bypass
  4. Agfirst Ltd Traffic Measurement Data
  5. Roading Engineer Network Inspection Notes Roebuck Street - Dec 2022

**HEAVY TRAFFIC BYPASS – OPTIONS FOR UTILISING MENZIES AND ROEBUCK STREETS**

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**1. REPORT PURPOSE**

Heavy vehicle traffic is a legitimate activity of the district road network traffic loads. Movement of goods and freight is a vital part of a healthy economy.

Council has received feedback from residents in the Roebuck Street area of Westport that continued usage of heavy vehicles through this part of town is causing concern.

The purpose of this report is to explore the options that could address the continued usage by heavy vehicles and trucks, through the Menzies and Roebuck Streets areas, as a shortcut to the approved Heavy Traffic Bypass route.

Westport has a well-established Heavy Traffic Bypass route that seeks to reduce the impact on the urban roading network. This network is accepted and understood by the vast majority of transport businesses operating in our district.

The following options have been considered:

**Option 1** – The continuation of the transport business advocacy letters and roadside direction and heavy bypass wayfinding signage (status quo).

**Option 2** – The construction of physical roadway entry restrictions at Menzies, Roebuck, Stout and Western-Stafford Streets.

**Option 3** – Legally exclude heavy vehicle traffic from Menzies, Roebuck, Stout and Western-Stafford Streets by way of Bylaw.

This report updates further on the 31 May 2023 Council meeting and seeks to resolve a conclusion to these matters.

Appropriate management of heavy truck movements is an important aspect of a well-functioning transport system.

## **2. DRAFT RECOMMENDATION**

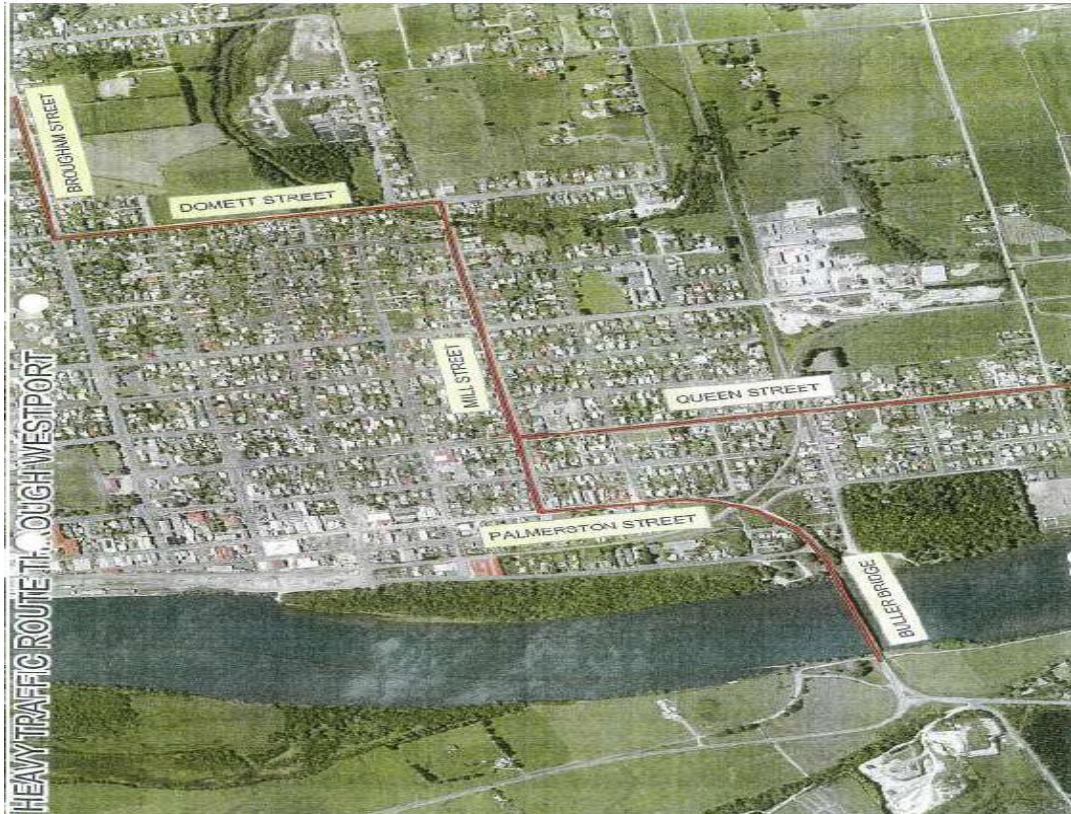
**That the Council:**

- 1. Note the report and attachments.**
- 2. Endorse Option 3 to proceed with amending the existing Traffic Bylaw to legally restrict heavy vehicle usage of the Roebuck Street, Menzies Street, Stout Street and Balance Street area.**

### 3. BACKGROUND

In 2011, Council established a Heavy Traffic Bypass route linking the Western and Eastern sides of Westport towards Northern Buller on SH67 and directing traffic South to the Nine Mile area via Mill and Queen Streets.

The Heavy Traffic Bypass is outlined in the map below:



The Heavy Traffic Bypass route intends to divert heavy vehicles away from traveling through the Central Business District as well as residential streets.

The Heavy Traffic Bypass route is designed, constructed, and maintained to sustain heavy vehicle use and over-dimensioned loads.

Heavy traffic can be cartage contractors, transport businesses, dairy industry milk tankers as well as large mining industry machinery being transported on over dimensional road trailers travelling to and from the Northern Buller coal fields.

In order to guide heavy transport use towards the heavy traffic bypass, the council undertakes several measures to influence and direct the heavy vehicle traffic use on the network. These include:

- Signage of the Heavy Traffic Bypass in all directions and regular letters reminding all Buller transport operators to use the Heavy Traffic Bypass and avoid sub-urban roads.
- Traffic counting surveys that consider both street traffic loading, density and speed.
  - The average speed along Roebuck Street has been monitored as being below the posted speed limit.
  - Traffic measurements for March 2023 established there was an average of 25 trucks a day (including weekends) travelling along Roebuck Street.
  - In traffic measurements, the use of Roebuck Street by heavy vehicles has been shown to be similar to other streets across the Buller District e.g. Disraeli Street 26 per day and Eastons Road 27 per day.
- Council monitors the quality of the roading network. A December 2022 network condition survey and road inspection undertaken by Council's Road maintenance contractor WestReef Services Ltd on Roebuck Street in did not indicate any substrate failures of Roebuck Street. This inspection was not invasive, i.e. undertake test pits or dig outs, but was a visual inspection from an experienced network roading engineer.

During June to August 2023, the roadside way finding signage was further improved to discourage heavy vehicle traffic from using Menzies and Roebuck Streets as a shortcut.

Additional signage has gone in at Palmerston Street (SH67) Roebuck intersection and at several locations along Stafford Street and Queen Street to discourage rat-running of heavy vehicles via Roebuck Street.

## **4. COMMUNITY AND SAFETY CONCERNS**

### **4.1 Community**

Concerns have been raised in several Annual Plan submissions on the level of truck usage and their speed along Roebuck Street.

Historically, Holcim used this route to access their Nine Mile packing plant until ceasing their Westport operations. More recently, the establishment of a trucking transport depot and associated fuel stop on Stafford Street has led to a variety of haulage companies using the residential streets of Menzies and Roebuck.

The signage on the SH67 (Palmerston Street) approach to the Menzies Street turn off advocates truck drivers continue straight ahead and use the Heavy Traffic Bypass. These have been installed and are delivering some results and level of success.

However, staff appreciate that with the use of GPS and Google Maps, the algorithm is not always aware of the Heavy Traffic Bypass and can send users into a right turn onto Menzies Street.

#### **4.2 Road Safety**

Community concerns around road safety issues of trucks using Roebuck Street include:

- Design of the intersection from the State Highway into Menzies Street means trucks have no dedicated turn right bay, so large trucks can block the inbound traffic behind them and increase oncoming traffic hazard due to reduced sight lines in this curved section road (note this is a State Highway so it is managed and maintained by Waka Kotahi and not Council).
- The south side of Roebuck Street has the road way seal to the curb line and footpath meaning there is no grass verge between roadway and footpath.
- This general area includes the Westport Domain which is used by pedestrians and cyclists to the area, including children and elderly residents.

### **5. ELEMENTS DISCUSSED IN THE MAY 2023 COUNCIL PAPER**

Several options were discussed in the May 2023 Council paper. These included:

#### **5.1 Existing Signage**

It was agreed that existing signage has been partially successful. At the meeting there was an agreement of placing further signs to reinforce the message that Roebuck Street is not part of the Heavy Traffic Bypass. These additional signs have been put in place.

#### **5.2 Reminder Letters to Transport Operators**

These will continue as an educational approach. It is working in conjunction with the key transport operators to encourage the utilisation of the established heavy traffic bypass route.

#### **5.3 Prohibiting Heavy Vehicle Use Through a Class C Rating**

This NZTA mechanism requires a case proving that serious physical damage to the road will occur if heavy vehicles are not banned. It is not possible to meet this requirement for Menzies and Roebuck Streets.

#### 5.4 Traffic Calming Measures

As was pointed out in the previous Council meeting traffic calming measures are intended to control speeds to increase safety for road users. They are not needed or appropriate for Menzies and Roebuck Streets.

### 6. THE OPTIONS FOR CONSIDERATION

There are three primary ways to consider heavy vehicles usage of the area:

#### Option 1 Continue the Roadside Signage and Advocacy via the annual reminder letters

Continue the status quo; noting there has been additional signage in the network and continued advocacy is having results with the majority of the transport operators.

#### Option 2 Physical Intersection Large Vehicle exclusions via build environmental design

Constructing physical intersection constrictions are aimed at making turning movements in and out of these streets impossible or very difficult for heavy vehicles. Truck and trailer units are the main concern, and the solution is aimed at these heavy vehicles.

This option will require a funding approval from Council for approximately \$275,000 ex GST via the next 2024-27 NLTP Funding bid.

If this scenario option is selected it needs to be noted that the funds are not yet included in the draft funding bid submission and will need to be added to the final submission due in December 2023.

Location	Design Considerations	Costs
SH67 – Menzies	Centre Island and Pedestrian refuge crossing	\$65k
Menzies – Queen St	Standard entrance design	\$55k
Stout – Queen St	Standard entrance design	\$55k
Stafford – Queen St	Standard entrance design	\$55k
MSQA and Design Costs		\$15k
Project Management		\$5k
Contingency (10%)		\$25k
<b>TOTAL</b>		<b>\$275k</b>

*Note: Costs are estimates and final design and construction costs may vary.*



One consideration is to stage the construction of the physical intersection constrictions. Commencing with SH67 – Menzies Street first. Giving that some time to see the results and then assess the effectiveness of these structures on Heavy Traffic movements before continuing with construction for the remaining three proposed locations.

Any build out and build infrastructure near the entrance and exit of Menzies Street on to the State Highway will require approval from Waka Kotahi as it affects their maintained road corridor.

Any road entry and exit restriction design layouts will have to accommodate single unit heavy trucks to enable properties to still be serviced by vehicles like fire engines and rubbish trucks. Obviously, this does leave the streets open to trucks of that size (refuse truck, fire truck size) that may continue to not adhere to the Heavy Traffic Bypass.

Physical intersection constrictions can be funded and built but are no guarantee that all trucks will cease to fit through and still legally be able to navigate through the streets in question.

### **Option 3 Traffic Bylaw**

Council's existing Traffic Bylaw includes schedules for bylaws covering parking, heavy traffic prohibitions and bridge weight restrictions. However, the heavy traffic schedule has not been populated with any specific streets for the restriction of heavy traffic.

The current bylaw is due for review in 2023 and Council has two years to undertake that review.

Any addition of heavy traffic prohibitions to the bylaw will require a full public consultation process as an amendment to the bylaw.

However, public consultation and decision-making processes will be the same for a single amendment as it is for a full review. It makes sense to review the entire bylaw document in one approach and the following is a summary of the process involved:

- Stakeholder consultation is required prior to a draft bylaw being presented to Council.
- This would include Police, heavy traffic operators and residents of the specified streets as well as any other groups affected by the more general bylaw.
- Data that informs the current situation would be required especially if transport operators were to challenge the proposal. There should/must be a perceived problem that a bylaw or amendment

needs to 'fix' before measures are taken in the bylaw to directly mitigate a particular problem.

- Also need alternative options evaluation e.g., traffic calming infrastructure or better ways to 'guide' heavy vehicles down the existing heavy traffic bypass, which is the current status quo.
- All this information would be included in a Statement of Proposal which forms the basis of the bylaw review along with a draft bylaw.
- Council needs to approve the Statement and the draft bylaw for public consultation.
- Public Consultation and submission period is as per the bylaw and Local Government Act.
- Collation of submissions, holding of oral submissions and hearing if required and deliberation by the Regulatory and Hearings Committee.
- Recommendation to Council for final adoption with any changes resulting from the submissions.

This process could take approximately six to eight months. Any strong objections, resulting in a second round of public consultation, could adversely impact this timeframe. In addition, there is already a heavy consultation schedule for the LTP over the next seven months which may impact the timeframe.

For a bylaw to be effective policing is required. Council is not staffed to carry out this level of observation. Any further enforcement under a traffic bylaw (section 22B of the Land Transport Act 1998) would fall to the New Zealand Police.

Setting in place a bylaw for the Menzies, Roebuck, Stout and Western-Stafford Street may also set in place expectations for other residents in other streets to have bylaw exclusions.

## **6.1 Timeframes of The Options**

**Option 1:** would be an immediate in effect continuation of status quo.

**Option 2:** this would first require approval for funding to be made available by both Council and Waka Kotahi as part of the 2024-27 NLTP Low Cost Low Risk Safety Improvements. Once that funding was available from 1 July 2024, the design, planning and construction could be completed by March 2025.

**Option 3:** The bylaw requires review within two years timeframe. If accelerated this could be done before the two year timeframe for all Council bylaw reviews need to be completed.

## **7. CONCLUSION**

Signposting and information to operators has been partially successful but relies on voluntary compliance and is not directly enforceable.

Intersection constrictions reinforced with signs are likely to prove an effective solution but are costly (approximately \$275k) and carry the risk of creating a precedent for other locations and streetscapes throughout the district. Even when installed this may not halt or arrest all trucks using the streets without a legal instrument being in place to prohibit them from doing so.

The Legal Bylaw approach will result in a legal mechanism to be in place to halt heavy traffic usage (except for essential vehicles) of the specified streets but will require formal public consultation. To be effective a bylaw requires policing.

There is no budget in this financial year other than to fund Option 1 of continuing the Status Quo. Option 2 would cost an additional \$275k across all the sites; noting that these sites could be done in a sequence approach.

The recommended Option 3 is estimated to cost an additional \$10k for public consultation depending on the scope and level of public feeling. If there is a low level of submissions; the cost could be significantly less. This cost would need to be included in the next LTP. If a bylaw is endorsed after consultation; regulatory heavy vehicle exclusion signage would need to be erected on all street entrances. This is forecast to cost an additional \$2k.

## **8. CONSIDERATIONS**

### **8.1 Strategic Alignment**

The successful delivery of a fit for purpose roading network with appropriate levels of service is in accordance with our annual plan and LTP and is critical to the economic success of our district.

### **8.2 Significance Assessment**

Roading network and transport planning delivery is highly significant in terms of capital and operating expenditure, complexity, impact to levels of service and community benefit.

### **8.3 Tangata Whenua Considerations**

Council works in partnership with Ngāti Waewae to provide governance. The decision does not specifically impact Tangata Whenua, their culture and traditions.

### **8.4 Risk Management Implications**

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

### **8.5 Policy Framework Implications**

Council must comply with the relevant policy and legal requirements including the Land Transport Act 1998, the Resource Management Act 1991, Local Government Act 2002 as well as NZTA and Council's own Policies and Procedures Guidelines.

### **8.6 Legal Implications**

Failing to implement effective road carriage way services can have legal implications in the context of Council duties as a Territorial Authority and Road Controlling Authority.

Putting in place a Bylaw for heavy vehicles via the BDC Model General Bylaws Schedule D will trigger the significant engagement policy and consultation with public and affected parties and key stakeholders is required.

### **8.7 Financial / Budget Implications**

Costs for delivering roading services are expended against approved control baseline budgets established in the LTP and Annual Plans and are reported to Council accordingly. Funding assistance for the approved programme and qualifying activities is received from Waka Kotahi New Zealand Transport Agency.

### **8.8 Media/Publicity**

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

### **8.9 Consultation Considerations**

Residents have strong views on the transport matters in their own areas, and we attempt to inform the debate and investment logic mapping and expenditure decision making with facts and data.



**FLETCHER VAUTIER MOORE**  
LAWYERS

Buller District Council  
P O Box 21  
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**By Email: Brayden.O'Dea@bdc.govt.nz**

**Office** Richmond  
Author Stuart Ritchie  
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Email sritchie@fvm.co.nz  
Matter No 203937/334

19 October 2023

Attention: Brayden O'Dea

Dear Brayden

**RESTRICTING THE USE OF HEAVY MOTOR VEHICLES ON COUNCIL ROADS**

1. We have been asked to consider the options available to Buller District Council to restrict or prohibit the use of heavy motor vehicles (**HMVs**) on part of Menzies Street and Roebuck Street, in Westport.
2. The issue has arisen because some HMV drivers are taking a shortcut along Menzies and Roebuck Streets to avoid using the existing HMV bypass along Palmerston, Mill and Queen Streets.

**Summary of advice**

3. The Council can recommend that HMVs use a particular route or bypass through Westport. However, if it wants to stop HMVs from taking a shortcut through Menzies and Roebuck Street, it will need to rely on statutory provisions that give the Council the power to prohibit or restrict the use of HMVs on roads controlled by the Council. We summarise those provisions in this letter. However, some of the options are only temporary.
4. If the Council is seeking an ongoing prohibition or restriction on the use of HMVs on Menzies and Roebuck Streets, we recommend that such a prohibition or restriction is added to the Council's traffic bylaw when that bylaw next comes up for review, which we understand is due shortly.
5. For example, the traffic bylaw could prohibit or restrict HMVs from being driven on part of Menzies and Roebuck Streets if the Council considers that HMVs are unsuitable for use on those roads because of their size, nature, or the nature of goods carried. Any person that breaches such a provision, without reasonable excuse, could be issued with an infringement notice by the Police, and is liable to pay an infringement fee.

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**Motueka**  
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PO Box 23, Tel: (03) 528 7030,  
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**Takaka** by appointment

### Option 1: Traffic bylaw under section 22AB of the Land Transport Act 1998

6. The Council is a road controlling authority for the purposes of the Land Transport Act 1998. It owns, and has control over, the roads known as Menzies and Roebuck Streets, Westport.<sup>1</sup>
7. For the purposes of the Land Transport Act 1998 (**LTA 1998**), a heavy motor vehicle means 'a motor vehicle (other than a motorcar that is not used, kept, or available for the carriage of passengers for hire or reward) having a gross vehicle mass exceeding 3 500 kg'. The words 'heavy traffic' include the use of any heavy motor vehicle.<sup>2</sup>
8. The Council, in its capacity as a road controlling authority, may make a bylaw for the purpose of 'prohibiting or restricting, absolutely or conditionally, any specified class of traffic (whether heavy traffic or not) or any specified motor vehicles or class of motor vehicle that, by reason of its size or nature or the nature of the goods carried, is unsuitable for use on any road or roads'.<sup>3</sup>
9. The power to make a bylaw for this purpose is conferred on the Council by section 22AB(1)(c) LTA 1998.
10. As an example, clause 16 of the New Zealand Standard Model General Bylaw for traffic (NZS 9201:Part 25:2007) contains a provision that prohibits the driving of HMTVs on specified roads. It states 'No person shall drive or permit to be driven any heavy motor vehicle except a passenger service vehicle on or along those roads, or parts of roads listed in Schedule D1 of this Bylaw except for the purpose of picking up, or delivering goods to an address on those roads when alternative access is not available for this purpose'.<sup>4</sup>
11. The Council could include the relevant parts of Menzies and Roebuck Streets in a schedule of roads that are subject to heavy traffic prohibitions. If it wished to, it could exempt passenger buses and delivery vehicles, as well as emergency vehicles such as a fire engine, from the prohibition.
12. If the Council wishes to proceed with this option we recommend that when the Council's traffic bylaw is next reviewed, which we understand is due shortly, the Council takes the opportunity to consult on imposing restrictions on the use of Menzies and Roebuck Streets by HMTVs, and ensures that the traffic bylaw gives it the power to add or remove roads from the schedule of heavy traffic prohibitions by way of a resolution of the Council.<sup>5</sup>
13. The Council can only make a bylaw prohibiting or restricting the use of HMTVs on Menzies and Roebuck Streets if the Council considers that HMTVs are, by reason of their size or nature, or the nature of the goods carried, unsuitable for use on those roads. As with any bylaw, the provisions of the bylaw must be clear and they must not be unreasonable. Section 22A(3A) LTA 1998 states that a person may not, without reasonable excuse, operate a motor vehicle on a road in a manner that contravenes a

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<sup>1</sup> Sections 316 and 317 Local Government Act 1974.

<sup>2</sup> Section 2 Land Transport Act 1998.

<sup>3</sup> Section 22AB(1)(c) Land Transport Act 1998.

<sup>4</sup> Clause 16.1 NZS 9201.25:2007.

<sup>5</sup> This is permitted by section 22AB(3) Land Transport Act 1998.

bylaw made under section 22AB LTA 1998. A breach is an infringement offence against the Land Transport Act 1998, for which an infringement fee is payable.<sup>6</sup> For an individual that infringement fee is currently \$150.<sup>7</sup> A breach of the bylaw without reasonable excuse is also an offence that on conviction has a maximum penalty of \$1000.00.

14. An enforcement officer (i.e. a Police constable) may enforce the provisions of a traffic bylaw made under the Land Transport Act 1998, and may issue infringement notices.<sup>8</sup>
15. It is likely that the Council would need to use the special consultative procedure when reviewing its traffic bylaw. We can further advise on consultation requirements when the Council is reviewing its bylaw.
16. As part of the consultation that the Council undertakes in connection with a review of its traffic bylaw we recommend that the Council discusses any proposed HMV restrictions with the Police and seeks their views on whether the Police would be willing to enforce such restrictions if they were part of the traffic bylaw.

#### **Option 2: Temporary restriction under section 16A of the Land Transport Act 1998**

17. If the Council, in its capacity as a road controlling authority, decides on reasonable grounds that there is an urgent risk of damage to a road and/or danger to the safety of road users, then section 16A LTA 1998 gives the Council the power to direct that heavy traffic, or any specified kind of heavy traffic, cannot proceed between any 2 places by way of a specified Council road. In this section 'heavy traffic' includes the use of any HMV.<sup>9</sup>
18. However, this is only a temporary measure, as the direction can only be imposed for a period of no more than 6 months.
19. Further, certain criteria must be met before the Council could resolve to issue a direction under section 16A LTA 1998. There must be reasonable grounds for Council to decide that there is a risk of damage to the road, or danger to the safety of road users, and that the risk is urgent. The criteria would not be met simply because local residents are unhappy with engine noise from HMs.
20. If the Council issues a direction to HMs under section 16A LTA 1998 then it is required to erect a road closure sign in at least 1 prominent position on every road to which the sign applies. It is an offence for a person to contravene the requirements of the sign unless they prove that there is no other way reasonably available for the traffic concerned to proceed.<sup>10</sup>

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<sup>6</sup> This is because an infringement fee is specified for a breach of section 22A(3A) under Schedule 1 Land Transport (Offences and Penalties) Regulations 1999.

<sup>7</sup> Fifth column of Schedule 1 Land Transport (Offences and Penalties) Regulations 1999.

<sup>8</sup> Sections 113(1) and 139 Land Transport Act 1998.

<sup>9</sup> Refer definition of heavy traffic in section 2 Land Transport Act 1998.

<sup>10</sup> Section 16A(4) Land Transport Act 1998.

21. A breach of section 16A LTA 1998 is not an infringement offence for which an infringement fee is payable. It would involve bringing a prosecution against the driver for contravening the requirements of the sign.

### **Option 3: Prohibition under the Heavy Motor Vehicle Regulations 1974**

22. At the outset, we note that the Heavy Motor Vehicle Regulations 1974 (**Regulations**) provides for a classification of roads by Waka Kotahi. Roads are described as Class 1 roads unless they are likely to suffer excessive damage by HMVs and have been classified by Waka Kotahi as a Class C road. Clause 5(5) of the Regulations prohibits a person from operating an HMV on a Class C road unless they are delivering or collecting goods or passengers to or from locations directly accessible from the road. We presume for the purposes of this advice that Menzies and Roebuck Streets have not been classified as Class C roads.
23. The Regulations also contain two provisions that allow the Council, in its capacity as the road controlling authority, to prohibit the use of HMVs on roads under the control of the Council, such as Menzies and Roebuck Streets.
24. The definition of an HMV in the Regulations is very similar to that in the Land Transport Act, but it does not include a fire engine.
25. Under clause 10(3) of the Regulations, the Council has the power to prohibit the use of HMVs or a class of HMVs on a Council road. The Council must have reasonable grounds to make such a prohibition and the prohibition can only be for a specified period or series of periods. Clause 10(3) does not specify a maximum period, but it would have to be a period that is reasonable in the circumstances, and we would suggest each period is not more than 12 months (which is the maximum period for a prohibition imposed under clause 10(4) of the Regulations).
26. Under clause 10(4) of the Regulations, the Council may prohibit the use of HMVs that exceed a specified axle weight on a Council road if it considers on reasonable grounds that it is necessary to protect the road from excessive damage. However, a prohibition under clause 10(4) can only be imposed for a period of not more than 12 months. If at the expiry of that period the Council considers a prohibition is still necessary to protect the road then it may resolve to extend the prohibition for a further period of up to 12 months, and continue to extend the prohibition for periods of no more than 12 months until it considers it is no longer necessary.
27. If the Council prohibits HMVs from using a road under clause 10(3) or 10(4) of the Regulations then it has to give notice in a newspaper, and by signs placed in conspicuous places at the entrances to the affected roads, in accordance with specific requirements set out in clause 10(6) of the Regulations. Except in an emergency, that notice has to be given at least 7 days before commencement of the prohibition.
28. It is an offence for a person to do any act in contravention of the provisions of the Regulations, and they are liable on conviction to a fine not exceeding \$500. Enforcement would require the bringing of a prosecution against the person who has failed to comply. There is no ability for the Police to issue an infringement notice.
29. The power in clause 10(4) is limited to where the prohibition is necessary to protect the road from excessive damage.



30. The power in clause 10(3) is wider, but still requires the Council to have 'reasonable grounds' to make the prohibition. Significantly, a clause 10(3) prohibition can only be made for a specified period or series of periods, which suggests it is also meant to be a temporary measure.

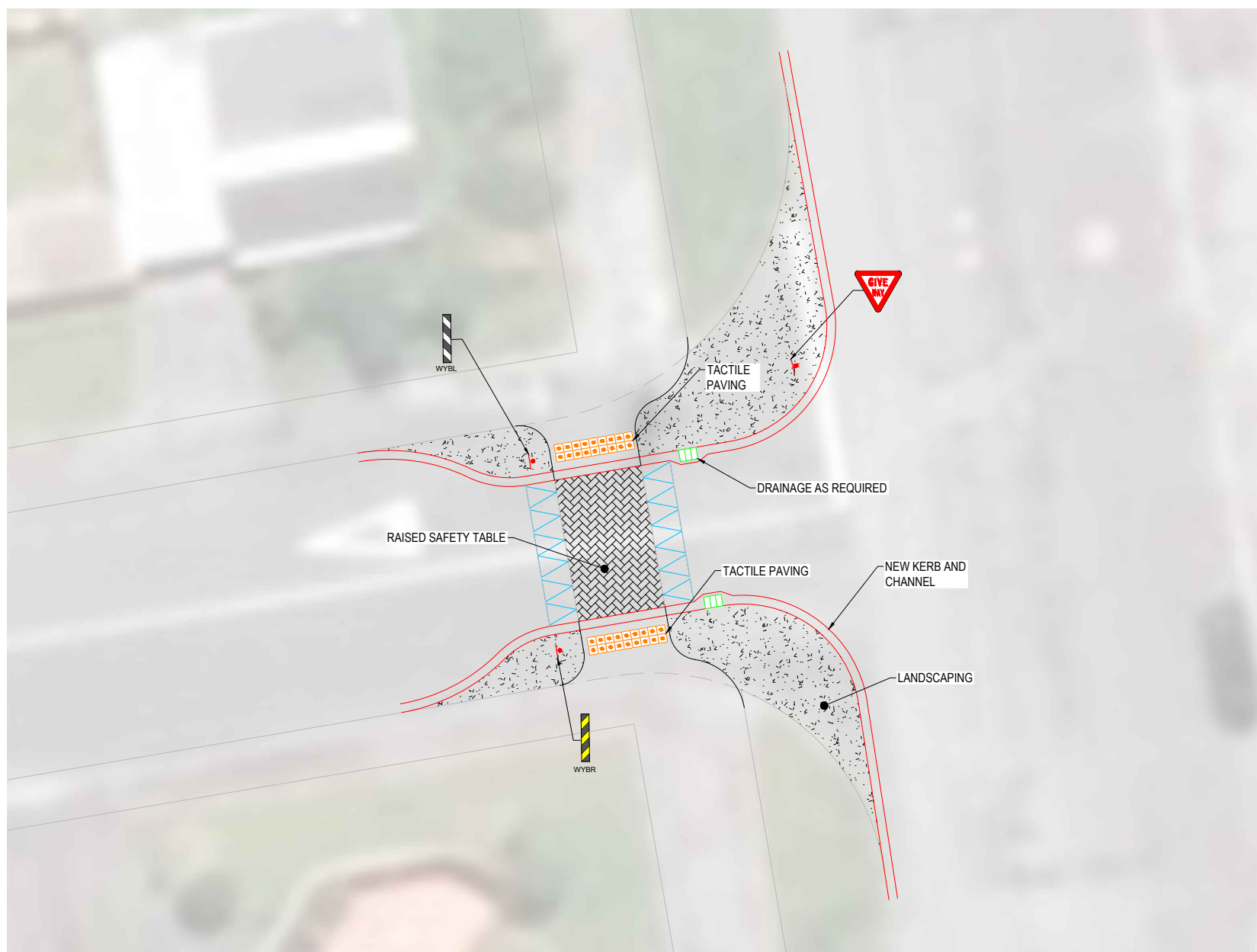
Yours sincerely

**Fletcher Vautier Moore**



**Stuart Ritchie**

Partner



ORIGINAL DRAWING  
IN COLOUR

CONCEPT DESIGN  
NOT FOR CONSTRUCTION

D	-	-	-	-	-
C	-	-	-	-	-
A	PRELIMINARY	-	-	-	-
No.	Revision	By	CDs	Appd	Date

Original Scale (A1)	NTS	Design	Approved For Construction
Reduced Scale (A2)	NTS	Drawn	
Scale (A3)	NTS	Checked	
Scale (A4)	NTS	Drawn	
Scale (A5)	NTS	Checked	
Scale (A6)	NTS	Drawn	
Scale (A7)	NTS	Checked	
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Scale (A12)	NTS	Drawn	
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Scale (A47)	NTS	Checked	
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Scale (A49)	NTS	Checked	
Scale (A50)	NTS	Drawn	



Client: **TRAFFIC CALMING PROPOSED ROEBUCK, STOUT AND STAFFORD STREETS**

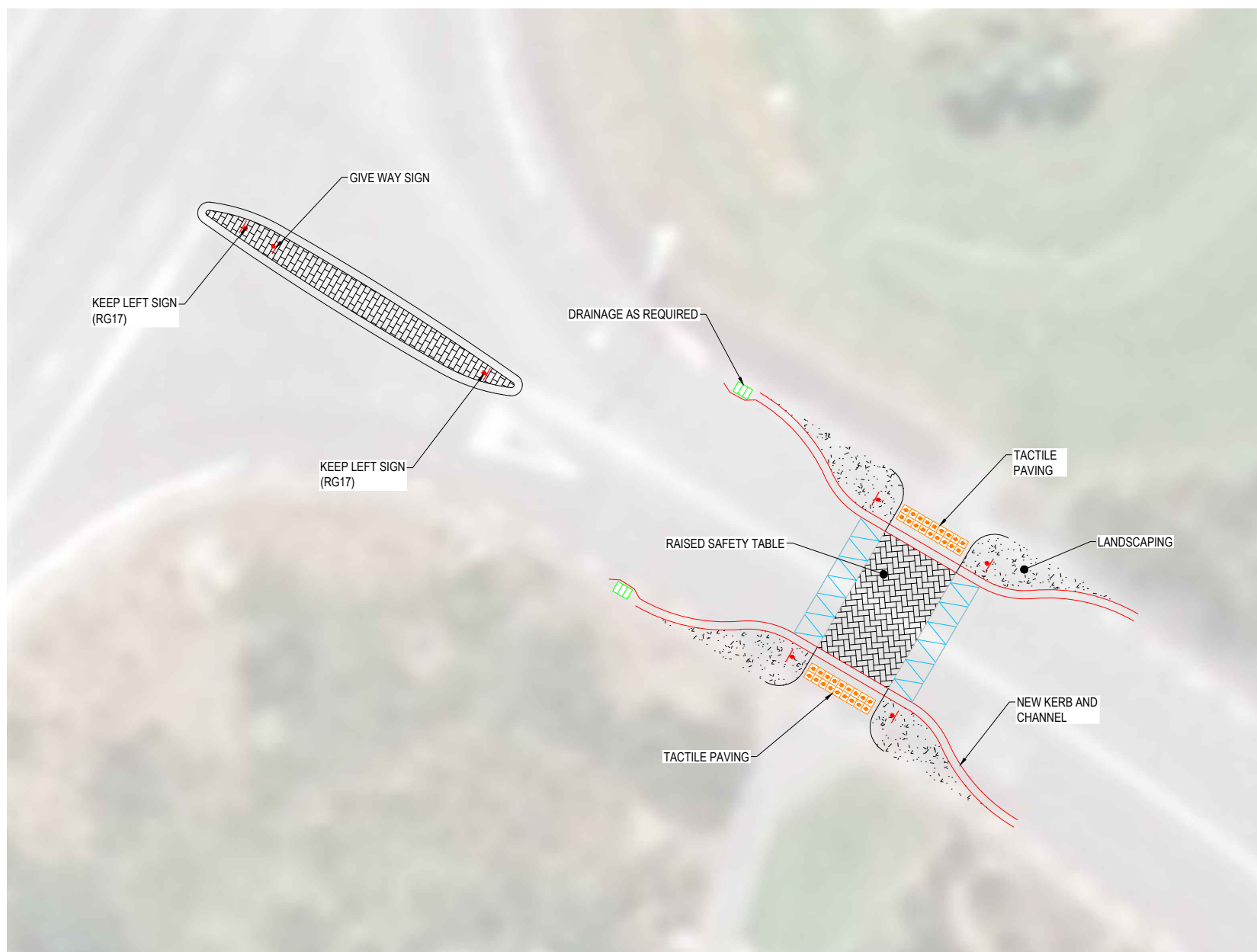
Title: **THRESHOLD CONCEPT PLAN**

Discipline: **CIVIL ENGINEERING**

Drawing No.: **Option 1**

Rev: **A**

DO NOT SCALE FOR SET OUT DIMENSIONS



**ORIGINAL DRAWING**  
IN COLOUR

**CONCEPT DESIGN**  
NOT FOR CONSTRUCTION

D	-	-	-	-	-	Original Scale (A1)	NTS	Design	Approved For Construction
C	-	-	-	-	-	Reduced Scale (A2)	NTS	Check	Date
B	-	-	-	-	-	Reduced Scale (A3)	NTS	Check	Date
A	-	-	-	-	-	Reduced Scale (A4)	NTS	Check	Date
No.	Revision	By	CDs	Appd	Date	* Refer to Revision 1 for Original Signature			



Client: **TRAFFIC CALMING PROPOSED MENZIES STREET**

Title: **THRESHOLD CONCEPT PLAN**

Discipline: **CIVIL ENGINEERING**  
Drawing No: **Menzie-SH** Rev: **A**

DO NOT SCALE FOR SET OUT DIMENSIONS



R7/23

3 May 2023

To whom it concerns

### **HEAVY TRAFFIC ROUTE - WESTPORT**

The Council would like to remind heavy traffic operators and industrial users of the preferred heavy traffic routes through Westport.

The attached map shows the preferred route.

Council appreciates your co-operation in using the preferred route which reduces the impact on a residential area.

A reminder email will be sent annually.

Please contact me should you wish to discuss.

Yours faithfully

Mike Williams  
**Acting-Group Manager Infrastructure Services**



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



## Agfirst MetroCount Traffic Executive Traffic Summary - Combined

**ROEBUCK ST Between Menzies & Queen St**  
Duration: 0:00 Friday, 17 June 2022 to 0:00 Friday, 24 June 2022 (7 days)

Average Daily Classes											
Class	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Weekday	Weekend	All Days	%
1 - MC&PC	9	4	6	6	6	2	6	6	4	6	2.0
2 - PC&LCV	253	257	278	252	267	206	194	261	200	244	85.7
3 - PC&LCV	11	9	8	13	9	3	9	10	6	9	3.1
4 - BUS&MCV	13	30	48	18	21	3	4	26	4	20	6.9
5 - BUS&HCV1	6	5	8	6	2	0	0	5	0	4	1.4
6 - HCV1	0	0	0	3	0	0	0	1	0	0	0.2
7 - HCV1	0	0	0	0	1	0	0	0	0	0	0.1
8 - HCV2	0	0	0	0	0	0	0	0	0	0	0.0
9 - HCV2	0	1	0	2	2	0	0	1	0	1	0.3
10 - HCV2	0	0	0	0	0	0	0	0	0	0	0.0
11 - HCV2	0	1	0	1	0	0	0	0	0	0	0.1
12 - HCV2	0	0	1	1	0	0	0	0	0	0	0.1
13 - HCV2	0	0	0	0	0	0	0	0	0	0	0.0
14 - ???	0	1	2	3	1	0	0	1	0	1	0.4
<b>Heavy Traffic Daily Average</b>										<b>25</b>	

Speed Statistics - PSL 50km/h											
	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Weekday	Weekend	All Days	
Mean	40.8	40.1	40.4	41.2	41.5	42.2	42.8	40.8	42.5	41.2	
Median	41.9	41.0	41.0	42.4	42.0	42.7	43.7	41.6	43.2	41.9	
85%ile	49.2	49.6	50.5	50.5	50.2	51.4	51.1	50.0	51.1	50.4	
95%ile	55.4	55.1	55.1	54.3	55.7	56.1	55.0	55.3	55.8	55.3	
Mean >PSL	54.8	54.2	54.6	54.1	55.0	53.9	54.3	54.5	54.1	54.4	
Number >PSL	39	41	56	52	47	44	41	235	85	320	
Percent >PSL	13.4	13.3	16.0	17.0	15.2	20.6	19.2	15.0	19.9	16.1	

**ROEBUCK ST Between Menzies & Queen St**  
Duration: 0:00 Wednesday, 15 March 2023 to 0:00 Wednesday, 22 March 2023 (7 days)

Average Daily Classes											
Class	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Weekday	Weekend	All Days	%
1 - MC&PC	7	7	9	7	3	14	8	7	11	8	2.7
2 - PC&LCV	258	256	301	245	224	235	203	257	219	246	85.0
3 - PC&LCV	13	3	10	8	10	6	17	9	12	10	3.3
4 - BUS&MCV	25	17	22	19	26	7	6	22	7	17	6.0
5 - BUS&HCV1	4	10	12	6	8	1	3	8	2	6	2.2
6 - HCV1	0	1	0	1	0	0	0	0	0	0	0.1
7 - HCV1	1	0	0	3	0	0	0	1	0	1	0.2
8 - HCV2	0	0	1	0	0	0	0	0	0	0	0.0
9 - HCV2	0	2	0	0	0	0	0	0	0	0	0.1
10 - HCV2	0	0	0	0	0	0	0	0	0	0	0.0
11 - HCV2	0	0	0	0	0	0	0	0	0	0	0.0
12 - HCV2	1	0	1	1	0	0	1	1	1	1	0.2
13 - HCV2	0	0	0	0	0	0	2	0	1	0	0.1
14 - ???	0	0	0	1	1	0	0	0	0	0	0.1
<b>Heavy Traffic Daily Average</b>										<b>25</b>	

Speed Statistics - PSL 50km/h											
	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Weekday	Weekend	All Days	
Mean	41.1	40.2	38.5	39.2	40.2	39.3	41.4	39.8	40.3	39.9	
Median	42.2	41.4	39.7	40.3	41.0	41.9	41.9	41.0	41.9	41.3	
85%ile	49.0	48.9	47.5	47.9	48.7	48.8	50.7	48.4	49.2	48.6	
95%ile	52.9	52.6	53.1	53.0	52.0	52.5	54.6	52.6	53.1	52.8	
Mean >PSL	53.5	52.8	53.7	54.0	52.5	52.4	53.9	53.3	53.3	53.3	
Number >PSL	39	33	36	26	32	29	39	166	68	234	
Percent >PSL	12.6	11.1	10.1	8.9	11.8	11.0	16.3	10.9	13.5	11.5	

## Agfirst MetroCount Traffic Executive Traffic Summary - Combined

### DISRAELI ST 300m E from SH 67

Duration: 0:00 Wednesday, 2 March 2022 to 0:00 Wednesday, 9 March 2022 (7 days)

#### Average Daily Classes

Class	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Weekday	Weekend	All Days	%
1 - MC&PC	8	10	12	7	7	7	10	9	9	9	3.4
2 - PC&LCV	204	203	248	213	267	188	158	227	173	212	83.6
3 - PC&LCV	1	10	16	5	6	1	12	8	7	7	2.9
4 - BUS&MCV	21	14	21	17	14	6	3	17	5	14	5.4
5 - BUS&HCV1	0	7	19	0	5	2	0	6	1	5	1.9
6 - HCV1	0	1	1	0	0	1	0	0	1	0	0.2
7 - HCV1	0	0	0	0	0	0	0	0	0	0	0.0
8 - HCV2	14	3	18	0	5	0	0	8	0	6	2.3
9 - HCV2	0	1	3	0	0	0	0	1	0	1	0.2
10 - HCV2	0	0	0	0	0	0	0	0	0	0	0.0
11 - HCV2	0	0	0	0	0	0	0	0	0	0	0.0
12 - HCV2	0	0	0	0	0	0	0	0	0	0	0.0
13 - HCV2	0	0	0	0	0	0	0	0	0	0	0.0
14 - ???	0	1	0	0	0	1	0	0	1	0	0.1
<b>Heavy Traffic Daily Average</b>										<b>26</b>	

#### Speed Statistics - PSL 50km/h

	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Weekday	Weekend	All Days
Mean	35.3	36.4	35.3	36.7	35.5	35.3	34.1	35.8	34.7	35.6
Median	35.7	37.2	35.7	37.0	36.6	36.1	34.7	36.3	35.3	36.0
85%ile	42.4	43.3	42.3	43.7	42.2	42.1	41.8	42.8	41.9	42.3
95%ile	47.6	46.3	46.8	47.3	45.5	45.8	45.1	46.8	45.3	46.3
Mean >PSL	50.5	52.2	59.3	54.3	50.9	50.0	-	54.9	50.0	54.7
Number >PSL	2	2	7	7	3	1	0	21	1	22
Percent >PSL	0.8	0.8	2.1	2.9	1.0	0.5	0.0	1.5	0.3	1.2

### EASTONS RD 500m S from SH 67

Duration: 0:00 Wednesday, 2 March 2022 to 0:00 Wednesday, 9 March 2022 (7 days)

#### Average Daily Classes

Class	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Weekday	Weekend	All Days	%
1 - MC&PC	2	11	10	13	8	8	10	9	9	9	2.2
2 - PC&LCV	336	335	382	347	362	354	300	352	327	345	86.8
3 - PC&LCV	18	11	18	20	17	14	8	17	11	15	3.8
4 - BUS&MCV	29	17	27	31	34	13	12	28	13	23	5.9
5 - BUS&HCV1	2	4	6	4	0	2	5	3	4	3	0.8
6 - HCV1	1	5	0	3	0	0	0	2	0	1	0.3
7 - HCV1	0	0	0	0	0	0	0	0	0	0	0.0
8 - HCV2	0	0	1	0	0	0	0	0	0	0	0.0
9 - HCV2	0	0	0	0	0	0	0	0	0	0	0.0
10 - HCV2	0	0	0	0	0	0	0	0	0	0	0.0
11 - HCV2	0	0	0	0	0	0	0	0	0	0	0.0
12 - HCV2	0	0	0	2	0	0	0	0	0	0	0.1
13 - HCV2	0	0	0	0	0	0	0	0	0	0	0.0
14 - ???	0	0	0	0	0	1	1	0	1	0	0.1
<b>Heavy Traffic Daily Average</b>										<b>27</b>	

#### Speed Statistics - PSL 50km/h

	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Weekday	Weekend	All Days
Mean	46.2	45.0	45.1	44.4	45.5	43.9	42.4	45.2	43.2	44.7
Median	47.1	45.7	47.1	45.6	46.4	45.3	44.0	46.4	44.6	45.8
85%ile	54.2	53.2	54.6	53.6	54.1	52.6	51.9	53.7	52.3	53.3
95%ile	59.7	60.3	59.3	57.8	59.3	57.3	55.3	59.1	56.5	58.4
Mean >PSL	55.4	55.4	54.9	55.0	55.2	55.3	53.7	55.2	54.6	55.1
Number >PSL	129	109	146	124	130	104	78	638	182	820
Percent >PSL	33.2	28.5	32.9	29.5	30.9	26.5	23.2	31.0	25.0	29.5

## Eric de Boer

---

**From:** Alan Neill <alan.neill@westreef.co.nz>  
**Sent:** Friday, 16 December 2022 11:03 am  
**To:** Eric de Boer  
**Subject:** roebuck st inspection

**Date** 16/12/22  
**Street** Roebuck St, from Menzies to Queen.  
**Scope** check street for stress, damage and issues

### Observations

- No potholes
- No slumping areas, shoves, or heaves indicative of base isolated base failure
- Service trenches present and these are sealed with no potholes present, slight consolidation on lateral trench
- Seal is uniform with no isolated texture difference
- No alligator cracking observed given the weather
- No longitudinal rutting, and this shows very well with wet pavement

### Summary / conclusion

Roebuck St is in average condition to any other road within the Westport Urban area and there are no indicators of failure in the surface or base.

Given trucks are classed with all forms of access to that of any other vehicle their use of the street is legal as is their use of any other street in Westport.

Regards

Alan Neill | Roading Manager | Ph: 0274 739 504 | WestReef Services Limited | 80 Russell Street, Westport | 03 788 9090 | [www.westreef.co.nz](http://www.westreef.co.nz)

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**BULLER DISTRICT COUNCIL**

**29 NOVEMBER 2023**

**AGENDA ITEM: 7**

**Prepared by** Julia Gear  
Management Accountant

Lynn Brooks  
Finance Manager

**Reviewed by** Douglas Marshall  
Chief Financial Officer

**Attachment 1** Buller District Council Multi - Year Projects Funding Schedule

**BULLER DISTRICT COUNCIL MULTI-YEAR PROJECTS FUNDING REPORT**

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**1. REPORT SUMMARY**

Council budgets for annual operating and capital expenditure are prepared and approved during the Annual Plan or Long Term Plan process each year.

At the end of each financial year capital budgets planned for scheduled projects may not be spent in full as forecast.

Some capital projects may be re-budgeted in the following year Annual Plan or Long Term Plan if they are not started by the end of the financial year.

Capital works which are underway at balance date, but not yet completed require the budget to be carried over to subsequent years.

This report provides Council with details of the business-as-usual Capital Budgets required to be carried over from the 2022-2023 Financial Year to the 2023-2024 year. The flood recovery capital works and carry over is not included in the Multi-Year Projects Funding Schedule as this work is budgeted to be mainly funded by external funders and is subject to monthly Projects in Partnership management reporting regime.

**2. DRAFT RECOMMENDATION**

**That Council adopt the Multi-Year Projects Funding Schedule (marked as Attachment 1) as at 1 July 2023.**

### 3. ISSUES & DISCUSSION

The schedule attached to this report (marked as Attachment 1) sets out the capital budgets required to be carried over from the 2022-2023 year which are required to complete the Council projects that are underway.

The Capital budget required to be carried over is the unspent portion of a prior year budget which is still required to be spent in order to complete a capital project.

If a project is not started at year end, a budget carry over is not permitted for the following year. Instead, the budget required would need to be re-budgeted in the 2024-2025 year or a later financial year.

Net remaining budgets from prior years may be required to be transferred to the next financial year due to:

- Capacity constraints. When unexpected events occur projects must be re-prioritised and the resources available to continue with planned capital programs is reduced; or
- External factors beyond the control of management (such as Covid-19 or a flooding event); or
- Engagement with other parties extends project planning and decision making stages (such as shared services with other West Coast Councils); or
- Projects contingent on strategic review or reconfiguration of the initial concept extend the project timeline.

Of the \$8.535m remainder budget required to be carried forward for use in the 2023-2024 financial year, this includes the following larger projects:

#### 1. **Brougham House Upgrade & Civil Defence Headquarters**

At the Risk & Audit Committee on 15th November, Council staff reported that the envisaged project is well in excess of the available budget of \$1.587m and it is deemed not appropriate to carry over the remaining budget.

It was recommended that only an allowance of \$346,036 is carried into the 2023/2024 financial year to improve heating and cooling of staff spaces in the existing building and cover the cost of the electrical switchboard work completed recently, and that an alternate, appropriately scoped council administration centre is budgeted for at lower cost in the Long Term Plan.

It was recommended that the remaining budget for the Civil Defence HQ earthquake strengthening was also not carried over and that this project is factored into the council administration centre works and budgeted for in the Long Term Plan.

The Risk & Audit Committee did not support this proposal and recommended that the full remaining available budget for these inter-related projects is carried into 2023/2024.

2. **Westport Wastewater Projects** - \$1.728m net required for Wastewater Consent Renewal projects including pump station screens, modelling and separation investigations, and \$660k for mains renewals in progress.
3. **Westport Trunk Main** - \$956k net required to complete the project scope within the original \$1.65m budget. This project is expected to be completed late 2023.
4. **Waimangaroa Water Supply Upgrade** - \$542k to complete the project to improve water supply resilience. This project is expected to be completed late 2023 within budget.
5. **Carnegie Library** - A total budget of \$1.047m was carried into 2022-2023 for the Carnegie Library. That budget was for earthquake strengthening and upgrades. \$500k of this budget has carried forward to 2023-2024 as the remaining \$500k is contingent upon achieving external funding.

It is noted that Attachment 1 does not include any roading and transport activity items. The reason is because 2022-2023 was the second year in the three-year Waka Kotahi roading programme. Council accounts for the roading programme on a one-third division of the budget for each of the three years, however in reality the spending often is not equal over each year as cost efficiencies can be gained by completing work at a different schedule. All unspent budget is available to be spent in 2023/2024 and there is no carry forward budget for roading and transport activity required.

The remainder of the carry over for Infrastructure Assets, Property, Plant and Equipment is for other smaller projects where the project timeframe has been extended for various reasons. Full details are included in Attachment 1.

#### 4. **CONSIDERATIONS**

##### 4.1. **Strategic Impact**

The delivery of Capital Projects is important to meet the expectations of our community and complete the commitments made in our Long Term Plans and Annual Plans.

Carrying over budgets to subsequent financial years enables the work on capital projects to continue seamlessly across balance dates for all departments of Council.

##### 4.2. **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. This part of

the Act sets the general approach to determine if a proposal or decision is significant requiring the Council to make judgements about the likely impact of that proposal or decision on:

- a. The district;
- b. The persons who are likely to be particularly affected by, or interested in, the proposal or decision;
- c. The financial impact of the proposal or decision on the Council's overall resources; and
- d. The capacity of the Council to perform its role and carry out its activities, now and in the future.

The content included in this report has been consulted on with the community through prior Long Term Plan and Annual Plan processes.

The capital projects detailed in the carry over schedule have been included in previous Long Term or Annual Plan processes including public consultation. Some projects including the Punakaiki Community Building and Reefton Swimming Pool have included targeted consultation with the affected communities.

#### **4.3. Risk Analysis**

Risk is assessed by taking into account the likelihood of an event occurring and the result of that event.

Capital projects are perceived to have some greater than usual potential to place Council at risk as the costs involved can be significant, or the project may have greater technical and legal issues. This risk is mitigated by engaging suitably qualified staff to monitor and regularly report on the projects, therefore acting on any issues that arise early on, and to ensure the project progress is well understood by staff and governance.

Approving the capital budget carry overs extends project timelines to enable projects to be completed. Alternatively, capital projects would need to be re-budgeted during the next annual plan creating a twelve month delay before work could recommence or continue.

#### **4.4. Policy / Legal Considerations**

The Local Government Act 2002 governs the activities of Buller District Council and sets out the requirement for consulting on the annual plan and long term plan to agree the budget and provision of services with the community.

This report assists with two key purposes of that Act (located at section 3) stating the purpose of the act is to promote the accountability of local authorities to their communities and provide for local authorities providing local authorities to play a broad role in promoting the social,

economic, environmental, and cultural well-being of their communities, taking a sustainable development approach.

**4.5. Values**

The Buller District Council values are as follows: we care, integrity, one team, community driven and future focussed. This report aligns with those values as it presents information about the capital projects for our community.

**4.6 Tangata Whenua Consultation Considerations**

The contents of the report are not a matter requiring consultation with tangata whenua.

**4.7 Views of Those Affected**

Council's capital projects are consulted on with the community during Long Term and Annual Plan processes.

**4.8 Costs**

There are no extraordinary costs for the capital projects predicted at this stage of the financial year. The amounts which may need to be carried forward to the next financial year are identified so they can be included in the next annual plan budget.

**4.9 Benefits**

Monitoring capital projects including the budget carry overs provides a snapshot of the position of Council, providing a decision-making tool and information for Councillors.

**4.10 Media / Publicity**

There are no media or publicity opportunities with this report.

**Attachment 1: Multi-Year Projects Budgets**

Project	2022/23 Total Approved Budget	Total finished project costs as at 30 June 2023	Net Budget Available	Net Budget required to complete the project as at 30 June 2023	Total unfinished project costs incurred up to 30 June 2023	Net Remaining Budget available to complete unfinished project for the year to 30 June 2024	Comments
	<b>16,444,449</b>	<b>3,503,684</b>	<b>12,404,358</b>	<b>11,553,916</b>	<b>3,554,096</b>	<b>8,535,228</b>	
NCS Magiq	108,120	86,293	21,827	21,827	8,725	13,102	Timesheets and customer portal
Aerial Photography	41,617	0	41,617	41,617	20,000	21,617	Ongoing imaging
Information Management	547,691	0	216,416	216,416	331,275	216,416	A report is included in the Risk and Audit Agenda of 15 November 2023 on project progress
Reefton landfill Ratepayer funded portion flood recovery	250,000	0	250,000	250,000	250,000	0	Core portion of project funded by NEMA. \$250k is the BDC share only if required
Council Led District Wide Revitalisation/ Toki Trail/ Westport Plaza Revitalisation	229,461	69,545	159,916	158,004	5,816	152,188	In prior years this project was called District Revitalisation and included the Westport Riverbank Project and Westport Town Precinct and Toki Trail. Phase 2 Westport Town Precinct is now called Plaza Revitalisation from 1 July 2023 and the carry over is for Phase 2.
Punakaiki Community Facility	102,000	0	102,000	102,000	35,971	66,029	Community working on option to acquire a building. Council will carry over budget in accordance with agreement in response to community submissions received
Punakaiki Camp Effluent System	205,632	0	205,632	205,632	17,143	188,489	Ongoing project part of the recent TIF supplementary external funding
Carnegie Library	1,047,157	0	1,047,157	547,157	32,629	514,528	Only loan funded portion of project carried over. Remainder \$500k dependent on external funding
Victoria Square Civil Defence HQ, EQ Strengthening	168,000	0	168,000	168,000	6,053	161,948	Refer to report
Brougham House Upgrade	1,932,562	0	1,932,562	1,909,924	322,964	1,586,960	Refer to report
Westport Library EQ Strengthening	504,500	0	504,500	504,500	8,263	496,238	Required for safety, may be factored into Brougham House Upgrade and Victoria Square works
Community Led District Wide Revitalisation	279,987	0	75,855	75,855	204,132	75,855	Remaining budget carried over for all active projects as they are all multi year
Westport Wastewater Treatment Plant Projects	362,923	190,356	172,566	103,522	19,752	83,770	Treatment plant grit removal, water recycling, maintenance manual
Westport Wastewater Treatment Renewal Project	2,240,000	198,877	2,041,123	2,041,123	312,628	1,728,495	Pump station screens, resource consent renewal, modelling and separation
Westport Wastewater Pump Station	201,017	63,883	137,135	2,422	0	2,422	Orowaiti Replacement flow tubes
Westport Wastewater Mains replacements	1,214,594	2,300	1,212,294	1,313,090	652,961	660,128	Queen St, Peel St, Romilly St mains replacement

Project	2022/23 Total Approved Budget	Total finished project costs as at 30 June 2023	Net Budget Available	Net Budget required to complete the project as at 30 June 2023	Total unfinished project costs incurred up to 30 June 2023	Net Remaining Budget available to complete unfinished project for the year to 30 June 2024	Comments
Reefton Treatment Plant	249,352	62,489	186,863	89,093	21,123	67,970	Aerator, Maintenance & operation manuals
Reefton Wastewater Mains	82,620	0	82,620	82,620	69,123	13,497	Brennan St Main renewal
Stormwater projects	605,438	268,137	337,302	215,649	145,785	69,864	Various mains renewals
Westport & Reefton Transfer Station Upgrade	222,264	189,223	33,041	33,041	25,320	7,721	Westport & Reefton Transfer Station Upgrade
Karamea Landfill & Recycling Centre	145,000	60,858	84,142	84,142	69,792	14,350	Karamea Landfill & Recycling Centre Upgrade Project
Westport Water Mains Renewals	301,138	251,850	49,289	49,289	1,900	47,389	Disraeli St, Domett St, Fonblanque St, Russell St
Westport Water Backflow Prevention	356,813	0	356,813	356,813	48,167	308,646	Backflow prevention
Westport Water Reconnection	110,228	29,894	80,334	80,334	1	80,333	North branch flume reconnection
Westport Water Modelling	237,153	39,430	197,724	197,724	8,499	189,225	Flow meter project
Westport Water Trunk Main – Stage 1b	1,634,954	556,522	1,078,432	1,078,432	121,766	956,667	Stage 1b section of Westport trunk main
Reefton Water mains	35,010	1,942	33,068	33,068	29,108	3,960	North-East main replacement
Reefton Water Whole of Supply Upgrade	419,828	1,959	417,869	417,869	336,233	81,636	Chlorination project
Reefton Water Assessments, Strategies & Modelling	44,976	33,938	11,039	6,531	2,509	4,022	Firefighting compliance
Mohikinui Water Supply	18,390	6,268	12,122	12,122	1	12,121	Easement
Waimangaroa Water Supply Upgrade	2,313,173	1,333,257	979,916	979,916	437,162	542,754	Waimangaroa Water Supply Upgrade
Cape Foulwind Water Supply	171,231	30,759	140,472	140,472	8,540	131,932	Easement, intake and flow meter. Minor Capital is not usually carried over but in this case it is as the work is being completed under this budget line
Punakaiki Water Supply	37,720	0	37,720	37,720	557	37,163	Chlorination
Punakaiki Water Backflow prevention	14,054	0	14,054	14,054	200	13,854	Backflow prevention
Inangahua Water Supply	9,846	25,906	(16,060)	(16,060)	1	(16,060)	Capital budget overspent in 22/23
	<b>16,444,449</b>	<b>3,503,684</b>	<b>12,405,358</b>	<b>11,553,916</b>	<b>3,554,096</b>	<b>8,535,228</b>	

**BULLER DISTRICT COUNCIL**

**29 NOVEMBER 2023**

**AGENDA ITEM: 8**

**Prepared By:** Steve Gibling  
Chief Executive Officer

**Attachments:** 1. Code of Conduct for Elected Members 2022-2025

**UPDATE TO THE CODE OF CONDUCT FOR ELECTED MEMBERS 2022-2025**

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**1. REPORT PURPOSE**

The purpose of this report is to highlight to Council a minor amendment to the Councils Code of Conduct resulting from the recent approval of Councils new Protected Disclosures (Whistle-blower) Policy.

**2. DRAFT RECOMMENDATION**

- 1. That Council receive the “Update to the Code of Conduct for Elected Members 2022-2025” report.**
- 2. That the Council approves the proposed amendment to the Code of Conduct for Elected Members 2022-2025.**

**3. BACKGROUND**

The Protected Disclosures Act 2000 was replaced by the Protected Disclosures (Protection of Whistleblowers) Act (the Act) on 1 July 2022. Buller District Council adopted a new Protected Disclosures (Protection of Whistleblowers) Policy on 25 October. By adopting this policy there is a need for a minor amendment to the current Code of Conduct for Council to ensure it reflects the correct Act, and also refers to the new Protected Disclosures (Protection of Whistleblowers) Policy.

**4. DISCUSSION**

The Council is required to adopt a Code of Conduct (clause 15 of Schedule 7 of the Local Government Act 2002 ('LGA')). Once adopted, all Elected Members are



required to comply with the Code. The Code is designed to deal with the behaviour of Elected Members towards each other, staff, media, and the public. Council adopted its current Code of Conduct in October 2022. The current wording in the Code of Conduct states:

### ***Protected Disclosures Act 2000***

*Under the PDA, the definition of an employee of a public sector organisation (PSO) includes Elected Members of a local authority. Elected Members (as 'employees') who disclose information about a serious wrongdoing by the Council are protected from civil or criminal liability that might arise from such a disclosure and from retaliatory action against the Elected Member.*

*Serious wrongdoing under the Act includes unlawful or irregular use of funds or resources; conduct that risks public health and safety; conduct that risks the maintenance of law; conduct that constitutes an offence; oppressive, improper discriminatory conduct; and gross negligence or gross mismanagement by a public official.*

*Protection under the PDA applies where the employee has information about a serious wrongdoing; a reasonable belief that the information is true or likely to be true; the employee wishes to have the matter investigated; and that employee desires protection under the Act.*

*For Elected Members, the default position requires a disclosure to be made to the CEO or Acting CEO. If the employee considers the CEO or Acting CEO may be involved in serious wrongdoing, the matter can also be escalated to an "appropriate authority".*

*Appropriate authorities are defined in the Act and include the Commissioner of Police, the Controller and Auditor-General and the Parliamentary Ombudsman.*

### **Proposed Amendment**

The Council may by resolution of 75 percent or more, change the Code at any time. Given the importance of ensuring the Code reflects the current policies, and following the adoption of the Protected Disclosures (Whistle-blower) Policy it is proposed to replace the above with the following wording, including a link to the website with the approved Council Policy, as follows:

### ***Protected Disclosures (Protection of Whistleblowers) Act 2022***

*Organisations, both public and private sector, have responsibilities under the Act as receivers of protected disclosures, including sometimes as appropriate authorities. Public sector organisations must have appropriate*

*internal procedures for protected disclosures and must publicise these procedures widely.*

*The Protected Disclosures (Protection of Whistleblowers) Act seeks to facilitate the disclosure and investigation of serious wrongdoing in the workplace, and to provide protection for employees and other workers who report concerns.*

*Council's [policy](#) applies to current and former employees, Contractors, consultants, secondees and volunteers at Council. This policy also applies to any persons concerned (or previously concerned) in the management of the Council, including elected or appointed members and Mayor.*

*The processes contained within this policy are intended only for situations involving allegations of serious wrongdoing where Council's usual reporting or complaints processes e.g. a grievance under the code of conduct, are not appropriate.*

## **5. CONSIDERATIONS**

### **5.1 Strategic Alignment**

The effective management under the Protected Disclosures (Protection of Whistleblowers) Act 2022 process is a critical component of public accountability and therefore is a cornerstone of Councils policy framework. Aligning Councils Code of Conduct with the new policy further strengthens Councils approach.

### **5.2 Significance Assessment**

This approach does not exceed the test for the Significance and Engagement Policy.

### **5.3 Tangata Whenua Considerations**

N/A

### **5.4 Risk Management Implications**

The failure to effectively manage a protected disclosure will create undue risk to the organisation.

### **5.5 Policy Framework Implications**

This policy replaces Buller District Councils previous policy that reflected its requirements under the 2000 Act.

### **5.6 Legal Implications**

Council is required to have an internal policy and practice in order to guide its response to receiving a protected disclosure. This policy achieves that

outcome and aligning the Policy with the Code of Conduct ensures Elected Members are aware of the approach to manage a protected disclosure.

**5.7 Financial / Budget Implications**

The cost of providing this information will be contained within existing operating budgets.

**5.8 Consultation Considerations**

N/A



# Code of Conduct for Elected Members

Adopted: October 2022



# 1&2

# Scope & Application

Buller District Councillors and the Mayor (“Elected Members”) have an important role representing the people of Buller. This Code of Conduct (“the Code”) represents a commitment from all Elected Members to maintain high standards of behaviour, which is important for their credibility as district leaders and for the reputation of Buller.

As well as articulating agreed professional and ethical behaviours, encouraging teamwork and facilitating effective local democracy, the Code is of value to the Council as a resource and information guide for existing Elected Members and an aid to the public—enabling the public to evaluate behaviour.

Mission of Council is 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.

## 1. Scope

The Council is required to adopt a code of conduct (clause 15 of Schedule 7 of the Local Government Act 2002 (‘LGA’)). Once adopted, all Elected Members are required to comply with the Code.

The Code is designed to deal with the behaviour of Elected Members towards:

- each other;
- the Chief Executive Officer (‘CEO’) and staff;
- the media; and
- the public.

It is also concerned with the disclosure of information that Elected Members receive in their capacity as members and information which impacts on the ability of the Council to give effect to its statutory responsibilities.

## 2. Application

**The Code applies to Elected Members at all times.**

The LGA requires Elected Members to comply with the provisions of this Code. Members are also bound by the LGA, the Local Authorities (Members’ Interests) Act 1968, the Local Government Official Information and Meetings Act 1987, the Secret Commissions Act 1910, the Crimes Act 1961, the Financial Markets Conduct Act 2013, the Health and Safety at Work Act 2015, and the Protected Disclosures Act 2000.

The CEO will ensure that an explanation of these Acts is provided at the first meeting after each triennial election and that copies of the above Acts are freely available to Elected Members.

Short explanations of the obligations that each of these Acts has with respect to the conduct of Elected Members are set out in Schedule 1 of this Code.

## 3

# Principles of Governance

The Code gives effect to the following general principles of good governance with which Elected Members have agreed to comply:

## 3.1 Integrity and Honesty

Elected Members will be honest and act with integrity. This includes:

- behaving in accordance with the trust that the public places in them.
- being fair and consistent in dealings with others and following through on commitments.
- not making statements or doing anything that will, or is likely to, mislead or deceive.
- not placing themselves in situations where their honesty and integrity may be questioned.
- being open to constructive feedback.
- complying with relevant legislation and Council policies and procedures.
- making decisions on merit; including appointments, awarding contracts, and recommending individuals for rewards or benefits.

## 3.2 Accountability

Elected Members will:

- comply with all legislative requirements applying to their role, abide by this Code of Conduct, and act in accordance with the trust placed in them by the public to be responsible for their decisions and actions, and be prepared to justify these.
- act in an open and transparent manner.
- ensure Council resources are used prudently.

## 3.3 Respect

Elected Members may not always get their own way. Elected Members will treat everyone with respect and respect other individuals' points of view and opinions, beliefs, and rights. This includes:

- treating people, including other members, with respect and courtesy, regardless of their race, age, religion, gender, sexual orientation, or disability.
- recognising and encouraging ideas and contributions from others.
- being courteous and approachable.
- not engaging in aggressive, offensive, abusive or bullying behaviour.
- not making personal attacks.
- respecting the impartiality and integrity of staff.
- not interrupting when others are expressing their point of view.

## 3.4 Good Faith

Elected Members will faithfully and impartially perform their powers, authorities and duties in the best interest of the community of Buller District. A breach of this Code could indicate a lack of good faith and could be relevant to assessment of personal liability (see explanation of sections 43 to 47 of the LGA set out in Schedule 1 of the Code).

### 3.5 Proper Use of Position

Elected Members must not abuse their position, including they must not:

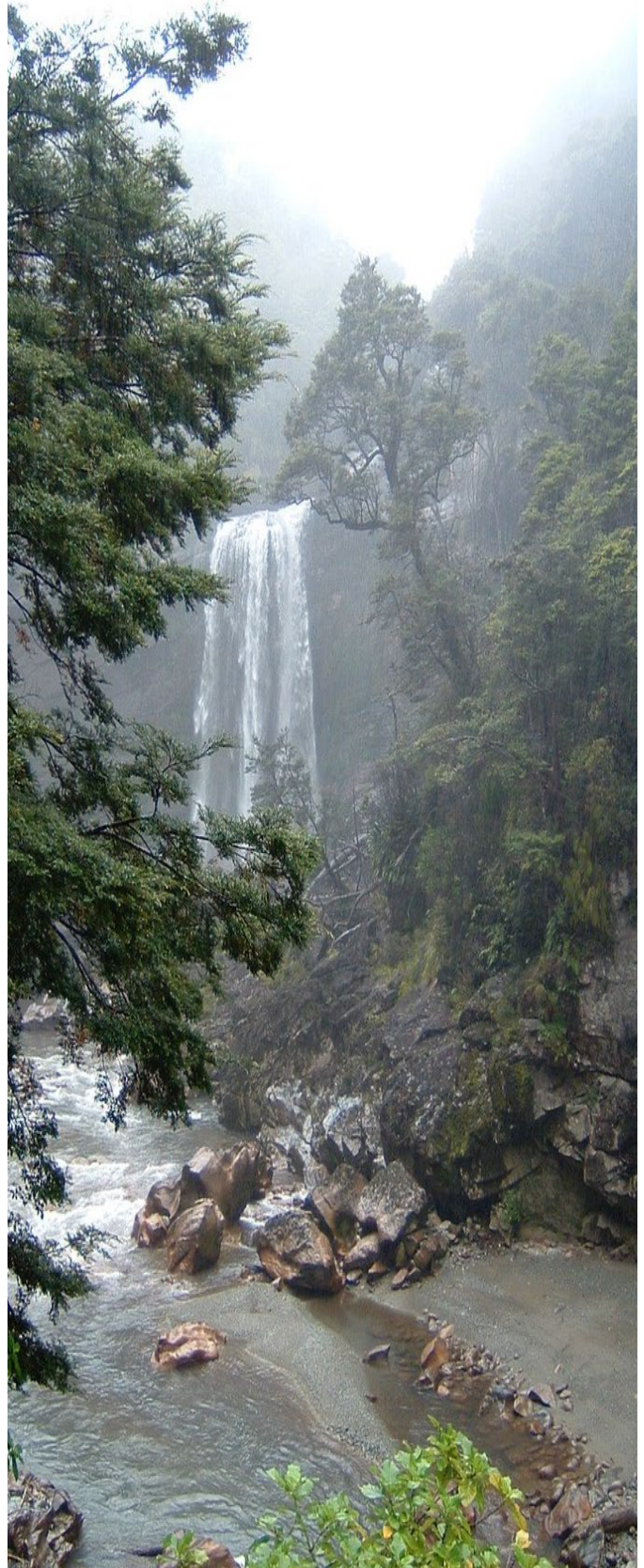
- solicit, demand or request any gift or benefit because of their position.
- claim expenses which are not legitimate.
- fail to declare gifts given to them because of their position (see explanation of declaring gifts set out under Section 5.6 of this Code).
- influence, or attempt to influence, any Council employee, or another member, in order to benefit their own, or family's, personal or business interests.
- use information and/or Council resources for any purpose which is not directly related to Council business, including use of Council resources to promote personal or business interests.
- Use, directly or indirectly, any Council resources and/or branding for the purpose of seeking reelection.

Note: refer to the OAG Guidelines – [“Good Practice for Managing Public Communications by Local Authorities”](#).

### 3.3 Leadership

Elected Members agree to be bound by this Code and demonstrate adherence to these principles through their leadership of the district. They should always endeavour to act individually and collectively in a way that maintains public confidence in the good governance of the Council.

These principles complement, and work in conjunction with, the governance principles relating to local authorities (sections 14 and 39 LGA).





# Roles & Responsibilities

Good governance requires clarity of roles and respect between those charged with responsibility for the leadership of the Council and those responsible for advice and the implementation of the Council's decisions. This section of the Code describes the roles and responsibilities of Elected Members, the Mayor, Deputy Mayor, Committee Chairpersons, and Chief Executive Officer.

## 4.1 Elected Members

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

- the development and approval of Council plans, policies and budgets;
- monitoring the performance of the Council against its stated objectives and policies;
- prudent stewardship of Council resources; and
- employment of the CEO.

Elected Members are also responsible for representing the interests of the residents and ratepayers of the district.

Unless otherwise provided in the LGA or in the Council's Standing Orders, the Council can only act by majority decisions at meetings. Any individual member (including the Mayor) has no authority to act on behalf of the Council unless provided for by statute or the Council has expressly delegated such authority.

Elected Members are committed to achieving the highest standards of conduct and behaviour at all times and will carry out their role to the best of their skill and judgment. To achieve this, Elected Members should:

- take responsibility for ensuring that they understand their roles and responsibilities and the Code;

- attend all meetings (including for external organisations to which they are appointed), task force groups (as appropriate) and any appropriate training opportunities provided by Council;
- come to meetings prepared, including having read relevant material;
- seek personal and skill development opportunities to effectively fulfil their statutory declaration of office and contribute to the good governance of Buller;
- maintain an appropriate standard of dress at public meetings, events or functions that does not discredit the Council.
- Generally, the more formal the occasion, the more formal the standard of dress required (monthly council meetings are deemed to be a formal occasion).

## 4.2 Mayor

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

- lead the development of the Council's plans (including long-term plan and annual plan), policies and budgets for consideration by members of the territorial authority;
- appoint the Deputy Mayor;

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

### 4.3 Deputy Mayor

If the Mayor has not appointed the Deputy Mayor as noted above, then the Deputy Mayor must be elected by the members of Council, at the first meeting of the Council.

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

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

### 4.4 Committee Chairpersons

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

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

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

### 4.5 Chief Executive Officer

Section 42 of the LGA provides that the CEO is the only person directly employed by the Council itself. All concerns about the performance of an individual member of staff must, in the first instance, be referred to the CEO.

As the principal administrative officer of the local authority, it is the CEO, not the Elected Members, who is responsible for:

- implementing the decisions of the Council;
- providing advice to the Council and its committees;
- ensuring that all responsibilities, duties and powers delegated to him or her, or to any person employed by the local authority, or imposed or conferred by an Act, regulation or bylaw, are properly performed or exercised;
- managing the Council's activities effectively and efficiently;
- maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the Council;
- providing leadership for the staff of the Council;
- employing staff on behalf of the Council (including negotiation of the terms of employment for the staff of the local authority).

While the Council is ultimately accountable, its function is not to make detailed decisions on operational matters. The Council, committee structures and Elected Members day-to-day dealings with the CEO should recognise the statutory responsibilities of the CEO for the effective management of Council staff and for implementing the decisions of the Council.

# Relationships & Behaviours

This section of the Code sets out the Council’s agreed standards of behaviour between members; members and staff; and members and the public. Any failure by members to meet the standards set out in this section represents a breach of this Code. For clarity, sections 5.1 to 5.3 include (but is not limited to) any written communication between Elected Members, or from an Elected Member, including through social media platforms.

## 5.1 Relationship with Other Members

Successful teamwork is a critical element in the success of any organisation. No team will be effective unless mutual respect exists between members. Members must conduct their dealings with each other in ways that:

- maintain public confidence in the office to which they have been elected;
- are open and honest;
- focus on issues rather than personalities;
- avoids abuse of meeting procedures, such as a pattern of unnecessary notices of motion and/or repetitious points of order; and
- avoids conduct which is aggressive, offensive or abusive or which may constitute unlawful or inappropriate behaviour.

## 5.2 Relationship with the Chief Executive Officer and Staff

**Elected Members should be aware that failure to observe the standards in section 5.2 of the Code may compromise the Council’s obligations to act as a good employer and may expose the Council to civil litigation and/or audit sanctions.**

Effective performance of the Council requires a high level of cooperation and mutual respect between Elected Members and staff. Members will:

- recognise the CEO is the employer (on behalf of the Council) of Council staff and only the CEO (or his/her delegate) may hire, dismiss, instruct or discipline an employee;
- make themselves aware of the obligations that the Council and the CEO have as employers and observe those requirements at all times;
- treat all Council staff with courtesy and respect (including the avoidance of aggressive, offensive or abusive conduct towards employees);
- observe any guidelines that the CEO puts in place regarding contact with employees;
- not do anything which compromises, or could be seen as compromising, the impartiality of an employee;
- avoid publicly criticising any employee in any way, but especially in ways that reflect on the competence and integrity of the employee;
- raise concerns about employees only with the CEO, and concerns about the CEO only with the Mayor or Deputy Mayor;
- not seek to improperly influence staff in the normal undertaking of their duties.

### 5.3 Relationships with the public

Effective Council decision-making depends on productive relationships between Elected Members and the community at large. Elected Members will:

- interact with members of the public in a fair, respectful, equitable and honest manner;
- be available to listen and respond openly and honestly to community concerns;
- consider all points of view or interests when participating in debate and making decisions;
- treat members of the public in a courteous manner; and
- act in a way that upholds the reputation of the local authority and values community involvement in local democracy.

### 5.4 Contact with the Media

The media plays an important part in local democracy. To fulfil this role, the media needs access to accurate and timely information about the affairs of the Council. From time to time, individual members will be approached to comment on a particular issue either on behalf of the Council, or as an Elected Member in their own right.

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.
- Elected 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 Elected 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.



### 5.5 Information available to Elected Members

Any failure by members to act in the manner described in this section 5.5 will be treated seriously and will immediately be referred by the CEO to an independent investigator for assessment under section 6.2 and Schedule 3 of this Code.

#### Confidentiality

To enable Elected Members to properly discharge their duties, members are entitled to, and receive, a broad range of information which is publicly accessible. In the course of their duties, Elected Members will also receive information that may be classified as confidential. This includes information received at meetings which are closed to the public or information that is identified as confidential.

Elected Members may also be provided with, confidential information held by Council. Confidential information includes information that staff have determined there is good reason to withhold under sections 6 and 7 of the Local Government Official Information and Meetings Act 1987 ('LGOIMA'). This will often be information that is either commercially sensitive or is personal to a particular individual. The Council's Privacy Officer is responsible for the release of information under LGOIMA.

Elected Members must not use or disclose confidential information for any purpose other than the purpose for which the information was supplied to the Elected Member. Elected Members should be aware that failure to observe these provisions relating to confidential information will impede the performance of Council by inhibiting information flows and undermining public confidence in the Council. They may also expose the Council to prosecution under the Privacy Act 1993 and/or civil litigation.

A breach of confidentiality could also indicate a lack of good faith which may be relevant to the assessment of personal liability (see explanation of sections 43 to 47 of the LGA set out in Schedule 1 of the Code).

### Information received in capacity as an Elected Member

Members will disclose to other members and, where appropriate the CEO, any information received in their capacity as an Elected Member that concerns the Council's ability to give effect to its responsibilities.

Members who are offered information on the condition that it remains confidential will inform the provider of the information that is the member's duty to disclose the information and will decline the offer if that duty is likely to be compromised.

Elected Members are accountable to the public.

- All official information held by them personally, whether on Council equipment or their own personal equipment is subject to the LGOIMA.
- Official information, if sought as part of a request, must be made available immediately to the CEO (or nominee) so that it can be assessed in terms of the requirements of the LGOIMA.

### 5.6 Gifts and Hospitality

A person in a position of trust, such as an Elected Member, should not make a profit through his or her office. The Crimes Act 1961 and the Secret Commissions Act 1910 deals with corruption and the obtaining of gifts as an inducement or reward for acts in relation to the Council's affairs (refer to Schedule 1). Gifts can include discounts, commissions, bonus or deductions.

Acceptance of gifts, services or hospitality may be considered as a bribe or perceived as undue influence. Elected Members must notify the Governance Assistant (or delegate) if any gifts are accepted for inclusion in the Gifts Register maintained by the Council. Where a gift to the value of \$150 or more is offered to a member, it will also be included in the Register of Members Interests maintained by the Council.



As guidance:

- The cumulative value of recurring gifts received each financial year from the same donor must be disclosed. For example, if someone provides a member with concert tickets at different times through the year, the total value of those tickets over the relevant financial year is to be disclosed.
- A member is not required to disclose tickets to events for which that member is required to attend as the Council's representative.
- Working lunches and social occasions should be undertaken with a recognition of the public perception regarding undue influence on Elected Members.

## 5.7 Conflicts of Interest

**Failure to observe the requirements of the Local Authorities (Members' Interests) Act 1968 ('LAMIA') could potentially invalidate a decision made, or action taken, by the Council. Failure to observe these requirements could also leave the Elected Member open to prosecution. In the event of a conviction, Elected Members can be removed from office.**

Schedule 2 of this Code sets out the Code's conflict of interest requirements. Elected Members must fully acquaint themselves, and adhere strictly to, these requirements.

Ultimately, it is up to each member's own judgement as to whether they have an interest that needs to be disclosed or declared, and what action they take (if any) as a consequence.

The requirements cover two classes of conflict of interest:

- **A financial conflict of interest:** is one where a decision or act of the governing body could reasonably give rise to an expectation of financial gain or loss to an elected member.

A financial conflict of interest need not involve cash changing hands directly. It could, for example, relate to an effect on the value of land or shares that the member owns, or an effect on the turnover of a business that the member is involved in.

There are particularly strict provisions (and penalties) relating to dealing with a financial conflict of interest.

- **A non-financial conflict of interest** does not have a personal financial component. It may arise, for example, from a personal relationship, or involvement with a non-profit organisation, or from conduct that indicates prejudice or predetermination.

Elected Members are required to complete declarations of interest following their inauguration, and to update their declarations as and when required.

## 5.8 Bankruptcy

Elected Members who are declared an undischarged bankrupt shall notify the CEO when elected or as soon as practicable after being so declared. The member will provide the CEO with a brief explanatory statement of the circumstances surrounding the bankruptcy, including its likely outcome. This must be recorded in the Register of Interests.

## 5.9 Disqualification from Office

The LGA and Standing Orders provide for disqualification of Elected Members from office for example, if they:

- are convicted of a criminal offence punishable by two or more years imprisonment;
- cease to be an elector or become disqualified for registration as an elector under the Electoral Act 1993;
- breach the LAMIA; or
- are absent without approved leave from the Council for four consecutive ordinary meetings of the Council.



## 6

# Breaches of the Code

Members must comply with the provisions of this Code (clause 15(4), Schedule 7, LGA). The exact nature of the action taken to resolve any allegations relating to misconduct of an Elected Member will depend on the nature of the alleged breach and whether there are statutory provisions dealing with the issue in question.

## 6.1 Principles

The following principles will guide any processes for investigating and determining whether a breach under this Code has occurred:

- that the approach for investigating and assessing a complaint will be proportionate to the apparent seriousness of the breach complained about;
- that the roles of complaint, investigation, advice and decision-making will be kept separate as appropriate to the nature and complexity of the alleged breach; and
- that the concepts of natural justice and fairness will apply in the determination of any complaints made under this Code. This requires, conditional on the nature of an alleged breach, that affected parties:
  - have a right to know that an investigation process is underway;
  - are given due notice and are provided with an opportunity to be heard;
  - have a right to seek appropriate advice and be represented;
  - have their privacy respected.

## 6.2 Complaints Process

Only an Elected Member, or the Chief Executive Officer (either for him/herself or on behalf of an employee), who believes that the Code has been breached by the behaviour or action of a member, may make a complaint to that effect. A complaint may be made as a result of a single incident or as the culmination of a series of incidents.

Before making a complaint, members are encouraged to resolve the matter by discussion with the member alleged to have committed the breach.

All complaints made under this Code must be made in writing and addressed to the CEO, setting out the alleged breach of the Code and providing corroborating evidence. On receipt of a complaint, the CEO must follow the process set out in Schedule 3. For the purpose of the Code, (an) Elected Member(s) who is/are the subject of a complaint under the Code is/are 'the respondent'.

### Panel of Independent Investigators

On behalf of the Council, the CEO will, shortly after the start of a triennium, prepare, in consultation with the Mayor, a list of investigators for the purpose of undertaking an assessment of complaints (when required) and making recommendations to the Council. The CEO may prepare a list specifically for the Council, prepare a list jointly with neighbouring councils or contract with an agency capable of providing appropriate investigators. The Panel of Independent Investigators is not a committee of the Council.



**Materiality**

An alleged breach under this Code is material if, in the reasonable opinion of an independent investigator, it would, if proven, bring an Elected Member or the Council into disrepute or, if not addressed, reflect adversely on another Elected Member of the Council.

An alleged breach of section 5.5 of the Code (Information available to Elected Members) will automatically be considered material and referred to an independent investigator for assessment.

**6.3 Penalties and actions**

Where a complaint is determined to be a material breach of the Code and referred to the Council for determination, the nature of any penalty or action will depend on the seriousness of the breach.

**Material breaches**

In the case of material breaches of this Code the Council may require one or more of the following:

- a letter of censure to the member;
- a request (made either privately or publicly) for an apology; a vote of no confidence in the member;
- removal of certain Council-funded privileges or Council appointments;
- restricted entry to Council offices, such as no access to staff areas (where restrictions may not previously have existed);
- limitation on any dealings with Council staff so that they are confined to the CEO only;
- suspension or removal from Committees (including joint committees), task forces or other Council bodies; or
- an invitation for the member to consider resigning from the council.

The Council may decide that a penalty will not be imposed where the respondent agrees to one or more of the following:

- attend a relevant training course; and/or
- work with a mentor for a period; and/or
- participate in voluntary mediation (if the complaint involves a conflict between two members); and/or
- tender an apology.

**Breaches of Legislation**

If there are statutory provisions dealing with the issue in question, the issue will not be dealt with as a breach of the Code but may be addressed in accordance with the relevant statutory provisions:

- Issues relating to members' interests may render members liable for prosecution by the Auditor General under the Local Authorities (Member's Interests) Act 1968 and, if convicted, the Member can be removed from office;
- Issues which result in the Council suffering financial loss or damage may be reported on by the Auditor General under the LGA, which may result in the member having to make good the loss or damage;
- Issues relating to the commission of a criminal offence may leave the Elected Member liable for criminal prosecution.

Council may refer an issue to the relevant body, any member of the public may make a complaint to that body, or the Auditor General or the Police may take action of their own initiative.

**Breaches of the Code during meetings**

It is expected that compliance with the provisions of this Code during a meeting shall be dealt with by the Chairperson of that meeting, within Standing Orders, at the time the breach arises.

Elected Members should raise alleged breaches of the Code with the Chairperson at the time. If an Elected Member believes that an alleged breach of the Code has not been dealt with adequately by the Chairperson at a meeting, that Elected Member may initiate the procedures set out in Section 6.2 and Schedule 3 in the Code.

## 7

# Review or Changes to the Code

The Council may by resolution of 75 percent or more, change the Code at any time. The Council will formally review the Code as soon as practicable after the beginning of each triennium. The results of that review will be presented to the full Council for its consideration and vote. The Code should be read in conjunction with the Council's Standing Orders.



## Schedule 1

# Summary of Legislation

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This Schedule is a summary of the legislative requirements that have some bearing on the duties and conduct of Elected Members. Copies of the legislation can be found on [www.legislation.govt.nz](http://www.legislation.govt.nz) or requested from the Governance Assistant.

### Local Government Act 2002 ('LGA')

#### Governance Principles

In performing its role the Council must act in accordance with nine broad principles as set out in section 14(1) of the LGA as follows:

- conduct its business in an open, transparent, and democratically accountable manner; and give effect to its identified priorities and desired outcomes in an efficient and effective manner;
- make itself aware of and have regard to the views of all its communities;
- when making a decision, take account of the diversity of the community and the various community's interests;
- the interests of future as well as current communities and the likely impact of any decision on these interests;
- provide opportunities for Maori to contribute to its decision-making process;
- collaborate and cooperate with other local authorities;
- undertake commercial transactions in accordance with sound business practices and assess periodically the expected returns from investing in or undertaking a commercial activity;
- ensure prudent stewardship and efficient and effective use of its resources in the interests of the district;
- take a sustainable development approach that takes into account the social, economic and cultural interests of people and communities and the need to maintain and enhance the quality of the environment and the reasonably foreseeable needs of future generations.

If any of the principles are in conflict, the Council must resolve that conflict in an open, transparent and democratically accountable manner. These principles are helpful in determining the governance structure as they are indicative of the spirit and intent of the LGA and govern the way in which the Council undertakes decision-making. A Council that is seen to act in conflict with these principles can be subject to judicial review.

In deciding on a governance structure, section 39 is also helpful to consider as it defines the following governance principles:

- a local authority should ensure that the role of democratic governance of the community, and the expected conduct of elected members, is clear and understood by elected members and the community;
- a local authority should ensure that the governance structures and processes are effective, open and transparent;
- local authority should ensure that, so far as is practicable, responsibility and processes for decision-making in relation to regulatory responsibilities is separated from responsibility and processes for decision-making for non-regulatory responsibilities;
- a local authority should be a good employer; and
- a local authority should ensure that the relationship between elected members and management of the local authority is effective and understood.

### Decision-Making Responsibility

Every decision made by a local authority, including a decision not to take any action, must be made in accordance with sections 77, 78, 80, 81 and 82 of the LGA. Specifically, the Council must during the decision-making process:

- seek to identify all reasonably practicable options for the achievement of the objective of a decision;
- assess the options in terms of their advantages and disadvantages;
- identify those options which involve a significant decision in relation to land or a body of water, take into account the relationship of Maori and their culture and traditions with their ancestral land, water, sites, wahi tapu, valued flora and fauna and other taonga;
- give consideration to the views and preferences of persons likely to be affected by, or to have an interest in the matter;
- determine the matters significance in relation to Council's Significance and Engagement Policy;
- identify whether the proposed decision would be significantly inconsistent with any existing policy or plan;
- establish and maintain processes to provide opportunities for Maori to contribute to the decision-making process;
- consider ways in which the Council may foster the development of Maori capacity to contribute to the decision-making process;
- provide relevant information to Maori;
- undertake consultation in accordance with the principles of consultation as set out in section 82.

### Significance and Engagement

A higher standard of compliance with the decision making process is required when the Council is making a significant decision. The definition of "significance" is defined in the LGA and in the Council's Significance and Engagement Policy.

If the Council determines that the decision or matter is significant in terms of the Council's Policy, then the Council must apply greater diligence in regards to the decision making requirements of the LGA.

This includes the degree to which different options are identified and assessed and the extent to which community views are considered, including whether consultation is required.

The more significant a matter, the greater the level, and detail, of analysis is required.

Section 78 alone does not require the Council to undertake a consultation process, provided the Council has sought to make itself aware of the views of those interested or affected. The Council may, for example, have gathered information through a process, formal or informal, which has provided the Council with the information it needs to take community views into account. The Significance and Engagement Policy provides guidance on when consultation will and will not be undertaken.

### Personal liability of members

Although having qualified privilege, Elected Members can be held personally accountable for losses incurred by a local authority where, following a report from the Auditor General under section 44 LGA, it is found that one of the following applies:

- money belonging to, or administered by, a local authority has been unlawfully expended; or
- an asset has been unlawfully sold or otherwise disposed of by the local authority; or
- a liability has been unlawfully incurred by the local authority; or
- a local authority has intentionally or negligently failed to enforce the collection of money it is lawfully entitled to receive.

Members will not be personally liable where they can prove that the act or failure to act resulting in the loss occurred as a result of one of the following:

- without the member's knowledge;
- with the member's knowledge but against the member's protest made at or before the time when the loss occurred;
- contrary to the manner in which the member voted on the issue; and
- in circumstances where, although being a party to the act or failure to act, the member acted in good faith and relied on reports, statements, financial data, or other information from professional or expert advisers, namely staff or external experts on the matters.

In certain situation members will also be responsible for paying the costs of proceedings (section 47 LGA 2002).

### Local Authorities (Members' Interests) Act 1968 ('LAMIA')

LAMIA regulates situations where an Elected Member's personal interests impinge, or could be seen as impinging on their duties as an Elected Member.

Members may contact the Office of the Auditor General ('OAG') for guidance as to whether that member has a pecuniary interest, and if so, may seek (through an application from the Council) an exemption to allow that member to participate or vote on a particular issue in which they may have a pecuniary interest. The latter must be done before the discussion or vote. The CEO must also seek approval from the OAG for contractual payments to members, their spouses or their companies that exceed the \$25,000 annual limit.

Failure to observe these requirements could also leave the Elected Member open to prosecution under the LAMIA. In the event of a conviction Elected Members can be removed from office. Further guidance is detailed under Schedule 2 of the Code.

### Local Government Official Information and Meetings Act 1987 ('LGOIMA')

The purpose of LGOIMA is to provide for the availability to the public of official information held by local authorities, and to promote the open and public transaction of business in meetings of local authorities.

The general principle is that information held by local authorities is to be made available unless there is good reason for withholding it. The principal grounds for withholding information are set out in sections 6 and 7 of LGOIMA.

LGOIMA sets out a number of statutory procedures and requirements for local authority meetings. Meetings are to be publicly notified, and open to the public unless there is good reason for withholding information and excluding the public.

The Chair has the responsibility to maintain order at meetings, but all Elected Members should accept personal responsibility to maintain acceptable standards of address and debate in line with the principles detailed in section 3 of this Code.

### Secret Commissions Act 1910 ('SCA')

It is unlawful for an Elected Member (or officer) to advise anyone to enter into a contract with a third person and receive a gift or reward from that third person as a result. It is also unlawful for an Elected Member (or officer) to present false receipts to the local authority.

If convicted of any offence under the SCA, a person can be imprisoned for up to 7 years. Elected Members convicted of an offence will be removed from office.

### Crimes Act 1961

It is a crime for any Elected Member to accept, or solicit for themselves (or anyone else), any gift or reward for acting or not acting in relation to the business of the local authority. It is also a crime for any Elected Member to use information acquired in his or her official capacity for monetary gain or advantage.

These offences are punishable by a term of imprisonment of 7 years or more. Elected Members convicted of these offences will be removed from office.

### Financial Markets Conduct Act 2013 ('FMCA')

The FMCA regulates the offer, issue and re-sale of financial products, which includes shares, debt securities and derivatives.

Council is unable to issue shares, but can issue debt securities and derivatives, and may from time to time sell financial products. If Council does issue financial products or, in certain cases, sells financial products that it holds, members will be potentially subject to personal liability for breaches of the offer and other provisions of the FMCA.



## Health & Safety at Work Act 2015 (‘HSWA’)

HSWA came into force on 4 April 2016. Its focus is the protection of workers and other people against harm to their health, safety and welfare by eliminating or minimising risks at workplaces.

The HSWA places obligations on four duty holders- a person conducting a business or undertaking (‘PCBU’); officers of a PCBU; workers; and other people at a workplace. Council as a PCBU holds the primary duty of care under HSWA i.e. to ensure so far as is reasonably practicable, the health and safety of its workers and of other workers whose activities Council influences or directs.

Each elected member is an ‘officer’ (being a person occupying a position in a body corporate that is comparable with that of a director of a company), responsible under HSWA for exercising due diligence to ensure that the Council is meeting its health and safety responsibilities under HSWA. The CEO and Senior Leadership Team are also officers under HSWA.

The due diligence duty of officers supports the primary duty of care owed by a PCBU – placing duties on individuals whose decisions significantly influence the activities of a PCBU, therefore influencing whether the PCBU meets its statutory duties.

Unlike the Chief Executive Office and Senior Leadership Team, Elected Members are not required to be directly involved in the day- to- day management of health and safety. They are, however, still required to take reasonable steps to understand Council’s operations and health and safety risks, and to ensure that they are managed so that the organisation meets its legal obligations under the HSWA.

This duty does not extend to ensuring that a council controlled organisation (‘CCO’) complies with the HSWA, unless the Elected Member is also an ‘officer’ of that CCO.

Taking ‘reasonable steps’ requires each Elected Member to exercise the care, diligence and skill a reasonable officer would exercise in the same circumstances, taking into account matters including the nature of Council’s business, and the Elected Member’s position and nature of his/her responsibilities.

Most officers can be convicted of an offence for failing to meet their due diligence obligations, whether or not a PCBU is convicted of an offence. Elected members, however, when acting in the capacity of an elected member of the Council are expressly exempted from prosecution.

## Protected Disclosures Act 2000

Under the PDA, the definition of an employee of a public sector organisation (PSO) includes Elected Members of a local authority. Elected Members (as ‘employees’) who disclose information about a serious wrongdoing by the Council are protected from civil or criminal liability that might arise from such a disclosure and from retaliatory action against the Elected Member.

Serious wrongdoing under the Act includes unlawful or irregular use of funds or resources; conduct that risks public health and safety; conduct that risks the maintenance of law; conduct that constitutes an offence; oppressive, improper discriminatory conduct; and gross negligence or gross mismanagement by a public official.

Protection under the PDA applies where the employee has information about a serious wrongdoing; a reasonable belief that the information is true or likely to be true; the employee wishes to have the matter investigated; and that employee desires protection under the Act.

For Elected Members, the default position requires a disclosure to be made to the CEO or Acting CEO. If the employee considers the CEO or Acting CEO may be involved in serious wrongdoing, the matter can also be escalated to an “appropriate authority”. Appropriate authorities are defined in the Act and include the Commissioner of Police, the Controller and Auditor-General and the Parliamentary Ombudsman.

## Schedule 2

# Conflicts of Interest

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## General

Elected Members are expected to approach decision making with an open mind- 'faithfully and impartially' and in 'the best interests of Buller District'. Elected Members must therefore be careful that they maintain a clear separation between their personal interests and their duties as a member of Council (as governing body, and as a member of a Council committee or other Council body). They must exercise care to avoid situations where they have, or appear to have, a conflict of interest.

Elected Members must carry out their duties free from bias (whether actual or perceived). Bias is the common factor in all conflict of interest situations. The rule about bias applies to both financial and non-financial conflicts of interest and is summed up in the saying 'no one may be judge in their own cause'.

In the local government context, financial conflicts of interest are governed primarily by the Local Authorities' (Members' Interests) Act 1968 ('LAMIA') and non-financial conflicts of interest are governed by the common law rule about bias.

Broadly speaking, a conflict of interest exists when an elected member could use, or uses, their position to further their own interests or those of their partner, or spouse. The various types of conflict of interest include:

- Direct financial interest- where a decision or act of the Council could reasonably give rise to an expectation of financial gain or loss to an elected member.
- Indirect financial interest- where cash doesn't change hands directly but, for example, may influence the value of land or shares that the member owns, or an effect on the turnover of a business that the member is involved in;

- Non-financial interest- where an elected member's responsibilities as a member of Council could be affected by some other separate interest or duty that he/she may have in relation to a matter as a result of, for example, a personal relationship, or involvement with an external organisation, or from conduct that indicates prejudice or predetermination.

Conflicts of interest can be:

- Actual: where the conflict of interest already exists;
- Potential: where the conflict is about to happen, or reasonably could happen; or
- Perceived: where other people might reasonably think an Elected Member is not being objective or his/her position as an Elected Member has been compromised.

## Financial conflicts of interest

Elected members are often faced with the question of whether or not they have a pecuniary interest in a decision and if so whether they should participate in discussion on that decision and vote. When determining if this is the case or not the following test is applied:

*"...whether, if the matter were dealt with in a particular way, discussing or voting on that matter could reasonably give rise to an expectation of a gain or loss of money for the member concerned."* (OAG, 2001)

Members should consider the following factors in considering whether they have a financial interest.

- What is the nature of the decision being made?
- Do I have a financial interest in that decision- do I have a reasonable expectation of gain or loss of money by making that decision?

- Is my financial interest one that is in common with the public?
- Do any of the exceptions in the LAMIA apply to me?
- Could I apply to the Auditor-General for approval to participate?

Members may seek assistance from the Mayor or another person to determine if they should discuss or vote on an issue but ultimately it is their own judgment as to whether or not they have pecuniary interest in the decision. Any member who is uncertain as to whether they have a pecuniary interest is advised to seek independent legal advice. Where uncertainty exists, members may adopt a least-risk approach which is to not participate in discussions or vote on any decisions.

The two specific rules in the LAMIA relate to:

**1. Contracts**

An Elected Member is disqualified from office, or from election to office, if that member is concerned or interested in contracts and subcontracts (either directly or indirectly) under which payments made by or on behalf of Council exceed \$25,000 in any financial year (unless there is an exemption granted by the Office of the Controller and Auditor-General ('OAG')).

The \$25,000 limit includes GST. The limit relates to the value of all payments made for all contracts in which a member is interested during the financial year. It does not apply separately to each contract, nor is it just the amount of the profit the contractor expects to make or the portion of the payments to be personally received by the member.

It is an offence under LAMIA for a person to act as a member of the Council (or Council committee) while disqualified.

**2. Participation in decision-making**

Elected Members must not participate in any Council discussion or vote on any matter in which they have a financial interest (either directly or indirectly), other than an interest in common with the public.

Both rules apply in the case of an interest or concern through an Elected Member's spouse or partner, or through a company or trust.

**How is bias determined?**

Bias is determined by asking the following question:

*"Is there, to a reasonable, fair-minded and informed observer, a real danger of bias on the part of a member of the decision-making body, in the sense that he or she might unfairly regard with favour (or disfavour) the case of a party to the issue under consideration?"*

It is natural to expect that Elected Members will bring their own experience and knowledge to the decision-making process; that members may already have views – even strong or publicly stated views – about the matter; and that political considerations may play a part in the decision.

The question is not limited to actual bias, but relates to the appearance or possibility of bias reflecting the principle that justice should not only be done, but should be seen to be done. Whether or not members believe they are not biased is irrelevant.

Members should focus on the nature of the conflicting interest or relationship and the risk it could pose for the decision-making process. The most common risks of non-pecuniary bias are where:

- members' statements or conduct indicate that they have predetermined the decision before hearing all relevant information (that is, members have a "closed mind"); and
- members have a close relationship or involvement with an individual or organisation affected by the decision.

In determining whether they might be perceived as biased, members must also consider the context and circumstance of the issue or question under consideration. For example, if a member has stood on a platform and been voted into office on the promise of implementing that platform then voters would have every expectation that the member would give effect to that promise, however he/she must still be seen to be open to considering new information (this may not apply to decisions made in quasi-judicial settings, such as an RMA hearing).



### Declarations of interest

To help identify possible conflicts of interest the Council operates a Register of Members' Interests.

Elected Members must make full and complete declarations of interests following the Inaugural Meeting of Council (after local government elections or by-election, as appropriate), and then every six months, using the Register of Members' Interests Declaration Form. These declarations of interests are a key individual responsibility of all Elected Members. They must notify the Council of the nature and extent of any interest as further detailed in the declaration form.

Declarations will be recorded in a Register of Members' Interests maintained by Council. The Register (or a fair and accurate summary of its contents) will be available for public inspection. A summary will be published on the Council's website.

The Register does not remove the requirement to disclose conflicts of interest as they arise. Members must therefore advise the Council, as soon as practicable during the year, if any new interests arise; complete a declaration of interests form every six months and update the Register whenever a member's interest has changed. Members must also declare their interests at meetings where matters in which they have a conflict of interest arise. The Elected Member must:

- declare the existence of a conflict to the meeting (the member does not have to disclose the nature of the interest concerned, though he or she is required if the interest is a financial one);
- abstain from discussion and voting (take no part in the consideration of the matter). Depending on the issue, the member may consider it best to leave the meeting room itself.

### General awareness and support

There is no simple binding rule that covers all conflict of interest situations – each situation must be evaluated on its individual merits. If an Elected Member is in any doubt as to whether he/she should declare an interest and stand aside from decision-making (including a decision to take no action), then he/she should seek guidance from the Mayor immediately; seek advice from the OAG (as to whether there is a financial interest) or from his/her own lawyer.

In some situations of pecuniary interest, a member may be able to obtain an exemption from the OAG to allow him/her to participate or vote on a particular issue. Any exemptions must be obtained before the discussion or vote takes place.

*The Auditor General can retrospectively approve contracts that would otherwise disqualify a member under the Act, in limited cases.*

In a case of doubt, a member should refrain from discussing or voting on the matter in question and preferably physically withdraw from the meeting. The minutes of the meeting will record the member's declaration of interest and absence from voting.

Relevant guidelines include:

- ['Guidance for Members of Local Authorities about the Local Authorities' \(Members' Interests\) Act 1968'](#) – Office of the Auditor General 2010;
- ['Managing Conflicting Interests in Local Government: The Local Authorities \(Members' Interests\) Act 1968 and Associated Issues'](#) – Department of Internal Affairs August 2011;

### Consequences of bias and/or breach of the LAMIA

An Elected Member will be automatically disqualified from office if he/she is concerned or interested in contracts and subcontracts (either directly or indirectly) under which payments made by or on behalf of Council exceed \$25,000 in any financial year.

If an Elected Member has a financial interest in a matter and participates in discussion and voting on it, he/she will have committed an offence under the LAMIA. In the event of a conviction, an Elected Member can be removed from office.

An Elected Member's bias (whether actual or perceived) has the potential to invalidate the particular decision made, or the action taken, by Council (if successfully challenged by way of judicial review).

If an Elected Member's conduct has contributed to Council incurring a loss; that conduct could also result in personal financial liability under section 46 of the LGA (refer to Schedule 1).

## Schedule 3

# Process for the investigation and determination of complaints

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## Summary

There is a five-stage process for dealing with complaints under the Code of Conduct:

### Stage 1:

Acknowledgement of the complaint and the respondent is informed.

### Stage 2:

Preliminary assessment of the complaint – led by either the CEO or an independent investigator.

### Stage 3:

Informal resolution of complaint (where alleged breach is considered non-material).

### Stage 4:

Independent investigator assessment where:

- the alleged breach is considered material;
- the complaint has not been able to be resolved informally; or
- the complaint is otherwise referred to an independent investigator by the CEO.

### Stage 5:

The Council's consideration of the investigator's report.

## Stage 1: Acknowledgment of complaint

1. Within two working days of receipt of a complaint, the CEO will:
  - a. acknowledge receipt and refer the complainant to the process for dealing with the complaint under this Code.
  - b. inform the respondent that a complaint has been made against them and refer them to the process for dealing with the complaint under this Code.

## Stage 2: Preliminary assessment of complaint

2. The CEO, with the Mayor (or Deputy Mayor if the complaint involves the Mayor) will assess whether:
  - a. the complaint is frivolous or without substance and should be dismissed;
  - b. the complaint is outside the scope of the Code and should be redirected to another agency or process;
  - c. the subject of the complaint has previously been assessed and actions have been completed in accordance with the Code to address the complaint;
  - d. the complaint is not material and should progress to informal resolution (refer to Stage 3); or
  - e. the complaint is material and a full investigation is required by an independent investigator (refer to Stage 4). An alleged breach of section 5.5 of the Code is deemed to be material.
3. The CEO may request further information/evidence from the complainant in support of the complaint and, if considered appropriate, may also request a preliminary statement in response from the respondent.
4. Where the CEO and the Mayor (or Deputy Mayor) determines the complaint falls under paragraphs 2(a) or (c) above, the CEO will inform the complainant and the respondent directly. The CEO will also inform other Elected Members of the decision, unless there are grounds for the matter to remain confidential.

5. If it is determined that the complaint involves a potential legislative breach and is outside the scope of the Code, the CEO will forward the complaint to the relevant agency and inform both the complainant and respondent of the action.
6. Where the CEO and Mayor (or Deputy Mayor) determine the complaint is material, the matter must immediately be referred to an individual investigator for assessment (Stage 4).
7. The CEO has full discretion to refer any complaint to an independent investigator at any stage, even if it is considered not material.
8. The preliminary assessment of a complaint under Stage 2 will be completed within seven working days of receipt of the complaint. If additional time is required to complete the assessment, the CEO must notify the complainant and respondent with the date when the preliminary assessment is expected to be completed.

### Stage 3: Informal Resolution

9. Where the CEO and the Mayor (or Deputy Mayor) determine the complaint falls under paragraph 2(d) (refer to Stage 2), they will endeavour to settle the matter informally between the parties within 10 working days from the completion of Stage 2. The process for informal resolution must be fair to, and include, the affected parties.
10. The outcome of this initial process may be that the parties reach an informal agreement to resolve the complaint, in which case no further action is required. A written record of the informal agreement must be kept by the CEO's office.
11. If agreement is not possible between the parties under Stage 3, the CEO will refer the complaint to an independent investigator for full investigation.
12. For clarity, Stage 3 is not available if the complaint has been assessed as material under Stage 2 or referred to an independent investigator under paragraph 7 above.

### Stage 4: Independent Investigator Assessment

13. Where the CEO and the Mayor (or Deputy Mayor) determines the complaint falls under paragraph 2(e) in Stage 2, or the complaint is not otherwise resolved, the CEO will refer the complaint to an independent investigator selected from the approved Panel of Independent Investigators.
14. On receipt of a complaint the investigator will, if appropriate, assess whether:
  - a. the complaint is frivolous or without substance and should be dismissed;
  - b. the complaint is outside the scope of the Code and should be redirected to another agency or process;
  - c. the subject of the complaint has previously been assessed and actions have been completed in accordance with the Code to address the complaint;
  - d. the complaint is non-material; or
  - e. the complaint is material and a full investigation is required.
15. The investigator must carry out their assessment in accordance with the principles in section 6.1 and within the terms of engagement provided by the CEO. The assessment must be completed and sent to the CEO as soon as possible, no later than 20 working days from the date the complaint is referred to the investigator (unless otherwise agreed with the CEO).
16. In making the assessment, the investigator may make whatever initial inquiry is necessary to determine the materiality of an alleged breach and to recommend the appropriate course of action. The investigator has full discretion to recommend any complaint is dismissed which, in their view, fails to meet the test of materiality.
17. On receiving the investigator's assessment, the CEO will:
  - a. where an investigator determines that a complaint is frivolous or without substance or previously been assessed and actioned under the Code, inform the complainant and the respondent directly and inform other Elected Members (if there are no grounds for confidentiality) of the investigator's decision; or

- b. in cases where the investigator finds that the complaint involves a potential legislative breach and is outside the scope of the Code, forward the complaint to the relevant agency and inform both the complainant and respondent of the action.

#### Stage 4A: Actions where a breach is found to be non-material

18. The investigator will inform the CEO if they find the breach is non-material as part of their assessment (under Stage 4), and, if they choose, recommend a course of action appropriate to the breach, such as the respondent:
  - a. receiving direction from the Mayor (or Deputy Mayor as appropriate) regarding behaviour or conduct expected from Elected Members;
  - b. attending appropriate training or counselling to better understand the behaviour or conduct that is expected from Elected Members in circumstances that lead to the complaint.
19. The CEO, in consultation with the Mayor (or Deputy Mayor, as appropriate) may determine which recommendation, if any, from the independent investigator's assessment should be actioned. The CEO will advise both the complainant and the respondent of the investigator's findings, which are not open to challenge, and any recommendations to be actioned. The CEO will also notify other Elected Members, unless there are grounds of confidentiality. A written record must be kept by the CEO's office.
20. If the CEO and Mayor (or Deputy Mayor) do not agree on the investigator's recommendations to be actioned, the CEO must report the investigator's assessment to the Council for determination (refer to Stage 5).

#### Stage 4B: Actions where a breach is found to be material

21. The investigator will inform the CEO if they find that the breach is material as part of their assessment (Stage 4). The CEO will then inform the complainant and respondent. The investigator will then prepare a report for the Council on the seriousness of the breach.
22. In preparing the report the investigator must:
  - a. consult with the complainant, respondent and any affected parties; and
  - b. refer to any relevant documents or information provided by the CEO, and may undertake a hearing with relevant parties.
23. On receipt of the investigator's report, the CEO will prepare a report for Council, which will meet within a month of the CEO receiving the investigator's report to;
  - a. consider the findings of the investigator's report; and
  - b. determine whether a penalty, or some other form of action, will be imposed.

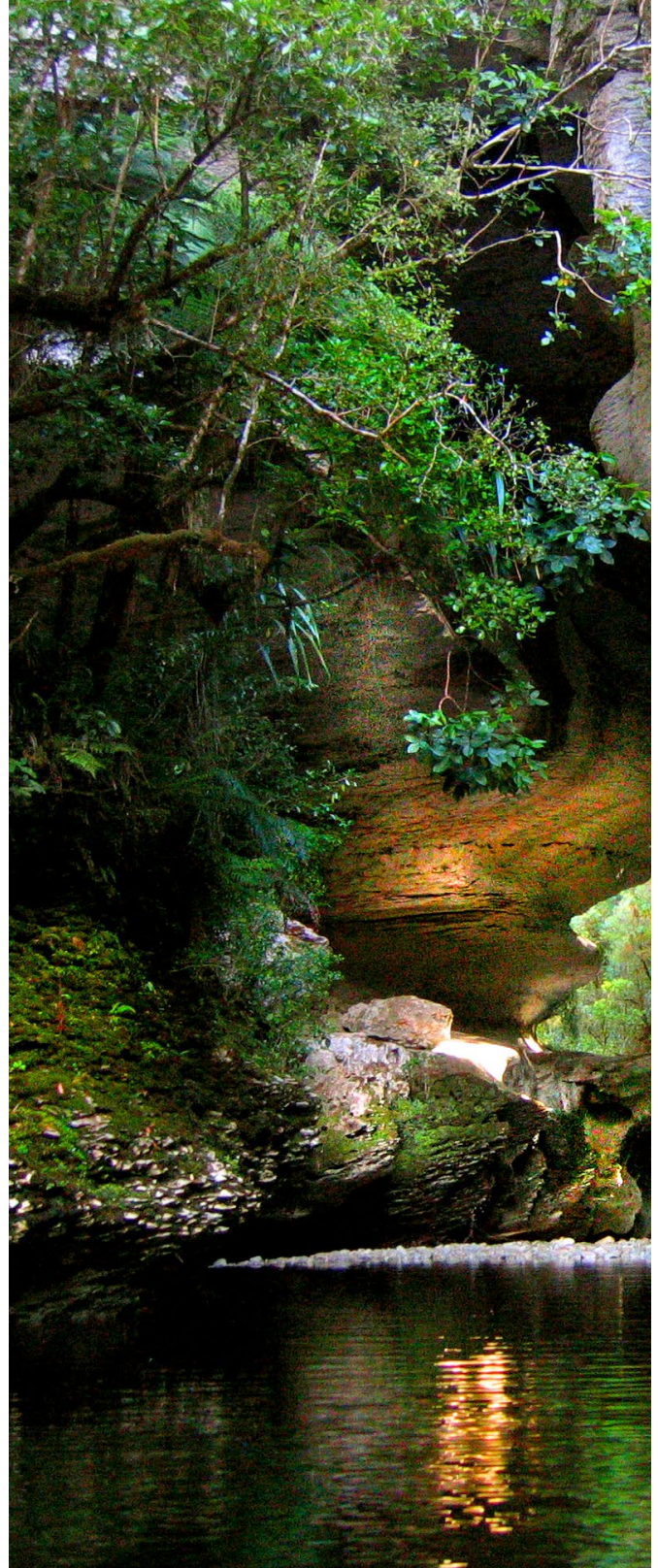
The CEO's report will include the full report prepared by the investigator, including any recommendations.

24. The CEO will share the investigator's report with the complainant and respondent under strict confidentiality inviting them to reply in writing as to whether they agree to the findings and whether they wish to make a written submission for consideration by the Council. The complainant and respondent must not disclose or discuss the investigator's report with any person other than the CEO and/or Mayor (or Deputy Mayor, as appropriate) prior to the Council meeting being held to determine the complaint.



**Stage 5: The Council’s consideration of an investigator’s report**

25. The CEO’s report (with the investigator’s full report or assessment, and any submission from the complainant or respondent, attached) will be considered by the full Council, excluding any interested members (including the complainant (if relevant) and respondent), only if:
- a. the CEO and Mayor do not agree on which recommendations from the investigator, if any, are to be actioned for a non-material breach (refer Stage 4A) or;
  - b. the breach is found to be material (refer State 4B)
26. The Council will consider the CEO’s report in an open meeting, except when the alleged breach concerns matters that justify the exclusion of the public, such as the misuse of confidential information or a matter that would otherwise be exempt from public disclosure under section 48 of the LGOIMA, in which case it will be a Public Excluded meeting.
27. Before making any decision in respect of the investigator’s report the Council will give the respondent an opportunity to appear and speak in their own defense. Members with an interest in the proceedings may not otherwise take part in these proceedings.
28. The form of penalty that might be applied will depend on the nature of the breach and may include actions set out in section 6.3 of this Code.



## BULLER DISTRICT COUNCIL

29 NOVEMBER 2023

AGENDA ITEM: 9

<b>Prepared by</b>	Steve Gibling Chief Executive Officer
<b>Reviewed by</b>	Jamie Cleine Mayor
<b>Appendix</b>	1 - Future of Local Government Position Paper 2 - Votes and Delegates

### LOCAL GOVERNMENT NEW ZEALAND SPECIAL GENERAL MEETING – FUTURE OF LOCAL GOVERNMENT POSITION PAPER

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#### 1. REPORT SUMMARY

Local Government New Zealand’s National Council has called a Special General Meeting (SGM) to vote on the position that has been developed through the future by local government consensus process held across September and November.

The purpose of this paper is to present the position paper for feedback from Council as well as to confirm the Council delegates to vote on this paper at that SGM.

#### 2. DRAFT RECOMMENDATION

1. That Council receive the “Local Government New Zealand Special General Meeting – Future of Local Government Position Paper” report.
2. That the Council confirm the three delegates to attend the Special General Meeting 11 December and mandate the delegates to vote as per Council resolutions.
3. That the Council provide feedback on the Local Government New Zealand position document (attached) for the delegates to vote on at the Special General Meeting.
4. That the Council approve the Mayor and Chief Executive to authorise the registration to the Special General Meeting.

### **3. BACKGROUND**

In June 2023, the Future for Local Government Panel released its final report. LGNZ's 2023 AGM agreed that local government should develop a consensus position or positions on the Panel's recommendations to put in front of the incoming government.

Council, at the AGM voted to support this approach and, since that vote, has participated through the Mayor and CEO's attendance to two subsequent workshops in Wellington. LGNZ have also shared an initial document that proposed a range of position statements that have been shared with Councillors for feedback.

The attached document now sets out the recommendations that will be voted on at the Special General Meeting online on 11 December 2023.

#### **Votes**

All local authorities who are full financial members of LGNZ are entitled to be represented at the SGM. Council has three delegates (which is determined by our population) and three votes (which is determined by our membership fee). More details are available in Attachment 2.



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# THE FUTURE BY LOCAL GOVERNMENT

// A consensus outcome paper based on Choosing Localism

// NOVEMBER 2023







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# It's time for a brighter future

Local government sees growing momentum for change and wants to drive that shift. The status quo faces huge funding pressure, with councils navigating difficult decisions as they deliver for communities while fulfilling unfunded mandates from central government. Current funding models are unsustainable; debt is increasing but so are infrastructure deficits.

Over the past three years, an independent panel identified ways to transform the local government system, with the Review into the Future for Local Government releasing its final report in June 2023. In July 2023, LGNZ's AGM resolved to develop a consensus position or positions on this report, to create a powerful advocacy platform. Together we've developed this consensus outcome paper through a series of in-person meetings and engagement. It sets parameters for conversations with the new Government and future governments.

To better serve our communities, the whole system of government needs to change, not just local government. An integrated system, with local government as a key strategic partner, would transform Aotearoa New Zealand's democratic landscape. Central government would focus on national direction, regulation and responses, while local government grows local delivery on the ground. Public money would be shared in a way that increases efficiency, delivering better outcomes for the communities we all serve. This would supercharge local government's ability to deliver the social, economic, environmental and cultural needs our communities are demanding at place – ultimately delivering future-proofed infrastructure and a more prosperous country.

Choosing localism sits at the heart of this work. To choose localism means central and local governments commit to working together and entrust communities with a greater role in decision making. It also means allowing communities and councils to try different things, specifically tailored to their region, sub-region or place. When done well this pays huge dividends, as demonstrated around the world. Progress would not be instant but span across years and decades. The changes also rely on LGNZ's work to lift the capability of local government, and on a commitment from central government to genuinely support local government in addressing the challenges our communities face.

Local government wants communities to succeed through empowered local leadership, genuine partnership and locally led delivery. These proposals would drive towards that:

1. Build a new system of government that's fit for purpose;
2. Rebalance the country's tax take between central and local government;
3. Create stronger, more authentic relationships between local government and iwi, hāpu and Māori;
4. Align central, regional and local government priorities; and
5. Strengthen local democracy and leadership.

This paper sets out the outcomes from a consensus building process that local government can stand behind.



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# What are we aiming for?

## Our vision

This vision articulates where local government wants to go and what we are ultimately trying to achieve:

**Thriving, resilient communities throughout Aotearoa New Zealand.**

### What does this mean?

- Every New Zealander belongs to a community that's sustainable, safe, resilient to the impacts of our changing climate, prosperous, full of opportunities for all, and inclusive.
- New Zealand is a network of communities where people feel connected to each other and their place.
- Local government is the key driver of this vision because it's the only part of government that has specific responsibility for our communities and their wellbeing – social, economic, environmental and cultural.
- Communities are fundamental to the future and role of local government.

## Our purpose

Our purpose articulates why local government exists and what we are here to do:

**To help communities succeed through empowered local leadership, genuine partnership and locally led delivery.**

### What does this mean?

- Councils are led by strong, capable and well-supported leaders who have the mandate to make good, long-term decisions for their local communities.
- Councils work in genuine, authentic ways with central government, iwi and hapū, NGOs and the community to identify specific local and regional issues and design appropriate solutions.
- Councils work with their communities and partners to deliver services that meet the unique needs of the various groups in their rohe.



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# Our way forward

## 1. Build a new system of government that's fit for purpose

We need a fit-for-purpose system of government that meets communities' unique, local needs while addressing the complex challenges facing New Zealand. To do both, we must collectively determine which services and activities are best delivered locally, regionally and centrally – and how best to fund them. The *form* of a future local government system should follow these *functions*.

While we need clarity on function first, after that local government is up for the conversation on form – and wants to lead it. There's an opportunity to transform the system as long as this is driven locally, with different places able to come up with their own solutions. Reorganisation might be right for some areas but not for others: one size doesn't fit all.

These are essential elements of the transformed system:

- Power is devolved to local communities where that makes sense;
- A four-year term of local government
- Infrastructure investment that's fit for the future
- Continuous learning and system improvement;
- Performance measurement and accountability;
- System stewardship is enhanced, including improving how local government honours and gives effect to Te Tiriti o Waitangi; and
- Opportunities to test out different governance and delivery approaches. This means recognising different areas need to be able to come up with their own solutions and approaches.

As well as working together to design and build a new system of local government, central and local government must build a more effective working relationship. However, establishing a dedicated Crown agency – as proposed by the FFLG Panel – is not the best way forward. Rather than creating a new layer of bureaucracy, existing institutions could fulfil this role.

### Specific actions

- Provide dedicated funding that allows local government to transition to a future system; and
- Agree to including the Minister of Local Government in Cabinet to make it clear local government is a strategic partner.



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## Areas for central and local government to work together on

### *In the short term (12 months)*

- Create a joint working group with cross party support to develop a roadmap for change, with commitment from Treasury and the Department of Prime Minister and Cabinet to invest in local government system changes;
- Rationalise the scope and requirements on councils in their financial planning, particularly for long-term plans, to reduce cost and enable councils to focus on the aspects that make the most difference for communities and their accountability to them.
- Amend the Local Government Act to set the local government term at four years from the 2025 elections.

### *In the medium term (two-three years)*

- Determine, via the joint working group, which services and activities are best delivered locally, regionally and centrally, with the objective of devolving more powers to a local level;
- Undertake experimental approaches in different regions to test out different governance and delivery approaches, potentially through city and regional deals;
- Establish a transition unit, or similar, to support capability development in local government while we build a system that is fit for purpose;
- Support local government leaders by investing in adaptive leadership capability so they can lead effectively through a period of system renewal, with a focus on innovation, experimentation and partnership;
- Improve local government data collection and introduce benchmarking to support performance measurement and a focus on continuous learning and improvement;

### *In the long term (three-seven years)*

- Have determined, in consultation with communities, what structures and funding models are needed; and
- Design the necessary legislative and regulatory framework.

## 2. Rebalance the country's tax take between central and local government

Local government needs sufficient funding to deliver locally led solutions to the big issues facing our communities.

The current funding model for local government is unsustainable. It means local government cannot address the range of complex issues facing our communities, including providing infrastructure to support growth and dealing with climate change mitigation and adaptation.

A successful, sustainable system of local government requires a new approach to funding, where central government and local government commit to working together to agree a way forward. The



flow of money between central and local government needs to be rebalanced so we can deliver more efficiently for communities rather than competing with each other for funds.

With the status quo increasingly under strain, inaction is an inefficient and counterproductive choice. Solving the funding challenge will create greater prosperity and better economic outcomes. It also opens the door to place-based solutions like city and regional deals.

### Specific actions

- Increase central government investment in local government through:
  - returning revenue equivalent to GST charged on rates; and
  - paying rates on Crown property.
- Incentivise regional economic growth by returning a proportion of all GST to its point of origin.
- Cabinet specifically considers the funding implications of proposed policy decisions for local government, and fund or negotiate the costs that councils are mandated to meet by central government policies.
- Allow a toolbox approach to funding so that, where appropriate, local government can set and determine local taxes such as local fuel tax, bed tax, and congestion charging.

### Areas for central and local government to work together on

- Develop sustainable funding models for infrastructure investment; and
- Develop funding arrangements for climate change mitigation and adaptation.

## 3. Create stronger, more authentic relationships between local government and iwi, hapū and Māori

Any fit-for-purpose system of local government will honour and give effect to a Tiriti-based partnership between local government and iwi, hapū and Māori. Many councils have well-established relationships with iwi and hapū, which are delivering broader benefits for their communities. Other councils are in the early stages; they need capacity and capability support to grow these relationships.

To create stronger, more authentic relationships, all councils need to work in partnership with iwi, hapū and Māori within their respective rohe and takiwā, and ensure te ao Māori, mātauranga Māori and tikanga are an everyday part of local government.

- To support and strengthen these relationships, we need a new legislative framework for Te Tiriti-related provisions in the Local Government Act 2002. We also need to address the funding and capacity challenges facing both local government and iwi, hapū and Māori.



### Specific actions

- Introduce new provisions in the Local Government Act 2002 that explicitly recognise local government as a partner to Te Tiriti o Waitangi and te ao Māori values;
- Introduce a statutory requirement for councils and iwi, hapū and Māori to develop partnership frameworks to give effect to Te Tiriti o Waitangi provisions; and
- Introduce a statutory requirement for councils to prioritise and invest in developing and strengthening local government capability and capacity in the areas of Te Tiriti o Waitangi, te ao Māori values, mātauranga Māori, and tikanga to improve local government as a Te Tiriti o Waitangi partner.

### Areas for central and local government to work together on

- Undertake a comprehensive review (jointly by central government, local government and iwi/hapū) of requirements for engaging with iwi, hapū and Māori across all legislation that impacts local government to find opportunities to streamline or align those requirements.

## 4. Align central, regional and local government priorities

We want to work with central government to develop a process for determining shared priorities at a regional level and aligning these with the priorities of central government. This could include these steps:

1. Councils determine their priorities, in partnership with hapū/iwi and local communities, and identify which priorities cannot be implemented with existing revenue;
2. All councils in a region agree their shared local priorities and develop a 'regional package';
3. Central government and regions negotiate the priorities included in the regional package, including roles and responsibilities, funding, accountabilities and any partnerships with NGOs or the private sector; and
4. Councils and central government finalise their Plans based on the agreements reached.

### Areas for central and local government to work together on

Ensure that (through statutory provisions or other means):

- Central government and local government commit to aligning wellbeing priorities and agreeing place-based investment plans;
- Budgets and planning documents, other local/regional strategies, and central government plans and strategies are aligned and cohesive;
- Intergenerational accountability is embedded through an outcomes framework; and
- Budgets and planning documents and place-based investment plans are tracked and measured to assess progress and effectiveness.



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## 5. Strengthen local democracy and leadership

Local government wants its communities to actively participate in local democracy. But voter turnout has been decreasing and engagement meets the needs of some groups better than others. Local government elections need the same degree of focus and promotion as general elections.

A more engaged society leads to better solutions and decisions. Local government is committed to developing and investing in democratic innovations, including participatory and deliberative democracy processes. But further changes are needed to strengthen local democracy.

### Specific actions

- Amend Part 6 of the Local Government Act 2002 to support and encourage greater use of participatory and deliberative democracy processes (such as citizens' assemblies or using a representative sample of the population to respond to a particular question) that can be easily tailored to meet communities' unique needs and circumstances;
- Task the Electoral Commission with investigating options for online or electronic voting, so that the way people vote is fit for the future. New modes of voting could be tested in local body elections;
- Invest in civics education, particularly in secondary schools, to encourage greater participation in local decision making.
- Have the Electoral Commission run and invest in the promotion of all elections to the same standard as central government elections. That should include design and oversight, standard setting, promotion of elections (while allowing local councils to customise campaigns to suit local needs), specific initiatives to encourage diversity of candidates, determination of the election method, and conduct of the election process.



## VOTES AND DELEGATES

Zone One	Votes	Delegates
Far North District	5	4
Northland Regional	3	3
Whangarei District	5	4

Zone Two	Votes	Delegates
Bay of Plenty Regional	5	4
Hamilton City	6	4
Hauraki District	3	3
Kawerau District	2	2
Matamata-Piako District	3	3
Ōpōtiki District	3	2
Ōtorohanga District	3	3
Rotorua Lakes	5	4
South Waikato District	3	3
Taupō District	5	3
Tauranga City	6	4
Thames-Coromandel District	5	3
Waikato District	5	4
Waikato Regional	5	4
Waipā District	5	4
Waitomo District	3	2
Western Bay of Plenty District	5	4
Whakatāne District	3	3

Zone Three	Votes	Delegates
Central Hawke's Bay District	3	3
Hastings District	5	4
Hawke's Bay Regional	3	3
Horizons Regional	3	3
Horowhenua District	3	3
Manawatū District	3	3
Gisborne District	5	3
Napier City	5	4
New Plymouth District	5	4
Palmerston North City	5	4
Rangitikei District	3	3
Ruapehu District	3	3
South Taranaki District	3	3
Stratford District	3	2
Taranaki Regional	3	3
Tararua District	3	3
Wairoa District	3	2
Whanganui District	5	3

Zone Four	Votes	Delegates
Carterton District	2	2
Greater Wellington Regional	7	4
Hutt City	5	4
Kāpiti Coast District	5	4
Masterton District	3	3





Porirua City	5	4
South Wairarapa District	3	3
Upper Hutt City	3	3
Wellington City	8	4

Environment Southland	3	3
Gore District	3	3
Invercargill City	5	4
Otago Regional	3	3
Queenstown-Lakes District	5	3
Southland District	3	3
Waitaki District	3	3

Zone Five	Votes	Delegates
Ashburton District	3	3
Buller District	3	3
Chatham Islands	1	2
Christchurch City	8	4
Environment Canterbury	6	4
Grey District	3	3
Hurunui District	3	3
Kaikōura District	1	2
Mackenzie District	1	2
Marlborough District	5	4
Nelson City	5	2
Selwyn District	3	4
Tasman District	5	4
Timaru District	5	3
Waimakariri District	3	4
Waimate District	2	2
Westland District	3	3

Zone Six	Votes	Delegates
Central Otago District	3	3
Clutha District	3	3
Dunedin City	6	4

## BULLER DISTRICT COUNCIL

29 NOVEMBER 2023

### AGENDA ITEM 10

**Prepared by** Jamie Cleine  
Buller District Mayor

**Appendices** 1 WCEM Meeting Pack  
2 TUIA Prospectus 2023  
3 Mayors Correspondence

### MAYOR'S REPORT

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#### 1. REPORT SUMMARY

This report is to provide commentary of significant events and meetings attended by the Mayor. The report also provides information on advocacy or political matters currently before Council.

#### 2. DRAFT RECOMMENDATION

**That Council:**

1. Receive the report for discussion and information.
2. Notes Inwards and Outwards Correspondence and provide direction for any responses required.
3. Approves on-going participation with TUIA in 2024 and endorse an open process to attract applications from across the district and a panel interview selection process to confirm a suitable candidate.

#### 3. COUNCIL

##### 3.1 Professional Development

###### **Councillor Feedback**

I have now conducted one on one feedback sessions with each Councillor. Although the specific discussions will remain confidential, I identified key themes that were raised by Councillors. I have also provided individual feedback (where appropriate) to some Councillors directly, intended as a benefit to their own professional development as an elected member.

Councillors came together as a group to workshop the key themes on 22 November. Feedback from the workshop will be considered by CEO and Mayor and a plan is to be presented back to the Council on the nature of any changes or improvements suggested.

It is my preference to have any changes developed and agreed by Councillors prior to Christmas so the New Year can begin with changes known and ready to go for 2024.

It is important Mayor and councillors remain open to a repeat of this type of process annually/as required to ensure on-going potential for improvement.

### **Emergency Management Training**

On Monday 13 November a training exercise was kicked off at Westport Emergency Operating Centre (EOC) as part of a West Coast Emergency Management series of training days in the region. In the morning session a full turnout of council staff and volunteers learnt a new software platform D4H. A number of regions are using this collaboration platform for planning and managing responses to incidents, emergencies, and crises as they occur. The West Coast functions regionally for emergency management and a solid and reliable digital platform is vital for this to work efficiently.

The afternoon session was for emergency management staff and elected officials to learn the decision making and legislative requirements for declaring states of emergency. There was also some basic media training as this is a critical part of keeping the public informed and able to act accordingly. This was attended by Councillors Howard, O'Keefe and the Mayor.

## **3.2 MAYORS TASKFORCE FOR JOBS (MTFJ)**

### **MTFJ Buller Coordinator Julie Moore & Pastoral Support Ruby**

#### **Erickson comments:**

We had an invitation to attend a lunch at Tai Poutini Polytech and had discussions with staff and students on what MTFJ support was available.

Ruby and I held a drop-in session with senior students at Buller High School that are planning to stay and work in the district. As a result of this we received 10 applications and five of those are currently having job interviews and three are applying for local positions. Ruby also worked with some of these students on their CV's.

Ruby also went to Reefton and helped several students with their CV's, one is now doing work experience that will possibly lead to permanent employment, another student has just been offered a full-time position in a local mine.

We held a drop-in session with MSD clients in Karamea, of which only two attended. While in Karamea we met with the Karamea community coordinator to try and get some business involvement - very hard in such a small isolated rural village.

Our good news story this month has been the success we've had with our school leavers. As well as the 10 we registered at our high school visit a further two approached us this week and one of those has now a job interview. All of these young people wish to stay and work locally and are very motivated.

November is shaping up to be a very busy month and we should achieve 15 job placements by the end of the month.

It was a pleasure to help two Karamea students attend the Outward Bound course - Mind, Body & Soul. They travelled 5 ½ hours to Picton and greatly appreciated the experience, something that's not often available for these remote schools.

Grants to the value of \$15,484.12 have been approved to 13 recipients during the month of October. The year-to-date total is \$37,307.47.

**Mayors Comment:**

Really pleasing to see the MTFJ Buller team engaging with this year's cohort of school leavers. Establishing this contact is hopefully an assistance to ensure a smooth transition to job opportunities or further training as they leave school. There has been an increase in young people expressing an interest in remaining in Buller rather than choosing to leave and pursue work or tertiary study out of district. It is critical that this is encouraged, and our young people feel they have a viable and rewarding future in Buller. MTFJ has a role to play in building and maintaining the connections that enable this confidence and opportunity to grow.

There is significant interest in the Reefton area from the developing Federation Mining project as well as clear intent from larger company Siren Gold to move from exploration to development of a new gold resource over the coming few years. This creates opportunities for higher paying jobs in mining, environmental, and related services as well as flow on effects as the accomodation and hospitality sector ramps up to support the pipeline of minerals projects. All of the above-mentioned skills are in limited supply in the region and roles are often filled by Human Resources from outside of Buller.

**3.3 Tuia Mentoring Programme**

I attended the final Tuia mentoring programme event for 2023 with my mentee Maddox Manawatu. This was held in Wellington on 4 November and brought together all mayors, mentees and their families for a celebration of the Tuia kaupapa. This is the the second time I have attended and it is always rewarding to see the strong growth in mana

and confidence of the mentees demonstrated in speeches, kapa haka and audio visual presentations.

Maddox has been asked to present to full council in the public forum of this meeting to inform Councillors of his personal journey with Tuia.

Council has now supported three young Maori through the Tuia programme over the past three years. The first mentee Ella Moore was funded by Council. The next two, Cee Te Haara Barr and Maddox Manawatu were deemed eligible for funding from the Mayors Task Force for Jobs fund so there has been limited direct cost to Council. I believe Buller gains good value from our involvement in Tuia. It aligns well with Council commitment to youth development and builds greater connection and capacity of young Maori into leadership roles.

I have discussed the future of Tuia with MTFJ Buller and BDC staff and confirm MTFJ fund is able to support our participation in the programme for another year. We need to confirm the intention to participate and details of our mentee to the Tuia administrators by early February 2024.

It is proposed that we publicly advertise during December and January across the District to invite applications from young rangatahi that meet Tuia criteria. An application and panel interview process would be used to select the candidate most suitable for Tuia.

This report seeks Council support for on-going involvement with Tuia in 2024. It also seeks endorsement of an open process to attract applications from across the district and a panel interview selection process to confirm a suitable candidate. (see appendix 1)

#### **4. External Meetings**

##### **4.1 Resilient Westport Steering Group (RWSG)**

The group met at West Coast Regional Council offices on 17 November. The minutes of this meeting were not available prior to deadline of this report.

##### **4.2 Mayors, Chairs & Iwi Forum (MCI)**

The forum was hosted and chaired by Buller this quarter with a meeting held in Westport on 8 November. Key matters discussed:

- The Briefing to Incoming Ministers (BIM) was workshopped by the forum members and the incoming West Coast Tasman MP Maureen Pugh (guest). The briefing aims to provide a comprehensive outline of strategic proposals to drive economic growth, enhance infrastructural and community resilience, and promote sustainable practices across various sectors within the West Coast region. The BIM is designed to foster a conducive investment climate, stimulate

job creation, and enhance the overall quality of life for the residents. The document is still in draft and will be made public once finalised.

- The forum also discussed potential improvements to the way the forum itself operates, how it defines outcomes and purpose and links back to our respective elected member councils. This is possibly best achieved by a term of reference document which will be explored further at a future MCI meeting.
- Further opportunities for shared services amongst member councils was also discussed. With potential policy alignment between councils with shared budget commitment over a multi-year programme. Staff are drafting commentary to be included in each respective Councils Long-term Plan for consultation.

#### **4.3 West Coast Emergency Management Joint Committee**

The West Coast Emergency Management Joint Committee met in Westport on 8 November. The full agenda is included as appendix 2 to this report.

Key Points:

- the replacement of Simon Bastion as Chair of the Executive Committee (CEG) as per the Joint Committee agreement for the CEG chair to rotate annually among the three District Councils over the electoral triennium. Grey District Council Chief Executive Paul Morris is now Chair of the CEG group.
- Submission to the Governance and Administration Committee on the Emergency Management Bill 2023 was noted as submitted on behalf of the West Coast Group. A copy is included as Mayors Correspondence in this agenda.

#### **4.4 LGNZ Rural and Provincial Sector Meeting**

I attended this meeting with BDC Chief Executive Steve Gibling on 3 November at Te Papa, Wellington. Highlights included:

##### **Long Term Plans and Audit and Risk discussion**

**Tim Hampton, Treasury, Director Economic System** set the scene with key metrics from the government Pre-election Economic and Fiscal Update (Prefu):

- Inflation now approx 5.7%
- GDP Growth is being constrained by interest rates, however this is necessary to reduce inflation.
- More people moving into higher tax brackets and inflation increases are increasing the tax revenue collected. This is reducing expenses as percentage of GDP.

- Excluding superannuation and interest costs, government expenses are dropping significantly.
- Increase in net debt is among the largest in the world.
- Infrastructure and baseline costs are largely “baked in” regardless of who is in government.

**Mark Maloney, Office Of Auditor General (OAG), Assistant Auditor-General, Local Government** gave advice on matters concerning the drafting of council long term plans:

- Challenging LTP due to uncertainty of water reforms, Resource Management legislation and funding.
- Councils should raise the level of community interaction in drafting LTP’s via good engagement processes. This will be an audit focus for the coming Consultation Document to determine does it “enable understandable community input” to decision making.
- Focus areas of the OAG will be deliverability of capex assumptions and underlying asset information as well as moving Climate change from planning into actions.
- LTP critical success factors being ownership of plan by elected members, Risk and Audit committees managing risk and delivery of consultation documents. Investment into effective communications and engagement resources to achieve better outcomes.

**Bruce Robertson, Independent Risk Consultant** gave advice relevant to independent Audit and Risk Committee Chairs:

- LTP strong focus on risk, strategic risk, quality of spend Capex vs Opex.
- Legislative compliance is vital alongside strong relationship with external auditors.
- Councils need to be thinking intergenerational in developing LTP.
- Rising rates are not the problem, lack of revenue is. Is the business model right? How are Councils looking long-term to increase other revenue sources.

**Other speakers and presentations included:**

- Wayne Langford, President, Federated Farmers and Sandra Faulkner, National Board Spokesperson on Local Government. This session discussed the policy alignment of Fed farmers and the local government sector and the advocacy approach.
- Paul Brislen, CEO Telecommunications Forum. Spoke on the post disaster communication challenges in Hawkes Bay and the industry investment into resilience.

- Ben Thomas, Director Capital Government Relations. Ben provided commentary on potential new government priorities and constraints. This was helpful information in framing briefings to incoming ministers.

## 5. LOCAL EVENTS & RELATIONSHIP MEETINGS

I have attended various local events and relationship meetings over the period.

Some highlights included:

- Reefton to speak at the book launch event of Reef Town as Remembered by Edgar Elliston, authored by local identity Moira Lockington. I can recommend the book as great for anyone interested in local history.
- Simon Delander, Vice President of Federation Mining whose Snowy River gold project is progressing nicely. Currently more than 60 people are employed, this number is likely to more than double in the new year as construction begins on their processing plant. This represents a huge commitment to Reefton and the West Coast.
- Reefton Mayors Chats, produced the largest turnout I have had since running my monthly sessions. Discussions there included community funding, elderly housing and the next stage of Reefton Pool upgrade.
- Westport North School to read to the bi-cultural Eke Panuku, whānau class. The class were an enthusiastic group and asked lots of questions about their Mayor before honouring the visit with a class haka.
- Craig Churchill, Regional Public Service Lead. Craig is a vital conduit for our District to all of the government ministries that we deal with. We had a good discussion on social issues challenging the district as well as our efforts in masterplanning for Westport and the multi-agency approach that will be required for next steps.
- Karamea to attend the unveiling of a magnificent Waharoa and Pou Whenua in Ōparara valley. The ceremony re-established the cultural footprint of Mana Whenua Te Runanga o Ngāti Waewae in Kahurangi and the Ōparara and celebrated the end of a multi-million-dollar upgrade to the experience and safety of the Ōparara valley. The recent investment by Department of Conservation (DoC) into the long-term future of the Heaphy Track and this upgraded Oparara experience will drive the confidence and significance of the visitor economy for many years.
- Westport Rotary Club meeting where I was inducted as an honorary member. I always admire the work of Rotary in our community whose motto “service above self” resonates with much of what being an elected representative is about. There is certainly huge value added through their work and it is truly a personal honour to be awarded membership.



- Westport Whitebait Festival and Fox River Markets, this was a community engagement opportunity for the LTP and included a video in collaboration with Takiwa Poutini.
- Emergency Media & Public Affairs Conference (EMPA). I was invited as a panelist to share my experience of leading through an emergency, particularly around communication in a crisis to community and news agencies.
- Westland Mineral Sands, hosted Westland District Mayor and Councillors on a site visit to WMS Westport port operations and mine site at Tauranga Bay. This was to build an understanding of the industry by elected members as mineral sands resources are plentiful in all three Districts of the West Coast.

## 6. CORRESPONDENCE

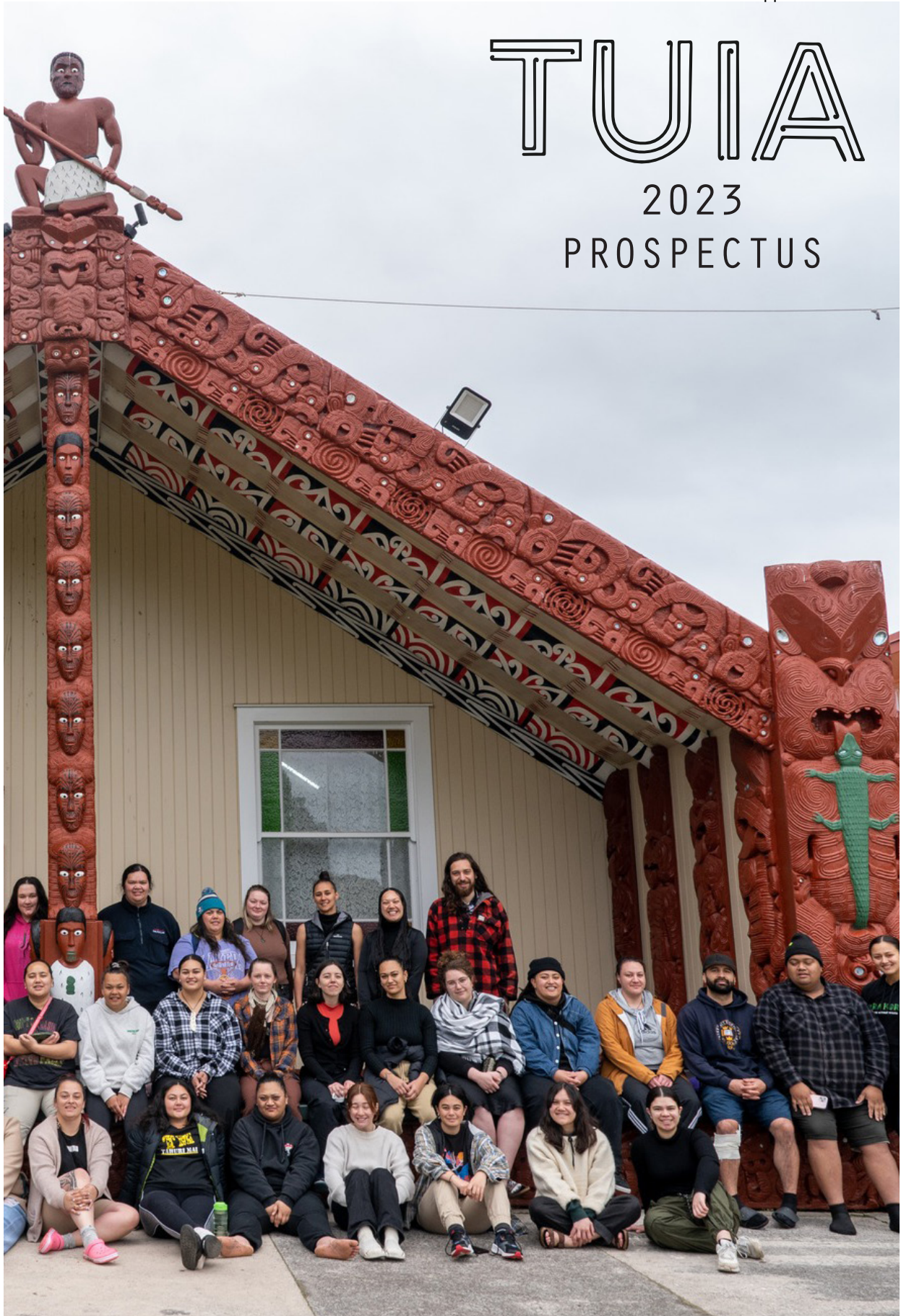
For Council consideration – see attached (appendix 3).

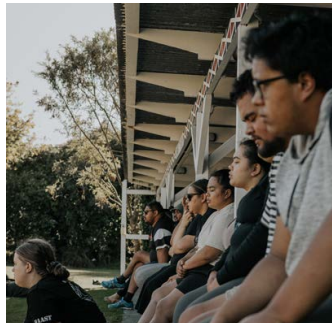
<b>Incoming Correspondence 2023</b>		
13 October 2023	Gary Jeffery	Rubbish Disposal
24 October	National Science Roadshow Trust	Thank you letter – BHS Visit
<b>Outgoing Correspondence 2023</b>		
3 November 2023	Governance & Admin Committee	West Coast Emergency Management Submission

# TUIA

2023

PROSPECTUS





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## EXPLANATION

Tōia mai ngā tāonga a ngā mātua tīpuna. Tuia i runga, tuia i raro, tuia i roto, tuia i waho, tuia te here tāngata. Ka rongo te pō, ka rongo te ao. Tuia ngā rangatahi puta noa i te motu kia pupū ake te mana Māori. Ko te kotahitanga te waka e kawē nei te oranga mō ngā whānau, mō ngā hapū, mō ngā iwi. Poipōia te rangatahi, ka puta, ka ora.

The name 'Tuia' is derived from a tauparapara (Māori proverbial saying) that is hundreds of years old. This saying recognises and explains the potential that lies within meaningful connections to: the past, present and future; to self; and to people, place and environment.

The word 'Tuia' means to weave and when people are woven together well, their collective contribution has a greater positive impact on community. We as a rangatahi (youth) leadership programme look to embody this by connecting young Māori from across Aotearoa/New Zealand - connecting passions, aspirations and dreams of rangatahi to serve our communities well.

## TUIA OVERVIEW

Tuia is an intentional, long-term, intergenerational approach to develop and enhance the way in which rangatahi Māori contribute to communities throughout New Zealand. We look to build a network for rangatahi to help support them in their contribution to their communities. This is done through developing relationships between a diverse range of rangatahi throughout the country that recognises, accepts and celebrates diversity.

### Three pou make up the Tuia rangatahi experience:

1. Mentoring
2. Community contribution
3. Wānanga

At a local level, a mayor will select a rangatahi Māori from their district who they will develop a mutually beneficial mentoring relationship with, in order to enhance their ability to contribute well to community. This will happen on a monthly basis, involving both informal meetings and participation at formal occasions. The relationship will also provide both parties with the opportunity to gain a deeper insight into inter-generational issues, cultural values and experiences.

Selected rangatahi will be expected to undertake a 100 hour community contribution project in their respective communities.

Rangatahi will also attend five wānanga in different parts of the country over the year to build networks, obtain support and have exposure to a diverse range of people from across the country.





## RANGATAHI SELECTION

Who is eligible for the programme and how will they be selected?

The Mayor will select a young Māori using the following criteria.

The rangatahi selected must:

- be aged between 18-25 years old;
- be actively involved in contributing to the wellbeing of their community at some level;
- be able to commit to being involved in this part-time programme of three three-day and two four-day wānanga (leadership forums) over a period of 12 months;
- have support from others to participate in the programme (whānau/hapū/pakeke/employers/community etc.);
- be open minded and willing to contribute to discussions and workshops;  
and
- be well organised and have the ability to manage their time and commitments effectively.

## SELECTION PROCESS

Each participating Mayor in partnership with their community and past rangatahi participant (where applicable) will select the candidate against the criteria outlined on the previous page. Each Mayor will determine what process they deem to be the most effective in order to identify their candidate.

### Selection process examples are:

- Personal application (e.g. essay / presentation)
- A nomination and selection process
- A personal choice
- In consultation with community groups
- On the advice of iwi and hapū groupings
- On the advice of the council's community development advisors

### Mayors should consider the following:

- Compatibility (shared interests)
- Gender (may be relevant)
- Connection to the community

**NB:** A Tuia Mentoring Mayoral Toolkit guide is available and will be distributed to those participating Mayors. This will include a range of strategies and experiences Mayors can use to support the development of their rangatahi.



## MAYORAL/MENTOR EXPECTATIONS

Mayors/mentors who agree to become a mentor recognise the potential this approach has to effect long-term positive change in the life of the rangatahi they are mentoring and through them, many communities around the country.

### Mayors/mentors will be required to:

- meet with the young person at least once a month;
- involve the young person in community activities that will assist their development as a leader;
- financially support the young person to attend five wānanga (leadership forums) per year. (Domestic transport costs only: approx. \$800 - \$3000 per year - variance in cost is largely relative to geographical considerations – earlier bookings beneficial);
- attend a one day mentoring training opportunity (optional).



*“The TUIA programme has not only grown leaders amongst the Rangatahi of Ōtorohanga but across all of Aotearoa. As Ōtorohanga’s Mayor, my experience mentoring my Rangatahi has left me with much pride and aroha for the achievements and the positive future of young maori across our country.”*

**Max Baxter Ōtorohanga District Mayor**

## RANGATAHI EXPECTATIONS

Young people who agree to take part in the programme will make the most of this unique opportunity by participating in all of the planned activities and meetings.

### The young people will commit to:

- Meet with their Mayor at least once a month;
- Be involved in additional community events at the invitation of the Mayor (where practical);
- Attend three three-day and two four-day wānanga (leadership forums) per year;
- Community contribution project(s) over a 12 month period (approx 100hrs).







# COMMUNITY CONTRIBUTION

# EXAMPLES

## General Guidelines

### Hours

- The expected commitment for this is approximately 100 hours for the year, which equates to approx. two hours per week.
- There is no need to record hours of community contribution - the focus is on giving to the community rather than fulfilling a requirement.
- The hours can be made up of many small projects, one large project or a combination.

**NB:** Many rangatahi are already contributing to their communities - if this is the case for your rangatahi, then those contributions would count towards those 100 hours.

### Projects aim/nature

- There are no strict requirements for the aim or nature of the contribution activity. See next page for examples of past community contribution projects.
- The benefits of this is for rangatahi to be able to share their experience, practice new strategies, obtain peer support and demonstrate leadership skills.

### Reporting

- While not a formal requirement, some form of reflection about service activities is recommended.



Meschka Seifritz combined her two majors, environmental and Māori studies by planning the first noho for her whānau (80+ people) in 11 years. The purpose of the four day wānanga was to reconnect whānau to their marae and enhance the mauri of their whenua and the taiao. Meschka is incredibly grateful to the TUIA kaupapa for inspiring and supporting her with her whānau wānanga and planting the seeds that will contribute for generations to come.

Mentored by Grant Smith Mayor Palmerston North City 2021



Rosie Poharama-Hepi and Cheyenne Laugesen co-created Kaiwhai Oraka, a kaupapa to reconnect rangatahi Māori to their marae, Te Ao Māori and people and places that would lift their visions of what is possible for them and their whānau. This year they both took a van load of rangatahi from Kaikoura to Wellington where they were hosted by other Tuia rangatahi and had the opportunity to connect with successful Māori from a wide variety of backgrounds and professions with shared whakapapa to these rangatahi. In Rosie's words "Our trip to Pōneke was life changing".

Mentored by Craig Mackle, Mayor of Kaikoura 2021 and 2022.



Joel Mudford - Re-established the Māori club in his community after a 40 year absence, creating a safe place to learn Te Reo and for Māori in his community to reconnect with their culture.

Mentored by Tracey Collins Mayor Tararua 2017.



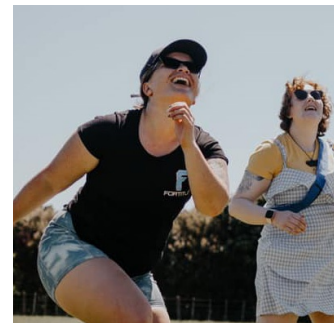


# WĀNANGA

There will be five marae-based wānanga throughout the year. The wānanga are an opportunity for rangatahi to connect with one another, as well as to connect with a variety of places, people and communities around Aotearoa. The wānanga are structured according to an ancient tauparapara. Rangatahi will have the opportunity to explore local ancestral stories, build connections with other rangatahi, learn from subject matter experts and consider together how they can apply what they have learnt to their daily lives. There are three 3-day wānanga and two 4-day wānanga. The sequence is as follows:

- March: Wānanga one - Tuia i Runga (Weaving above), Waikato
- May: Wānanga two - Tuia i Raro (Weaving below), South Island
- July: Wānanga three - Tuia i Roto (Weaving within), Rotorua
- September: Wānanga four - Tuia i Waho (Weaving without), Wellington
- November: Wānanga five - Tuia te Here Tangata (Weaving the threads of humanity), Auckland

With Covid-19 some wānanga have been cancelled in the past, and moved online. With the best available information, any changes to wānanga due to Covid-19 or other circumstances will be communicated as early as possible. Also a note, travel for rangatahi to attend wānanga are expected to be covered by their sponsoring person or organisation.







## RANGATAHI STORIES



### BRONSON'S STORY

The journey that I have been on this year with Tuia has been the most rewarding experience I have had, but also at the same time, the most nerve-wracking and anxiety building thing I've done. With that being said, I would 100% recommend for rangatahi to get involved with Tuia as you will NEVER regret it!

The journey for me began with a patchy phone call with my Mayor, where I blindly said yes without fully understanding what I was signing up for and has led through to some of the best memories of my life to date. With the impact of COVID-19, each wānanga has been unique & special, and has offered some of the most rewarding opportunities to pause, reflect, and grow myself, who I am, and also those around us and what impacts everyone else.

Having not grown up with the opportunity of being immersed in my

culture like others, I felt a stranger to my heritage and fraudulent for identifying as Māori because I hardly knew anything about my whakapapa. The moment I stepped onto the marae in Otorohanga (being the first time since aged six), I immediately felt welcomed and accepted which led to the several month long journey I have been on to identify who I am and where I fit in my own world. I've connected with my whakapapa in ways that I never thought would have been possible and met so many other like minded rangatahi Māori who want to (and already are) make change in every aspect of the world that they live and operate in.

I am not the first nor the last of this Kaupapa, but I'm excited to be able to welcome you on this journey, joining the hundreds who have walked this path before you – making your own mark for those that will follow you. This Kaupapa is not about one person or one thing, but about us all and us coming together to pause, reflect, and grow.

Bronson M. Blackbourn

Mentored by Bryan Cadogan, Clutha District Council 2020





## HOLLI'S STORY

Tuia has brought me closer to discovering who I am, where I come from and why being Māori is my superpower. Before Tuia, I was unsure of what it truly meant to be Maori. I grew up thinking that I would never be 'Māori' enough. I wasn't brought up on the marae, I didn't speak the language, I didn't have a Māori name, I wasn't in the kapa haka group and I didn't know where I came from.

My journey with Tuia began when someone asked me about my story. After telling him, he mentioned Tuia and without really knowing what it involved, I said yes to the opportunity. Tuia has allowed me to heal, grow, accept, create lifelong friendships and made me incredibly proud to be Māori.

I still remember the first wānanga at Tuia i Runga. I was the first person to arrive at the marae. I was so nervous that I didn't want to get out of my car, however this feeling soon disappeared when I was warmly welcomed by some of the Tuākana. Due to covid level restrictions, our last wānanga - Tuia i waho, was held virtually. Although we weren't able to embrace one another, the feeling of aroha and passion was still felt by all of us.

Since joining the Tuia whānau, I have gone back home to learn about my whakapapa, I have started learning our beautiful language and I will forever be thankful for this life changing kaupapa. Tuia is weaving together extraordinary people and creating a safe space to be vulnerable, supported and reconnected.

Holli Hughes

Mentored by Trent Hohaia, TUIA Tuakana 2021





## TE AWHINA'S STORY

I am privileged and thankful to have been exposed to the fruits of Tuia through all my Tuakana who have previously weaved their own individually unique threads into this kaupapa as both Teina & Tuakana and this year I had the privilege of following their footsteps by interweaving my own unique thread. I was fortunate enough to join & be surrounded by the multitude of Rangatahi, of 'fruits' that have walked, are still walking, and are yet to walk their path within the Tuia kaupapa and I was able to make my own mark for those who will follow and are yet to follow.

Within my walk as a Teina, we journeyed through 5 different wānanga spaces that were thoughtfully derived from an ancient Tauparapara but with a twist of modern day learnings within Te Ao Māori. At each and every wananga, our Tuakana created and maintained a safe inidgenous-led space that allowed me to feel respected, protected, supported, vulnerable, reconnected and appreciated, because of this space we were all able to tightly interweave our own unique background threads collectively into one big whariki we call whānau, Each wānanga was strategically located and were filled with with many different inspiring and motivational messages, learnings and teachings that I was able to really reflect and hold onto for the rest of my life. One of the key teachings I was able to obtain and grow a deeper understanding and perspective of was 'Contribution' Before I started Tuia I thought contribution was just a materialistic gift or payment to a common fund, collection or organisation but it is more than that and it is bigger then just one person. Contributing back within Tuia has helped me develop

a greater sense of purpose in life and changed my outlook entirely. I was able to do something meaningful and I now look forward to each and every time I affect positive change and growth within all walks of life and all the people who have touched my heart. Contributing back is about building on the strengths of all the different interwoven threads that have and will untie us as one so that we can all intentionally, effectively, purposefully and transformatively contribute as a collective to have a greater impact on not only ourselves, our whānau, our hapu, our iwi, our hāpori, Te Ao Māori but also a greater impact on community connections, passions and aspirations.

We all go through some life-changing experiences at some point in our life which eventually help us become the person we are, Tuia was one of those experiences. No words in the universe can truly give my experience within Tuia, the justice it deserves, nor can it truly encapsulate the profundity of transformative, life-changing power that I constantly wish every Rangatahi could experience! Nor could I ever adequately describe or express the amount of gratitude, admiration, and respect I have for not only the intention within the kaupapa but for the journey, the memories, the laughter, the vulnerability, the cries, the highs, the lows, the lifelong friends/whānau, the safe space that nurtured us during our time together and allowed us to be vulnerable and unapologetically Maori, the tuakana that have sown, are still sewing and are yet to sew back in, and the future!

No reira 'kia mau ki tēnā, Kia mau ki te kawau maro, whanake ake whanake ake'.

**Te Awhina Anderson. Mentored by John Robertson, Waitomo Mayor 2020**

Tōia mai ngā tāonga a ngā mātua tīpuna. Tuia i runga, tuia i raro, tuia i roto, tuia i waho, tuia te here tāngata. Ka rongo te pō, ka rongo te ao. Tuia ngā rangatahi puta noa i te motu kia pupū ake te mana Māori motuhake. Ko te kotahitanga te waka e kawē nei te oranga mō ngā whānau, mō ngā hapū, mō ngā iwi. Poipoia te rangatahi, ka puta, ka ora.





# TUIA TIMEFRAMES



## 2022

### November

- Selection Process initiated
- Confirmation of commitment to 2023 programme

## 2023

### February

- 11th of Feb - Selection of rangatahi participant confirmed
- First mentoring meeting with Mayor (Can be earlier if preferred)

### March

- Wānanga 1: Tuia i Runga (Waikato)
- Mayors mentoring training
- Second mentoring meeting / Community contribution project identified

### April

- Third mentoring meeting

### May

- Wānanga 2: Tuia i Raro (Te Waipounamu)
- Fourth mentoring meeting

### June

- Fifth mentoring meeting

### July

- Wānanga 3: Tuia i Roto (Waiariki/Bay of Plenty)
- Sixth mentoring meeting

### August

- Seventh mentoring meeting

### September

- Wānanga 4: Tuia i Waho (Wellington)
- Eighth mentoring meeting

### October

- Ninth mentoring meeting

### November

- Wānanga 5: Tuia Te Here Tangata
- Tenth mentoring meeting

### December

- Final mentoring meeting for 2023
- Begin selection process for 2024

NB: each Tuia wānanga is held on the first weekend of every second month from March unless otherwise communicated.



## KEY CONTACTS

North Island Mentoring Support  
Te Rehia Lake Perez  
terehia@tuiateheretangata.nz  
022 452 5150

South Island Mentoring Support  
Tihou Messenger-Weepu  
tihou@tuiateheretangata.nz  
022 684 8363

Registrations / Logistics  
Kararaina Pahuru  
info@tukaha.com  
021 827 801

Wānanga Coordinator  
Rawiri Tapiata  
rawiri@tuiateheretangata.nz  
022 301 7799

## PARTICIPATING COUNCILS, IWI & ORGANISATIONS

Ashburton, Auckland, Buller, Carterton, Central Hawkes Bay, Central Otago, Christchurch, Clutha, Dunedin, Far North, Gisborne, Gore, Grey, Hamilton, Hastings, Hauraki, Horowhenua, Hurunui, Hutt City, Kaikoura, Kaipara, Kapiti, Kawerau, Marlborough, Masterton, Matamata-Piako, Napier, Nelson, New Plymouth, Opotiki, Otorohanga, Palmerston North, Porirua, Queenstown-Lakes, Rangitikei, Rotorua, Ruapehu, Selwyn, South Taranaki, South Waikato, South Wairarapa, Southland, Tararua, Tasman, Taupo, Tauranga, Timaru, Waimakariri, Waipa, Wairoa, Waitaki, Waitomo, Wellington, Western Bay of Plenty, Westland, Whakatane, Whanganui and Whangarei.

Ngāti Ruanui, Ngāti Whātua, Te Whānau-a-Apanui, Ngāti Rehua, Waikato, BGI, Te Ora Hou, St John, Vodafone, Auckland's local boards - Papatoetoe/Otara, Mangere/Otahuhu, Manurewa, Franklin and Papakura local, Horizons regional council, Waikato regional council, Tuikura, Tuia te Tai Poutini, Te Tukaha Kapiti Kura, Te Hekeka, Atearangi, Ngāti Kahungunu, Taputeranga Marae.

## Joint Committee West Coast Emergency Management

Meeting Time: 9.00am – 10.30am Wednesday, 8 November 2023  
Location: Buller District Council Chambers, Greymouth.  
ZOOM Details: Meeting ID: 872 0953 9554  
Passcode: 472538

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### Agenda

Joint Committee Chair – Mayor Jamie Cleine

1. Welcome and apologies.
2. Confirmation of the Minutes of last meeting held on Friday, 1 September 2023. **Pg. 2-4**  
Matters arising.
3. Group Manager Report - Claire Brown (**online**) **Pg. 5-6**  
(Also refer to Appendix One)
4. ‘Resilient Westport’ Programme Update – Claire Brown (**online**) **Pg.7**
5. Appointment of new Coordinating Executive Group Chair – Simon Bastion **Pg.8**
6. National Emergency Management Agency (NEMA) Update – Simon Chambers (**online**) **Pg.9-10**
7. General Business
8. Meeting Close

**Next Meeting:**

2024 Meeting schedule still to be confirmed.



**DRAFT MINUTES OF THE WEST COAST EMERGENCY MANAGEMENT JOINT COMMITTEE**

**Grey District Council Chambers**

**1 September 2023, 0900am**

**Present:** Chair – Mayor Jamie Cleine and Steve Gibling (BDC), Mayor Tania Gibson and Paul Morris (GDC), Mayor Helen Lash and Simon Bastion (WDC), Francois Tumahai, Chair Peter Haddock and Darryl Lew (WCRC), Claire Brown (WCEM), Oliver Varly and Pat Waters (NEMA)

**Apologies:** Paul Madgwick

**1. Welcome and apologies.**

Chair Mayor Cleine opened the meeting and moved he apologies.

**Moved** (H Lash / T Gibson)

*Carried*

**2. Confirmation of the minutes from 10 May 2023 are true and correct.**

**Moved** (J Cleine / T Gibson)

*Carried*

**3. Group Manager Report – Claire Brown**

C Brown took her report as read and highlighted the following points:

- Noted the boost to funding with examples of Better Off Funding directed towards community resilience in Buller and Westland, and increased engagement with Grey with the addition of their Community Resilience Committee
- Advised the three Resilience applications submitted earlier in the year were declined. However, noted the Y2 fund for Fuel Storage was confirmed, as well as a South Island group bid for Project AF8 funding.
- Key work areas were progressing at the Operational Sub-Committee, those being revised work programme, training programme, regional exercises and the resource register.

J Cleine commented on his positive experience doing CIMS training and asked about next year's plan. C Brown noted changes to funding criteria and the consequential funding allowances and support made by each territorial authority and regional council. P Haddock asked about the register for people who are trained. C Brown responded that there is a list of trained volunteers and staff for each district, as well as the resource register being work on with FENZ.

F Tumahai asked about the reason given for declining the resilience applications. J Cleine added the value in understanding the rational so to adapt future applications

**Recommendation:** to receive the report.

**Moved** (J Cleine / H Lash)

*Carried*

**4. Resilient Westport Work Programme – Claire Brown**

C Brown took her report as read and noted the following:

- Brief background to the \$.5m funding over two years
- Work focused on improving 1) evacuation planning 2) involvement of critical infrastructure entities 3) better availability and use of IT / digital / monitoring systems, and 4) community access to and awareness of risk, and the evacuation planning.

D Lew provided an overview of the status of the funding agreement being worked through to access funding and expecting this to be resolved within months.

J Cleine explained the purpose of the Resilient Westport Steering Group, and emphasised it was not a decision-making body. He advised that this would be standing agenda item on this committee to have oversight and monitor progress of the emergency management related aspect of the programme.

**Recommendation:** to receive the report.

**Moved** (J Cleine / T Gibson)

*Carried*

## 5. WCEM BUDGET 2023-2024 – Claire Brown

C Brown advised the purpose of this report was to inform the committee of the confirmed 2023-2024 WCEM Group office OPEX budget. This was provided in a table attached that showed a total expenditure forecast of \$1.355m.

S Bastion noted the opportunity in long-term budgets to propose additional roles as recommended in the 2021 review, noting too the recent response from the Minister regarding our request for resource assistance.

J Cleine queried the significant over-head cost. C Brown confirmed that the amount was correct as a result of the review of over-heads in the previous financial year. C Brown responded to P Haddocks query regarding consultants, that this was mainly a one-off cost for the review of the Group Plan that took place every five year. In response to J Cleine's question whether there were any foreseeable financial impacts with the implementation of the Emergency Management Bill, C Brown advised she was not aware of any that would impact over the next one to three years, until the outcome of the Bill was understood along with implementation timeframes.

**Recommendation:** to receive the report.

**Moved** (J Cleine / T Gibson)

*Carried*

## 6. Emergency Management Bill 2023 – Claire Brown

C Brown took the report as read. She noted the intention and key changes as advised by NEMA.

The committee discussed the benefit of a submission from the committee. J Cleine noted that there may be general support however this was an opportunity to emphasis the challenge for small councils.

**Recommendation:**

**agree** that the committee make a submission on the Emergency Management Bill

**agree** that the submission is asked to be heard in person rom Mayor Cleine as Chair of the committee

**Moved** (P Haddock / H Lash)

*Carried*

## 7. National Emergency Managment Update – Oliver Varley

The report was taken as read. O Varley highlighted the Government inquiry underway on the response to the North Island Severe Weather events with final recommendations to the Minister in March 2024.

S Bastion asked about whether the inquiry addressed recovery, noting the Cyclone Recovery Unit in DPMC. There was a discussion around the large recovery programmes underway across the country and whether there was a formula or emerging template for cost recovery and property buy-back.

**Recommendation:** to receive the report.

**Moved** (J Cleine / P Haddock)

*Carried*

## 8. General Business

### Westland District's Emergency Centre

P Haddock asked for clarification of the publicity around the emergency centre proposed at the Hokitika airport location. S Bastion provided background to the proposal noting the current arragnment with the Emergency Operation Centre (EOC) set up in the WDC council chambers was not sustainable, and the work conducted three years ago on the location of a EOC/Emergency Coordination Centre (ECC) facility at the airport. He noted the provision in the WDC LTP for the proposal. C Brown advised of the agreement in 2021 that the ECC would continue to be located in Greymouth, but also advised that any EOC (in Buller or Westland) may be utilised as a ECC if that was the optimal operational decision at the time. She advised WCEM were a key project stakeholder as the WDC proposal progresses, and emphasised that the funding for the Hokitika EOC proposal is solely from the WDC budget. C Brown responded to J Cleine's query about the current location of the ECC, stating it was IL4 (importance level 4) the criteria for buildings with significant purpose.

J Cleine added the ultimate aim to have three good facilities wihtin each district, and that any could be tuiltised as a EOC or ECC depending on the need.



**Recovery and Welfare Resources**

S Bastion noted the response from the the Minister that there was no funding assistance for Recovery or Welfare roles. S Bastion highlighted the risk of not resourcing these roles, and he considering needed in the upcoming LTP conversation.

**9. Meeting closed at 9.57am**

Next Meeting: 8 November 2023, 0900am at Buller District Council Chambers.

**AGENDA ITEM THREE**

**Prepared for:** West Coast Emergency Management Joint Committee  
**Prepared by:** Claire Brown, Group Manager  
**Meeting Date:** 8 November 2023  
**Subject:** Group Manager Report

**PURPOSE**

To update the West Coast Emergency Management (WCEM) Joint Committee on work progress, key projects, and highlights since the last meeting on 1 September 2023.

**EMERGENCY RESPONSE MONITORING AND ACTIVATION**

This following response activity occurred since the last meeting on 1 September:

- 21 – 22 September 2023. Orange Rain Warning of up to 450mm for Westland. The following actions took place: agency briefings, preparation of rosters for Westland District, pre-deploying staff across the district, meetings scheduled with WCRC / WDC and MetService, and a media release.

**ENGAGING WITH COUNCILS**Grey District Community Resilience Committee Meetings

WCEM attended the second Grey District Community Resilience meeting on 4 September 2023. At this meeting we had the opportunity to update the committee on the progress of the mobile EOC, building assessor kits, Starlink distribution, training and the new community resilience matrix. This is a valued opportunity to engage with councillors.

Due to illness the AF8 presentation for Grey Councillors, also scheduled for 4 September, was postponed. A new date has been set for 11 December 2023.

Westland District Council Meetings

WCEM presented to WDC Council meeting on 28 September 2023. The presentation included updates on community resilience across the district. WCEM has been asked to provide updates to WDC Council every six months with the next due in March 2024. This is also a valued opportunity to engage with the WDC councillors.

**RESOURCING**Long-Term Plans 2024-2034

Several workshops have taken place with WCRC councillors at which WCEM LTP operational and capital budgets have been reviewed. WCEM is also involved in LTP discussions with Westland District Council. The key elements of the WCRC LTP discussions so far have included additional resource for welfare, recovery and planning, consideration of an upgrade the website, and an increase to the training budget.

**WEST COAST BUILDING ASSESSMENT NETWORK**

In October the Building Assessment leads from our three territorial authorities came together to strengthen the network. The group understand the critical importance of strong leadership, process and systems, and most importantly the coordination with EOC / ECCs during response. The Ministry of Building Innovation and Employment (MBIE) also attended to support and provide national updates. We have some of the country's leaders in this field and we need to build this strength across all councils and the west coast network. The group are looking forward to work together with workshops to train and exercise on a quarterly basis.

**2023 NATIONAL 'SHAKE-OUT' EARTHQUAKE DRILL**

The annual national 'Shake-Out' drill occurred in October. The West Coast ranked second highest participating region per capita in the country (behind Tairāwhiti - Gisborne).

### CRITICAL INFRASTRUCTURE ENTITY NETWORKING IMPROVEMENTS

Critical infrastructure entities (CIE) across the region are met earlier this week to agree on how to improve regional networking. There has been good engagement for Buller related agencies and CIEs, however there is a critical gap across Grey and Westland districts. Improvements in this area will be significantly assisted by the recruitment of a 'Partnerships Emergency Management Officer' with a focus on CIE engagement.

At the last CEG meeting it was agreed to have a standing agenda item to monitor the improvements around CIE engagement, with the aim to improve readiness and response coordination.

### EMERGENCY MANAGEMENT BILL – WEST COAST SUBMISSION

A West Coast Joint Committee submission was made to the select committee on 3 November 2023. Due to the general election, it is expected that the select committee (once formed) will not report back until early 2024.

### UPDATES FROM THE OPERATIONAL SUB-COMMITTEE (OSC)

The following areas were updated to the Coordinating Executive Group (CEG) on 25 October 2023 from the OSC Chair, Myles Taylor (FENZ):

1. Work Programme

CEG agreed to the attached work programme at Appendix One (with the addition of next steps and timeframes) to be submitted to this committee to endorse.

2. Training Highlights

A breakdown of the last financial year training was presented to CEG. It showed a total of 403 training places were filled in 2022-2023 financial year across a range of training courses and audiences. The progress and improvement in this area was noted by CEG.

3. Regional Exercise Programme

The West Coast exercise programme begins next week from 13 November. The programme consists of four sessions over the coming months: 1) D4H training, 2) Declarations, 3) Incident Action Planning, and 4) Planning and transition to recovery.

We have strong interest from groups across the country with several observers and subject matter experts coming to the region to assist. Several groups, such as Auckland, Marlborough and Nelson/Tasman are taking this opportunity to observe and learn with the potential to utilise in other regions. The support from NEMA and the Canterbury Group in particular, is acknowledged and appreciated by the WCEM group office.

4. Natural Hazards and Community Risk Profiling.

Members of the OSC benefitted from a WCRC Natural Hazard Analyst presentation on accessing natural hazard risk reports and profiling for the region. The OSC will continue to develop this relationship to assist agencies in their own resilience / continuity planning, and with the work they do with communities.

### RECOMMENDATION

That the West Coast Emergency Management Joint Committee:

**receive** this report

**endorse** the West Coast Emergency Management Work Programme at Appendix One

Claire Brown  
Group Manager

**AGENDA ITEM FOUR**

**Prepared for:** West Coast Emergency Management Joint Committee  
**Prepared by:** Claire Brown, Group Manager  
**Meeting Date:** 8 November 2023  
**Subject:** ‘Resilient Westport’ Programme Update

**PURPOSE**

To update on the West Coast Emergency Management Joint Committee on WCEM aspects of the ‘Resilient Westport’ programme, as a standing agenda item as agreed at the 1 September 2023 meeting.

**UPDATES**

The Westport Resilience programme leads met in October to share project updates and help identify the high-level programme risk register.

An initial meeting took place to understand the communication strategy objectives and focus on how the community is informed and engaged as the programme takes shape. Although only one strand of the programme, the improvements to emergency management and the engagement with community on evacuation planning is integral.

**WESTPORT EMERGENCY MANAGEMENT WORK AREAS**

The four work areas of the Westport emergency management project are:

1. detailed evacuation planning for today (risk now), during works, after completion of works, that is scenario driven (including failure)
2. improvement in digital / IT systems and how these are linked and utilised in preparation and response (e.g. real-time monitoring or trigger levels)
3. improved community awareness and understanding of natural hazard risk
4. greater critical infrastructure connection to all aspects of planning and response.

The first phase of this work is set out below. Recruitment is the next step on this project.

<p><b>Phase One: Initiate</b></p> <p>September – December 2023 (4 months)</p> <p>COST: Project Lead 1.0 FTE</p>	<ul style="list-style-type: none"> <li>• Recruitment and Induction</li> <li>• Detailed project planning of:                             <ul style="list-style-type: none"> <li>○ Stakeholder engagement and communication strategy</li> <li>○ Evacuation Planning</li> <li>○ Critical Infrastructure connection</li> <li>○ Planning and response tools and system</li> </ul> </li> </ul>
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**RISKS AND CONSTRAINTS**

The project risks identified so far include:

- Recruitment / personnel
- Alignment (or timing) with work across region (e.g. Franz)
- Community awareness, understanding, expectation and involvement
- Engaging with and priorities of partner agencies
- Resources required to deliver / implement evacuation planning arrangements
- Remaining linked with broader Programme or work and communication strategy
- Maintaining, exercising and updating planning arrangements

**RECOMMENDATION**

That the West Coast Emergency Management Joint Committee:

*receive* this report

Claire Brown

**Group Manager**

**AGENDA ITEM FIVE**

**Prepared for:** West Coast Emergency Management Joint Committee  
**Prepared by:** Simon Bastion, Chair Coordinating Executive Group  
**Meeting Date:** 8 November 2023  
**Subject:** Appointment of new Coordinating Executive Group Chair

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**PURPOSE**

To seek the committee's endorsement for the appointment of Chief Executive, Grey District Council, Paul Morris as the new Chair of the Coordinating Executive Group (CEG).

**BACKGROUND**

In October 2022 the committee agreed to the CEG chair role rotating on an annual basis (calendar year) and rotate sequentially through each territorial authority and regional council Chief Executive. It was agreed that Westland District Council Chief Executive continue as CEG chair for one year, before the role is moved to the Chief Executive of Grey District Council.

On 24 October 2023 CEG agreed to the appointment of the Chief Executive, Grey District Council, as the incoming CEG Chair, and seek the Joint Committee's endorsement for the appointment.

**RECOMMENDATION**

That the West Coast Emergency Management Joint Committee:

**endorse** the appointment of the Chief Executive, Grey District Council, Paul Morris, as the new Coordinating Executive Group Chair effective from this point

Simon Bastion, Chief Executive Westland District Council  
**Chair (outgoing), Coordinating Executive Group**

## AGENDA ITEM SIX

**Prepared for:** West Coast Emergency Management Joint Committee  
**Prepared by:** Simon Chambers  
**Meeting Date:** 8 November 2023  
**Subject:** National Emergency Management Agency (NEMA) Update

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### National Emergency Management Agency Update

#### 1. **Manager National Operations and National Controller.**

Roger Ball has resigned from his role as Manager National Operations and National Controller. His last day with NEMA is 27 October. NEMA is putting in place interim arrangements for both these roles until a permanent appointment can be made.

#### 2. **Secondment of Charlie Blanch to WREMO**

On 2 October 2023 Charlie Blanch, Chief Advisor National Operations - started a 12-month secondment to Wellington Regional Emergency Management Office (WREMO) as Manager Operational Readiness / Group Controller. This is a development opportunity that will broaden his already deep experience in the Sector by allowing him to gain hands-on experience with CDEM Group and Local Government arrangements.

#### 3. **National Exercise Rū Whenua**

On 12 October NEMA issued a warning order to provide advance warning of Exercise Rū Whenua 2024, a Tier 4 (national) exercise under the National Civil Defence Emergency Management (CDEM) Exercise Programme and a national exercise on the Interagency National Exercise Programme (NEP). The exercise will be led by the National Emergency Management Agency (NEMA) and will be conducted over three dates in 2024 (12 June, 26 June and 10 July 2024), with accompanying lead-up activities taking place prior to the main exercise days. Your agency will be formally invited to participate in the main exercise later in 2023.

#### 4. **Annual Readiness Training 2023**

In early October emergency managers of the NZ Emergency Management Assistance Team (NZEMAT) completed their annual readiness training exercise at Ellerslie Racecourse in Tāmaki Makaurau / Auckland. The training brought together NEMA's Regional Emergency Management Advisors and Rapid Response Team, Emergency Management Leadership Development Programme alumni and the NZ Police Nga Pirihimana O Aotearoa to train alongside NZEMAT for austere emergency environments and develop their technical capabilities.

The annual event packed a massive amount into the programme ensuring participants got the most out of the experience. Based on a large tsunami generating earthquake which impacted a large part of Aotearoa New Zealand, participants were tasked with establishing the Alternative National Crisis Management Centre (aNCMC) at Ellerslie Racecourse and coordinating the national response to the simulated emergency. Two of New Zealand's Auckland based Response Teams (NZ-RT 3 and 5) joined in on their training night to help establish a temporary Civil Defence Centre and conduct needs assessments alongside NZEMAT staff.

## 5. Recovery Update

There are currently 14 transition-to-recovery notices in force across the country with the most recent being Southland Region and Queenstown Lakes District as a result of severe weather events in September. A map of the affected regions and districts is included as an appendix.

## CDEM Bill Update

6. The last day for submissions on the Bill is 3 November. Submissions on the Bill are able to be viewed on the [New Zealand Parliament Website](#)

## National Vulnerability Assessment (NZLC Lead)

7. On 15 September the New Zealand Lifelines Council released the 2023 edition of *the Aotearoa-New Zealand's Critical Infrastructure: A National Vulnerability Assessment (NVA)*. This report is intended to:
  - provide a unique strategic perspective of all infrastructure services as they act in combination to support the wellbeing of New Zealanders,
  - stimulate awareness particularly about interdependencies,
  - drive a change in approach to prioritising resilience investment in infrastructure, to best meet our community needs.
  - Check out the NVA [here](#)

## North Island Severe Weather Events After Action Review (AAR)

8. NEMA has conducted its AAR to identify actions that need to be undertaken to ensure that NEMA is ready for future large and potentially catastrophic natural hazard events. The AAR is focused on NEMA's role and actions and is not an All-of-Government review. Civil Defence and Emergency Management (CDEM) Groups and other agencies have completed their own debrief.
9. A national level after action review workshop (a combined multi-agency/CDEM workshop) is set for 17 October 2023.

## Aotearoa New Zealand ShakeOut

10. ShakeOut is held across the world to remind people of the right action to take during an earthquake — Drop, Cover and Hold — and to practise a tsunami hīkoi (evacuation) if in a coastal area. ShakeOut took place on Thursday 19 October at 9:30am.

## RECOMMENDATION

That the West Coast Emergency Management Joint Committee:  
*receive* this report

**Simon Chambers | Principal Advisory, Regional Engagement**  
**National Emergency Management Agency | Te Rākau Whakamarumarū.**

**APPENDIX ONE**

Version 1.0 to Joint Committee, 8 November 2023

**NOTE timeframes are still to be discussed by OSC on 30 November 2023****WORK PRIORITIES SEPTEMBER 2023 – JULY 2024**

<b>CATEGORY</b>		<b>ACTIVITY</b>	<b>Next Step</b>
<b>1.0 OPERATIONAL READINESS</b>	1.1	DIGITAL PLATFORMS <ul style="list-style-type: none"> <li>Digital Road Map Implemented: D4H roll out commenced with go live early 2024, with stand-alone TEAMS and email.</li> </ul>	<ul style="list-style-type: none"> <li>Roll out commenced and training underway by end 2023.</li> <li>Include in induction and 2024 training programme</li> </ul>
	1.2	RESOURCES AND ASSETS <ul style="list-style-type: none"> <li>'Better Off Funding' projects supported through tranche one and two for BDC and WDC</li> <li>Year Two NEMA Resilience Fuel Storage project completed</li> <li>Resource register, maintenance and replacement schedule in place</li> </ul>	<ul style="list-style-type: none"> <li>EMOs Confirm dates with each council and draft project plans to complete by Feb 2024</li> <li>Ongoing – final report due to NEMA August 2024</li> <li>Draft by June 2024</li> </ul>
	1.3	REVIEW OF GROUP PLAN	<ul style="list-style-type: none"> <li>Met with potential contractor 3 November to progress.</li> <li>Awaiting proposal to approve and present to OSC on 30 November.</li> <li>Proposed completion in September 2024</li> </ul>
<b>2.0 IWI / MĀORI</b>	2.1	PARTNERSHIPS Work with Poutini Ngāi Tahu to develop areas such as: <ul style="list-style-type: none"> <li>Marae Activation Guidelines</li> <li>EOC / ECC Liaison team</li> <li>Review Iwi / Māori representation at all levels</li> </ul>	Propose meeting to discuss with Poutini Ngāi Tahu by end 2023
	2.2	UNDERSTANDING AND CAPABILITY <ul style="list-style-type: none"> <li>Improve and maintain WCEM and wider emergency network cultural competency.</li> </ul>	<ul style="list-style-type: none"> <li>Include into annual training programme</li> <li>Discuss with WCRC re all staff training</li> </ul>



Appendix 2

<b>3.0 AF8 COLLABORATION</b>	3.1	<p>INTERAGENCY PLANNING</p> <ul style="list-style-type: none"> <li>• Buller Planning Group</li> <li>• Est Grey and Westland Planning Groups</li> <li>• Rebuild Critical Infrastructure, Welfare, Farming and Recovery networks</li> </ul>	<ul style="list-style-type: none"> <li>- Ongoing - Buller Planning Group</li> <li>- Wait until CIE and Welfare network underway</li> <li>- CIE re-start meeting 6 November 2023</li> <li>- Farming Network meeting with MPI by end December 2023</li> </ul>
	3.2	<p>OSC INITIATIVES</p> <ul style="list-style-type: none"> <li>• Resource Register</li> <li>• Alternate Coms Register</li> </ul>	<p>Working versions of:</p> <ul style="list-style-type: none"> <li>- OSC Resource Register by end 2023</li> <li>- OSC Alternate Communications Plan by end June 2024</li> </ul>
	3.3	<p>PROJECT AF8 SOUTH ISLAND INITIATIVES</p> <ul style="list-style-type: none"> <li>• Priority Routes</li> <li>• Coordination Areas Project</li> <li>• Welfare – Habitation Modelling</li> </ul>	<ul style="list-style-type: none"> <li>- South Island Collaboration Projects Identified end 2023 (next meeting Dec)</li> <li>- Scope and resourcing implications by April 2024</li> </ul>
<b>4.0 COMMUNITY RESILIENCE</b>	4.1	<p>COMMUNITY RESPONSE GROUPS AND PLAN</p> <ul style="list-style-type: none"> <li>• Community Resilience Matrix monitored and progressed</li> </ul>	<ul style="list-style-type: none"> <li>- Grey Matrix underway – reviewed at each GDC Resilience Committee meeting</li> <li>- Buller and Westland draft matrix to OSC by April 2024</li> </ul>
<b>5.0 CAPABILITY</b>	5.1	TRAINING PROGRAMME PLANNED AND DELIVERED	<p>Ongoing. Reported back at each OSC and CEG.</p> <ul style="list-style-type: none"> <li>- 2024 Programme (including local and regional exercises) drafted and costed by Jan 2024</li> </ul>
	5.2	CONTROLLER NETWORK ENGAGED	Ongoing. Six weekly workshops and invites to OSC meetings.
	5.3	VOLUNTEER EMERGENCY SUPPORT TEAM IMPLEMENTED	Next steps on draft proposal to present back to OSC by end March 2024.
<b>6.0 RESILIENT WESTPORT</b>	6.1	TWO YEAR PROJECT DELIVERY AND SUCCESSION (with additional resource \$500k over two years)	Phase One: Recruit project planner before end 2023
<b>7.0 FRANZ JOSEF</b>	7.1	EVACUATION PLANNING (standalone project lead resource \$60k over two years tbc)	<ul style="list-style-type: none"> <li>- Met with Franz CD Group 2 November 2023</li> <li>- Agree Enhanced Franz Emergency Response proposal to present to Franz CD by end Dec 2023</li> </ul>

*Copy for Mayor*

Juliana Care of BDC re rubbish

Dear Juliana,

I am disappointed to read the Westport residents are still stirred up about the cost of rubbish disposal etc.

I contacted you about a letter that someone had published in the NEWS one Friday outlining how some overseas cities disposed of up to 500 household's rubbish in enlarged incinerators, with in some cases a generator using the heat producing electricity as well.

That would reduce the cost of transporting the Westport rubbish to the Nelson landfill and the related dumping fees.

As the letter writer seemed to have many of the details, I suggested that you obtain the authors name or address from the editor, and also told you with that in hand there was no value in myself and John Hill meeting with you, on the planned date.

There would still be the costs relating to collection of the rubbish, and the costs related to feeding into the incinerator, but no need distinguish between different products for recycling, and perhaps only one bin would take everything, once a week.

Trusting I will no longer see any more discusson about Rubbish now.

Yours

Gary Jeffery

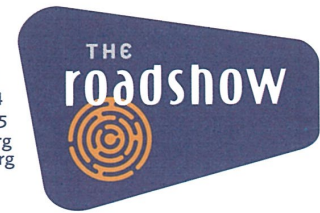


24 October 2023

Mayor Jamie Cleine  
 Buller District Council  
 PO Box 21  
 Westport 7866

The National Science-Technology Roadshow Trust

POST PO Box 12 662  
 Wellington 6144  
 PHONE 04 499 7865  
 EMAIL info@roadshow.org  
 WEB www.roadshow.org



Dear Mayor Cleine

The National Science Technology Roadshow Trust (the Trust) very much appreciated you taking the time out of your busy schedule to once again visit us at Buller High School last week. It is always a pleasure to have you come along and see the enthusiasm and engagement students can have for science.

As you know, understanding science processes is a critical tool to fully functioning in our society. This includes appreciating sciences' contribution to the major decisions we as a nation must make. And of course if we don't keep the curiosity alive in our students and offer them enriching experiences, then we cannot expect many entrepreneurs or new innovations to emerge and ultimately stimulate our economy!

Sustaining the *Science Roadshow* and the *Sir Paul Callaghan Science Academy*, including its alumni network of over 600 teachers, is mission critical for the Trust, but raising funds to do so remains our biggest challenge. In this regard, we are most grateful for the support of the Ministry of Education and Science Alive.

During the 2 days we were in Westport and Reefton a total of 444 students from 6 schools visited. Annually the *Science Roadshow* is experienced by over 47,000 students from more than 500 schools in over 120 communities.

We wish you well and thank you for your continued support of our programme.

Kind regards

Nāku iti noa, nā

Ian Kennedy  
 Director

Programmes of the National Science-Technology Roadshow Trust:





3 November 2023

Committee Secretariat  
 Governance and Administration Committee  
 Parliament Buildings  
 Wellington 6021  
 Aotearoa New Zealand  
[ga@parliament.govt.nz](mailto:ga@parliament.govt.nz)

Tēnā koutou members of the Governance and Administration Select Committee

**WEST COAST EMERGENCY MANAGEMENT (WCEM) JOINT COMMITTEE  
 SUBMISSION ON THE EMERGENCY MANAGEMENT BILL 2023**

West Coast Emergency Management Group (the Group) is comprised of the West Coast Regional Council, the three territorial authorities (Buller, Grey and Westland) and Iwi partners Poutini Ngāi Tahu (Makaawhio and Ngāti Waewae). The Group is a joint standing committee for the West Coast Emergency Management Group office. The West Coast Regional Council is the administrative body and employs staff in the Group office who, among other duties, look after the emergency management functions across all three territorial authorities.

The West Coast is a geographically a region with a length of 600km and a population of around 33,000 people. The Group is also responsible for approximately 7-8,000 additional tourist visitors that pass through on any given day that require specific plans and support in the event of emergencies. The drive between the northern reaches of Buller, to Jackson Bay in South Westland is comparable in distance to driving from Wellington to Auckland. Much of the region is public conservation land and national parks. The West Coast economy rests on tourism, dairy farming and fishing, with the minerals industry (including gold and coal mining) remaining vitally important.

We, like other parts of the country are challenged with more frequent and serious natural hazard events. We have a natural hazard risk profile that demands we are future focussed around development and how we keep people and communities safe and resilient. We are conscious of the 75% probability of a catastrophic Alpine Fault (AF8) earthquake within the next 50 years. Our communities are becoming increasingly aware of the importance of being prepared and will require greater support and capability of the group.

Some aspects of our current structure and governance make it difficult to get consistent arrangements across the region. Like all groups, we are subject to local rating base pressures, three-year local government elections, varying 'levels of services' and allocated funding across each of our districts. What is a priority and focus for one district may differ from the neighboring district, with a very different funding model for all.

Our strength is in our relationships across the West Coast, our South Island neighbours as well as the wider emergency management system, communities, businesses and individuals. However, we are also constrained by the challenges many organisations have on the West Coast with a thin layer of representation and resourcing. For example, many of our social and critical infrastructure entities have limited resource based on the Coast. This often requires resources to be pre-deployed to the region from across the South Island ahead of events. Our state highway and local road network is vulnerable to natural hazards and often a state-highway closure cuts off the only arterial route preventing travel and traffic through the region with very limited detours available.

The West Coast is not alone in its challenges, and we endorse the efforts of central government to better support our ability to respond. The support of NEMA and the NZEMAT team to back us and guide us through significant responses in the last few years has been greatly appreciated. The support from Controllers across the South Island who have agreed to be on a West Coast approved Controller list is another example of the strong relationships with individuals and territorial authorities across regional boundaries. However, it also demonstrates a level of interdependency that can be adhoc and key personnel reliant, which if not managed well during or maintained outside of activations, impacts the effectiveness of emergency management delivery.

We consider the West Coast Emergency Management sector a highly motivated and collaborative network. We work hard to maintain relationships and look for opportunities to team up to mitigate the challenges we all face. The changes proposed by the Bill are an improvement, however we believe there is an opportunity here to have a deeper systems-based review of emergency management.

The current 'Resilient Westport' and the on-going flood recovery work is an opportunity to pilot a wider and long-term approach to emergency management that more fully addresses the 4Rs, and the interdependencies across multiple disciplines and stakeholders. We believe the Bill in its current form is not aligned to, or won't help facilitate the scope and scale of those programmes of work that are occurring across the country to recover from several large events in recent years.

Our comments on the key proposed changes, as set out by NEMA in the 8-page overview document, are attached.

In summary, the West Coast Group:

- generally supports the range of adjustments proposed in the Bill particularly improved representation of Iwi / Māori, increased accountability of Critical Infrastructure Entities and improving consistent and flexible rule-making to regulations.
- generally supports, but is unclear on the extent or responsibilities of groups to address inequitable outcomes
- highlights the challenge for smaller councils to provide adequate resourcing by way of budget *and* personnel to meet expectations of the Bill and of communities
- believes there is a missed opportunity to have a broader change to the structure, governance, direction and resourcing so that there is consistent and equitable emergency management across regions.

Thank you for the opportunity to submit. We request our submission is heard, and I look forward to the opportunity to present to you in person.

Yours sincerely



Mayor Jamie Cleine - Buller District Council  
**Chair, West Coast Emergency Management Joint Committee**

## COMMENTS ON KEY CHANGES AS DESCRIBED IN THE 8-PAGE NEMA OVERVIEW OF PROPOSED CHANGES

### 1. Roles and Responsibilities

The West Coast Group:

- generally supports of the proposed changes and recognize the opportunity taken to make retrospective adjustments in the Bill.
- seeks greater provision for NEMA in the Bill to expect consistent levels of services and funding models across groups, however we note the improvements sought with an updated regulatory framework
- supports increasing the role of the Director of Emergency Management
- is unclear on the intent and purpose of the introduction of 'Area Controller' and the distinction between that and existing Group Controller and note the risk that the terminology change will promote confusion (refer Section 5 Interpretation, and Sections 42 to 47 Area Controllers and Local Controllers)
- suggests NEMA's role in recovery is further enabled to include and be lead agency for all phases and co-ordination of an 'all of government' recovery programme,

### 2. Recognise, enhance and value role of Iwi / Māori

The West Coast Group:

- supports the strengthened expectation and direction for greater partnering with Iwi / Māori For several years our Group has had Iwi membership with full voting rights.
- is concerned the added expectations are not reflected in the resourcing and capability model nationally
- notes Iwi / Māori participation is underfunded and is likely a barrier to meaningful participation for groups across the country.

### 3. Enhanced accountability for Critical Infrastructure Entities

The West Coast Group:

- supports greater consistency and visibility CIE's planning across business continuity and emergency response planning
- concerned territorial authorities also hold CIE responsibilities and that this change will have ramifications for councils
- supports a phased approach to CIE's requirements for planning.

### 4. Equitable Outcomes for those disproportionately impacted

The West Coast Group:

- supports the attempts in the Bill to provide more equitable response-planning
- notes the broad definition in the explanatory notes, and without a clear interpretation, the implication or effectiveness of the proposed change is difficult to comment on
- questions whether communities who are disproportionately impacted due to their natural hazard risk profile, as well as other inequalities such as economic deprivation are included
- requests that Groups are involved in the development of regulations, as the how, when, who and the resourcing of this work will need to be worked through.

### 5. Improving operational effectiveness – JCs can meet via audio or audio visual during emergencies

### 6. Updating legal and regulatory framework

### 7. Replacing the term 'civil defence' with 'emergency management'.

The West Coast Group:

- supports the change for Groups to meet via audio or audio-visual during emergencies
- supports updating legal and regulatory powers to add consistent rule-based policy across groups, in particular the ability for the Director to make rules
- supports replacing the term 'civil defence' with 'emergency management'.

## BULLER DISTRICT COUNCIL

29 NOVEMBER 2023

AGENDA ITEM: 11

**Prepared by** Steve Gibling  
Chief Executive Officer

**Attachments** 1 – 231116 Final BDC Taumata Arowai Response Letter

### CHIEF EXECUTIVE OFFICERS REPORT

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#### 1. REPORT SUMMARY

This report provides an overview of activities across the previous month and a 'horizon-scan' of upcoming strategic focus areas and opportunities.

#### 2. DRAFT RECOMMENDATIONS

1. **That the Council receive the report Chief Executive Officer's Report.**

#### 3. OVERVIEW OF INFORMATION

This report provides information on activity which has occurred over October 2023, and horizon scans matters of interest to Council.

##### 3.1 Long-Term Plan 2024-2034 Commencement

Over the last 6 weeks our mayor and elected members have been out and around the district engaging with our community to find out what you want the district to look like in the coming 10-years. It was great to see a steady stream of responses coming in over the period and the input was received from all corners of the district.

We have worked with PublicVoice, a research company to analyse our data and we will release the report with all the findings when we receive this, however the high-level numbers are as follows:

- Responses to pre-engagement survey 428
- Quick Poll Responses 170

This has meant that we have received nearly 600 responses which is a phenomenal result. I want to thank the staff team and the councillors for their involvement and to everyone who shared with us their thoughts.

We have held workshops in November with the elected members around affordability and we are currently drafting our long-term plan document to go

to consultation with the community early next year. Keep a look out for more information across our social media channels and connect newsletter. We will keep you informed in any updates as we move forward.

### **3.2 Future for Local Government workshop**

The Mayor and I attended Local Government New Zealand's Future by Local Government workshop on the 2 November. The workshop focused on developing a sector-wide consensus position that addressed key issues of Funding; System transformation; Te Tiriti relationships and obligations; Wellbeing and working with central government.

The final draft position was received on 24 November and is addressed in today's agenda as a separate item. Council, through its selected delegates, will be able to vote on supporting these positions proposed at a Special General Meeting which is scheduled on 11 December.

### **3.3 Westport Flood Resilience – Master Planning**

Buller District Council has initiated a Master Planning process for the greater Westport area. The purpose of this work is to provide a holistic road map for the area that takes into account the five Wellbeing's within the LTP and looks to provide a series of spatial plans that will encourage and enable growth for the region.

A tender process to appoint the appropriate specialist firm was undertaken in October of 2023 and the Isthmus Group was subsequently appointed as the preferred supplier.

The funding for this project is from two sources, neither of which are borne by the ratepayers of Westport. Funding was approved towards the Master Planning from the Three Waters Reform Better Off, and subsequently further funding put forward by the Department of Internal Affairs via the Multi Tool Business Case.

Stage one, funded by the Better Off funding is in its earliest establishment stage currently, throughout the course of the next few months this will provide a set of vision plans with which to engage with the community throughout 2024. Stage two, funded via the Multi Tool Business Case will be initiated in 2024 and will align with significant community engagement to ensure this plan is by Westport - for Westport.

Council have engaged a local communication and engagement specialist to develop a Communication and Engagement Strategy that encompasses key projects around strengthening Westport's and/or the districts resilience from future natural hazard events.

The benefit of this work will not only ensure that scheduling of communication and engagement actions between the West Coast Regional Council and BDC



enables a greater degree of coordination between the two local government agencies. But most importantly it will support effective and timely community engagement which, at its core, is critical over the myriad of workstreams, options and solutions to be developed.

### **3.4 Communication and Engagement**

#### ***Engagement App***

Staff have been working with the development team from MAGIQ on the customer and admin interface of Council's engagement app to be launched early December. This app will provide numerous benefits, exceptional integration capabilities, cost-effectiveness, and high customizability, as well as its impressive functionality and improve Council's communication with the community.

#### ***Port Marketing***

Communications staff are working alongside the Westport Harbour team to raise the profile of the port, highlighting it as a favourable destination for users, e.g. the fishing fleet given the upcoming tuna season. Approaches have been made to several maritime industry publications and one feature article has been confirmed for the December issue of Seafood NZ. We hope that this targeted media exposure will showcase the harbour's recent facility upgrades and developments with the aim of increasing the level of recreational and commercial activity.

### **3.5 PMO Review**

The Forensic Audit has now commenced, and I am pleased to advise that I have appointed KPMG to undertake the work for Council. They have commenced their work in establishing the methodology required to deliver on the Terms of Reference approved last month.

### **3.6 Water Reforms**

The results of the election are now finalised, and the coalition talks are (at the time of writing this report) underway to establish our government. In terms of the Affordable Waters Reform there is a huge amount of uncertainty as to the next steps as the incoming government has it made it clear that they would like to repeal the legislation. How, or what that means is something we are not sure off. What we do know is the following:

- Once negotiations have concluded to enable a government to form, the Prime Minister and Ministers will be appointed and sworn in.
- The first meeting of Parliament must take place within six weeks following the formation of Government.
- The incoming Government have stated that they will repeal the legislation within 100 days of being in Government.

That places the status of the reforms not being decided until March or April of next year which also corresponds with the development of our Long-term Plan.

Buller District Council have been clear on the investment needs that we require, and the fact that we cannot afford these on our own. We are going to draft a letter to the incoming Minister of Local Government and outline the messages we have given throughout in our submissions to Parliament around

our story, the investment we need, how the Taumata Arowai compliance regulations are going to impact us and to see what can be done for our community.

I have also written to Taumata Arowai in response to their correspondence to Council over the past month and a half (*refer to attachment 1*). I have extended an invite to meet with us in Westport so we can work through our significant and complex issues.

16 November 2023

Bruce McLaren  
Regulatory Operations Manager  
Taumata Arowai

via email: [Bruce.McLaren@taumataarowai.govt.nz](mailto:Bruce.McLaren@taumataarowai.govt.nz)

Tena koe Bruce,

Buller District Council (BDC) has received and acknowledges the emails on 27 September 2023 and 26 October 2023 regarding the bacterial and protozoa risks in the Reefton, Punakaiki, Waimangaroa, Mokihinui and Little Wanganui water supplies. This letter explains actions already undertaken and future actions to address these risks.

*Residual Disinfection in the Reefton and Punakaiki Water Supplies*

The Chlorination of the Reefton Water Supply was completed in July 2023. This is currently being updated in the Water Safety Plan and will be updated in Hinekorako upon completion prior to the 15<sup>th</sup> of November.

The installation of residual disinfection in the Punakaiki Water Supply is currently in the procurement phase with completion planned in June 2024.

*Summary of the Northern Buller Supplies (Waimangaroa, Mokihinui and Little Wanganui)*

All the Northern Buller water supplies do not have treatment plants or storage reservoirs. All supplies are surface water catchments with discoloured water due to native beech leaching tannins. The supplies are all prone to prolonged periods of high turbidity due to frequent and high rainfall volumes on the West Coast. As a result, the treatment requirements for these catchments are high.

All supplies are on-demand and are gravity fed with the exception of the Mokihinui Brewery Stream intake which uses a pumped system. All the supplies are primarily residential, with Waimangaroa also feeding three farms, and Mokihinui feeding a farm/milking shed, pub and campground.

A summary of the supplies is below:

<b>Supply</b>	<b>Connections</b>	<b>Population</b>	<b>Storage (m<sup>3</sup>)</b>	<b>Retic (m)</b>	<b>Value (\$m)</b>
Waimangaroa	140	300	60	6,500	2.163
Mokihinui	47	100	0	2,200	0.416
Little Wanganui	77	150	10	2,200	0.301

Each supply can be characterised as being remote without permanent staff situated in any of the towns. Each town have small ratepayer bases to fund the operation of the supply. Little Wanganui and Mokihinui are not considered Urban Fire Districts and hence the supply is not used for the firefighting. Waimangaroa is considered an Urban Fire District.

*Proposed Actions for Northern Buller Supplies*

In absence of any treatment infrastructure or storage reservoirs on any of the supplies, there is extensive work required to achieve compliance with the Quality Assurance Rules and Water Services Act 2021.

The likely extent of work for each supply is as follows:

- Investigation of alternative water supplies (groundwater) or alternative solutions (rainwater harvesting or point of supply treatment devices if allowed)
- Undertaking extensive sampling in Mokihinui and Little Wanganui to inform Treatment Plant design.
- Obtain estimates to inform the Long-Term Plan.
- Undertaking of a tender process for the construction of a new treatment plant, reservoirs and other required infrastructure.
- Construction of infrastructure.

Part of the Better Off funding received by BDC has been allocated to start this process. The intention of this project is to undertake comprehensive sampling of the existing surface water source and explore nearby groundwater resources to establish the best source to proceed with design of a treatment plant. The exploration of groundwater resources is expected to yield better water quality and could result in significant savings. However, in order to obtain sufficient data and obtain accurate pricing gathering data over a long period of time is required. Consequently meeting the June 2024 funding plan deadline will be extremely difficult.

The largest barrier for BDC achieving compliance is available funding. Buller District Council operates using a closed account system, which does not allow water rates from the larger parts of the district (Westport and Reefton) to be used to fund smaller supplies. With rate payer bases of 140, 77 and 44 respectively, the rating impact of a large capital project is significant. Further to this Buller District rates high on the deprivation index with the northern areas consisting of a high number lower income households, where a large increase in rates could be unaffordable for the community. As a result, any available external funding is critical for these projects.

This issue was recently encountered in early 2022 where BDC undertook a tender for the Design-Build of a treatment plant for Waimangaroa. The total cost of the treatment plant, reservoir and associated civil works was approximately \$2.5 million or ~\$18,000/connection. As a result of these high costs, the project was considered unaffordable and the project did not commence. Due to the smaller size of the Mokihinui and Little Wanganui and similar source water characteristics, it is expected that funding issues will be more significant for these supplies.

As BDC is bound by the Local Government Act 2002 and the Councils significance and engagement policy, extensive engagement with the community and local government representatives will be required. The investment required to complete these projects will require a significant rates increase on a very small rating base.

Due to the lack of any treatment infrastructure on any of the three supplies and associated funding issues, meeting the June and December 2024 deadlines will be difficult. BDC is committed to achieving compliance and on behalf of our team I would like to take up your offer of a discussion about how we can work collaboratively to agree a sustainable and affordable way forward. As a starting point, an initial discussion could include:

- Available funding streams to assist the projects.
- Expectation on timeframes on compliance given the significant works required.
- Exploration of alternative solutions, i.e. Point of Supply treatment devices, water tanks, bore supply etc.
- Rates implications and working with Councillors.
- Issues facing each supply including site visit to West Coast.

On behalf of our team I would welcome Taumata Arowai to visit with us in Buller District prior to Christmas this year so we might be able to discuss these issues directly.

I look forward to hearing back from you.

Kind regards



.....  
**Steve Gibling**  
Chief Executive Officer

Cc: Steve Taylor, Head of Regulatory, [info@taumataarowai.govt.nz](mailto:info@taumataarowai.govt.nz)

## **BULLER DISTRICT COUNCIL**

**29 NOVEMBER 2023**

**AGENDA ITEM: 12**

**Reviewed by** Steve Gibling  
Chief Executive Officer

### **VERBAL UPDATES FROM COMMITTEE CHAIRS**

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

A summary of updates is verbally provided by each of the Chairs and Council Representatives listed below.

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

**That Council receive verbal updates from the following Chairs and Council Representatives, for information:**

- 1. Inangahua Community Board – Cr L Webb**
- 2. Ngati Waewae Representative – N Tauwhare**
- 3. Regulatory & Hearings Committee – Cr G Neylon**
- 4. Community, Environment & Services Committee – Cr J Howard**
- 5. Te Tai o Poutini Plan – Mayor J Cleine and Cr G Neylon**
- 6. Joint Committee Westport Rating District – Mayor J Cleine, Cr J Howard and Cr C Reidy**
- 7. WC Health Localities Project - Cr G Neylon**
- 8. Regional Transport Committee - Cr T O’Keefe**

**BULLER DISTRICT COUNCIL**

**29 NOVEMBER 2023**

**AGENDA ITEM: 13**

**Prepared by** Steve Gibling  
Chief Executive Officer

**PUBLIC EXCLUDED**

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**1. REPORT SUMMARY**

Subject to the Local Government Official Information and Meetings Act 1987 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:**

<b>Item No.</b>	<b>Minutes/Report of:</b>	<b>General Subject</b>	<b>Reason For Passing Resolution Section 7 LGOIMA 1987</b>
<b>PE 1</b>	Steve Gibling - CEO	Confirmation of Previous Public Excluded Minutes	<b>(s 7(2)(j))</b> - Prevent the disclosure or use of official information for improper gain or improper advantage.
<b>PE2</b>	Steve Gibling - CEO	Land Transfer Progress and Resolution	<b>(s 7(2)(i))</b> - Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);
<b>PE3</b>	Jamie Cleine - Mayor	CEO Performance Review Consultant Appointment	<b>(s 7(2)(i))</b> - Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);