



AGENDA

Meeting of the
Buller District Council

Commencing at 3:30pm
Wednesday 27 March 2024

To be held at the
Clocktower Chambers
Palmerston Street
Westport



CORE COUNCILLOR ROLE AND RESPONSIBILITIES

The Governance role entails:

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

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

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

CLEAR AND RESPECTFUL COMMUNICATION

We are committed to:

Actively listening and not interrupting;

Remaining conscious of 'tone', body language, and amount of time speaking (allowing time for others);

Responding/answering in a timely manner; and

Being honest, reasonable, and transparent.

TRUST AND RESPECT

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

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

CONTINUOUS LEARNING AND IMPROVEMENT

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

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

NONE OF US IS AS SMART AS ALL OF US

Council

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

Purpose

The Council is responsible for:

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

Terms of Reference

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

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

Common Delegations

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

General Principal

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

These Committees will:

Strategy, plans and policy

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

Bylaws

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

Consultation and engagement

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

Submissions and legislation

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

Contracts

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

Other

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

Buller District Council

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



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BULLER DISTRICT COUNCIL

27 MARCH 2024

AGENDA ITEM: 1

Prepared by Steve Gibling
Chief Executive Officer

APOLOGIES

1. REPORT SUMMARY

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

2. DRAFT RECOMMENDATION

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

OR

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

BULLER DISTRICT COUNCIL

27 MARCH 2024

AGENDA ITEM: 2

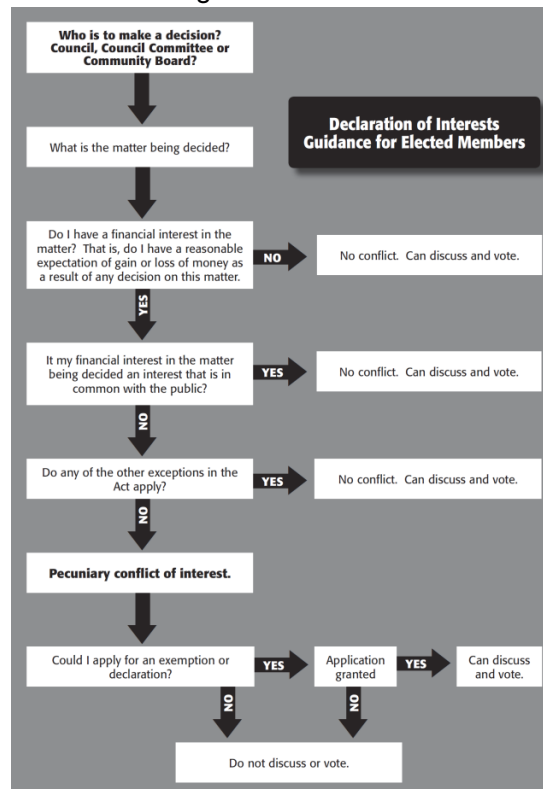
Prepared by Steve Gibling
Chief Executive Officer

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

27 MARCH 2024

AGENDA ITEM: 3

Prepared by Steve Gibling
Chief Executive Officer

CONFIRMATION OF MINUTES

1. DRAFT RECOMMENDATION

That Council receive and confirm the Public minutes from the meeting of 28 February 2024.

THE BULLER DISTRICT COUNCIL, HELD AT 3.30PM ON WEDNESDAY 28 FEBRUARY 2024 AT CLOCKTOWER CHAMBERS, PALMERSTON STREET, WESTPORT.

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

IN ATTENDANCE: S Gibling (CEO), D Marshall (Chief Financial Officer), M Duff (GM Infrastructure Services), K Trigg (GM Community Services), J Salmond (Senior Project Lead), G Barrell (Governance Secretary), C Wilson (Governance Assistant).

MEDIA: Ellen Curnow

PUBLIC ATTENDANCE: Jack Collin, Allen Morris, S Roche.

PUBLIC FORUM:

Chris Reynolds: Trade Waste Bylaw

Mr Reynolds spoke to the withdrawn Trade Waste Bylaw.

Lee Harris: Letter to Ministers from Mayor J Cleine

Ms Harris spoke regarding Agenda item 12.3. Looking to ensure the environmental protection of the West Coast wetlands. She noted that the majority of local residents around this particular area are opposed to the mining of this area.

MEETING DECLARED OPEN AT: 3.45pm

1. APOLOGIES (Page 9)

Discussion:

Mayor J Cleine noted that DM A Basher will be departing temporarily at approximately 4pm and will return via Zoom.

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

Cr A Pfahlert/Cr P Grafton

11/11

CARRIED UNANIMOUSLY

2. MEMBERS INTEREST (Page 10)

Discussion:

Mayor J Cleine declared he has an interest in Agenda Item 9. He is a trustee of Buller Health Trust and Buller Resilience Trust. He will manage this interest by not participating in that item and will pass the Chair to DM A Basher.

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

Cr G Weston/DM A Basher

11/11

CARRIED UNANIMOUSLY

Item 9 was addressed next.

DM A Basher took over the Chair from Mayor J Cleine.

9. COUNCIL CONTROLLED ORGANISATION EXEMPTION (Page 151)

Discussion:

D Marshall spoke to the report that Under the Local Government Act, an exemption can be used by Councils to not undertake certain reporting requirements for their Council Controlled Organisations.

This exemption reduces reporting requirements for Statements of Intent, half year financial reports, and all other compliance matters around audit requirements.

RESOLVED that the Council resolves the following;

- a) Given the nature and scope of the activities of Denniston Heritage Charitable Trust, and cost benefit available from being exempted, Council, per section 7 of the Local Government Act 2002, exempts Denniston Heritage Charitable Trust as a Council Controlled Organisation;

Cr G Neylon/Cr A Pfahlert

9/9

Cr C Reidy abstained

Mayor J Cleine abstained

CARRIED UNANIMOUSLY

- b) Given the nature and scope of the activities of Buller Health Trust, and cost benefit available from being exempted, Council, per section 7 of the Local Government Act 2002, exempts Buller Health Trust as a Council Controlled Organisation;

Cr G Neylon/Cr A Pfahlert

10/10

Mayor J Cleine abstained

CARRIED UNANIMOUSLY

c) Given the nature and scope of the activities of Buller Resilience Trust, and cost benefit available from being exempted, Council, per section 7 of the Local Government Act 2002, exempts Buller Resilience Trust as a Council Controlled Organisation.

Cr G Neylon/Cr A Pfahlert
9/9
Cr C Reidy abstained
Mayor J Cleine abstained
CARRIED UNANIMOUSLY

3. CONFIRMATION OF PREVIOUS MINUTES (Page 11)

Discussion:

Nil

RESOLVED that Council receive and confirm the Public minutes from the Council meeting of 13 December 2023

Mayor J Cleine/Cr J Howard
11/11
CARRIED UNANIMOUSLY

DM A Basher departed at 4.00pm

4. ACTION POINTS REPORT (Page 23)

Discussion:

Nil

RESOLVED that Council receive the Action Points list for information.

Cr P Grafton/Cr A Pfahlert
10/10
CARRIED UNANIMOUSLY

ACTION POINT – D Marshall to bring back reports to April Council regarding Leasee conditions.

5. POTENTIAL DEFERRAL OF LONG TERM PLAN 2024-2034 (Page 25)

Discussion:

J Salmond spoke to his report for Council to consider the challenges, consequences, and associated considerations of the repeal of the Affordable Waters Legislation which impacts on the Council's ability to adopt the next Long-Term Plan (LTP).

Council has an option to approve a 12-month deferral of the 2024-2034 LTP replacing it with an enhanced Annual Plan for the 2024-2025 financial year.

He noted the tight deadlines required for resolution.

RESOLVED: That the Council:

1. Receive the report “Long-Term Plan (LTP) Adoption Date with “key considerations”,
2. Agree to defer the LTP adoption by 12 months to 30 June 2025,
3. Agree to adopt an ‘enhanced’ Annual Plan for the 2024-2025 financial year,
4. Agree to produce a reduced 9-year Long Term Plan for 2025-2034.

Cr A Pfahlert/Cr T O’Keefe

10/10

CARRIED UNANIMOUSLY

6. BROUGHAM HOUSE UPGRADE UPDATE REPORT (Page 44)

Discussion:

K Trigg spoke to her report .The report provides an overview of the current condition and challenges associated with Brougham House and the Victoria Square buildings. Additionally, it outlines the proposed strategy for addressing the identified issues.

It was requested that this be an item that is monitored.

ACTION POINT: Staff will report back in December 2024 on progress update on options being considered for Brougham House, EOC and Library.

An extra resolution was added to the Recommendation and is read as 4.

The wording for Recommendation 3 was amended FROM:

3. Instructs staff to bring forward plans for a ‘Council facility’ to the 2027-2037 Long Term Plan.

TO: As reads below

RESOLVED that the Council:

1. Notes the contents of this report for information;
2. Notes that the completion of the heating and cooling part of the upgrade will be implemented pre-June 2024;
3. Instructs staff to bring forward a scoping study on the future of Brougham House, EOC and Library to the 2027-2037 Long Term Plan.
4. That the issues surrounding Brougham House, EOC and Library be added to the Strategic Risk Register for follow up on December 2024

7. GOVERNANCE STRUCTURE CHANGE REPORT (Page 112)

Discussion:

Mayor J Cleine spoke to his report. Noting the genesis of this came from the initial one-on-one meetings held between the Mayor and each of the Councillors.

This report is to recommend changes to Council governance structure. This includes dis-establishment of the Regulatory and Hearings Committee and the Community and Environment Services Committee.

The report also recommends introducing a portfolio approach to governance and assigning Councillors to portfolios. Suggested changes to Councillor remuneration and some additions to the Terms of Reference for the Risk and Audit Committee and a draft calendar for 2024 are also included.

It was requested and agreed that there be an amendment to the wording in bullet point 'd' in Recommendation 7. Corporate Policy and Planning will be amended to Corporate Policy and Corporate Planning.

Discussion was held around this item.

Cr A Pfahlert departed the room at 5.07pm and returned at 5.09pm.

Cr C Reidy declined his portfolio and income increase.

Cr G Neylon departed the room at 5.10pm and returned at 5.12pm.

The resolutions were broken down as below.

RESOLVED that Council:

1. Receive the report for discussion and information. JC/CR 10/10
2. Receives the governance structure workshop notes held 31 January 2024. JC/CR 10/10
3. Resolves to change the reporting line of the 11 Reserve and Hall Subcommittees from Community, Environment Services Committee to Risk Audit Committee.

Mayor J Cleine/Cr G Neylon
7/3

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

4. Resolves to change the reporting line of the Creative Communities Subcommittee from Community, Environment Services Committee to Risk Audit Committee.

Mayor J Cleine/Cr L Webb

7/3

Cr C Reidy/Cr J Howard/Cr R Sampson against

MOTION CARRIED

5. Requests the Chief Executive to update the Terms of Reference for Risk and Audit Committee to include Reserve and Hall Subcommittees and Creative Communities delegations.

Mayor J Cleine/Cr G Neylon

8/2

Cr J Howard/Cr R Sampson against

MOTION CARRIED

6. Resolves to dis-establish the Regulatory and Hearings Committee, Grants Committee and the Community and Environment Services Committee.

Cr G Neylon/Cr G Weston

7/3

Cr C Reidy/Cr J Howard/Cr R Sampson against

MOTION CARRIED

JC called a 10-minute break at 5.39pm.

The meeting resumed at 5.53pm.

DM A Basher returned to the meeting via Zoom at 5.53pm.

7. Resolves to establish the following portfolios and assign Councillors, and Iwi rep, the responsibility for the portfolios:

a. Regulatory Environment & Planning - Councillors Neylon and Basher

b. Community Services - Councillors Howard and Pfahlert

c. Infrastructure - Councillors Grafton and Weston

d. Corporate Policy and *Corporate* Planning - Councillors Reidy and Sampson

e. Smaller and Rural Communities - Councillors O'Keefe and Webb

f. Iwi Relationships - Ngāti Waewae Representative Ned Tauwhare and Mayor Cleine

Mayor J Cleine/Cr L Webb

8/3

Cr C Reidy/Cr J Howard/Cr R Sampson against

MOTION CARRIED

8. Resolves to appoint Cr Phil Grafton to replace Cr Toni O’Keefe on the Regional Transport Committee.

Cr G Neylon/Cr C Reidy
11/11

CARRIED UNANIMOUSLY

9. Resolves to make a proposal to the Remuneration Authority to amend the remuneration schedule for elected members, per financial year, to:

- a. Deputy Mayor – \$36,000.00
- b. All other Councillors – \$32,034.00

Cr G Weston/Mayor J Cleine
8/3

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

N Tauwhare departed Zoom at 6.07pm

10. Requests the Chief Executive update the schedule of meetings and workshops for 2024 to reflect the new governance structure for Council approval.

Mayor J Cleine/Cr G Neylon
11/11

CARRIED UNANIMOUSLY

11. Requests the Chief Executive to work with the Subcommittees to update the Terms of Reference to reflect the change of committee they report to.

Mayor J Cleine/Cr A Pfahlert
11/11

CARRIED UNANIMOUSLY

8. REVIEW OF FINANCIAL DELEGATIONS’ POLICY (Page 136)

Discussion:

This report considers changes to the Financial Delegations Policy for consideration by the Council.

RESOLVED That the revised Financial Delegations Policy as at February 2024 be adopted by Council.

Cr A Pfahlert/Cr L Webb
10/1

Cr C Reidy against
MOTION CARRIED

10. BULLER HOLDINGS LIMITED – HALF YEAR FINANCIAL REPORT TO 31 DECEMBER 2023 (PAGE 161)

Discussion:

This report presents the quarterly (unaudited) financial results for the six- month period ended 31 December 2023 including the budget for this period. The report also presents results against the Statement of Intent targets which are non-financial measures.

D Marshall to advise of actual costings for Reefton Pool and PERC.

RESOLVED That Council receives the Financial Report for the six months ending December 2023.

Cr C Reidy/Cr T O'Keefe
11/11
CARRIED UNANIMOUSLY

11. STATUS REPORT – REEFTON POOL (Page 187)

Discussion:

This report provides Council with specialist advice on proposed upgrades to the pool including recommendations as to Priority One work. Input from the Inangahua Community Board was also sought at their meeting on 13 February 2024 as to the required Priority Two works. This input will assist in an application to an external funder for these works.

RESOLVED

1. That Council receives this status report.
2. That the Council confirms the Priority One Works listed in Table A in this financial year.
3. That Council confirms the Priority Two Works listed in Table B.
4. Council resolves to apply to the Department of Internal Affairs Lottery's Community Facilities Fund for \$707,000 plus GST for completion of the betterment of Reefton Pool.

Cr A Pfahlert/Cr P Grafton
11/11
CARRIED UNANIMOUSLY

12. MAYOR'S REPORT (Page 207)

Discussion:

Mayor J Cleine spoke to his report.

It was noted that the correspondence from Hon. Dr Shane Reti regarding the issues within our health system was disappointing.

Request was made to write a more direct letter to the Minister.

The importance of having backup to note comments regarding Doctor's claims that Westport Medical Centres were dysfunctional etc. was noted.

Cr A Pfahlert and Mayor J Cleine to work with Cr G Neylon to draft letter.

RESOLVED that Council:

1. Receive the report for discussion and information.
2. Notes Inwards and Outwards Correspondence and provide direction for any responses required.

Cr L Webb/Cr A Pfahlert

11/11

CARRIED UNANIMOUSLY

13. CEO REPORT (Page 263)

Discussion:

S Gibling introduced P Zaanen to speak regarding the IAF. Seeking Council's endorsement in this meeting is the final process in the movement to bring in this funding.

P Zaanen stressed for people to understand this is trunk line infrastructure work. The co-contribution from Council of \$200,000 unlocked \$13.6m of trunk line infrastructure funding that is solely available for this project. He reminded this is looking at the long term planning for the resilience of Westport.

Cr T O'Keefe departed the room at 6.40pm.

When asked how long it will take to re-pay the \$200K contribution from BDC? P Zaanen replied that the \$200K will be recovered by Development Contributions, which Finance needs to work through. This is essentially a connection fee for each lot/title created in subdivision and connecting to the new network. Unsure when it will be recovered, it depends on when development starts, but it will not take many development contributions to recoup that money, after which all development contributions go towards infrastructure for the future.

Cr A Pfahlert departed the room at 6.44pm and returned at 6.46pm.

Cr G Neylon and Cr L Webb abstained as potential RMA Commissioners in the hearings for these.

RESOLVED

1. That the Council receive the Chief Executive Officers Report.

Cr P Grafton/Cr A Pfahlert

Cr G Neylon Cr L Webb abstained

9/9

CARRIED UNANIMOUSLY

2. That the Council endorse the CEO action in signing the Infrastructure Acceleration Fund Delivery Plan in December 2023, noting the following:

2.1 The Council's funding for this project, \$200,000, which funds initial development feasibility, the IAF application and activities to support the establishment of the future development

2.2 The cost of infrastructure constructed is, \$13.6 million, plus the Council's cost of the supporting the development, \$200,000, will also be recovered over time by a development levy on subdivision activity

**Cr P Grafton/Cr A Pfahlert
Cr G Neylon/Cr L Webb/Cr C Reidy abstained**

8/8

CARRIED UNANIMOUSLY

14. VERBAL UPDATES FROM COMMITTEE CHAIRS (Page 267)

Discussion:

Inangahua Community Board – Cr L Webb – Gave an update on the February ICB meeting.

Ngati Waewae Representative – N Tauwhare - Not available.

Regulatory & Hearings Committee – Cr G Neylon - Nothing to report.

Community, Environment & Services Committee – Cr J Howard – Gave an update on a number of meetings she attended.

Te Tai o Poutini Plan – Mayor J Cleine and Cr G Neylon – Nothing to report.

Joint Committee Westport Rating District – Mayor J Cleine, Cr J Howard and Cr C Reidy – Nothing to report.

WC Health Localities Project - Cr G Neylon – Meeting yesterday via Zoom. Health Localities is not in the 100 day Plan.

Regional Transport Committee - Cr T O'Keefe – Draft Regional Transport Plan is out and calling for submissions. Cr G Weston noted there had been a West Coast Road Safety meeting. He noted the meeting days will change to Tuesdays.

RESOLVED that Council receive verbal updates from the following Chairs and Council Representatives, for information:

1. Inangahua Community Board – Cr L Webb
2. Ngati Waewae Representative – N Tauwhare
3. Regulatory & Hearings Committee – Cr G Neylon
4. Community, Environment & Services Committee – Cr J Howard
5. Te Tai o Poutini Plan – Mayor J Cleine and Cr G Neylon
6. Joint Committee Westport Rating District – Mayor J Cleine, Cr J Howard and Cr C Reidy
7. WC Health Localities Project - Cr G Neylon
8. Regional Transport Committee - Cr T O'Keefe

Mayor J Cleine/Cr A Pfahlert

11/11

CARRIED UNANIMOUSLY

PUBLIC FORUM RESPONSE:

Chris Reynolds: Work with the team on a response.

Lee Harris: Noting Buller represents the total community. Thank you for your engagement.

Before moving into Public Excluded, Mayor J Cleine made special mention to the departing Governance Secretary and also to a long attending member of the community who will be moving to Nelson, Jack Collin.

15. PUBLIC EXCLUDED REPORT (Page 268)

Discussion:

Nil

RESOLVED that the public be excluded from the following parts of the proceedings of this meeting

Item No.	Minutes/Report of:	General Subject	Reason For Passing Resolution Section 7 LGOIMA 1987
PE 1	Steve Gibling - CEO	Confirmation of Previous Public Excluded Minutes	(s 7(2)(j)) - Prevent the disclosure or use of official information for improper gain or improper advantage.
PE 2	Steve Gibling - CEO	CE Recruitment Update	(s 7(2)(i)) - Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); (s 7(2)(a)) - To protect the privacy of natural persons, including that of deceased natural persons

Mayor J Cleine/Cr G Neylon
11/11
CARRIED UNANIMOUSLY

Mayor J Cleine called a short break at 7.10pm.

S Gibling and C Wilson departed the meeting.

BULLER DISTRICT COUNCIL

27 MARCH 2024

AGENDA ITEM: 4

Prepared by Steve Gibling
Chief Executive Officer

COUNCIL ACTION POINT LIST

1. REPORT SUMMARY

A summary of council resolutions requiring actions.

2. DRAFT RECOMMENDATION

That Council receive the Action Point list for information.

Council Action Points - CURRENT

No	Meeting Date / Action Point	Responsible	Update	Date Required By
24	27 March 2024 Enhanced AP point	D Marshall	D Marshall to advise of actual costings for Reefton Pool and PERC	March 2024

BULLER DISTRICT COUNCIL

27 MARCH 2024

AGENDA ITEM: 5

Prepared by - Bronwyn Little
Senior Policy Advisor

Reviewed by - Krissy Trigg
- Group Manager Community Services

Attachments - 1. Amendments to Governance Structure and Terms of Reference March 2024

GOVERNANCE STRUCTURE AND TERMS OF REFERENCE AMENDMENTS

1. REPORT SUMMARY

The decision of Council in the February 2024 meeting to change the governance structure of Council necessitates a number of amendments to the terms of reference for the Council, Risk and Audit Committee and subcommittees. A number of other minor changes are also required to other sections of the Governance Statement. This report outlines those changes and recommends adopting the amended Governance Structure and Terms of Reference attached to this report.

2. DRAFT RECOMMENDATION

That Council:

- 1. Notes the resolutions of the Council meeting on 28 February 2024 to amend the Governance Structure of Buller District Council and update the Terms of Reference accordingly;**
- 2. Resolves to adopt the amended Governance Structure of Buller District Council, with updated Terms of Reference for Council, the Risk and Audit Committee and subcommittees attached in Appendix 1; and**
- 3. Requests the Chief Executive Officer to amend the Council's Standing Orders in line with those changes adopted by Council on 13 December 2023 and report back with amended Standing Orders to the April 2024 Council meeting (subject to Council receiving Local Government New Zealand guidance on the matter in April).**

3. ISSUES & DISCUSSION

3.1 Background

The mayor circulated to Councillors a governance structure proposal memo on 17 December 2023 following discussions with all councillors. Councillors held a workshop on 31 January 2024 to provide feedback and discussion on the proposed changes. In February 2024 the Council received a report from the mayor which proposed a number of changes to the Governance Structure. The Council adopted the following changes in relation to the Governance Structure:

- Dis-establish the Regulatory and Hearings Committee (RHC), Grants Committee and the Community, Environment and Services Committee (CESC);
- Change the reporting line of the 11 Reserve and Halls Subcommittees to the Risk and Audit Committee;
- Change the reporting line of the Creative Communities Subcommittee to the Risk and Audit Committee; and
- Appoint Cr Phil Grafton to replace Cr Toni O'Keefe on the Regional Transport Committee

The resolution also requested that the Chief Executive Officer update the Terms of Reference for the Risk and Audit Committee to include Reserve and Hall subcommittees and Creative Communities subcommittee delegations.

Prior to these changes Council also considered a report in December 2023 summarising the Chief Ombudsman's report 'Open for Business'. As a result the Council resolved to fully implement the Ombudsman's report recommendations as identified in the Council report. These changes were to be incorporated into the Council's Standing Orders and presented back to the Council for approval in early 2024.

Local Government New Zealand has recently indicated that they will be issuing new guidance for Standing Orders in the light of the Ombudsman's report in April 2024. It is therefore recommended that Council delay changing the Standing Orders until this guidance has been received. It is hoped that this advice can be included in the agenda for Council's April 2024 meeting.

3.2 Governance Structure For Buller District Council

The document referred to as the 'Governance Structure' sets out:

- How Buller District Council (BDC) carries out its governance functions; and
- Formally delegates its powers and responsibilities.

It includes an introduction and sets out the Terms of Reference (including delegations) for Council and its committees and subcommittees. It is adopted at the beginning of each triennium but can also be reviewed and amended as necessary throughout the Triennium.

3.3 Amendments Required To Governance Structure

As a result of the changes made by Council to the governance structure in February 2024 the following amendments need to be made to the Governance Structure for BDC (as included in Appendix 1):

- i) Introduction:
 - References to dis-established committees removed
 - Removal of reference to common and specific delegations as there is now only one committee
 - Revised diagram showing structure
- ii) Council Terms of Reference:
 - Addition of references to funding and civil defence
 - Addition of a catch-all clause (j) to ensure all those matters previously delegated to the dis-established committees are now clearly back within the Council's terms of reference
- iii) Common delegations - deleted as they now only apply to the Risk and Audit Committee so no longer any need for these.
- iv) Risk and Audit Committee:
 - Addition of all common delegations (in blue) throughout Terms of Reference
 - Addition of responsibility for bylaws and policies (from CESC - in orange) under Purpose (#9)
 - Addition of Climate change adaptation plan (from CESC – in orange) as this is a strategic policy/plan under Purpose (#10)
 - Addition of responsibility for Reserves and Halls Subcommittees (Cl. 29) and Creative Communities Subcommittee (Cl.30).
- v) Reserve and Hall Subcommittees (adopted July 2023)
 - Remove references to CESC and replace with Risk and Audit Committee
- vi) Creative Communities Subcommittee
 - Remove references to CESC and replace with Risk and Audit Committee.

- vii) Chief Executive Review and Performance Committee – delete, responsibilities and delegations now with Council
- viii) Community, Environment and Services Committee - delete, responsibilities and delegations now shared between Council and RAC (bylaws and policies and subcommittees).
- ix) Regulatory, Hearings and Planning Committee – delete, responsibilities and delegations now with Council.
- x) Independent Hearings Commissioners’ Panel:
 - amend reference to RHC to Council as reporting line
- xi) Appointments:
 - Regional Transport Committee - membership change to Cr. Phil Grafton
 - Reporting line changes from dis-established committees to Council.

4. CONSIDERATIONS

4.1 Strategic Impact

A decision to accept the proposed changes meets Council’s strategic and statutory obligations.

4.2 Significance Assessment

This decision does not trigger any of the thresholds in the Significance and Engagement Policy. This report merely carries through the decisions made in the February 2024 meeting.

4.3 Risk Management Implications

This decision does not provide Council with a significant risk.

4.4 Values

A decision to implement the changes resolved at the February 2024 Council meeting supports all of the Buller District Values:

- Community Driven
- One team
- Future Focussed
- Integrity
- We Care

4.5 Policy / Legal Considerations

There is no legal context, issue or implication relevant to this decision as these changes are simply implementing the previous decision of Council in February 2024.

4.6 Tangata Whenua Considerations

The decision does not involve a significant decision in relation to ancestral land or a body of water or other elements of intrinsic value, therefore this decision does not specifically impact Tangata Whenua, their culture and traditions.

4.7 Views of Those Affected

This decision does not require consultation with the community or stakeholders as it is simply implementing a previous decision of Council.

4.8 Costs

There is no financial implication relevant to this decision.

4.9 Benefits

The benefits of implementing the changes adopted in the February 2024 to the Governance Structure simply ensure that the benefits of the changes are embedded into Council documents.

4.10 Media / Publicity

The communications team will ensure that appropriate media releases and social media content are created if required.



Governance Structure

Terms of Reference and Delegations for Council, and Committees of Council

2022 - 2025 Triennium

Amended 27 March 2024

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Introduction

Governance Structure

This document sets out the Governance Structure by which Buller District Council:

- carries out its governance functions; and
- formally delegates its powers and responsibilities.

The Governance Structure is developed in accordance with the provisions and requirements of the Local Government Act 2002 and is based on the following Governance principles:

1. To have as few governance levels as possible.
2. The business of Council is transacted transparently and inclusively, whenever possible
Committees are the whole of Council.
3. Decisions are made once, not twice. Draft recommendation to Committee. Committee recommendation to Council for adoption.
4. Committees are strategically aligned to Council's priorities.
5. Delegations to Committees and the Chief Executive Officer are optimised.
6. The expectation of full attendance by Elected Members at Council and the Risk and Audit Committee meetings.

The Governance Structure for Buller District Council is adopted at the beginning of each triennium. It sets out in full the delegations to the Risk and Audit Committee.

The Governance Structure may also be reviewed and amended as necessary throughout the Triennium.

The Role of the Mayor

Section 41A of the Local Government Act 2002 confers a number of powers and responsibilities to the Mayor.

The Mayor may:

- Define and promote a vision for the advancement of Buller and the people of Buller, and provide leadership to achieve that vision.
- Lead the development of council plans, policies and budgets (including the Annual Plan and Long Term Plan) for consideration by the Council.
- Ensure effective engagement between the Council and the people of Buller.
- Appoint the Deputy Mayor.
- Establish committees of the governing body (Council) and appoint the chairperson and deputy chairperson for each of those committees.

Non-elected Māori Representative Position

The inclusion of a non-elected, Iwi Representative role into the Buller District Council Governance structure formally recognises the importance of the crucial relationship with Te Rūnanga o Ngāti Waewae.

Te Rūnanga o Ngāti Waewae will have a non-elected, voting Māori Representative position on all Council Committees and will hold a non-elected, non-voting Māori Representative position at full Council meetings. Te Rūnanga o Ngāti Waewae are already legally recognised as mana whenua by Council in regard to meeting its existing obligations under legislation around consenting.

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

Under the Crown's obligations arising from Te Tiriti o Waitangi, Te Rūnanga o Ngāti Waewae as mana whenua are always going to be heavily engaged in future direction setting for the West Coast Te Tai Poutini in general, and also, specifically, for the Buller district. For Council then, a strong and positive relationship with Te Rūnanga Ngāti Waewae is important on every level.

Ambiguity and Conflict

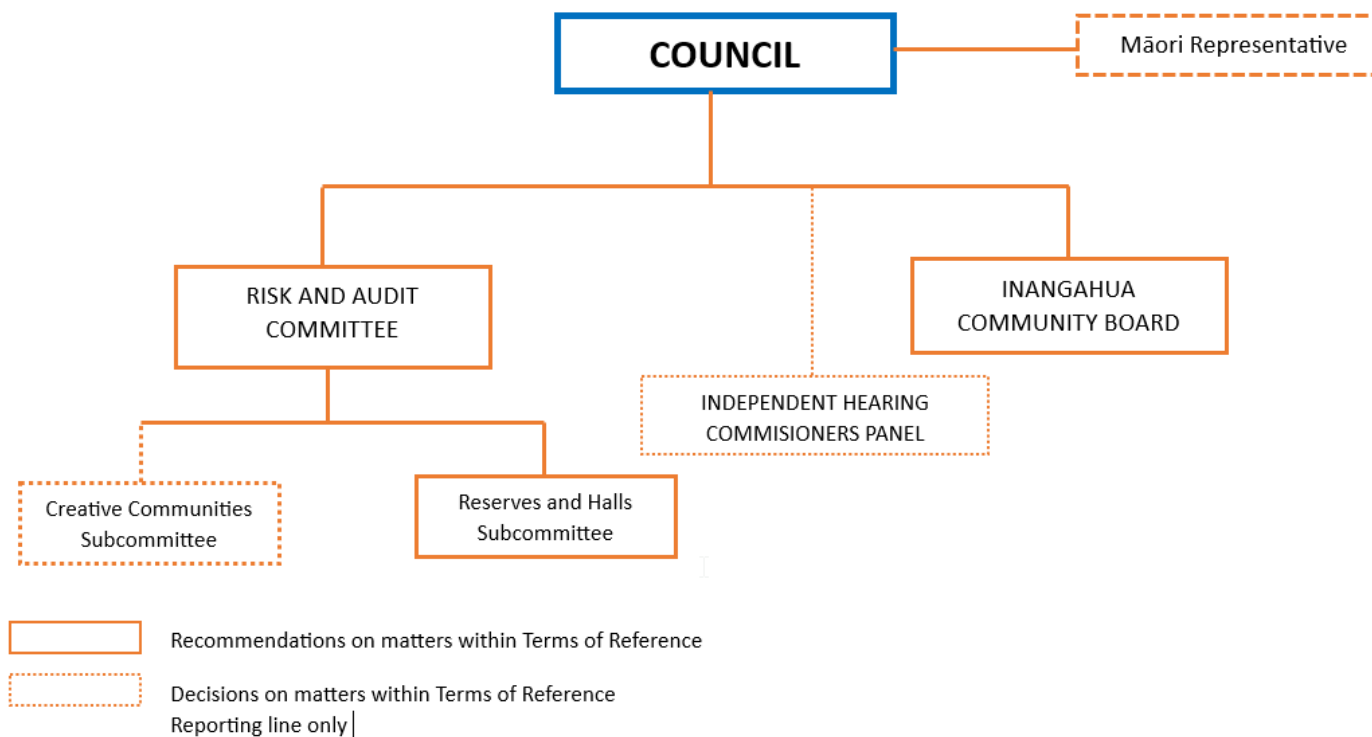
For clarity, matters that are not delegated by the Council to a committee or another subordinate decision-making body, or to the Chief Executive Officer or other Council officer, are to be determined by the whole of Council.

In the event of uncertainty or dispute as to the authorisation of the Risk and Audit Committee to act in respect of a particular matter, due to ambiguity or conflict between the provisions of the Terms of Reference, the Chief Executive Officer will prepare a written report on the matter for Council's consideration. The decision of Council will be final and binding.

Interpretation

References to legislation in this Governance Structure include its amendments, re-enactments and substitutions, as well as any regulations made under that legislation.

Council and Committees of Council



Council

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

Purpose

The Council is responsible for:

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

Terms of Reference

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

2. To exercise the following powers and responsibilities of Council, which the Council chooses to retain:
- a) Resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of an electoral officer and reviewing representation arrangements.
 - b) Approval of any changes to Council’s vision, and oversight of that vision by providing direction on strategic priorities and receiving regular reports on its overall achievement.
 - c) Adoption of governance level strategies, plans and policies which advance Council’s vision and strategic goals.
 - d) Approval of the Triennial Agreement.
 - e) Approval of the local governance statement required under the Local Government Act 2002.
 - f) Approval of a proposal to the Remuneration Authority for the remuneration of Members.
 - g) Approval of any changes to the nature and delegations of the Committees.
 - h) Approval of funding to benefit the social, cultural, arts and environmental wellbeing of communities in Buller District
 - i) Ensuring Buller is performing to the highest standard in the area of civil defence and emergency management through:
 - i) Implementation of Government requirements
 - ii) Contractual service delivery arrangements with the West Coast Regional Group Emergency Management Office
 - j) All other powers and responsibilities not specifically delegated to the Risk and Audit Committee, subcommittees, independent hearing panels or Inangahua Community Board.

Risk and Audit Committee

Reports to:	The Council
Independent Chairperson:	Sharon Roache
Membership:	The Mayor, all Councillors and Māori Representative
Meeting Frequency:	Bi-Monthly
Quorum:	A majority of members (including vacancies)

GENERAL PRINCIPAL

1. The work of this Committee will be in accordance with the priorities and work programme agreed by the Council.
2. This Committee has 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.

PURPOSE

The Risk and Audit Committee is responsible for:

1. Monitoring Council's financial strategy, and financial performance against the Annual and Long Term Plans.
2. Monitoring Council's interests in its Council Controlled Organisations (CCOs).
3. Reviewing the Council's risk register and associated process for managing current and emerging risk.
4. Ensuring the independence and effectiveness of Council's External and Internal Audit processes.
5. Monitoring existing corporate policies and recommending new or amended policies as required.
6. Ensuring that Council policies and practices will prevent unethical, questionable or illegal activities.
7. Providing a communication link between management, internal auditors/external auditors and Council.
8. Supporting measures to improve management performance and internal controls.
9. Ensuring Council's Polices and Bylaws are fit for purpose and comply with all relevant legislation.
10. Guiding the development of Council's Climate Change Adaptation Plan

TERMS OF REFERENCE:

General

1. To receive regular reports regarding Council's financial and non-financial performance against Annual and Long Term Plans.
2. To consider reports related to significant expenditure outside of the Annual and Long Term Plans and make appropriate recommendations to Council.
3. To develop and monitor policy related to the following matters:
 - a) Financial management;

- b) Revenue generation;
 - c) Procurement and tendering; and
 - d) The appointment and remuneration of directors and CCOs
4. To monitor the probity of processes relating to policies developed by the Risk and Audit Committee.
 5. To provide clear direction to Council's CCOs on Council's expectations, including feedback on draft statements of intent.
 6. To receive Quarterly reports of Council's CCOs, including board performance.
 7. To undertake any reviews of CCOs and make appropriate recommendations for approval by Council.
 8. Review CCO requests for major transaction approval and recommend appropriate actions to Council.
 9. To monitor Council's debt and investments to ensure compliance with Council policy.
 10. To monitor the Council's outstanding debtors' positions.
 11. Engage with Council's external auditors regarding the external audit work programme and agree the proposed terms and arrangements of the external audit.
 12. Assess management response to audit reports and the extent to which external audit recommendations concerning internal accounting controls and other matters are implemented.

Internal Audit

13. Agree the scope of internal audits.
14. Monitor the delivery of the internal audit work programme and results
15. Assess whether Internal Audit's recommendations have been properly implemented by management.
16. Review the annual Internal Audit Plans to ensure appropriate organisational structures, authority, access, independence, resourcing and reporting arrangements are in place.

Strategy, plans and policy

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

Bylaws

20. Develop and agree to the statement of proposal for new or amended draft bylaws for consultation.
21. Recommend to Council new or amended bylaws for adoption.

Consultation and engagement

22. Ensure appropriate, effective and transparent engagement with the community, tangata whenua and other stakeholders.
23. Conduct any public engagement required on issues before the Committee, in accordance with Council's Significance and Engagement Policy.
24. 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

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

Contracts

28. 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.

Reserves and Halls Subcommittees

29. Monitor and oversee the Reserves and Halls Subcommittees.

Creative Communities Subcommittee

30. Monitor and oversee the Creative Communities Subcommittee.

Other Matters

31. Review the effectiveness of the risk control environment established by management to safeguard Council's financial and non-financial assets, including the adequacy and appropriateness of insurance policies in place and management's actions to mitigate risks
32. Review the effectiveness of the systems for monitoring the Council's compliance against legislation, regulation, policy, and guidelines (including health and safety).
33. Conduct and monitor special investigations in accordance with Council policy and approved budget or in response to material matters raised by staff or committee members, including engaging expert assistance, on matters within its Terms of Reference.
34. Provide an annual review of Council's risk management framework and amend as required.
35. Review and monitor business continuity planning.
36. 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.
37. 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.
38. Commission new Committee reports and work required to respond to significant or compliance issues, or to complete the agreed programme of Council.
39. Monitor Audit recommendations and ensure completion.

The Committee is delegated the following powers:

- The Committee may make recommendations to Council.
- The Committee will provide three-monthly reports to Council on its activities with appropriate recommendations.

Special Notes:

- In fulfilling their role on the committee, members shall be impartial and independent at all times.
- The Chairperson will be an independent appointment, not an elected member, to strengthen the independent nature of the Committee's monitoring responsibility of Council activities.
- Members are appointed for an initial term of no more than three years that aligns with the triennial elections, after which they may be eligible for extension or reappointment.
- The Chief Executive Officer and Chief Financial Officer are required to attend all meetings but are not members and have no voting rights. Other Council officers may attend the Committee meetings, as required.
- The Chairperson of the Committee shall review the travel and other reimbursed expenses of the Chief Executive Officer and confirm compliance with Council policies and practice. This information will be provided to the Chairperson on a monthly basis.
- The Chairperson shall review the travel and other reimbursed expenses of the Mayor and confirm compliance with Council policies. This information will be provided to the Chairperson on a monthly basis.
- The Chief Executive Officer (Principal Advisor) shall be responsible for drawing to the Committee's immediate attention to any material matter that relates to the financial condition of Council, any material breakdown in internal controls, and any material event of fraud or malpractice.
- The Chairperson shall present an annual Audit and Risk Self Review to Council summarising the Committee's activities during the year and any related significant results and findings.

Reserves And Halls Subcommittees

Reports to: Risk and Audit Committee

Meeting Frequency: Annually and as required

1. PURPOSE:

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

2. COUNCIL RESPONSIBILITIES:

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

3. GENERAL TERMS OF REFERENCE:

The Subcommittees

- 3.1 Are to be formally appointed by the Risk and Audit Committee under S30 (2), Schedule 7 LGA Act 2002, which has the power under s30(b), Schedule 7 LGA2002 to discharge or reconstitute the subcommittee and under S31(2) to appoint and discharge members of the Subcommittee
- 3.2 Will be discharged on the coming into office of the members of Council elected at the triennial general election of members unless Council resolves otherwise
- 3.3 Will be formally appointed by Council following the Local Government triennial election of members in the following way:

Following a call for expressions of interest from those living within the local area who have been nominated by at least two residents or ratepayers within the local area and have the skills, attributes, or knowledge that will assist the work of the subcommittee

Amended: 27 March 2024

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

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

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

5. Delegations

The delegations to the Subcommittee are as follows:

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

6. FINANCIAL

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

7. EXERCISE OF DELEGATIONS

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

- 7.1 Policies, plans, standards or guidelines that have been established and approved by Council;
- 7.2 The annual budget as approved by the Risk and Audit Committee;
- 7.3 All general and special directions of the Risk and Audit Committee and Council given in relation to the Subcommittee.

8. POWER TO DELEGATE

Amended: 27 March 2024

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

9. CESSATION OF SUBCOMMITTEE

9.1 The Subcommittee may be terminated by resolution of the Risk and Audit Committee or Council;

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

10. Matters which are not delegated by council:

10.1 The power to:

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

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

11. Membership

The membership of the Subcommittee consists of:

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

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

12. Officers of the Subcommittee

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

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

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

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

13 FINANCIAL ACCOUNTABILITY

13.1 The Subcommittee shall:

- i) Develop and approve an annual budget each financial year
- ii) Provide its Annual budget by the dates specified by Council's Risk and Audit Committee for approval;
- iii) Present to the Council any other report it is requested to provide.
- iv) Keep clear and accurate accounts and records of all transactions and make them available to the Council on request.

- v) Provide its Annual Report and Annual Accounts to the Council's Chief Financial Officer, by the date specified by Council for review on the understanding this review will form part of the information Council will present during its overall annual Audit.
- 13.2 Members of the Subcommittee shall not be personally liable for any act done or omitted to be done in good faith in the course of operations of the Subcommittee or for any debt or other liability lawfully incurred by the Subcommittee.

14 CONTACT WITH MEDIA

Chairperson may speak on behalf of the subcommittee provided that:

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

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

15 Frequency of meetings

- 15.1 The Subcommittee shall hold at least one formal meeting per year.
- 15.2 This formal meeting will be administered by Council and follow all requirements for council meetings including agenda compilation (with Chair), advertising, distribution of agenda, secretarial and officer support at meeting if required and preparation and distribution of minutes;
- 15.3 For the avoidance of doubt, this clause does not prevent the Subcommittee holding informal meetings, workshops or working bees outside of the formal meeting schedule

16 CONDUCT OF AFFAIRS

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

17 QUORUM

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

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

18 REMUNERATION

No honorarium or meeting allowance will be payable to Subcommittee members unless first agreed by formal resolution of the Risk and Audit Committee.

19 OTHER DELEGATIONS AND RESPONSIBILITIES

These general provisions and delegations can be superseded by specific Reserve Management Plans and Reserve and Hall Subcommittee Terms of Reference and Delegations in consultation with the subcommittee and as resolved by the Risk and Audit Committee.

Creative Communities Subcommittee

Reports to: Risk and Audit Committee

Chairperson: [to be elected by the subcommittee]

Meeting Frequency: As required

Quorum: A majority of members (including vacancies)

Purpose:

The Creative Communities Subcommittee is the assessment committee for assessing applications and allocating funding provided to Council by Creative New Zealand through the Creative Communities Scheme.

Terms of Reference:

The Creative Communities Subcommittee considers local community arts applications to the Creative Communities Scheme and make grants in terms of the criteria specified by the scheme's funders, Creative New Zealand.

The Subcommittee is delegated the following powers:

The Creative New Zealand Community Funding Sub-Committee has full delegated authority to make distributions from the funding received annually from Creative New Zealand.

The Committee is delegated the following recommendatory powers:

- The Subcommittee may make recommendations to the Risk and Audit Committee on local priorities for arts participation.

Special Notes:

- The Subcommittee may not delegate any of their responsibilities, duties or powers to a committee, subcommittee, or person.
- Verbal updates may be requested to be provided to Risk and Audit Committee meetings from the Group Manager Community Services from time to time.

Chairperson

The Subcommittee must have a chairperson who shall be elected by Subcommittee members at the first meeting of the Subcommittee.

The chairperson is responsible for:

1. The efficient functioning of the Subcommittee.
2. Setting the agenda for Subcommittee meetings.
3. Ensuring that all members of the Subcommittee receive sufficient timely information to enable them to be effective Subcommittee members.
4. Attending Risk and Audit Committee meetings as required to represent the interests of the Subcommittee.
5. Being the link between the Subcommittee and Council staff.

Amended: 27 March 2024

Contacts with media and outside agencies

The Mayor acts as the official spokesperson for the Council with the media and may provide approval to elected members to act as an official spokesperson.

Subcommittee members, including the chairperson, do not have delegated authority to speak to the media and/or outside agencies on behalf of the Council.

The Council, after consultation with the Subcommittee Chair, will manage the formal communications between the Subcommittee and the community in the exercise of its business.

Correspondence with central government, other local government agencies or other official agencies will only take place through Council staff.

Frequency of meetings

The Subcommittee shall hold formal meetings as required for funding rounds.

Conduct of affairs

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

Quorum

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

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

Remuneration

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

Other delegations and responsibilities

None

Independent Hearings Commissioners' Panel

Reports to: The Council

Chairperson: As appropriate

Membership - with up to three sitting at any one time (including the Chairperson, if required):

Meeting Frequency: As required

Purpose:

To undertake certain hearings under the Resource Management Act 1991 ('RMA'), unless otherwise reserved by full Council.

The Panel is delegated the following Terms of Reference and powers:

Terms of Reference:

1. The power to hear and decide any of the following RMA matters:
 - a) Application for a resource consent or change to conditions of resource consent;
 - b) Notice of objection; or
 - c) Notice of requirement to designate land and later a designation; for a heritage order and alteration to a heritage order.
2. The power to exercise all procedural powers under the RMA relevant to the matter to be heard from the date selection being confirmed by the Group Manager Regulatory Services until the date the final decision is delivered by the hearings commissioner(s).
3. The power to select a hearings chairperson; and give the chairperson, if one is selected, a casting vote.

Special Notes:

- The Group Manager Regulatory Services is delegated authority to select the Hearings Commissioner/s from the appointed list to hear and decide RMA matters within the Terms of Reference.

Inangahua Community Board

Reports to: Council

Meeting Frequency: Bi Monthly

Purpose:

1. The purpose of these delegations is to give effect to the local community empowerment model which is a partnership approach to the governance of the District that will primarily be delivered through the Inangahua community board.
2. The intent of these delegations is to delegate authority and, as far as possible, responsibility to the Inangahua community board to allow the community board to effectively govern and provide recommendations to the Buller District Council regarding local issues associated with their areas.
3. In making these delegations the Council recognises that it is ultimately responsible for the governance of the district and therefore retains the right to set minimum standards and to review community board recommendations associated with the exercise of these delegations.

In making these delegations the Council undertakes to:

1. Provide for and give consideration to community board input into significant governance decisions affecting the respective community board area.

The ICB is delegated the following Terms of Reference and powers:

Terms of Reference:

Community Board Status

A community board (Local Government Act 2002, s.51) is:

1. An unincorporated body; and
2. Not a local authority; and
3. Not a committee of the Council.

Role

The legislative role of community boards (*Local Government Act 2002, s.52*) is to:

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

Delegations

In exercising the delegated powers, the community board will operate within:

1. Policies, plans, standards or guidelines that have been established and approved by Council:
2. The approved Council budgets for the activity

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

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

Note:

None of the delegations may be sub delegated

1. Council retains decision making authority associated with new or existing maintenance contracts.

Additional financial delegations

Community Board has the authority to approve annual expenditure from a discretionary fund determined by Council on an annual basis, for local activities with the following parameters:

1. The decision meets relevant legislation and Council policy requirements including any controls on the use of funds from the respective account.
2. The decision is made after considering a report from staff or community members.
3. This expenditure may be operating or capital in nature, or a mixture of the two.
4. This expenditure cannot fund the “additional capacity” component of capital projects. It can only fund renewal or increased level of service components of capital projects

Power to delegate

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

Matters which are not delegated.**Council does not delegate:**

1. The power to:
 - Make a rate or bylaw.
 - Borrow money, or purchase or dispose of assets.
 - Acquire, hold or dispose of property.
 - Appoint, suspend or remove staff.
 - Adopt a long term plan or annual plan or annual report.
 - Institute an action for the recovery of any amount.
 - Issue and police building consents, notices, authorisations, and requirements under any Acts, Statutes, Regulations, By –laws and the like.
 - Enter into contracts and agreements.
 - Incur expenditure in excess of the approved Community budget; or
2. The powers and duties conferred or imposed (on Council) by The Public Works Act 1981 or those powers listed in the Section34 (2) of The Resource Management Act 1991

Review of a Community Board decision

In recognition of Council’s ultimate responsibility for the governance of the District, that Council retains the right to review any decision of a community board where it believes:

1. The decision is not consistent with the Council’s vision, mission, values and goals.
2. Where it believes the community board decision has contravened any relevant legislation.
3. The powers and functions of community boards as defined in the Local Government Act 2002 have been exceeded.
4. The delegations of the community board have been exceeded.
5. The decision will unduly impact on the ability of the Council to provide a district wide level of service where it believes it is necessary to do so.
6. The decision is contrary to the Council’s Ten Year Plan, adopted council policy, plan or strategy or any other authority, license, consent or approval.

Decision review process

A decision to review and determine the associated course of action associated with a community board decision will be made jointly by the Mayor and Chief Executive. The relevant community board chairperson will be consulted in the process of the Council determining whether a community board decision will be reviewed. Generally the course of action will include one of the following:

1. Refer the decision back to the community board for reconsideration; or
2. Refer the decision to the Council, one of its committees or its delegated representative for determination.

Community Board to Council decision referral process

In exceptional circumstances, community boards may refer any decision to Council or its delegated committee for determination subject to that referral including the reasons the decision has been referred to the Council for determination.

Membership

The membership of the community board (Local Government Act 2002, s.50) consists of:

1. Members elected under the Local Electoral Act 2001; and
2. Members appointed in accordance with the Local Electoral Act 2001 by the Buller District Council.

Chairperson

The community board must have a chairperson (Local Government Act 2002, Schedule 7, Clause 37), who shall be elected at the first meeting of the community board in accordance with the Local Government Act 2002, Schedule 7, Clause 25 or in accordance with any subsequent amendment to this Act.

The chairperson is responsible for:

1. The efficient functioning of the community board.
2. Setting the agenda for community board meetings.
3. Ensuring that all members of the community board receive sufficient timely information to enable them to be effective community board members.
4. Attending Council meetings to represent the interests of the Community Board.
5. Being the link between the community board and Council staff.

Contacts with media and outside agencies

The Mayor acts as the official spokesperson for the Council with the media and may provide approval to elected members to act as an official spokesperson.

Community board members, including the chairperson, do not have delegated authority to speak to the media and/or outside agencies on behalf of the Council.

The Group Manager for the community board area, after consultation with the Community Board Chair, will manage the formal communications between the community board and its constituents, and for the community board in the exercise of its business. Correspondence with central government, other local government agencies or other official agencies will only take place through Council staff.

Frequency of meetings

The community board shall meet at least two monthly.

Conduct of affairs

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

Quorum

The quorum at a meeting of the community board shall consist of:

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

Remuneration

Elected members will be reimbursed in accordance with the current Local Government Elected Members' Determination.

Appointments

Council Organisations and Council Controlled Organisations

Buller Holdings

Reports to: Risk and Audit Committee
Membership: Mayor Jamie Cleine and Deputy Mayor Andrew Basher

Joint Organisations and Advisory Groups

Regional Transport Committee

Reports to: Council
Membership: Phil Grafton

West Coast Road Safety Co-ordinating Committee

Reports to: Council
Membership: Grant Weston

Civil Defence Emergency Management Group (Joint Committee)

Reports to: Council
Membership: Mayor Jamie Cleine

West Coast Primary Health Organisation Representative

Membership: Graeme Neylon (on a 3-year term)

West Coast Health Localities Project

Membership: Graeme Neylon

Te Tai o Poutini Plan (TTPP)

Reports to: Council
Membership: Mayor Jamie Cleine & Graeme Neylon **Reserve Member:** Joanne Howard

Projects in Partnership Steering Group

Reports to: Risk and Audit Committee
Membership: Mayor Jamie Cleine, Phil Grafton, Chair of Finance, Risk and Audit Committee, representatives from relevant partner agencies may be invited to attend as required.

Westport Rating District Joint Committee

Reports to: Council
Membership: Mayor Jamie Cleine, Joanne Howard & Colin Reidy

Dolomite Point Redevelopment Project Steering Group

Reports to: Council
Membership: Joanne Howard

Carnegie Library Restoration Working Group

Reports to: Council
Membership: Rosalie Sampson

Regional Housing Forum

Reports to: Council
Membership: Rosalie Sampson

Social Hub Feasibility Working Group

Reports to: Council
Membership: Joanne Howard

BULLER DISTRICT COUNCIL

27 MARCH 2024

AGENDA ITEM: 6

Prepared by - Shelley Jope
Manager Customer Experience

Reviewed by - Krissy Trigg
Group Manager Community Services

Attachments - 1. New Governance Structure, Proposed Council Meeting Calendar 2024
2. Original Governance Structure 2024 Council Meeting Calendar

PROPOSED 2024 COUNCIL MEETING CALENDAR – NEW STRUCTURE

1. REPORT SUMMARY

Following the Council resolution on 28 February 2024 to adopt a revised Council Governance structure, this report is being submitted for Council to review the proposed Council meeting calendar for the remainder of 2024 to meet this new structure.

2. DRAFT RECOMMENDATION

That Council:

(1) Revokes 25 October 2023 resolution of Council:

‘10.(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’.

(2) Adopts the proposed 2024 Council, Committee and Community Board Meeting Calendar – new structure as per Attachment 1.

OR

(3) Approves the proposed Council, Committee and Community Board meeting calendar dates for the remainder of 2024 as set out in Attachment 1 with required date amendments as determined by Council.

3. ISSUES & DISCUSSION

BACKGROUND

3.1 Revised Council Meeting Calendar Structure

It was resolved by Council on 28 February 2024 to adopt a revised Governance meeting structure and for the Chief Executive to update the schedule of meetings and workshops for 2024 to reflect the new governance structure for Council approval.

Previously at the meeting on 25 October 2023, Council resolved to 'Approve the proposed Council meeting calendar structure for 2024 as set out in Appendix 2, noting the requested changes to the ICB meeting schedule'. These approved dates set the meeting calendar for January and February 2024.

3.2 Committee Dis-Establishment

The new structure incorporates the dis-establishment of:

- (a) The Regulatory and Hearing Grants Committee, (RHC).
- (b) The Community and Environment Committee, (CESC).

The changes of the terms of reference for these subcommittees is part of a different report to council. The report will additionally incorporate alterations to RAC's terms of reference to reflect the necessary delegation amendments.

3.3 Reporting Line Change

The resolution also agrees to changes to the reporting lines for:

- (a) The 11 Reserve & Hall Subcommittees from CESC to RAC.
- (b) The Creative Community Subcommittee from CESC to RAC.

3.4 Proposed Council Meeting Calendar

The proposed meeting dates in Attachment 1, ensures that Council adhere to the new meeting structure by removing RHC and CESC meetings and continue with the required frequency of Council, RAC and Inangahua Community Board (ICB) meetings.

- Council – meeting on the last Wednesday of each month.
- RAC – meetings bi-monthly on the second or third Wednesday of the appropriate month.
- ICB – meetings bi-monthly on the first or second Tuesday of the appropriate month.
- Workshops – to be held on the middle Wednesday of the month with any other required workshops to be scheduled on an as needed basis with the CEO and Mayor's approval.
- Extraordinary meetings – to be scheduled as required.

The original 2024 calendar, based on the previous governance structure is shown in attachment 2. This did not include workshops.

For review, as part of the preparations for the upcoming Council meetings under the revised governance framework, separate discussions have taken place with the Chairs of RAC and ICB to ensure a balanced scheduling of meetings. The Chair of ICB has kindly agreed to consider shifting the ICB meeting dates to the alternating month with RAC. Please refer to Attachment 1 for the suggested meeting timetable, along with the workshop dates included therein. RAC meetings are scheduled for the middle Wednesday of each month, occurring two weeks prior to the full Council meeting.

Note – due to the transition period of these changes taking effect, there is an anomaly in the meeting dates for March and April while the new structure takes effect.

4. CONSIDERATIONS

4.1 Strategic Impact

A decision to accept the proposed meeting dates meets Council's strategic and statutory obligations.

4.2 Significance Assessment

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

4.3 Risk Management Implications

This decision does not provide Council with a significant risk, other than the existing risk of statutorily obligated timeframes not being met.

4.4 Values

A decision to implement the proposed 2024 Council meeting calendar supports the following Buller District Values:

- Community Driven
- One team
- Future Focussed

4.5 Policy / Legal Considerations

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

4.6 Tangata Whenua Considerations

The decision does not involve a significant decision in relation to ancestral land or a body of water or other elements of intrinsic value, therefore this decision does not specifically impact Tangata Whenua, their culture and traditions.

4.7 Views of Those Affected

This decision does not require consultation with the community or stakeholders.

4.8 Costs

There is no financial implication relevant to this decision.

4.9 Benefits

The approval of the 2024 Council meeting calendar would allow staff to set agenda report timelines and allow the communications team to notify the public of the Council meeting dates for the remainder of 2024.

4.10 Media / Publicity

It is expected that there will be some interest in this decision from the media. The communications team will ensure that appropriate media releases and social media content are created.

New Governance Structure, Proposed Council Meeting Calendar 2024

ATTACHMENT 1

Council Meeting Schedule 2024		KEY: * Workshop		PLEASE NOTE: General meeting start times are 3.30pm																	Attachment 1					
Date	Day	January	Day	February	Day	March	Day	April	Day	May	Day	June	Day	July	Day	August	Day	September	Day	October	Day	November	Day	December	Date	
1	M	PUBLIC HOLIDAY	T		F		M	EASTER MONDAY	W		S		M		T		S		T		F		S		1	
2	T	PUBLIC HOLIDAY	F		S		T		T		S		T		F		M		W		S		M		2	
3	W		S		S		W		F		M	KING'S B'DAY	W		S		T	ICB		T		S		T	3	
4	T		S		M		T		S		T		T		S		W		F		M		W		4	
5	F		M		T		F		S		W		F		M		T		S		T	ICB		T	5	
6	S		T	WAITANGI DAY	W		S		M		T		S		T		F		S		W		F		6	
7	S		W		T		S		T	ICB		F		S		W		S		M		T		S	7	
8	M		T		F		M		W		S		M		T		S		T		F		S		8	
9	T		F		S		T	ICB		T		S		T	ICB		F		M		W		S		9	
10	W		S		S		W		F		M		W		S		T		T		S		T		10	
11	T		S		M		T		S		T		T		S		W		F		M		W	RAC	11	
12	F		M		T		F		S		W	RAC		F		M		T		S		T		T	12	
13	S		T	ICB	W	CNZ RAC		S		M		T		S		T		F		S		W		F	13	
14	S		W	RAC		T		S		T		F		S		W	RAC		S		M		T		S	14
15	M		T		F		M		W		S		M		T		S		T		F		S		15	
16	T		F		S		T		T		S		T		F		M		W	RAC		S		M		16
17	W		S		S		W	RAC		F		M		W		S		T		T		S		T		17
18	T		S		M		T		S		T		T		S		W		F		M		W	COUNCIL		18
19	F		M		T		F		S		W		F		M		T		S		T		T			19
20	S		T		W		S		M		T		S		T		F		S		W		F			20
21	S		W		T		S		T		F		S		W		S		M		T		S			21
22	M		T		F		M		W		S		M		T		S		T		F		S			22
23	T		F		S		T		T		S		T		F		M		W		S		M			23
24	W		S		S		W	COUNCIL		F		M		W		S		T		T		S		T		24
25	T		S		M		T	ANZAC DAY		S		T		T		S		W	COUNCIL		F		M		W	25
26	F		M		T		F		S		W	COUNCIL		F		M		T		S		T		T		26
27	S		T		W	COUNCIL		S		M		T		S		T		F		S		W	COUNCIL		F	27
28	S		W	COUNCIL		T		S		T		F	MATARIKI		S		W	COUNCIL		S		M	LABOUR DAY		T	28
29	M		T		F	GOOD FRIDAY		M		W	COUNCIL		S		M		T		S		T		F		S	29
30	T				S		T		T		S		T		F		M		W	COUNCIL		S		M		30
31	W				S				F				W	COUNCIL		S				T				T		31
Day	January	Day	February	Day	March	Day	April	Day	May	Day	June	Day	July	Day	August	Day	September	Day	October	Day	November	Day	December			

Original Governance Structure 2024 Council Meeting Schedule

Council Meeting Schedule 2024

KEY: * = Workshop

PLEASE NOTE: General meeting start times are 3.30pm

Date	Day	January	Day	February	Day	March	Day	April	Day	May	Day	June	Day	July	Day	August	Day	September	Day	October	Day	November	Day	December	Date
1	M	PUBLIC HOLIDAY	T		F		M	EASTER MONDAY	W		S		M		T		S		T	ICB	F		S		1
2	T	PUBLIC HOLIDAY	F	S		T		T		S		T		F	M		W		S		M		S		2
3	W		S		S		W		F	M	KING'S B/DAY	W		S		T		T		S		T		ICB	3
4	T		S		M		T		S		T		T		S		W		F		M		W		4
5	F		M		T		F		S		W		F		M		T		S		T		T		5
6	S		T	WAITANGI DAY	W		S		M		T		S		T	ICB	F		S		W		F		6
7	S		W		T		S		T		F		S		W		S		M		T		S		7
8	M		T		F		M		W		S		M		T		S		T		F		S		8
9	T		F		S		T	ICB	T		S		T		F		M		W		S		M		9
10	W		S		S		W	RAC	F		M		W		S		T		T		S		T		10
11	T		S		M		T		S		T	ICB	T		S		W	RAC	F		M		W	RAC COUNCIL	11
12	F		M		T		F		S		W	RAC	F		M		T		S		T		T		12
13	S		T	ICB	W	CNZ CESC/RHC RAC	S		M		T		S		T		F		S		W	CNZ CESC/RHC RAC	F		13
14	S		W	RAC	T		S		T		F		S		W	CNZ CESC/RHC RAC	S		M		T		S		14
15	M		T		F		M		W	CNZ CESC/RHC RAC	S		M		T		S		T		F		S		15
16	T		F		S		T		T		S		T		F		M		W	RAC	S		M		16
17	W		S		S		W		F		M		W	RAC	S		T		T		S		T		17
18	T		S		M		T		S		T		T		S		W		F		M		W		18
19	F		M		T		F		S		W		F		M		T		S		T		T		19
20	S		T		W		S		M		T		S		T		F		S		W		F		20
21	S		W		T		S		T		F		S		W		S		M		T		S		21
22	M		T		F		M		W		S		M		T		S		T		F		S		22
23	T		F		S		T		T		S		T		F		M		W		S		M		23
24	W		S		S		W	COUNCIL	F		M		W		S		T		T		S		T		24
25	T		S		M		T	ANZAC DAY	S		T		T		S		W	COUNCIL	F		M		W		25
26	F		M		T		F		S		W	COUNCIL	F		M		T		S		T		T		26
27	S		T		W	COUNCIL	S		M		T		S		T		F		S		W	COUNCIL	F		27
28	S		W	COUNCIL	T		S		T		F	MATARIKI	S		W	COUNCIL	S		M	LABOUR DAY	T		S		28
29	M		T		F	GOOD FRIDAY	M		W	COUNCIL	S		M		T		S		T		F		S		29
30	T				S		T		T		S		T		F		M		W	COUNCIL	S		M		30
31	W				S				F				W	COUNCIL	S				T				T		31

BULLER DISTRICT COUNCIL

27 March 2024

AGENDA ITEM 7

Prepared by Jamie Cleine
Buller District Mayor

Appendix 1 Draft Letter to Councils – Water Services CCO
2 Mayors Correspondence

MAYOR'S REPORT

1. REPORT SUMMARY

This report is to provide commentary of significant events and meetings attended by the Mayor. It discusses a potential next step for council in navigating the governments new policy direction for Three Waters service delivery and seeks direction on the preferred way forward for council. 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. Supports in principal, further work to explore a regional CCO model for water services delivery.
4. Authorises the Mayor and CEO to proactively seek support of other councils across the South Island to explore a regional CCO model for water services delivery.

3. COUNCIL

3.1 Local Water Done Well – BDC

Background

- Government is now well underway in implementing its preferred approach to water services in New Zealand. Local Government Minister, Hon Simeon Brown has spelt out a three-step process to implement Local Water Done Well (LWDW) over the next 12-18 months.
- Stage one has already occurred with the repeal of the Water Services Entities legislation during February. The minister has established a technical advisory group to develop exact details of the next steps of LWDW.
- Indications are that in June 2024 legislation will be introduced and enacted that set a framework to enable councils to self-determine future service delivery arrangements, with these plans being required within 12 months.
- This legislation will include streamlining of requirements to establish Council Controlled Organisations to enable more financially sustainable service delivery.
- The final piece of legislation in LWDW is planned for enactment mid 2025, this is introducing greater central government oversight, economic and quality regulation and developing a new class of financially separate council-owned organisations.

Council has identified and shared publicly the current and potential future cost to ratepayers of water and wastewater services which when compared to other South Island councils is the highest by a significant margin. It seems unlikely a “go it alone” water services model would be affordable for our communities in future and meet the LWDW requirement to show financial sustainability, where financial sustainability means revenue sufficiency, balance sheet separation, ring-fencing and funding for growth.

Next Steps

Council could continue to develop a self funding status quo model and wait until late 2025 legislation and see what financial tools are made available and/or understand what the regulatory backstop mechanism may be.

However, it has been made clear in recent correspondence from the minister the expectation that councils should be voluntarily seeking collaborative solutions to long term water services delivery with neighbouring councils if that aids a financially sustainable model.

With these thoughts in mind Council is asked to consider if it wishes to support early work being done to identify if there is a regional CCO model that could provide benefits to the Buller ratepayer by joining with other like-minded councils.

The commercial analysis and development of a regional CCO is likely to be a major project requiring significant resources and take considerable time to prepare. In order to identify those councils that are open to including Buller in exploring a regional CCO approach it is proposed to send a letter to councils included in the former proposed Entity I and Entity H areas, requesting an indication of “in principal” support of this work progressing further. This would help focus resources with potential partner councils and eliminate those who have no interest in exploring this further with Buller. (see Appendix 1 – draft letter to councils – Water Services CCO)

We must be conscious there may be limited interest from the sector to engage with Buller, however it is important we show a genuine attempt to lead and collaborate on a water services model that benefits our ratepayers and the sector long term.

1

REPEAL LEGISLATION: LAY FOUNDATION FOR NEW SYSTEM

INTRODUCED AND ENACTED FEB 2024



- Restore continued council ownership and control of water services, and responsibility for service delivery.
- Provide support options to help councils complete and include water services in their 2024-34 long-term plans.

2

ESTABLISH FRAMEWORK AND TRANSITIONAL ARRANGEMENTS

INTRODUCED AND ENACTED MID-2024

- Provide a framework for councils to self-determine future service delivery arrangements via a water services delivery plan (to be submitted within 12 months).
- Establish foundational information disclosure requirements (as first step towards economic regulation).
- Streamline requirements for establishing council-controlled organisations under the Local Government Act to enable councils to start shifting the delivery of water services into more financially sustainable configurations, should they wish to do so.
- Provide technical and advisory support to Auckland Council to determine how they wish to create a financially sustainable model for Watercare.

3

ESTABLISH ENDURING SETTINGS AND BEGIN TRANSITION

INTRODUCED DECEMBER 2024 AND ENACTED MID-2025

- Set long-term requirements for financial sustainability.
- Provide for a range of structural and financing tools, including a new class of financially independent council controlled organisations.
- Consider the water regulator's empowering legislation to ensure the regulatory regime is efficient, effective, and fit-for-purpose, and standards are proportionate for different types of drinking water suppliers.
- Provide for a complete economic regulation regime.
- Establish regulatory backstop powers, to be used when required to ensure effective delivery of financially sustainable or safe water services.
- Refine water service delivery system settings to support the new system, such as consistent industry standards.

3.2 MAYORS TASKFORCE FOR JOBS (MTFJ)

MTFJ Buller Coordinator Julie Moore & Pastoral Support Ruby Erickson comments:

February saw us finally achieve our 15 sustainable outcomes and the 2nd tranche of funding, enabling us to now focus full steam ahead for the remainder of this current fund.

We placed 8 Job Seekers into work in this month, 2 doing building apprenticeships including a female which is awesome.

We have been working with a local employer that we placed 3 Job Seekers into hospitality sector jobs. They are now doing courses arranged by us with Service IQ, earning while they learn.

All 13 of the Year 13 Buller High School students that we meet with in November 2023 have now been placed into full-time employment. All were motivated and a pleasure to work with.

Mayors Comment:

It's very pleasing to see the threshold of 15 sustainable jobs met to unlock our second tranche of funding. This indicates the young people employed and the support they are receiving from MTFJ Buller is aiding in their retention and longevity in employment.

This month I met with Kainga Ora regional manager Julia Campbell, who updated me on their significant investment into new homes and retrofit upgrades to their existing housing stock. The link to MTFJ is that much of this work is being conducted by MTFJ supported tradespeople employed by local companies delivering the programme. It is this kind of circular growth in both our young people and the employers that drives confidence in the local economy. There continues to be excellent placements into building apprenticeships including some female candidates which is also great to see.

I met with the MTFJ Buller team to help develop some ideas for the jobs expo planned for May. This should be an excellent event to inform job seekers and bring together the business community to share details on the support available.

4. External Meetings

4.1 Resilient Westport Steering Group (RWSG)

The group met on 22 March at Environment Canterbury and via zoom. The Canterbury venue was due to some participants being at LGNZ zone conference in Christchurch.

Minutes from meetings held 2 and 13 February were to be considered at the March meeting so had not been approved at agenda close for this meeting.

4.2 LGNZ Rural & Provincial Sector

I attended this conference which was online only via zoom. This is a slightly new approach to how sector conferences will be delivered. In person conferences will no longer have a zoom option, (i.e in person only) and alternate dates will be online only (i.e no in-person option).

Hon Mark Patterson – Minister Rural Communities, Assoc. Minister Agriculture

Key Messages:

- Focus on quality primary health care, rural policing and connectivity.
- Rural and regional communities are back in focus with this coalition government.
- Getting back to basics approach – limited new money available.
- Fast Track Consenting already has in excess of 100 projects lined up, majority are in rural and regional New Zealand.

Allan Prangnell – CEO Taumata Arowai

Key Messages:

- Local Water Done Well policy leaves responsibility with Councils for water compliance.
- 18 months of further policy and regulation change to come.
- TA is conscious of the challenge this responsibility to comply poses to some councils.
- Focus will be on core drinking water first.
- TA is developing a regulatory strategy document mid 2024.
- Will be very proactive in “multi barrier” protections in drinking water including Protozoa and residual disinfection.
- Safety plan reviews and guidance/support on acceptable solutions for small supplies.
- Developing standardisation for wastewater consent processes.

James Palmer – CEO Ministry for Environment

Key Messages:

- Government is driving a very hard and fast turnaround in policy.
- Fast Track Consenting legislation will place hierarchy over other legislation.

- Shifting the balance to economic development/economy over the environment.
- RMA will be replaced but this may not be in this term of government.
- Climate Adaptation work will continue with a select committee process back underway soon. Will be maximising responsibility back on homeowners and insurers, taxpayer would be last resort.
- NPS on Freshwater management, will slow this work down to consider best option. May enable community decision making and/or wind back expectations on water quality.

Hon Simeon Brown – Minster Local Government, Transport.

Key Messages:

- Local Water Done Well policy is top priority.
- Two more legislative changes to come focusing on regional CCO's and changes to consultation requirements. Financial tools and sustainable models, economic regulation, more information due late March/April.
- Transport focus is on building and maintaining transport networks.
- Ring fencing of road maintenance and rehabilitation budgets across local and state highway networks.
- Developing a framework for city & regional deals which will clarify the direction of travel for infrastructure investment.
- Significant reform required to the National Land Transport Fund, moving away from fuel excise duty to a road user charging model, value capture on new developments, tolling of key routes.

4.3 Resilience to Organised Crime in Communities (ROCC)

ROCC is a significant programme of work, supported by a national collaboration and already running in several other regions. The West Coast has been chosen due to challenges of methamphetamine and current response by the already established Meth Intervention Group (MIG).

The West Coast has been approved ROCC funding over a two-year programme. The programme governance group will inform how the funding is distributed and is led by Regional Public Service Commissioner Craig Churchill and Police District Commander, Superintendent Tracey Thompson. Other members include senior regional managers from key government agencies, local government and Iwi, including:

- New Zealand Police
- Ministry of Social Development
- Ara Poutama Aotearoa – Department of Corrections
- Ministry of Justice
- Te Whatu Ora – Health NZ
- Oranga Tamariki
- Ministry of Education
- District Council Mayors (Grey, Buller, Westland)
- Iwi – Poutini Ngai Tahu

The programme will have three focus areas:

- Whanau and communities impacted by organised crime.
- Meth in the community.
- Preventing youth entering the justice system.

A terms of reference and a phased regional work-plan are currently being developed.

As a governance group member, the Mayor intends further information will be shared as the programme develops over future meetings.

5. LOCAL EVENTS & RELATIONSHIP MEETINGS

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

Some highlights included:

- Northern Buller CAN B Hui – this was a community hui at the Lyric Theatre in Granity to further develop a community plan. Very well attended by approx 90 locals.
- Julia Campbell, Regional Director Kainga Ora (KO) to discuss the large investment that KO are making in Westport. The new build programme will deliver 33 new houses over the next 18 months which creates great outcomes and options for locals in need of affordable housing.
- I attended this months Buller Emergency Management workshop which included an update on the National Emergency Management Agency (NEMA) national catastrophic plan. This work identifies and develops a national plan for response to an event that will overwhelm our countries resources to respond. It includes things like international support, logistics and regional resourcing needs. A major alpine fault rupture or a

rupture of the Hikurangi subduction zone on the East Coast are scenarios that could trigger this level of response.

- I travelled to Reefton for Mayors chats where a number of local residents come to discuss health care, council property options, footpaths and the cinema.
- I travelled to the historic heritage site Waiuta to speak at the unveiling of the restored cottage of Joseph Divas. This is the latest achievement by the Department of Conservation and Friends of Waiuta to protect and develop this important part of our history.
- I attended the open day at the Reefton Motor Camp hosted by the reserve committee. This was an opportunity to view the excellent refurbishment of the existing facilities that has taken place and to see the concept plans and site for new workers accommodation units. This early project establishment work is being funded from Councils “better off” funding package.
- Richard Tacon, CEO Bathurst Resources – this was an opportunity to discuss current issues and opportunities with the Stockton mine and potential future plans and the proposed “fast track” consenting pathway the government is seeking to legislate.

6. CORRESPONDENCE

For Council consideration – see attached Appendix 2

Incoming Correspondence 2024	From	Subject
28 February 2024	West Coast Regional Council	BDC Draft West Coast Regional Transport Plan for Consultation
6 March 2024	RSA	Invitation to attend Westport ANZAC Day Service
13 March 2024	Minister Simeon Brown	Letter of Response – 8 Dec 2023
Outgoing Correspondence 2024	To	Subject
15 February 2024	Minister Chris Bishop	Fast Tracking Consents
21 February 2024	Hon Mark Mitchell	Greymouth Police Station – Recent Report
1 March 2024	To Whom it May Concern	Lyric Theatre Granity Inc - Letter of Support
1 March 2024	Lee Harris	Public Forum Response
1 March 2024	Hon Penny Simmonds	West Coast Vocational Education Provision & Tai Poutini Polytechnic
4 March 2024	Chris Reynolds	Public Forum Response
6 March 2024	WCRC	RTC - Representative Change
7 March 2024	Mr John Currie	Letter of Response
12 March 2024	Westport RSA	Westport ANZAC Day Service Acceptance
13 March 2024	E Jane Duncan	Letter from BDC/WCRC - Kawatiri Business Case - Adaptation Relief Fund – Snodgrass
18 March 2024	Minister Simon Watts	Adaptation Work Programme
19 March 2024	Andrew Crawford	Letter of Support SoundsAir

OFFICE OF THE MAYOR
Jamie Cleine

xxxxx 2024

Dear xxx

As I'm sure you are aware the Government's recent repeal of Three Waters legislation has resulted in a re-think of how small districts such as Buller can deliver affordable water services to our communities. One avenue preferred by the government in their Local Water Done Well policy is legislation that enables voluntary formation of CCOs by Local Government authorities to achieve economies of scale and a financially sustainable water services model. On behalf of my Council, we are keen to ascertain if pursuing this avenue with the Buller District Council aligns with your council's objectives.

In the first instance we invite your councils in principal agreement to explore the establishment of a Regional Council Controlled Organisation (RCCO) for water services in collaboration with the Buller District Council.

I would like to invite you to join me (and potentially other Councils) in initiating this conversation and delving into the potential benefits of establishing such an entity. Your insights and perspective are invaluable as we evaluate this opportunity to enhance our collective impact and drive positive change across the South Island.

It will be a significant piece of work to develop a collaborative CCO model and it seems important we get an early indication of in-principal support before committing the resources to developing any options further and focusing our efforts with like minded Councils.

Given the relatively short timeframe indicated by government to develop any potential CCO model I propose convening a meeting of interested mayors and key stakeholders to discuss the feasibility and potential next steps mid-May 2024.

To progress this matter further, we respectfully seek your council's response either an in-principal agreement to collaborate with Buller or not by May 3, 2024.

I will be providing the same letter to the Council's in the former entity I as well as those Councils in the South Island in the former entity H.

I look forward to your response and appreciate your consideration of this opportunity.

Best Regards,

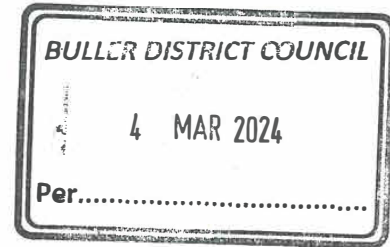


Jamie Cleine
Buller District Mayor
Phone 027 423 2629 | Email jamie.cleine@bdc.govt.nz



388 Main South Rd, Paroa
PO Box 66, Greymouth 7840
New Zealand
Telephone (03) 768 0466
Toll free 0508 800 118
www.wcrc.govt.nz

Appendix 2



28 February 2024

Buller District Council
PO Box 21
Westport 7866

Dear Sir/Madam

Draft 2024-34 West Coast Regional Land Transport Plan for consultation

The Land Transport Management Act requires that an interim review of a regional land transport plan is done every three years from when a plan is adopted. The current West Coast Regional Land Transport Plan (RLTP) was adopted in 2021, and the interim three-year review commenced in 2023. The draft RLTP 2024 sets the strategic direction for land transport in the region and lists the activities recommended by the West Coast Regional Transport Committee for funding from the National Land Transport Fund (NLTF) administered by Waka Kotahi. This includes activities proposed by Waka Kotahi and those proposed by local authorities.

The draft RLTP is prepared for the Council by the West Coast Regional Transport Committee, which has representatives from all Councils on the West Coast, Waka Kotahi and the Department of Conservation.

Submissions are invited on the Draft RLTP 2024-34. Consultation will run from 28 February 2024, and submissions must be received by 5.00pm 28 March 2024. Submissions can be sent via post or email to:

West Coast Regional Land Transport Plan 2024 Consultation
PO Box 66
Greymouth 7805

Email: Info@wcrc.govt.nz

The Draft RLTP can be accessed from Council's webpage at www.wcrc.govt.nz/community/consultation including a link to a submission form.

If you have any questions, please contact the WCRC Planning Team at marianne.bimont@wcrc.govt.nz or phone 0508 800 118.

Yours faithfully

Lillie Sadler
Acting Planning Team Leader

Westport RSA
139-141 Palmerston Street
PO Box 54
Westport



Telephone: 03 7898872

EMAIL:

secretary@rsawestport.co.nz

accounts@rsawestport.co.nz

treasurer@rsawestport.co.nz

5 March 2024

The Mayor
Mr Jamie Cleine
Buller District Council
PO Box 21
Westport 7825

Dear Jamie

I am writing to invite you to the Westport ANZAC day parade, memorial to be held on Thursday 25 April 2024 at the Memorial Gates at 11:00am. Then over to the RSA for drinks and nibbles from 12:00 noon.

Looking forward to your reply.

Yours sincerely

CHRIS HARTIGAN

Chris Hartigan
President
Westport RSA

Hon Simeon Brown

Minister for Energy
Minister of Local Government
Minister of Transport
Minister for Auckland
Deputy Leader of the House

Appendix 2



COR426

Mayor Jamie Cleine
Buller District Council
By email: jamie.cleine@bdc.govt.nz

Dear Mayor Cleine,

Thank you for your email of 6 December 2023 regarding the Buller District Council (the Council). I acknowledge and appreciate the relationship that exists between the Crown and the Council, as well as the partnerships you have forged with various government agencies.

The Government is committed to addressing New Zealand's long-standing water infrastructure challenges. Local Water Done Well recognises the importance of local decision-making and flexibility for communities and councils to determine how their water services will be delivered in the future. It will do this while ensuring a strong emphasis on meeting rules for water quality and investment in infrastructure.

Thank you for alerting me to the connection between the Resilient Westport Project and its stormwater elements. Local government has primary responsibility for flood risk management and for water services infrastructure. I want to enable councils and communities to determine what works best for them.

I anticipate that, as you move through the design process for flood banks for the town, you will use this as an opportunity to work with the regional council to consider how you might address the stormwater issues within the overall project and funding envelope. This work will need to investigate all available options to determine a funding pathway to meet the needs of the community by providing appropriate levels of flood protection with an integrated storm water system.

I very much look forward to visiting you the next time I am in the region.

Thank you again for writing, and for your congratulations.

Yours sincerely,

A handwritten signature in blue ink, consisting of the letters 'S' and 'B' connected by a horizontal line, followed by a long horizontal stroke.

Hon Simeon Brown
Minister of Local Government

OFFICE OF THE MAYOR
Jamie Cleine

15 February 2024

Honourable Chris Bishop
Minister RMA Reform
Via email: Chris.Bishop@parliament.govt.nz

Dear Minister Bishop

Fast Track Consenting

Our local MP Maureen Pugh has invited Council to identify projects that would benefit from your proposed RMA reform to establish a Fast-track consenting One-Stop Shop.

As you are no doubt aware, Buller was impacted by devastating floods in 2021 and again in 2022. Buller District Council in partnership with West Coast Regional Council and the Government have worked collaboratively on the Multi Tool Business case, which was approved by the previous Government in 2023.

Council was able to partner with MBIE to develop 2 council pieces of vacant land into housing for use by residents left homeless after the flooding. The larger of the two developments was undertaken at Alma Road on an elevated river terrace – an area with a much lower flood and liquefaction risk.

The Multi Tool Business Case was developed with government and included funding for a range of workstreams required to create a Resilient Westport. We have used the PARA (Protect, Avoid, Retreat and Accommodate) framework to ensure a holistic approach to hazard management while exploring opportunities for growth.

A core component of our strategy is in relation to the Avoid and Retreat elements of the proposal, utilising our Infrastructure Acceleration Fund and the proposed new One District Plan, the Te Tai o Poutini Plan. These combined, will allow the Council to encourage growth in an area largely free of natural hazards, and initiate the intergenerational adaptation and retreat of Westport. The Alma Road catchment area of Westport has been identified through various local processes as the obvious place for future development, this was reinforced by the MBIE housing being established there as part of the temporary accommodation service response to our floods.

The Council is also currently working on a greater Westport Master Plan, that will provide certainty and buy in of the Private Sector and Community to explore the short, mid and long term future of the area – with key focuses on Multi Hazard Adaptation and Economic Development and Growth.

We support the Governments intentions in respect to Go For Growth Housing, and the development of Regional Deals – which have an excellent strategic alignment with our Master Planning process and intentions.

However, we are currently unable to expedite our intentions of providing trunk line infrastructure and zoning to enable development in appropriate areas and encourage the

region to grow – current demand for housing is high and there is little in the way of development to support our growing industries and unexplored economic growth opportunities. Key industries report that the lack of quality housing is a constraint on their growth.

The ask

We ask that the Alma Road zoning changes proposed in the Te Tai o Poutini Plan be considered for inclusion in Schedule Two of your proposed fast-tracking legislation. Specifically, the zoning change from Rural to Residential for the Alma Road catchment area to enable growth and adaptation away from multi hazard prone land.

Why

Buller District Council does not have the ability to control the timing or the implementation Te Tai o Poutini Plan (TTPP). The West Coast Regional Council was requested by Government to create the TTPP and create one District Plan to cover the three District Councils on the West Coast.

The issue this creates is that there is a high level of uncertainty about if or when the zoning may be changed, leading to a lack of willingness to invest by both the public and private sector, slowing land development for new housing.

In addition, the lack of certainty encourages on going development in the existing town including the development of new subdivisions which council cannot reject.

Buller is the beneficiary of Infrastructure Acceleration Funding and is currently having new and improved infrastructure designed in the Alma Road catchment area which enjoys a much lower natural hazard profile than the current town. However, Council is unable to access construction funding until zone change decisions are made.

If Government were able to use Fast-track – Consenting to accelerate decision making, Council could commence infrastructure construction earlier providing certainty to the development community and hope and choice to those unable to be protected from the multiple hazard that remain in the existing town. This will provide a high level of confidence to the development community, support early subdivision of suitable land and leads a more prudent planning approach to reducing hazard risk in the built environment over time.

Encouraging development in this area is a key consideration for Westport's adaptation works and are aligned with best practices for hazards management and planning.

Best Regards



Jamie Cleine
Buller District Mayor
Phone 027 423 2629 | Email jamie.cleine@bdc.govt.nz

21 February 2024



Hon Mark Mitchell
Minister for Police
Parliament Buildings
Wellington

Copy to: Hon Maureen Pugh
MP for West Coast-Tasman
Parliament Buildings
Wellington

By email: mark.mitchell@parliament.govt.nz

By email: Maureen.pugh@parliament.govt.nz

Dear Ministers

This letter is written from the West Coast Mayors, Chairs & Iwi in relation to the recent report from NZ Police on the State of the Stations.

Discussion around a new building for the Greymouth Police Station has been going on for 30+ years and the dire deteriorating state of the building has in the last year been making conditions unsafe for staff and members of the community. The police station must be regularly thermal fogged and air tested for staff to work in the building and if this treatment is delayed for any reason black mould spawns quickly. At the end of 2023 55 staff had to either work from home or were based out on the footpath working out of the booze bus. This is completely absurd to see and quite disturbing for the community who access the police with often private matters and for a service that frequently requires sensitivity to perform their very important role. When staff are working in the building, they often must wear masks to protect their health and in addition to this, parts of the building are closed. You will be aware toxic mould can cause serious health issues and affect the wellbeing of those required to work in these conditions. Expecting people to work in these conditions on a daily basis is a great concern. Meeting with other community groups and agencies can also not be accommodated in such conditions.

In the planning at this stage is replacement of the roof but the age (1948), water damage, saturation of the walls, holes that have opened up and general building conditions as well as the continuation of monthly thermal fogging and disruption all suggest it would be a waste of time and money to apply a band aid approach to this building.

The Greymouth Police Station is the main station on the West Coast and services the Court House for the entire West Coast, a distance equivalent to that from Wellington to Auckland. If there is a major event such as the predicted AF8 or another significant civil defence emergency, it will be a critical base for frontline emergency staff deployed to the West Coast.

We know that as a new Government you have a lot of work to do and are heavily financially constrained. This will be one of many issues coming to light that has been neglected over many years but if you could please investigate a solution for this most important and concerning issue in our district that would be very much appreciated. We have been fortunate over the last week to discuss this matter with Ministers Jones and Pugh and they were very surprised to learn what our police and non-uniform staff working at the Greymouth Police Station have to contend with.



E. mayor@greydc.govt.nz

It has been wonderful for the leaders of the West Coast to have had multiple opportunities already to engage with members of the new Government who have taken the time to work with and listen to us. We have a lot to look forward to with practical and important policies and legislations that will enable the West Coast's future economic development immensely.

Yours sincerely



Renee Rooney
Chair
Development West Coast



Peter Haddock
Chair
West Coast Regional Council



Jamie Cleine
Mayor
Buller District



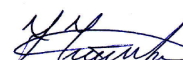
Helen Lash
Mayor
Westland District



Tania Gibson
Mayor
Grey District



Paul Madgwick
Chair - Te Rūnanga o Makaawhio



Francois Tumahai
Chair
Te Rūnanga o Ngāti Waewae

OFFICE OF THE MAYOR
Jamie Cleine

1 March 2024

Lyric Theatre Granity Inc
Via: Carlos De Trend email marketing@thelyric.nz

To Whom it May Concern,

Letter of Support

I wish to fully endorse the efforts of Lyric Theatre Granity Inc committee in providing a valuable community asset in Northern Buller.

Granity is a small community with limited public buildings and community amenities, the Lyric is effectively providing a cultural and community hub. The committee has proven to be innovative in finding ways to drive utilisation of the facility with new arts initiatives and live entertainment as well as a range of community events.

It is also exciting to see The Lyric continuing to evolve into an inclusive and welcoming space that remains relevant and best serving the needs of a diverse community.

Financial support to ensure The Lyric is able to thrive is important and I support and endorse applications for funding and other efforts of the committee that assist in building financial sustainability.

Yours sincerely



Jamie Cleine

Buller District Mayor
Phone 027 423 2629 | Email jamie.cleine@bdc.govt.nz

OFFICE OF THE MAYOR
Jamie Cleine

1 March 2024

Lee Harris
Via email: [REDACTED]

Dear Lee,

Public Forum Response – 28 February

Thank you for speaking at council's public forum on 28 February regarding an outgoing correspondence item signed by the West Coast Mayors, Chairs & Iwi, including Buller.

We acknowledge your feedback provided in disagreeing with the changes sought by the letter. Council has a role to advocate for all residents of the district and at times there will be issues where not everyone will agree or where issues may be magnified in a particular locality.

The letter was advocating for changes to the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F) Regulation 45D(6), in relation to processing resource consent applications for mineral extraction which may affect a natural inland wetland.

The change requested via the letter is the removal of the functional need test, so an effects-based assessment of effects on wetlands can be undertaken that enables any adverse effects to be avoided, remedied or mitigated as part of the consent process.

The letter was not suggesting that natural inland wetlands are excluded from any consideration or conditions in resource consent applications.

Best Regards



Jamie Cleine

Buller District Mayor
Phone 027 423 2629 | Email jamie.cleine@bdc.govt.nz



1 March 2024

Appendix 2

Hon Penny Simmonds
Minister for Tertiary Education and Skills
Parliament
WELLINGTON



Email: p.simmonds@ministers.govt.nz

Dear Minister

WEST COAST VOCATIONAL EDUCATION PROVISION AND TAI POUTINI POLYTECHNIC

We write on behalf of our West Coast communities to highlight the importance of fit-for-purpose vocational education provision for our Region.



We acknowledge you have begun the process of disestablishing Te Pūkenga as part of the Government’s 100-day plan.

As you work through this process, we ask you to consider the uniqueness and special character of the West Coast. It is vital the provision of vocational education is relevant and accessible for our learners and must also meet the specific needs of employers and industry in the region.

We acknowledge regional institutions, such as Tai Poutini Polytechnic, at times deliver courses that may have lower learner numbers. While these may come at a higher cost, they are deemed essential for the local economy and regional economic development.



With the recent cessation of the West Coast Regional Skills Leadership Group, we see it as essential that there is local community input into any decisions made regarding the future of vocational education on the West Coast.

We also support regional decision making to ensure our providers can effectively respond to the education needs of our community.



As a regional leadership group for the West Coast, we would appreciate the opportunity to be included in any stakeholder engagement during the review process and prior to confirming the future direction of vocational education provision for our region.

Thank you for your consideration of our region’s needs as you determine the future of vocational education provision across New Zealand.

Yours faithfully



Renee Rooney
Chair - Development West Coast

Peter Haddock
Chair - West Coast Regional Council



Jamie Cleine
Mayor - Buller District

Helen Lash
Mayor - Westland District

Tania Gibson
Mayor - Grey District

Paul Madgwick
Chair - Te Rūnanga o Makaawhio

Francois Tumahai
Chair - Te Rūnanga o Ngāti Waewae

C/- P O Box 66
Greymouth 7840
E. wcmci@dwc.org.nz

cc Maureen Pugh, MP for West Coast-Tasman, Maureen.pugh@parliament.govt.nz



OFFICE OF THE MAYOR
Jamie Cleine

4 March 2023

Chris Reynolds
Via email [REDACTED]

Dear Mr Reynolds,

Public Forum Response – 28 February

Thank you for speaking at public forum on 28 February regarding your concerns about the legality of the Trade Waste bylaw and associated charges and fees.

Council staff will be in contact with you to discuss and clarify the specific issues you have raised. This should enable Council to understand what issues may exist and inform an appropriate response from Council in future if required.

Best Regards



Jamie Cleine

Buller District Mayor
Phone 027 423 2629 | Email jamie.cleine@bdc.govt.nz

OFFICE OF THE MAYOR
Jamie Cleine

6 March 2024

WCRC CEO Darryl Lew
West Coast Regional Council
Regional Transport Committee

Via email: darryl.lew@wrc.govt.nz

Attention: RTC Chair Peter Ewen,

Dear Darryl,

Notification Of Representative Change – Buller DC

Buller District Council recently resolved some changes to our governance structure. The new structure has resulted in changes to councillor responsibilities to match the new portfolio approach to our governance arrangements.

As a result, council has resolved a change to the BDC representative on the Regional Transport Committee. Councillor Toni O’Keefe who is currently on the RTC is stepping down and will be replaced by Councillor Phil Grafton.

Please ensure Councillor Grafton is updated with any information you feel appropriate and included in correspondence and meeting invites. He can be contacted on email phil.grafton@bdc.govt.nz.

I appreciate you updating your records accordingly.

Best Regards



Jamie Cleine

Buller District Mayor
Phone 027 423 2629 | Email jamie.cleine@bdc.govt.nz

OFFICE OF THE MAYOR
Jamie Cleine

7 March 2024

Mr John Currie
Westport 7892

Dear Mr Currie,

Letter of Response

Thank you for your letter of 19 January 2024. I apologise for the delayed response as I sought advice on the matters you raised.

I acknowledge the changes to the Stafford Street area brought about by developments over time have likely altered the amenity of the area enjoyed in the 1960's. These reverse sensitivities are often seen as residential areas butt up against rural or industrial land uses.

I have sought some advice from Council's planning team on your particular address and note it is zoned industrial under the current district plan. Industrial zoning is largely permissive of the types of activities you raise concerns about provided they are within the permitted criteria. It is difficult to comment on past/historic plan changes and perhaps this would add little to the current situation, noting the planning framework has evolved since the 1980's. For example, notification of affected parties would have been dependent upon the legislation in effect at the time.

Council, when processing resource consent applications has statutory obligations that guide decisions, for example, determining who are affected parties to a particular application and what level of notification is required. With regards the fuel stop activity, the team have advised this was consented as a "controlled activity" so there was no affected party notification.

Looking to the future, the matters regarding loss of amenity, future zoning and the associated rules are all subjects of the Te Tai o Poutini Plan (TTPP). TTPP is a new district plan and once operative will replace the current operative Buller District Plan. I believe the best opportunity to voice the kinds of concerns you are raising did sit with the TTPP public submission process which is now passed. You may well have already provided a submission, if not, it could be worth you making contact directly with the TTPP team to see if you have options to provide further input. The TTPP website <https://tppp.nz/> has all the information on the current status of the plan and how to contact the team. The TTPP incorporates a number of changes to the current operative plan, the team will be able to quickly provide specific detail if and how it may relate to your specific concerns.

The matters of compliance to the current operative district plan such as operating hours, traffic movements and light pollution may take considerable resource to meaningfully investigate. If this is something you wish to pursue then it may be best to identify specific matters or evidence to support a complaint and notify these to the compliance team via customer services for follow up.

Our staff are required to enforce conditions of consents issued under the Resource Management Act. However, in practical terms to reduce costs to ratepayers, this is usually done in response to complaints rather than a designated compliance officer actively seeking out breaches of RMA conditions. Finally on the matter of compliance, any resident can apply to the Environment Court for an Enforcement Order to require a consent holder to stop undertaking an activity that does not comply with the provisions of the RMA or the consent conditions if it is deemed the council response is not adequate.

In response to your letter, the council roading team were asked to provide advice regards your observations of slumping in the rail crossing area of Stafford Street. This area was inspected by Council's roading team and WestReef who have determined that at this stage any slumping is within acceptable limits. They have recorded the current condition and will keep this area on a watch program.

District planning matters are very significant and the TTPP was specifically required of all three West Coast Councils via an Order in Council passed by Central Government.

I hope the above provides some useful information in response to the issues raised.

Best Regards



Jamie Cleine

Buller District Mayor
Phone 027 423 2629 | Email jamie.cleine@bdc.govt.nz

Cc: Nathan Riley, Group Manager, Regulatory Services

OFFICE OF THE MAYOR
Jamie Cleine

12 March 2024

Chris Hartigan
President
Westport RSA
PO Box 54
Westport 7866

Dear Chris

Thank you for your letter of invitation to the Westport ANZAC Day parade on Thursday 25 April at 11.00 am.

I am writing to confirm that I will be in attendance and look forward to the day.

Best Regards



Jamie Cleine

Buller District Mayor
Phone 027 423 2629 | Email jamie.cleine@bdc.govt.nz



13 March 2024

E Jane Duncan

Via email: [REDACTED]

Dear E. Jane Duncan,

Thank you for your letter dated 29 February 2024 regarding the possible application of the Adaptation Relief Fund to Snodgrass Road properties.

Your questions (copied below) have been answered according to the best of our knowledge at this time.

1. What flood protection, if any, is being planned for Snodgrass Road?
2. What Adaptation Relief work has been undertaken? What initiatives have been conceived? What assistance has been provided to property owners?
3. What is Council's plan for properties who have been flooded and who will receive no protection nor adaptation relief?
4. What is the plan?

As has been previously signalled, no flood protection is planned for Snodgrass Road under the Westport flood wall programme of work. However, some property resilience measures may be available under the \$2 million Adaptation Relief Fund. A letter from then Cabinet Ministers Hon Grant Robertson and Hon Kieran McAnulty states the fund provides "support for property resilience measures, such as raised floor heights, and area resilience measures, such as movable flood barriers. Managed retreat is not within scope.". The full scope and criteria for this fund is yet to be determined as to eligibility for Snodgrass properties and other properties in Westport.

At this point in time, we have not identified any properties that would receive no protection nor adaptation relief, however further assessment is required. If particularly vulnerable properties are identified, we will engage with the landowners on their views on available options.

To assist us in making these assessments we would like to engage surveyors to survey the floor levels in the Snodgrass area, with the owners' consent. This will markedly assist the assessment of good options for resilience measures. Homeowners will be contacted in advance in relation to this. Further assessments would then potentially take place later from December 2024 to March 2025

We appreciate this uncertainty may be challenging, but at this point we can only reassure you that a great deal of work is happening and the residents of Snodgrass Road will be communicated with along the way.

If you would like to meet with representatives of Buller District Council and the West Coast Regional Council to discuss this further, please let us know. We can arrange for Chair Peter Haddock, elected representatives, lead officials and myself [Jamie Cleine] to be in attendance to support and listen.

Yours sincerely

A handwritten signature in black ink, appearing to be 'PH', written over a horizontal dotted line.

Peter Haddock

West Coast Regional Council Chair

A handwritten signature in blue ink, appearing to be 'J Cleine', written over a horizontal dotted line.

Jamie Cleine

Buller District Council

OFFICE OF THE MAYOR
Jamie Cleine

18 March 2024

Hon Simon Watts
Minister Climate Change

Via email: simon.watts@parliament.govt.nz

Kia Ora Minister Watts,

Congratulations on your appointment as Minister for Climate Change.

In a recent meeting with our local Member of Parliament, Maureen Pugh, I was encouraged to reach out to you in respect to the Buller District Councils programme of work related to the adaptation project we have underway.

The last time we met we were encouraged by your understanding of the nature of the issues and subsequent conversations about the challenges facing the Buller District, pre-election.

The work required for the greater Westport area to adapt to multi-hazards are continuing at pace – with Master Planning transitioning from Stage One (vision) to Stage Two (master plan) in April this year. This transition culminates in a series of community stakeholder workshops between the 10th and 11th of April which we are incredibly excited about. We continue to work in tandem with West Coast Regional Council who are also advancing the first stages of hard flood protection components of the Resilient Westport work package, which is the comprehensive plan to reduce hazard risk to Westport over time.

Overall, we have a strong plan coming together, one that applies the PARA framework to address the multi-hazard challenge for Westport and also looks to seize on the significant opportunities that we have present here in the Buller region to do something about it.

I would like to request a meeting with yourself to discuss the work programme in detail, some of the predicted outcomes and most importantly how the Buller District Council and the Government work closely together moving forward.

We firmly believe that we have established a set of work streams which will assist not only Westport to thrive, but potentially provide a type of pilot study on how the PARA framework, if applied astutely, can provide economic development opportunity, protect property value and address hazard risk for other communities across New Zealand facing the challenges of a changing climate.

We would appreciate your availability to meet either in Wellington or here in Westport to discuss further.

Yours faithfully



Jamie Cleine

Buller District Mayor
Phone 027 423 2629 | Email jamie.cleine@bdc.govt.nz

cc: Hon. Penny Simmonds, Minister for Environment
Min. Maureen Pugh, MP - West Coast Tasman
Peter Haddock, Chair, West Coast Regional Council

OFFICE OF THE MAYOR
Jamie Cleine

19 March 2024

C/- Andrew Crawford
CEO SoundsAir

Dear Ministers,

Letter of Support – SoundsAir Services to Westport

I wish to formally support the vital role an effective and sustainable passenger air service provides to the Buller District, as currently provided by SoundsAir.

Passenger air access to the top part of the West Coast should be considered part of New Zealand's critical transport infrastructure network.

The importance of this regions connectivity is elevated in light of the potential to unlock national wealth and regional growth across key sectors highlighted by government as important to New Zealand's economic outlook:

Regional connectivity plays a key role in:

- Underpinning business and inward investment across a range of sectors from energy to mining and tourism to agri-business, all of which are critical to grow New Zealand out of current economic challenges.
- Providing critical access to specialist health and education services.
- Supporting the attraction and retention of regional workforces (skilled and unskilled) by reducing geographic isolation and bringing Buller closer to New Zealand and International communities.
- Facilitating the development of the visitor economy, especially high value tourism, capitalising on previous government investments into activities and facilities.
- Contributing to regional resilience by providing a viable access point for response and recovery locally and regionally in major natural disaster events such as AF8.

The growth of the economic opportunity for Buller is intrinsically linked to sustainable and reliable air services, as is the confidence of our community to play a meaningful role in New Zealand's economy.

Yours faithfully



Jamie Cleine

Buller District Mayor
Phone 027 423 2629 | Email jamie.cleine@bdc.govt.nz

BULLER DISTRICT COUNCIL

27 March 2024

AGENDA ITEM 8

Prepared by Steve Gibling
Chief Executive Officer

CHIEF EXECUTIVE OFFICER'S REPORT

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 Officers Report

3. OVERVIEW OF INFORMATION

This report provides information on activity which has occurred over February 2024, and key matters of interest to Council.

3.1. Taumata Arowai progress

Council staff continue to work closely with Taumata Arowai on the Northern Buller Water Supply non-compliance issues. Following several meetings and contact from the Head of Regulatory, the Taumata Arowai Chief Advisor Water Science has offered to assist staff to assess technical options to immediately action non-compliance for the Little Wanganui, Mokihinui and Waimangaroa water supplies.

This will consider suitability and practicality of residual disinfectant (chlorination) as an urgent response to manage risk to consumers. The immediate action would also be a pre-requisite should council decide to proceed with an enforceable undertaking application.

A broader strategic issues assessment must also consider community consultation, regulator acceptable solutions, technical options, asset ownership, consents, approvals, easements, financial reconciliations, closed or aggregated accounts, rates, affordability, legal and legislative compliance.

A workshop in April is under consideration to bring these issues forward and seek direction of travel for a subsequent report to resolve a complex and integrated challenge.

3.2. Master Planning workshops

The Master Planning team will be running a series of workshops over the 10th, 11th and 12th of April.

These workshops are the transition from Stage One through to Stage Two of the process, as previously discussed with Council.

It is crucial that the consultancy's have the ability to connect with a wide range of stakeholders, to test the assumptions made in the early stages and to provide a solid foundation of knowledge to inform the Master Plan throughout Stage Two.

These workshops will be held at EPIC Westport, with well over 125 invites sent out. A mixture of stakeholder groups have been identified and invited.

Due to the iterative nature of the workshops, and the format being used within the workshop framework we have decided not to live stream the event. With several tables working through different content at different points there is very little merit in live streaming the workshops.

I do wish to re-iterate the point that there are no decisions made at these workshops, and that the Communication and Engagement Strategy created for the Resilient Westport Steering Group will ensure that the community in its entirety will have many and varied opportunities to engage with the team and the process.

3.3. Kotahitanga mō te Taiao Alliance (KMTT)

The 3-year KMTT 'Restoring and Protecting Flora' project is halfway through its final year. To date, 4139 hectares of weed control and ecological restoration has been completed in Buller/Kawatiri, creating 17 FTE (through contractors and partner agencies).

Collaboration has been a strong focus of the project, including a recent flurry of work supporting DOC with ground control of Old Man's Beard. It's worth noting that our district has so far managed to keep on top of this pernicious weed, and as such it is still relatively rare here, whereas in vast areas of surrounding districts it is now classified as 'out of control', causing huge ecological damage and high ongoing costs to both council and ratepayers.

We are now shifting our focus to pampas, another weed with both high ecological and economic costs. Those employed in the project are delighted to be part of this successful effort to protect Buller/Kawatiri's uniquely intact environment.

3.4. Enhanced Annual Plan Update

Council unanimously voted to defer the 2024-2034 Long Term Plan (LTP) with the option of an Enhanced Annual Plan for the 2024-2025 financial year, which has to be adopted by 30 June 2024.

There has been a lot of work gone on in the background to ensure that the extremely short timeframe for adoption is achieved. We have held workshops to discuss the following matters:

- Consultation Topics
- Draft budget
- Multi-rating and major use water charges
- Long term debt profile
- Elected Members budget feedback
- District wide water rates
- Grants
- Deficit balances
- Timeline for project

As we navigate the challenges in our long-term planning, it's imperative that we balance regulatory compliance with maintaining financial sustainability and affordability for Buller District Council. By deferring the LTP, it gives us time to understand a little more some of our key challenges and what can be done to ensure the best outcomes for our community. Our staff and elected members are diligently working to mitigate these challenges and identify achievable solutions.

Council will hold a Public workshop on the 3rd April with a view of adopting the draft annual plan at an Extraordinary Council meeting on the 10th April.

Following on from this we will go out to the community for consultation, to further understand what the community would like to see on the 12th April.

My thanks go out to the staff and the elected members for all their efforts so far.

BULLER DISTRICT COUNCIL

27 MARCH 2024

AGENDA ITEM: 09

Reviewed by Steve Gibling
Chief Executive Officer

PORTFOLIO LEADS VERBAL UPDATE

1. REPORT SUMMARY

A summary of updates is verbally provided by each of the new Portfolio Leads and Council Representatives listed below.

2. DRAFT RECOMMENDATION

That Council receive verbal updates from the following Chairs and Council Representatives, for information:

- a. Inangahua Community Board – Cr L Webb
- b. Regulatory Environment & Planning - Councillors Neylon and Basher
- c. Community Services - Councillors Howard and Pfahlert
- d. Infrastructure - Councillors Grafton and Weston
- e. Corporate Policy and Planning - Councillors Reidy and Sampson
- f. Smaller and Rural Communities - Councillors O’Keefe and Webb
- g. Iwi Relationships - Ngāti Waewae Representative Ned Tauwhare and Mayor Cleine
- h. Te Tai o Poutini Plan – Mayor J Cleine and Cr G Neylon
- i. Joint Committee Westport Rating District – Mayor J Cleine, Cr J Howard and Cr C Reidy
- j. WC Health Localities Project - Cr G Neylon
- k. Regional Transport Committee – Cr Phil Grafton

BULLER DISTRICT COUNCIL

27 MARCH 2024

AGENDA ITEM: 10

Prepared by Steve Gibling
Chief Executive Officer

PUBLIC EXCLUDED

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:

Item No.	Minutes/Report of:	General Subject	Reason For Passing Resolution Section 7 LGOIMA 1987
PE 1	Steve Gibling - CEO	Confirmation of Previous Public Excluded Minutes	(s 7(2)(j)) - Prevent the disclosure or use of official information for improper gain or improper advantage.
PE 2	Douglas Marshall - Chief Finance Officer	Financial forecasts of dredge operations	(s 7(2)(h)) – enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities
PE 3	Steve Gibling - CEO	Update on Project Management Office	(s 7(2) (f)) - Maintain the effective conduct of public affairs through the protection of such members, officers, employees, and persons from improper pressure or harassment