

# **AGENDA**

Meeting of the  
**Buller District Council**

**Commencing at 3:30pm**  
**Wednesday 13 December 2023**

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



## CORE COUNCILLOR ROLE AND RESPONSIBILITIES

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

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

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

### CLEAR AND RESPECTFUL COMMUNICATION

We are committed to:

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

### TRUST AND RESPECT

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

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

### CONTINUOUS LEARNING AND IMPROVEMENT

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

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

NONE OF US IS AS SMART AS ALL OF US

# Council

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

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## **Purpose**

The Council is responsible for:

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

## **Terms of Reference**

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

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

# Common Delegations

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

## General Principal

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

These Committees will:

## Strategy, plans and policy

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

## Bylaws

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

## Consultation and engagement

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

## Submissions and legislation

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

**Contracts**

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

**Other**

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

# Buller District Council

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



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**BULLER DISTRICT COUNCIL**

**13 DECEMBER 2023**

**AGENDA ITEM: 1**

**Prepared by** Steve Gibling  
Chief Executive Officer

**APOLOGIES**

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**1. REPORT SUMMARY**

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

**2. DRAFT RECOMMENDATION**

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

**OR**

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

# BULLER DISTRICT COUNCIL

13 DECEMBER 2023

AGENDA ITEM: 2

Prepared by Steve Gibling  
Chief Executive Officer

## MEMBERS INTEREST

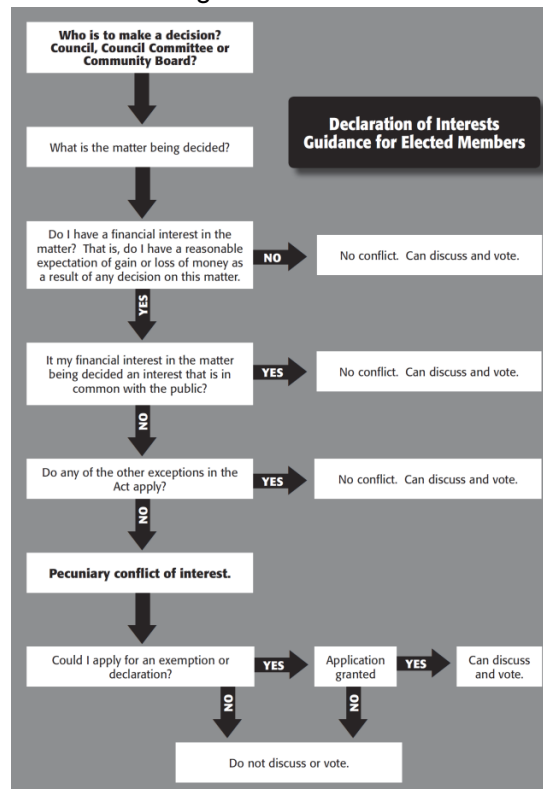
Members are encouraged to consider the items on the agenda and disclose whether they believe they have a financial or non-financial interest in any of the items in terms of Council's Code of Conduct.

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

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

### DRAFT RECOMMENDATION:

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



**BULLER DISTRICT COUNCIL**

**13 DECEMBER 2023**

**AGENDA ITEM: 3**

**Prepared by** Steve Gibling  
Chief Executive Officer

**CONFIRMATION OF MINUTES**

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**1. DRAFT RECOMMENDATION**

**That Council receive and confirm the Public minutes from the meeting of 29 November 2023.**

**THE BULLER DISTRICT COUNCIL, HELD AT 3.00PM ON WEDNESDAY 29 NOVEMBER 2023 AT CLOCKTOWER CHAMBERS, PALMERSTON STREET, WESTPORT.**

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

**IN ATTENDANCE:** S Gibling (CEO), D Marshall (Chief Financial Officer), M Duff (GM Infrastructure Services), L Brooks (Finance Manager), E de Boer (Manager Infrastructure Delivery), G Barrell (Governance Secretary)

**PRESENTATION:**

Maddox Manawatu is the Buller representative for 2023 at TUIA. He spoke to his learnings from his time with Tuia.

He noted the importance that Tuia is a Kaupapa, not a programme as a programme has a beginning and an end but a Kaupapa is something that was here before us and will be here long after us.

The first wananga that Maddox attended was at Tuia I Runga (weaving above) at Mangatoatoa marae just near Te Awamutu. Here they learnt about weaving into the knowledge of their tīpuna.

He attended Tuia I Raro (weaving below) and weaving into the whenua in Rotorua and learnt how their tīpuna used the whenua and the importance of it today. They were able to make taonga puoro which are Māori instruments that mimic the sounds of a bird call.

Tuia I Roto (weaving within) in Dunedin helped Tuia members learn about themselves and share and connect with each of their peers. A very rewarding moment.

Tuia I Waho (weave without) was held in Napier and was about community contribution.

Tuia Te Here Tāngata (weaving within our people) in Wairarapa to celebrate achievements and a reflection of the Tuia members' growth in various areas of their lives.

This was a very rewarding and learning experience for Maddox. He explained that Tuia is a safe Māori space where there was no judgement on each person's reo. One big whanau and learning about whakapapa. It encouraged people to step out of their comfort zones and to be proud to be Māori no matter where you are.

Maddox plans to move to Nelson in 2024 to study te reo fulltime and will also work in the rugby sector training and coaching.

Maddox received numerous leadership awards throughout 2023.

Tuia helps young Māori learn about what they have available to themselves as Māori. It allows you to connect to your Whakapapa.

It can be difficult to be Māori in Buller. Not a lot of opportunities to connect with whakapapa and encourages Council to continue sending rangatahi to Tuia.

Maddox thanked Councillors for giving him the opportunity to be part of this journey.

Mayor J Cleine noted Councillors are proud to have Maddox participate in Tuia, especially a young Māori male.

**PUBLIC FORUM:**

**Craig Findlay:**

Craig and his wife run Punakaiki Beach Camp and his son runs Reefton Motor Camp. They are committed to the ongoing success of campground in Punakaiki. It is essential that the campground stays competitive, and this requires a comprehensive overhaul. As the campground is still under lease from Buller District Council, and if the status quo remains, Punakaiki will miss out on a lot of the tourism benefit of capital investment in the area from government.

Mr Findlay was asked how coastal erosion is being managed? He replied that the management is being planned currently by the regional council.

**Wendy Thompson – via Zoom:**

Wendy spoke to her concern regarding the issues with heavy transport on Roebuck Street. There have been major works on their street since floods. Sinkholes have appeared and there is road degradation from the underneath water infrastructure. She is keen to see this issue addressed and resolved quickly.

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**MEETING DECLARED OPEN AT: 3.30pm**

**1. APOLOGIES (Page 9)**

**Discussion:**

Cr L Webb

**RESOLVED** That Buller District Council receives apologies from Cr L Webb.

**Cr A Pfahlert/Cr G Neylon**

**10/10**

**CARRIED UNANIMOUSLY**

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

**Discussion:**

Nil

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

**Mayor J Cleine/DM A Basher**  
10/10  
**CARRIED UNANIMOUSLY**

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

**Discussion:**

**25 October:** Pg 15 second to last paragraph: full stop after Empty. *Noted and amended*

**RESOLVED** that Council receive and confirm the Public minutes from the meeting of 25 October 2023

**Cr C Reidy/Cr T O'Keefe**  
10/10  
**CARRIED UNANIMOUSLY**

**RESOLVED** that Council receive and confirm the Public minutes from the Extraordinary meeting of 1 November 2023.

**Cr C Reidy/Cr T O'Keefe**  
10/10  
**CARRIED UNANIMOUSLY**

**4. ACTION POINTS REPORT (Page 25)**

**Discussion:**

**22:** When asked about an expected follow up report on costings and programme of works, D Marshall clarified that reports had been provided in the past and that due to the priority in the LTP, this piece of work is delayed.

There was a question also around the \$188,000 carry forward with Punakaiki Camp effluent system. Is this over and above BDC Reserves funds? L Brooks advised that yes this is part of the Reserves Fund.

When it was noted around the importance of progressing the Punakaiki Campground because of the tourism increase, D Marshall reminded that the lease complicates the matter and if we do see the improvements, how do we address this and potentially buy them back further down the track.

D Marshall will forward to all Councillors a reference to the reports as addressed in Action Point 22.

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

**Cr G Weston/Cr P Grafton**  
10/10  
**CARRIED UNANIMOUSLY**

**5. ANNUAL REPORT 2023 – WESTPORT AIRPORT AUTHORITY (Page 27)**  
**Discussion:**

A question was raised whether it was BDC staff of the external tax advisors that were late in the completion of their section of work, thus delaying the release of the Annual Report. L Brooks advised it was the external tax advisors that were late.

Regarding why there was an increase of 30% in legal fees, D Marshall replied that there were some operational issues as well some requirements from CAA.

Regarding the increase on interest charges relating to #9 – Related Party Transactions, Ms Brooks advised this is a reflection on the overdrawn current account. She advised also that the interest charges are internally charged.

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

**DM A Basher/Cr G Neylon**  
10/10  
**CARRIED UNANIMOUSLY**

**6. HEAVY TRAFFIC BYPASS – OPTIONS FOR UTILISING MENZIES AND ROEBUCK STREETS (Page 47)**  
**Discussion:**

Mayor J Cleine queried regarding the data provided by BDC in that setting a bylaw for this requires data to identify the problem you are trying to control. Residents certainly support this however; the road count and condition does not support that. Are we going to be able to quantify this as an issue? If this is true, does that not then open up for other streets to bring the same issue? Aside from the residents' concerns, the science does not back this up.

E de Boer advised that bylaws need to have sound reasons. He noted that with the data to date, it is higher in some places and in line with others. Staff were focussed on gathering further data to support the bylaw.

It could be precedent setting for other locations; if the bylaw approach is followed, each location should be taken on their own merits.

Mr de Boer spoke they are hoping to reach a conclusion today.

Council has three options today:

- 1 - status quo
- 2 - inbuilt infrastructure but allowing emergency transport through, noting that this would be designed so that rubbish, refuse, emergency trucks of the same size may also fit
- 3 - bylaw

Regarding a question as to whether Council would be able to enforce a bylaw, Mr de Boer advised that research on bylaws has been done. Resourcing would be required to enforce this, and there is also the ability to have the NZ Police assisting to enforce this. The bylaw would put a policy in place if required to be enforced.

Police have not yet been communicated with. They will endeavour to do so once a resolution is agreed today.

It was noted that a well-crafted bylaw can make exemptions to allow for truck trailer delivery trucks etc.

A question was asked regarding the \$275,000 total cost for creating a physical intersection, Mr de Boer advised that Waka Kotahi may look to fund 75% dependent on how they view this project.

When it was noted that Menzies Street is not part of a state highway, so why could we not just place an island there to prevent trucks swinging around; or flower gardens as in Ballance Street, Mr de Boer advised that as a professional courtesy they need to work with Waka Kotahi.

Cr G Neylon believed the contact made with the heavy transport staff helped and moved Option 3.

It was noted that Council is obliged to review the bylaw anyway at a cost of \$10,000 so this is work that is required to be done.

**RESOLVED** that the Council:

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

**Cr G Neylon/Cr R Sampson**

**8/2**

**Cr C Reidy and Cr J Howard against  
MOTION CARRIED**

7. **BULLER DISTRICT COUNCIL MULTI-YEAR PROJECTS FUNDING REPORT  
(Page 69)  
Discussion:**



D Marshall spoke to the report noting the increase in budgeting costs to upgrade Brougham House and EOC building. The budgets for these were set a number of years ago in trying to make improvements.

Overtime, both buildings meet the minimum New Building Standards (NBS) but the budgeting requirements have been challenged over the years to be able to follow through with these obligations longer term needs to be addressed. The floods have become a factor in this.

Mr Marshall advised there has been a requirement to pause these two budgets, with the exception of a few key components and look to bring these two projects to the LTP process.

When questioned around cancelling two previously approved Capex projects, Mr Marshall clarified that we have a couple of projects that can't be delivered as expected within the budget set. We are giving early notice today that these are not in the current budget; not cancelling. We are likely to stop their progress, but we need to wait till we get the final reports in order for Council to make a decision on whether they get cancelled or not.

Mayor J Cleine this is more a project rescope of what we previously thought. May not be the same bundle of work and could be looked at in the new LTP. We are unable to complete these projects within the expected budget and are requesting a pause.

Mayor J Cleine reminded these budgets were agreed just prior to the 2021 floods and a lot has happened since then and a reprioritisation is not to be unexpected.

It was noted that the longer you don't do things, the less money is worth, and the costs increase. It is important to prioritise, but once prioritised, it is also important to get projects done; so as to not lose that real money.

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

**DM A Basher/Cr R Sampson**  
9/1  
**Cr C Reidy against**  
**MOTION CARRIED**

**8. UPDATE TO THE CODE OF CONDUCT FOR ELECTED MEMBERS 2022-2025 (Page 76)**  
**Discussion:**

Nil

**RESOLVED:**

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

**Cr G Neylon/Cr J Howard**  
**10/10**  
**CARRIED UNANIMOUSLY**

**9. LOCAL GOVERNMENT NEW ZEALAND SPECIAL GENERAL MEETING –  
FUTURE OF LOCAL GOVERNMENT POSITION PAPER (Page 106)**  
**Discussion:**

Clarified that there are three votes allocated to Buller and this can be either one person with three votes or three people with one vote each.

**RESOLVED** that Council:

1. That Council receive the “Local Government New Zealand Special General Meeting – Future of Local Government Position Paper” report.

**Mayor J Cleine/Cr C Reidy**  
**10/10**  
**CARRIED UNANIMOUSLY**

The second resolution was amended FROM:

2. That the Council confirm the three delegates to attend the Special General Meeting 11 December and mandate the delegates to vote as per Council resolutions.

TO:

2. That the Council confirm the Mayor is delegated to attend the Special General Meeting 11 December and DM A Basher as the alternate to vote as per Council resolutions.

**Cr C Reidy/Cr G Neylon**  
**10/10**  
**CARRIED UNANIMOUSLY**

3. That the Council provide feedback on the Local Government New Zealand position document (attached) for the delegates to vote **in support of** at the Special General Meeting.

**Cr C Reidy/Cr G Neylon**  
**10/10**  
**CARRIED UNANIMOUSLY**

Mayor J Cleine reiterated this is a consensus building process.

4. That the Council approve the Mayor and Chief Executive to authorise the registration to the Special General Meeting.

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

**10/10**

**CARRIED UNANIMOUSLY**

**10. MAYOR'S REPORT (Page 110)**

**Discussion:**

Mayor J Cleine spoke to his report, noting the additional recommendation supporting Tuia. He mentioned also that Mayors Taskforce For Jobs (MTFJ) has fully funded Tuia for the past two years.

Regarding the Rural Provincial Conference: OAG will be looking specifically at LTP processes and documents and whether the document allows community to have a meaningful contribution to the LTP.

DM A Basher acknowledged what a positive impact Maddox has had for the Buller High School community and that is great to see both he and Ella working with youth in the community.

Mayor J Cleine advised there will be an advertising campaign districtwide for youth to apply for the next Tuia. To be selected by late January and notified in February.

Regarding a comment from Bruce Robertson's statement that rising rates not the problem, Mayor J Cleine clarified that he was challenging Councils to ask themselves are you getting value out of CCO etc. Rising rates are inevitable but the lack of revenue and how we pay for infrastructure is important to look at; are we set up for success?

**RESOLVED** that Council:

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

**DM A Basher/Cr J Howard**

**10/10**

**CARRIED UNANIMOUSLY**

**11. CHIEF EXECUTIVE OFFICER'S REPORT (PAGE 147)**

**Discussion:**

S Gibling spoke to his report and updated that there is now a coalition government in place. With this, it is confirmed that the 3 Waters is to be repealed within the first 100 days. Buller District Council will now become an entity and this is going to have an impact on the way in which we approach the LTP.

Council has reached out to Taumata Arowai and are now awaiting confirmation to meet with them. This may be delayed but Council will be making it clear the compliance issues and affordability issues Buller faces.

Mayor J Cleine added regarding the new government; the Westcoast ministers are exploring direct approaches above the regional approach to government.

Mayor Cleine noted the Regional Development fund of \$1.2b is exciting.

**RESOLVED** that Council receive the report Chief Executive Officer's Report.

**DM A Basher/Cr T O'Keefe**

**10/10**

**CARRIED UNANIMOUSLY**

**12. VERBAL UPDATES FROM COMMITTEE CHAIRS (Page 154)**

**Discussion:**

- 1 **Inangahua Community Board – Cr L Webb** – Not in attendance
- 2 **Ngati Waewae Representative – N Tauwhare** – Nothing to report
- 3 **Regulatory & Hearings Committee – Cr G Neylon** – Waste management coming to council on 13 December. Animal bylaw hearing this morning. Still a few issues to iron out but should be ready for council in December.
- 4 **Community, Environment & Services Committee – Cr J Howard** – A number of engagements with community lately with more to come. Very busy period going into the Christmas period. Cr R Sampson advised of good progress with Carnegie Library
- 5 **Te Tai o Poutini Plan – Mayor J Cleine and Cr G Neylon** – Hearing progressing. Variation to Coastal Hazard roadshow. He reminded that Commissioners can only make recommendations with hearings. The hearings may not be the end.
- 6 **Joint Committee Westport Rating District – Mayor J Cleine, Cr J Howard and Cr C Reidy** – Mayor J Cleine has abdicated that a meeting for this Joint Committee be held. Overdue to have an update on this.

7. **WC Health Localities Project - Cr G Neylon** – In a hiatus previously with election. Now there is concern the new minister of health is not in favour of localities. All Chairs of this pilot scheme to meet with minister to gauge where he is at with localities.
8. **Regional Transport Committee - Cr T O’Keefe** – Nothing to report. Next meeting 24 January. Cr G Weston regarding road safety – last meeting well attended. White Ribbon event attended. Lovely day with good attendance.

**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**  
**10/10**  
**CARRIED UNANIMOUSLY**

**PUBLIC FORUM RESPONSES:**

**Maddox Manawatu:** Letter of thanks.

**Craig Findlay:** Letter of thanks, noting the councillors have the documents he sent through. Direct staff to discuss lease and future plans with Mr Findlay. Agree it is time to address this and will look to have a paper to come back in the new year.

**Wendy Thompson:** Acknowledge concerns and advise of the Council resolution.

**ACTION POINT:** Staff to discuss lease and future plans of Punakaiki Campground and bring back a report to Council in new year.

**13. PUBLIC EXCLUDED REPORT (Page 155)  
Discussion:**

**RESOLVED** That the public be excluded from the following parts of the proceedings of this meeting:

<b>Item No.</b>	<b>Minutes/Report of:</b>	<b>General Subject</b>	<b>Reason For Passing Resolution Section 7 LGOIMA 1987</b>
<b>PE 1</b>	Steve Gibling - CEO	Confirmation of Previous Public Excluded Minutes	<b>(s 7(2)(j))</b> - Prevent the disclosure or use of official information for improper gain or improper advantage.
<b>PE2</b>	Steve Gibling - CEO	Land Transfer Progress and Resolution	<b>(s 7(2)(i))</b> - Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);
<b>PE3</b>	Jamie Cleine - Mayor	CEO Performance Review Consultant Appointment	<b>(s 7(2)(i))</b> - Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);

**Cr C Reidy/DM A Basher  
10/10  
CARRIED UNANIMOUSLY**

Mayor J Cleine called for a 10 minute recess.

**BULLER DISTRICT COUNCIL**

**13 DECEMBER 2023**

**AGENDA ITEM: 4**

**Prepared by** Steve Gibling  
Chief Executive Officer

**COUNCIL ACTION POINT LIST**

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**1. REPORT SUMMARY**

A summary of council resolutions requiring actions.

**2. DRAFT RECOMMENDATION**

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

**Council Action Points - CURRENT**

No	Meeting Date / Action Point	Responsible	Update	Date Required By
24	<b>29 November 2023</b> <b>Punakaiki Campground</b> Staff to discuss lease and future plans of Punakaiki Campground and bring back a report to Council in new year.	D Marshall		February 2024



## BULLER DISTRICT COUNCIL

13 DECEMBER 2023

AGENDA ITEM: 5

**Prepared by** - Eric de Boer  
Manager Infrastructure Delivery

**Reviewed by** - Michael Duff  
Group Manager Infrastructure Services

**Attachments** - 1 - Submission Analysis Report  
- 2 - Summary of Oral Submissions

### **ZONE 1 RUBBISH COLLECTION – LEVEL OF SERVICE CONSULTATION, OPTIONS AND PROPOSED NEXT STEPS**

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#### **1. REPORT PURPOSE**

The report summarises the community consultation process conducted from August to September 2023. It also provides a review of the various service level options available to Council and sets out a series of potential scenarios to determine the most appropriate way forward in order to determine and select the rubbish collection service for Zone 1 households.

#### **2. REPORT SUMMARY**

The consultation undertaken in August and September 2023 proposed a change from the current private weekly 'Pay As You Throw' (PAYT) service using rubbish bags and privately contracted wheelie bins to a fortnightly, rates funded 120 litre wheelie bin collection service for Zone 1 households.

The consultation resulted in a range of submissions and public views and feedback on the proposal. 73% of the submitters were opposed to the proposal. There remain a range of other options available to Council to provide rubbish collection services across Zone 1.

Through an options selection model the primary and most significant decision is whether to maintain the delivery of rubbish collection services through the private sector (which is the status quo), or for Council to take over to provide the service via a delivery contractor.

- Option 1 – Private Sector Service (status quo)
- Option 2 – Council Service

There are several sub-options identified in the selection model, which further refine the level of service.

<b>Option 1</b>	<b>Private Sector Service</b>	<b>Funding Mechanism</b>
Option 1-A	Private Sector provides bag collection	PAYT – Contractor sets pricing
Option 1-B	Private Sector provides wheelie bin collection	PAYT – Contractor sets pricing
<b>Option 2</b>	<b>Council Service</b>	<b>Funding Mechanism</b>
Option 2-A	BDC provides a Weekly bag collection	PAYT – Council sets pricing
Option 2-B	BDC provides a fortnightly wheelie bin collection with a single 120 litre bin size	PAYT – Council sets pricing
Option 2-C	BDC provides a fortnightly wheelie bin collection with several different bin size options, i.e. 80 litres, 120 litres or 240 litres	PAYT – Council sets pricing
Option 2-D	BDC provides a fortnightly wheelie bin collection with a single 120 litre bin size	Targeted Rate– Council sets pricing
Option 2-E	BDC provides a fortnightly wheelie bin collection with several different bin size options, i.e. 80 litres, 120 litres or 240 litres	Targeted Rate– Council sets pricing

Staff have reviewed the above options and considered these in context of sector direction and community feedback and recommend the following suite to move forward for consultation:

<b>Recommended Options to Reconsult</b>		
Option 1-B	Private Sector provides wheelie bin collection	PAYT – Contractor sets pricing
Option 2-B	BDC provides a fortnightly wheelie bin collection with a single 120 litre bin size	PAYT – Council sets pricing
Option 2-E	BDC provides a fortnightly wheelie bin collection with several different bin size options, i.e. 80 litres, 120 litres or 240 litres	Targeted Rate– Council sets pricing

In terms of process to move forward, staff have identified three scenarios available for Council to consider:

<b>Scenarios to Proceed</b>		
Scenario 1	Select Level of Service option 1-B Private Sector provides wheelie bin collection PAYT and implement now.	Not recommended
Scenario 2	Reconsult with the community on recommended options using estimated costs.	<b>Recommended Scenario</b>
Scenario 3	Reconsult with the community on recommended options using tender prices.	Not recommended

It is recommended that Council selects Scenario 2 and consults with the community prior to obtaining tendered pricing. Then at the conclusion of that consultation process decides whether to proceed to market for tendered pricing.

### **3. DRAFT RECOMMENDATION**

**That the Council:**

- a) Receives the report and attachments.**
- b) Approves the recommended options (1-B, 2-B and 2-E) to reconsult with the community.**
- c) Approves Scenario 2 as the recommended process to reconsult with the community based on estimated costs, not tender prices.**
- d) Delegate authority to the Chief Executive Officer to approve the public consultation process and documentation in relation to the recommendations above.**

#### 4. CONTEXT

The current contract for waste minimisation and management services in Buller comes to an end in February 2024 (this is in progress to be extended to mid-2025). Council has to date worked with Grey District Council and Westland District Council to look at a potential for delivering consistent household collection and transfer station services across the West Coast into the future. This is anticipated to make delivery of services more efficient and increase the resilience of service delivery. A number of issues were identified and presented to Council in July 2023, which suggest it is timely to make a change to household collections:

- The waste collection sector is moving away from bags to wheelie bins for health and safety reasons.
- The Ministry for the Environment has announced the standardisation of household collection services focussed on recyclable materials and food waste.
- There is ongoing illegal dumping across the District and providing a consistent service for all households is anticipated to reduce illegal dumping.
- By controlling services, Council is able to invest on behalf of the community to capture more materials for recycling and recovery.
- By providing a universal household collection services to the specified areas of the Buller District, Council is able to manage costs for each household.

As a result, Council agreed at its July 2023 meeting to consult with the community on a change in the delivery of waste management services. The consultation took place from 7 August to 8 September 2023 and proposed four key changes:

1. A shift from using 60 litre rubbish bags to having a 120 litre wheelie bin provided by Council.
2. Mandatory rubbish and recycling collection.
3. Changing from weekly to fortnightly rubbish collection.
4. Paying for rubbish and recycling collection through rates (rather than buying rubbish bags) i.e. a targeted universal rate charge.

Written and oral submissions highlighted a range of views from the community including some supporting a shift to collection of rubbish in wheelie bins, concerns about a shift away from the current 'pay as you throw' approach, concerns about making rubbish collection mandatory and little specific comments about Council delivering the rubbish collection through a third party.

The outcomes of the consultation and decision to hear submissions were presented in a report to the Regulatory and Hearings Committee on 11 October 2023. The hearings also took place on 11 October 2023.

The details of the hearings were discussed at a subsequent workshop with Councillors on 1 November 2023 and staff agreed to bring a report to Council outlining the next steps including level of service options and scenarios to achieve the right rubbish collection service for Zone 1 households.

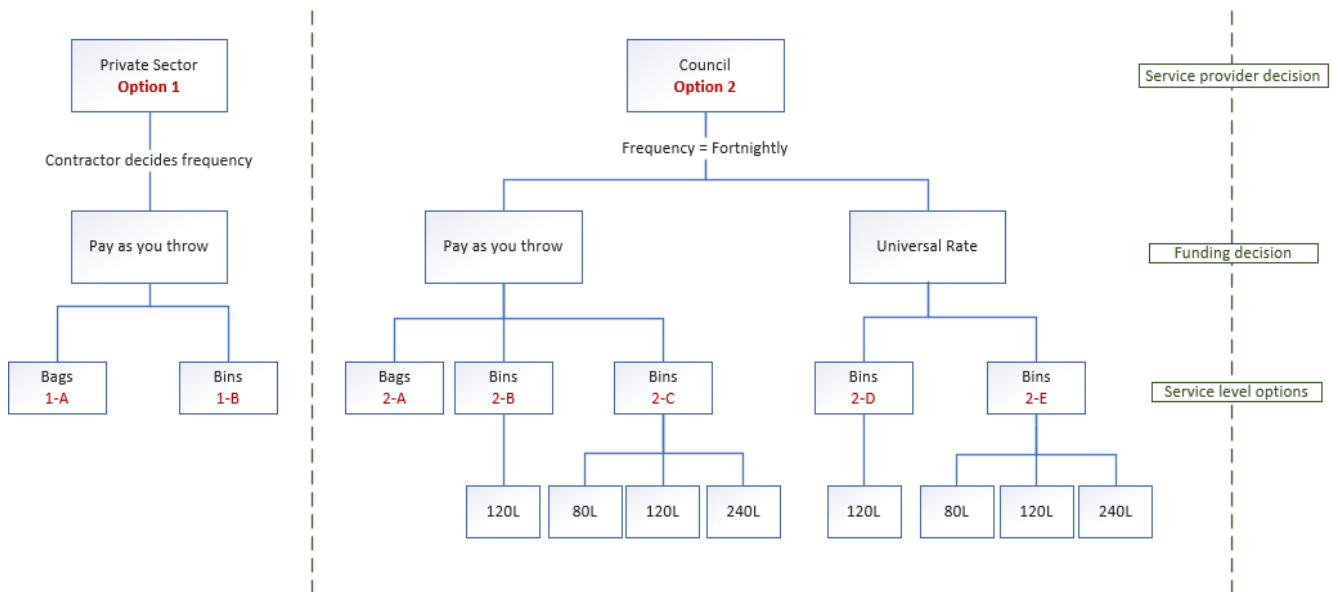
## 5. THE OPTIONS AVAILABLE TO COUNCIL

The Council has several service level options available to it in order to deliver rubbish collection across Zone 1.

A primary decision is whether to maintain the status quo and deliver the rubbish collection services through the private sector or for Council to deliver the service.

**Option 1.** Status quo. The private sector delivering a rubbish collection service using bags or wheelie bins.

**Option 2.** Council delivering a rubbish collection service through a delivery contractor using wheelie bins either rates funded or pay as you throw.



**Option 1: Private Sector provides rubbish collection services.**

The Private Sector provides rubbish collection services across Zone 1 (Option 1). Within this option stream there are the following sub-options:

Option	Description	Funding Mechanism
Option 1-A	Private Sector provides bag collection	PAYT – Contractor sets pricing
Option 1-B	Private Sector provides wheelie bin collection	PAYT – Contractor sets pricing

If the private sector is chosen to deliver the waste services, it is in effect a version of status quo. If that is the selected option to move forward, Council can act on any feedback from the community and inform the contractor to provide either bags or wheelie bins via its tender process.

**Option 2: Council provides rubbish collection services.**

This stream of options sees a shift to Council providing rubbish collection services across Zone 1 (Option 2) via a collection contractor. Within this option stream there are the following sub-options:

Option	Description	Funding Mechanism
Option 2-A	BDC provides a weekly bag collection	PAYT – Council sets pricing
Option 2-B	BDC provides a fortnightly wheelie bin collection with a single 120 litre bin size	PAYT – Council sets pricing
Option 2-C	BDC provides a fortnightly wheelie bin collection with a several different litre bin size, i.e. 80 litres, 120 litres or 240 litres	PAYT – Council sets pricing
Option 2-D	BDC provides a fortnightly wheelie bin collection with a single 120 litre bin size	Targeted Rate– Council sets pricing
Option 2-E	BDC provides a fortnightly wheelie bin collection with a several different litre bin size, i.e. 80 litres, 120 litres or 240 litres	Targeted Rate– Council sets pricing

**Who Will Deliver Rubbish Collection?**

Where the private sector delivers rubbish collection key features include:

- The individual companies set the pricing.
- In Westport / Reefton the size of the market means there is limited competition.
- The private sector is unlikely to provide recycling services without Council funding.

Where Council delivers the rubbish collection service through a delivery contractor, key features include:

- Council sets the pricing.
- Council can control the quality of service through contract terms and management.
- Rubbish collection can be managed alongside recycling services.

Drawing on Councillor's workshop deliberations on 1st November 2023, on balance, it would appear that Council delivering rubbish collection through a contractor is the preferred option, allowing Council to directly control pricing and quality.

### **How Will Rubbish Be Collected?**

Rubbish collection using bags has the following features:

- Adopting a 'Pay As You Throw' approach is relatively straightforward through selling bags and is understood by the user.
- Bag collections are less safe with repetitive manual handling and movement of collection staff in a live traffic environment.
- There is no direct control on capacity, with residents free to buy multiple bags if they want to.
- Bags can be damaged by animals while waiting on collection, resulting in litter.
- Bags need to be carried to the kerbside for collection.
- Bags are typically collected weekly.
- Bags are not strongly supported by the market moving forward and will attract a high tender costs or perhaps no tenders at all.

Rubbish collection using wheelie bins has the following characteristics:

- Adopting a 'Pay As You Throw' approach is possible through the use of tags.
- Bin collections can be automated.
- Rubbish collection capacity can be controlled. Some local authorities in New Zealand offer variable bin sizes to reflect the needs of different households.

- Rubbish is contained (in the household and while awaiting collection) avoiding litter.
- Bins can be wheeled to the kerbside for collection.

The advantages and disadvantages of the two options are summarised below.

Collection option	Advantages	Disadvantages
Bags	<ul style="list-style-type: none"> <li>• Can be funded through user pays.</li> <li>• Can be funded via a set annual targeted rate for a set number of bags (52).</li> </ul>	<ul style="list-style-type: none"> <li>• Less safe than alternatives.</li> <li>• Bags can be damaged by animals.</li> <li>• Bags need to be carried to the kerbside.</li> </ul>
Wheelie bins	<ul style="list-style-type: none"> <li>• Can be funded through user pays.</li> <li>• Automated collection is more efficient (reducing cost),</li> <li>• Containment means fortnightly collection is possible (reducing cost).</li> <li>• Bins are wheeled to the kerbside.</li> <li>• Less plastic put in landfill.</li> </ul>	<ul style="list-style-type: none"> <li>• There is an upfront cost for the bins.</li> </ul>

Drawing on Councillor’s workshop deliberations on 1 November 2023, on balance, using wheelie bins for rubbish collection is the preferred option due to convenience and cost factors and it also saw some level of support during the consultation.

A fortnightly collection of rubbish in 120 litre wheelie bins provides similar capacity to weekly collection using a single 60 L bag per household. i.e. the current service.

#### **How Will Rubbish Collection Be Funded?**

Feedback from the community on a single option for wheelie bin collections highlighted a strong desire for flexibility. Multiple submitters noted that the current ‘Pay As You Throw’ approach suits their needs.

Adopting a ‘Pay As You Throw’ approach has the following characteristics:

- For wheelie bin-based collection, removable tags have been implemented in New Zealand and RfID based approaches may be possible.
- Households pay for the service they require as they require it.
- Due to the uncertainty about the number of bins requiring collection each week, price of collection is likely to be slightly higher.



- Households are likely to minimise the number of times they put their bin out, potentially resulting in smelly rubbish.
- Contractors will develop their pricing for collection based on assumptions regarding the number of bins put out each week and the total quantity of rubbish collected.
- Relatively high tag pricing may cause problems with tags being stolen.
- The administrative cost means providing for variable bin sizes alongside a 'pay as you throw' approach will be complex and expensive.

Adopting a targeted rate funded approach has the following features:

- Each household pays the same amount (for a single service option)
- Households can be offered service options, for example:
  1. Different wheelie bin sizes.
  2. Choosing to opt out of the service.
  3. Rebates for 'low' usage.
- Contractors will develop their pricing for collection based on assumptions regarding the number of bins put out each week and the total quantity of rubbish collected.
- Since the bin service is 'paid' for households are more likely to put out bins for collection regularly.
- This is a common approach across New Zealand, often with variable bin size options offered. Grey and Westland Districts offer a targeted rate funded collection with a single option.
- The frequency of collection can be changed easily at a later date to coincide with the introduction of a new service.

The advantages and disadvantages of the different funding options are summarised below.

<b>Collection Option</b>	<b>Advantages</b>	<b>Disadvantages</b>
'Pay As You Throw' (status quo)	<ul style="list-style-type: none"> <li>• Users only pay for what they use.</li> </ul>	<ul style="list-style-type: none"> <li>• Collection services need to be provided regardless of whether containers are put out for collection (cost impact).</li> <li>• High per collection costs in Buller District may encourage illegal dumping.</li> </ul>
Target rate – single option on bin size	<ul style="list-style-type: none"> <li>• Simple to administer.</li> <li>• With collection paid for, households are less likely to illegally dump rubbish.</li> <li>• More certainty on waste quantity for the collection contractor.</li> </ul>	<ul style="list-style-type: none"> <li>• There is no recognition of households that minimise waste.</li> <li>• Landlords will end up paying for their tenant's rubbish collection.</li> </ul>
Target rate – various bin size options	<ul style="list-style-type: none"> <li>• Some cost saving for households that minimise waste.</li> <li>• With collection paid for, households are less likely to illegally dump rubbish.</li> <li>• More certainty on waste quantity for the collection contractor.</li> </ul>	<ul style="list-style-type: none"> <li>• More complex administration.</li> <li>• Landlords will end up paying for their tenant's rubbish collection.</li> </ul>

With respect to how to fund the service there is no single option that addresses all of the issues raised in the consultation process.

While pay as you throw enables those who minimise waste to save money, the cost for collection is likely to be higher (due to uncertainty about waste quantity and household participation).

A targeted rate approach with a single bin size option appears not to be supported by the community based on the consultation undertaken.

A targeted rate approach with several bin size options provides some flexibility while also providing some certainty for contractors (managing cost impacts). This approach is common across New Zealand.

### Recommended Options

In summary, if Council is to select only one Level of Service (LOS) to be implemented, the staff recommended approach is for the Private Sector to deliver the rubbish collection service using wheelie bins.

Option	Description	Funding Mechanism
Option 1-B	Private Sector provides wheelie bin collection	PAYT – Contractor sets pricing

However, staff recommend that the following options also be included when reconsulting with the community because this is simpler to administer, it is likely to result in less illegally dumped rubbish, it provides more certainty on waste quantities for the collection contractor and it provides more cost savings for the household that minimise waste.

Option	Description	Funding Mechanism
Option 2-B	BDC provides a fortnightly wheelie bin collection with a single 120 litre bin size	PAYT – Council sets pricing
Option 2-E	BDC provides a fortnightly wheelie bin collection with several different bin size options, i.e. 80 litres, 120 litres or 240 litres	Targeted Rate– Council sets pricing

The outcome of the previous consultation did not provide sufficient clarity regarding the funding options and levels of service. It is recommended that Council proceeds with reconsulting with the community on the above options.

## 6. SCENARIOS CONSIDERED

The following three scenarios have been identified in order to move the re-consultation process forward:

### **Scenario 1 – Select a Level of Service Option and proceed to implementation.**

This scenario means Council decides to select a Level of Service (LoS) option and proceeds to implementation of a new service by mid-2025 without further consultation.

In this scenario, Council may choose any of the identified options, noting would recommend Option 1-B i.e. the Private Sector to deliver the rubbish collection service using wheelie bins.

The following risks have been identified with this scenario:

- Making a LoS decision now without seeking further guidance from the community may result in a service being implemented, which is not supported by the community.

**Scenario 2 – Reconsult with the community using estimated costs for the recommended options.**

This scenario means Council decides to reconsult with the community based on the options recommended by staff and estimated costs.

This scenario involves:

- Councillors approving the recommended options.
- Consulting on these options by relying on the best available cost estimates (without a tender price).
- A full consultation process (consultation, submissions, outcomes, hearings, deliberations and resolution) separately or as part of the Long-Term Plan consultation process.
- Adopt a single option after consultation depending on the outcome.
- Undertake a procurement process (depending on the option selected).

The following benefits and risks have been identified with this scenario:

- The community will have another opportunity to provide feedback on the options under consideration and following this, Council will have all the information required to make a fully informed decision about the right rubbish collection service to be provided to Zone 1 households.
- Pricing will remain uncertain until after the procurement process.

**Scenario 3 – Reconsult with the community using firm tender pricing for the recommended options.**

This scenario means Council decides to reconsult with the community based on the options recommended by staff and tender pricing.

This is similar to Scenario 2 except tender prices are obtained before consultation instead of using estimate costs.

The following risks have been identified with this scenario:

- To run a procurement process prior to consultation for the recommended options runs the risk of asking the market to ‘price-check’ a proposal not yet resolved by Council. This is against appropriate supplier selection and tendering practices where Council is required to engage in ‘fair play’ contract

tendering with the intent to actually commit to a contract and have decided on a level of service before going to tender.

### **Recommended Scenario**

It is recommended that Scenario 2 is selected as the preferred next step.

## **7. CONSULTATION FEEDBACK**

In total 339 submissions were received (158 online and 181 written). This is a high response rate for a formal consultation process.

The submissions were analysed by research and engagement experts Public Voice using a thematic analysis approach. The key outcomes being:

- 73% of the submitters were *opposed* or *strongly opposed* to the proposal, 22% were *in favour* or *strongly in favour* and 5% are *neither opposed or in favour*.
- 41% said that the proposal disadvantages those that produce less waste.
- 38% noted concerns about the higher costs compared to the flexibility to the current approach.
- 37% said they prefer a 'pay as you throw' system.
- 21% were in opposition to a mandatory service.
- 18% thought that the new model will increase waste generation.

Others concerns included uncertainty regarding costs, feeling that the new model penalises waste minimisation, that landlords would pay for tenants or rents would be increased and that bins are harder to handle for people with physical disabilities. There was also some positive and supportive feedback related to the fact that bins are in general easier to manage than bags, the proposal will reduce the use of plastics bags, the proposal may decrease illegal dumping, the cost is reasonable, and the bins are animal proof.

Attachment 1 presents the Submission Analysis Report prepared by Public Voice.

### **7.1 Hearings**

Public hearings were undertaken on the 11 October of 2023. A total of 25 people attended to speak to their submissions.

The key themes from the oral submissions were:

- Preference for the current 'user pays' as this encourages recycling and allows people to pay for the waste they produce.
- Opposed to the system being mandatory as this could be a financial burden on households and people shouldn't pay for the waste others produce.
- Providing a 120-litre wheelie bin encourages people to fill the bin and doesn't align with a zero-waste vision.
- Some preference for bins instead of bags.

Attachment 2 presents a Summary of the oral submissions.

## **7.2 Final Consultation Outcome**

The written and oral submissions highlighted a range of views in the community.

Common themes included:

- General support for a shift to collecting rubbish in wheelie bins, noting that some members of the community would benefit from assistance manoeuvring bins to the kerbside.
- Concerns about a shift away from the current 'pay as you throw' approach to funding rubbish collection. Key concerns were that a rate funded collection would:
  - Impose cost on households that make minimum use of the kerbside rubbish collection service.
  - Remove the current financial incentive to minimise rubbish.
- Concerns about making rubbish collection mandatory (universal rate).

## **8. BACKGROUND**

### **8.1 Waste Management New Services Statement of Proposal**

The current waste management and recycling services are summarised below. They comprise kerbside collection of rubbish and recycling for Zone 1 households (Westport and Reefton), rubbish transfer stations in Westport and Reefton and landfills with recycling facilities at Karamea and Maruia.

## **8.2 Kerbside Rubbish Collection Services (Household Collection Services)**

Rubbish kerbside collection services are currently offered via a private commercial operation managed and operated by Smart Environmental. The services are provided using a pay as you throw model using either 60 litre rubbish plastic bags or a private wheelie bin service on a periodic basis. The official rubbish bags are currently sold for \$9.10 incl GST. Bin costs vary depending on the bin size and collection frequency and the rates are set by Smart Environmental Ltd. Rates are not used to subsidise the household rubbish collection.

The waste management services proposal consulted on throughout August and September suggested that from 2025 onward the kerbside rubbish (household collection) could become a service controlled and managed by Council and operated by a third-party contractor on behalf of the Council. The proposal suggested using 120 litre wheelie bins collected fortnightly and funded by a targeted rate for all serviced properties. The cost for the rubbish collection was estimated at \$197 to \$272 annually per serviced property based on similar services on the West Coast.

In this scenario, the rubbish collection rate would be added to the current waste management rate of \$178 for recycling services. This means the full target rate would increase from \$178 to an estimated range \$375 - \$450 per household.

The shift to wheelie bins and fortnightly collection is a change in the level of service and the shift from the 'pay as you throw' to a rates funded collection is a change in the funding approach for the service.

## **8.3 Kerbside Recycling Collection Services**

The recycling kerbside collection services are currently provided by a 240L recycling bin and a 45L glass crate, funded via rates by the waste management rates (\$178 incl GST per annum). The service is operated by Smart Environmental Ltd on behalf of the Council (different to the rubbish collection service that is operated via Smart Environmental Ltd as a private commercial operation).

No changes are proposed to the kerbside recycling collection level of service or funding.

## **8.4 Key Waste Indicators**

Key metrics for the existing rubbish and recycling collection include:

- Rubbish bag sales suggest around 30% of residents use the rubbish bag service (assuming one bag every two weeks).

- Recycling contamination is around 27%. This is high when compared to national standards and is an area that Council and Smart Environmental are actively working on.
- Only 10% (280 Tonnes per year) of the rubbish is collected by the kerbside collection service with the remainder dropped off at Transfer Stations. The proportion of waste collected at kerbside is low compared to other parts of New Zealand.

### **8.5 Drivers of Kerbside Rubbish and Recycling System Performance and Cost**

Based on experience across New Zealand and internationally, several factors have an impact on performance (the capture of materials for recycling, avoiding illegal dumping) and cost.

Providing easy access to kerbside rubbish collection can contribute to reducing dumping and contamination of recycling collections. This includes:

- A reasonable cost of service.
- Maximising convenience for users, for example providing wheelie bins and offering back door collections for residents with limited mobility.
- Limiting capacity for kerbside rubbish collections can encourage residents to recycle or compost materials. In New Zealand there is a trend to offer 120 litre rubbish bins collected fortnightly or smaller bins weekly.

The collection approach has an impact on cost as follows:

- Automated collection (wheelie bins with remote lifting arm) is likely to be cheaper than manual handling (lifting bags into rubbish collection vehicles).
- Frequency of collection, less frequent collection will be lower cost.

### **8.6 Approaches to Kerbside Rubbish and Recycling Elsewhere in New Zealand**

It is useful to consider how similar services are delivered elsewhere in New Zealand. The table below summarises approaches including rubbish collection approach and funding.



<b>Council</b>	<b>Rubbish Collection</b>	<b>Rubbish Collection Funding</b>	<b>Recycling Collection (All Rates Funded)</b>
Grey District	Wheelie bin	Targeted rate	Wheelie bin and glass crate
Westland District	Wheelie bin	Targeted rate	Wheelie bin (no glass)
Thames Coromandel	Wheelie bin	User pays (tags)	Wheelie bin and glass crate
Auckland Council	Wheelie bin	Targeted rate	Wheelie bin (glass in)
Tauranga	Wheelie bin	Targeted rate (size options)	Wheelie bin and glass crate
Hamilton	Wheelie bin	Targeted rate (size options)	Wheelie bin and glass crate
Marlborough	Wheelie bin	Targeted rate (size options)	Wheelie bin and glass crate
Queenstown	Wheelie bin	Targeted rate	Wheelie bin and glass bin
Lower Hutt	Wheelie bin	Targeted rate (size options)	Wheelie bin and glass crate

## 9. CONSIDERATIONS

### 9.1 Strategic Impact

Section 42 of the Waste Minimisation Act 2008 establishes that a territorial authority must promote effective and efficient waste management and minimisation within its district for the direct benefit of the rate payer.

Section 52 of the Waste Minimisation Act 2008 establishes that a territorial authority may undertake, or contract for, any waste management and minimisation service, facility, or activity (whether the service, facility, or activity is undertaken in its own district or otherwise).

The Long-Term Plan 2021-2031 requires Council to continue providing solid waste activity for the collection, transfer and final disposal of waste materials generated by households and businesses within the district.

The Regional Waste Minimisation and Management Plan 2018 – 2024, adopted by the three West Coast Councils in 2018, sets out how the Councils will progress work more collaboratively to ensure an efficient and effective regime of waste management and minimisation across the West Coast Region.

## **9.2 Significance Assessment**

The proposal for change has high significance to the local residents and will be consulted upon as part of the Local Government Act 2002 requirements.

## **9.3 Risk Management Implications**

There are cost impacts on residents due to the change in service levels for rubbish collection. Council requires an effective mechanism to mitigate the impacts of the ongoing increases in the cost of waste management and recycling services in the Buller District.

There are a range of views within the community regarding the best way to deliver and fund rubbish collection services. This means that there is no one option that will address all concerns raised through the consultation process.

## **9.4 Values**

Provision of appropriate solid waste and recycling collection services aligns with Council values which are: Community Driven, One Team, Future Focussed, Integrity and We Care.

## **9.5 Policy / Legal Considerations**

Waste management services must be in accordance with the Waste Minimisation Act 2008 and the proposed waste management model of services must be approved and adopted by Council before it can be consulted on. Special Consultative Procedure is undertaken in accordance with Section 83 of Local Government Act 2002.

## **9.6 Tangata Whenua Considerations**

Council works in partnership with local iwi and will continue to consult on matters of mana whenua rights, interests, values, culture and traditions.

## **9.7 Views of Those Affected**

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

## **9.8 Costs**

Cost impacts will be considered at all stages of the procurement planning, which includes the public consultation on the statement of service levels and the cost impacts will then again need to be included once the tendered costs are known into any Council Long Term Plans or Annual Plans.

## **9.9 Benefits**

The selection of an appropriated kerbside collection system will provide a common service to Zone 1 residents, potentially decrease the recycling contamination rates, reduce illegal dumping and help to reduce greenhouse gas emission.

### **9.10 Media / Publicity**

All media and publicity will be managed through established communications channels and informed by an approved communications strategy. Information and any milestone events will be communicated to key stakeholders, local community and interested parties and this will be uploaded onto Council's website.



# **Household waste collection services, zone one**

**Summary of submissions  
September 2023**

**About PublicVoice**

PublicVoice Limited has completed this research project. PublicVoice is a leading research and engagement consultancy headquartered in Wellington, New Zealand. We concentrate on public policy research and consultation, providing services to various local and central government agencies throughout New Zealand. To learn more about our work, please visit [www.publicvoice.co.nz](http://www.publicvoice.co.nz).

<b>Document status:</b>	Final
<b>Version:</b>	V1_25_09_23
<b>Date:</b>	25 <sup>th</sup> September 2023
<b>Author:</b>	Jared Bothwell

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## Introduction

This report compiles feedback from the public consultation about the proposed waste system for Buller, Zone One. It's important to note that this is a public consultation, not a scientific survey. Thus, the feedback represents the participants' views and may not capture the broader community's perspectives. The insights collected offer diverse community viewpoints and will guide councillors in making informed decisions about the new system.

## Background

The proposed changes involve switching from rubbish bags to bins and how residents pay for their rubbish collection. The council must consult with the community under the Local Government Act 2002 as this is a significant change.

For most properties in zone one, this would mean:

- A shift from using 60-litre rubbish bags to having a 120-litre wheelie bin provided by Council.
- Mandatory rubbish and recycling collection.
- Changing from weekly to fortnightly collection of rubbish.
- Paying for rubbish and recycling collection through rates (rather than buying rubbish bags).

## The consultation process

The consultation process included:

- Community meetings
- Online survey
- Written submission forms

Three hundred thirty-nine submissions were received.

### Community meetings

Buller District Council held community meetings in Westport and Reefton. Residents were invited to join us to hear more about the proposed changes. The Westport meeting was live-streamed on the Council's YouTube channel for people who couldn't be there in person.

### Online survey

An online survey was developed and hosted on the Council's website. One hundred fifty-eight submissions were received via online survey.

### Written submission form

One hundred eighty-one written submissions were received either using the form provided by the BDC or by email/letter.

# KEY FINDINGS

**BULLER DISTRICT COUNCIL**

### Community support

**73%**

**73%** of respondents either opposed or strongly opposed the proposed new service, while 21% either favour or strongly favour the suggested changes.

### Waste minimalists

**41%** fear the proposed changes will financially harm minimal waste producers, citing potential negative impacts on recycling and disproportionate effects on pensioners.

### Cost

**38%** of respondents expressed concerns about the higher costs of the new service. The existing system is valued for its flexibility and cost-effectiveness. Many fear increased expenses, especially in low-waste households.

### Flexible system

**37%** of respondents support a 'pay-per-pickup' approach, ensuring charges reflect individual waste generation, particularly benefiting those producing less waste.

### Mandatory opposition

**21%** of respondents oppose the mandatory nature of the service, voicing concerns over diminished flexibility and restricted choices.

### Waste concerns

**18%** fear the new system could boost waste generation. Respondents desire a flexible system aligned with individual waste patterns, which promotes waste reduction.



## Data analysis methodology

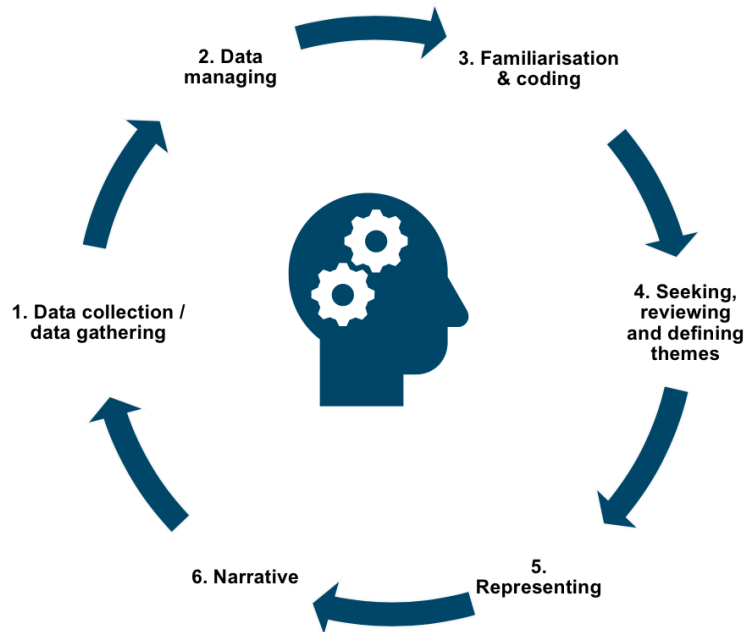
### Thematic analysis

For the qualitative analysis of responses from open-ended questions and written feedback, PublicVoice employed a thematic analysis approach. This approach is rooted in the systematic framework introduced by Braun and Clarke in 2006, and it offers a structured method for identifying, analysing, and interpreting patterns of meaning within data. The following outlines the specific phases of this methodology:

1. **Familiarisation with the Data:** Analysts immersed themselves in the data through repeated reading to understand its content deeply.
2. **Generating Initial Codes:** A systematic coding process was executed across the entire dataset. This foundational step organised the data into distinct segments, labelling them to reflect key insights.
3. **Searching for Themes:** Initial codes were subsequently grouped into potential overarching themes and subthemes, providing broader patterns of meaning.
4. **Reviewing Themes:** Themes were refined to ensure their relevance to the coded extracts and the broader dataset. Themes without substantial supporting data or which were overly diverse were reconsidered.
5. **Defining and Naming Themes:** Each theme was meticulously refined to encapsulate its core, with further deliberation on potential sub-themes.
6. **Report Compilation:** The analysis was then articulated into a cohesive narrative supported by pertinent data extracts. This provided a descriptive overview and a deeper interpretative analysis in alignment with the research objectives.

Additionally, to bolster the efficiency and accuracy of the thematic analysis, PublicVoice integrated tools such as MAXQDA and Caplena. Platforms like MAXQDA help streamline the coding process and ensure a comprehensive examination of themes in the data.

### The analysis process



### Reporting

Tables illustrating the frequency of subthemes associated with each theme have been included to demonstrate the significance of each theme.

## Summary of community consultation

What do you think about the proposed changes to household waste collection services in zone one?

Of the respondents to this question, 73% strongly opposed or opposed the proposed alterations to household waste collection services. Specifically, 54% voiced strong opposition, while 19% opposed the changes—conversely, 10% favour the changes, with 12% expressing strong favour. Meanwhile, 5% of respondents remained neutral, neither supporting nor opposing the changes. These findings are detailed in [Figure 1](#) and [Table 1](#).

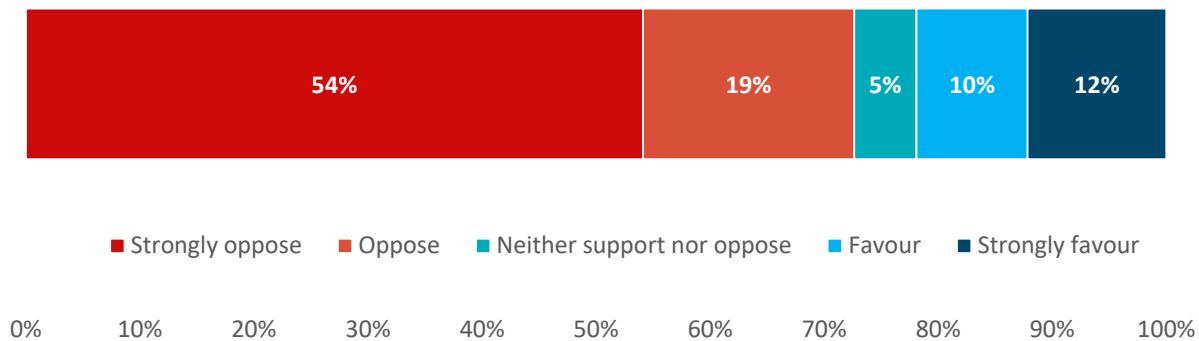
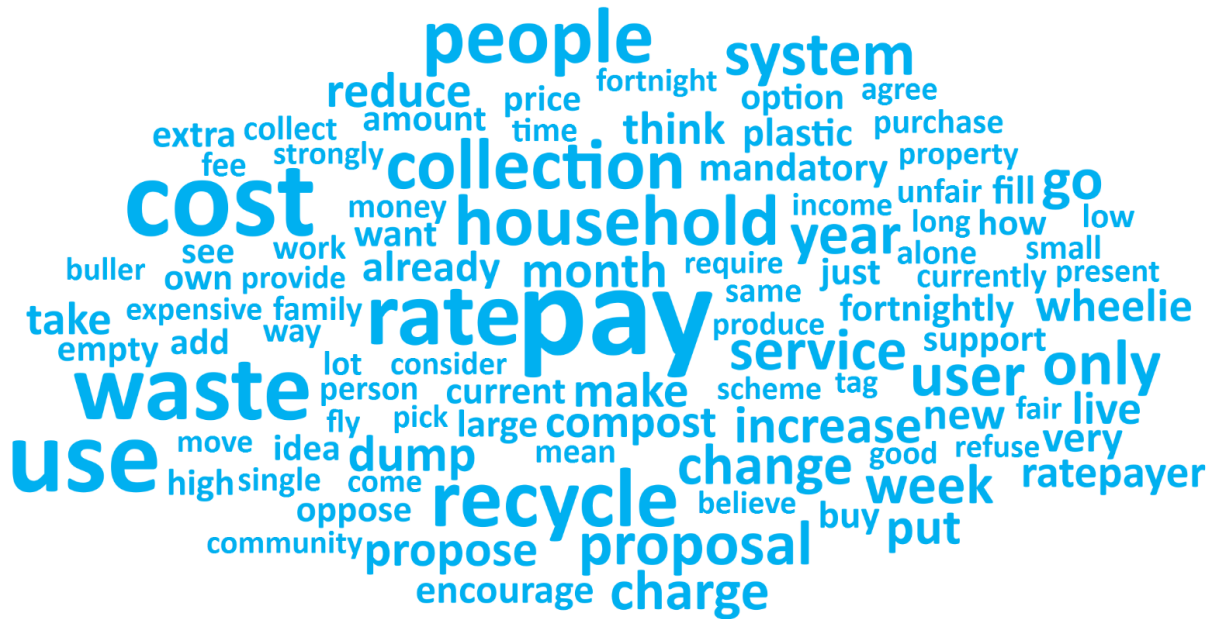


Figure 1: What do you think about the proposed changes to household waste collection services in zone one?

	%	n
Strongly oppose	54%	178
Oppose	19%	61
Neither support nor oppose	5%	18
Favour	10%	32
Strongly favour	12%	40

Table 1: What do you think about the proposed changes to household waste collection services in zone one?

## Community feedback regarding the proposal



Community members were asked to provide additional feedback regarding the proposed collection service. Outlined below are the key themes identified:

- Service cost
- Service implementation
- Service preferences
- Environmental concerns
- Support & positive feedback
- Bins

The subsequent pages provide a detailed breakdown of every theme and its related sub-themes. Additionally, tables display the frequency of each theme and the percentage of individuals who mentioned them. After the tables, comprehensive descriptions of each sub-theme are provided along with a relevant quote for better understanding.

## SERVICE COSTS



The topic of service costs emerged as a focal point among the feedback from respondents. Predominantly, there's apprehension about the financial implications of the proposed waste management changes. Respondents expressed concerns about anticipated higher service costs, potential inequities for those producing minimal waste, and the lack of transparent pricing. Furthermore, the debate over who should bear the financial responsibility, especially in the landlord-tenant dynamic, has been highlighted. Lastly, the current pricing structures for rubbish bags and landfill services have been scrutinised, with calls for more affordability and clarity.

Subtheme	Frequency	%
Concern financial inequity for waste minimalists	138	41%
Concern regarding higher cost of new service	130	38%
Concern about uncertainty/transparency in pricing	35	10%
Concern low users subsidise costs for high users	31	9%
Current bag prices are too high	9	3%
Concern landlords have to pay for tenants' bins	8	2%
Concern regarding rent rises for tenants	6	2%

Table 2: Service cost – sub-themes

A detailed breakdown of each subtheme is outlined below

**Concern regarding financial inequity for waste minimalists:** Some respondents believe that those who produce minimal waste will be financially disadvantaged by the proposed changes. The potential adverse effects of recycling and the disproportionate impact on pensioners are mentioned.

*“I do not wish to have a rubbish bin as I don’t collect rubbish at all. I don’t use council rubbish bags or have bins picked up. I do use the recycling and the glass bins which I’m happy with. I believe user pays and believe that it’s unacceptable to expect anyone to pay for something they do not use. I do not need at all for a rubbish bin therefore oppose being forced to pay for one.”*

**Concern regarding higher cost of new service:** There's a significant concern about an anticipated increase in service costs with the new system. The current bag system's flexibility is valued, and there are calls for more affordable alternatives.

*“We only use a plastic bag every 6 weeks or so. Even though I prefer the use of the bins, I don't want to pay the equivalent to a bag a week. I also oppose the added costs to our rates as they are expensive enough.”*

**Concern about uncertainty/transparency in pricing:** The lack of clarity in pricing for the new system is prevalent. Respondents feel current rubbish bag prices may not reflect real costs and are sceptical of the mandatory bin system's pricing.

*"We are ratepayers who generally use one 60L rubbish bag per fortnight. While we are not opposed to the proposal as such, we do not support an increase in rates to advance this proposal. We consider it unreasonable to ask ratepayers to support a new scheme without knowing with some certainty how much it will cost..."*

**Concern low users subsidise costs for high users:** The fear is that individuals who generate less waste may end up unfairly subsidising those who produce more.

*"Should be User Pays. A single person or pensioner on their own should not have to subsidise a large family or a household of say 5+ tenants. In Christchurch they have small bins for 1-2 person properties & larger bins for larger households. Could this not be more appealing costwise to ratepayers?"*

**Current bag prices are too high:** The existing cost of rubbish bags is deemed excessive, especially impacting those on fixed incomes.

*"I put out 1 bag at a price of \$9.20 every 3 weeks, there is only me here now. I still think the bags are out priced but we have to get rid of our rubbish. I would burn a lot of it and I have a compost bin. It is a bit of a struggling managing on a pension and paying expensive rates. Don't want to pay anymore. No wonder there is so much rubbish thrown out in the Buller Gorge or the rubbish bins in town overflowing."*

**Concern landlords have to pay for tenants' bins:** Some respondents believe it's unfair for landlords to bear the financial responsibility for their tenants' waste disposal.

*"I think bins are a great idea but as a multi property owner I think it's unfair for the house owners to absorb all the costs it should be up to individual people to pay for a bin"*

**Concern regarding rent rises for tenants:** There's apprehension about the potential integration of waste disposal costs into rates, leading to a rise in rents.

*"This proposed scheme is obviously going to increase rates. However, for those who own rentals, they will now be paying for rubbish disposal for their tenants. This cost will have to be recouped through a rise in rent which are already high enough. It's going to be a lose-lose all around as far as I can see."*

## SERVICE IMPLEMENTATION



Service implementation feedback reflected a range of viewpoints, primarily focusing on the proposed system's flexibility, frequency, and fairness. Many respondents are in two minds about switching bags to bins but have clear preferences on how the system should be financially structured. The emphasis lies heavily on a user-pays system, ensuring equity for residents based on their waste generation. While some see the merits of the change, they have reservations about the mandatory nature of the proposals and the resulting implications.

Sub theme	Frequency	%
Prefer more flexible system e.g. pay per pickup	126	37%
Prefer less frequent pickup	10	3%
Prefer more frequent pickup	6	2%

Table 3: Service implementation – sub-themes

**Prefer more flexible system e.g. pay per pickup:** Many respondents support a more flexible waste collection system. The 'pay-per-pickup' model emerged as a favoured approach, allowing charges based on actual usage. Such a model, respondents argue, ensures that those who generate minimal waste aren't unfairly burdened.

*“Ok with the bins being issued. But should be user pays not mandatory. We should be encouraged to create less waste. The fortnightly empty will encourage more waste.”*

**Prefer less frequent pickup:** Some feedback indicates a preference for less frequent bin collections, highlighting benefits like reduced illegal dumping and improved waste management. Not all households generate enough waste for a fortnightly collection, so there were suggestions for monthly pickups or adjustable bin sizes to cater to different needs.

*“Definitely NOT mandatory each fortnight. Once per month would suffice most households and still encourage people to think about the amount of household waste they are creating. Each fortnight would encourage people to fill it to get the most out of it- hence more consumption and wastage. Also, older folk or smaller families/couples probably wouldn't fill an entire bin each fortnight. Could have two options- fortnight and monthly- colour code them eg. Green and red (green=fortnightly collection, red= monthly) and charge as needed to household, let people choose and change as requirements change. Standard could be fortnightly unless opt out for monthly Collection fee.”*

**Prefer more frequent pickup:** Contrastingly, several respondents advocate for more frequent waste pickups. Concerns primarily revolve around the potential odour and pest issues from fortnightly collections. Proposals include alternating rubbish and recycling collection days or implementing a weekly collection schedule.

*“Think a great idea but rubbish bin collect needs to be weekly”*

## SERVICE PREFERENCES



Feedback regarding service preferences revealed a spectrum of concerns and suggestions from the respondents. Many expressed unease about potential changes impacting costs, operational ease, and efficiency. A recurring sentiment was the desire for greater control and flexibility over waste management choices.

Sub theme	Frequency	%
Oppose mandatory nature of service	70	21%
Prefer status quo	33	10%
Prefer self-disposal at transfer stations	29	9%

Table 4: Service preferences Table 3: Service implementation – sub-themes

### Service preferences

Feedback regarding service preferences revealed a spectrum of concerns and suggestions from the respondents. Many expressed unease about potential changes impacting costs, operational ease, and overall efficiency. A recurring sentiment was the desire for greater control and flexibility over waste management choices.

**Oppose mandatory nature of service:** A noticeable segment of respondents opposed the idea of a mandatory service. Their feedback highlighted concerns about limited flexibility and having their choices restricted.

*“I really like the idea of the rubbish bins rather than the plastic bags but I do not like choice being taken away and the fact that we will be charged for a service we may not use - how does this fit with encouraging recycling and what about cleaning of the bins if stuff is just chucked in?”*

**Prefer status quo:** A group of respondents favoured the current system. They appreciate its structure and expressed reservations about shifting to a new system that might disrupt their current familiarity and perceived efficiency.

*“Things should be left as they are, this should NOT be Mandatory, we have a bin and ring when we want this emptied which is about once a month or so. We should not have to pay if we are not getting our bins emptied.”*

**Prefer self-disposal at transfer stations:** Several participants leaned towards self-disposal at transfer stations. This preference stems from a desire for more hands-on control and possibly scepticism towards centralised collection systems. Some see the act of self-disposal as a more direct and accountable approach to managing waste.

*“We don't purchase rubbish bags and instead go to the Reefton transfer station once every 1-2 months and it costs like \$20 a trip. We already don't use the kerbside recycling collection service fortnightly because we don't fill up the bin much. We only use the service once every 6-8 weeks.”*

## ENVIRONMENTAL CONCERNS



A prevailing sentiment expressed by the respondents pertains to the environment and its protection. Their feedback points towards apprehension over the proposed shift from a user-pays rubbish bag system to a mandatory bin system. Many respondents see this as a potential setback in the collective effort to reduce waste and promote recycling. The underlying concern revolves around the lack of incentives for sustainable practices and the possible negative consequences for the environment and conscientious waste reducers.

Sub theme	Frequency	%
Concern that the proposal disincentivises waste reduction	62	18%
Concern that proposal penalises waste reducers	35	10%
Concern that new system won't stop illegal dumping	19	6%

Table 5: Environmental concerns – sub-themes

**Concern that the proposal disincentivises waste reduction:** Feedback highlighted concerns that the new system might inadvertently promote waste generation. Many respondents advocated for a system that mirrors individual waste production patterns, offering flexibility. Fears about costs, increased propensity for flytipping, and higher landfill use were also raised.

*“As I would only use a maximum of 4 rubbish bags a year I strongly object to paying a mandatory fee for rubbish. I recycle what is able to be recycled and compost what I can I don't have the need for a rubbish bin... If I am forced to pay a mandatory fee I won't be inclined to recycle or compost and will just make sure that I get value for money and make sure it is full. The incentive for people to care about recycling, composting and the amount of rubbish won't be there...”*

**Concern that proposal penalises waste reducers:** A significant portion of the feedback centred around apprehensions that diligent waste reducers could be at a disadvantage. These individuals, who conscientiously manage their waste and actively engage in recycling, feel the proposal could increase their costs unfairly. The prevailing suggestion is a shift towards a "user pays" or pay-per-use model, aligning costs more closely with individual waste production.

*“...This is a massive dis-incentive to consume less waste. It clearly penalises those of us who produce very little waste, who re-cycle assiduously, and who take the problem of rubbish seriously...”*

**Concern that new system won't stop illegal dumping:** Further concerns were raised about the potential of the proposed system to exacerbate illegal dumping. The community perceives this change as a move away from the established values of waste reduction and recycling. Respondents underscored the need for transparent cost structures and raised questions about the integrity of the proposal in curbing unauthorised waste disposal.

*“...Bins won't stop flytipping. Flytippers drive past dump to beach and a fair amount of what is dumped is recyclable could have been left at dump at no cost. Cost might be an issue for some fly tippers, but for most people who fly tip they will continue to do so. People need to be educated and encouraged to lessen the amount of rubbish they produce...”*



## SUPPORT & POSITIVE FEEDBACK



The variety of responses uncovers a range of sentiments, both endorsing and expressing concerns about the proposed changes to the waste disposal system. While the consensus leans towards the benefits and efficiencies that bins can bring over bags, there are also suggestions and nuances that authorities might consider to make the transition smoother.

Sub theme	Frequency	%
Bins easier to manage than bags	35	10%
General support	18	5%
Will reduce plastic bags	14	4%
Will reduce illegal dumping	13	4%
Support conditional on costs not increasing	9	3%
Cost is reasonable	8	2%
Bins are animal-proof	7	2%

Table 6: Support & Positive feedback – sub-themes

**Bins easier to manage than bags:** Respondents largely support switching bags to bins, highlighting their easier manageability. They cite bins as more user-friendly, notably in their ability to deter animals and minimise risks linked with sharp objects. Alongside this positivity, ideas like a barcode system to monitor bin usage emerge, suggesting that while bins are favoured, there's room for refining their integration into the waste management system.

*“Having a 120L wheelie bin for waste will work much better for us than the current rubbish bags - - bins are much easier for us to use / move - wekas can't get rubbish out of a wheelie bin – ‘sharp rubbish’ can't penetrate a wheelie bin...”*

**General support:** A noticeable segment of the community offers general endorsement of the proposal, recognising its potential to refine waste management practices and contribute to a cleaner environment.

*“I'm all for it. Encourage people to dispose of household waste responsibly. Bags are messy, not convenient I prefer an annual fee”*

**Will reduce plastic bags:** The debate around the potential reduction of plastic bags is mixed. Some applaud the transition as a move towards efficiency and reduced illegal dumping, while others put forth alternative measures, like promoting biodegradable bags or introducing community initiatives such as opshops.

*“Support the increased efficiencies the proposal represents, including the reduction in plastic bag usage.”*

**Will reduce illegal dumping:** Feedback suggests that introducing user-friendly and animal-resistant wheelie bins might discourage illegal dumping. Embedding the cost in rates is a step that could further minimise fly-tipping and promote a cleaner community.

*“With the mandatory rubbish collection - a positive outcome would be the lack of dumping of rubbish in public bins and illegal dumping. There should be no need to do so. It also eliminates the need for plastic bags.”*

**Support conditional on costs not increasing:** While bins are favoured over bags, there's a shared concern about keeping the switch affordable. Respondents suggest the council might look into alternative financial strategies to prevent potential rate increases, emphasising the importance of balancing efficiency with affordability.

*“I'm in favour of the proposals in terms of its application but not of the price. If the recycling costs \$178 per annum there is no way general rubbish should be at the same cost. Recycling requires far more handling by not only the collectors themselves but the onflow. General waste using bins will be automated...”*

**Cost is reasonable:** Some respondents appreciate the proposed rate structure, finding it fair. They highlight wheelie bins' convenience and potential efficiencies as an asset, suggesting that integrating costs into standard rates could promote wider acceptance and a cleaner environment.

*“The proposed changes will be cleaner and more user friendly. The increase in rates is less than one rubbish bag a week and I believe the majority of households would use more than one rubbish bag a week, so even though the changes come with a rates increase most households would benefit financially with the changes.”*

**Bins are animal-proof:** The animal-resistant nature of wheelie bins receives praise. Ease of use and resistance to pests, particularly weka, are key advantages. Even so, there's a hint of concern around environmental considerations, such as plastic usage and its broader implications for sustainability.

*“I was about to write and suggest this very thing when you brought the proposal out, so I'm very much in favour. Am tired of cats and dogs ripping the bags open and them not being collected, then having to pick it all up in another bag to start over again the next week.”*

## BINS



Some respondents emphasised the need for choice in bin sizes, with many advocating for larger options like 240L, catering to varied household needs. They argue that while the 120L bin may suit some, others with larger families or waste habits might find it restrictive. On the contrary, a group expresses reservations about the shift from bags to bins, pinpointing the potential logistical challenges of handling bins. These concerns are especially pronounced for those with mobility limitations, suggesting the changes might inadvertently disadvantage specific community segments.

Sub theme	Frequency	%
Provide choice of bin sizes e.g. 240L	15	4%
Bins harder to manage than bags	9	3%
Concerns about odour and pest attraction	5	1%

Table 7: Bins – sub-themes

**Provide choice of bin sizes e.g. 240L:** Many community members advocate for more flexibility in bin sizes, recognising different household needs. While the 120L option might suffice for some, larger families or those with specific waste management habits prefer larger 240L bins. The potential strain of a one-size-fits-all approach, particularly concerning cost implications for frequent users, is a recurrent theme. However, the underlying sentiment is a strong desire for customisable options, whether in the form of different bin sizes or alternative solutions to cater to varied waste outputs.

*“I do believe if this is to become mandatory for fortnightly collection, households should have the opportunity to choose between a 120l or a 240l bin. As our house hold fills a 240l bin a fortnight so how are we to dispose of the rest of our rubbish that doesn't fit into these smaller bins.”*

**Bins harder to manage than bags:** Transitioning from bags to bins isn't welcomed universally. For a subset of respondents, the logistical challenges tied to bin usage are of concern. This encompasses the difficulties related to transporting and manoeuvring bins, especially for those who might have physical disabilities or limited mobility.

*“...The large wheelie bins are also awkward for many people, especially the elderly, or for those who have long driveways. In our case this change will necessitate hitching up the trailer to cart both the recycling and rubbish bins to the start of our driveway. Currently, we can simply put the recycling bin in the car and drop it on the way to work...”*

## OTHER



The 'Other' section groups together themes and comments mentioned less often.

Theme	Sub theme	Frequency	%
<b>WASTE MANAGEMENT SOLUTIONS</b>			
	Need for further recycling/waste solutions	18	5%
	Need for local landfill	8	2%
<b>CONSULTATION &amp; FEEDBACK</b>			
	Concern regarding consultation	9	3%
<b>EDUCATION &amp; AWARENESS</b>			
	Public education on waste reduction	6	2%

Table 8: Other - themes and sub-themes

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**Key deliberation notes – Oral Submissions**

**Alun Bollinger** – If people are made to pay for bins, they'd chuck everything in it, disregarding recycling.

**Ray Curnow** – Opposed to user pays ideology for any essential services, produces negative outcomes – unacceptably high outcome of recycling contamination, close to 30%.

**Dennis Straker** – Opposed to mandatory system, where cost is automatically added to rates.

**Jan Coll** – Not equitable and unfair burden on those who don't create 120L waste per fortnight. Smaller bins could be an option for pensioners. Should have a fair, user-pays model.

**Stephen Griffin** – Current contract allows ratepayers to determine how they will pay to get rid of waste. New system provides no incentive to recycle. Should not be mandatory to have bin and pay fortnightly in rates – should be user pays system.

**Dave Millar** – User pays system is more equitable. Further options should be explored into waste to energy.

**Murray Upson** – In favour of keeping the current system until further options are explored.

**Jon Ruas** – Plastic and paper could be incinerated.

**Bert Waghorn** – Inequitable for pensioners and single person households, struggle with the increased cost – should consider pensioners paying half price.

**Lex Blackadder** – Council should handle their own rubbish instead of putting it out to contractors.

**Paul Reynolds** – Opposed to subsidising other peoples rubbish dumping, those less affluent forced to subsidise those who are more wealthy – single people, pensioners subsidising.

**Catherine Douglas** – Shouldn't pay for something that you don't use, should be user pays. Pensioners will struggle to find the extra money. Should be using local businesses.

**Dave Hawes** – Reasons for change is amalgamation to a regional contract – system is designed around this. Adding in 120L wheelie bin to rates doesn't encourage zero waste vision – encourages filling bin.

**Mary McGill Andrews** – Best way to consider waste reduction is user pays system – don't mind general charge but should be a significant user pays system. Single person households will be subsidising larger households with more waste – shifting cost.

**Leo Frederick Whittle** – Current system is simple and straightforward, incentivising waste minimisation. Extra bin is unnecessary and increases cost.

**Kenneth Todd** – Adding rubbish bins won't encourage recycling. Should be freedom of choice to have a bin or not – opt out.

**Frida Inta** – No evidence rubbish bin will increase recycling – instead opposite. Supports a 60L or 80L rubbish bin picked up fortnightly. Supports a green waste bin in the future.

**Phil Rutherford** – Supports bins over bags, concern for the increased cost to pensioners and single households. Consider a mix of annual charges and user pays - prefers 60L bin fortnightly charged to rates, with 60L bags still available for larger waste users.

**Graham Howard** – Shouldn't change current system, large difference in cost for those who don't produce much rubbish.

**Emma Hargreaves** – Pensioners can't afford the extra cost – subsidising those producing more rubbish. In favour of user pays system – suggests using a barcode on bins and charge per use. Stick to the current system.

**Pat Brown** – Bins are more user-friendly than bags. In favour of user pays system, pensioners will struggle to pay for bin in rates.

**Paul Hattersley** – Single and fixed income household disadvantaged. Doesn't encourage recycling, encourages extra waste.

**Janette Hateley** – In favour of user pays system - barcode or scan on pickup system. User pays system is fair and individual – people doing the right thing will compensate those doing nothing.

**Neil Stevenson** – In favour of bin.

**Yvonne Scarlett** – In favour of bin – more user-friendly. Fortnightly pick-up too frequent, should look at monthly pick-up.

Key Questions for Councillors 1 November workshop.

**Who will deliver collections?**

Catherine Douglas – Should be using local businesses.

Lex Blackadder – Council should handle their own rubbish instead of putting it out to contractors.

**How will rubbish be collected?**

**Bags**

Murray Upson – In favour of keeping the current system until further options are explored.

Leo Frederick Whittle – Current system is simple and straightforward, incentivising waste minimisation.

Kenneth Todd – Adding rubbish bins won't encourage recycling.

Frida Inta – No evidence rubbish bin will increase recycling – instead opposite.

Graham Howard – Shouldn't change current system.

**Bins**

Phil Rutherford – Supports bins over bags.

Pat Brown – Bins are more user-friendly than bags.

Neil Stevenson – In favour of bin.

Yvonne Scarlett – In favour of bin.

**How will rubbish collection be funded?**

**Pay as you throw**

Dennis Straker – Opposed to mandatory system, where cost is automatically added to rates.

Jan Coll – Should have a fair, user-pays model.

Stephen Griffin – Should not be mandatory to have bin and pay fortnightly in rates – should be user pays system.

Paul Reynolds – Opposed to subsidising other people's rubbish dumping.

Dave Millar – User pays system is more equitable.

Catherine Douglas – Shouldn't pay for something that you don't use, should be user pays.

Mary McGill Andrews – Best way to consider waste reduction is user pays system – don't mind general charge but should be a significant user pays system.

Emma Hargreaves – In favour of user pays system – suggests using a barcode on bins and charge per use.

Pat Brown – In favour of user pays system, pensioners will struggle to pay for bin in rates.

Janette Hateley – In favour of user pays system - barcode or scan on pickup system. User pays system is fair and individual.



**Targeted rate variations**

Ray Curnow – Opposed to user pays ideology for any essential services.

Jan Coll – Smaller bins could be an option for pensioners.

Bert Waghorn – should consider pensioners paying half price.

Kenneth Todd – choice to have a bin or not – opt out.

Frida Inta – Supports a 60L or 80L rubbish bin picked up fortnightly.

Phil Rutherford – Consider a mix of annual charges and user pays - prefers 60L bin fortnightly charged to rates, with 60L bags still available for larger waste users.

Yvonne Scarlett – Fortnightly pick-up too frequent, should look at monthly pick-up.

## BULLER DISTRICT COUNCIL MEETING

13 DECEMBER 2023

AGENDA ITEM: 6

**Prepared by** - Eric de Boer.  
Manager Infrastructure Delivery

**Reviewed by** - Michael Duff  
Group Manager Infrastructure Services

**Attachments** - 1 - Westport Town Centre Plaza Design & Programme

### WESTPORT TOWN PLAZA PROJECT – STAGE 2

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#### 1. REPORT SUMMARY

The 2021-24 Long Term Plan (LTP) approved \$934,000 across three years to undertake the Council-led District Revitalisation programme.

Council has committed to the Westport Revitalisation Master Plan Design Framework and the Walking Action Plan. Council's urban revitalisation projects are informed by and aligned with this strategic vision to support long term community outcomes including a vibrant, healthy, safe and inclusive environment.

Westport town planning design has identified important community spaces and connectivity requirements to maximise enjoyment and improve safety for all users.

Westport has lacked an appropriate central meeting plaza which provides safe thoroughfares for visitors to navigate through the town centre.

Previous revitalisation projects included the temporary Westport Town Plaza (Stage 1) in Brougham St, which provides linkage to the Toki Poutangata Bridge and the Tourist Infrastructure Fund (TIF) Toki Trail urban connector pathways.

The purpose of this report is to seek endorsement to proceed with Stage 2 of the Westport Town Plaza with the remaining funding from the 2021-24 LTP Council-led District Revitalisation programme.

The physical works are scheduled for between April and June 2024. The project cost is \$331k. The available funding is made up of LTP Year 2 (2022/2023) carry forward and Year 3 (2023/2024) Annual Plan.

## **2. DRAFT RECOMMENDATION**

**That the Council:**

- 1. Receives the report and attachments.**
- 2. Endorses proceeding with the Westport Town Plaza Project Stage 2.**

## **3. BACKGROUND**

Westport has experienced a significant increase in visitors coming to explore and experience the Buller District.

In part, this is due to major attractions such as the Old Ghost Road and the Paparoa Track, but also the result of easier family-oriented trails closer to Westport, including the Kawatiri River Trail, the Kawatiri Coastal Trail and the urban Toki Trail.

With the successful and ongoing development of these trails and the Westport Waterfront Riverbank (including the Toki Poutangata Bridge) and the new Pounamu Pathway Experience Centre in Westport, there is a continuing need to create safe and enjoyable places and connections for visitors to navigate around attractions into the town centre.

This project continues to build the required infrastructure as well as develop the urban area as an attractive destination for local residents and visitors to Westport.

## **4. DISCUSSION**

The Westport Town Plaza Stage 2 development aligns with the Westport Revitalisation Project – Design Framework 2018 and the recent Long-Term Plans (2018-21 and 2021-24).

The Toki Poutangata bridge was co-funded from the Kānoa Provincial Growth Fund and was completed in February 2022. A temporary Westport Town Plaza (Stage 1) was created at the western end of Brougham Street at that time.

The 2021-24 Long Term Plan adopted \$934k across three years to continue the Council-led District Revitalisation programme with \$300k in year one, \$309k in year two and \$325k in year three.

There is \$331k currently available for the Westport Town Plaza Project – Stage 2 comprising \$6k unallocated from year two carry over and the \$325k year three budget.

The Westport Town Plaza Stage 2 project has been scoped in readiness for the detailed design phase and for completion of all construction works by 30 June 2024, noting that a separate stormwater upgrade project to replace pipes underneath the plaza area will also be coordinated.

The proposed work is consistent with general pedestrianised areas and construction methods. The project funding is available, and the successful contractor(s) will be experienced in delivering this type of work.

Consultation with neighbouring businesses and the broader community will seek input on the proposed design and construction methodology, including temporary and permanent traffic management.

## **5 CONSIDERATIONS**

### **5.1 Strategic Impact**

This project aligns with the strategic objectives set out in the 2018-21 and 2021-24 Long Term Plans.

### **5.2 Significance Assessment**

There are no matters considered as significant in terms Council policy or Section 76AA of the LGA 2002.

### **5.3 Risk Management Implications**

This project will be undertaken within Councils established project management and risk management frameworks. There are no known significant or strategic risks identified.

### **5.4 Values**

This project aligns with Council values which are: Community Driven, One Team, Future Focussed, Integrity and We Care.

### **5.5 Policy / Legal Considerations**

Council must comply with the relevant policy and legal requirements including the Public Works Act 1981, the Health and Safety at Work Act 2015, the Resource Management Act 1991 and the Local Government Act 2002.

### **5.6 Tangata Whenua Considerations**

Council works in partnership with local iwi and will continue to consult on matters of mana whenua rights, interests, values, culture and traditions.

### **5.7 Views of Those Affected**

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

### **5.8 Costs**

Funding for the project is available within the current Annual Plan budget via the Long Term Plan 2021-24 Council-Led District Revitalisation programme.

### **5.9 Benefits**

Visitor benefits expected to flow through from the project include:

- Safe and simplified spaces and thoroughfares to the main attractions of Westport (Kawatiri Coastal Trail, Toki Poutangata bridge, Pounamu Pathway experience centre, i-site and Kawatiri River Trail), with easy-to-follow wayfinding for visitors and tourists not familiar with the area.
- A cohesive blend between the existing townscape and the new development around the Toki Poutangata bridge that will ensure visitors can easily relate between the new and the old urban features.
- The Westport Town Plaza Stage 2 will enable local residents and visitors to enjoy an open area that invites people to stay and explore. It also provides a central staging area to consider the many local attractions and amenities of Westport, before setting off on further journeys.

### **5.10 Media / Publicity**

All media and publicity will be managed through established communications channels and informed by an approved communications strategy. Information and any milestone events will be communicated to key stakeholders, local community and interested parties and this will be uploaded onto Councils website.



WESTPORT REVITALISATION – TOWN PRECINCT

# PEDESTRIAN PLAZA PROJECT

## WHAT IS HAPPENING?

- Creating a new shared space linking the town centre to the Toki Poutangata Bridge
- Providing a safe and relaxing meeting place for journeys to The Riverbank and beyond
- Connecting the retail and business precinct with recreational routes and pathways

## WHAT WILL IT BE?



## WHEN WILL IT BE DONE?

- 2022 – Phase 1 Preliminary Works, 2023 – Phase 2 Streetscaping & Landscaping

## WANT TO KNOW MORE?

- Contact Buller District Council – Group Manager Infrastructure Services

For more information please visit the Buller District Council website [bullerdc.govt.nz/westport-riverfront-project](https://bullerdc.govt.nz/westport-riverfront-project)

# Toki Trail

Connecting people to our places



Boardwalks  
Westport Harbour



Lost Lagoon  
Kawatiri River Trail



Volunteer's Bridge  
Kawatiri River Trail



Tauranga Bay  
Kawatiri Coastal Trail



Nile River Bridge, Charleston  
Kawatiri Coastal Trail



Omau Section  
Kawatiri Coastal Trail

## ATTACHMENT 1

# Toki Trail

Connecting people to our places



# ATTACHMENT 1

## LEGEND

Extent of works (elements outside of works area are shown for context purposes only)

### Hard landscape

- CSA** Chip seal asphalt (vehicular loading)
- CP1** Concrete paving (vehicle loading)
- CP2** Concrete paving (pedestrian loading)
- SP1** Stone paving (vehicle loading)
- SP2** Stone paving (pedestrian loading)

**S4** Bench seat

**S5** Seat

**LC** Provide duct for future light

**PL1** Removable Planter

**PT** Removable Picnic table

**BR** Bike rack

**SD** Existing service lid

**d+t** Drinking fountain + tap

**F2** Fence 2

### Soft landscape

**P** Planting

**RG** Rain garden

Existing tree to be retained

Proposed tree

Note: Levels, edges and sumps refer to LA2.00 series



Do not scale. Verify dimensions on site before commencing work.

No.	Revision Notes	Date
0	Review	03.03.21
A	Review	05.11.21
B	Review	11.11.21
C	Review	18.11.21

No. Revision Notes Date  
**Not For Construction**

**local**  
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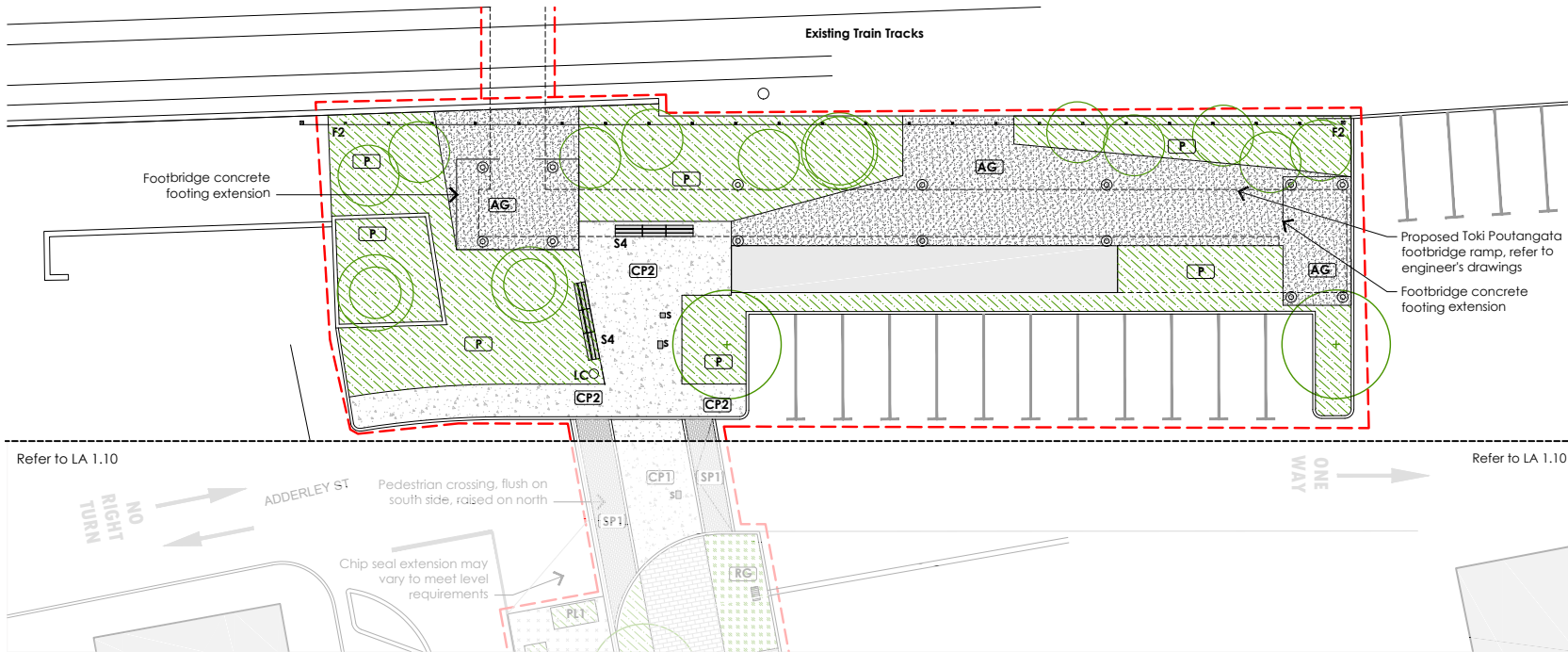
North  
 Scale: 1:250 @A3  
 Issued For: Review

Job Number: 1910-1093  
 Revision: C  
 Drawing File: Brougham Street 01  
 Sheet 7 of 7

Project: Westport, Brougham Street  
 Drawing File: Brougham Street 01  
 Sheet 7 of 7  
 phone: 04 801 6437 www.localcollective.nz

Drawing No: LA1.10





**ATTACHMENT 1**

**LEGEND**

Extent of works (elements outside of works area are shown for context purposes only)

**Hard landscape**

- CSA** Chip seal asphalt (vehicular loading)
- CP1** Concrete paving (vehicle loading)
- CP2** Concrete paving (pedestrian loading)
- SP1** Stone paving (vehicle loading)
- SP2** Stone paving (pedestrian loading)

- S4** Bench seat
- S5** Seat
- LC** Provide duct for future light
- PL1** Removable Planter
- PT** Removable Picnic table
- BR** Bike rack
- SD** Existing service lid
- F2** Fence 2

**Soft landscape**

- P** Planting
- RG** Rain garden
- Existing tree to be retained
- Proposed tree

Note: Levels, edges and sumps refer to LA2.00 series

Do not scale. Verify dimensions on site before commencing work.  
 0 Review 11.11.21

No.	Revision Notes	Date
<b>Not For Construction</b>		

**local** >  
 North: 1910-1093  
 Scale: 1:250 @A3  
 Revision: 0  
 Issued For: Review

Project: Westport, Brougham Street  
 Drawing title: Brougham Street 01  
 Sheet 7 of 7  
 Drawing No: LA1.11

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ATTACHMENT 1



- LEGEND**
- Extent of works (elements outside of works area are shown for context purposes only)
- Levels**
- +4.771ex Existing levels
  - +5.800 Proposed levels
  - Contractor to provide level
- Notes: Levels will be confirmed once spot levels are provided by contractor
- Falls between 1:50 and 1:100, aim for 1:75
- Kerbs and edges**
- DC Dish channel (vehicle loading)
  - CK 1 Concrete kerb (flush)
  - CK 2 Concrete kerb (upstand)
  - SE Steel edge
  - TE Timber edge
- Sumps**
- RS Relocated sump

Do not scale. Verify dimensions on site before commencing work.

0	Review	05.11.21
A	Review	11.11.21

No.	Revision Notes	Date
<b>Not For Construction</b>		

**local**

North:   
 Scale: 1:250 @A3   
 Issued For: Review

Job Number: 1910-1093   
 Revision: A

Project: Westport, Brougham Street   
 Drawing Title: Edges, Levels, and sumps   
 Sheet 7 of 7

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Drawing No: LA1.20

**ATTACHMENT 1**

**LEGEND**

— Extent of works (elements outside of works area are shown for context purposes only)

**Levels**

- +4.771ex Existing levels
- +5.800 Proposed levels
- ◆ Contractor to provide level

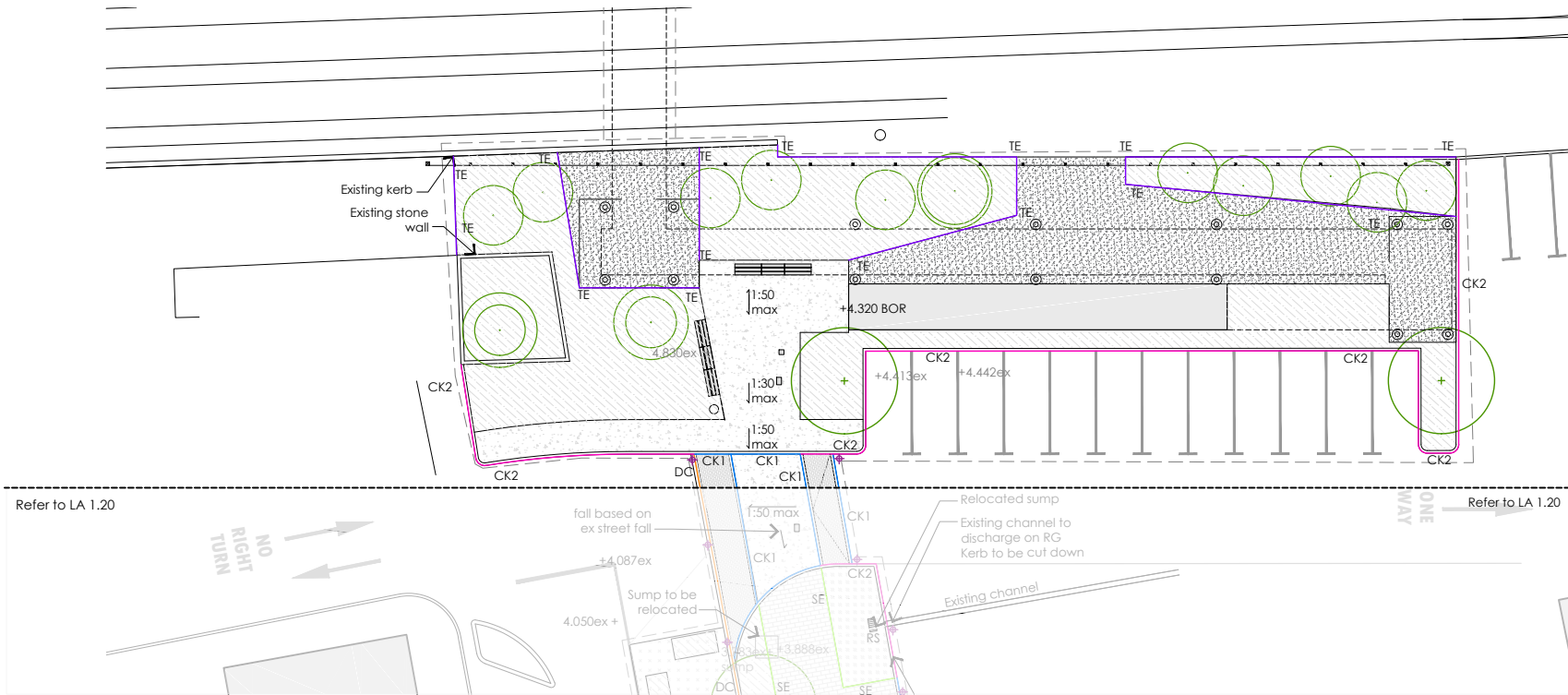
Notes: Levels will be confirmed once spot levels are provided by contractor  
 Falls between 1:50 and 1:100, aim for 1:75

**Kerbs and edges**

- DC Dish channel (vehicle loading)
- CK 1 Concrete kerb (flush)
- CK 2 Concrete kerb (upstand)
- SE Steel edge
- TE Timber edge

**Sumps**

- RS Relocated sump



Do not scale. Verify dimensions on site before commencing work.  
 0 Review 11.11.21

No. Revision Notes Date  
**Not For Construction**

local

North: >  
 Scale: 1:250 @A3  
 Issued For: Review

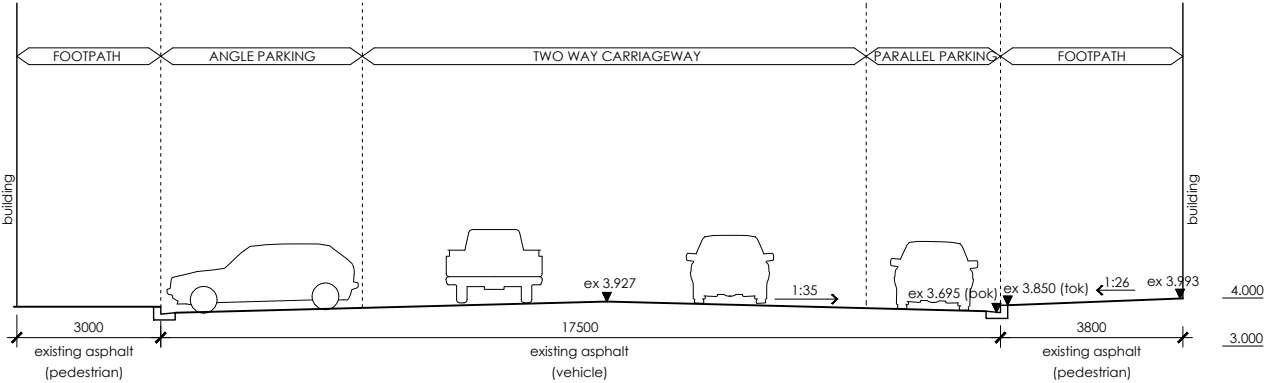
Job Number: 1910-1093  
 Revision: 0

Project: Westport, Brougham Street  
 Drawing Title: Edges, Levels, and sumps  
 Sheet 1 of 7

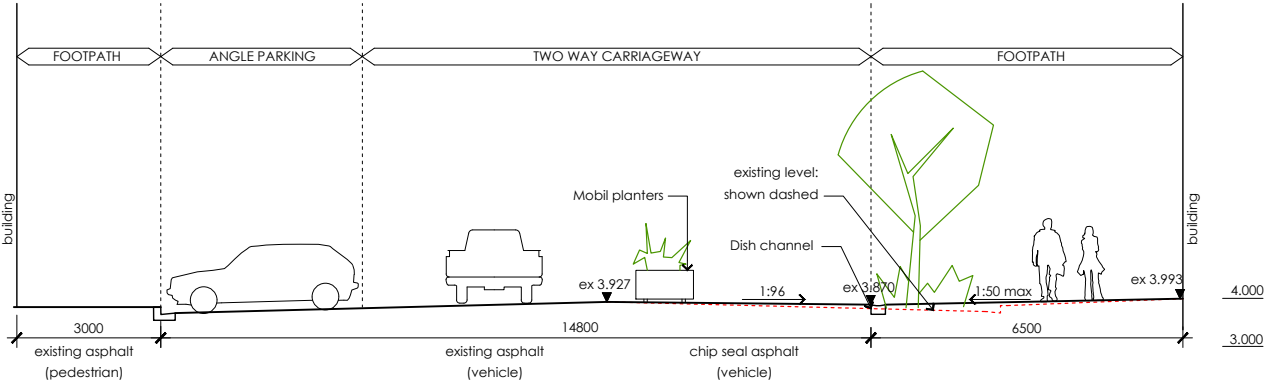
Drawing No: LA1.21

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**1 Street cross section 01 - existing**  
Scale: 1:100 @ A3



**2 Typical street cross section 01 - proposed**  
Scale: 1:100 @ A3



Do not scale. Verify dimensions on site before commencing work.  
 O Review 05.11.21  
 A Review 11.11.21

No.	Revision Notes	Date
<b>Not For Construction</b>		

**local**

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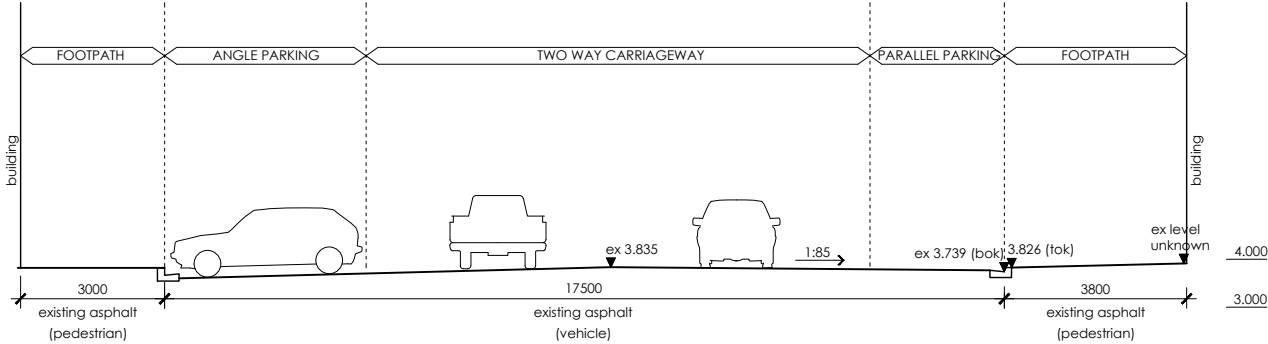
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**1910-1093**  
Revision:  
**A**

Scale:  
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Issued For:  
**Review**

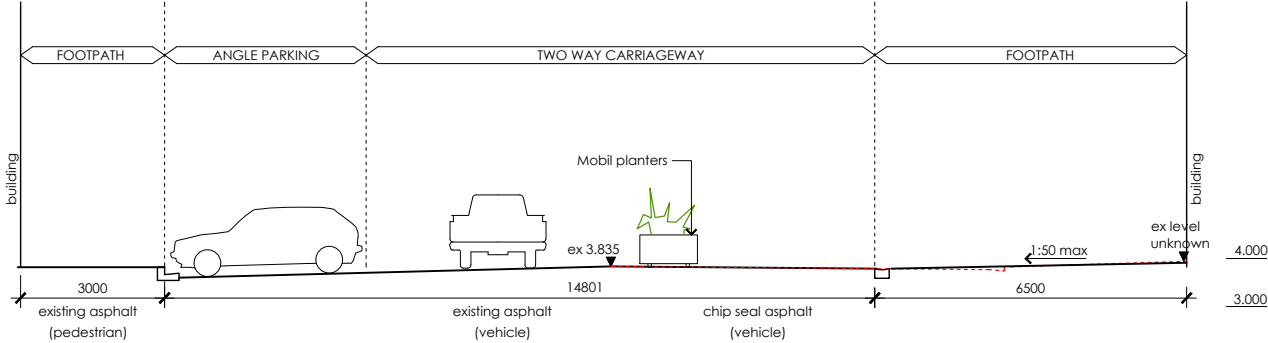
Project:  
**Westport, Brougham Street**  
Drawing Title:  
**Street cross section 01**  
sheet 1 of 1

Drawing No:  
**LA2.02**

**1 Street cross section 02 - existing**  
Scale: 1:100 @ A3



**2 Typical street cross section 02 - proposed**  
Scale: 1:100 @ A3



Do not scale. Verify dimensions on site before commencing work.  
 O Review 05.11.21  
 A Review 11.11.21

No.	Revision Notes	Date
<b>Not For Construction</b>		

**local**

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Scale:  
1:100  
Issued For: Review

Job Number:  
1910-1093  
Revision:  
A

Project:  
Westport, Brougham Street  
Drawing Title:  
**Street cross section 02**  
sheet 1 of 1

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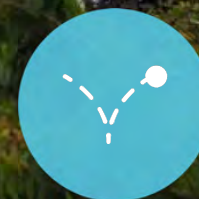
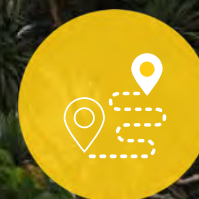
Drawn No:  
**LA2.03**

# WESTPORT REVITALISATION PROJECT

DESIGN FRAMEWORK APRIL 2018

DRAFT

ATTACHMENT 1



# INTRODUCTION

## ABOUT THE WESTPORT REVITALISATION PROJECT

The project focuses on the town centre and waterfront - the scope of the project is shown on the context diagram (page 10). Westport has a number of opportunities for the Town centre and Waterfront that have been proposed in the past, and concept designs developed, but ultimately none of them were progressed. Time and competing projects change investment priorities and introduce new opportunities.

Westport has been developing new economic opportunities through participation in the Regional Economic Development Plan and the positioning of the West Coast as an Untamed Natural Wilderness. Westport needs to define its role as the main centre of the northern West Coast, and how the northern part of the West Coast fits within this new brand.

This project aims to bring together the best aspects of previous proposals, update design concepts with new opportunities, and introduce new ideas. The Revitalisation Project has followed this process:

### DISCOVERY

The Discovery stage reviewed previous town centre and waterfront plans, included urban design assessment of Westport's challenges and opportunities, and identified potential areas to focus on for a makeover. Stakeholder group meetings and interviews informed the Discovery stage with local knowledge. A separate report is available titled the *Westport Revitalisation Project Discovery Report*.

### DESIGN

The 7 Day Makeover began the Design process by prototyping community ideas for transforming a space in the Town Centre into a 'civic heart' for Westport. The makeover was a fantastic success and many locals and businesses contributed. The outcome was an informal green-space which acts as the 'town lounge', and has an authentic Kawatiri aesthetic and vibe. Through this process the Revitalisation Project Team listened to the community's hopes and desires and have reflected these in the Town Story.

Design workshops were held following the makeover to document the design strategies and projects which reflect the Town Story. Project Areas break the town centre and waterfront into smaller areas for revitalisation projects. A Catalyst Project - the Buller Area Community Hub - is a major decision for the community and selecting its location will influence what projects make sense to pursue next.

### IMPLEMENTATION

The Revitalisation Project will not make progress without resources. Westport needs to undertake a mix of small, medium, and large projects to continue to transform Westport. Some projects can be completed by the community through makeovers, while other projects need to be lead by the Buller District Council (the Council).

In addition, the Council has a number of business-as-usual programmes that contribute to revitalisation, such as streetscape enhancement. The Long Term Plan (LTP) process is how the Council prioritises funding across the District. The aim is to develop priorities and deliver these projects over the next three years 2018 - 2021.

A summary of the next steps, potential priority projects and makeovers is included in the section Making Change Happen on pg 46.



THE 7-DAY COMMUNITY MAKEOVER OF THE NBS THEATRE PARK DEMONSTRATED THAT THE COMMUNITY CAN MAKE RAPID PROGRESS WITH A COLLABORATIVE PROCESS AND RESOURCES.

# SUMMARY | WESTPORT REVITALISATION PROJECT

## ABOUT

The Westport Revitalisation Project defines *challenges and opportunities* for Westport's *town centre and waterfront*.

The Town Story and Design Framework is about setting a direction to transform Westport and then working towards it.

The parts of this Design Framework are about *Why, How, and What* Council and the Community can do to make progress.

## A NEW TOWN STORY - WHY?

The Town Story is a set of principles. They are about *Why* Council is taking action - it is a response to Westport's challenges and opportunities.

The Town Story emerged from meetings, discovery and design workshops, and the 7 day makeover process.

## DESIGN STRATEGIES - HOW?

The Design Strategies are about *How* Council and the Community can deliver on the principles in the town centre and the waterfront.

The strategies lead to projects that the Buller District Council and Westport community will complete to develop the Town Story.

## PROJECTS - WHAT, WHERE & WHEN?

*What* the town could do - the projects are a result of applying the design strategies to specific areas (*Where*).

Our next step is to *identify priority projects* for the next 3 years.

The priority projects will be developed through community engagement alongside the Long Term Plan. The LTP process will define *When* projects will happen.

## SUMMARY | DESIGN FRAMEWORK





# SUMMARY | CHALLENGES & OPPORTUNITIES



- KEY**
- WATERFRONT BUILDINGS
  - DISPERSED NETWORK OF CIVIC FACILITIES
  - RETAIL ANCHORS - SUPERMARKETS, MITRE 10
  - OPEN SPACES
  - NATIVE VEGETATION



NORTH

# A NEW TOWN STORY - WHY?

THE TOWN STORY IS A RESPONSE TO WESTPORT'S CHALLENGES AND OPPORTUNITIES. IT IS A SET OF REVITALISATION PRINCIPLES ABOUT *WHY* COUNCIL AND THE COMMUNITY SHOULD TAKE ACTION. THE STORY EMERGED THROUGH MEETINGS, DISCOVERY WORKSHOPS, AND THE 7 DAY MAKEOVER PROCESS.

## BACKGROUND

Westport, with a population of around 4,000, has relied for over one hundred years on various forms of resource extraction - gold, coal, cement, and timber. But the past few years have seen a significant decline in these industries with the cement factory closing and no longer shipping from Westport.

Westport needs to reinvent itself and develop a new town story. The 7 Day Makeover attempted to uncover that story and give it a voice. We discovered that the story already existed. It just needed to be amplified.

For some time, the town has focused on big ideas, like a connection from the Clock Tower to the river and a board-walk and cafés along the river. The 'big dreams' have tended to stymie progress because they are slightly out of reach. The 7 Day Makeover asks "How could we prototype these dreams and make them happen in just 7 days?". The answer was, "Stop trying to take the people to the river and harbour and bring the river and harbour to the people." This approach informed refurbishment of the NBS Theatre Park.

Before the makeover, the town centre could have been any town centre in New Zealand. There was absolutely no reference to the river or harbour; no reference to the incredible bike experiences available, and only a small referencing of the stunning wild back yard of Westport. All these need to be addressed in future makeovers.

The community makeover approach works to overcome the following risk factors:

- The community doesn't understand the basic principles of placemaking, and invests in ineffective projects.
- The community can't agree on the most important projects or on the design for a project and the process becomes bogged down in endless meetings.
- The town naysayers oppose what is proposed and nothing ends up happening.

Westport's community makeover demonstrated that by using the Creative Communities approach these risks could be overcome. By making rapid progress the new stories have already begun to shape the culture and physical form of Westport.

The Makeover Report from December identified a number of initial directions for new stories. These narratives have been further developed with stakeholder group and Councillor input into the Revitalisation Project's principles:

- A river & beach town surrounded by untamed natural wilderness: Embracing our wild backyard.
- Our world-class back-country biking and hiking trails: Developing the experience.
- An entrepreneurial journey: Taking risks to find new sources of pride and prosperity.
- Increasing resilience: Ensuring Westport thrives over the long-term

The rationale for the stories are outlined on the following pages.



UNIFYING THE PARK AND MAKING A NEW ENTRANCE TO THE THEATRE



CREATING PLAY AND PERFORMANCE SPACE



INTRODUCING WATERFRONT ELEMENTS TO THE TOWN CENTRE

# ATTACHMENT 1

ACTIVITY NAME	Dec-23				Jan-24					Feb-24				Mar-24				Apr-24					May-24				Jun-24			
	4	11	18	25	1	8	15	22	29	5	12	19	26	4	11	18	25	1	8	15	22	29	6	13	20	27	3	10	17	24
<b>Plaza Revitalisation</b>																														
Media announcement																														
Concept Design																														
Liaise with Stakeholders																														
Community consultation																														
For Approval Design - BDC Approval																														
Detailed Design - Issue For Construction Drawings																														
Release tender(s)																														
Receive tender submission(s)																														
Negotiation period																														
Contract award																														
Review & approve pre-construction documentation																														
Media update																														
Mobilise to site																														
Construction activities																														

WESTPORT TOWN CENTRE PLAZA DESIGN AND BUILD PROGRAMME

**BULLER DISTRICT COUNCIL**

**13 DECEMBER 2023**

**AGENDA ITEM: 7**

**Prepared by** - Shelley Jope  
- Manager Customer Experience

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

**Attachments** - 1. Proposed 2024 Council Meeting Calendar

**PROPOSED COUNCIL MEETING SCHEDULE FOR 2024**

---

**1. REPORT SUMMARY**

This report is being submitted for Council to review the proposed Council meeting schedule for 2024.

**2. DRAFT RECOMMENDATION**

**That Council:**

**(1) Adopt the proposed 2024 Council, Committee and Community Board Calendar schedule dates as per Attachment 1.**

**OR**

**(2) Approve the proposed Council, Committee and Community Board schedule dates for 2024 as set out in Attachment 1 with required date amendments as determined by Council.**

**3. ISSUES & DISCUSSION**

**3.1 Amended Council Meeting Calendar Structure**

It was resolved by Council on 25 October 2023 to adopt a revised meeting structure to better manage the workloads of both councillors and staff. Attachment 1 outlines this new structure with proposed meeting dates for Council in 2024.

### **3.2 Proposed Council Meeting Calendar Schedule**

The proposed meeting dates in Attachment 1, does not alter the frequency of meetings but it does minimise the number of meetings held on the same day. This adopted structure requires an additional meeting day per month however, each meeting day would be for a shorter length of time.

The change still satisfies statutory obligated timelines as well as allowing all necessary documentation timelines to be more achievable with current staffing levels.

To align with the October Council meeting structure resolution:

- Creative NZ (CNZ), as is required, will still occur on the same day as a Risk and Audit Committee (RAC) meetings.
- Community, Environment and Services Committee (CESC) and Regulatory Hearing Committee (RHC) meetings will be a standalone session occurring one week after the CNZ/RAC meetings.

## **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 Analysis**

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 schedule 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**

Implementation of the proposed 2024 Council meeting calendar meeting schedule would not incur any additional extra cost to Council.

#### **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 2024 Council meeting dates.

#### **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.

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		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		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	ICB	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 RAC	S		M		T		S		T		F		S		W	CNZ RAC	F		13
14	S		W	RAC	T		S		T		F		S		W	CNZ RAC	S		M		T		S		14
15	M		T		F		M		W	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	CESC/RHC	S		M		T		S		T		F		S		W	CESC/RHC	F		20
21	S		W		T		S		T		F		S		W	CESC/RHC	S		M		T		S		21
22	M		T		F		M		W	CESC/RHC	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	BULLER ANNIVERSARY	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		

**BULLER DISTRICT COUNCIL**

**13 DECEMBER 2023**

**AGENDA ITEM: 8**

- Prepared by** - Shelley Jope  
- Manager Customer Experience
- Reviewed by** - Krissy Trigg  
- Group Manager Community Services
- Attachments** - 1. Ombudsman's Open for Business Report.

**CHIEF OMBUDSMAN'S "OPEN FOR BUSINESS" REPORT AND RECOMMENDATIONS**

---

**1. REPORT SUMMARY**

This report is being submitted to Council for review of the Chief Ombudsman's "Open for Business" report released in October 2023 and understanding the affect that the implementation of the recommendations will have on Council.

**2. DRAFT RECOMMENDATION**

**That Council:**

**Receive the report for information; and**

- (1) Resolve to fully implement the Chief Ombudsman's recommendations as identified under clause 3.4 of this report; and / or**
- (2) Note that these changes, if agreed, will be incorporated into Councils Standing Orders early 2024.**

**3. ISSUES & DISCUSSION**

**3.1 Overview of The Open for Business Report**

In October 2023, The Chief Ombudsman released the findings from his investigations into local Council meetings and workshops. This investigation was



initiated on 2 August 2022 to test concerns that councils were using workshops and other informal meetings to make decisions.

The Local Government Official Information and Meetings Act 1987 (LGOIMA) is a key tool and safeguard of New Zealand's democracy. The purposes of the LGOIMA is to increase the availability of information held by local authorities and to '*promote the open and public transaction of business at meetings*' to enable the public to participate in local authority decision making, to promote accountability of elected members and staff, ultimately enhancing respect for the law and ensuring the promotion of good local government in New Zealand.

The LGOIMA states that any meeting of a local authority, at which no resolutions or decisions are made, is not a 'meeting' for the purposes of the Act. During the course of the Chief Ombudsman's investigation, it became apparent that there is a lack of clarity around the definition of a 'decision'.

The purpose of workshops should be to prepare elected members with the appropriate background and knowledge to make robust decisions for their communities, and to allow interrogation, discussion and deliberation among and between elected members and Council staff. As outlined in the Legislative context of the report, workshops are part of the educative and deliberative phases of Councils' decision-making process. However, final decisions and resolutions cannot lawfully be made outside the context of a properly constituted meeting.

Crucially, this includes opening workshops to the public by default; closing them only where good reason exists. As a matter of good practice, workshops should be closed only where that is reasonable. What is reasonable in a particular case will vary, however the decision to close a workshop should be made on the individual merits of each workshop, rather than being based on a blanket rule.

### **3.2 Current Council Meeting and Workshop Procedures**

Currently, Council meetings meet statutory and legal obligations and are routinely livestreamed via the Buller District Council's YouTube channel and recordings are uploaded to the Buller District Council website.

To date, Councillors have used the workshop environment to have non-advertised discussions about items or topics which are regarded as high-level and in-depth to gain a full understanding before they are brought to a Council meeting forum for further discussions and resolutions. This process allowed for all elected members to be best prepared able to make informed and effective decisions.

Under the proposed changes outlined in clause 3.4 of this report, public exclusion at workshops could only occur under limited circumstances.

### **3.3 Key Recommendations Affecting Council from the Ombudsman’s Report**

#### **3.3.1 Meetings**

- (a) A resolution to exclude the public must be put forward at a time when the meeting is open to the public. In other words, elected members must make the decision to go into a public excluded part of a meeting in front of the public. The meeting is then closed in accordance with Standing Orders.

Public interest considerations can be recorded by Councils in the Schedule 2A form, and the Chief Ombudsman considers it would be beneficial to adopt this practice.

#### **3.3.2 Workshops**

- (a) Adopt a principle of openness by default for all workshops (and briefings, forums etc.), including a commitment to record a clear basis for closure where justified, on a case-by-case basis.
- (b) Make sure the time, dates, venues, and subject matter, of all workshops are publicised in advance, along with rationale for closing them where applicable.
- (c) Review practice and internal guidance for keeping records of workshop proceedings, ensuring they contribute to a clear audit trail of the workshop, including details of information presented, relevant debate, and consideration of options. Councils may wish to consider consulting with Archives NZ to determine good practice in this respect.
- (d) Publish workshop records on the Council’s website as soon as practicable after the event.
- (e) Formalise a process for considering release of information from closed workshops.
- (f) Consider adding the message that members of the public are able to make a complaint to The Ombudsman about the administration of workshops on a relevant section of a Council’s website.

#### **3.3.3 Organisation Structure, Staffing and Capability**

- (a) Ensure sufficient staff have training in governance functions so that institutional knowledge does not rest with only a small number of staff, and processes for fulfilling these functions are written down and easily accessible.

### **3.4 Changes Required to Council Meeting and Workshop Procedures**

It is proposed that to follow the Chief Ombudsman’s recommendations as set out in his “Open for Business” report, and as defined in clauses 3.3 above, Council

adopt the following additional procedures for all Council, Community Board meetings (including subcommittees) and workshops:

- (a) Continue to understand the clear guidelines and reasoning for public excluded agenda items and ensure correct procedures are followed.
- (b) Open all Council meetings and workshops for public attendance. Agendas for all meetings to be prepared however no public forum will be offered, or minutes taken at workshops.
- (c) Take a written record of the workshop will be kept and include:
  - o time, date, location, and duration of workshop
  - o people present, and
  - o general subject matter covered.
- (d) Continue to use workshops for discussion and presentations. Recommendations can be presented to Council, but no decisions can be made within a workshop setting.
- (e) Advertise all Council meetings and workshops on the Buller District Council website and social media as well as other platforms as they become available.
- (f) Livestream all Council meetings and workshops via Buller District Council's YouTube channel.
- (g) Record all Council meetings and workshops and ensure they are on the Buller District Council website in a timely manner.
- (h) Establish pathways for complaints regarding Council meetings and workshops to be received and resolved.

#### **4. CONSIDERATIONS**

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

A decision to accept the changes would enhance the ability to meet strategic and statutory obligations by extending more inclusion to the public.

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

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

#### **4.3 Risk Analysis**

This decision does not provide Council with any elevated risk, other than the preexisting:

- risk of statutorily obligated timeframes not being met due to insufficient staffing resources. Public inclusion at Council workshops as well as to Council meetings, will create an additional workload onto one staffing resource as described in 3.3.3 (a) of this report.
- risk of creating strained relationships between Council, stakeholders and communities if incorrect terminology or inappropriate language or behaviour is witnessed.

#### **4.4 Values**

A decision to implement the proposed public inclusion at all Council meetings and workshops 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.

#### **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**

The implementation of the proposed Council meetings and workshops procedural changes may incur an additional extra cost to Council should the recruitment of another staff member be required.

#### **4.9 Benefits**

The implementation of public inclusion at all Council meetings and workshops could:

- significantly improve the delivery of more transparent operations and therefore strengthen relationships between Council, stakeholders and communities.

- reduce the number of LGOIMA requests as concerns may be satisfied in real time. It is noted that for the four-month period ending October 2023, Council staff completed 102 LGOIMA requests, equating to approximately 310 staffing and/or contractors' hours.
- provide direction to build on resilience within the governance role due to the increased role requirements.

#### **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.

A report on the Chief Ombudsman's  
investigation into local council  
meetings and workshops

# Open for business

Te Kaitiaki Mana Tangata Aotearoa  
The Ombudsman New Zealand

October 2023

A report on the Chief Ombudsman's investigation into workshop and meeting practices of eight local authorities for the purpose of compliance with the principles and purposes of the Local Government Official Information and Meetings Act 1987.

Te Kaitiaki Mana Tangata Aotearoa | The Ombudsman New Zealand  
October 2023

ISBN: ONLINE 978-1-99-117608-0 PRINT 978-1-99-117608-0

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## Introduction

The Local Government Official Information and Meetings Act 1987 (LGOIMA) is a key tool and safeguard of New Zealand's democracy. The LGOIMA was introduced five years after the Official Information Act 1982 (OIA) turned the existing legislation—the Official Secrets Act 1951—on its head. The Official Secrets Act was based on the premise that all official information should be withheld from the public, unless good reason existed to release it. New Zealand's freedom of information legislation (both the OIA and the LGOIMA) reversed the presumption of secrecy and introduced the principle of availability—that official information should be available to the public unless there is good reason to withhold it.

The purposes of the LGOIMA are to increase the availability of information held by local authorities and to '*promote the open and public transaction of business at meetings*' to enable the public to participate in local authority decision making, to promote accountability of elected members and staff, ultimately enhancing respect for the law and ensuring the promotion of good local government in New Zealand<sup>1</sup>

---

1 Link to [section 4](#) LGOIMA

As Chief Ombudsman, I have been tasked by Parliament to monitor agencies' official information and meeting practices, resources and systems. I have jurisdiction to investigate 'any decision or recommendation made or any act done or omitted'<sup>2</sup> by a local authority.<sup>3</sup> One way I do this is by undertaking targeted investigations and publishing reports of my findings. I am committed to improving the operation of the LGOIMA to ensure the purposes of this important constitutional measure are realised.

Local councils in New Zealand face a challenging task: meeting high expectations of public accountability and participation, while delivering services in an efficient and effective way, as well as keeping rates as low as possible. Local democracy is built on the premise that the closer decision makers are to the population they serve, the more the people can, and should, participate directly in decisions that affect their daily lives. This is an important task for councils to get right.

Trust is at the core of the relationship between the people and their locally elected representatives. One way local government can earn trust is through transparent decision making that is open to public involvement and scrutiny. Transparency supports accountability, encourages high performance and increases public confidence. People may not always agree with council's decisions but a transparent process allows them to understand a council's reasoning, and can mitigate any suspicions of impropriety in the decision making process. Even a perception of secrecy can be damaging, as secrecy breeds suspicion.

A 2023 report by the Organisation for Economic Co-operation and Development (OECD) titled *Drivers of Trust in Public Institutions in New Zealand* found that only 45 percent of New Zealanders surveyed reported having trust in local government councillors.<sup>4</sup> This is significantly lower than reported trust in the public service at 56 percent. Councils' conduct around meetings and workshops are likely to be factors that contribute to the level of public trust in elected officials.

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2 Pursuant to section 13(1) and 13(3) of the Ombudsmen Act 1975.

3 'Local authority' in the context of this investigation refers to all city, district and regional councils referred to in Part 3 of Schedule 1 of the Ombudsmen Act 1975.

4 [OECD report](#) Drivers of Trust in Public Institutions in New Zealand, published in February 2023.

I initiated this investigation on 2 August 2022 to test concerns that councils were using workshops and other informal meetings to make decisions.<sup>5</sup> As outlined in my chapter on [Workshops](#), final decisions and resolutions cannot lawfully be made outside the context of a properly constituted council meeting. If councils were making decisions of this nature in workshops, it would be an avoidance of their responsibilities under the LGOIMA. I also examined councils' practices around excluding the public from meetings that are regulated by the LGOIMA.

The scope of my investigation was to investigate eight councils<sup>6</sup> actions and decisions in relation to both council meetings<sup>7</sup> held under the LGOIMA; and workshops (or informal meetings) to which LGOIMA meeting provisions do not apply.<sup>8</sup> In particular, I explored whether councils met their obligations under Part 7 of the LGOIMA in relation to council meetings, and good administrative practice in relation to workshops, briefings and informal meetings. The timeframe of matters considered in my investigation was from the electoral term beginning 12 October 2019 until 30 June 2023.

In order to investigate workshops, it was important to clearly understand what a 'meeting' is in accordance with the LGOIMA, and whether or not 'workshops' (or other informal meetings) should in fact be treated as 'meetings' under that Act.

The LGOIMA states that any meeting of a local authority, at which no resolutions or decisions are made, is not a 'meeting' for the purposes of the Act. During the course of my investigation, it became apparent that there is a lack of clarity around the definition of a 'decision'. As discussed in [Relevant Legislation](#), the historical context of the drafting of section 45(2) of the LGOIMA indicates that legislators thought it was not necessary or appropriate to require deliberative meetings (such as workshops) to be notified to the public. When actual and effective decisions or resolutions are made, the meetings must be notified.

- 
- 5 Link to meeting and workshop practice investigation [announcement](#).
- 6 My investigation considered practices from a mix of different sized councils, both urban and rural, across a variety of geographical locations. I notified eight councils across the country that I would be investigating their meeting and workshop practices: Rotorua Lakes Council, Taranaki Regional Council, Taupō District Council, Palmerston North City Council, Rangitikei District Council, Waimakariri District Council, Timaru District Council and Clutha District Council.
- 7 For the purpose of this investigation 'meeting' has the meaning given to it in section 45(1) of the LGOIMA.
- 8 Any organised or scheduled meeting attended by council staff and elected members which falls outside of the definition of a 'meeting' in section 45(1) of the LGOIMA.

I saw no evidence in my investigation that actual and effective decisions were made in workshops, but I saw some workshop practices that are counter to the principles of openness and could contribute to a public perception that workshops are not being used in the right way.

This investigation has highlighted to me the important role that workshops play in the decision making process for councils. Provided an actual and effective decision is not made, deliberative discussion may take place in a workshop. Workshops can be an efficient use of time, in order to convey information which may be voluminous and complex to elected members, and for elected members to give council officials advice to focus their efforts on the range of tenable options. This prevents time and energy being wasted on options that aren't realistic.

However, this is not to say that all workshops should take place behind closed doors or without adequate record keeping. The principles of openness and good administrative practice apply to workshops as much as any other aspect of council business. It is crucial that these are adhered to in order to maintain public trust and avoid perceptions that councils are operating in secret. In this report, I provide guidance on what those principles are, to ensure each council's practices are consistent with good record keeping and the requirement under the Local Government Act 2002 (LGA) to '*conduct its business in an open, transparent, and democratically accountable manner*'.<sup>9</sup>

I expect all councils to make sure their policies and practices meet my expectations of good workshop practice. Crucially, this includes opening workshops to the public by default; closing them only where good reason exists. I acknowledge concerns raised by some councils about what they consider to be a 'growing trend' of people with strong views and/or activist groups applying undue pressure to elected members and staff. At least one elected member said they had been threatened by a member of the public. I understand there is an escalating environment of misinformation and elected members should not have to endure unreasonable or harassing behaviour. However, they should be resilient enough to withstand reasonable public scrutiny. Ensuring the public has access to accurate information should provide an antidote to misinformation. Local government will need to look at how to respond to these challenges, perhaps by leveraging new technologies, in ways that advance open government principles.

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9 Link to [section 14](#) LGA

Workshops are not the only forum in which the public may perceive councils to be conducting business behind closed doors. My investigation also looked at a variety of practices around council meetings, which are required to be open under the LGOIMA. In particular, I looked at councils' practices around public excluded portions of meetings, as well as the records kept of council meetings. I am pleased that the majority of councils I investigated now live stream council meetings, which greatly aids transparency.

Conducting a great deal of council business behind closed doors, whether through workshops or public excluded meetings, can have a damaging effect on how open the community perceives a council to be. The appropriate use of meeting provisions and workshops is at the heart of openness and transparency. As set out in the purposes of the LGOIMA and LGA, it is crucial that councils conduct their business in an open and transparent manner so the public can see democracy in action, and participate in democratic processes. Local authorities in New Zealand should be open for business.

**Peter Boshier**

Chief Ombudsman

October 2023

# Summary

## What councils should do now

### Leadership and culture

- Induction training for staff and elected members must highlight the distinction between the operational and governance arms of local councils.
- Senior leaders should communicate clear and regular messages to all staff, signalling the council's commitment to conducting business in a manner that is open, transparent, and promotes accountability and public participation.
- Councils should have clear and visible public statements about their commitment to conducting business in a manner that is open, transparent, and facilitates accountability and public participation.
- Ensure pathways exist for council staff to make suggestions about meeting and workshop practices.
- Consider including a link to information about meetings and workshops prominently on the website landing page.
- Consider surveying constituents to establish the type of information about meetings and workshops they want to see on the website.

### Meetings

- Review ease of access for meeting agendas, papers, and minutes on council websites (with a clear navigation path from the home page and minimal 'clicks' required).
- Make sure agendas and papers are posted on council websites with as much advance notice as possible before the meeting date.
- Review practice and internal guidance for the writing of public exclusion resolutions, ensuring:
  - the form includes all elements of the Schedule 2A form;
  - exclusion grounds are clearly identified, and section 7(2)(f)(i) is not relied on to exclude the public from meetings; and
  - the reasons for applying the named exclusion ground to the content of the agenda item are clearly set out in plain English along with how the decision to exclude the public has been balanced against public interest considerations.
- Review practice and internal guidance for the keeping of meeting minutes, ensuring that minutes reliably contain a clear audit trail of the full decision making process, including any relevant debate and consideration of options, and how individual elected members voted.
- Formalise a process for reconsidering the release of public excluded content at a time when the basis for withholding it may no longer apply.

## What councils should do now

### Workshops

- Adopt a principle of openness by default for all workshops (and briefings, forums etc.), including a commitment to record a clear basis for closure where justified, on a case-by-case basis.
- Make sure the time, dates, venues, and subject matter, of all workshops are publicised in advance, along with rationale for closing them where applicable.
- Review practice and internal guidance for keeping records of workshop proceedings, ensuring they contribute to a clear audit trail of the workshop, including details of information presented, relevant debate, and consideration of options. Councils may wish to consider consulting with Archives NZ to determine good practice in this respect.
- Publish workshop records on the council's website as soon as practicable after the event.
- Formalise a process for considering release of information from closed workshops.
- Consider adding the message that members of the public are able to make a complaint to me about the administration of workshops on a relevant section of a council's website.

### Accessibility

- All councils should aim to live stream council meetings and/or audio visually record meetings and publish the recording on their website.
- Consider live streaming and/or audio visually recording workshops.
- Consider making meeting dates and times more visible to the public.
- Ensure full agendas, including reports, supporting materials, and meeting minutes are in a searchable format for screen readers.
- Undertake an accessibility audit to identify any barriers to inclusion and on completion of the audit, put in place a schedule of work to remedy any access issues or barriers to full inclusion of a wide range of people.

### Organisation structure, staffing and capability

- Ensure sufficient staff have training in governance functions so that institutional knowledge does not rest with only a small number of staff, and processes for fulfilling these functions are written down and easily accessible.
- Explore ways of using existing networks in local government to bolster resilience in critical areas of meeting and workshop practice.
- Review the general training and guidance provided to staff, and consider approaching my office for assistance in improving those resources or in assisting with direct training of relevant staff.

# Terminology

- When I use the term 'council' this primarily relates to the operational arm of the organisation, unless the context suggests otherwise. When I am referring to the governance function, I use the term 'elected members'.
- I undertook online surveys of staff, elected members and the public. These are referred to as my 'staff surveys', 'elected member surveys' and 'public surveys'.
- I and my staff spoke with council officials and elected members to gain their views and experiences of council meetings and workshops. I refer to those who participated in these conversations as 'staff meeting attendees' or 'elected member meeting attendees'.

Legislation referred to in this report:

- [Local Government Act 2002](#) (LGA)
- [Local Government Official Information and Meetings Act 1987](#) (LGOIMA)
- [Ombudsmen Act 1975](#) (OA)
- [Public Records Act 2005](#) (PRA)
- [Legislation Act 2019](#)
- [Official Information Act 1982](#) (OIA)



## Legislative context

The purposes of the LGOIMA are to increase the availability of information held by local authorities and to promote the open and public transaction of business at meetings. This ensures people can:

- effectively participate in the actions and decisions of local authorities;
- hold local authority members and their officials to account for any decisions; and
- understand why decisions were made, which will enhance respect for the law and promote good local government in New Zealand.

The LGOIMA also protects official information and the deliberations of local authorities from disclosure but only to the extent consistent with the public interest and the need to protect personal privacy. The principle and purposes of the LGOIMA are set out in full in [Appendix 1](#).

A reference point for understanding how local government should operate in New Zealand is the Local Government Act 2002 (LGA), and in particular, the sections that set out the purpose (section 10) and principles (section 14) of local government as a whole. The most pertinent principle states that in performing its role, a local authority should conduct its business in an open, transparent and democratically accountable manner. These provisions of the LGA are also set out in [Appendix 1](#).

In light of the statutory obligations that openness, transparency, and public participation are foundational principles for local government practice - as required by both the LGOIMA and the LGA - it is not surprising that Part 7 of the LGOIMA (which regulates council meetings where decisions or resolutions are made) is quite prescriptive. Part 7 sets out what is required before, during, and after, any council meeting. I have described what part 7 of the LGOIMA stipulates in [My expectations](#) of council meetings.

The definition of a 'meeting' in section 45 of the LGOIMA is fundamental to understanding the scope of the requirements. Section 45(2) provides:

- (2) *For the avoidance of doubt, it is hereby declared that any meeting of a local authority or of any committee or subcommittee of a local authority, at which no resolutions or decisions are made is not a meeting for the purposes of this Part.*

The breadth of the exclusion in section 45(2) was determined as the result of discussion and debate that followed the commencement of the LGOIMA in 1988 and added by the Local Government Official Information and Meetings Amendment Act 1991 (1991 No 54). The legislative history of Part 7 of the LGOIMA, and this subsequent amendment, sheds helpful light on what Parliament intended to include in its coverage. The legislative history of key terms is included in [Appendix 2](#).

In my view, the legislative history illustrates that policy makers thought it was not necessary or appropriate to *require* deliberative meetings (such as workshops) to be ‘notified’ and held in public because:

- it is not possible or desirable to stop elected members from ‘caucusing’ in private (that is, discussing matters among themselves where no council staff are present);
- anything that is discussed at deliberative meetings (such as workshops) is official information (therefore the public has a right to request it);
- councils have a discretion to notify and hold deliberative meetings in public; and
- actual and effective decisions always have to be made at notified public meetings as required by the LGOIMA.

Viewed in this context, and in the context of a general expectation of openness, Part 7 of the LGOIMA with its very prescriptive rules for meetings can be seen as having a deliberately narrow application. The LGOIMA only requires meetings with these prescriptive rules where *‘actual and effective decisions or resolutions are made’*.

The Ombudsmen Act 1975 (OA) allows me to review any act or omission by a local authority, except a decision made by full council.<sup>10</sup> This allows me to examine and comment on how councils are administering meetings as defined in the LGOIMA, as well as workshops and briefings that are not regulated by the LGOIMA, either in response to a complaint or using my powers under the OA to initiate my own investigation.<sup>11</sup>

As established in the above section on the LGOIMA’s legislative history, councils have the discretion to notify and hold all non-decision making meetings (such as workshops) in public if they choose. I can examine the exercise (or non-exercise) of this discretion.

In examining the ways councils conduct meetings that fall outside of Part 7 of the LGOIMA, I can draw on:

- the LGA, which requires a local authority to *‘conduct its business in an open, transparent, and democratically accountable manner’*. This obligation complements the requirements in the LGOIMA to conduct decision making meetings in public; and
- the requirement that anything taking place or provided to any meeting is official information and can be requested unless there is good reason to withhold.

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10 Link to [section 13\(1\)](#) of the OA

11 Link to [section 13\(3\)](#) of the OA

This provides a basis for me to adopt the following principles of good administrative practice that should guide council meetings that fall outside of Part 7 of the LGOIMA:

- Councils have a general discretion to advertise and undertake all meetings in public, and this is consistent with the principle in the LGA that councils should conduct their business in an open, transparent, and democratically accountable manner.
- A general policy of not publicising/closing all non-decision making meetings, such as workshops, may be unreasonable and/or contrary to law. The Ombudsman can assess this on a case-by-case basis.
- Using closed workshops to do 'everything but' make a final decision could be seen as undermining the principles in the LGA and purposes of the LGOIMA, and may be unreasonable in terms of the OA.

## Leadership and Culture

### My expectations

Achieving the principle and purposes of the LGOIMA depends significantly on the culture of a council, and the attitudes and actions of its senior leaders. Elected members, chief executives, and senior managers, should take the lead in developing an environment that promotes openness and transparency within the organisation, with external stakeholders, and importantly, with their constituents. This environment should champion positive engagement with those who want to know and understand the work a council is doing.

Councils' senior leaders must role model open and transparent behaviour by ensuring that council practices and processes around conducting meetings and workshops are transparent, and promote accountability. They should also demonstrate clear knowledge and support for their obligations set out in the LGOIMA. Council chief executives must make clear, regular statements to staff and stakeholders in support of the principle and purposes of official information legislation, and remind staff about their obligations. Consistent, clear messaging and behaviours communicate a real expectation that councils are committed to openness and transparency.

## My conclusions

### Interactions between councils' operational and governance arms

The word 'council' is sometimes used as a catch-all that encompasses the operational arm of the organisation as well as the governance provided by elected members. However, the distinction between the operational and governance functions should not be forgotten. Senior leaders, staff, and elected members, must carefully tread this line in their interactions.

Elected members have a reasonable requirement to be aware of operational issues, but there should be a clear delineation between operations and governance. Elected members should not cross the line into directing or influencing operations. A commonality in the investigated councils that were perceived as open, by staff and the public, were respectful relationships between the operational and governance arms of the organisation. Staff and elected members must have a clear understanding of the responsibilities and limits of their, and each others' roles. Councils should ensure these lines are clearly drawn in their induction training for elected members and for council staff.

### Internal perceptions of openness

I surveyed the staff of the eight councils under investigation in order to gather their perspectives of the agencies' overall commitment to a strong culture of openness and public participation in meetings and workshops. The results were encouraging. Across the eight councils, an average of 81 percent of staff survey respondents perceived their council to be strongly or moderately pro-openness and public participation in meetings and workshops, as shown in the table below:<sup>12</sup>

***What is your impression of your council's overall commitment to a strong culture of openness and public participation, in meetings and workshops?***

	Strongly or moderately pro-openness and public participation	'It is silent on the issue' or 'I don't know'	Strongly or moderately anti-openness and public participation
Highest percentage at an individual council	97%	15%	17%
Lowest percentage at an individual council	68%	3%	0%
Average across eight councils	81%	11%	8%

12 Percentages are rounded to the nearest whole number.

It is important for senior leaders to communicate clear and regular messages to all staff, signalling the councils' commitment to conducting business in a manner that is open, transparent, and facilitates accountability and public participation. Senior leaders can actively promote a culture of openness in their regular communications via, for example:

- statements published on intranet pages;
- as standing items in internal meetings; and
- in high-level statements including written guidance.

Promoting an open culture through a variety of methods may help ensure that the message is received by all staff.

In councils that appeared to have a strong culture of openness, staff expressed that the Chief Executive played a key role in establishing and building that culture:

*The understanding about openness and transparency has been driven by our CE [Chief Executive]...When the CE is leading that culture, it filters down to [our] leadership team and onwards to elected members.*

*The Chief Executive has no qualms regarding communicating issues to all staff however difficult they might be.*

*I think we've got a very exceptional CE and [their] views filter down to [their] immediate staff as well.*

*...the current CEO is more open and transparent than I have ever seen...*

*...new CE is all about getting ideas from everyone in the council.*

While messaging is important, senior leaders must follow their words with action. Failing to do so risks undermining their own messages. For example, senior leaders should ensure there is sufficient capacity and capability to execute governance functions, which I discuss further in [Organisation structure, staffing and capability](#). They should also ensure their council has robust practices and policies in place around meetings and workshops which facilitate and emphasise openness. I will speak about this in more detail in the [Meetings](#) and [Workshops](#) sections.

It is important that councils establish mechanisms for staff to give feedback and suggestions to senior leaders about council practices. It is staff who give effect to councils' policies and practices, so they can help make sure these are fit-for-purpose. Councils that are open to staff feedback also appear to have an open and transparent culture.

## Public perceptions of openness

The public's perception of a council's openness is heavily influenced by how easy people find it to participate in elected members' decision making; and by how easy it is to find records of the key proceedings related to those decisions. More generally, the public's experience of navigating council websites to find information relevant to them, and the helpfulness of a council's overall messaging about accessibility and openness, are also key to this perception.

All of the councils under investigation gave assurances that workshops were not used to make decisions. All of the council staff and elected members spoken to during the course of my investigation were very clear that decisions could only be made in meetings held under Part 7 of the LGOIMA. However, the public's perception of council decision making processes do not appear to always align with councils' own confidence in the integrity of their processes. Many respondents to my public survey expressed concern about the reasons used to exclude the public from meetings, and about some councils' practices around workshops:

*Not enough debate. It all seems to have been decided beforehand. Too much 'public excluded' with very little explanation.*

*Seems a level of predetermination occurs [in workshops].*

*...there seems to be a disproportionate number of public excluded meetings—behind closed doors.*

*I understand the need for information sharing and discussion, but I feel workshops often take it beyond that and reduce the ability for the public to have input on issues until it's too late.*

These views were expressed, to varying degrees, about all of the councils under investigation. It is understandable that the public is sceptical when their elected members meet behind closed doors, particularly where the reasons for closing the meeting or workshop are not made sufficiently clear, and little or no information about what took place in a closed meeting or a closed workshop is made available after the fact. This inevitably breeds suspicion.

While councils may have confidence in the integrity of their processes, I urge them to understand it is in the public interest not only that decisions are made appropriately but *they must be seen to be made appropriately*. Councils must ensure that their processes leave no room for perceptions to develop that decisions are being made in workshops, or that workshops are being used to 'debate out' issues to the extent that a decision has been made in all but name, and just need to be 'rubber stamped' in the council meeting. Does this mean that all workshops and meetings must be open without exception? No.

There will be occasions where there is good reason to close meetings, parts of meetings<sup>13</sup>, or workshops. Where this is the case, councils must be scrupulous in:

- ensuring that the occurrence of closed workshops are made public (i.e. even if a workshop is closed, the public should still be aware it is happening. If the public is unaware of a workshop, they will be unable to request, under the LGOIMA, information about it);
- publishing their reasons for closing the meeting or workshop;<sup>14</sup>
- keeping adequate records of the content of closed meetings and workshops; and
- releasing information about workshops and closed meetings where possible.

I will speak more about [meeting](#) and [workshop](#) practices in their respective chapters below.

## Website content

I consider the content of a council's website to be one indicator of their culture. Councils must ensure they deliver clear and consistent messaging to the public about their commitment to openness and transparency. A visible and explicit statement should exist on councils' websites affirming this commitment in its work.

### Information about meetings

The majority of respondents to my public survey said they found it difficult to access information about meetings on council websites. One respondent said:

*Information is not easily accessible as there is no 'tab' on the front page for the meetings, you actually have to put 'meeting' in the search bar to get direction to it.*

This accords with my assessment of council websites. Of the eight councils under investigation, only three had a visible link to 'meetings' on the landing pages, and none of these were displayed very prominently. On the websites of the other five councils, information about meetings was one mouse click away from their landing pages under the very broad heading 'Council' or 'Your council' which, according to my survey, users do not appear to find intuitive:

13 Section 48 of the LGOIMA recognises this.

14 Except where explaining the harm might, itself create a prejudice to the protected interest.



**How easy or difficult is it to navigate the Council's website to find information about the Council's Meetings?**

	'Somewhat' or 'very' easy	Neither easy nor difficult	'Somewhat' or 'very' difficult	I don't know
Highest percentage at an individual council	27%	42%	60%	11%
Lowest percentage at an individual council	0%	7%	43%	0%
Average across the eight councils under investigation	19%	22%	53%	6%

I consider it is good practice for councils to clearly signpost information about meetings on their landing pages.

My survey also asked respondents what additional information, if any, they would like to see councils publish about meetings on their websites. There were a range of answers, with some of the common themes from respondents being:

- meeting agendas should be published more than two days in advance;<sup>15</sup>
- more information about why meetings or parts of meetings, were closed;
- more details in minutes, such as which elected members voted for and against resolutions; and
- easy-to-read summaries of key information and updates on key projects.

Councils may find it useful to do their own surveys of constituents and website users about the type of information about decision making and council proceedings the public would like to find on their websites.

<sup>15</sup> Section 46A(1) of the LGOIMA states that the public may inspect within a period of *at least* two working days before every meeting, all agendas and associated reports circulated to members of the local authority and relating to that meeting.

Councils are required under Part 7 of the LGOIMA to notify the public of the occurrence of meetings<sup>16</sup> and to make available meeting minutes<sup>17</sup> and agendas.<sup>18</sup> When the LGOIMA passed into law in 1987, councils would publicly notify meetings through advertising in newspapers, and meeting minutes and agendas would be available at councils' public offices. Nowadays, councils advertise meetings on their websites as well as in local newspapers, and minutes and agendas are often made available on councils' websites.

I asked public survey respondents how easy or difficult it was to find information about when meetings occurred; and how easy or difficult they found it to access meeting minutes and agendas. Their responses are in the table below:

How easy or difficult is it to	'Somewhat' or 'very' easy	Neither easy nor difficult	'Somewhat' or 'very' difficult	I don't know
Find out when a public meeting of the Council is being held	27%	22%	47%	4%
Obtain a copy of the meeting agenda prior to a public Meeting of the Council	18%	15%	52%	15%
Obtain a copy of the Meeting minutes following a public meeting of the Council	17%	15%	50%	17%

Councils can do more to make the occurrence of meetings visible to the public, and to increase access to minutes and agendas. As noted above, website users may find it easier to find information about meetings if prominently displayed on the landing page of councils' websites. Councils may also wish to consider how they can use social media platforms to promote awareness of meetings and workshops.

16 Link to [section 46](#) of the LGOIMA

17 Link to [section 51](#) of the LGOIMA

18 Link to [section 46A](#) of the LGOIMA

## What councils should do now

- Induction training for staff and elected members must highlight the distinction between the operational and governance arms of local councils.
- Senior leaders should communicate clear and regular messages to all staff, signalling the council's commitment to conducting business in a manner that is open, transparent, and promotes accountability and public participation.
- Councils should have clear and visible public statements about their commitment to conducting business in a manner that is open, transparent, and facilitates accountability and public participation.
- Ensure pathways exist for council staff to make suggestions about meeting and workshop practices.
- Consider including a link to information about meetings and workshops prominently on the council's website landing page.
- Consider surveying constituents to establish the type of information about meetings and workshops they want to see on the council's website.

A range of additional suggestions specific to meetings, workshops, and accessibility improvements, are included in the following sections. I believe implementing these will improve the public experience and perception of council engagement and openness.

## Meetings

### My expectations

As outlined in [Appendix 1: Relevant legislation](#), Part 7 of the LGOIMA sets out a number of specific requirements for council meetings to meet the Act's overarching purpose to *'promote the open and public transaction of business at meetings of local authorities'*.<sup>19</sup>

The Working Group on Official Information in Local Government<sup>20</sup> specifically considered that a standalone Act applying the principles of the Official Information Act 1982 to local authorities was the most appropriate legislative course of action. Importantly, the new Act was designed to incorporate meetings to supersede the Public Bodies Meetings Act 1962.

The key requirements of Part 7 are:

- every local authority must publicly notify all 'meetings' that are scheduled to take place each month, but failing to do so does not invalidate any meeting;<sup>21</sup>

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19 Link to [section 4\(a\)](#) of the LGOIMA

20 Report of the Working Group on Official Information in Local Government, June 1986: a report to the Minister of Local Government and the Minister of Justice by the Working Group on Official Information in Local Government.

21 Link to [section 46](#) of the LGOIMA

- agendas and reports are publicly available at least two days in advance;<sup>22</sup>
- meetings are open to the public, unless there is good reason for excluding them;<sup>23</sup> and
- minutes of a meeting must be made accessible to members of the public.<sup>24</sup>

Meeting minutes should represent a full and accurate record of the content of local authority meetings. Minutes should not just record the final decision taken by elected members, but details of any debate or discussion preceding and informing the decision. In addition to aligning with principles of openness and accountability, recording the content of discussion and debate is a safeguard against any perception that decisions have been taken prior to the meeting, and are merely being ‘rubber stamped’ in the meeting setting. Though it is not a legislative requirement, I consider it is good administrative practice, and in the interests of accountability, to record the names of elected members who voted ‘for’ and ‘against’ resolutions and motions.

Where good reason exists to exclude the public from a meeting, this must be effected by way of a resolution.<sup>25</sup> This may apply to the whole or a relevant part of a meeting. A resolution to exclude the public is a decision made by full council (elected members), with their decision typically being informed by advice given by council staff. In considering how councils administer meetings, I do not have jurisdiction to consider decisions taken by full councils (committees of the whole).<sup>26</sup> However, in relation to decisions by full councils, I can review the reasonableness of any advice provided by officials or employees (on which the decisions were based).

Section 48 of the LGOIMA states that a local authority may exclude the public from meetings where good reason exists under sections 6 or 7 of the LGOIMA, though it specifically excludes section 7(2)(f)(i).<sup>27</sup> That is, a council cannot close a meeting to the public to have a ‘free and frank’ discussion. This is because local authority meetings are precisely where elected members are expected to hold their free and frank discussion and debate in full view of the public.

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22 Link to [section 46A](#) of the LGOIMA

23 Link to [section 48](#) of the LGOIMA

24 Link to [section 51](#) of the LGOIMA

25 Link to [section 48](#) of the LGOIMA

26 Link to [section 13\(1\)](#) of the OA

27 Link to [section 7\(2\)\(f\)\(i\)](#) of the LGOIMA. This section allows for information to be withheld where it is necessary to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to members or officers or employees of any local authority.

Councils considering the application of a clause or clauses of section 7(2) of the LGOIMA to exclude the public from a meeting, must also consider the extent of any public interest in the release of the information (the matters to be discussed). For example, there will always be a public interest in meetings being open to the public to promote accountability, transparency, and public participation. If it is considered that the public interests favouring release in a particular case outweigh the identified need to withhold the information, then the clause(s) in section 7(2) of the LGOIMA cannot be relied on as good reason to exclude the public.

This weighing of competing interests is known as ‘the public interest test’.<sup>28</sup> I expect that where the advice of council staff is for elected members to hear an item in a public excluded meeting, this advice should include the officials’ assessment of public interest considerations in hearing the item in an open session. Council staff should also document how they formulated their advice. In making their decision, elected members should weigh these competing interests, and record their considerations, as well as their final decision. Public interest considerations can be recorded by councils in the Schedule 2A form discussed below, and I consider it would be beneficial to adopt this practice.

A resolution to exclude the public must be put forward at a time when the meeting is open to the public.<sup>29</sup> In other words, elected members must make the decision to go into a public excluded part of a meeting in front of the public. The meeting is then closed in accordance with standing orders. The resolution to exclude the public must be made in the form set out in Schedule 2A of the LGOIMA<sup>30</sup>, and must include:<sup>31</sup>

- the general subject of any matters to be considered while the public is excluded;
- the reasons for passing a resolution (with reference to the particular provision relied on); and
- the actual ground in section 48(1) relied on.

The general subject of matters to be considered should be detailed enough to give the public a clear sense of the matter being discussed, in the interest of being as open as possible about the work a council is conducting.

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28 Link to Ombudsman guide [Public interest: A guide to the public interest test](#).

29 Link to [section 48\(4\)](#) of the LGOIMA

30 Link to [Schedule 2A](#) of the LGOIMA

31 Link to [section 48\(3\)](#) of the LGOIMA

I expect the reason for passing a resolution should contain specific details about the harm the agency is trying to avoid, rather than simply reciting the clause from section 6 or section 7(2) as it is written in the LGOIMA. Councils can allow for specified people to remain while the public is excluded if they have knowledge that would assist. In that case, the resolution must state the particular knowledge they possess, and how it is relevant to the matter under consideration.

The public can request information heard in the public excluded part of a meeting under the LGOIMA. I expect that council guidance makes clear that if a LGOIMA request is made for information heard in a public excluded meeting, such a request must be considered on its individual merits and based on the circumstances at the time of the request; it may not be refused under the LGOIMA merely on the basis the information was earlier heard in a public excluded meeting.

It is also good practice to ensure there is a process for re-visiting public excluded parts of meetings to determine if any of the information heard in a public excluded part of a meeting can subsequently be released, when the reasons for withholding the information no longer apply.

Finally, I expect that councils will organise their structure and resources so they meet their legal obligations under Part 7 of the LGOIMA and good administrative practice generally, in a way that is fit for purpose considering their particular size and responsibilities.

## My conclusions

To aid clarity, I have organised my conclusions by the different phases of a meeting: pre-meeting; during the meeting; and post-meeting. For each phase, there are mandatory requirements prescribed by the legislation and there are also good practice elements (where non-compliance is not in breach of the law but may be the subject of adverse comment or opinion by an Ombudsman as part of an investigation). I have covered both elements in my commentary for each phase, with footnotes identifying the relevant statutory provision for each mandatory element.

### Pre-meeting

All meetings (gatherings at which elected members make decisions on behalf of their community) must be publicly notified in accordance with section 46 of LGOIMA, and all agendas and papers must be available to any member of the public at least two working days before the date of that meeting.

As outlined in [Information about meetings](#), when the LGOIMA passed into law in 1987, councils would publicly notify meetings through advertising in newspapers, as that is what the LGOIMA specifically

requires. However, now councils advertise meetings on their websites as well as in local newspapers and website prominence is likely to be the most effective way of reaching the greatest number of constituents.

Although I did not identify any particular issues with the publication of agendas at the councils I investigated, a number of public survey respondents wanted agendas and associated reports published on a council's website as early as possible, with the statutory minimum of two working days prior to the meeting sometimes allowing insufficient time to prepare (particularly in cases where the associated material for the meeting is lengthy). Comments from my survey of members of the public included:

*The agendas are published only two days prior to a meeting and often contain a lot of material. They should provide the agendas much earlier so that the material provided can be digested properly before a meeting. Only the most determined can do so.*

*One of the main problems is that meeting agendas are published really late, with never sufficient time for the public to review the content and to think about potential submissions or deliberations. The agendas are often over 100 pages long, often with highly technical information, that is difficult to navigate and understand. There is seldom time to review the agenda and associated materials properly let alone seek technical advice before the meetings.*

Although the LGOIMA states agendas are to be published within a period of least two working days before every meeting, this should not be the goal. I encourage councils to release documents with enough time to allow ample preparation for meeting participants (which will benefit both attendees from the public as well as elected members themselves).

## During the meeting - excluding the public

The practice of excluding members of the public from any part of a council meeting is an exception to the usual presumption of openness emphasised by both the LGOIMA and the LGA. The stipulations in the LGOIMA are reasonably detailed and exacting.

A primary requirement is that public exclusion may only be made by way of formal resolution of elected members at the meeting itself. It is important that elected members take this responsibility seriously and carefully consider the advice of council officials. The resolution must:



- Be put at time when the meeting is open to the public, with the text of the resolution being available to anyone present.<sup>32</sup>
- Be in the form set out in Schedule 2A of the LGOIMA.<sup>33</sup>
- Only exclude on one of the grounds set out in section 48(1).<sup>34</sup>
- State reasons for the resolution, including the interests it is protecting in the case of section 6 or 7 withholding grounds.<sup>35</sup>
- Where exceptions to the exclusion are made for particular individuals, the resolution must detail their relevant expertise to the topic for discussion.<sup>36</sup>

To gain an understanding of councils' use of reasons to exclude the public from meetings, my investigators reviewed a number of examples of resolutions to exclude the public. The reviews found that three of the eight councils investigated had excluded the public from some meetings citing section 7(2)(f)(i) (free and frank expression of opinions) as the reason. However, section 48(7)(a)(1) of the LGOIMA specifically states that section 7(2)(f)(i) cannot be used as a good reason to exclude the public from meetings.

I wrote to those councils to raise my concerns as soon as I identified this practice. Each council advised me that they had ceased the practice of using 'free and frank' to exclude the public from meetings, and put systems in place to prevent this error from happening again. For instance, one council said it had tightened its practices in relation to reviewing the reasons to exclude the public from meetings. Another council said it had corrected its workflow system (InfoCouncil) to align with the requirements of the LGOIMA. The third council provided additional training and support to its governance team, as well as updating its agenda template.

While I was pleased with these actions, I am concerned that unchecked errors were allowed to occur and potentially embed into councils' practices. I urge all councils to make sure this is not occurring at any of their meetings. Most councils cited eligible withholding grounds in their exclusion resolutions, but lacked records about how those grounds were applied to the specific topic for discussion (described in more detail below). This makes it difficult to scrutinise the quality of the advice on which the resolution was based.

My surveys of the public and of elected members showed a sharp disparity in their perceptions of the clarity, robustness, and appropriateness, of the reasons for public exclusion.

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32 Link to [section 48\(4\)](#) of the LGOIMA

33 Link to [section 48\(3\)](#) of the LGOIMA

34 Link to [section 48\(1\)\(a\)](#) of the LGOIMA

35 Link to [section 48\(3\)\(b\) and \(c\)](#) of the LGOIMA

36 Link to [section 48\(6\)](#) of the LGOIMA

**What is your experience/view of the Council's use of public excluded Meetings?<sup>37</sup>**

	The reasons for excluding the public are always clear, robust and in line with LGOIMA	The reasons for excluding the public are always clear, but are not always in line with LGOIMA	The reasons for excluding the public are often unclear, or do not align with LGOIMA	I don't know/ Other
Elected member survey responses	80%	10%	5%	5%
Public survey respondents	7%	6%	62%	25%

As shown in table above, 80 percent of elected member respondents considered the reasons for exclusion to be clear, robust and appropriate, whereas 62 percent of public respondents were of the opposite opinion.

It seems elected members generally consider they are excluding the public in a robust and principled way. However, it appears that councils are not communicating the reasons for these decisions to those they are excluding in a way that is clear to them. This is best addressed by ensuring that public exclusion resolutions are documented properly and a clear rationale for exclusion is easily accessible—and I deal with this next.

**Record keeping - public exclusion resolutions**

Of the eight councils I investigated, four were using the form in Schedule 2A of the LGOIMA for exclusion resolutions, while the other four were using their own templates.

While the LGOIMA states that the Schedule 2A form should be used, the Legislation Act 2019 allows minor variations to forms prescribed by legislation,<sup>38</sup> and I consider that the content of the form is more important than the layout. I take no issue with councils using a template form of their own design, providing that it contains the same prompts to enter information as detailed in the Schedule 2A form:

- a prompt to include the general subject matter for each item;
- a prompt to enter the grounds under section 48 for excluding the public;

<sup>37</sup> Respondents to my survey of the public were asked for their *view* of the council's use of public excluded meetings; elected members were asked about their *experience*.

<sup>38</sup> Link to [section 52](#) of the Legislation Act 2019

- a prompt to enter the plain English reason for excluding the public; and
- wording around allowing specific people to remain, if they have knowledge that would assist the agency, while the public is excluded.

Whatever form a council uses, it needs to meet these minimum requirements and the form should clearly identify the specific exclusion ground, and also explain in plain English how the council has applied that ground to the meeting content under consideration.

I do not consider it good practice to cite a section number under the 'Ground' field and simply quote the text of that section in the 'Reason' field. Instead, both the section number and its text should appear under 'Ground'. The 'Reason' field should be used to explain, in plain English and in reasonable detail, the reason(s) for excluding the public (that is, how the LGOIMA ground applies to the information held or created) and weighing this against any countervailing public interest arguments for non-exclusion.

This should not be too difficult. By excluding the public by means of a section 7 ground, a council is obliged to both determine specifically how the ground applies to the agenda item, and how it has balanced the public interest in the information being shared against the need to withhold it. While ultimately, the public interest balancing question should be assessed by the body conducting the meeting (essentially, the elected members), it is reasonable to expect that their decision is informed by advice from council officials that includes public interest considerations. The details of the ultimate decision should be included in the meeting minutes, with the preceding advice from council staff also included in a council's records.

A smooth process relies on councils having clear and consistent guidance for staff about the records they should create and maintain for public exclusion decisions. This includes documenting the rationale for advice to elected members on public excluded meetings. The guidance should outline the requirement to apply the public interest test, and should include the following:

- that the public interest factors must be weighed when relying on section 7(2) of the LGOIMA to hear an item in a public excluded meeting; and
- factors that affect the public interest in favour of opening a meeting, such as:
  - the policy or decision-making process involved and the stage it has reached;

- the ability of the public to be informed, influence that process or decision and/or hold the officials involved to account;
- the level of public interest or debate;
- the level of any disquiet, speculation or controversy;
- the extent of information in the public domain;
- the significance of the issue to the public or the operations of the council; and
- the amount of public money involved.

When updating guidance, councils may wish to refer to my guide titled *'Public interest: a guide to the public interest test'*.<sup>39</sup>

My investigation revealed significant variation in the way councils fill out the Schedule 2A form, and few would meet my expectations of good practice. Not one gave an actual, plain English reason for excluding the public from a meeting, rather, most are simply clipping wording from the legislation or using a vague term such as 'commercial sensitivity' as full rationale for public exclusion, with no attempt to apply the exclusion ground to the facts of the affected agenda item.

The opportunity to use the Schedule 2A form to record information about the public interest considerations is also going unrealised. When the evidence of thoughtful application of exclusion rationale is so starkly absent from the resolution itself, the public may well wonder how robust the determinations were. Addressing these deficiencies must be a priority if councils are to improve public trust in the process.

### Record keeping - minutes

Ombudsmen have consistently supported a full audit trail for advice that contributes to decisions made by an agency. This also ensures council practices are consistent with sections 17(1) and 17(2) of the Public Records Act 2005 (PRA)<sup>40</sup> which respectively, require councils to:

- create and maintain full and accurate records of affairs in accordance with normal, prudent business practice; and
- maintain records in an accessible form to enable use for subsequent reference.

In addition to complying with the relevant legislation, sound record keeping discipline in meetings will also benefit councils by promoting transparency and openness, and improving business practices in general.

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39 Link to Ombudsman guide [Public interest: A guide to the public interest test](#).

40 Link to [sections 17\(1\) and 17\(2\)](#) of the Public Records Act 2005

Keeping good meeting records:

- helps ensure transparency of council decision making by providing a complete and clear record of reasoning;
- provides a reference for councils in the event of issues around decision making processes that may arise internally or externally;
- provides an opportunity to create a repository of knowledge about how councils make decisions, and so develop a consistent approach.

My review of the meeting minutes of the councils I investigated showed that some included very little detail about any discussion, debate, or questioning, that may have taken place. I do not expect that a verbatim transcript is taken at a meeting but simply recording the final decision taken by elected members is plainly inadequate.

Local Government New Zealand (LGNZ)'s guidance for minute taking<sup>41</sup> includes the following pointers for good practice:

- minutes should be a clear audit trail of decision making;
- less is best;
- someone not in attendance will be able to understand what was decided; and
- anyone reading in 20 years' time will understand them.

I agree with this guidance, with two important comments:

1. A '*clear audit trail of decision making*' is more than simply recording the decision itself. It entails clearly documenting the path by which the decision was made, including how options were considered and how the decision ensued from the deliberation.
2. '*Less is best*' should be interpreted as a prompt to maintain clarity and succinctness, rather than sacrificing elements of the decision making audit trail.

Minutes should record both the final decision and key details of any debate or discussion preceding and informing the decision. In addition to aligning with the principles of openness and accountability, recording the content of discussion and debate is a safeguard against any perception that decisions were made prior to the meeting, and are merely being 'rubber stamped' in the meeting setting. Though it is not a legislative requirement, as outlined earlier, I consider it good practice, in the interest of accountability, to record the names of elected members who voted 'for' and 'against' resolutions and motions.

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41 Link to [The guide to LGNZ standing orders](#), Ko Tātou LGNZ, 2022, p 35.

Councils' internal guidance and training material should also include clear instructions for staff to record advice and decision making processes around public excluded meetings. This includes taking notes of relevant internal meetings and documenting any verbal conversations held in relation to council decisions on public excluded meetings. These, and other relevant records (such as emails), should be documented in a manner that makes them easily accessible.

Any review and update of guidance material should also be accompanied by training and messaging to staff about the importance of comprehensive record keeping to comply with the law and promote the transparency of council's practices and accountability to the public.

## Post-meeting

### **Making minutes publicly accessible**

All the councils within my investigation published meeting minutes on their websites. I reiterate that I expect that meeting minutes should also comprise a full and accurate record of the meeting. As noted under [Leadership and culture](#), a number of public survey respondents consider that the minutes are not always easy to find. This may be addressed, as I noted, by making information about meetings more prominent on council websites.

### **Revisiting public excluded material for release**

A powerful way to increase the public's trust in Councils and to improve transparency is to establish a consistent practice of reconsidering public excluded information for release at a point when the reason for withholding information no longer applies. Mutual trust between the public and their representatives will likely improve if the public knows why the information was protected. This way the public can see that a council is making efforts to be as open as possible.

I appreciate this may not be at the top of mind for council staff as they juggle the multiple demands of busy meetings schedules. However, I consider it integral to sound practice, and should not be unduly burdensome when integrated into a well-designed process.

Practice in this area was mixed among the councils I reviewed, with most examples of post-meeting review of information being ad hoc rather than consistent. However, I was encouraged that most of the eight councils have either begun scheduling later reviews for public excluded information, or have agreed to consider adding this step to their standard meeting processes.

## What councils should do now

- Review how easy it is for the public to access meeting agendas, papers, and minutes on council websites (this should include a clear navigation path from the home page and minimal 'clicks' to reach it).
- Make sure agendas and papers are posted on council websites with as much advance notice as possible before the meeting date and certainly no later than the minimum requirement of two working days.
- Review practice and internal guidance for the writing of public exclusion resolutions, ensuring:
  - the form includes all elements of the Schedule 2A form;
  - exclusion grounds are clearly identified, and section 7(2)(f)(i) is not relied on to exclude the public from meetings; and
  - the reasons for applying the named exclusion ground to the content of the agenda item are clearly set out in plain English along with how it has been balanced against public interest considerations.
- Review practice and internal guidance for the keeping of meeting minutes, ensuring that minutes reliably contain a clear audit trail of the full decision making process, including any relevant debate and consideration of options, and how individual elected members voted.
- Formalise a process for reconsidering the release of public excluded content at a time when the basis for withholding it may no longer apply.

## Workshops

### My expectations

The LGOIMA does not define or regulate workshops (or other informal meetings),<sup>42</sup> but *The Guide to LGNZ Standing Orders* states that workshops are best described as ‘*informal briefing sessions where elected members get the chance to discuss issues outside of the formalities of kaunihera meeting*’.<sup>43</sup> It is common for councils to conduct workshops about complex or technical issues on which elected members will later be required to debate and make decisions.

The purpose of workshops should be to prepare elected members with the appropriate background and knowledge to make robust decisions for their communities, and to allow interrogation, discussion and deliberation among and between elected members and council staff. As outlined in the earlier section [Legislative context](#), workshops are part of the educative and deliberative phases of councils’ decision making process. However, final decisions and resolutions cannot lawfully be made outside the context of a properly constituted meeting.

42 For the purpose of this investigation, ‘workshops, briefings and informal meetings’ mean any organised or scheduled meeting attended by Council staff and elected members which fall outside the definition of ‘meeting’ in section 45(1) of the LGOIMA.

43 Link to [The guide to LGNZ standing orders](#), Ko Tātou LGNZ, 2022



Because workshops cannot lawfully be used to make actual and effective decisions, and are not conducted under the LGOIMA, the legal requirements in the LGOIMA that relate to council meetings—such as requirements to notify the public, to take minutes, and to exclude the public only under certain defined circumstances—do not apply to council workshops. Nonetheless, councils have a general discretion to advertise and undertake workshops that fall outside of Part 7 of the LGOIMA, in public. While it may be reasonable to close a workshop in a particular case, I consider that a general policy of not advertising workshops or having all workshops closed to the public, is likely to be unreasonable. It is my expectation and a requirement of the LGA, that *'...a local authority should conduct its business in an open, transparent and democratically accountable manner...'*<sup>44</sup>

As a matter of good practice, workshops should be closed only where that is reasonable. What might be considered reasonable is a truly open category depending on each individual case, and may include situations where the reasons for withholding information under sections 6 and 7(2) of the LGOIMA might apply, as well as other situations. What is reasonable in a particular case will vary, however the decision to close a workshop should be made on the individual merits of each workshop, rather than being based on a blanket rule.

Even where it is reasonable to close a workshop, I encourage councils to be mindful of the public perception of secrecy this may create, and mitigate this risk through ensuring the public has access to sufficient and timely information about the purpose and content of workshops. The legislative history of the LGOIMA makes it clear that full and accurate records of workshops are expected to be kept. Consistent with the guiding principle and purposes of the LGOIMA, the public can request this information under Part 2 of that Act. It is also a requirement of the PRA (see [Appendix 1](#) and [Appendix 2](#)).<sup>45</sup> Keeping full and accurate records of workshops is a safeguard against the perception that decisions are being made outside a local authority meeting; and, being able to request access to this information allows members of the public to meaningfully engage with the work of councils.

Information arising from workshops can be requested under the LGOIMA although, ideally, councils would proactively release information generated in workshops.<sup>46</sup> Creating records of workshops is good administrative practice, and it promotes a council's accountability and transparency. Councils should adopt a standard

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44 Link to [section 14](#) of the LGA

45 Link to [section 17\(1\)](#) of the PRA

46 Even if no record is made at the time, information held in an official's memory as to what transpired at a workshop can also be requested under the LGOIMA, and it is preferable to have a contemporaneous account of what happened.

approach to recording information about workshops/forums and ensure this is embedded in its guidance on record keeping for workshops.

All workshop attendees should be aware that workshops cannot be used for making an actual and effective 'decision', and take care when discussion and deliberation in a workshop could carry elected members too far down a path toward a decision. For example, where council staff present a range of options to elected members in a workshop, and those options are narrowed down significantly, it could give the appearance of a 'decision' being made in the workshop in all but name. There may then be a perception that the corresponding decision made in the public council meeting is a 'rubber stamp' of earlier workshop discussions. In particular, using a closed workshop to do 'everything but' make a decision could be seen as undermining the principles of the LGOIMA and the LGA, which I may view as unreasonable.

As Chief Ombudsman, I can review the reasonableness of any act or omission by a local authority under the OA.<sup>47</sup> This includes whether it is reasonable for a council to advise or decide to not advertise or close workshops, or using closed workshops to do 'everything but' make a final decision.<sup>48</sup> I expect councils to make it clear to the public that they can complain to me about workshops.

Some councils draw a distinction between 'workshops' and 'briefings' with the former being open to the public and the latter; closed. Other councils may refer to the same type of informal briefing session between elected members and staff using different terminology entirely, such as a 'forum' or 'hui'. Irrespective of the title(s) a council chooses to give informal briefing sessions, the same requirements to conduct business in a transparent and accountable manner, and to keep full and accurate records, apply to all.

## My conclusions

### Terminology around workshops

The terminology used for workshops is an area that can cause confusion. Many councils define workshops in their standing orders based on a template developed by LGNZ, which defines workshops as follows:

*Workshop in the context of these Standing Orders, means a gathering of elected members for the purpose of considering matters of importance to the local authority at which no decisions*

47 Link to [section 13](#) of the OA

48 This refers to council staff, not a decision of full council.

*are made and to which these Standing Orders will not apply, unless required by the local authority. Workshops may include non-elected members. Workshops may also be described as briefings.<sup>49</sup>*

One council organised what it termed ‘non decision making meetings’ regularly and used the terminology of ‘briefing’ or ‘workshop’ to differentiate whether a specific topic for discussion within the meeting would be open to the public (workshops) or closed to the public (briefings). This distinction between ‘workshops’ and ‘briefings’ is one that is also adopted by LGNZ in its guidance for standing orders and is widely used by councils throughout New Zealand.

In addition to ‘workshops’ and ‘briefings’, a number of other terms have been adopted by councils at different times for non-decision making meetings. One council that held all its workshops in private was aware of the negative public perception that had developed around the use of the term ‘workshops’. To address this, the council changed its terminology to ‘forums’, rather than amending the actual practice of closing workshops to the public. While councils are able to use their own terminology, creating different terms for what is essentially the same thing—a meeting of elected members and staff to progress council business, at which no decision making occurs—risks distraction and confusion. The guidelines for good practice in this report apply to any workshop, briefing, forum, hui, wānanga, or whatever else a council calls the gatherings of elected members and council officials used to transact council business.

### Councils’ use of workshops

All councils that were part of my investigation used workshops to some degree. A number of staff and elected member meeting attendees commented that workshops were a key part of the decision making process for elected members and used for ‘direction setting’. Workshops are used by elected members to discuss policy options put forward by staff in order to eventually make a decision in a local authority meeting. This includes adding, removing or amending options, and ensuring elected members have the information needed to make an informed decision on a topic. Workshops may also involve elected members giving feedback to staff where they might require further information to support their consideration of a particular option.

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49 Nearly all councils have incorporated into their standing orders this definition, or the following variation: *Workshops, however described, provide opportunities for members to discuss particular matters, receive briefings and provide guidance for officials. Workshops are not meetings and cannot be used to either make decisions or come to agreements that are then confirmed without the opportunity for meaningful debate at a formal meeting.*

A chief executive I spoke with during my investigation said there were different stages to get to a final decision in a formal council meeting. If there was a complex, contentious decision to be made, it will need *'pre-work and pre-thinking'* with multiple layers of workshops and consultations in order to reach the final decision. Staff will not be writing the final decision report for the formal council meeting *'all in one go'* because it takes time, and revisions will be made as it develops. Multiple workshops may be held on a topic in order to explore the options, with the most realistic and reasonable ones being included in the report which goes to the full council meeting for a final decision.

Some councils appeared to give their view on *'direction setting'* with a show of hands and indicated that there was *'some degree of straw polling'* in order to narrow options down. Examples of comments from my surveys of both staff and elected members include:

*...workshops have been a valuable avenue to get a fuller understanding of issues and ask the dumb question if needed. Differences of opinion may occur and be discussed/debated but full deliberation and decision making is made at the full Council meeting.*

*...[workshops] can be used as a gauge for staff to structure formal advice to Councillors for decision-making at the Committee phase. Workshops are critical.*

*Workshops provide staff with the opportunity to spend more time with elected members to improve their understanding on a topic. Often formal meetings don't have the time allocated for this to occur. They are also a good way to build trust and rapport between staff and councillors, and allows for open and honest feedback in a less formal setting than a meeting.*

*Councillors over a period of months or years will have a myriad of matters that require at the very least a working knowledge of the issue under consideration. ...workshops serve a meaningful part of the process where Councillors can better understand the issues and this will lead to stronger debate and better decisions.*

Provided an *'actual and effective decision'* is not made, I consider this type of deliberative process may appropriately take place in a workshop. However, a perception is likely to grow that the council is not operating transparently, if the following occurs:

- workshops are regularly conducted behind closed doors;
- the fact that they are occurring, and the rationale for closing the workshop, is kept out of public awareness;
- full and accurate records are not kept or are withheld from the community without explicit and robust rationale.

I also caution against workshops including a significant component of determination, such as a substantial narrowing of options prior to public consultation. At several councils I investigated, a range of options would occasionally be narrowed down at workshops so staff would not waste time and resources pursuing options that the elected members were not willing to consider. A meeting attendee said there was '*some degree of straw polling*' in order to narrow down the options for decision, typically to four or five options. The risk is that such straw polling may be perceived by the public as decision making. Good records of workshops and making the records available to the public would go some way to alleviating this perception.

Councils should be mindful of the public perceptions that may develop where council business is conducted behind closed doors. Even when the reasons for conducting a closed workshop are entirely legitimate, secrecy inevitably breeds suspicion. While it may not be the reality that the council is wrongfully keeping information from the public, even the perception of such may result in reduced public trust and diminished public participation in council processes. Councils can reduce this risk by opening workshops to the public where possible and by publishing information from workshops, as I will discuss further below.

### Open by default

I was pleased that the majority of councils open workshops, or had begun to open their workshops from the start of the 2022 electoral term.

My view is that the principle of 'open by default' should be followed for all meetings and workshops.<sup>50</sup> I understand there may be occasion to close, either partially or fully, a particular workshop. However, councils should start from a position of openness, and then consider specific reasons why any proceedings may need to be closed and whether those reasons are compelling.

The principle of 'open by default' is also supported by *The Guide to LGNZ Standing Orders*.<sup>51</sup>

*Please note, when deciding to hold a workshop or briefing the first question that should be considered is whether there is a convincing reason for excluding the public. The default position should be to allow public access.*

50 The 'open by default' principle is also consistent with section 4 of LGOIMA 'to promote the open and public transaction of business at meetings of local authorities'.

51 Link to [The guide to LGNZ standing orders](#), Ko Tātou LGNZ, 2022, p 41

I accept that, in some cases, there may be a need to protect some of the information presented in such a workshop where good reason exists. In such a case, I expect that councils would endeavour to present material in such a way that the public could have access to as much information as possible. This might be achieved through providing the protected information (such as names/costings) to elected members in advance and ensuring this information doesn't enter the discussion held in public.

Some of the councils I investigated advised me that they needed to hold closed workshops to provide training/background to elected members on complex issues—the intent being to ensure elected members are equipped to make a robust decision on the matter at hand. I absolutely support the use of workshops to educate elected members and to facilitate better decision making. However, it seems evident to me that, where there is benefit to elected members to understand an issue in order to make a decision, it is equally beneficial to allow the public access to the same information so they can better understand the eventual decision.

Another reason put forward by councils for closing workshops was to provide elected members a 'safe space' to ask 'silly questions' out of the public eye. I do not accept this argument. Councillors are elected to public office, a position that demands accountability. They should be prepared for a level of scrutiny and even reasonable criticism from those they represent. The questions and concerns councillors have are no doubt shared by many of their constituents. It may be valuable for the answers to these 'silly questions' to be heard by the public.

This is not to say that no good reasons exist to close workshops, only that I do not consider controversy, complexity, or the potential for embarrassment, to be good reasons in themselves. Difficult or contentious issues are often the very ones that warrant the greatest level of transparency. The determination to close a workshop should always be made on the basis of what best serves the public interest, and the rationale for that determination should be as open as possible.

### **Publicising upcoming workshops**

It is important that details (time, dates, venue, and subject matter) of open workshops are publicised in advance so that members of the public can attend, and for transparency about the business the council is conducting. As a matter of good practice, councils should maintain awareness of community groups with a particular interest in topics for upcoming workshops and consider contacting them directly to encourage their attendance and contribution. This is in keeping with the principles of inclusiveness included in the LGA.

It is equally important that *closed* workshops and their subject matter are publicised, along with a suitably detailed reason for closing them. This maintains transparency and allows for members of the public to request under the LGOIMA information about the closed workshop, while also clearly identifying and safeguarding against harms to council deliberations that legitimately need to be conducted in confidence.

I saw very little evidence of consistently sound practice about publicising the timing and subject matter of closed workshops, along with the rationale for closing them. For instance, at least one council advised me that they held ‘open workshops’ yet they did not tell the public they were happening. It is difficult to imagine how a council could consider a workshop to be ‘held in public’ when the public doesn’t know about it. I am encouraged that several of the councils under investigation are now advising the public about closed workshops, their topics, and the reason they are being held in a closed session.

### Records of workshops

Many councils did not keep records of workshops. Councils would commonly explain that this was because decisions are not made in workshops and records were not required. This is not only incorrect, but counter to the principles of openness and public participation in the LGOIMA and the LGA, respectively; and may constitute a breach of the PRA. It does not matter if no decisions are made, it is good administrative practice to keep a record. How can the public, the Ombudsman or even the council *itself* look back at how council business was undertaken without having record of the information elected members were given and the discussions that resulted?

The baseline is the requirement under the PRA to ‘*create and maintain full and accurate records in accordance with normal, prudent business practice*’. LGNZ’s standing orders guide suggests:<sup>52</sup>

*A written record of the workshop should be kept and include:*

- *time, date, location, and duration of workshop*
- *people present, and*
- *general subject matter covered.*

My view is that the detail in the first and third of these bullets should be publicised before the workshop even occurs as explained in the previous section. The record made during the workshop should include all these elements, plus details of the discussion that contribute to a clear, concise and complete audit trail.

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52 Link to [The guide to LGNZ standing orders](#), Ko Tātou LGNZ, 2022, p 41.

I expect each council to adopt a standard approach to ensuring that full and accurate records are created and maintained for workshops. It is important to note that this process does not have to be as detailed as taking meeting minutes. Nor is there an expectation of a verbatim transcript of workshops. However, councils must make sure a full and accurate record is kept which should encompass not just the information presented to elected members but any substantive, deliberative discussion or debate around that material. Councils should make records publicly accessible as soon as practicable after the workshop. Where the workshop was not open to the public, councils should implement a system for revisiting those records and releasing information when and if the reason for presenting and discussing material out of public view, no longer applies.

### What councils should do now

- Adopt a principle of openness by default for all workshops (and briefings, forums etc), including a commitment to record a clear basis for closure where justified, on a case-by-case basis.
- Make sure the time, dates, venues, and subject matter, of all workshops are publicised in advance, along with rationale for closing them where applicable.
- Review practice and internal guidance for the keeping of records of workshop proceedings, ensuring they contribute to a clear audit trail of the workshop (including details of information presented, relevant debate and consideration of options). Councils may wish to consider consulting with Archives NZ to determine good practice in this respect.
- Publish workshop records on the council's website as soon as practicable after the event.
- Formalise a process for considering release of information from closed workshops.
- Consider adding a message on a relevant section of council websites stating that members of the public are able to make a complaint to me in relation to the administration of workshops.



## Accessibility

Accessibility of meetings and workshops is not guaranteed by unlocking the doors, issuing invitations, and publishing the records. If some members of the public are unable to get to the door, if they cannot access the record as published, then they are excluded as surely as if they were physically barred. Universal design in access to public spaces, and publication mechanisms built to maximise reach to all, are essential if a public body is to be truly representative and inclusive of all.

### My expectations

The United Nations Convention on the Rights of Persons with Disabilities (Disability Convention) is an international human rights agreement that New Zealand signed up to in 2007.<sup>53</sup> The purpose of the Disability Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities. As Chief Ombudsman, I have a role as an Independent Monitoring Mechanism partner, under the United Nations Convention on the Rights of Persons with Disabilities.

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53 Link to the [United Nations Convention on the Rights of Persons with Disabilities \(Disability Convention\)](#)

Councils should take all practicable steps to remove barriers to full participation in their processes. Public meetings and workshops should be made as accessible as possible to the public, keeping in mind those people with disabilities as well those with other challenges to attending meetings. This might include living a long distance from where meetings take place or being unable to attend because of the time the meeting is held.

Ideally, all councils would livestream and audio visually record their meetings, and publish the recording after the meeting. Keeping a record in this way benefits the community by making the meetings accessible to those who are not able to attend in-person. Another benefit of livestreaming is that it provides an accurate record of the public portion of the meeting is immediately available.

## My conclusions

I am pleased the majority of councils investigated are now livestreaming meetings, and those that are not have committed to live streaming or considering it in the near future. Live streaming, audio visual recording meetings, and publishing the records, can increase the transparency of meetings to the public.

Councils should also consider audio visually recording workshops and either making the recordings publicly available or letting the public know they can be requested. As discussed in [Workshops](#), the public may perceive decisions are being made behind closed doors if workshops are not open to the public. If councils take the additional measure of live streaming or audio visually recording workshops (and publishing the recording), transparency and public participation in local government will likely improve.

There are other ways councils can make meetings more accessible. For instance, meeting agendas, associated reports and minutes should be published in a searchable format, rather than 'image only' (such as scanned PDF or JPEG). Image only formats are not accessible for blind and low vision individuals using screen readers, or those with learning disabilities using read aloud applications. It also limits the ability to search documents using keywords. Ideally searchable PDF documents will also be accompanied by accessible Microsoft Word versions and the public advised that they can ask for other accessible formats if required.

Meetings and workshops should be advertised widely and on as many mediums as possible to reach a diverse range of people. Some councils advertise meetings on their website, on social media, and in their local newspapers. As discussed in [Leadership and culture](#),

councils should make sure that the links to meetings are in a prominent place on their websites' home pages. I have suggested a number of councils consider additional ways of making meeting dates and times more visible to the public.

I was pleased that there was a range of other accessibility measures in place. For instance, one council's website utilises ReadSpeaker, a text-to-speech aid which allows text to be read aloud. Another council uses NZ Relay, which is a telecommunications service for people who are deaf. The majority of council chambers are wheelchair accessible, although one public survey respondent said that one council appeared to be physically difficult to access. Disabled people have the right to take part in all aspects of community life, on an equal basis with others. Public meetings, and all public spaces, need to be accessible. To ensure appropriate accessibility and public participation, I suggested the council undertake an accessibility audit by a suitable provider to identify barriers to inclusion.

Ultimately, making spaces such as meetings and workshops accessible, and welcoming to as many people as possible means that a diverse group of people are able to participate as fully as possible in council business. Ideally, this will encourage diverse voices to participate in local government, which should lead to a council that is more representative of the community as a whole.

## What councils should do now

- All councils should aim to live stream council meetings and/or audio visually record meetings and publish the recording on their website.
- Consider live streaming and/or audio visually recording workshops.
- Consider making meeting dates and times more visible to the public.
- Ensure full agendas, including reports, supporting materials, and meeting minutes, are in a searchable format for screen readers.
- Undertake an accessibility audit to identify any barriers to inclusion and on completion of the audit, put in place a schedule of work to remedy any access issues or barriers to full inclusion of a wide range of people.

## Organisation structure, staffing and capability

I am aware that it will take some effort to fully meet expectations of good administrative practice for meetings and workshops, and that councils are juggling competing demands with limited resources. I recognise that an important way to meet and sustain the reasonable standard I expect is through the building of organisational capacity, capability and resilience, which is especially challenging for small councils. Nonetheless, organisational stewardship that fosters long-term strength and institutional integrity is fundamental to any democratic institution of whatever size.

### My expectations

I expect councils to organise their structure and resources to meet their legal obligations under Part 7 of the LGOIMA in a way that is relevant to their particular size and responsibilities. I also expect councils to make sure there is sufficient awareness of the LGOIMA and meeting administration across the organisation, and to provide coverage for key staff when they are away or if a staff member leaves.

I expect the LGOIMA function to be appropriately resourced, with roles and responsibilities clearly defined, and with resilience arrangements in place. This ensures staff are able to draw on specialist expertise when required. Sufficient resilience could involve building the skill set of a group of senior staff, combined with regular training, good resources and guidance material.

## My conclusions

I identified organisational resilience as an issue in some of the councils I investigated. Business continuity and legislative adherence may be at risk during periods where councils are overwhelmed with work or when experienced staff members leave or are temporarily absent. There was a correlation between the size of the council and organisational resilience. I was not surprised to find that the smaller councils had less governance staff and weaker resilience measures.

Each of the councils identified as having issues in this area employed under 200 staff members and either did not have a team responsible for the administration of meetings and workshops, or had a very small team. They each had one or two staff members with specialist knowledge of the LGOIMA and provided advice to the chief executive regarding meetings or workshops. There is a risk that when those staff members are away or leave a council, especially if their departure is unexpected, their institutional knowledge is lost. This effect is amplified in a small council where the absence or departure of just one staff member can have a disproportionately large impact.

I also identified specialist knowledge as an issue, particularly for smaller councils. Two of the three small councils only had one key staff member providing advice to the chief executive about items to be heard in the public excluded portion of meetings. I am concerned that where there is only one subject matter expert at the senior leadership level this will not provide adequate flexibility to allow a council to respond to short term shocks. If the COVID-19 pandemic has demonstrated anything, it is the importance of preparation.

Regular training and accurate guidance should ensure staff know enough about the legislation to make correct decisions, and not simply rely on what others have done before them, or on using standard templates. I acknowledge that templates are useful for consistency of practice. However, it is important that templates are supported by guidance and training, especially for those who do not have specialist or legal knowledge; and that templates are updated to reflect changes in practice or legislation.

I identified a number of councils as having good organisational resilience. The LGOIMA function was appropriately resourced in these councils and they were able to draw on specialist expertise when required. A number had dedicated governance and democracy teams that were responsible for administering council meetings and taking minutes.

One council in particular demonstrated that bolstering its governance team could lead to increased transparency by making improvements to practices such as releasing documents heard in the public excluded portion of meetings. The council underwent a significant internal culture shift, which included increasing the number of staff in its Governance and Democracy team and legal oversight. A number of staff survey respondents and staff meeting attendees said the strengthening of this team led to improvements in transparency.

I acknowledge that a lack of organisational resilience is a common issue among smaller councils, and it takes resources to establish formal training and guidance. I encourage councils to consider taking advantage of the expertise and existing resources of other councils within its networks, and outside of them, in order to share and develop good meeting and workshop practices. Bolstering specialist expertise and organisational resilience, including through training and resources such as guidance and process documents, will provide an extra layer of protection.

One staff meeting attendee from a smaller council said that if they have a 'curly' issue, they talk to one of their network contacts in another council. They said their surrounding councils meet up to four times a year to discuss issues and work collaboratively. The meeting attendee said the council works hard to strengthen networks. I am pleased that some of the smaller councils are taking advantage of the resources available to them and working in a collaborative way. I encourage other councils to share resources and reach out to networks if their organisational resilience or specialist knowledge is lacking.

Councils should ensure there is sufficient resilience in their structure to respond to contingencies such as staff absences or departures. Organisational risk can be reduced by investing in regular LGOIMA training and resources such as guidance, policies, and process documents, to assist them to carry out their responsibilities, particularly if a key staff member is away. I encourage councils to ensure that regular training is delivered to staff and elected members on these topics. Some staff and elected members may be proficient in these areas but I urge councils to train staff and not rely on individuals' knowledge and past experience alone. Good training and guidance provide staff with additional tools to utilise when they encounter a complex or unique problem in relation to meetings and workshops.

## What councils should do now

- Ensure sufficient staff have training in governance functions so that institutional knowledge does not rest with only a small number of staff, and processes for fulfilling these functions are written down and easily accessible.
- Explore ways of using existing networks in local government to bolster resilience in critical areas of meeting and workshop practice.
- Review the general training and guidance provided to staff, and consider approaching the Ombudsman for assistance in improving those resources or in assisting with direct training of relevant staff.

# Appendix 1. Relevant legislation

The LGOIMA sets out the principle and its overall purposes as follows:

## **4 Purposes**

*The purposes of this Act are—*

- (a) *to increase progressively the availability to the public of official information held by local authorities, and to promote the open and public transaction of business at meetings of local authorities, in order—*
  - (i) *to enable more effective participation by the public in the actions and decisions of local authorities; and*
  - (ii) *to promote the accountability of local authority members and officials,—*

*and thereby to enhance respect for the law and to promote good local government in New Zealand:...*

## **5 Principle of availability**

*The question whether any official information is to be made available, where that question arises under this Act, shall be determined, except where this Act otherwise expressly requires, in accordance with the purposes of this Act and the principle that the information shall be made available unless there is good reason for withholding it.*

Section 10 and 14 of the Local Government Act 2002:

## **10 Purpose of local government**

- (1) *The purpose of local government is—*
  - (a) *to enable democratic local decision-making and action by, and on behalf of, communities; and...*

## **14 Principles relating to local authorities**

- (1) *In performing its role, a local authority must act in accordance with the following principles:*
  - (a) *a local authority should—*
    - (i) *conduct its business in an open, transparent, and democratically*



*accountable manner; and*

- (b) *a local authority should make itself aware of, and should have regard to, the views of all of its communities; and*
- (c) *when making a decision, a local authority should take account of—*
  - (i) *the diversity of the community, and the community's interests, within its district or region; and*
  - (ii) *the interests of future as well as current communities; and*
  - (iii) *the likely impact of any decision on each aspect of well-being referred to in section 10:*
- (d) *a local authority should provide opportunities for Māori to contribute to its decision-making processes:*
- (e) *a local authority should actively seek to collaborate and co-operate with other local authorities and bodies to improve the effectiveness and efficiency with which it achieves its identified priorities and desired outcomes;*

...

(2) *If any of these principles, or any aspects of well-being referred to in [section 10](#), are in conflict in any particular case, the local authority should resolve the conflict in accordance with the principle in subsection (1)(a)(i).*

The Public Records Act 2005 sets out a fundamental obligation of all public sector organisations in section 17:

**17 Requirement to create and maintain records**

- (1) *Every public office and local authority must create and maintain full and accurate records of its affairs, in accordance with normal, prudent business practice, including the records of any matter that is contracted out to an independent contractor.*
- (2) *Every public office must maintain in an accessible form, so as to be able to be used for subsequent reference, all public records that are in its control, until their disposal is authorised by or under this Act or required by or under another Act...*

## Appendix 2. Legislative history of key terms

Part 7 of the LGOIMA has its origins in the Public Bodies Meetings Act 1962.<sup>54</sup> In 1986, officials recommended to Ministers that this Act be incorporated into a new piece of legislation to deal with access to local authority information and meetings, and this became the LGOIMA.<sup>55</sup>

Accordingly, in the Local Government Official Information and Meetings Bill<sup>56</sup> as introduced, the definition of 'meeting' largely mirrored the wording from the 1962 Act:<sup>57</sup>

*'Meeting', in relation to any local authority, includes any annual, biennial, triennial, ordinary, special, or emergency meeting of that local authority, and also includes any meeting of the representatives of 2 or more local authorities, and any meeting of a committee or a subcommittee of a local authority other than a special committee or subcommittee without power to act:*

This definition was carried into the LGOIMA as enacted in 1987.

The Hansard debates discussing the Bill, as reported back from Select Committee, contains a useful statement from the Minister for Local Government, at Second Reading:<sup>58</sup>

*The intent of clause 44 is that all council meetings, and any council committee meetings which have a decision making role, will be covered by Part VII. The meetings of the full council, and the meetings of a council committee that has decision making powers, will be open to the public unless that council or the council committee determines to go into closed session.*

This supports the view that, at the time, the intent was:

- All full council meetings be notified and open, *whether or not a decision was being made at the meeting* [emphasis added].
- The meetings of any committees of the full council only have to be notified and open where the committee is exercising a power of decision.

54 Link to the [Public Bodies Meetings Act 1962](#).

55 Report of the Working Group on Official Information in Local Government, June 1986: a report to the Minister of Local Government and the Minister of Justice / by the Working Group on Official Information in Local Government.

56 Link to [Local Government Official Information and Meetings Bill](#).

57 Clause 44

58 Second Reading of Local Government Official Information and Meetings Bill, Hansard, page 10250, 7 July 1987.

However, not long after the LGOIMA came into force, proposals to amend the definition of 'meeting' were considered by officials and Ministers. Papers prepared by the Department of Internal Affairs and the legislative history help illustrate the intended scope of section 45(2). A paper for a 'Local Government Consultative Group' in April 1988 discussed problems being posed by 'informal gatherings' taking place in councils:

*Since the Act came into force the Minister has correspondence received considering the activities of the local authorities in holding "informal gatherings" of all their Councillors, with officers present, to discuss council business (such as the estimates and relations with citizen/ratepayer groups) but with no formal agenda or minutes taken. The question was raised in correspondence whether this procedure is an attempt to circumvent the provisions of Part 7 of the Act.*

The Mayor of Hamilton City Council wrote seeking the views of the Chief Ombudsman at the time who, in reply, noted:

*There is a distinction between a 'meeting of a Council' and 'a meeting together of councillors', the latter not being in any way ... controlled or regulated provided no attempt is made to conduct Council business which is only authorised to be done at a properly constituted meeting of the Council or its subcommittees.*

The Chief Ombudsman at the time went on to say that any information arising from an informal gathering, even though it may not be contained in any official document, is clearly official information and therefore subject to disclosure in terms of the legislation.

The Minister at the time went on to comment:

*It is the view of the Minister that the conduct of 'informal gatherings' or caucusing within local authorities is legitimate and LGOIMA recognises this. However the potential does exist for local authorities to use 'informal gatherings' to reduce the level of open debate and in this way be deliberately secretive in its activities to an extent which is not in keeping with the spirit of the legislation. This is particularly of concern where the 'informal gathering' happens to consist of all of the elected members of a local authority with senior officers also present. While not wanting to affect the rights of elected members to caucus, it is felt that some action must be taken to clarify in the minds of elected members and the public, the difference between a meeting of the Council and a meeting of councillors.*

In 1989, the Minister of Local Government, Hon Michael Bassett, established a 'Working Party on LGOIMA' in response to concerns that some local authorities were conducting business of direct concern to the public committee or closed sessions. The Working Party's final report stated:

*... it may not be clear whether or not recommendatory and purely deliberative meetings are covered in the definition of the word 'meetings' in the Act.*

The Working Party noted that some submissions held that meetings of working parties and similar groups which make recommendations to parent authorities and committee, and informal meetings of councillors, ought to be open to the public. Such groups could make decisions or recommendations that could be rubber stamped by local authorities. In such circumstances decisions could be made without issues being fully debated in public.

While it appreciated the above argument, the Working Party also recognised the truth of a comment contained in a British report [the Committee of Inquiry in to the Conduct of Local Authority Business]:

*It is a simple reality, which no legislation can alter, that politicians will develop policy options in confidence before presenting the final choice for public decision. We do not think that is unreasonable. If the law prevents them from conducting such discussions in private in formal committees then they will conduct them less formally elsewhere ... It is unsatisfactory to force policy deliberation out of the formal committee system into groupings of indeterminate status. It is also unnecessary. No decisions can be taken by a local authority without it eventually being referred to a decision making committee or the Council, where there will be full public access to the meeting and documentation. Given this basic safeguard, we can see no benefit in applying the Act also to deliberative committees. We would not in any way wish to discourage individual local authorities from opening deliberative committees to the public and press if that is appropriate to their particular circumstances, but do not believe they should be required by law to do so.*

The Working Party concluded that the availability of information arising from 'working parties', similar groups and informal meetings, coupled with the need for recommendations to be confirmed at a public meeting was sufficient protection of the public's interest. In addition local authorities have discretion to open informal meetings to the public if they wish.

*The Working Party was also concerned that it may not be clear under the present definition of 'meeting' whether or not recommendatory and purely deliberative meetings are covered by Part 7 ... The Working Party sought advice from the Department*

*of Affairs. It was advised that the current legislation was unclear on this point. There is no legal convention or definition which makes it clear whether the discussion of a function is in fact part of the exercise or performance of that function.*

The Working Group did not specifically recommend a change to the definition of ‘meeting’ in the LGOIMA, but its preference *not to include* deliberative meetings in scope of Part 7 is relatively clear from the excerpts above. It appears that the Department of Internal Affairs did recommend to the Minister that the definition of meetings should be amended to make it clear that ‘deliberative’ meetings are not covered by Part 7.

The Local Government Law Reform Bill 1991 (62-1)<sup>59</sup> that was then introduced, which contained a clause that inserted a new subclause into section 45 of the LGOIMA to *‘make it clear that any meeting of a local authority that is solely deliberative in nature is not subject to Part VII of the principal Act.’*<sup>60</sup> The wording proposed was:

*(2) For the avoidance of doubt, it is hereby declared that any meeting of a local authority that is solely deliberative in nature and is a meeting at which no resolutions or decisions are made is not a meeting for the purposes of this Part of this Act.*

This clause was amended at Select Committee to remove *‘that is solely deliberative in nature and is a meeting.’* The Departmental Report stated that *‘The words “solely deliberative” are unnecessary as meetings which do not make resolutions or decisions are “solely deliberative”.’*

There was limited debate in the House about this provision (it being one small aspect of a much larger set of local government reforms), but one comment from an opposition MP at second reading is consistent with the tenor of the policy discussions outlined above:<sup>61</sup>

*We have seen in the Dominion as recently as 19 June 1991 that the [...] Council has come in for some criticism. No notification of a meeting was sent to the news media, but the council held a meeting. But was it a meeting? That is the real point. Council meetings are meetings at which decisions are made. To try to stop councils from getting together outside of the decision-making process to discuss ideas would be a very backward step.*

On 1 October 1991 the change came into force.

Two pieces of correspondence from the then Minister (Hon Warren Cooper) expanded on the intention in enacting section 45(2):

59 Link to [Local Government Law Reform Bill 1991 \(62-1\)](#).

60 From the Explanatory Note to the Bill.

61 George Hawkins, Labour MP, Manurewa, Local Government Reform Bill, Second Reading, Hansard, 20 June 1991.

*[section 45(2)] ... is not new, but rather a clarification of an existing provision. The previous definition of meeting was ambiguous and it was felt that it was unfair to expect councils to comply with the provision when they were not clear on what they were complying with. Meetings at which no resolutions or decision are made are not subject to the Act for two reasons. Firstly, it is inevitable that local authority members will sometimes initially discuss matters in private. It is better that they can do so at formal meetings which all members may attend than at private meetings to which some members may not be invited. Secondly, decisions cannot be made at such meetings. Any meeting which does require a resolution, even if that resolution is only recommendatory, is subject to Part 7 and must be publicly notified and open to the public. Local authorities therefore can only decide to hold meetings that do not comply with Part 7 of LGOIMA where they are certain, in advance of the meeting, that they will not be making decisions or recommendations.<sup>62</sup>*

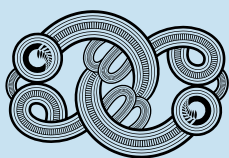
**And:**

*While local authorities are not required to publicly notify informal meetings it is at their discretion to do so and you might like to suggest to the Deputy Mayor that these meetings be publicly notified ... In any case, any information generated from informal meetings is official information under LGOIMA and may be requested under that Act.<sup>63</sup>*

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62 Undated letter to G Liddell.

63 Letter dated 13 November 1991 to Secretary of the Te Atatu Residents and Ratepayers Association.



**Ombudsman**  
Tuia kia ōrite · Fairness for all

**BULLER DISTRICT COUNCIL**

**13 DECEMBER 2023**

**AGENDA ITEM: 9**

**Prepared by** Bronwyn Little  
Senior Policy Advisor

**Reviewed by** Sean Judd  
Group Manager Regulatory

**Attachments** 1. Keeping of Animals Bylaw 2023

**KEEPING OF ANIMALS BYLAW 2023**

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**1. REPORT SUMMARY**

This report outlines the process that has been undertaken to review the Keeping of Animals Bylaw 2008. The outcome of two periods of public consultation which has informed the final proposed bylaw under consideration is discussed along with the deliberations of the Regulatory and Hearings Committee on this matter. The bylaw which is recommended for adoption is also outlined and attached. The report seeks Council's approval and adoption of this bylaw.

**2. DRAFT RECOMMENDATION**

**That the Council:**

- 1. Determines that, in accordance with section 155 of the Local Government Act 2002, the Council is satisfied that the Keeping of Animals Bylaw 2023:**
  - a. is the most appropriate way of addressing the perceived problems**
  - b. is the most appropriate form of bylaw; and**
  - c. does not give rise to any implications under the New Zealand Bill of Rights Act 1990;**
- 2. Determines that it has followed the required Special Consultative procedure as set out in the Local Government Act 2002;**



3. **Adopts the Keeping of Animal Bylaw 2023,**
  - a. **As attached in Attachment 1; OR**
  - b. **As attached in Attachment 1 with the following amendment:**
    - **Definition of individual household unit**
    - **Keeping of cats provisions section 7.1 to 7.3 replace 'property' with 'individual household unit';**
4. **Approves the commencement date of 20 December 2023;**
5. **Revokes the existing Buller District Council Keeping of Animals Bylaw on 20 December 2023**
6. **Thanks all those members of the community and organisations who made submissions to the draft bylaw.**

### **3. ISSUES & DISCUSSION**

#### **3.1 Initial Review:**

In August 2020 Council reviewed a number of bylaws, including the Keeping of Animals Bylaw 2008, under the provisions of the Local Government Act 2002. At that time Council resolved that the Keeping of Animals Bylaw 2008 was appropriate to remain as a stand alone bylaw and that a bylaw was the most appropriate way to address the perceived problems (protecting the public from nuisance caused by animals being kept within the District). It was noted that there was a need for future amendments following the process outlined in the Local Government Act 2002.

#### **3.2 Proposed Bylaw:**

In June 2022 Council directed staff to progress the draft Keeping of Animals Bylaw for public consultation after changes were made to the document at direction of the Regulatory and Hearings Committee and a full legal review.

The draft bylaw was very different to the Model General Bylaw - The Keeping of Animals which had been adopted in 2008 along with an amendment relating to the keeping of cats. The draft bylaw covered a wider range of issues to deal with more of the perceived nuisances related to keeping animals, in particular in urban areas which were defined with maps.

#### **3.3 Public Consultation – Phase 1**

In September and October 2022 Council consulted on the Proposed Keeping of Animals Bylaw 2022 with the publication of the Statement of Proposal and draft Keeping of Animals Bylaw 2023. Public Notices were

placed in local papers and the Council website had a full page dedicated to the proposed bylaw with copies of all the relevant documents, including a submission form and link to a Survey Monkey submission form. There were regular reminders on the Council Facebook page and copies of all the documents were in libraries, Reefton Service Centre and other locations around the district.

In total, 63 submissions were received from around the district and also from national organisations (five submissions did not have any attached explanation).

The issues that were raised covered many aspects of the proposed bylaw as follows:

- Urban Area Boundaries (Appendix One)
- Keeping of cats in an urban area (section 7, p.3)
- Keeping of Poultry in an urban area and Poultry houses and poultry runs (Section 8, p. 3 and Section 9, p.4)
- Bee-Keeping and Keeping Bees in an urban area (Section 10 p.5)
- Keeping of Livestock in an urban area (Section 11, p.6)
- Pig keeping (section 12, p.6)
- Slaughter of Livestock (Section 13, p.7)
- Commercial vs. Domestic animal keeping
- Existing use rights
- Clarification and further definition
- Bylaw itself

### **3.4 Hearing and Deliberations Phase 1**

The Regulatory and Hearings Committee held a hearing in December 2022 which was attended by nine of the submitters. The committee then deliberated on all the submissions and, at their meeting on 15 March 2023 resolved to make changes to the proposed Keeping of Animals Bylaw 2022.

These changes related to:

- Definition of Urban Area – areas to be confined to Westport, Carters Beach and Reefton

- Keeping of Cats in Urban Areas – reduction in maximum number to 2 per property and all cats to be desexed, microchipped and registered with the New Zealand Companion Animal Register.

As these changes were considered significant a further round of public consultation was undertaken.

### **3.5 Public Consultation Phase 2**

During July 2023 the Statement of Proposal and draft bylaw incorporating the changes proposed above was publicly notified. The process was the same as that outlined above in 3.3.

In total 33 submissions were received from around the district and from organisations such as Companion Animals NZ, the SPCA and Forest & Bird. Of these, 30 submitters completed, the formal submission form either on-line or a paper copy. The remaining 3 submitters wrote comments generally responding to the proposed amendments. A summary of the submissions and copies of all the submissions can be found in the Regulatory and Hearings Committee Agenda 29 November 2023.

### **3.6 Hearing and Deliberations Phase 2**

The Regulatory and Hearings Committee held a hearing on the 29<sup>th</sup> of November 2023 which was attended by five of the submitters. They determined the following (please note at the time of writing this report the actual minutes of the meeting were not available):

- a. Endorse restriction of Urban Areas to Westport, Carters Beach and Reefton
- b. Amend the Westport Urban Area plan to exclude those outlying properties identified in Submissions no. 10 and No. 23.
- c. Endorse the provisions related to restrictions on the Keeping of Cats (Section 7) to Urban Areas only;
- d. Endorse the age for desexing, microchipping and registering cats in the Keeping of Cats provisions (Section 7.6) at 6 months;
- e. Clarified that the number of pigs on any urban area property (Keeping of Pigs, Section 12) shall not exceed 2 (Section 12.1).
- f. Endorse the use of the term 'property' in relation to the Keeping of Cats provisions in order to remain consistent with the rest of the bylaw provisions;

- g. Request further information regarding merits of restricting to 2 the number of cats permitted per 'property' or per 'household or dwelling' in urban areas and the use of applications for exceptions to the provision.

Attachment 1 to this report reflects the above decision with the exception of item g.

With regard to 'g'. above the request for further information regarding the use of property or household/dwelling.

- Both dwelling and property are defined in the bylaw.
- The term Dwelling is defined as: *means any separately occupied household unit used in whole or in part for human habitation, and includes any building, tent, vehicle or other structure, whether permanent or temporary and whether attached to the soil or not.*
- The term Property is defined as: *means any parcel of land that is occupied or unoccupied* (The term parcel being a legal definition).
- Exemptions to the maximum number of cats (two) per property (7.1 to 7.3) would be managed through a simple application process to Council. Section 7.2 clearly states the matters which will be taken into consideration when staff are assessing the application. A minimal fee could be charged to cover staff time and that fee would be set in the Annual Plan Fees and Charges each year.

It is considered that the term dwelling as currently defined in the Bylaw would not be suitable as a reference for keeping cats as it is very wide and tents or vehicles for example would not provide adequate housing for cats (as required under Section 7.2).

A new term would therefore need to be added as the definition of dwelling is used as a term elsewhere in the bylaw and should not therefore be removed. Finding a relevant definition for household, for example, is difficult to find. Most refer to the relationship of people within a house. Given the timeframe for preparing this report it is not possible to provide a clear definition of another term which could be used. Staff may be able to provide further advice at the Council meeting.

Regardless of the term used it is considered that the application and exemption provisions are the best way to deal with those who wish to have more than two cats on any property. In a situation where there is more than one 'dwelling unit' on a property an application and minimal fee to cover staff time spent considering the application would be required. This is not considered to be particularly onerous and would reflect the intention of the bylaw to restrict nuisance to neighbours living adjacent.

### 3.7 Options

Option	Advantages	Disadvantages
Adopt the Keeping of Animals Bylaw 2022 as first notified	<ul style="list-style-type: none"> <li>• Compliant with LGA 2002 requirements for an operative bylaw</li> <li>• More comprehensive bylaw than the existing General Model bylaw</li> <li>• Addresses issues around nuisance which were identified early in the process e.g. impact of roosters in Westport</li> </ul>	<ul style="list-style-type: none"> <li>• Disregard for public consultation and opinions of those who made submissions</li> <li>• Not addressing the issues identified by staff and submitters regarding keeping cats</li> <li>• Urban area definition would still include settlements which were the subject of submissions (to exclude)</li> <li>• Impact on staffing time and resources to deal with the new provisions in the bylaw</li> </ul>
Adopt the Keeping of Animals Bylaw 2023 (Attachment 1)  <b>RECOMMENDED</b>	<ul style="list-style-type: none"> <li>• As above</li> <li>• Compliant with LGA 2002 requirements for an operative bylaw</li> <li>• Takes into consideration the submissions received during both phases of public consultation</li> <li>• Demonstrates forward thinking with regard to keeping cats and the negative impacts cats can have in urban areas</li> <li>• Provides an opportunity for promoting responsible cat ownership</li> </ul>	<ul style="list-style-type: none"> <li>• Impact on staffing time and resources to deal with the new provisions in the bylaw</li> <li>• Further requirements on those who keep cats in urban areas</li> <li>• Costs for desexing and microchipping cats</li> </ul>
Adopt the Keeping of Animals Bylaw 2023 (Attachment 1) with change to	<ul style="list-style-type: none"> <li>• Removes need for applications and assessment for individual households</li> </ul>	<ul style="list-style-type: none"> <li>• Overall number of cats in urban areas less controlled</li> </ul>

<p>Keeping of Cats provisions applying max. number to 'individual household units' and adding a definition</p>	<p>(max. number for each being 2)</p> <ul style="list-style-type: none"> <li>• Provides for those who are living in multi-unit housing to keep up to 2 cats per unit</li> </ul>	<ul style="list-style-type: none"> <li>• Requires additional legally binding definition of household unit</li> <li>• For properties with a large number of units such as retirement villages or several attached units the negative impact on neighbouring properties would increase.</li> </ul>
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#### 4. CONSIDERATIONS

##### 4.1 Strategic Impact

This bylaw is in keeping with Council's strategic direction by managing nuisance caused by animals in the district thereby contributing to the well-being of the community.

##### 4.2 Significance Assessment

Bylaws require community consultation prior to adoption under the Local Government Act 2002. Council has fulfilled its obligation under the Local Government Act 2002 in terms of public consultation both for the original draft bylaw and the revised bylaw resulting from the first round of consultation.

##### 4.3 Risk Management Implications

Council needs an effective mechanism to mitigate the impacts of certain animals being kept on private property and an effective mechanism in order to address any legitimate complaints. The draft bylaw 2023 provides this mechanism.

##### 4.4 Values

The Buller District Values of particular relevance are: Community Driven: and Future Focussed

##### 4.5 Policy / Legal Considerations

Before adopting the proposed Bylaw, Council must consider whether there are any implications under the New Zealand Bill of Rights Act 1990 (NZBORA). It is considered that none of the bylaw versions discussed in 3.7 above have NZBOR implications.

##### 4.6 Tangata Whenua Considerations

There are no specific tangata whenua considerations identified.

**4.7 Views of Those Affected**

Under the Local Government Act 2002 there is a statutory requirement for public consultation to be undertaken in accordance with Section 83, Special Consultative Procedure when reviewing a bylaw. This process has been followed twice to ensure the community had an opportunity to provide their views and concerns directly to Council on the issues covered in the bylaw.

**4.8 Costs**

There is no financial implication relevant to this decision. Any additional workload resulting from enforcing the provisions of the bylaw can be covered within existing budgets. The cost of processing applications for exemptions to the bylaw provisions will be covered by application fees set under Fees and Charges in the Annual Plan.

**4.9 Benefits**

The benefits of adopting the draft bylaw are covered in section 3.7 above

**4.10 Media / Publicity**

There has been and will be interest from the media in the decision to adopt the new Keeping of Animals Bylaw which will be managed by Council's Communications team.

**BULLER DISTRICT COUNCIL**

**KEEPING  
OF  
ANIMALS  
BYLAW  
2023**



## Keeping of Animals Bylaw 2022

Buller District Council

### 1 Title and Commencement

- 1.1 The title of this bylaw is the Buller District Council Keeping of Animals Bylaw 2023.
- 1.2 This bylaw comes into force on 20 December 2023.

### 2 Authority

- 2.1 This bylaw is made under:
- a) Sections 145(a) and (b) and 146(a)(v) of the Local Government Act 2002; and
  - b) Section 64(1)(a), (i), (j), and (m) of the Health Act 1956.

### 3 Purpose and application

- 3.1 The purpose of this bylaw is to:
- a) Regulate the keeping of animals (including pigs, poultry, bees, livestock and cats) in the district to protect, maintain and promote public health and safety and to avoid causing a nuisance to any person; and
  - b) Regulate the slaughtering of animals in the district so as not to be offensive and to avoid causing a nuisance to any person.
- 3.2 This bylaw shall apply to Buller District.

### 4 Exclusions

- 4.1 This bylaw does not apply to:
- a) Any animal kept in a zoo; or
  - b) Any dog.

### 5 Interpretation

- 5.1 In this bylaw unless the context otherwise requires:

**Animal** means any member of the animal kingdom, including any mammal, bird, finfish, shellfish, reptile, amphibian, insect or invertebrate, and includes their young, their carcasses or constituent parts of that animal, but does not include a human being or a dog.

**Approval** means a written approval from the Council.

**Bylaw** means this Buller District Council Animals Bylaw 2023.

**Council** means Buller District Council or any person delegated to act on its behalf.

**District** means the district within the jurisdiction of Buller District Council.

**Domestic animal** means any cattle, sheep, poultry, horse, mule, ass, dog, cat, pig, rabbit, or goat; but does not include any such animal that is living in a wild state.

**Dwelling** means any separately occupied household unit used in whole or in part for human habitation, and includes any building, tent, vehicle or other structure, whether permanent or temporary and whether attached to the soil or not.

**Livestock** includes any cattle, sheep, deer, horse, donkey, hinny, mule, goat, thar, alpaca, llama, bison, ostrich, emu, pigs or any other herd animal, regardless of age or sex.

**Nuisance** means any unreasonable interference with the peace, comfort or convenience of another person and includes a nuisance as defined in section 29 of the Health Act 1956, and includes the following:

- a) where any accumulation or deposit of any waste or other similar material is in such a state or so situated as to be offensive;
- b) where any buildings used for the keeping of animals are so constructed, situated, used, or kept or are in such a condition, as to be offensive; and
- c) where any noise emitted by an animal unreasonably interferes with the peace, comfort, and convenience of any person.

**Occupier** (of any property) means the person occupying the property.

**Owner** (of any property) means any person who would be entitled to receive the rent of the property, or would be so entitled if the property were let at a rent, and includes any person for the time being registered under the Land Transfer Act 2017 as the owner of the property.

**Person** includes an individual, a corporation sole, a body corporate, and an unincorporated body.

**Poultry** means any live, domesticated or farmed bird including, but not limited to, chicken, rooster, goose, duck, turkey, swan, pheasant, or peafowl.

**Property** means any parcel of land that is occupied or unoccupied.

**Urban area** means the land identified in the plans attached in Appendix 1 of this bylaw.

**Waste** has the same meaning as in section 5 of the Waste Minimisation Act 2008.

**Zoo** means a place where animals are kept for public exhibition, education, or entertainment, and includes a zoological garden.

5.2 A reference in this bylaw to any Act, Regulation or Rule, includes any amendment thereof, and any Act, Regulation or Rule in substitution therefor.

5.3 The Legislation Act 2019 applies to this bylaw.

## 6 Keeping of animals

- 6.1 No person shall keep, or allow to be kept, on any property any animal (including, but not limited to, livestock, poultry and bees):
- a) which causes a nuisance through noise, smell, dust or through the attraction of flies; or
  - b) in a manner that is or is likely to become:
    - i) a nuisance; or
    - ii) offensive to the occupier of any neighbouring property; or
    - iii) injurious to the health of any person.
- 6.2 Clause 6.1 will apply regardless of whether a person has complied with any other provisions of this bylaw.
- 6.3 Any person keeping an animal (other than cats or bees) must confine the animal within the boundaries of the property where the animal is usually kept.
- 6.4 Clause 6.3 of this bylaw does not prevent a person from driving, leading or riding any animal.
- 6.5 No person shall release or abandon a domestic animal.

## 7 Keeping of cats in an urban area

- 7.1 No person shall keep, or allow to be kept, more than two (2) cats over the age of six months on any property in an urban area, except with the written approval of the Council.
- 7.2 Before granting any approval under clause 7.1 of this bylaw, the Council must be satisfied that:
- a) the cats will be adequately housed and that no nuisance will result; and
  - b) any other lawful requirements of the Council have been satisfied including any relevant provisions of the Operative Buller District Plan.
- 7.3 The approval of the Council under clause 7.1 of this bylaw may include such terms and conditions as the Council considers appropriate in the circumstances, including requiring the cats to be desexed.
- 7.4 Any person to whom an approval has been given under clause 7.1 of this bylaw must comply with the terms and conditions of the approval.
- 7.5 Nothing in clause 7.1 of this bylaw applies to a lawfully established SPCA facility or other animal shelter, or a lawfully established veterinary clinic or cattery.
- 7.6 Any cat over six (6) months must be:
- a) Microchipped and the cat's microchip registered with the New Zealand Companion Animal Register and
  - b) Be de-sexed, unless:
    - i. The cat is kept for breeding purposes; and registered with a nationally recognised cat breeder's body OR
    - ii. The owners provide a certificate from a veterinarian stating that the de-sexing of the cat will adversely affect its health and/or welfare.

## 8 Keeping of poultry in an urban area

- 8.1 No person shall keep, or allow to be kept, any roosters, ganders or peacocks on any property in an urban area.
- 8.2 No person shall keep, or allow to be kept, more than 12 head of poultry on any property in an urban area.
- 8.3 A person who keeps poultry on any property in an urban area must ensure the poultry are confined to that property by providing either:
- a) an enclosed poultry house with an attached poultry run; or
  - b) an enclosed poultry house and adequate fencing of the property;
- and the poultry house and poultry run (if any) must comply with clause 9 of this bylaw.
- 8.4 A person who keeps poultry on any property in an urban area must ensure that the poultry do not cause a nuisance to any person, including a noise nuisance or odour nuisance.
- 8.5 If poultry on any property in an urban area cause a nuisance, the Council may by written notice to the owner or occupier require the owner or occupier to abate the nuisance.
- 8.6 Any owner or occupier who receives a notice under clause 8.5 of this bylaw must, without delay, act to abate the nuisance as required by the notice.

## **9 Poultry houses and poultry runs**

- 9.1 A person who keeps chickens on any property in the District must ensure:
- a) The chickens have access to shelter from adverse weather that is likely to cause heat or cold stress, and to reduce the risk of predation; and
  - b) Openings provided for the chickens to access an outside area are wide enough to enable the chickens to freely move to and from the outdoors at all times without risk of smothering or injury; and
  - c) Where access to an outside area is provided it must be managed to prevent the development around the poultry house of muddy, dusty or contaminated conditions to an extent that could be harmful to the chickens' health; and
  - d) Precautions are taken to protect the chickens from pests, including predators.
- 9.2 No person shall place, or allow to be placed, any poultry house or poultry run:
- a) Within ten metres of any dwelling on any neighbouring property; or
  - b) Within two metres of the boundary of any neighbouring property.
- 9.3 Every poultry house and poultry run must be adequately graded and drained and must be kept clean and in good repair.
- 9.4 No person shall discharge effluent from a poultry house or poultry run in such a manner as to cause a nuisance.
- 9.5 If a poultry house or poultry run on any property causes a nuisance, the Council may, by written notice to the owner or occupier, require the owner or occupier to abate the nuisance.

- 9.6 Any owner or occupier who receives a notice under clause 9.5 must, without delay, act to abate the nuisance as required by the notice.

## **10 Beekeeping**

- 10.1 No person shall keep, or allow to be kept, any bees on any property in the District if the keeping of the bees is, or is likely to become, dangerous or injurious to the health of any person, or cause a nuisance to any person.
- 10.2 A person who keeps bees on any property in the District must ensure that hives are positioned so as to not cause a nuisance to any person.
- 10.3 If bees cause a nuisance to any person, or may be dangerous or injurious to the health of any person, the Council may by written notice require the beekeeper, or the owner or occupier of the property on which the bees are kept, to undertake one or more of the following steps to mitigate or abate the nuisance or danger:
- i) ensure the bees are kept in accordance with the Apiculture NZ Code of Conduct and/or similar code of conduct;
  - ii) relocate the hives to another area on the property;
  - iii) develop a flight management plan and submit this to the Council for approval by the Council to ensure that the bees flightpath is diverted from or made to go a minimum of 1.8 metres high over an adjacent property, footpath, or road;
  - iv) reduce the maximum number of hives allowed on the property; and/or
  - v) remove some or all of the existing hives from the property.
- 10.4 Any beekeeper, owner, or occupier who receives a notice under clause 10.3 of this bylaw must, without delay, comply with the notice.

### **Keeping of bees in an urban area**

- 10.5 No person shall place, or allow to be placed, more than two hives on any property in an urban area, except with the written approval of the Council.
- 10.6 Before granting any approval under clause 10.5 of this bylaw the Council must be satisfied that:
- a) increasing the number of hives will not cause a nuisance or be injurious to the health of any person; and
  - b) the property on which the hives are located is in excess of 1,500 m<sup>2</sup>.
- 10.7 Any approval granted by the Council under clause 10.5 may provide for the placement of up to and including four hives.
- 10.8 Any approval granted by the Council under clause 10.5 of this bylaw may include such terms and conditions as the Council considers appropriate in the circumstances.
- 10.9 Any person to whom an approval has been given under clause 10.5 of this bylaw must comply with the terms and conditions of the approval.

## **11 Keeping of livestock in an urban area**

- 11.1 No person shall keep, or allow to be kept, any livestock on any property in an urban area at a distance less than two metres from a boundary of any adjoining property if the presence of the

livestock within that area causes a nuisance to any person.

- 11.2 A person who keeps livestock on any property in an urban area must ensure that the livestock do not cause a nuisance to any person, including a noise nuisance or an odour nuisance.
- 11.3 If livestock on any property in an urban area cause a nuisance, the Council may by written notice to the owner or occupier require the owner or occupier to abate the nuisance.
- 11.4 Any owner or occupier who receives a notice under clause 11.3 must, without delay, act to abate the nuisance as required by the notice.

## **12 Keeping of pigs in an urban area**

- 12.1 No person shall keep, or allow to be kept, more than two (2) pigs on any property in an urban area.
- 12.2 A person who keeps pigs on any property in an urban area must ensure that the pigs do not cause a nuisance to any person, including a noise nuisance or an odour nuisance.
- 12.3 No person shall:
  - a) keep, or allow to be kept, pigs on any property in an urban area in such a manner as to cause a nuisance, or likely to be injurious to the health of any person, or be offensive; or
  - b) discharge effluent from a pigsty in such a manner as to cause a nuisance.
- 12.4 If pigs or a pigsty on any property in an urban area cause a nuisance, the Council may by written notice to the owner or occupier require the owner or occupier to abate the nuisance.
- 12.5 Any owner or occupier who receives a notice under clause 12.4 must, without delay, act to abate the nuisance as required by the notice.

*Note: The Operative District Plan contains provisions on the keeping of pigs. All pig farmers must also comply with the provisions of the Biosecurity Act 1993, Animal Welfare Act 1999 and any other relevant regulations.*

## **13 Slaughter of livestock**

- 13.1 A person responsible for the slaughter of any livestock must ensure:
  - a) the slaughter is carried out in such a way that it cannot be seen by any other person nearby;
  - b) the processing of the slaughtered livestock (including skinning, gutting, and cutting of a carcass is carried out in such a way that it cannot be seen by any other person nearby;
  - c) the waste associated with a slaughter is disposed of in such a way that it cannot be seen by any other person nearby; and
  - d) the slaughter and the processing of the slaughtered livestock does not cause a nuisance or be offensive to any other person nearby.
- 13.2 A person responsible for the slaughter of any livestock must ensure:
  - a) any waste associated with the slaughter of livestock is immediately removed: and
  - b) the body or part of the body of any slaughtered livestock is disposed of in a manner that will not cause a nuisance (including producing odour), become a threat to the health of any person, or otherwise become offensive to any person nearby.
- 13.3 For the purposes of clause 13 of this bylaw:

**A person responsible for the slaughter of any livestock** includes:

- a) the owner of the livestock concerned;
- b) any person contracted or otherwise engaged to perform the slaughter; and
- c) any person carrying out the slaughter and associated processing and disposal.

**Any person nearby:**

- a) includes a person on a neighbouring property, whether in a dwelling on that property or not, and a person in a dwelling on the property where the slaughter is carried out; but
- b) excludes any person responsible for the slaughter of the livestock.

- 13.4 If clauses 13.1 and 13.2 are not complied with, the Council may by written notice to the person responsible for the slaughter of the livestock, as set out in 13.3, require the person responsible to abate the nuisance.
- 13.5 A person responsible for the slaughter of livestock who receives a notice under clause 13.4 must, without delay, act to abate the nuisance as required by the notice.

## **14 Fees**

- 14.1 The Council may prescribe fees payable for any approval by the Council under this bylaw.

## **15 Offences and Penalties**

- 15.1 Every person who fails to comply with this bylaw commits an offence and is liable to enforcement action by the Council and the penalties set out in the Local Government Act 2002 or the Health Act 1956, as the case may be.
- 15.2 Notwithstanding the above, nothing in this Bylaw prevents the Council from exercising its powers under the Health Act 1956 or Resource Management Act 1991.

## **16 Repair and Removal of Works in breach of bylaw**

- 16.1 The Council may repair, remove, or alter, or cause to be repaired, removed, or altered, any work, material, or thing erected or done in breach of this Bylaw, and may recover from any person responsible for the work, action, or thing, all expenses incurred by the Council in connection with the repair, removal, or alteration (including the cost of debt collection and legal fees incurred by the Council).

## **17 Revocation**

- 17.1 All bylaws previously made by the Council which relate to the keeping of animals are hereby revoked.

Carters Beach





## Westport



Reefton



## **BULLER DISTRICT COUNCIL**

**13 DECEMBER 2023**

**AGENDA ITEM: 10**

**Prepared by** Bronwyn Little  
Policy Advisor

**Reviewed by** Steve Gibling  
Chief Executive Officer

**Attachments** 1. Memo: Department of Internal Affairs 1951)

### **NGAKAWAU HALL – HISTORY AND OWNERSHIP**

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

This report outlines the history of the Ngakawau Hall which was built in 1953 by the Buller Mining Districts Community Centre Society (BMDCCS). The current ownership of the hall has been clarified as a result of information received from the Northern Buller Communities Society (NBCS) which is included in the report. The report explains further that the NBCS and BMDCCS are working together to ensure the hall is owned and managed for the benefit of the community. It concludes that neither the Buller District Council nor the Ngakawau-Hector Reserve Subcommittee own the hall.

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

**That Council:**

- 1. Receives this report for information;**
- 2. Notes that the Ngakawau Hall, located on the Ngakawau Hector Reserve was built by the Buller Mining Districts Community Centre Society;**
- 3. Notes that the Northern Buller Communities Society is in discussions with the Buller Mining Districts Community Centre regarding future management by way of a memorandum of understanding;**
- 4. Acknowledges that neither the Buller District Council nor the Ngakawau Hector Reserve Subcommittee owns, or is responsible for the management, of the hall;**

5. **Instructs the Chief Executive Officer to remove the Ngakawau Hall from Council's asset registers;**
6. **Instructs the Chief Executive Officer to work with the Northern Buller Communities Society and the Ngakawau-Hector Reserve Subcommittee to calculate a fair and equitable division of finances held in the existing Hall and reserve joint bank account;**
7. **Notes that a Licence to Occupy is to be granted to the Northern Buller Communities Society for the hall and that this will be included in the future Reserve Management Plan for the reserve; and**
8. **Thanks the Northern Buller Communities Society for providing the historical information regarding the hall and for their ongoing support to the community.**

### **3. ISSUES & DISCUSSION**

#### **3.1 War Memorial Halls in Northern Buller**

In the 1940s the Buller Mining Districts Community Centres Society (BMDCCS) was formed with the support of the Miner's Unions (a penny for each pound of wages went into a welfare fund). A central district body was formed to administer the funds. The movement aimed to improve physical amenities in the mining communities, providing facilities for recreation, acquiring buildings for social, recreation and cultural activities and encouraging adult education.

With the cooperation of local authorities roads were paved, street lights provided and bus shelters constructed in the mining towns between Waimangaroa and Mokihinui/Waimarie. The next step was the provision of playing fields and development of buildings suitable for community centres.

In the late 1940s and 1950s War Memorial Halls were being built throughout New Zealand by volunteer and local community groups with assistance from the Department of Internal Affairs. The Department would provide a financial subsidy, usually around 50% of the total cost.

By 1953 there were nine Buller Mining District Community Centres - Denniston, Birchfield, Millerton, Ngakawau, Granity, Seddonville, Waimangaroa, Stockton and Waimarie.

#### **3.2 Ngakawau Hall**

Recent discussions with the Northern Buller Communities Society (NBCS) have clarified the history of the Ngakawau Hall.

The BMDCCS applied for a subsidy from the Department of Internal Affairs for a proposed centre to consist of a gymnasium, dressing rooms and a general purpose room for library, play centre and Plunket room activities. In order to secure the subsidy, the then Buller County Council agreed to support the subsidy application, however it (the Council) made it very clear that the Council would not bear any expenses at any time or assume any responsibility for operations and maintenance. The intention was clear that construction costs, operations, all future maintenance and thus implied ownership of the building, were in the hands of the BMDCCS.

The subsidy was granted to the BMDCCS (as the controlling authority) in 1951 (see Attachment 1) and they built the centre, in stages, which was opened 70 years ago on 29 November 1953.

The hall is built on land which is part of what is now known as the Ngakawau-Hector Reserve. In 1949 the land was part of a larger land purchase by the Department of Lands to meet 'urgent recreational and housing requirements in the locality'. Although not formally classified as a Domain until it was gazetted in 1955, it would appear that the land was administered by the Hector Domain Board at the time the hall was built.

At the time, the Department of Internal Affairs noted that the Hector Domain Board and the Community Centre Association were essentially one and the same thing in the case of Ngakawau. From our discussions with the NBCS it has become clear that same people who were part of the BMDCCS were also serving on the Domain Board and effectively operating as one body.

However, neither organisation ceased to exist or relinquish any of its authority over the reserve itself (Domain Board) or the community centre (BMDCCS).

### **3.3 Local Government Reorganisation 1989**

The Local Government (West Coast Region) Reorganisation Order 1989 (Gazette Notice 1989/2517) Reorganisation Order disestablished the Domain/Reserves Boards and brought the roles, functions and property of the Domain/Reserves Boards under the responsibility of the newly formed Buller District Council.

At the time of the Reorganisation Order, it can be considered that the building was still owned by the BMDCCS and still being administered by people whose membership of the Domain Board had originated from the 1950's arrangement described above.

After 1989 the new Buller District Council formed subcommittees of the Operations Committee, known as Reserve Committees, to manage the reserves which had formally been administered by Domain/Reserves

Boards. These Reserves Committees operated much as the former Domain/Reserves Boards had operated and were fairly independent from Council. Financial summaries were however provided to the Council's Corporate Services team annually for reporting purposes.

In the 1990s Council offered to put the hall on its insurance schedule in a partnership with the community which was understood to be saving the community costs through its bulk buying power. However, Council continued to send the committee a bill every year to cover the amount paid in insurance for the building in line with the 1950's agreement.

### **3.4 Reserves and Halls Subcommittees 2019/2020**

In 2019 legal advice was received which recommended a review and realignment of the reserve committees. This resulted in the creation of 11 subcommittees under the Community Services and Environment Committee. One of which was the Ngakawau-Hector Reserve and Hall Subcommittee.

It should be noted that at the time, if a community hall was located on a reserve then the management of hall was included in the responsibilities of the subcommittee. This decision was based on the provisions of the 1989 Reorganisation Order which transferred the property of former Domain/Reserves Boards to the Buller District Council.

In the case of the Ngakawau Hall it has now become clear that the hall was not in fact owned by the Domain Board and was therefore not an asset which was able to be transferred.

### **3.5 Moving Forward**

Taking the history of the Ngakawau Hall, as set out in this report, into account it is considered that the hall should not have been considered to be the property of the Ngakawau-Hector (Domain) Reserve Board at the time of the Reorganisation Order.

The NBCS has advised that they have approached the BMDCCS with a view to entering into a memorandum of understanding which would formally transfer management of the hall to the NBCS. This is intended to allow the NBCS to better manage the hall both now and into the future on behalf of the local community.

In order to move positively into the future it is recommended that:

- Council formally recognise and acknowledge that ownership and management of the hall is not the responsibility of either the Council or the Ngakawau-Hector Reserve Subcommittee.

- Council staff work with NBCS to formalise a licence to occupy for the hall (on the successful completion of a memorandum of understanding between BMDCCS and NBCS). This Licence to Occupy will be acknowledged in the future Reserve Management Plan.
- Council staff work with NBCS and the Ngakawau-Hector Subcommittee to formulate a fair and equitable division of funds in the current joint bank account based on recent historical contributions and costs for the hall and the reserve (land).

For clarification the Ngakawau-Hector Reserve Subcommittee will still be responsible for the land which forms the Ngakawau-Hector Reserve. That includes the land under and around the hall, the adjoining grassed area and playing fields along with the reserve area just north of the bridge and some land up on the hillside.

## 4. CONSIDERATIONS

### 4.1 Strategic Impact

This decision recognises the importance of acknowledging the history of the district, the importance of local community groups such as the BMDCCS and the NBCS and their valuable contribution to the well being of our community.

### 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.

### 4.4 Values

This decision aligns very well with the Buller District Values: Community Driven, Future Focussed

### 4.5 Policy / Legal Considerations

It is considered that the information provided by the NBCS relating to the historical and current ownership of the Ngakawau Hall is sufficient to establish that neither Council or the Ngakawau-Hector Reserve Subcommittee has ownership or responsibility in the matter. It is understood that discussions between the BMDCCS and NBCS are likely to result in a memorandum of understanding which will provide Council and the subcommittee with a clear understanding of the future responsibilities of both parties.

This will in turn allow Council and the subcommittee to enter into a licence to occupy which will ensure the hall continues to provide the community with much needed services and opportunities from its current location. The hall will be recognised and provided for in the future Reserve Management Plan.

**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 has been informed by consultation with representatives from the NBCS who have provided important and extensive background information and advice regarding the history of the hall and reserve.

**4.8 Costs**

There is no financial implication relevant to this decision for the Long Term Plan and Annual Plans.

Currently the reserve and hall have a joint bank account where income and expenses for both facilities are handled. Income comes from sources such as hall hire, licences to occupy for land within the reserve and hire of the reserve. Expenditure is related to hall maintenance, repairs and development along with reserve costs such as playing field maintenance.

It is recommended that Council staff work with the NBCS and the subcommittee to reach an equitable division of current funds in the joint bank account based on an analysis of income and expenditure for each facility (hall and reserve).

**4.9 Benefits**

This decision clarifies for both the Council and the community a situation which has been causing considerable concern. By recognising the unique history of the Ngakawau Hall, Council is acknowledging the significant contribution that the BMDCCS has made to the well-being of the local community. It is also recognising and supporting the important role of the NBCS in meeting the social needs of the Northern Buller communities in the future.

**4.10 Media / Publicity**

There is likely to be interest in this decision from the media and Council staff will provide appropriate communications around this issue.



ATTACHMENT 1 - DEPARTMENT OF INTERNAL AFFAIRS LETTER 1951

Department of Internal Affairs,  
P.O. Box 8007,  
Government Buildings,  
WELLINGTON.

174/595

80/M

11th September, 1951.

MEMORANDUM for:-

The Hon. Minister of Internal Affairs.

NGAKAWAU WAR MEMORIAL

1. Form of Memorial:

Community Centre comprising gymnasium, dressing rooms and a general purpose room to cater for library, playcentre and plunket activities.

2. Cost:

£8,000

3. Estimated Subsidy:

£4,000

4. Comments:

- (a) The building is to be erected on the Domain and this has the approval of the Lands and Survey Department.
- (b) Architect's plans are being prepared but approval for subsidy has been asked for on the basis of the sketch plans already submitted.
- (c) The controlling authority for the Centre will be the Buller Mining Districts Community Centre.

RECOMMENDATION: I recommend that the proposed Ngakawau War Memorial be approved for subsidy subject to approval of the working drawings of the building by the Hon. Minister of Internal Affairs.

*for* Secretary for Internal Affairs

DECISION OF CABINET STANDING COMMITTEE:

Recommendation approved.

*Wakarua*  
*Diston Wells*  
W. J. Broadfoot

The Controller and Auditor-General.

Please note and return. Copy  
for your records attached.

*a-g*  
Secretary,  
Internal Affairs Department  
5 SEP 1951

Payment Sel amt parcel  
1st 730.14.5  
2nd 462.6.10  
3rd 1472 418.3.6 11/6/53  
4th 1708. 252.16.3. 29.7.53

*W. J. Broadfoot*

CARD NOTED

21-9-51



## **BULLER DISTRICT COUNCIL**

**13 DECEMBER 2023**

**AGENDA ITEM: 11**

**Prepared by** Tracy Judd  
Senior Animal Management Officer

**Reviewed by** Sean Judd  
Group Manager Regulatory Services

### **ADOPTION OF REPORT UNDER SECTION 10A OF THE DOG CONTROL ACT 1996**

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#### **1. REPORT PURPOSE**

The report is an overview of Animal Management practices and statistical information pursuant to s10A of the Dog Control Act 1996 relating to the 2022 / 2023 financial year. This report is required to be adopted by Council and publicly notified before a copy is sent to the Secretary for Local Government.

#### **2. REPORT SUMMARY**

Section 10A of the Act requires Council to report on the administration of its Dog Control Policy and practices each financial year. It also specifies certain information that must be included in the report.

- The statistical information is attached as Annex A.
- The information document that outlines what your registration pays for is attached as Annex B.
- The full text relating to section 10A of the Act is included in the Report for reference as Annex C.
- Council's Dog Control Policy is attached as Annex D.

#### **3. DRAFT RECOMMENDATION**

**That Council adopts the Buller District Council Annual Report on Dog Control Policy and Practices for the 2022/2023 financial year.**

## 4. BACKGROUND

### **Practices s10A(1)(b)**

The *Dog Control Policy* and the supporting Bylaw are enforcement tools for ensuring that the legislation is complied with. Day to day dog control is enforced in accordance with the graduated response model and only in the event of continued non-compliance or sufficiently serious matters are infringement notices or prosecution options pursued.

The majority of the district's dog owners are responsible and compliant. Animal Control Officers have focused on educating the non-compliant owners and while this is more time consuming, we generally achieve a positive result.

An outline of the dog control activities undertaken by Animal Control Officers, entitled "*What Your [Dog] Registration Pays For*" is attached as Annex B. This document is used as an educational tool for dog owners.

### **4.1 Public Education and Information**

Current activities include recognition for dog owners displaying positive behaviour and provision of information about responsible dog ownership. We continue to offer education visits to schools and local organisations.

Animal Management continue to work with DAWGS who are a non-profit organisation operating in the Buller District. They are financed via local fundraising initiatives and have assisted by covering the cost to spay or neuter impounded dogs so that they may be suitable for rehoming.

We continue to have success using social media as a communication platform for consistent messaging. Our communication includes dogs available for adoption, advising owners of registration dates and our dog socialisation group. We have huge success in matching lost dogs with their owners through our Animal Management Facebook page. One negative aspect with the increased use of social media are the negative and often ill-informed comments from some individuals in the community. This has seen staff personally singled out and criticised and the impact to the staff involved is significant.

Animal Control continues to run a Dog Socialisation Group that meets several times each week at the Westport Domain (mostly over summer months). The group is designed to get dogs socialised and owners educated in dog behaviours and relevant law. This has turned out to be very popular and has received positive feedback from participants. We offer a free microchipping service to owners who attend this group. Last year we introduced a working dog rate for dogs used primarily or exclusively for stock work. This has received positive feedback from the rural sector.

The Animal Management Team are currently investigating possibilities and options for a dog park in Westport. The identification of a suitable site is proving difficult and consideration must also be given to the placement of the proposed floodwall.

Animal Management will be holding another Mutt dog show in 2024, as part of the annual A & P show. This event is always very popular and positive. Classes such as the obstacle course always attract a big crowd.

## 5. OPTIONS

Not Applicable

## 6. CONSIDERATIONS

### 6.1 Strategic Alignment

Council is committed to providing a professional service in relation to its obligations under the Dog Control Act 1996

### 6.2 Significance Assessment

This is of low significance in accordance with our policy.

### 6.3 Tangata Whenua Considerations

No specific considerations have been identified.

### 6.4 Risk Management Implications

If Council does not adopt a report on its Dog Control Policy and practices for the 2022/2023 financial year, it will not meet the requirements of section 10A of the Dog Control Act 1996.

### 6.5 Policy Framework Implications

The Report can be used to measure the effectiveness of Council's Dog Control Policy and practices, and to inform their review.

### 6.6 Legal Implications

Once adopted, the Act requires Council to give public notice of the Report and send a copy of it to the Secretary for Local Government within one month of its adoption.

### 6.7 Financial / Budget Implications

Not significant

### 6.8 Consultation Considerations

Nil consultation considerations identified.

**STATISTICAL INFORMATION** - Attached as Annex A is the statistical information required to be reported on under section 10A (2) of the Act.

### Buller District Council Annual Report on Dog Control Policy and Practices

Dog Control Annual Statistics ( DCAS) Registration statistics		
Registration - s10A(2)9(a)-(d)	Year	
	2021/22	2022/23
Number of registered dogs	2,020	2,210
Number of probationary owners	0	0
Number of disqualified owners	0	0
Number of dogs classified dangerous under Section 31 1B due to sworn evidence	1	3
Number of dogs classified as menacing under Section 33C (by breed)	0	4
Number of dogs classified as menacing under Section 33A 1 (b) (l) (by threat)	0	3

Number of infringement notices issued for - S10A (2)(e):	Year	
	2021/22	2022/23
Failing to register a dog	0	4
Failure to comply with menacing classification	0	0
Failure to comply with dangerous classification	0	1
Failure to keep dog under control	0	8
Failure to comply with Bylaw	0	0
Falsely notifying death of dog	0	0
<b>Total Infringement Notices -</b>	<b>0</b>	<b>13</b>

Number of dog related complaints - s10A(f)(g)	Year	
	2021/22	2022/23
Barking complaints	56	60
Wandering dogs/impounded	145/25	88/19
Dog/s aggressive behaviour including rushing	20	26
Dog/s attack	25	28
Miscellaneous (including lost, found, neglected, information related enquiries, & defecating dogs)	247	228
Prosecutions	0	1
<b>Total Dog Related Complaints</b>	<b>488</b>	<b>430</b>

## ANNEX B

### WHAT YOUR REGISTRATION PAYS FOR:

#### Response to Complaints

- Barking
- Wandering
- Attacks on people
- Attacks on stock
- Animal welfare concerns

#### Impounding Service

- Maintenance of Pound facilities Westport
- Portable traps and cages
- Extensive Re-Homing of dogs
- Destruction of unwanted dogs
- Catching equipment and safety equipment

#### Enforcement Activity

- Property inspections
- House to house registration checks
- Issuing permits
- Court costs
- Dangerous/Menacing dog classification and follow ups
- Issue and processing of infringement fines

#### Annual Costs

- Two officers covering Westport, Karamea, Reefton, Punakaiki & Springs Junction
- Registration tags/forms/postage
- Pamphlets– forms, advertising
- Vehicle maintenance, replacement, mileage
- Maintenance of National Dog Database

#### Associated Costs

- Maintenance of dog register
- Office space, computer system
- Phones and on call numbers

- Maintenance of signs
- Secretarial work
- Ranger education
- Public information

**DOGS NEED TO BE REGISTERED BEFORE 12 WEEKS OF AGE**



**ANNEX C – EXTRACT FROM DOG CONTROL ACT 1996****Section 10A Territorial Authorities must report on dog control policy and Practices****[10A Territorial authority must report on dog control policy and practices**

- (1) A territorial authority must, in respect of each financial year, report on the administration of—
  - (a) its dog control policy adopted under section [10](#); and
  - (b) its dog control practices.
- (2) The report must include, in respect of each financial year, information relating to—
  - (a) the number of registered dogs in the territorial authority district:
  - (b) the number of probationary owners and disqualified owners in the territorial authority district:
  - (c) the number of dogs in the territorial authority district classified as dangerous under section [31](#) and the relevant provision under which the classification is made:
  - (d) the number of dogs in the territorial authority district classified as menacing under section [33A](#) or section [33C](#) and the relevant provision under which the classification is made:
  - (e) the number of infringement notices issued by the territorial authority:
  - (f) the number of dog related complaints received by the territorial authority in the previous year and the nature of those complaints:
  - (g) the number of prosecutions taken by the territorial authority under this Act.
- [[ (3) The territorial authority must—
  - (a) give public notice, as defined in section [5\(1\)](#) of the Local Government Act 2002, of the report; and
  - (b) make the report publicly available, as described in section [5\(3\)](#) of that Act. ]]

## ANNEX D – POLICY s10A(1)(a)

Council has a *Dog Control Policy* adopted under section 10 of the Act.

This Policy was originally adopted in 1997 and was reviewed and reaffirmed in August 2004. Provisions relating to enforcement procedures and neutering of classified menacing dogs were added to the Policy in 2006. In 2010 all of Council's policies relating to dog control were combined into one document under the title *Dog Control Policy*. This incorporated the *Spay/Neuter Reduction and Unclaimed Dogs Destruction Fee Policy* into the *Dog Control Policy*.

The Policy identifies dog control areas and places restrictions and requirements on dog owners regarding:

- Prohibited dog areas
- Leash control areas
- Dog exercise areas
- Conservation prohibited areas
- Menacing dogs

The Policy also contains provisions relating to the issue of infringement notices, delegations and procedures for the return of roaming dogs.

Section 10 of the Act also requires territorial authorities to give effect to their policies on dogs by "*making the necessary bylaws*".

Council has made the *Control of Dogs Bylaw*, which has been adopted from *NZS 9201 Part 12:1999* (the Model General Bylaw produced by Standards New Zealand), with local amendments based on the Policy.

The Bylaw was reviewed and reaffirmed, under section 158 of the Local Government Act 2002, on 10 June 2008. It is currently due for review, pursuant to section 159 of the Local Government Act 2002.

## BULLER DISTRICT COUNCIL

13 DECEMBER 2023

AGENDA ITEM: 12

**Prepared by** Jamie Cleine  
Buller District Mayor

**Appendix** 1 Mayors Correspondence

### MAYOR'S REPORT

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#### 1. REPORT SUMMARY

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

#### 2. DRAFT RECOMMENDATION

**That Council:**

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

#### 3. COUNCIL

There is little to report this month given the short turnaround from the previous Council meeting in November. At the time of writing this report I had several meetings pending that I can provide a verbal update to the meeting as appropriate. These include:

- Ikamatua Residents – Mayors Chats/Drop In Session
- TTPP Joint Committee
- LGNZ Special General Meeting

This is also the time of year to recognise the efforts of Councillors and Staff for another busy year. I appreciate the commitment elected members make to represent the community that we all serve and for your open and constructive consideration of matters that have come before Council for decision. Staff are the key to this organisations success, and I want to acknowledge those that

have stepped into additional responsibilities to cover resource gaps that are a reality of the current economy and during the recruitment period. I also want to especially thank CEO Steve Gibling for your rapid on-boarding to the organisation and for the commitment to working alongside elected members and our staff to support our communities' aspirations through good decision making.

I also wish to thank the community for their positive engagement with me across the district during the year and re-confirm my commitment to being as transparent and inclusive in decision making as we can. Merry Christmas and I wish you a restful and enjoyable holiday season, whatever that looks like for you.

### **3.1 Mayors Taskforce For Jobs (MTFJ)**

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

We receive a steady numbers of MSD referrals. Those in isolated rural communities have few options of employment available.

Referrals living in Westport continue to be challenging, often needing a lot of prompting and some clients just not wanting to work at all.

We are in the process of arranging short courses with ITS to give job seekers more opportunities and enable them to gain NCEA credits.

Planning is well under-way for the Employment Expo next year, held in conjunction with Development West Coast and MTFJ Grey District.

We had an extremely busy start to November that has seen us make nine placements, this bringing our total to 13 Placements Made and nine Sustainable Outcomes.

We have had the pleasure of supporting a young man from Reefton. The School approached us about help with his CV and to identify suitable employment opportunities. Ruby worked with him and forwarded his CV onto a local mining company where he had previously done Gateway; this has led to full-time employment. Please see quotes below from the School's Deputy Principal and Rosco Mining:

*"Wow, that is awesome. Brought tears to my eyes. I imagine he will be pretty stoked with that"*

*"Yes, we would love to have him. He could start as a fuely at the mine, help around the workshop and then in about a year he could look at doing an engineering apprentice with us".*

Grants to the value of \$8,654.19 have been approved to 16 recipients during the month of November. The year-to-date total is \$45,961.66.

**Mayors Comment:**

The team are making steady progress on successful outcomes as well as lots of small help along the way to getting our young people work ready. The example commented on from Reefton is another example of young people sometimes in remote places that may not otherwise have entry level jobs for a number of reasons.

I'm proud of our MTFJ Buller team for their persistence and "outside the box" thinking that is serving our community and businesses well. There is huge potential in the jobs sector if and when the minerals sector gets confidence to expand.

The Employment Expo planned for next year will not only attract suitable young people to show what is available in terms of work and how to get there, it will also bring together like-minded businesses that can work together on local solutions to their employment resource needs.

**4. EXTERNAL MEETINGS****4.1 Resilient Westport Steering Group (RWSG)**

The steering group met via zoom on 8 December. The minutes of this meeting were not available prior to deadline of this report.

**5. LOCAL EVENTS & RELATIONSHIP MEETINGS**

I have attended various local events and relationship meetings over the period. Some highlights included:

- I hosted Westland's Mayor Helen Lash and West Coast Regional Council Chair Peter Haddock as well as Councillors from across the region for a visit to Westland Mineral Sands (WMS) operations. We received a very informative briefing by Tim Chase, Westland Mineral Sands General Manager on the progress of the company's Okari Road operation and the market interest in the quality minerals located in Buller.

Tim also discussed the huge potential for other rare and valuable minerals and many years of resource available in the region. WMS is also pursuing resource consents in the Westland District for a production site to be developed down there. The group then visited the Westport port where Jared Rogers, West Coast Bulk Logistics (WCBL) Port Operations Manager described the first shipment of sand concentrate by road to Nelson which has confirmed the ability of Port Nelson to handle bulk sand across its wharf.

WCBL has purchased and refitted a motorised barge that is due in Westport in the first quarter of 2024. Initially this will enable shipments of concentrate from Westport to Nelson for export before potentially trialling direct to ship transfers in Buller Bay. WCBL and WMS are investing

significantly to enable their operation and set up for the barge. The barge will also enable other cargoes to be transported to and from the region.

- I joined local MP Maureen Pugh in attending the blessing ceremony of two new Kainga Ora (KO) homes that are now complete in Rintoul Street. These represent the beginning of a major investment by KO into a number of quality new homes for their Westport clients over the next few years.
- I visited SouthPeak Homes for a tour of their transportable homes factory in Westport. This business has grown significantly and has provided many people an entry into trades training, many of which were supported through Mayors Taskforce for Jobs. SouthPeak are shipping modern complete homes most weeks to sites across the South Island.

## 6. CORRESPONDENCE

For Council consideration – see attached – Appendix 1

<b>Incoming Correspondence 2023</b>		
28 November 2023	The National Railway Museum of NZ	Historic Steam Locomotive C 2
4 December 2023	Hector/Ngakawau Residents	Hector Public Toilets Petition
<b>Outgoing Correspondence 2023</b>		
22 November 2023	Lotteries Community Fund	Buller Health Trust
29 November 2023	National Railway Museum of NZ	Letter of Acknowledgement
30 November 2023	Craig Findlay	Public Forum Response
30 November 2023	Wendy Thompson	Public Forum Response



28 November 2023

The Mayor,  
Buller District Council  
PO Box 21  
Westport 7866

Dear Mayor Cleine and Councillors,

With the demise of the former Westport Railway Society and the demolition earlier this year of the former New Zealand Railways Goods Shed in the Westport Railway yard, the collection of rolling stock held by that society, has been largely moved to other private owners and groups.

However, this is not the case for everything in their collection. Our society the National Railway Museum of New Zealand, based in Christchurch has serious concerns for the future of the historic Steam Locomotive C 2 currently sitting abandoned in the open adjacent to the Buller River Mouth and exposed to westerly gales from the Tasman Sea. While there appears to be some dispute to the ownership with the dissolution of the Westport Railway Society, the NRMNZ would be pleased to offer a secure home to this extremely historic artefact.

We would like suggest to you and your councillors that this is not just an old piece of rusting machinery, but a very important taonga that should be preserved and protected for the interest of future generations. A brief history of this locomotive may be appropriate. C 2, was built by Dubs and Company of Glasgow Scotland in 1874. After arrival in New Zealand for New Zealand Government Railways after a short period it was transferred to

Westport in August 1876 with another locomotive C3, to the Westport Harbour Board in exchange for two slightly larger F class locomotives. After working for the Harbour Board from early 1877 to 1921, the ownership was transferred briefly to the Marine Department and then to the NZ Railways Maintenance Department.

From 1921 to 1925 the engine was used by the Public Works Department on the construction of the Buller Gorge Railway. After its boiler certificate expired the locomotive was dumped at Te Kaha in the Buller Gorge during 1929 where it lay abandoned for nearly 65 years until recovered by a private group in 1995 and moved to the now demolished Goods Shed.

While not complete and showing the effects of being dumped in the open for over half a century, C2 is still a very important connection to the earliest days of Railways on the West Coast and Buller. The longer it sits on the quayside in the open, the more its metal fabric will deteriorate. An artefact like this needs to be preserved under cover and while we are aware of a proposal to build a special building to house this locomotive in Westport, it would involve significant expense and there appears to have been little support forthcoming for it from the ratepayers of Westport.

Over the last few years, the National Railway Museum have arranged for the transport from Auckland of a 70-foot Turntable and have laid 13 sidings around it for the display of historic rolling stock. More recently we have been actively refurbishing a 350 square metre building for a museum of relics and artifacts, along with an archives and giftshop. This is where we would display C 2, along with an 1882 4-wheel Guards Van on long term loan to us by the Southland District Council.

Visitors will be able to view and read information on the history of the locomotive. We ask the Westport District Council to consider gifting or loaning the locomotive to the NRMNZ to ensure its survival.

The National Railway Museum of NZ can be contacted at [chairman@nzrailmuseum.com](mailto:chairman@nzrailmuseum.com)

Kind regards

Alan Spooner  
Chairman  
National Railway Museum of New Zealand  
*Te Whare Taonga Rerewhenua Aotearoa*



Petition to reopen toilets on main road.

We the people of Hector and Ngakawau petition both the Buller District Council and D.O.C to reopen the public toilets located on the main road beside the Hector Tennis courts. It is unfair to close a useful amenity and deprive the community, beach walkers, travellers and school children waiting or getting off the bus to use a toilet. Not having the facility open leaves the possibility of waste on the beach and puts pressure on local businesses to provide their own toilet to strangers. Another benefit for the reopening would be a cleaning job possibly for a local.

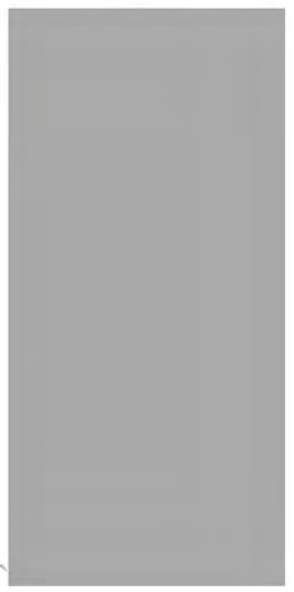
DATE	NAME	ADDRESS	EMAIL	PHONE
27/10	J [redacted]	Cuvhs	[redacted]	[redacted]
27/10/23	Negan Casey	Main Rd	[redacted]	[redacted]
27/10/23	Nathan Horne	Greenfield	[redacted]	[redacted]
27/10/23	Candy Hawkins	Torea St	[redacted]	[redacted]
	Deb Erskine-Shaw	Torea St	[redacted]	[redacted]
	Terris Squire	Torea Street	[redacted]	[redacted]
	Bruce Duncan	River RD	[redacted]	[redacted]
27-10-23	MIKE BLUNICE	TOROA STREET	[redacted]	[redacted]
	Carinne Ryan	Main Rd Ngakawa	[redacted]	[redacted]
	Waina Jones	Greestfield St	[redacted]	[redacted]
	DARA TYLER	RIVER RD HECTOR	[redacted]	[redacted]
	Kim Ryley	Calypso	[redacted]	[redacted]
	Pearl hemi	Torea	[redacted]	[redacted]
	Annette Climo	river Road	[redacted]	[redacted]
	Kate Wall	Main Rd Hector	[redacted]	[redacted]
	Claire Helm	Torea St.	[redacted]	[redacted]
	Gail Dickson	Ives St	[redacted]	[redacted]
	Casey Holmes	Torea St	[redacted]	[redacted]
	GAZZ HOLMES	TOREA ST	[redacted]	[redacted]
	Christine Billing	Hector	[redacted]	[redacted]
	Dore Tyler	Hector	[redacted]	[redacted]
	Hayley Brunner	Mokuhini	[redacted]	[redacted]
	Louise Duncan	Hector	[redacted]	[redacted]
	Kirstie Lannon	Hector	[redacted]	[redacted]
	Mirre Annelly	Hector	[redacted]	[redacted]

11/11/2023  
Moya Lowe

J. COM

- 1/11/23 Greg frank
- 3/11/23 Merv Jury
- 3-11-23 GEDFF DARK
- 3/11/23 THERESA MITCHELL
- 4-11-23 Steve Busch
- 4-11-23 ERIN KROSSL
- 6-11-23 Tania Newman
- 6-11-23 MARY BELL
- 6-11-23 J. ROBERTSON
- 17-11-23 D Sherman

- Grinity
- Toreca St Grinity
- RIVER RD, HECTOR
- MAIN ROAD
- Nikau Rd-
- KATCLIFFE Rd
- Torea St
- Torea Street
- BACKROAD



Petition to reopen toilets on main road.

We the people of Hector and Ngakawau petition both the Buller District Council and D.O.C to reopen the public toilets located on the main road beside the Hector Tennis courts. It is unfair to close a useful amenity and deprive the community, beach walkers, travellers and school children waiting or getting off the bus to use a toilet. Not having the facility open leaves the possibility of waste on the beach and puts pressure on local businesses to provide their own toilet to strangers. Another benefit for the reopening would be a cleaning job possibly for a local.

9/11/23

Neilson	[Redacted]	
Bruce	Reer-S.	
Corey	27	
Bentley Hart	[Signature]	
Liz S	[Signature]	
Pi Hobbs	[Signature]	
Hen Murray	[Signature]	
Ann glmour	[Signature]	
Marie McInyre	[Signature]	
Darren Smith	[Signature]	
Rob Potts	[Signature]	
Pi Lovegrove	[Signature]	
Tania Marsh	[Signature]	
Aroha Common	[Signature]	
HAPPINESS	[Signature]	
Jessie	[Signature]	
ARS	[Signature]	
Wendy Hoop	[Signature]	
MAN'CLAY	Maureen	
Zephoid Thornicroft	[Signature]	

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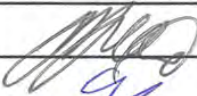



17/11/23

D. Sherman	[Signature]		
I. S. [Signature]	[Signature]		
Andrew	[Signature]		
T. Smith	[Signature]		
V. [Signature]	V. [Signature]		
9/11/23	M. Broadfoot	K. [Signature]	
D. Pullen	D. [Signature]		
L. [Signature]	[Signature]		
E. Bain	E. [Signature]		
Jackson Allen	[Redacted]	(C)	
Matthew Houston	[Redacted]	[Signature]	
Hannah Share	[Signature]		
Nadia Fox	[Signature]		
Sophie Williamson	[Signature]		
Tyrone Beg	[Signature]		
Charles Osselton	[Signature]		
Ryan Sealins	[Signature]		
Richard Wilby	[Signature]		
M. [Signature]	[Signature]		
M. [Signature]			

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21/11/23

John Tanko			
Carlos de Trecard			
Jasper Martini	Jasper Martini		
Troy Bennett	T.B.		
Jasmine Hila	J.Hila		
Sam Southon	Sam Southon		
Mayne Southon	M.Southon		
Judith Leander	Judith Leander		
Jim Bierly	Jim Bierly		
Diane RDMITH	Diane RDMITH		
Ray RDMITH	R.RDMITH		
PHIL HYDE			
Meggy Jurg	Meggy Jurg		
Asmith			
K.Lippitt	K.A.LIPPIATT		

**OFFICE OF THE MAYOR**  
Jamie Cleine

22 November 2023

To Whom It May Concern,

**Letter of Support – Buller Health Trust**

I wish to support the Buller Health Trust application to the Lotteries Community Fund.

The Kawatiri Health facility offers affordable primary health, dental and physiotherapy care to the Buller community. Support from the community has enabled a move into purpose-built facilities that will ensure access to health care choices are maintained. In the event of a natural hazard disaster, this facility is likely to serve as an emergency medical centre.

However, Westport and the wider Buller district is geographically isolated, and the facility remains reliant on electricity from the local network which would force a closure if the power was interrupted for any reason.

The Trust is seeking funding to install a hardwired generator with an automated switch to turn on during power outages.

The grant for the generator will help improve the quality of people's lives in our community, by providing a resilient medical facility that promotes community wellbeing, supporting all those in our community, especially the most vulnerable. Our medical facility provides care for all, including older people, parents, family and whanau.

As Mayor of Buller, I have led our district through two significant natural disasters and witnessed the vulnerability of many in the community. I fully endorse this application as an important investment into the health and confidence of the community.

Yours faithfully



Mayor Jamie Cleine  
**Buller District Mayor**



**OFFICE OF THE MAYOR**  
Jamie Cleine

29 November 2023

Alan Spooner  
Chairman  
The National Railway Museum of NZ

Via email: [chairman@nzrailmuseum.com](mailto:chairman@nzrailmuseum.com)

Dear Mr Spooner

Thank you for your letter of 28 November 2023 regarding your concern for the historic Steam Locomotive C 2 currently located in Westport, and your proposal re securing the future of this historic artefact.

This matter will be considered by council at a future meeting, at which time we will provide you with a letter of response.

Best Regards

**Jamie Cleine**

Buller District Mayor  
Phone 027 423 2629 | Email [jamie.cleine@bdc.govt.nz](mailto:jamie.cleine@bdc.govt.nz)

**Our Values:** Community Driven | One Team | Future Focused | Integrity | We Care

6-8 Brougham Street • PO Box 21 • Westport 7866 • New Zealand • Ph: (03) 788 9111 • E: [info@bdc.govt.nz](mailto:info@bdc.govt.nz) • [www.bullerdc.govt.nz](http://www.bullerdc.govt.nz)

**WEST COAST** NEW ZEALAND  
UNTAMED NATURAL WILDERNESS



**OFFICE OF THE MAYOR**  
Jamie Cleine

30 November 2023

Mr Craig Findlay

Via email: [REDACTED]

Dear Craig,

Thank you for speaking at public forum on your future plans for the Punakaiki Beach Camp.

The valuation report and master plan documents you provided have also been shared with all Councillors for their information.

Councillors discussed your public forum and have understood your desire for a comprehensive overhaul of the camp and facilities. As you indicated this likely requires some changes to the lease agreement or some other commitment from Council to achieve.

Council also acknowledges the work you and your team put into creating a quality hosting experience at the camp for visitors to Punakaiki. The area is indeed very busy and will benefit further from the opening of the Dolomite Point visitor centre.

Councillors have asked staff to work with you in the new year and report back to council on any options to explore the camp developments further.

Best Regards

**Jamie Cleine**

Buller District Mayor  
Phone 027 423 2629 | Email [jamie.cleine@bdc.govt.nz](mailto:jamie.cleine@bdc.govt.nz)



**OFFICE OF THE MAYOR**  
Jamie Cleine

30 November 2023

Wendy Thompson

Via email: [REDACTED]

Dear Wendy,

Thank you for speaking at public forum regarding the Roebuck Street heavy traffic management agenda item.

Council discussed this issue and have resolved as follows:

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

The current bylaw is due for review in 2023 and Council has two years to undertake that review so the amendment process as resolved above could be included as part of that review.

The addition of heavy traffic prohibitions to the bylaw will require a full public consultation process so there are a few steps to work through before any bylaw would be finalised and become enforceable.

Best Regards



**Jamie Cleine**

Buller District Mayor  
Phone 027 423 2629 | Email [jamie.cleine@bdc.govt.nz](mailto:jamie.cleine@bdc.govt.nz)

## BULLER DISTRICT COUNCIL

13 DECEMBER 2023

AGENDA ITEM: 13

**Prepared by** Steve Gibling  
Chief Executive Officer

**Attachments** 1 - Summary of Public Feedback  
2 - Incoming Governments Coalition Agreement

### CHIEF EXECUTIVE OFFICERS REPORT

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#### 1. REPORT SUMMARY

This report provides an overview of activities across the previous month and a 'horizon-scan' of upcoming strategic focus areas and opportunities.

#### 2. DRAFT RECOMMENDATION

**That the Council receive the report Chief Executive Officers Report.**

#### 3. OVERVIEW OF INFORMATION

This report provides information on activity which has occurred over October 2023, and horizon scans matters of interest to Council.

##### 3.1 Long-Term Plan 2024-2034 Workshop

In the last week Council delivered its first public workshop relating to the engagement with the community to date and the key drivers for the budget 2024-2034 ten-year budget.

The overview of the pre-engagement work that has occurred between October and November is included in the attachment to this report (*refer to Attachment 1*). The key areas for priority include:

- Roading and Transport, which includes roads, footpaths, public transport, parking, and road safety. It emphasizes connectivity needs.
- Community Services, which encompasses health services, community events/groups, emergency management, economic development and other services impacting residents.
- Infrastructure Resilience with a focus on enhancing resilience against flooding, natural disasters, climate change impacts and robust infrastructure systems.

As noted in the attached report, “*the emphasis on roads, community services, and resilient infrastructure indicates an overarching focus on systems and initiatives that enable transportation, quality of life, and the capacity to withstand environmental shocks regarding budget allocation*”.

Although not unexpected, there is variance across the District around specific priorities and concerns which we need to be mindful of as we develop the consultation material and next stages of engagement with the community.

Over the coming five to six weeks our staff will continue to work on the budget and will bring back a revised budget based on the guidance provided by the Councillors.

The future milestones for the Long-term Plan are as follows:

- 7 December – 19 January – further refinement of the draft LTP Document and Consultation material
- 27 March – Council Adoption of draft Long-Term Plan and Consultation Document
- April and May – Public Consultation period
- May – Submission Process, Public Hearings and deliberations
- 28 June – Council adopts long term plan

### **3.2 Incoming Governments Coalition Agreement and its relationship to Local Government**

As we now have a new coalition Government in place several agencies have reviewed and summarised the Coalition Agreement to better understand and identify what changes may have an impact on the local government sector.

Correspondence received from Taituara (*refer to Attachment 2*) summarises the key areas for change. For Council, as we set the Long-term Plan, there are a number of significant reforms, repeals and commitments that will have a material impact upon our decision making and budget setting process with the community. These include:

#### ***Existing legislation repealed, including:***

- ***Repeal Three Waters Legislation*** – 100-day plan combined with an immediate stop-work notice placed on Three Waters - with assets returned to Council ownership.
  - *Our response / impact – following extensive planning conducted over the past few years, aligning with legislative guidelines for the water ownership transition to the entity model, recent developments have posed changes to this trajectory. The anticipated shift may impact the budget earmarked for the ownership of three waters, carrying*

*substantial cost implications. There remains a pressing need to address compliance matters stemming from this which causes challenges for our council.*

*Considering these circumstances, we will promptly correspond with the new Minister of Local Government, outlining the substantial financial repercussions arising from the likely retraction of these reforms on Buller. This notably could include an un-funded water infrastructure, encompassing critical assets such as Stormwater, Wastewater, and Drinking water.*

*It's important to note that our Council has supported these reforms from day 1, being fully aware of the financial ramifications should water assets persist on our balance sheet. Our community faces the stark reality that such an arrangement would simply be unaffordable for our district.*

- **Repeal the Natural and Built Environment Act 2023** and the **Spatial Planning Act 2023** by Christmas. This includes replacing and / or amending the Resource Management Act 1991 with an intention to make it easier to consent new infrastructure including renewable energy, allow farmers to farm, get more houses built, and enable mining, fishing and aquaculture and other primary industries; Establishing a fast-track one-stop-shop consenting and permitting process for regional and national projects of significance; Introducing financial incentives for Councils to enable more housing, including considering sharing a portion of GST collected on new residential builds with councils.
  - *Our response / impact – budget for increase in planning advice and workload as to “on the ground” impacts. In an area we are already stretched for resourcing, which impacts on delivery within deadline, we expect to see an increase in planning advice required as a result. This will be an in-house resource rather than use of consultants. Staff view that the sharing of GST from new builds is a potential big win but this will be subject to council approval at the right submission point.*
- **Infrastructure and Regional Development, including:** Establishing a National Infrastructure Agency, to prioritise regional and national projects of significance combined with a Regional Infrastructure Fund worth \$1.2 billion in capital funding.
  - *Our response / impact – immediately write to the new Minister of Regional Development highlighting the successful delivery of previous Provincial Growth Fund initiatives and to highlight current / future opportunities present in Buller including the un-funded water infrastructure including the Stormwater assets in Westport.*

- **Transport, Including:** New GPS on Transport within 100 days.
  - *Our response / impact – immediately write to the new Minister of Transport highlighting the significant level of investment being planned for Buller, based off the communities noted support for the roading network as the highest priority asset and the need to keep the Karamea SPR with Waka Kotahi / NZTA.*

### 3.3 Representation Review

The Council at a recent representation workshop update agreed to not set up a sub-committee to review its representation arrangement commencing at the 2025 elections but report on all issues directly to the council. This is the first update.

#### **Population forecasts**

The forecasts to be used for the representation review that will apply from the 2025 election have now been provided. The 2019 representation review was based on the following data:

Ward	Population*	Number of councillors per ward	Population per councillor	Deviation from district average population per councillor	% deviation from district average population per councillor
Seddon	1,740	2	870	-139	-13.78
Inangahua	1,980	2	990	-19	-1.88
Westport	6,370	6	1,062	+53	+5.25
<b>Total</b>	<b>10,090</b>	<b>10</b>	<b>1,009</b>		

\*Based on Statistics NZ 2011 population estimates

The information provided for the Council and its wards is as follows:

DISTRICT	WARD	Population	Members	Population-member ratio	Difference from quota	% Difference from quota
Buller District	Seddon Ward	1,780	2	890	-78	-8.06
	Inangahua Ward	1,830	2	915	-53	-5.48
	Westport Ward	6,070	6	1,012	44	4.51
	<b>Total</b>	<b>9,680</b>	<b>10</b>	<b>968</b>		

If the Council retains its wards and ward boundaries as currently, then the forecast populations as noted above fit inside the Councillor to population split within the acceptable +- 10% variation. Accordingly, there is no need to consider boundary changes.

The district has one Community Board. The forecast population is below. As there are no subdivisions in the Community Board area, no further consideration is required about population balance.

DISTRICT	COMMUNITY/LOCAL BOARD AREA & SUBDIVISION	Population	Members	Population-member ratio
<b>Buller District</b>	Inangahua Community	1,830	4	458
	Area outside community	7,850		
	<b>Total</b>	<b>9,680</b>		

***Number of Councillors/Community Board members***

Now that population forecasts are known for the representation review, consideration can be given to the number of Councillors in total for the district, and how that may impact on the Councillor to population split. Indications to date are that the number of Councillors for the district at 10 is appropriate for the work volume per Councillors, and that the split per the three wards is appropriate. This report does not make any recommendations on the number of Councillors but feedback on appropriate Councillor numbers from Councillors and the public would be appreciated.

The number of elected members to the Inangahua Community Board also needs to be formally considered by the Board itself, the Council and the community. Feedback on appropriate Councillor numbers from all parties would be appreciated.

It is important to note that remuneration levels for The Mayor, Councillors and Community Board members are set as a total pool for Councillor and Community Board so a change in the numbers of elected members does not changes the total paid, it just changes the split, \$ value, per elected member.

**BULLER DISTRICT COUNCIL**

**13 DECEMBER 2023**

**AGENDA ITEM: 14**

**Reviewed by** Steve Gibling  
Chief Executive Officer

**VERBAL UPDATES FROM COMMITTEE CHAIRS**

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**1. REPORT SUMMARY**

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

**2. DRAFT RECOMMENDATION**

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

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

# BULLER DISTRICT COUNCIL

13 DECEMBER 2023

AGENDA ITEM: 14

Prepared by Steve Gibling  
Chief Executive Officer

## PUBLIC EXCLUDED

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### 1. REPORT SUMMARY

Subject to the Local Government Official Information and Meetings Act 1987 S48(1) right of Local Authority to exclude public from proceedings of any meeting on the grounds that:

### 2. DRAFT RECOMMENDATION

**That the public be excluded from the following parts of the proceedings of this meeting:**

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.
PE2	Michael Duff – Group Manager Infrastructure Services	Waste Services Contract	(s 7(2)(i)) - Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);
PE3	Michael Duff – Group Manager Infrastructure Services	Local Purpose Reserve Change	(s 7(2)(a)) - Protect the privacy of natural persons, including that of deceased natural persons;



Item No.	Minutes/Report of:	General Subject	Reason For Passing Resolution Section 7 LGOIMA 1987
<b>PE 4</b>	Jamie Cleine - Mayor	Draft Briefing to Incoming Ministers Report	<b>(s 7(2)(i))</b> - Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);
<b>PE 5</b>	Jamie Cleine - Mayor	Employment Relations Matter	<b>(s 7(2)(a))</b> - Protect the privacy of natural persons, including that of deceased natural persons;