



AGENDA

Meeting of the
Buller District Council

Commencing at 3:30pm
Wednesday 25 October 2023

To be held at the
Clocktower Chambers
Palmerston Street
Westport



CORE COUNCILLOR ROLE AND RESPONSIBILITIES

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

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

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

CLEAR AND RESPECTFUL COMMUNICATION

We are committed to:

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

TRUST AND RESPECT

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

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

CONTINUOUS LEARNING AND IMPROVEMENT

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

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

NONE OF US IS AS SMART AS ALL OF US

Council

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

Purpose

The Council is responsible for:

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

Terms of Reference

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

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

Common Delegations

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

General Principal

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

These Committees will:

Strategy, plans and policy

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

Bylaws

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

Consultation and engagement

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

Submissions and legislation

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

Contracts

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

Other

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

Buller District Council

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



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BULLER DISTRICT COUNCIL

25 OCTOBER 2023

AGENDA ITEM 1

Prepared by Steve Gibling
Chief Executive Officer

APOLOGIES

1. REPORT SUMMARY

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

2. DRAFT RECOMMENDATION

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

OR

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

BULLER DISTRICT COUNCIL

25 OCTOBER 2023

AGENDA ITEM 2

Prepared by Steve Gibling
Chief Executive Officer

MEMBERS INTEREST

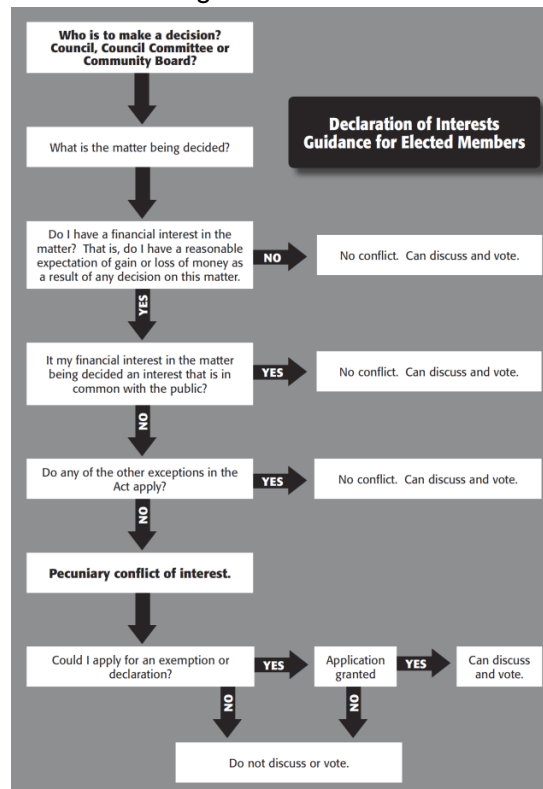
Members are encouraged to consider the items on the agenda and disclose whether they believe they have a financial or non-financial interest in any of the items in terms of Council's Code of Conduct.

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

25 OCTOBER 2023

AGENDA ITEM 3

Prepared by Steve Gibling
Chief Executive Officer

CONFIRMATION OF MINUTES

1. DRAFT RECOMMENDATION

That Council receive and confirm minutes from the meetings of 27 September 2023 and 18 October 2023.

THE BULLER DISTRICT COUNCIL, HELD AT 3.30PM ON WEDNESDAY 27 SEPTEMBER 2023 AT CLOCKTOWER CHAMBERS, PALMERSTON STREET, WESTPORT.

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

IN ATTENDANCE: S Gibling (CEO), S Judd (GM Regulatory Services), M Duff (GM Infrastructure Services), D Marshall (CFO from 3.58pm), G Barrell (Governance Secretary), A Naik (Legal Assistant)

PUBLIC FORUM:

Sue Gray: Ms Grey is one of the candidates for the West Coast Tasman electorate for the upcoming election. She is working to encourage community decisions for local communities, connections, and resilience. She thanked and congratulated Councillors for the job they are doing.

MEETING DECLARED OPEN AT: 3.33pm

1. APOLOGIES (Page 8)
Discussion:

Nil

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

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

2. MEMBERS INTEREST (Page 9)
Discussion:

Nil

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

Mayor J Cleine/Cr P Grafton
11/11
CARRIED UNANIMOUSLY

3. CONFIRMATION OF PREVIOUS MINUTES (Page 10)

Discussion:

Cr J Howard advised 9.4 the wording Dolomite Point Business Centre should read the Dolomite Point Experience Centre. *Noted and amended.*

RESOLVED that Council receive and confirm minutes from the meeting of 30 August 2023.

DM A Basher/Cr J Howard

11/11

CARRIED UNANIMOUSLY

4. ACTION POINTS REPORT (Page 18)

Discussion:

Mr Gibling updated Councillors that a report regarding 3 Waters would come to the next Council meeting as staff have had to prioritise the Annual Report audit.

Regarding the Waimangaroa Hall, there is an update on the Action Points register and Mr Gibling will ensure updates continue to come through.

A question was asked as to whether a change in government will alter anything regarding 3 Waters. Mr Gibling replied that any decision on the reform depends on the outcome of the election and what the government of the day decides.

It was noted that a report on Roebuck St heavy trade use was due to come back to Council. Mr Gibling advised this paper is being worked on. M Duff advised the report has been differed to November as they are currently seeking legal advice for the prospect of closure for heavy vehicles on Roebuck Street. Also looking at staffing and resourcing priorities for this

ACTION POINT: Bring report update on Roebuck Street, with completion date to November Council meeting.

#22 Punakaiki Lease: When asked if the design and costings for the programme of works will come back to Council to decide before going out to tender, Mr Gibling replied that yes this will happen.

A further question was raised as to what ratepayer funding has gone into the camp. Mr Gibling advised that this will come back in the same report as the lease report.

RESOLVED that Council receive the Action Points list for information.

Cr G Weston/Cr A Pfahlert

11/11

CARRIED UNANIMOUSLY

5. PROPOSED CHIEF EXECUTIVE OFFICER KEY PERFORMANCE INDICATORS FOR FINANCIAL YEAR 2023/2024 (Page 20)

Discussion:

Mayor J Cleine spoke that this report is based on agreed KPIs with previous Acting CEO Townrow. They were further agreed with Mr Gibling through Mayor J Cleine and DM A Basher

It was requested that the reference to Audit NZ in the Core Performance Indicators be changed to Appointed Auditors Ernst & Young.

It was noted that it would be unfair for the new CEO to be accountable to secure an unqualified audit report given the matters being reviewed were before he started. Mr Gibling spoke that this had been discussed with him and that it is his job as CEO to push toward an unqualified audit report and that he is comfortable with this.

Mention was made regarding staff satisfaction. Suggesting that the timeframe needs to be based off staff that have been employed there for 12 months or more.

Mr Gibling advised the first engagement survey will be going out next month and that this suggestion was useful to note and will look to have this identified within the survey.

Mayor J Cleine noted that meetings with himself, DM A Basher and the CEO are held once a month to go over the progress of those KPIs. Then quarterly updates are brought to Council.

RESOLVED:

1. That Council receives the report Proposed Chief Executive Officer Key Performance Indicators for Financial Year 2023/2024.
2. That Council notes that these proposed Key Performance Indicators for financial year 2023/2024 have been presented and agreed with the Chief Executive Officer.
3. That Council adopts the proposed Key Performance Indicators for financial year 2023/2024.

Cr C Reidy/DM A Basher
11/11

CARRIED UNANIMOUSLY

6. APPOINTMENT OF PROXY VOTES FOR COUNCIL - BULLER HOLDINGS LIMITED ANNUAL GENERAL MEETING 2023 (Page 25)

Discussion:

Cr G Neylon spoke that there should be two proxies at the AGM to cover the Mayor and Deputy Mayor as there would need to be a Mover and Seconder.

This was agreed and Cr J Howard was put forward as an additional proxy.

The recommendation was amended FROM:

RESOLVED that the Mayor, Jamie Cleine, or the Deputy Mayor, Andrew Basher be appointed as the proxy vote for the Council at the 2023 annual general meeting for Buller Holdings Limited and its subsidiaries

TO:

RESOLVED that the Mayor, Jamie Cleine, and the Deputy Mayor, Andrew Basher be appointed as the proxy vote for Council at the 2023 Annual General Meeting for Buller Holdings Limited and its subsidiaries; and Cr J Howard is the additional substitute in the event of the absence of the Mayor or Deputy Mayor.

Cr G Weston/Cr T O'Keefe
11/11
CARRIED UNANIMOUSLY

7. CHIEF EXECUTIVE OFFICERS REPORT (Page 28)

Discussion:

Mr Gibling spoke to his report noting that the LTP is our key budgeting and planning document for next 10 years. Workshopping is now underway with councillors but soon to engage with community. Staff have appreciated the input and guidance given by councillors so far.

Securing the Tourism Infrastructure Funding (TIF) is a good win for the community.

PMO review is currently of interest. Mr Gibling advised he has now received the first draft of the Morrison Low report and expects to produce final report in early October.

He noted the agreement with DIA for Westport Flood Resilience programme. Through this process staff are also undertaking a review of the Delegations Policy as agreed at the previous Council meeting. Staff are working to bring a paper to either the October or November Risk and Audit Committee meeting.

The exact date will be dependent upon the Annual Report requirements. The issue regarding the previous suspension of the Delegation Policy is to be included in this report.

D Marshall arrived at 3.58pm.

Mayor J Cleine reminded that the Delegations are set up around expenditure and rate payer funding.

Concern there was a resolution about suspension of financial delegations, but this has not been presented.

Mayor J Cleine advised the treatment of the Delegations Policy was in the TOR for PIP Group around external funding which would go back to around 2019.

He furthered that the PIP TOR didn't set aside the need for the Delegations Policy intent to be followed. Externally funded items were able to be managed through the PIP TOR. Needing to work under a more nimble model than for the LTP etc.

Cr C Reidy recalled a paper prepared from M Duff for PIP around August 2020.

It was suggested the word 'inform' be a more appropriate word than 'educate' in Page 31 "A Little Bit About Your 2023-2024 Rates".

RESOLVED:

1. That the Council receive the report Chief Executive Officers Report
2. That the Council endorse the CEO action in signing the Westport Flood Resilience agreement with DIA, noting the following:
 - a. Agreed purposes for the fund
 - b. No requirement of funding from the Buller District Council
3. That the Council note that the Delegations Policy is currently under review and the revenue aspect will be within the scope of the review.

Cr J Howard/Cr A Pfahlert
11/11
CARRIED UNANIMOUSLY

8. MAYOR'S REPORT (Page 32)

Discussion:

Mayor J Cleine spoke to his report noting it is good to see Cr J Howard and Cr L Webb doing their RMA training.

Mayors Taskforce for Jobs (MTFJ) is off to a great positive start.

The LGNZ CEO and the Zone 3 Chairman caught up with Mayor J Cleine this week and spoke about a hui coming up with a consensus view for Future for Local Government review panel. Information collated from 3,500 recommendations will be collated into a second hui in November.

Cr J Howard left at 4.03pm and returned at 4.04pm

Clarity was sought regarding the \$22.9M for flood resilience and of that, \$2.93M for Westport flood resilience. Is this under management of Steering Group? It was believed that the \$ 2.93M for Westport was outside the scope of the Steering Group.

Mayor J Cleine advised it is in the scope of Steering Group. The \$2.93M captures the master planning work and some Civil Defence work and then approximately \$2M adaptation funding which needs to be determined by the Steering Group and technical advisory groups that feed into that. Final decision sits with elected council. WCRC matters will go back to their Council and Buller District Council matters will come here.

Decisions on this would be based on the best use of the funds from technical advice from the Steering Group initially and then to Council.

There will likely be opportunities will come to show where funds can be deployed. The Master Planning side is underway and live.

RESOLVED that Council:

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

DM A Basher/Cr A Pfahlert
11/11
CARRIED UNANIMOUSLY

9. COMMITTEE CHAIRS VERBAL UPDATES (Page 72)

Discussion:

1. **Inangahua Community Board – Cr L Webb** - No update. ICB next Tuesday at St Johns Rooms.
2. **Ngati Waewae Representative – N Tauwhare** - No update.
3. **Regulatory & Hearings Committee – Cr G Neylon** - Two hearings have been held. One regarding Caroline Terrace and also on 15 Sept, 21 Lot subdivision between Larsen Street and Omau. Looking to close this evening.

He noted also that he is 2/3 of the way through his RMA recertification.

A Solid Waste hearing is to be held on 11 October. He reminder Councillors that their role is to listen to submitters and clarify submissions. No debate on that day. An Issues list will follow the hearing to come later to Council.

He reminded also that that if Councillors don't hear all the submitters, then they can't be involved in the final decision. Mr Neylon requested that Councillors advise him of any conflicts of interest prior to the hearing; including any submissions or public statements on waste issue.

4. **Community, Environment & Services Committee – Cr J Howard** - A number of funding applications currently open. These are due to close on 2 October. Good to see Community Development Officer position being advertised.
5. **Te Tai o Poutini Plan – Mayor J Cleine and Cr G Neylon** - No update.
6. **Joint Committee Westport Rating District – Mayor J Cleine, Cr J Howard and Cr C Reidy** - Cr C Reidy spoke that it would be useful to receive an update from the Steering Group and how things are going. Mayor J Cleine will raise this at the meeting tomorrow

Cr A Pfahlert left the room at 4.18pm and returned at 4.20pm

7. **WC Health Localities Project - Cr G Neylon** - No update. He reminded that this is about Primary healthcare. Trying to improve the current situation. A Grant from government that will allow us to spend on issues we currently don't offer. Won't fix the health issues currently faced by the Buller.

When asked where the money will be spent and how people will see this, Cr G Neylon noted that the fact that transportation to appointments is the major issue has been raised. We need to see if this issue fits the criteria around where we can spend the money. This issue is well recognised.

N Tauwhare left at 4.22 and returned at 4.25pm

- 8. Regional Transport Committee - Cr T O'Keefe** - Cr G Weston advised there was a bikers run organised by ACC. 29 people came through. Lots of safety check on their bikes were done. The same bikers run will be in Hokitika soon. Ride Forever gold and silver skills course coming on 2/3 October.

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

Cr A Pfahlert/Cr G Weston
11/11
CARRIED UNANIMOUSLY

PUBLIC FORUM RESPONSE: Thanks to be given to Sue for her time taken to come to the meeting and speak to Council.

10. PUBLIC EXCLUDED REPORT (Page 73)

Discussion:

Nil.

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

Item No.	Minutes/Report of:	General Subject	Reason For Passing Resolution LGOIMA
6	Steve Gibling - Chief Executive Officer	Update on Project Management Office	(s 7(2)f) - Maintain the effective conduct of public affairs through the protection of such members, officers, employees, and persons from improper pressure or harassment.

Mayor J Cleine/Cr T O'Keefe

11/11

CARRIED UNANIMOUSLY

SPECIAL MEETING OF THE BULLER DISTRICT COUNCIL, HELD AT 5:30PM ON WEDNESDAY 18 OCTOBER 2023 AT CLOCKTOWER CHAMBERS, PALMERSTON STREET, WESTPORT.

PRESENT: Mayor J Cleine, DM A Basher, Councillors P Grafton, J Howard, C Reidy, T O'Keefe, A Pfahlert, G Neylon (via Zoom), R Sampson, S Roche (Independent RAC Chairperson).

IN ATTENDANCE: S Gibling (CEO), D Marshall (Chief Financial Officer), L Brooks (Finance Manager), S Jope (Acting GM Community Services), G Barrell (Governance Secretary)

APOLOGIES:

MEETING DECLARED OPEN AT: 5.31pm

1. APOLOGIES (Page 8)

Discussion:

N Tauwhare, Cr G Weston, Cr L Webb

RESOLVED that Buller District Council receives apologies from N Tauwhare, G Weston and L Webb.

Cr A Pfahlert/Cr J Howard
9/9

CARRIED UNANIMOUSLY

2. MEMBERS INTEREST (Page 9)

Discussion:

Nil

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

Mayor J Cleine/DM A Basher
9/9

CARRIED UNANIMOUSLY

3. PUBLIC EXCLUDED REPORT (Page 10)
Discussion:

Nil

Resolved that the public be excluded from the following parts of the proceedings of this meeting with the exception of Independent Risk and Audit Chairperson, Sharon Roche.

Item No.	Minutes/Report of:	General Subject	Reason For Passing Resolution Section 7 LGOIMA 1987
4	Sharon Roche - Independent Chair Risk and Audit Committee	BHL Director Performance Reviews Appointment	<p>(s 7(2)(h)) - enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities; or</p> <p>s 7(2)(i)) - enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);</p>
5	Steve Gibling - Chief Executive Officer	Project Management Office Review - Morrison Low and Further Action Report	(s 7(2)f)) - Maintain the effective conduct of public affairs through the protection of such members, officers, employees, and persons from improper pressure or harassment.

DM A Basher/Cr A Pfahlert
9/9
CARRIED UNANIMOUSLY

BULLER DISTRICT COUNCIL

25 OCTOBER 2023

AGENDA ITEM 4

Prepared by Steve Gibling
Chief Executive Officer

COUNCIL ACTION POINT LIST

1. REPORT SUMMARY

A summary of council resolutions requiring actions.

2. DRAFT RECOMMENDATION

That Council receive the Action Point list for information.

Council Action Points - CURRENT

No	Meeting Date / Action Point	Responsible	Update	Date Required By
19	28 June 2023 Three Waters BOF Funding Reappropriation Remainder of BOF allocation report come to September Council and a workshop be held prior.	D Marshall/P Bicknell	Due to the requirement for staff to prioritise the Audit process, this report has been moved to October Council	27 September 2023 25 October 2023
22	12 July 2023 RAC Meeting (RAC Action Point 205) Punakaiki Lease Bring report to RAC re Punakaiki Lease	D Marshall	As noted in the CEO report, Council has been successful in receiving funding from the TIF for Punakaiki Campground waste disposal site. A programme of works to develop design, update costing, obtain any necessary consents and secure the external party funding will commence. Design and costings etc of programme of works to come back to Council along with a report on what ratepayer funding has gone into the camp.	27 September 2023 29 November 2023
23	27 September 2023 Roebuck Street Update report with a completion date to come to November Council	M Duff		29 November 2023

BULLER DISTRICT COUNCIL

25 OCTOBER 2023

AGENDA ITEM: 5

Prepared by Douglas Marshall
Chief Financial Officer

Reviewed by Steve Gibling
Chief Executive Officer

2022/2023 DRAFT ANNUAL REPORT – BULLER DISTRICT COUNCIL GROUP

1. REPORT SUMMARY

Each year Council must adopt the Annual Report for the Buller District Council as required by section 98 of the Local Government Act 2002. The purpose of this report is to report on progress with the Annual Report for the year ended 30 June 2023.

2. DRAFT RECOMMENDATION

That Council receive the report on the preparation of the 2022/2023 Annual Report for information.

3. ISSUES & DISCUSSION

The Annual Report preparation for 2023 is very well progressed and in line with timetable expectations.

In recent days, the Council has received two Morrison Low reports relating to the PMO activities that have been well debated in the public. These two reports are the Health Check Update and the full review, and show that the PMO has been effective in delivering a large volume of infrastructure work, while noting areas for further improvement. The review report notes that there are adequate checks and balances in place to provide transparency and accountability.

However, Morrison Low were not specifically asked to review the financial statements of the Council in any detail. Therefore, their reports do not conclusively

determine whether there has been any mismanagement or misappropriation of funds which have been implied by some in the community.

We cannot have unanswered questions casting a shadow over our work. To that end, Council has decided to commission an independent financial forensic audit of the PMO's financial management, on top of the Morrison Low reports.

This will be independent of the Annual Report audit that Ernst and Young undertake for Council.

The forensic audit will address external and internal complaints alleging irregular use of public funds, mismanagement and conflicts of interest relating to roading projects and unplanned expenditure of \$3 million relating to Westpoint Trunk Main, Bulk Flow meters and treatment plant optimisation.

Due to this additional piece of work potentially having an impact on the Council's 2023 Annual Report, neither the Council nor the auditors Ernst & Young, are in a position to finalise the Annual Report until this forensic audit is provided to the Council.

Senior management and Ernst and Young agree that delaying the adoption of the Annual Report is the only acceptable outcome. The Office of Auditor General has been advised of this decision and agree that it is appropriate.

The earliest that the Council will be able to adopt their completed Annual Report is early in 2024.

Although this is not desirable to delay the Annual Report and associated audit report adoption as the Council's 2023 Annual Report will be adopted outside of the statutory timeframe for a Council's Annual Report adoption, it is the only option available to the Council.

This is disappointing to Council staff who have worked diligently to complete the Annual Report within the agreed timeframes; they will now move on to the balance of the 2024 work programme which includes the preparation and consultation on the 2024-2034 Long Term Plan.

In practical terms, this delay will have minimal impact on the Council's activities and operations.

BULLER DISTRICT COUNCIL

25 OCTOBER 2023

AGENDA ITEM 6

Prepared by Penny Bicknell
Programme Manager – DIA Better Off Funding

Reviewed by Mike Williams
Manager Infrastructure Services

THREE WATERS REFORM – “BETTER OFF” FUNDING ALLOCATION OF \$650,000 OF UNALLOCATED FUNDS

1. REPORT PURPOSE

The purpose of this report is to bring the options discussed by Councillors in a workshop on 13 September 2023 to Council for a resolution to allocate \$650,000 of unallocated funds from the \$3,500,000 funding for the Three Waters Reform “Better Off” funding.

2. DRAFT RECOMMENDATIONS

That the Council:

- 1. Receive the Three Waters Reform – “Better Off” Funding Allocation of \$650,000 of Unallocated Funds report.**
- 2. Note the previously approved initiatives and initiatives that were considered but not progressed**
- 3. Approve the following list of initiatives for the unallocated \$650,000 of funding from the \$3,500,000 of Better Off Funding Package, including:**
 - i. Westport Emergency Water Supply**
 - ii. Ngakawau Swimming Pool**
 - iii. Granity Fundraising Centre**
 - iv. Cultural Community Hub Concept Designs**
 - v. Westport Stormwater/Wastewater works**
 - vi. Test Bore & Sampling for Non-Compliant Water Supplies**

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

3. BACKGROUND

As part of the process the Government entered into a Heads of Agreement with New Zealand Local Government Association Incorporated under which, amongst other things, the Government proposed that a Three Waters Reform financial support package be provided to local authorities. This included a “Better Off” package which has seen Council allocated \$3.5M of funding.

4. SUMMARY

The following tables summarise the initiatives that have been approved by previous resolutions and DIA, initiatives for approval and a list of initiatives that have been considered and are not being put forward for approval.

Table 1. Lists the initiatives approved by resolution of Council and DIA and their associated funding budgets.

Table 2. Lists the initiatives for approval for applications to be put forward to DIA and their associated funding budgets for the \$650,000 of unallocated funding.

Table 3. Lists the other options that were considered for the unallocated funding and have not been put forward for approval.

Table 1.

THREE WATERS “BETTER OFF” FUNDING – APPROVED INITIATIVES			
Initiative	Sub-project	Description	Approved Budget
Wastewater & Stormwater solutions – District wide	Stormwater – Westport	Accelerate or add value to addressing known stormwater issues. Examples - new valves, flood gates, increase pipe sizes. This set of work will provide immediate impact on known required scopes of works and alleviates known issues in the stormwater network	\$1,260,000

	<i>Stormwater/ Wastewater – Reefton</i>	Reefton Stormwater Options Analysis - Undertake a detailed analysis of Reefton's combined Sewer/Stormwater System, providing an options paper with solutions being presented to Council to approve funding for the next LTP or alternative funding mechanisms.	\$150,000
Climate change Preparedness/Planning – District wide		Additional funding to meet Climate Change Preparedness	
		Adaptation	\$250,000
		Master Planning	\$250,000
Cultural & Community Hub		Development of a detailed feasibility study.	\$150,000
Civil Defence		Upgrade of essential equipment, EOC facilities and upskill/train staff. A comprehensive & detailed spend plan will be provided.	\$275,000
Airport Relocation		Strategic assessment for the relocation of vital Lifeline Asset - Westport Airport.	\$50,000
Karamea Water Supply		To clear closed account costs accumulated to date as a standalone Karamea Water Supply will not proceed. And to provide a small sum to support the Karamea Bowling Club situated on Reserve Subcommittee land to transition to their own water supply.	\$65,000

Westport Critical Water Supply		Programme of works to ensure continued supply of Westport Water	\$100,000
Reefton Campground Accommodation			\$300,000
Unallocated			\$650,000
TOTAL			\$3.5 Million

Table 2:

THREE WATERS “BETTER OFF” FUNDING – OPTIONS FOR APPROVAL FOR UNALLOCATED FUNDING ALLOCATION of \$650,000		
Initiative	Description	Budget for Approval
Westport Emergency Water Supply	20 water tanks are presently in storage pending fitout and distribution across the community at key locations within Westport and Carters Beach. These tanks require to be situated on raised gravel stands (to allow gravity feed), connection of pipework and taps for people to access, drainage to prevent ponding, and ease of access for tanker refill and servicing	\$ 80,000
Ngakawau Swimming Pool	Pool improvements including installation of Elbe Blue Line reinforced PVC to pool tank, installation of access stairs and rails, swimming lane markers, supply and installation of new surface skimmers and water return nozzles, supply and installation of pool water circulation and drain system between the main pool and toddler pool and reinstatement of systems	\$310,000
Granity Fundraising Centre	Restoration of Category II listed building – one third of funding as seed funding to gain a further \$50,000 of funding	\$ 25,000
Cultural Community Hub Concept Designs	There is currently a feasibility study being carried out for the Buller Cultural Community Hub to scope the Hub	\$ 50,000

	<p>project and identify a suitable site. The Hub will serve as a multifunctional facility fostering community engagement, collaboration and support with key NGOs operating out of one space.</p> <p>Key functions of the hub will be 1. A gateway to social and community services; 2. Centralised operations and efficiencies; 3. A culturally inclusive space; and 4. Offer emergency welfare and recovery coordination after an emergency event.</p> <p>The project team are seeking funding for concept design so that they will have a better understanding of costs before contacting potential funders, providing a strong foundation for the next phase of fundraising work needed to make the Cultural Community Hub project a success.</p> <p>Required budget: \$116,500</p>	
Westport Stormwater/Wastewater works	<p>Undertake remedial works identified by smoke testing.</p> <p>18 locations require fixing of broken pipe or rerouting stormwater sumps to local stormwater mains.</p>	\$135,000
Test Bore & Sampling for Non-Compliant Water Supplies	<p>Test Bore & Sampling:</p> <ul style="list-style-type: none"> Investigate water supply source options for Little Wanganui and Mokihinui, which currently do not have treatment and fail the Water Services Act compliance. Being able to locate, drill and long-term test viable bore supplies will allow sufficient data to inform a reliable planning and estimate for treatment plants 	\$ 50,000
TOTAL		\$650,000

Table 3

THREE WATERS “BETTER OFF” FUNDING – OPTIONS NOT BEING CONSIDERED FOR APPROVAL		
Initiative	Description	Reason for Decline
1.Senior Housing Portfolio upgrades for compliance with Healthy Homes, plus additional comfort and accessibility upgrades	Upgrades to Senior housing portfolio to provide better level of comfort Budget: \$650,000	Upgrades paper needs to be discussed by Council’s Community, Environment and Services Committee and not considered ready to put forward for this funding
Westport Riverbank Landscaping	Landscaping for the riverbank precinct Budget: \$50,000	Not seen as priority
Mokihinui Water Main	Replacement of pipes Budget: \$80,000	Prioritised water source (6. In table 2) above this initiative
Water Source Compliance Monitoring	Compliance with WCRC Resource Consent take monitoring for all water supplies in the Buller District: Budget: \$75,000	Does not meet DIA criteria
Water Reduction Plan for Westport Wastewater Plant	The Westport Wastewater Treatment Plant is one of the highest consumers of the treated Westport Water Supply. Treated water is both unnecessary and unhelpful for the plant’s operation. Establishing an independent, untreated supply will reduce water consumption and potentially provide another emergency supply via a bore or from Gillows Dam. Note this is separate to the Alternative Westport Water Supply study in progress. Budget: \$150,000	Does not meet DIA criteria

<p>Mokihinui Easements</p>	<p>The Mokihinui Water Supply has a recently constructed quad-bike access track across privately owned land. A survey and easement process is required to ensure continuity of access should land ownership change or if the current landowner denies access.</p> <p>Budget: \$20,000</p>	<p>Does not meet DIA criteria</p>
<p>Westport Raw Water Bypass</p>	<p>In the event of a critical water treatment plant failure, fire or natural disaster only affecting this facility, the bypass would allow raw water to feed directly into the trunk main and town reticulation.</p> <p>Budget \$50,000</p>	<p>Does not meet DIA criteria</p>
<p>Westport Water Resilience Improvements</p>	<p>Part 1 Emergency Repairs: Various emergency repairs not included in the 2023/24 annual plan budget but identified in the post Feb 2022 flood event, DIA Resilience Options Study and Critical Investment Business Case, including:</p> <ul style="list-style-type: none"> • Abstraction Improvements \$50,000 • North Branch Supply \$200,000 • Tunnel No.1 Condition Assessment \$10,000 • PE Pipe Protection \$80,000 • Ford Crossing Repairs \$55,000 	<p>Does not meet DIA criteria</p>

	<ul style="list-style-type: none"> • Pond Capacity Increase \$250,000 • Access Road Improvements \$30,000 • Severe Weather Repairs \$60,000 	
Westport Water Resilience Improvements	<p>Part 2 Supply Security: Various critical investments not included in the 2023/24 annual plan budget but identified in the DIA Resilience Options Study and Critical Investment Business Case, including:</p> <ul style="list-style-type: none"> • Pond Modifications & Reconfiguration \$201,600 • Catchment Hydroseeding \$100,000 • Clarification Concept Study \$20,000 • Groundwater Feasibility Study \$100,000 	Does not meet DIA criteria

5. CONSIDERATIONS

5.1 Strategic Alignment

The Three Waters Reform “Better Off” funding is an investment by the Crown into the future for local government and community wellbeing. It is in recognition of the significance to the local government sector (and the communities they serve) of the transfer of responsibility for three water services delivery to the new yet to be formed “Entities”.

5.2 Significance Assessment

The use of “Better Off” funding is significant in terms of capital to support councils to transition to their new role post-reform through meeting some or all of the following criteria, as laid out in the Heads of Agreement:

- Delivery of infrastructure and/or services that enable housing development and growth, with a focus on brownfield and infill development opportunities where those are available.
- Supporting communities to transition to a sustainable and low-emissions economy, including by building resilience to climate change and natural hazards.
- Delivery of infrastructure and/or services that support local place-making and improvements in community well-being.
- Council's significance engagement policy is deemed not to be impacted.

5.3 Tangata Whenua Considerations

The criteria for the "Better Off" funding package recognise that local authorities are expected to engage with iwi/Māori (Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio) in determining how it will use its funding allocation.

5.4 Risk Management Implications

All projects/initiatives carry a low-risk threshold for Council and a full risk register for each initiative will be initiated.

5.5 Policy Framework Implications

Council must comply with the relevant policy and legal requirements of the "Better Off" funding agreement, including the Water Services Act 2021, Health Act 1956, the Health and Safety at Work Act 2015, the Resource Management Act 1991, Local Government Act 2002 and Council's own Procurement Policies and Delivery Guidelines.

5.6 Legal Implications

No legal implications are foreseen.

5.7 Financial / Budget Implications

Council notes that the allocation of the \$3.5M "Better Off" funding is towards projects over and above those contained in the Long-Term Plan.

5.8 Media/Publicity

Publicity is expected with Council drawing down on the "Better Off" funding, not all of which will be positive. However, this should not deter from the reasons for delivering important assets and infrastructure for the community.

5.9 Consultation Considerations

The team will work to ensure affected parties and stakeholders will be included and consulted throughout the programme delivery process.

BULLER DISTRICT COUNCIL

25 OCTOBER 2023

AGENDA ITEM: 7

- Prepared by:** Penny Bicknell
Programme Manager - Recovery
- Reviewed by:** Steve Gibling
Chief Executive Officer
- Attachments:** 1. Draft Lease Agreement
2. Third Schedule – Further Terms

PAPAROA WAY LEASE AGREEMENT AND PROPERTY MANAGEMENT PROPOSAL

1. REPORT PURPOSE

This report outlines a proposal for the temporary lease and management of 12 of the 20 houses in the temporary village located at Paparoa Way and the remaining six houses as and when they are released from the Temporary Accommodation Service.

The houses are owned by the Crown on land that is owned by BDC under a ground lease arrangement.

2. DRAFT RECOMMENDATION

- 1. Receives the “Paparoa Way Lease Agreement and Property Management Proposal” report.**
- 2. Approve the signing of a lease agreement from the Crown to sublet 12 houses at Paparoa Way and the additional six houses as and when they become vacant and are released from the Temporary Accommodation Service.**
- 3. Delegate authority to the Chief Executive Officer to engage a property management company to manage the houses for the duration of the lease agreement.**
- 4. Approve the modification of the permitted use on the Ground lease agreement between the Crown and BDC.**

3. ISSUES & DISCUSSION

3.1 Background

As a result of the July 2021 flood event in Westport, the temporary accommodation village of 20 houses at Paparoa Way (Alma Road) was built by the Temporary Accommodation Service (TAS) to cater for the need for emergency housing for flood affected residents of Westport.

The Crown is working through a divestment process for the properties which is envisaged to take at least 18 months to two years. TAS is unable to lease these houses to tenants that do not meet their strict criteria of emergency accommodation which has meant that several of the houses are currently vacant.

Whilst the Crown works through the divestment process, it has asked BDC to consider subleasing the houses to enable them to be let on less stringent criteria.

The Crown is currently progressing vesting of the infrastructure at Paparoa Way to Council through making the private road a public road.

Staff recommend that BDC facilitate the rental of these houses to a broader target to assist in delivering economic and wellbeing outcomes to the community. It is not intended for BDC to be a long-term landlord of these houses.

3.2 Ground Lease

The Crown currently holds a ground lease for the BDC owned property at Paparoa Way which is not subdivided and has 20 dwellings on it.

The lease on the Alma Road/Paparoa Way property is for 10 years with right of renewal and the ability to terminate with one month's notice.

The permitted use:

The establishment of a temporary accommodation village comprising up to 20 residential dwellings off a shared access to Alma Road for a period of ten years, for purposes of providing shelter and emergency accommodation for people who have had to leave their homes as a result of a natural disaster.

The Ground lease permitted use needs to be amended to ensure that BDC can let the houses on less stringent criteria. Currently there is a high need for rental accommodation for new employees coming into Westport. It is recommended that BDC decide on the revised criteria for leasing the houses and amend the permitted use accordingly.

3.3 Lease Agreement

The draft lease agreement from the Crown is for a term of eighteen months with two rights of renewal of six months each for 12 houses and surrounding land located at Paparoa Way. The 12 houses are listed below – *property details* (note the draft lease agreement has an error of house 6a/6b and the date of lease needs to be negotiated to ensure BDC has insurance in place).

The annual rent sought is a peppercorn rent of \$1. A copy of the draft Lease Agreement and the Further Terms – Third Schedule are attached.

Property Details



3.4. Property Management Financials

Proposals have been submitted by two Property Companies for the Management of these properties at Paparoa Way. The following represents an estimate of the average rental income over a period of 12 months and property management, maintenance, rates and insurance costs:

Address - Paparoa Way	Bedroom
3	3
5	3
11	3
19	3
12	3
10a	2 accessible
10b	2 accessible
8a	2 accessible
8b	2 accessible
6b	2.5
4	2.5
2	2.5

Average rental income on 12 properties	\$256,000
Estimated Annual Costs	\$ 97,000
Surplus	\$159,000

The surplus is available to the council for its use and allocation as deemed appropriate. Staff are currently preparing costs assessments relating to senior housing to meet healthy homes and accessibility requirements. It may be appropriate to allocate the surplus to that work once it is reported to the council in the December/January period.

4. CONSIDERATIONS

4.1 Strategic Impact

Properties will be managed in accordance with the Long-Term Plan.

4.2 Significance Assessment

The significance of this can be assessed as low as the Council is not needing to put any funding into this process, apart from staff time to get the lease set up and then monitoring the Property Manager.

4.3 Risk Management Implications

This decision does not provide Council with a significant risk

4.4 Values

The outcomes of this decision align with the Buller District Council Values, which are: Community Driven, One Team, Future Focussed, Integrity and We Care.

4.5 Policy / Legal Considerations

Council will need to take legal advice on the draft lease agreement and ground lease permitted use change.

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

Financial analysis shows a neutral cost to Council

4.9 Benefits

Potential for additional rental properties for the Community

4.10 Media / Publicity

There is likely to be significant interest on the future use of these properties by the media. This will be managed by the Communications team as and when required.

DEED OF LEASE

Sixth Edition 2012 (5)

GENERAL address of the premises:

Part Paparoa Way, Westport

DATE:

LANDLORD:

The Sovereign in Right of New Zealand acting by and through Te Tumu Whakarāe mō Hikina Whakatutuki, Secretary for Business, Innovation & Employment and Chief Executive of the Ministry of Business, Innovation and Employment

TENANT:

Buller District Council

GUARANTOR:

THE LANDLORD leases to the Tenant and the Tenant takes on lease the premises and the car parks (if any) described in the First Schedule together with the right to use the common areas of the property for the term from the commencement date and at the annual rent (subject to review if applicable) as set out in the First Schedule.

THE LANDLORD AND TENANT covenant as set out in the First, Second and Third Schedules.

THE GUARANTOR covenants with the Landlord as set out in the Fourth Schedule.

SIGNED by the Landlord

in the presence of:

Signature of Landlord

Witness Signature

Print Full Name

~~Director / Trustee /~~ **Authorised Signatory / Attorney***

Delete the options that do not apply

If no option is deleted, the signatory is signing in their personal capacity

The Sovereign in Right of New Zealand acting by and through Te Tumu Whakarae mō Hikina Whakatutuki, Secretary for Business, Innovation & Employment and Chief Executive of the Ministry of Business, Innovation and Employment or their authorised delegate

Witness Name

Witness Occupation

Signature of Landlord

Witness Address

Print Full Name

~~Director / Trustee /~~ **Authorised Signatory / Attorney***

Delete the options that do not apply

If no option is deleted, the signatory is signing in their personal capacity

SIGNED by the Tenant

in the presence of:

Witness Signature

Signature of Tenant

Print Full Name

~~Director / Trustee /~~ **Authorised Signatory / Attorney***

Delete the options that do not apply

If no option is deleted, the signatory is signing in their personal capacity

Witness Name

Witness Occupation

Signature of Tenant

Witness Address

Print Full Name

~~Director / Trustee /~~ **Authorised Signatory / Attorney***

Delete the options that do not apply

If no option is deleted, the signatory is signing in their personal capacity

Note: If signing by a company or as an Attorney - please refer to the notes on page 3

~~SIGNED~~ by the Guarantor _____

in the presence of:

Signature of Guarantor

Print Full Name
Director / Trustee / Authorised Signatory / Attorney*
Delete the options that do not apply
If no option is deleted, the signatory is signing in their personal capacity

Witness Signature

Witness Name

Witness Occupation

Signature of Guarantor

Witness Address

Print Full Name
Director / Trustee / Authorised Signatory / Attorney*
Delete the options that do not apply
If no option is deleted, the signatory is signing in their personal capacity.



- * If this agreement is signed under:
- (i) a Power of Attorney – please attach a **Certificate of non-revocation** (ADLS form code: 4098WFP); or
 - (ii) an Enduring Power of Attorney – please attach a **Certificate of non-revocation and non-suspension of the enduring power of attorney** (ADLS form code: 4997WFP).

Also insert the following wording for the Attorney's Signature above:
Signed by [full name of the donor] by his or her Attorney [attorney's signature].

Note: Signing by a company – Companies must sign this document in accordance with section 180 of the Companies Act 1993, to ensure it is binding as a deed. In general, this means:
(a) if there are two or more directors of the company, two directors must sign and no witnessing is necessary;
(b) if there is only one director of the company, that director signs and the signature must be witnessed.
Other methods of signing may be permitted by the company's constitution or if an attorney has been appointed.

FIRST SCHEDULE

1. **PREMISES:** That part of the land comprised in record of title 511485, comprising 12 houses and the surrounding land located at 2, 3, 4, 5, 6a, 8a, 8b, 10a, 10b, 11, 12 and 19 Paparoa Way, Westport and shown outlined in black on the attached premises plan.

2. **CAR PARKS:** All carparks located within the premises

3. **TERM:** Eighteen (18) months

4. **COMMENCEMENT DATE:** 1 September 2023

5. **RIGHTS OF RENEWAL:** Two (2) rights of renewal of six (6) months each

6. **RENEWAL DATES:** 1 March 2025, 1 September 2025

7. **FINAL EXPIRY DATE:** 28 February 2026

8.	ANNUAL RENT:	Premises	\$ 1.00	plus GST (if demanded)
	(Subject to review if applicable)	Car Parks	\$ -	plus GST
		TOTAL	\$ 1.00	plus GST (if demanded)

9. **MONTHLY RENT:** \$ _____ **plus GST**

10. **RENT PAYMENT DATES:** The _____ day of each month commencing on the _____ day of _____ 20____

11. **RENT REVIEW DATES:** (Specify review type and insert dates for initial term, renewal dates and renewal terms. Unless dates are specified there will be no reviews. Where there is a conflict in dates, the market rent review date will apply.)

1. ~~Market rent review dates:~~

2. ~~CPI rent review dates:~~

12. **DEFAULT INTEREST RATE:** 0 % per annum
(subclause 5.1)

13. **BUSINESS USE:** Residential housing
(subclause 16.1)

- ~~14. **LANDLORD'S INSURANCE:** (1) Cover for the building against damage and destruction by fire, flood, explosion, lightning, storm, earthquake, and volcanic activity; on the following basis:~~
 (subclause 23.1)
 (Delete or amend extent of cover as appropriate)
- ~~(a) Full replacement and reinstatement (including loss damage or destruction of windows and other glass);~~
- ~~(Delete either (a) or (b): if neither option is deleted, then option (a) applies)~~ **OR**
- ~~(b) Indemnity to full insurable value (including loss damage or destruction of windows and other glass).~~
- ~~(2) Cover for the following additional risks:~~
- ~~(Delete option (i) and complete option (ii) if required. If option (i) is not deleted and option (ii) is completed then option (ii) applies)~~ ~~(a) (i) 12 months~~
- ~~**OR**~~
- ~~(ii) _____ months~~
 indemnity in respect of consequential loss of rent and outgoings.
- ~~(b) Loss damage or destruction of any of the Landlord's fixtures fittings and chattels.~~
- ~~(c) Public liability~~
- ~~15. **NO ACCESS PERIOD:** (1) 9 months~~
 (subclause 27.6)
 (Delete option (1) and complete option (2) if required. If option (1) is not deleted and option (2) is completed then option (2) applies) **OR**
- ~~(2) _____~~
16. **PROPORTION OF OUTGOINGS:** 100 % which at commencement date is estimated
 (subclause 3.1) to be \$ _____ **Plus GST per annum**
17. **LIMITED LIABILITY TRUSTEE:**
 (subclause 45.2)
18. **OUTGOINGS:**
 (clause 3)
- (1) Rates or levies payable to any local or territorial authority.
- (2) Charges for water, gas, electricity, telecommunications and other utilities or services, including line charges.
- (3) Rubbish collection and recycling charges.
- (4) New Zealand Fire Service charges and the maintenance charges in respect of all fire detection and fire fighting equipment.
- ~~(5) Any insurance excess (but not exceeding \$2,000) in respect of a claim and insurance premiums and related valuation fees (subject to subclause 23.2).~~
- (6) Service contract charges for air conditioning, lifts, other building services and security services.
- (7) Cleaning, maintenance and repair charges including charges for repainting, decorative repairs and the maintenance and repair of building services to the extent that such charges do not comprise part of the cost of a service maintenance contract, but excluding charges for structural repairs to the building (minor repairs to the roof of the building shall not be a structural repair), repairs due to defects in design or construction, inherent defects in the building and renewal or replacement of building services.
- (8) The provisioning of toilets and other shared facilities.
- (9) The cost of maintenance of lawns, gardens and planted areas including plant hire and replacement, and the cost of repair of fences.
- (10) Yard and car parking area maintenance and repair charges but excluding charges for repaving or resealing.
- ~~(11) Body Corporate charges for any insurance premiums under any insurance policy effected by the Body Corporate and related valuation fees and reasonable management administration expenses.~~
- ~~(12) Management expenses (subject to subclause 3.7).~~
- ~~(13) The costs incurred and payable by the Landlord in supplying to the territorial authority a building warrant of fitness and obtaining reports as required by sections 108 and 110 of the Building Act 2004 but excluding the costs of upgrading or other work to make the building comply with the Building Act 2004.~~

SECOND SCHEDULE

TENANT'S PAYMENTS

Rent

if demanded by the Landlord.

- 1.1 The Tenant shall pay the annual rent by equal monthly payments in advance (or as varied pursuant to any rent review) on the rent payment dates. The first monthly payment (together with rent calculated on a daily basis for any period from the commencement date of the term to the first rent payment date) shall be payable on the first rent payment date. All rent shall be paid without any deductions or set-off by direct payment to the Landlord or as the Landlord may direct.

Market Rent Review

- 2.1 The annual rent payable as from each market rent review date (except for a market rent review date that is a renewal date) shall be determined as follows:
- Either party may not earlier than 3 months prior to a market rent review date and not later than the next rent review date (regardless of whether the next rent review date is a market or GPI rent review date) give written notice to the other party specifying the annual rent proposed as the current market rent as at the relevant market rent review date.
 - If the party receiving the notice ("the Recipient") gives written notice to the party giving the notice ("the Initiator") within 20 working days after service of the Initiator's notice disputing the annual rent proposed and specifying the annual rent proposed by the Recipient as the current market rent, then the new rent shall be determined in accordance with subclause 2.2.
 - If the Recipient fails to give such notice (time being of the essence) the Recipient shall be deemed to have accepted the annual rent specified in the Initiator's notice and the extension of time for commencing arbitration proceedings contained in the Arbitration Act 1996 shall not apply.
 - Notwithstanding any other provision of this clause, the annual rent payable as from the relevant market rent review date shall not be less than the annual rent payable as at the commencement date of the then current lease term.
 - The annual rent agreed, determined or imposed pursuant to subclause 2.1 shall be the annual rent payable as from the relevant market rent review date, or the date of service of the Initiator's notice if such notice is served later than 3 months after the relevant market rent review date but subject to subclause 2.3 and 2.4.
 - The market rent review at the option of either party may be recorded in a deed.

Rent Determinations

- 2.2 Immediately following service of the Recipient's notice on the Initiator, the parties shall endeavour to agree upon the current market rent, but if agreement is not reached within 10 working days then the new rent may be determined either:
- By one party giving written notice to the other requiring the new rent to be determined by arbitration; or
 - If the parties so agree by registered valuers acting as experts and not as arbitrators as follows:
 - Each party shall appoint a valuer and give written notice of the appointment to the other party within 20 working days of the parties agreeing to so determine the new rent.
 - If the party receiving a notice fails to appoint a valuer within the 20 working day period then the valuer appointed by the other party shall determine the new rent and such determination shall be binding on both parties.
 - The valuers appointed before commencing their determination shall appoint a third expert who need not be a registered valuer. If the parties cannot agree on the third expert, the appointment shall be made on the application of either party by the president or vice president for the time being of The New Zealand Institute of Valuers.
 - The valuers appointed by the parties shall determine the current market rent of the premises but if they fail to agree then the rent shall be determined by the third expert.
 - Each party shall be given the opportunity to make written or oral representations subject to such reasonable time and other limits as the valuers or the third expert may prescribe and they shall have regard to any of the representations but not be bound by them.
 - The parties shall jointly and severally indemnify the third expert for their costs. As between the parties, they will share the costs equally. A party may pay the other party's share of the costs and recover the payment on demand from the other party.
 - If the parties agree, they may release the third expert from liability for negligence in acting as third expert in accordance with this subclause 2.2.

When the new rent has been determined the person or persons determining it shall give written notice of it to the parties. The notice shall provide as to how the costs of the determination shall be borne and it shall be binding on the parties.

Interim Market Rent

- 2.3 Pending determination of the new rent, the Tenant shall from the relevant market rent review date, or the date of service of the Initiator's notice if the notice is served later than 3 months after the relevant market rent review date, until the determination of the new rent pay an interim rent as follows:
- if both parties supply a registered valuer's certificate substantiating the new rents proposed, the interim rent payable shall be half way between the new rents proposed by the parties; or
 - if only one party supplies a registered valuer's certificate, the interim rent payable shall be the rent substantiated by the certificate; or
 - if no registered valuer's certificates are supplied, the interim rent payable shall be the rent payable immediately prior to the relevant market rent review date,
- but in no circumstances shall the interim rent be less than the rent payable as at the commencement date of the then current lease term.
- The interim rent shall be payable with effect from the relevant market rent review date, or the date of service of the Initiator's notice if the notice is served later than 3 months after the relevant market rent review date and, subject to subclause 2.4, shall not be subject to adjustment.
- 2.4 Upon determination of the new rent, any overpayment shall be applied in payment of the next month's rent and any amount then remaining shall immediately be refunded to the Tenant. Any shortfall in payment shall immediately be payable by the Tenant.

GPI Rent Review

~~2.5 The annual rent payable from each GPI rent review date shall be determined as follows:~~

- ~~(a) The Landlord shall adjust the annual rent on the basis of increases (and not decreases) in the GPI by giving notice to the Tenant of the increase (if any) using the formula:~~

$$A = B \times (G \div D)$$

~~Where:~~

~~A = the GPI reviewed rent from the relevant GPI rent review date~~

~~B = the annual rent payable immediately before the relevant GPI rent review date~~

~~G = GPI for the quarter year ending immediately before the relevant GPI rent review date~~

~~D = GPI for the quarter year ending immediately before the last rent review date or if there is no previous rent review date, the commencement date of the then current term of the lease (and in the case where A is the GPI reviewed rent for a renewal date then the last rent review date of the immediate preceding lease term or if there is no rent review date the commencement date of the preceding term)~~

~~where (G÷D) shall not be less than 1.~~

- ~~(b) If the GPI is discontinued and not replaced, or if there is a material change to the basis of calculation of the GPI, or a resetting of the GPI, an appropriate index which reflects the change in the cost of living in New Zealand as agreed by the parties and failing agreement to be determined by an expert appointed by the president or vice president of the New Zealand Law Society will be used.~~
- ~~(c) If the relevant GPI is not published at the relevant GPI rent review date, as soon as the GPI is published an appropriate adjustment will be made to the rent (if necessary) with effect from the relevant GPI rent review date.~~
- ~~(d) Notwithstanding any other provision of subclause 2.5, the annual rent payable as from the relevant GPI rent review date shall not be less than the annual rent payable immediately preceding the GPI rent review date (and in the case where the relevant GPI rent review date is a renewal date, the annual rent payable at the expiry of the preceding term).~~

~~2.6 The new rent determined pursuant to subclause 2.5 shall be payable from the relevant GPI rent review date once it is determined by the Landlord giving notice under that subclause. Pending determination of the new rent, the Tenant will pay the rent that applies prior to the GPI rent review date. On determination of the new rent, the Tenant will immediately pay any shortfall to the Landlord.~~

Outgoings

- 3.1 The Tenant shall pay the outgoings properly and reasonably incurred in respect of the property which are specified in the First Schedule. Where any outgoing is not separately assessed or levied in respect of the premises then the Tenant shall pay such proportion of it as is specified in the First Schedule or if no proportion is specified then such fair proportion as shall be agreed or failing agreement determined by arbitration.
- 3.2 The Landlord shall vary the proportion of any outgoing payable to ensure that the Tenant pays a fair proportion of the outgoing.
- 3.3 If any outgoing is rendered necessary by another tenant of the property or that tenant's employees, contractors or invitees causing damage to the property or by another tenant failing to comply with that tenant's leasing obligations, then that outgoing shall not be payable by the Tenant.
- 3.4 The outgoings shall be apportioned between the Landlord and the Tenant in respect of periods current at the commencement and termination of the term.
- 3.5 The outgoings shall be payable on demand or if required by the Landlord by monthly instalments on each rent payment date of a reasonable amount as the Landlord shall determine calculated on an annual basis. Where any outgoing has not been taken into account in determining the monthly instalments it shall be payable on demand.
- 3.6 After the 31st March in each year of the term or other date in each year as the Landlord may specify, and after the end of the term, the Landlord shall supply to the Tenant reasonable details of the actual outgoings for the year or period then ended. Any over payment shall be credited or refunded to the Tenant and any deficiency shall be payable to the Landlord on demand.
- 3.7 Any profit derived by the Landlord and if a company by its shareholders either directly or indirectly from the management of the property shall not comprise part of the management expenses payable as an outgoing.

Goods and Services Tax

- 4.1 The Tenant shall pay to the Landlord or as the Landlord shall direct the GST payable by the Landlord in respect of the rental and other payments payable by the Tenant under this lease. The GST in respect of the rental shall be payable on each occasion when any rental payment falls due for payment and in respect of any other payment shall be payable upon demand.
- 4.2 If the Tenant shall make default in payment of the rental or other moneys payable under this lease and the Landlord becomes liable to pay Default GST then the Tenant shall on demand pay to the Landlord the Default GST in addition to interest payable on the unpaid GST under subclause 5.1.

Interest on Unpaid Money

- 5.1 If the Tenant defaults in payment of the rent or other moneys payable under this lease for 10 working days then the Tenant shall pay on demand interest at the default interest rate on the moneys unpaid from the due date for payment to the date of payment.
- 5.2 Unless a contrary intention appears on the front page or elsewhere in this lease the default interest rate is equivalent to the interest rate charged by the Inland Revenue Department on unpaid tax under the Tax Administration Act 1994 during the period for which the default interest is payable, plus 5 per cent per annum.

Costs

- 6.1 Each party will pay their own costs of the negotiation and preparation of this lease and any deed recording a rent review or renewal. The Tenant shall pay the Landlord's reasonable costs incurred in considering any request by the Tenant for the Landlord's consent to any matter contemplated by this lease, and the Landlord's legal costs (as between lawyer and client) of and incidental to the enforcement of the Landlord's rights remedies and powers under this lease.

LANDLORD'S PAYMENTS**Outgoings**

- 7.1 Subject to the Tenant's compliance with the provisions of clause 3 the Landlord shall pay all outgoings in respect of the property not payable by the Tenant direct. The Landlord shall be under no obligation to minimise any liability by paying any outgoing or tax prior to receiving payment from the Tenant.

MAINTENANCE AND CARE OF PREMISES

Tenant's Obligations

- 8.1 The Tenant shall be responsible to:
- (a) **Maintain the premises**
In a proper and workmanlike manner and to the reasonable requirements of the Landlord keep and maintain the interior of the premises in the same clean order repair and condition as they were in at the commencement date of this lease (or where the lease is renewed, the commencement date of the initial term of this lease) and will at the end or earlier determination of the term quietly yield up the same in the like clean order repair and condition. The premises condition report (if completed) shall be evidence of the condition of the premises at the commencement date of this lease. In each case the Tenant shall not be liable for fair wear and tear arising from reasonable use. **A final inspection of the premises will occur at the end of the term of the lease.**
 - (b) **Breakages and minor replacements**
Repair or replace glass breakages with glass of the same or better weight and quality, repair breakage or damage to all doors windows light fittings and power points of the premises and replace light bulbs, tubes and power points that wear out with items of the same or better quality and specification.
 - (c) **Painting**
Paint and decorate those parts of the interior of the premises which have previously been painted and decorated as at the commencement date of this lease (or where the lease is renewed the commencement date of the initial term of this lease) when they reasonably require repainting and redecoration to a specification as approved by the Landlord such approval not to be unreasonably withheld.
 - (d) **Floor coverings**
Keep all floor coverings in the premises clean and replace all floor coverings worn or damaged other than by fair wear and tear with floor coverings of the same or better quality, specification and appearance when reasonably required by the Landlord.
 - (e) **Damage or Loss**
Make good any damage to the property or loss caused by improper careless or abnormal use by the Tenant or those for whom the Tenant is responsible, to the Landlord's reasonable requirements.
- 8.2 ~~Where the Tenant is leasing all of the property, the Tenant shall:~~
- (a) **Care of grounds** ^{within the premises}
Keep any grounds yards and surfaced areas in a clean and tidy condition and maintain any garden or lawn areas in a tidy and cared for condition.
 - (b) **Water and drainage** ^{within the premises}
Keep and maintain the storm or waste water drainage system including downpipes and guttering clear and unobstructed.
 - (c) **Other works**
Carry out those works maintenance and repairs to the property as the Landlord may require in respect of which outgoings are payable by the Tenant. **(d) ensure all subtenants or occupants adhere to the village rules attached in the Seventh Schedule.**
- ~~8.3 Notwithstanding subclause 8.1(a) the Tenant shall not be liable for the maintenance or repair of any building services but this subclause shall not release the Tenant from any obligation to pay for the cost of any service maintenance contract or charges in respect of the maintenance or repair of the building services if it is an outgoing specified in the First Schedule but only to the extent specified in the First Schedule.~~
- ~~8.4 Notwithstanding any other provision of this lease, the Tenant shall not be liable to repair any inherent defect in the premises nor to pay any outgoings incurred by the Landlord in remedying any inherent defect.~~
- 8.5 If the Landlord shall give the Tenant written notice of any failure on the part of the Tenant to comply with any of the requirements of subclauses 8.1 or 8.2 the Tenant shall with all reasonable speed so comply.

Toilets

- 9.1 The toilets sinks and drains shall be used for their designed purposes only and no substance or matter shall be deposited in them which could damage or block them.

Rubbish Removal

- 10.1 The Tenant shall regularly cause all of the Tenant's rubbish and recycling to be removed from the premises and will keep the Tenant's rubbish bins or containers in a tidy condition. The Tenant will also at the Tenant's own expense cause to be removed all trade waste boxes and other goods or rubbish not removable in the ordinary course by the local authority.

Landlord's Maintenance

- ~~11.1 The Landlord shall keep and maintain the building, all building services and the car parks in good order and repair and weatherproof but the Landlord shall not be liable for any:~~
- ~~(a) Repair or maintenance which the Tenant is responsible to undertake.~~
 - ~~(b) Want of repair or defect in respect of building services, so long as the Landlord is maintaining a service maintenance contract covering the work to be done, or where the building services have not been supplied by the Landlord.~~
 - ~~(c) Repair or maintenance which is not reasonably necessary for the Tenant's use and enjoyment of the premises and the car parks.~~
 - ~~(d) Loss suffered by the Tenant arising from any want of repair or defect unless the Landlord shall have received notice in writing of that from the Tenant and has not within a reasonable time after that taken appropriate steps to remedy the same.~~
- ~~11.2 The Landlord shall keep and maintain service maintenance contracts for lifts, air conditioning and at the Landlord's option any other building services supplied by the Landlord. Whenever building services cannot be maintained in good order and repair through regular maintenance, the Landlord will if reasonably required replace the services with services of a similar type and quality.~~
- ~~11.3 The Tenant shall be liable to reimburse the Landlord for the cost of any such repair, maintenance or service contract pursuant to subclauses 11.1 and 11.2 if it is an outgoing specified in the First Schedule but only to the extent specified in the First Schedule.~~

Notification of Defects

- 12.1 The Tenant shall give to the Landlord prompt written notice of any accident to or defect in the premises of which the Tenant may be aware and in particular in relation to any pipes or fittings used in connection with the water electrical gas or drainage services.

Landlord's Right of Inspection

- 13.1 The Landlord and the Landlord's employees contractors and invitees may at all reasonable times and after having given prior written notice to the Tenant (except in the case of emergencies) enter upon the premises to view their condition.

Landlord may Repair

- 14.1 If default shall be made by the Tenant in the due and punctual compliance with any repair notice given by the Landlord pursuant to this lease, or if any repairs for which the Tenant is responsible require to be undertaken as a matter of urgency then without prejudice to the Landlord's other rights and remedies expressed or implied the Landlord may by the Landlord's employees and contractors with all necessary equipment and material at all reasonable times and on reasonable notice (except in the case of emergencies) enter the premises to execute the works. Any moneys expended by the Landlord in executing the works shall be payable by the Tenant to the Landlord upon demand together with interest on the moneys expended at the default interest rate from the date of expenditure to the date of payment.

Access for Works

- 15.1 The Tenant shall permit the Landlord and the Landlord's employees and contractors at all reasonable times and on reasonable written notice (except in the case of emergencies) to enter the premises for a reasonable period to inspect and carry out works to the premises or adjacent premises and to install inspect repair renew or replace any services where they are not the responsibility of the Tenant or are required to comply with the requirements of any statutes, regulations, by-law or requirement of any competent authority. All repairs inspections and works shall be carried out with the least possible inconvenience to the Tenant subject to subclauses 15.3 and 15.4.
- ~~15.2 If the Tenant's business use of the premises is materially disrupted because of the Landlord's works provided for in subclause 15.1, then during the period the works are being carried out a fair proportion of the rent and outgoings shall cease to be payable but without prejudice to the Tenant's rights if the disruption is due to a breach by the Landlord of the Landlord's obligation, under subclause 15.1, to cause the least possible inconvenience to the Tenant.~~
- 15.3 If in the Landlord's reasonable opinion, the Landlord requires the Tenant to vacate the whole or part of the premises to enable the works referred to in subclause 15.1 to be carried out, the Landlord may give the Tenant reasonable written notice requiring the Tenant to vacate the whole or part of the premises and specifying a reasonable period for which the Landlord requires possession. On the expiry of the notice the Landlord may take possession of the premises or the part specified in the notice. A fair proportion of the rent and outgoings shall cease to be payable during the period the Tenant vacates the premises as required by the Landlord.
- 15.4 The Landlord shall act in good faith and have regard to the nature, extent and urgency of the works when exercising the Landlord's right of access or possession in accordance with subclauses 15.1 and 15.3.

USE OF PREMISES

Business Use

- 16.1 The Tenant shall not without the prior written consent of the Landlord use or permit the whole or any part of the premises to be used for any use other than the business use. The Landlord's consent shall not be unreasonably or arbitrarily withheld or delayed in respect of any proposed use which is:
- not in substantial competition with the business of any other occupant of the property which might be affected by the use; and
 - reasonably suitable for the premises; and
 - compliant with the requirements of the Resource Management Act 1991 or any other statutory provisions relating to resource management.
- ~~If any change in use renders any increased or extra premium payable in respect of any policy or policies of insurance on the premises the Landlord as a condition of granting consent may require the Tenant to pay the increased or extra premium.~~
- 16.2 If any change in use requires compliance with sections 114 and 115 of the Building Act 2004 the Landlord, as a condition of granting consent, may require the Tenant to comply with sections 114 and 115 of the Act and to pay all compliance costs.
- ~~16.3 If the premises are a retail shop the Tenant shall keep the premises open for business during usual trading hours and fully stocked with appropriate merchandise for the efficient conduct of the Tenant's business.~~

Lease of Premises and Car Parks Only

- 17.1 The tenancy shall relate only to the premises and the car parks (if any) and the Landlord shall at all times be entitled to use occupy and deal with the remainder of the property without reference to the Tenant and the Tenant shall have no rights in relation to it other than the rights of use under this lease.

Neglect of Other Tenant

- 18.1 The Landlord shall not be responsible to the Tenant for any act or default or neglect of any other tenant of the property.

Signage

- 19.1 The Tenant shall not affix paint or exhibit or permit to be affixed painted or exhibited any name sign name-plate signboard or advertisement of any description on or to the exterior of the building without the prior approval in writing of the Landlord but approval shall not be unreasonably or arbitrarily withheld or delayed in respect of signage describing the Tenant's business. If approved the signage shall be secured in a substantial and proper manner so as not to cause any damage to the building or any person and the Tenant shall at the end or sooner determination of the term remove the signage and make good any damage occasioned in connection with the signage.

Additions, Alterations, Reinstatement and Chattels Removal

- 20.1 The Tenant shall neither make nor allow to be made any alterations or additions to any part of the premises or alter the external appearance of the building without first producing to the Landlord on every occasion plans and specifications and obtaining the written consent of the Landlord (not to be unreasonably or arbitrarily withheld or delayed) for that purpose. If the Landlord authorises any alterations or additions which are made before the commencement date or during the term of this lease the Tenant will at the Tenant's own expense if required by the Landlord no later than the end or earlier termination of the term reinstate the premises. Ownership of the alterations or additions that are not removed by the end or earlier termination of the lease may at the Landlord's election pass to the Landlord without compensation payable to the Tenant. If the Tenant fails to reinstate then any costs incurred by the Landlord in reinstating the premises whether in whole or in part, within 6 months of the end or earlier termination of the term shall be recoverable from the Tenant.
- 20.2 The Tenant, when undertaking any "building work" to the premises (as that term is defined in the Building Act 2004), shall comply with all statutory requirements including the obtaining of building consents and code compliance certificates pursuant to that Act and shall provide copies of the building consents and code compliance certificates to the Landlord.

- 20.3** The Tenant may at any time before and will if required by the Landlord no later than the end or earlier termination of the term remove all the Tenant's chattels. In addition to the Tenant's obligations to reinstate the premises pursuant to subclause 20.1 the Tenant will make good at the Tenant's own expense all resulting damage and if the chattels are not removed by the end or earlier termination of the term ownership of the chattels may at the Landlord's election pass to the Landlord or the Landlord may remove them from the premises and forward them to a refuse collection centre. Where subclause 27.5 applies, the time by which the Tenant must remove the chattels and to make good all resulting damage will be extended to 5 working days after access to the premises is available.
- 20.4** The cost of making good resulting damage and the cost of removal of the Tenant's chattels shall be recoverable from the Tenant and the Landlord shall not be liable to pay any compensation nor be liable for any loss suffered by the Tenant.

Compliance with Statutes and Regulations

- 21.1** The Tenant shall comply with the provisions of all statutes, ordinances, regulations and by-laws relating to the use of the premises by the Tenant or other occupant and will also comply with the provisions of all licences, requisitions and notices issued by any competent authority in respect of the premises or their use by the Tenant or other occupant provided that:
- The Tenant shall not be required to make any structural repairs alterations or additions nor to replace or install any plant or equipment except where required by reason of the particular nature of the business carried on by the Tenant or other occupant of the premises or the number or sex of persons employed on the premises.
 - The Tenant shall not be liable to discharge the Landlord's obligations as owner under the Building Act 2004 unless any particular obligation is the responsibility of the Tenant as an occupier of the premises.
 - The Tenant will promptly provide the Landlord with a copy of all requisitions and notices received from a competent authority under this subclause.
- 21.2** If the Landlord is obliged by any legislation or requirement of any competent authority to expend moneys during the term of this lease or any renewed term on any improvement addition or alteration to the property which is not the Tenant's responsibility under subclause 21.1 and the expenditure would be an unreasonable amount then the Landlord may determine this lease. Any dispute as to whether or not the amount to be expended by the Landlord is unreasonable shall be determined by arbitration.
- ~~**21.3** The Landlord warrants that allowing the premises to be open to members of the public and allowing the use of the premises by members of the public at the commencement date will not be a breach of section 363 of the Building Act 2004. This clause does not apply to any "building work" (as defined in the Building Act 2004) relating to the fit-out of the premises by the Tenant.~~
- 21.4** The Tenant, when undertaking any building work to the premises, shall comply with all statutory requirements including the obtaining of building consents and code compliance certificates and shall not allow the premises to be open to members of the public or allow use of the premises by members of the public if that would be in breach of section 363 of the Building Act 2004.
- 21.5** During the term and any renewal, the Landlord shall not give consent to or carry out any building work in any part of the Landlord's property which may cause the Tenant to be in breach of section 363 of the Building Act 2004 by allowing the premises to be open to members of the public and allowing the use of the premises by members of the public.

No Noxious Use

- 22.1** The Tenant shall not:
- Bring upon or store within the premises nor allow to be brought upon or stored within the premises any machinery goods or things of an offensive noxious illegal or dangerous nature, or of a weight size or shape as is likely to cause damage to the building or any surfaced area.
 - Contaminate the property and shall undertake all works necessary to remove any contamination of the property other than contamination not caused by the Tenant or which took place prior to the commencement date of the lease term. Contamination means any change to the physical chemical or biological condition of the property by a "contaminant" as that word is defined in the Resource Management Act 1991.
 - Use the premises or allow them to be used for any noisome noxious illegal or offensive trade or business.
 - Allow any act or thing to be done which may be or grow to be a nuisance disturbance or annoyance to the Landlord, other tenants of the property, or any other person, and generally the Tenant shall conduct the Tenant's business upon the premises in a clean quiet and orderly manner free from damage nuisance disturbance or annoyance to any such persons but the carrying on by the Tenant in a reasonable manner of the business use or any use to which the Landlord has consented shall be deemed not to be a breach of this clause.

INSURANCE Refer clause 48 Further Terms

Landlord shall insure

- ~~**23.1** The Landlord shall at all times during the term keep and maintain insurance of the type shown and for the risks specified in the First Schedule. If insurance cover required under this subclause becomes unavailable during the term of this lease or any renewal other than because of the Landlord's act or omission, the Landlord will not be in breach while cover is unavailable, provided the Landlord uses all reasonable endeavours on an ongoing basis to obtain cover. The Landlord will advise the Tenant in writing whenever cover becomes unavailable and provide reasons as to the unavailability. The Landlord will also provide the Tenant with reasonable information relating to the cover when requested by the Tenant.~~
- ~~**23.2** The parties acknowledge and agree pursuant to section 274 of the Property Law Act 2007 that to the extent of any excess payable regarding any insurance policy held by the Landlord, the excess will represent an amount for which the Landlord has not insured, or has not fully insured the premises or the property against destruction or damage arising from the events that the section applies to. If the Landlord makes any claim against its insurance for any destruction or damage because of any act or omission of the Tenant, the Tenant will pay the Landlord the amount of the excess not exceeding the sum specified in the list of outgoings in the First Schedule~~

Tenant not to void insurance

- 24.1** The Tenant shall not carry on or allow upon the premises any trade or occupation or allow to be done any act or thing which:
- Shall make void or voidable any policy of insurance on the property.
 - ~~May render any increased or extra premium payable for any policy of insurance except where in circumstances in which any increased premium is payable the Tenant shall have first obtained the consent of the insurer of the premises and the Landlord and made payment to the insurer of the amount of any such increased or extra premium as may be payable but the carrying on by the Tenant in a reasonable manner of the business use or of any use to which the Landlord has consented shall be deemed not to be a breach of this clause.~~
- 24.2** In any case where in breach of subclause 24.1 the Tenant has rendered any insurance void or voidable and the Landlord has suffered loss or damage by that the Tenant shall at once compensate the Landlord in full for such loss or damage.

When Tenant to have benefit of Landlord's insurance

~~25.1~~ Where the property is destroyed or damaged by fire, flood, explosion, lightning, storm, earthquake, volcanic activity or any risk against which the Landlord is (or has covenanted with the Tenant to be) insured the Landlord will not require the Tenant to meet the cost of making good the destruction or damage to the property and will indemnify the Tenant against such cost where the Tenant is obligated to pay for making good such damage or destruction. The Landlord does not have to indemnify the Tenant and the Tenant will not be excused from liability under this subclause if and to the extent that:

- ~~(a)~~ The destruction or damage was intentionally caused by the Tenant or those for whom the Tenant is responsible; or
- ~~(b)~~ The destruction or damage was the result of an act or omission by the Tenant or those for whom the Tenant is responsible and that act or omission:
 - ~~(1)~~ occurred on or about the property; and
 - ~~(2)~~ constitutes an imprisonable offence; or
- ~~(c)~~ Any insurance moneys that would otherwise have been payable to the Landlord for the damage or destruction are rendered irrecoverable in consequence of any act or omission of the Tenant or those for whom the Tenant is responsible.

DAMAGE TO OR DESTRUCTION OF PREMISES

Refer clause 49 Further Terms

Total Destruction

~~26.1~~ If the premises or any portion of the building of which the premises may form part shall be destroyed or so damaged:

- ~~(a)~~ as to render the premises untenable then the term shall at once terminate from the date of destruction or damage; or
- ~~(b)~~ in the reasonable opinion of the Landlord as to require demolition or reconstruction, then the Landlord may within 3 months of the date of damage give the Tenant 20 working days notice to terminate and a fair proportion of the rent and outgoings shall cease to be payable as from the date of damage.

Any termination pursuant to this subclause shall be without prejudice to the rights of either party against the other.

Partial Destruction

~~27.1~~ If the premises or any portion of the building of which the premises may form part shall be damaged but not so as to render the premises untenable and:

- ~~(a)~~ the Landlord's policy or policies of insurance shall not have been invalidated or payment of the policy moneys refused in consequence of some act or default of the Tenant; and
 - ~~(b)~~ all the necessary permits and consents are obtainable;
- the Landlord shall with all reasonable speed expend all the insurance moneys received by the Landlord in respect of such damage towards repairing such damage or reinstating the premises or the building but the Landlord shall not be liable to expend any sum of money greater than the amount of the insurance money received.

~~27.2~~ Any repair or reinstatement may be carried out by the Landlord using such materials and form of construction and according to such plan as the Landlord thinks fit and shall be sufficient so long as it is reasonably adequate for the Tenant's occupation and use of the premises:

~~27.3~~ Until the completion of the repairs or reinstatement a fair proportion of the rent and outgoings shall cease to be payable as from the date of damage:

~~27.4~~ If any necessary permit or consent shall not be obtainable or the insurance moneys received by the Landlord shall be inadequate for the repair or reinstatement then the term shall at once terminate but without prejudice to the rights of either party against the other.

No Access in Emergency

~~27.5~~ If there is an emergency and the Tenant is unable to gain access to the premises to fully conduct the Tenant's business from the premises because of reasons of safety of the public or property or the need to prevent reduce or overcome any hazard, harm or loss that may be associated with the emergency including:

- ~~(a)~~ a prohibited or restricted access cordon applying to the premises; or
- ~~(b)~~ prohibition on the use of the premises pending the completion of structural engineering or other reports and appropriate certifications required by any competent authority that the premises are fit for use; or
- ~~(c)~~ restriction on occupation of the premises by any competent authority;

then a fair proportion of the rent and outgoings shall cease to be payable for the period commencing on the date when the Tenant became unable to gain access to the premises to fully conduct the Tenant's business from the premises until the inability ceases:

~~27.6~~ This subclause 27.6 applies where subclause 27.5 applies and the premises or building of which the premises form part are not totally or partially destroyed or damaged resulting in the lease being cancelled as provided for in subclauses 26.1 or 27.4. Either party may terminate this lease by giving 10 working days written notice to the other if:

- ~~(a)~~ the Tenant is unable to gain access to the premises for the period specified in the First Schedule; or
- ~~(b)~~ the party that terminates this lease can at any time prior to termination establish with reasonable certainty that the Tenant is unable to gain access to the premises for that period.

Any termination shall be without prejudice to the rights of either party against the other.

DEFAULT**Cancellation**

~~28.1~~ The Landlord may (in addition to the Landlord's right to apply to the Court for an order for possession) and subject to section 245(2) of the Property Law Act 2007 cancel this lease by re-entering the premises at the time or at any time after that:

- ~~(a)~~ If the rent shall be in arrears 10 working days after any rent payment date and the Tenant has failed to remedy that breach within 10 working days after service on the Tenant of a notice in accordance with section 245 of the Property Law Act 2007.
- ~~(b)~~ In case of breach by the Tenant of any covenant or agreement on the Tenant's part expressed or implied in this lease (other than the covenant to pay rent) after the Tenant has failed to remedy that breach within the period specified in a notice served on the Tenant in accordance with section 246 of the Property Law Act 2007.
- ~~(c)~~ If the Tenant shall make or enter into or endeavour to make or enter into any composition assignment or other arrangement with or for the benefit of the Tenant's creditors.
- ~~(d)~~ In the event of the insolvency, bankruptcy, statutory management, voluntary administration, receivership or liquidation of the Tenant.

- (e) If the Tenant shall suffer execution to issue against the Tenant's property goods or effects under any judgment against the Tenant in any Court for a sum in excess of five thousand dollars (\$5,000).

The term shall terminate on the cancellation but without prejudice to the rights of either party against the other.

Essentiality of Payments

- 29.1 Failure to pay rent or other moneys payable under this lease on the due date shall be a breach going to the essence of the Tenant's obligations under the lease. The Tenant shall compensate the Landlord and the Landlord shall be entitled to recover damages from the Tenant for such breach. This entitlement shall subsist notwithstanding any determination of the lease and shall be in addition to any other right or remedy which the Landlord may have.
- 29.2 The acceptance by the Landlord of arrears of rent or other moneys shall not constitute a waiver of the essentiality of the Tenant's continuing obligation to pay rent and other moneys.

Repudiation

- 30.1 The Tenant shall compensate the Landlord and the Landlord shall be entitled to recover damages for any loss or damage suffered by reason of any acts or omissions of the Tenant constituting a repudiation of the lease or the Tenant's obligations under the lease. Such entitlement shall subsist notwithstanding any determination of the lease and shall be in addition to any other right or remedy which the Landlord may have.

QUIET ENJOYMENT

- 31.1 The Tenant paying the rent and performing and observing all the covenants and agreements expressed and implied in this lease shall quietly hold and enjoy the premises throughout the term without any interruption by the Landlord or any person claiming under the Landlord.

RENEWAL OF LEASE

- 32.1 If the Tenant has given to the Landlord written notice to renew the lease at least 3 calendar months before the end of the term and is not at the date of the giving of the notice in breach of this lease then the Landlord will grant a new lease for a further term from the renewal date as follows:
- If the renewal date is a market rent review date the annual rent shall be the current market rent which if not agreed on shall be determined in accordance with subclause 2.2 but the annual rent shall not be less than the rent payable as at the commencement date of the immediately preceding lease term.
 - If the renewal date is a CPI rent review date, the annual rent shall be determined in accordance with subclause 2.5.
 - Subject to the provisions of paragraphs (a) and (b) the new lease shall be upon and subject to the covenants and agreements expressed and implied in this lease except that the term of this lease plus all further terms shall expire on or before the final expiry date.
 - The annual rent shall be subject to review during the term of the new lease on the rent review dates specified in the First Schedule.
 - The Landlord as a condition of granting a new lease shall be entitled to have the new lease guaranteed by any guarantor who has guaranteed this lease on behalf of the Tenant who has given notice or the security of a bank guarantee that has been given.
 - If the renewal date is a market rent review date, pending the determination of the rent, the Tenant shall pay an interim rent in accordance with subclauses 2.3 and 2.4.
 - Notwithstanding anything contained in subclause 32.1(f) the interim rent referred to in that subclause shall not be less than the annual rent payable as at the commencement date of the immediately preceding lease term.
 - The parties will not be released by the renewal of the lease from any liability for any breach under this lease.

ASSIGNMENT OR SUBLETTING Refer clause 50 Further Terms

- 33.1 ~~The Tenant shall not assign sublet or otherwise part with the possession of the premises, the carparks (if any) or any part of them without first obtaining the written consent of the Landlord which the Landlord shall not unreasonably withhold or delay if the following conditions are fulfilled:~~
- ~~The Tenant proves to the reasonable satisfaction of the Landlord that the proposed assignee or subtenant is (and in the case of a company that the shareholders of the proposed assignee or subtenant are) respectable responsible and has the financial resources to meet the Tenant's commitments under this lease and in the case of the subtenant the subtenant's commitments under the sublease. The Tenant shall give the Landlord any additional information reasonably required by the Landlord.~~
 - ~~All rent and other moneys payable have been paid and there is not any subsisting breach of any of the Tenant's covenants.~~
 - ~~In the case of an assignment a deed of covenant in customary form approved or prepared by the Landlord is duly executed and delivered to the Landlord.~~
 - ~~In the case of an assignment to a company (other than a company listed on the main board of a public stock exchange in New Zealand or Australia) either a deed of guarantee in customary form approved or prepared by the Landlord is duly executed by the principal shareholders of that company and delivered to the Landlord or a bank guarantee from a registered trading bank in New Zealand on reasonable terms approved by the Landlord as security for the performance by the company of its obligations under this lease is provided to the Landlord.~~
 - ~~The Tenant pays the Landlord's reasonable costs and disbursements in respect of the approval and the preparation of any deed of covenant or guarantee and (if appropriate) all fees and charges payable in respect of any reasonable inquiries made by or on behalf of the Landlord concerning any proposed assignee subtenant or guarantor. All such costs shall be payable whether or not the assignment or subletting proceeds.~~
- 33.2 ~~Where the Landlord consents to a subletting the consent shall extend only to the subletting and notwithstanding anything contained or implied in the sublease the consent shall not permit any subtenant to deal with the sublease in any way in which the Tenant is restrained from dealing without consent.~~
- 33.3 ~~Where any Tenant is a company which is not listed on the main board of a public stock exchange in New Zealand or Australia, then any change in the legal or beneficial ownership of its shares or the shares of its shareholder or issue of new capital in the company or its shareholder where in any case there is a change in the effective management or control of the company will require the written consent of the Landlord which will not be unreasonably withheld or delayed.~~

UNIT TITLE PROVISIONS

~~34.1~~ Clause 34 applies where the property is part of a unit title development.

Body Corporate

~~34.2~~ The expression "Body Corporate" means the Body Corporate under the Unit Titles Act 2010 (in subclauses 34.2 to 34.7 "the Act") in respect of the property.

Act and Rules Paramount

~~34.3~~ This lease shall be subject to the provisions of the rules of the Body Corporate and the provisions of the Act.

Insurance

~~34.4~~ Unless the Body Corporate has resolved that the Landlord is to insure the building the Landlord's obligation to insure the building shall be satisfied by the Body Corporate maintaining the same insurance cover in accordance with the Act.

Landlord's Obligations

~~34.5~~ The Landlord shall observe and perform all of the Landlord's obligations as a member of the Body Corporate and shall use the Landlord's best endeavours to ensure that the Body Corporate complies with its rules and the provisions of the Act.

Tenant's Obligations

~~34.6~~ The Tenant shall comply with the rules of the Body Corporate and the provisions of the Act to the extent that they apply to the Tenant's use of the property.

Consents

~~34.7~~ Where in this lease the consent of the Landlord is required in respect of any matter then the like consent of the Body Corporate shall also be required if the consent of the Body Corporate to the matter would be necessary under its rules or the Act.

CARPARKS

~~35.1~~ The Tenant shall have the right to exclusive possession of the leased car parks, but when any car park is not being used by the Tenant other persons shall be entitled to pass over the same.

~~35.2~~ The Landlord may carry out repairs to the car parks and no abatement of rent or other compensation shall be claimed by the Tenant except pursuant to subclauses 26.1 or 27.3.

~~35.3~~ The Tenant shall comply with the Landlord's reasonable requirements relating to the use of the car parks and access to them and in particular shall only use the car parks for the parking of one motor vehicle per parking space.

~~35.4~~ The provisions of the Second Schedule shall apply to the car parks as appropriate.

GENERAL**Holding Over**

~~36.1~~ If the Landlord permits the Tenant to remain in occupation of the premises after the expiration or sooner determination of the term, the occupation shall be a periodic tenancy only terminable by at least 20 working days notice given at any time with the tenancy terminating on the expiry of the notice at the rent then payable and otherwise on the same covenants and agreements (so far as applicable to a periodic tenancy) as expressed or implied under this lease.

Access for Re-Letting or Sale

~~37.1~~ The Tenant will during the term permit the Landlord, the Landlord's representatives and prospective tenants or purchasers to have access to inspect the premises provided that:

- (a) Any such inspection is at a time which is reasonably convenient to the Tenant and after reasonable written notice.
- (b) The inspection is conducted in a manner which does not cause disruption to the Tenant.
- (c) If the Landlord or the Landlord's representatives are not present the persons inspecting have written authority from the Landlord to do so.

Suitability

~~38.1~~ No warranty or representation expressed or implied has been or is made by the Landlord that the premises are now suitable or will remain suitable or adequate for use by the Tenant or that any use of the premises by the Tenant will comply with the by-laws or ordinances or other requirements of any authority having jurisdiction.

Affirmation

~~39.1~~ A party to this lease shall not be entitled to cancel this lease if, with full knowledge of any repudiation or misrepresentation or breach of covenant, that party affirmed this lease.

Waiver

~~40.1~~ No waiver or failure to act by either party in respect of any breach by the other shall operate as a waiver of another breach.

Land Transfer Title or Mortgagee's consent

~~41.1~~ The Landlord shall not be required to do any act or thing to enable this lease to be registered or be required to obtain the consent of any mortgagee of the property and the Tenant will not register a caveat in respect of the Tenant's interest under this lease.

Notices

~~42.1~~ All notices must be in writing and must be served by one of the following means:

- (a) In the case of a notice under sections 245 or 246 of the Property Law Act 2007 in the manner prescribed by section 353 of that Act; and
- (b) In all other cases, unless otherwise required by sections 352 to 361 of the Property Law Act 2007:
 - (1) in the manner authorised by sections 354 to 361 of the Property Law Act 2007, or
 - (2) by personal delivery, or by posting by registered or ordinary mail, ~~or by facsimile~~, or by email.

- 42.2 In respect of the means of service specified in subclause 42.1(b)(2), a notice is deemed to have been served:
- (a) In the case of personal delivery, when received by the addressee.
 - (b) In the case of posting by mail, on the second working day following the date of posting to the addressee's last known address in New Zealand.
 - ~~(c) In the case of facsimile transmission, when sent to the addressee's facsimile number.~~
 - (d) In the case of email, when acknowledged by the addressee orally or by return email or otherwise in writing except that return emails generated automatically shall not constitute an acknowledgement.
- 42.3 In the case of a notice to be served on the Tenant, if the Landlord is unaware of the Tenant's last known address in New Zealand ~~or the Tenant's facsimile number~~, any notice placed conspicuously on any part of the premises shall be deemed to have been served on the Tenant on the day on which it is affixed.
- 42.4 A notice shall be valid if given by any director, general manager, lawyer or other authorised representative of the party giving the notice.
- 42.5 Where two or more notices are deemed to have been served at the same time, they shall take effect in the order in which they would have been served but for subclause 47.1(p).
- 42.6 Any period of notice required to be given under this agreement shall be computed by excluding the date of service.

Arbitration

- 43.1 The parties shall first endeavour to resolve any dispute or difference by agreement and if they agree by mediation.
- 43.2 Unless any dispute or difference is resolved by mediation or other agreement within 30 days of the dispute or difference arising, the same shall be submitted to the arbitration of one arbitrator who shall conduct the arbitral proceedings in accordance with the Arbitration Act 1996 or any other statutory provision then relating to arbitration.
- 43.3 If the parties are unable to agree on the arbitrator, an arbitrator shall be appointed, upon request of any party, by the president or vice president of the New Zealand Law Society. That appointment shall be binding on all parties to the arbitration and shall be subject to no appeal. The provisions of Article 11 of the First Schedule of the Arbitration Act 1996 are to be read subject to this and varied accordingly.
- 43.4 The procedures prescribed in this clause shall not prevent the Landlord from taking proceedings for the recovery of any rent or other monies payable under this lease which remain unpaid or from exercising the rights and remedies in the event of the default prescribed in subclause 28.1.

No Implied Terms

- 44.1 The covenants, conditions and powers implied in leases pursuant to the Property Law Act 2007 and sections 224 and 266(1)(b) of that Act shall not apply to and are excluded from this lease where allowed.

Limitation of Liability

- 45.1 If any person enters into this lease as trustee of a trust, then:
- (a) That person warrants that:
 - (1) that person has power to enter into this lease under the terms of the trust; and
 - (2) that person has properly signed this lease in accordance with the terms of the trust; and
 - (3) that person has the right to be indemnified from the assets of the trust and that right has not been lost or impaired by any action of that person including entry into this lease; and
 - (4) all of the persons who are trustees of the trust have approved entry into this lease.
 - (b) If that person has no right to or interest in any assets of the trust except in that person's capacity as a trustee of the trust, that person's liability under this lease will not be personal and unlimited but will be limited to the actual amount recoverable from the assets of the trust from time to time ("the limited amount"). If the right of that person to be indemnified from the trust assets has been lost or impaired as a result of fraud or gross negligence that person's liability will become personal but limited to the extent of that part of the limited amount which cannot be recovered from any other person.
- 45.2 Notwithstanding subclause 45.1, a party to this lease that is named in item 17 of the First Schedule as a limited liability trustee, that person's liability will not be personal and unlimited but limited in accordance with subclause 45.1(b).

Counterparts

- 46.1 This lease may be executed in two or more counterparts, all of which will together be deemed to constitute one and the same lease. A party may enter into this lease by signing a counterpart copy and sending it to the other party, including by ~~facsimile or~~ email.

DEFINITIONS AND INTERPRETATION

- 47.1 In this lease:
- (a) "building services" means all services provided by the Landlord as an integral part of the building for the general use and enjoyment of the building by its tenants or occupants including water, gas, electricity, lighting, air conditioning, heating and ventilation, telecommunications, lifts and escalators whether or not they are located within the premises.
 - ~~(b) "CPI" means the Consumer Price Index (All Groups) published by Statistics New Zealand or other government agency and any revised, replacement or substituted index.~~
 - (c) "Default GST" means any additional GST, penalty (civil or otherwise), interest, or other sum imposed on the Landlord (or where the Landlord is or was a member of a GST group its representative member) under the GST Act or the Tax Administration Act 1994 by reason of non-payment of any GST payable in respect of the supply made under this lease but does not include any sum levied against the Landlord (or where the Landlord is or was a member of a GST group its representative member) by reason of a default or delay by the Landlord after payment of the GST to the Landlord by the Tenant.
 - (d) "emergency" for the purposes of subclause 27.5 means a situation that:
 - (1) is a result of any event, whether natural or otherwise, including an explosion, earthquake, eruption, tsunami, land movement, flood, storm, tornado, cyclone, serious fire, leakage or spillage of any dangerous gas or substance, infestation, plague, epidemic, failure of or disruption to an emergency service; and
 - (2) causes or may cause loss of life or serious injury, illness or in any way seriously endangers the safety of the public or property; and
 - (3) the event is not caused by any act or omission of the Landlord or Tenant.

- (e) "GST" means the Goods and Services Tax arising pursuant to the Goods and Services Tax Act 1985 and "GST Act" means the Goods and Services Tax Act 1985.
- (f) "premises" includes all the Landlord's fixtures and fittings provided by the Landlord and those set out in the Fifth Schedule.
- (g) "premises condition report" means the report as set out in the Sixth Schedule.
- ~~(h) "renewal" means the granting of a new lease as provided for in subclause 32.4.~~
- ~~(i) "rules" in clause 34 means the Body Corporate operational rules under the Unit Titles Act 2010 and any amendments to those rules or replacement rules.~~
- (j) "structural repair" means a repair, alteration or addition to the structure or fabric of the building but excluding building services.
- (k) "term" includes, where the context requires, a further term if the lease is renewed.
- (l) "the common areas" means those parts of the property the use of which is necessary for the enjoyment of the premises and which is shared with other tenants and occupiers.
- (m) "the Landlord" and "the Tenant" means where appropriate the executors, administrators, successors and permitted assigns of the Landlord and the Tenant.
- (n) "the property" and "the building" mean the land, building(s) or improvements of the Landlord which comprise or contain the premises. Where the premises are part of a unit title development the words "the property" mean the land and building(s) comprised in the development.
- (o) "those for whom the Tenant is responsible" includes the Tenant's agents employees contractors or invitees.
- (p) "working day" has the meaning given to it in the Property Law Act 2007. Notices served after 5pm on a working day, or on a day which is not a working day, shall be deemed to have been served on the next succeeding working day.
- (q) A reference in this lease to any law, legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision.
- (r) A reference to the words "include" or "including" are to be interpreted without limitation.
- (s) If any inserted term (including any Further Term in the Third Schedule) conflicts with the covenants in the First, Second and Fourth Schedules, the inserted term will prevail.
- (t) Whenever words appear in this lease that also appear in the First Schedule then those words shall mean and include the details supplied after them in the First Schedule.
- (u) Where the context requires or admits, words importing the singular shall import the plural and vice versa.
- (v) Where the Landlord's consent or approval to any matter is required under this lease then, unless expressly stated to the contrary in this lease, in each case the Landlord:
- (1) must not unreasonably withhold consent or approval, and
 - (2) must, within a reasonable time of the Landlord's consent or approval being requested:
 - (i) grant that consent or approval; or
 - (ii) notify the Tenant in writing that the consent or approval is withheld.

48 to 55, See additional clauses in the Further Terms

THIRD SCHEDULE

FURTHER TERMS (if any)

See further terms attached

DRAFT



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FOURTH SCHEDULE

GUARANTEE

IN CONSIDERATION of the Landlord entering into the lease at the Guarantor's request the Guarantor:

- (a) ~~Guarantees payment of the rent and the performance by the Tenant of the covenants in the lease.~~
- (b) ~~Indemnifies the Landlord against any loss the Landlord might suffer should the lease be lawfully disclaimed or abandoned by any liquidator, receiver or other person.~~

THE GUARANTOR covenants with the Landlord that:

1. ~~No release delay or other indulgence given by the Landlord to the Tenant or to the Tenant's successors or assigns or any other thing by which the Guarantor would have been released had the Guarantor been merely a surety shall release prejudice or affect the liability of the Guarantor as a guarantor or as indemnifier.~~
2. ~~As between the Guarantor and the Landlord the Guarantor may for all purposes be treated as the Tenant and the Landlord shall be under no obligation to take proceedings against the Tenant before taking proceedings against the Guarantor.~~
3. ~~The guarantee and indemnity is for the benefit of and may be enforced by any person entitled for the time being to receive the rent.~~
4. ~~An assignment of the lease and any rent review in accordance with the lease shall not release the Guarantor from liability.~~
5. ~~Should there be more than one Guarantor their liability under this guarantee and indemnity shall be joint and several.~~
6. ~~The Guarantee and indemnity shall extend to any holding over by the Tenant.~~

FIFTH SCHEDULE

LANDLORD'S FIXTURES AND FITTINGS

(Subclause 47.1(f))

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SIXTH SCHEDULE

PREMISES CONDITION REPORT (Subclause 8.1)

DRAFT



DRAFT

Dated _____

Between

The Sovereign in Right of New Zealand acting by and through Te Tumu Whakarāe mō Hikina Whakatutuki, Secretary for Business, Innovation & Employment and Chief Executive of the Ministry of Business, Innovation and Employment

Landlord

and
Buller District Council

Tenant

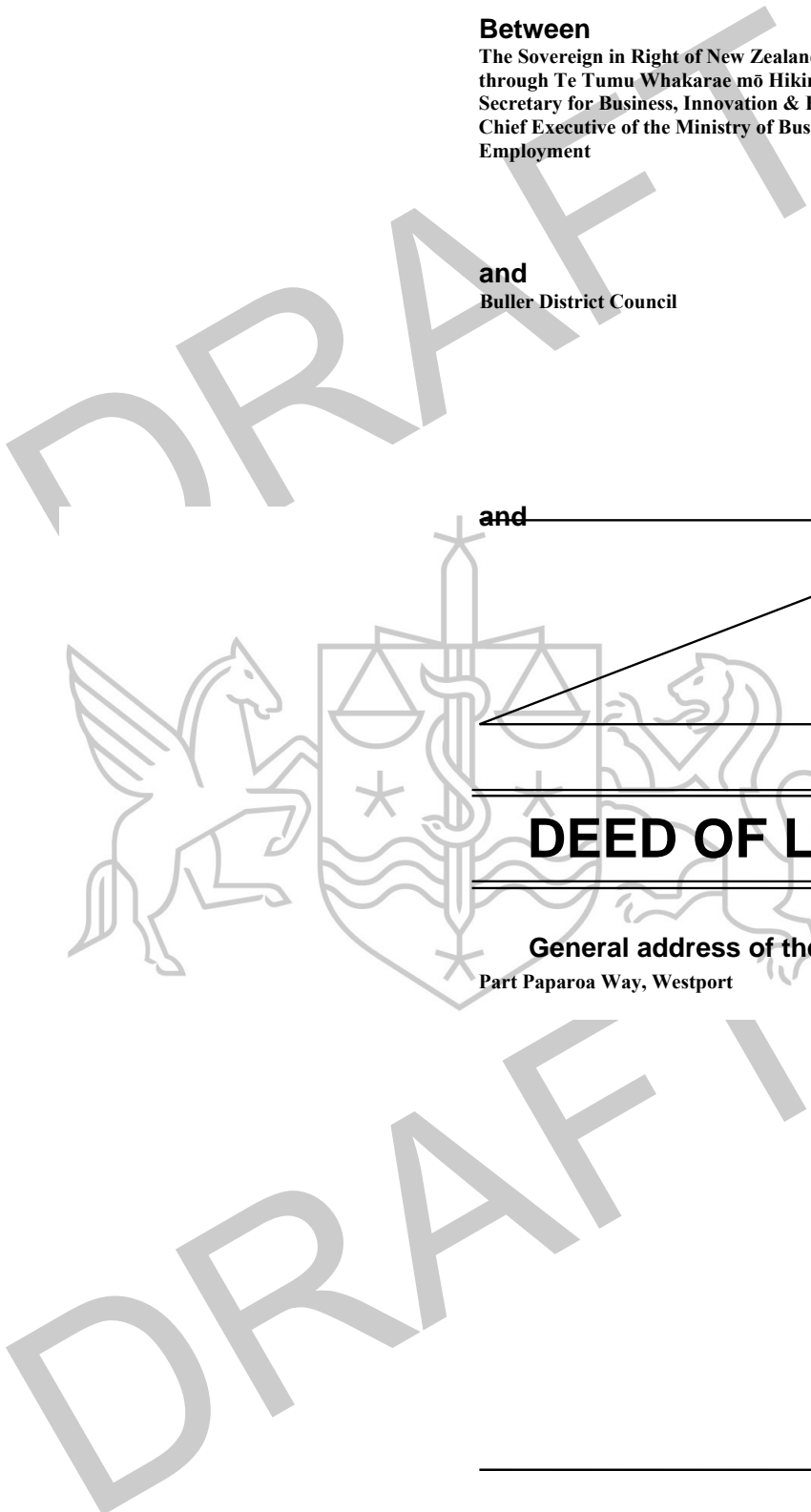
and _____

Guarantor

DEED OF LEASE

General address of the premises:

Part Paparoa Way, Westport



Additional Clauses

SEVENTH SCHEDULE

VILLAGE RULES

See attached

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THIRD SCHEDULE – FURTHER TERMS

The terms expressed or implied in the First and Second Schedules of this lease are amended and added to, and are to be read subject as set out in this Third Schedule. In the event of any conflict between the provisions set out in this Third Schedule and in the First and Second Schedules, the terms expressed or implied in this Third Schedule shall apply and prevail.

48 Insurance

48.1 The parties acknowledge and agree, pursuant to section 271 of the Property Law Act 2007, that the Landlord will not insure the property against destruction or damage arising from fire, flood, explosion, lightning, storm, earthquake, volcanic activity or like event.

48.2 The Tenant must at all times keep and maintain:

48.2.1 insurance cover for the buildings against material damage on a full replacement and reinstatement basis (including loss, damage or destruction of windows and other glass) and for a comprehensive range of risks including, without limitation, loss, damage or destruction by fire, flood, explosion, lightning, storm, earthquake, volcanic activity; and

48.2.2 public liability insurance to a value of \$5,000,000 (five million dollars).

49 Damage and Destruction

49.1 If the premises or any portion of the premises are destroyed or so damaged as to render the premises or any portion of the premises:

49.1.1 untenable, unfit, or substantially unfit for the Tenant to occupy and use; or

49.1.2 inaccessible or substantially inaccessible and such inaccessibility continues, or the Tenant reasonably expects such inaccessibility to continue, for a period of more than three (3) months,

the parties will meet in good faith to explore whether the affected portion of the premises may be repaired or rebuilt.

49.2 If the parties reach agreement on the terms upon which the Tenant will repair or rebuild the premises or any portion of the premises, the Tenant will promptly expend all the insurance moneys received by the Tenant to repair or rebuild the premises or any portion of the premises and obtain any necessary consents, to allow the Tenant to continue to use the premises for the Business Use. A fair proportion of rent and outgoings shall cease to be payable as from the date of damage until the affected part of the premises is repaired or rebuilt.

49.3 Subject to the Tenant's general right to terminate the lease in clause [52](#), if:

49.3.1 the parties cannot reach agreement on the repairing or rebuilding of the premises, or any portion of the premises damaged or destroyed, within three (3) months of the date that the premises or any portion of the premises were damaged or destroyed; or

49.3.2 the insurance money received by the Tenant is inadequate for the repairing and rebuilding of the premises or any portion of the premises damaged or destroyed,

either party may give notice terminating this lease.

49.4 If clause [49.3](#) applies, the Tenant agrees to pay the Landlord all insurance money received by the Tenant.

50 Assignment and Subletting

50.1 The Landlord acknowledges that the Tenant intends to use the houses located within the premises to provide accommodation to people in accordance with the Business Use.

50.2 As a result, the Tenant may without the consent of the Landlord, sublet the premises by way of tenancy, licence or other occupation arrangement to people occupying the houses, provided that the term of any tenancy, licence or other occupation arrangement will not exceed the term of this lease.

50.3 Other than pursuant to clauses [50.1](#) and [50.2](#), the Tenant will not assign, sublet, mortgage, charge or part with possession of all or any part of the premises or its interest in this lease to any person without the prior written consent of the Landlord.

51 Sublease

51.1 The parties acknowledge and agree that:

51.1.1 this lease is a sublease and that references in this lease to:

- (a) the Landlord will be read as references to the Sublandlord;
- (b) the Tenant will be read as references to the Subtenant; and
- (c) the lease will be read as references to this sublease.

51.1.2 the Landlord will:

- (a) duly pay any rent payable to the Headlandlord under the ground lease; and
- (b) duly and punctually perform or observe the covenants and obligations that the Landlord is required to perform or observe under the ground lease;

51.1.3 if there is a conflict between the provisions of the ground lease and this lease, the provisions of this lease will prevail.

52 Early Termination by the Tenant

52.1 The Tenant may terminate this lease in respect of all or part of the premises by giving the Landlord not less than three (3) months' prior written notice. This lease will then determine in respect of that part of the premises on the expiry of such notice, but without prejudice to the rights of either party against the other in respect of any antecedent breach by the other of any of the provisions of this lease.

53 Health and Safety

53.1 Each party acknowledges that both parties may have duties and other obligations under the Health and Safety at Work Act 2015 (*HSW Act*).

53.2 Each party will:

- 53.2.1 have procedures in place for identifying and dealing with risks and hazards which fully comply with the HSW Act; and
- 53.2.2 engage with the other party to the extent required to enable both parties to discharge their duties and other obligations under the HSW Act.
- 53.3 Each party will promptly give the other party notice in writing of anything occurring on or relating to the Land which is required to be notified to Worksafe New Zealand (or any successor government department or agency) under the HSW Act.

54 Residential Tenancies Act 1986

- 54.1 The parties agree and acknowledge that:
 - 54.1.1 the exception in section 5(1)(s) of the Residential Tenancies Act 1986 applies to this lease and accordingly the Residential Tenancies Act 1986 will not apply to this lease;
 - 54.1.2 in accordance with section 5(1)(s)(iii) the Tenant will not at any time during the term of the lease personally occupy the premises; and
 - 54.1.3 as a result, this is a commercial lease, and not a residential tenancy for the purposes of the Residential Tenancies Act 1986.

55 Change to Leased Premises

- 55.1 The parties acknowledge and agree that:
 - 55.1.1 the Landlord provides temporary accommodation to displaced persons in response to natural disasters through its Temporary Accommodation Supply team (TAS);
 - 55.1.2 the need for temporary accommodation for TAS occupants may increase or decrease depending on the demand for temporary accommodation in the region;
 - 55.1.3 if during the term of this lease the Landlord requires any part of the premises that is unoccupied by the Tenant for temporary accommodation of TAS occupants, the Tenant agrees to surrender that part of the leased premises comprising the unoccupied house(s) by way of a variation of lease or a partial surrender of lease;
 - 55.1.4 if the Landlord no longer requires any house located at Paparoa Way it will firstly offer the house to the Tenant on the same terms and conditions as this lease; and
 - 55.1.5 if the Tenant agrees to lease any additional house(s) located at Paparoa Way offered in accordance with clause 55.1.4 above, the parties will enter into a variation of lease to include the additional house(s) to the premises under this lease.

BULLER DISTRICT COUNCIL

25 OCTOBER 2023

AGENDA ITEM: 8

Prepared by - Mel Sutherland
- Acting Manager Infrastructure Planning

Reviewed by - Mike Duff
- Group Manager Infrastructure Services

Attachments - 1. NZTA Speed Management Guide Figure 7
2. Draft Buller Speed Management Plan
3. Maps for Do Minimum Option for Speed Management Plan
4. Maps for Do Most Option for Speed Management Plan
5. Maps showing locations of Death and Serious Injury Crashes in Westport

SPEED MANAGEMENT PLAN CONSIDERATION FOR CONSULTATION

1. REPORT SUMMARY

Council is required to implement speed limit changes in accordance with Waka Kotahi's (NZTA) Setting of Speed Limits Rule 2022. The report outlines two options of undertaking this work. One being a 'do minimum option' focused solely on speeds around the Buller Schools plus a limited number of high priority roads. The second approach is a broader and more strategically focused 'do most option' that covers both the schools and identified high priority areas requiring speed adjustment.

Furthermore, there are two options on how Council wishes to consult on the Speed Management Plan. This is either through creating and consulting on a Territorial Authority Speed Management Plan focused solely on the Buller District and undertaking its own stand-alone consultation; or work together across the West Coast with the other West Coast Councils that also are required to undertake these speed reviews and be part of a Regional Speed Management Plan.

This would be prepared incorporating the information from the Territorial Authority Speed Management Plan and consulted on through the Regional Council and the Regional Transport Committee. In the latter option, Buller Council still gets to consider the submissions that relate to the Buller District and decide on safe and appropriate network speeds.

2. DRAFT RECOMMENDATION

That Council

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

3. ISSUES & DISCUSSION

BACKGROUND

Council as a Road Controlling Authority (RCA) for local roads is required to set speed limits in accordance with Waka Kotahi – NZTA’s Land Transport Rule: Setting of Speed Limits 2022, the Rule.

A copy of the Rule can be downloaded from:

<https://www.nzta.govt.nz/assets/resources/rules/docs/setting-of-speed-limits-rule-2022-as-at-21-august-2023.pdf>

For the current version of the Rule, Councils are required to prepare Speed Management Plans (SMP).

Council can either do this by developing its own Territorial Authority Speed Management Plan or incorporating its SMP into a Regional Speed Management Plan.

Figure 7 from NZTA’s Speed Management Guide outlines the process, see **Attachment 1**.

Earlier this year Council staff involved in the Regional Technical Advisory Group for the Regional Transport Committee (RTC) meet and considered it would be advantageous to work collaboratively and developed SMPs that could become part of a Regional Speed Management Plan.

The process proposed is:

The Regional Speed Management Plan is prepared on behalf of the West Coast Regional Transport Committee by the Regional Technical Advisory Group (RTAG).

Once the RCAs develop their territorial authority speed management plans and provide them to the relevant RTC, the RTC compiles the RCA's plans to create a regional speed management plan. The RTC, RCAs and regional council then coordinate to publish and consult with the public on the regional speed management plan.

The Regional Council facilitates consultation by publishing the draft plan and then providing the administrative support to help collate submissions and then pass them back to the RCAs to take the next steps. RCAs consider submissions, amend plans as appropriate, and advise the RTC of any changes it is proposing. The RTC then collates changes from all its RCAs into the regional speed management plan. The RTC will confirm any inconsistencies have been resolved, and once satisfied submit the plan to the Director of Land Transport for certification.

Council has a representative on the RTC. This is Councillor O'Keefe.

The West Coast Councils have engaged a specialist consultant to assist in preparing the information for the SMPs.

Alternatively, Council can prepare its own Speed Management Plan and consult on this instead of following the RTC and regional council process, provided the regional council has not notified the district Council that it intends to consult on a Regional Speed Management Plan as per Clause 3.4(2) of the Rule. This states:

However, a territorial authority must not publish a consultation draft territorial authority speed management plan if the relevant regional transport committee has notified the territorial authority of its intention to publish within the next 28 days a consultation draft regional speed management plan, at which point the territorial authority must instead join the process for preparing a consultation draft regional speed management plan at Step 1.

At the time of preparing this report, it is understood based on the above, that the Regional Council intends to prepare a regional speed management plan. Council is awaiting confirmation of their proposed time frame to publish.

Attachment 2 is the draft Buller Speed Management Plan prepared for consultation.

Attachment 3 are the Maps for the Do Minimum Option which is the schools in this financial year (2023/24), and then proposed high priority roads in 2024/25, followed by other priority areas commencing in 2025/26, but subject to further review of any likely changes to the NZTA Setting of Speed Limits Rule.

Attachment 4 are the Maps for the Do Most Option which is the schools in this financial year (2023/24) and then all the Priority Areas

Attachment 5 provides two maps of the district showing death and serious injury crashes throughout the district, and also for Westport between 2018 and 2022 from the NZTA, Crash Analysis System (CAS).

The Rule requires Councils to consider the Government Policy Statement Land Transport, NZTA's Road Safety Strategy together with information and guidance provided by NZTA.

Of particular note is NZTA guidance on Safety and Appropriate Speeds (SAAS) for Roads. These SAAS in general are lower than current speed limits. For instance, for open road areas currently posted at 100 kph, SAAS are either 60 or 80 kph. For urban areas currently posted at 50 kph, SAAS are 30 or 40 kph.

The SAAS are generally consistent with mean operating speeds but as per the Rule, take into account many other factors such as:

- the function and use of the road; and
- crash and injury risks for all road users; and
- the characteristics of the road and roadsides; and
- adjacent land use; and
- the number of intersections and property accessways; and
- traffic volume; and
- any planned physical changes to the road and its infrastructure; and
- the mean operating speed for the road; and the principles and outcomes of any Government road safety strategy; and
- any other matter the Agency considers appropriate.

The do minimum based on the Rule (Clause 5.4) is that Council must create 30 kph speed limits around schools on local roads as follows:

(a) use reasonable efforts that, for at least 40% of the schools directly accessed from roads under its control, speed limits for roads outside schools that comply with Section 5 are set by 30 June 2024; and

(b) use reasonable efforts that all roads under its control have speed limits that comply with Section 5 set by 31 December 2027.

The do minimum also recognizes that there is some uncertainty around possible

future changes to the NZTA Setting of Speed Limits Rule.

A full list of schools is listed in **Attachment 2** and is also provided here:

School name	Category	Proposed Speed Limit changes	Other Comments
Buller High School	1	30 km/h	Permanent
Karamea Area School	1	30 km/h	Permanent
Reefton Area School	1	30km/h	Permanent
Sacred Heart School (Reefton)	1	30km/h	Permanent
St Canice's School	1	30 km/h	State Highway interim SMP proposes 30km/h variable speed limit. Permanent on Local Roads
Westport North School	1	30 km/h	Permanent
Westport South School	1	30km/h	Permanent
One School Global Westport	1	30km/h	Permanent
Granity School	1	Variable 30 km/h	On SH 67, In the SH Interim SMP proposal.
Maruia School	2	Variable 60 km/h	On SH 65, In the SH Interim SMP proposal.

Another matter for consideration is that Council's current Speed Bylaw is up for review by 30 June 2025. If Council was to defer implementing a new SMP until then, at that time it will still have to consider NZTA's requirements under the Rule.

In addition, RCAs are currently preparing the Triennial 2024-2027 Transport Programmes. As Part of the Rule, Clause 3.8, RCAs in preparing their SMPs must include an implementation programme for at least three years. Therefore, it is advantageous to prepare and consult on SMPs now that the funding required can be included in the Triennial Transport Programme, which is also linked to Council's LTP.

The main question of how to proceed requires Council to decide if it would prefer to create a Territorial Authority SMP or incorporate the information into a Regional Speed Management Plan.

The other matter is the extent of the implementation programmes as to whether Council would prefer to consult on a do minimum option of a do most option.

4.0 OPTIONS

The options that required consideration are:

1. Council prepares and consults on a Territorial Authority SMP.
2. Council agrees to provide information to the Regional Council and that Council consults on a Regional SMP.
3. Council agrees to consult on the do minimum approach commencing with the schools and implements other phases starting with high priority roads followed by other priority areas, subject to further reviews of the Setting of Speed Limit Rule and subject to NZTA funding.
4. Council agrees to consult on a do most approach commencing with the schools, and implements other phases based on the Priority Areas that recognise NZTA's safe and appropriate speeds.

4.1 Option 1 - Territorial Authority Speed Management Plan

Council prepares and consults on a Territorial Authority Speed Management Plan.

This option is focused on preparing and consulting on a district wide SMP rather than being part of a regional SMP.

Benefits (now and into the future)
Focus on district wide speed issues only.
Consultation and feedback is carried out by Council direct, and feedback is direct to the Council.
Council considers submissions and makes any agreed amendments to the draft District Speed Management Plan.

Negatives (now and into the future)
Does not allow for consistency by incorporating the SMP into the Regional Speed Management Plan and oversight by the Regional Transport Committee. Having a regionally consistent approach is likely to be of benefit to road users visiting the region and are unfamiliar with local roads as they traverse through the region.
Does not allow for the coordination of consultation through the Regional Council.
Council incurs direct costs associated with the consultation process.
An additional risk with this option is that the Regional Transport Committee may decide to publish a Regional Safety Plan within the 28-day time frame under Rule 3.4.(2).

Cost of consultation has been assessed at around \$5,500, plus GST.

4.2 Option 2 - Regional Speed Management Plan Incorporating Territorial Authority Speed Management information.

Council agrees to provide information to the Regional Council and that Council consults on a Regional SMP with submissions coming back to Buller District Council for its consideration.

This option would mean the information prepared for the Territorial Authority SMP as agreed by Buller District Council would be incorporated into the Regional Speed Management Plan.

Benefits (now and into the future)
Allows for consistency of approach by incorporating the SMP into the Regional Speed Management Plan and oversight by the Regional Transport Committee. This is likely to benefit road users visiting the region and are unfamiliar with local roads.
Allows for the coordination of consultation through the Regional Council noting that there are specific requirements for the Regional Council to include Māori contribution to creation of Regional Speed Management Plans
Council does not incur direct costs associated with the consultation process, notwithstanding that there will still be the cost of consideration of submissions whether a District SMP is created or a Regional SMP is created.
Still allows for Buller District Council to consider submissions on the draft SMP for speed management matters relating to Buller District.

Negatives (now and into the future)
Process is likely to take longer as coordination will be necessary across all the Road Controlling Authorities in the region.
Possible perception that the process is not under the direct control of the District Council.

Cost of consultation has been assessed as around \$2,500, plus GST.

4.3 Option 3 - Do Minimum Option

Council consults on implementation of 30 kph speed limits around Buller schools as phase 1, then highest priority roads as phase 2 with the other priority areas as phases 3 and 4, with phases 3 and 4 being subject to a further review of the NZTA Setting of Speed Limits Rule.

The phases are outlined here.

Phase	Description of the work
1	2023/24 At least 40% of schools noting that Council has \$200K in 2023/24 programme so based on cost estimates should be able to implement a number of schools for Buller.
2	2024/25 remainder of schools and the higher priority roads as listed in the Speed Management Plan and as shown on the Do Minimum Maps.
3	2025/26 remainder of the Priority Areas incorporating review of current Council Speed Bylaw and ensuring compliance with the NZTA Speed Limit Rule, subject to NZTA funding approval. These areas or shown on the Do Most Maps noting that prior to implementation a further review will be required.
4	2026/27 remainder of the Priority Areas incorporating review of current Council Speed Bylaw and ensuring compliance with the NZTA Speed Limit Rule, subject to NZTA funding approval. These areas or shown on the Do Most Maps noting that prior to implementation a further review will be required.

Any remaining roads not shown on the Priority Area Maps would need to be considered in future road programmes beyond 2026/27.

The benefits and negatives of this option are as follows:

Benefits (now and into the future)
The proposed changes will contribute to improving road safety in the District around schools.
Funding for implementation is covered under current budgets.
Future phases and funding can be implemented through Council's NZTA Low Cost, Low Risk programme.
Allows for highest priority roads to be addressed in the short term subject to NZTA funding.
Allows for consultation to be initiated and consideration of submissions at a local – district level.
Allows for any future changes to the Setting of Speed Limit Rule to be taken into account.

Negatives (now and into the future)
Limited to schools only as phase one; does not recognise the need to address road safety across all priority areas in the short term.
Still requires Council to review further the Rule which requires the further development and review of an RCA Speed Management Plan.
Does not impact funding directly in that initial work will be done around schools, but future funding will still be needed to implement other requirements of a SMP.
Indirectly funding may be impacted if some urban areas become 30 kph or 40 kph, which will mean speed limit signs at schools may become surplus to requirements.

The school changes can be funded from the current approved Low Cost, Low Risk Road to Zero NZTA budget of \$245,000 as they are minor safety improvements.

For the deferred aspects proposed funding to be included in the next NZTA District Roads Low-Cost Low Risk Improvements programme is shown in the following table.

Project	Description	Network	Activity Class	Work Category	2024/25	2025/26	2026/27	TOTAL COST
2024-27 Speed Management Plan Implementation	<ul style="list-style-type: none"> • Implement 2024-27 SMP • Physical works (signs, paint, kerbs) • Monitoring • Develop 2027-30 SMP 	Local Roads	Road to Zero	341 - Low-cost low-risk improvements	100,000	100,000	100,000	300,000

4.4. Option 4 - Do Most Option

Council agrees to consult on a 'Do Most' approach commencing with the schools and implements other phases based on the Priority Areas that recognise NZTA's safe and appropriate speeds.

The phases are outlined here.

Phase	Description of the work
1	2023/24 At least 40% of schools, noting that Council has \$200K in 2023/24 programme so based on cost estimates, should be able to implement most for Buller.
2 to 4	<p>2024/25 to 2026/27 implement the safe and appropriate speeds as per the Agency's advice for the Priority Areas as shown on the Maps. In addition to the schools, priority areas are.</p> <ul style="list-style-type: none"> • Safer urban and popular areas • Safer connections <p>All these areas are shown on the Do Most Maps, noting that no further review is proposed and that if Council chooses to consult on this option, then subject to consideration of submissions, final approval of the SMP and certification by the Direct Land Transport the SMP would be implemented and would replace Council's current Speed Bylaw.</p>

Any remaining roads not shown on the Priority Area Maps would need to be considered in future road programmes beyond 2026/27.

This option is wider in focus as it includes the schools and all priority areas.

Other alignment considerations are shown in Attachment 2

The benefits and negatives of this option are as follows:

Benefits (now and into the future)
Will contribute to consideration of the need to address road safety at schools and all high priority areas in the District.
Does not require further review of the Rule in the short term.
For this option, the risks of roads with unsafe and inappropriate speeds is reduced sooner rather than later.

Negatives (now and into the future)
Brings forward the need to consult on proposed speed limit changes for all high priority areas, knowing that there is a possibility of a change to the Rule.
Brings forward the need to rescind the existing bylaw

For the other phases proposed funding to be included in the next NZTA District Roads Low-Cost Low Risk Improvements programme is shown in the following table.

Project	Description	Network	Activity Class	Work Category	2024/25	2025/26	2026/27	TOTAL COST
2024-27 Speed Management Plan implementation	<ul style="list-style-type: none"> • Implement 2024-27 SMP • Physical works (signs, paint, kerbs) • Monitoring • Develop 2027-30 SMP 	Local Roads	Road to Zero	341 - Low-cost low-risk improvements	100,000	100,000	100,000	300,000

It is noted that the indicative costs are the same as Option 3 in that there is likely to be ongoing implementation costs from 2024, however the timing is brought forward.

5. CONSIDERATIONS

5.1 Strategic Impact

The following table presents an assessment with respect to Strategic LTP Community Outcomes.

Outcome	What success looks like	Priorities and Projects	Meets Outcome	How
Social	Our communities are vibrant, healthy, safe, and inclusive	Provide quality community facilities that meet current and future needs such as theatres, libraries, recreation, and health facilities	In part	Improved safety infrastructure.
Social	Our communities are vibrant, healthy, safe, and inclusive	Improve the district's livability by supporting safety and access improvements	Yes	Improves safety
Affordability	Our communities are supported by quality infrastructure, facilities and services that are efficient, fit-for-purpose, affordable and met our current and future needs.	Grow Council's revenue streams to reduce rates dependence	In part	While other initiatives to reduce fuel consumption, safer speeds will also lower costs
Affordability	Our communities are supported by quality infrastructure, facilities and services that are efficient, fit-for-purpose, affordable and met our current and future needs.	Achieve rates equity through targeted rates	Yes	Programmed to be implemented in phases.
Affordability	Our communities are supported by quality infrastructure, facilities and services that are efficient, fit-for-purpose, affordable and met our current and future needs.	Develop partnerships or enable solutions that increase affordability	In Part	Relates to Option 2

Outcome	What success looks like	Priorities and Projects	Meets Outcome	How
Prosperity	Our district is supported by quality technology and an innovative and diverse economy that creates opportunities for self-sufficiency, sustainable growth, and employment.	Improve connectedness in infrastructure and partnerships	In Part	Safe and appropriate Speeds and safety infrastructure that improvements connectiveness.
Prosperity	Our district is supported by quality technology and an innovative and diverse economy that creates opportunities for self-sufficiency, sustainable growth, and employment.	Support district revitalisation to engender pride and a better future	Yes	Will help make communities safer.
Culture	Our lifestyle is treasured, our strong community spirit is nurtured, and our inclusive and caring communities understand our whakapapa and heritage and support lifelong learning.	Support for, and partnerships with, all community groups	In part	Shows caring for communities and to make communities safer.
Environment	Our distinctive environment and natural resources are healthy and valued.	Drive for a balance between development, biodiversity, and sustainability	In part	While other initiatives to reduce fuel consumption, will help by lowering fuel emissions

Outcome	What success looks like	Priorities and Projects	Meets Outcome	How
Environment	Our distinctive environment and natural resources are healthy and valued.	Develop strategies for climate change and natural hazard preparedness	In part	While other initiatives to reduce fuel consumption, will help by reducing fuel consumption and lower CO2 emissions.
Environment	Our distinctive environment and natural resources are healthy and valued.	Improve waste management approaches	In part	While other initiatives to reduce fuel consumption, will help be lowering fuel consumption.

5.2 Significance Assessment

The matter is deemed to be significant; under the Rule Council must consult in accordance with Section 82 of the LGA2022 and in accordance with Clause 3.9 of the Rule.

5.3 Risk Management Implications

Refer to the benefits and negatives outlined in Options Section above.

5.4 Values

This option does align The Buller District Values, which are: Community Driven, One Team, Future Focussed, Integrity and We Care.

5.5 Policy / Legal Considerations

Will comply with the Setting of Speed Limits Rule.

Consultation to be in accordance with the principles specified in Section 82 of the Local Government Act.

5.6 Tangata Whenua Considerations

Through the consultation process and as outlined in the Rule, Tangata Whenua considerations will be considered. Also, through the regional option there is increased opportunity to include Māori contribution to creation of Regional Speed Management Plans.

5.7 Views of Those Affected

Council has carried out a workshop with industry and stakeholder representatives and also a Councillor workshop. The formal consultation process will also allow for submissions which Council is required to consider.

5.8 Costs

Costs have been identified at indicative levels for the options outlined above.

5.9 Benefits

The benefits and negatives for now and into the future of the options are outlined above.

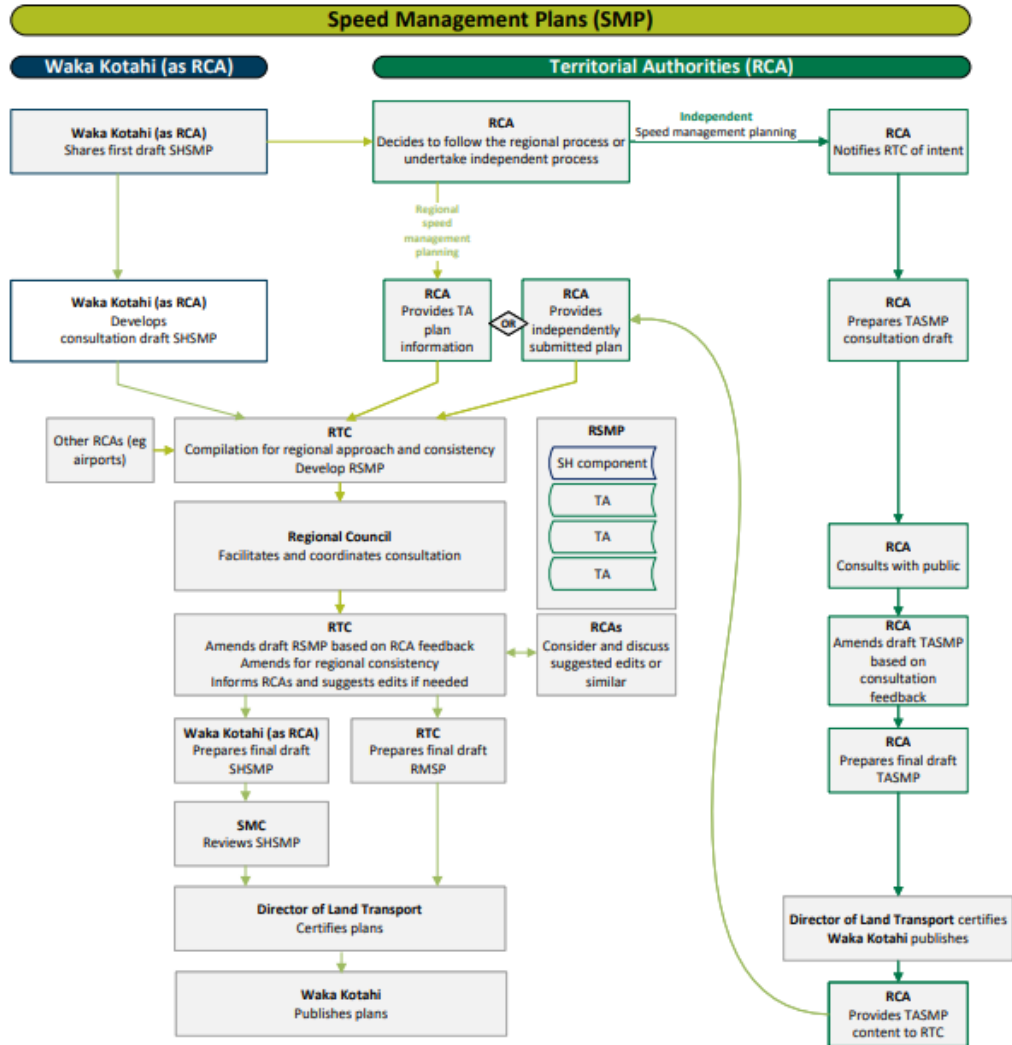
The Strategic Impact section above also indicates overall benefits at a community outcomes level.

5.10 Media / Publicity

It is anticipated that for this option there will be interest from the media, and this will be addressed through the development of a media communications strategy.

ATTACHMENT 1 – NZTA Speed Management Guide

Figure 7: Speed management planning process



Note: RCA = road controlling authority; RSMP = regional speed management plan; RTC = regional transport committee; SH = state highway; SMC = Speed Management Committee; SHSMP = state highway speed management plan; TA = territorial authority; TASMP = territorial authority speed management plan.

Buller District Speed Management Plan



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Appendices

Appendix A. Proposal map– TBC at Council Meeting



Buller District Speed Management Plan

Quality Assurance Information

Prepared for	Buller District Council
Job Number	BDC-J007
Prepared by	Xinghao Chen, Senior Transportation Engineer
Reviewed by	Clare Cassidy, Principal Transportation Engineer

Date issued	Status	Approved by
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1. Context

1.1 Purpose of this document

The Land Transport: Setting of Speed Limits Rule 2022, in conjunction with the Waka Kotahi Speed Management Guide and MegaMaps Road to Zero application, establishes the requirements, policies, and strategies that road controlling authorities must follow in relation to speed management on their networks. Buller District Council is responsible for local roads within Buller District, excluding the State Highway. This plan identifies the ten-year vision for speed management in the district and sets out a four-year implementation plan for 2023/24-2025/26/27.

1.2 10-year vision: Objectives, strategic alignment, and whole-of-network approach

The West Coast Regional Land Transport Plan (RLTP) for 2021-2031 sets out the vision and objectives for transport in the region.

Vision: A safe, resilient, and connected multi-modal transport network which enables the West Coast to thrive.

Objectives

The RLTP sets out a number of objectives for the region, related back to the vision and to the outcomes set in the Ministry of Transport Outcomes Framework. The key objective related to speed management is on road safety which is:

A transport network that is safe for all users with a target to reduce deaths and serious injuries on West Coast roads.

1.3 Strategic Alignment

Government Policy Statement on Land Transport

Speed management plans must align with the Government Policy Statement (GPS) on land transport (2021/22-2030/31). The GPS has four strategic priorities:

- Safety
- Better Travel Options
- Climate Change
- Improving Freight Connections

The speed management plan aligns closely with the Safety, and Better Travel Options priorities as discussed in [Table 1.1](#).

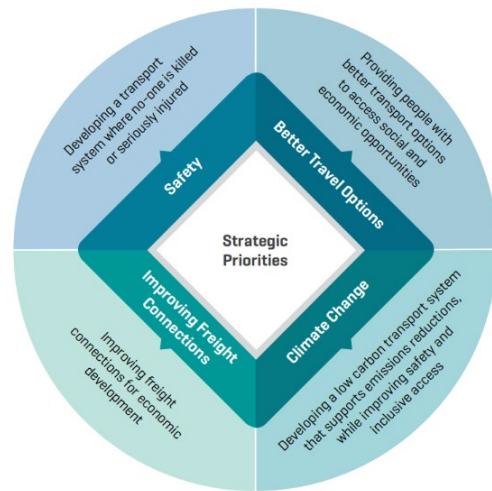


Figure 1.1 Strategic Priorities of the GPS Land Transport (2021/22-2030/31)

Table 1.1 Speed Management alignment with the GPS priorities

GPS priority	SMP alignment
Safety	In accordance with the Waka Kotahi Speed Management Guide: Road to Zero edition this SMP will set speed limits to minimise the risk

	of fatal and serious injury to all road users by reducing impact speeds and crash forces. A cohesive approach to speed management is a key element in working towards a road network where no one is killed or seriously injured.
Better Travel Options	In accordance with the Waka Kotahi Speed Management Guide: Road to Zero edition, this SMP will set speed limits in accordance with the One Network Framework street categories. This will enable more equitable access to a variety of safe and healthy transport options particularly in urban areas around schools.

Road to Zero

Road to Zero is New Zealand’s Road Safety Strategy 2020-2030. The Road to Zero Strategy sets a target of reducing deaths and serious injuries on our roads by 40% by 2030 compared to 2018 levels with an overarching vision of a New Zealand where no one is killed or seriously injured in road crashes. The strategy has five focus areas:

- Infrastructure improvements and speed management
- Vehicle safety
- Work-related road safety
- Road user choices
- System management

This SMP directly falls within the first focus area of Infrastructure Improvements and Speed Management. The SMP also aligns with the System Management focus area as we are working collaboratively within our region to deliver safer speeds that align with international best practice.



Figure 1.2 Principles and focus areas of the Road to Zero Strategy

A West Coast Community Transport survey was carried out from October to December 2022, in total 1,099 people responded providing information that will help all three Councils to better understand and make decisions about their local roads. Most (95%) respondents live on the West Coast, spread across Buller 454 (41%), Grey 290 (26%) and Westland 311 (28%).

Feedback from the survey shows that nearly 90% of respondents consider 'Road to Zero' to be important or very important to them. It has been identified as the most crucial strategic direction when compared to the other options in the survey, as illustrated in [Figure 1.3](#).

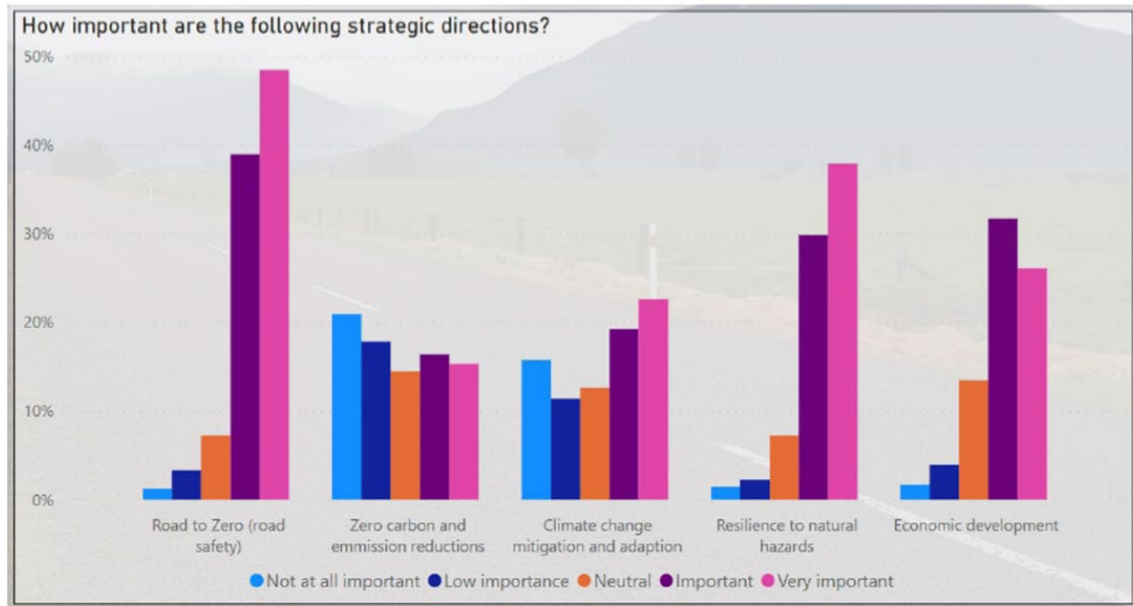


Figure 1.3 West Coast community transport survey strategic priorities.

Land Transport Rule: Setting of Speed Limits 2022

This Rule was adopted in 2022 and requires Road Controlling Authorities to develop Speed Management Plans. The Rule provides a whole network approach to speed management to be considered alongside investment in road safety infrastructure. Buller, Grey and Westland District Councils and Department of Conservation have worked collaboratively on our Speed Management Plan to achieve consistency throughout the West Coast.

The Waka Kotahi Speed Management Guide: Road to Zero Edition sets out the approach to speed management planning to align with the Road to Zero Strategy and the Setting of Speed Limits Rule. The Speed Management Guide was used to develop this SMP to ensure that the plan aligns with the Rule and the Road to Zero Strategy.

1.4 Whole-of-network approach

To achieve consistency in the West Coast with a whole-of-network approach, this Speed Management Plan has been developed in partnership with Grey District Council, Westland District Council and Department of Conservation based on the strategies and policies outlined earlier. While developing the plan, Waka Kotahi NZTA draft Interim Speed Management Plan has also been considered to ensure the consistency approach with State Highway network.

For roads that are not covered in this speed management plan. It will be addressed in 2026/27 and consider any changes to traffic and land use activities at that time.

2. Four-year programme

The speed limit proposal and implementation timeframe have been developed for high-priority areas in the district. The high-priority areas include:

- Schools: All the schools in the district have been reviewed to improve safety for children and students. Schools on State Highway are also listed in the tables below for completeness; however, there are no proposed speed limit changes for them in the plan.
- High priority roads and high priority areas: The areas with a high percentage of active road users and those requested for review by the community have been included in the plan.

2.1 School speed limit proposal

Table 2.1 School list

School name	Category	Existing Speed Limit	Proposed Speed Limit	Map reference	Implementation timeframe	Comment
Schools on local roads						
Buller High School	1	Permanent 50 km/h	Permanent 30 km/h	B6	2023/24	
Karamea Area School	1	Permanent 50 km/h	Permanent 30 km/h	B2	2023/24	
Reefton Area School	1	Permanent 50 km/h	Permanent 30 km/h	B9	2023/24	
Sacred Heart School	1	Permanent 50 km/h	Permanent 30 km/h	B9	2023/24	
St Canice's School	1	Permanent 50 km/h	Permanent 30 km/h	B6	2023/24	State Highway interim SMP proposes 30km/h variable speed limit.
Westport North School	1	Permanent 50 km/h	Permanent 30 km/h	B6	2023/24	
Westport South School	1	Permanent 50 km/h	Permanent 30 km/h	B6	2023/24	
OneSchool Global Westport	1	Permanent 50 km/h	Permanent 30 km/h	B6	2023/24	
Schools on State Highways¹						
Granity School	1	Permanent 50 km/h	Variable 30 km/h	N/A	N/A	On SH 67, in the SH Interim SMP proposal

¹ Speed limit changes on the State Highway network are not included in this plan.

Maruia School	2	Permanent 100 km/h	Variable 60 km/h	N/A	N/A	On SH 65, In the SH Interim SMP proposal
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2.2 High priority roads and high priority areas – TBC at Council Meeting

Table 2.2 Buller District proposal

Area / Road	Map reference	Implementation timeframe	Comment
Kohaihai Road	B1	2024/25	
Little Wanganui	B3	2024/25	
Seddonville	B4	2024/25	
Powerhouse Road	B5	2024/25	
Westport	B6	2024/25	School zones will be implemented in 2023/24.
Cape Foulwind	B7	2024/25	
Charleston	B8	2024/25	

2.3 Department of Conservation

Table 2.3 DoC road proposal

Road name	District area	Existing Speed Limit	Proposed Speed Limit	Implementation timeframe	Comment
Marble Hill Road	Buller	Permanent 100 km/h	Permanent 20 km/h	2023/24	Existing 20km/h speed limit sign(s) on the road
Prohibition Road	Buller	Permanent 100 km/h	Permanent 20 km/h	2023/24	Existing 20km/h speed limit sign(s) on the road
Southside Road View Road	Buller	Permanent 100 km/h	Permanent 50 km/h	2023/24	Existing 50km/h speed limit sign(s) on the road

3. Safe infrastructure

Static and variable speed limit signs will be installed on the road where the speed limit changes. The size of the standard roundel speed limit signs will be 600mm in diameter for speed limits at or below 50 km/h and 750mm in diameter for speed limits above 50 km/h. A derestriction sign is recommended for use on rural roads with an open road speed limit of 100 km/h to remind drivers to adjust to the road conditions.

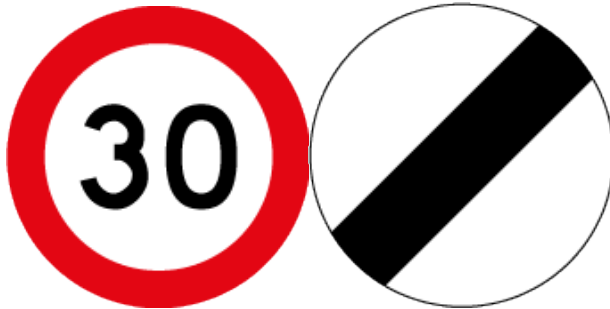


Figure 3.1 Permanent speed limit signs

Example of variable and static school zone signs is shown below.

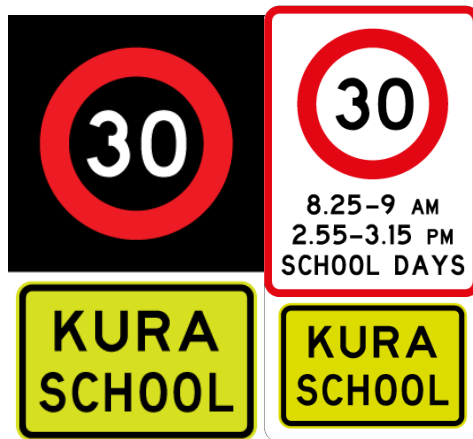


Figure 3.2 Variable speed limit signs – Electronic and static.

4. Monitoring and evaluation

Monitoring and evaluation of speed management plans is critical to ensure that the objectives and outcomes of the plan are being met. The changes proposed in this plan will be monitored and evaluated annually by Buller District Council. Ideally, a monitoring and evaluation report should be developed 12 months after a new speed limit has been introduced.

There are three key outcomes that will be monitored. These are changes in speed limit, user safety and perception of safety. For each of the outcomes, the key performance indicators (KPI) are proposed are shown in [Table 4.1](#).

Table 4.1 Speed Management KPI's

Outcomes	Measure name	Measure
Changes in speed limit	Safe and appropriate speed	Percent of road network that is at or below the safe and appropriate speed
	Category 1 schools	Percent of category 1 schools with 30-40km/h speed limit
	Category 2 schools	Percent of category 2 schools with 60km/h speed limit or lower
Changes in user safety	Crashes by severity	Number of crashes by severity from Crash Analysis System (CAS)
	Death and serious injuries	Number of death and serious injuries from CAS
	Travel speed gap	Difference between new speed limit and actual speed
Changes in perception of safety	Perception of safety	Perception of safety and ease of walking and cycling, determine by post implementation surveys

The data sources for these KPI's will be traffic tube counts at specified locations (this may include control sites if suitable sites are available for this purpose), post-implementation surveys, and crash data from the Crash Analysis System (CAS) database. This information will be collected, analysed, and reported annually to determine the impacts of the plan over time. Baseline information must also be collected prior to implementation of the plan to be able to monitor the KPI's.

Table 4.2 Baseline KPI's

District	Percent of road network that aligns with SAAS on MegaMaps	Percent of category 1 schools with 30-40km/h speed limit	Percent of category 2 schools with 60 km/h speed limit or lower	Death and Serious Injuries crash (2018-2022 5 years)	Deaths and Serious Injuries (2018-2022 5 years)
Buller District	3%	0% (out of 10)	N/A.	16	17

In addition to these indicators, there are a range of co-benefits that individual road controlling authorities may choose to report on. These include mode shift and emissions changes that may occur.

Appendix A.
Proposal map– TBC at Council Meeting



Auckland

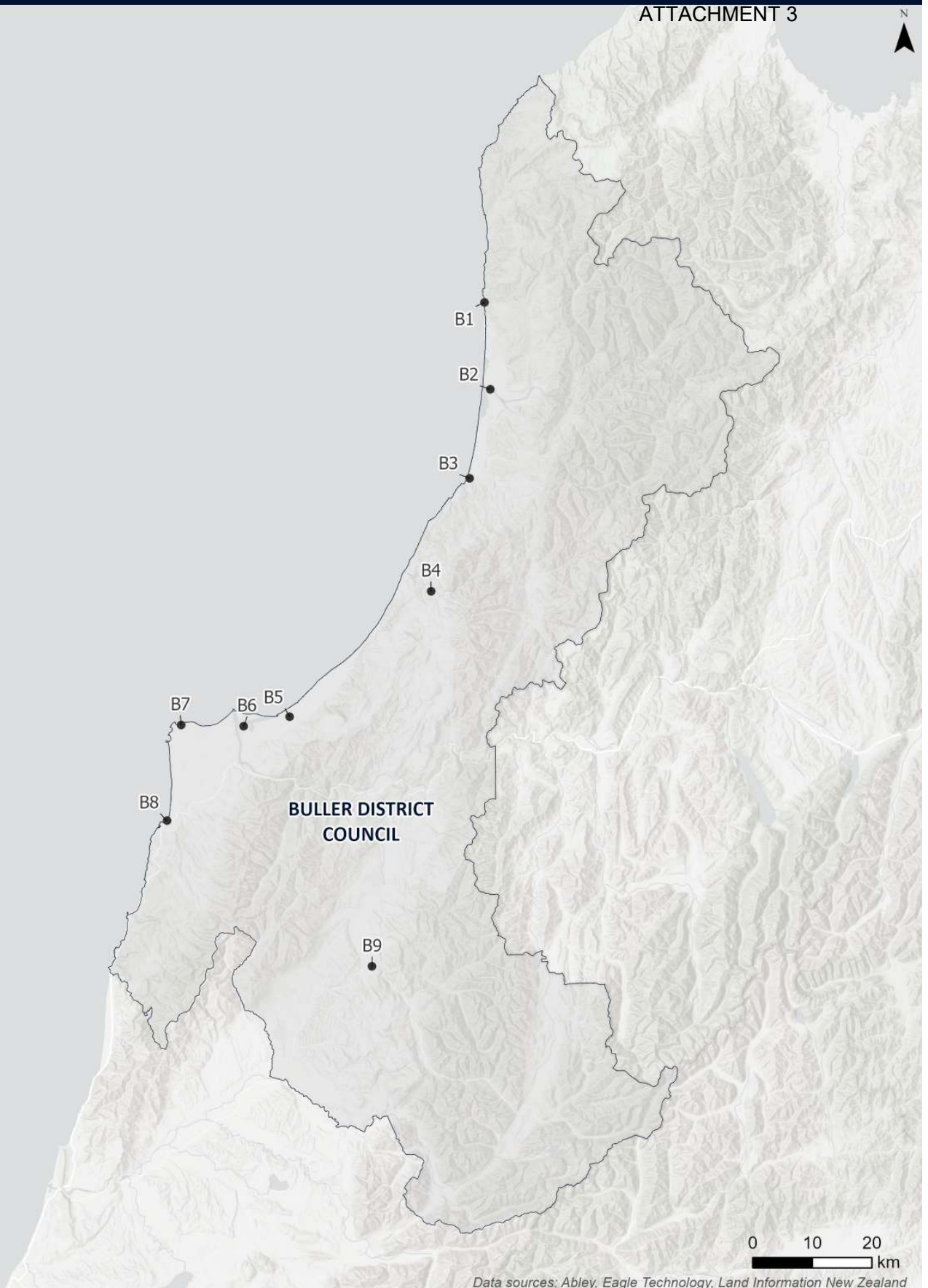
Level 1/70 Shortland Street
Auckland 1010
Aotearoa New Zealand

Wellington

Level 1/119-123 Featherston Street
Wellington 6011
Aotearoa New Zealand

Christchurch

Level 1/137 Victoria Street
PO Box 36446, Merivale
Christchurch 8146
Aotearoa New Zealand



0 10 20
km

Data sources: Abley, Eagle Technology, Land Information New Zealand

- | | | |
|----------------------|----------------------|--------------------|
| B1 - Kohaihai Road | B4 - Seddonville | B7 - Cape Foulwind |
| B2 - Karamea | B5 - Powerhouse Road | B8 - Charleston |
| B3 - Little Wanganui | B6 - Westport | B9 - Reefton |





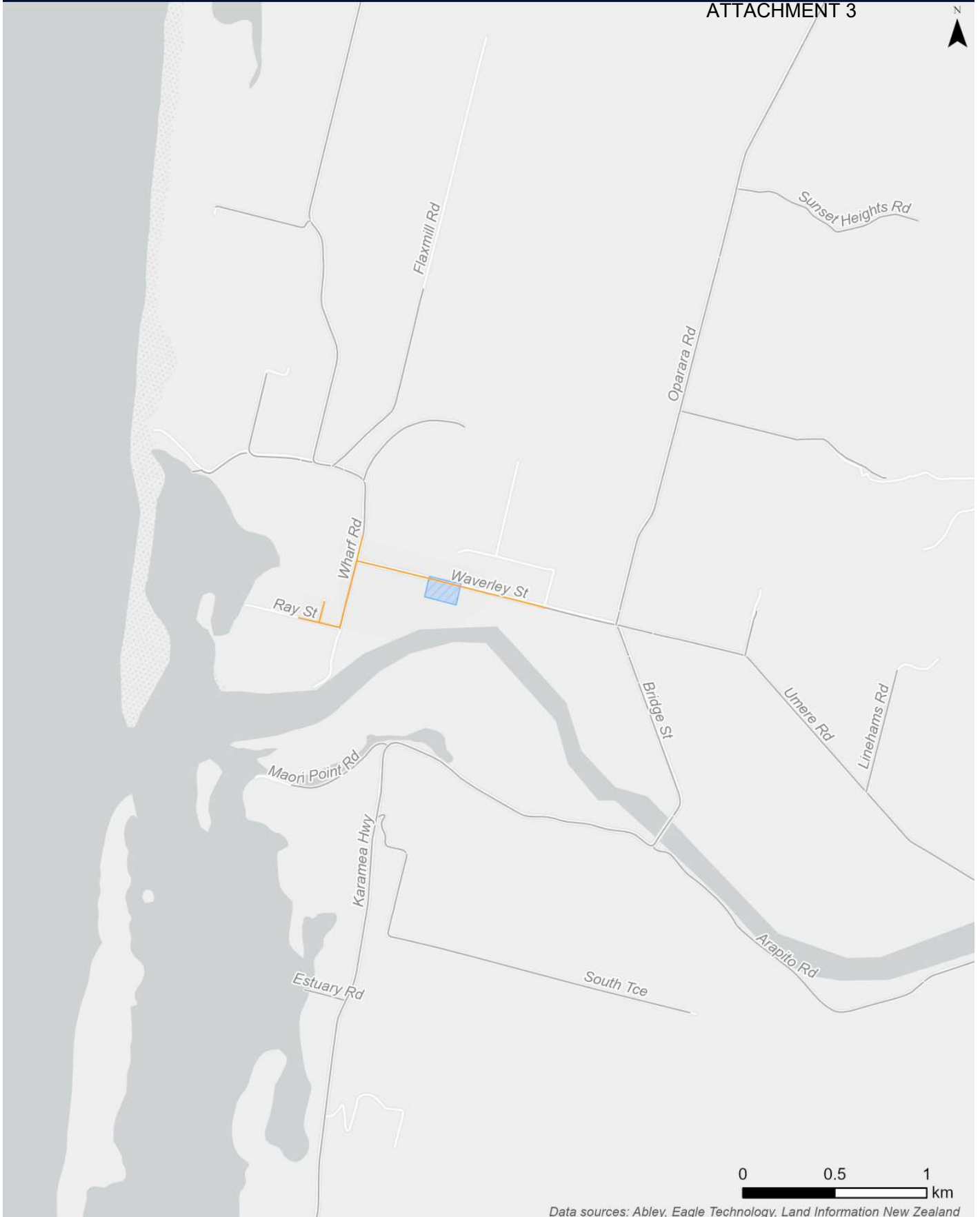
Data sources: Abley, Eagle Technology, Land Information New Zealand

Proposed Speed (km/h)

— 60

— No Speed Changes





Data sources: Abley, Eagle Technology, Land Information New Zealand

Proposed Speed (km/h)

— 30

▨ School Zone

— No Speed Changes





Data sources: Abley, Eagle Technology, Land Information New Zealand

Proposed Speed (km/h)

— 40

— No Speed Changes



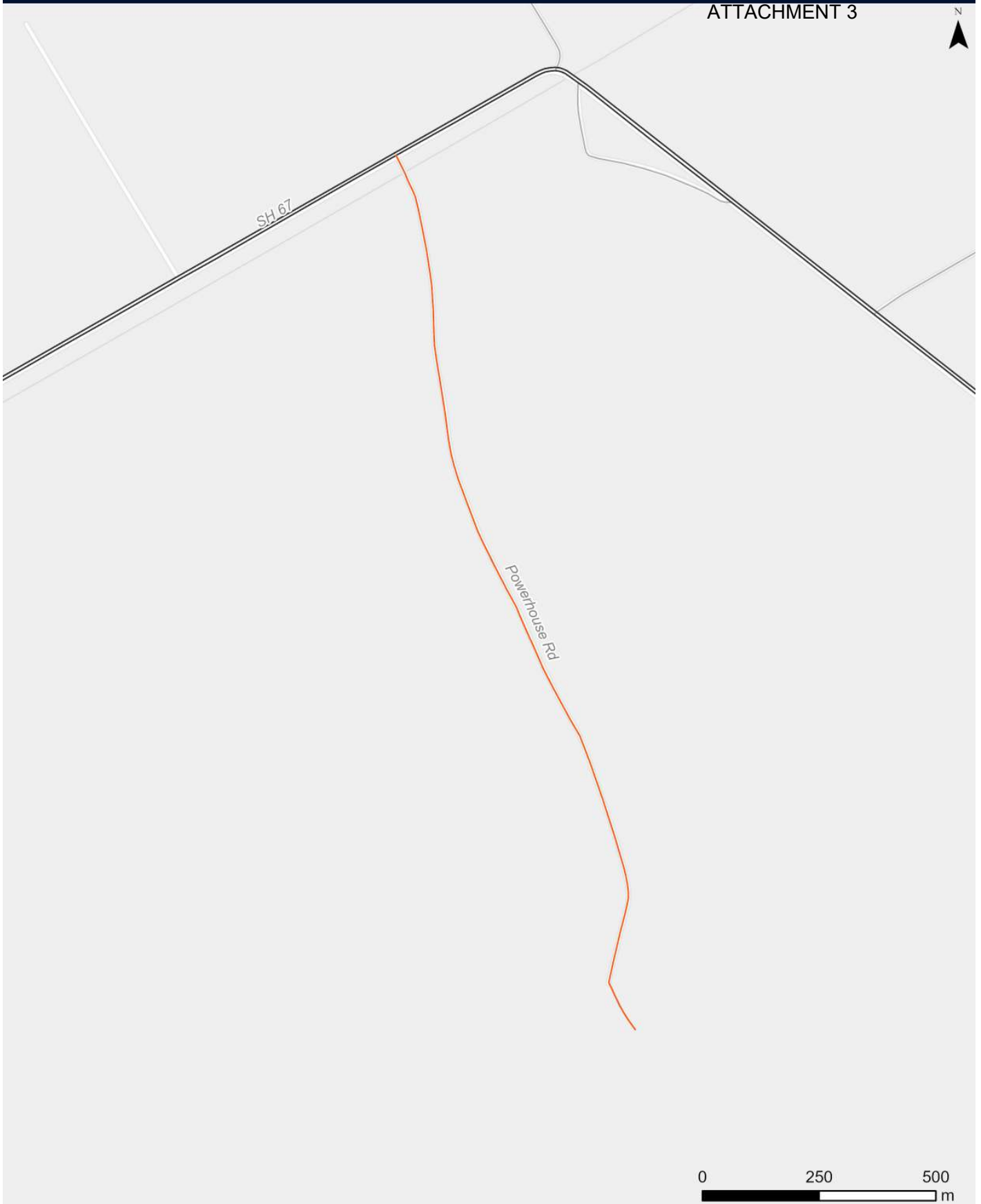


Data sources: Abley, Eagle Technology, Land Information New Zealand

Proposed Speed (km/h)

- 30
- 60
- State Highway
- No Speed Changes





Data sources: Abley, Eagle Technology, Land Information New Zealand

Proposed Speed (km/h)

- 60
- State Highway
- No Speed Changes





Proposed Speed (km/h)

30 60

Urban Traffic Area

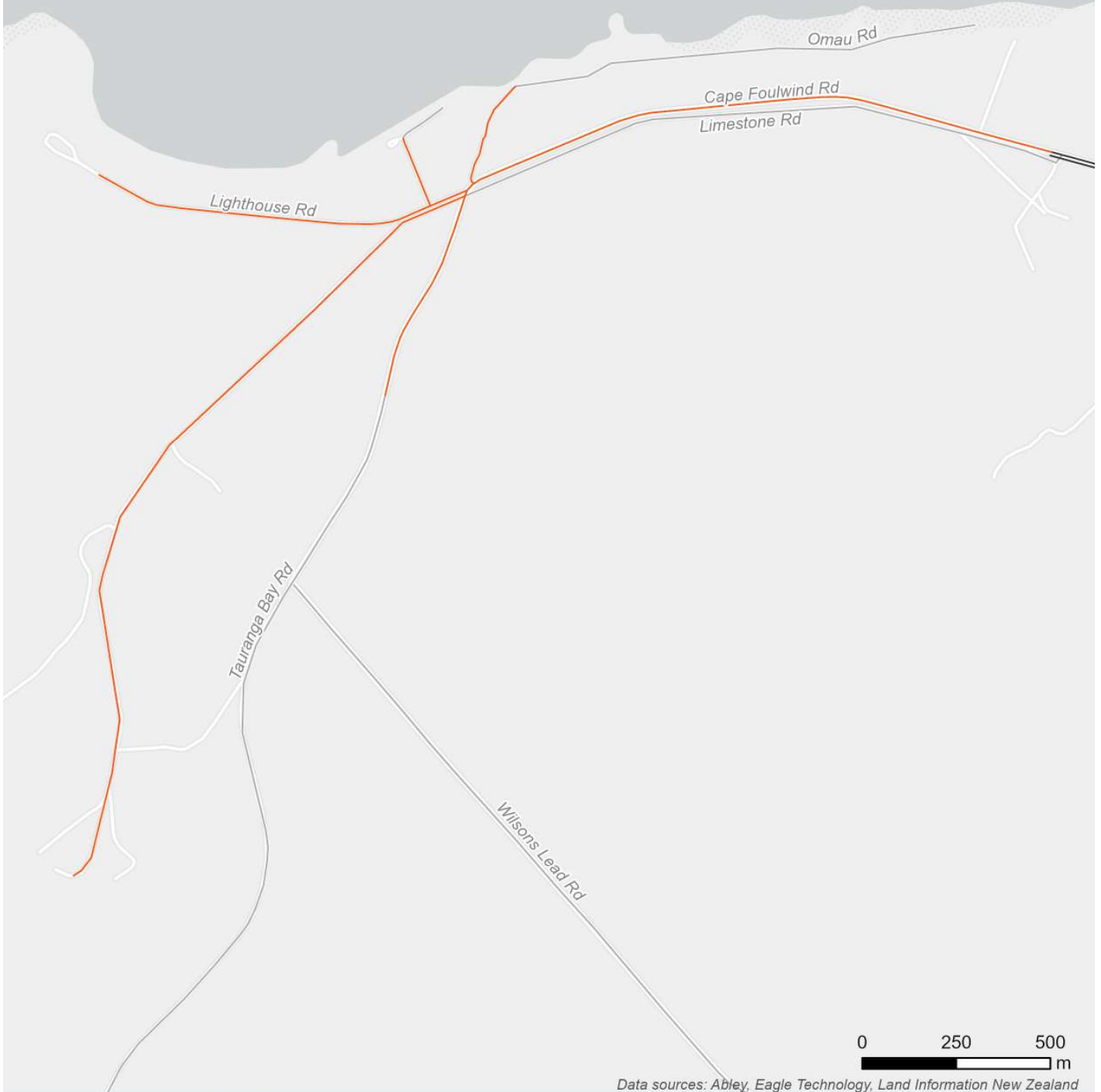
State Highway

40

School Zone

No Speed Changes



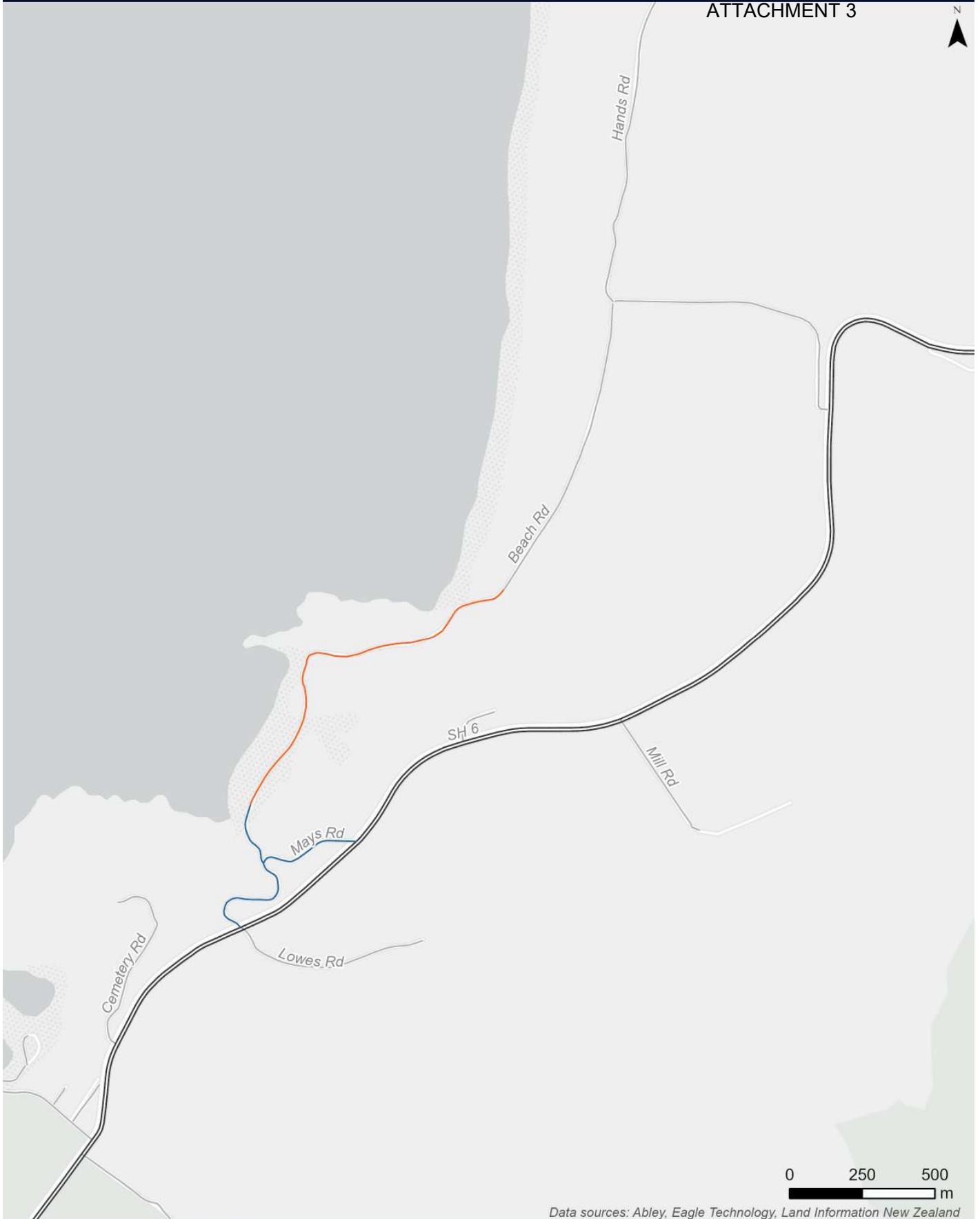


Data sources: Abley, Eagle Technology, Land Information New Zealand

Proposed Speed (km/h)

- 60
- State Highway
- No Speed Changes





Data sources: Abley, Eagle Technology, Land Information New Zealand

Proposed Speed (km/h)

- 40
- 60
- State Highway
- No Speed Changes





Data sources: Abley, Eagle Technology, Land Information New Zealand

Proposed Speed (km/h)

— 30

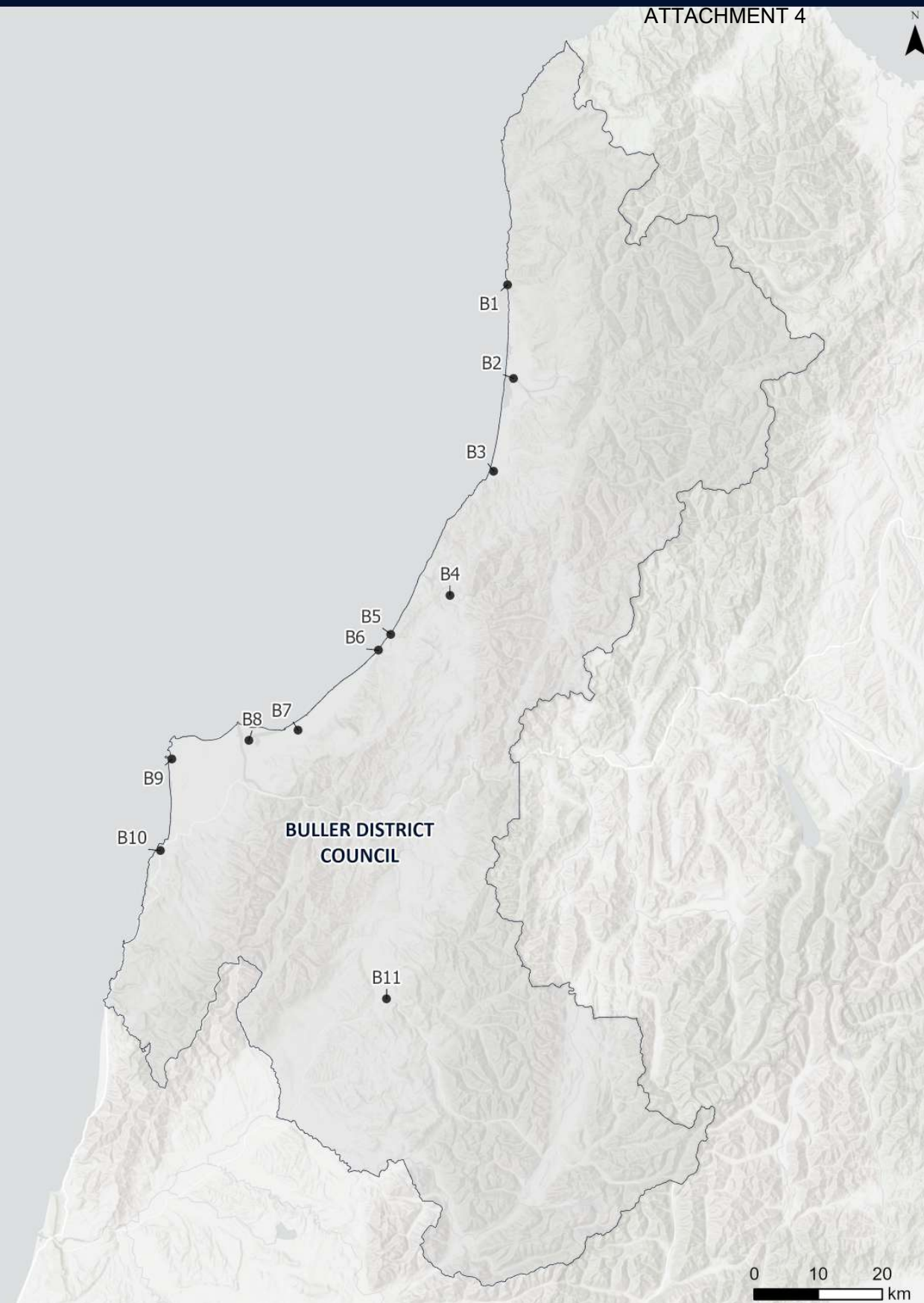
Urban Traffic Area

State Highway

School Zone

No Speed Changes





Data sources: Abley, Eagle Technology, Land Information New Zealand

- | | | | |
|----------------------|------------------------|----------------------|------------------|
| B1 - Kohaihai Road | B4 - Seddonville | B7 - Powerhouse Road | B10 - Charleston |
| B2 - Karamea | B5 - Ngakawau & Hector | B8 - Westport | B11 - Reefton |
| B3 - Little Wanganui | B6 - Granity | B9 - Cape Foulwind | |





Existing Speed (km/h)

100

No Speed Changes



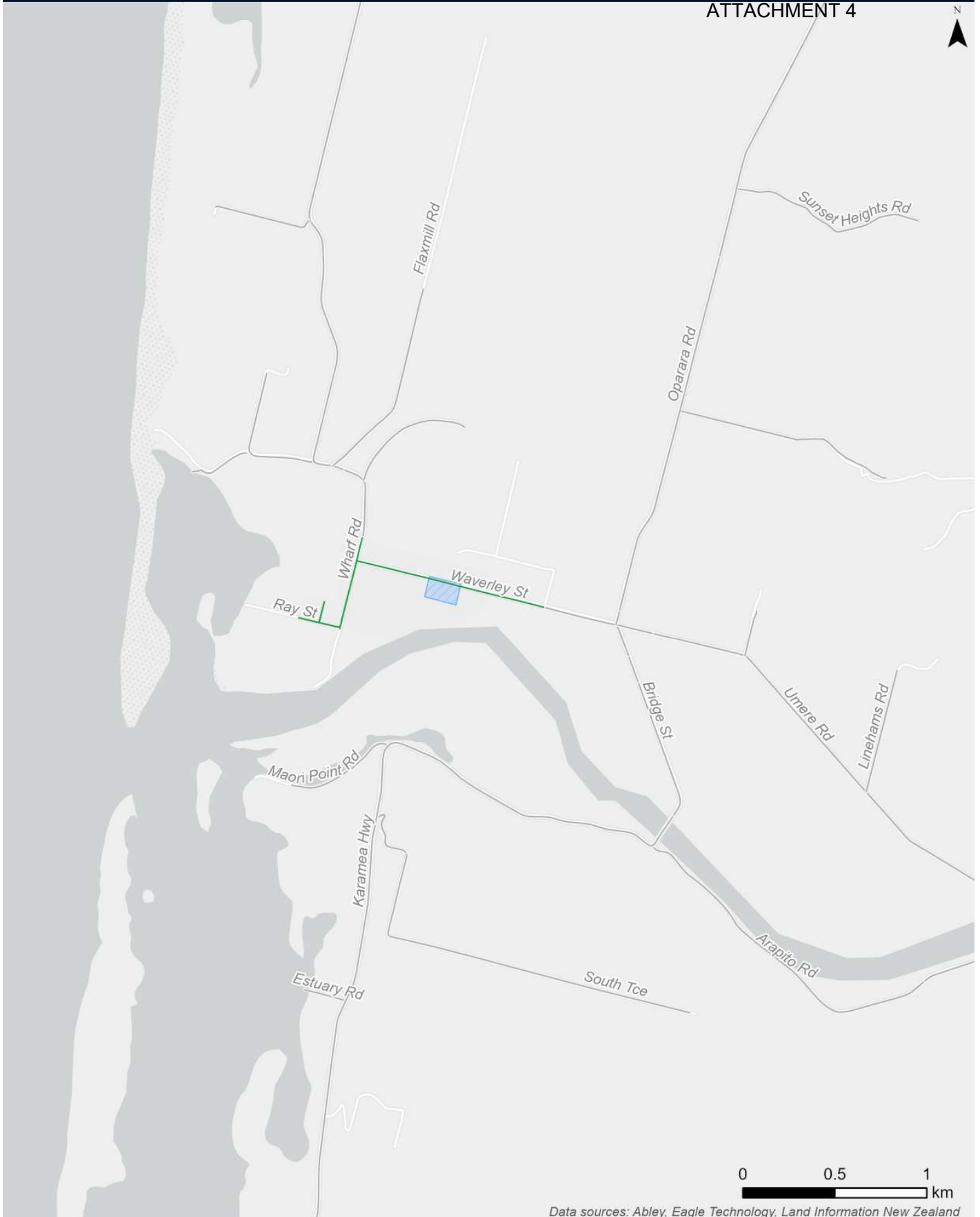


Proposed Speed (km/h)

— 60

— No Speed Changes





Data sources: Abley, Eagle Technology, Land Information New Zealand

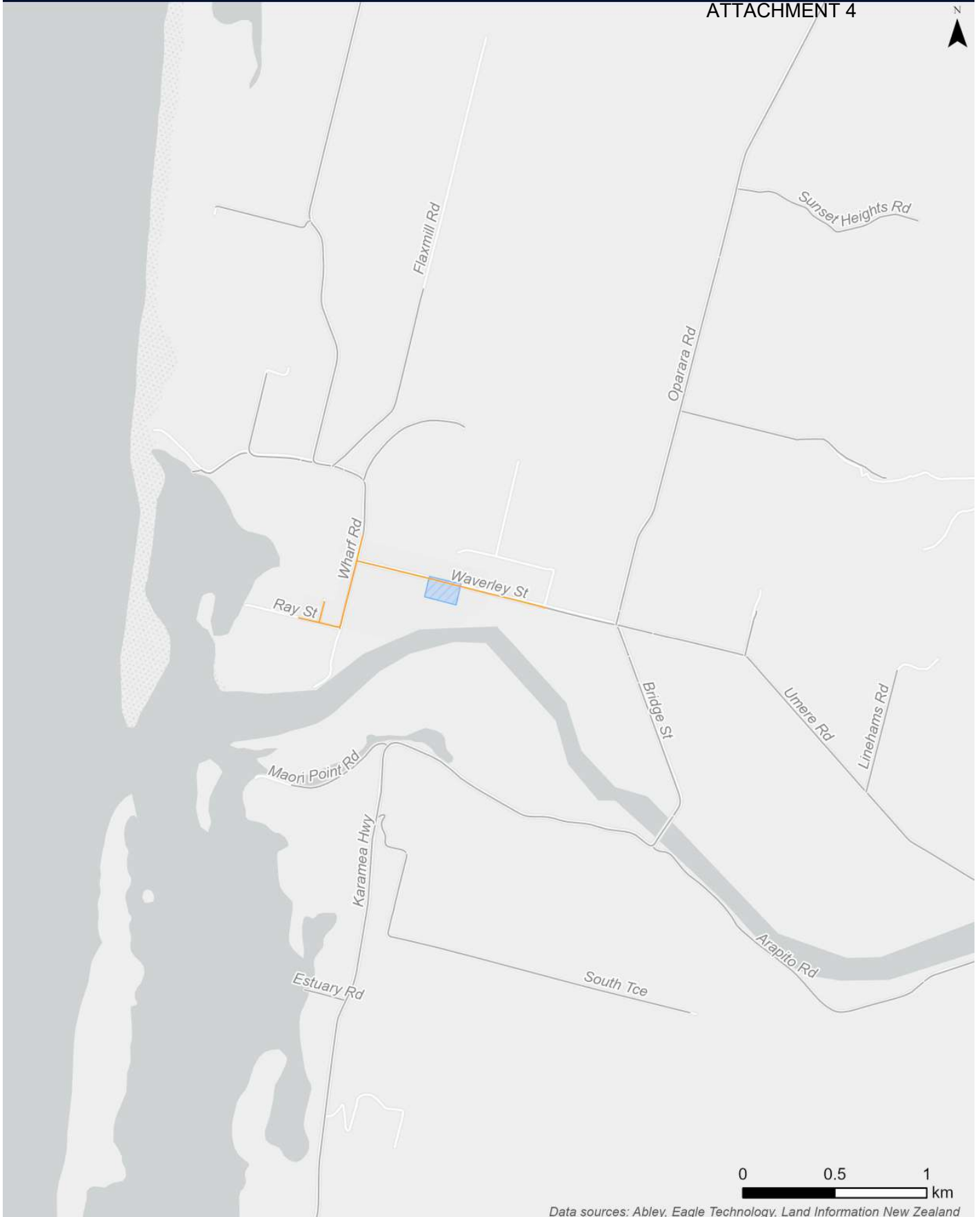
Existing Speed (km/h)

50

School Zone

No Speed Changes





Data sources: Abley, Eagle Technology, Land Information New Zealand

Proposed Speed (km/h)

— 30

▨ School Zone

— No Speed Changes





Data sources: Abley, Eagle Technology, Land Information New Zealand

Existing Speed (km/h)

100

No Speed Changes





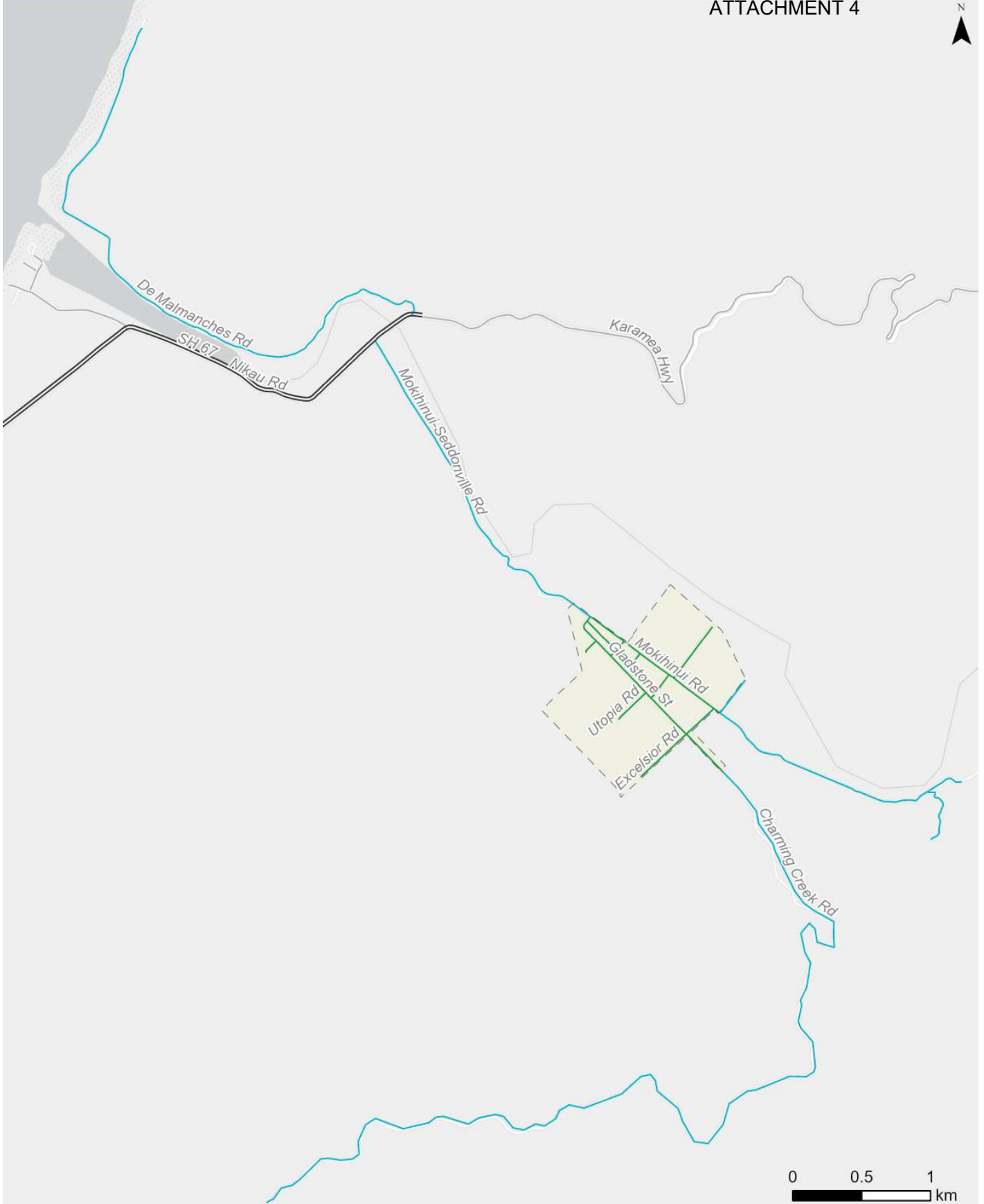
Data sources: Abley, Eagle Technology, Land Information New Zealand

Proposed Speed (km/h)

— 40

— No Speed Changes





Data sources: Abley, Eagle Technology, Land Information New Zealand

Existing Speed (km/h)

- 50
- 100

Urban Traffic Area

State Highway

No Speed Changes





Data sources: Abley, Eagle Technology, Land Information New Zealand

Proposed Speed (km/h)

30

Urban Traffic Area

State Highway

60

No Speed Changes





Data sources: Abley, Eagle Technology, Land Information New Zealand

Existing Speed (km/h)

50

Urban Traffic Area

State Highway





Data sources: Abley, Eagle Technology, Land Information New Zealand

Proposed Speed (km/h)

— 30

Urban Traffic Area

State Highway





Data sources: Abley, Eagle Technology, Land Information New Zealand

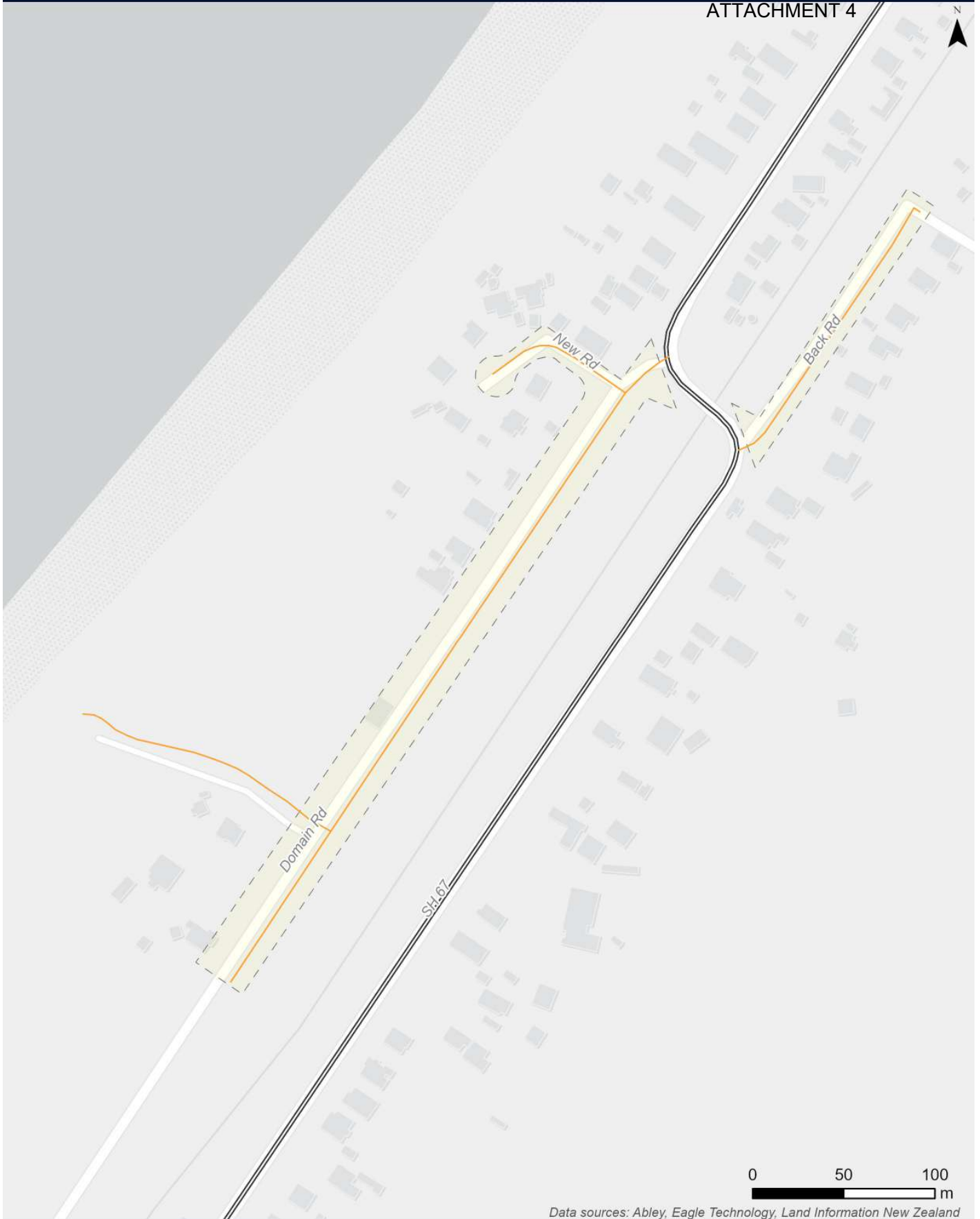
Existing Speed (km/h)

- 50
- 100

Urban Traffic Area

State Highway





Data sources: Abley, Eagle Technology, Land Information New Zealand

Proposed Speed (km/h)

— 30

■ Urban Traffic Area

— State Highway



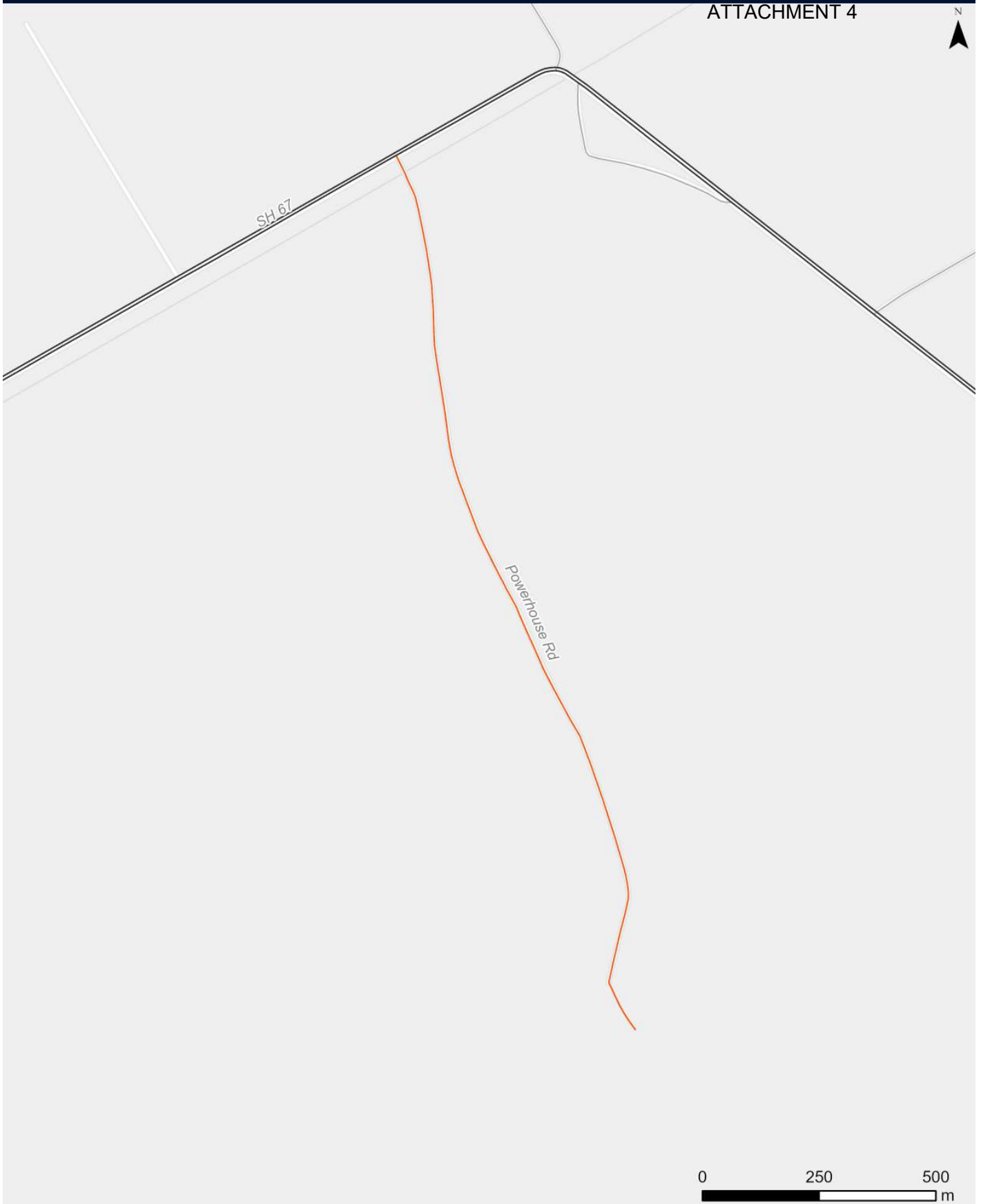


Data sources: Abley, Eagle Technology, Land Information New Zealand

Existing Speed (km/h)

- 100
- State Highway
- No Speed Changes



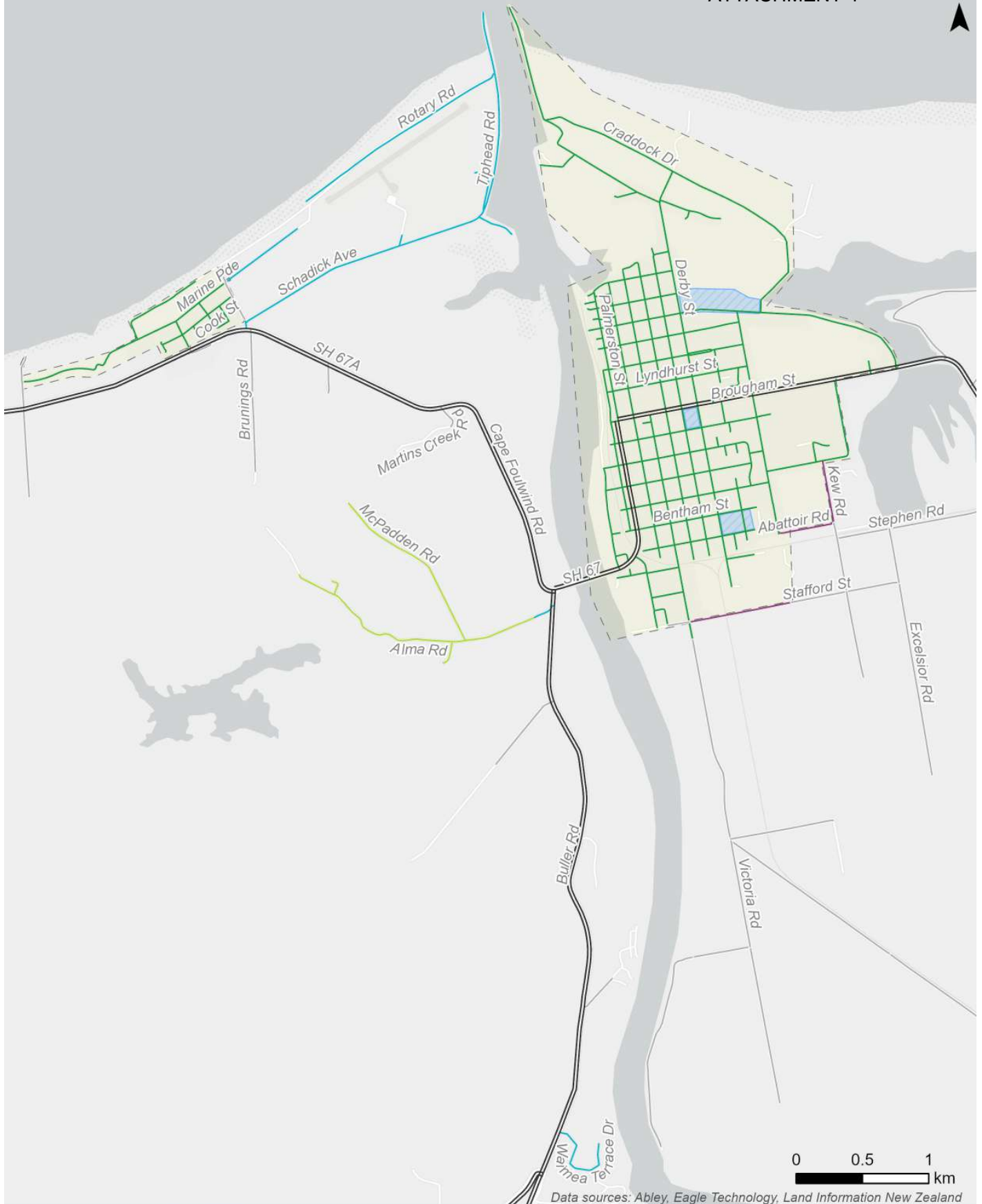


Data sources: Abley, Eagle Technology, Land Information New Zealand

Proposed Speed (km/h)

- 60
- State Highway
- No Speed Changes



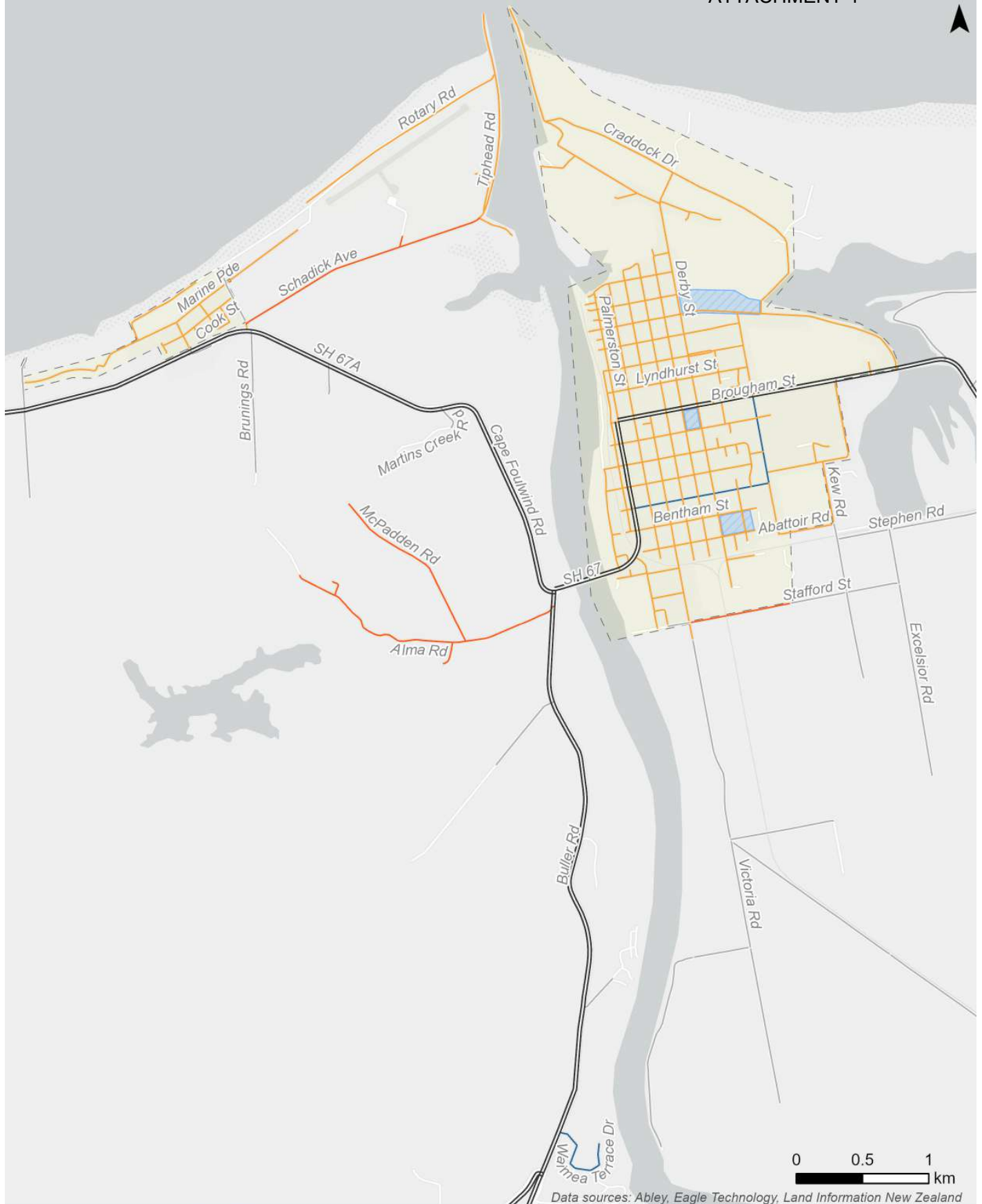


Data sources: Abley, Eagle Technology, Land Information New Zealand

Existing Speed (km/h)

- 50
- 80
- Urban Traffic Area
- State Highway
- No Speed Changes
- 100
- School Zone





Data sources: Abley, Eagle Technology, Land Information New Zealand

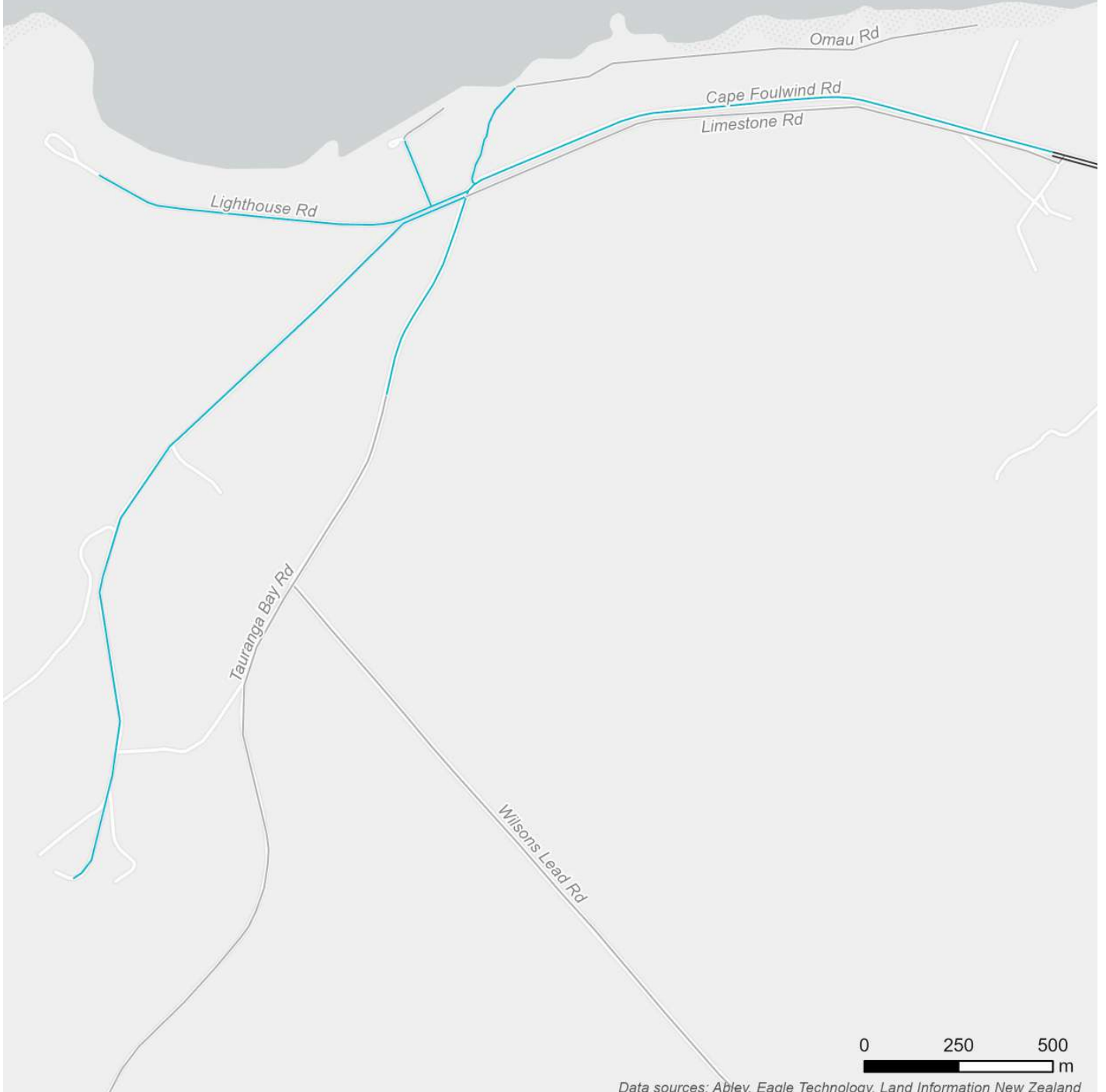
Proposed Speed (km/h)

- 30
- 60
- 40

- Urban Traffic Area
- School Zone

- State Highway
- No Speed Changes



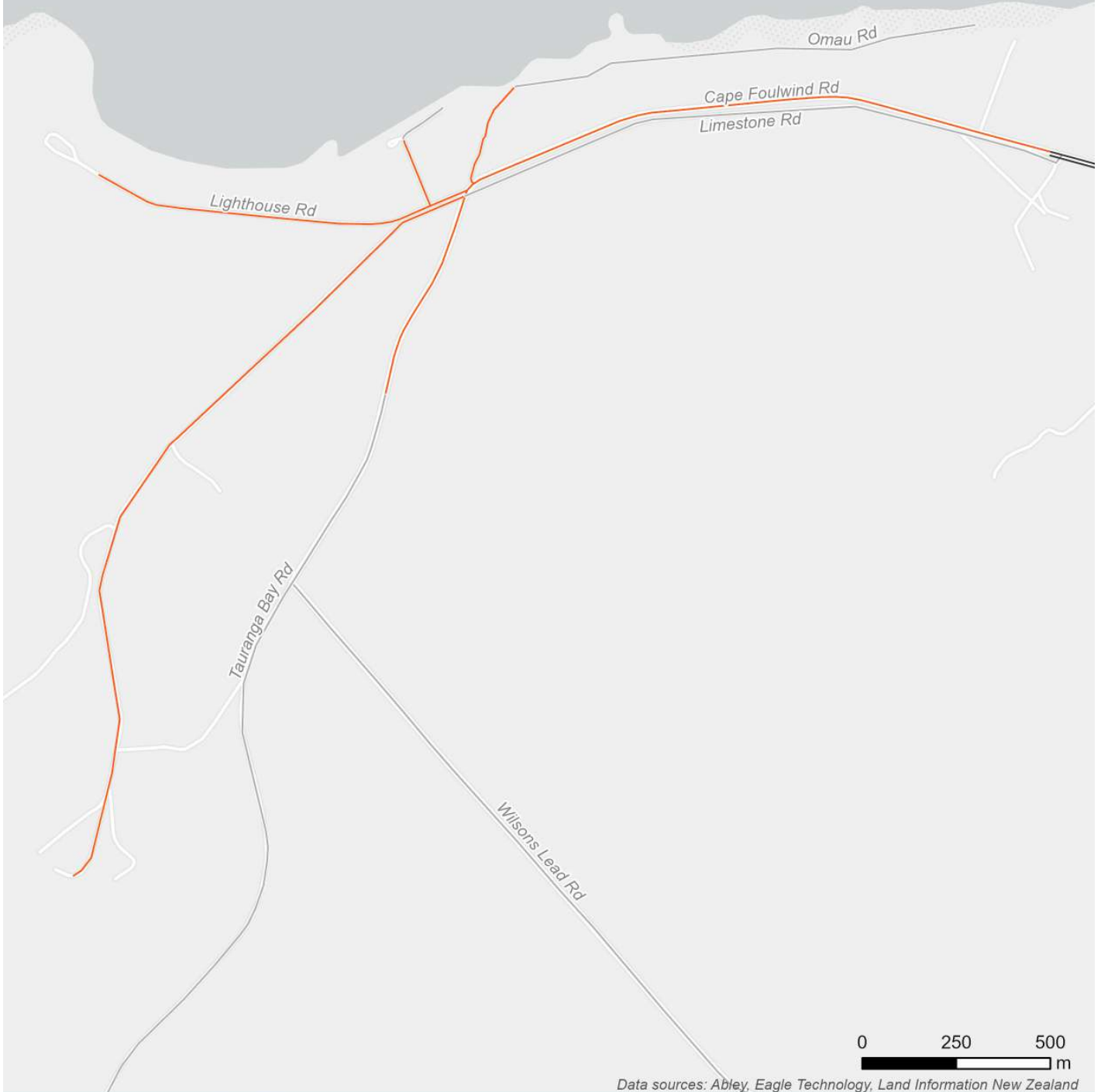


Data sources: Abley, Eagle Technology, Land Information New Zealand

Existing Speed (km/h)

- 100
- State Highway
- No Speed Changes





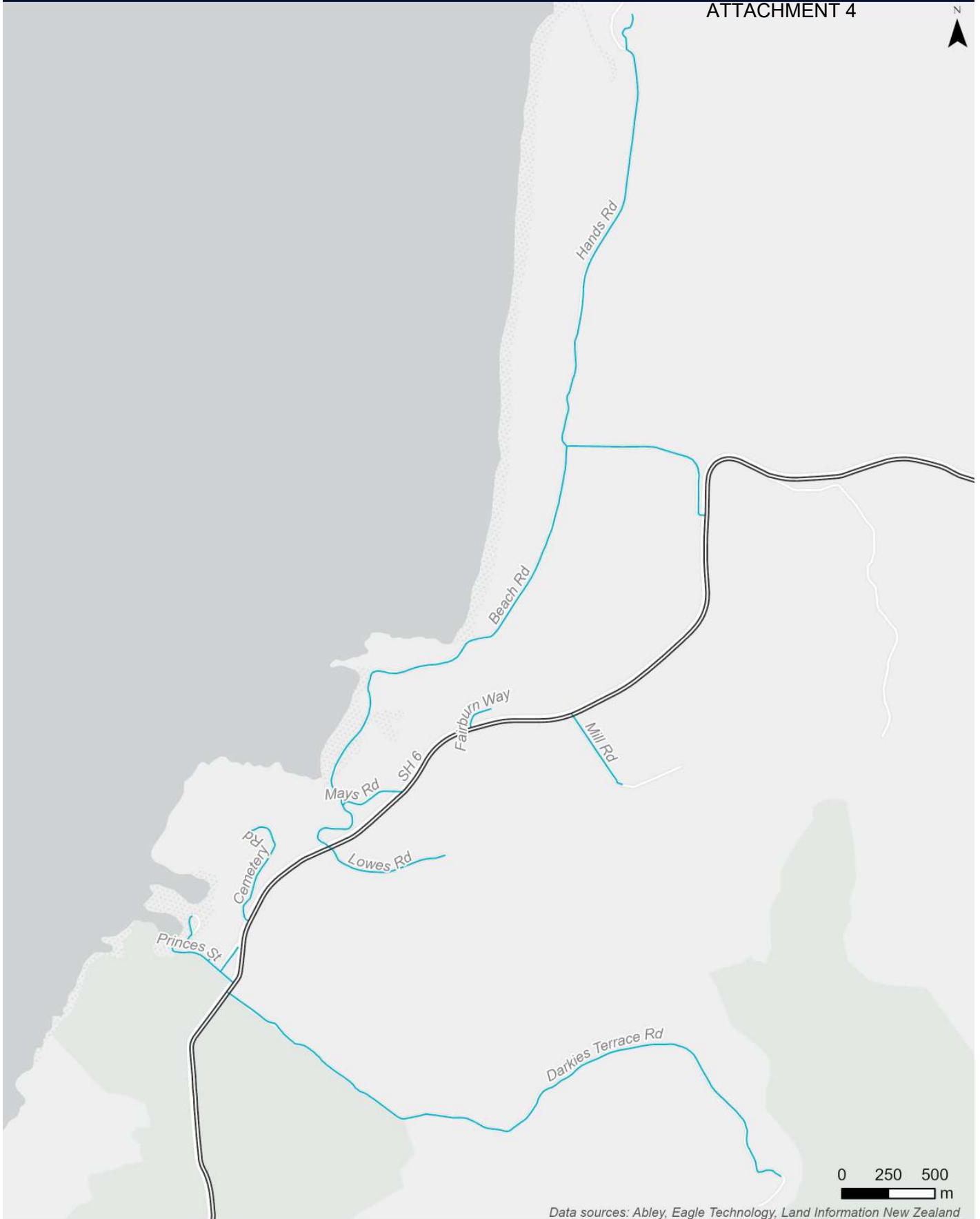
Proposed Speed (km/h)

— 60

— State Highway

— No Speed Changes





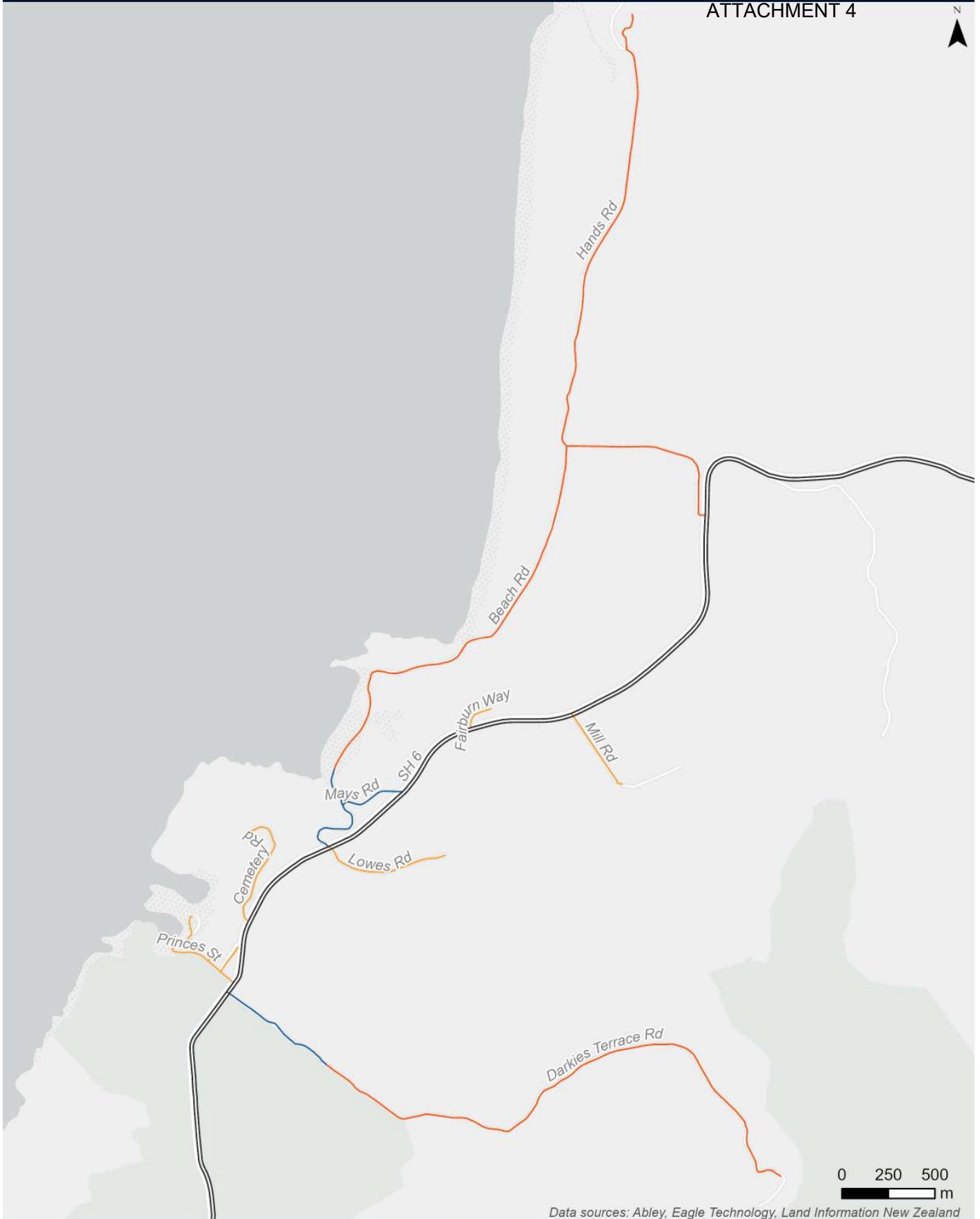
Data sources: Abley, Eagle Technology, Land Information New Zealand

Existing Speed (km/h)

100

State Highway



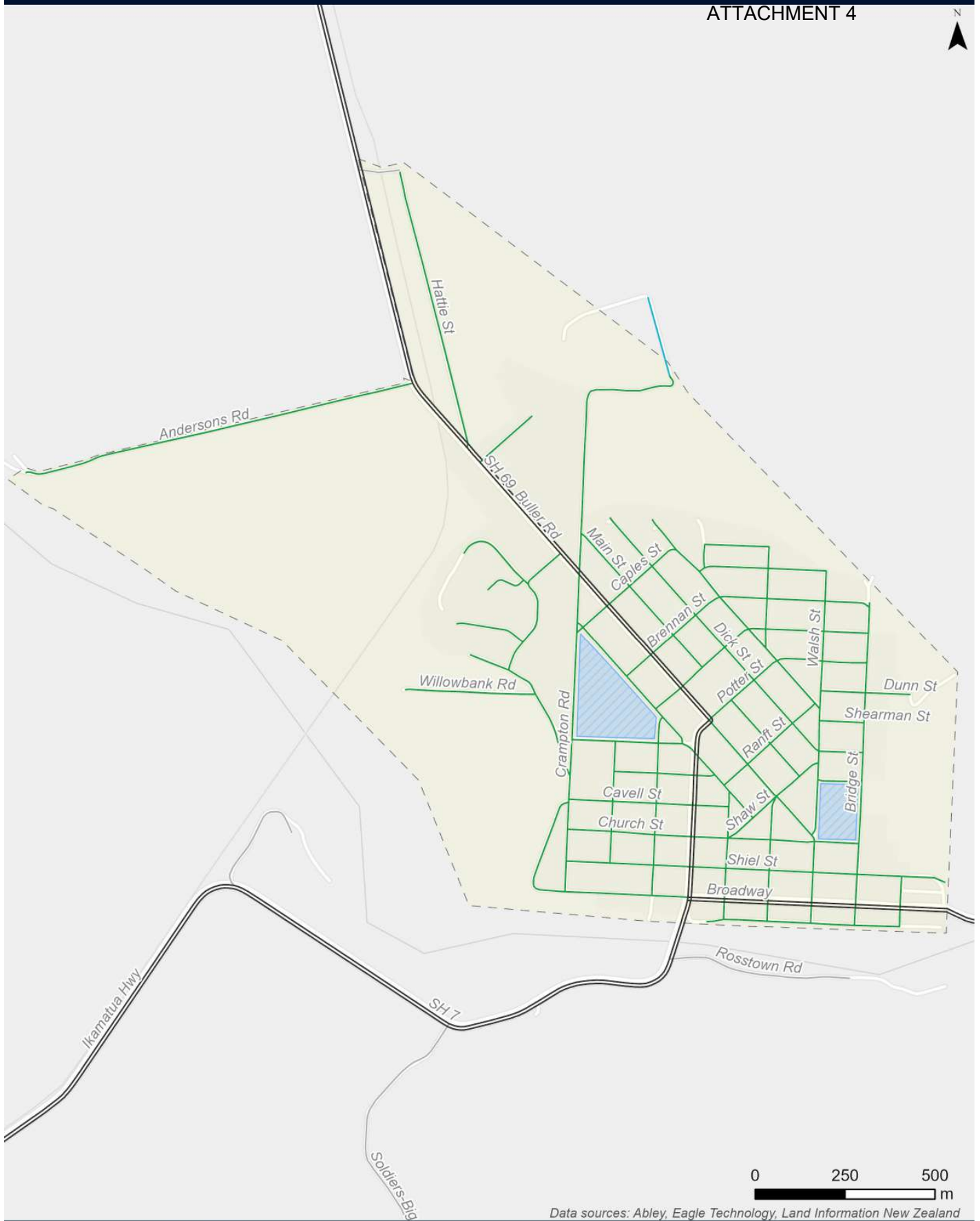


Data sources: Abley, Eagle Technology, Land Information New Zealand

Proposed Speed (km/h)

- 30
- 60
- State Highway
- 40



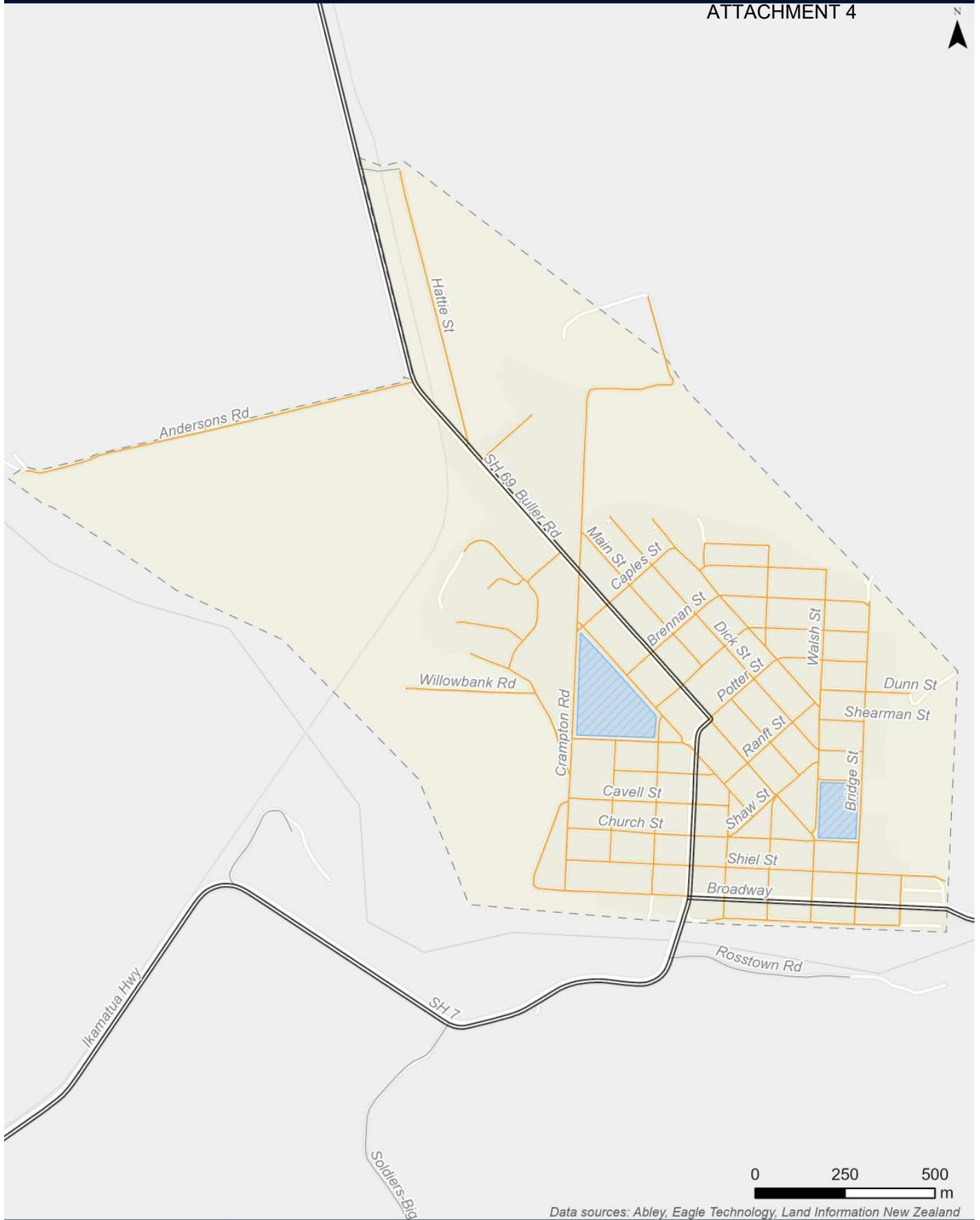


Data sources: Abley, Eagle Technology, Land Information New Zealand

Existing Speed (km/h)

- | | | |
|---|--|---|
|  50 |  Urban Traffic Area |  State Highway |
|  100 |  School Zone |  No Speed Changes |





Data sources: Abley, Eagle Technology, Land Information New Zealand

Proposed Speed (km/h)

— 30

Urban Traffic Area

State Highway

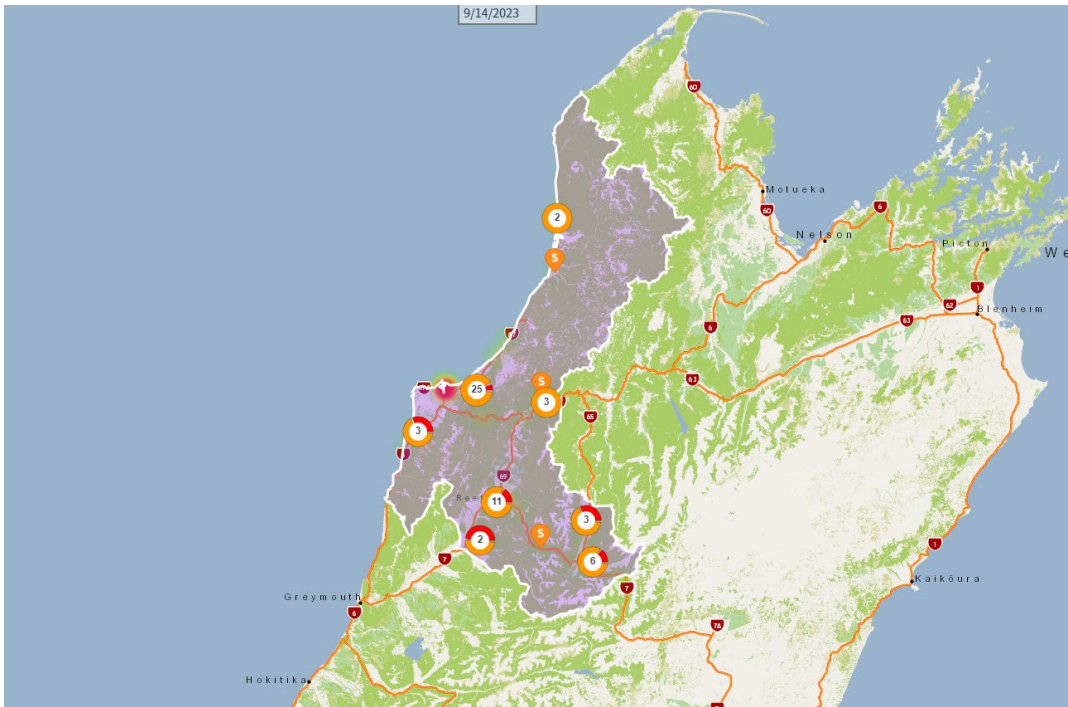
School Zone

No Speed Changes

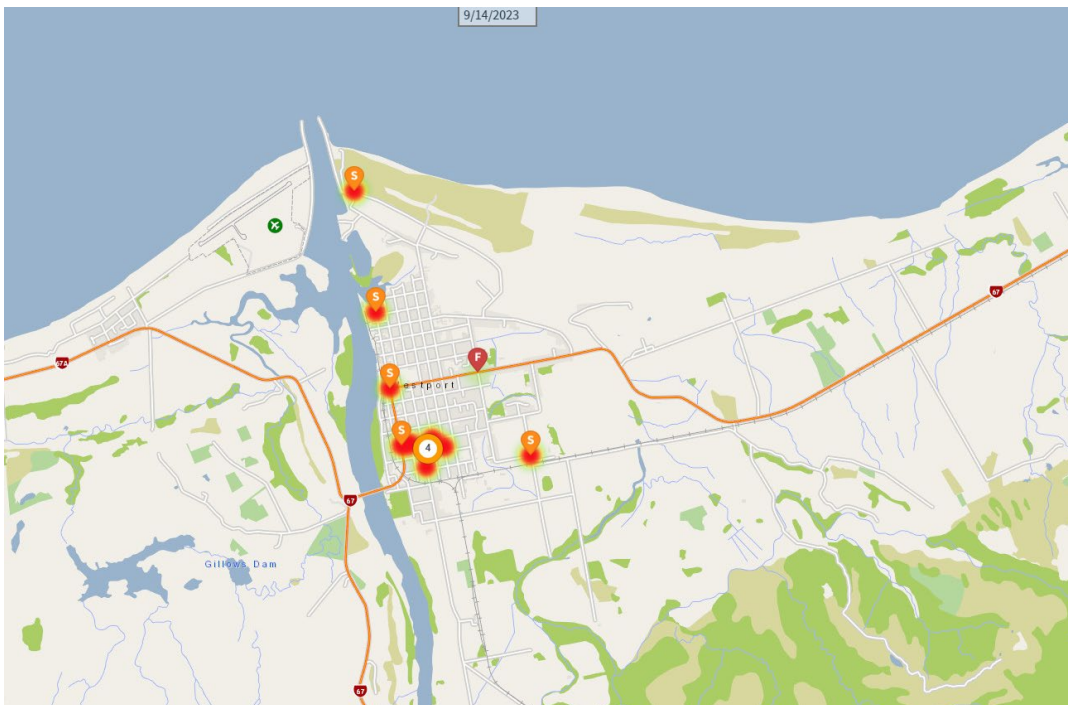


ATTACHMENT 5 Maps showing locations of Death and Serious Injury Crashes

Map 1 : Buller District DSI locations



Map 2 : Westport DSI locations



BULLER DISTRICT COUNCIL

25 OCTOBER 2023

AGENDA ITEM: 9

- Prepared by** - Shelley Jope
- Acting Group Manager Community Services
- Reviewed by** - Steve Gibling
- Chief Executive Officer
- Attachments** - 1. Current Council Meeting Calendar Structure (2023)
2. Proposed Council Meeting Calendar Structure (2024)

Change of Council Meeting Calendar Structure 2024

1. REPORT SUMMARY

This report is being submitted for Council to consider a change to the Council meeting calendar structure for 2024.

2. DRAFT RECOMMENDATION

That Council:

- (1) Receive the report; and**
- (2) Approve the proposed Council meeting calendar structure for 2024 as set out in Appendix 2.**

OR

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

3. ISSUES & DISCUSSION

3.1 Current Council Meeting Calendar Structure

It was resolved by Council in May 2023 to adopt the meeting structure in Attachment 1 in an attempt to better manage the workloads of both Councillors and staff. This resulted in one day every three months having up to three meetings on the same day. At the stage of accepting, the 2023 calendar did not include the significant number of workshops and hearings which have needed to be scheduled.

This has created a very difficult workload situation for the staff member responsible for preparing the agendas for each meeting, workshop and hearing.

3.2 Proposed Council Meeting Calendar Structure

The proposed meeting structure in Attachment 2, does not alter the frequency of meetings but it does minimise the number of meetings held on the same day. This structure requires an additional meeting day per month however, each meeting day would be for a shorter length of time.

The change would still clear statutorily obligated timelines as well as allowing all necessary documentation timelines to be more achievable with current staffing levels. The proposed changes are:

- 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 changes would positively affect the ability to meet strategic and statutory obligations.

4.2 Significance Assessment

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

4.3 Risk Management Implications

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

4.4 Values

A decision to implement the proposed Council meeting calendar structure 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

Should the proposed Council meeting calendar meeting structure be accepted, there would be no extra cost to Council. Additional resourcing may be required if the current schedule is maintained.

4.9 Benefits

The implementation of a revised calendar structure may aid elected members to have more time to be prepared prior to meetings and therefore be more equipped to make informed decisions as the length of the meeting days would be less.

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	ICB	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	ICB???	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	ICB???	F		S		W		S		M		T		S		7	
8	M		T		F		M		W		S		M		T		S		T		F		S		8	
9	T		F		S		T		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		T		S		W	RAC	F		M		W	RAC COUNCIL	11	
12	F		M		T		F		S		W	RAC	F		M		T		S		T		T		12	
13	S		T	ICB	W	CNZ CESC/RHC RAC	S		M		T		S		T		F		S		W	CNZ CESC/RHC RAC	F		13	
14	S		W	RAC	T		S		T		F		S		W	CNZ CESC/RHC RAC	S		M		T		S		14	
15	M		T		F		M		W	CNZ CESC/RHC RAC	S		M		T		S		T		F		S		15	
16	T		F		S		T		T		S		T		F		M		W	RAC	S		M		16	
17	W		S		S		W		F		M		W	RAC	S		T		T		S		T		17	
18	T		S		M		T		S		T		T		S		W		F		M		W		18	
19	F		M		T		F		S		W		F		M		T		S		T		T		19	
20	S		T		W		S		M		T		S		T		F		S		W		F		20	
21	S		W		T		S		T		F		S		W		S		M		T		S		21	
22	M		T		F		M		W		S		M		T		S		T		F		S		22	
23	T		F		S		T		T		S		T		F		M		W		S		M		23	
24	W		S		S		W	COUNCIL	F		M		W		S		T		T		S		T		24	
25	T		S		M		T	ANZAC DAY	S		T		T		S		W	COUNCIL	F		M		W		25	
26	F		M		T		F		S		W	COUNCIL	F		M		T		S		T		T		26	
27	S		T		W	COUNCIL	S		M		T		S		T		F		S		W	COUNCIL	F		27	
28	S		W	COUNCIL	T		S		T		F	MATARIKI	S		W	COUNCIL	S		M	LABOUR DAY	T		S		28	
29	M		T		F	GOOD FRIDAY	M		W	COUNCIL	S		M		T		S		T		F		S		29	
30	T				S		T		T		S		T		F		M		W	COUNCIL	S		M		30	
31	W				S				F				W	COUNCIL	S				T					T		31
Day	January	Day	February	Day	March	Day	April	Day	May	Day	June	Day	July	Day	August	Day	September	Day	October	Day	November	Day	December			

Council Meeting Schedule 2024		KEY: * = Workshop												PLEASE NOTE: General meeting start times are 3.30pm											
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1	M	PUBLIC HOLIDAY	T		F		M	EASTER MONDAY	W		S		M		T		S		T	ICB	F		S		1
2	T	PUBLIC HOLIDAY	F		S		T		T		S		T		F		M		W		S		M		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	ICB???	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	ICB???	F		S		W		S		M		T		S		7
8	M		T		F		M		W		S		M		T		S		T		F		S		8
9	T		F		S		T		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		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	CNZ 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		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						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

25 OCTOBER 2023

AGENDA ITEM: 10

Prepared By: Steve Gibling
Chief Executive Officer

Attachments: 1. Draft Protected Disclosures (*Whistle-blower*) Policy

DRAFT PROTECTED DISCLOSURES (*WHISTLE-BLOWER*) POLICY

1. REPORT PURPOSE

The purpose of this report is to provide the Risk and Audit Committee with a draft of the proposed Buller District Council Protected Disclosures (*Whistle-blower*) Policy.

2. REPORT SUMMARY

Buller District Council has a legal requirement to facilitate the disclosure and investigation of serious wrongdoing in the workplace. It seeks to provide protection from reprisal or victimisation for employees and other workers who report concerns in accordance with the provisions of the Protected Disclosures (Protection of Whistleblowers) Act 2022.

3. DRAFT RECOMMENDATION

- 1. That Risk and Audit Committee receive the “Draft Protected Disclosures (*Whistle-Blower*) Policy” report.**
- 2. That the Risk and Audit Committee recommend to Council to adopt the draft Protected Disclosures (*Whistle-Blower*) Policy.**

4. BACKGROUND

The Protected Disclosures Act 2000 was replaced by the Protected Disclosures (Protection of Whistleblowers) Act (the Act) on 1 July 2022. The Act seeks to facilitate the disclosure and investigation of serious wrongdoing in the workplace, and to provide protection for employees and other workers who report concerns.

However, the 2022 Act makes changes to address identified issues and improvements, including:

- extending the definition of serious wrongdoing to cover private sector use of public funds and authority and to cover behaviour that is a serious risk to the health and safety of any individual
- allowing people to report serious wrongdoing directly to an appropriate authority at any time, while clarifying the ability of the appropriate authority to decline or refer the disclosure
- strengthening protections for disclosers by specifying what a receiver of a disclosure should do
- clarifying internal procedure requirements for public sector organisations and requiring them to state how they will provide support to disclosers
- clarifying the potential forms of adverse conduct disclosers may face.

Organisations, both public and private sector, have responsibilities under the Act as receivers of protected disclosures, including sometimes as appropriate authorities. Public sector organisations must have appropriate internal procedures for protected disclosures and must publicise these procedures widely.

The proposed policy outlines how Buller District Council will implement its requirements under the Act and also provides for an internal procedure for managing disclosures if and when they are made.

5. DISCUSSION

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

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

6. CONSIDERATIONS

6.1 Strategic Alignment

The effective management of the Protected Disclosures (Protection of Whistleblowers) Act 2022 process is a critical component of public accountability and therefore is a cornerstone of Council's policy framework.

6.2 Significance Assessment

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

6.3 Tangata Whenua Considerations

N/A

6.4 Risk Management Implications

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

6.5 Policy Framework Implications

This policy replaces Buller District Council's previous policy that reflected its requirements under the 2000 Act. As a key internal policy, this will be reviewed on a three year cycle.

6.7 Legal Implications

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

6.8 Financial / Budget Implications

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

6.9 Consultation Considerations

N/A

PROTECTED DISCLOSURE (WHISTLE-BLOWER) POLICY

<i>Creation Date:</i>	<i>October 2023</i>	<i>Date for Review:</i>	<i>October 2026</i>	
<i>Author:</i>	<i>Chief Financial Officer</i>	<i>Authorised by:</i>	<i>Chief Executive Officer</i>	
<i>Adopted by Council on:</i>	<i>25 October 2023</i>	<i>Version:</i>	<i>One</i>	

INTRODUCTION

- 1) The Protected Disclosures (Protection of Whistleblowers) Act 2022 (PDA) and its amendments commits the Buller District Council (Council) to develop and abide by an internal procedure for dealing with serious wrongdoing in or by the Council. Council will comply with the PDA through adhering to the following objectives:
 - 2) Recognising the Council's responsibility in ensuring matters of serious wrongdoing within, or by the organisation are made known and investigated;
 - a) Protecting individuals who provide information about serious wrongdoing occurring within the Council;
 - b) Ensuring complaints are dealt with in a serious and professional way;
 - c) Complying with the principles of natural justice; and
 - d) Making this procedure available to all staff and publishing it at regular intervals.
 - 3) Under the PDA an individual may make protected disclosures provided:
 - a) The individual believes on reasonable grounds that there is, or has been serious wrongdoing in or on behalf of the Council and that the information is true or is likely to be true (i.e. not made in bad faith); and
 - b) The individual wishes to disclose the information so that the serious wrongdoing may be investigated; and
 - c) The individual wishes the disclosure to be protected by making a disclosure in accordance with this policy.
 - 4) An individual who makes a protected disclosure is considered a "discloser" in accordance with the PDA.

DEFINITIONS

- 5) "Serious Wrongdoing" as defined in the PDA includes any of the following:
 - a) an offence; or

- b) a serious risk to:
 - i) public health; or
 - ii) public safety; or
 - iii) the health and safety of an individual; or
 - iv) the environment; or
 - c) a serious risk to the maintenance of law, including the prevention, investigation, and detection of offences or the right to a fair trial; or
 - d) an unlawful, corrupt, or irregular use of public funds or public resources; or
 - e) oppressive, unlawfully discriminatory, or grossly negligent, or that is gross mismanagement, and is done (or is an omission) by an employee or a person performing or purporting to perform or exercise a function or duty on behalf of the Council.
- 6) “Discloser” may be individuals currently or formerly: employed by Council, seconded or contracted to the Council (i.e. a contractor), a person concerned in the governance of the organisation (e.g. Mayor or Councillors), or a volunteer.
- 7) “Receiver” is the Council or an Appropriate Authority.
- 8) “Appropriate Authority” as defined in the PDA includes:
- a) the head of any public sector organisation
 - b) an officer of Parliament
 - c) persons or bodies operating in the public sector (listed in Schedule 2 of the PDA), and
 - d) the membership body of a particular profession, trade, or calling with the power to discipline its members.
- 9) The definition does not include a Minister or a member of Parliament.

PROTECTIONS

- 10) When an individual is aware of an incident of serious wrongdoing the PDA provides protection for that individual to make a protected disclosure. These protections are outlined below:

- 11) The receiver of a disclosure will use their best endeavours to keep confidential any information that might identify the discloser unless:
 - a) the discloser has consented to the release of the identifying information; or
 - b) where there are reasonable grounds to believe that the release of the identifying information is essential:
 - (1) to the effective investigation of the disclosure;
 - (2) to prevent serious risk to public health or safety, the health or safety of any individual, or to the environment;
 - (3) to comply with the principle of natural justice; or
 - (4) to an investigation by law enforcement or regulatory agency for the purpose of law enforcement.
- 12) Prior to releasing the discloser's information, because it is essential to the effective investigation or to comply with the principles of natural justice, the receiver will consult with the discloser about the release of information. Otherwise, the receiver will consult with the discloser if it is practicable.
- 13) After releasing the discloser's information for any reason, the receiver will inform the discloser that information has been released.
- 14) A discloser is protected from any retaliatory action by their employer or from being victimised on account of being involved in a protected disclosure. If an employer retaliates or threatens to retaliate or treat a person less favourably because of a protected disclosure, that may give rise to a personal grievance under the Employment Relations Act 2000 or may be unlawful under the provisions of the Human Rights Act 1993.
- 15) Protection under the PDA does not apply to disclosures made that are known to be false or in an act of bad faith.
- 16) Anyone making or receiving a disclosure under the PDA is not liable to civil or criminal proceedings relating to the making or receipt of the disclosure.
- 17) Requests for information under the Official Information Act 1982, or Local Government Official Information and Meetings Act 1987 may be refused if it might identify the person who made the disclosure.

DRAFT PROCEDURES FOR REPORTING A SERIOUS WRONGDOING

Refer to Appendix A. for the Buller District Council Internal Procedure.

APPENDIX A

***The Protected Disclosures (Protection of Whistleblowers) Act 2022 (PDA)
Draft Buller District Council Internal Procedures***

Initiating the Procedure

A discloser who wishes to raise concerns about serious wrongdoing within the Council may notify a Council Protected Disclosure Act (PDA) Coordinator orally or in writing. Otherwise, a disclosure can be made to an Appropriate Authority.

Council PDA Coordinators:

Council PDA Coordinators (in order of reference) are:

- All Council 2nd tier Managers and
- Chief Executive; and
- The Mayor; and
- The Independent Chair of the Risk and Audit Committee

If possible, concerns about wrongdoing should be raised in order of the above reference.

Dealing with the Disclosure

Within 20 working days of having received a disclosure, the Council will:

- acknowledge receipt of the disclosure and record the date that the disclosure was made; and
- consider the disclosure and whether it warrants investigation; and
- check with the discloser whether the disclosure has been made elsewhere (and any outcome); and
- deal with the matter by doing one or more of the following:
 - Investigate the disclosure; or
 - Address any serious wrongdoing by acting or recommending action; or
 - Referring the disclosure to an Appropriate Authority; or
 - Deciding that no action is required.
- Inform the discloser about what the Council has done or is doing to deal with the matter and give reasons as to why this approach has been taken.

Communication with the Discloser

- Where the procedures set out above take longer than 20 working days in total, the Council will communicate with the discloser and provide an estimate for how long it is expected to take.
- Where the Council decides to take no action in relation to the disclosure, the discloser will be informed of the reasons of the decision made.
- Where the Council decides to refer the disclosure to an Appropriate Authority, the Council will consult with discloser and the intended recipient of the referral.

Where the PDA Coordinator is a Manager

- The PDA Coordinator is to advise the Chief Executive of the alleged wrongdoings.
- If the Chief Executive is implicated in the alleged wrongdoings, the Manager shall advise the Mayor or the Independent Chair of the Risk and Audit Committee of the alleged wrongdoings.
- The Chief Executive is responsible for commissioning any investigative or restorative or disciplinary actions considered necessary to deal with the alleged wrongdoing.
- The Chief Executive is to ensure that the PDA Coordinator is advised how the matter is being dealt with or how it has been resolved so that the disclosure is dealt with in accordance with this policy.

Where the PDA Coordinator is the Chief Executive

- The Chief Executive is responsible for commissioning any investigative or restorative or disciplinary actions considered necessary to deal with the alleged wrongdoing.
- The Chief Executive is to ensure that the disclosure is dealt with in accordance with this policy.

Where the PDA Coordinator is the Mayor

- The Mayor [or in their absence the Deputy Mayor] is responsible for commissioning any investigative or restorative or disciplinary actions considered necessary to deal with the alleged wrongdoing.
- The Mayor is to ensure that the disclosure is dealt with in accordance with this policy.

Where the PDA Coordinator is the Independent Chair of the Risk and Audit Committee

- The Chair is responsible for commissioning any investigative or restorative or disciplinary actions considered necessary to deal with the alleged wrongdoing.

- The Chair is to ensure that the disclosure is dealt with in accordance with this policy.

Natural Justice

These procedures have been developed with regard to principles of natural justice and should be applied with regard to those principles. Natural justice requires the observance of minimum standards and procedural fairness.

Other Appropriate Action

Should the discloser believe on reasonable grounds that the Council has not acted in accordance with this policy or the PDA or has not dealt with the matter so as to address the serious wrongdoing, the discloser may make a further disclosure to any Minister or Appropriate Authority.

Confidentiality

Every person to whom a serious wrongdoing notification is made, pursuant to any statutory exceptions, must use his or her best endeavours not to disclose information that might identify the discloser who made the notification in accordance with this policy (refer section 17 of the PDA).

Procedures not to be Read in Isolation

This internal procedure is to be read in conjunction and in accordance with the provisions of the PDA. These will be provided to all employees and each PDA Coordinator.

BULLER DISTRICT COUNCIL

25 OCTOBER 2023

AGENDA ITEM: 11

Prepared by Jamie Cleine
Buller District Mayor

Appendix

- 1 Minutes of Resilient Westport Steering Group – 28 Sept 2023
- 2 All of Government Presentation Slides
- 3 LGNZ Future for Local Government Hui
- 4 Mayors Correspondence

MAYOR'S REPORT

1. REPORT SUMMARY

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

2. DRAFT RECOMMENDATION

That Council:

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

3. COUNCIL

3.1 Professional Development

The current elected member group have now completed the first year of this triennium. In the Mayor's report adopted by Council in October 2022 I committed to the following in relation to my recommendations for committee appointments:

"It is my intention to build competency and experience across the governance group by delegating Councillors to roles that interest them or in which they have specific skills. My expectation is that

the Chairs, whilst working closely with myself, will take responsibility for governance of their respective committees, including working closely with fellow councillors and the appropriate senior staff lead in fulfilling the terms of reference.

I have had direct conversations with all Councillors and my appointments take into consideration those discussions. It is my intention to re-visit the effectiveness of these appointments in late 2023 and make any necessary adjustments. This may include reassignment of responsibilities to different Councillors”.

With that in mind, I am conducting individual meetings with each elected member during October. I will discuss individual Councillor performance and improvement opportunities for elected members as a whole. I will also welcome feedback from Councillors on my own performance as Mayor in the way I conduct Council meetings and interact with elected members.

I acknowledge Councillors are extremely busy, however it is my belief that ratepayers expect me to ensure the team are performing to their best and that there are reasonable levels of engagement and sharing of workload across Councillors. The individual conversations will remain confidential and are intended as a useful source of areas or ideas for improvement rather than punitive in nature.

If appropriate, a high-level summary on any actionable feedback will be provided to Council in November.

3.2 Long Term Plan 2024-2034 (LTP)

The LTP workshop schedule has continued throughout the month including:

- **Environment Scan Workshop:** This was to provide information and discussion on the factors that may have an effect on our district. Councillors worked through the political, economic, social, technological, legal and environmental (PESTLE) analysis to provoke thinking and discussion. It is important that the LTP is drafted in a context that is cognisant of the environment that it will be operative within.
- **Financial Strategy:** This was to discuss the appropriate settings for prudent financial management, again cognisant of the environment that the plan will be operative within. This covered debt levels, rates levels, and investment strategies.
- **Levels of Service Workshop:** This provided an opportunity for each portfolio within Council to present on what they do, services they provide and how that is funded. They provided an indication of what is included in maintaining current levels of service and an early

indication of what additional services or projects would be over and above current rates settings.

- **Affordability vs Compliance:** This workshop sought to discuss the reality of potential rates rises in order to maintain effectively a status quo, that being flatlined level of service and slow but steady progress on statutory compliance. Alternatively, larger rates rises but faster or more robust improvements to services and infrastructure. This workshop also discussed the issues raised by auditors from the 2021-31 LTP and provided updates on the progress or status of those assumptions as we consider the Draft 2024-34 LTP.

Council endorsed a new approach to formulating the LTP by bringing the community voice into the very initial drafting of the document via a pre-engagement process. The community pre-engagement began on 6 October and is to run for approx five weeks via print, online and in person engagement opportunities.

Councillors have been provided with support and promotional material to lead the pre-engagement process in a more personal style, allowing elected members to engage directly with their communities in ways that suit or work best for them in their respective wards.

3.3 Mayors Taskforce for Jobs (MTFJ)

MTFJ Buller Coordinator - Julie Moore

It's been a busy month and we have already got three outcomes for October that were the result of applications from September.

The pastoral care service provided by Ruby Eriksen has been in very high demand, and she attended a three-day Youth Employment Symposium in Lower Hutt to develop her skills working with youth.

A hui was held with MSD Regional Labour Market Advisor and the local MSD Manager to discuss the possibility of a business breakfast to share information on business support available.

MTFJ continues to get client referrals from MSD, however limited numbers of those referrals continue to engage upon contact from MTFJ which is disappointing.

MSD and MTFJ are collaborating on ways to provide high school students information on services available to them when they leave school, perhaps via a presentation to students.

Development West Coast and Grey and Buller MTFJ are hoping to join forces to showcase local business opportunities with a Coast Employment Expo. Planning is underway for May 2024. There have also been relationship meetings with Westland Mineral Sands and the Buller Budget

Advisory Service to be involved in supporting MTFJ clients and future community events. Further discussions are planned.

Grants to the value of \$6033.84 have been approved to 10 recipients during the month of September. The year-to-date total is \$21823.35.

Mayors Comment:

MTFJ Buller has had another solid month with a strong focus on young jobseekers. The cost of living and affordability pressures on our community and the families within has increased the importance of MTFJ funding. Families under pressure are not ones that can afford special training or equipment to assist their whanau in getting work ready.

MTFJ and the pastoral support it can provide also improves the success of our mahi where funding alone will not achieve a sustainable outcome.

As Council develops our Long-Term Plan we will be engaging significantly with communities. I'm hopeful that innovative opportunities to apply MTFJ support will be identified as we work through this process.

4. EXTERNAL MEETINGS

4.1 Resilient Westport Steering Group (RWSG)

The group met in Wellington on 28 September. The minutes of this meeting are included as **Appendix 1**.

4.2 All of Government (AOG) Briefing – Wellington

Buller District Council and West Coast Regional Council held an all of government briefing to officials in Wellington on 28 September. This was led by BDC and hosted by Department of Internal Affairs.

Attendees included senior government officials from Treasury, Ministry for Environment, Ministry Business Innovation and Employment, Department of Internal Affairs, National Emergency Management Agency, Kainga Ora, Housing and Urban Development. The feedback was extremely positive on the quality of the presentation.

Mayor and WCRC Chair provided an introduction and scene setting of the intended outcome expectations of the two-hour meeting. The remainder of the presentation provided an update on current work-streams underway as part of the PARA framework and Resilient Westport Steering Group.

A particular emphasis was placed on what next steps could look like for adaptation and retreat scenarios in Westport. The recent technical review report of the flood protection plans conducted by Graeme Campbell, Peter Blackwood and Mark Healey made it clear that to some degree, protection from flood hazard will be temporary or un-achievable for parts of Westport due to the multi-hazard risks present.

The report noted it is important that planning controls and retreat/relocate incentives are soundly secured as part of the holistic flood mitigation. The RWSG package and some BDC approved funding has begun the process of master planning less hazard prone land near Westport that may facilitate retreat in future.

Key outcomes sought by the briefing included:

- Complementary interventions, agency participation, innovation and continuing partnership and collaboration as shown to date.
- Resourcing assistance to develop a Local Adaptation Plan.
- A Case Study approach to the National Adaptation Plan (NAP).
- Briefing to Incoming Ministers (BIMS) that reflects the need for adaptation planning and multi hazard risk and also the opportunities to pilot sustainable solutions to adaptation.

The RWSG/BDC will be inviting attendees to nominate a suitable representative to co-create a working group to develop a clear term of reference and develop a local adaptation plan.

The presentation slide pack is included as **Appendix 2**.

4.3 Mayors, Chairs & Iwi Forum (MCI)

The forum met on 12 October for a brief meeting. This was to provide feedback and discussion on a planned “briefing to ministers” document on behalf of the West Coast Councils.

The forum is united in the view that there is a narrow window to provide some obvious and critical investment and policy changes to new ministers, that if implemented will assist the West Coast. Buller, Grey and Westland Districts as well as WCRC have various projects or issues that will need central government intervention to progress. I anticipate the briefing will be shared with elected members before being released.

4.4 LGNZ Choose Localism – Future for Local Government

I will be attending the second hui facilitated by LGNZ which aims to build consensus on the Future for Local Government review panel recommendations on 2 November in Wellington.

The first hui held on 18 September produced thousands of post-its and many thoughtful conversations on all 17 of the recommendations. LGNZ have advised after looking at all the data from the first Future by Local Government hui, it became clear to the Advisory Group there are some recommendations we won't reach consensus on – and others that we can agree without any more need for discussion (but perhaps with some refinement by the advisory group).

There are also some recommendations that need further work and LGNZ are keen to engage with members on these in other ways over time, rather than resolving them now. Then there are the recommendations that are neither strongly supported nor strongly opposed – where we might reach consensus with more work.

That's what the Future by Local Government event on 2 November will focus on. These cover four broad areas:

- Te Tiriti
- Wellbeing priorities and working with central government.
- Transformation of the local government system
- Funding

Appendix 3 to this report includes questions for discussion and feedback on these four broad areas of focus. It also includes summary analysis and infographic interpretation of the “post-it” note sessions held on 18 September.

Consideration and feedback from Councillors is requested on this topic to inform my further input on 2 November in Wellington.

4.5 Te Tai Poutini Plan (TTPP)

The Committee met at West Coast Regional Council offices on 12 October. Cr Joanne Howard attended via zoom on behalf of Cr Graeme Neylon who was an apology for the meeting.

The meeting agenda is available on the TTPP website.

<https://tppp.nz/about-the-plan/agendas-minutes/>

Key matters of discussion were:

- Report – Proposal for Variation to Activities on the Surface of Water Chapter. This was considered an improvement to provide clarity and enable commercial port activities at Grey and Westport ports. This was approved for consultation with community.
- Report – Update to Proposal to Prepare a Coastal Hazards Variation to the Plan. This was so latest (and more accurate) LiDAR information can be included in the coastal hazard chapter of the plan. This will require careful community consultation as this information has significant implications for property owners.
- Report - Implications of the National Policy Statement for Indigenous Biodiversity and Te Tai o Poutini Plan. This was an update on the

implications on TTPP to identify SNA's on all land in a much tighter timeframe than previously anticipated. The cost will be significant and the process potentially controversial with affected landowners.

- The financial reports were not accepted as included in the agenda. This was due to some financial coding issues at West Coast Regional Council. Explanations were provided; however the report was referred to the next meeting for correction and approval.

5. LOCAL EVENTS & RELATIONSHIP MEETINGS

I have attended various local events and relationship meetings over the period. Some highlights included:

- Alpine Fault 8 Emergency Management workshop. These sessions are a Buller initiative to bring lifelines providers together to hear and share experience on various topics relevant to a major disaster in the region.

The topic this month was fuel supply and logistics, which discussed the options and capacity of the airport and river port, and the reality of what these can support in terms of supply logistics.

- Workshop with Brad Olsen from economics advisory firm Infometrics. This was especially useful as part of the information and context setting as we move into our Long-Term Plan.
- Blessing of the Kawatiri Health building by Ngāti Waewae. As Mayor I am one of three Trustees of the Buller Health Trust and personally, I'm very proud of the achievements of the team whose huge effort has turned our trustee vision into a brand-new purpose-built primary health facility for the community.
- I met via Zoom with TV producers Phil & Louise Keoghan. Phil is probably best known for his show The Amazing Race on the CBS network in the USA. Phil has extensive local family connections and is working on a project that would showcase a number of the best locations and identities in Buller to a large international audience.
- Interview by Newsroom reporter Marc Daalder who was in town working a national story on how communities are responding to the challenges of climate change. This included discussion on the PARA framework and how this is being applied to inform flood protection work, adaptation and managing the multi hazard residual risk.
- Reefton to host Mayor's chats and attend the Inangahua Community Board meeting.
- I met with Heritage West Coast representatives Jackie Gurden and Larn Kemp. They are working on a project to support the local heritage

community to up-skill in the areas of governance and marketing and to develop a district and regional heritage strategy.

- I attended a celebration hosted by Tony Cadigan, CEO of Nelson Building Society (NBS) and local branch manager Mark Radloff. NBS has had a branch in Westport for 19 years and is the only banking services provider that is open to serve its customers five days a week. NBS is a great sponsor and supporter of various local causes and the local branch team provide a fantastic service to many in our community.

6. CORRESPONDENCE

For Council consideration below and attached as Appendix 4

Incoming Correspondence 2023		
2 October 2023	NZ Science Technology Roadshow	Invitation to Attend Science Roadshow
9 October 2023	Hon. Kieran McAnulty	Response to 7 Sept 2023 letter - Co-Investment in Flood Resilience, West Coast Mayors
Outgoing Correspondence 2023		
29 September 2023	Sue Grey	Public Forum response

**Resilient Westport Steering Group
Minutes
Thursday, 28th September 2023 11.15am – 12.30pm**

Present:

Mike Mendonça, Chair	Steve Gibling, CEO, BDC
Peter Haddock, Chair WCRC	Darryl Lew, CEO, WCRC
Mayor Jamie Cleine, BDC	Paul Barker, DIA
Deputy Mayor Andrew Basher, BDC	Simon Chambers, NEMA
Caroline Dumas, DIA	

In Attendance:

Daniel Bellam, DIA	Sam Scott, WCRC
Nic Costley, WCRC	Penny Bicknell
Peter Blackwood, WCRC	Graeme Campbell
Paul Zaanen	Mark Healy

1. Welcome and Introduction

The Chair welcomed Steering Group members.

2. Apologies

Apologies were accepted from Francois Tumahai, Ngāti Waewae and Brett Cummings, Deputy Chair WCRC.

3. Declaration of interest

There were no declarations of interest for matters on the agenda.

4. Confirmation of Minutes

The Minutes from the previous meeting (25th August) were confirmed.

5. Status report

The Steering Group **noted** the draft status report, and that the format would be matured and developed as the programme progresses.

6. Programme Risk Register

The Steering Group:

- **Endorsed** the draft framework proposed.
- **Approved** the detailed risk and treatments described.

In addition, the Steering Group requested that the following risks be added to the register:

- The potential for cost escalation as the programme progresses.
- Delay in Government formation post-election impacting on Ministerial decision making for the programme.
- Failure to attain multi-agency buy-in and alignment with the Buller adaptation plan.

[The updated risk register is appended to these minutes].

7. Update: design reconciliation report

The Steering Group:

- **Noted** that the report writers are confident that the concept design for the structural solutions described in the business case is sound and that the identified issues have been identified and can be addressed through the refinement of the design in the preliminary design, consent and procurement phases accompanied by a risk register.
- **Endorsed** the report as the basis of advice to Ministers for the drawdown of funds for structural flood protection.
- **Noted** that BDC and WCRC intend to write to the incoming Minister of Local Government and Minister of Finance outlining the Resilient Westport programme, and seeking support for timely drawdown of funds.

8. Strategic communications and engagement: approach and resourcing

The Steering Group:

- **Endorsed** the proposed work programme.
- **Endorsed** the request to allocate \$15,000 from the Secretariat funding allocation to engage a selected Communication and Engagement Specialist to provide a high-level communication and engagement strategy.
- **Notes** that the CEOs of BDC and WCRC are delegated to engage a suitable contractor.

9. Communications and Engagement from this meeting

No specific media releases are planned from this meeting. Upcoming media releases include:

- WCRC is planning a release about the design reconciliation report.
- BDC has recently released about its funding agreement with DIA and details of the working relationship with Independent Chair.

10. Next meeting

The Steering Group agreed to meet again on 17th November, most likely at West Coast Regional Council offices in Greymouth.

The meeting closed at 12:30pm

Risk Register as at 7 October 2023

IDENTIFY		ASSESS			TREAT			ALLOCATE		REVIEW & MONITOR									
Risk ID	Risk Name	Risk (Event & Result) Description	Risk Type	Date Raised (dd/mm/yy)	Raised By	Likelihood (Initial)	Impact (Initial)	Initial Risk Rating	Mitigation Description	Likelihood (Residual)	Impact (Residual)	Residual Risk Rating	Mitigation Action Owner	Mitigation Action Due Date	Progress Update Log	Next Review Date	Trend	Status	Date Closed (dd/mm/yy)
Rw001	Steering Group parties unable to agree	If Steering Group members are unable to reach agreement on key decisions, public support is likely to erode	Scope	24 Sep 2023	Steering Group Chair	Unlikely	Major	High (10)	Clear agreed terms of reference Principles of engagement agreed No surprises policy All media releases via Chair	Unlikely	Minor	Low (2)	RWSG Chair	30 Jun 2023			=	Open	
Rw002	Public frustration at inaction	If the general public perceives that progress is too slow, people may take their own action and confidence in the Steering Group will be undermined	Schedule	24 Sep 2023	Steering Group Chair	Likely	Major	High (12)	Communications and engagement plan that ensures easily available and up to date science and evidence Public access to Steering Group reports and papers	Likely	Major	High (12)	All RWSG members	30 Jun 2023			=	Open	
Rw003	Further flooding or other natural disaster	If there is another extreme weather event (or other natural hazard) while the Steering Group is determining the way forward, there is likely to be substantial psycho-social impact and recrimination, with possible insurance withdrawal	Health & Safety	21 Sep 2023	BDC w/CRC	Unlikely	Severe	Extreme (13)	Early warning and communication of risk Short term measures activated	Unlikely	Moderate	Medium (6)	Councils	30 Jun 2023			=	Open	
Rw004	Integration of stormwater systems	If the flood bank is not integrated with the stormwater system, the integrity of the programme may become compromised. This could be exacerbated if 3W reforms do not proceed as currently legislated	Benefits	21 Sep 2023	BDC w/CRC	Unlikely	Major	High (10)	Integrated planning between w/CRC and BDC BDC sufficiently resourced for SW	Unlikely	Moderate	Medium (6)	Councils	TBC			=	Open	
Rw005	Operating costs of managing assets	The addition of new assets will have an operating cost that will put pressure on the community	Budget	21 Sep 2023	BDC w/CRC	Likely	Major	High (12)	Advice to Councils and RWSG to be supported by analysis that indicates likely impact on rates	Likely	Major	High (12)	Councils	28 Sep 2023			=	Open	
Rw006	Delay in Government decisions	If Ministerial decisions are delayed, the programme progress may slip	Schedule	24 Sep 2023	DIA	Likely	Major	High (12)	Drawdowns progressed as early as possible Early engagement with Ministers post election	Likely	Major	High (12)	DIA	14 Oct 2023			=	Open	
Rw007	Masterplanning - delays	If masterplanning takes significantly longer than expected, dependent projects may drift resulting in inaction	Schedule	24 Sep 2023	Steering Group Chair	Unlikely	Major	High (10)	Project plan with clear milestones Significant community engagement	Unlikely	Major	High (10)	BDC	TBC			=	Open	
Rw008	Masterplanning - community engagement	If masterplanning does not bring the community along, a large portion of the work programme is unlikely to proceed	Resource	04 Sep 2023	BDC	Likely	Severe	Extreme (14)	High level engagement strategy to be commissioned which will assist in understanding budget requirements for engagement	Likely	Severe	Extreme (14)	BDC	TBC			=	Open	
Rw009	Increase in costs of flood bank structures	If the overall costs of the structures have increased from the costings in the Business Case, there may not be enough funds to deliver the scheme	Budget	28 Sep 2023	w/CRC	Likely	Major	High (12)	Preliminary designs will assist in understanding costs and mitigations	Likely	Major	High (12)	w/CRC	TBC			=	Open	
Rw010	Construction timeline v. funding	The Govt drawdown is currently set at 2 years, whereas the timeline for construction is estimated at 4 years	Budget	28 Sep 2023	DIA	Likely	Moderate	Medium (7)	DIA vote fiscal management will be required to ensure the funding allocation is available	Likely	Moderate	Medium (7)	DIA	TBC			=	Open	
Rw011	Masterplanning - multi agency alignment	If alignment between agencies is not reached, additional funding may not be forthcoming and the scope may need to be reduced	Scope	28 Sep 2023	BDC	Likely	Major	High (12)	Work collaboratively with multi agencies to agree deliverables, scope and tools for funding	Likely	Major	High (12)	BDC	TBC			=	Open	

Wellington Cross Agency Briefing – Buller District Council
Thursday 28th September 2023
Department of Internal Affairs, 45 Pipitea Street, Thorndon, Wellington

ATTACHMENT 2

AGENDA

SUBJECT	SUB-SUBJECT	PRESENTOR
Karakia	Welcome & opening of the briefing	Chairman Francois Tumahai – Te Rūnanga o Ngāti Waewae
Introductions	Content and Presenters	Mayor Jamie Cleine
Objectives for the Briefing	BDC objectives	Mayor Jamie Cleine
Overview	Flood events & hazard scape	Mayor Jamie Cleine
	Response to Recovery	Mayor Jamie Cleine
Today's discussion	Recovery to Resilience	Project Lead – Paul Zaanen
Current works	Phase One Resilience	Project Lead – Paul Zaanen
Upcoming works	Phase Two Resilience	Project Lead – Paul Zaanen
Likelihood of Outcomes	Constraints, considerations and risks	Project Lead – Paul Zaanen
Overview of potential interventions	The two sides of the Bridge – Local Adaptation Planning	Project Lead – Paul Zaanen
Kāinga Ora	The tools available	Senior Development Manager Rob Steel
Multi Tool Business Case	Considerations	CEO WCRC – Daryll Lew
Why Westport?	Well-being outcomes and rational	CEO BDC – Steve Gibling
The ask for the day	Take away messages for collaboration	CEO BDC – Steve Gibling
Question & Answers		
Karakia	Close and thank you	Chairman Francois Tumahai – Te Rūnanga o Ngāti Waewae

Westport - Kawatiri

A vision for a Resilient Westport

Our journey from Response to Recovery to Resilience
Local Adaptation Planning

All of Government Briefing
28 September 2023

Introductions

- **Te Rūnanga o Ngāti Waewae**
 - Chairman - Francois Tumahai
- **Buller District Council (BDC)**
 - Mayor - Jamie Cleine
 - Chief Executive - Steve Gibling
 - Project team – Penny Bicknell & Paul Zaanen
- **West Coast Regional Council (WCRC)**
 - Chairman – Peter Haddock
 - Chief Executive – Darryl Lew
- **Kāinga Ora**
 - Senior Development Manager - Rob Steel
- **Speaking today** – in order to discuss relevant parts of the PARA,
 - **BDC** – Avoid + Retreat
 - **Kainga Ora** – Potential tools to enable and assist
 - **WCRC** – Protect + Accommodate
- **Special thanks** to all the agencies and people that have worked hard with us on our journey from Response to Resilience since the floods of 2021 and 2022

Why are we here?

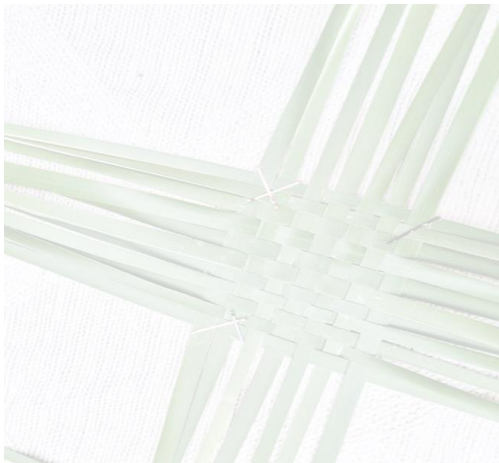
Our Objectives for the Briefing

1. Build a **Common understanding** of current and proposed work programmes for **Westport Resilience**
2. Briefing to **enable** Government agencies to **partner** in the **Local Adaptation Planning (LAP)** & Master Planning processes for the future of Westport.
3. Westport to be a **Case Study** for other regions to benefit from, exploring the usage of Legislative pathways (e.g., NAP)
4. The basis for a **Briefing for incoming Ministers** post-election
5. **Key asks** of relevant agencies

Overview - our story

Mayor Jamie Cleine

- It's important to understand our story
 - There are multiple hazards to take into account in relation to Westport
 - The Flood events of 2021 and 2022 have required us to think beyond the short term
 - The Risks to Westport will be exacerbated by Climate Change
 - Liquefaction and the response to an Earthquake event must be considered
 - A complex hazard scape



Response to Recovery *work undertaken in partnership since floods*

- A successful recovery to date
- The successes of recovery have been due to our relationships and collaboration with Crown
- Co-funding our recovery has led to enhancements of our ability to handle events
- Ability to utilize the PARA framework when scoping betterment works



Today's discussion

Recovery to Resilience

Overview of the PARA framework for Westport as per the Multi Tool Business Case

- **Protect** - Structural Flood Protection, Pumps
- **Accommodate** - Stormwater Management, CDEM
- **Avoid** - Zoning, Infrastructure Development, Policy
- **Retreat** - Zoning, Master Planning, Legislative potential

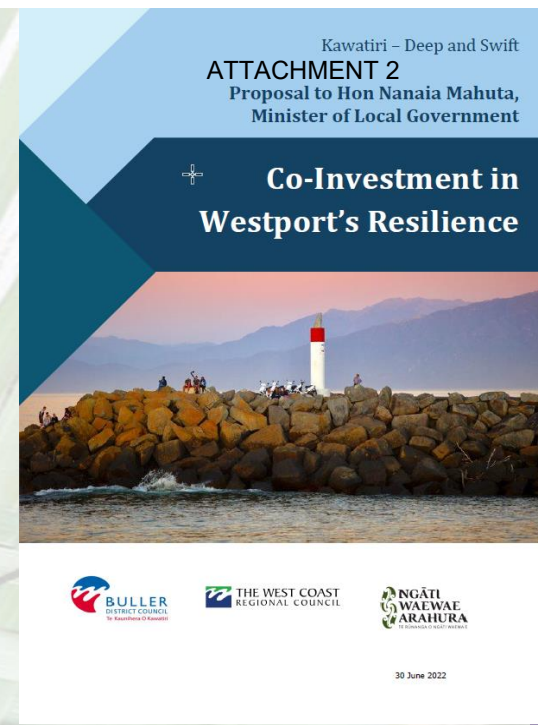
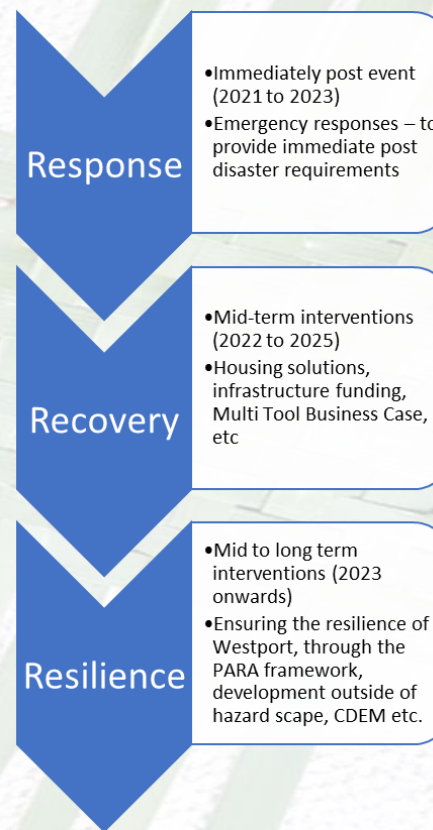


Figure 1: PARA Model - Westport's Resilience

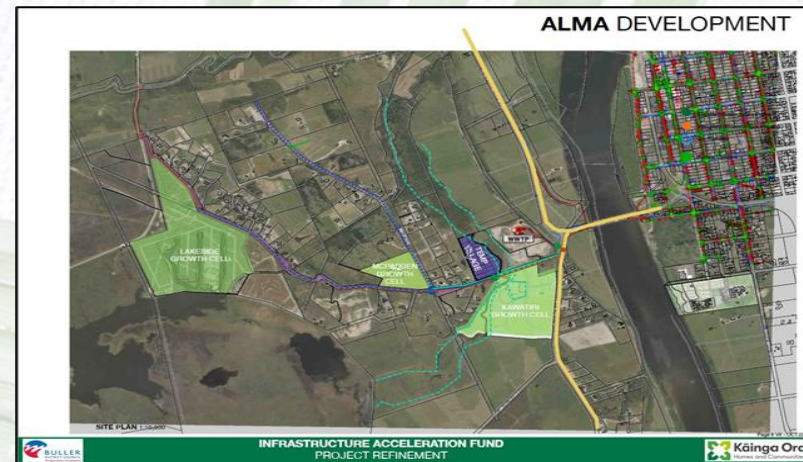


RESILIENCE PHASE ONE - previous and current works (2021 – 2024+)

ATTACHMENT 2

Avoid (PARA)

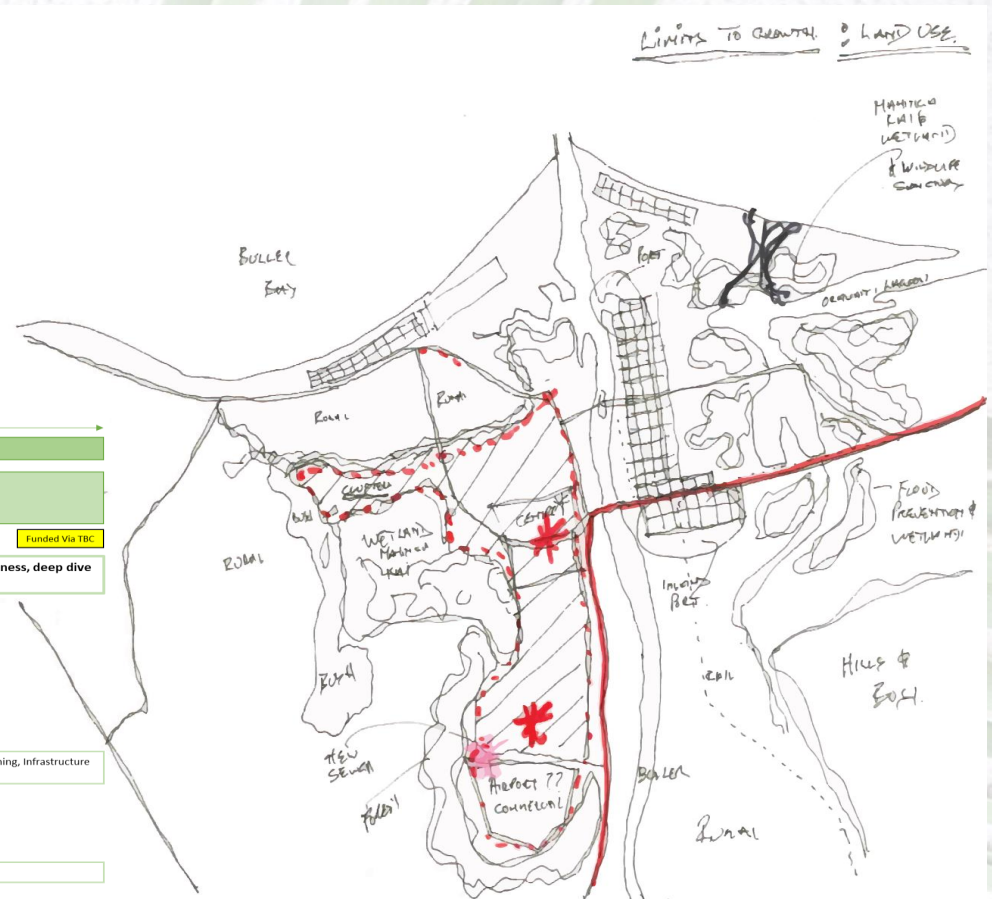
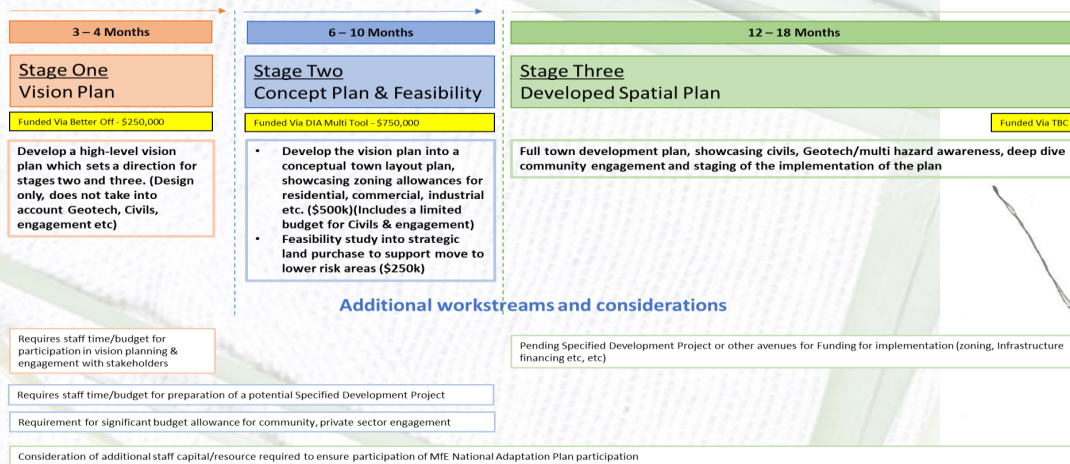
- Zoning via Te Tai o Poutini Plan (TTPP)
- Infrastructure Acceleration Fund (IAF)
- MBIE/TAS - Alma Road Temporary Village (note MfE, Chapter 8 of 'Community Led Retreat..')
- Climate Change – Preparedness and Planning work programme & partnership with University of Canterbury using Risk Explorer



RESILIENCE PHASE TWO – Retreat and Avoid (PARA)

- **Master Planning**
 - Three distinct phases and outcomes
- **Local Adaptation Planning (LAP)**
 - RMA Refrom
 - National Adaptation Plan (NAP)
 - Dynamic Adaptive Pathway Planning

Master Planning Process



Considerations

- *Insufficient Budget* - considering scale and complexity
- *Civils* – Design and construction
- *Planning and Zoning* – Private plan changes
- *Community Engagement required* – What does the future of Westport look like?
- *Maladaptation* – potential on both sides of the bridge
 - Intensification behind defence
 - Equity loss and “slumification”
- *Private sector lead* considerations
- *Crown legislation and implications* – These may require us to expediate our works
- *Current Infrastructure and ability to encourage growth/retreat*
- *Research finding* – as per multiple adaptation examples and considerations
- *Deprivation* – we are not an affluent area (\$97,000 is a 1% rate take)

Interventions are required for us to be successful

The two sides of the bridge – under Local Adaptation Plan umbrella

1. The Avoid & Retreat side of the bridge

- Urban Development Act 2020
 - Specified Development Project
- Land Development Project
- Spatial Planning Act
- Infrastructure Funding & Financing Act 2020

2. The current Westport side of the bridge

- Who pays?
- What does equity transfer look like?
- Traditional questions of adaptation - faced by all at risk communities in New Zealand.
- Unique opportunity to address well beings - providing for positive, proactive adaptation
- National Adaptation Plan – a myriad of workstreams branching over many crown agencies



Need to ensure that both sides of the bridge become one Westport – synergistic and complementary actions are required to ensure success . This will be achieved by a Local Adaptation Plan (LAP)

Westport Multi Tool

Protect and Accommodate (PARA)

- **Enhanced** flood warning project
- **Strengthened** CDEM preparedness
- **Replenished** response fund
- **Nature** based protection
- **Structural protection**



Why Westport?

Many at risk communities need help, why Westport?

Our Long Term Plan (21-31) set a strategic direction on five key well-beings – this intervention will allow us to excel

We should also consider

Leveraging complementary crown investment to date

Changing and challenging economic conditions

How does intervention seek to better the forecast for the region

Ongoing cost comparison to take into account. Case studies show that Government intervention is needed in Local Adaptation Plans and that a ‘just defend’ approach is more expensive in the long term

Case study – Big enough to be complex, enough solutions present to enable test approaches to urban planning, proactive and positive adaptation and execution over many political cycles

Willing Council’s which wishes to work **collaboratively** with Crown on enablement and testing of emerging Legislation



What's the ask for today?

1. **Complementary interventions**, agency participation, **innovation** and continuing **partnership** and collaboration as shown to date
2. **Resourcing** assistance
3. A **Case Study** approach to the **National Adaptation Plan (NAP)**
4. Co-creation of a **Working Group** to oversee and participate in our **Local Adaptation Plan** as it is being established
 - we ask that you **delegate** the appropriate person to this working group
5. **Briefing to Ministers** that reflects the need and also the significant opportunities

Question and Answers

- Round table discussion



Karakia

- Thank you



THE WEST COAST
REGIONAL COUNCIL





FFLG RECOMMENDATIONS: WHAT'S IN, WHAT'S OUT – AND WHAT SHOULD WE FOCUS ON NOW?

After looking at all the data from the first Future by Local Government event, it became clear to the Advisory Group there are some recommendations we won't reach consensus on – but others that we can agree without any more discussion but perhaps some further work by the [Advisory Group](#). You'll find that table at the bottom of this document.

The second Future **by** Local Government event will focus on the recommendations in the middle – where we might reach consensus with more work.

Four areas to focus on

Area	Recommendations	Questions to consider
Te Tiriti These recommendations cover: <ul style="list-style-type: none"> New statutory provisions recognising local government as a Te Tiriti partner 	#4 Introduce a statutory requirement for councils to develop partnership frameworks with hapū/iwi and Māori to give effect to new Te Tiriti provisions in the Local Government Act 2002 that create new governance arrangements and complement existing ones.	<ul style="list-style-type: none"> Do you think these recommendations should be progressed as a package? Or are there particular recommendations that you think should be prioritised/would make the greatest impact?



<ul style="list-style-type: none"> • A statutory requirement for councils to develop partnership frameworks with hapū/iwi/Māori • Legislative review – and alignment – of local government’s statutory obligations for engaging with Māori • A new statutory requirements on councils to prioritise and invest in building capability and capacity • Enabling Te Tiriti based appointments to councils • Lowering the threshold for establishing Māori wards 	<p>#5 Central government leads a comprehensive review of requirements for engaging with Māori across legislation that impacts local government, considering opportunities to streamline or align those requirements.</p> <p>#6 Amend the Local Government Act 2002 to require councils (elected members and chief executives) to prioritise and invest in developing and strengthening their capability and capacity in the areas of Te Tiriti o Waitangi, te ao Māori values, mātauranga Māori, tikanga, and the whakapapa of local government in order to make local government a better Te Tiriti partner.</p> <p>#11 Enhance local democracy in order to increase access and representation by:</p> <ul style="list-style-type: none"> • enabling Te Tiriti-based appointments to councils • lowering the threshold for the establishment of Māori wards <p><i>There are a wide range of views on the other aspects of recommendation #11, including whether they should be treated separately or as a package. These points may not be included in the draft position.</i></p>	<ul style="list-style-type: none"> • If the recommendations were progressed as a package, what would be the best way of sequencing them? • What would be the main challenges in implementing these recommendations? How could they be overcome? • What would be the benefits of adopting these recommendations? • What would be the implications of not adopting these recommendations? • Do you have any concerns about what these recommendations would mean for iwi and hapū in your area? • What would it mean for your council to be a good Te Tiriti partner? And what support and resourcing would your council need to fulfil its obligations as a Te Tiriti partner and implement partnership frameworks? • What should any partnership framework include or look like? How flexible should it be? • How should a review of legislative requirements for engagement with iwi, hapū and Māori, and any opportunities for alignment, be led?
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		<ul style="list-style-type: none"> • What do you think is the best way to achieve Māori representation around the council table – Te Tiriti-based appointments, lowering the threshold for establishing Māori wards or both? • How could Te Tiriti-based appointments to councils work? (For example, should there be a specific number of appointments, what should their roles and responsibilities look like?)
<p>Funding</p> <p>These recommendations cover:</p> <ul style="list-style-type: none"> • Greater investment in local government – including an annual transfer equivalent to GST charged on rates • Central government paying rates on Crown owned property • Establishing an intergenerational climate change fund • Cabinet considering the funding impacts of policy decisions impacting local government • Central government funding support for transition 	<p>#14 Central government pays rates on Crown property.</p> <p>#15 Central government develops an intergenerational fund for climate change, with the application of the fund requiring appropriate regional and local decision-making.</p> <p>#16 Cabinet is required to consider the funding impact on local government of proposed policy decisions.</p> <p>#17 Central government commits to enabling the future transition with funding to:</p> <ul style="list-style-type: none"> • resource a transition unit to support the change and system renewal of local government 	<ul style="list-style-type: none"> • What are some of the other viable funding streams for local government that you think should be explored (for example, tourist taxes, road user charges)? • Do you think it's more likely that central government would increase local government funding if local government was reorganised? • How could an annual transfer of funding (equivalent to GST on rates) be allocated between councils? And should this funding be earmarked for certain council activities (for example, those agreed in place-based investment plans), or should councils be able to spend any additional funding as they see appropriate?



	<ul style="list-style-type: none"> • supplement local government capacity funding to enable hapū/iwi and Māori to partner with councils • support councils to: <ul style="list-style-type: none"> ○ build Te Tiriti and te ao Māori capability and grow hapū/iwi and Māori relationships ○ lift their immediate capacity and capability to innovatively deliver wellbeing priorities for their communities ○ trial and grow participatory and deliberative democracy practices. 	<ul style="list-style-type: none"> • Should DOC land be included or excluded from any rates paid on Crown property? • What could be done to ensure that those councils with little or no Crown property don't miss out on an increase in funding? • Should an intergenerational climate change fund cover adaptation, mitigation or both? • How should an intergenerational climate change fund be allocated and administered?
<p>Wellbeing priorities and working with central government</p> <p>The point around central and local government alignment (bullet point 2) is the critical area for discussion given local government's strong view that members are already doing bullet point 1. Alignment between CG and that work councils are already doing around wellbeing priorities is the critical issue.</p>	<p>#2 Introduce statutory provisions to reinforce and give effect to the purpose of local government in the Local Government Act 2002, by:</p> <ul style="list-style-type: none"> • councils setting wellbeing goals and priorities each term, in conjunction with community and hapū/iwi and Māori • central and local government committing to align wellbeing priorities and agree place-based investment plans. 	<ul style="list-style-type: none"> • What are the critical areas where central and local government need to be aligned? • Many councils' LTPs already set out community wellbeing priorities. What could be done to ensure central government takes greater note of and aligns with councils' LTPs? • Should alignment of wellbeing priorities and development of place-based investment plans happen at a regional scale, with individual councils, or in another way? • How could this recommendation align with any reorganisation of local government?



		<ul style="list-style-type: none"> • How could a longer-term focus on investing in wellbeing priorities be encouraged (rather than short-term decision-making)?
<p>Transformation of the local government system</p> <p>This includes reorganisation of local government, the establishment of a new local government stewardship institution, and other options for transforming the system</p>	<p>#7 Initiate a reorganisation of local government to strengthen, support and resource councils to plan for and respond to increasing challenges and opportunities, and to set local government up for a more complex future.</p> <p>#9 Establish a new local government stewardship institution to strengthen the health and fitness of the system. This entity should:</p> <ul style="list-style-type: none"> • provide care for and oversight of the local government system, including the health of local democracy and local government’s future-fit capability and capacity • foster common purpose and relationships • support and enable the health of the Māori–local government relationship <p>incorporate the current roles and responsibilities of the Local Government Commission.</p>	<ul style="list-style-type: none"> • What would the challenges and opportunities of any local government reorganisation be? • What would the implications of not reorganising local government be? What other recommendations may not ‘get across the line’ if we don’t look at reorganisation? • What are the advantages and disadvantages of the two proposed models that the Panel has proposed? How could those models be improved? • Are there other models that you can think of? • Would a new local government stewardship institution be useful in supporting the transformation of local government? • What roles and responsibilities do you think any stewardship institution should have? • Could the roles and responsibilities that any stewardship institution would have be undertaken by an existing organisation instead?



		<ul style="list-style-type: none"> • What are some of the other changes you think are needed to transform our current system of local government?
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<h2>Recommendations ruled out</h2> <p><i>These are recommendations we aren't planning to explore further at this point in time because opinion is too divided</i></p>	<h2>Recommendations ruled in</h2> <p><i>These are recommendations that attracted overwhelmingly green post-its at event #1. NB They may benefit from further refinement by the Advisory Group when the draft position is pulled together.</i></p>	<h2>Recommendations needing more work</h2> <p><i>These recommendations need further conversation (via online engagement or other means) and may not be included in the draft position.</i></p>
<p>#1 Entrench the purpose of local government, as set out in the Local Government Act 2002, to embed intergenerational wellbeing and local democracy at the heart of local government.</p> <p>#8 Establish a dedicated Crown department to facilitate a more effective working relationship between local and central government that focuses on:</p>	<p>#10 Local government and councils develop and invest in democratic innovations, including participatory and deliberative democracy processes.</p> <p>#12 Local and central government coinvest to build adaptive leadership capability focusing on:</p> <ul style="list-style-type: none"> • leading change and system renewal • valuing civic leadership and public service 	<p>#11 Enhance local democracy in order to increase access and representation by:</p> <ul style="list-style-type: none"> • adopting ranked voting (also known as single transferrable vote or STV) as nationwide method for local elections • lowering the voting age for local elections to 16.



<ul style="list-style-type: none"> • a relational-based operating model to align priorities, roles, and funding • brokering place-based approaches and agreements to address complex challenges and opportunities • research, development, and innovation capability that equips local government to maximise intergenerational wellbeing for its communities. 	<ul style="list-style-type: none"> • partnership and collaboration • innovation and experimentation. <p>Introduce online voting</p> <p>Introduce civics education</p>	<ul style="list-style-type: none"> • providing for a four-year local electoral term <p><i>The Advisory Group felt there were very mixed views on these parts of recommendation #11. The other parts re Māori ward thresholds and Te Tiriti-based appointments will be addressed with other Te Tiriti recommendations</i></p>
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A FUTURE BY LOCAL GOVERNMENT: WHAT DID YOU THINK?

At LGNZ's Future by Local Government hui on 18 September 2023, participants were asked to consider and discuss each of the Panel's 17 recommendations, and then choose a coloured post-it that represented their level of support for the recommendation. More than 60 councils were represented at the hui. We welcome feedback from anyone who wasn't there – and will be carrying out complementary online engagement during October. The second Future by Local Government event is on [2 November in Wellington](#).

At the event, people used green post-it notes to indicate strong levels of support for the recommendation, orange post-it notes to indicate that they believed they could support the recommendation with some minor to moderate alterations, and red post-it notes to indicate limited or no support for the recommendation. As well as picking a post-it colour, participants were invited to write reflections or questions on their post-it note.

This document sets out how many green, orange and red post-its each recommendation attracted. It also summarises feedback recorded on the notes and captures the key themes that came through, including where several post-it notes captured similar ideas. Only substantive pieces of feedback are included (eg comments like “no”, “yes”, “support”, “great” etc weren't included).

Recommendation	Number of post-it notes	Key points
#1 Entrench the purpose of local government, as set out in the Local Government Act 2002, to embed intergenerational wellbeing and local democracy at the heart of local government.	Total = 96	Green
	Green 39	<ul style="list-style-type: none"> Will provide stability, certainty and make it harder to change the purpose of local government (9 post-it notes) Will enable inter-generational decision-making/a future-focus/mokopuna decisions/equitable outcomes (5 post-it notes) Will protect local government's core roles (4 post-it notes) Is a low priority/not a biggie, would be okay without and could be resourced later (4 post-it notes) Concerns that local government's purpose is poorly understood (2 post-it notes) May help to improve local government's relationship with central government (2 post-it notes) Important that communities retain ability to interpret wellbeing (1 post-it note) A suggestion that central government needs an intergenerational wellbeing framework too (1 post-it note) A view that <i>entrenchment</i> isn't necessarily needed (1 post-it note)
	Orange 24	Orange
	Red 33	<ul style="list-style-type: none"> A view that the recommendation isn't a priority (7 post-it notes) Concerns with use of the word “entrench” (2 post-it notes) Concern at whether iwi/hapū would have the capacity to deliver on the mandated requirements of councils (1 post-it note) A view that it's unlikely entrenchment would happen – central government machinery would need to support it (1 post-it note) A view that building a better relationship with central government is more of a priority (1 post-it note) A view that it's sad we have to go down this track (1 post-it note)
		Red
		<ul style="list-style-type: none"> Why bother? Who cares? It's pointless. It won't make a difference (8 post-it notes) Limited chance of success; the Government won't support this (8 post-it notes)



<p>#2 Introduce statutory provisions to reinforce and give effect to the purpose of local government in the Local Government Act 2002, by:</p> <ul style="list-style-type: none"> ▶ councils setting wellbeing goals and priorities each term, in conjunction with community and hapū/iwi and Māori ▶ central and local government committing to align wellbeing priorities and agree place-based investment plans. 	<p>Total = 103</p> <p>Green 37</p> <p>Orange 42</p> <p>Red 24</p>	<ul style="list-style-type: none"> • A risk that entrenchment would lock local government into current thinking and ways of doing. Importance of retaining flexibility and agility to improve and do things differently in the future (8 post-it notes) • Put the energy elsewhere; this isn't the highest priority (7 post-it notes) • A view that entrenchment is undemocratic (1 post-it note) • Against the word entrench – focus on how to lead with a positive position (1 post-it note) • General competence would trump entrenchment anyway (1 post-it note) <p>Questions</p> <ul style="list-style-type: none"> • How beneficial this would be, how much it would change on the ground and affect local government's day to day business? (Orange, 7 post-it notes) • A need for more clarity as to what the recommendation means – including how it would enable (or not) local government's purpose and the meaning of wellbeing to evolve over time (Orange, 5 post-it notes) <p>Green</p> <ul style="list-style-type: none"> • Would help to achieve consistency and alignment (9 post-it notes) • Support for place-based planning (4 post-it notes) • Would support what councils are already doing (4 post-it notes) • Central government funding would be critical (3 post-it notes) • Concern at setting goals and priorities each term – long-term strategic planning and funding rather than short-term decision-making is important (3 post-it notes) • Recognition that some councils already do this, but this recommendation may help those that don't (3 post-it notes) • Need to involve central government, regional government and local government in setting wellbeing goals and priorities – not just communities and hapū/iwi/Māori (2 post-it notes) • Point 1 around setting wellbeing goals and priorities each term is questionable – councils already do this (2 post-it notes) • Point 2 around agreeing place-based investment plans may require bigger local government entities in order to get central government commitment (2 post-it notes) • Central government will pay more attention to councils'/communities' goals and priorities if there's a statutory requirement (2 post-it notes) • Concern about hapū/iwi/Māori capacity to do this (1 post-it note) • Wellbeing goals and priorities need to capture all wellbeings, including environmental wellbeing (1 post-it note) • Could gather data after these processes have been completed to help central government with its own prioritisation (1 post-it note) <p>Orange</p> <ul style="list-style-type: none"> • Councils are already setting wellbeing goals and priorities each term (10 post-it notes) • Central government buy-in will be critical; how likely will this be? (5 post-it notes) • Need alignment between central and local government (5 post-it notes)
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- Support for point 2 around aligning wellbeing priorities and agreeing place-based investment plans (5 post-it notes)
- Concern at setting wellbeing goals and priorities each term – should take a longer-term focus (4 post-it notes)
- Preferable to get government buy-in and support for using existing processes, such as long-term planning, rather than creating something new (4 post-it notes)
- Concern at this being introduced as a statutory requirement and the costs this may lead to (4 post-it notes)
- Concern that setting wellbeing goals and priorities in conjunction with communities and hapū/iwi/Māori will lead to more consultation, work and resourcing requirements (3 post-it notes)
- The purpose/desired outcome needs to be clearer – and whether the means will achieve that (2 post-it notes)
- Think about how to align point 1 around setting wellbeing goals and priorities with long-term planning to avoid overlapping statutory obligations (2 post-it notes)
- Approach may enable some but constrain others (1 post-it note)
- May be difficult for hapū/iwi (1 post-it note)
- Statutory requirements to engage with hapū/iwi are useful (1 post-it note)
- Will only work if we can engage central government in a wider reform process (1 post-it note)
- Local government should be able to be contracted by central government to deliver wellbeing outcomes (1 post-it note)
- This recommendation isn't a priority (1 post-it note)

Red

- Councils are already doing this (13 post-it notes)
- Too prescriptive (2 post-it notes)
- Prefer local approaches to centralised ones (2 post-it notes)
- Setting wellbeing goals and priorities every term is too often – changing focus every 3 years doesn't always achieve good outcomes (2 post-it notes)
- Central government shouldn't expect local government to deliver the tough wellbeing agenda, or be its implementers (2 post-it notes)
- Concern that if central government is providing financial support they would rather set wellbeing goals rather than it being localism (1 post-it note)
- Too much additional legislative change needed to make it work (1 post-it note)
- Concerns about cost (1 post-it note)
- Will create more work for hapū/iwi (1 post-it note)
- Will take away the genuine nature of working with hapū/iwi/Māori if it is a statutory requirement (1 post-it note)
- It won't work (1 post-it note)

Questions

- How to align point 1 around setting wellbeing goals and priorities with long-term planning to avoid overlapping statutory obligations? (Green, 2 post-it notes)
- Does this recommendation retain flexibility for communities to interpret what wellbeing means? (Green, 1 post-it note)
- What will be the costs and how will what's achieved be measured? (Green, 1 post-it note)



<p>#3 Introduce new provisions in the Local Government Act 2002 that explicitly recognise local government as a partner to Te Tiriti o Waitangi and te ao Māori values to strengthen authentic relationships in the local exercise of kāwanatanga and rangatiratanga.</p>	<ul style="list-style-type: none"> • Is the new regional spatial strategy essentially an aligned, place-based investment plan (Orange, 1 post-it note) • Would the long-term plan need to happen earlier in the term, or would we need to shift to a four-year electoral term to enable this recommendation to be implemented? (Orange, 1 post-it note) • What mechanism could be put in place to make sure point 2 around central government committing to aligning wellbeing priorities and agreeing a place-based investment plan was delivered on? (Red, 1 post-it note)
	<p>Total = 101</p> <p>Green 43</p> <p>Orange 43</p> <p>Red 15</p> <ul style="list-style-type: none"> • Would provide clarity and help to formalise requirements (6 post-it notes) • Would support intergenerational/mokopuna decisions and a more strategic, future focus (4 post-it notes) • It's the right thing to do and we're stronger together (4 post-it notes) • Funding and resourcing support for both councils and hapū/iwi is needed to help enable this (4 post-it notes) • Partnership needs to be genuine and meaningful, and will deliver value to all (3 post-it notes) • Enhances what councils are already doing (3 post-it notes) • A need for flexibility to recognise that one size doesn't fit all, every region is different and so this may not suit all. Partnerships will also grow and evolve over time. What this recommendation means will evolve as we develop as a nation (3 post-it notes) • A view that this is already provided for in the LGA 2002, so need to be walking the talk and not treating partnership as a tick-box exercise (2 post-it notes) • Will help to create consistency between central and local government (1 post-it note) • Explicit recognition of local government as a Treaty partner may help councils to get resources that they need from the Crown to support outcomes (1 post-it note) • Need a public debate on what Treaty partnership and co-governance mean (1 post-it note) • Concern that this could involve obligations of redress that councils would struggle to meet (1 post-it note) • Need to look at the Ngai Tahu Settlement Act for the South Island as well (1 post-it note) <p>Orange</p> <ul style="list-style-type: none"> • You can't legislate authentic relationships – legislation isn't what's needed (12 post-it notes) • Concern this may be another unfunded mandate if it implies Crown responsibilities on councils and lets the Crown off the hook, including responsibilities on councils to resource hapū/iwi (7 post-it notes) • Concerns around capability, capacity and the need for more resourcing and support – for councils and for hapū/iwi/Māori (6 post-it notes) • One size fits none (4 post-it notes) • Co-governance requires clarification and needs a national conversation (2 post-it notes) • A desire to discuss this with iwi first (1 post-it note) • A view that this wouldn't change much for some councils but may raise the bar for others (1 post-it note) • Don't want this recommendation to lead to 2x Mayors (1 post-it note) <p>Red</p>



<p>#4 Introduce a statutory requirement for councils to develop partnership frameworks with hapū/iwi and Māori to give effect to new Te Tiriti provisions in the Local Government Act 2002 that create new governance arrangements and complement existing ones.</p>		<ul style="list-style-type: none"> • Te Tiriti is the Crown’s responsibility (5 post-it notes) • You can’t legislate for genuine relationships (5 post-it notes) • Local government is not a Treaty partner – and to make local government a Treaty partner would be a step too far (3 post-it notes) • We are already doing this (3 post-it notes) • Relationships are localised (2 post-it notes) • This is a constitutional issue that needs addressing (1 post-it note) <p>Questions</p> <ul style="list-style-type: none"> • What do good partners do, and what’s meant by “te ao Māori values”? (Green, 1 post-it note) • How would we measure or audit progress on this recommendation? (Green, 1 post-it note) • What’s the meaning of partnership vs relationship? (Orange, 1 post-it note) • Is the Treaty relationship with the Crown or with local government? (Orange, 1 post-it note) • What is an “authentic relationship”? (Orange, 1 post-it note) • What would this mean in practice for councils? (Orange, 1 post-it note) • Would this lead to Treaty settlement obligations for councils? (Orange, 1 post-it note) • What does this recommendation mean? Eg what does “partner” mean? (Red, 2 post-it notes) • Would this extend to local government becoming responsible for redress/being subject to Waitangi Tribunal claims? (Red, 2 post-it notes)
	<p>Total = 101 Green 54 Orange 43 Red 4</p>	<p>Green</p> <ul style="list-style-type: none"> • Would provide certainty and structure (8 post-it notes) • This is already happening – it’s not a big change (6 post-it notes) • Would complement and help to strengthen existing relationships councils have with hapū/iwi/Māori (5 post-it notes) • Any legislative framework needs to be flexible and enabling, as opposed to telling councils and hapū/iwi/Māori how to do this (5 post-it notes) • Needs funding and resourcing to support capability and capacity (for both councils and hapū/iwi/Māori) (4 post-it notes) • Would deliver mutual benefits (3 post-it notes) • Would support implementation of recommendation #3 (2 post-it notes) • Recommendation is an enabler and will help to bring councils forward (2 post-it notes) • Statutory requirement would help to depoliticise decisions (1 post-it note) • May help to address consultation fatigue for hapū/iwi/Māori (1 post-it note) • The Panel should design a starter template/model that is adaptable (1 post-it note) • This should be the only recommendation relating to Te Tiriti (1 post-it note) • This is quite different to recommendation #3 where local government would take a constitutional role as a Treaty partner (1 post-it note)



<p>#5 Central government leads a comprehensive review of requirements for engaging with Māori across legislation that impacts local government, considering opportunities to streamline or align those requirements.</p>	<ul style="list-style-type: none"> • Partnership frameworks should be co-designed with hapū/iwi (1 post-it note) • Will be essential if water and resource management reforms progress (1 post-it note) • Partnership framework should be with regional and local government and hapū/iwi/Māori (1 post-it note) <p>Orange</p> <ul style="list-style-type: none"> • Concern about funding and capacity issues for local government and hapū/iwi/Māori (13 post-it notes) • Any statutory requirements need to be flexible and enabling (9 post-it notes) • Recommendations 3 and 4 could be merged – recommendation 4 is part of implementing recommendation 3 (7 post-it notes) • Councils are already doing this (5 post-it notes) • Concern that statutory requirements/forcing this may lead to non-genuine partnerships – and result in a compliance mindset rather than focusing on developing the culture and skills we need to effectively partner (6 post-it notes) • Recommendation needs more detail and work (3 post-it notes) • Concerns around how to deal with appointment processes, determining who hapū/iwi representatives are and managing inter hapū conflict (3 post-it notes) • One size doesn't fit all (2 post-it notes) • Desire to discuss with iwi before forming a view (1 post-it note) • Expand Environment Canterbury's legislation to other parts of the South Island (1 post-it note) <p>Red</p> <ul style="list-style-type: none"> • Councils are already doing this (2 post-it notes) • Don't introduce this as a statutory requirement (2 post-it notes) • Not sure that central government would prioritise this relative to other issues (1 post-it note) <p>Questions</p> <ul style="list-style-type: none"> • How would this recommendation align with existing frameworks? (Orange, 1 post-it note) • Who would councils need to partner with? Hapū, iwi, PSGEs? (Orange, 1 post-it note)
	<p>Total = 99</p> <p>Green 71</p> <p>Orange 14</p> <p>Red 14</p> <p>Green</p> <ul style="list-style-type: none"> • Will help to achieve alignment and consistency (8 post-it notes) • There's an opportunity to think about how this recommendation ties with recommendations #3 and #4. The recommendations could be combined in some way (6 post-it notes) • Will make things easier for hapū/iwi/Māori, and for councils and communities (6 post-it notes) • Need to involve local government and iwi in the process of reviewing and amending legislation (6 post-it notes) • Will provide greater clarity (5 post-it notes) • Central government's requirements for engaging with Māori should also be within the scope of the review (4 post-it notes) • Would support better collaboration and synergy between local government and Māori (2 post-it notes)



<p>#6 Amend the Local Government Act 2002 to</p>	<ul style="list-style-type: none"> • Any requirements to engage need to be flexible (2 post-it notes) • Would present a good opportunity to expose costs of engagement to iwi (2 post-it notes) • Suggestion that the Law Commission could lead the process (2 post-it notes) • Some concern at the cost of undertaking the process (1 post-it note) • It's hard to keep across all of the legislative changes (1 post-it note) • Presents an opportunity to have a conversation about how to engage better (1 post-it note) • Central government needs to own the implications of its decisions locally (1 post-it note) <p>Orange</p> <ul style="list-style-type: none"> • May result in increased codification and could lead to further capacity challenges for Māori (3 post-it notes) • Also provides an opportunity to look at and think about reducing the cost of consultation (2 post-it notes) • Think about how to tie recommendations #3, #4 and #5 together (1 post-it note) • Requirements to engage should be locally led rather than imposed by central government (1 post-it note) • We already have commitments to engage (1 post-it note) • Presents an opportunity to make it easier for local government and iwi to develop effective partnership (1 post-it note) <p>Red</p> <ul style="list-style-type: none"> • Requirements for engagement should be locally/regionally specific – local solutions to local issues (4 post-it notes) • No more reviews/compliance (3 post-it notes) • Recommendation 4 is sufficient (2 post-it notes) • Concern at timeliness/government ability to undertake a review (2 post-it notes) • Don't need more engagement requirements (1 post-it note) <p>Questions</p> <ul style="list-style-type: none"> • What would undertaking this process ultimately lead to? How do we make sure that any review leads to change, more funding etc? (Green, 3 post-it notes) • Who will lead the process? (Green, 1 post-it note) • How does this get done in a way that doesn't involve dictating to Māori? (Green, 1 post-it note) • Would this impose a Pākehā process on Māori? Are we legislating something that is organic for Māori? (Orange, 2 post-it notes) • Who would lead the process? And does Government actually have the capacity to do it? (Orange, 2 post-it notes) • What would this process achieve? (Orange, 1 post-it note) • Could this process potentially un-do Treaty settlements? (Orange, 1 post-it note) • Who pays for this? (Red, 2 post-it notes) 	<p>Total = 97 Green</p>
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require councils (elected members and chief executives) to prioritise and invest in developing and strengthening their capability and capacity in the areas of Te Tiriti o Waitangi, te ao Māori values, mātauranga Māori, tikanga, and the whakapapa of local government in order to make local government a better Te Tiriti partner.

Green 52

Orange 24

Red 21

- Needs resources and funding (8 post-it notes)
 - Should also cover investing in hapū/iwi capacity and capability – including investing in their capacity to provide support to councils at the local level (4 post-it notes)
 - If other Te Tiriti recommendations are adopted this will be essential; without training those recommendations won't succeed (4 post-it notes)
 - Making it compulsory is good; will help addressing reluctance (3 post-it notes)
 - Elected members need broader professional development as well (eg financial literacy) and professional development budgets to be lifted (3 post-it notes)
 - This is the most important of the Te Tiriti recommendations (1 post-it note)
 - It's good that the recommendation covers CEs and elected members (1 post-it note)
 - Some councils may not be ready (1 post-it note)
 - Training would help to avoid confusion and pre-empt issues (1 post-it note)
 - This shouldn't replace the direct voice of hapū/iwi in decisions (1 post-it note)
 - A statutory requirement will help councils to prioritise this (1 post-it note)
- Orange**
- Needs government funding/support otherwise will be an unfunded mandate (9 post-it notes)
 - Preference that this isn't legislated – but up to councils to decide. Legislating may lead to a compliance mindset, rather than convincing people this is the right thing to do (6 post-it notes)
 - Capacity and resourcing issues for councils and hapū/iwi are a concern (5 post-it notes)
 - Councils are already doing this (3 post-it notes)
 - A statutory requirement will help resources be allocated to this (1 post-it note)
 - Other priorities (1 post-it note)
- Red**
- Should be a personal/council choice rather than being legislated or forced (5 post-it notes)
 - Needs government funding/support otherwise will be an unfunded mandate (4 post-it notes)
 - Don't need in legislation because this is BAU for councils (4 post-it notes)
 - Relationship to other recommendations – including this being part of recommendation 4; and if other recommendations are implemented, this won't be needed (3 post-it notes)
 - Iwi resourcing is a concern too (1 post-it note)
 - One size fits none (1 post-it note)
 - If a legislative requirement, concern that there won't be genuine engagement (1 post-it note)
 - Focuses on inputs rather than outcomes, partnership frameworks and community achievements (1 post-it note)
 - Time will solve this (1 post-it note)



<p>#7 Initiate a reorganisation of local government to strengthen, support, and resource councils to plan for and respond to increasing challenges and opportunities, and to set local government up for a more complex future.</p>	<ul style="list-style-type: none"> • LGA should provide for all professional development (1 post-it note) <p>Questions</p> <ul style="list-style-type: none"> • This may dissuade candidates from standing for election. Is that a bad thing? (Green, 1 post-it note) • Do those councils already doing this need to further develop? (Green, 1 post-it note) • What does this look like in practice? What are the implications and mechanisms – including to make sure there’s enough flex? (Orange, 2 post-it notes) • What are the audit requirements and who judges how much of a priority this should be? (Red, 1 post-it note)
	<p>Total = 106</p> <p>Green 49</p> <p>Orange 43</p> <p>Red 14</p> <p>Green</p> <ul style="list-style-type: none"> • Needs to be driven from the ground up, with no pre-set outcomes. Outcomes will vary from area to area (ie reorganisation will make sense in some areas; not others) (15 post-it notes) • Need more conversation around this – as local government, and with our communities (7 post-it notes) • The current system is not working and is not fit for the future (6 post-it notes) • Localism and local autonomy need to be at the forefront (5 post-it notes) • Need a conversation about roles and responsibilities first. Form follows function (4 post-it notes) • Separate out reorganisation (eg shared services) and amalgamation (4 post-it notes) • The Panel’s options aren’t ones I’d choose; want to explore others (4 post-it notes) (a range of other options were identified such as regional and sub-regional structures, a mix of structural change and partnership models, 50/50 elected and appointed member models) • Need to be efficient and sustainable (3 post-it notes) • Community/local boards (with clear funding, roles and mandate) and community governance will be essential (3 post-it notes) • Without this recommendation the others will fall over (1 post-it note) • Support for the Panel’s five principles for reorganisation (1 post-it note) • Workforce/operations needs significant change, not governance (1 post-it note) • Don’t dilute the importance of regional councils (1 post-it note) • Set a deadline to allow local timing (1 post-it note) • Will be harder for central government to connect with councils without this (1 post-it note) • Do this further down the track (1 post-it note) <p>Orange</p> <ul style="list-style-type: none"> • Needs to be bottom up and not imposed. Some may want to change regardless of any direction (8 post-it notes) • Recommendation needs to be looked at alongside others (eg funding recommendations) as reorganisation won’t solve anything on its own (3 post-it notes) • Form follows function (2 post-it notes) • Look at shared services before making changes to governance/amalgamation (2 post-it notes) • Settle other local government reforms (eg water and resource management) first and then look at this recommendation (2 post-it notes)



<p>#8 Establish a dedicated Crown department to facilitate a more effective working relationship between local and central government that focuses on:</p> <ul style="list-style-type: none"> ▶ a relational-based operating model to align priorities, roles, and funding ▶ brokering place-based approaches and agreements to address 		<ul style="list-style-type: none"> • Need input from communities (including young people) and innovation (2 post-it notes) • If this is just about amalgamation, will miss the opportunity for the transformation that's needed (1 post-it note) • Need to improve the two models the Panel has proposed (1 post-it note) • Clarity around how this might happen could help to take away the fear of it being done to us (1 post-it note) <p>Red</p> <ul style="list-style-type: none"> • We don't need reorganisation but change to funding, resourcing and the services councils provide (4 post-it notes) • Must be bottom-up (4 post-it notes) • An opportunity to reorganise central government as well – including looking at how central government could be reduced, and resources passed to those on the ground (2 post-it notes) • Form follows function (1 post-it note) • Opens the door for central government to amalgamate local government (1 post-it note) • Needs to be dealt with separately/independently (1 post-it note) • Too early (1 post-it note) • National initiative that will be contentious, time consuming, resource intensive and divisive (1 post-it note) <p>Questions</p> <ul style="list-style-type: none"> • How do we work together to embrace this opportunity, which will require leadership? (Green, 2 post-it notes) • How can we settle on a definition of reorganisation as a pre-requisite? (Green, 1 post-it note) • If not now, when? (Green, 1 post-it note) • What's the purpose of this recommendation and what would it deliver? (Orange, 2 post-it notes) • What would change look like? (Orange, 1 post-it note) • Who does it and what's the process? (Red, 2 post-it notes)
	<p>Total = 96</p> <p>Green 18</p> <p>Orange 29</p> <p>Red 49</p>	<p>Green</p> <ul style="list-style-type: none"> • Opportunity to reduce siloes and bring things together (3 post-it notes) • Department would need the appropriate authority to be listened to by other central government agencies, and need power (3 post-it notes) • Minister of Local Government should be in Cabinet (2 post-it notes) • Need to think about how to rationalise the roles of other departments so that any new department would work effectively (1 post-it note) • Would help provide a more strategic leadership presence (1 post-note) • Department could focus on delivering local government reform (1 post-note) • Look at the Local Government Commission becoming a full ministry (1 post-note) • Could provide an effective communication channel for local and central government (1 post-it note)



<p>complex challenges and opportunities</p> <p>► research, development, and innovation capability that equips local government to maximise intergenerational wellbeing for its communities.</p>	<ul style="list-style-type: none"> • Need people in central government who understand local government (1 post-it note) • Devil will be in the detail (1 post-it note) <p>Orange</p> <ul style="list-style-type: none"> • LGNZ could expand into this role if provided with funding from the Crown (5 post-it notes) • Creates more bureaucracy (4 post-it notes) • Would need to look at what responsibilities other central government agencies have (2 post-it notes) • Question whether this would ever happen (2 post-it notes) • Local presence would be important (1 post-it note) • Should give any department the power to hold other departments accountable (1 post-it note) • Other suggestions included: looking at regional transport models; public service commissioner on steroids (2 post-it notes); Prime Minister as Minister of Local Government (2 post-it notes); have the LGNZ President play a role in Cabinet/sub-Cabinet discussions <p>Red</p> <ul style="list-style-type: none"> • Opposition to more departments, more bureaucracy (17 post-it notes) • Agree with intent around improving relationships but don't support a dedicated Crown department; each government department has responsibilities, needs to better align and collaborate and interface with local government. A whole machinery of government approach is needed (15 post-it notes) • Fund LGNZ to expand its role (6 post-it notes) • Concern at cost of establishing a new department (4 post-it notes) • No government will do this (3 post-it notes) • May further embed the master-servant relationship – central government continuing to dictate to local government (2 post-it notes) • May complicate existing central government siloes (1 post-it note) • Don't need if other recommendations are implemented (1 post-it note) • Other ideas: sit local government within DPMC; re-focus existing departments; look at public service commissioners; Minister of Local Government in Cabinet; refocus DIA; Minister <u>for</u> Local Government (rather than of) <p>Questions</p> <ul style="list-style-type: none"> • Even if the problem definition is right, is this the right solution? (Orange, 9 post-it notes) • Is a Crown department necessary or the best approach? (Orange, 2 post-it notes) • Would this lead to improvement? What value would it bring? (Red, 4 post-it notes)
<p>#9 Establish a new local government stewardship institution to strengthen the health and fitness of the system. This entity should:</p>	<p>Total = 89</p> <p>Green 16</p> <p>Orange 38</p> <p>Red 35</p> <p>Green</p> <ul style="list-style-type: none"> • Look at the Local Government Commission. Replace it or give it a new focus (6 post-it notes) • Stewardship institution should also have focus on local government performance and reputation (2 post-it notes) • Look at whether this a role for LGNZ or Taituarā and consider recognising LGNZ in the LGA (2 post-it notes)



<p>▶ provide care for and oversight of the local government system, including the health of local democracy and local government's future-fit capability and capacity</p> <p>▶ foster common purpose and relationships</p> <p>▶ support and enable the health of the Māori–local government relationship</p> <p>▶ incorporate the current roles and responsibilities of the Local Government Commission.</p>	<ul style="list-style-type: none"> • Only if this is a replacement for LGNZ not an addition (1 post-it note) <p>Orange</p> <ul style="list-style-type: none"> • Provides an opportunity to look at the roles and resourcing of LGNZ, the Local Government Commission and Taituarā – including opportunity to think about how these organisations better focus and work towards a common purpose (16 post-it notes) • Don't need another organisation/more bureaucracy (5 post-it notes) • LGNZ could undertake a review of what's needed (1 post-it note) • A new organisation could provide support to and oversight of existing organisations (1 post-it note) • Links with recommendation 8 (1 post-it note) • Any institution should have a performance focus as well (1 post-it note) • Should also look at Te Uru Kahika (1 post-it note), the Remuneration Authority (1 post-it note) and DIA (2 post-it notes) <p>Red</p> <ul style="list-style-type: none"> • Strengthen and use the current institutions (11 post-it notes) • More bureaucracy (10 post-it notes) • Concerns around cost (4 post-it notes) • Questionable value add (4 post-it notes) • Seems academic and high-brow (3 post-it notes) • Look at a proper ministry instead (2 post-it notes) • Duplication (1 post-it note) • Other priorities (1 post-it note) • Links with recommendation 8 (1 post-it note) <p>Questions</p> <ul style="list-style-type: none"> • How does this recommendation tie to recommendation #8? (Green, 1 post-it note) • How would the organisation work? Would it be membership-based, for example? (Orange, 4 post-it notes) • How would the new organisation be any different to what we have already? (Orange, 2 post-it notes)
<p>#10 Local government and councils develop and invest in democratic innovations, including participatory and deliberative democracy processes.</p>	<p>Total = 92</p> <p>Green 70</p> <p>Orange 19</p> <p>Red 3</p> <p>Green</p> <ul style="list-style-type: none"> • Need to reinvigorate local democracy as a way to solve problems, strengthen engagement – including by those less involved, get more participation and buy-in (16 post-it notes) • Need more capability building, and sharing best practice that's already underway (7 post-it notes) • We already do this (6 post-it notes) • Some concerns around cost and time associated with using participatory and deliberative democracy processes (3 post-it notes)



<p>FULL PACKAGE RECOMMENDATION</p> <p>#11 Enhance local democracy in order to increase access and representation by:</p>	<ul style="list-style-type: none"> • Need central government to provide resources and investment to support (2 post-it notes) • Access needs to be equitable and include groups who have access needs (eg disabled peoples) (2 post-it notes) • Importance of getting community input into determining what methods are used/what's needed – and using a range of approaches (3post-it notes) • Other recommendations will support this recommendation (1 post-it note) • Be useful to understand the cause of community apathy (1 post-it note) • Need more focus on education for and deliberation by communities (1 post-it note) • Technology can help councillors who have to travel great distances (1 post-it note) • Think about how to involve other community groups in this – not just councils (1 post-it note) • Consider within representation reviews (1 post-it note) • Be cautious of 'truth decay' and communities' ability to participate (1 post-it note) • Think about how to involve and create synergies with central government (eg around comms, voting) (1 post-it note) • An engagement method – councillors still have to vote (1 post-it note) • Prefer this being a recommendation rather than a mandate (1 post-it note) <p>Orange</p> <ul style="list-style-type: none"> • Leave it to councils to decide rather than making this a requirement or overly prescriptive. One size fits none. There is nothing in the LGA stopping councils from doing this now (8 post-it notes) • Share best practice across councils, including through LGNZ-run workshops, and get a better understanding of what's happening already (5 post-notes) • Need to consider resource implications (3 post-it notes) • Concerns about consultation fatigue and community appetite to engage (2 post-it notes) • Look at initiatives to get better involvement of 18–30 year olds (1 post-it note) • Have a concern about crossing the line of why I'm elected (1 post-it note) • Uncertainty as to outcomes this recommendation would lead to (1 post-it note) <p>Red</p> <ul style="list-style-type: none"> • Concern at these processes giving pre-determined answers and restricting wider community input (1 post-it note) <p>Questions</p> <ul style="list-style-type: none"> • How do we measure the success of this and cost to ratepayer? (Green, 1 post-it note)
	<p>Total = 50</p> <p>Green 36</p> <p>Orange 8</p> <p>Red 6</p> <p>Green</p> <ul style="list-style-type: none"> • Add online voting (3 post-it notes) • Need measures to attract diverse candidates and voters, and build the capability of candidates (3 votes) • STV is potentially challenging (2 post-it notes)



<p>▶ adopting ranked voting (also known as single transferrable vote or STV) as nationwide method for local elections</p> <p>▶ lowering the voting age for local elections to 16</p> <p>▶ providing for a four-year local electoral term</p> <p>▶ enabling Te Tiriti-based appointments to councils</p> <p>▶ lowering the threshold for the establishment of Māori wards</p>	<ul style="list-style-type: none"> • If adopting STV, needs to be used by all (including central government) and there needs to be education around it (2 post-it notes) • Te Tiriti recommendations require central government funding (1 post-it note) • Research shows that 16 year olds voting leads to more engaged life-long voters (1 post-it note) • Think about how local government can reach out and show its relevance to young people (1 post-it note) • 4 year term and lowering the voting age need to go together. If just adopted a 4 year term, this would mean some people are 23 before they can vote (1 post-it note) • 4 year term provides another year for delivery, rather than just talking about doing stuff (1 post-it note) • If shift to a 4 year term, realignment of all plans will be needed (1 post-it note) • Need to better define Te Tiriti appointments vs Māori roles (1 post-it note) • Need civics education (1 post-it note) <p>Orange</p> <ul style="list-style-type: none"> • Need civics education (4 post-it notes). If no civics education, keep the voting age at 18 (1 post-it note) • Introduce online voting (3 post-it notes) • Need broader tools to get youth and public participation (1 post-it note) <p>Red</p> <ul style="list-style-type: none"> • Central government needs to fund Te Tiriti recommendations (1 post-it note) • Māori wards should be decided locally/region by region (1 post-it note) • Te Tiriti components of this recommendation not needed if other Te Tiriti recommendations adopted (1 post-it note) • FPP is well-understood (1 post-it note) • STV leads to low voter turnout (1 post-it note) • STV is hackable (1 post-it note) • Lower the voting age to 16 only if online voting available (1 post-it note) <p>Questions</p> <ul style="list-style-type: none"> • Does STV lead to increased or decreased voter turnout? (Green, 1 post-it note)
<p>#11 Enhance local democracy in order to increase access and representation by:</p> <p>▶ adopting ranked voting (also known as single transferrable vote or STV) as nationwide method for local elections</p>	<p>Total = 54</p> <p>Green 16</p> <p>Orange 3</p> <p>Red 38</p> <p>Green</p> <ul style="list-style-type: none"> • Need consistency across the board, standardise (2 post-it notes) • Voter turnout rose after council's second STV election (1 post-it note) • Fairer (1 post-it note) • Support a move to councils <u>not</u> determining their voting system – it is a conflict (1 post-it note) <p>Orange</p>



<p>#11 Enhance local democracy in order to increase access and representation by: ▶ lowering the voting age for local elections to 16.</p>	<ul style="list-style-type: none"> • STV creates confusion and is a barrier for communities (2 post-it notes) • Leave it up to councils to decide (1 post-it note)
	<p>Red</p> <ul style="list-style-type: none"> • Too complex, keep things simple (8 post-it notes) • Leave it up to councils to decide (5 post-it notes) • Less vote when STV is used/won't result in bigger voter turnout (3 post-it notes) • Just focus on getting people to vote (2 post-it notes) • Costly (1 post-it note) • Doesn't work where there is a small voter base and small number of candidates (1 post-it note)
<p>Total = 43 Green 12 Orange 12 Red 19</p>	<p>Green</p> <ul style="list-style-type: none"> • Coupled with civics education (2 post-it notes) • If serious about intergenerational decision-making we need to involve youth (1 post-it note) <p>Orange</p> <ul style="list-style-type: none"> • Need civics education (6 post-it notes). Civics education should also be for older people (1 post-it note). Address civics first then look at the voting age (1 post-it note) • Not sure, needs further thought (3 post-it notes) • If lower the voting age need to treat 16 and 17-year olds as adults and consider other thresholds (2 post-it notes) • Need online voting (1 post-it note) • Let kids be kids (1 post-it note) • Only after a referendum (1 post-it note) • Youth council doesn't support this (1 post-it note) <p>Red</p> <ul style="list-style-type: none"> • Focus on civics education (3 post-it notes) • Focus on increasing participation by the rest of the community (including 18 year olds) (3 post-it notes) • Won't increase voter participation (2 post-it notes) • Remove barriers to enrolling to vote (1 post-it note) • Let kids be kids (1 post-it note) • What other changes would be needed if this one was adopted (eg age for being tried in court, drafted to war) (1 post-it note) • Have received negative feedback on this from schools (1 post-it note)
<p>#11 Enhance local democracy in order to</p> <p>Total = 49 Green</p>	



<p>increase access and representation by: providing for a four-year local electoral term</p>	<p>Green 47 Orange Red 2</p>	<ul style="list-style-type: none"> • Makes sense, a no brainer (4 post-it notes) • If a four-year term for local government, must be the same for central government (3 post-it notes) • Will enable more effective councils, consistency, continuity and getting more done (3 post-it notes)
<p>#11 Enhance local democracy in order to increase access and representation by: ▸ enabling Te Tiriti-based appointments to councils</p>	<p>Total = 32 Green 14 Orange 4 Red 14</p>	<p>Green</p> <ul style="list-style-type: none"> • Better way of ensuring mana whenua representation and direct involvement in decision-making (2 post-it notes) • Makes strong sense to support partnership growth (1 post-it note) <p>Orange</p> <ul style="list-style-type: none"> • Need flex for regions to decide, enable not mandate (2 post-it notes) • Subject to capacity (1 post-it note) <p>Red</p> <ul style="list-style-type: none"> • All councillors should be elected, democracy is important (3 post-it notes) • Allow councils to decide (1 post-it note) • No need – have Māori wards and members (1 post-it note) • Covered in recommendation 3 (1 post-it note)
<p>#11 Enhance local democracy in order to increase access and representation by: ▸ lowering the threshold for the establishment of Māori wards</p>	<p>Total = 37 Green 16 Orange 13 Red 8</p>	<p>Orange</p> <ul style="list-style-type: none"> • One size doesn't fit all (2 post-it notes) • Subject to capacity of Māori (1 post-it note) • Only if resourced (1 post-it note) <p>Red</p> <ul style="list-style-type: none"> • Better to use mana whenua representatives/mātāwaka not have controlling voice (2 post-it notes)
<p>#12 Local and central government coinvest to build adaptive leadership capability focusing on: ▸ leading change and system renewal ▸ valuing civic leadership and public service ▸ partnership and collaboration ▸ innovation and experimentation.</p>	<p>Total = 91 Green 75 Orange 13 Red 3</p>	<p>Green</p> <ul style="list-style-type: none"> • Strong support for this recommendation. Seen as much needed and more is needed, worth the investment, professional development under-valued, good for all, need strong leadership (27-post it notes) • Need more clarity/detail and what this recommendation means (3 post-it notes) • Support the focus on local government but also need to focus on building community governance and leadership in communities (3 post-it notes) • Need funding from central government (5 post-it notes). Investment must be by central government not local government (1 post-it note) • Should apply to both elected members and staff (4 post-it notes) • Should do police and intelligence checks before people stand for election; hold workshops for potential candidates; help candidates better understand the role (3 post-it notes) • Need more providers to come on board (3 post-it notes)



	<ul style="list-style-type: none"> • Need better coordination of local government systems and resources to support this (3 post-it notes) • Engagement and commitment by low paid councillors is a challenge (2 post-it notes) • Need join workforce planning by central, regional and local government and central government to stop poaching staff (2 post-it notes) • Already doing this (2 post-it notes) • LGNZ and Taituarā can play roles in this space (2 post-it notes) • Central government needs this training too (1 post-it note) • Presents an opportunity for collaboration and shared services between councils and iwi (1 post-it note) • Commercial acumen is another area that needs to be covered (1 post-it note) • Need to move away from the concern about who pays – at the end of the day it all comes from the same place (1 post-it note) • Local government can progress this without central government (1 post-it note) <p>Orange</p> <ul style="list-style-type: none"> • Need more specifics/detail (4 post-it notes) • Need more funding – and where does that come from? (2 post-it notes) • Should be individual councils' choice (1 post-it note) • Need to think about professional appointments to councils (1 post-it note) • Should be driven regionally but with involvement from central government (1 post-it note) • Support elected members not staff being the priority (1 post-it note) • Need KPIs (1 post-it note) <p>Red</p> <ul style="list-style-type: none"> • Not by DIA or LGNZ (1 post-it note) • If a person has put themselves forward for the role they should have the skills (1 post-it note) • We should do this ourselves (1 post-it note) <p>Questions</p> <ul style="list-style-type: none"> • How do we get central government on board with this? How realistic is it? (Green, 3 post-it notes) • Not clear what this recommendation means. Is it code for re-organisation? (Green, 1 post-it note) • Who pays? (Green, 1 post-it note) • How are we going to work with central government on this? (Orange, 1 post-it note)
<p>#13 In order to prioritise and deliver on wellbeing, central government makes a greater investment in local government through:</p>	<p>Total = 99</p> <p>Green 76</p> <p>Orange 20</p> <ul style="list-style-type: none"> • Support for the intent, but need a more considered position – that both looks at the GST proposal more closely, and considers other possible funding streams (21 post-it notes)



► significant funding to support local priorities, place-based agreements, and devolution of roles.
► an annual transfer of revenue equivalent to GST charged on rates

Red 3

- Equity considerations are important (eg areas with smaller rating bases, areas with high numbers of tourists) **(8 post-it notes)**
- Recommendation is too modest; needs to be more ambitious **(5 post-it notes)**
- Need to think about this recommendation in connection with others. How do we get better alignment between central and local government around service delivery; need devolved services and funding **(5 post-it notes)**
- This is the ‘big ticket’ item, it is critical **(4 post-it notes)**
- A risk that central government may take control of local government service delivery. Councils are more than just central government’s delivery agent **(4 post-it notes)**
- Funding should be non-contestable **(4 post-it notes)**
- Recognition that this kind of funding would likely have reporting/accountability requirements – but a question around what they look like **(3 post-it notes)**. One of these post-it notes talked about the importance of local performance/effectiveness mechanisms over reporting back to central government
- Need a regular and sustainable flow of funding to local government to provide certainty **(3 post-it notes)**
- Local spend on local solutions is important **(3 post-it notes)**
- Any movement on changes to local government funding is an improvement **(2 post-it notes)**
- Not all of the funding should be spent on wellbeing – there’s a need for spending on infrastructure too **(2 post-it notes)**
- Should be no conditions attached to how any funding is spent **(2 post-it notes)**
- Recommendation is hard to understand **(1 post-it note)**
- Don’t charge GST on rates – a tax on tax **(1 post-it note)**
- Other funding mechanisms that were supported/identified included city/regional deals, road user chargers, tourist taxes, charging central government rates on DOC land and providing councils with a percentage of GST

Orange

- This is not necessarily the right tool, there may be others **(8 post-it notes)**
- Need to think about this recommendation in the context of the broader relationship between central and local government, including shifting to a partner rather than servant/master relationship, fishhooks associated with central government funding including risk of reduced autonomy and reporting requirements, aligning thinking on roles and responsibilities, addressing unfunded mandates **(6 post-it notes)**
- How money is spent should be determined locally **(3 post-it notes)**
- Equity considerations are important **(3 post-it notes)**
- Needs to be more ambitious **(2 post-it notes)**
- We shouldn’t rely on central government, we need to boost our own revenue generation **(1 post-it note)**
- Concern that this may incentivise councils to put up rates to get more of the GST component **(1 post-it note)**
- Should be no conditions attached to how funding is spent **(2 post-it notes)**
- Concern that this is ad hoc and inconsistent **(1 post-it note)**
- Other funding mechanisms that were supported/identified included congestion charging and the Crown paying rates



	<p>Red</p> <ul style="list-style-type: none"> • There are wider funding issues, including unfunded mandates, that need to be looked at, along with other possible mechanisms (such as considering the financial impact of policy decisions affecting local government, Crown paying rates, user pays models) (3 post-it notes)
<p>#14 Central government pays rates on Crown property</p>	<p>Total = 94</p> <p>Green 84</p> <p>Orange 8</p> <p>Red 2</p> <p>Green</p> <ul style="list-style-type: none"> • If the government is using services, it should pay – it shouldn't be exempt (12 post-it notes) • DOC land should be covered (8 post-it notes) • Need to have further conversations about equity issues (5 post-it notes) • Should not include DOC land (2 post-it notes) • DOC land should only be covered if DOC's operational budgets were unaffected (1 post-it note) • Would also help to show appreciation for local government's work (1 post-it note) <p>Orange</p> <ul style="list-style-type: none"> • Equity considerations need to be looked at – some councils would gain extra, some would gain little (3 post-it notes) • Will never happen (1 post-it note) • Should apply where there is service delivery, but not to DOC land (1 post-it note) • Not sure if this is a good mechanism, need a comprehensive review of funding mechanisms (1 post-it note) <p>Red</p> <ul style="list-style-type: none"> • Councils don't pay tax, DOC land is low value rates wise (1 post-it note) <p>Questions</p> <ul style="list-style-type: none"> • How would this work? Who would benefit most? (Green, 3 post-it notes) • Should the DOC estate be included? How would that be valued? (Green, 2 post-it notes) • How would we convince central government to do this? (Green, 1 post-it note) • How would the government pay for this? (Orange, 1 post-it note)
<p>#15 Central government develops an intergenerational fund for climate change, with the application of the fund requiring appropriate regional and local decision-making.</p>	<p>Total = 95</p> <p>Green 81</p> <p>Orange 14</p> <p>Red</p> <p>Green</p> <ul style="list-style-type: none"> • The challenge is where the funding will come from, what it can be used for and how it will be allocated. How funds are allocated is likely to be controversial (19 post-it notes) • Fund should cover mitigation as well as adaptation (8 post-it notes) • This is essential, local government can't fund climate change action on its own and needs help from central government (7 post-it notes) • This is a central government/NZ Inc issue that should be dealt with nationally and via tax not rates (7 post-it notes) • Allocation of funding should be based on risk and needs (7 post-it notes)



	<ul style="list-style-type: none"> • Recommendation needs more work, devil will be in the detail (6 post-it notes) • Need stronger partnerships between central, regional and local government (5 post-it notes) • Should cover adaptation only (3 post-it notes) • Councils should set priorities with their communities (2 post-it notes) • Support for the intergenerational focus, but need clarity around how this would be applied (2 post-it notes) • How is this fund different to the Climate Emergency Response Fund (CERF)? (1 post-it note) • Central government may not listen to this request (1 post-it note) • Design the fund with local government (1 post-it note) • Te Tiriti partnership will help manage equity issues regarding decision-making (1 post-it note) <p>Orange</p> <ul style="list-style-type: none"> • Need more detail (3 post-it notes) • Consider roles for regional councils in having authority for the fund and accountability for climate change action (2 post-it notes) • Central government should fund this (1 post-it note) • Fund should also be available to community groups (1 post-it note) <p>Questions</p> <ul style="list-style-type: none"> • Unsure whether the fund should apply to adaptation, mitigation or both? (Green, 1 post-it note) • Should the fund apply to proactive or reactive action? (Green, 1 post-it note) • How would the fund be allocated? (Orange, 2 post-it notes)
<p>#16 Cabinet is required to consider the funding impact on local government of proposed policy decisions.</p>	<p>Total = 93</p> <p>Green 91</p> <p>Orange 2</p> <p>Red</p> <p>Green</p> <ul style="list-style-type: none"> • Should be more than just a requirement to consider funding impacts – should also be a requirement to provide for those impacts (eg no unfunded mandates, consideration of impacts must lead to change) (34 post-it notes) • Should be part of standard regulatory impact statement requirements (3 post-it notes) • Other impacts should be considered such as social, environmental and cultural impacts and councils’ “wellbeing ability” to deliver (3 post-it notes) • Unlikely this will happen (1 post-it note) • Need a two-way conversation between central and local government (1 post-it note) • Should apply right across central government (1 post-it note) <p>Orange</p> <ul style="list-style-type: none"> • Need transparency as to how any assessment of impact comes together (1 post-it note)
<p>#17 Central government commits to enabling the</p>	<p>Total = 85</p> <p>Green</p>



future transition with funding to:

- ▶ resource a transition unit to support the change and system renewal of local government
- ▶ supplement local government capacity funding to enable hapū/iwi and Māori to partner with councils
- ▶ support councils to:
 - ▶ build Te Tiriti and te ao Māori capability and grow hapū/iwi and Māori relationships
 - ▶ lift their immediate capacity and capability to innovatively deliver wellbeing priorities for their communities
 - ▶ trial and grow participatory and deliberative democracy practices.

Green 39

Orange 40

Red 6

- Views that the wording of this recommendation needs work – put a full stop after “funding” and get rid of other bullet points (**8 post-it notes**)
- Funding support is needed and would be good (**6 post-it notes**)
- Only need the first bullet point (**1 post-it note**)
- Iwi/hapū should determine what partnership looks like (**1 post-it note**)
- Only if it aids in the development of a strong central and local government partnership (**1 post-it note**)
- Support for a steering group and transition unit (**1 post-it note**)
- Don’t want a transition unit that is overly bureaucratic, like the NTU (**1 post-it note**)
- Full funding for some small councils might be needed (**1 post-it note**)
- Should be funding to hapū/iwi/PSGEs directly (**1 post-it note**)
- Funding to hapū is questionable (**1 post-it note**)

Orange

- Central government funding and resources are critical (**7 post-it notes**)
- Do not need a steering group or transition unit (**4 post-it notes**)
- Recommendation needs more detail, conversation and work (**4 post-it notes**)
- Any transition unit should be led by local government (**3 post-it notes**)
- Some of this can be done by local government, without need for any input by central government (**3 post-it notes**)
- Devolve funding to councils and hapū/iwi, rather than a transition unit, and let them use funding in the way they see fit (**3 post-it notes**)
- What funding is needed will depend on what transition goes ahead (**2 post-it notes**)
- This recommendation is too wordy and prescriptive (**2 post-it notes**)
- Consider putting a full stop at the end of “funding” (**2 post-it notes**)
- Need funding support for all marginalised communities (**2 post-it notes**)
- Only need bullet point one (**1 post-it note**)
- Contestable funding kills collaboration (**1 post-it note**)
- Recommendation should be considered as part of overall funding recommendations (**1 post-it note**)
- Need funding for hapū/iwi to build capability and capacity (**1 post-it note**)

Red

- Don’t need a transition unit, another layer of bureaucracy (**4 post-it notes**)
- Do not believe the system is fundamentally broken (**1 post-it note**)
- Te Tiriti recommendations already cover points relating to Te Tiriti (**1 post-it note**)
- Participatory and deliberative democracy risk confirmation bias (**1 post-it note**)



FUTURE BY LOCAL GOVERNMENT >

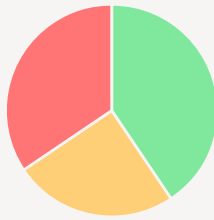
- = Green post-it notes
- = Orange post-it notes
- = Red post-it notes

LGNZ's hui on 18 September 2023 attracted more than 120 people from over 60 councils. For each FFLG recommendation, everyone chose a coloured post-it to show whether they supported (green), could support with changes (orange) or didn't support (red) that recommendation. They could also write comments on their post-it.



01/

Entrench the purpose of local government, as set out in the Local Government Act 2002, to embed intergenerational wellbeing and local democracy at the heart of local government.



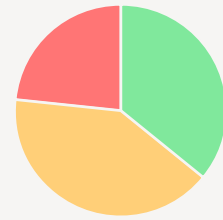
TOP THREE COMMENTS/

- Will provide stability, certainty and make it harder to change the purpose of local government (9 post-it notes)
- Why bother? Who cares? It's pointless. It won't make a difference (8 post-it notes)
- Limited chance of success; the Government won't support this (8 post-it notes)

02/

Introduce statutory provisions to reinforce and give effect to the purpose of local government in the Local Government Act 2002, by:

- > councils setting wellbeing goals and priorities each term, in conjunction with community and hapū/iwi and Māori
- > central and local government committing to align wellbeing priorities and agree place-based investment plans.

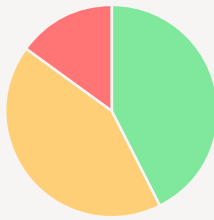


TOP THREE COMMENTS/

- Would help to achieve consistency and alignment (9 post-it notes)
- Councils are already setting wellbeing goals and priorities each term (10 post-it notes)
- Councils are already doing this (13 post-it notes)

03/

Introduce new provisions in the Local Government Act 2002 that explicitly recognise local government as a partner to Te Tiriti o Wāitangi and Te ao Māori values to strengthen authentic relationships in the local exercise of kāwanatanga and rangatiratanga.

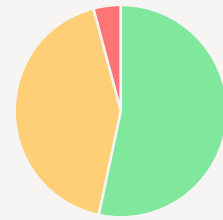


TOP THREE COMMENTS/

- You can't legislate authentic relationships – legislation isn't what's needed (12 post-it notes)
- Concern this may be another unfunded mandate if it implies Crown responsibilities on councils and lets the Crown off the hook, including responsibilities on councils to resource hapū/iwi (7 post-it notes)
- Would provide clarity and help to formalise requirements (6 post-it notes)

04/

Introduce a statutory requirement for councils to develop partnership frameworks with hapū/iwi and Māori to give effect to new Te Tiriti provisions in the Local Government Act 2002 that create new governance arrangements and complement existing ones.

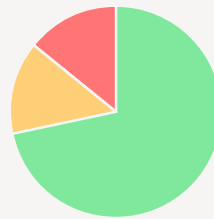


TOP THREE COMMENTS/

- Concern about funding and capacity issues for local government and hapū/iwi/Māori (13 post-it notes)
- Any statutory requirements need to be flexible and enabling (9 post-it notes)
- Would provide certainty and structure (8 post-it notes)

05/

Central government leads a comprehensive review of requirements for engaging with Māori across legislation that impacts local government, considering opportunities to streamline or align those requirements.

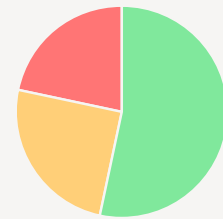


TOP THREE COMMENTS/

- Will help to achieve alignment and consistency (8 post-it notes)
- There's an opportunity to think about how this recommendation ties with recommendations #3 and #4. The recommendations could be combined in some way (6 post-it notes)
- Will make things easier for hapū/iwi/Māori, and for councils and communities (6 post-it notes)

06/

Amend the Local Government Act 2002 to require councils (elected members and chief executives) to prioritise and invest in developing and strengthening their capability and capacity in the areas of Te Tiriti o Wāitangi, te ao Māori values, mātauranga Māori, tikanga, and the whakapapa of local government in order to make local government a better Te Tiriti partner.

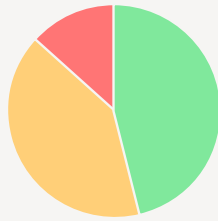


TOP THREE COMMENTS/

- Needs government funding/support otherwise will be an unfunded mandate (9 post-it notes)
- Needs resources and funding (8 post-it notes)
- Preference that this isn't legislated – but up to councils to decide. Legislating may lead to a compliance mindset, rather than convincing people this is the right thing to do (6 post-it notes)

07/

Initiate a reorganisation of local government to strengthen, support, and resource councils to plan for and respond to increasing challenges and opportunities, and to set local government up for a more complex future.



TOP THREE COMMENTS/

Needs to be driven from the ground up, with no pre-set outcomes. Outcomes will vary from area to area (ie reorganisation will make sense in some areas; not others) (15 post-it notes)

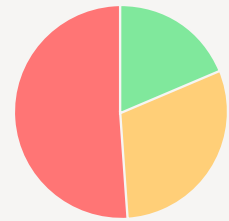
Needs to be bottom up and not imposed. Some may want to change regardless of any direction (8 post-it notes)

Need more conversation around this – as local government, and with our communities (7 post-it notes)

08/

Establish a dedicated Crown department to facilitate a more effective working relationship between local and central government that focuses on:

- > a relational-based operating model to align priorities, roles, and funding
- > brokering place-based approaches and agreements to address complex challenges and opportunities
- > research, development, and innovation capability that equips local government to maximise intergenerational wellbeing for its communities.



TOP THREE COMMENTS/

Opposition to more departments, more bureaucracy (17 post-it notes)

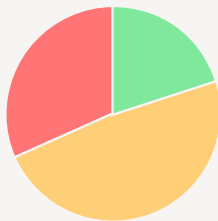
Agree with intent around improving relationships but don't support a dedicated Crown department; each government department has responsibilities, needs to better align and collaborate and interface with local government. A whole machinery of government approach is needed (15 post-it notes)

Fund LGNZ to expand its role (6 post-it notes)

09/

Establish a new local government stewardship institution to strengthen the health and fitness of the system. This entity should:

- > provide care for and oversight of the local government system, including the health of local democracy and local government's future-fit capability and capacity
- > foster common purpose and relationships
- > support and enable the health of the Māori-local government relationship
- > incorporate the current roles and responsibilities of the Local Government Commission.



TOP COMMENTS/

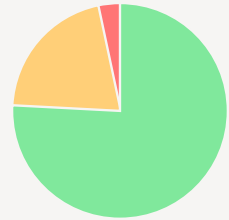
Provides an opportunity to look at the roles and resourcing of LGNZ, the Local Government Commission and Taituarā – including opportunity to think about how these organisations better focus and work towards a common purpose (16 post-it notes)

More bureaucracy (10 post-it notes)

Strengthen and use the current institutions (11 post-it notes)

10/

Local government and councils develop and invest in democratic innovations, including participatory and deliberative democracy processes.



TOP THREE COMMENTS/

Need to reinvigorate local democracy as a way to solve problems, strengthen engagement – including by those less involved, get more participation and buy-in (16 post-it notes)

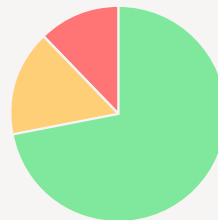
Leave it to councils to decide rather than making this a requirement or overly prescriptive. One size fits none. There is nothing in the LGA stopping councils from doing this now (8 post-it notes)

Need more capability building, and sharing best practice that's already underway (7 post-it notes)

11/

Enhance local democracy in order to increase access and representation by:

- > adopting ranked voting (also known as single transferrable vote or STV) as nationwide method for local elections
- > lowering the voting age for local elections to 16
- > providing for a four-year local electoral term
- > enabling Te Tiriti-based appointments to councils
- > lowering the threshold for the establishment of Māori wards



People could share their opinion on the recommendation as a whole and/or on each component part. >

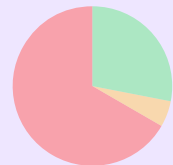
TOP THREE COMMENTS/

Need civics education (numerous post-it notes across the categories).

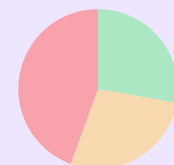
STV is too complex, keep things simple (8 post-it notes)

Leave it up to councils to decide re STV (5 post-it notes)

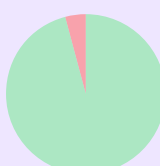
adopting ranked voting (also known as single transferrable vote or STV) as nationwide method for local elections



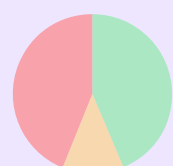
lowering the voting age for local elections to 16



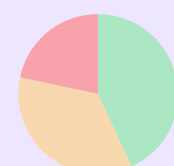
providing for a four-year local electoral term



enabling Te Tiriti-based appointments to councils



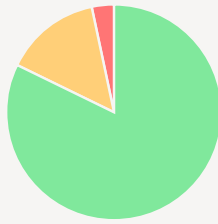
lowering the threshold for the establishment of Māori wards



12/

Local and central government coinvest to build adaptive leadership capability focusing on:

- > leading change and system renewal
- > valuing civic leadership and public service
- > partnership and collaboration
- > innovation and experimentation.



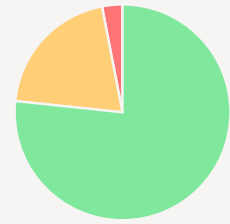
TOP THREE COMMENTS/

- Strong support for this recommendation. Seen as much needed and more is needed, worth the investment, professional development under-valued, good for all, need strong leadership (27-post-it notes)
- Need funding from central government (5 post-it notes).
- Need more specifics/detail (4 post-it notes)

13/

In order to prioritise and deliver on wellbeing, central government makes a greater investment in local government through:

- > significant funding to support local priorities, place-based agreements, and devolution of roles.
- > an annual transfer of revenue equivalent to GST charged on rates

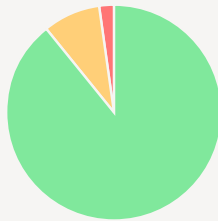


TOP THREE COMMENTS/

- Support for the intent, but need a more considered position – that both looks at the GST proposal more closely, and considers other possible funding streams (21 post-it notes)
- Equity considerations are important (eg areas with smaller rating bases, areas with high numbers of tourists) (8 post-it notes)
- This is not necessarily the right tool, there may be others (8 post-it notes)

14/

Central government pays rates on Crown property

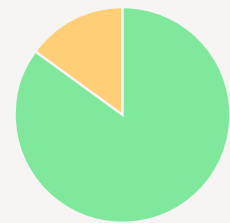


TOP THREE COMMENTS/

- If the government is using services, it should pay – it shouldn't be exempt (12 post-it notes)
- DOC land should be covered (8 post-it notes)
- Need to have further conversations about equity issues (5 post-it notes)

15/

Central government develops an intergenerational fund for climate change, with the application of the fund requiring appropriate regional and local decision-making.

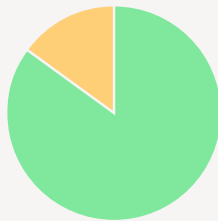


TOP THREE COMMENTS/

- The challenge is where the funding will come from, what it can be used for and how it will be allocated. How funds are allocated is likely to be controversial (19 post-it notes)
- Fund should cover mitigation as well as adaptation (8 post-it notes)
- This is essential, local government can't fund climate change action on its own and needs help from central government (7 post-it notes)

16/

Cabinet is required to consider the funding impact on local government of proposed policy decisions.



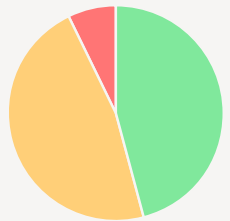
TOP THREE COMMENTS/

- Should be more than just a requirement to consider funding impacts – should also be a requirement to provide for those impacts (eg no unfunded mandates, consideration of impacts must lead to change) (34 post-it notes)
- Should be part of standard regulatory impact statement requirements (3 post-it notes)
- Other impacts should be considered such as social, environmental and cultural impacts and councils' "wellbeing ability" to deliver (3 post-it notes)

17/

Central government commits to enabling the future transition with funding to:

- > resource a transition unit to support the change and system renewal of local government
- > supplement local government capacity funding to enable hapū/iwi and Māori to partner with councils
- > support councils to:
- > build Te Tiriti and Te ao Māori capability and grow hapū/iwi and Māori relationships
- > lift their immediate capacity and capability to innovatively deliver wellbeing priorities for their communities
- > trial and grow participatory and deliberative democracy practices.



TOP THREE COMMENTS/

- Views that the wording of this recommendation needs work – put a full stop after "funding" and get rid of other bullet points (8 post-it notes)
- Central government funding and resources are critical (7 post-it notes)
- Funding support is needed and would be good (6 post-it notes)



The National Science-Technology Roadshow Trust

POST PO Box 12 662
Wellington 6144
PHONE 04 499 7865
EMAIL info@roadshow.org
WEB www.roadshow.org



2 October 2023

Jamie Cleine
Mayor
Buller District Council
PO Box 21
Westport 7866

Dear Mayor Cleine

The National Science Technology Roadshow Trust has a demonstrable passion and commitment to equitable STEM education. And as we all know, the key to this country's future is engaging students with STEM, not just for careers but also for citizenship and the many science based decisions that lie ahead for us all.

Each year over 470 schools bring 47,000 students, 6,000 teachers and accompanying adults, to directly engage with the Science Roadshow. 20,000 public also attend. Our projections indicate we will again exceed 47,000 student visitors this year which, along with other data we collect, points toward a growing worth/value as well as an increasing need for this type of service/programme! Since its inception, more than 2 million New Zealanders have visited the Science Roadshow.

Even with 35 years of service and delivery to schools with our Science Roadshow, survival is not assured, and we continually seek new investment which is a real challenge. We are therefore very grateful for support of both the Ministry of Education through the contestable *Enriching Learning Curriculum* process, and Science Alive.

We would be delighted if you could schedule a brief visit to view the Science Roadshow in action at one of our host venues while we are in your district.

Buller High School	33 Derby Street, Westport	Tue 17 October
Reefton Area School	10 Victory Street, Reefton	Wed 18 October

Please RSVP with our office. We will then confirm a session time to suit you.

We wish you well and look forward to the opportunity of having you visit.

Nāku iti noa, nā

Ian Kennedy
Director

Programmes of the National Science-Technology Roadshow Trust:



9 October 2023

COR4228

Jamie Cleine
Mayor – Buller District Council

Tania Gibson
Mayor – Grey District Council

Helen Lash
Mayor – Westland District Council

Peter Haddock
Chair – West Coast Regional Council

By email: nichola.costley@wrc.govt.nz

Dear Jamie, Tania, Helen, and Peter

Thank you for your letter of 7 September 2023 expressing your support for co-investment in flood resilience.

I welcome your endorsement of the co-investment approach and the flood resilience programme. It is crucial that New Zealand builds its flood resilience, in light of the increasing frequency and severity of climate-driven extreme weather events. The Government is committed to working with local government and communities to build greater flood resilience.

While flood risk management remains a key responsibility for regional councils, supporting flood resilience efforts is a priority for the Government. In 2020, the Government provided \$217 million towards a nationwide flood resilience work programme as part of its shovel-ready regional economic stimulus package. As part of Budget 2023, the Government also set aside \$100 million for areas affected by Cyclone Gabrielle which will go towards flood protection infrastructure and other measures.

In addition, as part of Budget 2023 the Government set aside \$6 billion in the National Resilience Plan (NRP). While some of the funding is allocated to extreme weather event recovery efforts, portions of funding are dedicated to building resilience in critical infrastructure across the country.

I encourage you to keep in touch regarding this critical work.

Thank you again for writing.

Yours sincerely,



Hon Kieran McNulty
Minister of Local Government

OFFICE OF THE MAYOR
Jamie Cleine

29 September 2023

Sue Grey
Via email: suegreylawyer@gmail.com

Dear Sue,

PUBLIC FORUM RESPONSE – COUNCIL MEETING - 27 SEPTEMBER 2023

Thank you for attending our Council meeting and speaking at Public Forum. Councillors appreciated your comments that you felt welcome and free to participate in local democracy via an open public meeting, provision of a copy of the agenda and especially the ability to speak to elected members via the public forum.

Council is committed to being transparent and inclusive in how we “do” local government and always appreciate feedback on how we can do that better.

Best Regards



Jamie Cleine

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

BULLER DISTRICT COUNCIL

25 OCTOBER 2023

AGENDA ITEM: 12

Prepared by Steve Gibling
Chief Executive Officer

CHIEF EXECUTIVE OFFICERS REPORT

1. REPORT SUMMARY

This report provides an overview of activities across the previous month and a 'horizon-scan' of upcoming strategic focus areas and opportunities.

It also provides a first quarter report on progress against the CEO KPI's.

2. DRAFT RECOMMENDATIONS

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

3. OVERVIEW OF INFORMATION

This report provides information on activity which has occurred over August 2023, and horizon scans matters of interest to Council.

3.1 LTP Update

Staff and Councillors have worked on a number of Long-Term Plan matters, including finalising the pre-engagement plan and reviewing the strategic environment scan.

The beginning of this month has seen the start of our Pre-Engagement process and Councillors and staff have been out in the community over the past few weeks and will be so for the next few weeks. There are several types of engagement opportunities including Council's website or pop into one of our centres.

3.2 PMO Review

September saw the final draft of the PMO reports received and reviewed by Council with the final reports presented to Council last week. These reports have now been released to the community and the next steps are underway to conclude this review.

3.3 Communications and Engagement

Communication staff in conjunction with port staff developed a sticker for boat users to put in their wheelhouse with a direct link to the website to improve safety. Live footage and a time lap from the harbour's webcam were embedded into the website as a new safety feature. Communication and port staff will work together on ongoing improvement.

Community groups and businesses in the Buller District can now easily find grants with Buller's new Funding Finder that was launched at the start of October. Council has joined forces with New Zealand and Australia's most powerful grant search engine, GrantGuru, to deliver this free one-stop-shop grants portal.

The Funding Finder hand-picks grants and funding opportunities specific to local businesses and community groups, encompassing all government and private sector grants available.

3.4 Correspondence from the Regulator Taumata Arowai

Following the Queenstown protozoa outbreak, BDC have been contacted by the drinking water regulator Taumata Arowai. Taumata Arowai have set out their expectations regarding protozoa barrier for all drinking water supplies as a legislative requirement.

BDC has three untreated drinking water supplies which, amongst other non-compliance matters, do not have protozoa barrier. The three untreated supplies identified by Taumata Arowai are all surface water catchments and all in northern Buller, serving approximately 550 people (noting a fourth being Hector-Ngakawau, which Council has resolved to be the supply owner):

- Waimangaroa
- Mokihinui
- Little Wanganui

Taumata Arowai set out their expectations (for surface water catchments) in summary for Council to:

- Demonstrate a funded plan for a protozoa barrier by 30 June 2024 (essentially included in LTP budgets)
- Installation and operation of a protozoa barrier completed by no later than 31 December 2024 (essentially solution in place).

Whilst this is not a formal direction from Taumata Arowai or action under the Water Services Act 2021 (WSA), if the regulator's expectations are not met, they may use any of the enforcement powers they consider appropriate and will likely be less flexible than the current opportunity to respond. Council needs to establish leading into the Long-Term Plan process:

- Appropriate response to the regulator's expectations for a protozoa barrier for the three identified drinking water supplies.
- Decision on an affordable funding plan for a protozoa barrier within the LTP budget constraints

- Decision on the practical deliverability for a protozoa barrier within the timeframe.

Staff will assess current known WSA compliance for our untreated drinking water supplies against the likelihood of further non-compliance issues and concerns and the level of investment and timeframe for completion.

3.5 Chief Executive Officer KPIs for FY 2023/24 – Progress Report October 2023

Legend

	Progress to plan – no issues
	On watch – work planned but yet to start or some risk to delivery but can be managed
	At risk of completion – scope or delivery may not be achieved

SECTION 1: “Core” Key Performance Indicators

Core Key Performance Indicators			Progress to September
Statutory Duties	An unqualified audit report is received in respect of the 2022/2023 annual report and all issues raised by Audit NZ in their management letter have agreed timeframe to be cleared.	31 Jan 2024	The Annual Report from BDC has been completed in draft. The audit process is underway, and the council staff have been working with appointed auditors via the portal to address questions on the draft report. Remains on watch until Audit feedback has been completed.
Health & Safety	Health and safety reports are provided to the Risk & Audit Committee (RAC) on a quarterly basis, noting trends and mitigation strategies.	30 June 2024	Reports are provided on a regular basis. An operational review has been undertaken that will ensure that Council can evidence compliance against the Health and Safety at Work Act 2015. Remains on watch until operational review has been completed. Draft implementation plan expected mid-October.
Risk	Quarterly strategic risk report to RAC, and annual review of strategic risk register.	30 June 2024	Quarterly reports are presented and reviewed by Risk and Audit Committee. An annual review will be completed early 2024 and presented to Risk and Audit Committee

Financial Prudence	OPEX delivery:	30 June 2024	Regular financial reporting – both for opex and capex occurs on quarterly basis.
	<ul style="list-style-type: none"> Where any specific operating areas budget is set to exceed the set 2023/24 Annual Plan budget +/- 5% that this will be sent to Council for approval before implementation. 	30 June 2024	Exceptions to the agreed limits will be reported on regular basis.
	CAPEX delivery:		
	<ul style="list-style-type: none"> Individual capital projects over \$750K will be achieved within +/-5% <ul style="list-style-type: none"> Any changes outside of +/-5% will be brought to Council for re-approval along with consequent effects The total capital programme and budget achieved within +/- 5%. 		
Staff Satisfaction	Staff satisfaction is raised as follows on a 24 month cycle:	30 June 2024	An employee engagement survey is to be delivered in October 2023. An action plan will be developed based on the results from January 2024.
		30 June 2025	Remains on watch until the survey has been completed.
	<ul style="list-style-type: none"> An action plan is developed and implemented to address the outcomes of the 2023 staff engagement survey. The 2025 staff engagement survey attains a minimum of 70% response rate. 		

SECTION 2: Strategic Areas of Focus

One Year Specific Goals:		Progress
<ul style="list-style-type: none"> Delivering central government funded projects for the betterment of the Buller District. 	By June 2024	Regular reporting to the Risk and Audit committee and the Council regarding the delivery of crown/ projects in partnership.
<ul style="list-style-type: none"> A stocktake of Council's properties and facilities is undertaken and a strategy developed to ensure they are utilised for the benefit of the community. 	By June 2024	The stocktake has largely been completed and staff are progressing through the following: <ul style="list-style-type: none"> Insurance coverage assessment

		<ul style="list-style-type: none"> Retention and disposal – implementing decisions made by Council Work programme development for community halls and facilities <p>Remains on watch until the work plan has been produced. Will be impacted by staffing capacity given recent resignation in the property team.</p>
<ul style="list-style-type: none"> Develop a future programme of work on opportunities to support and grow economic development in the District. 	By June 2024	<p>Work to progress in scoping up the opportunity in November at a regional level. End of quarter one there will be a provisional plan about what opportunities exist locally.</p> <p>At risk - not commenced and dependent upon strength of regional planning framework, level of support and staff capacity.</p>
<ul style="list-style-type: none"> A plan is developed and actioned to improve Council's communications, engagement and the community's perception of the organisation's openness and transparency. 	By June 2024	<p>Implementation and recruitment of new Manager Communications and Engagement – development of a coordinated approach to coordinating communications – proactive and reactive.</p> <p>Confirmation of an operating principles with Westport News.</p> <p>On watch until role filled.</p>
<ul style="list-style-type: none"> A review of cost allocation methods is undertaken as part of the Long-Term Plan development process to ensure Council's budgeting achieves value for money, overheads are fairly apportioned, the true cost of activities are recognised, and fairness is achieved across the organisation. 	By June 2024	<p>The LTP and budget has been progressing and regular workshops with Council have kept Councillors aware of the budget and challenges.</p>
<ul style="list-style-type: none"> The CE will agree a personal development programme with Council that includes measurable deliverables/actions, including regular supportive coaching/performance feedback (for both Council and the CE). 	Agreed by December 2023	<p>Development opportunity has been applied for is the Future Director Programme with the LGFA.</p>

Multi-Year Goals:	Progress	
<ul style="list-style-type: none"> Raise cultural awareness amongst council staff and Councillors through the provision of a development programme in partnership with Buller District Council Nonelected BDC representatives. 	Ongoing	<p>An action to be commenced after the conclusion of the engagement survey.</p> <p>On watch until engagement survey completed. Will also be dependent upon staff capacity.</p>
<ul style="list-style-type: none"> That Council engages with the Buller community to assist forming the climate change action plan. 	Ongoing	<p>Programme of work underway.</p> <p>On watch until community engagement has commenced.</p>
<p>Customer service satisfaction is a 2 yearly survey and:</p> <ul style="list-style-type: none"> Overall residents' perception of Council service performance, communication and engagement shows an increase in satisfaction. 	By June 2025	<p>Implementation and recruitment of new Manager Communications and Engagement – development of a coordinated response to the 2023 feedback.</p> <p>On watch until role filled.</p>

BULLER DISTRICT COUNCIL

25 OCTOBER 2023

AGENDA ITEM: 13

Reviewed by Steve Gibling
Chief Executive Officer

VERBAL UPDATES FROM COMMITTEE CHAIRS

1. REPORT SUMMARY

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

2. DRAFT RECOMMENDATION

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

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

BULLER DISTRICT COUNCIL

25 OCTOBER 2023

AGENDA ITEM: 14

Prepared by - Di Rossiter
- Dextera Ltd

Reviewed by - Steve Gibling
- Chief Executive Officer

Attachments: 1 Draft Buller District Council's Submission to The Environment Select Committee
2 Submission material - **Please note, due to size constraints, this document is available in the Resource Centre.**

BULLER DISTRICT COUNCIL'S SUBMISSION TO THE ENVIRONMENT SELECT COMMITTEE INQUIRY INTO COMMUNITY-LED RETREAT AND ADAPTATION FUNDING

1. REPORT SUMMARY

Parliament's Environment Committee (the "Committee") has opened an inquiry into options for community-led retreat and adaptation funding.

The Committee's inquiry into Climate Adaptation is exploring how Aotearoa New Zealand could enable communities to relocate from areas at high risk from climate change, including before a disaster happens. It is also looking at how the costs of adapting to climate change could be met.

The inquiry provides Council with the opportunity to share its highly relevant experience regarding complex post-disaster adaptation planning and highlight the need for an equitable adaptation and retreat funding model.

Council has significant interest in the outcomes of the inquiry and, as the local authority for one of only a handful of districts facing post-disaster adaptation, believes it holds valuable information to support the process.

Submissions are due 1 November.

2. DRAFT RECOMMENDATION

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

3. ISSUES & DISCUSSION

The Buller district is extremely susceptible to climate change and is vulnerable to all ten ‘most significant’ risks identified in the National Climate Change Risk Assessment, 2020, due to the following reasons:

1. Extent of Exposure and Vulnerability – volatile and dynamic natural environment
2. Wellbeing and Mental Health – compounding on existing climate related events
3. Community Demographics – extremely low socio-economic profile
4. Local Economy – uncertain futures across multiple traditional sectors
5. Capacity Constraints – stretched resources.

Buller’s vulnerability has been recognised within the Hon. Kieran McAnulty’s 2022 report titled “Vulnerable Communities Exposed to Flood Hazard”, which assessed community and district vulnerability based on socio-economic vulnerability, flood hazard exposure, and the community’s ability to pay for its adaptation needs. In fact, it is recognised as one of the seven most highly vulnerable districts in Aotearoa.

Buller’s climate adaptation and retreat challenges mean it is highly vested in central government decision-making, particularly regarding the availability of mandatory mechanisms that enable retreat proactively before a disaster, and certainty around equitable and locally achievable funding models.

Although central government has acknowledged Buller’s particular vulnerability in the McAnulty 2022 report, Council is still faced with considerable uncertainty regarding how it will meet the financial burden of climate adaptation and retreat across the district, particularly in northern Buller.

4. CONSIDERATIONS

4.1 Strategic Impact

New Zealand's climate adaptation and retreat needs are vast, and full compensation for all who may be impacted by decisions to retreat in the face of climate change will not be affordable for our small nation. It is important for Buller to share its lived experience with the inquiry as a valuable perspective that informs the development of an enduring system.

It is also important that its significant decision-making and funding challenges are communicated to retain central government focus, particularly following the extensive destruction of Cyclone Gabrielle.

4.2 Significance Assessment

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

4.3 Risk Analysis

The public and media will likely examine Council's submission as a matter of significant interest to the community. This is a highly charged issue for many community members.

4.4 Values

The Buller District Council's values are:

- community driven,
- one team,
- future focused,
- integrity, and
- we care.

By proactively submitting on these significant issues, Council is demonstrating its focus on advocating for its communities, acting with integrity and care, and retaining a focus on the future.

4.5 Policy / Legal Considerations

The submission directly supports the Council's LTP 2021 – 2031 community outcomes, especially the social and affordability community outcomes, and is not contradictory to the other outcomes.

4.6 Tangata Whenua Considerations

The submission addresses community interests but does not attempt to provide a tangata whenua perspective. Inquiry questions regarding Te Tiriti o Waitangi and Māori-specific issues have therefore not been addressed in Council's submission, as it is not appropriate, nor does it uphold rangatiratanga (self-determination) to speak on these matters.

4.7 Views of Those Affected

The Buller District's Long-Term Plan (LTP) 2021 – 2031 started the conversation with the community about climate change, the need for adaptation planning and mitigation activities, and environmental sustainability – all of which was widely supported by the community during the consultation process.

The purpose of the submission is to enable clarity around climate adaptation and decision-making for our communities, and to achieve equitable and achievable funding to meet our district's significant funding needs.

4.8 Costs

Costs to develop the submission were covered by the existing climate adaptation budget.

4.9 Benefits

The benefits to be achieved from the submission include sharing Council's lived experience with the inquiry, supporting the development of a better enduring climate adaptation system, encouraging the development of both voluntary and mandatory mechanisms to support retreat, and encouraging the development of an equitable and achievable funding model.

4.10 Media / Publicity

The public and media will likely examine Council's submission as a matter of significant interest to the community.

Environment Select Committee Inquiry into Community-led Retreat and Adaptation Funding

DRAFT Buller District Council Submission

DRAFT

Introduction

The Buller district is extremely susceptible to climate change and is vulnerable to all ten 'most significant' risks identified in the National Climate Change Risk Assessment, 2020, due to the following reasons:

1. Extent of Exposure and Vulnerability – volatile and dynamic natural environment
2. Wellbeing and Mental Health – compounding on existing climate related events
3. Community Demographics – extremely low socio-economic profile
4. Local Economy – uncertain futures across multiple traditional sectors
5. Capacity Constraints – stretched resources

Buller's vulnerability has been recognised within the Hon. Kieran McAnulty's 2022 report titled "Vulnerable Communities Exposed to Flood Hazard", which assessed community and district vulnerability based on socio-economic vulnerability, flood hazard exposure, and the community's ability to pay for its adaptation needs. In fact, it is recognised as one of the seven most highly vulnerable districts in Aotearoa.

The district has experienced several significant flooding events throughout its history. These historic events together with the extensive erosion and sea inundation of coastal townships across the district, Cyclone Fehi and storm surge damage in 2018, and the extensive Westport and district-wide flood events of 2021/22 have shown an increasing exposure and vulnerability to natural hazards across much of the district.

The Buller District Council (the "Council") estimates that more than 20%¹ of Buller's population reside in homes and/or on properties that are already exposed to significant effects of climate change, either from river flooding, sea-level rise, or storm surge events. Through Council's climate change risk assessment process, University of Canterbury researcher Dr Tom Logan has found that around 30% of the district's roads are exposed to landslides, with more than half of these at high risk.

Earthquake events and subsequent liquefaction would exacerbate exposure in many cases. The risk assessment also found that, of the district's building stock, 64% of the residential buildings in the district are moderately or highly threatened from liquefaction, and given the majority of these are coastal, there is significant risk to these homes from rising groundwater levels and the associated risk to infrastructure and health.

As a proportion of total district population, Buller residents are one of the most exposed populations in the country. This creates significant psychosocial vulnerability within our community, heightened currently by cumulative stress caused by the district's significant flood-related disaster events. We also have the lowest level of formal adult education and lowest median household income in the country, the highest proportion of the population living on supported living payments, and the largest proportion of our population within the 65+ years age bracket (23% compared with the national average of 15%). This combination of high socioeconomic deprivation and aging population increases the risk of adverse health and wellbeing effects in response to natural hazards and disasters.

In the year following the district's July 2021 and February 2022 flood events, a district-wide wellbeing survey² (with 488 respondents) showed that there was an increase in mental and physical health issues and a sense of isolation and loneliness across the district. There was considerable evidence

¹ Based on figures taken from Westport's Community Hub, past flood and storm surge data and population projections of vulnerable coastal dwellings.

² [Buller Wellbeing Survey Summary of Key Findings 12.2.23.pdf](#)

that some children were struggling and displaying anxious and disruptive behaviours. The survey also showed a sizeable minority whose needs were still to be met, including support with finance, housing, and physical and mental health. Concerns caused or exacerbated by the flood included:

- Financial worries (43% of respondents)
- Physical health problems (31% of respondents)
- Mental health problems (24% of respondents)

Council's Social Recovery Manager (established post July 2021 flood) and current CDEM Welfare Manager, Steph Newburry, has anecdotal reports – two years post disaster – of local NGO social services providers experiencing an increase in waitlists due to both an increase in demand and the complexity of cases requiring longer and more complex interventions. Specific comments from the community include feelings of "*being in limbo*", that they "*don't know what to do*", and they feel like they are "*sitting ducks*".

The challenges that Westport and the wider district faces therefore speaks to the critical importance of proactive adaptation, wherever this is possible, and the basic human psychological need to find certainty when disaster strikes.

It is this Council's opinion that central government has a very important role in enabling proactive adaptation; through the establishment of an enduring system to enable retreat before a disaster, and an equitable approach to adaptation funding that recognises the complex social and financial vulnerability that exists within some of New Zealand's most climate exposed communities.

DRAFT

Council's Response to Specific Questions

Council has significant interest in the outcomes of the inquiry and, as the local authority for one of only a handful of districts facing post-disaster adaptation, believes it holds valuable information to support the process.

In the interest of ensuring relevance in its submission, Council has restricted its response to questions that are either directly related to the district, or where Council has specific lived experience that can genuinely inform the inquiry.

Question 1: Do you think we should use the term 'community-led retreat'? If not, what do you think we should use and why?

The term 'community-led' implies there is a collaborative effort being made to ensure the adaptation decisions are made with or by the community. The implication is that the complex process that is required prior to a final decision to retreat will be led by the community. The Issues and Options paper explains that 'community-led retreat' is a process which "involves community...at every step". This is very different to a process led by the community and may introduce expectations regarding 'who decides', particularly where risk exposure levels become intolerable to Council and central government, but not necessarily to the community.

Within Buller's communities, there is a wide range of perspectives regarding climate change hazards and the need for adaptation and eventual retreat. At one end, there is climate change denial, with some community members believing the July 2021 flood could have been avoided by regular river dredging and that the long-term prospects for Westport's current location are sound. At the other end are feelings of extreme anxiety and angst whenever rain is forecast, a strong desire to leave the district, and feelings of being trapped due to an inability to sell flood-vulnerable homes.

Given the description provided within the Paper, the terms 'community-informed retreat' or 'managed retreat' would be more appropriate and less disingenuous, would avoid setting an unrealistic expectation that the final retreat decision resides with the at-risk community, and would also work better in situations where community perspectives vary greatly.

Question 3: Are there other issues that affect the quality of risk assessment and local adaptation planning? How can we strengthen our approach?

Throughout Buller's risk assessment process, Council has been faced with critical decisions regarding modelling and data gaps and the prioritisation of significant spending to address these. Council has provided significant budget to the climate risk assessment and adaptation planning process (i.e., >\$550,000 over 4 years) and co-funding through MBIE has significantly increased this budget (i.e., total risk assessment and adaptation planning budget is \$780,000). However, the district's complex climate hazard scape requires significant investment to adequately model and understand the full range of natural hazards, at a granular level, that put our communities at risk, and the available budget is not sufficient to address all hazard information gaps.

Council has also faced significant challenge securing already available hazard modelling and data from research institutes in a timely and supportive manner.

Council requests consideration be given to funding and enabling access to hazard modelling and data for territorial authorities with limited income streams and wide ranging, complex natural hazard profiles. Additionally, Council proposes the following approach:

1. Central government develops a nationally consistent geospatial multi-hazard risk assessment and mapping tool with standardised methodologies available for each natural hazard model.
2. Central government, in conjunction with local government, develops equitable and achievable funding models for sourcing essential hazard models.
3. Make the hazard mapping tool publicly available to enable communities and local government to work collaboratively and transparently in the development of responsive dynamic adaptation plans.

4. Set trigger levels, informed by the hazard risk assessment tool, for adaptation pathways, including managed retreat (e.g., risk of loss of life or significant and ongoing isolation).

Question 4: Are there other issues that limit our ability to retreat in advance of a disaster? How can we improve our approach?

Across Buller's communities, there are a range of perspectives on climate change and associated risk, from denial through to extreme anxiety. Dealing with complex and vulnerable communities can provide challenges to proactive retreat, particularly where anti-government sentiment or mistrust exist within marginalised populations.

Challenges with funding essential hazard modelling data can mean focus remains on the most evident natural hazard e.g., river flooding. However, less visible hazards (e.g., rising groundwater tables) must also be considered to build a comprehensive hazard scape and plan accordingly.

Question 5: Are there other issues with the way we fund adaptation? How can we improve our approach?

Across Buller district communities (particularly in the northern townships of Granity, Hector, Ngakawau and Mokihinui), there is concern and confusion regarding central government buy-outs of residential properties following Cyclone Gabrielle, against the backdrop of significant risk these communities have been facing for decades, including advancing coastal erosion, multiple storm surge inundation events, and landslide failure risk.

The ad hoc funding approach undertaken to date has set precedents and not unrealistic expectations for vulnerable communities, yet clear national policy is not forthcoming.

Dr Tracy Hatton, Council's climate adaptation engagement lead, has stated that *"this creates a very real challenge for local government who are tasked with leading climate change adaptation in their communities. Many local governments are following current guidance issued by central government agencies to undertake local climate change risk assessments, engage widely with their communities about the identified risks, and work with their communities to develop appropriate adaptation plans. This includes providing communities with reports or geo-spatial platforms outlining the severe risks faced within their districts, in the short-, medium-, and long-term future. Information is power, and we wholeheartedly support the necessity of local governments doing this."*

However, the absence of any central government policy on managed retreat means that communities are defaulting to assumptions that the compensation precedents set by prior disaster support packages are likely to continue into the future. This absence of policy makes the assessment of and planning for adaptation options incredibly challenging for local governments."

Question 6: What do you think the costs are of failure to adapt well?

In post-disaster settings and in the absence of adaptation, Council has documented the following direct, indirect, and cascading 'costs' across the district:

- Reduced staff and community mental resilience, mental health, and physical health
- Increased mistrust of government and Council across the marginalised population
- Increased vulnerability within already vulnerable communities, because of reduced property values in flood-affected homes
- Stretched Council resources and staff across competing priorities, including BAU, disaster-recovery, and future risk and adaptation planning
- Increased pressure on Council governance (sometimes to unrealistic levels) to address growing and complex community needs
- Passing the problem into the future
- Lost opportunity to build a better future (for coming generations), founded in the concept of transformational adaptation
- Reduction in future economic investment

Question 14: How frequently should a risk assessment be reviewed?

Dr Tom Logan has stated that:

“Risk assessments should be living documents. Constantly updating them can help with the identification of signals and triggers for adaptive decision making”.

Question 16: Do you think local risk assessments should be carried out or reviewed by a centralised agency or a local organisation? Why?

A combined approach by both central and local government would increase process robustness.

Local government knows and understands its communities and its district, including the relationships and networks that exist across iwi, stakeholders, government, and communities, and where each community’s strengths and vulnerabilities lie (Figure 1).

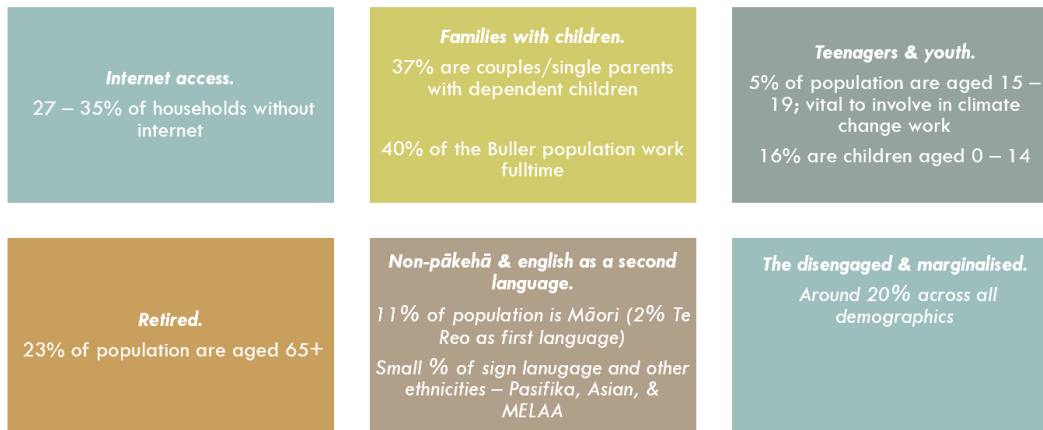


Figure 1: High-level Buller community profile.

Central government can lend consistency and rigour to the risk assessment process, by working with research institutes to standardise methodologies and modelling available.

A combined approach by both central and local government could then be applied to identify priority risks and prioritise adaptation.

Question 18: Do you think there should be a requirement to undertake local adaptation planning? If so, should the trigger be based on the level of risk or something else?

Proactive adaptation planning would help communities avoid the complexity that results from post-disaster adaptation planning. Ideally, this planning would occur before insurance retreat, the associated impact on the housing market, and decreased Levels of Service.

Question 19: What direction should central government provide on the local adaptation planning process?

Clear guidance is needed regarding who makes decisions on adaptation pathways and actions (including retreat) and how they are made.

Question 20: Do you think there should be a requirement to plan for different scenarios, such as changes in the level of risk or what happens if there is a different disaster? Why or why not?

Climate change is inherently uncertain. Even the most rigorous science and scenario modelling only shows us what could happen, but it does not provide a complete list of probable or even possible futures. We therefore need to get more comfortable with decision-making under uncertainty, and the dynamic adaptive planning approach inherently accepts and addresses this uncertainty.

Question 21: How can we make sure that local adaptation planning is inclusive and draws on community views?

By utilising the principles for engaging the community in adaptation planning, outlined in Figure 2.



Figure 2: Principles to enabling effective adaptation planning community engagement.

Information is power, for Council staff, climate adaptation practitioners, and communities.

Councils working with communities on climate change risk assessment and adaptation urgently need to know what central government support may be available for adaptation. This is so efficient and effective adaptation decisions can be made with all the information possible, even if the answers produced are likely to require tough conversations with affected communities. This information is also essential to enabling proactive, not reactive, planning and to avoid future post-disaster adaptation decision-making.

It is also important to help communities focus on what they value about the places in which they live, with the aim of retaining or replicating these values when retreat is required, rather than retaining focus on what will be lost.

Question 22: Who do you think should make decisions about the adaptation pathway we choose and why? How should others be involved in the process?

This is very dependent on level of risk exposure.

When faced with high levels of risk (e.g., potential loss of life), central and local government should make the decision on behalf of the at-risk community, based on the most up-to-date risk assessment and science modelling. In the case of moderate levels of risk, a dual approach between government and community could be undertaken. Where risk is low, the at-risk community could be empowered to make the decision for themselves. However, there will likely be a range of perspectives within the community and government support and guidance may therefore be required in certain circumstances.

Question 23: What do you think are the most important outcomes and principles for community-led retreat?

One of the most important principles or outcomes for community adaptation and retreat is the need to not wait for disaster to occur before adaptation pathways, including retreat, are triggered.

Other important principles and outcomes include:

- Increasing physical and psychological safety,

- Ensuring equity between and within communities and generations – including avoiding passing the problem into the future,
- Involving communities in decisions that affect them, and
- Ensuring the circumstances are clear in which decision-makers are or are not legally liable.

Question 24: Do you prefer option 1 (voluntary) or option 2 (a mix of voluntary and mandatory parts)? Are there any other options?

Although a purely voluntary retreat supports autonomy and recognises the connection people feel to their homes and communities, Council agrees with the issues outlined in the Options and Issues paper, and would add the following two issues:

1. People and communities may elect to accept an increased level of risk, choose to stay in their homes, and then experience a natural disaster. Even though the choice to stay was made by the community, the cost burden of disaster recovery will still fall on local and central government, and the wider tax-paying communities. It could be argued that since the government and wider community stand to lose in this circumstance, they should have input into when retreat occurs.
2. A range of perspectives exist across communities, and it would be difficult to reach consensus across an affected community (particularly when whole townships are affected, as is in the case in the Buller district) about when to retreat in the absence of supportive regulatory mechanisms.

As such, Council prefers an approach comprising both voluntary and mandatory mechanisms.

Question 25: Do you agree that affected land should no longer be used at the end of a retreat process (with limited exceptions for things like ceremonial events, recreation, some agricultural or horticultural uses and mahinga kai gathering)? Why or why not?

Following retreat, it is important that the land is optimally managed in light of the particular characteristics and values attached to the abandoned land. For example, where appropriate, nature-based solutions (such as salt-marsh restoration around estuaries) can increase the resilience of remaining infrastructure and buildings, as well as provide important co-benefits including biodiversity uplift, carbon sequestration, and increased visual amenity.

In all circumstances, it should be up to communities to decide how best to use the land, provided it can be done so safely and viably.

Question 27: Do you agree that these powers (i.e., compulsory land acquisition, power to retire land by cancelling its title – accompanied by compensation or financial support – are needed to ensure land is no longer used once a decision has been made to retreat? What powers do you consider are needed?

Investment in residential property development has continued across the Westport flood plain post-disaster. Council currently has limited control over residential intensification across the Westport floodplain and in other at-risk communities, other than through RMA processes.

Although post-disaster adaptation is not ideal, it can mobilise communities to invest in development in lower risk locations. Council, and our communities, need clear and unambiguous regulatory mechanisms such as compulsory land acquisition and the power to retire land to drive better post disaster decision-making.

Question 29: In what circumstances, if any, do you think decision-makers should be protected from liability? What are your views on option A, option B (Table 1) or any other possible option?

Table 1: Possible options for reducing liability (MfE, 2023).

Options	Explanation
Option A Exclusion from all liability where decision-makers act in good faith	This is a broader exclusion. For example, decision-makers are not liable for: <ul style="list-style-type: none"> • negligence (a failure to take reasonable care) • harm arising from a failure to consider whether retreat is necessary (eg, where information suggested it might be).
Option B Exclusion from all liability where decisions-makers act in good faith, except in circumstances of failure to act or misfeasance (the performance of a lawful action in an illegal or improper manner)	This is a narrower exclusion. For example, decision-makers: <ul style="list-style-type: none"> • are not liable for negligence • are liable for harm arising from a failure to consider whether retreat is necessary (eg, where information suggested it might be) • are liable for harm arising from an unlawful service withdrawal (misfeasance).

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Buller's climate and natural hazard risk profile is highly complex and widespread across the district, and significant additional funding will be required to fill the district's significant hazard modelling and data gaps. Council knows where many of our risks lie across the district. Yet we do not currently have the science to support our assumptions and are therefore unable to consistently apply scientific rigour to the risk prioritisation process.

Council's increasingly complex responsibilities, post-disaster recovery, and future-focussed district-wide risk assessment and adaptation planning may stretch Council's resources – particularly when faced with multiple communities and townships concurrently considering retreat. Should a narrower liability exclusion be applied, it is not unreasonable to predict that decision-makers will be unwilling to shoulder an unmanageable burden that exposes them to liability. This could then result in unintended and sub-optimal consequences including failure to decide, or placing too much weight on the desire to avoid litigation.

Question 30: Which parts of the current (funding) system work well and which do not? Are there any other issues with our current approach to adaptation funding?

To address all of Buller's adaptation needs, significant upscaling in available finance would be required.

To date, central government decisions around adaptation funding have been ad hoc and there have been no clear guidelines regarding equitable funding models. To be clear, the more information Council has regarding funding options for our vulnerable and exposed communities, the more enabled it will be to support communities faced with extensive adaptation needs.

We acknowledge that full compensation for all who may be impacted by decisions to retreat in the face of climate change will not be affordable for our small nation. However, it is necessary to consider that failure to deliver policy for managed retreat funding options, now, will inevitably create significant cost and hardship in the future for our most at-risk communities. Providing compensation for retreat is not just an exercise of new spending. We will always be faced with emergencies, and always find money for emergency response and support. Planning funding options for managed retreat now may save significant sums of money in emergency management response, recovery and meeting welfare needs in the future. It may also ultimately save lives.

There is no way to get this right. Communities will always want to be fully compensated for losses incurred in disasters. However, the capacity of local government bodies to deliver on this will vary significantly. We strongly urge central government to address the adaptation and retreat funding policy void so that communities and Councils are empowered to make decisions with all the available

information around what central government support is available, rather than assumptions based on prior central government subsidy decisions.

Question 31: What do you think are the most important outcomes and principles for funding adaptation?

All outcomes and principles noted in the Issues and Options paper are important, however foremost amongst these include:

- Reducing hardship
- Ensuring equity among communities and across generations
- Shifting focus of investment from post-event to pre-event adaptation
- Prioritizing supporting vulnerable individuals and groups when the government intervenes
- Providing clarity and certainty about how costs, risks and responsibilities will be shared

In addition, Council would also like to prioritise avoiding mental distress and physical health impacts across the community.

Question 33: In what circumstances should central government help councils to meet adaptation costs?

Not all communities or individuals will be evenly affected by climate change risk and the need to adapt and retreat. Vulnerability varies based on individual characteristics, community location, and absorptive and supportive capacity across the wider community. Sadly, for Buller, it is mainly our most vulnerable people that reside in homes most at risk from climate hazards, including those within urban Westport, and the northern townships of Granity and Mokihinui, all of which have an extreme socio-economic deprivation index (10 on a scale of 1 to 10). Furthermore, the nearby communities of Hector and Ngakawau also have significant poverty issues, with a deprivation index of 9.

Buller also has a low-density population with only 9,700 residents and around 6,700 general rating units or ratepayers. This limits Council's income streams, and the cumulative effect of extreme weather events on the physical infrastructure and social fabric of the Buller district has led to capacity and cost issues that are insurmountable at a local government level.

Put simply, Buller has no chance of meeting its own climate adaptation funding needs and will require significant additional funding support, above that already committed by central government, to address Westport's future retreat as well as the adaptation needs across the rest of the district.

To illustrate the district's funding gap, an Infometrics Economic Options Analysis³ calculated that costs to protect Westport and then stage a retreat would equate to around \$600M to 2050. This would equate to a burden of over \$89,500 per Buller district ratepayer. Buller's adaptation needs are therefore overwhelming in scale and are one that its community and Council is simply unable to meet.

Question 35: Are there any other approaches for providing support for people needing to retreat that we should consider?

Following the Westport flood, government provided funding support to establish a network of 'Navigators' – locals who worked with the flood affected community and provided:

- practical and psychosocial support to enable better access to mental health services, and emergency and recovery response funds,
- advocacy and support regarding accessing temporary accommodation,
- advice regarding working with insurers through the insurance process, and
- advice on assessing property and dwelling damage and securing skilled trades-workers for rebuilding.

³Real Options Analysis of Strategies to Manage Risks to Westport from Climate Change (Infometrics, 2022).

Navigators also provided reader / writer support services which proved essential to many parts of the affected community.

Overall, the Navigator programme provided client-based management and support to a total of 215 flood affected clients, and anecdotal reports have indicated that the services it provided were a critical part of disaster recovery during a highly vulnerable period.

Council will continue providing psychosocial support during its climate adaptation engagement with at-risk communities. Links across the NGO sector have now been well established, and Council sees that it has a role to play enabling affected community members to access necessary support services.

Question 37: What should central government's initial funding priorities be and why? Which priorities are the important and why?

Council's suggested priorities are:

- Alleviating uncertainty and hardship
- Prioritising primary places of residence
- People who meet certain hardship criteria or means-tested criteria

Question 42: Are there any other issues that make it difficult to adapt during a recovery?

For small and isolated Councils like Buller, resources can become stretched beyond manageable levels when faced with cumulative responsibilities of increasing complexity (resulting from aging infrastructure), post-disaster recovery, and future-focussed district-wide risk assessment and adaptation planning.

Many systems and processes have been established with larger and better resourced councils in mind e.g., adaptation planning approaches that requires in-house legal advice, which are just not feasible for a council in Buller's circumstances.

In a post-disaster setting, Council's focus has been on Westport's recovery and future adaptation needs and it has not had the capacity to comprehensively address the needs that exist across the rest of the district. Council does not have the resourcing to fund in-house climate adaptation capability, with its risk assessment and adaptation project being serviced by an external team comprising scientists and engagement experts available for a small handful of hours each week. This team, because it does not sit within Council, is not permitted to join the local government Aotearoa Climate Adaptation Network (ACAN) which provides essential resourcing to local authorities and opportunity to local government climate staff to feed into central government processes.

There are several examples like this where Council has been disadvantaged due to its small size and limited income streams, and it is essential to achieving an equitable adaptation process that these disadvantages are made clear and understood.

Summary

Council appreciates the opportunity to provide feedback to the Select Committee and looks forward to proactively working with central government to address our district's adaptation and retreat challenges in the future.

Yours sincerely,

Steve Gibling
CEO
Buller District Council

Jamie Cleine
Mayor
Buller District Council

BULLER DISTRICT COUNCIL

25 OCTOBER 2023

AGENDA ITEM: 15

Prepared by Steve Gibling
Chief Executive Officer

PUBLIC EXCLUDED

1. REPORT SUMMARY

Subject to the Local Government Official Information and Meetings Act 1987 S48(1) right of Local Authority to exclude public from proceedings of any meeting on the grounds that:

2. DRAFT RECOMMENDATION

That the public be excluded from the following parts of the proceedings of this meeting with the exception of Independent Risk and Audit Chairperson, Sharon Roche.

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