

From: [BDC Lcoima](#)
To: [REDACTED]
Subject: Official Information Request for Information - Various Ref: OIA 118/23
Date: Thursday, 15 February 2024 11:09:01 am
Attachments: [image006.png](#)
[231213 Council Minutes Unconfirmed PUBLIC SG.pdf](#)

Dear [REDACTED]

We refer to our email to you of 31 January 2024 where we advised we would be granting your request re for information relating to our Territorial Authority. Thank you for your patience while we finalised this LGOIMA response for you.

Part of the information you have requested is marked below in red and attached.

However we have refused some information under sections of the of the Local Government Official Information and Meetings Act (LGOIMA), of which are noted below.

Topic A - Ombudsman's report 'Open for Business' dated October 2023

1. what steps has your territorial authority taken in regards to the Ombudsman's report?

BDC have begun publicly advertising, and livestreaming, all Council workshops in addition to the existing Council meetings process.

2. what actions/motions have been passed by your territorial authority in response to the Ombudsman's report?

As per the Council report December 2023.

Report attached (unconfirmed minutes refer to Clause 3.4 of report):

3.4 Changes Required to Council Meeting and Workshop Procedures

It is proposed that to follow the Chief Ombudsman's recommendations as set out in his "Open for Business" report, and as defined in clauses 3.3 above, Council adopt the following additional procedures for all Council, Community Board meetings (including subcommittees) and workshops:

- (a) Continue to understand the clear guidelines and reasoning for public excluded agenda items and ensure correct procedures are followed.
- (b) Open all Council meetings and workshops for public attendance.
Agendas
for all meetings to be prepared however no public forum will be offered, or
minutes taken at workshops.
- (c) Take a written record of the workshop will be kept and include:
 - time, date, location, and duration of workshop
 - people present, and
 - general subject matter covered.
- (d) Continue to use workshops for discussion and presentations.

Recommendations can be presented to Council, but no decisions can be made within a workshop setting.

- (e) Advertise all Council meetings and workshops on the Buller District Council website and social media as well as other platforms as they become available.
- (f) Livestream all Council meetings and workshops via Buller District Council's YouTube channel.
- (g) Record all Council meetings and workshops and ensure they are on the Buller District Council website in a timely manner.
- (h) Establish pathways for complaints regarding Council meetings and workshops to be received and resolved.

CHIEF OMBUDSMAN'S "OPEN FOR BUSINESS" REPORT AND RECOMMENDATIONS (Page 88)

Discussion:

An addition was made to Recommendation 2 as noted below.

RESOLVED that Council:

Receive the report for information; and

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

Cr C Reidy/Cr G Weston

11/11

CARRIED UNANIMOUSLY

Full report available via: <https://bullerdc.govt.nz/media/qjxnb235/231213-council-agenda-public.pdf>

3. what steps are still under consideration?

None

4. what has or will the total cost been of any changes?

Minor cost of advertising the additional workshops but nothing significant.

Topic B - costs relating to councillors interactions

- 1) How much has your territorial authority budgeted in each of the last 3 years for any costs related to councillor conduct. This could include individual conduct or between other councillors, mayor/chair or Chief Executive. This may include mediation, legal fees, legal investigations and similar. \$0
- 2) How much has your territorial authority spent in each of the last 3 financial years for any costs related to councillor conduct. This could include individual conduct or between other councillors, mayor/chair or Chief Executive. This may include mediation, legal fees, legal investigations and similar. \$0

Topic C - staffing numbers

- 1) What is the full FTE staff number if your territorial authority was fully staffed? 75
- 2) What is your current FTE staff number employed? 73
- 3) What percentage of full FTE staff required is currently vacant? 3%
- 4) What percentage of the vacant positions are not being actively recruited to fill. Eg what percentage are currently remaining vacant? None
- 5) What effect will these vacancies have on the services your territorial authority delivers / can deliver? Minor delays in delivery of some low priority activities

Topic D - senior leadership

- 1) Has your Chief Executive resigned, or a new CE been appointed in the last 3 years? Yes
- 2) How many of your Tier Two leaders resigned, or a new leader been appointed in the last 3 years? 3
- 3) Have your territorial authority had a staff restructure implemented, considered by senior leadership or consulted in in the last 3 years. This includes a restructure of the whole territorial authority, or one or more department. No

Topic E – contractors

- 1) How much was budgeted by your territorial authority in each of the last 3 years for external contractors? The cost of calculating this information is extensive – declined under LGOIMA section 17(f) (that the information requested cannot be made available without substantial collation or research).
- 2) How much was the budgeted amount as a percentage of total income for each of the last three years? The cost of calculating this information is extensive – declined under section 17(f) as above.
- 3) How much was spent by your territorial authority in each of the last 3 years for external contractors? \$50,550,738
- 4) How much was the amount spent on contractors as a percentage of total income for each of the last three years? 33.9%

- 5) Is your territorial authority's spend on contractors expected to increase this year because of staffing shortages. **No**
- 6) Could the services contracted for be hired directly under the territorial authority? **Some service yes, some no.**
- 7) What were the three companies, receiving the highest contractors spend in the last year? **Decline to provide due to privacy protection of contractors to be named Section 7 (2)(a).(protect the privacy of natural persons, including that of deceased natural persons)**

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

If you wish to discuss this decision with us, please feel free to contact the Buller District Council by return email to lgoima@bdc.govt.nz.

Please note that it is our policy to proactively release our responses to official information requests where possible. Our response to your request will be published shortly at <https://bullerdc.govt.nz/district-council/your-council/request-for-official-information/responses-to-lgoima-requests/> with your personal information removed.

Kind regards

Steve Gibling | Chief Executive Officer
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THE BULLER DISTRICT COUNCIL, HELD AT 3.30PM ON WEDNESDAY 13 DECEMBER 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, R Sampson, Cr L Webb (via Zoom), G Weston

IN ATTENDANCE: S Gibling (CEO), D Marshall (Chief Financial Officer), S Judd (GM Regulatory Services), M Duff (GM Infrastructure Services), K Trigg (GM Community Services), B Little (Policy Advisor), G Barrell (Governance Secretary)

PUBLIC FORUM:

Jackie Mathers spoke regarding the Council report she is interested in regarding the Ngakawau/Hector Reserve and Hall Subcommittee.

MEETING DECLARED OPEN AT: 3.31pm

Mayor J Cleine advised his intention to bring agenda item 10 forward to be addressed as item 4.

1. APOLOGIES (Page 9)

Discussion:

N Tauwhare

RESOLVED that Buller District Council receives apologies from N Tauwhare.

Cr G Weston/Cr A Pfahlert

11/11

CARRIED UNANIMOUSLY

2. MEMBERS INTEREST (Page 10)

Discussion:

Nil

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

Mayor J Cleine/Cr A Pfahlert

11/11

CARRIED UNANIMOUSLY

3. CONFIRMATION OF PREVIOUS MINUTES (Page 11)

Discussion:

Nil

RESOLVED that Council receive and confirm the Public minutes from the Council meeting of 29 October 2023

DM A Basher/Cr P Grafton

11/11

CARRIED UNANIMOUSLY

Item 10 was addressed next:

10. NGAKAWAU HALL – HISTORY AND OWNERSHIP (Page 171)

Discussion:

B Little spoke to her report and gave a brief history of the reserve, hall and subcommittee for Ngakawau/Hector.

Council has been working with Ngakawau community and have agreed it is time to clear up the issues. Confirming that the Northern Buller Community Society will become responsible for the hall and BDC will be responsible for the reserve that the hall sits on.

Mayor J Cleine asked if the final division of funds should come back to Council?

B Little advised that it would be best to be approved by Council once the division has been agreed.

S Gibling noted it is important to get the right outcome for the community. An update will come back with a recommendation for Council to endorse. His CEO Monthly report will include a summary of the agreed position related to the share of the funds held in reserve associated with this agreement.

Cr R Sampson thanked S Gibling and B Little for their work in finalising this issue.

When asked about the other halls and whether there were any other likely halls in similar situations, B Little advised that there are not any other halls on reserve land so unlikely to receive similar requests.

The subcommittee will still exist and will be responsible for the land which forms the Ngakawau/Hector Reserve.

S Gibling thanked the volunteers for their persistence in advocating for their community ensuring this matter is addressed.

An additional recommendation was added and is noted as #9 below.

RESOLVED that Council:

1. Receives this report for information;
2. Notes that the Ngakawau Hall, located on the Ngakawau Hector Reserve was built by the Buller Mining Districts Community Centre Society;
3. Notes that the Northern Buller Communities Society is in discussions with the Buller Mining Districts Community Centre regarding future management by way of a memorandum of understanding;
4. Acknowledges that neither the Buller District Council nor the Ngakawau Hector Reserve Subcommittee owns, or is responsible for the management, of the hall;
5. Instructs the Chief Executive Officer to remove the Ngakawau Hall from Council's asset registers;
6. Instructs the Chief Executive Officer to work with the Northern Buller Communities Society and the Ngakawau-Hector Reserve Subcommittee to calculate a fair and equitable division of finances held in the existing Hall and reserve joint bank account;
7. Notes that a Licence to Occupy is to be granted to the Northern Buller Communities Society for the hall and that this will be included in the future Reserve Management Plan for the reserve; and
8. Thanks the Northern Buller Communities Society for providing the historical information regarding the hall and for their ongoing support to the community.
9. Requests the CEO to bring a progress report back on Recommendations 5 and 6 to his CEO report in February 2024.

Cr R Sampson/Cr T O'Keefe

11/11

CARRIED UNANIMOUSLY

4. **ACTION POINTS REPORT (Page 23)**

Discussion:

S Gibling clarified that D Marshall is working to meet with lessee on this, looking to resolve the issue, and will bring the matter back for consideration in February or March next year to Council.

Mr Gibling confirmed any pertinent information will be included in the report that will come back to Council.

RESOLVED that Council receive the Action Points list for information.

Cr C Reidy/Cr A Pfahlert

11/11

CARRIED UNANIMOUSLY

5. **ZONE 1 RUBBISH COLLECTION (Page 25)**

Discussion:

M Duff spoke to his report noting the conclusion of the consultation process with the community and now looking at options for moving this process forward.

Staff were asked what the consultation cost to date was and what the cost would be to reconsult. Noting we are looking at watching costs and this has already cost a lot. M Duff to advise of external costs. To reconsult, the estimated cost is also to be advised by M Duff.

When asked if this next stage of consultation could piggyback on another public consultation process, Mayor J Cleine noted this could be included as part of the LTP.

Mayor J Cleine felt the initial public consultation provided good information on what the public did and did not want.

Comment was made that it was clear Council was moving towards a certain path and it is surprising to see a suggestion to reconsult. Isn't this going backwards?

Mayor J Cleine clarified that today does not necessarily require a final decision; rather a move forward for the next step.

General discussion showed that the view amongst Councillors was that the options should have been given to the community at the start of this consultation. Also, that the community has given a clear direction on their preferences; thus not requiring to reconsult.

Regarding Scenario 3 and why it is not recommended, M Duff advised that without a resolution from Council to do something one particular way, it is very difficult to ask for tender.

It was noted that the original consultation was to extend Smart Environmental as we were looking at a regional waste plan and this was for the interim. Councillors were unaware the discussion was to bring this in house completely.

Comment was made that there is no requirement for haste on this. We need to extend the contract anyway and most people don't want change. We need to give the public options.

Cr C Reidy left the room at 4.17pm and returned at 4.19pm.

The team today is trying to provide clearer options. Going to the LTP and AP process, we could look to put realistic costs around these options and offer a range of clear options to community.

Mayor J Cleine moved 'a-d' noting the importance of getting this right as it is a 10 year contract.

Concern was raised that if we reconsult within the LTP, this will overtake the LTP and a fair consultation will not be had for that.

It was noted that if the status quo was or was not a viable option, then we need to be open to the community about that.

Comment was made that it is important to remember this is about the entire community and what they would want. A ratepayer price will guarantee a price for pick up as opposed to a contractor not necessarily knowing how many bins he may have from any given time.

Another cause for concern was noted with there being no option of having a base rate for everyone and tags for those that required more (both a targeted rate and user pays rate).

Amendments were made to Recommendations c and d and are noted below:

RESOLVED: That the Council:

- a. Receives the report and attachments.
- b. Approves the recommended options (1-B, 2-B and 2-E) to reconsult with the community.
- c. Approves Scenario 2 as the recommended process to reconsult with the community based on estimated costs, not tender prices **to be included in the LTP consultation 2024-2034.**
- d. ~~Delegate authority to the Chief Executive Officer~~ Approve the public consultation process and documentation in relation to the recommendations above will be brought back to Council.

Mayor J Cleine/Cr G Neylon
8/3

Cr C Reidy, Cr R Sampson, Cr P Grafton against
MOTION CARRIED

6. WESTPORT TOWN PLAZA PROJECT – STAGE 2 (Page 66)

Discussion:

M Duff spoke to his report confirming this has already been budgeted for this AP year and the current LTP.

D Marshall advised that in current LTP this was agreed. If we were to cancel now, with the challenging times ahead, the funds already budgeted for can be moved elsewhere if required.

A question regarding the loan was raised. What is difference in loan from 2018 and now? The interest rates will mean a lot to pay back. The present climate does not seem appropriate to move forward with this.

Comment was made that the perception within the public will cause them to question Council's priorities and general discussion was around the suggestion of deferring this project.

M Duff confirmed that the planned stormwater work is a separate project and that this is not conditional on the current plaza project.

Cr G Neylon voiced that he was against the motion. He spoke that Inangahua, Ikamatua, Maruia, Springs Junction have a lot of projects they would like done, and that while there is a lot of rates collected from these outlying areas, the general feel amongst those communities is that everything is done for Westport. Reefton Inc will not apply for revitalisation money as they feel it is time for Ikamatua, Maruia, Inangahua, Springs Junction to receive funding.

Mayor J Cleine reminded there will likely be places in the upcoming LTP for those outlying areas.

Recommendation 2 was amended FROM:

RESOLVED That the Council:

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

TO:

RESOLVED That the Council:

1. Receives the report and attachments.
2. Request staff to defer Westport Town Plaza Project Stage 2, until Year 4 or later of the 2024-2034 LTP.

Cr C Reidy/DM A Basher
9/2

Cr G Neylon and Cr L Webb against

7. PROPOSED COUNCIL MEETING SCHEDULE FOR 2024 (Page 84)

Discussion:

Mayor J Cleine advised he is looking to recommend some major amendments to this schedule and will bring these to Council in early 2024.

It was noted that the workshops are not scheduled however, these are often not known at the point of the report.

Comment was made that keeping workshop days to specific days of the week or month, would make it easier for Councillors to arrange their schedules.

S Gibling noted the importance to confirm at least the first few months of the calendar in order to meet statutory requirements.

It was confirmed that a workshop would be held on final Wednesday of January 2024.

Recommendation 1 was approved and amended as follows:

RESOLVED That Council:

1. Adopt the proposed 2024 Council, Committee and Community Board Calendar schedule dates for January and February only as per Attachment 1 **with the inclusion of a workshop on 31 January 2024**

DM A Basher/Mayor J Cleine
11/1

Cr G Neylon against
MOTION CARRIED

~~OR~~

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

Cr A Pfahlert departed the room at 4.58pm and returned at 5.00pm.

8. CHIEF OMBUDSMAN'S "OPEN FOR BUSINESS" REPORT AND RECOMMENDATIONS (Page 88)

Discussion:

An addition was made to Recommendation 2 as noted below.

RESOLVED that Council:

Receive the report for information; and

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

Cr C Reidy/Cr G Weston

11/11

CARRIED UNANIMOUSLY

9. KEEPING OF ANIMALS BYLAW 2023 (Page 106)

Discussion:

B Little spoke to her report noting it is a summation on the deliberations of the hearing.

There was still a little uncertainty around whether the two cat rule applies to a property or a household.

The exception rule was recommended.

RESOLVED that Council:

1. Determines that, in accordance with section 155 of the Local Government Act 2002, the Council is satisfied that the Keeping of Animals Bylaw 2023:
 - a. is the most appropriate way of addressing the perceived problems
 - b. is the most appropriate form of bylaw; and
 - c. does not give rise to any implications under the New Zealand Bill of Rights Act 1990;
2. Determines that it has followed the required Special Consultative procedure as set out in the Local Government Act 2002;
3. Adopts the Keeping of Animal Bylaw 2023,
 - a. As attached in Attachment 1; OR
 - b. As attached in Attachment 1 with the following amendment:
 - Definition of individual household unit
 - Keeping of cats provisions section 7.1 to 7.3 replace 'property' with 'individual household unit';
4. Approves the commencement date of 20 December 2023;
5. Revokes the existing Buller District Council Keeping of Animals Bylaw on 20 December 2023
6. Thanks all those members of the community and organisations who made submissions to the draft bylaw.

11. ADOPTION OF REPORT UNDER SECTION 10A OF THE DOG CONTROL ACT 1996 (PAGE 178)

Discussion:

Nil

RESOLVED that Council adopts the Buller District Council Annual Report on Dog Control Policy and Practices for the 2022/2023 financial year.

Cr G Neylon/DM A Basher

11/11

CARRIED UNANIMOUSLY

Cr L Webb departed Zoom at 5.15pm and returned at 5.18pm.

12. MAYOR'S REPORT (Page 187)

Discussion:

Regarding the National Railway Museum, it was noted that the community would like a little bit of shelter around Steam Locomotive C2. M Duff noted the main issue around the preservation of this was funding as well as a disagreement around the ownership of this asset. At present Council staff do not have firm knowledge on who owns this asset.

Mayor J Cleine noted it is not Council's asset to gift to anyone.

Regarding the petition on Hector toilets, M Duff advised that the costs for this may be considered as part of the LTP. The costs to maintain these toilets are approximately \$30k. Staff are not looking to disestablish it at present.

RESOLVED that Council

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

Cr A Pfahlert/DM A Basher

11/11

CARRIED UNANIMOUSLY

13. CEO'S REPORT (Page 202)

Discussion:

Staff are working hard to present Draft LTP to Council on 27 March 2024 for adoption.

S Gibling spoke to his report noting it has been a big challenge around the legislative reform and changes proposed.

RESOLVED that That the Council receive the report Chief Executive Officers Report.

DM A Basher/Cr P Grafton

11/11

CARRIED UNANIMOUSLY

14. COMMITTEE CHAIRS VERBAL UPDATES (Page 207)

Discussion:

Inangahua Community Board – Cr G Neylon (Acting Chair for ICB meeting 5 December) Good recommendations for future of pool. Path to cenotaph, needing to be done by ANZAC day. Requests improvement in advertising. ICB meeting to be held in Ikamatua early 2024.

Ngati Waewae Representative – N Tauwhare – Not present.

Regulatory & Hearings Committee – Cr G Neylon – Keeping of Animals Bylaw passed and good pathway forward for Waste Management.

Community, Environment & Services Committee – Cr J Howard – Busy with climate change consultations. To attend regional workplace programme for older workers.

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

Joint Committee Westport Rating District – Mayor J Cleine, Cr J Howard and Cr C Reidy – Committee has not met.

WC Health Localities Project - Cr G Neylon – Nothing to add. Waiting to meet with new minister. Looking to focus on wellbeing as opposed to health.

Regional Transport Committee - Cr T O’Keefe – New government 100 day plan bringing a lot of change.

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

1. Inangahua Community Board – Cr L Webb
2. Ngati Waewae Representative – N Tauwhare
3. Regulatory & Hearings Committee – Cr G Neylon
4. Community, Environment & Services Committee – Cr J Howard
5. Te Tai o Poutini Plan – Mayor J Cleine and Cr G Neylon
6. Joint Committee Westport Rating District – Mayor J Cleine, Cr J Howard and Cr C Reidy

- 7. WC Health Localities Project - Cr G Neylon
- 8. Regional Transport Committee - Cr T O'Keefe

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

PUBLIC FORUM RESPONSE:

Mayor J Cleine will write a letter of response to J Mathers.

15. PUBLIC EXCLUDED REPORT (Page 155)
Discussion:

Nil

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

Item No.	Minutes/Report of:	General Subject	Reason For Passing Resolution Section 7 LGOIMA 1987
PE 1	Steve Gibling - CEO	Confirmation of Previous Public Excluded Minutes	(s 7(2)(j)) - Prevent the disclosure or use of official information for improper gain or improper advantage.
PE2	Michael Duff – Group Manager Infrastructure Services	Waste Services Contract	(s 7(2)(i)) - Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);
PE3	Michael Duff – Group Manager Infrastructure Services	Local Purpose Reserve Change	(s 7(2)(a)) - Protect the privacy of natural persons, including that of deceased natural persons;
PE 4	Jamie Cleine - Mayor	Draft Briefing to Incoming Ministers 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);
PE 5	Jamie Cleine - Mayor	Employment Relations Matter	(s 7(2)(a)) - Protect the privacy of natural persons, including that of deceased natural persons;

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

Mayor J Cleine called for a short recess.