

**Council Members**

Chairman Allan Birchfield  
Cr Stuart Challenger (Deputy)  
Cr Brett Cummings  
Cr Peter Ewen

Cr Debra Magner  
Cr Laura Coll McLaughlin  
Cr John Hill



**Extraordinary Meeting of Council**  
*(Te Huinga Tu)*

**Wednesday 23 February 2022**  
**4:30pm**

**Via Zoom**  
**West Coast Regional Council Chambers, 388 Main South Road, Greymouth**



# EXTRAORDINARY MEETING OF COUNCIL

## A G E N D A (*Rarangī Take*)

**4:30 pm      Wednesday 23 February 2022**

1. Welcome (*Haere mai*)
2. Apologies (*Ngā pa pouri*)
3. Declarations of interest

### **Reports**

4. Westport Rating District Joint Committee - Appointment of Independent Chair and Community Members
5. Terms of Reference of Westport Flood Recovery Steering Group

H. Mabin  
**Chief Executive**



<b>Report to:</b> Council	<b>Meeting Date:</b> 23 February 2022
<b>Title of Item:</b> Westport Joint Committee – Appointment of Independent Chair and Community Members	
<b>Report by:</b> Nichola Costley – Manager Strategy and Comms	
<b>Reviewed by:</b> Heather Mabin – Chief Executive	
<b>Public excluded?</b> No	

## Report Purpose

To enable the confirmation of the appointments of the Independent Chair and Community Members to the Westport Joint Committee.

## Report Summary

The West Coast Regional Council and Buller District Council have been working together on the formation of a Joint Committee in relation to flood management for Westport. A Joint Agreement including Terms of Reference was endorsed by Buller District Council in September 2021 and adopted by WCRC at the October 2021 Council meeting.

Nominations for the role of independent chair, and expressions of interest from the former Westport 2100 Working Group community members, have been received. At the time of writing this report, these nominations are being reviewed by the parties to the Agreement with a view to making final recommendations to their respective Council meetings on 23 February for ratification. Once this process is complete the final recommendations will be tabled at the meeting for Council endorsement.

## Draft Recommendations

**It is recommended that Council resolve to:**

1. Receive the report.
2. Make the following appointments to the Joint Committee:  
*(to be tabled at the meeting).*

## Issues and Discussion

### Background

Clause 30A of Schedule 7 of the Local Government Act 2002 requires Councils, where they wish to form a joint committee, to first have an agreement with every other local authority or public body who will have members on the committee.

The Terms of Reference for the joint committee were endorsed by both the West Coast Regional Council and Buller District Council prior to consultation being undertaken with Te Rūnanga o Ngāti Waewae and Waka Kotahi NZ Transport Agency to seek their approval as signatories to the Agreement.

### Current situation

The Terms of Reference provide for the appointment of two community members from the former Westport 2100 Working Group, and an independent chair.

Nominations for an independent chair were advertised on 11 February 2022 and closed on 18 February 2022. This was advertised in the Westport News and on the Regional Council's Facebook page.

An email to the community members on the former Westport 2100 Working Group was sent on 11 February seeking expressions of interest for appointment to the Joint Committee. Expressions of interest were to be submitted by 5.00pm 18 February.

Nominations and expressions of interest are presently being reviewed by a panel made up of the Mayor of Buller, Chair of the West Coast Regional Council and Chief Executives of both Councils. The recommendations of the panel will also be reviewed by Te Rūnanga o Ngāti Waewae.

The next step is to ratify the appointments of the independent chair and community members, which Council will be asked to do at this meeting. The inaugural meeting of the Westport Joint Committee has been scheduled for 3 March 2022.

### **Costs and Benefits**

The construction of the Westport flood protection scheme is a priority concern for the Westport community. These appointments will finalise the membership of the Westport Joint Committee enabling it to meet and confirm recommendations to be put to the West Coast Regional Council.

Not progressing with these appointments delays the Westport flood protection scheme.

## **Considerations**

### **Significance and Engagement Policy Assessment**

The matters addressed in this report are not considered to trigger the matters within this Policy. Expressions of interest were sought and nominations for the role of Chair was publicly advertised.

### **Tangata whenua views**

The views of Te Rūnanga o Ngāti Waewae were sought during the consideration of the chair nominations and expressions of interest from community members.

### **Financial implications**

There is no financial implication as a result of these recommendations being made.

### **Legal implications**

The process for the appointments has been carried out in accordance with the Joint Committee Agreement and requirements under the Local Government Act 2002.

### **Attachments**

1. Westport Joint Committee Terms of Reference

# **Westport Rating District Joint Committee Agreement**

**DOCUMENT CONTROL**

Reason for Submission	Revision Number	Revision Date	Approved By
New Document	1	1 July, 2021	West Coast Regional Council Buller District Council
Version 1 - draft	2	September 1, 2021	Initial review by West Coast Regional Council and Buller District Council
Version 2 - draft	3	September 22 2021	Final review by West Coast Regional Council and Buller District Council
Final		September 29 2021	Endorsed by Buller District Council



This Deed is made this \_\_\_\_ day of \_\_\_\_\_ 2022

## **PARTIES**

THE BULLER DISTRICT COUNCIL (“BDC”)

THE WEST COAST REGIONAL COUNCIL (“WCRC”)

TE RŪNANGA O NGĀTI WAEWAE (“NGĀTI WAEWAE”)

NEW ZEALAND TRANSPORT AGENCY (“WAKA KOTAHĪ”)

## **BACKGROUND**

- A. The BDC is empowered by Sections 12 and 130 of the Local Government Act 2002 to manage stormwater and amenity issues within its district; and
- B. The WCRC is empowered by Section 126 of the Soil Conservation and Rivers Control Act 1941 to take such steps as are necessary for the prevention of damage by floods; and
- C. Both Councils are empowered by the Local Government (Rating) Act 2002 to raise the funds necessary to carry out their respective functions; and
- D. Both Councils are empowered by Sections 12 and 137 and clauses 30 and 30A of Schedule 7 of the Local Government Act 2002 to enter into joint agreements and form a joint committee to co-ordinate the management of overlapping functions; and
- E. Any Westport flood protection structure built as a result of this agreement will be owned by the WCRC. The land the floodwalls are on is under various ownership; and
- F. Both Councils wish to record their agreement to jointly manage the maintenance of the Westport Floodwalls, via a Joint Committee of the two Councils, Te Rūnanga O Ngāti Waewae, Waka Kotahi and community members.
- G. A map of the Westport Rating District area is attached as Appendix I to this Agreement.

## **STRUCTURE AND ROLE OF COMMITTEE**

- A. The Joint Committee shall be formed initially, with its membership reappointed at or after the first meeting of WCRC and BDC following each triennial general election.
- B. WCRC shall appoint three elected Councillors to the Joint Committee, being two Councillors from the Buller constituency and the Chair of WCRC. If the Chair of WCRC is from the Buller constituency, then the third Councillor will be appointed from another constituency.
- C. BDC shall appoint the Mayor for Buller, plus two elected Councillors, to the Joint Committee.
- D. Te Rūnanga O Ngāti Waewae shall be represented on the Joint Committee by the Chair of Te

Rūnanga O Ngāti Waewae or a representative delegated by the Chair.

- E. Waka Kotahi will appoint a member to the Joint Committee.
- F. Two community members will be appointed to the Joint Committee by the WCRC and BDC, following a call for nominations. The initial community members shall be from the Westport 2100 group. New community members will be appointed as vacancies arise and the term of the appointments will match the local government constituents' appointments. The nomination process shall be administered by the WCRC, in consultation with BDC.
- G. The Committee shall not have any funding or rate setting authority.
- H. WCRC as the Rating Body for the Westport Rating District is the final decision maker on the annual work plan and setting the appropriate rate to fund the agreed works.
- I. The Joint Committee's role is to review the annual work plan provided to it by the WCRC, receive and consider any independent expert advice, and make informed recommendations to WCRC for the final decision. The Committee may also make recommendations to the WCRC regarding:
- Commissioning independent expert reports; and
  - Undertaking public consultation on boundary changes, major capital works and other areas of significant public interest.
- WCRC will consider any recommendations of the Committee in making any decisions on the above.
- J. Where Committee recommendations relate to the functions of the BDC, BDC shall consider and make decisions on any recommendations accordingly.
- K. A quorum of the Committee shall be not less than five members, and must include one or more members from each of the two Councils (one or more from WCRC and one or more from BDC).
- L. Minutes of all Joint Committee meetings shall be provided to the next meeting of the respective Councils.
- M. Meetings shall be held annually or as otherwise agreed by the Joint Committee.

#### **DEED/AGREEMENT**

1. An Independent Chair shall be appointed by agreement between BDC and WCRC immediately following the triennial election, for a period of three years. The Chair must have relevant expertise, technical knowledge, or experience, and an ability to lead the work of the Committee in a collaborative and consensus-seeking manner. The appointment process shall be administered by the WCRC, in consultation with BDC.
2. WCRC shall act as secretariat.
3. Unless otherwise specified in this Agreement, the Committee shall use the current

standing orders of the WCRC, noting that the committee wishes to achieve consensus decisions wherever possible.

4. This agreement may be amended at any time, at the request of either Council, but such amendment will only take effect once both parent Councils have formally received and adopted those changes sought.
5. Each year the Joint Committee shall consider any staff and/or expert reports, ascertain what work and budget requirements will be for the coming year and make a recommendation to each parent Council for annual planning and action.
6. Without limiting the ability of the Joint Committee to recommend the most appropriate arrangements for works and funding, in relation to the Westport floodwalls the BDC shall be responsible for all works and funding relating to:
  - 6.1 Amenity management, including grass mowing, gardening, beautification, and public access management; and
  - 6.2 Stormwater management, including any pump station operation and maintenance and floodgates on drainpipes and their operation and maintenance.
7. Without limiting the ability of the Joint Committee to recommend the most appropriate arrangements for works and funding, in relation to the Westport floodwalls the WCRC shall be responsible for all works and funding relating to:
  - 7.1 The maintenance and repair of the structural integrity of the floodwalls;
  - 7.2 The provision of flood warning advice to BDC for the Buller River; and
  - 7.3 Ownership of the floodwalls, including ownership of all infrastructural assets comprised by the floodwalls and their associated structures.
8. The WCRC has constituted a "Westport Rating District" and reserves the right to raise such funds as it may need to carry out its functions under clause 7 above from this source.
9. The BDC will fund the performance of its functions under clause 6 above from such sources that are available that it may determine.

## SIGNATURES

SIGNED by

**THE BULLER DISTRICT COUNCIL**

In the presence of:

\_\_\_\_\_   
by its authorised signatory

\_\_\_\_\_   
Witness signature

\_\_\_\_\_   
Witness name

\_\_\_\_\_   
Witness Occupation

\_\_\_\_\_   
Witness Town of Residence

SIGNED by

**THE WEST COAST REGIONAL COUNCIL**

\_\_\_\_\_  
by its authorised signatory

In the presence of:

\_\_\_\_\_  
Witness signature

\_\_\_\_\_  
Witness name

\_\_\_\_\_  
Witness Occupation

\_\_\_\_\_  
Witness Town of Residence

SIGNED by

**TE RŪNANGA O NGĀTI WAEWAE**

\_\_\_\_\_  
by its authorised signatory

In the presence of:

\_\_\_\_\_  
Witness signature

\_\_\_\_\_  
Witness name

\_\_\_\_\_  
Witness Occupation

\_\_\_\_\_  
Witness Town of Residence

SIGNED by

**WAKA KOTAHI NZ TRANSPORT AGENCY**

\_\_\_\_\_  
by its authorised signatory

In the presence of:

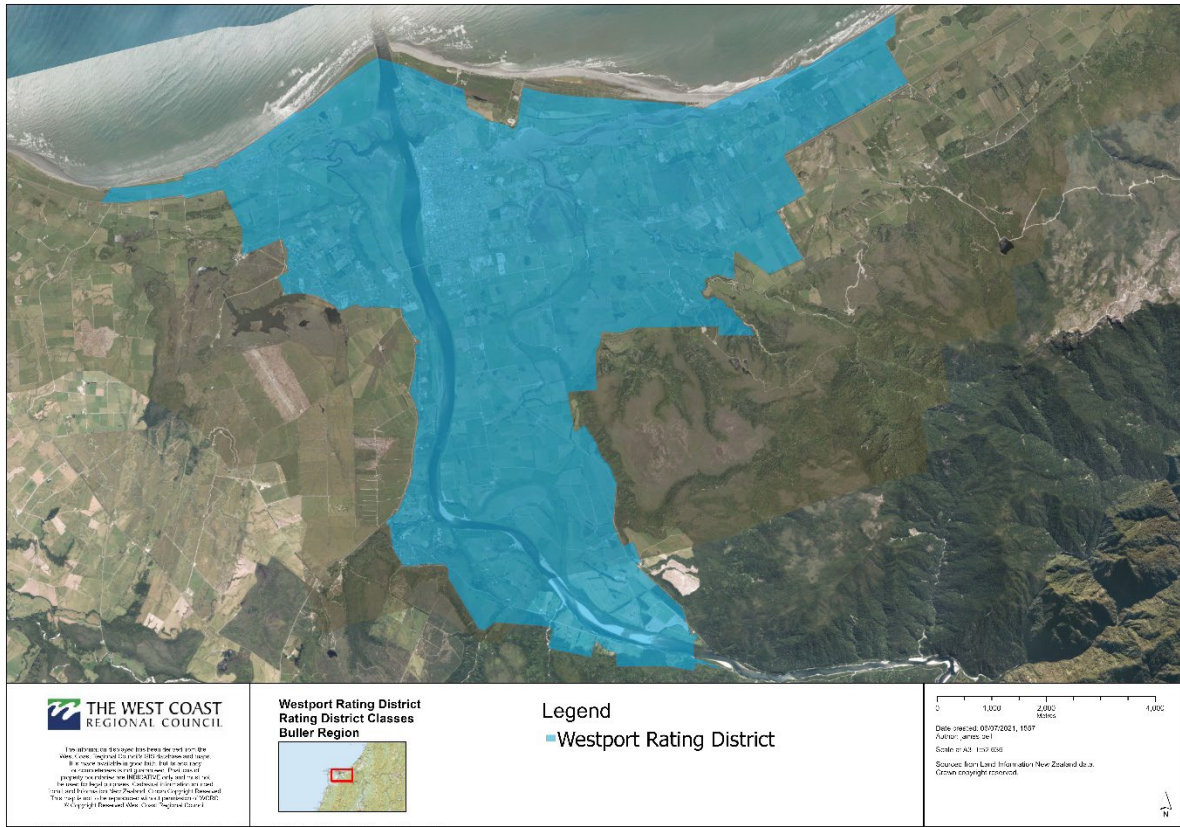
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Witness name

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Witness Occupation

\_\_\_\_\_  
Witness Town of Residence

## APPENDIX I – WESTPORT RATING DISTRICT AREA



<b>Report to:</b> Extraordinary Council meeting	<b>Meeting Date:</b> 23 February 2022
<b>Title of Item:</b> Buller Recovery Steering Group	
<b>Report by:</b> Heather Mabin, CEO	
<b>Reviewed by:</b>	
<b>Public excluded?</b> No	

### Report Purpose

The purpose of this paper is to table the Amended Terms of Reference for the Buller Recovery Steering Group (Steering Group).

### Report Summary

With the change in role for the Steering Group, the Terms of Reference have been amended to include its broader role of seeking central government funding for a programme of works that meets the needs of the Westport community.

### Draft Recommendations

#### It is recommended that Council resolve to:

Receive the Buller Recovery Steering Group's amended Terms of Reference, agreed 17 February 2022.

### Issues and Discussion

#### Background

On 3 March 2022 the Inaugural meeting of the Westport Rating District Joint Committee will be held; one of the main purposes of this meeting will be to identify a programme of works for the construction of Flood protection assets by Council. In October 2021, when Council adopted its 2021-31 Long-term Plan it agreed that \$10.2M would be borrowed for the construction of these assets.

Due to the significant impact of the July 2021 Westport weather event on the Buller district, a Buller Recovery Steering Group was established to oversee a total of \$8M of central government money allocated to NEMA and DIA.

As part of this oversight process a financial health-check was undertaken by Morrison Low and B Robertson that identified "affordability" as a critical issue for the community.

#### Current situation

At the end of 2021, the Steering Group determined that a review of its existing Terms of Reference, see attachment 1, was needed. They identified the following reasons for this review:

- The increasing shift of focus from flood response and immediate recovery to longer term flood resilience for the Buller district;
- The need to review representation from the West Coast Regional Council given the increased focus on flood protection measures as part of the longer-term flood resilience work; and
- The need to continue the role of the Steering Group to provide assurance to Ministers for the remaining allocation of the \$8 million appropriation as well as to provide advice on further funding assistance that may be needed.

In addition, the membership of the Steering Group needed to change. At the Steering Group Meeting on 17 February, a draft Terms of Reference that would supersede the existing version, was discussed. From these discussions, an amended version is now included for Council's information, see Attachment 2.

## Considerations

### Implications/Risks

The main elements of risk related to this paper, are financial and reputational. Council needs to make progress on their decision to construct flood protection at Westport.

Through the Steering group mechanism, there is now an opportunity to potentially secure central government funding, especially in light of the findings that affordability was a critical factor.

The risks are:

- Financial:
  - Application to central government is declined so would have a financial impact on the community
  - Overall cost blow-out based on unknown factors at time of LTP adoption.
- Reputational:
  - Council was not perceived to have delivered on its commitment
  - Resulting infrastructure does not deliver the intended outcome.

### Significance and Engagement Policy Assessment

There are no issues within this report which trigger matters in this policy.

### Tangata whenua views

Ngati Waewae has a representative on the Steering Group.

### Financial implications

*Current budget* – N/A

*Future implications* – potential savings on cost of borrowing by receiving central government funding.

### Attachments

Attachment 1: Buller Recovery Steering Group, *Terms of Reference*, adopted September 2021

Attachment 2: Buller Recovery Steering Group, *Amended Terms of Reference*, agreed February 2022



## Terms of Reference for the Buller Recovery Steering Group

### Background

On 23 August 2021, the Government agreed to provide additional assistance of \$8 million in 2021/22 to enable the Buller District Council to meet its immediate operating shortfalls and start a recovery programme of works following the July 2021 flooding event. It was noted that the National Emergency Management Agency and Department of Internal Affairs would develop a governance structure in consultation with the Buller District Council to oversee and monitor the Council's use of available funding, inform regular reporting to the Minister of Finance, Minister of Local Government, and Minister for Emergency Management and seek approval for the drawdown of funds in monthly instalments.

### Purpose and Term

- The Purpose of the Steering Group is to:
  - provide effective guidance and oversight of the \$8 million Financial Assistance to support the Buller Recovery appropriated by Cabinet in August 2021; and
  - identify and agree mid to long-term recovery activities and the necessary funding that may be required in the district <sup>1</sup>; and
  - provide advice to the Crown and elected Councils' members on relevant matters (as set out in these terms of reference and the Memorandum of Understanding between the Crown and the Buller District Council).
- The Steering Group shall operate until 16 December 2021 which is the estimated time to confirm funding allocation from the Cabinet appropriation and develop the blueprint for the next stages of the recovery. At this time the Steering Group will be reviewed with a view to either: (a) winding it up, (b) continuing it or (c) transitioning it to a new structure(s).

<sup>1</sup>NB: "If there is a decision on a request for future funding, that NEMA and DIA representatives may need to step back from the table."

### Membership and Chair

Membership of the Steering Group will include:

- The Chief Executive of the Buller District Council
  - The Mayor and Deputy Mayor of the Buller District Council
  - The Chief Executive of the West Coast Regional Council
  - One or two elected representatives of the West Coast Regional Council
  - A representative of iwi
  - A representative of the Department of Internal Affairs (DIA)
  - A representative of the National Emergency Management Agency (NEMA)
  - An independent Chair
- Each organisation shall nominate a specified alternate to the permanent appointee being a person who is mandated to speak on their behalf.
  - A quorum for a Steering Group meeting shall be five members (or their alternates).

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- The Chair will be nominated by the Government representatives in consultation with the Steering Group. This position will be funded by the Department of Internal Affairs for the first four months and the position will be reviewed at this time in light of the on-going work required.
- The Steering Group may invite other organisations or individuals to attend meetings as appropriate.

## Role of the Steering Group

The Steering Group will:

- Provide guidance and oversight of work streams to give effect to the Vote: Prime Minister and Cabinet and Vote: Internal Affairs appropriations
- Approve or agree on the work programme priorities and key milestones (noting that a work programme will be developed alongside these terms of reference) for the above work streams.
- Provide recommendations to the Chief Executive of the Buller District Council and Chief Executive of the West Coast Regional Council in respect of findings and conclusions arising from the work programme noting authority rests with the Chief Executives and ultimately the Councils.
- Support work stream leaders to complete their responsibilities under the auspices of the overall work programme.
- Provide assurance over the progress of the work programme to the Mayor/Chair and Councils, iwi and, through Government department representatives, to the Minister(s).
- Monitor performance and report progress to the Councils (via the Chief Executives) iwi and the Crown (via Government Department representatives) on:
  - Risks and issues
  - Progress against budget
  - Progress against time lines
  - Performance against quality standards
  - Cashflow
  - Initiate and manage any independent audits or reviews requested.
- Assess and support the effective working relationship with key parties with interests in the work streams, including iwi and local stakeholders.

## Steering Group Undertakings

Members of the Steering Group undertake to:

- work in a collaborative 'no surprises' way, and strive for consensus on desired outcomes for and projects to achieve them and related matters in order to achieve a 'best for recovery/work stream' outcome
- create a high trust environment based on respect for each other and the agencies represented

- actively resolve issues to ensure their respective organisations can commit to supporting the role of the Steering Group and provide advice to their organisations consistent with decisions/ position of the Steering Group
- ensure that public information and communications enable consistent and timely information on progress and agency roles and responsibilities. The Chair is responsible for all media releases.

## **Steering Group Administration**

- The agendas for the Steering Group will be approved by the Chair, in consultation with the Chief Executives of the Buller District Council and the West Coast Regional Council
- The Steering Group will collectively determine the meeting frequency, although the Chair may schedule additional meetings of the Steering Group, if required.



# Terms of Reference for the Buller Recovery Steering Group

## Background

On 23 August 2021 the Government agreed to provide additional assistance of \$8 million in 2021/22 to enable the Buller District Council to meet its immediate operating shortfalls and start a recovery programme of works following the July 2021 flooding event. It was noted that the National Emergency Management Agency (NEMA) and the Department of Internal Affairs (DIA) would develop a governance structure in consultation with local government to oversee and monitor the Buller District Council's (BDC) use of available funding, inform regular reporting to the Minister of Finance, Minister of Local Government and Minister for Emergency Management and seek draw down of funds in monthly instalments.

A Steering Group was established in September 2021 comprising BDC, the West Coast Regional Council, iwi, DIA and NEMA chaired by an independent Chairperson. The Steering Group has overseen the allocation of most of the \$8 million appropriation to support the BDC's flood recovery activities. A Funding Agreement has been established between the BDC, DIA and NEMA which provides the specific arrangements for payment of Crown funding to support the BDC's recovery efforts.

Given the progress achieved with the immediate response and recovery led by the BDC, a review of the focus and operation of the Steering Group was undertaken at the end of 2021 to consider:

- The increasing shift of focus from flood response and immediate recovery to longer term flood resilience for the Buller district;
- The need to review representation from the West Coast Regional Council given the increased focus on flood protection measures as part of the longer-term flood resilience work; and
- The need to continue the role of the Steering Group to provide assurance to Ministers for the remaining allocation of the \$8 million appropriation as well as to provide advice on further funding assistance that may be needed.

Accordingly, the Buller Recovery Steering Group's focus and membership have been amended and supersede previous terms of reference.

## Purpose and Term

The Purpose of the Steering Group is to:

- provide effective guidance and oversight of the financial assistance appropriated by Cabinet in August 2021 to support the Buller Recovery including related matters set out in the Funding Agreement between BDC and DIA and NEMA;
- identify and recommend longer term flood recovery priorities for the Buller District including options to increase resilience to future flood events;

- provide advice to the Crown<sup>1</sup> and elected Council's members on future funding that may be sought from the Government to support the Buller flood recovery and increase resilience to future flood events.

The Group will continue to meet until 30 June 2022 when its role and purpose will be reviewed.

## Membership and Chair

Membership of the Steering Group will include:

- The Chief Executive and Deputy Chief Executive of the Buller District Council
  - The Mayor and Deputy Mayor of the Buller District Council
  - The Chief Executive and a designated member of the Executive of the West Coast Regional Council
  - Two elected representatives from the West Coast Regional Council
  - A representative of iwi
  - A representative of the Department of Internal Affairs (DIA)
  - A representative of the National Emergency Management Agency (NEMA)
  - An independent Chair
- Each organisation shall nominate a specified alternate to the permanent appointee being a person who is mandated to speak on their behalf.
  - A quorum for a Steering Group meeting shall be five members (or their alternates).
  - The Chair will be nominated by the Government representatives in consultation with the Steering Group. This position will be funded by the Department of Internal Affairs.
  - The Steering Group may invite other organisations or individuals to attend meetings as appropriate. The Steering Group will invite John Hutchings from (name of company or organisation) to each of the upcoming meetings where the stop bank or Westport Rating District Joint Committee is to be considered, in his advisory capacity.

## Role of the Steering Group

The Steering Group will:

- Provide oversight and guidance of work streams needed to give effect to the funding appropriated by Cabinet.
- Approve (or agree on) the work programme priorities and key milestones noting that a work programme and work streams will be developed alongside these terms of reference.
- Provide advice on key components of the workstreams including where financial assistance is sought from central government.
- Provide recommendations to the Chief Executives of the Buller District Council and the West Coast Regional Council in respect of findings and conclusions arising from

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<sup>1</sup> Noting that NEMA and DIA officials will absent themselves from decisions for funding requests to the Crown

the work programme noting authority rests with the Chief Executive and ultimately the Council.

- Support work stream leaders.
- Provide assurance over the progress of the work programme to the Mayor/Chair and Councils, iwi and, through Government department representatives, to the Minister(s).
- Monitor performance and report progress to the Council (via the Chief Executives), Iwi and the Crown (via Government Department representatives) on:
  - Risks and issues
  - Progress against budget
  - Progress against time lines
  - Performance against quality standards
  - Cashflow.
  - Initiate and manage any independent audits or reviews requested.
- Assess and support the effective working relationship with key parties with interests in the work streams, including iwi and local stakeholders.

## Steering Group Undertakings

Members of the Steering Group undertake to:

- work in a collaborative 'no surprises' way, and strive for consensus on desired outcomes for and projects to achieve them and related matters in order to achieve a 'best for recovery/work stream' outcome;
- create a high trust environment based on respect for each other and the agencies represented;
- support the respective organisations to achieve the best outcomes for the people of the Buller District affected by the July 2021 flood event; and
- ensure that public information and communications enable consistent and timely information on progress and agency roles and responsibilities. The Chair is responsible for all media releases.

## Steering Group Administration

- The agendas for the Steering Group will be approved by the Chair, in consultation with the Chief Executives of the Buller District Council and the West Coast Regional Council.
- The Steering Group will collectively determine the meeting frequency, although the Chair may schedule additional meetings of the Steering Group, if required.
- A Secretariat will support the Steering Group by preparing papers and supporting analysis/documentation.

17 February 2022