

Notice of the Ordinary Council Meeting

Buller District Council

Te Kaunihera O Kawatiri



BULLER
DISTRICT COUNCIL
Te Kaunihera O Kawatiri

Agenda | Rārangi take

Date: Wednesday 24 September 2025
Time: 3:30 pm
Location: Clock Tower Chambers, Palmerston
Street, Westport

Chairperson His Worship the Mayor Jamie Cleine

Deputy Mayor Andrew Basher

Members

- Cr Linda Webb
- Cr Graeme Neylon
- Cr Rosalie Sampson
- Cr Toni O'Keefe
- Cr Phil Grafton
- Cr Annelise Pfahlert
- Cr Joanne Howard
- Cr Grant Weston
- Cr Colin Reidy
- Ngāti Waewae Representative Ned Tauwhare

Quorum (6)



2025 CHARTER



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 2025 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.

Council Terms of Reference

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 of 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.
2. Health & Safety obligations and legislative requirements are met. To exercise the following powers and responsibilities of Council, which the Council chooses to retain:

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

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Venue: Clock Tower Chambers

Live streamed on Buller District Council YouTube channel

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AGENDA ITEM: **1.1 APOLOGIES**
Prepared by: **Simon Pickford**
 Chief Executive Officer

REPORT PURPOSE

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

DRAFT RECOMMENDATION

- 1. That there are no apologies to be received.**

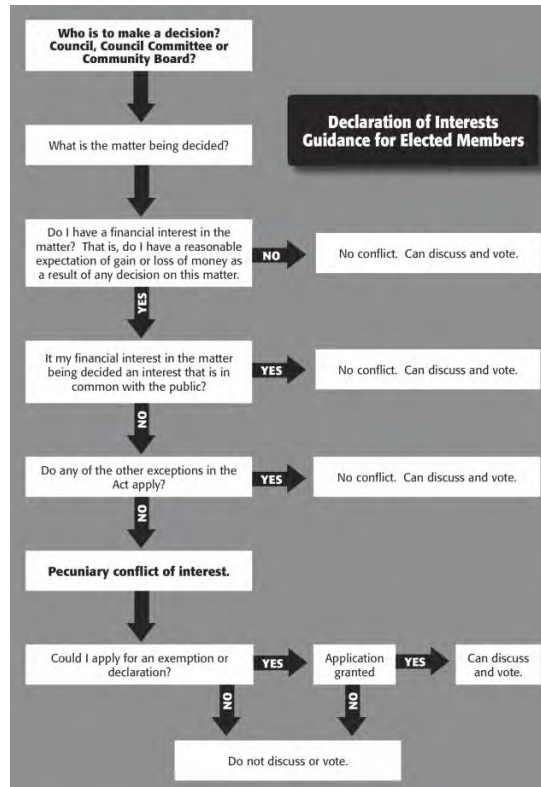
OR

- 2. That the Buller District Council receive apologies from (insert councillor).**

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AGENDA ITEM: 2.1 MEMBERS INTERESTS
Prepared by: Simon Pickford
Chief Executive Officer

1. 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.
2. Councillors are encouraged to advise the Governance Secretary, of any changes required to their declared Members Interest Register.
3. The attached flowchart may assist members in making that determination (Appendix A from Code of Conduct).



DRAFT RECOMMENDATION

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

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AGENDA ITEM: **3.1 CONFIRMATION OF PREVIOUS MINUTES**
Prepared by: **Simon Pickford**
 Chief Executive Officer

DRAFT RECOMMENDATION

1. That Council receive and confirm the Public Minutes from:

- Ordinary Council Meeting 27 August 2025
- Extraordinary Council Meeting 29 August 2025

Attachments

1. Ordinary Council Public Minutes 27 August 2025 Unconfirmed [**3.1.1** – 9 pages]
2. Extraordinary Council Public Minutes 29 August 2025 Unconfirmed [**3.1.2** – 3 pages]

**BULLER DISTRICT COUNCIL
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**ORDINARY MEETING OF THE BULLER DISTRICT COUNCIL, HELD AT 3:30PM
ON WEDNESDAY 27 AUGUST 2025 AT CLOCKTOWER CHAMBERS,
PALMERSTON STREET, WESTPORT.**

PRESENT: Mayor J Cleine, Cr P Grafton, Cr J Howard, Cr C Reidy, Deputy Mayor A Basher, Cr R Sampson, Cr T O'Keefe, Cr A Pfahlert, Cr G Weston

PRESENT VIA ELECTRONIC LINK: Cr L Webb, Cr G Neylon

IN ATTENDANCE: S Pickford (CEO), S Bastion (Group Manager Regulatory Services), K Trigg (Group Manager Community Services), A Blom (Group Manager Infrastructure Services), P Numan (Group Manager Corporate Services), C McDonald (Governance Secretary)

IN ATTENDANCE VIA ELECTRONIC LINK: Nil

MEDIA: E Curnow (Westport News)

PUBLIC FORUM:

Phil Rutherford – Wants the Council to write to Central Government condemning the situation in Gaza.

Zane Darrell – Speaking to the roading in Swansea Street, Waimangaroa. Has been informed that it is an unformed road and that Council does not maintain this road.

MEETING DECLARED OPEN: 3:44pm

- 1. APOLOGIES (Page 7)**
N Tauwhare (Iwi Representative)

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

Mayor J Cleine/Cr A Pfahlert
11/0

CARRIED UNANIMOUSLY

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2. MEMBERS INTERESTS (Page 8)

Mayor J Cleine – Agenda Item 6. Will answer questions and will leave the meeting.

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

Deputy Mayor A Basher/Cr G Weston
11/0

CARRIED UNANIMOUSLY

3. CONFIRMATION OF PREVIOUS MINUTES (Page 9)

RESOLVED That Council receive and confirm the Public Minutes from:

- Council Extraordinary Meeting Public Minutes 30 June 2025 (Final Long-Term Plan Adoption)
- Council Public Meeting Minutes 30 July 2025

Mayor J Cleine/Cr P Grafton
10/0/1

CARRIED UNANIMOUSLY

4. COUNCIL ACTION POINT LIST (Page 23)

Action Point 25 Update:

Add Reserve Contribution Policy Workshop on 10 September 2025

Elected Members want the element of ratepayer money over the last five years circulated to them.

RESOLVED That Council receive the Council Action Point List for information.

Mayor J Cleine/Cr T O'Keefe
11/0

CARRIED UNANIMOUSLY

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**5. ROAD STOPPING APPLICATION – PART DEADMANS ROAD FAIRDOWN
(Page 26)**

The applicant has withdrawn their application.

RESOLVED That Council resolves to either:

a) ~~Allow the objections to the proposed stopping of part of Deadmans Road (as identified in SO 593213),~~

~~OR~~

b) ~~Disallow the objections to the proposed road stopping of part of Deadmans Road (as identified in SO 593213) and sends the objections with the plans aforesaid and a full description of the proposed alterations to the Environment Court as required under Schedule 10, Local Government Act 1974.~~

~~OR~~

c) ~~Subject to the agreement of the applicant and all objectors, the objections to the proposed road stopping of part of Deadmans Road (as identified in SO 593213) are disallowed on the condition that the applicant, at their expense, creates and vests in Council an easement/right of way through the adjoining property to allow public access in perpetuity.~~

MOVED

QTY

CARRIED UNANIMOUSLY

Agenda Item 13 was addressed next.

13. PUBLIC EXCLUDED REPORT (Page 136)

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 under LGOIMA
PE 1	Simon Pickford Chief Executive Officer	Confirmation of Previous Public Excluded Minutes	(s 7(2)(i)) - enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or (s 7(2)(j)) - prevent the disclosure or use of official information for improper gain or improper advantage.

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			(s 7(2)(b)) - protect information where the making available of the information would i. Disclose a trade secret ii. Be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.
PE 2	Jamie Cleine Mayor	CEO Performance Review	(s7(2)(a)) - protect the privacy of natural persons, including that of deceased natural persons

Mayor J Cleine/Cr J Howard

8/3

**Cr C Reidy and Cr R Sampson against
MOTION CARRIED**

MOVED INTO PUBLIC EXCLUDED AT 3:57pm
RETURNED TO PUBLIC MEETING AT 4:29pm

6. APPOINTMENT TO BULLER RESILIENCE TRUST (Page 39)

Mayor J Cleine has declared an interest in this item.

Recommendation One has been amended from *"Note that the trustee appointment does not need to be held by an elected member and that the selection is based on the skills, experience, and networks the appointee can bring to the Trust."* and reads as below.

Mayor J Cleine departed the meeting at 4:32pm and Deputy Mayor A Basher took over as Chair of the meeting.

Recommendation three, four, five and six have been added and read as below

Meeting adjourned At 4:47pm

Meeting reconvened at 4:57pm

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RESOLVED That Council

1. Note that the trustee appointment does not need to be held by an elected member.

Deputy Mayor A Basher/Cr P Grafton
10/0

CARRIED UNANIMOUSLY

2. Appoints Jamie Cleine as the Buller District Council–appointed trustee to the Buller Resilience Trust for a term of approximately three years, in accordance with the Trust Deed.

Cr P Grafton/Cr J Howard
5/5

Cr C Reidy against
MOTION IS TIED

3. That Council seek expressions of interest for the Buller Resilience Trustee position

Cr G Neylon/Cr T O’Keefe
4/6

Cr C Reidy against
MOTION LOST

4. Jamie Cleine will remain as the appointed trustee until such time as a report is brought back to the incoming Council to appoint a new trustee by the end of 2025.

Deputy Mayor A Basher/Cr A Pfahlert
5/5

MOTION IS TIED

5. Appoints Linda Webb as the Buller District Council–appointed trustee to the Buller Resilience Trust for a term of approximately three years, in accordance with the Trust Deed.

Cr R Sampson/Cr C Reidy
5/5

MOTION IS TIED

6. Agenda Item Six is to be left tabled and reconsidered at the Extraordinary Meeting of 29 August 2025.

Cr C Reidy/Deputy Mayor A Basher
10/0

CARRIED UNANIMOUSLY

Cr P Grafton departed the meeting at 5:06pm

Mayor J Cleine and Cr P Grafton returned to the meeting at 5:08pm

Mayor J Cleine resumed as Chair of the meeting.



7. DANGEROUS, AFFECTED AND INSANITARY BUILDINGS POLICY REVIEW (Page 44)

It was noted that the formatting needing to be fixed on the final document.

RESOLVED That Council:

1. Receives the report;
2. Notes the decision of Council on 28 May 2025 to adopt the draft Dangerous, Affected and Insanitary Buildings Policy (Attachment 1) for public consultation;
3. Notes the public consultation and engagement process undertaken as required under the Building Act 2004 (section 132) and Local Government Act 2002 (section 83);
4. Considers the submission received from Health New Zealand Te Whatu Ora (Attachment 2);
5. Notes the Risk and Audit Committee 13 August 2025 recommended that Council adopt the Policy with the minor amendments set out in Attachment 3;
6. Revoke the Dangerous and Insanitary Buildings Policy (as reviewed 2017); and
7. Either:
 - i. ~~Adopts the Dangerous, Affected and Insanitary Buildings Policy 2025 without amendment (Attachment 1) to take effect from 1 September 2025;~~
 - OR
 - ii. Adopts the Dangerous, Affected and Insanitary Buildings Policy 2025 with minor amendments (Attachment 3) to take effect from 1 September 2025.

Cr A Pfahler/Cr G Weston

7/4

**Cr C Reidy against
MOTION CARRIED**

8. 2024/2025 CEO KEY PERFORMANCE INDICATORS (KPI) OUTCOME (Page 78)

RESOLVED That Council

1. Notes the report
2. Notes the outcome of the Chief Executive Officer Key Performance Indicators for 2024/2025

Cr C Reidy/Deputy Mayor A Basher

11/0

CARRIED UNANIMOUSLY

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9. PROPOSED CHIEF EXECUTIVE OFFICER KEY PERFORMANCE INDICATORS FOR FINANCIAL YEAR 2025/2026 (Page 86)

RESOLVED That Council

1. Receives the report Chief Executive Officer Key Performance Indicators for Financial Year 2025/2026.
2. That Council notes that these proposed Key Performance Indicators for financial year 2025/2026 have been agreed with the Chief Executive Officer.
3. That Council adopts the Key Performance Indicators for financial year 2025/2026.

**Cr C Reidy/Cr P Grafton
10/1
MOTION CARRIED**

10. MAYORS MONTHLY UPDATE REPORT (Page 91)

Cr C Reidy departed the meeting at 5:41pm

The Mayor gave verbal updates around TTPP and WCEM who have met after his report was published.

Cr C Reidy returned to the meeting at 5:43pm

Cr G Neylon departed the meeting at 5:51pm

RESOLVED That the Council:

1. Receives the Mayors Monthly Update Report dated 27 August 2025 for information and discussion.
2. Notes Inwards and Outwards Correspondence and provides directions for any responses required.

**Deputy Mayor A Basher/Cr C Reidy
10/0**

CARRIED UNANIMOUSLY

11. CHIEF EXECUTIVE OFFICER'S REPORT (Page 118)

Cr G Neylon returned to the meeting at 5:55pm

Cr T O'Keefe departed the meeting at 5:59pm

Cr T O'Keefe returned to the meeting at 6:01pm

Cr A Pfahlert departed the meeting at 6:02pm

Cr A Pfahlert returned to the meeting at 6:04pm

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RESOLVED That the Chief Executive Officer's Report dated 27 August 2025 be received.

Cr T O'Keefe/Cr J Howard

11/0

CARRIED UNANIMOUSLY

12. PORTFOLIO LEADS VERBAL UPDATES (Page 135)

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

- a) Inangahua Community Board – Councillor Webb
Meeting on September 9th at 5:00pm. There will be a number of members who are not seeking re election so that will be their last meeting.
- b) Regulatory Environment & Planning - Councillors Neylon and Basher
Nothing to update.
- c) Community Services - Councillors Howard and Pfahlert
Libraries have changed their layouts in Westport and Reefton and they have signed up with DIA to provide Digi coach to help communities with technology at no cost to Council or ratepayers. Comms team has done a great job with the candidate videos. Mayor J Cleine attended one of the Youth days recently and that went well. Youth Voice from Buller have visited Parliament and MP Maureen Pugh
- d) Infrastructure - Councillors Grafton and Weston
Met 27th August and there is works coming up that should come to a workshop prior to the elections. Coates Street and the main trunk line are due to be finished. The Reefton work seems like it will be an ongoing project with the storm water/ wastewater.
- e) Corporate Policy and Corporate Planning - Councillor Reidy
Nothing to report
- f) Smaller and Rural Communities - Councillors O'Keefe and Webb
Most subcommittees are having their annual meetings. There is still confusion around workshops and formal meetings to be clarified.
- g) Iwi Relationships - Ngāti Waewae Representative Ned Tauwhare and Mayor Cleine
Nothing to report.
- h) Te Tai o Poutini Plan – Mayor Cleine and Councillor Neylon
Nothing to report.

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i) Joint Committee Westport Rating District – Mayor Cleine, Councillor Howard and Councillor Reidy
There is a meeting on 29th September.

j) Regional Transport Committee – Councillor Grafton
Nothing to report.

Mayor J Cleine/Cr A Pfahlert
11/0

CARRIED UNANIMOUSLY

PUBLIC FORUM RESPONSE:

Phil Rutherford - A letter is to be sent to Central Government on behalf of Buller District Council condemning the War in Gaza.

Zane Darrell – Infrastructure is to see this through after seeking advice. A Blom will report to the Mayor on what is to be done, so this can be sent to Mr. Darrell.

There being no further business, the meeting concluded at 6:23pm

- **Next Meeting:** Extraordinary Council Meeting, Friday 29 August 2025, 1:00pm, Clock Tower Chambers, Palmerston Street, Westport

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**EXTRAORDINARY MEETING OF THE BULLER DISTRICT COUNCIL, HELD
1:00PM FRIDAY 29 AUGUST 2025 AT CLOCKTOWER CHAMBERS,
PALMERSTON STREET, WESTPORT.**

PRESENT: Mayor J Cleine, Cr P Grafton, Cr J Howard, Deputy Mayor A Basher, Cr G Weston

PRESENT VIA ELECTRONIC LINK: Cr C Reidy, Cr R Sampson, Cr T O'Keefe, Cr G Neylon, Cr L Webb

IN ATTENDANCE: S Pickford (CEO), K Trigg (GM Community Services), S Bastion (GM Regulatory Services), A Blom (GM Infrastructure Services), J Salmond (Corporate and Strategic Planning Manager), P Numan (GM Corporate Services), S Singh-Naicker (Management Accountant), C McDonald (Governance Secretary), T Wooding (Stantec), D Marshall (Marshall Moore Consultancy)

IN ATTENDANCE VIA ELECTRONIC LINK: M Wakefield (Simpson Grierson), D Foster (Department of Internal Affairs)

MEDIA: E Curnow (Westport News)

MEETING DECLARED OPEN: 1:00pm

1. APOLOGIES (Page 6)

Discussion:

Cr A Pfahlert

N Tauwhare (Iwi Representative)

RESOLVED That Buller District Council receives apologies from Cr A Pfahlert and N Tauwhare (Iwi Representative)

Mayor J Cleine/Deputy Mayor A Basher

10/0

CARRIED UNANIMOUSLY

2. MEMBERS INTERESTS (Page 7)

Discussion:

Nil.

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

Mayor J Cleine/Cr G Weston

10/0

CARRIED UNANIMOUSLY



3. ADOPTION OF WATER SERVICES DELIVERY PLAN (WSDP) (Page 8)

Discussion:

Recommendation six and nine have been amended from

6. *'Authorises the Mayor and the two IS portfolio leads as the agreed members of the Shareholder Representative Forum.'*

9. *'Authorises the Chief Executive Officer, the Mayor and the two IS portfolio leads to continue the negotiations with Westland District Council and Grey District Council'*

and read as below.

Moved by Cr J Howard and seconded by Cr R Sampson and carried unanimously.

RESOLVED That Council

1. Receive the report

Mayor J Cleine/Cr G Weston

10/0

CARRIED UNANIMOUSLY

2. Adopts the Water Services Delivery Plan, attached as Attachment 1 to this report

Mayor J Cleine/Cr G Weston

6/4

Cr C Reidy against

MOTION CARRIED

3. Authorises the Chief Executive Officer to make minor changes to the document (if required, and in conjunction with the other CEOs) to the joint Water Services Delivery Plan to allow for certification and joint submission prior to 3 September

Mayor J Cleine/Cr G Weston

10/0

CARRIED UNANIMOUSLY

4. Authorises the Chief Executive Officer to certify the Water Services Delivery Plan and submit this to the secretary for Local Government

Mayor J Cleine/Cr G Weston

10/0

CARRIED UNANIMOUSLY

5. Notes that the WSDP will then be reviewed by the DIA – with an outcome expected from early 2026

Mayor J Cleine/Cr G Weston

10/0

CARRIED UNANIMOUSLY

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6. Authorises the Mayor and two Councillors as the agreed members of the Shareholder Representative Forum

Mayor J Cleine/Cr G Weston
10/0

CARRIED UNANIMOUSLY

7. Adopts the Heads of Agreement (HoA) that has been reviewed by Simpson Grierson

Mayor J Cleine/Cr G Weston
10/0

CARRIED UNANIMOUSLY

8. Authorises the Chief Executive to be a member of the Steering Group which is a part of the Heads of Agreement (HoA)

Mayor J Cleine/Cr G Weston
10/0

CARRIED UNANIMOUSLY

9. Authorises the Chief Executive Officer, the Mayor and two Councillors to continue the negotiations with Westland District Council and Grey District Council

Mayor J Cleine/Cr G Weston
10/0

CARRIED UNANIMOUSLY

There being no further business, the meeting is declared closed at:
1:43pm

Next Meeting: Wednesday 24 September 2025, 3:30pm, Clocktower
Chambers, Palmerston Street, Westport

4 OFFICERS REPORTS

AGENDA ITEM: **4.1 LOCAL GOVERNMENT FUNDING AGENCY (LGFA)
GUARANTOR ACCESSION REPORT**

Prepared by: John Salmond
Corporate and Strategic Planning Manager

Reviewed by: Paul Numan
Group Manager Corporate Services

Public Excluded: **No**

EXECUTIVE SUMMARY

1. This report proposes the approval of the necessary documents required to be executed, to become a guarantor member of the Local Government Funding Agency (LGFA) and to give delegation to the relevant elected members to execute the documents.

DRAFT RECOMMENDATION

That Council:

- 1. Receives the LGFA Guarantor Accession report**
- 2. Approves the Council's entry into the Documents in relation to the Council's accession to the LGFA as a guarantor member**
- 3. Authorises the Mayor, and any one Councillor for the purposes of the above recommendations, execute the following:**
 - a. Accession Deed to Equity Commitment Deed; and**
 - b. Accession Deed to the Guarantee and Indemnity**
- 4. Delegates authority to the Chief Executive to execute the following documents for the purpose of the recommendation in (3) above:**
 - a. Security Issuance Certificate – Equity Commitment Deed**
 - b. Stock Issuance Certificate**
 - c. Security Stock Certificate – Equity Commitment Deed**

- d. Security Stock Certificate**
 - e. Security Stock Issue Notice – Equity Commitment Deed**
 - f. Security Stock Issue Notice**
 - g. Chief Executive Certificate**
- 5. Delegates authority to the Chief Executive Officer to execute such other documents and take any other steps on behalf of the Council if necessary to give effect to the above recommendations.**

ISSUES & DISCUSSION

BACKGROUND

2. Buller District Council is currently a non-guaranteeing borrower from the LGFA. This status limits Councils total borrowings from the LGFA to \$20 million.
3. As part of the adoption of the 2025-2034 Long-Term Plan, Council approved that it would become a guarantor of the LGFA. Following this process, Council staff have been liaising with Simpson Grierson and Buddle Finlay on undertaking the next steps of the process. Our Long-Term Plan projections reflect a need for borrowing of more than the \$20 million LGFA non-guaranteeing limit. As part of the process, Andrew Michl from the LGFA answered questions from the Councillors.
4. On 30 August 2025, council adopted a water services delivery plan which was sent to parliament on 3 September 2025. This plan backed up the previous decision to create a Multi Council Water Council Controlled Organisation with Westland District Council and Grey District Council. One of the key points from the Local Government (Preliminary Arrangements) Act 2024 is that the Councils will be able to borrow more money. For this to be possible, the Councils must be guarantors of the LGFA.
5. To legalise the decision, Council staff issued instructions to Simpson Grierson to act with Buddle Findlay on behalf of Buller District Council to prepare the necessary documentation and liaise with Russell McVeagh (the LGFA's legal advisors) for Council to accede as an LGFA guarantor.

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6. Simpson Grierson have been advised by Russell McVeagh (who act for the LGFA and have drafted the documents) that Council will sign the documents at the 24 September 2025 Council meeting and following the signing, the final process will be underway.
7. This report recommends that Council approve the necessary documents required to be executed in order to become a guarantor member of the LGFA and delegate authority to the relevant person to execute the Documents.

Simpson Grierson has provided the following documents:

1. A Schedule of documents for signing - noting the actual accession documents are to be signed in accordance with the signing instructions
8. The actual accession documents for signing are attached to this report and are printed out in hard copy for signing after the Council meeting

OPTIONS

9. There are two options the Council could consider about this report:
10. **Option 1**- Proceed as planned with by becoming a guarantor of the LGFA and sign the necessary legal documents.

11. **Advantages:**

- Lower borrowing costs
- Increased borrowing capacity
- Supports Local Water Done Well reform
- A ratepayer saving

12. **Disadvantages:**

- Potential for Joint and Several liability
- Potential for reduced flexibility

13. **Option 2**- Propose an alternate recommendation.

14. **Advantages:**

- None identified

15. Disadvantages

- A delay in becoming a Guarantor
- Ongoing ratepayer impact
- No ability to borrow required funds
- Could affect our Water Services Council Controlled organisation setup.

RECOMMENDED OPTION

16. Option 1 is the recommended option.

CONSIDERATIONS

Strategic Impact

17. Council has key strategies of being resilient, growing the economy, providing quality infrastructure, investing in our towns and being affordable by growing non-rates income.
18. The strategic impact from becoming a guarantor of LGFA aids the ability to reduce the cost of borrowing to our communities.

Significance Assessment

19. Section 76AA of the Local Government Act requires the Council to adopt a policy on significance and engagement. The Council Policy on significance can be found by clicking the following link:
<https://bullerdc.govt.nz/media/f2ofzb4z/buller-district-council-significance-and-engagement-policy-2021-2031-ltp.pdf>
20. The Significance and Engagement Policy is written in accordance with The Local Government Act 2002 (LGA 2002) section 76AA. This part of the Act sets the general approach to determine if a proposal or decision is significant requiring the Council to make judgements about the likely impact of that proposal or decision on:
- The district.
 - The persons who are likely to be particularly affected by, or interested in, the proposal or decision.
 - The financial impact of the proposal or decision on the Council's overall resources; and

- The capacity of the Council to perform its role and carry out its activities, now and in the future.

21. The Significance and Engagement Policy sets out the criteria and framework for a matter or transaction to be deemed significant. The content included in this report is considered significant and was addressed through a consultation in association with the 2025-2034 LTP consultation.

Risk Management Implications / Opportunities

22. The risks have outlined to Council previously but are not expected to come to fruition.

Policy & Legislative Considerations

23. A local authorities' arrangements with LGFA should be consistent with its liability Management Policy and its Investment Policy (commonly these are collectively referred to as a Treasury Management Policy)

24. Consultation on becoming a guarantor was undertaken as part of the Long-Term Plan 2025-2034. This process was conducted in accordance with the requirements of the Local Government Act 2002, particularly sections 93 and 93A, which govern the preparation and adoption of long-term plans.

25. If the proposal to become a guaranteeing local authority with the LGFA is not consistent with these policies, the preferable position is for the policies to be amended. Amendments to a Council's liability management Policy and Investment Policy can be undertaken without any consultation, in accordance with s102(5) of the Local Government Act.

26. Becoming a guaranteeing local authority will also need to be consistent with the Council's Financial Strategy, which is where the policy on the giving of security must be recorded.

Māori Impact Statement

27. 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.

Financial Considerations

28. The costs associated with this have been outlined in the legal expenses to Council

Communication Internal / External

29. Communications regarding Council's decision will be managed by the Communications and Engagement team.

ATTACHMENTS

1. Accession Deed to Equity Commitment Deed - BDC [**4.1.1** - 6 pages]
2. Accession Deed to Guarantee and Indemnity - BDC [**4.1.2** - 5 pages]
3. SIC - Equity Commitment Deed - BDC [**4.1.3** - 1 page]
4. SIC - Guarantee and Indemnity - BDC [**4.1.4** - 1 page]
5. SSC - Equity Commitment Deed - BDC [**4.1.5** - 2 pages]
6. SSC - Guarantee & Indemnity - BDC [**4.1.6** - 2 pages]
7. SSIN - Equity Commitment Deed - BDC [**4.1.7** - 1 page]
8. SSIN - Guarantee & Indemnity - BDC [**4.1.8** - 1 page]
9. Chief Executive Certificate - BDC [**4.1.9** - 3 pages]

Accession Deed to Equity Commitment Deed

PARTIES

Buller District Council

Additional Guarantor

New Zealand Local Government Funding Agency Limited
Company

**BULLER DISTRICT COUNCIL
24 SEPTEMBER 2025**

Russell
McAagh

DEED dated

2025

PARTIES

Buller District Council
("Additional Guarantor")

New Zealand Local Government Funding Agency Limited
("Company")

INTRODUCTION

- A. Each of the Local Authorities listed in schedule 1 to this deed ("**Guarantors**") is (as at 4 September 2025) party to an equity commitment deed with the Company ("**EC Deed**") dated 7 December 2011 (as amended and restated on 4 June 2015) (whether as a party to the original EC Deed or by becoming a party pursuant to a deed equivalent to this deed).
- B. The Additional Guarantor is to become a Guarantor under the EC Deed by entering into this deed.

COVENANTS

1. **Definitions:** In this deed, capitalised terms shall have the meanings given to them in the EC Deed unless they are defined in this deed.
2. **Deemed to be a Guarantor:** With effect from the date of this deed, the Additional Guarantor will be deemed to be named as a Guarantor under the EC Deed as if originally included and named in the EC Deed.
3. **Warranties and undertakings:** The Additional Guarantor makes the representations, warranties and undertakings in clause 6.1 and 6.2 of the EC Deed in relation to itself to the Company by reference to the facts and circumstances then existing (and as though each reference in clause 6.1 and 6.2 to Guarantor was to the Additional Guarantor).
4. **Implied provisions:** For the purposes of section 14 of the Property Law Act 2007, the Additional Guarantor acknowledges that this deed is, and for all purposes and at all times shall be construed as being, supplemental to the EC Deed.

BULLER DISTRICT COUNCIL
24 SEPTEMBER 2025

Russell
McAugh

5. **Address for notice:** The initial address, email address and contact person (if any) of the Additional Guarantor for the service of notices is:
- Delivery Address: Buller District Council
6-8 Brougham Street
Westport
7825
- Attention: Glen Pellew
- Email: glen.pellew@bdc.govt.nz
- Postal Address: Buller District Council
6-8 Brougham Street
Westport
7825
6. **Governing law:** This deed shall be governed by, and construed in accordance with the laws of New Zealand, and the parties hereby submit to the non-exclusive jurisdiction of the courts of New Zealand.
7. **No Crown guarantee:** The obligations and liabilities of the Additional Guarantor and Company under this deed and the EC Deed are not guaranteed by the Crown.
8. **Counterparts:** This deed may be signed in any number of counterparts, all of which together constitute one and the same instrument, and any of the parties may execute this deed by signing any such counterpart.

EXECUTED AS A DEED

Additional Guarantor

BULLER DISTRICT COUNCIL by:

Signature of Elected Member

Signature of Elected Member

Name of Elected Member

Name of Elected Member



Company

**NEW ZEALAND LOCAL GOVERNMENT
FUNDING AGENCY LIMITED** by:

Signature of director

Signature of director

Name of director

Name of director

BULLER DISTRICT COUNCIL
24 SEPTEMBER 2025



SCHEDULE 1
EXISTING GUARANTORS

1. Ashburton District Council
2. Auckland Council
3. Bay of Plenty Regional Council
4. Canterbury Regional Council
5. Carterton District Council
6. Central Hawke's Bay District Council
7. Central Otago District Council
8. Christchurch City Council
9. Clutha District Council
10. Dunedin City Council
11. Far North District Council
12. Gisborne District Council
13. Gore District Council
14. Grey District Council
15. Hamilton City Council
16. Hastings District Council
17. Hauraki District Council
18. Hawke's Bay Regional Council
19. Horowhenua District Council
20. Hurunui District Council
21. Hutt City Council
22. Invercargill City Council
23. Kaipara District Council
24. Kapiti Coast District Council
25. Mackenzie District Council
26. Manawatu District Council
27. Manawatū-Whanganui Regional Council
28. Marlborough District Council
29. Masterton District Council
30. Matamata-Piako District Council
31. Napier City Council
32. Nelson City Council
33. New Plymouth District Council
34. Northland Regional Council
35. Otago Regional Council
36. Ōtorohanga District Council
37. Palmerston North City Council

BULLER DISTRICT COUNCIL
24 SEPTEMBER 2025

Russell
McAugh

38. Porirua City Council
39. Queenstown-Lakes District Council
40. Rangitikei District Council
41. Rotorua District Council
42. Ruapehu District Council
43. Selwyn District Council
44. South Taranaki District Council
45. South Waikato District Council
46. South Wairarapa District Council
47. Southland District Council
48. Southland Regional Council
49. Stratford District Council
50. Taranaki Regional Council
51. Tararua District Council
52. Tasman District Council
53. Taupo District Council
54. Tauranga City Council
55. Thames-Coromandel District Council
56. Timaru District Council
57. Upper Hutt City Council
58. Waikato District Council
59. Waikato Regional Council
60. Waimakariri District Council
61. Waimate District Council
62. Waipa District Council
63. Waitaki District Council
64. Waitomo District Council
65. Wellington City Council
66. Wellington Regional Council
67. West Coast Regional Council
68. Western Bay of Plenty District Council
69. Westland District Council
70. Whakatane District Council
71. Whanganui District Council
72. Whangarei District Council

Accession Deed to Guarantee and Indemnity

PARTIES

Buller District Council

Additional Guarantor

TEL Security Trustee (LGFA) Limited

Security Trustee

**BULLER DISTRICT COUNCIL
24 SEPTEMBER 2025**

Russell
McAagh

DEED dated

2025

GRANTED BY

Buller District Council
("Additional Guarantor")

IN FAVOUR OF

TEL Security Trustee (LGFA) Limited
("Security Trustee")

INTRODUCTION

- A. Each of the Local Authorities listed in schedule 1 to this deed ("**Guarantors**") is (as at 4 September 2025) party to a guarantee and indemnity ("**Guarantee**") dated 7 December 2011 (as amended and restated on 6 July 2020) in favour of the Security Trustee (whether as a party to the original Guarantee or by becoming a Guarantor pursuant to a deed equivalent to this deed).
- B. The Additional Guarantor is to become a Guarantor under the Guarantee by entering into this deed.

COVENANTS

1. **Definitions:** In this deed, capitalised terms shall have the meanings given to them in the Guarantee unless they are defined in this deed.
2. **Deemed to be a Guarantor:** With effect from the date of this deed, the Additional Guarantor will be deemed to be named as a Guarantor under the Guarantee as if originally included and named in the Guarantee.
3. **Guarantee:** The Additional Guarantor guarantees to the Security Trustee, for the benefit of the Guaranteed Creditors, the due payment or delivery by the Principal Debtor of the Principal Debt. The provisions of the Guarantee shall apply to the guarantee given by the Additional Guarantor under this deed in the same manner, and to the same extent, as if the same had (with all necessary modification) been set out in full in this deed.
4. **Representations and warranties:** The Additional Guarantor makes the representations and warranties in clause 9.1 of the Guarantee in relation to itself to the Security Trustee by reference to the facts and circumstances then existing (and as though each reference in clause 9.1 to Guarantor was to the Additional Guarantor and each reference to the Transaction Documents included this deed).
5. **Attorney:** The Additional Guarantor irrevocably appoints the Security Trustee and every officer of the Security Trustee, individually, to be the attorney of the Additional Guarantor ("**Attorney**") (with full power to delegate the Attorney's powers to any person for any period and to revoke any such delegation) to, on behalf of the Additional Guarantor, do anything which, in the Attorney's opinion, is desirable to protect the Security Trustee's or any other Guaranteed

**BULLER DISTRICT COUNCIL
24 SEPTEMBER 2025**

Russell
McAugh

Creditor's interests under this deed and/or the Guarantee, and the Additional Guarantor hereby ratifies anything done by the Attorney or any delegate in accordance with this clause 5.

6. **Implied provisions:** For the purposes of section 14 of the Property Law Act 2007, the Additional Guarantor acknowledges that this deed is, and for all purposes and at all times shall be construed as being, supplemental to the Guarantee.
7. **Address for notice:** The initial address, email address and contact person (if any) of the Additional Guarantor for the service of notices is:

Address: Buller District Council
6-8 Brougham Street
Westport
7825

Attention: Glen Pellew

Email: glen.pellew@bdc.govt.nz

Postal Address: Buller District Council
6-8 Brougham Street
Westport
7825

8. **Governing law:** This deed shall be governed by, and construed in accordance with the laws of New Zealand, and the parties hereby submit to the non-exclusive jurisdiction of the courts of New Zealand.
9. **No Crown guarantee:** The obligations and liabilities of the Additional Guarantor under this deed and the Guarantee are not guaranteed by the Crown.

EXECUTED AS A DEED

Additional Guarantor

BULLER DISTRICT COUNCIL by:

Signature of Elected Member

Signature of Elected Member

Name of Elected Member

Name of Elected Member

BULLER DISTRICT COUNCIL
24 SEPTEMBER 2025

Russell
McAugh

SCHEDULE 1
EXISTING GUARANTORS

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BULLER DISTRICT COUNCIL
24 SEPTEMBER 2025

Russell
McAugh

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69. Westland District Council
70. Whakatane District Council
71. Whanganui District Council
72. Whangarei District Council

**BULLER DISTRICT COUNCIL
24 SEPTEMBER 2025**

STOCK ISSUANCE CERTIFICATE

I, Simon Pickford, the Chief Executive of Buller District Council (the "**Council**") hereby certify that:

1. the issue of Security Stock to New Zealand Local Government Funding Agency Limited (the "**new Stock**")¹ under the Debenture Trust Deed dated 20 October 2015 (the "**Trust Deed**") has been duly authorised by the Council, or has been authorised by a person or persons within the delegated authorities approved by the Council;
2. no Enforcement Event has occurred and remains unremedied;
3. for the purposes of section 115(3) of the Act, the loans or obligations secured by the new Stock have been raised for the benefit of all of the Council's district;
4. for the purposes of section 118 of the Act, the Council has complied with the Act in entering into and the performance of its obligations under the Trust Deed, the Agency Agreement and all other obligations entered into by the Council in connection with the Council's borrowing and granting security under the Trust Deed, including in respect of the new Stock.

This Certificate is given by me as Chief Executive of the Council in good faith on behalf of the Council and I shall have no personal liability in connection with the issuing of this Certificate.

Unless otherwise defined or the context otherwise requires, terms with a defined meaning in the Trust Deed shall have the same meaning where used in this Certificate.

Dated:

2025

Simon Pickford
Chief Executive
Buller District Council

¹ The Security Stock is issued with, in each case, a nominal amount equal to the aggregate amount, from time to time, of the liabilities, advances, and other accommodation or obligations referred to in the Stock Certificate for the relevant Stock.

**BULLER DISTRICT COUNCIL
24 SEPTEMBER 2025**

STOCK ISSUANCE CERTIFICATE

I, Simon Pickford, the Chief Executive of Buller District Council (the "**Council**") hereby certify that:

1. the issue of Security Stock to TEL Security Trustee (LGFA) Limited (the "**new Stock**")¹ under the Debenture Trust Deed dated 20 October 2015 (the "**Trust Deed**") has been duly authorised by the Council, or has been authorised by a person or persons within the delegated authorities approved by the Council;
2. no Enforcement Event has occurred and remains unremedied;
3. for the purposes of section 115(3) of the Act, the loans or obligations secured by the new Stock have been raised for the benefit of all of the Council's district;
4. for the purposes of section 118 of the Act, the Council has complied with the Act in entering into and the performance of its obligations under the Trust Deed, the Agency Agreement and all other obligations entered into by the Council in connection with the Council's borrowing and granting security under the Trust Deed, including in respect of the new Stock.

This Certificate is given by me as Chief Executive of the Council in good faith on behalf of the Council and I shall have no personal liability in connection with the issuing of this Certificate.

Unless otherwise defined or the context otherwise requires, terms with a defined meaning in the Trust Deed shall have the same meaning where used in this Certificate.

Dated:

2025

Simon Pickford
Chief Executive
Buller District Council

¹ The Security Stock is issued with, in each case, a nominal amount equal to the aggregate amount, from time to time, of the liabilities, advances, and other accommodation or obligations referred to in the Stock Certificate for the relevant Stock.

**BULLER DISTRICT COUNCIL
24 SEPTEMBER 2025**

SECURITY STOCK CERTIFICATE

Security Stock Certificate No: 18

BULLER DISTRICT COUNCIL
(the "**Council**")

Principal Office: Buller District Council
6-8 Brougham Street
Westport

Stock Transfer Office: MUFG Pension & Market Services (NZ) Limited
Level 30, PwC Tower
15 Customs Street West
Auckland 1010
(the "**Agent**")

The Security Stock referred to in this certificate is Security Stock constituted and secured by a Debenture Trust Deed (the "**Debenture Trust Deed**") dated 20 October 2015 between the Council and Corporate Trust Limited (and now between the Council and Covenant Trustee Services Limited) and is issued with the benefit and subject to the provisions of the Debenture Trust Deed.

THIS IS TO CERTIFY THAT

1. New Zealand Local Government Funding Agency Limited (the "**Holder**") is the registered holder of Specific Security Stock.
2. The Stock is issued as continuing security for the payment and performance on demand or otherwise of any indebtedness or other obligations of the Council of any nature arising in respect of:
 - the Accession Deed to Equity Commitment Deed between the Council and the Holder dated on or about the date of this certificate; and
 - the Equity Commitment Deed between various local authorities and the Holder dated 7 December 2011 (as amended, supplemented or restated from time to time),

whether:

- (a) present or future;
- (b) actual or contingent;
- (c) on account of any guarantee, principal moneys, interest, bank fees or charges, tax or otherwise; or
- (d) incurred before or after the issuance of the Stock,

**BULLER DISTRICT COUNCIL
24 SEPTEMBER 2025**

Page 2

that is due, owing, payable or remaining unpaid by the Council to the holder on any account whatever (in each case whether alone or together with any other person or as principal, guarantor, surety or otherwise).

3. Upon any distribution of the money available to Holders under clause 15.1 of the Debenture Trust Deed the Stock shall entitle the holder to payment pari passu with the other Holders in respect of their Secured Money.
4. The holder is entitled to the benefit of, is bound by, and is deemed to have notice of, all the provisions of the Debenture Trust Deed (including the relevant Conditions), which may be inspected at the Principal Office of the Council.

Capitalised terms used in this certificate have the same meaning as in the Debenture Trust Deed unless otherwise defined or the context otherwise requires.

Dated: 2025

Simon Pickford
Chief Executive
Buller District Council

**BULLER DISTRICT COUNCIL
24 SEPTEMBER 2025**

SECURITY STOCK CERTIFICATE

Security Stock Certificate No: 17

BULLER DISTRICT COUNCIL
(the "**Council**")

Principal Office: Buller District Council
6-8 Brougham Street
Westport

Stock Transfer Office: MUFG Pension & Market Services (NZ) Limited
Level 30, PwC Tower
15 Customs Street West
Auckland 1010
(the "**Agent**")

The Security Stock referred to in this certificate is Security Stock constituted and secured by a Debenture Trust Deed (the "**Debenture Trust Deed**") dated 20 October 2015 between the Council and Corporate Trust Limited (and now between the Council and Covenant Trustee Services Limited) and is issued with the benefit and subject to the provisions of the Debenture Trust Deed.

THIS IS TO CERTIFY THAT

1. TEL Security Trustee (LGFA) Limited (the "**Holder**") is the registered holder of Specific Security Stock.
2. The Stock is issued as continuing security for the payment and performance on demand or otherwise of any indebtedness or other obligations of the Council of any nature arising in respect of:
 - the Accession Deed to Guarantee and Indemnity granted by the Council in favour of the Holder dated on or about the date of this certificate; and
 - the Guarantee and Indemnity granted by various local authorities in favour of the Holder (for the benefit of any Guaranteed Creditor as defined in the Guarantee and Indemnity) dated 7 December 2011 (as amended, supplemented or restated from time to time),

whether:

- (a) present or future;
- (b) actual or contingent;
- (c) on account of any guarantee, principal moneys, interest, bank fees or charges, tax or otherwise; or
- (d) incurred before or after the issuance of the Stock,

**BULLER DISTRICT COUNCIL
24 SEPTEMBER 2025**

Page 2

that is due, owing, payable or remaining unpaid by the Council to the holder on any account whatever (in each case whether alone or together with any other person or as principal, guarantor, surety or otherwise).

3. Upon any distribution of the money available to Holders under clause 15.1 of the Debenture Trust Deed the Stock shall entitle the holder to payment pari passu with the other Holders in respect of their Secured Money.
4. The holder is entitled to the benefit of, is bound by, and is deemed to have notice of, all the provisions of the Debenture Trust Deed (including the relevant Conditions), which may be inspected at the Principal Office of the Council.

Capitalised terms used in this certificate have the same meaning as in the Debenture Trust Deed unless otherwise defined or the context otherwise requires.

Dated: 2025

Simon Pickford
Chief Executive
Buller District Council

BULLER DISTRICT COUNCIL
24 SEPTEMBER 2025

SECURITY STOCK ISSUE NOTICE

To: MUFG Pension & Market Services (NZ) Limited
Attention: Audrey Russell

Telephone: (09) 375 5982
Facsimile: (09) 375 5993
Email: audrey.russell@mpms.mufg.com

Subject: Security Stock Issue under the Debenture Trust Deed dated 20 October 2015 between Buller District Council and Corporate Trust Limited (and now between the Council and Covenant Trustee Services Limited) (the "Debenture Trust Deed")

Security Stock Particulars

Please find attached a copy of a Security Stock Certificate relating to a Security Stock issue by Buller District Council. Can you please enter the following details in the stock register that you maintain for Buller District Council under the Debenture Trust Deed:

PARTICULARS OF SECURITY STOCK	
Type of Stock	Security Stock
Issue Date	The date of the Security Stock Certificate
Name of Holder	New Zealand Local Government Funding Agency Limited
Security Stock Certificate number	As per the Security Stock Certificate
Nature of Security Stock	Specific Security Stock
Facilities secured	(a) Equity Commitment Deed dated 7 December 2011 between the Holder and various local authorities, as amended, supplemented or restated from time to time (the " Equity Commitment Deed "); and (b) Accession Deed to Equity Commitment Deed dated on or about the date of the attached Security Stock Certificate between Buller District Council and the Holder.
Address of Holder	As per existing records
Transfers of the Stock	
Cancellation of the Stock	
Other	Not applicable

[Security Stock Certificate attached]

**BULLER DISTRICT COUNCIL
24 SEPTEMBER 2025**

SECURITY STOCK ISSUE NOTICE

To: MUFG Pension & Market Services (NZ) Limited
Attention: Audrey Russell

Telephone: (09) 375 5982
Facsimile: (09) 375 5993
Email: audrey.russell@mpms.mufg.com

Subject: Security Stock Issue under the Debenture Trust Deed dated 20 October 2015 between Buller District Council and Corporate Trust Limited (and now between the Council and Covenant Trustee Services Limited) (the "Debenture Trust Deed")

Security Stock Particulars

Please find attached a copy of a Security Stock Certificate relating to a Security Stock issue by Buller District Council. Can you please enter the following details in the stock register that you maintain for Buller District Council under the Debenture Trust Deed:

PARTICULARS OF SECURITY STOCK	
Type of Stock	Security Stock
Issue Date	The date of the Security Stock Certificate
Name of Holder	TEL Security Trustee (LGFA) Limited
Security Stock Certificate number	As per the Security Stock Certificate
Nature of Security Stock	Specific Security Stock
Facilities secured	(a) Guarantee and Indemnity granted by various local authorities in favour of the Holder (for the benefit of any Guaranteed Creditor as defined in the Guarantee and Indemnity) dated 7 December 2011 (as amended, supplemented or restated from time to time) (the " Guarantee and Indemnity "); and (b) Accession Deed to Guarantee and Indemnity dated on or about the date of the attached Security Stock Certificate between Buller District Council and the Holder.
Address of Holder	As per existing records
Transfers of the Stock	
Cancellation of the Stock	
Other	Not applicable

[Security Stock Certificate attached]

**BULLER DISTRICT COUNCIL
24 SEPTEMBER 2025**

Execution version

CHIEF EXECUTIVE CERTIFICATE

I, Simon Pickford, the Chief Executive of Buller District Council ("**Council**") certify as follows:

1. RESOLUTIONS

1.1 The Council has, by all necessary resolutions duly passed ("**Resolutions**");

- (a) approved the transactions contemplated by the documents referred to in the schedule to this certificate ("**Documents**"), or delegated sufficient authority to the person(s) who has approved those transactions to give that approval; and
- (b) authorised execution of the relevant Documents by the Council, or delegated sufficient authority to the person(s) who authorised execution of the Documents to give that authorisation.

1.2 The Resolutions remain in full force and effect.

2. COMPLIANCE WITH THE ACT

For the purposes of section 118 of the Local Government Act 2002 ("**Act**"), in entering into the Documents and performing its obligations under the Documents, and all other documentation contemplated by or entered into in connection with the Documents, the Council has complied with the Act.

3. DUE EXECUTION

The Documents have been properly executed by the Council.

4. ACCESSION DOCUMENTS

All necessary regulatory and statutory authorisations, consents, approvals and licences in relation to:

- (a) the Council's entry into the Documents; and
- (b) the issuance of Security Stock and Security Stock Certificates in respect of the Council's obligations under the Documents referred to at items 1 and 2 in the schedule to this certificate, have been obtained and are current and satisfactory.

5. DEBENTURE TRUST DEED

The Debenture Trust Deed entered into between the Council and Corporate Trust Limited (and now between the Council and Covenant Trustee Services Limited) dated 20 October 2015 is in full force and effect. No amendments have been made to the Debenture Trust Deed since it was entered into.

**BULLER DISTRICT COUNCIL
24 SEPTEMBER 2025**

This certificate is given by me in my capacity as Chief Executive of the Council in good faith on behalf of the Council and I shall have no personal liability in connection with the issuing of this certificate.

DATED: 2025

SIGNED:

Simon Pickford
Chief Executive
Buller District Council

BULLER DISTRICT COUNCIL
24 SEPTEMBER 2025

SCHEDULE

"Documents"

Words and expressions defined in the Multi-issuer Deed dated 7 December 2011 (as amended and restated on 6 July 2020) between New Zealand Local Government Funding Agency Limited and various local authorities ("**Multi-issuer Deed**") have the same meanings in this certificate.

1. Accession Deed to Equity Commitment Deed dated on or before the date of this certificate between the Council and New Zealand Local Government Funding Agency Limited and the Equity Commitment Deed (as amended and restated on 4 June 2015).
2. Accession Deed to Guarantee and Indemnity dated on or before the date of this certificate granted by the Council in favour of TEL Security Trustee (LGFA) Limited and the Guarantee (as amended and restated on 6 July 2020).
3. Security Stock Certificate in favour of New Zealand Local Government Funding Agency Limited in relation to the Council's obligations under the Accession Deed to Equity Commitment Deed and the Equity Commitment Deed.
4. Security Stock Certificate in favour of TEL Security Trustee (LGFA) Limited as Security Trustee in relation to the Council's obligations under the Accession Deed to Guarantee and Indemnity and the Guarantee.
5. Stock Issuance Certificate in respect of the issue of the Security Stock evidenced by the Security Stock Certificates above.
6. Security Stock Issue Notices in respect of the issue of the Security Stock evidenced by the Security Stock Certificates above.

AGENDA ITEM: 4.2 ADOPTION OF REPORT UNDER SECTION 10A OF THE DOG CONTROL ACT 1996

Prepared by: Tracy Judd
Compliance Manager

Reviewed by: Simon Bastion
Group Manager Regulatory Services

Public Excluded: No

EXECUTIVE SUMMARY

1. The report is an overview of Animal Management practices and statistical information pursuant to s10A of the Dog Control Act 1996 relating to the 2024/2025 financial year. This report is required to be adopted by Council and publicly notified before a copy is sent to the Secretary for Local Government.
2. Section 10A of the Act requires Council to report on the administration of its Dog Control Policy and practices each financial year. It also specifies certain information that must be included in the report.

DRAFT RECOMMENDATION

That Council:

1. **Adopts the Buller District Council Annual Report on Dog Control Policy and Practices for the 2024/2025 financial year.**
2. **Requests staff to advise the Secretary for Local Government that the report has been published in accordance with Section 10A of the Dog Control Act 1996, and Section 5(1) of the Local Government Act 2002.**

ISSUES & DISCUSSION

BACKGROUND

3. The *Dog Control Policy* and the supporting Bylaw are enforcement tools for ensuring that the legislation is complied with. Day to day dog control is enforced in accordance with the graduated response model and only in the event of continued non-compliance or sufficiently serious matters are infringement notices or prosecution options pursued.

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4. The majority of the known dog owners within the district are responsible and compliant. Animal Control Officers have focused on educating the non-compliant owners and while this is more time consuming, generally a positive result is achieved.
5. An outline of the dog control activities undertaken by Animal Control Officers, entitled "*What Your Dog Registration Pays For*" is attached as Attachment 2. This document is used as an educational tool for dog owners.
6. In the 2024/2025 financial year, the Dog Pound has had the exercise yard and parking upgraded. There has been extra drainage and new gravel added as this maintenance that was overdue to be completed.
7. For the 2025/2026 registration year, Buller District Council has offered a 20% discount on dog registration fees for Super Gold card holders to support elderly residents with the cost of owning companion pets. This has been well received in the community.
8. Animal Management continue to work with Dog Assistance With Gelding and Spays (DAWGS) who are a non-profit organisation operating in the Buller District. They are financed via local fundraising initiatives and have assisted by covering the cost to spay or neuter impounded dogs so that they may be suitable for rehoming.
9. Social media remains an effective communication platform for delivering consistent messaging. Our posts highlight dogs available for adoption, registration date reminders etc. Notably social media has reunited lost dogs with owners.
10. Animal Management held another Mutt dog show in 2025, this part of the annual A & P show. This event is always immensely popular and positive. Classes such as the obstacle course always attract a big crowd.

OPTIONS

11. There is a legislative requirement for Council to adopt an Annual Report on Dog Control Policy and Practices and make the report publicly available in the same year. This report is submitted for adoption in accordance with those legislative requirements.

Advantages

12. Council meets its obligations of the Act by adopting the Annual Report on Dog Control Policy and Practices thus maintaining legislative requirements.

Disadvantages

13. Failure to adopt the report would mean council breaches the Act.

PREFERRED OPTION

14. Adopt the report as per the recommendations.

NEXT STEPS

15. The Secretary for Local Government is advised that it has been published in accordance with Section 10A of the Dog Control Act 1996, and Section 5(1) of the Local Government Act 2002.

CONSIDERATIONS

Strategic Impact

16. The adoption of the attached Annual Report is an administrative function required of Council under the Dog Control Act 1996 and is therefore of low significance in accordance with Council's Significance and Engagement Policy.

Significance Assessment

17. Section 76AA of the Local Government Act requires the Council to adopt a policy on significance and engagement. The Council Policy on significance can be found by clicking the following link:

<https://bullerdc.govt.nz/media/f2ofzb4z/buller-district-council-significance-and-engagement-policy-2021-2031-ltp.pdf>

18. This report is a legislative requirement under the Dog Control Act 1996, that following adoption, must be notified and made publicly available online.

19. This report is assessed as being low significance.

Risk Management Implications / Opportunities

20. The following risks or opportunities are identified with the issues identified in this report:

21. If Council does not adopt a report on its Dog Control Policy and practices for the 2024/2025 financial year, it will not meet the requirements of section 10A of the Dog Control Act 1996.

Policy & Legislative Considerations

22. The Report can be used to measure the effectiveness of Council's Dog Control Policy and practices, and to inform their review.
23. Once adopted, the Act requires Council to give public notice of the Report and send a copy of it to the Secretary for Local Government within one month of its adoption.

Māori Impact Statement

24. 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.

Financial Considerations

25. There is no financial implication relevant to this decision.

Communication Internal / External

26. As this item does not trigger Council's Significance and Engagement Policy, public consultation is not required. It is a legislative requirement under the Dog Control Act 1996, that following adoption, must be notified and made publicly available online.

ATTACHMENTS

1. Dog Statistics 2025 v 3 [4.2.1 - 1 page]



Buller District Council Annual Report on Dog Control Policy and Practices

Statistical information required to be reported on under section 10A (2) of the Act.

Registration - s10A(2)9(a)-(d)

	2023/2024	2024/2025
Number of registered dogs	2,245	2,307
Number of probationary owners	0	0
Number of disqualified owners	0	0
Number of dogs classified dangerous under Section 31 1B due to sworn evidence	2	1
Number of dogs classified as menacing under Section 33C (by breed)	0	2
Number of dogs classified as menacing under Section 33A 1 (b) (I) (by threat)	3	0



Registered dogs

For the year 2024/25

2,307 ▲ +62

For the year 2023/24

2,245

Number of infringement notices issued for - S10A (2)(e):

	2023/2024	2024/2025
Failing to register a dog	8	6
Failure to comply with menacing classification	1	1
Failure to comply with dangerous classification	0	1
Failure to keep dog under control	11	4
Failure to comply with Bylaw	0	0
Falsely notifying death of dog	0	0
Total Infringement Notices	20	12



Infringement notices

For the year 2024/25

12 ▼ -8

For the year 2023/24

20

Number of dog related complaints - s10A(f)(g)

	2023/2024	2024/2025
Barking complaints	57	51
Wandering dogs/impounded	99 / 34	147 / 10
Dog/s aggressive behaviour including rushing	49	17
Dog/s attack	26	15
Miscellaneous (including lost, found, neglected, information related enquiries, & defecating dogs)	184	148
Prosecutions	0	0
Total Dog Related Complaints	415	378



Complaints

For the year 2024/25

378 ▼ -37

For the year 2023/24

415

AGENDA ITEM: 4.3 GAMBLING VENUES POLICY

Prepared by: Bronwyn Little
Senior Policy Adviser

Reviewed by: Simon Bastion
Group Manager Regulatory Services

Public Excluded: No

EXECUTIVE SUMMARY

1. The Buller District Council Class 4 Gambling and TAB Venue Policy (the Policy) is currently under review.
2. Early engagement consultation was undertaken on several options for the Policy, and a total of 29 submissions were received.
3. After consideration of the submissions, Council resolved to place restrictions on machines and venues in the district, location of venues and number of machines per venue in addition to allowing the relocation of venues.
4. Subsequently, the Risk and Audit Committee provided guidance to staff regarding how those restrictions should be set for the number of venues, number of machines per venue and number of total machines in the District, location parameters and relocation provisions.
5. Attached to this report is a draft policy and Statement of Proposal for adoption by Council for consultation. In addition, a social impact assessment has been prepared to assist Council in their consideration of the draft policy.

DRAFT RECOMMENDATION

That Council:

- 1. Receives the report;**
- 2. Accepts the Social Impact Assessment attached as Attachment 3;**
- 3. (a)Adopts the draft Gambling Venues Policy (Attachment 1) and associated Statement of Proposal (Attachment 2) for consultation; or**

(b) Adopts the draft Gambling Venues Policy (Attachment 1) and associated Statement of Proposal (Attachment 2) for consultation with amendments as resolved; and

4. Instructs the Chief Executive Officer to proceed with consultation on the draft Gambling Venues Policy, as required under the Local Government Act 2002.

ISSUES & DISCUSSION

BACKGROUND

6. The Gambling Act 2003 requires Council to adopt and administer a Class 4 Gambling Venue Policy to influence the extent of, and minimise the negative impacts of, Class 4 Gambling venues in the district. It enables Council to control where venues can be established and limit the permitted number of gaming machines at each venue. Class 4 gambling covers gaming machines commonly referred to as pokies.
7. In a comparable way, the Racing Industry Act 2020 requires Council to adopt and administer a TAB Venues policy which covers the location of stand-alone TAB premises. The purposes of the Racing Industry Act 2020 also includes the prevention and minimisation of harm.
8. Review of the Policy
Both Acts require that the relevant policy be reviewed every three years. Buller District Council currently has one policy covering the requirements of both Acts.
9. To begin the review Council adopted a statement of proposal which outlined the assorted options for dealing with each of the matters included in the policy:
 - i. Number of venues in the district
 - ii. Number of gaming machines in the district
 - iii. Number of gambling machines per venue
 - iv. Venue location – both Gambling Venues and Board (TAB) venues

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- v. Relocation of licenses to other venues.
10. Public consultation took place based on the statement of proposal and submissions were invited from the public for a one-month period with a total of 29 submissions received. Of these submissions, 11 were from stakeholder organisations and the remainder from individuals within the District. Many individuals also noted organisations they were associated within the District.
11. Councillors considered these submissions and heard from those who wished to speak to their submissions at an extraordinary Council meeting in November 2024. After deliberating on the matters concerned, Council resolved to put a cap on number of venues and gaming machine (per venue and a total for the District), restrict location of venues and provide for relocation of venues.
12. Earlier this year the Risk and Audit Committee considered exactly how the caps and restrictions could be implemented in a draft policy. It was resolved to:
- i. Cap the number of Class 4 Gambling Venues in the District to the number currently operating – seven venues
13. Cap the number of gaming machines in the District to the number currently operating – 58 gaming machines
- i. Cap the number of machines per venue to nine
14. Restrict location of a venue to at least 50m from a sensitive activity such as a school, kindergarten, or community facility
15. Applications required to be made to Council for the relocation of a venue in the event of a fire, earthquake, or other extenuating circumstances.
16. Draft Policy and Statement of Proposal
- Using these parameters, staff have prepared a draft policy for Council to consider (Attachment 2). The policy includes the restrictions as set out above and details the application and consent process (including public notifications, submissions, and hearings). As required under the

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Local Government Act 2002, a Statement of Proposal is also attached (Attachment 2) which outlines the current policy and the proposed draft policy together with reasons for the changes proposed.

17. Social Impact Assessment:

In addition to these two documents both the relevant Acts require Councils to consider the social impact of gambling in the District. This includes an assessment of the socioeconomic characteristics of the District, along with consideration of both the benefits that can be attributed to gambling and the harm that can be caused. This assessment is attached as Attachment 3.

18. In summary the assessment includes the following information:

- The number of electronic gaming machines in the Buller District has decreased significantly over time and most recently a venue closed in 2024
- There are currently seven Class 4 gambling venues in the Buller District, with a total of 58 electronic gaming machines currently operating.
- There are no stand-alone TAB venues in the Buller District, but there are two TAB outlets within pubs and taverns in Westport and Reefton that also operate gaming machines.

19. Buller District has a remarkably elevated level of socioeconomic deprivation with a score of 9 overall on the socioeconomic deprivation index (1 being the lowest level and 10 being the highest level).

- All existing Class 4 Gambling venues are located within high (8 or 9) areas of deprivation.

20. The District sits at 33 out of 66 territorial authorities in for gaming machine proceeds per capita (adults 18+).

21. The number of total residents in the district seeking help for problem gambling (all forms of gambling) has fluctuated over time with a peak in all interventions in 2022 (81) which then decreased in 2023 (23). Interventions excluding one off contacts, are much lower than the one-off interventions being between 1 and 6 per year over the last decade.

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- Statistics for New Zealand show that almost 50% of all interventions are related to non-casino gaming machines i.e. class 4 gambling.
- Many clubs and community groups benefit each year from grants sourced from gaming machine proceeds.

OPTIONS

22. Three options have been identified throughout the review process as outlined below.

Option 1 – Status Quo

23. Retain the existing policy and consult with the public on this policy without any change.

Option 2 – Provide more guidance and restrictions to keep gambling opportunities at current level

24. Set a cap (current numbers) on the number of venues (nine) and gaming machines (58) in the district, limit the number of gaming machines per venue (nine), restrict the location of venues in relation to sensitive activities and provide for relocation, on application, in the case of venues destroyed under extenuating circumstances.

Option 3 – Sinking Lid

25. No further applications or consents for more venues or machines in the District. Existing venues would not be able to increase the number of machines regardless of the current number. Over time the number of venues and machines in the District would decrease. Relocations could be permitted in certain circumstances.

The following is an assessment of the advantages and disadvantages of each option:

Advantages

OPTION	ADVANTAGES
1. Status Quo	• Easy to understand with no change to the administration of the policy • Matters for consideration in the Acts are covered • Public submission and hearing process in place for applications

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	• Allows for increase in community funding if more machines and venues are permitted • Relocations permitted under certain circumstances such as fire or earthquake destroying a venue
2. Provide more guidance and restrictions to keep gambling opportunities at current level	• Limits on total number of venues and machine numbers throughout the District • Retains existing number of venues and machines • Opportunities for community funding generation remain the same • Clear guidance on location restrictions • Maintains current level of access for community to participate in gambling for entertainment
3. Sinking Lid	• Clear direction for future of Class 4 Gambling in the District • Overtime there would be reduced community exposure to gambling venues and machines • Quite easy to administer and operate • Could allow for relocation under certain circumstances such as a fires or earthquake destroying a venue

Disadvantages

OPTION	DISADVANTAGES
1. Status Quo	• No specific guidance on where a venue should be located • No upper limit on venue numbers • Minimal guidance for the community, applicants, and Council in making decisions on venues and number of machines in the District • An on-going opportunity for increase in venues and machines could result in increased harm in the community.

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2. Provide more guidance and restrictions to keep gambling opportunities at current level	• New opportunities for venues and machines reliant on existing venues closing or reducing machine numbers • Limited opportunity for growth in community funding • Impacts on businesses currently considering adding machines to approved venues or applying for consent as a new venue
3. Sinking Lid	• Reduction in opportunities for new applications for venues or additional machines • Overtime residents would have reduced access to gaming machines as a form of entertainment • Overtime community funding would decrease

PREFERRED OPTION

Option 2:

26. It is considered that this option provides a balanced approach to the provide for Class 4 Gambling and TAB betting opportunities in the District whilst considering the risks and harm that can result from these forms of gambling especially in areas of high social deprivation.

NEXT STEPS

27. Council adopts the draft policy and Statement of Proposal for consultation

28. Public consultation undertaken in accordance with Section 83 Local Government Act 2002.

CONSIDERATIONS

Strategic Impact

29. The review of this policy is required by both the Gambling Act 2003 and the Racing Industry Act 2020. By undertaking the review council is fulfilling both its legal and social obligations to address the issue of gambling in the local community.

Significance Assessment

30. Section 76AA of the Local Government Act requires the Council to adopt a policy on significance and engagement. The Council Policy on significance can be found by clicking the following link:

<https://bullerdc.govt.nz/media/f2ofzb4z/buller-district-council-significance-and-engagement-policy-2021-2031-ltp.pdf>

31. This report is assessed as being medium significance in that this review is required under the Gambling Act 2003 and the Racing Industry Act 2020. Failure to undertake the review would be in breach of these requirements.

Risk Management Implications / Opportunities

32. The following risks or opportunities are identified with the issues identified in this report:

Legal

Failure to review and adopt a Gambling Venues Policy would result in non-compliance with the Gambling Act 2003 and the Racing Industry Act 2020.

Policy & Legislative Considerations

33. The following are relevant

- Gambling Act 2003
- Racing Industry Act 2020
- Local Government Act 2002

Engagement – External

34. A first round of public consultation was undertaken and resulted in 29 submissions which were considered in November 2024. The decisions of the Risk and Audit Committee to restrict the growth of gambling venues and gaming machines was made after consideration of these submissions.

35. Community consultation will take place in accordance with Section 83 (special consultative procedure) of the Local Government Act 2002.

Engagement – Internal

36. Compliance staff and the Senior Policy Advisor are working through this process together.

Māori Impact Statement

37. 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.

38. However, statistics show that Māori are disproportionately impacted by gambling and are 3.13 times likely to experience gambling harm compared with non-Māori. In 2023, Statistics New Zealand shows that 13% of Buller's population identifies as Māori.

Financial Considerations

39. Council staff time and resources will continue to be managed under existing workloads and budgets.

Communication Internal / External

40. There may be interest from the media on this issue. This will be managed by the Communications team as and when required.

ATTACHMENTS

1. Draft Gambling Venues Policy 2025 [**4.3.1** – 8 pages]
2. Gambling Venues Policy Statement of Proposal 2025 Draft Consultation Document [**4.3.2** – 8 pages]
3. Social Impact Assessment Gambling Venue Policy [**4.3.3** – 22 pages]



DRAFT GAMBLING VENUES POLICY

Created on:	00/00/0000	Owner:	Senior Policy Advisor
Approved on:	00/00/0000	Approved by:	

Reviewed on:		Reviewed by:	
Approved on:			

1 INTRODUCTION

1.1 PURPOSE

To manage the establishment of Class 4 gambling and TAB venues to minimise the adverse effects of gambling on the Buller district.

1.2 SCOPE

This Gambling Venue Policy covers both class 4 or “pokie” gambling, and TAB New Zealand (hereafter referred to as “TAB”) gambling venues.

- “Class 4 gambling venue” refers to a place where gaming machine (pokie machine) gambling can take place under the Gambling Act 2003.
- “TAB” gambling venue refers to a venue owned or leased, and operated, by TAB New Zealand and where the main business carried on at the premises is providing racing betting or sports betting services as provided for in the Gambling Act 2003 and the Racing Industry Act 2020.

1.3 BACKGROUND

The Gambling Act 2003 and Racing Industry Act 2020 give Councils the ability to limit the number of venues and gaming machines, having regard to the social impact of gambling in the District. This policy has been prepared in accordance with Section 101 of the Gambling Act 2003 and Section 96 of the Racing Industry Act 2020. Both Acts require Territorial Authorities to have a policy that guides if, where and how many Class 4 (pokies) and TAB venues may be established in the district.

The Gambling Act 2003

The Gambling Act has eight purposes, with Councils being given the ability by Parliament to assist in achieving four of these, namely:

- (a) Controlling the growth of gambling.
- (b) Preventing and minimising harm from gambling, including problem gambling.
- (c) Facilitating responsible gambling.
- (d) Facilitating community involvement in decisions about the provision of gambling.

The Racing Industry Act 2020

The purposes of the Racing Industry Act 2020 are to –

Reform the law relating to New Zealand racing in order to –

- (a) Provide effective governance arrangements for the racing industry; and
- (b) Promote the long-term viability of New Zealand racing; and
- (c) Facilitate betting on galloping, harness, and greyhound races, and other sporting events; and
- (d) Ensure that the value of racing property is retained in the industry and is used for maximum industry benefit; and
- (e) Prevent and minimise harm from gambling conducted under this Act, including harm associated with problem gambling.

1.4 OBJECTIVES

This Gambling Venue Policy has the following objectives:

- (a) To provide the Buller District Council and the community with influence over the location and operation of Class 4 gambling venues and TAB venues within the Buller District.
- (b) To have regard to the social impact of gambling within the Buller District, including the cumulative effects of additional opportunities for gambling.
- (c) To minimise harm from gambling, including problem gambling.
- (d) To provide opportunities for people to participate in machine gambling and betting on horse races and other sporting events within the Buller District.
- (e) To ensure that the local community continues to have access funding from the proceeds of Class 4 gambling in the District.

2 CLASS 4 GAMBLING VENUES AND GAMING MACHINES POLICY

2.1 Class 4 Gambling Consent required

A Class 4 Gambling consent, under Section 99 of the Gambling Act 2003, is required for the following:

- To establish a new Class 4 Gambling Venue in Buller District.
- To increase the number of gaming machines at an approved Class 4 Gambling Venue in Buller District.



2.2 Permitted Locations

No Class 4 gambling venue may be established closer than 50 metres* to the entrance to any school, early childhood centre, after school care facility, kindergarten, place of worship or other community facility.

No gaming machines shall be sited so that they are wholly or partly visible from the street or footpath outside the premises.

Class 4 gambling venues must comply in all respects with the provisions of the operative District Plan.

**The 50 metre distance is measured from the edge of the building that houses the Class 4 Gambling venue in a straight line in all directions.*

2.3 Numbers of Gaming Machines Allowed per venue

Subject to the restriction on number of machines in clauses 2.4 and 2.5 below:

- a) New and existing venues shall be allowed a maximum of 9 gaming machines;
- b) Venues that merge shall be allowed a maximum of 9 gaming machines

2.4 Number of Class 4 Gambling Venues in the District

No consents for new Class 4 Gambling Venues will be granted where granting of the consent would result in the total number of venues operating in the district exceeding seven (7).

2.5 Number of Class 4 Gambling Machines in the District

No Class 4 Gambling consents for new Class 4 Gambling Machines will be granted where granting of the consent would result in the total number of Class 4 Gambling machines operating in the district exceeding fifty-eight (58).

2.6 Primary Activity of Class 4 Gambling Venues

Class 4 gambling venues may be established in Buller subject to:

- (a) The primary activity of the premises being onsite entertainment, recreation, or leisure focused on persons 18 years and over; and
- (b) The premises being authorised under the Sale and Supply of Alcohol Act 2012 for the sale of alcohol for consumption on the premises; and
- (c) Application being made to and granted by Buller District Council

2.7 Applications for Class 4 Gambling Venues and Machines

An applicant for a Class 4 Gambling consent under this policy must:

- a) Meet the application requirements specified in this policy;
- b) Meet the fee requirements specified in the adopted Buller District Council Annual Plan; and
- c) Meet the requirements of 2.1 to 2.6 above.

Applications for a Class 4 Gambling consent must be made on the approved form and must provide:

- a) Name and contact details of the organisation or company applying for the new or amended Class 4 venue licences;
- b) Street address of premises proposed for the Licence;
- c) Proposed trading name (if any) and ownership details for the premises;
- d) Number of gambling machines to be installed;
- e) Details on the frequency of distribution of gaming funds to the community;
- f) Whether the premises are within 50 metres of the entrance way to any school, early childhood centre, kindergarten, after school care facility, place of worship or other community facility;
- g) Proximity of the premises to other licensed Class 4 gambling venues;
- h) Evidence that the premises are authorised under the Sale and Supply of Alcohol Act 2012 for the sale of alcohol for consumption on the premises;
- i) A site plan covering both gambling and other activities proposed for the venue, including details of each floor of the venue;
- j) Evidence of police approval for owners and managers of the venue; and
- k) Evidence of the primary purpose of the venue.

2.8 Public Notification and Consultation

- All applications for Council consent will be available for public submissions.
- All applications will be publicly notified on the Council website and in a newspaper or print

publication circulating in the geographical area to which the application relates.

- The public notifications will advise people of the opportunity to make a written submission on the application and where paper copies of the application can be viewed.
- Copies of the application and information on how to make a written submission will be made available at Council offices, Reefton Visitor and Service Centre, Buller District Library and on Council's website.
- Submitters will have the opportunity to speak to their submission at the Council hearing of the application.

2.9 Relocation of Venues

On application Council may permit existing Class 4 Gambling venues to re-establish at a new site where extenuating circumstances beyond the control of the owner or lessee of the premises in which the machines are located, the premises cannot continue to operate at the existing site.

Any application to relocate a current venue will be considered on a case-by-case basis and approval will be at the discretion of the Council.

An application, and the proposed venue, must comply with all other conditions and provisions set out in this Policy and is also subject to the following conditions:

- a) The venue operator of the new location will be the same as the former location.
- b) The maximum number of gaming machines permitted to operate at the new venue is the same as the maximum number of gaming machines permitted to operate at the old venue immediately before the licence relating to the old venue is cancelled.
- c) Meeting the application fee requirements.

Note: Where a venue relocates, the Class 4 licence for the old venue will be cancelled and the old venue will be treated as if no Class 4 venue licence had ever been held for that venue.

Council Decision making

In considering all applications relating to Class 4 gambling venues Council will consider any submissions received to the application and may consider any other matter, including but not limited to, the following:

- a) Characteristics of the district and parts of the district.
- b) Locations of kindergartens, early childhood centres, schools, places of worship and other community facilities.

- c) The number of gaming machines that should be permitted at any venue.
- d) The cumulative effects of additional opportunities for gambling in the district.
- e) How close any venue will be to other permitted existing venues.
- f) What the primary activity at any venue is.

2.11 Application Fees

Application fees will be set by the Buller District Council in the adopted Annual Plan and Long Term Plan, pursuant to Section 150 of the Local Government Act 2002 and shall include consideration of the cost of processing the application, including any consultation involved.

3 TAB VENUES POLICY

3.1 TAB Venue Consent Required

A TAB venue consent, under Section 94 of the Racing Industry Act 2020, is required from Council to establish a new TAB Venue in Buller District.

3.2 Permitted Locations TAB Venues

New TAB venues may be established in the Buller District subject to being no closer than 50 metres to the entrance to any school, early childhood centre, after school care facility, kindergarten, place of worship or other community facility.

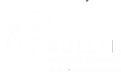
TAB venues must comply in all respects with the provisions of the operative District Plan.

**The 50 metre distance is measured from the edge of the building that houses the TAB venue in a straight line in all directions.*

3.3 Application Requirements

An applicant for Council TAB Venue consent under this policy must:

- a) Meet the application requirements specified in this policy;
- b) Meet the fee requirements specified in the adopted Buller District Council Annual Plan;
and
- c) Meet the requirements of 3.2 above.



Applications to Buller District Council must be made on the approved form and must provide:

- a) Name and contact details of the applicant
- b) Street address of premises proposed for the venue;
- c) Proposed trading name and ownership details for the premises;
- d) Evidence that the premises are a NZ Racing Board venue;
- e) A site plan covering both gambling and other activities proposed for the venue, including details of each floor of the venue;
- f) Evidence of police approval for owners and managers of the venue; and
- g) Evidence of the primary purpose of the venue;

3.4 Council Decision making

In considering all applications relating to Class 4 gambling venues Council will consider any submissions received to the application and may consider any matter, including but not limited to, the following:

- a) Characteristics of the district and parts of the district.
- b) Locations of kindergartens, early childhood centres, schools, places of worship and other community facilities.
- c) The cumulative effects of additional opportunities for gambling in the district.
- d) How close will any venue be to other permitted existing venues.

3.5 Application Fees

Application fees will be set by the Buller District Council in the adopted Annual Plan and Long Term Plan, pursuant to Section 150 of the Local Government Act 2002 and shall include consideration of the cost of processing the application, including any consultation involved.

4 POLICY REVIEW

This policy will be reviewed every three years.



Consultation document

DRAFT



Gambling Venues Policy Review

2025

Statement of Proposal

This Statement of Proposal is made for the purposes of Section 83 of the Local Government Act 2002, Section 101 of the Gambling Act 2003 and Section 96 of the Racing Industry Act 2020.

It includes:

- **The background to the proposal**
- **The reasons for the proposal**
- **The key elements of the policy**
- **The options we are presenting**
- **Consultation details**

Background

Under Section 101 of the Gambling Act 2003 and Section 96 of the Racing Industry Act 2020 all territorial authorities are required to adopt policies on Class 4 Gambling venues and TAB venues.

These policies need to include where and how venues can host electronic gaming machines (pokies) and where standalone TAB venues can be located. Buller District Council combined these two policies into one policy document, the Class 4 Gambling and TAB Venues Policy, which is required to be reviewed every three years. This policy was last reviewed in 2018 and is now under review.

The current policy includes:

- Class 4 Gambling Venues Policy (under the Gambling Act 2003) - sets out the rules and restrictions we have in place for venues wanting to operate electronic gaming machines (pokies) in our district; and
- TAB Venues Policy (under the Racing Industry Act 2020) - sets out the rules and restrictions for licensing of standalone TAB venues in our district.

We are proposing to replace the existing policy with a new policy 'Gambling Venues Policy 2025' with a number of significant changes intended to achieve the objectives set out in the policy.

Reasons for the proposal

The objectives of the proposed Gambling Venues Policy (incorporating both the Class 4 Venues Policy and TAB Venues Policy) are to:

- a. To provide the Buller District Council and the community with influence over the location and operation of Class 4 gambling venues and TAB venues within the Buller District.
- b. To have regard to the social impact of gambling within the Buller District, including the cumulative effects of additional opportunities for gambling.
- c. To minimise harm from gambling, including problem gambling.
- d. To provide opportunities for people to participate in gaming machine gambling and betting on horse races and other sporting events within the Buller District.
- e. To ensure that the local community continues to have access funding from the proceeds of Class 4 gambling in the District.

Out of scope of this policy

Please note this policy does not have any legislative scope to govern TAB terminals in other venues, only standalone TAB stores. Nor is the policy able to govern online gambling activities.

Previous engagement

In 2023 Council undertook some initial public engagement on options for a new policy. In total 29 submissions were received. Councillors considered these submissions and heard from those who wished to speak to their submissions at an extraordinary Council meeting. All these submissions were taken into consideration in the preparation of the policy being proposed and can be found on Council's website.

Key findings of the social impact assessment:

The following paragraphs summarise the key findings of the Social Impact Assessment which is a supporting document for this Policy review and is available on Council's website.

Currently there are seven Class 4 Gambling venues operating 58 gaming machines in Buller District. Westport is the location of four of these venues (three hotels and Club Buller). The other venues are two hotels in Reefton and one hotel in Karamea. All these venues are in areas with a high level of economic and social deprivation. The venues in Westport and Reefton are located in areas registering 9 on the Deprivation Index (with 1 being the lowest level of social and economic deprivation and 10 being the highest). The venue in Karamea is in an area registering 8 on the Index. This means 100% of venues are in high (8 to 10 on the index) deprivation areas.

There are no stand-alone TAB venues in Buller District, only outlets associated with two existing hotels - one in Westport and one in Reefton. Both these outlets are within venues that also have gaming machines.

Using per capita (adults 18 years+) information in September 2024 Gaming Machine Proceeds (GMP) for the Buller District was \$63.93 per capita and the national rate was \$63.18 per capita. Gaming Machine Proceeds are the amount of money lost by individuals through electronic gaming machines over a given period.

While the majority of gamblers in New Zealand are recreational gamblers, a small proportion of the population are classified as "problem gamblers". The Gambling Act 2003 defines a problem gambler as a person whose gambling causes harm or may cause harm. The number of problem gamblers (those seeking intervention from health services) in the Buller District peaked in 2024 with 6 clients seeking more than one-off assistance, up from none or 1 in the previous 4 years.

Societies that operate gaming machines in the Buller District awarded a total of \$849,463 in grants to a range of community groups, services, charities, and sporting groups in the Buller District in 2024.

In summary Buller District has high levels of socioeconomic deprivation across the district. In economic terms communities like this can least afford financial losses from gambling. Those seeking help for gambling related harm are relatively low however not all problem gamblers or those close to them will seek help. Community groups in the district continue to benefit from grants generated from gaming machine proceeds and the majority of people using gaming machines for entertainment would not be defined as problem gamblers.

The current policy

Buller District Council's current policy is summarised as follows

- Number of Class 4 gambling venues:
- No limit on the number of venues in the District. Applications are received and considered on their merits and are evaluated on the matters set out in the Policy
- Number of gaming machines in the District:
- No limit on the number of gaming machines in the District
- Number of machines per venue:
- No limit on the number of gaming machines in each venue other than the provisions in the legislation (venues licenced after 17 October 2001 – maximum 9 machines and venues licenced before 17 October 2001 – maximum 18 machines)
- Location of new or relocated venues (both Class 4 Gambling and TAB Venues):
- No specific restrictions stated but includes location in relation to sensitive sites such as schools as a matter for consideration in decision making.
- Relocation of venues (Both Class 4 Gambling and TAB venues):
Permitted where an existing venue is destroyed by a fire, flood or other extenuating circumstances.

Applications must be made for any new venue or additional gaming machines and these applications are publicly notified for submissions from the public. Council makes a final decision taking these submissions into account and the matters set out in the policy e.g. proximity to sensitive sites and the cumulative effect of other gambling opportunities in the district.

What are the key elements of the proposed policy

Class 4 Gambling Venues and gaming machines proposals:

- Number of Class 4 gambling venues:
To be limited to seven (7) Class 4 Gambling Venues in the District – being the number of venues licensed at the time this policy is being reviewed.
- Number of gaming machines in the District:
To be limited to 58 – being the number of machines in the District at the time this policy is being reviewed.
- Number of machines per venue:
To be limited to 9 in total per venue. Those existing venues with more than 9 are except from this provision.
- Location of new or relocated venues:
No venue to be allowed closer than 50m from community facilities such as schools or early childhood centres. The 50m distance is measured from the edge of the building that houses the Class 4 Gambling venue in a straight line in all directions.
- Relocation of venues:
Council may permit existing Class 4 venues to re-establish at a new site where extenuating circumstances beyond the control of the owner or lessee of the premises in which the machines are located, the premises cannot continue to operate at the existing site. An application is required to Council and the operator must comply with all the conditions of the policy.

TAB Venues Policy proposals:

- Location of new venues:
No venue can be closer than 50m from community facilities such as schools or early childhood centres.

Applications and consents:

There are no significant changes proposed to the provisions for applications and consents for venues and gaming machines in Buller District.

These provisions remain as follows:

- Applications for new Class 4 Gambling (and associated Class 4 gaming machines), additional gaming machines in existing venues and TAB venues must be made to Council
- All applications must be publicly notified online and in local print publications for one month
- Submissions will be received and submitters given an opportunity to speak to Council on their submissions
- Council will make a final decision based on compliance with the policy and other general matters such as the cumulative effect of an additional venue or gaming machines in the area.

In summary this means that:

- no new Class 4 Gambling venues could be established unless an existing venue closes; and
- only existing venues with less than 9 machines could apply for an increase (up to a maximum of 9) in the number of machines.

All applications for new venues or more gaming machines would still require an application to be made to Council which will be notified to the public for submissions prior to a decision being made by Council.

Options:

Council has identified three possible options or approaches for the Gambling Venues Policy:

Option 1

Continue with current Class 4 Gambling and TAB Policy provisions – few restrictions.

The current policy does not have a limit on the number of venues or total number of machines in Buller District. The number of machines in each venue is set at the maximum permitted under the Gambling Act 2003 (9 per venue if the licence was granted after October 2001 or 18 per venue if granted before that date). There is no particular distance a venue must be from a community facility. Applications are assessed on general principles and submissions received are also considered. Venues can relocate without public consultation if they are destroyed or damaged by fire or other hazard.



Advantages

- Easy to understand with no change to the administration of the policy
- Matters for consideration in the Acts are covered
- Public submission and hearing process in place for applications
- Allows for possible increase in community funding if more machines and venues are permitted
- Relocations permitted under certain circumstances such as fire or earthquake destroying a venue



Disadvantages

- No specific guidance on where a venue should be located
- No upper limit on venue numbers
- Minimal guidance for the community, applicants and Council in making decisions on venues and number of machines in the District
- An on-going opportunity increase in venues and machines could result in increased harm in the community.

Option 2

Provide more guidance and restrictions to keep gambling opportunities at current level – Preferred approach

Cap the number of venues and machines in the District at the current level i.e. seven venues and 58 machines in total. Restrict location of venues to more than 50m from community facilities and the number of machines per venue to nine regardless of when the licence was granted. Provide for relocation of a current venue in the event that it is destroyed but require an application to Council and compliance with the policy provisions. Applications for new venues and additional machines (within the provisions of the policy) must be approved by Council after public notice for submissions from the public.



Advantages

- Limits on total number of venue and machine numbers, machines per venue and location restrictions
- Retains existing number of venues and machines
- Opportunities for community funding generation remain the same
- Clear guidance on location restrictions
- Maintains current level of access for community to participate in gambling for entertainment
- More certainty for applicants, community and Council in making decisions
- Allows for relocation of venues under certain circumstances if consent is granted



Disadvantages

- New opportunities for venues and machines reliant on existing venues closing or reducing machine numbers
- Limited opportunity for growth in community funding
- Could impact on some businesses currently considering adding machines to approved venues or applying for consent as a new venue applicants and Council in making decisions on venues and number of machines in the District
- An on-going opportunity increase in venues and machines could result in increased harm in the community.

Option 3

- Sinking Lid

Under this option there would be no applications or consents for more venues or machines in the District. Existing venues would not be able to increase the number of machines regardless of the current number. Overtime the number of venues and machines in the District would decrease. Relocations could be permitted in certain circumstances.



Advantages

- Clear direction for future of Class 4 Gambling in the District
- Over time there would be reduced community exposure to gambling venues and machines
- Very easy to administer and operate
- Could allow for relocation under certain circumstances such as a fires or earthquake destroying a venue



Disadvantages

- Reduction in opportunities for new applications for venues or additional machines
- Over time residents would have reduced access to gaming machines as a form of entertainment
- Over time community funding would decrease

Summary:

Council has identified Option 2 as the preferred approach for the draft Gambling Venues Policy 2025 which has been adopted for public consultation. It is considered that this option provides a balanced approach to the provide for Class 4 Gambling and TAB betting opportunities in the District whilst taking into account the risks and harm that can result from these forms of gambling especially in areas of high social deprivation.

We are therefore proposing to make a number of changes to the existing policy including the following for new Class 4 Gambling venues and machines in the District:

- A cap on the total number of Class 4 Gambling Venues (7)
- A cap on the number of Class 4 gaming machines at each venue (9)
- A cap on the total number of Class 4 gaming machines in the District (58)
- A location criterion to prohibiting both Class 4 Gambling and TAB venues to be located within 50m of a sensitive site such as a school or day care.

Let's
talk

Tell us what you think:

What is your
preferred option



How you can have your say

We welcome your feedback on the Gambling Venues Policy.
Submissions are open from XXX to XXX 2025.

You can make your submission by:



Online:

via Let's talk Buller
or scan this QR code



OR download a submission form and;



Email: Send your submission to
submissions@bdc.govt.nz



Post:

Post to Buller District Council, PO Box 21,
Westport 7866



Deliver:

You can drop it off at Councils' Westport
offices, the Reefton Visitor and Service
Centre and our libraries.



Hearing:

For those wanting to present their views to the
Council, a hearing will be held in XXX 2025.
You will need to indicate on your submission
form that you would like to attend the hearing
and give us an email or physical address for us
to make contact with you to confirm a time for
you to present your views at the hearing.



BULLER
DISTRICT COUNCIL
Te Kaunihera O Kawatiri

**Gambling Venues Policy Review
Statement of Proposal**

DRAFT version - September 2025



letstalk.bullerdc.govt.nz



Assessment of the Social Impact of Gambling

Report to support
the review of the
Gambling Venues
Policy

DATE: September 2025

1. Introduction

1.1 Overview

All Councils are required by section 102 of the Gambling Act 2003 to adopt a Class 4 Gambling venue policy and to review that policy at least every three years. Class 4 Gambling refers to gaming machines commonly referred to as 'pokies'. Councils are also required by Section 96 of the Racing Industry Act 2020 to adopt a policy on TAB Venues. TAB venue policies must also be reviewed at least every three years (section 97(4) of the Racing Industries Act 2020). Council's Class 4 Gambling and TAB Venue Policy was originally adopted in September 2009 and includes both the policy on Class 4 Gambling Venues and the policy on TAB venues, previously referred to as Board venues under the Racing Act 2003. The Class 4 Gambling and TAB Venue Policy was then reviewed, updated and reconfirmed in September 2018. Work began on the review of the Policy in 2023.

Both section 101 (2) of the Gambling Act 2003 and section 96(2) of the Racing Industry Act 2020 state that:

In adopting a policy, the territorial authority must have regard to the social impact of gambling within the territorial authority district.

Section 101(4) of the Gambling Act 2003 and Section 96(4) of the Racing Industry Act 2020 provide some guidance on the types of matters that Council should have regard to when determining its policies on Class 4 gambling venues and Board venues, including:

- a) *the characteristics of the district and parts of the district;*
- b) *the location of kindergartens, early childhood centres, schools, places of worship, and other community facilities; and*
- c) *the cumulative effects of additional opportunities for gambling in the district.*

In assessing the social impact of gambling in the Buller District, the following sources of information have been considered:

- National reports on gambling behaviour
- Information on the characteristics of the Buller District, including social deprivation statistics
- Information about existing Class 4 Gambling venues and board venues from the Department of Internal Affairs and Statistics New Zealand
- Information about the distribution of funding throughout the District from Class 4 gambling (Gaming Machine Proceeds).

- Problem gambling statistics and trends from the Ministry of Health and Problem Gambling Foundation.

1.2 Policy Limitations

Consent is required from the Buller District Council under the Gambling Act 2003 to establish or re-establish a Class 4 gambling venue, or to increase the number of gaming machines operated at a Class 4 gambling venue. The Policy is able to influence where Class 4 gambling venues may establish, and the number of gaming machines that may operate. Once issued, a consent does not lapse or expire. There are no retrospective powers under the Gambling Act 2003 over consented venues.

Consent is also required from the Buller District Council under the Racing Industry Act 2020 to establish a standalone TAB venue in the District. However, the Policy is not able to influence TAB outlets that establish in conjunction with other activities within pubs, bars and taverns. The powers of the Policy are therefore limited to those venues that require territorial authority consent.

1.3 Definitions of Class 4 Gambling and TAB Venues

The Gambling Act 2003 divides gambling into six classes. Territorial Authorities have responsibilities in relation to Class 4 Gambling. Section 30 of the Gambling Act 2003 defines Class 4 Gambling. In summary Class 4 gambling refers to high-stakes gambling that involves non-casino gaming machines ("pokies") operated by licensed societies. The primary purpose is to raise funds for authorised community purposes, and it is strictly regulated under the Gambling Act 2003.

Section 93 of the Racing Industry Act 2020 requires that a territorial authority consent be obtained if TAB NZ proposes to establish a TAB Venue within the District. The Racing Industries Act 2020 defines a TAB Venue as *"premises owned or leased by TAB NZ and where the main business carried on at the premises is providing racing betting, sports betting, or other racing or sports betting services under this Act."*

These venues are stand-alone TAB premises and the legislation does not require territorial authority consent for TAB outlets that are located within pubs, taverns and hotels.

1.4 Purpose of the relevant Acts

The purpose of the Gambling Act 2003 is to:

- control the growth of gambling; and
- prevent and minimise harm from gambling, including problem gambling; and
- authorise some gambling and prohibit the rest; and
- facilitate responsible gambling; and
- ensure the integrity and fairness of games; and

- limit opportunities for crime or dishonesty associated with gambling and the conduct of gambling; and
- ensure that money from gambling benefits the community; and
- facilitate community involvement in decisions about the provision of gambling.

The purpose of the Racing Industry Act 2020 is to:
reform the law relating to New Zealand racing in order to:

- provide effective governance arrangements for the racing industry; and
- promote the long-term viability of New Zealand racing; and
- facilitate betting on galloping, harness, and greyhound races, and other sporting events; and
- ensure that the value of racing property is retained in the industry and is used for maximum industry benefit; and
- prevent and minimise harm from gambling conducted under this Act, including harm associated with problem gambling.

It should be noted that one of the functions of the TAB NZ, under section 58 of the Racing Industries Act 2020 is:

“to develop or implement, or arrange for the development or implementation of, programmes for the purposes of reducing problem gambling and minimising the effects of that gambling...”

In carrying out its functions under the Racing Industries Act 2020, the TAB must:

- comply with the principles of natural justice; and
- exhibit a sense of social responsibility by having regard to the interests of the communities in which it operates.

2. Buller District Profile

2.1 Population

The Buller District had a usually resident population of 10,446 in the 2023 census. The Buller District experienced a population increase of 0.5% in the year leading up to June 2024, with a total estimated resident population of 10,600, which is .2% of the total New Zealand population

In the 2023 census there were 2,703 families and the median age was 52 years old. The median personal income of adults was \$28,800. In total, 13% of the population identified as Māori.

Please see the following for more details information:

<https://tools.summaries.stats.govt.nz/places/TA/buller-district>)

2.2 Deprivation Information

2.2.1 Overview

Deprivation Scores and the resulting Index for populations in NZ are based on Census variables around Employment, Crime, Housing, Health, Education and Access to Services. The resulting index

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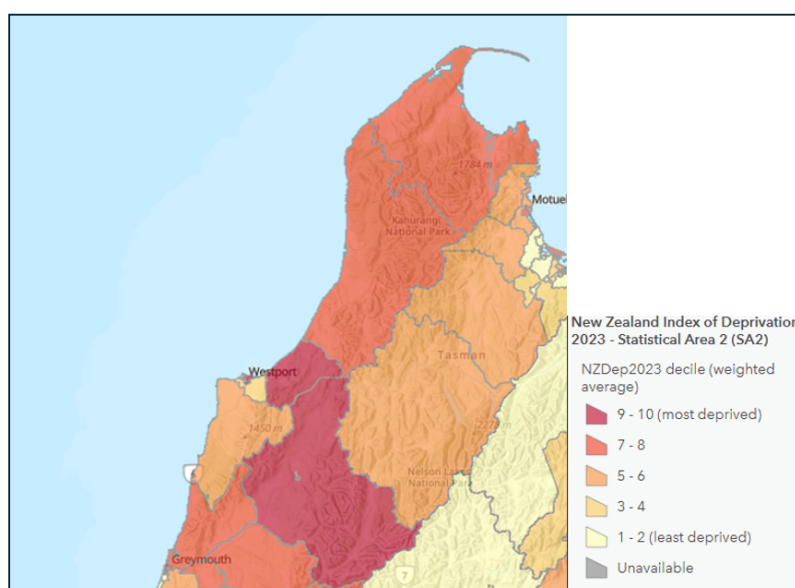
range is from 0 (lowest level of deprivation) to 10 (highest level of deprivation). All information regarding these scores and the index are located at:

https://massey.maps.arcgis.com/apps/Embed/index.html?webmap=e051f62ff714474caba8348552fd7524&extent=163.3661,-47.5249,180,-34.2984&zoom=true&scale=true&search=true&searchextent=false&details=true&legend=true&active_panel=legend&disable_scroll=true&theme=light

2.2.2 Buller District

Each of the communities (Statistical Areas level 2 or SA2) identified in the census in Buller District has been ranked using the variables identified. The index for the district as a whole in 2023, the most recent data available, is 9. Most of Buller District has been classified as having a deprivation index of 8 or 9. Only the Inangahua SA2 has a lower index of 7 (this area excludes Reefton which has an index of 9) and the rural SA2 surrounding Westport which has an index of 4. The two larger towns in the district (Westport and Reefton), where the majority of the population live, have an index of 9.

Figure 1: New Zealand Index of Deprivation 2023 – Statistical Area 2 – BULLER DISTRICT



The index is high and places Buller 8th out of 60 local authority areas for which this data is available. The overall level of deprivation in New Zealand as at same time was an index of 5.5. The deprivation score and index has been consistent in Buller District since 2018. (<https://app.communitycompass.co.nz/monitor/deprivation/key-metrics/index>)

2.3 Existing Class 4 Gambling Venues

2.3.1 Buller District

The total number of gaming machines has decreased since 2019 due to the closure of the McManus Hotel in Westport. It can be noted that in 2004 there were 100 machines and over 18 venues operating throughout the Buller District.

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Table 1 below sets out where the Gambling Venues and gaming machines in Buller District were/are located for 2019 to 2025.

Table 1: Class 4 Gambling Venues Buller District 2019 to 2025

Site Name	Society	Location	Total number of machines (31 March)		
			2019	2022	2025
Black And White Hotel	The Trusts Community Foundation Limited	198 Palmerston Street Westport	14	14	14
Club Buller	Club Buller	44-46 Queen Street Westport	10	10	10
Cosmopolitan Hotel	The Trusts Community Foundation Limited	136 Palmerston Street Westport	6	6	6
Criterion Hotel (Westport)	Pub Charity Limited	218 Palmerston Street Westport	9	9	9
Hotel Reefton	The Lion Foundation (2008)	Broadway Reefton	6	6	6
Karamea Village Hotel	Pub Charity Limited	Corner Waverley Street Wharf Road Karamea	4	4	4
McManus Hotel	The Trusts Community Foundation Limited	39 Palmerston Street Westport	14	14	
Reefton Autolodge	New Zealand Community Trust	72-78 Broadway Reefton	9	9	9
TOTAL			72	72	58

As at June 2025, the Buller District had .72% of Class 4 venues and 0.42% of the total gaming machines in New Zealand. As noted above the Buller District makes up .2% of the New Zealand Population.

2.3.2 Buller District and New Zealand

In August 2025 there were seven gambling venues in Buller District in total. To enable comparison with other districts, this figure has been used to estimate the number of venues per 10,000 adults aged 18 and over (18+).

As of September 2024:

- there were 8.05 gambling venues per 10,000 adults (18+) in Buller District.
 - Buller was ranked 2nd out of 66 available districts by number of Electronic Gaming Venues. A rank of 1 means the district has the highest number of EGMs per 10,000 adults 18+.
- <https://app.communitycompass.co.nz/monitor/gambling/facilities/venues>

At the same time in Buller District:

- the number of Electronic Gaming Machines was 66.7 per 10,000 adults (18+)
- ranked 8th out of the 66 available districts. A rank of 1 means the district has the highest number of Electronic Gaming Machines.

<https://app.communitycompass.co.nz/monitor/gambling/facilities/machines>

The number of venues and gaming machines in the District are some of the highest in New Zealand per capita (Adults 18+). Currently opportunities for Class 4 gambling are therefore readily available, particularly in Westport and Reefton, despite the closure of one venue in 2024.

2.3.3 TAB Venues

There are no stand-alone TABs in the Buller District, and only two outlets located in hotels – Black and White Hotel in Westport and Hotel Reefton in Reefton. These existing venues are not subject to the TAB Venues Policy as they are not stand-alone venues. However, it is noted that both the existing TABs in house venues also operate gaming machines.

3. Gaming Machine Proceeds

3.1 Overview

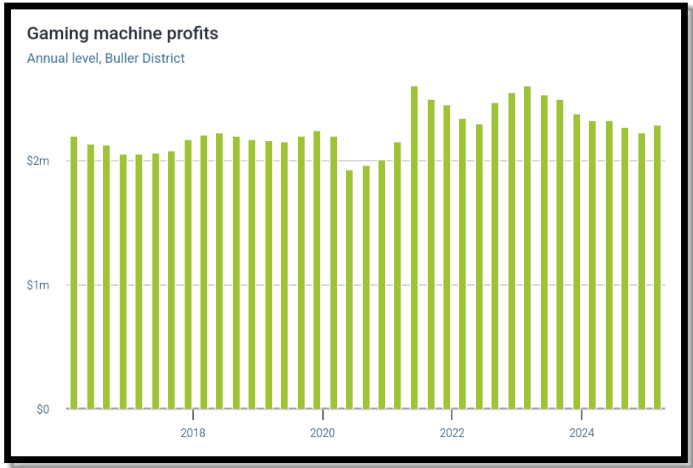
Gambling activity involving pokie machines is reflected in the gaming machine profits (GMP) data published by the Department of Internal Affairs. This GMP data is based on Class 4 gambling (Electronic gaming machines, commonly known as 'pokies') in venues such as pubs and clubs. This excludes all sports betting and casino-based gaming.

GMP represents money spent by gamblers which is not returned to gamblers in the form of winnings. It is an indication of the level of spending on Class 4 gambling. In general, around 90% of money spent by users of EGMs is returned to players, leaving around 10% as GMP. High GMP indicates higher levels of spending by players but does not reflect the numbers of players.

3.2 Buller District

Between March 2019 (\$2.16m GMP) and March 2025 (\$2.29m GMP) there has been an overall increase in GMP of \$130,00 in the Buller District. However, over that period there has also been considerable fluctuation. There was a peak in GMP seen in June 2021 of \$2.6m. The dip seen in June 2020, to \$1.93m, was directly related to the Covid lockdown period.

Figure 2: Gambling Machine Profits Buller District

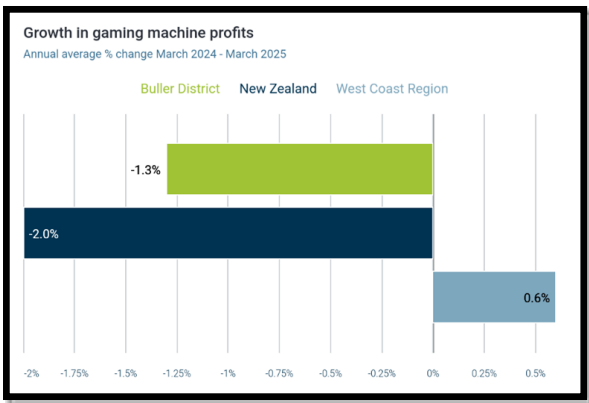


<https://qem.infometrics.co.nz/buller-district/social/gaming-machine-profits?compare=new-zealand,west-coast-region>

3.3 Comparison with National Statistics

Figure 3 shows the growth in GMP as an average percentage over the period from March 2024 to March 2025 compared with the whole of New Zealand and the West Coast Region. Over the year March 2024 to March 2025 there was a 1.3% decrease in GMP in Buller District and a 2% decrease across New Zealand. The West Coast Region had an increase of .6% over this period.

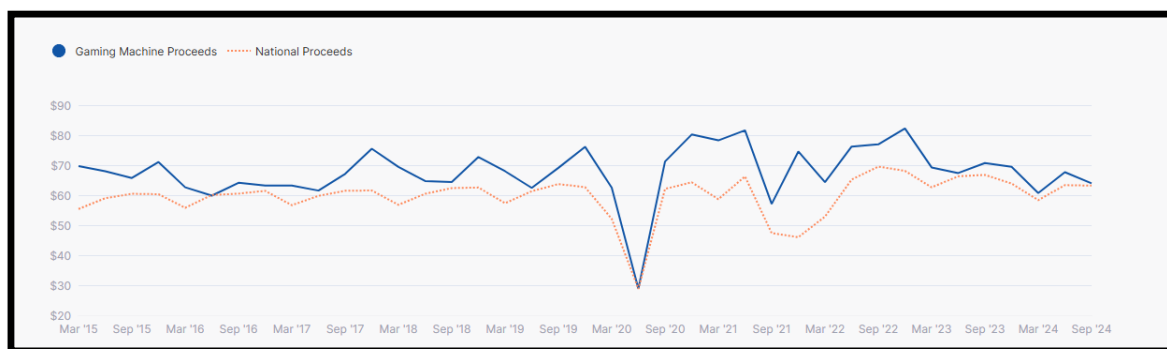
Figure 3: Gambling Machine Profits Annual Average % Change Mar. 2024 to Mar. 2025



<https://gem.infometrics.co.nz/buller-district/social/gaming-machine-profits?compare=new-zealand,west-coast-region>

Using per capita (adults 18 years+) information (Dot Loves Data <https://app.communitycompass.co.nz/monitor/gambling/overview>) in September 2024 GMP for the Buller District was \$63.93 per capita and the national rate was \$63.18 per capita. GMP rates per capita (Adults 18+) have fluctuated significantly, both nationally and in Buller, in the last ten years as set out in Figure 4 below:

Figure 4: Gaming Machine Proceeds Mar. 2015 to Sept. 2024 NZ and Buller District



As of September 2024, Buller District was ranked 33 out of 66 available districts by amount of Gaming Machine Proceeds per capita (Adults 18+). A rank of 1 means the district has the highest amount of Gaming Machine Proceeds. This shows that GMP per capita (Adults 18+) for the Buller District is around the centre for New Zealand territorial authority areas.

3.4 GMP Summary

In summary GMP per capita (adults over 18), and by association, spending on Class 4 gambling, has followed general national trends albeit at a higher level in Buller District. Since a peak in early 2023 there has been a general decline in spending indicated by the GMP over this period in Buller District.

4. Benefits of Gambling

4.1 Overview:

In New Zealand the net proceeds from gaming machines are returned to the community.

Gross proceeds means:

- total turnover from gaming machines (less prizes paid out to players)
- plus any interest or other investment returns
- plus any gains from selling or disposing of gambling assets.

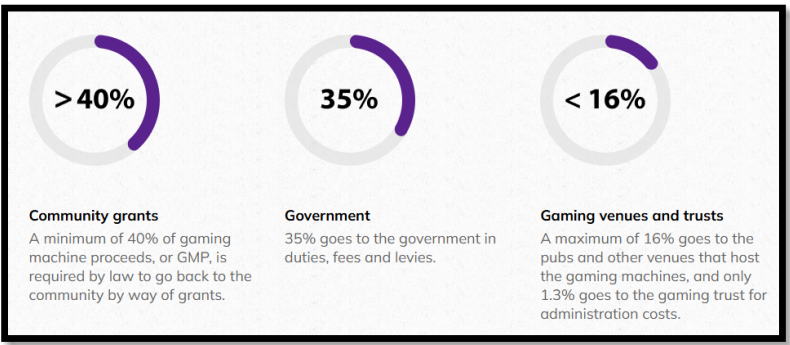
Net proceeds means gross proceeds as defined above, less the sum of:

- the actual, reasonable and necessary costs of conducting gambling
- the actual, reasonable and necessary costs of complying with the regulatory regime
- the amount by which any gambling asset is depreciated

- any losses from the sale or disposal of gambling assets.

The chart below shows how the Gross proceeds are distributed.

Figure 5: Distribution of GMP



The key benefits to the Community from Gambling are as follows:

- Community Grants
- Economic activity including employment opportunities and contribution to the tax base
- Town centre activity
- Entertainment

4.2 Community Grants in Buller:

In 2024 \$345,662,881 of gaming funds went to a range of community causes around New Zealand, much of it to the region where it was collected. Some Community groups, for various reasons, prefer not to access grants from gaming machine societies. However, many community groups that benefit would find it difficult to operate without grants from gaming machine societies.

Between 2019 and 2024 a total of \$3,117,058 in grants was distributed in the Buller District from incorporated societies. Grants made by the incorporated societies that operate gaming machines within the Buller District made up \$2,872,004 or 92% of those grants.

Table 2 below summarises the total grants given back to the community in the Buller District for the years 2019–2024 by Society.

<https://granted.govt.nz/dashboard.html>

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Table 2: Total grants to Buller District by Society 2019–2024

Society Name	Amount Granted
Trillian Trust	\$6,000
The Trusts Community ...	\$1,597,519
The Lion Foundation	\$331,319
TAB New Zealand	\$137,236
Pub Charity	\$836,537
Pelorus Trust	\$43,731
New Zealand Commun...	\$106,629
Mainland Foundation	\$26,023
Air Rescue Services	\$32,065
Total	\$3,117,058

In 2024 Buller District received \$80 per capita (grants \$849,463/population estimate 10,600) whereas the figure for New Zealand was \$64 per capita (grants \$345,662,881/population estimate 5,338,500).

In relation to the grant recipients the following table sets out grants as they were distributed to various recipient categories from 2019 to 2024.

Table 3: Grants in Buller by category of recipient group

Category 1	2019	2020	2021	2022	2023	2024
Sport	\$212,630.86	\$127,379.36	\$199,734.05	\$512,235.95	\$413,527.51	\$504,034.95
Community	\$52,279.18	\$10,999.50	\$33,681.39	\$158,702.40	\$96,144.50	\$164,857.98
Research and Education	\$3,000.00	\$1,912.56	\$7,000.00	\$163,687.38	\$191,230.64	\$33,273.38
Arts and Culture		\$8,689.00			\$17,106.00	\$82,413.63
Health / Welfare / Rescue Services	\$15,964.00	\$9,797.00	\$3,500.00		\$13,500.00	\$46,683.16
Environment and Animals					\$7,611.55	\$18,200.00
Unspecified				\$7,282.06		

Examples of the organisations and groups within Buller for each category are given below – this is intended to give an indication of the types of groups receiving and is not a full list:

Table 4: Representative groups in Buller receiving grants 2019–2024

Category	Recipient
Sport	Westport Trotting Club Buller Rugby Union

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	Buller Cricket Association Bowls Buller Karamea Golf Club
Research and Education	St Canice's School Buller Health Club Buller High School Westport Kindergarten Association
Arts and Culture	Granity Players Karamea Historical Society The Lyric Theatre Northern Buller Museum
Health/Welfare/Rescue Services	Buller Health Trust Buller Budget Advisory Service Homebuilders West Coast Buller Women's Health Fund
Environment and Animals	Kaitiaki Mokihinui Charitable Trust Buller Agricultural and Pastoral Association

A complete list of all recipients, using data from the Department of Internal Affairs, is publicly available on the website <https://granted.govt.nz/dashboard.html>.

There are limitations to the data, as the way applicants are classified and allocated to specific districts can vary depending on the organisation submitting the application. As a result, some community grants from previous years may not have been accurately recorded under the Buller District.

Clubs, such as Club Buller in Westport, use the proceeds from gaming machines in their premises to support their own activities. The funding generated from club venues can be applied or distributed to authorised purposes and is used to benefit the club's members. All GMP generated by Class 4 gambling at clubs remains within the local community and must be distributed in accordance with the club's approved authorised purpose statement.

In the year ending 31 December 2023 revenue classified as Gaming Machine Proceeds for Club Buller was \$104,930 and in the 2024 \$157,333 as set out in the Club Buller Performance report on the New Zealand Companies Office website.

(https://app.businessregisters.govt.nz/sber-businesses/viewInstance/resource.html?node=W10000242&drmKey=S_e1015a772cf2d91c&dr=ss45acd9d9240d2ac088710db92ab41f0975a16da4eb9dcca0939ef5347bfb1f7ae8cc47840ffa2269083a51549e770d80ux&id=229a78e05307b6d8bfb29667f00cb179b554ac9de9dba99)

After expenses related to the gaming machines such as wages, gaming machine duty, gambling levies and repairs and maintenance the total applied net proceeds for 2023 was \$42,016 (40.04% of the total) and in 2024 \$81,940 (52.08% of the total).

4.3 Entertainment and Town Centre Activity

Gambling is a popular form of entertainment that many New Zealanders participate in. The 2025 New Zealand Gambling Survey found that 64.1% of adult New Zealanders had participated in some form of gambling in the previous 12 months (estimated to be 2,760,000.00 New Zealanders aged 15 and over). <https://kupe.healthpromotion.govt.nz/nzgs/>

The majority of people who gamble do so because they find it an enjoyable activity. This is observed by Suits (1979, p. 155)⁵, who states:

'Gambling is a recreational activity or a kind of participation sport from which the principal satisfaction derives from the activity itself and from the ebb and flow of wins and losses rather than from ultimate outcome – the net amount won or lost. For most gamblers, the purpose of gambling is not to get rich, but to "have fun," to experience "excitement," or to have "something to look forward to," and they view payment for this recreation in the same light as others look on outlays for theatre tickets, vacation trips, or a night on the town.'

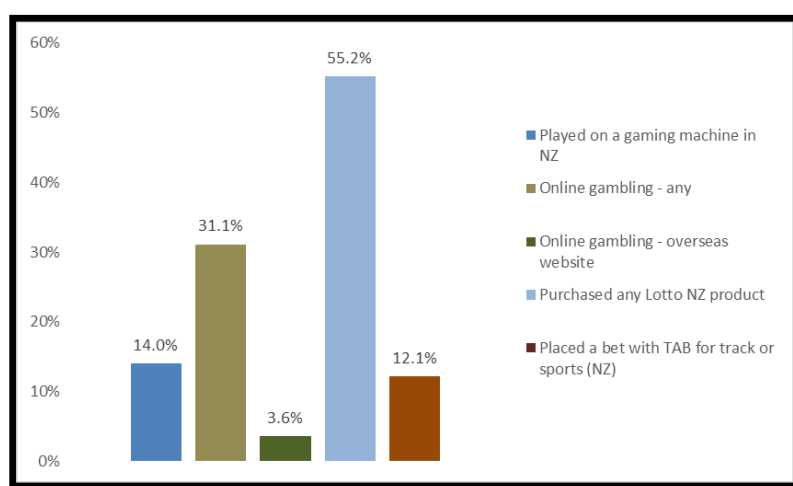
Currently all the venues are within the town centres of Westport and Reefton, except for one in Karamea and Club Buller. Venues are always part of premises which provide other services, such as bars and hotels. They form part of an entertainment package which attracts patrons to a particular establishment and to the town centres.

5. Social Costs of Gambling

5.1 Overview

The most popular forms of gambling in New Zealand are Lotto NZ products followed by online gambling, gaming machines and TAB (track and sports NZ). Information from the Ministry of Health's Strategy To Prevent And Minimise Gambling Harm 2025/26 TO 2027/28 shows the following:

Figure 6: Gambling by type, 2023/24 (% of population aged 15+)



<https://www.health.govt.nz/system/files/2025-09/strategy-prevent-minimise->

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[gambling-harm-2025-26-2027-28-online-v2.pdf](#)

The Gambling Act 2003 defines gambling harm as 'harm or distress of any kind arising from, or caused or exacerbated by, a person's gambling'. This 'includes personal, social, or economic harm suffered by the person, by the person's spouse, civil union partner, de facto partner, family, whānau, or wider community, or in the workplace, or by society at large'.

Harm may include damage to relationships, emotional and psychological distress, disruptions to work or study, loss of income, the financial cost of gambling, and fraud and related crimes. Gambling harm also includes the negative impact on the gambling person's family, whānau and community. Gambling may also cause financial stress and anxiety and contribute to child neglect and family violence.

Te Whatu Ora conducts the New Zealand Gambling Survey (NZGS) and publishes a Problem Gambling Severity Index which uses a 9-item scale to assess people's experiences of gambling-related harm in the last 12 months. This survey covers all forms of gambling in New Zealand including both in-person (including but not limited to Class 4 gambling, casinos, TABs) and on-line gambling.

In the NZGS 2023/2024 survey 64% of those surveyed participated in a gambling activity and 11.9% played on Electronic Gaming Machines (pokies) at a pub or club (a Class 4 Gambling venue).

The NZGS (2023/2024) gives the percentage of the affected population (that is, the unadjusted prevalence in the specified population) who experienced gambling-related harm in the previous 12 months. Using the Problem Gambling Severity Index the NZGS categorises four levels of risk: No-risk (or non-problem gambling), low risk, moderate risk and severe or high risk (problem gambling).

Table 6: Percentage of the NZ population affected (that is, the unadjusted prevalence in the specified population) by gambling related harm 2024/2025.

<https://kupe.healthpromotion.govt.nz/nzgs/>

Indicator	% of NZ Population*	General Interpretation
Moderate-risk and problem gambler	2.4%	These are people experiencing significant gambling harm. They may struggle with addiction or face financial, emotional, or social issues due to gambling.
Any-risk gambler	8.3%	Includes all people at risk of harm from gambling (from low to moderate/problem levels).
Low-risk gambler	5.9%	These individuals show some early signs of harm or risk but not at severe levels.
Non-problem gambler	52.4%	These people gamble but show no signs of harm or risk-related behaviour.

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Indicator	% of NZ Population*	General Interpretation
Non-gambler	35.9%	Over a third of the population does not engage in gambling at all.

* PGSI shows categories that nearly total 100%, but minor discrepancies are expected due to rounding. The index is robust for identifying proportions of people at risk of harm from pokies and other gambling, even if totals don't sum precisely.

Key Insights

- Over half (52.4%) of New Zealanders gamble without signs of harm.
- More than 1 in 12 (8.3%) are at some level of risk from gambling harm.
- 1 in 40 (2.4%) are moderate-risk or problem gamblers, the group most likely to experience serious harm.
- A significant portion (35.9%) of the population does not gamble at all.

5.2 Problem Gambling Statistics for the Buller District

The Ministry of Health records intervention statistics for problem gambling giving an indication of problem gambling in each territorial District. These statistics cover all forms of gambling and are not specific to Class 4 Gambling or TAB gambling. They represent the number of clients that contacted an intervention service for psychosocial support either by phone or face to face from within the Buller District – including new clients and those that had first contacted a service in a previous year.

The **total number** of clients assisted in each year was low (4 to 9) from 2004 to 2020 when it jumped to 54 in 2020/2021 and peaked in 2021/2022 with 81 clients then dropped to 28 in 2022/2023. These numbers represent all client contacts over this period of time.

The total number of clients assisted each year **excluding one-off contacts** (brief interventions are those clients that received services aimed at people who are at risk of gambling harm but are not actively seeking help.) shows that for the years from 2004 to 2023 between 1 and 6 clients were assisted in Buller District.

Table 6 below represents the number of clients that contacted an intervention service for psychosocial support either by phone or face to face from within the Buller District – including new clients and those that had first contacted a service in a previous year.

<https://www.health.govt.nz/statistics-research/research/gambling-harm-research-and-evaluation/statistics>

Table 6: Problem Gambling Clients Assisted (new and existing) Buller July 2018 to June 2023

	July 2018– June 2019	July 2019– June 2020	July 2020– June 2021	July 2021– June 2022	July 2022– June 2023

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Total clients	4	4	54	81	28
Clients ex. brief interventions	2	0	1	1	6

Table 7 below sets out the number of clients assisted in Buller District as a percentage of the total number of clients assisted nationally.

Table 7: The number of clients assisted as a percentage of the total number of clients assisted nationally

	July 2018– June 2019	July 2019– June 2020	July 2020– June 2021	July 2021– June 2022	July 2022– June 2023
Total clients	0.04%	0.04%	0.49%	0.84%	0.27 %
Clients ex brief intervention	0.04%	0.00%	0.04%	0.02%	0.14 %

Before 2019 the numbers for all clients (excluding brief interventions) were consistently very low (between 0 and 4 total clients). In 2022–2023 there was a peak of 6 clients (ex. brief interventions) which brought the number of clients assisted as a percentage of the total number of clients assisted nationally to 0.14%.

As noted above the total population of Buller in 2023 was 10,446 which represented .21% of the New Zealand Population (all ages).

The date relating to intervention is limited in that it only relates to affected individuals or family members who:

- recognise they or their family member have a gambling problem
- are willing and able to seek help
- are reached by intervention services

The 2020 New Zealand Health and Lifestyles Survey estimated that in 2020, some 184,000 people aged 16 years or older were at some degree of risk of harm from gambling. Of those that gambled

in the previous 12 months – 94% were non-problem gamblers and 6% were considered at-risk gamblers. At risk gamblers included those who were low risk (4%) and moderate to problem gamblers (2%).

- Approximately 61,000 people were gambling with moderate or more serious levels of harm.
- A further 125,000 people were likely to be experiencing at least some level of harm (and were at risk of more severe harm in the future).

https://healthnz.figshare.com/articles/report/2020_Health_and_Lifestyles_survey_reports_and_results/26536336

It would be fair to say that the very small number of people in Buller communities who reach out to gambling harm services (as reported by the Ministry of Health) is likely to be under representative of the actual level of harm in the district.

5.2 Factors Influencing Problem Gambling

Key factors influencing problem gambling in New Zealand include:

5.2.1 Socioeconomic deprivation:

Approximately 50% of all gaming machine venues in New Zealand are clustered in geographic areas representing the three most socioeconomically deprived populations (i.e. poorest areas of the country, those with the highest deprivation index of 8 to 10). This makes them more accessible to vulnerable communities who are already experiencing financial stress, mental health issues, unemployment and fewer options for entertainment.

In economic terms, these are the groups who can least afford the financial losses from gambling, who experience the lowest returns from gambling proceeds to their communities, and who can least afford the health harm arising from risky gambling activity (Problem Gambling Foundation, Fact Sheet 01/Dec 2019). In short, the money lost by people playing pokies is by those who can least afford it.

The Health and Lifestyles Survey 2016 found that gambling harm is experienced disproportionately by those living in areas with a high New Zealand Deprivation index (8/10 or higher), who were 4.5 times as likely to experience gambling-related arguments or money problems related to gambling.

(<https://www.hpa.org.nz/research-library/research-publications/new-zealanders-participation-in-gambling-results-from-the-2016-health-and-lifestyles-survey>)

In Buller District six of the existing venues and EGMs are located in Westport and Reefton which are 9 on the index. Karamea, with one venue, is within a wider SA2 which has an index score of 8. This places 100% of the existing venues within high deprivation Index areas.

5.2.2 Ethnicity

Māori are 3.13 and Pacific peoples are 2.56 times more likely to be moderate-risk or problem gamblers. The Māori population in Buller is 13% (2023 census). Asian peoples' risk factor for harmful gambling is 9.5 times higher when compared with European/Other. (PGF, 2021). The Asian population in Buller in 2023 was 3.3%.

5.2.3 Mental Health and Addiction

Gambling can be linked to mental health disorders and alcohol and nicotine dependencies. Studies in youth show a heightened risk of problem gambling for those with mental health issues including depression, and those who also used alcohol and cigarettes at least weekly. (Rook, Rippon, Pauls, Doust, & Prince, 2018)

5.2.4 Gambling Mode

Around half of all clients seeking intervention services for problem gambling in the 2024 financial year identified “non-casino gaming machine gambling” (46%) as their primary problem gambling mode. A further 9% identified Casino gaming machines. This indicates that gaming machines are causing more harm for problem gamblers than any other form of gambling.

6. Social Impacts of Policy Options under consideration

In reviewing options for its Gambling Venues Policy, Buller District Council has considered three main approaches aimed at balancing the provision of Class 4 and TAB gambling as a form of entertainment for non-problem gamblers, with the need to minimise the harm experienced by problem gamblers and those affected by their gambling.

The three options are:

- Status Quo – retain the current policy
- Introduce a cap on the number of venues and machines (as at 2025) and provide rules around location and relocation of venues.
- Introduce a Sinking Lid approach – no new venues or additional gaming machines

Table 7 below gives a brief overview of the effects of each option in relation to the social impacts of gambling in the community.

Table 7: Overview of Policy options

Option	Positive Effects	Negative Effects	Overall Conclusion
Retaining Status Quo • No limit on the number of venues in the District. • The number of machines in each venue is set at the maximum permitted under the Gambling	An ability to grow the number of gaming machines with a consequential increase in entertainment opportunities, potential business growth and increased community	Venues can apply to locate with little reference to the impact on community facilities or socioeconomic deprivation in the area. There is minimal guidance for decision making in respect of	Without any clear guidance the current policy allows for growth of venues and gaming machines. Whilst this does not appear, from problem gambling statistics, to have had a large impact on the community it is likely

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Act 2003 - No specified distance a venue must be from a community facility. - Applications are assessed on general principles and submissions. - Venues can relocate without public consultation if they are destroyed or damaged by fire or other hazard.	funding	matters which can impact on specific groups of vulnerable community members	that problem gambling in the district is under reported. Statistical information shows very high levels of social deprivation in the district and research indicates the risk of harm from gambling is significantly higher for these communities.
Cap the number of venues and machines (2025) - Cap the number of venues and machines to the current level (seven venues and 58 gaming machines) - Restrict location of venues to more than 50m from community facilities - Applications also assessed on general matters - Applications required for venues can relocate if they are destroyed or damaged by fire or other hazard	Limit set to current levels which could be considered to have created a relatively low level of harm. Some limited ability to increase the number of gaming machines in existing venues. Public notification of applications still provides for public feedback on specific applications.	No further growth in grants available to the community from new venues and additional machines. No further growth in gambling opportunities as entertainment for non-problem gamblers.	This option offers a balanced approach by allowing for Class 4 gambling and TAB betting opportunities in the District, while also taking into account the risks and potential harm associated with these forms of gambling – particularly in areas of high social deprivation.. Current levels of entertainment opportunities for the wider community are maintained, along with continued funding support for community groups.

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Change to a sinking lid policy - no applications or consents for more venues or machines in the District. - No increase in the number of machines regardless of the current number. - Overtime the number of venues and machines in the District would decrease.	Overtime this would reduce the number of venues and gaming machines in the District. An overall ongoing reduction in community exposure and opportunity for gambling.	Residents would have reduced access to gaming machines as entertainment. Funding opportunities for community groups could decrease overtime	GMP has been steady or declining over recent years even though exposure to Class 4 gambling opportunities is high. This option could overtime decrease the amount of community funding available which is relied on by local groups, especially sporting clubs. While levels of socioeconomic disadvantage in Buller are very high, the reported levels of gambling-related harm (as indicated by intervention data) remain relatively low.
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6 Conclusion

Legislation empowers Buller District Council to influence the number and location of new Class 4 gambling venues and TAB venues, as well as the number of gaming machines permitted at individual venues and across the District. When reviewing the Gambling Venues Policy, Council is required to consider the social impacts of gambling—both positive and negative—and take these into account to ensure responsible and balanced policy decisions.

Key findings of this social impact assessment include:

- Buller District as a whole has a very high level of socioeconomic deprivation with a score of 9 overall on the index.
- All existing class 4 venues and TABs are located within high (8 or 9) deprivation areas.
- The District sits at 33 out of 66 territorial authorities in for gaming machine

proceeds per capita.

- Numerous community groups in Buller District receive support in the form of grants from GMPs each year.
- Around 94% of people who gamble, in any form, do so without causing harm to themselves or others.
- The number of total residents in the district seeking help for problem gambling (all forms of gambling) has fluctuated over time with a peak in all interventions in 2022 which then decreased. However, interventions excluding one off contacts are much lower at between 1 and 6 per year over the last decade.
- New Zealand wide almost 50% of all interventions are related to non-casino gaming machines i.e. class 4 gambling.

This proposed introduction of the gaming machine cap set at the current number of venues and gaming machines is considered appropriate in terms of social impacts as it provides for the continuation of existing class 4 gambling venues while minimising potential adverse effects, including cumulative effects, of new venues establishing. Inclusion of a 50m distance from sensitive activities strengthens the ability of Council to ensure the impact on vulnerable community members.

It is also noted that retaining the requirement for an application for a new venue or additional gaming machines to be made to Council – and publicly notified – ensures that the community can be involved in the decision-making process.

The draft policy is considered to strike an appropriate balance between providing for class 4 gambling, and the benefits it provides to the community in terms of grants and entertainment, and the social costs of problem gambling for Buller District.

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AGENDA ITEM: 4.4 TOILET AMENITIES

Prepared by: Brent Oldham
Manager Infrastructure Planning

Reviewed by: Anthony Blom
Group Manager Infrastructure Services

Public Excluded: No

EXECUTIVE SUMMARY

1. Buller District Council (BDC) funds 19 public toilet amenities in the Buller District. Three of these are privately owned but subsidised in exchange for being open to the public (Ikamatua Service Station, Karamea RSA and the Granity Lyric Theatre). The Westport Emergency Operations Centre (EOC) toilet costs are also funded from the Toilet Amenities' budgets.
2. The average annual cost is \$15,697 per site, per annum, with the outliers being Springs Junction (\$41,717) and Broadway in Reefton (\$33,630). However, these are the most heavily used sites.
3. There are a number of other locations where requests have been made to install public toilets.
4. Council has two toilet units in storage that can be redeployed, however additional cost to install the units, and/or create soakage fields and maintenance will be incurred.
5. There is no decision needed in relation to this information.

ISSUES & DISCUSSION

6. During deliberations of the 2025–2034 Long Term Plan, a request for funding of approximately \$35,000, was made to re-instate the toilet block at the Hector Freedom Camping site. Council requested a report on the existing toilet amenities that detailed the status and costs of the current sites and provided options for additional sites and costs for Council to consider.

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BACKGROUND

Sites and Costs

7. BDC directly owns and operates 14 sites, subsidises another three privately owned sites and the costs of the toilet facilities for the two operational sites (EOC and Reefton Visitor & Service Centre) also fall under this budget. An Exeloo toilet unit, on Russell Street in Westport, has been decommissioned. While it remains on site, no costs are incurred from existing budgets.
8. Based on actual expenditures, to 30 June 2025, the projected 2025–26 Operating and Capital Expenditure budgets predict an operating overspend of \$13,243 for the 2025–26 financial year.

	2025–2026 Budgets	
Location	OPEX	CAPEX
Karamea RSA	\$11,802	\$ –
Waimangaroa	\$13,738	\$15,000
Lyric Theatre, Granity	\$3,001	\$ –
Orowaiti Cemetery	\$4,182	\$ –
Palmerston Street, Westport	\$17,221	\$ –
Brougham Street, Westport	\$19,670	\$ –
Westport Domain	\$13,600	\$ –
EOC, Victoria Square	\$3,823	\$ –
North Beach, Westport	\$21,285	\$ –
Carters Beach Domain	\$18,356	\$ –
Tauranga Bay	\$13,852	\$ –
Fox River	\$21,446	\$ –
Springs Junction	\$41,717	\$ –
Inangahua Hall	\$13,202	\$ –
Broadway, Reefton	\$33,630	\$ –
The Strand, Reefton	\$12,662	\$ –
Reefton Dump Station	\$2,501	\$ –
Reefton Cemetery	\$4,502	\$ –
Ikamatua Service Centre	\$851	\$ –
District Wide Vandalism	\$4,201	
District Wide Supplies and Materials	\$23,001	
Total:	\$298,243	\$15,000
Combined LTP Budgets	\$285,000	\$15,000

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Variation	-\$13,243	\$ -
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9. Incidents of vandalism continue to occur, and the budget for this remains the same as the previous financial year. The supplies and materials costs have never been tracked to individual sites, and some sites have had costs amalgamated as contractors have not specified costs, beyond grouping by town.
10. Going forward, contractors will now allocate costs to specific sites, so Council will be able to more effectively monitor costs for every site.
11. The average operating cost per site is \$15,697 per year.
12. Two sites cost significantly higher than average: Springs Junction (\$41,717) and Broadway, Reefton (\$33,630). Both are high usage sites.
13. Without installing usage counters, there is no accurate gauge whether any site is used more, or less, frequently than any other. The only information we have is based on contractor feedback, cleaning schedules and material usage.
14. The high costs for Springs Junction are due to ongoing issues with pumps (needing regular maintenance) – as the location is not appropriate for the construction of a septic field and the existing drainage field is almost 600 metres from the facility.

Community Aspirations

Kawatiri Coastal Trail Head – Buller Bridge Car Park

15. The Kawatiri Coastal Trail is now fully operational between Charleston and Westport. Significant numbers of cyclists are expected for the 2025 summer season. The Charleston–Westport Coastal Trail Trust purchased a toilet block (that they have in storage) and are requesting that BDC install it at the Buller Bridge Car Park and assume ownership and operating costs.
16. Installation is estimated at \$40,000 with on-going annual maintenance and cleaning expected to cost \$18,000.

Hector

17. A meeting was held at the Norther Buller Community Hall on 12 May 2025 that was well attended by members of the Granity, Ngakawau and Hector communities. Primarily called to discuss the future of the Hector Freedom Camping site, many of the attendees were in favour of the toilet block being re-instated and a septic field being built to reduce operating costs.
18. The toilet was originally installed using Tourism Infrastructure Funding (TIF) government funding , due to increased and unbudgeted operating expenses, BDC removed the Hector Toilet Block, in late 2024, and it is in storage at the Peel Street Depot.
19. The estimated re-installation and septic field construction costs have been estimated at \$35,000. We estimate the annual operating costs for this facility to be in the order of \$15,000. We also understand the local community has indicated they could assist and if that were to occur, those annual costs would likely reduce to approx. \$5,000.

Ikamatua Township

20. Currently, BDC pay \$850 annually, to the local service station, for making their toilets available to the public during their opening hours.
21. The community has made requests for Council to consider opening a 24-hour public toilet block.
22. BDC has another toilet block, in addition to the retired Hector block, in storage and this could be relocated to Ikamatua. Beside Road Reserve, the Ikamatua Reserve is the only BDC owned land in the township, but it is well off the highway and currently has no road access.
23. If a suitable site could be found, installation and septic field construction costs would be similar to the Hector site, at \$35,000, but a water supply would also be required – along with annual cleaning and maintenance costs of approximately \$15,000.

Springs Junction

24. The Springs Junction site was installed after the 2017 Kaikoura earthquake diverted Nelson and Marlborough traffic via Lewis Pass. Originally funded by TIF, all costs are now being met by BDC.

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25. Staff met with members of the Springs Junction and Maruia Reserve Subcommittee and residents in late July 2025. The local reserve subcommittee has plans, and some limited funding, to develop the Spring Junction Reserve site (similar to Culverden, with parking, a playground and picnic area) and would prefer the existing toilets were closed and a new, more easily cleaned unit, be constructed there (approximately 400m past the junction toward Murchison).
26. This location would allow BDC to construct a septic system and significantly reduce the operating cost for this site but may require up to \$300,000 to install with potential annual savings of \$10,000 – \$15,000.
27. The site would require water to be pumped from an on-site bore and construction of a suitably sized soakage field. More widespread community consultation, along with planning and costing, would be required before this option could progress.

Financial Estimates:

Site	Installation Costs	Operating Costs
Buller Bridge	\$40,000	\$18,000
Hector	\$35,000	\$5,000
Ikamatua	\$35,000	\$5,000
Springs Junction	\$300,000	\$35,000
Total	\$410,000	\$63,000

28. There is a possibility that an underspend of TIF funding, for the Mokihinui Campground septic system, could be reallocated to the Springs Junction Reserve option and the cost to Council may be reduced to around \$150,000. However, MBIE would have to agree to any repurposing of surplus funding, and this is not certain.
29. On 14 September, the Beehive announced a Major Events and Tourism funding package which includes up to \$10 million for tourism infrastructure upgrades which could potentially be used for toilet provision. Further details about this fund are expected by the end of 2025.

NEXT STEPS

30. As part of the 2026/27 Annual Plan process, a workshop will be scheduled to discuss future Toilet Amenities.
31. Staff will continue to monitor funding opportunities such as the Major Events and Tourism funding package and will keep Council updated.
32. The standard considerations have been thoroughly evaluated, and there are no additional comments at this time.

DRAFT RECOMMENDATION

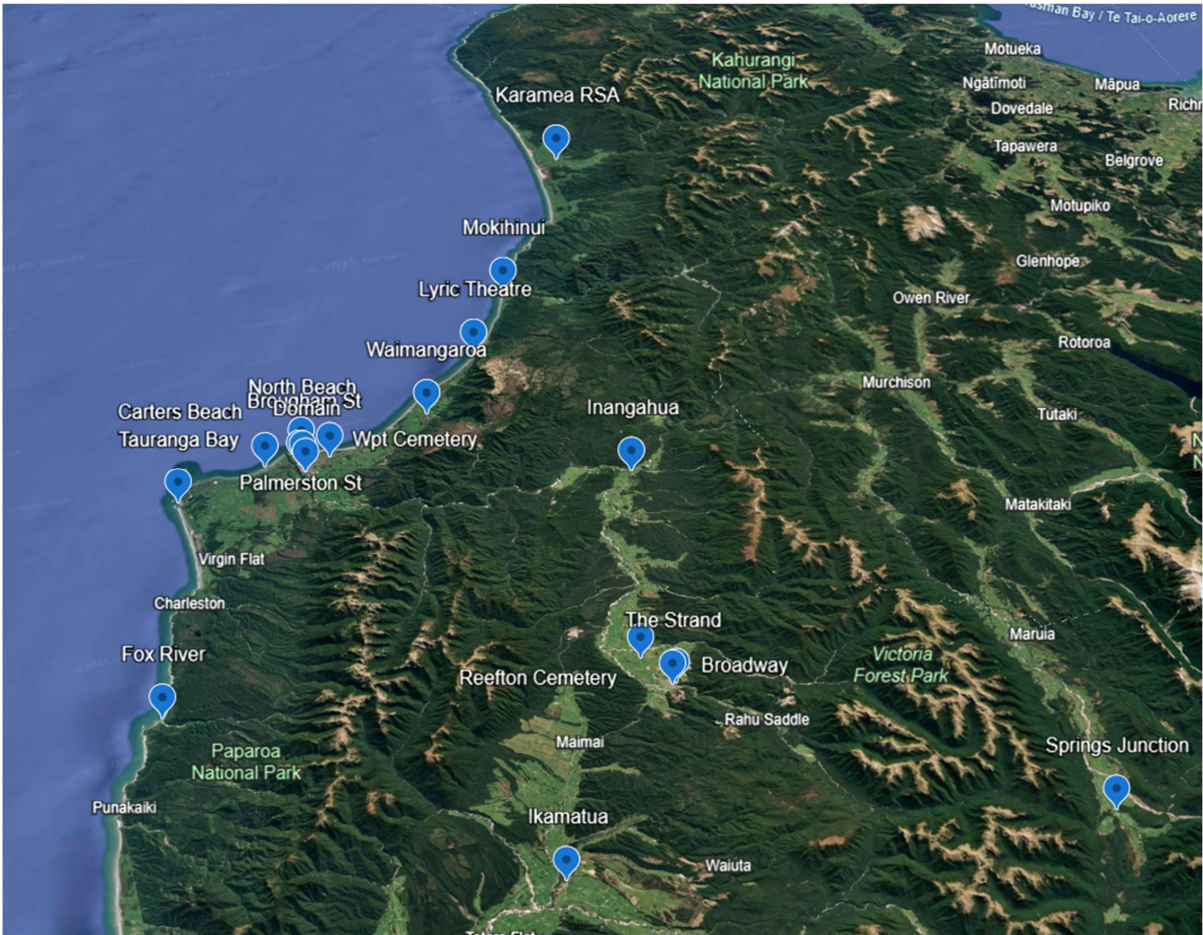
That Council:

- 1. Receives the report.**
- 2. Notes that Toilet Amenities will be workshopped as part of the 2026/27 Annual Plan process**

ATTACHMENTS

1. Locations of Existing Toilet Amenities [**4.4.1** – 1 page]

Appendix 1:
Locations of Existing Toilet Amenities



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AGENDA ITEM: 4.5 COMMUNITY GRANTS APPLICATIONS

Prepared by: Caitlin McDonald
Governance Secretary

Reviewed by: Krissy Trigg
Group Manager Community Services

Public Excluded: No

EXECUTIVE SUMMARY

1. The Community Grants budget for the 2025/2026 financial year is **\$80,000.00**, with this being the only funding round.
2. Seventeen eligible Community Grant applications were received, requesting a combined amount of **\$107,240.43**
3. All applicants provided the required two letters of support and, where applicable, accountability forms for previous funding.
4. One ineligible application was received from the Reefton Operatic and Repertory Society requesting \$2,400.00. This application was ineligible for funding as the event that the funding was requested for took place before the Council meeting to allocate Community Grants. As per the guidelines for Community Grants funding, retrospective applications cannot be funded. This application has not been included in Attachment One.

DRAFT RECOMMENDATION

- 1. Council notes a Workshop was held on 10 September 2025 to discuss applications received.**
- 2. Council notes that the total amount for this allocation is \$80,000.00**
- 3. Council resolves to consider the applications and determine the allocation of grants funding to be approved for each applicant.**

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ATTACHMENTS

1. Community Grants Applications Summary [**4.5.1** – 1 page]

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#	Organisation Name	Amount requested	Purpose
1	Buller Ladies Chair Yoga	\$1,800.00	Funds for a larger TV Screen
2	Buller Wheelchair Bus Incorporated	\$10,682.00	Maintain bus service to the community by covering fuel, insurance and RUC
3	Carters Beach RHS - Chairs	\$14,491.00	Replace exsiting stock of chairs
4	Carters Beach RHS - Heaters	\$6,000.00	Heaters upgrade
5	Carters Beach RHS - Stage	\$24,702.00	Provide a staging option for the Hall
6	Citizens Advice Bureau Buller	\$13,358.68	Funds to cover the rent of the office at the Clocktower
7	Inangahua A & P and Sports Association	\$1,950.00	To cover the Reefton Sports Park hire for the annual A&P show
8	Kaitiaki Mokihinui Charitable Trust	\$900.00	To care for and maintain the Chasm Creek Walkway, Seddonville
9	Karamea ANZAC Community Coordinator	\$2,500.00	Funding for a new memorial bronze plaque
10	Karamea Historical Society	\$3,000.00	Assistance with increased insurance costs for building and liability cover
11	Kawatiri Riding For The Disabled	\$5,000.00	Seeking funds for paddock hand wages for the year
12	Market Cross Community Group	\$4,532.75	The cost of insurance for the premises
13	Northern Buller Museum	\$5,224.00	Seeking funding to purchase a kitset garden shed for use by our gardening volunteers
14	Reefton Seido Karate	\$600.00	To support two karate events in Reefton, the Reefton Seido Summer Sessions
15	Southern Cancer Society Trust	\$5,000.00	Seeking funds to support the West Coast Cancer Society Centre
16	Waimangaroa Recreation Reserve Domain	\$5,000.00	Seeking funding for inaugural 'Rhythm and Food Festival'
17	Westport Menz Shed	\$2,500.00	Funding towards General expenses to keep membership affordable as most are beneficiaries or retired
TOTALS		\$107,240.43	
Total Funding Available		\$80,000.00	
Total Funding Available this round		\$80,000.00	

BULLER DISTRICT COUNCIL
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AGENDA ITEM: 4.6 RISKPOOL TRUST DEED AMENDMENTS

Prepared by: Paul Numan
Group Manager Corporate Services

Reviewed by: Simon Pickford
Chief Executive Officer

Public Excluded: No

EXECUTIVE SUMMARY

1. To seek Council approval to consent the proposed amendments to the Riskpool Trust Deed, as circulated by Local Government Mutual Funds Trustee Ltd (LGMFT), the trustee for the New Zealand Mutual Liability Riskpool Scheme (Riskpool).

DRAFT RECOMMENDATION

That Council:

1. **Receives the report on proposed amendments to the Riskpool Trust Deed;**
2. **Notes the purpose and effect of the proposed amendments as outlined in this report and the attached papers;**
3. **Approves Buller District Council consenting to the amendments to the Riskpool Trust Deed, as set out in the attached letter dated 21 August 2025; and**
4. **Authorises the CEO to sign and return the attached consent form on behalf of Council.**

ISSUES & DISCUSSION

BACKGROUND

2. Riskpool was established in 1997 by local authorities and Civic Assurance (now Civic Financial Services Ltd) to provide collective risk protection for local government entities across New Zealand. It was formed in response to an unreliable and expensive commercial

insurance market, particularly following the withdrawal of key insurers from local government liability cover.

3. Structured as a not-for-profit mutual fund, with a Board of Trustees (the Board) acting in the best interests of members, Riskpool successfully operated for 20 years, returning \$178.7 million in claims to its members in comparison to \$147.5 million in contributions. Buller District Council was a member of the Riskpool Scheme in that period.
4. Since 2017, the Scheme has been in a managed wind-down phase. The Board's focus is now primarily on resolving legacy claims, pursuing recoveries from reinsurers, and ensuring sound trust governance.
5. Although the Riskpool Scheme is in a managed wind down phase, the Board is currently managing a number of significant workstreams relating to Riskpool including:

Domestic Litigation

6. Several legacy claims remain outstanding against the Scheme. In 2023, the Supreme Court in *Local Government Mutual Funds Trustee Ltd v Napier City Council* [2023] NZSC 97 confirmed that claims against the Scheme involving both weathertight and non-weathertight defects (mixed claims) could be divided, with cover available for non-weathertight defects. This ruling had wide-ranging consequences and led to a series of other mixed defect claims proceeding against the Scheme.
7. Two of these claims are scheduled for trial in September 2025. The central issue at trial is whether the claims were validly notified under the Scheme. These proceedings are important in clarifying Riskpool's historic obligations and the interpretation of Scheme terms. The Board is working closely with its legal advisers to prepare for trial and is keeping reinsurers updated with developments.

Reinsurance Recoveries

8. Reinsurance remains Riskpool's primary source of funds for accepted claims. However, the process of ensuring reinsurers meet their obligations is complex, involving multi-layered "towers" of reinsurance for each fund year. The relevant reinsurance contracts are governed by

English law and subject to the jurisdiction of the London commercial courts.

9. The Board is actively engaged with London brokers, English counsel, and New Zealand advisers to pursue recovery. Litigation in London remains a possibility. Ensuring that reinsurers meet their indemnity obligations is essential to reduce the scale of any further calls on member Councils and safeguard the wider local government sector.

Proposed Amendments to the Riskpool Trust Deed

10. The Riskpool Trust Deed dates from 1997, with further amendments having been made in 2007.
11. As part of its ongoing governance review, the Board commissioned Webb Henderson to conduct a 'hygiene check' of the Scheme and its governing documents. That review identified a number of deficiencies in the current Trust Deed which require correction to bring the governance framework into line with best practice.
12. In summary, the proposed changes:
 - a. Clarify the duties owed under clause 6 of the Trust Deed. The amendments make clear that these duties are owed by LGMFT, rather than by the Board. It appears that has always been the intention of the drafting given that the Board is not a party to the Trust Deed. The Board will remain mindful of them and continue to seek to cause LGMFT to give effect to them.
13. Clarify that the Trustee can distribute surplus funds to Members. This is implicit at present but as the Scheme pursues reinsurance recoveries, it is appropriate to put the point beyond any doubt. See clauses 6.13 and 6.14 of the Amended Riskpool Trust Deed.
 - a. Clarify that the role of the Scheme Manager under clause 9 of the Trust Deed passed to Civic Financial Service Limited, formerly known as New Zealand Local Government Insurance Corporation Limited (LGIC).
 - b. Properly provide for indemnification and limitation of liability of LGMFT, as trustee, and the Board. The Trust Deed, as currently drafted, provides insufficient protections to LGMFT and the

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Board when compared to the position at common law and in typical commercial trust arrangements. The Board considers that this is an oversight which, in the interests of the Scheme and Members, should be addressed. See clause 13 of the Amended Riskpool Trust Deed.

- c. Ensure consistent use of defined terms and correct other minor drafting issues.
- d. In accordance with clause 17.1 of the Riskpool Trust Deed, the proposed amendments are conditional on not less than 90% of Members consenting in writing to the changes. There are 75 Member Councils in the relevant period, each with a casting vote.

ATTACHMENTS

- 1. Letter from LGMFT dated 21 August 2025 [**4.6.1** - 3 pages]
- 2. Draft Deed of amendment and restatement of Trust Deed [**4.6.2** - 4 pages]
- 3. Amended Riskpool Trust Deed - proposed amendments in mark up [**4.6.3** - 20 pages]

**BULLER DISTRICT COUNCIL
24 SEPTEMBER 2025**



21 August 2025

Simon Pickford
Buller District Council
PO Box 21
WESTPORT 7866

simon.pickford@bdc.govt.nz

Dear Simon

RISKPOOL: UPDATE TO TRUST DEED

As indicated in our letters of 26 May and 24 July, we write in relation to proposed amendments to the trust deed governing the Riskpool Scheme (**Trust Deed**).

The Trust Deed dates from 1997, with further amendments having been made in 2007. As part of its ongoing governance review, the Board of Local Government Mutual Funds Trustee Limited (**LGMFT**) engaged Webb Henderson, legal and regulatory advisors, to conduct a 'hygiene check' of the Scheme and its governing documents. That review identified a number of deficiencies in the current Trust Deed which require correction to bring the governance framework into line with best practice.

Accompanying this letter are drafts of:

- the proposed deed of amendment and restatement of the existing Trust Deed (**Deed of Amendment and Restatement**); and
- a copy of the Trust Deed marked up to show the changes which would be affected by the Deed of Amendment and Restatement (**Amended Deed**).

In summary, the proposed changes:

- Clarify the duties owed under clause 6 of the Trust Deed. The amendments make clear that these duties are owed by LGMFT, rather than by the Board. It appears that has always been the intention of the drafting given that the Board is not a party to the Trust Deed. The Board would of course still be mindful of them and will continue to seek to cause LGMFT to give effect to them.
- Clarify that the Trustee can distribute surplus funds to Members. This is implicit at present but as the Scheme pursues reinsurance recoveries it is appropriate to put the point beyond any doubt. See clauses 6.13 and 6.14 of the Amended Deed.

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- Clarify that the role of the Scheme Manager under clause 9 of the Trust Deed passed to Civic Financial Services Limited, formerly known as New Zealand Local Government Insurance Corporation Limited (LGIC).
- Properly provide for indemnification and limitation of liability of LGMFT, as trustee, and the Board. The Trust Deed, as currently drafted, provides insufficient protections to LGMFT and the Board when compared to the position at common law and in typical commercial trust arrangements. The Board considers that this is an oversight which, in the interests of the Scheme and Members, should be addressed. See clause 13 of the Amended Deed.
- Ensure consistent use of defined terms and correct other minor drafting issues.

Consent procedure

In accordance with clause 17.1 of the Trust Deed, the amendment and restatement of the Deed of Trust is conditional on not less than 90% of Members consenting in writing to the changes. We encourage all members to engage with the process of amendment and will be happy to arrange one-on-one sessions and virtual briefings with members to explain the proposed amendments.

If the amendments proposed by the Deed of Amendment and Restatement are acceptable to you, please sign the attached consent and return it to us at your earliest convenience, and no later than **30 September 2025**.

If you have any questions or would like to discuss any of the matters outlined above, please don't hesitate to contact me at: stephen.ferson@riskpool.org.nz

Ngā mihi



Stephen Ferson
General Counsel
Local Government Mutual Funds Trustee Ltd (Riskpool)

**BULLER DISTRICT COUNCIL
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CONSENT TO TRUST DEED AMENDMENTS

Buller District Council, a local authority within the meaning of the Local Government Act 2002, in its capacity as a Member of the Scheme (and having received such advice, if any, as it has considered appropriate in the circumstances), hereby irrevocably consents to the amendments to the deed of trust dated 1 July 1997 and as varied pursuant to a Deed of Variation of Deed of Trust dated 22 July 2007 between Civic Financial Services Limited (previously named New Zealand Local Government Insurance Corporation Limited) and Local Government Mutual Funds Trustee Company Limited (**Trust Deed**) as proposed in the draft Deed of Amendment and Restatement of Trust Deed relating to the New Zealand Mutual Liability Riskpool circulated under cover of the letter from Stephen Ferson, General Counsel of Riskpool, dated 21 August 2025.

The terms "Member" and "Scheme" shall have the same meaning in this Consent as in the Trust Deed.

Dated:

SIGNED for and on behalf of
Buller District Council by:

Authorised Signatory

Deed of Amendment and Restatement

DEED dated 2025

Parties

1. **Civic Financial Services Limited** (formerly known as New Zealand Local Government Insurance Corporation Limited) (**Civic**)
2. **Local Government Mutual Funds Trustee Limited (LGMFT)**

Background

- A. On 1 July 1997, the parties entered into a Deed of Trust (as varied by Deed of Variation dated 22 June 2007) (**Deed of Trust**).
- B. The parties now wish to amend and restate the Deed of Trust, on the terms set out in this deed.
- C. The amendments to the Deed of Trust are in the interests of Members, and (in accordance with, and for the purposes of clause 17.1 of the Deed of Trust) the consent of Members will be sought in respect of them.

The parties agree as follows:

1. Interpretation

1.1 In this Deed:

- (a) **Effective Date** means the date on which the consent (pursuant to clause 17.1 of the Deed of Trust) of the requisite number of Members is received in writing, in accordance with clause 2 of this deed;
- (b) **Deed of Trust** has the meaning given to it in the Background;
- (c) **Revised Deed** means the deed set out in the Appendix of this deed;
- (d) capitalised terms that are not defined in this deed have the meaning given to them in the Revised Deed; and
- (e) headings are to be ignored in construing this deed.

2. Condition

In accordance with clause 17.1 of the Deed of Trust, the amendment and restatement of the Deed of Trust pursuant to this deed is conditional on not less than 90% of Members consenting in writing to the changes shown as marked up in the version of the Revised Deed attached as the Appendix to this deed.

3. Amendment

3.1 Amendment and restatement

Subject to clause 2, with effect on and from the Effective Date, the Deed of Trust is amended and restated in the form of the deed set out in the Appendix. Except to the extent amended by this deed, the Deed of Trust continues in full force and effect.

3.2 Confirmation

- (a) Each party acknowledges and confirms that on and from the Effective Date, the parties shall have the benefit of the Revised Deed in accordance with its terms and are bound by the terms of the Revised Deed and have the obligations set out in it.
- (b) The parties:
 - (i) acknowledge that, in the period prior to the Effective Date, the references in clause 6 of the Deed of Trust to duties, responsibilities, discretions, and powers of the "Board" were intended by the parties to mean (and have been understood and applied as being) duties, responsibilities, discretions, and powers of the Trustee Company, acting by and through the instrumentality of the Board; and
 - (ii) agree and confirm that, as a result, the amendments to that clause 6 as set out in the Revised Deed are consistent with that intent and understanding.

4. General

4.1 Further assurance

Each party shall take all steps, execute all documents and do or procure all other acts and things reasonably required to give effect to this deed according to its true intent.

4.2 Entire agreement

This deed records the entire agreement between the parties concerning the amendment and restatement of the Deed of Trust.

4.3 Counterparts

This deed may be executed in any number of counterparts (including electronically scanned copies) all of which, when taken together, will constitute one and the same instrument. A party may enter into this deed by executing any counterpart.

4.4 Deed binding and delivered

For the purposes of Section 9 of the Property Law Act 2007, this deed:

- (a) is intended to be immediately and unconditionally binding upon each party to be bound by it when that party executes this deed; and
- (b) without limiting any other mode of delivery, will be delivered by each of the parties immediately on execution and exchange of this deed in accordance with clause 4.3.

4.5 Governing Law

This deed is governed by the laws of New Zealand and each party irrevocably and unconditionally:

- (a) submits to the non-exclusive jurisdiction of the courts of New Zealand; and
- (b) waives any right to object to any proceedings being brought in, or transferred to, those courts.

Executed as a Deed

Signed for **LOCAL GOVERNMENT MUTUAL FUNDS TRUSTEE LIMITED** by:

Signature of director

Signature of director

Name of director

Name of director

Signed for **CIVIC FINANCIAL SERVICES LIMITED** by:

Signature of director

Signature of director

Name of director

Name of director

DATED

1997

**NEW ZEALAND LOCAL GOVERNMENT INSURANCE CORPORATION
LIMITED**

(“LGIC”)

AND

LOCAL GOVERNMENT MUTUAL FUNDS TRUSTEE COMPANY LIMITED

(“Trustee Company”)

DEED OF TRUST

**BULLER DISTRICT COUNCIL
24 SEPTEMBER 2025**

THIS DEED OF TRUST made the 1st day of July 1997

PARTIES

CIVIC FINANCIAL SERVICES LIMITED (FORMERLY KNOWN AS NEW ZEALAND LOCAL GOVERNMENT INSURANCE CORPORATION LIMITED-at Wellington) ("LGIC")

LOCAL GOVERNMENT MUTUAL FUNDS TRUSTEE COMPANY LIMITED
("Trustee Company")

BACKGROUND

- A. LGIC is a Local Authority Trading Enterprise as that term is defined in the Local Government Act 1974.
- B. Trustee Company is a company incorporated under the Companies Act 1993 and is a wholly owned subsidiary of LGIC.
- C. LGIC, in consultation with Jardine, has agreed to establish a Trust pursuant to this deed to provide the Fund and the Scheme (to be known as the New Zealand Mutual Liability Riskpool) for the benefit of the Members of the Scheme and to manage all Claims for Civil Liabilities against the Members of the Scheme which may arise in connection with the exercise by the Members of any of their powers, duties or functions.
- D. The purpose for establishing this Trust in consultation with Members is to benefit residents and ratepayers of New Zealand and in particular that purpose is to be achieved by enabling Members to be recompensed from the Fund in respect of liabilities thus reducing the need for insurance cover and reducing Members' annual expenses. In addition the Scheme Manager will work with Members to ensure that proper systems are developed to promote the efficient and safe fulfilment of each Member's functions thus providing a benefit to the community as a whole.
- E. LGIC has agreed to hold all the shares in Trustee Company on trust for the Members of the Scheme pursuant to this deed.
- F. Trustee Company has agreed to act as Trustee of the Scheme and to hold and apply the Fund in accordance with this deed and the other Scheme Documents so as to provide the benefits intended to be obtained by Members of the Scheme as envisaged by this deed and the other Scheme Documents.

THIS DEED WITNESSES:

1. Interpretation

1.1. In this deed unless the context clearly requires otherwise:

“**Act**” means the Companies Act 1993.

“**Additional Contribution**” means any additional or further contribution to an Annual Fund by a Member, after the initial Contribution to that Annual Fund, called for or demanded by the Board pursuant to this deed and the Scheme Rules.

“**Annual Fund**” means the separate fund established, pursuant to the Scheme Documents, for each Fund Year of the Scheme.

“**Board**” means the directors of Trustee Company who number not less than the quorum required pursuant to the Constitution acting together as a board of directors.

“**Call**” means each call or demand for an Additional Contribution.

“**Civil Liability**” means any civil liability resulting from an obligation, function, power or duty of a Member arising under law and includes any public liability and any liability for negligence of the Member.

“**Claim**” means any claim by a Member in respect of that Member’s Civil Liability during the term of the Scheme in respect of the Risks.

“**Constitution**” means the constitution of Trustee Company as may be varied, or substituted from time to time.

“**Contribution**” includes each Member’s initial contribution to each Annual Fund as determined by the Board, pursuant to clause 11 and each Additional Contribution.

“**Deed of Participation**” means the deed of participation required to be entered into by each Member pursuant to clause 16.

“**Fund**” means all assets and property of the Scheme and includes each separate Annual Fund.

“**Fund Manager**” means the manager of the Fund pursuant to clause 10.

“**Fund Year**” means the year commencing 4.00pm on 30th June in each year and terminating 4.00pm on 30th June in the next following year, or as otherwise determined by the Board.

“**Guidelines for Exercise of Discretion**” or “**Guidelines**” means the guidelines from time to time set out by the Board as detailed in clause 8.1.

“**Indemnity Cover**” means insurance cover purchased by the Board on behalf of Members to meet the Claims of the Members in the amount and in respect of the Risks determined from time to time by the Board being amounts payable in excess of the pooled cover.

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“**Jardine**” means Jardine Risk Consultants Limited.

“**Local Authority**” means a local authority pursuant to the Local Government Act 1974.

“**Member**” means any person or body (whether incorporated or not) admitted as a Member to the Scheme pursuant to the Scheme Documents.

“**Pooled Cover**” means cover provided from the Fund to manage and, if the Claims are accepted by the Board, settle or pay the Claims against the Members in respect of the Risks.

“**Risks**” means those risks of Civil Liability of each Member and which fall within the Guidelines for Exercise of Discretion for the relevant Fund Year.

“**Scheme**” means the scheme, to be known as the New Zealand Mutual Liability Riskpool, constituted by this deed and the other Scheme Documents.

“**Scheme Documents**” means this deed, the Scheme Rules, and the Constitution of Trustee Company and for each Member, its Deed of Participation and the Guidelines.

“**Scheme Manager**” means the manager of the Scheme appointed from time to time pursuant to clause 9.

“**Scheme Manager’s Quantum**” shall mean \$30,000 inclusive of self retained limit or such other amount as shall from time to time be fixed by the Board.

“**Scheme Rules**” means the rules of the Scheme as promulgated by the Board from time to time.

“**Scheme Solicitor**” means the solicitor appointed from time to time by the Board.

“**Self Retained Limit**” means the deductible or excess to be borne by each Member in respect of its Risks and Claims against it as provided in the Guidelines.

“**Shares**” means the shares in Trustee Company.

“**Underlying Claim**” means any claim for civil liability (covered for the time being under the Guidelines) made against a Member which may give rise to a Liability; but also includes a claim which may give rise to a Liability to a Member under any other category of risk to that Member which the Guidelines of the Scheme may properly have been extended to cover pursuant to the terms of this deed.

1.2. In this deed, unless the context clearly otherwise requires:

1.2.1. Words importing the singular shall include the plural and vice versa;

1.2.2. References to any legislation shall include references to all amendments to that legislation and to any legislation passed in substitution for it (in whole or in part);

- 1.2.3. References to “director” or “directors” shall be to a director, or directors, of Trustee Company, acting in their capacity as such; and;
- 1.2.4. References to persons shall be deemed to include references to individuals, companies, corporations, firms, partnerships, joint ventures, associations, organisations, trusts, states or agencies of state, government departments and local and municipal authorities in each case whether or not having separate legal personality.

2. Constitution of the Scheme

- 2.1. A scheme is hereby established by LGIC and Jardine for the benefit of Members of the Scheme with the objects set out in clause 2.4. The name of the Scheme shall be the New Zealand Mutual Liability Riskpool.
- 2.2. The parties agree that Trustee Company shall act as the Trustee of the Scheme established under this deed and shall be responsible to ensure that the purposes of the Scheme as provided by this deed and the other Scheme Documents are carried into effect.
- 2.3. The Fund of the Scheme shall include all assets and property for the time being held by or on behalf of Trustee Company, derived from:
 - 2.3.1. Contributions;
 - 2.3.2. Additional Contributions;
 - 2.3.3. Any gifts, donations or grants;
 - 2.3.4. Revenue from investments;
 - 2.3.5. Proceeds of realisation of investments;
 - 2.3.6. Any policies or contracts of re-insurance or indemnity;
 - 2.3.7. Any recoveries;
 - 2.3.8. Any other source.
- 2.4. The Fund shall be held in trust for the benefit of the Members of the Scheme by Trustee Company upon the trusts and for the objects contained in this deed and shall be managed, administered and applied by Trustee Company in accordance with the powers contained in this deed, in order to attain those objects.
- 2.5. LGIC hereby declares that it holds the Shares on trust for the benefit of the Members in accordance with the terms of this deed and the other Scheme Documents for the objects and purposes of the Scheme.
- 2.6. Trustee Company is and shall remain responsible for the safe custody of all money, policies, certificates and other documents of title and value in connection with the Fund and for the safe custody, realisation and distribution of all assets and property from the Fund, from time to time vested in Trustee Company.

3. Purposes and Objects

- 3.1. LGIC and Trustee Company declare that their purposes in entering into this deed and the objects of the Scheme are:
 - 3.1.1. To establish and maintain an Annual Fund for each Fund Year during the term of the Scheme for the benefit of the Members to meet the costs of establishing and running the Scheme and, subject to the terms of this deed and the other Scheme Documents and the Guidelines, to pay the Civil Liabilities of the Members arising from the Risks covered by the Scheme and specified in the Scheme Documents with the intention that Members' needs for insurance cover and insurance expenses are reduced for the benefit of residents and ratepayers;
 - 3.1.2. To provide Pooled Cover in respect of Risks as may be determined from time to time by the Board;
 - 3.1.3. To manage and settle or pay Claims made against Members;
 - 3.1.4. To develop programmes for the management of the risk of loss arising out of Civil Liability of the Members;
 - 3.1.5. To reduce the amount and frequency of losses to the Members arising out of Civil Liability;
 - 3.1.6. To purchase such Indemnity Cover or re-insurance in respect of such Risks as may be determined from time to time by the Board;
 - 3.1.7. To undertake such other functions in relation to the management of Civil Liability as the Board may from time to time require having regard to the interests of the Members, including making grants from the Fund to a Member or any other person or body approved by the Board;
 - 3.1.8. To investigate and if deemed appropriate by the Board, establish other Funds to cater for the insurance needs of Local Authorities and other local government organisations;
 - 3.1.9. To work with Members to ensure that proper systems are developed to promote the efficient and safe fulfilment of each Member's functions to provide to the Community as a whole;
 - 3.1.10. To do all other things as may be necessary or desirable to further the above objects in the interests of the Members of the Scheme.
- 3.2. The parties agree that they will co-operate to the fullest extent with each other in the implementation of the purposes stated in clause 3-1 and act in accordance with the provisions and spirit and intent of this deed.
- 3.3. LGIC shall be entitled to be paid an administration fee to be determined from time to time by the Board for the performance of its functions and duties under this deed as Fund Manager and for the provision of any other services to Trustee Company.

4. The Fund

- 4.1. Trustee Company shall establish and maintain a Fund in the amount recommended by the Board and shall at the commencement of each Fund Year during the term of the Scheme on the advice of the Board invite the Members of the Scheme to contribute to the Fund at such levels as are determined pursuant to clause 6.6 to meet:
- 4.1.1. such Underlying Claims as may be made against any one or more of the Members during that Fund Year in respect of Risks to the extent of the Pooled Cover.
 - 4.1.2. the premium payable to an appropriate indemnity insurer or insurers to provide Indemnity Cover for the Members during that Fund Year.
 - 4.1.3. the operating expenses of the Scheme for that year.
 - 4.1.4. the grants or allocations to be made pursuant to clauses 3.1.7 or 3.1.8 (if any).
 - 4.1.5. any other amount determined by the Board to be required for the continuation of the Scheme.
- 4.2. Each Underlying Claim made upon any of the Members during a Fund Year in respect of Risks may at the discretion of the Board be met:
- 4.2.1. to the extent that the Underlying Claim does not exceed the amount of the Pooled Cover of the Annual Fund for that Fund Year from that Annual Fund;
 - 4.2.2. to the extent that the Underlying Claim exceeds the amount of the Pooled Cover but does not exceed the amount of the Indemnity Cover for that Fund Year
 - (i) to the amount of the Pooled Cover, from the relevant Annual Fund for that Fund Year;
 - (ii) thereafter from Indemnity Cover for that Fund Year to the extent of that Cover;
 - 4.2.3. To the extent that the Underlying Claim exceeds the amount of the Pooled Cover and the Indemnity Cover for that Fund Year;
 - (i) to the amount of the Pooled Cover, from the relevant Annual Fund for that Fund Year;
 - (ii) to the amount of the Indemnity Cover for that Fund Year, to the extent of that cover;
 - (iii) the balance by the Fund from surpluses from previous Fund Years and from Additional Contributions from Members;

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(iv) to the limit of any guarantee provided by LGIC, by LGIC.

- 4.3. The Members shall be invited to Contribute to the Fund in the proportions to be determined annually by the Board. The Contributions by Members for each Fund Year shall be held and accounted for as a separate Annual Fund for that Fund Year.
- 4.4. Trustee Company shall administer the Fund with the intent that upon the settlement of all Claims made in respect of occurrences or events arising during the relevant Fund Year;
- 4.4.1. any surplus or anticipated surplus remaining in the Annual Fund ~~attributable to~~for that Fund Year shall be allocated at the absolute direction of the Board towards liabilities of the Fund for any later Fund Year; and
- 4.4.2. any deficiency in the Annual Fund for that Fund Year shall be met by Additional Contributions by each Member in the proportion in which Contributions were made to the Annual Fund for that Fund Year.

5. Board of Trustee Company

- 5.1. LGIC shall, following consultation with the Board, appoint persons (not exceeding a maximum of six at any one time) as directors for a term not exceeding three years and one month, and may following consultation with the Board at any time remove, with or without a replacement, any director.
- 5.2. Unless otherwise expressly provided in this deed or the Constitution, questions arising at any meeting of the Board shall be decided by a simple majority of the votes of those directors present and voting.
- 5.3. The quorum necessary for the transaction of business at meetings of the Board shall be the majority of the Directors. A director is to be counted for quorum purposes whether entitled to vote or not.
- 5.4. Subject to the provisions of this deed and any applicable law, LGIC shall determine, from time to time, what (if any) directors fees, other valuable consideration or other benefit shall be paid or given by Trustee Company out of the Fund to any director in respect of that person's performance of duties as a member of the Board.
- 5.5. No director may hold office for more than twelve years, whether continuously or in aggregate over several periods.

6. Duties of the Board Trustee Company

- 6.1. The Board Trustee Company shall be responsible to LGIC as shareholder (as trustee for the Members). Notwithstanding anything to the contrary in the Constitution, the duties of the Board Trustee Company shall include:
- 6.1.1. Implementing and achieving the purposes and objects of the Scheme;

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- 6.1.2. Considering all Claims made against the Fund and determining whether or not the [Board's Trustee Company's](#) discretion should be exercised to meet the Claim for the Member from the Pooled Cover;
- 6.1.3. Ensuring the Scheme is and remains financially viable and solvent within the "solvency tests" laid down by the Act and generally at law;
- 6.1.4. Conduct its business in accordance with this deed and other Scheme Documents, and otherwise in such manner as is resolved by the Board from time to time;
- 6.1.5. Promulgating and amending the Scheme Rules and the Guidelines from time to time.
- 6.2. The [Board Trustee Company](#) shall regard the purposes and objects of this deed and the Scheme as being of paramount importance in decisions made and policies adopted by it in relation to the Scheme and shall adopt and use such management and other techniques as will ensure that those main objectives are achieved.
- 6.3. The Trustee Company being a wholly-owned subsidiary of LGIC (as trustee for the Members), any director may act in a manner which he or she believes is in the best interests of LGIC (as trustee for the Members) and the Members, notwithstanding that it may not be in the best interests of the Trustee Company.
- 6.4. A director who is an officer, employee, nominee or representative of a Member shall only be disqualified from voting on any matter that affects that Member if it affects the Member directly and in a materially different way from which it affects other Members or there are personal reasons why that director has a conflict of interest.
- 6.5. The [Board Trustee Company](#) shall from time to time appoint the Scheme Solicitor for such tenure and upon such terms as it shall in its sole discretion decide, but such appointment shall be formally reviewed by the [Board Trustee Company](#) at least every three years.
- 6.6. The [Board Trustee Company](#) shall be responsible for the financial management of the Scheme to the extent that it shall:
 - 6.6.1. annually prepare the financial statements and, where considered necessary, report to the Members on any items arising from those statements;
 - 6.6.2. annually determine the Guidelines for the Risks to be provided for from the Fund for any Fund Year;
 - 6.6.3. annually determine the amount of Pooled Cover to be provided for the Members from the Fund for any Fund Year;
 - 6.6.4. annually determine the amount and nature of Indemnity Cover to be purchased for the Members from the Fund for any Fund Year and to determine the indemnity insurer or insurers for this purpose;

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- 6.6.5. be responsible for the assessment of the Members to determine the proportion in which they are to contribute to the Fund in each year. Each Member shall be required to and shall provide to the [BoardTrustee Company](#) and to the Scheme Manager such information as the [BoardTrustee Company](#) or the Scheme Manager may require in relation to the history of Civil Liability Claims made against the Member, the Member's operating procedures or such other matters as may be directed in order to permit the [BoardTrustee Company](#) to carry out its obligations under this clause.
- 6.7. The [BoardTrustee Company](#) may from time to time establish, or disestablish, a Claims Committee. Any such Claims Committee shall have such membership, duties, functions and powers, and be subject to such procedures, as the Board may from time to time stipulate. Where a Claims Committee is disestablished, its duties, functions and powers shall revert to the [BoardTrustee Company](#) (but without prejudice to the validity or effectiveness of any act or omission of the Claims Committee prior to its disestablishment), and any reference in this deed to the Claims Committee shall be read accordingly.
- 6.8. The [BoardTrustee Company](#) at its discretion may establish such other committees, to be constituted by such persons, as the Board may determine. ~~TheThe Trustee Company, and the~~ Board may delegate such of its powers, duties and functions as it may determine to any committee or person.
- 6.9. The [BoardTrustee Company](#) at all times remains responsible for powers and duties delegated to any committee or person and must monitor, by means of reasonable methods properly used, the exercise of those powers and duties by the delegate.
- 6.10. The [BoardTrustee Company](#) shall consider regularly the reports of the Scheme Manager and the Claims Committee in relation to Claims and:
- 6.10.1. shall, on the recommendation of the Claims Committee and Scheme Manager, determine whether to accept or reject any Claim;
- 6.10.2. from time to time shall issue instructions to the Claims Committee and Scheme Manager regarding the processing of Claims
- 6.10.3. shall, on written request from a Member, reconsider any Claim that has been rejected.
- 6.11. [Intentionally Omitted]
- 6.12. Where it becomes apparent to the [BoardTrustee Company](#) that the Annual Fund for any Fund Year will be insufficient to meet Claims payable from that Annual Fund, the [BoardTrustee Company](#) may at any time require the payment by the Members of an Additional Contribution in the same proportions as the Contributions paid by each of the Members to that Annual Fund in order to ensure that all Claims upon that Annual Fund are able to be met.
- 6.13. In addition to the provisions of this clause the [BoardTrustee Company](#) may at any time resolve to apply by way of transfer or loan any actual or anticipated surplus

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then remaining in any Annual Fund to any later Annual Fund, or to such purposes as ~~may the Trustee Company in its absolute discretion determines from time to time~~ to be ~~considered~~ appropriate having regard to the purposes of the Scheme and this deed.

- 6.14. The ~~Board~~Trustee Company, in accordance with the provisions of this deed, may make payments and grants from the Fund for the benefit of the Members and to further the objectives of the Scheme as the ~~Board~~Trustee Company deems fit in its absolute discretion.

~~6.15.~~The Trustee Company ~~Board~~ shall within 12 months from the commencement of the Scheme hold an annual meeting of Members to be convened no earlier than 30 days after the

~~6.16.~~6.15. mailing to Members of notice of such meeting. In each subsequent year in which the Scheme continues the Board shall in the same manner hold an annual meeting.

~~6.17.~~6.16. Any meeting of the Members shall be called and conducted as closely as is practicable in accordance with the Constitution and the Act as if it were a meeting of the shareholders of Trustee Company and as if the Members were shareholders of Trustee Company, and each meeting shall otherwise regulate its own proceedings, however at any such meeting:

~~6.17.1.~~6.16.1. a Member shall have one vote;

~~6.17.2.~~6.16.2. a Member may vote only in respect of matters arising in, from or relating to a Fund Year during which the Member was or is a Member of the Scheme; and

~~6.17.3.~~6.16.3. matters arising in, from or relating to different Fund years shall be considered and voted on separately.

7. [Intentionally Omitted]

8. Guidelines and Claims

- 8.1. The Trustee Company (acting through the Board) upon the recommendation of the Scheme Manager shall set at the commencement of each Fund Year Guidelines for the exercise of its discretion as to whether or not Claims by Members should be met out of the Pooled Cover.
- 8.2. The Trustee Company (acting through the Board) shall have absolute and unfettered discretion as to whether or not any Claim should be met out of the Pooled Cover and shall be influenced by but not bound by the Guidelines.
- 8.3. The Claims Committee may authorise the Scheme Manager to meet Claims out of the Pooled Cover where:
- 8.3.1. Those Claims do not exceed the Scheme Manager's Quantum and;
- 8.3.2. The Claim falls within the Guidelines and;

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8.3.3. The Underlying Claim against the Member is one for which the Member is reasonably liable and would in all probability be held liable at law for the amount of the Claim.

8.4. Where the quantum of any Underlying Claim exceeds the Scheme Manager's Quantum the Claims Committee shall authorise the Scheme Manager in conjunction with the Scheme Solicitor to administer and deal with that Underlying Claim but any settlement of a claim shall be authorised by the Claims Committee.

9. Engagement of Scheme Manager

9.1. The Trustee Company Board shall appoint a person to be the Scheme Manager upon such conditions as to tenure and remuneration or otherwise as shall be determined by the Trustee Company Board in its sole discretion and agreed upon by the Scheme Manager, and the parties record that:

9.1.1. the first Scheme Manager appointed by the Trustee Company was ~~shall be~~ Jardine, which was appointed for a period of 5 years from commencement of the Scheme; and

~~9.1.9.1.2.~~ With effect from 30 June 2012, LGIC was appointed as Scheme Manager and, without interruption, has continued in that capacity from that date and remains the Scheme Manager as at the date of this deed.

9.2. The Scheme Manager's duties shall be determined by the Trustee Company Board from time to time and may include:

9.2.1. from time to time undertake an assessment of the Members or any of them and their activities to assist the Fund Manager in the determination of the proportion in which the Members are to contribute to the Fund in any year and upon the conclusion of any such investigation direct the Members or any of them as to the procedures to be adopted by them to prevent losses or to minimise Civil Liability.

9.2.2. under the supervision and direction of the Claims Committee and the Board, the management of Claims made against each Member including:

- (a) the investigation and assessment of those Claims;
- (b) the preparation of regular reports to the Board on the progress of Claims and the preparation of recommendations as to the acceptance, rejection, settlement, litigation or other handling of the Claims;
- (c) the issue of instructions to the Scheme Solicitor for advice min respect of Claims and for assistance in the defence of Claims.

9.2.3. the provision of loss prevention and risk minimisation guidelines to members.

9.3. The Scheme Manager shall be available at all times to any member of the Trustee Company, the Board, or any member of the Claims Committee or any other

committee of the Board, or any of the Members of the Scheme, to answer any questions on the conduct of the Scheme's activities.

10. Fund Manager

- 10.1. LGIC shall be the Fund Manager upon such conditions as to remuneration or otherwise as shall be agreed by the Board and LGIC. In the event that LGIC becomes insolvent or ceases to trade then the Board shall appoint a new Fund Manager.
- 10.2. The Fund Manager's duties shall be determined by the Board from time to time and shall include:
 - 10.2.1. the keeping of the accounts of the Annual Fund for each Fund Year;
 - 10.2.2. the provision of administrative and secretarial services to Trustee Company and the Board including setting agendas and submitting reports;
 - 10.2.3. the preparation of advice and recommendations on the investment of any moneys of the Fund not immediately required and implementation of decisions of the Board;
 - 10.2.4. the preparation of regular reports to the Board in such form as the Board shall from time to time direct in respect of each Annual Fund as to:
 - (i) Claims outstanding;
 - (ii) The Scheme Manager's assessment of liability in respect of each outstanding Claim;
 - (iii) The ability of the Fund to meet the assessment of liability;
 - (iv) The assessment of further Additional Contributions required, if any;
 - (v) The investment of the moneys of the Fund not immediately required;
 - (vi) The allocation of surplus moneys in the Fund, if any;
 - 10.2.5. the preparation of the annual operating budget;
 - 10.2.6. the calculation of Contributions in conjunction with actuarial advice and advice from the Scheme Manager;
 - 10.2.7. the recommendation of the level of Pooled Cover to be provided in any Fund Year;
 - 10.2.8. the recommendation of the level of Indemnity Cover to be provided in any Fund Year.
- 10.3. The Fund Manager shall be available at all times to any member of the Board or any member of the Claims Committee or any other committee of the Board or any Member of the Scheme to answer questions on the management of the Fund.

- 10.4. The Fund Manager shall negotiate Indemnity Cover as requested by the Board and satisfying any specific requirements of LGIC while LGIC's Deed of Guarantee is operative or while there are outstanding amounts due to LGIC under any Deed of Guarantee.

11. Contributions to Scheme

- 11.1. Each Member, as a condition of membership of the Scheme for that Fund Year, shall pay the initial Contribution determined by the Board for that Member for that Fund Year.
- 11.2. The Contributions determined for any Member in respect of any Fund Year, shall be determined having regard to the advice from the Claims Committee, the Fund Manager and the Scheme Manager and such matters as the Board considers relevant to the Scheme Member's level of risk and may include, without limitation:
- 11.2.1. the Member's revenue base;
 - 11.2.2. the geographical location of the Member's territory;
 - 11.2.3. the population of the Member's territory;
 - 11.2.4. the Member's Civil Liability claims history (both during and prior to its membership of the Scheme;
 - 11.2.5. any matter relating to the nature of the Member's territory or its operations which create increased or reduced risks of Civil Liability;
 - 11.2.6. any matters relevant to the Scheme Member's risk management practices that are known to the Board;
 - 11.2.7. any other matters the Board considers relevant, having regard to the purposes and objects of the Scheme.
- 11.3. If during a Fund Year it becomes apparent to the Board that as a result of unexpected or exceptional circumstances the Fund for that Fund Year will be insufficient to meet Claims payable from the Fund, the Board may determine an Additional Contribution payable by each Member for the Fund Year (which will be in the same proportion to the Additional Contributions of all other Members as the initial Contribution paid by the Member for that Fund Year bears to the initial Contributions of all Members for that Fund Year).
- 11.4. All Contributions (including any Additional Contribution under sub-clause 11.3) must be paid within twenty days of the date of the contribution notice given to the Member by the Board, the Scheme Manager or the Fund Manager (or such longer period as stated in the notice or determined by the Board).
- 11.5. Without affecting any other Rule, if the amount of any Contribution (including any Additional Contribution under sub-clause **Error! Reference source not found.**) is not paid by the due date:

- 11.5.1. interest may, if the Board so determines, accrue calculated daily, on daily balances (and compounding semi-annually) at the Bank of New Zealand Indicator Rate from the due date to the date of actual payment;
- 11.5.2. an unpaid Contribution (and interest) constitutes a debt payable by the relevant Member to the Scheme and Trustee Company may bring proceedings for the recovery of that debt in its name on behalf of the Scheme.

12. Bank Account, Investment and Borrowing Powers

- 12.1. Trustee Company shall open a bank account for the Fund with a registered Bank determined by the Board.
- 12.2. The name of the bank account and the persons authorised as signatories to operate the bank account shall be determined by the Board.
- 12.3. The parties agree that the Trustee Company may invest moneys received in respect of the Fund and not immediately required to meet the liabilities of the Fund;
 - 12.3.1. with any registered Bank;
 - 12.3.2. in any security or investment authorised by the Trustee Act; or
 - 12.3.3. in any security or investment authorised by the Local Government Act 1974 or prescribed pursuant to and for the purposes of that Act; or
 - 12.3.4. with the Trustee of any other Trust Fund established for the benefit of Local Authorities or other local government organisations.
- 12.4. The parties agree that for any of the purposes of this deed Trustee Company may borrow moneys and for that purpose secure the repayment of its borrowings by granting security over the assets of the Scheme and the Fund.
- 12.5. All Contributions and other moneys received by Trustee Company shall be deposited to the credit of the Fund and shall be applied at its discretion as follows:
 - 12.5.1. in payment of any establishment costs for the Scheme;
 - 12.5.2. in payment of all administrative and operating costs associated with the Scheme;
 - 12.5.3. in payment of fees due to the Scheme Manager and the Fund Manager;
 - 12.5.4. in payment of all Claims accepted by the Board;
 - 12.5.5. by way of any grant or allocation approved under this deed; and
 - 12.5.6. generally in furtherance of the Scheme's objectives including a transfer, payment or loan in accordance with the Scheme Documents.

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- 12.6. The parties agree that Trustee Company and the Board shall keep or cause to be kept all such accounting records for the Scheme and the Fund as fully and correctly explain the transactions and financial position of the Scheme and the Fund.

~~13. Recourse to Scheme Assets Only~~

13. Limitation of liability and indemnity

~~13.1. For The liability of the payment of Trustee Company for any Claim against the Scheme loss, claim, or other liability arising out of or connected with the performance of its obligations under this Deed (including, but not limited to, loss or liability of, or claims against, the Scheme, or in respect of the performance of any obligation of the Trustee Company or the Scheme under this deed, resort may), is limited to, and can only be had solely to recovered to the extent of, the right of indemnity (conferred under clause 13.3) of the Trustee Company from the Fund and other assets and property of the Scheme and no, provided however that this limitation does not apply to the extent that the Trustee Company's right of indemnity is impaired as a direct result of the Trustee Company's dishonesty or wilful default.~~

~~13.1.~~13.2. No claim may be made or endorsed by a Member against:

~~13.1.1.~~13.2.1. any Member of director, officer, or employee of the Trustee Company, or the Board;

~~13.1.2.~~13.2.2. the Scheme Manager or the Fund Manager in any capacity other than as Scheme Manager or Fund Manager of the Scheme;

~~13.1.3.~~13.2.3. except to the extent of LGIC's indemnity to Trustee Company, LGIC; or

~~13.1.4.~~13.2.4. any other Member;

~~13.2.~~13.3. The Trustee Company, the Board and every member of the Board are, to the fullest extent permissible at law, unconditionally and irrevocably indemnified out of the Fund and other assets and property of the Scheme:

13.3.1. in respect of all liabilities, losses, costs and expenses incurred by the Trustee Company, the Board or a member of the Board; and

13.3.2. against all actions, proceedings, claims, demands, costs, expenses, losses or liabilities in respect of any matter or thing done or omitted by the Trustee Company the Board or a member of the Board,

in each case:

13.3.3. in connection with administering this Deed and the Scheme;

13.3.4. when exercising their powers, authorities and discretions under this deed and the Scheme;

13.3.5. in relation to any matter or thing done, or omitted to be done, in any way in relation to this Deed and the Scheme; and

13.3.6. even where the liability, loss, cost or expense or the action, proceedings, claims, demands, costs, expenses, losses or liabilities (as the case may be) arise from a failure or alleged failure by the Trustee Company, the Board or a member of the Board to comply with the terms of this deed, or the terms of the Scheme or any duty, limitation or restriction howsoever arising (including, by way of example, at common law, in equity, under statute or contract).

except for any liability arising in respect of any dishonesty or wilful default of the Trustee Company or the Board, or a member of the Board. Where the exception applies it only applies to deprive the person whose conduct amounts to dishonesty or wilful default of the benefit of the indemnities and no other person.

14. Order of Priority of Scheme Documents

14.1. The Scheme Documents shall be construed in the following order of priority:

- 14.1.1. this deed, which shall be paramount; then
- 14.1.2. the Scheme Rules; then
- 14.1.3. the Constitution; and then
- 14.1.4. the Deed of Participation and the Guidelines for each Member.

15. Surplus on Liquidation of Scheme

15.1. Upon the winding up of the Scheme (including the liquidation of Trustee Company) the assets, if any, remaining after payment of the debts and liabilities of the Scheme and the costs of winding up ("the surplus assets") shall be distributed among the then Members of the Scheme in proportion to their Contributions to the Scheme over the Fund Year in which the winding up commenced and the previous four Fund Years, provided however that Members whose Contributions are not fully paid up at the commencement of the winding up shall receive only a proportionate share of their entitlement being the amount which is in proportion to the amount of their Contributions paid up. In calculating a Member's Contributions for the purposes of this clause the amount of the Contribution shall be reduced by the amount of any Claim or Claims paid or payable pursuant to the Scheme.

16. Deed of Participation

- 16.1. Each Member, as a condition of membership of the Scheme, shall be required to execute under seal and deliver to Trustee Company a Deed of Participation in the form annexed as Schedule 1, as may be varied or substituted by the Board from time to time, whereby the Member covenants and agrees, for the benefit of Trustee Company and LGIC, to be bound and to observe and perform all the terms of this deed and the other Scheme Documents as if the Member was a party to this Deed and the other Scheme Documents.
- 16.2. Members shall provide the Scheme Manager with all information as is necessary to give effect to the Scheme and in particular will:

- 16.2.1. Disclose all material facts to the Scheme Manager as if the Member was an insured and the Scheme Manager was an agent for an insurer and;
- 16.2.2. Conduct itself in its dealings with the Scheme in the same manner as if it was an insured under a policy of insurance with the Scheme and in particular act in good faith towards the Scheme.
- 16.2.3. Immediately advise the Scheme Manager of any Underlying Claim and co-operate with the Scheme Manager and Scheme Solicitor in dealing with Underlying Claims

17. Variations

- 17.1. LGIC and Trustee Company may make any variation or addition to this deed if it is consented to in writing by not less than 90% in number of Members, and any such variation or addition shall be binding on all Members.

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EXECUTED AS A DEED

EXECUTED by **NEW ZEALAND
LOCAL GOVERNMENT
INSURANCE CORPORATION
LIMITED** by two of its directors:

Director (signature)

Director (signature)

Name (Please Print)

Name (Please Print)

EXECUTED by **LOCAL
GOVERNMENT MUTUAL FUNDS
TRUSTEE COMPANY LIMITED** by
two of its directors:

Director (signature)

Director (signature)

Name (Please Print)

Name (Please Print)

SCHEDULE 1

DEED OF PARTICIPATION

(Name of Member)

HEREBY DECLARES covenants and agrees for the benefit of Local Government Mutual Funds Trustee Company Limited and New Zealand Local Government Insurance Corporation Limited to be bound by and observe and perform all of the terms of the Deed of Trust establishing the New Zealand Mutual Liability Riskpool and the Scheme Documents referred to in that Deed of Trust as if it was a party to those documents (as amended from time to time).

SIGNED BY

as the duly authorised agent of the
Member in the presence of:

(Signature of duly authorised Agent)

(Signature of Witness)

(Name of Witness)

(Address of Witness)

(Date)

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AGENDA ITEM: 4.7 APPOINTMENT OF PROXY VOTE FOR 2025 BHL AGM

Prepared by: John Salmond
Corporate and Strategic Planning Manager

Reviewed by: Paul Numan
Group Manager Corporate Services

Public Excluded: No

EXECUTIVE SUMMARY

1. This report proposes the appointment of the Mayor and Deputy Mayor (in their absence) to vote on behalf of the Council as the shareholder of Buller Holdings Limited and its subsidiaries at the Annual General Meeting on Monday 3 November 2025.

DRAFT RECOMMENDATION

That Council:

1. **Approve the Mayor, or the Deputy Mayor Elect, in the mayor's absence, to be appointed as the proxy vote for the Council at the 2025 annual general meeting for Buller Holdings Limited and its subsidiaries.**

ISSUES & DISCUSSION

BACKGROUND

2. The Council owns 100% of Buller Holdings Limited (BHL), which in turn owns 100% of the shares in its two subsidiary companies, Westreef Limited and Buller Recreation Limited.
3. Each company is required to have an annual general meeting to report on the activities for the 12 months ending 30 June 2025. The BHL annual general meeting is scheduled for Monday 3 November 2025.
4. The Council as shareholder, votes on several items at the annual general meeting which are generally seen as mechanical in nature, meaning that the resolutions are approving actions which approve constitutional matters of the company(s).
5. The resolutions would generally be related to:

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- Adoption of the minutes from the last annual general meeting
 - appointment of directors
 - approval of dividends/subvention payments
 - appointment of auditors
 - adoption of the 2025 annual report
6. A proxy vote is used where a shareholder is an entity, such as the Council as opposed to an individual, or where the shareholder can't attend the annual general meeting.
7. The proxy votes as instructed by the shareholder.
8. Regarding the resolutions at an annual general meeting, the proxy would vote to ensure the constitutional matters are maintained, such as the matters noted above.
9. Any other matters would require the Council to consider appropriate reports, and the proxy votes take direction from the Council.
10. Appointing the Mayor or the Deputy Mayor, in the mayor's absence, as the proxy vote for the Council is appropriate

CONSIDERATIONS

Strategic Impact

11. Not relevant to this report

Significance Assessment

12. Section 76AA of the Local Government Act requires the Council to adopt a policy on significance and engagement. The Council Policy on significance can be found by clicking the following link:
<https://bullerdc.govt.nz/media/f2ofzb4z/buller-district-council-significance-and-engagement-policy-2021-2031-ltp.pdf>
13. This report is assessed as being low significance

Risk Management Implications / Opportunities

14. Receiving this paper and acting on the recommendations is a key part of managing the various risks that the Council has in owning a Council-controlled organisation.

Policy & Legislative Considerations

15. Accepting this paper does not provide Council with a significant risk.

Māori Impact Statement

16. 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

Financial Considerations

17. Most of this work outlined in this report can be undertaken using Council staff resources.

Communication Internal / External

18. Any media enquiries will be managed by the Community Engagement Team.

ATTACHMENTS

Nil

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AGENDA ITEM: 4.8 CONTINUATION OF WESTPORT RATING DISTRICT JOINT COMMITTEE

Prepared by: Caitlin McDonald
Governance Secretary

Reviewed by: Simon Pickford
Chief Executive Officer

Public Excluded: No

EXECUTIVE SUMMARY

1. The purpose of this report is to provide for the continuation of the Westport Rating District Joint Committee following the 2025 triennial local election. Without a resolution to this effect, the Joint Committee would be automatically discharged following the election in October 2025.

DRAFT RECOMMENDATION

That Council...

- 1. Receive this report;**
- 2. Agrees that the Westport Rating District Joint Committee will continue to operate and will not be disbanded when the new Council members take office after the 2025 local election, and**
- 3. Confirm that the community representatives currently appointed to the Westport Rating District Joint Committee are reappointed to the Committee following the 2025 triennial local election.**

ISSUES & DISCUSSION

BACKGROUND

2. Clause 30(7) of Schedule 7 to the LGA states that:

"A committee, subcommittee, or other subordinate decision-making body is, unless the local authority resolves otherwise, deemed to be discharged on the coming into office of the members of the local authority elected or appointed at, or following, the triennial general

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election of members next after the appointment of the committee, subcommittee, or other subordinate decision-making body.”

3. In accordance with this clause, the Council can resolve that a committee is not to be discharged following the election. If such a resolution is not passed, then the Westport Rating District Joint Committee is deemed discharged and would have to be formally reconstituted by the new Council.
4. Over 2021-2022 the Council has worked closely with West Coast Regional Council on the establishment and operation of the Westport Rating District Joint Committee, with the agreement signed in February 2022. The agreement was amended in April 2025, with changes being replacement of independent chair with alternating chair (from each Council) and inclusion of one community representative as part of the quorum. A copy of the current agreement is included as Attachment 1
5. It is also recommended that the existing community representatives are reappointed to the committee rather than undertake a new nomination process. There are two community representatives on the Joint Committee, and it is noted that one community representative was only appointed in June 2025.
6. The independent chair and government officials on the Resilient Westport steering group have indicated that they think it is appropriate to wind up the steering group over the next few months and have all the matters associated with the Westport flood scheme considered by this Joint Committee and then approved by West Coast Regional Council. This makes the continuation of this Joint Committee even more important not to be discharged.

CONSIDERATIONS

Significance Assessment

7. This report is assessed as being low significance.

Risk Management Implications / Opportunities

8. There are no risks associated with this decision. The Joint Committee would continue to carry out its business on the terms and delegations

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already approved by both Buller District Council and West Coast Regional Council.

Policy & Legislative Considerations

9. The recommended course of action is provided for in the LGA.

Māori Impact Statement

10. 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.
11. It is noted that Te Rūnanga O Ngāti Waewae is represented on the Joint Committee.

Financial Considerations

12. There are no financial implications. The Committee's activities are provided for in existing budgets.

ATTACHMENTS

1. Westport Rating District Joint Committee TOR April 2025 [**4.8.1** – 9 pages]



Westport Rating District Joint Committee Agreement

Revised April 2025

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DOCUMENT CONTROL

Reason for Submission	Revision Number	Revision Date	Approved By
New Document	1	1 July, 2021	West Coast Regional Council (WCRC) Buller District Council (BDC)
Version 1 - draft	2	1 September, 2021	Initial review by West Coast Regional Council and Buller District Council
Version 2 - draft	3	22 September, 2021	Final review by West Coast Regional Council and Buller District Council
Final	4	29 September, 2021	Endorsed by Buller District Council
Amendments to Terms of Reference: 1. To replace Independent Chair with Rotating Chair 2. To bring into line with Joint Committee agreements within the region	5 – Draft	12 March, 2025	
Final	5	6 May 2025	Revision adopted by WCRC
Final	5	25 June 2025	Revision adopted by BDC

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This Deed is made this 2nd day of April 2025

PARTIES

THE BULLER DISTRICT COUNCIL ("BDC")

THE WEST COAST REGIONAL COUNCIL ("WCRC")

TE RŪNANGA O NGĀTI WAEWAE ("NGĀTI WAEWAE")

NEW ZEALAND TRANSPORT AGENCY ("WAKA KOTAHI")

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. Both Councils wish to record their agreement to jointly manage the maintenance of the Westport Rating District flood defence assets, via a Joint Committee of the two Councils.
- H. Both Councils have responsibilities under the Resource Management Act 1991 for the management of flooding.
- I. Both Councils acknowledge the need for joint decision-making in relation to the management of flood hazards in the wider Westport area.
- J. A map of the Westport Rating District area is attached as Appendix I to this Agreement.

BULLER DISTRICT COUNCIL

24 SEPTEMBER 2025



PRINCIPLES UNDERPINNING THIS AGREEMENT

1. The two Councils serve the same community who pay rates to both Councils
2. Both Councils act in the best interests of the people living in the area
3. The Councils recognize the need to work cooperatively in managing flood hazards facing the Westport area and see the Joint Committee as the appropriate vehicle to achieve this.
4. The Joint Committee will always function under the clear provision that it simply makes recommendations to their parent Councils. Nothing prevents the Committee from seeking a formal delegation from their parent Council should it be deemed appropriate.

STRUCTURE AND OPERATION OF THE COMMITTEE

5. 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.
6. 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 Councilor will be appointed from another constituency. In the event that any of the appointed members cannot attend a meeting of the Committee, a substitute(s) may be appointed by the Chair of the WCRC.
7. BDC shall appoint the Mayor for Buller, plus two elected Councillors, to the Joint Committee. In the event that any of the appointed members cannot attend a meeting of the Committee, a substitute(s) may be appointed by the Mayor.
8. 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.
9. New Zealand Transport Agency Waka Kotahi will appoint a member to the Joint Committee.
10. Two community members will be appointed to the Joint Committee by the WCRC and BDC, following a call for nominations. 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.
11. The Chair shall alternate one year to the next being a BDC elected representative one year and a WCRC elected representative the next, with the term of the chairpersonship being 12 months from 31 Oct each year except in years where the triennial election is held, where the term ends at the date of the election. The appointment of the Chair shall be made by the relevant Council who has responsibility for the Chair.
12. The Council not exercising the role of Chair in any year shall appoint a Deputy Chair. The term of the deputy chairpersonship shall be 12 months from 31 October each year except in years where the triennial election is held, or where the term ends at a date of the election.
13. WCRC shall act as secretariat.
14. Unless otherwise specified in this Agreement, the Committee shall use the current standing

BULLER DISTRICT COUNCIL
24 SEPTEMBER 2025



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

15. The 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), and one or more of the community members.
16. Meetings shall be held annually or as otherwise agreed by the Joint Committee.
17. Notification of meetings and the publication of agendas and reports shall be conducted in accordance with the requirements of Part 7 of the Local Government Official Information and Meetings Act 1987, and will be undertaken by the secretariat
18. Minutes of all Joint Committee meetings shall be provided to the next meeting of the respective Councils.

TERMS OF REFERENCE AND DELEGATIONS

19. 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.
20. The Joint Committee shall not have any funding or rate setting authority.
21. 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.
22. 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:
 - a. Commissioning independent expert reports; and
 - b. Undertaking public consultation on boundary changes, major capital works and other areas of significant public interest.
 - c. WCRC will consider any recommendations of the Committee in making any decisions on the above.
23. Where Committee recommendations relate to the functions of the BDC, BDC shall consider and make decisions on any recommendations accordingly.
24. 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:
 - d. Amenity management, including grass mowing, gardening, beautification, and public access management; and
 - e. Stormwater management, including any pump station operation and maintenance and floodgates on drainpipes and their operation and maintenance.
 - f. Flood emergency management, including maintenance and operation of concrete flood

**BULLER DISTRICT COUNCIL
24 SEPTEMBER 2025**



barriers over road and rail, any sandbagging requirements, and all and any Civil Defense evacuation planning and execution.

25. 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:
- g. The maintenance and repair of the structural integrity of the floodwalls;
 - h. The provision of flood warning advice to BDC for the Buller River; and
 - i. Ownership of the floodwalls, including ownership of all infrastructural assets comprised by the floodwalls and their associated structures.
26. 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 25 above from this source.
27. The BDC will fund the performance of its functions under clause 24 above from such sources that are available that it may determine.

VARIATION OF THIS AGREEMENT

28. 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.

BULLER DISTRICT COUNCIL
24 SEPTEMBER 2025



SIGNATURES

SIGNED by

BULLER DISTRICT COUNCIL

In the presence of:



Witness signature

by its authorised signatory

Kirstin McKee

Witness name

Executive Assistant

Witness Occupation

Westport

Witness Town of Residence

SIGNED by

WEST COAST REGIONAL COUNCIL

In the presence of:

by its authorised signatory

Witness signature

Witness name

Witness Occupation

Witness Town of Residence

BULLER DISTRICT COUNCIL
24 SEPTEMBER 2025



SIGNED by

TE RŪNANGA O NGĀTI WAEWAE

In the presence of:

by its authorised signatory

Witness signature

Witness name

Witness Occupation

Witness Town of Residence

SIGNED by

NEW ZEALAND TRANSPORT AGENCY

In the presence of:

by its authorised signatory

Witness signature

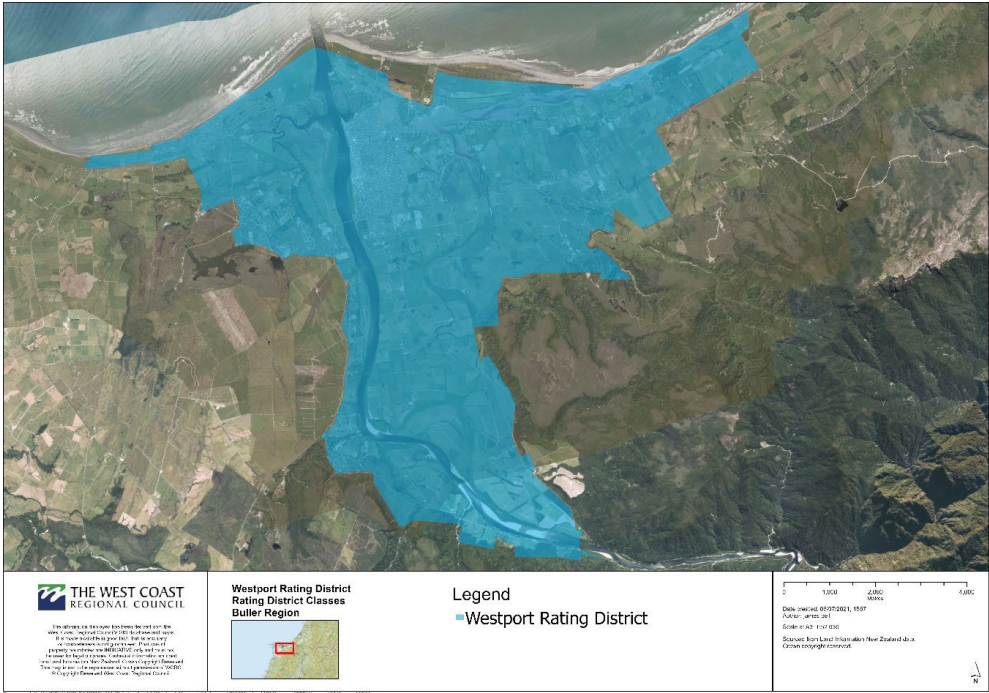
Witness name

Witness Occupation

Witness Town of Residence



APPENDIX I – WESTPORT RATING DISTRICT AREA



BULLER DISTRICT COUNCIL
24 SEPTEMBER 2025

AGENDA ITEM: 4.9 INTERREGNUM REPORT

Prepared by: Caitlin McDonald
Governance Secretary

Reviewed by: Krissy Trigg
Group Manager Community Services

Public Excluded: No

EXECUTIVE SUMMARY

1. Following the 2025 local government elections, there will be a period between the declaration of election results and the inaugural meeting of the new Council, where no elected members are formally empowered to make decisions. This period is known as the interregnum.
2. To ensure continued operational functioning of Council during this transition, this report seeks the outgoing Council's approval to delegate all necessary powers to the Chief Executive (CE), excluding those that cannot be delegated by law, for the duration of the interregnum.
3. This delegation is a standard governance practice at the end of each triennium and ensures continuity of services, compliance with statutory obligations, and prudent risk management.

DRAFT RECOMMENDATION

That the Council:

1. **Notes that following the 2025 local government elections, elected members cannot act in their official capacity until they have been sworn in at the inaugural Council meeting.**
2. **Delegates to the Chief Executive, from the day after the declaration of the official election results until the swearing-in of the new Council, all responsibilities, duties, and powers of the Council except those that cannot be delegated under Clause 32(1) of Schedule 7 of the Local Government Act 2002.**
3. **Notes that any decisions made under this delegation are to be limited to those matters that cannot reasonably wait until the new Council is**

sworn in and must be made in accordance with Council's existing policies, plans, and budgets.

ISSUES & DISCUSSION

BACKGROUND

4. Following local government elections, newly elected members must be sworn in at an inaugural Council meeting before they can lawfully act. This leaves a gap between election day and the swearing-in of the new Council where no elected members are in office.
5. During this time, the Chief Executive continues to manage Council operations but may require formal authority to make decisions that would typically be made by elected members.
6. Delegating Council's powers to the Chief Executive during this transition is consistent with best practice and is a routine governance measure used by councils across New Zealand.

CONSIDERATIONS

Strategic Impact

7. The proposed delegation supports uninterrupted service delivery and good governance during the transition. It aligns with Council's strategic priority of maintaining effective and legally compliant operations.

Significance Assessment

8. Section 76AA of the Local Government Act requires the Council to adopt a policy on significance and engagement. The Council Policy on significance can be found by clicking the following link:
<https://bullerdc.govt.nz/media/f2ofzb4z/buller-district-council-significance-and-engagement-policy-2021-2031-ltp.pdf>
9. This report is assessed as being of low significance under Council's Significance and Engagement Policy. It is an internal governance matter required for operational continuity and has no direct impact on the community or service levels.

Risk Management Implications / Opportunities

10. The following risks or opportunities are identified with the issues identified in this report.
11. Risks Identified:

- Legal or operational risk if no one is authorised to make time-sensitive decisions during the interregnum.
- Reputational risk from failure to act if issues arise requiring urgent decisions.

12. Opportunities:

- Proactive delegation ensures continuity and compliance.
- Demonstrates sound governance and risk management practice.

13. Engagement – External:

- No external engagement has been undertaken, as this is an internal governance matter and standard, best practice.

14. Engagement – Internal:

- The Governance and Senior Leadership Teams have been consulted and support the recommendation.

Policy & Legislative Considerations

15. This recommendation is made in accordance with:

- a.** Clause 32(1), Schedule 7 of the LGA 2002, which outlines powers that may be delegated.
- b.** Clause 14(4), Schedule 7 of the LGA 2002, which states members cannot act until sworn in.

16. There is no departure from existing Council policy, and no legal implications beyond those addressed through this delegation.

Māori Impact Statement

17. 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, or traditions.

Financial Considerations

18. There is no financial implication relevant to this decision. Any decisions made under the proposed delegation must be consistent with the current Long-Term Plan and approved budgets.

ATTACHMENTS

Nil

5 MAYOR'S REPORT

AGENDA ITEM: **5.1 MAYOR MONTHLY UPDATE REPORT**

Prepared by: Jamie Cleine
 Mayor

Reviewed by: Simon Pickford
 Chief Executive Officer

Public Excluded: **No**

EXECUTIVE SUMMARY

1. This report is to provide commentary and updates on significant events, meetings and workstreams attended by or involving the mayor. The Mayoral inwards and outwards correspondence is provided for information, discussion and direction on any responses required. The report also acknowledges the contribution of all elected members during the triennium and provides for valedictory addresses from those not seeking re-election.

DRAFT RECOMMENDATION

That Council:

1. **Receives the Mayor Monthly Update Report dated 24 September 2025 for information and discussion.**
2. **Notes Inwards and Outwards Correspondence and provides directions for any responses required.**
3. **Notes the valedictory addresses provided by Cr Neylon, Cr Pfahlert and Cr Howard.**

DISCUSSION

2. The period covered by this report has been busy with meetings across the region. Some of these are reported on more thoroughly in specific reports elsewhere so my comment here is somewhat high level or is intended to provide a flag on work underway or on-going.

Local Water Done Well

BULLER DISTRICT COUNCIL
24 SEPTEMBER 2025

3. The draft combined Water Services Delivery Plan and Heads of Agreement were approved by Council, Grey District Council and Westland District at respective meetings. This was finalised and submitted to Department of Internal Affairs on 3 September. The plan once submitted, needs to be considered and approved by DIA. This is likely to take a few months. Once the plan is approved, formal steps can then begin to set up the company structure during late 2025 and/or 2026. This will be a key piece of work for all three councils and delegated elected members of the new council, post the local elections.

Mayors, Chairs & Iwi Forum (MCIF)

4. The forum continues to work on proposals that support economic development including potential for new income streams for the West Coast such as mineral royalties and international tourism levy funding to the region. We are also actively supporting electricity generation projects across the region.
5. At the time of writing this report the MCIF were expecting to host Hon Simon Watts, Minister of Local Government on the 23 September in Greymouth.

Te Tai Poutini Plan (TTPP)

6. At the time of writing this report the TTPP committee were scheduled to convene a series of all day meetings to receive and make decisions on the recommendations from the commissioner panel. The intention is to have the recommendation reports presented and a decision made by the 24 September. A verbal update can be provided if required.

Triennial Reflection 2022–2025

7. As we gather for the final meeting of this triennium, I want to take the opportunity to reflect in some detail on the challenges we have faced, the achievements we have secured, and the progress we have made together as an elected group in service of the Buller community. The following is in no way intended to be a full synopsis of the large volume of work council or each of you have been involved in during the term, these are just some of my reflections to close out the triennium.
8. This has been a term of both disruption and resilience. It has demanded patience, courage, and steady leadership from councillors, staff, and community alike. It has also been a period in which we have laid the

foundations for long-term improvements to council operations, infrastructure, and community well-being.

Leadership and Governance Challenges

9. Perhaps the most testing period of this triennium was the uncertainty surrounding our chief executive leadership. During the time it took to recruit a permanent CEO, we relied on interim support. Recruitment to the Buller District is never straightforward – it is costly, time-consuming, and requires careful consideration. The appointment of Simon Pickford as our new CEO marked an important turning point, but as is always the case, the process of onboarding and embedding a new chief executive inevitably caused some disruption to council's momentum.
10. Compounding this period of transition was the emergence of whistleblower allegations concerning the operation of the Project Management Office. These concerns were serious and could not be ignored. You, as elected members, responded decisively and responsibly. You supported an independent review conducted by KPMG and committed, from the outset, to implementing any recommendations that might arise.
11. This was not an easy period for council. It involved scrutiny, reflection, and a willingness to accept shortcomings. But it also demonstrated integrity. The improvement plan that followed became a central part of Simon's early work programme, providing an opportunity for the new leadership team to reset and strengthen internal processes. Importantly, this response was validated by our auditors and by central government partners, including NZTA, DIA, and NEMA. Their continued willingness to fund our programmes and engage with us on new projects is evidence that council's handling of the matter restored confidence.

Audit and Accountability

12. The knock-on effect of this disruption was the inability to finalise annual reports within statutory timeframes. Understandably, this has been frustrating for councillors and staff who place great importance on accountability and transparency. While the delays are far from ideal, it is important to note that the Auditor-General's office has worked closely with us and accepted our agreed pathway forward.

13. I anticipate an adverse audit opinion for the 2022/23 year. However, it is equally important to emphasise that this opinion relates primarily to historic PMO issues. Since then, we have been proactive in implementing corrective measures and building stronger systems. There has been no lasting disruption to funding streams or to council's ability to deliver services. In fact, this period has shown that while audit processes are critical, they are not the sole measure of a council's credibility – our actions, our transparency, and our follow-through have been recognised by both our external funders and statutory bodies.

Infrastructure Investment

14. This triennium has also been marked by record investment in core infrastructure. We know that decades of underinvestment, combined with regulatory change and the impacts of extreme weather, have left many of our assets vulnerable. Addressing this is neither quick nor cheap, but progress has been made.
- **Water:** The replacement of the Westport Water Trunk Main stands as one of the most significant achievements of this council. We have replaced a failing 120-year-old pipeline with a resilient, fit-for-purpose solution from the source to Westport. Importantly, central government funding relieved our ratepayers of what would otherwise have been a heavy financial burden. In Reefton, the full renewal of water mains, the successful introduction of chlorination, and substantial wastewater upgrades have been completed. These works not only improve service reliability but highlight the scale of historic underinvestment that we must continue to address.
 - **Stormwater:** In Westport, the installation of one-way storm valves on outlets, combined with new pipework and the unbundling of cross-connections in our own networks, has reduced flood risk. This is not a final solution but a significant step forward in protecting homes and businesses from backflow and inundation.
 - **Roads:** Our transport network has benefitted from major reinstatement and resilience works. The Karamaea Highway, once one of our most vulnerable routes, is now more resilient than ever before. The completion of complex reinstatement packages, followed by the \$3.4 million programme of low-cost, low-risk safety works, provides

confidence that this vital link will better withstand the challenges of the future.

- **Three Waters Reform:** This council also played an important role in progressing the *Local Water Done Well* model. It was not our preferred starting point, but it represented the best available option to meet legislative requirements and deliver long-term benefit to our ratepayers. We entered into this process in good faith, ensuring Buller's voice was heard in a national debate.

Community Facilities and Well-being

15. Beyond core infrastructure, this council has prioritised community assets and facilities — those places and services that enrich daily life and strengthen the social fabric of our district.

- Following feedback from our reserve committees, we doubled the maintenance budgets for community halls and committed to asset management and Reserve management planning to tackle long-term underinvestment.
- We supported investment in new accommodation at the Reefton Reserve, opening up opportunities for both short-term events and long-term economic development.
- In Reefton, the merger of the library and visitor centre into a single Visitor and Service Centre created efficiencies and helped retain important local services in a more sustainable way.
- In Westport, we supported a collaborative deal between Council, Mitre 10 Westport and central government to secure five almost brand-new homes. This was a significant increase in quality for our older persons housing and increased the number of units available.
- We also secured the use of another 25 homes across two sites for residential rental accommodation. This increased the availability of housing and provided a financial benefit for all ratepayers.

Resilience and Emergency Management

16. The theme of resilience has been central to this triennium. Through the *Resilient Westport* programme, we invested in emergency management planning and resources to improve our community's ability to respond to future events.

17. We also advocated strongly for government support for unfunded stormwater infrastructure – an essential component of the wider flood protection scheme. Without this piece of the puzzle, Westport’s long-term resilience remains incomplete, and we have made this case clearly to decision-makers of the Regional Infrastructure Fund.
18. At the same time, our regulatory team has taken tough but necessary steps to prevent further inappropriate building in high-risk hazard zones. The result is that future risk is now much lower than it was prior to the devastating floods of 2021.

Future Planning and Advocacy

19. Looking further ahead, the master planning work we initiated has attracted significant national interest. We are in active discussions with the Insurance Council of New Zealand, the Climate Change Commission, Pāmu, and the Minister for Climate Change, Hon. Simon Watts. Some of the largest insurance companies in New Zealand are also engaging directly with our team to understand how they may become involved, and how this effort could help protect financial equity and ability to retain insurance cover in high hazard areas. These conversations are vital – they represent the beginning of a national conversation about how communities like ours can have security, equity, and choice in adapting to climate change and multiple hazard risks.

Regional Collaboration

20. Another achievement of this council has been the strengthening of relationships with our neighbouring West Coast councils, Iwi and Development West Coast. Collaboration is no longer just desirable; it is essential. Together we are advancing regional approaches in areas such as water service delivery, emergency management, and the exploration of new revenue streams, including mineral royalties, international visitor levies, and regional infrastructure funding. The strength of these relationships are directly responsible for project funding for worker accommodation in Reefton and further upgrades to Westport port. These efforts will bring benefits to the Buller and to the wider West Coast in the years ahead.

Acknowledgement

21. Finally, I want to acknowledge you, the elected members. This has been a challenging term – more so than my last – and yet, despite robust debate and differences of opinion, we have collectively navigated the issues that matter most to our community. You have all contributed in one way or another to the hard-won but significant progress we have made.
22. To those seeking re-election, I wish you well in the campaign ahead. To those not standing again, I extend my sincere gratitude for your service, advice, and commitment to our community.
23. This triennium has tested us, but it has also proven what is possible when a council is prepared to confront challenges head-on, act with integrity, and keep its focus firmly on the long-term future and well-being of its people.

LOCAL EVENTS & STAKEHOLDER ENGAGEMENT

24. I continue to take opportunities to promote and advocate for Buller. This includes providing media comment, attending various meetings with stakeholders and attending events across the district. Some of these include:
- Interview with TV One Breakfast, this was to discuss dental recruitment and the efforts of the Buller Health Trust to recruit a second full time dentist. I also had an opportunity to pitch the benefits of moving to Buller for a better work life balance.
 - Buller Emergency Management – Catastrophic planning workshop. This was to discuss our community co-ordinators and the work in place to support them in-situ and also covered communications and resourcing. A future in-person session to bring the co-ordinators together to share ideas and information/training was suggested.
 - Reefton Reserve Campground – Hosted Hon Shane Jones, Minister for Resources and Regional Development to officially open the new worker accommodation units at the reserve.

Mayors Correspondence

BULLER DISTRICT COUNCIL
24 SEPTEMBER 2025

Incoming Correspondence 2025	From	Subject
2 September 2025	Otago Medical School	Thank you Letter
16 September 2025	Health New Zealand - Te Whatu Ora	ASMS Strike – Health NZ Hospitals
Outgoing Correspondence 2025	To	Subject
25 August 2025	Hon Penny Simmonds	Future Delivery of Vocational Education on the West Coast
29 August 2025	Zane Darrell	Public Forum Response
1 September 2025	PM Chris Luxon	Israel:Gaza Conflict
1 September 2025	Phil Rutherford	Public Forum Response

25. The standard considerations have been thoroughly evaluated, and there are no additional comments at this time.

ATTACHMENTS

1. Mayor's Correspondence [**5.1.1** – 8 pages]



University
of Otago

ŌTĀKOU WHAKAIHU WAKA

Te Kura Hauora o Ōtākou
Otago Medical School

3rd Year Medical Students - Community Contact Week 2025

Thank you - on behalf of the Otago Medical School, University of Otago, we would like to express our appreciation to your organisation for meeting with our Third-Year Medical Students during their Community Contact Week in August 2025.

Please find attached a certificate to acknowledge our appreciation of your participation.

We will email you the Executive Summary from the medical students' group project towards the end of October.

We thank you for sharing your time, expertise and experience with the group as, without your help, we would not be able to offer the students such a rich and varied learning experience. Our students always come away with an enhanced appreciation of life in New Zealand's communities and providers that contribute to the wellbeing of their community.

We would greatly appreciate you helping us with our evaluation of this year. Please complete the survey by clicking on the following link: [Community Contact Week Survey 2025](#) (this should only take five minutes).

Community Contact Week 2026 has tentative dates of Monday 24 August until 1pm on Thursday 27 August. We look forward to your continued support and participation.

Kind Regards

Dr Lis Heath
EPE Convenor

Dr Nigel Thompson
CCW Convenor

Megan Christensen
CCW Coordinator

Otago Medical School - Te Kura Hauora o Ōtākou
University of Otago - Te Whare Wānanga o Ōtāgo, Dunedin | PO Box 56 | Dunedin 9054
Tel: 03 479 5663 | M: 021 279 5663 | Email: ccw.dunedin@otago.ac.nz wellingtonccw@otago.ac.nz
www.otago.ac.nz



University
of Otago
ŌTĀKOU WHAKAIHU WAKA

A SPECIAL THANK YOU

for assisting our Third Year Medical Students in their
training as future doctors during their
Community Contact Week - 2025

Dr Lis Heath
CONVENOR, EPE PROGRAMME

Dr Nigel Thompson
CCW CONVENOR

Megan Christensen
CCW COORDINATOR

EARLY PROFESSIONAL EXPERIENCE PROGRAMME - EARLY LEARNING IN MEDICINE
Bridging the gap between theory and practice

16 September 2025

Kia ora,

Senior doctors' strike at Health NZ hospitals and services planned for 23 & 24 September

Association of Salaried Medical Specialists (ASMS) members employed by Health New Zealand | Te Whatu Ora are planning to strike for 48 hours, from 0.01am on Tuesday 23 September to 11.59pm on Wednesday 24 September.

The strike is planned to take place at all Health NZ hospitals and services where ASMS members are employed. On the West Coast, the strike will impact Te Nīkau Hospital as well as all Health NZ owned primary care practices.

Should the strike go ahead, patient safety will remain our priority and we are working with ASMS to agree life preserving services (LPS) support for the strike period.

To keep patients safe during the strike, Health NZ West Coast will need to minimise the number of inpatients in our facility as much as we can safely do so and limit the volume of acute assessments and admissions during the strike period.

To help us manage this disruption as safely as possible we would really appreciate your support and cooperation during this time. Please continue to refer new patients in accordance with the current referral pathways.

Any patient needing urgent medical care should still present to hospital during the strike periods. We will have senior doctors available to assess patients needing life preserving services. However, patients with lesser acuity illnesses or injuries, where a delayed assessment by up to 48 hours is unlikely to impact negatively, should avoid attending the hospital until the strikes are complete – keeping emergency departments for emergencies as much as possible.

By assisting in these ways, you will help us keep patients safe and maintain as much ongoing service delivery as we safely can.

We understand that ongoing industrial action may be contributing to strike fatigue across the sector, and we sincerely appreciate your continued support and collaboration.

We value the hard work and dedication of our staff and remain focused on reaching a settlement with ASMS to avoid any disruption to patients and the wider health system.

Yours sincerely

Robin Rutter-Baumann
Local Contingency Planner

BULLER DISTRICT COUNCIL
24 SEPTEMBER 2025



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

LA.MCI.09 / PR.TPP.26

25 August 2025

Hon Penny Simmonds
Minister for Vocational Education
Parliament Buildings
WELLINGTON

By Email: P.Simmonds@ministers.govt.nz

Tēnā koe Minister Simmonds,

FUTURE DELIVERY OF VOCATIONAL EDUCATION ON THE WEST COAST

On behalf of the West Coast Mayors, Chairs and Iwi Forum (MCI), we write to request a meeting between yourself and a delegation from the West Coast Vocational Education Stakeholder Group.

The Stakeholder Group has prepared a proposal for the continuation and future delivery of vocational education on the West Coast. This proposal is the culmination of considerable work and collaboration across our region, undertaken on behalf of the region with the full endorsement and support of the MCI. The Stakeholder Group also includes four of the seven MCI members, ensuring strong alignment with regional leadership. It responds directly to the recommendations in your recent letter of 8 May 2025 regarding engagement with Te Pūkenga and the Tertiary Education Commission (TEC).

The MCI holds a strong interest in ensuring vocational education remains accessible and fit-for-purpose on the West Coast. It is vital for supporting our young people to gain the skills they need locally, while also helping to meet the workforce demands required for both current and future economic growth across the Coast.

We respectfully request that you meet with a delegation from the Stakeholder Group at your earliest convenience, to hear the proposal and discuss how we can work in partnership with government to secure positive outcomes for vocational education on the West Coast.

Ngā mihi nui,

Renee Rooney
Chair - Development West Coast

Peter Haddock
Chair - West Coast Regional Council

Jamie Cleine
Mayor - Buller District

Helen Lash
Mayor - Westland District

Tania Gibson
Mayor - Grey District

Paul Madgwick
Chair - Te Rūnanga o Makaawhio

Francois Tumahai
Chair - Te Rūnanga o Ngāti Waewae



BULLER DISTRICT COUNCIL
24 SEPTEMBER 2025



Westport office
6-8 Brougham Street, PO Box 21
Westport 7866, New Zealand

Freephone 0800 807 239
Phone 03 788 9111

Reefton Visitor & Service Centre
67-69 Broadway, PO Box 75
Reefton 7851, New Zealand

Phone 03 732 8821
Phone 03 732 8391

OFFICE OF THE MAYOR

29 August 2025

Mr Zane Darrell
Swansea St
Waimangaroa

Via email: zanedarrell@gmail.com

Dear Mr Darrell,

Thank you for speaking at the Public Forum at Council on Wednesday 27 August. Council appreciated hearing from you and now better understand the issues you have been facing.

You spoke about the correspondence you had received from BDC staff relating to maintenance of Swansea Rd. You had requested that Swansea Rd be maintained by Council as you understood it to be a public road and you believe it should therefore be on the road maintenance schedule.

Following your speaking spot, I understand that our Group Manager – Infrastructure Services (Anthony Blom) spoke to you outside of the chamber. Mr Blom, later in the Council meeting, briefed Councillors on that conversation.

We confirm that the emailed information that you received regarding Swansea Rd was incorrect as it related to a different property. We sincerely apologise for that error.

Mr Blom has committed to:

- Investigate the history of Swansea Rd's development
- Clarify what (if any) road construction controls were in place during development
- Provide understating of Council policy for similar roads
- Get back to you with the outcome.

Council will also be aware that the outcome of this issue may set a precedent for the District, and hence we want to be very clear that we are robust with our investigation.

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24 SEPTEMBER 2025

Once again, thank you for speaking to Council and highlighting the issues you are facing with Swansea Rd. For the time being I will leave this with Mr Blom, however feel free to be in contact with me should the need arise.

Yours sincerely



Jamie Cleine | Mayor
Mobile 027 423 2629 | Email jamie.cleine@bdc.govt.nz

BULLER DISTRICT COUNCIL
24 SEPTEMBER 2025



Westport office
6-8 Brougham Street, PO Box 21
Westport 7866, New Zealand
Freephone 0800 807 239
Phone 03 788 9111

Reefton Visitor & Service Centre
67-69 Broadway, PO Box 75
Reefton 7851, New Zealand
Phone 03 732 8821
Phone 03 732 8391

OFFICE OF THE MAYOR

1 September 2025

Rt Hon Christopher Luxon, Prime Minister of New Zealand
Parliament Buildings
Wellington

Via Email: Christopher.Luxon@parliament.govt.nz

Re: Humanitarian Response to the Conflict in Israel and Gaza

Dear Prime Minister

The Buller District Council wishes to convey our deep concern regarding the ongoing conflict in Israel and Gaza. The scale of civilian suffering, particularly among innocent families and children, is profoundly distressing.

New Zealand has long upheld values of fairness, justice, and compassion, and has been respected for its principled voice in international affairs. In this spirit, we respectfully urge your government to continue to advocate strongly for an end to violence, for full compliance with international humanitarian law, and for safe and unimpeded humanitarian access to those in need.

We recognise the complexity of this conflict, yet we also believe there can be no justification for actions that result in the widespread loss of innocent life. In such times, the clarity of New Zealand's voice on the world stage matters greatly. Our people look to their leaders to demonstrate humanitarian decency and moral courage, reflecting the values we hold as a nation.

We therefore ask that you ensure New Zealand remains active in calling for peace, accountability, and the protection of human dignity.

Jamie Cleine | Mayor
Mobile 027 423 2629 | Email jamie.cleine@bdc.govt.nz

BULLER DISTRICT COUNCIL
24 SEPTEMBER 2025



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Phone 03 732 8391

OFFICE OF THE MAYOR

1 September 2025

Mr Phil Rutherford
Russell St
Westport

Via Email: rutherford@xtra.co.nz

PUBLIC FORUM RESPONSE – 27 AUGUST 2025

Dear Mr Rutherford

Thank you for taking the time to speak at the recent public forum and for raising your concern about the humanitarian crisis resulting from the Israel–Gaza conflict.

Council supported your suggestion to formally write to government to note the concern of Council regarding the humanitarian suffering taking place.

For your information, I have attached a copy of the letter that has been sent to the Rt Hon Christopher Luxon on behalf of Council.

Thank you for your ongoing engagement with Council and your commitment to community matters.

Jamie Cleine | Mayor
Mobile 027 423 2629 | Email jamie.cleine@bdc.govt.nz

6 CEO REPORT

AGENDA ITEM: **6.1 CHIEF EXECUTIVE OFFICER REPORT**

Prepared by: Simon Pickford
 Chief Executive Officer

Public Excluded: **No**

REPORT PURPOSE

1. This report provides an overview of activities across the previous month and a 'horizon-scan' of upcoming strategic focus areas and opportunities.
2. No decision is needed in relation to this information.

DISCUSSION

Legislation tracker

3. Additions and amendments are highlighted in yellow.
4. The table below outlines the known and anticipated future legislation with some direct impact on the local government sector. Legislation is classified into three categories:
 - in the final stages of the Parliamentary process (orange) – the Bill has passed the point where public submissions or other action can influence the final design of legislation (i.e. the Bill is reported from the Select Committee. It is unusual for Parliament to accept an amendment in the Committee of the House stage that is not promoted by the Government)
 - live for submissions (white) – legislation is on the Parliamentary Order paper and is either open for submission or awaits a referral to the Select Committee
 - upcoming (green) – legislation has been signalled in coalition agreements or Ministerial statements, etc noting that some items may be speculative.
5. No Bills have been added to the tracker this month.

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6. Three Bills have left the tracker this month: the Public Works (Critical Infrastructure) Amendment Bill (enacted on 26 August 2025), the Climate Change (Emissions Trading Scheme – Forestry Conversion) Amendment Bill (completed the Parliamentary process on 17 September 2025) and the Privacy Amendment Bill (completed the Parliamentary process on 18 September 2025).

Bill	Description	Status in Parliament
Responding to Abuse in Care Legislation Bill (Government Bill) Introduced 12 November 2024	Allows the Chief Archivist to audit agencies more frequently.	Awaiting Committee of the House stage
Statutes Amendment Bill (Government Bill) Introduced 23 September 2024	Omnibus Bill making technical and non-controversial amendments to legislation (often these are to correct drafting errors).	Awaiting Committee of the House stage.
Crimes (Countering Foreign Interference) Amendment Bill (Government Bill) Introduced 14 November 2024	The Bill strengthens the law around foreign interference targeting New Zealand. The Bill brings local authorities into the provisions related to the wrongful communication, retention or copying of official information in section 78A of the Crimes Act.	Second reading in progress – about an hour left in this stage.
Customer Guarantees (Right to Repair) Amendment Bill (Members' Bill)	Bill requires companies to hold stocks of spare parts to enable repair of goods that develop a fault.	Awaiting second reading.

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Introduced 19 February 2025		
Land Transport Management (Time of Use charging) Amendment Bill (Government Bill) Introduced 16 December 2024	Gives effect to the Government decisions to allow time of use charging on roads that meet policy criteria.	Awaiting second reading.
Term of Parliament (Enabling a 4 Year Term) Legislation Amendment Bill (Government Bill) Introduced 27 February 2025	Provide for a four-year term for Parliament, subject to a referendum and certain criteria around membership of Select Committees	Awaiting second reading.
Building and Construction (Small Stand-alone Dwellings) Amendment Bill (aka Granny Flats Bill) Government Bill Introduced 22 May 2025	Enables small stand -alone dwellings of up to 70 square metres to be built without a building consent if certain conditions are met	Submissions closed.
Sale and Supply of Alcohol (sale of Alcohol on the morning of Anzac Day, Good Friday, Easter Monday and Christmas Day) Amendment Bill Members' Bill Introduced on 20 February 2025	Bill would extend the sale of alcohol to those four named days.	Submissions closed Report due 9 October.

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Regulatory Standards Bill Government Bill Introduced on 19 May	Bill aims to reduce the amount of poor quality regulation by setting quality standards and reporting requirements against those standards.	Submissions closed. Report due 9 November.
Valuers Bill Government Bill Introduced 14 May 2025	Modernises the Registration of Valuers Act	Submissions closed. Report due 15 November.
Local Government Systems Improvements Bill Government Bill Introduced 17 July 2025	Gives effect to proposed change of purpose of local government and performance comparisons. There are also several minor items of regulatory relief,	Submissions closed – report due 18 November.
Regulatory Systems (Internal Affairs) Amendment Bill Government Bill Introduced July 2025	Omnibus Bill amending various statutes administered by the Department of Internal Affairs. Includes a provision that lifts the cap for the contracting rule under the Member's Interest Act.	Read the first time on 12 August. Bill referred to the Governance and Administration Select Committee. Submissions close 24 September .
Anti-social Road Use Legislation Bill	Increases penalties for various activities regarded as ant-social including boy-racing and anti-social dirt-bike use.	Read the first time on 12 August. Bill referred to the Justice Committee.
Local Government (Port Companies Accountability) Amendment Bill Members' Bill	Reverses the exclusion of port companies from the rules applying to a CC).	A member's bill awaiting first reading.

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Introduced on 22 May 2025		
Te Ture Whenua Māori Amendment Bill Government Bill	Amends Te Ture Whenua Māori Act 1993 to “better enable Māori economic development”.	Announced in the release of the Quarter One 2025 Action Plan. Policy decisions in the first quarter and legislation late 2025. <u>Speculative</u> – this may include changes to the Rating Act
RMA Replacement Bill Government Bill	A new act to “manage environmental effects that arise from the use of natural resources”.	Signalled in coalition agreements – late 2025.
Urban Development and Infrastructure Bill Government Bill	Bill to enable urban development and infrastructure. This act will also be aligned with the Government’s Going for Housing Growth plan and its 30-year National Infrastructure Plan.	Signalled in coalition agreements – mid-late 2025.
Climate Adaptation Bill	Bill sets the legal framework for powers and responsibilities with respect to climate adaptation. If there is a climate adaptation fund it will be in this Bill.	Late 2025.
Building Act Amendment Bill Government Bill	More comprehensive changes to Building consenting making it easier for private BCAs, address barriers to voluntary consolidation, national consenting body, ensuring national consistency,	Late 2025

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	strengthening roles and responsibilities, new consent pathway for commercial buildings, new assurance pathways more self-certification – further streamlining, risk and liability.	
Emergency Management Bill Government Bill	The Government will implement a programme of changes in five broad areas: • Give effect to the whole-of-society approach to emergency management. • Support and enable local government to deliver a consistent minimum standard of emergency management across New Zealand. • Professionalise and build the capability and capacity of the emergency management workforce. • Enable the different parts of the system to work better together. • Drive a strategic focus on implementation and investment to ensure delivery.	In preparation – expected late 2025

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Treaty Clauses Legislation Bill Government Bill	Bill implementing results of the review of existing Treaty clauses in legislation.	Mid-late 2025
Local Government (Infrastructure Funding and Financing) Amendment Bill Government Bill	Bill will replace development contributions with a system of development levies. Possible changes to targeted rates.	Signalled in Ministerial speech on 28 February, Expected in September 2025
Infrastructure Funding and Financing Amendment Bill Government Bill	Would give effect to refinements to the vehicle for special purpose vehicles.	Signalled in Ministerial speech on 28 February, Expected in September 2025
Biosecurity Amendment Bill Government Bill	Bill to give effect to any policy decisions to modernise this legislation. Consultation closed December 2024. .	Mid-late 2025
Public Works Act Amendment Bill #2	Bill to implement results of the wider PWA review.	Signalled by Ministers of Land Information and Infrastructure.
Land Transport Legislation Bill Government Bill	Bill to place government under an obligation to prepare the GPS Land Transport with a ten-year investment horizon (as signalled in the draft GPS). Will empower road tolling. Will be needed to empower transition away from fuel excise, and value capture.	Signalled by minister – expected in late-2025.
Waste Management Bill	Speculative – implementing the conclusions of the 2023	Unclear how fast this is progressing within MFE. Mid-late 2025.

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	consultation on waste management (also apparently the current consultation).	
Emissions Trading Scheme Amendment Bill	Introduces the split gas approach and methane targets referred to in the National/Act agreement.	Unclear how fast this is progressing within MFE.
Hazard Substances and New Organisms Amendment Bill	Liberalises the laws around GMOs as set out in the National/Act agreement.	Unclear how fast this is progressing.
GST Amendment Bill	Speculative – a Bill may be needed to give effect to any decision to hypothecate a share of the revenue from GST for new builds to the sector.	Signalled in the ACT/National agreement for investigation. Likely to be and end of 2025 (if at all).

Te Kuha Water Conservation Reserve Assessment Update

7. The Te Kuha Mine Project (mining permit 41-289) is proposed over approximately 130ha within the Buller District Council 'local purpose (water conservation) reserve' (the water conservation reserve) which supplies drinking water to much of Westport and Carters Beach.
8. In May 2025, Council received a letter from Stevenson Mining Ltd (Stevenson), the project co-ordinator and proposed mine operator, asking whether all the Westport water conservation reserve is required for that purpose, stating:

It has always been recognised that the land required for the proposed mine footprint is not within a catchment which is required for Westport's water supply now or in the future, and the proposed mine will not affect the Westport water take – including the reservoir and ponds.

9. Stevenson proposed the way forward was for Council to write to the Minister of Conservation to cancel the vesting of the part of the reserve

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area that is not required for water supply purposes (s 27(1) of the Reserves Act 1977).

10. In June 2025, Council resolved that staff evaluate Stevenson's request in more detail and report back to Council. In the interim, Council has learned through the media that the mine proposal did not meet the thresholds required for the Fast-Track Approvals Act 2024 and note Stevenson's request was put to Council after that decision.
11. Council has since commissioned an independent assessment to enable it to promptly respond to the matter. This is augmented by an independent technical assessment of Westport's water supply needs which has been completed and peer reviewed. The reports are currently being finalised before final legal review, so remain privileged and confidential at this time.
12. What the work has highlighted is that an overly simplified approach to the assessment of water supply needs was undertaken in the past. Given Stevenson is requesting Council consider whether to revoke part of its water supply catchment, it is important that Council take the appropriate time to make sure it meets its statutory obligations for supplying water to our community. This includes testing past assumptions around whether the greater water conservation reserve is required "now or in the future". Additional staff workshops have therefore been undertaken in parallel to inform our understanding of possible next steps.
13. Council is liaising with Ngāti Waewae and Stevenson as part of this process, and the water reform team is being kept apprised as the assessment has progressed.
14. We expect to be able to report back to Council in November 2025.

Community Outreach Days

Overview

15. The Community Outreach Days were established in September 2024 to offer an additional, 'drop-in style' communication channel to residents in our outlying areas who may have Council related questions and/or have a reduced ability to travel to the Westport or Reefton offices. They

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are not held with a set agenda or purpose, nor are they to bypass local government engagement requirements.

16. Ikamatua and Maruia were included as locations from February 2025. A review of the format and staffing structure for the days is underway, with an intention that any changes are implemented in 2026, to ensure that they are as positively impactful for all parties as possible.
17. The outreach days have been held every month since the concept's inception on 17 September 2024, equating to 12 community sessions to date.
18. The three costs associated with holding the outreach days are staff time (already accounted for), vehicle mileage and facility hire (\$750). With the exception of Punakaiki, Council or community-owned facilities are used for the sessions.

Attendance numbers

Date	Location	Attendees	Location	Attendees	Total
17 September 2024	Ngakawau	2	Karamea	9	11
16 October 2024	Charleston	2	Punakaiki	1	3
19 November 2024	Karamea	2	Ngakawau	2	4
12 December 2024	Punakaiki	2	Charleston	1	3
13 January 2025	Ngakawau	1	Karamea	2	3
11 February 2025	Maruia	6	Ikamatua	4	10
20 March 2025	Karamea	5	Ngakawau	0	5
14 April 2025	Punakaiki	0	Charleston	1	1
19 May 2025	Ikamatua	11	Maruia	4	15
19 June 2025	Ngakawau	4	Karamea	8	12
15 July 2025	Charleston	0	Punakaiki	0	0
20 August 2025	Maruia	4	Ikamatua	2	6
18 September 2025	Karamea	tbc	Ngakawau	tbc	tbc
					73

Attendees feedback

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19. Attendees have consistently expressed gratitude for the sessions and have asked for them to continue. Ikamatua attendees in particular have stated that they are beginning to feel heard and appreciative of the follow-ups that are being done when concerns are raised.

Staff representation

20. Staff have been very supportive and generous with their time to ensure these days can occur, with representation coming from all four departments: Community Services, Corporate & Commercial, Infrastructure and Regulatory. The Senior Leadership Team has been present at five of the sessions.
21. For staff safety, a minimum of two staff per session are needed. This overall organisation support will need to continue.

Elected member representation

22. Councillors Sampson and O'Keefe have attended almost all the Seddon Ward outreach sessions (Ngakawau and Karamea). Their presence has been appreciated and of huge benefit.

External Relationships

23. Key CE meetings this month have included Chief Executive Jo Hendy and the Climate Change Commission team, who were in Westport in for a few days in September.
24. Meetings have also been held with NZTA representatives to discuss the repayment amount related to the PMO. Meetings have taken place with DIA staff and between West Coast CEs to discuss the establishment plan for a West Coast CCO to deliver water services.

Regulatory and Emergency Management Update

25. See Attachment 1.
26. The standard considerations have been thoroughly evaluated, and there are no additional comments at this time.

DRAFT RECOMMENDATION

- 1. That the Chief Executive Officer Report dated 24 September 2025 be received.**

ATTACHMENTS

BULLER DISTRICT COUNCIL
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1. Regulatory and Emergency Management Update September 2025
[**6.1.1** - 10 pages]



Regulatory Report

September 2025
Simon Bastion
Group Manager, Regulatory Services

Group Manager Update

All functions across the regulatory portfolio have an increased workload based on numerous factors. The planning Team continues to be burdened by the significant documents and validation work with the TTPP. The month of September is particularly challenging with the RMA Commissioners recommendations being put to the TTPP Committee for decisions.

There are a number of vacant positions to be filled, and recruitment is underway.

We are realigning the Compliance activities within Regulatory – To ensure that we do this effectively we need to ensure our organisational structure is optimised for delivering an effect service. Over the last 9 months we have observed there are parts within compliance that we struggle to deliver on – this has primarily been due to resources and effective policies.

The focus is to bridge a gap with RMA compliance and enforcement and also bring the EHO duties back in house (to reduce the reliance on contractors and grow our own expertise). The proposed changes we will strengthen internal capabilities which will assist in providing efficiency improvements and succession planning. The following are areas we will see added benefit (not an exhaustive list):

- Increased support and oversight for RMA compliance – reactive (via complaints etc.) and proactively with RMA verification processes
- Developing and publishing policies and procedures that support enforcement & compliance activities.
- Aligning process driven compliance (licensing & verifications etc.) activities by removing a lot of diversions that take up a lot of resources and time i.e. field activities

We are also aligning operation activities that are generally in the field (animal management, freedom camping, noise control, fly tipping etc.) will provide a lot more focus on the public interface by providing education and a collective focus on customer needs.

BULLER DISTRICT COUNCIL

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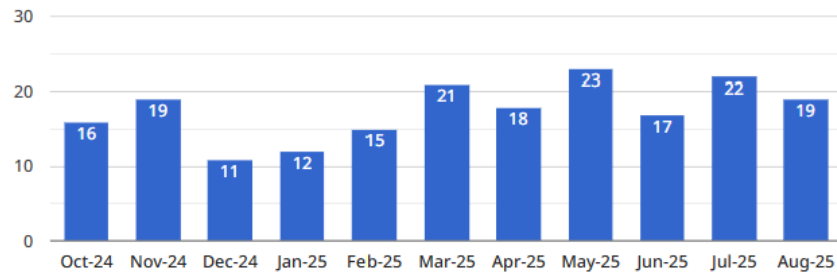
Building Team

Building Consents

Issued 19 building consents for August

BC Granted/Issued

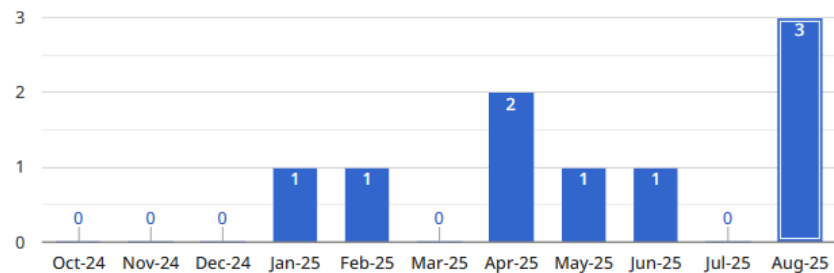
Monthly for All Building Types and All Complexities



3 over 21 days.

BC Decision to Grant - 21 or More Stat Days

Monthly for All Building Types and All Complexities



Building Department activity:

Late Consents

Reviewing processes that caused 3 consents to be processed late. 2 BC related to external parties (agent and design team) failing to deliver correct and relevant information pertaining to section 72 endorsements for inundation.

One was due to a new staff member undergoing training

Each year the Ministry for the Environment (MfE) collect information from Local Authorities on their implementation of the Resource Management Act through the National Monitoring Survey (NMS). BDC's data was submitted within the required timeframe.

Shared Services

The West Coast TA's are looking to optimise resources as required and have drafted a Shared Service Agreement for consideration. This will assist with technical and quality discussion and look to create a united position of the applications of Building consents that is consistent across the coast.

Client Catch up

Building Manager attended a session in Greymouth along with Gey & Westland Building Control Managers addressing concerns from the building and design industry.

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Planning Department

TE TAI O POUTINI PLAN (TTPP) UPDATE:

RMA commissions hearings

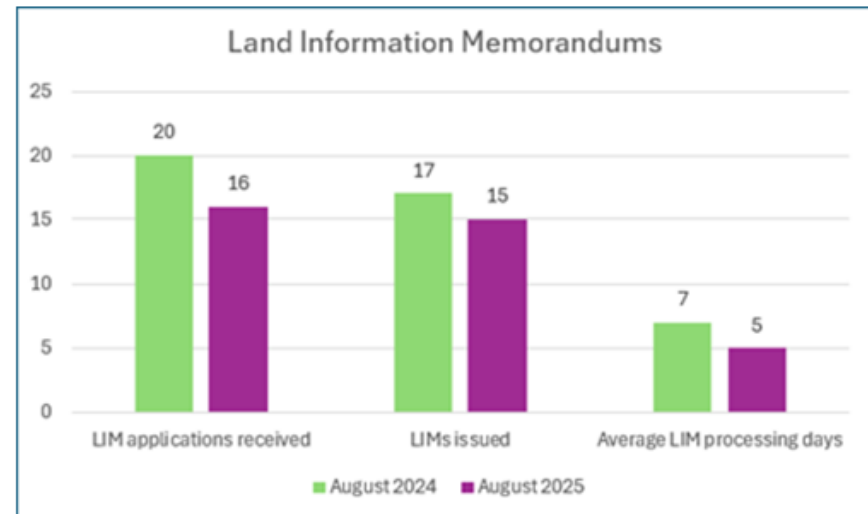
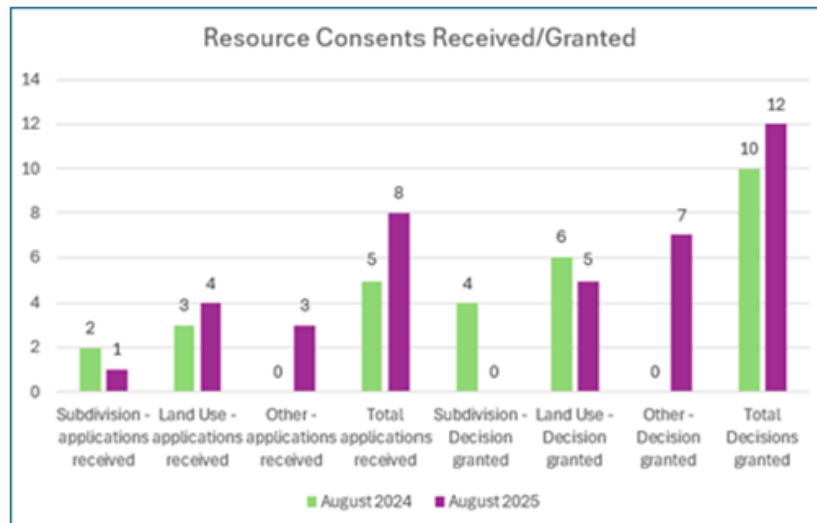
Following the hearings on the TTPP throughout 2023/24, the Hearing Panel has provided a recommendation report back to the TTPP committee. The report makes a recommendation on how submissions on the TTPP should be treated and what that ultimately means in terms of drafting in the TTPP. It is for the TTPP Committee to decide whether to accept or reject the recommendations contained within the report, in accordance with clause 10 of Schedule 1 of the RMA.

The TTPP Committee has three options when considering the recommendations from the panel on the TTPP:

- a) Accept the recommendations in full
- b) Accept the recommendations in part (and reject parts of the recommendations); or
- c) Reject the recommendations in full

If the Committee decided to reject the recommendation (in full or in part) it cannot simply substitute its own decision in place of the recommendation, as this would be subject to a high risk of successful legal challenge.

The outcome of the TTPP decisions will be via Decisions Plan which will be publicly notified on 10 October



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	August	August
	2024	2025
Subdivision - applications received	2	1
Land Use - applications received	3	4
Other - applications received	0	3
Total applications received	5	8
Subdivision - Decisions granted	4	0
Land Use - Decisions granted	6	5
Other - Decisions granted	0	7
Total Decisions granted	10	12
RMA Planning check on building consent applications	30	17
Form 4s issued (requirement for resource consent issued on building consent applications)	2	6
RMA requests for further information sent in relation to building consent applications		3
LIM applications received	20	16
LIMs issued	17	15
Average LIM processing days	7	5
Enquiries	235	224

Planning Department activity:

The Planning team are receiving a high number of enquiries. Enquiries regarding TTPP implementation and how it affects resource consent processing have been received. There is a heightened awareness that TTPP decisions are due soon resulting in changes to the planning framework and required considerations.

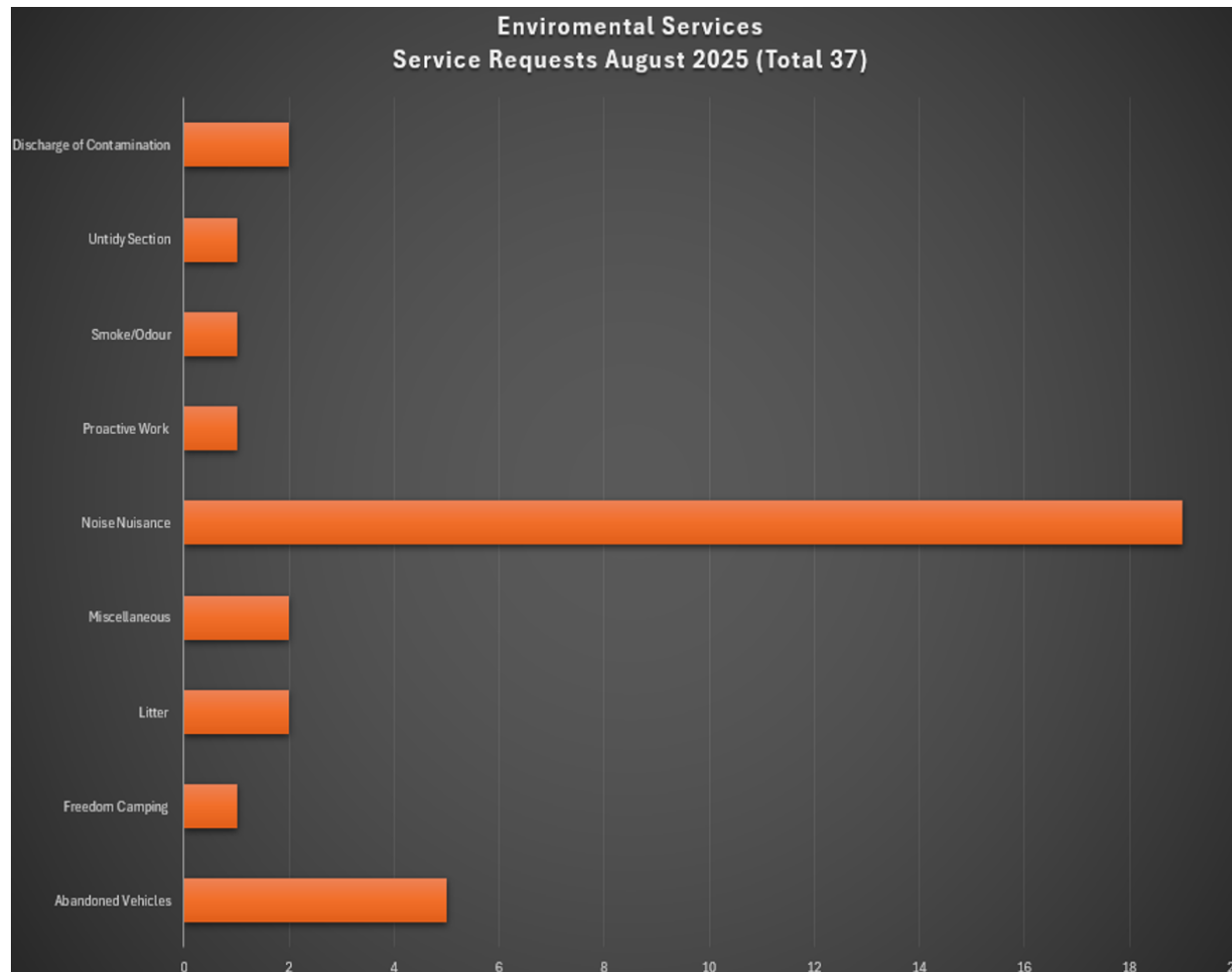
Currently recruiting for a Planning Support Officer due to a vacancy created as a result of a resignation.

Each year the Ministry for the Environment (MfE) collect information from Local Authorities on their implementation of the Resource Management Act through the National Monitoring Survey (NMS). BDC's data was submitted within the required timeframe.

Fast track Resource Consents

Bathurst Coal Limited – Expand existing coking coal mining activities, and extend the life of the mine, to enable the extraction of, approximately, an additional 20 million tonnes over 25 years

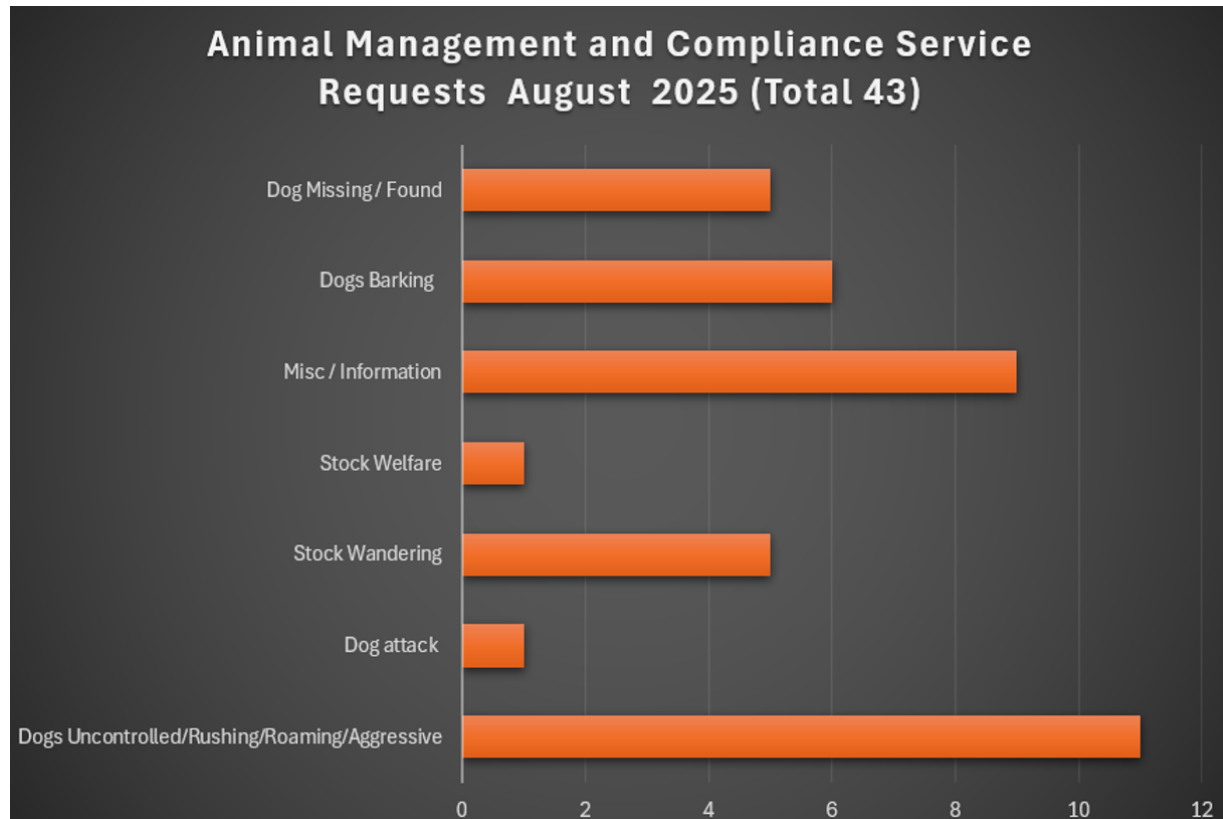
BULLER DISTRICT COUNCIL
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**General Compliance
Complaints:**

An increase in noise complaints related to a couple of addresses

Working closely with Police & Allied security on the call out process. Awaiting an MOU from Police on how this process can work effectively.



Animal Control:

New round of dog registrations has been completed. The dog registration period closed on the 15th August – penalties have been applied from this date.

We began with 190 unregistered dogs remaining after 25/26 registration which is low compared to previous years.

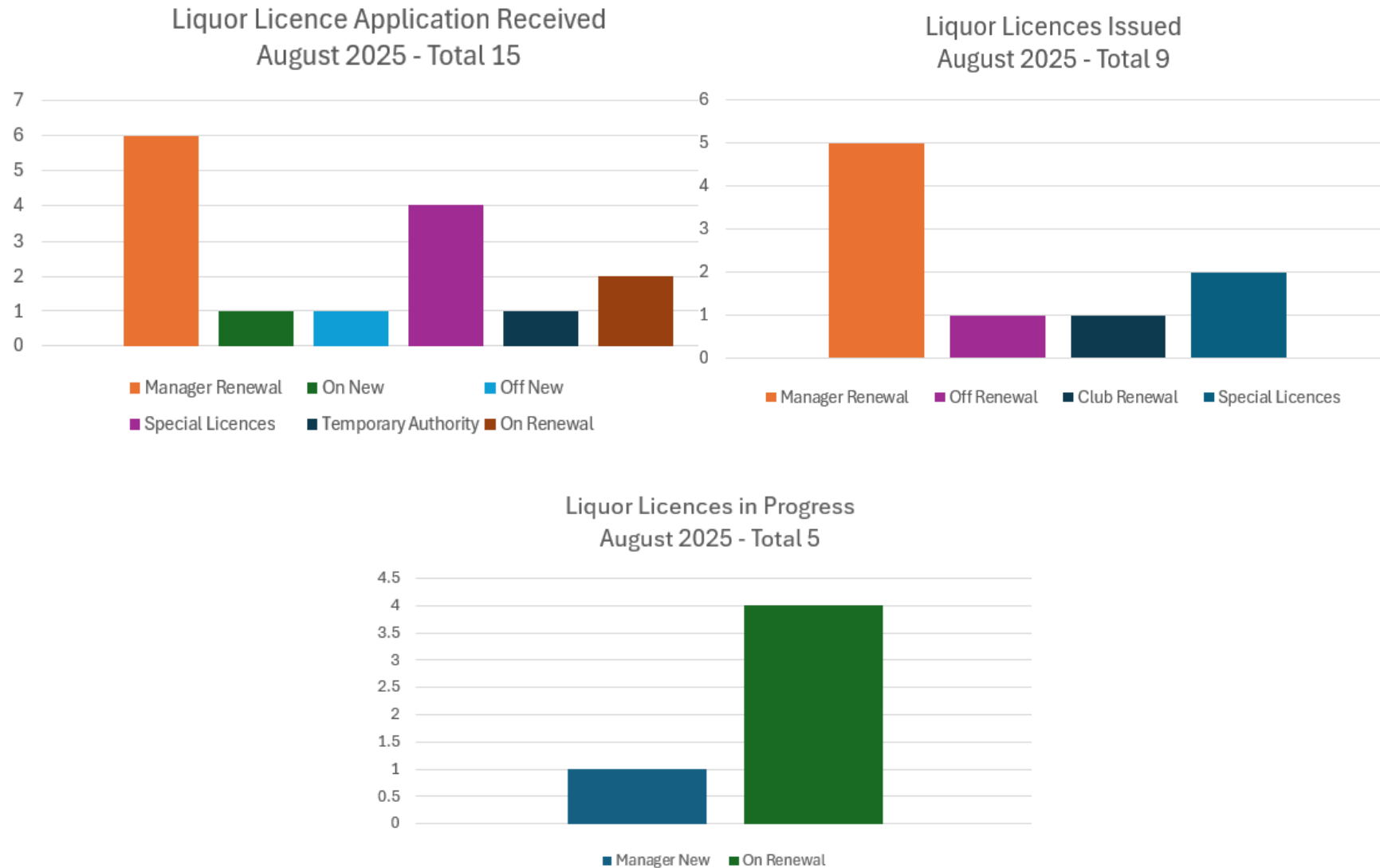
We have made reasonable headway and that number has dropped to 175.

We have received very positive feedback from Reefton Police and the community regarding our Reefton Friday.

We microchip dogs, engage with the public, seek proactive work and can respond within minutes to any in coming compliance work.

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Compliance Team – Alcohol



**BULLER DISTRICT COUNCIL
24 SEPTEMBER 2025**

Policies Under Review

Dangerous, Affected and Insanitary Buildings Policy

- Completed and adopted by council

Class 4 Gambling and TAB Venues Policy

- Draft policy been prepared
- Statement of Proposal to go to committee in September for endorsement.
- The recommendation of the committee will be presented along with the draft documents (with any changes recommended by the committee) to Council on 24 September 2025 for adoption as the basis for public consultation.

Navigation and Safety

- Reviewed by staff.
- Legal advice received
- Further reports to Council will be made as the process moves forward

Other Bylaws and Policies currently under review:

- Dog Control Policy
- Traffic
- Fires in the Open-Air Bylaw (support with WCRC)
- Banning of Alcohol in Public Places Bylaw
- Freedom Camping Bylaw
- Solid Waste Bylaw
- Fencing of Swimming Pools Policy (in line with new legislation)
- RMA Enforcement Policy
- Trading in Public Places – to be reviewed based on current anomalies occurring across the district

Master Planning Update

- The Climate Commission has been in Westport meeting with Council and various other parties around the area in respect to their adaptation work programme
- Excellent relationships have been built with various insurance and finance sector bodies. This is to ensure that there is ongoing dialogue regarding Westport's resilience and the importance of the PARA framework
- BRANZ research funding Stage Two works are now underway and due in early October, with a decision expected early 2026
- Further funding avenues, public and private are currently being worked through – a report on progress will be provided to new Council for further decisions as per the March 2025 report and decision of Council
- Land Access conversations are continuing with PAMU, as above there will be a report on progress back to Council in fourth quarter 2025
- The project team will present at the AF25 conference in Christchurch in October, with subsidisation for attendance having been largely secured in advance of attendance

Growth and Development Update

- Pre-consent meetings for a Miners Village in Reefton have been held with both Infrastructure Services and Regulatory departments of Council. This privately lead venture will create appropriate accommodation to align with the Reefton Campground accommodation
- A community meeting regarding the proposal was held in Reefton on 15th September. It is expected that a Resource Consent application will be with Council in October
- A work program is being developed in respect to the growth occurring and predicted to continue to occur for Cape Foulwind/Omau with excellent relationships with the private sector developers in place.
- A specific focus on grant and funding opportunities is currently being enabled with the support of SLT

Civil Defence Update

- **Renewable Energy Project – Solar for Six Buller Facilities**

I've been supporting a Renewable Energy Project to install solar electricity at six key community venues around Buller. It's all about improving our resilience, making sure these places can stay powered during outages, and supporting our move towards more sustainable energy.

- **Civil Defence Function Training – Getting People Involved**

I've been encouraging BDC staff and locals volunteers to take part in Civil Defence training so we've got a strong, capable team ready to respond when needed. It's important we build confidence and capability across the district.

- **Isolated Community Support Plan – Reaching the Hard-to-Reach**

I'm working on a plan to make sure our more remote communities have the support they need in an emergency. That means looking at local risks, resources, and how we can keep communication flowing even if they're cut off.

- **Rapid Response Exercise – Testing the EOC-Pod**

I ran a deployment exercise using our emergency equipment pod to test how quickly and effectively we can respond. It helped us spot what's working well and where we can improve for next time.

- **Tasman Deployment – Supporting Weather Response**

I was deployed to Tasman to assist with their response to a severe weather event. It was a great opportunity to support another region, share knowledge, and strengthen inter-district collaboration.

7 PORTFOLIO LEADS VERBAL UPDATE

AGENDA ITEM: 7.1 PORTFOLIO LEADS VERBAL UPDATE

Prepared by: Simon Pickford
Chief Executive Officer

REPORT PURPOSE

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

DRAFT RECOMMENDATION

1. **That Council receive verbal updates from the following Chairs and Council Representatives, for information:**
 - a. **Inangahua Community Board – Councillor Webb**
 - b. **Regulatory Environment & Planning – Councillors Neylon and Basher**
 - c. **Community Services – Councillors Howard and Pfahlert**
 - d. **Infrastructure – Councillors Grafton and Weston**
 - e. **Corporate Policy and Corporate Planning – Councillor Reidy**
 - f. **Smaller and Rural Communities – Councillors O’Keefe and Webb**
 - g. **Iwi Relationships – Ngāti Waewae Representative Ned Tauwhare and Mayor Cleine**
 - h. **Te Tai o Poutini Plan – Mayor Cleine and Councillor Neylon**
 - i. **Joint Committee Westport Rating District – Mayor Cleine, Councillor Howard and Councillor Reidy**
 - j. **Regional Transport Committee – Councillor Grafton**

8 PUBLIC EXCLUDED REPORTS

AGENDA ITEM: **8.0 PUBLIC EXCLUDED REPORTS**
Prepared by: **Simon Pickford**
 Chief Executive Officer

REPORT SUMMARY

1. Subject to the Local Government Official Information and Meetings Act 1987 (LGOIMA) s48(1) right of Local Authority to exclude public from proceedings of any meeting.
2. The reasons for exclusion are included in the draft recommendation.

DRAFT RECOMMENDATION

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

1. 1.1 CONFIRMATION OF PREVIOUS MINUTES

(2) Subject to sections 6, 8, and 17, this section applies if, and only if, the withholding of the information is necessary to—

(b) protect information where the making available of the information—(ii) would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; or

(i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or

(j) prevent the disclosure or use of official information for improper gain or improper advantage.