

Notice of the Extraordinary Council Meeting

Buller District Council

Te Kaunihera O Kawatiri

Agenda | Rārangi take

Date: Monday 10 November 2025
Time: 4:30 pm
Location: Clock Tower Chambers, Palmerston Street, Westport

Chairperson His Worship the Mayor Chris Russell

Deputy Mayor Shayne Barry

Members

- Cr Linda Webb
- Cr Dave Hawes
- Cr Rosalie Sampson
- Cr Toni O'Keefe
- Cr Philip Rutherford
- Cr Colin Reidy
- Cr Ray Curnow
- Cr Dave Hingston
- Cr Paul Reynolds

Quorum (6)



BULLER
DISTRICT COUNCIL
Te Kaunihera O Kawatiri



BULLER DISTRICT COUNCIL
10 NOVEMBER 2025

Council

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

Purpose

The Council is responsible for:

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

Terms of Reference

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

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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:
 - 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 and no requests for leave of absence.**

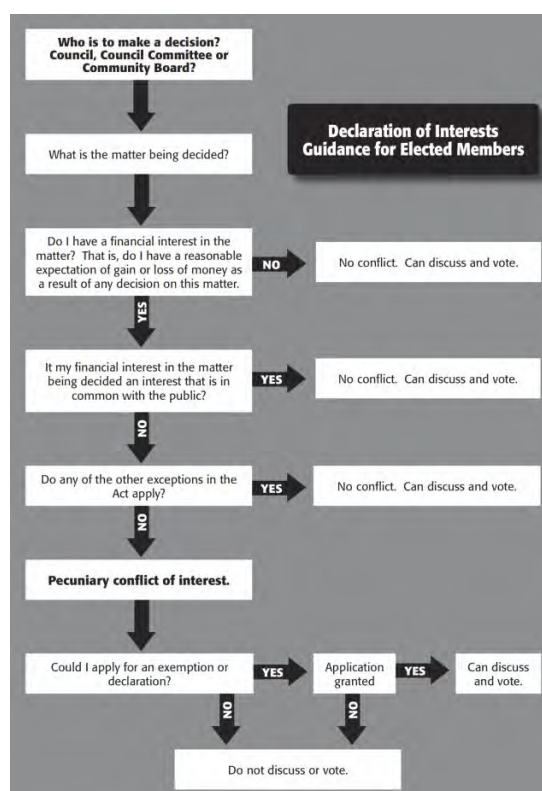
OR

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

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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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3 OFFICERS REPORTS

AGENDA ITEM: **3.1 DECLARATION OF OATH**

Prepared by: Simon Pickford
 Chief Executive Officer

Public Excluded: **No**

DECLARATION BY HIS WORSHIP THE MAYOR

1. Pursuant to Clause 14, Schedule 7 of the Local Government Act 2002:

"No person is capable of acting as a member of a local authority until they have made the prescribed declaration. The Local Government Act states that members must make this declaration both orally and in writing."

2. Rosalie Sampson is to make her declaration as a Councillor

DECLARATION BY COUNCILLOR

3. Pursuant to Clause 14, Schedule 7 of the Local Government Act 2002.
4. In order that members may become familiar with the wording which will be required to be read out, the declaration format prescribed is as follows:

"I, declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of the Buller District, the powers, authorities, and duties vested in or imposed upon me as a Member of the Buller District Council, by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987 or any other Act."

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AGENDA ITEM:	3.2 APPOINTMENT TO TE TAI O POUTINI PLAN (TTPP) JOINT COMMITTEE
Prepared by:	Caitlin McDonald Governance Secretary
Reviewed by:	Simon Pickford Chief Executive Officer
Public Excluded:	No

EXECUTIVE SUMMARY

1. This report seeks Council approval to appoint an elected member to represent Buller District Council on the Te Tai o Poutini Plan (TTPP) Joint Committee.
2. The appointment is required ahead of the next Joint Committee meeting scheduled for 19 November 2025 to ensure Buller District Council is represented and able to participate in decision-making.

DRAFT RECOMMENDATION

That Council:

1. **Confirms that the Mayor and [Name of Councillor] are Buller District Council's representatives on the Te Tai o Poutini Plan (TTPP) Joint Committee, effective from [Date].**

ISSUES & DISCUSSION

BACKGROUND

3. The Te Tai o Poutini Plan (TTPP) is a combined district plan jointly developed by the Buller, Grey, and Westland District Councils, along with Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio. The TTPP Joint Committee oversees the preparation, review, and adoption of the plan under the Resource Management Act 1991 (RMA).
4. Under the TTPP Committee Agreement, each participating Council appoints two elected members to the Committee. The Mayor of Buller District Council is automatically one of the appointed members, and Council must confirm a second elected member for the 2025–2028 triennium.

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5. The next meeting of the Committee is scheduled for **19 November 2025**, and it is important that Buller District Council's representatives are confirmed before this date to ensure full participation and representation in upcoming decisions.

OPTIONS

6. Two options are available to Council:

- **Option 1:** Status Quo – Do not appoint a second representative at this stage.
- **Option 2:** Appoint the Mayor and a second elected member to the TTPP Joint Committee before the 19 November 2025 meeting.

Option 1- Status Quo

7. Council could choose to defer the appointment and leave the second representative position vacant.

Advantages

- Provides Council with additional time to consider the most appropriate appointee.

Disadvantages

- Leaves Buller District Council with only one representative (the Mayor) at the 19 November 2025 TTPP Joint Committee meeting, reducing the Council's ability to contribute fully to TTPP matters.

Option 2- Appointment of the Mayor and Councillor to the TTPP Joint Committee

8. Appointing a second representative now ensures Buller District Council continues to participate fully in the governance of the combined district plan and has two active voices at the upcoming meeting on 19 November 2025.

Advantages

- Provides full representation for Buller District Council as intended under the TTPP Committee Agreement.
- Ensures Buller's perspectives are effectively represented in TTPP discussions.
- Supports continuity, collaboration, and informed decision-making across the West Coast.

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Disadvantages

- None identified.

PREFERRED OPTION

9. Option 2 – Appointing the Mayor and [Name of Councillor] to the Te Tai o Poutini Plan (TTPP) Joint Committee is the preferred option. This ensures full representation for Buller District Council, enabling active participation in the 19 November 2025 meeting and continued contribution to the development of the combined district plan.

NEXT STEPS

10. Following Council approval, staff will notify the Te Tai o Poutini Plan Secretariat and update the Committee membership list. The Mayor and appointed Councillor will be briefed on current TTPP matters and will attend the meeting scheduled for 19 November 2025.

CONSIDERATIONS

11. The Council's governance structure, including all committee appointments, is scheduled to be confirmed at the Council meeting on the 25 November. However, this resolution is required now to ensure Buller District Council is fully represented at the TTPP Joint Committee meeting on 19 November 2025, which occurs prior to that governance confirmation.
12. It is recommended that both the newly appointed councillor and the Mayor attend this initial meeting to gain early exposure to the committee's work and better understand their roles and responsibilities within the TTPP governance framework

Strategic Impact

13. This decision aligns with the Council's strategic objective to collaborate regionally and contribute to sustainable land use planning and development outcomes across the West Coast.

Significance Assessment

14. 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>

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15. This report is assessed as being low significance – the appointment of a representative is an administrative decision with minimal community impact.

Risk Management Implications / Opportunities

16. The following risks or opportunities are identified with the issues identified in this report.
- Failure to appoint a second representative before the 19 November 2025 meeting may limit Buller District Council's influence in regional planning decisions. Appointing both the Mayor and an elected member ensures balanced representation and maximises Buller's opportunity to contribute to the Te Tai o Poutini Plan.

Policy & Legislative Considerations

17. This appointment fulfils Buller District Council's obligations under the Te Tai o Poutini Plan Committee Agreement and the Resource Management Act 1991.

Māori Impact Statement

18. 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

19. There is no financial implication relevant to this decision

Communication Internal / External

20. Once confirmed, the appointment will be communicated internally to relevant staff and externally to the Te Tai o Poutini Plan Secretariat and partner councils to enable both representatives to attend the 19 November 2025 meeting.

ATTACHMENTS

Nil

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AGENDA ITEM:	3.3 TE TAI O POUTINI PLAN – BULLER DISTRICT COUNCIL APPEALS
Prepared by:	Bronwyn Little Senior Policy Advisor
Reviewed by:	Simon Bastion Group Manager Regulatory Services
Public Excluded:	No

EXECUTIVE SUMMARY

1. Decisions on submissions to the proposed Te Tai o Poutini Plan (pTTPP) have now been released. The decisions on submissions were made by the Te Tai o Poutini Plan (TTPP) Joint Committee after consideration of recommendations from the Independent Hearing Panel. The TTPP Joint Committee is made up of representatives from the four West Coast Councils and Poutini Ngāi Tahu.
2. Following an assessment of the decisions Buller District Council staff consider that there are only a limited number of matters which need to be further pursued through an appeal to the Environment Court.
3. To maintain transparency and integrity in the decision-making process, any potential conflicts of interest for BDC representatives on the TTPP Committee should be avoided where possible, particularly in relation to decisions about whether to appeal outcomes affecting the Council's submission.
4. To address this issue a legal opinion was sought by the TTPP committee. That advice recommends that either the individual Council representatives on the TTPP Joint Committee recuse themselves from any Council made decisions regarding appeals or that Council delegates responsibility for making an appeal (or joining with another party within 15 working days of the appeal closing date) and any subsequent action resulting from that appeal to the Chief Executive Officer and appropriate staff.

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5. Given the short timeframe for lodging appeals, which closes on 24 November 2025, it is recommended that Council adopt the latter approach and delegate this responsibility to the Chief Executive Officer and identified staff.

DRAFT RECOMMENDATION

That Council:

- 1. Delegate to the Chief Executive the power to appeal the decisions of the Te Tai o Poutini Plan Committee on the Proposed Te Tai o Poutini Plan, including, but not limited to, Variations 1 and 2.**
- 2. Delegate to the Chief Executive and the Group Manager Regulatory Services the power to give notice that Buller District Council wishes to be a party to any other appeal of the decisions of the Te Tai o Poutini Plan Committee on the Proposed Te Tai o Poutini Plan, including, but not limited to, Variations 1 and 2 (joint decision-making not required).**
- 3. Delegate to the Chief Executive, the Group Manager Regulatory Services and the Manager Planning Department the power to take all necessary steps to participate in (including the authority to negotiate or mediate), progress, settle (including as relates to costs) or discontinue any proceeding Buller District Council is a party to on the decisions of the Te Tai o Poutini Plan Committee on the Proposed Te Tai o Poutini Plan including, but not limited to, Variations 1 and 2 (joint decision-making not required).**

ISSUES & DISCUSSION

BACKGROUND TO TE TAI O POUTINI PLAN

6. In 2015 members of the West Coast community asked the Local Government Commission to look at options for streamlining the local councils. The Commission ran a collaborative process with the four West Coast councils, looking at their current systems and options to improve them. In 2018 the Local Government Commission released its proposal for local government reorganisation on the West Coast. The Local Government Commission recommended:
 - Transferring the statutory obligations for preparing district plans from the three West Coast district councils to the West Coast Regional Council.

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- Delegating these obligations to a joint committee comprising all four councils and local iwi, with an independent chair.
7. Rather than each of the three District Councils preparing individual plans, Te Tai o Poutini Plan (TTPP) Joint Committee became responsible for preparing and approving a new combined district plan covering the whole of the West Coast.
 8. The TTPP Joint Committee oversaw the development of the plan from 2019 through to the end of 2021, after which an exposure draft of the plan was approved for community feedback. Following the receipt of this feedback, TTPP staff developed a proposed plan which was released for public consultation during 2022 and 2023. Two variations to the pTTPP were also made by TTPP Joint Committee. The submissions and further submissions process was completed in May 2023 after which hearings took place before a Hearings Panel of independent commissioners.
 9. The Panel considered all submissions and further submissions, presided at hearings for submitters who wished to be heard, commissioned and considered further specialist advice, and deliberated before reporting back to the Committee on their recommended changes to the Plan. TTPP Joint Committee considered the recommendations and accepted the recommendations of the Panel.
 10. The next step in the process is the right, for those who made submissions and further submissions, to appeal to the Environment Court. If a submitter disagrees with the TTPP Joint Committee decision on their submission they have until 5pm Monday 24 November 2025 to lodge an appeal with the Environment Court. After the close of the appeal period there is a 15 working day period for a submitter to apply to become a Party under Section 274 Resource Management Act 1991 to an appeal to support or oppose an appeal lodged by another party.
 11. Generally, the Environment Court will seek resolution to appeals by alternative dispute resolution (mediation) first. If agreement cannot be reached in mediation, formal proceedings in the Environment Court take place.

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BULLER DISTRICT COUNCIL SUBMISSION

12. All the individual councils, including Buller District Council (BDC) made submissions on the proposed TTPP. The BDC submission addressed a wide range of matters, expressing both support and opposition of the pTTPP depending on the issue. The submission included issues which needed further definition, clarification or amendment.
13. BDC staff prepared the submission and the Chief Executive, under delegated authority, lodged the submission on the pTTPP.

MOVING FORWARD

14. The TTPP Joint Committee decisions on the BDC submission have now been analysed by BDC staff. There are a small number of issues which are still considered to be problematic. It is considered that an appeal should be lodged to settle these matters through the Environment Court. Staff are working to prepare the appeal.

ISSUES – LODGING AN APPEAL

15. As noted above because the TTPP Joint Committee's membership comprises of representatives from each of the four West Coast councils, along with representatives from Te Runanga O Makaawhio and Te Runanga o Ngāti Waewae, a TTPP Joint Committee member participating in any decision to lodge an appeal on the pTTPP could give rise to an allegation of a conflict of interest, predetermination or bias.
16. Both these situations could create the risk of legal challenge in relation to the relevant decision, by way of a judicial review. The TTPP Joint Committee has sought legal advice on this matter to assist committee members. While recognising that conflicts of interest are ultimately a matter for individual members to assess and manage such as by stepping aside from relevant decision-making—it is recommended that one of the following options be adopted to ensure clarity and integrity in the process:
 - TTPP Joint Committee members who are also BDC elected members recuse themselves from any Council discussions or decisions regarding whether to lodge or join an appeal.; or
 - Council choose to delegate authority to staff to make decisions on whether to lodge or join an appeal.

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17. Involvement of TTPP Joint Committee members in appeal related decision making within their own councils may also impact the Joint Committee's ability to make collective decisions on how to engage in mediation on those appeals. While this is a matter for the Joint Committee to resolve, it is important to note that if appeals are lodged by all member councils, a clear and transparent process for managing appeals will be essential to maintain the integrity of the TTPP process.
18. The Resource Management Act 1991 (RMA) allows submitters to appeal decisions on submissions to the Environment Court. Previously, the BDC Hearings Committee had the authority to lodge such appeals. Since that committee was disestablished by the last Council, the authority now rests with the full Council.

ISSUES – MEDIATION AND HEARINGS REPRESENTATION

19. Once an appeal has been lodged the process would move on, almost certainly, with mediation to try to reach a consensus prior to a formal hearing (should consensus not be reached).
20. The current officer delegations within BDC did not anticipate the unique circumstances of a combined West Coast District Plan such as TTPP. The direction for multiple councils to jointly prepare a single district plan is unique to the West Coast and was not envisaged when existing delegations were established. Consequently, there are no current provisions that enable BDC officers to attend mediations or hearings in the capacity of a submitter on behalf of the Council.
21. As a result, the authority to undertake mediation on behalf of BDC currently rests with the Council itself. To ensure appropriate representation and participation in the appeals process, it is considered necessary to establish specific delegations to BDC officers. These delegations would enable effective involvement in mediations and hearings and allow the appeals process to proceed efficiently.

OPTIONS

22. The following options outline potential approaches for progressing decision making in relation to lodging an appeal against the TTPP Joint Committee's decisions on the BDC submission, as well as managing the subsequent appeals process.

Option 1- Status Quo

23. In the absence of formal delegated authority to officers Council would be responsible for lodging an appeal and undertaking all the consequential appeals process matters. TTPP Joint Committee members would decide whether to declare a conflict of interest and recuse themselves from the decision making regarding lodging an appeal. Councillors would also need to be appointed to represent and make decisions of behalf of BDC at mediations and hearings.

Advantages

- Council retains full control over the appeal process.
- All decisions are made at the elected member level.

Disadvantages

- The appeal period closes on 24 November 2025, with only 15 working days after this to join another party's appeal, which is an extremely tight timeframe for preparing reports and convening council meetings.
- Demand on the time of appointed Councillors for mediation and hearings would be significant.
- Unless delegated the power to actually make decisions on behalf of BDC there would be a significant time delay if proposed decisions needed to be referred to Council for adoption.
- Councillors may lack experience with resource management issues, mediation and hearing processes.
- Councillors may not have the background knowledge of the TTPP process to date.

Option 2- Council Resolution to lodge appeal, delegations to staff for appeal process

24. In this option the Council would retain the authority to decide to lodge an appeal by resolution (based on a staff report and recommendations) and delegate the appeal process tasks from that point on, including final decision making in mediation, to the Chief Executive Officer and staff. TTPP committee members would decide whether to declare a conflict of interest and recuse themselves from the decision making and lodging of the appeal.

Advantages

- Decision to appeal made at elected members level.

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- BDC Officers have a long involvement with the TTPP process and the development of the document itself.
- The original submissions were made by officers on Council's behalf and they have an in depth understanding of the issues being appealed.
- Officers have considerable experience with mediation and technical expertise to attend hearings before the Environment Court.

Disadvantages

- The appeal period closes on 24 November 2025, with only 15 working days after this to join another party's appeal, which is an extremely tight timeframe for preparing reports and convening council meetings.

Option 3- Delegations to staff to lodge the appeal and take it through the appeal process

25. The Chief Executive Officer would be delegated authority to lodge the appeal and delegations made to staff to appear on behalf of BDC at mediations and appeal hearings, making any decisions considered necessary and reporting back to Council with the resulting final decisions.

Advantages

- Lodging the appeal is not inhibited by requirements for notification of meetings, councillor availability for meetings or report writing timeframes.
- Staff would have until 24 November 2025 to prepare the appeal documents.
- BDC Officers have a long involvement with the TTPP process and the development of the document itself.
- The original submissions were made by officers on Council's behalf, and they have an in depth understanding of the issues being appealed.
- Officers have considerable experience with mediation and technical expertise to attend hearings before the Environment Court.

Disadvantages

- Council is one step removed from the appeal process

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PREFERRED OPTION

26. The preferred option is Option 3 – delegations to staff to lodge the appeal and take it through the appeal process. Given the timeframe for lodgement of the appeal and the time needed to attend mediation it is considered that staff are in the best position to carry the matter through. It is recommended that the delegation only apply to this phase of the TTPP with a full review of all delegations to the Chief Executive and staff being prepared for Council by the end of the year.

NEXT STEPS

27. Staff will continue to review the TTPP Joint Committee's decisions and prepare an appeal for lodgement with the Environment Court prior to 24 November 2025.

28. All appeals lodged by other parties will also be reviewed, and decisions will be made regarding whether BDC should become a party to any of those appeals.

29. Council staff will participate in mediation arranged by the Environment Court and, where necessary, attend hearings to represent BDC should mediation prove unsuccessful.

CONSIDERATIONS

Strategic Impact

30. The TTPP has significant implications for all residents of the Buller District, and it is important that BDC effectively represents the interests of its community. Delegating authority to staff to lodge an appeal and manage the associated appeal process will ensure that the community's best interests are appropriately and efficiently represented.

Significance Assessment

31. 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>

32. This report is assessed as having low significance. The delegation of authority to staff for this process is a standard practice. A

comprehensive review of all Council delegations to staff will be presented in a future report to Council.

Risk Management Implications / Opportunities

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

- Risk – Missed Appeal Deadline:
In the absence of formal delegated authority to staff, there is a significant risk that the Council may not be able to lodge an appeal by the statutory deadline of 24 November 2025. This could result in the loss of the opportunity to influence the final operative TTPP in areas of concern to BDC and the community.
- Opportunity – Ensuring the TTPP is fit for purpose:
The ability for Council to lodge an appeal against the TTPP Joint Committee's decisions presents an important opportunity to ensure that the final TTPP is robust, fit for purpose, and responsive to the needs of the community.

Policy & Legislative Considerations

34. The Resource Management Act 1991 (RMA) provides for appeals to the Environment Court by parties who have made submissions on a proposed District Plan. The RMA outlines the appeal process in detail, including provisions enabling the Environment Court to direct parties to participate in mediation before a full hearing is held.

35. The Local Government Act 2002 (LGA) provides for the delegation of powers, duties, and functions by a local authority. Under sections 41A and 42, the Mayor and Chief Executive may be delegated specific responsibilities, while section 232 enables the Council to delegate to committees, subcommittees, community boards, or officers any of its responsibilities, duties, or powers (with some exceptions). These provisions enable Council to authorise staff to undertake specific actions, such as lodging and managing appeals, on its behalf to ensure efficient and effective decision-making.

Māori Impact Statement

36. 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,

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their culture and traditions. It is noted that the TTPP Joint Committee included representation from local iwi.

Financial Considerations

37. There are no financial implications relevant to this decision.

Communication Internal / External

38. The Communications and Engagement Team will coordinate and manage all communication requirements as necessary.

ATTACHMENTS

Nil