

AGENDA

RĀRANGI TAKE

NOTICE OF AN ORDINARY MEETING OF

COUNCIL

to be held on **Thursday, 26 September 2024** commencing at **1 pm** in the Council Chambers,
36 Weld Street, Hokitika and via Zoom

Chairperson	Her Worship the Mayor
Deputy and Southern Ward Member:	Cr Cassin
Northern Ward Members:	Cr Neale, Cr Burden, Cr Phelps
Hokitika Ward Members:	Cr Baird, Cr Davidson, Cr Gillett
Southern Ward Members:	Cr Manera
Iwi Representatives:	Kw Madgwick, Kw Tumahai



In accordance with clause 25B of Schedule 7 of the Local Government Act 2002, members may attend the meeting by audio or audio-visual link.

Council Vision

By investing in our people, caring for the environment, respecting the Mana Whenua Cultural heritage, and enabling investment, growth, and development we will enrich our district and the people that reside here.

Purpose

The Council is required to give effect to the purpose of local government as prescribed by section 10 of the Local Government Act 2002. That purpose is:

- (a) To enable democratic local decision-making and action by, and on behalf of, communities; and
- (b) To promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.

1. KARAKIA TĪMATANGA OPENING KARAKIA

*Kia hora te marino
Kia whakapapa pounamu te moana
Hei hurahai mā tātou
I te rangi nei
Aroha atu, aroha mai
Tātou i a tātou katoa
Hui e! Tāiki e!*

*May peace be widespread
May the sea be like greenstone
A pathway for us all this day
Give love, received love
Let us show respect for each other
Bind us all together!*

2. NGĀ WHAKAPAAHA APOLOGIES

3. WHAKAPUAKITANGA WHAIPĀNGA DECLARATIONS OF INTEREST

Members need to stand aside from decision-making when a conflict arises between their role as a Member of the Council and any private or other external interest they might have. This note is provided as a reminder to Members to review the matters on the agenda and assess and identify where they may have a pecuniary or other conflict of interest, or where there may be a perception of a conflict of interest.

If a member feels they do have a conflict of interest, they should publicly declare that at the start of the meeting or of the relevant item of business and refrain from participating in the discussion or voting on that item. If a member thinks they may have a conflict of interest, they can seek advice from the Chief Executive or the Group Manager Corporate Services Risk and Assurance (preferably before the meeting). It is noted that while members can seek advice the final decision as to whether a conflict exists rests with the member.

4. NGĀ TAKE WHAWHATI TATA KĀORE I TE RĀRANGI TAKE URGENT ITEMS NOT ON THE AGENDA

Section 46A of the Local Government Official Information and Meetings Act 1987 states:

- (7) An item that is not on the agenda for a meeting may be dealt with at the meeting if –
 - (a) the local authority by resolution so decides, and
 - (b) the presiding member explains at the meeting at a time when it is open to the public, -
 - (i) the reason why the item is not on the agenda; and
 - (ii) the reason why the discussion of the item cannot be delayed until a subsequent meeting.
- (7A) Where an item is not on the agenda for a meeting, -
 - (a) that item may be discussed at the meeting if –
 - (i) that item is a minor matter relating to the general business of the local authority; and
 - (ii) the presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but

(b) No resolution, decision, or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion.

5. **NGĀ MENETI O TE HUI KAUNIHERA MINUTES OF MEETINGS**

Minutes circulated separately via Microsoft Teams.

- **Ordinary Council Meeting Minutes – 29 August 2024** (Pages 5 – 13)

6. **ACTION LIST** (Page 14)

7. **NGĀ TĀPAETANGA PRESENTATIONS**

- **Hokitika Museum**
Laureen Sadlier, Museum Director

8. **PŪRONGO KAIMAHI STAFF REPORTS**

- **Financial** (Pages 15 – 26)
Lynley Truman, Finance Manager
- **Asset Management Policy** (Pages 27 – 37)
Alicia Paulsen, Asset Strategy and Development Manager
- **Procurement Policy** (Pages 38 – 64)
Alicia Paulsen, Asset Strategy and Development Manager
- **Land Acquisition and Disposal Policy** (Pages 65 – 82)
Alicia Paulsen, Asset Strategy and Development Manager
- **Responsible Freedom Camping Bylaw** (Pages 83 – 137)
Alicia Paulsen, Asset Strategy and Development Manager
- **Euphemia Brown Bequest Fund** (Pages 138 – 140)
Lesley Crichton, Group Manager Corporate Services and Risk Assurance
- **Waste Management and Minimisation Plan Verbal Update**
Erle Bencich, Acting Group Manager District Assets

9. **KA MATATAPU TE WHAKATAUNGA I TE TŪMATANUI RESOLUTION TO GO INTO PUBLIC EXCLUDED**

(to consider and adopt confidential items)

Resolutions to exclude the public: Section 48, Local Government Official Information and Meetings Act 1987. The general subject of the matters to be considered while the public are excluded, the reason for passing this resolution in relation to each matter and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of the resolution are as follows:

Item No.	General subject of each matter to be considered	Reason for passing this resolution in	Ground(s) under Section 48(1) for the passing of this resolution
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relation to each matter			
1.	Confidential Minutes – 29 August 2024	Good reason to withhold exist under Section 7	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)
2.	Animal Control Verbal Update	Good reason to withhold exist under Section 7	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)

This resolution is made in reliance on sections 48(1)(a) and (d) of the Local Government Official Information and Meetings Act 1987 and the particular interests or interests protected by section 7 of that Act, which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public are as follows:

Item No.	Interest
1	Protect the privacy of natural persons, including that of deceased natural persons (S. 7(2)(a))
1, 2	Protect information where the making available of the information: (i) would disclose a trade secret; and (ii) would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information (S. 7(2)(b))
1	Avoid prejudice to measures that prevent to mitigate material loss to members of the public. (S. 7(2)(e))
1	Maintain the effective conduct of public affairs through: (i) The protection of such members, officers, employees, and persons from improper pressure of harassment (S. 7(2)(f))
1	Maintain legal professional privilege; or (S. 7(2)(g))
1	Enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities; or (S. 7(2)(h))
1	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (S. 7(2)(i))
1	Prevent the disclosure of use of official information for improper gain or improper advantage. (S. 7(2)(j))

**DATE OF NEXT ORDINARY COUNCIL MEETING – 24 OCTOBER 2024
COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA AND VIA ZOOM**

ORDINARY COUNCIL MINUTES

MINUTES OF THE ORDINARY COUNCIL MEETING OF WESTLAND DISTRICT COUNCIL HELD IN THE COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA AND VIA ZOOM ON THURSDAY, 29 AUGUST 2024 COMMENCING AT 1 PM

The Council Meeting was live-streamed to the Westland District Council YouTube Channel and presentations are made available on the council website.

1. KARAKIA TĪMATANGA OPENING KARAKIA

The opening Karakia was read by Her Worship the Mayor.

2. MEMBERS PRESENT AND APOLOGIES

Chairperson	Her Worship the Mayor
Deputy and Southern Ward Member:	Cr Cassin (via zoom)
Northern Ward Members:	Cr Neale, Cr Burden, Cr Phelps
Hokitika Ward Members:	Cr Baird, Cr Davidson, Cr Gillett
Southern Ward Members:	Cr Manera
Iwi Representatives:	Kw Madgwick

NGĀ WHAKAPAAHA APOLOGIES

Kw Tumahai.

Moved Cr Burden, seconded Cr Manera and **Resolved** that the apology from Kw Tumahai be received and accepted.

STAFF PRESENT

S. Baxendale, Acting Chief Executive; L. Crichton, Group Manager: Corporate Services, Risk & Assurance; E. Bencich, Acting Group Manager District Assets; D. Maitland; Executive Assistant; E. Rae, Strategy and Communications Advisor (via Zoom); P. Coleman, Governance Administrator.

3. WHAKAPUAKITANGA WHAIPĀNGA DECLARATIONS OF INTEREST

The Interest Register had been circulated.
There were no changes to the Interest Register noted.

4. NGĀ TAKE WHAWHATI TATA KĀORE I TE RĀRANGI TAKE URGENT ITEMS NOT ON THE AGENDA

Moved Cr Burden, seconded Cr Baird and **Resolved** that in accordance with section 46A(7) of the Local Government Official Information and Meetings Act (LGOIMA) and under section 9.12 of Councils

adopted Standing Orders, the following item be added as an **Urgent Item Not on the Agenda** for Council's consideration:

- **Christmas lights**

Due to the following reasons:

- i) **The reason the item is not on the agenda is –**

The need for this agenda item arose after the agenda was released.

The issue arises from the Elected Members requesting that alternate means be sought to fund the new Christmas Lights for the Hokitika Central Business District.

- ii) **The reason why the discussion of the item cannot be delayed until a subsequent meeting is –**

To enable the Christmas Lights and the infrastructure for the lights to be organised before the Christmas period.

5. **NGĀ MENETI O TE HUI KAUNIHERA MINUTES OF MEETINGS**

The Minutes of the previous Meetings were circulated.

- **Ordinary Council Meeting Minutes – 25 July 2024**
- **Extraordinary Council Meeting Minutes – 6 August 2024**

Moved Cr Baird, seconded Cr Gillett and **Resolved** that the Minutes of the Ordinary Council Meeting held on 25 July 2024 and the Minutes of the Extraordinary Council Meeting held on 6 August 2024 be confirmed as a true and correct record of the meeting.

The Chair **Approved** that their digital signature be added to the confirmed Ordinary Council Meeting Minutes of 25 July 2024 and the Extraordinary Council Meeting Minutes of 6 August 2024.

Minutes to be Received from Standing Committees.

- Risk and Assurance Committee Meeting Minutes – 9 May 2024
- Cycling and Walking Subcommittee Meeting Amended Minutes – 15 February 2024

Moved Cr Gillett, seconded Cr Burden and **Resolved** that the Minutes of the Risk and Assurance Committee Meeting held on 9 May 2024, and the Minutes of the Cycling and Walking Subcommittee Meeting held on 6 August 2024 be received.

6. **ACTION LIST**

Scott Baxendale, Acting Chief Executive spoke to the Action List and provided the following updates:

- Pakiwaitara –
 - The geotech results are included on the Council Agenda.
- Council Headquarters –
 - Options are being investigated regarding this item.
- Hokitika Gorge Lower Swing Bridge –
 - The Department of Conservation presented at last meeting of Council. There is a confidential tender paper on the agenda for this Council meeting.
- Community Housing Trust –
 - This item has not been progressed to date.

Moved Cr Davidson, seconded Cr Gillett and **Resolved** that the updated Action List be received.

The following items were taken out of order to the Agenda papers.

7. NGĀ TĀPAETANGA PRESENTATIONS

- **Poutini Puāwai Education and Research Project**

Laura Neale and representatives from Poutini Puāwai provided a presentation for Council.

The following topics were discussed:

- The project would provide an inclusive community garden project aimed at the entire community and would aim to provide education in a practical way, which can build skills, independence and confidence.
- Poutini Puāwai would apply to become NZQA accredited
- Project components would include a cafe for fresh meals, solar and rain collection, composting, a native nursery and food forest.
 - The total cost of the project is approximately \$650K and funding will be sought from external providers. An area of 1.5 ha of land is sought from Council.

Moved Cr Davidson, seconded Cr Manera and **Resolved** that:

1. The Poutini Puāwai Education and Research Project presentation from Laura Neale be received.

8. PŪRONGO KAIMAHI STAFF REPORTS

- **Better Off Funding Update – Tranche One Projects**

Jan Visser, Facilities and Properties Manager spoke to this item and advised the purpose of the report is to provide an update on the status of the Better Off Funding – Tranche One projects. A final report will be presented to Council at the November Council meeting.

The following items were discussed:

- Civil Defence projects:
 - Hari Hari will be completed by October 2024.
 - Otira and Kumara have been completed
 - Whataroa will be completed by September 2024.
- There was an administrative error on the report for the Lake Kaniere project, as this project is on budget.
- The Hokitika Regent Theatre project will be completed by the end of September 2024.
- Hokitika Town Clock. The seismic reports indicated that the building is earthquake prone and will require an engineering design if work is to be done.
- Franz Josef Hall, a seismic assessment was completed alongside a Geotech and structural design report, the results of which show that the hall is earthquake prone and not feasible for strengthening.
- Ross Hall has had asbestos removed.
- Haast Hall and Okuru Hall, the engineering design will be completed in September 2024.
- The Kokatahi, Franz Josef, Haast and Okuru Halls are all earthquake prone.
- A report will be tabled at the November Council Meeting.

Further information on the repair of the Hokitika Cenotaph, and the Hokitika Town Clock to be circulated to the Mayor, Councillors and Iwi representatives.

Moved Cr Baird, seconded Cr Burden and **Resolved** that:

1. The report be received.

- **Projects and Carry Forward to 2024-25**

Lynley Truman, Finance Manager spoke to this item and advised the purpose of the report is for approval of the carry forward of funding of projects, operating costs and revenues that were scheduled from previous financial years but were not completed by 30 June 2024.

The following items were discussed:

- The Franz Josef Wastewater protection wall and the Hokitika Gorge Swing bridge were not listed in the report.
- The Ross community pole shed, and land project will be progressed.

Moved Cr Baird, seconded Cr Manera and **Resolved** that:

1. The report be received.
2. Council approve the carry forward of funds for the projects itemised in Appendix 1 and operational costs or \$104,000 for audit fees for the deferred Long-Term Plan to the financial year 2024-25.
3. Council approve the future allocation of funds for specific purposes.

- **Acting Chief Executive's Quarterly Report**

Scott Baxendale, Acting Chief Executive spoke to this item and advised the purpose of the report is to provide an update on all aspects of what is happening in the Westland District and provide an update on any matters of significance and priority.

The following items were discussed:

- Custom House, a meeting will be scheduled with Heritage Hokitika
- Transportation – This item will be tabled at the October Council Meeting regarding the allocation of funding.
- Tonkin+Taylor 3 Waters Report. The Mayors from the West Coast Councils will meet in September and see what, if anything, can be done collaboratively.
 - Council has some very good freshwater treatment plants, but there is some aging underground infrastructure, and the upcoming wastewater treatment plants.

Road Safety Coordinators Role – further clarification on this role and responsibilities is required to be circulated to the Mayor, Councillors and Iwi representatives.

Moved Cr Phelps, seconded Cr Manera and **Resolved** that:

1. The Quarterly Report from the Acting Chief Executive dated 29th August 2024 be received.

PRESENTATION

- **Pounamu Pathway Presentation**

Toko Kapea, Chief Executive of Pounamu Pathway spoke to this presentation via zoom.

- Mawhera Pounamu Pathway opened in 2023.
- Kawatiri Westport Pounamu Pathway opened in February 2024, and this location is combined with the isite.
- The project that was to be in Haast will now be located in Franz Josef and will open mid 2025 with Ngai Tahu tourism.
- The Hokitika Pounamu Pathway will be in Weld Street on the existing site of Ngai Tahu Pounamu. This project will open in 2026. The creative concept drawings are complete, and a demo of the existing building on site is to come.
- A further presentation to Council is envisaged before Christmas.

Moved Cr Davidson, seconded Cr Burden and **Resolved** that:

1. The Pounamu Pathway presentation from Toko Kapea be received.

- **Geotech Summary Report – Pakiwaitara Building**

Jan Visser, Facilities and Properties Manager spoke to this item and advised the purpose of the report is to provide Council with the geotechnical report and seismic strengthening concept design for the Pakiwaitara building at 41 Weld Street, Hokitika.

The following items were discussed:

- Liquefaction is not a big concern for the building.
- The report was requested before the decision was made to put the building up for sale.

Moved Cr Davidson, seconded Cr Gillett and **Resolved** that:

1. The report and appendices be received.

LATE AGENDA ITEM

- **Hokitika Central Business District Christmas Lights**

Jan Visser, Facilities and Properties Manager spoke to this item and advised the purpose of the report was to provide an update on the Christmas lights and the options for installation.

The following items were discussed:

- At the July Council meeting a funding request was made for Christmas lights, and Council resolved that the request go out to Destination Hokitika and wider community groups for interest in funding or fundraising for the Christmas lights, with Council installing the lights each year as per the former agreement, if such funding is successful.
- The Community groups have asked that Council assist in the infrastructure required for these new Christmas lights.
- The Community groups will fund the cost of the new Christmas lights.

Moved Cr Burden, seconded Cr Manera and **Resolved** that:

1. The report be received.
2. Council purchase 4x new engineered support frames at a cost of \$14,528 for the Christmas lights supplied by the community groups and install and remove them for the festive period.

Cr Neale and Cr Phelps recorded their votes against the motion.

Cr Manera left the meeting at 2.51pm and returned at 2.52pm.

- **West Coast Wilderness Trail - Totara Bridge – Options Report**

Erle Bencich, Acting Group Manager District Assets spoke to this item and advised the purpose of the report was to seek Council directive on the future of the West Coast Wilderness Trail (WCWT) crossing structure of the Totara River in Ross.

The following items were discussed:

- The swing bridge option would involve removing large sections of the trellis to allow for anchor points.
- When Council agreed in 2010 to take on a rail bridge, there had been no maintenance for 30 years after it originally closed for rail use. The structural integrity of the bridge is poor and is now at end-of-life status.
- There are two other bridges of question along this section of the West Coast Cycle Trail, and these may cost around \$150k each in repairs but are not due for 2-3years.
- The decision to close the bridge does not have anything to do with the weight of cyclists or pedestrians, the bridges main load is its own weight. The truss section has loss of structural integrity.

- The West Coast Wilderness Trail is classified as a strategic asset hence the Totara Bridge will need to be consulted on in the future as part of the LTP.

Moved Cr Gillett, seconded Cr Davidson and **Resolved** that:

1. The report be received.
2. The West Coast Wilderness Cycle trail remain closed at the northern and southern ends of the Totara Bridge.
3. A business case be prepared with minimal cost to the ratepayer.
4. Staff to investigate if an external funding source can be found to explore alternative options for the Totara bridge or alternate routes for the Cycle Trail.

Cr Phelps recorded his vote against the motion.

Cr Burden left the meeting at 3.10pm and returned at 3.12pm.

Kw Madgwick left the meeting at 3.15pm and returned at 3.16pm.

Moved Cr Baird, seconded Cr Davidson and **Resolved that the meeting be adjourned** for a break at 3.17pm, the meeting reconvened at 3.25pm.

9. ADMINISTRATIVE RESOLUTIONS

Moved Deputy Mayor Cassin, seconded Cr Baird and **Resolved** that Council confirm its seal being affixed to the following Warrant of Appointments amendments.

<p>WARRANT OF APPOINTMENT – Amendment to add to the following warrants:</p> <ul style="list-style-type: none"> • Wayne Knightbridge - Environmental Health / Regulatory Officer. • Yolanda Knoetze – Alcohol Licencing Inspector. • Clare Lomax – Animal Control Officer. • Lee Buchanan – Health and Safety & Compliance Officer. • Vern Morris – Compliance Team Leader. • Erle Bencich – Acting Group Manager. • Jan Visser – Facilities and Properties Manager. • David Louw – Project Manager, Operations. • Martin Ross – Engineer 3 Waters. • Darcy Lucas – Facilities and Property Coordinator. • Karl Jackson – Transportation Manager. • John Bainbridge – Transportation Officer. 	<p>Litter Control Officers Under Section 5 of the Litter Act 1979</p> <p>(1) Every public authority may from time to time, either alone or jointly with another public authority or other public authorities, appoint any suitable person or persons (whether already employed by an authority or not) to be a Litter Control Officer to exercise the powers and duties conferred on the Officer by this Act—</p> <p>(a) within the district or districts of the public authority or public authorities which appointed him and within any other area or place under the control of that authority or those authorities; or</p> <p>(b) if the appointing authority or authorities think fit, within such part or parts of their district or districts or other areas or places under their control as they may specify in his warrant of appointment supplied under subsection (3).</p> <p>(2) Every such appointment shall be on such terms concerning remuneration and other conditions of employment as the appointing authority or authorities may determine.</p> <p>(3) The authority shall supply to every Officer appointed by it a written warrant evidencing the appointment, and the production of that warrant shall be sufficient proof of the appointment.</p> <p>(4) Every Officer shall, on the termination of his appointment, whether by removal from office or by resignation, surrender to the authority employing him his warrant of appointment.</p> <p>Under Section of the Litter Amendment Act 1990</p> <p>(1) This subsection substituted section 5(3) of the principal Act.</p> <p>(2) This subsection amended section 5(4) of the principal Act.</p>
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<ul style="list-style-type: none"> Christy George – Assistant Transportation Engineer. 	<p>(3)Every Officer appointed under section 5 of the principal Act who, at the commencement of this section, has in his or her possession an insignia of office issued under the principal Act shall surrender it on demand to the employing authority.</p>
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10. KA MATATAPU TE WHAKATAUNGA I TE TŪMATANUI
RESOLUTION TO GO INTO PUBLIC EXCLUDED
(to consider and adopt confidential items)

Moved Cr Burden, seconded Cr Gillett and **Resolved** that Council confirm that the public were excluded from the meeting in accordance with Section 48, Local Government Official Information and Meetings Act 1987 at 3.26 pm.

The general subject of the matters to be considered while the public are excluded, the reason for passing this resolution in relation to each matter and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of the resolution are as follows:

Item No.	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
1.	Confidential Minutes – Council Meeting - 27 June 2024	Good reason to withhold exist under Section 7	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)
2.	Confidential Minutes – Extraordinary Council Meeting - 6 August 2024	Good reason to withhold exist under Section 7	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)
3.	Minutes to be received: Confidential Risk and Assurance Committee Meeting - 9 May 2024	Good reason to withhold exist under Section 7	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)
4.	Confidential Risk Report	Good reason to withhold exist under Section 7	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)

5.	Confidential Lower Hokitika Gorge Suspension Bridge 2024-25-03 – Tender Approval	Good reason to withhold exist under Section 7	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)
6.	Confidential Hokitika Racecourse Development Report	Good reason to withhold exist under Section 7	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)

This resolution is made in reliance on sections 48(1)(a) and (d) of the Local Government Official Information and Meetings Act 1987 and the particular interests or interests protected by section 7 of that Act, which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public are as follows:

Item No.	Interest
1	Protect the privacy of natural persons, including that of deceased natural persons (S. 7(2)(a))
1, 2, 5, 6	Protect information where the making available of the information: (i) would disclose a trade secret; and (ii) would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information (S. 7(2)(b))
1	Avoid prejudice to measures that prevent to mitigate material loss to members of the public. (S. 7(2)(e))
1	Maintain the effective conduct of public affairs through: (i) The protection of such members, officers, employees, and persons from improper pressure of harassment (S. 7(2)(f))
1, 4	Maintain legal professional privilege; or (S. 7(2)(g))
1, 4	Enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities; or (S. 7(2)(h))
1, 2, 5, 6	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (S. 7(2)(i))
1, 2, 5, 6	Prevent the disclosure of use of official information for improper gain or improper advantage. (S. 7(2)(j))

Moved Cr Burden, seconded Cr Baird and **Resolved** that the business conducted in the 'Public Excluded Section' be confirmed and accordingly, the meeting went back to the open part of the meeting at 4.25 pm.

**DATE OF NEXT ORDINARY COUNCIL MEETING – 26 SEPTEMBER 2024
COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA AND VIA ZOOM**




MEETING CLOSED AT 4.25 PM

Confirmed by Council at their meeting held on the 26th September 2024.

Mayor Helen Lash
Chair

Date

22.02.24 – COUNCIL MEETING ACTION LIST

Item No.	Date of Meeting	COMPLETED IN PROGRESS OVERDUE	Item	Action	Completion Date/Target Date	Officer	Status
1	26.08.21		Pakiwaitara Building, 41 Weld Street Hokitika Council Headquarters, 36 Weld Street, Hokitika	Business case and scope of work to be brought to Council after the structural elements of the work have been identified, costed and timelines finalized.	June 24	CE	Pakiwaitara – Geotech reports have been presented to Council. The building will be put forward for sale as part of the LTP. Council HQ – Staff are working on the body of work regarding rates affordability and upcoming projects.
2	30.05.24		Hokitika Gorge Bridge	Replacement of the original swing bridge at the Hokitika Gorge.		CE	DOC gave a detailed update at the July Council meeting. A successful tender process has been completed and the timeline for bridge replacement is running to schedule.
3	27.06.24		Community Housing Trust	Available Council land to contribute to the Community Housing Trust		CE	A meeting with Whare Iraia from Development West Coast was held regarding this. Whare will come back to Council in the future regarding this. Recommend that this item be removed.

Report to Council



DATE: 26 September 2024
TO: Mayor and Councillors
FROM: Finance Manager

FINANCIAL PERFORMANCE – AUGUST 2024

1. Summary

- 1.1. The purpose of this report is to provide an indication of Council’s financial performance for the month to 30 August 2024.
- 1.2. This issue arises from a requirement for sound financial governance and stewardship with regards to the financial performance and sustainability of a local authority.
- 1.3. Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by the Council in June 2024, which are set out in the Enhanced Annual Plan 2024/2025. Refer page 2 of the agenda.
- 1.4. This report concludes by recommending that Council receive the financial performance report to 30 August 2024.

2. Background

- 2.1. Council receives monthly financial reporting so that it has current knowledge of its financial performance and position against budgets. A more detailed performance report is presented to the Risk and Assurance Committee (R&A Committee), on a quarterly basis which includes non-financial information against KPI’s adopted through the Long Term Plan.

3. Current Situation

- 3.1. The information in the report is of a summarised nature, with only permanent variances over \$25,000 having comments. Temporary differences which are mainly budget phasing are not commented on as these will either approximate budget by the end of the financial year or become a permanent variance which will be noted.
- 3.2. With the inclusion of the sustainability report, it is not necessary to include such detail to Council in the financial report, as the key business indicators are included in the sustainability report. A number of these indicators make up part of the covenants required to be reported half-yearly to the Local Government Funding Agency.
- 3.3. The financial performance report to 30 August 2024 is attached as **Appendix 1** and contains the following elements;
 - 3.3.1. Sustainability report
 - 3.3.2. Statement of Comprehensive Revenue and Expense

- 3.3.3. Notes to the Statement of Comprehensive Revenue and Expense
- 3.3.4. Revenue and Expenditure Graphs
- 3.3.5. Debtors
- 3.3.6. Debt position
- 3.3.7. Capital Report

4. Options

- 4.1. Option 1: That Council receives the Financial Performance Report to 30 August 2024.
- 4.2. Option 2: That Council does not receive the Financial Performance Report to 30 August 2024.

5. Risk Analysis

- 5.1. Risk has been considered and no risks have been identified in receiving the report, however if Council did not receive the report, it could be perceived that there was a lack of financial stewardship leading to reputational risk and conduct risk.

6. Health and Safety

- 6.1. Health and Safety has been considered and no items have been identified.

7. Significance and Engagement

- 7.1. The level of significance has been assessed as being low as the report is for information purposes only.
- 7.2. No public consultation is considered necessary

8. Assessment of Options (including Financial Considerations)

- 8.1. Option 1: The Council receives the report. This report is to inform Council on the monthly financial position and to encourage financial stewardship.
- 8.2. Option 2: If the Council does not receive the report there will be no oversight of the financial position of Council or whether the costs of Council are being managed in line with budgets.
- 8.3. There are no financial implications to these options.

9. Preferred Option(s) and Reasons

- 9.1. The preferred option is Option 1.
- 9.2. The reason that Option 1 has been identified as the preferred option is that the report is administrative in nature and to do nothing could create risks to council. Council would be carrying out its administrative stewardship in receiving the report.

10. Recommendation(s)

- 10.1. That the Financial Performance Report for 30 August 2024 be received.

Lynley Truman
Finance Manager

Appendix 1: Finance Performance Report for 30 August 2024

Appendix 1



Financial Performance Year to 30 August 2024

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Sustainability Report

Total revenue	Total expenditure	Total surplus/(deficit)
\$4.63M	\$6.80M	\$(2.17)M
Is 0.07% more than the total budget of \$4.63M	Is 13.23% more than the total budget of \$6M	Is 57.58% less than the total budget of \$(1.37)M

SUSTAINABILITY

Rates to operating revenue **68.68%**

Rates Revenue	\$3.18M
Operating Revenue	\$4.63M

68.68% of operating revenue is derived from rates revenue. Rates revenue includes penalties, water supply by meter and is gross of remissions. Operating revenue excludes vested assets, and asset revaluation gains.

Balanced budget ratio **68.14%**

Operating revenue	\$4.63M
Operating expenditure	\$6.80M

Operating revenue should be equal to or more than operating expenditure. Operating revenue excludes vested assets and asset revaluation gains. Operating expenditure includes depreciation and excludes landfill liability and loss on asset revaluations. Year to date revenue is 68.14% of operating expenditure.

Interest to rates revenue (LGFA Cov.) **3.29%**

Net interest and finance	\$0.1M
Rates Revenue	\$3.18M

3.29% of rates revenue is paid in interest. Our set limit is 25% of rates revenue. Net interest is interest paid less interest received. 3.29% indicates that interest revenue is less than interest expense. Rates revenue includes penalties, water supply by meter and gross of remissions.

Interest to operating revenue **2.26%**

Net Interest and finance	\$0.1M
Operating revenue	\$4.63M

2.26% of operating revenue is paid in interest. Our set limit is 10% of operating revenue. Net interest is interest paid less interest received. 2.26% indicates that interest revenue is less than interest expense.

Liquidity Risk (LGFA Cov.) **127.00%**

Gross debt	\$34.32M
Undrawn committed facilities	\$3.98M
Cash and cash equivalents	\$7.86M

The liquidity risk policy requires us to maintain a minimum ratio of 110% which is also an LGFA covenant. Council's current liquidity risk is 127%.

Essential services ratio **16.21%**

Capital expenditure	\$0.19M
Depreciation	\$1.14M

Capital expenditure should be equal to or more than depreciation for essential services. Year to date capex is 16.21% of depreciation. Essential Services (ES) are Water Supply, Wastewater, Stormwater, and Roding.

Statement of Comprehensive Revenue and Expenditure

	Notes	Full Year Forecast (\$000)	Full Year Budget (\$000)	YTD Budget (\$000)	Actual YTD (\$000)	Variance YTD (\$000)	Var/Bud %
Revenue							
Rates	01	22,811	22,958	3,327	3,180	(147)	(4.42%)
Grants and subsidies	02	13,286	13,268	391	409	19	4.74%
Interest Revenue	03	1,183	1,121	187	250	63	33.57%
Fees and Charges	04	2,648	2,536	437	549	112	25.65%
Other revenue	05	1,635	1,678	286	242	(43)	(15.16%)
Total operating revenue		41,564	41,561	4,628	4,631	3	0.07%
Expenditure							
Employee Benefit expenses	06	7,291	7,152	1,192	1,330	138	11.60%
Finance Costs	07	1,821	1,760	293	354	61	20.71%
Depreciation	08	9,074	9,074	1,512	1,512		0.00%
Other expenses	09	20,186	19,590	3,004	3,600	595	19.82%
Total operating expenditure		38,371	37,576	6,002	6,796	794	13.23%
Operating Surplus/(Deficit)		3,192	3,984	(1,374)	(2,165)	(791)	58%

Notes to the Statement of Comprehensive Revenue and Expenditure

Comments are provided on permanent variances over \$25,000.

01 Rates

Variance is due to revenue from metered water charges being lower than forecast.

02 Grants and subsidies

The full year budget for this year includes \$1.56M relating to infrastructure for the Racecourse project, \$142k of this has been received.

Tranche 1 for the Mayor's Task Force for Jobs has been invoiced, yet to be received, \$117k.

03 Interest Revenue

Not included in the budget was the interest to be recouped from our CCTOs for loans held on their behalf. \$70k of the interest revenue relates to this CCTO interest, which is offset by the interest expense accrued for these loans - see Note 07 below.

04 Fees and charges

Building and resource consent fees are over by \$35k and \$9k respectively due to higher consent numbers than anticipated as well as higher complexity (leading to more hours charged). This is offset by the variance in consent processing costs (\$13k over). Waste disposal levy payments are \$25k over due to higher than expected tourist numbers and escalations.

05 Other Revenue

Non-cash gain on swaps have been budgeted, however the year has started with significant losses on swap value - see Note 09 for more detail.

06 Employee benefit expenses

No specific significant variances.

07 Finance Costs

As mentioned in Note 03, the variance relates to interest expense on loans held on behalf of our CCTOs. This is offset by the revenue from the CCTOs who bear the interest expense, plus a small margin.

08 Depreciation

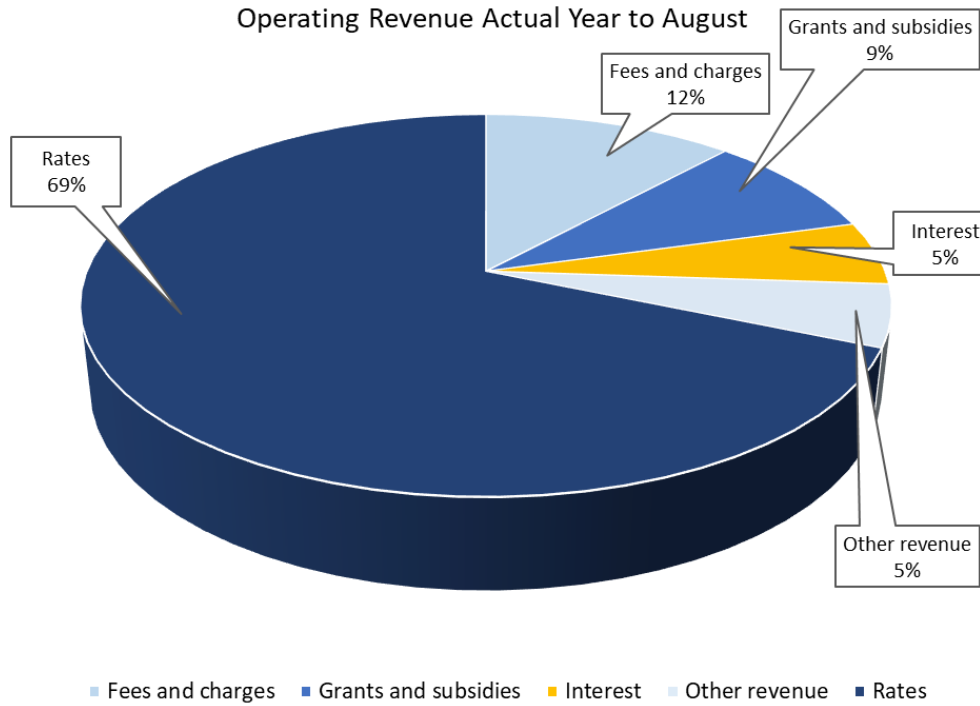
Depreciation has been accrued to budget pending audit confirmation of 2023/24 asset revaluations.

09 Other expenses

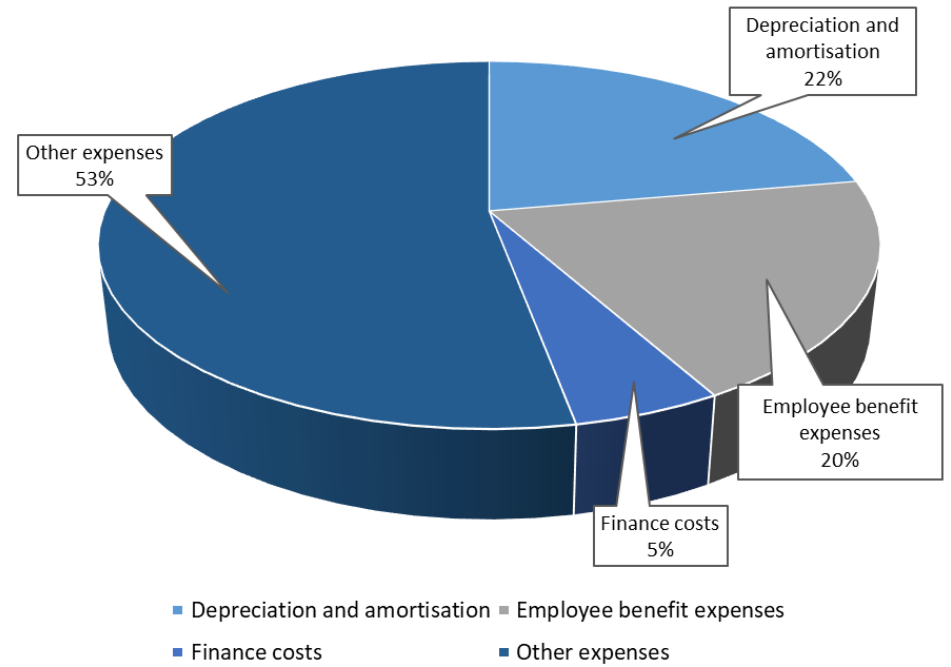
Non-cash loss on swaps of \$567k has been recognized this year due to a significant drop in forecast interest rates.

Revenue & Expenditure Graphs

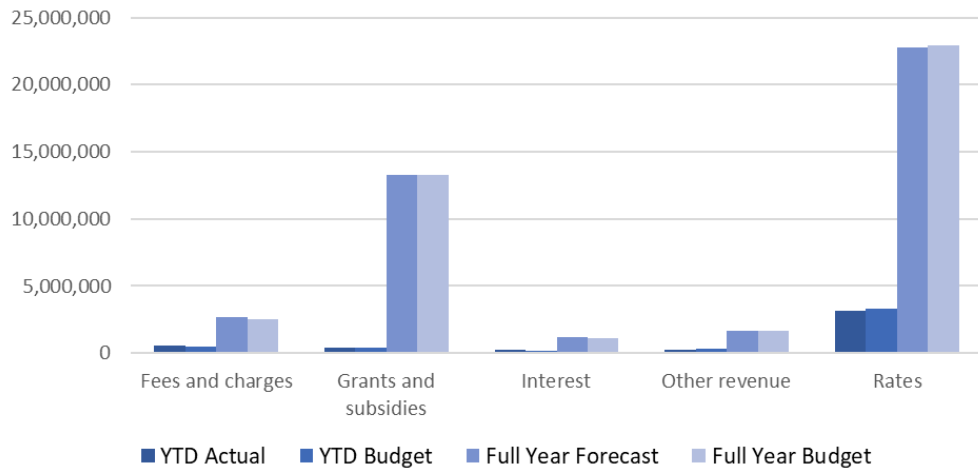
Operating Revenue Actual Year to August



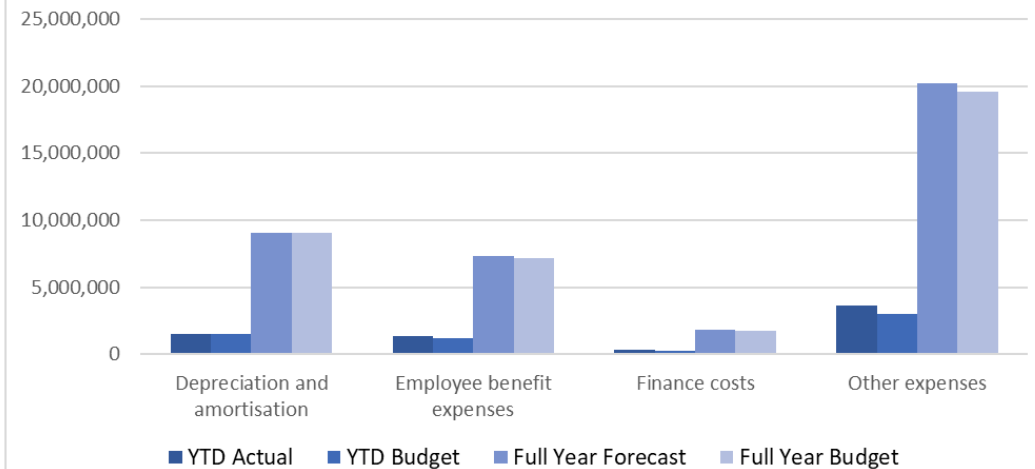
Operating Expenditure Actual Year to August



Operating Revenue



Operating Expenditure



Debtors 30 August 2024

31/08/2024

Type	Over 90 Days	60-90 Days	30-60 Days	Current	Total (\$)
Building Consents	25,370	4,812	12,734	65,141	108,058
Building Warrants	430	2,586	1,987	24,537	29,540
Resource Consents	38,836	7,150	8,511	13,014	67,511
Sundry Debtors	150,848	3,343	10,585	90,856	255,632
Grant Debtors	110,829	-	134,550	276,981	522,360
Grand Total	326,313	17,891	168,367	470,530	983,101

31/08/2023

Type	Over 90 Days	60-90 Days	30-60 Days	Current	Total (\$)
Building Consents	44,178	4,735	16,445	77,833	143,191
Building Warrants	-	2,323	2,240	4,703	9,266
Resource Consents	4,300	18,540	3,900	8,301	35,041
Sundry Debtors	62,097	3,939	39,857	97,586	203,478
Grant Debtors	72,450	-	1,725,000	73,006	1,870,456
Grand Total	183,025	29,537	1,787,442	261,428	2,261,432

Grants outstanding as at 31/08/2024

Date Invoiced	Project	Total (\$)
20/12/2023	Better off Funding - Community Halls	91,647
22/02/2024	Custom House Restoration claim	19,182
16/07/2024	Mayor's Task Force - Tranche 1	134,550
29/08/2024	Better off Funding - Community Halls	122,381
29/08/2024	Better off Funding - Community Halls	154,600
		522,360

Rates Debtors 30 August 2024

Rates Debtors at 31 July 2024	5,038,183
Rates instalment	(12,701.25)
Less payments received	(5,812,871.16)
Paid in advance change	1,833,827.33
Previous years write off's	(3,943.03)
Write off's	(411.12)
Penalties	72,772.81
Discounts	(50,053.28)
Court Cost	-
	(3,973,379.70)
Total Rates Debtors at 31 August 2024	1,064,802.97
Arrears included above at 31 August 2024	1,064,803
Arrears at 31 August 2023	725,468
Increase/(decrease) in arrears	339,335

Debt Position

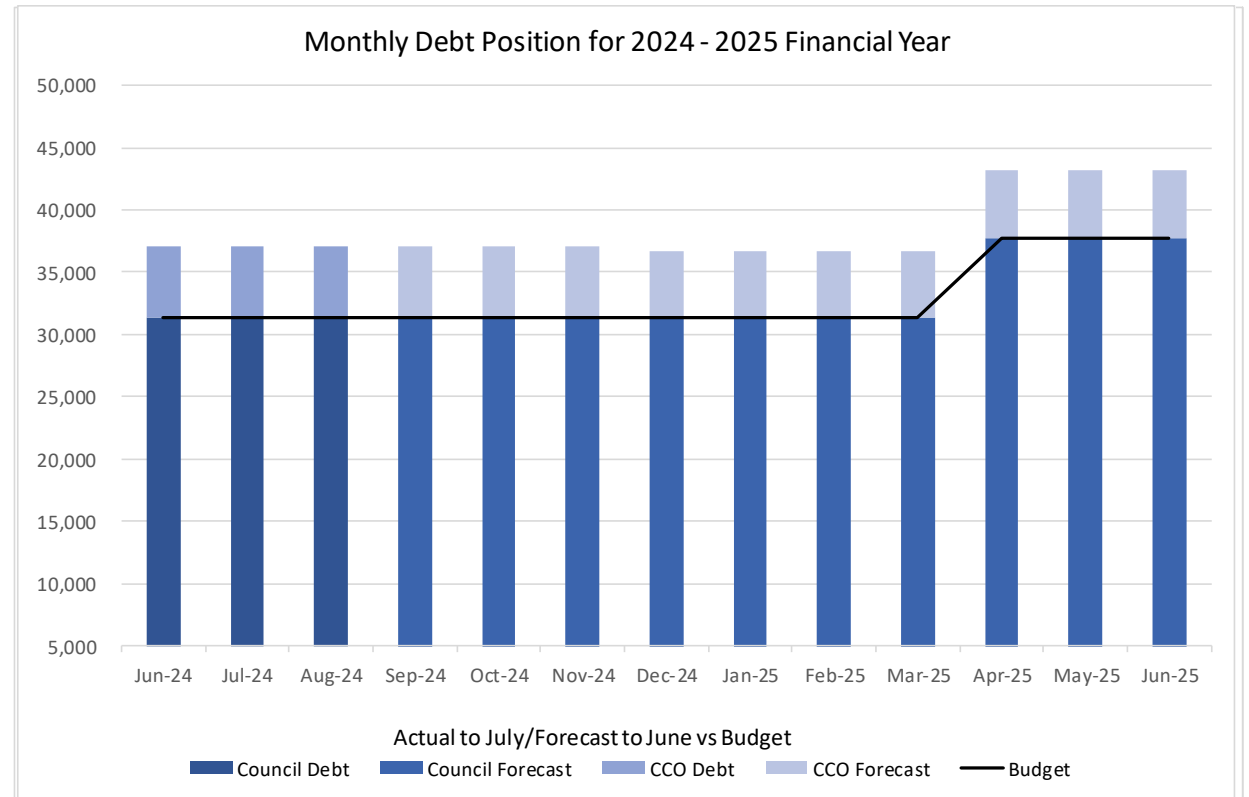
Debt Position 2024/2025 (\$000)

	Jun-24	Jul-24	Aug-24	Sep-24	Oct-24	Nov-24	Dec-24	Jan-25	Feb-25	Mar-25	Apr-25	May-25	Jun-25
Actual Debt Position	37,044	37,044	37,044										
Budget	31,318	31,318	31,318	31,318	31,318	31,318	31,318	31,318	31,318	31,318	37,706	37,706	37,706
Forecast				31,318	31,318	31,318	31,318	31,318	31,318	31,318	37,706	37,706	37,706

Forecast Debt Position for 2023-2024 Financial Year

	Jun-24
Forecast as at	37,044
Opening balance	37,044
Loan funded capex forecast	9,888
Forecast repayments 2023-24	-3,800
Forecast balance June 2025	43,132

Figures include CCTO loans not originally budgeted for



Capital Expenditure

Capital Projects 2024/25 As at 30/08/2024			
Project / Activity	YtD Expenses	Annual Plan	Forecast
Leadership	12,366	577,291	135,004
Planning & Regulatory Services	0	186,939	0
Library & Museum	10,163	113,126	68,080
Water Supply	1,924	2,516,011	75,839
Waste Water	80,843	4,555,618	239,882
Solid waste	0	767,891	65,352
Storm water	2,730	1,392,340	2,730
Cemeteries	121	98,129	6,916
Swimming pools	0	635,249	0
Facilities & leisure services - other	109,473	2,611,444	445,596
Parks & reserves	8,647	1,036,786	370,714
Land transportation	96,959	9,240,974	122,821
Better Off Funded Projects	115,030	622,586	164,291
Less Operational Better Off Funding	(32,724)	(392,804)	(32,724)
Total Less Operational Better Off Funding	82,307	229,782	131,567
Unbudgeted capital expenditure	5,419	0	5,419
Funded Projects	0	0	0
Total	443,675	24,354,384	1,702,643
Total Less Operational Better Off Funding	410,951	23,961,580	1,669,919

For full details, please refer to report from District Assets.

Report to Council



DATE: 26 September 2024
TO: Mayor and Councillors
FROM: Asset Strategy and Development Manager

ASSET MANAGEMENT POLICY

1. Summary

- 1.1. The purpose of this report is to adopt the draft Asset Management Policy.
- 1.2. The Policy proposed is an update of the existing Asset Management Planning Policy.
- 1.3. The Asset Management Planning Policy was adopted in November 2019 and was due for review in November 2022.
- 1.4. Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by the Council in June 2024, which are set out in the Enhanced Annual Plan 2024/2025. Refer page 2 of the agenda.
- 1.5. This report concludes by recommending that Council adopt the Asset Management Policy, as attached in **Appendix 1**.

2. Background

- 2.1 The reason this report has come before the Council is due to the Asset Management Planning Policy requiring review in November 2022.
- 2.2 If adopted, the revised policy will guide the implementation of good practice asset management across Council. This will bring current practices in line with recent standards, address existing shortcomings, and prepare for future needs.
- 2.3 The revised Policy broadens the scope of the existing policy by outlining our approach to the asset management system.

3. Current Situation

- 3.1. The current situation is that the current policy, Asset Management Planning Policy as attached in **Appendix 2**, is out of date and not fit for purpose.

4. Options

- 4.1. Option 1: That Council adopts the revised Asset Management Policy.
- 4.2. Option 2: That Council retains the existing Policy.

5. Risk Analysis

5.1. Risk has been considered and the following risks have been identified; Financial and compliance risk.

- 5.1.1. There is a risk that Council's asset management will remain largely reactive rather than proactive. The ageing state of our infrastructure, coupled with external challenges such as extreme weather events and increased compliance requirements, has compounded the reactive nature of asset management. The current policy does not outline the tangible benefits of effective asset management to Council's activities, which may have lowered the organisational priority it requires.

6. Health and Safety

6.1. Health and Safety has been considered and no items have been identified.

7. Significance and Engagement

7.1. The level of significance has been assessed as being low as the process of community engagement will occur during the Long Term Plan process.

- 7.1.1. No public consultation is considered necessary.

8. Assessment of Options (including Financial Considerations)

8.1. Option 1 – That Council adopt the revised Asset Management Policy. This defines the principles, objectives and responsibilities for implementing good practice asset management across Westland.

8.1.1. The following implications have been identified;

- Without due diligence and adequate consideration, the consequences of reactive asset management can have unexpected financial implications for Council. Poor maintenance strategies lead to more frequent component replacements and rebuilds. Adequate consideration through the adoption of this policy reduces this risk, as a maintenance programme can be budgeted and funded.

8.2. Option 2 – That Council retain the existing policy.

8.2.1. The following implications have been identified;

- There are risks that the consequences of reactive asset management will have unexpected financial implications to Council. Poor maintenance strategies lead to more frequent component replacements and rebuilds.

9. Preferred Option(s) and Reasons

9.1. The preferred option is Option 1.

9.2. The reason that Option 1 has been identified as the preferred option is that it will ensure that Council is continually improving its asset management practices.

10. Recommendation(s)

10.1. That the report be received.

10.2. That Council adopts the Asset Management Policy.

10.3. That Council authorises the Acting Chief Executive to make any necessary minor drafting or presentation amendments to the Asset Management Policy prior to final publishing.

Alicia Paulsen
Asset Strategy and Development Manager

- Appendix 1:** Asset Management Policy
- Appendix 2:** Asset Management Planning Policy

Asset Management Policy

1. Purpose

The purpose of the Asset Management Policy is to define the principles, objectives and responsibilities for implementing good practice asset management across Westland District Council.

1.1 Background

The Local Government Act 2002, Section 10 set outs the requirement for “the provision of efficient and effective infrastructure that meets the existing and foreseeable needs of the community”.

Asset management is a process to guide the planning, acquisition, operation, maintenance, renewal and disposal of assets. The objective of asset management is to maximise service delivery potential while managing related risks and costs over the lifecycle of the assets.

Council acknowledges and adheres to the legislation and strives to improve its asset management maturity through continuously improving process and practice.

1.2 Scope

Council provides a wide range of services to the community across the district. This policy applies to the following infrastructure assets:

Activity	Descriptor
Transportation	Roads, bridges, culverts, footpaths, kerb and channels, streetlights, signs and road markings.
Water Supply	Treatment Plants, pipelines, and pump stations.
Wastewater	Treatment plants, gravity mains, rising mains, and pump stations.
Stormwater	Pipelines and pump stations.
Solid Waste	Landfill and transfer stations.
Property & Facilities	Land and buildings.
Parks, Reserves & Cemeteries	Public reserves, cemeteries, playgrounds and walkways.
Cycle Trail	Cycle trail, bridges, drainage, shelters and signs.

This policy does not apply to Council owned furniture, IT equipment and passenger vehicles, or the assets of the Council Contractors.

It applies to all staff who are involved in the management of assets, including the acquisition, construction, and disposal of assets, together with all staff or contractors responsible for maintaining and reporting on assets.

1.3 Commencement

This policy comes into force on **DAY MONTH YEAR**.

1.4 Definitions

“**Asset Management Maturity/Index**” means the level of advancement of asset management practices within an organisation or activity. The maturity index classifications are Aware, Basic, Core, Intermediate and Advanced.

“**Asset/Activity Management Plan (AM Plan)**” means a plan that outlines how Council will achieve the outcomes for the community based on the set levels of service.

“**Asset Management System (AMS)**” means a management system for asset management, a set of interrelated or interacting elements which establishes policies, objectives, and processes to achieve the objectives.

“**Depreciation**” means the systematic allocation of the depreciable amount (often referred to as the cost of consumption of the asset by ratepayers) of an asset over its useful life.

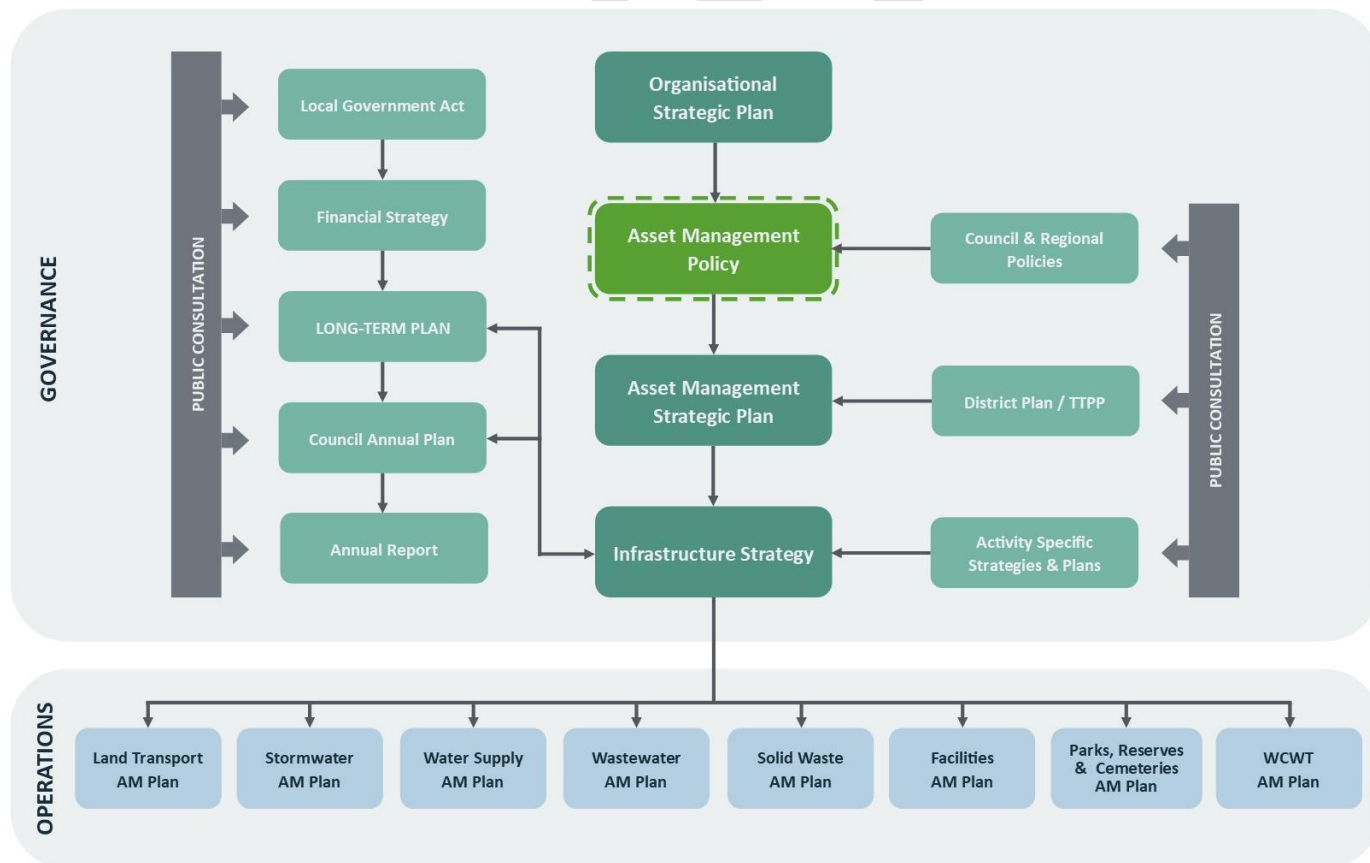
“**International Infrastructure Management Manual (IIMM)**” means a comprehensive manual on how to prepare and use Asset Management Plans.

“**Level of Service**” means the defined intended standards of outcome to be provided to the community relative to their desire to pay, and how this standard will be measured to ensure performance.

2. Policy

2.1 Strategic Context

There are a number of internal and statutory documents that specify the asset related functions and activities of Council. The relationship between this policy, Infrastructure Strategy, Long Term Plan and other asset management documents is shown in the diagram below.



2.2 Policy Statement

Council will manage the districts assets and deliver associated activities in a well planned, cost effective, coordinated and sustainable manner at an agreed level of service.

Council will develop activity management plans that are industry standard and appropriate for the scale of assets being managed. These plans will reflect the strategies and priorities of Council and will be used to drive day to day management and decision making.

Council will use activity management plans to fulfil its statutory obligations for compliance with the Local Government Act and other legislation.

2.3 Policy Principles

Council will adhere to the following principles in asset management planning:

- Align asset management decisions with organisational strategy and goals
- Incorporate lifecycle management, from planning to disposal, in decision making
- Consult with stakeholders to determine appropriate levels of service
- Recognise the risks associated with the delivery of the agreed level of service and manage them appropriately
- Make decisions with a long term, inter-generational approach
- Monitor, measure and report on assets and asset management performance
- Develop the capability of people and teams and ensure all staff understand their roles and responsibilities
- Ensure asset information is accurate and up to date as possible and use it to make evidence based decisions
- Support implementation of asset management systems and tools
- Implement efficient and effective service delivery models
- Ensure compliance with all legislative and regulatory requirements
- Incorporate climate resilience considerations in decision making
- Measure, advance and improve the asset management system to a core level of maturity

2.4 Policy Objectives

1. To provide a consistent approach to asset management planning and ensure plans reflect the strategic direction of Council.
2. To demonstrate to the community that Council recognises the importance of managing the districts assets in a sustainable manner to deliver appropriate levels of service across current and future generations.
3. To drive asset management maturity within Council.

3. Roles and Responsibilities

The roles and responsibilities for Council staff are:

Role	Responsibility
Council Elected Members	<ul style="list-style-type: none"> • Represent the interests of the community. • Review, approve and/or Adopt the Annual Report, Annual Plan, Long-Term Plan, Infrastructure Strategy and Asset Management Plans. • Strategic governance oversight of operational and capital expenditure.
Executive Leadership Team	<ul style="list-style-type: none"> • Agree the Asset Management Policy Strategy, and Asset Management Plans, ensuring alignment with LTP, and present to council for approval. • Provide strategic oversight and monitor and review the operational performance against the Strategy and improvement plans. • Implement the Asset Management Policy and Strategy, within the financial resources. • Ensure appropriate asset management capability and capacity is developed to meet current and future needs.
District Assets Senior Management	<ul style="list-style-type: none"> • Implement the Asset Management Policy, Strategy, Asset Management Plan, and improvement plans. • Develop and implement maintenance, renewal, and capital works programmes in accordance with the Asset Management Policy, Strategy and Plans. • Engage with iwi, community, and stakeholders on long term asset planning. • Deliver levels of service to agreed acceptable risk and within approved financial parameters. • Provide quality asset data and trend information to support strategic decision making. • Lead the integration of asset management principles into operational planning practices and processes.

4. Reporting

None perceived.

5. Related Documents and Acts

The following Westland District Council documents relate to this policy:

Policy, Plan or Strategy	Relationship to 'the Policy'
Existing Asset Management Planning Policy	The existing Asset Management Planning Policy will be superseded by this document.
Infrastructure Strategy	Subordinate to the policy and contains the 30-year strategy for managing infrastructure activities at a higher level of detail than individual Activity Management Plans.

Long Term Plan	Subordinate to the policy and contains the 10-year plan for managing activities across Council.
Strategic Asset Management Plan	To be developed – Subordinate to the policy and will contain asset management objectives and Councils strategic approach to asset management.
Activity Management Plans	Subordinate to the policy and highlights levels of service and lifecycle management of assets for each activity.
Annual Plan	Subordinate to the policy and includes any changes from the Long Term Plan since it was prepared.
Annual Report	Subordinate to the policy and reports against the Long Term Plan on financial and non financial criteria.
Financial Strategy	Subordinate to the policy and outlines how the Councils Long Term Plan will be funded.
Council Risk Framework	The Risk Framework prescribes in detail the risk approach used by Council. This approach will be used in asset management decision making – as outlined in this policy.

The following Legislation relates to this policy:

- Local Government Act 2002,
- Building Act 2004,
- Burial and Cremation Act 1964,
- Health Act 1956,
- Land Transport Management Act 2003,
- Reserves Act 1977,
- Resource Management Act 1991.
- Climate Change Response Act 2002,
- Litter Act 1979,
- Waste Minimisation Act 2008,
- Heritage New Zealand Pouhere Taonga Act 2014,
- Walking Access Act 2008,
- Health and Safety Act 2015,
- Utilities Access Act 2010,
- Taumata Arowai Water Services Regulator Act 2020

Note: Any legislation referred to should be interpreted as meaning the Act and its amendments

This policy also refers to best practice which is outlined in the:

- International Infrastructure Management Manual (IIMM)
- ISO 55000 Asset Management Standards

6. Implementation of the Policy

This policy will be implemented in conjunction with Activity Management Plans and the Long Term Plan. And will be actively communicated during planning and operational delivery.

Gaps in asset management practice will be identified through an asset management maturity assessment following the Long Term Plan Process. These will be transferred to the asset management improvement programme for action and will be monitored by the District Assets Team.

7. Policy Review

A review of this policy will take place every three years as part of the of the Long Term Plan process.

Created:	15-03-2024	Date for review:	
Author:	Alicia Paulsen	Authorised by:	
Consulted on:		Version	1

DRAFT

Asset Management Planning Policy

1. Purpose

This policy details the approach taken by the Westland District Council regarding the development of Asset (and/or Activity) Management Plans.

1.1 Commencement

This policy comes into force on the 29 November 2019.

1.2 Definitions

- **Asset/Activity Management Plan (AMP)** – A plan prepared in accordance with the IIMM that details how a particular group of Council assets will be managed and maintained to ensure the efficient and cost-effective delivery of the related activity/service to the community.
- **International Infrastructure Management Manual (IIMM)** – A comprehensive manual on how to prepare and use Asset Management Plans. The IIMM was updated in 2015 and contains guidance, methods, best practice and case studies within a New Zealand context.
- **Levels of Service** – Details the intended standard of outcome (known as level of service) to be provided to the community relative to their desire to pay (affordability), and how this standard will be measured to ensure performance.
- **Maturity Index** – A method used in the IIMM to determine both the scope and scale of the detail within an AMP. The maturity index classifications are Aware, Basic, Core, Intermediate and Advanced.

2. Policy

To prepare comprehensive Asset Management Plans (AMPs) that detail how activities and assets are to be provided, to fulfil statutory compliance obligations relating to legislation listed below, especially Schedule 10 of the Local Government Act 2002. AMPs should be reviewed and updated every three years and cover levels of service, future work programmes, funding requirements and performance measures. The preparation and level of complexity of each AMP needs to be fit for purpose and aligned with the significance of the activity. The International Infrastructure Management Manual (IIMM) identifies a Maturity Index, which specifies the details to be included in an AMP and five levels of asset maturity, these being: Aware, Basic, Core, Intermediate and Advanced. Westland District Council should aspire for all Asset Management Plans to meet the requirements of the “Core” level, which is considered to be an appropriate level of asset maturity for districts with a rating population of less than 10,000 people.

3. Implementation and Procedures

1. That the Westland District Council prepare Asset Management Plans in general accordance with the International Infrastructure Maintenance Manual (IIMM).
2. That an AMP be updated for each Westland District Council group of asset-related activities every three years in line with each Long Term Plan cycle. This includes:
 - Roading (including roads, road reserves, footpaths, kerbs, gutters, signage, bridges and street lighting)
 - Water supply plant, networks and systems
 - Wastewater plant, networks and systems
 - Stormwater and drainage assets
 - Solid waste and recycling assets
 - Cycle trails
 - Buildings (including Pensioner Housing, Swimming Pools, Public Toilets)
 - Parks, reserves and cemeteries
3. That an IIMM Maturity Index classification be determined for each AMP prepared, and that Council adopt a continuous improvement approach to progress the quality of AMPs to meet at least all the “Core” requirements.
4. That all bylaws related to the activity of each Asset Management Plan be reviewed concurrently every three years to ensure alignment with the AMP and current operations.
5. That AMPs are created using appropriate industry standards and guidelines for the asset class to appropriately and sustainably manage risk.

Asset Management Planning Policy

6. That WDC involve and consult with the community and key stakeholders in determining appropriate levels of service, balancing community expectations with what is realistic and affordable.
7. That WDC allocate appropriate resources to ensure asset information can be regularly reviewed by way of condition assessments to manage infrastructure assets in a planned, systematic manner to allow for informed decision-making to occur.

4. Related Documents and Acts

- Local Government Act 2002 & LGA Amendment Act 2014
- Land Transport Management Act 2003 & Amendment Act 2013
- Resource Management Act 1991 & amendments
- Health Act 1956
- Building Act 2004
- 30-year Infrastructure Strategy
- Financial Strategy and Financial policies
- Long Term Plan
- Westland District Council bylaws

5. Policy Review

A review of this policy will take place in September 2022.

Created:	22.11.2019	Date for review:	28.11.2022
Author:	District Assets staff member	Authorised by:	Council
Consulted on:	-	Version	1

Report to Council



DATE: 26 September 2024
TO: Mayor and Councillors
FROM: Asset Strategy and Development Manager

PROCUREMENT POLICY

1. Summary

- 1.1. The purpose of this report is to adopt the draft Procurement Policy.
- 1.2. The draft Policy is an update of the existing Policy on Procurement.
- 1.3. The Policy on Procurement was adopted on 23 August 2018 and was due for a review in August 2021.
- 1.4. Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by the Council in June 2024, which are set out in the Enhanced Annual Plan 2024/2025. Refer page 2 of the agenda.
- 1.5. This report concludes by recommending that Council adopt the Procurement Policy, as attached in **Appendix 1**.

2. Background

- 2.1 The reason the report has come before the Council is due to the Policy on Procurement requiring review in August 2021.
- 2.2 If adopted, the revised policy will guide the implementation of best practice procurement. As well as reflecting changes in the relevant rules and legislation.
- 2.3 This Policy sits alongside the Procurement Strategy that was adopted by Council in May 2021 and is due for renewal in July 2025.

3. Current Situation

- 3.1. The current situation is that the current policy, Policy on Procurement as attached in **Appendix 2**, is out of date and not fit for purpose.
- 3.2. The revised Policy includes several key changes:
 - 3.2.1. Changes to the thresholds for procurement methods;
 - 3.2.2. Inclusion of procurement plans for moderate, significant and major expenditure (above \$20,000);
 - 3.2.3. Inclusion of a short form agreement for physical or professional works;
 - 3.2.4. Additional information on procurement documentation; and
 - 3.2.5. Options for a pre-approved contractor list.

4. Options

4.1. Option 1: That Council adopts the revised Procurement Policy.

4.2. Option 2: That Council retains the existing Policy.

5. Risk Analysis

5.1. Risk has been considered and the following risks have been identified; Financial risk

- 5.1.1. For any organisation it is good practice to have clear and concise guidelines in place for spending funds. When it comes down to public and government funds it is a requirement to be able to show transparency in how these funds are being spent. To not have a clear policy for procurement exposes the Council to an unacceptable risk.

6. Health and Safety

6.1. Health and Safety has been considered and no items have been identified.

7. Significance and Engagement

7.1. The level of significance has been assessed as being low as it details procedural matters that relate to how business is conducted within Council.

- 7.1.1. No public consultation is considered necessary.

8. Assessment of Options (including Financial Considerations)

8.1. Option 1 – That Council adopt the revised Procurement Policy. This defines the principles, objectives and responsibilities for implementing good practice procurement for Staff.

8.1.1. The following implications have been identified;

- Without due diligence and adequate consideration there is a risk that the consequences of procurement will have unexpected financial implications to Council. Council staff require clear guidelines to protect Councils. The risk of challenge to procurement decisions is better managed when policy procedures are followed.

8.2. Option 2 – That Council retains the existing Policy.

8.2.1. The following implications have been identified;

- There are risks that the consequences of procurement will have unexpected financial implications to Council. Not having an adequate Policy creates potential for unclear, potentially controversial and challengeable procurement decisions.

9. Preferred Option(s) and Reasons

9.1. The preferred option is Option 1.

9.2. The reason that Option 1 has been identified as the preferred option is that it will ensure that Council is following best practice procurement guidelines and seeks to manage Council's risk profile for all procurement activities.

10. Recommendation(s)

10.1. That the report be received.

10.2. That Council adopts the Procurement Policy.

10.3. That Council authorises the Acting Chief Executive to make any necessary minor drafting or presentation amendments to the Asset Management Policy prior to final publishing.

Alicia Paulsen
Asset Strategy and Development Manager

Appendix 1: Procurement Policy
Appendix 2: Policy on Procurement

Procurement Policy

1. Purpose

This policy outlines the approach that Council will take for planning, sourcing and managing its procurement activities.

1.1 Scope

This procurement policy applies to all supply arrangements of any value for products, services or works, procured by or on behalf of Council.

This policy excludes:

- Employment agreements;
- Variations to existing contracts;
- Purchases and procurement of services required for Civil Defence Emergencies; and
- Purchases of land, buildings and investments which follow a different approval process.

1.2 Commencement

This policy comes into force on **DAY MONTH YEAR**.

1.3 Definitions

“Closed Competitive” means inviting a minimum of three suppliers to submit a quote or proposal for goods and/or services.

“Open Competitive” means publicly advertising an opportunity to submit a quote, proposal, or tender for goods and/or services.

“Direct Purchase” means purchasing from a single supplier, without seeking quotes or proposal for goods and/or services.

“Local” means suppliers located, or established, in the West Coast region.

“Officers/Staff” means Council employees.

“Suppliers” means sole traders, commercial companies, and not for profit organisations, providing goods and/or services.

“Emergency Procurement” means procurement required as part of the response to a sudden unforeseen event, where life, health, property, or equipment is at immediate risk, or to maintain Council’s service delivery to the community.

“Procurement” All of the business processes associated with purchasing, from the identification of needs to the end of a contract of the end of the useful life and subsequent disposal of an asset. It includes the specification of sourcing of products or services, negotiation and contracting, the management of supply arrangements, and it finishes with the disposal of products or when the service contracts or agreements come to an end.

“Business Case” Provides the reasoning for undertaking a new project or service. A business case will include the background information, the expected benefits of the project, options considered, expected costs, resources required and an analysis of potential risk. The requirement for submitting a business case is usually met by:

- Long Term Plan or Annual Plan budget processes; or
- Council or Committee reporting.

2. Policy

2.1 Policy Statement

Council will carry out the procurement of works, goods and services in a manner that will support Council community outcomes, agreed levels of service, organisational goals, strategic challenges, and its values.

Council will develop templates and processes to ensure that purchasing activities are documented and recorded appropriately.

2.2 Policy Principles

In making procurement decisions, Council will have regard to the below key principles governing public spending:

- **Accountability:** Council will be accountable for its performance and be able to provide complete and accurate accounts of the use of public funds. Council will have suitable governance and management arrangements in place to oversee funding arrangements.
- **Openness:** Council will be transparent in its administration of funds, to support accountability, promote clarity and develop a shared understanding of respective roles and obligations between Council and any external parties entering into funding arrangements.
- **Value for Money:** Council will use resources effectively, efficiently, economically and without waste, with due regard for the total costs and benefits of an arrangement, and its contribution to the outcomes Council is trying to achieve. The principle of value for money for procuring goods or services does not necessarily mean selecting the lowest price but rather the best possible outcome for the total cost of ownership (or whole-of-life cost).
- **Lawfulness:** Council must act within the law and meet its legal obligations.
- **Fairness:** Council has a general public law obligation to act fairly and responsibly. It must be, and must be seen to be, impartial in its decision-making.
- **Integrity:** Anyone who is managing public resources must do so with the utmost integrity. The standards applying to public servants and other public employees are clear and Council needs to ensure, when funding other organisations, that it expects similar standards from them.

2.3 Policy Objectives

1. To ensure purchasing decisions are consistent, transparent, fair and lawful.
2. To achieve best value for money over the whole life of the goods, services, or asset.
3. To ensure products, services and works are fit for purpose and are bought using commercially astute and appropriate processes.
4. To facilitate efficient purchasing practices and minimise procurement costs for both suppliers and Council.
5. To appropriately manage and fairly allocate risks associated with procurement processes and contract management.
6. To support sound environmental procurement and sustainability where feasible to do so.
7. To ensure Councils purchasing activities are managed in accordance with its statutory and legal responsibilities.
8. To ensure a healthy balanced supplier market, including providing local suppliers with opportunities to compete for Council business.

2.4 Procurement Considerations

The following considerations must be taken into account as part of a procurement activity:

Procurement Planning

Purchases may only be made when there is an approved, allocated budget, and if the purchase is within delegated financial authority. Where a purchase exceeds an officer’s delegated financial authority, the approval of the relevant delegated financial authority must be obtained.

Procurement Plans must always be developed for procurements over \$20,000; or where complexity or risks to successful contract outcomes are identified. Procurement Plans must take into account risks and opportunities to add value, that are potentially under suppliers’ control. Where applicable, they must be approved prior to sign-off of procurement documentation prior to launch to the market.

Situations where this may not apply are covered in Procurement Methods - Non Standard.

Purchase Orders

A purchase order must be raised for all goods and services prior to purchase. When the total value of a contract is known, a purchase order shall be raised for the full contract amount. Suppliers shall include the purchase order number on all invoices relating to that contract.

Contract Requirements

All contractual relationships entered into by Council must meet industry guidelines, performance standards, and best practice, to form a contract with all appropriate documentation.

Procurement Probity Assurance

Procurements that are large, complex, of significant public interest, or involve involvement of parties that may have potential or perceived conflicts of interest, should be supported with external Procurement Probity Advice and/ or assurance audits.

2.5 Procurement Methods

Purchase methods are either direct purchase, closed competitive, or open competitive, and must meet the minimum thresholds set out in the table below:

Total Estimated Value	“Minimum” purchase method
Minor Expenditure (Up to \$20,000)	Direct purchase through purchase order.
Moderate Expenditure (\$20,000 and \$50,000)	Closed competitive. Direct purchase permitted following approval from the relevant delegated financial authority as defined in the WDC Delegations Manual.
Significant Expenditure (\$50,000 - \$100,000)	Open competitive. Direct purchase permitted following approval from the relevant delegated financial authority as defined in the WDC Delegations Manual.
Major Expenditure (\$100,000 +)	Open competitive. Direct purchase permitted following approval from the relevant delegated financial authority as defined in the WDC Delegations Manual.

Minor Expenditure: (up to \$20,000)

- Verbal quotes can be used for purchasing goods and services when the transaction value is less than \$20,000. This is an efficient way to explore the market and determine availability and price. Verbal quotes

need to be followed up with a written quote or an invoice as records must be kept of the evaluation and decision, proportionate to the value and risk of the individual procurement.

- Council may purchase directly from a supplier for purchases less than \$20,000 as the cost of seeking quotes or tenders would be impractical, or disproportionate to the benefits obtained.

Moderate Expenditure: (\$20,000 - \$50,000)

- Written quotes must be used for expenditure above \$20,000 but below \$50,000. Three quotes should be sourced as per the closed competitive method. All quotes must be sought with identical specifications and work scope and have a set closing date and time. Records must be kept of evaluation and decision, proportionate to the value and risk of the individual procurement.
- A Procurement Plan must be prepared. It must include a detailed description of the goods and services being procured, undertakes a supplier market analysis, and identified risks and opportunities under suppliers' control that will differentiate suppliers. Key timeframes, required service levels, the procurement method and evaluation process must be included.
- Council may purchase directly from a supplier for purchase above \$20,000 and below \$50,000 when:
 - The required goods and services are available from only one supplier or provider.
 - The services required are specialist technical or professional services.
 - Standardisation or compatibility with existing equipment or services is necessary or desirable.
 - Council is part of a joint procurement process.
 - Unacceptable responses were received through open competition for the same core requirements, carried out within the last 3 months; or
 - The products, services or works are an addition to, and necessary for the complete delivery of an existing supply arrangement, provided that the original supply arrangement was openly advertised, and a change of supplier cannot be made for economic, technical, or practical reasons.

Approval to procure without three written quotes must be recorded in writing by the appropriate delegated authority.

Significant Expenditure: (\$50,000 - \$100,000)

- Where the value of goods or services proposed to be purchased is between \$50,000 - \$100,000, an open competitive process should be used. Note that a closed competitive tender may be used if a Pre-Approved Contractor list has been established; or under exemptions listed under Rule 14 of the Government Procurement Rules. Situations where this may not apply are covered in Procurement Methods - Non Standard, which contains all of the information that suppliers need to prepare and submit a tender.
- A Procurement Plan must be prepared. It must include a detailed description of the goods and services being procured, undertakes a supplier market analysis, and identified risks and opportunities under suppliers' control that will differentiate suppliers. Key timeframes, required service levels, the procurement method and evaluation process must be included.
- In the RFX documentation, where applicable, relevant pre-conditions should be used to exclude unsuitable suppliers. If evaluation criteria are being used, an indication of the relative importance of each criterion must also be provided.

Major Expenditure (\$100,000 +)

- Where the value of goods or services proposed to be purchased is more than \$100,000, an open tender must be used.
- A Procurement Plan must be prepared. It must include a detailed description of the goods and services being procured, undertakes a supplier market analysis, and identified risks and opportunities under

suppliers' control that will differentiate suppliers. Key timeframes, required service levels, the procurement method and evaluation process must be included.

In the RFx documentation, where applicable, relevant pre-conditions should be used to exclude unsuitable suppliers. If non-price evaluation criteria are being used, an indication of the relative importance of each criterion must also be provided.

As per the delegations manual, procurement which is valued above the Chief Executives delegated authority (major expenditure) must be approved by Council.

Procurement Documentation and Methods

An Expression of Interest (EOI) can be used to shortlist potential suppliers before seeking detailed bids from the shortlisted tenderers, however this should only be used if there is little available information about potential suppliers or it is expected that a large number of suppliers may respond.

An Advance Notice may be issued to gauge market interest in a Council procurement opportunity; however this should not be used as a shortlisting tool.

A Request for Quotation (RFQ) is used when pricing is the primary consideration for supplier selection; and conformance above a defined standard is not relevant (i.e. Lowest Price Conforming evaluation)

A Request for Tenders is normally includes both price and non-price responses, which must be collected and evaluated separately (or in sequence, with Non-Price evaluation finalised before pricing is known. This is used for Weighted Attributes or Price-Quality Method Evaluation.

A Request for Proposal (RFP) can be single or a multi-staged process and is used when the project or requirement has been defined, but where an innovative or flexible solution is sought. This normally does not include Price considerations, as price is an unsuitable differentiator or cannot feasibly be determined at that stage (e.g. solution has not yet been designed).

2.6 Procurement Methods - Non-Standard

The following are instances where the Standard Procurement Procedures may not apply. All other provisions of this policy remain applicable.

Emergency Procurement

Where unforeseen events/incidents occur without warning, it may be necessary to bypass some aspects of the normal procurement process. Circumstances that mandate Emergency procurement will normally only be when there is a natural disaster (e.g. major storm event, flood, volcano, earthquake, sudden pandemic, tsunami) or a civil unrest situation (war, terrorist attack, etc), or a major failure in infrastructure assets that results in:

- Life, property, or equipment being immediately at risk;
- Infrastructure assets are at risk or damaged and access needs to be re-established without delay; or,
- Standards of public health, welfare or safety need to be re-established without delay (such as disaster recovery).

Emergency procurement procedures should never be used to short-cut proper procurement planning processes, development of effective procurement (RFx) documentation, or impartial, robust evaluation processes. When initiating emergency procurement procedures, applicable legislative processes should also be considered, and appropriate measures taken to ensure compliance.

Joint Procurement

Council may participate in collective buying schemes that offer value for money, such as All of Government supply contracts. In these circumstances, competitive procurement is undertaken by the group as a collective.

Standing Arrangements

Standing arrangements are procurement agreements where Council purchase goods or services directly from a provider for a fixed period. These can be either direct (although the thresholds in Procurement Methods above apply) or established through open tendering. Council can set up standing arrangements after a competitive or negotiated process.

However, standing arrangements can be suitable procurement approach for goods or services that are high value but low risk. Examples include fuel, motor vehicles, air travel and stationery.

Short-form Agreements

Standard Procurement Procedures will be used before entering these agreements, based on a reasonable estimate of cost of the work/service required. It is recognised that the final cost of the work/service will not always adhere to the Standard Procurement Procedure requirements, given the nature of these agreements (based on hourly rates) and, in some circumstances, ambiguity regarding the extent of work necessary.

Policy Variation

Council Executive Leadership Team may, in exceptional circumstances, approve a temporary variation to the Policy for some or all of Council's procurement, for a defined time period. Such temporary variations will be reported to the Risk and Assurance Committee.

2.7 Value for Money and Whole of Life Costs

Council shall take into account the ever-present need to ensure it is getting the very best value for money in order to deliver the most cost-effective outcomes for households and businesses, not only in the short term, but over the life of the asset. This means using resources effectively and economically, weighing up the total costs and benefits of a supply arrangement, and the outcome achieved. It is important to note that the best possible value for money is not always the cheapest price.

Council shall take into account the Whole of Life Costs including health, safety, cultural, environmental and sustainability considerations rather than merely the initial "upfront" cost. Typically, this involves consideration of the cost of the initial purchase, plus implementation/transition, support and maintenance, operations, and end-of-life/disposal.

Healthy, Balanced Market including Local Suppliers

Council officers will provide right-sized opportunities for a range of contracting businesses, including SME businesses as well as larger companies. Council will ensure that local suppliers are given fair opportunities to compete for all Council business.

Supplier Privacy

Council may retain the details of any supplier for internal use only. These details will not be made public without the authorisation of the supplier, unless required by law.

3. Staff Roles and Responsibilities

The roles and responsibilities for Council staff are:

Role	Responsibility
Chief Executive and the Executive Leadership Team	<ul style="list-style-type: none"> • Modelling the highest standards of compliance with the Policy. • Ensure that they and their staff are appropriately trained in the Councils procurement processes and procedures. • Monitor that staff comply with the Policy.
All Staff	<ul style="list-style-type: none"> • Conduct procurement in the best interests of the council and the community. • Comply with the requirements of the procurement framework and associated processes and procedures.

Delegations

All procurement activity must be carried out in accordance with the annual budget or specifically approved budgets, and within delegated authority as defined in the Delegations Manual.

Council contractors cannot make purchases or commit to spend on Councils behalf without prior authorisation.

Staff Purchasing

The use of Council funds for the purchase of items for personal use is prohibited.

If staff purchase personal goods and services using discounts obtained through Council buying privileges schemes, the transaction must be paid for by the staff member personally.

Endorsement

Generally, employees must not endorse any products or services. If an employee receives a request to endorse any product or service, they must refer the request to the appropriate Group Manager.

Staff may, with the approval of their manager, act as referees for contractors or consultants who are bidding for external contracts.

Conflicts of Interests

Conflicts of Interest may arise at any time during the procurement process. All employees must act in accordance with the Staff Conflicts of Interest Policy and declare any real or potential conflicts of interest in writing to their manager at the start of their involvement in a procurement process; and if any issues that could be raised as potential or perceived conflicts of interest emerge during a procurement process.

Gifts and Hospitality

Any offers of gifts or hospitality from suppliers must be managed in accordance with the Staff Gifts and Hospitality Policy.

Confidentiality

All Council staff must always maintain the confidentiality of a procurement process.

4. Records Management

Appropriate records of dealings with all suppliers should be kept. This should include details of:

- A procurement plan is to be prepared detailing the rationale behind the selection of the procurement method.
- Tender or other comparisons processes and selection procedures.

- Copies of all agreements entered into, including purchase orders should be saved electronically.
- Performance records, including any items under dispute; and, correspondence, including but not limited to, notices, contract variations, contract extensions, and price change documentation.

5. Related Documents and Acts

Council policies and strategies:

- WDC Delegations Manual, WDC Procurement Strategy, Staff Conflict of Interest Policy, Staff Gifts and Hospitality Policy

Relevant legislation includes but it not limited to:

- Commerce Act 1986, Sales of Goods Act 1908, Fair Trading Act 1986, Consumer Guarantees Act 1993, Health and Safety in Employment Act 1992, Public Finance Act 1989, Financial Reporting Act 1993, Privacy Act 1993, Official Information Act 1982, Local Government Official Information and Meetings Act 1987, Local Government Act 2002, Building Act 2004, Resource Management Act 1991, Land Transport Management Act 2005, Electronic Transactions Act 2002, Records Act 2005, Public Audi Act 2001; Construction Contracts Amendment Act 2015.

Central Government Guidelines, include but are not limited to:

- Ministry of Business, Innovation and Employment, Government Procurement Rules, Rules of planning your procurement, Approaching the Market and Contracting, www.procurement.govt.nz;
- Office of the Auditor General, June 2008, Procurement Guidance for Public Entities www.oag.govt.nz;
- NZTA Procurement Manual: [Procurement manual | NZ Transport Agency Waka Kotahi \(nzta.govt.nz\)](http://www.nzta.govt.nz/procurement-manual)

Industry Standards and Guidelines include but are not limited to:

- NZS 3910: Conditions of contract for building and engineering construction.
- NZS 3915: 2005 Conditions of contract for building and civil engineering construction (where not person is appointed to act as engineer to the contract).
- IPENZ standard contract conditions.
- NZ Institute of Architects Standard Conditions of Contract.
- NZ 3916-2013 Conditions of contract for building and civil engineering – design.
- 3917-2013 Conditions of contract for building and civil engineering – fixed term.

6. Implementation of the Policy

This policy will be implemented across Council staff and will be actively communicated during planning and operational delivery.

The implementation of this policy is delegated to the Group Manager – District Assets.

7. Policy Review

A review of this policy will take place in **MONTH YEAR**.

Created:	24-05-2024	Date for review:	
Author:	Alicia Paulsen	Authorised by:	
Consulted on:		Version	1

POLICY ON PROCUREMENT

Adopted by Council
23 August 2018

POLICY ON PROCUREMENT

1. INTRODUCTION

- 1.1 This document covers the policy for procurement of all works, goods or services by Westland District Council having regard to budget provisions in the Ten Year Plan/Annual Plan or by specific resolution of Council.

2. POLICY APPLIES TO

- 2.1 In addition to this document, the following documents set out the policies, rules and procedures relating to the WDC Procurement Strategy

3. POLICY STATEMENT

- 3.1 Council will carry out the procurement of works, goods and services in a manner that will support Council's community outcomes, agreed levels of service, organisational goals, strategic challenges and its values.

Council will procure works, goods or services in accordance with the following principles:

- Accountability

Council will be accountable for its performance and be able to give complete and accurate accounts of the use it has put public funds to.

- Openness

Council will be transparent in its administration of funds, both to support accountability and to promote clarity and shared understanding of respective roles and obligations.

- Value for money

Council will use resources effectively, efficiently, economically and without waste, with due regard for the total costs and benefits of an arrangement, and its contribution to the outcomes Council is trying to achieve. The principle of value for money for procuring goods or services does not necessarily mean selecting the lowest price but rather the best possible outcome for the total cost of ownership (or whole-of-life cost).

- Lawfulness

Council must act within the law and meet its legal obligations.

- Fairness

Council has a general public law obligation to act fairly and reasonably. It must be, and must be seen to be, impartial in its decision-making.

- Integrity

Anyone who is managing public resources must do so with the utmost integrity.

4. APPLICATION

- 4.1 The policy is intended to provide guidance for all staff (and others) who have delegated authority for procurement. It also applies to the considerations by Council, in its governance role, for funding, procurement and purchasing decisions.

Procurement of works, goods or services valued between \$10,000 and \$50,000 (GST exclusive) requires (wherever possible) three written quotes.

Procurement of works, goods or services valued over \$50,000 (GST exclusive) will be subject to a competitive procurement process and the type of process will take into account the level of risk and the type of works, goods or services to be procured. Competitive processes are set out in more detail in the operational guidelines and include seeking quotes or using a tender or proposal process.

It is noted that in the area of roading and transport procurement where there is New Zealand Transport Agency (NZTA) assisted funding, then Council must follow the NZTA Procurement Manual, both for physical works and professional services.

5. BACKGROUND

The provision of products, services and works by Council suppliers is essential for the delivery of key infrastructure and services to the community. Therefore an effective procurement function can make a significant contribution to the following community outcomes:

- A thriving and diverse local economy
- Sustainable natural and built environment
- An involved community with quality leadership

This policy is part of a procurement framework that guides and assists all procurement activity carried out by Council. The procurement framework includes, but is not limited to:

- Procurement policy (this document): The principles that govern all procurement activity.

- Standard procurement procedures: The processes that must be carried out in a certain way.
- Standard procurement templates: Standard documents that must be used for procurement work.
- Procurement guidelines: Guidance for different procurement activities where there is more flexibility and discretion that may be applied, or where standard procedures are not appropriate.

6. RELATED DOCUMENTS

6.1 Council policies and strategies:

WDC Delegations Manual, WDC Procurement Strategy.

6.2 Relevant legislation includes but is not limited to:

Commerce Act 1986, Sale of Goods Act 1908, Fair Trading Act 1986, Consumer Guarantees Act 1993, Health and Safety in Employment Act 1992, Public Finance Act 1989, Financial Reporting Act 1993, Privacy Act 1993, Official Information Act 1982, Local Government Official Information and Meetings Act 1987, Local Government Act 2002, Building Act 2004, Resource Management Act 1991, Land Transport Management Act 2005, Electronic Transactions Act 2002, Records Act 2005, Public Audit Act 2001; Construction Contracts Amendment Act 2015.

6.3 Central Government guidelines, include but are not limited to:

- Ministry of Business, Innovation and Employment, April 2013, Government Rules of Sourcing, Rules of Planning your Procurement, Approaching the Market and Contracting, www.procurement.govt.nz;
- Office of the Auditor General, June 2008, Procurement Guidance for Public Entities www.oag.govt.nz;
- Office of the Auditor General, June 2007, Guidance for Members of Local Authorities on the Law of Conflicts of Interest;
- Office of the Auditor General, June 2007, Managing Conflicts of Interest: Guidance for Public Entities;
- New Zealand Government Procurement web-site, guidelines on Sustainable Procurement www.business.govt.nz/procurement

6.4 Industry standards and guidelines include but are not limited to:

- NZS 3910: 2013 Conditions of contract for building and engineering construction;
- NZS 3915:2005 Conditions of contract for building and civil engineering construction (where no person is appointed to act as engineer to the contract);
- IPENZ standard contract conditions;
- NZ Institute of Architects Standard Conditions of Contract.
- NZ 3916-2013 NZS 3910: 2013 Conditions of contract for building and civil engineering –design
- 3917-2013 Conditions of contract for building and civil engineering – fixed term.

7. POLICY OBJECTIVES

1. To ensure purchasing decisions are consistent, transparent, fair and lawful.
2. To deliver procurement outcomes that meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.
3. To ensure products, services and works are fit for purpose and are bought using commercially astute and appropriate processes.
4. Support sound environmental procurement and sustainability where feasible to do so.

8. POLICY PRINCIPLES

These principles underpin the intent and implementation of this procurement policy:

- Free from bias and real and/or perceived conflicts of interest.
- Deliver best value for money over the whole life of the goods, service or asset.
- Deliver fit for purpose solutions to meet operational and business needs.
- Ensure purchases are made in an open, fair, transparent and accountable manner.
- Appropriately manage risks associated with procurement processes.
- Promote open and effective competition between capable suppliers.
- Promote efficient purchasing practices and minimise procurement costs.
- Ensure Council's purchasing activities are managed in accordance with its statutory and legal responsibilities.
- Promote Council's commitment to sustainability and environmental protection. This will be pursued by promoting, where legally possible to do so, purchasing practices which conserve resources, save energy, minimise waste, and will protect

the environment and human health whilst maintaining environmental safety and quality.

- Ensure local suppliers have the opportunity to compete for Council business.

9. DEFINITIONS

- **Emergency Procurement:** means Procurement required as part of the response to a sudden unforeseen event, where life, health, property or equipment is at immediate risk, or in order to maintain Council's service delivery to the community.
- **Procurement:** All of the business processes associated with purchasing, from the identification of needs to the end of a contract or the end of the useful life and subsequent disposal of an asset. Procurement starts with identifying a need and planning how to proceed. It includes the specification and sourcing of products or services, negotiation and contracting, the management of supply arrangements, and it finishes with the disposal of products or when the service contracts or agreements come to an end.
- **Value for Money:** Using resources effectively and economically, with due regard for the total costs and benefits of an arrangement, and its contribution to the target outcomes to achieve the most cost-effective outcome for households and businesses. This does not necessarily mean the lowest price, but is the best possible outcome for the whole-of-life cost.
- **Business Case:** Provides the reasoning for undertaking a new project or service. A business case will include background information, the expected benefits of the project, options considered, expected costs, resources required and an analysis of potential risks. The requirement for submitting a business case is usually met by:
 - Long Term Plan or Annual Plan budget processes; or
 - Council or committee reporting.

10. POLICY STATEMENT

10.1 Scope

This Procurement Policy applies to all supply arrangements of any value for products, services or works, procured by or on behalf of Council.

This Procurement Policy states the procurement principles of the Council, and aims to:

- Inform Council staff, and those acting on behalf of the Council, of the objectives, behaviours and principles appropriate when conducting procurement;
- Encourage a common understanding and consistent management practice across the organisation to realise procurement-related benefits;
- Promote transparency in how the Council manages its procurement;
- Ensure procurement practices are always consistent with legislation; and,
- Provide a framework for common understanding of Council procurement practices for potential vendors.

This policy does not apply to the following activities:

- The employment of staff (excluding the engagement of contractors and consultants to supply services);
- The acquisition or lease of land or buildings (excluding the design, construction or refurbishment of buildings);
- Disposals and sales of Council assets;
- Investments, loans, guarantees, or other financial instruments;
- Gifts, donations and grants;
- Licences and agreements regarding commercial operations carried out by third parties (traders) on Council property;
- Non-contractual agreements between public sector agencies, such as memorandums of understanding; and,
- Statutory or ministerial appointments.

10.2 Procurement Planning

- Council will ensure that procurement processes are well conceived and implemented, the right people have been involved at the right time, and risks have been identified and managed.
- Council recognises that poor procurement planning can compromise the efficiency and effectiveness of its procurement process and this typically impacts both Council and suppliers.
- Council shall ensure that adequate preparation has been made prior to market engagement to ensure that its requirements and procurement processes are clear, and that significant expenditure is budgeted in the applicable Annual Plan or Long Term Plans. The extent and nature of procurement planning will be proportionate to the total value, complexity and risks associated with the procurement.

- Purchases should only be made when there is an approved budget, and if the purchase is within delegated financial authority. Any alterations to the purpose of a budget must be considered by Council.
- For significant capital or non-recurring expenditure, a business case should be prepared to support the need for procurement. A business case will usually be prepared and presented to Council as part of the Long Term Plan and/or Annual Plan budget process. The level of detail and analysis in a business case will be proportionate to the value and associated risk of the individual procurement.

10.3 Purchase Orders

A purchase order must be raised for all goods and services prior to purchase. When the total value of a contract is known, a purchase order should be raised for the full amount (including disbursements). Suppliers should include the purchase order number on all invoices relating to that contract.

10.4 Contract Requirements

Any contractual relationship undertaken by Council must meet industry standards, guidelines and best practice, as well as any applicable third party requirements.

10.5 Late Responses

Late tenders or quotations will not be accepted, unless there are exceptional circumstances that have been provided for in the original request for quote, tender or proposal. Late responses must not be accepted if the supplier may have knowledge of the content of any other response or if it would be unfair to any other supplier to accept the late response.

10.6 Procurement Methods

a) Minor Expenditure

Verbal quotes can be used for purchasing goods and services when the transaction value is less than \$1,000. This is an efficient way to explore the market and determine availability and price. Records must be kept of evaluation and decision, proportionate to the value and risk of the individual procurement.

Council may purchase directly from a supplier for purchases less than \$5,000 when the cost of seeking quotes or tenders would be impractical, or disproportionate to the benefits obtained.

b) Moderate Expenditure

Written quotes must be used for expenditure above \$5,000 but below \$50,000. Three quotes should be sourced. All quotes must be sought with identical specifications and work scope and have a set closing date and time. Records must be kept of evaluation and decision, proportionate to the value and risk of the individual procurement.

Council may purchase directly from a supplier for purchases above \$5,000 and below \$50,000 when:

- the required goods or services are available from only one supplier or provider;
- the services required are specialist technical or professional services;
- standardisation or compatibility with existing equipment or services is necessary or desirable;
- Council is part of a joint procurement process - see 6(f);
- no acceptable responses were received through open competition for the same core requirements, carried out within the last 12 months; or,
- the products, services or works are an addition to, and necessary for the complete delivery of an existing supply arrangement, provided that the original supply arrangement was openly advertised and a change of supplier cannot be made for economic, technical or practical reasons.

Approval to procure without three written quotes must be recorded in writing by the appropriate delegated authority.

c) Significant Expenditure

Where the value of goods or works proposed to be purchased exceeds \$50,000, an open request for tenders must be issued (unless the exceptions set out below apply), which contains all of the information that suppliers need to prepare and submit a tender.

A detailed description of the goods or services being procured, key timeframes, required service levels, the procurement method and evaluation process must be available. If evaluation criteria are being

used, an indication of the relative importance of each criterion must also be provided.

A closed tender process, where a pre-qualified list of suppliers is invited to provide a tender, can only be used in the following circumstances:

- the goods or service are only available from a few suppliers;
- the services required are specialist technical or professional services;
- it is not practical or cost-effective to conduct an open tender or proposal;
- Council is part of a joint procurement process - see 10.6(f);
- there is limited time for the procurement process;
- no acceptable responses were received through open competition for the same core requirements, carried out within the last 12 months; or,
- the products, services or works are an addition to, and necessary for the complete delivery of an existing supply arrangement, provided that the original supply arrangement was openly advertised and a change of supplier cannot be made for economic, technical or practical reasons.

Procurement over \$50,000 which is not subject to an open tender process must be approved in writing by the Chief Executive. Procurement which is valued above the Chief Executive's delegated authority and is not subject to an open tender process must be approved by Council.

d) Multi-stage Procurement

An Expression of Interest (EOI) can be used to shortlist potential suppliers before seeking detailed bids from the shortlisted tenderers. An EOI is generally used when the information required from tenderers is specific but Council is unsure of the capability of suppliers to provide the required goods and services.

A Request for Proposal can be a single or a multi-staged process and is used when the project or requirement has been defined, but where an innovative or flexible solution is sought.

e) Emergency Procurement

In an emergency situation, it may be necessary to bypass some aspects of the normal procurement process. Circumstances that mandate Emergency Procurement will normally only be when:

- Life, property or equipment is immediately at risk; or,
- Standards of public health, welfare or safety need to be re-established without delay (such as disaster recovery)

Emergency procurement provisions should only be used in genuinely unforeseen circumstances.

Written records of all transactions must be kept at the time of order.

f) Collective Arrangements

Council may participate in collective buying schemes that offer value for money, such as All of Government supply contracts. In these circumstances, competitive procurement is undertaken by the group as a collective.

g) Standing Arrangements

Standing arrangements are procurement agreements where Council purchases goods or services directly from a provider for a fixed period of time. These can be either direct or established through open tendering. Council can set up standing arrangements after a competitive or negotiated process.

Standing arrangements can be a suitable procurement approach for goods or services that are high value but low risk. Examples include fuel, motor vehicles, air travel and stationery.

h) Petty Cash

Petty cash can be used when money is needed for small purchases under \$30. A receipt is required to validate the expenditure.

10.7 Value for Money and Whole of Life Costs

Council shall take into account the ever-present need to ensure it is getting the very best value for money in order to deliver the most cost-effective outcomes for households and businesses. This means using resources effectively and

economically, weighing up the total costs and benefits of a supply arrangement and the outcome achieved. It is important to note that the best possible value for money is not always the cheapest price.

The relative importance (and weighting) of cost compared to other selection criteria must always be closely scrutinised.

Where practicable, Council shall take into account the Whole of Life Costs rather than just the initial “up-front” cost. Typically this involves consideration of the cost of the initial purchase, plus implementation/transition, support and maintenance, operations, and end-of-life/disposal. From time to time other costs and benefits may also be relevant in the selection decision.

10.8 Sustainability

Council is committed to sustainability, striving to ensure the decisions and actions of today won't compromise what can be achieved in the future.

Sustainability will be considered at every stage in the procurement lifecycle, starting with planning and specifying requirements, then in market engagement, selection of products and/or suppliers, and contracting with suppliers.

Embedding sustainability principles into Council's entire procurement framework will assist Council to procure products, services and works that meet user's needs, deliver long term value for money, maximise social and economic benefits, and minimise damage to the environment.

Sustainability objectives for procurement include:

- Protecting human health;
- Promoting fair working conditions;
- Achieving local outcomes;
- Reducing soil, water and air pollution;
- Reducing energy consumption and climate change;
- Reducing water consumption;
- Reducing materials, packaging and waste; and,
- Protecting habitats and biodiversity.

10.9 Achieving local outcomes

Council will seek to achieve local outcomes through its procurement activity where appropriate to do so, provided that this does not introduce discrimination or compromise the best value for money. Typical examples of local outcomes are local employment, the utilisation of local resources, or local economic development.

Local outcomes may be achieved through:

- Local forums and other forms of supplier engagement to assist prospective suppliers to understand how to effectively compete for Council's business;
- Ensuring that procurement processes are not overly onerous or complicated;
- Considering potential commercial and practical advantages in purchasing locally produced products and services; and,
- Considering local outcomes when planning major procurement activities, packaging work for contracts, developing specifications and defining selection criteria.

All requests for verbal quotes, written quotes and closed tenders must include at least one local supplier, when there is a known supplier that offers the goods or services required.

10.10 Contract Extensions, Variations and Renewals

When the additional costs of a service or project are small in comparison to the costs of undertaking a discrete tender process, a contract extension or variation may be used.

When extension and variations are not specifically provided for within an existing contract, the extension or re-definition of a contract that increases the originally approved contract value must be approved by the Chief Executive. When the additional sum is beyond the delegated authority of the Chief Executive, the contract must be presented to Council for approval.

The refining of service delivery contracts to more closely reflect the amount of work required to maintain services does not need to be openly tendered, but can be managed directly by the appropriate Council officer.

10.11 Employee Responsibilities

- a) Delegations

All procurement activity must be carried out in accordance with the annual budget or specifically approved budgets, and within delegated authority.

Council contractors cannot make purchases or commit to spend on Council's behalf without prior authorisation.

b) Staff Purchasing

The use of Council funds for the purchase of items for personal use is prohibited unless authorized by the Chief Executive and reimbursed.

If staff purchase personal goods and services using discounts obtained through Council buying privileges schemes, the transaction must be paid for by the staff member personally.

c) Endorsement

Generally employees must not endorse any products or services. If an employee receives a request to endorse any product or service they must refer the request to the appropriate Group Manager.

Staff may, with the approval of their manager, act as referees for contractors or consultants who are bidding for external contracts.

d) Conflicts of Interest

Conflicts of interest may arise at any time during the procurement process. All employees must act in accordance with the Conflicts of Interest Policy and declare any real or potential conflicts of interest in writing to their manager.

e) Gifts, Hospitality

Any offers of gifts or hospitality from suppliers must be managed in accordance with the Staff Gifts and Hospitality Policy.

f) Confidentiality

All staff must maintain the confidentiality of a procurement process at all times.

10.12 Suppliers

a) Prequalified Suppliers

Council may assess suppliers of particular goods and/or services against predetermined criteria with no specific contract in mind. Suppliers successful in meeting these criteria will be maintained on a database.

Pre-qualification does not form a contractual or legal relationship between Council and any supplier. While preliminary standard criteria have been met, suppliers may be required to meet other evaluation and performance criteria as part of any specific procurement processes.

b) Notifying Unsuccessful Suppliers

Unsuccessful tenderers for all competitive procurement above \$5,000 should be notified as soon as practicable once a supplier has been selected.

Further information about the successful bid will be provided upon request, subject to the Local Government Official Information and Meetings Act 1987.

10.13 Records Management

Appropriate records of dealings with all suppliers should be kept. This should include details of:

- tender or other comparison processes and selection procedures, including procurement plans;
- copies of all agreements entered into, including purchase orders (this should be in electronic form);
- performance records, including any items under dispute; and,
- correspondence – including, but not limited to, notices, contract variations, contract extensions, and price change documentation.

11. REVIEW PROCESS

This policy will be reviewed in 3 years' time.

12. APPROVAL

This policy was reviewed and adopted by the Council on the 23 August 2018.

Report to Council



DATE: 26 September 2024
TO: Mayor and Councillors
FROM: Asset Strategy and Development Manager

LAND ACQUISITION AND DISPOSAL POLICY

1. Summary

- 1.1. The purpose of this report is to adopt the draft Land Acquisition and Disposal Policy.
- 1.2. The Policy proposed incorporates the substance of one existing policy (the Sale of Property Policy). By adopting the Land Acquisition and Disposal Policy, the Sale of Property Policy can be revoked.
- 1.3. The Sale of Property Policy was adopted in October 2021 and was due for review in June 2024.
- 1.4. Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by the Council in June 2024, which are set out in the Enhanced Annual Plan 2024/2025. Refer page 2 of the agenda.
- 1.5. This report concludes by recommending that Council adopt the Land Acquisition and Disposal Policy, attached as **Appendix 1**.

2. Background

- 2.1 The reason the report has come before the Council is due to the Sale of Property Policy requiring review in June 2024.
- 2.2 If adopted, the new policy will guide the delivery of Council's land acquisitions and disposals, which is a key part of ensuring that Council plans for and provides affordable fit for purpose services and enhances the quality of life for current and future residents.
- 2.3 The Policy broadens the scope of the existing policy by incorporating land acquisition.
- 2.4 The Policy removes all references to Buildings with the view that a separate policy will be developed.

3. Current Situation

- 3.1. The current situation is that the current policy, Sale of Property Policy as attached in **Appendix 2**, is out of date and not fit for purpose.

4. Options

- 4.1. Option 1: That Council adopts the Land Acquisition and Disposal Policy.

4.2. Option 2: That Council do not adopt the Land Acquisition and Disposal Policy.

5. Risk Analysis

5.1. Risk has been considered and the following risks have been identified; Strategic risk.

5.1.1. There is risk of property being acquired without consideration of a strategic approach which includes; strategic fit, community requirements, costs and land value, restrictions on land use, alternative ownership and acquisition options, site condition and suitability, tenure, cultural heritage and disadvantages of proceeding.

6. Health and Safety

6.1. Health and Safety has been considered and no items have been identified.

7. Significance and Engagement

7.1. The level of significance has been assessed as being low as the process of community engagement will occur at the time of the acquisition and disposal of land if necessary.

7.2. No public consultation is considered necessary.

8. Assessment of Options (including Financial Considerations)

8.1. Option 1 – Adopt the Land Acquisition and Disposal Policy. This gives the parameters to be considered upon the proposed purchase and sale of land to ensure that a strategic approach is undertaken.

8.1.1. The following implications have been identified;

- Without due diligence and adequate consideration there is risk that the consequences of acquiring and selling land will have unexpected financial implications to Council. Such matters include consideration of legal processes required to dispose of property or encumbrances required to be added or removed from titles to protect Council infrastructure. Adequate consideration through the adoption of this policy reduces the risk of financial implications to Council.

8.2. Option 2 – Do not adopt the Land Acquisition and Disposal Policy.

8.2.1. The following implications have been identified;

- There are risks that the consequences of acquiring and selling land will have unexpected financial implications to Council. Such matters include consideration of legal processes required to dispose of property or encumbrances required to be added or removed from titles to protect Council infrastructure.

9. Preferred Option(s) and Reasons

9.1. The preferred option is Option 1.

9.2. The reason that Option 1 has been identified as the preferred option is that it will ensure that the correct process is undertaken when Council purchases and sells land.

10. Recommendation(s)

10.1. That the report be received.

10.2. That Council adopts the Land Acquisition and Disposal Policy.

10.3. That Council revokes the Sale of Property Policy.

10.4. That Council authorises the Acting Chief Executive to make any necessary minor drafting or presentation amendments to the Land Acquisition and Disposal Policy prior to final publishing.

Alicia Paulsen
Asset Strategy and Development Manager

Appendix 1: Land Acquisition and Disposal Policy

Appendix 2: Sale of Land Policy

Land Acquisition and Disposal Policy

1. Purpose

This policy outlines the approach that Council will take for the acquisition and disposal of land.

2. Background

Council manages land which provides space for Council offices and public facilities, open spaces and recreation areas, public works such as water infrastructure, and set asides parcels for future public use. Council also owns land that contributes to the protection of, and access to, environmental, cultural and heritage sites of importance to the community.

The management, acquisition and disposal of Council owned land is governed by multiple pieces of legislation. The most significant being the Local Government Act 2002 and the Reserves Act 1977.

Section 12 of the Local Government Act provides the Council with the powers to acquire and dispose of land for the benefit of the district with provisions within the Act on how consultation should be carried out. Section 189 provides the Council with the power to acquire land in accordance with the Public Works Act 1981.

The Reserves Act governs the process to be followed when considering or undertaking the disposal of any reserve land. The process depends on the classification of a reserve (for example, recreation, local purpose, scenic). Because reserves have generally been provided to, vested in or created by the Council or the Crown for a community purpose, a higher level of community consultation is required when considering disposal and some special consultative provisions are provided for within the Act.

Council land acquisition and disposal requires strategic oversight to ensure the best use is made of public funds.

3. Scope

This policy applies to any Council owned land.

Land is held for the following Council activities: transportation, water supply, wastewater, stormwater, solid waste, facilities, parks, reserves, cemeteries and the cycle trail. Council also owns land that contribute to the protection of, and access to, environmental, cultural and heritage sites of importance to the community.

This Policy should be read in conjunction with Revenue and Financing Policy, Asset Disposal Policy and Delegations Manual.

4. Commencement

This policy comes into force **DAY MONTH YEAR.**

5. Definitions

“Acquisition” means the procurement of land or property via purchase, gifting and vesting.

“Annual Plan” means a one year document that is a revised version of one year of the Long Term Plan (see below).

“Area Plan” means a document that takes a long-term view of a particular geographical area, reflecting the local community’s preferences on how it should or should not be developed.

“Disposal” means to sell or otherwise relinquish ownership of land or property.

“Growth Strategy” means a document that addresses the opportunities and challenges of managing projected residential, commercial and industrial growth and development in a sustainable way.

Land Acquisition and Disposal Policy

“Long Term Plan” means a ten year document that is reviewed every three years and can be amended by a Council at any time via a special consultative procedure. It describes the services Council plans to provide, the community outcomes it plans to contribute to, and the cost of this.

“Market Value” means the estimated amount for which an asset or liability should exchange on the valuation date between a willing buyer and a willing seller in a transaction.

“Open Market Process” means the competitive process which provides unrestricted access to potential purchases.

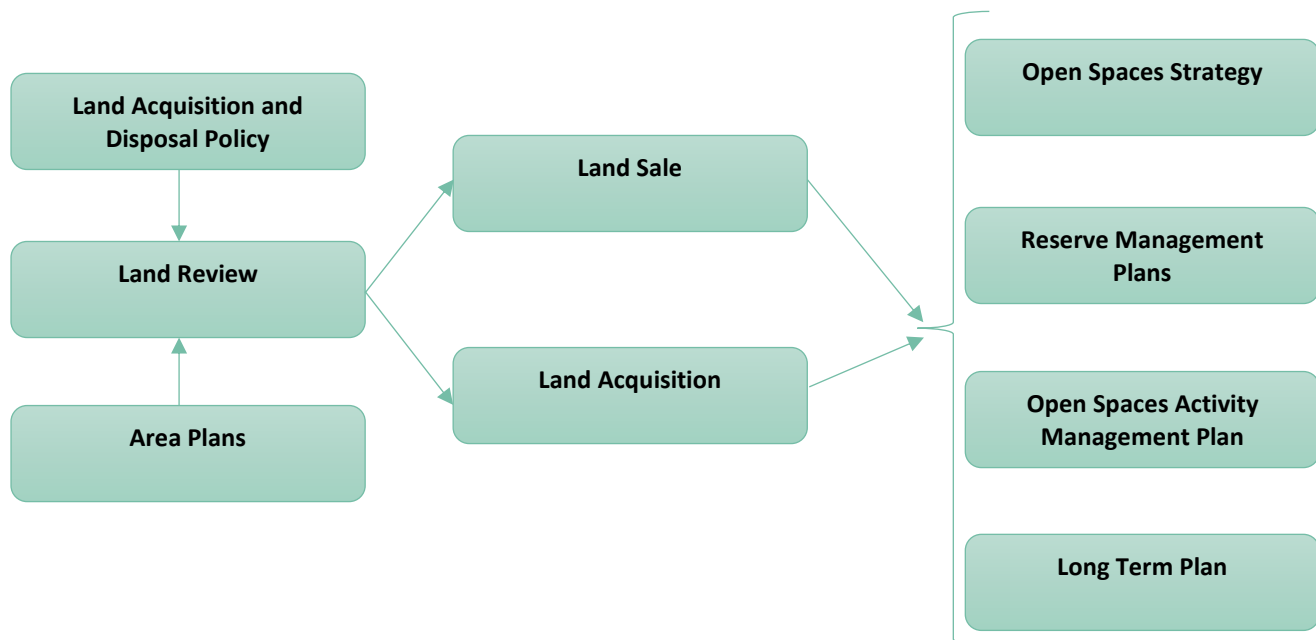
“Road Stopping” means a formal legal process where the road is ‘stopped’ taking away its legal status as ‘road’, and then changed into freehold land, enabling the land to be sold.

“Structure Plan” means a framework to guide the development or redevelopment of an area by defining the future development and land use patterns, areas of open space, the layout and nature of infrastructure, and other key features and constraints that influence how the effects of development are to be managed.

6. Policy

6.1 Strategic Context

This policy is part of the following framework:



6.2 Policy Statement

Council will manage the acquisition and disposal of land within the Westland District in a way that is consistent, predictable, equitable and transparent.

6.3 Policy Principles

Council will adhere to the following principles in land disposal and acquisition:

- a. Strategic approach – decisions on the acquisition and disposal of land will be made in the wider context of long-term trends, impacts and will reflect Councils strategic future planning.
- b. Adequate Provision – land will be held to support the timely provision of infrastructure and enhance the unique natural, cultural and historic heritage of the district.

- c. Transparency – Processes will be run in an open and transparent manner to ensure the Council is seen to be responsibly managing public funds, whilst acknowledging that protecting landowner rights with respect to land acquisition and disposal will often require that certain information be kept confidential.
- d. Public interest – The Council will ensure that all land decisions are made in the best interests of the public. Consideration will be given to the original intention of the land ownership and whether it is appropriate from the community perspective to sell or acquire.
- e. Financial responsibility – The Council will exercise financial responsibility to get the best value for public money and seek to maximise the value of its land assets and minimise whole of life costs.
- f. Statutory and regulatory compliance – The Council will always operate within the framework of applicable statutes and regulations.

6.4 Policy Objectives

The objectives of this policy are to:

- 1. Provide a consistent and transparent approach to the acquisition and disposal of land.
- 2. Ensure any acquisition and disposal of land supports the achievement of Councils strategic objectives.
- 3. Demonstrate to the community that Council recognises the importance of managing land assets via the adoption of a prudent and holistic approach.
- 4. Support the timely acquisition and disposal of land.

6.5 Land Acquisition

1. General

- a. A report to Council will be required for any land acquisition proposal.
- b. Market value will be assessed by a registered valuer. If the valuation is over \$500,000 excluding GST (if any) then a second valuation will be obtained to verify market value.
- c. When a need to acquire land is identified, the Council will also assess and explore non-ownership alternatives and their consequences such as leasing or joint ventures.
- d. All acquisitions should be identified, planned and budgeted for in the Long Term Plan or Annual Plan documents. Exemptions may apply as outlined below in 2.7 *Ad hoc Acquisition or Disposal*.

2. Purpose of Acquisitions

Council acquires land for the following purposes:

Public Works	Where the Council provides infrastructure, e.g. roads or drinking water, it may need acquire land to provide additional capacity for growing communities or increase levels of service provided by existing infrastructure. In these instances, the Council acquires land through the Public Works Act 1981 and must comply with its obligations under this legislation.
Open Spaces	Open spaces serve a variety of purposes from recreation, amenity and preservation to providing and being part of views, protecting significant landscapes and sites, and providing a community a focal point for the local area. There are many different types of open spaces and a diverse range of these make up our districts open space network. These include foreshore reserves, local parks, playgrounds, cycle ways and public gardens. The Council acquires open spaces to accommodate growth of our communities, and developers are required to contribute either funds (through financial or development contributions) or land towards providing this.

	If this land is classified as a reserve, the Council has obligations for the management, including rules for the disposal, under the Reserves Management Act 1977.
Esplanade Strips/Reserves	The Council acquires esplanade reserve when landowners subdivide titles along water bodies and the coast. Whilst esplanade reserves are vested as a separate title with the Council, esplanade strips are simply recognised by an instrument on the certificate of title of the underlying lot and therefore remain in private ownership, however there will likely be requirements relating to public access, fencing, planting and so on.
Offsetting	The Council may acquire land where a development is required under a resource consent to vest land in the Council to offset a negative effect of the development.
Strategic Investment	The Council may acquire land for the purpose of investment, where the acquisition is strategically important to the Council and/or the community, or to maximise value for rate payers.

3. Methods

Council can use the following methods to acquire land:

Willing Seller – Willing Buyer	Direct negotiation occurs between Council and the landowner. Terms of the sale, including the price paid for the land is determined through the negotiation process.
Compulsory Acquisition	The Public Works Act 1981 provides Council with the ability to compulsorily acquire land for public work, with or without the agreement of the landowner. The landowner is compensated in accordance with the requirements of the Public Works Act.
Endowment	Landowners approach Council to gift or bequeath land. When deciding whether to accept a proposal to gift or bequeath land, the Council must consider the need for the land, how much it will cost to develop and the ongoing maintenance costs.
Vesting	Land is vested due to a requirement in planning rules, such as those relating to esplanade reserves or subdivision.
Land Exchange and Transfer between Public Uses	Generally applied to public works acquisitions, opportunities can arise for the mutually beneficial exchange of land through boundary adjustments or outright ‘swapping’ of land. Council owns land for a wide variety of purposes and at the end of the life of an asset, or due to changing needs, land may become available for an alternative public use, such as a park.
Private Public Partnerships	The Council can enter into agreements with the private sector for capital works projects, including land acquisition. In these agreements the Council would work with and share risk with a private company to deliver better outcomes for the community.
First Right of Purchase Agreement	The Council and the landowner enter into an agreement that the Council has the option to purchase the property prior to it being offered for sale on the open market. The agreement outlines the terms and conditions under which the property will be offered to the Council to purchase. An encumbrance is recorded on the property title to acknowledge the first right of purchase agreement.

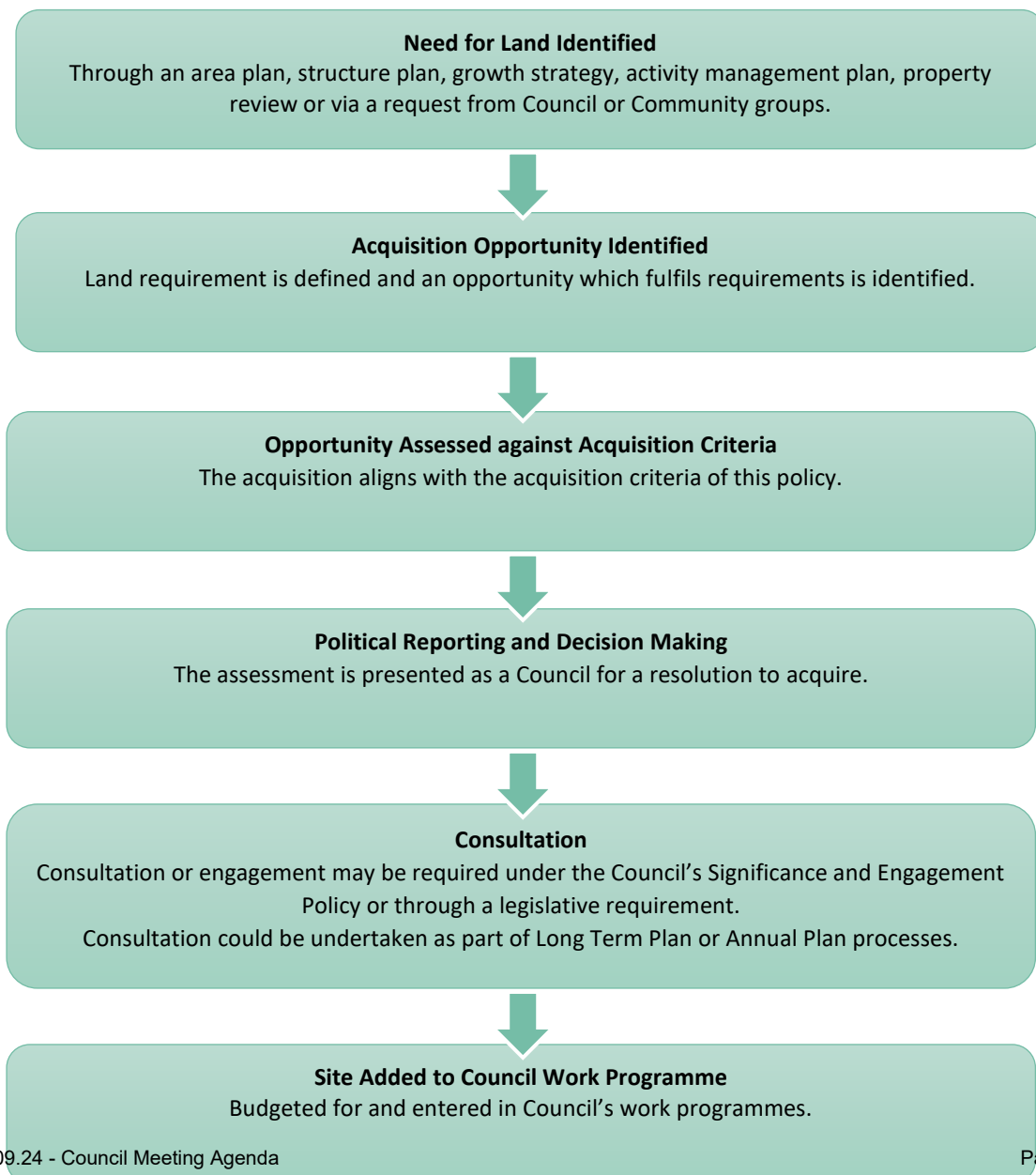
4. Funding Options

Council can obtain funding to acquire land from a variety of sources. These sources and how they are applied to acquiring land are summarised below:

Loans	The Council can raise loans against capital works such as purchasing land and is used by the Council as a 'intergenerational funding' to reduce the impact of one-off large expenditure on rates, balanced with a prudent approach to ensure debt remains within debt limits.
Financial Contributions	The Resource Management Act 1991 allows councils to collect financial contributions when land is developed to mitigate the effects of growth.
Development Contributions	The Local Government Act 2002 allows councils to require a contribution from new developments to provide infrastructure required due to growth, such as land for infrastructure like public works or greenspace. Development contributions can only be spent on growth related infrastructure in accordance with the Council's Development Contributions Policy.
Proceeds from Disposal of Council Owned Land	If the Council disposes of land it may choose, or be required to under the Reserves Act 1977, to utilise the proceeds from any such sale towards acquiring new land.

5. Assessment Process

The Council will apply a strategic approach to land acquisition. To inform a decision on whether to acquire land, the Council will use the following steps to assess acquisitions opportunities:



6. Land Acquisition Criteria

The following criteria will be used to assess an opportunity to acquire land and identify whether it contributes to the objectives and principles of this policy.

The land acquisition criteria below are a guide for decision making by the Council. Each piece of land will be considered on its own merits and no one criteria is listed is necessarily of greater weight.

The Council can decide to proceed with the acquisition if one or more of the criteria are not met. Any criterion not met will be analysed, and this will be considered when Council decides whether to acquire the land.

A. *Strategic fit*

- i. Council will acquire property to meet existing or future levels of service, including infrastructure delivery. This should be identified in an area plan, structure plan, growth strategy, activity management plan, or similar.
- ii. There are no other parcels of Council owned land which could address the need for land.
- iii. The proposed site improves the functionality or access to existing Council owned land.
- iv. There are demonstrable social and environmental benefits to the acquisition.
- v. The acquisition fills a gap or responds to a previously identified need, for example, as identified in the Councils property review.
- vi. The acquisition provides a connection or improves safety and access to the coast, waterways, walkways, cycle tracks or other recreational connections.
- vii. The acquisition is strategically important to the Council and/or community.

B. *Community Requirements*

- i. Any known community interest or preferences for the acquisition opportunity, particular site or the need promoting the acquisition will have been considered.
- ii. The community's aspiration for the site supports the planned usage of the site.

C. *Costs and Land Value*

- i. An appropriate source of funding has been identified.
- ii. The whole of life costs of the acquisition has been considered.
- iii. The funding of the acquisition will be equitable for current and future generations.
- iv. A valuation of the land has been obtained.

D. *Restrictions on Land Use*

- i. Any restrictions from zoning or designations on the site are appropriate for the planned use of the site.
- ii. Consideration will be given to adjoining and adjacent properties to ensure there are no restrictions on the site.

E. *Alternative Ownership and Acquisition Options*

- i. Opportunities for alternative ownership arrangement on the site such as joint ventures or leases have been investigated.
- ii. The consequences of any alternative ownership options have been identified.
- iii. Opportunities for alternative methods of land acquisition other than land purchase, such as endowment, vesting, land exchange or partnerships have been explored.

F. *Site Condition and Suitability*

- i. The land's current use does not prevent or impede the planned use of the site.
- ii. The land is suitable for its intended use.
- iii. Any natural hazards identified on the site will not prevent or impede the planned use of the site.
- iv. Community interest, financial, timing or other implications have been considered regarding removal or refitting of any existing structures, including the need to bring it up to building code standards.
- v. Access and functionality of the site for the intended purpose is achievable.

- vi. A site check for contamination, landfill, and drainage does not reveal anything which will prevent or impede the planned use of the site.

G. *Tenure*

- i. The Council has legal authority to undertake the activity proposed for the property.
- ii. There are no encumbrances on the title which prevent or impede the planned use of the site such as easements, caveats, memorials on title or Māori settlement claims.
- iii. There are no existing tenancies on the property which prevent or impede the planned use of the site.
- iv. The findings of the property's LIM report do not include anything which would impede the planned use of the land, for example shared access.

H. *Cultural Heritage*

- i. Acquisition of the property promotes the Council's meaningful working relationship with Iwi.
- ii. Priority will be given to acquisition which will protect ecological values, historical heritage, cultural value, geological value or landscape values.

I. *Disadvantages of not Proceeding*

- i. There is a risk of the acquisition opportunity being lost or rendered unsuitable for intended use.
- ii. Priority will be given where there are no alternatives available, and if the specific site is not purchased the identified need is not fulfilled.

7. Post Purchase Management

After land has been acquired there are steps the Council must undertake before use of the land for its intended purpose can begin, including budgeting, design, contracts and resource consents.

In the interim period, if necessary, the Council will undertake minor works to address health and safety issues and may install assets such as fences and signs.

6.6 Disposal

1. General

- a. A report to Council will be required for any land disposal proposal.
- b. A fully transparent, publicly competitive, open market sale process is followed where possible. Before disposing of land, the Council must resolve that the land is surplus.
- c. The Council must comply with legislative requirements when disposing of land, such as Reserves Act 1977 and the Local Government Act 2002. This legislation specifies the public consultation process, who has the rights to purchase land once Council indicates it is surplus and who obtains the proceeds from disposing of land or how the proceeds from the disposal can be spent.
- d. Market value will be assessed by a registered valuer. If the valuation is over \$500,000 excluding GST (if any) then a second valuation will be obtained to verify market value.
- e. The Council's preference is to not sell property during the time of a significantly depressed property market.
- f. Proceeds of disposal will be used in accordance with the Revenue and Financing Policy or as required by act.
- g. A property review will be undertaken every six years and presented to the Council to look for opportunities to reduce, change use or retain existing Council owned land. The outcome of these decisions will be reflected in the following years Annual Plan or Long Term Plan.

2. Purpose of Disposal

Council will dispose of land to minimise holding costs and maximise revenue from income and/or property appreciation.

3. Methods

Council may use the following methods to dispose of land:

Council Owned Freehold Land	The Council may choose to sell freehold land. An assessment in accordance with this policy will ensure this decision making is strategically aligned.
Revocation or Reclassification of Reserve	If the Council wishes to revoke the classification of a reserve, it must follow a public consultation process and consult with the Department of Conservation. This process is detailed in the Reserves Act 1977. Reserves must be revoked before they can be disposed of, and the method of their disposal is linked to how the Council originally acquired the land.
Exchange of Land	The Council may exchange land it owns for another piece of land which fits better with its strategic fit land acquisition criteria. This could occur through boundary adjustments or outright ‘swapping’ of land. This process is governed principally by the Reserves Act 1977 and the Public Works Act 1981.
Disposal of Land Acquired for Public Works	If land bought for a specific public work is no longer required for that public work, any other public work, or an exchange, the Council can dispose of the land. However, it must first offer the land back to the original owners or their representatives.
Disposal of Endowed (gifted or bequeathed) Land	Before disposing of endowed land, Council must seek the views of the original owners or their successors.

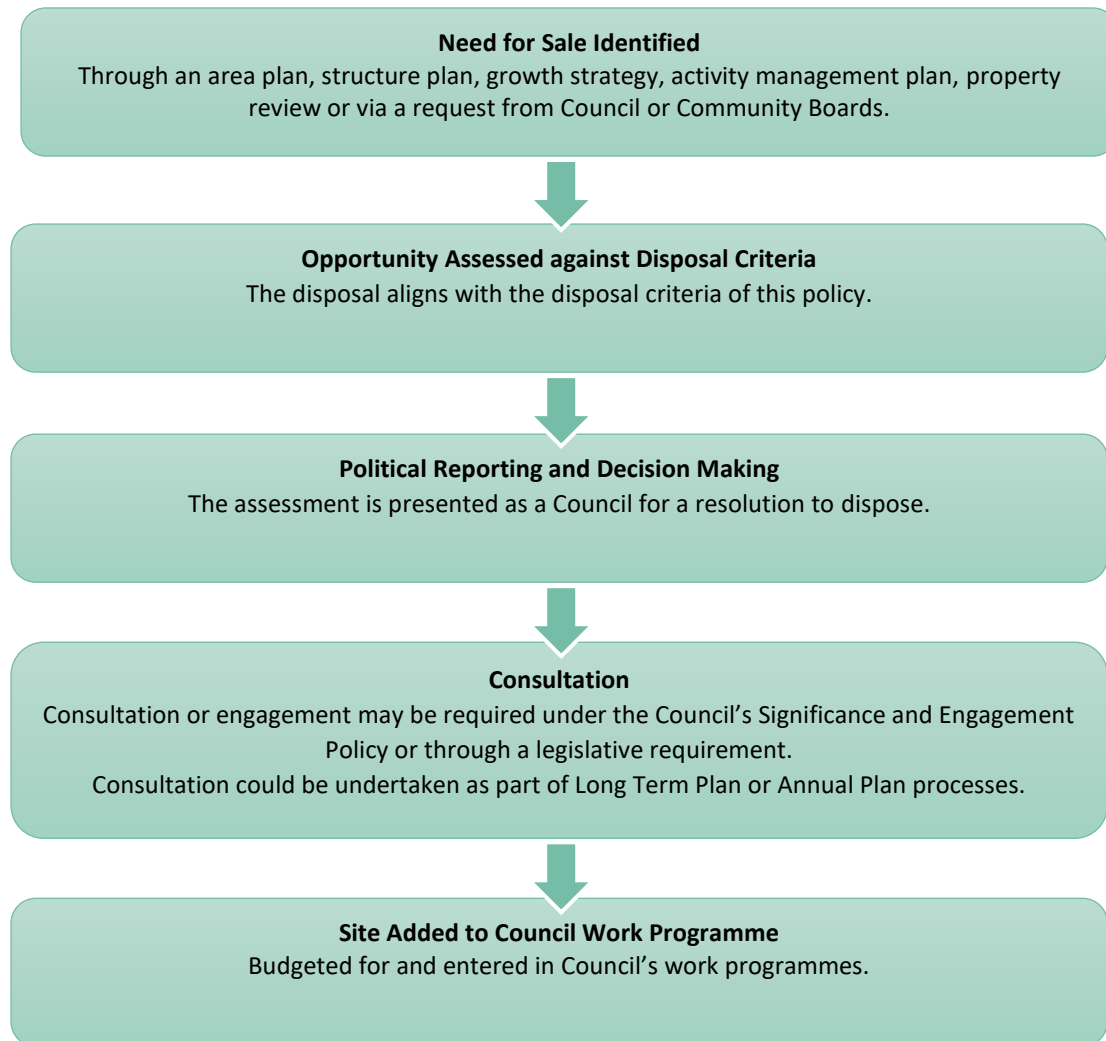
4. Proceeds from the Sale

Proceeds from the disposal of land will be spent as per the Revenue and Financing Policy. In general, proceeds from asset sales will be used for repayment of debt or investment in other Council owned Open Spaces.

Proceeds may be required to be spent on the improvement of other reserves or towards the purchase of other land for reserves under the Reserves Act 1977. When required these proceeds will be held in reserve fund.

5. Assessment Process

The Council will apply a strategic approach to land disposal. To inform a decision on whether to dispose of land, the Council will use the following steps to assess disposal opportunities:



6. Land Disposal Criteria

The following criteria will be used to identify whether land contributes to the objectives and principles of this policy or it provides an opportunity for disposal.

The land disposal criteria below are a guide for decision making by Council. Each piece of land will be considered on its own merits and no one criteria listed is necessarily of greater weight.

The Council can decide to proceed with the disposal if one or more of the criteria are not met. Any criterion not met will be analysed, and this will be considered when Council decides whether to dispose of the land.

A. *Surplus*

The property is surplus for one or more of the following reasons:

- i. The land no longer contributes to the strategic goals of the Council or any area plan, structure plan, growth strategy, activity management plan or similar.
- ii. The land is no longer required for its intended purpose.
- iii. The land is not required or suitable for any alternative Council purposes.
- iv. The ongoing costs of the property are not sustainable.
- v. The sale of the land is practicable and feasible.
- vi. Disposing of the land will be of financial benefit to the Council.

B. Market Conditions

- i. The property market is not significantly depressed.
- ii. There are interested parties for purchase of the land.
- iii. The financial benefits of disposing of the land outweigh the financial costs of holding or disposing of the property.

C. Timing

- i. The Council is able to legally dispose of the land in the manner proposed.

D. Community Views

- i. Any known community interest or preferences for the particular site and its rendition or disposal have been considered.
- ii. The community's aspirations for the site supports its disposal.

E. Cultural Heritage

- i. The land does not contribute to ecological values, historic heritage, cultural value, geological value or landscape values.

6.7 Ad hoc Acquisition or Disposal

The Council may from time to time receive a request or wish to take advantage of an opportunity to acquire or dispose of land outside of planned acquisition and disposal in the Long Term Plan or Annual Plan. This request could come from a member of the public, elected member, or an internal Council planning exercise.

The request must be presented to the Council for an acquisition or disposal resolution which assesses the acquisition and disposal opportunity using the assessment criteria outlined in this policy. Any decisions responding to these requests must be made by Council resolution based on this assessment.

Where a member of the public applies to the Council to purchase Council owned land, all costs associated with that land purchase shall be paid for by the applicant.

6.8 Road Stopping

Council will consider permanent road stopping and disposal where:

- i. The road is not likely to be required for Council or community purposes; or
- ii. The road stopping is required to meet the operational requirements of either Council or Crown.

Road stopping requests will not be treated as surplus property and will be undertaken in accordance with the processes outlined in Local Government Act 1974 or the Public Works Act 1981.

All costs associated with the road stopping shall be met by the requesting party or as otherwise specified by the Council's user fees and charges in the Long Term Plan or Annual Plan.

7 Roles and Responsibilities

The roles and responsibilities for elected members and council staff are:

Role	Responsibility
Council Elected Members	<ul style="list-style-type: none"> • Represents the interests of the community. • Provide strategic oversight of the acquisition and disposal of land. • Approves resolutions to acquire and dispose of land.

Executive Leadership Team	<ul style="list-style-type: none"> • Provides strategic oversight of the property review. • Endorses recommendations from the property review for Council approval.
District Assets Senior Management	<ul style="list-style-type: none"> • Undertake a property review every six years prior to the Long Term Planning process to recommend opportunities for acquisition and disposal of land. • Development of area plans, structure plans, growth strategy, or similar if required. • To include any land acquisition or land disposal within relevant activity management plans and provide input into the Long Term Plan or Annual Plan. • To procure a registered valuation of the land and list it for sale. • To update the asset register if any land is acquired or sold.
Finance Manager	<ul style="list-style-type: none"> • To organise a transfer of funds for land acquisition or receive funds from a land sale. • To ensure that the GST treatment of any sale/purchase agreement is correct. • To update the finance fixed asset register.

8 Confidentiality

The Council will only release information relating to acquisition and disposal of transactions on specific land where it is no longer confidential in terms of the Local Government Official Information and Meetings Act 1987.

Where appropriate, the Council may consult with Iwi or selected stakeholders on a specific acquisition or disposal transaction on a confidential basis.

9 Related Documents and Acts

The following Westland District Council documents relate to this policy:

- District Plan
- Long Term Plan
- Annual Plan
- Infrastructure Strategy
- Activity Management Plans
- Open Spaces Strategy
- Reserve Management Plans
- Finance Strategy
- Revenue and Financing Policy
- Staff Conflict of Interest Policy

The following Legislation relates to this policy:

- Land Transfer Act 2017
- Local Government Act 1974
- Local Government Act 2002
- Public Works Act 1981
- Reserves Act 1977
- Resource Management Act 1991
- Local Authorities (Members Interests) Act 1968

Note: Any legislation referred to should be interpreted as meaning the Act and its amendments

Land Acquisition and Disposal Policy



10 Implementation of the Policy

This policy will be implemented across council staff and will be actively communicated during planning and operational delivery.

The implementation of this policy is delegated to the Group Manager – District Assets.

11 Policy Review

A review of this policy will take place every five years or as otherwise required by the Chief Executive or the Asset Strategy and Development Manager.

Created:	25-07-2024	Date for review:	
Author:	Alicia Paulsen	Authorised by:	
Consulted on:		Version	1

Sale of Property Policy

1. Purpose

To provide a clear framework for the sale of property that is deemed surplus to Council requirements.

To ensure that due diligence is undertaken when considering the disposal or sale of Council owned property.

2. Scope

The policy applies to any Council owned property (including land, buildings and structures) which is identified for potential sale.

3. Objectives

To ensure that the proper processes and due diligence are followed when disposing of Council property.

4. Commencement

This policy comes into force on 25th June 2021.

5. Definitions

'Council owned property' includes any land, building or structure owned by the Westland District Council.

6. Principles

In considering any property sales, the Council, or their delegate must have regard to the following principles:

6.2 Transparency: Council property or disposal transaction should generally be conducted in an open and transparent manner, within reasonable commercial confidentiality constraints and using consistent (public) criteria, to maintain public confidence in the expenditure of funds.

6.3 Regular reviews: Council's property portfolio should be regularly reviewed to ensure that:

6.3.1 The purpose for which the property is held remains valid and the property continues to be fit for purpose.

6.3.2 Where the property is no longer being used for its intended purpose, or cannot meet that purpose, it will be re-assessed for either disposal or used for another valid purpose ("repurposed").

6.4 Maximise value: The Council will seek to maximise the net value of all of its property sales for the financial benefit of its ratepayers.

6.5 Consideration must be given to the original intention of the land ownership and whether it is appropriate from the perspective of community conscience to sell it.

6.6 Measure performance: The Council will establish and maintain a measure of performance to ensure it is satisfied with the levels of use and service performance levels of its properties in order to ensure timely disposal or repurposing.

7 Responsibilities

The following responsibilities and obligations apply:

7.2 Only the Council can make the decision and pass a resolution that property is surplus and is to be sold.

- 7.3 For transparency, Council is obliged to get an independent valuation from a registered valuer.
- 7.4 The Chief Executive will be responsible for the terms and conditions of the sale, subject to any specific terms or conditions set down as part of the Council resolution.
- 7.5 The Chief Executive has the power to make any amendments, change or action which is incidental to the Council resolution for the sale of property.

8 Policies

- 8.1 A property review will be undertaken at the time of reviewing the Council's Long Term Plan. The review will be presented to Council to confirm the need to retain property and determine if a property is surplus or underperforming.
- 8.2 Any recommendation to declare a property as surplus (or underperforming) must consider Council's published strategic objectives, policies and/or plans as at the time of the assessment.
- 8.3 Property should be reported to Council for disposal (or repurposing) if:
 - a) The property is a financial liability (e.g. the maintenance costs are sufficiently high that they outweigh the benefits of holding the property).
 - b) Where part of the site is attractive to an interested part (e.g. adjoining landowner has signalled their interest in purchasing the land) and the part concerned is not required for council/community use.
 - c) Where part of the site is attractive to an interested party (e.g. encroachment or adjoining landowner). However, in this case, the Council may consider increasing the purchase price to reflect the absence of Council being a willing seller. Alternatively, the Council may choose to charge the encroaching part market rent for use (encroachment) of Council land.
 - d) A property classified as part of the 'commercial' portfolio (designated to return a positive return and offset rates) that is not able to at least break even for more than two years.
- 8.4 Property and land disposals will be scheduled within the proposed property asset management plan. However, should a strong need to dispose of property or land arise outside this process, such disposals will be escalated to Council for a decision.
- 8.5 Consideration will be given to the potential future use, activity and development of the property, adjoining and adjacent properties to ensure that there are no future matters which may be affected by the sale. The Council will also give consideration as to whether the sale of the property would require an easement or other encumbrance to be added to the title to protect Council owned infrastructure or services.
- 8.6 To ensure due diligence, a status check should be carried out on the land to ensure there are no encumbrances on the land which would stop the sale.
- 8.7 Consideration will be given to the processes required to dispose of land and the costs associated with that in comparison to the potential sale price to be achieved. Matters to be considered include but are not limited

to costs of surveying, legal conveyancing, addressing revocation of reserve status, road stopping, creation of easements or removal of easements and provision of legal access.

8.8 Council property will have all the appropriate Council approvals, licenses and certificates of compliance.

8.9 The process of selling Council freehold land that has been declared surplus must be publicly notified. The only exceptions shall be when a single party owns land on most boundaries of the said land, and to sell to an outside party could be seen as mischievous or unreasonable.

8.10 Public notification should be guided by the obligations set out under Section 46 of the Local Government Official Information and Meeting Act.

9 Related Policies

9.1 Asset Disposal Policy and Asset Register

9.2 Delegations Manual

Created:	October 2021	Date for review:	June 2024
Author:	Planning Manager	Authorised by:	Council
Consulted on:	Adopted by Council 24.06.21	Version	1

Report to Council



DATE: 26 September 2024
TO: Mayor and Councillors
FROM: Asset Strategy and Development Manager

RESPONSIBLE FREEDOM CAMPING BYLAW

1. Summary

- 1.1. The purpose of this report is to seek that Council adopt the Statement of Proposal and Draft Responsible Freedom Camping Bylaw allowing for public consultation to occur using the special consultative procedure as per Section 86 of the Local Government Act 2002.
- 1.2. The issue arises from concern that without a bylaw, Council has no ability to manage freedom camping within the Westland District.
- 1.3. This new bylaw replaces the expired bylaw, Freedom Camping Bylaw 2018.
- 1.4. Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by the Council in June 2024, which are set out in the Enhanced Annual Plan 2024/2025. Refer page 2 of the agenda.
- 1.5. This report concludes by recommending that Council adopt the Statement of Proposal and Draft Responsible Freedom Camping Bylaw, attached as **Appendix 1** and **Appendix 2**.

2. Background

- 2.1 Westland District is a popular destination for campers, however, the District faces several challenges in balancing the needs of these visitors with the wellbeing of the communities that host them. The coastline, in particular, is a place of historical, cultural and environmental significance, home to important archaeological sites, unique ecosystems and biodiversity. It is also vulnerable to the impacts of severe weather, coastal erosion and climate change with infrastructure and access to remote communities at risk.
- 2.2 The broad geographical distribution of the District presents an additional challenge for enforcement and heightens concerns for health and safety of both visitors and local communities. Any regulation imposed by a freedom camping bylaw must reflect these challenges and regulations must be balanced with the corresponding expectation of enforcement from the community.
- 2.3 The Freedom Camping Act 2011 permits freedom camping in any local authority area (i.e. land controlled by the local council rather than private entities or central government), unless it is restricted or prohibited by a local bylaw or any other enactment.
- 2.4 Council can consider five ways to address matters related to freedom camping:
 - a) Do nothing -

Under this, the Council maintains the status quo of having no bylaw and the Freedom Camping Act 2011 would apply. Under section 10 of that Act, freedom camping is generally permitted, subject to restrictions and prohibitions provided for in other legislation. A key area where such restrictions apply are in reserves, where the use of these areas for temporary accommodation, such as freedom camping, is restricted by section 44 of the Reserves Act 1977.

- b) Make a bylaw under the Local Government Act 2002 -
This would restrict or prohibit freedom camping in some areas and, in accordance with section 10(b) of the Freedom Camping Act 2011, would be controlling freedom camping 'under any other enactment'.
- c) Use reserve management plans -
This would permit freedom camping on some reserves, where it is appropriate to do so. Freedom camping would continue to be prohibited on all other reserves, but would be permitted on all other Council land, under the Freedom Camping Act 2011.
- d) Add rules to the district plan -
Rules controlling freedom camping could be added to the Council's Proposed District Plan by using the plan change process set out in the Resource Management Act 1991.
- e) Make a bylaw under the Freedom Camping Act 2011 -
This would restrict or prohibit freedom camping in some areas, including allowing freedom camping with restrictions on some reserves, where it is appropriate to do so.

2.5 Council staff considered the above and given Council previously had a bylaw, concluded that creating a bylaw under the Freedom Camping Act 2011 would be the most reasonably practicable solution for addressing the issues caused by freedom camping.

3 Current Situation

3.1 Council is seeking to make a new bylaw under the Freedom Camping Act 2011, which carries over many of the provisions from the Freedom Camping Bylaw 2018. The new bylaw will be called the Responsible Freedom Camping Bylaw 2024.

3.2 The Council waited until after the Self-Contained Motor Vehicles Legislation Act 2023 was passed before progressing the formulation of the proposed Draft Bylaw. The reason for this is that the Self-Contained Motor Vehicles Legislation Act 2023 made changes to the Freedom Camping Act 2011 which in turn has led to several of the changes proposed in the Draft Bylaw.

3.3 Section 11(2) of the Freedom Camping Act 2011 provides that the Council may only make a bylaw under the Freedom Camping Act 2011 if it is satisfied that:

The bylaw is necessary for one of more of the following purposes:

- a) To protect the relevant areas;
- b) To protect the health and safety of people who may visit the relevant areas;
- c) To protect access to the relevant areas; and

The bylaw is the most appropriate and proportionate way of addressing the perceived problem in relation to the relevant area; and the bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990.

3.4 An assessment against section 11 of the Freedom Camping Act 2011 has been completed and is attached to this report as **Appendix 3**. The assessment demonstrates that the proposed bylaw is needed.

- 3.5 The Freedom Camping Act 2011 prescribes that a special consultative procedure must be used in forming a bylaw. Section 86 of the Local Government Act prescribes the steps that Council must take in carrying out a special consultative procedure.
- 3.6 The Statement of Proposal has been created based on requirements of the Freedom Camping Act 2011 and the Local Government Act 2002. If adopted the Statement of Proposal will be notified in accordance with Section 86, with members of the community given the opportunity to submit and speak to the proposal.
- 3.7 The proposal has been formulated in accordance with all relevant legislation. Adoption of the Statement of Proposal will result in a Bylaw enforceable by Council.

4. Options

- 4.1. Option 1: Adopt the Statement of Proposal pursuant to section 86 of the Local Government Act 2002 for use in the Special Consultative Procedure.
- 4.2. Option 2: Adopt the Statement of Proposal subject to changes pursuant to section 86 of the Local Government Act 2002 for use in the Special Consultative Procedure.
- 4.3. Option 3: Decline to adopt the Statement of Proposal pursuant to section 86 of the Local Government Act 2002 for use in the Special Consultative Procedure.

5. Risk Analysis

- 5.1. Risk has been considered and the following risks have been identified; Legislative and Compliance.
- 5.1.1. Without a bylaw there is a risk of people freedom camping in places that risk the protection of the area, the health and safety of the people who visit the area and protection of the access to the area.

6. Health and Safety

- 6.1. Health and Safety has been considered and no items have been identified.

7. Significance and Engagement

- 7.1. The level of significance has been assessed as being medium as it deals with a significant regulatory issue throughout the District, which has potential to impact on the Districts visitors and residents.
- 7.1.1. Public consultation is considered necessary. In response to this, the proposal is subject to the Special Consultative Procedure as set-out by the Local Government Act 2002. This will provide the wider public the opportunity to engage with the process and have their views heard.

8. Assessment of Options (including Financial Considerations)

- 8.1. Option 1 – Adopt the Statement of Proposal pursuant to section 86 of the Local Government Act 2002 for use in the Special Consultative Procedure.
- 8.1.1. The following implications have been identified;
- If Council wishes to have an enforceable restriction on freedom camping anywhere in the District it must have a bylaw. A bylaw allows for instant infringements of \$400. Without a bylaw Council can only rely on education and suggestion.
 - It is considered that a bylaw is necessary to control freedom camping in the District for the purposes of protecting areas, the health and safety of visitors, and access to area.
 - A bylaw similar to that proposed, is considered to be “appropriate and proportionate” because it strikes a balance between allowing for responsible freedom camping and protecting health, safety and the environment.
 - A bylaw will have financial implications due to the nature of enforcement. Enforcement options are currently being considered.

8.2. Option 2 – Adopt the Statement of Proposal subject to changes pursuant to section 86 of the Local Government Act 2002 for use in the Special Consultative Procedure.

8.2.1. The following implications have been identified;

- If Council wishes to have an enforceable restriction on freedom camping anywhere in the District it must have a bylaw. A bylaw allows for instant infringements of \$400. Without a bylaw Council can only rely on education and suggestion.
- It is considered that a bylaw is necessary to control freedom camping in the District for the purposes of protecting areas, the health and safety of visitors, and access to area.
- A bylaw similar to that proposed, is considered to be “appropriate and proportionate” because it strikes a balance between allowing for responsible freedom camping and protecting health, safety and the environment.
- A bylaw will have financial implications due to the nature of enforcement. Enforcement options are currently being looked at.

8.3. Option 2 – Decline to adopt the Statement of Proposal pursuant to section 86 of the Local Government Act 2002 for use in the Special Consultative Procedure.

- Without a bylaw freedom camping will be permitted in any local authority area.
- There are risks that the consequences of freedom camping will have significant impacts on the residents and visitors to the District.
- The summer tourist season is fast approaching, and the reputation of Council is at risk without a bylaw in place.

9. Preferred Option(s) and Reasons

9.1. The preferred option is Option 1.

9.2. The reason that Option 1 has been identified as the preferred option is that Council cannot regulate freedom camping within the District without a current bylaw.

10. Recommendation(s)

10.1. That the report be received.

10.2. That Council determine under section 155(1) of the Local Government Act 2002 that the problem presented by freedom camping in the District is most appropriately and proportionately addressed by the way of a bylaw under the Freedom Camping Act 2011.

10.3. That in accordance with section 11 of the Freedom Camping Act 2011 Council adopt the proposed Statement of Proposal and Draft Responsible Freedom Camping Bylaw 2024 for public consultation using the special consultative procedure under section 86 of the Local Government Act 2002.

Alicia Paulsen
Asset Strategy and Development Manager

Appendix 1: Statement of Proposal
Appendix 2: Draft Responsible Freedom Camping Bylaw 2024
Appendix 3: Freedom Camping Act Section 11 Assessment
Appendix 4: Freedom Camping Bylaw 2018



Statement of Proposal
under Special Consultative Procedure as per
Section 86 of Local Government Act 2002:

Responsible Freedom Camping Bylaw 2024

THE PROPOSAL:

Westland District Council (the Council) is reviewing its regulatory approach to freedom camping. This statement of proposal details the Council's proposal to make a new Responsible Freedom Camping Bylaw under Section 11 of the Freedom Camping Act 2011 (the Act). A draft of the Proposed Bylaw is attached to this statement of proposal.

Submissions open: 27th September 2024

Submissions close: 29th October 2024

Hearing date: 14th November 2024

Westland District Council (the Council) is reviewing its regulatory approach to freedom camping. This statement of proposal details the Council's proposal to make a new Responsible Freedom Camping Bylaw under Section 11 of the Freedom Camping Act 2011 (the Act). A draft of the Proposed Bylaw is attached to this statement of proposal.

We are seeking feedback on the proposed Responsible Freedom Camping Bylaw 2024. Consultation allows the community to have a say on the content, and changes to, the Proposed Bylaw. Council welcomes your feedback with consultation open from 27th September 2024 to 29th October 2024.

This statement of proposal has been made for the purposes of section 82, 84 and 86 of the Local Government Act 2002 and section 11B of the Freedom Camping Act 2011.

1. What is Freedom Camping

Camping as an activity is managed through a range of other plans, bylaws and legislation. The Council does not currently have a freedom camping bylaw, and as a result, cannot effectively regulate or enforce rules relating to freedom camping at any parks or other Council land that is not gazetted Reserve.

The Act is permissible by default, which means its starting point is to allow freedom camping on all council controlled or managed land, unless prohibited under other legislation (such as the Reserves Act 1977). However, the Act does not recognise that some areas under control or management of councils may not be suitable for freedom camping and enables councils to make a bylaw to protect these areas. This includes protecting an area, protecting the health and safety of the people who may visit an area, and to protect access to an area.

Freedom camping bylaws can identify areas where freedom camping is prohibited and restricted to manage how and where freedom camping can occur, and what additional conditions may be needed in some areas. Bylaws can also identify areas where freedom camping can occur in vehicles that are not self-contained.

Any restrictions or prohibitions on freedom camping must be consistent with the Act and can only be applied if the restrictions or prohibitions are proportionate, and within the scope of the criteria within section 11(5) of the Act. According to the Act, areas may only be prohibited or restricted for the following reasons:

- (i) to protect the area
- (ii) to protect the health and safety of people who may visit the area
- (iii) to protect access to the area

Areas must be assessed against these criteria before any restrictions or prohibitions are applied to ensure the Bylaw is appropriate, proportionate, consistent, and defensible.

A freedom camping bylaw made under the Act cannot address issues other than camping as defined by the Act. This definition does not include staying at a camping ground, temporary or short-term parking of a motor vehicle, day trips, or resting or sleeping at the roadside to avoid driver fatigue. It also explicitly excludes those experiencing homelessness who may be living in their vehicle. The land covered by the Act is also limited to those areas controlled or managed by Council, and does not include private land or Department of Conservation (DOC) reserves.

2. Changes to National Legislation

The Self-contained Motor Vehicles Act 2023 came into force in June 2023 and made amendments to the Freedom Camping Act 2011. A key change made by the amendment means that since June 2023, if a person is freedom camping on council controlled or managed land using a vehicle, they must be using a certified self-contained vehicle to freedom camp. The definition of self-contained has been updated to require a fixed toilet. These changes apply nation-wide, regardless of whether or not a Council has a bylaw. There is a transition period to allow people with current 'blue sticker' certifications (under the old certification requirement) time to move to the new 'green sticker' certification (where a fixed toilet will be required) over the next two years.

Changes were also made to the infringement fees and fines structure under the Act. The original infringement fee of \$200 has been replaced by a new tiered penalty system which came into force on 13 July 2023 and provides Councils with more options to apply fines proportionate to the breach of a freedom camping bylaw or the Act.

3. Options Considered

Westland District is a popular destination for campers, however, the District faces a number of challenges in balancing the needs of these visitors with the wellbeing of the communities that host them. The coastline, in particular, is a place of historical, cultural and environmental significance, home to important archaeological sites, unique ecosystems and biodiversity. It is also vulnerable to the impacts of severe weather, coastal erosion and climate change with infrastructure and access to remote communities at risk.

The broad geographical distribution of the District presents an additional challenge for enforcement and heightens concerns for health and safety of both visitors and local communities. Any regulation imposed by a freedom camping bylaw must reflect these challenges and regulations must be balanced with the corresponding expectation of enforcement from the community.

Council can consider five ways to address matters related to freedom camping:

- i. Do nothing –

Under this, the Council maintains the status quo of having no bylaw and the Freedom Camping Act 2011 would apply. Under section 10 of that Act, freedom camping is generally permitted, subject to restrictions and prohibitions provided for in other legislation. A key area where such restrictions apply are in reserves, where the use of these areas for temporary accommodation, such as freedom camping, is restricted by section 44 of the Reserves Act 1977.

- ii. Make a bylaw under the Local Government Act 2002 –

This would restrict or prohibit freedom camping in some areas and, in accordance with section 10(b) of the Freedom Camping Act 2011, would be controlling freedom camping 'under any other enactment'.

- iii. Use reserve management plans –

This would permit freedom camping on some reserves, where it is appropriate to do so. Freedom camping would continue to be prohibited on all other reserves, but would be permitted on all other Council land, under the Freedom Camping Act 2011.

- iv. Add rules to the district plan –

Rules controlling freedom camping could be added to the Council's Proposed District Plan by using the plan change process set out in the Resource Management Act 1991.

- v. Make a bylaw under the Freedom Camping Act 2011 -

This would restrict or prohibit freedom camping in some areas, including allowing freedom camping with restrictions on some reserves, where it is appropriate to do so.

Council considered the above options and given Council previously had a bylaw, concluded that creating a bylaw under the Freedom Camping Act 2011 would be the most reasonably practicable solution for addressing the issues caused by freedom camping.

4. What is Council proposing?

The Proposed Bylaw includes rules for Freedom Camping across the district including identification of prohibited and restricted areas. The Proposed Bylaw seeks to protect areas, the health and safety of people using areas, and protecting access to areas, from negative impacts caused by freedom camping.

A summary of the Proposed Bylaw is detailed below. The Proposed Bylaw is also attached to this document in full.

General provisions

The Proposed Bylaw follows a similar form that other councils use, in order to better support freedom campers as they travel the country and seek to understand the different rules within each district. Where possible, the defined terms in the bylaw like 'Self-contained' and 'Freedom Camping' directly link back to the Act to limit any potential inconsistencies, however, the Proposed Bylaw includes copies of the relevant parts of the Act to make it easy for the meaning of those defined terms to be understood without needing to review the legislation.

The Proposed Bylaw provides Council with a tool to temporarily close an area to freedom camping if required to protect an area, protect the health and safety of the people who may visit an area, and to protect access to an area, and also provides a mechanism for an exemption to be granted if a person needs to freedom camp in a prohibited or restricted area, such as during an event.

The Proposed Bylaw does not specify District-wide rules in addition to those general requirements under the Act. Instead, the bylaw aims to formalise areas which are currently understood to be camping areas within the district, areas which experience problems associated with freedom camping, or areas which require additional protection. These areas are defined in the Schedules of the Proposed Bylaw and indicative maps of the areas are included as well.

Incorporation of NZ Standard by reference – Certified Self-contained

The Proposed Bylaw uses the definition of certified self-contained motor vehicle within the Act. To support and provide further information to this definition, the Proposed Bylaw also incorporates by reference the NZ Standard 5465:2001 Self containment of motor caravans and caravans which has further detail of the more technical requirements of certification.

As required by clause 1 of Schedule 2 of the Legislation Act 2019, this statement of proposal is public notice of the proposal to incorporate the NZ Standard in the Freedom Camping Bylaw. The NZ Standard

is incorporated by reference because it is impracticable to include its content in the bylaw. The NZ Standard is publicly available here where it can be viewed or printed once for free. We are seeking feedback on the incorporation of the NZ Standard in the Proposed Bylaw, particularly comments about whether:

- the Proposed Bylaw clearly identifies the material incorporated; and
- the means of making the NZ Standard publicly available is sufficient to enable people to find and obtain copies of it with reasonable ease; and
- it is otherwise appropriate.

The standard can be viewed or printed once for free at this link:

<https://www.standards.govt.nz/shop/nzs-54652001>

5. Specific Area Restrictions

Any potential areas for prohibition or restriction must be first assessed against the criteria in section 11(2) of the Act before being included in a freedom camping bylaw. This section states that councils can only prohibit or restrict freedom camping in an area if this is necessary to:

- (i) protect the area - to protect areas that are environmentally or culturally sensitive.
- (ii) protect health and safety - to keep freedom campers and other visitors to an area safe.
- (iii) protect access to the area - where the presence of freedom campers could block access or damage infrastructure.

The assessments were completed using a tool which is used by many New Zealand councils and is considered best practice by the sector. This assessment looks at each of the three elements outlined in section 11(2) of the Act to determine whether prohibiting or restricting freedom camping is appropriate in the area. The tool provides councils with a standardised and transparent way of applying the Act and demonstrates a clear line of sight between the criteria in the Act, and the bylaw.

Prohibitions and restrictions have been included in the bylaw to formalise areas for freedom camping as well as identifying areas which require protection through a bylaw under the Act. These prohibitions and restrictions are proposed with consideration for the enforcement challenges present in the District. Consideration has been given to ensure an appropriate and practical balance between the need for and benefits of protection and the ability for enforcement, with the understanding that there is a relationship between the complexity of regulation and the level of service expected by the community.

As a result of this assessment, the Proposed Bylaw includes the following prohibitions and restrictions.

Prohibitions

The Proposed Bylaw prohibits freedom camping in the following township areas:

- Hannahs Clearing
- Jacksons Bay
- Kainere
- Neils Beach
- Okarito
- Okuru
- Ruatapu
- Fox Glacier

Specific Area Restrictions

The Proposed Bylaw places restrictions on freedom camping in the areas of:

- Arahura
- Bruce Bay
- Franz Josef
- Haast
- Harihari
- Hokitika
- Kakapotahi
- Kumara
- Milltown
- Paringa
- Rimu/Woodstock
- Ross

Freedom camping in these urban areas is restricted to certified self-contained and non self-contained (depending on the area) for a maximum of two nights in one location within a 30-day period. These restrictions ensure that freedom campers can visit and enjoy the townships' amenities while protecting access to these areas and the health and safety of residents and visitors alike, by ensuring short stays that will not adversely impact on any one location within the townships.

6. New Zealand Bill of Rights Act 1990

The Council must determine whether the bylaws made under the Local Government Act 2002 give rise to any implications under the New Zealand Bill of Rights Act 1990.

This bylaw is similar to bylaws used by other territorial local authorities, and there is no legislative commentary reviewed that would suggest Bill of Rights implications. The Proposed Bylaw content is considered to reflect a suitable balance between personal freedoms and community protection, and is not considered to have discriminatory effects.

KEY DATES

SUBMISSIONS OPEN: 9am 27th September 2024

SUBMISSIONS CLOSE: 5pm 29th October 2024

HEARING, DELIBERATION AND DECISION: 9am 14th November 2024

Revisions applied: The revisions will generally take effect the day after the decision is made by Council.

The Responsible Freedom Camping Bylaw 2024 can be found [here](#).

SHARE YOUR FEEDBACK

IN PERSON You have the option to speak to Council during the hearing. If you have not provided a written submission either call or email us to discuss this option.

If you make a submission in writing you can tick the box on the online submission form to advise that you would like to speak at the hearing, or advise us in your email or letter and we will get in touch with you.

ONLINE You can make your submission online. Go to: <https://www.westlanddc.govt.nz/responsible-camping-bylaw/>

IN WRITING You can make a written submission by post or by sending us an email, or complete, scan and email the printable submission form.

POST: Westland District Council, 36 Weld Street, Hokitika 7811

EMAIL: infrastructure@westlanddc.govt.nz

OVER THE PHONE: If using the online submission form or sending an email is not an option, you can make a submission by calling Council on the number below:

PHONE: 03 756 9010

FREEPHONE: 0800 474 834

Please note, submissions will be publicly available on the council's website, through inclusion in council agendas, and/or retrievable by request under the Local Government Official Information and Meetings Act 1987. Contact details will redacted under the Privacy Act 2020.

If you have any questions about the Proposed Bylaw, or the submission process, please let us know. Call us on 03 756 9010 or 0800 474 834 and let our friendly Customer Services staff know you have a question about the Proposed Freedom Camping Bylaw or contact us via email at infrastructure@westlanddc.govt.nz.

WESTLAND DISTRICT COUNCIL RESPONSIBLE FREEDOM CAMPING BYLAW 2024

1. TITLE AND COMMENCEMENT
2. APPLICATION OF BYLAW
3. PURPOSE
4. DEFINITIONS AND INTERPRETATION
5. AREAS WHERE FREEDOM CAMPING IS PERMITTED
6. PROHIBITED AREAS
7. RESTRICTED AREAS
8. LOCAL AUTHORITY AREAS WHERE FREEDOM CAMPING IS PERMITTED IN MOTOR VEHICLES THAT ARE NOT SELF-CONTAINED
9. PRIOR CONSENT FROM COUNCIL
10. CLOSURE OF FREEDOM CAMPING AREA
11. OFFENCES
12. PENALTIES
13. RELATIONSHIP OF THE BYLAW WITH THE NGAI TAHU CLAIMS SETTLEMENT ACT
1998

SCHEDULE ONE: PROHIBITED AREAS

SCHEDULE TWO: RESTRICTED AREAS

SCHEDULE THREE: PROHIBITED AND RESTRICTED AREA MAPS

1. TITLE AND COMMENCEMENT

- 1.1 This Bylaw is the Westland District Council Responsible Freedom Camping Bylaw 2024.
- 1.2 This Bylaw comes into force on [Date].
- 1.3 This Bylaw is due for review under section 13 of the Act by [Date].

2. APPLICATION OF BYLAW

- 2.1 This Bylaw applies to all Local Authority Areas in the Westland District.
- 2.2 Nothing in this Bylaw shall limit the application of any other enactments, rules or codes or regulations made under any other enactment.

3. PURPOSE

The purpose of this Bylaw is to control freedom camping the Westland District in order to:

- (a) Protect local authority areas;
- (b) Protect the health and safety of people who may visit local authority areas; or
- (c) Protect access to local authority areas.

4. DEFINITIONS AND INTERPRETATION

- 4.1 References to a repealed enactment include its replacement.
- 4.2 Unless the context otherwise requires, a term or expressions that is defined in the Act and used, but not defined, in this Bylaw has the meaning given by the Act.
- 4.3 Any headings, explanatory notes and attachments are for information purposes and do not form part of this Bylaw.
- 4.4 For the purpose of this Bylaw, unless the context otherwise requires:
 - (a) **Act** means the Freedom Camping Act 2011.
 - (b) **Camping ground** has the same meaning as in section 5(3) of the Act.
 - (c) **Chief Executive** means the chief executive appointed by the Council under section 42 of the Local Government Act 2002.
 - (d) **Council** means Westland District Council.

- (e) **District** means the district of the Council.
- (f) **Enforcement officer** means a person appointed as an enforcement officer under section 32 of the Act.
- (g) **Freedom camp** has the same meaning as in section 5 of the Act.
- (h) **Local authority area** has the same meaning as in section 6 of the Act.
- (i) **Non self-contained area** means an area identified in Schedule 2: Restricted Areas, in which freedom camping in a motor vehicle that is not self-contained is permitted subject to restrictions and conditions.
- (j) **Prohibited area** means an area identified in Schedule 1: Prohibited Areas, in which freedom camping is prohibited.
- (k) **Restricted area** means an area identified in Schedule 2: Restricted Areas, in which freedom camping is permitted subject to restrictions.
- (l) **Self-contained** –
 - a. during the Transitional period has the same meaning as in clause 1 of Schedule 1AA of the Act; and otherwise
 - b. has the same meaning as in section 4 of the Act.
- (m) **Transitional period** is defined in clause 1 of Schedule 1AA and means the period of time that—
 - a. starts on the commencement date [7 June 2023]; and
 - b. ends on the later of the following:
 - i. the day before the date that is 2 years after the commencement date [7 June 2025];
 - ii. the latest date specified as the end date of period 4 by an Order in Council made under clause 3 [of Schedule 1AA].

4.5 This bylaw contains explanatory notes, which are not part of the bylaw. The Council may add, amend or delete explanatory notes at any time without amending the bylaw.

5. AREAS WHERE FREEDOM CAMPING IS PERMITTED

5.1 Freedom camping using a tent or other temporary structure or a self-contained motor vehicle is permitted in any local authority area within the District unless it is prohibited or restricted in an area:

- (a) Under clause 6 or 7 of this Bylaw; or
- (b) Under any legislation; or
- (c) In the case of a self-contained motor vehicle, by the limit placed on the maximum number of people for which the vehicle is certified.

***Explanatory note:** Other relevant legislation includes the Reserves Act 1977, which generally prohibits camping in reserves (pursuant to section 44) and provides for infringement notices to be issued. The Council does not control freedom camping on reserves under this bylaw, which means any camping on reserves is prohibited under the Reserves Act 1977 unless otherwise expressly allowed by the Council.*

Compliance with this bylaw does not remove the need to comply with all other applicable laws, including not littering, and complying with the direction of enforcement officers.

- 5.2 Freedom camping using a motor vehicle that is not self-contained is permitted in a local authority area within the District, but only if;
- (a) It is used in a non self-contained area, and carried out in accordance with any restrictions and conditions imposed under clause 8 of this Bylaw; or
 - (b) It is otherwise permitted under other legislation.

***Explanatory note:** Examples of other legislation that may allow for non self-contained motor vehicles include: reserve management plans under the Reserves Act 1977, bylaws made under the Local Government Act 2002, or rules in a regional or district plan.*

6. PROHIBITED AREAS

- 6.1. A person must not freedom camp in any area identified in Schedule 1: Prohibited Area.
- 6.2. Freedom camping in a tent or other temporary structure on any local authority area in the district is prohibited.
- 6.3. Freedom Camping within 20 meters of a lake or seashore or beach frontage is prohibited unless permitted in Schedule 2: Restricted Areas.

- 6.4. Despite subclause (6.1), a person may freedom camp in any prohibited area if they have obtained the prior written consent of the Council, granted under clause 9(1) of this Bylaw, and complies with any conditions on the consent.

7. RESTRICTED AREAS

- 7.1. A person may freedom camp in any area identified in Schedule 2: Restricted Areas, but must comply with the restrictions listed below:

- (a) The freedom camping must only take place in a certified self-contained or non self-contained vehicle;
- (b) The maximum stay in any one location is two nights within a 30-day-period and the location must not be within 500 meters of a location where the person has previously freedom camped within a 30-day period;
- (c) All waste must either be removed or disposed of in the bins provided;
- (d) All wastewater (including human waste) must be disposed of in the dumpsites provided at:
 - a. Hokitika – Oxidations Ponds State Highway 6,
 - b. Franz Josef – Between Cron Street and State Highway 6; and
 - c. Haast – by the toilets on Marks Road.
- (e) Campsites must be kept clean and tidy;
- (f) Freedom campers must not prevent others from undertaking legitimate activities in the area or restrict access to any public area or private land;
- (g) No person may light fires;
- (h) No person may interfere with or damage any freedom camping area, flora, fauna or structure; and
- (i) Enforcement officers must be able to inspect any campsite and freedom campers must comply with any reasonable direction.

- 7.2. Schedule 2: Restricted Areas also places additional site specific restrictions on:

- (a) the number of vehicles permitted;
- (b) hours available; and
- (c) If a vehicle must be certified self-contained or non self-contained.

7.3. Despite subclause (7.1), a person may freedom camp in a Restricted Freedom Camping Area if they have obtained prior written consent of the Council, granted under clause 9 (1) of this Bylaw, and complies with any condition of that consent.

8. LOCAL AUTHORITY AREAS WHERE FREEDOM CAMPING IS PERMITTED IN MOTOR VEHICLES THAT ARE NOT SELF-CONTAINED

8.1 A person may freedom camp in a motor vehicle that is not self-contained in areas identified in Schedule 2: Restricted Areas, but must comply with the restrictions and conditions listed in clause 7(1) and Schedule 2.

8.2 Despite subclause (8.1), a person may freedom camp in a non self-contained area contrary to any restrictions or conditions listed for that area if they have obtained the prior written consent of the Council, granted under clause 9(1) of this Bylaw, and complied with any conditions of that consent.

9. PRIOR CONSENT FROM COUNCIL

9.1 The Council may grant consent to a person to freedom camp in any prohibited area, restricted area, or non self-contained area, contrary to any prohibition, restriction, or conditions that apply to that area under this Bylaw.

9.2 An application for consent must be made in writing to the Chief Executive at least two weeks in advance of the date planned for freedom camping in the area.

9.3 If the Council grants an application, it may impose any conditions it considers appropriate that are consistent with the purpose of this Bylaw.

9.4 If the Council refuses an application, Council must inform the applicant of the reasons for the decision.

9.5 An enforcement officer may revoke a consent given under subclause (9.1) if any person breaches the conditions specified in the consent or the freedom camping covered by the consent otherwise breaches this Bylaw or the Act.

10. CLOSURE OF FREEDOM CAMPING AREA

10.1 The Chief Executive may temporarily close or restrict entry to any overnight freedom camping area or part of any freedom camping area where such restriction is considered necessary by Council to:

- (a) Prevent damage to the local authority area or facilities in the area; or
- (b) Allow maintenance to the local authority area or facilities thereon; or
- (c) Protect the safety of persons or property; or
- (d) Allow or facilitate public access, including circumstances where events are planned for that area.

10.2 The Council will publicise a closure or restriction under clause 8(1) of this Bylaw in any manner it considers is appropriate to the reason for the closure or restriction. The publicity may occur before the closure or restriction, but only if that is reasonably practicable.

11. OFFENCES

11.1 Section 20(1) and 20C of the Act species the infringements offences applicable to local authority areas, which include that every person commits an offence who –

- (a) Freedom camps in a local authority area in breach of any prohibition or restriction in this Bylaw that applies to the area; or
- (b) Makes preparations to freedom camp in a local authority area in breach of any prohibition or restriction in this Bylaw that applies to the area.

11.2 For the purposes of section 20(1)(a) and (f) of the Act, any person who has obtained the prior written consent of the Council, granted under clause 8(1) of this Bylaw, and who complies with any conditions on the consent, is not acting in breach of any prohibition or restriction in this Bylaw.

12. PENALTIES

12.1 As specified in section 20E of the Act, every person who commits an infringement offence under the Act is liable to the infringement fine specified in regulations

made under the Act, or if no regulations have been made an infringement fee of \$400.

Explanatory note: The regulations made under section 43 that are in force at the time this bylaw was made provide for fines ranging from \$200 to \$800:

<https://www.legislation.govt.nz/regulation/public/2023/0136/latest/LMS853101.html>

13. RELATIONSHIP OF THE BYLAW WITH THE NGAI TAHU CLAIMS SETTLEMENT ACT 1998

13.1 This Bylaw does not limit or affect the rights in relation to nohoanga entitlements under the Ngai Tahu Claims Settlement Act 1998.

SCHEDULE 1: PROHIBITED AREAS

A person must not freedom camp in any prohibited area freedom camping area within the district identified in this Schedule without the prior written consent of Council.

Area Name	Description of Area	Map Reference
Kaniere	Freedom camping is prohibited within the township and open spaces as shown by the red areas identified in the map.	Figure 1
Ruatapu	Freedom camping is prohibited within the township and open spaces as shown by the red areas identified in the map.	Figure 2
Okarito	Freedom camping is prohibited within the township and open spaces as shown by the red areas identified in the map.	Figure 3
Fox Glacier	Freedom camping is prohibited within the township and open spaces as shown by the red areas identified in the map.	Figure 4
Hannahs Clearing	Freedom camping is prohibited within the township and open spaces as shown by the red areas identified in the map.	Figure 5
Okuru	Freedom camping is prohibited within the township and open spaces as shown by the red areas identified in the map.	Figure 6
Neils Beach	Freedom camping is prohibited within the township and open spaces as shown by the red areas identified in the map.	Figure 7
Jackson Bay	Freedom camping is prohibited within the township and open spaces as shown by the red areas identified in the map.	Figure 8

***Explanatory note:** Reserves are controlled under the Reserves Act 1977, which generally prohibits camping in reserves (section 44) and provides for infringement notices to be issued. The Council does not control freedom camping on reserves under this bylaw, which means any camping on reserves is prohibited under the Reserves Act 1977, unless provided for in a Reserve Management Plan or Council exercises its delegated ministerial consent.*

SCHEDULE 2: RESTRICTED AREAS

Freedom camping in the areas described below is subject to the restrictions specified in clause 7 of this bylaw for each area.

Any restrictions must be complied with unless the prior written consent of the Council is obtained under clause 9 of this bylaw.

Area Name	Description of Area	Restriction	Map Reference
Kumara*	Kumara Domain, Seddon Street, Kumara.	Hours available: 8pm – 7am Parking available: Until allocated carpark is full. Vehicles that are not self-contained may be used for Freedom Camping, as well as certified Self-contained vehicles.	Figure 9 Figure 10
Arahura	Arahura Historic Bridge Reserve located just off State Highway 6 on Arahura Valley Road.	Hours available: 8pm – 7am Parking available until carpark is full. A certified self-contained vehicle must be used.	Figure 11
Hokitika	Freedom camping is restricted within the township to the areas of Cass Square, Sunset Point and the beach front.	Cass Square Park Hours available: 8pm – 7am Parking available: 5 sites. A certified self-contained vehicle must be used. Sunset Point Hours available: 8pm – 7am Parking available: 7 sites. Vehicles that are not self-contained may be used for Freedom Camping, as well as certified Self-contained vehicles Beachfront Hours available: 8pm – 7am Parking available: Until allocated carpark is full.	Figure 12 Figure 13 Figure 14 Figure 15

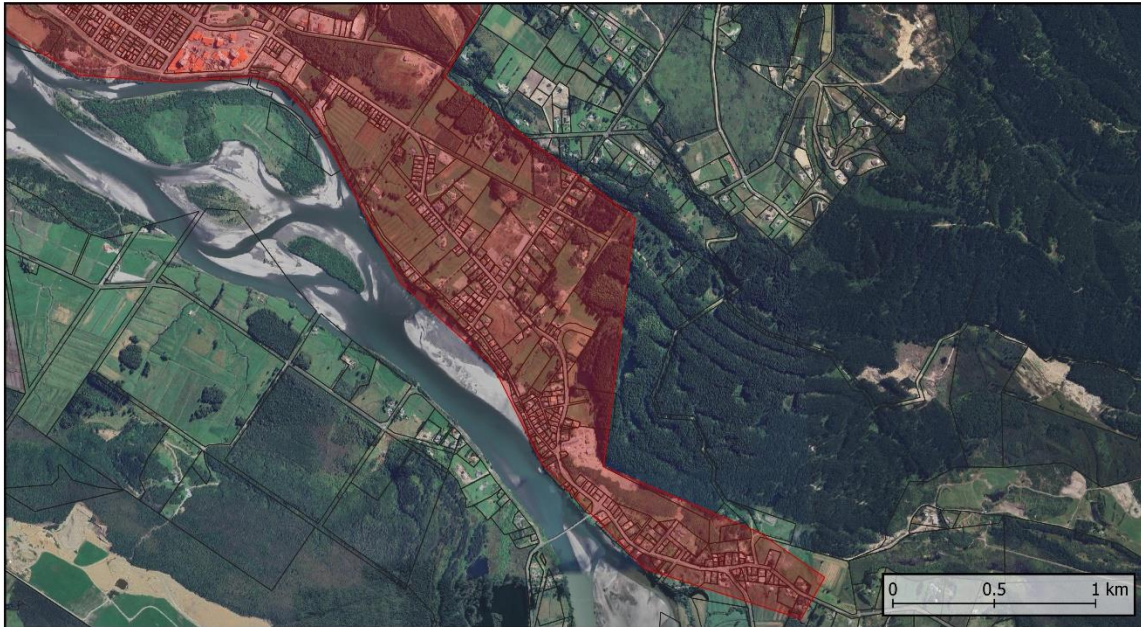
Area Name	Description of Area	Restriction	Map Reference
		A certified self-contained vehicle must be used.	
Milltown	Milltown Road. Carpark before bridge crossing Arahura River.	Hours available: 8pm – 7am Parking available: 10 sites Vehicles that are not self-contained may be used for Freedom Camping, as well as certified Self-contained vehicles.	Figure 16
Rimu/Woodstock*	Woodstock Domain, 47 Back Creek Road.	Hours available: 8pm – 7am Parking available: Until allocated carpark is full Vehicles that are not self-contained may be used for Freedom Camping, as well as certified Self-contained vehicles.	Figure 17 Figure 18
Ross	Ross Hall, Corner of Moorhouse Street and Aylmer Street. State Highway 6.	Hours available: 8pm – 7 am Parking available: 4 sites Vehicles that are not self-contained may be used for Freedom Camping, as well as certified Self-contained vehicles.	Figure 19 Figure 20
Kakapotahi	Kakapotahi Beach, End of Beach Road, Kakapotahi	Hours available: 8pm – 7am Parking available: Until allocated carpark is full A certified self-contained vehicle must be used.	Figure 21
Harihari	Harihari Community Domain, State Highway 6 carparking outside mosaic garden.	Hours available: 8pm – 7am Parking available: 8 sites Vehicles that are not self-contained may be used for Freedom Camping, as well as	Figure 22 Figure 23

Area Name	Description of Area	Restriction	Map Reference
		certified Self-contained vehicles.	
Franz Josef	Franz Josef Heliport Carpark	Hours: 8pm – 7am Parking available: 8 sites Vehicles that are not self-contained may be used for Freedom Camping, as well as certified Self-contained vehicles.	Figure 24 Figure 25
Bruce Bay	State Highway 6 on foreshore opposite public toilets.	Hours available: 8pm – 7am Parking available: 10 sites Vehicles that are not self-contained may be used for Freedom Camping, as well as certified Self-contained vehicles.	Figure 26 Figure 27
Paringa	Public toilet carpark area at Paringa Salmon Farm. 6156 Haast Highway, Paringa.	Hours available: 8pm – 7am Parking available: Until allocated carpark is full Vehicles that are not self-contained may be used for Freedom Camping, as well as certified Self-contained vehicles.	Figure 28
Haast	Haast Playground. Marks Road, Haast.	Hours available: 8pm – 7am Parking available: 5 sites Vehicles that are not self-contained may be used for Freedom Camping, as well as certified Self-contained vehicles.	Figure 29 Figure 30

**Camping is currently managed by the community at these two sites. Campers must abide by the rules set out by the community which includes a donation for using these facilities.*

SCHEDULE 3: PROHIBITED AND RESTRICTED AREA MAPS

Prohibited Areas



Map Legend:

- Restricted Area
- Prohibited Area
- Parcel Boundary

Freedom Camping Bylaw 2024

Kaniere

Map is indicative only



Figure 1: Kaniere



Map Legend:
 Restricted Area
 Prohibited Area
 Parcel Boundary

Freedom Camping Bylaw 2024
Ruatapu
 Map is indicative only



Figure 2: Ruatapu

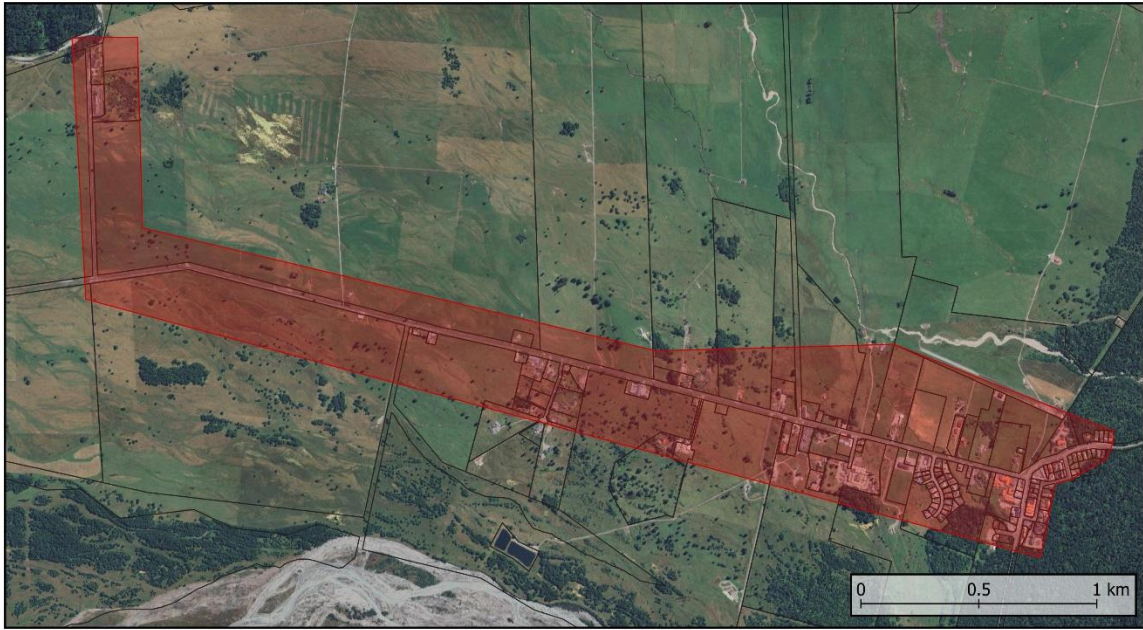


Map Legend:
 Restricted Area
 Prohibited Area
 Parcel Boundary

Freedom Camping Bylaw 2024
Okarito
 Map is indicative only



Figure 3: Okarito



Map Legend:
 Restricted Area
 Prohibited Area
 Parcel Boundary

Freedom Camping Bylaw 2024
Fox Glacier
 Map is indicative only



Figure 4: Fox Glacier



Map Legend:
 Restricted Area
 Prohibited Area
 Parcel Boundary

Freedom Camping Bylaw 2024
Hannahs Clearing
 Map is indicative only



Figure 5: Hannahs Clearing



Map Legend:
 ■ Restricted Area
 ■ Prohibited Area
 □ Parcel Boundary

Freedom Camping Bylaw 2024

Okuru

Map is indicative only



Figure 6: Okuru



Map Legend:
 ■ Restricted Area
 ■ Prohibited Area
 □ Parcel Boundary

Freedom Camping Bylaw 2024

Neils Beach

Map is indicative only



Figure 7: Neils Beach



Map Legend:

- Restricted Area
- Prohibited Area
- Parcel Boundary

Freedom Camping Bylaw 2024

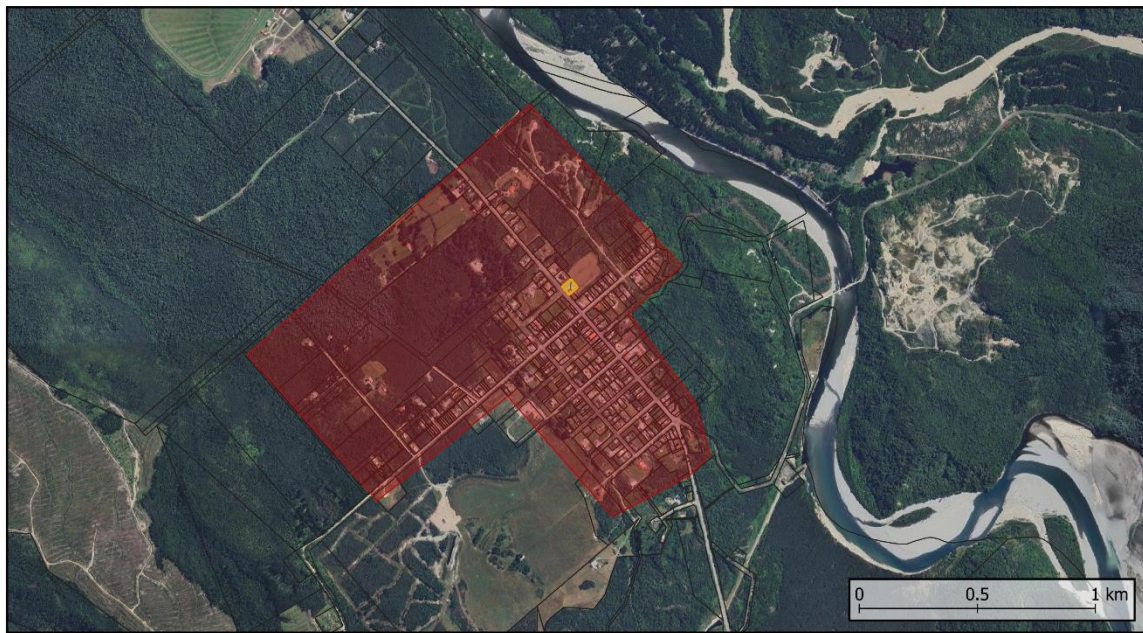
Jackson Bay

Map is indicative only



Figure 8: Jackson Bay

Restricted Areas



Map Legend:

- Restricted Area
- Prohibited Area
- Parcel Boundary

Freedom Camping Bylaw 2024

Kumara

Map is indicative only



Figure 9: Kumara



Map Legend:

- Restricted Area
- Prohibited Area
- Parcel Boundary

Freedom Camping Bylaw 2024

Kumara

Map is indicative only



Figure 10: Kumara (Zoomed)



Map Legend:
 Yellow box: Restricted Area
 Pink box: Prohibited Area
 White box: Parcel Boundary

Freedom Camping Bylaw 2024
Arahura Bridge
 Map is indicative only



Figure 11: Arahura Bridge



Map Legend:
 Yellow box: Restricted Area
 Pink box: Prohibited Area
 White box: Parcel Boundary

Freedom Camping Bylaw 2024
Hokitika
 Map is indicative only



Figure 12: Hokitika



- Map Legend:**
- Restricted Area
 - Prohibited Area
 - Parcel Boundary

Freedom Camping Bylaw 2024
Cass Square - Hokitika
 Map is indicative only



Figure 13: Cass Square - Hokitika



- Map Legend:**
- Restricted Area
 - Prohibited Area
 - Parcel Boundary

Freedom Camping Bylaw 2024
Sunset Point - Hokitika
 Map is indicative only



Figure 14: Sunset Point - Hokitika



Map Legend:
 ■ Restricted Area
 ■ Prohibited Area
 □ Parcel Boundary

Freedom Camping Bylaw 2024
Beachfront - Hokitika
 Map is indicative only



Figure 15: Beachfront - Hokitika

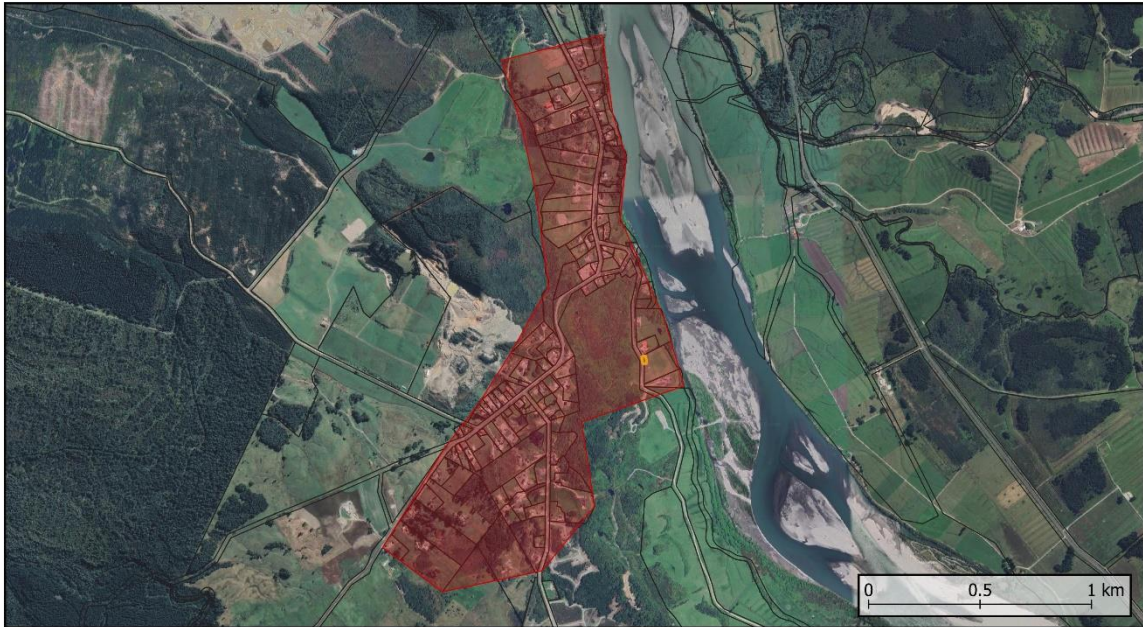


Map Legend:
 ■ Restricted Area
 ■ Prohibited Area
 □ Parcel Boundary

Freedom Camping Bylaw 2024
Milltown
 Map is indicative only



Figure 16: Milltown



Map Legend:
 ■ Restricted Area
 ■ Prohibited Area
 □ Parcel Boundary

Freedom Camping Bylaw 2024
Woodstock-Rimu
 Map is indicative only



Figure 17: Woodstock/Rimu

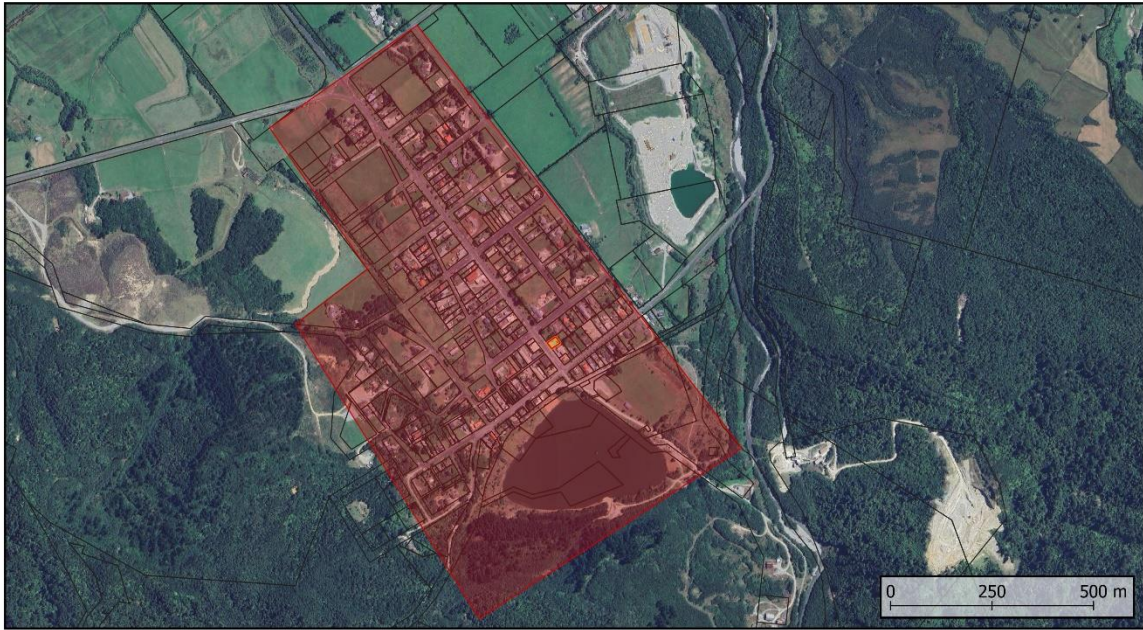


Map Legend:
 ■ Restricted Area
 ■ Prohibited Area
 □ Parcel Boundary

Freedom Camping Bylaw 2024
Woodstock-Rimu
 Map is indicative only



Figure 18: Woodstock/Rimu(Zoomed)



Map Legend:
 Yellow Restricted Area
 Red Prohibited Area
 White Parcel Boundary

Freedom Camping Bylaw 2024

Ross

Map is indicative only



Figure 19: Ross



Map Legend:
 Yellow Restricted Area
 Red Prohibited Area
 White Parcel Boundary

Freedom Camping Bylaw 2024

Ross

Map is indicative only



Figure 20: Ross (zoomed)



- Map Legend:**
- Restricted Area
 - Prohibited Area
 - Parcel Boundary

Freedom Camping Bylaw 2024

Kakapotahi

Map is indicative only



Figure 21: Kakapotahi



- Map Legend:**
- Restricted Area
 - Prohibited Area
 - Parcel Boundary

Freedom Camping Bylaw 2024

Harihari

Map is indicative only



Figure 22: Harihari



- Map Legend:**
- Restricted Area
 - Prohibited Area
 - Parcel Boundary

Freedom Camping Bylaw 2024

Harihari

Map is indicative only



Figure 23: Harihari (Zoomed)



- Map Legend:**
- Restricted Area
 - Prohibited Area
 - Parcel Boundary

Freedom Camping Bylaw 2024

Franz Josef

Map is indicative only



Figure 24: Franz Josef



Map Legend:

- Restricted Area
- Prohibited Area
- Parcel Boundary

Freedom Camping Bylaw 2024

Franz Josef

Map is indicative only



Figure 25: Franz Josef (Zoomed)



Map Legend:

- Restricted Area
- Prohibited Area
- Parcel Boundary

Freedom Camping Bylaw 2024

Bruce Bay

Map is indicative only



Figure 26: Bruce Bay

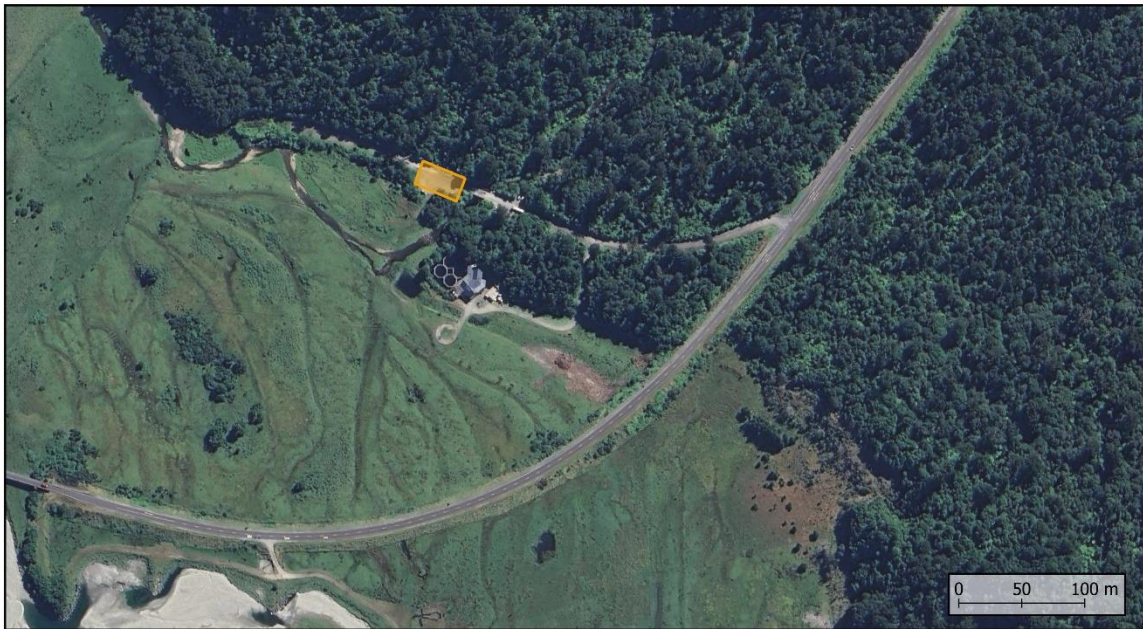


- Map Legend:**
- Restricted Area
 - Prohibited Area
 - Parcel Boundary

Freedom Camping Bylaw 2024
Bruce Bay
Map is indicative only



Figure 27: Bruce Bay (Zoomed)

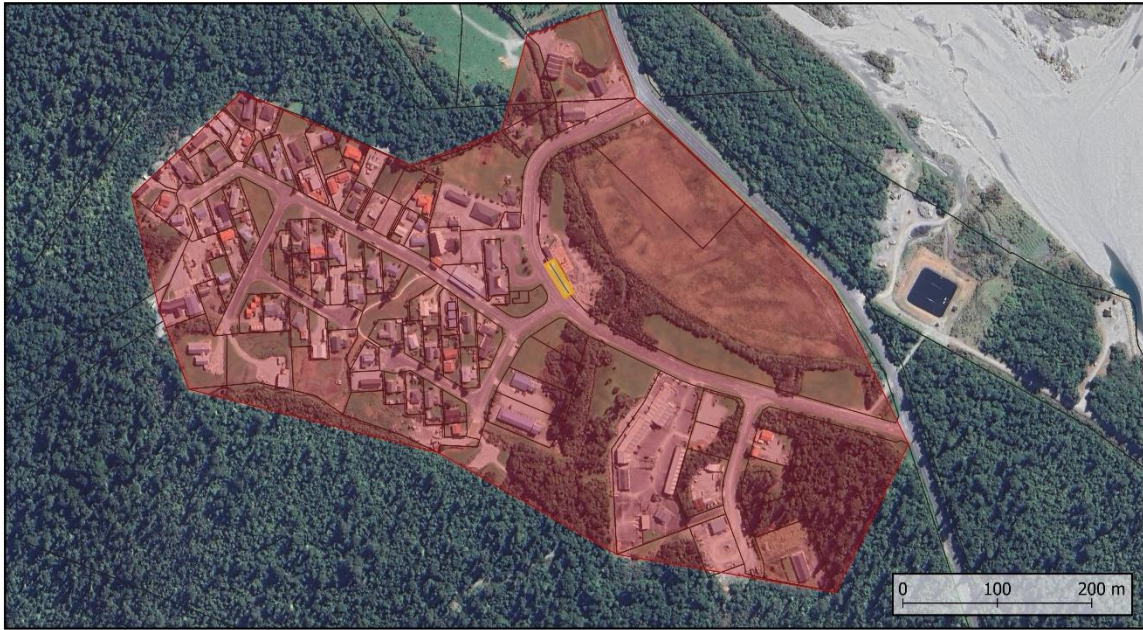


- Map Legend:**
- Restricted Area
 - Prohibited Area
 - Parcel Boundary

Freedom Camping Bylaw 2024
Paringa
Map is indicative only



Figure 28: Paringa



- Map Legend:**
- Restricted Area
 - Prohibited Area
 - Parcel Boundary

Freedom Camping Bylaw 2024

Haast

Map is indicative only



Figure 29: Haast



- Map Legend:**
- Restricted Area
 - Prohibited Area
 - Parcel Boundary

Freedom Camping Bylaw 2024

Haast

Map is indicative only



Figure 30: Haast (Zoomed)

Summary of site assessments for informing proposed Freedom Camping Bylaw

Summary of site assessments against the criteria within the Freedom Camping Act 2011 to inform a proposed Westland District Council Freedom Camping Bylaw

Introduction

As part of the development of a Freedom Camping Bylaw, Westland District Council (WDC) has collated information on areas relevant to the proposed bylaw to inform where it may be appropriate to prohibit, restrict, or permit freedom camping. This document provides a summary of the full site assessment document developed for this purpose.

Freedom camping is currently permitted by the national legislation, the Freedom Camping Act 2011, using an assessment matrix considered best practice by the Local Government sector. The assessment matrix is used to inform where it may be necessary and appropriate to prohibit or restrict freedom camping according to the following criteria:

1. Protect the area - Consider cultural and historical significance and the natural environment;
2. Protect the health and safety of people who may visit the area - Consider levels of vehicular traffic (car parks/lookout points), use for other activities (like sports grounds), and issues of persistent vandalism; and
3. Protect access to the area - Consider damage caused by vehicular access to flora and fauna and the impact that people accessing the site will have on other users of the area.

The sites included in this assessment are Local Authority Areas identified as where there is specific interest in managing freedom camping.

In completing the reviews, Council also considered sites where it may be suitable for freedom camping vehicles which are not self-contained or in tents. All sites included within the assessment fall within local authority areas, which is defined in section 6 (1) of the Act, and is land controlled or managed by or on behalf of Council.

Certain areas have been excluded from this assessment, such as:

- Private land;
- Crown land including conservation land, land managed by Waka Kotahi, and LINZ Land; and
- Inaccessible land.

Assessment of Sites

In total, 17 sites across the District were assessed. Table 1 outlines the freedom camping assessment matrix and Table 2 outlines the assessment of freedom camping sites.

Table 1. Freedom Camping Area Assessment Matrix

Protect the area Consider cultural and historical significance and the natural environment		Protect the health and safety of people who may visit the area Consider levels of vehicular traffic (car parks/lookout points), use for other activities (like sports grounds), and issues of persistent vandalism		Protect access to the area Consider damage caused by vehicular access to flora and fauna and the impact that people accessing the site will have on other users of the area	
Has historical, cultural, or environmental significance and requires full protection	5	Risk to health and safety is too great to allow access to the site, including no vehicle access to, or car parking on, the site	5	No access to the site and any vehicle access would cause significant damage	5
Contains some significant historical, cultural or environmental areas	4	Significant health and safety concerns	4	Restricted access to the site and any vehicle access would cause damage	4
Contains some areas that should be protected	3	Minimal health and safety concerns (risk for the elderly or children)	3	Moderate access to the site and any vehicle access would cause minimal damage	3
Low concerns about areas that need protecting	2	Low concerns regarding health and safety	2	Good access to the site, which would not cause damage	2
No significant area concerns	1	No health and safety concerns	1	Fully formed access to the site	1

Applying the assessment matrix

- Each area is given a score of 1-5 for each of the three criteria.
- If the total score of all three criteria is **9 or more**, restricting or prohibiting freedom camping in the area may be necessary. If the score **for any one of the three criteria is 5**, this also indicates a need to protect the area by prohibiting or restricting freedom camping.
- If the total score of all three criteria is **8 or less** the area is a reserve, and there is an indication that freedom camping may be permitted on the reserve. For the area that have a score of **8 or less**, the tool indicates that it is appropriate for freedom camping to remain permitted.

Table 2. Assessment of Sites

Area Assessed	Current Status	Score	Summary of assessment	Recommendation
Kumara Domain, Kumara	Public Carpark. No freedom camping restriction in place.	Total: 3 Protect area: 1 Protect H&S: 1 Protect access: 1	The Kumara Domain is a suitable site for freedom camping with facilities such as waste bins, public toilets, and seating available.	It is recommended that the Kumara Domain be a registered freedom camping site in the Kumara township. It should be noted that the Domain is currently used by the local community as a campsite where donations are required.
Arahura Historic Bridge Reserve, Arahura	Public carpark, No freedom camping restrictions in place	Total: 4 Protect area: 2 Protect H&S: 2 Protect access: 1	The Arahura Historic Bridge Reserve is a suitable site for freedom camping. The carpark is located off State Highway 6.	It is recommended that the Arahura Historic Bridge Reserve Carpark be a registered freedom camping site between the hours of 8 pm – 7 am with 8 sites allocated.
Gibson Quay, Hokitika	Public Carpark. No freedom camping restriction in place.	Total: 9 Protect area: 4 Protect H&S: 2 Protect access: 3	The Gibson Quay Western Carpark is not a suitable site for freedom camping.	It is recommended that the Gibson Quay area is not allocated as a freedom camping site due to the cultural significance of the area.
Cass Square, Hokitika	Public Carpark. No freedom camping restriction in place.	Total: 6 Protect area: 2 Protect H&S: 2 Protect access: 2	The Cass Square South facing carpark is a suitable site for freedom camping with facilities such as waste bins, public toilets and seating available.	It is recommended that the Cass Square South facing carpark have five allocated carparks to be a registered freedom camping site. We recommend that freedom camping be restricted to the hours of 8pm – 7am.
Sunset Point, Hokitika	Public Carpark. No freedom camping restriction in place.	Total: 7 Protect area: 2 Protect H&S: 3 Protect access: 2	The Sunset Point Northern carpark is a suitable site for freedom camping with facilities such as waste bins, public toilets and seating available.	It is recommended that the parking area north of the Sunset Point public toilets be a freedom camping site. We recommend that freedom camping be restricted to the hours of 8pm – 7am with 7 sites allocated.
Hokitika Beachfront, Hokitika	Public Carpark. No freedom camping restriction in place.	Total: 3 Protect area: 1 Protect H&S: 1 Protect access: 1	The Hokitika Beachfront Southern car park is a suitable site for freedom camping with facilities such as waste bins, public toilets and seating nearby.	It is recommended that the Hokitika Beachfront Southern car park be an allocated site for freedom camping. We recommend that freedom camping be

Area Assessed	Current Status	Score		Summary of assessment	Recommendation
					restricted to the hours of 8pm – 7am.
Rimu Lookout, Rimu	Public carpark for lookout, No freedom camping restrictions in place	Total: Protect area: Protect H&S: Protect access:	9 2 4 3	The Rimu Lookout was highlighted as not being a suitable freedom camping site due to the small parking area and the dangerous vision entering and existing the lookout.	It is recommended that the Rimu Lookout be included in the restricted zone due to its small parking area and access to Woodstock Rimu Road.
Woodstock Domain, Woodstock	Carpark for Woodstock Domain. Maintained and operated camping site by local community.	Total: Protect area: Protect H&S: Protect access:	3 1 1 1	The Woodstock Domain is a suitable site for freedom camping. It is currently a campground managed by the local community.	It is recommended that the Woodstock Domain be a registered freedom camping site. It should be noted that the Domain is currently used by the local community as campsite where visitors are charged.
Kaniere Domain, Kaniere	Public carpark located along Kaniere road on edge on Domain.	Total: Protect area: Protect H&S: Protect access:	9 2 5 2	The Kaniere Domain carpark was highlighted as not being a suitable freedom camping site due to the level of traffic along Kaniere Road. No facilities such as toilets or waste bins are available.	It is recommended that the Kaniere Domain be included in the prohibited zone due to its location in proximity to Kaniere Road.
Miltown Shelter, Miltown	Public carpark located on West Coast Wilderness Trail	Total: Protect area: Protect H&S: Protect access:	5 1 3 1	The Miltown shelter carpark is a suitable site for freedom camping. It is located off Miltown Road. Public toilets and covered seating is also available.	It is recommended that the Miltown shelter carpark have ten allocated carparks to be a registered freedom camping site. We recommend that freedom camping be restricted to the hours of 8pm – 7am.
Ross Hall, Ross	Public carpark, No freedom camping restrictions currently in place.	Total: Protect area: Protect H&S: Protect access:	6 2 3 1	The Ross Hall carpark is a suitable site for freedom camping. It is located off State Highway 6 and is close to facilities such as waste bins and public toilets.	It is recommended that the Ross Hall carpark have four allocated carparks to be a registered freedom camping site. We recommend that freedom camping be restricted to the hours of 8pm – 7am.

Area Assessed	Current Status	Score		Summary of assessment	Recommendation
Harihari Hall, Harihari	Public carpark next to domain. No freedom camping restrictions currently in place.	Total: Protect area: Protect H&S: Protect access:	6 1 2 3	The Harihari hall carpark between the garden and State Highway 6 provides a safe area for freedom campers to park. This location is within close proximity to the public toilets and waste bins.	It is recommended that the Harihari Hall carpark have eight allocated carparks to be a registered freedom camping site. We recommend that freedom camping be restricted to the hours of 8pm – 7am.
Kakapotahi Beach, Kakapotahi	Public carpark, Currently a popular freedom camping site. No restrictions in place.	Total: Protect area: Protect H&S: Protect access:	7 2 3 2	The Kakapotahi Beach carpark is a suitable site for freedom camping. The off the highway/road large carpark would be a safe location for campers to park.	It is recommended that the Kakapotahi Beach carpark be a registered freedom camping site. We recommend that freedom camping be restricted to the hours of 8pm – 7am.
Franz Josef Heli Carpark, Franz Josef	Public paid carpark. No freedom camping restriction in place.	Total: Protect area: Protect H&S: Protect access:	3 1 1 1	The Franz Josef Heli carpark located off State Highway 6 provides a safe area for freedom campers to park. This location is within close proximity to the public toilets and waste bins.	It is recommended that the Franz Josef Heli carpark have eight allocated carparks to be a registered freedom camping site. We recommend that freedom camping be restricted to the hours of 8pm – 7am.
Paringa Salmon Farm, Paringa	Public carpark. Currently popular freedom camping site. No restrictions in place.	Total: Protect area: Protect H&S: Protect access:	3 1 1 1	The Paringa Salmon Farm carpark located off State Highway 6 provides a safe area for freedom campers to park. This location includes public toilets.	It is recommended that the Paringa Salmon Farm carpark be a registered freedom camping site. We recommend that freedom camping be restricted to the hours of 8pm – 7am.
Bruce Bay Beach, Bruce Bay	Road reserve, no freedom camping restriction in place.	Total: Protect area: Protect H&S: Protect access:	5 1 3 1	The Bruce Bay Beachfront near the Public toilets would be a suitable site for freedom camping. The off the highway/road large parking area would be a safe location for campers to park. The location would also be across the road from public toilets.	It is recommended that the Bruce Bay Beachfront car park area towards the South could be a registered freedom camping site. We recommend that freedom camping be restricted to the hours of 8pm – 7am. We recommend it be restricted to 10 sites.

Area Assessed	Current Status	Score		Summary of assessment	Recommendation
Haast Playground, Haast	Public carpark, No freedom camping restriction in place.	Total:	5	The Haast playground carpark is a suitable site for freedom camping with facilities such as waste bins, public toilets and seating available.	It is recommended that the Haast playground carpark have five allocated carparks to be a registered freedom camping site. We recommend that freedom camping be restricted to the hours of 8pm – 7am.
		Protect area:	1		
		Protect H&S:	3		
		Protect access:	1		



FREEDOM CAMPING BYLAW 2018

1. **EXPLANATORY NOTE**

The Westland District Council makes this Bylaw under section 11 of the Freedom Camping Act 2011. This Bylaw should therefore be read alongside the Freedom Camping Act.

This Bylaw should also be read in conjunction with the Westland District Council's Freedom Camping Policy.

2. **TITLE**

This Bylaw is the Westland District Council Freedom Camping Bylaw 2018.

3. **PROCEDURE AND COMMENCEMENT**

The initial resolution adopting a statement of proposal for this Bylaw was passed by the Westland District Council at an extraordinary meeting of the Council held on Thursday 11 October 2018 and, following consideration of submissions received during the special consultative procedure, this Bylaw was made by a resolution at a subsequent meeting of the Council on 29th November 2018.

The Bylaw comes into force on the day after its final approval 30th November 2018.

4. **DEFINITIONS**

In this Bylaw, unless the context requires otherwise:

Act means the Freedom Camping Act 2011.

Camping ground has the meaning given in section 5(3) of the Act.

Council means Westland District Council.

District means the district of the Council.

Enforcement Officer means a person warranted or authorised to act as an enforcement officer under the Act.

Freedom camp has the meaning in section 5(1) and (2) of the Act.

Local authority area has the meaning in section 6 of the Act.

Prohibited area means an area identified in Schedule 1: Prohibited Areas for Freedom Camping in which freedom camping is prohibited.

Restricted area means an area identified in Schedule 2: Restricted Areas for Freedom Camping in which freedom camping is permitted subject to restrictions.

5. PURPOSE

The purpose of this Bylaw is to control freedom camping in the Westland District in order to:

- (a) protect local authority areas;
- (b) protect the health and safety of people who may visit local authority areas;
or
- (c) protect access to local authority areas.

6. LOCAL AUTHORITY AREAS WHERE FREEDOM CAMPING PERMITTED

Freedom camping is permitted in any local authority area within the Westland District unless it is restricted or prohibited in an area:

- (a) in accordance with this Bylaw; or
- (b) under any other enactment.

7. PROHIBITED AREAS AS OUTLINED IN SCHEDULE 1

- (1) A person must not freedom camp in any prohibited area identified in Schedule 1: Prohibited Areas for Freedom Camping.
- (2) Despite subclause (1), a person may freedom camp in any prohibited area if he or she has obtained the prior written consent of the Council, granted under clause 9(1), and complies with any conditions on the consent.

8. RESTRICTED AREAS AS OUTLINED IN SCHEDULE 2

- (1) A person may freedom camp in any restricted area identified in Schedule 2: Restricted Areas for Freedom Camping, but must comply with the restrictions listed below and any additional restrictions listed for that area in Schedule 2:
 - (a) Freedom camping is limited to “Certified Self-Contained Vehicles” in accordance with NZS 5465:2001; and
 - (b) Freedom camping at any one location or within 500m of the same location is limited to no more than two consecutive nights, and no more than 10 nights per 30-day period.
 - (c) Non self-contained freedom camping is prohibited on all land owned and administered by the local authority. Camping is only permitted in areas designated as “Responsible Camping Sites” as provided in Schedule 3 of this Bylaw.
 - (d) Designated “Responsible Camping Sites” are provided free of charge for all persons wishing to freedom camp subject to compliance with Schedule 4, conditions of use.
- (2) Despite subclause (1), a person may freedom camp in any restricted area if he or she has obtained the prior written consent of the Council, granted under clause 9(1), and complies with any conditions on the consent.

9. PRIOR CONSENT FROM COUNCIL

- (1) The Council may grant consent to a person to freedom camp in a prohibited area or a restricted area, with or without conditions.
- (2) Consent must be applied for in writing to the Chief Executive Officer of the Council at least two weeks in advance of the date planned for freedom camping in the prohibited area or restricted area.

10. OFFENCES

- (1) As specified by section 20(1) of the Act, every person commits an offence who –
 - (a) freedom camps in a local authority area in breach of any prohibition, restriction or conditions in this Bylaw that applies to the area; or
 - (b) makes preparations to freedom camp in a local authority area in breach of any prohibition, restriction or conditions in this Bylaw that applies to the area.

- (3) In accordance with section 27 of the Act, an enforcement officer may issue an infringement notice to anyone who the enforcement officer believes on reasonable grounds has committed or is committing an infringement offence as set out in section 20(1) of the Act (A copy of which is included as information only in Schedule 5
- (4) Any person who has obtained the prior written consent of the Council, granted under clause 9(1), and who complies with any conditions on the consent, is not acting in breach of any prohibition or restriction in this Bylaw.

11. PENALTIES

- (1) As specified by section 23(1) of the Act, every person who commits an offence pursuant to section 20(1)(a) and (c) of the Act is liable to a fee of \$200 for each offence.
- (2) Subject to Section 24 of the Act a person who commits an offence may, in addition to, or instead of the penalty for the offence, be ordered to pay the costs incurred by the local authority in repairing any damage done to the local authority area as a result of the offence.

12. Amendment to restricted and prohibited areas.

- (1) The Council may by resolution, publicly notified, add to, amend or alter Schedules 1-4 (One through to four), to include any such area where it is satisfied the additions, amendments or alterations meet the requirements of S11(2) (a)-(c) of the Act

13. RELATIONSHIP OF BYLAW WITH THE NGAI TAHU CLAIMS SETTLEMENT ACT 1998

This Bylaw does not limit or affect the rights in relation to nohoanga entitlements under the Ngai Tahu Claims Settlement Act 1998.

THE COMMON SEAL of the WESTLAND DISTRICT COUNCIL was affixed in the presence of:

Mayor

SCHEDULE 1: PROHIBITED AREAS FOR FREEDOM CAMPING

Location	Reason(s)
Legal road opposite 6440 Otira Highway, adjacent to Otira Hotel	Protection (kiwi habitat) and safety (link to railway sidings and rail corridor, natural hazards including flooding and landslips)
Serpentine Road and beach, Kumara Junction	Access and safety (narrow road and prone to coastal inundation)
One Mile Line Road, Hokitika	Access and safety (narrow, uneven road)
Three Mile Beach Access Road, Hokitika	Access and safety (narrow, uneven road)
Richards Drive west of Revell St, Hokitika	Access and safety (narrow, uneven road)
Unnamed road between 243 and 245 Revell St, Hokitika	Access and safety (narrow, uneven road)
Tudor Street beach access west of Revell St, Hokitika	Access and safety (narrow, uneven road)
Hampden Street beach access west of Revell St, Hokitika	Access and safety (narrow, uneven road)
Stafford Street west of Revell St, Hokitika	Access (high demand for locals and visitors)
Entirety of Beach Street, Hokitika	Access (high demand for locals and visitors)
Gibson Quay west of Beach Street, Hokitika	Access (high demand for locals and visitors)
Sunset Point, excluding an area yet to be developed to the left of the entry gate, Hokitika	Access (high demand for locals and visitors)
Lake Kaniere Road from the forks to Geologist Creek including Hans Bay and Sunny Bight, Lake Kaniere	Access and safety (narrow, uneven road)
South Spit Road, Hokitika	Access and safety (narrow, uneven road)
Shanghai Road beach access west of SH 6, Ruatapu	Access and safety (narrow, uneven road)

Location	Reason(s)
Paiere Road, Ruatapu	Access and safety (narrow road, part of West Coast Wilderness Trail)
Butlers Road beach access west of SH6, Ruatapu	Access and safety (narrow, uneven road)
Ross Cemetery	Protection, access and safety (culturally sensitive site, with narrow, steep access road)
Ross Beach Road, Ross	Access and safety (narrow, uneven road)
Forks-Okarito Road and all of Okarito village except the Domain	Protection, access and safety (Environmentally sensitive site (kiwi habitat), with narrow access road)
SH 6 between McDonald's Creek and Docherty Creek Road	Access and safety (very busy road with poor visibility, uneven road, and flood risk)
Waiho Flat Road, Franz Josef	Access and safety (narrow, uneven road, and flood risk)
Docherty Creek Road, Franz Josef	Access and safety (narrow, uneven road, and flood risk)
Hunts Beach Road, Jacobs River	Protection, access and safety (culturally sensitive site, with narrow access road)
All beach access roads off Haast-Jackson Bay Road, between Haast Beach and Hannah's Clearing, including all roads in Okuru and the entirety of Haast-Jackson Bay Road between Neils Beach and Jackson Bay Wharf	Access and safety (narrow, uneven roads)

Refer to Appendix A for maps of the prohibited areas.

SCHEDULE 2: RESTRICTED AREAS FOR FREEDOM CAMPING

The entire district is subject to the restrictions listed in Section 8 of this bylaw, in order to protect public health and to preserve access by limiting the potential for permanent or semi-permanent occupation by any one vehicle in any particular location.

SCHEDULE 3: DESIGNATED RESPONSIBLE CAMPING SITES.

Location	Map Reference Number
Acre Creek	X 2354955 Y 5844554
Okuku	X 2366266 Y 5831380
Ross	X 2332054 Y 5809553
Beach Road	X 2319590 Y 5802990
Paringa	X 2227717 Y 5716074
Bruce Bay	X 2234882 Y 5727123
Hannahs Clearing	X 2176587 Y 5686913
Jackson Bay	X 2158205 Y 5683588

Refer to Appendix B for maps of the Responsible Camping Areas.

SCHEDULE 4: CONDITIONS OF USE.

All persons freedom camping in designated responsible camping sites provided by the local authority must comply with the following conditions of use;

All sign posted rules situated within the responsible camping sites must be adhered too at all times. This is to include.

- (1) All human waste and refuse must be disposed of in the appropriate manner and within the waste receptacles provided.
- (2) To ensure continued access and use of responsible camping sites, no person shall freedom camp for more than 2 consecutive nights in any one designated site shown in schedule 3
- (3) No person may freedom camp for more than 10 nights in any calendar month within any of the designated sites shown in schedule 3.
- (4) No person is to light any fires except at a fireplace specially provided, or in an appliance designed for outdoor cooking.
- (5) Dogs and our other animals must be restrained at all times and must not cause a disturbance to any other campers.
- (6) No vegetation is to be cut or destroyed.
- (7) The amenity value of all camp users must be respected at all times. This is to include noise and times of travel.

Failure to adhere to this rules may result in fines and removal from the area.

Schedule 5 : Infringement offences in section 20(1) of the Freedom Camping Act 2011.

(This does not form part of the bylaw but is included for information)

20 Offences

- (1) Every person commits an offence who--
 - (a) freedom camps in a local authority area in breach of any prohibition or restriction in a bylaw made under section 11 that applies to the area; or
 - (b) while freedom camping in a local authority area,--
 - (i) interferes with or damages the area, its flora or fauna, or any structure in the area; or
 - (ii) deposits waste in or on the area (other than into an appropriate waste receptacle); or
 - (c) makes preparations to freedom camp in a local authority area in breach of any prohibition or restriction in a bylaw made under section 11 that applies to the area; or
 - (d) deposits waste, generated while freedom camping, in or on a local authority area other than into an appropriate waste receptacle; or fails or refuses to leave a local authority area when required to do so by an enforcement officer acting under section 36; or refuses to give information when required to do so by an enforcement officer under section 35 or gives false or misleading information;
- (2) In this section, **waste receptacle** means a receptacle or facility that is provided by a local authority or the Department for the purposes of disposing of waste (for example, a rubbish bin, public toilet, or bulk waste disposal unit).

- Appendix A for maps of the prohibited areas.
- Appendix B for maps of Responsible Camping Sites.

Report to Council



DATE: 26 September 2024
TO: Mayor and Councillors
FROM: Group Manager, Corporate Services and Risk Assurance

EUPHEMIA BROWN BEQUEST FUND

1. Summary

- 1.1. The purpose of this report is to provide Council with information regarding the use of the Euphemia Brown Bequest Fund.
- 1.2. This issue arises from Council holding a restricted reserve for these funds.
- 1.3. Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by the Council in June 2024, which are set out in the Enhanced Annual Plan 2024/2025. Refer page 2 of the agenda.
- 1.4. This report concludes by recommending that Council receive the report and resolve to gift a total of \$2,000 or some other such amount determined by Council each year to worthy causes at the Mayor's discretion.

2. Background

- 2.1 The reason the report has come before the Council is due to the holding of a reserve since November 1998 that was transferred to Westland District Council (WDC) from Public Trust. The amount transferred was \$1,000.
- 2.2 William and Euphemia Brown left a sum of money in their Will with the provision that “the income arising there from in the month of December in each year was to be paid to the Mayor for the time being in Office of the Borough of Hokitika, to be applied by him [her] in providing Christmas cheer or comforts for such poor orphan children, or poor aged and infirm person residing in and around the Borough of Hokitika in such manner and in such shares and proportions as such Mayor shall think fit”.
- 2.3 The fund has not been drawn on since December 2014 and the lack of use is not in keeping with the bequest.

3. Current Situation

- 3.1. The current situation is that as at 30 June 2024 the fund has now accumulated to \$27,125.01. This is due to interest credits.
- 3.2. Previous donations were made at values of \$150, \$200 or \$250 per organisation or group that the Mayor determined should benefit from this fund. A total of \$1,000 annually was donated. With the time value of money, consideration should be to increase this amount.

3.3. Groups and organisations that have benefited in the past have been such as Big Brother Big Sister programme, and West Coast Riding for the Disabled.

4. Options

4.1. Option 1: That Council receive this report and resolve to gift \$2,000 or some other amount determined by Council each year to worthy causes at the Mayor's discretion.

4.2. Option 2: Do nothing and leave the funds to accumulate indefinitely.

5. Risk Analysis

5.1. Risk has been considered and the following risks have been identified: Compliance and reputational risk, where the sole purpose of the reserve has not been undertaken.

6. Health and Safety

6.1. Health and Safety has been considered and no items have been identified.

7. Significance and Engagement

7.1. The level of significance has been assessed as being low

7.1.1.No public consultation is considered necessary, as the bequest was made at the Mayor's discretion.

8. Assessment of Options (including Financial Considerations)

8.1. Option 1 – That Council receive this report and resolve to gift a total of \$2,000 or some other amount determined by Council each year to worthy causes at the Mayor's discretion.

8.1.1.The following financial implications have been identified. Reduction in balance sheet reserves and corresponding cash, however this reserve has been funded through bequest and interest credits from interest received.

8.2. As can be seen from the below table, if an amount of \$2,000 was gifted annually then the fund would remain useful for a minimum of 20 years. However, it should be noted that if the interest rate reduces which is likely, the amount left in the reserve will reduce more quickly. Once the fund has been used there will be no further funds.

Euphemia Brown Bequest Fund

Example

Year	Opening balance	Interest rate	Interest received	Outgoing donations	Closing balance
1	27,125.01	5.64%	1,529.85	2,000.00	26,654.86
2	26,654.86	5.64%	1,503.33	2,000.00	26,158.19
3	26,158.19	5.64%	1,475.32	2,000.00	25,633.52
4	25,633.52	5.64%	1,445.73	2,000.00	25,079.25
5	25,079.25	5.64%	1,414.47	2,000.00	24,493.72
6	24,493.72	5.64%	1,381.45	2,000.00	23,875.16
7	23,875.16	5.64%	1,346.56	2,000.00	23,221.72
8	23,221.72	5.64%	1,309.71	2,000.00	22,531.43
9	22,531.43	5.64%	1,270.77	2,000.00	21,802.20
10	21,802.20	5.64%	1,229.64	2,000.00	21,031.84
11	21,031.84	5.64%	1,186.20	2,000.00	20,218.04
12	20,218.04	5.64%	1,140.30	2,000.00	19,358.34
13	19,358.34	5.64%	1,091.81	2,000.00	18,450.15

14	18,450.15	5.64%	1,040.59	2,000.00	17,490.73
15	17,490.73	5.64%	986.48	2,000.00	16,477.21
16	16,477.21	5.64%	929.31	2,000.00	15,406.53
17	15,406.53	5.64%	868.93	2,000.00	14,275.46
18	14,275.46	5.64%	805.14	2,000.00	13,080.59
19	13,080.59	5.64%	737.75	2,000.00	11,818.34
20	11,818.34	5.64%	666.55	2,000.00	10,484.89

Interest rate 5.64% is average over the year.

8.3. Option 2 – Do nothing and leave the funds to accumulate indefinitely. this option is not in keeping with the bequest.

9. Preferred Option(s) and Reasons

9.1. The preferred option is Option 1

9.2. The reason that Option 1 has been identified as the preferred option is that the bequest would be used as per the purpose it was provided.

10. Recommendation(s)

10.1. That the report be received.

10.2. That Council resolve to gift a total of \$2,000 or some other such amount determined by Council each year to worthy causes at the Mayor's discretion.

Lesley Crichton
Group Manager, Corporate Services and Risk Assurance