



# AGENDA

## RĀRANGI TAKE

NOTICE OF AN EXTRAORDINARY MEETING OF

# COUNCIL

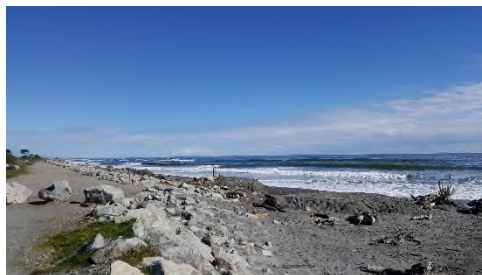
to be held on Thursday 4 April 2019 at 4.00 pm  
in the Council Chambers, 36 Weld Street, Hokitika

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Chairperson: His Worship the Mayor

Members:	Cr Martin (Deputy)	Cr Lash (Deputy)
	Cr Carruthers	Cr Eatwell
	Cr Havill ONZM	Cr Neale
	Cr Olson	Cr Routhan
	Kw Tumahai (or Representative)	Kw Rochford (or Representative)

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# Council Vision:

We work with the people of Westland to grow and protect our communities, our economy and our unique natural environment.

## 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 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.

### 1. KARAKIA TĪMATANGA OPENING KARAKIA

<b>Kia hānene ngā hau āio</b> <b>Mai i ngā maunga</b>	Blow gently peaceful winds From the mountains
<b>Ki ngā tai o Poutini</b>	To the tides of Poutini
<b>Kia whakapapa pounamu te moana</b>	May the sea be like greenstone
<b>Hei huanui mā tātou</b>	A pathway for us all
<b>Aroha atu, aroha mai</b>	Let us show respect for each other
<b>Tātou i a tātou katoa</b>	For each and everyone
<b>Hui e! Tāiki e!</b>	Bind us all together!

### 2. NGĀ WHAKAPAAHA APOLOGIES

(includes leave of absence notification)

### 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 (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. PŪRONGO KAIMAHI STAFF REPORTS**

- **Freedom Camping Review Working Group**

(Pages 5-11)

#### **6. 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.

Council is required to move that the public be excluded from the following parts of the proceedings of this meeting, namely:

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:

<b>Item No.</b>	<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under Section 48(1) for the passing of this resolution</b>
1	Confidential Report – Office of the Controller and Auditor-General	Good reasons 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 or withholding exists.  Section 48(1)(a) and (d)

This resolution is made in reliance on sections 48(1)(a) 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 area as follows:

<b>Item No.</b>	<b>Interest</b>
1	Maintain legal professional privilege (Schedule 7(2)(g))

**DATE OF NEXT ORDINARY COUNCIL MEETING – 18 APRIL 2019  
COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA**

# Report



**DATE:** 4 April 2019  
**TO:** Mayor and Councillors  
**FROM:** Regulatory Services Manager

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## **FREEDOM CAMPING REVIEW WORKING GROUP – TERMS OF REFERENCE**

### **1 SUMMARY**

- 1.1 The purpose of this report is to seek Council's approval of the Freedom Camping Review Working Group – Terms of Reference, and to confirm appointment of a Councillor Representative from each ward to the working group.
- 1.2 This issue arises from the adoption of a resolution to establish a Freedom Camping Review Working Group at a meeting of Council on 28 February 2019.
- 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 May 2018, which are set out in the Long Term Plan 2018-28. These are stated on Page 2 of this agenda.
- 1.4 This report concludes by recommending that Council receives the report; adopts the Freedom Camping Review Working Group – Terms of Reference, and appoints three (3) Councillor Representatives – one from each ward.

### **2 BACKGROUND**

- 2.1 In response to district wide concerns of the negative environmental impacts and risk to public health attributed to unregulated freedom camping throughout Westland District, Council resolved to draft and consult on a Freedom Camping Bylaw.

- 2.2 Council identified seven sites to be established as Responsible Camping Areas. Five of the sites; Acre Creek, Okuku, Beach Road, Bruce Bay, and Paringa, have been established, complete with on-site toilet and waste facilities. Two part-time Compliance Officers were appointed to monitor the level of compliance at designated Responsible Camping Areas, and carry out enforcement actions where freedom campers are in contravention of the Freedom Camping Bylaw.
- 2.3 Council received complaints from representatives of local communities and accommodation providers in relation to the perceived impacts of Freedom Camping. Concerns included the number of vehicles occupying Responsible Camping Areas, on-site waste management facilities not meeting demands, a decline in guest accommodation nights at established accommodation provider facilities, health risks, and impacts on sensitive environments, with particular reference to penguin populations.
- 2.4 While Council is not permitted to prohibit Freedom Camping across the entire Westland District, it may review and where appropriate, amend the Freedom Camping Bylaw 2019 to protect an area, the health and safety of people who visit the area, and access to the area.
- 2.5 At a Council meeting on 28 February 2019, Council resolved to establish a Freedom Camping Working Group to review Council's Freedom Camping Bylaw 2018, to identify opportunities for amendment, and issues that need to be conveyed to appropriate authorities/organisations or government for consideration and resolution.

### **3 CURRENT SITUATION**

- 3.1 A Terms of Reference has been drafted which defines the purpose, scope, objectives, membership, and operating principles of a Freedom Camping Review Working Group (Appendix 1)
- 3.2 To ensure that accommodation provider, community representative, and stakeholder views are considered in a review of freedom camping in Westland, a membership that provides for this is recommended.

### **4 OPTIONS**

- 4.1 The following options are presented for Council's consideration
  - 1) Adopt the Freedom Camping Review Working Group Terms of Reference.

- 2) Establish a Freedom Camping Review Working Group without a Terms of Reference.

## 5 SIGNIFICANCE AND ENGAGEMENT

- 5.1 Under the guidance of Council's Significance and Engagement Policy, any decision of Council made on options presented are considered to be of medium significance.
- 5.2 The adoption of the attached Terms of Reference does not trigger any requirement for public consultation.

## 6 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

### 6.1 Option 1. Adopt a Terms of Reference

A Terms of Reference clearly defines the purpose, scope, objectives, membership, and operating principles of an appointed working group. It enables a group's membership to be defined to ensure representation of all affected stakeholders while providing for consideration of all views in a controlled forum and environment.

Once adopted, membership of the working group can be finalised, and the agreed objectives progressed.

### 6.2 Option 2. Establish a working group without a Terms of Reference

In the absence of a Terms of Reference, membership of a working group would remain undefined, and there would be no clear guidelines set in respect to objectives and principles.

In the absence of a defined Terms of Reference, initiation of a review is likely to be delayed due to inherent complexities in determining membership of a review group, objectives, and operating principles.

## 7 PREFERRED OPTION(S) AND REASONS

- 7.1 The preferred option is Option 1. Adopt a Terms of Reference

## 8 RECOMMENDATION(S)

- A) **THAT** Council receives the report;
- B) **THAT** Council adopts the Freedom Camping Review Working Group – Terms of Reference

- C) **THAT** Council appoint a Councillor Representative from each ward to the Freedom Camping Review Working Group.

**Te Aroha Cook**  
**Regulatory Services Manager**

**Appendix 1:** Freedom Camping Review Working Group – Terms of Reference



## **Freedom Camping Review Working Group Terms of Reference (March 2019)**

### ***The Working Group's Purpose***

The purpose of the working group is to work in a collaborative manner to review the impacts of Freedom Camping within Westland and identify options that may assist in minimising impacts, while meeting legislative requirements of the Freedom Camping Act 2011.

### ***Scope***

The working group has been set up by the Westland District Council. The Working Group is not a committee of Council. It is tasked with providing recommendations to Council via Council's Chief Executive and Regulatory Services Manager through an assessment of impacts of Freedom Camping in the Westland District, and the review of Council's Freedom Camping Bylaw 2018, particularly in regards to environmental impacts and associated infrastructure and development challenges.

### ***Background***

In response to district wide concerns of the negative environmental impacts and risk to public health attributed to unregulated freedom camping throughout Westland District, Council resolved to draft and consult on a Freedom Camping Bylaw.

Council identified seven sites to be established as Responsible Camping Areas. Five of the sites; Acre Creek, Okuku, Beach Road, Bruce Bay, and Paringa, have been established, complete with on-site toilet and waste facilities. Two part-time Compliance Officers were appointed to monitor the level of compliance at designated Responsible Camping Areas, and carry out enforcement actions where freedom campers are in contravention of the Freedom Camping Bylaw.

Council received complaints from representatives of local communities and accommodation providers in relation to the perceived impacts of Freedom Camping. Concerns included the number of vehicles occupying Responsible Camping Areas, on-site waste management facilities not meeting demands, a decline in guest accommodation nights at established accommodation provider facilities, health risks, and impacts on sensitive environments, with particular reference to penguin populations.

While Council is not permitted to prohibit Freedom Camping across the entire Westland District, it may review and where appropriate, amend the Freedom Camping Bylaw 2019 to protect an area, the health and safety of people who visit the area, and access to the area.

At a Council meeting on 28 February 2019, Council resolved to establish a Freedom Camping Working Group to review Council's Freedom Camping Bylaw 2018, to identify opportunities for amendment, and issues that need to be conveyed to appropriate authorities/organisations or government for consideration and resolution.

### ***Objectives of the Freedom Camping Working Group***

1. To collaboratively work together to assist in a review of Council's Freedom Camping Bylaw 2018, to inform the discussion
2. To identify issues unable to be administered via a Freedom Camping Bylaw or Council enforcement, to enable an informed view to be conveyed by Council to appropriate authorities/organisations and/or ministerial departments for consideration or resolution.
3. To support the representatives to the Freedom Camping Working Group with information and advice as a collective group.
4. To provide timely and relevant feedback and input to enable public consultation on a reviewed Freedom Camping Bylaw to progress.

### ***Working Group Membership***

The Chair of the working group will be one of the appointed Councillors.

The working group will comprise:

- The Mayor of Westland District (ex-officio)
- 3 appointed Councillors of the Westland District Council (1 elected member from each ward)
- 1 appointed Maori iwi/rungana representative
- 3 appointed Accommodation Providers (1 from each ward by Councillor nomination)
- 3 appointed Community Representatives (1 from each ward by Councillor nomination)
- 1 member appointed by the New Zealand Transport Agency
- 1 member appointed by the Department of Conservation
- 1 member appointed by NZMCA
- 1 member appointed by MBIE
- 2 Officers of Council

### ***Voting and final decision-making***

All present at the meeting are able to vote.

While a unanimous decision will be sought during any vote, it is appreciated that this will not always be possible. Consensus of 75 per cent of those present, with voting rights, will be adopted as the outcome.

### ***Term of Appointment and meetings***

The term of the working group is until this project has been completed. Meetings will generally be held monthly (time to be discussed with wider group). Based on activity between each meeting the chair may cancel the meeting.

### ***Subgroups***

There will be no appointment of sub-groups, however, appointed members will be encourage to garner and convey views from the accommodation providers, communities and/or organisations that they represent to this working group.

### ***General Operating Principles***

The working group is expected to:

1. Work in a collaborative and co-operative manner using its best endeavours to reach solutions that take into account the interests of all sectors of the community and the rights of freedom/responsible campers.
2. Respect the individual views and contributions of each member and those that they represent.
3. The Working Group will seek consensus in its decision-making where at all possible.

### ***Media Statements***

Any release of information to the Media will be through approved Council channels. As an objective of the Freedom Camping Working Group is to review and identify opportunities for amendment to the Freedom Camping Bylaw 2018, appointed members must remain conscious of the risk of perception of a pre-determined outcome by affected stakeholders, prior to public consultation on any Council policy or bylaw.

### ***Working Group Support***

The Working Group shall be supported by:

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Regulatory Services Manager  
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