



AGENDA

RĀRANGI TAKE

NOTICE OF AN ORDINARY MEETING OF

COUNCIL

to be held on **Thursday, 9 December 2021** commencing at **2.00pm** in the Council Chambers, 36 Weld Street, Hokitika and via Zoom

Chairperson:	His Worship the Mayor	
Members:	Cr Carruthers (Deputy)	Cr Davidson
	Cr Hart	Cr Hartshorne
	Cr Kennedy	Cr Keogan
	Cr Martin	Cr Neale
	Kw Tumahai	Kw Madgwick



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

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 promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.

1. KARAKIA TĪMATANGA

OPENING KARAKIA

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 (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 – 25 November 2021**

6. **ACTION LIST** (Pages 6 - 9)

7. **NGĀ TĀPAETANGA PRESENTATIONS**

- **Westland Holdings Limited Update to Council**
(Approx. 2.15pm)
Joanne Conroy, Chair, Westland Holdings Limited
Chris Gourley, Director, Westland Holdings Limited
Chris Rea, Director, Westland Holdings Limited
- **Information Technology and Information Management Update**
(Approx. 2.45pm)
Peter Oliver, Information Technology Manager
Richard Morris, Information Manager

8. **PŪRONGO KAIMAHI STAFF REPORTS**

- **Tai Poutini West Coast 2050 Strategy** (Pages 10 - 27)
Simon Bastion, Chief Executive
- **Hokitika Airport Lease, Extension of Term** (Pages 28 - 50)
Melanie Anderson, Chief Executive, Destination Westland
- **Amendment to the Significance and Engagement Policy** (Pages 51 - 58)
Emma Rae, Strategy and Communications Advisor
- **Councillor Representation** (Pages 59 - 61)
Simon Bastion, Chief Executive
- **COVID-19 Position Statement** (Pages 62 - 66)
Te Aroha Cook, Group Manager: Regulatory and Community Services
- **Chief Executive's Quarterly Report** (Pages 67 - 152)
Simon Bastion, Chief Executive

9. MAYORS REPORTS AND STATEMENTS

- Three Waters
- End of Year Statement

10. ADMISTRATIVE RESOLUTIONS

Gary Edward CAMBUS	Warrant of Appointment - Building Compliance Officer	To act in the Westland District as: <ul style="list-style-type: none"> • An Officer pursuant to Section 174 of the Local Government Act 2002; AND • An Authorised Officer pursuant to Section 222 of the Building Act 2004; AND • An Enforcement Officer pursuant to Section 371b of the Building Act 2004; AND • An Officer under the Westland District Council Bylaws; AND • An Enforcement Officer pursuant to Section 38 of the Resource Management Act 1991.
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11. CIVIC AND COMMUNITY AWARDS

12. 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 relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
1.	Confidential Minutes – 25 November 2021	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.	Hokitika Swimming Pool Stage 1 Strengthening, Services – 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)




3.	Chief Executive's 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)
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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 Section 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. Schedule 7(2)(b)
1,3	Maintain the effective conduct of public affairs through— (ii) the protection of such members, officers, employees, and persons from improper pressure or harassment. (Section 7(2)(f))
1,3	Maintain Legal professional privilege Section 7(2)(g)
1,2,3	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) Schedule 7(2)(i)
1,2	Prevent the disclosure or use of official information for improper gain or improper advantage. Section 7 (2)(j)




**DATE OF NEXT ORDINARY COUNCIL MEETING – 24 FEBRUARY 2022
COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA AND VIA ZOOM**

09.12.21 - Council Meeting - Action List

Item No.	Date of Meeting	COMPLETED IN PROGRESS OVERDUE	Item	Action	Completion Date/Target Date	Officer	Status
1	28.06.18		Kaniere School Students – Cycle trail 1. Crossing Progress 2. Crossing Placement 3. Site Visit (3 Actions merged 26.11.20 and updated)	Council staff to get back to the Kaniere School Students regarding the proposal.	Oct 2020	GM, KJ & CE	<p>The site for the crossing has been revised based on a site visit by Mayor, CE & GMDA.</p> <p>As part of the works planned at the crossing, additional footpaths are to be created and the road is to be realigned and changed to a T-intersection.</p> <p>Project is almost completed, reserve parking and island works to be completed. Expected competition date mid Dec. Westland District Council (WDC) to liaise with the school re an official opening in 2022.</p> <p>Presently no change to previous advice.</p>
2	10.12.20		Speed Limit Register Review – Stage 2	Review of the speed limits on the below roads/areas: <ul style="list-style-type: none"> • Kokatahi/Kowhitirangi Area • Old Christchurch Road • Kaniere Road • Lake Kaniere Road and surrounding areas (Hans Bay, Sunny Bight, Lake Kaniere) 	2021	GM,SB, KJ	<p>This item is on hold awaiting Waka Kotahi NZ Transport Agency speed limit review.</p> <p>A review was presented to Council on the 30th September 2021. Stage 2 is to be reviewed and presented to Council in February 2022 to begin public consultation with the intended implementation scheduled for April/May. This is in line with Waka Kotahi’s review period.</p> <p>Waka Kotahi has advised ok to start having conversations and consulting with the public in lead up to rule changes being finalized toward mid-2022. Changes should not be made until new rules set.</p>
3	10.12.20		Ross Chinese Gardens – Flooding issues	Update to Council on progress	Feb 2021	CE	<p>Lake level management – a meeting has been held, an engineering design will be completed, and an application for a resource consent has been submitted to the West Coast Regional Council.</p>

Item No.	Date of Meeting	COMPLETED IN PROGRESS OVERDUE	Item	Action	Completion Date/Target Date	Officer	Status
							<p>Lake Level Project – onsite meeting with Department of Conservation was held. The engineering design will be completed and application for resource consent will be submitted to the West Coast Regional Council, with an endeavour to have this completed through the summer period.</p> <p>WDC resource consent application completed. Further work is to be done with the community post resource consent regarding the execution of the consent.</p>
4	25.03.21		Kumara Gardens	Update to Council at the next meeting.	On going	CE	<p>A meeting with representatives of the Kumara Community Group held on the 13 August 2021.</p> <p>WDC supporting the group with the tender's process. Post the tender the community group will provide an update to council.</p>
5	24.06.21		Revell Street Trial – Stage 2	<p>The following items were agreed upon:</p> <p>A) The concept for Revell Street be workshopped with Councillors within a three week period, incorporating a breakdown of costings to date being provided to Councillors.</p> <p>B) The repainting of the traffic lines, traffic calming mechanisms and pedestrian crossing work to be paused and deferred to the workshop for discussion.</p> <p>C) The seating areas and elevated platforms</p>		SB/FS	<p>Revell street works are well underway with stamped concrete having been put in place. Concept interpretation panels have been installed.</p> <p>Decking construction is underway and the first deck will be on site week commencing 22nd November. A contractor has been appointed to do the line marking</p> <p>Budget update provided in the with Dec CE Report.</p>

Item No.	Date of Meeting	COMPLETED IN PROGRESS OVERDUE	Item	Action	Completion Date/Target Date	Officer	Status
				(decking structure) be progressed with urgency.			
6	26.08.21		Old Christchurch Road seal extension	The Chief Executive to investigate the cost of finishing the proposed sealing of the Old Christchurch Road up to the 12kms.	In progress	CE	<p>A review including a desk top exercise, site visits and contractor liaison to be completed by 31st Dec 2021. Investigation into sealing the remaining portion of the road is underway.</p> <p>Final scope of works for this project still to be completed to spend remaining available funding. Surveys have been carried out for last section not covered by current funding so designs and estimates could be developed if more funding is made available.</p>
7	26.08.21		Investigate costs to bring the WDC HQ & Pakiwaitara buildings up to 100% National Building standards	CE to discuss with Group Manager: District Assets	In progress	CE & SB	<p>Following preliminary structural surveys conducted by Simco, Josephs and Associates have been commissioned to arrange for the production of outline architectural drawings which will lead to the development of accurate costings.</p> <p>Council has requested a review of the strategic direction for both Council HQ & Pakiwaitara buildings to ensure the best case scenario if progressed. CE expectations is that the options review will be presented back to council in the future as an options report.</p>
8	26.08.21		Pakiwaitara Building Business Case Timeline	Business case and scope of work to be brought to Council after the structural elements of the work have been identified, costed and timelines finalised.	In progress	CE	As above.

Item No.	Date of Meeting	COMPLETED IN PROGRESS OVERDUE	Item	Action	Completion Date/Target Date	Officer	Status
9	30.09.21		Road Maintenance Action Updates:	<ol style="list-style-type: none"> 1. Write to Waka Kotahi requesting that the 50km speeds north and south be extended to the existing 80km sign north and the south side of the Hokitika Bridge. 2. Install visible signage at Kanieri-Kowhitirangi Corner indicating 50km speed area and 30km for Camp and St Albans Street. 3. Change Railway Terrace, Hokitika to a one way entrance from Weld Street with angle parking on both sides. 4. Change Hamilton Street, Hokitika to angle parking on both sides. 5. Pave the footpath area around Mitre 10 Hokitika with the recently approved stamped concrete surface to test its suitability for other parts of the CBD. 	Oct 2021	SB & KJ	<p>A report will be brought back to Council regarding potential parking upgrades around the CBD that could be instigated immediately as well as those that will need to be included as part of an annual plan process.</p> <p>A parking presentation was delivered to Council on the 25th November.</p> <p>A report in regards to changing Railway Terrace was presented at council meeting in November and a resolution passed.</p> <p>We have tabled the speed limit review with Waka Kotahi previously and will continue to follow up current status.</p> <p>The footpath in front of Mitre 10 in planning.</p>
10	25.11.21		Standing Committee Membership lists	Standing Committee Membership lists be distributed to the elected members.	Completed	MS	Completed, Council Directory emailed 02.12.21
11	25.11.21		Resource Consent Correspondence Update to Council	, an update will be provided at the December Council Meeting.	DEC 2021	CE	Correspondence regarding a resource consent was received addressed to the Mayor and Councillors, this was circulated to the Elected Members and the CE, and an update will be provided at the December Council Meeting.

Report to Council



DATE: 9 December 2021

TO: Mayor and Councillors

FROM: Chief Executive

TAI POUTINI WEST COAST 2050 STRATEGY

1. Summary

- 1.1. The purpose of this report is to provide a copy of the Tai Poutini West Coast 2050 Strategy (the Strategy) for endorsement by Council.
- 1.2. This issue arises from the proposal by Development West Coast to update the West Coast Economic Strategy 2018.
- 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 2021, which are set out in the Long Term Plan 2021 - 31. Refer page 2 of the agenda.
- 1.4. This report concludes by recommending that Council endorses the Tai Poutini West Coast 2050 Strategy.

2. Background

- 2.1. In 2020 Development West Coast (DWC) started a full review of the current economic status of the West Coast, which highlighted some significant impacts over the last two years due to the arrival of the COVID-19 virus that brought international tourism to a grinding halt. On top of this are the impacts of the government enacting a raft of significant reforms that will impact our communities.
- 2.2. The approach by DWC is based on the following:
 - Engage openly with the community to uncover the shared vision, aspirations, and outcomes we can all agree on and get in behind.
 - Work with existing strategies, plans and research papers to help inform the contents of this strategy and ensure that it not only complements but actually reinforces other work that is happening in the region.
 - Shape a strategy that becomes a catalyst for action and a guiding document that can be used across business and community to ensure we're all singing from the same song sheet.
- 2.3. Westland District Council was represented at the Economic Strategy Workshops and contributed to the final document (Appendix 1).
- 2.4. The Strategy:
 - Articulates a bold vision and intergenerational outcomes for the West Coast.
 - Identifies the challenges and opportunities we face in achieving that vision.
 - Identifies the priority missions that we have landed on to drive that growth.

- Provides the blueprint for the Action Plan that will enable the delivery of those missions and the projects that sit beneath them.

3. Current Situation

- 3.1. The current situation is that the Strategy has now been completed and DWC are seeking full endorsement from the stakeholders as a collective commitment to work in partnership to implement the actions required to bring the Strategy to life.
- 3.2. The Strategy with the promotion of social, economic, environmental, and cultural well-being of communities will deliver on the intergenerational outcomes identified. It is made up of three key missions, 11 priority projects and 23 actions.

4. Options

- 4.1. Option 1: That Council endorse the Tai Poutini West Coast 2050 Strategy.
- 4.2. Option 2: That Council does not endorse the Tai Poutini West Coast 2050 Strategy.

5. Risk Analysis

- 5.1. Risk has been considered and no risks have been identified in endorsing the Strategy.

6. Health and Safety

- 6.1. Health and Safety has been considered and no items have been identified in endorsing the Strategy.

7. Significance and Engagement

- 7.1. The level of significance has been assessed as being low.
- 7.2. Public consultation on the Strategy was undertaken by Development West Coast and no further public consultation is considered necessary. All West Coast Councils are also tabling the Strategy at future Council Meetings.

8. Assessment of Options (including Financial Considerations)

- 8.1. Option 1 – Endorsing the Tai Poutini West Coast 2050 Strategy is the preferred option as this will enable the mission statement to be fulfilled. This strategy has been developed with the inclusion of all significant stakeholders included and it clearly summarises the overall collective view.
- 8.2. There are no financial implications to this option.
- 8.3. Option 2 - Do not endorse the Tai Poutini West Coast 2050 Strategy.
- 8.4. There are no financial implications to this option.

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 it will provide a foundation to work together to unlock the potential of the West Coast by carving our own path, front footing the change required and working in partnership with open minds and a solutions focus on the challenges we face.

10. Recommendation(s)

10.1. That the report be received.

10.2. That Council endorse the Tai Poutini West Coast 2050 Strategy.

Simon Bastion
Chief Executive

Appendix 1: Tai Poutini West Coast 2050 Strategy

Tai Poutini West Coast 2050 Strategy

Final Draft (V4) for Consultation

Published on Thursday 11th November 2021

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Introduction

Generations of Coasters have enjoyed the benefits of a thriving regional economy that was once the envy of the rest of the country. Our resilient spirit and strong work ethic have served us well. But right now, we are vulnerable.

Our world is changing faster than we are. Whilst we can be rightly proud of our history, identity, and assets as a region – we are not yet match fit for the challenges ahead. This ‘West Coast Economic Strategy’ strengthens our position in a rapidly changing world. It ensures that we not only tackle the challenges ahead but we also realise the enormous potential that exists in solving them.

The economic growth we have traditionally relied on is being challenged and we have much work to do in improving the wellbeing of all Coasters. We’ve known this for some time now and our community is united in the desire to chart a new course that protects everything we love about the Coast, elevates the things we do well and helps us navigate the road ahead.

This strategy comes at a good time – we are experiencing a disrupted global climate. Pressures around climate change and biodiversity collapse are increasing, a global pandemic has brought international tourism to a grinding halt, our region is dealing with the fallout from extreme weather events and the government is enacting a raft of significant reforms that will impact our communities.

All of us have been affected by these challenges differently but we have all been affected. This collective experience has served to remind us of the importance of building a resilient economy that can withstand the shocks and changes we know we will experience over time.

It’s difficult to imagine a more important time for the Coast to be clear about what we want and proactive in pursuing it. This is an opportunity for us to front foot the change required and unleash the hidden potential that exists within our communities.

This is our pathway forward as Te Tai o Poutini West Coast – a strategy that celebrates our strengths and is honest about our challenges. An opportunity to provide a collective view of the way forward, for the Coast to speak with one voice about the future we desire and to get down to work creating it.

Our journey to 2050 will require hard work, determination, and change. We know that over the course of this strategy, we will stop doing some things and start doing others as we navigate our changing world and the significant reforms we know are coming. There is no single “silver bullet” to smooth this transition but within this strategy are a range of solutions that will make a difference and offer us the opportunity to rethink and regenerate our Coast economy. Contained within this strategy is a portfolio of mutually reinforcing initiatives that collectively will make a big difference.

Our challenge is to focus on a handful of priorities that will move the dial for the Coast. We have to be careful to avoid diluting our efforts by trying to do too much and stretching the limited resources that are available to deliver. The measure of a good strategy is not the words on these pages but the action that follows them. Doing that will require unprecedented levels of collaboration, investment, and action right across our communities. We know our people are ready to get stuck in. By doing this together, we can go so much further and faster.

The reality is we will not get there alone and these outcomes won’t come easily. This is not just an internal strategy for the West Coast - it’s our message to the world about the future we are creating and the opportunities that exist here. It’s a prospectus for future residents, businesses, and investors.

This ‘West Coast Economic Strategy’ sets out our shared vision for improving the lives of all Coasters and shows us the pathway forward to achieving our aspirations as a community. The strategy:

- Articulates a bold vision and intergenerational outcomes for the West Coast
- Identifies the challenges and opportunities we face in achieving that vision
- Identifies the priority missions that we have landed on to drive that growth
- Provides the blueprint for the Action Plan that will enable the delivery of those missions and the projects that sit beneath them

This strategy focuses us on a generational shift in our economy. Rather than short term or siloed thinking, it offers an enduring blueprint that will need to be constantly updated and refreshed as we advance on the journey to 2050 and make strides towards achieving these outcomes.

As we work together to deliver this strategy, we must remind ourselves that “many hands make light work” and that if we’re all pulling in the same direction, we can achieve great things on behalf of the Coast and future generations.

Our Approach

In undertaking to deliver a strategy that is truly a “West Coast Strategy”, it was important to engage a wide cross section of the community to ensure this blueprint for the future is an inclusive document that is owned by the communities for whom it is designed.

In seeking to create a generational shift in our economic growth and prosperity, we went to young people first to seek their views on the type of future they want on the Coast and the things that are concerning them. Their voices are heard loud and clear throughout this document and in the priority actions that have been identified to advance this strategy.

The workshops that were held to shape the foundation for this strategy included businesspeople, central government, local government, mana whenua and our wider community. They represent a cross section of all the parts of our community that make this place work.

Over 150 people from across the Coast participated in the workshops held to design this strategy. We are particularly proud of the contributions of over 20 rangatahi who were instrumental in setting the direction for this 2050 strategy.

Following the workshops, feedback was received from participants on the initial draft of the strategy including directly from West Coast community leaders and organised labour (union) representatives.

The 2018-2025 Tai Poutini Economic Development Strategy would be superseded by the 2050 strategy with outstanding Actions being assessed and reassigned to mission groups and priority project streams.

Our approach to landing a 2050 strategy was simple:

1. Engage openly with the community to uncover the shared vision, aspirations, and outcomes we can all agree on and get in behind.
2. Work with existing strategies, plans and research papers to help inform the contents of this strategy and ensure that it not only complements but actually reinforces other work that is happening in the region.
3. Shape a strategy that becomes a catalyst for action and a guiding document that can be used across business and community to ensure we’re all singing from the same song sheet.

Economic Challenges

There are a number of challenges, if not addressed will shape the future of the region and aspirations of our community across people, environment and the economy.

- **Diversification** - We are facing unprecedented levels of change and disruption that will impact the West Coast economy.
- **Narrative** - There is a prevailing pessimistic outlook and perception challenge for the Coast.
- **Demographics** - We have an ageing workforce and we are struggling to retain young people on the Coast.
- **Resilience** - We are vulnerable to extreme weather events, sea-level rise and disruptions due to natural disasters.

A snapshot of Challenges

Challenge	Issues	Local Impact
Global Challenge	<ul style="list-style-type: none"> • Climate change • Exhaustion of non-renewable resources 	<ul style="list-style-type: none"> • Vulnerability to sea level rise and the impact on geography and the natural environment. • Vulnerability to weather events on infrastructure and connectivity of the West Coast. • The reliance on natural resources for economic prosperity. • Changes in land and sea use, climate change, pollution and invasive species are putting pressure on our environment.
New Zealand Challenge	<ul style="list-style-type: none"> • Low productivity • Skills shortage • Under investment in infrastructure • Housing affordability and access • A rapidly aging population • Biodiversity decline • A lack of diversification 	<ul style="list-style-type: none"> • We have the opportunity for employers and workers to work together to increase productivity. • We have a number of skills shortages and seasonal labour challenges. • We have an export driven economy, vulnerable to global conditions. • We have a relatively low and ageing population base and modest GDP for the geographical size making it difficult to fund infrastructure. • We have poor housing quality and a lag in supply.
Regional Challenge	<ul style="list-style-type: none"> • Distance • Scale • Perception 	<ul style="list-style-type: none"> • We are still facing significant disruption as a result of COVID-19 including supply chain and labour market issues. • We are heavily reliant on transport infrastructure, with a relatively small “surrounding” population within driving distance. • We are a small region spread across a large geographical area which makes infrastructure challenging to fund and deliver. • Accessibility to higher education and upskilling.

Our Mission

To create a sustainable, inclusive and prosperous future for the West Coast that our people can be proud of and our rangatahi (young people) can look forward to.

Identified missions:

- Build confidence
- Diversify our economy
- Strengthen communities

Our Vision

To be recognised as leaders in the adoption of innovative, sustainable and regenerative economic, social, wellbeing and environmental solutions.

Our Values

- Manaakitanga – Welcoming, inclusiveness, connection, and support for each other
- Kaitiakitanga – Active guardianship of our taonga and giving back to nature
- Whanaungatanga – Our sense of collective belonging and identity
- Rangatiratanga – Courageous leadership and being in charge of our own destiny
- Pono – We are honest and sincere in everything that we do
- Kotahitanga – unity and collective action

Our 2050 Outcome

We have an innovative and resilient economy delivering opportunities and high-paying jobs for our community. Care for our people and our environment is part of who we are and what we are known for.

Our Place – Te Taiao

We care for our people and place leaving our environment in a better state than we inherited it.

Our Economy – Pūtea

Our diverse and resilient economy is fueled by a thriving entrepreneurial community and world class infrastructure. The world looks to us for solutions on conservation, biodiversity regeneration and clean energy.

Our People – Whānau

Our people are proud of their identity as Coasters and optimistic about the future. Our connected communities and culture are inclusive, caring and collaborative.

Our Leadership – Rangatiratanga

Our leadership is collaborative, future-focused and optimistic, front footing the change required to deliver practical and bold actions.

Our Collective Commitment

To work together to unlock the potential of the West Coast by carving our own path, front footing the change required and working in partnership with open minds and a solutions focus on the challenges we face.

Our Strategy

Our strategy with the promotion of social, economic, environmental, and cultural well-being of communities will deliver on the intergenerational outcomes identified. It is made up of three key missions, eleven priority projects and 23 actions.

Mission One - Build Confidence

The West Coast has a plan for the future that is inclusive and provides clarity to both the West Coast and New Zealand. Our businesses and people are optimistic and confident about the future. Our young people can see a bright future that they want to be a part of and are supported to achieve success.

Priority Project – Enhanced Regional Identity

Being a West Coaster instils pride in our people and fosters a strong sense of connection and belonging. An enhanced regional identity is a critical tool in this strategy – to build confidence and pride in our place and to attract the right people and investment to the region to realise our aspirations.

By lifting our presence and sharing more from our region, the West Coast can be seen as a desirable place to live, work and play, supporting our economic aspirations. Furthermore, active protection and guardianship of the environment can be celebrated as part of our West Coast identity.

Actions

- Develop a business and investment story and proposition for the West Coast to support business attraction and encourage start-up businesses
- Finalise and implement the Destination Management Plan with a focus on realising opportunities in high value and regenerative tourism.
- Develop a digital support programme and online shopping portal 'Shop West Coast' to increase uptake of West Coast businesses in eCommerce opportunities and profile our regional offering

Mission Two – Strengthen and Diversify our Economy

The West Coast has an abundance of natural resources that form the backbone of our regional economy. To secure our long term economic prosperity and resilience, we need to actively support the growth of emerging industries and strengthen our economic drivers by focusing on adding value.

By focusing on a more circular economic approach, we are able to increase the value of our products and deliver better outcomes for the environment. Our economic activity must actively protect and give back to the natural environment that supports our prosperity.

The West Coast has untapped potential in the green economy space – from the unrealised value of our natural resources to the knowledge economy potential that exists from our strengths in conservation and biodiversity restoration.

Priority Project - Realising our natural resources

The West Coast is 84% public conservation land, the largest proportion of any region in New Zealand. We have competitive advantage in the mining sector and natural resources that can be utilised to support the regenerative economic future we aspire to. By focusing on this approach, we are able to unlock economic opportunities whilst protecting and enhancing the natural environment for future generations.

Actions

- Supporting the completion of the Stewardship Land Review so new economic opportunity is enabled and environment outcomes are enhanced

Priority Project – Conservation Centre of Excellence

Our strengths in protecting and restoring the natural environment are an opportunity to build a light footprint niche economy on the Coast that develops, incubates, and shares knowledge on conservation and biodiversity restoration.

Actions

- Supporting the advancement of conservation, biodiversity and predator free work across the region
- Develop an International Conservation and Biodiversity Restoration Centre of Excellence

Priority Project – Renewable Energy Solutions

Unlocking the potential within our renewable energy sector by developing a comprehensive West Coast Energy Strategy that identifies and advances opportunities in hydro, biomass, geothermal, biodiesel green hydrogen and other energy opportunities on the West Coast with a focus on viable outcomes that create jobs.

Actions

- Develop and implement a West Coast Energy Strategy to unlock opportunities in renewable energy investment and job creation on the coast.

Priority Project – Research, Science and Technology

Supporting our applied research, science and technology businesses to grow and support our key economic drivers and opportunities to lift productivity and reduce environmental impacts.

Actions

- Investment in research, science and technology to lift the productivity and reduce the footprint of our key economic drivers.

Priority Project – High Value Engineering and Innovation

The West Coast has existing strengths in niche and high value engineering. Recognised for its innovation and collective strength, the West Coast is seen as a leader in engineering excellence.

Actions

- Form a niche engineering cluster to realise opportunities for improved resilience (local supply) and growth in the growing engineering and manufacturing sector
- Develop an innovation and R&D hub to support key economic drivers

Priority Project – Food and Fibre Sector Optimisation

The West Coast has an extensive and diverse range of food and fibre businesses drawn from an assorted cross-section of agriculture, horticulture, forestry and carbon farming, aquaculture, meat and food processing, as well as related agricultural service industries.

Actions

- Developing opportunities to support and grow our food and fibre sector on the West Coast through increased investment in innovation
- Develop a food and fibre provenance story for the West Coast that supports increased value from the sector
- Establishing partnerships for land use trials to position the West Coast as a preferred option for science and research

DRAFT

Mission Three - Strengthen our communities

The West Coast is a region made up of strong and resilient communities that make this place special. Our mission is to strengthen communities which are the backbone of our economic success to ensure they are inclusive, safe and providing for the needs of Coasters.

Secure, affordable and quality housing is out of reach for too many in our community. While economic growth is a worthy pursuit, we need to be proactive in ensuring the benefits of that growth flow through equitably including those who need it the most.

Priority Project – Housing

Everyone on the West Coast has the right to quality housing and a great neighbourhood to live in. A well-functioning housing system has good quality and resilient homes that meets the needs of residents and supports sustainable, resilient and connected communities

Actions

- Implement the Tai Poutini Housing Strategy including a focus on improving the condition, security, energy efficiency and suitability of existing homes
- Increase the capacity of sustainable age care on the West Coast

Priority Project – Healthcare

Equity, availability, and access to health care across the Coast. Our healthcare services meet the needs of the community with wellbeing at the heart of our economic development.

Actions

- Develop an interprofessional healthcare facility and explore opportunities for training and education development
- Advocate for improved mental health support available from prevention through to crisis
- Advocate and enable the improved provision of healthcare services throughout the West Coast, specifically for hard to reach and disadvantaged communities

Priority Project - Community and Business Education

Accessible education that enables and enhances both the community and business prosperity, creating opportunities to evolve and grow sustainable, innovative, and creative talent.

Actions

- Develop a Future of Work programme to create career pathways for future employment opportunities, talent attraction and retention and education to employment options
- Strengthen partnerships with innovation, education, and research institutes (e.g Lincoln University, University of Canterbury, Callaghan Innovation etc)
- Establish community and business hubs in the main centres to support connectivity, remote working and career and business opportunities
- Increase business networking and education opportunities throughout the coast with an emphasis on communities not currently accessing support

Priority Project – Infrastructure, Resilience and Digital Connectivity

Enabled and connected resilient and sustainable fit for purpose infrastructure network (transport, energy and digital) that supports increased productivity, strengthens our resilience, and provides growth opportunities.

Actions

- A focused infrastructure resilience review to increase investment to support economic development and a proactive climate change adaption approach.
- Strengthening local food systems and resilience through community led initiatives that secure food supply for local communities
- Develop Zero Waste initiatives that reduce our environmental footprint and unlock revenue generating opportunities.
- Improve rural connectivity including mobile blackspots, rural and ultrafast broadband

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What does success look like?

The West Coast's aspiration is for an economy that is robust; where sustainable levels of growth are achieved over the full range of current and future industry sectors while retaining those values underpinning who we are and why people choose to be here. An economy that delivers an increasing number of jobs so that the wealth generated provides opportunities for current and future residents of the Coast.

An economy where entrepreneurs and new businesses see opportunities and existing businesses are strong. An economy that advocates high quality over quantity. Ensuring there is strength and diversity across business sectors and within sectors will help the Coast's economy withstand shocks to one sector without disrupting the economy as a whole. A resilient future economy will continue to see current sectors grow and adapt to change as well as encourage growth in other sectors. A resilient economy will provide employment opportunities that encompass all skill levels. It will support businesses of all sizes, from start-ups and small to medium enterprises through to the largest global corporations. It is an economy that is less vulnerable to, or recovers more quickly from, external shocks. Resilience also refers to income inequality and the importance of meeting the basic needs of all in society, including the resilience of the most disadvantaged to economic shocks.

The Coast's diverse seasons, wide open spaces, pace of life and the can-do attitude of its people lends itself to attracting people from far and wide to live in, do business in or visit the Coast. To do business here our people must be innovative and creative in the way they run and conduct their businesses. The nature of work is changing rapidly and many jobs that exist today will be replaced by different types of work in the future. New jobs are anticipated in research, development, engineering and energy industries and we must be positioned for this. We have a lot of talented people on the West Coast, and we can build on this – innovation breeds innovation. As our traditional industries evolve and new industries emerge, we must create an innovation ecosystem that extends our strengths and supports our entrepreneurs and innovators and attracts new industries.

To do this, we must foster entrepreneurs and enterprises small and large, helping them to compete in local, national and global markets by ensuring the infrastructure and programmes are in place to support their success. We also must develop new ways to gather and share information to grow the Coast's knowledge sector.

How the Region will Measure Success

The next phase of work will include a focus on developing success metrics, monitoring and reporting that ensures the strategy delivers improved outcomes for all West Coasters.

Ultimately, the success of the strategy will not be defined by the words on these pages but rather the investment and value add activity that results from this strategy work. First and foremost, our success will be measurable by the level of investment and positive activity resulting from this programme of work.

Our economic success will be benchmarked against wellbeing outcomes that are being developed to support economic performance and sustainability. Each priority and associated action will have agreed outcomes and targets that will be developed with the lead collaborator.

Development West Coast, as the convenors of the strategy work, will be charged with the responsibility of reporting on the progress of the strategy and measuring the success of initiatives as they are progressed.

A range of indicators will be developed to measure the overall economic success and wellbeing over the region, alongside success measures that are specific to each project priority and take into consideration key outcomes such as job creation and investment into the region.

How the region will deliver

This strategy is about delivering results and outcomes for the coast to deliver on the aspirations of our community. It's a step change in our approach and focus in economic development that will deliver a generational change required to ensure the West Coast is match fit for the challenges ahead.

The strategy will be supported by an Action Plan which will set out:

- A champion or lead collaborator for each priority action
- A pathway for resourcing and activation of this priority
- Milestones and deliverables to ensure accountability
- Measures of success to track progress

The action plan will evolve as actions are successfully implemented, new opportunities emerge, or existing actions are amended as circumstances change. All action points/projects are identified to a mission statement to confirm alignment to the vision.

Each signatory to this strategy also has a duty and responsibility to deliver on the aspirations of the strategy in their own areas of investment, activity and policy mandate. There will be many actions and projects that are delivered under the auspices of this strategy that aren't detailed in the formal document but rather form part of a wave of transformative change that is enabled by the blueprint the strategy offers and the collective commitment of the signatories to the strategy.

The priority actions set out in this strategy have all been identified as worthy of resourcing and support to enable delivery but their requirements and the maturity of the actions are all different. Some will require entirely new working groups to be established and project plans drawn up while others may be ready to take into a business case or feasibility study or even may be investment ready in their own right.

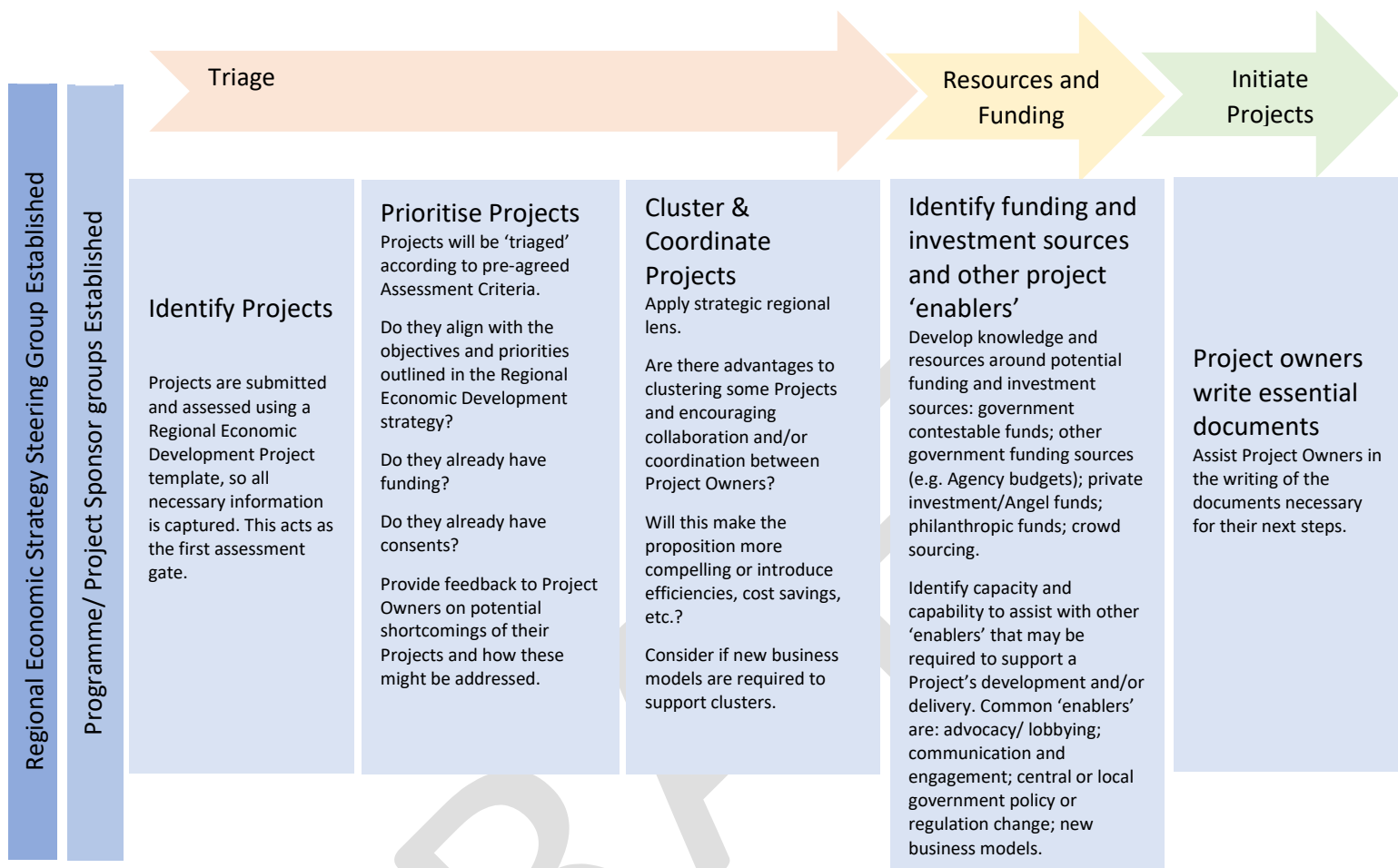
Critically, the success of this strategy will depend on the collective commitment and ability of all stakeholders to deliver against the strategy and work collaboratively on the identified missions and priority actions. For this to be a truly enduring West Coast strategy – everyone has a role to play in the success of it.

As part of the Action Plan work, a Steering Group will be appointed to monitor and guide the overall progress of the strategy and provide representation from stakeholders involved in the plan. The Steering Group will not be a governance group per se but rather the regional nexus for which updated priorities and guidance will flow to help maintain an iterative and generative approach to delivering on the strategy. The Steering Group will be responsible for collectively delivering on the strategy, updating it as required and maintaining the momentum required to ensure the strategy remains relevant for years to come.

The following diagram shows the leadership and support arrangements for delivering the action plan:



Implementation Roadmap



Regional Scan

Engage with existing networks and fora to attract Projects into the roadmap.

Stay aware of other projects being developed outside of this pipeline. How can we add value to their efforts?

Use approved detail from our portfolio of pipeline Projects to inform regional, national and sector strategies and advocacy (i.e. excluding commercial sensitivities).

Establish a regular review process, so our roadmap is agile and can respond to fast changing regional priorities.

Share progress and success of the roadmap with relevant stakeholders (excluding commercial sensitivities).

Tai Poutini Economic Development Strategy 2050 DRAFT

Our Mission

To create a sustainable, inclusive and prosperous future for the West Coast that our people can be proud of and our rangatahi (young people) can look forward to.

Our Vision

To be recognised as leaders in the adoption of innovative, sustainable, and regenerative economic, social, wellbeing and environmental solutions.

Our Values

Manaakitanga

Welcoming, Inclusiveness, connection, and support for each other

Kaitiakitanga

Active guardianship of our taonga and giving back to nature

Whanaungatanga

Our sense of collective belonging and identity

Rangatiratanga

Courageous leadership and being in charge of our own destiny

Pono

We are honest and sincere in everything that we do

Kotahitanga

Unity and collective action

Our 2050 Outcome

We have an innovative and resilient economy delivering opportunities and high-paying jobs for our community. Care for our people and our environment is part of who we are and what we are known for.

Our Place – Te Taiao

We care for our people and place leaving our environment in a better state than we inherited it.

Our Economy – Pūtea

Our diverse and resilient economy is fueled by a thriving entrepreneurial community and world class infrastructure. The world looks to us for solutions on conservation, biodiversity regeneration and clean energy.

Our People – Whānau

Our people are proud of their identity as Coasters and optimistic about the future. Our connected communities and culture are inclusive, caring and collaborative.

Our Leadership – Rangatiratanga

Our leadership is collaborative, future-focused and optimistic, front footing the change required to deliver practical and bold actions.

Delivery

Mission	Programme Stream	Priority Project Stream
Diversify our economy	Managing Natural Resources	Conservation
		Renewable Energy Solutions
	Circular Economies	Research, Science and Technology
		Engineering and innovation
Build Confidence	Enhance the Regional story	
	Strengthen Our Communities	Housing
Healthcare		
Community and Business Education		
Infrastructure & Digital Connectivity		
Resilience		

Economic Challenges

There are a number of challenges if not addressed will shape the future of the region and aspirations of our community across people, environment and the economy.

- **Diversification** - We are facing unprecedented levels of change and disruption that will impact the West Coast economy.
- **Narrative** - There is a prevailing pessimistic outlook and perception challenge for the Coast.
- **Demographics** - We have an ageing workforce and we are struggling to retain young people on the Coast.
- **Resilience** - We are vulnerable to extreme weather events, sea-level rise and disruptions due to natural disasters.

Governance

Regional Economic Strategy Steering Group

Representatives from community, business, local and central government, pūjiri and mana whenua representatives

Action Plan Project Teams

Economic Development Programme Manager

Report to Council

DATE: 9 December 2021

TO: Mayor and Councillors

FROM: Chief Executive – Destination Westland Limited

Hokitika Airport Lease – Extension to Term

1. Summary

- 1.1. The purpose of this report is to request that Council extends the current lease held by Destination Westland Limited (DWL) instead of waiting until 30 June 2023.
- 1.2. This issue arises from a desire to progress the strategic objectives of Destination Westland in utilising all assets to the greatest potential.
- 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 2021, which are set out in the Long Term Plan 2021 - 31. Refer page 2 of the agenda.
- 1.4. This report concludes by recommending that Council resolves to execute a new lease term of the same or greater length.

2. Background

- 2.1. The reason the report has come before the Council is due to a request from a potential light commercial operator wanting to construct a commercial operation on Hokitika Airport Land.

3. Current Situation

- 3.1. The current situation is that the lease expires 30 June 2023 - 18 months from today. This means that Destination Westland Limited could only offer a sublease up to 30 June 2023 as sub leases cannot be longer than the Head Lease.
- 3.2. The financier of the commercial operation is concerned that as there will be considerable investment in the infrastructure of the activity, that there is a risk that the sublease will not be renewed.
- 3.3. The commercial operation is likely to bring 14 new jobs to the area, which will have positive economic impact for the District. Including additional revenue to our local accommodation providers and food outlets due to some of the additional support services that will be required.

4. Options

- 4.1. Option 1: Do nothing.

- 4.2. Option 2: Prepare documentation that guarantees that the lease will be extended for another 30 years.
- 4.3. Option 3: Prepare an updated Head lease that rectifies previous issues with the Head Lease.
- 4.4. Option 4: Sell the Airport Land to Destination Westland Limited.

5. Risk Analysis

- 5.1. Risk has been considered and the following risks have been identified.
 - 5.1.1. Loss of potential ongoing revenue for the Airport if the venture does not go ahead.

6. Health and Safety

- 6.1. Health and Safety has been considered and no items have been identified. Any changes to the Airport will go through the normal change of management practices.

7. Significance and Engagement

- 7.1. The level of significance has been assessed as being low.
- 7.2. No public consultation is considered necessary.

8. Assessment of Options (including Financial Considerations)

- 8.1. Option 1 – Will lead to a missed opportunity.
- 8.2. Option 2 – The second choice as it may alleviate enough of the risk for the investor.
- 8.3. Option 3 – Will provide additional revenue for DWL and also for Westland District Council with an increase in buildings on the land that will increase rating revenue.
- 8.4. Option 4 – Revenue generated from the sale of the land to Destination Westland will need to be immediately passed onto the Crown per the original agreements.
- 8.5. The following financial implications have been legal fees in drawing up new documents.
- 8.6. The item is unbudgeted expenditure and will be funded from the general operational budget.

9. Preferred Option(s) and Reasons

- 9.1. The preferred option is Option 3.
- 9.2. The reason that Option 3 has been identified as the preferred option is that it provides certainty for the investor and the Airport for the future, and the ability to move forward with its strategic objectives and the financial impact is only brought forward by 18 months, it is not additional costs.

10. Recommendation(s)

- 10.1. That the report be received.
- 10.2. That Council resolves to prepare an updated lease between Destination Westland and Westland District Council for the lease of the Airport Land.

Melanie Anderson
Chief Executive

Appendix 1: Hokitika Airport – Deed of Lease

DEED OF LEASE

between

WESTLAND DISTRICT COUNCIL

and

HOKITIKA AIRPORT LIMITED



REFERENCE SCHEDULE

Lessor: The Westland District Council


Lessor's Address: Private Bag 704
HOKITIKA

Lessee: Hokitika Airport Limited

Lessee's Address: c/o Cuff Booth-Ross Limited
Chartered Accountants
51 Tancred Street
HOKITIKA

Land: The land contained in certificates of title 5B/1296, 5B/1297, 5B/1299, 5B/1300, 5B/1301, 5B/1302, 5B/1303, 8A/1246, 8A/1247, 8A/1248, 5C/1268, 5C/1269, 5D/1241, 5D/1242, 5C/787, 8A/1079 all Westland Registry, part Reserve 452 situated in Block I, Kanieri Survey District, SO Plan 4446 (*Gazette*, 23 November 1983 at page 4170).

Initial Term: 21 years (subject to clause 2.3)

Commencement Date: ~~1 December 2001~~ ^{1 July 2002} 

Termination Date: ~~30 November 2022~~ ^{30 June 2023}

Renewal Terms: 21 years, perpetually renewable (subject to clause 2.3)

Annual Rent: \$100.00 plus GST

Permitted Use: The development and use of the Land for airport and associated purposes including all uses currently permitted under the Existing Leases.

Public Risk Insurance: \$10,000,000.00

Default Interest Rate: 10% per annum

THIS MEMORANDUM dated the _____ day of _____

2002

BETWEEN THE WESTLAND DISTRICT COUNCIL ("Lessor")

AND HOKITIKA AIRPORT LIMITED ("Lessee")

BACKGROUND

- A.** The Land is vested in the Lessor as a local purpose reserve for aerodrome and associated purposes subject to the Reserves Act 1977 and Registered Deed WS5B/801.
- B.** The Lessor has leased the Land under the Existing Leases listed in the First Schedule.
- C.** The Lessor has agreed to grant a concurrent lease of the Land to the Lessee and the Lessee has agreed to take on lease the Land.

WITNESSES AS FOLLOWS:

1. INTERPRETATION

In this lease unless the context indicates otherwise:

1.1 Definitions:

"**Airport**" means Hokitika Airport;

"**Annual Rent**" means the annual rent set out in the Reference Schedule;

"**Authority**" means and includes every governmental, local, territorial and statutory authority having jurisdiction or authority over the Land or its use;

"**Existing Leases**" means the leases listed in the First Schedule;

"**GST**" means tax levied under the Goods and Services Tax Act 1985 and includes any tax levied in substitution for that tax;

"**Insured Risks**" means loss, damage or destruction resulting from fire, earthquake, storm, tempest and aircraft impact and any other risks which the Lessor reasonably requires to be insured against;

"**Land**" means the area described in the Reference Schedule but excludes the Lessee's Improvements;



"**Lessee**" means the person specified as the Lessee in the Reference Schedule and includes the Lessee's permitted assigns, agents, employees, contractors and invitees;

"**Lessee's Improvements**" means the Lessee's property situated in, or on the Land and includes:

- (i) all buildings, structures and improvements and all equipment and plant owned or placed on the Land by the Lessee;
- (ii) all improvements acquired by the Lessee from the Lessor pursuant to a Sale and Purchase Agreement relating to the Hokitika Airport Business Unit dated 2002.

"**Lessor**" means the person specified as the Lessor in the Reference Schedule and includes the Lessor's assigns, employees, contractors and agents;

"**Outgoings**" means all rates, charges, levies, assessments, duties, impositions and fees relating to the Land which are payable to any Authority;

"**Term**" means the term of this lease and includes the Initial Term and (if this lease is renewed) the Renewal Term and (if this lease is further renewed) any further Renewal Term(s); and

"**Utilities**" means all utility and other services connected and/or supplied to the Land, including water, sewage, drainage, electricity, gas, telephone and rubbish collection;

- 1.2 Building Act:** the terms "Building Consent", "Building Work", and "Code Compliance Certificate" have the meanings given to those terms in the Building Act 1991;
- 1.3 Defined Expressions:** expressions defined in the main body of this lease have the defined meaning in the whole of this lease including the background and the schedules;
- 1.4 Headings:** section, clause and other headings are for ease of reference only and do not form any part of the context or affect this lease's interpretation;
- 1.5 Joint and Several Obligations:** where two or more persons are bound by a provision in this lease, that provision will bind those persons jointly and each of them severally;
- 1.6 Negative Obligations:** any obligation not to do anything includes an obligation not to suffer, permit or cause that thing to be done;

- 1.7 **No Limitation:** references to anything of a particular nature either before or after a general statement do not limit the general statement unless the context requires;
- 1.8 **Parties:** references to parties are references to parties to this lease and include each party's assigns and successors;
- 1.9 **Persons:** references to persons include references to individuals, companies, corporations, partnerships, firms, joint ventures, associations, trusts, organisations, governmental or other regulatory bodies or authorities or other entities in each case whether or not having separate legal personality;
- 1.10 **Plural and Singular:** singular words include the plural and vice versa;
- 1.11 **Reference Schedule:** the Reference Schedule and its contents have the same effect as if set out in the body of this lease;
- 1.12 **Reference Schedule Terms:** the terms "Commencement Date", "Default Interest Rate", "Final Expiry Date", "Initial Term", "Land", "Permitted Use", "Rent Review Dates" and "Termination Date", together with the other terms set out in the Reference Schedule, will be interpreted by reference to the Reference Schedule;
- 1.13 **Sections, Clauses and the Schedules:** references to sections, clauses and the schedules are references to this lease's sections, clauses and schedules; and
- 1.14 **Statutes and Regulations:** references to a statute include references to regulations, orders, rules or notices made under that statute and references to a statute or regulation include references to all amendments to that statute or regulation whether by subsequent statute or otherwise.
- 1.15 **Consent Required on Each Occasion:** The Lessor's consent under this lease is required for each occasion even if the Lessor has given a consent for the same or a similar purpose on an earlier occasion.
- 1.16 **Consent Not to be Unreasonably Withheld:** If this lease states that the Lessor's consent is required for anything done or proposed to be done, then unless otherwise stated the Lessor must not unreasonably withhold or delay giving that consent.

2. GRANT OF LEASE

- 2.1 **Grant:** In accordance with section 594ZE and 594ZH of the Local Government Act 1974 and section 61(1) Reserves Act 1977, the Lessor leases to the Lessee and the Lessee takes the Land on lease for the Term beginning on the Commencement Date and ending on the Termination Date at the Annual Rent.

2.2 Early Termination: If, during the term of this lease, or during any extension or renewal, the reserve status of the Land is revoked or the vesting of the Land in the Lessor is cancelled under, respectively, section 24 or section 27 of the Reserves Act 1977 or under any other statutory provision replacing or having similar effect to these sections, this lease may be terminated by the giving of three (3) months written notice of termination. The Lessee shall not be entitled to claim damages or compensation in respect of such termination from any person whatsoever.

2.3 Revisions of Lease Terms: This lease is subject to clause 7.2 of a Deed Terminating Hokitika Airport Joint Venture between Her Majesty the Queen and Westland District Council. If clause 7.2 of that Deed is amended to provide for a lease of the Land for a term not exceeding 30 years (including all rights of renewal), then the parties agree to amend the terms of this lease to provide:

2.3.1 One (1) only term of the thirty (30) years;

2.3.2 The deletion of clauses 3.1-3.3 (inclusive) of this Lease;

2.3.3 The deletion of clause 2.2 of this Lease or its amendment to accord with the terms of any revision of clause 7.2 of the Deed.

3. RIGHT OF RENEWAL

3.1 Preconditions: If:

3.1.1 Written Notice: at least three months before the Termination Date, the Lessee gives the Lessor written notice of the Lessee's wish to renew this lease; and

3.1.2 Compliance by Lessee: the Lessee has complied with all of the Lessee's obligations under this lease;

then the Lessor will at the Lessee's cost renew this lease for the Renewal Term beginning on the day following the Termination Date.

3.2 Terms of Renewed Lease: The renewed lease will be on the same terms as this lease.

3.3 Deed of Renewal: The parties will enter into a deed of renewal recording the terms of the renewal as soon as reasonably possible. The Lessor's solicitors will prepare the deed of renewal. The Lessee must pay all costs (including the Lessor's solicitors' costs) of the deed of renewal.

3.4 Holding Over: If, other than under a renewal of this lease or the grant of a further lease, the Lessor permits the Lessee to remain in occupation of the Land after the expiry or earlier termination of the Term, the Lessee will be a monthly tenant only.

4. RENT

The Lessee must pay:

- 4.1 **Annual Rent:** the Annual Rent by one annual payment in advance;
- 4.2 **Time Payments Due:** the first annual payment of the Annual Rent on the Commencement Date and each subsequent payment on each anniversary of the Commencement Date;
- 4.3 **No Deductions or Set-Off:** all rent and other money payable by the Lessee under this lease to the Lessor without deduction or set-off; and
- 4.4 **Method:** all rent payments by direct bank payment or as the Lessor may direct.

5. GST

- 5.1 **Payment:** The Lessee must pay to the Lessor all GST payable on the Annual Rent and other money payable by the Lessee under this lease. The Lessee must pay GST:
 - 5.1.1 **Annual Rent:** on the Annual Rent on each occasion when any rent falls due for payment; and
 - 5.1.2 **Other Money:** on any other money payable by the Lessee on demand.
- 5.2 **Default:** If:
 - 5.2.1 **Lessee Fails to Pay:** the Lessee fails to pay the Annual Rent or other money payable under this lease (including GST); and
 - 5.2.2 **Lessor Liable to Penalty:** the Lessor becomes liable to pay additional GST or penalty tax;

then the Lessee must pay the additional tax or penalty tax on demand.

6. DEFAULT INTEREST

If the Lessee fails to pay any instalment of the Annual Rent or any other money payable under this lease for 14 days after:

- 6.1 **Due Date:** the due date for payment; or
- 6.2 **Demand:** the date of the Lessor's demand, if there is no due date;

then the Lessee must on demand pay interest at the Default Interest Rate on the money unpaid from the due date or the date of the Lessor's demand (as the case may be) down to the date of payment.

7. OUTGOINGS

- 7.1 Lessee to Pay Outgoings:** The Lessee must pay the Outgoings without deduction or set-off. If any Outgoing is not separately assessed on or charged to the Land, the Lessee must pay a fair and reasonable share of that Outgoing.
- 7.2 Outgoings Assessed to Lessor:** If any Outgoing is assessed to the Lessor the Lessee will on demand by the Lessor pay that Outgoing.
- 7.3 Rates:** If permitted by law the Lessee will:
- 7.3.1** be entered in the rating information database and the district valuation roll as the ratepayer in respect of the Land; and
- 7.3.2** be responsible for payment of rates.
- 7.4 Apportionment:** Any Outgoing which is not assessed or charged for a period falling wholly within the Term will be apportioned between the Lessor and the Lessee.
- 7.5 Penalties:** If any Outgoing is payable by a date after which a penalty applies, the Lessee will comply with clause 7.1 if that Outgoing is paid at least five days before the penalty date.
- 7.6 Lessor's Obligation:** The Lessor must pay all costs, expenses and charges relating to the Land which are not the Lessee's responsibility under this lease.

8. UTILITY CHARGES

- 8.1 Utility Charges:** The Lessee must promptly pay to the relevant Authority or supplier all charges for Utilities which are separately metered or charged to the Land.
- 8.2 Apportionment:** The Lessee must pay to the Lessor on demand a fair and reasonable proportion of the charge for any Utility which is not separately metered or charged to the Land.

9. COSTS

The Lessee must pay on demand:

- 9.1 Legal Costs:** the Lessor's legal costs for the negotiation, preparation and execution of this lease and of any renewal, extension or variation of this lease (including any variation recording a rent review); and
- 9.2 Default Costs:** all costs, charges and expenses for which the Lessor becomes liable as a result of the Lessee's breach of any of this lease's terms.

10. INSURANCE

10.1 Lessee to Insure: The Lessee must at all times throughout the Term insure the Lessee's Improvements to their full insurable value against the Insured Risks. The Lessee must pay the premium for that insurance when due.

10.2 Public Liability Insurance: The Lessee must keep a public risk insurance policy applicable to the Land and the business carried on on the Land current throughout the Term. This policy must provide cover for:

10.2.1 Set Amount: the amount set out in the Reference Schedule (being the amount which may be paid out arising from any single accident or event); or

10.2.2 Increased Amount: any increased amount which the Lessor reasonably requires.

11. MAINTENANCE

11.1 Maintenance of Improvements: The Lessee must maintain the Lessee's Improvements in good tenantable repair throughout the Term.

12. USE OF PREMISES

12.1 Permitted Use: Subject to clause 12.2, the Lessee must only use the Land for the Permitted Use.

12.2 Change of Permitted Use: The Lessee may use the Land for a use or activity other than the Permitted Use only with the Lessor's earlier written consent. The Lessor must not withhold the Lessor's consent for any proposed use:

12.2.1 Suitable: for which the Land is reasonably suitable; and

12.2.2 Authorities: which complies with all Authorities' requirements.

12.3 Restrictions on Use: The Lessee must:

12.3.1 Noxious Activities and Nuisances: not carry on any noxious, noisy or offensive business or activity on or about the Land or do anything which is or may become a nuisance or annoyance to any person, but the carrying on of the Permitted Use by the Lessee in a reasonable manner will not of itself be a breach of this clause;

12.3.2 Resource Management Act: not do anything which is or may become a breach of any duty imposed by the Resource Management Act 1991;

12.3.3 Health and Safety in Employment Act: not do anything which is or may become a breach of any duty imposed by the Health and Safety in Employment Act 1992; and

12.3.4 Acts, Bylaws etc: comply with all Authorities' requirements and all acts, by-laws, regulations and rules relating to the Land and the Lessee's use of the Land.

13. SUITABILITY

13.1 Suitability of Land: No express or implied warranty has been or is made by the Lessor that the Land is now or will remain suitable for use by the Lessee or that any use of the Land by the Lessee will comply with the requirements of any Authority or Statute.

14. LESSEE'S ADDITIONAL COVENANTS

14.1 Performance of Lessor's Covenants: The Lessee agrees to perform the Lessor's covenants contained in the Existing Leases as if the Lessor's covenants were set out in full in this lease with the necessary modifications to make them apply to this lease.

14.2 Lessor Indemnified: The Lessee indemnifies the Lessor against all costs, claims, damages and proceedings due to breach of covenant or otherwise under the Existing Leases that is incurred as a result of the breach of any covenant to be performed by the Lessee under this lease.

15. COMPLIANCE WITH AIRPORT AUTHORITIES ACT 1966

15.1 Operation of the Airport: The Lessee must at all times comply with the provisions of the Airport Authorities Act 1966 and in particular the Lessee **must not:**

Safe and Efficient Operation: do anything that interferes with the safe and efficient operation of the Airport.

16. BUILDING WORK

The Lessee must:

16.1 Building Act: not do anything which is or may become a breach of any duty imposed by the Building Act 1991;

16.2 Building Consent: not carry out any Building Work on the Land without first obtaining and giving the Lessor a copy of all Building Consents required to enable the relevant Building Work to be carried out lawfully;

16.3 Building Work: carry out all Building Work strictly according to the Building Consent given to the Lessor under clause 16.2; and

- 16.4 Compliance Certificate:** obtain a Code Compliance Certificate on completion of any Building Work and give the Lessor a copy.

17. REMOVAL OF IMPROVEMENTS

- 17.1 Consent:** the Lessee will not pull down or remove any buildings or Lessee's Improvements on the Land without first obtaining the written consent of the Lessor.

- 17.2 Compensation:** where the Lessee's Improvements remain on the Land at the end of this lease, the Lessor will:

17.2.1 require any incoming lessee of the Land to pay to the Lessee the value of the Lessee's Improvements, as agreed by the Lessor and the Lessee; or

17.2.2 pay the Lessee the value of the Lessee's Improvements, as agreed by the Lessor and the Lessee.

- 17.3 Valuation:** where under clause 17.2.1 or 17.2.2 the parties cannot agree within 14 days on the value of the Lessee's Improvements, each party will within a further 14 days appoint a registered valuer to act as an expert for the purpose of determining the value of the Lessee's Improvements.

- 17.4 Umpire:** if the valuers cannot agree on the value of the Lessee's Improvements within 14 days of their appointment the valuers will appoint another registered valuer as an umpire to make the final determination of the value of the Lessee's Improvements.

- 17.5 Valuation Costs:** each party will pay the costs of the valuer they have appointed and both parties will share equally the costs of any umpire appointed under clause 17.4.

18. CANCELLATION OF RESERVE STATUS

- 18.1 Revocation of Reserve Status:** If, during the term of this lease, or during any extension or renewal, the reserve status of the Land is revoked or the vesting of the Land in the Lessor is cancelled under, respectively, section 24 or section 27 of the Reserves Act 1977 or under any other statutory provision replacing or having similar effect to those sections this lease may be terminated by the Crown giving 3 months written notice of termination. The Lessee will not be entitled to claim any damages or compensation in respect of such termination from any person whatsoever.

- 18.2 Contracts (Privity) Act:** For the purposes of the Contracts (Privity) Act 1982 clause 18.1 is inserted for the benefit of the Crown and is enforceable at the suit of the Crown.

19. ASSIGNMENT AND SUBLEASING

19.1 Control of Assignment and Subleasing: The Lessee may not:

19.1.1 Assign Lease: without the Lessor's earlier written consent assign any interest in this lease; or

19.1.2 Sublease etc: sublease, part with possession or share occupation of the whole or any part of the Land unless the sublessee's activities are a Permitted Use under this Lease;

19.2 Conditions: The Lessor must give consent under clause 19.1 if the following conditions are satisfied:

19.2.1 Standing of Assignee: the Lessee must show to the Lessor's reasonable satisfaction that the proposed assignee or sublessee is responsible and, in the case of an assignment, financially sound;

19.2.2 Performance by Lessee: the Lessee must have performed all of the Lessee's obligations under this lease up to the date of the proposed assignment or grant of the sublease;

19.2.3 Deed of Covenant: in the case of an assignment, the assignee must execute a deed of covenant with the Lessor agreeing to perform the Lessee's obligations under this lease, but without releasing the assignor or any other person from liability under this lease;

19.2.4 Assignment to a Company: in the case of an assignment to a company, the shares in which are not listed on the New Zealand Stock Exchange, the directors and shareholders of the assignee must (if the Lessor requires) guarantee the assignee's obligations under the deed of covenant executed by the assignee; and

19.2.5 Costs: the Lessee must pay the Lessor's reasonable costs for any consent or application for consent under this section (including the Lessor's legal costs) and the costs of investigating the suitability of the proposed assignee or sublessee.

19.3 Change of Shareholding: If the Lessee is a company not listed on the New Zealand Stock Exchange, any:

19.3.1 Change in Ownership: change in the legal or beneficial ownership of any of the Lessee's shares; or

19.3.2 Issue of Capital: issue of new capital;

which results in a change in the Lessee's effective control or management will be treated as an assignment of this lease.

19.4 Section 109(2) Property Law Act 1952: Any assignment or subleasing of the Lessee's interest within the meaning of section 109(2) of the Property Law Act 1952 will be treated as an assignment without the Lessor's consent in breach of this section.

20. QUIET ENJOYMENT

If the Lessee pays the Annual Rent and performs the Lessee's obligations in this lease, the Lessee will be entitled to quiet enjoyment of the Land without interruption by the Lessor or any person claiming under the Lessor.

21. DEFAULT

21.1 Distress: The Lessor may enter on the Land and distrain for rent or other money payable by the Lessee under this lease which remains unpaid for 14 days after the due date.

21.2 Re-Entry: The Lessor may re-enter the Land and terminate this lease if the Lessee:

21.2.1 Failure to Pay Rent: fails for a period of 14 days after the due date to pay any instalment of the Annual Rent or any other money payable under this lease;

21.2.2 Failure to Perform: fails for a period of 28 days to observe or perform any other obligation under this lease; or

21.2.3 Insolvency: is declared bankrupt or insolvent according to law, or being a company:

- (a) is or is considered to be unable to pay the Lessee's debts under section 287 of the Companies Act 1993;
- (b) goes into liquidation (other than a voluntary liquidation for the purpose of reconstruction or amalgamation approved in writing by the Lessor);
- (c) is wound up or dissolved;
- (d) enters into any assignment or other compromise or scheme of arrangement with the Lessee's creditors or any class of the Lessee's creditors; or
- (e) has a receiver, manager or receiver and manager appointed relating to any of the Lessee's assets.

21.3 Lessor May Remedy Lessee's Default: The Lessor may, without being under any obligation to do so, remedy any default or breach by the Lessee under this lease, at the Lessee's cost.

21.4 No Release From Liability on Termination: Termination of this lease will not release the Lessee from liability:

21.4.1 Unpaid Rent: for the amount of Annual Rent due up to the date of termination of this lease which remains unpaid; or

21.4.2 Prior Breach: for any prior breach of any of this lease's terms.

21.5 Liability for Rent on Termination: If this lease is terminated, the Lessee will indemnify the Lessor against any loss of the Annual Rent suffered by the Lessor for the period from the termination date to the date when the Term would otherwise have expired.

22. ESSENTIAL TERMS

22.1 Failure to Pay Rent: The Lessee's failure to pay the rent or any other money payable by the Lessee under this lease is a breach of an essential term of this lease. The Lessee must compensate the Lessor for that breach. The Lessor may recover damages from the Lessee for that breach. The Lessor's entitlement to compensation under this clause is in addition to the Lessor's other remedies or entitlements (including the right to terminate this lease).

22.2 Waiver: The Lessor's acceptance of any arrears of rent or other money payable under this lease is not a waiver of the essential obligation to pay any other rent or money payable under this lease.

23. DAMAGES

23.1 Lessee's Acts or Omissions: If any act or omission of the Lessee:

23.1.1 Repudiation: is a repudiation of this lease or of the Lessee's obligations under this lease; or

23.1.2 Breach of Lease: is a breach of any of the Lessee's covenants under this lease;

the Lessor may recover damages for the loss or damage suffered by reason of the repudiation or breach during the whole of the Term.

23.2 Entitlement: The Lessor's entitlement to recover damages:

23.2.1 Termination: will not be affected or limited by the termination of this lease; and

23.2.2 Additional: is in addition to any other remedy or entitlement of the Lessor.

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24. NO WAIVER

24.1 Lessee's Breach: The Lessor's waiver or failure to act in response to the Lessee's breach of any of the Lessee's obligations in this lease will not operate as a waiver of:

24.1.1 Waiver of Breach: the same breach on any later occasion; or

24.1.2 Waiver of Obligations: any other obligations in this lease.

24.2 Money Payable: The Lessor's failure to charge the Lessee for any money payable by the Lessee under this lease at the time that charge should have been made will not constitute a waiver of the Lessor's rights. The Lessor may in that case backdate the charge to the time when it should have been made.

25. INDEMNITY

25.1 Lessor Indemnified: The Lessee indemnifies the Lessor against all actions, proceedings, calls, claims, demands, losses, damages, costs, expenses or liabilities suffered or incurred by the Lessor resulting from the Lessee's act or omission.

25.2 Repair Costs: The Lessee must pay to the Lessor on demand the Lessor's costs and expenses incurred in repairing any damage to the Land resulting from the Lessee's act or omission.

26. RESOLUTION OF DISPUTES

26.1 Disputes: Any dispute arising between the parties about:

26.1.1 Interpretation: the interpretation of this lease; or

26.1.2 Lease: anything contained in or arising out of this lease;

will be referred to the arbitration of a single arbitrator under the Arbitration Act 1996.

26.2 Arbitrator: The parties must try to agree on the arbitrator. If they cannot agree, the president for the time being of the district law society for the place where the Land is situated (or his or her nominee) will, on either party's application, nominate the arbitrator.

26.3 Action at Law: The parties must go to arbitration under this section before they can begin any action at law (other than an application for injunctive relief).

27. NOTICES

27.1 Service of Notices: Any notice or document required or authorised to be delivered or served under this lease may be delivered or served:

27.1.1 Property Law Act: in any manner mentioned in section 152 of the Property Law Act 1952; or

27.1.2 Facsimile: by facsimile.

27.2 Time of Service: Any notice or other document will be treated as delivered or served and received by the other party:

27.2.1 Delivery: on personal delivery;

27.2.2 Registered Post: three days after being posted by prepaid registered post; or

27.2.3 Facsimile: on completion of an error free transmission, when sent by facsimile.

27.3 Signature of Notices: Any notice or document to be delivered or served under this lease must be in writing and may be signed by:

27.3.1 Attorney etc: any attorney, officer, employee or solicitor for the party serving or giving the notice; or

27.3.2 Authorised Person: the party serving the notice or any other person authorised by that party.

28. PROPERTY LAW ACT

The covenants and powers contained in sections 106 and 107 of the Property Law Act 1952 do not apply to this lease to the extent that they are inconsistent with this lease's express terms.

Executed as a deed.

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

Robin Frances Reeves
Full name of signatory


Signature

JOHN FRANCIS DAYLIE
Full name of signatory


Signature



**SIGNED by HOKITIKA AIRPORT
LIMITED as Lessee by:**

Peter Martin Cuff

Full name of director/authorised signatory

[Signature]

Signature of director/authorised signatory

Murray Franklin Bowers

Full name of director/authorised signatory

[Signature]

Signature of director/authorised signatory

Witness:
(if other than two directors sign)

[Signature]

Signature of witness

Crestley Day

Full name of witness

Accountant - Westland District Council

Occupation of witness

130 Tudor Street, Hokitika

Address of witness

[Signature]

FIRST SCHEDULE

Existing Leases

Lessee: BP Oil New Zealand Limited.

Premises: All that parcel of land containing 77.8m² more or less being part rural section 5472 (certificate of title 8A/1079 (Westland Registry)) including the right for the premises to be serviced by electrical, communication and other utility cables or links as shown on the plan attached to the lease.

Use of Premises: Aircraft refuelling facility.

Term: 10 years from 1 November 2003 with one right of renewal for 10 years.

Lessee: Air Nelson Limited.

Premises: 79.24m² as shown on the plan attached to the lease.

Use of Premises: Airport terminal

Term: 9 years from 1 November 1996.

Lessee: Te Kouka Trust.

Premises: 121 hectares as shown on the plan attached to the lease.

Use of Premises: Grazing of animals, clearing of bush and scrub, the use of timber, planting, growing and harvesting of trees and plants and the harvesting of sphagnum moss.

Term: 10 years from 1 May 1999.

Lessee: Westcoast Fish and Game Council

Premises: Part Lot 1 on DP 3080 (8A/1246 Westland Registry).

Term: 21 years from 1 October 1994

Lessee: Westcoast Heliwork Limited
Premises: Part Lot 1 on DP 2877 (5D/1241 Westland Registry).
Term: 3 years from 1 July 2002

Lessee: Anderson Helicopters
Premises: Part Lot 1 on DP 2702 (5C/1268 Westland Registry).
Term: 21 years from 1 October 1993

Lessee: Anderson Helicopters
Premises: Part Lot 4 on DP 2393 (5B/1296 Westland Registry).
Term: 10 years from 1 July 1999

Lessee: Department of Conservation
Premises: Part Lot 2 on DP 3080 (8A/1247 Westland Registry).
Term: 21 years from 1 October 1994

Lessee: Hokitika Aero Club
Premises: Part Lot 2 on DP 2877 (5D/1242 Westland Registry).
Term: 10 years from 28 October 1999.

Lessee: Wilderness Wings
Premises: Part Lot 2 on DP 2633 (5C/787 Westland Registry).
Term: 10 years from 1 October 1993

Lessee: Timberlands
Premises: Part Lot 3 on DP 3080 (8A/1248 Westland Registry).
Term: 21 years from 1 October 1993

Lessee: The Westland District Council
Premises: Part Lot 8 on DP 2393 (5B/1300 Westland Registry).
Term: 21 years from 1 October 1984

Lessee: Heritage Hokitika
Premises: Part Lot 8 on DP 2393 (5B/1300 Westland Registry).
Term: 10 years from 1 October 1984.

Lessee: Sandrey
Premises: Part Airport Land 35850-41-B/Lease with Lawyers
Term: 10 years from 1 January 2001.

Lessee: Mr Allan Beaumont
Premises: Part Section 5472 (8A/1079 Westland Registry).
Term: 10 years from 1 May 1999.

Lessee: Works Civil Construction
Premises: Gravel Pit and Storage Area
Term: 21 years from 1 April 1988.

Lessee: Shell New Zealand
Premises: Underground tank
Use of Premises: 50,000 Litre Jet Fuel Tank
Term: 10 years from 1 September 2000.

Lessee: BP Oil NZ Limited
Premises: Airport Operation Area
Use of Premises: Aircraft Refuelling
Term: 10 years from 1 November 2001.

Lessee: Meteorological Office
Premises: Airport Terminal
Use of Premises: Office in Terminal Building
Term: Under negotiation.

Lessee: Budget Rental Car
Premises: Airport Terminal
Use of Premises: Counter Space
Term: 3 years from 1 January 2000.

Lessee: Budget Rental Car
Premises: Airport Terminal
Use of Premises: Sign
Term: 3 years from 1 January 2000.

Lessee: Hertz Rental Car
Premises: Airport Terminal
Use of Premises: Counter Space
Term: 3 years from 1 January 2000.

Report to Council



DATE: 9 December 2021

TO: Mayor and Councillors

FROM: Strategy and Communications Advisor

Amendment to the Significance and Engagement Policy

1. Summary

- 1.1. The purpose of this report is to propose an amendment to the Significance and Engagement Policy (SEP) adopted on 12 December 2019 to include Information Technology infrastructure (ITI) as a strategic asset in clause 2.2.
- 1.2. This issue arises from the requirement in s 76AA of the Local Government Act 2002 to include strategic assets in the Council's SEP.
- 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 2021, which are set out in the Long Term Plan 2021 - 31. Refer page 2 of the agenda.
- 1.4. This report concludes by recommending that Council adopt the Draft Significance and Engagement Policy December 2021.

2. Background

- 2.1. The reason the report has come before the Council is that staff have identified that ITI should be included as a strategic asset in Council's SEP.
- 2.2. The SEP was included in the Long Term Plan 2021 – 2031 (LTP) consultation process. No submissions were received about the SEP. Staff identified the issue of ITI after the adoption of the LTP.

3. Current Situation

- 3.1. The current situation is that Council's ITI is not included as a significant asset in the SEP. Therefore any major changes to ITI do not need to be considered under Part II, cl. 2.1 of the SEP.
- 3.2. Information Technology Infrastructure provides core services to allow Council to function. Under the LGA, s 5, a strategic asset is an asset or group of assets that Council needs to retain if it is to

maintain the capacity to achieve or promote an outcome that it determines to be important to the current or future well-being of the community.

4. Options

4.1. Option 1: Adopt the amended Draft Significance and Engagement Policy – December 2021.

4.2. Option 2: Do not adopt the amended Draft Significance and Engagement Policy – December 2021.

5. Risk Analysis

5.1. Risk has been considered and the following risks have been identified:

5.1.1. Disruption risk – ITI must be maintained with up-to-date technology to reduce the threat to Council's systems from potential threats such as hacking. If ITI fails then Council is at risk of a disruption to business operations.

5.1.2. Reputational risk – If Council ITI suffers from a failure, Council's reputation could suffer.

5.1.3. Financial risk – If Council ITI is open to a cyber-attack, the Council could suffer financially in order to reduce the harm caused by such an attack.

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.

7.2. Section 76AA(5) of the LGA 2002 requires Council to consult on the amendment to the SEP in accordance with section 82 unless it considers on reasonable grounds that it has sufficient information about community interests and preferences to enable the purpose of the policy to be achieved.

7.3. No public consultation is considered necessary due to the administrative nature of the amendment. The SEP was also recently consulted on during the LTP process and as noted, there were no submissions relating to it.

8. Assessment of Options (including Financial Considerations)

8.1. Option 1 – Adopt the amended Draft Significance and Engagement Policy – December 2021. This is an administrative amendment that would provide comfort that an identified risk has been addressed.

8.2. There are no financial implications to this option.

8.3. Option 2: Do not adopt the amended Draft Significance and Engagement Policy – December 2021. Leaving the SEP as it is would continue to expose Council to risk relating to the ITI.

8.4. There are no financial implications to this option.

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 amending the Significance and Engagement Policy to include Information Technology Infrastructure would as a strategic asset would lower the risk profile of that asset.

10. Recommendation(s)

10.1. That the report be received.

10.2. That Council adopt the amended Draft Significance and Engagement Policy – December 2021.

Emma Rae
Strategy and Communications Advisor

Appendix 1: Draft Significance and Engagement Policy – December 2021

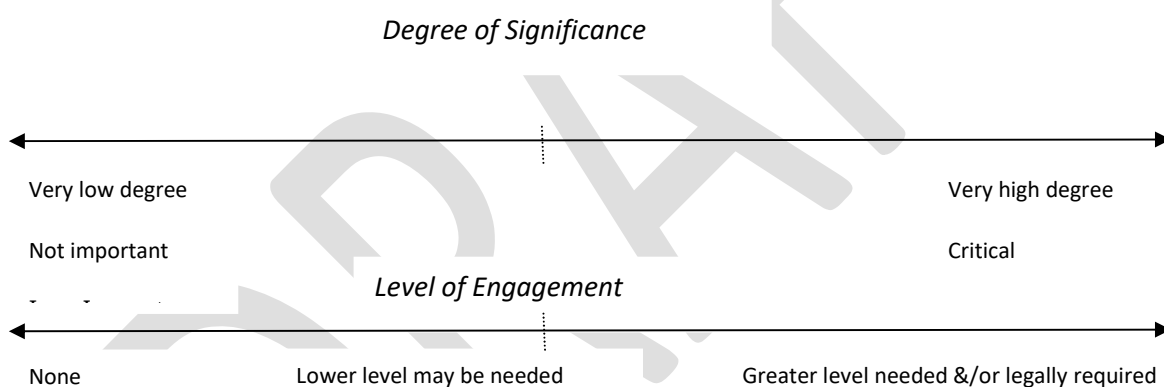
Significance and Engagement Policy

Part I

1. PURPOSE [LGA S76AA (2)]

- 1.1. The purpose of the Westland District Council's Significance and Engagement Policy (SEP) is —
- To enable the local authority and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.
- To provide clarity about how and when communities can expect to be engaged in decisions about different issues, assets, or other matters.
- To articulate the relationship between the significance of a matter and the corresponding level of engagement of parties that is required.
- 1.2. The Council believes in the importance of having a (SEP) as it provides a useful and accountable decision making framework for both the Council and the community.

Figure 1.2 determining significance and engagement



- 1.3. **Significance**, in respect to this policy, is the degree of importance of an issue, proposal or decision as assessed by the local authority, in terms of its likely impact on and likely consequences for —
- The current and future social, economic, environmental, or cultural well-being of the district or region.
 - Any persons who are likely to be particularly affected by, or interested in, the issue, proposal, decision, or matter.
 - The capacity of the local authority to perform its role, and the financial and other costs of doing so.
- A matter will be determined "Significant" if it has a "high degree of significance". This is in accordance with the Local Government Act 2002 (LGA), section 5.
- 1.4. Engagement, in respect to this policy, is a process that can be undertaken at the outset, throughout, or at points during a decision-making process in order to inform the Council and to allow potentially affected parties to identify options for addressing the matter.

The LGA definition and/or use of the terms “significant”, “significance” and “engagement” apply in regard to this policy. Unless otherwise stated, common dictionary definitions apply for other terms in this policy.

- 1.5. The Council has a Consultation Policy in place (adopted in 2005 and reviewed in 2012). Consultation is a process that generally occurs after a proposal has been formed i.e. the Council shares the formed proposal with parties and receives final feedback. A decision can then be made. Consultation is an additional requirement under legislation, including the Local Government Act, Resource Management Act, Reserves Act, Rating Act and Land Transport Management Act. This SEP does not replace the Council’s legal responsibility to consult.

2. GENERAL APPROACH [LGA s76AA (1)(a)]

- 2.1 Council’s decision-making about the degree of significance of an issue, proposal or decision will be guided by Part II of this Policy.
- 2.2 Council’s engagement practices will be guided by Part III of this Policy.
- 2.3 The Council will use the Special Consultative Procedure (SCP) whenever it is specifically required to by the LGA or other legislation.
- 2.4 Whenever a matter is identified by the Council as being of high significance, it will use the SCP procedure as a minimum procedure for consultation. It will undertake what it considers to be a corresponding high level of engagement about the proposal.
- 2.5 The Council will apply the principles of LGA section 82 in other instances of consultation.
- 2.6 The Council may choose to undertake engagement and/or consultation on occasions other than when a matter has been determined to be of high significance. In this instance it will justify why it is choosing to do so.

Part II

1. DETERMINING SIGNIFICANCE [LGA s76AA (1)(b)]

- 1.1 As per the LGA, section 5; a matter is “significant” if it has been determined to have a high degree of significance. The following list provides key questions that will help assess the overall degree of significance of a matter:
 - a. Does it involve a Council strategic asset? The LGA states that it is a significant decision to transfer ownership or control, or to construct, replace or abandon a strategic asset.
[The Council’s *Strategic Assets* are listed below].
 - b. What is the impact on Council’s levels of service, rates and/or Council debt?
 - c. How will the action or decision promote the Council’s Vision or other priorities of Council, and to what degree?
 - d. What is the degree of impact on the community, individuals or groups?
 - e. Is there a likely impact on Maori cultural values and their relationship to land and water?
 - f. Is there a high degree of public interest?
 - g. Could the action or decision have significant consequences? The action itself may be minor but what will the outcome be.

- h. Is it a reversible decision? The more difficult an action or decision is to reverse, generally the higher the significance is.

2. COUNCIL'S STRATEGIC ASSETS [LGA s76AA (3)]

2.1 The LGA, section 76 AA (3) requires that the SEP must list the assets considered by the local authority to be Strategic Assets. These assets must be considered to be of high significance and as such corresponding engagement and consultation practices followed by the Council if transfer ownership or control of a strategic asset, or a decision to construct, replace or abandon a strategic asset is proposed.

2.2 The LGA, section 5, defines Strategic Assets as being the asset or group of assets held (owned) by the Council that it needs to retain if it is to maintain the capacity to achieve or promote an outcome that it determines to be important to the current or future well-being of the community.

- Westland Holdings Limited
- Hokitika Airport
- Urban roads, rural roads, bridges, footpaths
- Water, treatment, storage and reticulation network
- Wastewater reticulation and treatment facilities
- Stormwater reticulation
- Elderly person housing units
- Cass Square
- Community Reserves
- Community Halls
- Community Domains
- Hokitika Cemetery
- Kumara Cemetery
- Ross Cemetery
- Hokitika Museum/Carnegie Building
- Public Toilets
- Jackson Bay Wharf
- Westland District Library
- Council Headquarters
- Information Technology Infrastructure
- Hokitika Swimming Pool
- Ross Swimming Pool
- West Coast Wilderness Trail

Part III

1. ENGAGEMENT EXPECTATIONS [LGA s82 (3) & (4)]

1.1 The Council will engage with parties *unless* it is unnecessary, inappropriate or impossible to do so. That is; a case must be proven in order to decide to not engage and it may be because of one or more of the following factors:

- a. The Council can demonstrate that it already has a sound understanding of the views and preferences of the persons likely to be affected by or interested in the matter
- b. There is a need for confidentiality or commercial sensitivity
- c. The costs of engagement or consultation outweigh the benefits of it
- d. The matter has clearly already been addressed by the Council's policies or plans, which have previously been consulted on

- e. An immediate or urgent response or decision is needed so that it is not reasonably practicable to engage
 - f. Works are required unexpectedly, or following further investigations, on projects that have already been approved by the Council
 - g. It is business as usual i.e. the works required are related to the operation and maintenance of a Council asset and responsible management requires the works to take place.
- 1.2 In instances where active engagement with parties is not going to occur, Council officers still must give consideration to the views and preferences of persons likely to be affected by, or to have an interest in the matter.

2. APPROPRIATE FORMS OF ENGAGEMENT [LGA s76AA (1)(c)]

- 2.1 The Westland District encompasses a large geographic area; townships can be several hours drive from one another and there are many dispersed rural communities. This impacts on how the Council can effectively hold conversations with its citizens.
- 2.2 Poutini Ngai Tahu, in their capacity as a Treaty Partner, are an important identity to engage with over many matters. Council's relationship with Poutini Ngāi Tahu and their associated Runanga, Te Runanga o Ngati Waewae and Te Runanga o Makaawhio should remain fluid and evolve in accordance with these organisations' preferences. Although all of the SEP processes do include the engagement of Iwi and Runanga, a separate and more specific policy or agreement could also be developed with Iwi and Runanga about different kinds of Council decision-making.
- 2.3 The Council must also be mindful of tangata whenua in the District and whether an issue could be of importance to Maori people.
- 2.4 The Council believes it is important that it has a presence across the District and in particular that elected representatives and staff are active in all of its communities. Successful engagement exercises have been achieved when they were structured around having the conversations in the community that the issue affected, rather than expecting the community to come to Hokitika. If it is a District wide issue then careful consideration is required about how best to distribute messages and be positioned to receive feedback.
- 2.5 Some communities in the Westland district do not have broadband internet coverage so this limits electronic communications.

3. IN DETERMINING APPROPRIATE FORMS OF ENGAGEMENT, THE COUNCIL WILL: [LGA s76AA (1)(d)]

- 3.1 Recognise the relationship between determining the significance of an issue and the level and type of engagement that will be required.
- 3.2 Select engagement processes and methods that are appropriate to the stakeholders that will be involved (including the public's time commitment and travel requirements, location of information and/or meetings).
- 3.3 Ask potentially interested parties if they consider themselves to be stakeholders and/or how they would like to provide input into the development of the proposal.
- 3.4 Be responsive to new methods identified by stakeholders for better engagement.
- 3.5 Bear in mind Council and other agency engagement initiatives that are underway, planned or likely to occur soon in the District. Combined initiatives will be utilised where appropriate so as to achieve efficiencies and avoid the public experiencing engagement / consultation fatigue.

- 3.6 Determine whether the Council already holds relevant information from the public or key stakeholders about the matter (from previous engagement or consultation efforts) and can utilise it instead of initiating another round of conversations.
- 3.7 Recognise the possible role of stakeholders and contacts Council already has a relationship with, including the Iwi, Runanga, resident and community associations, business and industry representative groups.
- 3.8 Provide reasonable access to free information and reasonable methods for the public and key stakeholders to be able to respond (timeframes and suitable forms of submission).
- 3.9 Consider the best use of Council money and other resources to achieve the chosen engagement plan.

Part IV

1. PROCEDURE [LGA 76AA (2)(b) & (c)]

- 1.1 The procedure for determining the level of significance and the corresponding engagement required:
 - 1.1.1 In the first instance Council Officers will be responsible for assessing a matter to determine its level of significance, in accordance with Part II of this Policy.
[To facilitate this operational process, the Council may choose to provide staff with a template, separate to but based upon Part II of this policy].
 - 1.1.2 Council Officers will then consider the corresponding extent and type of engagement that should occur, in accordance with Part III of this Policy. In general, the more significant an issue, the greater the need for community or stakeholder engagement.
 - 1.1.3 Any matter will be reported to the Council if it requires a Council decision to be made. The report will include –
 - a. An assessment of significance.
 - b. An assessment about the extent and type of community or stakeholder engagement that should occur.

2. THIS POLICY MAY BE AMENDED FROM TIME TO TIME [LGA s76AA, 4&5]

- 2.1 If the Council wants to amend this policy, it will consult in accordance with the Local Government Act, section 82, unless a decision is recorded that it “considers on reasonable grounds that it has sufficient information about community interests and preferences to enable the purpose of the policy to be achieved.”

3. DEVIATION FROM THIS POLICY [LGA s76AA, 6]

- 3.1 If the Council wishes to deviate from this policy it will follow the requirements of the Local Government Act, section 80, clearly identifying the inconsistency and the reasons for not following this policy, and stating any intention to amend the policy to accommodate the decision.

Report to Council



DATE: 9 December 2021
TO: Mayor and Councillors
FROM: Chief Executive

Councillor Representation

1. Summary

- 1.1. The purpose of this report is to advise that Councillor Ryan Kennedy has resigned and to advise on representation arrangements for the remainder of the triennium.
- 1.2. This issue arises from a requirement to ensure that representation is fair throughout the District.
- 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 2021, which are set out in the Long Term Plan 2021 - 31. Refer page 2 of the agenda.
- 1.4. This report concludes by recommending that Council does not fill the vacancy in the Southern Ward.

2. Background

- 2.1. The reason the report has come before the Council is due to the resignation of a Councillor from the Southern Ward.
- 2.2. Council representation is by way of wards except for the Mayor who is appointed at large.
- 2.3. Under the current representation arrangements, it was determined that two Councillors should be appointed to the southern ward to ensure fair representation.
- 2.4. Under the Electoral Act s19V (2) representation should be within +/- 10% average population per member.
- 2.5. A representation review is required every 6 years. For the representation review carried out in 2018 the following population was used to determine representation.

Ward	Population	Members	Cr/Population	Variation
Northern Ward	3210	3	1070	97%
Hokitika Ward	3500	3	1167	106%
Southern Ward	2080	2	1040	95%
Total	8790	8	1099	100%

3. Current Situation

3.1. The current situation is that as the resignation was 12 months or under 12 months to the next local elections, a by-election is not required and either the Council can appoint a suitable person, or Council can resolve that the vacancy does not need to be filled.

3.2. While considering the options, Council needs to consider whether a vacancy needs to be filled in order to provide enough representation for the ward where the vacancy has arisen, in this case the Southern Ward.

3.3. A determination of the representation has been completed (population figures as at time of representation review) as below;

Ward	Population	Members	Cr/Population	Variation
Northern Ward	3210	3	1070	85%
Hokitika Ward	3500	3	1167	93%
Southern Ward	2080	1	2080	166%
Total	8790	7	1256	100%

3.4. The vacancy in the Southern Ward means that the +/- 10% average population per member has been breached in both the Northern Ward and the Southern Ward, the Hokitika Ward is within the boundaries however has reduced by 13%.

3.5. The community can bring issues to any elected member for representation and not just those Councillors representing the ward that they reside in.

4. Options

4.1. Option 1: That the vacancy in the Southern Ward is not filled.

4.2. Option 2: That Council identifies a suitable person to be appointed that should be named in the resolution to the position of Councillor Southern Ward until the end of the current triennium.

5. Risk Analysis

5.1. Risk has been considered and the following risks have been identified. Reputational risk where the Southern Ward community feel underrepresented.

5.2. That a poll will be sought by the Westland Community which results in 10% of the Westland electorate demanding a by-election resulting in further cost to the community.

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 high under the significance and engagement policy and there will be a high degree of interest.
- 7.2. No public consultation is considered necessary as the report is for administrative purposes.

8. Assessment of Options (including Financial Considerations)

- 8.1. Option 1 – That the vacancy in the Southern Ward is not filled.
 - 8.1.1. There are 8 months left under the current triennium at which point there will be a local election.
 - 8.1.2. Not including this meeting 9 December 2021 there will only be a further 8 Council meetings until the end of the triennium. There is still representation in the Southern Ward and any elected member can represent the Southern Ward, there is no requirement for that person to reside in the ward.
- 8.2. There are no financial implications to this option.
- 8.3. Option 2 – That Council resolves to appoint a suitable person.
 - 8.3.1. Council would need to determine a suitable person who is willing to take the position for just a short period of time. There would be little time left under the current triennium to undertake inductions and to be informed on Council business.
- 8.4. The current Councillors are well placed to continue to represent the Southern Ward.
- 8.5. The following financial implications have been identified:
 - 8.5.1. Cost of induction.
 - 8.5.2. Cost of staff time.
- 8.6. Cost under option 2 would unbudgeted expenditure and would be funded from general reserves.

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 because of the time constraints of appointing a new elected member and the training required.
There is a risk that the community could demand a by-election through a poll, this would be more costly and time consuming than option 2 and the risk is low.

10. Recommendation(s)

- 10.1. That the report be received.
- 10.2. That the vacancy in the Southern Ward is not filled.

Simon Bastion
Chief Executive

Report to Council



DATE: 9 December 2021

TO: Mayor and Councillors

FROM: Group Manager: Regulatory and Community Services

COVID-19 VACCINATION POSITION STATEMENT

1. Summary

- 1.1. The purpose of this report is to seek Council adoption of the COVID-19 Vaccination Position Statement which will apply to all persons working in Council workplaces/facilities.
- 1.2. This issue arises from seeking Council to commit to protecting all employees and members of the public from harm while undertaking Council duties or while working on, or visiting, Council buildings, facilities and worksites due to the impacts of the COVID-19 virus.
- 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 2021, which are set out in the Long Term Plan 2021 - 31. Refer page 2 of the agenda.
- 1.4. This report concludes by recommending that Council receive the report and adopt the COVID-19 Vaccination Position Statement.

2. Background

- 2.1. The reason the report has come before the Council is due to Council committing to implementing the position statement to set out clear processes and expectations regarding vaccinations due to the increased health and safety risks arising from COVID-19.

3. Current Situation

- 3.1. The current situation is that Council does not have a Vaccination Position Statement in place. Due to the increased health and safety risks arising from COVID-19, Council needs to set out clear processes and expectations regarding vaccinations to protect persons within our facilities and workplaces and help to contribute towards making our community safer.
- 3.2. The Government's new Traffic Light System for managing the pandemic came into effect at 11:59pm on the 2 Dec 2021.
- 3.3. The West Coast is does not currently have any active COVID-19 cases in the community at the point of submitting this report.

4. Options

4.1. Option 1: That Council adopt the COVID-19 Vaccination Position Statement.

4.2. Option 2: That Council does not adopt the COVID-19 Vaccination Position Statement.

5. Risk Analysis

5.1. Risk has been considered and the following risks have been identified:

- Clear processes and expectations for roles with a high risk of exposure to COVID-19 is required due to health and safety risks.
- All new employees must be fully vaccinated if the role to which they have been appointed has a high risk of exposure to COVID-19 or its variants, or the role may require them to carry out tasks where there is a high risk of exposure.
- All vaccination information collected, used, and stored under this policy will be handled in accordance with the Privacy Act 2020 and any other applicable legal requirements.
- An employee's vaccination information held by Westland District Council will only be accessible to the People and Capability Manager.
- Where a risk assessment determines a task or role is high-risk, the employee required to undertake the high-risk task or roles as part of their employed position must be fully vaccinated by 10 January 2022 to commence or continue performing that function.
- All employees working in roles/categories that are subject to a government vaccination order must be vaccinated by the date stated within government guidelines.
- All consultants, contractors, and volunteers, who are engaged to provide services in a high-risk role on behalf of WDC must be vaccinated.

6. Health and Safety

6.1. Health and Safety has been considered and the following items have been identified:

- The health and wellbeing of our community, including our workforce is paramount. Having a position statement will ensure that that our staff are best positioned to manage the risk of COVID-19 in the workplace.

7. Significance and Engagement

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

7.2. No public consultation is considered necessary as Council needs to meet its responsibilities as a responsible employer and protect its employees.

8. Assessment of Options (including Financial Considerations)

8.1. Option 1:

8.1.1. Adopting the COVID-19 Vaccination Position Statement is the preferred option as this will enable Council to set out clear processes and expectations for role with a high risk of exposure to COVID-19 that may require vaccination due to the increase in health and safety risks.

8.1.2. All consultants, contractors, and volunteers, who are engaged to provide services in a high-risk role on behalf of WDC must be vaccinated which will reduce risk to our employees.

8.1.3. There are no financial implications to this option.

8.2. Option 2:

8.2.1. Do not endorse the COVID-19 Vaccination Position Statement.

8.2.2. There are no financial implications to this option.

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 having a position statement will enable all employees working in roles/categories that are subject to a government vaccination order to be vaccinated by the date stated within the government guidelines.

10. Recommendation(s)

10.1. That the report be received.

10.2. That Council adopt the COVID-19 Vaccination Position Statement.

Te Aroha Cook
Group Manager: Regulatory and Community Services

Appendix 1: COVID-19 Vaccination Position Statement.

Westland District Council COVID-19 Vaccination Position Statement – December 2021

Westland District Council (WDC) is committed to protecting all employees and members of the public from harm while undertaking Council duties or while working on, or visiting, Council buildings, facilities and worksites

As part of this commitment, Council is implementing this COVID-19 Vaccination Position Statement to set out clear processes and expectations regarding vaccinations due to the increased health and safety risks arising from COVID-19.

Council takes the view that being fully vaccinated against COVID-19 is a valuable step in gaining more protection against the virus within our facilities and workplaces and helping to contribute toward making our community safer.

Purpose

To provide the position of the WDC on COVID vaccinations and to set out clear processes and expectations for roles with a high risk of exposure to COVID-19 that may require vaccination due to the increase in health and safety risks.

Scope

This position statement applies to all persons working in WDC workplaces / facilities.

Position Statement

1. Our employees are strongly encouraged to be vaccinated with a Government approved COVID-19 vaccine.
2. Employees may attend COVID-19 vaccination appointments during work hours for themselves and their dependents, without using any type of leave or losing pay.
3. Where a risk assessment determines a task or role is high-risk, the employee required to undertake out the high-risk task or roles as part of their employed position must be fully vaccinated by 10 January 2022 to commence or continue performing that function.
4. All employees working in roles/categories that are subject to a government vaccination order must be vaccinated by the date stated within government guidelines.
5. All consultants, contractors, and volunteers, who are engaged to provide services in a high-risk role on behalf of WDC must be vaccinated.
6. Where statements 3 and 4 above apply to an employee of WDC, and they are not fully vaccinated, including any employee with a medical exemption, WDC will consider options available for redeployment or alternative duties. If in the opinion of the Chief Executive, there is no option of re-deployment or alternative duties, then WDC may terminate the employee's employment. This action would only be taken as a last resort after full consultation.
7. Evidence of a medical exemption, as approved and issued by the Director General of Health, must be provided to the Chief Executive or Manager People and Capability
8. All new employees must be fully vaccinated if the role to which they have been appointed has a high risk of exposure to COVID-19 or its variants, or the role may require them to carry out tasks where there is a high risk of exposure.
9. All vaccination information collected, used, and stored under this policy will be handled in accordance with the Privacy Act 2020 and any other applicable legal requirements
10. An employee's vaccination information held by WDC will only be accessible to the People and Capability Manager.

Definitions

- **Fully vaccinated:** Have received a Ministry of Health approved vaccine for COVID-19 at the dosage directed by the Ministry of Health, have Ministry of Health approved evidence of the vaccination, and have provided evidence to WDC.
- **High-risk:** Where the risk of employees, contractors, consultants, or volunteers contracting or transmitting COVID-19 for work tasks or roles is high-risk as determined by a WDC risk assessment, following Worksafe NZ's guidance for undertaking risk assessments, and subsequent regulatory guidance as released by government. Note: this is not an assessment of other forms of risk, and is limited to exposure to COVID-19
- **Workplace:** Any place where a worker goes or is likely to be while at work, or where work is being carried out or is customarily carried out. (Source: Workplace NZ)

Report



DATE: 9 December 2021
TO: Mayor and Councillors
FROM: Chief Executive

CHIEF EXECUTIVE'S QUARTERLY REPORT

1. SUMMARY

1.1. The purpose of this report is to:

- 1.1.1 Provide an update on the positive aspects that are happening in the Westland District.
- 1.1.2 Update Council on any Matters of Significance & Priority.

1.2. 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 2021, which are set out in the Long Term Plan 2021 - 2031. Refer page 2 of the agenda.

1.3 This report concludes by recommending that Council receive the Chief Executive's Report dated 9 December 2021.

2. MATTERS OF SIGNIFICANCE & PRIORITY LIST

2.1. Covid-19

- 2.1.1. There has been a considerable amount of work coming to grips with the new Covid-19 Protection Framework which came into effect on the 3 Dec (see Appendix 1 for the Guidance for transitioning through the Covid-19 Protection Framework - Local Government)
- 2.1.2. Based on this we have developed a COVID-19 Policy and a COVID-19 Position Statement for council's consideration. The Position Statement has a separate report table for this Dec council meeting.
- 2.1.3. Roles considered high risk have been evaluated. The remaining roles will be completed within the next few weeks.
- 2.1.4. Vaccination status of our staff has been completed

2.2. Three Waters Reform

- 2.2.1. As outlined in earlier reports to Council the Government has now mandated the proposed changes to Three Waters and it is going through the legislative process. The Government has also created a Working Group on Representation, Governance and Accountability of New Water Services Entities. The group is composed of Local Government representatives from across New Zealand whose remit is to:-

- Consider issues relating to representation, governance and accountability of the 4 proposed water services entities; and
- Recommend to the Minister of Local Government a preferred strengthened approach to the governance framework for the new water services entities as an alternative to the approach included in the Government’s reform proposal released in July 2021.

The group comprises an independent chair and nine members who are not there in representative capacity but are to share their expertise in formulating a revised governance and accountability proposal.

2.2.2. A number of local authorities, which includes Westland District Council, have formed a group to oppose the Government’s proposals and Legal proceedings have been initiated. A presentation on the current status will be provided by his worship following the CE’s report. The presentation will be table on the day.

2.2.3. Unofficial consultation has commenced on the new draft water regulations which come into force on the 1st July 2022. The formal consultation will commence in January 2022 and be completed 10 weeks later. It is anticipated that the approved regulations will not be available until at the earliest the end of March 2022 which gives a very short time to implement the proposed changes. The proposed changes have significant implications for the testing and monitoring of fresh water and will increase the Council’s operating costs and require some additional capital investment. Consequently WDC is planning for the changes now and financial provision is being made in the annual plan. Staff from the three waters team visited Christchurch City Council on the 6th December to exchange knowledge and ideas on the proposed changes.

2.2 Three Waters Capital Works Programme

Summary of the Three Waters Projects

Project	Details
Ross Water main works	Physical work complete. In defect period.
Franz Josef Water main Upgrade	Install complete and operational waiting on road sealing.
Franz Waste Water pipework replacement	Complete
Haast Waste Water main upgrade	Complete
Fox Water main replacements	20% complete. On target
Haast Water main upgrades	Work planned for early 2022.
Hari Hari Reservoir	Base complete. Tank construction December.
Blue Spur Reservoir	Physical works complete. Commissioning & connection to plant in December
Franz Josef Reservoir	Base complete. Tank construction December.
Franz Josef, Fox Glacier and Haast Waste Water treatment plant CCTV works	Works completed.
Fox Waste Water treatment plant	Upgrade essentially complete.

CCTV & smoke testing Hokitika	Smoke testing and CCTV 75% complete.
Arahura Water Treatment Plant	Plant constructed. Waiting on Reservoir replacement install
Hokitika - Town Belt East Storm water upgrade	Initial design and investigation complete. Pipe order placed. Final design and contract documents being worked on.

2.3 The Hokitika Waste Water Treatment Plant (WWTP).

Progress is being made on developing the concept for the replacement of the water treatment plant in Hokitika and Council was fully updated in a presentation given by Stantec to Council on the 25th November.

2.4 Provisional Development Unit Funding

2.4.1 Solid Waste Management: Fox Landfill Waste Removal and Butlers Landfill Cell - \$3.3M

Stage 1 material removal from Fox to the existing Butlers waste cell has been completed. Stage 2 construction is well underway. The project has suffered some delay due to specialist material shortage, longer than estimated delivery date and weather effects. MBIE has been kept fully aware of the situation and has granted a two month extension.



2.4.2 Cron Street Extension - \$1.19M / Cron Street footpath extension - \$269K

This project is nearing completion however weather and supplier issues have caused a number of delays that has meant that the already extended contract timeline has to be further extended. The remaining outstanding work to be completed on this project is the road formation construction and final seal coating of the roads and carpark areas. It is expected this project will be completed by the end of February 2022.

2.4.3 Old Christchurch Road Seal Extension - \$3.2M

Improvements to Old Christchurch Road, whilst not able to achieve the original intent of sealing up to 12km of road, has nevertheless been able to make a significant improvement in areas of residential use. The remaining \$90,000 of available funding will be utilised along with some heavy maintenance funding to tidy up the remaining unfinished formation from Van Beek's bridge to Loopline Road. This work is also expected to be completed by the end February 2022.

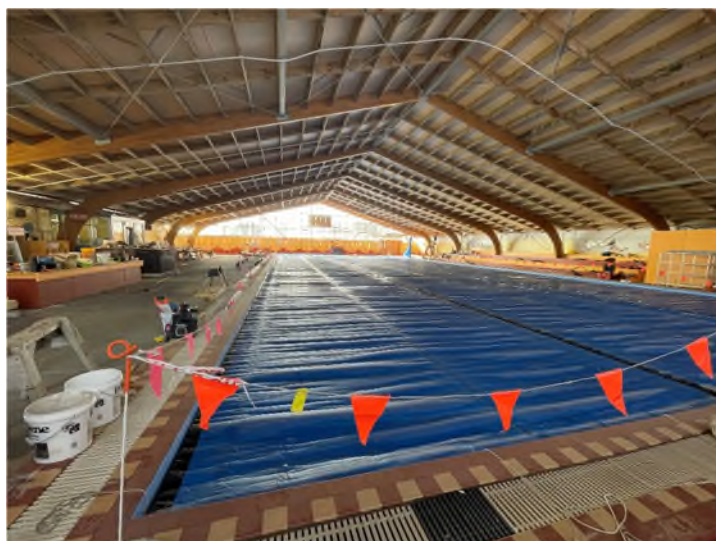
2.4.4 Jackson Bay Wharf - \$1M (additional to \$250k already approved)

The contractor has completed the scope of works able to be carried out for the funding available. This has corrected issues along the Causeway and replaced a main link pile to the Wharf structure itself. With the remaining \$40,000 of available funding it is intended to tidy up the side rails along the causeway and retain a small amount of funding for maintenance (periodic tightening of fixtures) over the next 12 months.

2.4.5 Hokitika Swimming Pool Renovation - \$3M

The Hokitika swimming pool project is coming near to completing the stage one scope of works with the following work being completed:

- All of the structural beams have been completed within the roof.
- Fire protection system has been completed over the pool and the majority of the concourse. Fire panels are currently being installed
- Electrical first fix has been completed with the main distribution work currently being finished.
- Electrical mains to the building have been laid with upgrades to the pools transformer box also being completed.
- The new steel bracing system has arrived with coatings completed and have now been installed.
- Both and West and East wall has been completed and re-cladded.
- HVAC equipment including the ventilation sock have arrived and are being installed.
- The new accessible toilet and shower room slab has been poured and walls established.



The project has suffered significant delays due to Covid-19 delaying outgoing freight from Auckland. It has been agreed that the swimming pool will reopen to the public on the first of January 2022.

2.5 Tourism Infrastructure Funding (TIF) applications

The tourism infrastructure funded projects have all had project briefs written and works have commenced. Invoices have been received for the first round of funding, with the second round becoming available in the near future.

Project	Details	TIF Funded	Council contribution
Upgrade of Franz Josef Car Parking Area	Project brief has been written and passed onto Destination Westland who are project managing the project.	\$137,000	\$63,000
Public Toilets at Paringa	Project Brief has been written and contractors contracted to investigate the soil/drainage conditions of the site.	\$236,000	\$46,000
Cass Square Toilets	Project brief has been written and the toilets have been ordered. The toilets will be a similar design to the Haast and Franz Josef toilets.	\$191,500	\$84,000
Jackson Bay Visitor Parking	Project brief has been written and passed onto Destination Westland who are project managing the project.	\$123,00	\$65,000
Hokitika Beachfront Infrastructure Development	Project brief has been written and a meeting on site with contractors/regional council has been held. This was to discuss beach access.	\$230,500	\$136,000

2.6 Carnegie Building

The Carnegie project is aiming to be completed by March 2021, with the following works being completed:

- Building Consent received 6/6/21.
- Site Establishment 17/5/21.
- Enabling works completed 21/5/21.
- Deconstruction completed 8/6/21.
- Reinforcing completed and the shotcrete shear walls are also complete last week of October – Delays due to Covid Lockdown approximately 10 days.
- The installation of the structural steel columns to the concrete shear walls are 90% complete and the structural steel roof diaphragm has been started with 30% of it installed. Completion of the steel is scheduled for the first week of December.
- Following the completion of all steel work the new wall framing is to be started and the new ceiling installation will begin on completion of this.
- Offsite manufacturing of the environmental control system (HVAC) has been started and installation on site will begin in January 2022.

- Programme delays have occurred due to the re-design of the foundations to accommodate the actual design on site and further delays have occurred due to the Covid lockdown and associated supply issues.
- We are currently running behind the proposed programme by approximately 40 working days with an anticipated construction completion date and handover end of March 2022.
- Lotteries funding has been completed and a final report approved.



2.7 Pakiwaitara Building

Following the preliminary costings reported to Council architects have been commissioned to produce preliminary drawings, which will enable a scope of works to be developed and costed. Council held an initial workshop on the 7th December to discuss future strategic direction.

2.8 Council Headquarters

Following the preliminary costings reported to Council architects. Council have requested an options appraisal and held an initial workshop on the 7th December to discuss future strategic direction.

2.9 Custom House

The brief for the Custom house has been completed and a contractor has been awarded the body of works. Dave Hinds Builders being the builder who's quote was accepted. Dave expects to start work in January 2022. Architectural drawings are under way for the building consent.

2.10 West Coast Wilderness Trail – Enhancements

Project Name	MBIE Contribution	Council Contribution	Total Project Cost
Mahinapua Viewing Platform	\$38,000	\$30,430	\$68,430
Cycle way shelters, toilets and signage	\$88,000	\$88,000	\$176,000
Storm damage July 2021	\$20,500	\$0	\$20,500
State Highway 6 Crossing - Mahinapua	\$52,500	\$17,500	\$70,000
Kaniere Water Race – Structure Upgrades	\$893,579	\$297,860	\$1,191,439
Mahinapua Boardwalks upgrade Stage 1	\$149,880	\$50,000 (DoC allocated budget)	\$199,880

2.11 Parks and Reserve (Playgrounds)

Multiple local community playgrounds in Westland have been allocated funds in the Long Term plan for much need upgrades and repairs. The following works have been completed:

Project Name	Details	Council Contribution
Cass Square Playground	The project brief for Cass Square playground has been written. Concept designs have been received from our supplier, with negotiations continuing.	\$621,460
Whataroa Playground	The project brief for Whataroa has been written. Playground equipment has been ordered as selected by the community.	\$110,000

2.12 Flag Trax

All 48 Flag Trax units have been installed through-out the CBD of Hokitika. As well as along Weld Street (past Cass Square) and down the entire length of Fitzherburt Street. Room in the budget allowed for 7 more units to be ordered. These units have been dispatched from Wellington and expected to arrive before Christmas. However Electronet will not be able to install these until the New Year.

2.13 Hokitika Lighting

The Hokitika town lighting project is well underway with lights being ordered for Weld Lane, the Pioneer statue, Carnegie and Tambo shipwreck. Poles have been installed on Weld Street outside Westland District council and the Pakiwaitara building, for Christmas lighting to be displayed. Lighting options for the Hokitika clock tower are currently being explored.



2.14 Revell Street

The Hokitika Revell Street – One way trial is coming closer to being complete before the Christmas period with decking eateries being installed this week and pedestrian crossings being installed a few weeks ago. Road marking is still to be completed which will see the removal of angled parking and more parallel parking introduced. Poles along Revell Street are expected to be installed in the New Year, with lights also being installed between each pole.

Hokitika revitalisation budget has a total of \$146,000 allocated for this financial year. Costs attributed to this for the one way trial are forecast to total \$115,000. Bearing in mind that the decks, baskets, tables and planters are all useable anywhere in town they are a direct benefit for the Town Centre.

Kerb extension and crossing points are minor road improvements from the transportation budget.

2.15 Racecourse

As stated at the last CE's update council has been successful through the initial stages of the Kainga Ora's Infrastructure Acceleration Funding opportunity. The next phase of this project is to complete a Request for Proposal (RFP) by the 17th of December which will then be considered along with other applications around New Zealand.

The RFP will focus of the actual deliverables for the project which will enable council to execute future developments. The type of deliverables considered include items like services, roading, cycleways, compliance requirements, etc.

We have engaged Vin Smith as a consultant to take the lead on the RFP process and also Josephs & Associates to assist with concept planning.

The planning for the recreational area is still in progress and we have support from Sports Canterbury to help define a future plan. We are looking to engage RSL Consultants to work with staff and councillors on a draft plan.

3 OTHER ACTIVITIES

3.1 Corporate Services

3.1.1 Finance:

The finance team are working on the Annual Report audit, an extraordinary meeting will be held in December for Council to adopt the report. This will meet the extended statutory adoption deadline.

3.1.2 Strategy and Communications:

The Strategy and Communications Advisor is preparing the Annual Report alongside the finance team, and at the same time is leading the annual plan project.

3.1.3 Information Technology:

The Information Technology team have brought a separate presentation to this Council meeting updating on current and future projects.

3.1.4 Information Management:

The Information Management team have brought a separate presentation to this Council meeting updating on current and future projects.

3.1.5 Customer Service:

The customer service team are currently busy, and this is expected to continue until the Christmas close.

3.2 Planning

3.2.1 The following program has been defined for the execution of the Te Tai o Poutini Plan. Considerable effort has gone from staff, consultants and Joint Committee members to get the plan fast tracked without compromising quality. The target is to have the exposure draft out for consultation of the 26th January with the expectation that the plan is notified by the 14th July 22.

Successful community consultation with Franz Josef was undertaken to discuss potential zoning and natural hazard rules for the area.

December 2021	January 2022	February 2022	March 2022	April 2022	May 2022	June 2022	July 2022
<ul style="list-style-type: none"> • 16th TTPPC meeting - Approve Exposure Draft, Natural Hazards Companion Document and Consultation Schedule 	<ul style="list-style-type: none"> • 26th Publish Exposure Draft 	<ul style="list-style-type: none"> • Consultation for Exposure Draft and Companion Document • TTPPC Zoom meeting 	<ul style="list-style-type: none"> • 11th - Feedback period ends • Iwi and Council Zoom workshop on remaining natural hazards • TTPPC mtg - Feedback and natural hazards reporting 	<ul style="list-style-type: none"> • Consultation on final natural hazards • TTPPC meeting - reporting on proposed changes from feedback 	<ul style="list-style-type: none"> • TTPPC meeting - reporting on final natural hazards provisions 	<ul style="list-style-type: none"> • TTPPC meeting - Approve Proposed Plan for Notification 	<ul style="list-style-type: none"> • By 14th - Notify Proposed TTPP

- 3.2.2 28 Resource Consent applications were lodged this quarter compared to 14 in the same quarter last year.
- 3.2.2. 66 LIM applications were received in this quarter compared to 74 in the same quarter last year.
- 3.2.3. Consent monitoring has steadily been undertaken to check off consents which are actually operating and ensuring that their conditions are being met.
- 3.2.5. Legislative timeframes are still being met 100% of the time and the staff levels have stayed stable.

3.3 Community Development

- 3.3.1 There is currently an opportunity for Westland District Council to get on board with the MBIE Welcoming Communities – Te Waharoa ki ngā Hapori programme. This opportunity; if successful; could see funding made available for a role within council to spearhead this program. Sarah Brown will be leading the Expression of Interest process with MBIE.

We feel that Welcoming Communities would draw together many current initiatives in the Westland community: Safer Westland, New Coasters, West Coast Multi Cultural Council, Inclusion and diversity activities at Westland Library, and the MTFJ Think Rural Campaign.

3.4 Stewardship Land Review

- 3.4.1 On the 19th November 2021 council received correspondence (see Appendix 2) from the Department of Conservation. The Minister of Conservation, Hon Kiritapu Allan, is proposing a law change to make it easier to reclassify stewardship land held by the Department of Conservation (DOC), and make sure it is managed appropriately. This is the second part of the process with the aim to speed up the reclassification – the 1st being the convening of two national panels of experts to assess the values of the land and provide the technical assessments and recommendations for the future land classifications of stewardship land.
- 3.4.2 Based on the significance of this process for Westland and the West Coast the 4 councils on the coasts have engaged Mark Christensen of Natural Resources Law Limited to complete an assessment of the processed changes and assist the councils with their formal submission.

4 STAFFING UPDATE

4.1 Incoming and Outgoing Staff (July - November 2021)

4.1.1 Outgoing:

- **Yislein Gomez**, part-time BSO – People & Capability 25 November 2022.
- **Krystel Woodcock**, Youth and Child Librarian LDOD 3 December 2021.
- **Michelle Bethell**, part-time Library Assistant LDOD 4 December 2021.

4.1.2 Incoming:

- **Josh Neill, IT Support officer – 8 November 2021**

Josh comes to the WDC from a role in the private sector. Josh is a Hokitika local, having attended Westland High and Tai Poutini.



- **Clare Lomax, Animal Control Officer – 15 November 2021**

Clare moved to the West Coast in 2020 and has a background both in animal care and community care.



- **Gary Cambus, Building Compliance Officer – 30 November 2021**

Gary has several years' experience working in the Building Control Authority for Grey District Council, having worked as a teacher prior to that.



- **Cindy Fleming, Emergency Management Officer WCRC – 1 November 2021**

Cindy started work as part-time Emergency Management Officer with the West Coast Regional Council effective 1 November 2021, going full-time from 22 November. Cindy will continue the provision of support to the WDC in this role.



4.2 Recruitment

4.2.1 Recruitment underway for the following roles:

- BCO and Senior BCOs – advertisements have been running continuously for one year.

4.2.2. Other vacancies:

- Information Officer – Properties and LIMs – to be re-advertised in the New Year.
- Management Accountant – on hold until early in the New Year.

5. LGOIMA UPDATE

5.1 In the current financial quarter (1 October to 2 December) Council has received 19 official information requests.

LGOIMA request breakdown:

- 1 request was from lobby groups or government departments.
- 3 requests were received from media and processed through the official LGOIMA process;
- 16 media requests have been processed through the Communications activity.

Breakdown of LGOIMA totals and numbers received	
5 days and under	8
≥ 6 - 10 days	4
≥11 - 15 days	1
≥16 - 20 days	1
20 days and over	0
Withdrawn	0
Transferred	0
Pending	5
Totals	19

6. RECOMMENDATION

- A) **That** the Quarterly Report from the Chief Executive dated 9 December 2021 be received.

Simon Bastion
Chief Executive

Appendix 1 –Local Government CPF Guidance
 Appendix 2 – Stewardship Discussion Document

Guidance for transitioning through the Covid-19 Protection Framework - Local Government

The following document is **draft** guidance and reflects our best efforts to work at speed with the sector and our central agency partners as decisions are still being made. Whilst best efforts have been made to ensure this document is robust, if you have questions or issues of interpretation please do not hesitate to get in touch with the Local Government Response Unit: LGCgcovid19response@dia.govt.nz

Current as of 26 November

Contents

- Protection Framework (page 1- 14)
- Cross council functions (page 15-16)
- Territorial authority functions (page 17 – 19)
- Regional council functions (page 20)
- CDEM functions (page 24)

Introduction

On 18 October, Cabinet agreed to shift our approach for managing the Delta variant of COVID-19 from an elimination strategy to an approach based on minimisation and protection, and to use the COVID-19 Protection Framework (the Framework) to give effect to that new strategy. The new strategy reflects that a different approach is needed for Delta, focusing on minimising the impact of Covid-19 being present in our communities.

What is the Covid-19 Protection Framework?

The Framework introduces a new flexible 3-level approach to managing COVID-19 in the community:

- Green: limited community transmission and COVID-19 case numbers are at levels the health system can manage.
- Orange: community transmission is increasing and putting pressure on the health system.
- Red: the health system is facing an unsustainable number of hospitalisations and action is needed to protect vulnerable people.

The Framework allows a greater level of freedom for vaccinated people than would be possible under the Alert Level system, and so reduces the social and economic burden of public health restrictions. It provides the tools, with public health measures and COVID-19 vaccine passes, to manage the higher public health risk to, and from, unvaccinated people.

The new Framework will provide more certainty for everyone. With high levels of vaccination, the Framework enables people to respond to COVID-19 because they know what to expect and what happens at each colour.

The Framework leverages the protections of vaccination by affording people greater freedoms when they are fully vaccinated. This will reduce the spread of COVID-19 and help to protect vulnerable populations.

The new approach is more targeted. Different elements will apply at different levels of population coverage:

- a) the levels of the Framework can be applied on a regional basis, and will depend on the levels of vaccination, population at greater risk of health impacts, health system capacities, and connection to the border in each region;
- b) localised restrictions would apply to smaller areas or suburbs within regions where there are particular high rates of spread, or spread within particularly vulnerable communities;
- c) temporary closures of or within individual workplaces or facilities (using Section 70 notices), where the isolation or closure of a workforce or education service could interrupt the spread; and
- d) isolation of individuals, who are positive cases or close contacts of positive cases, will remain central to the public health response.

Any decision to change colours will be made by Cabinet following public health advice. Assessment will be made on the following factors:

- vaccination coverage including equity considerations;
- capacity of the health and disability system to manage COVID-19 cases, including across public health, primary care, community services, and secondary care;
- testing, contact tracing and case management capacity;
- transmission of COVID-19 within the community, and how it is impacting on key communities;
- impact on the economy, society and risk populations; and
- public and business considerations.

Public health settings

Mask, scan, pass.

While there are some additional routines to include in our days, lots of things we're already doing are important parts of the new Framework too.

At every setting of the COVID-19 Protection Framework local government should continue to promote [general public health advice](#), including:

- Get vaccinated
- Wear a face covering, encouraged at every level.
- Keep track of where you have been, turn on Bluetooth in the COVID-19 tracer app and scan QR codes. Manual record keeping should also be available at all locations.
- Wash and dry hands, cough into elbow, avoid touching your face
- Regularly disinfect surfaces - (handrails, elevator buttons etc.).
- Stay home if you're sick, get a test and isolate at home until you get the result.

Record keeping

Record keeping involves collecting the details of all workers, customers, and visitors who visit a premise. This allows for public health officials to effectively identify people who may have been exposed to COVID-19.

Record keeping will be required/scanning will be required at all levels. Businesses, locations or events have a legal requirement to;

- make sure safe and secure systems and processes are in place so that everyone working on or visiting the premises can scan in or provide their details for contact tracing.
- keep contact tracing records for workers, contractors, customers, and volunteers, no matter how long they are there for.
- keep a record of everyone aged 12 years or over who visits or works at the premises.
- more than one way for people to record their visit, especially for people who are not able to scan QR codes.

Put QR Code posters in accessible places. Additional details on recording keeping can be found [here](#).

Vaccinations and PCBU obligations

The goal of the Framework is minimisation and protection. High uptake of vaccinations is critical to achieving this goal.

In parallel with this guidance on how council functions and services can operate under the Framework, Chief Executives (CEs) should also consider:

- As Persons Carrying out a Business or Undertaking (PCBU), CE's have an obligation under the Health and Safety at Work Act 2015 to maintain a workplace that is free from harm, so far as reasonably practicable. As part of this, CE's need to undertake a risk assessment across their organisations to determine what positions may be required to be held by vaccinated people. The Ministry of Business, Innovation and Employment (MBIE) are developing a risk assessment tool for this purpose, but we recommend that CE's are beginning to have these conversations now. Advice on how to do this (prior to the official MBIE tool) can be found here: <https://www.worksafe.govt.nz/managing-health-and-safety/novel-coronavirus-covid/how-to-decide-what-work-requires-a-vaccinated-employee/>
- Vaccination mandates currently apply to certain positions in the Education and Health workforces.

Vaccine passes

Vaccine passes will restrict access to certain events and services to only vaccinated people and require relevant staff to be vaccinated. For some events vaccine passes will be required (e.g. concerts, festivals), for others, it is prohibited to require vaccine passes (e.g. supermarkets, petrol stations). The use of vaccine passes otherwise is up to the organiser/PCBU, but the use of vaccine passes will enable certain businesses to continue to operate with fewer restrictions (e.g. gyms, events, hospitality).

Under the Framework, Cabinet have agreed that there are certain settings where denying entry on the basis of vaccination status will be prohibited.

Where vaccine requirements are prohibited, a place/service/PCBU cannot limit the kind of service provided to patrons based on their vaccination status but they can implement other health and safety measures (e.g. making unvaccinated customers use the self-checkout counters only).

Cabinet have agreed that the following settings are prohibited from requiring proof of vaccination (either via My Vaccine Pass or other tool) as condition of entry, use or access:

Education:

Use of vaccination requirements is prohibited at:

- All licensed early childhood education services and registered schools (i.e. all primary and secondary schools, including private providers) for all children, students and their parents, whanau or caregivers
- All school hostels
- All school transport services, for all students
- All OSCAR programmes
- Tertiary education organisations for secondary students to access their learning

Note: The use of vaccine requirements is not prohibited for other events that occur on school grounds, e.g. fundraising fairs, concerts, community events where participants extend beyond staff, parents, and learners; or third-party users of education facilities;

Note: COVID-19 Responsible Ministers have already decided that vaccination requirements will apply to on-site tertiary students and staff at the Red level of the Framework

Public Transport:

Note that access to public transport is necessary to ensure access to life-preserving services. Use of vaccination requirements is prohibited for:

- All public transport (buses, trains, ferries, taxis/ubers, rental vehicles etc) apart from air travel and inter-island ferries (TBC)
- Note: Air travel includes small commercial operators (e.g. Sounds Air, Air Chathams)

Housing:

Use of vaccination requirements to restrict access to housing is prohibited for all housing and housing support services funded directly by, or under contract to, the following state sector agencies:

- Kainga Ora – Homes and Communities
- Te Tuapapa Kura Kainga – Ministry of Housing and Urban Development
- Ara Poutama – Department of Corrections; and
- Oranga Tamariki – Ministry for Children

In addition to the above, Cabinet agreed to introduce a prohibition on vaccine requirements for premises used to provide emergency housing.

Other life-preserving services:

- All supermarkets, dairies, pharmacies and petrol stations will be prohibited from requiring proof of vaccination from customers as a condition of entry/access;

Health and disability services:

- The use of vaccination requirements will be prohibited for all people accessing essential health and disability services. Examples of these include (but are not limited to):

- Primary care services
- Specialist clinics
- Laboratories and imaging services
- Public and private hospitals
- Maternity care
- Hospice services
- Oral healthcare services
- Mental Health care services
- Ambulances and emergency care
- Aged residential care services

Note these decisions, about which activities and premises will be prohibited from vaccine pass requirements, will be reflected in an Order once the enabling legislation has been passed.

Under all settings, most businesses and public places are open to vaccinated customers. My Vaccine Pass is needed to prove you meet the vaccinations, or exemption, requirements. Businesses, events, organisations and services can choose to have a vaccination entry requirement for customers but it's optional for many locations. Without vaccination certificates, there are strict limits to keep everyone safe, including possibly closing at Orange or Red.

You can change between requiring my Vaccine Pass and not requiring it – but you must be clear to all staff and customers about this. You will also need to follow specific protocols (e.g., cleaning high-touch surfaces and ensuring good ventilation) to ensure you do this safely.

Mandatory vaccination requirements for employees covered by the My Vaccine Pass Mandate

Workers covered by the My Vaccine Pass mandate need to have their first dose by 3 December and be fully vaccinated by 17 January 2022. This includes staff in workplaces that are either required to, or can use, the My Vaccine Pass. This provides confidence to the customers who are vaccinated and means businesses will be less likely to be affected by cases.

This requirement to be vaccinated applies to hospitality, events, gatherings, close contact businesses and gyms.

Being vaccinated is free, safe and the most effective way to keep you, your whānau, business and customers safe. It's a simple contribution to keeping all New Zealanders safe from COVID-19.

Government is developing a simplified tool to help clarify what work should be covered by vaccinated workers. It will help you assess when it is reasonable to require vaccination for other work. This tool will be available from mid-December 2021.

Vaccine passes in local government businesses and premises

This guide has been developed to assist local government chief executives to determine the appropriate vaccine pass requirements for council-owned or managed businesses and premises. As such, the focus is on premises/businesses (i.e. this is not a guide to running an event or a gathering nor is it a guide to managing particular council functions under the Covid Protection Framework)

As record keeping rules always apply, these are not individually referenced here. Face coverings must be worn in areas open to the public in public facilities. While physical distancing is not legally required, it is still encouraged.

Please note definitions in this guide are based on the draft Public Health Order and are subject to change. This guide is not legal advice.

Step 1 - Is your premises/business or service a public facility?

Public facilities are indoor (or a mix out of outdoor and indoor) premises owned or managed by central or local government that are used for recreational, social, community, or cultural activities or services and that are open for the public (including where fees are charged for entry). Examples are zoos, libraries and museums. It excludes recreation facilities that require membership to enter, and it excludes these facilities when they're being used exclusively for an event or gathering.

- Yes – my premises is a public facility. There are no specified vaccine pass requirements in the Order, go to step 7 on whether you should use one.
- Maybe – my premises would count as a public facility but there other businesses/services in the same place. Go through steps 1 – 4 to determine the requirements for each separate part and then to step 5 for settings on multi-purpose facilities and how to assess the requirements for the whole premises.
- My premises is a public facility but it's only being used for an event or gathering arranged by someone else – go to step 8.
- My premises is a swimming pool - TBC
- No, my premises is not a public facility. Go to step 2.

Step 2 - Is your premises/business or service one of the following?

- (a) a supermarket:
 - (b) a dairy:
 - (c) a pharmacy:
 - (d) a petrol station:
 - (e) a public transport service except air travel:
 - (f) premises of essential health and disability services, including without limitation, primary care services, specialist clinics, laboratories and imaging services, public and private hospitals, maternity care, hospice services, oral healthcare services, mental health care services, ambulances and emergency care, aged residential care services:
 - (g) a school transport service:
 - (h) air travel service for purpose of accessing life-preserving services:
 - (i) one of the education or housing services set out on page 4 of this document.
- If yes – requesting vaccine passes is prohibited. Where vaccine requirements are prohibited, a place/service/PCBU cannot limit the kind of service provided to patrons based on their vaccination status but they can implement other health and safety measures (e.g. making unvaccinated customers use the self-checkout counters only).
 - If no – go to step 3.
 - Not exactly, but my premises is in the same space as one of these. Go through steps 1 – 4 to determine the requirements for each separate part and then to step 5 for settings on multi-purpose facilities and how to assess the requirements for the whole premises.

Step 3 - Is your business or service one of the following?

- (a) a gym (must be indoors and access must be restricted to only members)
- (b) a close-proximity business (with physical contact or closer than 1m apart)
- (c) a food or drink business (a business or service that sells, offers, or provides food or drink for consumption to customers or clients in a workplace, such as— (i) a restaurant, cafe, bar, or club; and (ii) a soup kitchen or other place where food or drink is provided without charge; and (b) includes a business or services that sells, offers, or provides food or drink— (i) in a shopping mall; or (ii) as part of an event.)
- (d) an 'event' business with ticketed entry e.g. movies, the theatre, stadiums
- (e) an outdoor community event

- Yes! It is one of these. Go to step 4.
- No, it's none of these. The use of vaccine passes is optional. Go to step 7 to see if you should be using vaccine passes.
- Not exactly, but my premises is in the same space as one of these. Go through steps 1 – 4 to determine the requirements for each separate part and then to step 5 for settings on multi-purpose facilities and how to assess the requirements for the whole premises.

Step 4 - If your business is one of those listed in step 3, you can operate without a vaccine pass but more restrictions will apply if you choose to not use them.

- Yes, I will operate with a vaccine pass. (settings apply as per table below). See step 6 for what to do.
- No, I will not operate with a vaccine pass. (settings apply as per table below)

Category	Green	Orange	Red
<p>Public facilities (owned or managed by a local authority and open to the public e.g. libraries, museums, zoos).</p> <p>Note that public facilities may use vaccine passes, but the use of vaccine passes will not affect capacity limits that apply at orange or red.</p>	No capacity limits	<p>Open with capacity limits based on 1m distancing.</p> <p>Note this does not mean 1m physically distancing is legally required within the facility, but that the capacity is determined by how many people can fit if they are all 1m distanced apart.</p>	<p>Open with capacity limits based on 1m distancing.</p> <p>Note this does not mean 1m physically distancing is legally required within the facility, but that the capacity is determined by how many people can fit if they are all 1m distanced apart.</p>
<p>Events (controlled/ticketed entry e.g. cinemas, theatres).</p> <p>If a public facility is hired for an event, event settings apply.</p>	<p>Vaccine pass – Allowed, no limit</p> <p>No Vaccine pass - Allowed, up to 100 people</p>	<p>Vaccine pass – Allowed, no limit</p> <p>No Vaccine pass - Not permitted</p>	<p>Vaccine pass – Allowed, up to 100 people, based on 1m distancing</p> <p>No Vaccine pass - Not permitted</p>

Gatherings (e.g. private gatherings, weddings, places of worship, marae)	Vaccine pass – Allowed, no limit No Vaccine pass - allowed up to 100 people, based on 1m distancing	Vaccine pass – Allowed, no limit. No Vaccine pass - allowed up to 50 people, based on 1m distancing	Vaccine pass – up to 100 people, based on 1m distancing No Vaccine pass – up to 25 people, based on 1m distancing
Outdoor community event (i.e. outdoors, unticketed entry, e.g. Newtown Festival, Anzac parades, Fairs).	Vaccine pass – – Allowed, no limit No Vaccine pass - up to 100 people, based on 1m distancing	Vaccine pass – – Allowed, no limit No Vaccine pass - up to 50 people, based on 1m distancing	Vaccine pass – – up to 100 people, based on 1m distancing No Vaccine pass – up to 25 people, based on 1m distancing
All types of outdoor organised, community sport (e.g. Saturday sport)	Vaccine pass – Allowed, no limit No Vaccine pass - up to 100 people, based on 1m distancing	Vaccine pass – – Allowed, no limit No Vaccine pass - up to 50 people, based on 1m distancing	Vaccine pass – – up to 100 people, based on 1m distancing No Vaccine pass - up to 25 people, based on 1m distancing
Hospitality	Vaccine pass – No limits No Vaccine pass – up to 100 people, based on 1m distancing, seated and separated	Vaccine pass – No limits No Vaccine pass – Contactless only	Vaccine pass – up to 100 people, based on 1m distancing, seated and separated No Vaccine pass – Contactless only
Gyms	Vaccine pass – Open No Vaccine pass – Open with up to 100 people, based on 1m distancing	Vaccine pass – Open No Vaccine pass – Closed	Vaccine pass – Open with up to 100 people, based on 1m distancing No Vaccine pass – Closed
<i>Seated and separated requirements would apply to the service of food and drink at activities operating under events rules</i>			

Step 5- My facility or premises is multi-purpose – how do I know what settings apply?

The above process (steps 1 – 4) will need to be undertaken for each separate part. Restrictions apply to the extent they're carried out by each business or service.

An assessment will then need to be done – what's the access like? Is there shared airflow? Are there walls between spaces? Can the entrances be separate?

Different parts can only operate with different requirements if they can be separate – the stricter rules will apply if not.

- My facility can apply different restrictions for different parts – for each part using vaccine passes go to step 6 on operating with vaccine passes.
- Parts of my premises aren't allowed to operate with vaccine passes and we can't separate them out – everywhere must operate under the 'no vaccine pass' rules (see step 4 for settings).
- Parts of my premise will be using vaccine passes and I can't separate out the others (e.g. a library with an open café in the middle) – the whole premises needs to operate with a vaccine pass. See step 6 for how to use vaccine passes.

Step 6 - I need to use a vaccine pass. What do I do?

Obligations on the individual

- Information about vaccine passes is available here [My Vaccine Pass | Unite against COVID-19 \(covid19.govt.nz\)](https://www.covid19.govt.nz/my-vaccine-pass/).
- My Vaccine Pass is an official record of your COVID-19 vaccination status for use in Aotearoa New Zealand. Anyone aged 12 and over who has had two COVID-19 vaccinations administered in New Zealand, or who has been given a medical exemption, can now request a My Vaccine Pass. Your My Vaccine Pass will include your name, date of birth and a QR code. You can save this pass on a digital device, like your phone, or print a physical copy.
- People under the age of 12 years and 3 months are not required to show proof of vaccination.
- If a premises/business or service is operating with vaccine passes, a person must show their vaccine pass to gain entry to the premises.

Obligations on the premises/business

- Display the sign saying you're using vaccine passes.
- You must ensure only people with vaccine passes enter the premises, as far as reasonably practicable. (duties on enforcement still TBC)
- Download the Verifier app – information about the app is available here [NZ Pass Verifier | Ministry of Health NZ](https://www.health.govt.nz/our-services/verifier)

- Businesses that do require proof of vaccination status - My Vaccine Pass - should verify each customer's My Vaccine Pass using NZ Pass Verifier. This includes businesses who choose to operate under My Vaccine Pass rules in order to be open (such as hospitality)
- Businesses who have opted to require My Vaccine Pass in order to operate under the required rules will also need to verify each customer's My Vaccine Pass using NZ Pass Verifier
- Businesses who have opted to require My Vaccine Pass, for example after having completed a health and safety risk assessment, should scan each customer's My Vaccine Pass with NZ Pass Verifier.
- If you want to integrate the QR code scanner into your existing smartphone apps or ticketing operations, or are interested in how to offer this service, information on the specifications and other documentation is available on the Ministry of Health's Github repository. If you would like to talk to the team please email integration@health.govt.nz
- Smaller businesses may wish to download the verifier app onto a smartphone or tablet to use on entry to their businesses.
- Technical information about the verifier app is available from the Ministry of Health - <https://nzcp.covid19.health.nz/>
www.github.com/minhealthnz
- Provided that sequential cohorts are managed so that no intermingling of groups occurs, and rooms are ventilated and high-touch surfaces cleaned between cohorts, your business or service may switch between vaccinated and unvaccinated settings. You should have clear processes to manage this. What settings you are operating under must be made clear to all involved (staff and attendees).
- Any business requiring customers to hold a valid Vaccine Pass must also require all workers to be vaccinated. Workers covered by the My Vaccine Pass mandate need to have their first dose by 3 December and be fully vaccinated by 17 January 2022. This includes staff in workplaces that are either required to, or can use, the My Vaccine Pass. This provides confidence to the customers who are vaccinated and means businesses will be less likely to be affected by cases.

Other obligations

- Capacity limits (based on 1m distancing) for public facilities still apply at red and orange even when using vaccine passes. Note this does not mean 1m physically distancing is legally required within the facility, but that the capacity is determined by how many people can fit if they are all 1m distanced apart.

Step 7 - I don't have to use a vaccine pass, but should I?

Outside of the activities and functions listed above, there are no explicit rules on how to determine when to use vaccine passes for many of the council functions and activities that occur every day. To respond to this, the Local Government Response Unit has collaborated with a working party of Local Government Chief Executives to develop a set of principles to apply in order to develop a consistency of process across the sector. This approach allows for local difference, which we think is important given the diversity of scale and infrastructure owned by different councils, but also seeks to provide assurance to councils.

An important point of clarification driving our approach is that we are focusing on consistency of process, rather than consistency of outcomes. This recognises that each local authority will have its own approach to service delivery and are best-placed to make decisions about how to deliver functions in a Covid-19 environment.

We think about the framework in three distinct parts and this is captured in the principles that we have developed:

- Public health and safety;
- Organisational health and safety, including continuity; and
- Access to public services.

To assess these principles, we have developed a loose assessment tool to determine whether the use of vaccine passes may be suitable.

1. Consider your health and safety assessment for staff vaccinations first
2. Use the following principles to determine how to best manage that function/activity.
 - *Staff safety:*
 - Is the staff member required to be vaccinated under the risk assessment policy?
 - Are you able to anticipate/control who they meet?
 - What other health and safety measures can be used? (noting that capacity limits apply and face coverings are legally required in public facilities, even when using vaccine passes).
 - *Public access to services should be maintained:*
 - Will restricting this service deny anyone access in a way that cannot be justified?
 - Are there alternative ways of accessing the service (e.g. contactless collection at a library), or a similar service that's provided elsewhere?
 - Is it something you're legally required to do?
 - *Continuity of services:*
 - How many staff are available to deliver the service?
 - What would the implications for providing the function/service be if they got Covid-19 and/or had to isolate?
 - What health and safety measures can you put in place?

- *What is the nature of the public health risk to the wider public that you ought to mitigate:*
 - This has been determined by the Covid Protection Framework – it sets out restrictions for situations which may pose a high risk to public safety. If you have a multi-purpose facility that has some parts of it which will be using vaccine passes, you may choose to operate the entire facility with vaccine passes even though it's not technically required.
- *Public confidence in the authorities:*
 - Are the requirements easy to understand?
- *Tikanga that emphasises physical presence:*
 - Are there relevant cultural factors to take into account when deciding how services/functions should be provided?
 - If kanohi ki te kanohi is preferred, what conditions need to be in place to allow this to occur safely?
- Yes my assessment has determined I should use a vaccine pass for my premises– go to step 6 on using vaccine passes. Capacity limits (based on 1m distancing) for public facilities still apply at red and orange even when using vaccine passes. Note this does not mean 1m physically distancing is legally required within the facility, but that the capacity is determined by how many people can fit if they are all 1m distanced apart.
- No I will not be using a vaccine pass – capacity limits for public facilities apply at red and orange (based on 1m distancing). Note this does not mean 1m physically distancing is legally required within the facility, but that the capacity is determined by how many people can fit if they are all 1m distanced apart.

Step 8 - I manage a premises that's being hired out for an event or gathering – what do I need to do?

Decisions on whether to operate events or gatherings under vaccine pass settings or not are the decision for the organiser – but if you are the person in control of the premises, you need to check that they will be operating within the rules. (TBC – waiting to confirm obligations for the 'person in control').

COVID-19 PROTECTION FRAMEWORK

The following guidance does not constitute legal advice. It is important to note that the Guidance that the Response Unit issues, should be read in conjunction with the Public Health Response Order, and that if there are any questions, they should be directed to LGCCGcovid19response@dia.govt.nz for further clarification.

GUIDANCE FOR TRANSITIONING THROUGH COVID PROTECTION FRAMEWORK FOR LOCAL GOVERNMENT

<p>Protection Framework Overview:</p>	<p>At Red, action will need to be taken to protect both at-risk people and protect our health system from an unsustainable number of hospitalisations.</p> <p>How we stay safe at Red</p> <ul style="list-style-type: none"> Record keeping, and scanning will be required. Face coverings will be mandatory on flights, public transport, in taxis, retail, public venues, and recommended whenever leaving the house. <p>Where we can go at Red</p> <ul style="list-style-type: none"> Public facilities — open with up to 100 people, based on 1 metre distancing. Retail will be open with capacity limits based on how many fit could fit on premises with 1 metre distancing. Workplaces — working from home encouraged. ECEs, schools, and kura are open with public health measures. Specified outdoor community events — allowed with capacity limits. Regional boundary restrictions may apply. 	<p>At Orange, there will be increasing community transmission that is putting pressure on our health system. The whole of health system will focus its resources, but can continue to manage primary care, public health, and hospitals. There may also be an increasing risk for at-risk people.</p> <p>How we stay safe at Orange</p> <ul style="list-style-type: none"> Record keeping, and scanning will be required. Face coverings will be mandatory on flights, public transport, in taxis, retail, public venues, and encouraged elsewhere. <p>Where we can go at Orange</p> <ul style="list-style-type: none"> Public facilities will be open with capacity limits based on 1 metre distancing. Retail will be open with capacity limits based on how many fit could fit on premises with 1 metre distancing. Education facilities will be open with public health measures in place. Workplaces. Specified outdoor community events. Regional boundary restrictions will <u>not</u> apply. 	<p>Green is when there are some COVID-19 cases in the community, and sporadic imported cases. Community transmission will be limited, and COVID-19 hospitalisations will be at a manageable level. The health system will be ready to respond, including primary care, public health, and hospitals.</p> <p>How we stay safe at Green</p> <ul style="list-style-type: none"> Record keeping, and scanning will be required. Face coverings are mandatory on flights and encouraged indoors. <p>Where we can go at Green</p> <ul style="list-style-type: none"> Public facilities. Retail. Workplaces. ECEs, schools, kura and tertiary providers. Specified outdoor community events. Regional boundary restrictions will <u>not</u> apply.
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GUIDANCE FOR TRANSITIONING THROUGH COVID PROTECTION FRAMEWORK FOR LOCAL GOVERNMENT

CROSS-COUNCIL FUNCTIONS

<p>Overview</p>	<p>Action needed to protect health system – system facing unsustainable number of hospitalisations. Action needed to protect at-risk populations</p>	<p>Increasing community transmission with increasing pressure on health system. Whole of health system is focusing resources but can manage – primary care, public health, and hospitals. Increasing risk to at risk populations.</p>	<p>COVID-19 across New Zealand, including sporadic imported cases. Limited community transmission. COVID-19 hospitalisations are at a manageable level. Whole of health system is ready to respond – primary care, public health, and hospitals.</p>
<p>Guidance for holding council meetings</p> <p>Note that council chambers may use vaccine passes, but the use of vaccine passes will not affect capacity.</p>	<p>No Vaccine Pass</p> <p>Open with capacity limits based on 1m distancing.</p> <p>A risk-assessment should be completed to determine whether vaccination is required for staff (this will exclude elected members).</p> <p>Changes made under modification orders linked to the Epidemic Notice allow for Council meetings to be conducted remotely. The current Epidemic Preparedness notice was renewed on 8 September 2021 and will last three months.</p> <p>Vaccine Pass</p>	<p>No Vaccine Pass</p> <p>Open with capacity limits based on 1m distancing.</p> <p>A risk-assessment should be completed to determine whether vaccination is required for staff (excluding elected members).</p> <p>Changes made under modification orders linked to the Epidemic Notice allow for Council meetings to be conducted remotely. The current Epidemic Preparedness notice was renewed on 8 September 2021 and will last three months.</p> <p>Vaccine Pass</p> <p>Open with capacity limits based on 1m distancing.</p>	<p>No Vaccine Pass</p> <p>No capacity limits</p> <p>A risk-assessment should be completed to determine whether vaccination is required for staff (excluding elected members).</p> <p>Changes made under modification orders linked to the Epidemic Notice allow for Council meetings to be conducted remotely. The current Epidemic Preparedness notice was renewed on 8 September 2021 and will last three months.</p> <p>Vaccine Pass</p>

GUIDANCE FOR TRANSITIONING THROUGH COVID PROTECTION FRAMEWORK FOR LOCAL GOVERNMENT

<p>Note that the decision to use a Vaccine Pass or not should be assessed using the principles on pages 6-7.</p>	<p>Open with capacity limits based on 1m distancing. Only vaccinated staff and vaccinated elected members present. Unvaccinated staff or elected members should be attending remotely.</p>	<p>Only vaccinated staff and vaccinated elected members present. Unvaccinated staff or elected members should be attending remotely.</p>	<p>Open with capacity limits based on 1m distancing. Only vaccinated staff and vaccinated elected members present. Unvaccinated staff or elected members should be attending remotely.</p>
<p>Council offices</p>	<p>Workplaces are open with working from home if appropriate to workplace (Mandatory vaccinations may be used in accordance with health and safety risk assessment)</p>	<p>Open (Mandatory vaccinations may be used in accordance with health and safety risk assessment)</p>	<p>Open. (Mandatory vaccinations may be used in accordance with health and safety risk assessment)</p>
<p>Property and facilities management</p>	<p>Open (Mandatory vaccinations may be used in accordance with health and safety risk assessment)</p>	<p>Open (Mandatory vaccinations may be used in accordance with health and safety risk assessment)</p>	<p>Open (Mandatory vaccinations may be used in accordance with health and safety risk assessment)</p>
<p>Building and construction</p>	<p>Open (Mandatory vaccinations may be used in accordance with health and safety risk assessment)</p>	<p>Open (Mandatory vaccinations may be used in accordance with health and safety risk assessment)</p>	<p>Open (Mandatory vaccinations may be used in accordance with health and safety risk assessment)</p>

GUIDANCE FOR TRANSITIONING THROUGH COVID PROTECTION FRAMEWORK FOR LOCAL GOVERNMENT

RMA plan-making and community consultation	Workplaces are open with working from home if appropriate to workplace Public health measures apply when interacting with members of the public e.g. use of face coverings, record keeping, hygiene	Public health measures apply when interacting with members of the public e.g. use of face coverings, record keeping, hygiene	Public health measures apply when interacting with members of the public e.g. use of face coverings, record keeping, hygiene
Consenting and CME functions	Working remotely is encouraged (where possible) Public health measures apply when interacting with members of the public e.g. use of face coverings, record keeping, hygiene	Public health measures apply when interacting with members of the public e.g. use of face coverings, record keeping, hygiene	Public health measures apply when interacting with members of the public e.g. use of face coverings, record keeping, hygiene

TERRITORIAL AUTHORITY FUNCTIONS

	Red	Orange	Green
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<p>Overview</p>	<p>Action needed to protect health system – system facing unsustainable number of hospitalisations. Action needed to protect at-risk populations</p>	<p>Increasing community transmission with increasing pressure on health system. Whole of health system is focusing resources but can manage – primary care, public health, and hospitals. Increasing risk to at risk populations</p>	<p>COVID-19 across New Zealand, including sporadic imported cases. Limited community transmission. COVID-19 hospitalisations are at a manageable level. Whole of health system is ready to respond – primary care, public health, and hospitals</p>
<p>Public facilities</p> <p>Museums</p> <p>Libraries</p> <p>Pools</p> <p>Community halls</p>	<p>Open with up to 100 people, based on 1m distancing</p> <p>Face coverings mandatory</p> <p>Record keeping rule applies</p>	<p>Open with capacity limits based on 1m distancing</p> <p>Face coverings mandatory</p> <p>Record keeping rule applies</p>	<p>Open</p> <p>Face coverings encouraged indoors</p> <p>Record keeping rule applies</p>
<p>Regulatory and licensing</p> <p>Animal services</p> <p>Noise control</p> <p>Consenting functions</p> <p>Environmental health</p>	<p>Workplaces are open with working from home if appropriate to workplace. Public health measures apply when interacting with members of the public e.g. use of face coverings, record keeping.</p>	<p>Public health measures apply when interacting with members of the public e.g. use of face coverings, record keeping</p>	<p>Public health measures apply when interacting with members of the public e.g. use of face coverings, record keeping</p>
<p>Infrastructure</p> <p>Operation and maintenance of water services</p> <p>Roading/highways</p>	<p>Normal operations – general health and safety measures apply</p>	<p>Normal operations – general health and safety measures apply</p>	<p>Normal operations – general health and safety measures apply</p>

Solid waste including transfer stations			
Outdoor services Cemeteries/crematoria Public toilets Playgrounds, parks, cycle parks, skate parks Walking/mountain bike trails Sports field and athletic facilities Campgrounds and holiday parks Jetties and boat ramps Parking services	Normal operations unless being used for an outdoor community event (see events).	Normal operations unless being used for an outdoor community event (see events).	Normal operations unless being used for an outdoor community event (see events).
Community services Social housing Community and social services Community development Volunteer programmes	Workplaces are open with working from home if appropriate to workplace. Public health measures apply when interacting with members of the public	Public health measures apply when interacting with members of the public	Public health measures apply when interacting with members of the public

<p>Events</p>	<p>Record keeping rule applies.</p> <p>With vaccine pass Indoor and outdoor events allowed – up to 100 people based on 1m distancing, seated and separated. All staff must be vaccinated.</p> <p>Without vaccine pass Gatherings (e.g. at home, weddings, places of worship, marae, community or social sports) – up to 25 people, based on 1m distancing.</p> <p>Close-contact events are unable to operate.</p>	<p>Record keeping rule applies.</p> <p>With vaccine pass No limits. All staff must be vaccinated.</p> <p>Without vaccine pass Gatherings (e.g at home, weddings, places of worship, marae, community or social sports) – up to 50 people, based on 1m distancing. This includes outdoor community events.</p> <p>Close-contact events are unable to operate.</p>	<p>Record keeping rule applies.</p> <p>With vaccine pass No limits. All staff must be vaccinated.</p> <p>Without vaccine pass Indoor and outdoor events allowed – up to 100 people based on 1m distancing, seated and separated</p>
<p>Gyms, rec centres and other membership-based businesses or services (e.g dance or martial arts studios)</p>	<p>Record keeping rule applies.</p> <p>With vaccine pass Up to 100 people, based on 1m physical distancing. All staff must be vaccinated.</p> <p>Without vaccine pass Cannot open</p>	<p>Record keeping rule applies.</p> <p>With vaccine pass No limits. All staff must be vaccinated.</p> <p>Without vaccine pass Cannot open</p>	<p>Record keeping rule applies.</p> <p>With vaccine pass No limits. All staff must be vaccinated.</p> <p>Without vaccine pass Up to 100 people, based on 1m physical distancing</p>

Non customer-facing workplaces	Workplaces are open with working from home if appropriate to workplace	Open	Open
REGIONAL AUTHORITY FUNCTIONS			
Public Transport	Record keeping rule applies Face coverings mandatory Vaccine pass prohibited	Record keeping rule applies Face coverings mandatory Vaccine pass prohibited	Record keeping rule applies Face coverings mandatory Vaccine pass prohibited
Natural Hazard event monitoring, response and recovery	Normal operations	Normal operations	Normal operations
Education programmes	Link to full guidance on our website	Link to full guidance on our website	Link to full guidance on our website
CDEM ACTIVITY			

<p>General</p>	<p>Workplaces are open with working from home if appropriate to workplace</p> <p>Mandatory vaccinations may be used in accordance with MBIE health and safety risk assessment</p> <p>In an emergency, acute lifesaving activity including response coordination will have priority over COVID-19 public health risks.</p> <p>In a significant CDEM emergency such as post-tsunami or post-earthquake damage to physical infrastructure and communication networks may make it difficult or impossible to implement other controls such as physical distancing or remote working.</p>	<p>Open</p> <p>Mandatory vaccinations may be used in accordance with MBIE health and safety risk assessment</p> <p>In an emergency, acute lifesaving activity including response coordination will have priority over COVID-19 public health risks.</p> <p>In a significant CDEM emergency such as post-tsunami or post-earthquake damage to physical infrastructure and communication networks may make it difficult or impossible to implement other controls such as physical distancing or remote working.</p>	<p>Open.</p> <p>Mandatory vaccinations may be used in accordance with MBIE health and safety risk assessment</p> <p>In an emergency, acute lifesaving activity including response coordination will have priority over COVID-19 public health risks.</p> <p>In a significant CDEM emergency such as post-tsunami or post-earthquake damage to physical infrastructure and communication networks may make it difficult or impossible to implement other controls such as physical distancing or remote working.</p>
<p>CDEM Group ECC and Local EOCs</p> <p>These requirements should be shared with support agencies</p>	<p>My COVID App QR Code scanning supported by record keeping and rostering.</p> <p>Remote working / virtual coordination centres should be used where possible or for functions/sub-functions that can do so.</p> <p>Even in physical coordination centres implement virtual briefings and planning meetings where possible to avoid bringing large numbers of people together.</p>	<p>My COVID App QR Code scanning supported by record keeping and rostering.</p> <p>Consider whether some or all functions can be undertaken via remote working / virtual coordination centres</p> <p>When physically deployed staff should be cohorted by function and shift as well as location. Consider how shift-changeovers can be completed remotely.</p>	<p>My COVID App QR Code scanning supported by record keeping and rostering</p> <p>The DHB, via its Public Health Unit, should be engaged early to provide a Public Health Risk Assessment for the incident, including response locations</p> <p>Increase ventilation in the coordination centre as far as possible. Consider use of temporary shelters/marquees/awnings to provide sheltered outdoor briefing spaces</p>

	<p>The DHB, via its Public Health Unit, should be engaged early to provide a Public Health Risk Assessment for the incident, including response locations</p> <p>When physically deployed staff should be cohorted by function and shift as well as location. Consider how shift-changeovers can be completed remotely.</p> <p>Staff to wear face coverings</p> <p>Increase ventilation in the coordination centre as far as possible. Consider use of temporary shelters/marquees/awnings to provide sheltered outdoor briefing spaces</p> <p>Routine saliva-based PCR asymptomatic surveillance (www.salivatesting.co.nz) or point of care Rapid Antigen Testing should be considered for key-staff and at-risk staff. Where access to lab-based PCR testing is compromised consider moving to daily Rapid Antigen Testing.</p> <p>All staff inc volunteers should complete a daily COVID-19 health declaration.</p>	<p>Even in physical coordination centres consider implementing virtual briefings and planning meetings where possible to avoid bringing large numbers of people together.</p> <p>The DHB, via its Public Health Unit, should be engaged early to provide a Public Health Risk Assessment for the incident, including response locations</p> <p>Staff to wear face coverings</p> <p>Increase ventilation in the coordination centre as far as possible. Consider use of temporary shelters/marquees/awnings to provide sheltered outdoor briefing space</p> <p>All staff inc volunteers should complete a daily COVID-19 health declaration.</p>	<p>All staff inc volunteers should complete a daily COVID-19 health declaration.</p>
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<p>Response field operations including Civil Defence (Welfare) Centres</p>	<p>Staff should be cohorted by location. Consider how shift-changeovers can be completed remotely.</p> <p>Do not mix field, Civil Defence (Welfare) Centre and coordination centre staff implement virtual briefings</p> <p>Staff to wear face coverings</p>	<p>Staff should be cohorted. Consider how shift-changeovers can be completed remotely.</p> <p>Do not mix field, Civil Defence (Welfare) Centre and coordination centre staff implement virtual briefings</p> <p>Staff to wear face coverings</p> <p>All staff inc volunteers should complete a daily COVID-19 health declaration.</p>	<p>Normal Operations apply</p> <p>All staff inc volunteers should complete a daily COVID-19 health declaration.</p>
<p>Vaccination for staff, support agencies and managed volunteers</p>	<p>A risk-assessment should be completed to determine whether vaccination is required across CDEM settings such as Coordination Centres, Field Operations and Emergency Welfare services staff including volunteers.</p> <p>Any risk-assessment should be cognisant of the difficulty in implementing and maintaining other COVID-19 control measures in an emergency.</p> <p>The risk assessment should recognise that COVID-19 vaccination is a two-dose regime, at least three weeks apart and if used as a control must be implemented prior to the event.</p>	<p>A risk-assessment should be completed to determine whether vaccination is required across Coordination Centre, Field Operations and Emergency Welfare services staff including volunteers.</p> <p>A precautionary approach and the potential for the CPF level to escalate, either as a result of the emergency or other factors, should be considered.</p>	<p>A risk-assessment should be completed to determine whether vaccination is required across Coordination Centre, Field Operations and Emergency Welfare services staff including volunteers.</p> <p>A precautionary approach and the potential for the CPF level to escalate, either as a result of the emergency or other factors, should be considered.</p>

Staff surveillance and testing	<p>Consider routine asymptomatic surveillance for staff (twice weekly Monday and Wednesday saliva-based PCR and / or Rapid Antigen Testing).</p> <p>Work with your DHB to ensure critical response staff have priority access to symptomatic community PCR testing</p>	<p>Asymptomatic surveillance testing not recommended.</p> <p>Work with your DHB to ensure critical response staff have priority access to symptomatic community PCR testing</p>	<p>Asymptomatic surveillance testing not recommended.</p> <p>Work with your DHB to ensure critical response staff have priority access to symptomatic community PCR testing</p>
<p><i>People do not need to show proof of vaccination status when accessing essential services</i> including food banks, housing and housing support services. <i>This includes Civil Defence (Welfare) Centres and Civil Defence Welfare Emergency Accommodation.</i></p> <p>Asking whether people are willing to confirm their vaccine status and whether they have been isolating or quarantining at home could be considered an additional tool for risk management but cannot be used to deny service or provide a different level of service</p>			
CDEM coordinated emergency welfare services	<p><u>General</u></p> <p>Record keeping/scanning required</p> <p>Activate additional facilities where possible to reduce density.</p> <p>Consider allocating at least one Civil Defence Welfare Centre to COVID-19 positive cases</p> <p><u>For staff, including volunteers</u></p> <p>A risk assessment for vaccination should be undertaken.</p>	<p><u>General</u></p> <p>Record keeping/scanning required</p> <p>Activate additional facilities where possible to reduce density.</p> <p>Consider allocating at least one Civil Defence Welfare Centre to COVID-19 positive cases</p> <p><u>For staff, including volunteers</u></p> <p>A risk assessment for vaccination should be undertaken.</p> <p>Face coverings to be worn</p>	<p><u>General</u></p> <p>Record keeping/scanning required</p> <p>Activate additional facilities where possible to reduce density.</p> <p>Consider allocating at least one Civil Defence Welfare Centre to COVID-19 positive cases</p> <p><u>For staff, including volunteers</u></p> <p>A risk assessment for vaccination should be undertaken.</p> <p>Face coverings to be worn</p>

	<p>Face coverings to be worn</p> <p>All staff inc volunteers should complete a daily COVID-19 health declaration.</p> <p><u>For the public</u></p> <p>Face coverings strongly recommended</p> <p>On reception or in the field COVID-19 health declaration to identify symptomatic/case contacts/those isolating or quarantine at home</p> <p>Consider the ability to manage separately or stream low-risk and high-risk COVID-19 exposure</p>	<p>All staff inc volunteers should complete a daily COVID-19 health declaration.</p> <p><u>For the public</u></p> <p>Face coverings encouraged</p> <p>On reception or in the field COVID-19 health declaration to identify symptomatic/case contacts/those isolating or quarantine at home</p> <p>Consider the ability to manage separately or stream low-risk and high-risk COVID-19 exposure</p>	<p>All staff inc volunteers should complete a daily COVID-19 health declaration.</p> <p><u>For the public</u></p> <p>Face coverings encouraged</p> <p>On reception or in the field undertake a COVID-19 health declaration to identify symptomatic/case contacts/those isolating or quarantine at home.</p> <p>Consider the ability to manage separately or stream low-risk and high-risk COVID-19 exposure</p>
<p>CEG and Joint Committee meetings</p> <p>Note that the decision to use a Vaccine Pass or not should be assessed using the principles on pages 6-7.</p>	<p>No Vaccine Pass</p> <p>Open with capacity limits based on 1m distancing.</p> <p>A risk-assessment should be completed to determine whether vaccination is required for staff (this will exclude elected members).</p>	<p>No Vaccine Pass</p> <p>Open with capacity limits based on 1m distancing.</p> <p>A risk-assessment should be completed to determine whether vaccination is required for staff (excluding elected members).</p> <p>Changes made under modification orders linked to the Epidemic Notice allow for Council meetings to be conducted remotely. The current Epidemic Preparedness notice was renewed on 8 September 2021 and will last three months.</p>	<p>No Vaccine Pass</p> <p>No capacity limits</p> <p>A risk-assessment should be completed to determine whether vaccination is required for staff (excluding elected members).</p>

	<p>Changes made under modification orders linked to the Epidemic Notice allow for Council meetings to be conducted remotely. The current Epidemic Preparedness notice was renewed on 8 September 2021 and will last three months.</p> <p>Vaccine Pass</p> <p>Open with capacity limits based on 1m distancing.</p> <p>Only vaccinated staff and vaccinated elected members present. Unvaccinated staff or elected members should be attending remotely.</p>	<p>Vaccine Pass</p> <p>Open with capacity limits based on 1m distancing.</p> <p>Only vaccinated staff and vaccinated elected members present. Unvaccinated staff or elected members should be attending remotely.</p>	<p>Changes made under modification orders linked to the Epidemic Notice allow for Council meetings to be conducted remotely. The current Epidemic Preparedness notice was renewed on 8 September 2021 and will last three months.</p> <p>Vaccine Pass</p> <p>Open with capacity limits based on 1m distancing.</p> <p>Only vaccinated staff and vaccinated elected members present. Unvaccinated staff or elected members should be attending remotely.</p>
<p>National, regional and local meetings, working groups, training and exercising</p>	<p>National travel under the CPF is permitted (noting that there is a transition period for Auckland region requires vaccine certificate or negative PCR test from 15 December 2021 to 17 January 2022)</p>		
	<p>Manage as public event.</p> <p>If vaccination certificates are used up to 100 people, based on 1m distancing, seated and separated.</p> <p>If vaccination certificates are NOT used up to 10 people, based on 1m distancing, seated and separated.</p>	<p>Manage as public event.</p> <p>No limits if vaccination certificates are used</p> <p>If vaccination certificates are NOT used up to 50 people, based on 1m distancing, seated and separated.</p>	<p>Manage as public event.</p> <p>No limits if vaccination certificates are used</p> <p>If vaccination certificates are NOT used up to 100 people, based on 1m distancing, seated and separated.</p>

	All participants should complete a daily COVID-19 health declaration.	All participants should complete a daily COVID-19 health declaration.	
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Stewardship land in Aotearoa New Zealand

Options to streamline processes
for reclassification and disposal

Discussion document
November 2021



Department of
Conservation
Te Papa Atawhai

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Foreword by the Minister of Conservation

Ensuring that public conservation land is appropriately managed, protected and preserved is one of the key functions of the Department of Conservation (DOC). Public conservation land allows New Zealanders to connect with nature, provides important habitats for native species, and gives protection to key historical and cultural places.

Stewardship land is one of the categories of public conservation land. It includes land that was given to DOC to manage when the department was formed in 1987 and makes up 2.5 million hectares across Aotearoa, about one-third of the land DOC manages.

Most stewardship land is held by DOC because of its conservation value; however, 'stewardship' areas have the lowest level of protection. Stewardship land was intended to be a temporary category until the land could be assessed and the right classification awarded. This work is complex and time consuming because of the sheer amount of land needing to be reclassified, so in 2021, very few parcels of stewardship land have been assessed and reclassified.

I want to simplify the reclassification process so that land with conservation value is identified and managed appropriately, to ensure it is protected for its natural and cultural heritage and safeguarded for future generations to enjoy. Land with very low or no conservation value can then be made available for other uses where appropriate.

With this in mind, I have commissioned the stewardship land reclassification project, which aims to speed up the reclassification of stewardship land in two ways.

- Convening two national panels of experts to assess the values of the land and provide me with technical assessments and recommendations for the future land classifications of stewardship land.
- Legislative amendments to ensure that the process for reclassifying stewardship land is efficient and fit-for-purpose.

This document looks solely at the proposed legislative amendments and sets out the options for addressing areas in the current process where efficiencies can be achieved or where changes are needed to ensure the national panels can carry out their work effectively.

I would encourage any New Zealander with views on the process for assessing and reclassifying stewardship land to contribute to this process and provide your views.



Hon Kiritapu Allan
Minister of Conservation

Executive summary

Stewardship land is a category of public conservation land that includes land that was allocated to Te Papa Atawhai Department of Conservation (DOC) when DOC was first formed. It was intended that the conservation values of this land would be assessed and the correct classification would then be assigned. However, due to a number of factors, including the time and resources needed to reclassify this land, the majority of stewardship land has not been reclassified.

Stewardship land amounts to 2.5 million hectares or 30% of public conservation land. To ensure that this land is reclassified promptly and effectively, the government has announced a stewardship land reclassification project comprising:

- national panels that will assess the conservation values of parcels of stewardship land and provide a recommendation as to their new classification to the Minister of Conservation
- legislative amendments to ensure that the process for reclassifying stewardship land is fit-for-purpose.

This discussion document sets out the following six areas in the current process where efficiencies could be achieved or where changes could be made to ensure a better process.

1. Improving consistency of public notification and submission processes
2. Enabling the national panels to carry out the public notification and submission process
3. Clarifying responsibilities for making recommendations to reclassify stewardship land as national park
4. Removing the statutory step to declare all stewardship land to be held for conservation purposes before it can be reclassified or disposed of
5. Enabling the Minister of Conservation to direct proceeds from the sale of stewardship land to DOC
6. Clarifying the status of concessions on reclassified stewardship land.

DOC is seeking feedback on the options for legislative change to help inform decisions on what the process for reclassifying stewardship land should be.

Introduction

Purpose

DOC is undertaking a review of the legislation relating to stewardship areas (referred to as 'stewardship land' in this document) as part of the broader stewardship land reclassification project. The review seeks to streamline the processes for reclassifying and disposing of stewardship land to resolve issues that have led to delays in the past. The Government wants stewardship land with a high conservation value to be reclassified appropriately (to improve its legal protection). There may also be some areas that have little or no conservation value and could potentially be disposed of.

Objectives

Through this review we are seeking to meet the following objectives.

- enabling a more efficient process for reclassifying stewardship land
- delivering clarity for everyone on the status of the land, the appropriate level of protection/use and the reclassification process
- ensuring DOC meets its wider obligations under conservation legislation and the Conservation General Policy (such as section 4 of the Conservation Act 1987)
- ensuring conservation values are adequately protected
- enabling the national panels to carry out their work efficiently and effectively, to make recommendations to the Minister of Conservation (for more information about the national panels please refer to page 13).

The options for changes to legislation that are described in this paper have been assessed against these objectives to determine how well they achieve the purpose of the review. DOC considers each objective to be equally important, and no objective has been given more weight over the other objectives. However, some objectives may not be relevant to every option.

Questions

1. Do you agree with the objectives listed above?
2. Should any other objectives be included in this review?

What is 'stewardship land'?

Conservation land is categorised into different land status/classifications to protect the natural and historic resources of that land. The land status/classification is determined by the conservation values of that parcel of land and provides the settings for how the land should be managed to best protect and preserve those values. It also is used to identify areas where additional or higher protections are needed.

'Stewardship land' is a category of public land created under the Conservation Act 1987. At that time, the Government transferred responsibility for large areas of land to the Department of Conservation (DOC) to act as a steward of the land until its conservation value had been assessed. About 30% of public conservation land is categorised as stewardship land. This equates to over 2.5 million hectares. Most stewardship land is in the South Island, with approximately 1 million hectares on the West Coast (see the maps on page 15 and 16). There are smaller parcels of stewardship land across the North Island, primarily in Waikato, Taranaki and across the Central North Island.

DOC is legally required to manage this land so that its natural and historic resources are protected. This is considered a weak legal protection when compared with other categories of conservation land which have stronger management requirements, meaning that some stewardship land with high conservation value may not be adequately protected.

Current legislative framework

DOC's roles and responsibilities in relation to public conservation land, including stewardship land, are covered in several pieces of legislation including: the Conservation Act 1987 (the Conservation Act), the Reserves Act 1977 (the Reserves Act), and the National Parks Act 1980 (the National Parks Act).

This legislative framework sets out the processes for establishing, reclassifying and disposing of stewardship land. In particular:

- the public notification, submission and hearing requirements (including responsibilities) for reclassification of stewardship land (section 49 of the Conservation Act and section 119 and 120 of the Reserves Act)
- the process and responsibilities for classifying stewardship land as a national park (section 7 of the National Parks Act)
- land allocated to DOC when the department was first formed is managed as stewardship land (section 62 of the Conservation Act)
- how other land is acquired and declared to be held for conservation purposes (section 7 of the Conservation Act)
- the disposal of stewardship land with very low or no conservation value (section 26 of the Conservation Act as well as the Conservation General Policy) and how the proceeds of sale of this land are dealt with (section 33 of the Conservation Act)
- the system for concessions on public conservation land, including stewardship land (part 3B Conservation Act).

DOC also has a particular responsibility under section 4 of the Conservation Act to interpret and administer the Conservation Act (and any statutes included in Schedule 1 of the Conservation Act) to give effect to the principles of the Treaty of Waitangi.

Why are we reviewing the legislation for reclassifying stewardship land?

Around 30% of public conservation land is held as stewardship land – over 2.5 million hectares or 9% of Aotearoa New Zealand’s total land area. There are over 3,000 parcels of stewardship land of varying sizes across the country. Many of these areas are home to threatened species and high-priority ecosystems and hold significant cultural, historical and recreation value.

‘Stewardship land’ is a category of public conservation land that was established by the introduction of the Conservation Act in 1987 (see Appendix 1 for a glossary of key terms used in this document). At that time, the Government transferred responsibility for large areas of land to DOC, with the provision that DOC was to act as a steward of the land until its conservation value had been assessed and the land was reclassified or disposed of accordingly.

However, in the 30 years since the category of stewardship land was created, most areas have not been classified. Since DOC was established, only 100,000 hectares of stewardship land have been assessed and reclassified. This has occurred through processes such as:

- transfers through Treaty settlements
- additions to existing national parks or conservation parks
- the creation of new national parks (eg, Kahurangi National Park and Rakiura National Park both included stewardship land)
- new conservation parks.

During the same period, over 40,000 hectares of stewardship land has also come under DOC management through processes such as tenure review and Nature Heritage Fund purchases.

The fact so much stewardship land remains unassessed is an issue because it means that these parcels of land may not have the appropriate level of protection and management as their conservation values have never been fully assessed. This means the following.

- While stewardship land is managed by DOC for conservation purposes, some areas of stewardship land have significant values, requiring the greater level of management and protection afforded by other categories of land classifications. Failure to provide the level of protection appropriate to the area risks the loss of biodiversity, cultural and other values that DOC is charged with protecting. We are in the midst of a biodiversity crisis and cannot afford further degradation of ecosystems or species.
- It is likely that there will be some stewardship areas that are currently managed for conservation purposes but would be assessed as having very low or no conservation value. Continuing to manage these areas as public conservation land means that alternative uses for the land cannot be pursued, and public resources are not being used efficiently.
- The uncertainty around which areas of stewardship land deserve greater levels of protection or could be better used for other purposes has created tension for and

between people who have rights or interests in the land and want it to be used appropriately.

There are multiple barriers that have prevented large-scale reclassification of stewardship land, and they largely stem from the sheer amount of land that needs to be reclassified through a process that is complex, time consuming and expensive. The process for reclassifying stewardship land is set out in conservation legislation and spans multiple statutes.² A diagram of this process is on page 21. The process usually involves:

- surveying the land
- analysis of the conservation values of the land including the species and ecosystems present
- working in partnership with tangata whenua; iwi, hapū, and whānau
- consulting the public (which may include submissions and public hearings).

All the conservation values of the land (including natural, cultural, historic, landscape and recreational values) must be considered before a decision can be reached. Most decisions are made by the Minister of Conservation, but some (eg, for reclassifying land to national parks) require wider government consultation and approval, adding to the complexity and timeframes. Where land is identified as suitable for disposal, further processes add additional complexity, expense, and time.

Reclassifying all stewardship land will require every one of the more than 3,000 parcels of stewardship land (9% of Aotearoa New Zealand's land area) to go through this process. The specific time, costs and complexity associated with reclassifying a parcel of land are highly variable and can be impacted by many factors.

- Many areas of stewardship land are large and very remote. These areas tend to be difficult and expensive to accurately survey and assess.
- There are areas that are of great significance to tangata whenua; iwi, hapū, and whānau where extensive engagement is appropriate and complex partnership arrangements need to be developed.
- Some places are subject to competing interests, where tangata whenua, private individuals, commercial operators and businesses, and environmental and recreational advocacy groups may disagree on a proposed reclassification. This can lead to lengthy and complex consultation and even litigation.

The Minister of Conservation and DOC have responsibilities for reclassifying stewardship land, which DOC resources through its baseline funding. The resources required to manage the complexity, expense and time of stewardship land reclassification has made it difficult to prioritise large-scale reclassification above DOC's other urgent statutory responsibilities.

The legislative process for assessing and reclassifying stewardship land ensures an evidence-based approach to reclassifying stewardship land that is rooted in DOC's wider responsibilities for protecting and restoring public conservation land. Due to the complexity and age of much of the legislation related to reclassifying stewardship land, some of the requirements within the

² This includes the Conservation Act 1987, the Reserves Act 1977 and the National Parks Act 1980.

legislation could be simplified and modernised to create a streamlined approach, while still maintaining the stringent oversight required to give confidence that stewardship land is being assessed and reclassified appropriately. This would reduce the cost and time associated with assessing and reclassifying stewardship land areas and disposing of them where appropriate.

While the current legislative provisions do not prevent stewardship land from being reclassified, streamlining the legislative process would achieve considerable economies of scale in reclassifying all 2.5 million hectares of remaining stewardship land. This would significantly reduce the time, cost and complexity of progressing large scale stewardship land reclassification. Without the cumulative savings afforded by a streamlined process, it will be challenging to achieve large-scale reclassification of stewardship land in the near future.

Even without legislative changes to streamline stewardship land reclassification, more stewardship land reclassifications than have occurred historically would likely progress. This is due to dedicated resource and focus that will be afforded by the Government's other measures for improving stewardship land reclassification that are outlined in the next section. However, without the proposed streamlining of relevant legislation, it is likely that the recommendations, final decisions and actual reclassifications and disposals regarding stewardship land will be subject to unwarranted complexity, lengthier time frames and greater expense than could otherwise be achieved. This is at odds with the Government's intent that stewardship land reclassification be progressed quickly and at scale. It also means that negative impacts associated with current arrangements will continue for longer.

Questions

3. Do you agree with the description of the problem? If not, please provide reasons to support your answer.
4. Do you think there are any additional factors that have contributed to stewardship land reclassification not being progressed on a large scale? If so, please describe them.
5. Do you think there any other issues or impacts caused by the delay in reclassifying stewardship land on a large scale that have not been described here? If so, what are they and who/ what do they affect?

Measures to improve how stewardship land is reclassified

This legislative review is just one part of a larger package of measures to improve how stewardship land is reclassified.

In May 2021, the Government announced a package of measures to remove barriers to reclassifying stewardship land on a large scale. This package includes:

- establishing two national expert panels (the national panels) to make recommendations to the Minister of Conservation on revised classifications for stewardship land
- undertaking a review of the legislation relating to reclassifying stewardship land.

The first of these measures (establishing national panels) is already underway. The national panels have been established under section 56(1) of the Conservation Act. They are appointed by the Minister of Conservation and have an advisory role to the Minister, the Director-General of DOC, and officers of DOC. They hold no statutory decision-making powers.

The Government have approved the Terms of Reference for the national panels.³ The national panels have been tasked with undertaking technical assessments of stewardship land and making recommendations to the Minister of Conservation about the land's revised status. Final decisions on reclassification of individual **areas** of stewardship land sit with the Minister of Conservation.

The national panels are non-partisan and members were chosen based on their expertise in:

- a) Ecology
- b) Landscape
- c) Earth sciences
- d) Recreation
- e) Heritage
- f) Mātauranga Māori.

³ See the Terms of Reference and Procedures for the national panels to provide recommendations on the reclassification of stewardship land at: <https://www.doc.govt.nz/globalassets/documents/about-doc/role/managing-conservation/stewardship-land-tor.pdf>

DOC is funding the national panels' work and will support that work by providing:

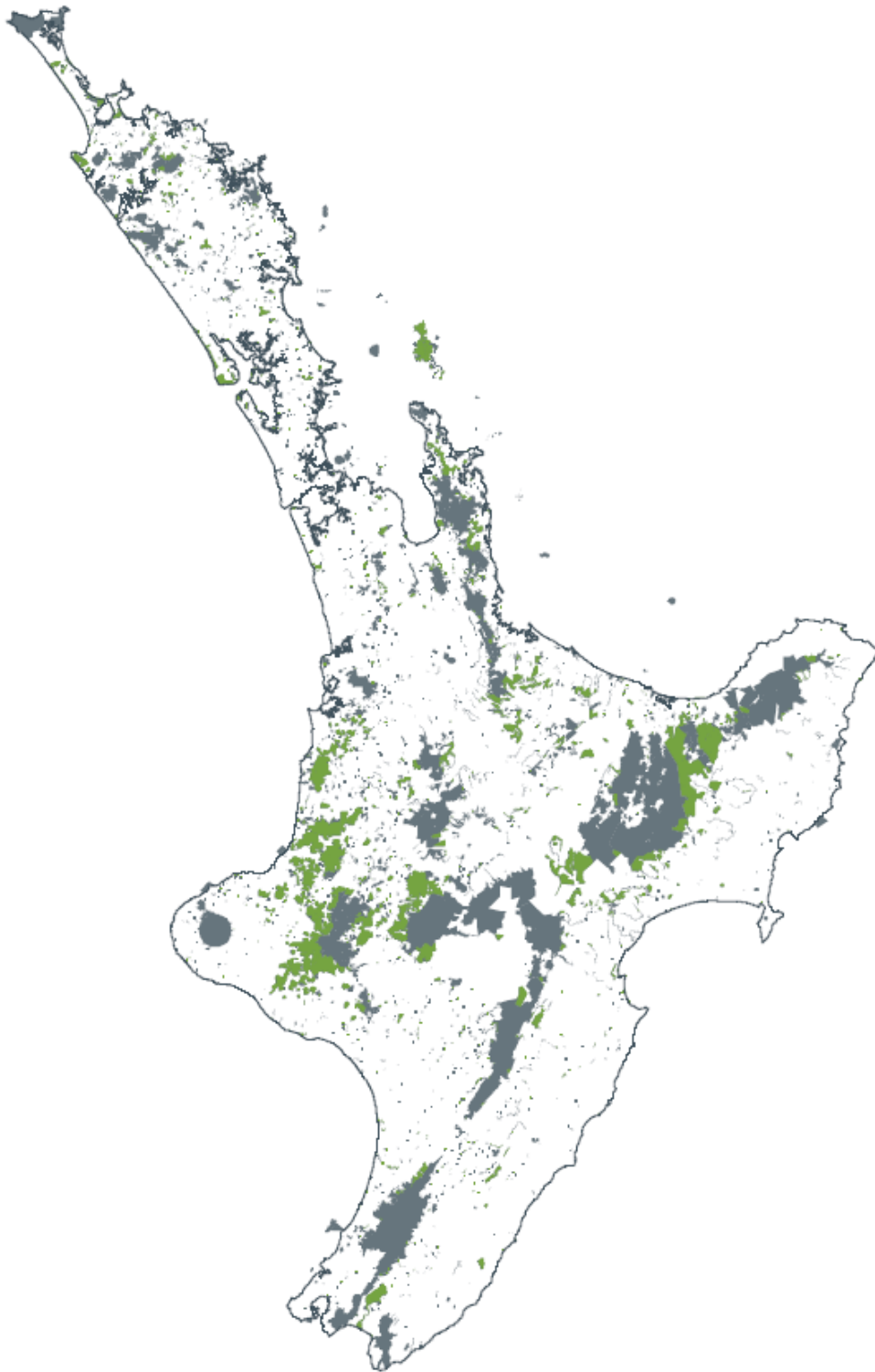
- project management support
- logistical support for meetings
- technical information relevant for assessing the ecology, landscape, earth science, recreation, cultural mātauranga Māori values
- detailed mapping of land areas.

The national panels will sequentially consider each DOC operational region, at the discretion of the Minister of Conservation. The Minister of Conservation has confirmed that the national panels will initially focus on developing recommendations for the Northern South Island and Western South Island before moving onto the rest of the country.

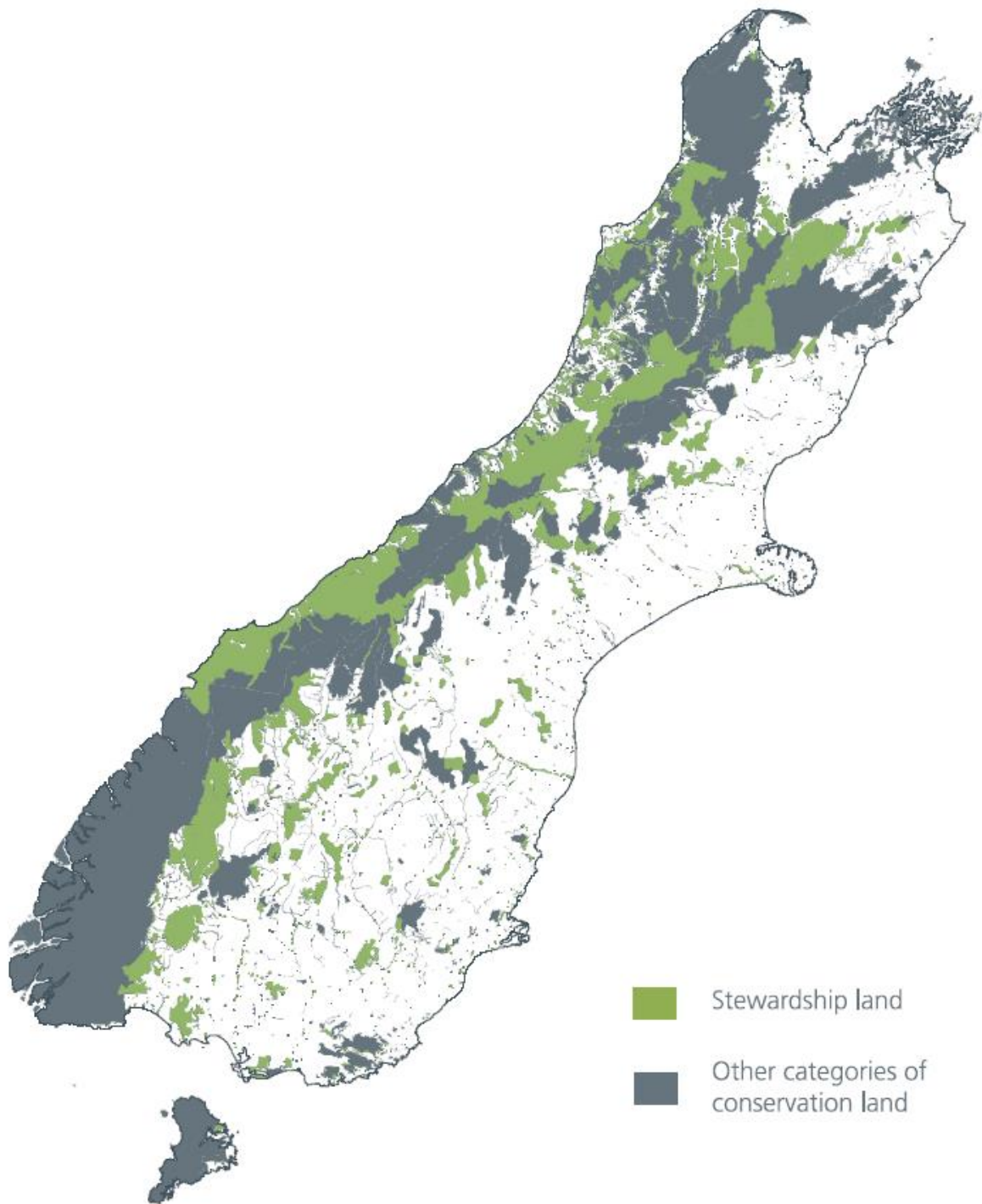
You can read more about the establishment of the national panels here on the Stewardship land reclassification – national panels webpage on DOC's website at: www.doc.govt.nz/about-us/our-role/managing-conservation/stewardship-land/reclassification-national-panels/

This paper is seeking your feedback on the next stage of the process – the review of the legislation that regulates reclassifying stewardship land, to ensure it is working effectively and efficiently. The Minister of Conservation plans to propose changes to the Conservation Act, aimed at speeding up and simplifying the reclassification process to make it easier to reclassify stewardship land at a large scale.

Figure 1: Stewardship land in Aotearoa New Zealand



Source: DOC GIS data



The scope of this discussion document

The Government is interested to hear your views on how the process for reclassifying and disposing of stewardship land can be made more efficient and effective. The process for reclassifying stewardship land is set out in conservation legislation. DOC has undertaken analysis of the legislative process for reclassifying stewardship land and identified six areas where changes could streamline the process in line with the objectives.

We are seeking your feedback on options relating to the following areas.

- 1) Improving consistency of public notification and submission processes
- 2) Enabling the national panels to carry out the public notification and submission process
- 3) Clarifying responsibilities for making recommendations to reclassify stewardship land as national park
- 4) Removing the statutory step to declare all stewardship land to be held for conservation purposes before it can be reclassified or disposed of
- 5) Enabling the Minister of Conservation to direct the proceeds from the sale of stewardship land to DOC
- 6) Clarifying the status of concessions on reclassified stewardship land.

The section 'Reform options' below describes each area and provide options to address these. These options arose out of analysis that was undertaken by DOC's Policy Unit and were informed by teams across the organisation. Each section includes a number of questions to help guide submitters' feedback. A table listing all of the questions is included as Appendix Two.

For the majority of areas identified in this document, DOC has not indicated a preferred option. We will consider the views of submitters when undertaking further analysis and use that information to inform any advice on a preferred option under each area.

A number of stewardship areas are within the boundary of Te Wāhipounamu – South West New Zealand World Heritage Area. The nomination document for Te Wāhipounamu World Heritage Area acknowledges that the stewardship land within its boundary might be reclassified and boundaries adjusted in line with the Operational Guidelines for the Convention. The proposed legislative changes will not affect these processes.

Out of scope

While the national panels and the review of legislation relating to stewardship land are both part of the Government's broader stewardship land reclassification project, this document is only seeking your views on amendments to the legislation relating to the reclassification of stewardship land. Some of the legislative changes discussed in this document would enable the national panels to have a greater role in the stewardship land reclassification process.

This document is not seeking views on the establishment of the national panels or their technical work to consider and make recommendations on the future land status of individual stewardship land areas. The establishment of the national panels and membership of the national panels has been decided and approved by the Government.⁴ Submissions relating to the establishment of the national panels, the membership of the panels or the classifications of specific areas of stewardship land will not be considered.

There will be opportunities to provide feedback on the national panels' recommendations for individual parcels of stewardship land through a public consultation process, before final decisions are made on the proposed reclassification. More information about the approach to public consultation will be released in due course.

You can find out more and keep up to date with these opportunities as they arise here: <https://www.doc.govt.nz/about-us/our-role/managing-conservation/stewardship-land/reclassification-national-panels/>

The six areas within the legislative process for reclassifying stewardship land that are being considered for change have been confirmed by the Minister of Conservation and approved by the Government. These areas have been subject to thorough analysis by DOC and are the only areas within the process that are considered appropriate given the objectives of this review. This document is not seeking feedback on changing other areas within the legislative process.

⁴ You can read more about the decision to establish the national panels, including membership, on the Government speeds up stewardship land reclassification webpage on DOC's website at: www.doc.govt.nz/news/media-releases/2021-media-releases/government-speeds-up-stewardship-land-reclassification/

Have your say

How to comment on this discussion document

You can have your say on the proposals in this discussion document by providing a written submission to DOC. You can do this by:

- completing and submitting the form at www.doc.govt.nz/stewardship-land-consultation
- emailing stewardshiplandpolicy@doc.govt.nz
- writing a letter to:
 - Stewardship Land Consultation
Department of Conservation
P. O. Box 10420 Wellington 6143

Ensure your submission includes:

- your name and title
- the name of your organisation (if you are submitting on behalf of an organisation)
- if your submission represents the views of that entire organisation or a part of it
- your contact details (email preferred).

All submissions must be received by DOC by 18 March 2022[a four-month consultation period].

During the public consultation period, DOC will also undertake more targeted consultation with tangata whenua; iwi, hapū, and whānau – through meetings (virtually or in place) and regional hui. DOC will also hold meetings with key stakeholder groups that have an interest in stewardship land and will be inviting individuals and groups to provide written submissions.

DOC will publish a summary of submissions

After submissions close, DOC will publish a summary of submissions on our website at www.doc.govt.nz.

All submissions are subject to the Official Information Act 1982 and can be released, if requested, under that Act. If you have specific reasons for wanting parts, or all, of your submission withheld, please include these reasons in your submission. DOC will consider them when making any assessment about the release of submissions. Please refer to [DOC's privacy statement](#) for further information.

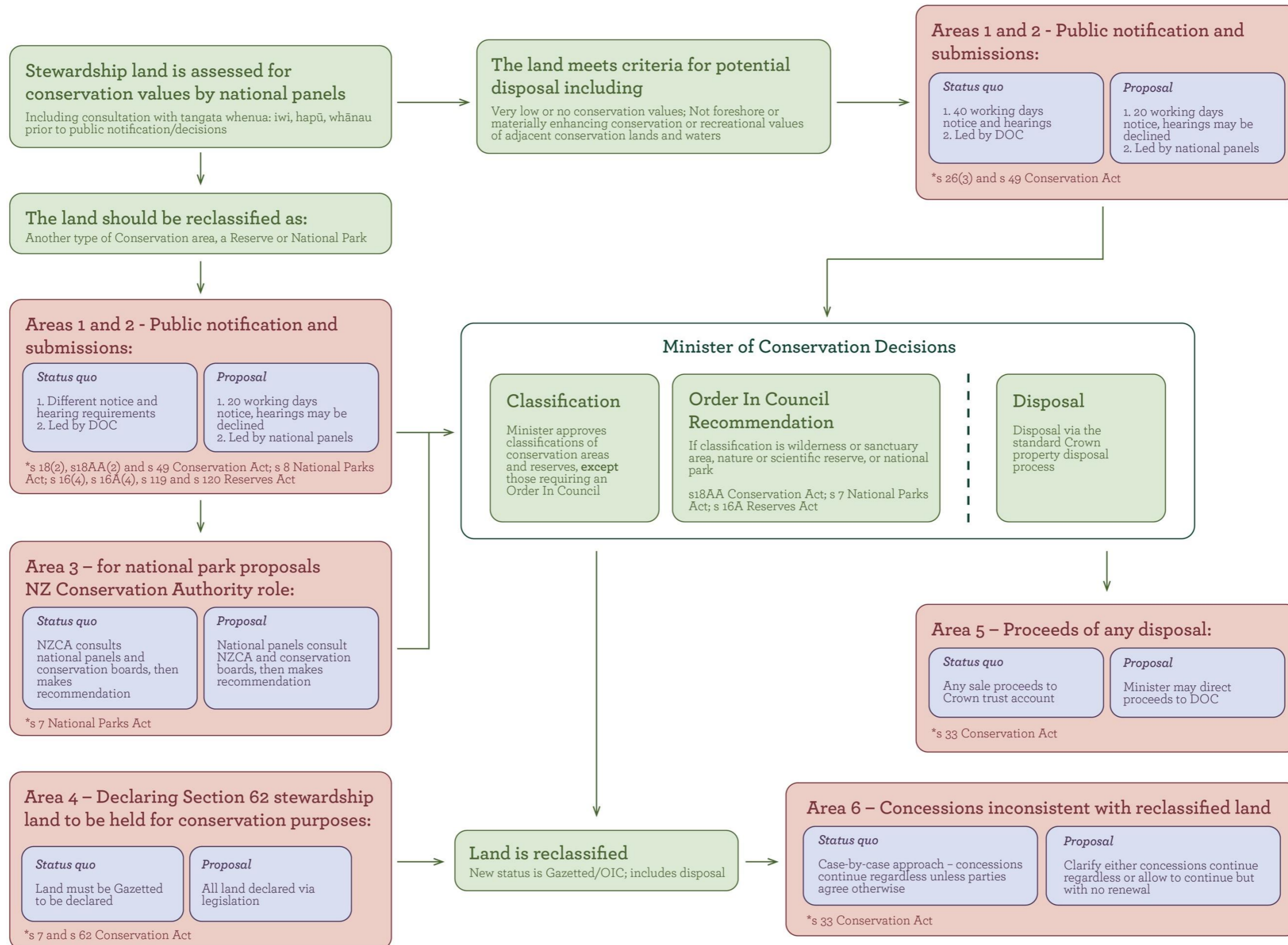
What happens next?

DOC will analyse all submissions and then report back to the Minister of Conservation on the feedback, with recommendations for her consideration in early 2022. Your submission will help inform policy decisions to improve stewardship land reclassification.

If the Government decides to progress with legislative changes, the public will have the opportunity to make submissions during the select committee process. This process would likely occur in the second half of 2022.

Land classification process and schematic of reform options

Below is a highly simplified process diagram showing the steps to reclassify or dispose of stewardship land. We are proposing reform options for the steps in red boxes.



Reform options

1. Improving consistency of public notification and submission processes

Current legislation (section 49 of the Conservation Act) has public notification, submission and hearing requirements that can lead to a lengthy process. Before the Minister of Conservation can classify stewardship land to certain classifications or dispose of stewardship land, she must publicly notify her intent. Under the Conservation Act, 40 working days (2 months) must be allowed for any person or organisation to make a written submission on the proposal. Any submitter can then request to appear before the Director-General of DOC (or their delegate) to support their submission. Allowing 2 months for written submissions can contribute to a long reclassification process.

By comparison, under sections 119 and 120 of the Reserves Act one month must be allowed for public submission.

Under the new panel process, the panels will undertake a public notification process before they can provide a recommendation to the Minister of Conservation. Given the large amount of stewardship land the national panels are attempting to reclassify, this public notification and submissions process could be lengthy and resource intensive.

Objectives relevant to the proposal:

- Enabling a more efficient process for reclassifying stewardship land
- Ensuring DOC meets its wider obligations under conservation legislation and the Conservation General Policy (such as section 4 of the Conservation Act)
- Enabling the national panels to carry out their work efficiently and effectively, to make recommendations to the Minister of Conservation

Options for legislative public notification, submission and hearing requirements
1.1 Shorten the period that the panels must allow for public submissions to 20 working days.
1.2 Allow the ability to decline a hearing where holding the hearing would cause substantial delay to the process or cause substantial burden on the resources of the panel
1.3 Retain the status quo

Analysis of option 1.1: Shorten the period that the panels must allow for public submission to 20 working days

This option balances a more efficient reclassification process with ensuring the public has an opportunity to provide input. Electronic communication is now the norm which means that submitters can provide feedback more efficiently. This would also align the time frame in the Conservation Act with those in the Reserves Act.

Any time frame specified in legislation would be a minimum. Where the national panels propose to reclassify particularly large amounts of stewardship land or parcels where they expect a strong public interest, the expectation would be that they would allow a longer period for public submissions.

However, reducing the time allowed for submissions may impact on the public's ability to engage in the process. Individuals who hold existing concessions on stewardship land will likely wish to make a submission and a shortened time frame may impact on their ability to do so. The national panels will engage with tangata whenua: iwi, hapū and whānau before the public notification stage to ensure that there is appropriate time for them to provide their views, this ensures DOC can meet its wider obligations, including section 4 of the Conservation Act.

Assessment of the option against the objectives

This option aims to balance the objective of enabling a more efficient process for reclassifying stewardship land with ensuring DOC meets its wider obligations under conservation legislation. It would also meet the objective of enabling national panels to carry out their work efficiently and effectively, to make recommendations to the Minister of Conservation.

Analysis of option 1.2: Allow the ability to decline a hearing where holding the hearing would cause substantial delay to the process or place substantial burden on the resources of the panel

Under both the Conservation Act (section 49) and the Reserves Act (section 120), any submitter must be allowed a reasonable opportunity to be heard. If there are a substantial number of requests for hearings this can lengthen the submissions process and place a resource burden on the national panels or DOC.

This option would allow the national panels to decline a hearing in circumstances where they consider holding that hearing would cause substantial delay or place substantial burden on the resources of the panels. It is envisaged that this would only apply where the panel had determined they had gathered enough information from written submissions or from any earlier engagement with the submitter. This option aims to achieve the objective of enabling a more efficient process for reclassifying stewardship land.

However, hearings are a key part of facilitating engagement and allowing individuals or groups to present their evidence in the way that is most appropriate to them. It may also be beneficial for the national panels to be able to interact with submitters and ask them questions.

Assessment of the option against the objectives

This option aims to achieve the objective of enabling a more efficient process for reclassifying stewardship land while ensuring DOC meets its wider obligation under conservation legislation. It would also meet the objective of enabling national panels to carry out their work efficiently and effectively to make recommendations to the Minister of Conservation.

Analysis of option 1.3: Retain the status quo

Retaining the status quo ensures the public has a reasonable opportunity to submit or be heard which can provide for greater transparency of decision-making and a more informed decision. However, it is also the least efficient option for those land classifications that are relatively simple or straightforward.

Assessment of the option against the objectives

This option would contribute to the objective of ensuring DOC meets its wider obligations under conservation legislation. However, it does not meet the objective of enabling a more efficient process for reclassifying stewardship land or enabling national panels to carry out their work efficiently and effectively to make recommendations to the Minister of Conservation.

Questions

6. Please identify your preferred option. You may provide further analysis or comments to support your choice.
7. Do you think 20 working days (1 month) is adequate to prepare a written submission? If not, what time period would be adequate?
8. What role or function do you consider hearings currently play?
9. Are there any further options you think DOC should consider that would meet the objectives set out above?

2. Enabling the national panels to carry out the public notification and submission process

Currently DOC carries out the public notification and submission/hearing process when required by section 49 of the Conservation Act and sections 119 and 120 of the Reserves Act. However, in the new process, it will be the national panels who assess the values of the land and make a recommendation to the Minister of Conservation.

While the Reserves Act allows notification and hearing powers to be delegated to the national panels, the Conservation Act does not. Therefore, under the current legislation, the national panels would not be able to carry out the public notification and submission/hearing stage in the reclassification process. Legislative amendments to the Conservation Act would be needed to enable the national panels to carry out the public notification and submission process.

Objectives relevant to proposal

- Enabling the national panels to carry out their work efficiently and effectively, to make recommendations to the Minister of Conservation (see page 13 for more information about the national panels)
- Delivering clarity for everyone on the status of the land, the appropriate level of protection/use and the reclassification process
- Ensuring DOC meets its wider obligations under conservation legislation and the Conservation General Policy (such as section 4 of the Conservation Act).

Options for enabling the national panels to carry out the public notification and submission/hearing process
2.1 Amend the Conservation Act to enable the national panels to carry out the public notification and submission process.
2.2 Retain the status quo (DOC carrying out the public notification and submissions process).

Analysis of option 2.1: Amend the Conservation Act to enable the national panels to carry out the public notification and submission process

Enabling the national panels to carry out the public notification and submission process ensures the national panels receive all the evidence from submitters first hand. It would also make clear to submitters and the wider public that the panels are making their own independent recommendations to the Minister of Conservation.

Assessment of the option against the objectives

This option aims to meet the objective of enabling the national panels to carry out their work efficiently and effectively to make recommendations to the Minister of Conservation. It also aims to deliver clarity on the reclassification process and make clear that the panels are responsible for assessing the values of the land.

DOC considers this option would not impact its wider obligations under conservation legislation, as while responsibility for consultation would shift the panel process would ensure section 4 obligations are met. Conservation values would continue to be adequately protected.

Analysis of option 2.2: Retain the status quo (DOC carrying out the public notification and submissions process)

Retaining the status quo would mean DOC carries out the public notification and submission process (as it has done in the past) instead of the national panels. However, this may raise questions about the independence of the national panels from DOC. Carrying out the process for every parcel of stewardship land and then collating the information to pass onto the national panels may place a considerable burden on DOC's resources.

Assessment of the options against the objectives

This option would not meet the objective of enabling panels to carry out their work efficiently and effectively and may cause confusion about who is responsible for assessing the values of land. DOC would continue to meet its wider obligations under conservation legislation and ensuring conservation values are adequately protected.

Questions:

10. Please identify your preferred option. You may provide further analysis or comments to support your choice.
11. If the national panels carried out the public notification and submissions process, what impact do you think this would have on the reclassification or disposal process?
12. Are there any further options you think DOC should consider that would meet the objectives set out above?

3. Clarifying responsibilities for making recommendations to reclassify stewardship land to national park land.

Under the current process, stewardship land can only be classified as a new national park or part of an existing national park, if the New Zealand Conservation/ Te Pou Atawhai Taiao O

Aotearoa Authority (NZCA) makes a recommendation to the Minister of Conservation (section 7 of the National Parks Act 1980).

Before any recommendation is made, the NZCA must fulfil its consultation requirements. Under the National Parks Act and the General Policy for National Parks, the NZCA must consult the local Conservation Board, and tangata whenua within whose rohe the land is located and seek the views of any relevant territorial authority and Fish & Game New Zealand council.

However, the NZCA's recommendation/consultation process may not align with the role of the national panels, who have been tasked by the Minister of Conservation with assessing the values of stewardship land and providing her with a recommendation. Clarity on how the national panel process would interact with the role of the NZCA is needed to ensure each body understands their role and to avoid any duplication of consultation.

Objectives relevant to proposal:

- Delivering clarity for everyone on the status of the land, the appropriate level of protection/use and the reclassification process
- Ensuring conservation values are adequately protected
- Enabling the national panels to carry out their work efficiently and effectively, to make recommendations to the Minister of Conservation
- Enabling a more efficient process for reclassifying stewardship land.

Proposal for the role of the NZCA in recommendations where stewardship land is reclassified as national park
3.1: National panels assume primary responsibility for reclassifying stewardship land as national parks in consultation with tangata whenua, the NZCA and relevant Conservation Boards.

Analysis of option 3.1: National panels assume primary responsibility for reclassification of stewardship land into national parks in consultation with tangata whenua, the NZCA and relevant Conservation Boards.

This option would enable the national panels to make recommendations to the Minister of Conservation for all classifications, including where stewardship land is being reclassified to national park. The national panels would be required to consult with the NZCA in the assessment phase if the national panels want to recommend stewardship land be reclassified as national park land.

This option may create a streamlined and consistent process for every reclassification of stewardship land. Conservation Boards and tangata whenua: iwi, hapū, and whānau would have an opportunity to advise or challenge the national panels directly on recommendations, without going through the NZCA.

However, this option would remove the NZCA as a check on the national panels. The NZCA has considerable expertise in this area, and its members come from a range of organisations, ensuring a broad range of views are considered. Even though the national panels would have to consult the NZCA, the recommendation of the NZCA would not be binding on the panels.

Assessment of options against objectives

This option aims to meet the objective of delivering clarity on the status of the land, the appropriate level of protection/use and the reclassification process, by making clear how the reclassification process will work for national parks. The panels would ensure that the conservation values of any land considered for national park was adequately protected. Therefore, this option meets the objective of ensuring conservation values are adequately protected. The option also aligns with the objective of enabling the national panels to carry out their work to make recommendations to the Minister of Conservation and enabling a more efficient process for reclassifying stewardship land.

Questions:

13. What particular expertise/experience do you consider the national panels brings to this process?
14. If the national panels were responsible for making recommendations to reclassify land to national parks, do you consider this would create any risks?
15. Are there any further options you think DOC should consider that would meet the objectives set out above?

4. Removing the statutory step to declare all stewardship land to be held for conservation purposes before it can be reclassified or disposed of

Section 62 of the Conservation Act relates to land allocated to DOC when the Department was first formed. All that allocated land was deemed to be held for conservation purposes under section 62 so it could be managed as if it were stewardship land ('section 62 stewardship land'). Before stewardship land held under section 62 can be reclassified or disposed of, it must go through a process where it is declared to be held for conservation purposes under section 7 of the Conservation Act.

Section 7 covers how land can be acquired and declared to be held for conservation purposes. Any land newly acquired and declared to be held for conservation purposes under section 7 has the status of stewardship area unless it is reclassified in accordance with other provisions in the Conservation Act (or other conservation-related legislation).

Declaring land to be held for conservation purposes requires the Minister of Conservation (or DOC) to make a declaration via *Gazette* notice, including a description of the relevant piece of land. DOC would need to go through this process for all section 62 stewardship land, and this would be resource intensive.

We could amend the legislation, so all stewardship land is declared to be held for conservation purposes.

Objectives relevant to proposal

- Enabling a more efficient process for reclassifying stewardship land
- Ensuring DOC meets its wider obligations under conservation legislation and the Conservation General Policy (such as section 4 of the Conservation Act)

- Ensuring conservation values are adequately protected.

Options for declaring all section 62 stewardship land to be held for conservation purposes
4.1 Declare all stewardship land under section 62 of the Conservation Act 1987 to be held for conservation purposes via a legislative change.
4.2 Retain the status quo (the requirement to declare section 62 stewardship land to be held for conservation purposes under section 7 of the Conservation Act 1987)

Analysis of option 4.1: Declare all stewardship land under section 62 of the Conservation Act 1987 to be held for conservation purposes via a legislative change

This option would mean all land acquired under section 62 of the Conservation Act would be declared to be held for conservation purposes so that the land could be reclassified or disposed of. This option removes the step of having to go through the declaration and gazettal process under section 7 of the Conservation Act. We consider there is minimal risk in declaring all section 62 stewardship land to be held for conservation purposes. Land that is **declared** to be held for conservation purposes is treated in a similar way as land that is **deemed** to be held for such purposes, which means the change would have no impact on the management or protection of that land.

The only protection that could be seen to have been removed is that section 62 stewardship land cannot be disposed of until it is declared to be held for conservation purposes. The Conservation Act and the Conservation General Policy set strict parameters around the types of public conservation land that can be disposed of, so the land will still be subject to the appropriate protections based on its conservation values.

Assessment of the option against the objectives

This option meets the objective of enabling a more efficient process for reclassifying land and ensuring conservation values are adequately protected. DOC does not consider there will be an impact on its wider obligations under conservation legislation.

Analysis of option 4.2: Retain the status quo (the requirement to declare stewardship land to be held for conservation purposes under section 7 of the Conservation Act 1987 (status quo))

Retaining the status quo means every parcel of stewardship land would need to go through the process of being declared to be held for conservation purposes. DOC could declare several parcels of land to be held for a conservation purpose in a single *Gazette* notice or bundle the declaration into the *Gazette* notice used to reclassify or dispose of the land. This would create some efficiencies but would still add considerably to resource requirements. There are also no notable benefits to retaining this legislative requirement.

Assessment of the option against the objectives

This option does not meet the objective of a more efficient process for reclassifying land. Under this option, DOC would continue to meet its wider obligations and ensure conservation values are adequately protected.

Questions

16. Please identify your preferred option. You may provide further analysis or comments to support your choice.
17. Are there any alternative options that have not been discussed here? Please provide analysis or comments to explain your answer.
18. Do you think that there are any other risks or impacts associated with declaring all section 62 stewardship land to be held for a conservation purpose via a legislative change that have not been identified here?

5. Enabling the Minister of Conservation to direct the proceeds of sale of stewardship land to DOC

Under section 26 of the Conservation Act, stewardship land with very low or no conservation values may be disposed of⁵. After the decision is made to consider disposal, DOC follows a process to determine how the land should be disposed of. Disposal does not necessarily mean the land is sold. It could be used as part of Treaty of Waitangi settlement requirements, kept as Crown-owned land, or offered back to a former owner. However, it is likely that at least some stewardship land will be sold.

While the administration and efforts required to assess values and prepare land for disposal are funded through DOC's baseline budget, proceeds from disposals are paid to the Crown trust account⁶ (section 33 of the Conservation Act). The costs of selling stewardship land (including the cost to assess the values, public notification, and often substantial surveying costs) are significant and non-recoverable. DOC has numerous competing priorities for the limited resourcing available to carry out its responsibilities. The high costs involved mean that selling land no longer required for conservation purposes is often not progressed since it would require reprioritising resources away from essential conservation work.

⁵ Sections 26(1) and 26(2) of the Conservation Act 1987 and Chapter 6 of the Conservation General Policy outline the criteria for disposal or retention of conservation land.

⁶ This relates to financial provisions in the Public Finance Act 1989. Trust Bank Accounts are established under Part 7 of the Public Finance Act 1989.

In contrast, section 82 of the Reserves Act allows the Minister of Conservation to direct an amount equal to the proceeds of sale of a reserve to DOC so it can be used in the managing, administering, maintaining, protecting, improving, and developing reserves of any classification.

There is an option to amend the Conservation Act to direct the proceeds of sale of stewardship land to DOC for the further reclassification or statutory land management activities.

We do not know what recommendations the national panels will make about disposals of stewardship land, so it is difficult to predict the scale of cost that will be incurred. The Cost Recovery Impact Statement, attached at Appendix 3 provides detailed information on the breakdown of estimated costs and assumptions used in this modelling.

Objectives relevant to proposal

- Enabling the national panels to carry out their work efficiently and effectively, to make recommendations to the Minister of Conservation
- Ensuring conservation values are adequately protected.

Options for directing the proceeds of stewardship land sales to DOC
5.1 Amend the Conservation Act to allow the Minister of Conservation to direct the proceeds of sale of stewardship land to DOC for further reclassification or management activities.
5.2 Retain the status quo (continue to direct proceeds to the Crown trust account).

Analysis of option 5.1: Amend the Conservation Act to allow the Minister of Conservation to direct the proceeds of sale of stewardship land to DOC, for further reclassification or management activities

The Conservation Act could be amended to enable a similar process to that under the Reserves Act, which allows the proceeds from the sale of stewardship land to be paid into the Public Account⁷ and credited to the Trust Account⁸. The Minister of Conservation is then able to direct an amount equal to the proceeds of sale to be paid from the Public Account to DOC and debited from the Trust Account.

Due to the size and location of stewardship land areas, processes such as assessing the values of the land and carrying out surveys of the land can be expensive. If the Minister were able to direct the proceeds of sale back to DOC, this money could be used to offset the cost of disposal, and for the management, reclassification, and disposal of any remaining or future stewardship land.

⁷ Public Account refers to financial provisions in the Public Finance Act 1989. 'Public money' means all money received by or on behalf of the Crown, including the proceeds of all loans raised on behalf of the Crown and any other money that the Minister or the Secretary directs to be paid into a Crown Bank Account or Departmental Bank Account and any money held by an Office of Parliament; but does not include money held in trust as trust money.

⁸ Trust Account refers to a trust account established under Part 7 of the Public Finance Act 1989.

Assessment of the option against the objectives:

This option would meet the objective of enabling the national panels to carry out their work efficiently and effectively. The proceeds of sale of any parcel of stewardship land could be used to ensure any remaining parcels (or future parcels) are managed and protected accordingly, meeting the objective of ensuring conservation values or adequately protected.

This option would have fiscal implications for the wider Crown as it would not receive the proceeds of sale. Parcels deemed eligible for disposal must follow the Crown property disposal process, which includes obligations under the Public Works Act 1981 as well as the Māori Protection Mechanism⁹, the Sites of Significance processes, and any right of first refusal contained in a relevant Treaty of Waitangi settlement. Therefore, it is difficult to estimate the proportion of land eligible for disposal that would be sold on the open market. Directing proceeds to DOC would only partially recover costs, as most land assessed and reclassified would not be disposed of and therefore would not generate any income.

Analysis of option 5.2: Retain the status quo (continue to direct proceeds to the Crown trust account)

Retaining the status quo means DOC would continue to fund the necessary requirements for stewardship land disposal from baseline funding. The high costs of land disposal would continue to act as a barrier to progressing disposals in a timely manner, due to competing priorities for DOC's resources (people and funding).

Under the status quo, there may be the option to direct some stewardship land sale proceeds to DOC without legislative change¹⁰. However, this would only extend to the cost of getting stewardship land ready for sale, which only accounts for a small proportion of the overall costs incurred, requiring DOC to continue to fund most costs from within current funding. Additionally, obtaining this under the current process, would require joint agreement of the Minister of Conservation and the Minister of Finance. If the Minister of Finance declined the application DOC would not be able to offset the costs of getting land ready for sale. This lack of certainty could make progressing disposals less likely, as there is a risk that resources already allocated to other priority conservation activities would need to be reallocated if the application is declined.

Assessment of the option against the objectives

This option does not meet the objective of enabling the national panels to carry out their work efficiently and effectively. The objective of ensuring conservation values were adequately protected would be met.

Questions

19. Please identify your preferred option. You may provide further analysis or comments to support your choice.

⁹ Protects Māori interest in Crown owned land that has been identified for disposal

¹⁰ Proceeds from the sale of stewardship land result in an increase in Crown revenue, which can be used to justify a fiscally neutral increase in DOC's output expense appropriation (under paragraph 32.5 of Cabinet Office circular (18) 2).

20. What are the risks or impacts associated with allowing the Minister of Conservation to direct the proceeds of sale of stewardship land to DOC that have not been identified here?
21. Are there any further options you think DOC should consider that would meet the objectives set out above?

6. Clarifying the status of concessions on reclassified stewardship land

Under part 3B of the Conservation Act, where groups or individuals want to use public conservation land (including stewardship land) to run a business or undertake certain activities, permission must be obtained from the Minister of Conservation (or DOC under delegation) in the form of a concession.¹¹ Concessions cannot be granted unless they are consistent with the relevant conservation management strategy or conservation management plan. Concessions are contractual agreements between DOC and concession holders. There are significant numbers of concessions granted on stewardship land for a wide variety of activities, such as grazing or beekeeping.

Reclassifying stewardship land may result in situations where existing concessions may be inconsistent with a new land classification. There may also be cases where a recommendation is made to dispose of stewardship land with an existing concession. As it is not possible to preempt the recommendations of the national panels, it is hard to predict the scale of this issue. Under current legislation, there is no specified process for how DOC should manage existing concessions in these instances.

In the past, DOC has been able to deal with such situations on a case-by-case basis by finding ways for the concession holder to continue to exercise their concession. In some cases, this has meant that the actual change in the status of land does not happen until the concession expires. In other cases, concession holders have been able to adjust their activity to be consistent with a new classification, or the new owner of land that has been disposed of has agreed to the activity continuing.

Most concessions are granted for 5 – 10 years, with a review after 3 years. Some concessions can be granted for longer periods (10+ years).¹² If a concession has a right of renewal, then concessions could be in place for 30+ years. Under the current approach to managing concessions on reclassified stewardship land/land that is to be disposed of, there may be situations where DOC cannot reclassify or dispose of land for a considerable time. Allowing activities to continue for prolonged periods of time, where it has been identified that the land should have a higher level of protection may have implications for the protection of the land's conservation values.

Given the large amount of land set to be reclassified and the potential number of concessions impacted, the current approach may create significant delays in finalising land reclassifications

¹¹ This discussion document does not address access arrangements for minerals activities on public conservation lands managed under the Crown Minerals Act 1991. Access arrangements will continue to be managed in line with current legislative requirements.

¹² DOC manages a number of leases granted under the Land Act 1948. A small number of these leases have perpetual rights of renewal. When these come up for renewal, they become subject to the concessions regime with no perpetual renewal rights.

or disposals. There is also uncertainty for concession holders on what will happen if their concession is impacted by a recommendation for reclassification or disposal.

Objectives relevant to proposal

- Delivering clarity for everyone on the status of the land, the appropriate level of protection/use and the reclassification process
- Ensuring DOC meets its wider obligations under conservation legislation and the Conservation General Policy (such as section 4 of the Conservation Act)
- Ensuring conservation values are adequately protected
- Enabling a more efficient process for reclassifying stewardship land.

Options clarifying the status of concessions on reclassified stewardship land
6.1 Continue to find solutions on a cases-by-case basis. Concessions continue regardless unless parties agree otherwise. This may include concession terms finishing before land can be reclassified or disposed of (status quo).
6.2 Amend the legislation to clarify that existing concessions on stewardship land can continue under agreed terms regardless of reclassification

Analysis of option 6.1: Continue to find solutions on a cases-by-case basis. Concessions continue regardless unless parties agree otherwise. This may include concession terms finishing before land can be reclassified or disposed of (status quo).

This option enables DOC to fulfil its contractual obligations by allowing the concession holder to carry out their activities as agreed, in line with the objective to ensure DOC meets its wider obligations. This would not preclude final decisions being made about reclassification or disposal, but it may mean that the actual change in the land status does not happen until the concession is no longer in place. As discussed above, this could be for 30 years or more.

Conservation values are assessed when concessions are granted, and appropriate conditions imposed to protect the values. However, waiting to reclassify land and allowing activities to continue for prolonged periods of time, where it has been identified that the land should have a higher level of protection, may have implications for the protection of the land’s conservation values. This is at odds with DOC’s responsibilities to manage public conservation lands for the protection of conservation values.

To mitigate the instances where this occurs, DOC could continue to use flexible approaches where possible, as concession holders may adjust to the new circumstances. For example, a concession holder may be able to change their activity to suit a new land classification, or the new owner of disposed land may allow concession holders to continue their activity. However, given the scale of stewardship land reclassification, it is unlikely that DOC would have sufficient resource to explore flexible approaches for a significant proportion of concessions.

As this option relies on an internal operational policy approach, it could leave some stakeholders feeling uncertain about how concessions will be managed. Decisions would be open to challenge and risk being relitigated.

Assessment of the option against the objectives

This option ensures DOC meets its wider obligations to stakeholders, including concession holders. Due to the uncertainty involved, it does not meet the objective of delivering clarity for everyone on the status of the land, the appropriate level of protection/use and the reclassification process. It may not ensure conservation values are adequately protected in every case.

Analysis of option 6.2: Amend the legislation to clarify that existing concessions on stewardship land can continue under agreed terms regardless of reclassification

This option largely reflects the same costs, benefits and risks as option 6.1. in terms of enabling DOC to fulfil its contractual obligations to concession holders, and possible risks to protection of conservation values. However, it would provide clarity to all interested parties regarding the ongoing status of concessions during the stewardship land reclassification process and provide transparency about DOC's decision-making by clarifying that concessions will continue regardless of reclassification. This clarity ensures that concessions holders know their rights and obligations and can plan for the future. This would also reduce the risk of decisions being challenged.

Assessment of the option against the objectives

This option ensures DOC meets its wider obligations to stakeholders, including concession holders. It also meets the objective of delivering clarity for everyone on the status of the land, the appropriate level of protection/use and the reclassification process. It may not ensure conservation values are adequately protected in every case.

Questions

22. Please identify your preferred option. You may provide further analysis or comments to support your choice.
23. If a concession is inconsistent with a new land classification or on land that has been recommended for disposal, should it be allowed to continue? Please explain your answer.
24. Are there any other risks or impacts associated with allowing inconsistent concessions to continue?
25. Are there any further options you think DOC should consider that would meet the objectives set out above?

7. Non-regulatory options to improve stewardship land reclassification

Additional non-regulatory options to support streamlining the process for reclassifying stewardship land

We have identified three non-regulatory changes for improving reclassification processes. We are progressing these within current legislative and operational frameworks:

1. Clarifying survey requirements

Survey requirements associated with reclassifying or disposing of stewardship land

can be costly and time consuming, creating a significant barrier to action. This reflects the large size, remote location and challenging topography of many areas of stewardship land, and the scale of all stewardship land. Surveying requirements are important in meeting various legal responsibilities for land management. These requirements are set out in the Rules for Cadastral Survey 2021 (CSR 2021).¹³ Exceptions to these rules need to be sought on a case-by-case basis from Toitū te Whenua Land Information New Zealand (LINZ). However, given the amount of stewardship land set to be reclassified, prioritising the significant resources needed for surveying at the expense of other core work will be challenging for both DOC and LINZ.

DOC and LINZ are working together to achieve greater efficiency and lower costs for DOC during the reclassification process, by clarifying and agreeing situations where surveys are required (in line with the CSR 2021) and where no additional survey will be required. Greater communication between agencies as the reclassification project continues will allow both DOC and LINZ to manage the impact on resources this work may have.

2. Ensuring operational arrangements between DOC and the Ministry of Business, Innovation and Employment (MBIE) are fit for purpose

DOC and MBIE have an existing operational agreement to share information about intended reclassifications of stewardship land. This agreement provides MBIE with an opportunity to assess land for important mineral values which may affect the desirability of the reclassification. MBIE can provide feedback to DOC on the proposed classification, ahead of public notification. The agreement also provides for Ministers to resolve any disagreement between MBIE and DOC on reclassifications. This can add time and complexity to stewardship land reclassifications. It also does not align with the intent that the national panels make independent recommendations to the Minister of Conservation.

DOC and MBIE no longer consider the agreement fit for purpose given the new panel process and are in the process of dissolving it. MBIE will be able to provide any information relevant to the reclassification of an area of stewardship land to the national panels during their assessment process.

3. Bundling Orders in Council for reclassification of stewardship lands:

Reclassifying land to national park, wilderness areas, sanctuary areas, nature reserves and scientific reserves requires an Order in Council (OIC) by the Governor-General on recommendation of the Minister of Conservation.¹⁴ OICs go through an established process including drafting, government agency consultation and the 28 days that must be allowed before the OIC can come into force. Given the scale of the reclassification project, OICs for each piece of reclassified land may create a significant resource burden on DOC and other government agencies and add considerably to time frames. This may act as a barrier to the timely

¹³ For more information, see the Cadastral Survey Rules 2021 (CSR 2021) Implementation webpage on the Toitū Te Whenua Land Information New Zealand website at:

www.linz.govt.nz/land/surveying/cadastral-survey-rules-2021-csr-2021-implementation

¹⁴ Sections 7 and 12 of the National Parks Act 1980, section 18AA of the Conservation Act 1987, and section 16A of the Reserves Act 1977.

reclassification of large amounts of stewardship land. However, as the national panels' recommendations are not yet known, it is difficult to gauge the scale of this issue.

DOC considered whether legislation could be amended to remove the requirement that some or all these types of classifications be enacted by an OIC. Instead, all the classifications currently enacted through OIC would be done by a declaration of the Minister of Conservation, except for national parks.

However, DOC considers OICs are the appropriate mechanism for reclassification of stewardship lands. OICs must be approved by Cabinet and therefore provide for consideration of wider government interests, and the interests of tangata whenua: iwi, hapū, and whānau in decision-making for land classifications that involve long-term protections that would potentially limit land use.

Instead, DOC proposes that where the national panels have completed their assessment of all the stewardship land in a region, we will go through the OIC process for those parcels that require it at the same time. This will retain the level of wider government oversight, while ensuring the process is as streamlined as possible, achieving time, resource and efficiency gains.

Non-regulatory options that would not be recommended

The scope of proposed changes to stewardship land reclassification processes means the options in this document focus on regulatory changes affecting legislation. This is due to the nature of conservation legislation, where multiple Acts govern land classifications and the requirements to undertake reclassification. Therefore, most of the potential system changes are regulatory changes.

Increasing DOC resources to work within the current system is a non-regulatory option that has been considered. It is likely that DOC will need to reprioritise resources to reclassify stewardship land at the scale and speed expected by the Government. However, on its own, this would not achieve the objectives of this discussion document. Regulatory changes are needed in order to achieve the efficiencies necessary to progress large scale stewardship land reclassification within the desired timeframe, and to enable the national panels to make their recommendations on reclassification to the Minister of Conservation.

An additional non-regulatory alternative we have considered is to have DOC carry out reclassification (rather than national panels). This option would remove the need for regulatory options that enable national panels to conduct assessments and reviews. However, this option is not favoured because of the current issues that hinder land reclassification, for example the lengthy process, and the Government's expectation that stewardship land reclassification be accelerated.

Question

26. Are there any other non-regulatory options to help streamline the process for reclassifying stewardship land that we should consider? Please explain your answer.

8. Implementing changes

DOC has an Operations Group with teams across the country to support the implementation of the current or changed system. The NZCA and Conservation Boards will also provide input upon or lead recommendations.

The national panels will be supported by DOC's Operational teams in executing their responsibilities but will be able to direct their own activities. They will have allocated funding from DOC to perform their role. The Statutory Land Management team located within DOC's Operations Group will both prepare and execute reclassification decisions and disposals.

DOC's Planning, Permissions and Land unit (which includes the Statutory Land Management team and is also located within the Operations Group) will deal with concessions affected by any changes in classification (concessions will not be affected until reclassification recommendations are made).

How changes will be evaluated and monitored

A successful outcome for this project would be that most of the 2.5 million hectares of stewardship land is appropriately reclassified or disposed of within the next five years. The overarching aim will be to ensure reclassification protects conservation values more effectively, while disposing of land with very low or no conservation values where appropriate.

It may be difficult to evaluate the effect of the regulatory changes on the scale and rate of stewardship land reclassification, as DOC intends to increase reclassification activities regardless of regulatory change. There is a low baseline level of stewardship land reclassification to use as a basis for comparison.

All processes where a legislative power is exercised are subject to judicial review if a party has cause to challenge. DOC expects some reclassification and disposal decisions will be challenged for various reasons, not necessarily related to options discussed in this document.

For reclassified land, DOC will monitor and maintain the conservation values of that land as appropriate for its new classification, as per its current requirements. The NZCA and Conservation Boards monitor conservation outcomes from DOC activities and provide feedback to the Minister of Conservation. For land that is disposed of, DOC does not intend to monitor or evaluate future uses, as it has no mandate.

Question

27. Are there any additional evaluation or monitoring measures that you think should be implemented? Please explain your answer.

Appendix 1: Glossary of key terms

- **Concession:** A lease, license, permit, or easement granted under Part 3B of the Conservation Act 1987.
- **Conservation:** The preservation and protection of natural and historic resources for the purpose of maintaining their intrinsic values, providing for their appreciation and recreational enjoyment by the public, and safeguarding the options of future generations (section 2 of the Conservation Act 1987).
- **Conservation Board:** Independent bodies that empower local communities and iwi to contribute to the management of conservation areas. Board members are appointed by the Minister of Conservation. Some members are appointed on the recommendation of local tangata whenua. Members are appointed as individuals for their experience, expertise, and links with the local community.
- **Gazette:** The New Zealand Gazette is the official newspaper of the Government of New Zealand. Legislative Instruments are notified in the Gazette after they are made. The date of notification is given at the end of the Legislative Instrument, under administrative information or the Gazette information. Other Instruments are usually either published or notified in the Gazette.
- **General Policy for National Parks:** A policy approved by the New Zealand Conservation Authority that provides direction for the administration of national parks across the country. More information can be found on the General Policy for National Parks webpage on DOC's website at: <https://www.doc.govt.nz/about-us/our-policies-and-plans/statutory-plans/statutory-plan-publications/national-park-management/general-policy-for-national-parks/>
- **New Zealand Conservation Authority/ Te Pou Atawhai Taiao O Aotearoa:** An independent statutory body that advises the Minister of Conservation and the Director-General of DOC on conservation priorities at a national level. The New Zealand Conservation Authority / Te Pou Atawhai Taiao O Aotearoa (NZCA) is closely involved in conservation planning and policy development affecting the management of public conservation areas administered by DOC. The NZCA has 13 members appointed by the Minister of Conservation. The Minister has regard for the interests of conservation, natural sciences and recreation in making the appointments.
- **Order in Council:** A type of Legislative Instrument that is made by the Executive Council presided over by the Governor-General.
- **Public conservation land:** All lands and water areas administered by DOC for whatever purpose, including natural and historic resources. Public conservation land has different layers of protection, depending on which category or status the parcel of land holds under various pieces of legislation.
- **Reclassification:** For the purposes of this document the term reclassification is used to refer to the process by which land (in this case stewardship land) is classified as a different category/classification of land. For example, a parcel of stewardship land might be reclassified to scenic reserve.

- **Reserves:** Land that is set apart to provide for the preservation and management of an area for the benefit and enjoyment of the public. Under the Reserves Act 1977, a reserve must be classified according to its principal or primary purpose. It is then managed/preserved according to that purpose.
- **Stewardship land (also known as stewardship area):** A category of public land created under the Conservation Act 1987. At that time, the Government transferred responsibility for large areas of land to the Department of Conservation (DOC), to act as a steward of the land until its conservation value had been assessed. They are conservation areas that have not yet been assessed and identified as requiring any additional protection. DOC is legally required to manage this land so that its natural and historic resources are protected.

Appendix 2: List of questions

Do you	Question	Page reference
Section: Introduction	1. Do you agree with the objectives listed above?	7
	2. Should any other objectives be included in this review?	7
Section: Current legislative framework	3. Do you agree with the description of the problem? If not, please provide reasons to support your answer.	12
	4. Do you think there are any additional factors that have contributed to stewardship land reclassification not being progressed on a large scale? If so, please describe them.	12
	5. Do you think there any other issues or impacts caused by the failure to reclassify stewardship land on a large scale that have not been described here? If so, what are they and who/what do they affect?	12
Section 1: Improving consistency of public notification and submission processes	6. Please identify your preferred option. You may provide further analysis or comments to support your choice.	24
	7. Do you think 20 working days (1 month) is adequate to prepare a written submission? If not, what time period would be adequate?	24
	8. What role or function do you consider hearings play?	24
	9. Are there any further options you think DOC should consider that would meet the objectives set out above?	24
Section 2: Enabling the national panels to carry out the public notification and submission process	10. Please identify your preferred option. You may provide further analysis or comments to support your choice.	25
	11. If the national panels carried out the public notification and submissions process, what impact do you think this would have on the reclassification or disposal process?	25
	12. Are there any further options you think DOC should consider that would meet the objectives set out above?	25
Section 3: Clarifying responsibilities for making recommendations to reclassify stewardship land to national park.	13. What particular expertise/experience do you consider the national panels could bring to the process?	27
	14. If the national panels were responsible for making recommendations to reclassify land to national parks, do you consider this would create any risks?	27

	15. Are there any further options you think DOC should consider that would meet the objectives set out above?	27
Section 4: Removing the statutory step to declare all stewardship land to be held for conservation purposes before it can be reclassified or disposed of	16. Please identify your preferred option. You may provide further analysis or comments to support your choice.	29
	17. Are there any alternative options that have not been discussed here? Please provide analysis or comments to explain your answer.	29
	18. Do you think that there are any other risks or impacts associated with declaring all section 62 stewardship land to be held for a conservation purpose via a legislative change that have not been identified here?	29
Section 5: Enabling the Minister of Conservation to direct the proceeds of sale of stewardship land to DOC	19. Please identify your preferred option. You may provide further analysis or comments to support your choice.	31
	20. What are the risks or impacts associated with allowing the Minister of Conservation to direct the proceeds of sale of stewardship land to DOC that have not been identified here?	32
	21. Are there any further options you think DOC should consider that would meet the objectives set out above?	32
Section 6: Clarifying the status of concessions on reclassified stewardship land	22. Please identify your preferred option. You may provide further analysis or comments to support your choice.	34
	23. If a concession is inconsistent with a new land classification or on land that has been recommended for disposal, should it be allowed to continue? Please explain your answer.	34
	24. Are there any other risks or impacts associated with allowing inconsistent concessions to continue?	34
	25. Are there any further options you think DOC should consider that would meet the objectives set out above?	34
Section 7: Non-regulatory options to improve stewardship land reclassification	26. Are there any other non-regulatory options to help streamline the process for reclassifying stewardship land that we should consider? Please explain your answer.	36
Section 8: Implementing changes	27. Are there any additional evaluation or monitoring measures that you think should be implemented? Please explain your answer.	37

Appendix 3: Cost Recovery Impact Statement for Area 5 – Enabling the Minister of Conservation to direct the proceeds of sale of stewardship land to DOC

Stage 1 Cost Recovery Impact Statement

Directing proceeds from disposal (by sale) of stewardship areas to fund DOC's ongoing reclassification and statutory land management work.

Status quo

A description of the activity and why it is undertaken:

- Stewardship areas (referred to as stewardship land) are public conservation land managed by the Department of Conservation that are not yet classified into formal land protection based on conservation values. This category of land covers 2.5 million hectares or approximately 9% of Aotearoa's land area.
- The government intends to improve processes by which stewardship land is assessed for conservation values and subsequently reclassified or disposed if eligible.
- Stewardship land with very low or no conservation values may be disposed by sale, if it is no longer required for conservation purposes. While the administration and efforts required to assess values and prepare land for disposal are funded through Vote Conservation, proceeds from disposals are paid to the Crown trust account (section 33 of the Conservation Act 1987).

What policy outcomes will the activity achieve?

- The reclassification of stewardship land will improve the management of public conservation land and ensure conservation values are properly protected. However, it will also identify land with very low or no conservation values, and these become eligible for potential disposal. Land that is disposed no longer requires management and administration by DOC.

What is the rationale for government intervention?

- The government administers stewardship land. Reclassifying this land is set out in the Conservation Act 1987, the Reserves Act 197, and the National Parks Act 1980, while disposal is set out in the Conservation Act. There are 3236 stewardship areas to be assessed. The rationale for reclassification is to ensure land is managed appropriate to the conservation values that it has; land with very low or no conservation purposes can potentially be disposed of.
- Under the status quo, there may be the option to direct some of the proceeds of sale of stewardship land to DOC without legislative change. However, this would only extend to the cost of readying and disposal. Obtaining the cost of readying land for sale, under the current process, would require joint agreement of the Minister of Conservation and the Minister of Finance. Therefore, if the Minister of Finance declined the application, DOC

would not be able to offset the cost of disposal. This affects DOC ability to prioritise statutory land management operations.

- By way of contrast, section 82(1)a of the Reserves Act 1977 does allow the Minister of Conservation to direct proceeds from the disposal of reserves to activities that enable management and purchase of reserves generally. There is no apparent reason for the difference between the two acts, though the scale of land protected under the Conservation Act is much larger and the potential for large transfers is therefore greater.

What are the relevant policy decisions that have been made?

- The main decisions are to make progress with stewardship land reclassification so this large amount of land is properly classified and managed and to use expert panels to coordinate the reclassification process and make recommendations to the Minister of Conservation. Additional changes to legislation are sought to improve the efficiency and process to undertake reclassification.

What is the statutory authority to charge ie, the Act that gives the power to cost recover?

- The Conservation Act 1987 gives the authority to dispose of stewardship land, but does not give the authority for proceeds of sale to be directed to the costs of overall administration of land (whether that be future management or ongoing processes to reclassify or dispose of).

Is this a new or amended fee?

- This is a change in process. The current process directs proceeds from disposal to the Crown trust account. The change would enable such proceeds to be directed to Vote Conservation (DOC) for the purposes of further reclassification and statutory land management activities.

Policy Rationale: Why a user charge? And what type is most appropriate?

Why is cost recovery appropriate for the activity (over and above the legal authority to charge) – ie, why should it be third-party funded rather than funded by the Crown?

- DOC will need to fund the bulk of activities to reclassify stewardship land. However, where there are lands eligible for disposal, the proceeds from disposal could offset some of the costs to DOC. The nature of this cost recovery depends on there being land eligible for disposal, and willing buyers in the market for these lands.

What is the nature of output from the activity (the characteristics of the good or service) – eg public/private/club goods?

- The goods are public conservation lands that no longer have a conservation purpose and that are sold to other kinds of land ownership (depending on the context, available buyers, etc.). Public land becomes private property.
- The output from directing the funds to further reclassification and management activities will be more resources to enable these activities and therefore more likelihood they will be undertaken and progressed.

Is full or partial cost recovery being proposed? What is the rationale for proposing full or partial cost recovery?

- Directing proceeds to DOC would only partially recover costs. For any individual piece of land put up for disposal, the cost recovery would depend on the market for that land and could vary from partial recovery of costs to returning profits. Occasionally land is sold at a loss where cost-benefit analysis indicates that keeping it would be more expensive in the long term.

What type of charge is being proposed? – eg, fee, levy, hourly charge? What is the rationale behind selecting this type of charge?

- No change in charge is proposed from the status quo, the proposal is to enable the Minister of Conservation to direct proceeds to DOC rather than to the Crown trust account.

Who will pay the cost recovery charges?

- The charges are paid by whomever is the willing buyer for disposed land. This is likely to be highly variable groups of private individuals, tangata whenua (iwi, hapū, whānau and associated organisations), businesses and councils. Until land is assessed for values and those are found to be very low or none, it is not eligible for disposal; we cannot ascertain interest until that point.

High level cost recovery model (the level of the proposed fee and its cost components)

What are the estimated charge levels?

- The charge levels are the same under status quo and proposed change – depending on the nature of the land for disposal and the market of willing buyers. The effect of the proposed change does not affect any of the cost-recovery factors; it would just directly offset the costs of reclassification and statutory land management (compare to s82(1)a of the Reserves Act 1977).
- While the overall Crown financial position is not affected, the proposal would increase funding available to land classification and statutory land management and decrease funding available for other Crown priorities. The range of consequences will depend on the value of the land that is disposed. Examples provided on the next page show the range of recent disposals is \$3,500-\$852,000, but the effect will depend on the decision by the Minister to direct revenue from disposal to DOC; the change will not automatically direct all disposal revenue so the Minister will have discretion.

What are the main cost drivers of the activity? What are the outputs of the activity and the business processes that are used to produce those outputs?

- The overarching process of reclassifying 2.5 million hectares will yield a small proportion of land for disposal.
- The land will be in various sized packages; most will be 1-10 hectares, a few could be thousands of hectares. Disposal preparation, valuation, listing and transaction costs will be similar and will be affected by time on market and other land disposal factors.
- The user charge is the market price of the land paid by a willing buyer, with a potential valuation process setting expectation on that market prices. The user charge is not itemised to any costs.

What are the estimates of expenses and revenue for the activity?

- For reclassification leading to disposal, DOC's Statutory Land Management team provided the table below. The items are consistent to each disposal process, though the costs are only indicative based on recent disposals and may vary over time depending on demand, inflation etc. Starred items may vary depending on the characteristics of the land being disposed of. The additional expenses associated with **each** disposal include:

Item	Purpose	Indicative cost \$ ex GST
DOC staff costs – 40 hours	Coordinate disposal activities	5,200
LINZ agents	Crown land services and survey (fee for service)	18,000
Survey Plan*	Survey documentation (fee for service)	15,000
Valuation*	Establish value (fee for service)	3,500
Processing fees (legal, conveyancing, <i>Gazette</i>)	Compliance services	1,500
Land agent and marketing*	Listing and coordinating sale process	10,000
Total Indicative costs		53,200

- While difficult to predict final amounts, the approximate costs of disposal will be approximately \$1.1 million for every 20 areas that fit the criteria and which can be prepared for disposal, assuming only one valuation and market listing is needed to achieve disposal each time.
- For example, if 50 stewardship areas are disposed of, this will cost approximately \$2.5-2.8 million, if 150 areas are disposed of, this will cost approximately \$7.5-8.6million.
- We have no way to model revenue until we know which areas are eligible for disposal. It is feasible that some land that is disposed of will generate one-off revenues that exceed the cost of preparing for its disposal, but unlikely that revenues overall will cover the costs of reclassifying all stewardship land, including land that is not disposed of.
- Recent disposal revenues (ex GST) include:
 - \$22,500 for 5.1078 hectares in Westland District in 2016
 - \$200,000 for 5.0585 hectares in Selwyn District in 2017
 - \$3,400 for 0.0331 hectares in St Bathans in 2019
 - \$852,000 for 0.0207 hectares in Auckland in 2021.

How will changes in the underlying assumptions affect financial estimates?

- The costs are affected by the size of the land – larger areas have higher valuation and survey costs, and agent costs can be higher because land is on the market for longer or requires multiple listings to generate a sale. However larger areas are also less likely to be eligible as they are more likely to contain conservation values or to meet criteria for protection under a different classification. Where conservation values vary across a large area, the area could be broken into parcels so some parcels with very low or no values could be disposed.

Consultation

Who has been consulted (or who will be consulted), what form will consultation take and what options are being canvassed?

- The proposal to redirect proceeds from disposal of stewardship land will be consulted on in a public discussion document and will be one of the issues that DOC engages tangata whenua and conservation stakeholders on in hearings and meetings.
- Public sector agencies consulted on this proposal have not raised any concerns with the option of the Minister potentially redirecting proceeds from disposals to DOC to offset the costs of reclassification and statutory land management.

What key feedback has been received and were any significant concerns raised about the preferred option?

- This is an interim CRIS to accompany the discussion document; it will be revised based on feedback from consultation

How will consultation be managed for the rest of the process (that is, while the detailed cost recovery model is developed and through implementation).

- Because the proposal relates to changing where proceeds of land disposal may be directed, we do not intend to update the overarching cost recovery model; we will provide a report on submissions on this proposal as work progresses.
- Any recommendation to dispose of land requires its own public consultation process.