

Notice is given that an ordinary meeting of the Full Council will be held on:

**Date:** Thursday 18 October 2018  
**Time:** 2.00 pm  
**Meeting Room:** Tasman Council Chamber  
**Venue:** 189 Queen Street  
Richmond

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## Full Council

# AGENDA

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### MEMBERSHIP

<b>Mayor</b>	Mayor Kempthorne	
<b>Deputy Mayor</b>	Cr King	
<b>Councillors</b>	Cr Brown	Cr McNamara
	Cr Bryant	Cr Ogilvie
	Cr Canton	Cr Sangster
	Cr Greening	Cr Tuffnell
	Cr Hawkes	Cr Turley
	Cr Maling	Cr Wensley

(Quorum 7 members)

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## AGENDA

**1 OPENING, WELCOME**

**2 APOLOGIES AND LEAVE OF ABSENCE**

**Recommendation**

**That apologies be accepted.**

**3 PUBLIC FORUM**

**4 DECLARATIONS OF INTEREST**

**5 LATE ITEMS**

**6 CONFIRMATION OF MINUTES**

Nil

**7 PRESENTATIONS**

Nil

**8 REPORTS**

8.1 Adoption of Annual Report 2017/2018 ..... 5

8.2 Amendment of Freedom Camping Bylaw 2017 ..... 17

**9 CONFIDENTIAL SESSION**

9.1 Procedural motion to exclude the public..... 33

9.2 Appointment of Independent Member to Commercial Committee ..... 33

9.3 Legally Privileged and Confidential - Golden Bay Grandstand ..... 33



## 8 REPORTS

### 8.1 ADOPTION OF ANNUAL REPORT 2017/2018

**Decision Required**

<b>Report To:</b>	Full Council
<b>Meeting Date:</b>	18 October 2018
<b>Report Author:</b>	Alan Bywater, Senior Policy Advisor; Matthew McGlinchey, Finance Manager; Sharon Flood, Strategic Policy Manager
<b>Report Number:</b>	RCN18-10-1

#### 1 Summary

- 1.1 Council is required to prepare and adopt an Annual Report and have it audited by 31 October each year (i.e. within four months after the end of the financial year to which it relates). This report presents the Annual Report for the year ended 30 June 2018 for adoption.
- 1.2 The Annual Report 2017/2018 presents a picture of Council's financial and non-financial performance for the year in accordance with the requirements of the Local Government Act 2002. Our Annual Report sets out many of Council's achievements in delivering services to residents and ratepayers and investing in assets to help in delivering those services. It also explains what Council has done to address the key issues facing the District, as identified in the Long Term Plan 2015-2025.
- 1.3 Council ended the year reporting an accounting surplus of \$23.7 million. This becomes an operating surplus of approximately \$2.4 million once non-cash items, development contributions and capital subsidies are removed.
- 1.4 Council ended the year with net debt of \$141 million, being \$18 million lower than the budgeted \$159 million.
- 1.5 The overall positive financial result is attributed to a number of factors, including:
  - a) lower borrowing costs than expected;
  - b) higher than anticipated revenue from growth;
  - c) strong financial results from associates and joint ventures;
  - d) increased revenue from forestry activities and forestry valuation gain;
  - e) increased vested assets;
  - f) increased revenue from fees and charges;
  - g) lower level of depreciation

Offsetting these were:

- h) the impact of cyclones;
  - i) unrealised loss on derivatives;
  - j) Aorere River, emergency fund write off dating from 2010.
- 1.6 Total rates revenue collected for the year was \$70.7 million, up from \$69.5 million last year, with growth in the District forming part of this increase.
- 1.7 Total revenue from all other sources was \$79.2 million – up from the 2016/2017 amount of \$62.6 million. This revenue is a mixture of development contributions, higher fees and charges, forestry income, and higher movements in revaluations.
- 1.8 We have 129 non-financial performance measures that we report on through the Annual Report and within these measures there are 141 targets. We have either achieved or significantly achieved 69% of our 2017/2018 targets. This is a comparable to the level achieved in 2016/2017 (70%).

<b>2 Draft Resolution</b>
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**That the Full Council:**

- 1. receives the Adoption of Annual Report 2017/2018 RCN18-10-01; and**
- 2. notes that the signed report from Audit NZ will be tabled at the Council meeting; and**
- 3. adopts the Annual Report 2017/2018 pursuant of section 98 of the Local Government Act 2002 as attached; and**
- 4. notes that the Summary Annual Report will be prepared after the Annual Report has been adopted; and**
- 5. agrees to the Mayor, Audit and Risk Committee Chair, and Chief Executive Officer being delegated the ability to sign off any further minor editorial amendments, the professionally designed version of the Annual Report; and**
- 6. agrees to the Mayor, Audit and Risk Committee Chair and Chief Executive being delegated the ability to approve the Summary Annual Report.**

**3 Purpose of the Report**

- 3.1 To adopt Council's Annual Report 2017/2018 for the year ended 30 June 2018.

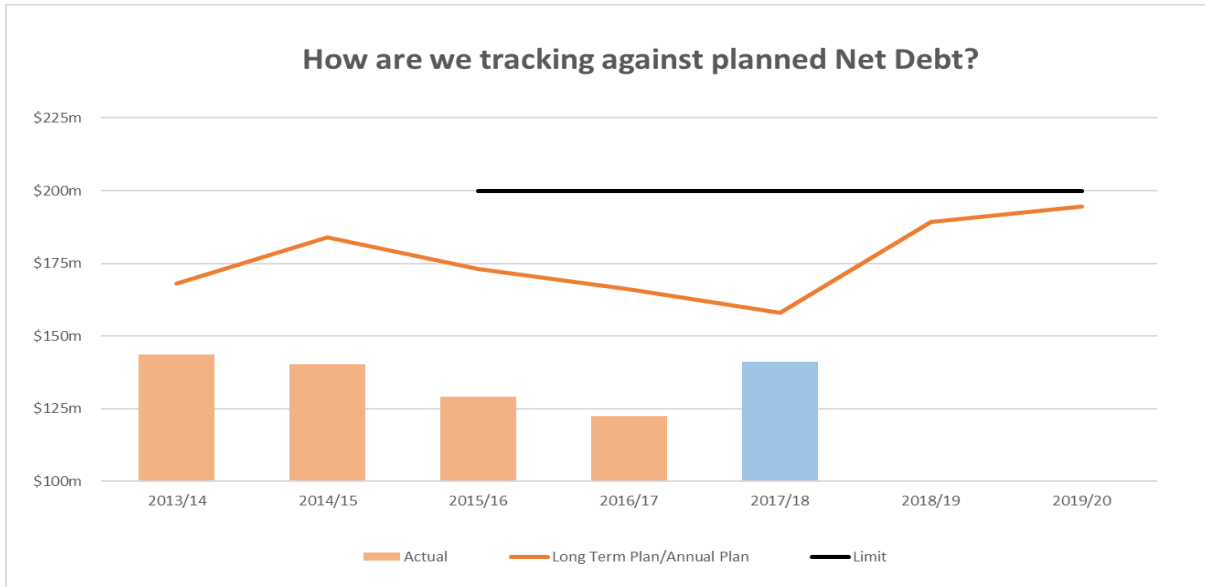
**4 Background and Discussion**

- 4.1 Council is required to prepare and adopt an Annual Report by 31 October each year under section 98 of the Local Government Act 2002.
- 4.2 The Annual Report measures what we have achieved compared to what we planned through the Annual Plan and Long Term Plan. It is an important part of Council's accountability to the community for the decisions made and services delivered throughout the year.
- 4.3 The information contained in the Annual Report was prepared with input from a number of staff throughout Council.
- 4.4 Staff discussed the Draft Annual Report with the Audit and Risk Committee (the Committee) at a workshop on 23 August 2018 and it was formally reported to the Committee meeting on 20 September 2018.
- 4.5 At the 20 September meeting the Committee resolved that it:
1. *receives the Annual Report 2017/2018 report; and*
  2. *notes that the draft Annual Report audit will be finalised before the Annual Report is presented to Council for adoption; and*
  3. *recommends that Council adopt its Annual Report for the year ended 30 June 2018 pursuant to Section 98 of the Local Government Act 2002, subject to getting clearance from the appointed Auditor.*
- 4.6 Audit New Zealand (Audit NZ) audits the Annual Report on behalf of the Office of the Auditor General. At the time of writing this report, staff were still finalising a number of items with Audit NZ, however the auditor's opinion will be completed and available at the meeting.
- 4.7 Council has a credit rating of AA- with a positive outlook from Standard and Poors Global. This rating reflects our strong financial management, budgetary flexibility, liquidity, and low contingent liabilities. A rating of AA- enables us to borrow funds at more favourable interest rates and from a wider range of funders, than would otherwise be the case with a lower rating.
- 4.8 We intend to have the Annual Report professionally designed and published within one month after its adoption as required by the Local Government act 2002. We recommend that the Mayor, Audit and Risk Committee Chair and Chief Executive be delegated the ability to sign off any further minor editorial amendments following adoption and the professionally designed version of the Annual Report prior to its publication.

**Our LTP Key Issues:**

- 4.9 We identified the following key issues in our LTP 2015-2025: addressing rates affordability; managing Council's debt; developing resilient communities; responding to population growth; and maximising regional opportunities. Council has continued to make progress on these issues over the last year.

- 4.10 We have continued to manage debt within our self-imposed financial cap of \$200m with debt being lower than budgeted. We have also achieved rates increases that are below our 3% cap.



- 4.11 During 2017/2018 Council delivered a 0.63% rates revenue rise as forecast in our Annual Plan 2017/2018. This was significantly lower than the 2.16% increase forecast in our LTP 2015-2025 for the same year. Council has also built on a lower than anticipated debt level at the end of the 2017/2018 year to now have \$53m less debt than forecast.
- 4.12 In order to develop resilient communities, we undertook significant work to progress the Waimea Community Dam (the Dam) during the 2017/2018 year in an effort to provide a secure water supply for Richmond, Mapua, Brightwater and the surrounding areas.
- 4.13 In 2017/2018, we continued to focus on finding an acceptable funding and governance solution for the Dam. This involved public consultation in late 2017 on a proposed funding approach for Council's share of the Dam project costs, and then developing this through to its final form in early 2018 for inclusion in the LTP 2018-2028.
- 4.14 We completed the early contractor engagement in July 2018, with the final price for the construction and other project costs significantly higher than anticipated. This created a major challenge for the project with an additional \$23m in capital funding being required. On 6 September 2018, Council agreed to a new funding arrangement, which means the Dam will proceed, following final sign-off of funding and legal agreements by all Joint Venture partners (Council, Waimea Irrigators Limited and Crown Irrigation Investments Limited) and establishment of a Council-controlled organisation (CCO) proposed for the end of November 2018.
- 4.15 The new funding proposal sees the risk of Council's credit support for a loan to irrigators through the Council-Controlled Organisation significantly reduced, and irrigators effectively contributing 75% of the loan servicing costs for the \$23 million price increase.
- 4.16 We have continued to improve the resilience of our infrastructure to natural hazard events, however ex-cyclones Fehi and Gita highlighted the ongoing challenges involved. The District's population growth continued and we have developed infrastructure to support this growth, especially in Richmond South and Richmond West. We have also progressed several projects to capitalise on regional opportunities, such as the establishment of the



Nelson Tasman Landfill Business Unit, future planning for Saxton Field, liaison with iwi, and joint reporting on the National Policy Statement for Urban Development Capacity and commenced a process to develop a joint development strategy with Nelson City Council.

- 4.17 We have retained some of these key issues in our LTP 2018-2028 including rates affordability, managing debt, and growth. The other key issues in the LTP 2018-2028 were our Development and Financial Contributions Policy, drinking water supply capacity and security, and funding Motueka's water supply.

## Finances

- 4.18 The surplus recorded is in line with the advice and quarterly information reported to Council earlier in the year. The final position is an underlying operating surplus of \$2.4 million <sup>[1]</sup>.
- 4.19 The financial position reflects ongoing operational savings achieved by Council, delayed capital expenditure for some large projects, and lower debt. The result was also assisted by a number of external factors moving in Council's favour, including:
- lower borrowing costs than expected;
  - higher than anticipated growth;
  - increased revenue from forestry activities, through a change in market demand.
- 4.20 The two ex-cyclones Fehi and Gita, that impacted the Region in February 2018 meant that spending priorities changed as resources were diverted to respond to the emergency. Approximately \$10.4 million of Council funds were spent in the current financial year, of which we received \$6.5 million back from New Zealand Transport Agency (NZTA). Council has been able to absorb the net cost into the surplus above. However, the Roding activity balance was not sufficient to cover the additional spend net of NZTA income, so the Roding Emergency Fund has been used. The impact on our financial reserves was covered in a report to Council on activity balances at its 27 September 2018 meeting.
- 4.21 A description of the financial variances from the Annual Plan 2017/2018 is contained in Note 36 of the financials in our attached Annual Report.
- 4.22 The accounting operating position was a surplus of \$23.7 million compared to a budgeted accounting surplus of \$9.2 million. This equates to a favourable variance of \$14.5 million, with the most significant contributing favourable items being:
- |                                  |               |
|----------------------------------|---------------|
| a) Forestry valuation gain       | \$5.0 million |
| b) Vested assets                 | \$5.6 million |
| c) Net Impact of associates/JV's | \$2.4 million |
| d) Increase in RFC/DC income     | \$2.9 million |
| e) Unbudgeted Forestry surplus   | \$2.2 million |
| f) Increased fees and charges    | \$1.7 million |
| g) Lower level of depreciation   | \$0.6 million |
| h) Interest expense              | \$0.8 million |

<sup>[1]</sup> Once the non-cash items and capital funds were removed.

Offset by:

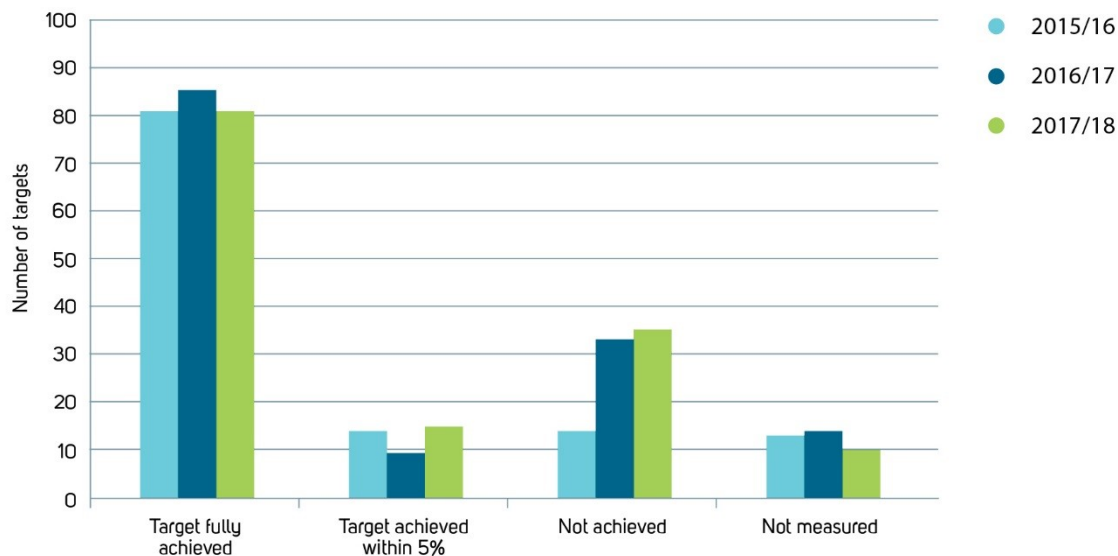
- i) Net impact of cyclones \$3.9 million
- j) River Emergency Fund write off \$1.4 million
- k) Unrealised loss on derivatives \$1.1 million

- 4.23 This better than budgeted position has enabled Council to also record a lower total net debt position, being \$141 million against a budgeted \$158 million, and an LTP estimate of \$193.8 million.
- 4.24 The policy to now fund the balance sheet as a whole has enabled Council's use of deferred expenditure and operational savings, along with some reserves previously held as cash, to keep external debt down. Lower debt and strong financial management of debt, means Council's exposure to finance changes is mitigated.
- 4.25 Net assets under Council control now total \$1.42 billion, up \$60 million from the previous year.
- 4.26 Total rates revenue for the year was \$70.7 million, up from \$69.5 million last year, with growth in the district forming part of this increase.
- 4.27 Total revenue from all other sources was \$79.2 million – up from the 2016/2017 amount of \$62.6 million. This is a mixture of development contributions, higher fees and charges, forestry income, and higher movements in revaluations.
- 4.28 Council is looking to improve the Annual Report process in the coming year to make the compilation of the Financials sections more straightforward and also to make the audit process as smooth as possible. This will reduce the risks of errors.

**Non-Financial Performance:**

- 4.29 Council measures its performance each year using a core set of indicators that are determined through the LTP and Annual Plan. The results present a high level view of performance. More results from other performance, environmental and regulatory monitoring can be found in the public reports held on Council's website or by contacting Council.
- 4.30 We reported on 129 performance measures in this Annual Report and 141 targets. We have either achieved or significantly achieved 69% of the reported targets for 2017/2018. This is a similar level as for 2016/2017 (70%).
- 4.31 As this is the third year of the LTP 2015-2025 we have compared this year's results against those for the two previous years. The results achieved for each performance measure and the comparison between years are explained in detail in the Annual Report.

## Non-Financial Performance 2015/2016 – 2017/2018

**Ratepayers' Views of our Performance**

- 4.32 Since 1996 we have commissioned a survey of residents' views on a range of services we deliver. The survey is undertaken by the National Research Bureau (NRB) to ensure independence and impartiality.
- 4.33 NRB conducted 401 interviews across our five wards, including 40 face-to-face interviews with residents between the ages of 18 and 44 in the Richmond, Moutere/Waimea and Motueka Wards as this age group is increasingly difficult to contact by landline telephone.
- 4.34 A snapshot of some of the key findings includes:
- 84% of respondents are satisfied with our recreational facilities, such as playing fields and neighbourhood reserves;
  - 75% of respondents feel there is more than enough/enough information supplied by Council;
  - 75% of respondents feel Council has a good reputation; and
  - 32% of respondents are not very satisfied with roads (excluding State Highways).
- 4.35 The Community Development Committee considered a report providing more details on the annual residents' survey results at its 20 September 2018 meeting.

**Summary Annual Report**

- 4.36 We will prepare the Summary Annual Report after the Annual Report has been adopted.
- 4.37 Staff recommend that the Mayor, Audit and Risk Committee Chair and Chief Executive Officer be delegated the ability to approve the Summary Annual Report.
- 4.38 The summary will be reviewed by Audit NZ.

**5 Options****5.1 Option 1 – Preferred Option - Adopt the Annual Report 2017/2018.**

Council should ensure it is satisfied with the content prior to adopting the Annual Report. The advantage of this option is that it enables the timely production and distribution of the 2017/2018 Annual Report. Once adopted the Annual Report becomes the public record of Council's performance for the year.

**5.2 Option 2 – Resolve to make minor changes to the Annual Report 2017/2018 before its adoption.**

5.3 The advantage of this option is that, if Council has any concerns about the content of the Annual Report, staff and Councillors can address them prior to Council adoption of the documents. The disadvantage is that depending on the extent of changes requested, staff will need to consider their ability to make the alterations and liaise with Audit New Zealand on its ability to complete the audit in time for adoption. The Annual Report must be adopted by 31 October 2018.

**6 Strategy and Risks**

6.1 The preparation of the Annual Report is a Council-wide project, involving staff from all Departments.

6.2 The form of the financial content is highly regulated by statute and accounting conventions. This has been reviewed by Audit NZ.

6.3 There are no significant risks associated with Council adopting its Annual Report 2017/2018.

**7 Policy / Legal Requirements / Plan**

7.1 Section 99 of the Local Government Act 2002 (the Act) mandates that all local authorities must have their Annual Report, and Summary Annual Report, audited by the Office of the Auditor General.

7.2 Under the Act, Section 98(3), Council's annual report must be completed and adopted, by resolution, within four months after the end of the financial year to which it relates, which is 31 October 2018.

7.3 The Annual Report 2017/2018 has been prepared to fulfil the requirements of Part 3, Schedule 10 of the Act.

7.4 The Annual Report 2017/2018 must also comply with the New Zealand International Financial Reporting Standards.

7.5 The Act requires the Annual Report to be audited. For us, the audit is carried out by Audit NZ on behalf of the Office of the Auditor General.

7.6 An Audit Report will be handed to Council by the Auditor at the meeting following Council's adoption of the Annual Report.

**8 Consideration of Financial or Budgetary Implications**

- 8.1 The draft Annual Report 2017/2018 sets out in full Council's financial accounts for the 2017/2018 year.
- 8.2 The fee for the audit of Council's Annual Report is \$138,100 including disbursements and \$4,000 for the audit of the Debenture Trust deed.

**9 Significance and Engagement**

- 9.1 The reporting of Council activities for the year is a sizeable undertaking, however the adoption of the Annual Report, as a decision of Council, is of low significance under the Significance and Engagement Policy. Staff consider that engagement with the community is not required prior to the adoption of the Annual Report. The Report is a summary of the Council's activities over the year and public input cannot alter Council's results for the 2017/2018 year.

Issue	Level of Significance	Explanation of Assessment
Is there a high level of public interest, or is decision likely to be controversial?	Low	The decision before Council is whether or not to adopt the Annual Report. Public interest in this decision is considered low.
Is there a significant impact arising from duration of the effects from the decision?	Low	The Annual Report documents Council's performance in 2017/2018, which ended on 30 June 2018. The decision to adopt it is permanent however the impact arising from it is very minor.
Does the decision relate to a strategic asset? (refer Significance and Engagement Policy for list of strategic assets)	Low	The Annual Report documents the financial and non-financial performance of a number of strategic assets in 2017/2018. However, it is not a mechanism by which the ownership nor operation of strategic assets can be altered.
Does the decision create a substantial change in the level of service provided by Council?	NA	The Annual Report documents performance against levels of service but is not a mechanism to change levels of service.
Does the proposal, activity or decision substantially affect debt, rates or Council finances in any one year or more of the LTP?	NA	The decision for the Council is whether to adopt the Annual Report no effect on Council finances.
Does the decision involve the sale of a substantial proportion or controlling interest in a CCO or CCTO?	NA	
Does the proposal or decision involve entry into a private sector partnership or contract to carry out the deliver on any Council group of activities?	NA	
Does the proposal or decision involve Council exiting from or entering into a group of activities?	NA	

## 10 Conclusion

- 10.1 Council must prepare and adopt an annual report by 31 October each year.
- 10.2 The Annual Report 2017/2018 has been completed and is presented for adoption by this report.
- 10.3 Our Annual Report for 2017/2018 demonstrates positive financial and non-financial outcomes for Council.

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**11 Next Steps / Timeline**

11.1 Receive the auditor's opinion at Full Council meeting on 18 October 2018.

11.2 Following adoption of the Annual Report 2017/2018:

- prepare the Annual Report and Summary Annual Report documents for publication (hard copies and electronic)
- distribute copies to the necessary statutory agencies, service centres, and libraries; and post online.

**12 Attachments**

1. Draft Annual Report 2017/2018 (*Under Separate Cover*)





**8.2 AMENDMENT OF FREEDOM CAMPING BYLAW 2017****Decision Required**

<b>Report To:</b>	Full Council
<b>Meeting Date:</b>	18 October 2018
<b>Report Author:</b>	Sarah Holman, Policy Advisor; Sharon Flood, Strategic Policy Manager
<b>Report Number:</b>	RCN18-10-2

**1 Summary**

- 1.1 Council recently received funding from Central Government's Responsible Camping Fund to help address freedom camping issues.
- 1.2 The funding included \$130,000 for a toilet block at Fittal Street, Richmond (near the car park entrance to our Richmond Resource Recovery Centre).
- 1.3 At its meeting on 6 September 2018, Council resolved to:
  - instruct staff to initiate a review of the Freedom Camping Bylaw (the Bylaw) to allow camping in non-self-contained vehicles at the Fittal Street car park, near the entrance to Richmond Resource Recovery Centre; and
  - delegate Council decision making to Councillor Hawkes, Councillor Brown, and Councillor Turley, or their nominated substituted Councillor to expedite the projects
- 1.4 We are seeking to amend our Bylaw to allow freedom camping at Fittal Street in Richmond, subject to certain restrictions.
- 1.5 This report requests that Council adopts the Statement of Proposal to amend the Bylaw for public consultation between 20 October and 21 November 2018. Hearings and deliberations are scheduled for 27 November 2018.

**2 Draft Resolution****That the Full Council**

- 1. receives the Amendment of Freedom Camping Bylaw 2017 RCN18-10-02 report ; and**
- 2. adopts the Tasman District Council’s Statement of Proposal contained in Attachment 1 of this report to amend Council’s Consolidated Bylaw – Chapter 11 – Tasman District Council Freedom Camping Bylaw 2017; and**
- 3. approves the Statement of Proposal as the basis for public consultation in accordance with section 11 of the Freedom Camping Act 2011 and sections 83, 86 and 156 of the Local Government Act 2002; and**
- 4. agrees that the Statement of Proposal will be publicly notified on or before 20 October 2018; and**
- 5. delegates to the Mayor and the Chief Executive Officer, signing off any further minor editorial amendments prior to the Consultation Document and Summary being finalised for public consultation; and**
- 6. delegates the task of hearing and considering submissions on the proposal to amend the Freedom Camping Bylaw 2017 to a Hearings Panel; and**
- 7. appoints a Hearings Panel consisting of Crs \_\_\_\_\_ (Chair), \_\_\_\_\_ and \_\_\_\_\_, with the Chair having the ability to appoint another Councillor should a member of the panel be unavailable; and**
- 8. agrees that the Hearing Panel will report back to Full Council with a recommendation on the proposal to amend the Freedom Camping Bylaw 2017 for a final decision.**

### 3 Purpose of the Report

- 3.1 The purpose of this report is to request that the Council adopts the Statement of Proposal to amend Schedule 3 of Council's Freedom Camping Bylaw 2017 to include Fittal Street for non-self-contained campers.

### 4 Background and Discussion

- 4.1 Freedom camping brings both advantages and disadvantages to our community. Visitors bring vibrancy and economic benefits to our Region but some freedom campers misuse our facilities and damage areas our community values. Providing sites with facilities where people can freedom camp addresses both the advantages and disadvantages of freedom camping.
- 4.2 The Freedom Camping Act 2011 (FCA) does not allow a local authority to prohibit freedom camping across its area, but allows a territorial authority to define the freedom camping areas that are controlled and managed by it.
- 4.3 Council's Freedom Camping Bylaw 2017 (the Bylaw) was adopted in December 2017 after significant public consultation and engagement.
- 4.4 Our Bylaw defines and identifies locations where:
- No camping may take place (Schedule 1)
  - Camping is restricted to certain types of vehicles (Schedule 2)
  - Camping is allowed subject to certain restrictions (Schedule 3)
- 4.5 In March 2018, Council received funding from the Ministry of Business, Innovation and Employment's Responsible Camping Fund to assist with projects that help manage freedom camping in our District.
- 4.6 Part of the funding received was to provide facilities for freedom campers in non-self-contained vehicles at Fittal Street, Richmond.
- 4.7 At its meeting on 6 September 2018, Council instructed staff to initiate a review of the Bylaw to allow camping in non-self-contained vehicles at the Fittal Street.
- 4.8 We are planning to install an accessible, double toilet facility and a rubbish compactor at Fittal Street. This site currently has a campervan dump station and a potable water supply. The toilet facility will be connected to the reticulated water and wastewater system.
- 4.9 There will be approximately 17 parks for campers, and parking will be time limited to ensure that other users are not unreasonably affected.
- 4.10 To meet the requirements of the FCA, to allow campers in non-self-contained vehicles at the Fittal Street, the site needs to be added to Schedule 3 of the Bylaw *defined areas where freedom camping is permitted subject to certain restrictions*.
- 4.11 To amend the Bylaw we must follow the Special Consultative Procedure provisions of the Local Government Act 2002 (LGA).

- 4.12 The current Bylaw was adopted in December 2017 after significant public consultation and engagement. As we are only proposing to add Fittal Street to Schedule 3, consultation and submissions are restricted to this site only. We are not reviewing the entire Bylaw at this time.
- 4.13 On 6 September 2018, Council delegated decision making to Councillor Hawkes, Councillor Brown, and Councillor Turley, or their nominated substituted Councillor to expedite the projects.
- 4.14 Staff propose that these Councillors are appointed to the hearing panel to hear any submissions received and make deliberations.

## 5 Kiwicamp Facility

- 5.1 Council also received \$330,000 funding from the Responsible Camping Fund to provide a Kiwicamp facility.
- 5.2 Staff have investigated several potential sites for a Kiwicamp facility in the District, but have been unable to find a serviced site that has community backing and that can be developed to meet the funding implementation deadline of 1 December 2018. For this reason the funding provided for the Kiwicamp facility has been declined.

## 6 Options

- 6.1 **Option 1** – Preferred Option. Adopting the Consultation Document, allowing Council to meet its legal obligations under the FCA and the LGA. The advantage of this option is that it allows Council to initiate a review of the current Bylaw to provide a new site for freedom campers in non-self-contained vehicles at Fittal Street. We can take advantage of Central Government's support to manage the effects of freedom camping and this helps us to encourage responsible camping. The disadvantage is the staff time and costs associated with undertaking the process.
- 6.2 **Option 2** - Council could resolve to make changes to the Bylaw amendment. For example changing the number of car parks provided for freedom camping and/or changing parking time restrictions.
- 6.3 **Option 3** - Not to adopt the Statement of Proposal. The advantages are no public consultation would be required and no further costs would be incurred. Council could choose not to enforce its Bylaw, and allow all freedom campers in this location as facilities would be still be available.
- 6.4 Staff recommend **Option 1** - proceeding with adoption of the attached Statement of Proposal.

## 7 Strategy and Risks

- 7.1 At its meeting on 6 September 2018, Council approved the installation of a toilet block at Fittal Street using the funds received from MBIE's Responsible Camping Fund.
- 7.2 Resource consent is required for the Fittal Street toilet block. The application was lodged on 1 October 2018. We will not know the outcome of this application before Council deciding

on whether to proceed with public consultation. There is a low risk that the resource consent will not be granted.

- 7.3 The new facilities will provide another location for all freedom campers, and assist with our management of the effects of freedom camping in the District.

## 8 Policy / Legal Requirements / Plan

- 8.1 Council must follow the Special Consultative Procedure of the LGA to meet the requirements of the FCA to amend the Bylaw. Under section 56 of the LGA, the Statement of Proposal must include the reasons for the proposed change to the Bylaw and under section 11(2) of the FCA why the Bylaw is the most appropriate and proportionate way of addressing the perceived problem in relation to that area.

## 9 Consideration of Financial or Budgetary Implications

- 9.1 Due to staff availability, the consultation process is being managed by a contractor. The associated costs for the process are expected to be in the order of \$3,000.

## 10 Significance and Engagement

- 10.1 Overall, staff consider that adopting the proposal to amend Schedule 3 of the Bylaw is of low significance.

Issue	Level of Significance	Explanation of Assessment
Is there a high level of public interest, or is decision likely to be controversial?	Low to medium	<p>Freedom camping tends to generate a high level of public interest because of public nuisance issues caused by some freedom campers.</p> <p>The adoption of the Consultation Document to amend the Bylaw is part of the process to use Central Government funds to help alleviate freedom camping pressures.</p> <p>A dump station and a water supply already exists at Fittal Street. The area is mostly commercial rather than residential, so we would not expect strong opposition to the proposal.</p> <p>The proposal may generate a reasonable level of interest as some community members may see it as an opportunity to amend the entire Bylaw. This decision is however only on the addition of Fittal Street to Schedule 3 of the Bylaw.</p>

Issue	Level of Significance	Explanation of Assessment
Is there a significant impact arising from duration of the effects from the decision?	Low	Choosing to consult on an amendment to the Bylaw will facilitate discussion in the community on freedom camping. If the Bylaw is amended in line with the proposal one new site will be added for freedom campers.
Does the decision relate to a strategic asset? (refer Significance and Engagement Policy for list of strategic assets)	No	
Does the decision create a substantial change in the level of service provided by Council?	No	
Does the proposal, activity or decision substantially affect debt, rates or Council finances in any one year or more of the LTP?	No	
Does the decision involve the sale of a substantial proportion or controlling interest in a CCO or CCTO?	No	
Does the proposal or decision involve entry into a private sector partnership or contract to carry out the delivery on any Council group of activities?	No	
Does the proposal or decision involve Council exiting from or entering into a group of activities?	No	

## 11 Conclusion

- 11.1 Adopting the Consultation Document to amend the Bylaw allows Council to take measures to alleviate pressures from freedom camping. The funding provided by Central Government through its Responsible Camping Fund has allowed us to bring forward the placement of these facilities.
- 11.2 This report seeks that you approve the Consultation Document and Bylaw amendment for public consultation and submissions.

**12 Next Steps / Timeline**

- 12.1 Following adoption by Council, the Consultation Document and Summary will be published. The proposal will be advertised on the 20 October 2018.
- 12.2 Public consultation and submissions will be open from 20 October to 21 November 2018.
- 12.3 Hearings and deliberations will be held on 27 November 2018 in Richmond.

**13 Attachments**

- 1. Statement of Proposal - Amendment of Freedom Camping Bylaw 2017 25





## Statement of Proposal

### Consolidated Bylaw – Chapter 11 - Freedom Camping Bylaw 2017 Amendment

This Statement of Proposal is to amend Council's Freedom Camping Bylaw to allow freedom camping at Fittal Street car parking area in Richmond. The Statement of Proposal has been prepared in accordance with the Freedom Camping Act 2011 (FCA), the Local Government Act 2002, and the Bylaws Act 1910 and includes:

- Background information
- Reasons for the proposal
- Options
- The proposed amendment to Council's Freedom Camping Bylaw 2017
- Information on how to make a submission

#### Introduction & Background

Freedom campers contribute to our Region's vibrancy and economy. However, some freedom campers misuse our facilities and in some situations cause damage to areas of community value. The provision of facilities such as toilets and rubbish bins in suitable locations can help to address these issues associated with freedom campers.

Under the Freedom Camping Act (FCA), Council is unable to prohibit freedom camping across its entire area. The FCA does however allow us to define freedom camping areas that we can control and manage.

In December 2017, after significant public consultation and engagement, we adopted our current Freedom Camping Bylaw 2017 (the Bylaw).

The Bylaw defines and identifies locations where:

- No camping may take place (Schedule 1)
- Camping is restricted to certain types of vehicles (Schedule 2)
- Camping is allowed subject to certain restrictions (Schedule 3)

#### Reasons for the Proposal – Freedom Camping Bylaw Amendment

In March 2018, Council received funding from Central Government's Responsible Camping Fund to help manage freedom camping issues within the District.

Part of the funding provided is for the installation of accessible toilets and a rubbish compactor for freedom campers at Fittal Street. At this location there is already a

campervan dump station and a potable water supply, making it an ideal location for freedom campers - both self-contained and non-self-contained.

To meet the requirements of the Freedom Camping Act, in order to allow freedom camping in this area, the site needs to be added to Schedule 3 of the Bylaw. Schedule 3 defines areas where all types of freedom camping is permitted subject to certain restrictions.

We therefore propose to amend Schedule 3 of the Bylaw to include Fittal Street, Richmond so that all campers including non-self-contained vehicles can use the site.

### Fittal Street, Richmond

The proposed freedom camping parking areas are shaded in green below. Freedom camping will be permitted in these areas subject to restrictions. There will be approximately 17 parks for campers, and parking will be time limited to ensure that other users are not unreasonably affected. As the location is away from Richmond Town Centre in an industrial area off Beach Road, any adverse effects are likely to be limited. The site is adjacent to estuary, so once known; it may be an attractive location for freedom campers.



As we are only proposing to amend Schedule 3 of the Bylaw to allow all freedom camping vehicles to camp overnight at the Fittal Street carpark, community consultation and

submissions are restricted to this addition only. Council will not be accepting or hearing submissions on other parts of the Bylaw.

### Assessment of Options

Options	Advantages	Disadvantages
<p><b>Option 1: Preferred Option</b></p> <p>Amend Council's Freedom Camping Bylaw - Schedule 3 to include Fittal Street in Richmond. This will allow non-self-contained vehicles to also camp in this location.</p>	<ul style="list-style-type: none"> <li>• Provides an additional site and facilities in Richmond for freedom campers in non-self-contained vehicles. This will assist in managing the effects of freedom camping.</li> <li>• Central Government has provided the funding for the new toilets and rubbish facilities.</li> <li>• There is an existing dump station and potable water onsite.</li> </ul>	<ul style="list-style-type: none"> <li>• Other users of Fittal carpark may be unhappy with its use by freedom campers. The effects are being mitigated by the limited number of parking spaces and restrictions</li> <li>• Monitoring and enforcement will be required to ensure campers are restricted to the marked locations and parking time restrictions.</li> </ul>
<p><b>Option 2: Alternative Option</b></p> <p>Not to amend the Bylaw. This would mean that freedom camping in self-contained vehicles would continue at the site, but non self-contained vehicles would not be permitted.</p>	<ul style="list-style-type: none"> <li>• No further consultation would be required and associated costs.</li> <li>• Local users may not want more the area used by non-self-contained campers.</li> <li>• Self-contained vehicles can continue to use the location and new facilities provided.</li> </ul>	<ul style="list-style-type: none"> <li>• Does not provide a much-needed additional site or facilities for non-self-contained campers.</li> <li>• Use of Central Government funds to install facilities at this site would be largely inconsistent with the purpose of the funding - which is to provide for all freedom campers.</li> </ul>

### Attachments

1. Tasman District Council Consolidated Bylaw – Chapter 11 - Freedom Camping Bylaw 2017 - Schedule 3 amendment to add Fittal Street in Richmond

2. Submission Information and Form

**Attachment 1.**

**Proposed addition to Freedom Camping Bylaw 2017 - Schedule 3**

The following map and information will be included in Schedule 3 of the Bylaw to allow freedom camping in the specific areas shaded green.

- 4. **Permitted Area:** Fittal Street, Richmond
- Legal Description:** Road Reserve and Part Lot 2 DP 16384



**Additional Information:**  
 All signage must be obeyed.

People camping overnight must park in the designated parking spaces and leave the carpark by the times indicated on the signs.

Occupants of non-self-contained vehicles must use the available toilets and rubbish facilities.

In all other areas of the carpark, freedom camping is prohibited.

**Reason for restriction**  
 To allow access to other users of this area, as well as campers.



**Attachment 2.****Your Submission****Freedom Camping Bylaw Amendment – Fittal Street**

Tell us what you think of our proposal to add Fittal Street Carpark, Richmond as a freedom camping site for non-self-contained vehicles in our Bylaw. We are providing new toilet and waste at the site to allow freedom camping.

Either make your submission online at [www.tasman.govt.nz/feedback](http://www.tasman.govt.nz/feedback) or use the form below.

**Submissions must be received by 5pm on 21 November 2018.**

Please note:

- All submissions, including names and contact details will be made available to Councillors and the public through our Council website.
- Council will only take account of submissions made on the inclusion of Fittal Street into Schedule 3 of the Bylaw. Any other submissions in relation to the Bylaw will not be considered.

**Hearing Date**

We propose to hold a hearing on 27 November 2018 for those submitters who indicate they wish to be heard in support of their submission.

All enquiries should be directed to either the Tasman District Council Customer Services Centre on 543-8400 or email [info@tasman.govt.nz](mailto:info@tasman.govt.nz)



## Submission Form - Freedom Camping Bylaw 2017 Amendment

### Proposed addition to Schedule 3 - Fittal Street, Richmond

*Submitter Details (please print clearly)*

Your name: ..... Email: .....

Phone: ..... Cell phone: .....

Your postal address:

.....

Town: ..... Postcode: .....

How would you prefer to receive correspondence about your submission and the hearing?

Email:  Phone:

Would you like to speak to your submission at a Council hearing held for this purpose?

Yes  No

If applicable, please indicate if you intend to present your submission in: Maori  or New Zealand sign language

Are you writing this submission as: an individual  on behalf of an organisation

If an organisation, please name the organisation and your position:

Organisation: ..... Position: .....

Which one of the following options do you support? Tick ONE only	
1. Add Fittal Street carpark in Richmond to Schedule 3 of the Freedom Camping Bylaw 2017. This will allow freedom campers in non-self-contained vehicles to also camp at this location.	
2. Not amend the Bylaw. This would mean that freedom camping in self-contained vehicles could continue at Fittal Street carpark, but non self-contained vehicles would not be permitted.	

**Please send your submission to:** Freedom Camping Bylaw Submission, Tasman District Council, Private Bag 4, Richmond 7050.

Or drop your submission in to Council at 189 Queen Street, Richmond, or to your local service centre or library.





## 9 CONFIDENTIAL SESSION

### 9.1 Procedural motion to exclude the public

The following motion is submitted for consideration:

**That the public be excluded from the following part(s) of the proceedings of this meeting. The general subject of each matter to be considered while the public is 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 this resolution follows.**

**This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:**

### 9.2 Appointment of Independent Member to Commercial Committee

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person.	s48(1)(a)  The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.

### 9.3 Legally Privileged and Confidential - Golden Bay Grandstand

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	s7(2)(g) - The withholding of the information is necessary to maintain legal professional privilege.	s48(1)(a)  The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.