

# Property Acquisition and Disposal Policy

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## 1. Introduction

The Council manages an extensive portfolio of property, incorporating land, buildings, infrastructure and improvements, as well as other types of property interests, including easements, land covenants and other interests (together called “Property”). This Property has been vested, gifted or acquired over many decades, with some dating back to early settlement and Crown Grants.

Council’s Property can be used and deployed in many different ways to support the Council’s core operational purposes; Property may be occupied and used directly for service delivery activities.

On occasions, the Council may acquire Property for strategic purposes, such as giving effect to a desired planning outcome that otherwise would not progress or could potentially be compromised, or setting some land aside for a likely future public or operational use.

In general, the Council does not actively acquire or retain land for development or investment purposes, but in some cases, this may be a factor that is taken into consideration. As such, the Council actively aims to minimise holding costs for Property by containing costs and maximising revenue from income and/or Property appreciation. Nevertheless, in some cases, properties have been retained as they are uneconomic to dispose of, held to accommodate longer-term service provisions, or are subject to other constraints.

The diverse and evolving needs of the Council, and its community, now and into the future, is often delivered from or supported by Council-owned Property. This requires the Council to acquire additional Property where needed as well as to sell Property that is surplus to Council’s requirements. This requires strategic oversight to ensure the best use of public funds.

## 2. Policy context

It is essential that the Council has policy and guidelines that ensure its processes for selling or acquiring Property are fit for purpose and soundly based, i.e. compliant with the law, including legislative frameworks and legal principles, consistent, equitable, and where appropriate, transparent.

It is important to protect the interest of residents and ratepayers, deliver positive outcomes for the Council and the community and ensure fair and consistent treatment for all prospective vendors and purchasers.

This Policy considers the way the Council acquires, retains, and disposes of Property.

It is a general policy that outlines Council’s intended framework and criteria that will assist the Council in the acquisition, retention, and disposal of Property. This Policy also has a number of more specific processes that detail standard information, process steps and decision-making requirements, along with roles, responsibilities, and delegations.

### 3. Policy objective

This Policy provides principles, policies, and processes regarding the acquisition, retention, and disposal of Property for the Council and references the key processes involved. The overarching policy objectives are to:

- i. Ensure property and asset-related decision-making is governed by clear criteria and aligned with the Council's Policies, Strategies, Long Term Plans, and its core purposes and objectives.
- ii. Strategically manage Council's Property portfolio for the long-term best interests of the community.
- iii. Ensure fair, consistent, transparent, and compliant processes and behaviours are in place to protect:
  - The rights of property owners;
  - The enduring relationships with private, public, Iwi and Māori stakeholders;
  - Protect Council's reputation; and
  - Ensure legal compliance and best practice.
- iv. Achieve good value (financial and non-financial) in all of its Property dealings by:
  - Minimising costs for acquisitions and disposals;
  - Maximising the return from Properties held or any Property disposal actions; and
  - Reviewing existing Property holdings on a periodic basis to ensure they are required, well utilised, and fit-for-purpose.

As an overarching corporate Policy, this is directly and/or indirectly connected to Council's Community Outcomes.

### 4. Policy statement

#### 4.1. Policy Framework

The Policy Framework has an overarching Policy that outlines the context, objectives, scope, principles, delegations, and the key decision-making processes, with a number of distinct operational Schedules with more detail and that give effect to the Policy.

The three primary Policy Schedules cover the lifecycle and process of Property ownership by specifying the following phases:

- (A) **Acquisition** planning, approval, criteria and processes required for new Property
- (B) **Retention/Review** existing Property, i.e. processes, programme and performance criteria
- (C) **Disposal** of surplus Property, i.e. processes, mechanisms and methods used.

In addition, Schedule D outlines relevant linkages to Policies, Legislation and Regulation and provides common definitions for this Policy.

These Schedules support and are part of the overarching Policy. They are technical in nature, and are subject to change. The framework allows for more timely technical updates over the course of time without necessarily affecting the overarching Policy or other Schedules.

#### 4.2. Scope

The Policy applies to the acquisition, retention, and disposal of most property with permanent ownership rights. These include the following or any combination of them:

- Land
- Buildings fixtures and fittings
- Council Infrastructure and Improvements
- Vestings, offsetting and giftings (for example relating to subdivisions)
- Easements, Land Covenants and a variety of other land encumbrances (on both Council and non-Council owned Property)
- Rights associated with air, riparian and subterranean property interests
- Agreements, contracts, or other legal instruments that commit the Council to any of the above types of Property transactions.

**Policy Exclusions:**

For clarity, the Policy does not extend to:

- Licenses or leases
- Hireage of spaces and any other temporal use arrangements for Property
- Rights to attach equipment/signage to a building unless it is a permanent right
- Removable furniture, equipment, and other items not fixed to a real property asset
- Intellectual property rights
- Naming rights.

Schedule D refers to policies that cover some of the above exclusions.

Of note, the Policy does not cover the development, construction, alteration, renewal, replacement or demolition of buildings, fixtures and fittings, Council infrastructure and improvements on a site, as this is dealt with separately, ideally within the relevant asset management plans.

**4.3. Principles**

To give effect to the Policy objectives, the following principles will be applied to decision-making in relation to the acquisition, retention (use), and disposal of Property:

**4.3.1. Fairness and the Public's Interest**

- All decisions will pursue the best interests of community, ratepayers and the public, with alternative options and their consequences considered.
- The rights of individuals and property owners (past, present, and future) should be preserved and protected at law and by intent.

**4.3.2. Transparency of Process**

- Processes will (where appropriate) be undertaken in an open and transparent manner to ensure the Council is seen to be responsibly managing public assets and funds.
- However, protecting property owner rights with respect to land acquisition and disposals will often require that certain information be kept confidential and that negotiation may, in some cases, include commercially sensitive information relating to businesses, lessees and other stakeholders.
- In addition, the Council also reserves the right to review, discuss, consider, and make decisions on commercial negotiations in a public excluded environment.

**4.3.3. Partnering with Ngāi Tūāhuriri**

- Decisions to acquire, use or dispose of Property will be made while building and improving upon the partnering relationship between the Council and Ngāi Tūāhuriri through ongoing and meaningful engagement that is robust, appropriate, accessible and respectful of tikanga Māori.

#### 4.3.4. Legislative and Regulatory Compliant

- Decisions will be compliant with statutory and regulatory requirements and frameworks, their amendments and/or their equivalent replacements, in particular the Property Law Act 2007, the Land Transfer Act 2017, the Public Works Act 1981, the Resource Management Act 1991, the Reserves Act 1977, the Ngāi Tahu Claims Settlement Act 1998, the Local Government Official Information and Meetings Act 1987, the Local Government Act 1974 and the Local Government Act 2002.

#### 4.3.5. Financial Responsibility - Prioritised/Opportunity Cost

- The Council will seek to maximise the value of its Property assets and minimise whole-of-life costs - including acquisition and disposal costs.
- Proper consideration needs to be given to viable non-ownership alternatives and their consequences, e.g. joint ventures, leasing, easements, and other arrangements.
- The opportunity and financial costs of keeping underutilised or unneeded land and Property assets come at the expense of a needed asset or service.

#### 4.3.6. Needs-based

- Decisions will predominantly be based on clearly identified needs of the community and the Council, both current and future.
- Decisions will be influenced by the wider context of long-term trends and their impact on the Council's services and activities and reflect the Council's strategic future planning.

#### 4.3.7. Scarcity/Change

- As resources are finite, they will be prioritised as required at any given point in time.
- However, needs and requirements tend to change, giving rise to the need for the regular, ongoing review of all Property holdings on a periodic basis.

#### 4.3.8. Adaptable/Future Proofed

- Given the requirement to respond to changing needs over time, decisions on Property/asset development will consider and, where possible, allow for expansion, extension, repurposing and/or anticipate the need for an exit strategy at some point in time.

#### 4.3.9. Consistent

- Decisions will be consistent with Council (1) Policies, (2) Strategies and (3) Plans. They will, in particular, align with the Council's:
  - i. Asset Management Policy\* and other relevant internal policy/external standards (\*Property forms a critical part of a wider set of asset solutions that are subject to the Local Government Act and Audit NZ obligations for asset management).
  - ii. Policy on Significance and Engagement.
  - iii. Infrastructure strategy and other strategies that provide a strategic framework for the Council Activities or objectives - that in turn require Property assets to support delivery.
  - iv. Plans that specify Property/asset requirements, e.g. Long Term Plan and Annual Plans.

#### 4.3.10. Sustainable

- The principles of sustainable management should be applied to investment and disposal decisions to ensure a holistic understanding of costs and benefits are understood and considered – social, cultural, environmental and economic factors.

#### 4.3.11. Information management

- Information on Council-owned or administered Property will be easily accessible, complete, and kept up-to-date to enable informed decision-making regarding Property acquisition, retention, and disposal.

#### 4.3.12. Embracing Diversity

- Seeking out, acknowledging and considering the views of diverse cultural and ethnic groups in the community will also be an acknowledged part of relevant property acquisition and disposal activities.

The policy helps guide decision-making and process in line with the above principles.

It also needs to be adaptable for different settings and/or purposes within the Council's overall purposes. This is expanded on within the relevant Policy Schedules.

Consistent application of these principles will also set the tone for what the public can expect from the Council.

#### 4.4. **Decision-Making Roles**

When deciding whether to acquire, retain, or dispose of Property, the Council will follow the policies and criteria outlined in this policy, including the technical procedures and requirements detailed in the Policy Schedules.

However, the ultimate decision-making role sits with the Council as detailed below:

- i. All decisions relating to the acquisition, retention, or the disposal of Council-owned or administered Property will be made by Council resolution.
- ii. The Chief Executive and/or Delegate has the power to negotiate and enter into contracts to acquire or dispose of Property or Property rights so long as the terms of sale are conditional upon ratification by the Council.
- iii. Alternately, the Chief Executive and/or Delegate has the power to negotiate and enter into contracts to acquire or dispose of Property or Property rights within a range of values, terms and conditions where this has been delegated to them by Council resolution.

The Policy applies to all the Council's employees, consultants or agents acting on behalf of the Council.

This document also seeks to clearly identify the relevant Activity Owner's responsibilities throughout the acquisition, review/retention and disposal process and where this responsibility is then passed to Council's Property Unit to deliver.

The involvement of the Property Unit in this process is critical to ensure:

- Independence in the negotiation process in order for an arm's length transaction to occur; and
- An appropriate level of expertise to meet legislative, statutory and other compliance.

For the best outcome to be achieved for the Council, that is compliant and in the best interests of all appropriate parties, it is vital that robust, well thought out processes are in place for all aspects of the acquisition, review/retention and disposal of Property.

Transparency and impartiality are critical to maintaining the integrity of the public sector, particularly in the local government context. While conflicts of interest sometimes cannot be avoided and can arise without anyone being at fault, they need to be managed appropriately and with care throughout the process of acquisition, review, retention and disposal of Property. As part of this, it is critical that:

- The risks of any such conflicts are acknowledged

- A conflict of interest is appropriately identified if a conflict arises or could potentially arise
- Full disclosure occurs where a conflict arises
- The risks associated with conflicts are appropriately managed or mitigated as appropriate in line with other Council policy in respect of elected officials and Council staff
- Appropriate peer review or similar processes are in place to ensure that one individual could not complete a transaction on their own without oversight.

While the above steps would reduce the risks and perceptions of any impropriety and ensure the Council maintains the trust and confidence of the public, it is also critical in obtaining the best outcome for the Council and its ratepayers.

#### **4.5. Consultation**

The Council will apply its Significance and Engagement Policy when determining the appropriate level of engagement on decisions to acquire or dispose of Property.

Planning for significant property acquisitions and disposals generally requires the Council to undertake public engagement through the preparation of Infrastructure Strategies, Long Term Plans, Annual Plans or Structure Plans. This will identify general requirements and the intended purpose of the programme of Property acquisitions at a non-Property specific level of detail.

However, engagement with the community and stakeholders affected by potential decisions or that have specific interests in it may take a variety of forms depending on the stage of decision-making.

In some cases, such as disposal of reserves, endowments or property purchased for a specific purpose, the Council has additional legal obligations to inform specific parties, offer the Property back, or undergo further consultation when disposing of such Property.

#### **4.6. Ongoing Property Review**

On a three-yearly basis, as part of the Long Term Plan considerations build-up, a Property review will be presented to the Council to consider opportunities to repurpose (use Property for a different purpose), retain, or dispose of existing Council-owned or administered Property.

This Property review will inform the following decisions:

- To determine if a Property is potentially surplus or underperforming.
- To confirm the need or otherwise to retain current Council-owned or administered Property.
- To reduce and amange the risks associated with Council's Property portfolio.

The review will also identify gaps within current Council-owned or administered Property and inform the Council if additional Property acquisition is required.

The outcome of these decisions will be reflected in the Long Term Plan or in the event of changed circumstances via the Annual Plan process. This will be in the form of a programme of work involving a mix of further investigations and definitive decisions.

In the case of unanticipated situations, a separate report will be required with justification and an impact assessment relative to the Annual Plan and Long Term Plan.

The review will be informed by the asset management planning processes administered by Activity Managers for each Activity, with the Property Unit providing guidance and support.

The initial assessment is based on the availability of data and information, and in some cases, this may not be available. As a result, it may take several Long Term Plan cycles to deliver a fully informed position with regard to some areas of the Council.

The Property Unit will present a Property Review Report to the Council at the beginning of the third year (August) in each triennial Long Term Plan cycle, summarising the Activity review process findings described above.

This will inform resource and budget requirements for acquisition and disposal for the upcoming Long Term Plan period.

**5. Links to legislation, other policies and community outcomes**

This is detailed in Schedule D.

**6. Questions**

Any questions regarding this policy should be directed to the Property Manager in the first instance.

**7. Effective date**

1<sup>st</sup> February 2022

**8. Review date**

1<sup>st</sup> February 2028

**9. Policy owned by**

Property Manager

**10. Adopted by**

Adopted by Waimakariri District Council on 1st February 2022.

# Property Acquisition and Disposal Policy

## Schedule A - Acquisitions

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### A1. Structure - Schedule A

This Schedule forms part of the broader Policy and specifically covers the Acquisition of Property for the Waimakariri District Council. In addition, three other Schedules respectively cover the following:

- (1) Schedule B - Review/Retention of existing Property
- (2) Schedule C - Disposal of Property
- (3) Schedule D - Related Policy, Legislation and Definitions.

### A2. General Provisions

The following requirements will apply to all Property acquisitions:

- Compliance with Section 4 of the Policy by the Property Unit and giving due consideration to the principles detailed in this Policy in support of the Policy objectives.
- Compliance with the decision-making process detailed in Section A7 and A8 of the Policy (Schedule A).
- A full report to the Council by a delegated officer(s) applying this Policy will be required as part of the Council considering a Property acquisition. In general, this will be a joint report from the Activity Owner proposing the acquisition together with the Property Unit.
- When purchasing Property, a registered valuation from a registered valuer must be obtained by the Property Unit unless it is unreasonable or impracticable to do so.
- When a need to acquire Property is identified, the Council will also assess and explore non-ownership alternatives to deliver the service and their respective implications.

### A3. Acquisition Plan and Programme

Based on the documented needs of the various Council Activity Plans, the Council will develop an acquisition plan and an acquisition programme, which will identify needs and opportunities for Property acquisition that comply with the criteria in this Policy. This information will feed into the Council's Long Term Plan and Annual Plan.

The Council's preference is that all acquisitions are identified, planned, and budgeted for in its Infrastructure Strategy, Long Term Plan or Annual Planning documents through its acquisition plan and acquisition programme.

The ad hoc provisions in section A9 of this Schedule also apply to those acquisitions not planned for, subject to the delegations provided to the Chief Executive by the Council.

### A4. Purpose of Acquisitions

The Waimakariri District Council acquires Property for a wide variety of purposes, and each acquisition will have distinct and unique requirements and business drivers.

However, several broad classifications are associated with the purpose of an acquisition that bring different requirements in relation to how an acquisition is procured and



processed. In addition, in some cases, there are critical actions and processes that can mitigate risks and support better outcomes for the Council.

These acquisition types or classifications are shown in the following table, which provides a summarised description associated with each classification.

Type	Description
<b>Public Work</b>	Where the Council provides roads and other infrastructure for things like drinking water, stormwater or wastewater (sewage), it may need to acquire Property to provide either additional capacity for growing communities or to increase levels of service provided by existing infrastructure. "Public Work" is defined in Schedule D. In these instances, the Council acquires Property through the Public Works Act 1981 and must comply with its obligations under this legislation. This can equally apply to non-infrastructure projects, but care needs to be taken concerning the availability of alternate solutions or properties available.
<b>Reserves and Open Spaces</b>	Reserves and open space in the district are utilised by a range of active and passive pursuits, and assets on Council reserves provide for enhanced community use and enjoyment. Reserve assets vary from toilet blocks to play grounds and community halls. Reserves and open spaces can also be acquired to protect and preserve ecological values, historic heritage, cultural value, geological value, or landscape values. The Council acquires reserves and open spaces to accommodate the growth of our communities, and developers are required to contribute either funds (through financial or development contributions) or land towards providing this. If this land is classified as a reserve, the Council has obligations for its management, including rules for their revocation and disposal, under the Reserves Act 1977. If the reserve is Crown-derived, Council can be an "administering body" of the reserve either if the is vested in Council or Council is be appointed to control and manage the reserve.
<b>Esplanade Strips/ Reserves</b>	The Council acquires esplanade reserve when landowners subdivide titles adjacent to water bodies and the coast. Whilst esplanade reserves are vested as a separate title with the Council, esplanade strips are simply recognised by an instrument on the certificate of title of the underlying lot and therefore remain in private ownership, however, there will likely be requirements relating to public access, fencing, planting and so on.
<b>Offsetting/ Developments</b>	The Council may acquire land where a development is required under a resource consent to vest land in the Council to offset a negative effect of the development. Commonly as part of these developments, easements are provided to the Council to protect its existing/or new infrastructure and Council's specific access requirements. These are commonly cost neutral to the Council and do not require specific budget considerations.
<b>Strategic Investment</b>	The Council may acquire Property for investment, where the acquisition is strategically important to the Council and/or the community, or to maximise value for ratepayers.

Table A1: Acquisition Types

Council has adopted a policy covering the Designation of land for future public works. A Designation signals to owners the long term intent of the Council in relation to a Public Work, with a likely acquisition of Property at a future date. It seeks to protect the future acquisition right by making the Council's interest in the Property known to prospective buyers and limiting development of the site where this is prejudicial to the future Public Work. A Designation is not an acquisition in its own right but is an early step towards it.

## A5. Methods of Acquisition

There are several methods of acquisition available to the Council depending on the purpose and nature of the land. The Waimakariri District Council can use the following methods to acquire Property:

Method	Description
<b>Willing Seller/Willing Buyer</b>	Direct negotiation occurs between the Council and the Property owner. Terms of the sale, including the price paid for the Property, is determined through the negotiation process.
<b>By Negotiation under the Public Works Act 1981</b>	The Public Works Act 1981 provides the Council with the ability to negotiate to acquire specific types of Property for a Public Work. Direct negotiation occurs between the Council and the Property owner to determine the terms of the sale, including the price paid for the Property.
<b>Compulsory Acquisition</b>	The Public Works Act 1981 provides the Council with the ability to compulsorily acquire specific types of Property for a public work. The landowner is compensated in accordance with the requirements of the Public Works Act 1981.
<b>Endowment Gifting &amp; Bequeathing</b>	Property owners approach the Waimakariri District Council to gift or bequeath Property. When deciding whether to accept a proposal to gift or bequeath Property, the Council must consider the need for the Property, how much it will cost to develop, the ongoing maintenance costs and any other obligations or conditions imposed by the Property owner.
<b>Vesting</b>	Property is vested in the Council through the Reserves Act 1977 or due to a requirement in planning rules, such as those relating to esplanade reserves or subdivisions.
<b>Land exchange and Transfer between Public Uses</b>	Generally applied to Public Work acquisitions, opportunities can arise for the mutually beneficial exchange of Property through boundary adjustments or outright 'swapping' of Property.  The Waimakariri District Council owns Property for a wide variety of purposes, and at the end of the life of an asset, or due to changing needs, Property may become available for an alternative public use, such as a park.  This may also apply to other Crown Acquiring Authorities/Agencies.
<b>Private-Public Partnerships</b>	The Council can enter into agreements with the private sector for capital works projects, including Property acquisition.  In these agreements, the Council would work with and share risk with a private company to deliver better outcomes for the community.

Method	Description
	There are various ways to document these agreements, including Memorandums of Understanding/ Heads of Agreement, or bespoke documents that detail the commitments taken on by each party to the agreement.
<b>First right of purchase agreement</b>	<p>The Council and the Property owner enter into an agreement that the Council has the option to purchase the Property prior to it being offered for sale on the open market.</p> <p>The agreement outlines the terms and conditions under which the Property will be offered to the Council to purchase. An encumbrance is recorded on the record of title for the Property to acknowledge the first right of purchase agreement.</p>

*Table A2: Acquisition Methods*

## A6. Funding options

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

Source	Description
<b>Targeted rates</b>	The Council has the ability to charge a targeted rate on a group of properties for a defined purpose, such as acquiring a specific piece of land for a specific purpose. Funds collected this way must be spent on the purpose for which they are collected.
<b>Loans</b>	The Council can raise loans against capital works such as purchasing land, and these are used by the Council as a 'smoothing mechanism' to reduce the impact of such a large one-off expenditure on rates, balanced with a prudent approach to ensure the burden of debt does not become too large.
<b>Financial contributions</b>	The Resource Management Act 1991 enables local authorities to collect financial contributions when land is developed to mitigate the effects of growth.
<b>Development contributions</b>	The Local Government Act 2002 allows Councils to require a contribution from new developments to provide infrastructure required due to growth, such as land for infrastructure projects like Public Works or greenspace. Development contributions can only be spent on growth-related infrastructure in accordance with the Council's Development Contributions Policy.
<b>Proceeds from the disposal of Council-owned or administered land</b>	If the Council disposes of land it may choose, or be required under the Reserves Act 1977, to utilise the proceeds from any such sale towards acquiring new land or as otherwise set out in the Reserves Act 1977. Proceeds from asset sales will be credited to the Property Proceeds Reserve.

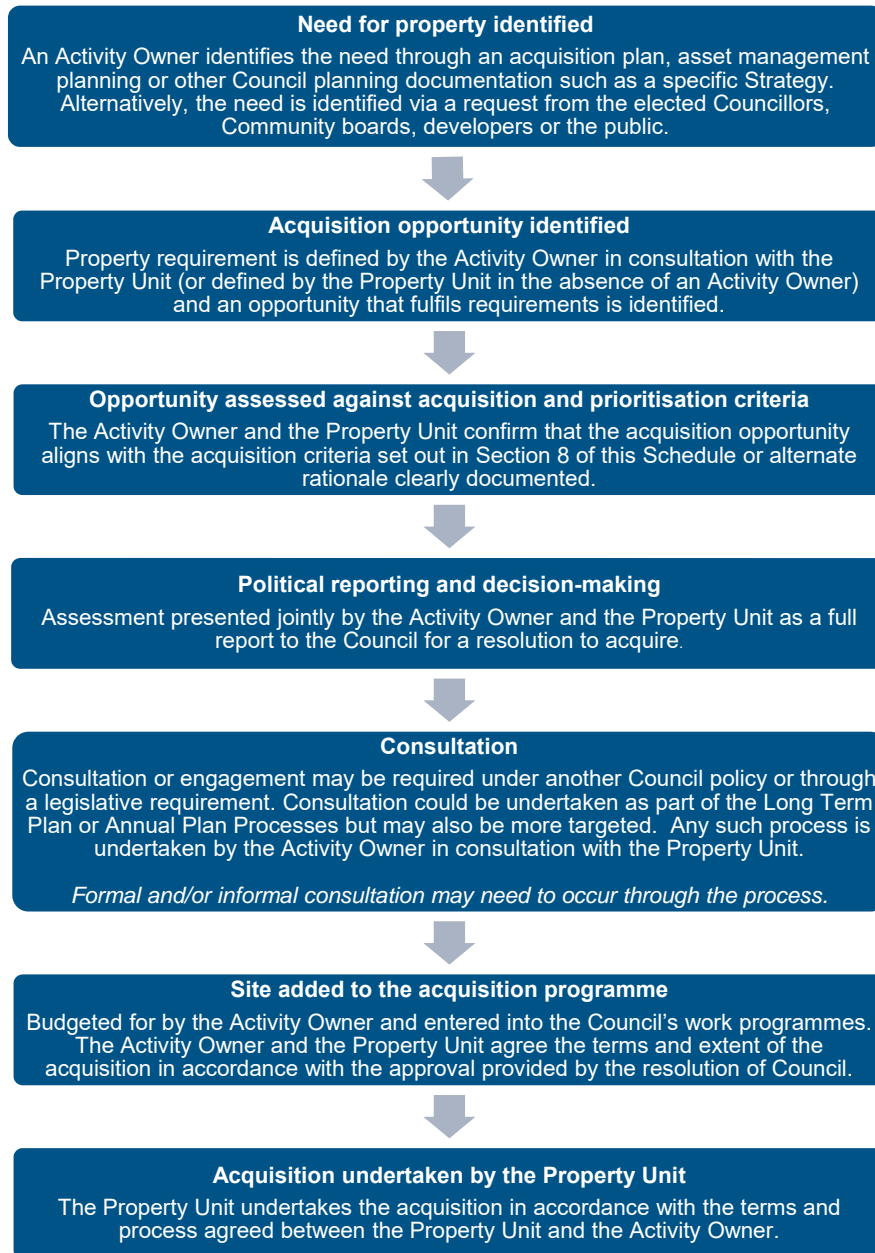
Table A3: Acquisition Funding Options

## A7. Acquisition opportunity assessment process

The Council will apply a strategic approach to property acquisition. This approach is summarised in the flow chart below.

Acquisition and prioritisation criteria used to assess acquisition opportunities are explained further in this policy.

To inform a decision on whether or not to acquire land, the Council will use the following steps to assess acquisition opportunities:



## **A8. Criteria for determination of acquiring Property**

The Council will use the following criteria to assess an opportunity to acquire Property and discover whether it contributes to the objectives and principles of this Policy.

The Council can decide to proceed with the acquisition even if one or more of the below criteria are not met. However, any criterion not met will be analysed in the decision-making report, and this will be taken into account when the Council decides whether or not to acquire the Property.

The Property acquisition criteria below is a guide for decision-making by the Council.

Every Property acquisition will be considered on its own merits, and no one of the criteria listed is necessarily of greater weight, nor is a Property acquisition required to meet every one of the criteria.

### **A8.1 Overall strategic fit of the acquisition**

- The acquisition is identified in a growth strategy, structure plan, asset management plan or similar.
- There are no other Council-owned or administered Properties which could address the need for such Property.
- The proposed Property improves functionality or access to existing Council-owned or administered Property.
- There are demonstrable social and environmental benefits to the acquisition.
- The acquisition fills a gap or responds to a previously identified need, for example, as identified in the Council's annual property review.
- The acquisition provides a connection or improves safety and access to the coast, waterways, walkways, cycle tracks or other recreational connections.
- The acquisition is strategically important to the Council and/or the community.
- The acquisition is identified in the Long Term Plan or Annual Plan.
- The acquisition has been budgeted for in the Long Term Plan or Annual Plan.

### **A8.2 Community requirements**

- Any known community interest or preferences for the acquisition opportunity, a particular site, or the need promoting the acquisition have been taken into account.
- The community's aspirations for the site support the planned usage.

### **A8.3 Costs and land value**

- An appropriate source of funding has been identified.
- The whole-of-life costs of the acquisition have been taken into account.
- The funding of the acquisition will be equitable for current and future generations.
- A valuation of the land has been obtained where appropriate.
- If additional Property (to what is required for the Council's immediate need) is being purchased – such additional Property needs to be clearly identified, the reason for such additional Property being purchased and a clear timeline and plan to repurpose/dispose of it needs to be provided.
- If only that part of a Property required for the Council's immediate need is being considered for purchase, the strategic value (if any) in purchasing the balance of the subject Property needs to be considered and reviewed.

### **A8.4 Restrictions on land use**

- Any restrictions from zoning or designations on the site are appropriate for the planned use of the site.

#### **A8.5 Alternative ownership or acquisition options**

- Opportunities for alternative ownership arrangements of the Property requirement such as easements, joint ventures, or leases have been investigated.
- The merits of any alternative ownership options have been identified.
- Other than land/improvement purchase, opportunities for alternative acquisition methods, such as endowment, vesting, easements, leasing/licences, land exchange, or partnerships, have been explored.

#### **A8.6 Site condition and suitability**

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

#### **A8.7 Access and functionality of the site for the intended purpose is achievable.**

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

#### **A8.8 Tenure**

- The Council has legal authority to undertake the activity proposed for the Property.
- There are no encumbrances on the record of title that prevent or impede the site's planned use, such as easements, caveats, memorials on titles, or Māori interests or settlement claims.
- There are no existing tenancies on the Property which prevent or impede the planned use of the site.
- The Property's LIM report findings do not include anything that would impede or prevent the Property's intended use, such as shared access, unpaid rates, or applicable planning rules.

#### **A8.9 Cultural heritage and ecological attributes**

- Acquisition of the Property promotes the Council's meaningful working relationship with Ngāi Tūāhuriri.
- Priority will be given to acquisition which will protect ecological values, historic heritage, cultural value, geological value, or landscape values.

#### **A8.10 Disadvantages of not proceeding with acquisition**

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

### **A9. Ad hoc Acquisition**

From time to time, the Council may receive an ad hoc request or wish to take advantage of an opportunity to acquire Property outside of planned acquisitions in the Long Term Plan or Annual Plan. The request could come from a member of the public, a landowner, an elected member, or an internal Council Activity Owner.

If this occurs, subject to the delegations provided to the Chief Executive by the Council, the request must be presented to the Council to assess the acquisition opportunity using the assessment criteria outlined in this Policy.

This presentation must clearly justify the need for such acquisition to be dealt with in a responsive/reactive manner as opposed to being provided for in any Long Term Plan.

Any decisions responding to such ad hoc requests to acquire Property must be made by Council resolution based on this assessment.

## **A10. Acquisition of Easements and other interests in Property**

This Policy recognises that the Council routinely acquires a diverse portfolio of Property, including intangible property interests such as the benefit or burden of land covenants or easements, caveats, mortgages and other interests. Council acquires these interests both in its role as the landowner and as a regulatory authority.

### **A10.1 Easements acquired by subdivision**

It is common practice for the Council to receive the benefit or burden of easements, land covenants and other interests as part of the subdivision process or as a condition of consent for a resource consent that has been issued.

In particular, the Council often receives the benefit or burden of easements over:

- New infrastructure that may have vested in the Council as a condition of consent
- Existing infrastructure that has vested in the Council as a consequence of a condition of consent or an agreement with a third party approved by Council resolution
- Existing infrastructure that is not vested in the Council but is used by the Council and other landowners.

Easements registered in this manner use the Council's approved easement terms. A Delegated Officer approves the final easement. These easements are not subject to the acquisition requirements of this Policy. Two Delegated Officers sign for registration of such easements.

### **A10.2 Easements acquired over new or existing infrastructure**

The Council may seek to acquire an easement in gross over new infrastructure, or existing infrastructure that has been upgraded, but was previously installed under the Local Government Act 2002 or previous legalisation.

### **A10.3 Easements over Council-owned or administered land**

It is generally rare for the Council to grant easements over Council-owned or administered land, but it can occur. This commonly occurs to protect new infrastructure or part of a subdivision whereby the Council is receiving land and infrastructure, and the requirements set out above in respect of easements acquired by subdivision apply.

### **A10.4 Other interests to be acquired by the Council as a regulatory authority**

On occasion, the Council may receive the benefit of a land covenant, encumbrance or other instrument registered on a parcel of land's Record of Title. This policy recognises and acknowledges that the acquisition and holding of such interests is dictated by the appropriate legislative provisions applying to the Council in its role as a consent authority. Accordingly, such legal requirements for acquisition and use apply instead of the acquisition requirements set out in this Policy.

### **A10.5 Other interests to be acquired by the Council as the landowner**

Council may acquire or receive the benefit of a land covenant, encumbrance, or other instrument in its role as a landowner. Such acquisitions are subject to the requirements of this Policy unless the acquisition has been approved as part of a wider transaction that has been approved by Council resolution already.



# Property Acquisition and Disposal Policy

## Schedule B – Review and Retention of Existing Properties

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### **B1. Structure - Schedule B**

This Schedule forms part of the broader Policy and specifically covers the Review and Retention of Property for the Waimakariri District Council. In addition, three other Schedules respectively cover the following:

- (1) Schedule A - Acquisition of Property
- (2) Schedule C - Disposal of Property
- (3) Schedule D - Related Policy, Legislation and Definitions.

### **B2. General Provisions**

The Policy signals that there is a need to measure the strategic value of existing Property to the organisation and community by way of ensuring the Council only owns, funds, maintains and/or manages those Properties that:

- Have strategic relevance
- Relate to core business in a cost-effective way
- Add value in another form.

The Policy stipulates that a three-yearly review will be conducted to assess the strategic value of existing Property. Value in this context is not financial, i.e. the value to the community or to aid the achievement of organisational objectives or initiatives can be non-financial.

For all Property Reviews, the following general requirements will apply:

- Compliance with Policy Statement set out in Section B4 (Schedule B) of the Policy and in particular giving due consideration to the Principles as detailed in this Policy, in support of the Policy Objectives
- That such reviews are conducted every three years in advance of the Long Term Plan deliberations
- The review will:
  - Consider the adequacy and performance of current Property holdings using consistent criteria and methodology
  - Assess and explore non-ownership alternatives to deliver the service or strategy and their respective implications
  - Identify Property that requires further consideration for Disposal
  - Where a Disposal is considered, identify potential gaps in provision required to achieve/maintain stated service levels, strategies or organisational objectives stemming from the potential Disposal.
- The outcome of the reviews will be summarised in a report to the Council for each Activity

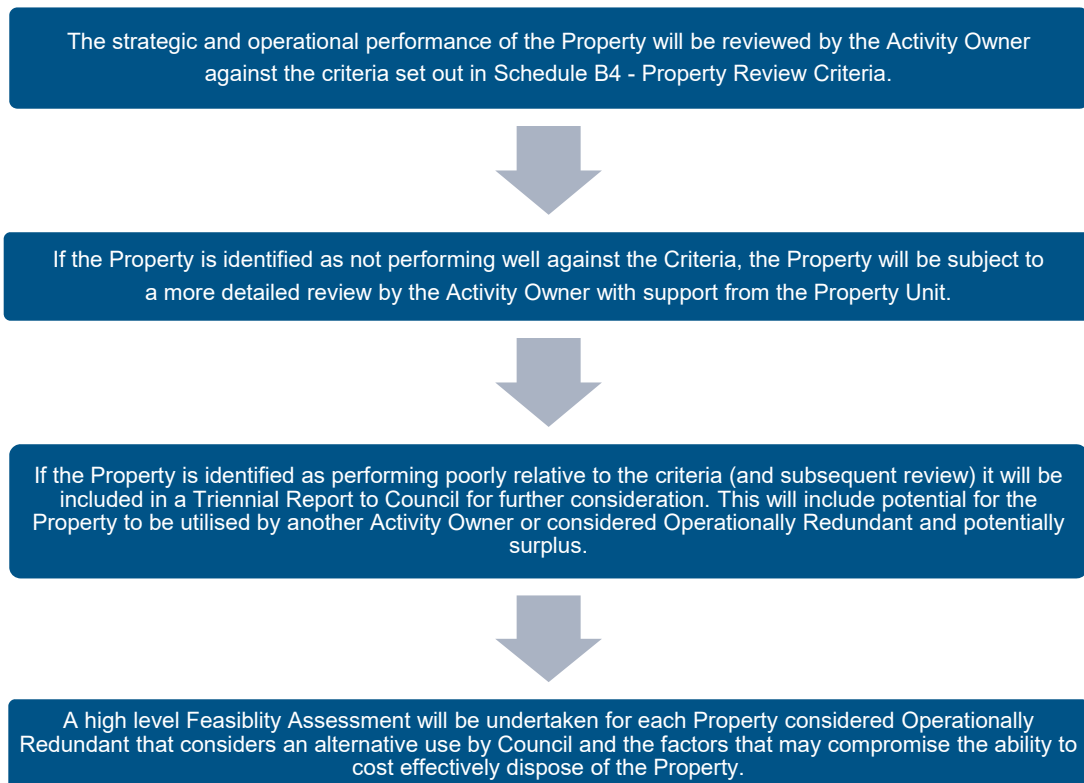
- These reviews will inform a Property Acquisition and Disposal Plan and Programme for the upcoming Long Term Plan that is scoped, resourced and scheduled
- This plan and programme will be prepared by and administered by the Property Unit.

### B3. Property Review Assessment and Process

The Council will apply a strategic approach to the retention of Property holdings.

This approach is summarised in the flow chart below. Retention and prioritisation criteria used to assess existing Properties are explained further in this Policy Schedule.

To inform a decision on whether or not to retain Property, the Council will use the following assessment steps:



The review will be informed by the asset management planning processes administered by the Activity Managers for each Activity, with the Property Unit providing guidance and support.

### B4. Criteria for the Review of Existing Property

Council will use the following criteria to assess the appropriateness of retaining existing Property holdings in alignment with the objectives and principles of this Policy.

#### B4.1 Property Review Criteria

The Property review criteria below is a guide for decision-making by the staff and the Council.

It includes many elements of the acquisition criteria covered in Schedule A, however, these are framed differently relative to the current and intended use of the Property. Every Property will be considered on its own merits.

The Review Policy provides a process that facilitates this evaluation against a series of ten key criteria shown as follows:

- i. **Strategic relevance** - Has the Property been identified by the Council as being strategically relevant?
- ii. **Core business** - Does the Property contribute to the Council's core business activities?
- iii. **Location** - Is the Property in the correct location for current and future needs?
- iv. **Sufficiency** - Is the Property sufficient for delivering these services?
- v. **Functionality utility** - Is the Property in a good state of repair and 'fit for purpose'?
- vi. **Utilisation** - Is the Property well utilised/accessible for its purpose?
- vii. **Provision** - Is the Property the only one of its kind, or are there other options available?
- viii. **Cost efficiency** - Is the Property cost-effective?
- ix. **Return on investment** - Does the Property provide a good Return on Investment?
- x. **Cost** - What is the cost of maintaining the Property in a state fit for purpose?

#### B4.2 Property Review Scoring of Criteria

The Property review incorporates a weighted scoring approach across the ten criteria areas with a combined total of 60 points. Strategic relevance and core business/activity criteria each have a score out of ten, while the remaining eight criteria have a score of five each.

The Properties fail the initial retention benchmark if they have scores where:

- i. The cumulative score is less than 35
- ii. Any two or more criteria, rank as one or less
- iii. Any four or more criteria rank as two or less.

Where all or most of the criteria are met, the Council will retain the Property.

Where the initial retention benchmark is not met, the implications for each Property and stated objectives will be assessed and noted.

Where three or more criteria are not met or where the implications of omissions of/for unmet criteria are significant, then a further, more detailed assessment will be undertaken with support from the Property Unit, which may result in the Property being listed in the Report to the Council.

In some circumstances, further consideration may then be given to declaring the Property Operationally Redundant or Surplus.

However, any criterion not met will be analysed in the decision-making report, and this will be taken into account when the Council decides whether or not to retain the Property.

The following table sets out the ten headings with further definition and the corresponding scoring schedule against each of these.

Criteria	Scoring Benchmark
<b>1. Strategic Relevance</b> Is the function or purpose of the Property identified as a strategic priority for the	10 - The Property is required and critical to meet Council's current and future strategic priorities as detailed in an Asset Management Plan, Infrastructure Strategy or other strategies and plans adopted by the Council.

Criteria	Scoring Benchmark
<p>Council that demonstrably supports a meaningful working relationship with iwi and the social, cultural, economic and environmental benefits associated with Council's published Community Outcomes. For example, it may support/facilitate growth or provide improved amenity, functionality, safety, or access to (or for) the coast, waterways, walkways, cycle tracks, or other recreational connections.</p>	<p>5 - The Property provides the most cost-effective option of several required to meet Council's current and future strategic priorities as detailed in an Asset Management Plan, Infrastructure Strategy or other strategies and plans adopted by the Council.</p>
	<p>1 - The Property is one of several options that could meet Council's strategic priorities.</p>
<p><b>2. Core Business/Activity</b> Is the function the Property will fulfil considered a core Council business/Activity? Is it detailed in an Asset / Activity Management Plan?</p>	<p>10 – Core Council business.</p>
	<p>5 – Not core Council business but desirable, and no one else is supplying the service.</p>
	<p>1 - Service could be/possibly should be provided by the private or voluntary sector.</p>
<p><b>3. Location</b> In terms of the purpose for which the Property is held and utilised, how does its location complement/assist its function?</p>	<p>5 - The location is ideal.</p>
	<p>4 - The location is good to very good.</p>
	<p>3 - The location is good.</p>
	<p>2 - The location is acceptable but could be better.</p>
	<p>1 - The location is poor.</p>
<p><b>4. Sufficiency</b> Is the Property sufficiently large or able to be adapted to accommodate the service and facilitate growth as required?</p>	<p>5 - The Property and/or improvements are large enough and have sufficient additional capacity to accommodate future development/growth (10-30%).</p>
	<p>4 - The Property and/or improvements are only large enough for the current purpose.</p>
	<p>3 - The Property and/or the improvements are too small, but this can be readily accommodated by improvements costing less than 20% of CV or acquiring adjacent Property.</p>
	<p>2 - The Property and/or the improvements are too large (31%-50% more than required).</p>
	<p>1 - The Property and/or improvements are too large (&gt;50% more than required).</p>
<p><b>5. Functionality/Utility</b> Is the Property fit for</p>	<p>5 - The functional utility of the Property is estimated to be within 90% of that exhibited by a new Property designed and built specifically for the purpose.</p>

Criteria	Scoring Benchmark
<p>purpose? Notes:  “Depreciation” is the loss in value from any cause. The two main components are physical depreciation and obsolescence.</p> <ul style="list-style-type: none"> <li>• “Physical depreciation” is physical wearing out due to use and natural forces.</li> <li>• “Obsolescence” is the loss in value from causes other than physical decay or wear. It includes functional, economic, legal and technological obsolescence.</li> </ul>	<p>4 - The functional utility of the Property is estimated to be within 75% to 90% of that exhibited by a new Property designed and built specifically for the purpose.</p> <p>3 - The functional utility of the Property is estimated to be less than 75% of that exhibited by a new asset Property built specifically for the purpose, but the asset can still be practically used for the purpose.</p> <p>2 - Physical depreciation and/or obsolescence is of such a degree that the usefulness of the Property is moderately and noticeably constrained.</p> <p>1 - Physical decay and/or obsolescence is of such a degree that the usefulness of the Property is significantly constrained.</p>
<p><b>6. Utilisation</b>  Is the Property well-utilised?  Note: Utilisation in this regard means the property is either:</p> <ul style="list-style-type: none"> <li>• Well utilised in terms of physical space; or</li> <li>• The Property attracts high use levels in relation to the number of people that benefit/use such Property with due consideration to the frequency of such use.</li> </ul>	<p>5 – At least 95% of the floor area and 85% of the land area are effectively utilised for the purpose. Alternatively, the Property exhibits a very high level of use for its intended purpose.</p> <p>4 – At least 85% of the floor area and land area are effectively utilised for the purpose. Alternatively, the Property has a high level of use for its intended purpose.</p> <p>3 – At least 70% of the floor area and land area are effectively utilised for the purpose. Alternatively, the Property has a reasonable level of use for its intended purpose.</p> <p>2 – At least 50% of the floor area and land area are effectively utilised for the purpose. Alternatively, the Property has a low level of use for its intended purpose.</p> <p>1 – Less than 50% of the floor area or land area are effectively utilised for the purpose. Alternatively, the Property is infrequently used in terms of its intended purpose.</p> <p>Note: The percentage utilisation estimated can include an allowance for future growth.</p>
<p><b>7. Provision/Tenure</b>  Is the Property/resulting service already provided elsewhere locally by the Council or another provider? Are there opportunities to partner with others to deliver the Property/resulting service? Are there alternative ownership structures that could be practicable, such as an easement or lease?</p>	<p>5 – The Property/resulting service fulfils local need, and there are no other providers or viable ownership options.</p> <p>3 – The Property/resulting service will need to be provided temporarily but may be provided by others or from alternative ownership modes or another Property longer-term.</p> <p>1-The Property/resulting service is already provided locally or can be provided locally by others.</p>

Criteria	Scoring Benchmark
<b>8. Cost Efficiency</b> Can the function be provided more cost-effectively, and is it practical to do so?	5 - No, the function cannot be practically provided more cost-effectively.
	3 - It may be possible to provide the function more cost-effectively practically.
	1 - Yes, the function can be practically provided more cost-effectively.
<b>9. Return on Investment</b> Does the Property achieve a good return on investment in terms of the resulting function and activity, economic return or strategic outcomes?	5 - The return from the Property is equal to or exceeds a fair market return. Alternatively, it delivers expected returns in line with Council policies.
	4 - The return from the Property is between 90% and 100% of the fair market return or of expected returns in line with Council policies.
	3 - The return from the Property is between 75% and 90% of the fair market return or of expected returns in line with Council's policies.
	2 - The return from the Property is between 50% and 75% of the fair market return or expected returns in line with Council policies.
	1 - The return from the Property is less than 50% of the fair market return or expected returns in line with Council policies.
<b>10. Capital Costs</b> What are the capital costs required to maintain the Property in a state fit for purpose?	5 – Capital costs are < 14% of CV over the next thirty years.
	4 – Capital costs are between 15-25% of CV over the next thirty years.
	3 – Capital costs are between 26-40% of CV over the next thirty years.
	2 – Capital costs are 41-60% of CV over the next thirty years.
	1 – Capital costs are >60% of CV over the next thirty years.

*Table B1: Property Review Scoring Criteria*

The initial assessment is based on the available data and information. In some cases, this may not be readily available, or there may be concerns with its accuracy. However, in some cases, reasoned assumptions may be utilised in the interim.

It may take several Long Term Plan cycles to deliver a fully informed position with regard to some areas of the Council; however, once a specific property has been reviewed, the subsequent reviews will likely focus on improving data integrity and updating the information based on documented changes; significantly reducing the ongoing workload associated with the review.

It is also likely that considerable 'learnings' will be obtained from the first review cycle, which may inform adjustments to the criteria and process and subsequent review cycles.

It is intended to monitor this closely and may result in Schedule B being reviewed and amended within the first 12 to 18 months of the policy's implementation.

## **B5. Strategic purchase to initiate future development**

The basis of this category of strategic purchase is to secure Property to initiate development that will be beneficial for the community but which is not otherwise being initiated by the private sector. The word 'land' is commonly used for this type of strategy but can equally apply to the wider 'property' definition used in this Policy.

It is envisaged that Council's role in this form of advance purchase would generally be one of initiation or facilitation on a case by case basis. Usually short term.

For the Property to meet the criteria for strategic purchase to initiate future development, the following needs to apply:

- There needs to be an approved land acquisition proposal for the specific Property in the form of a report and recommendation to acquire the Property. As a minimum, the report should contain supporting arguments, evidence, and a risk assessment.
- The recommendation should be signed off by the Activity Manager and approved by the Chief Executive/Council resolution.
- If the acquisition proposal is more than two years old, the Activity Manager needs to confirm that it is still currently valid.

# Property Acquisition and Disposal Policy

## Schedule C - Disposals

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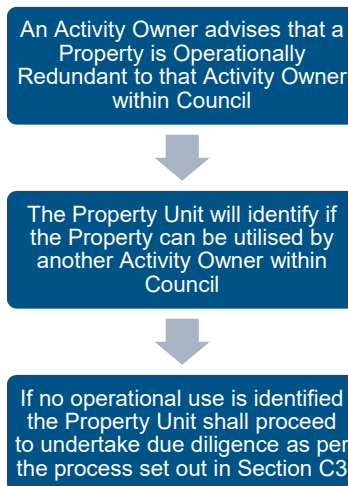
### C1. Structure – Schedule C

This Schedule forms part of the broader Policy and specifically covers the Disposal of Property for the Waimakariri District Council. In addition, three other Schedules respectively cover the following:

- (1) Schedule A - Acquisition of Property
- (2) Schedule B - Review of existing Property
- (3) Schedule D - Related Policy, Legislation and Definitions.

### C2. Operationally Redundant

Before Property is considered for disposal and rigorous due diligence is undertaken to confirm the appropriateness or otherwise of the disposal of the Property, the following process is to be adopted:





### C3. Process for Disposal and General Provisions

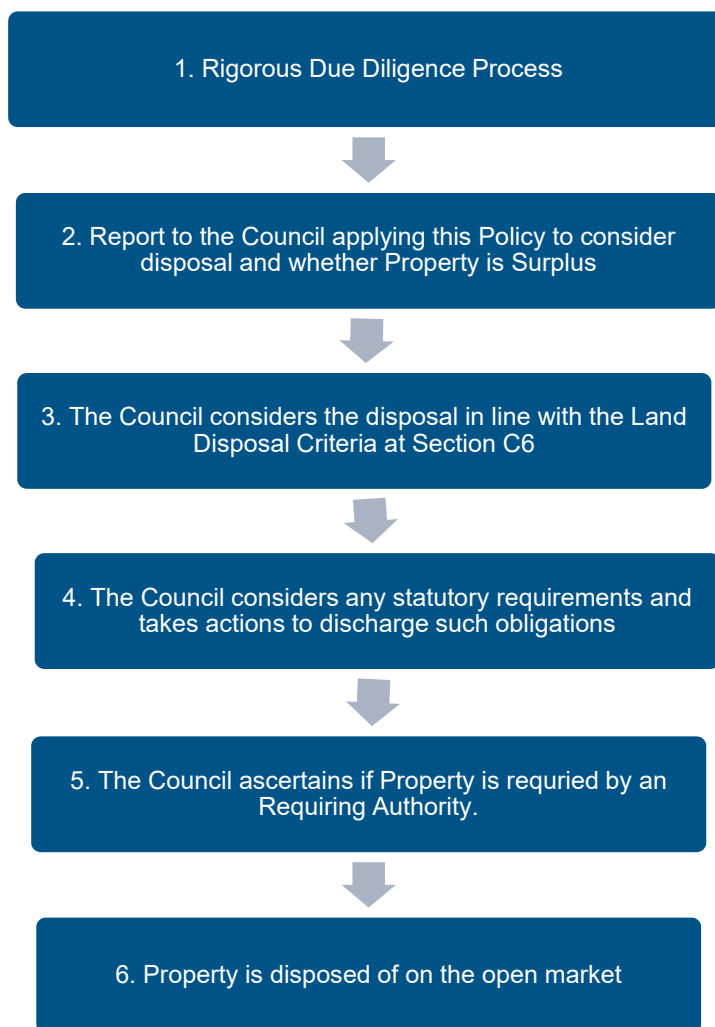
The following process will be adopted for all Property disposals. In some cases, this may be an extension of the review undertaken in the Property retention stage.

Such disposals are to occur following the Council staff (i.e. the Activity Owner) identifying that Property is operationally redundant to the particular Activity Owner who administers/is responsible for such Property (whether as a result of a review or otherwise).

Following this, the process provided at Section C2 (Schedule C) – Operationally Redundant, shall be a prerequisite to considering Property for disposal and the rigorous due diligence process noted below:

- Prior to sale or disposal, all Property must be subject to a rigorous due diligence process by the Property Unit (and appropriate advisors) which includes:
  - Identifying all possible parties (if any) with any claim on the Property
  - Confirm whether any specific obligations exist in respect of such parties
  - Confirmation of any legal or regulatory obligations in respect of the Property (including reviewing the Property's underlying land status)
  - Identifying whether any contractual obligation exists in respect of the Property.
- Part of this due diligence investigation should also include the commercial viability of disposing of such Property and whether an application of such Property in an alternative manner would be a more viable option for the Council, e.g. leasing out of the Property.
- A full report to the Council by a delegated officer, on behalf of the Property Unit and in consultation with the Activity Owner, applying this Policy will be required for the Council to consider the disposal of the Property and whether the Property is Surplus to the Council.
- Council can decide to proceed with the disposal even if one or more of the criteria in Section C6 (Schedule C) – Property Disposal Criteria below are not met. However, any criterion not met will be analysed in the decision-making report, and this will be taken into account when the Council decides whether or not to dispose of the Property.
- Where the property has been held for a Public Work and is no longer required for this Public Work or any other Public Work, the Council may deem that the Property is Surplus. In particular, “no longer required for a Public Work” means:
  - The Property has not been designated for a Public Work
  - Written notification has not been given to the Council that the Property is needed for a Public Work, and in particular:
    - The Acquiring Authority/Agency has not demonstrated that there is an actual need for the Property
    - The Acquiring Authority/Agency has not demonstrated that the Property will be used for the proposed purpose within a reasonable timeframe under the Public Works Act 1981.
- The Council must consider any statutory requirements for disposal of the Property and, in particular, where it had been used as a Public Work, comply with any s40 Public Works Act 1981 offer back requirements. This is further detailed in D3 (Schedule D) – Legislation under the Public Works Act 1981.
- Where the Property has been deemed Surplus, and the Council cannot establish any need for the Property by another Acquiring Authority/Agency, and applicable statutory requirements have been considered and have been or will be appropriately met, then the Property can be disposed of on the open market in a suitable manner by the Property Unit of the Council and in accordance with any applicable statutory requirements.

### C3.1 Process for Disposal flow chart



For the avoidance of doubt, the process of disposal outlined above is to be undertaken by the Property Unit with consultation as required with any appropriate Activity Owners.

### C3.2 General Provisions

The following requirements will apply to all Property disposals:

- When disposing of Property, a valuation from a registered valuer must be obtained unless it is unreasonable or impracticable to do so
- On behalf of the Council, the Property Unit must ensure it complies with its legislative requirements when disposing of Property, such as the Reserves Act 1977, the Public Works Act 1981 and the Local Government Act 2002. These determine the public consultation process (if applicable), who obtains the proceeds from disposing of Property, rights to purchase Property once the Council indicates it is Surplus and how the proceeds from disposal can be spent.

### C4. Methods

Council needs to consider the nature of the Property and how this directly impacts the method utilised to dispose of such Property:

Type	Considerations
<b>Council-owned Freehold Property</b>	Where the Council has acquired Property for strategic or other purposes (not a Public Work), it commonly holds such Property as freehold property. The Council commonly can choose to sell freehold Property at its will. An assessment in accordance with this policy will ensure such decision-making is strategically aligned.
<b>Property Previously Acquired or used for a Public Work</b>	If Property has been acquired for or used for a Public Work and all or part of it is no longer required for that Public Work, any other Public Work, or an exchange, the Council can dispose of the Property. However, subject to the existence of a suitable and justifiable exemption in section 40(2) of the Public Works Act 1981 or a recommendation under section 40(4), it has a legal obligation to first offer the Property back to the former owner or their successor.
<b>Reserve Land</b>	If the Council wishes to dispose of a Property classified as a reserve, subject to any other obligation it may have, it will first need to revoke its classification as a reserve and cancel any vesting of the reserve in the Council (if it is a Crown-derived reserve). This process is detailed in the Reserves Act 1977 and includes consultation with the Department of Conservation and public consultation. If a reserve is Crown-derived, disposal will be facilitated by the Department of Conservation under the Land Act 1948 once the reserve status has been revoked. The Crown has a policy on the sharing of proceeds of such land.
<b>Red Zone Land</b>	Following the 2010-2011 Canterbury earthquakes, approximately 100 hectares of land in Kaiapoi, Pines Beach and Kairaki were classified as residential red zone. Government directed the Council to prepare a Draft Recovery Plan to identify the long-term uses for the District's five residential red zone areas. The Crown approved the Waimakariri Residential Red Zone Recovery Plan on 13 December 2016. The Crown agreed to divest the majority of Crown-owned land in the five regeneration areas to the Council, with the rest (parts of the Pines Beach and Kairaki regeneration areas) to be divested to Te Kōhaka o Tūhaitara Trust.  Land was divested with conditions ensuring the agreed land uses will be implemented and that financial return is maximised wherever possible, with the Crown to receive a share of any future net financial returns (where applicable). Further detail is provided in the sale and purchase agreement between the Crown and the Waimakariri District Council.
<b>Endowment or Trust held Property (gifted or bequeathed)</b>	Before disposing of endowed or Trust vested Property, the Council must obtain advice/consider the conditions that were imposed on the provision of the endowment or Trust and, if required, seek the views of the original owners or their successors. Disposal may also depend on the terms of the Trust Deed, or other document creating such Trust, as well as statutory requirements. Legislative or Ministerial approval may also be required. Sections 140 and 141 of the Local Government Act 2002 provide for restrictions on the disposal of endowment property and conditions applying to the sale or exchange of such property.
<b>Crown-derived Property</b>	The Council formally and informally manages and administers Crown-owned and Crown-derived Property. Crown-derived property's holding or disposal will likely be subject to specific legal

Type	Considerations
	requirements or conditions. Consideration of such requirements is essential in evaluating the appropriateness of disposal of such Property.
<b>Other Property interests</b>	Council has a variety of tangible Property interests, including ownership of buildings, infrastructure and improvements. The Council is also responsible for substantial tracts of land held as road and unformed (paper) road. The Council does not acquire or dispose of road; however, decision-making processes in relation to the stopping and/or dedication of road have somewhat common considerations as for other tangible Property interests. This Policy does not explicitly cover the dedication and/or stopping of roads. The Council also has a variety of non-tangible interests, including the benefit of leases or licences to occupy, easements, land covenants and other interests in Property. There is sometimes also an opportunity for the Council to dispose of Property while retaining a non-tangible interest in Property that aligns with the Annual Plan, Long Term Plan and other strategic documentation.

*Table C1: Disposal Methods*

The Council's preference is that a fully transparent, publicly competitive, open market sale process is followed where possible and appropriate; however, there may be cases where this is not feasible, i.e. the sale of stopped road where there is only one feasible purchaser. Therefore, before disposing of Property, the Council must resolve that the Property is Surplus and capable of disposal.

## **C5. Strategic Property Disposal Criteria**

The criteria in C6 (Schedule C) – Property Disposal Criteria, are a guide for decision-making by the Council. Every Property disposal will be considered on its own merits, and no one of the criteria listed is necessarily of greater weight, nor is a Property disposal required to meet every one of the criteria.

## **C6. Property Disposal Criteria**

The criteria below, are a guide for decision-making by the Council. Every Property disposal will be considered on its own merits, and no one of the criteria listed is necessarily of greater weight, nor is a Property disposal required to meet every one of the criteria.

Council will use the following criteria to assess an opportunity to dispose of Property and discover whether it contributes to the objectives and principles of this Policy.

Council can decide to proceed with the disposal even if one or more of the below criteria are not met. Any criterion not met will be analysed in the decision-making report, and this will be taken into account when the Council decides whether or not to dispose of the Property.

### **C6.1 Property deemed to be surplus or under-performing by the Council**

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

- The Property no longer contributes to the strategic goals of the Waimakariri District Council or any growth strategy, structure plan, asset management plan or similar
- The Property is no longer required for its intended purpose
- The Property is not required or suitable for any alternative Council purposes
- The ongoing costs of the Property are not sustainable
- Disposing of the Property will be of financial benefit to the Council.

### **C6.2 Market and fiscal considerations (for disposals of Property not acquired for or used for a Public Work)**

- The property market is not significantly depressed
- There are interested parties for the purchase of the Property
- Disposing of part of the Property has been considered and is not appropriate in the circumstances
- The financial benefits of disposing of the Property outweigh the financial costs of holding or disposing of the Property, including consideration of:
  - The cost of the disposal
  - Application of such Property in an alternative manner, e.g. leasing out of the Property
  - Income generated by the Property
  - The ongoing maintenance costs to the community.
- A valuation from a registered valuer of the Property has been obtained where appropriate
- Council recognises that the best value does not necessarily mean the highest financial offer and will include non-financial considerations.

### **C6.3 Legal, Tenure and Long Term Plan/Annual Plan**

- The Council can legally dispose of the Property in the manner proposed giving due consideration to its various statutory and other compliance requirements.
- Disposal of the Property aligns with the Long Term Plan and Annual Plan.
- The Property is not a strategic asset. Under section 97 of the Local Government Act 2002, any decision to transfer the ownership or control of a strategic asset to or from the Council can only be taken if explicitly provided for in Council's Long Term Plan or through an amendment to the current Long Term Plan.

### **C6.4 Community views**

- Community views should be considered with regard to any decisions in relation to properties being declared Surplus.
- Any known community interest or preferences for the particular site and its retention

- o disposal need to be taken into account, including:
  - o Consideration of the current tenants or users of the asset
  - o The ability of other assets to provide the same service
  - o Frequency of use
  - o The community's aspirations for the site support its disposal.
- However, the above considerations should be addressed as part of the review/retention process in B3 (Schedule B) – Property Review Assessment and Process.
- Where the Property has been used as a Park, consideration of the Local Government Act 2002 is required. Section 138(1) provides that *“A local authority proposing to sell or otherwise dispose of a park or part of a park must consult on the proposal before it sells or disposes of, or agrees to sell or dispose of, the park or part of the park.”*

#### **C6.5 Cultural heritage**

- The Property does not contribute to ecological values, historic heritage, cultural value, geological value, or landscape values.
- The Property's cultural significance to hapū and iwi.

#### **C6.6 The Proposed Use of the Site following Disposal**

- The proposed use of the Property will complement existing activities and/or provide a valuable community service and/or provide local employment opportunities and/or cultural facility.
- The proposed owner shows they have a historical/cultural connection with the Property and/or a commitment to demonstrate an element of the site's history.
- Following disposal, the proposed owner is a local business, a resident of the district, a local community group or Iwi within the district.

### **C7. Ad hoc disposal**

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

If this occurs, the request must be presented to the Council for a disposal resolution which assesses the disposal opportunity using the assessment criteria outlined in this policy. Any decisions responding to ad hoc requests to dispose of Council-owned or administered Property must be made by Council resolution based on this assessment.

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

## **C8. Disposal of Easements and other interests in Property**

This Policy recognises that the Council routinely acquires and disposes of a diverse property portfolio, including intangible property interests such as the benefit or burden of land covenants, easements, caveats, mortgages, and other interests. Council acquires these interests both in its role as a landowner and a regulatory authority.

### **C8.1 Easements and other interests to be disposed of by the Council as the landowner**

The Council has the benefit of a range of interests in property, including land covenants, encumbrances, or other instruments in its role as a landowner. The disposal of such an interest held by the Council is subject to the terms and conditions of such an instrument which typically provides for their disposal, if disposal is contemplated in future.

Disposal of such interests would require consideration of the disposal under the process outlined in this Schedule. However, disposal of such interests under the Land Disposal Criteria would require careful consideration of the cost of such disposal against the likelihood of any ongoing costs for continuing to hold such interests.

### **C8.2 Other interests to be disposed of by the Council as a regulatory authority**

This Policy does not apply to the disposal of any land covenant, encumbrance or other instrument registered on a parcel of land's Record of Title associated with Council's role as a regulatory authority.

# Property Acquisition and Disposal Policy

## Schedule D - Related Policy, Legislation and Definitions

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### D1. Structure - Schedule D

This Schedule forms part of the broader Policy and specifically covers the policy context, legislation and definitions that form part of the Policy. In addition, three other Schedules respectively cover the following:

- (1) Schedule A - Acquisition of Property
- (2) Schedule B - Review of existing Property
- (3) Schedule C - Disposal of Property.

### D2. Policy

#### D2.1 Introduction

The Property Acquisition and Disposal Policy is informed and affected by the following policies, plans and strategies:

- (1) District Plan
- (2) Council Strategies & Plans
- (3) Policy Manual
- (4) Annual Plan
- (5) Long Term Plan.

#### D2.2 District Plan

The Waimakariri District Plan identifies and manages growth areas, and uses designations to set aside land and signal its use for a particular purpose, and informs structure plans. It must also give effect to higher-order statutory direction from National and Regional Policy Statements.

Ongoing monitoring of changes to the District Plan and other related planning documents is required by the Property Unit to inform property-related decisions.

#### D2.3 Council Strategies & Plans

The Council has adopted several Strategies and Plans which set out the vision, goals, objectives, projects and plans to achieve outcomes relating to specific issues. Ongoing monitoring of these is required, and accordingly, this section is subject to more regular review and revision (annually). These are noted in the below table:

Type	Description
<b>Community Development Strategy 2015-2025</b>	The Waimakariri Community Development Strategy reflects the Council's desire to work with the community to identify community development priorities now and into the future and reflects the continuing growth and diversity of the Waimakariri community.



Type	Description
<b>Organisational Sustainability Strategy &amp; Action Plan 2020</b>	The Organisational Sustainability Strategy and Action Plan sets out actions allowing the Council to conduct its business and operations in a more sustainable manner. It is also about retaining and enhancing a developing staff culture that embraces sustainability as normal day-to-day practice, extending the initial focus on the operations of the three Service Centres out to the wider organisation's services and infrastructure.
<b>Corporate Sustainability Strategy 2019</b>	The Corporate Sustainability Strategy's purpose is to provide an overarching framework that guides the adoption over time of economic, social, cultural, environmental sustainability, and wellbeing principles into the Council's strategic planning and day-to-day operations.
<b>The Kaiapoi Town Centre Plan - 2028 and Beyond</b>	The Kaiapoi Town Centre Plan - 2028 and Beyond promotes a vision of a vibrant Town Centre that embraces the river, attracts visitors and new businesses and creates enjoyable public spaces. It builds onto the work successfully completed as part of the 2011 Kaiapoi Town Centre Plan and strives to maintain Regeneration momentum.
<b>Oxford Town Centre Strategy – August 2014</b>	The Oxford Town Centre Strategy provides a vision, key themes and strategic directions to assist in planning for the future of the Oxford town centre.
<b>Procurement Strategy 2019</b>	The Procurement Strategy articulates the procurement vision, objectives and 'what' the Council aims to achieve for its stakeholders. It outlines the approach to procurement over the next three years and sets out the framework to achieve public value and quality outcomes through best procurement practices.
<b>Rangiora Town Centre Strategy – September 2010</b>	The Rangiora Town Centre Strategy is a document that provides a decision-making framework that the Council can use to make positive changes to the Rangiora town centre from now until the year 2020 and beyond.
<b>Reserve Management Plans</b>	Reserve Management Plans help the Council make decisions on the day-to-day management of parks and reserves throughout the Waimakariri District.
<b>Waimakariri Accessibility Strategy 2017</b>	The Waimakariri Accessibility Strategy acts as a guide to enhance people's independence and ability to participate, engage in, and benefit from the Council services. Accessibility in this context refers to removing barriers that prevent people from participating fully in community and civic life.
<b>Waimakariri District Road Safety Strategy 2011-2016</b>	The Road Safety Strategy for the Waimakariri District intends to reduce fatalities and serious injury crashes within the district.

Type	Description
<b>Waimakariri District Visitor Strategy 2010-2015</b>	Enterprise North Canterbury, the Council's economic development agency, has developed the Visitor Strategy 2010 – 2015 with the Council and key stakeholders in the visitor industry to provide a vision and direction for tourism in the Waimakariri District. It also provides a context to consider Annual District Promotions business planning.
<b>Waimakariri Local Economic Development Strategy 2012</b>	The Waimakariri Local Economic Development Strategy provides a decision-making framework for economic development in the Waimakariri District - it also provides clarity of the Council's roles and responsibilities in enabling and providing for a prosperous local economy.
<b>Waimakariri Residential Red Zone Recovery Plan</b>	Government directed the Council to prepare a Draft Recovery Plan to identify the long-term uses for the district's five residential red zone areas. The Crown approved the Waimakariri Residential Red Zone Recovery Plan on 13 December 2016. The Recovery Plan contains proposed land uses and activities for the five regeneration areas of Kaiapoi West, Kaiapoi South, Kaiapoi East, The Pines Beach and Kairaki. These include new parks and reserves, walking and cycling links, a BMX track, a dog park, mixed-use business areas, provision for heritage and mahinga kai activities, roads and infrastructure sites and rural activities.
<b>Walking and Cycling Strategy 2017-2022</b>	The Walking and Cycling Strategy and Implementation Plan provides a basis for identifying and prioritising demand for new or improved walking and cycling opportunities within the Waimakariri District.
<b>Waste Management and Minimisation Plan 2018</b>	The Waste Management and Minimisation Plan sets the way forward for the Council to manage waste to improve the efficiency of resource use and reduce the harmful effects of waste, whilst fulfilling the Council's obligations under the Local Government and Waste Minimisation Acts.
<b>Water Conservation Strategy – June 2010</b>	The Water Conservation Strategy identifies and priorities opportunities for water conservation within the Waimakariri District. It provides targets, initiatives and a monitoring regime to achieve higher levels of water conservation within the Council's community water supplies.
<b>Woodend Pegasus Area Strategy – October 2013</b>	The Woodend Pegasus Area Strategy assists in planning for the future of the Woodend Pegasus area.
<b>Youth Development Strategy – October 2018</b>	The Waimakariri Youth Development Strategy outlines how the Council and community can invest in developing our young people, so they feel valued and encouraged to stay and make positive contributions to the district's continued growth.

*Table D1: Council Strategies and Plans*

## **D2.4 Policy Manual**

The Policy Manual contains the policies that set the basis for Council decisions and procedures, approved by resolution of the Council. This Policy forms part of the Policy

Manual and seeks to incorporate all relevant policies and processes currently in use as well as considering and implementing additional steps to ensure the acquisition and disposal of Property is subject to a robust process that is less likely to be subject to legal challenge.

## D2.5 Annual Plan

The Annual Plan outlines the Council's work programme and key projects for the following year.

## D2.6 Long Term Plan

The Long Term Plan sets the timing and funding of infrastructure works and other capital investments, including planned land purchases on a ten-year planning horizon. It explains how the Council will respond to today's challenges while planning for the future. The Long Term Plan is developed every three years with an Annual Plan produced in the two intervening years.

## D3. Legislation

The table below broadly sets out some of the key legislation relevant to this Policy and the Council's Acquisition, Retention, Review and Disposal of Property. The below noted legislation provides the Council with broad powers as a local authority and sets limits on the exercise of such powers. Therefore, the relevant legislation must be considered as it relates to any particular property's specifics.

Accordingly, the Council must be appropriately advised of this and any legal or other consequences.

Ongoing monitoring of legislative and regulatory change is required, and accordingly, this section is subject to more regular review and revision (annually).

Type	Description
<b>Airport Authorities Act 1966</b>	Under the Airport Authorities Act 1966, local authorities have a role alongside airport authorities which may also, in turn, be local authorities themselves. For example, a local authority may form a company that is, or is intended to become, an airport company; and may subscribe for, hold, acquire, and dispose of any equity securities or debt securities issued by any such company. Local authorities also can make grants of money, loans or leases to an airport authority under the Act subject to various conditions.
<b>Forestry Rights Registration Act 1983</b>	The Forestry Rights Registration Act 1983 provides for the creation and registration of forestry rights against records of title under the Land Transfer Act 2017.
<b>Heritage New Zealand Pohere Taonga Act 2014</b>	Heritage New Zealand has a range of statutory and regulatory obligations focused on protecting and preserving heritage. These are scaled depending on the status of the heritage feature. Their objectives and values as an organisation are generally aligned with the Council's regarding heritage. At an asset/property specific level, this can translate into limitations being applied to how a property is used, altered or changed, as well as impacting on the costs of maintenance and compliance.
<b>Land Transfer Act 2017</b>	The Land Transfer Act 2017 governs how land ownership is registered in New Zealand. It also includes various provisions in respect of the registration and meaning of instruments and other interests within the land transfer system in New Zealand. Accordingly, it is an essential part of undertaking any transactional Property dealings in New Zealand.

Type	Description
	<p>The Land Transfer Regulations 2018 are regulations created under a regulation-making power under the Act. These regulations set out the requirements for various instruments (such as caveats, land covenants, easements and many others), including specifying the information that must be contained in and documents that must accompany these instruments for registration. These regulations also imply various terms into certain instruments by default.</p>
<p><b>Local Government Act 2002</b></p>	<p>The Local Government Act 2002 requires the Council to consult on significant proposals or when the Council proposes to dispose of parks not held under the Reserves Act 1977. The Act also allows the Council to collect development contributions to recover growth-related costs associated with any Council-owned or administered land and allows the Council to charge a targeted rate to fund activities.</p> <p>The Act sets out that the purpose of local authorities is:</p> <ul style="list-style-type: none"> <li>• To enable democratic local decision-making and action by, and on behalf of, communities; and</li> <li>• To promote the social, economic, environmental and cultural wellbeing of communities in the present and future (otherwise known as the sustainable development mandate).</li> </ul> <p>It is important to be aware that there are a number of stipulations in the Act that apply to all local authority property activities, which must be adhered to in the decision-making and the development of specific Property policies.</p> <p>Section 12 of the Act contains what is known as the power of general competence. It provides local authorities with broad general powers to undertake any activity or enter into any transaction for the purposes of performing its role as a local authority. This power includes the power to acquire and dispose of Property.</p> <p>Section 14 of the Act places obligations on local authorities to act in accordance with several principles. Many of these have relevance for the property function, for example, the obligations for the Council:</p> <ul style="list-style-type: none"> <li>• To conduct its business in an open, transparent, and democratically accountable manner.</li> <li>• To make itself aware of, and have regard to, community views.</li> <li>• To undertake commercial transactions in accordance with sound business practices.</li> <li>• To ensure prudent stewardship and the efficient and effective use of resources.</li> </ul> <p>Since 2000, the general legislative direction has changed in that decision-making in relation to Property management by the Council (and in particular acquisition and disposal) has increased in significance.</p> <p>Section 90 of the Act requires local authorities to adopt a significance policy that determines which assets are considered to be strategic assets. Strategic assets are defined as assets held by a local authority that it needs to retain if it is to maintain its</p>

Type	Description
	<p>capacity to achieve or promote any outcome that it determines to be important to the current or future wellbeing of the community. Sections 138 – 141 of the Act contain several restrictions and conditions that apply to the disposal by a local authority of any parks, reserves (other than those held under the Reserves Act 1977), and endowment lands. Therefore, any Property disposal policies that are formulated must fully comply with these provisions.</p> <p>Property management by the Council must also be responsive to Section 97. The Act identifies certain decisions which are relevant to Property and may only be made by way of an amendment to the Ten Year Plan. These are:</p> <ul style="list-style-type: none"> <li>• A decision to significantly alter the intended level of service provision for any significant activity undertaken by or on behalf of the local authority, including a decision to commence or cease such activity (section 97(1)(a)).</li> <li>• A decision to transfer the ownership or control of a strategic asset to or from the local authority (section 97(1)(b)).n amendment to any of the funding and financial policies in section 102 of the Act (section 102(6)).</li> <li>• Regional Councils undertaking significant new activities that are currently performed by territorial authorities (section 16).</li> </ul> <p>The requirements for prudent financial management are clearly described in section 101 of the Act. In particular that:</p> <ol style="list-style-type: none"> <li>1. A local authority must manage its revenues, expenses, assets, liabilities, investments and general financial dealings prudently and in a manner that promotes the current and future interests of the community.</li> <li>2. A local authority must make adequate and effective provision in its Long Term Plan and its Annual Plan (where applicable) to meet the expenditure needs of the local authority identified in the Long Term Plan and Annual Plan.</li> <li>3. The funding needs of the local authority must be met from those sources that the local authority determines to be appropriate, following consideration of: <ol style="list-style-type: none"> <li>a. In relation to each activity funded: <ol style="list-style-type: none"> <li>i. The community outcomes to which the activity primarily contributes;</li> <li>ii. The distribution of benefits between the community as a whole, any identifiable part of the community, and individuals;</li> <li>iii. The period in or over which those benefits are expected to occur;</li> <li>iv. The extent to which the actions or inaction of particular individuals or a group contribute to the need to undertake the activity; and</li> <li>v. The costs and benefits of funding the activity distinct from other activities, including consequences for transparency and accountability.</li> </ol> </li> </ol> </li> </ol>

Type	Description
	b. The overall impact of any allocation of liability for revenue needs on the community.
<b>Local Government Act 1974</b>	<p>The Local Government Act 1974 sets out requirements for stopping and closing of roads and disposal of land no longer required for road.</p> <p>Section 316 vests all roads (including the soil/materials they are made of or materials placed or laid on any road) in fee simple in the Council of the district in which they are situated.</p> <p>Section 319 provides local authorities with broad powers to construct, upgrade, repair, lay, increase the width or alter the level of roads within their district (with the exception of state highways). Furthermore, local authorities are able to create a temporary road while an existing road is being repaired, to name or alter the name of a road, sell surplus spoil of roads or to stop road in accordance with Schedule 10 of the Act.</p> <p>Section 342 reinforces that local authorities have the power to stop road in accordance with the procedure set out in Schedule 10 of the Act. Schedule 10 also provides a procedure for temporarily closing a road and imposing charges in accordance with Schedule 10.</p> <p>Section 349 provides local authorities with the power to turn a private road or private way into a public road. However, this power would need to be considered carefully given such a declaration may place a significant maintenance burden on the Council in future.</p>
<b>Local Government Official Information and Meetings Act 1987</b>	The Local Government Official Information and Meetings Act 1987 controls the public release of information in commercially sensitive situations, such as negotiations to acquire or dispose of Property.
<b>Ngāi Tahu Claims Settlement Act 1998</b>	On 21 November 1997, the Crown and Te Rūnanga o Ngāi Tahu entered into a settlement of all of Ngāi Tahu's historical claims. This legislation is part of that settlement. Like many landowners, the Council acknowledges its responsibility under Part 9 of the Act to offer certain land to Te Rūnanga o Ngāi Tahu before disposal on the open market.
<b>Overseas Investment Act 2005</b>	The Act limits the ability of overseas persons to own or control sensitive New Zealand assets (being land or otherwise) and more recently also limits the ability of overseas persons to purchase residential or lifestyle land. From a local authority perspective, the Act limits the number of parties to whom that Property can be sold.
<b>Public Bodies Leases Act 1969</b>	Section 303(1) of the Local Government Act 2002 provides that territorial authorities cease to be leasing authorities for the purposes of the Public Bodies Leases Act 1969. However, the Act may apply to leases where the lease was granted under that Act before the enactment of the Local Government Act 2002 or for the renewal of a lease already granted under the Act.
<b>Public Works Act 1981</b>	The Public Works Act 1981 is the primary mechanism available to the Council for acquiring property for a Public Work and disposing of any surplus Property originally acquired for a Public Work. The

Type	Description
	<p>Act outlines procedures for acquisition and disposal of Property, as well as providing for compensation and compulsory acquisition. Section 2 of the Act provides a definition of a Public Work, Work and Essential Work. These are imperative in using the Act to acquire or dispose of Property as a local authority.</p> <p>Section 16 of the Act provides the Council in its capacity as a local authority with the general power of acquisition of Property.</p> <p>Section 17 provides a mechanism for a local authority to acquire Property with the agreement of a landowner.</p> <p>Compulsory acquisition of land by the Council involves several statutory provisions under the Act. This process usually includes the preparation and issuing of a Notice of Desire under Section 18, a land survey followed by the issuing, publication and registration on the record of title for the land of a Notice of Intention under Section 23, followed by a request for a proclamation under Section 26 of the Act and registration of that proclamation pursuant to Section 57.</p> <p>Section 40 is the “offer back” provision under the Act. This may require a local authority to offer a Surplus piece of land back to the landowner (or the landowner’s successors) if a piece of land is no longer required for a public work and was taken for a public work. This explanation is a simplified explanation, and the consequences of Section 40 require careful consideration with the risk of significant extra costs and litigation if the process is not managed by the Council appropriately.</p> <p>Section 103 provides a mechanism for the Council as a local authority or the Minister to provide other property interests in lieu of compensation if certain requirements are met.</p> <p>Sections 114 and 116 provide the Minister with the power to declare land as road or stop road in certain circumstances. The latter is the companion provision to the power provided to local authorities to stop roads under the Local Government Act 1974 discussed above.</p> <p>Section 116 is predicated on a road being stopped in circumstances where the community and surrounding residents overwhelmingly support a proposed road stopping with no objections from the community or residents. This contrasts with the Local Government Act 1974 process predicated on public consultation and community involvement where a proposed road stopping might be contentious or subject to objections.</p>
<p><b>Property Law Act 2007</b></p>	<p>The Property Law Act 2007 is a piece of legislation that is not specific to local authorities. However, the Act impacts upon the Council in its role as a landowner stipulating the rights and powers that apply to landlords and tenants in commercial leases, powers and obligations that apply in respect of land covenants, easements, and other types of encumbrances and the powers and responsibilities of mortgagees which may apply if the Council is granted a mortgage over a landowner’s Property.</p> <p>The Act also sets out specific rules and requirements regarding property transactions more generally. In undertaking acquisitions and disposals of Property, these transactional requirements</p>

Type	Description
	directly impact the Council's ability to acquire and dispose of Property.
<b>Resource Management Act 1991</b>	<p>The Resource Management Act 1991 allows the Council to designate land for certain purposes through the district plan, such as parks and open spaces, and signal its intention to purchase Property for public works. It also allows the Council to take esplanade reserves and strips along the coast and waterways upon subdivision and permits the Council to collect financial contributions or receive vested land upon subdivision.</p> <p>In addition:</p> <ul style="list-style-type: none"> <li>• Section 11 of the Act sets out a prohibition on the subdivision of land except in certain limited cases. An example of such an exemption is in respect of a subdivision effected by the acquisition, taking, transfer, or disposal of part of an allotment under the Public Works Act 1981 (except that, in the case of the disposition of land under the Public Works Act 1981, each existing separate parcel of land shall, unless otherwise provided by that Act, be disposed of without further division of that parcel of land).</li> <li>• Section 86 of the Act provides the Council as a local authority with the ability to acquire land by agreement under the Public Works Act 1981 for the purpose of terminating or preventing any non-complying or prohibited activity in relation to that land or facilitating an activity in relation to that land that is in accordance with the objectives and policies of the plan.</li> </ul>
<b>Reserves Act 1977</b>	<p>The Reserves Act 1977 provides for parks and open spaces held by the Council to be declared reserves and classified for a particular purpose (for example, recreation, local, scenic, scientific or historical) and sets out consultation and approval processes when land declared as a reserve is proposed to be disposed of or exchanged.</p> <p>Section 2 of the Act provides a broad definition of what constitutes a Reserve. It also provides a definition of a local authority for the purposes of the Act.</p> <p>Section 15 of the Act provides a mechanism for local authorities to exchange reserve land for other land in certain circumstances if requirements are met.</p> <p>The use of reserves by local authorities is restricted by the classification or purpose for which such reserves are held. Sections 24 and 24A of the Act provide the Minister or a territorial authority to change the purpose of classification of a given reserve in certain limited circumstances. This usually requires consultation and compliance with other legislative requirements.</p> <p>Sections 54, 56, 58A, 61, 61A, 67 and 73 of the Act provide powers regarding certain types of reserves to grant leases or licences (as the case may be). These sections primarily relate to recreation reserves (including recreation reserves set apart for racecourse purposes), local purpose reserves, scenic reserves, historic reserves and reserves for aerodromes.</p>



Type	Description
	Section 48 of the Act provides for granting rights of way or other easements over reserve land by administering bodies in certain circumstances and subject to various legislative requirements. Section 111 provides a useful power that enables the Council to dedicate road reserve as legal road.
<b>Te Ture Whenua Māori Act 1993/Māori Land Act 1993</b>	The principles set out in the Act seek to reaffirm the Treaty of Waitangi in recognising the importance of land to Māori and that the land is Taonga. The Act seeks to promote the retention of Maori land and promote its occupation, development and use by its owner, their whanau and hapu.
<b>Treaty of Waitangi</b>	The Local Government Act 2002 recognises and respects the Crown's obligations under the Treaty of Waitangi by placing some specific obligations on Councils. The Act includes requirements for Councils to: <ol style="list-style-type: none"> <li>1. Ensure they provide opportunities for Māori to contribute to decision-making processes;</li> <li>2. Establish and maintain processes for Māori to contribute to decision-making;</li> <li>3. Consider ways in which they can foster the development of Māori capacity to contribute to decision-making processes;</li> <li>4. Provide relevant information to Māori; and</li> <li>5. Take into account the relationship of Māori and their culture and traditions with their ancestral land, water, sites, wāhi tapu, valued flora and fauna, and other Taonga.</li> </ol>

Table D2: Legislation

#### D4. Definitions

Throughout this Schedule and the wider Policy, a range of terminology is used to describe the Acquisition, Retention, Review and Disposal of Property process and particulars. The below definitions seek to inform the interpretation of this Policy and the processes and procedures that are set out within it.

Type	Description
<b>Acquiring Authority/Agency</b>	<b>Acquiring Authority/Agency</b> means a Crown Agency asking the Minister or Land Information to acquire or take land under the Public Works Act 1981, and includes a Crown property accredited supplier contracted by an Acquiring Authority/Agency.
<b>Acquisition</b>	<b>Acquisition</b> means acquiring, obtaining or receiving property through a method such as purchase or gift.
<b>Activity Owner</b>	<b>Activity Owner</b> means the relevant department or unit within the Council responsible for a particular Property, e.g. Greenspace, Three Waters.
<b>Delegated Officer</b>	<b>Delegated Officer</b> means a person identified in the Council's Delegations Manual as having the authority or responsibility to carry out a function as authorised by the Council.
<b>Disposal</b>	<b>Disposal</b> means to sell or otherwise relinquish ownership of land or Property.
<b>Local Authority</b>	As defined in section 2 of the Local Government Act 2002, <b>Local Authority</b> means a regional council or territorial authority.

Type	Description
<b>Operationally Redundant</b>	<b>Operationally Redundant</b> refers to an Activity Owner's decision to determine that specific Property is no longer required for its original purpose or any new purpose within that same department or team within the Council.
<b>Policy</b>	<b>The Policy</b> means the Waimakariri District Council Property Acquisition and Disposal Policy and its associated Schedules.
<b>Property</b>	<b>Property</b> as it relates to this Policy seeks to encompass Real Property including land, buildings, infrastructure and improvements, as well as other types of property interests, including easements, land covenants and other interests in land.
<b>Parks</b>	<b>Parks</b> have the definition provided in section 138(1) of the Local Government Act 2002. <b>Parks</b> means land acquired or used principally for community, recreational, environmental, cultural, or spiritual purposes; but does not include land held as a reserve, or part of a reserve, under the Reserves Act 1977.
<b>Public Work</b>	<b>Public Works</b> generally refers to infrastructure supporting the delivery of Council services such as playgrounds, libraries, roading, wastewater or stormwater. Specifically, a <b>Public Work</b> means every Government work or local work that the Crown or any local authority is authorised to construct, undertake, establish, manage, operate or maintain, and every use of land for any Government work or local work which the Crown or any local authority is authorised to construct, undertake, establish, manage, operate or maintain by or under the Public Works Act 1981 or any other Act; and includes anything required directly or indirectly for any such Government work or local work or use.
<b>Reserve</b>	<b>Reserve</b> has the meaning provided in section 2 of the Reserves Act 1977.
<b>Return on Investment</b>	<b>Return on Investment</b> in the context of this policy refers to a series of performance measures used to evaluate the efficiency and effectiveness of a Property purchase and compares this to the efficiency and effectiveness of similar Properties that have a similar use or function. These performance measures would differ depending on the use and nature of the particular Property and would also consider the opportunity cost associated with such Property and the amount of return on a particular investment, which would be both financial and non-financial, e.g. community outcomes, relative to the investment's cost.
<b>Surplus</b>	<b>Surplus</b> in the context of the disposal of Property means that a Property (or part thereof) is no longer required by the Council for its original purpose or another purpose. <b>Surplus</b> under the Public Works Act 1981 refers to Property no longer being required for a public work or any other public work by the Council.

Table D3: Definitions