

# **A G E N D A**

## **Ordinary Council Meeting**

**Council Chambers,  
36 Weld Street**

**Hokitika**

**Thursday 26 April 2018  
commencing at 11.00 am**

His Worship the Mayor R.B. Smith  
Deputy Mayors Cr H.M. Lash and Cr L.J. Martin  
Crs D.L. Carruthers, R.W. (G) Eatwell, D.M.J. Havill ONZM,  
J.A. Neale, G.L. Olson, D.C. Routhan.

# ORDINARY COUNCIL MEETING

**AGENDA FOR AN ORDINARY MEETING OF THE WESTLAND DISTRICT COUNCIL, TO BE HELD IN THE COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA ON THURSDAY 22 MARCH 2018 COMMENCING AT 11.00 AM**

*20 April 2018*

## **COUNCIL VISION**

Westland District Council will facilitate the development of communities within its district through delivery of sound infrastructure, policy and regulation.

This will be achieved by:

- Involving the community and stakeholders.
- Delivering core services that meet community expectations and demonstrate value and quality.
- Proudly promoting, protecting and leveraging our historic, environmental, cultural and natural resource base to enhance lifestyle and opportunity for future generations.

### **Purpose:**

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

- (a) To enable democratic local decision-making and action, by and on behalf of, communities; and
- (b) To meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.

### **Health & Safety Snapshot**

	Accidents	Incidents	Near Misses
<b>December 2017</b>	0	1	0
<b>January 2018</b>	0	0	0
<b>February 2018</b>	0	1	0
<b>March 2018</b>	0	1	0
<b>To 20 April 2018</b>	0	0	0

## 1. MEMBERS PRESENT, APOLOGIES AND INTEREST REGISTER:

### 1.1 Apologies & Leave of Absence

Cr D.L. Carruthers.

### 1.2 Interest Register

## 2. CONFIRMATION OF MINUTES:

### 2.1 Ordinary Council Meeting – 22 March 2018

Pages 5-10

## 3. PRESENTATIONS:

### 3.1 11.30 am – Jim Little, Tourism West Coast.

### 3.2 12 noon – Holly Robinson

### 3.3 12 noon – Sharlotte Lucas

*Lunch from 12 noon to 12.30 pm.*

### 3.4 1.00 pm – Westreap, Youth Strategy

## 4. ACTION LIST:

The Action List is attached.

Pages 11-13

## 5. REPORTS FOR INFORMATION:

### 5.1 Chief Executive's Quarterly Report

Pages 14-26

## 6. REPORTS FOR DECISION:

### 6.1 Revocation of Resolution

Pages 27-33

### 6.2 Tenders Committee – Terms of Reference

Pages 34-38

### 6.3 Westland Economic Development Plan

Pages 39-43

### 6.4 Review of Bylaws and Policy on Dogs

Pages 44-176

**7. MATTERS TO BE CONSIDERED IN THE 'PUBLIC EXCLUDED SECTION':**

Resolutions to exclude the public: Section 48, Local Government Official Information and Meetings Act 1987.

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

**7.1 Confidential Minutes – 22 March 2018**

**7.2 Board Appointment – Westland Holdings Ltd**

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

Item No.	Minutes/ Report of	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
7.1	Confidential Minutes – 22 March 2018	Confidential Minutes	Good reasons to withhold exist under Section 7	Section 48(1)(a) & (d)
7.2	Board Appointment – Westland Holdings Ltd	Confidential Minutes	Good reasons to withhold exist under Section 7	Section 48(1)(a) & (d)

**Date of next Ordinary Council Meeting – 24 May 2018  
to be held in the Council Chambers, 36 Weld Street, Hokitika**



**MINUTES OF AN ORDINARY MEETING OF THE WESTLAND DISTRICT COUNCIL, HELD IN THE COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA ON THURSDAY 22 MARCH 2018 COMMENCING AT 11.00 AM**

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## **1 MEMBERS PRESENT, APOLOGIES AND INTEREST REGISTER**

### **1.2 Members Present**

His Worship the Mayor R.B. Smith (Chair)

Deputy Mayor Cr L.J. Martin

Crs D.L. Carruthers, R.W. (G) Eatwell, D.M.J. Havill (ONZM), J.A. Neale, Cr D.C. Routhan.

### **Apologies**

Deputy Mayor Helen Lash

Cr G.L. Olson.

### **Leave of Absence – 26 April 2018 Council Meeting**

Cr Carruthers noted his leave of absence for the 26 April 2018 Council Meeting.

Moved Deputy Mayor Martin, seconded Cr Routhan and **Resolved** that the apologies from Deputy Mayor Lash and Cr Olson, and the Leave of Absence for Cr Carruthers be received and accepted.

### **Also in Attendance:**

S.R. Bastion, Chief Executive; L.A. Crichton, Group Manager: Corporate Services; D. Inwood, Group Manager: District Assets; D.M. Maitland, Executive Assistant.

### **1.2 Interest Register**

The Interest Register was circulated and no amendments were noted.

## 2. CONFIRMATION OF MINUTES:

### 2.1 Ordinary Council Meeting – 22 February 2018

Moved Cr Neale, seconded Cr Havill and **Resolved** that the Minutes of the Ordinary Meeting of Council, held on the 22 February 2018 be confirmed as a true and correct record of the meeting.

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

## 4. ACTION LIST:

The Chief Executive went through the Action List in the Agenda and various amendments and updates to the list were provided.

Moved Deputy Mayor Martin, seconded Cr Routhan and **Resolved** that the Action List as amended be adopted.

## 5. REPORTS FOR INFORMATION:

Nil.

## 6. REPORTS FOR DECISION:

### Council Controlled Organisations – Director Appointment Policy

At the request of Deputy Mayor Martin, the Group Manager: Corporate Services had prepared a report to Council which would allow Council to review and adopt its Policy on Appointment and Remuneration of Directors of Council Organisations (Cos) and Council Controlled Organisations (CCOs).

#### **Item 9.12 Items of business not on the agenda which cannot be delayed**

##### **(a) The reason the item was not on the agenda**

Council staff had assessed that the decision to adopt a policy on the appointment of Directors to CCOs was deemed as being administrative in nature and therefore was assessed as having a low level of significance.

The purpose of the report was for Council to review and adopts its Policy on Appointment and Remuneration of Directors of Council Organisations (COs) and Council Controlled Organisations (CCOs).

##### **(b) The reason why the discussion of the item cannot be delayed until a subsequent meeting**

## 57 Appointment of directors

(1) A local authority must adopt a policy that sets out an objective and transparent process for—

- (a) the identification and consideration of the skills, knowledge, and experience required of directors of a council organisation; and
- (b) the appointment of directors to a council organisation; and
- (c) the remuneration of directors of a council organisation.

(2) A local authority may appoint a person to be a director of a council organisation only if the person has, in the opinion of the local authority, the skills, knowledge, or experience to—

- (a) guide the organisation, given the nature and scope of its activities; and
- (b) contribute to the achievement of the objectives of the organisation.

Moved Deputy Mayor Martin, seconded Cr Havill and **Resolved** that Council adopt the Policy on Appointment and Remuneration of Directors on Council Organisations (COs) and Council Controlled Organisations (CCOs).

*Cr Routhan recorded his vote against the motion.*

### 6.1 **Board Appointment and Removal: Westland Holdings Limited**

Moved His Worship the Mayor, seconded Cr Carruthers and **Resolved** that:

- A) Council appoints the Chairman of Westroads (currently Peter Cuff) and the Chairman of Hokitika Airport Limited (currently Ian Hustwick) to the Board of Westland Holdings Limited.
- B) Council retains Cr Routhan and Cr Carruthers on the board of WHL and seeks an independent Chairman based on the policy.

*Cr Eatwell recorded his vote against the motion specifically as he advised he did not believe the process was statutorily compliant.*

## 3. PRESENTATIONS:

### 3.1 **Rural Connectivity Group**

Caitlin Metz, Engagement Manager, Rural Connectivity Group (RCG) attended the meeting and gave a presentation regarding the Rural Broadband Initiative Phase Two (RBI2) and Mobile Black Spots Fund (MBSF).

- The Rural Connectivity Group is a funded entity to build the 4G broadband and mobile infrastructure required under RBI2.
- Partnering with CIP to enable more rural Kiwis to have access to critical mobile and wireless broadband services.
- The infrastructure built will be shared by NZ's mobile network operators – Vodafone, Spark, 2degrees.

- CIP manage the funds provided by the RBI2 policy and the mobile network operators are also contributing capital.
- This unique funding model is the only way these modern services can be delivered further into rural NZ.
- Industry collaboration will see NZ as the first country in the world where all MNO's will share RAN and antenna on each tower.
- Finish the build programme by 2022 for \$225M
- Proposed Westland District Council Sites:
 

Arahura Valley	Ruatapu	Pukekura
Fox West	Karangarua	Jacobs Ridge
Bruce Bay	Paringa	Bald Gill
Haast	Neils Beach	Lake Wahapo
Tatare	Okarito Lagoon	Okuru
Lake Kaniere	Kokatahi	
- Noted the challenges in providing mobile network to the West Coast, south of Fox.

*His Worship the Mayor thanked Ms Metz for her presentation to Council and for keeping the Council informed of progress.*

## 6. REPORTS FOR DECISION cont.

### 6.2 Development West Coast – Request for withdrawal of Council representation on Tourism West Coast Board

The Group Manager: Corporate Services spoke to this report.

His Worship the Mayor advised that in excess of 83 submissions had been received by Council. The submissions were opposed to the amalgamation of Tourism West Coast with Development West Coast.

Moved Deputy Mayor Martin, seconded Cr Eatwell and **Resolved** that:

- A) The 83 submissions that have been received by Council to date be received and accepted.
- B) Council does not support the proposal to withdraw Council's representation on the Tourism West Coast Board.

*The meeting adjourned for lunch at 12.50 pm and reconvened at 1.12 pm.*

### 3. PRESENTATIONS cont.

#### 3.2 Hokitika Motorhome Friendly Town

Mr Jim Barnes, supported by representatives of the New Zealand Motor Caravan Association were in attendance at the meeting to present Council with a Certificate of Recognition for Hokitika becoming a Motorhome Friendly Town. Mr Barnes thanked Council for their support in Hokitika becoming the 50<sup>th</sup> Motorhome Friendly Town in New Zealand.

*The meeting adjourned at 1.20 pm to enable a photo to be taken with members of the New Zealand Motor Caravan Association and Councillors then reconvened at 1.26 pm.*

### 7. MATTERS CONSIDERED IN THE 'PUBLIC EXCLUDED SECTION':

Moved Cr Havill, seconded Deputy Mayor Martin and **Resolved** that Council confirm that they excluded the public at the commencement of the Council Meeting, in accordance with Section 48, Local Government Official Information and Meetings Act 1987 at 1.20 pm.

Council moved that the public be excluded from the following parts of the proceedings of this meeting, namely:

#### 7.1 Confidential Minutes – 22 February 2018

#### 7.2 Nomination of Trustee – West Coast Primary Health Organisation

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

Item No.	Minutes/ Report of	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
7.1	Confidential Minutes – 22 February 2018	Confidential Minutes	Good reasons to withhold exist under Section 7	Section 48(1)(a) & (d)
7.2	Report to Council – Nomination of Trustee – West Coast Primary Health Organisation	Confidential Minutes	Good reasons to withhold exist under Section 7	Section 48(1)(a) & (d)

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

:

No.	Item	Section
7.1	Protect the privacy of natural persons, including that of deceased natural persons.	Section 7(2)(a)
	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	Section 7(2)(i)
7.2	Protect the privacy of natural persons, including that of deceased natural persons.	Section 7(2)(a)

Moved Cr Routhan, seconded Deputy Mayor Martin and **Resolved** that the business conducted in the "Public Excluded Section" be confirmed, and accordingly, the meeting went back to the open part of the meeting at 1.30 pm.

**Date of next Ordinary Council Meeting – 26 April 2018  
to be held in the Council Chambers, 36 Weld Street, Hokitika**

**MEETING CLOSED AT 1.30 PM**

Confirmed by:

\_\_\_\_\_  
**Mayor Bruce Smith**  
**Chair**

\_\_\_\_\_  
**Date**

# Council Meetings - Action List

Date of Meeting	Item	Action	Who Responsible	Timeframe	Status
28.09.17	West Coast Wilderness Trail	Funding shortfall of \$350,000	GMDA		<p>Meeting held with MBIE on Monday 19 February 2018 in terms of the funding shortfall and a positive outcome is expected in terms of funding. There have been discussions around contracting requirements.</p> <p>An action plan has been agreed upon.</p> <p>NZCT visited Council and the Chair of that Board rode part of the track and gave his support to MBIE as well. They were very impressed with the standard of the trail and discussions will be held regarding what will be done long-term.</p> <p>The Mayor advised that this item has been raised with Hon Damien O'Connor.</p>
28.09.17	Mint Creek Livestock Water Scheme	Meeting of the Working Group	HWM/CE		<p>Updated 22.02.18</p> <p>The user group to form an incorporated society and forward the invoice to Council for payment.</p> <p>It was noted that Council will meet its own legal costs to transfer the easements across.</p>
26.10.17	Hokitika Lions Club	Send letter advising of decision of Council regarding Colin Adams Memorial	GMDA		22.02.18 – To be discussed by the Reserves and Environs Committee who will report back to Council.
22.02.18	Geothermal Energy Definition Study Expenditure	Payment of \$20,000 funded from general cash reserves to GNS	GMCS		Invoice not yet received from GNS.
22.02.18	New Westland Sports Hub	Ownership of the covered courts being developed at WHS on the	CE		Council write to the trustees regarding each of the discussion points.

Date of Meeting	Item	Action	Who Responsible	Timeframe	Status
	Covered Complex	condition that a MOU be entered into on terms and conditions satisfactory to the Council			Deputy Mayor Martin to provide information from WHS.
22.02.18	Communication	Mapping of Satellite phones required and alternative means of communication to be investigated.	Civil Defence		<p>Being investigated with the regional civil defence and the Government in terms of a Regional Development Package. This work is now being done at a Group level in terms of Civil Defence.</p> <p>List of resilience capital has been obtained from the District Assets team in the form of generators at key assets in the region – water, wastewater plants and welfare centres. Also looking at cooking facilities – gas cooking and gas showers.</p> <p>Capital projects has been passed to the Minister of Civil Defence on how that can be funded. TIF funding may be able to be used.</p> <p>Pushing heavily to get local generation through the region.</p> <p>Cr Eatwell asked if there has been any discussion around the use of two-way radios, and also looked at utilising the DOC system, mobile handhelds for the localised areas.</p>
22.02.18	Civil Defence & Emergency Management	<p>Mayor to make contact with Jim Harland, NZTA to discuss road closures.</p> <p>Mayor to discuss with relevant people regarding the removal of windblown logs for timber production.</p> <p>Waitaha Power Scheme – Letter of support from the Mayor required.</p>	<p>Mayor</p> <p>Mayor</p> <p>Mayor</p>		<p>His Worship the Mayor has written to the Minister of Tourism and Minister of Transport Written to the Minister of Regional Development in relation to windblown logs, and written to the Prime Minister in relation to the self-sustainability of generation.</p> <p>No response to date from the Ministers.</p> <p>Civil Defence – written at a Regional level. Still a lot of learnings. Still to be an independent review to happen on the 18 April</p>



Date of Meeting	Item	Action	Who Responsible	Timeframe	Status
22.03.18	CCO – Director Appointment Policy	Adopted by Council	GMCS		
22.03.18	Board Appointment and Removal: Westland Holdings Limited	Appointed Chairman of Westroads (Peter Cuff) and Hokitika Airport Limited (Ian Hustwick) to the Board of WHL. Council retains Cr Routhan and Cr Carruthers on the Board of WHL and seeks an independent Chairman based on the Policy.	GMCS		

# Report

**DATE:** 26 April 2018  
**TO:** Mayor and Councillors  
**FROM:** Chief Executive

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## CHIEF EXECUTIVE'S QUARTERLY REPORT

### 1 SUMMARY

**1.1** The purpose of this report is to:

1.1.1 Provide an update on the positive aspects that are happening in the Westland District.

1.1.2 Updates on any Matters of Significance & Priority.

**1.2** Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by Council as part of the Long Term Plan 2015-25. These are stated on Page 2 of this agenda.

**1.3** This report concludes by recommending that Council receives the Chief Executive's report dated 26 April 2018.

### 2 GOOD NEWS STORIES

#### 2.1 West Coast Wilderness Trail

The trail has been strongly supported this season by visitors and positive feedback has been posted online from many of those that have ridden the trail. Three new trail counters were installed and are providing quality information from each site.

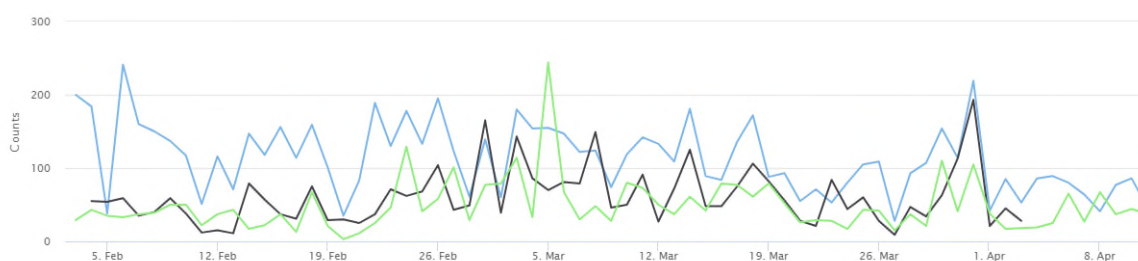


Table 1 Daily counts on all 3 sites

(Blue, Hokitika-Kaniere/Black, Kaniere water race/Green, Taramakau)

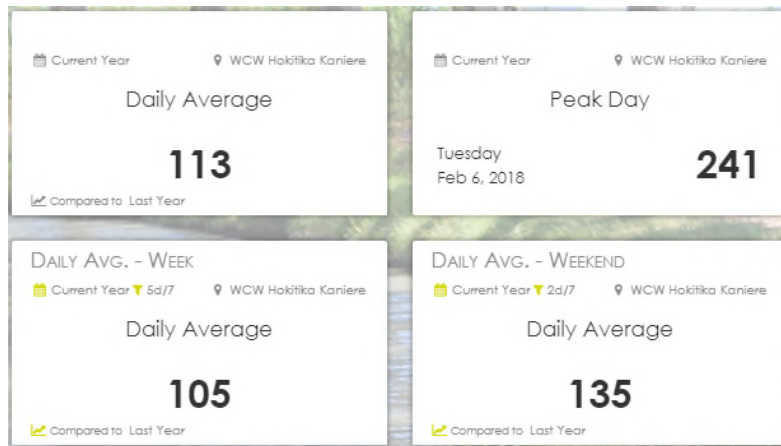


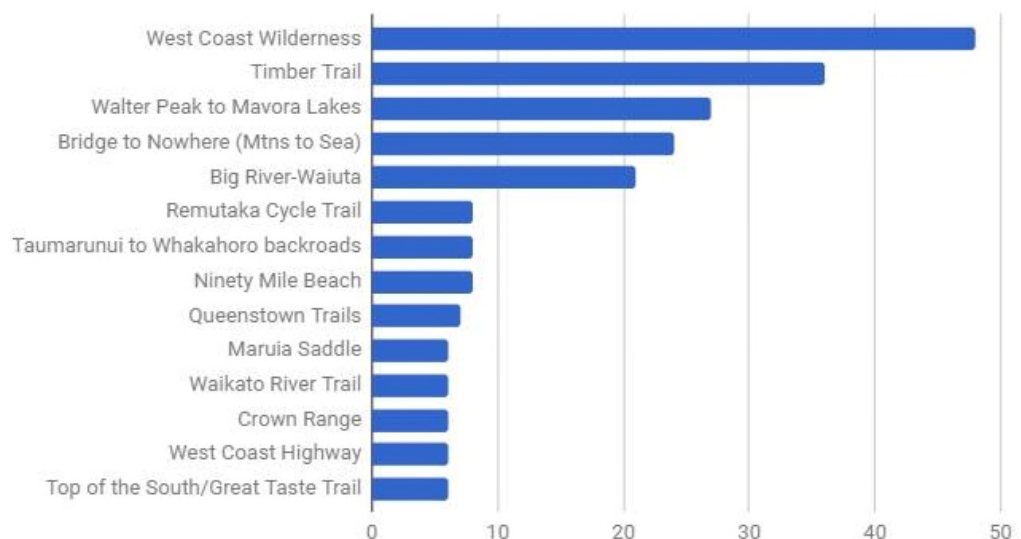
Table 2 Daily riders/walkers Hokitika-Kaniere Tramway

Other trail construction works are scheduled to commence upon signoff of the trail in mid-2018 with priorities for Old Christchurch Road, Kaniere Road (staged development) and Kawhaka high water weir bridges.

Heritage NZ authority is required for the old Waimea Water Race trail section at Old Christchurch Road and Department of Conservation endorsement is awaited to support our application.

Re-enforcing the quality of our asset the results of the Tour Aotearoa Survey are out and the Wilderness Trail is #1 again across NZ. This reward is a great recognition for everyone who has, and continues to work so hard on this experience.

### Trails you liked



## 2.2 Jackson Bay Roding Progress

Work with NZTA to reinstate the Jackson Bay Road after the devastation that occurred during Cyclone Fehi has been completed. This work includes protecting the shoreline in Jacksons Bay from further erosion. This is good news for the Cray Pot – a popular icon for visitors to Haast.



## 2.3 Arahura Marae

Several staff visited the Arahura Marae to support the introduction of the Chief Executive with a view to working closer across various aspects within the region. The team were introduced to the history of the region from a Maori perspective and shared tikanga and kawa (cultural and protocol).





## 2.4 Leveraging the Brand

Hokitika Airport and the Council Office at 36 Weld Street have been branded with the new West Coast branding developed by Tourism West Coast.



## 2.5 Residents' Survey Feedback

Feedback from the Residents Survey showed that public satisfaction had increased for 8 out of 11 Council activities since the last survey was undertaken in 2016.

The Westland District Library continues to shine with 99% of users being satisfied with the public library services provided to the district (up from 81% in 2016).

Satisfaction with Council's leadership has increased by 27% since the last survey.

In addition, satisfaction with public toilets and transfer stations across the district has increased by 14% and 22% respectively.

A new question was introduced to assess residents' perception of public safety. 99% of people polled said that they find Westland a safe place to live.

### 3 MATTERS OF SIGNIFICANCE & PRIORITY LIST

#### 3.1 Long Term Plan

3.1.1 The audit of the LTP Consultation Document and Long Term Plan is still being undertaken by Audit NZ. They plan to complete the Audit by the end of April. Once the audit is complete the sequence of next steps in the process will be:

- Hold an extraordinary meeting to adopt the Consultation Document and draft Long Term Plan on the last day of April or first days of May (to be confirmed)
- Consult with community for one whole month and carry out roadshows throughout the district (both Councillors and staff in attendance)
- Hold hearings where submitters to the plan may want to speak
- Council decision on any changes to be advised to staff
- Staff to make changes as per Council direction
- Audit NZ to audit Long Term Plan changes
- Council meeting June (or extraordinary meeting) to adopt Long Term Plan and any other related policies that require amendment identified through process.

#### 3.2 Franz Josef Wastewater Treatment Plant (WWTP)

3.2.1 There is currently an active environment court enforcement order in relation to the Franz Josef WWTP ponds, which dates back to several years. This order essentially requires Westland to comply with the resource consent. The enforcement order has been extended 3 or 4 times for various reasons. The last time it was extended West Coast Regional Council worked in with timeframes that Westland District Council thought were realistic to have a fully commissioned compliant system. It allowed for the new Council to consult through its annual plan process and then go through a tender process etc. to have a “fully commissioned compliant system” by April 2018.

3.2.2 There has been considerable delays in achieving a solution but Council now very close to a final design (expected in May) and this will soon follow with tender and project implementation timeline. Based on this Council needs to go back to the Environment Court with this information to seek another extension before the end of April.

3.2.3 The project will be broken into 4 portions with treatment plant upgrade, treated wastewater disposal, pipe main upgrade from the township and a new resource consent for the disposal. In conjunction with this the future of Franz Alpine Resort must be taken into consideration and how Council manages the arrival of septic tank waste into the Council WWTP which has a significant shock dose impact on the treatment process.

3.2.4 The Franz Josef WW Treatments ponds have been struggling for some time due to increased volume (tourists) and a considerable amount of fat build up on the surface. Several weeks ago Council received approval for draining some of the pond to relieve some pressure and avoid potential overflow. Unfortunately the work did not go smoothly due a number of issues including weather. On the 6<sup>th</sup> April Council received an abatement notice for the regional council to cease discharge and make reparation by the 13<sup>th</sup> April. This work was completed and Council are back in control. Council are awaiting West Coast Regional Council review and approval for the works completed.

### 3.3 Kumara & Whataroa WWTP upgrades

3.3.1 These projects are delayed however expected to be completed by August 2018.

### 3.4 Current & Future Tourism Infrastructure Funding (TIF) applications

3.4.1 Toilets: Fox Glacier, Okarito, Kapitia has been progressed, and still have Haast, Bruce Bay and Franz Josef toilets to complete. There is a list of new TIF funding applications for Toilet upgrades for Ross, Whataroa, Kumara and Hari Hari.

3.4.2 Sunset point upgrade – including new toilets and parking. Require significant fill to complete the project and looking to utilise fill from other projects within the township as it comes to hand to save money.

3.4.3 Whitcombe Valley Road and Hokitika Gorge Parking projects have been awarded to Westroads Ltd and will be completed before the start of the peak season later in the year. Council are in partnership with Department of Conservation for the wider Hokitika Gorge experience which includes extension to the track with two additional swing bridges plus upgrades to the facilities. (draft car park concept below)



- 3.4.4 Water Supply to some townships throughout Westland is under severe pressure due to the increase in tourism numbers. Council will be seeking support for increased capacity in Franz Josef and Haast in this next round of applications.
- 3.4.5 WWTP capacity is also seen as an area of concern due to increased tourism numbers and will seek support for improvements in Haast and a feasibility study for Hokitika ponds
- 3.4.6 The last two cyclone events has highlighted to council the need to improve our reliance within Westland. The Districts Assets team have evaluated the requirements to improve on this resilience and will be prioritising these and putting an application in for support.
- 3.4.7 There are a number of other projects that would fall into the TIF criteria which will also be explored.

### **3.5 Resilience in Westland – outcomes of Cyclones Gita and Fehi**

- 3.5.1 A number of shortfalls have been identified in our ability to be effective in preparing and reacting to Civil Defence events. Four debriefing sessions have been held with the communities of Fox Glacier, Okarito, Franz Josef and Haast plus have completed and reviewed internally with the Emergency Management team on duty during the events.
- 3.5.2 The Group Emergency Management team also conducted a debrief on the 16 April 2018 covering all agencies and districts involved during the event. There were a number of significant actions to be reviewed and addressed over time to improve the overall resilience for the coast
- 3.5.3 From these briefs plus our own work on the infrastructure requirements there is a good handle on what further actions are required.





### **3.6 Cycle Trail – completion of the track and next stages**

3.6.1 Significant progress has been made this year with trail construction underway on all five (5) projects identified in the Project Completion Plan as agreed with MBIE. Work was completed on three (3) of those projects; Taramakau, Hokitika-Kaniere Tramway and Golf Link Road sections with further work to be completed on the Mahinapua and Ruatapu sections. The projects were not completed within the original line frame due to a financial shortfall. Funding has since been allocated from the MIBE and work is underway to complete the outstanding items mid-2018.



### **3.7 Water Safety Plans – Audit outcomes**

3.7.1 A recent audit has seen some non-conformances in the area of water management. Pamela Wilson has been contracted to complete a review of these actions and put solutions in place to resolve the shortcomings.

### **3.8 Franz Josef – Future Planning**

3.8.1 The outcome of the community survey has been published and a Franz Josef Governance Group (FJGG) has been established. His Worship the Mayor has been designated as the sponsor and the Chief Executive will chair the group.

3.8.2 The Franz Josef Working Group has reconvened and confirmed nominations for the FJGG. ToR, Survey outcomes and Tonkin Taylor Q&A were also covered in the meeting on the 23<sup>rd</sup> April 2018.

3.8.3 A new Project Manager will be appointed to develop a business case.

### **3.9 Westland Economic Strategy (in conjunction with Kevin Stratful).**

3.9.1 The CE has been working alongside Kevin Stratful & Development West Coast (DWC) to highlight economic growth opportunities in lieu of the Provisional Growth Fund.

3.9.2 The Scope of the work is on private & DWC investment, the Provisional Growth funding and MBIE Growth action plan. Out of scope is district infrastructure, district capital works etc. The following is the timeline to deliver an Economic Development strategy for the coast.

Completion of fact books for Buller, Grey & Westland and total West Coast by 16<sup>th</sup> April.

**Stage 1**

Discussion with individual councils & respective community groups begin Week/Com 18 April -in the following order Westland – Buller – Grey – fact books will be distributed prior to meetings. Expected outcome -- Each district one pager completed.

**Stage 2**

Meeting all districts plus DWC, WCRC the week commencing 14<sup>th</sup> May. Expected outcome – Regional one pager and links to districts.

**Stage 3**

Strategy development meeting by District Week commencing 4<sup>th</sup> June - Buller- Grey- Westland. Summary of document to date will be circulated.

**Stage 4**

First cut vision, plan, structure and financials by district and region circulated to leader groups for discussion -week commencing 25<sup>th</sup> June. Expected Outcome – Agreement of strategy

**Stage 5**

Development of action plan by district and region – week commencing 15<sup>th</sup> July. Expected Outcome-- agreement on action plan

Completed and signed off document – week commencing 16<sup>th</sup> July

**3.10 Current Projects**

Staff are currently working on the following projects:

- Work underway on Arahura and Fox Glacier water treatment plant upgrades to bring them into compliance with the Drinking Water Standards New Zealand. It is believed that the existing Arahura bore has been contaminated as a result of Cyclone Fehi when the storm surge

inundated the pump station. Temporary chlorine dose pumps were procured during our summer water difficulties and are still operating at Kumara and Arahura Pa

- Investigations have commenced for Hokitika treatment plant upgrade options to screen the raw effluent, aerate the pond and convert the system from parallel to series operation in the interim to improve wastewater quality. Investigations to reduce stormwater intrusion are another process being scheduled. There is a desire to greatly reduce the Inflow/Infiltration (I/) within some catchments to minimise the potential overflows during peak wet weather events. Continuous flow monitoring will also be implemented this year.
- Westland Sports Hub netball court covers – tender review underway

### **Other Activities**

- LTP Program of work and community meetings
- Local Government Commission – Draft Proposal for Combined West Coast District Plan. Submissions close 25<sup>th</sup> May 18
- Minor projects – reserves and parks, footpaths, etc
- Evan Jones developments – building and resource consents as required
- Freedom Camping – reviewing outcomes of the Freedom Camping Symposium on the 19<sup>th</sup> April.
- Hokitika River Intake – installing the permanent option for the Hokitika River Intake off Pine Tree Road. Targeted to start late May aligning with Westland Milk Products decline in water requirements.
- Council staff are working with Westland Milk Products on their proposed Ocean Outfall.
- Internal Liquor Licensing Audit - John Canning, the District Licensing Inspector from Grey District Council is undertaking an audit of six liquor-licensing applications for performance in relation to timeframes, processes and legal requirements.

### **Information**

- **Local Government Official Information and Meetings Act (LGOIMAs)**

A total of 14 LGOIMA requests were received during the period 1 January 2018 to the 31 March 2018.

The status of those applications is as follows:

Subject	Status	No. of Working Days taken to complete the request
<b>Pest Control</b>	Request was extended and clarification of the request has been sought.	Requestor written to seeking clarification of request. Awaiting response.
<b>Request 1 – Average Residents Costs</b> <b>Request 2 – Ratepayer numbers</b> <b>Request 3 – Staff Numbers</b> <b>Request 4 – Code of Conduct</b> <b>Request 5 – Mayoral Staff</b> <b>Request 6 – CEO Remuneration</b> <b>Request 7 – Elected Officials Remuneration</b> <b>Request 8 – Chamber of Commerce Subscriptions</b> <b>Request 9 – Council Owned Housing</b> <b>Request 10 – Audit and Risk Oversight</b>	Requestor was written to advising that there would be a charge for the information.	Awaiting response from requestor.
<b>Asbestos in Water Supply</b>	Completed	18 days
<b>Entertainment, gifts, Council Events, catering</b>	Completed	20 days
<b>Request 1 – Average resident costs</b> <b>Request 2 – Absenteeism – Staff and Councillors</b> <b>Request 3 – Membership to External Groups</b>	Completed	20 days
<b>Property Details</b>	Completed	20 days
<b>Communications</b>	Completed	13 days
<b>Resource Consent</b>	Completed	16 days
<b>Ballot and Voting Order 2016</b>	Completed	17 days
<b>Organisational Staff Structure</b>	Completed	17 days
<b>Unformed Legal Road</b>	Completed	20 days
<b>Haast Public Road Reserve</b>	Completed	19 days
<b>CCO, Directors and Dividends</b>	Completed	1 day
<b>Parking Tickets</b>	Completed	2 days

- **The Office of the Auditor-General**

The Inquiry into the Procurement for Works for Wastewater Plant at Franz Josef is ongoing and information has been forwarded to the Office of the Auditor-General.

## 4. STAFFING

### 4.1 Staffing Update

#### Office of the Chief Executive

- **Oliver Yarley** has been appointed as Emergency Management Officer on a part-time secondment through to the end of June 2018. Oliver replaces Claire Brown who has been appointed Group Welfare Manager for the West Coast Region.
- **Carmina Gaia** has been appointed Office Assistant. Carmina worked for Council for a short time last year and will primarily be working after school doing various office duties.

#### District Assets

- **Erle Bencich** is our Operations Manager. Erle has a diverse engineering background and is looking forward to the challenges encountered here in Westland.
- **Karl Jackson** is our Transportation Manager. Karl was previously employed at Grey District Council and already is aware of the regional challenges with transportation and has been working very closely with Westland and Buller for the past year to standardise some of our roading management planning.
- **Vern Morris** is our Engineering Assistant and will primarily be working on asset data capture, grants applications and various other activities.

#### Corporate Services

- **Lavinia Hamilton** has been appointed the Finance Manager. Lavinia has been Acting Finance Manager for the last couple of months and was previously employed as Accountant and comes with a wealth of accounting knowledge. Recruitment has commenced for an Accountant.
- **Amber Popaite** is our Assistant Accountant and has been employed on a temporary basis to assist while there is recruitment within the Finance Team.

- **Richard Morris** has been appointed Business Analyst. Richard will be analysing and be involved in processes throughout all Council activities. Richard was previously in the District Assets Team on a temporary basis.
- **Michelle Bunt** has resigned as Strategy and Communicator's Advisor and advertising is underway to replace Michelle.
- **Marilyn Le Compte** has joined the iSite as a Casual iSite Customer Service Consultant.
- **Lesley Webb** has joined the iSite as a Casual iSite Customer Service Consultant.

### **Planning, Community and Environment**

- **Daniel Schumacher** commenced employment as Building Control Officer. Daniel previously worked as a managing-director of a construction company.
- **Anna Johnson** commenced employment as Planner. Anna has relocated from Hamilton and is looking forward to the new environment in Westland.
- **Natasha Morris** has been appointed Library Manager. Natasha was previously the Deputy Librarian and replaces Sarah Thompson who resigned. Recruitment is currently underway for a Deputy Librarian.
- **Frosty Theron** was previously in the role of Research Assistant/Receptionist at the Hokitika Museum and is now the Collections Assistant.
- **Barry Bone** is helping out part-time with building control duties until a new Building Control Officer commences employment.

## **5 RECOMMENDATION**

- A) **THAT** the Quarterly Report from the Chief Executive dated 26 April 2018 be received.

**Simon Bastion**  
**Chief Executive**

# Report



**DATE:** 26 April 2018  
**TO:** Mayor and Councillors  
**FROM:** Chief Executive

---

## REVOCATION OF RESOLUTION

### 1 SUMMARY

- 1.1 The purpose of this report is to advise that a Revocation of Resolution has been received in accordance with Section 23.1 of the Westland District Council Standing Orders.
- 1.2 This issue arises from a notice of Revocation of Resolution being received by the Chief Executive on the 16 April 2018.
- 1.3 Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by Council as part of the Long Term Plan 2015-25. These are stated on Page 2 of this agenda.
- 1.4 This report concludes by recommending that Council decide whether or not to revoke the resolution.

### 2 BACKGROUND

- 2.1 Council resolved at its 22 March 2018 Council Meeting as follows:

**“6.1 Board Appointment and Removal: Westland Holdings Limited**

Moved His Worship the Mayor, seconded Cr Carruthers and **Resolved** that:

- A) Council appoints the Chairman of Westroads (currently Peter Cuff) and the Chairman of Hokitika Airport Limited (currently Ian Hustwick) to the Board of Westland Holdings Limited.
- B) Council retains Cr Routhan and Cr Carruthers on the board of WHL and seeks an independent Chairman based on the policy.

*Cr Eatwell recorded his vote against the motion specifically as he advised he did not believe the process was statutorily compliant.”*

### 3 CURRENT SITUATION

- 3.1 Deputy Mayor Lash, Cr Eatwell, Cr Routhan and Cr Neale have given notice that they seek the Revocation of the Resolution in 2.1 above due to the resolution being made in breach of the conditions of Local Government Act 2002 (LGA).
- 3.2 Under the Westland District Council's Standing Orders, Section 23 Revocation or Alteration of Resolutions, 23.1 Member may move revocation of a decision, the Notice of Motion must set out:
- (a) The resolution or part of the resolution which the member proposes to revoke or alter;
  - (b) The meeting date when the resolution was passed;
  - (c) The motion, if any, which the member proposes to replace it with; and
  - (d) Sufficient information to satisfy the decision-making provisions of Sections 77-82 of the LGA 2002.
- 3.3 Under Council's Standing Orders, Section 23.3 – Requirement to give notice

"A member must give notice to the chief executive at least 5 working days before the meeting at which it is proposed to consider the motion. The notice is to be signed by not less than one third of the members of the local authority, including vacancies. Notice can be sent via email and include the scanned electronic signatures of members. If the notice of motion is lost, no similar notice of motion which is substantially the same in purpose and effect may be accepted within the next twelve months."

The Notice of Motion has been received in accordance with Council's Standing Orders.

- 3.4 The breaches that have been identified are by the four elected members are as follows:

**LGA Sec 78 Community views in relation to decisions.** Sec 78 (1): *in breach, by the failure to consult persons affected including elected Councillors.*

**LGA Sec 79 Compliance with procedures in relation to decisions** (1) (a): giving particular reference to Sec 76 AA. The Sec 79 (1) (b): *also has relevance to the breach.*

**LGA Sec 76AA Significance and engagement policy:**

*76AA (1) (a): No effort was made to comply with this part when the significance of the resolution impacted on the governance of all of the District assets managed under the CCO company process.*

**Sec 80 Identification of inconsistent decisions:** *This part was not considered in the process in particular in relation to the Act. (LGA)*

*The process followed had failed to comply with the Act:*



### LGA Sec 57: **Appointment of Directors:**

- (1) A local authority must adopt a policy that sets out an objective and transparent process for:
  - (a) The identification and consideration of the skills, knowledge, and experience required of Directors of a council organisation; and
  - (b) the appointment of directors to a council organisation.

As there is no statutory compliant Director Appointment policy adopted by Council by a transparent process, *compliance to the above conditions has not been met.*

### LGA Sec 82: **Principles of consultation:**

*Given that several Councillors have not been consulted in the process of Directors appointment most of the conditions of this section have not been satisfied.*

*The Director Appointment policy laid down in the Constitution of the CCO WHL does not absolve the Council of its obligations in relation to the governance of CCO's laid down in the Local Government Act 2002.*

- 3.5 The Councillors have advised that as Westland Holdings is the 100% shareholder of the trading companies and has the obligation of governance over management of them and the duty to report to Council as laid down in the Constitution, this matter has a high requirement of prudential importance to the Westland Ratepayers.

## 4 OPTIONS

- 4.1 **Option 1:** Revoke Resolution 6.1.
- 4.2 **Option 2:** Not Revoke Resolution 6.1.

## 5 SIGNIFICANCE AND ENGAGEMENT

- 5.1 In accordance with Council's policy on Significance and Engagement, the level of significance has been assessed as being low.
- 5.2 Appointment of directors to WHL is administrative, and Council may appoint any fit and proper person.

## 6 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

- 6.1 **Option 1:** Revocation of the resolution would result in the Chair of Westroads and the Chair of Hokitika Airport/WDPL would be removed as directors.
- 6.2 A director policy was approved before this resolution under dispute and resolved as per the following:

## **Council Controlled Organisations – Director Appointment Policy**

Moved Deputy Mayor Martin, seconded Cr Havill and **Resolved** that Council adopt the Policy on Appointment and Remuneration of Directors on Council Organisations (COs) and Council Controlled Organisations (CCOs).

*Cr Routhan recorded his vote against the motion.*

- 6.3 Since the Council meeting 22 March 2018, the Chair of WHL has resigned with immediate effect, with only two elected members appointed to the board and no independent director or Chair, WHL is unable to function its constituted role of governance.
- 6.4 Staff would need to carry out a recruitment process for directors, which will in turn increase the cost of recruitment, the possible continuing director costs and further increase the time that WHL is unable to function in its constituted role of governance.
- 6.5 **Option 2:** Due to the fact that the current independent has resigned staff can conduct a recruitment process for an independent Chair without delay.

Staff can conduct a recruitment process for an independent Chair without delay.

## **7 PREFERRED OPTION(S) AND REASONS**

- 7.1 No preferred option has been identified as Council needs to decide whether or not to revoke the resolution.
- 7.2 Note that Group Manager: Corporate Services has a report to council recommending the structure of Westland Holdings in confidential section.

## **8 RECOMMENDATION(S)**

- A) **THAT** Council decide whether or not to revoke the resolution.

**Simon Bastion**  
**Chief Executive**

**Appendix 1:** Notice of Revocation of Resolution

Simon Bastion  
Chief Executive  
Westland District Council

16<sup>th</sup> April 2018

Dear Simon

We the undersigned as duly elected members of the Westland District Council give notice that we are seeking the Revocation of a Resolution under the condition of standing orders 23.1.

Resolution 6.1 **Board Appointment and Removal: Westland District Holdings Limited** resolved at the Ordinary Meeting of the Westland District Council on 22<sup>nd</sup> March 2018.

A) Council appoints the chairman of Westroads (Currently Peter Cuff) and the Chairman of Hokitika Airport Limited (currently Ian Hustwick) to the Board of Westland Holdings Limited.

B) Council retains Cr Routhan and Cr Carruthers on the Board of WHL and seeks an independent Chairman based on the policy.

Revocation of the above resolution is sought due to the resolution being made in breach of conditions of the Local Government Act 2002. (LGA) as follows:

Breaches identified:

LGA Sec 78 **Community views in relation to decisions.** Sec 78 (1): *in breach, by the failure to consult persons affected including elected Councillors.*

LGA Sec 79 **Compliance with procedures in relation to decisions** (1) (a): giving particular reference to Sec 76 AA. The Sec 79 (1) (b): *also has relevance to the breach.*

LGA Sec 76AA **Significance and engagement policy:**  
76AA (1) (a): *No effort was made to comply with this part when the significance of the resolution impacted on the governance of all of the District assets managed under the CCO company process.*

Sec 80 **Identification of inconsistent decisions:** *This part was not considered in the process in particular in relation to the Act. (LGA)*

*The process followed had failed to comply with the Act:*

LGA Sec 57: **Appointment of Directors:**

(1) A local authority must adopt a policy that sets out an objective and transparent process for:

(a) The identification and consideration of the skills, knowledge, and experience required of Directors of a council organisation; and

(b) the appointment of directors to a council organisation.

As there is no statutory compliant Director Appointment policy adopted by Council by a transparent process, *compliance to the above conditions has not been met.*

(2)

**LGA Sec 82: Principles of consultation:**

*Given that several Councillors have not been consulted in the process of Directors appointment most of the conditions of this section have not been satisfied.*

*The Director Appointment policy laid down in the Constitution of the CCO WHL does not absolve the Council of its obligations in relation to the governance of CCO's laid down in the Local Government Act 2002.*

As Westland Holdings is the 100% shareholder of the trading companies and has the obligation of governance over management of them and the duty to report to Council as laid down in the Constitution this matter has a high requirement of prudential importance to the Westland Ratepayers.

Therefore we thank you for ensuring that this matter is placed on the agenda of the 26<sup>th</sup> April 2018 Ordinary Council Meeting.

Many thanks.

With regards

Helen Lash  
Deputy Mayor

Westland District Council..... *see enclosed*

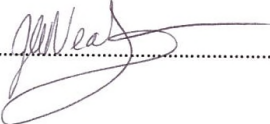
Gray Eatwell  
Councillor

Westland District Council..... 

Des Routhan  
Councillor

Westland District Council..... 

Jane Neale  
Councillor

Westland District Council..... 

(2)

**LGA Sec 82: Principles of consultation:**

*Given that several Councillors have not been consulted in the process of Directors appointment most of the conditions of this section have not been satisfied.*

*The Director Appointment policy laid down in the Constitution of the CCO WHL does not absolve the Council of its obligations in relation to the governance of CCO's laid down in the Local Government Act 2002.*

As Westland Holdings is the 100% shareholder of the trading companies and has the obligation of governance over management of them and the duty to report to Council as laid down in the Constitution, this matter therefore has a high requirement of prudential importance to the Westland Ratepayers.

Therefore we thank you for ensuring that this matter is placed on the agenda of the 26<sup>th</sup> April 2018 Ordinary Council Meeting.

With regards

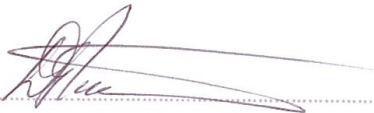
Helen Lash  
Deputy Mayor  
Westland District Council.....



Gray Eatwell  
Councillor  
Westland District Council.....



Des Routhan  
Councillor  
Westland District Council.....



Jane Neale  
Councillor  
Westland District Council.....



# Report



DATE: 26 April 2018  
TO: Mayor and Councillors  
FROM: Transportation Manager

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## TENDERS COMMITTEE TERMS OF REFERENCE

### 1 SUMMARY

- 1.1 The purpose of this report is to review and adopt the proposed terms of reference for the newly formed tenders committee.
- 1.2 This issue arises from previously requiring full Council Meetings to review and award tenders. With significant Capital works programmes coming up it is necessary to expedite the tender award process by creation of a tenders committee. That creation requires terms of reference for the Committee to work within.
- 1.3 Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by Council as part of the Long Term Plan 2015-25. These are stated on Page 2 of this agenda.
- 1.4 This report concludes by recommending that Council adopts the terms of reference for the tenders committee, attached as **Appendix 1**.

### 2 BACKGROUND

- 2.1 Committees of Council are automatically disestablished at the end of each triennium.

Following the local body elections in October 2016, the Mayor, exercising the powers vested by s.41A of the LGA, established the committee structure of Council.

- 2.2 The Mayor is automatically a member of all committees of Council.

- 2.3 Schedule 7 of the LGA details the legislative framework under which committees of Council must operate, including the limitations to authority that can be delegated to a committee.

### **3 CURRENT SITUATION**

- 3.1 In order to enable a committee to be effective in its role Council must formally delegate the relevant authorities and responsibilities. This is conventionally achieved through the adoption of terms of reference.
- 3.2 The terms of reference for the Dog Control Hearing Committee prescribe its scope and remit. It has been reviewed by the Chair.

### **4 OPTIONS**

- 4.1 Option 1: Adopt the terms of reference as attached.
- 4.2 Option 2: Adopt a modified terms of reference.
- 4.3 Option 3: Do nothing, do not adopt terms of reference.

### **5 SIGNIFICANCE AND ENGAGEMENT**

- 5.1 In accordance with Council's policy on Significance and Engagement the adoption of terms of reference is administrative and of low significance. The purpose of a committee is to provide efficient and effective governance in a focus area. The terms of reference enable Committee to carry out its responsibilities as intended by Council and within the framework of the LGA.
- 5.2 The Committee has been established to carry out duties that would otherwise be performed by Council. Therefore no consultation is required.

### **6 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)**

- 6.1 Option 1 reflects the intent of the Mayor and Council and the terms of reference presented has been reviewed by the Chair.
- 6.2 Option 2 enables the entire Council to have an input to the functions that this Committee should perform. Any amendments must be compliant with the provisions of Schedule 7 of the LGA.
- 6.3 Establishing terms of reference for committees does not in itself elicit any financial consequences. It should be noted that the appointment of elected members as chairs of committees is likely to have implications for their

remuneration and in particular the distribution of the pool for compensation for additional duties.

6.4 The operation of formal committees does bring additional administrative burden, due to the LGA requirements for public notification, meeting protocols and the preparation of agendas and recording of minutes.

6.5 The Mayor has indicated that the Committee should meet every 2 weeks if required. If there are no tenders to review then no meeting shall be held.

## 7 PREFERRED OPTIONS AND REASONS

7.1 The preferred option is 1: Adopt the terms of reference as attached. This reflects the intentions of Council to delegate specific responsibilities to the Committee.

## 8 RECOMMENDATIONS

A) **THAT** Council adopts the terms of reference for the Tenders Committee as attached as **Appendix 1**.

B) **THAT** Council instructs the Chief Executive to update Part III of the Delegations Manual – “Delegations to Standing Committees” to reflect these terms of reference.

**Karl Jackson**  
**Transportation Manager**

**Appendix 1:** Terms of Reference for the Tenders Committee



## **TERMS OF REFERENCE FOR THE TENDERS COMMITTEE**

- REPORTING TO:** Council
- CONSTITUTION:** Deputy Mayor Martin  
Cr Carruthers  
Cr Olson
- MEETING FREQUENCY:** The Committee will meet as required
- REPORTING TO:** Council
- QUORUM:** Two.

### **OBJECTIVE:**

1. To approve conforming tenders with value in excess of \$100,000 with preference to lowest conforming tender.
2. To approve the extension of the term of contacts in accordance with Special Conditions of the contracts, subject to good performance and there be no chance of a new tender delivering more attractive rates/outputs.
3. Overhead review of contractor performance.

### **SCOPE OF ACTIVITY:**

1. Considering tender evaluations presented by Group Managers/Consultants for work with a value of \$100,000 or more. The Sub-Committee will in its deliberations provide for:
  - Taking into account the advice provided by staff/consultants.
  - Giving preference to the lowest conforming tender.
2. Recommendations to Council on recommendation by Group Managers regarding contractor performance.

### **LIMITATIONS**

Council's Procurement Policy.

### **POWER TO ACT**

Full; OR All powers necessary to perform the Committee's responsibilities, except the powers that the Council cannot delegate or has retained to itself.

### **REFERRAL TO COUNCIL**

Nil. Normal report back for information.

**MANAGEMENT RESPONSIBILITY:**

The relevant Group Manager responsible for operational activity

**STATUS:**

Standing Subcommittee of Council

**APPROVAL:**

The Terms of Reference were adopted by Council at their meeting held on the XX

# Report



**DATE:** 26 April 2018  
**TO:** Mayor and Councillors  
**FROM:** Chief Executive

---

## WESTLAND ECONOMIC DEVELOPMENT PLAN

### **1 SUMMARY**

- 1.1 The purpose of this report is to gain approval for the Westland Economic Development Plan.
- 1.2 This issue arises from a Council Workshop on the 18 April 2018 with various parties on the Westland District Key Economic Indicators.
- 1.3 Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by Council as part of the Long Term Plan 2015-25. These are stated on Page 2 of this agenda.
- 1.4 This report concludes by recommending that Council receive the further information from Kevin Stratful and approve the Westland Economic Development Plan.

### **2 BACKGROUND**

- 2.1 Kevin Stratful facilitated a workshop with Council and various representatives on Wednesday 18 April 2018. The purpose of the workshop was to develop a One Page Strategic Economic Development Plan from which a regional economic development structure will be developed, including writing investment business cases and submitting plans to Government.

### **3 CURRENT SITUATION**

- 3.1 Kevin Stratful presented some key economic indicators in a workshop on the 18<sup>th</sup> April 2018. The indicators identified key statistics for Westland covering as outlined below:

KEY STATISTICS	2012-2016	2016-2017
Population	+2.3%	+0.6%
GDP	+7.2%	-0.6%
Business Units	-1.4%	-0.7%
Mean Annual Income	+13.3%	-1.2%
Median House Price	+0.7%	+2.8%

Identified Issues:

- Education –Quality of Secondary and Tertiary Education
- Slower Increase in 65+ age group than other districts
- Issues in Infrastructure resilience
- Population spread over 300 km
- Fragility of power grid
- Transport/roading/bridge issues
- Communications/Connectivity
- Water
- Employment growth slowing, self-employment high leading to low job security
- GDP growth through increased dependence on Tourism
- Visitor numbers growing but spend per visitor declining

3.2 The strategic intent can be defined as:

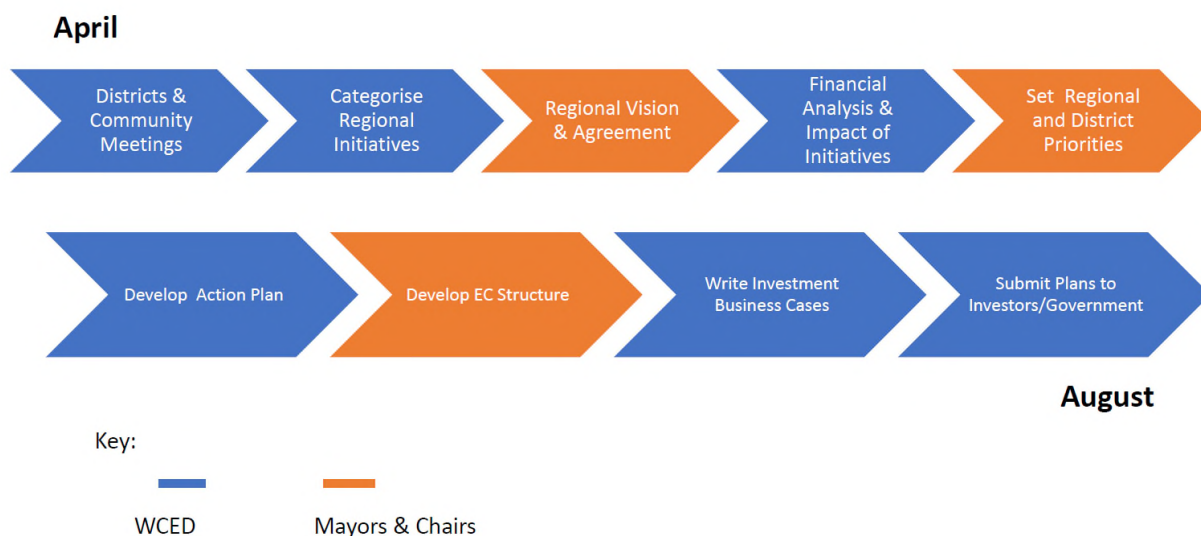
To support and grow our tourist industry whilst acknowledging that we need to find ways to diversity our economy whilst protecting our environment.

3.3 From the above we can provide some strategic insight:

- Meet visitor demands for new projects and services
- Retain youth population through improved educational facilities
- Resilience of our icons-Franz Josef and Hokitika Gorge
- Enable the establishment of non-tourist industries

3.4 This Westland Economic Development Plan will link into a Regional Development Plan as per the following process:

# Process for Regional Economic Development Plan



3.5 The Regional Economic Development Fund will be the base to apply for Central Government assistance via the Provincial Growth Fund (PGF). The PGF criteria has three investment tiers which will deliver these priorities:

- Regional Projects and Capability
- Sector Investment (including the One Bill Trees Programme)
- Enabling Infrastructure Projects.

## 4 OPTIONS

4.1 **Option 1:** Council receives and approves the Westland Economic Development Plan and proceeds to consultation.

4.2 **Option 2:** Council rejects the Westland Economic Development Plan.

## 5 SIGNIFICANCE AND ENGAGEMENT

5.1 This has high significance for Council as, in terms of its likely impact on and likely consequences for –

- The district or region.
- Any persons who are likely to be particularly affected by, or interested in, the issue, proposal, decision, or matter.

5.2 A Council Workshop was held to which various parties were invited on the 18 April 2018. The workshop was facilitated by Kevin Stratful who is the West Coast Economic Development Manager.

As this matter is considered as being of high significance, Council will use the Special Consultative Process procedure to consult on the Westland Economic Development Plan and will undertake what it considers to be a corresponding high level of engagement about the proposal.

## 6 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

6.1 **Option 1:** Council receives the further information from Kevin Stratful and approves the Westland Economic Development Plan.

### **Advantages of this option:**

a) That the Westland Economic Development Plan will be able to be progressed to enable a joint session for a regional review where economic development will be refined.

This is **THE PREFERRED** option.

6.2 **Option 2:** Council rejects the Westland Economic Development Plan.

This option would mean that economic development would not be progressed and further work would be required to complete the plan

This is **NOT** a preferred option.

6.3 There will be minimal financial implications for Council (cost of consultation and staff time)

## 7 PREFERRED OPTION(S) AND REASONS

7.1 Option 1 is the preferred option. Background work has already commenced and key challenges for Westland District have been identified.

7.2 Key milestones, including completion and timings have already been identified. The benefits of this work has been identified as the following:

- Provides a clear current status of issues and opportunities.
- Provides a platform to present a regional approach to central government.
- Highlights the need to support our key industries.
- Highlights the gaps in the current market that if addressed can raise the economy of the district.
- Provides a mechanism to take advantage of central government support.

8 **RECOMMENDATION(S)**

- A) **THAT** subject to further information being provided by Kevin Stratful at the Council Meeting, that this report be received and Council approve to proceed to consultation of the Westland Economic Development Plan.

**Simon Bastion**  
**Chief Executive**

# Report



**DATE:** 26 April 2018

**TO:** Mayor and Councillors

**FROM:** Group Manager: Planning, Community & Environment

---

## **REVIEW OF BYLAWS AND POLICY ON DOGS**

### **1 SUMMARY**

- 1.1 The purpose of this report is to seek Council approval of ten draft bylaws and an associated Policy on Dogs for public consultation, under the Special Consultative Procedure as per Section 83 of the Local Government Act 2002, to run concurrently with consultation on the Council's 2018-2028 Long Term Plan. Nine of the ten proposed bylaws are amended versions of existing bylaws. The other bylaw recently lapsed and would be reinstated without amendment.
- 1.2 This issue arises from nine out of ten existing bylaws being due for review this year or next year, and another important bylaw having recently lapsed.
- 1.3 Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by Council as part of the Long Term Plan 2015-25. These are stated on Page 2 of this agenda.
- 1.4 This report concludes by recommending that Council adopts the attached Statement of Proposal for the Review of Various Bylaws and Policy on Dogs, and that it undertakes a Special Consultative Procedure as per Section 83 of the Local Government Act 2002 on the attached draft bylaws and Policy on Dogs, with an opening date and closing date for submissions that matches the consultation period of the 2018-2028 Long Term Plan.

### **2 BACKGROUND**

- 2.1 The Local Government Act 2002 and various other legislation empowers Council to make bylaws for a variety of purposes. In many cases these have been based on Model Bylaws published by Standards NZ, so many Councils around New Zealand have very similar bylaws.



- 2.2 The Council has a modest number of bylaws compared to other Councils – currently 10, with another having lapsed only recently. In 2008 the Council repealed its General and Fire Bylaw 1992 as it was largely superseded by the Building Act 1991. In 2013 the Council revoked its short-lived Freedom Camping Control Bylaw 2012, and in 2014 it revoked the Jackson Bay Wharf Bylaw that had been in place since 2001.

### 3 CURRENT SITUATION

- 3.1 A total of nine of Council's existing ten bylaws are due for review this year or next year, so a combined review of these bylaws has been undertaken as follows.

- 3.1.1. Under Section 158 of the Local Government Act 2002 ('the Act'), a bylaw must be reviewed within five years of being adopted. The following bylaw is due for review by 28 November 2018:

- Traffic and Parking Bylaw 2013

- 3.1.2. Once reviewed, Section 159 of the Act requires a bylaw to be reviewed again within 10 years of the review date. The following bylaws, all last reviewed in 2008, are due for review by 19 June 2018:

- Airport Charges Bylaw 1998
- Dog Control Bylaw 1997
- Fencing Bylaw 1991
- Refuse Bylaw 1992 (proposed to be retitled "Refuse and Recycling Bylaw")
- Speed Limits Bylaw 2006
- Trading in Public Places Bylaw 2008

- 3.1.3. The following bylaw, last reviewed in 2009, is due for review by 9 December 2019:

- Wildfoods and Other Events Bylaw 2003

- 3.1.4. The following bylaw expires on 18 December 2018 due to the Local Government (Alcohol Reform) Amendment Act 2012 and is required to be reviewed and reinstated (if necessary) under the new provisions of the Act:

- Liquor Bans Bylaw 2007 (proposed to be retitled "Alcohol Control Bylaw 2018")

- 3.1.5. The following bylaw is not due for review until June 2021 so is not proposed to be reviewed at the current time:

- Water Supply Bylaw 2016

3.1.6. In addition to existing bylaws, the following bylaw lapsed in February 2018 due to not being reviewed within the required timeframe, and is proposed to be re-instated:

- Waste Water Bylaw 2010

3.1.7. The Dog Control Act 1996 also requires the Council to have a Policy on Dogs, and to review it if there are any changes required by changes to its Dog Control Bylaw.

3.2 The bylaw review has been undertaken by a team of Council and CCO staff with expertise and responsibility in the areas relating to each bylaw. The review has been informed by a workshop with Elected Members in November 2017, reference to other Councils' bylaws, feedback through the residents' satisfaction survey, and direct contact from interested parties. For example, the Dog Control Bylaw review was specifically informed by a meeting with a community group concerned with wandering dogs following multiple cat deaths in Hokitika in late 2017. The review of the Trading in Public Places bylaw was informed by multiple meetings and discussions with the holders of hawkers' and mobile shop licences as well as with Enterprise Hokitika.

## 4 OPTIONS

4.1 In general, the following three options have been analysed for each bylaw:

- **Option One: Approve renewal of existing bylaw (including reinstatement of recently lapsed Waste Water Bylaw) for consultation without amendment.** With this option, though the Council would not be proposing any amendments, amendments could still be made following consideration of submissions received in response to the Statement of Proposal.
- **Option Two: Approve renewal of existing bylaw (including reinstatement of recently lapsed Waste Water Bylaw) for consultation with amendment.** This option allows each bylaw to reflect recent legislative changes, to reflect best practice in local government where appropriate, to incorporate amendments for clarity, and to address issues not adequately dealt with by the bylaw in its present form. It will also allow further amendments to be made (or proposed amendments to be altered or deleted), following consideration of submissions received in response to the Statement of Proposal.

- **Option Three: Revoke or allow to lapse.** This option would mean that Council has determined that there is no longer a need for a particular bylaw, in which case the bylaw could be revoked or allowed to expire (in which case it is automatically revoked two years after the expiry date). If Council resolved to revoke a bylaw at this stage, the Special Consultative Procedure would still be required, and the Council could resolve to retain the bylaw following consideration of submissions received in response to the Statement of Proposal.

4.2 The recommended option is to renew each bylaw with amendments, as explained further in Section 6 of this report: "Assessment of Options." Within the option of amendment, there are innumerable options for each bylaw; however at this stage there is one set of proposed changes for each bylaw and the Policy on Dogs. A tracked-changes version of each document is included as an attachment to this report, to show exactly what is proposed to be changed. The exception is the Traffic and Parking Bylaw, where the changes are too extensive to be legibly tracked; in this case, the sections that are mostly new are simply highlighted in grey, and the sections that contain mostly existing material are not.

4.3 The key proposed changes are summarised below and in the attached Statement of Proposal:

#### 4.3.1. **Traffic and Parking Bylaw 2013**

This bylaw has undergone the most significant change. Numerous additions are proposed, based in part on recent bylaws elsewhere in New Zealand, to give the Council options for addressing modern issues related to traffic and parking. Actual implementation of several of these options (e.g. metered parking areas, reserved parking, no stopping areas or skating ban areas) would require a resolution of Council, and will not occur without Council consideration of the need for such measures. The inclusion of these options in the bylaw at this time is simply to provide Council with the toolkit it might need in the future, alongside the rest of the current bylaw review, without needing a bylaw amendment in the future.

The key additions and changes include:

- Allowing for coupon or metered parking areas, by Council resolution, as a method of further encouraging turnover of time-restricted parking and recovering costs of monitoring and enforcement.
- Allowing for reserved parking (where a permit is required) and no stopping areas, by Council resolution

- Only allowing for parking on grass where damage or danger is not likely to result
- Prohibiting long-term parking of immobilised or unlicensed vehicles on a road
- Allowing for skating ban areas to be put in place, by Council resolution, to address safety or nuisance issues
- Allowing for outdoor dining or 'parklets' (small landscaped spaces), by Council resolution, as alternative uses of on-street parking spaces
- Requiring Council permission for containers over a certain size to be placed on a road, with the intention of allowing these if safety issues are addressed
- Prohibiting advertising on legal road if it causes safety issues
- Allowing for temporary parking restrictions for road upgrade and/or maintenance work
- Allowing for a range of defences and exemptions to this bylaw, including for activities done in accordance with a valid traffic management plan

#### **4.3.2. Airport Charges Bylaw 1998**

- Adding reference to car parking charges at Hokitika Airport

#### **4.3.3. Dog Control Bylaw 1997**

- Requiring all dogs in public areas to be on-leash (or in a container) within 20m radius of children's playgrounds, and everywhere else except designated off-leash public areas. A number of high-profile dog attacks, including the death of cats in Hokitika, suggest that Council should try to ensure that dogs are under physical control in most public places. The 2018 residents' satisfaction survey also indicated that only 39% of residents who had had contact with Council on animal control matters were satisfied with the level of protection provided by Council. A number of respondents cited a problem with wandering dogs.
- Approved off-leash areas (where voice or whistle control is acceptable) include a range of public parks and reserves throughout Hokitika and Westland, with some restrictions on the Hokitika beachfront from Takutai to Three Mile, in terms of time of day (e.g. off-leash daylight hours only) and location (e.g. off-leash on the seaward side of mean high water springs). The beach restrictions are to provide for public safety on the Hokitika waterfront walkways, and for the safety of little blue penguins who nest in the vegetated parts of the Hokitika beachfront areas.

- Requiring Council to consult with immediate neighbours when considering an application for more than two dogs on an urban property
- Requiring dog owners to immediately remove the faeces if their dog defecates in a public place or on any land other than that occupied by the owner
- Requiring dogs classified as 'menacing' to be neutered (this was already in the Council's Dog Control Policy)

#### **4.3.4. Policy on Dogs**

- Reflecting the proposed Dog Control Bylaw requirement for dogs to be on-leash in public places unless in an approved off-leash area, and always within 20m of any children's playgrounds, and adding a reference to the bylaw's requirements with respect to fouling

#### **4.3.5. Fencing Bylaw 1991**

- Updating reference to the Local Government Act and the penalties therein

#### **4.3.6. Refuse Bylaw 1992 (proposed to be retitled "Refuse and Recycling Bylaw")**

- Changing title to reflect new content on recycling
- Changing definition of approved receptacle from bag to wheelie bin, and corresponding changes relating to placement and distribution of receptacles
- Expanding restriction on contents to include medical waste
- Changing weight restriction to a restriction on overfilling

#### **4.3.7. Speed Limits Bylaw 2006**

- Minor updates to reflect legislative changes
- Updating register of speed limits to include local roads in recent subdivisions

#### **4.3.8. Trading in Public Places Bylaw 2008**

- Adding e-mail address and removing 'evidence of good character' as requirements for licence applications
- Allowing licence conditions relating to distance from businesses on private land selling same or similar goods; for example, to restrict a coffee cart from setting up outside a non-related café
- Allowing licence conditions to state the requirement for compliance with other applicable legislation (e.g. Food Act or Resource Management Act); for example, food carts will need a food licence, and non-temporary retail activities in a rural or residential area will generally require a resource consent.

#### **4.3.9. Wildfoods and Other Events Bylaw 2003**

- Updating references to legislation, and removing reference to liquor / alcohol, which is covered by another bylaw
- Clarifying the definitions of “public place”, “specified public place” and “controlled camp site”
- Updating the map to include the entire urban Hokitika area in the glass ban for Wildfoods weekend, as with the alcohol ban, and to show the latest controlled camp sites

#### **4.3.10. Liquor Bans Bylaw 2007 (proposed to be retitled “Alcohol Control Bylaw 2018”)**

- Updating references to legislation, and changing “liquor” to “alcohol” throughout consistent with new legislation
- Updating definition of “public place” as per new legislation
- Correcting formatting in the schedule of specified places and time periods, so that the places are aligned with the corresponding periods
- Adding an exclusion for controlled campground areas at Sunset Point and Wadeson Island during Wildfoods weekend, as per a previous Council resolution in early 2018
- Updating Map B to show the correct legal extent of the alcohol ban over Wildfoods weekend
- Adding Map C to show the controlled campground areas that are exempt from the alcohol ban over Wildfoods weekend

#### **4.3.11. Waste Water Bylaw 2010 (proposed to be retitled Waste Water Bylaw 2018)**

- Updating year in the bylaw title to reflect the fact that the 2010 Bylaw lapsed and a new bylaw is required
- Correctly referencing the Council’s Long Term Plan

## **5 SIGNIFICANCE AND ENGAGEMENT**

5.1 Under the guidance of the Council’s Significance and Engagement Policy, the decision to be made today is considered to be of medium significance. It deals with a number of regulatory issues throughout the District, most of which potentially have an impact on many of the District’s residents and businesses. In some cases, the changes proposed are minor, and in other cases they are more substantial.

5.2 As stated above, the proposed revisions are based on some consultation that has already taken place, including a workshop with Elected Members,

feedback through the residents' satisfaction survey, and meetings with some community groups on topics of interest to them.

- 5.3 Given the level of significance, district-wide consultation is appropriate. In any case, the relevant legislation specifically requires use of the special consultative procedure under Section 83 of the Local Government Act. This allows for at least a one month submission period on a Statement of Proposal (which in this case would include the draft bylaws and Policy on Dogs), followed by hearings before the bylaws and Policy are adopted.
- 5.4 It is recommended that the Statement of Proposal be advertised in the Hokitika Guardian, in the Westland Matters electronic newsletter, and on the Council website. In addition, it should be circulated to business and community groups and associations. The Long Term Plan consultation document will also reference this parallel consultation.
- 5.5 Submission forms, and the proposed bylaws and Policy on dogs, will be available on the Council website and at Council offices. The website will also contain existing versions for comparison purposes, and the tracked-changes versions attached to this report can also be made available.

## 6 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

### General Options

- 6.1 The general options above have been assessed as follows:
  - **Option One: Approve renewal of existing bylaw (including reinstatement of recently lapsed Waste Water Bylaw) for consultation without amendment.** It is considered that all the reviewed bylaws require some amendments, in many cases relatively minor but still necessary. This option, if not altered as a result of public consultation, would mean that existing controls will be out-of-date and inadequate to meet current requirements (to varying degrees depending on the bylaw).
  - **Option Two: Approve renewal of existing bylaw (including reinstatement of recently lapsed Waste Water Bylaw) for consultation with amendment.** This option is recommended because it allows each bylaw to reflect recent legislative changes, to reflect best practice in local government where appropriate, to incorporate amendments for clarity, and to address issues not adequately dealt with by the bylaw in its present form. It also allows for further amendments to be made (or proposed amendments to be altered or deleted), following consideration of submissions received in response to the Statement of Proposal.

- **Option Three: Revoke or allow to lapse.** This option would mean that Council has determined that there is no longer a need for a particular bylaw, in which case the bylaw could be revoked or allowed to expire (in which case it is automatically revoked two years after the expiry date). This option, if not altered as a result of public consultation, would mean that the Council would lose what in most cases are its only tools to deal with regulatory incidents where public education and dialogue fail to achieve the required outcome.

### **Appropriateness of the bylaw approach**

- 6.2 Legislation requires that Council directly consider if the adoption of each bylaw (including the review of any bylaw) is the most appropriate way of addressing what Section 155 of the Local Government Act 2002 refers to as a perceived problem. This provides another framework for considering the options above.
- 6.3 In relation to alcohol control (e.g. liquor ban) bylaws, Section 147 of the Act also says that Council must be satisfied that:
- (a) the bylaw can be justified as a reasonable limitation on people’s rights and freedoms; and
  - (b) a high level of crime or disorder (being crime or disorder caused or made worse by alcohol consumption in the area concerned) is likely to arise in the area to which the bylaw is intended to apply if the bylaw is not made; and
  - (c) the bylaw is appropriate and proportionate in the light of that likely crime or disorder.
- 6.4 All ten bylaws dealt with in the Statement of Proposal have been in place with Westland District Council for several years, including the Waste Water Bylaw 2010 that only lapsed in February 2018. In most cases, the bylaws have been previously reviewed and assessed by Council as being an appropriate way of addressing the perceived problems, and in the other cases the Council assessed them as appropriate when initially putting them in place. No concerns appear to have been raised by the community that the bylaws are now inappropriate methods of addressing the problems.
- 6.5 In the case of the proposed Alcohol Control Bylaw, the expiring Liquor Bans Bylaw has been used as a basis, with only minor amendments for clarity. The Council can be satisfied that the Alcohol Control Bylaw meets the tests of Section 147 of the Act, limiting people’s rights and freedoms in a reasonable



way to ensure that a high level of crime and disorder does not arise as a result of alcohol consumption in certain areas at certain times.

- 6.6 In general, the bylaws give Council a combined toolkit that is useful in raising awareness and fostering communication on various issues, regardless of whether enforcement action is taken in any given case. In the event that education and dialogue is unsuccessful and enforcement action is required in a particular case, the bylaws are the only method of providing Council with the necessary powers to take such action (e.g. fines).

### **Appropriateness of each bylaw's format**

- 6.7 Section 155(2) of the Local Government Act 2002 requires Council to determine that each proposed or reviewed bylaw is the most appropriate form of bylaw – essentially, whether the bylaw contains the appropriate content. That is the key question that Council must consider in approving the Statement of Proposal – whether it is satisfied that each bylaw is the most appropriate form of bylaw for Westland at this time.
- 6.8 Council can have confidence that the bylaws are generally based on model bylaws used by other Council around New Zealand, with alterations to reflect Westland's unique circumstances and requirements. They are generally flexible (for example, in terms of how Council responds to any breach), and they allow changing circumstances to be recognised (for example, by leaving parking restrictions up to future Council resolutions rather than putting them into the bylaw itself).

### **Monitoring and enforcement**

- 6.9 The reviewed bylaws will continue to be monitored and enforced as required by Council officers and, in particular instances, police officers. The existence of any bylaw or any particular provisions within a bylaw does not mean that an intensive monitoring regime will occur; however, if a matter comes to Council's attention that requires enforcement action, the bylaws allow this action to occur. In some cases, a discussion that references the appropriate bylaw and the potential penalties (i.e. a warning) will resolve the situation and remove the bylaw breach.

### **New Zealand Bill of Rights Act 1990**

- 6.10 The Council must determine whether the bylaws made under the Local Government Act 2002 give rise to any implications under the New Zealand Bill of Rights Act 1990. The reviewed bylaws have come under different forms of scrutiny in the past and are similar to bylaws used by other territorial local

authorities, and there is no legislative commentary reviewed that would suggest Bill of Rights implications. By approving the Statement of Proposal, the Council would be agreeing that the proposed bylaw content reflects a suitable balance between personal freedoms and community protection, without discriminatory effects.

### **Financial Implications**

- 6.11 In terms of financial implications, there are no differences between the three options at this stage, as the Special Consultative Procedure has to be undertaken for each option. The costs of this will be minimal, as online methods will be used along with some print advertising and hard copies being made available.
- 6.12 Going forward, the direct costs to Council of having a bylaw (or a more extensive bylaw) are likely to be greater than the costs of not having a bylaw, to the extent that the Council will need to devote staff resources towards any monitoring, compliance and enforcement action required. However, the level of resourcing can be scaled to match the issues, and existing resources are expected to be adequate at this stage as most of the bylaw content is already in place.
- 6.13 In addition, the financial costs to the Council and the community of having inadequate bylaw controls would likely outweigh the direct costs of having appropriate bylaws, as negative outcomes could include more dog attacks, refuse collection issues, public alcohol-related disorder, inappropriate discharges to wastewater, inefficient and unsafe use of roads and parking, etc.

## **7 PREFERRED OPTION AND REASONS**

- 7.1 The preferred option is Option Two, renewing existing bylaws (including reinstatement of the recently lapsed Waste Water Bylaw) for consultation with various amendments. This option is recommended because it allows each bylaw to reflect recent legislative changes, to reflect best practice in local government where appropriate, to incorporate amendments for clarity, and to address issues not adequately dealt with by each bylaw in its present form. It also allows further amendments to be made (or proposed amendments to be altered or deleted), following consideration of submissions received in response to the Statement of Proposal.
- 7.2 The revised bylaws are mostly based on model bylaws used by other Council around New Zealand, with alterations to reflect Westland's unique circumstances and requirements. They are generally flexible and allow changing circumstances to be recognised.

- 7.3 In general, the bylaws give Council a combined toolkit that is useful in raising awareness and fostering communication on various issues, regardless of whether enforcement action is taken in any given case. In the event that education and dialogue is unsuccessful and enforcement action is required in a particular case, the bylaws are the only method of providing Council with the necessary powers to take such action (e.g. fines).
- 7.4 The proposed bylaw content is considered to reflect a suitable balance between personal freedoms and community protection, without discriminatory effects. Cost savings to Council and the community are expected to accrue through reduction of negative outcomes such as dog attacks, refuse collection difficulties, public alcohol-related disorder, inappropriate discharges to wastewater, inefficient and unsafe use of roads and parking, etc.

## 8 RECOMMENDATIONS

- A) **THAT** Council adopts the attached Statement of Proposal for the Review of Various Bylaws and Policy on Dogs; and
- B) **THAT** Council undertake a Special Consultative Procedure as per Section 83 of the Local Government Act 2002 on the attached draft bylaws and Policy on Dogs, with an opening date and closing date for submissions that matches the consultation period for the 2018-2028 Long Term Plan.

**Jim Ebenhoh**

**Group Manager: Planning, Community and Environment**

**Appendix 1:** Statement of Proposal: 2018 Review of Various Bylaws and Policy on Dogs

**Appendix 2:** Proposed reviewed bylaws and Policy on Dogs (with changes indicated), in alphabetical order as follows:

- Airport Charges Bylaw
- Alcohol Control Bylaw and Maps
- Dog Control Bylaw with Map, and Policy on Dogs
- Fencing Bylaw
- Refuse and Recycling Bylaw
- Speed Limits Bylaw and Register of Speed Limits
- Trading in Public Places Bylaw
- Traffic and Parking Bylaw
- Waste Water Bylaw
- Wildfoods and other Events Bylaw

# Appendix 1



## Statement of Proposal

under Special Consultative Procedure as per  
Section 83 of Local Government Act 2002:

# 2018 Review of Various Bylaws and Policy on Dogs

[Submit online at www.westlanddc.govt.nz](http://www.westlanddc.govt.nz)

[date released]

**THE PROPOSAL:**

Following review under the Local Government Act 2002, the Westland District Council proposes a range of amendments to 9 of its 10 existing bylaws, including a new Alcohol Control Bylaw to replace the existing Liquor Bans Bylaw. In addition, it proposes reinstatement of the lapsed Waste Water Bylaw. It also proposes a revised Policy on Dogs to reflect the proposed changes to the Dog Control Bylaw.

This proposal is now open for public consultation **(DATE to DATE)**

**[Submit online at www.westlanddc.govt.nz](http://www.westlanddc.govt.nz)**

**GET YOUR SUBMISSION TO COUNCIL BY 5.00PM ON **[CLOSING DATE]****

## Reason for the Proposal

A total of 9 of Council's existing 10 bylaws are due for review this year or next year, so a combined review of these bylaws has been undertaken as follows.

Under Section 158 of the Local Government Act 2002 ('the Act'), a bylaw must be reviewed within five years of being adopted. The following bylaw is due for review by 28 November 2018:

- Traffic and Parking Bylaw 2013

Once reviewed, Section 159 of the Act requires a bylaw to be reviewed again within 10 years of the review date. The following bylaws, all last reviewed in 2008, are due for review by 19 June 2018:

- Airport Charges Bylaw 1998
- Dog Control Bylaw 1997
- Fencing Bylaw 1991
- Refuse Bylaw 1992 (proposed to be retitled "Refuse and Recycling Bylaw")
- Speed Limits Bylaw 2006
- Trading in Public Places Bylaw 2008

The following bylaw, last reviewed in 2009, is due for review by 9 December 2019:

- Wildfoods and Other Events Bylaw 2003

The following bylaw expires on 18 December 2018 due to the Local Government (Alcohol Reform) Amendment Act 2012 and is required to be reviewed and reinstated (if necessary) under the new provisions of the Act:

- Liquor Bans Bylaw 2007 (proposed to be retitled "Alcohol Control Bylaw 2018")

The following bylaw is not due for review until June 2021 so is not proposed to be reviewed at the current time:

- Water Supply Bylaw 2016

In addition to existing bylaws, the following bylaw lapsed in February 2018 due to not being reviewed within the required timeframe, and is proposed to be re-instated:

- Waste Water Bylaw 2010

The Dog Control Act 1996 also requires the Council to have a Policy on Dogs, and to review it if there are any changes required by changes to its Dog Control Bylaw.

A copy of the 9 reviewed bylaws, the proposed bylaw to be reinstated, and the reviewed Policy on Dogs are attached to this Statement of Proposal, and available at [www.westlanddc.govt.nz](http://www.westlanddc.govt.nz).

## **Appropriateness of the bylaw approach**

Council is required to determine if the adoption of each bylaw (including the review of any bylaw) is the most appropriate way of addressing what Section 155 of the Local Government Act 2002 refers to as a perceived problem.

In relation to alcohol control (e.g. liquor ban) bylaws, Section 147 of the Act also says that Council must be satisfied that:

- (a) the bylaw can be justified as a reasonable limitation on people's rights and freedoms; and
- (b) a high level of crime or disorder (being crime or disorder caused or made worse by alcohol consumption in the area concerned) is likely to arise in the area to which the bylaw is intended to apply if the bylaw is not made; and
- (c) the bylaw is appropriate and proportionate in the light of that likely crime or disorder.

All 10 bylaws dealt with in this proposal have been in place with Westland District Council for several years, including the Waste Water Bylaw 2010 which only lapsed in February 2018. In most cases the bylaws have been previously reviewed and assessed by Council as being an appropriate way of addressing the perceived problems, and in the other cases the Council assessed them as appropriate when initially putting them in place. No concerns appear to have been raised by the community that the bylaws are now inappropriate methods of addressing the problems.

In the case of the proposed Alcohol Control Bylaw, the expiring Liquor Bans Bylaw has been used as a basis, with only minor amendments for clarity. The Council is satisfied that the Alcohol Control Bylaw meets the tests of Section 147 of the Act, limiting people's rights and freedoms in a reasonable way to ensure that a high level of crime and disorder does not arise as a result of alcohol consumption in certain areas at certain times.

In general, the bylaws give Council a combined toolkit that is useful in raising awareness and fostering communication on various issues, regardless of whether enforcement action is taken in any given case. In the event that education and dialogue is unsuccessful and enforcement action is required in a particular case, the bylaws are the only method of providing Council with the necessary powers to take such action (e.g. fines).

## **Are the bylaws the most appropriate form of bylaw?**

Section 155(2) of the Local Government Act 2002 requires Council to determine that each proposed or reviewed bylaw is the most appropriate form of bylaw – essentially whether the bylaw contains the appropriate content. That is the question that Council has considered in forming this proposal, and it is satisfied that each bylaw is the most appropriate form of bylaw for Westland at this time. They are generally based on model bylaws used by other Council around New Zealand, with alterations to reflect

Westland's unique circumstances and requirements. They are generally flexible and allow changing circumstances to be recognised.

## Options Considered by Council

In developing the current proposal, the Council considered three options for each bylaw:

- **Approve without amendment:** Council considers that all the reviewed bylaws require some amendments, in many cases relatively minor but still necessary. The option to approve without amendment would therefore mean that existing controls will be out-of-date and inadequate to meet current requirements.
- **Approve with amendment:** This option allows each bylaw to reflect recent legislative changes, to reflect best practice in local government where appropriate, to incorporate amendments for clarity, and to address issues not adequately dealt with by the bylaw in its present form. It will also allow for further amendments to be made (or proposed amendments to be altered or deleted), following consideration of submissions received in response to this proposal.
- **Revoke or allow to lapse:** This option would mean that Council has determined that there is no longer a need for a particular bylaw, in which case the bylaw could be revoked or allowed to expire (in which case it is automatically revoked two years after the expiry date). The Council considers that none of the bylaws in this proposal should be revoked or allowed to lapse, for reasons explained in the "Appropriateness of the bylaw approach" section above.

## How will the bylaws be monitored and enforced?

The reviewed bylaws will continue to be monitored and enforced as required by Council officers and, in particular instances, police officers. The existence of any bylaw or any particular provisions within a bylaw does not mean that an intensive monitoring regime will occur; however, if a matter comes to Council's attention that requires enforcement action, the bylaws allow this action to occur. In some cases a discussion that references the appropriate bylaw and the potential penalties (i.e. a warning) will resolve the situation and remove the bylaw breach.

## New Zealand Bill of Rights Act 1990

The Council must determine whether the bylaws made under the Local Government Act 2002 give rise to any implications under the New Zealand Bill of Rights Act 1990. The reviewed bylaws have come under different forms of scrutiny in the past and are similar to bylaws used by other territorial local authorities, and there is no legislative commentary reviewed that would suggest Bill of Rights implications. The proposed bylaw content is



considered to reflect a suitable balance between personal freedoms and community protection, and is not considered to have discriminatory effects.

## What amendments have been proposed?

The following is a summary of the key changes proposed to each bylaw as part of this review. Interested parties are able to view the entirety of each bylaw they are interested in, and compare it with the previous version available at [www.westlanddc.govt.nz/bylaws-and-policies](http://www.westlanddc.govt.nz/bylaws-and-policies), to identify the complete extent of the changes proposed.

### ***Traffic and Parking Bylaw 2013***

This bylaw has undergone the most significant change. Numerous additions are proposed, based in part on recent bylaws elsewhere in New Zealand, to give the Council options for addressing modern issues related to traffic and parking. Actual implementation of several of these options (e.g. metered parking areas, reserved parking, no stopping areas or skating ban areas) would require a resolution of Council, and will not occur without Council consideration of the need for such measures. The inclusion of these options in the bylaw at this time is simply to provide Council with the toolkit it might need in the future, alongside the rest of the current bylaw review, without needing a bylaw amendment in the future.

The key additions and changes include:

- Allowing for coupon or metered parking areas, by Council resolution, as a method of further encouraging turnover of time-restricted parking and recovering costs of monitoring and enforcement.
- Allowing for reserved parking (where a permit is required) and no stopping areas, by Council resolution
- Only allowing for parking on grass where damage or danger is not likely to result
- Prohibiting long-term parking of immobilised or unlicensed vehicles on a road
- Allowing for skating ban areas to be put in place, by Council resolution, to address safety or nuisance issues
- Allowing for outdoor dining or 'parklets' (small landscaped spaces), by Council resolution, as alternative uses of on-street parking spaces
- Requiring Council permission for containers over a certain size to be placed on a road, with the intention of allowing these if safety issues are addressed
- Prohibiting advertising on legal road if it causes safety issues
- Allowing for temporary parking restrictions for road upgrade and/or maintenance work
- Allowing for a range of defences and exemptions to this bylaw, including for activities done in accordance with a valid traffic management plan.

### ***Airport Charges Bylaw 1998***

- Adding reference to car parking charges at Hokitika Airport

### ***Dog Control Bylaw 1997***

- Requiring all dogs in public areas to be on-leash (or in a container) within 20m radius of children's playgrounds, and everywhere else except designated off-leash public areas. A number of high-profile dog attacks, including the death of cats in Hokitika, have prompted the Council to try to ensure that dogs are under physical control in most public places. The 2018 residents' satisfaction survey also indicated that only 39% of residents who had had contact with Council on animal control matters were satisfied with the level of protection provided by Council. A number of respondents cited a problem with wandering dogs.
- Approved off-leash areas (where voice or whistle control is acceptable) include a range of public parks and reserves throughout Hokitika and Westland, with some restrictions on the Hokitika beachfront from Takutai to Three Mile, in terms of time of day (e.g. off-leash daylight hours only) and location (e.g. off-leash on the seaward side of mean high water springs). The beach restrictions are to provide for public safety on the Hokitika waterfront walkways, and for the safety of little blue penguins who nest in the vegetated parts of the Hokitika beachfront areas.
- Requiring Council to consult with immediate neighbours when considering an application for more than two dogs on an urban property
- Requiring dog owners to immediately remove the faeces if their dog defecates in a public place or on any land other than that occupied by the owner
- Requiring dogs classified as 'menacing' to be neutered (this was already in the Council's Dog Control Policy)

### ***Policy on Dogs***

- Reflecting the proposed Dog Control Bylaw requirement for dogs to be on-leash in public places unless in an approved off-leash area, and always within 20m of any children's playgrounds, and adding a reference to the bylaw's requirements with respect to fouling

### ***Fencing Bylaw 1991***

- Updating reference to the Local Government Act and the penalties therein

### ***Refuse Bylaw 1992 (proposed to be retitled "Refuse and Recycling Bylaw")***

- Changing title to reflect new content on recycling
- Changing definition of approved receptacle from bag to wheelie bin, and corresponding changes relating to placement and distribution of receptacles
- Expanding restriction on contents to include medical waste
- Changing weight restriction to a restriction on overfilling

### ***Speed Limits Bylaw 2006***

- Minor updates to reflect legislative changes
- Updating register of speed limits to include local roads in recent subdivisions

### ***Trading in Public Places Bylaw 2008***

- Adding e-mail address and removing 'evidence of good character' as requirements for licence applications
- Allowing licence conditions relating to distance from businesses on private land selling same or similar goods; for example, to restrict a coffee cart from setting up outside a non-related café

- Allowing licence conditions to state the requirement for compliance with other applicable legislation (e.g. Food Act or Resource Management Act); for example, food carts will need a food licence, and non-temporary retail activities in a rural or residential area will generally require a resource consent.

***Wildfoods and Other Events Bylaw 2003***

- Updating references to legislation, and removing reference to liquor / alcohol, which is covered by another bylaw
- Clarifying the definitions of “public place”, “specified public place” and “controlled camp site”
- Updating the map to include the entire urban Hokitika area in the glass ban for Wildfoods weekend, as with the alcohol ban, and to show the latest controlled camp sites

***Liquor Bans Bylaw 2007 (proposed to be retitled “Alcohol Control Bylaw 2018”)***

- Updating references to legislation, and changing “liquor” to “alcohol” throughout consistent with new legislation
- Updating definition of “public place” as per new legislation
- Correcting formatting in the schedule of specified places and time periods, so that the places are aligned with the corresponding periods
- Adding an exclusion for controlled campground areas at Sunset Point and Wadeson Island during Wildfoods weekend, as per a previous Council resolution in early 2018
- Updating Map B to show the correct legal extent of the alcohol ban over Wildfoods weekend
- Adding Map C to show the controlled campground areas that are exempt from the alcohol ban over Wildfoods weekend

***Waste Water Bylaw 2010 (proposed to be retitled Waste Water Bylaw 2018)***

- Updating year in the bylaw title to reflect the fact that the 2010 Bylaw lapsed and a new bylaw is required
- Correctly referencing the Council’s Long Term Plan

## How to make a submission

Any interested person or body is invited to make a submission or comments on the reviewed / reinstated bylaws, the other options that have been considered, and on any aspect of, or omission from, these bylaws.

Council will take account of all submissions made when making decisions on the bylaw review. There will be a Council hearing in [MONTH / YEAR] for those submitters who indicate they wish to speak in support of their submission.

Please submit your feedback to Council by:

- (1) Delivery to the Customer Service desk, 36 Weld Street, Hokitika
- (2) Post to Group Manager: Planning, Community and Environment (Attn: Bylaw Review), Private Bag 704, Hokitika
- (3) Email to [consult@westlanddc.govt.nz](mailto:consult@westlanddc.govt.nz)
- (4) You can also complete submissions at [www.westlanddc.govt.nz](http://www.westlanddc.govt.nz)

All submissions, including name and contact details of the submitter, will be made available to the public and media on Council's website, unless you specifically request that your contact details are kept private.

All enquiries (not submissions) should be directed to the Group Manager: Planning, Community and Environment, at 03 756 9010 or [jim.ebenhoh@westlanddc.govt.nz](mailto:jim.ebenhoh@westlanddc.govt.nz).

## Timetable

[DATE]: submissions open

[DATE] (5pm): submissions close

Week of [DATE]: hearing of submissions

[DATE]: Council meeting to decide on final content of bylaws

The revisions will generally take effect the day after the decision is made by Council

**Don't forget, get your submission to Council by 5:00pm on [DATE]!**



## WESTLAND DISTRICT COUNCIL AIRPORT CHARGES BYLAW 1998

The purpose of this Bylaw is to authorise the Council to levy and collect charges for the use of the Airport by persons owning or operating aircraft or enjoying the benefits of the Airport, service or facilities pursuant to the powers vested in it by the Airport Authorities Act 1966 and the Local Government Act 1974 and all other enabling powers and authorities.

**1. Short Title:**

This Bylaw may be ~~sited~~cited as the Westland District Council Airport Charges Bylaw 1998.

**2. Commencement:**

This Bylaw shall come into force on the approval thereof by the Minister of Civil Aviation and Meteorological Services.

**3. Interpretation:**

In this Bylaw unless the context otherwise requires:

‘AIRPORT’ means all that land and buildings situated in Part Rural Section 5742 Westland Registry and known as the Hokitika Airport.

‘AIRPORT TERMINAL’ means the building provided by the Council for the assembly or ticketing or processing of passengers.

‘COUNCIL’ means the Westland District Council acting in its capacity as the Airport Authority.

‘GROSS WEIGHT’ or ‘MCTOW’ in relation to an aircraft, means the maximum take-off weight of the aircraft as specified in the certificate of airworthiness in respect of the aircraft and its associated flight manual.

‘OPERATOR’ in relation to an aircraft, means a person who flies or uses the aircraft or causes or permits the aircraft to fly or be used whether or not that person is present with the aircraft.

‘PASSENGER’ in relation to an aircraft, means any person carried in the aircraft other than a crewmember or a child under the age of 15 years.

**4. Charges for landing of aircraft:**

**4.1** The operator of every aircraft using the Airport shall pay the prescribed charge upon each and every landing at the Airport at the time of arrival or as may be agreed between the operator and the Council.

4.2 The charge for the landing of aircraft shall be based upon the gross weight or type of aircraft or both and be as set out in Part 1 of the First Schedule to this Bylaw.

5. **Use of facilities:**

5.1 Every person departing through the airport terminal on an aircraft from the Airport as a passenger shall pay on departure a charge as set out in Part 2 of the First Schedule to this Bylaw.

5.2 No operator shall carry any person departing through the airport terminal as a passenger on any aircraft departing from the Airport unless evidence has been produced to the operator of the charge imposed by Clause 4 of this Bylaw having been paid.

5.3 The operator of any aircraft using the Airport shall pay for any special services which may be required by the operator by way of parking, lighting or otherwise. The amount charged for such services shall be such amount as set out in Part 3 of the First Schedule to this Bylaw.

5.4 Every Operator or person using any part of the Airport or undertaking any trading activity thereon shall pay the charge as set out in Part 3 of the First Schedule to this Bylaw.

**5.5 Every vehicle parked at the airport for more than three hours will be charged a fee paid on arrival as set out in Part 1 of the Second Schedule.**

The foregoing Bylaw was duly made by the Westland District Council by a Special Order passed at a meeting of the Council held on the 16<sup>th</sup> April 1998 and (meantime having been publicly notified) confirmed at a subsequent meeting of the said Council held on the 18<sup>th</sup> June 1998.

The Common Seal of the Westland District Council was hereto affixed to the above written Special Order and Bylaw at the Offices of and pursuant to the resolution of the Westland District Council in the presence of:

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**Mayor**

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**General Manager**

**This Bylaw was reviewed pursuant to Section 158 of the Local Government Act 2002 and was confirmed on 19 June 2008.**

**This Bylaw was subsequently reviewed and amended pursuant to Section 159 of the Local Government Act 2002 in 2018 and was confirmed on [X DATE].**

## **FIRST SCHEDULE**

### **Part 1: Landing Charges (Clause 4.2)**

#### **1) DAILY CASUAL LANDING FEES EFFECTIVE FROM 1ST JULY 2012**

Please check the AIP before landing at Hokitika Airport, it gives you all the landing information

Microlight (Max Weight) 600kg	\$5.00
Helicopter (weight based) If a heavier machine contact HAL	\$12.00
Single Engine Fixed Wing	\$20.00
Multi Engine Fixed Wing (Under 5000kg)	\$45.00
Weight - 5,000kg to 10,000kg	\$92.00
Weight - 10,000 to 20,000kg	\$220.00
Weight - 20,000kg +	\$260.00

#### **2) ANNUAL LANDING FEES PAID BY LOCAL AIRCRAFT**

Microlights	\$150.00
Helicopters – Please contact Managers	
Weight – 540kg to 810kg	\$232.00
Weight – 811kg to 1,200kg	\$384.00
Weight – 1,201kg to 1,800kg	\$1080.00
Weight – 1,801kg to 4,000kg	\$1,523.00

#### **GST IS INCLUDED IN ALL ABOVE CHARGES**

A late payment charge of \$20.00 will be added to any invoiced activity not paid by the end of the month following invoicing.

Landing fees are invoiced and collected by AIMM. Hokitika-based aircraft, both recreational and commercial, are required to pay the Annual landing fee. The billing period is 1st July to 30th June.

#### **RATES ARE NEGOTIATED FOR HOKITIKA BASED COMMERCIAL AIRCRAFT AND FOR AIRCRAFT PROVIDING REGULAR SCHEDULED SERVICES**

Note:

1. Touch & go practice landings will be charged for one landing only.
2. Tow plane & glider will be charged for one landing only.
3. Discount negotiable for bulk advanced payments by regular users.

#### **PART 2: DEPARTURE CHARGE (CLAUSE 5.1):**



Every passenger departing \$0

**PART 3: AIRPORT USER CHARGES (CLAUSE 5.4):**

- a) Any landing with lights: extra \$10.00.
- b) Lessees of any Airport buildings or land including buildings and other airport land: fair market rental agreed between the lessees and the Council from time to time.

**SECOND SCHEDULE**

**Part 1: Hokitika Airport Car Parking Charges (Clause 5.5)**

<u>3 hours maximum</u>	<u>FREE</u>
<u>Day parking</u>	<u>\$5.00</u>
<u>Overnight parking</u>	<u>\$10.00</u>

A late payment charge of \$20.00 will be added if not paid before departing flight.

A \$20 administration fee will added to any parking charges for which an invoice is sent.

## **Explanatory Note**

The Local Government Act 2002 gives Council the power to control the consumption and possession of liquoralcohol in public places. The Council can use this power generally, to create on-going liquoralcohol bans in public places, or to ban liquoralcohol for one-off special events or occasions in public places.

The aim of this bylaw is to control the consumption of alcohol in those public places where Council is concerned that the possession of liquoralcohol in the public place, whether generally or over a specified period may result in disorderly behaviour and criminal offending.

This bylaw is based on an earlier Liquor Bans Bylaw 2007 that was reviewed in 2012 pursuant to the provisions of section 158 of the Local Government Act 2002. The review resulted in the consolidation of provisions relating to various liquoralcohol control resolutions and other minor amendments. Based on the requirements of Section 11 of the Local Government (Alcohol Reform) Amendment Act 2012, the Liquor Bans Bylaw would expire on 18 December 2018 unless earlier revoked. It has been used as the basis for this new Alcohol Control Bylaw.

\*\*\*\*\*

Pursuant to the powers vested in it by the Local Government Act 2002, the Bylaws Act 1910 and any other authority enabling the Council in this behalf the Westland District Council makes this Bylaw.

### **1. SHORT TITLE AND COMMENCEMENT**

1.1 This bylaw shall be known as the Westland District LiquorAlcohol Bans Control Bylaw 20072018.

1.2 This bylaw shall come into effect on the twenty-first day after the confirmation thereof.

### **2. INTERPRETATION**

2.1 This Bylaw unless the context otherwise requires:

“Act” means the Local Government Act 2002.

“Council” means the Westland District Council.

"licensed premises" ~~means premises licensed for the sale or consumption of liquor under the Sale of Liquor Act 1989~~ has the meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012.

"~~liquoralcohol~~" has the meaning given ~~to it by the Sale of Liquor Act 1989~~ by section 5(1) of the Sale and Supply of Alcohol Act 2012.

"~~liquoralcohol~~ control resolution" means a resolution of the Council pursuant to clause 4.1.

"offence" means an offence under section 239A of the Local Government Act 2002 that is a breach of a bylaw prohibiting-

- (a) the consumption or possession or both of ~~liquoralcohol~~ in, or the bringing of ~~liquoralcohol~~ into, a public place; or
- (b) in conjunction with a prohibition relating to ~~liquoralcohol~~, the presence or use of a vehicle in a public place.

"public place":

(a) ~~(a)~~—means a place that is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from it; but

~~(a),(b)~~ does not include licensed premises:

- ~~(i) — that is under the control of the Council; and~~
- ~~(iii) — that is open to, or being used by, the public, whether or not there is a charge for admission; and~~

~~(b) — includes:~~

- ~~(i) — a road, whether or not the road is under the control of the Council; and~~
- ~~(iii) — any part of a public place.~~

"special licence" means a licence granted under ~~part 4 of the Sale of Liquor Act 1989~~ Part 2, Subpart 4 of the Sale and Supply of Alcohol Act 2012.

"specified period" means the period or periods specified in:

- (a) the Schedule (as varied by any subsequent ~~liquoralcohol~~ control resolution); or

- (b) a liquoralcohol control resolution, during which the consumption, bringing or possession of liquoralcohol is prohibited in a specified place and publicly notified in accordance with clause 4 of this bylaw.

“specified place” means a public place specified in:

- (a) the Schedule (as varied by any subsequent liquoralcohol control resolution); or
- (b) a liquoralcohol control resolution, at which the consumption, bringing or possession of liquoralcohol is prohibited during a specified period and publicly notified in accordance with clause 4 of this bylaw.

### **3. LIQUORALCOHOL PROHIBITION REGULATION AND CONTROL**

3.1 No person shall:

- (a) bring liquoralcohol to a specified place, during the specified period or specified periods relating to that specified place; or
- (b) consume or possess liquoralcohol at a specified place, during the specified period or specified periods relating to that specified place.

3.2 Every person shall comply with the terms of a liquoralcohol control resolution prohibiting, regulating or otherwise controlling:

- (a) the consumption of liquoralcohol in a public place; or
- (b) the bringing of liquoralcohol into a public place; or
- (c) the possession of liquoralcohol in a public place; or
- (d) in conjunction with a prohibition relating to liquoralcohol under paragraphs (a) to (c) of this clause 3.2, the presence or use of a vehicle in a public place.

### **4. LIQUORALCOHOL CONTROL RESOLUTION**

4.1 The Council may from time to time make a resolution:

- (a) prohibiting or otherwise regulating or controlling, either generally or for one or more specified periods:

- (i) the consumption of liquoralcohol in a public place; or
  - (ii) the bringing of liquoralcohol into a public place; or
  - (iii) the possession of liquoralcohol in a public place; or
  - (iv) in conjunction with a prohibition relating to liquoralcohol under paragraphs (i) to (iii), the presence or use of a vehicle in a public place; or
- (b) varying existing specified places; or
  - (c) varying existing specified periods.

4.2 Every resolution made pursuant to this clause shall be publicly notified at least 14 days before it shall take effect.

## 5. EXCLUSIONS

- 5.1 Notwithstanding any other provision in this Bylaw, in the case of ~~liquoralcohol~~ in an unopened bottle or other unopened container, this Bylaw does not prohibit, regulate or control and no ~~liquoralcohol~~ control resolution made pursuant to this Bylaw shall have the effect of prohibiting, regulating or controlling the transport of that ~~liquoralcohol~~:
- (a) from outside a public place for delivery to —or consumption on, licensed premises ~~that adjoinnext to~~ the public place; or
  - (b) from licensed premises ~~that adjoinnext to~~ a public place, provided the ~~liquoralcohol~~ was lawfully bought on those premises for consumption off those premises, and is promptly removed from the public place; or
  - (c) from outside a public place to premises ~~that adjoinnext to~~ a public place by, or for delivery to, a resident of those premises or ~~by~~ his or her bona fide visitors; or
  - (d) from premises ~~that adjoinnext to~~ a public place to a place outside the public place by a resident of those premises, provided the ~~liquoralcohol~~ is promptly removed from the public place.

## 6. POWERS OF ARREST, SEARCH AND SEIZURE

- 6.1 This Bylaw authorises a member of the police to exercise the power of search, seizure and arrest under section 169(2) ~~(a) of the Act for the purposes of and~~ section 170(2) of the Act.

## 7. PENALTY

Any person who commits a breach of this bylaw is ~~on conviction~~ liable to a fine ~~not exceeding \$20,000.00~~ of \$250.

The initial resolution to make this Bylaw was passed by the Westland District Council at an ordinary meeting of the Council held on the 25<sup>th</sup> day [Xth day] of October—2007 [MONTH YEAR] and was confirmed, following consideration of submissions received during the special consultative procedure, by a resolution at a subsequent meeting of the Council on the 13<sup>th</sup> day of December, 2007 [Xth day] of [MONTH YEAR].

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

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Mayor

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Chief Executive

~~This Bylaw was reviewed pursuant to Section 158 of the Local Government Act 2002 and was confirmed on the twenty-eighth day of February 2013.~~

## SCHEDULE

1. Subject to the exceptions listed in Clause 5 (above), the specified places and specified periods relating to those specified places are:

<b>Place</b>	<b>Period</b>
<p>All that area consisting of <del>the public places administered by the Westland District Council</del>, including legal roads and public reserves, more particularly described as bounded by the following:</p> <p>(1) Commencing at a point on the Mean High Water Mark at Sunset Point, then in a northerly direction along the Mean High Water Mark to a point in line with the northern boundary of RS 6659 (Walker Park) then south-easterly to a point that meets with a line which is the extension of the east side of Brittan Street, then south-westerly along that line and along the eastern side of Brittan Street to the true right bank of the Hokitika River thence westerly generally along the true right bank of the Hokitika River to the Mean High Water Mark to the point of commencement, as delineated and shown on the attached map marked "A".</p> <p>(2) All that area of public reserve described as RES 495 (Cass Square) and shown on the attached map marked "A".</p> <p>(3) Commencing at a point on the Mean High Water Mark in line with the north side of Richards Drive, then in a south-easterly direction along the north side of Richards Drive and its continuation across Fitzherbert Street to the western boundary of the Hokitika Cemetery, then south-westerly then south-easterly along the boundary of the Hokitika Cemetery to the western boundary of the Hokitika Airport, thence generally south-westerly and south-easterly along the boundary of the Hokitika Airport to the</p>	<p>From 8.00 pm on any day till 6.00am the following day.</p> <p>24 hours each day on every day of the week.</p> <p>From 6.00 pm on the Friday before the Hokitika Wildfoods Festival till 8.00 am on the Sunday thereafter.</p>



<p>northern boundary of the Hokitika Racecourse, then south-westerly, north-westerly, south-westerly and south-easterly generally along the boundary of the Hokitika Racecourse to a point in line with the eastern side of Town Belt East, thence south-westerly along the eastern side of Town Belt east and its continuation to the true right bank of the Hokitika River, thence westerly generally along the true right bank of the Hokitika River to the Mean High Water Mark, thence northerly generally along the Mean High Water Mark to the point of commencement as delineated and shown on the attached map marked "B".</p>	
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2. The specified places do not include:



- (a) any public place which is also a licensed premises or part of a licensed premises during any period in which the licensee is serving or allowing consumption of ~~liquor~~alcohol on those licensed premises; and
- (b) any public place or part of a public place during any period in which that public place or part of a public place is the subject of a special licence granted pursuant to the provisions of the Sale and Supply of ~~Liquor~~Alcohol Act ~~1989~~2012; and
- (c) the controlled campground areas of Sunset Point and Wadeson Island, as shown in the attached map marked "C", from 6pm on the Friday before the Hokitika Wildfoods Festival until 8am on the Sunday thereafter (note: any of those two areas not hosting a controlled campground area will still be subject to the alcohol ban).:-

# The Map Referred to in the Schedule as Map "A"





**The Map  
Referred to in  
the Schedule  
as Map "B"**

- Legend**
-  Alcohol Ban Area
  -  Public Parks and Reserves







**The Map  
Referred to in  
the Schedule  
as Map "C"**

**Legend**  
[Red Outline] Controlled Campgrounds





## **WESTLAND DISTRICT COUNCIL** **DOG CONTROL BYLAW**

Pursuant to the powers vested in it by the Local Government Act 1974, [the Local Government Act 2002](#), the Dog Control Act 1996 and all other powers thereunder enabling, the Westland District Council makes this Bylaw.

1. **SHORT TITLE:**

This Bylaw may be csited as the Westland District Dog Control Bylaw 1997.

2. **COMMENCEMENT:**

This Bylaw shall come into force on the confirmation thereof.

3. **INTERPRETATION:**

3.1 **Act:**

Means the Dog Control Act 1996.

3.2 **Council:**

Council means the Westland District Council.

3.3 **Impound:**

Means to impound in a public pound or any vehicle employed in the transporting of dogs to a public pound.

3.4 **Neighbour:**

This is defined as persons living in a property that share a geographical boundary with an applicant seeking permission to house additional dogs in an urban area.

3.5 **Owner:**

Owner in relation to any dog, means every person who:

- a) owns the dog; or
- b) has possession of the dog, whether the dog is at large or in confinement, otherwise than for the purpose of preventing the dog causing damage or for the sole purpose of restoring a lost dog to its owner; or
- c) the parent or guardian of a person under the age of 16 years who -

- (i) is the owner of the dog pursuant to paragraph (a) or paragraph (b) of this definition; and
- (ii) occupies any house or premises in which the dog is usually kept or permitted to remain -

but does not include any person who has seized or taken custody of the dog under the Act or the Animals Protection Act 1960 or any Order made under either of those Acts.

**3.65 Pound:**

Means such premises as shall from time to time be appointed by the Westland District Council for the impounding of dogs and shall include any temporary premises.

**3.76 Prohibited Area:**

Means an area from which dogs are prohibited in accordance with Clause 13 of this Bylaw.

**3.87 Public place:**

Means a place that, at any material time, is open to or is being used by the public, whether free or on payments of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place; and includes any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward.

**3.98 Working dog:**

Working dog is a dog defined as a working dog in the Dog Control Act 1996.

~~3.9—3.10~~ Any word or expression not defined in this Bylaw but defined in the Act shall, unless the context otherwise requires, bear the meaning given to it by the Act.

**CONTROL OF DOGS:**

4. The owner and any person for the time being having charge of any dog shall ensure that it does not enter or remain in any public place unless it is kept under the continuous control of the owner or person having charge of the dog. ~~This control must be~~ by means of a lead, leash or container; except in designated off-leash public areas, where voice and whistle control methods may be used if they are effective in maintaining control.; ~~container, voice, whistle, electronic device or other effective means;~~ ~~provided that nothing~~ Nothing in the foregoing provision shall apply in respect of any working dog which is under the continuous and effective control of its owner or the owner's agent while that dog is being worked or while it is being taken by its owner to or from its work.
5. Any dog found in breach of Clause 4 may be impounded by any person duly authorised by the Council in a dog pound in accordance with the Act. Any dog so impounded shall

be released on the payment by the owner of the prescribed fees and charges set by the Council pursuant to Section 37 of the Act for the impoundment and maintenance of the dog as well as any outstanding registration fees.

**LIMITATION OF NUMBER OF DOGS PERMITTED ON LAND OR PREMISES:**

6. No person shall keep or suffer or allow to be kept on any land or premises more than two dogs (whether or not such dogs are registered) over the age of three months unless there is in force in respect of such land or premises a licence from the Council for such purpose.
7. Any person (being the owner of more than two dogs or the owner or occupier of the land or premises) desiring to obtain a licence shall make written application to the Council for a licence in the form set out in the First Schedule of this Bylaw and shall provide with such application such information as the Council may require.
8. The Council when considering any such application shall have regard to the adequacy of the land or premises for the keeping of more than two dogs specified in the application, the likely effect which the keeping of more than two dogs would have upon the surrounding neighbourhood, the likelihood of injury to health and the likelihood of more than two dogs becoming a nuisance. The Council will consult with neighbours of the premises where the dogs will be housed as part of the consideration of the application, and the opinions of neighbours will be balanced with the aforementioned considerations when Council makes its decision to grant or deny such applications~~The Council may take into account any other relevant matter.~~
9. Subject to the foregoing provisions of this Bylaw, the Council may issue a licence for the purposes specified in Clause 6. Any such licence may be issued upon or subject to such reasonable terms, conditions and restrictions consistent with this Bylaw as the Council may determine either generally or in any particular case. Every such licence shall be in the form set out in the Second Schedule of this Bylaw.
10. For every such licence there shall be paid to the Council for the issue of the licence, such fee, as the Council may by resolution determine from time to time. The fee for such licence shall be payable in addition to the registration fees payable under the Act.
11. If at any time while a licence is in force in accordance with the foregoing provisions of this Bylaw:
  - a) the Council is satisfied that the keeping of more than two dogs on the land or premises specified in the licence has caused a nuisance or the likelihood of injury to health or has materially contributed to the creation of a nuisance or to the likelihood of injury to health; or
  - b) the Council is satisfied that the keeping of more than two dogs on the land or premises specified in the licence has caused an unduly detrimental effect upon the surrounding neighbourhood; or
  - c) the Council is satisfied that there has been a failure to comply with all or any of the terms, conditions and restrictions of the licence;

then in any such case the Council, after giving to the Licensee written notice of the grounds and full particulars of the nuisance, likelihood of the injury to health, undue detrimental effect on the neighbourhood or the failure to comply with any terms, conditions or restrictions of the Licence alleged against the Licensee and after giving the Licensee an opportunity to be heard in answer to such allegations, may revoke the Licence.

12. Nothing in Clauses 6 to 11 of this Bylaw shall apply:

- a) to any land or premises for the time being included in the rural zones or rural management areas described in the Westland District Plan;
- b) to any land or premises lawfully used exclusively or principally as a veterinary clinic including any office used by a veterinary surgeon;
- c) to any land or premises lawfully used exclusively or principally for carrying on the business of boarding dogs;
- d) to any land or premises lawfully used exclusively or principally for the purpose of impounding dogs pursuant to the provisions of this Bylaw.

#### **LEASH ONLY AND PROHIBITED AREAS:**

~~13. No person shall take, or allow to be taken, any dog not controlled on a leash within the land zoned as Commercial Core in the Westland District Plan and including all the land constituting road and foredune between Camp Street and Stafford Street.~~

~~14. No person shall take, or allow to be taken, any dog on to the mown playing surfaces of any public sports ground.~~

13. ~~15.~~ lead or container within any public area not designated as an approved "off-leash" area, or within a 20m radius of children's playgrounds. This does not ~~Nothing in Clause 13 of this Bylaw shall~~ apply to any guide dog, hearing dog, police dog, dogs attending any veterinary clinic located in the prohibited area or any dog contained within or on any vehicle in the prohibited area and is securely confined within or on that vehicle so as not to constitute a nuisance or endanger any person.

14. No person shall take, or allow to be taken, any dog on to the mown playing surfaces of any public sports ground.

#### **APPROVED OFF-LEASH AREAS:**

15. In the Hokitika urban area (zoned Commercial Core, Residential Mixed or Industrial/Commercial in the Westland District Plan), the following are approved off-leash areas. In these areas, dogs must still be under control, but such control may be through voice or whistle control rather than use of a lead, leash or container:

- Hokitika Beach South of Stafford Street to Sunset Point (beach only; excluding public walkway and open space inland of the rock seawall)
- Hokitika Beach North of Stafford Street (daylight hours only; non-vegetated tidal areas seaward of mean high water springs (MHWS) only)



- Wadeson Island and Riverbank East of State Highway 6 (excluding mown sportsfields and West Coast Wilderness Trail)
- MacAndrew Square Gardens (alongside Hokitika Museum)
- Bonar Drive Reserve
- Robbins Park – Airport Drive
- Prossers Bush

Outside of the Hokitika urban area, all unsealed public places and the non-vegetated shores of all beaches, rivers and lakes are approved off-leash areas, with the following exclusions:

- Department of Conservation land (refer to DOC and relevant signage)
- Mown sportsfields (dogs prohibited)
- Formed legal road including carriageways, footpaths and berms (on-leash areas)
- West Coast Wilderness Trail (on-leash area)
- Areas within a 20m radius of children’s playgrounds (on-leash areas)

The non-urban ocean beach from the southern boundary of Hokitika Golf Club (Takutai) to Little Hou Hou Creek (Three Mile) is an approved off-leash area during daylight hours only, in the non-vegetated tidal area seaward of mean high water springs (MHWS) only. The purpose of the requirement for dogs to be on-leash during darkness or in the vegetated areas inland of MHWS is to protect penguins and their habitat.

#### **FOULING:**

16. The owner of any dog that defecates in a public place or on land or premises other than that occupied by the owner will be required to immediately remove the faeces.

#### **MANDATORY NEUTERING OF MENACING DOGS:**

17. The owner of any dog which has been classified as menacing is required to cause that dog to be neutered (whether or not the owner of the dog has been convicted of an offence under The Act).

#### **PENALTIES:**

1846. Every person who commits a breach of this Bylaw shall be liable on summary conviction to the maximum penalty as provided from time to time in ~~or~~ the Local Government Act ~~1974-2002~~ or where any person is alleged to have committed an infringement offence specified in the First Schedule of the Act that person may either:

- a) Be proceeded against summarily for the offence; or
- b) Be served with an infringement notice as provided by the Dog Control Act 1996.

#### **REPEAL**

1947. The Westland District Dog Control Bylaw 1994 is hereby repealed.

The foregoing Bylaw was duly made by the Westland District Council by a Special Order passed at a meeting of the Council held on 15 day of May 1997 and (meantime having been publicly notified) confirmed at a subsequent meeting of the said Council held on the 19 day of June 1997.

The Common Seal of the Westland District Council was hereto affixed to the above written Special Order and Bylaw at the offices of and pursuant to the resolution of the Westland District Council in the presence of :

\_\_\_\_\_ **Mayor**

\_\_\_\_\_ **Acting General Manager**

**This Bylaw was reviewed pursuant to Section 158 of the Local Government Act 2002 and was confirmed on 19 June 2008.**

**This Bylaw was subsequently reviewed and amended pursuant to Section 159 of the Local Government Act 2002 in 2018 and was confirmed on [X DATE].**

**FIRST SCHEDULE**

**Application Form**

**Westland District Council**

**APPLICATION FOR A LICENCE TO KEEP ADDITIONAL DOGS  
ON LAND OR PREMISES**

To the **WESTLAND DISTRICT COUNCIL**

I, \_\_\_\_\_ of \_\_\_\_\_

\_\_\_\_\_ hereby apply pursuant to Clause 7 of the Westland District Council Dog Control Bylaw 1997 for a licence in respect of the land or premises described below permitting an additional dog/dogs to be kept on such land or premises.

1. Address of land or premises on which it is intended to keep the additional dog or dogs:

\_\_\_\_\_  
\_\_\_\_\_

2. The number of additional dogs proposed to be kept: \_\_\_\_\_

3. The following is a description of the dogs proposed to be kept:

\_\_\_\_\_  
\_\_\_\_\_

(Includes species, sex and name (if any) of the dog)

4. Name(s) and Owner(s) of the additional dogs(s):

\_\_\_\_\_  
\_\_\_\_\_

I herewith tender the prescribed fee of \$ \_\_\_\_\_

DATED AT \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_  
2019\_\_\_\_\_.

\_\_\_\_\_  
**SIGNATURE OF APPLICANT**

**SECOND SCHEDULE**

**Form of Licence**

**Westland District Council**

**LICENCE TO KEEP AN ADDITIONAL DOG OR DOGS ON LAND OR PREMISES**

No.: \_\_\_\_\_

Pursuant to Clause 9 of the Westland District Council Dog Control Bylaw 1997, the Westland District Council hereby licences the land or premises described below for the purpose of keeping the dog(s), described below on such land or premises subject to the provisions of the Bylaw made in that behalf and to the conditions (if any) endorsed hereon.

1. Name of Applicant for Licence:

\_\_\_\_\_

2. Address of land or premises on which the additional dog or dogs are permitted to be kept:

\_\_\_\_\_

3. Description and name(s) (if any) of additional dog or dogs permitted to be kept:

\_\_\_\_\_

4. Name(s) and Owner(s) of the additional dog(s):

\_\_\_\_\_

5. Conditions of Licence:

\_\_\_\_\_

\_\_\_\_\_

DATED AT \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_  
2019\_\_.

~~GENERAL MANAGER~~ CHIEF EXECUTIVE

-----  
-  
**OFFICE USE ONLY**

**Fee Paid:** \$ \_\_\_\_\_ **Date:** \_\_\_\_\_ **Receipt No.:** \_\_\_\_\_

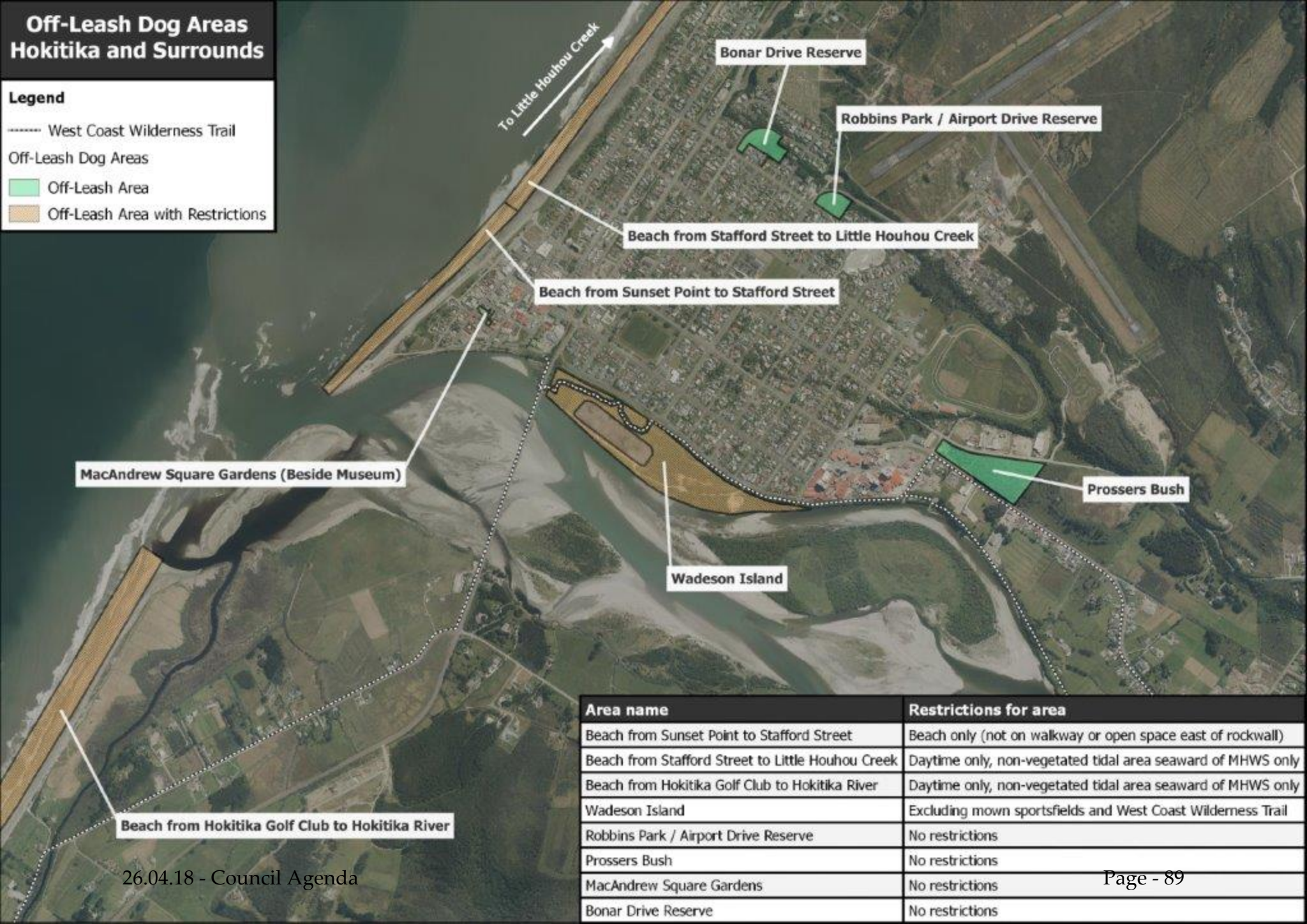
**(LICENCE NOT TRANSFERABLE)**



# Off-Leash Dog Areas Hokitika and Surrounds

**Legend**

- West Coast Wilderness Trail
- Off-Leash Dog Areas
- Off-Leash Area
- Off-Leash Area with Restrictions



Area name	Restrictions for area
Beach from Sunset Point to Stafford Street	Beach only (not on walkway or open space east of rockwall)
Beach from Stafford Street to Little Houhou Creek	Daytime only, non-vegetated tidal area seaward of MHWS only
Beach from Hokitika Golf Club to Hokitika River	Daytime only, non-vegetated tidal area seaward of MHWS only
Wadeson Island	Excluding mown sportsfields and West Coast Wilderness Trail
Robbins Park / Airport Drive Reserve	No restrictions
Prossers Bush	No restrictions
MacAndrew Square Gardens	No restrictions
Bonar Drive Reserve	No restrictions



## WESTLAND DISTRICT COUNCIL

### POLICY ON DOGS (201~~86~~)

Prepared pursuant to section 10 of the Dog Control Act 1996 and revised in 2016 and 2018 using the Special Consultative Procedure.

#### Introduction

The Dog Control Act 1996 places obligations on dog owners to register their dogs, ensure that dogs are kept under control and ensure that they do not cause nuisance to any person, do not cause damage to property or injure, endanger or cause distress to any person, stock, poultry, domestic animal or protected wildlife.

Council has powers under the Act to assist dog owners to meet these obligations and to address situations where those obligations are not being met.

The Dog Control Act 1996 requires Council to adopt a policy on dogs within its district, and review this policy regularly, so that these powers are used effectively and form part of Council's approach to the management of dogs.

Council must also be mindful of the need to minimise adverse impacts of dogs on the community. In adopting this policy Council must have regard to:

- The need to minimise danger, distress and nuisance to the community generally; and

- The need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not the children are accompanied by adults; and
- The importance of enabling to the extent that is practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs; and
- The exercise and recreational needs of dogs and their owners.

## **1. Council's approach**

Council's objective is to keep dogs as a positive part of people's lives in Westland by adopting measures that minimise the problems caused by dogs while at the same time maintaining dog owners'owner's rights to enjoy recreational opportunities with their dogs.

In undertaking dog registration and dog control functions, Council has historically sought to meet the minimum requirements prescribed in the Dog Control Act 1996. However, our current agreement requires our dog control contractor to conduct proactive patrols and visits to properties. Monitoring will be carried out as a direct result of complaints received and to ensure that appropriate remedial action has been taken.

Dog Welfare is not a priority for Council as the Dog Control Act 1996 does not require the Council to undertake programmes or provide services that promote or protect the welfare of dogs. That is the domain of the welfare branch of the SPCA who are warranted to provide such services under the Animal Welfare Act 1999. Council has limited powers in the welfare area under the Dog Control Act 1996.

## **2. Appointment of specialist staff**

Under section 11 of the Dog Control Act 1996 Council is required to either appoint one or more dog control officer or enter into an agreement with an agent for the provision of dog control services in its area.



### **3. Safer Communities**

Council recognises dog owners as users of public places and seeks to integrate (not separate) dogs and their owners with other users of public places.

Council will ensure that obligations imposed on dog owners in terms of the care and control of their dogs under the Dog Control Act 1996 and the Westland Dog Bylaw are maintained and enforced if necessary.

Council's primary and preferred method is through encouragement and education of the dog owner where possible in order to ensure public safety and comfort.

Council seeks to change the attitudes and behaviours of irresponsible dog owners and where appropriate penalise irresponsible dog ownership. Other enforcement options such as infringement notices, menacing / dangerous dog classifications, probationary dog ownership, disqualification as a dog owner and prosecution are available if required. Infringement notices are generally issued for failure to register a dog or for a dog wandering at large in a public place not under adequate control.

Incidents involving dog attacks on people or animals will result in decisive action being taken to address the issue and to prevent further incidents.

Council supports a graduated enforcement system starting from a warning for a first minor offence through to a potential prosecution in the District Court for a serious offence.

Council acknowledges that dog control is important across the whole district but public expectation is such that the majority of dog control work is associated with Hokitika, Kaniere, Kumara and Ross and to a more limited extent Franz Josef, Fox Glacier and Haast.

### **4. Dog Control in Public Places**

Council recognises that dogs should not be allowed in any public place unless the dog is controlled on a leash or lead or container, or unless the dog is in an approved off-leash area. ~~is accompanied and under the direct control of a person by means of voice command or other effective means. Under the Dog~~



~~Control Act 1996 the person in charge of a dog in a public place is required to carry a leash.~~

There are particular requirements relating to the control or prohibition of dogs within conservation land or national parks. Details of such land areas are available from the Department of Conservation.

Council will prohibit dogs on any mown playing surfaces of sports fields and in areas within 20m of any children's playgrounds.

~~Council will require all dogs to be controlled on a leash within the Hokitika central business district.~~

On the dog owner's property, dogs must either be under the direct control of a responsible person or confined in such a manner that they cannot freely leave the property.

## **5. Impounding**

Any dog found wandering at large will be impounded in the Council pound.

Pound fees will be set to cover operational costs including sustenance, and, as permitted under the Dog Control Act 1996, will be structured to discourage repeat offences.

When dogs are not claimed within the statutory time frame, ownership of the dog will be transferred to the welfare branch of the SPCA who will endeavour to rehome any suitable dog.

All impounded dogs must be registered prior to release of the dog to the owner.

Any dog declared menacing and subsequently impounded will only be released to its owner when all the criteria for menacing dog classification have been met.

## **6. Dog ownership and classifications**

The Council will ensure that the provisions of the Dog Control Act 1996 are met in terms of probationary dog ownership, disqualified dog owners, menacing dog classifications and dangerous dog classification.

The Council must classify as menacing, any dog that Council has reasonable grounds to believe belongs to a breed or type listed in Schedule 4 of the Act.

Council will have a policy of requiring all dogs declared menacing to be neutered.

Council will monitor menacing and dangerous dogs and their owners to ensure that the owners continue to comply with the criteria for their dog's classification status.

A dog can be classified as dangerous after a moderate to serious incident of aggression where a prosecution in court is not warranted or where there has been an ongoing pattern of aggressive behaviour by the dog against people or animals.

## **7. Dog Registration**

Council accepts that regular contact with dog owners is an important way of promoting the proper care and control of dogs. It also enables Council to assess existing standards and to check on dog registration.

Dog control officers will be required to both carry out patrols, and make visits to properties to ensure compliance with the Act. These visits will be dependent on the importance of other priorities and staff availability.

Where previously unknown dogs are detected Council will ensure that all steps are taken to ensure that the dog becomes registered.

Council will keep a register of dogs and attempt to identify the owner of every dog.

All dog registration data will be maintained on the national dog data base.

## **8. Classes of dog ownership**

Council will proactively promote the responsible ownership of dogs, including the care and control of dogs around people and animals, property, protected wildlife and natural habitats.

In addition to the traditional urban and rural classes of dog Council will also reward those classes of dog that have little financial impact on our dog control service.

Council will reward those dog owners who meet the criteria for Selected Dog Ownership by establishing a separate category of fees which provides a financial incentive to those dog owners. The criteria will include:

- (a) Dog was currently registered by 31 July when application for Selected Dog Owner status was made and was also registered by 31 July for the previous year
- (b) No justified complaints registered against the dog in the last two years
- (c) Dog has not been impounded in the last two years
- (d) Dog is microchipped
- (e) Property where dog resides is fully fenced or the dog is kept within a securely fenced portion of the property. In areas zoned rural, a securely fenced portion of the property or a kennel and enclosed run is considered acceptable fencing.
- (f) Dog owner has not received an infringement notice in the last two years

Working dogs, including those dogs kept solely or principally for the herding or driving of stock, disability assist dogs, dogs kept principally or solely for destroying pests under any pest management plan under the Biosecurity Act, search and rescue dogs certified for use by the Director of Civil Defence Emergency or any other working dog defined under section 2 of the Dog Control Act 1996, will also be incorporated in a new fee category. This class of dog has very little impact in terms of being the focus of our service. The vast majority of working dogs are of some considerable value to their owner and they are well cared for and controlled on their property.

## **9. Funding**

All dog control activities will be funded through dog registration fees, infringement fees, impounding fees and a contribution from the general rate which recognises there is a wider public good resulting from effective dog control. Infringement fees are set by regulation and dog registration fees and

impounding fees are set through the public consultative process each year as part of the Annual Plan process.

## **10. Dog Bylaw**

Under section 20 of the Dog Control Act 1996 Council will adopt a Dog Bylaw covering such things as the control of dogs generally, the requirements for dogs to be on leash in specific public areas, limiting the number of dogs that may be kept on land or premises, requirements with respect to fouling, etc.

## WESTLAND DISTRICT FENCING BYLAW 1991

---

In pursuance of the powers vested in it by the Local Government Act 1974, [Local Government Act 2002](#), and of all other enabling powers and authorities the Westland District Council hereby makes the following bylaw.

### **1. TITLE & COMMENCEMENT**

1. This bylaw may be cited as the Westland District Council Fencing Bylaw 1991.
2. This bylaw shall come into force on 1 August 1991.

### **2. INTERPRETATION**

1. In this bylaw unless a contrary context otherwise requires -

"adequate fence" means a fence that, as to its nature, condition, and state of repair, is reasonably satisfactory for the purpose it serves or is intended to serve namely to prevent the exit of cattle onto a road.

"cattle" includes any horse, mare, gelding, rig, colt, filly, ass, mule, deer, stag, hind, fawn, bull, cow, ox, heifer, steer, calf, sheep, ram, ewe, wether, lamb, water buffalo, Llama, alpaca, goat, kid and pig of any kind.

"district" means the District of the Westland District Council.

"fence" means a fence extending along the whole road frontage; and includes all cattle stops, gates, culverts and channels that are part of or incidental to a fence; and also includes any natural or artificial watercourse or live fence or any ditch or channel or raised ground that serves as a fence.

"occupier" in relation to any land, means the owner thereof, except that where another person is in occupation of the land under a lease granted for a term of not less than 10 years or continues to be in occupation of the land after the expiry of such a lease, that other person shall be the occupier of the land.

"owner" in relation to any land means the person for the time being entitled to receive the rack rent thereof or who would be so entitled if the land were let to a tenant at a rack rent.

"person" includes a Corporation sole, and also a body of persons, whether corporate or unincorporate.

"road" shall have the meaning assigned to it from time to time in the Local Government Act 1974.

2. Words importing the singular number include the plural number and words importing the plural number includes the singular number; and works importing the masculine gender include the feminine gender.
3. The headings to the clauses of this bylaw shall not affect the construction thereof.

### 3. **OBLIGATION TO FENCE ROAD BOUNDARY**

The occupier of any land within the District having a frontage to a road and used for depasturing or holding cattle whether permanently or temporarily shall erect and maintain an adequate fence along the boundary of the road.

### 4. **OFFENCES AND PENALTIES**

1. Every person commits a breach of this bylaw who omits or neglects to do or knowingly permits or suffers to be done or remain undone anything contrary to the provisions of this bylaw.
2. Any person who acts in breach of any provisions of this bylaw commits an offence and on summary conviction is liable to the penalty set out in Section 242(4) of the Local Government Act 2002 (a fine not exceeding \$20,000.00).  
~~Every person who commits a breach of the bylaw shall be liable to a fine not exceeding the amount of fine prescribed in Section 683 of the Local Government Act 1974 and where the breach is a continuing one, then to a further fine not exceeding the amount prescribed for a continuing breach under that Section for every day or part of a day during which the breach has continued.~~

The foregoing Bylaw was duly made by the Westland District Council by a Special Order, passed at a meeting of the Council held on Thursday the twenty third day of May 1991 and (meantime having been publicly notified) confirmed at a subsequent meeting of the said Council held on Thursday the twentieth day of June 1991.

The Common Seal of the Westland District Council was hereto affixed to the above written Special Order and Bylaw at the offices of and pursuant to the Resolution of the Westland District Council in the presence of:

Mayor: \_\_\_\_\_

Principal Officer: \_\_\_\_\_

**This Bylaw was reviewed pursuant to Section 158 of the Local Government Act 2002 and was confirmed on 19 June 2008.**

**This Bylaw was subsequently reviewed and amended pursuant to Section 159 of the Local Government Act 2002 in 2018 and was confirmed on [X DATE].**



## **WESTLAND DISTRICT COUNCIL** **REFUSE AND RECYCLING BYLAW 1992**

---

In pursuance of the powers vested in it by the Local Government Act 1974, Local Government Act 2002, and of all other enabling powers and authorities the Westland District Council hereby makes the following bylaw.

### **1. TITLE AND COMMENCEMENT:**

- 1.1 This bylaw may be cited as the Westland District Council Refuse and Recycling Bylaw 1992.

This bylaw shall come into force on 1 July 1992.

### **2. INTERPRETATION**

- 2.1 "Approved Receptacle" means a ~~disposable bag- wheelie bin~~ as approved by the Council by resolution from time to time for the containment of refuse and which bears the Council's official imprint-.

- 2.2 "Council" means the Westland District Council.

- 2.3 "Engineer" means any person being for the time being appointed by the Council to perform the duties of an Engineer.

- 2.4 "Refuse" means:

- a) ~~a)~~ any rubbish or refuse arising or resulting from domestic operations and includes bones, waste food, cans, cartons, food containers, lawn clippings, weeds, plants;
- b) ~~b)~~ any rubbish or refuse arising or resulting from any business, manufacture, process, trade, market or undertaking.

#### 2.5 "Recycling" means:

waste products that can be converted into a reusable material including cardboard, metal tins and cans, paper, plastic containers and bottles (that are currently grades 1, 2, 4 and 5 but subject to change) and aerosol cans.

#### 2.6

- ~~2.5~~ "Occupier" means the inhabitant occupier of any property or part of a property and in cases where any property is unoccupied it shall mean the owner.

### **3. ACCUMULATION OF REFUSE:**



No person being the Occupier of any building, land or premises shall permit or suffer any accumulation of refuse to remain or be in, upon or about such building, land or premises where such accumulation is or is likely to be injurious to health, offensive, a fire hazard or harbours or is likely to harbour vermin.

---

4. **APPROVED RECEPTACLES TO BE COVERED:**

Each approved receptacle for the storage of refuse shall be kept covered (i.e. with the lid down) at all times ~~with a close-fitting lid or covering~~ for the protection of the interior of the approved receptacle from rain, dispersal by wind, or ingress of flies or any vermin.

5. **CONTROL OF REFUSE DISPOSAL SITES:**

The disposal of refuse on any land or premises set aside by the Council for the disposal of refuse shall be subject to such conditions as the Council may time to time by resolution impose in respect of the hours of opening and closing, the nature of the refuse which may be disposed of therein, the charges in respect of such disposal, the position in any such place in which refuse may be placed, and any other matters which the Council may consider necessary or desirable to determine by any such resolution.

6. **UNLAWFUL ENTRY ON OR INTERFERENCE WITH REFUSE DISPOSAL SITES:**

On any land or premises set aside by the Council for the disposal of refuse, it shall be unlawful for any unauthorised person to enter, loiter, or to disturb, or remove any article or material from any deposit of refuse.

7. **UNAUTHORISED FIRES AT REFUSE DISPOSAL SITES:**

No person shall light any fire upon or near any land or premises set aside by the Council for the disposal of refuse without the express approval in writing of the Engineer.

8. **PLACEMENT ~~OF~~ RECEPTACLES:**

Every occupier shall, on the day and not later than the time specified for removal of refuse, ensure that the~~cause such~~ approved receptacle or receptacles, as are to be collected, ~~are to be securely sealed and~~ placed on the street in a position of such convenience for collection, as meets the requirement of the Engineer. This includes ensuring that receptacles are not overfilled preventing the lid from being closed. Recycling receptacles and Refuse receptacles will be emptied on alternate collection weeks.

9. **INTERFERENCE WITH APPROVED RECEPTACLES:**

No person shall damage or cause to be damaged any approved receptacle placed in the street for collection.

10. **ANNUAL DISTRIBUTION:**

One yellow 240 litre~~An annual distribution of twenty-six (26)~~ approved receptacle for Recycling and one green 120 litre Approved Receptacle for Refuse~~receptacles, or such other number as Council may from time to time by resolution impose,~~ will be made available by or on behalf of the Council to each occupied property, the cost of

~~for which~~ will be covered by property rates ~~a refuse fee is paid.~~

Occupiers who require new approved Recycling or Rubbish receptacles due to existing receptacles being damaged, lost or stolen, will be provided with new receptacles subject to paying replacement fees.

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**11. PROVISION OF CHANGE OF OCCUPANCY:**

The occupier of any residential property to which a distribution of approved receptacles is made by the Council shall on ceasing to be such occupier, leave for any subsequent occupier sufficient to provide not less than one for each fortnight of the balance of the period for which they have been currently distributed.

**12. RESTRICTION OF CONTENTS:**

No person shall deposit or cause, permit or suffer to be deposited in any approved receptacle, any explosive, hot ashes, highly inflammable material, infectious material, liquid, acid, printer's ink, paint, viscous fluid (including oil), bio or medical waste (including syringes), automotive batteries, or gas bottles or viscous fluid.

~~**13. WRAPPING OF CERTAIN ARTICLES:**~~

~~13.1 No person shall deposit or cause, permit or suffer to be deposited in any approved receptacle any broken glass, broken china, broken plastic, hacksaw blade, razor blade, tin, skewer, syringe, knife or any other object or material capable by reason of its shape or sharpness of causing injury to any person engaged in the collection and disposal of approved receptacles or of puncturing the receptacle unless properly and sufficiently wrapped to prevent injury.~~

~~13.2 No person shall deposit or cause, permit or suffer to be deposited in any approved receptacle any glass, china, plastic or other material capable of shattering in the course of collection and thereupon becoming capable by reason of its shape or sharpness of causing injury to any person engaged in the collection and disposal of approved receptacles or of puncturing the receptacle unless properly and sufficiently wrapped to prevent injury.~~

**14. RESTRICTION ON OVERFILLING AND WEIGHT:**

No person shall place for collection by the Council any approved receptacle with contents overflowing from receptacle so that the lid is not securely and firmly shut. Should the receptacles be overfilled or too heavy for collection and it pose exceeding a threat to safety of the collector, receptacles will not be emptied weight of 15 kilograms.

**15. OBSTRUCTION OF REFUSE COLLECTORS:**

No person shall in any way obstruct or hinder any person for the time being engaged in the duty of removing refuse or disposing of such refuse into the refuse collection vehicle.

**16. OFFENCES AND PENALTIES:**

16.1 Every person commits a breach of this bylaw who omits or neglects to do or knowingly permits or suffers to be done or remain undone anything contrary to the provisions of this bylaw.

- 16.2 Every person who commits a breach of this bylaw shall be liable to a fine not exceeding the amount of fine prescribed in Section ~~683-242~~ of the Local Government Act ~~1974-2002~~ and where the breach is a continuing one, then to a further fine not exceeding the amount prescribed for a continuing breach under that section for every day or part of a day during which the breach has continued.

The foregoing Bylaw was duly made by the Westland District Council by a Special Order, passed at a meeting of the Council held on Thursday the Twenty First day of May 1992 and (meantime having been publicly notified) confirmed at a subsequent meeting of the said Council held on Thursday the Twenty Fifth day of June 1992.

The Common Seal of the Westland District Council was hereto affixed to the above written Special Order and Bylaw at the offices of and pursuant to the Resolution of the Westland District Council in the presence of:

Mayor: \_\_\_\_\_

General Manager: \_\_\_\_\_

**This Bylaw was reviewed pursuant to Section 158 of the Local Government Act 2002 and was confirmed on 19 June 2008.**

**This Bylaw was subsequently reviewed and amended pursuant to Section 159 of the Local Government Act 2002 in 2018 and was confirmed on [X DATE].**

## WESTLAND DISTRICT SPEED LIMITS BYLAW 2006

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Pursuant to the powers vested in it by ~~Section 684 (1)(13) of the Local Government Act 1974~~, the Local Government Act 2002, the Bylaws Act 1910 and the Land Transport Rule: Setting of Speed Limits 2003 and amendments (Rule 54001) the Westland District Council makes this bylaw. It has been amended following the enactment of the revised Land Transport Rule: Setting of Speed Limits 2017.

### **1. SHORT TITLE AND COMMENCEMENT**

1.1 This bylaw shall be known as the Westland District Speed Limits Bylaw 2006.

1.2 This bylaw shall come into effect on the day after the confirmation thereof.

### **2. INTERPRETATION**

2.1 This Bylaw unless the context otherwise requires:

“Council” means the Westland District Council.

“Designated location” has the same meaning as in Section ~~4.1(2)~~8.2 of the Rule.

“Road” has the same meaning as in Part 2 of the Rule.

“Rule” means the Land Transport Rule:—Setting of Speed Limits 20~~1703~~ (Rule 54001/2017).

“Speed limit” has the same meaning as in Part 2 of the Rule.

~~“Urban traffic area” has the same meaning as in Part 2 of the Rule.~~

“Vehicle” has the same meaning as in Section 2(1) of the Land Transport Act 1998.

### **3. APPLICATION OF THIS BYLAW**

3.1 This Bylaw applies to all roads under the jurisdiction of the Council.

### **4. SPEED LIMITS**

4.1 The Council may, by resolution and in accordance with the Rule, set speed limits ~~or designate urban traffic areas~~ for any roads under the Council’s jurisdiction.

- 4.2 The Council may, by resolution and in accordance with the Rule, set speed limits for roads in any designated location under the Council's jurisdiction.

- 4.3 In setting speed limits under Clauses 5(1) or 5(2) the Council may set only speed limits of 10, 20, 30, 40, 50, 60, 70, 80, 90, ~~or 100~~ or 110 km/h. New Zealand Transport Agency approval is required for speed limits of 70, 90 or 110 km/h.

## **5. REGISTER OF SPEED LIMITS**

- 5.1 The Council shall maintain a register of speed limits that records all speed limits, except temporary speed limits, for the roads under its jurisdiction as required by Section ~~7.32.8~~ of the Rule.
- 5.2 The roads described in the Register of Speed Limits are declared to have the speed limits specified.

## **6. PENALTY**

- 6.1 Every person commits an offence against this bylaw who operates a vehicle in contravention of any speed limit set under this bylaw or by the Rule.

The initial resolution to make this Bylaw was passed by the Westland District Council at an ordinary meeting of the Council held on the 20<sup>th</sup> day of July, 2006 and was confirmed, following the Special Consultative Procedure, by a resolution at a subsequent meeting of the Council on the 21<sup>st</sup> day of September, 2006.

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

---

Mayor

---

General Manager

**This Bylaw was reviewed pursuant to Section 158 of the Local Government Act 2002 and was confirmed on 19 June 2008.**



**This Bylaw was subsequently reviewed and amended pursuant to Section 159 of the Local Government Act 2002 in 2018 and was confirmed on [X DATE].**



## **REGISTER OF SPEED LIMITS**

First adopted  
on 21<sup>st</sup> September, 2006 and showing  
subsequent amendments.

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**Schedule 1 10km/h**

Roads that have a speed limit of 10 kilometres per hour

<b>Speed Limit</b>	<b>Description</b>	<b>Date speed Limit comes into force</b>	<b>Previous legal Instruments</b>
	As at the date of the coming into force of this bylaw, there are no roads in Westland District that have a speed limit of 10 kilometres per hour		

**Schedule 2 20 km/h**

Roads that have a speed limit of 20 kilometres per hour

<b>Speed Limit</b>	<b>Description</b>	<b>Date speed Limit comes into force</b>	<b>Previous legal Instrument</b>
	As at the date of the coming into force of this bylaw, there are no roads in Westland District that have a speed limit of 20 kilometres per hour		

### Schedule 3 30 km/h

Roads that have a speed limit of 30 kilometres per hour.

<b>Speed Limit</b>	<b>Description</b>	<b>Date speed Limit comes into force</b>	<b>Previous legal Instrument</b>
30 km/h	Okarito  Okarito Township – Commencing on Wharf Street 50 metres south east of the intersection with Victoria Street and including all roads in the Village of Okarito		Council resolution dated 24/10/2002 pursuant to Section 9.1 of the Traffic and Parking Bylaw 1999

**Schedule 4 40 km/h**

Roads that have a speed limit of 40 kilometres per hour

<b>Speed Limit</b>	<b>Description</b>	<b>Date speed limit comes into force</b>	<b>Previous legal Instruments</b>
	As at the date of the coming into force of this bylaw, there are no roads in Westland District that have a speed limit of 40 kilometres per hour		

## Schedule 5 50 km/h

Urban Traffic Areas – roads that have a speed limit of 50 kilometres per hour

<b>Speed limit</b>	<b>Description</b>	<b>Date speed limit comes into force</b>	<b>Previous legal Instrument</b>
50 km/h	<b>Ruatapu</b>  Butler road: From the northern end of Butler Road to a point 120 metres northerly, generally, from the State Highway No. 6		NZ Gazette 2002 page 3904
50 km/h	<b>Whataroa</b>  Murray Street Roberts Street Wilson Street Scally Road: from Whataroa Flat Road to a point 120 metres measured westerly, generally, along Scally Road from Whataroa Flat road. Whataroa Flat road: from Scally Road to a point 120 metres measured northerly, generally, along Whataroa Flat Road from Scally Road		NZ Gazette 1989 page 2158
50 km/h	<b>Ross</b>  <b>All Westland District Council Roads</b> within markings identified in the legend of and appearing on plan numbered LT2265/2 entitled “Westland District Speed Restrictions at Ross” and held by the Westland District Council		NZ Gazette 2002 page 4423



<b>Speed limit</b>	<b>Description</b>	<b>Date speed limit comes into force</b>	<b>Previous legal Instrument</b>
50 km/h	<p><b>Lake Kaniere</b></p> <p>Hans Bay Road Arahutika: from a point 100 metres measured north generally from Stuart Street to the Tuhua Stream Bridge.</p> <p>Sunny Bight Road Waiano: from the Lake Kaniere Road to the southern end of Sunny Bight Road Waiano at sunny Bight.</p> <p>Commencing at the intersection with Lake Kaniere Road , then easterly for 300 metres towards Hans Bay.</p>	15 July 2009	Council Resolution 4.4(iv) dated 16/12/1999 pursuant to Section 9.1 of the traffic and Parking Bylaw 1999

## Schedule 5 50 km/h

Urban Traffic Areas – Roads that have a limit of 50 kilometres per hour

Speed limit	Description	Date speed Limit comes into force	Previous legal Instrument
50 km/h	<b>Fox Glacier</b>  Sullivan <del>Street</del> <u>Road</u> <u>Frames Road</u> <u>Kerr Road</u> <u>Pekanga Drive</u>		
50 km/h	<b>Franz Josef/Waiiau</b>  Condon Street Cowen Street Cron Street Graham Place <u>Paganini Road</u> <u>Batson Place</u> <u>Kamahi Crescent</u> <u>Wallace Street</u> <u>Douglas Drive</u>		NZ Gazette 2002 page 1214
50 km/h	<b>Franz Alpine Resort</b>  Donovan Drive <u>Charles Douglas Place</u> <u>Alymer Place</u> <u>Pioneer Drive</u> <u>Middleton Place</u> <u>McFetrick Place</u> <u>Highlander Drive</u>	15 July 2009	
50 km/h	<b>Okuru</b>  Johnston Crescent		NZ Gazette 2001 page 958
50 km/h	<b>Hanna's Clearing</b>  Haast – Jackson Bay Road from a point 250 metres measured northerly, generally, along Haast – Jackson Bay Road from the northern intersection with Maturimu Road to a point 70 metres measured southerly,		NZ Gazette 2001 page 958

generally, along Haast –  
Jackson Bay Road from the  
southern intersection with  
Maturimu Road  
Maturimu Road

50 km/h

**Neils Beach**

Neils Beach Road

NZ Gazette 2001  
page 958

Speed limit	Description	Date speed limit comes into force	Previous legal Instrument
50 km/h	<p><b>Kumara</b></p> <p>Cashman Street  Fifth Street  First Street  Forth Street  Greenstone Road: from Tui Street to a point 220 metres measured south – westerly generally along Greenstone Road from Tui Street  Larrikins Road: from Tui Street to a point 200 metres measured south – westerly generally along Larrikins Road from Tui Street  Second Street  Third street  Tui Street</p>		NZ Gazette 1986 page 3829

## Schedule 5 50 km/h

Urban Traffic Areas – Roads that have a speed limit of 50 kilometres per hour

Speed limit	Description	Date speed limit comes into force	Previous legal instrument
50 km/h	<b>Harihari</b>  Wanganui Flat Road: From State Highway 6 to a point 960 metres measured northerly generally along the said road from the said State Highway		NZ Gazette 1978 page 1149
50 km/h	<b>Haast</b>  Awarua Place Opuka Place Pauareka Place Taharutahi Road Nyhon Place <u>Adair Road</u>	15 July 2009	NZ Gazette 1993 page 1091
50 km/h	<b>Hokitika</b>  <b>All Westland District Council Roads</b> within marking identified in the legend of and appearing on plan numbered LT0057/1, entitled “Westland District Speed Restrictions at Hokitika” and held by the Westland District Council.		NZ Gazette 2000 page 4358

## Schedule 6 60 km/h

Roads that have a speed limit of 60 kilometres per hour

<b>Speed limit</b>	<b>Description</b>	<b>Date speed limit comes into force</b>	<b>Previous legal instrument</b>
60 km/h	<b>Fox Glacier</b>  Cook Flat Road; State Highway 6 to 100 metres west of Kerr's Road  Pekanga Drive  Kerr Road	   15 July 2009  15 July 2009	Council Resolution 3.4 dated 19/7/2001 pursuant to Section 9.1 of the Traffic and Parking Bylaw 1999
60 km/h	<b>Haast</b>  Marks Road		Council Resolution 4.2 dated 18/5/2000 pursuant to Section 9.1 of the Traffic and Parking Bylaw 1999
60 km/h	<b>Jackson Bay</b>  Haast – Jackson Bay Road, from 100m south ( towards Neils Beach) of Jacksons Bay Wharf to the end of the road, be designated as having a speed limit of 60 km/h.		Council Resolution dated 15/11/2001 pursuant to Section 9.1 of the Traffic and Parking Bylaw 1999

## Schedule 7 70 km/h

Roads that have a speed limit of 70 kilometres per hour

<b>Speed limit</b>	<b>Description</b>	<b>Date speed limit comes into force</b>	<b>Previous legal instrument</b>
70 km/h	<b>Brickfield Road</b>  From the intersection with Hau Hau Road over its entire length.	15 July 2009	
70 km/h	<b>Hau Hau Road</b>  Commencing at the intersection with Town Belt East to the intersection with Blue Spur Road	15 July 2009	
70 km/h	<b>Blue Spur Road</b>  Commencing at the intersection with Hau Hau Road to the intersection with Cement lead Road.	15 July 2009	
70 km/h	<b>Haast Beach</b>  600 metre length commencing 550 metres north of the service station at Haast Beach		Council Resolution Dated 24/7/2003 pursuant to the Section 9.1 of the Traffic and Parking Bylaw 1999
70 km/h	<b>Haast Junction</b>  Haast – Jackson Bay Road from State highway 6 to a point 450 metres measured westerly generally in along Haast – Jackson Bay road from State highway 6		NZ Gazette 2001 page 958

<b>Speed limit</b>	<b>Description</b>	<b>Date speed limit comes into force</b>	<b>Previous legal instrument</b>
70 km/h	<p><b>Kaniere</b></p> <p>Roads within markings identified in the legend of and appearing on the plan numbered TL0165/1, entitled "Westland District Speed Restrictions at Kaniere" and held by the Westland District Council.</p>		NZ Gazette 2001 page 250
70 km/h	<p><b>Lake Kaniere</b></p> <p>Hans Bay Road Arahutika: from a point 300 metres from the intersection with Lake Kaniere Road where the 50 km/h speed zone commences then easterly towards Hans Bay to the point 100 metres measured north generally from Stuart Street where the 50 km/hr speed zone recommences.</p>		
70 km/h	<p><b>Haast</b></p> <p>Adair Road (Haast)</p>	Confirmed 15 July 2009	NZ Gazette 1993 page 1091



## Schedule 8 80 km/h

Roads that have a speed limit of 80 kilometres per hour

Speed limit	Description	Date speed limit comes into force	Previous legal instrument
80 km/h	<b>Blue Spur Road</b>  Commencing at the intersection with Cement Lead Road to the intersection with Humphries Gully Road.	15 July 2009	
80 km/h	<b>Cement Lead Road</b>  From the intersection with the Blue Spur Road over its entire length.	15 July 2009	
80 km/h	<b>Terrace View</b>  From the intersection with Blue Spur Road over its entire length.	15 July 2009	
80 km/h	<b>Fox Glacier</b>  Lake Matheson Road  Cook Flat Road: 100 metres west of Kerrs Road to the intersection with Lake Matheson Road.		Council Resolution 3.4 of the 19 July 2001 passed under Section 9.1 of the Traffic and Parking Bylaw 1999
80 km/h	<b>Kaniere</b>  Kaniere Road from the Hokitika Town Belt to a point 100 metres of the intersection with Dents Road  Pine Tree Road from the intersection with Kaniere Road in a northerly direction for its full extent.		Council resolution 4.4 dated 16/12/1999 passed under Section 9.1 of the traffic and parking Bylaw 1999

<b>Speed limit</b>	<b>Description</b>	<b>Date speed limit comes into force</b>	<b>Precious legal instrument</b>
80 km/h	<p><b>Kokatahi</b></p> <p>Upper Kokatahi Road from the intersection with the Kaniere – Kowhitirangi Road to 200 metres east of the intersection with the Ford Road North and on the Kaniere – Kowhitirangi Road from 50 m north of the intersection with the Upper Kokatahi Road to 100m west of the same intersection.</p>		<p>Council Resolution dated 21/6/2001 pursuant to the section 9.1 of the Traffic and Parking Bylaw 1999</p>
80km/h	<p><b>Woodstock/Rimu</b></p> <p>Woodstock – Rimu Road from 900 metres north of the intersection with Back Creek Road to 300 metres south of the intersection with Adairs Road</p>		<p>Council Resolution dated 21/6/2001 pursuant to the section 9.1 of the Traffic and Parking Bylaw 1999</p>

**Schedule 9 90 km/h**

Roads that have a speed limit of 90 kilometres per hour

<b>Speed Limit</b>	<b>Description</b>	<b>Date speed Limit comes into force</b>	<b>Previous legal Instrument</b>
	As at the date of the coming into force of this bylaw, there are no roads in Westland District that have a speed limit of 90 kilometres per hour		

## Schedule 10 100 km/h

Roads that have a speed limit of 100 kilometres per hour

<b>Speed Limit</b>	<b>Description</b>	<b>Date speed Limit comes into force</b>	<b>Previous legal Instrument</b>
100 km/h	<p>All Westland District Council roads outside an urban traffic area listed in Schedule 5 have a speed limit of 100 kilometres per hour, except for roads that are:</p> <p>(a) described as having a different speed limit in the appropriate schedule of this bylaw; or</p> <p>(b) shown on a map as having a different speed limit, as referenced in the appropriate schedule of this bylaw</p>		National Standard open road speed limit

## Schedule 11 Holiday Speed Limits

Roads that have a holiday speed limit

<b>Speed Limit</b>	<b>Description</b>	<b>Date speed Limit comes into force</b>	<b>Previous legal Instrument</b>
	As at the date of the coming into force of this bylaw, there are no roads in Westland District that have a holiday speed limit		

**Schedule 12 Variable Speed Limits**

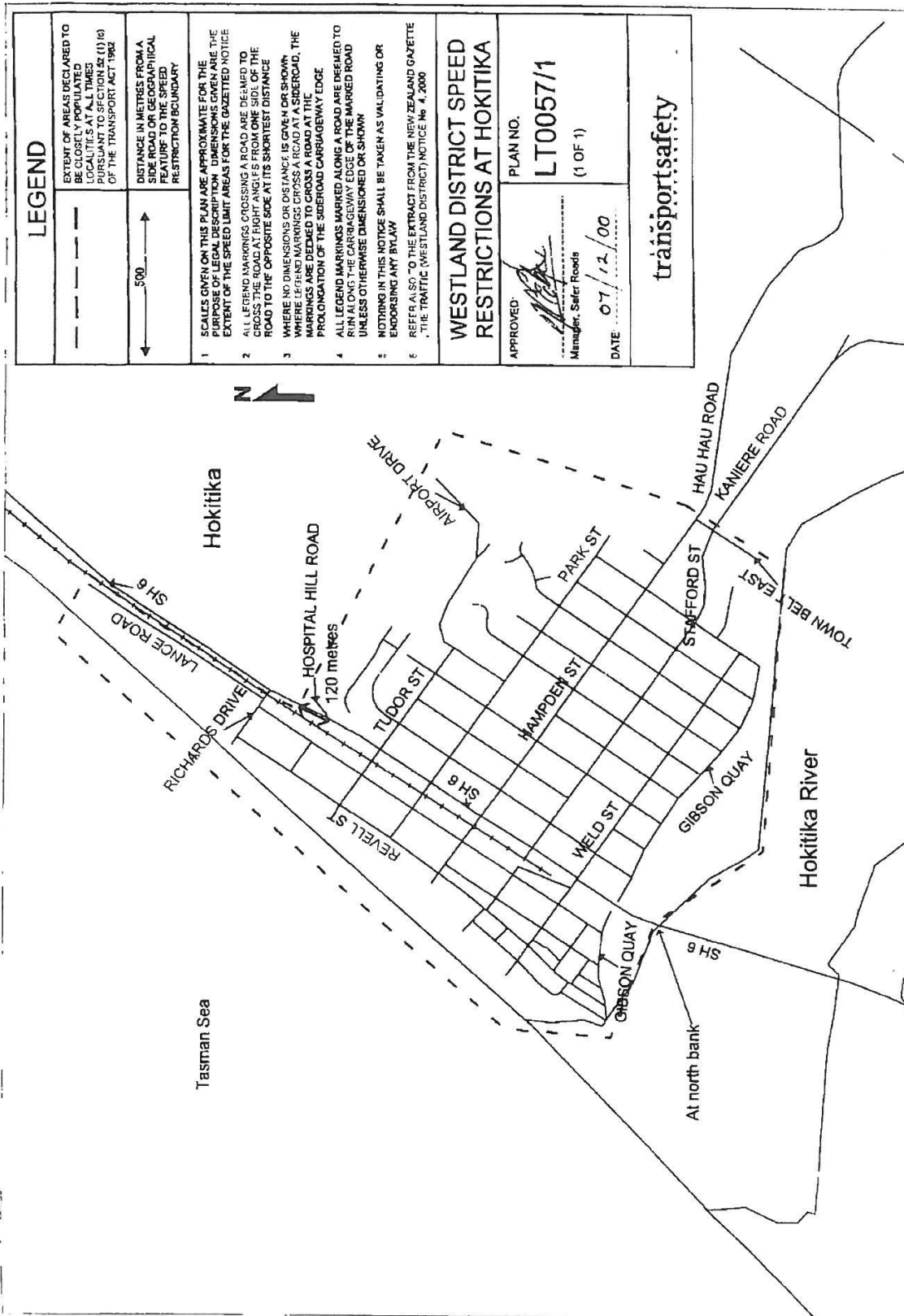
Roads that have a variable speed limit

<b>Speed Limit</b>	<b>Description</b>	<b>Date speed Limit comes into force</b>	<b>Previous legal Instrument</b>
	As at the date of the coming into force of this bylaw, there are no roads in Westland District that have a variable speed limit		

**Schedule 13 Minimum Speed Limits**

Roads that have a minimum speed limit

<b>Speed Limit</b>	<b>Description</b>	<b>Date speed Limit comes into force</b>	<b>Previous legal Instrument</b>
	As at the date of the coming into force of this bylaw, there are no roads in Westland District that have a minimum speed limit		



**LEGEND**

	EXTENT OF AREAS DECLARED TO BE CLOSELY POPULATED LOCALITIES AT ALL TIMES PURSUANT TO SECTION 52 (1) (b) OF THE TRANSPORT ACT 1982
	DISTANCE IN METRES FROM A SIDE ROAD OR GEOGRAPHICAL FEATURE TO THE SPEED RESTRICTION BOUNDARY

1. SCALES GIVEN ON THIS PLAN ARE APPROXIMATE FOR THE PURPOSE OF LEGAL DESCRIPTION AND DO NOT DEFINE THE EXTENT OF THE SPEED LIMIT AREAS FOR THE GAZETTED NOTICE
2. ALL LEGEND MARKINGS CROSSING A ROAD ARE DEEMED TO CROSS THE ROAD AT RIGHT ANGLES FROM ONE SIDE OF THE ROAD TO THE OPPOSITE SIDE AT ITS SHORTEST DISTANCE
3. WHERE NO DIMENSIONS OR DISTANCE IS GIVEN OR SHOWN, THE MARKINGS ARE DEEMED TO CROSS A ROAD AT THE PROLONGATION OF THE SIDEROAD CARRIAGEWAY EDGE
4. ALL LEGEND MARKINGS MARKED ALONG A ROAD ARE DEEMED TO RUN ALONG THE CARRIAGEWAY EDGE OF THE MARKED ROAD UNLESS OTHERWISE DIMENSIONED OR SHOWN
5. NOTHING IN THIS NOTICE SHALL BE TAKEN AS VALIDATING OR ENDORSING ANY BYLAW
6. REFER ALSO TO THE EXTRACT FROM THE NEW ZEALAND GAZETTE, "THE TRAFFIC (WESTLAND DISTRICT) NOTICE No 4, 2000"

**WESTLAND DISTRICT SPEED RESTRICTIONS AT HOKITIKA**

APPROVED:

MANAGER, SAFER ROADS

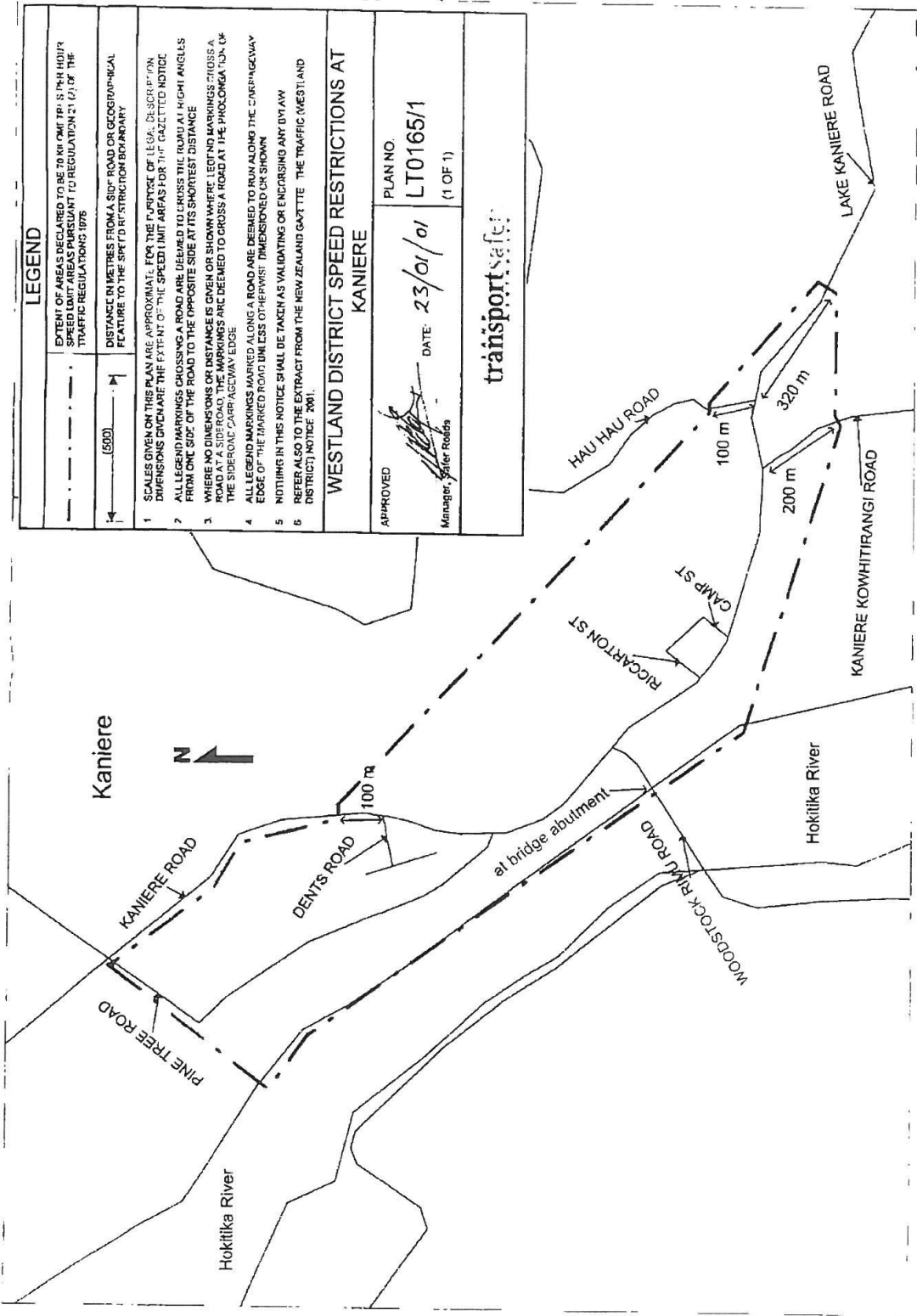
PLAN NO. **LT0057/1**  
(1 OF 1)

DATE **07/12/00**

**transport.safety**



LEGEND	
	EXTENT OF AREAS DECLARED TO BE 70 KM/H OR 50 KM/H SPEED LIMIT AREAS PURSUANT TO REGULATION 2(1) OF THE TRAFFIC REGULATIONS 1978
	DISTANCE IN METRES FROM A SIDE ROAD OR GEOGRAPHICAL FEATURE TO THE SPEED RESTRICTION BOUNDARY
<p>1. SCALES GIVEN ON THIS PLAN ARE APPROXIMATE. FOR THE PURPOSE OF LEGAL DESCRIPTION DIMENSIONS GIVEN ARE THE EXTENT OF THE SPEED LIMIT AREAS FOR THE GAZETTED NOTICE</p> <p>2. ALL LEGEND MARKINGS CROSSING A ROAD ARE DEEMED TO CROSS THE ROAD AT RIGHT ANGLES FROM ONE SIDE OF THE ROAD TO THE OPPOSITE SIDE AT ITS SHORTEST DISTANCE</p> <p>3. WHERE NO DIMENSIONS OR DISTANCE IS GIVEN OR SHOWN WHERE LEGEND MARKINGS CROSS A ROAD AT A SIDE ROAD, THE MARKINGS ARE DEEMED TO CROSS A ROAD AT THE PROLONGATION OF THE SIDE ROAD CARRIAGEWAY EDGE</p> <p>4. ALL LEGEND MARKINGS MARKED ALONG A ROAD ARE DEEMED TO RUN ALONG THE CARRIAGEWAY EDGE OF THE MARKED ROAD UNLESS OTHERWISE DIMENSIONED OR SHOWN</p> <p>5. NOTHING IN THIS NOTICE SHALL BE TAKEN AS VALIDATING OR ENCORSING ANY DRAIN</p> <p>6. REFER ALSO TO THE EXTRACT FROM THE NEW ZEALAND GAZETTE THE TRAFFIC (WESTLAND DISTRICT) NOTICE 2001.</p>	
<b>WESTLAND DISTRICT SPEED RESTRICTIONS AT KANIERE</b>	
APPROVED	PLAN NO. <b>LT0165/1</b> (1 OF 1)
	DATE: <b>23/01/01</b>
<b>transport</b> safe	







## **WESTLAND DISTRICT TRADING IN PUBLIC PLACES BYLAW 2008**

### **Scope**

The general purpose of this bylaw is:

- (a) To regulate the conduct of persons selling goods on streets, roads, footpaths and other public places; and
- (b) To regulate the conduct of persons using vehicles to sell goods and services to the general public.

\*\*\*\*\*

Pursuant to the powers vested in it by the Local Government Act 2002, the Bylaws Act 1910 and any other authority enabling the Council in this behalf the Westland District Council makes this Bylaw.

### **1. SHORT TITLE AND COMMENCEMENT**

- 1.1 This bylaw shall be known as the Westland District Trading in Public Places Bylaw 2008.
- 1.2 This bylaw shall come into effect on the day after the confirmation thereof.

### **2. INTERPRETATION**

- 2.1 This Bylaw unless the context otherwise requires:

“Council” means the Westland District Council.

“Goods” means any product or service.

“public place”:

- (a) means a place:
  - (i) that is under the control of the Council; and
  - (ii) that is open to, or being used by, the public, whether or not there is a charge for admission; and

(b) includes:

- (i) a road, whether or not the road is under the control of the Council;  
and
- (ii) any part of a public place.

“Service Delivery Vehicle” means any vehicle being used for the purpose of delivering goods to the premises of any business or organization and does not involve the sale of the goods to the general public in any public place.

### 3. **LICENCE REQUIRED**

No person, in any public place, shall engage in the sale of goods of any description whatsoever (except as provided in clause 10, Exemptions), without having first obtained a licence from the Council.

### 4. **APPLICATION**

Every person who wishes to sell goods in a public place shall make written application to obtain a licence to the Council. The information to be supplied by the applicant may include any of the following, but not be restricted to:

- (a) Name and address of the applicant;
- (b) Name and address of the person(s) selling the goods;
- (c) The locations/sites;
- (d) The telephone number and e-mail address of the applicant;
- (e) The type of goods for sale;
- (f) The time sought for selling;
- (g) The type of vehicle(s) and registration numbers if applicable;
- ~~(h) Evidence of good character.~~

### 5. **LICENCE DETAILS**

The Council in granting any licence may impose conditions. The conditions imposed may include, but not be restricted to, any of the following:

- (a) Time ~~and place~~;
- (b) Duration of the licence;
- (c) Location, including distance from businesses on private land selling same or similar goods;
- (d) Types of goods for sale;
- (e) Area available for sale;
- (f) Persons entitled to sell;
- (g) Safety and hygiene requirements;
- (h) Use of signage;
- (i) Use of musical chimes or other audible devices for attracting customers;

- (j) Litter, cleanliness;
- (k) Name and address to be conspicuously displayed;
- (l) Site rental;
- (m) Requirement to comply with other applicable legislation (e.g. Food Act or Resource Management Act)-

## 6. **FEES**

Council may by resolution prescribe fees for licences and/or site rentals. Fees may differ for any class of licence as prescribed.

## 7. **PRODUCTION OF LICENCE**

7.1 Every licence holder shall at all times when engaged in the sale of goods, carry a licence and show the licence to any authorised officer on demand.

7.2 Every licence holder shall, notwithstanding the conditions of the licence, upon being requested to do so by an authorised officer alter his/her position for sales to any other position as indicated by the authorised officer.

## 8. **CONDITIONS OF LICENCE**

Every person shall commit an offence under this Part of the bylaw who trades not in conformity with any of the conditions of the licence.

## 9. **LICENCE NOT TRANSFERABLE**

No licence issued under this part of the bylaw shall be transferable to any other person.

## 10. **EXEMPTIONS**

The exemptions allowed under this bylaw are as follows:

- (a) Selling or disposal by commercial fishermen of limited quantity of fish in the vicinity of a fishing vessel as specified in section 67 (2), Part IV of the Fisheries Act 1983;
- (b) Service delivery vehicles including milk vendors;
- (c) Any market, stall or stand which has a current approval under any other bylaw, legislation, resource consent or specific resolution of Council.

## 11. **PENALTY**

Any person who acts in breach of any provisions of this bylaw commits an offence and on summary conviction is liable to the penalty set out in Section 242(4) of the Local Government Act 2002 (a fine not exceeding \$20,000.00).

*The Special Order Resolution to make this bylaw was passed by the Westland District Council at an Ordinary Meeting of the said Council held on the twenty-first day of May 1992, which resolution was confirmed at a subsequent meeting of the Council held on the twenty- fifth day of June 1992.*

**NOTE**

The initial resolution to make this Bylaw was reviewed in 2008 as required by Section 158 of the Local Government Act 2002. The original bylaw was “NZS 9201 Chapter 4: 1972; Mobile or Traveling Shops, and Hawkers and Itinerant Traders” which has been superseded by as “NZS 9201.4: 1999 Model General Bylaws – Trading in Public Places” and this bylaw is modeled on the new standard.

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

---

Mayor

---

General Manager

**This Bylaw was reviewed pursuant to Section 158 of the Local Government Act 2002 and was confirmed on 19 June 2008.**

**This Bylaw was subsequently reviewed and amended pursuant to Section 159 of the Local Government Act 2002 in 2018 and was confirmed on [X DATE].**

**WESTLAND DISTRICT COUNCIL**  
**TRAFFIC AND PARKING BYLAW 2013**



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# **WESTLAND DISTRICT COUNCIL**

## **TRAFFIC AND PARKING BYLAW**

The purpose of this Bylaw is to set the requirements for parking and control of vehicle traffic on any road in Westland District, excluding State Highways controlled by the New Zealand Transport Agency unless the Council and the New Zealand Transport Agency have entered into an agreement providing that this Bylaw applies to those roads.

This Bylaw is made pursuant to section 22AB of the Land Transport Act 1998. In addition, traffic and parking issues are also regulated and controlled by other Acts and Regulations. This includes the Land Transport (Road User) Rule 2004, which should be referred to in conjunction with this Bylaw.



# **PART I - INTRODUCTION**

## **1. SHORT TITLE, APPLICATION AND COMMENCEMENT**

This bylaw may be cited as the Westland District Council Traffic and Parking Bylaw 2013. This bylaw shall be read in conjunction with the Local Government Act 2002, the Land Transport Act 1998 and the Regulations for the time being in force pursuant to the Land Transport Act 1998.

This bylaw shall come into force 30 days after the adoption thereof.

## **2. INTERPRETATION**

**"Authorised officer"** means any person appointed or authorised by Council to act on its behalf and includes:

- (a) any police officer; or
- (b) parking warden appointed under section 128D of the Land Transport Act 1998 or enforcement officer.

**"Berm"** means the area behind a kerb which is laid out in grass and may include a riverbank area.

**"Boat"** includes a speedboat, yacht, jet-ski, canoe, kayak, dinghy, or raft.

**"Bylaw"** means this Traffic Bylaw.

**"Coupon exemption permit"** means a permit issued by Council under clause 8.4 of this Bylaw.

**"Coupon parking area"** means an area specified by Council resolution under clause 4.1(a) of this Bylaw, in which parking is subject to the valid display of a parking coupon.

**"Council"** means the Westland District Council and includes any person, authorised by the Council, to act on its behalf.

**"Cycle track"** means any land set aside by Council as a public cycle track under section 332 of the Local Government Act 1974.

**"Disabled person parking space"** means an area reserved for the stopping, standing or parking of vehicles displaying a current Mobility Parking Permit issued by CCS Disability Action.

**"Driver"** means the driver of a vehicle and includes the rider of a motor cycle or power cycle or cycle and includes any person in charge of the vehicle; and 'drive' has a corresponding meaning.

**"Enforcement officer"** means a sworn member of the New Zealand Police or any person appointed as a parking warden by Council.

**"Footpath"** means as much of any road or public place that is laid out or constructed by the authority of the Council for pedestrian use.

**"Metered parking area"** means an area specified by Council resolution under clause 4.1(a) of this Bylaw, in which parking is subject to payment by way of a parking meter, a Pay and Display machine, In-Car Meter, or any other method of payment for parking as determined by Council.

**"Motor vehicle"** has the meaning set out in section 2(1) of the Land Transport Act 1988.

**"Night"** means the period commencing 30 minutes after sunset and ending 30 minutes before sunrise.

**"Outdoor Dining"** or **"Parklets"** means an area specifically set aside and designated as such for the purpose of creating an area for use as dining or seating for the general public or shop customers. These areas will generally

be constructed within the road corridor and licensed to individuals or businesses for development of dining areas or miniature park type arrangements. Development and licensing of these areas will be covered by a separate specific policy document.

**“Owner”** means in relation to a motor vehicle, means the person lawfully entitled to possession thereof, except where: a) The motor vehicle is subject to a bailment that is for a period not exceeding 28 days, or b) The motor vehicle is let on hire pursuant to the terms of a rental-service licence; in which case 'Owner' means the person who, but for the bailment or letting on hire, would be lawfully entitled to possession of the motor vehicle and 'owned' and 'ownership' have corresponding meanings.

**“Parking”** has the meaning set out in clause 1.6 of Part 1 of the Land Transport (Road User) Rule 2004, and **“park”** and **“parked”** have corresponding meanings.

**“Parking coupon”** means a coupon, issued by or on behalf of Council to any person, authorising the parking of a vehicle in a coupon parking area under this Bylaw, and it may include any conditions Council considers appropriate.

**“Parking space”** means a place (including a building) where vehicles, or any class of vehicles, may stop, stand, park.

**“Public place”** includes any road, street, public highway, footpath, footway, court, alley, lane, access way or thoroughfare open to or used by the public as of right and includes a reserve within the meaning of section 2 of the Reserves Act 1977.

**“Road”** has the meaning set out in section 2(1) of the Land Transport Act 1998.

**“Skating ban area”** means a public place specified by Council resolution under clause 15.1 of this Bylaw and outlined in Schedule 1.

**“Time restricted parking area”** means a parking space specified by Council resolution under clause 3.1 of this Bylaw as a time restricted parking area.

**“Traffic control device”** has the meaning given to that term in the Land Transport Rule: Traffic Control Devices 2004.

**“Traffic management plan”** means a document describing the diagram, implementation, maintenance and removal of temporary traffic management that has been approved by Council resolution.

**“Trailer”** means a vehicle without motor power that is capable of being drawn or propelled by a motor vehicle from which it is readily detachable, but does not include:

- (a) a side car attached to a motorcycle; or
- (b) a vehicle normally propelled by mechanical power while it is being temporarily towed without the use of its own power.

**“Vehicle”** has the meaning set out in section 2(1) of the Land Transport Act 1998.

**“Verge”** means the area of road, which is laid out in grass: (a) between the carriageway and a kerb; or (b) adjacent to the carriageway where there is no kerb and which may include a riverbank area.

### 3. GENERAL

**3.1** This Bylaw is made under the Local Government Act 1974, the Local Government Act 2002 and the Land Transport Act 1998.

**3.2 Council may by resolution:**

(a) prohibit or otherwise restrict the stopping, standing or parking of vehicles on any road or part of a road or on any piece of land owned or controlled by Council;

(b) set aside, designate or reserve any road, part of a road or any piece of land owned or controlled by Council, as:

- (i) stopping places or stands for a specified class, classes or types of vehicle, including bus stops, taxi stands and loading zones;
- (ii) operation mobility parking spaces;
- (iii) parking places and zone parking;
- (iv) transport stations;
- (v) clearways;
- (vi) cycle lanes and cycle paths;
- (vii) reserved parking areas;
- (viii) outdoor dining or “parklets” as defined in any WDC policy on Outdoor Dining and “Parklets”;
- (ix) special vehicle lanes or lanes for vehicles carrying specified classes of loads or not less than a specified number of occupants;
- (x) one-way roads; and
- (xi) nominate intersections and places where traffic control devices may be installed, used, or erected (including but not limited to traffic signals, 'give way' signs and 'stop' signs); and

(c) prohibit or restrict:

- (i) vehicles turning from facing or travelling in one direction to facing or travelling in the opposite direction (performing U-turns) on specified roads;
- (ii) left turns, right turns or through movements;
- (iii) weights of vehicles or loads that may pass over bridges or culverts;
- (iv) any specified class of traffic, or any specified motor vehicle or class of motor vehicle which, by reasons of its size or nature or the nature of the goods carried, is unsuitable for use on any road or roads;
- (v) parking of heavy motor vehicles or any specified class or description of heavy motor vehicles, on any specified road during such hours or exceeding such period as may be specified;
- (vi) the use of roads by pedestrians;
- (vii) the use of roads by cyclists;
- (viii) the use of roads or public places for the display of motor vehicles for trading or sale; and
- (ix) parking during road upgrade and / or maintenance work; and

(d) permit turning movements to be made only by:

- (i) passenger service vehicles;
- (ii) vehicles of other specified classes; and
- (iii) vehicles carrying specified classes of loads or not less than a specified number of occupants.

**3.3 A resolution may be made under clause 3.2:**

- (a) to regulate, control or prohibit any matter or thing generally, or for any specific classes of case, or in a particular case; or
  - (b) that applies to all vehicles or traffic or to any specified class of vehicles or traffic using a road; or
  - (c) that applies to any road or part of a road under the care, control, or management of Council; or
  - (d) that applies at any specified time or period of time.
- 3.4** Council may, by resolution, rescind, amend, replace or vary any resolution made under clause 3.2 at any time

## **PART II - VEHICLES ON FOOTPATHS AND BERMS**

### **4. CROSSING FOOTPATH OR BERM**

**4.1** No person shall take any vehicle across any footpath or berm except:

a) At an authorised crossing installed or maintained by the Council and used as access to some property;

b) At any other place approved by the Council as a temporary measure when protection of the footpath has been undertaken to ensure no damage will occur to the footpath. This protection may be wooden planks 50 mm thick held and laid close together, steel plates or some other approved material.

**4.2** Where a footpath or berm has been damaged as a result of a vehicle crossing it on an unprotected or inadequately protected point, the cost of repairing the footpath or berm may be recovered from the owner or the person in charge of that vehicle.

## **PART III - COUNCIL POWERS TO IMPOSE PARKING RESTRICTIONS GENERALLY, AND TO SPECIFY TIME RESTRICTED, COUPON OR METERED PARKING AREAS, OUTDOOR DINING AND PARKLET AREAS, AND RESERVED PARKING OR NO STOPPING AREAS**

### **5. STOPPING, STANDING AND PARKING OF VEHICLES**

- 5.1** The Council may from time to time, by resolution, impose parking restrictions on any road or other area controlled by the Council whether by way of time restriction, a restriction to a specified class, classes or description of vehicle, a total prohibition or any combination of these.
- 5.2** The Council shall by traffic signs erected or placed in a conspicuous position in or on any road or other area controlled by it, indicate where on the road, other area or portion thereof, the stopping of any vehicle, whether attended or unattended, is prohibited or restricted.
- 5.3** Any of the traffic signs referred to may, by resolution, be supplemented, altered or removed, but while maintained, shall apply to all vehicles other than those specifically excluded on the sign, marking, notice or device.

### **6. TIME RESTRICTED PARKING**

- 6.1** Council may by resolution specify any road, part of a road, or piece of land owned or controlled by Council, to be a time restricted parking area.
- 6.2** Council may impose the following conditions by resolution in respect of any time restricted parking area:
- (a) the time or times during which parking restrictions have effect;
  - (b) the number and situation of parking spaces within each time restricted parking area;
  - (c) the maximum time allowed for parking in any space within any time restricted parking area;
  - (d) the fees payable for parking in any parking space within a time restricted parking area;
  - (e) the class or description of vehicles that may stop, stand or park within a time restricted parking area;
  - (f) the means by which fees may be paid in respect of each time restricted parking area and
  - (g) any other condition Council sees fit.
- 6.3** Every parking space may be occupied for only the time limit as specified between the following hours:  
Mondays to Saturdays between 8.00 a.m. and 6.00 p.m.  
The above hours may be amended by resolution of Council.

## **7. COUPON OR METERED PARKING AREAS**

**7.1** Council may by resolution specify:

- (a) any geographic area as a coupon parking area or a metered parking area, which may be comprised of any road, or part of a road, or group of roads, or any combination of these;
- (b) the days and times for which fees apply to each coupon parking area or metered parking area;
- (c) the length of time, if any, for which a vehicle may be parked in a parking space in a coupon parking area without validly displaying a parking coupon or a coupon exemption permit;
- (d) the date and time at which a decision made under this clause 7.1 comes into effect, which must not be before all appropriate road markings and signs are in place in the coupon parking area or metered parking area.

**7.2** Council may amend by resolution or revoke a decision made under clause 7.1 of this Bylaw at any time.

## **8. OUTDOOR DINING OR “PARKLETS”**

**8.1** Council may by resolution specify:

- (a) any geographic area as an Outdoor Dining or “Parklet” area, which may be comprised of any road, or part of a road, or group of roads, or any combination of these;
- (b) the date and time at which a decision made under this clause 8.1 comes into effect.

**8.2** Council may by resolution amend or revoke a decision made under clause 8.1 of this Bylaw at any time.

## **9. RESERVED PARKING AND NO STOPPING AREAS**

**9.1** Council may by resolution designate any parking space or spaces as a reserved parking or no stopping area for any specified period.

**9.2** Council may grant a permit for temporary reserved parking or to allow parking on a temporary no stopping area on such conditions as Council considers appropriate.

**9.3** No person may park a vehicle in a parking space that has a “Reserved Parking” sign in place unless the person:

- (a) holds a reserved parking permit from Council; and
- (b) is acting in accordance with any conditions imposed by Council on the permit.

**9.4** No person may stop, stand or park a vehicle in a parking space that has a “No Stopping” sign in place.

## **PART IV – RESTRICTIONS ON PARKING**

### **10. TIME RESTRICTED PARKING**

**10.1** No person being the driver or the person in charge of any vehicle may drive, stop, stand or park, or otherwise use that vehicle in a manner that is contrary to any prohibition, limitation or restriction imposed from time to time by resolution of Council in relation to a time restricted parking area.

### **11. RESTRICTION ON PARKING IN COUPON PARKING AREAS**

**11.1** No person may park in a parking space in a coupon parking area on the days and during the times specified by Council under clause 7.1(b) of this Bylaw, and for longer than any period of time specified by Council under clause 7.1(c) of this Bylaw, unless the person validly displays:

- (a) a parking coupon; or
- (b) a coupon exemption permit.

**11.2** For the purposes of clause 11.1 of this Bylaw, a parking coupon or coupon exemption permit is validly displayed only if:

- (a) the person parks the vehicle in accordance with any conditions imposed by Council on the use of a parking coupon or coupon exemption permit; and
- (b) the parking coupon or coupon exemption permit is displayed prominently inside the vehicle to which the coupon or permit relates, so that it can be read from outside the vehicle.

**11.3** A person may apply to Council for a coupon exemption permit, using a Council approved form, if the person requires the permit in connection with the activities of a business, school, or community service group.

**11.4** Council may issue a coupon exemption permit on such conditions as Council considers appropriate.

### **12. RESTRICTION ON PARKING IN METERED PARKING AREAS**

**12.1** No person may stop, stand, or park a vehicle in a parking space in a metered parking area on the days and during the times specified by Council under clause 7.3 of this Bylaw without paying the prescribed fee for that parking space.

### **13. RESTRICTIONS ON PARKING IN PARKING SPACES**

**13.1** No person may park a vehicle on or over the road markings indicating the limits of a parking space.

**13.2** Clause 13.1 of this Bylaw does not apply to a vehicle with a trailer attached to it if:

- (a) the vehicle and the trailer are parked within the outer limits of two adjacent parking spaces; and



- (b) if the parking spaces are in a payment parking area, the person in charge of the vehicle pays the prescribed fee in respect of both parking spaces.

**13.3** No person may park a vehicle in a parking space that is already occupied by another vehicle.

**13.4** Clause 13.3 of this Bylaw does not apply to a motor cycle if:

- (a) it is parked in the same parking space as another motor cycle;
- (b) there is sufficient room to park more than one motor cycle in the parking space so that any of the motor cycles can be safely removed from the parking space at any time; and
- (c) if the parking space is in a payment parking area, a person in charge of one of the motor cycles in the parking space pays the prescribed fee.

**13.5** a) No driver or person in charge of a vehicle shall park such vehicle on any disabled person parking space designated pursuant to this Bylaw unless there is clearly displayed within such vehicle a current Operation Mobility Card issued by the CCS DISABILITY ACTION to the driver or person in charge of such vehicle or to some other person being carried or about to be carried in such vehicle.

b) No person parking in a disability park with a permit shall exceed a maximum period of two hours.

#### **14. PARKING ON THE GRASS**

**14.1** No person may stop, stand, or park a vehicle on a berm, verge, kerb, lawn, garden, or other cultivation adjacent to, or forming part of a road:

- (a) so as to cause or be likely to cause damage to the cultivated area; or
- (b) so as to obstruct other traffic or pedestrians or any view of the roadway to the driver of a vehicle entering or exiting the roadway.

**14.2** Clause 14.1(a) of this Bylaw does not apply if an occupier of a property parks adjacent to that person's property contrary to clause 14.1(a) because there is no off-street parking on that person's property due to the topography of the land and no on street parking within a reasonable walking distance of that person's property.

#### **15. PARKING IMMOBILISED OR UNLICENSED VEHICLES**

**15.1** No person may stop, stand, or park a vehicle on a road for 7 days or more that:

- (a) has no motive power in or attached to it; or
- (b) is in such a state that it cannot be driven safely..

**15.2** Council may seize and impound any vehicle in breach of clauses 15.1 of this Bylaw.

## **16. TEMPORARY DISCONTINUANCE OF A PARKING SPACE**

- 16.1** If an Authorised Officer is of the opinion that any parking space or spaces should be temporarily discontinued as parking space, the Authorised Officer may place or erect, or cause to be placed or erected, a sign or signs sufficiently indicating 'No Stopping' at such parking space or spaces, and it shall be unlawful for any person to stop or park a vehicle at that parking space or spaces affected while any sign or signs are so placed or erected.
- 16.2** If the Authorised Officer is of the opinion that any parking space or spaces should be temporarily discontinued as a parking space, except for the use of a trades vehicle (as defined by the Council from time to time by resolution) or other specified vehicle, the Authorised Officer may place or erect or cause to be placed or erected a sign or signs sufficiently indicating 'Reserved Parking' for a specific trade or other specified vehicle at such parking space or spaces and it shall be unlawful for any person other than a person specifically authorised by the Authorised Officer to stop or park a vehicle at that parking space or spaces affected while any sign or signs are so placed or erected or to remove any sign or signs so placed or erected.

## **PART V – TRAFFIC RESTRICTIONS**

### **17. DISPLAYING VEHICLES FOR SALE ON ROAD**

**17.1** A person must not stop, stand or park a vehicle on any road or parking place for the purpose of advertising a good or service, or for offering the vehicle for sale unless the vehicle is being used for day to day travel.

### **18. SKATEBOARDS**

**18.1** Council may by resolution specify a skating ban area, either generally or only in relation to specified times and days.

**18.2** Council may by resolution amend or revoke a decision made under clause 18.1 of this Bylaw at any time.

**18.3** No person may ride in or on a skateboard, go-cart, roller blades, roller skates, or similar thing:

- (a) on a public place in a manner that is dangerous or creates a nuisance for traffic or pedestrians;
- (b) on a road or public place during the night; or
- (c) in a skating ban area.

**18.4** Clause 18.3 of this Bylaw does not apply to any facilities in a public place, provided by Council, that are for the purpose of riding in or on a skateboard, go-cart, roller blades, roller skates or similar thing.

**18.5** No person may organise, hold, or conduct a competition or gathering that involves riding on or in a skateboard, go-cart, roller blades, roller skates, or similar thing on a road or public place without the prior written permission of Council.

**18.6** Any person doing an activity under clause 18.5 of this Bylaw must comply with any conditions imposed by Council on its written permission.

### **19. PLACING CONTAINERS ON ROADS**

**19.1** No person may place or permit another to place a container that is greater than 1.5 metres wide or three (3) metres long on a road without the prior written permission of Council.

**19.2** Any person doing an activity under clause 19.1 of this Bylaw must comply with any conditions imposed by Council in its written permission.

**19.3** Subject to clause 19.1, no person may place or permit another to place a container that is less than 1.5 metres wide or three (3) metres long on a road unless:

- (a) it is not practicable to place the container on any land owned by that person that is adjacent to the road where the container is placed;
- (b) the name of, and a 24 hour contact telephone number for, the owner of the container are prominently displayed on the container;
- (c) the container does not obstruct any part of a footpath and is at least 15 metres from any corner, intersection, or pedestrian crossing. Council may require this distance to be increased.

- (d) the container has a white face presented to any oncoming traffic, and has a reflector of at least 100mm x 100mm on the corners of the container closest to oncoming traffic; and
- (e) where there is no illumination by street light the container must not be placed on any road during the hours of darkness unless the corner of the container closest to the centre of the road is fitted with a rearward facing red light visible to approaching traffic from a distance of 100 metres;
- (f) if the container is in a parking space in a coupon parking area, metered parking area, or residents' parking area or an area subject to a time restriction imposed by Council under any enactment, the person has the prior written permission of Council and is complying with any conditions imposed by Council on its written permission.

**19.4** In this clause 19, "container" includes a skip bin, bulk bin, or other receptacle for holding litter or other materials, or any pallet load or pile of bulk materials.

## **20. ADVERTISING ON THE ROAD**

**20.1** No person may place an advertising sign, notice, or marker on a road so as to:

- (a) cause a safety hazard for traffic or pedestrians;
- (b) obstruct or be likely to obstruct pedestrians or traffic or any view of the roadway to the driver of a vehicle that is approaching any corner, bend, rise, dip, traffic island, or intersection unless authorised by Council.

## **21. ROAD UPGRADE AND / OR MAINTENANCE WORK**

**21.1** Clauses 21.2 and 21.3 apply if Council intends to undertake road upgrade and / or maintenance work, and a vehicle or vehicles are potentially parked and are likely to impede the works.

**21.2** No later than 48 hours before work commences, Council must provide notice of the activity, through residential post boxes or on vehicles parked in the street in which the activity is to take place. The notice will require that vehicles be removed from the road, parking space, building or transport station to allow the upgrade and / or maintenance activity to occur. After issuing a notice, Council will not be required to make any further contact with the owners of the vehicles prior to their removal.

**21.3** No vehicle may remain parked contrary to a notice issued in accordance with clause 21.2.

## **22. VEHICLE AND CONTAINER REMOVAL**

**22.1** In addition to the powers conferred on it by any other enactment, Council or an authorised officer may remove or cause to be removed from any road or part of a road or on any piece of land owned or controlled by Council, any vehicle or thing using those places in breach of this Bylaw.

## **PART VI – OTHER**

### **23. DEFENCES**

**23.1** Any person who would otherwise commit an offence under this Bylaw has a defence if the act complained of was done in compliance with the directions of an enforcement officer.

**23.2** Any person prosecuted for an offence under clauses 9 or 10 of this Bylaw has a defence if the act complained of was done during the loading or unloading of a vehicle in the course of trade, and the vehicle was being used with due consideration for the safety and convenience of traffic and pedestrians.

### **24. EXEMPTIONS TO THIS BYLAW**

**24.1** This Bylaw does not apply to any person who commits an act that was done in accordance with a valid traffic management plan.

**24.2** This bylaw shall not apply to the following classes of vehicles:

- a) A vehicle used as an ambulance and being at the time used on ambulance service.
- b) A vehicle being used by the New Zealand Fire Service to answer a request for an emergency service.
- c) A vehicle used by a Police Officer lawfully engaged in the course of Police duties.
- d) A vehicle where the driver has an authorisation from the Council to occupy a parking space beyond a parking time limit.

### **25. FEES AND OFFENCES**

**25.1** Council may, by resolution, prescribe, abolish or amend fees, whether annual, hourly or otherwise as Council may reasonably require for any parking space, parking spaces or permission required under this Bylaw.

**25.2** Every person commits an offence against this Bylaw who fails to comply with any requirement or restriction imposed by this Bylaw or any resolution made under it.

**25.3** Council may recover from any person who commits a breach of this Bylaw the appropriate costs in connection with the removal of the vehicle or thing.

**25.4** Council may, by resolution, prescribe, abolish or amend infringement fines amounts for breaches of this Bylaw or any resolution made under it.

**25.5** Where a Parking Warden has reason to believe that the user of a vehicle has committed a parking offence that is an infringement offence:

a) The user of the vehicle may be proceeded against for the alleged offence under the Summary Proceedings Act 1957 and in such case the maximum penalty shall be the maximum penalty for such offences provided for in the Transport Act 1962, and the Land Transport Act 1998;

b) A Parking Warden may issue an infringement notice in respect of the alleged offence in which case the infringement fee payable shall be the maximum infringement fee specified in Part 1 of the Second Schedule to the Transport Act 1962 or the Land Transport Act 1998, as amended from time to time.

## **26. RESTRICTIONS BY RESOLUTION**

**26.1** If a prohibition, restriction, control or direction is already provided for in an enactment or Land Transport Rule, a Council resolution is not required.

## **27. REVOCATION**

The Westland District Council Traffic and Parking Bylaw 1999 is hereby revoked.

The initial resolution to make this Bylaw was passed by the Westland District Council at an ordinary meeting of the Council held on the twenty-sixth day of September 2013 and was confirmed, following consideration of submissions received during the special consultative procedure, by a resolution at a subsequent meeting of the Council on the 29<sup>th</sup> day of November, 2013.

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

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**MAYOR**

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**CHIEF EXECUTIVE**

**This Bylaw was reviewed pursuant to Section 158 of the Local Government Act 2002 and was confirmed on [X DATE].**



## WESTLAND DISTRICT WASTE WATER BYLAW 201~~8~~0

### Explanatory Note

The Council is empowered by the Local Government Act 2002 and the Health Act 1956 to:

- Protect public health and the security of the public wastewater drainage system.
- Detail the responsibility of both the Council and the customers with respect to the public wastewater drainage system.
- Detail acceptable types of connection.
- Encourage waste minimisation.
- Detail breaches and remedies.
- Conduct sanitary assessments.

This bylaw aims to achieve these purposes and should be read in conjunction with the Acts, Regulations, Codes and Standards listed in this bylaw.

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Pursuant to the powers vested in it by the Local Government Act 2002, The Health Act 1956, the Bylaws Act 1910 and any other authority enabling the Council in this behalf the Westland District Council makes this Bylaw.

### 1. SHORT TITLE AND COMMENCEMENT

- 1.1 This bylaw shall be known as the Westland District Waste Water Bylaw 201~~8~~0.
- 1.2 This bylaw shall come into effect on the twenty-first day after the confirmation thereof.

### 2. INTERPRETATION

In this bylaw, unless the context otherwise requires:

- *Act* means the Local Government Act 2002
- *Buried services* means all public sewers, rising mains, trunk sewers and other underground utilities under the responsibility of the Council.



- *Unacceptable Discharge Characteristic* means any of the physical or chemical characteristics of waste referred to in the first schedule to this bylaw
- *Customer* means any person who is connected or makes application to connect to a council public sewerage system.
- *Domestic wastewater* means either that wastewater which is discharged from premises used solely for residential activities, or wastes of the same character discharged from other premises, provided that the characteristics of the wastewater do not have an Unacceptable Discharge Characteristic. Such activities shall include the draining of domestic swimming and spa pools subject to clause 6.1 of this part.
- *Drainage Community* means that area described within the Council's Assessment of Water and Sanitary Services as required under section 125 of the Local Government Act 2002.
- *Infiltration* means water entering a public sewer or private drain from groundwater through defects such as poor joints and cracks in pipes or manholes. It does not include inflow.
- *Inflow* means water discharged into a private drain from non-complying connections or other drain-laying faults. It includes stormwater entering through illegal downpipe connections or from low gully traps.
- *Level of service* means the measurable performance standards on which the Council undertakes to receive wastewater from its customers.
- *Reticulation* means the drains and piped sewer network forming the public sewerage system.
- *Rising main* means a sewer through which wastewater is pumped.
- *Service opening* means a manhole, or similar means for gaining access for inspection, cleaning or maintenance of a public sewer.
- *Trunk sewer* means a sewer, generally greater than 150 mm in diameter, which forms a part of the principal drainage network of the Council's wastewater drainage system.

### **3. ACCEPTANCE OF DISCHARGE**

- 3.1** Every premise shall be entitled to have its wastewater accepted by the Council subject to:
- a)** The premises lying within a drainage community;
  - b)** The premises lying within an area which is served by public sewers;
  - c)** Payment of the appropriate rates and charges in respect of that premises in general and wastewater services in particular; and
  - d)** Fulfilment of the requirements of this bylaw.

### **4. APPROVAL TO CONNECT**

- 4.1** No person other than the authorised agents of the Council may, without approval from an authorised officer, make any connection to, or otherwise interfere with, any part of the Council's wastewater drainage system.
- 4.2** Every application for a wastewater service connection shall be made in writing on the form provided by the Council and accompanied by payment of the prescribed charges. The applicant shall provide all the details required by the Council. An application shall be made irrespective of whether or not a public sewer has already been laid up to the point of discharge.
- 4.3** Where an application has been accepted by the Council which requires a new public sewer connection to be constructed from the existing public sewer to the point of discharge, the customer shall pay such actual and reasonable charges incurred by the Council for this work. The Council shall normally supply and install the public sewer up to the point of discharge except as provided for under a subdivision approval or consent.
- 4.4** Charges applicable at the time of connection may include:
- a)** Payment to the Council for the cost of the physical works required to provide the connection.
  - b)** A development contribution charge determined in accordance with the Local Government Act 2002.

- c) A financial contribution charge determined in accordance with the Resource Management Act 1991.
- d) A capital contribution in respect of the Kaniere sewerage scheme.

## **5. POINT OF DISCHARGE**

- 5.1** The point of discharge from a customer shall be the point on the public sewer which marks the boundary of responsibility between the customer and the Council, irrespective of property boundaries.
- 5.2** Unless otherwise approved there shall be one point of discharge only for each premises, and any private drain shall not extend by pipe or any other means to serve another premises unless it is a common private drain.
- 5.3** For single dwelling units the point of discharge shall be located at the boundary or as close as possible where fences, walls or other permanent structures make it difficult to locate it at the required position. The approval of other positions may be granted by the Council and any such positions will be recorded on the drainage plan.
- 5.4** Where a private drain discharges into a public sewer on that same private property, the point of discharge shall be the upstream end of the pipe fitting which forms the junction with the public sewer.
- 5.5** The point of discharge for the different forms of multiple ownership of premises and/or land shall be as follows:
  - a)** For company share/block scheme (body corporate) as for single ownership.
  - b)** For leasehold/tenancy in common scheme (cross lease), strata title, and unit title (body corporate) where practicable, each owner shall have an individual drain with the point of discharge determined by agreement with the Council. If not practicable there shall be a common private drain which shall be incorporated as an additional provision in the lease agreement. In specific cases other arrangements will be acceptable subject to individual approval.

Each owner's point of discharge is subject to the approval of the Council and will be recorded on the drainage plan. Other arrangements shall be considered by the Council, at its discretion.

- 5.7 Common private drains shall serve a maximum of seven single dwelling units, and shall have one point of discharge only (in common).

## 6. ACCEPTANCE AND DURATION

- 6.1 The Council will continue to accept wastewater from domestic premises once an approved connection to the public sewer has been made.

**Note:** Disconnection of the sewer or restriction of the water supply are not options available in the event of non-compliance with the law and/or bylaws by the customer.

- 6.2 In the event of premises changing ownership, the new owner shall automatically become the new customer of that premise.
- 6.3 The Council will endeavour to provide wastewater services in accordance with the level of service contained in the Council's Long-Term ~~Council Community~~ Plan. For those periods where the level of service allows non-compliance with the specified value(s), the Council will make every reasonable attempt to achieve the specified value(s).
- 6.4 The Council shall endeavour to meet the level of service but it shall not be liable for any loss, damage or inconvenience which the customer (or any person within the premises) may sustain as a result of deficiencies in the wastewater collection system.
- 6.5 Natural hazards (such as floods or earthquakes) or accidents beyond the control of the Council which result in disruptions to the ability of the Council to receive wastewater, will be deemed an emergency and exempted from the levels of service requirements above.
- 6.6 During an emergency the Council may restrict or prohibit the discharge of wastewater for any specified purpose, for any specified period, and for any or all of its customers. Such restrictions will be publicly notified. The decision to make and lift restrictions and to enact additional penalties shall be made by the authorised officer of the Council. Where immediate action is required, the authorised officer may enact emergency provisions as deemed necessary without public notification.

## 7. CUSTOMER OBLIGATIONS

- 7.1 The maximum instantaneous flow rate discharged from a domestic premise shall not exceed 2.0 litres/sec. The Council may also set a lesser daily flow rate discharged from a domestic premise.

- 7.2** Customers with swimming or spa pools shall be required to demonstrate that the pool drain has been fitted with a flow limiting device to ensure the discharge does not exceed the maximum instantaneous flow requirement of 2.0 litres/sec.
- 7.3** No wastewater with unacceptable discharge characteristics as provided for in the First Schedule of this bylaw shall be discharged into the Council waste system except with the written approval of the Council and subject to the payment of any additional charge.
- 7.4** The customer shall allow the Council, or its agents, access to and about the point of discharge for the purposes of monitoring, testing, and maintenance work at any time. The Council shall give notice of entry in accordance with sections 171, 172 and 173 of the Local Government Act 2002.
- 7.5** Under emergency conditions, or for the purpose of ascertaining whether the drains are being misused, the customer shall allow the Council free access to and about the point of discharge at any hour.
- 7.6** Where it is not practical to notify the customer of a maintenance interruption to the point of discharge before work commences, the Council may shutdown the point of discharge without notice, and the customer shall be advised as soon as possible.
- 7.7** The customer shall allow the Council, with any necessary equipment, access to any area of the premises for the purposes of ascertaining whether non-complying connections have been made.
- 7.8** The customer serviced by the public sewer network shall not store raw material, products or wastes containing corrosive, toxic, biocidal, radioactive, flammable, or explosive materials, or any material which, when mixed with the wastewater stream, is likely to generate toxic, flammable, explosive or corrosive materials in quantities likely to be hazardous, or any other material likely to be deleterious to the Council Wastewater system or the health and safety of the Council staff and public, without taking all reasonable steps to prevent entry into the Council sewer from leakage, spillage or other mishap.
- 7.9** The customer shall take practicable steps to prevent any stormwater or groundwater entering the wastewater drainage system. This includes roof downpipes, surface water run-off, overland flow, and sub-surface drainage.
- 7.10** The customer shall ensure that stormwater is excluded by ensuring that:

- a) There is no direct connection of any stormwater pipe or drain to the wastewater system.
- b) Gully trap surrounds are set above stormwater ponding levels (refer New Zealand Building Code G13), and secondary overland flow path flood levels.
- c) Inspection covers are in place and are appropriately sealed.

**7.11** For large impervious areas (e.g. stock yards or truck washing facilities), specific provision shall be made by the customer for a permanent barrier preventing water from outside the confines of the facility from entering the wastewater system.

**7.12** Where it is impractical to cover a large impervious area, consideration shall be given to a system which detains run-off from the first foul flush for ultimate disposal to the wastewater system, with subsequent run-off disposal as stormwater.

**7.13** Private drains shall be kept and maintained in a state which is free from cracks and other defects which may allow infiltration or inflow.

## **8. DISCONNECTION**

**8.1** A customer shall give seven working days notice in writing of his or her intention to demolish or remove a building connected to the sewer. The demolition or removal shall not commence until the property has been disconnected from the sewer by the Council. An application for disconnection shall be made on the standard Council application forms.

**8.2** A customer shall give two working days notice in writing to the Council of his or her requirement for disconnection of the discharge connections if relaying of the private drain is required.

## **9. PUBLIC SEWERAGE SYSTEM**

**9.1** With respect to building or loading over buried services, or excavation near public sewers, the restrictions described in clauses 10.2 to 10.5 of this part shall apply. Other restrictions may be applied by the Council for the protection of the wastewater drainage system after consideration of proposed work methods, depth of excavation, soil physical properties and other site specific factors. The same provisions shall apply to sewers or drains installed by trenchless means, such that the installed location of the sewer or drain shall not contravene the minimum separation distances specified below.

**9.2** No building shall be built over a public rising main or trunk sewer, or closer than the greater of:

- a)** 1.5 metres from the centre of any main or sewer; or
- b)** The depth of the centre line of the sewer, plus the diameter of the sewer, plus 0.2 metres from the centre of that sewer, subject to compliance with 3.1 of NZS 3604 (or subsequent amendments).

**9.3**

- a)** No building shall be built over a public sewer, whether on public or private land;
- b)** No building shall be built closer than the greater of:
  - i)** 1.5 metres from the centre of any public sewer; or
  - ii)** The depth of the centreline of the sewer, plus the diameter of the sewer, plus 0.2 metres from the centre of that sewer, subject to compliance with 3.1 of NZS 3604 (or subsequent amendments).
- c)** Where (a) and (b) above are found to be impractical and the building cannot be sited elsewhere on the property or modified to conform with the above conditions, and it is essential for the proposed building to be built on that part of the property, approval may be granted by the Council subject to the building developer meeting the cost of any specific requirements and the following conditions shall apply.

**9.4** No person shall:

- a)** Cause the crushing load imposed on a public sewer to exceed that which would arise from the soil overburden plus a HN-HO-72 wheel or axle load (as defined by Transit New Zealand Bridge Manual); or
- b)** Place any additional material over or near a public sewer without approval.  
Service openings shall not be covered in any way unless approved by the Council. Removal of any covering material or adjustment of the opening shall be at the customer's expense.

**9.5** No person shall without the approval of an authorised officer excavate, or carry out piling or similar work closer than:

- a) Five metres from the centre line of any rising main or trunk sewer; or
- b) Two metres from the centre line of any public sewer.  
Such approval may impose conditions on the carrying out of any work near the sewer.

**9.6** Any person proposing to carry out excavation work shall view the as-built information to establish whether or not the Council or other utility services are located in the vicinity. At least three (3) days notice in writing shall be given to the Council of an intention to excavate in the vicinity of its services. Where appropriate the Council may mark out to within  $\pm 1.0$  m on the ground the location of its services, and may nominate in writing any reasonable restrictions on the work it considers necessary to protect its services.

**9.7** When excavating and working around buried services due care shall be taken to ensure the services are not damaged, and that bedding and backfill is reinstated in accordance with the appropriate Council specification. Excavation within roadways is also subject to the permit process of the appropriate roading authority.

**9.8** Any damage which occurs to a Council service shall be reported to the Council immediately

**9.9** The customer shall reimburse the Council for any repair costs incurred.

## **10. CUSTOMER'S DRAINAGE SYSTEM**

**10.1** The customer's drainage system is governed by the Building Act from inside the building to the point of discharge.

**10.2** The customer's drainage system shall be designed, installed and maintained, both in its component parts and in its entirety, to ensure that it complies with the Building Act and the New Zealand Building Code.

**10.3** A customer whose gully trap is overflowing or has other reasons to suspect a blockage, shall first call a drainlayer to clear and remove any blockage in their private drain.

**10.4** If the drainlayer finds that the blockage is within the public sewer, then the drainlayer or customer shall contact the Council to clear and remove the blockage and clean up all affected areas. Provided that the blockage has not been forced downstream into the public sewer in the act of clearing it from the private drain, or that the customer has not been negligent in discharging a non-acceptable wastewater, then the Council shall reimburse the customer for actual and reasonable drainage



costs. If otherwise, the Council shall recover the costs of the unblocking work from the customer.

- 10.5** In the event of the roots of any tree on a customer's premises causing or being likely to cause damage, interference to the flow, or blockage to a public sewer, the Council will follow the procedure set out in section 468 of the Local Government Act 1974.

**Note:** the law does not differentiate between a public sewer on private or public land, i.e. the occupier or owner cuts down or removes the tree at their expense with no compensation payable.

## **11. PUMP STATIONS**

- 11.1** Private wastewater pump stations will be approved only where there are no practical alternatives for a gravity flow discharge to the public sewer.
- 11.2** A private wastewater pump station for a single dwelling unit represents an alternative solution in terms of the Building Act. As such, the customer will be required to demonstrate that the pump station complies with the provisions of the New Zealand Building Code when seeking a consent.
- 11.3** A private wastewater pump station must have a compliance schedule and an annual building warrant of fitness if that pump station:
- a)** Has one or more of the specified systems listed in Schedule 1 Specific Systems of the Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Regulations 2005 (SR 2005/32); and
  - b)** Serves more than one residential dwelling unit.
- 11.4** A Common Pump Station Agreement shall be required between the parties, including appropriate maintenance of rising mains. It shall be registered against the Certificate of Title of each party.
- 11.5** The combined rate of discharge to the public sewer shall not exceed the rate specified by the Council.

## **12. OFFENCES AND BREACHES**

- 12.1** A person commits a breach of this bylaw who:
- a)** Does, or causes anything that is contrary to this bylaw; or

- b) Omits or neglects to do anything which ought to be done by them at the time and in the manner provided in this bylaw; or
- c) Does not refrain from doing anything which under this bylaw they are required to abstain from doing; or
- d) Knowingly permits any condition or thing to exist contrary to any provision contained in this bylaw; or
- e) Refuses or neglects to comply with any notice or direction given to them under this bylaw; or
- f) Obstructs or hinders any officer of the Council in the exercise of any power conferred upon them by this bylaw; or
- g) Fails to divulge their full name, address or other information when requested to do so by an enforcement officer.

**12.2** Any person commits a breach of this bylaw who:

- a) Having constructed, affixed or provided, or caused to be constructed, affixed, or provided, any building or any part of a building, or any work, appliance, or material of any description whatsoever, contrary to, or otherwise than in accordance with the provision of this bylaw; or
- b) Having omitted to construct, affix, or provide any work, appliance or materials as required thereby; and who does not within a reasonable time after notice in writing has been given to them by the Council or any enforcement officer, carry out the remedial action specified in that notice.

**12.3** The notice in clause 12.2 must state the time within which the remedial action is to be carried out, and may be extended from time to time by written authority of an enforcement officer.

### **13. REMOVAL OF WORKS IN BREACH OF BYLAW**

**13.1** The Council may authorise any officer or agent to remove or alter a work or thing that is, or has been, constructed in breach of this bylaw.

**13.2** The Council may recover the costs of such removal or alteration from the person who committed the breach in accordance with section 163 of the Act.

**13.3** The removal or alteration of any work or thing under this clause does not relieve any person from liability for any penalty for erecting or permitting the continued existence of anything contrary to this bylaw.

#### **14. PENALTIES**

**14.1** Every person who commits an offence against this bylaw is liable to the penalty set out in section 242(4) or 242(5) of the Act, in relation to the provisions of the bylaw that are made under Part 8 of the Act.

**14.2** Where another enactment specifies the penalty for a breach of the bylaw, that other penalty shall apply.

**14.3** The Council may, after a conviction for the continuing breach of this bylaw, apply to a Court of competent jurisdiction for an injunction to restrain the further continuance of the breach by the person convicted.

#### **15. DISPENSING POWER**

**15.1** Where, in the opinion of an authorised officer, full compliance with any of the provisions of this bylaw, would cause loss or inconvenience to any person or the operation of any business without any corresponding benefit to the community, the Council may, on the special application of that person, dispense with full compliance with any of the provisions of this bylaw provided that any other terms or conditions (if any) that the Council may deem fit to impose are complied with by the person concerned.

The initial resolution to make the ~~predecessor to this~~ Bylaw (the Waste Water Bylaw 2010) was passed by the Westland District Council at an ordinary meeting of the Council held on the 16<sup>th</sup> day of September 2010 and was confirmed, following consideration of submissions received during the special consultative procedure, by a resolution at a subsequent meeting of the Council on the 24<sup>th</sup> day of February, 2011.

-Due to a review not being completed within a 5-year period under s158 of the Act, the 2010 bylaw was revoked on 24 February 2018 by s160A of the Act. An initial resolution to make this replacement Bylaw (the Waste Water Bylaw 2018) was passed by the Westland District Council at an extraordinary meeting of the Council held on the Xth day of X 2018 and was confirmed, following consideration of submissions received during the special consultation procedure, by a resolution at a subsequent meeting of the Council on the X day of X 2018.

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

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Mayor

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Chief Executive Officer

## **FIRST SCHEDULE**

### **Unacceptable Discharge Characteristics**

#### **1 General Description**

The discharge shall be characterised by a:

- a.** a flow exceeding 5m<sup>3</sup> per day
- b.** instantaneous flow rate exceeding 2 L/s
- c.** Biochemical Oxygen Demand (BOD) concentration exceeding 600g/m<sup>3</sup>
- d.** Suspended Solids (SS) concentration exceeding 600g/m<sup>3</sup>.

#### **2 Temperature**

The temperature exceeding 50°C.

#### **3 Solids**

- a.** Non-faecal gross solids exceeding 15mm.
- b.** Fibrous, woven, or sheet film or any other materials that may adversely interfere with the free flow of wastewater in the wastewater system.

#### **4 Oil & Grease**

This clause applies to mineral oils, fats and grease used by industry and oils, fats and grease used in food preparation:

- a.** a free or floating layer is visible
- b.** mineral oil and grease exceeding a maximum concentration of 20g/m<sup>3</sup>
- c.** oil and fat used for food preparation exceeding a maximum concentration of 100g/m<sup>3</sup>, maximum mass 0.5kg per day.

#### **5 Solvents & Other Organic Liquids**

A visible free layer (whether floating or settled) of, petroleum, benzene, naphtha, fuel, solvents or organic liquids.

**6 Condensing Water, Cooling Water or Stormwater**

The presence of condensing water, cooling water or stormwater.

**7 Emulsions of Paint, Adhesive, Rubber, Plastic**

The presence of emulsions of paint, adhesive, rubber or plastic in the discharge.

**8 Colour**

The presence of colour or colouring substance that causes the discharge to be coloured to the extent that it impairs wastewater treatment processes or compromises the final effluent discharge consent.

**9 pH Value**

A pH outside of the range of 6.0 and 10.0.

**10 Presence of Chemicals**

- a. sulphides exceeding 5g/m<sup>3</sup>
- b. sulphate exceeding 500g/m<sup>3</sup>

**11 Any Other Characteristic**

Any characteristic not mentioned in this schedule that is present in quantities above background domestic sewage levels.



**WESTLAND DISTRICT WILDFOODS AND OTHER  
EVENTS BYLAW 2003  
INCORPORATING THE  
WESTLAND DISTRICT WILDFOODS AND OTHER  
EVENTS AMENDMENT BYLAW 2006**

The Westland District Council, pursuant to Section 147 of the Local Government Act 2002, the Bylaws Act 1910 and any other authority enabling the Council in this behalf hereby makes the following bylaw.

1.0. **Title and Commencement**

- (i) This bylaw shall be known as the Westland District Wildfoods and other Events Bylaw 2003.
- (ii) This bylaw shall come into effect on the day after the confirmation thereof.

2.0. **Scope**

The purpose of this bylaw is to protect public safety and enjoyment of the annual Hokitika Wildfoods Festival (~~“the festival”~~) and other events by providing for the control of ~~liquor (as defined in the Sale of Liquor Act 1989),~~ glass, trading and camping in specified areas during the course of events.

3.0. **Interpretation**

Controlled Camp Site means the areas delineated on the annexed map as “controlled camp sites” and such additional places as may be defined by the Council by resolution from time to time and publicly notified in accordance with clause 4 of this bylaw.

Specified Period means the period from 6:00 p.m. on the Friday of the festival weekend to 8:00 a.m. on the Sunday of the Hokitika Wildfoods Festival and any additional periods that may be determined by the Council by resolution from time to time and publicly notified in accordance with clause 4 of this bylaw.

Public Place means a place that is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier

of the place is lawfully entitled to exclude or eject any person from it; but does not include licensed premises under the Sale and Supply of Alcohol Act 2012.

Specified Public Place means a public place within the area  
~~the public areas~~ delineated on the annexed map as “area containing specified public places” and such additional places as may be defined by the Council by resolution from time to time and publicly notified in accordance with clause 4 of this bylaw.

4.0. **Addition of Specified Periods and Specified Public Places**

- 4.1. The Council may from time to time by resolution specify additional periods during which all or some of the provisions of this bylaw may apply.
- 4.2. The Council may from time to time by resolution specify additional public places in relation to which all or some of the provisions of this bylaw may apply.
- 4.3. Every resolution made pursuant to this clause shall be publicly notified at least 14 days before it shall take effect.

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~~5.0. **The Control of Liquor**~~

~~No person shall at any time (whether by hand, container or in or on any vehicle) bring liquor into any specified public place during any specified period.~~

6.0. **The Control of Glass**

No person shall at any time bring into or possess any glass drinking vessels or containers in any specified public place during any specified period.

7.0. **Exemptions**

This bylaw does not prohibit, in the case of ~~liquor in~~ unopened glass bottles or unopened glass containers:

- (a) the transport of such bottles or containers by, or to a resident (or their bona fide visitors) or premises within the specified public place (whether transporting to or from the premises),
- (b) the transport of such bottles or containers to or from any premises licensed for the sale of ~~liquor alcohol~~ under the Sale ~~of Liquor Act 1989~~ and Supply of Alcohol Act 2012.



8.0. **The Control of Camping**

No person shall at any time during any specified period camp whether in a vehicle, tent or otherwise, in any specified public place PROVIDED THAT it is permitted to camp within ~~the a controlled~~ camp ~~site areasite~~ during events.

9.0. **The Control of Trading**

9.1. No person shall at any time during any specified period sell or hire, or expose for sale or hire, any goods, wares, merchandise or services, or sell or expose for sale any food in any specified **public** place without a licence issued by the Council and only in compliance with the conditions imposed by that licence.

9.2. Without limiting the Council's powers in respect of the licensing referred to in clause 9.1. hereof, such licence conditions may relate to fees, specific permitted activity and specific site allocation.

10.0 **Breach and Penalty**

Any person who acts in breach of any provisions of this bylaw commits an offence and on summary conviction is liable to the penalty set out in Section 242(4) of the Local Government Act 2002 (a fine not exceeding \$20,000.00).





resolution made by the Council ]  
on the Twenty Fifth day of January,  
2007. ]

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Mayor

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General Manager

**This Bylaw was reviewed pursuant to Section 158 of the Local Government Act 2002 and was confirmed on 9<sup>th</sup> December 2009.**

**This Bylaw was subsequently reviewed and amended pursuant to Section 159 of the Local Government Act 2002 in 2018 and was confirmed on [X DATE].**

# Report



**DATE:** 26 April 2018  
**TO:** Mayor and Councillors  
**FROM:** Group Manager: Corporate Services

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## **COUNCIL CONTROLLED ORGANISATIONS DIRECTOR APPOINTMENT POLICY AMENDMENT**

### **1 SUMMARY**

- 1.1 The purpose of this report is for Council to review its Policy on Appointment and Remuneration of Directors of Council Organisations (COs) and Council Controlled Organisations (CCOs).
- 1.2 This issue arises because of Council's request that elected members be allowed to be appointed to CCO boards.
- 1.3 Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by Council as part of the Long Term Plan 2015-25. These are stated on Page 2 of this agenda.
- 1.4 This report concludes by recommending that Council adopts the revised policy on Appointment and Remuneration of Directors of Council Organisations (Cos) and Council Controlled Organisations (CCOs).

### **2 BACKGROUND**

- 2.1 Council undertook a review of its policy in 2016 and this was revoked at Council meeting on 24 November 2016 as it did not allow for elected members to be appointed to CCO boards.

### **3 CURRENT SITUATION**

- 3.1 Council is required to adopt a policy on the Appointment and Remuneration of Directors of Council Organisations (COs) and Council Controlled Organisations (CCOs) under LGA s57 (1)
- 3.2 Council adopted the policy at Council meeting 22 March 2018.
- 3.3 Due to resignation of the Chair of Westland Holdings Limited (WHL), the CCO is unable to function in its constitution of Governance.
- 3.4 There has been a call to revoke the appointments to the board made at the 22 March 2018 Council meeting, therefore staff feel it appropriate to bring the policy back for adoption with no further changes.

### **4 OPTIONS**

- 4.1 Option 1: Adopt the policy
- 4.2 Option 2: Do not adopt the policy

### **5 SIGNIFICANCE AND ENGAGEMENT**

- 5.1 The decision to adopt a policy on the appointment of directors to CCOs is administrative in nature and therefore is assessed as having a low level of significance.
- 5.2 Wider community engagement is not necessary.

### **6 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)**

- 6.1 Option 1: Adopt the policy.
  - 6.1.1 LGA s 57(1) states that Council must adopt a policy on the Appointment and Remuneration of Directors of Council Organisations (COs) and Council Controlled Organisations O(CCOs).
  - 6.1.2 The Chair of WHL has resigned and until a policy is adopted, Council cannot direct staff to conduct a recruitment process.
  - 6.1.3 Adoption of the policy is administrative in nature.
- 6.2 Option 2: Do not adopt the policy.
  - 6.2.1 WHL cannot function in its constitution of Governance until a policy is adopted under LGA s 57(1), and continuity of governance is compromised.

## 7 PREFERRED OPTIONS AND REASONS

- 7.1 The preferred option is 1: Adopt the policy  
There have been no changes to the policy since adoption at the 22 March 2018 Council meeting.

## 8 RECOMMENDATIONS

- A) **THAT** Council adopt the policy on Appointment and Remuneration of Directors of Council Organisations and Council Controlled Organisations.

**Lesley Crichton**

**Group Manager: Corporate Services**

**Appendix 1:** Draft Policy on Appointment and Remuneration of Directors of Council Organisations (COs) and Council Controlled Organisations (CCOs)

# Appendix 1



Draft for adoption by Council  
26 April  
2018



## **1. Introduction**

Westland District Council either owns or has an interest in a number of Council Organisations (COs) and Council Controlled Organisations (CCOs).

Council Organisations (COs) are organisations in which one or more local authorities controls any proportion of the voting rights or right to appoint directors.

Westland's CO's are:

- Tourism West Coast
- West Coast Rural Fire Authority
- Westland Wilderness Trust

Council Controlled Organisations (CCOs) are best described as any organisation in which one or more local authorities control 50% or more of the voting rights or have the right to appoint 50% or more of the directors. Council Controlled Trading Organisations (CCTOs) are similar to CCOs except a CCTO has the objective of trading for profit.

In the rest of this document CCO is used to mean both CCO and CCTO.

CCO's within Westland are:

Westland Holdings Limited which holds 100% of the shares in:

- Westroads Ltd;
- Westland District Property Ltd; and
- Hokitika Airport Ltd.

The Local Government Act 2002 S(57) (2) states that Council may appoint a person to be a director of a Council Organisation only if it considers that the person has the skills, knowledge and experience to:

- guide the organisation given it's the nature and scope of its activities.
- contribute to the achievement of the objective of the organisation.

S(57) (1) of the Local Government Act 2002 requires a policy to be adopted setting out an objective and transparent process for the identification and consideration of the skills, knowledge and experience required of directors of Council organisations, the appointing of directors and the remuneration to directors of a Council organisation.

## **2. Council Organisations (COs)**

Council may appoint an elected representative or other nominated person as a director of a CO where requested by the organisation.

Council will consider the skills, knowledge and experience of the elected representative or nominated person to the activities and objectives of the organisation concerned.

These appointments are honorary appointments with no remuneration paid by Council. Remuneration can however be paid by the organisations themselves.

## **3. Council Controlled Organisations (CCOs)**

It is considered that any person appointed to be a director of a CCO should, as a minimum, have the following skills:

- An understanding of governance and in the distinction in the roles and responsibilities of a director/trustee from that of management.
- Independence of thought and sound judgement in making balanced decisions.
- An intellectual ability and enquiring mind; demonstrated in ability formulate strategy and to test facts, options, benefits and risks when dealing with complex matters.
- A high level of personal integrity and candour.
- Commercial, technical or other experience and skill relevant to the activities of the organisation.
- The ability to work as a member of a team in an environment where dealing with differences of views is seen as an essential attribute of effectiveness.
- An understanding of the wider issues of a publicly accountable shareholder. In particular the ability to understand and find an optimal balance between meeting the public and private good objectives of the organisation.

## **4. Term of Appointment**

Subject to any specific trust deed or constitution requirements, the initial term for a CCO director will be for a period of up to four years. Subject to a review of the director's performance at the end of each term, any provisions in the CCO trust deed or constitution, and a review of the needs of the CCO board in question, the typical tenure for a director will be eight years. This is to ensure that the board benefits from the knowledge and experience a director develops during their first term.

Following eight years of service on a board, and subject to any maximum term in the trust deed or constitution, there will be an option for further terms.

Following twelve years of service, and subject to any maximum term in the trust deed or constitution, a director may be re-appointed, but only in exceptional circumstances.

The rationale is that after eight to twelve years on the board, it is usually helpful to bring in fresh ideas and drive to the board. However, where an individual continues to display the necessary qualities to continue to take the entity forward, additional terms may be recommended at the discretion of the Council or Sub Committee of Council, or Westland Holdings Ltd.

Where necessary, directors shall be appointed for terms of one to four years in order to avoid all the board members' terms becoming vacant at the same time. Where an appointment replaces an existing director, typically the appointment will be for the remainder of that director's term to maintain the effect of staggering expiry dates.

Any consideration of terms and reappointments should consider the question of succession and the need to balance fresh ideas with the need to maintain experience and institutional knowledge within the board.

Where possible, the appointment period will expire at the Annual General Meeting of the CCO to assist in the process of roll-overs and new appointments.

## **5. Appointment Process**

When vacancies arise in any CO/CCO which Council directly controls, Council will identify a shortlist of candidates, who are considered to meet the above criteria, and will make a decision in a public excluded meeting in order to protect the privacy of these persons.

When canvassing for candidates for board appointments, Council or WHL shall:

- Take advice from the existing board on the needs of the board
- Make it publicly known that any interested and suited people can apply for possible selection.

Council staff may not stand for election of the CCO.

Where a vacancy arises in organisations that are subsidiaries of WHL, the directors of WHL will be responsible for the appointment using a process that is consistent with this Policy. Council reserves the right to recommend suitable candidates and to veto any director appointment intended by WHL, if Council considers the appointment will not be in the best interests of achieving Council's vision and strategies. Council offers WHL the opportunity for Council to advertise the vacancy and conduct the administration of applications on behalf of WHL.

All candidates offered appointments shall first make themselves aware of the nature and circumstance of the business before taking up the appointment, and Council will liaise with the organisation's board to give the appointee

access to suitable information needed for the appointee to make an informed decision to take on the appointment.

Public announcement of the appointment will be made as soon as practicable after the Council has made its decision.

## **6. Conflicts of Interest**

Westland District Council expects that directors of council organisations will avoid situations where their actions could give rise to a conflict of interest.

Council expects directors to follow the principles of the Institute of Directors in New Zealand INC (IOD) Conflicts of Interest, and Best Practice for New Zealand Directors Statements to minimise these situations.

In the case of any CCO, including Westland Holdings Limited or its subsidiaries, Hokitika Airport Limited, Westland District Property Limited and Westroads Limited, and any other subsidiaries of these subsidiaries, the director's remuneration, together with business transactions with businesses in which a director has an interest, may not exceed 10% of the annual gross revenue of the CCO without the prior approval of Council. Any director of a CCO may be dismissed for a breach of this requirement

Each CCO board of directors/trustees, including subsidiaries of holding companies, will adopt and keep current a board Code of Conduct that is in keeping with (IOD) recommended practice and consistent with Council's Code of Conduct.

## **7. Remuneration**

Director's fee remuneration of Council Organisations is a matter of public interest.

Where Council or Westland Holdings Limited is the sole shareholder it will set directors fees either by resolution at the Annual General Meeting or review and approve fees on an annual basis (for those organisations that do not have an AGM). When approving the level of directors fees the following factors will be considered:

- The need to attract and retain appropriately qualified people to be directors of the CCO.
- Remuneration levels paid to comparable organisation.
- The objectives, nature and scale of the CCO.
- The past performance of the CCO.
- The financial situation of the CCO
- The responsibilities of the director, particular that of chair.

Where Council or Westland Holdings Limited cannot exercise direct control, such as in an organisation where it holds less than 50% of the shares, it can, if required, monitor salaries paid against the above factors and may publicly disclose the name of any organisation which it considers is not complying with the above factors.

All directors will be entitled to claim reimbursement of necessary and prudently incurred expenses arising from the performance of their duties as a director. Where the CCO has a board policy on reimbursement it must be consistent with this requirement.

## **8. Holding Companies Consistency**

Where Council holds 50% or more shares in a CCO holding company, where this company holds subsidiary companies, then for the holding company, each subsidiary and their subsidiaries, the policies set out here will be adopted by/be consistent with their policy and practice.