

A G E N D A

Extraordinary Council Meeting

Council Chambers

**Monday 2 July 2018
commencing at 4.00 pm**

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



EXTRAORDINARY COUNCIL MEETING

**EXTRAORDINARY MEETING OF THE WESTLAND DISTRICT COUNCIL,
TO BE HELD IN THE COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA
ON MONDAY 2 JULY 2018 COMMENCING AT 4.00 PM**

COUNCIL VISION

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

Purpose:

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

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

1. MEMBERS PRESENT, APOLOGIES AND INTEREST REGISTER:

1.1 Apologies & Leave of Absence

1.2 Interest Register

2. BUSINESS

2.1 Adoption of 2018-2028 Long Term Plan

This document will be forwarded under separate cover.

The Audit Opinion will be tabled at the meeting.

2.2 Rates Resolution 2018/19

This document will be forwarded under separate cover.

2.3 Adoption of Reviewed Bylaws and Policy on Dogs

(Pages 4-148)

Report

WESTLAND
DISTRICT COUNCIL



DATE: 2 July 2018

TO: Mayor and Councillors

FROM: Group Manager: Planning, Community & Environment

ADOPTION OF REVIEWED BYLAWS AND POLICY ON DOGS

1 SUMMARY

- 1.1 The purpose of this report is to seek Council adoption of ten draft bylaws and an associated Policy on Dogs, following consideration of submissions received under the Special Consultative Procedure as per Section 83 of the Local Government Act 2002.
- 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 adopt the ten attached bylaws and Policy on Dogs.

2 BACKGROUND

- 2.1 Significant background to the review of various bylaws and the Policy on Dogs is provided in the 26 April 2018 report to Council. In brief:
- 2.2 The Local Government Act 2002 and various other legislation empowers Council to make bylaws for a variety of purposes.
- 2.3 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. In addition, the Waste Water Bylaw lapsed in February 2018 and was reviewed with the goal of re-instatement. The Policy on Dogs is also required to be reviewed based on changes to the Dog Control Bylaw.

- 2.4 At its 26 April 2018 meeting, the Council approved a Statement of Proposal for a Special Consultative Procedure under Section 83 of the Local Government Act 2002, allowing for a submission period on the proposed bylaws and Policy and Dogs to run concurrently with consultation on the 2018-2028 draft Long Term Plan.

3 CURRENT SITUATION

- 3.1 The Statement of Proposal was advertised in the Hokitika Guardian and on the Council's website, and in the Westland Matters newsletter. The consultation period ran from Friday 17 May through Friday 15 June 2018.
- 3.2 Nine submissions were received related to the Statement of Proposal. Six of these used the relevant Bylaw submission form, while three others were sections of submissions on the Long Term Plan that were forwarded to this process as they commented on bylaw-related matters.
- 3.3 Five submissions related to the Dog Control Bylaw and Policy on Dogs, two submissions related to the Speed Limits Bylaw, and two submissions related to the Trading in Public Places Bylaw.
- 3.4 After a scheduled hearing on 19 June of submitters who wished to be heard and made themselves available, the Council at its 20 June 2018 meeting formally received all submissions, deliberated, and gave instructions to staff to prepare final versions of the bylaws and Policy on Dogs in line with their decisions on each submission. These decisions are contained in the minutes to the 20 June meeting.
- 3.5 The Council instructed amendments to the Dog Control Bylaw and Policy on Dogs, based on four submissions from Kumara that felt that other control methods (voice, whistle, electronic collar, etc) besides leashes should be sufficient outside of Hokitika, and that the proposed restrictions would have unduly penalised well-behaved, low-risk dogs and responsible owners.
- 3.6 The resulting amendments are to remove the 'on-leash' requirement outside the Hokitika Urban Area for formed legal road including carriageways, footpaths and berms, sealed public places (not just unsealed), and beaches and shores other than a specific area from Takutai to Three Mile in the Hokitika area. Section 4 of the Policy on Dogs has also been amended to make clear the greater provision for off-leash areas outside the Hokitika Urban Area.

- 3.7 The Council agreed to investigate the requested speed limit changes, but did not consider the Speed Limit Bylaw to require amendment at this time, as the specific requests for speed limit changes on particular roads need to go through a separate process involving the community and central government. The Register of Speed Limits attached to the Bylaw can be amended if required following that process.
- 3.8 In relation to the Trading in Public Places Bylaw, the Council agreed that the District Plan Review would investigate the issue of how hawkers' and mobile shop activities are treated relative to activities on private land, with respect to any requirement for resource consent in particular areas. The Council did not agree to prohibit hawkers and mobile shop licences from any areas where commercial activity is not currently permitted by the District Plan. Though not directly a bylaw matter, the Council also did not agree to increase the current fees for hawkers and mobile shops.

4 OPTIONS

- 4.1 The Council has already deliberated and made decisions on the submissions, at its meeting of 20 June 2018. The options now are around whether to adopt the bylaws and the Policy on Dogs that have been revised accordingly.
- 4.2 Today's options are essentially as follows:
 - **Option One: Adopt the various reviewed bylaws and Policy on Dogs as amended in response to submissions, as attached.** The content of these is the same as the ones that were proposed and subject to consultation, but with the revisions directed by Council on 20 June.
 - **Option Two: Adopt the various reviewed bylaws and Policy on Dogs as amended in response to submissions, as attached, but with further amendment.** This is the option Council would choose if it felt that the attached versions did not adequately or accurately reflect its direction of 20 June.
 - **Option Three: Do not adopt the various reviewed bylaws and Policy on Dogs at this time.** This option would mean that most of the bylaws would be allowed to expire (in which case they would be automatically revoked two years after the expiry date).

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 The initially proposed revisions were based on a workshop with Elected Members, feedback through the residents' satisfaction survey, and meetings with some community groups on topics of interest to them. Subsequent to this, district-wide consultation has occurred through the Special Consultative Procedure under Section 83 of the Local Government Act. The submission period ran from 17 May through 15 June 2018.
- 5.3 The Statement of Proposal inviting submissions was advertised in the Hokitika Guardian, in the Westland Matters electronic newsletter, on the Council website, and through circulation to business and community groups and associations.
- 5.4 Submission forms, and the proposed bylaws and Policy on dogs, were made available on the Council website and at Council offices. The website also contained existing versions for comparison purposes, and tracked-changes versions were available on request.
- 5.5 Nine submissions were received, and any submitter who wished to be heard had an opportunity during the scheduled hearing dates of 19-20 June 2018.
- 5.6 After today's decision, there is a legislative requirement to place a public notice in a local newspaper advising of the Council's decision to adopt the bylaws and Policy on Dogs, and to make these documents available at Council's office and on its website. There will be further public education required in relation to some of the new provisions (e.g. expanded dog-on-leash areas in Hokitika), and this will be coordinated by Council staff using appropriate channels such as newsletters.

6 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

General options

- 6.1 The general options above have been assessed as follows:

- **Option One: Adopt the various reviewed bylaws and Policy on Dogs as amended in response to submissions, as attached.** This is the recommended option, as it is considered by staff to incorporate the direction given by Council at its 20 June meeting, and to reflect a balanced and appropriate response to submissions.
- **Option Two: Adopt the various reviewed bylaws and Policy on Dogs as amended in response to submissions, as attached, but with further amendment.** This option is acceptable if Council feels that the attached versions do not adequately or accurately reflect its direction of 20 June.
- **Option Three: Do not adopt the various reviewed bylaws and Policy on Dogs at this time.** This option would mean that most of the bylaws would be allowed to expire (in which case they would be automatically revoked two years after the expiry date). This 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.

Legislative considerations

6.2 As explained in the 26 April 2018 report to Council, legislation requires that Council consider a number of matters in relation to adopting or reviewing any bylaw:

- It must 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.
- 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 of the bylaw is not made; and (c) the bylaw is appropriate and proportionate in the light of that likely crime or disorder.
- Section 155(2) of the Local Government Act 2002 also 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.

- The Council must also 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.
- 6.3 These considerations were covered in the 26 April 2018 report to Council, and the assessment was that there were no causes for concern in relation to these. By adopting the bylaws as attached, Council is agreeing that it has considered the issues above and is comfortable with the bylaws in light of these.
- 6.4 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).

Financial Implications

- 6.5 The direct costs to Council of having a 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.
- 6.6 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 One, adopting the various reviewed bylaws and Policy on Dogs as amended in response to submissions, as attached. 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 incorporates further amendments based on Council's consideration of submissions received in response to the Statement of Proposal.

8 RECOMMENDATIONS

- A) **THAT** following the deliberations and decisions made at its 20 June 2018 meeting in response to submissions received on the Statement of Proposal for the Review of Various Bylaws and Policy on Dogs, Council approves the revised bylaws and Policy on Dogs attached as Appendix 3.

Jim Ebenhoh

Group Manager: Planning, Community and Environment

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

Appendix 2: Submissions received

Appendix 3: Final versions of bylaws and Policy on Dogs for adoption, in alphabetical order as follows:

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



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

17th May 2018

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 (17th May 2018 to 15th June 2018)

Submit online at www.westlanddc.govt.nz

GET YOUR SUBMISSION TO COUNCIL BY 5.00PM ON FRIDAY 15TH JUNE 2018

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.

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 most 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 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, 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 and Glacier Country Heliport

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 killing of cats in the 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. daylight hours only) and location (e.g. on the seaward side of the 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 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 proposal 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 receptables
- 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 and 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 full 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 on 20th June 2018 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
- (4) You can also complete submissions at 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 03 756 9010 or council@westlanddc.govt.nz.

Timetable

17th May 2018: submissions open

15th June 2018 (5pm): submissions close

20th June 2018: hearing of submissions

30th June 2018: 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 15th June 2018!



2018 REVIEW OF VARIOUS BYLAWS AND POLICY ON DOGS

Submission #	Submitter Name	Wishes to be heard	Page(s)
1	W. Elizabeth Bachmann-Wells	N	3-4
2	Matthew Fitzgibbon	N	5-6
3	Hannah Fitzgibbon	N	7-8
4	Kate Hawkins	N	9-10
5	Robert Schadewinkel	N	11
6	Inger Perkins	N	12
7	Gemma van Beek	N	13-16
8	Barry Hughes	Y	17-20
9	Kees van Beek	Y	21-24

Diane Maitland

From: Council
Sent: Friday, 15 June 2018 3:05 PM
To: Consultation Submissions
Subject: Form submission from: Submission Form: Various Bylaws and Policy on Dogs

New submission on the Various Bylaws and Policy on Dogs

Submitted on Friday, June 15, 2018 - 15:04

Submitted values are:

Name: W.Elisabeth Bachmann-Wells

Organisation (if applicable):

Postal address: RD1 Kumara

Email: elisafrankwells@farmside.co.nz

Phone Number: 0274712704

Which Bylaw / Policy are you commenting on in this form? Dog Control Bylaw

Submission: I oppose the proposal

My submission is:

Submission

Although I agree there needs to be controls put in place to safeguard members of the public from problem dogs, I feel that the changes proposed are very restrictive for well behaved, low risk dogs and responsible owners.

The 1997 bylaw states that No person shall take, or allow to be taken, any dog not controlled on a leash within the land zoned as Commercial Core. This is a great policy to protect both dog and members of the public and puts the responsibility on the owner to use common sense when in town. This can also be extended to Residential Mixed or Industrial/Commercial in the Westland District Plan in Hokitika Urban area as per the proposed bylaw changes.

I understand there may be problems with dogs in Hokitika, but outside Hokitika Urban Area the proposed changes will affect the whole of Westland which do not have the same problems.

The 2017 policy states: 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.

The Proposed bylaw statement 13. LEASH ONLY AND PROHIBITED AREAS: No person shall take, or allow to be taken, any dog not controlled on a leash, lead or container within any public area not designated as an approved "off-leash" area.

The proposed changes may result in many places being restricted (including tracks not maintained by DOC), with the exception of some listed areas.

Outside the Hokitika Urban area off-leash areas proposed include the phrase 'non-vegetated shores of all beaches'. I feel this is misleading and open to interpretation. Are sedge grasses, tussocks and gorse considered as vegetation? Where is the risk in areas or times of year where there are no penguins?

Also with possible new restrictions are 'formed legal roads including carriageways, footpaths and berms' are proposed to be 'on leash' areas only. If a dog is fully under control and posing no threat to others, surely other control methods should be considered.

The definition of a public place is not changing however the proposed control methods are.

Bylaw 1997 states 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 by means of a lead, leash, container, voice, whistle, electronic device or other effective means.

The proposed changes are: 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.

Therefore a well behaved dog who is under the complete control of the owner (for example walking at heel, non aggressive and no risk) should still be safe in most areas including walking tracks, unless prohibited by signage, such as DOC walking tracks.

I personally work with voice, electronic collar and whistle whilst in public places along with a lead when needed and all work very effectively to keep my dog under control whilst allowing her to exercise.

If Westland District 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 then having affordable local training courses for dog obedience and also training collars available for hire would help with this.

Council seeks to change the attitudes and behaviours of irresponsible dog owners and where appropriate penalize irresponsible dog ownership.

As per the dog control policy 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.

These proposed changes penalize all responsible dog owners by restricting exercise areas and established dog control methods no longer being recognised. Please reconsider.

Do you wish to be heard in support of your submission? No

Diane Maitland

From: Council
Sent: Friday, 15 June 2018 10:33 AM
To: Consultation Submissions
Subject: Form submission from: Submission Form: Various Bylaws and Policy on Dogs

New submission on the Various Bylaws and Policy on Dogs

Submitted on Friday, June 15, 2018 - 10:32

Submitted values are:

Name: Matthew Fitzgibbon

Organisation (if applicable):

Postal address: 92 Seddon Street, Kumara

Email: mattyfitzskier@gmail.com

Phone Number: 0273015067

Which Bylaw / Policy are you commenting on in this form? Dog Control Policy

Submission: I oppose the proposal

My submission is:

Although I agree there needs to be controls put in place to safeguard members of the public from problem dogs, I feel that the changes proposed are very restrictive for well behaved, low risk dogs and responsible owners.

The 1997 bylaw states that No person shall take, or allow to be taken, any dog not controlled on a leash within the land zoned as Commercial Core. This is a great policy to protect both dog and members of the public and puts the responsibility on the owner to use common sense when in town. This can also be extended to Residential Mixed or Industrial/Commercial in the Westland District Plan in Hokitika Urban area as per the proposed bylaw changes.

I understand there may be problems with dogs in Hokitika, but outside Hokitika Urban Area the proposed changes will affect the whole of Westland which do not have the same problems.

The 2017 policy states: 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.

The Proposed bylaw statement 13. LEASH ONLY AND PROHIBITED AREAS: No person shall take, or allow to be taken, any dog not controlled on a leash, lead or container within any public area not designated as an approved "off-leash" area.

The proposed changes may result in many places being restricted (including tracks not maintained by DOC), with the exception of some listed areas.

Outside the Hokitika Urban area off-leash areas proposed include the phrase 'non-vegetated shores of all beaches'. I feel this is misleading and open to interpretation. Are sedge grasses, tussocks and gorse considered as vegetation? Where is the risk in areas or times of year where there are no penguins?

Also with possible new restrictions are 'formed legal roads including carriageways, footpaths and berms' are proposed to be 'on leash' areas only. If a dog is fully under control and posing no threat to others, surely other control methods should be considered.

The definition of a public place is not changing however the proposed control methods are.

Bylaw 1997 states 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 by means of a lead, leash, container, voice, whistle, electronic device or other effective means.

The proposed changes are: 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.

Therefore a well behaved dog who is under the complete control of the owner (for example walking at heel, non aggressive and no risk) should still be safe in most areas including walking tracks, unless prohibited by signage, such as DOC walking tracks.

I personally work with voice and whistle whilst in public places along with a lead when needed and all work very effectively to keep my dog under control whilst allowing him to exercise.

If Westland District 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 then having affordable local training courses for dog obedience and also training collars available for hire would help with this.

Council seeks to change the attitudes and behaviours of irresponsible dog owners and where appropriate penalize irresponsible dog ownership.

As per the dog control policy 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.

These proposed changes penalize all responsible dog owners by restricting exercise areas and established dog control methods no longer being recognised.

These restrictive changes could also result in the unfair treatment of dogs as some owners may stop exercising their dog as a result in the restrictions and distance from 'off-leash' zones which would be tragic for well behaved, well controlled dogs.

Please reconsider.

Do you wish to be heard in support of your submission?: No

From: Council
Sent: Friday, 15 June 2018 10:32 AM
To: Consultation Submissions
Subject: Form submission from: Submission Form: Various Bylaws and Policy on Dogs

New submission on the Various Bylaws and Policy on Dogs

Submitted on Friday, June 15, 2018 - 10:32

Submitted values are:

Name: Hannah Fitzgibbon

Organisation (if applicable):

Postal address: 92 Seddon Street, Kumara

Email: hwilson_221@hotmail.com

Phone Number: 0279780972

Which Bylaw / Policy are you commenting on in this form? Dog Control Policy

Submission: I oppose the proposal

My submission is:

Although I agree there needs to be controls put in place to safeguard members of the public from problem dogs, I feel that the changes proposed are very restrictive for well behaved, low risk dogs and responsible owners.

The 1997 bylaw states that No person shall take, or allow to be taken, any dog not controlled on a leash within the land zoned as Commercial Core. This is a great policy to protect both dog and members of the public and puts the responsibility on the owner to use common sense when in town. This can also be extended to Residential Mixed or Industrial/Commercial in the Westland District Plan in Hokitika Urban area as per the proposed bylaw changes.

I understand there may be problems with dogs in Hokitika, but outside Hokitika Urban Area the proposed changes will affect the whole of Westland which do not have the same problems.

The 2017 policy states: 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.

The Proposed bylaw statement 13. LEASH ONLY AND PROHIBITED AREAS: No person shall take, or allow to be taken, any dog not controlled on a leash, lead or container within any public area not designated as an approved "off-leash" area.

The proposed changes may result in many places being restricted (including tracks not maintained by DOC), with the exception of some listed areas.

Outside the Hokitika Urban area off-leash areas proposed include the phrase 'non-vegetated shores of all beaches'. I feel this is misleading and open to interpretation. Are sedge grasses, tussocks and gorse considered as vegetation? Where is the risk in areas or times of year where there are no penguins?

Also with possible new restrictions are 'formed legal roads including carriageways, footpaths and berms' are proposed to be 'on leash' areas only. If a dog is fully under control and posing no threat to others, surely other control methods should be considered.

The definition of a public place is not changing however the proposed control methods are.

Bylaw 1997 states 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 by means of a lead, leash, container, voice, whistle, electronic device or other effective means.

The proposed changes are: 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.

Therefore a well behaved dog who is under the complete control of the owner (for example walking at heel, non aggressive and no risk) should still be safe in most areas including walking tracks, unless prohibited by signage, such as DOC walking tracks.

I personally work with voice and whistle whilst in public places along with a lead when needed and all work very effectively to keep my dog under control whilst allowing him to exercise.

If Westland District 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 then having affordable local training courses for dog obedience and also training collars available for hire would help with this.

Council seeks to change the attitudes and behaviours of irresponsible dog owners and where appropriate penalize irresponsible dog ownership.

As per the dog control policy 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.

These proposed changes penalize all responsible dog owners by restricting exercise areas and established dog control methods no longer being recognised.

These restrictive changes could also result in the unfair treatment of dogs as some owners may stop exercising their dog as a result in the restrictions and distance from 'off-leash' zones which would be tragic for well behaved, well controlled dogs.

Please reconsider.

Do you wish to be heard in support of your submission?: No

From: Council
Sent: Friday, 15 June 2018 12:01 AM
To: Consultation Submissions
Subject: Form submission from: Submission Form: Various Bylaws and Policy on Dogs

New submission on the Various Bylaws and Policy on Dogs

Submitted on Friday, June 15, 2018 - 00:00

Submitted values are:

Name: Kate Hawkins

Organisation (if applicable):

Postal address:

41 Greenstone Road,

Kumara,

West Coast

7832

Email: kate.hawkins@live.com

Phone Number: 02108113396

Which Bylaw / Policy are you commenting on in this form? Dog Control Bylaw

Submission: I oppose the proposal

My submission is:

Although I agree there needs to be controls put in place to safeguard members of the public from problem dogs, I feel that the changes proposed are very restrictive for well behaved, low risk dogs and responsible owners.

The 1997 bylaw states that No person shall take, or allow to be taken, any dog not controlled on a leash within the land zoned as Commercial Core. This is a great policy to protect both dog and members of the public and puts the responsibility on the owner to use common sense when in town. This can also be extended to Residential Mixed or Industrial/Commercial in the Westland District Plan in Hokitika Urban area as per the proposed bylaw changes.

I understand there may be problems with dogs in Hokitika, but outside Hokitika Urban Area the proposed changes will affect the whole of Westland which do not have the same problems.

The 2017 policy states: 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.

The Proposed bylaw statement 13. LEASH ONLY AND PROHIBITED AREAS: No person shall take, or allow to be taken, any dog not controlled on a leash, lead or container within any public area not designated as an approved "off-leash" area.

The proposed changes may result in many places being restricted (including tracks not maintained by DOC), with the exception of some listed areas.

Outside the Hokitika Urban area off-leash areas proposed include the phrase 'non-vegetated shores of all beaches'. I feel this is misleading and open to interpretation. Are sedge grasses, tussocks and gorse considered as vegetation? Where is the risk in areas or times of year where there are no penguins?

Also with possible new restrictions are 'formed legal roads including carriageways, footpaths and berms' are proposed to be 'on leash' areas only. If a dog is fully under control and posing no threat to others, surely other control methods should be considered.

The definition of a public place is not changing however the proposed control methods are.

Bylaw 1997 states 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 by means of a lead, leash, container, voice, whistle, electronic device or other effective means. The proposed changes are: 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.

Therefore a well behaved dog who is under the complete control of the owner (for example walking at heel, non aggressive and no risk) should still be safe in most areas including walking tracks, unless prohibited by signage, such as DOC walking tracks.

I personally work with voice, electronic collar and whistle whilst in public places along with a lead when needed and all work very effectively to keep my dog under control whilst allowing her to exercise.

If Westland District 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 then having affordable local training courses for dog obedience and also training collars available for hire would help with this.

Council seeks to change the attitudes and behaviours of irresponsible dog owners and where appropriate penalize irresponsible dog ownership.

As per the dog control policy 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.

These proposed changes penalize all responsible dog owners by restricting exercise areas and established dog control methods no longer being recognised. Please reconsider.

Do you wish to be heard in support of your submission?: No

From: Council
Sent: Thursday, 17 May 2018 3:20 PM
To: Consultation Submissions
Subject: Form submission from: Submission Form: Various Bylaws and Policy on Dogs

New submission on the Various Bylaws and Policy on Dogs

Submitted on Thursday, May 17, 2018 - 15:19

Submitted values are:

Name: Robert Schadewinkel

Organisation (if applicable):

Postal address:

175b Princes Drive

Nelson

Email: rschady@gmail.com

Phone Number: 022 376 2378

Which Bylaw / Policy are you commenting on in this form? Speed Limits Bylaw

Submission: I have mixed views of the proposal My submission is:

I don't really oppose the proposal in general but I strongly believe that the open speed limit for Havill Drive, Awatuna needs to be changed to a 70km/h or 80km/h speed limited. People living on Havill Drive frequently use the road for walking, running, dog walking, cycling, horse riding as well as kids playing on it. 100km/h speed limit is way too high for this narrow but busy rural road lined with lifestyle block properties.

Kind regards

Do you wish to be heard in support of your submission?: No

Diane Maitland

From: Council
Sent: Tuesday, 12 June 2018 9:43 PM
To: Consultation Submissions
Subject: Form submission from: Submission Form: Various Bylaws and Policy on Dogs

New submission on the Various Bylaws and Policy on Dogs

Submitted on Tuesday, June 12, 2018 - 21:43

Submitted values are:

Name: Inger Perkins

Organisation (if applicable): West Coast Penguin Trust Postal address:

PO Box 63

Hokitika

7842

Email: info@bluepenguin.org.nz

Phone Number: 03 755 8600

Which Bylaw / Policy are you commenting on in this form? Dog Control Bylaw

Submission: I support the proposal

My submission is:

to add support to the new Dog Control Bylaw and the Dog Control Policy.

The revised wording in the draft documents is a very positive step forward in the management of loose dogs in the District and particularly in Hokitika.

On the coast, dogs are the second biggest killer of blue penguins after vehicles.

Improved control of dogs, with a general expectation that dogs should be on leashes, and with leashes to be used in certain places and at certain times in coastal areas, will therefore benefit penguins, but will also benefit people, especially children, pets, other domestic animals plus other native birds including weka and other ground nesting birds, all of whom/all of which can be at risk of attack by loose dogs.

Do you wish to be heard in support of your submission? No

7.

Submission information

Form: Submission Form: Long Term Plan 2018-2028

Submitted by Anonymous (not verified)

Thu, 06/14/2018 - 11:26

114.23.104.74

Full name: Gemma van Beek

Phone number: 037534014

Email: gl_van_beek@hotmail.com

Postal address: PO Box 89

Franz Josef Glacier 7856

Are you writing this submission as (please select one): An individual

Topic #1: Arahura Pa water supply

Council proposes to construct a new water treatment plant at Arahura Pa to treat water drawn from a new water source.

Topic 1: Indicate your support for this topic: I am neutral to the proposal

Topic 1: Please provide any comments: None

Topic #2: Transfer of management of strategic assets and non-core activities to CCO

Council proposes to transfer the management of the West Coast Wilderness Trail, Hokitika i-SITE, Hokitika Museum and events portfolio including the Hokitika Wildfoods Festival to the "Destination Westland" Council Controlled Organisation.

Topic 2: Indicate your support for this topic: I am neutral to the proposal

Topic 2: Please provide any comments: None

Topic #3: Infrastructure spending

LTP Submission
Westland District Council



Council proposes to fast-track infrastructure capital projects to comply with Drinking Water Standards and increased tourist growth in Years 1–5 of this plan and delay some asset renewals work for another 10 years while asset condition and performance data is improved.

Topic 3: Indicate your support for this topic:I support the proposal

Topic 3: Please provide any comments:None

Topic #4: Contribute funding towards the Westland High School Recreation and Community Centre project

Council proposes to allocate \$100,000 of reserve development funds to the Westland High School Recreation and Community Centre project.

Topic 4: Indicate your support for this topic:I am neutral to the proposal

Topic 4: Do you think it is important to retain youth and families in Westland and provide high quality facilities for youth and wider community use?Yes

Topic 4: Do you support this allocation of reserve funds to the Westland High School Recreation and Community Centre project?Unsure

Topic 4: Please provide any comments:None

Topic #5: Live-streaming Council Meetings

Council proposes to live-stream and maintain a video archive of Council meetings to better engage the public and keep people informed on decisions affecting the district or region in a transparent and flexible format.

Topic 5: Indicate your support for this topic:I support the proposal

Topic 5: If Council offered this service, would it be something that you would use regularly?Unsure

Topic 5: Please provide any comments:None

Other Proposed Projects

There are many other projects listed in this consultation document and Long Term Plan that are proposed for the next ten years. Please give us your feedback on any of these.

Clearly state which project you are referring to and if you support the project, are against the proposal or if your feedback is neutral.

You can find information about our other proposed projects within the Long Term Plan document at the link below:

<https://www.westlanddc.govt.nz/ltp>

Other proposed projects – please provide any comments:None

Further Feedback

Council would also like to hear any other feedback you have in relation to the:

- Consultation Document (eg. online submission form)
- Draft Long Term Plan
- Draft Fees and Charges Schedule
- Revenue and Financing Policy
- Infrastructure Strategy
- Financial Strategy
- Significance and Engagement Policy; or
- Other associated documents.

Further feedback – please provide any comments:

The business I jointly operate, Okarito Kayaks, operates as a discretionary activity on land within the Okarito Coastal Settlement. We pay commercial rates, are rightly obliged to provide facilities such as off-street car parking and toilets for customers, to minimise the impact on our local community, and contribute to promotion of the region through the targeted Tourism Promotions Rate.

We wish to see the businesses with similar day to day impacts in our local area in Okarito operating under the same sensible obligations, rather than effectively being subsidised by our commercial rates contribution by their reliance on Council funded facilities. This particularly applies to food or coffee carts operating in direct competition to our business, under Hawker's licences.

LTP Submission
Westland District Council



We respectfully submit that Hawker's licences should be restricted to operate only in areas where commercial activity is permitted and expected, rather than discretionary, or are otherwise subject to a similar rigorous process as those who are obliged to operate under a Resource Consent to permit a discretionary commercial activity. Such a rigorous process should include a similar detailed assessment of impact on neighbouring properties, and an obligation to provide or pay for the fair use of common Council-funded goods such as parking and toileting.

The Hawker's licence fees do currently come near to providing a fair contribution for the use of such facilities, and to use a user pays model with rigorous assessment and mitigation of impact would provide for a more level playing field, and consistent justification for restrictions of commercial activities as discretionary in areas such as ours.

We also respectfully submit that the Hawker's licence should include fair contribution to Tourism Promotion within the district, at the same cost of ratings applied to any other commercial activity operating in the district. Again, this would provide for a level playing field and remove the issue of those paying the Tourism Promotions Rate subsidising those who do not, but who still rely on the same ratepayer funded support to the same extent.

We also note that the description of Okarito on page 13 of the current draft LTP refers to Okarito 'including a camping ground and a kayak tour operator' but omits to include a number of other local businesses operating regularly, but not necessarily surveyed as discretionary activities permitted by the Council. We'd like to question why some businesses are included here in this description and others not, and would prefer some consistency in this description.

Many thanks for the opportunity to submit and for your time.

Gemma van Beek

Would you like to speak to your submission at a Council hearing in Hokitika? No

Submission information

Form: Submission Form: Long Term Plan 2018-2028

Submitted by Anonymous (not verified)

Thu, 06/14/2018 - 11:24

114.23.104.74

Full name:Barry Hughes

Phone number:037534014

Email:kayaks@okarito.co.nz

Postal address:PO Box 89

Franz Josef Glacier 7856

Are you writing this submission as (please select one):An individual

Topic #1: Arahura Pa water supply

Council proposes to construct a new water treatment plant at Arahura Pa to treat water drawn from a new water source.

Topic 1: Indicate your support for this topic:I am neutral to the proposal

Topic 1: Please provide any comments:None

Topic #2: Transfer of management of strategic assets and non-core activities to CCO

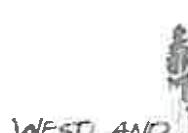
Council proposes to transfer the management of the West Coast Wilderness Trail, Hokitika i-SITE, Hokitika Museum and events portfolio including the Hokitika Wildfoods Festival to the "Destination Westland" Council Controlled Organisation.

Topic 2: Indicate your support for this topic:I am neutral to the proposal

Topic 2: Please provide any comments:None

Topic #3: Infrastructure spending

LTP Submission
Westland District Council



Council proposes to fast-track infrastructure capital projects to comply with Drinking Water Standards and increased tourist growth in Years 1–5 of this plan and delay some asset renewals work for another 10 years while asset condition and performance data is improved.

Topic 3: Indicate your support for this topic:I support the proposal

Topic 3: Please provide any comments:None

Topic #4: Contribute funding towards the Westland High School Recreation and Community Centre project

Council proposes to allocate \$100,000 of reserve development funds to the Westland High School Recreation and Community Centre project.

Topic 4: Indicate your support for this topic:I am neutral to the proposal

Topic 4: Do you think it is important to retain youth and families in Westland and provide high quality facilities for youth and wider community use?Yes

Topic 4: Do you support this allocation of reserve funds to the Westland High School Recreation and Community Centre project?Unsure

Topic 4: Please provide any comments:None

Topic #5: Live-streaming Council Meetings

Council proposes to live-stream and maintain a video archive of Council meetings to better engage the public and keep people informed on decisions affecting the district or region in a transparent and flexible format.

Topic 5: Indicate your support for this topic:I support the proposal

Topic 5: If Council offered this service, would it be something that you would use regularly?Unsure

Topic 5: Please provide any comments:None

Other Proposed Projects

There are many other projects listed in this consultation document and Long Term Plan that are proposed for the next ten years. Please give us your feedback on any of these.

Clearly state which project you are referring to and if you support the project, are against the proposal or if your feedback is neutral.

You can find information about our other proposed projects within the Long Term Plan document at the link below:

<https://www.westlanddc.govt.nz/ltp>

Other proposed projects – please provide any comments:None

Further Feedback

Council would also like to hear any other feedback you have in relation to the:

- Consultation Document (eg. online submission form)
- Draft Long Term Plan
- Draft Fees and Charges Schedule
- Revenue and Financing Policy
- Infrastructure Strategy
- Financial Strategy
- Significance and Engagement Policy; or
- Other associated documents.

Further feedback – please provide any comments:

The business I jointly operate, Okarito Kayaks, operates as a discretionary activity on land within the Okarito Coastal Settlement. We pay commercial rates, are rightly obliged to provide facilities such as off-street car parking and toilets for customers, to minimise the impact on our local community, and contribute to promotion of the region through the targeted Tourism Promotions Rate.

We wish to see the businesses with similar day to day impacts in our local area in Okarito operating under the same sensible obligations, rather than effectively being subsidised by our commercial rates contribution by their reliance on Council funded facilities. This particularly applies to food or coffee carts operating in direct competition to our business, under Hawker's licences.

LTP Submission
Westland District Council



We respectfully submit that Hawker's licences should be restricted to operate only in areas where commercial activity is permitted and expected, rather than discretionary, or are otherwise subject to a similar rigorous process as those who are obliged to operate under a Resource Consent to permit a discretionary commercial activity. Such a rigorous process should include a similar detailed assessment of impact on neighbouring properties, and an obligation to provide or pay for the fair use of common Council-funded goods such as parking and toileting.

The Hawker's licence fees do currently come near to providing a fair contribution for the use of such facilities, and to use a user pays model with rigorous assessment and mitigation of impact would provide for a more level playing field, and consistent justification for restrictions of commercial activities as discretionary in areas such as ours.

We also respectfully submit that the Hawker's licence should include fair contribution to Tourism Promotion within the district, at the same cost of ratings applied to any other commercial activity operating in the district. Again, this would provide for a level playing field and remove the issue of those paying the Tourism Promotions Rate subsidising those who do not, but who still rely on the same ratepayer funded support to the same extent.

We also note that the description of Okarito on page 13 of the current draft LTP refers to Okarito 'including a camping ground and a kayak tour operator' but omits to include a number of other local businesses operating regularly, but not necessarily surveyed as discretionary activities permitted by the Council. We'd like to question why some businesses are included here in this description and others not, and would prefer some consistency in this description.

Many thanks for the opportunity to submit and for your time.

Barry Hughes

Would you like to speak to your submission at a Council hearing in Hokitika?:Yes

If yes, do you want to make a joint case with another party?:Yes

Specify the party:Okarito Kayaks

Do you require a language interpreter in order to present at the hearing?:No

Would you prefer to present via an audio or audio-visual link?:No

9.

Submission information

Form: Submission Form: Long Term Plan 2018-2028

Submitted by Anonymous (not verified)

Fri, 06/15/2018 - 09:04

122.59.122.197

Full name:Kees van Beek

Phone number:037558844 & 0276445469

Email:kees46@outlook.co.nz

Postal address:12 Whitcombe Terrace

Hokitika. 7810

Are you writing this submission as (please select one):An individual

Topic #1: Arahura Pa water supply

Council proposes to construct a new water treatment plant at Arahura Pa to treat water drawn from a new water source.

Topic 1: Indicate your support for this topic:I support the proposal

Topic 1: Please provide any comments:High "iron" content is a problem on some properties up the valley

Topic #2: Transfer of management of strategic assets and non-core activities to CCO

Council proposes to transfer the management of the West Coast Wilderness Trail, Hokitika i-SITE, Hokitika Museum and events portfolio including the Hokitika Wildfoods Festival to the "Destination Westland" Council Controlled Organisation.

Topic 2: Indicate your support for this topic:I oppose the proposal

If not, which activities, if any, do you think are non-core Council activities and should be transferred? Is there another option that would be preferable or something you think Council has not considered?

Topic 2: Please provide any comments:

Westland is a small council and councillors are more able to deal with these matters.

LTP Submission

Westland District Council



Topic #3: Infrastructure spending

Council proposes to fast-track infrastructure capital projects to comply with Drinking Water Standards and increased tourist growth in Years 1–5 of this plan and delay some asset renewals work for another 10 years while asset condition and performance data is improved.

Topic 3: Indicate your support for this topic:I support the proposal

Topic 3: Please provide any comments:

Good water is an asset worth going for. But be careful that you are improving water not just adding costs.

Don't fix it if it ain't broke.

Topic #4: Contribute funding towards the Westland High School Recreation and Community Centre project

Council proposes to allocate \$100,000 of reserve development funds to the Westland High School Recreation and Community Centre project.

Topic 4: Indicate your support for this topic:I support the proposal

Topic 4: Do you think it is important to retain youth and families in Westland and provide high quality facilities for youth and wider community use?Yes

Topic 4: Do you support this allocation of reserve funds to the Westland High School Recreation and Community Centre project?Yes

Topic 4: Please provide any comments:

It is important that the Council gets behind the Westland High school and help to improve and promote it. The profile of Westland High needs to be elevated for the sake of the Westland community. We hear too many stories of why families have not moved to Hokitika.

Topic #5: Live-streaming Council Meetings

Council proposes to live-stream and maintain a video archive of Council meetings to better engage the public and keep people informed on decisions affecting the district or region in a transparent and flexible format.

LTP Submission

Westland District Council



Topic 5: Indicate your support for this topic:I am neutral to the proposal
Topic 5: If Council offered this service, would it be something that you would use regularly?No
Topic 5: Please provide any comments:
I dream of reading the minutes but never do.
Would it be any different.
When I get more time, maybe??

Other Proposed Projects

There are many other projects listed in this consultation document and Long Term Plan that are proposed for the next ten years. Please give us your feedback on any of these.

Clearly state which project you are referring to and if you support the project, are against the proposal or if your feedback is neutral.

You can find information about our other proposed projects within the Long Term Plan document at the link below:

<https://www.westlanddc.govt.nz/ltp>

Other proposed projects – please provide any comments:

I see no mention of the Old Christchurch Road in the LTP.

This road needs further attention as it is too well known to the Fire Brigade, Ambulance and medical services.

The recent painting of white lines down the middle of the sealed section is a good start. The paint is rather faded in places already.

There needs to be a speed limit on most of the Old Christchurch Road. Some say 70 but I would bat for 80.

This road is used as a short cut by many and in no way do you want to keep up with them as they treat it as a rally road.

In summer there is lots of loose gravel and vehicles get into trouble due to high speed and not being used to unsealed surfaces.

LTP Submission

Westland District Council



Further Feedback

Council would also like to hear any other feedback you have in relation to the:

- Consultation Document (eg. online submission form)
- Draft Long Term Plan
- Draft Fees and Charges Schedule
- Revenue and Financing Policy
- Infrastructure Strategy
- Financial Strategy
- Significance and Engagement Policy; or
- Other associated documents.

Further feedback – please provide any comments:

Would you like to speak to your submission at a Council hearing in Hokitika?: Yes

If yes, do you want to make a joint case with another party?: Yes

Specify the party: ???

Do you require a language interpreter in order to present at the hearing?: No

Would you prefer to present via an audio or audio-visual link?: No

LTP Submission

Westland District Council





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 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 16th April 1998 and (meantime having been publicly notified) confirmed at a subsequent meeting of the said Council held on the 18th 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:

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 2 July 2018.

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 Hokitika Airport. 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)

3 hours maximum	FREE
Day parking	\$5.00
Overnight parking	\$10.00

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

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

Part 2: Glacier Country Heliport

Per hour	\$2.00
Day parking	\$10.00

Parking operational hours 5am – 9pm. **NOTE: no overnight parking.**

Commercial operator landing fees are based on a Licence to Occupy Contract between the operator and Glacier Country Heliport.



WESTLAND DISTRICT ALCOHOL CONTROL BYLAW 2018

Explanatory Note

The Local Government Act 2002 gives Council the power to control the consumption and possession of alcohol in public places. The Council can use this power generally, to create on-going alcohol bans in public places, or to ban alcohol 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 alcohol 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 alcohol 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 Alcohol Control Bylaw 2018.
- 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" has the meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012.

"alcohol" has the meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012.

"alcohol 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 alcohol in, or the bringing of alcohol into, a public place; or
- (b) in conjunction with a prohibition relating to alcohol, the presence or use of a vehicle in a public place.

"public place":

- (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
- (b) does not include licensed premises

"special licence" means a licence granted under 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 alcohol control resolution); or
- (b) a alcohol control resolution, during which the consumption, bringing or possession of alcohol 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 alcohol control resolution); or
- (b) a alcohol control resolution, at which the consumption, bringing or possession of alcohol is prohibited during a specified period and publicly notified in accordance with clause 4 of this bylaw.

3. ALCOHOL PROHIBITION REGULATION AND CONTROL

- 3.1 No person shall:
 - (a) bring alcohol to a specified place, during the specified period or specified periods relating to that specified place; or
 - (b) consume or possess alcohol 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 alcohol control resolution prohibiting, regulating or otherwise controlling:
 - (a) the consumption of alcohol in a public place; or
 - (b) the bringing of alcohol into a public place; or
 - (c) the possession of alcohol in a public place; or
 - (d) in conjunction with a prohibition relating to alcohol under paragraphs (a) to (c) of this clause 3.2, the presence or use of a vehicle in a public place.

4. ALCOHOL 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 alcohol in a public place; or
 - (ii) the bringing of alcohol into a public place; or
 - (iii) the possession of alcohol in a public place; or
 - (iv) in conjunction with a prohibition relating to alcohol 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 alcohol in an unopened bottle or other unopened container, this Bylaw does not prohibit, regulate or control and no alcohol control resolution made pursuant to this Bylaw shall have the effect of prohibiting, regulating or controlling the transport of that alcohol:
- (a) from outside a public place for delivery to licensed premises next to the public place; or
 - (b) from licensed premises next to a public place, provided the alcohol 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 next to a public place by, or for delivery to, a resident of those premises or his or her bona fide visitors; or
 - (d) from premises next to a public place to a place outside the public place by a resident of those premises, provided the alcohol 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) and section 170(2) of the Act.

7. **PENALTY**

Any person who commits a breach of this bylaw is liable to a fine 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 26th of April 2018 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 2nd of July 2018.

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

Mayor

Chief Executive

SCHEDULE

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

Place	Period
All that area consisting of public places, including legal roads and public reserves, more particularly described as bounded by the following: (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". (2) All that area of public reserve described as RES 495 (Cass Square) and shown on the attached map marked "A". (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 northern boundary of the Hokitika Racecourse, then south-westerly, north-	From 8.00 pm on any day till 6.00am the following day. 24 hours each day on every day of the week. From 6.00 pm on the Friday before the Hokitika Wildfoods Festival till 8.00 am on the Sunday thereafter.

<p>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>	
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

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 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 Alcohol Act 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

 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 cited 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.

3.6 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.

3.7 Prohibited Area:

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

3.8 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.

3.9 Working dog:

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

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 or whistle control, electronic collar or similar means may be used if they are effective in maintaining control. 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.
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, lead or container within any public area not designated as an approved “off-leash” area, or within a 20m radius of children’s playgrounds.
- 14.** No person shall take, or allow to be taken, any dog on to the mown playing surfaces of any public sports ground.
- 15.** These restrictions do not apply to any guide dog, hearing dog, police dog, dogs attending any veterinary clinic located in the leash-only or prohibited areas, or any dog contained within or on any vehicle in the leash-only or prohibited area that is securely confined within or on that vehicle so as not to constitute a nuisance or endanger any person.

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, electronic collar or similar means 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 public places (including the 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)
- 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), during darkness or in the vegetated areas inland of mean high water springs (MHWS): on-leash area. This area is off-leash only during daylight hours, in the non-vegetated tidal area seaward of MHWS, in order 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:

18. 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 the Local Government Act 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

19. 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 2 July 2018.

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 _____ 20____.

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 _____ 20____.

CHIEF EXECUTIVE

OFFICE USE ONLY

Fee Paid: \$_____ Date: _____ Receipt No.: _____

(LICENCE NOT TRANSFERABLE)

Off-Leash Dog Areas Hokitika and Surrounds

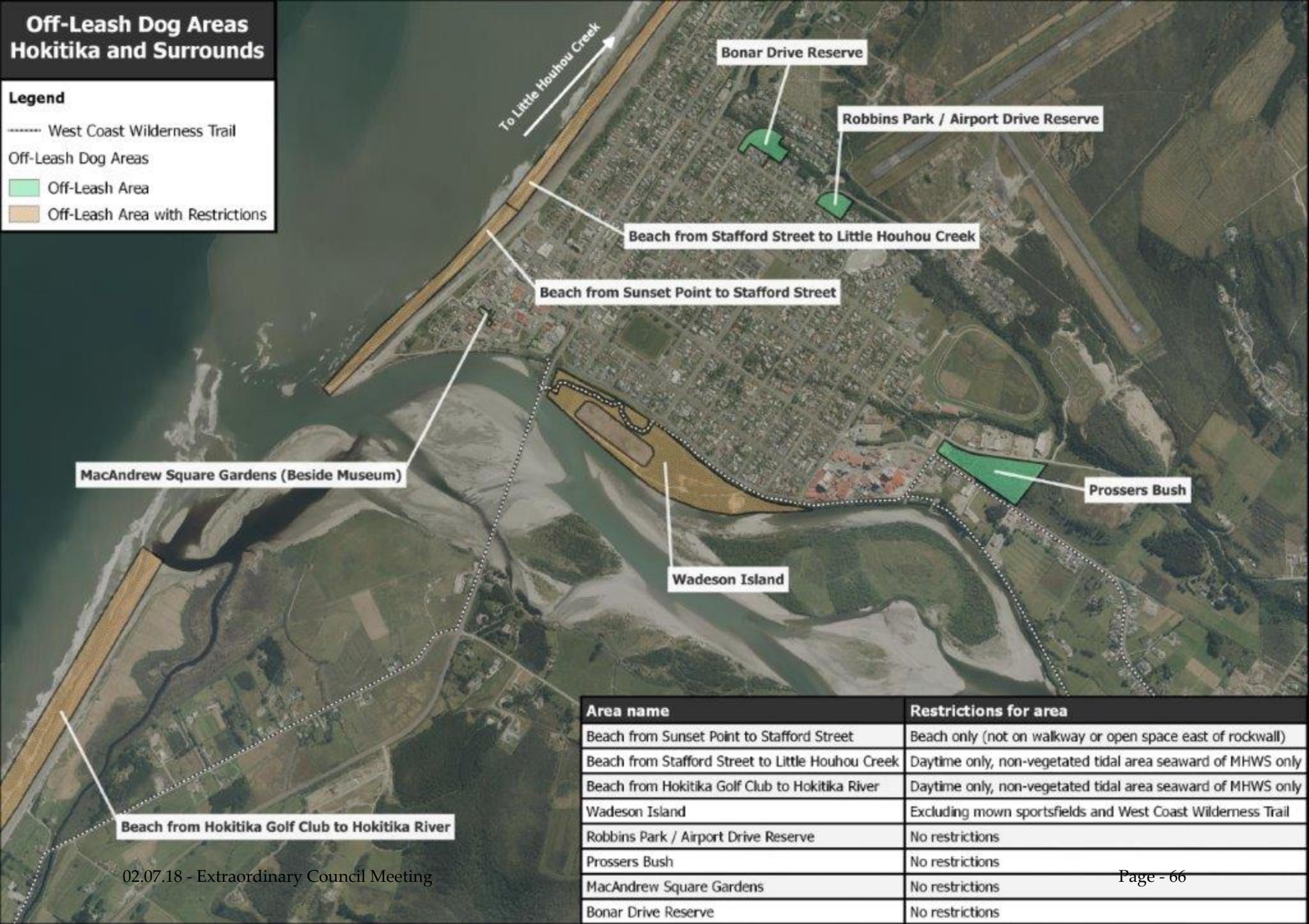
Legend

----- 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 (2018)

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' 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 under adequate control. As per the Council's Dog Control Bylaw, within the Hokitika Urban Area this control is generally required to be via a leash, lead or container unless the dog is in an approved off-leash area.

Outside the Hokitika Urban Area, there is greater provision for off-leash areas,

including allowance for dogs to be off-leash on footpaths and berms, provided that control is still maintained via whistle, voice, electronic collar or other means.

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 will require them to be on-leash within 20m of any children's playgrounds.

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 words 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).

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 2 July 2018.

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 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) any rubbish or refuse arising or resulting from domestic operations and includes bones, waste food, cans, cartons, food containers, lawn clippings, weeds, plants;
 - 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 "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 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 approved receptacle or receptacles, as are to be collected, are 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 approved receptacle for Recycling and one green 120 litre Approved Receptacle for Refuse will be made available by or on behalf of the Council to each occupied property, the cost of which will be covered by property rates.

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.

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.

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 a threat to safety of the collector, receptacles will not be emptied.

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 242 of the Local Government Act 2002.

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 2 July 2018.**

WESTLAND DISTRICT SPEED LIMITS BYLAW 2006

Pursuant to the powers vested in it by 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 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 2017 (Rule 54001/2017).
 - “Speed limit” 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 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, 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 2.8 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 20th day of July, 2006 and was confirmed, following the Special Consultative Procedure, by a resolution at a subsequent meeting of the Council on the 21st 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 2 July 2018.



REGISTER OF SPEED LIMITS

First adopted
on 21st September, 2006 and showing
subsequent amendments.

TABLE OF CONTENTS

Item	Pages
Schedule 1: Roads that have a speed limit of 10 kms per hour.	1
Schedule 2: Roads that have a speed limit of 20 kms per hour.	2
Schedule 3: Roads that have a speed limit of 30 kms per hour.	3
Schedule 4: Roads that have a speed limit of 40 kms per hour.	4
Schedule 5: Roads that have a speed limit of 50 kms per hour.	5-9
Schedule 6: Roads that have a speed limit of 60 kms per hour.	10
Schedule 7: Roads that have a speed limit of 70 kms per hour.	11-12
Schedule 8: Roads that have a speed limit of 80 kms per hour.	13-14
Schedule 9: Roads that have a speed limit of 90 kms per hour.	15
Schedule 10: Rural Roads- roads that have a speed limit of 100 kms per hour.	16
Schedule 11: Roads that have a holiday speed limit.	17
Schedule 12: Roads that have a variable speed limit.	18
Schedule 13: Roads that have a minimum speed limit.	19
Map showing speed restrictions at Hokitika.	20
Map showing speed restrictions at Kaniere.	21
Map showing speed restrictions at Ross.	22

Schedule 1 10km/h

Roads that have a speed limit of 10 kilometres per hour

Speed Limit	Description	Date speed Limit comes into force	Previous legal Instruments
	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

Speed Limit	Description	Date speed Limit comes into force	Previous legal Instrument
	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.

Speed Limit	Description	Date speed limit comes into force	Previous legal Instrument
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

Speed Limit	Description	Date speed limit comes into force	Previous legal Instruments
	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

Speed limit	Description	Date speed limit comes into force	Previous legal Instrument
50 km/h	Ruatapu 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	Whataroa 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	Ross All Westland District Council Roads 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

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

Jackson Bay Road from the
southern intersection with
Muturimu Road
Muturimu 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	Kumara		NZ Gazette 1986 page 3829
	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		

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	Harihari 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	Haast Awarua Place Opuka Place Pauareka Place Tahutahi Road Nyohon Place Adair Road	15 July 2009 [tbc]	NZ Gazette 1993 page 1091
50 km/h	Hokitika All Westland District Council Roads 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

Speed limit	Description	Date speed limit comes into force	Previous legal instrument
60 km/h	Fox Glacier		Council Resolution 3.4 dated 19/7/2001 pursuant to Section 9.1 of the Traffic and Parking Bylaw 1999
	Cook Flat Road; State Highway 6 to 100 metres west of Kerr's Road		
	Pekanga Drive	15 July 2009	
	Kerr Road	15 July 2009	
60 km/h	Haast		Council Resolution 4.2 dated 18/5/2000 pursuant to Section 9.1 of the Traffic and Parking Bylaw 1999
	Marks Road		
60 km/h	Jackson Bay		Council Resolution dated 15/11/2001 pursuant to Section 9.1 of the Traffic and Parking Bylaw 1999
	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.		

Schedule 7 70 km/h

Roads that have a speed limit of 70 kilometres per hour

Speed limit	Description	Date speed limit comes into force	Previous legal instrument
70 km/h	Brickfield Road From the intersection with Hau Hau Road over its entire length.	15 July 2009	
70 km/h	Hau Hau Road Commencing at the intersection with Town Belt East to the intersection with Blue Spur Road	15 July 2009	
70 km/h	Blue Spur Road Commencing at the intersection with Hau Hau Road to the intersection with Cement lead Road.	15 July 2009	
70 km/h	Haast Beach 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	Haast Junction 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

Speed limit	Description	Date speed limit comes into force	Previous legal instrument
70 km/h	Kaniere 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.		NZ Gazette 2001 page 250
70 km/h	Lake Kaniere 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.		
70 km/h	Haast Adair Road (Haast)	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	Blue Spur Road	15 July 2009	
	Commencing at the intersection with Cement Lead Road to the intersection with Humphries Gully Road.		
80 km/h	Cement Lead Road	15 July 2009	
	From the intersection with the Blue Spur Road over its entire length.		
80 km/h	Terrace View	15 July 2009	
	From the intersection with Blue Spur Road over its entire length.		
80 km/h	Fox Glacier		Council Resolution 3.4 of the 19 July 2001 passed under Section 9.1 of the Traffic and Parking Bylaw 1999
	Lake Matheson Road		
	Cook Flat Road: 100 metres west of Kerrs Road to the intersection with Lake Matheson Road.		
80 km/h	Kaniere		Council resolution 4.4 dated 16/12/1999 passed under Section 9.1 of the traffic and parking Bylaw 1999
	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.		

Speed limit	Description	Date speed limit comes into force	Precious legal instrument
80 km/h	Kokatahi 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.		Council Resolution dated 21/6/2001 pursuant to the section 9.1 of the Traffic and Parking Bylaw 1999
80km/h	Woodstock/Rimu Woodstock – Rimu Road from 900 metres north of the intersection with Back Creek Road to 300 metres south of the intersection with Adairs Road		Council Resolution dated 21/6/2001 pursuant to the section 9.1 of the Traffic and Parking Bylaw 1999

Schedule 9 90 km/h

Roads that have a speed limit of 90 kilometres per hour

Speed Limit	Description	Date speed Limit comes into force	Previous legal Instrument
	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

Speed Limit	Description	Date speed limit comes into force	Previous legal instrument
100 km/h	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: (a) described as having a different speed limit in the appropriate schedule of this bylaw; or (b) shown on a map as having a different speed limit, as referenced in the appropriate schedule of this bylaw		National Standard open road speed limit

Schedule 11 Holiday Speed Limits

Roads that have a holiday speed limit

Speed Limit	Description	Date speed limit comes into force	Previous legal Instrument
	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

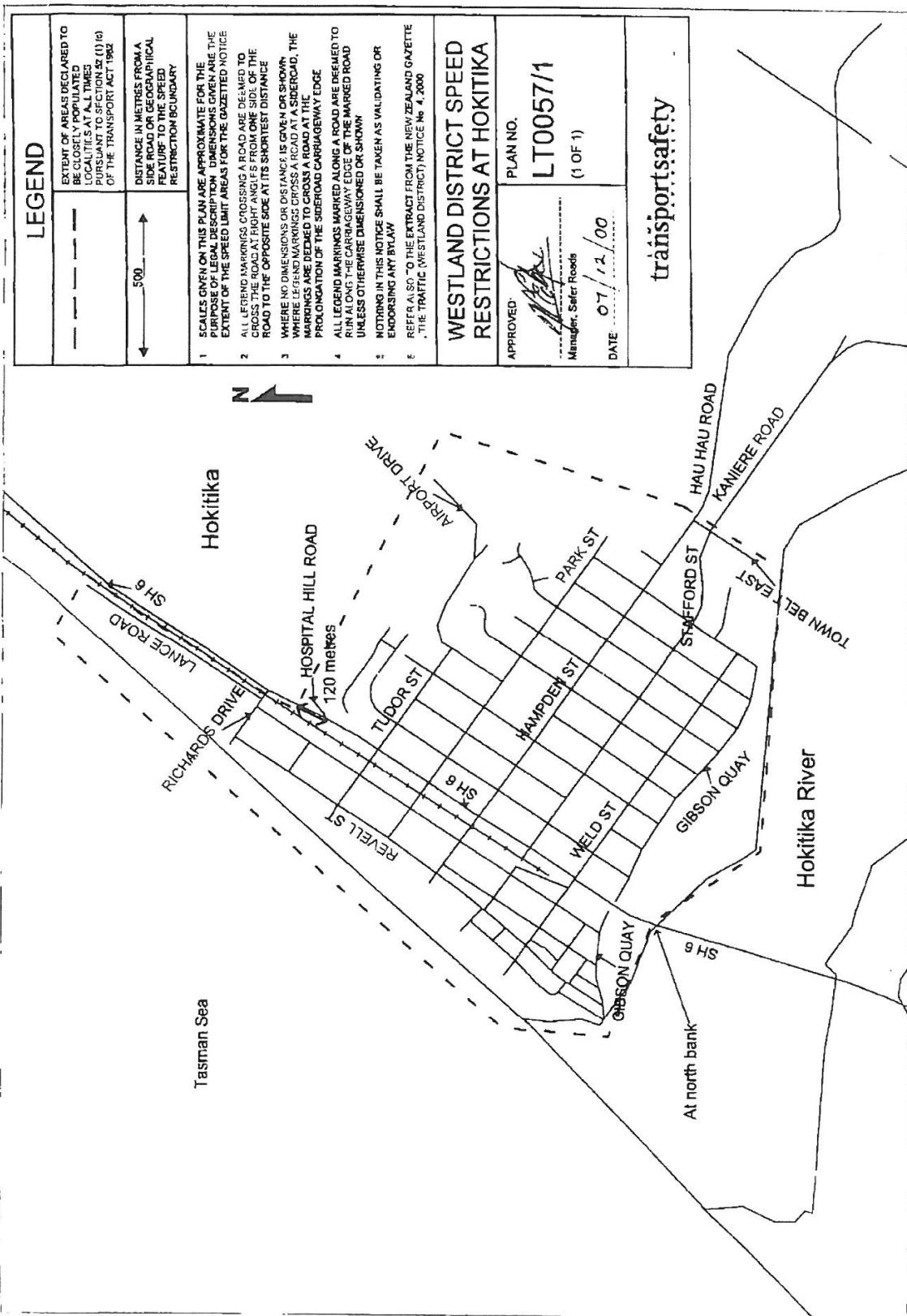
Roads that have a variable speed limit

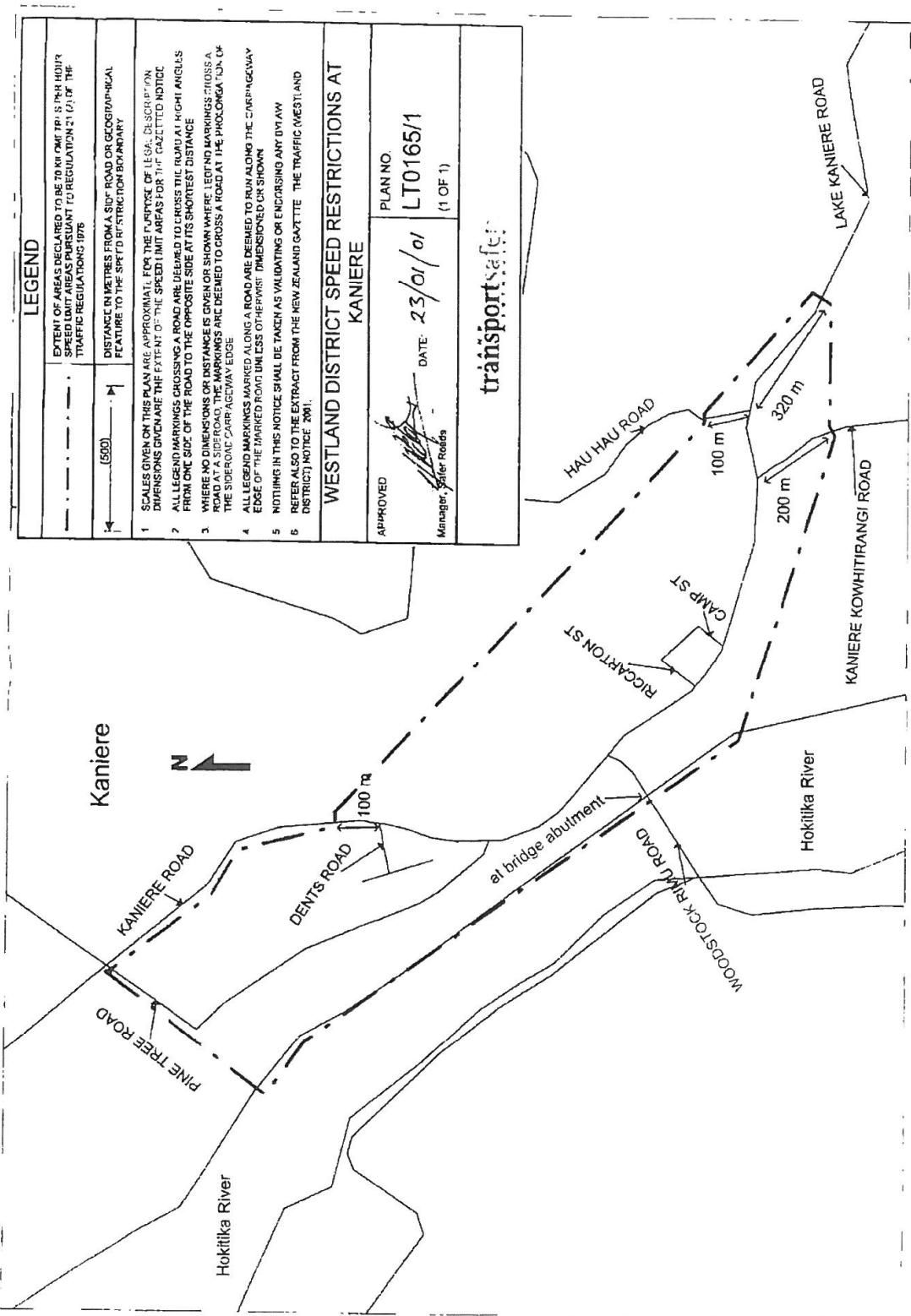
Speed Limit	Description	Date speed limit comes into force	Previous legal Instrument
	As at the date of the coming into force of this bylaw, there are no roads in Westland District that have a variable speed limit		

Schedule 13 Minimum Speed Limits

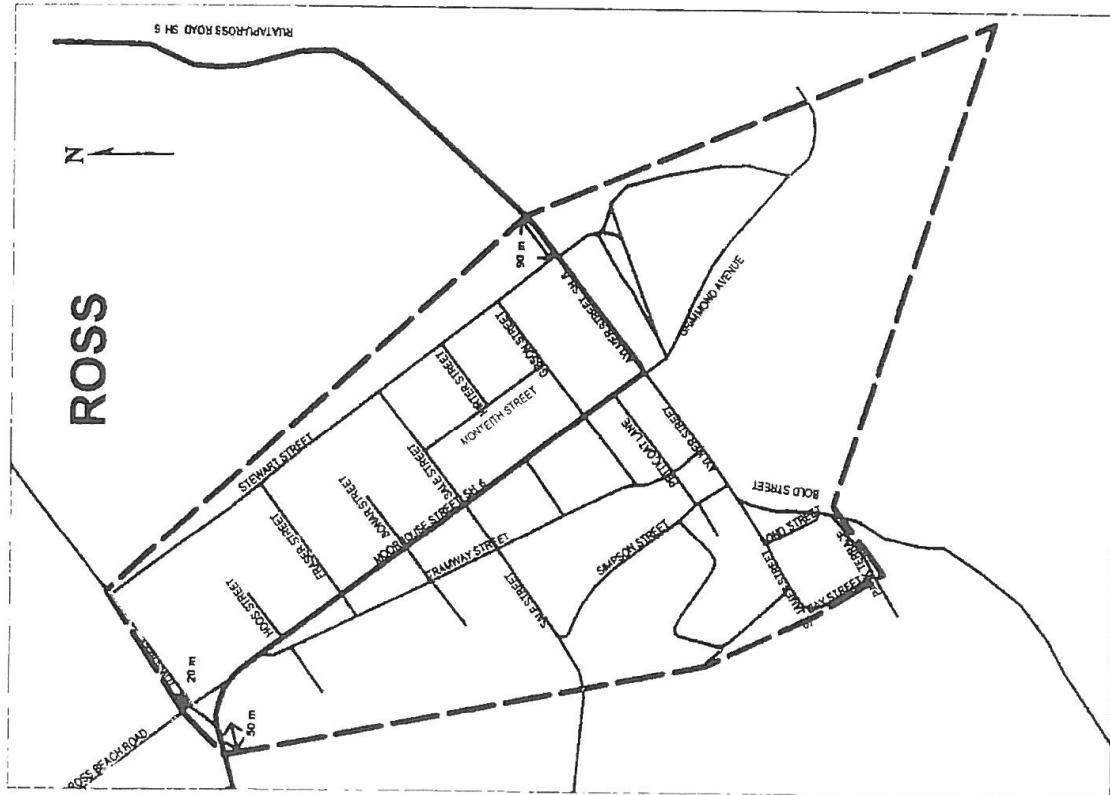
Roads that have a minimum speed limit

Speed Limit	Description	Date speed limit comes into force	Previous legal Instrument
	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		





<h2>LEGEND</h2> <p>500 m</p>	<p>EXISTING CROWN AREAS (PARKS, FORESTS, WETLANDS, ETC.)</p> <p>LOCAL LINES AT 1:250,000 SCALE (GRADIENTS, STREAMS, ETC.)</p> <p>TRANSIENT FEATURES</p> <p>DISTANCE LINES (TREES, STOOLS, SAWDUST, ETC.)</p> <p>LOGGING AREA FEATURES (LOGS, STUMPS, SAWDUST, ETC.)</p>
<p>1. CUTS AND CLEARINGS ON THE PINE MOUNTAIN AREA CONSIST OF A LINE OF TREES AND LOGGING FEATURES. THESE ARE THE PRIMARY SOURCE OF TIMBER IN THE AREA.</p> <p>2. MULTIPLE MILEMARKS CROSSING A LINE OF TREES AND LOGGING FEATURES. THESE ARE THE PRIMARY SOURCE OF TIMBER IN THE AREA.</p> <p>3. THREE NUMBERED POINTS OF INTEREST ARE SHOWN ON THE MAP. POINT 1 IS A ROAD AT A SLOPE. THE ROAD IS APPROXIMATELY 10 FEET WIDE AND REPLICATES ONE OF THE SIDE ROAD CHANNELS ON THE EAST.</p> <p>4. ALL OF THE CHANNELS SHOWN ON THE MAP ARE DRAINED BY THE CARRIAGE TRAIL. IF THE CARRIAGE TRAIL IS DRAINED, THE CHANNELS WILL FLOOD.</p> <p>5. POINT 2 IS THE EXTRACTURE FROM THE RECENTLY ADDED STATE FOREST. POINT 2 IS APPROXIMATELY 10 FEET WIDE.</p> <p>6. SHEET ALSO TO THE EXTRACTURE FROM THE RECENTLY ADDED STATE FOREST. POINT 3 IS APPROXIMATELY 10 FEET WIDE.</p>	
<h1 style="text-align: center;">WESTLAND DISTRICT SPEED RESTRICTIONS AT ROSS</h1>	
<p>AUTHORISED</p> <p>Manager Sales Product</p> <p>Date</p>	<p>PLAN NO</p> <p>LT2265/2</p> <p>(1 OF 1)</p>



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;

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;
- (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 2 July 2018.**

WESTLAND DISTRICT COUNCIL

TRAFFIC AND PARKING BYLAW 2013



Contents

PART I - INTRODUCTION	3
1. SHORT TITLE, APPLICATION AND COMMENCEMENT	3
2. INTERPRETATION	3
3. GENERAL.....	5
PART II - VEHICLES ON FOOTPATHS AND BERMS.....	7
4. CROSSING FOOTPATH OR BERM	7
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	8
5. STOPPING, STANDING AND PARKING OF VEHICLE.....	8
6. TIME RESTRICTED PARKING.....	8
7. COUPON OR METERED PARKING AREAS.....	8
8. OUTDOOR DINING OR “PARKLETS”	9
9. RESERVED PARKING AND NO STOPPING AREAS	9
PART IV – RESTRICTIONS ON PARKING	10
10. TIME RESTRICTED PARKING	10
11. RESTRICTION ON PARKING IN COUPON PARKING AREAS	10
12. RESTRICTION ON PARKING IN METERED PARKING AREAS.....	10
13. RESTRICTIONS ON PARKING IN PARKING SPACES	10
14. PARKING ON THE GRASS	11
15. PARKING IMMOBILISED OR UNLICENSED VEHICLES	11
16. TEMPORARY DISCONTINUANCE OF A PARKING SPACE	12
PART V – TRAFFIC RESTRICTIONS	14
17. DISPLAYING VEHICLES FOR SALE ON ROAD	14
18. SKATEBOARDS	14
19. PLACING CONTAINERS ON ROADS	14
20. ADVERTISING ON THE ROAD	15
21. ROAD UPGRADE AND / OR MAINTENANCE WORK	15
22. VEHICLE AND CONTAINER REMOVAL.....	16
PART VI – OTHER	17
23. DEFENCES	176
24. EXEMPTIONS TO THIS BYLAW	17
25. FEES AND OFFENCES	17
26. RESTRICTIONS BY RESOLUTION	18
27. REVOCATION.....	18

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 OperationMobility 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 UNLICENCED 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 29th day of November, 2013.

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

MAYOR

CHIEF EXECUTIVE

**This Bylaw was reviewed pursuant to Section 158 of the Local Government Act 2002
and was confirmed on 2 July 2018.**



WESTLAND DISTRICT WASTE WATER BYLAW 2018

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.

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 2018.
- 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 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 ±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 16th 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 24th 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 a meeting of the Council held on the 26th day of April 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 2nd day of July 2018.

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

Mayor

Chief Executive Officer

FIRST SCHEDULE

Unacceptable Discharge Characteristics

1 General Description

The discharge shall be characterised by a:

- a.** a flow exceeding 5m³ per day
- b.** instantaneous flow rate exceeding 2 L/s
- c.** Biochemical Oxygen Demand (BOD) concentration exceeding 600g/m³
- d.** Suspended Solids (SS) concentration exceeding 600g/m³.

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/m³
- c.** oil and fat used for food preparation exceeding a maximum concentration of 100g/m³, maximum mass 0.5kg per day.

5 Solvents & Other Organic Liquids

A visible free layer (whether floating or settled) of, petroleum, benzene, naptha, 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/m³
- b.** sulphate exceeding 500g/m³

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 and other events by providing for the control of 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 weekend 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 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.

5.0. **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.

6.0. **Exemptions**

This bylaw does not prohibit, in the case of 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 alcohol under the Sale and Supply of Alcohol Act 2012.

7.0. **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 a controlled camp site during events.

8.0. The Control of Trading

- 8.1. 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.
- 8.2. 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.

9.0 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).



The resolution to make this bylaw was passed by the Westland District Council at an ordinary meeting of the Council held on Thursday 18th December, 2003 which resolution was confirmed at a subsequent meeting of the Council held on Thursday 5th February 2004.

The resolution to make the amendment bylaw was passed by the Westland District Council at an ordinary meeting of the Council held on Thursday 16th November, 2006 which resolution was confirmed at a subsequent meeting of the Council held on Thursday, 25th of January, 2007.

THE COMMON SEAL of the]
WESTLAND DISTRICT COUNCIL]
was affixed in accordance with the]
resolution made by the Council]
on the Fifth day of February, 2004]
]

AND, for the 2007 amendment,

THE COMMON SEAL of the]
WESTLAND DISTRICT COUNCIL]
was affixed in accordance with the]
resolution made by the Council]
on the Twenty Fifth day of January,
2007.]

Mayor

General Manager

This Bylaw was reviewed pursuant to Section 158 of the Local Government Act 2002 and was confirmed on 9th 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 2 July 2018.