



A G E N D A

Council

Council Chambers

**Thursday 26 September 2013
commencing at 9.00 am**

Her Worship the Mayor, M.H. Pugh (Chairperson)
Deputy Mayor Councillor B.O. Thomson
Councillors J.G. Birchfield, A.N. Bradley,
J.H. Butzbach, K.J. Eggeling,
A.M. Hurley, M.D. Montagu,
K.R. Scott, F.I.W. Stapleton, C.A. van Beek.

NOTICE IS HEREBY GIVEN THAT AN ORDINARY MEETING OF THE WESTLAND DISTRICT COUNCIL WILL BE HELD IN THE COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA ON THURSDAY 26 SEPTEMBER 2013 COMMENCING AT 9.00 AM

Tanya Winter
Chief Executive

26 September 2013

Council Vision

"Westland will, by 2030, be a world class tourist destination and have industries and businesses leading through innovation and service."

This will be achieved by:

- *Involving the community and stakeholders*
- *Having inspirational leadership*
- *Having expanded development opportunities*
- *Having top class infrastructure for all communities*
- *Living the '100% Pure NZ' brand*

"Westland, the last best place"

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 AND APOLOGIES

1.1 Apologies

1.2 Register of Conflicts of Interest

2. **CONFIRMATION OF MINUTES**

2.1 **Confirmation of Minutes of Meetings of Council**

2.1.1 **Ordinary Council Meeting – 29 August 2013.** (Pages 6-11)

2.2 **Minutes and Reports to be received**

2.2.1 **Safer Community Council Meeting – 30 August 2013.**
(Pages 12-15)

2.2.2 **Performance Management Committee Meeting – 3 September 2013.**
(Pages 16-18)

2.2.3 **Minutes of the Public Excluded portion of the Westland District Council Meeting, held on Thursday 29 August 2013.**

(Refer Public Excluded Minutes).

3. **PUBLIC FORUM**

The public forum section of the meeting will commence at 9.00 am.

4. **REPORTS**

4.1 **Mayor**

Recommendation

That the Mayor's monthly report be received. (Pages 19-20)

4.2 **Chief Executive**

Recommendation

That the Chief Executive's monthly report be received. (Page 21-22)

5. **GENERAL BUSINESS**

5.1 **Sale of Land at Blue Spur to the adjoining owner.** (Page 23-33))

5.2 **Kaniere School Environs Group – Fish Painting Project.**
(Page 34-37)

5.3 Westland District Council Freedom Camping Control Bylaw 2012 – Revocation. (Page 38-64)

The New Zealand Motor Caravan Association have indicated that they may be in attendance at the meeting at 10.00 am.

Morning Tea Break at 10.30 am.

5.4 Westland District Council NZTA Procurement Strategy Review. (Page 65-103)

5.5 Ross Rates. (Page 104-106)

5.6 Westland District Council Traffic and Parking Bylaw 2013. (Page 107-127)

Lunch break at 12.30 pm.

5.7 LGOIMA Fees and Charges. (Page 128-132)

5.8 Approval to commence projects in Annual Plan 2013-2014. (Page 133-146)

5.9 Funding Request to replace Cass Square Hot Water Cylinder. (Page 147-150)

5.10 Annual Report 2012/13 Performance Measures. (Page 151-184)

5.11 Section 33 RMA: Transfer of Functions (Page 185-192)

6. MATTERS TO BE CONSIDERED IN THE 'PUBLIC EXCLUDED SECTION'

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

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

6.1 Public Excluded Minutes of Meetings of Council.

6.2 Performance Review.

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

Item No.	Minutes/ Report of	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
1.	Public Excluded Minutes of Meetings of Council	Confirmation of May Public Excluded Council Minutes.	Good reasons to withhold exists under Section 7.	Section 48(1)(a)
2.	Report to Council	Performance Review	Good reasons to withhold exists under Section 7	Section 48(1)(a)

**INAUGURAL COUNCIL MEETING – THURSDAY 24 OCTOBER 2013
COMMENCING AT 9.00 AM**

**ORDINARY COUNCIL MEETING – 31 OCTOBER 2013
COMMENCING AT 9.00 AM**



Ordinary Council Minutes

MINUTES OF AN ORDINARY MEETING OF THE WESTLAND DISTRICT COUNCIL, HELD IN THE COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA ON THURSDAY 29 AUGUST 2013 COMMENCING AT 9.00 AM

The opening prayer was read by Councillor van Beek.

1. MEMBERS PRESENT

Her Worship the Mayor, M.H. Pugh (Chairperson)
Deputy Mayor Councillor B.O. Thomson.
Councillors J.G. Birchfield, A.N. Bradley, J.H. Butzbach, K.J. Eggeling,
A.M. Hurley, K.R. Scott, F.I.W. Stapleton, C.A. van Beek.

1.1 APOLOGIES

Councillor M.D. Montagu.

ALSO IN ATTENDANCE

T.L. Winter, Chief Executive; P.G. Anderson, Team Leader – Operations; Vivek Goel, Group Manager: District Assets; T. O'Malley, Finance Manager; D.M. Maitland, Executive Assistant. R.C. Simpson, Manager Planning and Regulatory.

1.2 Register of Conflicts of Interest

The Conflicts of Interest Register was circulated with no amendments.

2. CONFIRMATION OF MINUTES

2.1 Confirmation of Minutes of Meetings of Council

2.1.1 Extraordinary Council Meeting – 1 August 2013.

Moved Councillor Bradley, seconded Councillor Stapleton and Resolved that the Minutes of the Extraordinary Council Meeting held on the 1 August 2013 be confirmed as true and correct record of the meeting.

2.2 Minutes and Reports to be received

2.2.1 Minutes of the Public Excluded portion of the Westland District Council Meeting – 1 August 2013.

(Refer Public Excluded Minutes).

3. PUBLIC FORUM

No members of the public attended the Public Forum Section of the Council Meeting.

4. REPORTS

4.1 Mayor

Moved Councillor van Beek, seconded Councillor Eggeling and Resolved that the Mayor's Report for August 2013 be received.

4.2 Chief Executive

The Chief Executive spoke to this report.

Council asked that a full report be prepared for the September Council Meeting regarding the portion of land identified as surplus to needs around the Blue Spur Water Treatment Plan.

5. GENERAL BUSINESS

5.1 Enviro Group- Kaniere School – Stenciling fish on drains

Mrs Kristine Hickford, Enviro Schools Coordinator, and Emily Baillie from Kaniere School attended the meeting and gave a presentation regarding Hectors Dolphins and stenciling fish on drains.

Council noted that a full report will be prepared for the September Council Meeting regarding stenciling fish on drains in Hokitika.

The meeting adjourned for morning tea at 10.25 am and reconvened at 10.55 am.

5.2 Peter O'Sullivan, Manager, Minerals West Coast.

Mr. Peter O'Sullivan, Manager, Minerals West Coast attended the meeting and provided a presentation regarding A West Coast Minerals Strategy.

Mr. O'Sullivan asked Council to please consider moving the mineral consenting processes to the West Coast Regional Council.

The following items were then taken out of order to the Agenda Papers.

4. REPORTS cont.

4.2 Chief Executive cont.

Moved Councillor Birchfield, seconded Councillor Bradley and **Resolved** that the Chief Executive's Report dated 29 August 2013 be received.

5. GENERAL BUSINESS cont.

5.7 Section 33 RMA – Transfer of Functions.

The Manager: Planning and Regulatory spoke to this report.

Councillors made several comments in regard to this item, most in support of the transfer.

Moved Councillor Birchfield, seconded Councillor van Beek and **Resolved** that Council transfer the processing, monitoring and compliance functions relating to mining resource consents to the West Coast Regional Council.

Councillor Butzbach recorded his vote against the motion.

5.3 Whataroa Cemetery Committee – Appointment of New Trustees.

Moved Deputy Mayor Thomson, seconded Councillor Scott and **Resolved** that Council approve the addition of Mrs Bernadette Friend (effective March 2009) and Mr Keith Kelly (effective March 2012) as Trustees on the Whataroa Cemetery Committee.

5.4 Annual Report on Dog Control Policy and Practices.

Moved Councillor Eggeling, seconded Councillor Butzbach and **Resolved** that the Annual Report on Dog Control Policy and Practices for the year ended 30 June 2013, be received.

5.5 Reserve Fund Delegations.

The Community Services Officer spoke to this report.

Councillors had a general discussion regarding the Accountability and Guidelines around the funding.

Moved Councillor Eggeling, seconded Councillor Butzbach and **Resolved** that:

- i) The Reserve Delegation be as follows for the following registered groups (note allocation is GST inclusive):

Group	Reserve Fund	Legal Status	Allocation
Kumara Residents Trust	Kumara Township Fund	Charitable Trust	\$14,000
The Kowhitirangi Community Society Inc.	Kokatahi-Kowhitirangi Community Rate	Incorp. Society	\$8,000
Ross Community Society Incorporated	Ross Township Fund	Charitable Trust	\$41,000
Harihari Community Association Trust	Harihari Township Fund	Charitable Trust	\$14,000
Whataroa Community Association Inc.	Whataroa Township Fund	Incorp. Society	\$49,000
Franz Josef Community Council Inc.	Franz Township Fund	Incorp. Society	\$35,000
Fox Glacier Community Develop. Society Inc.	Fox Township Fund	Charitable Trust	\$51,000
The Haast Promotions Group	Haast Township Fund	Incorp. Society	\$17,000
Mayor	Mayor's Trust Funds	Council	\$31,217
Mayor	Euphemia Brown Bequest	Council	\$23,208

- ii) Outcomes, key performance indicators and an accountability document are to be agreed to by the township organisations and Council staff before the bulk funding is transferred to their bank accounts.

- iii) Money in reserve is held until the community group has identified a need for the money to be transferred.

5.6 Wildfoods Festival 2014.

Moved Councillor Hurley, seconded Councillor Stapleton and **Resolved** that:

- i) Council operate the Wildfoods Festival on Cass Square on Saturday 8 March 2014 between 10.00 am until 6.00 pm only.
- ii) Council will ensure that camp facilities for Festival goers are available at Sunset Point and Wadeson Island.

6. MATTERS TO BE CONSIDERED IN THE 'PUBLIC EXCLUDED SECTION'

Moved Councillor van Beek, seconded Deputy Mayor Thomson and **Resolved** that Council exclude the public in accordance with Section 48, Local Government Official Information and Meetings Act 1987 at 12.42 pm.

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

6.1 Public Excluded Minutes of Meetings of Council

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

Item No.	Minutes/ Report of	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
1.	Public Excluded Minutes of Meetings of Council	Confirmation of June Public Excluded Council Minutes.	Good reasons to withhold exists under Section 7.	Section 48(1)(a)

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

No.	Item	Section
1.	Protection of privacy of natural persons/organisations	Section 7(2)(a)

Moved Councillor Eggeling, seconded Councillor Stapleton and Resolved that the business conducted in the "Public Excluded Section" be confirmed and the public be readmitted at 12.43 pm.

MEETING CLOSED AT 12.44 PM
NEXT MEETING: THURSDAY 26 SEPTEMBER 2013
COMMENCING AT 9.00 AM

Confirmed by:

Maureen Pugh
Mayor

Date

WESTLAND DISTRICT SAFER COMMUNITY COUNCIL

MINUTES OF MEETING OF THE WESTLAND DISTRICT SAFER COMMUNITY COUNCIL HELD IN THE WESTLAND DISTRICT COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA, ON FRIDAY 30 AUGUST 2013 COMMENCING AT 9:30 A.M.

Charles Lucas opened the meeting with prayer.

1. **MEMBERS PRESENT:**

Councillor Kyle Scott (Chair), Councillor Frances Stapleton, Councillor Kees van Beek, Constable Jon Armstrong, Cathy Blincoe, Colleen Freitas, Corrina Gestro-Best, Bev Kaio, Charles Lucas, Waikohatu Scott, Ned Tauwhare, Derek Blight.

2. **APOLOGIES:**

Her Worship the Mayor Maureen Pugh, Jan Weaver, Jan Zuckerman, Lucy Waller (late apology)

Moved Corrina Gestro-Best, seconded Charles Lucas and **Resolved** that the apologies be received.

3. **MINUTES OF PREVIOUS MEETING HELD 28 JUNE 2013:**

Moved Constable Armstrong, seconded Councillor Stapleton and **Resolved** that the minutes of the previous meeting of the Westland District Safer Community Council be confirmed as a true and correct record of the meeting.

4. **MINUTES OF MEETING OF HOKITIKA BIG BROTHERS BIG SISTERS OF WESTLAND BOARD 24 JUNE 2013 AND MINUTES OF MEETING OF HOKITIKA COMMUNITY PATROL MEMBERS 21 AUGUST 2013:**

Moved Councillor Scott, seconded Councillor Stapleton and **Resolved** that the Minutes of the above meetings be received.

5. **INWARD/OUTWARD CORRESPONDENCE:**

Moved Charles Lucas, seconded Ned Tauwhare and **Resolved** that the Inward Correspondence be received and the Outward Correspondence be endorsed.

6. **FINANCIAL STATEMENTS:**

Moved Bev Kaio, seconded Councillor van Beek and **Resolved** that the Financial Statements be received.

7. **GENERAL BUSINESS:**

7.1 **Police Report:**

NZ Police Mobility Project

On 02/07/2013, Hokitika Police staff received [Phones and Pads as part of the national Mobility Project rollout which enables staff to complete various administrative and electronic enquires "in the field" without having to return to an office computer. There is however, the small "reception" issue that all other cellphone users have in Westland in that coverage in many areas is not available at the moment.

HKCP Autonomy

On 08/07/2013, the Hokitika Community Patrol became a stand alone entity and is now registered as "incorporated" under the Charitable Trusts Act 1957. This also means that all remaining HKCP funds have now been transferred from the administration of the WDC to the independence of the patrols self governing committee.

1080 Toxic Bait Programme

The start of this year's aerial delivery of 1080 toxic bait was initially delayed due to weather conditions and then the school holidays. The Otira and Turiwhate program however has now been completed and work on the final areas in the Styx River to Hokitika Gorge is under way.

2013 Whitebait Season

This is due to start on 01/09/2013 and although primarily policed by DOC, the Hokitika Police will prosecute any criminal offences as they come to hand. There has been and will hopefully continue to be an understanding with the Courts that any offending will deny that person any access to further fishing for the remainder of the season.

2013 Local Body Elections

Local Body elections are due in October and the outcomes will be known before the next scheduled Safer Community Council meeting. For those Councillors currently involved with the WDC Safer Community Council and that may be moving on as a result of the elections, I would like to take this opportunity to thank them for their service over their time in office and welcome those newly elected who may be coming to this forum with new ideas.

Moved Constable Armstrong, seconded Councillor van Beek and **Resolved** that the Police Report be received.

7.2 Annual Statistics:

These were presented.

7.3 Upgrading Keogan's Rd/SH6 intersection:

Moved Waikohatu Scott, seconded Councillor van Beek and **Resolved** that the Coordinator write to OPUS, expressing concerns about the lane markings and general lack of upgrading at this intersection, taking into consideration that it services 23 dwellings and 3 new houses under construction and that a copy of the letter be sent to the Manager of Assets and Road Safety West Coast, along with letters from local residents on the subject.

7.4 Te Rito Family Violence Prevention Project:

Ned Tauwhare updated the meeting on current progress with this year's programme.

7.5 Awatuna Parenting Programmes Trust:

The Coordinator gave a brief update on the programme.

7.6 Coroners Recommendations:

The Coordinator provided a powerpoint presentation on the main points recommended by Michael Livingstone, Coronial Case Manager, Ministry of Justice, Christchurch. It was agreed not to take any action until the Summit Conference has finished their meeting and making their recommendations to government.

7.7 Ministry of Social Development Contract:

Westland District Council has subcontracted a grant of \$10,000 to WestREAP to help identify local community champions in South Westland, to train the champions in a one day seminar and to assist with helping community groups register their groups on the Family and Community services website, hosted by the Ministry of Social Development.

8. COORDINATOR'S REPORT: The Coordinator's Report was received.

9. **OTHER BUSINESS:**

9.1 **Donna Swift/John Parsons Workshops:**

Corrina Gestro-Best advised the meeting of WestREAP's successful application to hold workshops for professionals and schools over the next 12 months on cyberbullying and cybersafety.

9.2 **Taxi Chit Applications:**

Three new applications for taxi chit books were approved.

The meeting closed at 11:02am.

Confirmed as a true and correct record.

_____ (Chairperson) _____ (Date)

MINUTES OF A MEETING OF THE PERFORMANCE MANAGEMENT COMMITTEE, HELD IN THE COUNCIL CHAMBERS, WESTLAND DISTRICT COUNCIL, 36 WELD STREET, HOKITIKA ON TUESDAY 3 SEPTEMBER 2013 COMMENCING AT 1.30 PM

1. MEMBERS PRESENT

Her Worship the Mayor, M.H. Pugh (in the Chair)

Deputy Mayor B.O. Thomson

Councillors J.H. Butzbach, C.A. van Beek.

APOLOGIES

Councillors M.D. Montagu, K.R. Scott and F.I.W. Stapleton.

ABSENT

Councillor A.M. Hurley.

ALSO IN ATTENDANCE

T.L. Winter, Chief Executive and Stuart Mitchell from Mitchell Notley and Associates Limited.

Moved Councillor van Beek, seconded Councillor Butzbach and **Resolved** that Her Worship the Mayor, M.H. Pugh chair the meeting.

2. CONFIRMATION OF MINUTES

2.1 Confirmation of Minutes

2.1.1 Performance Committee Meeting – 25 February 2013

Moved Councillor Butzbach, seconded Councillor van Beek and **Resolved** that the Minutes of the Performance Management Committee held on the 25 February 2013 be received as a true and correct record of the meeting.

3. MATTERS CONSIDERED IN THE 'PUBLIC EXCLUDED SECTION'

Moved Deputy Mayor Thomson, seconded Councillor Butzbach and **Resolved** that the Committee exclude the public in accordance with Section 48, Local Government Official Information and Meetings Act 1987.

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

3.1 Minutes

3.2 Performance Review – Chief Executive

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

Item No.	Minutes/ Report of	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
1.	Minutes	Minutes of Performance Review Committee	Good reasons to withhold exists under Section 7.	Section 48(1)(a)
2.	Report	Performance Review – Chief Executive	Good reasons to withhold exists under Section 7.	Section 48(1)(a)

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

No.	Reason for protection of interests	Ref NZS 9202:2003 Appendix A
1. & 2.	Protection of privacy of natural persons.	A2(a)

Moved Councillor van Beek, seconded Councillor Butzbach and Resolved that the business conducted in the "Public Excluded Section" be confirmed and the public be readmitted.

MEETING CONCLUDED AT 4.15 PM

Confirmed:

Mayor Maureen Pugh
Chairperson

Date

MAYOR'S ACTIVITIES AUGUST/SEPTEMBER 2013

- Performance Review interview for PHO manager
- Celebration of opening of Amethyst Power Scheme
- 70th birthday celebration of RSA Ladies
- Performance Review Committee meeting
- Meeting with CEO of Tourism West Coast
- Meeting with Regional Commissioners of MSD
- Mayors/Chair meeting
- Meeting with DIA
- Preparation meeting with WHS re Dine Below the Line dinner
- Attended Dine Below the Line dinner at Westland High School
- Attended Lions Club's Young Achiever Awards
- Attended celebration of 64th anniversary of People's Republic of China, Wigram
- Presented to Clinical Leaders Group, Christchurch
- Attended opening of Waewae Pounamu shop re-launch
- Public meeting re Cycle Trail
- Venturers' presentation evening
- JP training evening
- Westland Wilderness Trust meeting
- 3 x workshops re Cycle Trail
- Attended Suffrage celebration evening
- Attended opening of new shed at Westland Industrial Heritage Park

The relationship-building with our Chinese connections took a new turn when I was invited to attend a tourism forum in China at the end of October. 3 Mayors from Australia and 2 from New Zealand have been invited to attend. Although our terms as Mayors will have ceased by then, both Janie Annear, Mayor of Timaru, and I have accepted the invitation. Mayor Annear has a close working relationship with the Chinese Consulate in Christchurch and has previously visited China, so will be an experienced travelling and working companion. I will share all feedback with Tourism West Coast on my return.

It has been a month with several activities related to our young people. The Dine Below the Line dinner was organised by three highly motivated young ladies from Westland High School. They attracted around 100 diners to share the experience of dining at a cost of less than \$2.25 per meal. The evening consisted of entertainment, education and speeches and was a credit to them all.

The Lions Club acknowledged high achieving young people at their annual Young Achievers' Awards, and the calibre of these young men and women and their achievements and community involvement is outstanding.

Scouts also recognised their high achievers at the Venturers level with recognition for their efforts in achieving their respective badges.

The latest round of meetings to update the community and businesses on progress with the cycle trail attracted high numbers once again. 50 people attended the public meeting and I was able to announce that we have successfully secured a further \$1m for the cycle trail project. This extra funding ensures that we are able to complete the trail to Ross at the same high quality standard, as well as installing signage and structures.

I was invited to present to a group of 70 clinical leaders in Christchurch on health issues from a community and PHO viewpoint. As with most presentations there is quite a lot of preparation time involved. The feedback was positive and hopefully opened up some thinking with them about how to broaden the view of health delivery in the regions.

As this is my last Mayoral report I want to take the opportunity to recognise the often unsung heroes of Council. For many, they beaver away unseen by the majority of the public. Their skill, attitude and loyalty has demonstrated to me on a daily basis how fortunate we have been to have had the team that is here supporting us as elected representatives. Every one of them has felt the pressure of the past year, yet they continue to work with passion and optimism. I know and appreciate this as I see it every day and I want to publicly acknowledge each and every one of our staff, in all departments. Thank you so much for keeping the ship sailing. Some may have abandoned her and others tried to scuttle her but we have survived and the bulk of the credit goes to staff. THANK YOU!

Report

WESTLAND
DISTRICT COUNCIL



DATE: 26 September 2013

TO: Mayor and Councillors

FROM: Chief Executive

CHIEF EXECUTIVE'S REPORT

1.0 SUMMARY

1.1 The purpose of this report is to present:

1.1.1 The management reports for the last reporting period for:

- Community Services
- District Assets
- Planning and Regulatory

1.1.2 Updates on any matters of significance since the last report dated 29 August 2013.

1.2 This report is on the agenda so that Council are kept fully apprised of Council business and are aware of how the organisation is tracking.

1.3 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.

Vision's Objectives	Achieved By
The CE's report supports all objectives in Council's Vision Statement: <ul style="list-style-type: none">• Involving the community and stakeholders.• Having inspirational leadership.• Having expanded development opportunities.	Ensuring Council fulfils the commitments made to the community in the Long Term Plan.

<ul style="list-style-type: none"> • Having top class infrastructure for all communities. • Living the "100% Pure NZ" brand. 	
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- 1.4 This report concludes by recommending that Council receives the Chief Executive's report dated 26 September 2013.

2.0 COMMENT

- 2.1 In accordance with the Financial Management Principles adopted by Council a business case template has been developed for projects over the thresholds that need approval by either the Chief Executive (\$50,000) or Council (\$100,000). The business case template is being utilised this meeting with a report on the agenda that requires approval for five capital projects with budgets over \$100,000.
- 2.2 A scoping document is being prepared for the Review of Council Controlled Organisations. Organisations with the appropriate capability will be asked to provide a proposal for this work. The work is expected to inform the incoming Council.
- 2.3 The Annual Report is currently being produced and is on track for completion by the statutory deadline of 31 October 2013. There is a report on the agenda today regarding which Long Term Plan performance measures will be reported against in the Annual Report.
- 2.4 The West Coast Wilderness Trail is one of 23 great rides. NZ Cycles Trails is soon to be legally incorporated and has invited all 23 trails to be inaugural members. Membership is free for the first year and then a membership fee is likely to be imposed beyond that. Recently the Westland Nature Trust resolved to become a member for the first year only. This will be reviewed in 2014 once membership fees have been confirmed and as assessment of value for money has been undertaken.
- 2.5 On 12 September Councillors were advised that Council had made submissions to the Conservation Management Strategies for both Otago and Southland. A confirmation email has been received acknowledging those submissions. Hearings will be in October or November and Council will need to decide whether it wishes to speak at these and who will attend the hearing.

3.0 RECOMMENDATION

- A) THAT the report of the Chief Executive titled "Chief Executive's Report" dated 26 September 2013 be received.

Tanya Winter
Chief Executive

Report



DATE: 26 September 2013
TO: Mayor and Councillors
FROM: Supervisor IT Services

SALE OF LAND AT BLUE SPUR TO THE ADJOINING OWNER

1.0 SUMMARY

- 1.1 The purpose of this report is to seek Council approval to sell a piece of land at Blue Spur to the adjoining land owner.
- 1.2 This issue arises from an application from the adjoining owner to purchase the surplus land and Council request for further information on the proposed sale.
- 1.3 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.
- 1.4 Council seeks to meet this obligation and the achievement of the district vision set out in the Long Term Plan 2012-22. The matters raised in this report relate to those elements of the vision identified in the following table.

Vision's Objectives	Achieved By
Having expanded development opportunities	Selling of a piece of land that has no strategic value or purpose for Council

- 1.5 This report concludes by recommending that Council identifies this portion of land as surplus and agrees to the sale of land under Section 40(4) of the Public Works Act 1981.

2.0 BACKGROUND

- 2.1 The land in question was purchased by Council in 1995 from Alan and Alma Pegley for the Blue Spur Water treatment plant. A map of the land is attached as **Appendix 1**.
- 2.2 The portion of land identified as surplus will never be required for the plant or any other public work. The land has a natural drain running across and cannot be used for any works which include placing of any reservoirs in the future.
- 2.3 Section 40 of the Public Works Act states in paragraph 2 that the land must be offered back to the original seller at current market value. However, under section 40 (4) of the act, if because of the size, shape, or situation of the land Council could not expect to sell the land to any person who did not own land adjacent to the land to be sold. Therefore the land may be sold to an owner of adjacent land at a price negotiated between the parties.

3.0 CURRENT SITUATION

- 3.1 The applicant currently leases this portion of land from Council for the purpose of grazing stock.
- 3.2 The land in question is a small surplus part the land originally acquired for the Blue Spur water treatment plant. The area of the land is approx. 2950m² and because of size and shape constraints, is only suitable for disposal to the adjoining owner.
- 3.3 A copy of the valuation report is attached in **Appendix 2**.

4.0 OPTIONS

- 4.1 **Option 1** - Do nothing-retain the land
- 4.2 **Option 2** – Sell the land of the adjoining land owner.

5.0 SIGNIFICANCE AND CONSULTATION

- 5.1 This decision is assessed as being of low significance. There is financial liability, no cost incurred, no business risk and no loss to operational capability.
- 5.2 No consultation is required

6.0 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

- 6.1 **Option 1: Do Nothing**

No implications for Council. Status quo remains and Council retains the land.

6.2 Option 2: Sell the land

All legal and conveyancing costs will be passed onto the applicant. Council will receive payment for the area identified subject to negotiations. The valuation report suggests a sale of price within the range of \$1000 - \$3000.

7.0 PREFERRED OPTION AND REASONS

7.1 The preferred option is **Option 2**. There is no reason to not sell this piece of surplus land.

8.0 RECOMMENDATION(S)

- A) **THAT** Council identifies Part Lot 1 DP 2985 as shown on the plan marked Appendix 1 as surplus.
- B) **THAT** because of the size, shape and situation of the property the land be disposed of to the adjoining owner under Section 40(4) of the Public Works Act 1981.
- C) **THAT** the Chief Executive under the power of Section 40 of Public Works Act 1981 be required to negotiate a sale price within the range of valuation at no cost to the Council.

Appendix 1: Map showing the location of the land

Appendix 2: Copy of the valuation report

Peter Oliver
Supervisor IT Services

Appendix I



Scale 1:2000
Date 2010

Proposed sale of surplus land

The information displayed on this map has been taken from Westland District Council's GIS and Databases. It is made available in good faith, but its accuracy and completeness is not guaranteed.



Aerial Data Derived from LINZ's CRS
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Appendix 2

QV VALUATIONS HOKITIKA
51 TANCRED STREET, PO BOX 109, HOKITIKA, NEW ZEALAND
PHONE (03) 755 8685, FAX (03) 755 8686, FREEPHONE 0800 16 44 44

Hau Hau Road
Blue Spur
Hokitika

MARKET VALUATION
For
Westland District Property Limited



Our Ref: 25760/21000 pt (521996)

10 January 2013

Westland District Property Ltd
PO Box 22
HOKITIKA

Attention: Bruce Smith

VALUATION

Instruction details

Property address: Hau Hau Road, Blue Spur
Hokitika

Inspection: A full property inspection was completed on 29 August 2012.

Purpose of valuation: Market value -- possible sale of a small area of land to the adjoining owner.

Instructed by: Mark Pizey.

Valuation as at 29 August 2012

The property valued comprises a narrow undeveloped strip of land fronting Hau Hau Road behind the Hokitika town water supply tanks. The land will need to be surveyed and the valuation is on the basis that the land will be added to the adjoining title. There are two options being considered with the respective land areas being approximately 1500 and 3000 square metres.

Based on sales evidence detailed within this report, together with our knowledge of this locality, we consider the market value of the subject property, as unencumbered by any mortgage or charge, to be as follows:

Option 1 – 1500 square metres

Land value	\$	1,000
Value of improvements	\$	0
Market value	\$	1,000

Option 2 – 3000 square metres

Land value	\$	3,000
Value of improvements	\$	0
Market value	\$	3,000

These valuations are inclusive of Goods and Services Tax, if any. This valuation is subject to the attached valuation conditions and is based on a selling period of three to six months. The valuer has no financial interest or otherwise in the property and no relationship with the vendors, purchasers or agents.

All survey and associated costs would be met by the acquiring land owner.

Risk summary

The table below indicates significant risk factors referred to in this report.

FACTORS	RISK			COMMENTS
	LOW	MED	HIGH	
Location				Popular lifestyle location.
Title planning				To be added to a fee Simple title – rural zone.
Condition				Unmaintained and undeveloped.
Land site				Undulating to low lying.
Saleability				The adjoining owner is the only likely purchaser.
Price stability				Values have eased slightly for vacant land.

Market evidence

In order to establish the market value for the subject property we have, in accordance with normal valuation practice, considered and analysed a number of sales.

The method of valuation used is usually referred to as the direct comparison approach. This approach involves the analysis of sales and making comparisons with the subject property after allowance for differences such as location, dwelling size, quality, views, other buildings, layout, other improvements, building platform, land size, contour and special features.

A selection of the sales considered is summarised as follows:

Address	Sale date	Gross price
Golf Links Road, Takutai	May 2012	\$61,000
Arthurstown Road, Southside	Jul 2011	\$75,000
36 Providence Drive, Three Mile	Oct 2012	\$67,000
Blue Spur Road, Blue Spur	Mar 2011	\$50,000
336 Woodstock-Rimu Road	Aug 2011	\$30,000
Woodstock-Rimu Road	Jun 2011	\$50,000
Blackball, Grey Valley	Apr 2012	\$40,000

Full details of these sales including photographs are included in the Sales Evidence section.



**COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952**



Search Copy


R.W. Muir
Registrar-General
of Land

Identifier **WS8B/235**
Land Registration District **Westland**
Date Issued 04 September 1995

Prior References
WS8A/962 WS8A/963

Estate Fee Simple
Area 1.9525 hectares more or less
Legal Description Lot 1 Deposited Plan 2985

Proprietors
The Westland District Council

Interests

Subject to the Rules and Regulations for Mining on Private Property within the Provincial District of Westland
Fencing Agreement in Transfer 102372.7 - 4.9.1995 at 11.00 am
Land Covenants in Transfer 102372.7 - 4.9.1995 at 11.00 am



OPTION 1



OPTION 2



Report



DATE: 26 September 2013

TO: Mayor and Councillors

FROM: 3 Waters Supervisor

KANIERE SCHOOL ENVIRONS GROUP: FISH PAINTING PROJECT

1.0 SUMMARY

- 1.1 The purpose of this report is to confirm the level of Council's assistance to the Kaniere School Environs Group's proposed fish painting project.
- 1.2 This issue arises from the request of Council for more information related to the Kaniere School Environs Group's proposed project.
- 1.3 The Council is required to give effect to the purpose of local government as prescribed by section 10 of the Local Government Act 2002 Amendment Act 2012. 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.
- 1.4 Council seeks to meet this obligation and the achievement of the District Vision set out in the Long Term Plan 2012-22. The matters raised in this report relate to those elements of the vision identified in the following table.

Vision's Objectives	Achieved By
Involving the community and stakeholders	Supporting Kaniere School in their initiative
Living the '100% Pure NZ' brand	

- 1.5 This report concludes by recommending that Council supports the project without any financial contribution.

2.0 BACKGROUND

- 2.1 The Kaniere School Environs Group made a presentation at the August Council meeting putting forward the idea of painting fish on all the sumps in Hokitika and Kaniere to remind people that what goes down the drain ends up in the river and sea and impacts negatively on marine life.
- 2.2 Council has requested information as to what resources are required and how much staff time will be involved if approval is given to paint fish alongside the sumps and drains.

3.0 CURRENT SITUATION

- 3.1 On Thursday 5th September 3 Waters Supervisor, Petrina Cannell, visited the Kaniere School Environs Group to present them with plans showing where all the sumps are in Hokitika and Kaniere.
- 3.2 The group agreed to experiment painting with approximately 50 sumps in the Kaniere area. There are close to 600 sumps in the Hokitika area.
- 3.3 The group discussed the idea of a competition for the “fish” stencil and will draw up a poster to advertise it.
- 3.4 They would like a few Councillors included in the judging panel to judge the winner of the stencil competition. A closing date is yet to be decided. The Group will shortlist and present finalists for judging.
- 3.5 The staff time spent on the compiling the plans along with attending the meeting was approximately an hour.
- 3.6 The group advised that all material e.g. stencils, paints etc. will be fund raised or organised by the group. No financial contribution is being sought from Council.

4.0 OPTIONS

- 4.1 Option 1: Do Nothing.

4.2 **Option 2:** Defined support for the project.

5.0 SIGNIFICANCE AND CONSULTATION

5.1 The level of significance as per Council policy on significance is low. However the proposed project can generate huge local community interest.

5.2 Consultation has been undertaken with Kaniere School, but no wider public consultation is required

6.0 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

6.1 **Option 1**

Council can decline the request for ongoing support for this project. There will be no financial implications with this option. However, the decision has potential for negative feedback from the community.

6.2 **Option 2**

Council supports the project. This will involve the following:

- a. Staff time. We estimate for the duration of the project an approximate 4 to 5 hours of staff time may be required.
- b. Additional time may be required to assist with traffic management plans. However this can be sponsored and assisted through the local contractor or volunteer time as suggested by Kaniere School Environs Group.
- c. The group has also requested Councillor's presence to judge a stencil competition.
- d. The ongoing maintenance of the painted fish around the sumps has not been discussed in detail. The group has indicated that at this stage they intend to maintain them. If the project is supported by Council no maintenance provision has been made. Kaniere School are aware of this.
- e. There are no other financial implications. The group has arranged all other gear (e.g. paints and brushes) through sponsorships.

7.0 PREFERRED OPTION AND REASONS

- 7.1 Option 2 is preferred option. This option supports a good cause and presents an opportunity for Council to show support for local school and community at a very minimal cost.

8.0 RECOMMENDATIONS

- A) **THAT** Council supports the Kaniere School Environs Group fish painting project for up to 5 hours of staff time in assistance.
- B) **THAT** the painting of fish using stencils is limited within the Kaniere area.

Petrina Cannell
3 Waters Supervisor

Report



DATE: 26 September 2013

TO: Mayor and Councillors

FROM: Manager: Planning and Regulatory

WESTLAND DISTRICT COUNCIL FREEDOM CAMPING CONTROL BYLAW 2012 – REVOCATION

1.0 SUMMARY

- 1.1 The purpose of this report is to further assist Council in the revocation of the Westland District Council Freedom Control Bylaw 2012, by considering the submissions received, and to suggest an amended policy direction.
- 1.2 This issue arises from the application for judicial review by the New Zealand Motor Caravan Association (the Association) of the decision of the Council to adopt the Bylaw, Council's June 2013 decision to revoke the Bylaw and the commencement of the special consultative procedure.
- 1.3 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.
- 1.4 Council seeks to meet this obligation and the achievement of the district vision set out in the Long Term Plan 2012-22. The matters raised in this report relate to those elements of the vision identified in the following table.

Vision's Objectives	Achieved By
Involving the community and stakeholders	The use of the special consultative procedure.
Having inspirational leadership	Advocating a policy direction

Having top class infrastructure for all communities Living the '100% Pure NZ' brand	
--	--

- 1.5 This report concludes by recommending that Council revokes the Bylaw and adopts an amended policy for freedom camping in Westland.

2.0 BACKGROUND

- 2.1 Council adopted the Bylaw in 2012 and it became operative on 26 November 2012.
- 2.2 The Association lodged an application for review in the High Court in January 2013.
- 2.3 Council at its meeting on 28 March 2013 resolved:
- A) That Council reviews the Westland District Freedom Camping Control Bylaw 2012; and
 - B) That enforcement of the Westland District Freedom Camping Control Bylaw 2012 cease forthwith.
- 2.4 The High Court was advised that the review would need to be undertaken in accordance with the Local Government Act 2002 special consultative procedure and that it was hoped that as a consequence of this special consultative procedure the High Court review would not need to proceed.
- 2.5 At its June 2013 meeting Council resolved that:
- A) Council use a special consultative procedure, as provided for by the Local Government Act 2002 to propose the revocation of the Westland District Council Control Bylaw 2012 and;
 - B) That options to undertake a comprehensive review of the Bylaw, including resourcing requirements, be considered at another time.
- 2.6 A memorandum was lodged with the High Court on 10 July 2013 advising the Court of the Council's 27 June 2013 resolution.
- 2.7 Council adopted a statement of proposal (attached as **Appendix 1**) to revoke the bylaw in August 2013. The period of the special consultative procedure has now concluded and there are two submissions that require consideration.

3.0 CURRENT SITUATION

- 3.1 Council has received two submissions. The first is from the Association (attached as **Appendix 2**) and the second is from the Haast Lodge and Motorpark (attached as **Appendix 3**).
- 3.2 The Association supports the revocation proposal, requests the updating of the existing policy statement and invites the Council to work with the Association to promote responsible freedom camping in Westland. The Association wishes to be heard in support of its submission.
- 3.3 Haast Lodge and Motorpark do not support the revocation proposal and restates a submission made in 2008. The submitter requests that the revocation be abandoned, the bylaw be retained, the bylaw apply to private land and that the High Court review be funded by way of the fines collected. Haast Lodge does not wish to be heard in support of its submission.
- 3.4 Council must now consider the proposal and the submissions and make its decision.
- 3.5 Council also continues to have a policy direction which was established in a regulatory climate. The policy direction needs to be reviewed and should be completed as part of the bylaw revocation procedure. A suggested policy statement is attached as **Appendix 4**.

4.0 OPTIONS

- 4.1 Council's options are limited by the statutory process. It is difficult to see how the proposal could be amended and so the proposal can either be adopted or not adopted having a regard for the contents of the submissions.
- 4.2 With regard to the adoption or otherwise of a policy on freedom camping, the Council can either choose to have a policy direction or choose not to do so. The existing policy, however, needs to be reviewed to reflect the changed regulatory environment.
- 4.3 Staff have reviewed the existing policy and a marked-up version showing proposed amendments is attached for consideration and adoption.

5.0 SIGNIFICANCE AND CONSULTATION

- 5.1 There is some wider public interest in the process and significance includes issues relating to the lawfulness of the current Bylaw, appropriateness and

proportion in costs. There continues to be a public expectation that the Council have a stance on freedom camping

5.2 A bylaw revocation is subject to the special consultative procedure provided for in the Local Government Act 2002. The procedure has been conducted in accordance with the Act.

5.3 The adoption of a policy does not require to go through the special consultative procedure.

6.0 ASSESSMENT OF OPTIONS

6.1 The submission from the Association covers those matters that the Council has considered in proceeding with the special consultative procedure. The submission does not cover any new ground.

6.2 The submission from Haast Lodge asks for the bylaw to remain and be enforced. The Council has reluctantly gone down the path of revocation and the substance of the Haast Lodge submission may be difficult for the Council to support in the context of the proposal. The extension of the Bylaw to private land is not a possibility.

6.3 Costs, in particular, would make anything other than revocation a potentially very expensive exercise that would not add value to the process.

6.4 A review of Council's existing policy has been completed and can be adopted.

7.0 PREFERRED OPTION AND REASONS

7.1 The preferred option is the confirmation of the proposal, the revocation of the Westland District Council Freedom Camping Control Bylaw 2012 and the adoption of a reviewed policy on freedom camping.

7.2 As a consequence, Council does need to note that there is an LTP KPI that relates to the number of infringements to be issued. The revocation does mean that a particular KPI will not be able to be achieved.

8.0 RECOMMENDATIONS

A) **THAT** the proposed Statement of Proposal is confirmed and the Westland District Council Freedom Camping Control Bylaw 2012 be revoked.

B) **THAT** the reviewed Freedom Camping Policy be adopted.

Richard Simpson

Manager: Planning and Regulatory

Appendix 1: Statement of Proposal.

Appendix 2: Submission from the Association

Appendix 3: Submission from Haast Lodge

Appendix 4: Suggested Policy on Freedom Camping.

Appendix 1



WESTLAND DISTRICT COUNCIL FREEDOM CAMPING CONTROL BYLAW 2012 – REVOCATION

STATEMENT OF PROPOSAL, JULY 2013

Introduction:

The Westland District Council proposes to revoke the Westland District Council Freedom Camping Control Bylaw 2012 (the Bylaw). Revocation of a Bylaw is required to be undertaken in accordance with the special consultative procedure provided for in the Local Government Act 2002.

Reason for Proposal:

Council adopted the Bylaw in 2012 pursuant to the provisions of the Freedom Camping Act 2011. After the Bylaw was put in place the New Zealand Motor Caravan Association (the Association) applied to the High Court for a review of Council's procedures in respect of the Bylaw and made claims that the Bylaw was unlawful and unreasonable and not an appropriately proportionate way of addressing freedom camping in Westland.

Council has assessed the risk and has chosen to take a precautionary approach that does not incur costs for the ratepayer at any hearing in the High Court.

The Council ceased enforcing the Bylaw in April 2013 and has given an undertaking to the Association that a review will commence.

In the meantime the Council has yet to establish a timeframe and procedure for review and so revocation of the Bylaw is a desirable outcome to provide certainty to all parties in dealing with the adverse effects that can be associated with freedom camping.

Community Response:

The Council is concerned that some freedom camping practices could be detrimental in Westland and that the revocation of the Bylaw might not be in the best interest of households, businesses and the environment in Westland. Council is, however, heartened that the New Zealand Freedom Camping Forum will continue to exist and will champion the cause of clean freedom camping so that the people using both serviced and unserviced camper vans are aware of the need to ensure that environmental considerations are paramount in New Zealand and that dirty freedom camping practices do not occur.

Council acknowledges that the New Zealand Freedom Camping Forum will continue to have a role to play, that there is an increasing public awareness of the effects of dirty freedom camping practices, that a Bylaw may not necessarily be essential to control those practices and that the wider community will be better served through the improved education of vehicle users by way of policy rather than a regulatory function.

Options:

Council has considered several options:

1. Status quo. The status quo includes the continued enforcement of the current Bylaw. This is not an option as the matter is currently before the High Court on review.
2. Retain and immediately review the current Bylaw. Resources are not available at this time to undertake an immediate review that would adequately sustain scrutiny as to statutory process.
3. Revoke the Bylaw and do nothing. This option may be appropriate and is Council's proposal.
4. Revoke the Bylaw and commence an immediate review. Resources are not available at this time to undertake an immediate review that would adequately sustain scrutiny as to statutory process.
5. Revoke the Bylaw and undertake a review at some time in the future. This option does not involve a timetable for review but a review could be undertaken should circumstances require.

For the above reasons, Council has decided that the revocation of the Bylaw (option 3) is an appropriate proposal.

Consultation:

The Council has now reached the stage where the Special Consultative procedures provided for within the Local Government Act 2002 can be proceeded with.

The Council now proposes that the Westland District Council Freedom Camping Control Bylaw 2012 be revoked. Public notice of the proposal to revoke the Bylaw will be given on 7 August 2013 and the notice will invite participation and feedback on the Bylaw revocation proposal.

Any submission is required to be lodged at the Council building prior to **5.00pm on 5 September 2013**. Any submissions received will be considered with the final consideration of the revocation of the Bylaw to occur at the regular meeting of the Council on 26 September 2013.

Submissions must be sent to the Westland District Council, Private Bag 704, Hokitika 7842, and the officer for enquiries is Richard Simpson.

Dated at Hokitika this 1st day of August 2013.

Tanya Winter
Chief Executive



New Zealand Motor Caravan Association Inc.

05 September 2013

Westland District Council
Private Bag 704
Hokitika 7842

Appendix 2

Dear Richard Simpson,

PROPOSAL TO REVOKE THE FREEDOM CAMPING CONTROL BYLAW 2012

INTRODUCTION

1. The New Zealand Motor Caravan Association Inc. ("NZMCA") appreciates the opportunity to submit on the proposal to revoke the Westland District Council ("the Council") Freedom Camping Control Bylaw 2012 ("the Bylaw").
2. The NZMCA is developing a model freedom camping bylaw to promote consistent and lawful bylaws under the Freedom Camping Act 2011 ("the FCA"). The model bylaw is being prepared in consultation with the Department of Internal Affairs, Department of Conservation ("DOC") and Local Government New Zealand ("LGNZ"). This resource may be of interest to the Council should it decide to revise the current bylaw or create a new bylaw.
3. The NZMCA wishes to collaborate with the Council to promote responsible overnight parking across Westland and ensure any approach to managing the activity complies with the permissive intent of the FCA.

SUMMARY

4. **We support** revoking the bylaw for the reasons outlined in our *Statement of Claim Application for Judicial Review*, dated 15 February 2013 (as attached). If, following consultation, it was deemed necessary to retain a freedom camping bylaw then we would support a revised bylaw that complied with the requirements of the FCA.
5. **We recommend** the Council updates its freedom camping policy¹ as it prohibits freedom camping in a similar manner to the bylaw, which prompted the NZMCA to apply for a judicial review.

¹ Under the policy, freedom camping is prohibited on any public reserve or local authority area within 1km of the boundary of all townships and settlements.

Driving towards a Sustainable Future

Freedom to Explore

4 Graham Road, Takahānui 2112
PO Box 72147, Papakura 2244
E enquiries@nzmc.org.nz

P 09 298 5456
F 09 298 5646
www.nzmc.org.nz

6. **We recommend** the Council works proactively with the NZMCA to promote responsible freedom camping across Westland, whether or not the activity is controlled by way of an updated freedom camping policy and/or an amended bylaw.

REASON FOR PROPOSAL

7. According to the Statement of Proposal, revoking the bylaw is the Council's only option as it cannot justify spending ratepayer funds to defend the bylaw in Court, and there is a lack of internal resources to commence an immediate review. The NZMCA is confident that if the matter were tested in Court, the bylaw would be found to be illegal. For that reason we agree revocation is the best option.
8. However, it must be noted that the NZMCA is not opposed to Council having a freedom camping bylaw so long as it complies with the FCA. From the evidence provided to us by the Council in 2012, we acknowledge some freedom campers (primarily those in non-self-contained vehicles) have created problems that may justify restrictions at specific local authority areas. However, we are opposed to the Council adopting a broad-brush approach that unduly prohibits or restricts law abiding New Zealanders from accessing large areas of public land for their personal recreational enjoyment. A broad-brush approach is unlawful as it breaches the FCA and New Zealand Bill of Rights Act 1990.

COMMUNITY RESPONSE

9. We support the view that a combination of education and policy (as opposed to regulation) may be more effective in curbing local issues. In the absence of an FCA-compliant bylaw it is vital that Council builds partnerships with key stakeholders (e.g. the NZMCA, private rental operators and Rankers.co.nz) to promote consistent responsible camping messages to international and domestic tourists.
10. We note the Council will rely on its Freedom Camping Policy to help control freedom camping. Based on the issues identified in our Statement of Claim, we submit that as well as revoking the bylaw, Council should review this Policy to make it consistent with the FCA and Parliament's intention for local authorities to take a more permissive approach to freedom camping.

CONCLUSION

11. We support the proposed revocation, however we are not opposed to commencing an immediate review of the bylaw to comply with the FCA.
12. We recommend that the Council review the Freedom Camping Policy to uphold the permissive intent of the FCA, and work with the NZMCA to promote responsible freedom camping across Westland.
13. The NZMCA thanks the Council for the opportunity to comment on this proposal. We would appreciate time to speak to this submission at the hearing.

James Imlach

NZMCA Resource Management Planner

E james@nzmca.org.nz

P 09 298 5466 ext. 705 | M 027 298 5648

UNDER Part 1 of the Judicature Amendment Act 1972

IN THE MATTER OF an application for judicial review of a decision made pursuant to the Freedom Camping Act 2011

BETWEEN **THE NEW ZEALAND MOTOR CARAVAN ASSOCIATION INCORPORATED**, an incorporated society registered under the Incorporated Societies Act 1908 and having its registered office at 4/181, Great South Road, Takanini, Auckland

Plaintiff

AND **WESTLAND DISTRICT COUNCIL**, a territorial authority governed by the Local Government Act 2002

Defendant

**AMENDED STATEMENT OF CLAIM
APPLICATION FOR JUDICIAL REVIEW**

Dated the 15th day of February 2013

Chen Palmer Public and Employment Law Specialists
Barristers and Solicitors
WELLINGTON

Mal Chen/Nicholai Anderson
Telephone: 04 499 8990
Facsimile: 04 499 8992
P O Box 2160, Wellington 6140
DX SP26503
Level 8, 138 The Terrace, Wellington

AMENDED STATEMENT OF CLAIM

Dated the 15th day of February 2013

The plaintiff by its solicitor says:

Parties

- 1 The plaintiff in this proceeding is the New Zealand Motor Caravan Association Incorporated, an Incorporated Society (Number 223863) registered under the Incorporated Societies Act 1908 and having its registered office at 4/181, Great South Road, Takanini, Auckland.
- 2 The plaintiff is a membership-based organisation representing the interests of over 46,500 private motor caravan owners throughout New Zealand. The plaintiff's constitution provides that its objects are to promote the operation of Motorhomes and Caravans in New Zealand, including (in particular) to:

"Monitor central, regional and local government legislation and make representations thereon where considered necessary".
- 3 The defendant is the Westland District Council ("the Council"), a territorial authority listed in Part 2, Schedule 2 of the Local Government Act 2002.

Background

Consultation and decision-making process

- 4 On or about 23 August 2012, the Council issued a Statement of Proposal in relation to the making of a bylaw under the Freedom Camping Act 2011 ("the Act").
- 5 The proposed bylaw was to replace the Westland District Council Freedom Camping Control Bylaw 2011, which was a temporary measure under the Act.
- 6 The Council called for public submissions to be lodged in accordance with the special consultation procedure prescribed in section 83 of the Local Government Act 2002.
- 7 The plaintiff lodged a submission with the Council and was heard by the Council's Strategy Committee on Friday 5 October 2012.
- 8 On or about 17 October 2012, the Council's Strategy Committee recommended that the proposed bylaw and underlying policy be amended.

- 9 On or about 25 October 2012, the Council resolved to approve the Westland District Council Freedom Camping Policy ("the Policy") and the Westland District Council Freedom Camping Control Bylaw 2012 ("the Bylaw") without amendments.

The Policy

- 10 The Policy states that it is "designed to encourage travellers and campers to use camping grounds and other accommodation facilities as much as possible."
- 11 The Policy states (emphasis in original) that:
- *1. If a vehicle is not a "Certified Self Contained Vehicle" fitted in accordance with NZS 5465:2001 with a minimum three day capacity toilet and grey-water storage facility, freedom camping is not permitted and a camping ground is to be used.
 2. If a vehicle is a "certified Self Contained Vehicle" fitted in accordance with NZS 5465:2001 with a minimum three day capacity toilet and grey-water storage facility, freedom camping may occur on Council controlled public land, except as listed in "Specified Areas" below, and for no more than five nights in any calendar month but limited to three consecutive nights at any single location.
 3. Toilet and grey-water must be disposed of in an approved dump point.
 4. Vehicles provided by companies such as (but not limited to) Wicked Campervans, Spaceship Campervan Rentals, Maui Campervan Rentals, Kiwi Kombi Campervan Rentals, Jucy Campervan Rentals, Britz Campervans, Escape Campervan Rentals Limited, Backpacker Campervan Rentals, without toilets and grey-water storage facilities are prohibited from camping on any Council land, or on lay-bys on State Highways 6 and 73 or on local roads within Westland District. **Such vehicles must use public camping ground facilities.**
 5. All freedom campers are asked to comply with any request to move on, by any Officer of the Council, or any person authorised by Council.
 6. Freedom campers must respect our environment with sites being left clear of all rubbish, waste and damage. The dumping of waste and litter is an offence and will result in instant fines or prosecution.
 7. Freedom campers must act responsibly, and respect the access and enjoyment rights of other public space users."
- 12 The Policy states that it is "underpinned by the Westland District Council Freedom Camping Bylaw 2012 which provides a legal framework for dealing with the environmental problems of freedom camping."

The Bylaw

Purpose of the Bylaw

- 13 Clause 3.0 of the Bylaw states that the purpose of the Bylaw is to:

"...define the local authority areas in the District where freedom camping is restricted and the restrictions that apply to freedom camping in those areas and to define the local authority areas in the District where freedom camping is prohibited to ensure that:

- (a) the areas are protected;
- (b) the health and safety of people who may visit the areas is protected
- (c) access to the area is protected."

- 14 The Explanatory note of the Bylaw states that:

"The number of visitors using motorhomes as alternative accommodation and others who choose to camp outside registered camping grounds have focused public attention on issues such as disposal of greywater and refuse, support for local businesses and amenity issues.

In order to prevent such issues becoming a significant problem, and to maintain and enhance the environment and the level of services provided in the District, Westland District Council strongly encourages visitors and travelers [sic] using mobile and other temporary accommodation e.g. campervans, caravans and tents to use registered camping grounds (See Schedule 3).

However, one of the main reasons many people prefer to use motorhomes is for the perceived convenience and freedom of being able to pull off the road and camp wherever they feel like, with, in many cases, all the convenience of a home.

This bylaw is an attempt to balance the needs and expectations of the local community with those of freedom campers."

No Freedom Camping Zones

- 15 Clause 4.0 of the Bylaw provides that:

"A person must not freedom camp in any local authority areas within any no freedom camping zone, as identified in Schedule 1 to these bylaws, without the prior written consent of the Council (which consent may be with or without conditions)."

- 16 "Local authority area" is defined in clause 2.0 as meaning an area of land:

- "(a) that is within the Westland district; and

- (b) that is controlled or managed by the Westland District Council under any enactment; and
- (c) includes any part of an area of land referred to in paragraph (a); but does not include an area of land referred to in paragraph (a) or (b) that is permanently covered by water."

17 Schedule 1 refers to "All Council public reserves" and "All public land and roads within 1 kilometre of the boundary of all townships and settlements [identified in associated maps]" as No Freedom Camping Zones. The townships and settlements identified include:

- (a) Arahura;
- (b) Kumara;
- (c) Hokitika and Surrounds;
- (d) Ruatapu;
- (e) Kokatahi;
- (f) Lake Kaniere;
- (g) Ross;
- (h) Harihari;
- (i) Okarito;
- (j) Whataroa;
- (k) Franz Josef/Waiau;
- (l) Fox Glacier;
- (m) Bruce Bay;
- (n) Haast;
- (o) Hannahs Clearing;
- (p) Okuru;
- (q) Neils Beach; and
- (r) Jackson Bay.

18 No definition of Council public reserves, or public land and roads is provided.

19 Clause 6.0 of the Bylaw provides that:

"Any consent sought under clause 4.0 must be applied for in writing to the Chief Executive of the Council. Consent may be granted with or without conditions, at the absolute discretion of the Council, where the Council considers that the granting of that consent would not be contrary to the purpose of these bylaws."

Permitted Freedom Camping in Other Areas

20 Clause 5.0 of the Bylaw provides that:

"A person may freedom camp in any local authority areas outside of any no freedom camping zone as identified in Schedule 1 to these bylaws if that person:

- (a) is freedom camping using a self-contained vehicle and
- (b) stays at the one site or in the same area no more than five nights in any calendar month but limited to three consecutive nights."

21 "Self-contained vehicle" is defined in clause 2.0 of the Bylaw to mean:

"...a vehicle designed and built for the purpose of camping which has the capability of meeting the ablutionary and sanitary needs of occupants of that vehicle for a minimum of three days without requiring any external services or discharging any waste and complies with New Zealand Standard 5465:2012."

Offences and penalties

22 Clause 9.0 of the Bylaw provides that:

"1. In accordance with section 239 of the Local Government Act 2002, every person who breaches these bylaws commits an offence and is liable on summary conviction to the penalty set out in section 242(4) of that Act (being a fine not exceeding \$20,000).

2. In accordance with section 27 of the Freedom Camping Act 2011, an enforcement officer may issue an infringement notice to anyone who the enforcement officer believes on reasonable grounds has committed or is committing an infringement offence as set out in section 20(1) of the Act (a copy of which is included as Schedule 2 of these Bylaws for information only)."

Exercise of Statutory Power of Decision

23 The Council's decision to adopt the Bylaw was an exercise or purported exercise of a statutory power for the purposes of the Judicature Amendment Act 1972.

AND FOR A FIRST CAUSE OF ACTION: ILLEGALITY

24 The plaintiff repeats the foregoing, and further says that the Bylaw is *ultra vires* section 11 of the Act or otherwise illegal.

Ultra vires section 11 of the Act

25 The Bylaw is *ultra vires* section 11 of the Act because:

- (a) The Bylaw does not define the local authority areas in the Council's district within which freedom camping is prohibited or restricted as required by section 11(1) and (3) of the Act, and is uncertain as a consequence;
- (b) The Council has not undertaken the requisite assessment for a reasonable Council to satisfy itself under section 11(2) of the Act that the Bylaw is:
 - (i) Necessary to protect the area, to protect the health and safety of people who may visit the area, or protect access to the area; and
 - (ii) The most appropriate and proportionate way of addressing the perceived problem in relation to that area; and
 - (iii) Not inconsistent with the New Zealand Bill of Rights Act 1990;
- (c) The Bylaw wrongly captures non-local authority areas within the Council's district, or is otherwise uncertain as to its application; and
- (d) The Bylaw has the effect of prohibiting all freedom camping other than in a self-contained vehicle in all local authority areas in the Council's district in breach of section 12 of the Act.

Inconsistent with the New Zealand Bill of Rights Act 1990

26 The Bylaw constitutes a limitation on the right to freedom of movement affirmed in section 18 of the New Zealand Bill of Rights Act 1990 that is not demonstrably justified in a free and democratic society in terms of section 5 of that Act.

Particulars

- (a) The Bylaw effectively prohibits freedom camping on all public land and roads within 1 kilometre of the boundary of all townships and settlements;
- (b) Only those persons with self-contained vehicles are entitled to freedom camp in local authority areas anywhere else in the Westland district;

- (c) Prospective freedom campers therefore have to travel elsewhere to make camp, pay to attend a camping ground or accommodation facility, or seek the written approval of the Council's Chief Executive (which is entirely discretionary);
- (d) In deciding to adopt the Bylaw, the Council has not undertaken any adequate assessment in order to identify problems associated with freedom camping in particular local authority areas and determine whether a Bylaw is necessary to protect that area, to protect the health and safety of people who may visit the area, or to protect access to the area. Instead, the Council has relied on a 2004 survey relating to State Highways, which are not local authority areas, together with the personal views of the Councillors; and
- (e) The Council has not adequately considered alternative measures to address the problems it perceives arise from freedom camping, such as restricting freedom camping to those persons with self-contained vehicles, designating particular sites for freedom camping, or the installation of additional waste receptacles and toilet facilities.

Irrelevant consideration

- 27 The Bylaw is illegal because the Council has taken into account irrelevant considerations.

Particulars

- (a) The Council decided to adopt the Bylaw as originally drafted on the basis that it would have a negative impact on the environmental and financial aspects of the communities of Franz Josef, Fox Glacier and Bruce Bay and the wellbeing of those communities; and
- (b) Both the Bylaw and the Policy indicate that the impact of freedom camping on local businesses and camping grounds was a key consideration.

Improper purpose

- 28 The Bylaw is illegal because the Council has acted for an improper purpose.

Particulars

- (a) The Bylaw expressly refers to the Council's intention to encourage visitors and travellers to use registered camping grounds (which are listed in Schedule 3 to the Bylaw); and

- (b) The Council decided to adopt the Bylaw as originally drafted on the basis that it would have a negative impact on the environmental and financial aspects of the communities of Franz Josef, Fox Glacier and Bruce Bay and the wellbeing of those communities.

Application of the Local Government Act 2002

- 29 The Bylaw is illegal insofar as it purports to apply an offence regime that cannot apply to a bylaw enacted under the Act.

Particulars

- (a) The Bylaw wrongly states that breaching its clauses will result in penalties being applied in accordance with section 239 of the Local Government Act 2002.

AND FOR A SECOND CAUSE OF ACTION: UNREASONABLENESS

- 30 The plaintiff repeats the foregoing, and further says that the Bylaw is invalid because it is unreasonable. In particular:

- (a) The Bylaw does not define the local authority areas in which freedom camping is restricted or prohibited and is uncertain as a consequence;
- (b) The Bylaw substantially restricts the freedom of movement of prospective freedom campers and is not reasonably necessary to achieve the purposes in section 11(2) of the Act; and
- (c) The discretion granted to the Chief Executive of the Council to authorise freedom camping in No Freedom Camping Zones under the Bylaw is so wide as to make the Bylaw both uncertain and unreasonable; and
- (d) The Bylaw incorrectly purports to apply the offence regime under the Local Government Act 2002, making the penalties for breaching the Bylaw uncertain.

AND FOR A THIRD CAUSE OF ACTION: THE BYLAW IS INVALID (SECTION 17 OF THE BYLAWS ACT 1910)

- 31 By reason of the matters pleaded above, the Bylaw is:

- (a) *Ultra vires* of the Council;
- (b) Repugnant to the laws of New Zealand; and

- (c) Unreasonable.

32 The Bylaw is therefore invalid.

Wherefore the Plaintiff Claims:

- (a) An order quashing the Bylaw in its entirety;
- (b) Such other relief as the Court considers appropriate in the circumstances of the case; and
- (c) Costs of and incidental to this proceeding.

This document is filed by **Mai Chen**, solicitor for the plaintiff, of the firm **Chen Palmer**. The address for service of the plaintiff is Level 8, 138 The Terrace, Wellington 6011.

Documents for service on the plaintiff may be left at that address for service or may be:

- (a) posted to the solicitor c/o **Chen Palmer, P O Box 2160, Wellington 6140**; or
- (b) left for the solicitor at a document exchange for direction to c/o **Chen Palmer, DX SP 26503, Wellington**; or
- (c) transmitted to the solicitor by fax to **04 499 8992**; or
- (d) emailed to the solicitor at **mai.chen@chenpalmer.com**.

Appendix 3

Haast Lodge & Motorpark
MARKS ROAD, P.O. BOX 11, THE HAAST
SOUTH WESTLAND 7844
NEW ZEALAND
www.haastlodge.com

PHONE: 03 750 0703 FAX: 03 750 0718 EMAIL: info@haastlodge.com

28.08.13

The General Manager
Westland District Council

RE: Proposed Revocation of Freedom Camping Bylaw

Dear Sir/Madam

Please note our original submission on this matter (dated 23 August 2008) in italics below:

While our overall position remains unchanged from 2008, in light of the current WDC/NZMCA debacle, we now submit the following additional comments for council's consideration.

- We are now embarrassed to reside in a district where the local authority has been sufficiently fiscally incompetent as to now find itself unable to defend its own laws.
- WDC need to carefully consider the precedent that will be set by this suggested action. The democratic process has been perverted by 1) WDC incompetence and 2) exploitation of same by big business.
- If WDC proceed with this absurd surrender, it will indicate to all concerned that any bylaw may be revoked in south westland, simply by instigating legal action against Council. Even frivolous litigation cannot be defended and may be used to manipulate the local authority.
- While unable to even uphold its own Bylaws, WDC continues to feed cash to projects (via its CCOs) that it identifies itself as high risk. This is absolutely absurd and is an abject and disgraceful failure of local government.
- Not only should WDC uphold the bylaw in question, it should start to enforce it. It is misleading to state that it has ceased enforcement when, at least around Haast, a Hoki-centric council; has failed to enforce the bylaw at any time. The proposal is neither accurate nor honest in this regard.

Suggested action:

- Retain the bylaw and enforce it rigorously

- Extend the bylaw to include NZMCA P.O.P properties, or at least apply the Camping Ground regulations to same.
- Fund the High Court defense by the application of fines to those freedom camping. If this had been done from 2008 then WDC would not be open to exploitation by this particular lobby group.
- If financially unable to defend its own democracy then WDC should apply to place itself under central government administration and/or seek emergency legal funding.

2008 submission:

Thank you for the opportunity to submit our input with respect to the recently Proposed Freedom Camping Policy (PFCP) as outlined in your letter dated 4th March 2008

We hope that the following points may be considered useful in the formation of the final Policy.

General Comments

- *Freedom Camping is a good thing when done appropriately. Further references to freedom Camping within this submission relate to Freedom Camping in inappropriate places.*
- *Freedom Camping in Haast creates a serious problem for our business. Freedom Campers (FCs), within 2km of our park, including those parked outside WDC "No Overnight Camping" signage often exceed the numbers of vans we host on a commercial basis. (ie existing WDC pseudo policy is already ignored). This is despite our commercial fees being at or below, the median fees for NZ.*
- *A continuing lack of Policy or an unenforced Policy combined with a hike in real estate values and increasing costs is likely to result in a 'tipping point' where Haast Lodge and Motorpark declines to host vans in favour of another business model.*
- *For the first time, Haast Lodge and Motorpark is closing for six weeks in July 2008 as our experience shows that there are insufficient commercial visitors (but plenty of FC's) to Haast at that time. This is indicative of the seriousness of the issue. If sufficient FC's could be encouraged to stay with us rather than creating problems around the township (waste, litter etc), then we would not be closing.*
- *The closure of commercial facilities will exacerbate existing problems.*
- *The PFCP as written seems to first and foremost encourage overnight camping on Council controlled land. The WDC should instead first and foremost encourage travellers to use commercial facilities, custom built to task.*
- *Rules 2, 3, 4, 5, 6 lack any indication of enforcement options. The PFCP clearly lacks teeth and is of no value to anyone (other than to the WDC for administrative purposes?) without enforcement options.*
- *Who does the WDC consider to be an Officer of the Council. Are policemen de facto officers of the Council? Can the WDC provide operators with a list of local 'officers' that we can call (even at 1am) and update this annually? In the likely absence of such officers being resident in remote towns, is there a plan and budget to do 'blitzes' similar to booze bus sweeps to have a 'clean up' on*

a routine basis? Clearly this would fund itself if the WDC is serious about enforcing the \$400 fines.

- Can the WDC please provide operators with annual data reflecting enforcement statistics and revenues? The WDC charges us rates and camping ground fees, we would like to see and be reassured that they are doing their part too.*
- We note and are rather disappointed that the WDC which has its head office located in Hokitika has in the PFCP cited only three 'named' geographical locations where freedom camping may not occur and that two of these are in Hokitika! Either don't bother with specific locations or consult each park and operator and agree on a definitive list. The latter option would take some considerable time and resources.*
- Signage. How does a freedom camper know that they have entered a 1km (we prefer 2km) exclusion zone? It would not be fair to fine someone \$400 unless the WDC provides a sign on each main route in and out of such a zone akin to 'school zone' signage. The WDC needs to commit to this or else there will be no accountability for lack of enforcement. We consider this 'Zonation' option superior to a list of specific 'No-Go' sites.*
- Vested interest. The possible/probable strong opinions of camp operators regarding this policy may be easily dismissed by Council or others, on the basis of 'vested interest' and while this is true by definition, it should also be noted that the broader community has also had enough of that small proportion of campers that make a nuisance of themselves fouling laybys and so on. Therefore has the council sought proposals from the broader community (that would be much harder to dismiss or categorise) regarding this policy and if not why not? The WDC may well be surprised at the level of feeling there is in small towns like Haast outside of those expressed by operators.*

Suggestions

- Seek submissions from a broader portion of the Community*
- Outline enforcement options including a list of Council Officers for each area and perhaps a self-funded Mobile Enforcement Unit*
- Monitor the performance of the FCP and commit to annual reporting on enforcement statistics and revenues*
- Increase signage so that Campers can identify when they are within an Exclusion Zone. The Exclusion zone should be set at 2km from a commercial park*
- Educate and Encourage travellers with information placed with van companies, motorpark, DOC freedom camps and on roadside signage as to the rules and consequences of breaches of the FCP in Westland.*

In general we feel that the PFCP as presented is a rather rushed and ad-hoc document. The WDC is however commended for making a start on this difficult issue and we look forward to playing a part in the creation of a credible, workable and enforceable FCP over the coming months

Faithfully

Greg Hope
Manager
Aspiring Court Motel & Haast Lodge & Motorpark

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Does not wish to be heard
// 28.11.15 x email. Page 60



Freedom Camping Policy

Westland District Council's policy is designed to encourage travellers and campers to use camping grounds and other accommodation facilities as much as possible. The intent of this policy is to encourage freedom camping travellers while eliminating the detrimental environmental effects of discarded rubbish and human waste.

This policy recognises that some visitors to our District are choosing freedom camping as their preferred accommodation and also recognises the economic and social benefit freedom campers bring to the District.

~~This policy is underpinned by the Westland District Council Freedom Camping Control Bylaw 2012 which provides a legal framework for dealing with the environmental problems of freedom camping.~~

Council's Policy is:

1. If a vehicle **is not** a "Certified Self Contained Vehicle" fitted in accordance with NZS 5465:2001 with a minimum three day capacity toilet and grey-water storage facility, freedom camping is to be restricted not permitted and a camping ground is to be used.
2. If a vehicle **is** a "Certified Self Contained Vehicle" fitted in accordance with NZS 5465:2001 with a minimum three day capacity toilet and grey-water storage facility, freedom camping may occur on Council controlled public land, except on any Council land or road where there are signs restricting freedom campers listed in "Specified Areas" below, and for no more than five nights in any calendar month but limited to three consecutive nights at any single location.
3. Toilet and grey-water must be disposed of in an approved dump point.
4. Vehicles provided by companies such as (but not limited to) Wicked Campervans, Spaceships Campervan Rentals, Maui Campervan Rentals, Kiwi Kombi Campervan Rentals, Jucy Campervan Rentals, Britz Campervans, Escape Campervan Rentals Limited, Backpacker Campervan Rentals, without toilets and grey-water storage facilities are not designed to be used at any place where there is no access to toilet facilities prohibited from camping on any Council land or on lay-bye or State Highways 6 and 73 or on local roads within Westland District. Such vehicles must use public camping ground facilities.
5. All freedom campers are asked to comply with any request to move on, by any Officer of the Council, or any person authorised by Council.

6. Freedom campers must respect our environment with sites being left clear of all rubbish, waste and damage. The dumping of waste and litter is an offence and will result in instant fines or prosecution.
7. Freedom campers must act responsibly, and respect the access and enjoyment rights of other public space users.

Excellent and up-to-date information on camping options can be found at

<http://www.rankers.co.nz/regions/west-coast/accommodation>

and at

<http://www.campermate.co.nz/>

Enforcement

~~Enforcement Officers are warranted by Council to issue infringement notices and impose fines of \$200.00. Infringement notices and fines can be expected to be issued.~~

~~Specified Areas (where freedom camping is restricted)~~

- ~~• On any Council public reserve~~
- ~~• On any public land or road within 1 kilometre of the boundary of all townships and settlements.~~

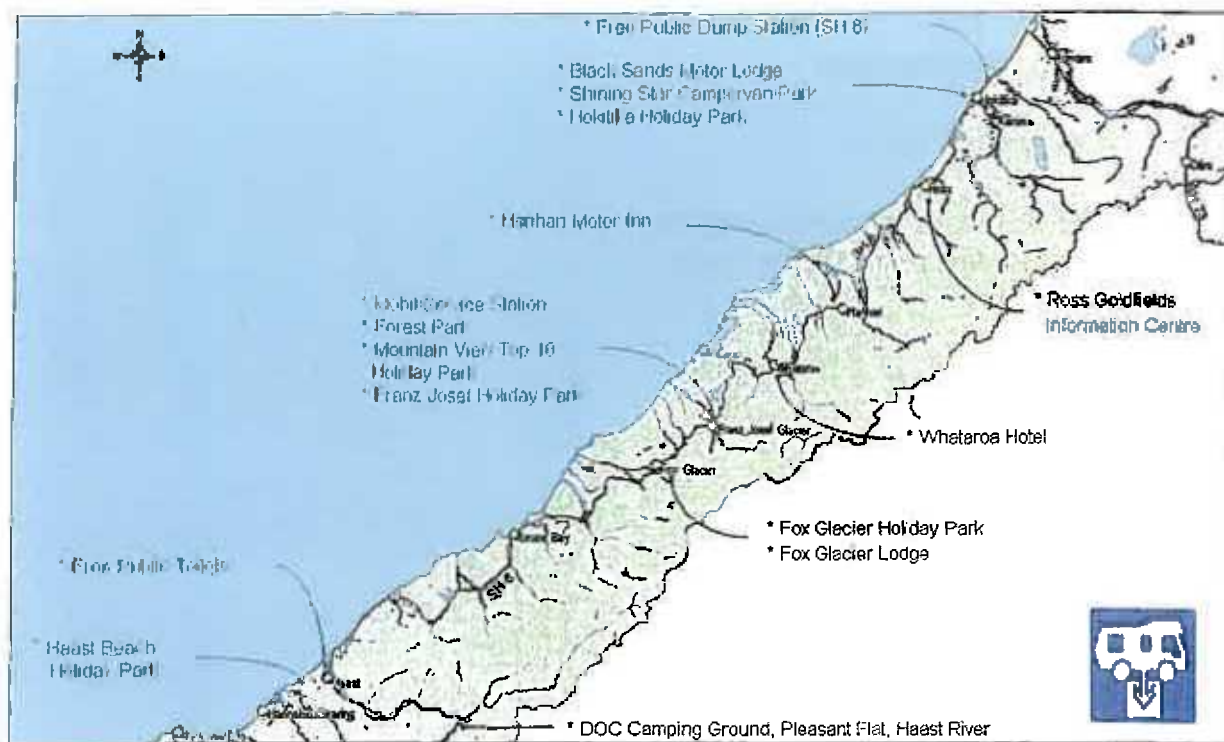
Dump Point Locations

Refer to attached map at **Appendix 1** for District-wide dump point locations for toilet and greywater disposal.

Camping Ground Locations

Refer to **Appendix 2** for a list of camping grounds within Westland District.

District-Wide Dump Locations for Toilet and Greywater Disposal



Effluent Dump Stations in Westland District



PLANS PRODUCED BY WESTLAND DISTRICT COUNCIL. CADASTRAL DATA DERIVED FROM LINZ'S DCD9 (CROWN COPYRIGHT RESERVED).

SCALE
1:100,000

Camping Grounds within Westland District

JACKSONS

- Jacksons Retreat Holiday Park

KAIHINU

- Beach Walk Holiday Park

HOKITIKA

- Shining Star Beachfront Accommodation
- 252 Beachside Motels and Holiday Park
- Hokitika Holiday Park

ROSS

- Historic Empire Hotel Ross

HARIHARI

- Harihari Motor Inn

WHATAROA

- Whataroa Hotel

OKARITO

- Okarito Camping Ground

FRANZ JOSEF

- Franz Josef Mountain View Top 10 Holiday Park
- Rainforest Holiday Park
- Terrace Motels (catering for self-contained vehicles only)
- Glacier Country Campervan Park (catering for self-contained vehicles only)

FOX GLACIER

- Fox Glacier Holiday Park
- Fox Glacier Campervan Park

HAAST

- Haast Lodge and Motorpark
- Haast Beach Holiday Park

DEPARTMENT OF CONSERVATION CAMPING GROUNDS

- Goldsborough, Shamrock Creek Amenity Area
- Hans Bay, Lake Kaniere Scenic Reserve
- Lake Mahinapua, Lake Mahinapua Scenic Reserve
- Lake Ianthe, Lake Ianthe Scenic Reserve
- Ottos/MacDonalds, Westland National Park
- Gillespies Beach, Conservation Area
- Lake Paringa, Conservation Area.

Report



DATE: 26 September 2013

TO: Mayor and Councillors

FROM: Team Leader Operations

WESTLAND DISTRICT NZTA PROCUREMENT STRATEGY REVIEW

1.0 SUMMARY

- 1.1 The purpose of this report is to advise Council of changes to the Westland District NZTA Procurement Strategy and request approval to submit the reviewed version to the New Zealand Transport Agency (NZTA) for their approval.
- 1.2 This issue arises from a requirement by NZTA that local authorities review the procurement strategy for their roading infrastructure activity every three years.
- 1.3 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.
- 1.4 Council seeks to meet this obligation and the achievement of the District Vision set out in the Long Term Plan 2012-22. The matters raised in this report relate to those elements of the vision identified in the following table.

Vision's Objectives	Achieved By
Involving the community and stakeholders	Having in place a procurement strategy that provides guidance for Council staff and information to suppliers about Councils preferred procurement approach
Having expanded development opportunities	
Having top class infrastructure for all	

- 1.5 This report concludes by recommending that Council approves the revised version of the Westland District NZTA Procurement Strategy.

2.0 BACKGROUND

- 2.1 NZTA requires each local authority to have an approved Procurement Strategy in place that follows the NZTA Procurement Manual Procurement Procedure 1 – Infrastructure for Physical Works and Procurement Procedure 2 – Planning and Advice for Professional Services
- 2.2 The procurement strategy is prepared to outline Councils approach to procurement of goods and services in relation to the transportation activity for the benefit of the Westland Community. It is intended to provide guidance for Council staff and information to suppliers about Councils preferred procurement approach.
- 2.3 The appropriateness of the procurement approaches identified will be assessed regularly and this strategy must be reviewed every three years in line with NZTA requirements. This will primarily relate to the Transportation Activity and the components funded through the National Land Transport Programme (NLTP), managed by NZTA.

3.0 CURRENT SITUATION

- 3.1 Council, with the assistance of Waugh Consulting developed the Westland District NZTA Procurement Strategy in September 2010.
- 3.2 NZTA endorsed the Westland District NZTA Procurement Strategy in respect of NLTP funded activity for the period 2010-2013.
- 3.3 In line with NZTA requirements Westland Districts NZTA Procurement Strategy must be reviewed now for 2013-2016.
- 3.4 NZTA invests approximately 65% of the Westland District transportation activity cost (\$3,700,000 - \$4,000,000) per annum.
- 3.5 There are two changes to the strategy:
 1. The revised Westland District NZTA Procurement Strategy 2013 aligns with the current Westland District Long Term Plan.

2. The document now includes a manual/handbook for staff and supplier reference which comprehensively outlines the procurement process for transportation.

4.0 OPTIONS

- 4.1 Option 1 - Status Quo – Don't review the current procurement strategy
- 4.2 Option 2 - Approve the revised procurement strategy and submit to NZTA for their endorsement.
- 4.3 Option 3 - Delay review to incorporate procurement approach for all Council activities.

5.0 SIGNIFICANCE AND CONSULTATION

- 5.1 This decision has a high degree of significance. Given the importance of the relationship between Council and NZTA any decision to not comply with NZTA requirements has the potential to have a substantial financial implication and will affect all of the community.
- 5.2 Consultation is only required with NZTA. This has been undertaken.

6.0 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

- 6.1 Option 1: NZTA require local authorities to review procurement strategies every three years. Failure to do so could adversely affect the relationship between Council and NZTA and have possible financial implications.
- 6.2 Option 2: Preferred option. There is an expectation from NZTA that Council review the current strategy and by doing so Council acknowledges the importance of the partnership with NZTA and secures their investment in the transportation activity.
- 6.3 Option 3: NZTA require local authorities to review procurement strategies every three years. Developing a document that incorporates procurement approaches for all Council's activities requires consultation beyond NZTA that would significantly delay adoption of the document by Council. Not meeting the required NZTA timeframes could adversely affect the relationship between Council and NZTA and have possible financial implications.

7.0 PREFERRED OPTION AND REASONS

- 7.1 Option 2: Approve the revised procurement strategy and submit to NZTA for their endorsement.
- 7.2 Reason: NZTA is arguably Council's most significant business partner and invests approximately 65% of the transportation activity cost (\$3,700,000 - \$4,000,000) per annum.

8.0 RECOMMENDATION

- A) **THAT** Council approves the revised version of the Westland District NZTA Procurement Strategy.

Appendix 1: Westland District NZTA Procurement Strategy 2013

Peter Anderson
Team Leader Operations

Appendix 1



**Westland District Council
Procurement Strategy
(Applies to NZTA funded projects and Infrastructure projects)**

Quality Record Sheet

Westland District Council Procurement Strategy

(Applies to NZTA funded projects and Infrastructure projects)

Issue Information

Issue Purpose	Draft
Issue Date	TBA
Version Number	2.0

Approvals

Westland District Council	Submitted for Review Executive Team 30 July 2013
New Zealand Transport Agency	TBA

Authorisation

Westland District Council	Vivek Goel – Group Manager: District Assets
Prepared By	Vivek Goel – G.M. – District Assets Peter Anderson – Team Leader – Operations
Date	July 2013
Version 1.0 Developed by	Waugh Consultants (September 2010)

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1.0 NOTES FOR READERS

This Procurement Strategy has been revised and prepared to outline Westland District Council's approach to the procurement of goods and services for the benefit of the Westland Community. This strategy is intended to provide guidance for Council staff and information to suppliers about Council's preferred approach.

A précis of the approach is provided in the Executive Summary while the main document details how procurement occurs in the context of Westland District Council's Strategic Goals and Objectives along with an analysis of the supplier market.

The first version of this policy was developed by Waugh Consultants. This version now has been updated to include the new capital works program from 2013-14 Annual Plan. The Strategy was prepared in response to the requirements of the New Zealand Transport Agency (NZTA)

The Capital Works program will be updated annually as per the Annual Plan process

At this stage the strategy applies to Infrastructure procurement only. It is Council's intention that the document and its scope around procurement will be expanded to include all the procurement activities of Council.

Note: This document is a live document with individual sections which will be updated as required in line with Ten Year Plans or Annual Plans.

NZTA ENDORSEMENT

TBA.

2.0 EXECUTIVE SUMMARY

Westland District Council has developed a comprehensive program for asset management planning and service delivery. This program is based on N.A.M.S. guidelines. This also includes a comprehensive risk management framework for Council.

Council seeks to procure goods and services to support the asset delivery function in a manner that is consistent with this framework and Council's overall business approach.

Council has identified the need to plan effectively and deliver quality in a sustainable manner; lowest cost options are not necessarily the best. A robust strategic and asset management planning regime is a priority for ensuring that effective work programmes are developed. A whole-of-life approach relies on asset management planning including lifecycle management planning and modelling.

Suppliers are expected to understand the drivers of Council's planned approach and the commitment made to deliver the agreed Levels of Service.

The objectives for this Procurement Strategy are:

1. Supporting the achievement of Council's commitment to community and the Ten Year Plan Programme through efficient and realistic procurement processes that meet Westland's needs
2. Integrating Procurement with Council's organisational goals as contained in the Vision Statement.
3. Delivery of the agreed levels of service to the community in a manner that represent value for money for current and future generations
4. Encouraging appropriate and equitable levels of competition across suppliers
5. Ensuring procurement is fair and transparent with effective accountability measures
6. Ensuring the provision of this procurement strategy do not discount the local suppliers or contractors on any account and achieve a balance between economic, environment and social drivers

There is no "one size fits all" approach to procurement and Council favours a range of methods including:

- Comprehensive long term contracts for maintenance works which require high levels of capacity, capability and certainty
- Smaller packages to enable smaller local suppliers to supply services to Council and their community
- Larger packages for capital projects involving complex design, project management and construction
- The acknowledgement of the roles of specialists
- Alliance contracts to achieve the best possible outcome for District and its local community.

For Transportation activities, Westland District Council intends to follow the NZTA Procurement Manual Procurement Procedure 1 - Infrastructure for Physical Works and

Procurement Procedure 2 Planning and Advice for Professional Services. Council has a limit for closed contests (selected tender) to \$250,000 to match the limit for minor improvements (refer PPFM F9.9). A direct appointment may be made for streetlight maintenance in the future, should NZTA approval be gained for this approach.

For other activities these procedures will be used as a guide.

The key components of value for money are regarded as:

- Robust planning to identify an effective work plan
- Appropriate and efficient supplier selection procedures
- Maintaining capacity and competitiveness in the local market
- Successful delivery of works and services (the right outcome on time and within budget)

Within this approach Council will consider the most appropriate bundling of work for maintenance and construction (renewal and improvement) in terms of Council's objectives and the market's ability and capacity.

While retaining scope for small local suppliers and the benefits to the local economy they can provide, Council also has a responsibility to recognise the efficiencies and benefits derived from larger and longer term maintenance and construction contracts. Comprehensive maintenance contracts are favoured to ensure essential services are provided reliably.

Competitive tendering where price and quality are evaluated will be used to select suppliers. In some cases direct appointment may be the most effective approach and this will be considered in terms of specialisation, market competitiveness and the overall cost and efficiency to Council.

The appropriateness of the approaches used will be assessed regularly and this strategy will be reviewed every three years along with LTP reviews in line with NZTA and Audit NZ requirements. This will primarily relate to the Transport Activity and components funded through the National Land Transport Programme, managed by the NZ Transport Agency.

3.0 PROCUREMENT IN THE WESTLAND DISTRICT COUNCIL CONTEXT

3.1 Introduction

The vision for Westland informs the way we do business as well as the expectations and views of residents. It helps us to set realistic and achievable goals as well as stretching us to more and improve the value of the services and facilities we provide.
(Westland District Council, Ten Year Plan 2012-2022)

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.

Council seeks to meet this obligation and the achievement of the district vision set out in the Long Term Plan 2012-22. This document relates to these elements of the vision identified in the following table.

Vision's Objectives	Achieved By
Involving the community and stakeholders Having inspirational leadership Having expanded development opportunities Having top class infrastructure for all communities Living the '100% Pure NZ' brand	Ensuring a robust procurement policy is in place.

Council provides goods and services to sustain the community and meet the changes in demand. Expenditure includes a combination of:

- Operations and maintenance of assets
- Renewal of assets
- Construction of new infrastructure to improve the level of service
- Construction of new infrastructure to meet changing demands and a growing population
- Professional and general services to support Council functions
- Procurement of any other services or equipment

In preparing this procurement document, Westland District Council has considered its planning framework, principles and attitude to procurement. This procurement document may be applied to all procurement within Council. Work is in progress to align this to other procurement beyond infrastructure within Council.

Given the driver for the development of the strategy is compliance with the New Zealand Transport Agency (NZTA) Procurement Strategy Manual (The Manual), Council acknowledges the Transportation activity is always to be 100% compliant with this strategy. It also acknowledges the relevancy to other asset delivery activities and desire for consistency across activities.

However at the time of procurement for activities other than transportation a specific variation may be documented by the approval of Chief Executive Officer or Group Manager – District Assets. With adoption of first version (ver. 1.0 September 2010) it was intended the application of this strategy will extend across all Council activities. This revised version now may be implemented across all the activities of Council and its procurement needs.

3.2 Purpose

Westland District Council has developed a comprehensive regime for asset management planning and service delivery. This framework reflects community desires and national drivers and includes:

- Vision Statement
- Community Commitments
- Activity Vision statements

This document defines the strategy, policies and procedures used within Council for the purchasing of all goods and services.

3.2.1 Responsibility

The policy statements and procedures contained within this document apply to ALL employees of Council

3.2.2 Legislation

The following statutes and external information impact on the Council's purchasing and tendering procedures to various degrees

- Local Government Act
- Public Bodies Contracts Act
- Public Bodies Leases Act
- Public Works Act
- Local Authorities (Members Interest Act)
- Health and Safety in Employment Act
- Resource Management Act
- Transfund NZ Competitive Pricing Procedures Manual (CPP Manual)
- Auditor General – Procurement Guidelines for public entities

3.2.3 Best Practice

Best practice in contract management ensure that contracts are planned and controlled to bring maximum benefits with respect to:

- Value for money, competitive prices and cost controls
- Timeliness
- Technical standards of workmanship, physical and performance
- Increased staff effectiveness and efficiency in the management of tenders and contracts
- Avoidance of legal actions or disputes
- Meeting all corporate, political, legal and other obligations (e.g. Health and Safety)

3.2.4 Audit Trails and records

It is extremely important that all contract negotiations or variations are properly documented in writing and that hard copies of those files are kept safe and secure.

It will be the manager sponsoring the contract who is responsible for ensuring that those files are properly kept and are available for audit, post implementation evaluation, or peer review.

3.2.5 Key internal controls

The following are the key internal controls for managing the procurement of goods and services within the Council.

- Ten year Plans, Annual Plan and budgets set the areas and limits of expenditure
- Delegations define the levels of expenditure and accountability
- All purchases of goods and services are by written contract either on controlled numbered Purchase Orders, or on uniquely numbered contracts
- All delivery dockets/packing slips or invoices are signed certifying that the goods and services were received, were of appropriate quantity and quality, and that prices and extensions are correct
- Accounts Payable pay only on invoices quoting the correct Purchase Order number and with the authorised signatures – giving approval to purchase and commit budget, certifying the goods and services received are correct to pay
- Account payable pay only on progress payments quoting the correct Contract number and with the authorized signatures, certifying the services received are correct to pay
- Comparisons of actual to budgets are managed through General Ledger Reports

3.3 Organisation's Strategic Goals and Objectives

3.3.1 Westland District Council – Vision Statement

“Westland will, by 2030, be a world class tourist destination and have industries and businesses leading through innovation and service.”

This will be achieved by:

- Involving the community and stakeholders
- Having inspirational leadership
- Having expanded development opportunities
- Having top class infrastructure for all communities
- Living the ‘100% Pure NZ’ brand

Council by-line in promoting Westland:

“Westland, the last best place”

3.3.2 Westland District Council - Our Commitments to the Community

Westland District Council is committed to providing Westland the best services and facilities it can at the best value for money

Council promises to work harder and smarter to deliver better value for money.

VISION	Innovation	World Class Service	Community and Stakeholder Involvement	Inspirational Leadership	Expanded Development Opportunities	Top Class Infrastructure	100% Pure NZ
VALUE	Affordability, Customer Focus, Quality	Customer Focus, Quality, Reliability / Responsiveness	Accessibility, Building relationships, Customer Focus	Building relationships, Customer Focus, Quality	Accessibility, Customer Focus, Sustainability	Affordability, Quality, Reliability / Responsiveness, Safety	Building relationships, Quality, Sustainability
ACTIVITY		3	3			3	
Water Supply	3	3	3			3	
Sewerage	3	3	3			3	
Stormwater	3	3	3			3	
Transportation	3	3	3			3	
Land & Buildings	3	3	3		3		
Community Township Development	3		3		3		
Solid Waste Management		3	3			3	
Inspections & Compliance		3	3		3		
Animal Control		3	3	3			
Resource Management		3		3	3		
Public Toilets		3	3			3	
Cemeteries	3	3				3	

VISION	Innovation	World Class Service	Community and Stakeholder Involvement	Inspirational Leadership	Expanded Development Opportunities	Top Class Infrastructure	100% Pure NZ
VALUE	Affordability, Customer Focus, Quality	Customer Focus, Quality, Reliability / Responsiveness	Accessibility, Building relationships, Customer Focus	Building relationships, Customer Focus, Quality	Accessibility, Customer Focus, Sustainability	Affordability, Quality, Reliability / Responsiveness, Safety	Building relationships, Quality, Sustainability
Community Development		3	3	3			
Emergency Management (Civil Defence & Rural Fire)		3	3	3			
I-Site	3	3					3
Events	3				3		3
Library	3	3	3		3		
Museum		3	3				3
Swimming Pools	3	3				3	
Parks and Reserves		3	3			3	
Community Halls and Buildings		3	3	3			
Governance	3		3	3			
Corporate Services	3	3		3			

Council acknowledges the significant role of infrastructure in the achievement of community outcomes, particularly Transportation, Three Waters Services and Waste Management.

3.3.3 Westland District Council - Activity Vision

In preparing the "2012-22 Westland District Council Long Term Plan", each activity has stated their respective Activity Vision or "Why we do it". These are an important component in the procurement frameworks. The "Why we do it"; are listed below to indicate the vision for each activity:

3.4 Transportation

Vision

Good roading is essential for our vision of top class infrastructure and opportunities for expanded development. This activity contributes to our overarching vision relating to

innovation, world class service, community and stakeholder involvement and top class infrastructure. The core values that underlie these parts of our vision are affordability, customer focus, quality, reliability, responsiveness, accessibility, building relationships and safety.

Why we do it

Council is defined as a road controlling authority under the LGA 2002 and must comply with key transport management legislation. Council has to ensure the core function of providing a transport network that is accessible for all people within the District in conjunction with other transportation agencies.

The Westland District Council roading network encompasses and requires:

- Ownership or agreed use of land under roads
- Road pavements and surfacing to provide a carriageway for the safe movement of people and goods
- Culverts, water tables and a Stormwater system to provide drainage
- Signs, barriers and pavement markings to provide road user information and safe transport
- Bridges to carry traffic over waterways
- Footpaths, walkways and cycle-lanes to transport pedestrians and cyclists
- Street lighting to provide safe and comfortable movement of vehicular and pedestrian traffic at night

3.5 Three Waters

Vision

Clean and healthy water is vital for our vision of top class infrastructure for our communities. This activity contributes to our overarching vision relating to innovation, world class service, community and stakeholder involvement and top class infrastructure. The core values that underlie these parts of our vision are affordability, customer focus, quality, reliability, responsiveness, accessibility, building relationships and safety.

Why we do it

- Ensure the protection of public health and the environment
- To provide for the economic wellbeing of the District

3.6 Waste Management

Vision

Solid Waste Management contributes to our vision of top class infrastructure for our communities. This activity contributes to our overarching vision relating to innovation, world class service, community and stakeholder involvement and top class infrastructure. The core values that underlie these parts of our vision are affordability, customer focus, quality, reliability, responsiveness, accessibility, building relationships and safety.

Why we do it

The Council is responsible, under the Local Government Act 2002, for encouraging efficient and sustainable management of solid waste. Council must have in place for the management of solid waste which integrates reduction, re-use, recycling and recovery of waste, with treatment or disposal of the remaining waste.

Community Halls and Buildings

Vision

Community township development supports our vision for Westland by providing maintenance and creating opportunities for communities to upgrade and develop their town environment. By involving the community and stakeholders we can create beautiful places that are fun to visit and awesome to live in. This activity contributes to our overarching vision relating to innovation, community and stakeholder involvement and expanded development opportunities. The core values that underlie these parts of our vision are affordability, customer focus, quality, accessibility, building relationships and sustainability.

What we do

- Plan for communities and giving direction to future infrastructure
- Upgrade amenities in communities
- Respond to and to support community initiatives

Why we do it

- To assist the future growth and development of Westland and provide communities a mechanism on order for them to guide improvements

3.7 Parks and Reserves

Vision

Parks and reserves that are well maintained and used contribute to our vision for top class infrastructure for all our communities. This activity contributes to our overarching vision relating to innovation, community and stakeholder involvement and expanded development opportunities. The core values that underlie these parts of our vision are affordability, customer focus, quality, accessibility, building relationships and safety

What we do

Council manages and maintains a number of parks and reserves throughout the District for active and passive recreation. Recreation and Local purpose Reserves are managed under the Reserves Act 1977. For the past 18 years the main sports ground in Hokitika, Cass Square has provided the venue for the famous Wildfoods Festival.

Why we do it

There is a public expectation for Council to continue to manage and maintain reserves for the benefit of the community.

3.8 Application to the Procurement Strategy

These goals, objectives and principles affect Council's approach to procuring goods and services and have been incorporated into this procurement strategy.

Council has identified the need to:

- Procure goods and services in an affordable manner without compromising the quality of those goods and services
- Apply an approach to procurement that is consistent with the community values and Council's commitment to community.
- Ensure more opportunities are created in a fair way through its procurement strategy for the local contractors and suppliers
- Preserve the character and develop the identity that is unique to Westland
- Ensure essential services are reliable and meet regulatory standards

This broad, long-term, perspective commits the Council to seeking sustainable options and not necessarily the lowest cost ones.

3.9 Objectives and Outcomes for the Procurement Strategy

Successful procurement involves recognising the perspective of the stakeholders involved.

The stakeholders identified are:

- Westland District Council – the elected representatives, management team, staff and the community
- NZTA – Transportation funding and planning partner and associated state highway network provider
- Other Agencies – including neighbouring authorities and partners such as those involved in RTS.
- Suppliers of products and services

Council identified the following goal in its financial strategy; this goal is also core to its approach to procurement:

*The goal of Council's financial strategy is the prudent and sustainable stewardship of Council resources on behalf of current and future ratepayers.
(Westland District Council Ten Year Plan 2012-22)*

Through its financial strategy Council seeks to maintain existing levels of service, ensure that costs are kept under tight control, and ensure that rates increases are justified, while at the same time maintaining a strong balance sheet and affordable levels of debt.

In developing the Financial Strategy, Council considered the following core principles:

- Economic uncertainty
- Focus on core services
- Financial responsibility and affordability
- Continuous improvement in service to everyone in our district
- Maximise returns from Westland Holdings Limited

- Intergenerational equity

The objectives for this Procurement Strategy are:

- Supporting the achievement of Council's commitment to community and the Ten Year Plan Programme through efficient and realistic procurement processes that meet Westland's needs
- Integrating Procurement with Council's organisational goals as contained in the Vision Statement.
- Delivery of the agreed levels of service to the community in a manner that represent value for money for current and future generations
- Encouraging appropriate and equitable levels of competition across suppliers
- Ensuring procurement is fair and transparent with effective accountability measures
- Ensuring the provision of this procurement strategy do not discount the local suppliers or contractors on any account and achieve a balance between economic, environment and social drivers

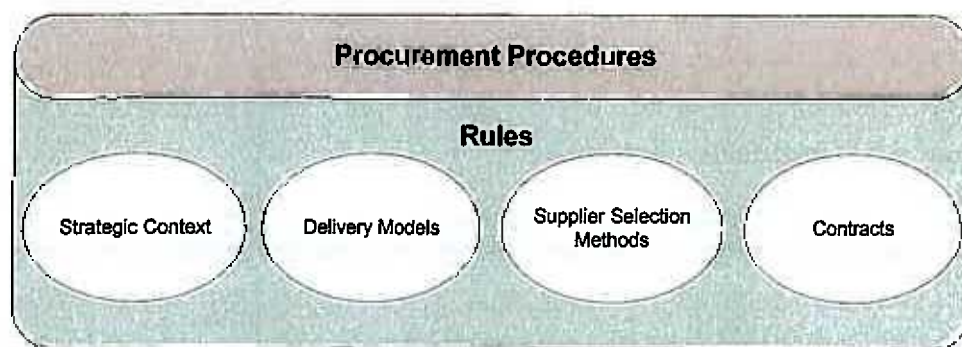
3.10 Definitions

There are a number of terms that are central to an understanding about procurement and some explanation and acknowledgement of these will benefit the outcomes sought by this strategy. Many of these terms are addressed in definitions section of the procurement manual document; however the terms where a clear definition is considered advantageous to be explained further are as follows:

Procurement *Procurement is all the business processes associated with purchasing, spanning the whole cycle from the identification of needs to the end of a service contract or the end of the useful life and subsequent disposal of an asset.*

This definition is as outlined by the Office of The Auditor General - Procurement Guidance for Public Entities - Good Practice Guide, June 2008; and reinforced in the NZ Transport Agency's Procurement Manual, (first edition effective from July 2009).

The NZ Transport Agency's Procurement Manual illustrates the procurement process in four stages, and the manual discusses these stages.



Source: NZTA Procurement Manual (July 2009)

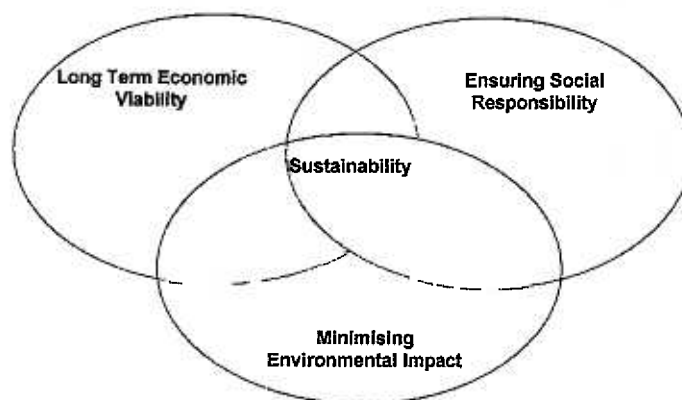
Value for Money

Value for money means using resources effectively, economically, and without waste, with due regard for the total costs and benefits of an arrangement, and its contribution to the outcomes the entity is trying to achieve

This definition is as outlined by the Office of The Auditor General in June 2008 published 'Procurement guidance for public entities - Good practice guide'.

Sustainable Procurement

The New Zealand Business Council for Sustainable Development provides useful guidance for sustainable procurement in the government sector. This encourages a four well-beings approach.



Source: Sustainable Procurement in Government: Opportunities for Business
(New Zealand Business Council for Sustainable Development, April 2009)

4.0 PROCUREMENT PROGRAMME

"Through its financial strategy Council seeks to maintain existing levels of service, ensure that costs are kept under tight control, and ensure that rates increases are kept as low as realistically possible, while at the same time maintaining a strong balance sheet and affordable levels of debt."

(Westland District Council Ten Year Plan 2012-22)

4.1 Overview

Council's procurement/capital programme for the range of Council Activities is outlined in the Westland District Council Ten Year Plan 2012-22. Details on capital works programme¹ for the year 2013-14 are included in separate section of this document. Issues that affect the accuracy and validity of the programme as published in the Community Plan are:

- The approval and finalisation of the subsidised Transportation programme through the Regional Land Transport programme (RLTP) and the National Land Transport Programme (NLTP)
- Years two and three of the Westland District Council, Ten Year Plan (LTP) may be modified by Council through the Annual Plan process; years four to ten are only indicative, as modification is likely through the subsequent updated Ten Year Plans.

Council expenditure is dominated by the main infrastructural activities which account for around 62% of Council operating expenditure. As per Westland District Council, Annual Plan 2013-14 the breakdown of this expenditure is set as below:

- Transportation (17%)
- Water Supply (10%)
- Wastewater (8%)
- Stormwater (5%)
- Solid Waste (15%)
- Other Assets and Services (7%)

These activities are all overseen by the Group Manager – District Assets. Professional Business Unit is part of this group.

4.2 Current Procurement Spend and Profile

Westland District procures goods and services through a range of approaches, the value procured for Transportation representing the most significant portion of the organisation's total expenditure.

The core directive is the Delegations Manual²; which provides the management and staff authority.

Detail Tender Procedures³ are included in the document Procurement Manual also included within this document.

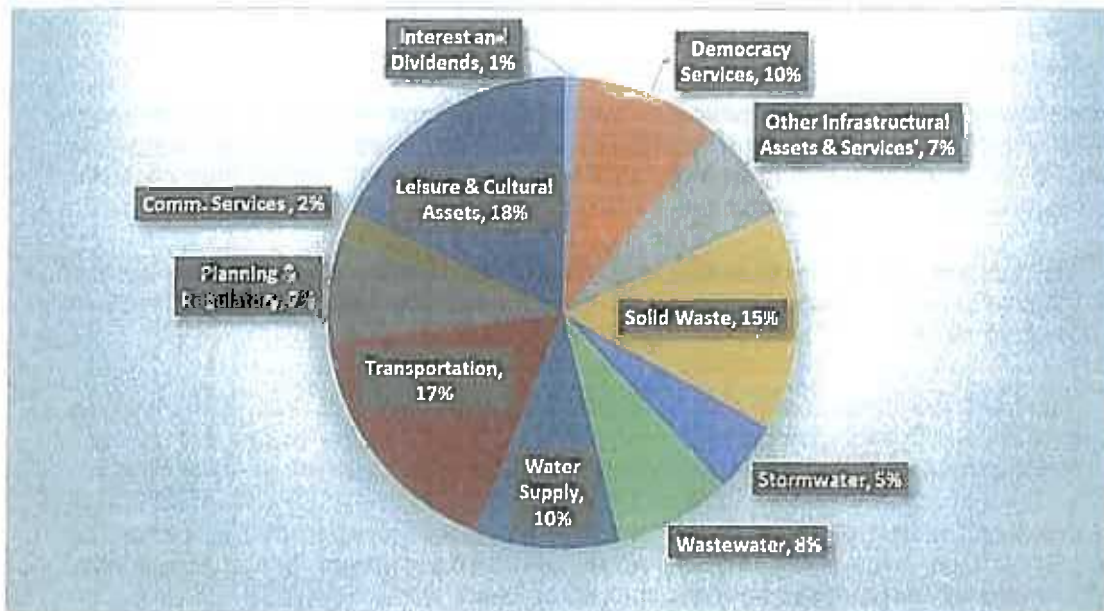
¹ Refer Appendix 1 – Annual Capital Works Programme

² Refer Appendix 2 – Delegations Manual

4.2 – Goods and Services Purchased

The following values indicate the forecast expenditure across Council and the Asset Based activities in particular. The data was sourced from the Westland District Annual Plan 2013-14 and includes operations and capital expenditure.

Figure 4.1: Activity Expenditure 20013-14 by Activity



Further procurement details are discussed at an activity level.

Overall details including projects can be obtained from the Westland LTP 2012-22, the current National Land Transport Programme and the relevant Asset Management Plans.

³ Refer Appendix 3 – Procurement Manual

4.3 Procurement Programme by Activity

4.3.1 Transportation

Council's goal for the Transportation activity is:

"The major part of Councils transportation activity is to ensure the safe, efficient and sustainable maintenance, operation, renewal and upgrading of the roads and bridges."

(Westland District Council LTP 2012-22)

The Land Transport Management Act 2003 states that in preparing the National Land Transport Programme, NZTA must take into account any relevant strategies along with the contribution made to the purposes of the land transport system; (i.e.)

- Achieving an affordable, integrated, safe, responsive and sustainable land transport system
- The objectives of:
 - economic development
 - safety and personal security
 - access and mobility
 - public health
 - environmental sustainability



The roading network reflects the narrow band that comprises the district, and is closely associated with the State Highway network (SH 6 and SH73).

The network of 700km faces unique topographical and meteorological challenges. Tourism is vital to the district and there is a high proportion of overseas motorists; the development of a cycleway as part of the nation cycle network will increase tourist numbers further. The dairy industry is also significant, and places demands on the network.

Council's procurement programme is outlined in the Westland District LTP 2012-22, with the approval for subsidised works detailed in the National Land Transport Programme. These documents can be obtained from Council's website

<http://www.westlanddc.govt.nz/index.cfm?1,339.0-1.html/LTCCP> and NZTA

<http://www.nzta.govt.nz/planning/nltp-2012-2015/>

Details on *Capital Works* program are provided as Appendix 4 to this document

These issues demonstrate Councils approach to procurement in the transportation sector need to consider a balance of maintaining and renewing the existing network, improving the network to respond to changes in demand; and effective planning and management.

The keys risks associated with the transportation procurement programme relate to funding, in particular the access to subsidised transport funding through the NLTP. The proposal to change FAR will play an important role in shaping the funding regime for this activity. Council has taken a collaborative approach with neighbours in planning to meeting the changing demands of the area and implementing appropriate programme are dependent on securing funding. This reinforces the importance of effective asset management and planning.

The most significant procurement items for are listed in the Westland District Council Annual Plans for each year going forward.

⁴ Refer Appendix 1 – Capital Works Programme

4.3.2 Three Waters Services

Council's goal for Water Services is to:

"Provide water supply, wastewater and stormwater services to the townships of the District."

(Westland District Council LTP 2012-22)

The provision of Water Services includes:

- Water Supply
- Wastewater
- Stormwater



Council operates eleven water supplies, four wastewater systems and fifteen stormwater systems across the district. Upgrading water supplies to meet Ministry of Health requirements is a priority. The continued growth in the tourism sector is also affecting the capacity of water and waste water schemes with upgrade due in Fox, Franz Joseph and Hokitika.

These issues demonstrate Council's approach to procurement in the three waters sector needs to consider a balance of maintaining and renewing the existing network, improving the network to respond to changes in demand; and effective planning and management.

Council's procurement programme is outlined in the Westland District LTP 2012-22, which can be obtained from Council's website

<http://www.westlanddc.govt.nz/index.cfm/1,339,0,-1.html/LTCCP> , and

Westland District Annual Plan 2013-14

(<http://www.westlanddc.govt.nz/index.cfm/1,721,0,0.html/Getting-Real>)

The keys risks associated with the three waters services procurement programme relate to funding and the capacity of Council and the sector to undertake the required work in an efficient and cost effective manner. This reinforces the importance of effective asset management and planning.

The most significant procurement items are listed in the Westland District Council LTP Westland District Council Annual Plans.

4.3.3 Waste Management

Waste Management

Council's goal for the solid waste management activity is:

"The Council is responsible, under the Local Government Act 2002, for encouraging efficient and sustainable management of solid waste. The Council must have a plan in place for the management of solid waste which integrates reduction, re-use, recycling and recovery of waste, with treatment or disposal of the remaining waste."

(Westland District Council LTP 2012-22)

The provision of waste management services is a combination of meeting community expectations along with the protection of public health and the environment. Council has taken a comprehensive approach to planning, and long term contracts are in place for collection, facilities and disposal. There is a vision to reduce waste to landfill to zero by 2015;

there are however concerns that the present direction for waste management may not be sustainable due to high costs.

Council's procurement programme is outlined in the Westland District Council Annual Plan and LTP 2012-22, which can be obtained from Council's website:

<http://www.westlanddc.govt.nz/index.cfm/1.339.0.-1.html/LTCCP> , and

(<http://www.westlanddc.govt.nz/index.cfm/1.721.0.0.html/Getting-Real>)

The keys risks associated with the waste management procurement programme relate to changes in the legislative environment including implementation of the Waste Minimisation Act and the capacity of Council and the sector to undertake the required work in an efficient and cost effective manner.

The most significant procurement items listed in the Westland District Council LTP 2012-22 and the 2013-14 Westland District Council Annual Plan.

Council also has an adopted Waste Minimisation and Management Plan which outlines key criteria for this activity. The document is available on the Council website:

<http://www.westlanddc.govt.nz/index.cfm/1.315.0.0.html/Waste-Management>

4.3.4 Parks and Reserves

Council's goal for Parks and Reserves is:

"To continue to manage and reserves for the benefit of the community."
(Westland District Council LTP 2012-22)



The Council manages and maintains a number of parks and reserves throughout the District for active and passive recreation; including children's playgrounds, sports grounds, grassed and planted areas, and native bush.

Operations include the upkeep of grounds and facilities as well as the maintenance of statues and monuments.

Council's procurement programme is outlined in the Westland District LTP 2012-22, which can be obtained from Council's website:

(<http://www.westlanddc.govt.nz/index.cfm/1.339.0.-1.html/LTCCP>)

There are no significant risks identified in terms of the parks and reserves procurement programme.

The procurement items for 2013-14 are listed in the Westland District Council 2013-14 Annual Plan.

4.3.5 Community Halls and Buildings

Council's goal for the Community Halls and Buildings activity is:

*"The Council provides halls as a focus for community functions, activities and meetings, to assist with meeting the social and recreational needs of communities."
(Westland District Council LTP 2012-22)*

Council provides and manages various buildings and halls used for non-commercial purposes by the community.

The population and demographic changes occurring within the district affect the demand for these services and achieving a balance of services provided and affordability is a challenge for Council. Staff and community committees work closely together to ensure appropriate solutions are achieved.

Council's procurement programme is outlined in the Westland District LTP 2012-22, which can be obtained from Council's website

((http://www.westlanddc.govt.nz/index.cfm/1_339.0_-1.html/LTCCP

The keys risks associated with community halls and buildings relate to the long term sustainability of these facilities.

The significant procurement items for 2013-14 are identified in the capital works program.

5.0 PROCUREMENT ENVIRONMENT

5.1 Analysis of supplier market

5.1.1 Overview

Westland District Council is served by a limited range of suppliers. Some of the large national/international organisations have bases in Greymouth, and there are various smaller enterprises based across the District. Council considers that there is usually sufficient level of interest in tenders and competition between suppliers.

5.1.2 Physical Works Suppliers

In terms of Physical Works Contractors, Ferguson Brothers, Fulton Hogan and Westroads Ltd have a considerable presence within the district. This is an important factor in terms of the geography of a District which spans over 300km. There are also numerous "owner-operator" Contractors who are able to undertake small projects and sub-contract.

The following table provides an indication of (but not limited to) current or potential suppliers:

Physical Works Suppliers to Parks & Reserves, Three Waters Services, Transportation and Waste Management		
Arnold Contracting	Henry Adams Contracting Ltd	South Westland Rubbish Removals
Arnold Products Ltd	Hokitika Cleaning Services	Spike Jones
A J Cameron	J.J Nolan Contracting	Telecom
Coastal Constructors	Mastagard	Tim Gibb
Downer EDI	MBD Contracting	Trust Power
Electronet	Orica	Westland Excavation Ltd
Ferguson Brothers	Pete Nancekivell	Westroads
Fulton Hogan	Sandrey Contracting Ltd	

5.1.3 Professional Services

Council has an in-house professional services business unit which provides professional engineering and management services to all asset based activities. Additional professional services are outsourced when there is a peak workload beyond the capacity or specialist expertise of the in-house team.

5.1.4 Professional Services Suppliers

The in-house team are complemented when necessary by a range of professional services providers, the majority of these are based in Greymouth or Canterbury.

The following table provides an indication of current or potential suppliers.

Professional Services Suppliers to Parks & Reserves, Three Waters Services, Transportation and Waste Management		
BECA	Davis Ogilvie	MWH
Bizeasset	Elliot Sinclair	Opus
CJN Technologies	GHD	SKM
Coastwide Surveys	Hill Laboratory	Waugh Infrastructure Management
Crawthornes	McNulty Engineering Management	CS-Vue

5.1.5 Council Controlled Organisations

Westland District Council has interests in the following Council Controlled Organisations, each providing services to Council or directly to residents.

Westland Holdings Limited

Westland Holdings is a wholly owned Council Controlled Organisation which holds 100% of the shares and assets of Hokitika Airport Ltd and Westroads Ltd.

Westroads Limited

"Operates a successful business by meeting market requirements in terms of quality, excellence in service and pricing on a commercially competitive basis and ensure a reasonable rate of return to the ratepayers of Westland in accordance with the Statement of Intent."

Hokitika Airport Limited

"To operate the Hokitika Airport in a commercially successful manner in accordance with the Statement of Intent with the aim to extend and further develop the airport activities."

The Council also has two Council Controlled Organisations that are exempt from Council Controlled Organisation status due to their size; they are Tourism West Coast and Westland Nature Trust.

Westland District Property Limited

5.1.6 Partnerships with the Private Sector

Council has identified the circumstances to be considered when evaluating the appropriateness of any partnership with the private sector in its Policy on Partnerships with the Private Sector (15/6/2006). There are currently no partnerships in place that would affect Council's approach to procurement.

5.1.7 Specialisation

Council has identified that specialised skills and resources are necessary to support Council functions. In some cases specialisation relates to supplier organisations with skills and knowledge and/or supplier organisations with key staff.

Council is also reliant on a number of other Information Technology providers, these are highly specialised areas.

Specialist services extend beyond unique skills and equipment. Council considers that any situation where only one supplier is able to provide "the right service at the right time at the right price" as a special case.

It is acknowledged that there are real costs in changing providers of specialist services, including the loss of institutional knowledge and business continuity; and this should be reflected in Council's procurement processes.

Council has not identified any sole suppliers in terms of NZTA Procurement Manual Rule 10.9. However there are special relationships with providers such as Electronet where there may be no other valid alternatives.

5.1.8 Relationship with Suppliers

There are many established relationships between Council and its suppliers, and opportunities are developing with newer suppliers.

Council is confident in its mix of suppliers, and the relationships built on trust and respect in place are effective and appropriate.

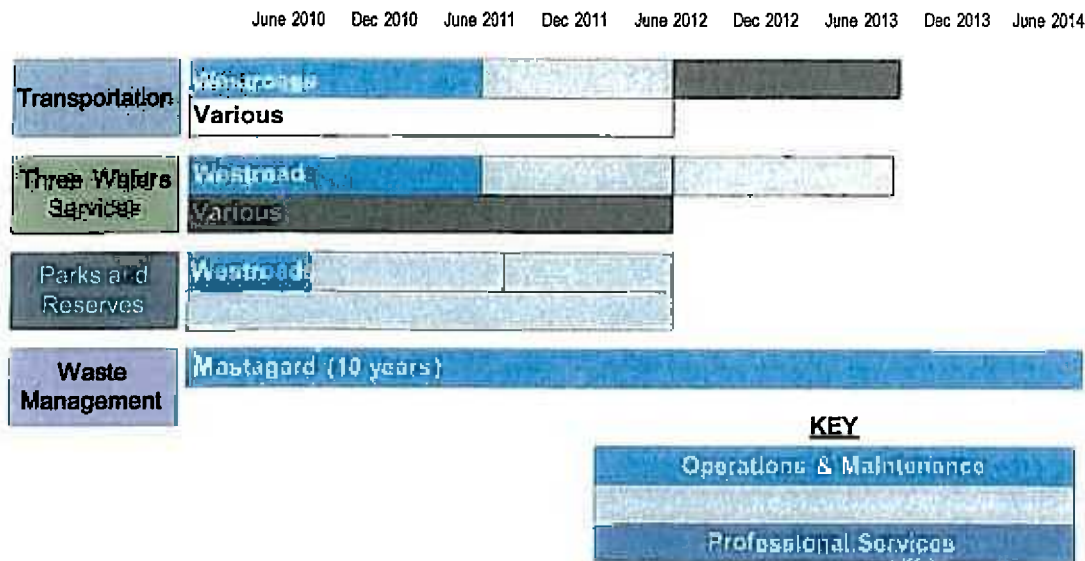
Comments received from suppliers indicated support for the strategy and the approach taken; providing for the role of smaller and niche providers was appreciated.

5.1.9 Bundling and Division of Work

Goods and services purchased relate to Physical Works and Professional Services.

Physical works may be capital works (project based) or operations and maintenance (typically term contracts). The division of maintenance works has been across activities with larger contracts covering the entire district favoured.

The following diagram illustrates the procurement composition as at 30 June 2013.



Opportunities for splitting contracts and bundling activities in different ways are to be considered with the next round of maintenance contracts and professional services engagements.

In the Westland District Council LTP 2012-22, Council has identified that there may be opportunities to integrate road network management and operations across the district with NZTA.

Westland District Council is exploring an appropriate model that enables an integrated management of all the roads in the District with NZTA.

Further investigation into this option will continue.

5.2 Analysis of the Impact of the Procurement Programmes on Other Entities

Westland District Council is actively involved with neighbouring authorities and other agencies such as NZTA and the Westland Regional Council, particularly through the West Coast Regional Land Transport Programme and other collaborative initiatives.

The linkages identified with other organisations include:

- NZTA – integrated state highway network across and beyond the District
- West Coast Regional Council – regional transport planning and provision of public transport services
- KiwiRail – as the rail operator in the District

- Neighbouring Councils include:
 - Grey District Council
 - Selwyn District Council
 - Ashburton District Council (less relevant)
 - Mackenzie District Council (less relevant)
 - Waitaki District Council (less relevant)
 - Queenstown-Lakes District Council (less relevant)
 - Southland District Council
 - Buller District Council has also been included given the extent of collaboration between the West Coast authorities.

Multi-agency relationships exist for the provision of rural fire services.

In developing this strategy, Council has consulted with neighbouring authorities, NZTA (Highways) contractors, consultants and suppliers. The communications and consultation programme⁵ is included in the document.

No comments from other authorities were received.

While Westland District Council is a significant buyer of goods and services on the West Coast, the impact of the procurement decisions made on other entities is regarded as minor.

The collaboration within the Regional Transport Committee provides an opportunity for integrated programming across Transportation agencies.

In the broad supplier market the procurement decisions made by Council are not regarded as significant, the impact on local suppliers is more pronounced. This includes Consultants, Contractors and Sub-Contractors.

⁵ Refer to Appendix 5 – Communication and Consultation Timeline

6.0 DELIVERING THE WORK PROGRAMME

6.1 Introduction

The objectives for this Strategy are:

1. Supporting the achievement of Council's Community Outcomes and the Westland Community Plan Programme through efficient procurement processes
2. Integration of Council's organisational goals and Procurement
3. Delivery of services to the community that represent value for money
4. Encouraging appropriate levels of competition across suppliers
5. Ensuring procurement is fair and transparent with effective accountability measures

6.2 Key Attributes and Value for Money Strategy

"I want the best job for the lowest cost."

The key criteria to successful procurement and the successful delivery of services relate to the right job at the right time, at the right price. These criteria are often in tension, meaning a balance needs to be sought to gain the most effective result.

Council has identified the need to:

- Procure goods and services in an affordable manner without compromising the quality of those goods and services
- Apply a four well-beings approach to procurement that is consistent with the community outcomes
- Preserve the character and develop the identity that is unique to Westland

Council has emphasised the need to plan effectively and deliver quality services in a sustainable manner; considering the needs of future generations as well as the current. A whole-of-life approach relies on asset management planning including lifecycle management planning and modelling.

Accordingly cheapest now is not necessarily the best for the long term. Ensuring the District has the skills and capacity provide services to and support its community is essential.

There is no "one size fits all" approach to procurement and Councils favours a range of methods including:

- Comprehensive long term contracts for maintenance works which require high levels of capacity, capability and certainty
- Smaller packages to enable smaller local suppliers to supply services to Council and their community
- Larger packages for capital projects involving complex design, project management and construction
- The acknowledgement of the roles of specialists

Work programmes are prepared and procured that meet the requirements of Council to maintain and/or provide its agreed Levels of service in collaboration with NZTA, where it has a role as a funding partner. Regional alignment and prioritisation of subsidised transport activities is undertaken through the Regional Land Transport Programme which is then submitted for funding to the National Land Transport Programme managed by NZ Transport Agency. Activities that are approved for funding are then implemented by Council utilising the appropriate delivery model and supplier selection method to suit the task.

Within the Transportation Section Council is mindful of the Land Transport Management Act 2003 requirements, particularly consistency with sections 20 and 25.

Suppliers are expected to understand the drivers of Council's planned approach and the commitment made to deliver the agreed Levels of Service.

The key components of value for money are regarded as:

- Robust planning to identify an effective work plan
- Appropriate and efficient supplier selection procedures
- Maintaining capacity and competitiveness in the local market
- Successful delivery of works and services (the right outcome on time and within budget)

6.3 Proposed Delivery Models and Supplier Selection Methods

For Transportation activities, Westland District Council intends to follow the NZTA Procurement Manual Procurement Procedure 1 - Infrastructure for Physical Works and Procurement Procedure 2 Planning and Advice for Professional Services. Council has varied the limit for closed contests (selected tender) to \$250,000 to match the limit for minor improvements (refer PPFM F9.9). A direct appointment may be made for streetlight maintenance in the future, should approval be gained for this approach.

For other activities these procedures will be used a guide.

The following table details the approach proposed.

Activity	Delivery Model	Bundling	Supplier Selection	Form of Contract
Maintenance	Design and build	One Term Maintenance Contract	Public Tender (RFP) Price Quality Method	Formal Contract NZS3910:2003 or similar
Renewals – Minor	Staged	Individual Assignments Or include with Term Maintenance Contract(s)	Direct Appointment or Lowest Price Conforming	Project Brief/Simple Contract
Renewals – Major*	Staged	Individual Contracts or Multiple Projects per Contract	Public /Selected Tender (RFP) Price Quality Method	Formal Contract NZS3910:2003 based
Improvements – Minor	Staged	Individual Assignments Or include with Term Maintenance Contract(s)	Direct Appointment or Lowest Price Conforming	Project Brief/Simple Contract
Improvements – Major*	Staged or design and build	Individual Contracts or Multiple Projects per Contract Design and build for complex projects	Public/Selected Tender (RFP) Price Quality Method	Formal Contract NZS3910:2003 based

Activity	Delivery Model	Bundling	Supplier Selection	Form of Contract
Professional Services (Asset Management Planning, Design and Other Services)	Staged	Individual assignments or complementary projects	Direct Appointment Public Tender (RFP) to select suppliers Price Quality Method	IPENZ Short Form Agreement for Consultant Engagement CCCS (2005) based
Information Technology	Design and build	Individual assignments	Direct Appointment if approval obtained	Formal Contracts
Electricity supply	Design and build	Tendered or negotiated with other Council services such as bulk supply	Direct Appointment, joint negotiation or Public or Selected Tender (RFP) Price Quality Method	Formal Contracts (maybe supplier format)

*Major procurement generally relates to items exceeding \$100,000

6.4 Options Considered

Council is aware of the benefits of comprehensive contracts as well as role of smaller operators. The establishment of a supplier panel with pre-qualification may be developed to facilitate the assignment of minor works to local contractors. A separate NZTA approval will be requested if this option is pursued, However as general rule NZTA subsidised works will be excluded from any deviations from the approved process which may affect any subsidies. The role of smaller local contractors as sub-contractors is also important as a combination of comprehensive contracts involving local suppliers maybe very effective in achieve value for money while ensuring capability is retained across the district.

The timing of maintenance contract terms will be reviewed in future to ensure tendering and contract roll-overs are staggered over multiple years. This should reduce the risk for contractors and spread the workload associated with tender processes.

6.5 Impact of the Preferred Approach

The impact of the preferred approach on value for money, fair competition, and competitive and efficient markets is discussed below.

There is a range of competent suppliers able to serve Westland District Council effectively.

While Westland District Council is a significant buyer of goods and services, it is unlikely that the procurement approach adopted by Council will have any impact on the competency and competitiveness of the sectors supplying services to Council. However the impact on local suppliers is expected to be more pronounced if any major change in direction is favoured. This Strategy does not initiate any such change.

6.6 Risk Identification and Management

The key risks identified relate to the integrated and collaborative approach across lifecycle management as well as organisations. This requires commitment to the agreed work plan; failure to deliver affects multiple parts of the activity as well as other organisations. More specific risks relating to the Activity can be found in the Asset Management Plan for this activity.

Westland District Council has implemented a detailed Risk Management Framework in its assets area. A copy of the *Risk management Policy and framework*⁶ is available on request and is also included in the Asset Management Plans.

6.7 Contract Management Approach

Physical Works Contracts and Asset Management are managed through Council's in-house Professional Services Business Unit.

Given the experienced team and comprehensive planning regime structures in place; Council is able to define outputs for maintenance and construction works effectively. Along with the desire to retain in-house capacity, bundling professional services with physical works is not usually favoured (e.g. Performance Specified Maintenance Contract) unless the task is sufficiently complex or large where this cannot be accommodated with internal resources.

⁶ Refer Appendix 4 – WDC Risk Management Policy and Handbook.

7.0 IMPLEMENTATION

7.1 Council's Organisational Skills and Resources

Westland District Council is a small sized local authority with capable but limited resources.

Council uses a mix of its own staff and external resources (where appropriate) to deliver levels of service and achieve associated planning and programmes. Council's approach to asset management practice is in the 'Core' range.

Assets functions are divided into the following groups

- Transportation
- Three Water Services
- Waste Management
- Parks & Reserves

The Three Water Services is further divided across the following activities:

- Water Supply
- Wastewater
- Stormwater

The other activities of Council include:

- Library Services
- Museum
- I-Site
- Swimming Pools
- Building and Regulatory Services

Council engages the assistance of specialist professional services supplier to support and complement the in-house engineering and asset management teams where required.

Effective procurement and contract management processes are necessary to ensure the workload is not onerous. Suppliers with quality systems and self-auditing processes enable Council to be assured quality is not compromised with less supervision.

7.2 Interaction with Other Documentation

This Procurement Strategy is linked to Council and the NZTA's wider planning framework as well as implementation rules and guides. These are illustrated in **Error! Reference source not found.** below

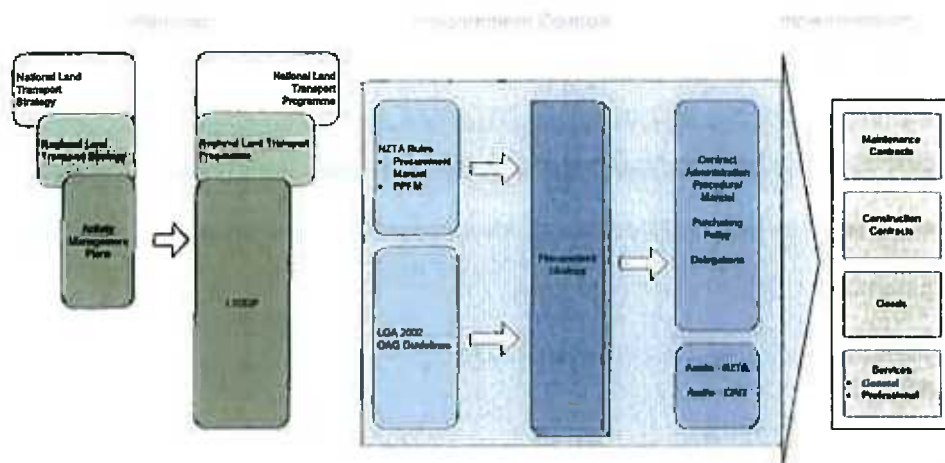


Figure 7.1: Planning Framework and Procurement

Council's Delegations Manual provides guidance on spending limits and tender processes, and along with NZTA's Programming Planning and Funding Manual are vital links to the strategy and its implementation.

7.3 Monitoring and Auditing

The appropriateness and effectiveness of this strategy will be evaluated on an on-going basis as works and services are procured; and reviewed every three years following the development of the Community Plan (LTP) and National Land Transport Programme.

Transparency and accountability checks occur through Council's normal business practices including audits by Audit New Zealand and procedural and technical audits by NZTA on subsidised transport activities.

7.4 Communication and Endorsement

The development of this strategy included workshops with staff and training about the new procurement environment. The level of consultation was agreed and a Communications and Consultation Plan has been prepared.

The feedback from consultation was considered, and the draft finalised for endorsement by the NZTA. Subject to the endorsement of the NZTA, the Procurement Strategy will be adopted by Council.

Responsibility for the Strategy and its currency primarily lies with the Professional Services Business Unit Manager, who is also responsible for the continuity of subsidised transport funding. Reviews and NZTA endorsement of the procurement strategy is a requirement for continued funding. The utilisation of the NZTA Procurement Manual and a specific Procurement Strategy relating to Westland DC's activity, is seen as best practice. This approach has been extended over all the asset based activities in a consistent manner. Ultimately however, responsibility for each specific activity lies with the respective Asset Manager.

7.5 Improvement Plan

Council acknowledges there are opportunities to improve this strategy and Council's procurement processes.

The following procurement items have been identified as future actions:

- Possible roll out to other Council departments
- Review of the tender processes contained within the Delegations Manual

8.0 APPENDICES

- 8.1 APPENDIX 1: Annual Capital Works Programme**
- 8.2 APPENDIX 2: Delegations Manual**
- 8.3 APPENDIX 3: Procurement Manual**
- 8.4 APPENDIX 4: WDC Risk Management Policy and Handbook**
- 8.5 APPENDIX 5: Consultation and Communications Plan**

APPENDIX 4: Communication and Consultation Plan

Stage	Date By:
Staff discussion and strategy development Finalise draft	15 th August 2013
Advice NZTA of the review process and timeline for their comments	15 th August 2013
Council input	26 th September 2013
Limited Stakeholder and Public consultation	10 th October 2013
Submit to NZTA for approval	12 th October 2013
Amendments and Westland DC adopt final – September Council Meeting	November 2013

Report



DATE: 26 September 2013

TO: Mayor and Councillors

FROM: Acting Group Manager: Corporate Services

ROSS RATES

1.0 SUMMARY

- 1.1 The purpose of this report is to consider the incorrect rating of Ross township rates to properties outside the Ross township area.
- 1.2 This issue arises from an objection to the rates by a ratepayer.
- 1.3 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.
- 1.4 Council seeks to meet this obligation and the achievement of the district vision set out in the Long Term Plan 2012-22. The matters raised in this report relate to those elements of the vision identified in the following table.

Vision's Objectives	Achieved By
Involving the community and stakeholders Having inspirational leadership	Being fair to all ratepayers by providing for the charging of the correct rates.

- 1.5 This report concludes by recommending that Council refund rates paid incorrectly to 37 Ross ratepayers.

2.0 BACKGROUND

- 2.1 The funding impact statement and rates resolution defines the Rural Township Rates as being the land zoned residential in the District Plan.
- 2.2 This definition applies to the General Rate, Waste Management Rate and the Ross Pool Rate.
- 2.3 These rating categories were established after the change in legislation in 2002.

3.0 CURRENT SITUATION

- 3.1 Staff have received one objection to the rates levied in Ross.
- 3.2 This objection has been investigated and staff have determined that there has been an error and that 37 properties are affected by the error.
- 3.3 Council has taken legal advice. In summary Council must apply s41 of the Local Government Rating Act 2002. [Link to s41](#). This requires Council to refund the last 5 years rates.
- 3.4 The following table summarises the financial costs of refunding \$37,739.43 GST incl.

	2013/14	2012/13	2011/12	2010/11	2009/10
General Rate	4,382.24	6,234.21	5,308.19	5,894.34	3,904.59
Waste Management	-282.37	-171.85	52.05	31.36	20.89
Ross Pool Rate	4,163.59	1,294.37	2,146.95	2,485.02	2,275.83
TOTAL	8,263.46	7,356.72	7,507.20	8,410.73	6,201.32

- 3.5 Affected ratepayers will be notified by letter of the error, the RID will be corrected and a credit will be placed on their rate account.
- 3.6 The cost of the error \$32,817 will be a charge to the overall rates account, but will not be allocated to specific rates. That is it will be absorbed with other write-offs and adjustments.

- 3.7 This will have the effect of increasing the Ross Swimming Pool rates in 2014/15 assuming the same budget, as fewer ratepayers will be contributing.

4.0 OPTIONS

- 4.1 The only option in this situation is to refund the incorrect rates.

5.0 SIGNIFICANCE AND CONSULTATION

- 5.1 This decision is assessed as being of low to moderate significance for Council. This is a legal requirement and affects a small number of ratepayers. However there will be a variance to budget due to this error and Council's current financial situation means absorbing this will not be possible.
- 5.2 No consultation is required or recommended.

6.0 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

- 6.1 Option 4.1 is the only lawful option.

7.0 PREFERRED OPTION AND REASONS

- 7.1 Option 4.1 is the preferred option as it is the only lawful option.

8.0 RECOMMENDATION

- 8.1 **THAT** Council refunds the incorrectly collected rates to the 37 residents on small holdings adjacent to the Ross township that have been incorrectly rated Rural Township rates.

Stephen Halliwell

Acting Group Manager: Corporate Services

Report

WESTLAND
DISTRICT COUNCIL



DATE: 26 September 2013

TO: Mayor and Councillors

FROM: Manager Planning and Regulatory

WESTLAND DISTRICT COUNCIL TRAFFIC AND PARKING BYLAW 2013

1.0 SUMMARY

- 1.1 The purpose of this report is to assist the Council in commencing the special consultative procedure relating to the adoption of a new Traffic and Parking Bylaw.
- 1.2 This issue arises from a decision of the Council to provide an exemption for volunteer fire brigade personnel who occupy restricted parking spaces beyond the time limit.
- 1.3 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.
- 1.4 Council seeks to meet this obligation and the achievement of the district vision set out in the Long Term Plan 2012-22. The matters raised in this report relate to those elements of the vision identified in the following table.

Vision's Objectives	Achieved By
Involving the community and stakeholders	That will be achieved by the use of the special consultative procedure. Additionally, the policy direction for a bylaw has been established by the public.

- 1.5 This report concludes by recommending that Council commence the public consultative procedure for the adoption of the Westland District Council Traffic and Parking Bylaw 2013.

2.0 BACKGROUND

- 2.1 Council's Traffic and Parking Bylaw was adopted in 1999. Earlier in 2013 and as a consequence of public desire, Council commenced the enforcement of the parking provisions of the Bylaw. A consequence of the enforcement regime was that a Hokitika retailer asked for an exemption for volunteer fire brigade personnel who needed to keep their vehicles close to their place of employment.
- 2.2 Council considered the request and resolved that an exemption be granted to volunteer fire brigade personnel and that the Bylaw be amended accordingly.
- 2.3 In reviewing the Bylaw it was noted that the overriding statutory authority had changed and that some definitions (interpretations) in the Bylaw needed a review to bring them into conformity with enabling legislation.
- 2.4 The Traffic and Parking Bylaw has now been reviewed in its entirety (**Appendix 1**).

3.0 CURRENT SITUATION

- 3.1 The 1999 Bylaw could have been amended to provide for the straight forward amendment that Council had identified for exemption.
- 3.2 A comprehensive review having regard for the 2011 amendments to the Land Transport Act 1998 was considered to be a prudent approach.
- 3.3 Staff are of the view that, for the sake of clarity, the Bylaw should be reviewed from "square one" because of the change to the enabling legislation.

4.0 OPTIONS

- 4.1 Commence the special consultative procedure relating to the minor amendment only.
- 4.2 Proceed with the exemption amendment and other amendments relating to the enabling statutory authority using the special consultative procedure.