



# A G E N D A

## Council

**Thursday  
27 March 2014  
commencing at 9.00 am  
in Haast**

His Worship the Mayor, M.T. Havill (**Chairperson**)  
Deputy Mayor P.M. Cox  
Cr. J.H. Butzbach, Cr. M.S. Dawson, Cr. D.G. Hope, Cr. A.R. Keenan,  
Cr. L.J. Martin, Cr. M.D. Montagu, Cr. C.A. van Beek



## COUNCIL MEETING

NOTICE IS HEREBY GIVEN THAT AN ORDINARY MEETING OF THE WESTLAND DISTRICT COUNCIL WILL BE HELD IN HAAST ON THURSDAY 27 MARCH 2014 COMMENCING AT 9.00 AM

*Tanya Winter*  
*Chief Executive*

*27 March 2014*

### **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.**

Cr M.D. Montagu.

1.2 Register of Conflicts of Interest.

2. CONFIRMATION OF MINUTES:

2.1 Confirmation of Minutes of Meetings of Council

2.1.1 Ordinary Meeting – 27 February 2014. (Pages 6-13 )

2.1.2 Executive Committee – 10 March 2014 (Pages 14-17)

*Cr Dawson, Chair of the Executive Committee will provide a verbal update at the meeting.*

2.1.3 Special Council Meeting – 12 March 2014. (Pages 18-24)

2.2 Minutes and Reports to be received

2.2.1 Minutes of the Public Excluded portion of the Westland District Council Meeting, held on Thursday 27 February 2014.

2.2.2 Minutes of the Public Excluded portion of the Westland District Council Executive Committee, held on Monday 10 March 2014.

*(Refer Public Excluded Minutes).*

3. PUBLIC FORUM

4. REPORTS

4.1 Mayor's Report.

*A verbal update will be provided by Mayor Havill.*

*Morning Tea at 10.00 am*

4.2 Submission on the New Zealand Transport Agency Financial Assistance Rate Review

(Pages 25-34)

4.3 Revocation of the Jackson Bay Wharf Bylaw 2001 (Pages 35-48)

5. ADMINISTRATIVE RESOLUTION

Council is required to confirm its Seal being affixed to the following document:

- 5.1.1 New Zealand Local Government Association Incorporated:** Pauline Cox,  
Deputy Mayor

**Purpose**

To vote on Council's behalf at the Special General Meeting of Local Government New Zealand, to be held on the 13<sup>th</sup> day of March 2014 and at any adjournment thereof.

*Lunch at 12.00 pm*

**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 Confidential Minutes.**
- 6.2 Civic Award Nomination.**
- 6.3 Creative Communities Assessment Committee Nomination.**
- 6.4 Harihari Community Facility Tender.**

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)(a) and (d) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

GENERAL SUBJECT OF THE MATTER TO BE CONSIDERED		REASON FOR PASSING THIS RESOLUTION IN RELATION TO THE MATTER	GROUND(S) UNDER SECTION 48(1) FOR THE PASSING OF THIS RESOLUTION
1.	Confidential Minutes.	To protect the privacy of individuals/organisations under Section 7(2) (a) and (i)	48(1)(a)(i) & (d)
2.	Civic Award Nomination.	To protect the privacy of individuals/organisations under	48(1)(a)(i) & (d)

		Section 7(2) (a) and (i)	
3.	Creative Communities Assessment Committee Nomination	To protect the privacy of individuals/organisations under Section 7(2) (a) and (i)	48(1)(a)(i) & (d)
4.	Harihari Community Facility Tender	To protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information	48(1)(a)(i) & (d)

**Next Meetings: 10 April 2014 and 17 April 2014**



# Ordinary Council Minutes

## MINUTES OF AN ORDINARY MEETING OF THE WESTLAND DISTRICT COUNCIL, HELD IN THE COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA ON THURSDAY 27 FEBRUARY 2014 COMMENCING AT 9.02 AM

---

### 1. MEMBERS PRESENT

His Worship the Mayor, M.T. Havill

Deputy Mayor P.M. Cox

Cr. J.H. Butzbach, Cr. M.S. Dawson, Cr. D.G. Hope, Cr. A.R. Keenan, Cr. L.J. Martin, Cr. M.D. Montagu, Cr. C.A. van Beek.

#### 1.1 Apologies

Nil.

#### Staff In Attendance

T.L. Winter, Chief Executive; P.G. Anderson, Manager Operations, V. Goel, Group Manager: District Assets; G. Borg, Group Manager: Corporate Services; J.D. Ebenhoh, Group Manager: Planning, Community and Environment; D.M. Maitland, Executive Assistant,

The following staff were in attendance for part of the meeting:

D.B. Blight, J. Bradshaw, R. Beaumont, E. Newman, P.C.C. Oliver.

#### 1.2 Register of Conflicts of Interest

The Conflicts of Interest Register was circulated and no amendments were noted.

## **2. CONFIRMATION OF MINUTES:**

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

#### **2.1.1 Ordinary Meeting – 30 January 2014.**

Moved Cr Dawson, seconded Cr Keenan and **Resolved** that the Minutes of the Ordinary Meeting of Council, held on the 30 January 2014, be confirmed as a 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, held on Thursday 30 January 2014.**

*(Refer Public Excluded Minutes).*

## **3. PUBLIC FORUM**

### **3.1 Steve Keenan**

Mr Steve Keenan spoke on behalf of Martin and Marion Nolan regarding the work organised by Mr and Mrs Nolan to protect the eastern abutment and pier of the Kokatahi River Bridge. Mr and Mrs Nolan had requested that Council reimburse 50% of the cost of this unapproved works.

### **3.2 Sonja Barker**

Mrs Sonja Barker, Chair of the Hokitika Gold Rush 150<sup>th</sup> Committee spoke in support of the relocation and repair of the damaged Pioneer Memorial Statue. Mrs Barker requested that Council consider the restoration and relocation of the statue.

Mrs Barker also asked that Council undertake work on other statues in the Hokitika Township.

## **4. REPORTS**

### **4.7 Protection Works Eastern Abutment Kokatahi River Bridge**

*The Manager Operations spoke to this report.*

Moved Cr van Beek, seconded Cr Butzbach and **Resolved** that Council approves the reimbursement to Mr. Martin Nolan of \$3,500 for funding of rock protection works undertaken on the Eastern Abutment of the Kokatahi River Bridge.

*Cr Martin recorded his vote against the motion.*

#### **4.3 Proposed Relocation of Pioneer Statue**

*The Manager Operations spoke to this report.*

*Cr Martin had circulated a copy via email a letter from Brian Ward, Secretary of Heritage Hokitika Inc advising that Heritage Hokitika wished to rescind its previous decision to support in principle the proposed relocation of the Pioneer Statue, and asking that it be involved in any future discussion concerning the Pioneer Statue.*

*Moved Cr Dawson, seconded Cr van Beek and **Resolved** that in accordance with NZS 9202:2003, Council temporarily suspend Standing Orders 3.2.1 to undertake a discussion regarding the proposed relocation of the Pioneer Statue.*

*Cr Keenan congratulated Sonja Barker and Mike Keenan for their work to date regarding this matter.*

Moved Cr Dawson, seconded Deputy Mayor Cox and **Resolved** that:

- A) Council supports the proposal from the Hokitika Gold Rush 150<sup>th</sup> Committee and make available the \$10,000 in the 2013-14 budget for them to use as leverage to generate further funding to undertake the relocation and restoration of the Pioneer Statue.
- B) Council requests that the Hokitika Gold Rush 150<sup>th</sup> Committee demonstrate that there is community support for this project and that they have all funding in place before work commences.

*Cr Montagu recorded his vote against the motion.*

***Ian McCabe, Acting Regional Manager Planning and Investment Southern – Dunedin, New Zealand Transport Agency attended the meeting and provided a presentation to Council on NZTA Funding and the FAR Review.***

*His Worship the Mayor thanked Mr McCabe for his presentation to Council and invited Mr McCabe to join Councillors for morning tea.*

*The meeting adjourned for morning tea at 10.34 am and reconvened at 10.57 am.*



#### **4.7     Protection Works Eastern Abutment Kokatahi River Bridge cont.**

Moved Cr van Beek, seconded Cr Butzbach and **Resolved** that Council approves the reimbursement to Mr. Martin Nolan of \$3,500 (excl. GST) for funding of rock protection works undertaken on the Eastern Abutment of the Kokatahi River Bridge funded from the structural bridge maintenance activity.

#### **4.5     Creative Communities Scheme.**

*Cr Martin and Cr Keenan expressed their interest in joining the Creative Communities Scheme.*

Moved Cr van Beek, seconded Deputy Mayor Cox and **Resolved** that:

- A)     Crs Martin and Cr Keenan be appointed to the local assessment committee.
- B)     The four existing members Reilly Burden, Ian Boswell, Kathy Dyzel and Veronika Maser be appointed for another three year term.
- C)     One vacancy be advertised and nominations be brought to the 27 March 2014 Council Meeting for consideration.

### **4.     REPORTS**

#### **4.1     Mayor's Report.**

*His Worship the Mayor provided a verbal report for Council regarding the submission from Ian McCabe, NZTA, and also discussed the Funding Assistance Rate (FAR). Mayor Havill thanked staff for the work done to date for the Draft Annual Plan.*

*Cr Butzbach then provided a verbal report to Council.*

Tanya Winter introduced Mayor Brendon Duffy from Horowhenua District Council who was on holiday in the Westland District.

*Cr Montagu then provided a verbal report to Council.*

Moved His Worship the Mayor, seconded Cr Dawson and **Resolved** that the verbal report from His Worship the Mayor and Crs Butzbach and Montagu be received.

#### **4.6 Q2 Report**

*The Group Manager: Corporate Services spoke to this report.*

*The following Budget Managers were in attendance at 11.22am:*

*D.B. Blight, J. Bradshaw, R. Beaumont, E. Newman, T. O'Malley, P.C.C. Oliver.*

Moved Cr Butzbach, seconded Cr Montagu and **Resolved** that the six monthly report for the period 1 July 2013 to 31 December 2013 be received.

*Cr Montagu thanked the Budget Managers for their work to date on the budgets.*

#### **4.2 Hokitika Memorial Hall (RSA Building).**

*The Group Manager: District Assets and the Chief Executive spoke to this report.*

*Crs Dawson and Keenan provided an update from the RSA Working Group.*

*Cr Butzbach reminded the Council that the RSA have requested salvage rights for the existing RSA Building in Sewell Street, Hokitika.*

Moved Cr Hope, seconded Cr Butzbach and **Resolved** that Council approve demolishing the RSA building in Sewell Street, Hokitika at an estimated cost of \$24,950 (excl. GST) and this project be included in the 2014-2015 Draft Annual Plan.

#### **4.4 Sesqui-Centennial Proposed Early Settlers Memorial Structure.**

*The Manager Operations spoke to this report.*

Moved Cr Martin, seconded Cr Keenan and **Resolved** that Council require the local community members proposing the construction of an Early Settlers Memorial Structure to undertake a public consultation process on any proposed design.

#### **4.8 New Zealand Transport Agency Financial Assistance Rate Review.**

*The Manager Operations spoke to this report.*

Moved Cr Butzbach, seconded Cr Martin and **Resolved** that:

- A) Council appoint Deputy Mayor Cox, Cr van Beek and Cr Hope to a FAR Working Group. This group will also include the Group Manager: District Assets and the Operations Manager.

- B) The FAR Working Group prepare a submission to NZTA on the Funding Assistance Rates (FAR) Review document.
- C) The submission prepared by the FAR Working Group be included with the Council agenda for approval at the 27 March 2014 Council Meeting and the resulting document be submitted to NZTA on 28 March 2014.

*The meeting adjourned for lunch at 12.27 pm and reconvened at 1.10 pm.*

#### **4.9 West Coast Wilderness Trail – Project Update.**

*The Chief Executive and the Manager Operations spoke to this report.*

Moved Cr van Beek, seconded Cr Butzbach and **Resolved** that Council receive this report.

#### **4.10 Annual Plan Consultation.**

*The Group Manager: Planning, Community and Environment spoke to this report.*

Moved Cr Butzbach, seconded Cr Montagu and **Resolved** that Council adopt Option 2 which will be funded from Operational Budgets as its 2014/15 Annual Plan Consultation Plan at an estimated cost of \$6,000.

#### **4.11 Local Governance Statement.**

Moved Cr Montagu, seconded Cr van Beek and **Resolved** that Council that adopt the amended Local Government Statement and publish it on Council's Website [www.westland.govt.nz](http://www.westland.govt.nz).

*The amendments noted were: Including a reference to waste management and the addition of the CCO's.*

#### **4.12 Update to Delegations Manual and Approval of Independent Accredited Resource Management Hearing Commissioners.**

Moved Cr Montagu, seconded Cr van Beek and **Resolved** that:

- A) Council approve the Delegations Manual with the amendments as noted.
- B) Pursuant to Section 34A of the Resource Management Act 1991, Council approves the granting of resource management hearing

commissioner powers, as per Section 25 of the attached revised Delegations Manual, to the accredited individuals as listed.

## 5. ADMINISTRATIVE RESOLUTIONS

Moved Cr Montagu, seconded Cr Dawson and **Resolved** that Council confirm its Seal being affixed to the following documents:

5.1.1 **Warrant of Appointment:** Ana Elizabeth Coleman

5.1.2 **Warrant of Appointment:** Edward John Newman

5.1.3 **Warrant of Appointment:** Warren Godfrey

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

Moved Cr Montagu, seconded Cr Hope and **Resolved** that Council exclude the public in accordance with Section 48, Local Government Official Information and Meetings Act 1987 at 1.59 pm.

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

### 5.1 **Confidential Minutes**

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)(a) and (d) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

<i>Item No.</i>	<i>Minutes/ Report of</i>	<i>General subject of each matter to be considered</i>	<i>Reason for passing this resolution in relation to each matter</i>	<i>Ground(s) under Section 48(1) for the passing of this resolution</i>
1.	Minutes	Confirmation of Public Excluded Minutes for December 2013.	Good reasons to withhold exists under Section 7.	48(1)(a)(i) & (d)

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 Cr Martin, seconded Cr Hope and **Resolved** that the business conducted in the “Public Excluded Section” be confirmed and the public be readmitted at 2.00 pm.

**MEETING CLOSED AT 2.00 PM**

**NEXT MEETINGS:**

**Wednesday 12 March 2014 – Council Chambers**

**Thursday 27 March 2014 - Haast**

**Confirmed by:**

\_\_\_\_\_  
**Mike Havill**  
**Mayor**

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



# Executive Committee Minutes

MINUTES OF A MEETING OF THE EXECUTIVE COMMITTEE OF THE WESTLAND DISTRICT COUNCIL, HELD IN THE COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA ON MONDAY 10 MARCH 2014 COMMENCING AT 4.00 PM

---

## 2. MEMBERS PRESENT

Cr M.S. Dawson, Chair  
His Worship the Mayor, M.T. Havill  
Deputy Mayor P.M. Cox.

### 1.1 Apologies

Nil.

### Also in Attendance for part of the meeting:

T.L. Winter, Chief Executive; G. Borg, Group Manager: Corporate Services and D.M. Maitland, Executive Assistant.

### 1.2 Register of Conflicts of Interest.

The Register of Conflicts was circulated and no amendments were made..

## 2. BUSINESS:

### 2.1 Half Year Performance Report – Westland Holdings Ltd

*The Group Manager: Corporate Services introduced this report.*

Moved His Worship the Mayor, seconded Deputy Mayor Cox and **Resolved** that the report from Westland Holdings Ltd be received.

Moved Mayor Havill, seconded Cr Dawson, and **Resolved** that Westland Holdings Ltd be instructed to provide individual financial reports from each

of its subsidiary companies of a more detailed nature, including commentary on:

- The reason why the cost of sales increased relative to revenue.
- Why other income has fallen compared to 2013.
- The increase in borrowings of \$1.4M and what they were used for.
- Explanation of their receivables figure.
- Explanation of the negative working capital position.
- Timing of the payments and phasing of revenue and expenditure.
- How the Greymouth contract is going for Westroads.
- Providing a breakdown of what makes up the Employee Entitlements.

The Committee requested the above information be provided for the 27 March 2014 Council Agenda.

The Committee noted that Mr Graeme King, Chair of Westland Holdings Ltd has been invited to attend the 27 March 2014 Council Meeting in Haast.

## **2.2 Report from Audit New Zealand on the Audit of Westland District Council for the year ended 30 June 2013**

*The Group Manager: Corporate Services spoke to this report.*

Moved Cr Dawson, seconded Deputy Mayor Cox and **Resolved** that based on the legal advice received from Simpson Grierson that the rates set and assessed by Council are not invalid; that the terminology referred to in the “section 3.1 Rates Review” remains the same for the 2014-2015 financial year.

Moved Deputy Mayor Cox, seconded Cr Dawson and **Resolved** that:

- A) The Report from Audit New Zealand on the Audit of Westland District Council for the year ended 30 June 2013 be received.
- B) The Committee considers the advice received in the context of future annual plans, long term plans and annual reports.

The Committee requested that, based on the recommendations in the Audit Management Report, a tasklist be reported back to the Executive Committee.

## **3. MATTERS CONSIDERED IN THE ‘PUBLIC EXCLUDED SECTION’**

Moved Deputy Mayor Cox, seconded His Worship the Mayor and **Resolved** that Council exclude the public in accordance with 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:

**3.1 WHL Statement of Intent for 2014-2015.**

**3.2 CE's 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)(a) and (d) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

<i>Item No.</i>	<i>Minutes/ Report of</i>	<i>General subject of each matter to be considered</i>	<i>Reason for passing this resolution in relation to each matter</i>	<i>Ground(s) under Section 48(1) for the passing of this resolution</i>
1.	Statement of Intent	WHL Statement of Intent for 2014-2015	Good reasons to withhold exists under Section 7.	48(1)(a)(i) & (d)
2.	Report to the Committee	CE's Performance Review.	Good reasons to withhold exists under Section 7.	48(1)(a)(i) & (d)

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:

<b>No.</b>	<b>Item</b>	<b>Section</b>
1.	Protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or is the subject of the information.	Section 7(2)(b)(ii)
2.	Protection of privacy of natural persons	Section 7(2)(a)

Moved His Worship the Mayor, seconded Cr Dawson and **Resolved** that the business conducted in the "Public Excluded Section" be confirmed and the public be readmitted.

**MEETING CLOSED AT 7.35 PM**

**NEXT MEETING: DATE TO BE DETERMINED**



**Confirmed by:**

\_\_\_\_\_  
**Cr Mark Dawson**  
**Chair**

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



## Special Council Minutes

### MINUTES OF A SPECIAL COUNCIL MEETING OF THE WESTLAND DISTRICT COUNCIL, HELD IN THE COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA ON WEDNESDAY 12 MARCH 2014 COMMENCING AT 1.00 PM

---

#### 3. MEMBERS PRESENT

His Worship the Mayor, M.T. Havill

Deputy Mayor P.M. Cox

Cr. J.H. Butzbach, Cr. M.S. Dawson, Cr. D.G. Hope, Cr. A.R. Keenan, Cr. L.J. Martin, Cr. M.D. Montagu, Cr. C.A. van Beek.

##### 1.1 Apologies

Nil.

##### Also In Attendance

T.L. Winter, Chief Executive; Gary Borg, Group Manager: Corporate Services; J.D. Ebenhoh, Group Manager: Planning, Community and Environment; P.G. Anderson, Operations Manager; P. Cannell, Engineer - Water Services; T. O'Malley, Finance Manager; K.M. Manera, Receptionist.

##### 1.2 Register of Conflicts of Interest

The Conflicts of Interest Register was circulated and no amendments were noted.

## 2. **CONFIRMATION OF MINUTES:**

### 2.1 **Council Minutes – 26 February 2014**

Moved Cr Dawson, seconded Cr Butzbach and **Resolved** that the Minutes of the Special Meeting of Council held on the 26 February 2014 be confirmed as a true and correct record of the meeting, subject to the following amendments:

#### **Item 14.0     MDI Funding**

“.....that Council not include any ~~of the~~ projects in the Draft Annual Plan and ask the Chief Executive to call for expressions of interest for MDI funding from all Westland communities.”

#### **Next Meetings**

“.....THURSDAY 27 MARCH 2014  
to be held in Haast.”

## 3. **BUSINESS:**

*The Chief Executive introduced and welcomed Jim Hopkins to the meeting who has been contracted to work on writing Westland District Council's Annual Plan.*

### 3.1 **2014/2015 Draft Annual Plan: Omnibus Report**

Moved Cr Dawson, seconded Deputy Mayor Cox and **Resolved** that Council work towards developing a set of guiding principles to be included in the Draft Annual Plan.

#### **5.0     Core Operating Budgets**

Moved Cr Butzbach, seconded Cr Hope and **Resolved** that the core operating budgets attached as **Appendix 1** be approved for inclusion in the draft Annual Plan 2014-15.

## Annual Plan 2014/15 Core Budgets

ACTIVITIES	2013/14 ANNUAL PLAN BUDGET	2014/15 DRAFT ANNUAL PLAN BUDGET	Change in % from 2013/14 Annual Plan to Draft	Page	% OF Total Rates
Cycletrail	30,000	52,542	75%	6	0%
Events	(447)	(13,245)		8	
Democracy	962,640	834,402	-13%	14	8%
I-Site	140,049	142,751	2%	16	1%
Interest & Dividends	-65,529	-96,985	-48%	18	-1%
Swimming Pool Hokitika	229,000	229,000	0%	24	2%
Ross Swimming Pool	24,653	25,688	4%	24	0%
Community Halls & Buildings	92,054	108,643	18%	26	1%
Parks & Reserves	362,052	326,143	-10%	28	3%
Cemeteries	83,634	110,268	32%	32	1%
Transportation	1,416,143	1,444,100	2%	34	13%
Water Supply	1,978,681	2,245,605	13%	36	21%
Wastewater	674,370	720,443	7%	40	7%
Stormwater	405,565	405,350	0%	42	4%
Solid Waste Management	1,311,116	1,465,254	12%	44	13%
Land & Buildings	106,761	107,425	1%	48	1%
Public Toilets	208,583	213,613	2%	50	2%
Community Township Development	424,087	441,374	4%	52	4%
Emergency Management	103,864	106,348	2%	54	1%
Library	394,817	394,342	0%	58	4%
Museum	238,664	249,228	4%	60	2%
Corporate Planning	0	290,496	100%	62	3%
Community Assistance	231,576	223,500	-3%	64	2%
Community Development	65,546	113,236	73%	66	1%
Inspections & Compliance	236,516	199,416	-16%	68	2%
Resource Management	273,830	353,296	29%	70	3%
Animal Control	21,507	20,883	-3%	72	0%
Safer Community Council	13,615	0		74	
Capital projects		225,500		A	2%
<b>Total</b>	<b>9,963,348</b>	<b>10,938,618</b>	<b>9.79%</b>		100%

	2013/14 ANNUAL PLAN BUDGET	2014/15 DRAFT ANNUAL PLAN BUDGET	Change in % from 2013/14 Annual Plan to Draft	Page
<b>OVERHEAD ACTIVITIES</b>				
Headquarters	189,843	196,055	3%	<b>4</b>
Chief Executive	541,244	398,284	-26%	<b>4</b>
IT	274,982	270,601	-2%	<b>10</b>
Corporate Services	1,172,454	990,424	-16%	<b>12</b>
Operations Administration	260,031	259,073	0%	<b>20</b>
In House Professional Services	545,169	750,810	38%	<b>22</b>
Planning & Regulatory Manager	161,680	144,311	-11%	<b>56</b>
<b>Total</b>	<b>3,145,403</b>	<b>3,009,558</b>	<b>-4%</b>	

*The meeting adjourned for afternoon tea break at 3.04 pm and reconvened at 3.11 pm.*

## 6.0 Projects

Moved Cr Montagu, seconded Cr Keenan and **Resolved** that the projects attached as **Appendix 2** be approved for inclusion in the draft Annual Plan 2014-15.

PROJECTS FOR 2014-2015 YEAR

APPENDIX 2

PROJECTS FOR YEAR 2014-15			FUNDING						
Project / Activity	Brief Description of the project	Estimate (Current)	Subsidy	Depn	Reserves	Loan	Rates (General)	Rates (Targeted)	Total
<b>MUSEUM</b>									-
Install heat pump in Drummond Hall	Currently no heating in this gallery, 5-10° C in winter	5,000	-	-	-	-	5,000	-	5,000
									-
	<b>TOTAL</b>	<b>5,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>5,000</b>	<b>-</b>	<b>5,000</b>
<b>CORPORATE SERVICES / I.T.</b>									-
									-
Rates Review	Required - Request of Council - Completion of Project	10,000	-	-	-	-	10,000	-	10,000
CCO Review	Council decision - May need funds for implementation	20,000	-	-	-	-	20,000	-	20,000
Website Development	Content management system is old, no longer supported and needs to be replaced. Not proceeding will mean that problems will not be fixed going forward.	15,000	-	-	-	-	15,000	-	15,000
IT hardware replacement and upgrades	Office equipment and other upgrades	30,000	-	15,000	-	-	15,000	-	30,000
	<b>TOTAL</b>	<b>75,000</b>	<b>-</b>	<b>15,000</b>	<b>-</b>	<b>-</b>	<b>60,000</b>	<b>-</b>	<b>75,000</b>
<b>WATER SUPPLY</b>									-
Power to Reservoir Sites	Telemetry unit unable to retain power from solar panel to communicate to WTP. Has caused loss of water supply a number of times.	50,000	-	50,000	-	-	-	-	50,000
Kumara CAP - Funding application	Consultant to assist with CAP application for Kumara in last round of funding. Project deferred to 15/16	15,000	-	-	-	-	-	15,000	15,000
Haast WTP Upgrade	Upgrade WTP for compliance with DWSNZ	400,000	240,000	160,000	-	-	-	-	400,000
Condition Assessments	30 Yr Infrastructure plans are required by 2015 for next LTP. No condition assessments are available and future renewals and maintenance cannot be predicted in the absence of this data	20,000	-	-	-	-	-	20,000	20,000
	<b>TOTAL</b>	<b>485,000</b>	<b>240,000</b>	<b>210,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>35,000</b>	<b>485,000</b>
<b>WASTEWATER</b>									-
Fitzherbert Street Pump Upgrade # 2	Upgrade of number 2 pump	100,000	-	-	-	100,000	-	-	100,000
Fitzherbert Street Pumping Main	Stage 2 of this project	500,000	-	-	-	500,000	-	-	500,000
Haast Ponds Improvement	Improvements to treatment plant	150,000	-	-	-	150,000	-	-	150,000
Condition Assessments	30 Yr Infrastructure plans are required by 2015 for next LTP. No condition assessments are available and future renewals and maintenance cannot be predicted in the absence of this data	20,000	-	-	-	-	-	20,000	20,000
	<b>TOTAL</b>	<b>770,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>750,000</b>	<b>-</b>	<b>20,000</b>	<b>770,000</b>

PROJECTS FOR 2014-2015 YEAR

APPENDIX 2

PROJECTS FOR YEAR 2014-15			FUNDING						
Project / Activity	Brief Description of the project	Estimate (Current)	Subsidy	Depn	Reserves	Loan	Rates (General)	Rates (Targeted)	Total
<b>STORMWATER</b>									
Pipe Repairs	On-going maintenance of stormwater infrastructure that has deteriorated and causing holes to appear in the ground.	50,000	-	50,000	-	-	-	-	50,000
Condition Assessments	30 Yr Infrastructure plans are required by 2015 for next LTP. No condition assessments are available and future renewals and maintenance cannot be predicted in the absence of this data	20,000	-	-	-	-	20,000	-	20,000
<b>TOTAL</b>		<b>70,000</b>	-	50,000	-	-	20,000	-	70,000
<b>SOLID WASTE SERVICES</b>									
Improvements to Capping works at Hokitika Landfill		20,000	-	-	-	20,000	-	-	20,000
Kumara Landfill		25,000	-	-	-	25,000	-	-	25,000
Franz Josef capping works design		25,000	-	-	-	25,000	-	-	25,000
<b>TOTAL</b>		<b>70,000</b>	-	-	-	70,000	-	-	70,000
<b>COMMUNITY HALLS AND BUILDINGS</b>									
RSA Hall - Demolish the current building	Demolish and make good land for future use	25,000	-	-	-	-	25,000	-	25,000
	Council resolution 27 March 2014		-	-	-	-	-	-	-
<b>TOTAL</b>		<b>25,000</b>	-	-	-	-	25,000	-	25,000
<b>LAND AND BUILDINGS</b>									
Pensioner Housing - WDPL	Repair to failing roofs	20,000	-	-	-	20,000	-	-	20,000
Thermal Cover - Hoki Pool - WDPL	Cover at Hoki pool has failed	20,000	-	-	-	20,000	-	-	20,000
<b>TOTAL</b>		<b>40,000</b>	-	-	-	40,000	-	-	40,000
<b>COUNCIL HEADQUARTERS</b>									
Replace Ground Floor level Roof	Replace ground floor level roof cladding, replace any rotten and damaged timbers, re-pitch roof and make good.	125,000	-	-	-	125,000	-	-	125,000
<b>TOTAL</b>		<b>125,000</b>	-	-	-	125,000	-	-	125,000
<b>EMERGENCY MANAGEMENT</b>									
Kaniere Rural Fire Party - Water Pump	Replacement HVMP Pump (Kaniere RFP) Inc subsidy	11,000	5,500	-	-	-	5,500	-	11,000
<b>TOTAL</b>		<b>11,000</b>	5,500	-	-	-	5,500	-	11,000
<b>GIS AND ASSET MANAGEMENT</b>									
Development of Asset Management Plans/Activity Management Plans		25,000	-	-	-	-	25,000	-	25,000
Asset Valuations - Other Activities		30,000	-	-	-	-	30,000	-	30,000
<b>TOTAL</b>		<b>55,000</b>	-	-	-	-	55,000	-	55,000
		<b>1,731,000</b>	<b>245,500</b>	<b>275,000</b>	<b>-</b>	<b>985,000</b>	<b>170,500</b>	<b>55,000</b>	<b>1,731,000</b>

## 7.0 **Debt Repayment**

*The Group Manager: Corporate Services spoke to the above item.*

Moved Cr Hope, seconded Cr van Beek and **Resolved** that as part of a \$5m debt reduction strategy over a 20 year period, Council includes an amount of \$250,000 to be funded from rates in the 2014-15 draft Annual Plan for principal repayments on the debt associated with Westland Holdings Limited.

Moved Cr Dawson, seconded Cr Butzbach and **Resolved** that Council instruct officers to bring back options for reducing debt through asset sales and that this work is completed prior to the Hearings and final adoption of the Annual Plan 2014-15.

## 9.0 **Recommendations**

Moved Cr Dawson, seconded Deputy Mayor Cox and **Resolved** that:

- a) Council adopt the recommendations herein for the purposes of giving direction to the Chief Executive.
- b) The Chief Executive is instructed to prepare a 2014-15 Draft Annual Plan to be adopted on Thursday 3 April 2014 at 9.00 am for public consultation.

**MEETING CLOSED AT 4.47 PM**

NEXT MEETINGS:

THURSDAY 27 MARCH 2014 to be held in Haast.

THURSDAY 3 APRIL 2014 to be held in the Council Chambers.

Confirmed by:

---

Mike Havill  
Mayor

---

Date



# Report



**DATE:** 27 March 2014

**TO:** Mayor and Councillors

**FROM:** Operations Manager

---

## SUBMISSION ON THE NEW ZEALAND TRANSPORT AGENCY FINANCIAL ASSISTANCE RATE REVIEW

### 1.0 SUMMARY

- 1.1 The purpose of this report is to seek Council approval for the submission document prepared for the New Zealand Transport Agency (NZTA) on the latest consultation document on the review of Financial Assistance Rates (FAR).
- 1.2 The issues arises as a result of NZTA's initiative to review the current FAR model applicable across approved organisations including local government.
- 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:
  - (b) To enable democratic local decision-making and action, by and on behalf of, communities; and
  - (c) 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 inspirational leadership	Making a submission on the NZTA review document so that Council is taking the opportunity to inform NZTA of the impact the proposal will have on Westland ratepayers and Westland Districts transportation network.
Having expanded development opportunities	
Having top class infrastructure for all communities	

- 1.5 This report concludes by recommending that Council approves the submission attached as **Appendix 1**.

## 2.0 BACKGROUND

- 2.1 When a land transport activity undertaken by a local authority or other approved organisation qualifies for funding from the NZTA National Land Transport Fund (NLTF), the FAR determines the proportion of the approved costs of that activity that will be paid from the fund.
- 2.2 Each approved organisation is given a base FAR which determines the proportion of funding for its operation, maintenance and renewal activities.
- 2.3 Base FARs are currently calculated to ensure that the national overall average rate of assistance is 50%.
- 2.4 Transportation is financially the largest activity Westland District Council (WDC) is responsible for, accounting for approximately 30% of Council's annual operating expenditure. Any proposed change in FAR will have a significant effect on Council's general rate demand.
- 2.5 A detailed report highlighting the issues was included on Council agenda at its meeting on 27 February 2014.
- 2.6 Any revision or otherwise of FAR will be used in the development of Council's 2015-2018 Land Transport Programme. This programme will be developed over the next six months and will be included in the next Long Term Plan.

2.7 In this latest document NZTA has developed and modelled five options on how the FAR could be set and applied. These five options are:

1. Deprivation Index
2. Rateable Capital Value/Rating Units
3. Combination of option 1 and 2 above
4. Lane kilometres/rateable capital value
5. Combination option 1 and 4 above

2.8 As with any such review there will be some local authorities which will receive an increased subsidy rate and others will be disadvantaged. This will obviously impact on the content of the Council's submission.

2.7 At its meeting on 27 February 2014 Council created a FAR Working Group to develop a submission on the FAR Review to be approved by Council at the 27 March 2014 meeting. Deputy Mayor Cox, Crs van Beek and Hope were appointed to this group along with the Group Manager: District Assets and the Operations Manager.

### 3.0 CURRENT SITUATION

3.1 The FAR Working Group met on 12 March 2014 and has had collective input into the submission document.

3.2 Submissions on the second round of consultation in relation to the FAR Review close with NZTA at 5.00pm on Friday 28 March 2014. Council's submission must be received by NZTA by that deadline.

3.3 Council's submission to NZTA is attached as **Appendix 1**. This is an opportunity for Council to comment on and refine that submission, bearing in mind the deadline for submissions is the day after the Council meeting.

### 4.0 OPTIONS

4.1 **Option 1** – Council does not adopt the attached submission.

4.2 **Option 2** – Council adopts the attached submission. The approved submission will be forwarded to NZTA on Friday 28 March 2014.

4.3 **Option 3** – Council amends the attached submission and adopts the revised submission to be forwarded to NZTA.

### 5.0 SIGNIFICANCE AND CONSULTATION

5.1 While the options under the FAR Review could have wide reaching consequences for Council's transportation budgets and levels of service if adopted, the decision to make a submission to NZTA on the FAR Review is administrative and therefore of low significance in accordance with Council's Policy on Significance.

5.2 No public consultation has taken place to inform this submission.

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

6.1 **Option 1** - The provision of the roading network is of vital importance to the Westland District. Not presenting a submission to NZTA would send a signal to NZTA and ratepayers that Council is not taking this process seriously. Officers do not recommend this option.

6.2 **Options 2 and 3** - Council has an opportunity to make submissions on the proposals as an individual Council or as part of a wider group. Council needs to take this opportunity to inform the NZTA of the potential impact the current proposal will have on the ratepayers of Westland District and the resulting effect it would have on transportation levels of service.

This submission has been developed by a working group which includes elected representatives and Council staff directly responsible for managing the transportation activity.

At the West Coast Mayors and Chairs meeting on 10 February it was agreed that if possible, a joint submission should also be prepared by the West Coast Councils on the impact of the FAR Review on the region's transportation network.

There are no financial implications associated with making a submission on the FAR Review. The financial implications of any proposed options presented by NZTA have not been assessed in detail. This will be dependent on the final outcome of the Review.

## **7.0 PREFERRED OPTION AND REASONS**

7.1 **Option 2 or 3** is the preferred options.

7.2 The Local Government Act and the Land Transport Management Act provide the legislative requirements for the Council to have a Land Transport Programme to provide for the maintenance and improvements of the roading network. The provision of the roading network is of vital

importance to the well-being and economic development of Westland District, and the amount of financial assistance that Council receives is of huge relevance to its ability to fund the local share to maintain the network.

- 7.3 It is important that Council has a voice and continues to take an active role in this review process.

## 8.0 RECOMMENDATION

- 8.1 **THAT** Council approves the submission attached as Appendix 1 on the Financial Assistance Rate Review and submits this to NZTA by 28<sup>th</sup> March 2014.

**Peter Anderson**  
**Operations Manager**

**Appendix 1:** Submission on the NZTA Financial Assistance Rate Review

# Appendix 1

## **Westland District Council – New Zealand Transport Agency Financial Assistance Rate Review Submission**

### **Submission**

1. Westland District Council re-submits to opt for the status-quo.
2. In the absence of above and with little analysis available Westland District Council reluctantly supports Option 2 and Option 4.

### **1.0 Introduction**

It is disappointing that consideration is been given to cut funding which will lead to levels of infrastructure of a lesser quality than at present.

Westland District along with our neighbours, Grey and Buller, cover a large proportion of the South Island. As a region the West Coast outperforms most others in GDP and is one of New Zealand's top tourist destinations.

A core philosophy of WDC's transportation activity is to maximise roading outputs while minimising the rating burden on our ratepayers. As such it is expected that any proposed FAR moving forward will simplify road funding, alleviate funding inconsistencies and should rationalise roading administration within available NZTA financial resources.

It is important that NZTA acknowledge the difficulties that rural and remote districts such as Westland District have in raising the local share of funding for the transportation activity. In excess of 87% of the land belongs to the Crown within conservation estate and is unable to be rated thus the ability of the Westland District to meet funding shortfalls is limited.

The amount of funding that actually needs to be spent on maintaining, renewing and improving New Zealand's road network will impact directly on WDC's ability to raise the local share.

### **2.0 Overall National Land Transport Fund (NLTF) Co-investment Rate**

Council supports a co-investment rate of 53% being considered the normal FAR. This is the current level of NZTA funding and should continue when the FAR calculations are reviewed.

Any reduction in current FAR would result in less spending on roads, a reduction in level of service and an adverse effect on the economy of the region and New Zealand.

Council submits that an overall co-investment rate of 53% is appropriate given that no changes to the overall NLTF budget are proposed at this stage.

### **3.0 The FAR Options**

WDC supports the status quo being maintained for the 2015-2018 National Land Transport Programme (NLTP) rather than any of the five options identified in the review document.

This said, according to the review document, the status quo is not an option as NZTA have identified a number of issues that are not addressed in its current form. Council considers that the five options outlined in the document for discussion also have short comings which are not adequately addressed.

The FAR review is focused on distributing the NLTF to assist road controlling authorities to maintain networks in a fair manner which takes into account the approved organisations ability to pay. The point, which has been stressed by NZTA throughout this review process, is that funding is not increasing so we must ensure we have a fair system to distribute the funding.

Reluctantly, of the options proposed by NZTA, Council prefers options 2 or 4. Westland District has in excess of 87% of its area in Crown conservation estate and it is essential that this factor is taken into consideration. Information provided in the review document indicates that this is the case with both these options as they benefit Councils with large proportions of non-rateable Crown conservation estate in their area.

### **4.0 One Network Roading Classification**

The overall FAR funding framework links to the “One Network Road Classification” (ONRC) Project to set nationally agreed levels of service for all local authorities. This has the potential to compound existing financial difficulties where any proposed FAR is lower than that currently in place.

Implementation of the ONRC, in particular an adequate definition of “fit for purpose” and development of levels of service, needs to be assessed and understood further. This work, which is being developed by the Road Efficiency Group (REG), a collaboration between local government and

NZTA, will have the effect of having roads of the same classification maintained to a similar standard throughout the country.

ONRC is viewed positively by WDC as this should provide the direction and standards to ensure state highway and local roads throughout Westland District and the West Coast are finally upgraded to a consistent and safe standard.

Of concern to Council though is the fact that any changes to FAR for WDC proposed in the review document contradicts the ONRC philosophy and will seriously undermine Council's ability to recognise the ONRC and meet proposed levels of service.

Until such time that appropriate levels of service are fully understood and agreed through the implementation of the proposed ONRC, it is not possible to accurately define the appropriate levels of investment required by each approved organisation to meet and maintain optimum land transport outcomes. Increased investment requirements may mean that the local share cannot be raised at current or proposed FARs without a corresponding increase in the council roading rate. An inability of councils to implement such rating increases could result in under investment in land transport activities unless assistance is provided from an increase in FAR to compliment the ONRC.

WDC supports the status quo be maintained for the 2015-2018 National Land Transport Programme (NLTP).

## **5.0 Banding**

Although banding is an attempt to remove distortion between neighbouring local authorities and has some merit, a proposal to band in a 5% range is not supported by Council.

A decrease in subsidy for a local authority such as Westland District of 1% would mean a significant rate increase if existing levels of service are maintained. A shift of 5%, even if appropriately transitioned, would result in significant funding issues and an unpalatable review of current levels of service.

Council supports an option that has funding at the level which the FAR finally adopted provides for.

## **6.0 Transitioning**

Council's roading costs may be subject to transitioning not only as a result of the FAR review but also the ONRC Project. Potentially Council could experience a reduction in FAR as a result of this review process but



an increase in funding may be required to comply with the ONRC and subsequent levels of service requirements.

It is essential that any movement upwards or downwards is transitioned to allow Council to manage other sources of funding, usually from general rates.

Council supports existing FARs being maintained for the 2015-2018 NLTP with any change in funding then being transitioned over the following six years.

## **7.0 Special Purpose Road FAR**

The Haast Jackson Bay Road was a state highway and links State Highway 6 with the isolated community and port of Jackson Bay. This road is through swampy country along a steep mountainous route with sections running parallel to the coast which are at times subject to sea erosion.

This road was determined to be special purpose road in 1983 with a 100% subsidy rate. The purpose of this designation was understood to be to allow the then administering authority, Westland County, to seal the carriageway through to the isolated community of Jackson Bay and secure an important route to the wharf and significant fishing industry situated there.

Haast Beach, Okuru, Hannahs Clearing, Neils Beach and Jackson Bay are all townships serviced by this road which are now becoming significant and growing tourist destinations.

Maintenance of this road continues to be a challenge. There was no alternative access into Jackson Bay and the other townships along the route when the road status was changed. This is still the case today.

If special purpose road status is revoked and Council funds the maintenance of the road at current levels of service and receives a FAR equivalent to what is currently provided by NZTA for local roads in Westland District then Council would need to increase rates across the entire district by approximately 2.3%.

Council proposes that special purpose road status continues to attract a FAR of 100% and that the Haast Jackson Bay Road status of special purpose road should remain in place.

Should this review conclude that special purpose road status no longer exists then Council submits that the Haast Jackson Bay Road should revert to its original status of state highway.

## **8.0 Emergency Works FAR**

Council supports continuing to fund initial response and reinstatement emergency works following relatively common events from the emergency works funding assistance rates pool but at a different funding assistance rate than initial response and reinstatement work resulting from 'out of the ordinary' events.

## **9.0 Summary**

In summary WDC supports aspects of the FAR review as follows:

1. A minimum FAR of 50% with higher FARs for Councils such as WDC who have difficulty in raising the local share of roading costs.
2. An overall co-investment rate of 53% given that any increase is beyond the scope of the review.
3. The status quo be maintained for the 2015-2018 NLTP with implementation being gradually phased in during the following six years. This will allow the effects of the ONRC Project to be quantified and taken into account.
4. Of the options identified in the FAR Review Document, Council would reluctantly prefer option 2 or 4.
5. FAR funding banding should be at the level which is set by the adopted FAR option.
6. That 100% FAR remain for special purpose roads and that the Haast Jackson Bay Road status of special purpose road remains
7. Should special purpose road status of the Haast Jackson Bay be removed, then the road should revert to its original status as part of the state highway network.
8. Funding for emergency works to remain as status quo.

The Westland District Council (WDC) would like to thank the New Zealand Transport Agency (NZTA) for the opportunity to comment further on the proposed review of the Financial Assistance Rate (FAR).

# Report



**DATE:** 27 March 2014

**TO:** Mayor and Councillors

**FROM:** Chief Executive

---

## REVOCATION OF THE JACKSON BAY WHARF BYLAW 2001

### 9.0 SUMMARY

- 9.1 The purpose of this report is to provide feedback to Council on the outcome of the special consultative procedure that was used to revoke the Jackson Bay Wharf Bylaw 2001.
- 9.2 This issue arises from a request through the Annual Plan from Westland District Property Ltd that Council revoke the Jackson Bay Wharf Bylaw, and a decision at the Council meeting on 28 November 2013 that this process commence.
- 9.3 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:
- (d) To enable democratic local decision-making and action, by and on behalf of, communities; and
  - (e) 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.
- 9.4 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.

<b>Vision's Objectives</b>	<b>Achieved By</b>
Involving the community and stakeholders Having inspirational leadership	Using the special consultative procedure to involve the community in matters that affect them.

- 9.5 This report concludes by recommending that Council revoke the Westland District Council Jackson Bay Wharf Bylaw 2001.

## **10.0 BACKGROUND**

- 10.1 The Jackson Bay Wharf Bylaw was put in place by Council in 2001 under the authority of the Local Government Act 1974. The Bylaw was put in place to control the use of the wharf, to protect the wharf from damage and to recover the cost of providing a service to shipping at Jackson Bay.
- 10.2 Significant background information has been provided to Council in previous reports on 28 November and 19 December 2013 Council agendas that outline why this Bylaw was put in place and why it is no longer required.
- 10.3 At its meeting on 28 November 2013 Council resolved *“to use a Special Consultative Procedure to propose the revocation of the Jackson Bay Wharf Bylaw 2001 and that a Statement of Proposal be prepared.”*
- 10.4 A Statement of Proposal was prepared in accordance with Section 83 (1)(a)(i) and Section 156 (1)(c) of the Local Government Act 2002 (LGA) and this was adopted for public consultation on 19 December 2013. This is attached as **Appendix 1**.

## **11.0 CURRENT SITUATION**

- 11.1 A period of consultation commenced on 12 February 2014 and lasted for the statutory period of one month. Copies of the statement of proposal were sent directly to the users of the Jackson Bay Wharf, as well as advertised through the local media and on the Council website.
- 11.2 No submissions were received on the proposal.

## **12.0 OPTIONS**

12.1 Revoke the Bylaw.

12.2 Retain the Bylaw as it is.

### **13.0 SIGNIFICANCE AND CONSULTATION**

13.1 The revocation of a Bylaw is considered to be a significant action by virtue of the statutory requirement for consultation.

13.2 The special consultative procedure is specifically provided to ensure that consultation with the public occurs. Due to the Christmas period and feedback from users of the wharf, public consultation on the Bylaw revocation was delayed, and commenced on 12 February 2014.

13.3 At a meeting held at Hannah's Clearing School on 23 January 2014 on the future of the Jackson Bay Wharf, the Bylaw was discussed and the Chief Executive outlined why Council was proposing to revoke the Bylaw. There was no feedback at this meeting.

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

14.1 Council has already been informed that retaining the existing Bylaw is not necessary to manage and operate the Jackson Bay Wharf. Revoking it removes the requirement for Council to review the Bylaw every 5 years, and enables WDPL to manage the wharf commercially. WDPL will recommend the fees and charges to Council who will have the final approval through the Annual Plan.

### **15.0 PREFERRED OPTION AND REASONS**

15.1 For the reasons outlined above, in particular, the fact that a Bylaw is not needed to manage Jackson Bay Wharf, and no submissions were received on the proposal to revoke the Bylaw, the preferred option is that the Bylaw be revoked effective immediately.

## **16.0 RECOMMENDATION**

- A) **THAT** the Westland District Council Jackson Bay Wharf Bylaw 2001 be revoked effective immediately.

**Appendix 1:** The Statement of Proposal and Bylaw to be revoked.

**Tanya Winter**  
**Chief Executive**



# **STATEMENT OF** **PROPOSAL**

**WESTLAND DISTRICT COUNCIL**  
**JACKSON BAY WHARF**

**BYLAW 2001**

**REVOCATION 2013**

## 1. **INTRODUCTION**

In accordance with Section 83 (1)(a)(i) and Section 156 (1)(c) of the Local Government Act 2002 (LGA), the Westland District Council (Council) gives notice through this Statement of Proposal of its intention to revoke the Westland District Council Jackson Bay Wharf Bylaw 2001.

This Statement of Proposal outlines the reasons for the proposal to revoke the Bylaw and provides a summary of the relevant considerations taken by Council.

## 2. **BACKGROUND**

Section 145 of the LGA gives a general bylaw-making power to territorial authorities for the following purposes:

- (a) Protecting the public from nuisance
- (b) Protecting, promoting, and maintaining public health and safety
- (c) Minimising the potential for offensive behaviour in public places

The Jackson Bay Wharf Bylaw was put in place by Council in 2001 under the authority of the Local Government Act 1974. At that time the Council did not have a general power to charge for the provision of amenities and services so a bylaw was needed. The Bylaw was put in place to control the use of the wharf, to protect the wharf from damage and to recover the cost of providing a service to shipping at Jackson Bay.

The Jackson Bay wharf is one of Westland's strategic assets. Ownership of the wharf was transferred from the Crown to Council in 1998. On transfer of the wharf, Council obtained a Coastal Permit from the West Coast Regional Council for "exclusive occupation...for the purpose of the continued use of the Jackson Bay Wharf."

On 1 July 2012 management of the Jackson Bay Wharf was transferred to Westland District Property Ltd (WDPL). Ownership of the asset was retained by Council. WDPL determined that legal protections should be put in place in respect of the use of the wharf. In particular WDPL considered it proper to ensure that the wharf was used in a safe manner and that the asset was protected against damage. A Licence Agreement to Occupy Wharf Space at Jackson Bay was prepared for signature by commercial users of the wharf. This Licence Agreement is the basis upon which the wharf is currently used. These Agreements are renewed annually.



WDPL is required under its Statement of Intent and management contract with Council to operate in a manner that achieves commercial returns for the wharf and other Council assets which it manages.

The current Bylaw (attached as Appendix 1) provides Council with the ability to:

1. Set fees and charges
2. Determine how the wharf is used

Both of these can be addressed by WDPL without a Bylaw in place.

There is currently a tension between what is in the Jackson Bay Wharf Bylaw 2001 and what is set out in the Management Contract and Statement of Intent with WDPL. In particular it is arguable that the Bylaw constrains the manner in which fees may be set and charged and does not comfortably fit a management role where the requirement placed on WDPL is to operate the wharf and associated facilities on a commercial basis.

It is also clear that the Council is empowered to provide amenities and services such as the wharf and to impose charges for them without the Bylaw pursuant to the general power in section 12 of the Local Government Act 2002. While the wharf must be managed wholly or principally for the benefit of the District in a way that is consistent with the LGA, as a strategic asset of Council, this can be done more effectively in the absence of a Bylaw. Indeed, the mandate given to WDPL by way of a statement of intent is significantly more flexible than a bylaw put in place under the LGA 1974.

There is also no bar to delegating the management responsibilities in respect of the wharf to WDPL, noting that this delegation will not relieve the Council from its duty to ensure that its obligations in respect of the management of the wharf under LGA and otherwise are complied with.

Accordingly, because the Licence Agreement now forms the legal agreement between WDPL and the commercial users there is no longer the need for a Bylaw. For the sake of clarity, it has therefore been decided to revoke the existing Bylaw.

The Westland District Council will set the fees and charges for the use of the Wharf and any related services.

### **3. LEGISLATIVE FRAMEWORK**

#### **3.1 Report on Section 155 of the Local Government Act 2002**

Section 155 of the Local Government Act 2002 requires the Council, when considering a Bylaw, to determine:

- Whether a Bylaw is the most appropriate way of addressing the perceived problem;
- Whether a Bylaw is in the most appropriate form; and
- Whether it gives rise to any implications under the New Zealand Bill of Rights Act 1990.

In this case the Bylaw is proposed to be revoked. It is argued that a Bylaw is not the most appropriate way of addressing the problem of the most effective way of managing the wharf.

The Bylaw is to be revoked and therefore the issue of whether it is in the most appropriate form does not arise.

There are no issues under the New Zealand Bill of Rights Act 1990, because revoking the Bylaw will have no effect on any rights or privileges of users or on any other person.

#### **4. REASONS FOR THE PROPOSED CHANGES**

The reason for revoking the Bylaw is because it is not required in order to manage the Jackson Bay Wharf. This can be appropriately done with the commercial users through a Licence Agreement to Occupy Wharf Space.

#### **5. AVAILABILITY AND DISTRIBUTION**

A copy of the proposal and the current Bylaw are available on the Council's website [www.westland.govt.nz](http://www.westland.govt.nz) or from the Westland District Council Office, 36 Weld Street, Hokitika and at the Westland District Library, 20 Sewell Street, Hokitika.

#### **6. RIGHT TO MAKE SUBMISSIONS AND BE HEARD**

Any person or organisation has a right to be heard in regard to this proposal. The Council is using the Special Consultative Procedure set out in Section 83 of the Local Government Act 2002.

Anyone may make a submission about the proposal to revoke the Westland District Council Jackson Bay Wharf Bylaw 2001.

The period for making written submissions will open on Monday 23 December 2013 and will close at 5.00 pm on Friday 7 February 2014. Submissions must be sent to the Westland District Council, Private Bag 704, Hokitika 7842, or emailed to [consult@westlanddc.govt.nz](mailto:consult@westlanddc.govt.nz)

**Tanya Winter**  
**Chief Executive**

# Appendix 1



## WESTLAND DISTRICT COUNCIL JACKSON BAY WHARF BYLAW

---

A Bylaw to control the use of the wharf, to protect it from damage and to recover the cost of providing a service to shipping.

In pursuance of the powers vested in it by the Local Government Act 1974 and all other enabling powers the Westland District Council hereby makes this Bylaw.

### Analysis

1. Short Title
2. Commencement
3. Interpretation
4. Fees and Charges
5. Use of Wharf
6. Traffic on Wharf
7. Miscellaneous
8. Offences
9. Penalties

**1.0 Short Title**

1.1 This Bylaw may be cited as the Jackson Bay Wharf Bylaw.

**2.0 Commencement**

2.1 This Bylaw shall come into force 14 days after its adoption.

**3.0 Interpretation**

3.1 In this Bylaw, unless the context otherwise requires:

“Council” means the Westland District Council and includes any person, authorised by the Council, to act on its behalf;

“Master” in relation to any vessel includes any person in charge of that vessel;

“Owner” in relation to a vessel, includes an agent and also includes a charterer.

“Vehicle” and “Heavy motor vehicle” have the same meanings as they respectively have in Section 2 (1) of the Land Transport Act 1998;

“Vessel” means every description of ship, boat or craft used in navigation whether or not it has any means or propulsion and regardless of that means; and includes a barge;

“Wharf” means the structure owned by the Council and operated by it for local shipping at Jackson Bay at latitude 43° 58' 31" and longitude 168° 36' 50"

“Registered length” or “length” in relation to any vessel means the length of that vessel measured from the foreside of the head of the stem to the afterside of the head of the stern post, or to the foreside of the head of the rudder stock if no stern post is provided;

**4.0 Fees and Charges**

4.1 The Council may from time to time by resolution fix fees and charges payable for all or any of following purposes:

- (a) To provide funds for the maintenance and renewal of the wharf and any associated works, and facilities and providing any associated services.
- (b) To defray the cost and expenses incurred by the Council in administering, policing and protecting the wharf and any associated works, facilities and services.

- 4.2 Any such fees and charges may be calculated according to the amount or nature of freight loaded or discharged at the wharf or of the vessel's tonnage, length or character or a combination of these factors.
- 4.3 The master of any vessel that berths at the wharf shall be liable for any berthage fees or charges fixed under this Bylaw. In the case of non-payment of the berthage fee the owner of the vessel shall be liable for such fees.
- 4.4 The fees and charges payable under this Bylaw shall be payable to the Westland District Council at Hokitika within 28 days of the fee or charge being incurred and shall be accompanied by a statutory declaration made in a form prescribed by Council.
- 4.5 Any fees or charges that are unpaid after 28 days shall incur an additional penalty for late payment. The penalty shall be 5 percent of the fee or charge outstanding at the close of each period of 28 days from the date of it being incurred.

#### **5.0 Use of Wharf**

- 5.1 The master of every vessel that uses the wharf shall ensure that the vessel remains alongside the wharf only for the time necessary to load or discharge goods, or to take on fuel, fresh water or stores or to undertake emergency repairs
- 5.2 Notwithstanding sub clause (1) of this Bylaw the Council may at any time instruct the master of any vessel to remove the vessel from the wharf.
- 5.3 The master of any vessel arriving at the wharf shall use sufficient fenders and mooring ropes to protect the wharf from damage.
- 5.4 Every person who wilfully or negligently destroys or damages the wharf shall be liable for the amount of that destruction or damage or any loss or expenses caused to or incurred by the Council in any Court of competent jurisdiction.

#### **6.0 Traffic On Wharf**

- 6.1 The Council in the interest of the safety of users of the wharf and to protect the wharf from damage may from time to time by resolution:
  - restrict the maximum speed of any vehicle using the wharf
  - limit the number of vehicles which may use the wharf at any one time,
  - restrict the use of heavy vehicles,
  - prohibit the parking, stopping or standing of vehicles on the wharf except for the purpose of loading supplies on to ships berthed at the wharf or to pick-up produce discharged from such ships.

- 6.2 Any such restrictions, limitations or prohibitions shall be displayed by notices or signs erected at the landward side of the wharf.

**7.0 Miscellaneous**

- 7.1 No person shall place or store property or deposit rubbish on the wharf except in a receptacle or receptacles provided for that purpose
- 7.2 The Council may erect such notice boards and signs as it deems necessary on the wharf.
- 7.3 All lawful instructions, restrictions or prohibitions contained on a notice board or signs erected under this Bylaw shall be complied with at all times.
- 7.4 No person shall without the consent of Council place any placard or notice upon the wharf.
- 7.5 No person shall interfere with, damage or deface any noticeboard erected by the Council.

**8.0 Offences**

- 8.1 Every person committing an offence against this Bylaw who without reasonable excuse:
- (a) Fails, refuses or neglects to comply in all respects with any lawful instructions or demands made pursuant to this Bylaw by the Council or any person acting under its authority.
  - (b) Fails to pay any fees, charges or penalties payable pursuant to this Bylaw by the date they become payable.
  - (c) Makes a false declaration under clause 4.4 of this Bylaw.
  - (d) Wilfully or negligently destroys, damages or otherwise interferes with the wharf or any part thereof or anything forming part of or connected with the wharf.
  - (e) Fails to comply with or does any act in contravention of any condition, duty or obligation imposed by this Bylaw.
  - (f) Fails to comply with or does any act in contravention of any prohibition, restriction or limitation laid down or imposed by this Bylaw.
  - (g) Molests or makes use of threatening language to any officer or person exercising any power or duty under this Bylaw and acting under the authority of the Council.

## 9.0 Penalties

9.1 Every person who commits an offence against this Bylaw shall be liable to a fine not exceeding \$500.

The foregoing Bylaw was duly made by the Westland District Council by a resolution passed at a meeting of the Council held on 15<sup>th</sup> March, 2001 and (meantime having been publicly notified) confirmed as a special order at a subsequent meeting of the Council held on 19<sup>th</sup> April, 2001.

The Common Seal )  
of the Westland District Council )  
was affixed in )  
the presence of: )

**Mayor**

## General Manager

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

Page - 5