

A G E N D A

Ordinary Council Meeting

**Council Chambers,
36 Weld Street
Hokitika**

**Thursday 26 October 2017
commencing at 9.00 am**

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



ORDINARY COUNCIL MEETING

AGENDA FOR AN ORDINARY MEETING OF THE WESTLAND DISTRICT COUNCIL, TO BE HELD IN THE COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA ON THURSDAY 26 OCTOBER 2017 COMMENCING AT 9.00 AM

20 October 2017

COUNCIL VISION

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

This will be achieved by:

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

Purpose:

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

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

Health & Safety Snapshot

	Accidents	Incidents	Near Misses
November 2016	0	0	0
December 2016	0	0	0
January 2017	0	0	0
February 2017	0	0	1
March 2017	0	0	0
April 2017	0	0	0
May	0	0	0
June 2017	0	0	0
July 2017	0	1	0
August 2017	0	2	0
September 2017	0	2	0
October 2017	1	0	0

1. MEMBERS PRESENT, APOLOGIES AND INTEREST REGISTER:

1.1 Apologies & Leave of Absence

1.2 Interest Register

2. CONFIRMATION OF MINUTES:

2.1 Ordinary Council Meeting – 27 September 2017

(Pages 6-24)

3. GENERAL BUSINESS:

3.1 Deputy Mayor

His Worship the Mayor gave notice at the 28 September 2017 Council Meeting of the intention to discuss and resolve at the 26 October 2017 Council Meeting to have only one Deputy Mayor for Westland District Council.

3.2 Presentation to Mort Cruickshank

3.3 Ross Chinese Gardens - Biddy Manera

3.4 Westland Sport and Recreation Presentation – Jackie Gurden

Morning Tea from 10.30 am to 11.00 am

Lunch from 12.30 pm to 1.00 pm.

4. ACTION LIST:

The Action List is attached.

(Pages 25-28)

5. REPORTS FOR DECISION:

5.1 Colin Adams Memorial Stone (Pages 29-31)

5.2 Livestreaming Council Meetings (Pages 32-35)

5.3 MDI Funding Decisions and Westland High School Project Update
(Pages 36-54)

5.4 Annual Report on Dog Control Policy and Practices (Pages 55-60)

5.5 Westroads Limited – Director Remuneration (Pages 61-64)

6. REPORTS FOR INFORMATION:

6.1 Planning Update Through September 2017 (Pages 65-97)

6.2 Tourism Infrastructure Funding

A Report to Council will be circulated separately.

7. ITEMS FOR DISCUSSION:

7.1 St Vincent de Paul Society - Dump Fees (Page 98)

7.2 Sunset Point – Deputy Mayor Lash

7.3 Accommodation in Hokitika – District Health Board (Page 99-100)

7.4 Franz Josef Water – Update on Supply

7.5 Legal Road – Wanganui River/La Fontaine, Harihari Coastal Walkway (Heritage Pack Track).

8. 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:

8.1 Confidential Minutes – 27 September 2017

8.2 Appointment of District Licensing Committee Commissioner and Member

8.3 Westland Community Centre

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

Item No.	Minutes/ Report of	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
8.1	Confidential Minutes – 27 September 2017	Confidential Minutes	Good reasons to withhold exist under Section 7	Section 48(1)(a) & (d)
8.2	Appointment of District Licensing Committee Commissioner and Member	Confidential Report	Good reasons to withhold exist under Section 7	Section 48(1)(a) & (d)
8.3	Westland Community Centre	Confidential Information	Good reasons to withhold exist under Section 7	Section 48(1)(a) & (d)

**Date of next Ordinary Council Meeting – 23 November 2017
to be held in the Council Chambers, 36 Weld Street, Hokitika**



Council Minutes

MINUTES OF AN ORDINARY MEETING OF THE WESTLAND DISTRICT COUNCIL, HELD IN THE COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA ON THURSDAY 28 SEPTEMBER 2017 COMMENCING AT 9.02 AM

1 MEMBERS PRESENT, APOLOGIES AND INTEREST REGISTER

1.1 Members Present

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

Apologies:

Cr J.A. Neale

Moved Deputy Mayor Martin, seconded Cr Routhan and **Resolved** that the leave of absence for Cr Neale be received and accepted.

Also in Attendance:

R.F. Reeves, Chief Executive; D. Inwood, Group Manager: District Assets (part of the meeting); J.D. Ebenhoh, Group Manager: Planning, Community and Environment (part of the meeting); D.M. Maitland, Executive Assistant.

1.2 Interest Register

The Interest Register was circulated and no amendments were noted.

2. CONFIRMATION OF MINUTES

2.1 Ordinary Council Meeting – 24 August 2017

Moved Cr Havill, seconded Cr Routhan and **Resolved** that the Minutes of the Ordinary Council Meeting, held on the 24 August 2017 be confirmed as a true and correct record of the meeting.

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

4. ACTION LIST

His Worship the Mayor went through the Action List in the Agenda and various amendments and updates to the list were provided.

Moved Cr Olson seconded Deputy Mayor Lash and **Resolved** that the Action List as amended be received.

5. REPORTS FOR DECISION

5.1 Review of Portfolios and Appointments to Council Committees, CCOs and Outside Organisations

His Worship the Mayor advised that the purpose of the report is to review and confirm Council appointments to Committees, Council Controlled Organisations (CCOs) and outside organisations until the next review in September 2018.

In accordance with the report and as per Council's Standing Orders, His Worship the Mayor gave formal notice that it is intended to discuss and resolve at the Ordinary Council Meeting to be held on Thursday 26 October 2017 at 9.00 am, the intention to have only one Deputy Mayor for Westland District Council.

Amendments to the Council Portfolios Listing at Appendix 1 were then noted as follows

Page 21 - Add 'Grant Funding' for Deputy Mayor Lash.

Page 22 – Amend 'RSA' to 'RDA'.

Page 26 - Add Deputy Mayor Lash to 'Whataroa Community Association'.

Page 26 – Enterprise Hokitika – add 'Deputy Mayor Martin'.

Page 28 - Remove 'Charles Benton'.

Cr Eatwell advised that Cr Neale could potentially have a conflict of interest with regard to the portfolio for Riding for the Disabled Indoor Event Centre.

Moved Cr Havill, seconded Deputy Mayor Martin and **Resolved** that Council confirms the amended list of portfolios, appointments to Committees and CCOs, and liaison roles with outside organisations, and that Appendix 1 as attached to these Minutes be updated accordingly.

5.2 Dog Control Hearing Committee – Terms of Reference

The Group Manager: Planning, Community and Environment spoke to this report and advised that the purpose of the report is to establish the terms of reference for the Dog Control Hearing Committee and to clarify its membership, function and purpose.

Moved Deputy Mayor Martin, seconded Deputy Mayor Lash and **Resolved** that:

- A) Council adopt the terms of reference for the Dog Control Hearing Committee as attached at **Appendix 1**.
- B) Council instructs the Chief Executive to update Part III of the Delegations Manual – “Delegations to Standing Committees” to reflect these terms of reference.
- C) The Chief Executive be instructed to prepare a Report to Council on Remuneration for the Dog Control Hearing Meeting that has been held and any further meetings of the Committee, noting the exclusion of the Mayor.

5.3 Westland District Youth Development Strategy

The Community Development Advisor spoke to this report and asked that Council endorse the Westland District Youth Development Strategy.

The Community Development Advisor showed Council the ‘Weave Statue’ from the Trustpower National Community Awards 2000 that has been in display in the Council foyer and was awarded to the Combined Adolescent Correctional Training Unit and Support (CACTUS).

CACTUS provided a programme to assist young people and incorporated both physical exercise and self-discipline to extend young people, giving them a focus and goal and convince them of their ability to achieve.

Cr Carruthers left the meeting at 9.44 am and returned at 9.45 am.

Deputy Mayor Martin acknowledged the work of various parties in the project to date and there was a consensus that Council continue to play a key role in development of the youth of the District going forward.

Moved Deputy Mayor Martin, seconded Deputy Mayor Lash and **Resolved** that:

- A) Council endorses the present Westland District Youth Development Strategy and revoke the Westland District Council Youth Policy of 2005.
- B) Council consider enhancing its youth development role as part of the Long Term Process.

His Worship the Mayor advised that Council has been advised that co-funding for safety improvements at Whitcombe Valley Road, Kokatahi has been approved and tenders will soon be called for the work.

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

5.5 Waiving of Traffic Management Advertising Fee for the Annual Community Christmas Parade

Deputy Mayor Martin advised an interest as a member of the Hokitika Lions Club.

The Community Development Advisor spoke to this report and asked that Council support the Annual Community Parade in Hokitika by absorbing the costs of the required newspaper advertising for the road closures.

Moved Cr Olson, seconded Cr Routhan and **Resolved** that Council pay for the road closure advertising fees for the annual community Christmas Parade in the Hokitika Central Business District for as long as Hokitika has Christmas Parades.

5.4 Hokitika Museum Upgrade and Future Development Options

The purpose of the report was to seek Council agreement to engage SIMCO Consulting Ltd to prepare drawings and assist with the tender process for the strengthening of the Carnegie Building, at an unbudgeted cost of \$75,000 potentially reimburseable by the Major Development Initiative (MDI) funds; and to present a report by Gurden Consulting Ltd (GCL) regarding future development options for the rest of the Hokitika Museum (the 1973-era Drummond Hall complex).

Cr Carruthers introduced the report and urged the Council's support for what is proposed. Council had agreed to demolish the Drummond Hall building and replace it with a purpose-built building, including the development of a National Pounamu Centre. A potential discussion is around bringing the District Library into the proposed new building thereby reducing the current rental costs of \$1,000 per week that the Library costs. The building would be used in conjunction with the present Hokitika Museum.

Cr Carruthers asked that Councillors look at the design of the proposed facility to see what is doable and what is not. He advised that potentially it could be a project that will take many years.

Moved Cr Carruthers, seconded Cr Havill and **Resolved** that:

- A) Council engage SIMCO Consulting Ltd to prepare construction drawings and assist with the tender process for the strengthening of the Carnegie Building, at a presently unbudgeted cost of \$75,000 potentially reimbursable by Major Development Initiative (MDI) funds;
- B) Council receive the report from Gurden Consulting Ltd (GCL) entitled "Hokitika Museum: Consideration of Future Development Options";
- C) Council further explore Option 5 in the report, as recommended by GCL, by undertaking a study into the establishment of a new museum based on Pounamu and other significant stories;
- D) Council, as recommended in the report, undertake consultation with the other West Coast Councils in relation to establishing a regional archive facility; and
- E) Council funding for the study recommended by the report be limited to \$38,000 sourced from the temporary salary savings arising from two Museum staff vacancies.

Cr Routhan voted against the motion.

3. GENERAL BUSINESS

3.1 Library Collection Policy

The Library Manager attended the meeting and provided a verbal update on the Library Collection Policy that had been circulated to the Mayor and Councillors separately.

Moved Deputy Mayor Lash, seconded Cr Olson and **Resolved** that the verbal report on the Library Collection Policy from the Library Manager be received.

His Worship the Mayor thanked the District Librarian for attending the meeting and providing an update to Councillors.

3.2 Presentation of Certificate to Linda Robinson

His Worship the Mayor presented a certificate to Linda Robinson in recognition of Linda's contribution to Hokitika Airport Limited from the 8 December 2009 to the 31 December 2016.

The meeting adjourned for morning tea at 10.30 am and reconvened at 10.51.

5. REPORTS FOR DECISION cont.

5.6 Westland Holdings Limited – Statement of Intent 1 July 2017

The Group Manager: Corporate Services advised that the purpose of the report is to present the Westland Holdings Limited (WHL) Statement of Intent for the three years commencing 1 July 2017.

Moved His Worship the Mayor, seconded Cr Havill and **Resolved** that Council approve the Westland Holdings Ltd Statement of Intent for the 3 years commencing 1 July 2017.

5.7 Annual Report to Alcohol Regulatory and Licensing Authority

The Group Manager: Planning, Community and Environment advised that the purpose of the report is to provide Council with a copy of the Draft Annual Report on the Sale and Supply of Alcohol, which is required to be filed with Alcohol Regulatory and Licensing Agency (ARLA) by 30 September 2017 for the year ending 30 June 2017; and the appointment of two new members to the District Licensing Committee.

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

- A) Council receive the draft Annual Report to the Alcohol Regulatory and Licensing Agency, for the year ending 30 June 2017.
- B) Council appoint Richard Simpson as a member of the Westland District Licensing Committee, for a five-year term.
- C) Council appoint Jim Butzbach as a member of the Westland District Licensing Committee, for a five-year term to take effect upon the expiration of his current employment contract with Westland District Council.

5.8 To Appoint a Proxy Vote at Special Meeting of Shareholders on the Potential Sale of Civic Assurance House

The Group Manager: Corporate Services advised that the purpose of the report is to appoint a proxy to vote on Council's behalf for the potential sale of Civic Assurance House, at a special meeting of shareholders of the company, to be held on 5 October 2017.

Moved Cr Routhan, seconded Deputy Mayor Lash and **Resolved** that Council approve the appointment of the recommended first and second proxy to vote on its behalf on the special resolution as he or she thinks fit, at the special meeting of shareholders to be held on Thursday 5 October 2017 at 11.30 am.

5.9 Sunset Point Erosion

The Group Manager: District Assets spoke to this report and advised that an unbudgeted expenditure item is required to maintain the existing rock armour of the protection works at Sunset Point.

Moved Cr Olson, seconded Cr Havill and **Resolved** that:

- A) Council approves the unbudgeted expenditure of \$2,880 for urgent repair work to the rock armour protection before a potentially dangerous contamination situation occurs; and
- B) Council supports this financial inclusion in the future maintenance budget of \$37,500 per year for maintenance work at Sunset Point.

5.10 Ross Water Supply Update

The Group Manager: District Assets provided a verbal update on the Ross Water Supply as follows:

- *There was an incident earlier this year with a mining company carrying out work not permitted and this matter is being dealt with by the West Coast Regional Council.*
- *Three options are being investigated for the supply.*
- *The catchment for the water supply at Ross is a small catchment that runs dry in the summertime and alternatives need to be investigated.*

Council agreed on the following:

- That the mining company has caused an issue, they need to be fully informed as to what Council considers is our liability.
- Contact needs to be made with our insurer.
- A team approach is required to ensure that there is a very strong approach to recovering Council costs.

6. REPORTS FOR INFORMATION

6.1 West Coast Wilderness Trail – Project Update September 2017

The Group Manager: District Asset advised that the purpose of the report is to provide an update on the West Coast Wilderness Trail (WCWT) project. He further advised that trail construction is going well on the Mahinapua Creek section of the trail, with work on abutments and piles to be carried out.

Concern was expressed regarding the \$350,000 deficit. It was noted that the West Coast Trail Trust is endeavouring to assist in obtaining funding for the shortfall.

Moved Cr Havill, seconded Cr Routhan and **Resolved** that the Project Update Report for September 2017, from the Group Manager: District Assets be received.

6.2 Planning Update Through August 2017

The Planning Manager advised that the purpose of the report is to provide an update on the planning activities under the Resource Management Act 1991, including resource consent processing, monitoring and enforcement, and policy development, including the view of the Westland District Plan. The Planning Manager advised

that good progress has been made with regard to the backlog of Resource Consents, many of which have been around for many years.

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

- A) The Statement of Proposal and associated Special Consultative Procedure for the setting of fees in relation to boundary activities and marginal of temporary activities be approved.
- B) The report from the Planning Manager be received.

7. ITEMS FOR DISCUSSION

7.1 Mint Creek Water Supply

Cr Routhan spoke to this item and provided an update on the status of the Mint Creek Water Supply. Cr Routhan advised that he is currently personally carrying the costs for the Mint Creek Water Supply and queried the way forward including the formalisation of easements, and who is going to look after the supply and asked that Council take a proactive approach regarding this matter.

It was noted that the Mint Creek supply is still entirely Council-owned.

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

- A) That a Mint Creek Water Supply Working Group be formed to negotiate with Council regarding the water supply; and
- B) The members of the working group to be:
 - His Worship the Mayor
 - Deputy Mayor Lash
 - Cr Havill
 - Cr Eatwell
 - Cr Routhan

8. ADMINISTRATIVE RESOLUTION

The Planning Manager introduced Simon Mutohori as Senior Planner.

His Worship the Mayor extended a welcome to Simon Mutohori and his family to the Council and also the Westland District.

Moved Cr Olson, seconded Deputy Mayor Lash and **Resolved** that Council confirm its seal being affixed to the following document.

8.1 Warrant of Appointment – Simon Mutonhori (Senior Planner)

To act in the Westland District as:

- An Officer pursuant to Section 174 of the Local Government Act 2002.
- An Officer under the Westland District Council Bylaws.
- An Enforcement Officer pursuant to Section 38 of the Resource Management Act 1991, including the power of entry pursuant to Sections 332 and 333 of the Resource Management Act 1991.

Deputy Mayor Lash chaired this part of the meeting at 12.10 pm.

3. GENERAL BUSINESS cont.

3.3 Development West Coast - Growth Study

Chris Mackenzie, Chief Executive, Development West Coast and Rob Caldwell, attended the meeting and provided an update on the Regional Growth Study Action Plan regarding the restructure of Development West Coast to take on Economic Development functions for the region.

A copy of the Draft Development West Coast Organisational Structure with Economic Development Functions and the West Coast Economic Development Delivery Structure were tabled at the meeting.

Moved Cr Havill, seconded Cr Routhan and **Resolved** that Council support the West Coast Economic Development Delivery and Development West Coast Organisation as tabled, to enable the progression of the Regional Growth Study.

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

Moved Cr Eatwell, seconded Cr Carruthers and **Resolved** that Council exclude the public in accordance with Section 48, Local Government Official Information and Meetings Act 1987 at 12.10 pm.

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

9.1 Confidential Minutes – Council Meeting – 24 August 2017

9.2 Confidential Minutes – Dog Control Hearing Committee - 13 September 2017

9.3 Agreement for Sale and Purchase of Real Estate

It was noted that this item was deferred to the 26 October Council Meeting.

The meeting adjourned at 12.13 pm to 12.30 pm for lunch.

9.4 Development West Coast - Growth Study – this item was in the open part of the meeting.

Deputy Mayor Lash left the meeting at 1.53 pm and returned at 1.54 pm.

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

Item No.	Minutes/ Report of	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
9.1	Confidential Minutes – Council Meeting - 24 August 2017	Confidential Minutes	Good reasons to withhold exist under Section 7	Section 48(1)(a) & (d)
9.2	Confidential Minutes – Dog Control Hearing Committee Minutes - 13 September 2017	Confidential Minutes	Good reasons to withhold exist under Section 7	Section 48(2)(a)(i)
9.3	Agreement for Sale and Purchase of Real Estate – item deferred	Confidential Minutes	Good reasons to withhold exist under Section 7	Section 48(1)(a) & (d)
9.4	Development West Coast – Growth Study – this item was in the open part of the meeting.	Confidential Update	Good reasons to withhold exist under Section 7	Section 48(1)(a) & (d)

This resolution is made in reliance on Section 48(1)(a) and 48(2)(a)(i) and (ii) 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
9.1	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	Section 7(2)(i)
9.2	Protect the privacy of natural persons, including that of deceased natural persons; and To maintain legal professional privilege.	Section 7(2)(a) Section 7(2)(g)
9.3	Item deferred to the 26 October 2017 Council Meeting.	
9.4	Would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.	Section 7(2)(ii)

Moved Deputy Mayor Martin, seconded Deputy Mayor Lash and **Resolved** that the business conducted in the “Public Excluded Section” be confirmed and accordingly the meeting went back to the open part of the meeting at 2.02 pm.

10. PUBLIC EXCLUDED INFORMATION RELEASED INTO THE PUBLIC ARENA

10.1 Application to Release Dog Retained under Section 71 Dog Control Act 1996

The Council resolved in the ‘Public Excluded’ section of the meeting to release the following information into the public arena:

‘That the two dogs, Jake Mason and Rasta, owned by Miriama White, be retained in Council’s care pending the outcome of the prosecution for a dog attack under section 57 of the Dog Control Act 1996’.

**Date of next Ordinary Council Meeting – 26 October 2017
to be held in the Council Chambers, 36 Weld Street, Hokitika**

MEETING CLOSED AT 2.02 PM

Confirmed by:

Mayor Bruce Smith
Chair

Date

Confirmed by:

Deputy Mayor Lash
Chair

Date

APPENDIX 1

COUNCIL PORTFOLIOS

Elected Member	Portfolio	Area of Responsibility	Staff Support
Mayor Bruce Smith			
	Economic Development	<ul style="list-style-type: none"> Joint with Cr Havill 	Chief Executive
	CCO's		Chief Executive
	Destination Westland		
	Advocacy	<ul style="list-style-type: none"> Celebrate success promote Westland Mining 	Chief Executive
	Civil Defence		
Deputy Mayor Latham Martin (Chair - Audit, Risk and Finance Committee)			
	Finance and Corporate Planning	<ul style="list-style-type: none"> Annual Report Audit Risk Annual Plan and LTP Vision 2030/2050 	Group Manager: Corporate Services
	Youth Development	<ul style="list-style-type: none"> Youth Development Strategy 	Community Development Advisor
	Sport and Recreation	<ul style="list-style-type: none"> Community Sports and Rec Complex Development 	Chief Executive
	Māori Development	<ul style="list-style-type: none"> Ngāi Tahu liaison and development 	Strategy and Communication Advisor
Cr Helen Lash			
	Emergency Management	<ul style="list-style-type: none"> Community Response Plans 	Emergency Management Officer
	Regulatory	<ul style="list-style-type: none"> Planning and District Plan Review 	Group Manager: Planning, Community & Environment
		<ul style="list-style-type: none"> Grant Funding 	TBC
Cr David Carruthers			
	Arts, Culture and Heritage	<ul style="list-style-type: none"> Arts Funding Museum Heritage Hokitika 	TBC
	Environment	<ul style="list-style-type: none"> Conservation 	Group Manager: Planning, Community & Environment

Elected Member	Portfolio	Area of Responsibility	Staff Support
Cr Jane Neale			
	Senior Citizens Development	<ul style="list-style-type: none"> Aged Care 	Community Development Advisor
	Library	<ul style="list-style-type: none"> District Library 	Library Manager
Riding for the Disabled – Indoor Event Centre			
	Safer Communities	<ul style="list-style-type: none"> Safe Community Coalition Health Disability Education 	Community Development Advisor
	Sport NZ Rural Travel Fund	<ul style="list-style-type: none"> Allocation Committee Member 	Community Development Advisor
Cr Durham Havill			
	Economic Development	<ul style="list-style-type: none"> Joint with the Mayor 	Chief Executive
	Three Waters	<ul style="list-style-type: none"> Water Supply Wastewater Sewerage 	Group Manager: District Assets
	Transportation	<ul style="list-style-type: none"> Land Transport Roading 	Group Manager: District Assets
Cr Gray Eatwell			
	Community Halls	<ul style="list-style-type: none"> Funding and maintenance Rationalisation or future planning Community plans 	Group Manager: District Assets
Cr Graeme Olson			
	Liquor Licensing	<ul style="list-style-type: none"> Consents and Hearings Local Alcohol Policy Development 	Group Manager: Planning, Community & Environment
	Parks and Reserves	<ul style="list-style-type: none"> Maintenance 	Group Manager: District Assets
	Property	<ul style="list-style-type: none"> Earthquake prone buildings 	Group Manager: District Assets
Cr Des Routhan			
	Farming and Dairy	<ul style="list-style-type: none"> Farming and Dairy Advocacy 	TBC
	Solid Waste	<ul style="list-style-type: none"> Waste Management 	Group Manager: District Assets
	Stormwater Infrastructure	<ul style="list-style-type: none"> Stormwater 	Group Manager: District Assets

APPOINTMENTS TO COUNCIL COMMITTEES AND CCO'S

Name of Organisation	Appointment
Resource Management Hearings Commissioners	<ul style="list-style-type: none"> Deputy Mayor Martin, Deputy Mayor Lash, Cr Routhan and Cr Neale be appointed to sit with independent Commissioners in Hearings.
<p>Westland Wilderness Trust</p> <p><i>This is a CCO and is the governance body for the West Coast Wilderness Trail. As required in the constitution two Council reps are required for this Trust. Other trustees are:</i></p> <ul style="list-style-type: none"> Francois Tumahai (Chairperson), Chairman, Te Rūnanga O Ngāti Waewae Two Elected Members, Westland District Council Chris Auchinvole JP Mark Davies, Department of Conservation Cr Anton Becker, Grey District Council Representative from Mawhera Incorporation 	<ul style="list-style-type: none"> Deputy Mayor Lash and Cr Neale be appointed to the Westland Wilderness Trust.
<p>West Coast Regional Transport Committee</p> <p><i>This Joint Committee is a Committee of Council that is required under section 105 of the Land Transport Management Act. Council is required to appoint one elected member as representative on this Committee.</i></p>	<ul style="list-style-type: none"> Cr Havill be appointed to the West Coast Regional Transport Committee.
<p><u>Membership of Civil Defence Emergency Management Groups</u></p> <p>West Coast Emergency Management Group</p> <p><i>Section 13 of the Civil Defence and Emergency Management Act 2002 states that "Each local authority that is a member of a Group with other local authorities must be represented on the Group by 1, and only 1, person, being the mayor or chairperson of that local authority or an elected person from that local authority who has delegated authority to act for the mayor or chairperson."</i></p>	<ul style="list-style-type: none"> Mayor and Chief Executive be appointed to the West Coast Emergency Management Group.

Name of Organisation	Appointment
<p>Hokitika Seawall Joint Committee <i>This Joint Committee with the West Coast Regional Council is established to oversee the management of the Hokitika Seawall. Three elected members are required.</i></p>	<ul style="list-style-type: none"> • Cr Carruthers, Cr Routhan, Cr Neale and Cr Eatwell be appointed to the Hokitika Seawall Joint Committee.

LIAISON ROLES WITH COMMUNITY ORGANISATIONS

Organisation	Appointment
Enterprise Hokitika	Deputy Mayor Martin and Cr Eatwell to have a liaison role with Enterprise Hokitika.
Fox Glacier Community Association	Deputy Mayor Lash to have a liaison role with the Fox Glacier Community Association.
Franz Inc.	Cr Eatwell to have a liaison role with Franz Inc.
Franz Josef/Waiiau Community Forum	Deputy Mayor Lash to have a liaison role with the Franz Josef/Waiiau Community Forum.
Glacier Country Tourism Group	Cr Eatwell to have a liaison role with the Glacier Country Tourism Group.
Haast Promotions Group	Deputy Mayor Lash to have a liaison role with the Haast Promotions Group.
Harihari Community Association	Cr Eatwell to have a liaison role with the Harihari Community Association.
Heritage Hokitika	Cr Carruthers to have a liaison role with Heritage Hokitika.
Heritage West Coast	Cr Carruthers to have a liaison role with Heritage West Coast.
Kokatahi/Kowhitirangi Community Association	Cr Olson to have a liaison role with the Kokatahi/Kowhitirangi Community Association.
Kumara Residents Association	Cr Havill to have a liaison role with the Kumara Residents Association.
Ōkārito Community Association	Deputy Mayor Lash to have a liaison role with the Ōkārito Community Association.
Ross Community Society	Cr Olson and Cr Neale to have a liaison role with the Ross Community Association.
Safe Community Coalition <i>The Safe Community Coalition terms of reference do not stipulate membership, however elected members have attended meetings in the past.</i>	Cr Neale to have a liaison role with the Safe Community Coalition.
Whataroa Community Association	Deputy Mayor Lash and Cr Eatwell to have a liaison role with the Whataroa Community Association.

OTHER APPOINTMENTS

Group	Appointment
Creative Communities Local Assessment Committee	<ul style="list-style-type: none"> Deputy Mayor Lash and Deputy Mayor Martin
Development West Coast – Appointment Panel	<ul style="list-style-type: none"> Mayor Smith
District Licensing Committee Appointment of Deputy Chair	<ul style="list-style-type: none"> Cr Olson
Sport NZ Rural Travel Fund – Allocation Committee	<ul style="list-style-type: none"> Cr Neale
Trustpower Community Awards – Judging Panel	<ul style="list-style-type: none"> Mayor Smith Deputy Mayor Martin

COUNCIL ORGANISATIONS (COS)

There are three Council Organisations which mean a company or an entity in respect of which 1 or more local authorities have, whether or not jointly with other local authorities or persons control of 1 or more of the votes at any meeting or the right to appoint trustees

http://www.legislation.govt.nz/act/public/2002/0084/latest/DLM171482.html?search=sw_096be8ed815607d8_Council+Organisations_25_se&p=1

COs	Council Representative
Westland Wilderness Trust	<ul style="list-style-type: none"> Crs Neale and Lash
West Coast Rural Fire Authority	
Tourism West Coast	<ul style="list-style-type: none"> Cr Eatwell

COUNCIL CONTROLLED ORGANISATIONS (CCOS)

There are four Council Controlled Organisations (CCOs) which means a company or an entity in respect of which 1 or more local authorities have, whether or not jointly with other local authorities or persons control, directly or indirectly of 50% or more of the votes

http://www.legislation.govt.nz/act/public/2002/0084/latest/DLM171482.html?search=sw_096be8ed815607d8_Council+Organisations_25_se&p=1

CCOs	Directors
Hokitika Airport Limited	<ul style="list-style-type: none"> • Deputy Mayor Latham Martin • Richard Charles Benton • Ian Walker Hustwick • Pauline May Cox
Westland District Property Limited	<ul style="list-style-type: none"> • Deputy Mayor Latham Martin • Richard Charles Benton • Ian Walker Hustwick • Pauline May Cox
Westland Holdings Limited	<ul style="list-style-type: none"> • Cr David Carruthers • Cr Des Routhan • Graeme King
Westroads Limited	<ul style="list-style-type: none"> • Peter Cuff (Chairman) • Bryce Thomson (Deputy Chairman) • Maurice (Jacko) Fahey • Durham Havill

Action List

Date of Meeting	Meeting	Item	Action	Who Responsible	Timeframe	Status
26.01.17	Council	74 Revell Street	Carparking for commercial premises to be revisited.	GMDA		Carry forward
27.04.17	Council	Household Street Access	Change in policy from sealing driveways to concreting driveways when a street is upgraded or a new house is build. Staff to provide a revised policy on a way forward, including costings.	GMDA		Two driveways were approved to concrete. Staff are working on the policy to come back to Council.
29.05.17	Council	Freedom Camping	CE to work with Buller and Grey District Councils and Tasman District Council to develop a freedom camping policy for the West Coast.	CE		Referred to the Long Term Plan. Discussion regarding Hokitika becoming a motorhome friendly town. The Property and Projects Supervisor be instructed to upgrade the carparking plans to review where the motorhomes could park in conjunction with the funding application for toilets.
22.06.17	Council	Airbnb's	Staff to come back with the existing internal policy on Commercial Rating to the July meeting, including feedback from other Councils.	GMCS, GMPCE		Referred to the Long Term Plan Workshop.
24.08.17	Council	Fox Glacier Township Development	The Fox Glacier Community Development Society's share of the Township Development Fund be retained at \$35,000 for the 2017/18 financial year, noting that future	GMPCE		Allocation to be actioned.

Date of Meeting	Meeting	Item	Action	Who Responsible	Timeframe	Status
		Funding	<p>years' allocations are subject to the upcoming review of the overall Township Development Fund as part of the development of the Council's 2018-2028 Long Term Plan; and</p> <p>The Bruce Bay Community Hall Incorporated Society be allocated \$12,000 from the Reserves Development Fund in 2017/18 for repairs and upgrade of the Bruce Bay Community Hall.</p>			
24.08.17	Council	Westland District Property Limited	<p>The Council renew the agreement with Westland District Property Ltd for management of public access to the Carnegie Building for another six months, with Council paying a \$20,000 management fee and covering electricity, caretaking and cleaning, security and any necessary repairs from existing Council budgets; and</p> <p>The Council grant Westland District Property Ltd access to the exhibition space of the Hokitika Museum's Drummond Hall, for the purpose of allowing public access, from Labour Weekend 2017 until the expiry of the temporary management agreement for the Carnegie Building, subject to the conditions outlined in Section 6.9 of the Report to Council.</p>	GMPCE		
24.08.17	Council	Waterfront Development Plan	<p>Council adopted the Waterfront Development Plan and endorsed and approved construction to commence funding from the reserves development contribution.</p> <p>The construction of the access, car parking areas and toilets at Sunset Point to be included in the current round of Mid-Size Tourism Facilities Grant Fund.</p>	GMDA		Development Plan has been adopted and amended.

Date of Meeting	Meeting	Item	Action	Who Responsible	Timeframe	Status
24.08.17	Council	Living Wage	Policy to be developed on paying of living wage to employees.	GMCS		Policy to be developed. To come back to Council in early 2018.
24.08.17	Council	Car Charging Stations	Item to be referred to the Council's CCOs.	GMDA		To be referred to the CCOs.
28.09.17	Council	Deputy Mayor	Review having two Deputy Mayors	CE		26 October 2017 Council Meeting.
28.09.17	Council	Delegations Manual	Update to delegations to Standing Committees to reflect the Terms of Reference for the Dog Control Hearing Committee	CE		Completed
28.09.17	Council	Youth Development	To be enhanced as part of the Long Term Plan process.	CE		Long Term Plan
28.09.17	Council	Christmas Parade 2017	Council to pay for advertising the Christmas Parade for 2017	CE		Pay for advertising costs closer to the time of the Christmas Parade.
28.09.17	Council	Hokitika Museum Upgrade and Future Development Options	Council engage SIMCO Consulting Ltd to prepare construction drawings. Explore Option 5 by undertaking a study into the establishment of a new Museum based on Pounamu and other significant stories. Consultation with other Council on a Regional Archive facility. Council funding for the study recommended be limited to \$38,000.	GMPCE		
28.09.17	Council	Annual Report to Alcohol Regulatory and Licensing Authority	Appointment of Richard Simpson and Jim Butzbach.	GMPCE		
28.09.17	Council	Proxy Vote on	Special Meeting of shareholders on the 5 October 2017	GMCS		

Date of Meeting	Meeting	Item	Action	Who Responsible	Timeframe	Status
		Potential Sale of Civic Assurance House				
28.09.17	Council	Sunset Point Erosion	Approval of unbudgeted expenditure of \$2,880 for urgent repair work. Supports the financial inclusion in the future maintenance budget of \$37,500 per year for maintenance work at Sunset Point.	GMDA		
28.09.17	Council	Ross Water Supply Update	Make contact with the mining company.	GMDA		
28.09.17	Council	West Coast Wilderness Trail	Funding shortfall of \$350,000	GMDA		
28.09.17	Council	Planning Update	Special Consultative Procedure for setting of fees in relation to boundary activities.	PM		
28.09.17	Council	Mint Creek Water Supply	Meeting of the Working Group	GMDA		
28.09.17	Council	Simon Mutonhori	Issue of Warrant of Appointment	EA		

Report



DATE: 26 October 2017

TO: Mayor and Councillors

FROM: Community Development Advisor

COLIN ADAMS MEMORIAL STONE APPROVAL

1 SUMMARY

- 1.1 The purpose of this report is to seek Council's approval for the Hokitika Lions Club to supervise the installation of a memorial rock next to the cannon on Gibson Quay in memory of Colin Adams.
- 1.2 This issue arises from a request from Dr Anna Dyzel of the Lions Club for Council to approve the project.
- 1.3 Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by Council as part of the Long Term Plan 2015-25. These are stated on Page 2 of this agenda.
- 1.4 This report concludes by recommending that Council approves the project and gives permission for the Lions Club to supervise the project.

2 BACKGROUND

- 2.1 Colin Adams served in the Royal New Zealand Infantry Regiment in Malaya from 1957-1959 and then again from 1961-1963. In 1968 he purchased a farm at Camelback at Kowhitirangi and then after about 15 years, became grounds keeper at Westland High School until his retirement. Colin was the president of Hokitika Rugby League for a time, an RSA member, a Lions Club member and a member of many community groups. He passed away 15 August 2016.

- 2.2 One of his claims to fame was being an “avid Black powder enthusiast” and being responsible for the firing of the cannon on Gibson Quay at the turn of the millennium at midnight on 31 December 1999, as part of the 150th celebrations in Hokitika 2014-2015 and to commemorate the 200th birthday of the cannon.

3 CURRENT SITUATION

- 3.1 The Hokitika Lions Club are seeking approval to oversee the construction of the memorial. Henry Adams, his son, will cover all costs for the rock to be transported to Gibson Quay. Rory McDougall has agreed to insert a cannon ball into the rock. The location on Gibson Quay has been chosen because it is near the cannon on the riverside walkway. The walkway currently needs to be cleaned of grass which has encroached onto the gravel surface, causing the walkway to be muddy and a risk to walkers due to its slippery surface. The Lions Club have committed themselves to carry out the clean-up.

4 OPTIONS

- 4.1 Option One: Give the Hokitika Lions Club approval for the project to proceed and give the Lions Club permission to supervise the project.
- 4.2 Option Two: Do not give the Hokitika Lions Club approval to proceed with the project.

5 SIGNIFICANCE AND ENGAGEMENT

- 5.1 This has a low level of significance for Council, and consultation is not necessary when Colin’s son Henry has agreed to pay for all the costs.
- 5.2 The affected parties are mainly Colin’s family who see this as a fitting tribute to their father for all that Colin did for Westland and for New Zealand.

6 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

- 6.1 The advantage of giving approval for the project to commence is that Colin will be remembered by everyone who walks past the memorial and it will be a permanent memorial for his family and others who can remember one of Westland’s heroes. The disadvantage of not giving

approval to the project is that Westlanders will forget their memories of Colin.

- 6.2 The only disadvantage would be if the memorial were placed in an inappropriate location, but the proposed location is not considered problematic. There are no financial implications for Council as long as the Lions Club looks after the memorial's maintenance into the future.

7 PREFERRED OPTION AND REASON

- 7.1 Give the Hokitika Lions Club approval for the project to proceed and permission to supervise the project to recognise Colin Adams' contribution to Westland.

8 RECOMMENDATION

- A) **THAT** the Hokitika Lions Club be given approval for the Colin Adams Memorial project to proceed and permission to supervise the project on Gibson Quay.

Derek Blight
Community Development Advisor

Report



DATE: 26 October 2017

TO: Mayor and Councillors

FROM: Information Systems Support Officer

PROPOSAL FOR COUNCIL MEETING LIVESTREAMING

1 SUMMARY

- 1.1 The purpose of this report is to outline the background, requirements, and costs for livestreaming Council meetings.
- 1.2 This proposal arises from the idea to livestream Council meetings. There are a few other Councils around the country currently providing this service.
- 1.3 Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by Council as part of the Long Term Plan 2015-25. These are stated on Page 2 of this agenda
- 1.4 This report concludes by recommending that Council approve the proposal to add as a project to the next long term plan.

2 BACKGROUND

- 2.1 An idea was put forward recently for live streaming Westland District Council meetings and other ad-hoc meetings (as required). Other councils from various areas around New Zealand already provide these services to their ratepayers as an “open democracy” platform. They use these streams as a way to better engage the public and keep them informed on decisions affecting the district or region.

- 2.2 Tandem Studios is a company based in Auckland, which provides these services across New Zealand and are the ideal platform choice with specialist live streaming and production expertise.
- 2.3 The general idea is that these live streams are viewable on a platform such as YouTube Live, with a staff member controlling the stream from a dedicated computer during the meeting. Having a staff member controlling the stream means that notifications or presentations can be displayed to viewers – e.g. current or upcoming agenda items, break notifications, or a PowerPoint presentation. This also means that publicly excluded portions of the meeting can be muted/hidden from the broadcast. Typically, with other Councils, the person operating this system would be in a Communications, Democracy Services or Information Technology role.
- 2.4 Following the end of a meeting, the recorded broadcast can be broken into segments for each agenda item. This would allow viewers to skip directly to agenda items of interest with special links available on the website or through social media channels. The advantage of these linked segments is they become part of an ongoing video archive and agenda items are easier to find, view, share, and can be watched at a time to suit the viewer. Alternatively, users could always view the entire broadcast and other previous meetings on demand.
- 2.5 Viewership statistics for other Councils has been difficult to obtain due to contractual requirements. Anecdotally it would appear that viewership is high internally at Councils as a communications tool, while external viewer numbers vary largely depending on meeting agenda items. If issues are ‘hot’ then numbers go up. Overall viewership is heavily based on how well the Council promotes the livestreaming service. Archived video clips also gain more viewers as the specific agenda item videos are linked through social media channels where users are more likely to use online services.
- 2.6 A few examples of Council live streaming services can be found below:
Christchurch City Council - <http://councillive.ccc.govt.nz/>
Nelson City Council - <https://www.youtube.com/user/NelsonCouncil>
Whanganui District Council - <http://www.whanganui.govt.nz/our-council/meetings-agendas-minutes/council-meetings-live/Pages/default.aspx>
Kapiti Coast District Council - <http://www.kapiticoast.govt.nz/Your-Council/Council-Meetings/live-streaming/>
Rotorua Lakes Council - <http://www.rotorualakescouncil.nz/our-council/agendas-and-minutes/livestream/Pages/default.aspx>

3 REQUIREMENTS AND STAGES

- 3.1 Requirements for Westland depend entirely on the existing Council Chambers setup: what the meeting room looks like, where elected members sit, where cameras could be mounted, where/how to synchronise existing audio with these cameras and other issues. Tandem Studios have broken down the requirements and costs into three stages on the following pages.
- 3.2 **Stage One – Scoping Report.** This is crucial to fully understanding the needs and issues around the chambers setup. Tandem Studios staff would visit the Council Chambers and compile a report including a design for camera placement, full costs of equipment and cabling, and the plan would also scope what training is needed for in-house staff to control the live stream – how to setup, run the stream, finish, and save.
- 3.3 **Stage Two – Equipment Installation and Setup.** If Westland District Council accepted the scoping report, stages two and three could progress. This would include on-site installation of all equipment and cabling, setup of streaming website/YouTube Live, a staff manual provided, and staff training on-site with use of the system.
- 3.4 **Stage Three – Ongoing Support.** Ongoing assistance with each new meeting and liaise with staff on any problem solving required. Maintenance, technical updates and additional training can be provided if required. They also recommend an annual maintenance visit to check and calibrate cameras, hardware and the software setup to maintain 100% performance.

4 ESTIMATED COSTS AND FINANCIAL IMPLICATIONS

- 4.1 The cost estimates are outlined below for each stage of the setup (based on similar streaming solutions), however the first stage scoping report would provide updated and more accurate costs with the full report. Stages Two and Three would only progress if the Scoping Report from Stage One was approved. All prices exclude GST.

These costings do not include any allowance for the dedicated staff required to monitor/run the equipment during and after meetings and their subsequent loss of productivity from their usual job.

The costs are only for the normal monthly meetings any meeting over and above this would incur additional costs.

Description	Estimated Cost
Stage 1 – Scoping Report	\$3,000 – Plus any transport/accommodation costs
Stage 2 – Implementation Based on one camera setup <i>Proceed to Stage 2 & 3 only if Scoping Report accepted.</i>	\$6,902 – Streaming equipment purchased and installed \$2,000 – Dedicated streaming PC \$1,000 – Cables and cable installation \$895 – WDC streaming website & YouTube Live setup \$900 – Staff manual on operating the system
Stage 3 – Ongoing Support	\$150 – Per meeting to setup each live stream on website \$1,500 – Annual maintenance visit including travel costs
<i>Special Onsite or Remote Support</i>	<i>\$150 p/h – Plus travel costs if onsite support required</i>
Estimated Initial Cost: Approx. \$14,847 +GST Estimated Annual Cost: Approx. \$3,300 +GST <i>Annual cost based on one Council meeting day per month.</i> <i>Additional transport/accommodation costs would apply if onsite support required.</i>	

4.2 If Council were to proceed with the project in this financial year, the cost would be unbudgeted. Finance have confirmed that there would be no funding source available therefore the cost would be met through cash reserves, depleting these reserves further. Council could decide to proceed through the long term plan, where the cost can be budgeted and funded through rates.

5 OPTION(S) AVAILABLE

5.1 **Option 1.** Approve the proposal in principal and add it as a project to the next long term plan for consultation and budgeting.

5.2 **Option 2.** Proceed with Stage One of the process and obtain a full Scoping Report document from Tandem Studios. This would incur unbudgeted spending from our general cash reserves.

5.3 **Option 3.** Reject the proposal and do not proceed with livestreaming.

6 RECOMMENDATION

A) **THAT** Council Approve the proposal in principle and add it as a project to the next long term plan for consultation and budgeting.

John Stowell
Information Systems Support Officer

Report



DATE: 26 October 2017

TO: Mayor and Councillors

FROM: Community Development Advisor

MDI FUNDING DECISIONS AND WESTLAND HIGH SCHOOL PROJECT UPDATE

1 SUMMARY

- 1.1 The purpose of this report is to update Council on Major District Initiative (MDI) funding including the Westland High School Project, and to seek decisions in relation to these matters.
- 1.2 This issue arises from a resolution at the 22 June 2017 Council meeting where Council provisionally allocated \$1 million of MDI funding to five organisations/community groups, and from the Council's request for an update on the Westland High School project.
- 1.3 Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by Council as part of the Long Term Plan 2015-25. These are stated on Page 2 of this agenda.
- 1.4 This report concludes by recommending that Council confirm MDI funding for two projects that have already met their 35% criteria of funding from other sources, that Westland High School be invited to apply for Stage One MDI funding, that \$100,000 of Council reserve development funds be provisionally allocated to the publicly accessible component of the WHS project, and that Kumara Residents Trust be provisionally allocated \$68,709 in MDI funding for the Kumara Chinese Miners Memorial Reserve Project.

2 BACKGROUND

- 2.1 Development West Coast (DWC) was set up as a Charitable Trust in 2001 to manage, invest and distribute income from a fund of \$92 million received from the Government. This fund was an adjustment package for the loss of indigenous forestry and the privatisation of much infrastructure on the West Coast in the late 1990s. DWC is governed by a Deed of Trust which specifies DWC's objectives – to promote sustainable employment opportunities and generate sustainable economic benefits for the West Coast, both now and into the future. \$6,700,000 has been committed to each of the Buller, Grey and Westland Councils for the MDI Programme.
- 2.2 In regard to DWC criteria, the following capital projects are eligible for inclusion as MDI projects:
- sport and recreation facilities and buildings
 - community halls
 - theatres
 - museums
 - art galleries.
- 2.3 DWC will fund up to a maximum of 65% of the total project costs. The remainder of the costs has to come from other sources and must be able to be drawn down at the same time as the MDI funds.
- 2.4 To date, the following projects in Westland have received MDI funding:

Table 1: MDI Funding Allocations in Westland

Project	Location	MDI funds approved	Status
Westland i-Site	Hokitika	\$296,952	Completed
Regent Theatre	Hokitika	\$340,000 (Stage 1)	Completed
Library Relocation	Hokitika	\$489,392	Completed
Donovan's Store	Okarito	\$60,586	Completed
Gorge Toilets	Hokitika	\$82,014	Completed
Boy's Brigade Hall	Hokitika	\$247,349	Completed
Regent Theatre	Hokitika	\$570,000 (Stage 2)	Completed
Health Centre	Franz Josef	\$100,000	Completed
Community Centre	Hari Hari	\$455,000	Completed
Community Centre	Fox Glacier	\$1,000,000	Completed

Ross Centennial Hall	Ross	\$90,000	Completed
RSA Rebuild	Hokitika	\$400,000	In progress
Total spend		\$4,131,291	
Westland High Sch.	Hokitika	\$1,500,000	Committed
Provisionally Allocated 22 June 2017	Hokitika, Whataroa, Haast (see Table 2 below)	\$1,000,000	Currently Uncommitted until 35% share met
Unallocated		\$68,709	
Grand Total		\$6,700,000	

2.5 Following its meeting 25 September 2014, Council discussed nine Expressions of Interest (EoI) for MDI funding in a Council workshop. Among these EoI were the Kumara Residents Trust who submitted an EoI for the Kumara Chinese Miners Memorial Gardens. Council resolved to support the proposal but with no financial implication to Westland ratepayers other than Kumara residents. There was also an EoI from St John for a new Ambulance Station at Haast which was later removed by Council resolution 26 February 2015. (To date, St John in Haast need another \$57,000 to complete their fund raising.)

2.6 At its meeting 26 February 2015, Council committed up to \$1.5 million to develop a Recreation and Community Centre on the Westland High School's grounds. The school would like to develop this in stages and are ready to make formal application to DWC for some of their already confirmed MDI funding.

2.7 At its 22 June 2017 meeting, Council provisionally allocated \$1 million in MDI funding to additional various organisations/community groups as follows:

Table 2: Provisional allocations of MDI funding from 22 June 2017 Council Meeting

Amount	Organisation	Project
\$500,000	Hokitika Museum	To assist with strengthening the building and associated upgrades.
\$200,000	Whataroa Hall	To complete the upgrade of the Whataroa Hall.
\$200,000	West Coast Riding for the Disabled	Indoor Arena

\$50,000	Westland Industrial Heritage Park	Mudfish Railway Fire Engine Garage Industrial Heritage Display Building
\$50,000	Haast Community Track	Completion of the Haast Community Track

2.8 As per DWC requirements, these provisional allocations are subject to public consultation (described below), confirmation of external funding from other sources to ensure that the 35% criteria can be met, and detailed timeframes being provided by the above applicants/community groups.

2.9 As of 30 September 2017, \$668,710 is available in MDI funds from DWC for Council to draw down at any time. \$100,000 is then made available every quarter from DWC until 31 March 2022. (This does not include \$2,593.68 still remaining of the RSA’s \$400,000 draw down.) The fact that not all the funding is available at once only becomes a timing issue if all projects are ready to use their funding at once, but this is not currently the situation.

3 CURRENT SITUATION

3.1 Consistent with DWC requirements for public consultation on MDI allocations, public submissions were called for 2 October 2017 for the five projects provisionally allocated MDI funding in June 2017, with an advertised closing date of 24 October 2017. The public were notified of this through Council’s website, an advertisement in the Hokitika Guardian and in Westland Matters. One submission has been received at the time of the writing of this report (18 October), which appears to support MDI funding for the Museum upgrade. This is tabled in Appendix 1. Any submissions received in the period of time 19-24 October 2017 will be tabled at this Council meeting.

3.2 Currently there are four known projects seeking MDI funding who are ready to submit applications to DWC, because they say they can provide at least 35% of their total project funding and have provided detailed timeframes for this report. They are as follows:

3.2.1 Whataroa Hall Upgrade (See Appendix 2)

Total cost of project	\$254,766
Funding raised to date	\$84,922

MDI funding needed to match current fund raising	\$169,844
MDI provisionally allocated	\$200,000
Timeframe	Upgrade started already but insufficient funds to complete

3.2.2 Haast Community Track (See Appendix 3)

Total cost of project	\$88,006
Funding raised to date	\$30,802
MDI provisionally allocated	\$50,000
Timeframe	Completed in part/ongoing

3.2.3 Westland High School Stage 1 (See Appendix 4)

Total cost of project	\$2,250,000 (All Stages)
Funding raised to date	\$85,750 (Stage 1)
MDI funding sought now	\$120,000 (Stage 1)
MDI allocated	\$1,500,000 (Feb 2015)
Timeframe	Capital costs been estimated. Lottery application February 2018.

3.2.4 Kumara Residents Trust for the Chinese Miners Memorial Reserve Gardens (See Appendix 5)

Total cost of project	\$535,622
Funding raised to date	\$205,094
MDI funding sought	\$310,258
MDI provisionally allocated	Nil
Time frame	Pre-construction planning completed. Construction dependent on available funds.

3.3 Other known projects still to raise their 35% of the total project costs are

- Hokitika Museum Strengthening Project - (Looking to Lotteries and Ministry of Culture and Heritage funding in early 2018.)
- Riding for the Disabled – (Currently talking to other community groups who may also want to be involved. No applications for other grants made yet.)
- Westland Industrial Heritage Park – (Couldn't get quotes in time for the August 2017 Lotteries Funding Round.)

- 3.4 Westland High School has revised their project scope and completed a feasibility study (summary attached as Appendix 4; full copy available at Council meeting). In addition to wanting to proceed with Stage 1 MDI funding, they are requesting \$100,000 in reserves development funds from Council, towards the publicly accessible components of the project – specifically the playing fields and lighting.
- 3.5 Kumara Residents Trust has expressed an interest in Council reconsidering their previous decision not to allocate any MDI funding to the Chinese Miners Memorial Reserve.

4 OPTIONS

- 4.1 With regard to the projects that have met the 35% minimum criteria (Whataroa Hall Upgrade and Haast Community Track), the options are either (1) to invite them to submit formal MDI applications to DWC; or (2) to hold them back until the other three projects provisionally allocated funding are ready to apply. For the other groups provisionally allocated funding, the 22 June 2017 allocations would stay in place until at least early 2018, as obtaining other funding takes time and some project groups have found there has not been enough time since June to put together full applications.
- 4.2 With regard to the Westland High School's MDI funding, the options are either (1) to invite them to submit a formal MDI application to DWC for Stage 1 (\$120,000) of their revised community project, based on the information released in the Gurden Consulting Feasibility Report; or (2) to hold the project back until the project is further advanced to reduce staging. There is also an option around whether or not to endorse the revised scope of the project based on the feasibility study summary attached as Appendix 4.
- 4.3 With regard to the Westland High School request for reserves development funding of \$100,000, the options are either (1) to grant the funding; (2) to decline to grant the funding; or (3) to grant a different amount.
- 4.4 With regard to the Kumara Residents Trust's request for funding for the Chinese Miners Memorial Reserve, the options are either (1) to make a provisional MDI allocation of up to \$68,709 based on the

currently unallocated amount of MDI funds; or (2) to decline the request for MDI funding as was done in 2014.

5 SIGNIFICANCE AND ENGAGEMENT

- 5.1 Based on the Council's Significance and Engagement Policy, today's decisions are deemed to have a medium level of significance for Council. While MDI funds are provided externally, there is a considerable amount of funding at stake, and a high degree of community interest in the use of the funds and the projects that are seeking funding. In terms of reserves development funds, these are provided through contributions from subdivisions, and there is a general community interest in seeing that these are used to meet the needs arising from community growth.
- 5.2 As described above, the public have already been invited to make submissions during 2 – 24 October on the provisional allocations of MDI funding made by Council at its June 2017 meeting. One submission has been received. Any submissions received in the period of time 20-24 October 2017 will be tabled at this Council meeting. In terms of the reserves development funding, it is proposed that any allocation to Westland High School be subject to consultation through the 2018 Long Term Plan.

6 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

- 6.1 With regard to the projects that have met the 35% minimum funding criteria (Whataroa Hall Upgrade and Haast Community Track), the advantage of inviting them to submit formal MDI applications to DWC now is that they would not be delayed. There is no obvious disadvantage to this option, other than reducing the amount immediately available to all projects; this is a potential timing issue, but at present the projects ready to draw down funding would not exceed the immediately available amount.
- 6.2 With regard to the Westland High School's MDI funding, the advantage of inviting WHS to submit a formal MDI application to DWC for Stage 1 (\$120,000) of their revised community project is that it will give this project more momentum, including providing encouragement to community and sports groups to commence fund raising. DWC has indicated that they have no issues with staging. There are no obvious disadvantages to this option, other than reducing

the amount immediately available to all projects; this is a potential timing issue, but at present the projects ready to draw down funding would not exceed the immediately available amount.

- 6.3 With regard to the Westland High School request for reserves development funding of \$100,000, the advantage of granting \$100,000 is that it would fit the criteria for this fund in terms of addressing recreational needs arising from community growth. There is currently \$362,527 in this fund that is not yet committed. A disadvantage would be that it would reduce this fund by nearly one-third, and another potential disadvantage might be uncertainty around future arrangements for public use (e.g. what charges might be for sporting groups' use of the playing fields). This disadvantage can be mitigated by stipulating the requirement for ongoing free or low-cost public access.
- 6.4 With regard to the Kumara Chinese Miners Memorial Reserve, the advantage of making a provisional allocation of the remaining unallocated \$68,709 MDI funds is that it can be then said that all of the Westland townships have received a slice of MDI funding. This amount could be revisited in the future depending on how the other projects with provisional allocations progress.

7 PREFERRED OPTIONS AND REASONS

- 7.1 With regard to the first project that has met the 35% minimum funding criteria the preferred option is that MDI funding of \$200,000 for the Whataroa Hall upgrade be confirmed and that the Whataroa Community Association be invited to submit a full application to DWC. The reasons are that they have already either spent or allocated \$84,922 of their own funds on the upgrade, and as a community they have never received any MDI funding.
- 7.2 With regard to the other project that has met the 35% minimum funding criteria the preferred option is that MDI funding of \$50,000 for the Haast Community Track be confirmed and that the Haast Promotions Group be invited to submit a full allocation to DWC. The reasons are that they have already spent or allocated \$30,802 of their own funds for the track, plus volunteers have spent 1,092 hours working on the track. It is noted that Haast has never received any MDI funding.

- 7.3 With regard to the Westland High School's MDI funding, the preferred option is that Council endorses the revised project at Westland High School as described in the Summary of the Feasibility Study from Gurden Consulting in Appendix 4 to this report, and that Westland High School be invited to apply to DWC for the first part of their MDI funding. The reasons are that it will give this project more momentum, including providing encouragement to community and sports groups to commence fund raising
- 7.4 With regard to the Kumara Chinese Miners Memorial Reserve, the preferred option is provisionally allocating the remaining unallocated MDI funds of \$68,709 to this project. The reasons are that Kumara has not received MDI funding to date, and to assist the Kumara community in advancing this high-profile project.

8 RECOMMENDATIONS

- A) **THAT** Major District Initiative funding of \$200,000 be confirmed and an application forwarded to Development West Coast for the Whataroa Community Association for the ongoing upgrade of the Whataroa Hall.
- B) **THAT** Major District Initiative funding of \$50,000 be confirmed and an application forwarded to Development West Coast for the Haast Promotion Group for the Haast Community Track (also known as the Dennis Road Track)
- C) **THAT** Council continues to forward to Development West Coast the Major District Initiative applications from groups provisionally allocated funding by Council projects, on an ongoing basis once they have met the DWC criteria including the 35% minimum funding requirement.
- D) **THAT** Council notes and endorses the revised scope of the Westland High School project as per the attached summary of the Westland High School Feasibility Study from Gurden Consulting Ltd.

- E) **THAT** Westland High School be invited to apply to Development West Coast in the near future for \$120,000 of Major District Initiative funding as Stage One of possibly three or more stages of MDI funding, and for funding for the other stages to be applied for as MDI funds become available.
- F) **THAT** Council provisionally allocates \$100,000 of reserve development funds to the publicly accessible component of the Westland High School project, specifically work on the fields and lighting, subject to consultation in the Long Term Plan process and an ongoing commitment from Westland High School to allow for free or low-cost access to community groups and the general public.
- G) **THAT** Council provisionally allocates the remaining unallocated Major Development Initiative funds of \$68,709 to the Kumara Residents Trust for the Kumara Chinese Miners Memorial Reserve Project.

Derek Blight
Community Development Advisor

- Appendix 1:** Submission from Anthea Keenan – Carnegie Building Strengthening
Appendix 2: Whataroa Community Association – Whataroa Hall
Appendix 3: Haast Promotions Group – Haast Community Track
Appendix 4: Westland High School – Westland Sport and Community Centre Overview

Appendix 1

Subject: SUBMISSION MDI FUNDING 6/10/17

Community Development Advisor

WESTLAND DISTRICT COUNCIL

SUBMISSION AND TO PRIORITISE: CARNEGIE BUILDING STRENGTHENING/ASSET MANAGEMENT...

“Westland District Council have spent monies/including depreciation monies on projects, other than they were meant for - ratepayers have had little say but expected to endure cost via increased rates 140% over 10 years.

This Council is out of order on many & various issues which have cost ratepayers dearly. This Council is indebted to the Carnegie building and museum by a large sum of rate paid monies. To rectify the indebtedness owed to the Carnegie and Museum Council assets, this Council must repay such by either taking out another loan (either from DWC or MDI) or internal borrowings, so that funds are available for Carnegie/Museum strengthening asap. A prudent reduction of unnecessary overspending must be made. Library back to Council building, I-Site to Museum. All efforts must be made to reduce the debt but that preference be given to Carnegie/Museum to enable our heritage to be preserved and displayed as education and attraction = reaping good entry fees from visitors and locals for years to come”.

Regards

Anthea Keenan

Appendix 2

Whataroa Hall Restoration Income:

Whataroa Hall Restoration Project Under the Direction of the Whataroa Community Association

***Achieved To Date:** S & R Business and Design detailed plans for Whataroa Community Hall repiling, the upgrade of fire safety features and access for the disabled.

Aotea Electric Westland Ltd. Installed a new switchboard to accommodate the operation of the hall by a generator in case of civil defence emergency.

D O'Donoghue Builder Ltd: Reroofed the existing supper room and put in new purlins as directed by inspection.

D O'Donoghue Builder Ltd: Repiled the hall and supper room. Work completed and signed off by the Westland District Council.

***Total Expenditures to Date for Hall Repairs:**

S & R Business and Design:	\$2968.20
Aotea Electric Westland Ltd.	\$2447.20
D O'Donoghue Builder Ltd	\$44,885.14
Total Expenditures:	\$50,300.54

***Funding Sources for Whataroa Hall Restoration to Date:**

Lottery Grant:	\$26,641.90
Fund Raising:	
Hall Hire:	
Whataroa Township Funding:	\$23,658.64
Total Funding To Date:	\$ 50,300.54

***Note:** This process has taken the Whataroa Community Association two years.

***Still to Accomplish:** Remove old, rotten cladding and windows. Replace with colour steel iron and aluminium windows.

Upgrade existing toilets to make them compliant for wheelchair accessibility.

Upgrade kitchen to provide a suitable venue for community functions. This includes easier access, more practical workspaces, safe storage, plus quicker access to hot water recovery.

Upgrade access to the Whataroa Community Hall for wheelchairs with concrete ramps and additional lighting. Install Westland District Council requirements for fire access and all signage requirements.

Whataroa Hall Restoration Expenditure/tagged funding to 21 September 2017:

Aotea Electric for new Switchboard	2,447.20
S&R Business and Design	2,968.20
D. O'Donoghue re-pile	13,800.00
D. O'Donoghue progress payment 2	14,904.00
D. O'Donoghue re-pile final	16,181.14
D. O'Donoghue re-roof supper room	12,979.39
Crawford Refrigeration	2,995.00
D. O'Donoghue cupboards under stage	1,648.18
Aotea Electric emergency lights & fire alarm	4,581.60
Aotea Electric extra emergency lights	700.39
Aotea Electric underground cable yet to be done ×	2,402.35
Township Development Funding 2017-2018 tagged for hall	9,315.00
Total	84,922.00

× Quote only but funds available

MDI component \$200,000 (two thirds)

WCA component to date \$84,922

Total cost of restoration \$254,766

Appendix 3

Haast Promotions Group for Haast Community Track

Income:

Previous Balance from 31 March 2017	12,802.05
2017 Township Development Fund	14,000.00
Transfer funds from Promotional Video	4,000.00
Total	30,802.05

Expenditure to date:

Insurance	506.00
Pipes/culverts	3,486.00
Fuel	300.00
Total	4,292.00

Appendix 4

Westland High School (MDI funding for this project was approved by Council 26 February 2015 but has never been drawn down.)

Funding spent to date on the Development of the Recreation and Community Centre:

Feasibility Study	\$30,000
Concept Plan Work	\$25,000
Assessment of Swimming Pool	\$30,750
Total	\$85,750

Westland High School

Westland Sport and Community Centre

Overview

1. Current Situation

The need to upgrade the sport and community facilities at the school has existed for over a decade. The opportunity of \$1.5 million MDI funding has created the catalyst for this to be undertaken and for the school and the Hokitika community to gain much needed quality facilities.

The Gymnasium - This has aged, the floor has a slump, condensation and ventilation problems exist resulting in a slippery floor surface, there is no real heating with winter classes being taught in around 8°C, ancillary facilities including the kitchen are dated and general maintenance repairs are required.

The Hokitika basketball, badminton, volleyball codes are based at this venue. Time in the gym is at a premium in winter and the size of the run-off area places limitations on matches. Netball, soccer and rugby have indicated they would like training time in the gym in season. Netball would also move primary matches indoors. Others competitions matches may follow.

Ancillary Spaces - The PE department would welcome extra teaching space particularly in wet weather when classes can double up in the gym. Students say they lack dry spaces for lunch and recreation and a senior common room/study area. A number of codes have indicated they would use a kitchen, event control/umpire and social room if available.

Kapa Haka is a prominent component of the teaching and learning at the school and within the community. Along with local practice and performance, hosting of visiting groups occur a number of times a year. This involves overnight stays. A lounge, kitchen and ablution facilities would enable better catering for these needs.

No designated youth facilities, particularly for use at weekend evenings, and for youth not interested in sport, was a strong theme identified in the consultation. The gymnasium facilities, particularly the social room, may be able to meet this need.

The climbing wall was located in the hall and lost in the fire. Replacement of this could be considered within this project or the Rebuild.

The Outdoor Courts - In addition to curriculum use, the school's courts are the venue of local club and competition netball. The outdoor courts are in need of, at minimum, resurfacing however the fencing also needs repair or replacing. Shelter for gear, outside toilets, seating, access to the amenities provided in the gymnasium, and upgraded kitchen and a meeting/umpire room would also be desirable.

Sports Fields - Hokitika lacks well drained fields for winter sports and a fenced field for representative matches. If the weather is wet for the Wildfoods Festival there is a high risk that the grounds will subsequently be unplayable for many weeks. The school fields are damp and require work to improve drainage. If the drainage is upgraded, the field fenced, shower, ablution and a lounge/control room developed in the gymnasium, these could become the main competition fields for winter codes.

2. Options

Preferred Option - This includes:

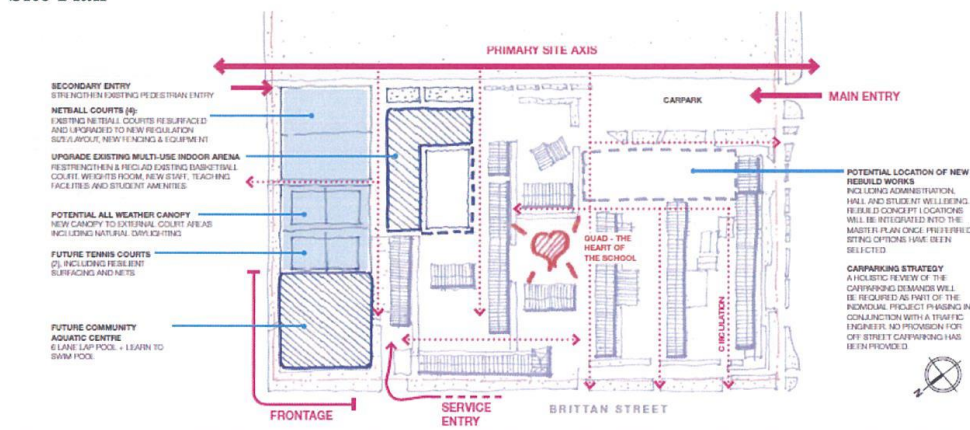
- An upgrade of the gymnasium with improved amenity areas and upstairs viewing
- Covering the courts and upgrading of the surface and surrounding nets
- An upgrade of the fields.

Capital cost: - Estimates are as follows:

Upgrade of stadium	\$1,100,000 – 1,700,000
Covering of courts	\$1,000,000 - 1,600,000
Upgrade to fields	\$ 220,000 – 615,000 + lighting and fencing
Total Cost	\$2,320,000 - \$3,915,000 + lighting and fencing

This project has the scope to adjust the scale of the components to the level of funding able to be raised and for staging to occur. The priority is considered to be the covered courts and stadium.

Site Plan



Covered Court Concept Sketch



Other Options Considered

New single court and double court facilities were also considered. Indicative pricing for these is:

Single Court \$2.5-3.0 million
 Double Court \$ 4-4.5 million

The benefit of a new single gymnasium would be the provision of a full court and the ability to extend to a double facility in the future. There would be no gain of extra covered space or increased use by sporting codes. While a double court would provide extra space and therefore significant extra availability for users, the cost is considered outside what could be raised.

3. Project Funding

The greatest limitation on this project is available funding. The following are the likely funding sources and estimated amounts possible from each:

Source	Proposed Funding
MDI	\$1,500,000
WDC Reserves	Sports Field upgrade
Lottery Community Facilities	\$500,000
WHS	\$100,000
Gaming Trusts	50,000
MOE	\$400-500
Other Government	TBC
West Coast Community Trust	20,000
Sports /Community/Other fundraising	200,000
Total	\$2,250,000 - \$2,870,000?

1.4 Project Timeline

The timeline has not been formally prepared. The aim is to apply for a Lottery Application in February. The outcome would be known in May and if successful construction could be scheduled for next September. The project could also be staged if full funding is not available.

Appendix 5

Kumara Residents Trust

**KUMARA RESIDENTS TRUST
CHINESE MINERS MEMORIAL RESERVE
PROJECT**

**FUNDRAISING TO DATE SEPTEMBER 30TH
2017**

	\$	
Local fundraising & formal funding	206,094.70	
	\$	
Chinese community fundraising	95,745.73	

\$301,840.43

**EXPENDITURE TO DATE SEPTEMBER 30TH
2017**

Pre-construction costs (land, legal, concept, design, rates, site preparation, deposits for key items from China)	\$	112,098.00
---	----	------------

\$189,742.43

PROJECT ESTIMATED COST

\$500,000.00

PROJECT SHORTFALL

\$310,257.57

Report



DATE: 26 October 2017

TO: Mayor and Councillors

FROM: Group Manager: Planning, Community & Environment

ANNUAL REPORT ON DOG CONTROL POLICY AND PRACTICES

1 SUMMARY

- 1.1 The purpose of this report is to adopt an Annual Report on Dog Control Policy and Practices for the year ending 30 June 2017.
- 1.2 This issue arises from the statutory duty pursuant to the provisions of Section 10A of the Dog Control Act 1996 to provide an Annual Report.
- 1.3 Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by Council as part of the Long Term Plan 2015-25. These are stated on Page 2 of this agenda.
- 1.4 This report concludes by recommending that Council adopt the annual report for the year ending 30 June 2017 on Dog Control Policy and Practices (attached as **Appendix 1.**).

2 BACKGROUND

- 2.1 It is a requirement of Section 10A of the Dog Control Act 1996 to prepare a report on Dog Control Policy and Practices. It has been a statutory duty to supply such a report for twelve years. After the adoption of the report by Council, a copy is required to be posted on the Council's website and made available to the Secretary for Local Government.

3 CURRENT SITUATION

3.1 Council last adopted a report for the year ended 30 June 2016. That report has been available on Council's website and a copy was forwarded to the Secretary for Local Government.

4 OPTIONS

4.1 This is a statutory duty and Council is required to adopt a report. The report itself, however, can be in any form within the statutory requirement. The options are therefore about the content of the report.

5 SIGNIFICANCE AND ENGAGEMENT

5.1 There is some public interest in dog control generally, but the adoption of the annual report is considered to be administrative and therefore of low significance in accordance with Council's Significance and Engagement Policy.

5.2 The report is recommended to be adopted without consultation. It is available to inform and advise the public on Dog Control Policy and Practices in Westland.

6 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

6.1 This is a statutory function, so the Council does not have any choice about whether or not to adopt a report.

6.2 Council does, however, have a choice on the contents of the report. A draft report is attached for consideration, and recommended for adoption.

7 PREFERRED OPTIONS AND REASONS

7.1 The adoption of the draft report is the preferred option so that the legislative requirement can be met. Amendments are permissible for clarity, as long as they are factually correct.

8 RECOMMENDATIONS

- A) **THAT** the attached report on Dog Control Policy and Practices for the year ending 30 June 2017 be adopted, a copy forwarded to the Secretary for Local Government and the report be made available on Council's website.

Jim Ebenhoh

Group Manager: Planning, Community & Environment

Appendix 1: Report on Dog Control Policy and Practices for year ended 30 June 2017.

REPORT ON DOG CONTROL POLICY AND PRACTICES: 2017
Westland District Council

This report is prepared pursuant to the provisions of Section 10A the Dog Control Act 1996 for the year ended 30 June 2017. This is the 13th annual report prepared pursuant to the Act.

Statistics:

	08/09	09/10	10/11	11/12	12/13	13/14	14/15	15/16	16/17
No of registered dogs	1489	1484	1511	1458	1561	1729	1777	1897	1912
No. of probationary/disqualified owners	0	0	0	0	0	0	0	0	0
No. of dogs classified as dangerous	0	0	0	0	0	0	3	3	3
No. of dogs classified as menacing	0	0	0	2	9	9	9	24	36
No. of infringement notices issued	18	26	19	16	70	60	53	196	127
No. of dog complaints received	109	86	110	133	184	212	148	223	360
No. of prosecutions undertaken	0	0	0	0	0	0	0	0	0

Staff

In April 2015, the SPCA (Hokitika) successfully retained the contract for the provision of dog control services in the Westland district. That contract was set to expire in June 2018, though in July 2017 this year they gave their notice to exit the contract at the end of October 2017. Accordingly, a new contractor has been selected; this will be reported on in next year's annual report.

The SPCA's contractual arrangements provided for at least the same level of general service as previous contracts, but with an increased number of patrols in key areas, an improved consistency of data collection and greater clarity around roles and processes.

The SPCA appointed an additional staff member in August 2015 whose role has been exclusively animal control. The contractor's performance has been monitored on a monthly basis.

The level of training of dog control staff has improved significantly from the 2015/2016 year onwards. Prior to this time the training had been ad hoc in nature and not extensive.

In addition a set of procedures around dog control have been drafted with the intention of being available to current staff but also any new staff that are employed in the future.

Policy on Dogs

This year the Council implemented its new Policy on Dogs, which was adopted in June 2016 after completing the Special Consultative Procedure.

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

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

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

Council's primary and preferred method of seeking compliance is through encouragement and education of dog owners where possible, in order to ensure public safety and comfort. Enforcement options such as infringement notices, menacing and dangerous dog classifications, probationary dog ownership or disqualification as a dog owner or prosecution will only be used where necessary.

Council supports the use of a graduated enforcement system starting with education of the dog owner, through the issuing of warning notices for a first minor offence, infringement notices for subsequent or more serious offences, to a prosecution in the District Court for a very serious offence.

Council introduced two new classes of dog ownership in the 2016 dog policy. Selected Dog Ownership is now offered to dog owners who meet certain criteria such as having no justified complaints in the last two years, a property that is fully fenced (or has a fenced portion of the property within which the dog can be secured), no dogs impounded within the last two years, the dog owner has received no infringement notices within the last two years, the dog is currently registered and was registered by 31 July in the previous year and the dog is microchipped. Council now also recognises working dogs as a separate category of dog.

Dog Control

Dog Control contractors are based in the Hokitika area, although increased numbers of patrols have been negotiated with the contractor for Kaniere, Kumara, Ross, and Franz Josef. The sheer size of Westland makes the provision of the same levels of service at the southern extremity of our district very difficult to achieve.

A new set of dog control procedures has been drafted and has become part of the training that the new officer received from Council.

The amount of proactive work across the district has increased, with areas with identified dog issues receiving additional attention, including patrols and follow-up visits from the dog control officer. Council has received positive feedback from members of the local community where this action has been taken.

In the year ending 30 June 2017 Council focused on ensuring that all known dogs were registered and microchipped and also on implementing and maintaining a graduated enforcement system. Government funding was also utilised to provide free de-sexing to several menacing dogs.

A significant amount of effort went into tracking down those dog owners who had not currently registered their dog or who had never registered their dog. As a result officers identified several new dog owners that have now registered their dogs with Council. This means that the number of newly

identified dogs now registered within the district has increased again. This work will be continued in the 2017/18 dog registration year. It is widely accepted that unregistered dogs cause a disproportionate amount of harm and nuisance in the community than registered dogs.

The number of dog complaints increased again this year, as shown in the table at the start of this report. This may in part be due to changes in Council systems. In 2015 Council made changes to provide easier access to services for members of the public. Complaints are directed through the Customer Call Centre which ensures that all complaints are recorded and forwarded to the contractor in an appropriate manner.

There is also some evidence that people are becoming less tolerant of the damage and nuisance caused by dogs in our community as evidenced by comments made in the annual residents survey and the rise in complaints about dogs causing nuisance by barking or wandering.

Dog Registrations

Standard dog registration fees for the year remained at \$74.00 for dogs registered within the Hokitika area and \$58.50 for dogs registered in other areas. New dog ownership categories were implemented in the 2016/17 year including Selected Dog Ownership (SDO) with a fee of \$45 and working dog category with fees of \$30 for the first dog and \$20 for any subsequent dog.

Dog registration fees also included a 50% penalty additional to the registration for late payment. The costs associated with dog registration and dog control are funded entirely by dog registration fees.

External Satisfaction Survey

The latest external satisfaction survey undertaken in 2016 showed that 72% of the public were very satisfied or fairly satisfied with the level of dog control in the district. This level of satisfaction is similar to both peer group local authorities and with the national average for dog control in across in New Zealand.

There is still more work to do in the area, particularly in terms of wandering dogs in the community, ensuring all dogs are registered, and ensuring that dog owners are educated about the adequate care and control of their dog.

Report



DATE: 26 October 2017

TO: Mayor and Councillors

FROM: Group Manager: Corporate Services

WESTROADS LTD DIRECTOR REMUNERATION

1 SUMMARY

- 1.1 The purpose of this report is to give direction to WHL to increase remuneration by resolution at AGM for directors on Westroads (WR).
- 1.2 This issue arises because it is good practise to review director remuneration periodically to ensure that it is in line with market and best practise.
- 1.3 Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by Council as part of the Long Term Plan 2015-25. These are stated on Page 2 of this agenda.
- 1.4 This report concludes by recommending that the Council direct WHL to increase remuneration by resolution at the AGM, for the chair and directors of Westroads Ltd effective from 1 October 2017.

2 BACKGROUND

- 2.1 Under Councils policy on appointment and remuneration of directors of Council Controlled Organisations, Westland Holdings Ltd are the sole shareholder of Westroads Ltd. Therefore, it will set directors fees either by resolution at the Annual General Meeting (AGM) or review and approve fees on an annual basis (for those organisations that do not have an AGM).

2.2 In June 2015 Council reviewed and adopted a revised Policy on the Appointment and Remuneration of Directors of CCOs. Section 7 of the Policy contains the following regarding director remuneration:

When approving the level of directors fees the following factors will be considered:

- *The need to attract and retain appropriately qualified people to be directors of the CCO.*
- *Remuneration levels paid to comparable organisation.*
- *The objectives, nature and scale of the CCO.*
- *The past performance of the CCO.*
- *The financial situation of the CCO*
- *The responsibilities of the director, particularly that of the chair.*

3 CURRENT SITUATION

3.1 In order to attract and retain high calibre applicants it is recommended that remuneration is offered that is in keeping with similar types of organisations, and commensurate with the role.

3.2 A review has been undertaken of a similar company to Westroads Ltd, to benchmark remuneration and the following information has been provided:

	Current WR	Proposed WR
Chair	\$23,083	\$30,000
Directors x 3	\$19,583 ea	\$26,000 ea
TOTAL (p.a)	\$81,833	\$108,000

4 OPTIONS

4.1 The Council has the following options available to it:

4.1.1 Option 1: Direct WHL to increase the remuneration of WR directors in line with market and similar company as proposed in the table above.

4.1.2 Option 2: Direct WHL to retain the remuneration at current levels.

4.1.3 Option 3: Direct WHL different figures for remuneration.

5 SIGNIFICANCE AND ENGAGEMENT

- 5.1 Setting of directors remuneration for Council's CCOs is administrative and therefore of low significance.
- 5.2 Staff have contacted the chair of Westroads Ltd to discuss the recommendations in this report with him.
- 5.3 While there is a high level of public interest in director remuneration, public consultation is not required.

6 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

- 6.1 In setting directors fees there are a number of considerations that must be balanced. One of them is affordability. Options 1 and 3 would all require an increase to current remuneration, with Option 1 requiring WR to commit an extra \$26,000 per annum.
- 6.2 Another consideration is the ability to attract high calibre applicants for the roles, and demonstrating that Council takes its role as a shareholder seriously and stays up to date with good practise. Option 2 – retaining the status quo – does not demonstrate that.
- 6.3 Option 3 outcome could increase or decrease the extra remuneration stated that would need to be committed.

7 PREFERRED OPTION AND REASONS

- 7.1 The preferred option is **Option 1** which would increase the directors fees as per the table in 3.2 above.
- 7.2 This will require an extra \$26,000 per annum.
- 7.3 Council will be in a far stronger position to attract high calibre applicants for director roles, if it can be demonstrated that a current Policy on Appointment and Remuneration of CCO Directors is in place, and that remuneration levels have been reviewed in line with market.

8 RECOMMENDATION

- A) **THAT** the Council direct WHL to increase in remuneration for the chair and directors of Westroads Ltd effective 1 October 2017.

Lesley Crichton
Group Manager, Corporate Services

Report



DATE: 26 October 2017

TO: Mayor and Councillors

FROM: Planning Manager

PLANNING UPDATE THROUGH SEPTEMBER 2017

1 SUMMARY

- 1.1 The purpose of this report is to provide the ninth in an ongoing series of monthly reports to the Council on its planning activities under the Resource Management Act 1991, including resource consent processing, monitoring and enforcement, and policy development including the review of the Westland District Plan.
- 1.2 This issue arises from Elected Members' request to be better informed on planning matters, as well as positive and constructive feedback on the reports to date.
- 1.3 Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by Council as part of the Long Term Plan 2015-25. These are stated on Page 2 of this agenda.
- 1.4 This report concludes by recommending that Council receives this report, endorses the RMA Compliance and Enforcement Policy and approves the return of s95 notification delegations to Council staff.

2 BACKGROUND

- 2.1 Council's planning department performs a number of functions under the Resource Management Act 1991 (RMA), including resource consent processing, monitoring and enforcement, and policy development including the review of the Westland District Plan.

- 2.2 Currently, in addition to this monthly report, Elected Members receive a weekly list of resource consents received, and a quarterly report on performance and statutory timeframes for the issuance of resource consents.
- 2.3 Since February, the Council has received written monthly reports covering the matters below, which are also the subject headings for this month's report:
- Resource consent applications received, by type
 - Resource consents issued, by type, and compliance with statutory timeframes
 - Resource consent applications notified (limited or full public), by type.
 - Resource consent applications that went to or are going to a hearing (due to submitters wishing to be heard)
 - Status of significant resource consent applications not otherwise covered by the above
 - Number of 'live' consent applications
 - Commissioners
 - Significant compliance monitoring and enforcement activity
 - Progress with the District Plan Review
 - Process improvements of note
 - Resourcing issues
 - RMA Amendments
- 2.4 Like monthly financial reports, the monthly planning report focuses on the previous calendar month – in this case the month ending 30 September.

3 CURRENT SITUATION

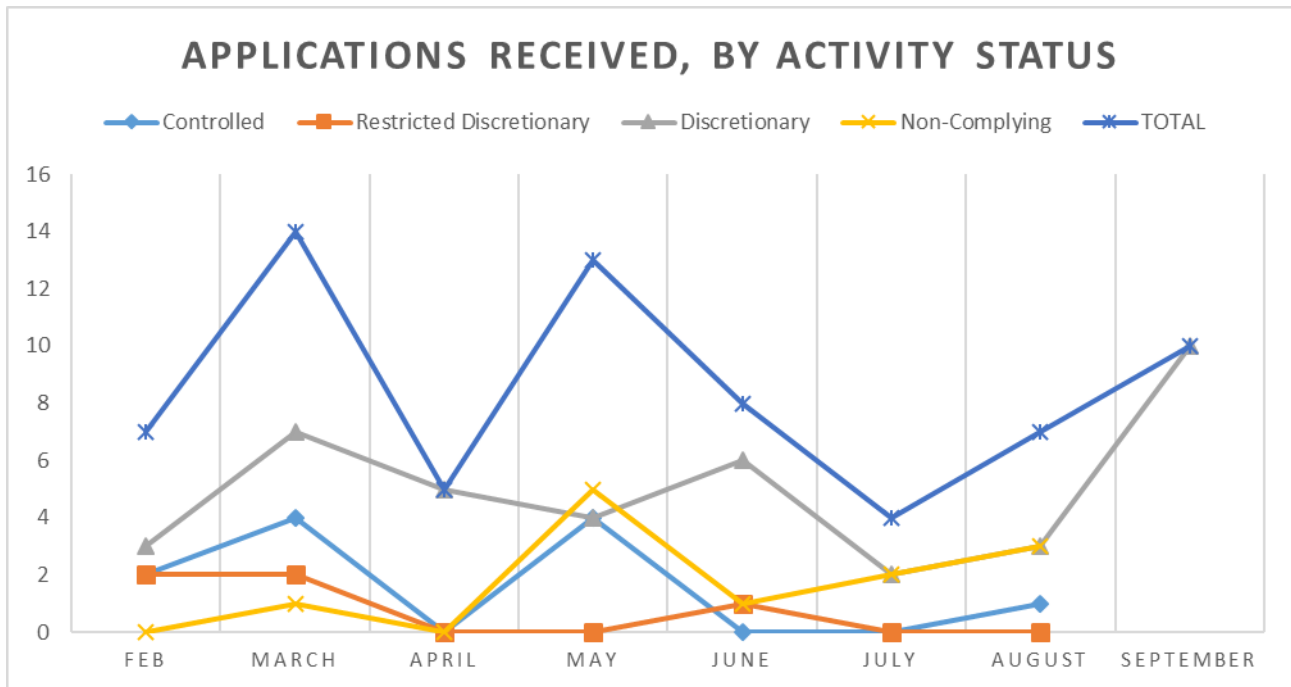
3.1 Resource consent applications received

3.1.1 A total of 10 complete applications were received in September 2017, up from 7 in August. It is normal for spring to bring an influx of activity within the District.

3.1.2 In terms of their activity status under the District Plan:

- All ten are for discretionary activities, with three being commercial activities in the Rural Zone, one variation to a subdivision consent and the remainder related to

residential dwellings in the Rural Zone with associated subdivision, more than one dwelling on site and formation of an unformed road reserve.



3.1.3 Further details of each application received are not provided in this report but have been included in the weekly e-mail updates to Elected Members on the consents received. The updates include the name of the applicant, the location, and the proposed activity.

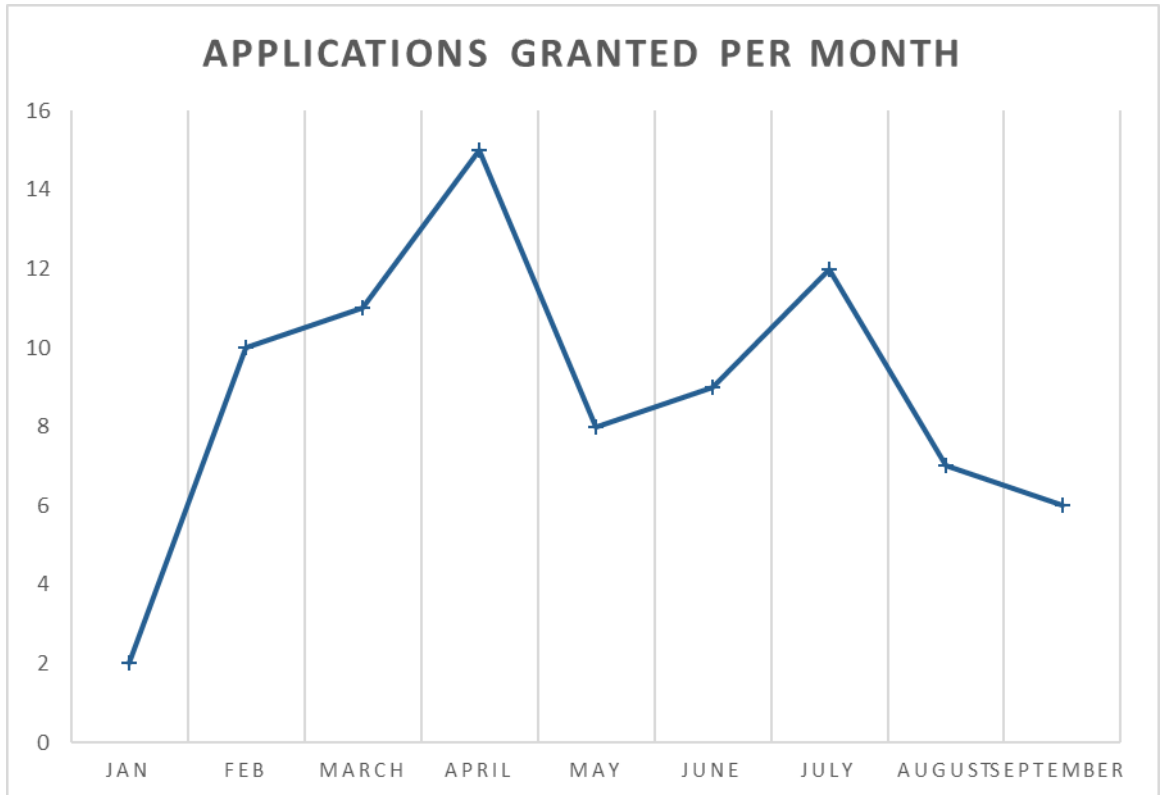
3.2 Resource consents issued

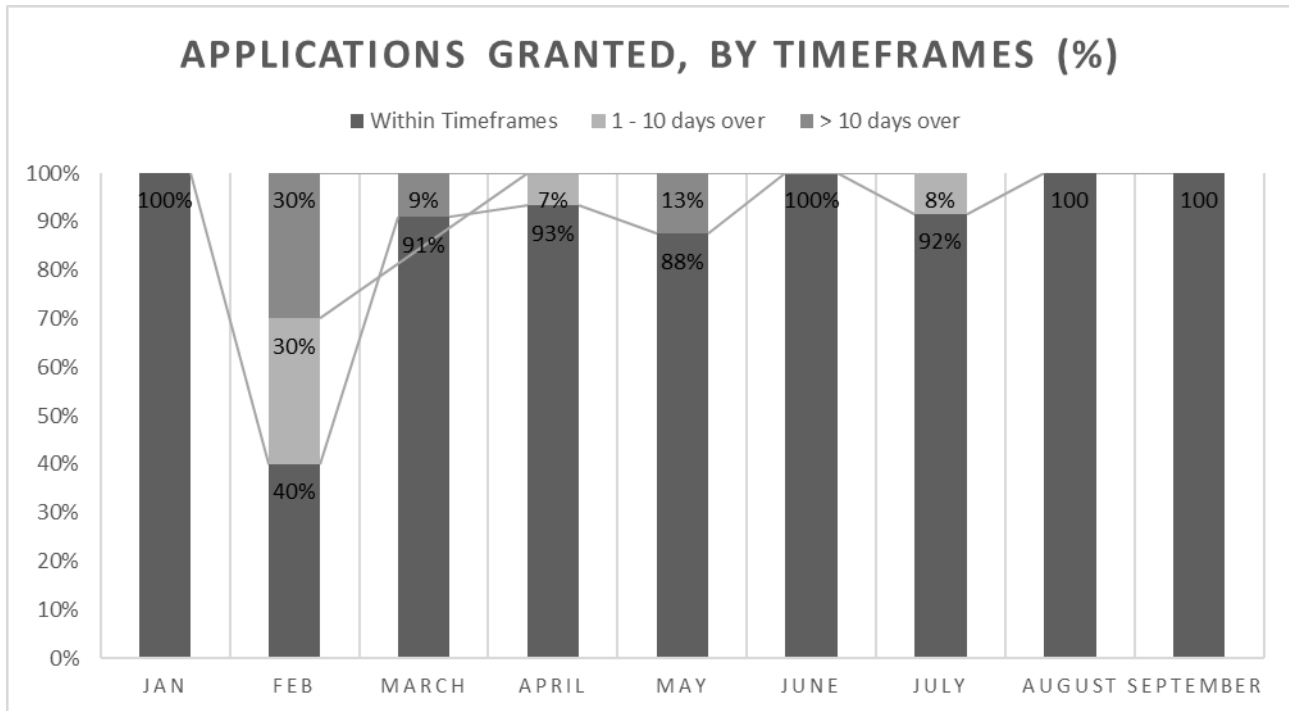
3.2.1 A total of six consents were issued in September. The breakdown of these consents is as follows:

- Young Architects, boundary setback reduction, Brickfield Road, Hokitika.
- Birchfield's Ross Mining Limited, exceeding total gross ground floor area for a non-farming building.
- Westland District Property to construct three baches on legal road at Wanganui River.
- MJ & RA Fairmaid to relocate the Kokatahi Fire Station building, Kaniere - Kowhitirangi Road

- Franz Josef Limited to convert an art gallery to tourist accommodation, Franz Josef Highway
- 'One Five Four' two-lot subdivision, Brittan Street, Hokitika

3.2.2 Compliance with statutory timeframes for process was achieved 100% for September.





3.3 Resource consent applications notified

3.3.1 Applications found to have potentially affected parties only proceed to limited notification if the applicants do not attempt or are unsuccessful in gaining affected party approval (APA). Applications are only fully publicly notified (wider than specified parties) if effects on the wider environment are deemed to be more than minor.

3.3.2 In September, no applications were limited notified to potentially affected neighbouring parties. No limited notifications have occurred since before February. To put this in context 17 applications were limited notified in the calendar year 2016.

3.3.3 No applications were fully publicly notified in September, or in the calendar year 2017 to date. To put this in context, only 1 application was fully publicly notified in the calendar year 2016 (modification of St Mary's Church in Hokitika), 1 in 2015 (Renton's building demolition in Hokitika), and 1 in 2014 (Westland Milk Products expansion in Hokitika).

3.4 Resource consent applications that went to or are going to a hearing

- 3.4.1 The outcome of notification is not always that a hearing occurs. Sometimes there are no submitters, or the submitters are in support of the project. Other times the submitters and the applicant agree to consent conditions before a hearing.
- 3.4.2 Following Environment Court mediation in August, Tuffly Investments (Davie St campground) are working toward submitting further information to Council.
- 3.4.3 As a result of an appeal lodged with Environment Court prior to the appeals period closing on 5 September, mediation on the Godfrey heliport in Kowhitirangi has been scheduled for 3 November to be held in Christchurch.

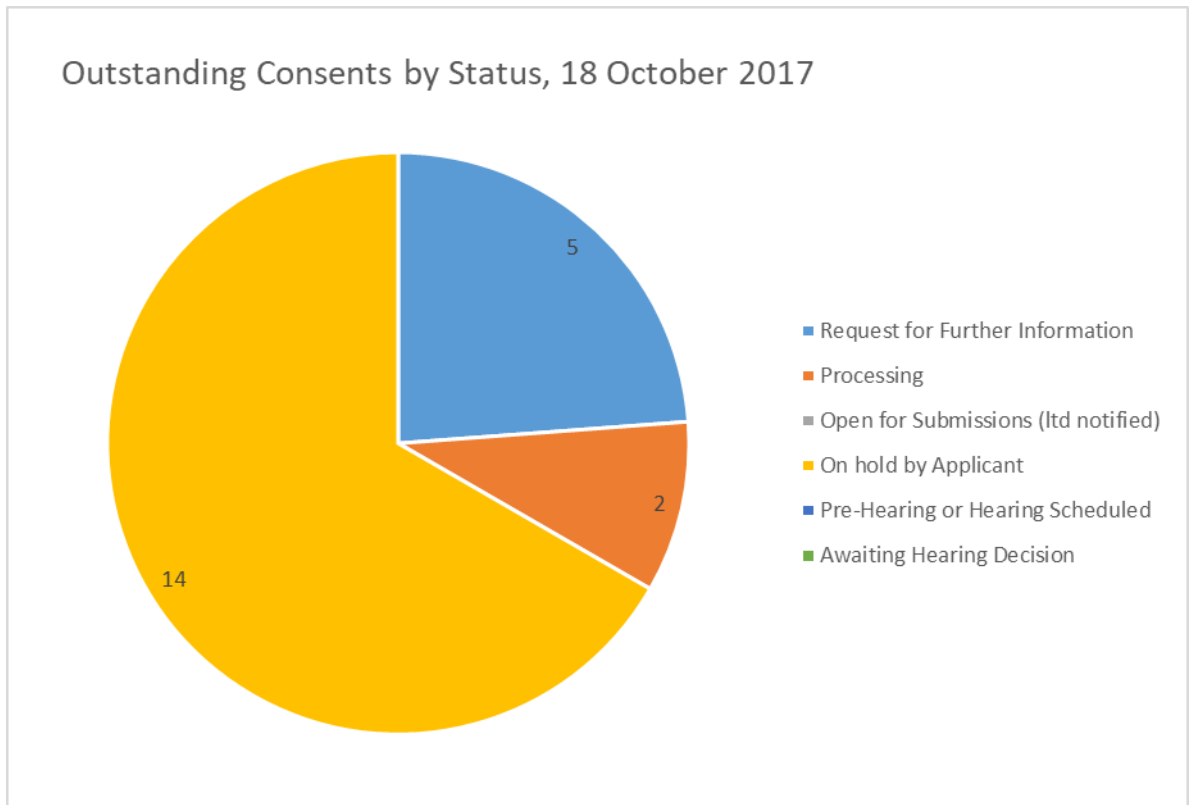
3.5 Status of other significant consents not otherwise covered above

- 3.5.1 No other consents in progress, other than those mentioned above, are considered to require a status update in this section. Enquiries to the planning department from Elected Members as to the status of any consent are welcome at any time.

3.6 Number and type of 'live consents'

- 3.6.1 As at 18 October 2017, there are currently 36 resource consent applications showing in the Council's system as 'live,' i.e. a decision has not yet been made. Of these, over 60% are pre-2016, which indicates that there are a number of applications that have stalled for one reason or another.
- 3.6.2 Of these 36, 14 are mining related applications which have largely halted due to the applicants placing them on hold for further information or obtaining affected party approval. These are now with the West Coast Regional Council who will likely work through closing them off.
- 3.6.3 Of the others (non-mining), 11 are currently being worked on and 9 are historic and require answers from applicants as to whether they wish to proceed.

3.6.4 The status of the live applications is shown below, indicating that being on hold by the applicant (including for seeking affected party approvals) is a common status. This is especially the case for older applications.



3.6.5 The pre-2016 backlog decreased in August due to transfer of mining functions (14 consents). The intention is to work through the remaining 6 pre-2016 applications to resolve them and ultimately update the system. This will include encouraging applicants with older applications to move forward with their applications or withdraw them.

3.7 Commissioners

3.7.1 There are no updates in this area. A range of commissioners is being used for hearings as required, and customers are being informed of their hourly rates.

3.8 Significant compliance monitoring and enforcement activity

3.8.1 There are no significant updates to last month's report. A few issues are being looked into on the basis of complaints, including commercial activities in the Rural Zone.

3.8.2 Systematic monitoring and enforcement activity can begin once the attached RMA Compliance and Enforcement Policy is endorsed by Council.

3.9 Progress with the District Plan Review

3.9.1 The vast majority of the District Plan is 5 years overdue for review.

3.9.2 As reported earlier, the working party of three RMA-trained Councillors recommend a concentrated, integrated, comprehensive review within the next few years. The working party's consensus is that a Scoping Discussion Document for community consultation would be a sensible first step, an example of which was attached to June's planning update report.

3.9.3 In June the Council agreed to contribute \$25,000 per year for the next two years (2017/18 and 2018/19) for a project management role to achieve one District Plan for the West Coast Region. This has since also been agreed by Grey District Council but was not agreed to by Buller District Council at its 26 July meeting.

3.9.4 Each District including Westland will still need to conduct significant work on its own mapping and analysis; for example, in identifying significant natural areas or significant landscapes. Because of this, any regional effort should be seen as additional to, rather than in place of, the Council's District Plan Review work. The remaining District Plan Review budget after any

regional Project Manager is funded will likely need to be supplemented to ensure timely progress including input to the regional process.

- 3.9.5 At this stage it appears that there will not be support from all councils, to input financial support for a project manager, for a combined District Plan Review. At a staff level however, Planning Managers in both Grey District and Westland District have made a commitment to support each other through resourcing where possible by seeing what issues can be worked through in a unified way.
- 3.9.6 A stakeholder meeting was undertaken on the evening of Monday 16 October to introduce changes to the RMA which came in to force on Wednesday 18 October. Each attendee was provided an opportunity to provide their thoughts to the Planning Department regarding what changes they would like to see in the District Plan. It is intended to collaborate these responses with previous feedback and staff knowledge in the New Year to begin a process of identifying potential priorities.
- 3.9.7 A further meeting of the Council's District Plan Review working party (the RMA-accredited Deputy Mayor Martin, Deputy Mayor Lash and Councillor Neale) will be convened shortly to confirm next steps.

3.10 Process improvements of note

- 3.10.1 New templates have been adopted to accommodate the changes introduced to the RMA.
- 3.10.2 A new duty planner system has been implemented to provide public direct access to whichever planner is available at the time.
- 3.10.3 The two staff in the new Customer Service roles (Piata and Yolanda) have made the process seamless and are already receiving great feedback from the public and internal staff on their efficiencies and dedication.

3.11 Resourcing issues

3.11.1 Now that the planning team is fully staffed, the future resourcing issues are most likely to be related to the District Plan review process.

3.12 RMA Amendments

3.12.1 As of 18 October 2017, new activity statuses were introduced by the Resource Legislation Amendment Act 2017 Act being: boundary activities (Council must exempt 'boundary activities' from needing a resource consent if neighbour approval is provided) and marginal/temporary breaches (Council may exempt 'marginal or temporary' activities from needing resource consent).

3.12.2 A Special Consultative Procedure has begun as agreed under section 36 of the RMA to allow us to apply fair and reasonable charges for the processing of these new activity statuses. This will run for one calendar month to 20 November. Anyone wishing to speak to their submission would do so in an open public Council Meeting which could be the December Council meeting.

3.13 Delegations

3.13.1 Council previously (in January 2017) revoked delegations from the Planning Department for s95 notification reports. Since that time the Planning Department has made vast changes and improvements in decision-making processes and would like Council to consider returning Delegations to the Department.

3.13.2 This would enable the Planning Manager (as well as the Chief Executive and/or the Group Manager: Planning, Community and Environment) to sign off s95 notification reports (where the report is not written by the manager), allowing quicker approval times and further efficiencies within the Department. Discretion would be utilised as to when applications should be elevated to the Group Manager and the Portfolio holder.

3.14 Compliance and Enforcement Policy

3.14.1 Attached is the drafted RMA Compliance and Enforcement Policy which has been written to closely reflect the West Coast Regional Council Policy as it aligns closely with our ideals around an education first approach. Its basic approach of a graduated system was outlined in a Council workshop earlier this year.

3.14.2 The Policy has been referred to as in draft form as it will not be considered to be an adopted Policy until such time as Council agrees to endorse it, which is the purpose for bringing it before Council today.

4 OPTIONS

4.1 To receive this report or not.

4.2 To approve the return of s95 notification delegations to Council staff or not.

4.3 To endorse the attached RMA Compliance and Enforcement Policy for use by Planning Department staff or not.

5 SIGNIFICANCE AND ENGAGEMENT

5.1 The decisions to be made today are of low significance however they would allow the further efficiencies within the Planning Department to continue providing a consistent service.

5.2 No consultation or engagement has been undertaken in relation to the content of this report.

6 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

6.1 If the recommendation for the return of s95 notification delegations to Council staff (Chief Executive, Group Manager: Planning, Community and Environment, and/or the Planning Manager) is not approved, there is a risk of the 100% compliance of timeframes being compromised due to the many levels of approval currently required. With the introduction of the RMA's new fast-track consent process

there is a tighter timeframe to get reports signed off. Any exceedance of the legal timeframe results in Council forfeiting a degree of cost recovery by providing a discount proportional to the amount of exceeded time.

- 6.2 If the RMA Compliance and Enforcement Policy is not endorsed, there is potential for inconsistent approaches and outcomes. As well as being unfair to the party concerned it would likely cost more in staff time by not having clear direction with regard to steps to be taken.

7 PREFERRED OPTION AND REASONS

- 7.1 The preferred option is that Council approves the return of s95 notification delegations to Council staff (Chief Executive, Group Manager: Planning, Community and Environment, and/or the Planning Manager), endorses the RMA Compliance and Enforcement Policy, and receives this report.
- 7.2 The reason for these being the preferred options is to support efficiency and consistency within the Planning Department.

8 RECOMMENDATIONS

- 8.1 **THAT** Council approves the return of s95 planning delegations to staff (Chief Executive, Group Manager: Planning, Community and Environment, and/or the Planning Manager) and endorses the attached RMA Compliance and Enforcement Policy.

Fiona Scadden
Planning Manager



Westland District Council RMA Compliance & Enforcement Policy

October 2017
Fiona Scadden
Planning Manager

Introduction

Initial development of this policy was to be undertaken in collaboration with WCRC. It has therefore drawn heavily on WCRC's current enforcement policy both in the interests of aligning our processes and in recognition of the policy being reflective of WDC's preferred education based approach.

Under the Resource Management Act 1991 (RMA), The Westland District Council has statutory obligations for enforcing some provisions of this Act, commonly Section 9. The enforcement mechanisms available to the Council under the RMA are concerned with three related outcomes:

- To avoid, remedy or mitigate any adverse effects on the environment.
- To gain compliance with the RMA, resource consent conditions, Westland District Plan and policies.
- To deter individuals or companies from undertaking activities that may result in major adverse effects on the environment.

There are a number of enforcement options open to Council under the RMA, these options can be divided into two categories; Punitive or Directive:

Punitive	Directive
Formal written warning Infringement Notice Prosecution	Abatement Notice Enforcement Order

This enforcement policy presents guidelines to be followed by staff exercising these roles, and also outlines mechanisms that the Council will adopt to ensure that its enforcement powers are exercised appropriately.

The purpose of this policy is to:

1. Provide consistency in the Council's approach to enforcement decisions.
2. Provide assistance on the selection of the appropriate enforcement tools.
3. Ensure the appropriate procedures are followed by staff when they are undertaking enforcement work in order to be confident that the enforcement action has been carried out correctly.

Council Objectives for Enforcement

The Council has a responsibility to enforce the principal sections of the RMA, particularly S9.

The Council's objective in fulfilling these responsibilities is to achieve compliance with the RMA.

While a target of total compliance is desirable, it is recognised that this is sometimes an unrealistic ideal.

Council has considerable discretion over how it enforces the RMA. The Council, through its elected representatives, is accountable to the community for the manner in which it exercises this discretion.

A number of principles guide the exercise of this discretion. The four main principles to be used in guiding enforcement action are as follows.

Proportionality

The need to take action will depend on the severity of the event and the effects of that event on the environment. The enforcement action taken should be in proportion with the environmental effects.

The environmental effect of breaches of the RMA can vary markedly from minor breaches with minimal environmental effects, to those that have very serious effects. The seriousness of the breach should be reflected in the seriousness of the measures adopted by the Council in response.

Certainty

The Council will endeavour to provide certainty and clarity about what is, and what is not, acceptable compliance with the RMA and, in instances of non-compliance, the likely course of action that will be taken.

Although ignorance of the law is no excuse for breaching its provisions, the RMA can be difficult for the layperson to determine. While recognising that the Council is not the only or final arbiter of the requirements of the RMA, there is a community expectation that we will provide clear answers on the requirements of the RMA, particularly those provisions that the Council will enforce.

Impartiality

All persons will be impartially and fairly treated using the same process of enforcement regardless of the type and extent of resource use.

It is important for the Council's public accountability, credibility, and for the principles of natural justice, that all persons are dealt with fairly when considering which enforcement tool to use.

Clear and Speedy Resolution

The Council will endeavour to undertake its duties in a clear and speedy manner that gives effect to the purpose and principles of the RMA while minimizing costs to the ratepayer.

The Council intends to fulfil its enforcement duties in a clear and timely manner.

In order to ensure this principle is not compromised through a lack of funds, the Council intends to recover the costs associated with enforcement where possible.

Cost Recovery

Where monitoring costs are incurred in relation to a specific consent, these costs will be recovered from the consent holder in accordance with the Westland District Council's general charging policy and the provisions of the RMA.

Council Approach to Enforcement

In general, the Westland District Council advocates a policy of education and co-operation towards compliance where an offence causes only minor environmental effects. However, the Council recognises that there are times when the use of punitive measures is necessary.

The Council will use formal warnings, abatement notices, infringement notices, and prosecutions in situations where such measures are considered to be necessary. It is not anticipated that enforcement orders will be used regularly, as they may require significant investment of ratepayer funds in terms of preparing legally robust documentation prior to seeking an Order from the Environment Court.

It is the responsibility of the Council to ensure that any adverse effects are appropriately avoided, remedied or mitigated against, therefore it will depend on the nature of each specific incident as to what form of enforcement action will be undertaken. For minor, one off incidents it is likely that a formal letter will be issued requesting that the issue be rectified, however if the incident is of an ongoing nature or has been repeated a number of times it is likely abatement and infringement notices will be used. If it is deemed the incident has caused major adverse effects and lighter approaches have not changed the situation it would be likely that staff recommend prosecution.

In some instances it may be that abatement and infringement notices are issued in unison.

Context: Enforcement Action Undertaken by Council in 2016/17 and 2017/18 YTD

In recent years, due to staff resourcing issues and the lack of a clear Policy, the Council has taken little formal enforcement action on RMA issues. The table below shows this in relation to other regulatory areas of Council. Infringement notices are common in the Dog Control area, and Notices to Fix are also common in the Building Control area.

Activity Area	Abatement Notices (RMA) or Notices to Fix (Bldg Act)	Infringements	Prosecution
Resource Mgmt (RMA)	2016/17: 1 2017/18 YTD: 0	2016/17: 0 2017/18 YTD: 0	2016/17: 0 2017/18 YTD: 0
Building Control	2016/17: 14 2017/18 YTD: 1	2016/17: 0 2017/18 YTD: 0	2016/17: 0 2017/18 YTD: 0
Environmental Health	n/a	2016/17: 0 2017/18 YTD: 0	2016/17: 0 2017/18 YTD: 0
Dog Control	n/a	2016/17: 127 2017/18 YTD: 12	2016/17: 0 2017/18 YTD: 1

In the RMA area, some proactive monitoring has taken place, and response to complaints has occurred, with a focus on encouraging compliance through informal measures as well as occasional formal warning letters. It is likely that informal measures (e.g. encouragement to apply for resource consent) will continue to be used if the situation does not warrant more serious action. Formal warning letters may be issued more frequently than in the past, especially if no action is taken in response to informal communication, to ensure clear documentation in the event that further action becomes necessary.

Factors to Consider when undertaking Enforcement Action

When deciding to take enforcement action there are a number of criteria that need to be considered in every case. These are listed below:

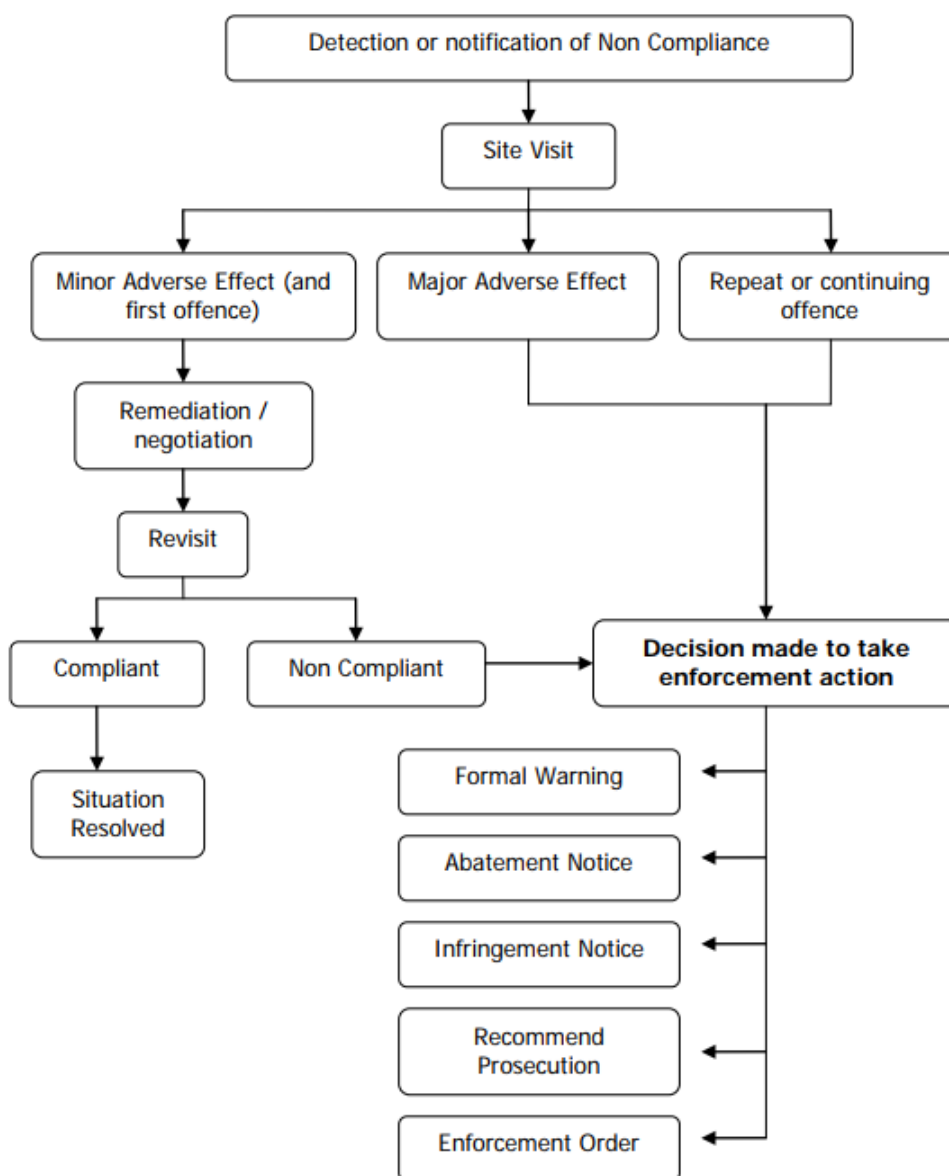
• The actual adverse effects (effects that have occurred)	• Any effort made to remedy or mitigate the adverse effects
• Any likely adverse effects (potential effects).	• The effectiveness of any remediation or mitigation undertaken.
• Whether it was a deliberate or an accidental action.	• Any failure to act on prior instructions, advice or notice.
• The degree of due care taken / foreseeability of incident.	• Any profit or benefit gained by alleged offender.
• The value or sensitivity of the area affected.	• The degree of deterrence required in relation to the party involved.
• The attitude of the offender toward the offence.	• Any degree of general deterrence required.

<ul style="list-style-type: none"> Whether it was a repeat non-compliance or if previous enforcement action was needed for a similar situation. 	<ul style="list-style-type: none"> Any relevant special circumstances – eg extreme weather event or other event outside the control of the party involved.
--	---

When considering enforcement action in relation to a breach of the RMA, District rules or resource consent conditions the above factors must be considered before deciding on the most appropriate course of action.

The investigating officer will discuss these matters with the Group Manager; Planning, Community and Environment and/or the Planning Manager.

Enforcement Action Decision Process



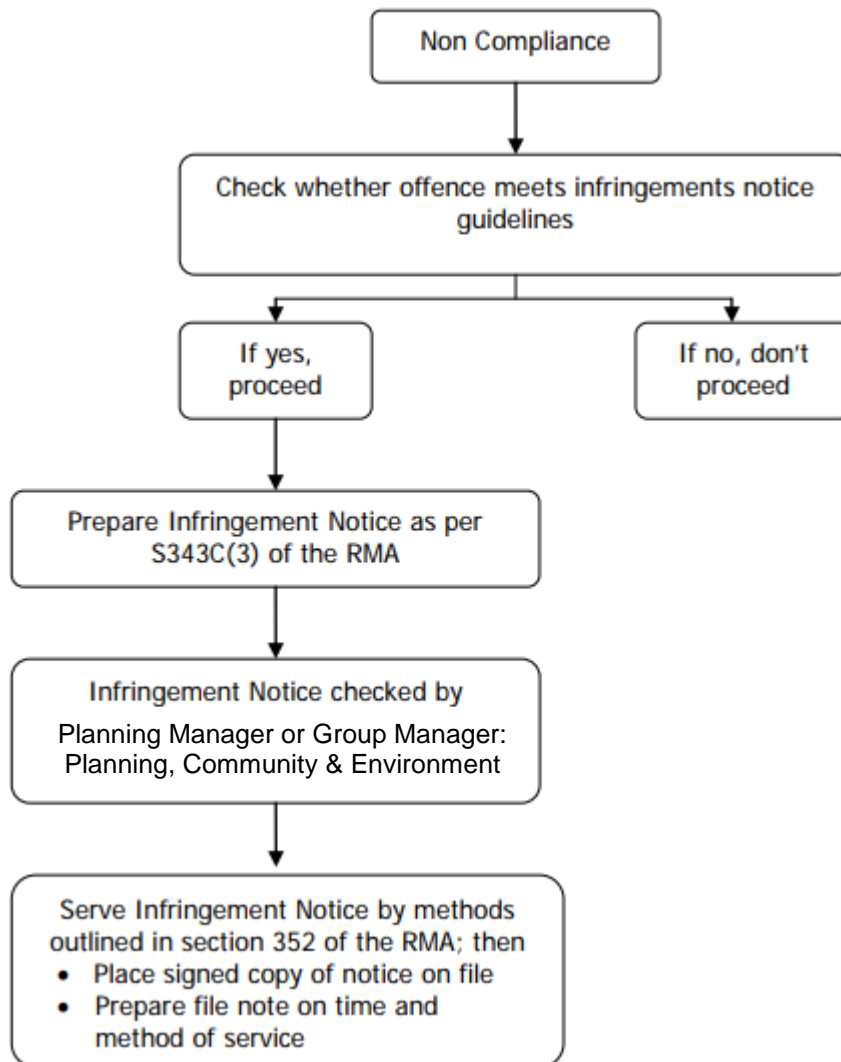
Infringement Notices

Where there has been a direct contravention of a resource consent or a rule in the District Plan; the Westland District Council can issue an infringement notice. The basic requirements are as follows:

1. The infringement notice is issued by a warranted officer of the Council; and
2. The notice is issued to:
 - a person; or
 - a company; or
 - an incorporated body; or
 - a public authority.
3. The infringement notice is issued in the prescribed form – as detailed in Section 343C(3) of the RMA.

See appendix two for a template of a correct infringement notice.

Infringement Notice Procedure



Abatement Notices

An abatement notice can only be served where the Enforcement Officer has reasonable grounds for believing that any of the circumstances specified in S322(1) and (2) exist. A notice may be served on any person only by a warranted Enforcement Officer of the Council.

There are two types of abatement notices, both are issued under S322.

1. The first type of notice is issued under S322(1)(a) of the RMA, this is the most commonly used abatement notice and requires the person or persons to cease and / or not undertake an activity.
2. The second type of notice is issued under S322(1)(b) of the RMA. This type of notice requiring that person to do something that, in the opinion of the enforcement officer, is necessary to ensure compliance by or on behalf of that person with this Act, any regulations, a rule in a plan or a proposed plan, or a resource consent, and also necessary to avoid, remedy, or mitigate any actual or likely adverse effect on the environment—
 - caused by or on behalf of the person; or
 - relating to any land of which the person is the owner or occupier.

Abatement Notice Procedure

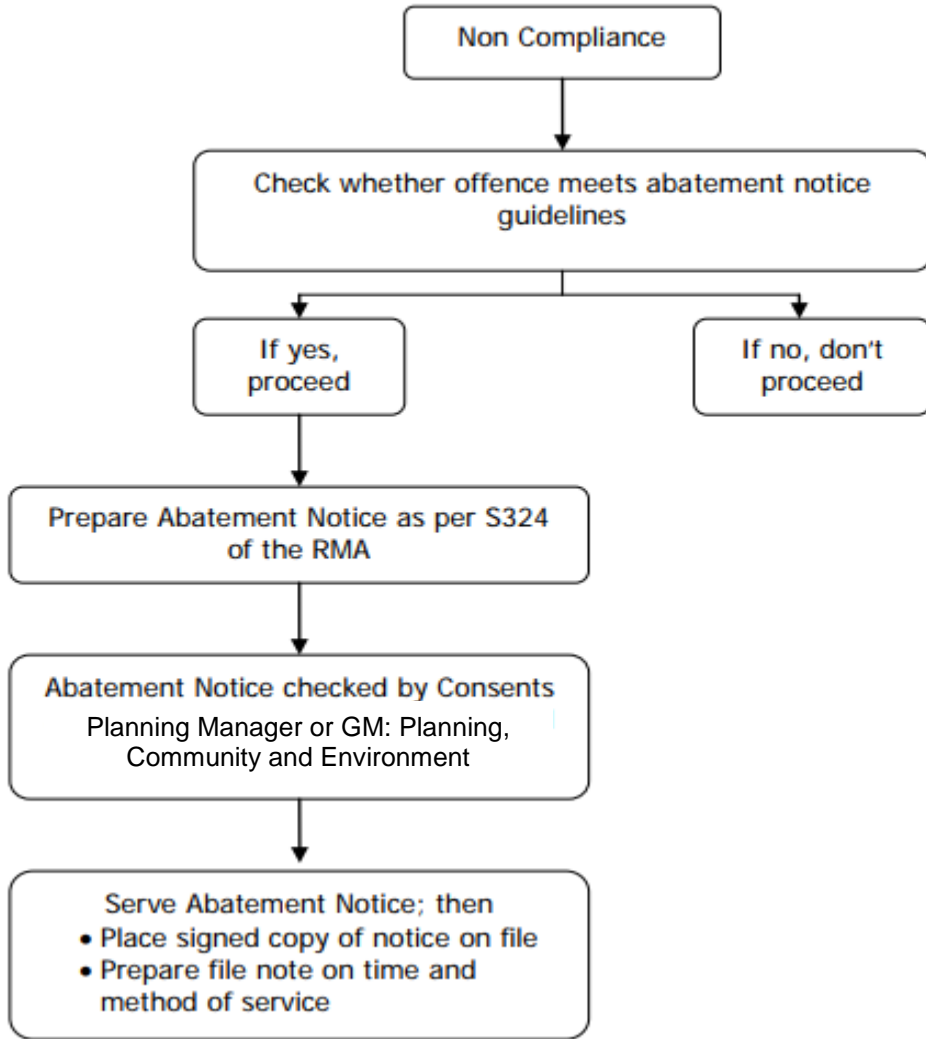
Once an Enforcement Officer is satisfied that the abatement notice criteria have been met, the matter will be reviewed by either the Planning Manager or Group Manager: Planning, Community and Environment. This will assist in ensuring that the issuing of an abatement notice is appropriate, or if other enforcement tools should be considered.

Preparation of the Abatement Notice

The abatement notice must be prepared in accordance with the requirements listed in s324 of the RMA and the template provided.

Once the abatement notice has been prepared, it must be checked by either Planning Manager or Group Manager: Planning, Community and Environment, who will confirm that it meets the legal requirements. The abatement notice can then be mailed out or delivered to the recipient. A hard copy of the notice must be kept for council records (place a signed copy in the abatement notice file in the Planning Office), and a file note should be made by the enforcement officer that outlines how and when the abatement notice was delivered.

Abatement Notice Procedure



Prosecutions

The Westland District Council has considerable discretion in deciding when to prosecute and when not to prosecute. A decision will be made by CEO and relevant manager after a report and recommendation is presented to them by the investigating officer. The decision made by the CEO and relevant manager must be unanimous, and be in writing, and will be reported to Council.

Prosecution Policy

There are three factors that need to be considered when deciding whether to proceed with a prosecution.

These are:

1. The effect on the environment.
2. The degree of culpability of the alleged offender:
 - The culpability of the defendant;
 - The steps taken to remediate; and
 - The defendant's compliance history.
3. Any other circumstances:
 - The public interest;
 - The need for a deterrent; and
 - The likelihood the defendant will be discharged without conviction.

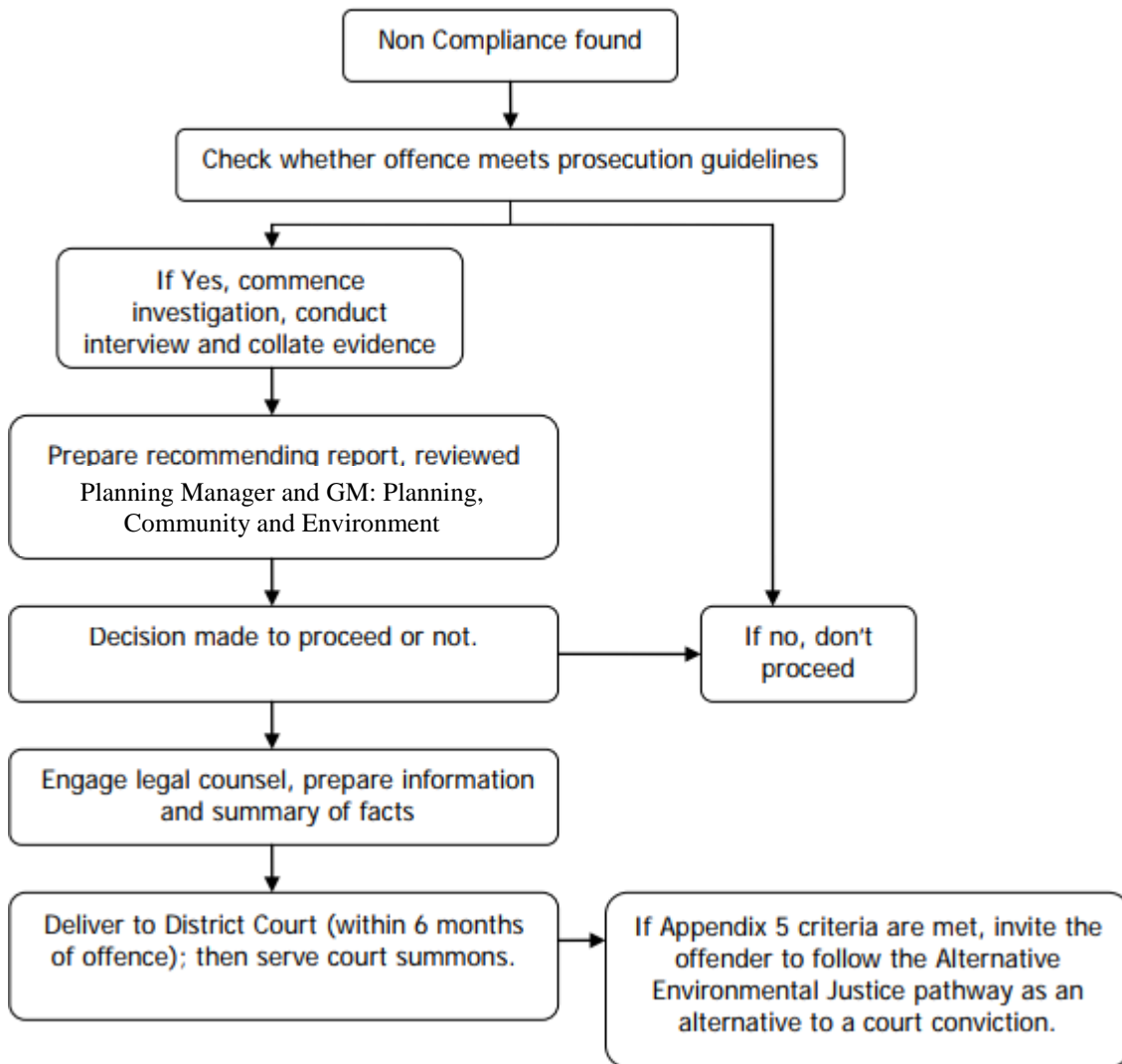
The Solicitor General's guidelines on factors to be considered before a prosecution must also be considered.

The Prosecution Process

The Prosecution Process follows the following steps:

1. A Compliance Officer discovers the offending and an investigation is carried out.
2. An enforcement discussion is held between the investigating officer and the Planning Manager and Group Manager: Planning, Community and Environment, and a staff Enforcement Decision is made.
3. If the decision in (2) above is to recommend prosecution, a recommending report is prepared.
4. A decision is made whether to prosecute or not.

The Prosecution Procedure



Appendix One: Infringement Notice Checklist

CHECKLIST - INFRINGEMENTS

Site Name: _____

Address: _____

Location Reference: _____

Site Contact: _____

Person: _____ **Phone:** _____

File/Incident: _____ **WDC:** _____

Reference: _____ **Officer:** _____

Nature of Offence/Contravention:

Offence Date: _____ **Time:** _____

Assessment of whether Infringement Notice Appropriate:

State infringement offence from Schedule 1 (Offence must appear in Schedule 1)

Relevant subsection of S338	Section of the Act breached	Level of fine

Tick Applicable Box: (Only proceed if one box can be ticked)

Repeat offence where effects no more than minor.

First offence where potential effects more than minor.

First offence where actual effects more than minor, but capable of being remedied.

First-time offence where effects irreversible and no more than minor.

Abatement notice breaches where effects no more than minor.

Failure to provide certain information to an enforcement officer.

Notice can only be issued if all Four Boxes Below Ticked:

Capable of proving beyond reasonable doubt that an offence was committed.

Capable of proving beyond a reasonable doubt that the person on whom the notice is to be served is responsible for the offence.

No prosecution required for breach in question.

Infringement notice is likely to be an effective deterrent/fine sufficiently severe for offence.

Comments: _____

Infringement notice to be Issued: Yes / No / Decision Deferred

Signed: _____

Date: _____

Appendix Two: Infringement Notice Template

INFRINGEMENT NOTICE

Notice Number: 167

(Issued under the authority of section 343C of the Resource Management Act 1991)

ENFORCEMENT AUTHORITY:

Westland District Council

ENFORCEMENT OFFICER

IDENTIFICATION: XXX

TO: ABC Contractors Ltd, PO Box 123, Greymouth.

You are alleged to have committed an infringement offence against the Resource Management Act 1991, as follows:

Details of Alleged Infringement Offence

Section of Resource Management Act 1991 contravened:

Contravention of section 15(1)(b) (Discharge of contaminants to land where it may enter water) being an offence under section 338(1)(a).

Nature of infringement:

You have discharged a contaminant, namely sediment, from your mining operation at Imaginary Creek, Timbaktu, onto land where it has entered water, namely Imaginary Creek; when that discharge was not expressly allowed by a national environmental standard or other regulations, a rule in a regional plan, any proposed regional plan, or a resource consent.

Location: Imaginary Creek, at or about E2357736 N5830678

Date: 6 February 2010 ***Approximate time:*** 1950 hrs

THE FEE FOR THIS INFRINGEMENT IS: \$750.00

Payment of Infringement Fee

The infringement fee is payable to the enforcement authority within 28 days after: **25 February 2010**

The infringement fee is payable to the enforcement authority at: **36 Weld Street, Private Bag 704, Hokitika**

Payments by cheque should be crossed "Not Transferable".

Signature of Enforcement Officer

(IMPORTANT PLEASE READ SUMMARY OF RIGHTS PRINTED OVERLEAF)

Westland District Council RMA Compliance and Enforcement Policy

SUMMARY OF RIGHTS

Note: *If, after reading this summary, you do not understand anything in it, you should consult a lawyer immediately.*

Payment

1. If you pay the infringement fee within 28 days after the service of this notice, no further action will be taken against you in respect of this infringement offence. Payments should be made to the enforcement authority at the address shown on the front of this notice.

Note: If, under section 21 (3A) or (3C) (a) of the Summary Proceedings Act 1957, you enter or have entered into a time to pay arrangement with an informant in respect of an infringement fee payable by you, paragraphs 3 and 4 below do not apply and you are not entitled either to request a hearing to deny liability or to ask the Court to consider any submissions (as to penalty or otherwise) in respect of the infringement.

Further Action

2. If you wish to raise any matter relating to circumstances of the alleged offence, you should do so by writing to the enforcement authority at the address shown on the front of this notice within 28 days after the service of this notice.
3. If you deny liability and wish to request a hearing in the District Court in respect of the alleged offence, you must, within 28 days after the service of this notice, write to the enforcement authority at the address shown on the front page of this notice requesting a Court hearing in respect of the offence. The enforcement authority will then, if it decides to commence court proceedings in respect of the offence, serve you with a notice of hearing setting out the place and time at which the matter will be heard by the Court.
Note: If the Court finds you guilty of the offence, costs will be imposed in addition to any penalty.
4. If you admit liability in respect of the alleged offence but wish to have the Court consider submissions as to penalty or otherwise, you must, within 28 days after the service of this notice, write to the enforcement authority at the address shown on the front page of this notice requesting a hearing in respect of the offence AND in the same letter admit liability in respect of the offence AND set out the submissions that you would wish to be considered by the Court. The enforcement authority will then, if it decides to commence court proceedings in respect of the offence, file your letter with the Court. There is no provision for an oral hearing before the Court if you follow this course of action.
Note: Costs will be imposed in addition to any penalty.

1 Non-Payment of Fee

5. If you do not pay the infringement fee and do not request a hearing within 28 days after the issue of this notice, you will be served with a reminder notice (unless the enforcement authority decides otherwise).
6. If you do not pay the infringement fee and do not request a hearing in respect of the alleged infringement offence within 28 days after the service of the reminder notice, you will become liable to pay COSTS IN ADDITION TO THE INFRINGEMENT FEE (unless the enforcement authority decides not to commence court proceedings against you).

2 Defence

7. You will have a complete defence against proceedings relating to the alleged offence if the infringement fee is paid to the enforcement authority at the address shown on the front page of this notice within 28 days after the date of service of this notice on you. Late payment or payment made to any other address will not constitute a defence to proceedings in respect of the alleged offence.

Note: The following paragraph relates to defences available where a person is charged with an infringement offence against any of sections 9, 11, 12, 13, 14, and 15 of the Resource Management Act 1991.

8. (1) You will have a further defence (in addition to that indicated in paragraph 7 above) if you can prove -
 - (a) That -
 - (i) The action or event to which the infringement notice relates was necessary for the purposes of saving or protecting life or health, or preventing serious damage to property or avoiding an actual or likely adverse effect on the environment; AND
 - (ii) Your conduct was reasonable in the circumstances; AND
 - (iii) The effects of the action or event were adequately mitigated or remedied by you after it occurred; OR
 - (b) That the action or event to which the infringement notice relates was due to an event beyond your control, including natural disaster, mechanical failure, or sabotage, and in each case -
 - (i) The action or event could not reasonably have been foreseen or provided against by you; and
 - (ii) The effects of the action or event were adequately mitigated by you after it occurred
- (2) Subparagraph (1) does not apply unless you deliver a written notice to the enforcement agency within 7 days after you receive the infringement notice -
 - (a) Stating that you intend to rely on the matters in subparagraph (1); and
 - (b) Specifying the facts that support your reliance on subparagraph (1).
- (3) If you are a principal, employer, or the owner of a ship and you may be liable for an alleged offence committed by your agent, employer, or the person in charge of your ship, you will have a good defence (in addition to that indicated in paragraph 7 above) if -
 - (a) You are a natural person (including a partner in a firm) and you can prove that -
 - (i) You did not know nor could reasonably be expected to have known that the offence was to be or was being committed; OR
 - (ii) You took all reasonable steps to remedy any effects of the act or omission giving rise to the offence
 - (b) You are a body corporate and can prove that -
 - (i) Neither the directors nor any person concerned in the management of the body corporate could reasonably be expected to have known that the offence was to be or was being committed; OR
 - (ii) You took all reasonable steps to prevent the commission of the offence

2..1.1.1 Queries/Correspondence

9. When writing or making payment of an infringement fee, please indicate -
 - (a) The date of the infringement offence; AND
 - (b) The infringement notice number; AND
 - (c) The identifying number of each alleged offence and the course of action you are taking in respect of it (if this notice sets out more than 1 offence and you are not paying all the infringement fees for all the alleged offences); AND
 - (d) Your address for replies (if you are not paying all the infringement fees for all the alleged offences).

FULL DETAILS OF YOUR RIGHTS AND OBLIGATIONS ARE SET OUT IN SECTIONS 341 TO 343D OF THE RESOURCE MANAGEMENT ACT 1991 AND SECTION 21 OF THE SUMMARY PROCEEDINGS ACT 1957.

NOTE: ALL PAYMENTS, ALL QUERIES, AND ALL CORRESPONDENCE REGARDING THIS INFRINGEMENT MUST BE DIRECTED TO THE ENFORCEMENT AUTHORITY AT THE ADDRESS SHOWN.

Westland District Council RMA Compliance and Enforcement Policy

**Appendix Three: Abatement Notice Checklist
CHECKLIST - ABATEMENT NOTICE**

Site Name: _____
Address: _____
Location Reference: _____
Site Contact: _____
Person: _____ **Phone:** _____
File/Incident: _____ **WCRC:** _____
Reference: _____ **Officer:** _____

Nature of Offence/Contravention:

Offence Date: _____ **Time:** _____

Type of Abatement Notice:

<u>Abatement Notice Category</u>	<u>Section of the Act breached</u>	<u>Time Frame for Action</u>

Notice can only be issued if all four boxes below ticked:

- Incident occurring or likely to occur, but given the facts of the case a prosecution unlikely to proceed
- Enforcement Officer has reasonable grounds for believing conditions any of the circumstances specified in s322(1) and (2) exist
- Infringement notice not a more appropriate method of dealing with issue
- If notice is to correct an action that has been previously undertaken, is the WCRC capable of proving beyond doubt that original was committed by the person on whom notice is to be served

Abatement notice to be Issued: _____ Yes / No / Decision Deferred

Comments: _____

Signed: _____

Date: _____

Appendix Four: Form and Content of Abatement Notice

ABATEMENT NOTICE

Section 324, Resource Management Act 1991

TO: ABC Contractors Ltd, PO Box 123, Greymouth 7840.

The West Coast Regional Council gives notice that you must cease the following action:

The discharge of contaminants to land where it may enter water, where this discharge is not expressly allowed by a rule in a regional plan, a rule in a proposed regional plan or a resource consent.

The location to which this Abatement Notice applies:

Forest District – Imaginary Creek at or about NZMS 260 J33: 585 – 301

You must comply with this Abatement Notice within the following period:

30 October 2009

This Notice is issued under:

Section 322(1)(a)(i) of the Resource Management Act 1991.

The reasons for this Abatement Notice are:

On 23 September 2009 a Compliance Officer of the West Coast Regional Council inspected the Gold Mining operation at Imaginary Creek and found the following:

- A new screen had been set up at the eastern of the permit. This screen was operating without adequate sediment controls in place. This resulted in a discharge to land where it entered Imaginary Creek. As a result of this discharge Imaginary Creek was discoloured.
- This new area was not covered by the work programme that had been submitted to the West Coast Regional Council.
- Condition 4.3 of Resource Consent RC00000 requires "*the Consent Holder to exercise the consent in accordance with the Annual Work Programme, except that the Consent Holder may, at any time, submit to the Consent Authority an amended work programme provided it complies with all other condition of the consents.*"

Therefore the discharge of contaminants to land where it may enter water was not expressly allowed by a rule in a plan, any proposed regional plan, or resource consent

If you do not comply with this notice you may be prosecuted under section 338 of the Resource Management Act 1991 (unless you appeal and the notice is stated as explained below).

You have the right to appeal to the Environment Court against the whole or any part of this Notice. If you wish to appeal, you must lodge a Notice of Appeal in form 49 with the Environment Court within 15 working days of being served with this Notice.

An appeal does not automatically stay the Notice and so you must continue to comply with it unless you also apply for a stay from an Environment Judge under section 325(3A) of the Resource Management Act 1991 (see Form 50). To obtain a stay, you must lodge both an appeal and a stay with the Environment Court.

You also have the right to apply in writing to the Westland District Council to change or cancel this Notice in accordance with Section 325A of the Resource Management Act 1991.

The Westland District Council authorised the enforcement officer who issued this Notice. Its address is: The Westland District Council, 36 Weld Street, Private Bag 704, Hokitika, phone 03 756 9010 or 0800 474 834, fax 03 756 9045

The Enforcement Officer is acting under the following authorisation:

A warrant of authority issued by the Westland District Council, pursuant to section 38 of the Resource Management Act 1991, authorising the officer to carry out all or any of the functions and powers of an enforcement officer under the Resource Management Act 1991.

Signature of Enforcement Officer: _____

Date: _____

Westland District Council RMA Compliance and Enforcement Policy

Appendix Five Alternative Justice Policy

Background

Similar to the Restorative Justice process, the Alternative Environmental Justice approach is designed to allow the West Coast Regional Council to exercise prosecutorial discretion to resolve environmental offending without the offender gaining a conviction and a criminal record, while still ensuring timely remediation of the harm they have caused to the environment.

Applicability of the Alternative Justice Policy

Experience has shown that, in some cases, environmental offending is the result of ignorance of the rules or lack of care rather than outright deceptiveness or deliberate actions. Sometime in these cases the environmental impact is deemed to be more serious than what would warrant an infringement or abatement notice. However, exposing the offender to the full prosecution process may be too harsh. It is in these 'grey areas' where the Alternative Environmental Justice method could come into play.

The Alternative Environmental Justice Process

The current prosecution process follows the following steps:

1. A Compliance Officer discovers the offending and an investigation is carried out.
2. An enforcement discussion is held between the investigating officer and the Consents & Compliance Manager or Planning and Environmental Manager, and a staff Enforcement Decision is made.
3. If the decision in (2) above is to prosecute, then a recommendation report is prepared.
4. A decision is made whether to prosecute or not.

Following step 4 above, the Alternative Environmental Justice Policy would come into play:

5. At the same time as charges are laid with the Court; an Alternative Environmental Justice offer may be made to the defendant, and if accepted by the defendant, the Council would apply to the Court for an adjournment to court proceedings. The CEO together with the relevant Manager will decide whether an offender meets the eligibility criteria.
6. An Alternative Environmental Justice conference would then be undertaken, facilitated by an independent agency.
7. The conference would result in an agreement on the remedial actions and timeframes for completion. If the conference fails to reach agreement, the court process resumes.
8. Once all agreed actions are completed, Council applies to the Court to withdraw all charges.

Eligibility Criteria for Alternative Environmental Justice pathway

The defendant must intimate a guilty plea before being offered the opportunity to follow the Alternative Environmental Justice pathway. The scale of the environmental impact is important but more important is the attitude of the defendant towards the offending and their compliance history. If an offender has a history of offences they may not be offered the opportunity to follow the Alternative Environmental Justice pathway.

Other criteria include:

- Culpability, the level of intent involved in commissioning of the offence;
- Degree and type of deterrence required;
- The defendant's personal factors. For example age and health may be taken into consideration;
- The views of any victim directly affected by the offending are also important (if there is a victim)
- All Council investigation costs must be met by the offender.

The Solicitor General's guidelines for prosecution decisions also contain relevant criteria that will apply in some cases.

Offering Alternative Environmental Justice

There are a range of complexities around RMA prosecution cases, including offences that have been carried out by more than one offender. Offender's culpabilities may be different so it may be that one person can be eligible for Alternative Environmental Justice, whereas another offender may not. The offer of Alternative Environmental Justice will be made in writing at the time of service of the court summons. Acceptance must also be made in writing to Council by the defendant. Both parties retain the right to remove themselves from process for any reason, hence the need for charges to be laid at the outset. Likely reasons for withdrawal from the Alternative Environmental Justice process include:

- The defendant may believe the requirements of Alternative Environmental Justice are too onerous and may consider that a hearing in court is their best option.
- The defendant may wish to reverse their intimation of guilt.
- Council may wish to withdraw if the defendant is not acting in good faith.

The Alternative Environmental Justice Conference

Similar to the Restorative Justice conference, this would be facilitated by an independent agency that is listed as a provider of Restorative Justice conferences with the Ministry of Justice. This will maintain transparency and impartiality for all parties involved in the process. The conference participants will include:

1. Conference facilitator
2. Council representatives (Investigating officer plus Consents & Compliance Manager)
3. Defendant, and support person if desired
4. Victim (if any)

The purpose of the Alternative Environmental Justice process is to facilitate the resolution of the offending to the standard where it is no longer in the public interest to proceed with a prosecution. It is up to the defendant to offer measures to address the impact of their offending. The appropriateness of the measures agreed to will be evaluated against the following:

- The proposed remediation measures must be in proportion to the offence.
- The defendant must show remorse.
- Remediation of harm caused should be undertaken by the defendant. It may be appropriate for Council to seek an enforcement order to ensure agreed remediation is fully completed.
- The remediation measures must be able to be completed within a suitable timeframe.
- The defendant must demonstrate an improved understanding of the rules relating to their activities (they may be able to show this by applying for resource consent or installing best practice systems).
- At the conclusion of this process the defendant should understand why their action was an offence and how to avoid similar incidents occurring in the future.
- General deterrence – the process is public and transparent and the publicity of the process and the remediation undertaken helps to educate the general public about environmental accountability.
- It may be appropriate for the defendant to compensate victims affected by the offending and non-financial reparation should be considered. If a community is affected then a donation to that community may be appropriate, but again this process needs to be transparent.
- The remediation measures must not provide any direct benefit to Council

Meeting the Council's Costs

The defendant will be liable for all the costs associated with the process. This includes the investigation and legal costs leading to the decision to undertake Alternative Environmental Justice and the costs associated with the Council attending the Conference (including the independent facilitator costs). If one of the parties withdraws from the process then the defendant cannot be held liable for costs. However if this was to occur then Council would incorporate these costs into any sentencing submissions during the court process that follows.

CCL 7

Received 05.10.17



188b Revell Street
HOKITIKA

Mayor Bruce Smith
Westland District Council
HOKITIKA

2nd October 2017

CE	Mayor	GM PCE	GM DA	GM CS	EA	
	✓					

Dear Mayor Bruce

I am writing to you on behalf the the St. Mary's Conference of the St. Vincent de Paul Society here in Hokitika.

A couple of weeks ago you visited our shop on Revell Street and in the course of the visit you were informed that it cost the Society a considerable amount of money to dump the rubbish. Last year we paid out \$2300.00 in dump fees, a huge amount of money which could have gone to help many needy people.

On your visit you said that if we contacted you you would look into helping to ease this cost, hence this letter.

Thank you for taking an interest in this matter, and I look forward to your response.

Yours sincerely

Stephanie Knighton
Secretary.