

AGENDA

Ordinary Council Meeting

**Council Chambers,
36 Weld Street
Hokitika**

**Thursday 28 February 2019
Commencing at 11.00 am**

His Worship the Mayor R.B. Smith
Deputy Mayors Cr H.M. Lash and Cr L.J. Martin
Crs D.L. Carruthers, Gray Eatwell, D.M.J. Havill ONZM,
J.A. Neale, G.L. Olson, D.C. Routhan
Kw. Francois Tumahai, Te Rūnanga o Ngāti Waewae
Kw. Tim Rochford, Te Rūnanga o Makaawhio



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 28 FEBRUARY 2019 COMMENCING AT 11.00 AM

22 February 2019

COUNCIL VISION

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

Purpose:

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

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

1. MEMBERS PRESENT, APOLOGIES AND INTEREST REGISTER:

1.1 Apologies & Leave of Absence

1.2 Interest Register

2. CONFIRMATION OF MINUTES:

2.1 Ordinary Council Meeting – 24 January 2019

Pages 8-16

2.2 Extraordinary Council Meeting – 7 February 2019

Pages 17-23

3. PRESENTATIONS:

- 3.1 12 noon - Landscape Scale Predator Control on the West Coast – Mark Davies, Director, Operations – Western South Island Region.

Lunch from 12.30 pm to 1.00 pm.

- 3.2 1.00 pm – Friendship Status – Professor Yeujin FENG, Member New Zealand China Exchange Incorporated and Mike Keenan, Westland’s Ambassador to the Chinese

- 3.3 1.30 pm Geothermal West Coast – Brian Carey, Lead Scientist, GNS Science

- 3.4 3.00 pm – Video Link - Westland Holdings Half Yearly Report – Albert Brantley, Chair & Chris Gourley, Director

4. ACTION LIST:

The Action List is attached.

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5. REPORTS FOR INFORMATION:

Nil.

6. REPORTS FOR DECISION:

- 5.1 Proposal to Encourage Use of Te Reo Māori in Council Communications and Documents Pages 25-30

- 5.2 Transfer of Caravan to Destination Westland Limited Pages 31-32

- 5.3 Proposed Stopbank Extension at Franz Josef Pages 33-37

- 5.4 Responsible Camping Areas – Freedom Camping Bylaw 2018 Pages 38-61

7. ADMINISTRATIVE RESOLUTION:

- 7.1 Warrant of Appointment - Te Aroha Cook, Regulatory Services Manager

An Enforcement Officer pursuant to section 177 of the Local Government Act 2002, in relation to any offence under this Act including without limitation:

Offences against Bylaws made under this Act

- Section 164 Exercise the Power to Seize Property not on Private Land

- Section 165 Exercise the Power to Seize Property on Private Land
- Section 168 Power to dispose of Property Seized and Impounded
- Section 171 General Power of entry
- Section 172 Power of Entry for Enforcement Purposes
- Section 173 Power of entry in Cases of Emergency
- Section 174 Authority to Act
- Section 177 Power to appoint Enforcement Officer

An Authorised Officer pursuant to the Local Government Act 1974 for the purpose of:

- Section 355 Removal of Overhanging Trees
- Section 356 Removal of Abandoned Vehicles from Roads

An Enforcement Officer pursuant to section 38(1) of the Resource Management Act 1991, for the purposes of:

- Section 22 Duty to Give Certain Information
- Section 322 Scope of Abatement Notice
- Section 323 Compliance with an Abatement Notice
- Section 327 Issue and Effect of Excessive Noise Direction
- Section 328 Compliance with an Excessive Noise Direction
- Section 332 Power of Entry for Inspection
- Section 333 Power of Entry for Survey
- Section 335 Content and Effect of Warrant for Entry for Search
- Section 343C Infringement Notices

An Enforcement Officer pursuant to Section 232, and an Authorised Officer pursuant to Section 222(4) of the Building Act 2004 with the following delegated responsibilities, powers and duties:

- Section 12 Carry out Function of Building Consent Authority
- Section 83 Removing Section 78 Notices
- Section 220 Carrying Out Building Work on Default
- Section 222 Inspections and Entry onto Premises
- Section 377 Lay Information for Prosecution

A Warranted Dog Control Officer pursuant to Section 11 of the Dog Control Act 1996, for the purpose of:

- Section 14 Power to Enter Land or Premises
- Section 15 Power to Seize or Feed and Shelter Dog
- Section 16 Districts in which Power may be Exercised
- Section 17 Powers of Warranted Officers
- Section 19 Power to Request Information about Owner
- Section 19A Power to Request Information about a Dog
- Section 21 Classifying a Probationary Officer
- Section 22 Objection to Classification as a Probationary Owner Objection
- Section 25 Disqualification of Dog Owners
- Section 27(2) To Give Written Notice – Decision on a Disqualified Owner Objection
- Section 31 Territorial Authority to Classify Dangerous Dogs
- Section 32 Effect of Classification as a Dangerous Dog
- Section 33 Territorial Authority's Consent to Disposal of Dangerous Dog
- Section 33A Territorial Authority may Classify Dog as Menacing

- Section 33 C Classification of Menacing Dog
- Section 33 D Objection to Classification of Dog Under Section 33C
- Section 35 Supply of Register Information
- Section 42 Failure to Register Dog
- Section 55 Barking Dog
- Section 56 Removal of Barking Dog
- Section 57 Seizure of Dog Responsible for Attack of Persons or Animals
- Section 57A Seizure of Dog Rushing at Persons, Animals or Vehicles
- Section 66 Issue of Infringement Notices and Power to Waive Infringements
- Section 69 Impounding and Disposal of Dog

A Pound Keeper Pursuant to Section 8 of the Impounding Act 1955 for the purpose of:

- Section 13 Records to be kept by Local Authority
- Section 63 Delegation of Local Authority Powers
- Section 64 Serving of Notices

An Environmental Health Officer pursuant to Section 28 of the Health Act for the purpose of:

- Section 34 Abatement of Nuisance Without Notice
- Section 41 Issue Cleansing Orders
- Section 42 Requiring of Repairs and Issue of Closing Order
- Section 81 Power of Local Authority to Disinfect Premises
- Section 128 Power of Entry and Inspection

An Authorised Officer Pursuant to the Food Act 2014

- To carry out any functions as the registration authority as detailed in the act.

An Inspector Pursuant to Section 197 of the Sale and Supply of Alcohol Act 2012 for the Purpose of:

- Section 262 Infringement Notices
- Section 267 Powers of Entry on Licensed Premises
- Section 268 Power to Seize Alcohol
- Section 280 Variation, Suspension, or Cancellation of Licenses other than Special Licenses
- Section 281 Suspension or Cancellation of Licenses by Licensing Authority in respect of Certain Offences
- Section 283 Variation, Suspension or Cancellation of Special Licences
- Section 285 Suspension or Cancellation of Manager's Certificates

An Authorised Officer to perform the following

- To issue and decline certificates of registration, grant certificates of exemption and issue notices under
 - Regulation 9 of the Health (Registration of Premises) Regulations 1966
 - Hairdressers Regulations 1980
 - Food Hygiene Regulations 1974
 - Camping Ground Regulations 1985
- To Register Funeral Directors and Premises under the Health (Burial) Regulations 1985
- To Take Actions under the Food Act Regulations 2015

A Litter Control Officer pursuant to Section 5 of the Litter Act 1979 for the purpose of

- Section 7 Enforcing Provisions of the Act
- Section 10 Territorial Authority may Require Occupier of Private Land to Clear Litter
- Section 14 Serving of Infringement Notices

An Authorised Officer pursuant to Amusement Devices Regulations 1978 for the purpose of:

- Regulations 11(3) Inspection of Amusement Device
- Regulation 11(5) Issue of Permit

A Parking Warden Pursuant to Section 7 of the Transport Act 1962

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 – 24 January 2019

8.2 Staff Conflicts of Interest and Protected Disclosures Policy

8.3 CE's 6 Monthly Review

8.4 Tender 18.19.06 – Butlers Landfill Operations

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 -24 January 2019	Confidential Minutes	Good reasons to withhold exist under Section 7	Section 48(1(a) & (d)
8.2	Confidential Report – Staff Conflicts of Interest and Protected Disclosures	Confidential Report	Good reasons to withhold exist under Section 7	Section 48(1(a) & (d)

	Policy			
8.3	Confidential Item – CE’s 6 Monthly Review	Confidential Information	Good reasons to withhold exist under Section 7	Section 48(1(a) & (d)
8.4	Report to Council – Tender 18.19.06 – Butlers Landfill Operation	Confidential Report	Good reasons to withhold exist under Section 7	Section 48(1(a) & (d)

Date of next Ordinary Council Meeting – 28 March 2019
Council Chambers, 36 Weld Street, Hokitika

MINUTES OF AN ORDINARY MEETING OF THE WESTLAND DISTRICT COUNCIL, HELD IN THE COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA ON THURSDAY 24 JANUARY 2019 COMMENCING AT 11.02 AM

1 MEMBERS PRESENT, APOLOGIES AND INTEREST REGISTER

1.1 Members Present

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

Deputy Mayor H.M. Lash

Deputy Mayor Cr L.J. Martin

Crs D.M.J. Havill (ONZM), J.A. Neale, G.L Olson, D.C Routhan, Cr Gray Eatwell,

Cr D.L Carruthers

Kw. Francois Tumahai, Te Rūnanga o Ngāti Waewae

Apologies and Leave of Absence

Nil.

Absent:

Kw. Tim Rochford Te Rūnanga o Makaawhio

Staff in Attendance:

S.R. Bastion, Chief Executive; L.A. Crichton, Group Manager: Corporate Services; D.M. Maitland, Executive Assistant; E. Bencich, Operations Manager; D. Inwood, Group Manager: District Assets; T.A. Cook, Regulatory Services Manager; F. Scadden, Customer Service and Planning Manager; D. Tharandt, Capital Projects Manager; K. Hibbs, People and Capability Manager.

1.2 Interest Register

His Worship the Mayor noted that amendments to the Interest Register had been made in the Finance, Audit and Risk Committee Meeting held on the 24 January 2019.

2. CONFIRMATION OF MINUTES:

2.1 Ordinary Council Meeting – 13 December 2018

Moved Cr Carruthers, seconded Cr Routhan and **Resolved** that the Minutes of the Ordinary Meeting of Council, held on the 13 December 2018 be confirmed as a true and correct record the meeting.

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

4. ACTION LIST:

The Chief Executive went through the Action List and provided updates to the listing.

Moved Cr Routhan, seconded Cr Neale and **Resolved** that the updated Action List be received.

5. REPORTS FOR INFORMATION:

5.1 Chief Executive's Report

The Chief Executive spoke to his report and provided the following updates:

- FJWWTP – Resource Consent has been received and works have been commenced on site.
- Franz Josef Water Intake – completed by Westroads, within budget.
- FJWWTP Prosecution – item is still with lawyers. Progress has been made regarding this item.
- Hokitika WWTP – Operations Plan has been completed. Tenders for desludging will be issued. Desludging will occur in Hokitika, Fox Glacier and Haast.
- Kumara Water Treatment Plant Upgrade has been completed and undergoing final commissioning.
- Whataroa Water Treatment Plant has been pushed back due to Kumara works.
- Sunset Point – fill has been completed and work will be undertaken to raise the fill further. Work on the rock wall is due to start within the next month to lift the wall on both sides of the carpark. Infrastructure will be completed after that time.
- Bruce Bay – building and carpark has been completed.
- Haast Toilets – staff are working on consent documentation. The existing toilets will be removed.
- Kumara, Ross and Whataroa Toilets – new applications are being progressed and work is being undertaken with suppliers on the design and delivery dates, including construction.
- New applications are being investigated for funding from the Tourism Infrastructure Fund. These projects are for the Ross Water Intake, Fox Glacier Wastewater Treatment Plant and the Haast Water Reservoir.

- Responsible Camping Initiatives – 3 sites have been completed and are working well. New sites are also underway.
- West Coast Wilderness Trail Enhancements – Old Christchurch Road and Lake Kaniere Road, Stage 1 are being investigated. Works on Old Christchurch Road commence next week (week of 28 January)
- Franz Josef Future Planning – application to PGF for \$2.2m for Future State Franz Josef has been rejected. Work will be undertaken on a future approach.
- West Coast Economic Strategy – two applications for the Museum, Culture and heritage and the Pounamu Pathway has been endorsed by all Councils for driving a Culture and Heritage Programme for the West Coast. Kw Tumahai spoke regarding what the tourists are seeking on the West Coast and utilising the Pounamu Pathway Strategy, linking it into iconic sites such as the Hokitika Museum and other areas on the West Coast. Noted that this will be undertaken as soon as possible. Meetings will be held with stakeholders.
- Geothermal West Coast – a presentation on Stage 1 will be presented to the 28 February 2019 Council Meeting.
- Operational Management Plans (AMPs) via the District Assets Team are being worked on.
- Hokitika Gorge full loop – including the new suspension bridge. This project has been delayed until April-May 2019.
- Westland Milk Products (WMP) Ocean Outfall Project – including the pipeline. Discussions had been held if Council will join WMP in the project. The current consent expires in 2026.
- Westland Sportshub – covered stands across the netball courts. The successful contractor has been approved.
- Carnegie Building – quantity surveying has been completed. Lotteries Application for March 2019. Lotteries decision around May-June 2019 working with the Museum regarding timing – late winter 2019 proposed.
- Building and Planning consent numbers have increased, compared to last year.
- Animal Control has been brought back in-house.
- Staffing Updates – Welcome to Te Aroha Cook as Regulatory Services Manager; Dominique Tharandt as Projects Manager; and Vicki Price as Business Support Officer for District Assets.

Deputy Mayor Lash discussed the item of Sunset Point. It was noted that the rock work will be undertaken via TIF funding and that Council has applied for funding for parking.

Franz Josef Infiltration Gallery – The current field is continually compromised because of binding material. The infiltration gallery has been rebuilt a number of times.

Whataroa Water Upgrade – The Group Manager District Assets advised it will be 2-3 months work and advised that he will advise Deputy Mayor Lash of the outcome of the next meeting held on Friday, including projected dates. A water safety plan will be prepared for the site.

Cr Routhan – Sunset Point. Noted that the TIF contribution was \$489,000 plus Council’s contribution of 25% which includes infrastructure as well.

Cr Routhan – Ocean Outfall. The Chief Executive advised that staff is still working with Westland Milk Products regarding options and a report will come back to Council. A consultant is working with staff regarding this item.

Cr Routhan – query regarding staff numbers. The Chief Executive advised there are approximately 55 positions employed at Council.

Moved Cr Carruthers, seconded Deputy Mayor Lash and **Resolved** that the updated Quarterly Report from the Chief Executive dated 24 January 2019 be received with congratulations on a full and comprehensive report.

3. PRESENTATIONS:

3.1 Visit to Huanggang City, China

Professor Yuejin FENG (Member of the New Zealand China Exchange Incorporated), Steven Ma (Chairman of the New Zealand China Exchange Incorporated), Deputy Mayor Martin, Trevor Willcock (Chief Executive, Destination Westland) and Mike Keenan (Westland’s Ambassador to the Chinese Community) provided a visual presentation regarding the four day visit discussing partnership opportunities between Westland and Huanggang City.

The group were congratulated on their presentation, noting that there would be opportunity for Westland to work with Huanggang City and build the relationship for mutual benefit.

3.2 Community Service Awards

Charlie McBeath and Aaron Smith attended the meeting to receive a Community Service Award from His Worship the Mayor for work in their respective communities of Ross and Okarito and thanked them for their contribution to the Westland District.

The meeting then adjourned for lunch at 12.12 pm and reconvened at 12.55 pm

6. REPORTS FOR DECISION:

6.1 China Travel Costs for Deputy Mayor Martin and Sister City Exploratory Trip to Huanggang City – China

The Mayor spoke to this item and referred to the presentation provided to Council at the morning session of the meeting.

Deputy Mayor Lash asked for a discussion at the table regarding the creation of a Sister City and asked if that is what our ratepayers want. Deputy Mayor Lash asked is it something that Council needs to consult on regarding forging a Sister City Relationship.

The Group Manager Corporate Services advised that it is not a significant amount of money that would result in consultation having to take place.

Deputy Mayor Martin declared a conflict of interest and noted for clarification purposes only, that the invoice for \$1,895.78 including GST had been received from Destination Westland (DW).

The Group Manager: Corporate Services advised that if Council agreed to the payment, Council would be paying DW via reimbursement; and noted that if any member of the public goes to the iSite to book accommodation and flights, DW would invoice whomever it may be. It was noted that DW have the All of Government Contract.

Cr Routhan asked if DW paid the travel costs of two other people to China.

His Worship the Mayor referred Councillors back to the agenda item.

A general discussion then ensued and a point of order was raised by Cr Carruthers.

Concerns were then noted as follows:

- The cost of a reciprocal journey and how much this would cost.
- The sanctioning of any costs.
- The lack of process undertaken resulting in the invoice being received.
- The principle involved in being asked to pay the account retrospectively.
- Noted that it had been publicly stated that there would be no cost to Council for the journey.

Support was however noted for the benefit to the wider community of interest and positive advantages that potentially could result from the trip to Huanggang City, including the benefits to Westland High School.

Moved Cr Routhan, seconded Deputy Mayor Lash and **Resolved** that Council decline payment of the travel costs of \$1,895.78 including GST for Deputy Mayor Martin for the journey to Huanggang City China.

Moved Deputy Mayor Lash, seconded Cr Olson and **Resolved** that Westland District Council sanctions the visit of a delegation from Huanggang Municipal City. with a view of further developing the opportunity of a Sister City relationship with Huanggang City in China, noting that hospitality costs would be paid for by Council and sponsors.

It was noted that Professor Yuejin FENG be invited to speak to Council regarding the benefits of developing a Sister City relationship.

6.2 **Ordering of Candidate Names on Voting Papers**

The Group Manager: Corporate Services spoke to this item.

Moved Cr Routhan, seconded Cr Olson and **Resolved** that Council resolve that the names of candidates at the 2019 Westland District elections and any intervening by-elections be arranged in random order.

6.3 **Transfer of Land at Kaniere – Harper Park**

The Chief Executive spoke to this item.

Moved Deputy Mayor Lash, seconded Cr Eatwell and **Resolved** that Council transfers SEC 4141 Block I Kaniere-Harper Park to Destination Westland for management purposes so that it can be leased for horse grazing.

Cr Routhan recorded his vote against the motion.

6.4 **Projects and Carry Forwards**

The Group Manager: Corporate Services spoke to this item.

Moved Cr Routhan, seconded Cr Olson and **Resolved** that Council approve the carry forward to 2018-19 of funds totalling \$3,038,725 for the projects itemised in the Council Agenda.

7. **DISCUSSION ITEMS:**

7.1 **Living Wage**

Cr Neale spoke to this item and advised that she would like to see that all employees of Westland District Council be paid a living wage, and that any contractors are also required to pay the living wage, and asked that a report and policy come back to Council.

The People and Capability Manager spoke to this item and advised there are no staff at Council currently paid below the living wage.

A direction was given to staff to bring a report back to Council regarding the Living Wage.

7.2 Green Waste Collection

Cr Neale spoke to this item and supported a green waste collection and asked for a staff report back to Council in June 2019.

The Operations Manager spoke to this item and advised that any update in services would need to wait for the next LTP process and that moving to a three weekly cycle could potentially be an issue, and be harder to manage. He further advised that there is a regional project that will be brought back to Councillors for attention.

A direction was given to staff to bring a presentation back to Council regarding waste management within a 6 month timeframe, including an update on the Waste Minimisation Fund.

7.3 Hokitika Beachfront and Potential Upgrade

It was noted that this item had already been discussed.

7.4 Trading in Public Places

Deputy Mayor Lash read out a letter from Barry Wilson, Chair of the Central Business Group expressing concern at the unregulated influx of mobile food trucks situated on the beachfront at the end of Weld Lane, and requesting an immediate review of the Trading in Public Places Bylaw. Deputy Mayor Lash advised that she would email the letter to the Executive Assistant for circulation to the Mayor and Councillors.

The Customer Services and Planning Manager provided background information in relation to the required licence fee and noted that Council has full discretion to move traders at any time. Traders pay to use Council legal road.

A direction was given to staff to identify an appropriate location for traders, including powered sites.

Cr Eatwell left the meeting at 2.29 pm and returned at 2.31 pm.

Kw. Tumahai expressed concern regarding the noise and rubbish issue for the coffee cart at the Hokitika Gorge. The Chief Executive advised that the contract for the coffee cart is managed by Destination Westland, and there is a licence to occupy in place. The Chief Executive noted that the coffee cart will need to be relocated to a more suitable area due to a sewerage issue and proposed upgrade of the existing site.

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

Moved Cr Olson, seconded Cr Havill and **Resolved** that Council exclude the public in accordance with Section 48, Local Government Official Information and Meetings Act 1987 at 2.31 pm.

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 – 13 December 2018

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 -13 December 2018	Confidential Minutes	Good reasons to withhold exist under Section 7	Section 48(1(a) & (d)

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

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

Moved Deputy Mayor Martin, seconded Cr Havill 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 2.33 pm.

Date of next Ordinary Council Meeting – 28 February 2019
Council Chambers, 36 Weld Street, Hokitika

MEETING CLOSED AT 2.33 PM

Confirmed by:

Mayor Bruce Smith
Chair

Date

MINUTES OF AN EXTRAORDINARY COUNCIL MEETING, HELD IN THE COUNCIL CHAMBERS 36 WELD, STREET HOKITIKA ON THURSDAY 7 FEBRUARY 2019 AT 4.01 PM

1 MEMBERS PRESENT, APOLOGIES AND INTEREST REGISTER

1.1 Members Present

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

Deputy Mayor H.M. Lash

Deputy Mayor Cr L.J. Martin

Crs D.M.J. Havill (ONZM), J.A. Neale, G.L Olson, D.C Routhan, Cr Gray Eatwell, , Kw. Francois Tumahai, Te Rūnanga o Ngāti Waewae

Apologies and Leave of Absence

Cr D.L. Carruthers

Moved Deputy Mayor Lash, seconded Deputy Mayor Martin and **Resolved** that the apology from Cr Carruthers be received and accepted.

Absent:

Kw. Tim Rochford Te Rūnanga o Makaawhio

Staff in Attendance:

S.R. Bastion, Chief Executive; L.A. Crichton, Group Manager: Corporate Services; D.M. Maitland, Executive Assistant; F. Scadden, Customer and Planning Manager; Te Aroha Cook, Regulatory Services Manager; E. Rae, Strategy and Communications Advisor, M. Dixon, Compliance Team Leader; V. Morris, Engineering Officer.

1.2 Interest Register

The Interest Register was available on the Council table.

2. TO CONSIDER THE IMPACT OF THE GOVERNMENT FUNDED FREEDOM CAMPING SITES ON LOCAL ACCOMMODATION PROVIDERS

His Worship the Mayor welcomed members of the public to the meeting and recognised that some people had travelled some distance to be in attendance at the meeting.

The meeting has been called to allow accommodation providers in Westland to put their views to Councillors on the impact of the freedom camping sites which are Central Government funded and administered by Council, and to consider possible solutions. Each submitter would be allocated 5 minutes to speak.

Twenty submitters had indicated that they wished to be heard at the meeting. All written submissions received had been circulated to Council.

His Worship the Mayor outlined the process for submitters and provided background information in regard to Council's Freedom Camping Bylaw which had been adopted after public consultation.

Submissions had been received from:

1. Fritz Fehling, Harihari

Mr Fehling spoke to his written submission which includes his views on definitions of camping and the effects on the environment.

2. Robyn Hoglund, Haast

Ms Hoglund was unable to attend the meeting, however her written submission had been circulated.

3. Danni Eggeling

Mrs Eggeling spoke on topics such as development of local commercial enterprise for tourism and the impact of freedom camping on this. She proposed that freedom camping should be banned in South Westland and policed. She would like more community involvement and individual responsibility.

4. Carol Scott, Bruce Bay

Mrs Scott was unable to attend the meeting, however her written submission had been circulated.

5. Nathan Hogleund, Lake Paringa

Mr Hogleund advised that he runs an accommodation business at Lake Paringa. He spoke on topics such as reduction in business income for January-February, the wonderful asset on the Coast which needs to be preserved and protected.

6. Peter and Cheryl Mitchell, Christchurch

Mr and Mrs Mitchell's written submission had been circulated. Mr Mitchell had also submitted a written submission on behalf of B2B RV Services.

7. Diane Craig

Mrs Craig's written submission had been circulated.

8. Ken Arnold, Managing Director, White Heron Sanctuary Tours, Whataroa

Mr Arnold's written submission had been circulated.

9. Michele Manera, Department of Conservation, Neils Beach

Ms Manera's written submission had been circulated.

10. Phillipa Glubb, Hannahs Clearing, Haast

Ms Glubb's written submission had been circulated.

11. Rachel Black, Jackson Bay Road

Ms Black's written submission had been circulated.

12. Raylene Black, Haast

Ms Black's written submission had been circulated.

13. Tania and Darryl Frisby, Haast

Mr and Mrs Frisby's written submission had been circulated.

14. Tracey Dinan, General Manager, Heartland World Heritage Hotel, Haast

Ms Dinan's written submission had been circulated.

15. Royden Dick, Pukekura Lodge and Camping Ground

Mr Dick advised he was representing Pukekura Lodge and Camping Ground and spoke regarding Council failing all accommodation providers, his belief of the lack of consultation and undertaking, and asked Council to cancel the freedom camping sites to allow people to make living.

16. Logan Skinner, delegated authority to speak on behalf of Franz Inc.

Mr Skinner spoke regarding freedom camping, and also tabled written information from Ashley Cassin, Chair of Glacier Country Tourism Group. Mr Skinner advised that he appreciated that Council has tried to do alleviate the issues of previous seasons with the TIF funding. Topics covered included damage to local businesses, details of the affect to his business, potential damage to the Natural Wilderness Brand, needing a sustainable product. He offered alternative solutions including focus on education, producing some printed material and erecting notices.

17. Phillip Patterson

Mr Patterson advised that he represented everyone including freedom campers, noting that you cannot drink the water in the local creek.

18. Kerri Weston, Birdsong Backpackers

Mrs Weston advised has an accommodation business which she set up after travelling NZ herself. She noted that one of the biggest changes she has seen is the way people travel, everything is done on a Smartphone. Advised that a year-long visa traveller spends a lot more money than a short-term budget traveller, which impacts on her business. Topics covered included the Tourism NZ roadshow noting that they are no longer investing in the backpacker market because they are aiming at the high-yield tourist and also discussed the Acre Creek freedom camping site.

19. Trevor Lister, Personal Submission

Mr Lister, Chairperson of the Ross Community Council advised that his main submission is personal. Topics discussed included the Freedom Camping Act, advised that we need to be very careful with terminology, Council did not create freedom camping areas, however they have contributed to the problem, target group for freedom camping, the Waitaha site and establishing camping sites on a Council reserve.

20. Sue Stile, Ross Beach Top 10

Ms Stile advised she has been in tourism parks for 20 years. Topics included the reduction in referrals from i-SITES, data from Campermate shows people aren't using commercial campsites so there should be a stronger emphasis from Councils on commercial campgrounds, follow the lead of Buller District and allow only self-contained vehicles, on a national level, freedom camping is only triggered when capacity is reached, or where there is overflow, and if all the camp grounds were full, all we need is a website like Campermate, it could be paid for out of tourism.

21. Sharon Jordon, Cloud 9 Campervan Park

Ms Jordon advised that she owns and operates Cloud 9 Campervan Park. Topics discussed included the impact of new sites on their patronage numbers, not meant to have an adverse effect on businesses safety of the sites in light of Health and Safety regulations and abuse of locals by tourists at the site.

Asked Council to consider measures to assist the above topics.

22. Mrs Susan Clarke, Manager, Hokitika's Kiwi Holiday Park and Motels

Mrs Susan Clarke commented on self-contained vehicles versus non self-contained. Mrs Clarke had also provided a written submission as Manager of the Hokitika's Kiwi Holiday Park and Motels.

23. Ms Jackie Grant

Ms Grant advised that she used to own Cloud 9 Motorcamp and used to come to Council and express her concerns noting that in her opinion, the problem has compounded.

24. Jim Wafelbakker, Kakapotahi

Mr Wafelbakker spoke regarding Kakapotahi Beach and noted that in Holland you cannot go freedom camping. He advised that he is running a B&B. Noted the positive aspects of the responsible camping sites, and that businesses could get a hawkers licence to sell their wares to the campers.

25. Peter Salter, The Bushmen's Centre, Pukekura

Mr Salter spoke regarding topics such as the camp site at Waitaha, the amount of people each night in that area, concerned at freedom campers contributions to the country, agreed with leaving the toilets in certain places on the highways, suggestion of closing the sites down unless people have a registered, self-contained

certificate, and asked that Council go back to Central Government for further discussions regarding freedom camping.

26. Kathryn Lane – Wildside Backpackers and Lodge in Harihari

Ms Lane advised that she has two Airbnbs and since the Waitaha campsite has been operational, there has been an effect on her business. Topics discussed included public consultation, cost of the sites and only self-contained vehicles being allowed.

27. Kate Hawkins – Greenstone Retreat, Kumara

Ms Hawkins advised that visitor numbers are lower than expected. She has invested hugely in her accommodation operation. Topics discussed including the damage that free sites are having on accommodation providers, monitoring, consultation and restricting use of the sites to daytime only.

Ms Hawkins advised that solutions need to come from a United Government and Councils.

28. Mark Brown, campground owner in Ross

Mr Brown advised that he has been a campground owner in Ross for 33 years and thanked the Council for getting everyone together to try and resolve the issues regarding freedom camping. Topics discussed included the effect that freedom camping has on established businesses, and the effect that freedom campers have on people at the present point in time.

29. Kathryn Benny, Jackson Bay

Ms Benny spoke in opposition to the proposed freedom camping area at Jackson Bay. Topics discussed included the effect that such a proposal would have on the endangered wildlife in the area and the availability of the DoC campground. She is concerned that Jackson Bay was included as a freedom camping site.

30. Inger Perkins, Manager, West Coast Penguin Trust

Ms Perkin's was unable to present her submission in person, however it was circulated to Council via email. Ms Perkins asked that Council recommends that no new freedom camping be allowed or encouraged in areas that could adversely affect tawaki, and that proposals to allow freedom camping at Jackson Bay be withdrawn.

31. Inge Bolt

Ms Bolt was unable to attend the meeting and present her submission.

32. Samuel Blight, Hokitika Holiday Park

Mr Blight provided a verbal submission. Topics discussed included the issues of at the camping site at Acre Creek and visitor experience to the area. Paying tourists are not going to want to come here if the reputation is not good. Need to look at this in a practical and logistical sense, some are in small cars, and some will go to a commercial provider. Noted that the current situation is a national issue, not a local issue.

Asked that Council take another look at one-night, self-contained camping only, and asked that current freedom camping sites be limited by numbering, and enforced.

Deputy Mayor Martin left the meeting at 6.27 pm and returned at 6.28 pm.

MEETING CLOSED AT 6.31 PM.

Confirmed by:

Mayor Bruce Smith
Chair

Date

Council Meetings - Action List

Date of Meeting	Item	Action	Officer	Status
28.06.18	Kaniere School Students – Cycle trail	Council staff to get back to the Kaniere School Students regarding the proposal	GMDA	Options are being considered.
24.01.19	Huanggang City – China	Sanctioned the visit of a delegation from Huanggang Municipal City with a view of further developing the opportunity of a Sister City Relationship.	Mayor	Benefits of Sister City relationship to be quantified. Visit by Prof. Yuejin Feng on the topic.
24.01.19	Transfer of Land at Kaniere – Harper Park	Council transfers SEC 4141 Block I Kaniere-Harper Park to Destination Westland for management purposes so that it can be leased for horse grazing. Advise Destination Westland	CE	Actioned.
24.01.19	Living Wage	Policy back to Council	P&CM	Report to 28.02.19 Council Meeting
24.01.19	Waste Minimisation Fund	Presentation back to Council regarding waste management within a 6 month timeframe.	OM	June 2019
24.01.19	Trading in Public Places	Staff to identify an appropriate location for traders, including powered sites	C&PM	Being considered as part of the beachfront development. Quotes being sourced for the sites.

Report



DATE: 28 February 2019

TO: Mayor and Councillors

FROM: Strategy and Communications Advisor

PROPOSAL TO ENCOURAGE USE OF TE REO MĀORI IN COUNCIL COMMUNICATIONS AND DOCUMENTS

1 SUMMARY

- 1.1 The purpose of this report is to present a proposal to promote the use of Te Reo Māori in documents, publications, communications, and signage produced by council officers.
- 1.2 This issue arises because Westland District is in an area with strong ties to local Iwi, Poutini Ngai Tahu – Ngati Waewae and Ngati Makaawhio. Implementing a strategy will demonstrate council's commitment to developing a strong working relationship with Iwi and recognition of Te Reo Māori as a national language of New Zealand. Council has begun the process of developing the relationship with Iwi by including Iwi members as non-voting members of Council and full members of the Finance, Risk and Audit Committee. Presently our documents, publications, communications, and signage do not consistently use Te Reo Māori.
- 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 2018-28. These are stated on Page 2 of this agenda.
- 1.4 Council does not have a specific legal obligation to use Te Reo Māori. However the Local Government Act 2002 requires Councils to maintain and improve opportunities for Māori to contribute to decision making processes and report in the Long Term Plan and the Annual Report about the activities that Councils intends to or has undertaken in this respect.¹

¹ Local Government Act 2002, ss 4, 14, 81, Schedule 10, Part 1, clause 8 and Part 3, clause 35.

- 1.5 This report concludes by recommending that Council promote the use of Te Reo Māori in Council documents, publications, communications, and signage.

2 BACKGROUND

- 2.1 Te Reo Māori is recognised as an official language of New Zealand in the Māori Language Act 1987², which also set up Te Taura Whiri I te Reo Māori, the Māori Language Commission. The Māori Language Commission supports the use and development of Te Reo Māori and provides resources to assist in increasing the use of Te Reo Māori in public places. The Maihi Maori Strategy was developed by Te Matawai in 2017, with the vision: "...kia ūkaipō anō te reo. Creating regional and national conditions that support language usage outside of the home, and ensuring access to rich, relevant and appropriate language is equally as important."³
- 2.2 Local government is embracing the development of guidelines and policies for using Te Reo Māori, for instance Wellington City Council, which aims to become a bilingual city by 2040 has adopted the Te Tauihu Te Reo Māori Policy, Wairoa District Council's Te Kaupapa Here Mō Te Reo Māori Ki Te Kaunihera o Te Wairoa - Wairoa District Council Te Reo Māori Policy, and Christchurch City Libraries Bilingual signage policy (See **Appendix 1**).

3 CURRENT SITUATION

- 3.1 Westland District Council currently uses little Te Reo Māori in our documents, publications, communications, and signage. It is notable that our Iwi appointees are referred to by their title of Kaiwhakahaere (KW) in agendas and minutes, and the recently installed rubbish bins at the responsible camping sites are multi-lingual with Te Reo Māori given the same status in font size as the English words, as **Appendix 2**.
- 3.2 Te Reo Māori does not feature in any council publication or signage other than noted above. The Library Manager has expressed a desire to include Te Reo Māori on signage that is used in the library.

4 OPTIONS

- 4.1 Option 1: Continue the status quo and use Te Reo Māori in an ad hoc manner.
Option 2: Resolve that the Council staff engage with local Iwi to implement the use of Te Reo Māori in council documents, publications,

² Replaced by Te Ture mō Te Reo Māori 2016 Māori Language Act 2016

³ <https://www.tematawai.maori.nz/maihi-maori-english>

communications and signage, and produce a document for council-wide use with the approved Te Reo Māori translations.

5 SIGNIFICANCE AND ENGAGEMENT

- 5.1 Adoption of this proposal is administrative in nature and therefore is assessed as having a low level of significance. The degree of public interest is likely to be limited to members of the community that are interested in the promotion of Te Reo Māori.
- 5.2 Engagement will be undertaken with local Iwi to ensure that the language and phrasing used is correct and appropriate. Wider community engagement is not necessary.

6 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

- 6.1 **Option 1:** Continue the status quo and use Te Reo Māori in an ad hoc manner. Te Reo Māori will be used as and when staff feel it is necessary. There will be no financial implications to this.
- 6.2 **Option 2:**
Resolve that the Council staff engage with local Iwi to implement the use of Te Reo Māori in council documents, publications, communications and signage, and produce a document for Council-wide use with the approved Te Reo Māori translations. This option would provide the basis for an ongoing commitment to build relationships with local Iwi and enhance our ability to engage and consult with Maori as required in the Local Government Act 2014.

7 PREFERRED OPTION(S) AND REASONS

- 7.1 The preferred option is **option 2**, engagement with Iwi to implement the use of Te Reo Māori in council documents, publications, communication and signage, and for the Strategy and Communications Advisor to produce a document for council-wide use with approved Te Reo Māori translations. Resolving to engage with Iwi in this matter and to implement the use of Te Reo Māori will show a genuine commitment to working with our tangata whenua partners to provide them with a voice and encourage inclusiveness in the community.

8 RECOMMENDATION(S)

- A) **THAT** Council resolve to engage with local Iwi to implement the use of Te Reo Māori in council documents, publications, communications and signage

- B) **THAT** Council resolve to produce a document of approved Te Reo Māori translations for Council use.

Emma Rae

Strategy and Communications Advisor

Appendix 1: Sources and useful reference materials

Appendix 2: Rubbish and Recycling receptacles

Appendix 1: Sources and useful reference material

- Local Government Act 2002
- Māori Language Act 1987
- Te Ture mō Te Reo Māori 2016 Māori Language Act 2016
- <http://www.tetaurawhiri.govt.nz/>
- <https://www.tematawai.maori.nz/home-english>
- <https://wellington.govt.nz/~media/your-council/plans-policies-and-bylaws/plans-and-policies/a-to-z/te-tauihu-te-reo-Māori/te-tauihu-te-reo-Māori-policy.pdf?la=en>
- <https://www.wairoadc.govt.nz/assets/Document-Library/Policies/Final-Te-Reo-Maori-Policy.pdf>
- <https://d4804za1f1gw.cloudfront.net/wp-content/uploads/sites/5/2014/05/11143311/Bilingual-signage-at-Christchurch-City-Libraries-2002.pdf>
- <https://www.elections.org.nz/sites/default/files/plain-page/attachments/Māori participation lit review full report rnz.pdf>, particularly 17.1.3

Appendix 2: Rubbish & Recycling receptacles



Report



DATE: 28 February 2019
TO: Mayor and Councillors
FROM: Group Manager: Corporate Services

TRANSFER OF CARAVAN TO DESTINATION WESTLAND LIMITED

1 SUMMARY

- 1.1 The purpose of this report is to seek approval from Council to transfer ownership of a caravan owned by Westland District Council to Destination Westland Ltd.
- 1.2 This issue arises from a request from Destination Westland Ltd.
- 1.3 Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by the Council in May 2018, which will be set out in the next Long Term Plan 2018-28. These are stated on Page 2 of this agenda.
- 1.4 This report concludes by recommending that Council transfer the ownership of the caravan to Destination Westland Ltd (DWL).

2 BACKGROUND

- 2.1 Council purchased a caravan in December 2012 primarily to be used for the i-SITE, events and occasionally for other use in Council activities.

3 CURRENT SITUATION

- 3.1 Council transferred the management of the i-SITE and events to DWL on 3 July 2018.
- 3.2 Council do not use the caravan and it is at present in storage which Council is funding. The caravan also requires insurance and other on-going maintenance costs.

- 3.3 Council have offered DWL to take over the ownership of the caravan and DWL have agreed.
- 3.4 The caravan is fully depreciated and any transfer will not be at cost to either DWL or Council.
- 3.5 The caravan would be removed from Councils fixed asset register and then be entered onto DWL's register.

4 OPTIONS

- 4.1 Option 1 – Do nothing, retain the caravan within Council.
- 4.2 Option 2 – Transfer the ownership of the caravan to DWL.

5 SIGNIFICANCE AND ENGAGEMENT

- 5.1 This matter is assessed as being of low significance.
- 5.2 No consultation is required.

6 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

- 6.1 Option 1: Do Nothing. Status quo remains and Council retains the caravan. There will be on-going storage, insurance and maintenance costs to Council.
- 6.2 Option 2: Transfer the ownership of the caravan to DWL. This option will mean there are no further costs to Council which are funded by ratepayers.

7 PREFERRED OPTION(S) AND REASONS

- 7.1 The preferred option is Option 2. Transfer the ownership of the caravan to Destination Westland Ltd to reduce cost burden to ratepayers.

8 RECOMMENDATION

- A) **THAT** Council transfers the ownership of the caravan to Destination Westland Ltd.

Lesley Crichton
Group Manager, Corporate Services

Report



DATE: 28 February 2019
TO: Mayor and Councillors
FROM: Chief Executive

PROPOSED STOPBANK EXTENSION AT FRANZ JOSEF

1 SUMMARY

- 1.1 The purpose of this report is to seek Council approval in principle to support the community of Franz Josef to improve the defence of the Franz Josef Township by proposing further enhancements to the stopbank protection on the Waiho River to the West Coast Regional Council.
- 1.2 This issue arises from an application by the Westland District Council to the Provincial Growth Fund for “Designing the future of Franz Josef - Programme Business Case” which was unsuccessful and recent receipt of letters received via the community to support a new application.
- 1.3 Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by the Council in May 2018, which will be set out in the next Long Term Plan 2018-28. These are stated on Page 2 of this agenda.
- 1.4 This report concludes by recommending that Council receive the two letters of support in principle and forward them to the West Coast Regional Council for consideration.

2 BACKGROUND

- 2.1 An application to the Provincial Growth Fund in June 2018 to support the township of Franz Josef by providing a programme business case which would have provided a pathway forward for the future development of the Franz Josef and potential funding mechanism was unsuccessful.

- 2.2 Westland District Council has an obligation to continue to find a pathway forward and further defence of natural hazards; namely the potential impact by flooding; should be part of any future strategy.

3 CURRENT SITUATION

- 3.1 Two letters have been received from Franz Inc. and Franz Josef Community Council Inc. supporting the extension of the existing stopbank. These letters are attached as **Appendix 1**.
- 3.2 The Council's role in this matter is as the lead in the Governance Group charged with finding a solution to the future of Franz Josef.

4 OPTIONS

- 4.1 Option 1 is to receive the report.
- 4.2 Option 2 is to not receive the report.

5 SIGNIFICANCE AND ENGAGEMENT

- 5.1 In accordance with the Council's policy on Significance and Engagement, this decision is regarded as being of low significance and being administrative in nature. No policy decisions or financial commitments are required.
- 5.2 No engagement or consultation is required by Council for the purposes of this report as this will be undertaken by the West Coast Regional Council.

6 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

- 6.1 Option 1: That Council receives the report.
- 6.2 Option 2: That Council does not receive the report.

7 PREFERRED OPTION(S) AND REASONS

- 7.1 The preferred option is Option 1, that Council receives the report. In summary this would ensure that the letters of support received from the Chairman of the Franz Josef Community Council Inc. and Franc Inc. are forwarded to the West Coast Regional Council in support of the proposed stopbank extension at Franz Josef.

8 RECOMMENDATION

- A) **THAT** Council receive the letters of support in principle from the Chairman of the Franz Josef Community Council Inc. and Franc Inc. and forward them to the West Coast Regional Council.

Simon Bastion
Chief Executive

Appendix 1: Letter from Franz Josef Community Council and Franz Inc.

Franz Josef Community Council Inc



7 February 2019

Bruce Smith
Mayor
Westland District Council

Dear Bruce

Letter of Support – Proposed Stopbank Extension

Please accept this letter of support for the proposed stop bank extension at an estimated cost of 3.8 Million.

With our application to the provincial fund being unsuccessful, it is time to urgently address the major element affecting our town. In order to grow our community, we require a safe and vibrant place to work and live. Rather than being reliant of a disproportionate number of seasonal workers, there is the opportunity to grow our town in a sustainable way with full time residents through new activities and investment if this major roadblock was addressed.

The river and its management are a key concern for everyone and this should be urgently addressed to provide a short to medium term solution to allow us to move forward as the major tourist destination of the West Coast.

Please let us know if we can assist any further in progressing this solution.

Regards



Craig Rankin

Chairman

On behalf of the Franz Josef Community



7 February 2019

Bruce Smith
Mayor
Westland District Council

Dear Bruce

Letter of Support – Proposed Stopbank Extension

Please accept this letter of support for the proposed stop bank extension at an estimated cost of 3.8 Million.

With our application to the provincial fund being unsuccessful, it is time to urgently address the major element that is holding back development in Franz Josef. After talking to numerous potential investors, who have all unfortunately decided not to invest, it is the river rather than any other of the natural hazards we may face in the future, that was the key risk factor that turned them away.

A bold move would be to extend the stop bank in the river. This would provide a short-medium term solution that would provide some certainty for the next 10-20 years. It would allow new investment in our town, further growing our tax and rating bases. This in turn would put us in a better position to be able to fund further work in the future, whether it be river management and other key infrastructure.

While we are probably the most studied town in New Zealand, this has hindered rather than helped our development due to the many differing expert views. Please let us know if we can assist any further in progressing this solution.

Regards

A handwritten signature in black ink, appearing to be "Craig Rankin", written over a large, stylized, hand-drawn oval shape.

Craig Rankin

Chairman

On behalf of Franz Inc Members

Report



DATE: 28 February 2019

TO: Mayor and Councillors

FROM: Regulatory Services Manager

RESPONSIBLE CAMPING AREAS – FREEDOM CAMPING BYLAW 2018

1 SUMMARY

- 1.1 The purpose of this report is to seek Council's direction on preferred options leading toward the review of the Westland District Council Freedom Camping Bylaw 2018.
- 1.2 This issue arises from presentations made by residents and business operators within the Westland District who have expressed concern at the impact that Responsible Camping Areas established at Acre Creek, Okuku, Beach Road, Bruce Bay, and Paringa, and the yet to be established sites at Hannah's Clearing and Jackson Bay, are having on respective communities and accommodation businesses, particularly registered motor camps / holiday parks.
- 1.3 Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by the Council in May 2018, which will be set out in the next Long Term Plan 2018-28. These are stated on Page 2 of this agenda.
- 1.4 This report concludes by recommending that Council Initiate a full review of the Freedom Camping Bylaw. While Council has previously indicated an intent to review the bylaw at the conclusion of the summer camping season, bringing the review forward will enable an assessment of any advantages, disadvantages or unintended consequences that may have arisen. The establishment of a Freedom Camping Working Group is also strongly recommended as it would provide an avenue for informed discussion between Council, affected parties and stakeholders.

2 BACKGROUND

- 2.1 In response to district wide concerns of the negative environmental and risk to public health impacts of unregulated freedom camping throughout Westland, particularly from the insanitary behaviours of non-self-contained freedom campers with deposits of human and solid waste along road reserves and beaches, Council resolved to draft and consult on a Freedom Camping Bylaw.
- 2.2 In accordance with the Special Consultative Procedure, as prescribed by Section 82 of the Local Government Act 2002, Council consulted on a Draft Freedom Camping Bylaw and Statement of Proposal in October and November 2018 where 64 submissions were received. Following consideration of submissions received, Council adopted the Westland District Council Freedom Camping Bylaw on 29 November 2018 (Appendix 1).
- 2.3 Concurrently funding was made available from Central Government via the Tourism Infrastructure Fund to address areas of concern in regards to irresponsible camping throughout New Zealand. Westland District Council applied for and was successful in receiving funds to establish Freedom Camping sites, signage, toilets, and rubbish bins, provide two vehicles and cover operating costs for the summer which includes rubbish pickup, toilets maintenance, enforcement officers and vehicle expenses.
- 2.4 Through consultation with local residents Council identified seven sites to be established as Responsible Camping Areas. Five of the sites; Acre Creek, Okuku, Beach Road, Bruce Bay, and Paringa, have been established, complete with on-site toilet and waste facilities.
- 2.5 Two part-time Compliance Officers were appointed to monitor the level of compliance at designated Responsible Camping Areas, and carry out enforcement actions where freedom campers are in contravention of the Freedom Camping Bylaw. They work on a split roster of morning and evening to ensure they cover the peak camping times.

3 CURRENT SITUATION

- 3.1 Following the establishment of Responsible Camping Areas at Acre Creek, Okuku, Beach Road, Bruce Bay, and Paringa, and the intention to establish sites at Jackson Bay and Hannah's Clearing, Council has received complaints from representatives of local communities and accommodation providers in relation to perceived impacts. Two further sites at Hannah's Clearing and Jackson's Bay are on hold until a decision from council has been made. An

affected party approval for a resource consent to establish the site at Hannah's Clearing has been declined which will result in any further development there unlikely.

- 3.2 An Extra-ordinary meeting of Council was held on 7th February 2019 to provide an avenue for community representatives and accommodation providers to make submissions to Council.
- 3.3 Community members expressed concern at the number of vehicles occupying Responsible Camping Areas that far exceeded what they perceived a site was capable of accommodating, while some reported that waste facilities provided on-site did not appear to be coping with demand.
- 3.4 Accommodation providers expressed concern that the establishment of Responsible Camping Areas was a key contributor to a decline in guest accommodation nights in comparison with the previous twelve month period.
- 3.5 A number of submitters acknowledged Council's untenable position in regard to the requirements of the Freedom Camping Act 2011 and the need to adopt a Bylaw to enable the implementation of controls on land controlled or managed by Council as the local authority.
- 3.6 Many of the submitters requested that Freedom Camping was banned across the entire District and that the existing sites be converted to picnic areas for day stopovers only. Others suggested restricting freedom camping to certified self-contained vehicles only.
- 3.7 All submitters wanted to see an increase in enforcement by Council as related to compliance with the freedom Camping Bylaw.
- 3.8 Immediately following the Extra-ordinary Council Meeting on 7th February 2019, Council identified a number of measures to be implemented by Council personnel to alleviate some concerns, including limiting vehicle number for each site and the installation of signage.
- 3.9 Council requested that an 'options paper' was presented for their consideration at the Council meeting scheduled for 28 February 2018.

4 OPTIONS

- 4.1 The following options are presented for Council's consideration
 - 1) Revoke the Freedom Camping Bylaw 2018.

- 2) Maintain the status quo until the scheduled review of the Freedom Camping Bylaw 2018 at the end of April.
- 3) Make minor amendments to the Freedom Camping Bylaw Schedules
- 4) Initiate a full review of the Freedom Camping Bylaw 2018 prior to the scheduled review date.

5 SIGNIFICANCE AND ENGAGEMENT

- 5.1 Under the guidance of Council's Significance and Engagement Policy, any decision of Council made on options presented are considered to be of medium significance.
- 5.2 Any proposed review of, or amendment to, the Westland District Council Freedom Camping Bylaw 2018 will require public consultation to be undertaken for a period of month in accordance with the Special Consultative Procedure, as prescribed by Section 82 of the Local Government Act 2002.

6 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

6.1 Option 1. Revoke the Freedom Camping Bylaw 2018

A number of submitters at the extra-ordinary meeting of Council on 7th February 2019 were of the view that the Westland District did not require a Freedom Camping Bylaw and that the Bylaw should never have been adopted by Council.

This option would be appropriate if Council determined that there was no demand to regulate freedom camping within the Westland District. A disadvantage with this option is that in the absence of a Bylaw Council would have no controls available to specify restricted or prohibited camping areas. Freedom campers would be at liberty to camp anywhere within the district on land under the control or management of Council without the need for enforcement of compliance by Council Officers. During the LTP consultation process conducted in 2018 it was very clear from the communities that the behaviour of a few Freedom Campers needed to be controlled.

Revocation of the existing bylaw is likely to exacerbate rather than address concerns raised by affected parties.

6.2 Option 2. Maintain the Status Quo

The Westland District Council Freedom Camping Bylaw is scheduled for review at the end of April. Council has the option of continuing with the

status quo until day-light savings ends and then initiating a review of the Bylaw. This would enable a full review of costings and other measurable for the term of the funded period. A disadvantage is that there may be a perception that Council is not addressing concerns raised by impacted parties with urgency.

6.3 **Option 3. Make Minor Amendments to the Bylaw Schedule**

As part of the Special Consultative Process for the proposed Freedom Camping Bylaw in 2018, Council identified 38 Prohibited Areas (Appendix 2) and seven Responsible Camping Sites (Appendix 3), which were included within the Bylaw Schedules.

Under section 156(1)(b) and section 156(2) of the Local Government Act 2002, Council are not required to use the Special Consultative Procedure for all amendments to bylaws. The obligation to use the Special Consultative Procedure is only required where the local authority determines that there is likely to be a significant impact on the public due to proposed changes (section 156(1)(a)).

This is subject to the requirement to comply with the decision-making obligations of the Act. In particular to consider the views and preferences of persons likely to be affected by or to have interest in the matter (section 78). Section 156(1)(b) allows for more informal consultation which gives effect to the requirements of section 82.

Under section 156(2) minor amendments to a bylaw may be made by ordinary resolution publicly notified where the amendment does not affect “an existing right, interest, title, immunity or duty”.

‘Clause 12 Amendment to Restricted and Prohibited Areas’ of the Freedom Camping Bylaw 2018 states that *‘The Council may by resolution, publicly notified, add to, amend or alter Schedules 1-4 (one through to four), to include any such area where it is satisfied the additions, amendments or alterations meet the requirements of Section 11(2) (a)-(c) of the Act’* (Freedom Camping Act 2011)

At the extra-ordinary meeting of Council on 7th February 2018, a number of submitters expressed concern in relation to the perceived effects that freedom camping was having on sensitive environments. Council may consider reviewing the Prohibited Areas, and Responsible Camping Areas, Schedules to identify any additions, amendments, or alteration to the schedules.

6.4 **Option 4. Initiate a Full Review of the Freedom Camping Bylaw 2018**

While Council indicated an intent to review the current Bylaw at the conclusion of the summer camping season, there is the ability to bring the scheduled review forward.

Initiating a full review of the bylaw would enable Council to consider any known advantages and disadvantages to the environment, economy, and local tourism in the Westland District, whether compliance and enforcement resourcing needs to be further enhanced, and any unintended consequences that may be attributed to Freedom Camping Bylaw 2018.

A full review would also enable consideration of elements encapsulated in options 1 -3 above, inclusive of matters raised for consideration at the extraordinary meeting on 7th February 2019. This would include a review of all bylaw schedules and the identification of any amendments, alterations, or additions to Responsible Camping Areas, and Restricted and Prohibited Areas. Council may also consider the advantages and disadvantages of restricting freedom camping to certified self-contained vehicles only.

Due to the level of public interest if initiating a review of the Freedom Camping Bylaw, Council may also wish to consider the establishment of a Freedom Camping Working Group comprising of representatives from the Council, Council Officers, Westland District accommodation providers, Westland District community representatives, and, stakeholder representatives such the Department of Conservation (DoC), the Ministry of Business, Innovation and Employment (MBIE), and the New Zealand Motorhome and Caravans Association (NZMCA). This would provide a platform for an informed view of the advantages and disadvantages of freedom camping, with, and in the absence of, a Freedom Camping Bylaw.

7 PREFERRED OPTION(S) AND REASONS

- 7.1 The preferred option is Option 4 – Initiate a full review of the Freedom Camping Bylaw. While Council has previously indicated an intent to review the bylaw at the conclusion of the summer camping season, bringing the review forward will enable an assessment of any advantages, disadvantages or unintended consequences that may have arisen. The establishment of a Freedom Camping Working Group is also strongly recommended as it would provide an avenue for informed discussion between Council, affected parties and stakeholders.
- 7.2 The outcome from a review will determine whether any changes need to be made to the Freedom Camping Bylaw 2018 and the desired level of enforcement to ensure compliance.
- 7.3 Any significant changes identified would require public consultation in accordance with the Special Consultative Procedure as prescribed under section 82 of the Local Government Act 2002. Minor amendments under

section 156(2) where there is minimal impact on “an existing right, interest, title, immunity or duty” may be made under section 156(1)(b) which allows for more informal consultation which gives effect to the requirements of section 82 of the LGA 2002.

8 RECOMMENDATION(S)

- A) **THAT** Council receives the report;
- B) **THAT** Council initiates a full review of the Freedom Camping Bylaw 2018
- C) **THAT** Council determine the membership of a Freedom Camping Working Group consisting of representatives from Council, Council Officers, accommodation providers, community representatives, and stakeholders.

Te Aroha Cook **Regulatory Services Manager**

Appendix 1: Freedom Camping Bylaw 2018

Appendix 2: Prohibited Areas – available on the Council Website due to the file size

(<https://www.westlanddc.govt.nz/sites/default/files/Appendix%20A%20Maps%20of%20Prohibited%20Areas%20%28Compressed%29.pdf>)

Appendix 3: Responsible Camping Areas



FREEDOM CAMPING BYLAW 2018

1. **EXPLANATORY NOTE**

The Westland District Council makes this Bylaw under section 11 of the Freedom Camping Act 2011. This Bylaw should therefore be read alongside the Freedom Camping Act.

This Bylaw should also be read in conjunction with the Westland District Council's Freedom Camping Policy.

2. **TITLE**

This Bylaw is the Westland District Council Freedom Camping Bylaw 2018.

3. **PROCEDURE AND COMMENCEMENT**

The initial resolution adopting a statement of proposal for this Bylaw was passed by the Westland District Council at an extraordinary meeting of the Council held on Thursday 11 October 2018 and, following consideration of submissions received during the special consultative procedure, this Bylaw was made by a resolution at a subsequent meeting of the Council on 29th November 2018.

The Bylaw comes into force on the day after its final approval 30th November 2018.

4. **DEFINITIONS**

In this Bylaw, unless the context requires otherwise:

Act means the Freedom Camping Act 2011.

Camping ground has the meaning given in section 5(3) of the Act.

Council means Westland District Council.

District means the district of the Council.

Enforcement Officer means a person warranted or authorised to act as an enforcement officer under the Act.

Freedom camp has the meaning in section 5(1) and (2) of the Act.

Local authority area has the meaning in section 6 of the Act.

Prohibited area means an area identified in Schedule 1: Prohibited Areas for Freedom Camping in which freedom camping is prohibited.

Restricted area means an area identified in Schedule 2: Restricted Areas for Freedom Camping in which freedom camping is permitted subject to restrictions.

5. PURPOSE

The purpose of this Bylaw is to control freedom camping in the Westland District in order to:

- (a) protect local authority areas;
- (b) protect the health and safety of people who may visit local authority areas;
or
- (c) protect access to local authority areas.

6. LOCAL AUTHORITY AREAS WHERE FREEDOM CAMPING PERMITTED

Freedom camping is permitted in any local authority area within the Westland District unless it is restricted or prohibited in an area:

- (a) in accordance with this Bylaw; or
- (b) under any other enactment.

7. PROHIBITED AREAS AS OUTLINED IN SCHEDULE 1

- (1) A person must not freedom camp in any prohibited area identified in Schedule 1: Prohibited Areas for Freedom Camping.
- (2) Despite subclause (1), a person may freedom camp in any prohibited area if he or she has obtained the prior written consent of the Council, granted under clause 9(1), and complies with any conditions on the consent.

8. RESTRICTED AREAS AS OUTLINED IN SCHEDULE 2

- (1) A person may freedom camp in any restricted area identified in Schedule 2: Restricted Areas for Freedom Camping, but must comply with the restrictions listed below and any additional restrictions listed for that area in Schedule 2:
 - (a) Freedom camping is limited to “Certified Self-Contained Vehicles” in accordance with NZS 5465:2001; and
 - (b) Freedom camping at any one location or within 500m of the same location is limited to no more than two consecutive nights, and no more than 10 nights per 30-day period.
 - (c) Non self-contained freedom camping is prohibited on all land owned and administered by the local authority. Camping is only permitted in areas designated as “Responsible Camping Sites” as provided in Schedule 3 of this Bylaw.
 - (d) Designated “Responsible Camping Sites” are provided free of charge for all persons wishing to freedom camp subject to compliance with Schedule 4, conditions of use.
- (2) Despite subclause (1), a person may freedom camp in any restricted area if he or she has obtained the prior written consent of the Council, granted under clause 9(1), and complies with any conditions on the consent.

9. PRIOR CONSENT FROM COUNCIL

- (1) The Council may grant consent to a person to freedom camp in a prohibited area or a restricted area, with or without conditions.
- (2) Consent must be applied for in writing to the Chief Executive Officer of the Council at least two weeks in advance of the date planned for freedom camping in the prohibited area or restricted area.

10. OFFENCES

- (1) As specified by section 20(1) of the Act, every person commits an offence who –
 - (a) freedom camps in a local authority area in breach of any prohibition, restriction or conditions in this Bylaw that applies to the area; or
 - (b) makes preparations to freedom camp in a local authority area in breach of any prohibition, restriction or conditions in this Bylaw that applies to the area.

- (3) In accordance with section 27 of the Act, an enforcement officer may issue an infringement notice to anyone who the enforcement officer believes on reasonable grounds has committed or is committing an infringement offence as set out in section 20(1) of the Act (A copy of which is included as information only in Schedule 5
- (4) Any person who has obtained the prior written consent of the Council, granted under clause 9(1), and who complies with any conditions on the consent, is not acting in breach of any prohibition or restriction in this Bylaw.

11. PENALTIES

- (1) As specified by section 23(1) of the Act, every person who commits an offence pursuant to section 20(1)(a) and (c) of the Act is liable to a fee of \$200 for each offence.
- (2) Subject to Section 24 of the Act a person who commits an offence may, in addition to, or instead of the penalty for the offence, be ordered to pay the costs incurred by the local authority in repairing any damage done to the local authority area as a result of the offence.

12. Amendment to restricted and prohibited areas.

- (1) The Council may by resolution, publicly notified, add to, amend or alter Schedules 1-4 (One through to four), to include any such area where it is satisfied the additions, amendments or alterations meet the requirements of S11(2) (a)-(c) of the Act

13. RELATIONSHIP OF BYLAW WITH THE NGAI TAHU CLAIMS SETTLEMENT ACT 1998

This Bylaw does not limit or affect the rights in relation to nohoanga entitlements under the Ngai Tahu Claims Settlement Act 1998.

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

Mayor

SCHEDULE 1: PROHIBITED AREAS FOR FREEDOM CAMPING

Location	Reason(s)
Legal road opposite 6440 Otira Highway, adjacent to Otira Hotel	Protection (kiwi habitat) and safety (link to railway sidings and rail corridor, natural hazards including flooding and landslips)
Serpentine Road and beach, Kumara Junction	Access and safety (narrow road and prone to coastal inundation)
One Mile Line Road, Hokitika	Access and safety (narrow, uneven road)
Three Mile Beach Access Road, Hokitika	Access and safety (narrow, uneven road)
Richards Drive west of Revell St, Hokitika	Access and safety (narrow, uneven road)
Unnamed road between 243 and 245 Revell St, Hokitika	Access and safety (narrow, uneven road)
Tudor Street beach access west of Revell St, Hokitika	Access and safety (narrow, uneven road)
Hampden Street beach access west of Revell St, Hokitika	Access and safety (narrow, uneven road)
Stafford Street west of Revell St, Hokitika	Access (high demand for locals and visitors)
Entirety of Beach Street, Hokitika	Access (high demand for locals and visitors)
Gibson Quay west of Beach Street, Hokitika	Access (high demand for locals and visitors)
Sunset Point, excluding an area yet to be developed to the left of the entry gate, Hokitika	Access (high demand for locals and visitors)
Lake Kaniere Road from the forks to Geologist Creek including Hans Bay and Sunny Bight, Lake Kaniere	Access and safety (narrow, uneven road)
South Spit Road, Hokitika	Access and safety (narrow, uneven road)
Shanghai Road beach access west of SH 6, Ruatapu	Access and safety (narrow, uneven road)

Location	Reason(s)
Paiere Road, Ruatapu	Access and safety (narrow road, part of West Coast Wilderness Trail)
Butlers Road beach access west of SH6, Ruatapu	Access and safety (narrow, uneven road)
Ross Cemetery	Protection, access and safety (culturally sensitive site, with narrow, steep access road)
Ross Beach Road, Ross	Access and safety (narrow, uneven road)
Forks-Okarito Road and all of Okarito village except the Domain	Protection, access and safety (Environmentally sensitive site (kiwi habitat), with narrow access road)
SH 6 between McDonald's Creek and Docherty Creek Road	Access and safety (very busy road with poor visibility, uneven road, and flood risk)
Waiho Flat Road, Franz Josef	Access and safety (narrow, uneven road, and flood risk)
Docherty Creek Road, Franz Josef	Access and safety (narrow, uneven road, and flood risk)
Hunts Beach Road, Jacobs River	Protection, access and safety (culturally sensitive site, with narrow access road)
All beach access roads off Haast-Jackson Bay Road, between Haast Beach and Hannah's Clearing, including all roads in Okuru and the entirety of Haast-Jackson Bay Road between Neils Beach and Jackson Bay Wharf	Access and safety (narrow, uneven roads)

Refer to Appendix A for maps of the prohibited areas.

SCHEDULE 2: RESTRICTED AREAS FOR FREEDOM CAMPING

The entire district is subject to the restrictions listed in Section 8 of this bylaw, in order to protect public health and to preserve access by limiting the potential for permanent or semi-permanent occupation by any one vehicle in any particular location.

SCHEDULE 3: DESIGNATED RESPONSIBLE CAMPING SITES.

Location	Map Reference Number
Acre Creek	X 2354955 Y 5844554
Okuku	X 2366266 Y 5831380
Ross	X 2332054 Y 5809553
Beach Road	X 2319590 Y 5802990
Paringa	X 2227717 Y 5716074
Bruce Bay	X 2234882 Y 5727123
Hannahs Clearing	X 2176587 Y 5686913
Jackson Bay	X 2158205 Y 5683588

Refer to Appendix B for maps of the Responsible Camping Areas.

SCHEDULE 4: CONDITIONS OF USE.

All persons freedom camping in designated responsible camping sites provided by the local authority must comply with the following conditions of use;

All sign posted rules situated within the responsible camping sites must be adhered too at all times. This is to include.

- (1) All human waste and refuse must be disposed of in the appropriate manner and within the waste receptacles provided.
- (2) To ensure continued access and use of responsible camping sites, no person shall freedom camp for more than 2 consecutive nights in any one designated site shown in schedule 3
- (3) No person may freedom camp for more than 10 nights in any calendar month within any of the designated sites shown in schedule 3.
- (4) No person is to light any fires except at a fireplace specially provided, or in an appliance designed for outdoor cooking.
- (5) Dogs and our other animals must be restrained at all times and must not cause a disturbance to any other campers.
- (6) No vegetation is to be cut or destroyed.
- (7) The amenity value of all camp users must be respected at all times. This is to include noise and times of travel.

Failure to adhere to this rules may result in fines and removal from the area.

Schedule 5 : Infringement offences in section 20(1) of the Freedom Camping Act 2011.

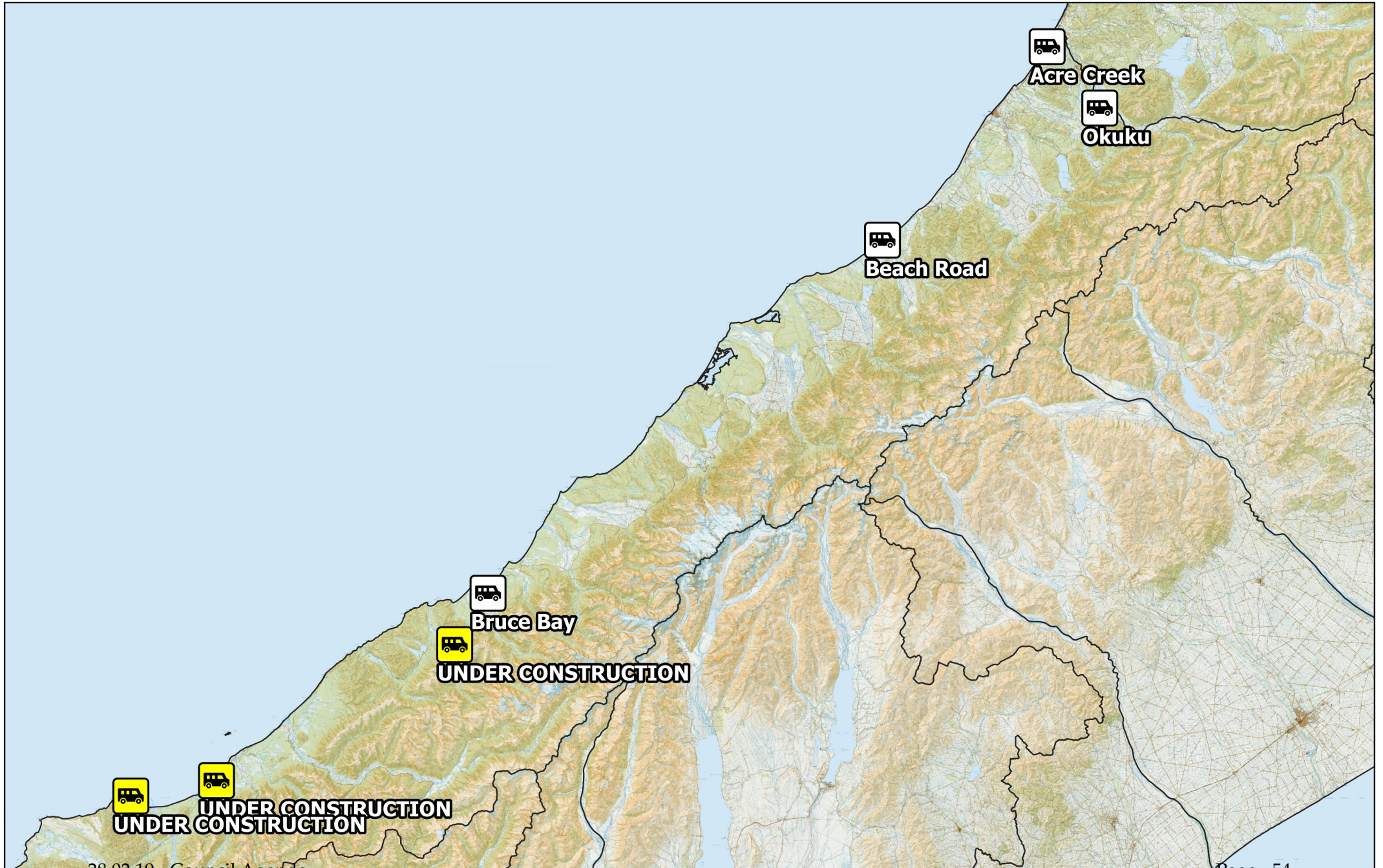
(This does not form part of the bylaw but is included for information)

20 Offences

- (1) Every person commits an offence who--
 - (a) freedom camps in a local authority area in breach of any prohibition or restriction in a bylaw made under section 11 that applies to the area; or
 - (b) while freedom camping in a local authority area,--
 - (i) interferes with or damages the area, its flora or fauna, or any structure in the area; or
 - (ii) deposits waste in or on the area (other than into an appropriate waste receptacle); or
 - (c) makes preparations to freedom camp in a local authority area in breach of any prohibition or restriction in a bylaw made under section 11 that applies to the area; or
 - (d) deposits waste, generated while freedom camping, in or on a local authority area other than into an appropriate waste receptacle; or fails or refuses to leave a local authority area when required to do so by an enforcement officer acting under section 36; or refuses to give information when required to do so by an enforcement officer under section 35 or gives false or misleading information;
- (2) In this section, **waste receptacle** means a receptacle or facility that is provided by a local authority or the Department for the purposes of disposing of waste (for example, a rubbish bin, public toilet, or bulk waste disposal unit).

- Appendix A for maps of the prohibited areas.
- Appendix B for maps of Responsible Camping Sites.

Responsible Camping Areas Overview Westland District



**Responsible Camping Areas
Westland District**

GPS: -42.71129362 171.24521438
NZTM: X 1456300.73, Y 5269751.12

Okuku



**Responsible Camping Areas
Westland District**

GPS: -42.59052065 171.11080933
NZTM: X 1444994.23, Y 5282925.04

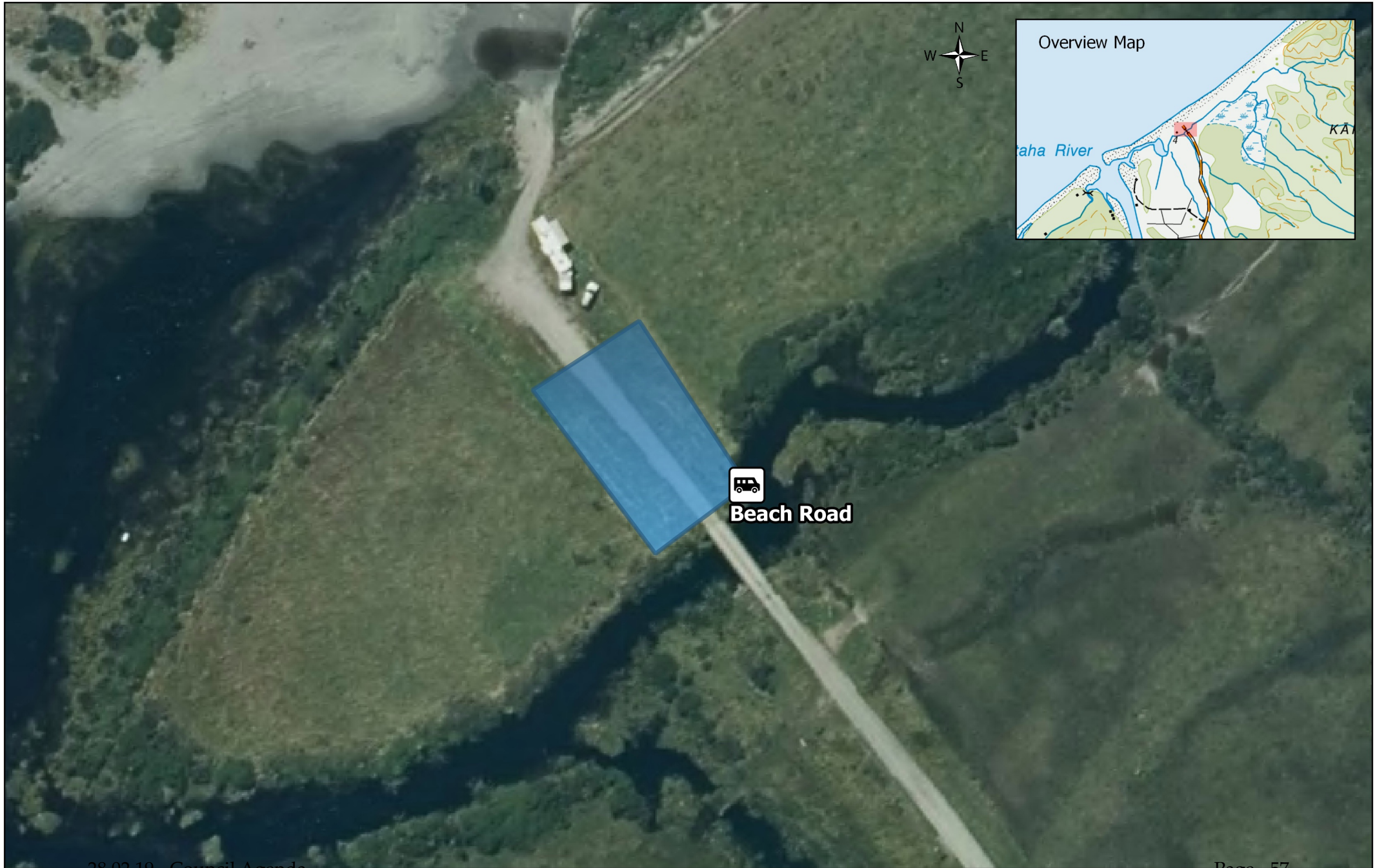
Acre Creek



**Responsible Camping Areas
Westland District**

GPS: -42.95649782 170.66603199
NZTM: X 1409624.23, Y 5241372.19

Beach Road



**Responsible Camping Areas
Westland District**

GPS: -43.61264839 169.59078242
NZTM: X 1324889.14, Y 5165498.05

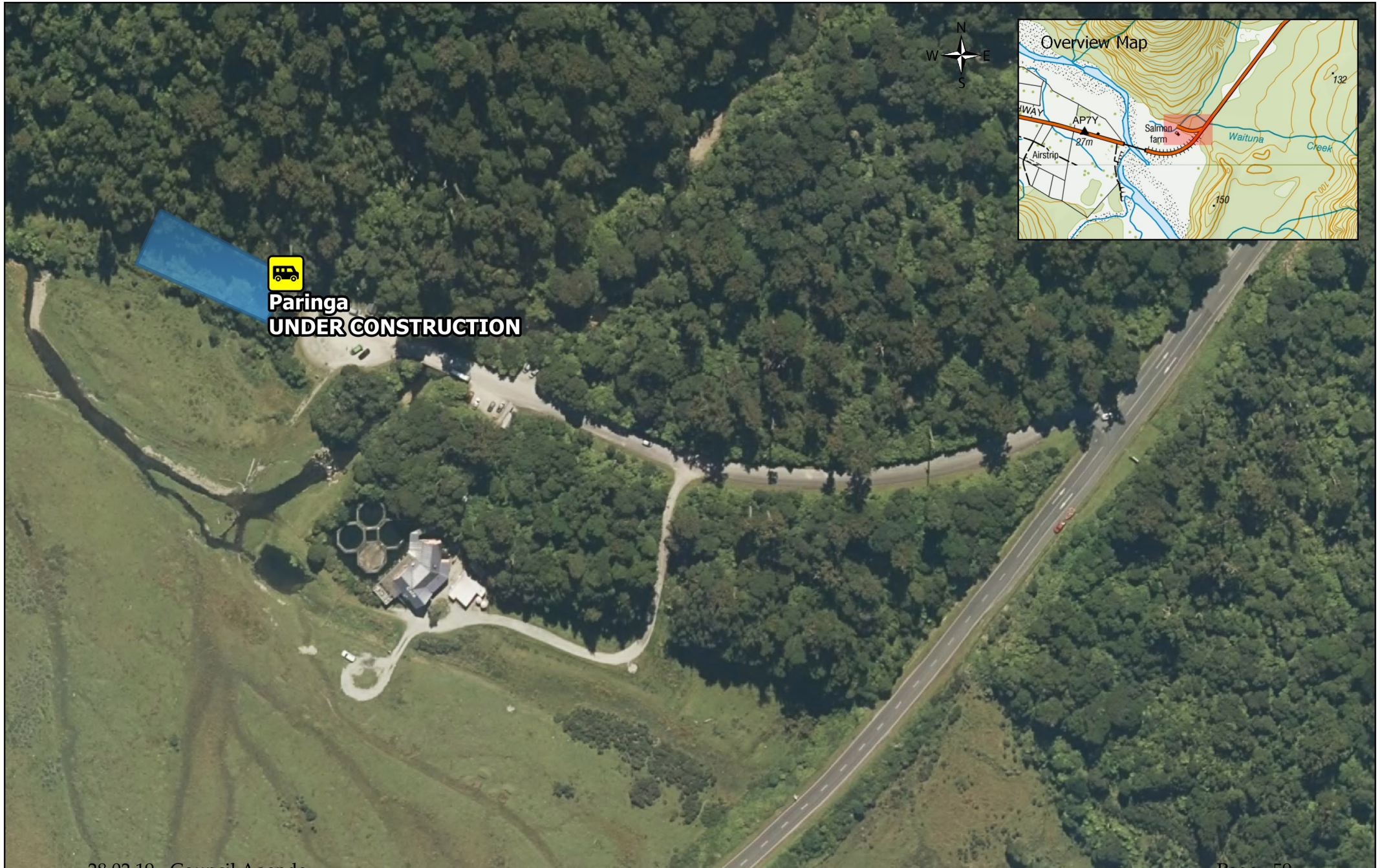
Bruce Bay



**Responsible Camping Areas
Westland District**

GPS: -43.70931705 169.49632613
NZTM: X 1317720.31, Y 5154443.39

Paringa
UNDER CONSTRUCTION



**Responsible Camping Areas
Westland District**

GPS: -43.95018388 168.84459270
NZTM: X 1266554.48, Y 5125259.8

**Hannahs Clearing
UNDER CONSTRUCTION**



**Responsible Camping Areas
Westland District**

GPS: -43.97150955 168.61374035
NZTM: X 1248154.8, Y 5121930.76

**Jackson Bay
UNDER CONSTRUCTION**

