



TE KAUNIHERA-Ā-ROHE O TARATAHI
CARTERTON
DISTRICT COUNCIL

AGENDA

Policy and Strategy Committee Meeting

Date: Wednesday, 2 June 2021

Time: 11:00am

Location: Carterton Events Centre
50 Holloway Street
Carterton

Chair R Vergunst

Deputy Chair R Cherry-Campbell

Mayor G Lang

Cr S Cretney

Cr B Deller

Cr J Greathead

Cr R Keys

Cr R Stockley

Cr D Williams

Marae Representative R Clarke-Reiri

**Notice is hereby given that a Policy and Strategy Committee Meeting of the
Carterton District Council will be held in the Carterton Events Centre, 50 Holloway
Street, Carterton on:**

Wednesday, 2 June 2021 at 11:00am

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1 KARAKIA TIMATANGA

Mai i te pae maunga, raro ki te tai

Mai i te awa tonga, raro ki te awa raki

Tēnei te hapori awhi ai e Taratahi.

Whano whano, haramai te toki

Haumi ē, hui ē, tāiki ē!

2 APOLOGIES

3 CONFLICTS OF INTERESTS DECLARATION

4 PUBLIC FORUM

5 CONFIRMATION OF THE MINUTES



5.1 MINUTES OF THE POLICY AND STRATEGY COMMITTEE MEETING HELD ON 7 APRIL 2021

1. RECOMMENDATION

That the Minutes of the Policy and Strategy Committee Meeting held on 7 April 2021 are true and correct.

File Number: 127854

Author: Casey Spencer, Democratic Services Coordinator

Attachments: 1. Minutes of the Policy and Strategy Committee Meeting held on 7 April 2021

**MINUTES OF CARTERTON DISTRICT COUNCIL
POLICY AND STRATEGY COMMITTEE MEETING
HELD AT THE CARTERTON EVENTS CENTRE, 50 HOLLOWAY STREET, CARTERTON
ON WEDNESDAY, 7 APRIL 2021 AT 11:00AM**

PRESENT: Chair Rebecca Vergunst, Deputy Chair Robyn Cherry-Campbell, Mayor Greg Lang, Cr Brian Deller, Cr Jill Greathead, Cr Russell Keys, Cr Steve Cretney, Cr Rob Stockley

IN ATTENDANCE: Rīhi Reiri (Iwi Representative) via audio link, Jane Davis (Chief Executive), Geri Brooking (People and Wellbeing Manager), Dave Gittings (Infrastructure, Services and Regulatory Manager), Carrie Mckenzie (Community Services Manager), Solitaire Robertson (Planner), Tony Pritchard (Asset Engineer), Casey Spencer (Democratic Services Coordinator).

1 KARAKIA TIMATANGA

The meeting was opened with a Karakia led by Chair Rebecca Vergunst.

2 APOLOGIES

There were no apologies.

3 CONFLICTS OF INTERESTS DECLARATION

Cr Brian Deller, item 6.3

4 PUBLIC FORUM

Mike Osborne, Carterton Resident, addressed the Committee regarding the Water Race Policy and the Climate Change Strategy.

5 CONFIRMATION OF THE MINUTES

5.1 MINUTES OF THE POLICY AND STRATEGY COMMITTEE MEETING HELD ON 10 FEBRUARY 2021

MOVED

That the Minutes of the Policy and Strategy Committee Meeting held on 10 February 2021 are true and correct, with one amendment to the attendance.

Cr Steve Cretney / Mayor Greg Lang

CARRIED

6 REPORTS

6.1 RESERVE MANAGEMENT PLAN SUBMISSIONS

PURPOSE

For the Committee to consider the submissions made in relation to the Draft Reserve Management Plan.

MOVED

That the Committee:

Receives the report.

Instructs officers to compile options for fencing playgrounds in Carterton and report back to the Infrastructure and Services Committee.

Instructs officers to enter an MOU with Carterton Netball Club.

Notes more play equipment is being planned for Birds Park.

Notes officers will report back to the Infrastructure and Services Committee on the options for a shelter and drinking fountain at Carrington Park.

Agrees that no changes are required to the Draft Reserves Management Plan following the receipt of submissions.

Recommends to the Council it adopts the Draft Reserve Management Plan.

Deputy Chair Robyn Cherry-Campbell / Cr Steve Cretney

CARRIED

6.2 RESOURCE CONSENT UPDATE

PURPOSE

The purpose of this report is to update the Committee on the resource consents issued since the previous update which is generally presented to the Policy and Strategy Committee.

MOVED

That the Committee:

Receives the report.

Cr Rob Stockley / Cr Brian Deller

CARRIED

6.3 EASTERN GROWTH UPDATE

PURPOSE

For the committee to receive the feedback from the Eastern Growth informal consultation undertaken.

MOVED

That the Committee:

Receives the report.

Notes the feedback received.

Notes the intention that an updated draft Structure Plan will be presented to the next Policy and Strategy Committee.

Deputy Chair Robyn Cherry-Campbell / Cr Jill Greathead

CARRIED

6.4 PLAQUES, MEMORIALS, PUBLIC ART AND MONUMENTS POLICY 2021

PURPOSE

For the Committee to review the Public Art Policy and the Plaques Memorials and Monuments policies.

MOVED

That the Committee:

Receives the report.

Agrees to merging of the two policies into one, 'Plaques, Monuments, Public Art and Memorials Policy'.

Adopts the Plaques, Monuments, Public Art and Memorials Policy 2021, in **Attachment 1**, noting the changes to 2.4 and 2.5.

Cr Jill Greathead / Mayor Greg Lang

CARRIED

6.5 WATER RACE POLICY

PURPOSE

For the Committee to review the current Water Races Policy (**Attachment 1**) for the Taratahi and Carrington water races.

MOVED

That the Committee:

Receives the report.

Agrees to continue with the current Water Races Policy, noting the change to the cleaning and maintenance section.

Notes that the Water Race Policy will be reviewed in full once the Natural Resources Plan is adopted.

Cr Steve Cretney / Cr Brian Deller

CARRIED

7 KARAKIA WHAKAMTUNGA

The meeting was closed with a Karakia lead by Cr Rob Stockley.

The Meeting closed at 12:32pm.

Minutes confirmed:

Date:

6 REPORTS



6.1 PROCUREMENT POLICY REVIEW

1. PURPOSE

For the committee to review the Procurement Policy.

2. SIGNIFICANCE

The matters for decision in this report are not considered to be of significance under the Significance and Engagement Policy.

3. BACKGROUND

Council purchases a wide range of works, goods and services that enable the delivery of community infrastructure, facilities, and services for the Carterton community.

The Procurement Policy seeks to provide a framework within which a consistent procurement practice is applied across all Council procurement activities in alignment with the Council's vision, strategic priorities, and community outcomes.

It articulates how the Council seeks to maximise the overall benefits that can be delivered through its procurement activity, enabling the Council to deliver value for money as well as advancing the social, environmental, and economic wellbeing of the District's residents.

4. DISCUSSION

The policy is due for three-yearly review however this is also an opportunity to reflect Council's increased desire and responsibility to play its part in addressing climate change impacts and sustainability. Council's Project, Contract & Procurement Officer, and Climate Change Advisor have worked with policy staff to provide valuable input into this review.

The proposed changes to the existing policy include:

- Section 2: Principles
 - A new principle of 'Priority' as been included. This seeks to provide guidance around the complex, and often challenging, balance between quality, time, and cost of procurement activities.
 - A new principle of 'Sustainable Procurement' has been included. This highlights the importance of procurement providing the most positive impact on environmental, social, cultural, and economic outcomes.

- Section 4: Managing Conflicts of Interest
 - Inclusion of the reference to the NZ Government Conflict of Interest Management Plan template and Confidentiality Agreement as required by Audit NZ in their Interim Report (Aug 2020).
- Section 5: Sustainable Procurement
 - The original section 'Buy Local', has been incorporated into this new section outlining Council's commitment to sustainability and the benefits to society, the environment, and the economy.
- Section 7: Planning
 - New section added to reflect the importance of robust planning in projects.
- Section 10.2: Energy Procurement
 - New clause added under Specific Procurement stating Council's preference for energy suppliers that offer 100% renewable energy.
- Section 11.6: Tender Evaluation
 - The 'Local Supplier' definition has been widened from "a business that has a significant presence in Carterton District" to include suppliers within the Wairarapa Boundary.
- Section 12: Documentation
 - New section added to highlight the importance of appropriate documentation, proportionate to the value and risk of each procurement, to support planning, evaluation and conflict of interest management processes followed.

5. NEXT STEPS

The Project, Contract & Procurement Officer will lead the development of a Procurement Manual to guide staff on relevant protocols and processes.

6. CONSIDERATIONS

6.1 Climate change

Council's Climate Change Advisor has been involved in the review of the policy ensuring alignment with the objectives of the Ruamāhanga (Climate Change) Strategy.

6.2 Tāngata whenua

The policy highlights the opportunity for Council to partner with Māori organisations and businesses, iwi, hapū and hāpori Māori on procurement activities.

6.3 Financial impact

Resourcing of the development of the Procurement Manual will be delivered through staff time within existing budgets.

6.4 Community Engagement requirements

There is no community engagement required for the review of this policy.

6.5 Risks

There is no change to Council risks with the review of this policy. Procurement risk management is included in the policy.

7. RECOMMENDATION

That the Committee:

1. **Receives** the report.
2. **Agrees** to the amendments to the policy as attached.

File Number: 127819

Author: Geri Brooking, People and Wellbeing Manager

Attachments: 1. Procurement Policy [↓](#)



PROCUREMENT POLICY

Effective date: 2 June 2021

Review due: 2 June 2024

Document Control

Change Description	Author	Version	Date	Approved By
Initial Draft	Peter Rickman	1.1		
Revised	Marty Sebire	2.1	13/11/2017	
Reviewed by management team	Marty Sebire	3.1	11/12/2017	
Revised	Chris Robinson	3.2	19/9/2018	
Reviewed	Marty Sebire	3.3	25/09/2018	
Reviewed by management team	Marty Sebire	3.4	08/11/2018	
Approved	Marty Sebire	3.4	08/11/2018	Jane Davis
Reviewed	Geri Brooking	3.5	2/6/2021	Jane Davis
Review				
Review				

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1. Introduction

1.1. Purpose

The purpose of this policy is to document requirements related to procurement at Carterton District Council (CDC). This policy should be read in conjunction with the Office of the Auditor-General's *Procurement Guidance for Public Entities*.¹

Procurement refers to all of the business processes associated with the purchase of goods, services, and works by Carterton District Council. Procurement spans the whole cycle from identification of need through to the end of a service contract or the end of the useful life and the subsequent disposal of an asset.

1.2. Scope and exclusions

Personnel

This policy applies to all employees, and also to contractors and consultants acting for CDC in connection with procurement.

Exclusions

This policy does not apply to the procurement of roading services, which is dealt with in the Carterton District Council Roading Procurement Strategy.

This policy does not apply to employment contracts. It does apply to the engagement of consultants.

Training

All those undertaking procurement for or on behalf of the Council will receive training in the use of this policy.

1.3. Authority

This policy is issued under the authority of the Chief Executive and will be reviewed and amended as required in consultation with senior management.

Ownership of this policy rests with the Corporate Services Manager, and responsibility for its implementation rests with the management team.

2. Principles

The basic principles that are to underpin all procurement at Carterton District Council are as follows:

- **Priority** – we will prioritise the awarding of procurement contracts on the quality of the service, the overall cost, and the time taken to deliver the service, in that order.
- **Value for money** – we will use our resources effectively, economically and without waste. Value for money represents the best possible overall outcome for Carterton.

¹ For more information, see: <https://oag.parliament.nz/2008/procurement-guide>

- **Openness** – we will be fully transparent in how we go about our procurement activities, up to and including the decision to award a procurement contract.
- **Fairness** - we will be impartial in our procurement processes and our decision-making.
- **Accessibility** – it should be easy to do business with Carterton District Council. In particular, small local businesses should have the opportunity to bid for CDC contracts wherever appropriate.
- **Integrity** – all of our procurement activity will be conducted with the utmost integrity, and we will not do anything that harms CDC's reputation for integrity.
- **Accountability** – we will be accountable to the ratepayers and residents of Carterton District for the proper use of funds.
- **Lawfulness** – In all of our procurement activities we will act within the law and meet our legal obligations.
- **Health and Safety** – we will consider health and safety matters in all of our procurement activity.
- **Sustainable procurement** – Sustainable procurement has the most positive environmental, social, cultural and economic impacts on a whole of life basis and creates value and legacy. We will assess sustainable procurement broader outcomes related to all procurement activity.

3. Practical considerations

The principles above have general applicability to all procurements. As each situation is different the principles need to be applied in a way that is appropriate to the circumstances of each procurement. As a practical rule, CDC procurement arrangements should strive for simplicity and proportionality. That is, the arrangements put in place for each procurement should be as simple as possible, considering the monetary values involved, the complexity of the purchase, and the level of risk involved. The arrangements should be proportional to the transaction and should minimise compliance costs for both CDC and potential bidders.

This policy is to be applied in accordance with the requirements of the CDC Delegations Manual and any other applicable CDC policies.

All financial amounts included in this policy exclude GST. Where financial thresholds are listed, this refers to the total cost of the transaction. It is not permissible to break the transaction into component parts to justify a particular procurement method.

4. Managing conflicts of interest

All procurement and contract management decision-making processes shall include careful consideration of any actual, potential or perceived conflicts of interest.

Under no circumstances shall a staff member influence, advise or participate in a procurement or contract management activity where that employee has an actual, potential or perceived conflict of interest, either personally or through a related person.

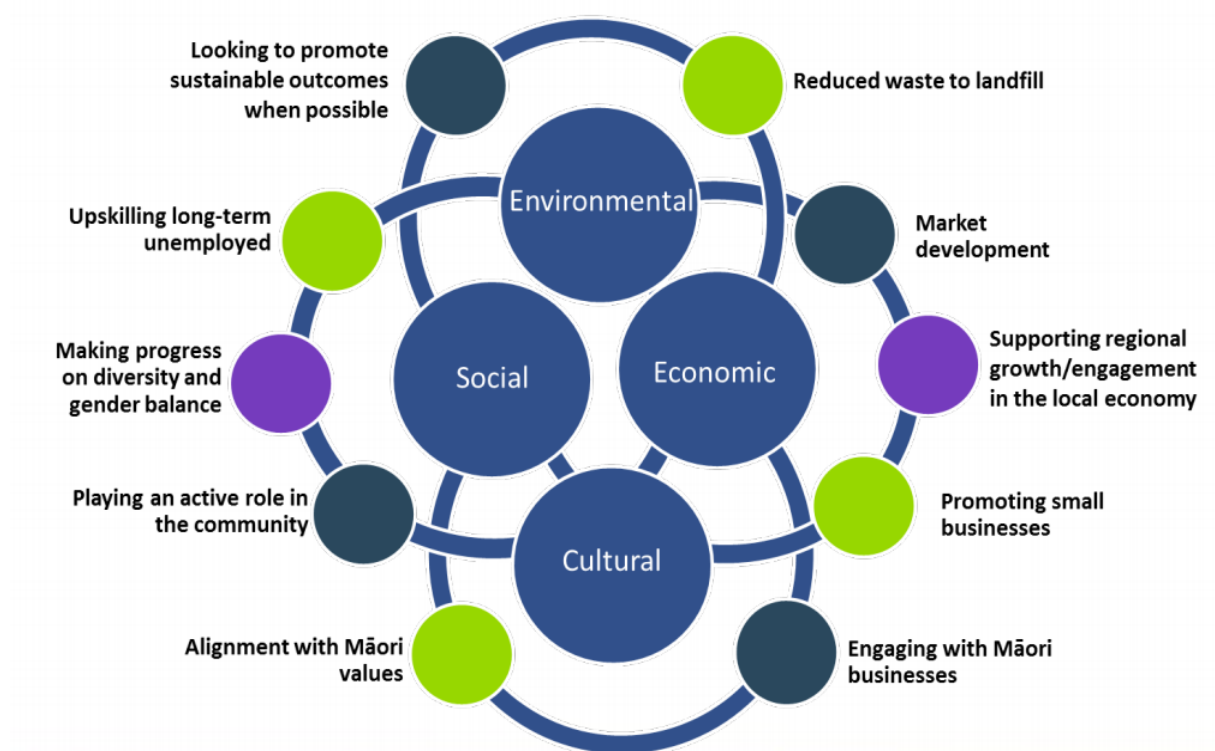
Where there is uncertainty about whether there is a conflict, employees should discuss the potential conflict with their manager or the Chief Executive. If in doubt, employees should at all times fully disclose a potential conflict or bias and document how it will be managed. Refer also to the CDC Staff Code of Conduct².

5. Sustainable Procurement

The Council has a commitment to sustainability. Sustainable procurement is, or will become, part of our 'business as usual', and includes environmental, social, cultural and economic broader outcomes.

Broader outcomes require consideration of not only whole-of-life costs, but also the costs and benefits to society, the environment and the economy. These broader outcomes will be considered when purchasing goods, services or works, and are described in the diagram below:

What are 'Broader Outcomes'?



Through its procurement activities, Carterton District Council aims to achieve the following broader outcomes:

² For more Template, see NZ Government Conflict of Interest Management Plan template and Confidentiality Agreement. <https://www.procurement.govt.nz/procurement/templates/>

Objective 1 Environmental broader outcome:

- Mitigate and adapt to Climate Change
- Reduce waste
- Increase community resilience

Objective 2 Social broader outcome:

- Support local employment
- Local supplier utilisation

Objective 3 Cultural broader outcome:

- Supplier diversity and creativity
- Support Māori partnerships

Objective Economic broader outcome:

- Support the best outcome for everyone
- Quality employment for everyone
- Enhance businesses and employment prosperity

There is no implied order of priority so each objective should be considered equally. Exceptions to not include sustainability within a procurement will be considered on a case-by-case basis only and must be justified.

The benefits of sustainable procurement are not always able to be quantified, but they must be taken into account when making the procurement decision, alongside the financial considerations. Where a decision is made to select a supplier on sustainability grounds, and that supplier would otherwise be rejected when judged solely on financial considerations, then the reasoning must be documented.

6. Procurement methods

Procurement methods vary in terms of their openness to suppliers, level of risk and complexity and potential for innovation. The general rule to be followed is to use a procurement method that is simple and that is open and fair to all suppliers. As running an open tender is not as simple as obtaining an oral quote from a known supplier, there is a trade-off between the two requirements. For lower value transactions it is permissible to dispense with open advertising. However, it is not permissible to dispense with open advertising in order to:

- avoid competition
- protect local suppliers
- discriminate against any local or national supplier.

6.1. Purchases of less than \$10,000 estimated value

All goods and services with an estimated value of under \$10,000 (excluding GST) must be procured by raising a purchase order. Purchase orders must contain the name and address of the supplier, an adequate description of the goods or services required, the agreed or estimated cost, the general ledger account to be charged, and the name of the person making the order.

Before an order is made all purchase orders must be approved by an officer with sufficient authority to incur expenditure, as set out in the Delegations Manual.

Items of expenditure exempted from purchase order requirements are:

- formally tendered contracts
- wages and payroll deductions
- service contracts, eg fleet card
- phone rentals
- petty cash
- power charges
- tax payments
- bank fees
- debt payment
- rates payments to Wellington Regional Council
- other regular (eg monthly) payments under a contract or agreement.

The cost to Council needs to be minimised. So competitive prices should be obtained where there is the potential for a benefit from doing so.

6.2. Purchases of more than \$10,000 estimated value

\$10,000–\$100,000

For purchases in excess of \$10,000 and less than \$100,000 total value, open advertising is preferred, unless the manager responsible determines that that method is inappropriate to the circumstances of the transaction. If open advertising is not used, at least three quotes should be obtained. At least one of the quotes is to be local, unless this is not practicable.

The procurement of any goods and/or services having an estimated total cost of \$10,000 or more (excluding GST) must be by means of a formal contract. In accordance with the CDC Delegations Manual, only the Chief Executive, the Corporate Services Manager, and the Infrastructure and Services and Planning and Regulatory Manager are authorised to sign contracts with total cost in excess of \$50,000 (GST excluded).

\$100,000–\$150,000

For purchases with total value above \$100,000 and less than \$150,000, open tendering must be used, unless the Chief Executive determines that this method is not appropriate.

\$150,000 and more

All purchases with a total value equal to or greater than \$150,000 must be by way of open tender in accordance with a procurement plan.

Notwithstanding the above requirements, the Chief Executive may exempt the requirement for quotes, or from open tender, if there is good reason to do so, for example where there is a specialist supplier, or urgency. This decision must be documented.

7. Planning

The procurement plan for the project must contain the following information:

- Understand the Project - What outcomes are expected?
- Analyse the Market
- Risk Analysis
- Opportunity /Broader outcomes analysis eg. sustainability
- Choose the delivery model and Supplier Selection Method
- Budget amounts
- Timeline of the procurement process
- Type of contract
- Roles and responsibilities
- Risk assessment - specifically covering risks relating to the procurement
- Resources required

The information listed is useful for those endorsing / approving the procurement plan to know either for context or because they are key aspects of the planned procurement plan.

8. Risk management

All procurement should be undertaken with an awareness of the risks and complexities surrounding the procurement process. For procurements where whole of life costs (excluding GST) exceeds \$150,000, a Risk Management Assessment should be prepared during the procurement planning phase, in which procurement risks and associated risk management options are documented.

Different procurement projects have different risks and complexities. For advice on procurement risk, contact the Projects and Contracts Officer.

Risk management should be integrated with good project planning and reporting. Where a new risk arises, or an existing risk changes its character, appropriate strategies should be developed and the Risk Management Assessment updated.

9. Preferred suppliers

Council may maintain a list of preferred suppliers for regular purchases of specific types of goods, services or works. Inclusion on the list may be through establishing pre-qualified suppliers or Panel of suppliers.

A supplier register will be open and available to all suppliers and will allow new suppliers to register and existing suppliers to update their details or extend the coverage of their service categories and specialties.

Council business units can choose suppliers either by direct appointment, or through a closed process from the preferred supplier list when the value of the work is within the Council's defined limits. This may include establishing a panel of suppliers for work with costs between \$10,000 and \$150,000.

Existing arrangements shall be reviewed at least every three years, and new applications are to be allowed at that point.

The register of preferred suppliers shall be approved by the Chief Executive.

10. Specific Procurement

10.1. Vehicle replacement

Vehicles are replaced on the following basis:

- 10 years – cars and utes
- 15 years – trucks
- 20 years – tractors.

When reviewing the efficiency of fleet vehicles, and before deciding to replace a vehicle, check its performances (especially fuel consumption, efficiency, usage) in order to consider whether a vehicle needs replacement, and if so, find the best choice depending on the usage, greenhouse gas emissions, and whole of life cost.

10.2. Energy procurement

The Council will prefer energy suppliers that offer 100% renewable energy.

10.3. All-of-Government contracts

All-of-Government contract (AoG) is a type of approved collaborative contract co-ordinated through MBIE's New Zealand Government Procurement Branch. AoGs establish supply agreements with approved suppliers for selected common goods or services purchased across government.

Council may purchase from AoGs if it is commercially advantageous to do so. Before approaching the market, Council should check whether there is an AoG that is available. CDC is currently a party to arrangements for mobile telephony services and for stationery.

11. Tender process

11.1. Electronic tenders

CDC, together with Masterton District Council and South Wairarapa District Council, maintains a joint tendering portal on the TenderLink electronic procurement service. There are considerable advantages associated with the use of TenderLink, including the ability to upload documents, assurance that our tender has been adequately notified, and the ability for bidders to submit tenders electronically.

TenderLink should be used for all procurements of over \$100,000, unless in the opinion of the manager responsible this would be inappropriate. Further information on TenderLink may be obtained from the Projects and Contracts Officer. Where consultants are employed to manage a tender process, the Wairarapa joint portal should be used.

11.2. Preparation of tender documentation and advertisement

- The publishing of all tender advertisements is done by the manager concerned.
- Where a tender is complex or considered to be higher risk, the advice of the Projects and Contracts Officer should be sought before issuing the advertisement.
- Tender documentation shall contain a clear statement of the goods or services that are required, sufficient to allow suppliers to prepare their tender. The documentation should also contain a clear statement of how the preferred tenderer will be selected.
- All communication and tender documents are handled in their entirety by the officer taking responsibility for the tender.

11.3. Communication with bidders

- The issue of tender documentation shall be documented, and suppliers collecting documentation shall physically sign that they have received the documentation. Full contact details of all suppliers obtaining tender documentation shall be recorded. This will be done automatically if TenderLink is used.
- Where questions are received from bidders, and where the terms of the tender permit it, answers shall be provided at the same time and in the same form to all suppliers who have obtained tender documentation.

11.4. Submission of tenders

- If TenderLink is used all tenders should be submitted electronically.
- If a manual tender process is used, a Tender Box will be used. Tender boxes are to be secured and are managed by an officer of Council as authorised by the Chief Executive or the relevant manager.

- Manual tenders are to be submitted in a sealed envelope with the name of the tender and the person submitting the tender clearly printed on the outside of the envelope.
- Electronically faxed or e-mailed tenders will not, as a rule, be accepted, unless under extraordinary circumstances, and due consideration has been given to associated risk.
- Tenders received by mail up to the close-off time are endorsed on receipt, stating date and time of receipt and the receiving officer's name, and placed immediately in the tender box.
- It is the responsibility of the tenderer to submit their tender on time and in accordance with the tender instructions.
- Late tenders will not, as a rule, be accepted, unless the lateness is a consequence of Council's actions, or extraordinary circumstances pertain. Any decision to accept a late tender must be documented and retained.
- Acceptance of late tenders has the potential to raise issues of fairness. Where a late tender is to be accepted, that must be allowed for in the tender instructions, and the late opening must be done in a transparent manner.

11.5. Opening tenders

- Where a manual tender process is used, the tender box is to remain secured and undisturbed until the close of tenders.
- The tender box is opened by an authorised officer of the Council in the presence of another authorised officer as soon as possible after a tender closes.
- A register of all tenders received is kept by the relevant manager. Each tender should be opened and the details noted in the tender register. When all tenders have been processed, the tender register should be signed by the two authorised officers present, to certify that the opening has been done correctly. Through this process it is imperative confidentiality is maintained.
- The officer responsible for the tender may be a Council employee or an external agency/agent commissioned by the Council.

11.6. Tender evaluation

- As soon as possible after tenders have been opened, the officer responsible for the tender checks all tenders received to ensure that they are arithmetically correct and meet the terms of the tender invitation. During the evaluation it is important for the reasons for differentials in scoring to be discussed and agreement to be reached on the appropriate score. He/she then prepares a tender evaluation report following the procedure for tender evaluation set out in the tender documentation. The evaluation report should contain the following minimum detail:
 - a. Description of the proposed work (ie scope of the contract).
 - b. Details of the tender opening (date, time, place and officers present) and a list of tenderers and tendered prices (GST exclusive) as submitted, including the Estimated Cost.

- c. If required, an amended list of tendered prices (GST exclusive) after any corrections to arithmetical errors.
 - d. An evaluation of the corrected tender prices (against the estimate if applicable) and a commentary on significant variations.
 - e. A statement that the preferred tender is compliant with the tender specification, represents the best value for money, and the tenderer is considered to be capable of supplying the goods or services successfully to the required standards within time and within budget. If the preferred supplier is local³, this should be noted.
 - f. A statement that appropriate health and safety plans and practices are included.
 - g. A financial statement showing details of all expenditure required to complete the works and the actual funds available.
 - h. The recommendation of the officer evaluating the tenders.
- For large tenders a Tenders Committee may be constituted by Council. In these circumstances then the evaluation report described above should still be completed to assist the Tenders Committee. And evidence retained that a recommendation was approved.
 - Unsuccessful parties are to be given an opportunity for a formal debriefing on the tendering process. This can be a useful process for the tenderers to improve their submissions for future projects, and it is also a chance for tenderers to give helpful feedback to management on how the process could be improved.

11.7. Awarding the contract

The following conditions must be met to award a contract:

- There must be sufficient funds for the goods or services in the current Annual Plan and Long Term Plan.
- If there are other goods and services to be supplied by other suppliers for the same project, there must be sufficient funds in the current Annual Plan and Long Term Plan for the whole project.
- The award must be authorised by an officer with sufficient authority under the Delegations Manual, or, in the case of the Tenders Committee, as authorised by Council.

12. Documentation

The Council will maintain appropriate documentation, proportionate to the value and risk of each procurement, to support planning, evaluation and conflict of interest management processes followed. Appropriate documentation is important to demonstrate that a robust process was followed, which supports accountability.

³ within the Wairarapa District Boundary

13. Review of the Policy

This policy will be reviewed three-yearly.

Any recommended changes to the policy as a result of a review will be submitted to the Policy and Strategy Committee for approval.

14. Related documents

The Carterton District Council documents below are related to this Policy:

- Procurement Planning Toolbox
- Asset Management Policy
- Staff Code of Conduct Policy
- Delegations Manual
- Health and Safety Policy
- Staff Manual
- Communications Policy
- Fraud, Dishonesty and Corruption Control Policy
- Sensitive Expenditure Policy
- Credit Card Use Policy
- Complaints Policy
- Ruamāhanga Strategy (Carbon Reduction Strategy)
- Carbon Reduction Policy (Internal Policy)



6.2 COMMERCIAL OCCUPATION OF FOOTPATHS AND RESERVES AND THE POLICY FOR SIGNBOARDS IN PUBLIC PLACES REVIEW

1. PURPOSE

For the committee to consider the review or revocation of the Policy for commercial occupation of footpaths and reserves and the policy for signboards in public places.

2. SIGNIFICANCE

The matters for decision in this report are not considered to be of significance under the Significance and Engagement Policy.

3. BACKGROUND

Council in 2006 adopted a policy which sets out the requirement for the commercial occupation of footpaths and reserves. The policy also included conditions around the use of signboards in public places. It is not apparent if this policy was ever reviewed on its due date being 2009. As such it is timely that the Policy and Strategy Committee consider if the policy is still applicable and should be reviewed, or if the policy is revoked. The policy is attached to this report as **Attachment 1** with the bylaw being **Attachment 2**.

4. OPTIONS

Review the Policy

Undertaking a review of this policy would ensure that it is still fit for purpose, and that the fee regime is appropriate and fair, a review of the policy would also ensure that any legislation cited in the document is updated to reflect the current legislative context.

Revoke the Policy

As noted previously it is unclear if the policy has ever been applied or if the annual fee has ever been charged. The Wairarapa consolidated bylaw Part 2 – Public Places (including Parks and Reserves) adopted 8 July 2019 covers most of what is included in the policy under section 7 where it notes that all seating in public places must have prior Council approval and recognises that the primary legislation covering signage is the district plan. Section 5 of the consolidated bylaw covers the obstruction of public places and the placement of any good, material or signage that may obstruct the public's right of passage. Section 20 of the bylaw also

provides for Council to set fees for the issue of any permit or licence, however the setting of this fee must be made by resolution and be publicly notified.

5. CONSIDERATIONS

5.1 Climate change

No issues in relation to climate change have been identified.

5.2 Tāngata whenua

Nil

5.3 Financial impact

Matters in this report are covered within existing budgets.

5.4 Community Engagement requirements

Should the Policy and Strategy Committee wish to review the bylaw, then they could if they wanted, adopt a draft version and this could be sent out to all businesses for their comment/input. There is no legal requirement to consult on a policy review, but this does not prevent engagement being undertaken.

5.5 Risks

No risks have been identified.

6. RECOMMENDATION

That the Committee:

1. **Receives** the report.
2. **Agrees** to revoke the 2006 policy titled Commercial Occupation of Footpaths and Reserves and the policy for Signboards in Public Places. Noting that matters covered in the policy can be managed under the District Plan and Part 2 of the Wairarapa Consolidated Bylaws

Or

3. **Agrees** to review the policy with an updated version to be presented to the next Policy and Strategy Meeting for adoption.

File Number: 127969

Author: Solitaire Robertson, Senior Planner

Attachments:

1. **Commercial Occupation of Footpath Policy** [↓](#)
2. **Public Places - Part 2 Wairarapa consolidated bylaw** [↓](#)

CARTERTON DISTRICT COUNCIL
POLICY FOR COMMERCIAL OCCUPATION OF FOOTPATHS
AND RESERVES
AND
POLICY FOR SIGNBOARDS IN PUBLIC PLACES

Background

1. The purpose of this policy document is to provide a framework for decision making on the current management and future allocation of commercial activities on footpaths. A balance is needed between the rights of the central business area, the retention of open space, and establishment of trading sites. This policy does not cover transient trading activities such as busking, hawking and itinerant trading.
2. The Carterton District Plan has objectives and policy statements that may be influenced by any future street occupation policy. They include:
 - The intense and highly visible retail character of the retail policy area within the urban commercial area is maintained, such that the amenity values which constitute this character are not adversely affected.
 - Activities locating and operating in the urban commercial areas display a commercial appearance which maintains and enhances the existing character and accessibility of the commercial area.
3. While the District Plan encourages such activities, the methods described to evaluate activities are very general, and the adoption of this policy will provide improved guidance on what may be permitted in respect to footpath occupation.

Key Issues

4. That commercial activities are encouraged in Carterton in such a way that they enhance the vibrancy, vitality and colour of the district.
5. That the safety of pedestrians and road users remains paramount within the district.
6. That there is a balance between encouraging commercial activities on the street and maintaining sufficient parking spaces in close proximity to businesses reliant on easy customer access for specific customer services. Consideration is given to the needs of aged and disabled users.

7. The activities are managed on a commercial basis to minimize any unfair economic advantage between shop retailers and current and future street traders (licensee's).
8. That all bona fide commercial operators have an appropriate licence to occupy, issued by council, and a reasonable security of tenure.
9. That any adverse effects of increased commercial activities are minimized.

Anticipated Outcome

10. To permit controlled use of footpaths for commercial activities which enhances the vitality and vibrancy of the township; while maintaining pedestrian and road user safety and access, ensuring adequate parking, whilst minimising any negative impacts on other businesses or retailers in Carterton.

GENERAL POLICY

Aesthetics

11. The Planning & Regulatory Manager will consider the visual effect of the commercial activity in relation to the streetscape when assessing a prospective application.
12. Footpaths may be used for commercial activities in approved areas. The use of wider footpaths for street activities will be preferred.
13. The furniture used must be in keeping with the existing streetscape and approved by the Planning & Regulatory Manager.
14. The licensee is responsible for keeping the area clean and tidy. Excessive smoke, noise, fumes, objectionable smells or dust should not emanate from the activity. Any stained or damaged paving must be cleaned or replaced by the Licensee, as directed and at no cost to the council.
15. The licensee will be responsible for the control of litter originating from their activity.
16. The licensee must provide a full detailed plan of the proposed site, showing any structural and planned works to the site. The plan must be submitted and approved before any work on the site commences.
17. The Planning & Regulatory Manager has final approval of the design and layout of any structures.
18. The licensee shall not display or place any signs, placards, posters or advertising material within the licensed area apart from those fixed permanently to furniture and promoting the specific commercial activity.

19. The licensee cannot make any structural changes or additions to the footpath, without prior written approval from the Planning & Regulatory Manager.
20. The area must be returned to its original condition at the cost of the licensee at the conclusion or termination of the licence. Note that the licence provides for a bond where required.
21. That the area occupied is clearly defined and each licensee to have a site plan available at all times for inspection.
22. Table umbrellas shall be permitted within the designated site area only, provided they are firmly secured and do not obstruct or impede pedestrian or vehicle access or visibility.

Operation Limitations and Licensee Obligations

23. A "Licence to Occupy" contract must be signed by the council and the Licensee, Outdoor Dining prior to occupation of the site in addition to other regulatory requirements.
24. To allow a reasonable level of security of tenure, the terms of licence to occupy may be for a maximum period of up to three years.
25. The licensee may choose to reapply for a renewal on expiry of the licence.
26. If Council decides that a licence will not be renewed because the site is required for other purposes, it will endeavor to give three months prior warning to the licensee.
27. The licensee must have in place a current Public Liability policy to the value of at least \$500,000.
28. Only one licensee can operate from the same site at the same time.
29. There shall be no assignment or subletting of the activity on the site without the prior written approval of the Planning & Regulatory Manager.
30. The hours of operation will be those specified in the licence to occupy.
31. A commercial activity may not be used for any other purpose than its original intent as specified in the licence to occupy.
32. The council may vary the position of the site either temporarily or permanently, or offer an alternative site, for the purposes of Public Works, street or footpath or services repair or realignment, or a relevant planning requirement.

Rental

For Footpath Occupation:

33. The setting of rentals will be at the rate of \$15 per seat, per annum.

For Public Reserve (Parks, etc) Occupation:

The setting of rentals will be equivalent to commercial rates based on the land value of the licensed area.

34. Site rentals will be reviewed every three years unless specified otherwise in current agreements.
35. Notwithstanding anything in this policy, Council has the right to decline any application it considers to be inappropriate or contrary to public interest.

Pedestrian and Road User Safety and Access

36. The safety of pedestrians and road users is given the highest priority within the township at all times. Commercial activities will be limited or prohibited where it would adversely effect pedestrian or road user safety.
37. Where footpath s occupied by a licensee, the remaining width of any formed footpath must be sufficient to ensure that pedestrian flow is not interrupted and is adequate for all disabled people.
38. To ensure that road user access and thoroughfare is not hindered or restricted in any way, no verandahs, umbrellas or tables shall extend beyond the approved site.

Location

39. Commercial activities will be permitted or promoted in specified areas. The character of the immediate environment and the current businesses will strongly influence what other activities may be compatible and permitted. e.g. dining on footpath in front of existing dining facilities.

LEGISLATION

40. The licensee will comply with the following Acts and Regulations where appropriate in the management of their commercial activity.
- a. Food Hygiene Regulation 1974.
 - b. Sale of Liquor Act 1989 and its amendments.
 - c. The Building Act 2004 and its amendments.
 - d. Health and Safety in Employment Act 1992 and its amendments.
 - e. Public Works Act 1981 and its amendments.
 - f. The Disabled Persons Community Welfare Act 1975 and its amendments.

- g. The Resource Management Act 1991 and its amendments.
- h. The Litter Act and its amendments.
- i. Any other relevant Acts, Regulations, or Carterton District Bylaws.

DELEGATIONS

41. The Planning and Regulatory Manager will:

- a. Approve the design and layout and workmanship standards of any structures.
- b. Enforce inappropriate or non compliant activities.
- c. Approve structural changes to the footpath, as required.
- d. Approve any variation or assignment of licences.
- e. Prepare and complete Licence to Occupy contract documents.
- f. Set fees and rentals for activities.
- g. Ensure the Licensee complies fully with the conditions of the licence.

REVIEW

42. This policy will be reviewed by March 31st 2009, or earlier if substantial changes take place.

Outdoor Dining on Footpath Specific Requirements and Licence to Occupy Agreements

Area Specifications

43. The maximum extent considered for outdoor dining is the total length of footpath in front of the existing business.

Rental

44. The rental assessment for outdoor dining on **footpath** will be at the rate of \$15 per seat, per annum.

The rental amount for outdoor dining on **Public Reserve** will be equivalent to commercial rates based on the land value of the licensed area.

Location

45. It is a prerequisite that dining facilities must also be available within the current business premises before an outdoor dining licence will be considered.

Signboards in Public Places

1. The erection or placement of a moveable, footpath sign is a permitted activity provided that:
 - a) No more than two moveable footpath signs per business premises are permitted.
 - b) Footpath signs may only be placed immediately outside the premises to which they relate.
 - c) The signs are to be removed during the period the premises are closed.
 - d) The signs shall be adequately secured.
 - e) The sign shall be of such dimension that it will not cause any hazard to pedestrians or vehicular traffic. Footpath signs may only be placed immediately outside the premises to which they relate.
 - f) The placement of the sign shall not obstruct safe passage of pedestrian traffic.
 - g) Notwithstanding the above, Council has the right to decline any application it considers to be inappropriate or contrary to public interest.



Wairarapa Consolidated Bylaw 2019

Part Two Public Places (including Parks and Reserves)

Commencement

The Wairarapa Consolidated Bylaw 2019 came into force throughout the Masterton, Carterton and South Wairarapa districts on 8 July 2019.

Adoption

Council	Bylaw/Amendments	Adoption Date
Masterton District Council	Consolidated Bylaw 2012: Parts One to Eighteen	14 August 2013
South Wairarapa District Council	Consolidated Bylaw 2012: Parts One to Six, Parts 8 and 9, Parts Eleven to Sixteen	31 July 2013
Masterton District Council Carterton District Council South Wairarapa District Council	Wairarapa Consolidated Bylaw 2019: Part Two - Public Places (including Parks and Reserves)	26 June 2019

Wairarapa Consolidated Bylaw 2019

Part 2 – Public Places (including Parks and Reserves)

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Referenced Documents

Reference is made in this document to the following New Zealand legislation:

- Health Act 1956
- Litter Act 1979
- Local Government Act 2002
- Reserves Act 1977
- Sale and Supply of Alcohol Act 2012

Foreword

This Part of the bylaw is made under section 145 of the Local Government Act 2002 (LGA).

In addition, the Reserves Act 1977, Health Act 1956, Litter Act 1979 outline some of the powers and requirements of the Council in regard to streets, public places and reserves. Areas of control prescribed by this legislation are not necessarily repeated within this bylaw, and therefore the relevant sections of the LGA and other legislation should be read in conjunction with this Part.

This Part of the bylaw draws on New Zealand Standards 9201 series Public Places Bylaw.

Reference should be made to Wairarapa Consolidated Bylaw 2019: Part 1 - Introductory for any definitions not included in this Part.

If any provision of this Part is inconsistent with Part 1 – Introductory, then the provisions of this Part prevail.

1. Scope

- 1.1. This Part of the bylaw controls a diverse range of activities to ensure that acceptable standards of convenience, safety, visual amenity and civic values are maintained for the wellbeing and enjoyment of citizens, visitors and businesses within the district.
- 1.2. In particular, this Part addresses damage to public facilities such as roads, grass verges, garden areas and reserves. It also addresses activities within public places and reserves which may have an adverse effect on other users of these facilities.

2. Definitions

Aircraft: Means:

- any man-made device capable of flight including, but not limited to, aeroplanes, helicopters, gliders, hang-gliders, unmanned aerial vehicles (e.g. drones), hot air balloons and radio-controlled model aircraft; but
- does not include kites and balloons which are controlled from the ground via strings.

Berm: The edge of a road reserve between the kerb or surface water channel and property boundary.

Camp: To camp using one or more of the following:

- a tent or other temporary structure;
- a caravan; and/or
- a car, campervan house truck or other motor vehicle.

Does not include the temporary and short-term parking of a motor vehicle; recreational activities commonly known as day-trip excursions or resting or sleeping at the roadside in a caravan or motor vehicle to avoid driver fatigue.

Mind-Altering Substance: A substance, whether synthetic or naturally occurring, which may alter consciousness, mood or emotions, or which might intoxicate or impair or diminish mental capacity. It includes what is commonly known as solvent abuse, but does not include:

- medically prescribed substances ingested by the person for whom they were prescribed;
- substances purchased from a pharmacy without a medical prescription;
- nicotine; or
- alcohol as defined in the Sale and Supply of Alcohol Act 2012.

Mobility Device: Has the same meaning as in the Land Transport Act 1998, being a vehicle that:

- is designed and constructed (not merely adapted) for use by persons who require mobility assistance due to a physical or neurological impairment; and
- is powered solely by a motor that has a maximum power output not exceeding 1 500W; or
- a vehicle that the New Zealand Transport Agency has declared to be a mobility device under section 168A(1) of the Land Transport Act.

Ride a Wheeled Recreational Device: Having either one or both feet, or any other part of the body of any person, on the wheeled recreational device when it is moving.

Trenching: Includes any excavation including any auguring or thrusting carried out within or under a road or public place for the purpose of maintaining, locating or installing services.

Verandah: A portico, porch, shed, shade, awning, blind, covering, or like structure, and their supports, projecting into or over any part of a public place.

Wheeled Recreational Device: Means:

- a vehicle that is a wheeled conveyance (other than a cycle that has a wheel diameter exceeding 355mm) and that is propelled by human power or gravity; and
- includes a conveyance to which are attached one or more auxiliary propulsion motors that have a combined maximum power output not exceeding 300W.

3. Public Safety and Nuisances

- 3.1. Except with the prior permission of Council or an authorised officer, and then only in accordance with such conditions as may be imposed, a person shall not on any public place:
- a) place or leave litter or any material, good, thing, or substance that is likely to be hazardous or injurious to any person, or likely to create a nuisance;
 - b) deposit in or around a public litter receptacle any household or trade refuse;
 - c) interfere with any refuse which is awaiting collection by an authorised collector;
 - d) drive any vehicle (excluding wheeled recreational devices and mobility devices) except on a formed road;
 - e) drive any vehicle in a manner that is dangerous or inconsiderate to pedestrians or other vehicles;
 - f) cause or allow any material, good, or thing to be deposited;
 - g) leave any work, hole or excavation in a manner that could be a danger to anyone entering or using that public place;

- h) solicit any subscription, collection or donation, preach, lecture, perform, use a loud speaker , amplifier or similar device, or undertake any busking;
- i) distribute any printed or written material advertising any product, service or entertainment;
- j) fly from or land any aircraft, parachute or similar , except in an emergency;
- k) consume, inject or inhale any mind-altering substances or offer or sell such substances to any person;
- l) play any game or use any object including wheeled recreational devices, roller blades, roller skates, bicycles or motorised scooters, recklessly or in a manner which may intimidate, be dangerous or injurious or cause a nuisance to persons in the public place, or damage the public place;
- m) erect or place any structure on, over or under the public place except in compliance with any other Part of this bylaw;
- n) light any fire except at fireplaces specially provided, or in an appliance designed for outdoor cooking, subject to any restriction imposed by Fire and Emergency New Zealand on the lighting of fires; or
- o) camp in an area where a prohibition or restriction is set out in any Council bylaw.

NOTE: See South Wairarapa District Council's bylaw for Camping in Coastal Areas 2009.

- 3.2. Where any fence, wall, retaining wall or land adjacent to a public place is in a condition or state of disrepair which, in the opinion of an authorised officer could cause damage or injury to persons passing, the authorised officer may give notice requiring the owner or occupier to repair or remove the fence, wall or retaining wall, or make the land safe at the expense of the landowner.

4. Fireworks

- 4.1. Without the prior approval of Council, and then only in accordance with such conditions as may be imposed, no person shall set off fireworks or explosive material:
- a) in or on a public place; or
 - b) near a public place in a way that does, or is likely to, create a nuisance.

5. Obstructing Public Places

- 5.1. Except with the permission of the Council or an authorised officer, and then only in accordance with such conditions as may be imposed, a person shall not on any public place:
- a) obstruct the entrances to, or exits from, a public place;
 - b) place or leave any material, good, or thing, including signage, on a public place that could obstruct the public right of passage;
 - c) allow any gate or door on property abutting a public place, to swing over or across the public place or any part thereof; or
 - d) carry out any work on any motor vehicle in a public place, except in the case of any accident or emergency when repairs are necessary to allow the vehicle to be removed.

6. Damage to Public Places

- 6.1. Except with the permission of the Council or an authorised officer, and then only in accordance with such conditions as may be imposed, a person shall not in any public place:
- a) damage, interfere with, destroy or remove any grass plot, flower bed, tree, shrub or plant or any inscription or label relating to it;
 - b) sow or scatter the seed of any plant of any kind;
 - c) pollute, damage, deface or disfigure, apply graffiti, posters or advertising devices to, or interfere with any ornament, statue, building, structure, or facilities;
NOTE: Nothing in this sub-clause shall prevent the Council from supplying or approving the installation of display boards in any public place for the purpose of allowing posters to be displayed announcing forthcoming functions or events,
 - d) cause or permit to be done any act whatsoever by which damage is caused to any public place, or any work or thing in, on, over or under the public place;
 - e) damage or interfere with any natural feature, animal or plant;
 - f) use any vehicle or be in control of an animal in any manner so that it damages any part of a public place;
 - g) drive or park any vehicle in a public place except in an area set aside for the driving or parking of vehicles;
 - h) remove any soil or other naturally occurring material found in a public place; or
 - i) open any drain or sewer on, or disturb or remove the surface of, any public place.
- 6.2. Any person carrying out authorised works on a public place shall provide reinstatement of the works to a standard approved by an authorised officer.
- 6.3. Any person wishing to gain access to a beach shall use a designated access where this is available.

7. Placing of Articles on Public Places

- 7.1. No signage shall be placed on any public place unless it meets the requirements for signage under the Wairarapa Combined District Plan.
- 7.2. All seating in public places must have prior Council approval.
- 7.3. A person shall not do, or permit or allow to be done:
- a) interment of cremation ashes on any reserve or other public place other than a designated cemetery upon presentation to the sexton of a burial warrant; or
 - b) scattering of cremation ashes at any reserve and only at other public places with permission of an authorised officer.

8. Control of Wheeled Recreational Devices

- 8.1. No person shall ride a wheeled recreational device in any area defined in the First Schedule attached to this Part of the bylaw.

- 8.2. A person may ride a wheeled recreational device on any footpath outside the areas defined in the First Schedule, providing the rider exercises reasonable care to ensure no damage is caused to any property and that reasonable consideration is made for other persons using the footpath.
- 8.3. Every person who commits an offence against this clause is liable to have the wheeled recreational device used impounded by an authorised officer.

9. Exposing Articles for Sale

- 9.1. Except as provided for by any other Part of this bylaw, no person shall expose for sale any article whatsoever on any footpath, or outside of any shop, shop window, or doorway abutting on any public place, so as to encroach on or over that public place, without the prior permission of Council, and then only in accordance with such conditions as may be imposed by Council.

10. Vehicular Crossings

- 10.1. Any person wishing to construct, repair, remove or widen any vehicular crossing shall first obtain approval from the Council, or resource consent if required.
- 10.2. An approval or resource consent provided by the Council under clause 10.1 shall be subject to such conditions concerning dimensions and materials as the Council may consider reasonably necessary to protect the road (including any footpath or berm) adjacent to the vehicular crossing, and to ensure safe and convenient use of the road by pedestrians and vehicles, and may include the payment of a bond to Council.
- 10.3. No person shall drive, ride, propel, or wheel any motor vehicle across any footpath or water channel in any public place otherwise than upon a crossing properly constructed under the provisions allowed under any Part of this bylaw.
- 10.4. If, in the opinion of the Council, any crossing is in a bad or unsafe state of repair, Council may by notice in writing, require the owner of the land which the crossing provides access to, to repair, reconstruct, or renew such crossing to the satisfaction of Council.

11. Trenching and Minor Earthworks

- 11.1. Any person wishing to undertake any trenching or minor earthworks within or under any road or public place, shall first apply for and obtain a road opening notice from the Council. The application shall contain detailed information on all aspects of the works proposed to be undertaken.
- 11.2. A road opening notice issued by the Council under clause 11.1 may be subject to such conditions as the Council may consider reasonable and shall also ensure safe and convenient use of the road or public place by pedestrians and vehicles.

12. Assembly

- 12.1. No person shall, except with permission from the Council, and then only in accordance with such conditions as may be imposed:
- a) participate in any assembly or associate with other persons in a public place in such a way as to impede pedestrian or vehicular traffic or to prevent or hinder ready access to shops or premises facing onto the public place; or
 - b) organise or conduct any meeting, gathering, demonstration, parade, procession or competition in a public place.

13. Awnings and Blinds

- 13.1. No person, except with the permission of an authorised officer, shall
- a) erect or maintain, or cause to be erected or maintained, any awning over any public place; or
 - b) hang any awning, blind, or screen from any portico on any public place.
- 13.2. In granting permission under clause 13.1, an authorised officer may set such conditions as deemed appropriate. Any such permission may be revoked at any time by an authorised officer.

14. Projections on Public Places not Permitted

- 14.1. Except where permitted by any other Part of this bylaw or by Council consent, no person shall put any portico, projecting window, balcony, wall, lamp, door step, cellar door, lamp post, signboard, window shutter, gate post, or other obstruction or projection of any kind whatsoever in, on, over or under a public place or in such a position as to interfere with or obstruct in any way the free passage of pedestrians or traffic upon any public place.
- 14.2. Clause 14.1 shall not apply to any verandah or awning erected pursuant to a requirement of the District Plan.
- 14.3. If any such projection or obstruction as described in clause 14.1 has been placed against, or in front of, any building before the coming into operation of this bylaw, and which is contrary to any bylaw in force, Council may give notice to the owner or occupier of such building to remove, or to alter such projection or obstruction, and such owner or occupier shall, within the time stated in such notice, remove, or alter such projection or obstruction.
- 14.4. No person shall stand on any verandah erected over a public place except for the purpose of inspection, maintenance or exiting in the case of fire.

15. Restrictions on Use of Barbed Wire and Electrified Fences

- 15.1. Except with the permission of an authorised officer, no person shall erect, or permit to be erected, any electrified fencing or barbed wire along, or within one metre of, any boundary line between any land or building on the one side, and any public place on the other side.

- 15.2. Clause 15.1 shall not prohibit the placing of such barbed wire at a height of not less than two metres, or electrified fencing not less than three metres from the level of the ground, of any such public place.
- 15.3. Clause 15.1 shall not apply within any land zoned rural under the Wairarapa Combined District Plan except when the fence abuts or adjoins a footpath, provided that Council may from time to time by resolution, specify conditions that will apply to temporary electric fences.

16. Road and Building Identification

- 16.1. The Council shall have the exclusive right to cause to be painted or affixed on a conspicuous part of a building, the name of the road, private road or public place to which it has frontage.
- 16.2. Notwithstanding that a building or property is identified by other means, the owner or occupier of every building or group of buildings forming part of a complex or of the property shall mark such building or complex with numbers no less than 50mm in height for residential buildings and not less than 150mm in height for all other buildings. Numbers shall be as allocated or approved by an authorised officer and displayed in a position so as to be readily visible from the road to which it has frontage.
- 16.3. Numbers required by clause 16.2 shall be maintained by the owner or occupier in such a manner as to readily identify the property at all times.
- 16.4. Council shall have power at any time to alter the number of any building where in the Council's opinion it may be necessary or advisable to do so.

17. Animals in Public Places

- 17.1. No person shall take or allow any animal under their care or control onto any public place if the Council has, by bylaw, resolution or public notice, prohibited entry of that type of animal to that public place.

NOTE: See also the Dog Control Bylaw.

- 17.2. No person shall:
- a) permit any animal to be on a reserve, unless:
 - i. a Council bylaw allows the animal on the reserve;
 - ii. prior permission has been granted by an authorised officer; or
 - iii. the reserve has been booked for an event allowing the presence of animals.
 - b) graze animals in any public place except in accordance with clause 17.7 below.
- 17.3. Any person having control of an animal on any public place shall ensure that the animal is kept under proper control:
- a) so as not to create a danger or nuisance for other persons using the public place; and
 - b) to ensure that no damage is caused to the public place, any part thereof or to any object or other animal thereon.
- 17.4. Any person being the owner of, or having control of, any animal in a public place shall immediately remove any faeces deposited by that animal and dispose of in a sanitary manner.

- 17.5. Every person being the owner or having the care, custody or control of any animal, shall keep and prevent the same from wandering or being at large without proper control on any public place. The occupier shall maintain sufficient animal proof fencing the road boundary of the property.
- 17.6. The Council may seize and confine any loose animal found in a public place, in breach of this Part or any other Council bylaw, resolution or notice. The owner of the animal is responsible for fees and costs incurred by Council in securing the animal.
- 17.7. During daylight hours, with the prior approval of an authorised officer, animals may be grazed on a rural road verge adjoining land owned or occupied by the owner of the animal, or on a road verge adjoining land owned by another person with the prior consent of that person, if:
- a) the animals are confined within a temporary fence considered by an authorised officer to be sufficient to prevent that animal from accessing or damaging such a place; or
 - b) the animals are controlled by a sufficient number of adult drovers to prevent the animal from obstructing the carriageway and from wandering beyond the control points.

18. Overhanging Vegetation Liable to Obstruct

- 18.1. No person shall permit or allow vegetation to encroach on to or over any public place so as to obstruct or interfere with the free and safe movement of persons using that public place. The Council or authorised officer may, by notice, require the owner or occupier to cut back and remove the encroaching vegetation within 14 days from the date of the notice.
- 18.2. Should the owner or occupier fail to comply with the notice, then the Council may arrange the removal of the vegetation and recover the cost of removal from the owner or occupier.
- 18.3. Unless otherwise approved by an authorised officer, overhanging vegetation shall be cut back to a minimum height of 2.7 metres.

19. Additional Requirements for Reserves

- 19.1. Subject to the provisions of this Part of this bylaw, every reserve shall be open to the public at all times, except during such hours as the Council or an authorised officer may determine that any reserve shall be closed to the public.
- 19.2. An authorised officer may from time to time and for such periods as deemed necessary, set aside areas of a reserve, for the exclusive use of particular groups or for particular kinds of recreational activities thereon. Council may charge for the right to have exclusive use of a reserve.
- 19.3. The Council may fix charges for the entry to a reserve (refer section 106 of the Reserves Act 1977), and it shall be an offence against this Part of the bylaw to enter a reserve without having paid the proper charge for entry, if a charge is payable.
- 19.4. An authorised officer may close or restrict entry to all of, or any portion of, a reserve at such times as are considered necessary to prevent damage to, or allow maintenance of the reserve. Such closure shall be advertised by signs at the entrances to the reserve. It shall be an offence against this Part of the bylaw to be found on a reserve at any time when the reserve is closed to public entry.

- 19.5. Every person committing a breach of the provisions of this Part of the bylaw shall, upon request by an authorised officer, immediately leave the reserve, and shall be prohibited from re-entering on the reserve for such period as the authorised officer deems necessary. Any person so ordered to leave shall still be liable to be prosecuted for the breach of the bylaw, and any person failing to leave with reasonable speed, to comply with a request to leave, shall commit a further offence.

20. Power to Set Fees

- 20.1. The Council may, by resolution publicly notified, set fees for the issue of any permit, licence or property number, or to claim any impounded animal or item, which may be required under this Part of the bylaw.

21. Offences and Penalties

- 21.1. Any person who breaches this Part of the bylaw commits an offence and may be liable to a penalty set out in section 242 of the LGA. Refer to Wairarapa Consolidated Bylaw 2019: Part 1 – Introductory (Section 15) for details of what broadly constitutes a breach of this Part.

22. Power to Amend by Resolution

- 22.1. The Council may, by resolution publicly notified:
- a) add schedules;
 - b) make additions or deletions from the schedules; or
 - c) substitute new schedules.
- 22.2. Where Council intends to make a resolution under clause 22.1, consultation will be undertaken as required, in accordance with the requirements of section 156 of the LGA.

First Schedule

Masterton District

Areas where riding of wheeled recreational devices is prohibited on footpaths and other public places are as follows:

- Length of Queen Street from Renall Street to Bruce Street
- Bruce Street
- Church Street from Queen Street to Dixon Street
- Bannister Street from Queen Street to Dixon Street
- King Street
- Lincoln Road from Queen Street to Chapel Street
- Perry Street from Queen Street to Chapel Street
- Jackson Street from Queen Street to Chapel Street
- Northeast side of Renall Street from Queen Street to Chapel Street
- The north-eastern side of Chapel Street from Renall Street to Lincoln Road.
- Kuripuni Village (the full length of Crayne Street and Queen Street from Crayne Street to Dixon Street)
- The Town Square, bounded by Chapel Street, Cole Street, Perry Street and the Masterton District Council Municipal Building.

Prohibited Wheeled Recreation Devices – Central Business District



Wairarapa Consolidated Bylaw 2019: Part 2 - Public Places (including Parks and Reserves)
Date bylaw came into effect: 8 July 2019

FIRST SCHEDULE
PROHIBITED SKATEBOARD AREAS - KURIPUNI SHOPPING DISTRICT



Wairarapa Consolidated Bylaw 2019: Part 2 - Public Places (including Parks and Reserves)
Date bylaw came into effect: 8 July 2019



6.3 RESOURCE CONSENT UPDATE

1. PURPOSE

The purpose of this report is to update the Committee on the resource consents issued since the previous update which is generally presented to the Policy and Strategy Committee.

2. SIGNIFICANCE

The matters for decision in this report are not considered to be of significance under the Significance and Engagement Policy.

3. BACKGROUND

The Terms of Reference for the Policy and Strategy Committee include the oversight of the implementation of the Wairarapa Combined District Plan. Resource Consents issued for the period 23 March to 24 May 2021 are included in **Attachment 1**.

4. CONSIDERATIONS

4.1 Climate change

N/A

4.2 Tāngata whenua

N/A

4.3 Financial impact

N/A

4.4 Community Engagement requirements

Not applicable as consultation requirements for resource consent are prescribed under section 95A-95B of the Resource Management Act 1991.

4.5 Risks

N/A

5. RECOMMENDATION

That the Committee:

1. **Receives** the report.

File Number: 127924

Author: Solitaire Robertson, Senior Planner

Attachments: 1. Resource Consent Update 23 March - 24 May 2021 [↓](#)

Attachment 1: Resource Consent Decision summary for the period 23/03/2021 till 24/05/2021**Land Use Consent Decisions****1. 200026 –Certificate of Compliance. Date of decision 16/04/21**

Application under section 226 of the resource management act to separate lots 178 & 180 DP 126 into their respective titles.

2. 20002- Certificate of Compliance. 21/04/21

Outline plan waiver under section 176A for culvert upgrades within the railway designation

Subdivision Consent Decisions**1. 210015- Discretionary Activity. Nine Lot Rural Subdivision. Date of decision 23/03/21**

The application site crosses the boundary of both Carterton District Council and Masterton District Council with the majority of the site being located in the Carterton District. The proposed subdivision is contained in the Rural (Primary Production) & (special) zone. The undeveloped lots all comply with minimum lot standard requirements, the one lot that does not comply is already fully developed and any effects are already in existence. The discretionary activity status is also triggered due to the road frontage requirement not being met and portions of the site being in the flood hazards zone.

Consent was granted with conditions.

2. 210017- Controlled Activity. Two Lot Rural Subdivision. Date of decision 30/03/21

The application sought to subdivide the property into 2 lots, Lot 1 of 1.03ha being a vacant block and Lot 2 of 4.52ha containing the existing dwelling. No parties were deemed affected by this proposal, the application is for a controlled activity that meets minimum lot size requirements and as such is anticipated and encouraged within the planning framework.

Consent was granted with conditions.

3. 210018- Controlled Activity. Three Lot Industrial Subdivision and amalgamation. Date of decision 07/04/21

The application sought to subdivide the property into 3 lots. The subject site is split zoned with approximately half of the site being zoned Rural (Primary Production), with the other half being zoned Industrial. The intent of the subdivision was to provide for the existing industrial business to be contained fully in the industrial zone whilst still providing an alternative access to David Lowes Lane. No parties were deemed affected by this proposal, the application is for a controlled activity that meets minimum lot size requirements and as such is anticipated and encouraged within the planning framework.

Consent was granted with conditions.

4. 210019- Discretionary Activity. Seventy Lot Residential Subdivision to be undertaken in three stages. Date of decision 08/04/21

The property is zoned both Residential and Industrial under the District Plan and is contained within three existing titles. It was proposed to subdivide the property into 63 residential lots, 3 roads to vest, an access lot (lot 68) a balance lot of 1.62ha (lot 67) and a reserve to vest (lot 70).

The proposal is to be undertaken in three stages: Stage 1A of the subdivision will be creating 21 residential lots, being lots 1-12 and 28-36. Stage 1B of the subdivision will be creating an additional 10 lots, being lots 41-50. Stage 2 of the subdivision will be creating the final 32 lots, being lots 13-27. 37-40 and 51-63.

In terms of the subdivision that is located within the portion of the site zoned Industrial, this will create a balance lot (Proposed Lot 67), an allotment that will contain an existing factory (Proposed Lot 59), and an access lot (Proposed Lot 68) that will provide legal access for Proposed Lot 69.

Although new allotments are to be created within the industrial zone, the physical appearance and use of land within the portion of the site zoned industrial will remain largely the same. The exception is the construction of the new road which is to be used to access the proposed subdivision. This road will not detract from the existing land use, and will not adversely affect the zoning and vice versa.

No parties were deemed affected by this proposal, as while the application is for a discretionary activity the proposal meets the controlled activity minimum lot size requirements and as such is anticipated and encouraged within the planning framework. The discretionary status is triggered by a very small portion of the site (the north eastern corner of lot 27 and part of the reserve to vest) being identified as a flood hazards zone, no building will be undertaken in this area and the risk is considered minimal and will be covered by a consent notice preventing habitable structures being erected in this zone.

Council will also register consent notices on new certificates of title for lots 1, 28, 45, 63 & 27 noting that they are adjacent to the Industrial zone, owners can expect noise, dust and other associated industrial activities to occur within this zone.

Consent was granted with conditions.

5. 210020- Controlled Activity. Two Lot Industrial Subdivision. Date of decision 12/04/21

The application sought to subdivide the existing certificate of title into two fee simple Lots being Lot 1 of 3450m² and Lot 2 of 5200m². Lot 1 will contain the existing building and Lot 2 being a vacant rear lot with new access onto Pakihi Road. The proposed areas are rounded and subject to actual physical survey. The application meets minimum lot size requirement and is expected and anticipated within the zone.

Consent was granted with conditions.

6. 210021- Non Complying Activity. Five Lot Rural Subdivision. Date of decision 16/04/21

The proposal was to subdivide the existing certificate of title into five fee simple lots, any lot not containing an existing dwelling would easily accommodate a building area, along with accessory rural buildings, consistent with the character of the area. Any future dwellings would be serviced to rural standard, with electricity and phone available at the lot boundaries. Any stormwater would be managed onsite with soak pit design forming part of any future building consent application. All services including phone and power to the rear lot would be located underground as is required by the Council.

The lot configurations are set out below:

Lot 1 of 0.3ha- existing dwelling and planting

Lot 2 of 1.1ha

Lot 3 of 4.1ha

Lot 4 of 4ha

Lot 5 of 6.5ha- existing dwelling and associated accessory farm buildings.

A non-complying activity, due to its nature, is the most restrictive activity for which consent can be granted. The consent authority is bound by s.104D(1), which states that

A consent authority may grant a consent for a non-complying activity only if it is satisfied that either:

(a) The adverse effects of the activity on the environment (other than any effect to which 104(3)(b) applies) will be minor; or

(b) The application is for an activity that will not be contrary to the objectives and policies of – both the relevant plan and the relevant proposed plan.

From the assessment carried out in granting the decision, it was concluded that the proposed activity is able to meet both of the S104D statutory threshold requirements, and therefore is able to be granted.

Consent was granted with conditions.

7. 210022- Controlled Activity. Three Lot Rural Subdivision. Date of decision 21/04/21

The application sought to subdivide the property into 3 lots, Lot 1 of 1ha and Lot 2 of 1ha and Lot 3 of 4.05ha. No parties were deemed affected by this proposal, the application is for a controlled activity that meets minimum lot size requirements and as such is anticipated and encouraged within the planning framework.

Consent was granted with conditions.

8. 210023- Controlled Activity. Three Lot Rural Subdivision. Date of decision 30/04/21

The application sought to subdivide the property into 3 lots, Lot 1 of 1.6ha and Lot 2 of 1.6ha and Lot 3 of 35ha. No parties were deemed affected by this proposal, the application is for a

controlled activity that meets minimum lot size requirements and as such is anticipated and encouraged within the planning framework.

Consent was granted with conditions.

9. 210024- Discretionary Activity. Two Lot Rural Subdivision. Date of decision 04/05/21

The application sought a 2 lot fee simple subdivision with proposed amalgamations. No changes to the current primary production land use are proposed as part of this application, however the application did note that proposed Lot 2 could have residential activity in the future. The lot configurations are below:

Lot 1 of 2.2ha containing an established rural-residential dwelling. This lot contains a portion of the Maungaraki Ridge which is identified as an Outstanding Natural Landscape. It is not anticipated that there will be any physical changes to this lot.

Lot 2 of 194ha being a vacant lot used for traditional farming. This lot also contains a portion of the Maungaraki Ridge which is identified as an Outstanding Natural Landscape. It is proposed that this lot be amalgamated with an adjacent lot. The Maungaraki Ridge is listed in the District Plan as being an Outstanding Natural Landscape and it is important that council consider this when assessing any subdivision or land use. The Maungaraki Ridge is a classic limestone hill and provides a substantial backdrop to the Gladstone area that is an identifiable feature from across the plains. There is sufficient available land on proposed Lot 2 that if a dwelling is proposed in the future it can be located outside of the Ridge.

Consent was granted with conditions.

10. 210029- Discretionary Activity. Two Lot Rural Subdivision. Date of decision 21/05/21

The application sought a 2 lot subdivision of two existing titles with proposed amalgamations. No changes to the current primary production land use on proposed lot 1 are proposed as part of this application, the application is providing for the existing dwelling to be contained on proposed Lot 2 to be provided its own title.

The lot configurations are below:

Lot 1 of 340ha being a vacant lot used for traditional farming. This lot also contains a portion of the Maungaraki Ridge which is identified as an Outstanding Natural Landscape. It is proposed that this lot be amalgamated with an adjacent lot.

Lot 2 of 0.78ha containing an established rural-residential dwelling. This lot falls outside the Maungaraki Ridge and it is not anticipated that there will be any physical changes to this lot.

As mentioned previously with another consent The Maungaraki Ridge is listed in the District Plan as being an Outstanding Natural Landscape and is located on proposed lot 1. The Maungaraki Ridge is a classic limestone hill and provides a substantial backdrop to the Gladstone area that is an identifiable feature from across the plains

Consent was granted with conditions.

7 KARAKIA WHAKAMUTUNGA