Waitomo District Council

STATEMENT OF PROPOSAL

Proposal to revoke Public Amenities Bylaw 2015 and review the Public Places Bylaw 2023



Contents

PURPOSE 2
BACKGROUND 2
REASON FOR PROPOSAL 2
WHAT COUNCIL IS PROPOSING 3
LEGISLATIVE FRAMEWORK 4
HAVE YOUR SAY 4
KEY DATES 4
SUBMISSION FORM 5



PURPOSE

Waitomo District Council (WDC) is proposing to revoke the current Public Amenities Bylaw 2015 and replace this with a separate Cemeteries Bylaw (see separate proposal) and move relevant sections to the Public Places Bylaw 2023.

The proposal would update how we define public places, facilities and amenities so that the Public Places Bylaw can regulate activities and conduct in all Council-controlled public places, facilities and amenities.

This Statement of Proposal has been prepared to fulfil the requirements of sections 83 and 87 of the Local Government Act 2002.

BACKGROUND

Council first adopted the Public Amenities Bylaw on 10 February 2010. Following a review in 2014, an updated Bylaw was adopted on 10 February 2015. To retain these provisions, Council must adopt an updated or replacement bylaw by 10 February 2027.

Council first adopted the Public Places Bylaw on 24 March 2009. It was amended in 2011 and subsequently reviewed in 2014 and 2023. The current Public Places Bylaw was adopted on 28 November 2023 and may be reviewed at any time by Council resolution.

Council has completed its review of the Public Amenities Bylaw. The review identified significant overlap between the Public Amenities Bylaw and the Public Places Bylaw, as well as matters already regulated through other legislation, Council bylaws, the Waitomo District Plan and the Waitomo District Comprehensive Reserve Management Plan.

The review found that the approach used in the Public Amenities Bylaw included public places, such as beaches, and public facilities, such as libraries and pools, and that the relevant provisions would fit better within an updated Public Places Bylaw. Amenities could also be included if redefined, as they often sit within a public place. Cemetery-specific provisions would be better addressed separately through the proposed Cemetery Bylaw (see separate proposal).

The draft Public Places Bylaw 2026 has been prepared under the Local Government Act 2002. Its purpose is to protect the public from nuisance; protect, promote and maintain public health and safety; and minimise the potential for offensive behaviour in public places.

REASON FOR PROPOSAL

Council is proposing to update the Public Places Bylaw to provide clearer and more consistent regulation of Council-controlled public places, facilities and amenities under one bylaw.

Bringing the relevant public amenity provisions into the Public Places Bylaw will reduce unnecessary duplication and make the requirements easier to understand and administer. Matters that are more appropriately addressed through legislation, another Council bylaw, a management plan, the District Plan or an operational policy have not been duplicated.

WHAT COUNCIL IS PROPOSING

Council is proposing to adopt the changes as outlined in the draft Waitomo District Council Public Places Bylaw 2026.

The proposed Bylaw retains the general controls contained in the current Public Places Bylaw and brings across relevant provisions from the Public Amenities Bylaw. This will mean it applies across all Council-controlled public places, facilities and amenities, including roads, footpaths, parks, reserves, beaches, public swimming pools, libraries, cemeteries and other public facilities.

The general provisions of the Public Places Bylaw will continue to apply to cemeteries as public places. Cemetery-specific activities and requirements are addressed in the proposed standalone Cemetery Bylaw

The principal changes proposed are:

- clarifying the purpose, scope and statutory basis of the Bylaw;
- updating the definitions of “Public Place” and “Public Amenity” to distinguish between public areas and the structures, features and equipment located within them;
- extending relevant general conduct, obstruction, signage and damage provisions to public amenities;
- adding updated provisions for the use of public swimming pools;
- adding specific provisions applying to beaches;
- recognising libraries and other Council-controlled facilities as public places for the purposes of general conduct requirements;
- clarifying the relationship between the Bylaw and other legislation, Council bylaws, the District Plan and reserve management plans;
- retaining cemetery-specific requirements in a separate proposed Cemetery Bylaw; and
- modernising wording, definitions and references to improve clarity and consistency.

Note: *In the draft Public Places Bylaw 2026, text shown in blue identifies provisions carried over from the Public Amenities Bylaw 2015.*



LEGISLATIVE FRAMEWORK

The draft Public Places Bylaw 2026 is prepared under the Local Government Act 2002.

The Local Government Act 2002 enables Council to make bylaws for the purposes of:

- protecting the public from nuisance;
- protecting, promoting and maintaining public health and safety; and
- minimising the potential for offensive behaviour in public places.

Before making a bylaw, Council must determine that a bylaw is the most appropriate way of addressing the identified problems. Council must also consider whether the proposed bylaw is the most appropriate form of bylaw and whether it gives rise to any implications under the New Zealand Bill of Rights Act 1990 (NZBORA). Our assessment of this draft bylaw is there are no implications under the NZBORA. The details of this Council determination can be found here: **www.waitomo.govt.nz/media/tv2nnm1t/council-agenda-2026-08-25-file-1.pdf**

The proposed Bylaw operates alongside other applicable legislation and regulatory instruments, including the Reserves Act 1977, the Resource Management Act 1991, the Land Transport Act 1998, other Council bylaws, the Waitomo District Plan and reserve management plans. It does not override requirements imposed under those instruments.

Cemetery-specific matters are addressed separately under the proposed Cemetery Bylaw 2026 and its applicable legislative framework.

HAVE YOUR SAY

Please read this Statement of Proposal and the proposed Public Places Bylaw 2026 and let us know what you think.

KEY DATES

1 October 2026	Consultation/Submissions opens
31 October 2026	Consultation/Submissions close
17 November 2026	Hearings (should people wish to speak to their submissions)
24 November 2026	Deliberations & Adoption – Council discusses feedback from the community and changes are agreed to if appropriate. Council adopts the final Bylaw.

Submission Form

Draft PUBLIC PLACES BYLAW 2026

Submissions 31 October 2026 Sub No. ☐

For office use only

You can share your views by:

- Completing this submission form and returning it to us by:
  - Visiting our Customer Service & Visitor Hub on Rora Street, Te Kuiti
  - emailing it to: haveyoursay@waitomo.govt.nz (scan and pdf or take a photo)
  - Posting to: FREEPOST 112498, Waitomo District Council, PO Box 404, Te Kuiti 3941
- Visit our website: www.waitomo.govt.nz/council/haveyoursay/ and fill in an online submission form

Full Name	
Organisation *(if responding on behalf of)*	
Phone (home/mobile)	
Address	
Postcode	
Email	

The Local Government Act 2002 requires submissions to be made available to the public. Your name and/or organisation will be published with your submission and made available in a report to elected members and to the public. Other personal information supplied (such as address / email address) will be removed from the public copy.

I wish to speak to Council about my submission. **Yes** ☐ **No** ☐
*(Hearings are scheduled for **17 November 2026**. We will contact you to arrange a time.)*

YOUR FEEDBACK on the Draft Public Places Bylaw 2026

Do you agree with moving Public Amenities to Public Places Bylaw and the updated definitions?

Yes ☐ **No** ☐

Is there any other feedback you'd like to add?

Waitomo District Council

Public Places Bylaw ~~2023~~ 2026

First Adopted:	24 March 2009
Review History:	February 2011 (Amendment), March 2014, March 2023, November 2026
Date of Next Review:	~~March 2033~~ November 2036
Responsibility:	GM Environment and Strategy
Adopted by:	Council on ~~28 November 2023~~ [date]

Contents

INTRODUCTION | KUPU ARATAKI 4

1. TITLE | TAITARA 5
2. COMMENCEMENT | TĪMATA 5
3. PURPOSE AND SCOPE | TE ARONGA ME TE KORAHI 5
4. DEFINITIONS | NGĀ WHAKAMĀRAMATANGA ..... 6~~6~~
5. Use of Public Places and Amenities ..... 10~~10~~~~9~~
6. Requirements for Signs in Public Places ..... 12~~12~~~~11~~
7. Alcohol Control ..... 13~~13~~~~12~~
8. Damage to Public Places and Amenities ..... 15~~14~~~~13~~
9. Use of Public swimming pools 14
10. Beaches 15
9. ~~9.~~ 11. Control of Cycles, Skating Devices, Mobility Devices and Wheeled Recreational Devices ..... 15~~15~~~~14~~
10. ~~10.~~ 12. Restrictions on use of barbed wire and electric fences ..... 18~~18~~~~15~~
11. ~~11.~~ 13. Requirements for Hawkers, Mobile Shops, Mobile Traders and Events in Public Places ..... 18~~18~~~~15~~
12. ~~12.~~ 14. Specific Provisions ..... 21~~21~~~~18~~
13. ~~13.~~ 15. Administration of Bylaw ..... 22~~22~~~~19~~
14. ~~14.~~ 16. Fees and Charges ..... 22~~22~~~~19~~

SCHEDULE 1 | WAHANGA 1 ..... 24~~25~~~~21~~

Skateboards ..... 24~~25~~~~21~~

SCHEDULE 2 | WAHANGA 2 ..... 24~~25~~~~21~~

Alcohol Control ..... 24~~25~~~~21~~

SCHEDULE 3 | WAHANGA 3 ..... 26~~27~~~~23~~

Mobile Shop Locations ..... 26~~27~~~~23~~

INTRODUCTION | KUPU ARATAKI

This Bylaw controls a diverse range of activities that occur within our district's public places to ensure that acceptable standards of convenience, safety, visual amenity, and civic values are maintained in public places for the well-being and enjoyment of citizens, businesses and visitors within the district now and in the future. This Bylaw addresses a wide range of issues that could have an adverse effect on public places, public amenities and their users.

The initial resolution to create this Bylaw, by combining existing bylaws pertaining to public places, was passed by the Waitomo District Council at an ordinary meeting of the Council held on 29 October 2008. The Bylaw was adopted by Council following the special consultative procedure, by a resolution at a meeting of the Council on 24 March 2009. This Bylaw came into force on 1 April 2009.

Council resolved on 3 February 2011 to make an amendment to Schedule 2 (previously Schedule B) of the Bylaw to expand the alcohol ban area, in order to assist Police in controlling alcohol consumption in public places. A full review was conducted in March 2014 and the amended Bylaw adopted in June 2014.

A review was undertaken in March 2023 and amendments were made to remove provisions that were covered by other Bylaws, statutes, and the Waitomo District Plan. A review in 2026 of the Public Amenities Bylaw found significant overlap with the Public Places Bylaw, and other sections covered by other statutes or separate Bylaws. The relevant public amenities were able to be incorporated to this Bylaw thereby creating the Public Places Bylaw 2026.

Other documents that should be referred to as relevant to this Bylaw include:

Local Government Act 2002
Health Act 1956
Land Transport Act 1998
Reserves Act 1977
Operative Waitomo District Plan
Amusement Devices Regulations 1978
Waitomo District Council Dog Control Bylaw and Policy
Waitomo District Council Public Health and Safety Bylaw
Waitomo District Comprehensive Reserve Management Plan
Waitomo District Council Local Alcohol Policy

1. TITLE | TAITARA

This Bylaw is the Waitomo District Council Public Places Bylaw ~~2023~~2026.

2. COMMENCEMENT | TĪMATA

2.1. This Bylaw will come into effect once adopted by Council with the commencement date being part of the Council resolution.

Guidance note:

This Bylaw comes into force on ~~18 December 2023~~ [date] by order of Council.

This Bylaw remains in force until ~~18 December 2035~~ [date], unless reviewed or repealed earlier.

3. PURPOSE AND SCOPE | TE ARONGA ME TE KORAHI

~~3.1. The purpose of this Bylaw is to ensure that acceptable standards of convenience, safety, visual amenity, and civic values are maintained in public places for the well-being and enjoyment of citizens, businesses and visitors within the district now and in the future.~~

~~3.2. To achieve the purpose in clause 3.1, this Bylaw regulates:~~

~~a) use of public places;~~

~~b) mobile trading and events;~~

~~signage in public places;~~

~~c) Alcohol control in public places; and~~

~~c) animals (excluding dogs) in public places.~~

~~3.4. This Bylaw is made under the general authority given to it by the Local Government Act 2002, as well as other legislation which outlines some of the powers and requirements of the Council in regards to public places. These include:~~

~~) Health Act 1956~~

~~) Land Transport Act 1998~~

~~Amusement Device Regulations 1978, pursuant to section 21A of the Machinery Act 1950~~

3.1. This Bylaw is made under the Local Government Act 2002 and regulates activities and conduct in Council-controlled public places, facilities, and amenities where necessary to:

(a) protect the public from nuisance;

(b) protect, promote and maintain public health and safety; and

(c) minimise the potential for offensive behaviour in public places.

3.2. This Bylaw applies to public places, facilities and amenities owned or controlled by Council, including libraries, reserves, public swimming pools, beaches, cemeteries, public buildings and other public facilities specified in this Bylaw.

3.3. Nothing in this Bylaw limits or affects any requirement, power or restriction under the Local Government Act 2002, the Reserves Act 1977, the Resource Management Act 1991, the Land Transport Act 1998, or any other enactment.

~~3.3.~~3.4. Where an activity or matter is regulated under another enactment, Council bylaw, a reserve management plan, or the District Plan, that legislation, plan or other regulatory instrument continues to apply and this Bylaw does not override it.

~~3.4.~~3.5. Areas of control so prescribed by the empowering legislation are not necessarily repeated within this Bylaw and therefore the relevant sections of these Acts should be read in conjunction with the Bylaw.

4. DEFINITIONS | NGĀ WHAKAMĀRAMATANGA

4.1. In this Bylaw, unless the context otherwise requires, the following words have the meanings as specified:

Alcohol	has the meaning given to it by the Sale and Supply of Alcohol Act 2012.
Animal	means stock, poultry and any other vertebrate creature of any age or sex that is kept in a state of captivity or is dependent upon human beings for its care and sustenance but excludes dogs.
Approved	means approved by Council.
Authorised Officer	means any person appointed or authorised by Council to act on its behalf and with its authority.
Beach	means any land adjacent to any seacoast or lakeside capable of being used for recreational purposes which for the time being is vested in or under the control of the council and is contiguous to the foreshore and used in connection therewith and where a river crosses a beach includes the area one kilometre upstream from the mouth of the river, and, where the control of the foreshore is vested in the council, includes the foreshore.
~~**Carriageway**~~	~~means the part of a road, sealed or unsealed and including any shoulder areas, where a normal wheeled vehicle can traverse.~~
Council	shall mean the elected members that form the governing body of the District Council.

~~means Waitomo District Council.~~

Cycle	means a Vehicle having at least one wheel and that is designed primarily to be propelled by the muscular energy of the rider and includes a power-assisted cycle. Children's cycles having wheels less than 355 mm diameter are excluded. BMX cycles are included no matter the diameter of the wheels.
District	means the area within the jurisdiction and under the control of the Waitomo District Council.
District Plan	means the Operative Waitomo District Plan.
Event	means an organised, temporary activity that takes place on one or more days for the purpose of attracting revenue, support, awareness, and/or for entertainment, community connection or competition. Examples include a parade, wedding, protest, festival, concert, gala, fair, and a multi-venue sports event of a significant scale, such as a fun run, marathon, duathlon or triathlon.
Hawker	means any person who sells goods or services or displays or offers goods or services for sale in a Public Place, or who carries or talks about goods from door to door.
Licensed Premises	means premises licensed for the sale or consumption of alcohol under the Sale and Supply of Alcohol Act 2012.
Local Authority	means the Council, person, or group of persons authorised by any Act to make bylaws, and which has made this Bylaw, and includes the body corporate on behalf of which any such Council, person, or group acts.
Psychoactive Substance	means a substance whether synthetic or naturally occurring which may alter consciousness, mood or emotions, or which might intoxicate or induce pleasurable sensations. It includes what is commonly known as glue sniffing, but does not include: a) Medically prescribed substances ingested by the person for whom they were prescribed. b) Substances purchased from a pharmacy without a medical prescription; c) Nicotine; and d) Alcohol as defined in the Sale and Supply of Alcohol Act 2012.
Mobile shop	means a vehicle, whether self-propelled or not, from which goods and/ or services, wares or merchandise are offered or exposed for sale in a public place.

Mobile trader	means any person who, in a public place: a) solicits for orders; b) offers, distributes, or sells any goods or services by foot or from any vehicle or stall or any part thereof.
Mobility device	means 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 by a motor that has a maximum power output not exceeding 1500 W; or a vehicle declared to be a mobility device under section 168A(1) of the Land Transport Act 1998.
Nuisance	Has the meaning given by section 29 of the Health Act 1956 and its amendments and applies to a person, animal, thing or circumstance causing unreasonable interference with the peace, comfort or convenience of another person whether or not that person is in a Public Place.
Owner	of any property, land, building, or premises, means any person for the time being entitled to receive the rent of such property, land, building, or premises, or who would be so entitled if the same were let to a tenant at a rent, and where any such person is absent from New Zealand, shall include their attorney or agent.
Pool ~~manager~~ operator	includes any attendant or contractor for the time being employed by Council to control or manage or to assist in the control and management of any swimming pool.
Portico	includes every awning, porch, verandah, lean-to, shade, or covering upon, across, or over any public footway or part of a road, street, private street, or accessway for the purpose of shade or shelter, together with any supports thereof, other than the building against which it shall be attached.
Premises	means any land, dwelling, storehouse, warehouse, shop, cellar, yard, building, or part of the same, or enclosed space separately occupied, and all lands, buildings, and places adjoining each other and occupied together shall be deemed to be the same premises.
Public Amenity	means any desirable or useful structure, feature or equipment such as but not limited to signs, monuments, statues, seating, picnic tables, play equipment which is owned, managed, maintained or controlled by WDC.
Public Notice	has the meaning given to it by the Local Government Act 2002.
Public Place	means an area that is open to or used by the public, with or without payment of a charge, and which is owned, managed, maintained or controlled by ~~the Council~~WDC, and includes every road, street, public car park, footpath, court, land, cemetery, reserve, park,

	beach, access way, ~~Council~~ WDC operated or controlled facility, thoroughfare and walkway of a public nature.
Reserve	has the same meaning as in the Reserves Act 1977
Road	has the meaning given to it by Part 1 section 2 of the Land Transport Act 1998.
Sign	means any device, character, graphic or electronic display, whether temporary or permanent, which: (a) is for the purposes of: (i) identification of or provision of information about any activity, property or structure or an aspect of public safety; (ii) providing directions; or (iii) promoting goods, services or events; and (b) is projected onto, or fixed or attached to, any structure or natural object; and (c) includes the frame, supporting device and any ancillary equipment whose function is to support the message or notice.
Skating device	means a wheeled device controlled or propelled by gravity or by the energy of the rider, including skateboards, roller skates, scooters, rollerblades, in-line skates, and wheeled recreation devices that have motors with a maximum output of 300W. It does not include cycles, wheelchairs, baby or invalid carriages.
Specified Public Place	means any public place that is within the area described in Schedule 3 to this Bylaw.
Stall	Stall includes a tent, tables, chairs, framework or structure of any description which is established in any public place where the purpose is to sell any goods or display any goods for sale or offer any services.
Stock	includes any cow, bull, ox, heifer, steer, sheep (includes any ram, ewe, wether, lamb) goat or kid, horse, donkey, mule, calf, boar, sow, pig, llama, alpaca or deer of any kind, but excludes any animal that is under harnessed control.
Urban Area	Any of the towns situated within the District and includes any community consisting of ten or more dwellings with or without any ancillary commercial building.
Vehicle	has the same meaning as in the Land Transport Act 1998
Veranda	includes any awning, porch, portico, shade, or covering upon, across, or over any public footway or part of a road, private road, or accessway for the purpose of shade or shelter, together with any supports, other than the support provided by the building.

Waitomo District Council (WDC)	shall mean the organisation established to administer Council affairs, conduct operations, and bring effect to Council policy and strategies.
Wheeled recreational device	means a vehicle that is a wheeled conveyance (other than a cycle that has a wheel diameter exceeding 355 mm) and that is propelled by human power or gravity; and includes a conveyance to which are attached 1 or more auxiliary propulsion motors that have a combined maximum power output not exceeding 300W.

4.2 Any guidance or explanatory notes do not form part of this Bylaw, and may be made, amended and revoked without formality.

4.3 Unless otherwise defined by clause 4, a word or expression used in this Bylaw has the same meaning as it has from time to time in the relevant legislation as covered by the Legislation Act 2019.

5. Use of Public Places and Amenities

5.1. Public Nuisance

5.2. Any person in or using a public place or amenity must not, without the prior written permission of ~~Council~~WDC:

a) Drive any vehicle except on a formed road or car park, or drive in a manner that is dangerous or inconsiderate to pedestrians or other vehicles or not in accordance with signage in the public place;
b) Cause or allow any material or thing to be deposited onto a public place or road;
c) Leave any work, hole or excavation in a public place in a manner that could be a danger to anyone entering or using that public place;
d) Solicit any subscription, collection or donation, preach or undertake any busking;
e) Distribute any printed or written material advertising any product, service or entertainment;
f) Fly from or land any aeroplane including model aeroplanes, a hot air balloon or hang glider, parachutes or similar except in an emergency;
g) Play any game or use any object including skateboards, roller blades, bicycles or motorised or human propelled scooters, recklessly or in a manner which may intimidate, be dangerous or injurious or cause a nuisance to any person in the public place, or damage the public place or amenity; or
h) Erect or place any structure on, over or under the public place except in compliance with this Bylaw.
i) interfere with, interrupt or delay the carrying out of any activity, service or ceremony;
j) obstruct, hinder or interfere with any person acting in the execution of his duty in relation to any public place or amenity;
k) bring into or exhibit any article that is a nuisance or is offensive to any other person;

l) behave in a manner that creates a nuisance or is offensive or is likely to create a nuisance or offensive to any other person;

5.3. Where any fence, wall, retaining wall or land adjacent to a public place or amenity is in a condition or state of disrepair which in the opinion of an Authorised Officer could cause damage or cause injury to any passing person, 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.

5.4. No person shall permit vegetation to encroach onto or over any public place or amenity that may obstruct or interfere with the free movement of persons using that public place or amenity, or restrict visibility for road users.

5.5. Notwithstanding any other clause of this Bylaw and subject to any restriction imposed by Council in relation to the lighting of fires, no person shall in any public place or amenity light any fire except at fireplaces specially provided or in an appliance designed for outdoor cooking.

Guidance note:

A breach of this Bylaw may result in a person being asked, or given notice by an authorised officer, to leave the public place. Refusal to leave, or repeated breaches, may lead to the issuing of a trespass notice under the the Trespass Act 1980 in relation to the public place or facility where the breach occurred.

5.6. Obstructing Public Places or Amenities

5.7. Any person in or using a public place or amenity must not:

a) Obstruct the entrances to or exits from any public place or amenity;

b) Place or leave any material or thing, including signage, on a public place or amenity that could obstruct the public right of passage, without the permission of an authorised officer and then only in accordance with such conditions as may be imposed;

c) Permit or allow vegetation to encroach onto or over any public place or amenity that obstructs or interferes with the free movement of persons using that public place or amenity;

d) Allow any gate or door on property abutting a public place or amenity, to swing over or across the public place or amenity; or-

e) 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.

Guidance note:

WDC may use a range of enforcement powers to remove any obstructions. If the owner does not remove the obstruction when asked by an authorised officer, ~~the Council~~WDC may remove it and recover the costs of removing the obstruction from the owner under sections 164 and168 of the Local Government Act 2002.

5.8. Placing of articles on Public Places or Amenities

5.9. Any person in or using a public place or amenity shall not place or leave or cause or permit to be placed or left any material or thing, including signage, amusement devices or items for sale or hire, unless:

a) Such action has first been approved by WDC~~Council~~ and then only in accordance with such conditions as may be imposed;
b) Such action is taken for the purpose of regular refuse or other collections authorised by the ~~Council~~ WDC or is otherwise authorised by law; or
c) Such action is permitted pursuant to any other part of this Bylaw.

5.10. Any person in or using a public place or amenity must not:

a) Erect or maintain any awning over any public place or amenity without permission from WDC~~Council~~;
b) Hang any awning, blind or screen from any portico in any public place or amenity without permission from WDC~~Council~~;
c) 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 amenity, ~~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, except where otherwise permitted by this Bylaw; or
d) Stand on any shop veranda erected over a public place or amenity except for the purpose of inspection, maintenance, or egress in the case of an emergency.

5.11. Any projection or obstruction as described in clause 5.8 that was placed before the commencement of this Bylaw and which is contrary to any bylaw in force, may be subject to removal or alteration by notice from an authorised officer~~Council~~.

5.12. WDC~~Council~~ may revoke permission at any time by giving notice to the owner or occupier of a building to remove, or to alter a projection or obstruction, and such owner or occupier shall, within the time stated in such notice, remove, or alter such projection or obstruction.

6. Requirements for Signs in Public Places

6.1. Subject to clauses 6.4 and 6.5, no person may, without ~~Council~~ WDC approval, erect, install, or display a sign in a public place, or on a public amenity.

6.2. No person may erect, install, or display a sign in a public place, or on a public amenity for the purpose of advertising or promoting any political party, political opinion or candidate in any election.

6.3. Exceptions to Requirements for Signs

6.4. Clause 6.1 does not apply to the erection, installation or display of a sign in a public place or on a public amenity:

a) by ~~Council~~WDC;
b) that is authorised pursuant to any enactment;
c) that is authorised pursuant to a resource consent granted under the Resource Management Act 1991 or subsequent legislation that replaces the Resource Management Act 1991;
d) that is authorised pursuant to the provisions of the Waitomo District Plan;
e) by an emergency service in the course of official duty;
f) for the purpose of advertising or giving directions to an event, or to advertise market days, open homes, garage or at-home sales, where the sign is displayed for no more than 8 weeks in any 12 month period.

6.5. Clauses 6.1 and 6.2 do not apply to the erection, installation or display of a sign on a vehicle, whether moving or stationary, where:

a) the vehicle is not being primarily used for the purpose of exhibiting the sign; and
b) the sign does not protrude from the vehicle.

6.6. Removal of Offending Signs

6.7. If any sign, fails to comply with the provisions of this bylaw, ~~Council~~ WDC may issue a notice to the owner and/ or occupier of the land, specifying:

a) The action to be taken by the owner and/or occupier of the land to remedy the situation including to alter, repair or remove the sign in question; and
b) When the action required by the notice must be complied with.

7. Alcohol Control

7.1. Acts Prohibited in Specified Public Places within the Waitomo District

7.2. Subject to clauses, 7.4, 7.6 and 7.8 the following acts are prohibited at all times:

a) The consumption of alcohol in or at any Specified Public Place.
b) The bringing of alcohol into any Specified Public Place.
c) The possession of alcohol in or at any Specified Public Place.
d) In conjunction with any of the above prohibited acts, the presence or use of a vehicle in a public place, or other devices for the purposes of carrying alcohol.

Specified Public Places are listed in Schedule 2.

Guidance note:

Police Powers of arrest, search and seizure in relation to alcohol bans are outlined in sections 169 and 170 of the Local Government Act 2002.

7.3. Exceptions to Prohibition for Residents and their Visitors

7.4. Clause 7.2 does not apply to alcohol in an unopened container for the purpose of the transport of that alcohol from outside a Specified Public Place to premises that adjoin a Specified Public Place:

a) For delivery to, a resident of those premises or by their visitors; or

b) From those premises to a place outside the Specified Public Place by a resident of those premises or their visitors, provided the alcohol is promptly removed from the Specified Public Place.

7.5. Exceptions to Prohibition for Licensed Premises

7.6. Clause 7.2 does not apply:

a) In the case of alcohol in an unopened container, to the transport of that alcohol from premises adjoining a Specified Public Place during any period when under the Sale and Supply of Alcohol Act 2012 it is lawful to sell alcohol on those premises provided the alcohol is promptly removed from the Specified Public Place.

b) In the case of in an unopened container, to the transport of that alcohol from outside a Specified Public Place for delivery to premises that adjoin the Specified Public Place provided the premises are licensed for the sale of alcohol under the Sale and Supply of Alcohol Act 2012.

c) To the possession and or consumption of alcohol at any premises within the Specified Public Place in compliance with a licence for the sale and or consumption of alcohol under the Sale and Supply of Alcohol Act 2012 including any footpath area that is defined under the appropriate alcohol licence.

7.7. Exceptions for Special Licences

7.8. Clause 7.2 does not apply to any part of the Specified Public Place in respect of which a Special Licence under the Sale and Supply of Alcohol Act 2012 has been granted for any occasion or event described in the licences.

8. Damage to Public Places or Amenities

8.1. No person may, without ~~Council~~ WDC approval, damage, interfere with, destroy or remove any property, ~~or~~ infrastructure or public amenity under the control of Council in a public place, including any sign, man-made feature, building, footpath, kerb, road, facility, natural feature, grass plot, flower bed, tree, shrub or plant or any inscription or label.

Guidance Note:

Under section 175 of the Local Government Act 2002, a person who wilfully or negligently destroys, damages, stops, obstructs or otherwise interferes with any works or property owned by a local authority is liable for the amount of the destruction or damage, the cost incurred by the local authority in removing the stoppage or obstruction, or any loss or expense incurred by the local authority by the stoppage or obstruction or interference.

9. Use of Public Swimming Pools

9.1 Management Control and Use

9.2 If in the opinion of either ~~Council~~ an authorised officer or the pool operator an emergency or other situation warrants the immediate closing for public use of any swimming pool or any part thereof, ~~Council~~ an authorised officer or the pool operator ~~as the case may be~~ may ~~forthwith~~ close ~~such~~ the swimming pool for use by the public until, in the opinion of ~~Council~~ an authorised officer or the pool operator, such emergency or other situation ceases to exist.

9.3 The pool operator may refuse admission to any person to any part of any swimming pool which in the opinion of the pool operator is likely to become overcrowded.

9.4 No person shall capture ~~use~~ or seek to ~~use cameras and or mobile phones with camera (pixtel)~~capture any images or recording on any device in the changing rooms.

9.5 ~~Council~~ The pool operator or an authorised officer may ~~in its discretion~~allow a person, ~~for such fees and~~ under terms, ~~and~~ conditions, and time limits ~~and during such periods as Council may decide, grant rights or permission~~ to use any swimming pool or part ~~thereof~~ of a swimming pool for the purpose of coaching or teaching swimming with or without ~~monetary rewarda~~ fee or charge. ~~and~~ The pool operator or an authorised officer may refuse to grant or renew such rights or permission or cancel any such permission.

9.6 Children under the age of 8 years are required to be actively supervised by a person 16 years or older.

9.7 No person shall:-

(a) Dive from any part of any swimming pool other than from the immediate surround to any area of water set aside for swimming; or

(b) Take into any part of the swimming pool any glass bottles or other containers made of glass. The pool operator shall have power to ~~impound~~ confiscate any such articles brought into the swimming pool.

9.8 Every person shall leave the swimming pool immediately upon the request of the pool operator or authorised officer over the public address system or by the sounding of a warning device.

9.9 Any person finding any article which may have been left in any bathroom or changing room or in any other part of the swimming pool shall immediately ~~after finding such article~~inform or deliver the ~~same~~ article to the pool operator or ~~other person acting on his or her behalf~~an authorised officer. Any property not claimed within 3 months of the date of being handed in may be disposed of in ~~such~~ an appropriate manner as ~~Council~~ deemed by an authorised officer~~thinks fit~~.

10. Beaches

10.1 Except as provided for in ~~7.1.3~~10.2 below Council may prohibit or restrict the leading, riding, driving or swimming of a horse or cattle or other animal on or from any part of a beach which is likely to be used or is ordinarily used or is being used for the purpose of ~~bathing~~ swimming or other recreation.

10.2 Any person whose land ~~is adjacent to such~~adjoins a beach and who uses the beach ~~as an~~to access ~~to such~~that land has the right to ~~use the beach for this purpose~~do so.~~, but t~~The right shall be confined to that portion between ~~such~~ that land and the nearest access point.

10.3 All vehicles and horses are prohibited on dunes. However, any person wishing to access the beach from an adjoining property or road may use a vehicle or horse on a dune only in a manner that does not cause nor is likely to cause damage to any part of that dune, and that utilises the most direct route possible.

10.4 No person shall clean any fish or leave any dead fish or fish offal on the beach, or deposit any dead fish or fish offal in the sea in the vicinity of the beach.

10.5 No person shall use, displace, or otherwise interfere with any appliance or warning device provided by ~~Council~~ WDC or by any life saving club unless granted permission by an authorised officer ~~authorised by Council~~ to do so for practice purposes.

10.6 **Surf Life Saving Clubs**

10.7 Council may at its discretion authorise any life saving club (whether subsidised or not) to:

(a) provide and use life saving equipment to the approved standards of the New Zealand Surf Life Saving Association;

(b) use any such life saving equipment provided by Council; and

(c) erect and, as may from time to time be necessary, remove from any place warning or danger notices.

10.8 No person shall obstruct or hinder or interfere with the carrying out of any life saving operations or drills or with any person engaged in those activities.

11. Control of Cycles, Skating Devices, Mobility Devices and Wheeled Recreational Devices

11.1 A person must not use or ride a cycle, mobility device, skating device, or wheeled recreational device in any Public Place in a manner that is~~–~~, in the opinion of an authorised officer~~Council~~:

a) Intimidating; or
b) Dangerous; or
c) A Nuisance; or
d) Likely to cause a health and safety issue; or
e) Likely to cause damage to property or amenities.

Guidance note:

Part 11 of the Land Transport (Road User) Rule 2004 sets out the requirements for pedestrians, riders of Mobility Devices, and wheeled recreational devices (including Skating Devices). Compliance with the Road Rules is enforced by the New Zealand Police.

11.2 A breach of any provision in this clause may result in the offending skateboard or bicycle being seized and impounded in accordance with section 164 or 165 of the Local Government Act 2002. For the avoidance of doubt, and in accordance with any applicable requirements and having regard to the preceding clause, bicycles are permitted to be ridden on any designated cycle way.

11.3 Property seized or impounded under clause ~~9~~11.2 shall be returned to the owner in accordance with section 167 of the Local Government Act 2002 upon the owner:

a) Supplying their full name and address; or
b) Satisfying an ~~Council or any officer~~ authorised officer in that regard that he or she is the owner or otherwise entitled to the custody and control of the skateboard; and
c) Making payment to ~~Council~~ WDC of the prescribed fee; and

d) The skateboard or recreational device having been impounded for a minimum of five working days following the day of impounding.

11.4 Should the owner of seized and impounded property not to collect the property within the period of 6 months from when the property was so seized then WDC~~Council~~ shall in accordance with section 168 of the Local Government Act 2002 dispose of the seized and impounded property.

11.5 ~~Council~~ WDC shall keep a register and enter therein the details of all property impounded and of every person recovering property from ~~Council~~WDC under this Bylaw.

12. Restrictions on use of barbed wire and electric fences

12.1. No person shall erect any barbed wire or electric fencing within 1 metre of any boundary line which borders a public place without the permission of ~~Council~~ WDC where the ~~hight~~height of the barbed wire is less than 2 metres and electric fencing less than 3 metres above ground level.

12.2. Permission under clause ~~10~~12.1 is not required where barbed wire is placed not less than 2 metres and electrified fencing not less than 3 metres above ground level.

12.3. Sub-clause ~~10~~12.1 shall not apply within any area which has a predominantly rural character under the Waitomo District Plan except when the fence abuts or adjoins a footpath. Council may from time to time by resolution specify conditions that will apply to temporary electric fences.

13. Requirements for Hawkers, Mobile Shops, Mobile Traders and Events in Public Places

13.1. No person shall place or leave or cause or permit to be placed or leave any material or object, including vehicles, scaffolding and hoardings, signage, amusement devices or items for sale or hire including food, or hold an event on any public place unless:

a) Such action has first been approved by an authorised officer, and then only in accordance with any other conditions that are imposed.
b) Such action is taken for the purpose of regular refuse or other collections authorised by WDC~~Council~~ or is otherwise authorised by law.
c) Such action is permitted pursuant to any other bylaw.

13.2. Hawkers, Mobile Shops, Mobile Traders and Stalls

13.3. Licence Required

13.4. No person, including Hawkers, Mobile Shops, Mobile Trader and Stalls shall in any public place engage in the sale of goods or services of any description whatsoever, without first having obtained a licence from ~~Council~~WDC.

13.5. No person shall cause nuisance or create harm or expose the public to risk while undertaking their activity.

13.6. No Hawkers, Mobile Shops, Mobile Trader and Stalls may trade in any place or area except those identified in Schedule 3, or in a location approved by Council.

13.7. Application

13.8. Every person including Hawkers, Mobile Shops, Mobile Trader and Stalls who wishes to sell goods in a public place shall make written application to WDC~~Council~~ by completing an Application for Registration on the prescribed form. The information, to be supplied by the applicant, shall include the following:

a) name and address of the applicant;
b) name and address of the person(s) selling the goods or services;
c) the location/site;
d) the telephone number of the applicant;
e) the type of goods or services for sale;
f) the period of time sought for selling;
g) duration of use;
h) the type and number of vehicles and the registration numbers, if applicable.~~;~~
~~and~~
~~evidence of good character.~~

13.9. Considerations for licences

13.10. ~~Council~~ WDC may consider the following before issuing a licence:

a) Any trade licences previously granted to the applicant for the same activity.
b) The nature and extent of the activity proposed, such as hours of operation, generation of pedestrian and road traffic, and impact on surrounding area(s)
c) If the site is within the approved locations in Schedule 3.
d) whether the application is supported by any affected parties (including nearby business owners)
e) any previous breaches of this Bylaw.
f) whether the applicant has breached any other relevant local or national regulations (if known or able to be known by Council – especially for travelling businesses).
g) whether the activity will or may pose or promote any public health or safety risks.
h) whether the activity will or may cause any negative environmental impact.
i) any other such matter that ~~Council~~ WDC deems relevant to the application.

13.11. Licence conditions

13.12. ~~The Council~~WDC may, either upon the issue of any licence to any Hawkers, Mobile Shops, Mobile Trader and Stalls or at any time by notice in writing served on any licensed Hawkers, Mobile Shops, Mobile Trader and Stalls:

a) Prescribe any condition or conditions in compliance with which such Hawkers, Mobile Shops, Mobile Trader and Stalls must carry on their trade or business; or
b) Require such Hawkers, Mobile Shops, Mobile Trader and Stalls to discontinue the use of any vehicle so employed by them.

13.13. It shall be a condition of the licence where a vehicle is to be used for the sale of food for human consumption that no vehicle other than that specified in that licence shall be used for the purpose without the approval of the Environmental Health Officer of ~~the Council~~WDC.

13.14. WDC~~Council~~ may impose conditions including but not limited to the number of sites the licence covers and the maximum licence period.

13.15. Cleanliness of Vehicle

13.16. Every licensed Hawker, Mobile Shop and Mobile Trader or any person operating on behalf of such Hawker, Mobile Shop and Mobile Trader who takes or carries about any article of food for sale shall keep and maintain every vehicle, box, basket, pack or other container used or connected therewithin a thoroughly clean and sanitary condition to the satisfaction of the ~~Council's~~ WDC's Environmental Health Officer.

13.17. Exemptions

13.18. The exemptions to clauses 1~~3~~1.1-1~~3~~1.16 are as follows:

a) Selling by commercial fishermen of limited quantity of fish in the vicinity of a fishing vessel as specified in section 191 of the Fisheries Act 1996;
b) Service delivery vehicles including milk vendors;
c) Any market, stall or stand which has a current approval under any other bylaw, legislation, resource consent, venue hire, or specific resolution of Council;
d) Any market, stall or stand which has been initiated by Council for the benefit of the community;
e) Any motor vehicle advertising any business or service;
f) Buskers and street entertainers provided that no sale of any items is involved and provided that permission is first obtained from the owners or occupiers of any business premises outside which they intend to perform.

13.19. State Highways

13.20. In the case of a state highway, with the prior consent of the ~~Waka Kotahi (~~New Zealand Transport Agency Waka Kotahi~~)~~, ~~Council~~ WDC may prohibit hawker, mobile shop, mobile trader and stalls (including vehicles used as stalls), to occupy stands:

a) In specified roads or state highways or parts of specified roads or state highways; or

b) Where the presence of the stall or stand is likely to cause an obstruction or a danger to traffic, in any public place adjoining specified roads or state highways or parts of specified roads or state highways.

14. Specific Provisions

14.1. Animals and stock in public places

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

14.3. Any person having control of stock in any public place shall ensure that the stock is kept under proper control, with consideration for other persons using the public place.

14.4. No person shall drive any stock on any road during the periods between half an hour after sunset and half an hour before sunrise unless sufficient warning is provided and maintained by such person by the use of lights or other effective device or means to ensure that other persons using such road shall have adequate notice of the presence of such animals on the road.

14.5. No person shall:

a) Permit stock to be moved across or along any public place unless an alternative route is not reasonably available;
b) Permit any stock to be on a reserve, beach or other area designated as an area prohibited to stock without the prior consent of an authorised officer;
c) Graze stock in any public place without the prior consent of an authorised officer.
d) Graze stock on road reserves in a predominantly rural area, unless the animal is contained in adequate temporary fences.

14.6. Any person having control of stock in any public place shall ensure that the stock are moved in such a manner and by such points of access to an exit from the road as to ensure that damage is not caused to the public place or amenities.

14.7. Any person having control of stock being moved on any public place in an urban area shall ensure that excrement; urine or other matter deposited upon the public place from such work is removed, and disposed of in an appropriate manner.

14.8. Any person being the owner of or having control of any horse in a public place in an urban area shall immediately remove any manure deposited by that horse from the public place.

14.9. Subject to the requirements Clause 1~~4~~2.1-1~~4~~2.8 every owner or person having the care, custody, or control of any animal shall keep and prevent the same from wandering or being at large without proper guidance on any public place.

Guidance note:
Nothing in this Bylaw applies to dogs (see the definition of "Animal" in clause 4.1 of this Bylaw). The rules concerning dogs are in the Waitomo District Dog Control Bylaw. Information on Council's animal and dog control activities including a copy of the Dog Control Bylaw can be viewed on Council's website here:
https://www.waitomo.govt.nz/our-services/animal-control/

15. Administration of Bylaw

15.1. Offences and Penalties

15.2. A person who breaches this Bylaw commits an offence and is liable on conviction to a penalty under the Local Government Act 2002.

15.3. A person must not do anything or cause any condition to exist, for which a licence, permit, certificate, or approval from WDC~~Council~~ or an authorised officer is required under this Bylaw without first obtaining that licence, permit, certificate, or approval. Failure to do so is a breach of this Bylaw. This clause does not limit clause 15~~3~~.2.

15.4. The continued existence of any work, building, land, premises or thing in a state or form that contravenes this Bylaw is deemed to be a continuing offence under this Bylaw.

Guidance note:

A person who is convicted of an offence against this Bylaw is liable to a fine not exceeding $20,000 under section 242 of the Local Government Act 2002 (as consolidated on 13 April 2023).

Council's enforcement powers under the Local Government Act 2002 include court injunction (section 162), seizure and disposal of property (sections 164, 165 and 168), liability for costs to remedy damage (section 176), power to request name and address (section 178) and power to execute works and recover costs (sections 186 and 187).

Some breaches of this Bylaw may be infringement offences. They will be identified as infringement offences by Regulations made under section 259(a) of the Local Government Act 2002. If a person commits an infringement offence they may be charged in court or served with an infringement notice.

16. Fees and Charges

14.1 The fees for any licences, permits, certificates, authority, approval, consent given, inspection made or service given by WDC~~Council~~ and any other matter described in this Bylaw shall be as set out in Council's Fees and Charges Schedule from time to time.

14.2 Fees are payable before the issue of any licence ~~or~~, permit, or certificate granted under this Bylaw.

Common Seal of Waitomo District Council:

The Common Seal of the Waitomo District Council
was hereto affixed in the presence of:

_____

Mayor

_____

Chief Executive

SCHEDULE 1 | WAHANGA 1

Skateboards

1.1 Areas where riding of skateboards is prohibited on footpaths and other public places are as follows:

- Rora Street, Te Kuiti (between Alexandra Street and Lawrence Street)
- King Street East and Sheridan Street, Te Kuiti (between Rora Street and Taupiri Street)
- Moa Street, Piopio (from Kea Street North to Tui Street).

SCHEDULE 2 | WAHANGA 2

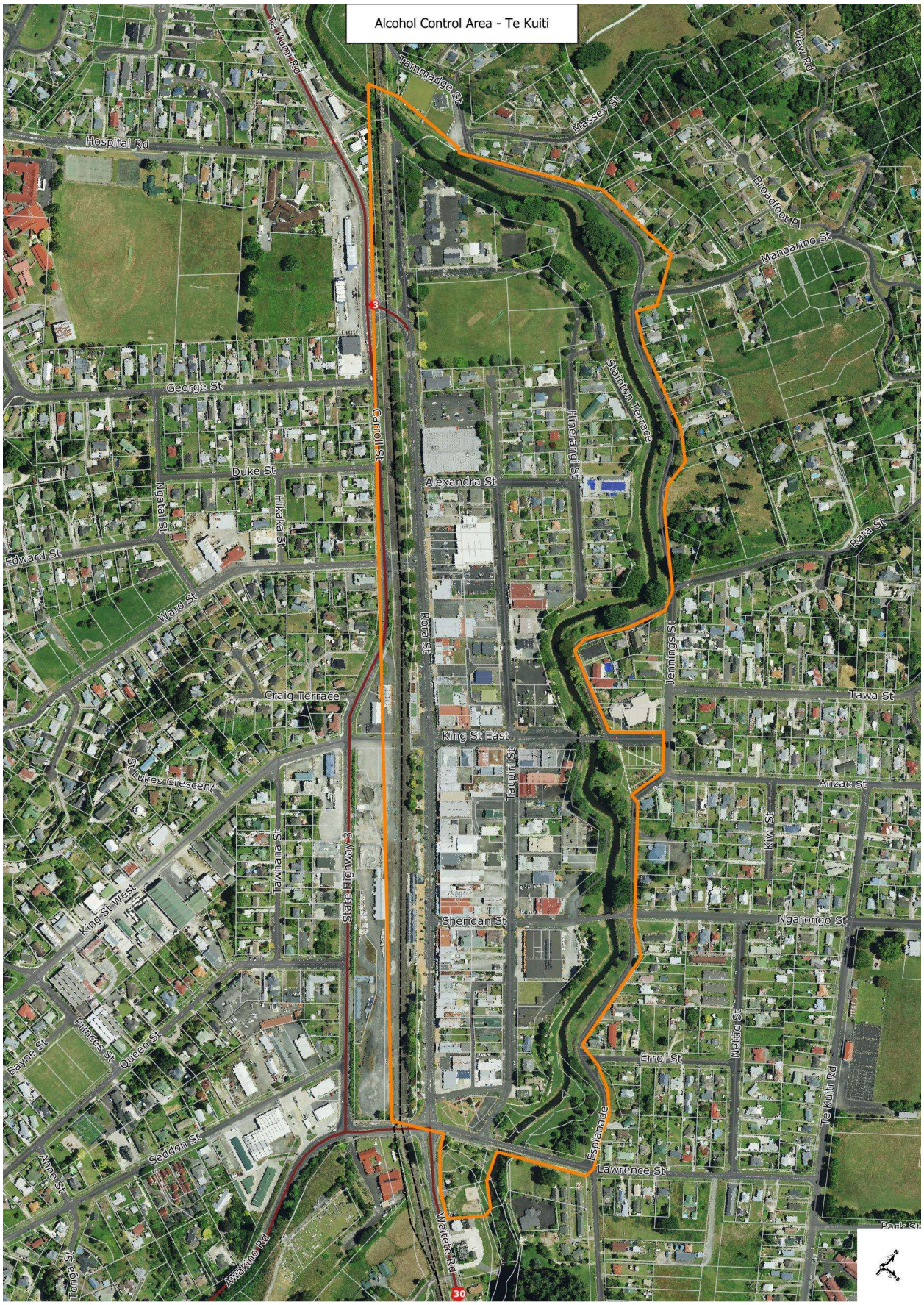
Alcohol Control

1.2 Specified Places where the Alcohol Control section of this Bylaw applies:

- Redwood Park, Te Kuiti
- Rora Street, Te Kuiti
- Lawrence Street, Te Kuiti – between Rora Street and the Esplanade
- Sheridan Street, Te Kuiti - between Rora Street and the Esplanade
- King Street East, Te Kuiti- between Rora Street and Jennings Street
- Alexandra Street, Te Kuiti
- Taupiri Street, Te Kuiti - between Lawrence Street and Alexandra Street
- Both banks of the Mangaokewa River, Te Kuiti between Redwood Park and the Te Kuiti Bowling Club
- RSA Memorial Park, Te Kuiti
- Aquatic Centre, 13A Hinerangi Street, Te Kuiti
- Waitomo District Library, 28 Taupiri Street, Te Kuiti

Specified Public Places include, but are not limited to, Streets, Service Lanes, Lanes, Footpaths, Carparks and Reserves in Te Kuiti. The alcohol ban area only applies to public spaces, commercial and privately owned areas within the zone are not part of the ban.

This schedule may be amended from time to time by public notice made by the Waitomo District Council. Such notices shall be made in the public notice section of newspapers as Waitomo District Council sees fit and be made no less than fourteen (14) days before the change is to apply.

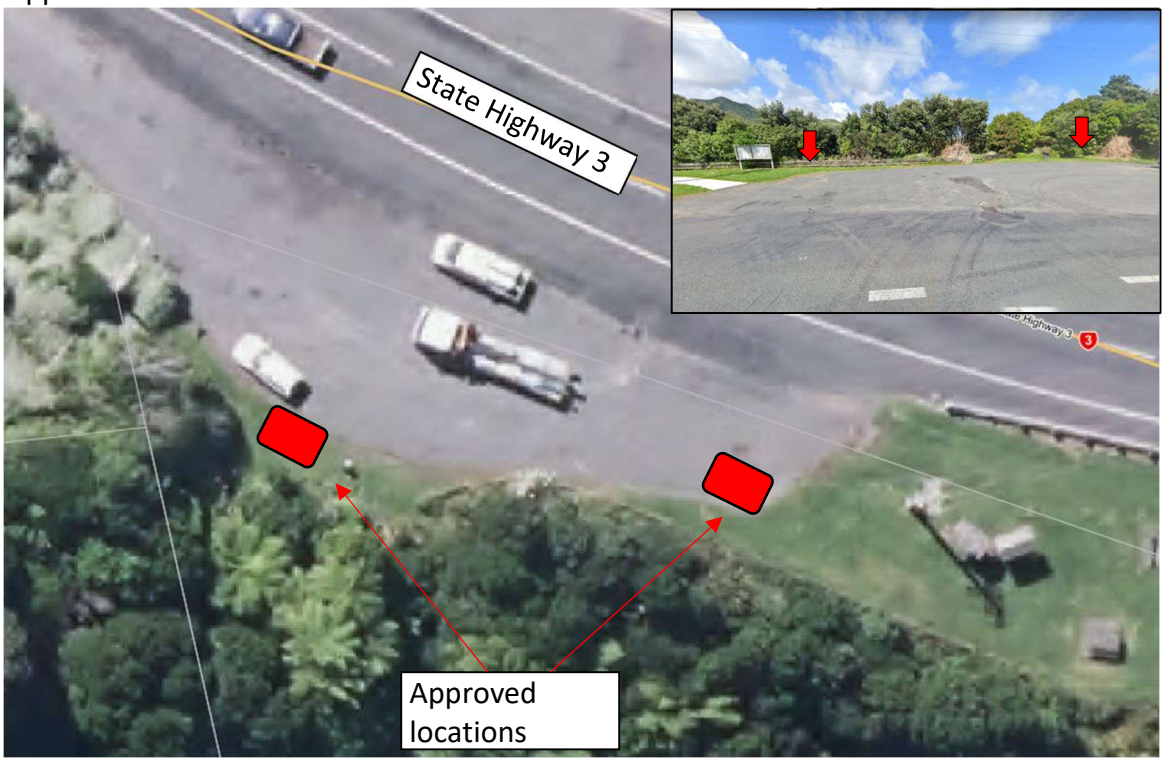

Alcohol Control Area - Te Kuiti
Te Kumi Rd
Tainnadge St
Massey St
Mew Rd
Hospital Rd
Broadfoot Pl
Mangarino St
Stainton Terrace
George St
Carroll St
Hinerangi St
Duke St
Alexandra St
Ngatai St
Hikaka St
Edward St
Rata St
Ward St
Rora St
Jennings St
Craig Terrace
Tawa St
King St East
Taupiri St
St Lukes Crescent
Anzac St
Kiwi St
Tahuna St
State Highway 3
King St West
Sheridan St
Ngarongo St
Princes St
Queen St
Bayne St
Nettie St
Errol St
Te Kuiti Rd
Esplanade
Seddon St
Anne St
Lawrence St
Awakino Rd
Waitete Rd
Park St
Totoga St
3
30

SCHEDULE 3 | WAHANGA 3

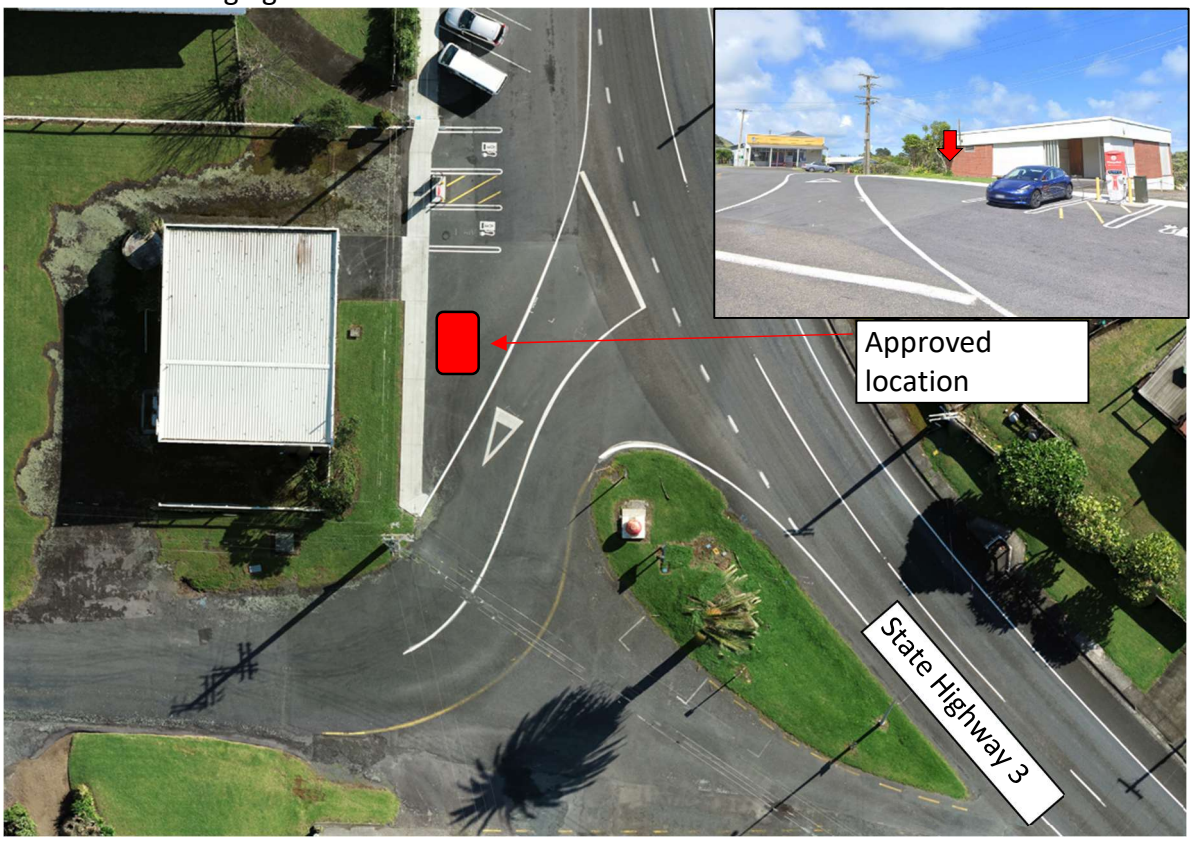
Mobile Shop Locations

Mokau

Opposite Whitebait Inn on SH3: Council owned area



Near the EV charging station on SH3: Road reserve



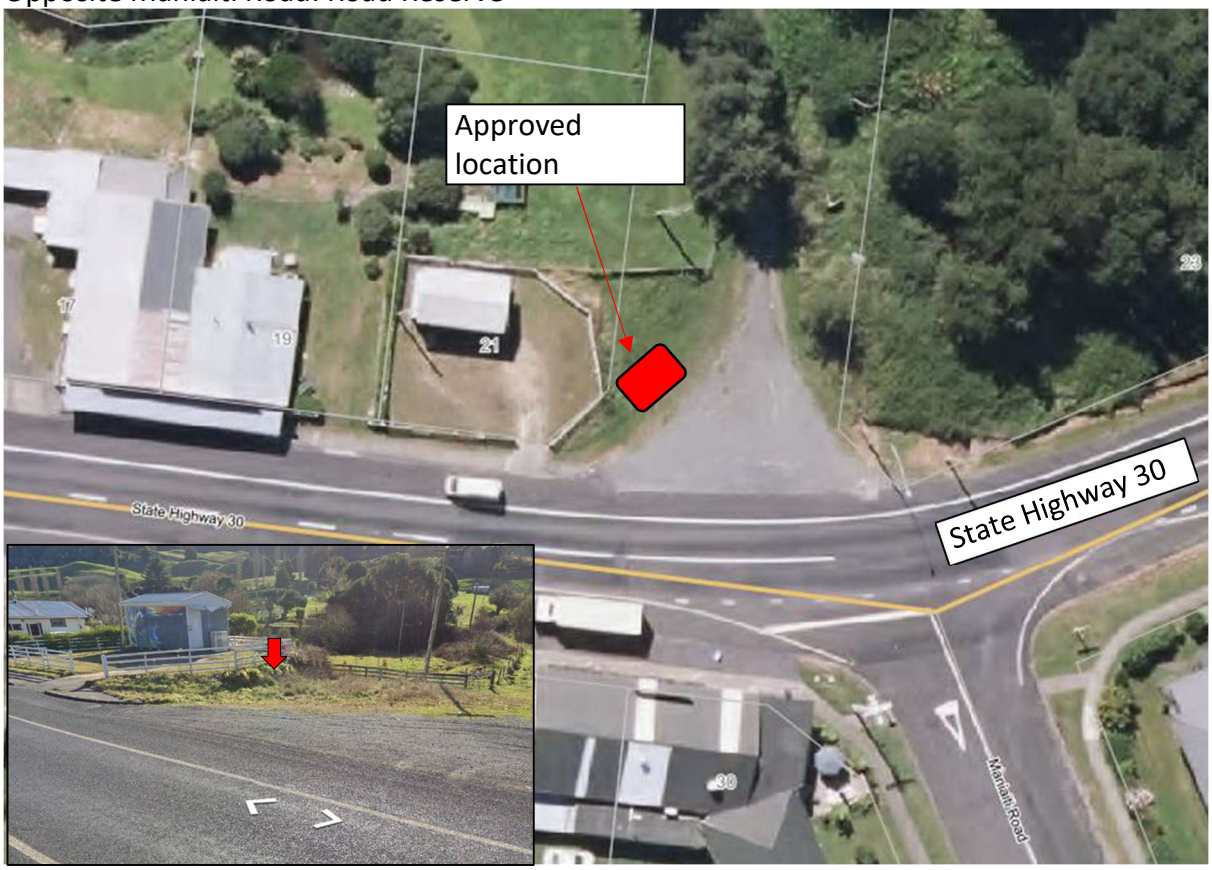
Piopio

Near the Public toilet: Road reserve



Maniaiti/Benneydale

Opposite Maniaiti Road: Road Reserve



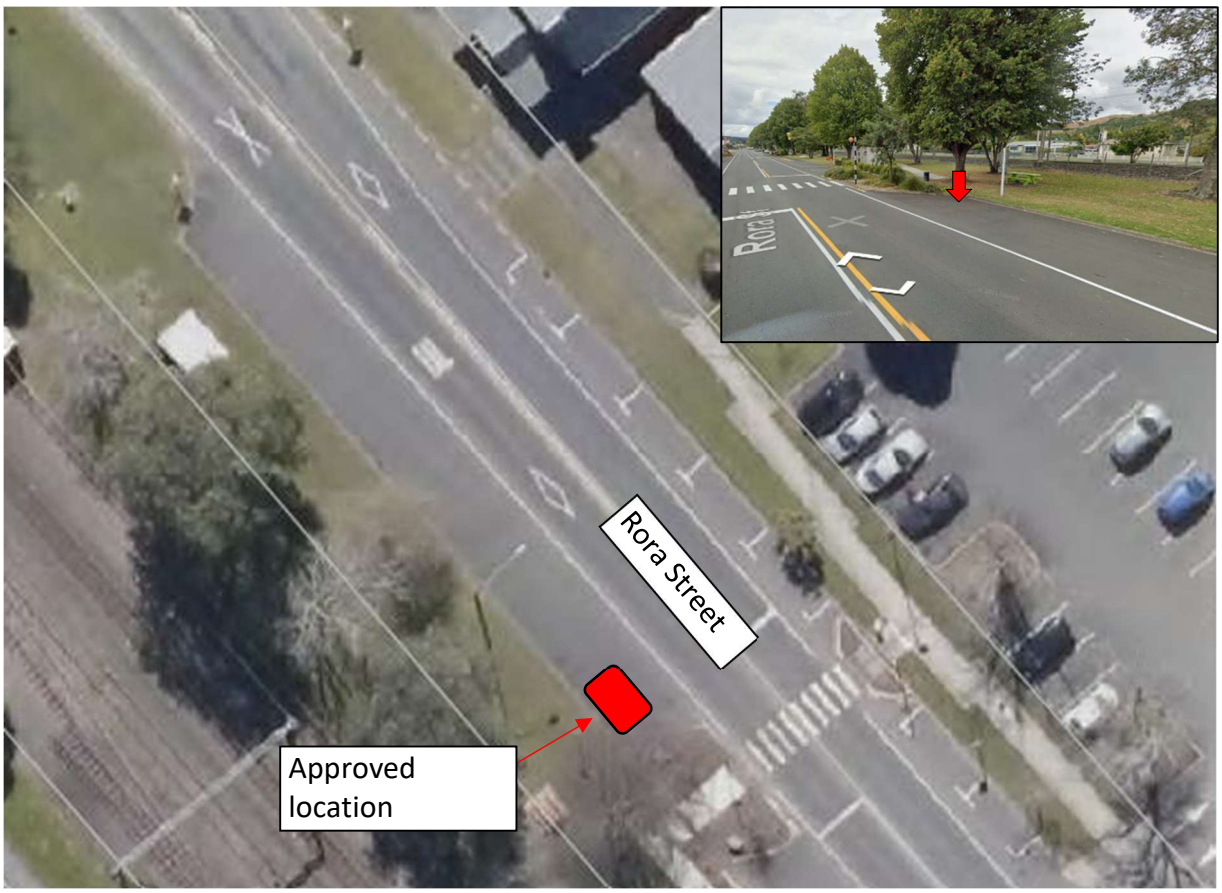
Waitomo Caves

Opposite i-site Waitomo Village Road (Waitomo Caves parking space 2): Road reserve



Te Kuiti

North of the northern public toilet (opp. Warehouse): Road reserve



Near Citizens Advice Bureau: Road reserve.



Near the shearing statue: Road reserve

