

Document No: A406511

Report To: Council



Meeting Date: 25 September 2018

Subject: Proposed Freedom Camping Bylaw and amendment to Public Places Bylaw 2009 (reviewed 2014) and Public Amenities Bylaw 2010 (reviewed 2015)

Type: Decision Required

Purpose of Report

- 1.1 The purpose of this business paper is to present to Council a:
- a) Proposed Draft Freedom Camping Bylaw (Appendix 2); and
 - b) Amendment to the Public Places Bylaw 2009 (reviewed 2014) and Public Amenities Bylaw 2010 (reviewed 2015) (Appendix 3 and 4 respectively); and
 - c) Statement of Proposal (Appendix 1):

For consideration and approval for public consultation using the special consultative procedure of the Local Government Act 2002 (LGA).

Background

- 2.1 Council has previously resolved to develop a bylaw if required in order to appropriately manage the effects of freedom camping in Waitomo District.
- 2.2 Waitomo District is experiencing growth in tourism, which continues to have positive economic benefits for the District. This is evident in statistics compiled by Hamilton and Waikato Tourism (August 2018), which shows that visitor expenditure in the District has been trending upwards in recent years.
- 2.3 However, while tourism growth is very positive for the District, freedom camping in particular has the potential to put pressure on Council's community infrastructure and the environment. Like other councils in New Zealand, Waitomo District Council (WDC) has observed that freedom camping within the District is increasing; and this has resulted in some issues with rubbish, waste and conflicting demands and expectations for public space.
- 2.4 Freedom camping within the District has been monitored informally by WDC since 2011, with a targeted monitoring program occurring in 2016. The outcomes of the monitoring program are discussed below in section 4 of this business paper.
- 2.5 Anecdotal evidence suggests that freedom camping within the Waitomo District has increased since this time; and it is expected that it will continue to increase. This is consistent with the reported increase in the popularity of freedom camping across New Zealand.
- 2.6 At its workshop on the 18 September 2018, Council discussed the areas where freedom camping should be restricted or prohibited; and considered the draft

'Waitomo District Council Site Assessment – Freedom Camping' (which identified a number of sites within the Waitomo District, assessed them, and scored them in accordance with the requirements of Section 11 of the Freedom Camping Act 2011).

- 2.7 The final Waitomo District Council Site Assessment – Freedom Camping', and Proposed Draft Freedom Camping Bylaw attached to this business paper (refer to Appendix 5) reflects amendments made as a result of feedback received at the workshop.
- 2.8 In respect of Te Mahoe Road and Fraser Smith Road, these were investigated after the workshop by the General Manager Infrastructure Services and the General Manager Environmental Services. It is considered that these roads should not be subject to the Bylaw, due to inherent risks associated with the narrow roads. However, these roads can be monitored by WDC, and included in a future review of the Bylaw, if considered necessary at that time.

Existing Bylaws

- 2.9 Currently camping within the Waitomo District is controlled through the Public Places Bylaw 2009 and the Public Amenities Bylaw.
- 2.10 The Public Places Bylaw prohibits camping in all WDC owned/managed public places unless an area is set aside for camping, as follows:

"4.3 *Notwithstanding the requirement of any other clause of this bylaw a person shall not in any public place:*

a) Light any fire except at fireplaces specially provided, or in an appliance designed for outdoor cooking; subject to any restriction imposed by Council on the lighting of fires;

b) Camp in an area not set aside for the purpose. In this context camping shall include the use of any vehicles for sleeping whether or not it is specially set out for sleeping."

- 2.11 The Public Amenities Bylaw also controls camping in all 'public amenity' areas. A 'public amenity' is defined in the Bylaw as:

"PUBLIC AMENITY includes any beach, cemetery, public library, swimming pool, aquatic centre, park, reserve, recreational, cultural or community centre, museum, or hall under the ownership or control of Council."

- 2.1 The Public Amenities Bylaw states in relation to camping:

"3.3.2 Except with the prior permission of the Council, no person shall in a public amenity:
(a) camp in an area not set aside for that purpose. In this context, camping shall include the use of any vehicle for sleeping in, whether or not it is specially equipped for sleeping except for any caravan or mobile home for any continuous period not exceeding three days if the vehicle has a certificate of self-containment for wastewater that is generated from the vehicle subject to the following conditions:

i) black and grey water must be disposed of in a council approved dump point;

ii) all refuse must be disposed on in an approved refuse collection bag and put on for collection on an appropriate day. Bags and advice about collection days are available at council offices;

iii) all overnight sites must be left in a clean and tidy state;

iv) comply with a request to move on, by an officer of the Council or NZ Police"

"5.1.3 No person shall put up or erect any stall, tent, camp, booth, swing, amusement device, or structure of any kind within any reserve except by permission of an authorised officer of the Council and then only in compliance with every condition under which such permission may be granted."

- 2.12 However, although camping is controlled pursuant to these Bylaws, there is no ability to issue instant infringement fines under the auspices of either bylaw; and the powers are only exercisable after the event by Court prosecution. Prosecuting individuals in this manner is not only expensive, it is inherently problematic in respect of freedom campers, who are, by definition, peripatetic.

Commentary

Legal considerations

- 3.1 Section 10 of the LGA sets out the purpose of local government as follows:

"10 Purpose of local government

(1) The purpose of local government is—

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

(2) In this Act, good-quality, in relation to local infrastructure, local public services, and performance of regulatory functions, means infrastructure, services, and performance that are—

- (a) efficient; and*
- (b) effective; and*
- (c) appropriate to present and anticipated future circumstances."*

- 3.2 It is therefore incumbent on Council to ensure that every decision is made in accordance with section 10. In respect of the Freedom Camping Bylaw, this means that Council must ensure that the decision in relation to the performance of this regulatory function is efficient, effective and appropriate to present and anticipated future circumstances.
- 3.3 Decision making requirements are also contained in section 77 and 79 of the LGA. In summary, section 77 requires Council to 'seek to identify all reasonably practicable options for the achievement of the objective of a decision'; and 'assess the options in terms of their advantages and disadvantages'.
- 3.4 Section 79 states that it is the responsibility of Council to make judgments about how to achieve compliance with section 77 and 78 (which relates to Council considering the views and preferences of persons likely to be affected by, or have an interest in a matter). It requires Council to have regard to how options are identified and assessed, benefits and costs are quantified, and how those decisions are documented; while having regard to, among other things, the extent of the Council's resources.
- 3.5 It is considered that this report (along with the Appendices) addresses and documents these matters at a scale and level of detail that is appropriate.

3.6 Section 11 of the LGA sets out the role of a local authority, and requires Council to:

"11 Role of local authority

The role of a local authority is to—

- (a) give effect, in relation to its district or region, to the purpose of local government stated in section 10; and*
- (b) perform the duties, and exercise the rights, conferred on it by or under this Act and any other enactment."*

3.7 Therefore, should Council take a decision to adopt a Freedom Camping Bylaw, it must perform the duties of enforcing the Bylaw as conferred on it by the LGA and the Bylaw.

3.8 In respect of consultation, section 14 of the LGA requires Council to do the following:

- "...b) a local authority should make itself aware of, and should have regard to, the views of all of its communities; and*
- (c) when making a decision, a local authority should take account of—*
 - (i) the diversity of the community, and the community's interests, within its district or region; and*
 - (ii) the interests of future as well as current communities; and*
 - (iii) the likely impact of any decision on the interests referred to in subparagraphs (i) and (ii);*
- (d) a local authority should provide opportunities for Māori to contribute to its decision-making processes.."*

3.9 These requirements will be met by Council undertaking the required consultation procedure pursuant to section 83 of the LGA.

3.10 Section 11(2) of the Freedom Camping Act 2011 (the Act) sets out the requirements for making a Freedom Camping Bylaw:

- "(2) A local authority may make a bylaw under subsection (1) only if it is satisfied that—*
 - (a) the bylaw is necessary for 1 or more of the following purposes:*
 - (i) to protect the area:*
 - (ii) to protect the health and safety of people who may visit the area:*
 - (iii) to protect access to the area; and*
 - (b) the bylaw is the most appropriate and proportionate way of addressing the perceived problem in relation to that area; and*
 - (c) the bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990."*

3.2 In summary, before determining to make a Freedom Camping Bylaw, Council must ensure that the following three thresholds are met:

- (1) Council must be satisfied that the bylaw is necessary for one or more of the purposes listed in clause (2)(a) for each area it wishes to either prohibit or restrict freedom camping; **and**

- (2) Council must be satisfied that the bylaw is the most appropriate and proportionate way of addressing the perceived problem in relation to the area;
and
- (3) The bylaw must not be inconsistent with the New Zealand Bill of Rights Act 1990.
- 3.3 If Council determines that these three thresholds are met, and a bylaw is warranted; section 11 (5) of the Act requires Council to use the special consultative procedure set out in Section 83 of the Local Governmental Act 2002 (LGA) when making a Freedom Camping Bylaw.
- 3.1 The requirements of Section 11 of the Act are also reflected in section 155 of the LGA, which requires Council to determine before commencing the process for making a bylaw:
- If a bylaw is the most appropriate way of addressing the perceived problem; and
 - If it is the most appropriate way of addressing the perceived problem, determine whether the proposed bylaw:
 - Is the most appropriate form of bylaw; and
 - Gives rise to any implications under the New Zealand Bill of Rights Act 1990.
- 3.2 Section 155 of the LGA applies to the decision to amend the Public Places Bylaw and the Public Amenities Bylaw.
- 3.3 Section 12 of the Act states that Council cannot make a bylaw that 'has the effect of prohibiting freedom camping in all the local authority areas in its district'.
- 3.4 The proposed draft Freedom Camping Bylaw (the Bylaw) complies with section 12 of the Act, as it only seeks to prohibit or restrict freedom camping in particular areas, where a site assessment (against the criteria in section 11(2)(a) of the Act)) has determined that the prohibition / restriction is justified.

Bylaw Considerations

- 4.1 The following section of this report sets out an analysis of the requirements of Section 11 of the Act (and section 155 of the LGA as relevant to the amendment of the Public Places Bylaw and Public Amenities Bylaw).

Necessity of Freedom Camping Bylaw (section 11(2)(a) of the Act) and amendment to Public Places Bylaw and Public Amenities Bylaw - section 155 of the LGA

- 4.2 As discussed above, in 2016 WDC undertook monitoring of known freedom camping locations over the period January to March.
- 4.3 Monitoring was undertaken early in the morning, and generally involved one site visit per week; so the results are indicative only of freedom camping numbers at these sites. The results of the monitoring are summarized in the table below:

Area	No of freedom campers	Observations
Brook Park Te Kuiti	5	
Mangaokewa Reserve	330	Rubbish issues evident
Boat ramp and public toilets Te Waitere	5	

Area	No of freedom campers	Observations
Te Anga Road Scenic Lookout	14	Rubbish issues evident
Iredale Quay River Esplanade Awakino	1	
Waikawau Beach / Tunnel Recreation Reserve	26	Rubbish issues evident
Marokopa Recreation Reserve	4	
Kiritehere Cemetery Reserve	5	Rubbish issues evident

- 4.4 While the monitoring undertaken in 2016 was limited in nature, since that time staff observations and feedback from the community indicates that freedom camping has continued to trend upwards throughout the Waitomo District; and that this has caused issues in respect of increased rubbish and waste. As discussed above, this is consistent with the experiences of councils across New Zealand.
- 4.5 The 'Waitomo District Council Site Assessment – Freedom Camping' August 2018 ("the Site Assessment") therefore not only includes the locations identified in the table above; but a wider range of Council owned/managed sites. This approach ensures that potential impacts of freedom camping are assessed holistically across the district.
- 4.6 The Site Assessment sets out an assessment of each area where freedom camping is proposed to be either prohibited or allowed subject to restrictions; and scores each area using the criteria in section 11(2)(a) of the Act.
- 4.7 The Site Assessment, along with the monitoring, community feedback and anecdotal evidence confirms that a Freedom Camping Bylaw is necessary for the purposes set out in section 11(2)(a) of the Act.
- 4.8 In respect of the Public Places Bylaw, the proposed revocation of clause 4.3b is intricately linked with the assessment of the Freedom Camping Bylaw pursuant to Section 11 of the Freedom Camping Act, and is therefore considered to be necessary.
- 4.9 Likewise, the proposed revocation of clause 3.3.2(a), clause 5.1.3 (reference to "tent" and "camp" and the definition "caravan" in the Public Amenities Bylaw is intricately linked with the assessment of the Freedom Camping Bylaw pursuant to Section 11 of the Freedom Camping Act, and is therefore considered to be necessary.
- 4.10 However, the decision to amend these existing Bylaws is subject only to section 155 of the LGA (which is similar to the requirements of the Freedom Camping Act).
- 4.11 The proposed amendments to the Public Places Bylaw is attached as Appendix 3, and the proposed amendments to the Public Amenities Bylaw is attached as Appendix 4. Proposed amendments are shown in track changes.

Is the Freedom Camping Bylaw and amendments to the Public Places Bylaw and Public Amenities Bylaw the most appropriate and proportionate way of addressing the perceived problem? (Section 11(2)(b) of the Act and Section 155(1) of the LGA)

- 4.12 The proposed Bylaw and amendment to the Public Places Bylaw and Public Amenities Bylaw is considered to be the most appropriate and proportionate way of addressing the perceived problem of freedom camping.
- 4.13 The proposed Bylaw (and amendments to the existing Bylaws) will ensure that Council has a robust and efficient regulatory framework for managing freedom camping; with the right tools to effectively address the issues. In addition,

amending the Public Places Bylaw and Public Amenities Bylaw will ensure that there is no confusion regarding which bylaw takes precedent regarding freedom camping within the district.

4.14 While there are a range of other options available to manage freedom camping; it is considered that none of these options provide the flexibility for management and enforcement that a Freedom Camping Bylaw provides.

4.15 The options are discussed in the following table:

Option	Effectiveness / efficiency	Benefits / cost
Do nothing	This option is not considered effective or efficient as the existing tools available to WDC do not allow effective enforcement of freedom camping, should it be required.	WDC would not need to undertake a special consultative process. WDC would not be able to meet the Motorhome Friendly Town criteria.
Rely on WDC Public Places Bylaw and Public Amenities Bylaw	This option is not considered effective or efficient as the existing tools available to WDC do not allow effective enforcement of freedom camping, should it be required. In addition, while WDC could prosecute under these Bylaws, the powers are only exercisable after the event; and prosecuting individuals would be inherently problematic in respect of people who are, by definition peripatetic.	There would be significant costs if WDC was required to enforce camping using these bylaws, as there is no ability to issue infringement fines; and the only mechanism available is enforcement via a Court process. WDC would not be able to meet the Motorhome Friendly Town criteria.
Utilise WDC Land Transport Bylaw / Land Transport Act 1998	The bylaw can control parking on council roads, however does not apply to other WDC owned land. This option is not considered effective or efficient as enforcement can only occur on roads; and it would be difficult to control freedom camping using this approach. Infringement Notices for parking on roads could be issued pursuant to the Land Transport Act 1998, but this does not specifically address freedom camping and enforcement is limited to parking restrictions.	Enforcement would be difficult and would only apply to roads and the matters able to be addressed pursuant to the Land Transport Act 1998 (parking restrictions). WDC would not be able to meet the Motorhome Friendly Town criteria.
Reserves Act 1977	This Act provides some controls, i.e. Freedom Camping is prohibited under s44(1) in gazetted reserves, unless a Reserve Management Plan (RMP) has been adopted which permits camping. However, this option is restricted to reserve land under the Reserves Act, with an RMP, and therefore would not be a holistic approach to freedom camping.	While enforcement is possible, it is not considered to be as effective as the enforcement tool available via the Freedom Camping Act.
Freedom Camping Bylaw and Amendment to Public Places Bylaw and Public Amenities Bylaw	This option is effective and efficient as the Freedom Camping Act has been enacted specifically to enable councils to manage Freedom Camping. Infringement Fines can be issued at the time of offence. The proposed amendments to the camping related clauses in the Public	Some costs would be incurred in undertaking the required consultation process; however the community are enabled via this process to have their say on the proposal. Costs would also be incurred in relation to administration, and monitoring and enforcement.

Option	Effectiveness / efficiency	Benefits / cost
	Places Bylaw and Public Amenities Bylaw is effective and efficient as it ensures that the regulatory mechanism to enforce freedom camping is clear and concise.	WDC would meet the Motorhome Friendly Town criteria. Amending the Public Places Bylaw and Public Amenities Bylaw will enable the community to easily identify the relevant requirements in relation to freedom camping.

The New Zealand Bill of Rights Act 1990

- 4.16 Section 155(2) of the LGA requires Council to determine whether the proposed bylaw “gives rise to any implications under the New Zealand Bill of Rights Act 1990”. No bylaw may be inconsistent with this legislation.
- 4.17 The Bill of Rights Act 1990 details a number of rights and freedoms in relation to life and security of people. The purpose of the Bylaw is to manage the effects of Freedom Camping within the Waitomo District; and it is considered that the proposed Bylaw is not inconsistent with, or likely to give rise to any implications under the New Zealand Bill of Rights Act 1990. The Bylaw simply provides the regulatory means by which freedom camping on WDC public places can be managed, and has been developed to ensure it is fair, efficient and clearly understandable.
- 4.18 In conclusion it is considered that a Freedom Camping bylaw made under the Act is the most appropriate and proportionate regulatory method to complement other methods of management.

Enforcement

- 4.19 It is noted that adopting a bylaw does not mean that all breaches / matters to be addressed by a bylaw will cease. Although most members of the public respect reasonable regulatory provisions, sometimes enforcement is inevitable.
- 4.20 The principle in law is that a regulatory mechanism such as a bylaw should only be introduced if a council is prepared to enforce it. This matter was addressed by Judge Cooper in the High Court decision: *New Zealand Motor Caravan Association Incorporated and Thames Coromandel District Council (CIV-2013-419-955 [2014] NZHC 2016)*, where his Honor made the following observations:

“...In my view, a Council should not maintain bylaws that, on the face of it, declare conduct unlawful if there is no intention or ability to enforce them...”

“...In the case of a bylaw, by contrast, the Council itself is the lawmaker. Nevertheless, I consider it is wrong in principle for a Council to both maintain a bylaw and say it will not enforce it. Citizens are entitled to regulate their affairs in accordance with the law, and should not be dependent on enforcement policies able to be changed without the formality and publicity attendant on the actual law making process. This is a fundamental requirement of the rule of law.”

Other Considerations

5.1 **Financial**

5.2 This is a new Bylaw and is aimed at addressing issues related to Freedom Camping. While WDC's after-hours contractors currently undertake some monitoring of the Mangaokewa Reserve, this is limited to visual checks and does not include enforcement tasks.

5.3 The costs to enforce a Freedom Camping Bylaw, if introduced for the Waitomo District, have not been budgeted for. It is estimated that costs could be in the vicinity of \$30,000 - \$50,000 per annum for after-hours inspections, depending on the frequency and location of inspections undertaken. It is noted that Queenstown's expenditure for 2016/17 was estimated to be \$80,000.

5.4 WDC will also incur costs in relation to public notices (bylaw consultation), signs (estimated to be \$10,000 initially, with annual replacements likely due to damage) and administrative costs associated with implementation (e.g. training, public information materials, and freedom camping infringement notice books).

5.5 A small portion of freedom camping related costs will be offset by any infringement fines that are issued, which are \$200 per offence.

5.6 **Risks**

5.7 As with any proposed bylaw, there are risks associated with the consultation process in respect of legal issues. However, it is considered that these risks are low as the proposed draft Bylaw and amendments to the Public Places Bylaw and Public Amenities Bylaw have been considered and drafted in accordance with the requirements of the Freedom Camping Act 2011 and the LGA.

5.8 **Consistency with Existing Plans and Policies**

5.9 Developing a new Freedom Camping Bylaw and amending a provision in the Public Places Bylaw 2009 is considered to be consistent with Council's Long Term Plan (LTP) in respect of community outcomes; however the enforcement of the bylaw, (should it be adopted by Council) is not budgeted for in the LTP.

5.10 The proposed Freedom Camping Bylaw is consistent with the Mangaokewa Reserve Management Plan.

5.11 In addition, the Comprehensive Reserve Management Plan (under development as part of the District Plan Review) will be drafted to ensure consistency with the Freedom Camping Bylaw (should it be adopted), in relation to WDC Reserves.

5.12 **Significance and Community Views**

5.13 The Freedom Camping Act 2011 and the Local Government Act 2002 require bylaws to be consulted on in accordance with the LGA special consultative procedure. This legal requirement is also outlined in Council's Significance and Engagement Policy.

5.14 The special consultation procedure will ensure that community views are taken into account by Council when making its decision on the proposal.

Recommendation

- 6.1 It is recommended that Council approves the Proposed Draft Freedom Camping Bylaw, amendments to the Public Places Bylaw 2009 and Public Amenities Bylaw 2010, and Statement of Proposal for public consultation in accordance with the requirements of section 83 and 86 of the Local Government Act 2002.

Suggested Resolutions

- 1 The business paper on Proposed Freedom Camping Bylaw be received.
- 2 Council notes that the draft Freedom Camping Bylaw has been prepared in accordance with the requirements of Section 155 of the Local Government Act 2002 and Section 11 of the Freedom Camping Act 2011; and
- 3 Council determines in accordance with Section 155(1) of the Local Government Act 2002 and Section 11 of the Freedom Camping Act 2011; that a Freedom Camping Bylaw is the most appropriate way of addressing freedom camping issues, to complement other non-regularly approaches, in the Waitomo District; and
- 4 Council determines in accordance with Section 155(1) of the Local Government Act 2002; that proposed amendments to the Public Places Bylaw 2009 (reviewed 2014) and Public Amenities Bylaw 2010 (reviewed 2015) related to camping is the most appropriate way of addressing freedom camping issues in the Waitomo District to ensure the primacy of the Freedom Camping Bylaw; and
- 5 Council authorizes the Chief Executive to make minor drafting, editing and/or layout amendments to the consultation documents prior to public consultation if necessary; and
- 6 Council agrees to adopt the Statement of Proposal, and Proposed Draft Freedom Camping Bylaw and amendments to the Public Places Bylaw 2009 (reviewed 2014) and Public Amenities Bylaw 2010 (reviewed 2015) for public consultation in accordance with the requirements of the Local Government Act 2002.

TERRENA KELLY
GENERAL MANAGER ENVIRONMENTAL SERVICES

25 September 2018

- Attachments:
- 1 Statement of Proposal (A407571)
 - 2 Proposed Draft Freedom Camping Bylaw (A407573)
 - 3 Proposed amendment to Public Places Bylaw 2009 (reviewed 2014) (A407569)
 - 4 Proposed amendment to Public Amenities Bylaw 2010 (reviewed 2015) (A407570)
 - 5 Waitomo District Council Site Assessment – Freedom Camping – August 2018 (A407574)



Statement of Proposal

Proposed Freedom Camping Bylaw 2018

And amendment to the Public Places 2009 (reviewed 2014) and the Public Amenities Bylaw 2010 (reviewed 2015)

Consultation closes: **29 October 2018**

Contents

1. Introduction3

2. Background.....3

3. The draft Freedom Camping Bylaw5

4. Summary of Freedom Camping Bylaw provisions5

5. Summary of proposed amendments to provisions in the Public Places Bylaw and
Public Amenities Bylaw related to camping.....6

1. Introduction

Waitomo District Council (“WDC”) proposes to implement a new Freedom Camping Bylaw (“the Bylaw”), related to managing freedom camping within the Waitomo District. WDC also proposes to amend the Public Places Bylaw 2009 by revoking clause 4.3b which relates to camping; and the Public Amenities Bylaw 2010 by revoking clauses 3.3.2, clause 5.1.3 and the definition of caravan.

This Statement of Proposal has been prepared in accordance with section 83 and 86 of the Local Government Act 2002 (“LGA”). It includes information about the review process and whether it is appropriate for the Council to have a bylaw related to Freedom Camping, and to make the amendments to the Public Places Bylaw 2009 and the Public Amenities Bylaw 2010.

2. Background

2.1 General

The Freedom Camping Act 2011 (the Act) allows freedom camping to take place in New Zealand. The Act also allow councils to make a bylaw - so long as it is satisfied that a bylaw is necessary to:

- Protect the area;
- Protect the health and safety of people who may visit the area; and
- Protect access to the area.

Under the Act, Councils are able to define areas of Council land where freedom camping is prohibited or restricted, and identify any restrictions that apply to freedom camping in certain areas.

Freedom camping has become a popular option for visitors around New Zealand and offers an affordable holiday for domestic and international travellers.

In the Waitomo District there has been an increase in the number of freedom campers in recent years.

The Ministry of Business, Innovation and Employment has forecast visitor numbers to New Zealand will continue to grow - it is estimated visitor arrivals will reach 5.1 million in 2024, this is a growth rate of 4.6 per cent per year. It is anticipated that as visitor numbers increase, so too will freedom camping numbers.

There are a number of issues associated with the increase in the number of freedom campers:

- Pressure on places where freedom camping is allowed, and the likelihood that these places are unable to cope with future increases – in terms of waste and litter, and pressure on infrastructure; and
- Loss of access to areas for the local community; and
- An increasing number of complaints regarding freedom campers from our community.

Until now, the Council has relied on the Public Places Bylaw 2009, the Public Amenities Bylaw 2010, and other legislation to regulate freedom camping on Council land. However, these mechanisms do not adequately address the issues that are associated with freedom camping.

Council has previously carried out a monitoring exercise to identify whether or not a freedom camping bylaw was required. Following this, it is evident that there are a number of issues arising from freedom camping in our district (such as waste and littering etc.). Therefore, the freedom camping bylaw has been developed in response to these issues.

2.2 What is the problem the Bylaw (and amendments to Public Places Bylaw and Public Amenities Bylaw) is intending to address?

Freedom Camping has at times created a public nuisance, and a risk to the health and safety of both the public and the people who are camping. It also has the potential to adversely affect the environment if unrestricted.

The current bylaws do not adequately provide for control of freedom camping. Council can issue a trespass notice for camping on Council reserve, which serves notice that a person is not permitted on the reserve for a specified period of time. However, if the person breaches that trespass notice it becomes a criminal offence, which requires Police intervention. Council is not able to issue a trespass notice for camping on legal road. The only option is to encourage people to move to a campground.

2.3 Options to address the problem

(a) Do nothing

If nothing is done, the Council's ability to protect the public from the potential for nuisance, litter, access, and public health issues caused by freedom camping will continue to be limited.

(b) Develop a Bylaw

Sections 145 and 146(b) of the Local Government Act 2002 (LGA) and section 11 of the Freedom Camping Act 2011 gives Council powers to make a bylaw for the purpose of regulating and managing the effects of freedom camping on the public and the environment, and where necessary, prohibiting freedom camping.

Council also has the powers to amend existing Bylaws.

(c) Public education

Relying solely on public information will not be effective in addressing the issues associated with freedom camping. However, Council will provide public information on camping options, including freedom camping sites, via its website, and the i-site information centre.

2.4 Legal provisions

Sections 145 and 146(b)(vi) of the LGA empower the Council to make a bylaw for the District for the purposes of:

- protecting the public from nuisance;
- protecting, promoting, and maintaining public health and safety;
- minimising the potential for offensive behaviour in public places; and
- managing land under control of the Council from damage or misuse.

2.5 Is the proposed bylaw the most appropriate form of bylaw?

The bylaw meets the following tests:

- it is authorised by statutory authority, by sections 145 and 146(b)(vi) of the Local Government Act 2002
- the bylaw is not repugnant to the general laws of New Zealand.
- the bylaw is certain and provides clear direction.
- the bylaw is reasonable.
- the bylaw is not overly restrictive, onerous on any person, or impractical.

2.6 Does the proposed bylaw give rise to any implications under the New Zealand Bill of Rights Act 1990 (NZBORA)?

Part 2 of the NZBORA sets out 20 rights that are affirmed and protected under the NZBORA, subject to "*such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society*" (section 5). Sections 16 (freedom of peaceful assembly), 17 (freedom of association) and section 18 (freedom of movement) of the NZBORA are particularly relevant.

It is considered that the proposed bylaw is consistent with these sections, and is a reasonable response to freedom camping by allowing people to visit, but not stay overnight in certain places, where public nuisance, and public health and safety issues may arise.

3. The draft Freedom Camping Bylaw

In adopting the draft bylaw for public consultation the Council was required to consider whether there was a "problem" or whether a situation involving freedom camping in public places could arise which needed to be addressed. The Council considered that if there were no controls on the types of overnight camping that could be carried out in certain public places, this could result in a range of adverse effects (i.e. public nuisance, access issues, health and safety risks, and adverse effects on the environment).

The Council felt that this would be unfair to residents affected by uncontrolled freedom camping occurring near their homes, and in the local environment. The Council also considered that it was desirable that people who choose to freedom camp should meet the requirements in restricted and permitted areas to ensure that the effects of these activities can be appropriately managed.

The draft bylaw is considered to be appropriate to deal with these matters. The bylaw is intended to apply to both self-contained and non-self-contained camper vehicles, and tents as defined in the Bylaw

4. Summary of Freedom Camping Bylaw provisions

Waitomo District Council recognises the importance of tourism to Waitomo's local economy. If we are unwelcoming to people who wish to freedom camp, we run the risk that potential visitors will avoid our District. While many freedom campers may try to save money on accommodation costs, they also spend this saved money on groceries and activities and support the district's economy.

To minimise potential environmental and health effects and for the visitors' personal safety, the proposed Freedom Camping Bylaw focuses on WDC owned or managed sites where freedom camping needs to be either managed (i.e. restricted freedom camping) or prohibited. This proposal aligns with the requirements of the Freedom Camping Act 2011 which requires Council to permit freedom camping in all local authority areas except where it is restricted or prohibited through a bylaw.

What exactly is freedom camping?

Freedom camping means to stay overnight in any form of moveable, portable or temporary accommodation at a council controlled public area that is not a designated accommodation facility. This includes on the side of roads or at a council reserve.

The Proposed Bylaw identifies three forms of freedom campers:

1. **Certified self-contained vehicles** – these vehicles are required to comply with New Zealand Standard 5465:2001: Self-Containment of Motor Caravans and Caravans. This requires vehicles to carry four litres of freshwater per person per day for a minimum of three days; equivalent wastewater carrying capacity and a toilet that is able to be used even when the bed is made up. For all requirements please refer to NZS 5465:2001.
2. **Non-self-contained vehicles** – these vehicles are often station wagons or vans but can also include larger vehicles that do not comply with the self-containment standard as above.
3. **Tents** – these users rely on a temporary external structure for accommodation. Most concrete carparks are not likely to be suitable for tents.

A full copy of the Proposed Bylaw is attached to this document. A summary of the key provisions of the Proposed Bylaw is outlined below. This summary is not exhaustive and we advise you refer to the attached draft proposed bylaw to ensure you understand the proposal.

Restricted Areas for Freedom Camping

The proposed Bylaw allows restricted freedom camping within identified areas (refer to Schedule 2). These areas are either known popular freedom camping locations, where some freedom camping related issues have been identified; or are expected to become popular, and where effects need to be managed.

It is proposed in these areas that vehicles can only stay in any one location for two consecutive nights (with a longer time period for Kiritehere Cemetery Reserve). There are also a range of other restrictions which are site specific, and which have been designed to manage the effects of freedom camping for the enjoyment of all. All vehicles are generally required to be certified self-contained; except for those defined locations where non-self-contained vehicles and tenting can occur.

Prohibited Areas for Freedom Camping

The proposed Bylaw identifies areas within Waitomo District where freedom camping is proposed to be prohibited, due to issues such as inadequate manoeuvring or space for freedom camping, health and safety risks, cultural sensitivities, narrow roads.

5. Summary of proposed amendments to provisions in the Public Places Bylaw and Public Amenities Bylaw related to camping

As Freedom Camping will be managed by a Freedom Camping Bylaw, it is proposed to remove the references to camping in both the Public Places Bylaw and Public Amenities Bylaw. This will ensure that it is clear to the community and tourist that the Bylaw that controls freedom camping is the Freedom Camping Bylaw.

It is proposed that clause 4.3 in the Public Places Bylaw is deleted. It is also proposed that clauses 3.3.2, the reference to 'tent' and 'camp' in clause 5.1.3 and the definition of 'caravan' in the Public Amenities Bylaw is deleted.



DRAFT
Freedom Camping Bylaw 2018

Contents

1.	TITLE	3
2.	COMMENCEMENT	3
3.	PURPOSE	3
4.	DEFINITIONS	3
5.	LOCAL AUTHORITY AREAS WHERE FREEDOM CAMPING IS PERMITTED	4
6.	PROHIBITED AREAS	4
7.	RESTRICTED AREAS	5
8.	PRIOR PERMISSION FROM COUNCIL	5
9.	COUNCIL MAY TEMPORARILY CLOSE AN AREA TO FREEDOM CAMPING	5
10.	OFFENCE AND PENALTIES	6
	SCHEDULE ONE: PROHIBITED AREAS FOR FREEDOM CAMPING	8
	SCHEDULE TWO: RESTRICTED AREAS FOR FREEDOM CAMPING	9
	SCHEDULE THREE: MAPS	10

Pursuant to the powers vested in it by the Freedom Camping Act 2011, the Waitomo District Council makes this Bylaw.

The following note is explanatory and is not part of the Bylaw:

This Bylaw applies only to the areas under the control of the Waitomo District Council. Compliance with this Bylaw does not remove the need to comply with all applicable Acts, regulations, bylaws, and rules of law. This includes complying with any parking or other traffic restrictions in any area, any restrictions on keeping of animals, not littering, not lighting fires in breach of any fire ban, not making excessive noise, and complying with the directions of enforcement officers. This Bylaw should also be read alongside the Freedom Camping Act 2011.

1. TITLE

- 1.1 This Bylaw may be cited as the Waitomo District Council Freedom Camping Bylaw 2018.

2. COMMENCEMENT

- 2.1 The initial resolution to make this Bylaw was passed by the Waitomo District Council at an ordinary meeting of the Council held on [date] and was confirmed, following consideration of submissions received during the special consultative procedure, by a resolution at a subsequent meeting of the Council on [date].
- 2.2 This Bylaw comes into force on [1 December 2018].

3. PURPOSE

- 3.1 The purpose of this Bylaw is to control freedom camping in the District in order to:
- (a) Protect local authority areas;
 - (b) Protect the health and safety of people who may visit local authority areas;
 - (c) Protect access to local authority areas.

4. DEFINITIONS

- 4.1 In this Bylaw, unless the context otherwise requires:

“Act”: means the Freedom Camping Act 2011.

“Certified self-contained vehicle”: means a vehicle designed and built for the purpose of camping which is practically configured to meet the ablutionary and sanitary needs of occupants of that vehicle for a minimum of three days, without requiring any external services or discharging any waste and complies with New Zealand Standard 5465:2001, as evidenced by the display of a current self- containment warrant issued under New Zealand Standard Self- Containment of Motor Caravans and Caravans, NZS 5465:2001 and any subsequent amendments.

“Chief Executive”: means the person for the time being exercising the functions of the Chief Executive of the Council.

“District”: means the territory contained within the Waitomo District as defined in Schedule 2 to the Local Government Act 2002.

“Council”: means the Waitomo District Council.

“Night”: means the time period between 10pm and 7am.

“Waste receptacle”: means a receptacle or facility that is provided for the purposes of disposing of waste (for example, a rubbish bin, public toilet, a public dump station or public transfer station).

The following terms have the same definitions as in the Act:

“Freedom Camp”:

- (1) In this [Bylaw], freedom camp means to camp (other than at a camping ground) within 200 m of a motor vehicle accessible area or the mean low- water springs line of any sea or harbour, or on or within 200m of a formed road or a Great Walks Track, using 1 or more of the following:
 - (a) A tent or other temporary structure:
 - (b) A caravan:
 - (c) A car, campervan, house-truck, or other motor vehicle
- (2) In this [Bylaw], freedom camping does not include the following activities:
 - (a) Temporary and short-term parking of a motor vehicle:
 - (b) Recreational activities commonly known as day-trip excursions:
 - (c) Resting or sleeping at the roadside in a caravan or motor vehicle to avoid driver fatigue.
- (3) In subsection (1) Camping ground means—
 - (a) A camping ground that is the subject of a current certificate of registration under the Camping-Grounds Regulations 1985; and
 - (b) Any site at which a fee is payable for camping at the site

Great Walks Track means—

- (a) A track specified in Schedule 1 (of the Act); and
- (b) Any other track specified by Order in Council made under section 44 (of the Act) as a Great Walks Track.

“Local Authority Area”:

- (1) In this [Bylaw], local authority area-
 - (a) Means an area of land—
 - i. That is within the district or region of a local authority; and
 - ii. That is controlled or managed by the local authority under any enactment; and
 - (b) Includes any part of an area of land referred to in paragraph (a); but
 - (c) Does not include an area of land referred to in paragraph (a) or (b) that is permanently covered by water.

5. LOCAL AUTHORITY AREAS WHERE FREEDOM CAMPING IS PERMITTED

- 5.1 Freedom camping is permitted in any local authority area within the District unless it is prohibited or restricted:
 - (a) By this Bylaw; or
 - (b) Under any other enactment or bylaw.

6. PROHIBITED AREAS

- 6.1 A person must not freedom camp in any local authority area in the District in any vehicle that is not a certified self-contained vehicle.

- 6.2 A person must not freedom camp in any tent or temporary structure in any local authority area, except as allowed in clause 7.
- 6.3 A person must not freedom camp in any local authority area described in Schedule 1 and marked red on the maps in Schedule 3.

7. RESTRICTED AREAS

- 7.1 In any area described in Schedule 2 and marked blue on the maps in Schedule 3, freedom camping is allowed subject to the following restrictions:
- (a) The freedom camping must only take place in a certified self-contained vehicle as specified in Schedule 2; and
 - (b) The maximum period of stay in any location within a blue area is two consecutive nights on no more than two separate occasions in any calendar month (unless otherwise detailed in the schedule); and
 - (c) Other restrictions as specified in Schedule 2.
- 7.2 In any area described in Schedule 2 and marked yellow on the maps in Schedule 3, freedom camping is allowed subject to the following restrictions:
- (a) The freedom camping must only take place in a certified self-contained vehicle non-self-contained vehicle or tent as specified in Schedule 2; and
 - (b) The maximum period of stay in any location within a yellow area is two consecutive nights on no more than two separate occasions in any calendar month (unless otherwise detailed in the schedule); and
 - (c) Other restrictions as specified in Schedule 2.
- 7.3 In any area described in Schedule 2 and marked green on the maps in Schedule 3, tenting only is allowed in the location defined, subject to other restrictions as defined in Schedule 2.
- 7.4 In clauses 7.1(b) and 7.2(b) "location" means the land within 500m of the place where the certified self-contained vehicle or tent is situated for the purpose of freedom camping.

8. PRIOR PERMISSION FROM COUNCIL

- 8.1 The Chief Executive of the Council may temporarily waive or modify the freedom camping restrictions in clauses 6 and 7 of this Bylaw. Permission may be granted by the Chief Executive with or without conditions.
- 8.2 Application for permission must be made:
- (a) In writing;
 - (b) Provide sufficient detail about the proposed camping including information about how the applicant will manage all human and other waste generated while freedom camping; and
 - (c) Be made at least 20 working days in advance of the date planned for freedom camping in the area where the prohibition or the restrictions apply.

The following note is explanatory and is not part of the Bylaw:

The purpose of this clause is to enable permission for temporary sites for freedom camping in prohibited or restricted areas, for example associated with one-off events.

9. COUNCIL MAY TEMPORARILY CLOSE AN AREA TO FREEDOM CAMPING

- 9.1 The Chief Executive of the Council may temporarily close or restrict freedom camping in any area or part of any area where the closure or restriction is considered necessary to:

- (a) Prevent damage to the local authority area or facilities in the area; or
 - (b) Allow maintenance to the local authority area or facilities; or
 - (c) Protect the safety of persons or property; or
 - (d) Provide for better public access, including in circumstances where events are planned for that area.
- 9.2 Notice will be given of any temporary closure or restriction, and the removal of any closure or restriction, in any manner the Chief Executive considers is appropriate to the reason for the closure or restriction. Prior notice of any temporary closure or restriction will be given where possible.

The following note is explanatory and is not part of the Bylaw:

Notice given by the Council may include any of the following: a sign erected in the area; and/or advertising on the Council's website or on the radio; and/or a public notice in the paper.

10. OFFENCE AND PENALTIES

- 10.1 As specified by section 20(1) of the Act, every person commits an offence who:
- (a) freedom camps in a local authority area in breach of any prohibition or restriction in this Bylaw that applies to the area; or
 - (b) makes preparations to freedom camp in a local authority area in breach of any prohibition or restriction in this Bylaw that applies to the area
- 10.2 As specified by section 23(1) of the Act, every person who commits an offence set out in clause 10(1) is liable to an infringement fee (fine) of \$200.

The following note is explanatory and is not part of the Bylaw:

Section 20 of the Act provides for the above offences and also for other offences, such as not properly disposing of waste into a waste receptacle, damaging or interfering with the flora and fauna in an area, and obstructing or threatening an enforcement officer. Section 22 of the Act sets out defences to a freedom camping offence. The defences include that an offence was committed due to an action or event beyond the control of the defendant that could not reasonably have been foreseen, or the act was necessary to protect life or health, prevent injury or serious damage to property. Council officers use their discretion when investigating freedom camping complaints, which will include consideration of any defences that may be available to a person.

Signed on Behalf of Waitomo District Council by:

Common Seal of Waitomo District Council:

Mayor

Date

Chief Executive

Date

SCHEDULE ONE: PROHIBITED AREAS FOR FREEDOM CAMPING

A person must not freedom camp in any local authority area described in the table below.

Area Name / Description	Map Reference
Te Kuiti Cemetery (new)	1
Te Kuiti Cemetery (old)	1
Te Kuiti Domain – Te Kuiti	1
Brook Park – Te Kuiti	1
Redwood Park –Te Kuiti	1
Te Kuiti Skateboard Park – Te Kuiti	1
Centennial Park – Te Kuiti	1
Rose Garden Reserve – Te Kuiti	1
Mangaokewa Reserve (only where shown as prohibited on the map)	1A
Rukuhia Domain – Piopio	2
Kara Park - Piopio	2
Piopio Cemetery	2
Mokau Esplanade (Aria Terrace) and Point Road (including carpark) - Mokau	3
Carpark area opposite Whitebait Inn - Mokau	3
Tokopapa Street (including carparking area) – Mokau	3
Takarei Terrace Recreation Reserve – Mokau	3
Boat Ramp carparking, Te Kauri Road – Mokau	3
Beach Road - Mokau	3
Tainui Street – Mokau	3
Rangi Street – Mokau	3
Oha Street - Mokau	3
Mokau Cemetery	3
Carpark Area, Moana Quay – Marokopa	4
Esplanade – Marokopa	4
Marokopa Recreation Reserve – Carley Reeve Drive Marokopa	4
Moerua Street - Marokopa	4
Rauparaha Street - Marokopa	4
Marokopa Road - Marokopa	4
Carley Reeve Drive - Marokopa	4
Kiritehere Cemetery Reserve (cemetery portion only)	4
Benneydale Domain – Benneydale	5
Benneydale Hall – Maniaiti Road - Benneydale	5
Benneydale public toilets – State Highway 30, Benneydale	5
Boat Ramp carpark – Te Waitere	6
Te Waitere Cemetery	6
Iredale Quay River Esplanade – Awakino	7
Awakino Heads Esplanade - Awakino Heads Road – Awakino	7
Aria Cemetery	8
St Helen Domain - Aria	8
Mapiu Cemetery	9
Mapiu Domain – Mapiu	9
Waikawau Beach/Tunnel Recreation Reserve	10
Kinohaku Hall – Kinohaku	11
Waitomo Village Road – Waitomo	13

SCHEDULE TWO: RESTRICTED AREAS FOR FREEDOM CAMPING

Freedom camping is allowed in any local authority area described in the table below subject to the following general and area specific restrictions:

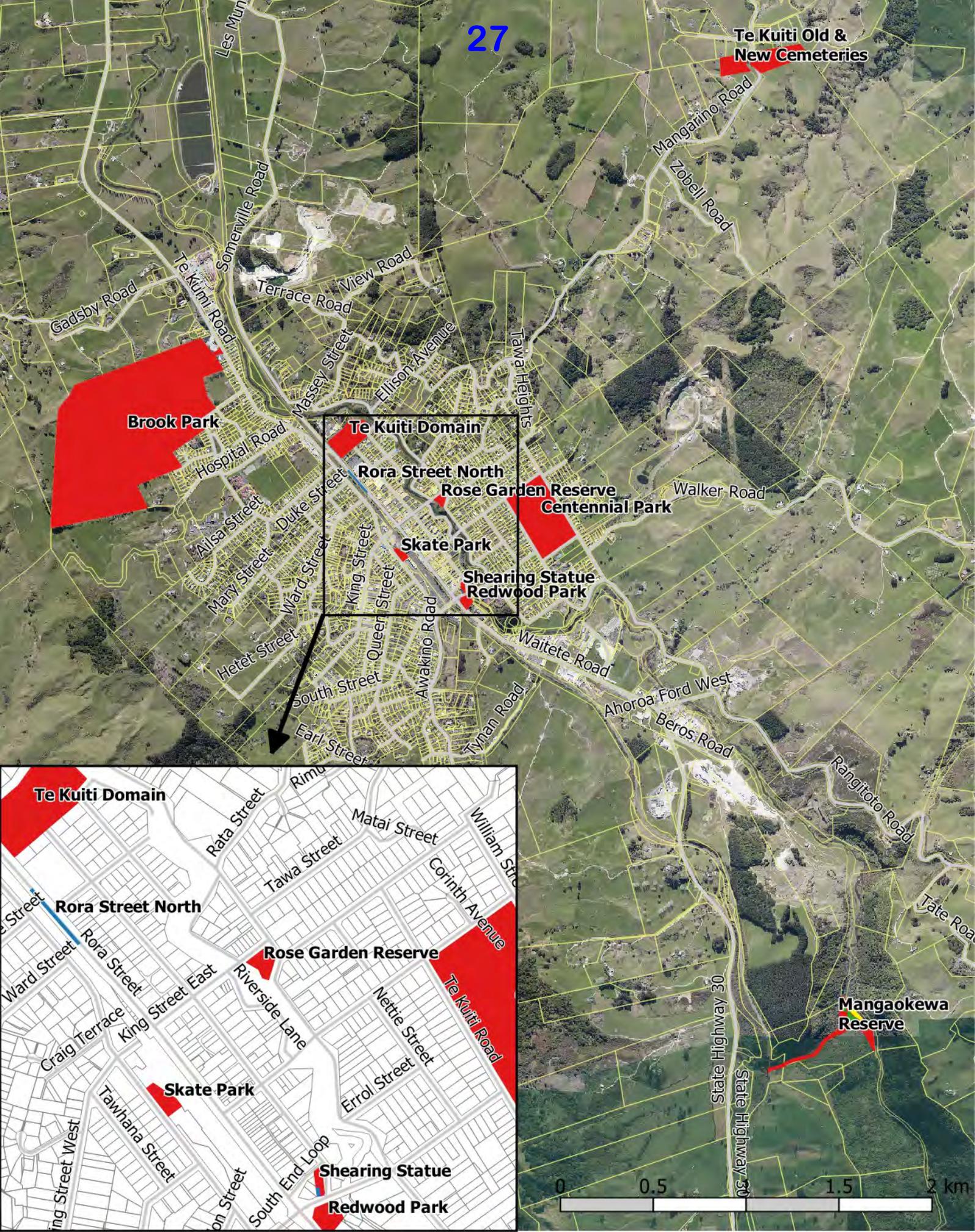
General Restrictions

- a) The freedom camping must only take place in a certified self-contained vehicle or tent as specified in the table below.
- b) The maximum period of stay in any location is two consecutive nights on no more than two separate occasions in any calendar month.
- c) Freedom camping in certified self-contained vehicles is restricted to the signposted area (where signposted). Space will be available on a 'first-in first-served' basis.
- d) Unless subject to area specific restrictions all vehicles being used for freedom camping must depart by 9am.
- e) All vehicles being used for freedom camping must be legally parked and any possessions associated with freedom camping contained within a single, defined carparking space. If undefined, vehicles must park in a courteous manner to allow other vehicles to also park within the signposted area, with all possessions no more than 1 metre from the vehicle in any direction.
- f) All vehicles being used for freedom camping must be parked clear of any entry and exit points to the site.
- g) No person may light any fire while freedom camping in a local authority area except in a place specifically provided by the Council for that purpose, or with the prior written permission of Council.
- h) All waste must be disposed of into an appropriate waste receptacle or removed from site.
- i) The site must be left in a clean and tidy state.
- j) Every person must leave and not return if required to leave by an Enforcement Officer under the Act.
- k) All conditions stipulated on any signs in the local authority area must be complied with.

Area Name	Area specific restrictions	Map reference
Mangaokewa Reserve <i>Unless not formally managed by Waitomo District Council.</i>	Vehicles in defined areas only. Tenting in defined areas only. No freedom camping in defined prohibited areas.	1
Shearing Statute (Municipal) Reserve – Te Kuiti	Maximum of 6 self-contained vehicles in defined area only.	1
Rora Street North	Self-contained and non-self contained vehicles in any available defined car parking area.	1
Tui Park - Piopio	No time restrictions. Self-contained, non self-contained and Tenting allowed.	2
Kiritehere Cemetery Reserve (excluding fenced cemetery portion)	Maximum of 14 consecutive nights.	4
Toilet area – Te Waitere	Self-contained and non-self-contained vehicles. No tenting.	6
Te Anga Road Scenic Lookout	Maximum of 3 self-contained vehicles. No tenting	12

SCHEDULE THREE: MAPS

DRAFT



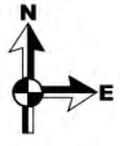
MAP 1 - Te Kuiti

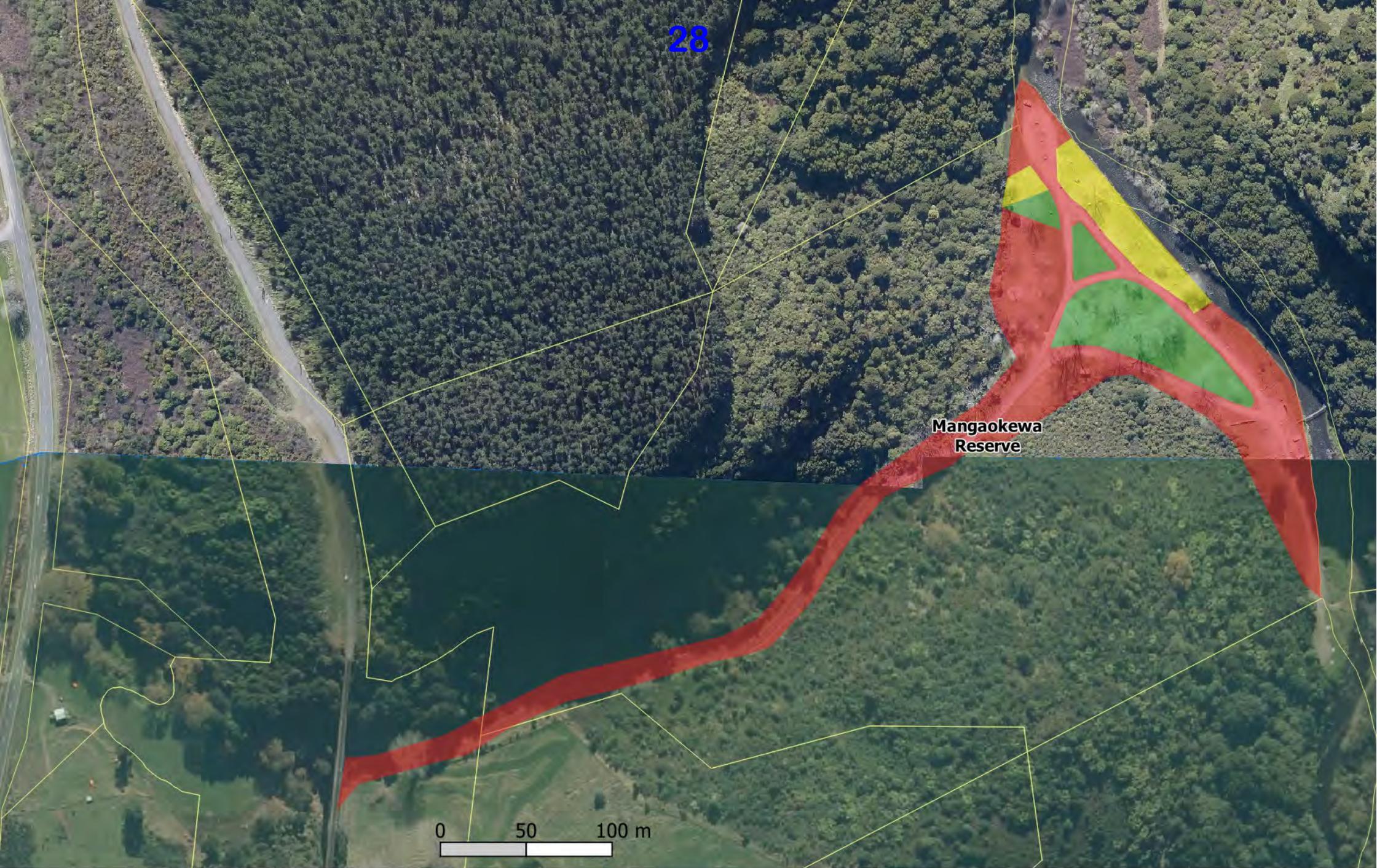
Waitomo District Council
 Freedom Camping Restricted and Prohibited Areas



Legend

- Prohibited Areas for Freedom Camping
- Restricted Areas for Freedom Camping**
- Self Contained
- Self Contained and Non-Self Contained





MAP 1A - Mangaokewa Reserve

Waitomo District Council
Freedom Camping Restricted and Prohibited Areas

Legend

Prohibited Areas for Freedom Camping

Restricted Areas for Freedom Camping

Self Contained
Self Contained and Non-Self Contained
Tenting Only





MAP 3 - Mokau

Waitomo District Council
Freedom Camping Restricted and Prohibited Areas

Legend

- Prohibited Areas for Freedom Camping
- Restricted Areas for Freedom Camping**
- Self Contained
- Self Contained and Non-Self Contained





MAP 4 - Marokopa

Waitomo District Council
Freedom Camping Restricted and
Prohibited Areas

Legend

- Prohibited Areas for Freedom Camping
- Restricted Areas for Freedom Camping**
- Self Contained
- Self Contained and Non-Self Contained





MAP 5 - Benneydale

Waitomo District Council
Freedom Camping Restricted and Prohibited Areas

Legend

■ Prohibited Areas for Freedom Camping

Restricted Areas for Freedom Camping

■ Self Contained

■ Self Contained and Non-Self Contained



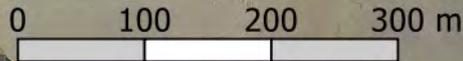


32

Boat Ramp

Public Toilets

Te Waitere Cemetery

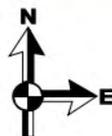


MAP 6 - Te Waitere

Waitomo District Council
Freedom Camping Restricted and
Prohibited Areas

Legend

- Prohibited Areas for Freedom Camping
- Restricted Areas for Freedom Camping**
- Self Contained
- Self Contained and Non-Self Contained



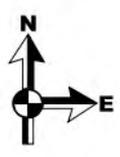


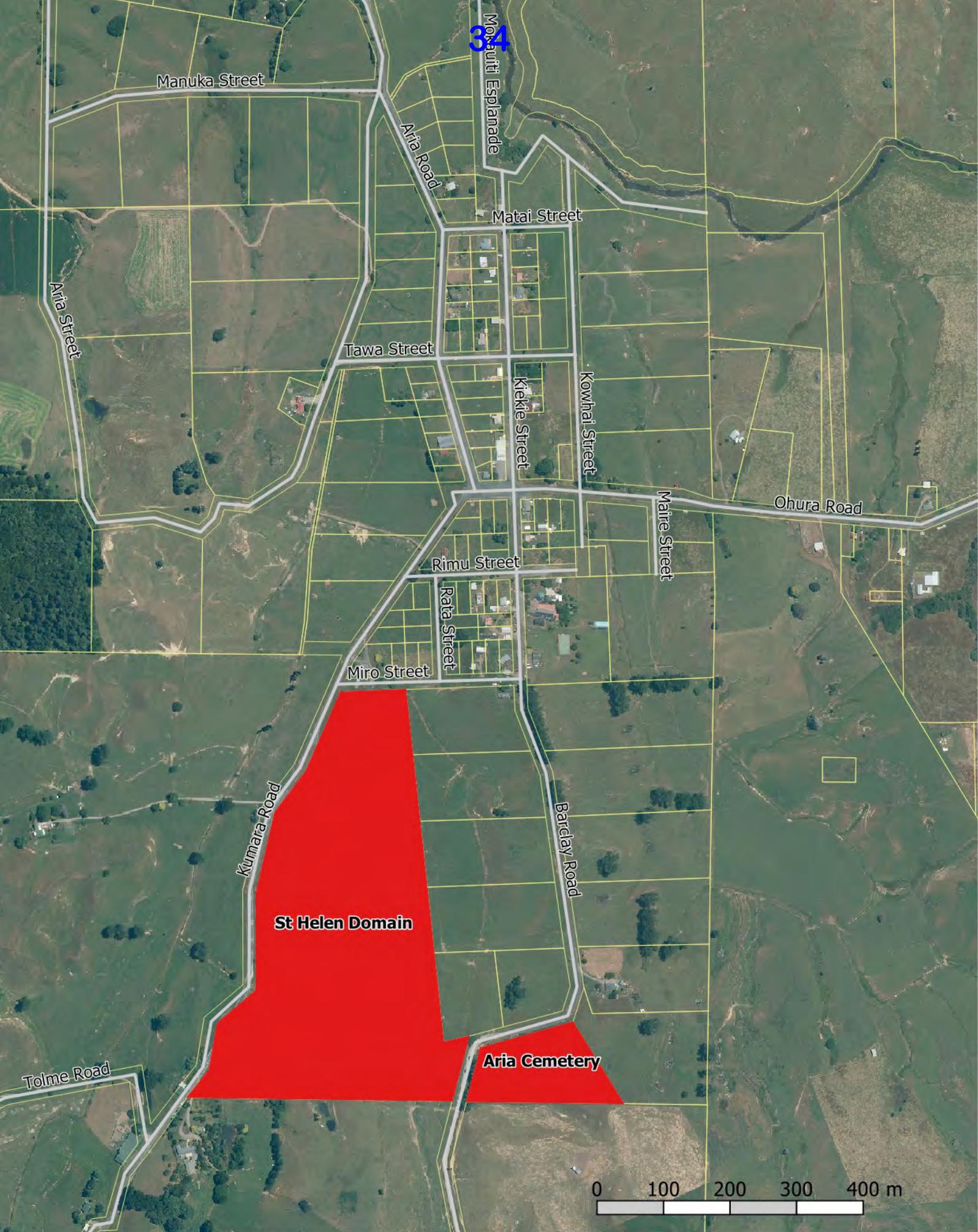
MAP 7 - Awakino

Waitomo District Council
Freedom Camping Restricted and
Prohibited Areas

Legend

- Prohibited Areas for Freedom Camping
- Restricted Areas for Freedom Camping**
- Self Contained
- Self Contained and Non-Self Contained





MAP 8 - Aria

Waitomo District Council
Freedom Camping Restricted and Prohibited Areas

Legend

- Prohibited Areas for Freedom Camping
- Restricted Areas for Freedom Camping**
- Self Contained
- Self Contained and Non-Self Contained





MAP 9 - Mapiu

Waitomo District Council
Freedom Camping Restricted and
Prohibited Areas

Legend

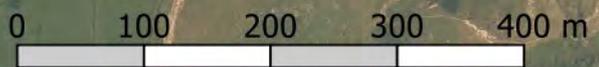
- Prohibited Areas for Freedom Camping
- Restricted Areas for Freedom Camping**
- Self Contained
- Self Contained and Non-Self Contained





Waikawau Tunnel Reserve

Waikawau Road

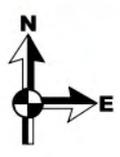


MAP 10 - Waikawau

Waitomo District Council
 Freedom Camping Restricted and Prohibited Areas

Legend

- Prohibited Areas for Freedom Camping
- Restricted Areas for Freedom Camping**
- Self Contained
- Self Contained and Non-Self Contained





MAP 11 - Kinohaku

Waitomo District Council
Freedom Camping Restricted and Prohibited Areas

Legend

■ Prohibited Areas for Freedom Camping

Restricted Areas for Freedom Camping

■ Self Contained

■ Self Contained and Non-Self Contained





MAP 12 - Te Anga

Waitomo District Council
Freedom Camping Restricted and Prohibited Areas

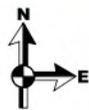
Legend

■ Prohibited Areas for Freedom Camping

Restricted Areas for Freedom Camping

■ Self Contained

■ Self Contained and Non-Self Contained





MAP 13 - Waitomo Village

Waitomo District Council
Freedom Camping Restricted and Prohibited Areas

Legend

■ Prohibited Areas for Freedom Camping

Restricted Areas for Freedom Camping

■ Self Contained

■ Self Contained and Non-Self Contained





Waitomo District Council

Site Assessment Freedom Camping

August 2018



Mangaokewa Reserve 2015

Contents

Section 1.	Introduction	4
1.1	Aim.....	4
1.2	Requirements of the Act.....	4
1.3	Council's role and responsibility.....	4
1.4	Assessment Guidelines.....	4
1.4.1	'Public' land vs. Private land.....	4
1.4.2	Leased Council Land	4
1.4.3	Accessible Land	5
1.4.4	Treaty Settlement Land.....	5
1.4.5	Assessment Criteria	5
1.4.6	Assessment Scoring Method.....	5
1.4.7	Assessment of Freedom Camping Category Types	6
	Definitions	6
Section 2.	Assessment	7
2.1	Cemeteries	7
	Waitomo District Council Cemeteries.....	7
2.2	Esplanade Reserves.....	7
2.3	Recreation and Sports Reserves	7
	Te Kuiti Domain	7
	Rukuhia Domain - Piopio	8
	St Helen Domain - Aria	8
	Mapiu Domain – Mapiu.....	8
	Mangaokewa Reserve – Te Kuiti	8
	Redwood Park – Te Kuiti	9
	Centennial Park – Te Kuiti	9
	Brook Park – Te Kuiti.....	9
	Te Kuiti Skateboard Park.....	10
	Tainui Domain – Mokau.....	10
	Waikawau Tunnel/Beach Recreation Reserve.....	10
	Marokopa Recreation Reserve – Carley Reeve Drive Marokopa	10
	Benneydale Domain.....	11
2.4	Neighbourhood Reserves.....	11
	Shearing Statue (Municipal) Reserve – Te Kuiti.....	11
	Rora Street North – Te Kuiti	12
	Rose Garden Reserve – Te Kuiti	12
	Mokau Esplanade and Point Road Carpark – Mokau	13
	Tokopapa Street carparking area – Mokau	13
	Takarei Terrace recreation reserve – Mokau	14
	Carpark area opposite Whitebait Inn – Mokau	14
	Boat Ramp carparking, Te Kauri Road – Mokau.....	15
	State Highway adjoining Mokau Public Toilets – Mokau	15

Iredale Quay River Esplanade – Awakino	15
Awakino Heads Esplanade – Awakino Heads Road – Awakino.....	16
Carpark area, Moana Quay – Marokopa	16
Esplanade – Marokopa	17
Kiritehere Cemetery Reserve – Kiritehere	17
Boat Ramp and public toilet area – Te Waitere	18
Kinohaku Hall – Kinohaku.....	18
Te Anga Road Scenic Lookout – Te Anga	19
Benneydale Hall – Maniaiti Road Benneydale.....	19
Benneydale Public Toilets – State Highway 30 Benneydale	20
Kara Park - Piopio	20
Tui Park - Piopio	21

Section 1. Introduction

The purpose of the Significant Site Assessment is to identify Waitomo District Council (WDC) owned or vested land throughout the district, which has the potential to be used for Freedom Camping and then assess each site against specific criteria, as provided for under s.11 of the Freedom Camping Act 2011 (the Act), to determine if that site is a 'significant site' by using a scoring system. If a site is classified as a 'significant site' the document provides an assessment on the type of restrictions which would apply to those particular sites, such as prohibited or restricted - thereby being able to clearly determine what a significant site is in regards to Freedom Camping within Waitomo District.

1.1 **Aim**

The aim of the Significant Site Assessment is:

- to provide a clear determination of what a significant site is; and
- to provide a consistent and fair approach to the classification of Council owned land in relation to restrictions or prohibitions on Freedom Camping within Waitomo District.

1.2 **Requirements of the Act**

The Act seeks to regulate freedom camping on land controlled or managed by local authorities (and the Department of Conservation). The Act is very permissive generally in its approach to freedom camping and provides councils with the opportunity to place restrictions or prohibitions through the development of bylaws.

Bylaws must be made in accordance with the Act or any other enactment and must not prohibit freedom camping absolutely within the district. Through the development of a bylaw, councils must be satisfied that a bylaw is necessary for one or more of the following purposes:

- To protect the area:
- To protect the health and safety of people who may visit the area: and
- To protect access to the area.

A bylaw can determine if an area within the district is restricted and state the restrictions which apply; and a bylaw can also determine if freedom camping in an area is prohibited. The areas defined under a bylaw must be detailed in a map or a description of its locality.

1.3 **Council's role and responsibility**

Under section 10 of the Local Government Act 2002 (LGA), the purpose of Local Government is to:

"meet the current and future needs of communities for ... [the] performance of regulatory functions in a way that is most cost-effective for households and businesses."

Under the Freedom Camping Act 2011, councils are given powers to regulate and enforce any Freedom Camping Bylaws which have been developed and adopted under the Act. This is to ensure that freedom camping can still occur with the District, but enables Council to place reasonable restrictions on freedom camping to protect the area, the health and safety of people who may visit the area, and protect access to the area.

It is important to be able to balance the regulatory aspect of enforcing the bylaw to protect and maintain the natural environment of the district, with the need to promote and encourage the opportunity of freedom camping in the district.

1.4 **Assessment Guidelines**

1.4.1 **'Public' land vs. Private land**

The assessment looks at sites on WDC owned or managed property. Under section 3 and 4 of the Act, the regulation of freedom camping on private land is specifically excluded.

1.4.2 **Leased Council Land**

WDC owns land throughout the District, which is not allocated at any given time to specific purposes (such as parks and reserves). To ensure that the land is maintained, WDC may lease the land for purposes such as camping grounds through a formal contract. Therefore leased land is generally not included within the assessment.

1.4.3 Accessible Land

The assessment is only generally undertaken on land which is accessible and which has a recognised carpark area. However, where reserves are well known (i.e. Kara Park in Piopio) but do not have a carpark within the reserve, they have been included in the assessment for completeness.

Land outside of this criteria is covered by the general provisions of the Bylaw dealing with all other local authority land. This means that a vehicle (such as a campervan) could access the site either by road verge or formed road. Sites which are blocked from vehicle access are excluded from the assessment and are not deemed suitable for freedom camping.

1.4.4 Treaty Settlement Land

WDC may in the future return land to local Iwi due to any Treaty Land Settlements; in which case Freedom Camping will be by negotiation with Iwi.

1.4.5 Assessment Criteria

Under the Act, WDC must be satisfied that the bylaw is necessary for the following purposes:

- To protect the area;
- To protect the health and safety of people who may visit the area; and
- To protect access to the area.

These three criteria are considered in this document to be the assessment criteria. The following paragraphs show how WDC has interpreted the assessment criteria specifically, and provides clarity on how the assessment of the Act was undertaken using a fair and consistent approach.

(a) Protection of the Area

The types of sites identified for analysis have a wide range of environments, such as residential areas, recreation grounds and parks in the urban area to bush, coastal and sites in rural areas. The protection of the natural environment, such as the flora and fauna, has been assessed at each site.

Waitomo District also has many culturally or historically significant sites, some of which are listed under the Operative District Plan (and some which will be listed in the yet to be drafted Proposed District Plan). The significance of these sites have been analysed in regards to Freedom Camping, to ensure that the areas are protected for future generations to enjoy.

Alongside flora, fauna and history is another aspect of culture. The culture of the District has been taken into account for where people undertake recreation activities, and how important these sites are to different forms of recreation (i.e. passive or active).

Sports Grounds (the turf) have been designed for a specific community use. To ensure that these areas are maintained, i.e. not damaged by freedom camping vehicles and do not require expensive remediation; sports fields generally will have a higher score. To maintain the service level expected of sports grounds that benefit the entire community, freedom camping is prohibited from turf surfaces.

(b) Health and safety of those visiting the site

The Act requires that the health and safety of those visiting the site are considered. Some sites have a high level of vehicular traffic (i.e. car parks and lookout points), or have a high level of use for other activities (like sports grounds). These aspects of health and safety have been considered during the assessment.

(c) Access to the Area

Within this document the current access to each site is assessed. This includes taking into account the current vehicular access, to ensure that no unreasonable damage is caused by the access of vehicles (such as driving over culverts if there is no vehicle access), the cost of maintenance should ongoing damage to the site occur, or the impact that people accessing the site will have on other users to the area.

1.4.6 Assessment Scoring Method

The scoring method is based on the three assessment criteria set out in the Act. Each criteria (protection of area, health and safety and access) has been allocated scores from 1 (being the lowest) to 5 (being the highest). The total score of each of the criteria provide the total significance score.

If the significance score for any one of the three criteria (area protection, health and safety of people who may visit, access to the area) is 5, this means that the site is determined to have a "significant issue" and freedom camping may be prohibited or restricted.

Cumulatively over all three criteria, if the significance score is 9 or above, this means that the site is determined to be a "significant site" and freedom camping may be prohibited. If the significance score is 8 or below, freedom camping may be permitted at the site; however there could be some restrictions placed on the conditions specific to the type of camping at the site (which is further defined in the assessment of freedom camping category types).

Protection of the area – Cultural significance, Historical significance, Flora or Fauna	
1	No significant site concerns
2	Low concerns regarding significant sites
3	Some concerns regarding significant sites
4	Significant sites but not fully protected
5	Fully protected area, historical, cultural or native significance

Protect the health and safety of those visiting the area	
1	No health and safety concerns
2	Low health and safety concerns
3	Minimal health and safety concerns (risk for the elderly or children)
4	Significant health and safety concerns
5	Risk to health and safety is too great to allow access to the site

Protect access to the area	
1	Fully formed access to the site
2	Good access to the site, which would not cause damage
3	Moderate access to the site, and any vehicle access would cause minimal damage
4	Restricted access to the site, and any vehicle access would cause damage
5	No access to the site, and any vehicle access would cause significant damage

1.4.7 Assessment of Freedom Camping Category Types

Once a site has been assessed and given a significance score, it will determine if freedom camping is permitted or prohibited (see previous page). The *assessment of freedom camping category types* highlights for the reader the types of freedom camping permitted at the site. This is where particular restrictions can be applied to freedom camping.

Definitions

"Significant site" means an area that has been assessed within this document and has a significance score of 9 or greater.

"Self-contained" means a vehicle designed and built for the purpose of camping which is configured to meet the ablutionary and sanitary needs of occupants of that vehicle for a minimum of three days, without requiring any external services or discharging any waste and complies with New Zealand Standard 5465:2001 or subsequent amendments, as evidenced by the display of a current self-containment warrant issued under *New Zealand Standard Self Containment of Motor Caravans and Caravans, NZS 5465:2001*.

"Non-self-contained" means a vehicle which does not have any built in on-board ablutionary or sanitary facilities and does not carry a current self-containment warrant issued under *New Zealand Standard Self Containment of Motor Caravans and Caravans, NZS 5465:2001* or subsequent amendments.

"Tenting" means camping in a portable and collapsible temporary structure (which is usually made of fabric), is supported by poles and affixed to the ground with pegs.

Section 2. Assessment

2.1 Cemeteries

Waitomo District Council Cemeteries

- Te Kuiti Cemetery (new)
- Te Kuiti Cemetery (old)
- Te Waitere Cemetery
- Piopio Cemetery
- Marokopa Cemetery
- Aria Cemetery
- Mapiu Cemetery
- Mokau Cemetery
- Kiritehere Cemetery (portion of cemetery only)

All public cemeteries in Waitomo District are considered to have a high level of historical and cultural significance. There are moderate health and safety concerns due to the likelihood of open ground (plots), use of specialised digging equipment and burial services taking place. Access to cemeteries is granted to the public generally during the day; however gates are locked at night.

Due to the cultural and historical significance of these sites, it is proposed that all types of freedom camping is prohibited.

Legislative purpose	Area/significance	Health and Safety	Access	Score (out of 15)
Significance score	5	3	4	12/15
Assessment of Freedom Camping types				
Freedom camping - self contained	Freedom camping – non self-contained	Freedom camping - tenting		
No	No	No		

2.2 Esplanade Reserves

WDC has a number of esplanade reserves, however because they do not generally have formed carparks or toilet facilities, and are often of mixed ownership (e.g. LINZ); they have not been individually assessed for the purpose of this report. Where an esplanade reserve adjoins another reserve type (i.e. recreation), where it is named and signposted as a reserve, or where it does have carparking (or other WDC provided facilities) it will be individually assessed below in this report if relevant.

2.3 Recreation and Sports Reserves

Te Kuiti Domain

This is a recreation reserve which is used for a range of sports including cricket and rugby. Any vehicle access would cause damage to the turf.

Council is not aware of any cultural or historical significance associated with the domain, however the area is provided for the enjoyment of the community, and there would be some health and safety risks associated with the site when sports are being played. Therefore, this reserve is not suitable for freedom camping due to its amenity values, lack of parking on site, and the high potential for site damage causing expensive remediation. For these reasons, the area/significance and access score is high and it is proposed that freedom camping at this site is prohibited.

Legislative purpose	Area/significance	Health and Safety	Access	Score (out of 15)
Significance score	5	2	4	11/15
Assessment of Freedom Camping types				
Freedom camping - self contained	Freedom camping – non self-contained	Freedom camping - tenting		
No	No	No		

Rukuhia Domain - Piopio

This reserve is a large recreation reserve, used primarily for rugby and equestrian activities (dressage and cross country). Access to the domain is via a narrow bridge off Aria Road. There are no large formal parking areas on site, however there is some parking available near the rugby club and equestrian shed; and potentially on the small gravelled loop driveway.

This area is not considered suitable for freedom camping due to the potential conflict between users of the domain and freedom campers (for example, the equestrian club sometimes has weekend events where people stay on site), amenity values, access constraints, and the potential for site damage should freedom campers park on grassed areas (particularly in winter). For these reasons, the area/significance and access score is high and it is proposed that freedom camping at this site is prohibited.

Legislative purpose	Area/significance	Health and Safety	Access	Score (out of 15)
Significance score	3	2	4	9/15
Assessment of Freedom Camping types				
Freedom camping - self contained	Freedom camping – non self-contained		Freedom camping - tenting	
No	No		No	

St Helen Domain - Aria

This reserve is a large recreation reserve, used primarily for squash and tennis. Access to the domain is good, and there is a large metalled parking area by the squash club. However, the domain is subject to a lease for grazing, and for this reason it is proposed that freedom camping at this site is prohibited.

Legislative purpose	Area/significance	Health and Safety	Access	Score (out of 15)
Significance score	3	3	4	10/15
Assessment of Freedom Camping types				
Freedom camping - self contained	Freedom camping – non self-contained		Freedom camping - tenting	
No	No		No	

Mapiu Domain – Mapiu

Mapiu Domain is a reserve accessed off State Highway 4 with tennis courts, and a small area directly in front of the hall for carparking. This area is not suitable for freedom camping due to the small parking area and safety issues arising from the close proximity to State Highway 4. For these reasons, it is proposed that freedom camping at this site is prohibited.

Legislative purpose	Area/significance	Health and Safety	Access	Score (out of 15)
Significance score	2	5	4	11/15
Assessment of Freedom Camping types				
Freedom camping - self contained	Freedom camping – non self-contained		Freedom camping - tenting	
No	No		No	

Mangaokewa Reserve – Te Kuiti

The Mangaokewa Reserve is located approximately a five minute drive south of Te Kuiti township adjacent to State Highway 30. This Reserve offers picnic areas, an attractive bush walk to the Cascade Waterfalls, swimming and other recreational opportunities. Public toilets are available within the picnic area; and there is a significant amount of unformed and unmarked carparking available on the site.

The Reserve is subject to the Mangaokewa Gorge Scenic Reserve Management Plan 1997. Clause 7.2.6 of the Management Plan states:

"7.2.6 Camping

To allow the utilisation of the reserve for overnight camping.

Explanation

The reserve is a popular overnight stop for travellers to the District and encouragement of this

use should be made by continuing suitable advertising.”

The reserve was monitored in 2016 during the months of January to early March. During this time an average of 12 vehicles were parked in the reserve overnight, with approximately 80% of vehicles self-contained. Anecdotal evidence indicates that the use of the reserve by freedom campers has steadily increased, with reports of 25+ cars parked overnight in some instances during summer. Its high use is also indicated by toilet maintenance costs increasing to maintain level of service; and the reserve features on a popular NZ freedom camping mobile phone app – campermate.

Freedom camping is appropriate at this site, with restrictions.

Legislative purpose	Area/significance	Health and Safety	Access	Score (out of 15)
Significance score	2	2	2	6/15
Assessment of Freedom Camping types				
Freedom camping - self contained	Freedom camping – non self-contained	Freedom camping - tenting		
Yes	Yes	Yes		

Redwood Park – Te Kuiti

This park is used for a variety of recreation activities including walking and picnicking, and it contains a well utilised playground. The playground area sits amongst an attractively planted and well maintained garden landscape. Access to a small carpark is directly off State Highway 30. Due to its high amenity value to the community, shortage of parking and access constraints, this is not considered a suitable area for freedom camping, and it is therefore proposed that freedom camping at this site is prohibited.

Legislative purpose	Area/significance	Health and Safety	Access	Score (out of 15)
Significance score	5	3	4	12/15
Assessment of Freedom Camping types				
Freedom camping - self contained	Freedom camping – non self-contained	Freedom camping - tenting		
No	No	No		

Centennial Park – Te Kuiti

Centennial Park is a high use recreation park, used for netball, squash, football and other field activities, including a bike track. This reserve is not suitable for freedom camping due to its high amenity values, and the potential for site damage causing expensive remediation. There are also safety concerns due to the high use of the field by sports, particularly on weekends and weekday nights. For these reasons, this site is not considered a suitable area for freedom camping, and it is proposed that freedom camping at this site is prohibited.

Legislative purpose	Area/significance	Health and Safety	Access	Score (out of 15)
Significance score	5	4	4	13/15
Assessment of Freedom Camping types				
Freedom camping - self contained	Freedom camping – non self-contained	Freedom camping - tenting		
No	No	No		

Brook Park – Te Kuiti

Brook Park is one of the most significant reserves within the district and provides recreation for residents and visitors, in addition to protecting the community's heritage. The Park contains walking tracks, public toilets (adjacent to the Somerville Memorial), barbeques and picnic tables, a cenotaph and a Pa (Motakiora). The site has high cultural significance to Maori.

Access to the site has recently been upgraded with a wider entrance, new fence and new sign. The carpark is formed (gravel), but unmarked. Freedom camping is not considered appropriate in this part of Brook Park due to the cultural significance of the site and the high use of the site by the community for recreation. It is therefore proposed that freedom camping at this site is prohibited.

Legislative purpose	Area/significance	Health and Safety	Access	Score
---------------------	-------------------	-------------------	--------	-------

				(out of 15)
Significance score	5	1	1	7/15
Assessment of Freedom Camping types				
Freedom camping - self contained	Freedom camping – non self-contained		Freedom camping - tenting	
No	No		No	

Te Kuiti Skateboard Park

The Skateboard Park is located in Te Kuiti on State Highway 3, adjacent to the rail crossing over bridge. The parking area is not formed, and there is limited parking available at the site (the site directly adjoining is owned by Land Information New Zealand (LINZ)). There are safety concerns due to the location next to State Highway 3, and the potential for conflicting use of public space. For these reasons, it is proposed that freedom camping at this site is prohibited.

Legislative purpose	Area/significance	Health and Safety	Access	Score (out of 15)
Significance score	4	4	3	11/15
Assessment of Freedom Camping types				
Freedom camping - self contained	Freedom camping – non self-contained		Freedom camping - tenting	
No	No		No	

Tainui Domain – Mokau

Tainui Domain is a large reserve currently utilised for rugby, and promoted by the caretakers as a NZMCA park over property (with donations required). It contains basic facilities, including powered sites, a dump station and a toilet.

This reserve is not suitable for freedom camping, as it is currently being used for paid camping.

Legislative purpose	Area/significance	Health and Safety	Access	Score (out of 15)
Significance score	4	2	2	4/15
Assessment of Freedom Camping types				
Freedom camping - self contained	Freedom camping – non self-contained		Freedom camping - tenting	
No	No		No	

Waikawau Tunnel/Beach Recreation Reserve

This is a small metaled area adjoining the Waikawau tunnel which provides access to Waikawau Beach. The tunnel/beach is a popular tourist attraction. Historically people utilised the site (informally) for camping, however in 2017 the site was subject to a large slip which destroyed the public toilet and rendered the adjoining grassed area unsafe/ unusable for parking. Due to the small size of the carparking area, the high recreation use, the narrow road leading to the reserve, and the lack of suitable, safe carparking which can be dedicated to freedom camping; this area is not considered suitable for freedom camping.

Legislative purpose	Area/significance	Health and Safety	Access	Score (out of 15)
Significance score	4	5	4	13/15
Assessment of Freedom Camping types				
Freedom camping - self contained	Freedom camping – non self-contained		Freedom camping - tenting	
No	No		No	

Marokopa Recreation Reserve – Carley Reeve Drive Marokopa

This reserve is a high use recreation park, used for rugby and other field activities. This reserve is not suitable for freedom camping due to its high amenity values, and the potential for site damage causing expensive remediation. For these reasons, it is proposed that freedom camping at this site is prohibited.

Legislative purpose	Area/significance	Health and Safety	Access	Score (out of 15)
Significance score	4	3	4	11/15

Assessment of Freedom Camping types		
Freedom camping - self contained	Freedom camping – non self-contained	Freedom camping - tenting
No	No	No



Benneydale Domain

This is a recreation reserve which is used for rugby. A rugby club is located on the site, with limited associated parking. This reserve is not suitable for freedom camping due to its amenity values, lack of parking on site, and the high potential for site damage causing expensive remediation. For these reasons it is proposed that freedom camping at this site is prohibited.

Legislative purpose	Area/significance	Health and Safety	Access	Score (out of 15)
Significance score	5	2	4	11/15

Assessment of Freedom Camping types		
Freedom camping - self contained	Freedom camping – non self-contained	Freedom camping - tenting
No	No	No

2.4 Neighbourhood Reserves

Shearing Statue (Municipal) Reserve – Te Kuiti

This reserve is located at the south end of the central business district (CBD), with carparking on Taupiri Street (metalled) and the South End Loop Road (formed). The reserve is home to a significant statue, has formed pathways and seats; and is surrounded by shops or reserves. No residential dwellings are nearby. The Taupiri Street capark is not formed or marked, but has space for approximately 25 cars. Access to the site is safe. The closest public toilet is approximately 300m to the north on Rora Street.

Self-contained Freedom camping is considered appropriate at the Taupiri Street carpark, subject to restrictions.

Legislative purpose	Area/significance	Health and Safety	Access	Score (out of 15)
Significance score	3	1	2	6/15

Assessment of Freedom Camping types		
Freedom camping - self contained	Freedom camping – non self-contained	Freedom camping - tenting
Yes	No	No

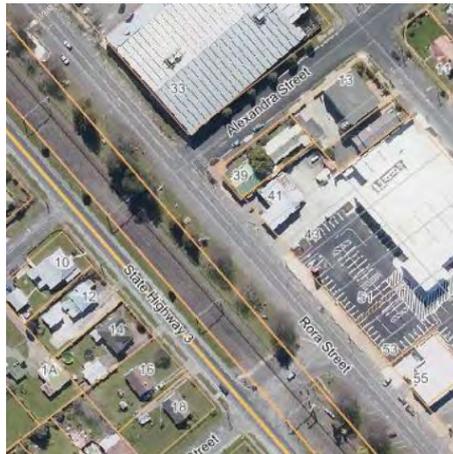


Rora Street North – Te Kuiti

This area of Rora Street opposite New World / the Warehouse has already been allocated for Freedom Camping. A public toilet is located in the area.

Legislative purpose	Area/significance	Health and Safety	Access	Score (out of 15)
Significance score	1	1	1	3/15

Assessment of Freedom Camping types		
Freedom camping - self contained	Freedom camping – non self-contained	Freedom camping - tenting
Yes	Yes	No



Rose Garden Reserve – Te Kuiti

This reserve is adjoining residential areas, the Les Munro Centre, and the cottage. Due to its location and amenity, it is a high use area by the community. There are 9 carparks on the Les Munro Centre side of the reserve and 9 on the side of the reserve. Due to its location and the high use of the carparking for events at the Les Munro Centre, this reserve is not considered suitable for freedom camping; and it is proposed that freedom camping at this site is prohibited.

Legislative purpose	Area/significance	Health and Safety	Access	Score (out of 15)
Significance score	5	4	4	13/15

Assessment of Freedom Camping types		
Freedom camping - self contained	Freedom camping – non self contained	Freedom camping - tenting
No	No	No



Mokau Esplanade and Point Road Carpark and other roads – Mokau

The Aria Terrace esplanade adjoins the west coast ocean (elevated), and is adjoined by dwellings to the east. The area is a high amenity area, with no formed carparking, and the Aria Terrace road is reasonably narrow. There are some picnic benches on the reserve, and the area is frequented by picnickers.

Due to there being no formal carparking areas, narrow roads (throughout Mokau), the potential for damage to grassed areas by heavy vehicles, the close proximity to dwellings, and the high amenity; these areas are not considered to be suitable for freedom camping. In addition, some areas have cultural significance to Maori, and have a recorded archaeological site protected under the Operative District Plan.

In particular, it is noted that the carparking area at the end of Point Road is also considered to be unsuitable for freedom camping due to the proximity to dwellings, limited carparking and maneuverability (particularly for larger vehicles), its high use for recreation access to the beach, and cultural significance. It is therefore proposed that freedom camping at this site is prohibited.

Legislative purpose	Area/significance	Health and Safety	Access	Score (out of 15)
Significance score	5	3	5	12/15

Assessment of Freedom Camping types		
Freedom camping - self contained	Freedom camping – non self-contained	Freedom camping - tenting
No	No	No



Tokopapa Street carparking area – Mokau

The small carparking area at the end of this street is located on recreation reserve adjoining the harbour area. The carpark is unformed with limited space and maneuverability. The reserve once contained stairs down to a protected beach area, however this access has since been closed. Due to the limited parking, safety concerns, and potential for damage to the adjoining grassed area (and erosion), this site is not considered appropriate for freedom camping. It is therefore proposed that freedom camping at this site is prohibited.

Legislative purpose	Area/significance	Health and Safety	Access	Score (out of 15)
Significance score	4	3	4	11/15

Assessment of Freedom Camping types		
Freedom camping - self contained	Freedom camping – non self-contained	Freedom camping - tenting
No	No	No



Takarei Terrace recreation reserve – Mokau

This area contains a small grassed area on sloping ground at the end of Takarei Terrace. Due to access limitations and lack of carparking, this area is not suitable for freedom camping, and it is therefore proposed that freedom camping at this site is prohibited.

Legislative purpose	Area/significance	Health and Safety	Access	Score (out of 15)
Significance score	4	3	4	11/15

Assessment of Freedom Camping types		
Freedom camping - self contained	Freedom camping – non self-contained	Freedom camping - tenting
No	No	No

Carpark area opposite Whitebait Inn – Mokau

This area contains a formed (unmarked) carpark adjoining State Highway 3 frequented by trucks and other vehicles. Part of the carpark area is within the State Highway road reserve. Due to its high use (24 hours/day), potential for vehicle/pedestrian conflict and health and safety concerns, this area is not suitable for freedom camping. In addition, a Freedom Camping Bylaw cannot control freedom camping on NZTA land. It is therefore proposed that freedom camping at this site is prohibited.

Legislative purpose	Area/significance	Health and Safety	Access	Score (out of 15)
Significance score	3	5	2	10/15

Assessment of Freedom Camping types		
Freedom camping - self contained	Freedom camping – non self-contained	Freedom camping - tenting
No	No	No



Boat Ramp carparking, Te Kauri Road – Mokau

This area contains a formed carpark accessed from Te Kauri Road off State Highway 3. It contains a toilet and a boat ramp; and is utilised by recreational boat users. Due to its high use and limited parking, this area is not suitable for freedom camping. It is therefore proposed that freedom camping at this site is prohibited.

Legislative purpose	Area/significance	Health and Safety	Access	Score (out of 15)
Significance score	4	4	2	10/15

Assessment of Freedom Camping types		
Freedom camping - self contained	Freedom camping – non self-contained	Freedom camping - tenting
No	No	No



State Highway adjoining Mokau Public Toilets – Mokau

This area is part of State Highway 3 and is not owned by WDC. Sites not owned by WDC cannot be controlled pursuant to a Freedom Camping Bylaw. This site is therefore listed here for completeness only.

Iredale Quay River Esplanade – Awakino

This no-exit road contains limited space for vehicles to park adjoining the river. The road contains a number of dwellings and an accommodation provider. Access to the river is provided by a boat ramp at the end of the informal cul-de-sac. The area is frequented by people for access to the river, and is of high recreation value. Due to its high recreational use, limited parking (especially for large vehicles), potential for damage to the grassed area, and proximity to dwellings (reverse sensitivity); this area is not suitable for freedom camping. It is therefore proposed that freedom camping at this site is prohibited.

Legislative purpose	Area/significance	Health and Safety	Access	Score (out of 15)
Significance score	4	2	3	9/15

Assessment of Freedom Camping types		
Freedom camping - self contained	Freedom camping – non self-contained	Freedom camping - tenting
No	No	No



Awakino Heads Esplanade – Awakino Heads Road – Awakino

This esplanade adjoins a narrow road, with one small layby area adjacent to a steep bank covered in vegetation. Due to access constraints, and the safety issues associated with the lack of suitable safe carparking (in particular large vehicles, which would not be able to park without encroaching onto the road), this area is not suitable for freedom camping. It is therefore proposed that freedom camping at this site is prohibited.

Legislative purpose	Area/significance	Health and Safety	Access	Score (out of 15)
Significance score	4	5	4	13/15

Assessment of Freedom Camping types		
Freedom camping - self contained	Freedom camping – non self-contained	Freedom camping - tenting
No	No	No



Carpark area, Moana Quay and other roads – Marokopa

A formed carpark is located at the end of Moana Quay opposite a public toilet and next to formal vehicle access to the beach. The carpark is high use, particularly in summer, due to its proximity to the public toilet and the excellent beach access point.

Due to its high use and limited parking, this area is not suitable for freedom camping. It is therefore proposed that freedom camping at this site is prohibited.

Other roads in Marokopa are also not considered appropriate for freedom camping due to the narrow roads, the potential for damage to grassed areas by heavy vehicles, the close proximity to dwellings, and the high amenity.

Legislative purpose	Area/significance	Health and Safety	Access	Score (out of 15)
Significance score	4	3	2	9/15

Assessment of Freedom Camping types		
Freedom camping - self contained	Freedom camping – non self-contained	Freedom camping - tenting
No	No	No



Esplanade – Marokopa

The esplanade adjoins the Marokopa River with no formal carparking. A grassed bank adjoins the river and this is often utilised by vehicles for parking. Access to the river is provided by a boat ramp at the end of the road. The area is frequented by people for access to the river. Due to its high recreational use, limited parking (especially for large vehicles), potential for damage to the grassed area, and proximity to dwellings (reverse sensitivity); this area is not suitable for freedom camping. It is therefore proposed that freedom camping at this site is prohibited.

Legislative purpose	Area/significance	Health and Safety	Access	Score (out of 15)
Significance score	4	2	3	9/15

Assessment of Freedom Camping types		
Freedom camping - self contained	Freedom camping – non self-contained	Freedom camping - tenting
No	No	No



Kiritehere Cemetery Reserve – Kiritehere

This reserve is a large cemetery reserve adjoining the ocean/river mouth with a portion of it fenced off for the cemetery. The area has been used informally for camping for a number of years. The reserve has no formed carpark, but does have a public toilet. WDC undertakes a weekly rubbish collection.

Freedom camping is considered suitable on this site in the area not specifically set aside (and fenced) as a cemetery.

Legislative purpose	Area/significance	Health and Safety	Access	Score (out of 15)
Significance score	3	2	3	8/15

Assessment of Freedom Camping types		
Freedom camping - self contained	Freedom camping – non self-contained	Freedom camping - tenting
Yes	Yes	Yes

Boat Ramp and public toilet area – Te Waitere

This area contains a formed carpark with a boat ramp, next to the Te Waitere Boat Club. The public toilet is located approximately 90 metres to the south west. The area is well used by recreation users, particularly in summer, due to the boat ramp access.

Boat ramp carpark: due to its high use and limited parking (particularly when a number of vehicles and boat trailers are parked at the site), this area is not considered suitable for freedom camping.

WDC land surrounding the public toilet: A narrow, metaled loop driveway provides access to the public toilets; with a small grassed area of approximately 300m² available for some limited parking behind the public toilets. This area is often used for vehicle / boat trailer parking and is surrounded by dwellings. This area is considered suitable for freedom camping, with limitations.

Legislative purpose	Area/significance	Health and Safety	Access	Score (out of 15)
Significance score	3	3	3	9/15

Assessment of Freedom Camping types		
Freedom camping - self contained	Freedom camping – non self-contained	Freedom camping - tenting
No (boat ramp)	No (boat ramp)	No (boat ramp)
Yes (toilet area)	Yes (toilet area)	No



Kinohaku Hall – Kinohaku

The Kinohaku Hall is managed by the Kinohaku Hall Society. Limited parking is available on site, and the area of land at the front of the hall is a gazetted war memorial site. The layby area outside the hall is a drop off/pick up location for the school bus.

There is a moderate level of health and safety risks associated with the site, due to the use of the layby area as a school drop off/pick up point. The site is fully accessible; however public toilet facilities are not available, and there is limited parking available at the end of the driveway next to the hall. Due to the proximity to the war memorial site, there are also culturally sensitivities. It is therefore proposed that all freedom camping is prohibited.

Legislative purpose	Area/significance	Health and Safety	Access	Score (out of 15)
Significance score	3	4	2	9/15

Assessment of Freedom Camping types		
Freedom camping - self contained	Freedom camping – non self-contained	Freedom camping - tenting
No	No	No



Te Anga Road Scenic Lookout – Te Anga

This area contains a formed layby with beautiful views. There is limited parking available on site. WDC is not currently aware of any matters of cultural or historical significance which would be affected by freedom camping at the site.

There is a moderate level of health and safety risk associated with the site due to the escarpment, however this is fenced. Public toilet facilities are not available. Access to the site is good. It is proposed that restricted self-contained freedom camping can occur at the site.

Legislative purpose	Area/significance	Health and Safety	Access	Score (out of 15)
Significance score	1	2	2	5/15

Assessment of Freedom Camping types		
Freedom camping - self contained	Freedom camping – non self-contained	Freedom camping - tenting
Yes	No	No

Benneydale Hall – Maniati Road Benneydale

This hall is managed by a voluntary committee, and is used by the community for various activities during the day / evenings including a library and museum. A limited amount of metaled parking is available at the front of the hall, and this area is also a school bus pick up and drop off site. Three dwellings are located directed opposite the hall.

WDC is not currently aware of any matters of cultural or historical significance which would be affected by freedom camping at the site.

Public toilet facilities are available in the hall, however these are not accessible after hours. While access to the site is good, large campervans parked on the metaled area would encroach onto the road carriageway. As the hall is used for activities after hours, the dual use of the area for hall purposes and freedom camping is considered to be incompatible. It is therefore proposed freedom camping is prohibited from this site.

Legislative purpose	Area/significance	Health and Safety	Access	Score (out of 15)
Significance score	5	2	2	9/15

Assessment of Freedom Camping types		
Freedom camping - self contained	Freedom camping – non self-contained	Freedom camping - tenting
No	No	No



Benneydale Public Toilets – State Highway 30 Benneydale

The Benneydale public toilets are located on this site, with a playground to be constructed in 2018. A limited amount of parking is available on the State Highway road reserve, however no parking is available within the site owned by WDC.

As there is no formed access to WDC land, freedom camping is proposed to be prohibited from this site.

Legislative purpose	Area/significance	Health and Safety	Access	Score (out of 15)
Significance score	2	2	5	9/15

Assessment of Freedom Camping types		
Freedom camping - self contained	Freedom camping – non self-contained	Freedom camping - tenting
No	No	No



Kara Park - Piopio

This is a neighbourhood reserve, with public toilets, a playground, and a designated dog exercise area. It is a high-use reserve due to its location, amenities, and proximity to a popular café. There is no carparking on the reserve, and limited carparking available on the state highway. The reserve is not considered suitable for freedom camping due to the high amenity values and use by the community, lack of parking on site, and the high potential for site damage (to the grassed area) causing expensive remediation.

For these reasons, the area/significance and access score is high, and freedom camping is proposed to be prohibited from this reserve.



Legislative purpose	Area/significance	Health and Safety	Access	Score (out of 15)
Significance score	5	2	4	11/15

Assessment of Freedom Camping types		
Freedom camping - self contained	Freedom camping – non self-contained	Freedom camping - tenting
No	No	No

Tui Park - Piopio

Tui Park is a camping area managed by volunteers. It has an accessible public toilet (if key is collected from surrounding businesses) and caters for campers and tents. It is proposed that freedom camping is permitted at this site.

Legislative purpose	Area/significance	Health and Safety	Access	Score (out of 15)
Significance score	1	1	1	3/15

Assessment of Freedom Camping types		
Freedom camping - self contained	Freedom camping – non self-contained	Freedom camping - tenting
Yes	Yes	Yes





Public Places Bylaw 2009

**Reviewed Bylaw Adopted 25 June 2014
Effective 1 August 2014**

Contents

1.0	SCOPE	1
2.0	INTERPRETATION	1
3.0	OFFENCES AND PENALTIES	3
3.1	Offences.....	3
3.2	Penalties	3
4.0	PUBLIC NUISANCES	4
5.0	OBSTRUCTING PUBLIC PLACES	4
6.0	DAMAGE TO PUBLIC PLACES	5
7.0	PLACING OF ARTICLES ON PUBLIC PLACES.....	5
8.0	ADVERTISING SIGNS	6
8.1	General Requirement for Siting of Signs	6
8.2	General Requirements for Construction and Maintenance of Signs	6
8.3	Removal of Offending Signs	7
9.0	CONTROL OF SKATEBOARDS	7
10.0	AMUSEMENT DEVICES	7
10.1	Fees	7
10.2	Safety Precautions	7
10.3	Reasonable and Proper Care	8
10.4	Speed.....	8
10.5	Overloading	8
11.0	AMUSEMENT GALLERIES	8
11.1	Licence Required.....	8
11.2	Application for Licence.....	8
11.3	Fee.....	8
11.4	Character References.....	9
11.5	Duration of Licence	9
11.6	Cancellation or Suspension of Licence	9
11.7	Display of Licence	9

11.8	Shooting Gallery	9
11.9	No Council Liability	9
11.10	Manager's Duty	9
11.11	Temporary Premises	9
11.12	Contrary to True Intent.....	9
11.13	Behaviour Controls	10
11.14	Intoxicated Persons	10
11.15	Sale of Food	10
11.16	Right of Appeal	10
12.0	LIQUOR CONTROL	10
12.1	Acts Prohibited in Specified Public Places within the Waitomo District	10
12.2	Exceptions to Prohibition for Residents and their Visitors	10
12.3	Exceptions to Prohibition for Licensed Premises	10
12.4	Exceptions for Special Licences.....	11
12.5	Offence	11
12.6	Police Powers.....	11
13.0	EXPOSING ARTICLES FOR SALE	11
14.0	HAWKERS AND KEEPERS OF MOBILE OR TRAVELLING SHOPS	11
14.1	Licence Required.....	11
14.2	Application.....	11
14.3	Sale of Food for Human Consumption	12
14.4	Fees and Expiry of Licence	12
14.5	Form of Licence.....	12
14.6	Production of Licence.....	12
14.7	Name to Appear on Vehicle	12
14.8	Moving On.....	12
14.9	Council May Prescribe Conditions.....	13
14.10	Licence not Transferable	13
14.11	Cleanliness of Vehicle	13
14.12	Exemptions	13

14.13	State Highways	13
15.0	ITINERANT TRADERS	14
15.1	Licence Required.....	14
15.2	Licence Fee	14
15.3	Refund of Licence Fee	14
16.0	STANDS AND STALLS	14
16.1	Permit Required.....	14
16.2	Application.....	14
16.3	Conditions of Permit	14
16.4	Permit Fee	14
16.5	Transfer	15
16.6	State Highways	15
17.0	AWNINGS AND BLINDS	15
18.0	PROJECTIONS ON PUBLIC PLACES NOT PERMITTED	15
19.0	ROAD AND BUILDING IDENTIFICATION	15
20.0	VEHICULAR CROSSINGS.....	16
21.0	RESTRICTIONS ON USE OF BARBED WIRE AND ELECTRIFIED FENCES .	16
22.0	ANIMALS AND STOCK IN PUBLIC PLACES	16
22.1	Public Places.....	16
	SCHEDULE A: SKATEBOARDS	17
	SCHEDULE B: LIQUOR CONTROL.....	17

1.0 SCOPE

- 1.1 The Local Government Act 2002 confers general bylaw making powers on Council. The Local Government Act 1974 specifically gives authority to the Council to adopt bylaws to regulate activities which can be carried out in roads, public places and reserves. This 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. In particular this bylaw addresses damage to public facilities such as roads, grass verges, garden places and reserves which may have an adverse effect on other users of these facilities.
- 1.2 Section 145, 146 of the Local Government Act 2002 and Section 684 of the Local Government Act 1974 and other relevant Act e.g. Reserves Act 1977, Health Act 1956, outline some of the powers and requirements of the Council in regard to streets, public places and reserves. Areas of control so prescribed by this legislation are not necessarily repeated within this bylaw, and therefore the relevant sections of the Local Government Act, 1974 and 2002 should be read in conjunction with it.

2.0 INTERPRETATION

- 2.1 For the purposes of this bylaw the following definitions shall apply:

AMUSEMENT DEVICE means an appliance to which the motion of a prime mover is transmitted and which is used, or designed or intended to be used, for the amusement, recreation, or entertainment of persons being carried, raised, lowered, or moved by the appliance, or any part thereof while it is in motion; and includes the prime mover, transmission machinery, supporting structure, and any equipment used or intended to be used in connection therewith:

AUTHORISED OFFICER means any person appointed or authorised by Council to act on its behalf and with its authority including a Police Officer.

BUSINESS SIGN means any sign displayed on a premises, the sole purpose of which is to indicate the business name of the occupier and the type of business undertaken.

BUSKER means any transient street entertainer, performing for donations.

COUNCIL means the Waitomo District Council or duly authorised officer of Council.

DROVER means any person in charge of stock being moved along a road.

HAWKER means any person who carries or takes about any goods, wares or merchandise for sale not in pursuance of any invitation to call with, or of any previous order or request for, such goods and includes a pedlar and any person who exposes for sale any goods, wares or merchandise carried or taken about by him or solicits the custom of any other person; and whether any such person shall cry any such goods, wares or merchandise or not, but does not include any person who uses any vehicle as a mobile or travelling shop.

ITINERANT TRADER includes any person who, not having been continuously resident in the district under the jurisdiction of the local authority for a period of at least 6 calendar months immediately preceding, or not owning, or not having entered into a binding lease in writing of his business in such district for a period of at least 6 calendar months, carries on or engages in any business in such district involving the sale or exposure for sale in any premises in the said district, and whether by himself or by any other person employed by him, or any goods, wares or merchandise; but shall not include any hawker as above defined or any keeper of a mobile or travelling shop or any bona fide commercial traveller who deals only with or solicits orders only from persons, firms or companies carrying on business within the district aforesaid, as retailers of, or as manufacturers for sale of, articles manufactured from goods, wares and merchandise similar to those sold by the commercial traveller, or by him on behalf of his employer or employers.

KEEPER in relation to any mobile or travelling shop, means the person by whom or on whose behalf any business is carried on by means of that mobile or travelling shop.

LICENSED PREMISES means premises licensed for the sale or consumption of liquor under the Sale of Liquor Act 1989.

LIQUOR has the meaning given to it by the Sale of Liquor Act 1989.

MATERIAL or **THING** means any material of whatever kind and includes jumbo bins and other containers for waste material, but excludes vehicles.

MIND ALTERING 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;
- d) Alcohol as defined in the Sale of Liquor Act 1989.

MOBILE OR TRAVELLING SHOP means a vehicle, whether self-propelled or not, from which goods, wares or merchandise are offered or exposed for sale in the street, or from which goods, wares or merchandise may be ordered (whether or not in pursuance of any invitation to call with the goods, wares or merchandise) or from which services are offered for sale in the street; but does not include any vehicle on or from which food is sold for consumption in or at the vehicle, or any vehicle used for the purpose of transporting and delivering goods, wares or merchandise pursuant to a prior order placed for the delivery of goods, wares or merchandise.

NAME-PLATE means any plate of metal, wood, glass, plastics, or other material fixed to a wall surface or in a sign-case near the entrance to premises to denote the name, business, designation, and agencies of an occupier of such premises.

PUBLIC PLACE means every road, footpath and thoroughfare of a public nature or open to or used by the public as of right, reserve, park, domain, walkway, walking track, beach, foreshore, river esplanade and recreational ground under the control of Council.

RIDE A SKATEBOARD means having either one or both feet, or any other part of the body or person, on the skateboard when it is moving.

ROAD has the meaning provided in Section 315 of the Local Government Act 1974, which includes every berm, bridge, culvert, drain, ford, gate, building or other thing belonging thereto or lying upon the line or within the limits thereof.

SIGN includes every advertising device or advertising matter of whatever kind whether consisting of a specially constructed device, structure, erection, or apparatus, or painted, printed, written, carved, inscribed, endorsed, projected onto, placed, or otherwise fixed to or upon any premises, wall, fence, rock, stone, structure, stationary vehicle, or erection of any kind whatsoever if such advertising device or matter is visible from any public place

SIGN-CASE means any case, panel, board, or other device attached to any premises to which name-plates are affixed, or for the display of the names, business designations, agencies and addressees of the occupiers of the premises to which it is attached.

SKATEBOARD means a wheeled device controlled or propelled by gravity or by the muscular energy of the rider, including roller skates, in-line skates, or similar recreational devices. The definition does not include any wheelchair baby or invalid carriage or bicycles.

SPECIFIED PUBLIC PLACE means any public place that is within the area described in Schedule C to this Bylaw.

STOCK means and 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.

STREET APPEAL means coordinated and organised events by organisations that ask for, or seek, any subscription, collection or donation from members of the public.

STREET PERFORMANCE means a musical, dramatic or other performance (including busking) involving musical, theatrical or circus performance skills including playing musical instruments, dancing, singing, clowning or juggling, pavement art, poetry or doing other acts of a similar nature in Public Places.

TEMPORARY SIGN means a sign to announce or advertise an event, function, sale, or product, erected or displayed on any public place or private premises, and displayed only for such limited period of time as is approved in writing by the duly authorised officer.

TRADING means the act of selling or trading or offering to sell or trade goods or services, with or without a vehicle.

WINDOW-SIGN means any sign displayed in or painted, printed, written, carved, inscribed, endorsed, or otherwise fixed to or upon any window.

3.0 OFFENCES AND PENALTIES

3.1 Offences

- 3.1.1 No person shall do anything or cause any condition to exist for which a licence or approval from Council is required under this Bylaw without first obtaining that licence or approval and the failure to do so shall constitute a breach of this Bylaw.
- 3.1.2 No application for a licence or authority from Council and no payment of or receipt for any fee paid in connection with such application, licence or authority, shall confer any right, authority or immunity on the person making such application or payment.
- 3.1.3 Everyone commits an offence against this Bylaw who:
- (a) Does, or causes to be done, or permits or suffers to be done, or is concerned in doing, anything whatsoever contrary to or otherwise than as provided by this Bylaw; or
 - (b) Omits, or neglects to do, or permits, or suffers to remain undone, anything which according to the true intent and meaning of this Bylaw, ought to be done at the time and in the manner therein provided; or
 - (c) Does not refrain from doing anything which under this Bylaw he or she is required to refrain from doing; or
 - (d) Permits or suffers any condition of things to exist contrary to any provision contained in this Bylaw; or
 - (e) Refuses or neglects to comply with any notice duly given under this Bylaw; or
 - (f) Obstructs or hinders any officer of the Council in the performance of any duty to be discharged by such officer under or in the exercise of any power, conferred by this Bylaw; or
 - (g) Fails to comply with any notice or direction given in this Bylaw.

3.2 Penalties

- 3.2.1 Every person convicted of an offence against this Bylaw shall be liable to the penalties as set out in Section 242 (4) of the Local Government Act 2002 and further if the offence is one to which Section 243 of the Local Government Act 2002 applies (and is therefore an infringement offence) shall be liable to infringement fees as prescribed by Regulations made under Section 259 (b) of the Local Government Act 2002, or where any person is alleged to have committed an offence against this Bylaw; be proceeded against pursuant to any other enactment so empowering Council.
- 3.2.2 The continued existence of any work, building, land, premises or thing in such a state or form as to be in contravention of any provision of this Bylaw, shall be deemed to be a continuing offence under this Bylaw.

4.0 PUBLIC NUISANCES

- 4.1 Except with the prior permission of Council or an authorised officer a person shall not on any public place:
- a) Drive any vehicle except on a formed road, or drive in a manner that is dangerous or inconsiderate to pedestrians or other vehicles 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) Consume, inject or inhale any mind-altering substances or offer or sell such substances to any person;
 - h) Play any game or use any object including skateboards, roller blades, roller skates, bicycles or motorised or human propelled 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.
 - i) Erect or place any structure on, over or under the public place except in compliance with this bylaw.
- 4.2 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.
- 4.3 Notwithstanding the requirement of any other clause of this bylaw a person shall not in any public place:
- a) Light any fire except at fireplaces specially provided, or in an appliance designed for outdoor cooking; subject to any restriction imposed by Council on the lighting of fires;
 - ~~b) Camp in an area not set aside for the purpose. In this context camping shall include the use of any vehicles for sleeping whether or not it is specially set out for sleeping.~~

5.0 OBSTRUCTING PUBLIC PLACES

- 5.1 A Person shall not:
- a) Obstruct the entrances to or exits from any public place;
 - b) Place or leave any material or thing, including signage, on a public place 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) Allow any gate or door on property abutting a public place, to swing over or across the public place or any part thereof;
 - 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;

- 5.2 No person shall permit or allow vegetation to encroach onto or over any public place so as to obstruct or interfere with the free movement of persons using that public place.

6.0 DAMAGE TO PUBLIC PLACES

- 6.1 Except with the permission of the Council or an authorised officer 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) Pollute, damage, deface or disfigure, apply graffiti, posters or advertising devices to, or interfere with any ornament, statue, building, structure, or facilities;
 - c) Nothing in clause 6.1(b) 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 or any other use approved by Council;
 - 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 sand, soil or other naturally occurring material found in a public place;
 - 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.
- 6.4 A person shall not do, 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.

7.0 PLACING OF ARTICLES ON PUBLIC PLACES

- 7.1 A person 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, on any public place unless:
- a) Such action has first been approved by Council or an authorised officer, and then only in accordance with such conditions as he or she may impose; or
 - b) Such action is taken for the purpose of regular refuse or other collections authorised by the Council or is otherwise authorised by law; or
 - c) Such action is permitted pursuant to any other part of this bylaw.

8.0 ADVERTISING SIGNS

8.1 General Requirement for Siting of Signs

- 8.1.1 No person shall display or erect or cause to be displayed or erected any sign except in conformity with this bylaw and with the provisions set out in the District Plan in force within the District under the Resource Management Act 1991 and Council's Policy adopted under the Gambling Act 2003.
- 8.1.2 No person shall display, erect, or maintain or cause or permit to be displayed, erected, or maintained any sign so close to any part of a road, motorway, or to any corner, bend, safety-zone, traffic signs, traffic signal, or intersection as in the opinion of the Engineer would:
- a) Obstruct or be likely to obstruct the view of traffic; or
 - b) Distract unduly or be likely to distract unduly the attention of road users; or
 - c) Constitute or be likely to constitute in any way a danger to the public.
- 8.1.3 No person shall place, display, or permit or suffer to be placed or displayed, or to remain any sign containing any reflective material which tends to reflect vehicle lights, or contains any material dependent for illumination upon the lights of traffic in such a position as in the opinion of the Council would distract or be likely to distract the attention of the driver of any motor vehicle.
- 8.1.4 No person shall place, display, cause, or permit to be placed or displayed on or upon or against any public place, public building, bridge or other structure, any post, pole, or other upright for whatever use including those for the guidance and control of traffic, or any tree or other vegetation, traffic sign, traffic signal, or pavement any sign for advertising of any other purpose unless the prior permission in writing of the appropriate officer of Council has been obtained.
- 8.1.5 No person shall cause or permit any sign other than a name-plate or sign-case to be erected over any public place unless every part of such sign is at least 2.5m above the footpath or 5.5m above the carriage way, and then only with the prior permission in writing of the appropriate officer of Council.
- 8.1.6 No person shall erect any sign-case in such a position as to project over any road, private street, or public place unless the prior permission in writing of the appropriate officer of Council has been obtained.
- 8.1.7 No person shall leave or place, or cause to be left or placed, any advertising sign, notice or placard on or over a road or other public place without the express approval, in writing of the appropriate officer of Council. This part of the bylaw shall extend to include all areas of State Highways over which control of signs has been specifically delegated to the Council by the New Zealand Transport Agency.
- 8.1.8 No person shall leave any vehicle on a road in circumstances where it is used or may be reasonably be assumed to be used, for the purpose of drawing attention to any advertising sign, notice or placard carried upon or affixed to that vehicle. This part of the bylaw shall extend to include all areas of State Highways over which control of signs has been specifically delegated to Council by the New Zealand Transport Agency.

8.2 General Requirements for Construction and Maintenance of Signs

- 8.2.1 No sign shall be made, erected, or constructed otherwise than in a good and workmanlike manner of materials approved by Council.
- 8.2.2 Every such sign shall at all times be maintained in good repair and condition to the satisfaction of Council.
- 8.2.3 If any sign shall at any time not be in good order and condition, or if it shall at any time be unsightly or dangerous, the appropriate officer of Council may, by notice in writing signed by him and addressed to the owner or lessee to repair or secure or otherwise put in order or remove such sign within a period stated in such notice, and if such owner or lessee shall fail to

comply with the requirements of such notice within the time therein specified he shall be liable to prosecution for an offence against this bylaw.

8.3 Removal of Offending Signs

- 8.3.1 If any sign, fails to conform to all the provisions of this bylaw, it shall be the duty of the occupier for the time being of the premises on which such sign shall have been displayed or erected, after being served with a notice in writing under the hand of the appropriate officer of Council requiring him so to do, to take down and remove such sign or so much thereof as does not conform to the provisions of this bylaw within the period of time specified in such notice. In the event of failure to comply with such notice, the Council shall be empowered to take whatever steps are necessary for the removal of any such sign. The cost incurred by Council shall be charged to the occupier.
- 8.3.2 If the person on whom such notice has been served fails to comply with the terms of such notice within the time stated therein he shall be liable to prosecution for an offence against this bylaw.

9.0 CONTROL OF SKATEBOARDS

- 9.1 No person shall ride a skateboard in any area defined in Schedule A attached to this Part of the bylaw.
- 9.2 No person shall ride a skateboard on any footpath outside areas defined in Schedule A, without due care to ensure no damage is caused to any property or without reasonable consideration for other persons using the footpath.
- 9.3 The Council may from time to time by resolution publicly notified, amend Schedule A, to add, delete or amend the areas to which the provisions of this bylaw shall apply.
- 9.4 A Police Officer, Council Enforcement Officer or other authorised Officer may enforce the provisions of this Bylaw. Persons in breach of this Bylaw may risk impounding of any skateboard and be required to supply details necessary for infringement registration purposes. The owner of an impounded skateboard may retrieve it from the Council Offices or the Police Station during normal business hours, after the expiry of 10 working days from the date of impounding. A fine not exceeding that detailed in Council's Fees and Charges Manual will apply per impoundment.

10.0 AMUSEMENT DEVICES

No person shall use any land or building or any part of any land or building, structure, or enclosure, or any part of any public place as a site for an amusement device to which the public have admission or access by payment or otherwise, until he/she has obtained from the Council a permit under the Amusement Devices Regulations 1978 to operate such a device. The term of any such permit shall not exceed one year.

10.1 Fees

- 10.1.1 The fee payable for the issue of a permit shall be such sum as is prescribed in the Amusement Devices Regulations 1978 from time to time.

10.2 Safety Precautions

- 10.2.1 In addition to regulations contained in the Amusement Devices Regulations 1978, the proprietor of an amusement device shall, for the prevention of danger from such device:
- a) Cause such amusement device to be so placed as to have about it a clear space from the outermost point covered or which may be overhung by such device, to the satisfaction of Council.
 - b) Cause such amusement device to be erected in a proper manner, and sited on ground able to support the device under full operating conditions without risk of subsidence and to the satisfaction of an authorised officer to inspect such device. Compliance with the authorised officer's directions (if any) in this case will not absolve the proprietor from

the prime responsibility for ensuring that the requirements of this sub clause are carried out.

- c) Cause every part of such amusement device and of the apparatus for driving the same to be maintained at all times in good repair and condition, and to be under proper management and control.
- d) Cause the apparatus for driving such amusement device to be tended and regulated by a competent person responsible for the care and management of such appliance.
- e) Cause such amusement device, if in motion and if any person riding in or upon such device be ill or be desirous of alighting wherefrom, to be stopped as quickly as may be practicable for the purpose of allowing such person to alight or be removed from such device.

10.3 Reasonable and Proper Care

- 10.3.1 The proprietor or any other person for the time being having the management or control of any amusement device or of the apparatus for driving the same, or any part of such device or apparatus, shall, in the exercise of such management or control, take all reasonable and proper care so as to prevent danger to any person or property.

10.4 Speed

- 10.4.1 Such proprietor or other person shall not cause or suffer such amusement device to be driven at any greater speed than shall be consistent with the safety of any person riding in or upon such device and with all other circumstances attending or affecting the use thereof.

10.5 Overloading

- 10.5.1 Such proprietor or other person shall not allow any person to enter or mount upon such amusement device at any time when such device shall be already occupied by the full number of persons for whose accommodation such device shall be constructed or intended or adapted to be used.

11.0 AMUSEMENT GALLERIES

Every amusement gallery shall be located and operated in accordance with the requirements of the District plan and no amusement gallery shall be occupied or used for the purposes of any amusement unless licensed under this part of this Bylaw.

11.1 Licence Required

- 11.1.1 Every amusement gallery premises shall have either an individual licence or be specified on a "multiple site licence" held by a franchise operator, such licence to be in the form approved by Council from time to time.
- 11.1.2 A multiple site licence shall include the name and address of the premises managers and the premises covered by the licence.

11.2 Application for Licence

- 11.2.1 Every application for a licence shall be in writing by the proposed manager of the amusement gallery and shall set forth the name, address and occupation of the applicant, the address of the building sought to be licensed and the type or types of amusements proposed to be engaged in.

11.3 Fee

- 11.3.1 No licence shall be granted except on payment of such fee as may from time to time be prescribed by resolution of the Council.

11.4 Character References

11.4.1 Prior to the issue of any licence or the renewal or transfer of any licence, the Council shall be satisfied as to the character of the applicant for such licence renewal or transfer and may call upon the applicant to provide two references from responsible Persons vouching for the applicant's good character and for a police report as to the applicant's suitability.

11.5 Duration of Licence

11.5.1 Every such licence shall remain in force from the date of issue until the 30th day of June following and shall be renewed annually. The annual fee for each licence shall be such sum as may from time to time be prescribed by resolution of Council.

11.6 Cancellation or Suspension of Licence

11.6.1 The Council may at any time cancel or suspend the licence granted in respect of any amusement gallery if the manager shall be convicted of any Offence against this Bylaw or of any offence touching his or her character or conduct as such manager or if council shall be satisfied that the manager is acting or has acted in a manner contrary to the true intent and meaning of this Part Bylaw. During the period of suspension the amusement gallery shall be deemed to be unlicensed, and shall cease to operate.

11.7 Display of Licence

11.7.1 The manager of any amusement gallery shall display a copy of the licence in a suitable and conspicuous position in such room at all times.

11.8 Shooting Gallery

11.8.1 In any amusement gallery in which gallery shooting is carried on, the manager shall provide complete protection, to the satisfaction of Council, against danger to every person in or about or outside such amusement gallery. At all times while firearms may be loaded in such gallery the firearms shall be kept directed towards a target and no person shall while firearms may be loaded, remove or permit to be removed, any firearm from such gallery.

11.9 No Council Liability

11.9.1 Council shall accept no liability for any injury or damage arising from activities in any amusement gallery licensed under this Bylaw.

11.10 Manager's Duty

11.10.1 The manager shall at all times:

- a) Provide sufficient toilets in accordance with the New Zealand Building Code for use by staff and persons using the amusement gallery except where expressly provided by the licence.
- b) Keep the amusement gallery and conveniences in good repair, in clean condition, and well ventilated, to the satisfaction of Council.

11.11 Temporary Premises

11.11.1 Premises equipped with amusements and operated for a period not greater than 14 days shall be regarded as Temporary Premises and shall not require a licence. However Temporary Premises shall comply with all other relevant clauses of this Bylaw.

11.12 Contrary to True Intent

11.12.1 Where, in the opinion of the Council, the conduct of an amusement gallery is considered contrary to the true intent and meaning of the Bylaw, the Council may require removal of any amusements or take such other action as is deemed appropriate.

11.13 Behaviour Controls

11.13.1 From and after the issue of any licence issues pursuant to this Bylaw and while he or she shall be the manager of the amusement gallery, the manager shall be personally responsible for the proper conduct of such amusement gallery and shall personally see that all the provisions or requirements of this Bylaw are duly carried out and observed.

11.14 Intoxicated Persons

11.14.1 The manager of any amusement gallery shall not allow any intoxicated person or person under the influence of alcohol or mid altering substance to enter or remain in such amusement gallery nor shall the manager allow any person to use obscene or improper language, or behave in a noisy or improper manner.

11.15 Sale of Food

11.15.1 If any food or drink is to be sold or intended to be sold in any amusement gallery, the approval of Council must be obtained before any licence is granted, renewed or transferred and the manager shall comply with all Statutes, regulations and Bylaws relating to premises in which food or drink are sold.

11.16 Right of Appeal

11.16.1 Any manager or proprietor of any amusement device or amusement gallery who disagrees with any decision, order or direction given by Council shall have the right of Appeal to the Council. On hearing the Appeal, the Council committee may revoke, confirm or modify any such decision, order or direction.

12.0 LIQUOR CONTROL

12.1 Acts Prohibited in Specified Public Places within the Waitomo District

12.1.1 Subject to clauses, 12.2, 12.3 and 12.4 the following acts are prohibited at all times:

- a) The consumption of liquor in or at any Specified Public Place
- b) The bringing of liquor into any Specified Public Place
- c) The possession of liquor 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 liquor.

12.1.2 Specified Public Places are listed in Schedule B.

12.2 Exceptions to Prohibition for Residents and their Visitors

12.2.1 Clause 12.1 does not apply to liquor in an unopened container for the purpose of the transport of that liquor from outside a Specified Public Place to premises that adjoin a Specified Public Place:

- a) By, or for delivery to, a resident of those premises or by his or her bona fide visitors or
- b) From those premises to a place outside the Specified Public Place by a resident of those premises or his or her bona fide visitors, provided the liquor is promptly removed from the Specified Public Place

12.3 Exceptions to Prohibition for Licensed Premises

12.3.1 Clause 12.1 does not apply:

- a) In the case of liquor in an unopened container, to the transport of that liquor from premises adjoin a Specified Public Place during any period when under the Sale of Liquor Act 1989 it is lawful to sell liquor on those premises provided the liquor is promptly removed from the Specified Public Place.

- b) In the case of in an unopened container, to the transport of that liquor 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 liquor under the Sale of Liquor Act 1989.
- c) To the possession and or consumption of liquor at any premises within the Specified Public Place in compliance with a licence for the sale and or consumption of liquor under the Sale of Liquor Act 1989 including any footpath area that is defined under the appropriate liquor licence.

12.4 Exceptions for Special Licences

- 12.4.1 Clause 12.1 does not apply to any part of the Specified Public Place in respect of which a Special Licence under the Sale of Liquor Act 1989 has been granted for any occasion or event described in the licences.

12.5 Offence

- 12.5.1 Any person who acts in breach of this Bylaw commits an offence and is liable upon summary conviction to a fine as provided for in the Local Government Act 2002 which specifies a fine not exceeding \$20,000.

12.6 Police Powers

- 12.6.1 Police powers of arrest, search and seizure under this Bylaw are outlined in sections 169 and 170 of the Local Government Act 2002. In summary, where a person is found to be in breach of this Bylaw, liquor is subject to seizure and forfeit to the Crown, if the person is convicted of breaching the Bylaw. A person may be arrested if found to be committing an offence under this Bylaw, or refusing to leave the area or refusing to surrender the liquor.
- 12.6.2 No warrant is required for the police to conduct a search to ascertain if liquor is present in a container or vehicle that is in or entering a Specified Public Place. However prior to exercising the power of search, a person must be informed that they have the opportunity to promptly remove the suspected container or vehicle from the Specified Public Place, and be given a reasonable opportunity to do so.

13.0 EXPOSING ARTICLES FOR SALE

- 13.1 Except as provided for elsewhere in 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 Council may think fit to impose.

14.0 HAWKERS AND KEEPERS OF MOBILE OR TRAVELLING SHOPS

14.1 Licence Required

- 14.1.1 No person, whether acting on his/her own account, or as the servant of another person, shall engage in the trade of calling on, or carrying on business in any manner or to any extent as a hawker or keeper of a mobile or travelling shop with respect to goods or articles of any description whatsoever (except as provided in clause 12 and 13 of this part of the Bylaw), without having first obtained a licence from the Council to do so.

14.2 Application

- 14.2.1 Every person desirous of obtaining a hawker's or keeper's licence shall make application to the Council on the standard application form for licences and permits in use at that time, and shall with such application furnish such evidence of good character as the Council may require, and in the case of an application for a keeper's licence shall state the number of vehicles to be used.

14.3 Sale of Food for Human Consumption

- 14.3.1 Every application under the last preceding clause shall also state whether the applicant is desirous of hawking or selling from a mobile or travelling shop articles of food for human consumption and whether with or without other goods, wares or merchandise and in any case where a motor vehicle is to be used, shall specify the registered number of that vehicle.
- 14.3.2 If the applicant is desirous of hawking or selling articles of food for human consumption such application shall be accompanied by all licences which the applicant may be required to obtain under the provision of any Act, regulation or bylaw relating to the licensing and regulation of certain trades and businesses.
- 14.3.3 Before issuing any licence for a hawker or keeper of a mobile or travelling shop the Council shall satisfy itself that any motor vehicle to be used in connection with hawking or selling food for human consumption and that any premises to be used for the storage of such food, are suitable for the purpose.

14.4 Fees and Expiry of Licence

- 14.4.1 The Council may issue licences to trade and carry on business as hawkers or keepers of mobile or travelling shops and every such licence, at whatever time of the year the same may be issued, shall terminate on a day and month then next ensuing as may be prescribed by resolution by the local authority, and for every such licence there shall be paid to Council such fee as the Council may by resolution from time to time prescribe for that particular class of licence.
- 14.4.2 The Council may at its discretion issue temporary licences upon payment of such fee whether per day or otherwise, and subject to such conditions as the local authority may impose.

14.5 Form of Licence

- 14.5.1 Every hawker's or keeper's licence shall be in the format in use at the time of issuing and shall take effect according to the tenor thereof.

14.6 Production of Licence

- 14.6.1 Every licensed hawker or keeper of a mobile or travelling shop shall at all times when hawking, or selling from his mobile or travelling shop carry his licence with him and shall show the licence to any constable or authorised officer of the local authority who shall demand production of the licence.

14.7 Name to Appear on Vehicle

- 14.7.1 Every licensed hawker or keeper of a mobile or travelling shop whilst hawking or selling from his mobile or travelling shop or exercising or carrying on his business, trade or calling of hawker or keeper of a mobile or travelling shop in some conspicuous place on the exterior of any vehicle or container in which he takes or carries his goods or wares have his name legibly painted thereon in letters not less than 25mm in height.

14.8 Moving On

- 14.8.1 No hawker or keeper of a mobile shop shall stand or remain stationary in any street save for such reasonable time as is required for the transaction of his business with any one customer.
- 14.8.2 Every licensed hawker or keeper of a mobile or travelling shop shall upon being requested so to do by any any Police officer or authorised officer of the Council and as often as so requested, alter his position and remove from the place in any street or public place where such hawker or keeper of a mobile or travelling shop may for the time being be hawking his goods or selling from his mobile or travelling shop to any other part or parts of such street or place or to any other street or public place indicated by such Police officer or authorised officer of the local authority.
- 14.8.3 Any person who fails to comply with any request made by any Police officer or authorised officer of the Council shall be guilty of an offence under this bylaw.

14.9 Council May Prescribe Conditions

14.9.1 The Council may, either upon the issue of any licence to any hawker or keeper of a mobile or travelling shop or at any time by notice in writing served on any licensed hawker or keeper of a mobile or travelling shop:

- a) Prescribe any condition or conditions in compliance with which such hawker or keeper of a mobile or travelling shop must carry on his trade or business and any hawker or keeper of a mobile or travelling shop who shall fail to comply in all respects with any such requirements within any period specified for compliance shall be guilty of an offence against this part of this bylaw; or
- b) Require such hawker or keeper of a mobile or travelling shop to discontinue the use of any vehicle so employed by him.

14.9.2 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.

14.10 Licence not Transferable

14.10.1 No licence issued under this part of this bylaw shall be transferable to any other person and no such licence shall authorise any person other than the person named therein to carry on the trade or business of a hawker or to keep a mobile or travelling shop.

14.11 Cleanliness of Vehicle

14.11.1 Every licensed hawker or keeper of a mobile or travelling shop or any person operating on behalf of such hawker or keeper 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 therewith in a thoroughly clean and sanitary condition to the satisfaction of the Council's Environmental Health Officer.

14.12 Exemptions

14.12.1 The provisions of this part of this bylaw shall not apply:

- a) to the owner of a fishing boat registered under the fisheries Act 1983 and in respect of which a boat-fishing permit is for the time being in force, where he or a person appointed by him in that behalf sells fresh fish or fresh shellfish (being fresh fish or fresh shellfish taken from that boat in accordance with the conditions of the permit) from that boat at the place where it is moored, berthed or beached or from a stall (including a vessel used as a stall) within 450m of that place; or
- b) To the sellers of printed books, pamphlets, magazines or newspapers.

14.13 State Highways

14.13.1 In the case of a state highway, with the prior consent of the New Zealand Transport Agency, Council may prohibit hawkers, pedlars, keepers of stalls (including vehicles used as stalls), and keepers of mobile or travelling shops 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.

15.0 ITINERANT TRADERS

15.1 Licence Required

- 15.1.1 No itinerant trader shall sell or offer to expose for sale any goods, wares or merchandise whatsoever without having first obtained a licence from the Council authorising him to do so.
- 15.1.2 Such application shall be on the standard application form for licences and permits in use at that time, and the applicant shall with his application furnish such evidence of good character as the Council may require.
- 15.1.3 Every itinerant trader's licence shall be in the format in use at the time of issuing and shall remain in force for the term of 1 year from the day of issue thereof and no longer.

15.2 Licence Fee

- 15.2.1 For every such licence there shall be paid to the Council before the issue of such licence such amount by way of licence fee as is prescribed from time to time by resolution of the Council.

15.3 Refund of Licence Fee

- 15.3.1 If during the continuance of any such licence the licensee named therein shall remain continuously in business in the district aforesaid for a period of not less than 6 months, the licence fee paid by him as aforesaid in respect of the licence in force during such period shall be refunded.

16.0 STANDS AND STALLS

16.1 Permit Required

- 16.1.1 No person shall without having first obtained a permit from the Council so to do:
- a) Stand in or occupy any portion of any public place with, or place or maintain on any portion of any public place, any stall, structure or contrivance for the purpose of distributing or selling any food or refreshments, newspapers, lottery tickets, textiles, hardware; or
 - b) Stand in or occupy any portion of any public place with, or place or maintain on any portion of any public place any weighing, knife-grinding, automatic vending or slot entertainment machine or any other similar structure, apparatus or contrivance.

16.2 Application

- 16.2.1 Every application for a permit shall be on the standard application form for licences and permits in use at that time.

16.3 Conditions of Permit

- 16.3.1 Every permit shall be issued by the Council and shall be subject to such conditions as the Council may impose and shall state therein the term of expiry thereof, the portion of any public place on which the applicant is permitted to stand, the hours during which he may so stand, the class of article or goods he proposed and is permitted to sell, and no person shall stand or sell except in conformity with the terms of such permit.

16.4 Permit Fee

- 16.4.1 For every such permit there shall be payable to the Council such fee as the Council may by resolution from time to time prescribe.

16.5 Transfer

16.5.1 No person shall transfer his permit to any other person neither stand nor sell either under the authority of a permit issued to any other person or at a place not mentioned in his permit or directed by the Council.

16.6 State Highways

16.6.1 In the case of a state highway, with the prior consent of the New Zealand Transport Agency, Council may prohibit hawkers, pedlars, keepers of stalls (including vehicles used as stalls), and keepers of mobile or travelling shops 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.

17.0 AWNINGS AND BLINDS

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

18.0 PROJECTIONS ON PUBLIC PLACES NOT PERMITTED

18.1 Except where permitted by 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.

18.2 This restriction shall not apply to any veranda or awning erected pursuant to a requirement of a District Plan.

18.3 In any such projection or obstruction as aforesaid 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.

18.4 No person shall stand on any veranda erected over a public place except for the purpose of inspection, maintenance or egress in the case of fire.

19.0 ROAD AND BUILDING IDENTIFICATION

19.1 The Council shall have the exclusive right to cause to be painted or affixed on a conspicuous part of the building, the name of the road, private road or public place to which it has frontage.

19.2 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 50 mm 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. Numbers required by shall be maintained by the owner or occupier in such a manner as to readily identify the property at all times.

- 19.3 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.

20.0 VEHICULAR CROSSINGS

- 20.1 Any person wishing to construct, repair, remove or widen any vehicular crossing over any public place shall first obtain a permit from the Council.
- 20.2 A permit issued by the Council may 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.
- 20.3 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 of this bylaw.
- 20.4 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. Every such owner or occupier who fails to comply with any such notice within the period specified shall commit an offence against their Part of this bylaw.

21.0 RESTRICTIONS ON USE OF BARBED WIRE AND ELECTRIFIED FENCES

- 21.1 Except with the permission of an authorised officer:
- a) No person shall erect or permit to be erected any electrical fencing or barbed wire along, or within 1 metre of any boundary line between any land or building on the one side, and any public place on the other side:
- Provided that this sub-clause shall not prohibit the placing of such barbed wire at a height if not less than 2 metres or electrified fencing not less than 3 metres from the level of the ground of any such public place.
 - Further provided that this Sub-clause shall not apply within any area which has a predominantly rural character under the District Plan prepared by Council, 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.

22.0 ANIMALS AND STOCK IN PUBLIC PLACES

22.1 Public Places

- 22.1.1 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.
- 22.1.2 Any person having control of stock or any public place shall ensure that the stock is kept under proper control, with consideration for other persons using the public place.
- 22.1.3 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.

22.1.4 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 areas prohibited to stock without the prior consent of an authorised officer;
- c) The grazing of stock on road reserves in predominantly rural areas is permitted subject to the animals being contained in adequate temporary fences.
- d) Graze stock in any other public place except in accordance with Council policy.

22.1.5 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.

22.1.6 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.

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

22.1.8 Subject to the requirements of this section 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 guidance on any public place.

SCHEDULE A: SKATEBOARDS

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) and Moa Street, Piopio (from Kea Street North to Tui Street).

SCHEDULE B: LIQUOR CONTROL

Specified Public Places:

The part of this Bylaw dealing with Liquor Control applies to the following locations:

- 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

Public Places include, but are not limited to, Streets, Service Lanes, Lanes, Footpaths, Carparks and Reserves.

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.



Public Amenities Bylaw 2010
Reviewed 2015

Last Reviewed	February 2010
Review Date	30 September 2014
Adoption Date	10 February 2015
Next Review Date	February 2025

CONTENTS

1.0	INTRODUCTION.....	1
1.1	SCOPE.....	1
1.2	FEES AND CHARGES.....	1
1.3	OFFENCES	1
1.4	PENALTIES	1
2.0	INTERPRETATION.....	2
3.0	GENERAL CONDUCT AND RESTRICTIONS IN PUBLIC AMENITIES	4
3.1	VEHICLES	4
3.2	VEGETATION	5
3.3	RESTRICTED CONDUCT IN PUBLIC AMENITIES	5
3.4	ANIMALS IN/ON PUBLIC AMENITIES	6
3.5	EXPULSION OF OFFENDERS.....	6
3.6	EXCLUSION FROM PUBLIC AMENITY.....	6
4.0	LIBRARY.....	6
4.1	MANAGEMENT CONTROL AND USE	6
4.2	CONDITIONS OF MEMBERSHIP	6
4.3	BORROWING	7
4.4	Damage or Loss of Collection Items	7
4.5	SPECIAL COLLECTIONS	7
4.6	ENTRY AND ACCESS.....	7
4.7	USE OF THE LIBRARY.....	7
5.0	PARKS AND RESERVES	8
5.1	RESTRICTED CONDUCT IN PARKS AND RESERVES	8
6.0	USE OF PUBLIC SWIMMING POOLS	9
6.1	MANAGEMENT CONTROL AND USE	9
7.0	BEACHES	10
7.1	ACCESS TO BEACHES	10
7.2	PROTECTION OF PROPERTY	10
7.3	RESTRICTED CONDUCT ON BEACHES	10
7.4	SURF LIFE SAVING CLUBS.....	10
7.5	DOGS ON BEACHES	11
7.6	SPEED LIMITS ON BEACHES	11
8.0	CEMETERIES.....	11
	A GENERAL	11
8.1	BURIAL PLOTS: EXCLUSIVE RIGHT OF BURIAL	11
8.2	BURIAL PLOTS: NO EXCLUSIVE RIGHT OF BURIAL	11
8.3	PROVISIONS FOR ALL INTERMENTS	11
8.4	HOURS FOR INTERMENTS	12
8.5	AUTHORISED OFFICER OR ASSISTANT ONLY TO DIG GRAVE	12
8.6	BURIAL OF ASHES.....	12
8.7	INTERMENT CHARGES: POOR PERSONS	12
8.8	DECEASED SERVICEMEN	12
8.9	DISINTERMENT	12
8.10	SOLICITING OF ORDERS	12
8.11	VEHICLES	13
8.12	ANIMALS	13
	B ENHANCEMENT OF PLOTS.....	13
8.13	VAULTS	13
8.14	FENCING, TOMBSTONES ETC	13
8.15	DEPOSIT OF MATERIALS	13

8.16 KEEPING IN ORDER 14
8.17 REMOVAL OF FENCES, HEADSTONES, PLANTS ETC 14
8.18 MEMORIAL PART (BERM OR GARDEN CEMETERIES): ERECTION OF MEMORIALS 14
8.19 BRICK OR WALLED-IN GRAVES 15
8.20 VASES OR CONTAINERS 15
8.21 PLAQUE LAWN CEMETERIES: STRUCTURES, PLAQUES, TABLETS AND FLOWERS ON PLOTS..... 15

1.0 INTRODUCTION

1.1 Scope

- 1.1.1 The Local Government Act 2002 confers general bylaw making powers on Council. This bylaw controls a diverse range of activities in public amenities to ensure that acceptable standards of convenience, safety and civic values are maintained for the wellbeing and enjoyment of citizens, visitors and businesses within the district. In particular this bylaw addresses conduct in public amenities such as libraries, reserves, aerodrome, public parking areas, public toilets swimming pool, beaches, other public buildings and cemeteries which may have an adverse effect on other users of these facilities.
- 1.1.2 Section 145, 146 of the Local Government Act 2002 and other relevant Act e.g. Reserves Act 1977, Health Act 1956, outline some of the powers and requirements of the Council in regard to public places and reserves. Areas of control so prescribed by this legislation are not necessarily repeated within this bylaw, and therefore the relevant sections of the Local Government Act, 2002 and other legislation should be read in conjunction with it.

1.2 Fees and Charges

- 1.2.1 The fees for any certificate, authority, approval, consent given, inspection made or service given by Council and any other matter described in this Bylaw shall be as set out in Council's Fees and Charges Manual from time to time.

1.3 Offences

- 1.3.1 No person shall do anything or cause any condition to exist for which a licence or approval from Council is required under this Bylaw without first obtaining that licence or approval and the failure to do so shall constitute a breach of this Bylaw.
- 1.3.2 No application for a licence or authority from Council and no payment of or receipt for any fee paid in connection with such application, licence or authority, shall confer any right, authority or immunity on the person making such application or payment.
- 1.3.3 Everyone commits an offence against this Bylaw who:
- 1.3.4 Does, or causes to be done, or permits or suffers to be done, or is concerned in doing, anything whatsoever contrary to or otherwise than as provided by this Bylaw; or
- 1.3.5 Omits, or neglects to do, or permits, or suffers to remain undone, anything which according to the true intent and meaning of this Bylaw, ought to be done at the time and in the manner therein provided; or
- 1.3.6 Does not refrain from doing anything which under this Bylaw he or she is required to refrain from doing; or
- 1.3.7 Permits or suffers any condition of things to exist contrary to any provision contained in this Bylaw; or
- 1.3.8 Refuses or neglects to comply with any notice duly given under this Bylaw; or
- 1.3.9 Obstructs or hinders any officer of the Council in the performance of any duty to be discharged by such officer under or in the exercise of any power, conferred by this Bylaw: or
- 1.3.10 Fails to comply with any notice or direction given in this Bylaw.

1.4 Penalties

- 1.4.1 Every person convicted of an offence against this Bylaw shall be liable to the penalties as set out in Section 242 (4) of the Local Government Act 2002 and further if the offence is one to which Section 243 of the Local Government Act 2002 applies (and is therefore an infringement offence) shall be liable to infringement fees as prescribed by Regulations made under Section 259 (b) of the Local Government Act 2002, or where any person is alleged to have committed

an offence against this Bylaw; be proceeded against pursuant to any other enactment so empowering Council.

- 1.4.2 The continued existence of any work, building, land, premises or thing in such a state or form as to be in contravention of any provision of this Bylaw, shall be deemed to be a continuing offence under this Bylaw.

2.0 INTERPRETATION

- 2.1 In this bylaw, unless the context otherwise requires:

APPROVED means approved by Council or by an officer of Council authorised in that behalf.

AUTHORISED OFFICER means any person appointed by Council to act on its behalf and with its authority.

BEACH means any land adjacent to any sea coast 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.

BOOK includes any magazine, newspaper, periodical, or manuscript or other article of a similar nature, or any part thereof respectively.

BORROWER means any person to whom the local authority has by registration or otherwise granted any licence or privilege to borrow.

BORROWER'S CARD means any card issued by the librarian as a means of identification of any borrower from the library.

BYLAW means a bylaw of the local authority for the time being in force, made under the provisions of any Act or authority enabling the local authority to make bylaws.

~~**CARAVAN** means any vehicle or contrivance that is equipped with wheels or revolving runners upon which it moves or is moved and which is so designed as to render it capable of being used as a human abode and includes caravans, campervans, motor homes and house buses.~~

CEMETERY means any cemetery vested in or under the control of the Council from time to time.

COUNCIL means the Waitomo District Council.

CUSTODIAN means any person for the time being appointed by Council to control or manage or to assist in the control and management of any land, building, or premises belonging to or under the jurisdiction of Council.

DISTRICT means the Waitomo District.

DOCUMENT means any map, picture, or piece of music including a gramophone record or sound recording tape, broadsheet, card, cutting, photographic or negative film, or photocopy whether the property of Council or for the time being under the control of Council.

ENVIRONMENTAL HEALTH OFFICER means the Environmental Health Officer appointed by Council under the authority of the Health Act 1956 or any other Act.

INSPECTOR means any officer appointed by the local authority for the time being to carry out or exercise the duties of an inspector under this bylaw.

LIBRARIAN includes any person for the time being appointed to control or manage (or to assist in the control and management of) the library;

LIBRARY means any library established and carried on for the time being by the Council for use by the public or any section of the public, and includes every portion of any building used for such purposes.

LICENSED means holding a licence under this bylaw or under any statute.

MAP includes a chart or plan or other article of a similar nature;

MEDICAL OFFICER OF HEALTH means the Medical Officer of Health appointed under the provisions of the Health Act 1956 for the health district, which includes the district under the jurisdiction of the local authority.

MONUMENT means the same as in Section 2(1) of the Burial and Cremation Act 1964.

OCCUPIER means the inhabitant occupier of any property and in any case where any building, house, tenement, or premises is or are unoccupied shall be deemed to include the owner as hereinafter defined of such building, house, tenement, or premises.

OFFENCE includes any act or omission in relation to this bylaw or any part thereof for which any person can be punished either on indictment or by summary process.

OWNER of any property, or as applied to any land, building, or premises, means any person for the time being entitled to receive the rack rent of such property, land, buildings, or premises, or who would be so entitled if the same were let to a tenant at a rack rent; and where any such person is absent from New Zealand, shall include his attorney or agent, or any other person acting for him on his behalf.

PARKING means the standing of a vehicle in any place for a period in excess of 5 minutes and the verb park shall have a corresponding meaning.

PERSONS include a corporation sole and also a body of persons, whether corporate or unincorporated.

PICTURE includes an engraving, etching, print or photograph or other article of a similar nature, and includes any rental picture available for hire.

PLAQUE LAWN CEMETERY means a cemetery in which the surface is laid down as a grass lawn, no headstones project above the ground and which is declared to be such by Council.

POOL MANAGER 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.

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 includes any beach, cemetery, public library, swimming pool, aquatic centre, park, reserve, recreational, cultural or community centre, museum, or hall under the ownership or control of Council.

PUBLIC SWIMMING POOL (hereinafter called SWIMMING POOL) means any swimming pool under the control for the time being of the local authority for use by the public or any section thereof and includes every portion of any premises used in connection with such purposes.

REFERENCE COLLECTION means any item identified by Council for use only within the library.

RESERVE includes any open space, plantation, park, garden, or ground set apart for public recreation or enjoyment which is now or hereafter may be under the management or control of the local authority.

ROAD has the same meaning as in the Land Transport Act 1998, which includes every berm, bridge, culvert, drain, ford, gate, building or other thing belonging thereto or lying upon the line or within the limits of the road reserve, and shall where the context requires include a street but does not include State Highways controlled by the NZ Transport Agency except where a specific authority has been delegated to Council.

SEXTON means any person appointed by the Council to manage the day-to-day activities of any cemetery under its jurisdiction. Such activities include arranging for the provision of plots for burials.

SPECIAL COLLECTION means any item or group of items identified by Council, or held by Council, to have specific characteristic(s) that warrant the use of those items being restricted to ensure the items are appropriately protected or maintained.

STREET, PRIVATE STREET, FOOTWAY AND PRIVATE WAY shall have the respective meanings assigned to them in the Local Government Act 1974 and shall where the context requires be included within the definition of a road.

SURFBOARD means any object of wood, metal, fibre-glass, plastic or any other material of any kind whatsoever used for the purpose of surfing or surf-riding.

SURFBOARD AREA means an area as defined and reserved under clause 1908.2 hereof.

TABLET includes a plaque.

VEHICLE has the same meaning as in the Land Transport Act 1998 which is a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and Includes a hovercraft, a skateboard, in-line skates, and roller skates.

WORKING HOURS means the hours specified by the Council during any working day when its offices shall be open to the public.

WRITING, WRITTEN or any term of like import means and includes words printed, painted, engraved, lithographed, or otherwise traced or copied, and where anything is required to be written it may be partly in writing and partly in printing.

3.0 GENERAL CONDUCT AND RESTRICTIONS IN PUBLIC AMENITIES

3.1 Vehicles

3.1.1 No person shall in any public amenity:

- (a) Drive or park any vehicle carelessly, negligently or dangerously or without due consideration for persons using the public amenity;
- (c) Fail to comply with any direction for the regulation of vehicles given by an authorised officer, a member of the police or a traffic sign;
- (d) Fail, after the vehicle has been involved in an accident within any public amenity to give his name and address and the name and address of the owner of the vehicle to any person having reasonable grounds for requiring them;
- (e) Fail forthwith to report to an authorised officer any accident in which the vehicle has been involved within any public amenity;

3.1.2 Except with the prior permission of the Council, no person shall bring any vehicle into the public amenity unless such access is gained via an approved vehicle access point and vehicles are only driven on roadways provided for this purpose.

3.1.3 Vehicles may only be driven in public amenities on access ways which are open to vehicular traffic and park only in designated parking areas.

3.1.4 No vehicle shall be driven in any other direction than indicated by traffic signs or at a greater speed than indicated on any road within the public amenity and where no speed limit is displayed a speed limit of 20 km/h shall apply pursuant to the speed limit part of Council's Land Transport Bylaw.

- 3.1.5 Clause 3.1.4 will not apply to a vehicle used at the time to save or protect life or health, or prevent injury or serious damage to property.

3.2 Vegetation

- 3.2.1 No tree or shrub shall be planted in any part of any public amenity without the prior consent of the Council.
- 3.2.2 No person shall disturb, damage, take or pick any cutting or flower from any tree, shrub, plant or remove other vegetation in any public amenity without the consent of the Council.

3.3 Restricted Conduct in Public Amenities

- 3.3.1 No person shall in a public amenity:

- (a) interfere with, interrupt or delay the carrying out of any activity, service or ceremony;
- (b) obstruct, hinder or interfere with any person acting in the execution of his duty in relation to any public amenity;
- (c) bring into or exhibit any article that is a nuisance or is offensive to any other person;
- (d) behave in a manner that creates a nuisance or is offensive or is likely to create a nuisance or offensive to any other person;
- (e) consume, inject or inhale any proscribed substances or offer or sell such substances to any person;
- (f) be intoxicated and fail forthwith to leave any public amenity when directed to do so by an authorised officer or Police officer;
- (g) use profane or obscene language or gestures within the hearing or sight of any person in that public amenity;
- (h) climb, or attempt to climb any wall, fence, barrier, railing or post;
- (i) wilfully give a false fire or ambulance alarm.

- 3.3.2 Except with the prior permission of the Council, no person shall in a public amenity:

- ~~(a) camp in an area not set aside for that purpose. In this context, camping shall include the use of any vehicle for sleeping in, whether or not it is specially equipped for sleeping except for any caravan or mobile home for any continuous period not exceeding three days if the vehicle has a certificate of self containment for wastewater that is generated from the vehicle subject to the following conditions:~~
- ~~i) black and grey water must be disposed of in a council approved dump point;~~
 - ~~ii) all refuse must be disposed on in an approved refuse collection bag and put on for collection on an appropriate day. Bags and advice about collection days are available at council offices;~~
 - ~~iii) all overnight sites must be left in a clean and tidy state;~~
 - ~~iv) comply with a request to move on, by an officer of the Council or NZ Police.~~
- ~~(b)~~ (a) light a fire, except at fireplaces specially provided or in an appliance designed for outdoor cooking, and in accordance with any restriction imposed by Council on the lighting of fires;
- ~~(c)~~ (b) open a drain or sewer on, or disturb or remove the surface of, any public amenity;
- ~~(d)~~ (c) remove any sand, soil or other naturally occurring material found in a public place.

- 3.3.3 No person shall in a public amenity, throw or leave litter or any material or thing or substance which is likely to be hazardous or injurious to any person, or likely to be offensive or create a nuisance. Litter may be deposited in public litter receptacles where these are provided.

3.4 Animals in/on Public Amenities

- 3.4.1 The control of animals in/on public amenities is subject to the relevant provisions in the Public Places Bylaw and the Dog Control Bylaw except that animals may be taken into or onto a public amenity with the prior consent of Council.

3.5 Expulsion of Offenders

- 3.5.1 The Council may require any person who contravenes any of the provisions of this Bylaw or any rules made by the Council relating to the use of a public amenity under this Bylaw, or has otherwise acted in an unlawful manner in a public amenity or any person who is not bona fide using the public amenity for the purpose for which it is intended, to leave that public amenity, and any refusal on the part of the person to do so will constitute an offence against this Bylaw.

3.6 Exclusion from Public Amenity

- 3.6.1 Where in the opinion of the Council, any person has contravened any of the provisions of this Bylaw or any rules made by the Council relating to the use of a public amenity under this Bylaw, or has otherwise acted in an unlawful manner in a public amenity, the Council may exclude that person from the public amenity, until notice is given for the person to return.

4.0 LIBRARY

4.1 Management Control and Use

- 4.1.1 Council may from time to time make rules:
- (a) For the control, management and use of the library;
 - (b) Determining the days and hours during which a library shall be open; and
 - (c) For subscriptions, fees and charges payable by persons entering, remaining in or using the library or any service offered in the library.
- 4.1.2 Council or an authorised officer may from time to time determine:
- (a) The maximum number of items of the collection which may be lent to any person at any one time;
 - (b) The length of time any item may be lent to any person;
 - (c) The conditions for use of any item of a reference or special collection, or any other library service;
 - (d) The information required for membership and any applicable terms or conditions of membership;
 - (e) That a library or part thereof may be closed to the public for the exclusive use of the library by any person or group;
 - (f) That a library or part thereof may be closed where circumstances would adversely affect library operations or public safety; and
 - (g) For maintaining good order and conduct whilst persons are in a library or part thereof.

4.2 Conditions of Membership

- 4.2.1 Any person issued a library card is responsible for all items borrowed using that card, and any damage to, or loss of items borrowed using that card.

- 4.2.2 Without limiting clause 4.2.1 where a person under the age of 18 years is issued a library card a parent or guardian must guarantee responsibility for that card, and in doing so that parent or guardian accepts responsibility for all items borrowed using that card, and any damage to, or loss of items borrowed using that card.
- 4.2.3 Every application for membership must contain the information that the Council requires to issue the library card.
- 4.2.4 Any person issued a library card shall notify Council of any change of their address.
- 4.2.5 Any person issued a library card shall notify Council of the loss of any library card.
- 4.2.6 Any person issued a library card shall not allow any other person to use the library card except where that person:
- (a) Is the parent or guardian responsible for that library card; or
 - (b) Has been authorised to use the library card by application to Council.

4.3 Borrowing

- 4.3.1 Any member may borrow any item, except reference books and special collection items, from any library provided that they:
- (a) Pay any applicable fee or service charge;
 - (b) Present their library card or other form of identification acceptable to Council;
 - (c) The item is issued to them through the Council or library issuing system;
 - (d) Have approval to remove that item from the library;
 - (e) Return the item to the library by the specified return time and date.
- 4.3.2 Council may restrict any member from borrowing any item from the library if that person:
- (a) Has any outstanding fines or other outstanding amounts owed to Council in excess of the prescribed level;
 - (b) Has already borrowed more than the prescribed number of items;
 - (c) Seeks to borrow an item that is part of a reference collection or special collection for which use is restricted.

4.4 Damage or Loss of Collection Items

- 4.4.1 If any item borrowed for the Library is lost or returned in a state that prevents the item from being returned to the collection, the borrower shall pay to Council the cost of replacing such item, or pay for any damage as the Council may determine.

4.5 Special Collections

- 4.5.1 Without limiting clauses 4.1, 4.2, or 4.3 any person may use any item that is part of a special collection provided they comply with any conditions of use specified by Council.

4.6 Entry and Access

- 4.6.1 Any person may enter, remain in or use any public part of any library during the hours that the library is open to the public.

4.7 Use of the Library

- 4.7.1 The use by any person of any library service or facility must be for legal purposes, and must not result in breach of copyright, breach of privacy rights, unauthorised alteration or deletion of

data or website contents, unauthorised access to information or the access or transmission of illegal images or text.

5.0 PARKS AND RESERVES

5.1 Restricted Conduct in Parks and Reserves

- 5.1.1 No person shall post or interfere with any placard, sign, or notice board in on or about any reserve without the prior permission of an authorised officer of the Council, or without such permission distribute any handbill or notice in a reserve or at any of the entrances.
- 5.1.2 No person shall bathe or wade in any water in any reserve except in any bath, swimming pool or paddling pool provided for that purpose or any recognised swimming spot in a river in the reserve.
- 5.1.3 No person shall put up or erect any stall, ~~tent, camp~~, booth, swing, amusement device, or structure of any kind within any reserve except by permission of an authorised officer of the Council and then only in compliance with every condition under which such permission may be granted.
- 5.1.4 No person shall sell or offer for sale any article of food or merchandise or liquor, intoxicating or otherwise, or any kind of drink, or carry on any trade, pursuit, or calling within any reserve, without permission of an authorised officer of the Council, and then only in compliance with every condition under which such permission may be granted. Any custodian may take into his or her possession and retain, without liability, any intoxicating liquor, while the person carrying the same is in any reserve or facility.
- 5.1.5 No person shall by any means whatsoever destroy, shoot, snare, injure, interfere with or take any animal, whether wild or farmed, fish, bird, bird's nest or bird's egg, or attempt so to do, in or from any reserve without the prior permission of an authorised officer of the Council. Provided that in the case of any animal or bird protected by the Wildlife Act 1953 no such permission shall be granted unless and until the provisions of that Act have been complied with.
- 5.1.6 No person shall, within the limits of any reserve and except with the prior permission of an authorised officer of the Council, organise, hold, or conduct, or attempt to hold or conduct a fair or fete.
- 5.1.7 The authorised officer of the Council in charge of reserves, and in his or her absence the custodian, may prevent any game being played therein which in his or her opinion is liable to damage the said reserve or anything therein, or which in his or her opinion is otherwise undesirable or unseemly.
- 5.1.8 No person shall play any game in any reserve except upon such portions thereof as shall be set apart for that purpose or as the custodian or authorised officer shall direct.
- 5.1.9 No person shall play at or engage in or practice activities or sports on any playing ground or part thereof on any reserve after being requested by the custodian or authorised officer to leave such playing ground or reserve or any part thereof, or when any notice is erected at the main entrance to such playing ground or reserve or alone or with any other words.
- 5.1.10 No person shall play or practise golf except on a reserve which the Council has set aside for that purpose.
- 5.1.11 No person shall within the limits of any reserve and without the prior permission of an authorised officer of the Council: -
- (a) Take, use, or carry any firearm, axe or similar weapon or other instrument of a dangerous character, or any airgun or bow and arrow, trap or net or let off any fireworks; or
 - (b) Throw stones or other projectiles or missiles either by hand or by means of a catapult or other appliance.

- 5.1.12 Any custodian may take into his or her possession and retain any of the articles referred to in 5.1.11 (a) above without being liable for any claim arising therefrom while the person carrying the same is in any reserve.
- 5.1.13 No person shall from or in the airspace above any reserve except the Waitomo Aerodrome fly any model aeroplane in a manner hazardous to the public and when directed to cease doing so by a duly authorised officer of the Council.
- 5.1.14 No person shall make use of any part of any reserve except the Waitomo Aerodrome for the purpose of the landing thereon or flying there from of an aeroplane or of any kind of flying machine, hot air balloon, or glider except in case of emergency or in accordance with the prior permission of an authorised officer of the Council.
- 5.1.15 No person shall permit or cause wastage of water or permit any water tap to flow for a longer period than may be reasonably required for the filling of utensils for drinking, cooking, or washing purposes; nor shall any person in any manner pollute or otherwise render unfit for use for human consumption or otherwise any water supply in any reserve.

6.0 USE OF PUBLIC SWIMMING POOLS

6.1 Management Control and Use

- 6.1.1 If in the opinion of either Council 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 or the pool operator as the case may be may forthwith close such swimming pool for use by the public until, in the opinion of Council or the pool operator, such emergency or other situation ceases to exist.
- 6.1.2 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.
- 6.1.3 No person shall use or seek to use cameras and or mobile phones with camera (pixtel) in the changing rooms.
- 6.1.4 Council may in its discretion, for such fees and under terms and conditions and during such periods as Council may decide, grant rights or permission to use any swimming pool or part thereof for the purpose of coaching or teaching swimming with or without monetary reward and may refuse to grant or renew such rights or permission or cancel any such permission.
- 6.1.5 Children under the age of 8 years are required to be supervised by a person 16 years or older.
- 6.1.6 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 any such articles brought into the swimming pool.
- 6.1.7 Every person shall leave the swimming pool immediately upon the request of the pool operator over the public address system or by the sounding of a warning device.
- 6.1.8 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 deliver the same to the pool operator or other person acting on his or her behalf. Any property not claimed within 3 months of the date of being handed in may be disposed of in such manner as Council thinks fit.

7.0 BEACHES

7.1 Access to Beaches

- 7.1.1 Every person operating any vehicle, or leading, riding or driving any horse on any part of any beach must show due consideration for other users of the beach at all times.
- 7.1.2 Except as provided for in 7.1.3 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 or other recreation.
- 7.1.3 Any person whose land is adjacent to such beach and who uses the beach as an access to such land has the right to use the beach for this purpose, but the right shall be confined to that portion between such land and the nearest access point.
- 7.1.4 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.
- 7.1.5 Every person being the owner or having the care, custody or control of any cattle or sheep shall keep and prevent the same from wandering or being at large without proper guidance on any beach.

7.2 Protection of Property

- 7.2.1 Subject in all things to the provisions of the Resource Management Act 1991, except with the permission of the Chief Executive, no person shall –
- (a) Remove from any beach any stone, shingle, shell, sand, boulders, silt, mud, or other material;
 - (b) Use any portion of a beach for the wintering of boats; or
 - (c) Interfere with or remove any portion of any structure erected for the control of sand.
- 7.2.2 No person shall damage, disfigure or write in or upon any dressing shed, toilet or other property.

7.3 Restricted Conduct on Beaches

- 7.3.1 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.
- 7.3.2 No person shall use, displace, or otherwise interfere with any appliance or warning device provided by Council or by any life saving club unless authorised by Council to do so for practice purposes.

7.4 Surf Life Saving Clubs

- 7.4.1 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.
- 7.4.2 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.

7.5 Dogs on Beaches

7.5.1 No person shall take any dog or allow any dog in his/her custody to be on any beach except as permitted by the current Waitomo District Council Dog Control Policy and Bylaw.

7.6 Speed Limits on Beaches

7.6.1 Any maximum permitted speeds for vehicles using beaches or portions thereof shall be set under the current version of the Speed Limits Bylaw, whether freestanding or part of a consolidated Bylaw.

8.0 PUBLIC CEMETERIES**A GENERAL****8.1 Burial Plots: Exclusive Right of Burial**

8.1.1 Burial plots sold by Council shall be sold upon the terms and conditions as decided by Council and the exclusive right of burial may be granted for such limited period as Council determines.

8.1.2 Any purchaser or owner of the exclusive right of burial in any plot in which no burial have yet taken place, may, with the consent of Council, transfer his or her interest in such ground to any other person upon payment to Council of the relevant administration fee.

8.1.3 No burial shall take place in any plot in respect of which the exclusive right of burial is held by another person unless such person has consented to such burial in writing.

8.2 Burial Plots: No Exclusive Right of Burial

8.2.1 Where the exclusive right of burial has not been purchased, and where the human remains to be buried are not that of a poor person as mentioned in clause 8.7 below, such burial shall take place only upon production to Council of a certificate by a relative of the deceased in the form prescribed by Council.

8.2.2 Such burial shall take place in such plot as Council shall determine and no fence or headstone shall be erected thereon unless the exclusive right of burial is purchased at a later date as provided for in clause 8.2.3 below.

8.2.3 Any friend or relative of a person so buried may, at any time within 2 years from the date of such burial or such extended time as Council sees fit, purchase the exclusive right of burial in such plot and exercise all the rights and privileges there-ament.

8.3 Provisions for all Interments

8.3.1 Burials may be made in any cemetery for the time being vested in Council or under its control and not officially closed.

8.3.2 No burial shall be made in any cemetery without a burial warrant for that purpose obtained from Council by the person having the management or control of the burial and presented to the sexton as authority for burial.

8.3.3 No such warrant shall be issued until the fee for interment has been paid provided however, in the case of an interment under the management or control of a funeral director, Council may waive the requirement for prior payment and charge the cost against the funeral director concerned on the basis of a monthly account, or such period as Council decides.

8.3.4 "Out of district fees" shall be payable as per the Policy set by Council from time to time.

8.3.5 The burial warrant, when issued by Council, shall be sufficient authority for such burial, and after such burial the sexton shall sign the certificate at the foot of such warrant.

8.3.6 Notification of the intended burial shall, whenever possible, be given to Council at least 9 working hours prior to the time fixed for the funeral. Where an intended burial is to take place

on a weekend or public holiday, whenever possible, 12 working hours notice shall be given to Council. Notification of an intended burial can be made to Council, outside working hours, through the Council's afterhours service. No Burial shall take place until the warrant has been delivered to Council.

8.4 Hours for Interments

8.4.1 No interment shall be held on any day except between the hours as set out below:

1 October – 31 March		1 April – 30 September	
Day of week	Burial times	Day of week	Burial times
Monday - Friday	10.00am – 3.30pm	Monday - Friday	10.00am – 2.30pm
Saturday	10.00am – 2.00pm	Saturday	10.00am – 2.00pm

8.4.2 Council must agree to and confirm the time for all burials with the funeral director.

8.5 Sexton or Assistant Only to Dig Grave

8.5.1 No person other than an authorised officer or his assistants or any other person for the time being duly authorised by Council shall dig any grave in, or open the ground for burial in any part of any cemetery or fill in such grave after the interment has occurred. The minimum depth of cover over any coffin shall be 1m.

8.6 Burial of Ashes

8.6.1 Upon application being made in that behalf and on payment of the prescribed fees the urn containing the ashes of any deceased person may be buried at a minimum depth of 400 mm in either the special portion of the cemetery set aside for that purpose or in any plot subject to an exclusive right of burial subject to the limitation that no more than four urns may be buried in any one plot.

8.7 Interment Charges: Poor Persons

8.7.1 Where application is made to Council for the interment at reduced charges of any deceased poor person, the applicant shall, on making such application, furnish to the Council a certificate duly signed certifying that such deceased person has not left sufficient means to pay the ordinary charge of interment fixed by Council, and that his relatives and friends are unable to pay the same. Such certificate shall be in the form specified by Council.

8.8 Deceased Servicemen

8.9.1 Only those persons who have had war service or service which has been defined by the Minister of Veteran's Affairs as war service or that person's spouse or partner may be buried in a Servicemen's section of the Te Kuiti Cemetery. This provision is subject to the condition that a spouse or partner of a serviceman or servicewoman may only be buried after the interment of the serviceman or servicewoman.

8.9.2 Notwithstanding anything to the contrary contained in this part of this bylaw, the fee payable to Council for the disinterment of any deceased serviceman and the re-interment thereof in the war graves section of the cemetery by the War Graves Branch of the Department of Internal Affairs may be agreed upon between the parties from time to time.

8.9 Disinterment

8.9.1 Where an application for a disinterment is received by Council, the disinterment shall be conducted pursuant to sections 51 and 55 of the Burial and Cremation Act 1964 and subject to the payment of the relevant fees.

8.10 Soliciting of Orders

8.10.1 No person shall advertise or solicit any order or custom from any other person, in any cemetery, for any work whatsoever to be done or in connection with any cemetery, or for the sale, preparation, or supply of any article, material, or thing to be set up, affixed, placed or used in any cemetery.

- 8.10.2 Except at the specific request of a purchaser of plot or their representatives or assigns no person shall, in any cemetery, accept or take any such order or custom as aforesaid.

8.11 Vehicles

- 8.11.1 No person shall take any vehicle of any kind into any cemetery except between the hours of sunrise and sunset, or at such time as Council approves.
- 8.11.2 No person in control of any vehicle shall drive on any part of any cemetery except the roads open for vehicular traffic unless authorised by Council.
- 8.11.3 All vehicles (other than hearses) shall yield unconditional right of way to any funeral procession.

8.12 Animals

- 8.12.1 No person may bring or allow any dog, horse or other animal to enter the confines of any cemetery except that Council may permit sheep to be grazed for the purposes of maintaining the cemetery.

B ENHANCEMENT OF PLOTS

8.13 Vaults

- 8.13.1 No vaults will be constructed in any cemetery within the District without Council consent and plans and specifications for the construction thereof must be submitted to Council for consideration. If approved, construction of the vault shall be to standards acceptable to Council.

8.14 Fencing, Tombstones etc

- 8.14.1 Purchasers or owners of the exclusive right of burial in any cemetery other than a memorial park or plaque lawn cemetery may surround the plots of ground allotted with kerbing in permanent materials. The highest part of such kerbing shall be not more than 300mm above the highest point in the terrain. Tombstones, headstones or other monuments may be erected thereon provided always that no such kerbing, tombstone, or other monument shall be erected unless a plan or description or both as required shall have been submitted to Council and duly approved and a permit issued therefore on payment of the relevant fee.
- 8.14.2 All foundations for kerbs, tombstones, headstones, monuments shall be laid to the satisfaction of Council.
- 8.14.3 Every person who encloses any plot of ground shall do all levelling required at his own cost and in accordance with the requirements of Council.
- 8.14.4 Every such person shall without delay remove all rubble and earth not required in the filling in of any grave, or in connection with levelling thereof from the cemetery to a place approved by Council.

8.15 Deposit of Materials

- 8.15.1 No person erecting or repairing any headstone, monument, fence or other work in, on, or around any grave, or constructing or repairing any vault, in any cemetery may place or deposit tools and materials for a longer time than is reasonably necessary for the purpose of completing such work.
- 8.15.2 No person shall make use of any footpath or roadway in the cemetery for the purpose of mixing cement or mortar otherwise than upon a proper mixing board or other suitable covering to protect the facilities from spillage or leakage of any material used.
- 8.15.3 Council may construct sheds or other buildings for the storage of tools, or materials used by any person for the construction, maintenance or repair of plot enhancement works, and may fix charges for the use thereof and for the supply of turf or water or any other services.

- 8.15.4 If Council provides any such shed or building, it may require any such mason or other person to remove all tools or materials either from the cemetery or into such shed or building.
- 8.15.5 If Council so requires, a deposit shall be lodged with every application for a permit to carry out any work and shall be refunded when the work has been completed to the satisfaction of Council.

8.16 Keeping in Order

- 8.16.1 All kerbs, enclosures, tombstones, headstones and other monuments shall be kept in proper order or repair by the purchasers of lots or their representatives or assignees.
- 8.16.2 Subject to the provisions of the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967, all monuments, tablets and fences or erections of any kind which shall fall into a state of decay or disrepair may at any time be removed from the cemetery by order of Council subject to section 9 of the Burial and Cremation Act 1964. In the event of there being no one available to effect repairs or permit removal, a photographic record of the plot shall be taken and filed with the cemetery records before removal.

8.17 Removal of Fences, Headstones, Plants etc

- 8.17.1 No monumental mason or other person shall remove any headstone, monument, kerb or tablet from any cemetery or grave any without permission of Council.
- 8.17.2 No person shall, without authority, remove or take any vase, wreath, plant, flower or any other thing from any cemetery, or grave, except that Council may cause any neglected or broken material of this nature to be removed.

8.18 Memorial Part (Berm or Garden Cemeteries): Erection of Memorials

- 8.18.1 Council may construct or cause to be constructed a continuous concrete platform or berm at ground level or below ground level as required, of a width suitable to maintain stability, ranging from 650mm if underground set on solid sub-soil, to 1m if flush with surface on which base or platform foundation work for all memorials will be placed. The cost of the platform shall be included in the purchase price of the plot.
- 8.18.2 Concrete based work for all memorials shall not stand higher than 450mm or as Council permits, above the highest point of the concrete berm or ground level, whichever is the higher, and shall be of a depth (front to back) of 650mm and shall, where required, allow insets for flower containers.
- 8.18.3 On surface berms (or platforms), a clear space of 150mm shall be maintained, both front and back of the memorial foundation base.
- 8.18.4 No erected memorial shall, at the head of the plot, be wider than 1m in the case of a single plot, or 2m in the case of a double width (family) plot.
- 8.18.5 No erected memorial shall, at the head of any plot, be higher than 450mm or such height as Council permits. Such memorial shall comply with sound engineering principles and shall be aesthetically acceptable to the controlling authority. The plans of such memorial shall be submitted to, and approved by the local authority before the erection of any such memorial be permitted.
- 8.18.6 No erected memorial shall be of any other material than granite, or similar material approved by Council. Concrete shall be finished in white cement only with no colours added.
- 8.18.7 In constructing bases and in erecting memorials, the adjoining roads, paths or allotment shall not be damaged.
- 8.18.8 All memorials shall be kept in good repair by the purchase of the allotment or their assignee. Subject to the provisions of the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967, all memorials of any kind which shall fall into a state of decay or disrepair, may at any time be removed from the cemetery by order of Council and in the event of there being no one available to effect repairs or permit removal, a photographic record of the plot shall be taken before removal and filed with the cemetery records.

8.19 Brick or Walled-in Graves

- 8.19.1 No bricked or walled-in graves will be constructed in a berm or garden cemetery.
- 8.19.2 Statuary may be permitted within a memorial park cemetery subject to any conditions and requirements of Council.

8.20 Vases or Containers

- 8.20.1 All vases and containers for flowers shall be housed in insets set into the base on which the memorial is placed in such manner as shall be approved by Council.

8.21 Plaque Lawn Cemeteries: Structures, Plaques, Tablets and Flowers on Plots

- 8.21.1 In any plaque lawn cemetery no person shall:
- a) Erect any kerb, railing, fence, building, or other structure on or around any single plot or part thereof.
 - b) Construct or place any tombstone, headstone, monument or structure upon any plot in such manner that any part thereof shall project above the level of the ground immediately adjoining; or
 - c) Install or place any memorial plaque, memorial tablet or other thing on any plot without the prior permission in writing of the Council, and subject to compliance with the following conditions:
 - i) Any such memorial, tablet or memorial plaque shall consist of a permanent material as may be approved from time to time by Council.
 - ii) Such tablet or plaque shall be of an approved size and set in any approved position in an approved manner.
 - iii) All lettering and names of persons buried in each plot shall be placed on the one tablet or plaque.
- 8.21.2 No person shall plant anything on any plot, but during a period of 30 days following interment, or such other period as Council may approve, but any wreath or other floral tribute may be placed on a plot and shall be removed at the expiration of such period.
- 8.21.3 After expiry of 30 days or such extended period approved by Council no person shall place any floral tribute except flowers and foliage on a plot in a special receptacle of an approved type.
- 8.21.4 The special receptacle referred to above shall be installed adjoining any tablet or plaque on the side nearest the head of the plot and every part of such receptacle shall be 50mm or more below the level of the adjoining ground surface.
- 8.21.5 The sexton may remove damaged receptacles or receptacles of a type not approved by Council, and may also remove dead flowers and dead foliage at any time.

Document No: A406939

Report To: Council



Meeting Date: 25 September 2018

Subject: Progress Report: Waikato Region Land Transport Plan 2015-2045 – 2018 Update

Type: Information Only

Purpose of Report

- 1.1 The purpose of this business paper is to inform Council of the contents of the *2018 Update to The Waikato Regional Land Transport Plan 2015-2045*, adopted by the Waikato Regional Council on 28 June 2018.

Background

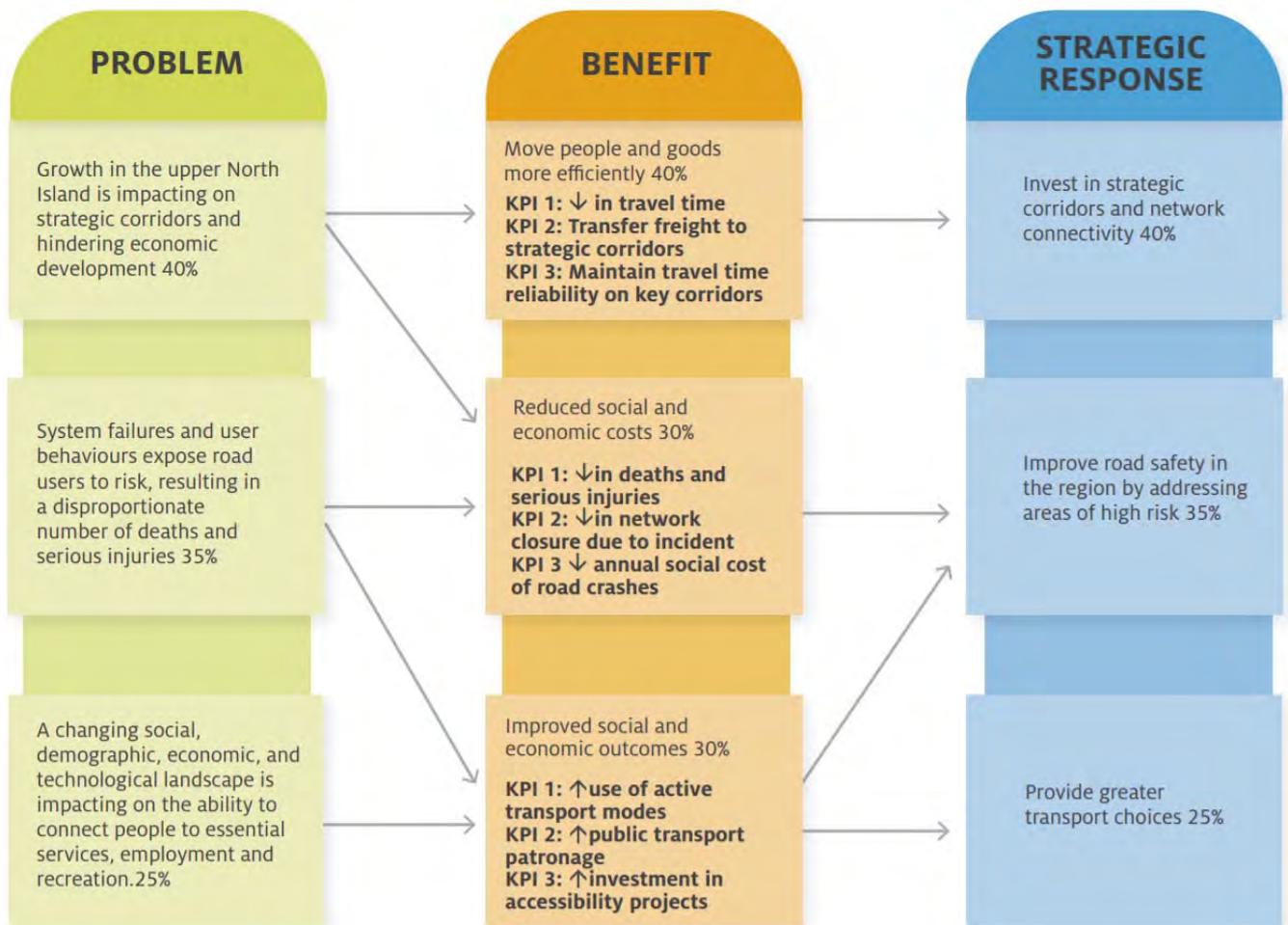
- 2.1 The 2018 update to the Waikato Regional Land Transport Plan 2015-2045 (2018 RLTP) was prepared by the Regional Transport Committee (RTC) under Sections 14 to 18 of the Land Transport Management Act 2003.
- 2.2 The draft 2018 RLTP was adopted by the Regional Transport Committee 5 March 2018 and released for public consultation on 9 March 2018 for a four week period, closing on 9 April 2018. There were 35 submissions received, including 14 presented in person to the Hearing Committee on 30 April 2018.
- 2.3 The Hearing Committee deliberated on 25 May 2018. The 2018 RLTP was approved by the Regional Transport Committee on 11 June 2018 and adopted by Waikato Regional Council on 28 June 2018.

Commentary

Overview

- 3.1 This update to the Regional Land Transport Plan builds on the solid policy platform of previous plans, reconfirming the overall strategic policy direction for land transport in the Waikato region.
- 3.2 The three key problems the RTC will focus efforts on in the next three to ten years include:
- Protecting the function of our strategic corridors in the context of growth pressures in and around Hamilton, the North Waikato, and in the upper North Island.
 - Tackling our complex road safety problem and the disproportionate number of deaths and injuries in the region.
 - Providing for the access and mobility needs of our communities in a changing social, demographic, economic and technological landscape.

- 3.3 The 2018 RLTP presents the following Investment Logic Map outcomes in Section 3 Regional Policy Framework:



Relevance to Waitomo DC

- 4.1 **The first key problem:** Protecting the function of strategic corridors in and around Hamilton, North Waikato and upper North Island. This will have a relatively small impact on Waitomo DC.
- 4.2 **The second key problem:** The complex road safety problem and disproportionate number of deaths and injuries has some impact on the residents of Waitomo District. However, the road toll on the Waitomo District road network is typically zero or one road death per year.
- 4.3 **The third key problem:** Providing for the access and mobility needs of our communities in a changing social, demographic, economic and technological landscape is very relevant to the residents and road users in the Waitomo District.

Second key problem: Road Safety

- 5.1 Road safety in the Waikato region is a nationally significant issue, with road deaths and serious injuries (DSI) in the region regularly accounting for more than 20 per cent of national road casualties each year. Despite significant work (both nationally and regionally) to try to reduce regional road casualties the statistics show that the road casualty rate is not reducing fast enough.
- 5.2 A lot of work has recently been undertaken to critically examine the road safety problem in our region, culminating with the update of the 2017-2021 Waikato

Regional Road safety Strategy (WRRSS). The overall regional response to road safety issues follows the national Safe System approach and direction from the national road safety strategy, Safer Journeys 2010-2020.

5.3 Key priority issues identified in the WRRSS include:

- Leadership and the need for a collaborative, multi agency approach to drive progress forward.
- Addressing speed management – this is a particularly complex issue. Achieving safer speeds is a powerful way to reduce deaths and serious injuries.
- Targeting safe road use and high risk users by way of enforcement, education and behavioural change campaigns.

Road Safety key implementation measures

5.4 The 2018 RLTP presents the following Key Implementation Measures in the area of road safety, which will potentially benefit Waitomo District:

Key implementation measures

M17	The Waikato Regional Road Safety Forum to oversee implementation of the WRRSS, including: <ul style="list-style-type: none"> • overseeing a coordinated approach with the Road Safety Action Plans and Regional Education Group • communicating with the public about regional road safety and the WRRSS • overseeing monitoring of road safety targets and KPIs.
M19	RCAs to develop and implement district speed management plans to feed into a regional speed management plan. The Waikato Regional Road Safety Forum to continue to support and provide guidance to RCAs on the development of speed management plans and implementation of the NZ Speed Management Guide.
M20	The Regional Education Group to develop a three year programme of road safety activities consistent with the WRRSS priorities and oversee implementation of region wide risk targeted education and behavioural campaigns.
M21	The Waikato Regional Road Safety Forum to prioritise and oversee actions required to address the future strategic priority signals identified in the WRRSS.
M22	The Waikato Regional Road Safety Forum to prioritise and oversee actions required to address the future strategic priority signals identified in the WRRSS.
M24	The Waikato Regional Road Safety Forum and/or other relevant transport partners to investigate opportunities for joint road safety initiatives with tangata whenua
M25	The Waikato Regional Road Safety Forum to work with KiwiRail to address level crossing safety issues in the Waikato region

Third key problem: Access and mobility needs of our communities

- 6.1 Transport is a key determinant of health (both physical and mental health), particularly for the transport disadvantaged, and there is a direct correlation between having access and mobility (transport choices) and the level of participation people have in society. A lack of access is known to reduce participation in activities that support good health and wellbeing and, consequently, reduce quality of life for many people.
- 6.2 The 2018 RLTP contains sections on:
- Access and mobility in rural areas (section 2.4.1)
 - Access and mobility in urban areas (section 2.4.2)
 - Public transport (section 2.4.2.1), which notes that lack of suitable transport options is limiting access to essential services and employment.
 - Passenger rail (section 2.4.2.2), which concerns itself with the Hamilton to Auckland Transport Connections Strategic Business Case.
 - Walking and cycling (section 2.4.2.3), which notes that fragmented networks and facilities make cycling and walking unsafe and inconvenient. The priorities identified include providing safe, connected, coherent and acceptable walking and cycling facilities.

Access and mobility key implementation measures

- 7.1 The 2018 RLTP presents the following Key Implementation Measures in the areas of access and mobility, which will potentially benefit Waitomo District:

Key implementation measures

M31	WRC and RTC to oversee and support the implementation of community transport services within rural communities.
M32	WRC and transport partners to undertake a South Waikato case study to understand the accessibility needs of rural and transport disadvantaged groups and apply learnings about the process to other communities across the region.
M33	WRC and transport partners to facilitate the use of technology to move towards mobility as a service - providing information to improve access and the transport journey experience.
M34	WRC to collaborate with Territorial Authorities to explore expanding the Total Mobility Scheme beyond the existing service areas of Hamilton, Taupō and Tokoroa.
M36	Transport partners to work with tangata whenua and other interested parties to coordinate information and advice to improve rural transport access.
M37	WRC, MoE, local authorities and NZTA to work together to develop a whole of government approach to planning for the provision of transport services for school students.

M38	RTC and transport partners to establish and empower a Regional Cycling Steering Group to support cycling planning, enabling and engagement activities, and oversee a programme of activities and monitoring.
M39	RCAs and transport partners to plan for, build, and maintain safe, convenient and attractive interconnected pedestrian and cycling infrastructure.

Suggested Resolution

The Progress Report: Waikato Region Land Transport Plan 2015-2045 – 2018 Update be received.



JOANNA TOWLER
MANAGER – LOCAL ROADS

13 September 2018

Attachment 1

Link to the *2018 Update to The Waikato Regional Land Transport Plan 2015-2045*:

<https://www.waikatoregion.govt.nz/Council/Policy-and-plans/Transport-policy/RLTP/>

Document No: A407355

Report To: Council



Meeting Date: 25 September 2018

Subject: Motion to Exclude the Public for the Consideration of Council Business

Purpose of Report

- 1.1 The purpose of this business paper is to enable the Council to consider whether or not the public should be excluded from the consideration of Council business.

Commentary

- 2.1 Section 48 of the Local Government Official Information and Meetings Act 1987 gives Council the right by resolution to exclude the public from the whole or any part of the proceedings of any meeting only on one or more of the grounds contained within that Section.

Suggested Resolutions

- 1 The public be excluded from the following part of the proceedings of this meeting.
- 2 Council agree the following staff, having relevant knowledge, remain in attendance to assist Council with its decision making: ...
- 3 The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General Subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Grounds for this resolution
1. Potential Insurance Claim	7(2)(i) Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	48(1)(a)
2. Valuation by PricewaterhouseCoopers	7(2)(i) Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	48(1)(a)

General Subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Grounds for this resolution
3. Progress Report: Te Kuiti Cemetery	7(2)(g) maintain legal professional privilege	48(1)(a)

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act or Section 6, Section 7 or Section 9 of the Official Information Act 1982 as the case may require are listed above.



MICHELLE HIGGIE
EXECUTIVE ASSISTANT