

Document No: 814333

Report To: Council



Meeting Date: 25 February 2025

Subject: **Hearing of Submitter to Land Transport Bylaw**

Type: Information Only

Author(s): Michelle Higgie
Manager – Governance Support

1. Purpose of Report

- 1.1 The purpose of this business paper is for Council to hear a Submitter speak in support of a written submission to the Land Transport Bylaw and to refer the verbal submission for deliberation later in this meeting.
- 1.2 Distributed separately and forming part of this business paper is a Submissions Booklet comprising copies of the five submissions received.

Important Notes for a Hearing:

- 1 Elected Members are reminded of their responsibility to consider all submissions with an open mind and without any pre-determination.

This does not mean that Members' cannot have an opinion – it simply means that as an elected Member you must be prepared to listen to alternative views and to change your own views should you be convinced.
- 2 Elected Members may only ask questions for clarification purposes.
- 3 No debate is to be entered into between any Elected Member(s) and Submitter(s).

2. Suggested Resolutions

- 2.1 The following are suggested resolutions only and do not represent Council policy until such time as they are adopted by formal resolution.

- 1 The business paper on Hearing of Submitter to Land Transport Bylaw be received.
- 2 The Service Request from Debra Habershon be acknowledged and accepted as a formal submission to the review of the Land Transport Bylaw.
- 2 Council note the verbal submission made as follows:

Time	Submission No	Submitter Name
9:00am	5	Debra Habershon

- 3 The written and verbal submissions be referred for consideration as part of the deliberations process to be completed later in this meeting.
- 4 Council acknowledges and thanks all of those Submitters who have participated in the consultation process.

3. Commentary

3.1 Council at its meeting of 29 October 2024 resolved as follows:

- 1 *The business paper on the Adoption of Statement of Proposal for Consultation on Reviewed Land Transport Bylaw 2024 and Draft Rooding Policies be received.*
- 2 *Council adopts the Statement of Proposal, which includes the draft revised Land Transport Bylaw 2024, for public consultation.*
- 3 *Council adopts the draft Road Encroachment, draft Stock Underpass and draft Road Naming Policies, for public consultation.*
- 4 *Council approves that the public consultation period begins on 31 October 2024 and concludes on 2 December 2024.*
- 5 *Council authorises the Chief Executive to make editorial or layout changes to the Statement of Proposal and Draft policies that may be necessary before it is made publicly available.*

3.2 The Consultation Period ran from 31 October 2024 to 2 December 2024. At the consultation closing deadline four submissions to the Land Transport Bylaw were received with two of the Submitters indicating a wish to be heard at the scheduled Hearing.

3.3 No submissions were received to the draft Road Encroachment Policy, draft Stock Underpass Policy or draft Road Naming Policy.

3.4 Following telephone conversations with the Submitters, Submitters 1 and 2 advised they no longer wished to be heard at the Hearing, and Submitter 3 withdrew their submission.

3.5 As a result, the scheduled Hearing for 12 December 2024 was cancelled.

3.6 During the consultation period, WDC received a Service Request (SR Number 2408059 logged 29/11/2024) from Debra Habershon which is relevant to the Land Transport Bylaw review. Following a telephone conversation with Debra Habershon, she confirmed that she would like the Service Request to be treated as a submission to the Land Transport Bylaw review and would like to speak to the Council in support of her submission.

3.7 It is recommended that Council accept Debra Habershon's Service Request and treat it as a formal submission to the Land Transport Bylaw for consultation purposes. This Service Request has been logged and treated as "Submission No 5" in the attached Submissions Booklet.

4. Attachments/Separate Enclosures

Separate Enclosures:

- 1 Submissions Booklet

Document ID: 816892

Report To: Council



Meeting Date: 25 February 2025

Subject: Presentation – Rangatahi Pathways Programme

Type: Information Only

Author(s): Sarah McElroy
Manager – Community Development

1. Purpose of Report

- 1.1 The purpose of this business paper is to advise Council that representatives from Aotahi (Naomi Hughes, Managing Director; Chalet Bidois, Rangatahi Pathways Lead Coordinator; and Xavier Turner, Rangatahi Pathways Coordinator) will attend the meeting at 9.10am to provide Council with an update on delivery of the Rangatahi Pathways Programme.

2. Suggested Resolutions

- 2.1 The following are suggested resolutions only and do not represent Council policy until such time as they are adopted by formal resolution.
- 1 The Presentation - Rangatahi Pathways Programme be received.

3. Background

- 3.1 The Rangatahi Pathways Programme is a community driven response to issues identified by stakeholders at a consultation hui led by Waitomo District Council in mid-2022. Issues identified included, but were not limited to:
- It was estimated that a large number of rangatahi were not in school or employed.
 - Local employers had jobs, but rangatahi were not engaging well.
 - Low attendance at schools was exacerbated by the impact of Covid.
- 3.2 The Rangatahi Pathways Programme was developed to support young people in the Waitomo District as they navigate their way through school for further education and/or employment.
- 3.3 The programme has been funded via the government's Better off Funding initiative.

WAITOMO DISTRICT COUNCIL

MINUTES OF A MEETING OF THE WAITOMO DISTRICT COUNCIL HELD IN THE COUNCIL CHAMBERS, 15 QUEEN STREET, TE KUITI ON TUESDAY 26 NOVEMBER 2024 AT 9.00AM

- PRESENT:** Mayor John Robertson
Deputy Mayor Allan Goddard
Dan Tasker
Eady Manawaiti
Gavin Todd
Janene New
Janette Osborne
- IN ATTENDANCE:** Shelley Mitchell (Maniapoto Rugby Sub Union)
Marlon Bridge, Chief Technical Advisor, and David Hawkins, Advisor (Local Waters Done Well Programme, Local Government Branch of the Department of Internal Affairs)
Kelvin French, Vaughan Payne and Sinead Hart (CoLab)
- STAFF:** Chief Executive, Ben Smit
Manager – Governance Support, Michelle Higgie
General Manager – Strategy and Environment, Alex Bell
General Manager – Infrastructure Services, Shyamal Ram
Graduate Policy Advisor, Rajeshwari Mahadevappa
Property and Facilities Manager, Liz Riley
Three Waters Manager, David Karrol
Roading Manager, Darren Laycock
District Librarian, Julie O'Toole
Manager – Community Development, Sarah McElroy

1.	Karakia Tuwhera
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2.	Declarations of Member Conflicts of Interest
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No declarations were made.

3.	Amendments to Order Paper
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Mayor Robertson advised Council of amendments to the Order Paper as follows:

Move the following papers from Public Excluded to Public:

- Confidential Item 2: Removal of Trees – 2A Julian Street, Te Kuiti
- Confidential Item 3: Les Munro Centre – Air Conditioning System Update

Remove:

- Confidential Item 5: Waitomo District Landfill and Te Kuiti Wastewater Treatment Plant Sludge Removal Options

4. Deputation: Maniapoto Rugby Sub Union

Council received a Deputation from Shelley Mitchell on behalf of the Maniapoto Rugby Sub Union informing of the implications of the reduced grant funding from the Council relative to the challenges currently being faced by the Sub Union in relation to the rugby facilities (rugby field, grandstand and changing rooms) at Waitete Road, Te Kūiti, and in particular the escalating insurance costs.

Council acknowledged the work that Shelley and Paul Mitchell do at the Waitete Rugby grounds.

Resolution

- 1 The Deputation: Maniapoto Rugby Sub Union be received.

Manawaiti/New Carried

Shelley Mitchell (Maniapoto Rugby Sub Union) left the meeting at 9.24am.

5. Confirmation of Minutes: 29 October 2024
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Resolution

The Minutes of the Waitomo District Council meeting of 29 October 2024, including the public excluded Minutes, be confirmed as a true and correct record.

Robertson/New Carried

6. Mayor's Report – November 2024
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Mayor Robertson presented his report for November 2024.

Resolution

- 1 The Mayor's Report – November 2024 be received.

Robertson/Tasker Carried

7. Community and Partnerships Bi-Monthly Activity Update Report
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Council considered a business paper providing an update activities that form part of the Community and Partnerships Group and on a range of Council recreation services and activities.

The Manager – Community Development and District Librarian expanded verbally on the business paper and answered Members questions.

Resolution

- 1 The business paper on Community and Partnerships Bi-Monthly Activity Update Report be received.

Robertson/New Carried

8. Grassroots Trust Limited Grant Application – Centennial Park Cricket Nets

Council considered a business paper seeking Council approval to lodge a grant application to Grassroots Trust Limited to assist with costs for cricket nets at Centennial Park.

The Manager – Community Development expanded verbally on the business paper and answered Members questions.

Resolution

- 1 The business paper on Grassroots Trust Grant Application - Centennial Park Cricket Nets be received.
- 2 Council approves the lodging of a grant application to Grassroots Trust Limited for funding towards the purchase and installation of cricket nets at Centennial Park for an amount up to \$70,000 excluding GST.

Goddard/Tasker Carried

The Manager – Community Development and District Librarian left the meeting at 9.34am.

The General Manager – Infrastructure Services, Roading Manager, Community and Facilities Manager and Three Waters Manager entered the meeting at 9.35am.

9. Infrastructure Services Group Bi-Monthly Activity Update Report

Council considered a business paper providing an update on the activities that form part of the Infrastructure Services Group.

The Chief Executive and Managers expanded verbally on the business paper and answered Members questions.

Vaughan Payne, Sinead Hart and Kelvin French (CoLab) entered the meeting at 9.51am

Resolution

- 1 The business paper on Infrastructure Services Group Bi-Monthly Activity Update Report be received.

New/Goddard Carried

The Roading Manager and Community and Facilities Manager left the meeting at 9.56am

10. Presentation: Local Waters Done Well Programme Update – Delivery Plans and Future Options
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Council received a presentation from Vaughan Payne, Kelvin French and Sinead Hart (CoLab) on the Waikato Waters Done Well Council Controlled Organisation option for the collaborated delivery of waters services.

Marlon Bridge, Chief Technical Advisor, and David Hawkins, Advisor (Local Waters Done Well Programme, Local Government Branch of the Department of Internal Affairs) entered the meeting at 10.12am.

Marlon Bridge and David Hawkins (Department of Internal Affairs) expanded on the presentation and answered Members' questions.

Resolution

- 1 The Presentation: Local Waters Done Well Programme Update – Delivery Plans and Future Options be received.

Goddard/New Carried

Vaughan Payne, Kelvin French and Sinead Hart (CoLab) and Marlon Bridge and David Hawkins (Department of Internal Affairs) left meeting at 11.10am.

11. Local Waters Done Well

Council considered a business paper –

- 1 Providing an update on the options being considered for the future management and governance of Waitomo District Council's three Waters.
- 2 Sharing the draft Heads of Agreement developed by Waikato Council Chief Executives on the Waikato Waters Council Controlled Organisation.
- 3 Seeking a decision on whether Council wishes to remain part of the Waikato Waters Done Well workstream with the intention of presenting this co-designed Regional Service Delivery Option to the Waitomo community as part of public consultation.
- 4 Seeking approval for the Chief Executive to sign the Heads of Agreement on behalf of Council.
- 5 Confirming, in principle, if the regional model is adopted, Council's preferred position is either to go to Stage 1 or directly to Stage 2 (i.e. transfer its water services business directly into what will be an asset owning Council Controlled Organisation)
- 6 Share proposed timelines and decision making process.

The Mayor and Chief Executive expanded verbally on the business paper, with Council also taking into account the information presented by CoLab and Department of Internal Affairs representatives earlier in this meeting.

Resolution

- 1 The business paper on Local Waters Done Well Update be received.
- 2 Council approves presenting the Regional Service Delivery Option, as outlined in the Heads of Agreement, to the Waitomo community as part of public consultation on its Water Services Delivery Plan.
- 3 Council approve the Heads of Agreement relating to Waikato Water Done Well as presented.
- 4 Council authorise the Chief Executive to sign the Heads of Agreement on behalf of Waitomo District Council.
- 5 Council confirm in principle its preferred position is to (if the Regional Service Delivery Option is adopted) is to go directly to Stage 2 (i.e. transfer its water services business directly into what will be an asset owning Council Controlled Organisation).
- 6 Council authorise the Chief Executive to advocate that establishment costs be charged to councils on the basis of their number of water connections.

Robertson/Goddard Carried

Council noted that Waitomo District Council is the second Council in the Waikato Region to formally resolve to approve the Heads of Agreement and move directly to Stage 2.

The Three Waters Manager left the meeting at 11.19am.

The meeting adjourned for morning tea at 11.19am and reconvened at 11.35am.

The General Manager – Strategy and Environment entered the meeting at 11.35am.

12. Water Rates Harmonisation and Metering

Council considered a business paper seeking guidance on the future funding direction of three areas of current cross-subsidisation in the water and wastewater activities, being –

- 1 District wide benefit for Water Supply
- 2 Incomplete harmonisation of Water Supply rating across Council's Water Schemes
- 3 Trade Waste contributions

The Chief Executive expanded verbally on the business paper and answered Members questions.

Council noted the need to address the cross-subsidisations ahead of entering Stage 2 of the Waikato Water Done Well regional service delivery.

Council also noted the importance that very good communication must be undertaken with the local Meat Companies so that they are fully informed of the reasons for Council including this issue in the draft 2025/2026 Annual Plan.

Resolution

- 1 The business paper on Water Rates Harmonisation and Metering be received.
- 2 Council authorised the Chief Executive to prepare a proposal to address the cross-subsidisation for Council's consideration and inclusion in the draft 2025/2026 Annual Plan.

Robertson/Osborne Carried

The Property and Facilities Manager entered the meeting at 11.49am.

13. Removal of Trees – 2A Julian Street, Te Kuiti (moved from the Public Excluded portion of the Agenda)
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Council considered a business paper -

- 1 Informing of the results and recommendations contained in an Arboricultural Report completed by Tree Scape Limited on a stand of nine Sequoia sempervirens (commonly known as California Redwood) trees located on the Council owned property at 2A Julian Street, Te Kuiti.
- 2 Informing Council of the Tree Scape Limited quotation for removal of the trees.
- 3 Seeking Council's approval to proceed with removal of the trees for the quoted price.

The General Manager – Infrastructure Services, Chief Executive and Property and Facilities Manager expanded verbally on the business paper and answered Members' questions.

The Chief Executive advised that after publication of the agenda, he was made aware of alternative options for removal of the redwood trees at a lesser cost to Council.

Resolution

- 1 The business paper on Removal of Trees: 2A Julian Street, Te Kuiti be received.
- 2 Council note the condition assessment and recommendations contained in the Tree Scape Limited Arboricultural Report dated 10 July 2024.
- 3 Council note the Tree Scape Limited quotation for removal of the trees of \$20,250 GST exclusive.
- 4 Council approve the removal of the stand of nine trees located on 2A Julian Street, Te Kuiti for the reasons set out in the Tree Scape Limited Arboricultural Report.

- 5 The Chief Executive be authorised to investigate alternative options for removal of the redwood trees.
- 6 A business paper be brought back to the Council at a later date to consider alternative options for removal of the trees.

Robertson/Manawaiti Carried

14. Les Munro Centre – Air Conditioning System Update <i>(moved from the Public Excluded portion of the Agenda)</i>

Council considered a business paper providing an update on the Les Munro Centre air conditioning system and seeking approval that the budget for this project be increased to \$201,807.

The General Manager – Infrastructure Services expanded verbally on the business paper and answered Members' questions.

Resolution

- 1 The business paper on Les Munro Centre Update be received.
- 2 Council authorise additional funding of \$53,484 to complete the installation of the replacement air conditioning system. The total budget would now be \$201,807. The additional funding will come from reserves.

Osborne/Goddard Carried

The Graduate Policy Advisor entered the meeting at 12.07pm.

15. Resource Management Reform, Fast Track Approvals Update and the Waikato Biodiversity Accord
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Council considered a business paper providing an update on Resource Management Reform and Fast Track Approvals and seeking Council's approval to participate in the Waikato Biodiversity Accord.

The General Manager – Strategy and Environment expanded verbally on the business paper and answered Members questions.

Resolution

- 1 The business paper on Resource Management Reform and Fast-Track Approvals Update be received.
- 2 Council agree to endorse the Waikato Biodiversity Accord and note that there is no funding commitment.

Osborne/Manawaiti Carried

16. Road Naming – Lawrence Street Development
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Council considered a business paper seeking approval to name two new roads that have been created as a result of the Kāinga Ora development on Lawrence Street, Te Kuiti.

The General Manager – Strategy and Environment expanded verbally on the business paper and answered Members questions, noting that Land Information New Zealand has requested that Avenue, for the naming of Ngapaki, be changed to a different road type i.e. Place, Close, Grove, Lane, Mews as it is not a through road.

Council also noted that Ara or Te Ara are options for road type acceptable to Land Information New Zealand.

Resolution

- 1 The business paper on Road Naming – Lawrence Street Development be received.
- 2 Council notes the consultation undertaken with affected parties, and the resulting support for the proposed road names.
- 3 Council notes the request from Land Information New Zealand to use a different road type (i.e. Place, Close, Grove, Lane, Mews, Ara or Te Ara) instead of Avenue for Ngapaki, as it is not a through road.
- 4 Council approve naming of the two new roads within the Kāinga Ora development on Lawrence Street, Te Kuiti as follows:
 - Ngapaki - with the roading type to be confirmed following further consultation with affected parties.
 - Atiria Lane
- 5 Council notes that road types fall outside the definitions of the Draft Road Naming Policy and authorise approval of the road type decided by the majority of affected parties following further consultation.

Manawaiti/New Carried

17. Motion to Exclude the Public

Council considered a business paper enabling Council to consider whether or not the public should be excluded from the consideration of Council business.

Resolution

- 1 The public be excluded from the following part of the proceedings of this meeting.
- 2 The general subject of each matter to be considered while the public is excluded and the reason for passing this resolution in relation to each matter, as specified by Section 48(1) of the Local Government Official Information and Meetings Act 1987 are as follows:

General Subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Section 48(1) grounds for the passing of this resolution
1. Sale of 2 Jennings Street, Te Kuiti	Section 7(2) - (i) To enable any local authority holding the information to carry out, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	Section 48(1)(a) (i) Where the local authority is named or specified in Schedule 1, under section 6 or section 7 (except section 7(2)(f)(i))
2. Forestry Roding Agreements Update	Section 7(2) - (i) To enable any local authority holding the information to carry out, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	Section 48(1)(a) (i) Where the local authority is named or specified in Schedule 1, under section 6 or section 7 (except section 7(2)(f)(i))
3. Progress Report – Mokau Seawall	Section 7(2) - (i) To enable any local authority holding the information to carry out, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	Section 48(1)(a) (i) Where the local authority is named or specified in Schedule 1, under section 6 or section 7 (except section 7(2)(f)(i))

- 3 Council agree the following staff, having relevant knowledge to assist in the consideration of the items of business to be public excluded, remain in attendance to assist the Committee with its decision making:

Staff Member	Reason for Remaining in Attendance
Chief Executive	Council CEO
Manager – Governance Support	Committee Secretary
General Manager – Strategy and Environment	Portfolio Holder
General Manager – Infrastructure Services	Portfolio Holder

- 4 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 which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in the public.

Robertson/Manawaiti Carried

1. Public Excluded Items to be made public following Council's decision taking

Resolution

Following Council's consideration and decision taking of the public excluded items:

1 Sale of 2 Jennings Street, Te Kuiti

Not be made public.

2 Forestry Roding Agreements Update

Not be made public.

3 Progress Report – Mokau Seawall

Not be made public.

Goddard/New Carried

There being no further business the meeting closed at 12.52pm

Dated this day of

ALLAN GODDARD
DEPUTY MAYOR

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WAITOMO DISTRICT COUNCIL

MINUTES OF A MEETING OF THE WAITOMO DISTRICT COUNCIL HELD IN THE COUNCIL CHAMBERS, QUEEN STREET, TE KUITI ON TUESDAY 17 DECEMBER 2024 AT 8.00AM

PRESENT: Mayor John Robertson
Deputy Mayor Allan Goddard
Gavin Todd
Janene New
Janette Osborne

IN ATTENDANCE: Chief Executive, Ben Smit
Manager – Governance Support, Michelle Higgie
General Manager – Strategy and Environment, Alex Bell
Manager – Strategy and Policy, Charmaine Ellery
General Manager – Infrastructure Services, Shyamal Ram
Chief Financial Officer, Tina Hitchen
Property and Facilities Manager, Liz Riley

1.	Apology
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Resolution

The apology from Councillor Manawaiti and apology for lateness for Councillor Todd be received and leave of absence granted.

Robertson/Todd Carried

2.	Declarations of Member Conflicts of Interest
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No declarations made.

The General Manager – Strategy and Environment entered the meeting at 8.06am.

3.	Mayor's Report – December 2024
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The Mayor and Chief Executive expanded verbally on his report and answered Members questions.

Resolution

1 The Mayor's Report – December 2025 be received.

Robertson/New Carried

The Manager – Strategy and Policy entered the meeting at 8.12am.

4.	Adoption of 2025 Meeting Schedule
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Council considered a business paper presenting a Meeting Schedule for the 2025 calendar year for consideration and adoption.

The Manager – Governance Support expanded verbally on the business paper and answered Members questions.

Resolution

- 1 The business paper on Adoption of 2025 Meeting Schedule be received.
- 2 Council adopt the following Meeting Schedule for the 2025 calendar year:

Tuesday	4 February 2025	9:00am Audit and Risk Committee Meeting
Tuesday	25 February 2025	9:00am Council Meeting
Tuesday	25 March 2025	9:00am Council Meeting
Tuesday	29 April 2025	9:00am Council Meeting
Tuesday	13 May 2025	9:00am Audit and Risk Committee Meeting 1.00pm Appointments and Chief Executive Relationship Committee
Tuesday	14-15 May 2025	9:00am Council Hearing: Submissions to draft Annual Plan
Tuesday	27 May 2025	9:00am Council Meeting
Tuesday	10 June 2025	9:00am Council Meeting: draft Annual Plan Deliberations
Monday	30 June 2025	9:00am Council Meeting
Tuesday	29 July 2025	9:00am Council Meeting
Tuesday	19 August 2025	9:00am Audit and Risk Committee Meeting
Tuesday	26 August 2025	9:00am Council Meeting
Tuesday	7 October 2025	9:00am Audit and Risk Committee Meeting
Thursday	9 October 2025	9:00am Council Meeting

New/Osborne Carried

5. Water Services Bylaw 2010 (adopted 10 February 2015) and Public Amenities Bylaw 2010 (adopted 10 February 2015) – 10 Year Review

Council considered a business paper recommending that the 10 year review of the Water Services Bylaw 2010 (adopted 10 February 2015) and Public Amenities Bylaw 2010 (adopted 10 February 2015) not be completed in accordance with section 160A of the Local Government Act 2002.

The General Manager – Strategy and Environment expanded verbally on the business paper and answered Members questions.

Resolution

- 1 The business paper on the Water Services Bylaw 2010 (adopted 10 February 2015) and Public Amenities Bylaw 2010 (adopted 10 February 2015) – 10 Year Review be received.
- 2 In accordance with Section 160A of the Local Government Act 2002, Council agree not to complete the 10 year review of the Water Services and Public Amenities Bylaws and for both Bylaws to be revoked as of 10 February 2027 (unless revoked earlier by the Council).

Water Services Bylaw Resolutions

- 3 A review of the current Water Services Bylaw will be undertaken once the Local Government Water Services Bill is enacted, and if required, a new Bylaw will be developed at that time and the existing Bylaw revoked.
- 4 If a new Water Services Bylaw is not required as a result of the Local Government Water Services Bill, then a new Bylaw will not be developed. However, should it be determined that the Water Services Bylaw is still required, a review will be undertaken and a new Bylaw adopted.
- 5 Council publicly notify that due to the significant changes to be implemented in the water services delivery space over the next two years, it will not be completing the 10 year review of the existing Water Services Bylaw 2010 and that should it decide a new Bylaw is required, it will develop a new Bylaw prior to 10 February 2027.

Public Amenities Bylaw Resolutions

- 6 A review of the current Public Amenities Bylaw will be undertaken once the Proposed Waitomo District Plan is Operative, and if required, a new Bylaw will be developed at that time and the existing Bylaw revoked.
- 7 If it is determined that the Public Amenities Bylaw is no longer required as a result of the Proposed Waitomo District Plan, then a new Bylaw will not be developed. However, should it be determined that the Public Amenities Bylaw is still required, a review will be undertaken and a new Bylaw adopted.
- 8 Council publicly notify that due to the likely significant changes to be implemented once the Proposed Waitomo District Plan is Operative, it will not be completing the 10 year review of the existing Public Amenities Bylaw 2010 and that should it decide a new Public Amenities Bylaw is required, it will develop one prior to 10 February 2027.

Robertson/Osborne Carried

6.	Amendment to Policy on Community Organisations Insurance Arrangements through Council
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Council considered a business paper seeking Council's approval to amend the Policy on Community Organisations Insurance Arrangements through Council.

The Manager – Strategy and Policy expanded verbally on the business paper and answered Members questions.

Council noted that in Paragraph 6.6 of the business paper – “consistent” should be amended to read “inconsistent”.

Resolution

- 1 The business paper on Amendment to Policy on Community Organisations Insurance Arrangements through Council be received.
- 2 Council approve the proposed amendment to include an additional criterion to consider eligible Community Organisation not situated on Council owned land or Council reserve land to participate in the insurance arrangements provided through Council as follows -
 - If the eligible Community Organisation is not situated on Council owned land or Council reserve land, the Council has the discretion to approve the insurance arrangements based on whether it considers the organisation provides benefit to the community.

New/Osborne Carried

The Chief Financial Officer, General Manager – Infrastructure Services and Property and Facilities Manager entered the meeting at 8.21am.

The General Manager – Strategy and Environment left the meeting at 8.21am.

7.	Motion to Exclude the Public
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Council considered a business paper enabling Council to consider whether or not the public should be excluded from the consideration of Council business.

Resolution

- 1 The public be excluded from the following part of the proceedings of this meeting.

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

General Subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Section 48(1) grounds for the passing of this resolution
Waitomo District Landfill and Te Kuiti Wastewater Treatment Plant Sludge Removal Options	Section 7(2)(c)(i) – To enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	Section 48(1)(a)(1)

- 3 Council agree the following staff, having relevant knowledge to assist in the consideration of the items of business to be public excluded, remain in attendance to assist the Committee with its decision making:

Staff Member	Reason for Remaining in Attendance
Chief Executive	Council CEO
Manager – Governance Support	Committee Secretary
General Manager – Infrastructure Services	Portfolio Holder
Property and Facilities Manager	Portfolio Holder
Chief Financial Officer	Portfolio Holder

- 4 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 which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in the public.

Robertson/New Carried

8. Public Excluded Items to be made public following Council's decision taking

Resolution

Following Council's consideration and decision taking of the public excluded items -

1 Waitomo District Landfill and Te Kuiti Wastewater Treatment Plant Sludge Removal Options

The Resolution 1 only be made public as follows:

Resolution

- 1 The business paper on Waitomo District Landfill Future Disposal Options (including Te Kuiti Wastewater Sludge) be received.*

Robertson/Goddard Carried

There being no further business the meeting closed at 8.55am.

Dated this day of 2025

JOHN ROBERTSON
MAYOR

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Confidential Confidential

Confidential Confidential

Confidential

**WAITOMO DISTRICT COUNCIL
TE RAANGAI WHAKAKAUPAPA KOORERO (MĀORI RELATIONS COMMITTEE)**

MINUTES OF A MEETING OF THE WAITOMO DISTRICT COUNCIL TE RAANGAI WHAKAKAUPAPA KOORERO (MĀORI RELATIONS COMMITTEE) HELD IN THE COUNCIL CHAMBERS, QUEEN STREET, TE KUITI ON TUESDAY 10 DECEMBER 2024 AT 9.00AM

PRESENT: Councillor Eady Manawaiti (Chairperson)
Mayor John Robertson
Councillor Dan Tasker

IN ATTENDANCE: Grant and Maryanne Morgan

Ben Smit, Chief Executive
Michelle Higgie, Manager – Governance Support

1. Karakia Tuwhera

2. Public Forum

The Chairperson provided a public forum at the beginning of the meeting to enable members of the public to address the Committee.

Grant and Maryanne Morgan

Te Kuiti Aerodrome Land History

Grant Morgan addressed the Committee on the history of the land on which the Te Kuiti Aerodrome is situated and suggested the Committee consider renaming Te Kumi Station Road to Tuariri Road to acknowledge the history of the land.

Arapae Reserve

Grant Morgan advised the Committee that he would like to meet and undertake a site visit to discuss the future of the Arapae Reserve (the Quarry Reserve on Arapae Road) which he advised is currently leased to a neighbouring farmer who has his properties on the market.

3. Receipt of Joint Whare/Te Raangai Whakakaupapa Koorero Hui Minutes – 10 November 2024

The Chairperson asked Grant Morgan to comment on the Hui convened on 10 November 2024.

Grant Morgan advised the Committee that he is a great believer in the concept of the Hui, however noted that after talking with the Chief Executive of Te Nehenehenui the biggest problem with that process is that the Chief Executive believes that the whares are part of Te Nehenehenui through the Joint Management Agreement and therefore a whare relationship needs to go through Te Nehenehenui, or the relationship needs to be Marae based.

The Chairperson acknowledged the tupuna that Grant and Maryanne Morgan had brought to the meeting and also their whakapapa connection.

Committee members commented on the success of the Hui.

Resolution

- 1 The business paper on Receipt of Joint Whare/Te Raangai Whakakaupapa Koorero Hui Minutes – 10 November 2024 - be received.
- 2 The Minutes of the joint Whare/Te Raangai Whakakaupapa Koorero Hui held on 10 November 2024 be received.
- 3 The next 6-Monthly Joint Hui be scheduled for (date to be agreed) May 2025 to be held in the Council Chambers, 15 Queen Street, Te Kuiti.

Tasker/Robertson Carried

Grant and Maryanne Morgan left the meeting at 9.42am.

4. Declarations of Member Conflicts of Interest

No declarations were made.

5. Confirmation of Minutes – 15 August 2024

Resolution

The Minutes of a meeting of the Te Raangai Whakakaupapa Koorero (Māori Relations Committee) held on 15 August 2024 be confirmed as a true and correct record.

Tasker/Robertson Carried

6. Activity Report: December 2024

The Committee considered a business paper documenting, for recording and transparency purposes, the activities of Te Raangai Whakakaupapa Koorero (Māori Relations Committee) during the period ending December 2024 as follows:

Meetings with Whare

25 January 2024	Meeting at Piopio School with Te Whare ki Mōkau ki Runga
27 February 2024	Meeting at Council Chambers with Te Whare ki Rereahu representatives
7 March 2024	Meeting at Council Chambers with Te Runanga o Ngāti Mahuta ki te Hauāuru
15 April 2024	Meeting at Te Nehenehenui Office
12 August 2024	Meeting at Tokikapu Marae with Te Whare Hauaaauru ki Uta
10 December 2024	TRWK Hui with Whare at Waitomo District Council Chambers

Meetings of TRWK

23 February 2023
 9 November 2023
 7 March 2024
 15 August 2024
 10 December 2024

Meetings with Hapu and Whanau over issues

8 May 2023	Meeting at Korapatu Marae with Te Whare ki Hauāuru ki Uta
15 May 2023	Meeting at Te Nehenehenui Office
12 June 2023	Meeting at Te Kūiti Pā
8 August 2023	Meeting at Council Chambers with Te Whare ki Rereahu representatives
14 August 2023	Meeting at Rereamanu Pā with Te Whare ki Hauāuru ki Uta
17 August 2023	Drop-in session at Railway Building 3, open to public
21 August 2023	Meeting at Te Nehenehenui offices with Te Whare ki Tokanganui a Noho
31 August 2023	Meeting at Piopio College with Te Whare o Mokau ki Runga
29 June 2023	Meeting at Hetet Homestead with Holland Whanau to discuss the Water Reservoir and Te Kūiti Water Resilience Project
24 July 2023	Meeting via ZOOM with Mana Whenua o Marokopa (Working Group) to discuss the future development of the Marokopa Campground, the old School House and the Tennis Courts
25 January 2024	Meeting at Piopio School with Te Whare ki Mōkau ki Runga
27 February 2024	Meeting at Council Chambers with Te Whare ki Rereahu representatives
7 May 2024	Meeting with Jimmy Holland re Hetet Water Reservoir
8 May 2024	Tiroa/Te Hape Trust Governance meeting in Te Kūiti
24 June 2024	TRWK Catch Up/Priorities with Chief Executive, Ben Smit
3 July 2024	Meeting with Mayor John Robertson and Councillor Dan Tasker on TRWK issues. Follow up meeting with Te Tai Hauauru Ki Uta Whare representative Ronnie Takarei re: Māori Representation Model discussion with Whare representatives.
12 July 2024	Meeting with Holland/Searancke representatives re: Hetet Water Reservoir access and easement.

Resolution

1 The Activity Report – December 2024 be received.

Tasker/Robertson Carried

7. 2024 Work Plan

The Committee considered a business paper seeking consideration of a revised Work Plan.

The Chief Executive and Chairperson expanded verbally on the business paper and answered questions.

Resolution

- 1 The business paper on Te Raangai Whakakaupapa Koorero Work Plan be received.
- 2 Te Raangai Whakakaupapa Koorero note the report on progress against the Workshop adopted on 15 August 2024.
- 3 Te Raangai Whakakaupapa Koorero adopt the following Work Plan for 2025:

Activity	Timeframe
Implement the engagement model with Māori developed at the joint Whare hui on 10 November 2024.	March - October 2025
Support whanau with their historical concerns with the Hetet water reservoir and surrounding land.	Ongoing
Support the development of a model to improve the understanding of staff (and potentially Elected Members) of Te Reo, Te Ao Māori and Tiriti.	Model developed and is in place for staff for 2025
Kiritehere Cemetery/Urupa. Ashes wall development	December 2024 to April 2025
Motakiora/Brook Park - Kaitiaki Agreement with Ngāti Rora	Ongoing

- 4 The matters raised at the Joint Whare/Te Raangai Whakakaupapa Koorero Hui convened on 10 November 2024 be included in the Work Plan as follows:

Activity	Action
Summary of Concepts	
<ul style="list-style-type: none"> Improving the relationship between Council and whare is a good concept that should be developed. A great way to see Māori have a voice into Council. This will improve the familiarity with Council and should encourage more Māori to vote and put themselves forward to be elected to Council. 	Ongoing
<ul style="list-style-type: none"> Important that the whare roopu is developed as separate from TRWK and that there is a partnership between the two entities. 	Approve / not approve
<ul style="list-style-type: none"> The membership of the whare roopu should be flexible i.e. not restricted to, say two people. This will make the group more inclusive and allow people with particular thoughts to share that at hui. The membership of the whare roopu would therefore be up to the whare. 	Approve / not approve
<ul style="list-style-type: none"> Early involvement in discussions on points where mana whenua could be interested is important. 	Ongoing
<ul style="list-style-type: none"> Relationship between Te Nehenehenui, whare, marae and hapu is complex and needs to be recognised that this is still evolving. 	Ongoing
<ul style="list-style-type: none"> Involvement with rangatahi is important to get their input and allow them to develop as leaders. 	Ongoing
<ul style="list-style-type: none"> Any potential structure needs to be drawn up so that this can be discussed by whare with marae. 	Whare to distribute minutes to marae for approval.

Activity	Action
Summary of Concepts	
<ul style="list-style-type: none"> The ability for marae to have direct contact with TRWK to have the ability for TRWK to visit marae is important. 	Ongoing
<ul style="list-style-type: none"> Whare members should be part of the roopu only for a set term. 	Approve / not approve
<ul style="list-style-type: none"> Relationships take time to develop – don't rush this. 	Ongoing
Concerns / Questions	
<ul style="list-style-type: none"> Will this roopu and TRWK still exist past the next local government election? 	Best way to ensure the continuity of this is to make this successful over the next year so very difficult to remove.
<ul style="list-style-type: none"> What happens if Council does not support TRWK recommendation. 	Probably rare that a council would not support the recommendation of a Mayor and a committee like this.
<ul style="list-style-type: none"> Should the whare roopu involve Ngāti Mahuta as part of the district? 	Approve / not approve
<ul style="list-style-type: none"> Joint Whare / TRWK hui timing – every six months. 	Dealt with in separate paper

Robertson/Tasker Carried

8. Karakia Whakamutunga

There being no further business the meeting closed at 10.02am.

Dated this day of 2025

EADY MANAWAITI
CHAIRPERSON

WAITOMO DISTRICT COUNCIL Audit and Risk Committee

MINUTES OF A MEETING OF THE WAITOMO DISTRICT COUNCIL AUDIT AND RISK COMMITTEE HELD IN THE COUNCIL CHAMBERS, QUEEN STREET, TE KUITI ON TUESDAY 4 FEBRUARY 2025 AT 9:00AM

PRESENT: Independent Chair Kaydene Kana
Mayor John Robertson
Deputy Mayor Allan Goddard
Councillor Gavin Todd
Councillor Janene New
Councillor Janette Osborne

IN ATTENDANCE: Councillor Dan Tasker
David Robson PhD (Risk Specialist at Aon New Zealand) via ZOOM

STAFF: Chief Executive, Ben Smit
Manager – Governance Support, Michelle Higgie
Asset Accountant, Wayne La Roche
Chief Financial Officer, Tina Hitchen
General Manager – Community Services
Health and Safety Coordinator, Tanchia Pitts-Brown
Manager – Strategy and Policy, Charmaine Ellery
General Manager – Infrastructure Services, Shyamal Ram
Financial Accountant, Julie Mansell
Manager – Information Technology, Saeed Jouzdani

1.	Karakia Tuwhera
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2.	Apologies
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There were no apologies.

3.	Declarations of Member Conflicts of Interest
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No declarations were made.

4.	Progress Report: Risk Management
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The Committee considered a business paper providing an update on the progress and status of Council's Risk Management Programme and the new approach to the risk management framework and delivery through the engagement of Aon NZ as an external provider.

The Chief Executive introduced David Robson PhD (Risk Specialist at Aon New Zealand) who was in attendance via Zoom.

The Chief Executive and David Robson expanded verbally on the business paper and answered Members questions.

Resolution

The Progress Report –Risk Management be received.

Kana/New

Carried

David Robson (Aon New Zealand) left the meeting at 9.12am.

5. Confirmation of Minutes: 15 October 2024
--

Resolution

The Minutes of the Waitomo District Council Audit and Risk Committee meeting of 15 October 2024, including the public excluded Minutes, be confirmed as a true and correct record noting typing errors corrected as follows:

1. Correct the spelling of "Tuesday" in the header
2. Correct the spelling of "Jaydene" under members Present
3. Change "10.45am" to read "9.45am" in the Apologies Resolution

Goddard/Osborne Carried

6. Chair Report – February 2025
--

The Committee considered a business paper prepared by the Independent Chairperson for February 2025.

The Chairperson expanded verbally on the business paper.

Resolution

The Chair Report – February 2025 be received.

Kana/Osborne Carried

7. Mastercard Expenditure Report: September - December 2024
--

The Committee considered a business paper presenting details of expenditure incurred via WDC issued Corporate Mastercard for the period September to December 2024.

The Manager – Governance Support expanded verbally on the business paper and answered Members questions.

Resolution

The Mastercard Expenditure Report: September – December 2024 be received.

New/Osborne Carried

The General Manager – Community Services and Chief Financial Officer entered at 9.21am
The Health and Safety Coordinator entered the meeting at 9.23am

8. Treasury Management Report for the period ended 31 December 2024
--

The Committee considered a business paper providing an update on WDC's debt position and compliance with borrowing limits for the period ended 31 December 2024.

The Asset Accountant, Chief Financial Officer and Chief Executive expanded verbally on the business paper and answered Members questions.

Resolution

The business paper on Treasury Management Report for the period ended 31 December 2024 be received.

Kana/New Carried

The Chief Financial Officer and Asset Manager left the meeting at 9.30am
The Manager – Strategy and Policy entered the meeting at 9.31am

9. Progress Report: Health and Safety
--

The Committee considered a business paper providing a brief on Waitomo District Council's health and safety performance during quarter three of the 2024/25 financial year.

The Health and Safety Coordinator and General Manager – Customer Services expanded verbally on the business paper and answered Members questions.

The General Manager – Strategy and Environment entered the meeting at 9.42am
The General Manager – Infrastructure Services entered the meeting at 9.44am

Resolution

The Progress Report: Health and Safety be received.

Kana/Osborne Carried

The General Manager – Community Services and Health and Safety Coordinator left the meeting at 9.46am

10. Progress Report: Key Performance Indicators for the period ended 31 December 2024
--

The Committee considered a business paper presenting Waitomo District Council's delivery performance on non-financials for the 2024/25 financial year for the period ending 31 December 2024 (Quarter 2).

The Manager – Strategy and Policy expanded verbally on the business paper and answered Members questions.

Resolution

The Progress Report: Key Performance Indicators for the period ended 31 December 2024 be received.

Kana/Goddard Carried

The General Manager – Strategy and Environment, Manager – Strategy and Policy and General Manager – Community Services left the meeting at 9.57am.

11. Progress Report: Procurement Summary Schedule (October – December 2024)
--

The Committee considered a business paper presenting a summary of the procurements made in the period 1 October 2024 – 31 December 2024 in accordance with Waitomo District Council's Procurement Policy.

The General Manager – Infrastructure Services expanded verbally on the business paper and answered Members questions.

Resolution

The business paper on the Progress Report: Procurement Summary Schedule (1 October 2024 – 31 December 2024) be received.

Kana/Robertson Carried

The Financial Accountant entered the meeting at 10.12am

12. Progress Report: WDC Resource Consents – Compliance Monitoring

The Committee considered a business paper providing a brief on compliance reporting against Resource Consent conditions due during the second quarter (2024/2025).

The General Manager – Infrastructure Services expanded verbally on the business paper and answered Members questions.

Resolution

The business paper on WDC Resource Consents – Compliance Monitoring be received.

Kana/Osborne Carried

13. Motion to Exclude the Public

The Committee considered a business paper enabling the Committee to consider whether or not the public should be excluded from the consideration of Council business.

Resolution

- 1 The public be excluded from the following part of the proceedings of this meeting.
- 2 The general subject of each matter to be considered while the public is excluded and the reason for passing this resolution in relation to each matter, as specified by Section 48(1) of the Local Government Official Information and Meetings Act 1987 are as follows:

General Subject of matter to be considered	Reason for passing this resolution in relation to each matter	Section 48(1) grounds for the passing of this resolution
Progress Report: Deloitte Audit Findings 30 June 2024	Section 7(2) (h) To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities.	Section 48(1) (d) That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendation in any proceedings to which this paragraph applies.

- 3 Council agree the following staff, having relevant knowledge to assist in the consideration of the items of business to be public excluded, remain in attendance to assist the Council with its decision making:

Staff Member	Reason for Remaining in Attendance
Chief Executive	Council CEO
Manager – Governance Support	Committee Secretary
Chief Financial Officer	Portfolio Holder
Manager – Strategy and Policy	Portfolio Holder
Financial Accountant	Portfolio Holder
Manager – Information Technology	Portfolio Holder

- 4 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 which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in the public.

Kana/New Carried

14. Public Excluded Items to be made public following Council's decision taking
--

Resolution

Following the Committee's consideration and decision taking of the public excluded item –

1 Progress Report: Deloitte Audit Findings 30 June 2024

For the reasons set out in Item 13 above, the business paper and resolution not be made public.

Kana/New

Carried

15. Karakia Whakamutunga

There being no further business the meeting closed at 10.30am.

Dated this day of May 2025

JAYDENE KANA
INDEPENDENT CHAIR

Confidential Confidential

Confidential Confidential

Confidential

Document ID: 816328

Report To: Council



Meeting Date: 25 February 2025

Subject: Mayor's Report – February 2025

Type: Information Only

Author(s): John Robertson
Mayor

1. Purpose of Report

- 1.1 The purpose of this business paper is to present the Mayor's report for the current month.

2. Suggested Resolution

- 2.1 The following is a suggested resolution only and does not represent Council policy until such time as it is adopted by formal resolution.

1 The Mayor's Report – February 2025 be received.

3. Commentary

- 3.1 Our Council will consult soon with our community over the Annual Plan for the year beginning 1 July 2025. This includes the setting of rates and decisions on how to allocate the rate between our various constituencies.
- 3.2 We are all aware as elected members that Waitomo's rates are relatively high. There was an 18 year period from 2000 and 2018 when Waitomo had the highest annual average rate increases in the country. In the past five years our Council has struck rate increases that are among the lowest in the country.
- 3.3 For the sake of our constituents who are struggling with the cost of living, we should try to keep rate increases as low as possible. My view is that we should use the CPI to guide us, for that is the measure that best advises us of the movement in consumer prices. Over the past five years our rate increases overall have been at around the level of the CPI.
- 3.4 Keeping rate increases down does not mean cutting service levels, though cutting services levels should not be excepted. Services supplied today might not be services needed tomorrow.
- 3.5 Mostly however, the ability to maintain rates at CPI type levels will come from other strategies and tactics. These include:
- Focusing on basic services.
 - Being careful when investing in facilities to test how operating costs will be covered.
 - Sharing services with other Councils.
 - Selling Council land that we do not need.
 - Getting communities to take over facilities and services that they are better placed to run than Council.
 - Increasing efficiency.
- 3.6 The latter two need work.

- 3.7 Getting communities to take over facilities that they are better placed to run is progressing. This Council should see a few community halls transfers. The Chief Executive can advise us of where this is at. The Tainui Wetere Domain has transferred to the Domain Committee, and Piopio is likely to follow.
- 3.8 Getting communities to take over services has not progressed. I have promoted the idea of community caretakers. In Piopio some of this exists. In Marokopa I would like to see the lease of the Holiday Park and more local service contracts considered. There are opportunities also in Benneydale and Te Waitere to have locals providing more of the services.
- 3.9 Increasing efficiency needs to be supported with a measurement methodology.
- Business unit accounting is best to test changes made to some parts of Council operations, like running Waitomo's and Otorohanga's Animal Control and Pound together. Management should be able to produce a statement that shows the economies gained by running these as one.
 - Other efficiency indicators need to be developed for other parts of the Council operations. Parks and Reserves, Regulatory Services, Community Services. A topic for a workshop discussion.
- 3.10 As a Governance Team we have a responsibility to our community to be sensitive to rate levels. As a Council we can assist to keep rate increases down by relentlessly striving to become more efficient and by adopting strategies and tactics like those discussed above.

Document ID: 816326

Report To: Council**Meeting Date:** 25 February 2025**Subject:** Chief Executive Report: November 2024 - January 2025**Type:** Information Only**Author(s):** Ben Smit
Chief Executive**1. Purpose of Report**

- 1.1 The purpose of this business paper is to provide the Chief Executive's oversight of the organisation and its progress toward achieving its vision, outcomes, and priorities.

2. Suggested Resolution

- 2.1 The following is a suggested resolution only and does not represent Council policy until such time as it is adopted by formal resolution.

1 The Chief Executive Report – November 2024 to January 2025 be received.

3. Commentary

- 3.1 The Chief Executive's oversight report follows. Financial oversight information to follow.

FINANCIAL		SIGNATURE PROJECTS	OPERATIONS	
Net Operating Position YTD 31 December 2024	TBA	Report is a Work in Progress subject to development of the Project Management Framework	Leadership Community/ Partners	Annual Plan + Budget Development
Variance to Revised Budget 31 December 2024	TBA		Recreation/ Property	Centennial Park Development
Capital Spend YTD % of Revised Budget 31 December 2024	TBA		Regulatory	District Plan
Total YTD Capital Spend to 31 December 2024	TBA		Resource Management	Waitomo District Landfill
Loan \$M at 31 December 2024	TBA		Solid Waste	Flood Management
			Stormwater	Waikato Water
			Wastewater	WWTP Sludge Management
			Water	Roading programme peak implementation
			Roading	

KEY DECISIONS / DISCUSSIONS	TOP OF MIND
<p>To be made by Council for input</p> <ul style="list-style-type: none"> Draft Annual Plan and Consultation Document sign off 	<p>Areas of focus or concern for CEO</p> <ul style="list-style-type: none"> Development of Waikato Waters CCO option Planning for potential transition processes for water and wastewater activities Landfill and sludge - Future Planning Potential future water metering Stormwater Mitigation Planning

BIG WINS / LEARNING
<ul style="list-style-type: none"> Sign off by seven Councils of the Heads of Agreement for 'Waikato Waters Done Well'. Good progress on the Annual Plan budget and Consultation Document

HEALTH & SAFETY
<p>Incidents, Accidents and Near Misses</p> <ul style="list-style-type: none"> Nothing significant to report. Near miss reporting improving <p>Staff Wellbeing</p> <ul style="list-style-type: none"> Busy year for staff so important to provide clarity and resources so that we can achieve our work programme. Recruitment: Roading Engineer and Programme Lead Procurement.

OTHER MATTERS REQUIRING ATTENTION
Nil

Document ID: 816325

Report To: Council



Meeting Date: 25 February 2025

Subject: **Leadership/Governance, Finance and Information Services Activity Update Report**

Type: Information Only

Author(s): Tina Hitchen
Chief Financial Officer

Saeed Jouzdani
Chief Information Officer

Ben Smit
Chief Executive

1. Purpose of Report

- 1.1 The purpose of this business paper is to update Council on activities that form part of the Leadership/Governance Group including Finance and Information Services.

2. Suggested Resolutions

- 2.1 The following is a suggested resolution only and does not represent Council policy until such time as it is adopted by formal resolution.
1. The business paper on Information Services, Finance and Leadership/Governance Activity Update Report be received.

3. Background

- 3.1 This report incorporates commentary (on an as required basis) on activities including:
1. Finance
 2. Information Services
 3. Information Technology
 4. Leadership/Governance
 5. Legal Matters (including official information requests)
 6. Inframax Construction Limited
 7. CoLab
 8. Council Owned Quarries
 9. Fleet

4. Finance

4.1 CURRENT ACTIVITY

- 4.2 A detailed Finance Report is contained elsewhere in this Agenda.
- 4.3 The focus of the finance team over the last two months has been on the development of the draft financial forecasts for the 2025/2026 Annual Plan. The rates team have worked through the general revaluation process including the audit of the valuations by the Office

of the Valuer General. WDC successfully received audit certification on 24 January and valuation notices have been distributed to owners and ratepayers.

4.4 **LOOKING FORWARD – THE NEXT 3 MONTHS**

- 4.5 The financial workstream of the 2025/2026 Annual Plan will continue with the adoption of the consultation document scheduled for the March Council meeting.
- 4.6 The general revaluation workstream continues, with objections closing on 14 March.
- 4.7 Improvements to the accounts payable process are underway with a project team set up to resolve some of the process issues we are currently experiencing and implement system automation to increase efficiency. It is hoped the project will be largely completed by 1 July.

5. Information Technology

CURRENT ACTIVITY

5.1 **CLOUD MIGRATION**

- 5.2 WDC's Geographic Information System (GIS) system migration is work in progress. The aim is to go-live with the new cloud version of GIS by mid 2025.
- 5.3 There are 72 WDC forms that are used by our customers (i.e. dog registration, rates rebate, etc.) which are going to be developed into e-forms to provide easy access from anywhere at anytime as long as the user has access to the internet. This work has started, and the IT Team has converted 18 of the forms already (i.e. LIM Report, Retention & Reconsolidation form, LGOIMA, etc)

5.4 **LOOKING FORWARD – THE NEXT 3 MONTHS**

- 5.5 Implementing the Flowingly application (process mapping and electronic forms) presented an opportunity for WDC to enhance internal processes through e-forms, automation and improvements.
- 5.6 AssetFinda Application (3 Waters Asset Management) needs to move from on-premise (on our own server) version to a cloud version. It is planned to be a 'lift and shift' project which can be completed in a short period of time. This will be beneficial to the GIS project as well.
- 5.7 The integration of Flowingly and MagiQ is planned to start in the next 3 months. This project is long-term and planned in phases, with the first phase focusing on LIM Report automation and integration. It will allow for electronic forms to directly update our MagiQ applications.

6. Leadership/Governance

6.1 **CURRENT ACTIVITY**

6.2 **FLEET RENEWAL**

- 6.3 The fleet renewal program for 2024/2025 has now been completed, including accessorizing some of the new vehicles to improve health and safety (i.e. installation of roof racks for some of the water services vehicles which are required to carry extension ladders on a regular basis).

6.4 **2025 TRIENNIAL ELECTIONS**

- 6.5 A contract is in place for the 2025 Triennial Elections with Electionz.com, who acts as Electoral Officer for Waitomo District Council. Electionz.com are currently contracted as Electoral Officer for 45 councils and also provide electoral services to a further three councils.

6.6 Training for the inhouse role of Deputy Electoral Officer will be ongoing leading up to the Elections.

6.7 Workloads relating to the Elections will also increase leading up to the Elections, and close to the Elections will involve additional WDC staff who will receive refresher/new training to assist with special votes, and other queries.

6.8 LGOIMA REQUESTS

6.9 Responding to requests for information made under the Local Government Official Information and Meetings Act 1987 (LGOIMA) can take up a significant amount of time. For the calendar year to date, we have received seven (7) requests for information under (LGOIMA).

6.10 The following table provides a year-on-year comparison of LGOIMA requests received:

2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025 as at 11 Feb 2025
25	35	73	96	85	75	70	50	86	85	7

6.11 LOOKING FORWARD – THE NEXT 3 MONTHS

6.12 Staff will continue working with the new Audit and Risk Chair and our representative from Aon (David Dobson) to look at the current strategic risks and develop workstreams to consider the practical impact and mitigation of these risks.

6.13 Significant organisation-wide projects (Local Waters Done Well, Stormwater Planning, Waitomo District Landfill, Centennial Park Concept Plan and the Annual Plan) continue to be a lot of work for the wider Senior Management Team.

Document No: 817437

Report To: Council



Meeting Date: 25 February 2025

Subject: **Joint Submission by Waikato Water Done Well councils on Local Water Done Well Bill#3 and summary of Bill**

Type: Decision Required

Author(s): Ben Smit
Chief Executive

1. Purpose of Report

- 1.1 The purpose of this business paper is to provide an overview of the Local Government (Water Services) Bill (Bill#3) and to seek ratification of the joint submission from Waikato Water Done Well participating councils in relation to this Bill#3 (the Joint Submission).

2. Suggested Resolutions

- 2.1 The following are suggested resolutions only and do not represent Council policy until such time as they are adopted by formal resolution.
- 1 The business paper on Joint Submission by Waikato Water Done Well councils on Local Water Done Well Bill#3 and summary of Bill be received.
 - 2 The Joint Submission be received.
 - 3 Council ratify the approval of the Joint Submission on behalf of Waitomo District Council by the Chief Executive (after consultation with the Mayor).
 - 4 Council note the overview of Bill#3 set out below

3. Background

- 3.1 As Council is aware, Local Water Done Well is being implemented in three stages. The first stage was the repeal of the former Three Waters Legislation in March 2024. The second stage was the passing into law of the Local Government (Water Services Preliminary Arrangements) 2024 in September 2024. The third stage, which will set the enduring settings for Local Water Done Well, commenced in December 2024 with the introduction of Bill#3 into Parliament.
- 3.2 Bill#3 has been referred to the Finance and Expenditure Committee and the closing date for submissions is 23 February 2025. A joint submission has been prepared by the Councils participating in Waikato Water Done Well (noting that some Councils are also making individual submissions on specific matters of interest to them).

4. Commentary

4.1 Submission on Bill#3

- 4.2 The Joint Submission is attached to this paper and includes an executive summary of the general comments and specific comments in relation to the content of the Bill. Due to the tight timeframes which apply for submissions, the Joint Submission has been signed by the Chief Executive, after prior consultation with the [Mayor or Deputy Mayor]. Council is asked to ratify the approval of the Joint Submission.

4.3 **Bill#3 overview**

4.4 Bill#3 sets the enduring settings for Local Water Done Well and is the implementing legislation for the policy decisions announced by Central Government in August 2024. There are no material changes from that guidance, but the Bill does provide further detail on the requirements of the new water services delivery system. This includes that all water services providers¹:

- a) will be subject to economic, environmental and water quality regulation
- b) must comply with a new planning and accountability framework for water services, including preparing financial statements for water supply, wastewater, and stormwater
- c) must act in accordance with prescribed statutory objectives and financial principles (refer below)
- d) is subject to restrictions against privatisation.

4.5 Essentially Bill#3 is made up of three categories:

- a) Water services delivery systems
- b) Economic regulation and consumer protection regime
- c) Changes to the water quality regulatory framework.

4.6 **Water services delivery systems**

4.7 Bill#3 sets out the structural arrangements, objectives, financial principles and obligations, operational matters and planning, reporting financial management for water services providers.

4.8 Councils are responsible for water services delivery but there are service delivery options available to them to choose from when determining how best to deliver water services. As per the guidance, this remains providing water services in-house, transferring water services to a water organisation (such as a Council Controlled Organisation (CCO)) or other forms of joint arrangement.

4.9 Regardless of which option is chosen, Bill#3 requires the water services provider² to provide water services in a cost-effect and financially sustainable manner including by planning effectively to manage assets used to provide water services in the future and share the benefits of efficiency gains with consumers, including when setting charges for water services.

4.10 Every water service provider must perform its functions in an open, transparent and accountable manner and in accordance with sound business practice. They must also act in the best interests of current and future consumers.

4.11 There are additional requirements that apply to a water organisation such as a CCO. These include that:

- a water organisation must be a limited liability company
- the company must be governed by a competency-based board of directors who have the appropriate mix of skills, knowledge and experience
- current Council staff and elected members cannot be appointed to the board

¹Water Services Provider is a Territorial Authority, Regional Council, Water Service Organisation, or other organisation who is directly providing water services. The term 'water service provider' includes councils that continue with direct (in-house) delivery and water organisations such as a Council Controlled Organisation.

² Refer footnote 1 above.

- activities must be limited to the provision of water services and directly related activities
- only councils or consumer trusts can be shareholders

4.12 Where a Council seeks to transfer responsibility to a water organisation (such as a CCO), it will do this through a document called a transfer agreement, which captures the responsibilities and other matters (such as assets and liabilities) being transferred and which are being retained by the Council.

4.13 Financial principles

4.14 The financial principles require that:

- revenue from water services is spent on providing water services (including on maintenance, improvements, and providing for growth)
- water services revenue is sufficient to sustain long-term investment in the provision of water services
- revenue (including from charges) and expenses are transparent to the public. The provider must be accountable for its revenue and expenses – if the provider is a Council, it is accountable to its communities, if the provider is a water organisation such as a CCO, is it accountable to its shareholders.
- demonstrate compliance with above in financial operations, financial policies and planning and reporting documents.

4.15 Powers for water organisations

4.16 Bill#3 empowers water organisation to do a range of matters similar to what Councils are able to do. This includes:

- Charging customers for services, including setting and collecting charges. Charges can be set and collected for initial connection, contribution to capital costs of infrastructure, serviceability and meeting the costs incurred by the water organisation in performing and exercising its functions. When setting the charge, the water organisation can determine how the charge is assessed and invoiced, when it is due and how it may be paid or collected.
- Requiring development contributions for growth related capital costs. This is through a modified version of the development contributions regime in the Local Government Act.
- Proposing that a Council create, amend or revoke water services bylaws to regulate connections to water services networks. This involves a three-step process. A Council can delegate functions or powers that relate to the administration or enforcement of a water services by-law to a water organisation but not the power to make, amend or revoke the by-law.
- Access private land to carry out water services infrastructure work, subject to notice and other requirements).

4.17 Water organisations will not:

- have the same debt collection powers as local authorities and will instead rely on commercial debt practices to collect overdue amounts. This is similar to the situation for Watercare and regulated utilities
- be allowed to use property values as a factor in setting water charges. The Bill includes a transitional provision that will allow water organisations to smooth prices over a five-year period if consumers are shifting from a property-based rate levied by Council to a water charge assessed by a water organisation.

4.18 Accountability, planning and reporting

4.19 All water services providers will be required to prepare:

- a water services strategy: due every three years with the first one due 1 July 2027.
- an annual water services report: with the first due for the financial year 2027/2028. Councils must complete this four months from the end of the financial year if the Council is a water services provider. For water organisations, the due date is three months after end of financial year and a half yearly report is also due. Shareholders can request quarterly reports.

4.20 If a water organisation is formed, then the shareholding councils in that organisation must prepare and issue a statement of expectations to the board of directors. An interim statement of expectations can be adopted. The first statement of expectations must be agreed to by shareholders six months from when organisation is established and every three years after that.

4.21 Economic Regulation and Consumer Protection

4.22 The Bill will introduce an economic regulation regime for water supply and wastewater services, with the potential to include stormwater services later.

4.23 The regime will apply to all water service providers responsible for making core decisions about capital and operating expenditure, revenue recovery, and charging levels. Initially, community suppliers, private schemes, Crown providers, and private third-party contractors will be excluded, but may be included later.

4.24 The objective of the regime is to protect customers by ensuring adequate levels of investment by water services providers and that charges for water are fair, reflect the cost of providing the service and are sufficient.

4.25 The regime will be introduced through amendments to the Commerce Act 1986. The Commerce Commission will have a range of regulatory tools such as information disclosure requirements, revenue threshold regulation, quality regulation, performance requirement regulation, and price-quality regulation. Initial information disclosure requirements are to be set by early 2026.

4.26 The Bill also introduces a consumer protection regime, allowing the Commerce Commission to monitor and enhance consumer protections based on gathered information.

4.27 Water quality regulatory framework

4.28 The Bill includes a range of changes designed to reduce the cost and burden for drinking water suppliers associated with complying with the Water Services Act 2021. This includes reducing regulatory burden on small suppliers, by excluding known 'shared domestic supplies' serving 25 consumers or fewer from regulation. The Bill also includes other changes to reduce regulatory requirements and compliance costs for a wider range of drinking water suppliers, which would not be covered by the 'shared domestic' supply exclusion.

4.29 Stormwater

4.30 Councils will retain responsibility for ensuring that stormwater services are provided in their district but can choose the delivery arrangements that best suit their circumstances. This includes:

- Continue to deliver stormwater services directly (in-house)
- Transfer all or some aspects of stormwater service provision to a water organisation
- Contract a water organisation (or potentially another third party) to provide all or some aspects of stormwater delivery.

4.31 Councils must ensure that any agreement, contract, or arrangement does not transfer the ownership or control of the operation of the transport corridor stormwater infrastructure.

4.32 To support the integrated management of stormwater services the Bill provides an enabling framework for the development of service agreements for parties to work together to manage their respective statutory roles and functions. The Bill also makes changes to improve the management of stormwater network, including overland flow paths and urban watercourses. This includes the enabling of new planning and regulatory tools – stormwater network risk management plans and stormwater network bylaws to manage risks and hazards that may affect the operation of critical stormwater network infrastructure.

4.33 Wastewater and Stormwater Environmental Performance Standards

4.34 Taumata Arowai has existing powers to regulate the performance of wastewater and stormwater networks and infrastructure under the Water Services Act 2021. The Bill amends the legislation so there will be a single standard, rather than a minimum (or maximum), which would be implemented in resource consents. The national wastewater environmental performance standards are currently under development.

4.35 The standards will:

- Set nationally consistent requirements for all wastewater networks and operators
- Focus on specific activities that are commonly part of consenting for wastewater treatment plants
- Clarify the Government's expectations for wastewater network operators

4.36 Regional Councils will be the consenting authority and implement the standards through consent conditions. Wastewater standards are expected to be in place by August 2025, with the stormwater environmental performance standards to be developed after that.

5. Attachment

1 Waikato Waters Done Well Bill#3 Joint Submission (Doc 817436)

Joint Submission on Local Government (Water Services) Bill

To:

the Finance and Expenditure Select Committee

From:

the following Waikato Councils:

- Hauraki District Council
- Matamata-Piako District Council
- Ōtorohanga District Council
- South Waikato District Council
- Taupō District Council
- Waipā District Council
- Waitomo District Council

Date: 21 February 2025

Waikato Water Done Well

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Background

1. The Seven Waikato Councils (the **Submitting Councils**) listed above make this submission.
2. The Submitting Councils thank the Finance and Expenditure Select Committee (**the Committee**) for the opportunity to make this submission and note that, in general terms, there are certain matters they seek to jointly submit on:
 - a) The scope of the “enduring settings” in Local Government (Water Services) Bill (**Bill#3**)
 - b) Clarity on how Councils are expected to meet ongoing compliance costs under Bill#3
 - c) Inclusion in Bill#3 of charging provisions which enable a water services organisation to collect growth investment from non-connected customers other than through development contributions
 - d) The need for exceptions to the proposed standards for wastewater and stormwater environmental performance
3. Specific comments are also included in the table at the end of this submission on provisions of the draft legislation. Individual submissions may also be made by each Council in relation to specific matters relevant to them. This submission does not address any of the provisions that are particular to Watercare Services Limited.
4. Submitting Councils would appreciate a hearing in relation to the matters set out in this submission should there be the opportunity to do so. The Committee is asked to contact Vaughan Payne on 021 246 2314 or via email on vaughan.payne@colabsolutions.govt.nz to arrange such a hearing.

Support of other submissions

5. Before turning to the substance of this submission, Submitting Councils note they have had the benefit of reviewing draft submissions from Taituarā and Waikato Regional Council. In respect of each of these, Submitting Parties:
 - a) **Taituarā:** acknowledge Taituarā as New Zealand’s leading network of local government professionals and fully support their detailed submission on the Bill. In this submission, we focus on issues that are specific to Waikato Water Done Well and will not be repeating the points made by Taituarā.
 - b) **Waikato Regional Council:** support the submission of the Waikato Regional Council in relation to a catchment-based approach to consenting in specific circumstances. Submitting Councils welcome the policy intent of introducing standards to reduce the costs to councils. However, a key strategic outcome of Waikato Water Done Well is for ‘smart consenting’. Smart consenting involves a catchment-based approach to consenting rather than focusing on single point discharge. To balance between the availability of standards and the ability for ‘smart consenting’, it is submitted that exceptions to standards should be available (at the request of the water services provider) where there is an agreed integrated catchment plan that can achieve a better return on investment.

Executive Summary

Summary of general comments

a) Enduring settings

6. Local Water Done Well requires councils to determine how they will deliver water services in the future, whether alone or with others. Due to the complexities of multiple councils agreeing how to join up, a consequence of Local Water Done Well is likely to be several small to medium sized water organisations at the outset¹. Based on overseas experience², there is a real possibility organisations will seek to merge overtime (subject to terms agreed by Councils and communities).
7. In the Waikato, Submitting Council are signatories to a Heads of Agreement setting out what a joined-up approach to water services could look like, subject to public consultation and Council decision making. This option is referred to as Waikato Water Done Well. Parallel to this, in the Waikato region, Hamilton City Council and Waikato District Council have resolved to form a separate council-controlled organisation (**CCO**) (subject to consultation). Notwithstanding this, a single regional model is seen as being of benefit to all Councils in the region at some point in the future.
8. As Bill#3 provides the enduring settings for water services delivery, it is submitted that express provisions should be included which would facilitate future mergers. The objective of this is to ensure that unnecessary cost is not imposed on customers in the future³.

b) Means by which Councils are to meet ongoing compliance costs under Bill#3

9. Under Bill#3, Councils retain decision making responsibility for a number of matters, including making by-laws and drinking catchment plans. This responsibility rests with Councils regardless of whether they choose to transfer responsibility for water services to a water organisation. While retention of these responsibilities ensures a local approach to the specific matters, compliance will come at a cost. It is submitted that the Bill should expressly clarify that these activities are not incurred for “water services” and, as such, costs incurred in meeting these obligations will not be subject to economic regulation.

c) Charging provisions for growth to non-connected customers

10. Water organisations under Bill#3 should have the ability to recover all or part of its investment in growth infrastructure (including water infrastructure) from benefiting landowners ahead of development occurring (i.e. in the period before the ability to charge development contributions arises). The benefits to this include increasing revenue and so reducing the amount that needs to be debt financed. The serviceability charge in section 60 and 62 of Bill#3 is not wide enough to achieve these benefits as it

¹ With some Councils potentially also continuing with existing arrangements or some other form of joint arrangement.

² TasWater and Scottish Water being just two examples.

³ It is acknowledged that there is reference to changes to shareholding arrangements in a water organisation in section 25, Bill#3 and this would apply if one of the water organisations continued in a merger. Section 214(1) (b) also provides that the “same person” classification will apply from a tax perspective (for a period of 5 years) when a water organisation transfers the role of providing water services to another water organisation (note a specific submission is made on this later in this submission).

is limited to properties within 100m of a network.

d) Proposed standards for wastewater and stormwater environmental performance

11. Currently multiple resource consents impacting the same natural resource are consented and renewed on an ad hoc individual basis, often driving expensive gold-plated solutions that have a negligible benefit to the natural resource. For water service providers, renewing consents is a major driver of infrastructure capital works (most costs relate to wastewater infrastructure). In some instances, despite significant investment in treatment plants, the measurable benefit to the water body downstream is negligible. There is a real opportunity for an integrated catchment plan that informs the best return on investment through:
 - a) nutrient balancing between wastewater treatment plants (council and industry)
 - b) an offset regime to reduce the impact of diffuse discharges (which often have the largest contaminant load within a catchment compared to point source discharges)
12. While work is underway to develop such a form of smart consenting, the proposed “one size fits all” standards in Bill#3 are not consistent with achieving this if they are to apply without exception. Although standards may reduce the cost on providers, there may still be wasted investment in terms of improving water quality outcomes in a catchment. The standards will be focused on a single point of discharge without having regard to the overall receiving environment. It is submitted that integration with RMA reform needs to occur to achieve a shift from ad hoc to strategic investments. Exceptions to standards should be available where a water service provider can put forward a smarter approach to consenting which can significantly reduce costs but also have a significant impact on the overall health of the water body (refer to example in relation to Matamata-Piako DC below).

Summary of specific comments

13. In relation to the specific comments, there are some matters that are raised in the specific comments table that are typographical / relate to cross-referencing. However, from a substantive perspective, in summary, it is submitted that:
 - a) To future proof Bill#3, the definition of water organisation should be extended so that it applies not just to an entity where Councils transfer responsibility for water services but also the resulting entity should two or more water organisations transfer their businesses to a new water organisation as part of a restructure or merger.
 - b) Section 11 should be reviewed. This sets out when new transfer agreements are required by a Council but as currently drafted, is likely to result in significant costs in any change by a Council. This section should be broken down so there is:
 - clarity on when an amended transfer agreement is required rather than a new transfer agreement

- provision to enable a Council to direct the transfer of its water services business from one organisation to another (in the event of it exiting a shareholding arrangement or disestablishing a water organisation). As currently drafted, a transfer agreement is required to transfer from a water organisation back to Council and then another transfer agreement is required from Council to the new water organisation.
- c) Currently, if an asset is not listed in a transfer agreement, it is deemed to stay with a Council. It is submitted that all assets solely used for the purpose of a water services activity should be deemed to be transferred to the water organisation.
 - d) To reduce the administration (and costs) in transferring a water services business to a water organisation, it is submitted that all contracts that relate solely to a water services activity transferred to a water organisation should be deemed to be novated.
 - e) Provide clarity on the situation where a council only transfers two waters to a water organisation and engages the water organisation to provide management services in relation to stormwater (refer submission in relation to subsection 20(3) below).
 - f) There should be a transition provision in relation to development contributions. As drafted, the development contribution policy of a council can be extended to a water organisation. However, there are no provisions that consider a situation where several councils are shareholders in the same water organisation. It is submitted that a water organisation should be able to extend a number of policies for a transitional period (refer submission re section 92 and 93)
 - g) Schedule 1, as currently drafted, does not operate as intended. It refers to the transfer of employees from one water organisation to another water organisation. As a Council is not a water organisation, it is not clear that it will apply to a Council transferring employees to a water organisation.
 - h) Schedule 1 raises a risk for Councils as currently drafted because it is not clear when a redundancy payment may be triggered. The provision as drafted refers only to employees who accept an offer of employment, with the implication being that if an employee is offered equivalent employment but does not accept that offer, they may be entitled to redundancy (subject to the terms of their contract of employment). This could give rise to significant costs to Councils and create a barrier to achieving one of the strategic outcomes being sought by a joined-up approach, namely the retention of staff.

Introduction

1. This submission is made jointly by the following Waikato Councils in respect of Bill#3:
 - a) Hauraki District Council
 - b) Matamata-Piako District Council
 - c) Ōtorohanga District Council
 - d) South Waikato District Council
 - e) Taupō District Council
 - f) Waipā District Council
 - g) Waitomo District Council
2. As noted above, these Councils are referred to in this submission as the Submitting Councils.

Submitting Councils and wider regional context

3. As Committee members are aware:
 - a) Bill#3 completes the trilogy of legislation implementing Local Water Done Well.
 - b) Part 2 of the trilogy, namely the Local Government (Water Services Preliminary Arrangements) Act 2024 (**Preliminary Arrangements Act**), requires Councils⁴ to identify a viable model for future water services delivery that is financially sustainable and meets regulatory requirements. As a minimum, Councils are required to consider the option of joining or establishing a water services council-controlled organisation (**CCO**) or some other form of arrangement against existing arrangements.
4. Waikato Water Done Well refers to the proposed establishment of a multi-council owned CCO across the service area of the Submitting Councils. The intended start-up name is Waikato Waters Limited. This option is being considered by Submitting Councils as part of their obligations under the Preliminary Arrangements Act. At the time of writing this submission, the status of Waikato Water Done Well as a service delivery option is that:
 - a) each Submitting Council has signed a Heads of Agreement setting out what a joined-up approach to delivering water services could look like, subject to public consultation and evolving legislative requirements
 - b) each Council is assessing that option against existing arrangements (and in some cases other options) with a view to deciding the preferred option, consulting with the public on that and making a definitive decision within the first half of 2025.
5. Parallel to the above, Hamilton City Council and Waikato District Council have formerly resolved to set up a separate CCO (subject to public consultation). However, they made it clear that a single regional model would benefit all Councils in the region. In broad terms, at least two separate CCOs are likely to be established in the Waikato region.

⁴ Except for Auckland Council

General Comments

6. Submitting Councils support the purpose of Bill#3 which to establish a framework for local government to provide water services in a flexible, cost-effective, financially sustainable, and accountable manner.
7. Submitting Councils have agreed in principle to the joint vision for any combined water services CCO. This vision is Te Mana o Te Wai, Te Mana o Te Tangata | Healthy Water, Healthy People. This sets the foundation for a strategic and results oriented approach to water services governance and delivery. Guided by this vision, and guidance issued by DIA in August 2023, Submitting Councils have co-designed the framework for a proposed CCO. The co-designed CCO substantively aligns with the requirements of Bill#3 in relation to water organisations. The terms “CCO” and “water organisation” are used interchangeably in this submission.
8. As a general position, Submitting Councils welcome the clarity that Bill#3 provides in relation statutory powers, authority, accountability and the taxation status of any future water services CCO, including the planning, reporting and accountability requirements that are set out in Part 4 of Bill#3.
9. At a general level, it is noted that the focus of the legislation is on:
 - a) the service delivery options available to Councils from a present-day perspective with provision made for future ‘change proposals’ in section 25 of Bill#3
 - b) the accountability of a water services provider in respect of a water services activity that it is responsible for
 - c) introducing mechanisms to assist Councils in transferring water services delivery to a water services organisation should they choose this delivery model⁵

(a) Enduring settings

10. Discussions across Councils to date demonstrate that it is complex to get multiple Councils to agree the terms on which they are willing to establish a joint water services CCO. Due to this complexity, an inevitable feature of Local Water Done Well (in the early years in any event) is likely to be the formation of a number of small to medium sized water services CCOs (or water organisations) across the country.
11. From a regional perspective, it is likely that there will be more than one water services CCO operating within certain regional areas. Overseas experience points to future mergers / amalgamations of water services CCOs being a real possibility in the long term. Bill#3 states that it provides the enduring settings for water services delivery and so it is submitted that express provision should be made to the possibility of future amalgamations within the Bill itself ⁶ and provisions included to assist in the implementation of these.

⁵ Please note specific submission in relation to Schedule 1, Clause 1 in relation to the transfer of affected employees. The submission is that this clause is not drafted in a manner that achieves what it is understood to be the objective i.e. assisting in the transfer of employees from Councils into water organisations.

⁶Refer footnote 1 above and the submission in relation to employees).

12. It is accepted that the terms of any potential merger / amalgamation will be a matter for commercial negotiation at the appropriate time, having regard to all applicable legislation (particularly the Companies Act 1993).

Decision requested

13. It is submitted that **Bill#3 should acknowledge the possibility of future mergers. Where Councils are looking at implementation plans for the establishment and operationalisation of water services CCOs, it is submitted that they should be required to take a broad view of the landscape in which they will operate and not establish the CCO in silos. Furthermore, where councils are establishing separate water services CCOs in the same Local Government regional area, it is submitted there should be a requirement / expectation that they collaborate and engage on key operational matters so that any pathway to a future amalgamation is not made unduly and unnecessarily costly for the ratepayers.**
14. Further, it is submitted that **provision should be included in Bill#3 (as the instrument for the enduring settings) to assist with the transfer of assets (and employees) in any such restructure (whether it be a water organisation merging into an existing water organisation or two water organisations merging to form a new water organisation).** It is also submitted that **the availability of these provisions (in a water organisation to water organisation context) should extend beyond the 5-year period currently provided for in Bill#3.**

(b) Councils and ongoing compliance costs under Bill#3

15. Bill#3 places statutory responsibility onto Councils in respect of specific matters regardless of whether water services are transferred by that Council or not. This includes Subpart 3, (Water services networks: connections), Subpart 5 (drinking water catchment plans) and Subpart 6 (trade waste).
16. Subpart 5 and 6 provides that administration of drinking water catchment plans and trade waste plans can be delegated to a water organisation services in the district (with limitations placed on the scope of the delegation).
17. As Councils will incur costs in relation to these matters which relates (albeit indirectly) to water services, it is submitted that the Bill should expressly clarify that these activities are not “water services”. As such costs incurred in meeting these obligations will not be subject to economic regulation and the cost is not recoverable through water charges but through rates.

Decision requested

18. **Clarification that the costs incurred by Council in meeting its obligations under subparts such as Subpart 3, Subpart 5 and Subpart 6 are not costs incurred for the purpose of “providing water services” and do not fall within scope of economic regulation.**

(c) Charging provisions for growth to non-connected customers

19. Under the Local Government (Rating) Act 2002 a Council can charge a targeted rate to recover all or part of its investment in growth infrastructure, including waters infrastructure. This targeted rate can be charged based on, for example, land area within a serviced catchment. This gives Councils the ability to recover investment from benefiting landowners ahead of development occurring, and before the Council can charge development contributions under the LGA. Although not all Councils charge in this way, it has the following material benefits for those that do:
 - a) money collected through targeted rates means a Council has less to debt finance
 - b) increase revenue results in increased borrowing capacity (based on debt to revenue ratio debt covenants)
 - c) landowners are incentivised to develop land as infrastructure in line with Council development strategies, thereby improving land supply to the housing market.
20. It is acknowledged that section 60 and section 62 of Bill#3 allow for a serviceability charge to be levied by a water organisation but only in respect of properties within 100m of a network. If a water organisation were to, for example, build a wastewater pump station and rising main to service a greenfield catchment, there are likely to be many properties outside the 100m limit who will benefit.
21. Bill#3 does not provide for a water organisation to levy a charge on benefiting landowners ahead of development occurring. Is it submitted that this should be remedied. This is consistent with the Infrastructure Funding and Financing Act but rather than having to create special purpose vehicles to fund smaller scale infrastructure projects, a water organisation will be able to fund these on balance sheet without associated overheads.

Decision requested

22. **That Bill#3 be amended to enable a water organisation to charge landowners in the manner set out above. To ensure clarity in application, provision should be included to ensure that when setting the charge, a water organisation is required to assess the relativity between the amount being levied ahead of development and the amount to be recovered by way of development contributions (when development occurs).**

d) Proposed standards

23. Through Waikato Water Done Well, Submitting Councils are currently scoping the merits of taking a whole of catchment approach to the consenting of water services (water, wastewater and stormwater). This applies particularly to wastewater as the most significant infrastructure cost. The issue is:
 - a) In the region, overall water quality continues to decline, including the Waikato River

- b) Significant improvements to point source discharges have occurred. However, their contribution to overall water quality is now minor (e.g. between 2011 and 2020 council wastewater treatment plants only contributed 0.5% of the total load of nitrogen in the Waikato River).
 - c) Despite the diminishing returns on investment, billions of dollars are proposed to be invested by councils and industry on improving point source discharges. The Resource Management Act 1991 (**RMA**) currently promotes ad hoc investments to improve environmental outcomes, without flexibility to enable strategic investments to improve such outcomes.
24. As New Zealand water service providers assess the best way to deliver water services in their area, there is a real opportunity to assess the way consent applications are granted. As part of the RMA reforms, there should be a framework created encouraging strategic investments that improve environmental outcomes. Currently, resource consents are lodged on an organisation-specific ad hoc basis; this is a legacy of the first-in-first service nature of the RMA. If we can evolve to applications being made having regard to the whole catchment, it will enable an assessment of what is the best return on investment for the river (or other water body).
25. By encouraging Regional Councils to develop statutory plans that will improve water quality for an entire catchment (integrating diffuse and point source discharges), there is a real opportunity to reduce the significant infrastructure costs. The framework created needs to enable:
- a) nutrient balancing between wastewater treatment plants (council and industry)
 - b) an offset regime to reduce the impact of diffuse discharges (which often have the largest contaminant load within a catchment compared to point source discharges)
26. An example of the cost savings possible is Matamata-Piako DC (**MPDC**). MPDC had five wastewater treatment plants with expiry dates between 2024 and 2035. The Council lodged an application to renew all five plants to align their expiry dates and to prioritise capital investment relative to water quality outcomes for the Firth of Thames. In addition to better environmental outcomes, by taking a collective view of their discharges Matamata-Piako DC estimate consent processing savings of 33% (\$4m) and capital works savings of 20% (\$20m).

Decision requested

27. **Introduction of an exception to the application of the proposed standards (at the request of the water services provider) where a water services provider is party to an integrated catchment plan approved by their Regional Council which is focussed on consent applications taking a whole of river (water body) approach rather than focusing on single point discharge.**
28. **That the improvement to the RMA recommended by this submission be referred to the Minister Responsible for RMA Reform.**

Specific comments

29. The following table sets out the specific comments Submitting Councils would like to make on Bill#3 for Committee consideration. Again, it is noted that each Submitting Council reserves the right to make an individual submission.

SECTION	SUBMISSION	RECOMMENDATION
<p>1. Section 4 (interpretation). Definition of water organisation and water service provider</p>	<p>The definition of water organisation refers to a water organisation established under Section 36 (Bill#3) or to a CCO that was providing water services immediately before Bill#3 is enacted into law (and which meets the conditions set out in that definition).</p> <p>When one turns to section 36, it refers to a water organisation established by a territorial authority for the purpose of transferring responsibility for providing water services to that organisation. The definition does not cover instances where a territorial authority has already transferred its responsibility to a water organisation but after a period of time, seeks to restructure that water organisation.</p>	<p>Definition of water organisation should be extended to include (d): where the territorial authority is an existing shareholder of a water organisation, consents to the restructure of that water organisation resulting in the creation of a new water organisation responsible for the delivery of water services in that territorial authority's district.</p>
<p>2. Section 11 (and Schedule 2) Transfer Agreements</p>	<p>Section 11 requires a council to enter into a transfer agreement with a water services organisation (which it has established or in which it is a shareholder) specifying the responsibility, specific infrastructure, related assets and other matters being transferred.</p> <p>Section 11(5) requires that if more than one council has established a water organisation, one of those Councils must not enter into a transfer agreement unless all of them do and the transfer agreements must be developed and entered separately.</p> <p>The way this section is framed is contradictory. If transfer agreements are developed and entered separately then it will not, timewise, be possible for all agreements to be entered into at the same time. It is</p>	<p>Subsection 11(5) is deleted and replaced with the following:</p> <p>As part of the establishment of a water organisation, a territorial authority commits to entering into a transfer agreement in relation to the water services that it intends to transfer responsibility for. If more than 1 territorial authority has established the water organisation (each being an Establishing Territorial Authority) then:</p> <ul style="list-style-type: none"> a) Each Establishing Territorial Authority must develop and enter into a separate transfer agreement with the water organisation b) Each transfer agreement will be conditional upon the other Establishing Territorial Authority

SECTION	SUBMISSION	RECOMMENDATION
	<p>also likely that not all transfers will take place on the same day. In the context of the Submitting Councils, work is underway to agree how (if a decision is made to transfer to a CCO) the transfers should be staggered / sequenced to ensure that transition risk is best mitigated.</p> <p>To address this, what is proposed is that the timing of transfer agreements is linked to water services delivery plans (which in themselves are a commitment to enter into the transfer agreement and part of the commitment to a future water services delivery model, including the implementation plan also required). It is submitted that section 11 (5) should be amended to clarify that:</p> <ul style="list-style-type: none"> a) Transfer agreements can be entered into at different times but be conditional on all transfer agreements being entered into within a stipulated timeframe b) Where the establishment of a water organisation is identified by a council as its future delivery model in its water services delivery plan, the conditional date by which all parties must enter into a transfer agreement should be aligned with the implementation plan unless agreed otherwise by all parties in writing. 	<p>entering into a transfer agreement with the water organisation within:</p> <ul style="list-style-type: none"> i. such timeframe as set out in the implementation plan submitted as part of the Water Services Delivery Plan (as defined in the Local Government Water Services (Preliminary Arrangements) Act; or ii. such other date as agreed by all parties in writing. <p>c) The effective date of each transfer agreement may be different (i.e. it is accepted that Councils may agree to transfer their businesses into a water organisation in a staggered / sequenced fashion and it is within the discretion of the Councils to do so subject to the water organisation being financially sustainable by no later than 1 July 2028)</p>
3. Section 11 (and Schedule 2) Transfer Agreements (cont'd)	<p>Schedule 2 sets out the contents of transfer agreements which must set out:</p>	<p>Amendment to clause 11(7) so that all assets relevant to the provision of services that are being transferred to a water organisation are deemed to be transferred unless otherwise stated.</p>

SECTION	SUBMISSION	RECOMMENDATION
	<ul style="list-style-type: none"> a) the responsibilities, water infrastructure, related assets and specific responsibilities etc being transferred b) matters that relate to water services that are not being transferred c) matters of shared interest d) collection of charges e) responsible decision makers for revenue and charging f) other information considered appropriate <p>Section 11(7) provides that any matter a transfer agreement does not specify as being transferred is taken to be retained by the territorial authority.</p> <p>It is submitted that if a council decides to transfer responsibility for drinking water and wastewater services to a water organisation, then the assumption should be that the council intends to transfer all assets required for the purpose of successfully discharging the transferred responsibility. A pragmatic way of addressing this would be to include a provision that all assets held by a territorial authority for the sole purpose of providing a water service are deemed to transfer to the water organisation unless the transfer agreement states otherwise.</p> <p>To ensure that transfer agreements achieve the purpose stated in clause 12, it will still be necessary for all assets to be listed in the transfer agreement (and particularly</p>	

SECTION	SUBMISSION	RECOMMENDATION
	where the allocation of shares may be based on value of assets transferring). However, amending clause 11(7) in this manner would ensure it works in a manner that is more aligned with a commercial transaction where a “wrong pocket clause” is generally introduced to ensure that assets which should transfer to enable the acquiring company to carry out the business transferred.	
4. Section 11 (and Schedule 2) Transfer Agreements (contd)	<p>Building on the above, it is submitted that section 11 should be further developed to assist with the transfer of assets to a water organisation. Where the matters transferring include contracts and agreements that relate wholly to the water services that are being transferred under the terms of the transfer agreement, it is submitted that legislation should deem these agreements to be novated so that the councils and water organisation are not required to novate each individual contract or agreement to give effect to the transfer.</p> <p>It is accepted that there will need to be a review of ‘mixed-use’ contracts and agreements that relate to more than just water services (or to a water service that is transferring and one that is not). These contracts will need to be addressed on a case-by-case basis to identify the appropriate arrangement in that context.</p>	<p>Clause 11(7) amended to provide that contracts that relate wholly to the provision of water services that are being transferred to a water organisation will novate by operation of law to the water organisation</p> <p>Note: this should be cross-referenced in section 39 which requires councils to consider how the transfer of water services to a water organisation will be managed.</p>
5. Section 13 (circumstances that require a new transfer agreement)	It is submitted that Section 13 should be reviewed in its entirety. This is because:	Clause 13 to be reviewed and redrafted to reflect the correct circumstances in which a new transfer agreement is required.

SECTION	SUBMISSION	RECOMMENDATION
	<ol style="list-style-type: none"> 1) Clause 13(1)(a) and (b) should refer to an amended transfer agreement rather than a new transfer agreement 2) Clause 13(1)(c) and (d) relate to the transfer back of assets to the Council from the water organisation of assets which were transferred. This is should not be addressed by reference to a new transfer agreement in isolation. A more practical mechanism would be to require shareholder agreements to include provision (if all parties agree) whereby on the disestablishment or a water organisation or exit of a shareholding council as shareholder, the Councils assets are (at the direction of the relevant council): <ol style="list-style-type: none"> a. transferred back to the Council via a new transfer agreement b. transferred directly from the existing water organisation to the water organisation the exiting shareholder is seeking to become a shareholder in. 3) Clause 13(1)(e) envisages the council becoming a shareholder in a further water organisation. However, the sub-clause as drafted suggests double handling, with assets needing to be transferred back to the Council and then transferred by the Council to the other water organisation (under another section 11 transfer agreement). A more practical proposal is to enable the Council to direct the transfer of assets to the other water organisation as suggested at (2) (b) above. 	

SECTION	SUBMISSION	RECOMMENDATION
6. Section 17 (obligation to continue water services)	Section 17(2)(c) provides that in fulfilling its obligations, a water services provider must comply with sub-section (3). However, detail is not provided as to which sub-section 3 this is referring to.	Section 17(2)(c) to be reviewed and clarity included on the sub-section 3 that is being referred to.
7. Section 20 (water supply ensured if supplier facing significant problem)	Section 20(1) refers to a drinking water supplier but does not limit it to a drinking water supplier within the service area of the water supplier.	Section 20(1) is amended to ensure there its application is limited to drinking water suppliers within the service area of the water service provider.
8. Section 21 (contracts for providing water services)	<p>Subsection section 21(2) provides that "... <i>A water service provider who enters into a contract under this section: (a) continues to be the water service provider responsible for the water services to which the contract relates and (b) retains control over (i) the development of policy for providing the relevant water services and (ii) the pricing of the relevant water services.</i>"</p> <p>Subsection 21(3) then states that a contract between a water service provider and another water service provider is not limited by subsection 21(2). This points to one water services provider being able to contractually transfer responsibility for developing policy and pricing to another water services provider. It is submitted that subsection 21(3) should be amended to expressly state this.</p> <p>Clarity is sought on how the provision is intended to apply when a water service provider:</p>	<p>Subsection 21(3) is amended to provide:</p> <p>"A contract between the water service provider and another water service provider:</p> <p>(a) is not limited by the 50 years maximum term in subsection 1; and</p> <p>(b) can provide for the contracting water service provider to transfer control over the development of policy for providing the relevant water services and pricing of the relevant water services</p> <p>Note for consideration: A contract for water services management does not negate the obligation of the water services provider to complete a water services strategy for water services activities it remains responsible for. It is open to that water services provider to engage the support and assistance of the other water services provider in preparing the relevant water services strategy under the terms of the relevant contract.</p>

SECTION	SUBMISSION	RECOMMENDATION
	<p>a) transfers responsibility for drinking water and wastewater to a water organisation under transfer agreement</p> <p>b) contracts the water organisation to provide stormwater management services under a stormwater management services agreement</p> <p>It is assumed that the water service provider remains a water service provider in the context of the stormwater services. Clarity is sought on what subsection (3) means when it states “not limited by subsection 21(2)”.</p>	
9. Section 25 (decision making by territorial authorities)	<p>Section 25(1) defines when a change proposal is required. While it is arguable that the merger of a water organisation with another water organisation is covered through one (or more) of the matters listed in (a) to (d), for the sake of clarity, it is submitted that an additional provision should be included to ensure a change proposal is required where the territorial authority is considering the merger of the water organisation that it is a shareholder in with another water organisation.</p> <p>In addition, it is submitted that the establishment of a consumer trust which will own or co-own a water organisation should be within scope of a change proposal</p>	<p>Include the following in section 25(1)</p> <p>Amalgamating an existing water organisation in which the territorial authority is a shareholder with another water organisation to form a new water organisation</p> <p>Establishing a consumer trust (in accordance with section 43 et seq) to which the Territorial Authority seeks to transfer some or all shares the Territorial Authority is entitled to in a water organisation.</p>
10. Section 28 (how consultation is carried out)	<p>Section 28(c) and (d) refer to the authority’s rates, debt and level of service. If the change proposal were to relate to a water organisation that the territorial authority was a shareholder in, the proposal should refer to the</p>	<p>Wording in section 28(c) and (d) to be considered and amended to ensure that where a change proposal relates to the territorial authority changing shareholding arrangements, the reference to debt and</p>

SECTION	SUBMISSION	RECOMMENDATION
	debt and levels of service of the relevant water organisation.	levels of service is to the entity that is providing the water services.
Subpart 2 (section 76 et seq – Development Contributions)	<p>Section 78 sets out the purpose of development contributions in similar terms to the purpose set out in the Section 197AA of the LGA 2002. Subsection 78(2) of Bill #3 provides that “a water organisation must only recover a cost under this subpart if it incurs the cost in relation to water services infrastructure that it owns or will own”.</p> <p>Section 93 of Bill#3 provides that if a water organisation does not adopt a development contributions policy, the organisation and Council in whose district the water organisation operates may agree that the territorial authority will extend its developments contribution policy to cover the operations of the water organisation. The provision does not provide clarity as to what occurs where there are a number of territorial authorities who have transferred water services to a water organisation. Is it intended that the policy of only one Council can be extended to the water organisation or for more than one to be extended with the application of each limited to the geographical area of the relevant Council.</p> <p>Where there are multiple Councils coming together to form a water organisation, and Councils have development contribution policies that are operating effectively, it is submitted that the water organisation should be able to apply the development contributions policy of a number of Councils to its operations, with the</p>	<p>Amend section 92 so that it is mandatory for a water organisation to engage a Council to administer part of the water organisations development contributions on its behalf where a water organisation has extended a number of shareholding councils development contributions policy to its operations.</p> <p>Amend section 93 so that where there are a number of Councils who have a transferred responsibility for water services to a water organisation, each Council can extend its development contributions policy to cover the operations of the water organisation in its area for a period of time (and subject to each policy meeting the requirements of Bill#3). This is valid for a period of 5 years from establishment of the water organisation, after which time, the:</p> <ol style="list-style-type: none"> 1) The development contributions policy of only one Council can be extended to all operations of the water organisation; or 2) The water organisation adopting an entity wide development contributions policy

SECTION	SUBMISSION	RECOMMENDATION
	<p>application of the policy ring fenced to the former service area of the relevant Council, with it being open to open to other shareholding councils to adopt the policy of another Council and extend it to water services activity in its district.</p> <p>For the above reason, is submitted that transitional provisions should be included in relation to section 93 so that that subsection 93(1) enables the water organisation to adopt a development policy of a number of Councils but limited to the geographical area of that Council district unless otherwise agreed by Councils.</p> <p>To make the above work, it is submitted that where a water organisation has extended the development contributions policy of a number of territorial authorities to its operations, then it must enter into an agreement with each Council under section 92 for the relevant Council to administer the development contributions policy on behalf of the organisation in that Council's district.</p>	
Section 116 (power to carry out work in relation to water services infrastructure on land)	<p>Section 116(6) states “Despite subsection (6)(b), subsection (1)(a) applies to land administered by a local authority under the Reserves Act 1977.” There appears to be an error, and the cross-reference needs to be reviewed.</p>	<p>Amend cross-reference in Section 116(6) as appropriate.</p>
Subpart 7 (Management of stormwater networks)	<p>This subpart refers to a “water service provider that is responsible for the management of a stormwater network in its service area”. Clarity is sought on the</p>	<p>Extend section 166 so that it applies in the context of a stormwater management services agreement between water service providers.</p>

SECTION	SUBMISSION	RECOMMENDATION
	<p>scope of “responsibility” in the context of a Council who engages a water services provider to provide stormwater management services on its behalf in its district under a service agreement (not a transfer agreement).</p> <p>Akin to Subpart 5 and 6, can a Council who has not “transferred” stormwater services to a water organisation under a transfer agreement, but has transferred responsibility under a services agreement, delegate the obligation to develop a stormwater network risk management plan for the service area or make recommendations as to a combined plan across the relevant stormwater network that the water organisation manages for the relevant councils consideration?</p>	<p>Extend section 170 so that a water service provider who is responsible for stormwater services under a services agreement with a Council can make recommendations in relation to stormwater network bylaws for Council consideration (in a similar manner as provided for in Subpart 5 and 6)</p>
Section 176 (service agreements for stormwater network)	<p>This section provides that a water service provider “may” enter into a service agreement with 1 or more entities that have a statutory role, function or interest in the operation of any stormwater infrastructure in the provider’s service area.</p> <p>It is submitted that where a water organisation is established that covers a number of districts, it should be mandatory for the water organisation to enter into a service / relationship agreement with each transport corridor manager and the relevant regional council so there is clarity on the integrated management of stormwater network.</p>	<p>Word ‘may’ replaced with ‘must’.</p>
Section 214 (consequences of transfer for purposes of Inland Revenue Acts)	<p>Section 214 provides that the specified entities are treated as the same person in specified circumstances for a period of 5 years. It is submitted that considering</p>	<p>Amend section 214(2) so that section 214(1) continues to apply in the context of section 214(b) (i.e. water</p>

SECTION	SUBMISSION	RECOMMENDATION
	the possibility of water organisations merging over time, the time frame in section 214(2) should be extended to 10 years in the context of section 214 (1)(b)	organisation to water organisation) for a period of 10 years after the section comes into force.
Section 268, 269 (Infrastructure design solutions), Section 320 and 330 (Stormwater Environmental Performance Standards)	<p>We support a catchment-based approach to consenting as an alternative to national standards which have no regard to the receiving environment.</p> <p>Exceptions should be included so there is the ability to have a catchment approach rather than solely focussing on point source discharge.</p>	Exception included to the standards where there is an integrated catchment plan
Schedule 1 (transfer of employees)	<p>Schedule 1, clause 1 and 2 provide the transitional provisions that apply for a period of 5 years where water services are transferred from one <i>water organisation</i> to another <i>water organisation</i>. The definition of water organisation does not include the water services business of a Council (again it being noted that water organisation is defined to include a water organisation established under section 36 or a CCO that was in existence before Bill#3 comes into force and intends to continue to provide water services after that date).</p> <p>In contrast, the term water service provider does extend to a territorial authority. It is submitted that for the transitional provisions to apply to the employees in the context of a Council to water organisation transaction, clause 1 of Schedule 1 needs to be amended to refer to the transfer of water services from a water services provider to a water organisation.</p>	Include subclause 1(4) into Schedule 1 to provide that "An employee of organisation A that is offered employment by Organisation B (and where the offer meets the conditions set out in subclause (3)(a) to (c)) is not entitled to receive any payment or other benefit on the ground that the employee's position in Organisation A has ceased to exist, whether or not the employee accepts the offer."

SECTION	SUBMISSION	RECOMMENDATION
	<p>In addition to the above, it is noted that clause 1(3) of Schedule 1 provides that an employee <i>who accepts</i> an offer of employment into water organisation B is not entitled to any payment or other benefit (including redundancy) as a result of the transfer subject to the conditions set out in that sub-clause. The consequence is that if an employee receives an offer (on the terms set out in subclause 3) which they do not accept, the relevant employee may be entitled to redundancy on termination of their employment with the Council (subject to the terms of their employment contract).</p> <p>The implications of the above could be significant for Councils due to employees choosing to take redundancy rather than accept an offer from water organisation B. To mitigate this, it is proposed that Clause 1 of Schedule 1 is amended in the manner proposed.</p>	

Signed for and on behalf of:

	Authorised signatory	Signature
1. Hauraki District Council	David Speirs	
2. Matamata Piako District Council	Manaia Te Waiata	
3. Otorohanga District Council	Tanya Winter	
4. South Waikato District Council	Susan Law	
5. Taupo District Council	Julie Gardyne	
6. Waipa District Council	Steph O'Sullivan	
7. Waitomo District Council	Ben Smit	

Document No: 817646

Report To: Council



Meeting Date: 25 February 2025

Subject: City and Regional Deals Proposal

Type: Decision Required

Author(s): Ben Smit
Chief Executive

1. Purpose of Report

1.1 The purpose of this business paper is:

- 1 To provide an update on the Waikato Region's progress towards developing a City and Regional Deals Proposal for Central Government approval; and
- 2 Seeking Council's support for the broad proposal detailed in this paper; and
- 3 Seeking Council's delegation to the Mayor to made decisions on Council's behalf on this matter.

2. Suggested Resolutions

2.1 The following are suggested resolutions only and do not represent Council policy until such time as they are adopted by formal resolution.

- 1 The business paper on City and Regional Deals Proposal be received.
- 2 Council support the Waikato Region's City and Regional Deals Proposal for Central Government approval.
- 3 Council delegate the Mayor to make decisions on Council's behalf relating to the acceptance of the Waikato City and Regional Deals Proposal.

3. Background

3.1 The development of Regional Deals was introduced by Central Government during their current term. The focus of Regional Deals is that they:

- Are in a **growth area** with clear plans to boost the economy, increase productivity, and improve infrastructure.
- Have already set up **strong foundations**, like urban partnerships, regional plans, or other development strategies. These regions should also have funding and plans ready for key projects.
- Are **ready to deliver**, meaning they have the people, skills, and resources to get projects moving. They should also have a history of working well with government, other councils, local businesses, and iwi/ Māori

3.2 The strong focus is on looking at wider partnerships and initiatives between government, local government, business and iwi that work across the District and not individual district projects.

3.3 The light-touch proposal application form provides that the proposal covers:

- (1) Each regional deal will be bespoke to the specific opportunities in your region, but each will share commonalities. Your proposal should outline the economic objectives and project outcomes that your region proposes to deliver. It should also include what actions your region will take to unlock or enable growth, and what policy, legislative or other actions your region needs from central government to assist in achieving the objectives of the regional deals strategic framework.
- (2) All proposals should reflect the Regional Deals' 30-year vision and projects for the first 10 years should help to achieve that vision.
- (3) A maximum of five projects or initiatives will be considered as part of a regional deal.
- (4) Light-touch in the context of your proposal means that you should provide brief answers to the questions provided in the template. You should not prepare a full business case or deal proposition at this stage. And you are not encouraged to use external consultants or to prepare detailed supporting information to complete the light-touch proposal.

4. Commentary

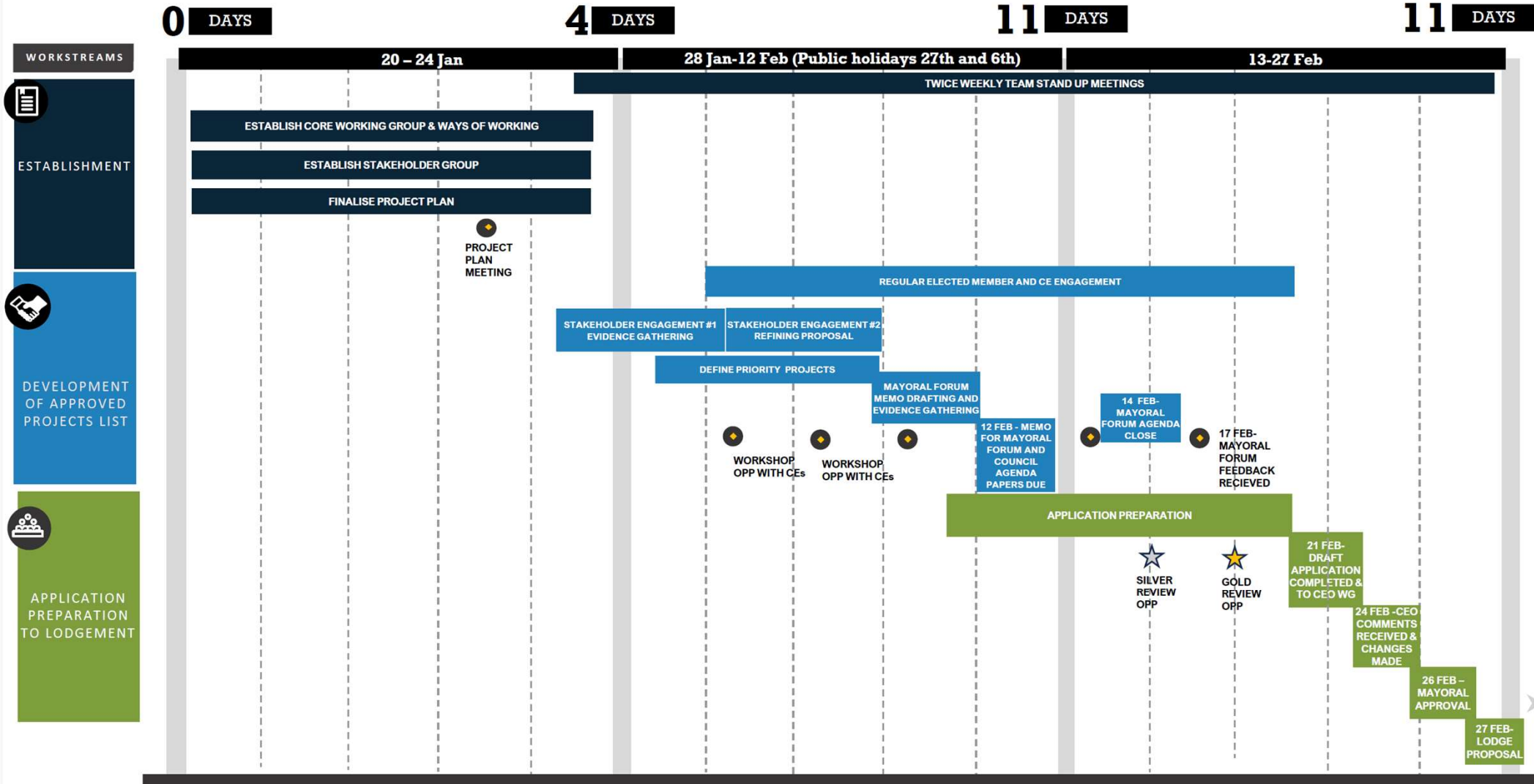
- 4.1 A working group has been established to develop the next round of documentation. They are working to very tight with deadlines as detailed in this paper.
- 4.2 The prosposal has developed five priority projects:
 - (1) Future Proof Priority Areas (the Future Proof priority development areas package) - Will incorporate key initiatives such as Huntly Wastewater Plant, Southern Links, Southern Wastewater Treatment Plant, Hamilton CBD IAF, Fastrack developments, Medical School
 - (2) Hamilton to Tauranga Corridor/Piarere to Tauriko - Will incorporate Cambridge to Piarere Expressway extension
 - (3) Coromandel roading resilience, including SH2
 - (4) Infrastructure delivered that unlocks provincial growth nodes - Focus on regional tourism and promotion (TDC, HDC, TCDC, SWDC)
 - (5) Waikato Housing Initiative provision pipeline
- 4.3 There is little direct application in the proposal for WDC but it does make reference to the importance of SH3 (to Taranaki) and SH4 (down through Ruapehu) as important components of our transport resilience package.
- 4.4 It is extremely important that Government sees a unified Waikato Region in this application so our support is important.
- 4.5 A timetable for the process is detailed in the attachement. The Mayoral Forum on the topic occured on Monday 17 February 2025 at which positive feedback from each council on the proposal was received.
- 4.6 The final application will be developed ready for submission beofre the end of the month.

5. Attachments/Separate Enclosures

Attachments:

- 1 City and Regional Deals Timetable – Doc #817647

Preparing for an Waikato Regional Deal



Document ID: 816743

Report To: Council



Meeting Date: 25 February 2025

Subject: **Bi-Monthly Regulatory Update Report**

Type: Information only

Author(s): Alex Bell
General Manager – Strategy and Environment

1. Purpose of Report

- 1.1 The purpose of this business paper is to update the Council on work programmes that form part of the regulatory activity.

2. Suggested Resolutions

- 2.1 The following is a suggested resolution only and does not represent Council policy until such time as it is adopted by formal resolution.

1 The Bi-Monthly Regulatory Update Report be received.

3. Background

- 3.1 At its meeting of 28 February 2023, the Council adopted a new reporting framework detailing bi-monthly financial reporting and Council group activity reporting.
- 3.2 A reporting schedule was agreed, with Infrastructure and Community reporting on the same bi-monthly agenda and Business Support and Leadership / Governance and Regulatory reporting on the other month.
- 3.3 The Regulatory Activity report incorporates commentary on its present activities, short-term planned work and the associated gains and/or risks involved with this work.

4. Commentary

- 4.1 The activities undertaken by the Regulatory Services are governed and directed by legislation, national, regional and local policies and bylaws. We undertake many activities that contribute to keeping our community and district a safe place to be.
- 4.2 Day to day operations include building control, alcohol licensing, environmental health, bylaw administration, animal and dog control, planning and district planning (Proposed District Plan). The functions of these activities were set out in the business paper on 27 June 2023 (528339).
- 4.3 The activities of these units are 'business as usual' in that the activities undertaken are prescribed in the various legislation and planning / policy documents, which control the day-to-day operations.

4.4 RISKS AND OPPORTUNITIES

- 4.5 In terms of risks and opportunities, the risks relate to our ability to perform our regulatory functions in line with the various statutes that the group administers. We are not currently recruiting any additional staff within the Strategy and Environment Group. However, we have recently signed a shared services agreement with Waipa and Otorohanga District Councils, which will enable us to share any regulatory services amongst the respective Councils should a need arise.
- 4.6 We are also participating in a wider collaboration for building consent processing services with a range of Councils who are part of Colab. This collaboration is looking at how we can share resources across the Colab Councils for overflow processing of building consents.

4.7 LOOKING FORWARD NEXT 3 MONTHS

4.8 PROPOSED WAITOMO DISTRICT PLAN

- 4.9 All of the hearings have now been completed. The hearings panel are now currently drafting their decision reports and decisions version of the Proposed Waitomo District Plan (PDP). Decisions are due to be issued in late April.
- 4.10 We have not yet had a formal response from the Minister on our request for an extension of time for issuing decisions on the PDP. We have engaged with Ministry officials multiple times and have provided all information requested in a timely manner. We will continue to pursue this with the Minister.

4.11 BYLAW AND POLICY REVIEWS

- 4.12 Hearings and deliberations on the Land Transport Bylaw and associated policies for road naming, road encroachment and stock underpasses are being discussed at today's meeting.
- 4.13 Council is to receive the deliberations report on the Waitomo District Dog Control Bylaw 2015 and the associated Waitomo District Dog Control Policy 2015.
- 4.14 Council officers are also currently working on progressing an Alcohol Fees Bylaw to set fees and charges for alcohol licences in the district.
- 4.15 Introducing an Alcohol Fees Bylaw would allow Council to set the amount it charges to alcohol licence holders, to help cover costs relating to alcohol licensing.
- 4.16 Council is proposing to increase alcohol licensing charges to a greater percentage of the current costs. If the Bylaw is adopted alcohol licensing fees would increase for the 2025/2026 financial year.

4.17 CHANGES TO THE EMISSIONS TRADING SCHEME

- 4.18 On 4 December 2024, the Government announced it is progressing with a policy change with respect to exotic forestry in 2025. The changes include:
- A moratorium (temporary restriction) on registering exotic forestry in the ETS for Land Use Capability (LUC¹) classes 1-5 where that forest has been converted from farmland to forest land.
 - Limiting the amount of exotic forestry on LUC class 6 land that can be registered in the ETS after conversion from farmland. An annual registration cap of 15,000 hectares for exotic forestry will be imposed and will be allocated on a first in, first served basis.
 - No limits on the registration of LUC class 7 and 8 for exotic farm-to-forest conversions.

¹ The LUC Class is an assessment of the land's capability for use, while allowing for its physical limitations, and its versatility for sustained production. There are eight classes with limitations to land use increasing, and versatility for land use decreasing, from LUC Class 1 to LUC Class 8 (i.e. LUC 1 – 4 is the most arable class of soil).

- Forest land already registered in the ETS, and native (indigenous) forest registrations in the ETS, will not be affected.

4.19 There are three exceptions to the restrictions set out above:

- Anyone who can provide evidence that they were in the process of afforestation before 4 December 2024 will be exempt and can continue to register their converted farm to forest land.
- Farmers will still be able to convert up to 25% of their LUC 1-6 farmland into forest and register it in the ETS.
- This is possible because the policy allows an exemption of up to 25% of a farm's LUC class 1 to 6 land, from the limits to be planted as forestry and registered in the ETS.
- Specific categories of Māori-owned land will be exempt, including:
 - Māori land held under Te Ture Whenua Māori Act 1993;
 - land on which the status was changed to general land under the Māori Affairs Amendment Act 1967; and
 - land pursuant to a Treaty settlement.

4.20 FAST TRACK APPROVALS BILL AND THE RMA BILL NO 2

4.21 The Fast-track Approvals Act 2024 came into force on 23 December 2024. There are currently three listed projects in Schedule 2 that are within the district. All three projects relate to the Taharoa Ironsand Mine. The projects are set out below in [Appendix 1](#). If the Applicant wishes to proceed with the applications for the three listed projects they will now need to prepare and lodge their substantive application with the Environmental Protection Authority for consideration by an expert panel. I will keep you informed as to how these applications progress.

4.22 The Resource Management (Consenting and Other System Changes) Amendment Bill had its first reading on 17 December 2024. A brief summary of the changes are:

4.23 Infrastructure and energy

4.24 Consent authorities will now be required to process and decide applications for renewable energy projects within one year and prohibition on consent authorities extending processing timeframes in relation to these applications. The default duration for consents for renewable energy infrastructure is set at 35 years with an increase in default lapse dates from 5 to 10 years.

4.25 The same 35-year default duration applies to "long-lived infrastructure". The definition in the Bill includes gas pipelines, telecommunications networks, electricity facilities, transport structures, and cargo facilities, but interestingly not water supply or wastewater infrastructure.

4.26 An end to the Medium Density Residential Standards?

4.27 Medium Density Residential Standards (MDRS)² will be made voluntary, but require a council electing to remove or alter the MDRS to implement a plan change using the streamlined planning process (which is also amended under the Bill to among other changes, provides for the Council instead of the Minister to be the final decision-maker). For councils who haven't yet implemented the MDRS (Auckland), Ministerial approval will be required to withdraw part or all the intensification planning instrument, with the Council required to demonstrate it has given effect to certain policies in the National Policy

² Waitomo District Council was not required to implement MDRS, as it is not a tier 1 territorial authority under the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021.

Statement for Urban Development as far as practicable. The Government is intending to amend the NPS-UD prior to these sections coming into force.

4.28 Amendments to promote the primary sector

4.29 The Bill clarifies the interface between the RMA and the Fisheries Act 1996, to balance marine protection with fishing rights. It also amends certification and auditing of farm plans, ensures timely consent processing for wood processing facilities, and enables national direction to facilitate aquaculture improvements.

4.30 To address a big concern for the farming sector following recent cases, amendments have been made to the parameters around discharges in section 70. The Bill clarifies regional councils are able to include permitted activity rules in a regional plan for certain types of discharges that may allow significant adverse effects on aquatic life if the regional council is satisfied that there are already adverse effects of that kind in the receiving waters, and the rule includes standards for the permitted activity that will contribute to a reduction of those adverse effects over a period of time specified in the rule.

4.31 Natural hazards and emergency response

4.32 Under the Bill, rules in proposed plans which relate to natural hazards will have immediate legal effect. Currently they do not take effect until decisions on submissions are made. The Bill also clarifies and reinforces councils' ability to decline land use consents or impose conditions when significant natural hazard risks are present.

4.33 System improvements

4.34 This catch-all category covers a number of changes to the consenting and designation process, as well as considerably strengthening the compliance, monitoring and enforcement teeth of the RMA.

Consent processes

4.35 The Bill aims to reduce the need for hearings by removing the requirement for a hearing to be held if a submitter or applicant wishes to be heard and replacing it with a directive that a hearing must not be held if the consent authority determines that it has sufficient information to decide the application. While the intent is there, in practice we expect consent authorities to consider that a hearing is needed where submitters have indicated a desire to be heard to satisfy the sufficient information requirement. Submitters will also still have appeal rights so even if a hearing is not held this will still remain a risk for applicants (with a hearing generally valuable for working through issues with submitters).

4.36 The sufficiency of information is subject to a two-fold approach, Councils are directed that a consent application may be accepted for processing even if it is not fully compliant with the information required under the Act, including an assessment of the activity's effects on the environment. Secondly, criteria have been added that a consent authority must consider before it makes a request for further information, including whether the information it seeks is proportionate to the nature and significance of the proposal. While Councils would consider they already meet the criteria in issuing further information requests it will be useful for applicants to have expectations codified in discussions with Council officers.

Compliance, monitoring and enforcement

4.37 The penalties for offences under the RMA are proposed to be increased from \$300,000 to \$1,000,000 for natural persons, and from \$600,000 to \$10,000,000 for a company. Certain contracts of insurance against fines or infringement fees under the RMA are proposed to be made unlawful. Councils will now be able to charge administrative activities for a widened range of activities including monitoring of permitted activities and actions related to enforcement.

- 4.38 Prior non-compliances are now expressly a factor that can be taken into account by Councils when deciding a consent application with an application able to be declined on this basis. Councils also have the option of imposing conditions to mitigate a risk that the resource consent may not be complied with in light of previous non-compliance by the applicant. Additional powers for Councils include the ability to review conditions of consent and ultimately to make an application to the Environment Court to revoke a consent in the event of non-compliance by a consent holder.

4.39 COMMUNICATIONS AND ENGAGEMENT UPDATE

- 4.40 The past few months have been busy with several key focuses, including promotion of the Creative Communities Scheme and Rural Travel Fund, roading and water services updates, Civil Defence and weather warning messages, Smart Water, Local Water Done Well, Centennial Park projects, Library promotion, district promotion, rates rebate scheme, rates reminders, project updates, Citizenship ceremonies, Waitomo District Christmas Parade, Council decisions and more. "Welcome to the District" signs were re-designed and updated, as well as new signs at all of Council's waste transfer stations. The team is also currently working with Ngāti Rōrā to design cultural storyboards to be placed at significant locations along the Te Araroa Trail within the district.
- 4.41 Targeted communication campaigns included: Receiving rates invoices by email, recycling week, Property Services Trades Panel, and a pool fence safety campaign.
- 4.42 Two major consultations were also undertaken: Representation Review and a suite of roading related policies and bylaws.
- 4.43 The communications department also undertake several proactive educational campaigns throughout the year including "Love your Dog" – how to be a responsible dog owner, Safety around horses, Civil Defence emergency preparedness and National Shake Out Campaign to name a few. Increased promotion of the rates rebate scheme has also been a focus, with pleasing results.
- 4.44 The communications team has also been active in promoting more community events and activities across the district. They have rebranded what was previously the Te Kūiti Visitor Information Facebook Page. It is now called "Love Waitomo District" and focuses on sharing district-wide information and community activities. The team has also supported community groups and organisations with their communications, including Legendary Te Kūiti and their Unseen Te Kūiti photography campaign; Waitomo Sister City Incorporated Society, WRC Busit Service, and several Sport Waikato initiatives.
- 4.45 A lot of work has also been undertaken in the background to continue refreshing and modernising the look of Council's main website. This includes more comprehensive information presented in an easy-to-understand format, new online forms, and newly refreshed graphics.
- 4.46 A new "community-based" website is also being developed and will soon be revealed to the community. It will be a go-to, one-stop-shop for people searching for community-related information. It will also focus on projects delivered by the Community Development department.
- 4.47 With WDC no longer part of the Smart Water initiative, significant time and staff resources have gone into creating a new comprehensive suite of graphics and branding so that Council can continue with its own proactive communications around using water wisely. The website was also updated and refreshed with water-related information.
- 4.48 The team has also spent time redesigning and reinstating Council's monthly newsletter Waitomo Way. It is available in digital format and either published in the King Country News or available in hard copy at the Library and Customer Service Centre.

- 4.49 The team are on track to meet the newly adopted performance KPI of 5 Facebook posts per week for at least 45 weeks, not including FB “shares” or posts on Council’s other FB pages. The weekly average is around 8 posts. Total posts for the period August 2024 to January 2025 is 247. Facebook engagement remains steady with 6,125K followers and a reach of 111.8K. Roading related posts still draw the most views and engagement, followed closely by weather watches and warnings.
- 4.50 From August 2024 to January 2025, 23 media releases/news items have been published.
- 4.51 Looking to the next few months, the comms team will be focusing on: Local Water Done Well/Water Services Delivery pre-engagement and consultation, Annual Plan consultation, Fees and Charges consultation, two bylaw reviews, Three waters projects, roading projects, rates reminders, waste minimisation education, Creative Communities funding, Tech Step, WRC air quality campaign, Civil Defence/Hikurangi Subduction Zone preparedness, The Great NZ Muster, district promotion, general valuations, and Local Body Elections, as well as normal BAU.

Appendix 1

Taharoa Ironsands Limited	Central and Southern Block Mining	Continue existing mineral sand extraction, including land preparation works, constructing a water supply reservoir, extracting ironsand material using dry and wet-mining techniques, processing extracted material, and transporting raw and processed material	911 hectares at Taharoa Road, Taharoa, approximately 8 kilometres south of Kawhia and 45 kilometres northwest of Te Kūiti
Taharoa Ironsands Limited	Northern Block Mining	Extract approximately 21 to 29 million tonnes of mineral sand, including relocating an existing 33 KV electricity line, pumping ironsand via temporary pipelines, tailings disposal, and rehabilitating mined areas	1,397 hectares at Taharoa Road, Taharoa, approximately 8 kilometres south of Kāwhia and 45 kilometres northwest of Te Kūiti
Taharoa Ironsands Limited	Pit 1 Mining Project	In stages, establish and operate a mine site for mineral sand extraction activities	23 hectares at Taharoa Road, Taharoa, approximately 8 kilometres south of Kāwhia and 45 kilometres northwest of Te Kūiti

Document No: 812699

Report To: Council



Meeting Date: 25 February 2025

Subject: Review of Council Lease Policy

Type: Decision Required

Author(s): Ben Smit
Chief Executive

1. Purpose of Report

- 1.1 The purpose of this business paper is to gain approval from Elected Members to update the Council Lease Policy.

2. Suggested Resolutions

- 2.1 The following are suggested resolutions only and do not represent Council policy until such time as they are adopted by formal resolution.
- 1 The business paper on Review of Council Lease Policy be received.
 - 2 That Clause 2 of the Council Lease Policy is changed to "the Policy applies to all land and buildings which are owned or administered by WDC and leased to the public but excludes pensioner flats, residential tenancies, quarries, easements, community halls and reserves used principally for public recreational purposes."

3. Background

- 3.1 The current Council Lease Policy was adopted by Council on 26 September 2023.
- 3.2 Clause 2 of the Purpose and Scope section currently says, *"The Policy applies to all land and buildings which are owned or administered by WDC and leased to the public, but excludes pensioner flats and residential tenancies, quarries, easements, and community halls."*

4. Commentary

- 4.1 Since the time of the writing of the policy, it has become clear that there is a need to extend the phrase in the Purpose and Scope section (clause 2) to exclude charging market rentals on reserves used principally for public recreational purposes.
- 4.2 Staff believe it was never anticipated that this type of property would be charged a market (or even 50% market rental after allowing for the Community Lease Grant) for this type of land use.
- 4.3 It is therefore suggested that clause 2 be changed to *"The Policy applies to all land and buildings which are owned or administered by WDC and leased to the public but excludes pensioner flats, residential tenancies, quarries, easements, community halls **and reserves used principally for public recreational purposes.**"*

5. Analysis of Options

- 5.1 **Maintain the policy** as it is, and charge reserves principally used principally for public.
- 5.2 This would mean that community used public spaces generally managed and maintained by community volunteers would be charged 50% of the market lease on the property without any commercial mechanism to collect revenue to pay this. This could mean that these properties are no longer used or maintained by community groups which would be a loss to the community and also Council would have to put more maintenance resources into these properties.
- 5.3 **Change the policy to not charge reserves** that are principally used for public purposes
- 5.4 This would allow community groups to manage and maintain public recreational reserves without the stress of looking for funds.

6. Considerations

- 6.1 **RISK**
- 6.2 The risks associated with this change are not considered to be material.
- 6.3 **CONSISTENCY WITH EXISTING PLANS AND POLICIES**
- 6.4 This approach is not inconsistent with the approach in the policy which excludes community halls from being charged market rentals.
- 6.5 **SIGNIFICANCE AND COMMUNITY VIEWS**
- 6.6 Affected parties to this change in policy would be the people who voluntarily look after these reserves. They would probably have an expectation that they would not be charged market rental. This change would not trigger the Significancy and Engagement Policy requirements.

7. Recommendation

- 7.1 The business paper on Review of Council Lease Policy be received.
- 7.2 That Clause 2 of the Council Lease Policy is changed to "the Policy applies to all land and buildings which are owned or administered by WDC and leased to the public but excludes pensioner flats, residential tenancies, quarries, easements, community halls and reserves used principally for public recreational purposes."

8. Attachments/Separate Enclosures

- 1 Lease Policy (771305)

Waitomo District Council

Lease Policy

First Adopted:	26 September 2023
Review History:	September 2023, February 2025
Date of Next Review:	September 2026
Responsibility:	General Manager – Infrastructure Services
Adopted by:	Council (26 September 2023)

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INTRODUCTION | KUPU ARATAKI

Waitomo District Council (WDC) leases land and buildings through ground leases, residential, and commercial leases. The Lease Policy (the Policy) outlines how leases are to be managed, determines standard rental rates, and who pays the outgoings, and establishes a Community Lease Grant (the Grant) for eligible organisations leasing WDC land or buildings.

The Grant recognises that community organisations provide a social benefit to the wider community and that there is value in providing some support to these groups.

The intention of the Policy is not for WDC to increase net revenue, but to make leasing land and buildings administratively simpler, more transparent, and fairer for everyone.

PURPOSE AND SCOPE | TE ARONGA ME TE KORAHĪ

1. The purpose of this Policy is to:
 - a) Enable the use of WDC owned land and buildings;
 - b) Determine and standardise the rental methodology used to charge for leases; and
 - c) Support the work of community organisations by establishing consistent guidelines by which community organisations may be provided with a Grant.
2. The Policy applies to all land and buildings which are owned or administered by WDC and leased to the public, but excludes pensioner flats, residential tenancies, quarries, easements, community halls **and reserves used principally for public recreational purposes.**
3. The Policy also does not apply to short term hireage of WDC facilities (these are covered by the Fees and Charges).
4. The provisions in the Policy will be applied to all new leases and will be applied to existing agreements where they allow at rent review or lease renewal, or where aspects of an existing agreement is silent or ambiguous.
5. Where a lease provides for rent reviews, the new rental charge and conditions will be set according to this Policy, commencing from the next review date and following approval of the change.

DEFINITIONS | NGĀ WHAKAMĀRAMATANGA

Casual Hireage	WDC offers some buildings to the public for casual hire by the day or hour. These are subject to a Hireage Agreement and not covered by this Policy.
Community Organisation	A not-for-profit organisation that has the primary objective to provide programmes, services or activities that benefit any or all of the social, cultural, economic, and environmental wellbeing of communities in the Waitomo District. A community organisation must also be a legal entity as defined below.
Council	Shall mean the elected members that form the governing body (Council) of the District Council.
Lease Agreement	A contract between WDC and a third party for the third party to have exclusive use of a property. The agreement guarantees length of tenure, rent, and other relevant conditions.
Lessee	A person or organisation who holds the lease of a property.
Lessor	A person or organisation who leases or lets a property they own or administer to another.

Legal entity	A legal entity is an organisation that has its own legal identity separate from its members. Legal entity status includes incorporated societies, trusts registered under the Charitable Trusts Act 1957, companies with charitable purposes, school boards of trustees, and Māori trust boards.
Licence to occupy	A licence to occupy is most often shorter in term than a lease agreement and can give a right to use a property (e.g. access through) but does not guarantee exclusive access or use.
Sublease	A lease of land and/or buildings by a tenant to another tenant.
Waitomo District Council (WDC)	Shall mean the organisation established to administer Council affairs, conduct operations, and bring effect to Council policy and strategies.

POLICY | KAUPAPA HERE

1. Eligibility to Occupy

- 1.1. There are no criteria under this Policy regarding eligibility to occupy WDC owned or administered land or buildings.
- 1.2. Land will be leased in alignment with Council's Community Outcomes.

2. Lease Agreement and Licence to Occupy

- 2.1. A lease agreement or a licence to occupy shall be in place prior to occupancy of the land and/or building.
- 2.2. Where a lessee is granted exclusive use of land and/or any part of a building, a lease agreement shall be put in place. All other agreements for lessees to occupy WDC land shall be in the form of a license to occupy.
- 2.3. Agreements in relation to land that is subject to, or administered under, the Reserves Act 1977 (the Act), will reflect the requirements of the Act and any applicable regulations (e.g., the Waitomo District Comprehensive Reserve Management Plan).
- 2.4. Standard occupancy responsibilities (e.g., utilities, building repairs and maintenance, and insurance) will be set out in the lease agreement.
- 2.5. The lessee is not permitted to sublease the land and/or building unless prior consent has been given by the lessor (WDC) in writing.

3. Lease Charged

- 3.1. Occupants of any WDC land and/or building with a lease agreement in place, regardless of type or use, shall be charged rent at the market rate in accordance with the Lease and Occupancy Guidelines (the Guidelines).
- 3.2. Market rates will be reviewed at least every three years.
- 3.3. WDC retains discretion to charge any alternative rate (e.g., land locked sections).
- 3.4. Occupants of land with a licence to occupy agreement shall be charged agreed rates according to the Guidelines.
- 3.5. Where a piece of land is owned by WDC and occupied by an external party in such a way that greater benefit is received by WDC than the occupant, a licence to occupy will be used and a negotiated reduced licence fee (if any) will be charged to the occupant in accordance with the Guidelines.

4. Community Lease Grant

- 4.1 WDC administers a Community Lease Grant (the Grant) to support community organisations who lease WDC buildings or land.
- 4.2 ELIGIBILITY
- 4.3 To be eligible for the Grant, groups must meet the following criteria:
- a) The land and/or building must be used exclusively or principally for sporting, recreation, or community purposes; and
 - b) The applicant, who must also be the tenant, must be a community organisation (or representative of) as defined in this Policy.
- 4.4 Organisations who exist for private pecuniary profit or engage in recreational, sporting, or community services as a secondary purpose are not eligible.
- 4.5 GRANT
- 4.6 The usual value of the Grant is equal to 50% of the amount charged for the lease of the land and/or building. The Council may, at its discretion, approve a further Grant where exceptional circumstances apply.
- 4.7 The Council retains discretion as to whether to provide a Grant in any particular case.
- 4.8 APPLICATION
- 4.9 Applications can be made at any time and must be made on the prescribed form and at the discretion of WDC, may be required to include the organisation's latest financial accounts, the equivalent of a profit-and-loss statement, and balance sheet. Payments, if granted, will be back dated to the date of application or date of renewal.
- 4.10 Applications for the Community Lease Grant are assessed by the Property and Facilities Manager and the Manager Community Development in accordance with this Policy.
- 4.11 Being granted a Grant under the Policy does not make a group ineligible for any other WDC grants. Groups are able to make applications for other forms of assistance.
- 4.12 Approved applicants will receive the Grant for three years, or for the period of the existing lease agreement, whichever is shorter. A reapplication will be accepted triennially.
- 4.13 It is the responsibility of the applicant to inform WDC of any changes in circumstances where they may no longer be eligible for the Grant. In these circumstances the duration of the Grant may be reduced. Where an applicant has failed to inform WDC of changed circumstances and continued to receive the Grant, WDC may seek reimbursement.
- 4.14 ACCOUNTABILITY
- 4.15 Recipients of the Grant are required, each year, to submit an annual report within 30 days of the anniversary of the lease.

5. Related Documents

- 5.1 This Policy should be read in conjunction with the following documents:
- a) Reserves Act 1977
 - b) Waitomo District Comprehensive Reserve Management Plan
 - c) Waitomo District Council Fees and Charges
 - d) Community and Partnerships Fund Policy
 - e) Waitomo District Council Lease and Occupancy Guidelines (A686809)
 - f) Community Lease Grant Application Form

Document No: 816090

Report To: Council

Meeting Date: 25 February 2025

Subject: **Review of the Waitomo District Dog Control Policy and Bylaw and Determinations Report**

Type: Decision Required

Authors: Rajeshwari Mahadevappa
Graduate Policy Advisor

Charmaine Ellery
Manager – Strategy and Policy

Alex Bell
General Manager – Strategy and Environment

1. Purpose of Report

- 1.1 The purpose of this business paper is to seek a decision from Council on reviewing the Waitomo District Dog Control Policy 2015 and the Waitomo District Dog Control Bylaw 2015 and present the determinations report for consideration.

2. Suggested Resolutions

- 2.1 The following are suggested resolutions only and do not represent Council policy until such time as they are adopted by formal resolution.
- 1 The business paper on the review of the Waitomo District Dog Control Policy 2015 and the Waitomo District Dog Control Bylaw 2015 and Determinations Report be received.
 - 2 Council determines that a Bylaw continues to be the most appropriate way of addressing the perceived problems that arise in relation to the matters addressed within the Waitomo District Dog Control Bylaw 2015 in accordance with section 155(1) of the Local Government Act 2002; and
 - 3 Council approves the initiation of a review of the Waitomo District Dog Control Bylaw 2015 in accordance with section 158 of the Local Government Act 2002; and
 - 4 Council approves the review of Waitomo District Dog Control Policy 2015.

3. Background**3.1 DOG CONTROL POLICY 2015**

- 3.2 The Waitomo District Dog Control Policy (the Policy) was adopted by the Council in 2015 in accordance with section 10 of the Dog Control Act 1996 (DCA). Every Council is required by the DCA to have a Dog Control Policy. The Policy provides guidance and consistency for Council, staff and members of the public on the approach to dog control in this District. The purpose of the Policy is to:

- (a) The need to minimise danger, distress, and nuisance to the community generally; and
- (b) The need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not the children are accompanied by adults; and

- (c) The importance of enabling, to the extent that it is practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs; and
 - (d) The exercise and recreational needs of dogs and their owners.
- 3.3 The Policy must give effect to and be consistent with a Dog Control Bylaw that is approved under the DCA. A copy of the current version of the Policy is enclosed as **Attachment 1**.
- 3.4 Section 10AA of the DCA requires the Policy to be reviewed if the Bylaw implementing the policy requires review; therefore, the review date for the Policy aligns with the review date for the Bylaw. The Policy is due for review by December 2025.
- 3.5 **DOG CONTROL BYLAW 2015**
- 3.6 The Waitomo District Dog Control Bylaw 2015 (the Bylaw) gives legal powers to implement the policy, determine what is considered to be an offence, and the consequences of committing an offence. The purpose of the Bylaw is to enable people to enjoy the benefits of dog ownership and provide for the exercise and recreational needs of dogs and their owners, whilst minimising danger, distress, and nuisance to the community generally.
- 3.7 The Bylaw was adopted in 2015, and minor amendments to the Dog Control Bylaw pursuant to Section 156(2) of the Local Government Act (LGA) 2002 were approved in 2019. The minor amendments were changes to clause 4.1 and schedule 1 (maps) of the Bylaw to remove Mangaokewa Scenic Reserve from the list of approved Dog Exercise Areas. As Waitomo District Council was no longer the administering body for the Mangaokewa Scenic Reserve (changed to Department of Conservation (DOC), currently under the administration of Te Nehenehenui). A copy of the current version of the Bylaw is enclosed as **Attachment 2**.
- 3.8 The Bylaw is due for review by December 2025, if this review is not completed, the Bylaw will cease to have effect two years after the date on which the Bylaw was required to be reviewed.
- 3.9 The Bylaw shall apply to the whole of the district administered by the Waitomo District Council.
- 3.10 **LEGISLATIVE CONTEXT**
- 3.11 **Dog Control Act 1996 (the Act)**
- 3.12 Under Section 10(1) of the DCA, the Council must adopt a policy in respect of dogs in the district, and must do so in accordance with the special consultative procedure set out in section 83 of the LGA.
- 3.13 Section 10(6) of the DCA requires that the Council must give effect to its policy on dogs through bylaws. Such bylaws must be made in accordance with the LGA, meaning that provisions in the LGA relating to amending, reviewing and revoking bylaws also apply.
- 3.14 **Local Government Act 2002 (LGA)**
- 3.15 The LGA gives Councils the authority to make, amend and revoke bylaws. In reviewing and developing bylaws, the Council is required to follow both the decision making and consultation requirements set out in the LGA. Each bylaw must be assessed in terms of its costs and benefits to the community, as well as an assessment of the other options available to the council to regulate or remedy the problem. Under section 160 of the LGA, if after the review the Council considers that the bylaw should be amended, revoked, or revoked and replaced, it must use a special consultative procedure to effect these changes.
- 3.16 Before making a bylaw, the Council is required to undertake an assessment under section 155 of the LGA. This assessment involves:
 - (a) Determining whether a bylaw is the most appropriate way to address the perceived problem; then
 - (b) If it is determined that a bylaw is the most appropriate mechanism, determine

- (c) whether the proposed bylaw is the most appropriate form of bylaw; and
 - (d) Whether the proposed bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990 (it must not).
- 3.17 The LGA provides Councils with general bylaw making powers which is relevant in considering the appropriate form of bylaw (to give effect to the Council's policy on dogs). Local authorities can make bylaws for one or more of the following reasons:
- a) protecting the public from nuisance
 - b) protecting, promoting, and maintain public health and safety; and
 - c) minimising the potential for offensive behaviour in public places.
- 3.18 The LGA requires local authorities to review bylaws within five years of when they were first made, and then within 10 years of the last review. Review of the bylaw automatically triggers a review of the policy, and it is effective and efficient to undertake these review processes at the same time.
- 3.19 Bylaws do not have the authority to override primary legislation, they seek to supplement and support national rules with local rules. All bylaws must be reasonable. Bylaws must focus on providing a remedy to the identified problem. Amongst other things, the requirement to be reasonable relates to the bylaw not unnecessarily impacting upon a person's freedom. A bylaw must not be inconsistent with the New Zealand Bill of Rights Act 1990.
- 3.20 If Council considers that the bylaw should continue without amendment, it must also use the special consultative procedure before the review is complete. The diagram below sets out the Bylaw creation and review process.

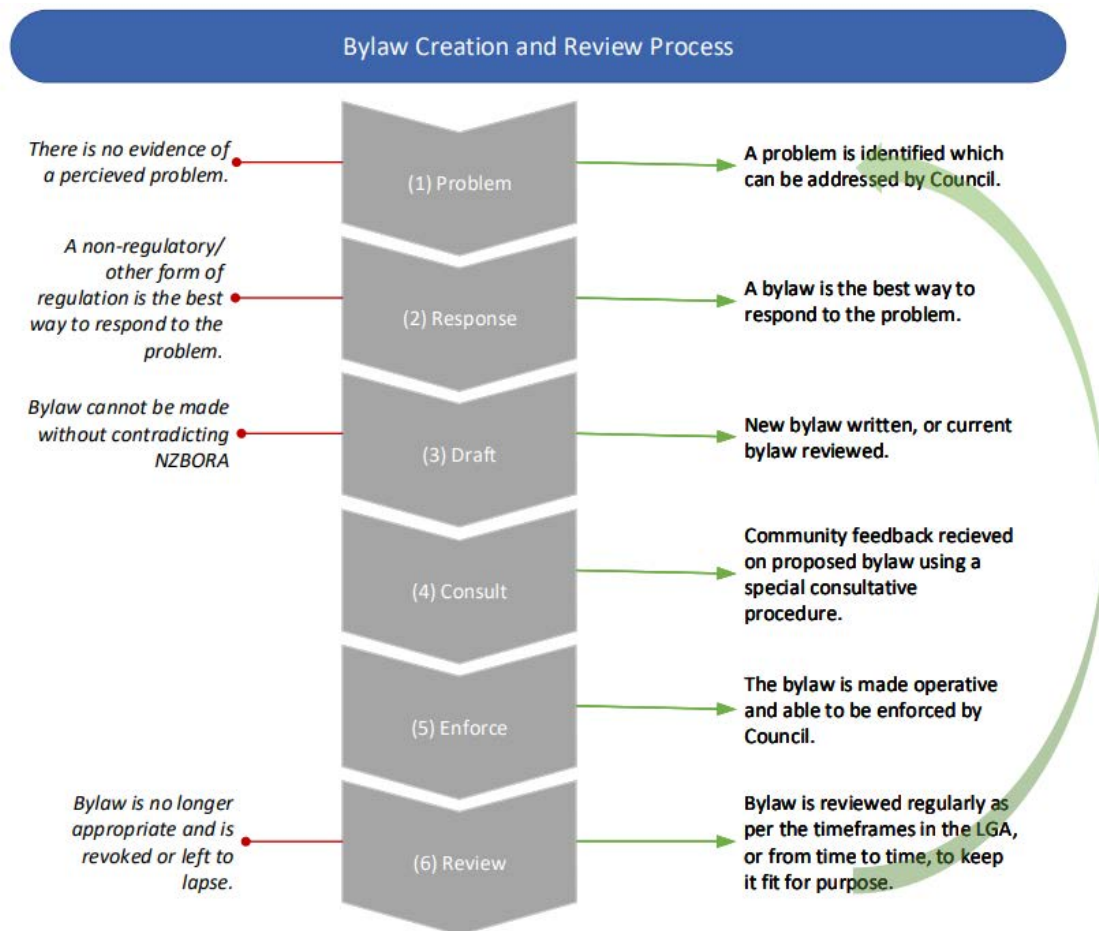


Figure 1: Bylaw Creation and Review Process

4 Commentary

4.1 DETERMINATIONS

4.2 Under section 155 of the LGA, the Council is required to determine whether a bylaw is the most appropriate way of addressing the perceived problem, determine whether the proposed bylaw is the most appropriate form of bylaw, and determine that the proposed bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990 (NZBORA). The deliberations report fulfils the first requirement of section 155, an assessment against the NZBORA to be completed when a proposed draft bylaw is presented to the Council for consideration.

4.3 PERCEIVED PROBLEM ANALYSIS

4.4 Information about perceived problems has been gathered using WDC's annual report on Dog Control Policy and Practices for five years, from 1 July 2019 to 30 June 2024. Other sources are - Council records of public enquiries and complaints, advice from compliance staff, and from discussions with other relevant staff across the organisation.

4.5 The perceived problems are presented in two parts:

1. where a bylaw is considered the most appropriate mechanism; and
2. where a different primary approach is considered more appropriate than a bylaw.

4.6 Perceived problems appropriately addressed through a bylaw

4.7 The table below provides a summary of statistics related to dogs and dog control in the district over the last five years. As seen from the table, the number of dogs in the district has increased over the last five years.

4.8 Council has received and recorded 459 complaints under the current Bylaw for the period 1 July 2023 – 30 June 2024. These complaints are related to wandering dogs, barking dogs, aggressive dogs and lost dogs. The below summary sets out the perceived problems in the district, which cause issues that are regulated through the Bylaw.

4.9 The Bylaw contains clauses relating to prevention of public nuisance, impounding of dogs, neutering of dogs and general minimum standards of care. Therefore, emphasising the importance of Bylaw as the most appropriate means of addressing the perceived problem.

Category	1 July 2019 to 30 June 2020	1 July 2020 to 30 June 2021	1 July 2021 to 30 June 2022	1 July 2022 to 30 June 2023	1 July 2023 to 30 June 2024
Total number of Registered Dogs	3,461	3,363	3,311	3,318	3,816
Total number of Disqualified Owners	1	3	3	2	2
Total number of Dangerous Dogs - Dangerous by Owner Admittance in Writing s31(1)(c)	2	2	2	2	2
Total number of Menacing Dogs –	24	27	27	25	15
• Menacing under s33A(1)(b)(i) - i.e. by Behaviour	5	6	10	11	2
• Menacing under s33A(1)(b)(ii)- by Breed Characteristics	5	5	3	3	0
• Menacing under s33C(1) by Schedule 4 Breed	14	16	14	11	13
Total number of Infringement Notices (excluding cancelled)	19	31	62	50	67
Total number of prosecutions	1	2	1	0	0
Complaints received:					
• Aggressive	19	9	13	16	50
• Bins/Signs	0	0	0	0	0
• Bite/attack	27	29	30	37	28
• Barking	44	68	63	62	82
• Breach of Council Bylaw or permits	2	5	0	2	0
• Lost Dog/other	15	21	22	38	47

Category	1 July 2019 to 30 June 2020	1 July 2020 to 30 June 2021	1 July 2021 to 30 June 2022	1 July 2022 to 30 June 2023	1 July 2023 to 30 June 2024
• Rushing in public place	6	8	0	0	0
• Unregistered	2	2	2	8	4
• Wandering	157	163	120	205	242
• Worring animals	3	3	0	0	0
• No water, shelter, food or exercise	9	11	3	6	6
TOTAL	284	319	253	374	459

4.10 Perceived problems more appropriately addressed by non-bylaw approach

- 4.11 A non-bylaw approach means referring to the DCA for dealing with the perceived problem. It is considered that this would not be a suitable approach, as the DCA requires us to have a Bylaw and Policy for dealing with matters such as restrictions on dogs in public places where you can take your dog, numbers of dogs on a residential property without a permit, fees and charges etc.
- 4.12 The Bylaw gives effect to the Policy, to protect and maintain public safety and to address how Council will fulfil its functions and duties pursuant to the DCA. Hence a specific dog control bylaw is still considered the most appropriate mechanism for meeting statutory and public health and safety requirements to be used in conjunction with other non-regulatory tools such as provision of information, education and communication.

5 Analysis of Options

5.1 Analysis of Options

5.2 The following options are the most practicable to address the perceived problems:

1. Review and amend the current bylaw (recommended).
2. Retain without amendment.
3. Revoke the bylaw and rely on alternative regulation and voluntary cooperation to ensure compliance.

5.3 OPTION ONE REVIEW AND AMEND THE CURRENT BYLAW

5.4 This option involves reviewing the Bylaw in light of learnings from the operation of the Bylaw since it was last reviewed.

Advantages	Disadvantages
<ul style="list-style-type: none"> • Provides Council with the most appropriate tool to respond to issues. • Allows Council to take into consideration and if appropriate incorporate any new information available since the last review. • Consistent with Council's previous approach to having a bylaw on this matter. • Proactive approach to regulation. • Community views and preferences will be collected as part of the review process. • Allows all schedules to be updated by Council resolution with the revised bylaw. 	<ul style="list-style-type: none"> • Council resources and time required to undertake review. • Staff, public and key stakeholders will need to re-familiarise themselves with the changed instrument.

5.5 OPTION TWO: RETAIN THE CURRENT BYLAW WITHOUT AMENDMENT

- 5.6 Under this option, the Council would resolve that, given the findings in this report, the current Bylaw should continue without amendment under section 160(3)(b) of the LGA. This option is not recommended.

Advantages	Disadvantages
<ul style="list-style-type: none"> Saves resources and time in the review process. Still allows the Community to participate in consultation relating to this issue via the special consultative procedure (SCP). Avoids need to refamiliarise any parties with a new instrument or regulatory approach. 	<ul style="list-style-type: none"> Restricts Council's ability to make changes, and if significant changes are required as a result of public consultation, further consultation may be required. The Bylaw would not be updated and would not reflect any updates and new approaches to regulation within the local government sector. Any views arising from an SCP will not be incorporated into the bylaw. Unable to take into account any learnings from recent enforcement action.

5.7 OPTION THREE: REVIEW AND REVOKE THE BYLAW AND RELY ON ALTERNATIVE MECHANISMS AND EXISTING LEGISLATION TO ENSURE COMPLIANCE

- 5.8 This option would require the Council to create an alternative approach through policy, education or other approaches.

Advantages	Disadvantages
<ul style="list-style-type: none"> Reduces Council's regulatory role and enforcement burden. Still allows the community to participate in consultation relating to this issue via the special consultative procedure for revocation. Would not require resources for future review. 	<ul style="list-style-type: none"> The current Bylaw would still need to be revoked, requiring a special consultative procedure. Inconsistent with Council's previous approach to have a bylaw to regulate this matter. Council will not have a specific tool to respond to dog related issues. Does not respond to the high number of service requests pertaining to issues currently addressed by this bylaw.

6 Considerations

6.1 Risk

- 6.2 There is very little risk involved in undertaking a bylaw and policy review. Council will review and approve a draft statement of proposal and draft bylaw and policy, prior to public consultation.

6.3 Consistency with existing plans and policies

- 6.4 Reviewing the Policy and the Bylaw retains consistency with the historical Council position to have a bylaw on this matter.

6.5 Significance and Community Views

- 6.6 Community consultation via a special consultative procedure is required when a bylaw is made, reviewed, or revoked. If the Council resolves to initiate a review of the Bylaw.

7 Recommendation

7.1 It is recommended that:

- (a) The business paper on the review of the Waitomo District Dog Control Policy 2015 and Waitomo District Dog Control Bylaw and Determinations Report be received.
- (b) Council determines that a bylaw continues to be the most appropriate way of addressing the perceived problems that arise in relation to the matters addressed within the Waitomo District Dog Control Bylaw 2015 in accordance with section 155(1) of the Local Government Act 2002; and
- (c) Council approves the initiation of a review of the Waitomo District Dog Control Bylaw 2015 in accordance with section 158 of the Local Government Act 2002.
- (d) Council approves the review of Waitomo District Dog Control Policy 2015.

8 Attachments

- 1. Waitomo District Council's Dog Control Policy 2015 (813036)
- 2. Waitomo District Council's Dog Control Bylaw 2015 (431852)



Waitomo District Dog Control Policy 2015

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Create Date	September 2015
Policy Adopted	15 December 2015
Next Review	September 2020
Responsibility	Customer Services Group
Associated Documents	Dog Control Bylaw 2015

DOG CONTROL POLICY

The purpose of this policy is to state how Council will fulfil its legislative responsibilities pursuant to the Dog Control Act 1996 and the Dog Control Bylaw 2015.

1. PURPOSE AND SCOPE

- 1.1 This Policy has been adopted pursuant to the functions, duties and powers conferred on Waitomo District Council ("Council") by the Dog Control Act 1996 (www.legislation.govt.nz) and takes into account:
 - a) The need to minimise danger, distress, and nuisance to the community generally; and
 - b) The need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not the children are accompanied by adults; and
 - c) The importance of enabling, to the extent that it is practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs; and
 - d) The exercise and recreational needs of dogs and their owners.
- 1.2 This policy applies to the whole of the district administered by the Waitomo District Council.

2. POLICY

2.1 Education

- 2.2 Council considers that involvement in education, and liaison with dog clubs and other service providers, is an appropriate and valuable role. Dogs need to be trained and socialised so that they learn how to behave in a public environment. Council staff will undertake education initiatives with dog owners to enhance the knowledge and skill of dog owners on the care and control of dogs, with a particular focus on the owners of dogs with behavioural issues.
- 2.3 Council will also seek to enhance the knowledge of the public generally, particularly children, on safety around dogs and other dog-related issues. Liaison with dog obedience clubs and other dog-related service providers in the region is considered an important role for Council.

2.4 Regulation and Enforcement

- 2.5 Council has developed a Dog Control Bylaw that is the primary enforcement mechanism of this policy.
- 2.6 Whilst Council will pursue education of dog owners and the public generally to avoid and minimise dog related issues in the district, enforcement of the provisions of the Dog Control Bylaw is critical to maintain public safety and to minimise danger, distress, and nuisance to the community from dogs.

2.7 Exercise Areas, Prohibited Areas and Dogs on a Leash

- 2.8 Council aims to provide appropriately for the exercise and recreational needs of dogs. Council has designated a number of areas where dogs may exercise without being on a lead or similar device (see clause 2.10), and areas where dogs are prohibited (see clause 2.12). Maps identifying the site specific designated dog Exercise Areas and Prohibited Areas are included in Schedule 1.

2.9 Off Lead Dog Exercise Areas

2.10 Below is a list of parks designated as Dog Exercise Areas where dogs can be exercised off lead:

- Ward Street Reserve;
- Mangaokewa Scenic Reserve;
- The reserve adjacent to Redwood Forest (identified on the attached map), and
- All beaches in the Waitomo District with the exception of the area shaded red on the map of Mokau attached in Schedule 1 (between 1 December each year and 31 March the following year).

2.11 Areas where dogs are prohibited

2.12 Below is a list of locations where dogs are prohibited:

- The part of the Central Business District of Te Kuiti shaded pink on the map attached in Schedule 1 unless the dog is attending any veterinary clinic located in this area or the dog is contained within or on any vehicle and is securely confined within or on that vehicle so as not to constitute a nuisance or endanger any person;
- The area shaded red on the map of Mokau attached in Schedule 1 (between 1 December each year and 31 March the following year);
- Any land or premises used as a public school, kindergarten, play centre, private school and public swimming baths, unless the person or body in charge of such prohibited area has granted prior permission in writing to take or allow the dog within the limits of such prohibited area;
- The area of Centennial Park shaded red on the map attached in Schedule 1;
- Redwood Park (identified on the attached map);
- In the immediate vicinity of any public playground
- The area of Kara Park, Piopio – shaded red on the map attached in Schedule 1; and
- Village Green, Piopio.

2.13 The restriction on dogs in Prohibited Areas in clause 2.12 does not apply to Disability Assist Dogs.

2.14 Dogs on a Leash

2.15 With the exception of Dog Exercise Areas and subject to the Prohibited Areas dogs are only allowed in public places while controlled on a leash. This restriction does not apply to a Working Dog, being worked.

2.16 The Council may from time to time declare any public place not already being a prohibited area to be a prohibited area for a specified time or suspend the designation of a prohibited area for a specified period for a specified occasion or event.

2.17 Neutering

2.18 It is compulsory for a dog which is classified as dangerous in accordance with the Dog Control Act 1996 to be neutered.

2.19 Council requires mandatory neutering of dogs classified as menacing under section 33A of the Dog Control Act 1996. There is evidence that neutering reduces a dogs desire to roam, and may reduce possible aggression.

2.20 If a dog has been classified as a menacing dog under section 33A of the Dog Act 1996 in another district, where it was not required to be neutered, but moves to the Waitomo District, it will be a requirement for the dog to be neutered once residing in the Waitomo District.

2.21 Dogs that are regularly not under control cause a range of issues. The Chief Executive may require an owner to de-sex a dog that has not been kept under control on two or more occasions.


2.22 Probationary Owners

2.23 Council may require a person that is classified as a probationary owner in accordance with the provisions of the Dog Control Act 1996 to undertake, at his or her own expense, a dog owner education programme and / or a dog obedience course approved by Council.

2.24 Fees and Charges

2.25 The Dog Control Act 1996 empowers Council to impose reasonable fees and charges for the registration and control of dogs. The fees and charges aim to incentivise through the use of fee categories and discounts, responsible dog ownership, and the prompt payment of registration fees. The fees and charges will be prescribed each year in Council's Schedule of Fees and Charges.

2.26 A discount of the registration fee is available to dog owners who qualify as "Special Owners". In order to qualify as a Special Owner a registered owner must:

1. Make an application for Special Owner status;
2. No outstanding registration or penalty fees or  infringements;
3. Have not been the subject of justified complaints or successful prosecutions within the previous 2 years;
4. Have not had a dog impounded within the previous 2 years;
5. Have their dog(s) microchipped if registered for the first time on or after 1 July 2000;
6. Meet the fencing criteria or have alternative means of keeping dogs on the property at all times, (Details of these requirements are included on the application form); and
7. Keep their dog on a property located in an urban area within the district. A property shall be considered to be in an urban area for the purposes of this provision if it is located within a 50 kilometre speed zone.

Any applications received before 1 May, if successful, will have the discount applied for the coming dog registration year. Any applications received after 1 May, if successful, will not take effect until 1 July the following year.

2.27 The requirement to pay any late registration fee/penalty may be waived where exceptional circumstances can be shown. A decision on when exceptional circumstances apply will be determined by the Chief Executive after taking into account the following:

1. The dog owner has a good payment history;
2. The dog owner has not been the subject of any complaints in relation to compliance with the Dog Control Act 1996 and / or Council's Dog Control Policy and / or Bylaw over the last five years;
3. Financial circumstances of the owner;
4. Extenuating personal circumstances such as family illness, death or other tragedy; and/or
5. Failure to receive the registration document due to being absent from the District or for some other legitimate reason.

3. APPLICATION AND REVIEW

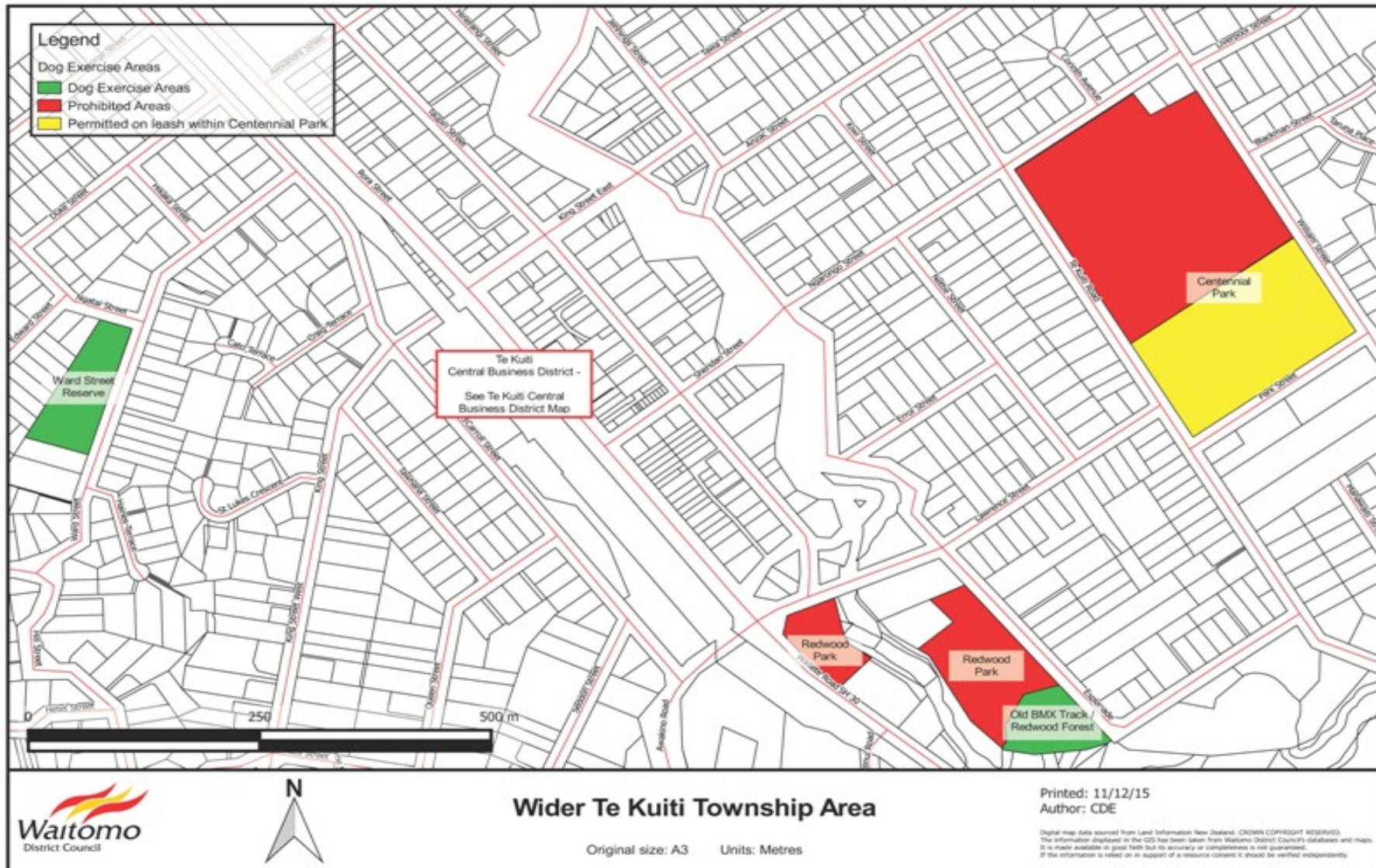
- 3.1 The policy will be implemented using a combination of public education, liaison with other service providers, and where necessary enforcement action.
- 3.2 The Policy is enforced through the Waitomo District Council Dog Control Bylaw 2015.
- 3.3 This policy shall be reviewed at least every 5 years.

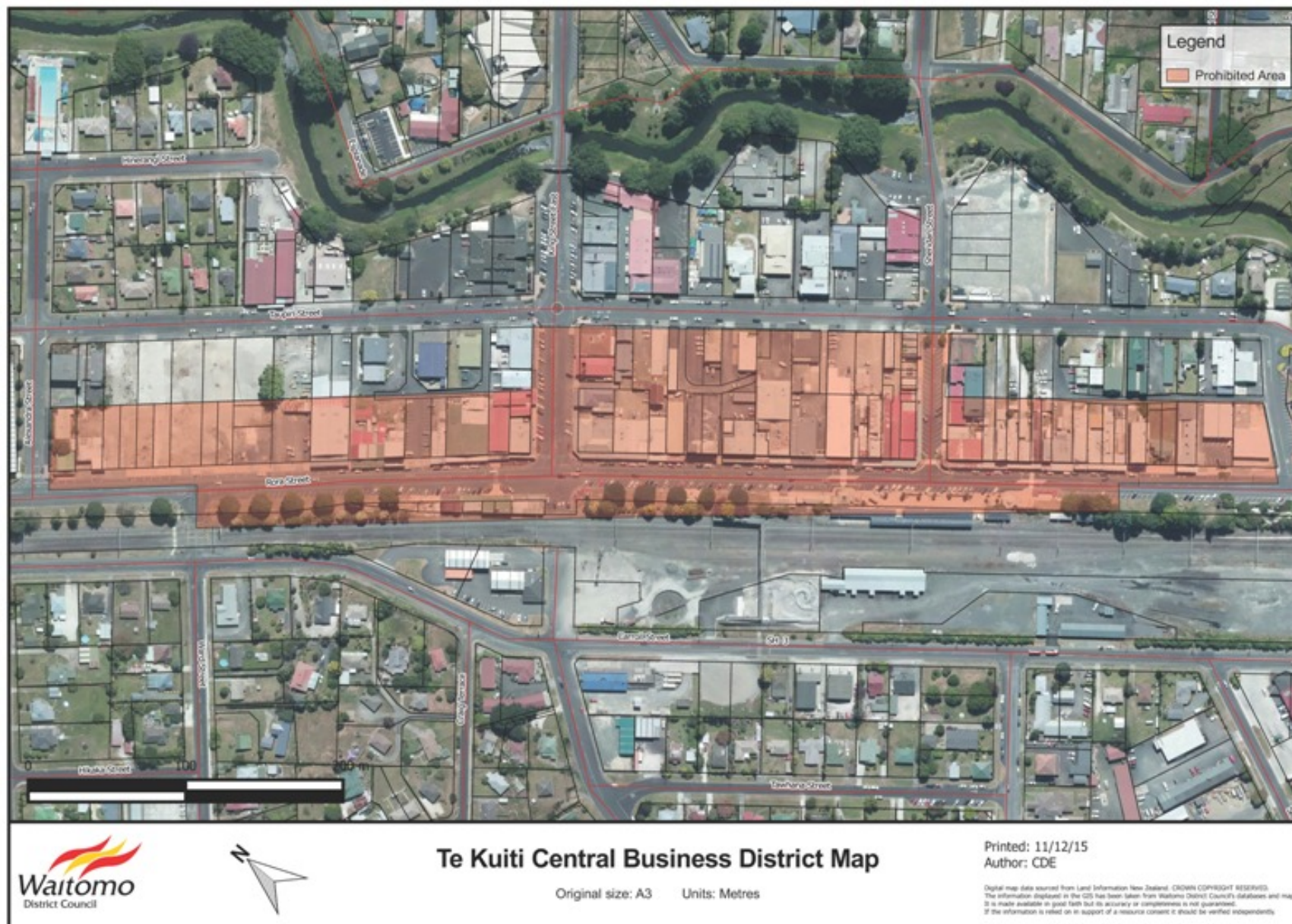
4. GLOSSARY OF TERMS

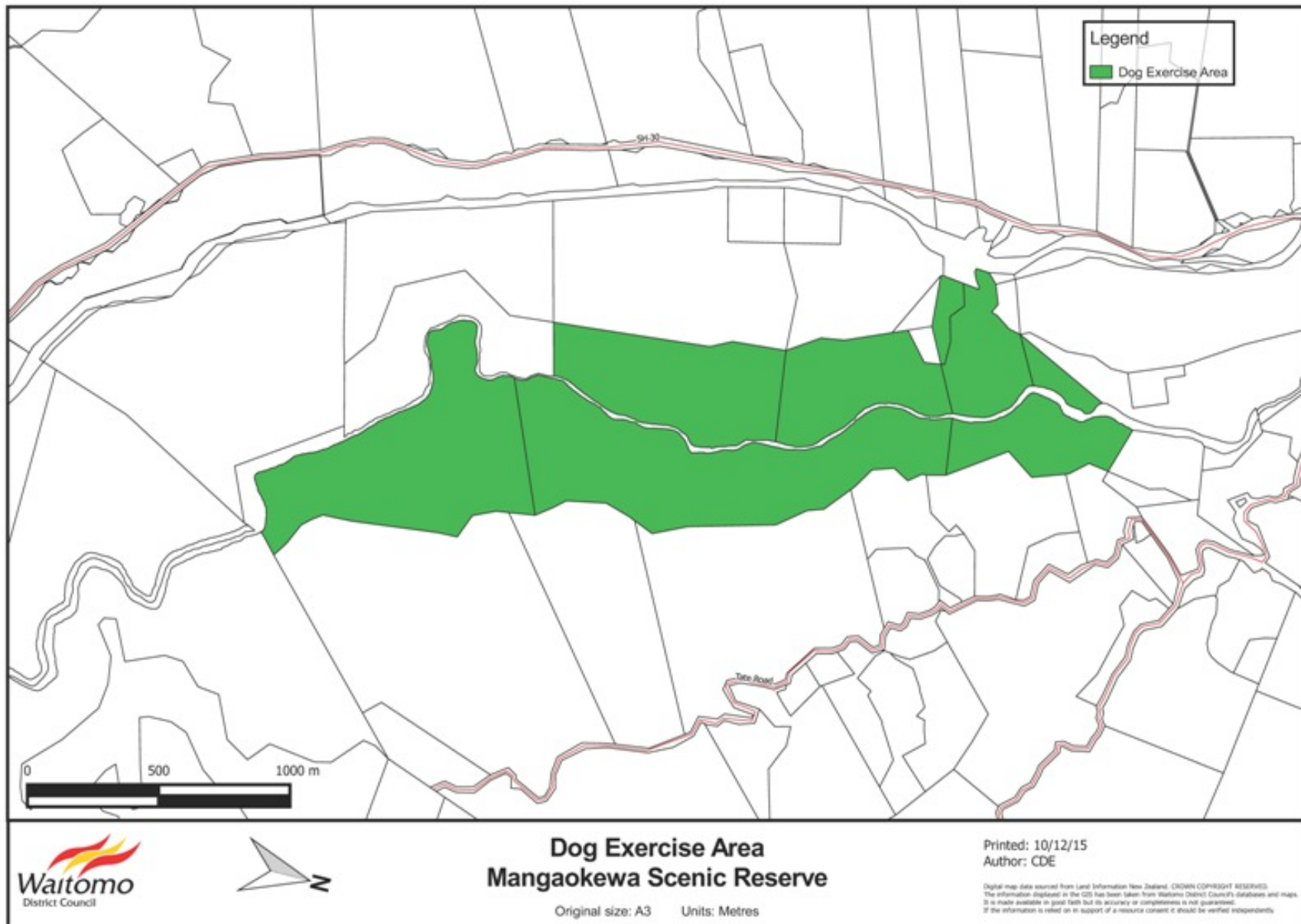
- 4.1 In this policy except where inconsistent with the context:

Council	Means Waitomo District Council
Chief Executive	Means the Chief Executive of Waitomo District Council
Disability Assist Dog	Has the same meaning as defined in the Dog Control Act 1996
Dog Exercise Areas	Means those areas identified in clause 2.10 of this bylaw
Owner	Has the same meaning as defined in the Dog Control Act 1996
Neutered	To have a dog spayed or castrated but does not include to have a dog vasectomised
Prohibited Areas	Means those areas identified in clause 2.12 of this bylaw
Public Place	Has the same meaning as defined in the Dog Control Act 1996
Waitomo District	Means the District of Waitomo as administered by the Waitomo District Council
Working Dog	Has the same meaning as defined in the Dog Control Act 1996

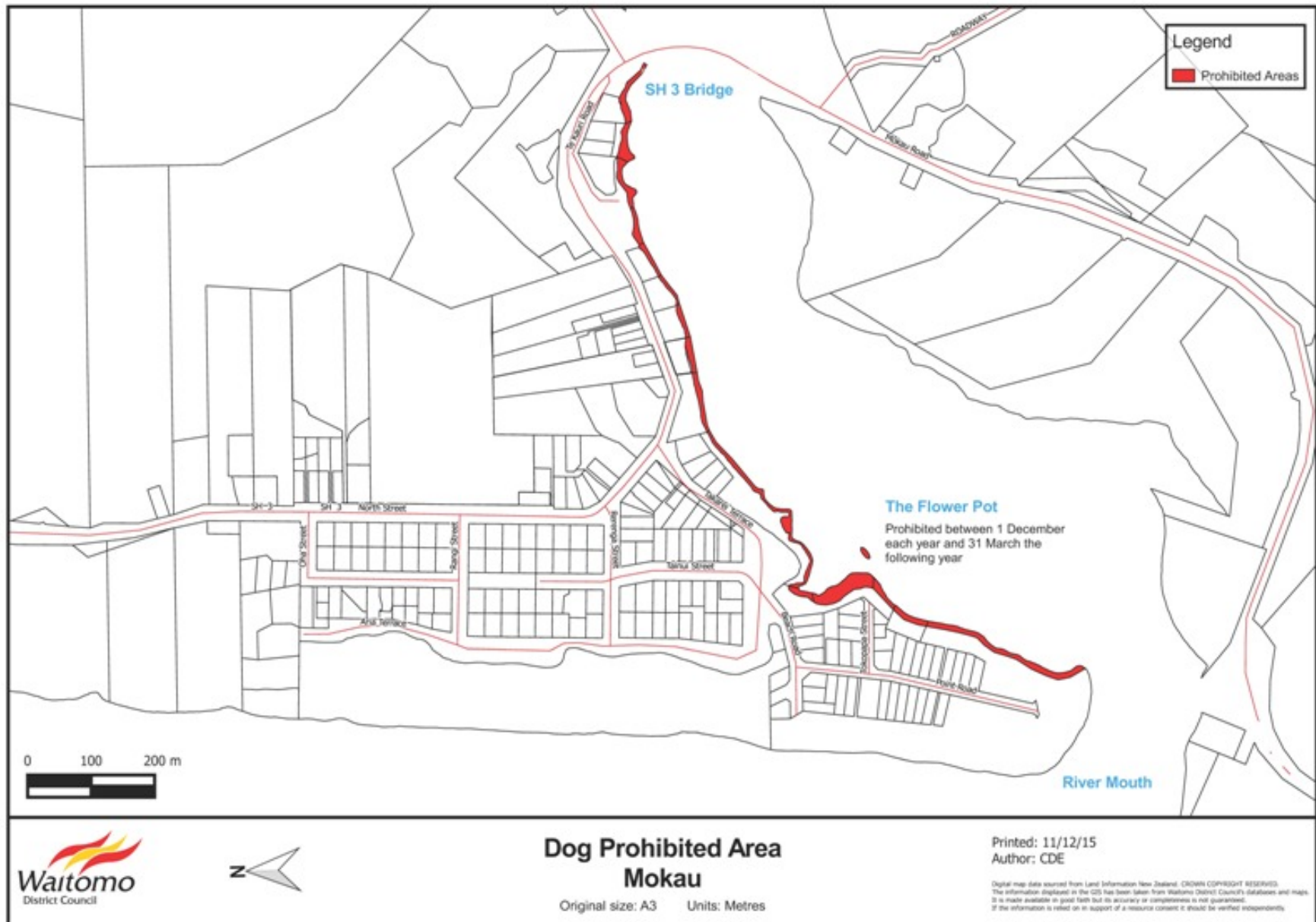
Schedule 1 – Dog Exercise and Prohibition Areas













Waitomo District Dog Control Bylaw 2015

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Create Date	September 2015
Policy Adopted	15 December 2015
Minor amendment pursuant to section 156(2) of the Local Government Act 2002	25 June 2019
Next Review	December 2024
Responsibility	Customer Services Group
Associated Documents	Dog Control Policy 2015

1. SHORT TITLE

- 1.1 This bylaw may be cited as the Dog Control Bylaw 2015.

2. PURPOSE

- 2.1 The purpose of the bylaw is:
- a) To give effect to Council's Dog Control Policy;
 - b) To protect and maintain public safety; and
 - c) To address how Council will fulfil its functions and duties pursuant to the Dog Control Act 1996.
- 2.2 This bylaw gives effect to the Dog Control Policy for the Waitomo District, the objective of which is to enable people to enjoy the benefits of dog ownership and provide for the exercise and recreational needs of dogs and their owners, whilst minimising danger, distress, and nuisance to the community generally.
- 2.3 This bylaw shall apply to the whole of the district administered by the Waitomo District Council.

3. CONTROL OF DOGS IN PUBLIC PLACES

- 3.1 Every owner of a dog must exercise control over it and must prevent it from wandering or remaining at large or free in any public place or private way.
- 3.2 Except as provided in clauses 4.1 and 4.2 and subject to clause 5, every owner of a dog in any public place or private way must secure the dog by an effective lead or similar contrivance which keeps the dog under continuous control.
- 3.3 Dogs may be exercised free of restraint in Dog Exercise Areas.

4. DOG EXERCISE AREAS

- 4.1 Dogs may be exercised free of restraint in the following locations:
- Ward Street Reserve;
 - The reserve adjacent to Redwood Forest (identified on the attached map); and
 - All beaches in the Waitomo District with the exception of the area shaded red on the map of Mokau attached in Schedule 1 (between 1 December each year and 31 March the following year).

Maps identifying the boundaries of the Dog Exercise Areas are included in Schedule 1.

- 4.2 The owner must have continuous control of the dog while it is free of restraint and must remain within the dog exercise area while the dog is off its lead.

5. PROHIBITED AREAS

- 5.1 With the exception of Disability Assist dogs, dogs are not allowed to enter the following public places, whether under control or not:
- The part of the Central Business District of Te Kuiti shaded pink on the map attached in Schedule 1 unless the dog is attending any veterinary clinic located in this area or the dog is contained within or on any vehicle and is securely confined within or on that vehicle so as not to constitute a nuisance or endanger any person;
 - The area shaded red on the map of Mokau attached in Schedule 1 (between 1 December each year and 31 March the following year);

- Any land or premises used as a public school, kindergarten, playcentre, private school and public swimming baths, unless the person or body in charge of such prohibited area has granted prior permission in writing to take or allow the dog within the limits of such prohibited area;
- The area of Centennial Park shaded red on the map attached in Schedule 1;
- Redwood Park;
- In the immediate vicinity of any public playground;
- The area of Kara Park, Piopio –shaded red on the map attached in Schedule 1; and
- Village Green, Piopio.

5.2 Maps identifying the site specific area boundaries are included in Schedule 1.

5.3 The Council may from time to time declare any public area not already being a prohibited area to be a prohibited area for a specified time or suspend the designation of a prohibited area for a specified period for a specified occasion or event.

6. PREVENTION OF PUBLIC NUISANCE OR HEALTH ISSUES

6.1 The owner or any person in possession or control of any dog that defecates in a public place or on land or premises occupied by anyone other than the owner of the dog must immediately remove the faeces and dispose of them in a legal manner.

6.2 Every owner of a dog that has a contagious disease must ensure that it is confined at all times within its registered address, or when not at this address fully contained within a cage that prevents contact with other animals, domestic or otherwise, or fully enclosed and secured within a vehicle.

6.3 Every owner of a dog must prevent it from attacking any person or any other animal.

6.4 The owner of a bitch shall keep the dog confined but adequately exercised whilst such dog is in season.

6.5 If in the opinion of the Animal Control Officer, any dog or dogs or the keeping thereof on such premises has become, or is likely to become a nuisance or injurious or hazardous to health, property or safety, the Animal Control Officer may by notice in writing require the owner or occupier of the premises within a time specified in such notice to do all or any of the following:

- To reduce the number of dogs kept on the premises.
- To construct, alter, reconstruct or otherwise improve the kennels or other buildings used to house or contain dogs.
- To require such dog or dogs to be tied up or otherwise confined during specified periods.
- To take such other action as the Animal Control Officer deems necessary to minimise or remove the likelihood of nuisance or hazard or injury to health, property or safety.

7. LIMITATION ON NUMBER OF DOGS

7.1 No person shall keep, or permit to be kept, on or within any premises, other than that zoned rural more than two (2) dogs of greater age than three months unless such premises have been approved by the Chief Executive and a permit issued. Such permit will be subject to a fee approved and set as part of the Fees and Charges process.

- 7.2 Approval will only be given subject to compliance by the owner with all reasonable requirements for the purpose of ensuring proper care and control of the dogs and the prevention of any nuisance. As a minimum an applicant for a permit must meet the following criteria:
- Have the physical suitability of land to hold more than two dogs;
 - Meet the Special Owner criteria set out in the Dog Control Policy;
 - Have written approval of neighbours on all sides of the applicants property;
 - All dogs must be currently registered;
 - Kennels must be kept clean and sited a minimum of 1 metre from the boundary fence;
 - Dogs must be kept under control at all times; and
 - Dogs must not create a nuisance (barking and howling etc).
- 7.3 The Chief Executive may impose any additional terms or special conditions on the granting of a permit that is considered appropriate.
- 7.4 A permit to keep more than two (2) dogs of greater age than three months is not transferrable between properties. When owners and dogs change address, a new application must be submitted for the new address.
- 7.5 If a permit holder acquires any further dogs or any dog is disposed of the Animal Control Officer must be immediately notified of the change.
- 7.6 Any approval given for any person to keep more than two (2) dogs on their premises may be reviewed at any time. On review, the approval may be modified or revoked in the event of non-compliance with any condition of approval over the period of the permit under review. Non-compliance will include but not be limited to:
- The dog or dogs on land specified in the permit have caused injury or a nuisance to any person engaged in their lawful activity; or
 - The keeping of such dog or dogs has caused a detrimental effect upon the surrounding neighbourhood; or
 - There has been a failure to comply with all or any of the terms, conditions and restrictions of the permit, or any subsequent notice.
- 7.7 Any application by the occupier of any land in respect of which an application has been declined or a permit revoked pursuant to Clause 7.6 will not be reconsidered before expiration of two years after the date of that refusal or revocation.
- 7.8 Nothing in this section shall remove the need for any Land Use Consent if this is required by the District Plan.

8. MINIMUM STANDARDS FOR HOUSING DOGS

- 8.1 The owner of any dog shall provide adequate accommodation for the dog. Kennels are to be sited on a hard surface, provide shelter from the elements and be free from dampness. Kennels are to be kept in a clean condition. If a kennel is not provided, dogs are to be confined inside premises with an adequate sleeping area provided.
- 8.2 Every person commits an offence, who, being the owner of a dog keeps it beneath the ground floor of a residential building.

9. DOGS TO BE KEPT MINIMUM DISTANCE FROM BOUNDARY

- 9.1 No person shall permit or allow a dog to be housed, confined or restrained on any private premises within one metre of the boundary of the premises. Council may dispense with the requirements of this clause if the written consent of the affected neighbour has been first obtained.

10. PROBATIONARY OWNERS

- 10.1 If any owner of a dog is classified as a probationary owner pursuant to the Dog Control Act 1996, Council may require at its discretion the person to complete at his or her expense, a dog owner education programme and / or a dog obedience course.

11. DOGS WITHIN PARKS AND ON BEACHES

- 11.1 Every person must prevent any dog within their care and / or control from interfering with the use or enjoyment of any park / beach by other persons in that park / beach.
- 11.2 An owner, or any person in charge of a dog, may be ordered to remove such dog from any beach or bathing reserve if the presence of the dog is considered likely to cause annoyance, inconvenience, danger or be hazardous to health of the public for the time being using such beach or bathing reserve.

12. IMPOUNDMENT OF DOGS

- 12.1 Any dog found at large in any public place, whether or not the dog is wearing a collar having the proper registration label, is microchipped or has a disc attached; or found at large in any public or private way in breach of this bylaw, may be impounded.
- 12.2 The owner of any dog impounded shall pay to Council reasonable fees for the sustenance of the dog and for the giving of notice to the owner, together with a poundage fee as set through the Council's Fees and Charges process.
- 12.3 No dog which is for the time being not registered in accordance with the Dog Control Act 1996, shall be released until it is registered, microchipped and fees payable have been paid.

13. REQUIREMENT TO NEUTER DOG

- 13.1 Council requires mandatory neutering of dogs classified as menacing under section 33A of the Dog Control Act 1996.
- 13.2 If a dog has been classified as a menacing dog in another district under section 33A of the Dog Control Act 1996, where it was not required to be neutered, but moves to the Waitomo District, it will be a requirement for the dog to be neutered once residing in the Waitomo District.
- 13.3 Dogs classified as dangerous in accordance with the Dog Control Act 1996 are required to be neutered.
- 13.4 The owner of any dog that has not been kept under their control on two or more occasions may be required by the Chief Executive to have that dog neutered, whether or not the owner of the dog has been convicted of an offence against Section 53 of the Dog Control Act 1996.

14. FEES

- 14.1 Fees in respect of this Bylaw are as set out in Council's Schedule of Fees and Charges which are reviewed annually.

15. PENALTIES

- 15.1 Section 20(5) of the Dog Control Act 1996 provides that every person who commits a breach of this Bylaw commits an offence and is liable for the penalties described by Section 242(4) of the Local Government Act 2002, which at the date of making the Bylaw, is a fine not exceeding \$20,000.

- 15.2 Section 65 of the Dog Control Act 1996 permits an infringement fee for the amount specified in the First Schedule to that Act to be imposed in respect of each offence described.

16. GLOSSARY OF TERMS

- 16.1 In this bylaw except where inconsistent with the context:

Council	Means Waitomo District Council
Animal Control Officer	Has the same meaning as Dog Control officer defined in the Dog Control Act 1996
Chief Executive	Means the Chief Executive of Waitomo District Council
Disability Assist Dog	Has the same meaning as defined in the Dog Control Act 1996
Dog Exercise Areas	Means those areas identified in clause 4.1
Owner	Has the same meaning as defined in the Dog Control Act 1996
Neutered	To have a dog spayed or castrated but does not include to have a dog vasectomised
Private Way	Has the same meaning as defined in Section 315(1) of the Local Government Act 1974
Probationary Owner	Means a person classified as a probationary owner pursuant to section 21 of the Dog Control Act 1996
Prohibited Areas	Means those areas identified in clause 5.1
Public Place	Has the same meaning as defined in the Dog Control Act 1996
Registered Address	Means the dog owner's property which is the address listed in the dog's registration, or another address which the Council has agreed to in writing for the purpose of clause 6.
Waitomo District	Means the District of Waitomo as administered by the Waitomo District Council
Working Dog	Has the same meaning as defined in the Dog Control Act 1996

The foregoing Bylaw was duly made by the Waitomo District Council by a resolution passed on 15 December 2015 following consideration of submissions received during the special consultative procedure.

This Bylaw repeals and replaces the Waitomo District Council Dog Control Bylaw 2014. The Waitomo District Council Dog Control Bylaw 2015 was ordered to come into force on 21 December 2015.

The COMMON SEAL of the WAITOMO DISTRICT COUNCIL was hereto affixed on

2019

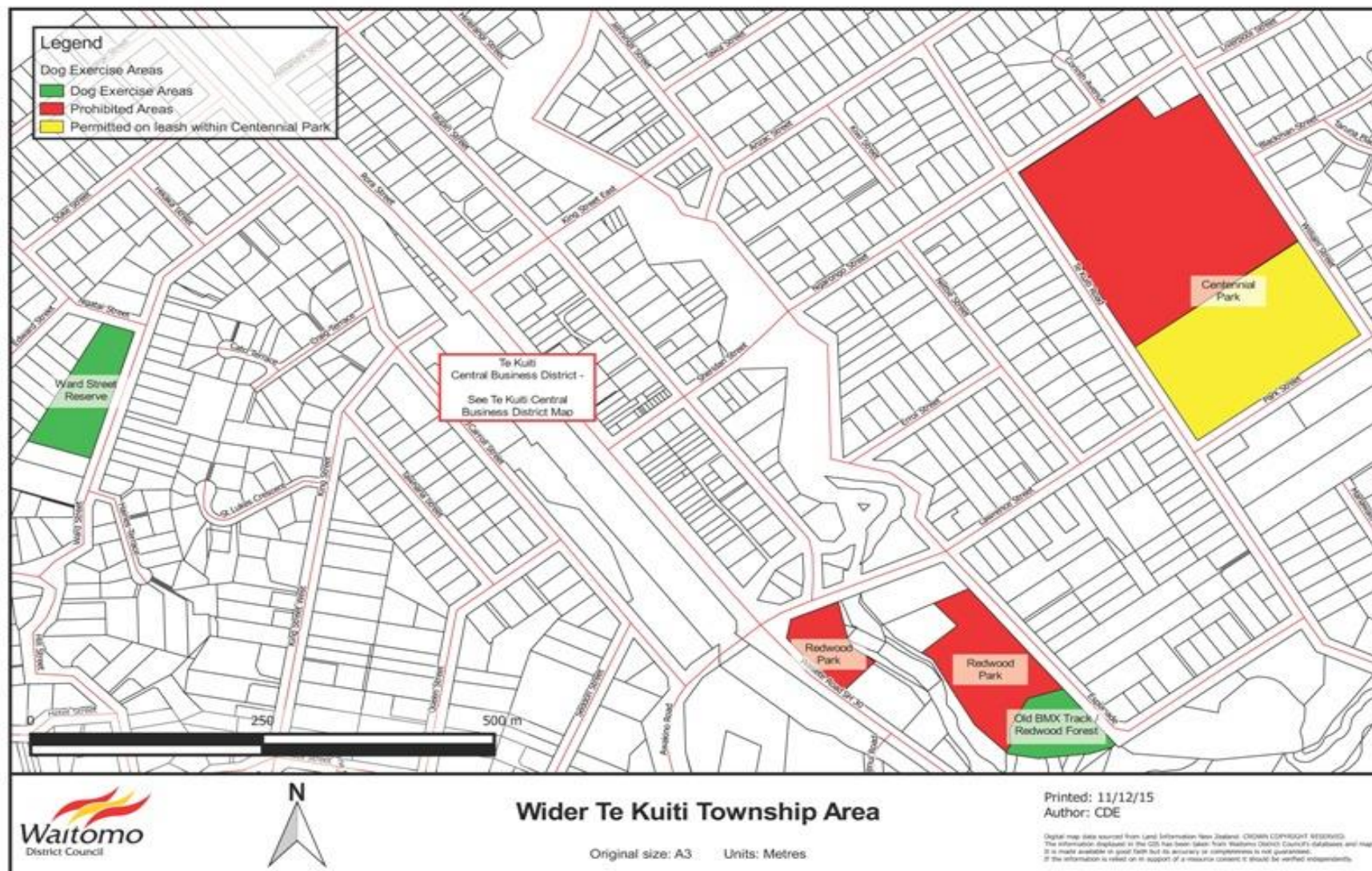
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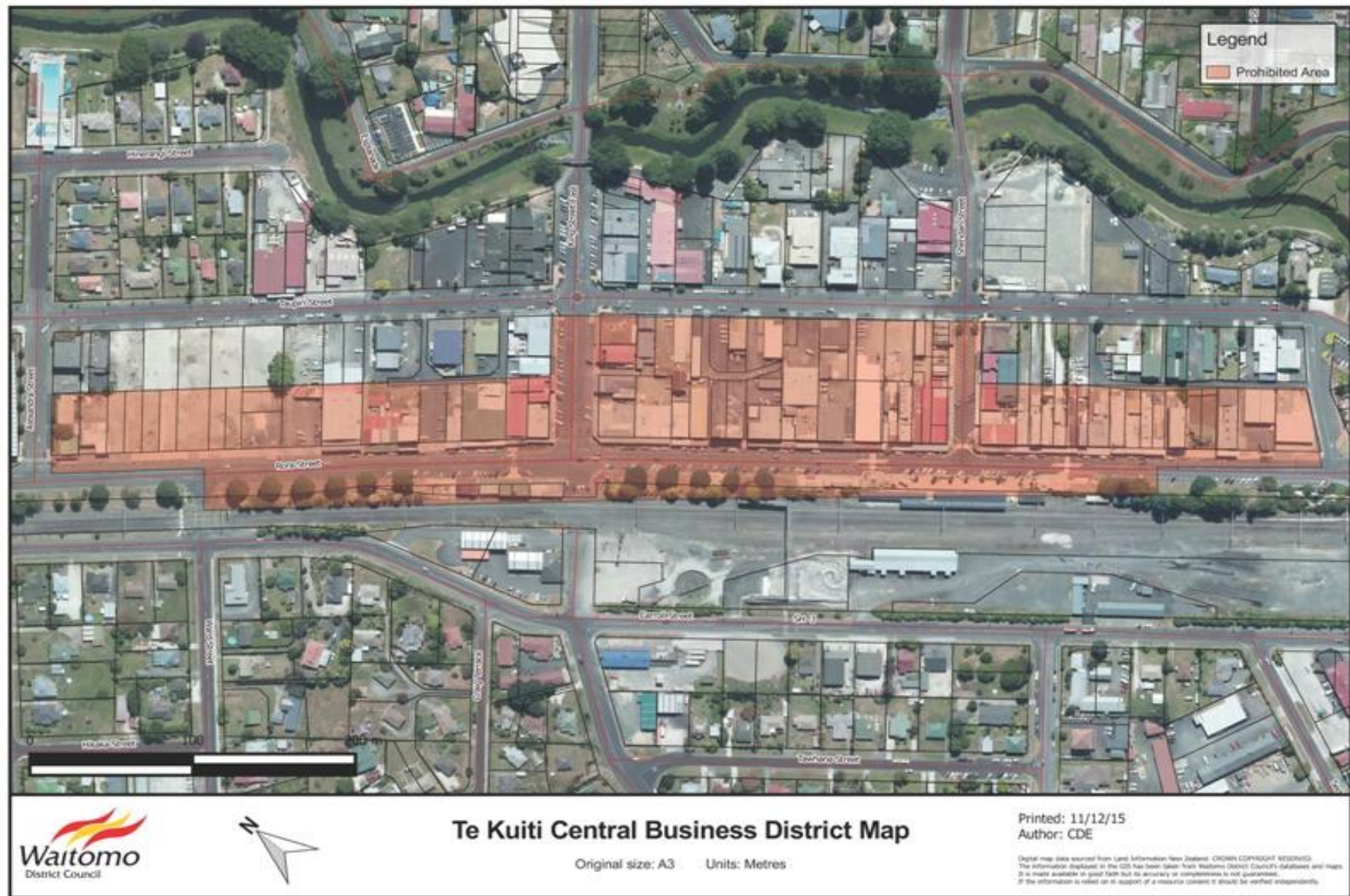
Mayor

Chief Executive

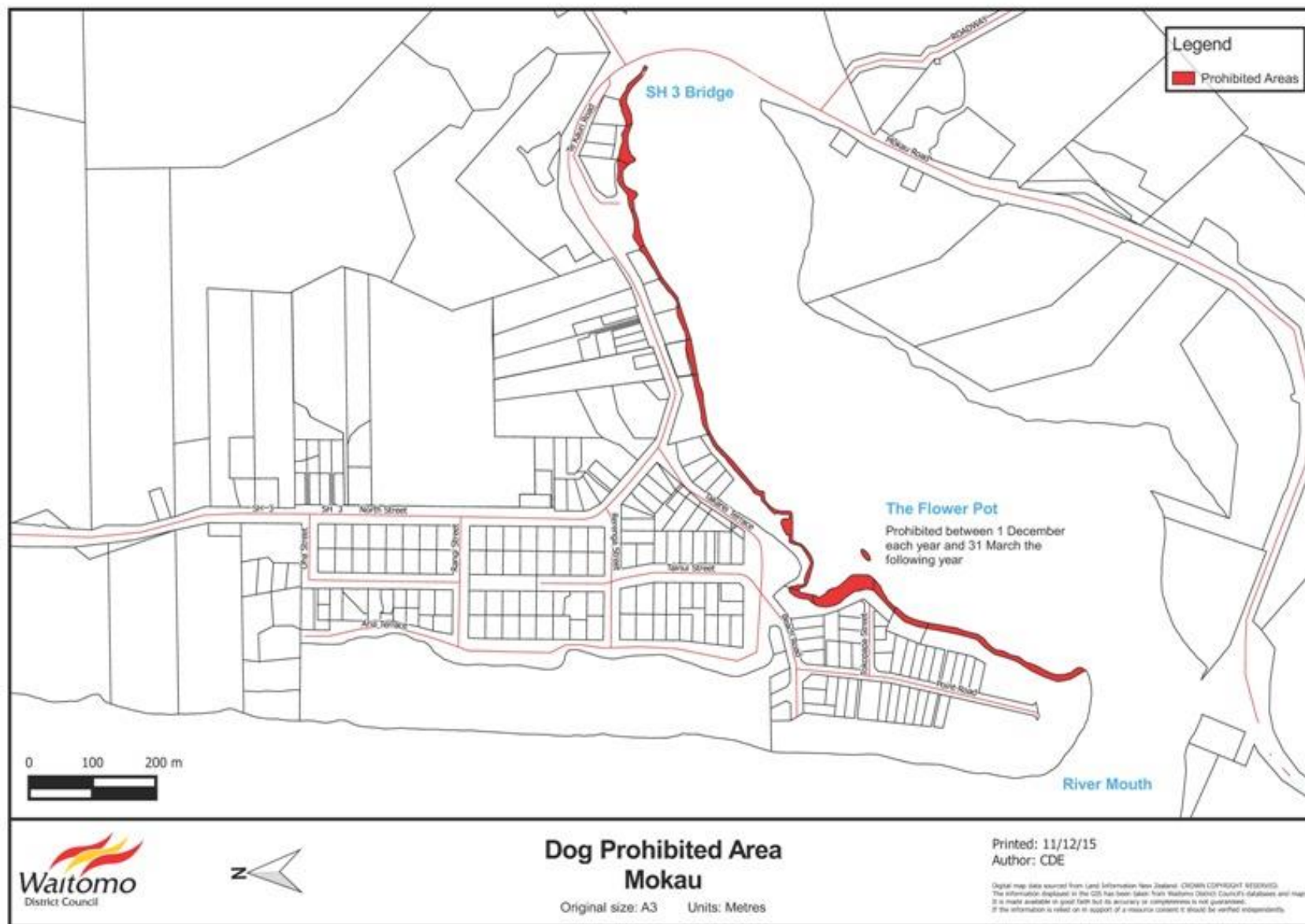


Schedule 1 – Dog Exercise and Prohibition Areas









Document No: 814333

Report To: Council



Meeting Date: 25 February 2025

Subject: **Deliberation and Adoption of Land Transport Bylaw including Road Encroachment, Stock Underpass, and Road Naming Policies**

Type: Decision Required

Author(s): Charmaine Ellery
Manager – Strategy and Policy

Alex Bell
General Manager – Strategy and Environment

1. Purpose of Report

- 1.1 The purpose of this business paper is to provide analysis to Council on the submissions received for the Land Transport Bylaw 2024 (the Bylaw) including the Road Encroachment, Stock Underpass, and Road Naming Policies (associated Roding Policies) for the purposes of deliberation.
- 1.2 Council will need to decide on the adoption of the Bylaw and associated Policies with or without amendment based on the deliberations of the submissions.

2. Suggested Resolutions

- 2.1 The following are suggested resolutions only and do not represent Council policy until such time as they are adopted by formal resolution.
 - 1 The business paper on Deliberation and Adoption of Land Transport Bylaw including Road Encroachment, Stock Underpass, and Road Naming Policies be received.
 - 2 Council adopt the Land Transport Bylaw with amendment as per Attachment 1 to come into effect on 10 March 2025.
 - 3 Council adopt the Road Encroachment, Stock Underpass and Road Naming Policies without amendment to come into effect on 10 March 2025.

3. Background

- 3.1 The purpose of this Bylaw is to regulate the use of our local roads to ensure that acceptable standards of safety, accessibility, and convenience are maintained for the wellbeing and enjoyment of residents, visitors and businesses within the district.
- 3.2 The scope of the Bylaw is to restrict or permit activities and objects on roads, including road reserves, restrict or permit traffic movement, including parking, heavy vehicle prohibitions, and movement on footpaths, control the movement of stock on roads and stock underpasses.
- 3.3 The Bylaw was made under the general bylaw making powers conferred by the LGA, as well as section 22AB of the Land Transport Act 1998 (LTA) and the Local Government Act 1974 (LGA 1974).
- 3.4 Under sections 158 and 159 of the LGA Council must review Bylaws no later than five years after the date on which the Bylaw was made, and then no later than ten years for subsequent reviews. At the 27 August 2024 meeting, Council resolved to commence a review of the Bylaw, which must be completed by 29 April 2025.

4. Commentary

4.1 PUBLIC CONSULTATION
4.2 LAND TRANSPORT BYLAW

4.3 A comprehensive review was undertaken which resulted in five proposals that were put forward so that the new Bylaw is up to date and fit for purpose. These were:

- Proposal 1: Remove speed limits, cellar doors, skateboards.
- Proposal 2: Add damage clauses, vegetation near intersections, shared and cycle paths.
- Proposal 3: Add and update schedules.
- Proposal 4: Update offences and penalties.
- Proposal 5: Update Bylaw definitions, structure, format and wording.

4.4 The draft Bylaw is included as Attachment 1.

4.5 ROAD ENCROACHMENT POLICY

4.6 The draft Road Encroachment Policy provides a formalised and streamlined process to manage road encroachments and provides criteria for the Council to consider when approving the encroachment application to grant a Licence to Occupy. Draft policy is included as **Attachment 2**.

4.7 Waitomo District Council (WDC) does not currently have a policy that applies to proposed encroachments on or under all roads within the district. However, WDC often receives requests from people who wish to erect an encroachment on the road reserve.

4.8 The LGA 1974 gives Councils general powers in respect to roads and the LGA (section 10) enables the Council to meet the current and future needs of communities for good quality local infrastructure.

4.9 STOCK UNDERPASS POLICY

4.10 The Stock Underpass Policy outlines the conditions and requirements that must be met when installing a stock underpass and currently allows for an encumbrance to be placed on the Record of Title for the property to ensure responsibility for the stock underpass over its lifetime remains with the property owner. Draft policy is included as **Attachment 3**.

4.11 The Policy provides a process to manage the application and approval for stock underpasses, requirements for associated infrastructure, the overlying road, other services and any on-going inspections and maintenance. It outlines the conditions and standards that need to be met and the NZ Transport Agency funding criteria. While each application is to be dealt with on its own merits the policy conditions need to be met for Council to consider approving the stock underpass application.

4.12 LGA 1974 gives Councils general powers in respect to roads and the LGA (section 10) enables the Council to meet the current and future needs of communities for good quality local infrastructure.

4.13 ROAD NAMING POLICY

4.14 WDC does not currently have a policy or standard process for naming roads in the district other than what is required by the Road Naming Standard AS/NZS 4819:2011. The attached draft policy has been developed to address this.

4.15 In the instances where a new road has required a name, Council has used the process under section 319 of the LGA 1974. The Policy as it is drafted manages the naming of roads and the numbering of land and buildings.

- 4.16 As we do not have a significant amount of development or the creation of new roads, it previously has been appropriate for roads to be named on a case-by-case basis, but a more formal process would enable better processes and decision making going forward.
- 4.17 The Road Naming Policy has been developed looking to what other councils do for guidance and tailoring the process to suit our own organisational and community needs and aligning with the AS/NZS 4819:2011 standards on road naming and addressing and the process with assessing and registering the name with Land Information New Zealand. The draft policy is included as **Attachment 4**.
- 4.18 A public consultation period was open from 31 October to 2 December 2024. Public notice was made in the King Country News; information and links were prominent on WDC website; and posts were made to WDC Facebook page. Hard copies of the Statement of Proposal were available at Queen Street Office, Waitomo District Library, and the Customer Service Centre.
- 4.19 At the close of the submission period, four submissions were received, there was one additional submission through a service request lodged during the consultation process. One submitter requested to speak in support of their submission at a Council Hearing on 25 February 2025.
- 4.20 A summary of submissions and analysis is presented below, note that submission 003 was withdrawn. The full submissions are included in the 25 February 2025 Council meeting as an attachment to the Hearing business paper.

4.21 **SUMMARY OF SUBMISSIONS**

Submitter 1	Submission Point	Analysis
001 Robyn Kay	Speeding trucks on Te Kumi Road	Te Kumi Road is part of the State Highway so not within Council's authority. Council is supportive of measures to improve Te Kumi Road surface and traffic calming made by NZTA.
	Supports schedule G	Creating a prohibited area of Rora and Taupiri streets including the connecting streets and the pedestrian bridge Te Ara Tika is considered to be in the best interests of public safety while still allowing horse riders to have access across Te Kuiti at the northern and southern ends.

Submitter 2	Submission Point	Analysis
002 Sandy MacLachlan	Reduce Pukerimu Road to 70kmph and stock crossing signs.	<p>The process for changing speed limits has recently been updated with the Land Transport Rule: Setting of Speed Limits 2024, the Rule now states rural roads are to be 80-100kmph (was 60-100kmph). Changing a speed limit now involves a technical evaluation of a road, considering factors like crash history, traffic volume, road design, and current driving speeds, to determine if the existing speed limit is appropriate and to propose potential changes, followed by public consultation and engagement with stakeholders to gather feedback before finalising a new speed limit. It is unlikely the change to 70kmph would be approved by the Director of Land Transport.</p> <p>Stock crossing signs - location and number to be confirmed.</p>

Submitter 2	Submission Point	Analysis
	Supports schedule G	Creating a prohibited area of Rora and Taupiri streets including the connecting streets and the pedestrian bridge Te Ara Tika is considered to be in the best interests of public safety while still allowing horse riders to have access across Te Kuiti at the northern and southern ends.

Submitter 4	Submission Point	Analysis
004 Federated Farmers (Jo-Anne Cook-Munro)	Consider who is liable for any accidents that may occur due to road encroachments.	The issuing of road encroachments will consider the road safety aspects. Encroachments that are considered unsafe such as creating a line-of-sight issue will not be approved. Road rules and traffic management must be followed if occupying the road reserve.

Submitter 5	Submission Point	Analysis
005 Debra Habershon	Heavy vehicle restriction on Matai Street.	<p>WDC Rooding Manager considers that the layout of Matai Street being narrow and having sharp bends is not suitable for heavy vehicles (gross vehicle mass greater than 3500kg) and therefore would recommend prohibition. This would require signs to be installed at each end of Matai Street. It should be noted that WDC staff do not have authority to stop or infringe drivers as this is a Police matter.</p> <p>Physical barriers could be installed if signage is ineffective however there is no specific allowance for this in the current 3-year budget and would be unlikely to receive NZTA funding.</p>

4.22 A map of Matai Street is outlined below for Council:



Figure 1: Map of Matai Street

- 4.23 It is considered that given the width, location and the nature of the route of Matai Street a heavy vehicle prohibition may be an appropriate mechanism to ensure traffic and pedestrian safety. It is noted that the Bylaw will not prevent heavy vehicles using this road for delivering goods and providing access to services.

5. Analysis of Options

- 5.1 There are three options relating to the adoption of the Land Transport Bylaw and Rooding Policies:

5.2 OPTION ONE:

- 5.3 Council adopt the Land Transport Bylaw and Rooding Policies as consulted on with the community with no changes.

5.4 OPTION TWO:

- 5.5 Council consider the points made by the submitters and include Matai Street in Schedule F1 Heavy Vehicle Prohibitions and administrative changes.

5.6 OPTION THREE:

- 5.7 Council consider the points made by the submitters and the suggested administrative changes and suggest alternative amendment to the Bylaw and or Rooding Policies.

6. Considerations

6.1 RISK

- 6.2 There is very little risk involved in undertaking adopting this Bylaw and associated Rooding policies. The Statement of Proposal has been consulted on fulfilling the requirements of sections 83 and 87 of the LGA. A consultation period of 1 month allowing public submissions has been undertaken, which meets the legislative requirement.

- 6.3 There is some risk of including the horse riding prohibited area as this is a new addition to the Bylaw and horse riders are a recognised road user so restricting this needs to be warranted in addition to existing legislation. Other Council's apply restrictions to areas such as beaches and shared trails.

- 6.4 There is a risk that prohibiting heavy vehicles on Matai Street will be ignored and Council has no ability to issue infringements to drivers, this must be undertaken by Police. Te Kuiti currently has heavy vehicle restrictions on Mangarino and Rora Streets. If the issue of heavy vehicles using Matai Street continued after signage is in place Council may want to consider physical barriers, there is currently no budget specifically for this and it is unlikely to receive NZTA funding so would have to be fully funded by ratepayers.

- 6.5 Council should consider the significance of prohibiting heavy vehicles on Matai Street and if this requires further public consultation. The risk of adopting this change without reconsulting is that those impacted by this change are not able to make a submission. WDC Officers consider the time and cost impact of taking the Anzac/Esplanade/Tawa street route to be minimal compared to the public safety interests. Residents on Anzac and Tawa streets would have more heavy vehicle movements however these streets are more suitable for heavy vehicle movements.

6.6 CONSISTENCY WITH EXISTING PLANS AND POLICIES

- 6.7 There are no inconsistencies with Council's plans and policies.

6.8 SIGNIFICANCE AND COMMUNITY VIEWS

- 6.9 An assessment under Council's Significance and Engagement Policy was undertaken and Council considered that consultation would be undertaken in accordance with the Special

Consultative Procedure under LGA. There were five submissions received with one withdrawn and one speaking to Council during the hearing process.

7. Recommendation

- | | |
|-----|--|
| 7.1 | It is recommended that Council adopt the Bylaw with the suggested amendments to prohibit heavy vehicles on Matai Street. |
| 7.2 | It is recommended that Council adopt the Road Encroachment, Stock Underpass and Road naming Policies without amendments as consulted with the community. |
| 7.3 | It is recommended that 10 March 2025 is the date the new Bylaw and associated Roding Policies would come into effect and the previous Bylaw would be revoked. Licences and Encumbrances issued under the previous Bylaw would remain in effect, however the requirements within the new Bylaw and Policies would need to be met. |

8. Attachments/Separate Enclosures

Attachments:

- | | |
|---|---|
| 1 | Draft Land Transport Bylaw 2024 – Doc #580250 |
| 2 | Draft Road Encroachment Policy – Doc # 771692 |
| 3 | Draft Stock Underpass Policy – Doc # 734005 |
| 4 | Draft Road Naming Policy – Doc # 733602 |

DRAFT

Waitomo District Council

Land Transport Bylaw 2025

DRAFT

First Adopted:	May 2010
Review History:	April 2015 August 2024
Date of Next Review:	April 2025 September 2025 25 March 2035
Responsibility:	General Manager – Infrastructure Services
Adopted by:	Council (29 April 2015 25 February 2025)

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INTRODUCTION | KUPU ARATAKI

This Bylaw controls a diverse range of activities that occur within our district's local roads to ensure that acceptable standards of convenience, safety, and civic values are maintained on public roads for the well-being and enjoyment of citizens, businesses and visitors within the district, now and in the future.

The initial resolution to consult on the draft Land Transport Bylaw was passed by the Waitomo District Council at an ordinary meeting of the Council held on 4 August 2009. The draft Bylaw was a consolidation and rationalisation of existing bylaws: Vehicles and Streets Bylaw and Speed Limits Bylaw. A new section on activities in roads was included and the provisions on animals and stock on roads were moved from the Public Places Bylaw where they were originally included as an interim measure. The Bylaw was adopted by Council following the special consultative procedure (SCP), by a resolution at a meeting of the Council on 25 May 2010. This Bylaw came into force on 1 June 2010.

Council was required to review the Bylaw by way of SCP after five years, there was limited engagement during the public consultation of the Bylaw in 2015 with no submissions received. Relatively minor amendments were adopted. The next review was required after ten years.

A review was undertaken in August 2024 and amendments were made to remove provisions that were covered by other Bylaws and legislation. Corrections to schedules were also included in this review.

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

Local Government Act 2002
Local Government Act 1974
Land Transport Act 1998
Operative Waitomo District Plan
Waitomo District Council Public Places Bylaw
Land Transport (Offences and Penalties) Regulations 1999
Land Transport Rule: Traffic Control Devices 2004
Land Transport (Road User) Rule 2004
Land Transport Rule: Setting of Speed Limits 2024

1. TITLE | TAITARA

This Bylaw is the Waitomo District Council Land Transport Bylaw 2024.

2. COMMENCEMENT | TĪMATA

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

Guidance note:

This Bylaw comes into force on ~~{date}~~25 February 2025 by order of Council.
 This Bylaw remains in force until ~~{date}~~25 February 2025, unless reviewed or repealed earlier.

3. PURPOSE AND SCOPE | TE ARONGA ME TE KORAHĪ

- 3.1. The purpose of this Bylaw is to [provide a transparent tool to manage and safeguard the roads, a vital public asset, from nuisances and damage, so that they can be safely used and enjoyed by all road users.](#)
- 3.2. To achieve the purpose in clause 3.1, this Bylaw regulates:
- [the](#) use of local roads;
 - vehicles on local roads; [and](#)
 - animals and stock on local roads.
- 3.3. This Bylaw shall apply to the management, control and protection of all roading corridors, including unformed "paper" roads, in [the](#) Waitomo District other than state highways controlled by the New Zealand Transport Agency for which the relevant powers have not been delegated to the Waitomo District Council.
- 3.4. This Bylaw is made under section 22AB of the Land Transport Act 1998, sections 145 and 146 of the Local Government Act 2002, and the [powers given to Council under the Local Government Act 1974](#) ~~Land Transport Rule: Setting of Speed Limits 2003/2022.~~
- 3.5. Areas of control so prescribed by the empowering legislation are not necessarily repeated within this Bylaw and therefore the relevant sections of these Acts should be read in conjunction with this [is](#) Bylaw.

4. DEFINITIONS | NGĀ WHAKAMĀRAMATANGA

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

Active Transport	means a mode of transport that involves direct application of kinetic energy by the person traveling such as walking, cycling and other non motorised methods.
Animal	means stock, poultry, and any other vertebrate animal of any age or sex that is kept in a state of captivity or is dependent upon human beings for its care and sustenance but excludes dogs.
Authorised Officer	means any person appointed or authorised by Council to act on its behalf and with its authority. Any person appointed or authorised in writing by the Chief Executive to act on its behalf and with its authority including a Parking Warden appointed by the Council under the provisions of the Transport Act 1962, and an Enforcement Officer.
Berm	Means a path of grass area between the roadway, and the footpath or property boundary.
Boundary Fence	means a fence, as defined in sSection 2 of the Fencing Act 1978. Which separates a road from an adjoining property.
Building	means any temporary or permanent, or movable structure (including any structure intended for occupation by people, animals, machinery or chattels), more than 2.0 m in height above ground level excluding:

- (a) Cranes, including any cranes as defined in any regulations in force under the Health and Safety in Employment Act 1992; or (b) Any description of a vessel, boat, ferry, or craft used in navigation, whether or not it has any means of propulsion, and regardless of that means; or (c) Vehicles and motor vehicles (including vehicles and motor vehicles as defined in section 2(1) of the Land Transport Act 1998).

Carriageway	<u>means the part of a road, sealed or unsealed and including any shoulder areas, where a normal wheeled vehicle can traverse.</u> means that portion of the road used or reasonably useable for the time being for vehicular traffic in general and includes any cycle track or footpath used by the public.
Chief Executive	means the Chief Executive of Waitomo District Council appointed under section 42 of the Local Government Act 2002.
<u>CoPTTM</u>	<u>means the NZ Transport Agency Code of Practice for Temporary Traffic Management.</u>
Corridor	has the same meaning as "Road" and includes the entire width and length of road reserve including the carriageway, verge, berms and footpaths.
Council	means the Waitomo District Council, or any officer authorised to exercise the authority of the Council.
Cycle	means a Vehicle having at least one wheel and that is designed primarily to be propelled by the muscular energy of the rider and includes a power-assisted cycle. Children's cycles having wheels less than 355 mm diameter are excluded. BMX cycles are included no matter the diameter of the wheels. <u>has the same meaning as in the Traffic Regulations 1976. has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.</u>
<u>Cycle Lane</u>	<u>has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.</u>
<u>Cycle Path</u>	<u>has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.</u>
District	<u>means the area within the jurisdiction and under the control of the Waitomo District Council.</u> means the area administered by Waitomo District Council.
District Plan	means the <u>O</u> perative Waitomo District Plan.
Dairy Cattle	means and includes any cow used to produce dairy products.
Driver	means any person engaged or employed in driving or in charge of any vehicle and includes the owner of any vehicle <u>has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.</u>
<u>Drover</u>	<u>means any person who is responsible for stock on a road.</u>
<u>Electric Vehicle Charging Parking</u>	<u>means parking for electric vehicles while in the course of being recharged at an electric vehicle charging station.</u>
Emergency Vehicle	has the same meaning as in the Land Transport (Road User) Rule 2004.
Enactment	has the same meaning as Section 29 of the Interpretation Act 1999.
Enforcement Officer	has the same meaning as in the Land Transport (Road User) Rule 2004.
Engine Brakes	means brakes of the Jacobs type that is also commonly known as exhaust brakes.

Footpath	means a path or way principally designed for or used by pedestrians and includes any footbridge.
Four-Wheel Drive Vehicle	means any four-wheel drive vehicle with off-road tyres.
Freight Container	an article of transport equipment that is: (a) of a permanent character and strong enough to be suitable for repeated use; (b) (c) specifically designed to facilitate the transport of goods, by one or more modes of transport, without intermediate loading; and designed to be secured and readily handled having fittings for these purposes.
Heavy Motor Vehicle	has the same meaning as in the Land Transport (Road User) Rule 2004.
Holiday	means any day declared by any Act to be a public holiday or proclaimed by the Governor General as set apart as a public holiday.
Hours of Darkness	means – (a) Any period of time between half an hour after sunset on one day and half an hour before sunrise on the next day; or (b) Any other time when there is not sufficient daylight to render clearly visible a person or vehicle at a distance of 100 metres.
<u>Incidental Damage</u>	<u>Means harm or deterioration that occurs as a secondary consequence of an event or action, either intentional or unintentional, rather than regular wear and tear from general use.</u>
<u>Loading Zone</u>	<u>means any road, public place or other area, or part thereof, under the control of Council designated solely for the purpose of loading or unloading goods or passengers.</u>
<u>Local Road</u>	<u>Local road means road under WDC authority.</u>
Machine	means a mechanical device or vehicle that may not be legally used on the road.
Maintained Road	means any road that Council currently funds the maintenance, renewal or improvement of.
Minister	means the Minister of Transport and includes any officer, person, or authority acting <u>on behalf of,</u> by or under the direction of the Minister.
Mob	means a group (more than one) of stock being moved from one place to another.
Mobility Scooter or Wheel Chair	has the same definition as described under the New Zealand Standard NZS 4121.
<u>Mobility Device</u>	<u>has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.</u>
<u>NZTA</u>	<u>means the New Zealand Transport Agency / Waka Kotahi.</u>
<u>Network Utility Operator</u>	<u>has the same meaning given to it by section 166 of the Resource Management Act 1991</u>
Paper Road	means an unformed legal road over public or private land that, for the time being, exists only on paper. Ownership of local "paper roads" in the District rests with Waitomo District Council. <u>means a parcel of land that is legally recognised as a road but has never been formed into a road. Ownership of paper roads is vested rest in with the Waitomo District Council.</u>
Parking for Disabled Persons <u>Mobility Parking Space</u>	means a parking space set aside under clause 4.4.1 for use by persons who hold a permit or concession card issued by the New Zealand Crippled Children Society (CCS) Incorporated <u>CCS Disability Action Incorporated</u> to persons with physical disabilities for the purpose of its operation mobility programme or any other lawfully issued disability <u>mobility parking</u> permit.

Parking Officer or Parking Warden	means a parking warden/officer appointed by Council under the provisions of section 128D of the Land Transport Act 1998 or a Police Officer .
Parking Space	has the same meaning as s Section 591(6) of the Local Government Act 1974.
Passenger Service Vehicle	has the same meaning as S section 2(1) of the Land Transport Act 1998.
Pilot Vehicle	means and includes any motorcycles, 4 wheel farm bikes, 3 wheel farm bike , -cars, utility vehicles, tractors, or trucks operating and moving with hazard lights in operation in front of, or behind the moba , the mob .
Person	means any individual, body corporate or partnership.
Principal Administrative Officer	means the Chief Executive of Waitomo District Council.
Publicly Notified Public Notice	means a notice published in: Land Transport Bylaw—2015-354464v6 6 One or more regular newspapers circulating in the District and. (a) (b) Any other public notice that Council thinks desirable in the circumstances. means the same as in section 5(1) of the Local Government Act 2002 and 'published' and 'publicly notified' have corresponding meanings
Race	means that part of any road margin fenced off and used specifically for the purpose of shifting and moving stock.
Regular Stock Crossings	means the movement of any stock across a roadway twice a week or more.
Relocation	means the movement of a building into, out of, or within the Waitomo District by use of roads maintained by the Waitomo District Council.
Restriction	means any prohibitions, restrictions, controls, or directions.
Rider	means a person riding an animal, vehicle, vehicle combination, a mobility device, or a wheeled recreational device.
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. Or has the same meaning given to it by Part 1 section 2 of the Land Transport Act 1998 and shall where the context requires include a Street, Lane, Terrace, Heights, Ford, Place, Crescent or Avenue but does not include State Highways controlled by the NZ Transport Agency Waka Kotahi.
Road Opening or Trench	means any excavation within a Road for the purpose of maintaining, locating or installing services, except shallow excavations for the purpose of constructing vehicle crossings, and excavations on grassed verges berms for the purpose of providing or maintaining services to residential sections.
Road Opening Notice	means an application to carry out any work or activity that affects the normal operation of the road, footpath and grass berm prior to performing the work or activity.
Road Reserve	means the same as Road Corridor and is the area from road boundary to road boundary that may hold the road carriageway, footpath, berm or grassed area

Road Verge	means any margin of a road adjacent to, but not forming part of, either the carriageway or footpath (if any).
Roadway	That portion of the road used or able to be used for the time being for vehicular traffic in general. <u>has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.</u>
Route Planning	means the determination in advance of routes to be used by heavy <u>or over dimension</u> vehicles and includes the planning for seasonal variations in the suitability of unsealed roads for their use by heavy vehicles.
Rule	means the Land Transport Rule: Setting of Speed Limits 20 <u>22</u> 03 .
<u>Shared Path</u>	<u>means a cycle path, a cycle track, a footpath, or some other kind of path that may be used by some or all or of the following persons at the same time - cyclists; pedestrians; riders of mobility devices; riders of wheeled recreational devices.</u>
Special Vehicle Lane	has the same meaning as in <u>clause 1.6 of</u> the Land Transport (Road User) Rule 2004.
Speed Limit	and the following expressions have the same meaning as in the Land Transport Rule: Setting of Speed Limits 20032022: Holiday Speed Limit, Rural Emergency Speed Limit, Minimum Permanent Speed Limit, Seasonal Speed Limit, Urban Temporary Speed Limit, Permanent Variable Speed Limit Urban Traffic Area Rural Area
Stock	<u>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.</u> means any farmed animal and includes any cow, bull, ox, heifer, steer, sheep (includes any ram ewe, wether, lamb, goat, or kid), horse not under harnessed control, donkey, mule, calf, boar, sow, pig, llama, alpaca or deer of any kind.
Stock crossing	means that part of any road and associated drainage system used for the purpose of shifting and moving livestock across any roadway.
<u>Stock Droving Race</u>	<u>means that part of any road margin fenced off and used specifically for the purpose of shifting and moving stock.</u>
Stock Truck	means a heavy motor vehicle being used or capable of being used for the carriage of stock.
Unformed Road	means any road in the District that was once formed and has subsequently become unformed.
Urban Traffic Area	means the same as in Land Transport Rule: Setting of Speed Limits 2003.
To Move	means to ride, drive, muster, lead, or otherwise shift stock whose feet are in contact with the road.
Traffic Control Device	has the same meaning as Part 2 of the Land Transport Rule: Traffic Control Devices 2004.
Transport Station	has the same meaning as <u>s</u> Section 591(6) of the Local Government Act 1974.
<u>Unformed Road</u>	<u>means any road in the Waitomo District that was once formed and has subsequently become unformed.</u>
<u>Urban Street</u>	<u>means any road within a township or settlement with a speed limit of 70 km/hr or less.</u>
Vehicle	has the same meaning as in the <u>given to it by Part 1 S</u> ection 2 of 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.

Vehicle Combination

Means a vehicle with towed vehicle attached.

Wheeled Recreation Device

Has the same meaning as sSection 1.6 of the Land Transport (Road User) Rule 2004

Working Day

means a calendar day other than Saturday, Sunday, Public Holiday or any day falling within the period from 24 December to 5 January, both inclusive, irrespective of the days on which work is actually carried out.

- 4.2. For the purpose of this ~~b~~Bylaw, the word 'shall' refers to practices that are essential for compliance with this Standard, while the word 'should' refers to practices that are advised or recommended.
- 4.3. Any guidance or explanatory notes do not form part of this Bylaw, and may be made, amended and revoked without formality.
- 4.4. Unless otherwise defined by clause 4, a word or expression used in this Bylaw has the same meaning as it has from time to time in the relevant legislation as covered by- the Legislation Act 2019.

POLICY | KAUPAPA HERE**5. Roads****5.1. Objects and Things on Roads**

- 5.2. No person shall without the consent of Council, or in accordance with the provisions of this Bylaw, place or leave any object or thing on any road other than a vehicle lawfully parked.
- 5.3. Without limiting the generality of clause 5.2 no person shall:
- (a) Leave on any road for any period greater than four hours any vehicle which is not in complete and working order; or
 - (b) On any road construct or rebuild or repair or make alterations to any vehicle, except for repairs rendered necessary by reason of accident or breakdown; or
 - (c) Display any article or articles whatsoever outside any shop, shop window, or doorway or in any other place so as to encroach on any road or footpath; or
 - (d) Place, pack or unpack any goods on any road, or
 - (e) Erect any scaffolding, fence or structure of any kind on or over any road; or
 - (f) Use any hoist or crane on or above any road; or
 - (g) Erect or install or cause to be erected or installed any gates or doors capable of being swung over or across any roads; or
 - (h) Being a person in charge of a vehicle or machine, permit any clay, gravel or other material to be carried on to any road; or
 - (i) Permit or suffer anything to fall from any vehicle onto the road or having so fallen to remain on the road.

5.4. Council may Require Object to be Removed

- 5.5. Where any object or thing is on the road contrary to the provisions of 5.1. Council may serve notice on the person who left the thing on the road or any other person who has any interest in or control over the thing requiring that the thing be removed within the period stated in the notice.

5.6. Vegetation within and near the Road Reserve

- 5.7. Unless with Council permission, a person must not plant or erect, at or within 5 metres distance from corners, bends, or intersections on roads, any tree, shrub, hedge, scrub, or

other growth, that, in the opinion of the Council is, or is likely to constitute, a source of nuisance or danger to traffic.

5.8. Encroachment onto Road Reserve

- 5.9. In certain circumstances, Council may allow encroachment by private property owners into the road reserve, including unformed roads.
- 5.10. Any individual group or organisation wishing to occupy any road shall be required to inform Council by completing a road encroachment application. This form can be obtained from any Council office and is available on Council's website.
- 5.11. If any building, bridge, wheelchair access, staircase, gate, stock loading race, stock yard, fence or other structure or any part thereof shall have been erected, constructed or placed upon, under, over or across any road reserve without the permission of Council, or the term of that permission has expired, Council may by notice in writing require the owner of such building or structure or thing to remove the same or such part thereof as specified in the notice.
- 5.12. Any notice issued under Clause 5.11. above may require such precautions to be taken as Council thinks necessary for the safety of the public and for the proper securing of such building or structure as is to remain after such removal.
- 5.13. Council may authorise any officer thereof to pull down, remove or alter or cause to be pulled down, removed or altered any work, material or thing, erected or being in contravention of this Bylaw or section 357 of the Local Government Act 1974.
- 5.14. Council may recover from any person responsible for the erection, or from any person permitting the continued existence, of any such work, material or thing, all expenses incurred by it in connection with such pulling down, removal or alteration.
- 5.15. Any gate erected adjacent to any part of the road reserve shall be constructed in such way as to avoid the gate opening onto road reserve.
- 5.16. Any gate erected as part of an authorised road encroachment licence shall be constructed in such way as to avoid opening onto the road carriageway.
- 5.17. Any fence erected without the authority of an encroachment licence shall be removed within one week of a request from Council to remove the fence.
- 5.18. Any fence erected with the authority of an encroachment licence shall be removed upon a request from Council within the period of notice specified in the licence, or within one week, whichever is the longer.

5.19. Request to Move Vehicle

- 5.20. The owner or person in charge of any vehicle, parked on any maintained road or public place, whether attended or unattended, shall upon request of any parking warden, fire warden, police officer or other authorised officer, move such vehicles as directed for the purpose of facilitating traffic movement or public works.
- 5.21. Without the permission of Council, no person shall:
- (a) Leave on the maintained road or public place for more than 24 hours, any motorised vehicle which no longer has any effective motive power or which is so disabled or in such a state that it cannot be safely driven.
 - (b) Display for sale a vehicle or object on any maintained road or in any other public place in the District except in areas specified for this purpose by the Council.

5.22. Activities that Damage Roads

- 5.23. No person shall undertake any activity that causes or may cause incidental damage to any road.

- 5.24. ~~All parties undertaking any work on, in or over the maintained road must comply with New Zealand Transport Agency Code of Practice for Temporary Traffic Management (CoPTTM) and the Local Roads Supplement (LRS) to CoPTTM and must install or arrange to have installed a temporary traffic management plan (TMP) before commencing their activities (except as necessary to save lives and/or prevent serious injury).~~ All parties undertaking any work on, in, or over the maintained road must comply with the appropriate current NZTA Temporary Traffic Management Standard and must install or arrange to have installed a Council approved temporary traffic management plan (TMP) before commencing their activities (except as necessary to save lives and/or prevent serious injury).

- 5.25. Without limiting the generality of clause 5.27 no person shall:

- (a) Mix any concrete or other material of any kind on the surface of any road.
- (b) Cause or permit any concrete, mortar, or material of a similar nature to be swept, washed, hosed or sluiced into any road or into any drain connected with any part of the council's drainage or sewerage system.
- (c) Use any vehicle whose wheels or tracks causes or may cause damage to the surface or any part of any road.
- (d) Drag or trail anything whether on a sledge or skids or otherwise so as to damage any road.

5.26. Costs of Repair or Reinstatement

- 5.27. Without prejudice to any other remedy, it may have where there has been any breach of this Bylaw which results in damage to any road Council may undertake repairs to the road and recover the costs of and associated with the repair from the person causing the incidental damage or from any person who has committed a breach of the Bylaw in connection with the incidental damage.

~~**Cellar Doors and Gates** The owner and occupiers of any building with cellar doors or windows or gates whether opening or not or any similar structures in any road shall ensure that they are properly maintained and in a safe condition at all times.~~

~~All such doors, windows, gates or other structures shall be used at all times in a manner that does not unnecessarily obstruct the use of the road by any persons or endanger any person using the road. Council may at any time by notice in writing impose restrictions or conditions upon the use of any such door, window, gate or other structure.~~

5.28. Road Numbers

- 5.29. The owners and occupiers of all buildings shall ensure that they are marked with such number as Council shall direct or approve. The number displayed on the building shall be such as to be clearly legible from the road.
- 5.30. Where any building is not numbered or where the number is not sufficiently legible, Council may require, by notice in writing, that the building be numbered in accordance with this Bylaw within a period of 14 days.

5.31. Vehicle Crossings

- 5.32. No vehicle may be driven or ridden from a road to an adjacent property except by means of a Council approved vehicle crossing constructed for that purpose to the satisfaction of Council.
- 5.33. The owner or occupier of any premises wishing to have a vehicle crossing installed shall apply to Council. Council may require such information reasonably necessary for the proper consideration of the application.
- 5.34. Council may require that any vehicle crossing be constructed by a contractor approved by it.
- 5.35. Before any permanent work is undertaken on a vehicle crossing, the person undertaking the work shall provide the ~~Chief Executive or Aa~~ Approved Officer appointed by the Chief Executive with ~~48~~ 24 hours notification, for the purpose of ~~an~~ inspection of work. The person

carrying out an inspection may require works to be uncovered or partly removed to properly show methods and materials used in the construction.

- 5.36. All of the costs of and associated with the construction of a Council approved vehicle crossing shall be borne by the person applying for the vehicle crossing.

- 5.37. Any approved [vehicle crossing within the road reserve must be](#) constructed to [the required Council's standard](#).

~~within road reserve shall be the property of Council who on completion of the crossing shall, without prejudice to its rights to recover against any person for damage to the crossing, be responsible for arranging maintenance of the crossing. The cost of any such maintenance shall be recovered from the property owner, or in the case of a right of way, property owners, served by the crossing, on Notice from the Council.~~

- 5.38. Property owners are responsible for the ongoing maintenance and repairs of their vehicle crossing/s. The Council can require a property owner to repair, reconstruct, renew, or remove a vehicle crossing if it does not meet the [acceptable required](#) standards.

- 5.39. [If a property owner fails to maintain their vehicle crossing, the Council may arrange for the necessary repairs and recover the costs from the property owner.](#)

- 5.40. On rural roads, the cost of maintaining the first 1.5 metres of the crossing, measured from nearest edge of the adjoining road traffic lane, shall be met by the Council as part of its routine road pavement maintenance programme. Such maintenance shall exclude any structures supporting the crossing or the adjacent land.

~~The Council shall undertake inspections of vehicle crossing supporting structures, from time to time. The owner shall be responsible for carrying out at its cost all maintenance and renewal works necessary to maintain the appropriate level of public safety standards, and as identified by Council from time to time. The Council will periodically inspect vehicle crossing supporting structures. The property owner is responsible for all maintenance and renewal work required to meet public safety standards of the supporting structure, as identified by the Council, at their own expense.~~

- 5.41. Where a temporary vehicle crossing is required whether in connection with construction, repair or excavation work or otherwise, such crossing shall not be constructed, laid in place or used unless and until the consent of Council has been obtained. Council may impose such conditions as it thinks fit on the design and use of temporary crossings and in particular having regard to the safety and convenience of users of the crossing and the road and the protection of the road.

- 5.42. The maintenance of bridge structures located in total or in part on road reserve and providing access to single properties shall [be the responsibility of the landowner whose property it serves and shall](#) be renewed and maintained in accordance with Council policy [by the landowner](#), as reviewed [by Council](#) from time to time.

5.43. Failure to Construct Vehicle Crossing

- 5.44. If the owner of any land accesses the land or permits access to the land at any point other than by way of a crossing approved by Council, Council may require the owner to construct a crossing in accordance with [Section 335 of the Local Government Act 1974](#).

5.45. Corridor Access Requirements

- 5.46. No opening may be made in any road whether to construct, repair or remove any service or for any other reason unless and until the [consent approval](#) of Council has been obtained [through the application of a Corridor Access Request \(CAR\) formerly known as a Road Opening Notice](#).

- 5.47. ~~All parties undertaking any work on, in or over the maintained road must comply with New Zealand Transport Agency Code of Practice for Temporary Traffic Management (CoPTTM) and the Local Roads Supplement (LRS) to CoPTTM and must install or arrange to have installed an~~

~~approved temporary traffic management plan (TMP) before commencing their activities (except as necessary to save lives and/or prevent serious injury)~~All parties undertaking any work on, in, or over the maintained road must comply with the appropriate current NZTA Temporary Traffic Management Standard and must install or arrange to have installed a Council approved temporary traffic management plan (TMP) before commencing their activities (except as necessary to save lives and/or prevent serious injury).

- 5.48. This section of this ~~e~~-Bylaw complements the provisions of the statutory requirements described in:
- (a) Telecommunications Act 2001;
 - (b) Gas Act 1992;
 - (c) Electricity Act 1992;
 - (d) Public Works Act 1981;
 - (e) Railway ~~Safety and Corridor Management~~ Act ~~1992~~2005;
 - (f) Local Government Act 1974;
 - (g) Utilities Access Act 2010; and
 - (h) Standards New Zealand Hand Book – Code of Practice for Working in the Road (SNZ 2002:2003).
- 5.49. Without limiting the provisions of Clause 5.48 all parties intending to undertake any of the following activities must comply with *the Utilities Access Act 2010* and subsequent National Code of Practice for Utilities Access to Transport Corridors; this includes (but is not limited to):
- (a) Any activity that will alter or cause to be altered the surface of the road including but not limited to excavating, drilling, and resurfacing.
 - (b) The placement of any pipe, duct, pole, cabinet or other structure below, on or above the road.
- 5.50. Council may require that a contractor approved by it be engaged to carry out the work or any part of the work involved in the opening of the road and its reinstatement.
- 5.51. All of the costs of and associated with the opening of any road shall be borne by the person applying for the permission to open the road.
- 5.52. Council may impose such conditions as it thinks fit on the opening of any road and in particular having regard to the safety and convenience of the users of the road and the protection of the road.
- 5.53. Council may grant, to any service provider, exemptions to this part of this ~~e-Reading~~-Bylaw, by entering an ~~A~~greement between a service provider and the ~~Chief Executive~~Council or ~~his~~ ~~their authorised~~Authorised ~~representative~~Officer.
- 5.54. Without limiting the provisions of Clause 5.53 of this Bylaw, any exemption or agreement entered into will be at the discretion of Council and may contain specific conditions regarding the exemption. Any non-compliance with specific conditions of the exemption will be deemed an offence under this Bylaw.

6. Traffic

- 6.1. The purpose of this Part of this Bylaw is to:
- a) Prohibit or otherwise restrict the stopping, standing, or parking of vehicles on any road or part of a road, or on any piece of land owned or controlled by the Council ~~and not being a road or part of a road~~ including any parking place or transport station;
 - b) Set aside, designate or reserve any road, part of a road or any piece of land owned or controlled by the Council ~~and not being a road or part of a road~~, as:
 - (i) Stopping places or stands for a specified class, classes or types of vehicle, including bus stops, taxi stands and loading zones;
 - (ii) ~~Operation~~Mobility parking spaces;

- (iii) Parking places and zones;
- (iv) Clearways;
- (v) Reserved parking areas;
- (vi) Special vehicle lanes; and

(vii) One-way roads; and

~~(vii)~~ (viii) Shared Paths, Cycle Paths and Cycle Lanes

c) Prohibit or restrict:

- (i) U turns;
- (ii) Left turns, right turns, or through movements;
- (iii) Weights of vehicles or loads that may pass over bridges or culverts;
- (iv) Any specified class of traffic, or any specified motor vehicle or class of motor vehicle which, by reason of its size or nature, or the nature of the goods carried, is unsuitable for use on any road or roads;
- (v) Parking of heavy motor vehicles, or any specified class or description of heavy motor vehicles, on any specified road during ~~such hours or exceeding such period as may be specified~~ specified hours; and
- (vi) The use of engine brakes in urban areas.

d) Provide for the safety of ~~students~~ active transport users at school crossing points.

6.2. Any matter regulated under 6.1 may apply to a specified class, type, weight or description of vehicle, or any combination of these, and may be expressed or limited to apply only on specified days, or between specified times, or for any specified events or classes of events, or be limited to specified maximum period of time.

6.3. To give effect to any matter regulated under 6.1 and 3.2 Council shall mark ~~the~~ roads and install signs in accordance with the Land Transport Rule: Traffic Control Devices 2004.

6.4. **Stopping, standing and parking**

6.5. No person shall stop, stand, or park a vehicle or vehicle combination on any road, public car park, reserve, ~~berm, verge, kerb, lawn, garden or other cultivation adjacent to or forming part of a road,~~ or any other public place in ~~contravention-violation of Council of a~~ restrictions imposed by Council as set out in Schedules B to DH and evidenced shown by appropriate signs and/or road markings. ~~Notwithstanding the provisions of this sub-clause and subject to such conditions as appropriate in the circumstances and payment of the prescribed fee, if any,~~ However, Council may authorise the stopping, standing or parking of specified vehicles under specified conditions and with any required fee.

6.6. No person shall, without the prior written permission of Council, park a vehicle or trailer displaying advertising or sales material ~~on any road or part of a road including all areas of State Highways over which control of Signs has been specifically delegated to Council by the New Zealand Transport Agency, or on any piece of land owned or controlled by Council and not being a road or part of a road, including any parking place or transport station. This restriction includes including~~ vehicles and trailers displayed for sale, and mobile digital or static billboards ~~on:~~

a) any road or part of a road owned or controlled by the Council

b) any road or part of a State Highway (over which control of signs has been delegated to the Council by NZTA

~~a)c)~~ any piece of land owned or controlled by the Council including any parking place or transport station.

6.7. Except with the prior written permission of Council, no person shall park a vehicle on a road or other land under the control or ownership of Council, for any period exceeding seven days, if that vehicle cannot be easily moved ~~on~~ at the request of Council.

6.8. No person shall park or place any machinery, equipment, materials, waste disposal bins or freight containers on any road or public place except with the permission of Council and in accordance with any conditions that may be required. This clause does not apply to loose containers that are used solely for the purpose of domestic refuse or recycling as authorised by Council and placed off the roadway, provided that such containers are not left on any road or public place for a period exceeding 48 hours.

6.9. No person shall park any vehicle in a parking space which is already occupied by another vehicle. However up to six motorcycles (including motorcycles with sidecars attached) but no other vehicle, may occupy any parking space at the same time, (and such motorcycles shall park at right angles to the kerb in the parking space).

~~No person shall repair, alter or add to a vehicle in the course of trade while the vehicle is on the road, unless necessary to enable the vehicle to be removed from the road.~~

6.10. No person shall stop, stand or park a vehicle or vehicle combination on a lawn, garden, or other cultivation adjacent to, or forming part of, a road.

6.11. No person in charge of any vehicle shall stop ~~the same~~ for any period ~~whatsoever~~ in contravention of the prescribed signs in any of the portions of streets in the ~~District of Waitomo District~~ as set out in Schedules B.1 to B.7 and Schedule D.

6.12. **Unlawful Parking**

6.13. No person shall park a vehicle or vehicle combination in a parking space so that any part of that vehicle extends beyond any line defining that space unless by reason of its size it may be necessary for the vehicle to extend onto an adjoining and unoccupied parking space.

6.14. No person shall park any vehicle or vehicle combination in a parking space that is reserved for a different type or use of vehicle and for a longer period than set out in Schedules B.1 to B.7 and Schedule C

6.15. ~~Parking for Disabled Persons~~ **Mobility Parking Spaces**

6.16. Where Council has reserved mobility parking spaces ~~for disabled persons~~, the ~~operation~~ mobility or other lawfully issued ~~disability~~ permit shall be displayed so that it is legible through the front windscreen where fitted, or on the vehicle if no windscreen is fitted. The permit shall not be displayed if the parking space is not being used for the benefit of the permit holder.

6.17. **One-Way Roads**

6.18. A person may only drive a vehicle or ride any horse or ~~bicycle~~ along the roads or parts of roads listed as a 'one-way road' in Schedule A of this Bylaw, in the direction specified.

6.19. Council may amend Schedule A of this Bylaw in accordance with the Local Government Act 2002 to provide for a road, or part of a road, to be a one-way road, or to provide that a road should cease to be used as a one-way road.

6.20. **Shared Paths, Cycle Paths and Cycle Lanes**

6.21. The Council may by resolution determine the priority for users of a shared path, cycle path and/or cycle lane created under the Local Government Act 1974.

6.22. A person must not use a shared path or a cycle path or a cycle lane in a manner contrary to any restriction made by the Council.

6.23. **One-Way Lane Bridges**

6.24. Where any bridge within the Waitomo District is signposted in accordance with ~~a version of the Land Transport Rule: Traffic Control Devices 2004~~ ~~Manual of Traffic Signs and Markings issued~~

~~by the New Zealand Transport Agency~~, the right of way (priority) for that bridge shall be as indicated by the signage and line marking erected at the bridge.

6.25. Turning

6.26. Subject to the erection of the prescribed signs, no person shall drive contrary to any turning restriction listed in Schedule E of this Bylaw.

6.27. Council may amend Schedule E of this Bylaw in accordance with the Local Government Act 2002 to prohibit, subject to the erection of the prescribed signs:

- a) Vehicles on a roadway turning from facing or travelling in one direction to facing or travelling in the opposite direction (No 'U-turns');
- b) Vehicles or specified classes of vehicles from turning to the right or to the left or from proceeding in any other direction.

6.28. May amend Schedule E of this Bylaw in accordance with the Local Government Act 2002 to provide that a turning restriction be removed or amended.

6.29. Turning Movements Permitted by Specified Classes of Vehicles

6.30. Subject to the erection of the prescribed signs, the traffic lanes listed in Schedule E of this Bylaw permit turning movements by specified classes of vehicles.

6.31. Council may amend Schedule E of this Bylaw in accordance with the Local Government Act 2002 to permit turning movements by specified classes of vehicles at a traffic lane, or to provide that a turning movement or turning movements by specified classes of vehicles should cease at a traffic lane.

6.32. Heavy Traffic Prohibitions

6.33. No person shall drive or permit to be driven any heavy motor vehicle except a passenger service vehicle on or along those roads, or parts of roads listed in Schedule F.1 of this Bylaw except for the purpose of picking up, or delivering goods to, or accessing services from an address on those roads when alternative access is not available for this purpose.

~~No person shall drive or permit to be driven or park any heavy motor vehicle or any specified class of heavy motor vehicle during such the hours or exceeding such the period whichas may be specified for the roads or public places listed in Schedule C2 of this Bylaw except for the purposes of loading or unloading goods or passengers at any property whose access is by way of the road or public place.~~

6.34. The prohibitions set out in 6.33 shall not apply to:

- a) A network utility operator or its authorised agent or contractor engaged in the provision of, or maintenance of a network utility operation. ~~(The expression 'network utility operator' has the same meaning given to it by section 166 of the Resource Management Act 1991);~~
- b) Emergency vehicles, vehicle recovery services, tradespersons' vehicles, or campervans as identified on signs approaching the road to which the restriction applies;
- c) Refuse collections carried out by either the local authority or a contractor engaged by the Local Authority.
- d) Any other class of vehicle Council may exclude from the prohibitions in 6.33 in accordance with the Local Government Act 2002 and as identified on signs approaching the road to which the restriction applies.

6.35. Council may amend Schedule F.1 of this Bylaw by resolution publicly notified, to prohibit any heavy traffic on any road or roads within the district or to remove a heavy traffic prohibition.

6.36. **Weights of Vehicles or Loads Over Bridges or Culverts**

6.37. No person shall drive or permit to be driven any heavy motor vehicle with a mass larger than indicated onto or across a bridge or culvert listed in Schedule F.2.

6.38. The Council may amend Schedule F.2 of this Bylaw by resolution publicly notified in accordance with the Local Government Act 2002 and the Heavy Motor Vehicle Regulations 1974 to regulate the weights of vehicles or loads that may pass over bridges or culverts or to provide that any such regulation be removed.

6.39. **Use of Engine Brakes**

6.40. For safety reasons, there is no restriction on the use of engine braking within the Waitomo District.

6.41. **Footpaths and Other Public Places**

6.42. Except with the prior permission of the Chief Executive or an authorised officer, a person shall not on any [footpath or](#) public place:

- a) Drive any vehicle except on a formed road, [or vehicle crossing](#) or drive in a manner that is dangerous or inconsiderate to ~~pedestrians~~ [active transport users](#) or other vehicles in the public place; [or](#)
- b) Use any vehicle [or mobility device or wheeled recreation device or ride a horse](#) ~~including skateboards, roller blades, roller skates, bicycles, scooters or motorised or human propelled scooters, skateboards, or ebikes~~, 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.

~~No person shall ride a skateboard in any area defined in Schedule G.~~

~~No person shall ride a skateboard on any footpath outside areas defined in Schedule G, without due care to ensure no damage is caused to any property or without reasonable consideration for other persons using the footpath.~~

6.43. **Damage to [Traffic Control Devices](#)**

6.44. No person shall interfere with, damage or remove any traffic control ~~sign~~[device](#).

6.45. [The individual or entity responsible for the damage shall be liable for all costs associated with the replacement any traffic control device, including supply and installation incurred by Council to rectify the damage.](#)

6.46. **Selling of Goods and Services at Intersections**

6.47. No person shall wash or clean the windows of any vehicles for payment or donation, solicit any subscription, collection or donation at any road intersection, or within 100 metres of the intersection, on any of its approaches, or use the intersection for the purposes of selling or offering any goods or services of any kind without the written permission of an authorised officer [and in compliance with all other Council Bylaws and the District Plan](#).

6.48. **Temporary Restrictions on the Use of Roads**

6.49. Where an authorised officer considers that there is, or is likely to arise at any place on a road under the jurisdiction of the Council a temporary risk of:

- a) Danger to the public or to road workers; or
- b) Damage to the road,

6.50. Council may temporarily restrict the use of, or speed of, or class of vehicles which may use any part of that road. Any such restriction shall be defined by the display of temporary warning signs in conformity with the *Land Transport Rule: [Traffic Control Devices](#) 2004* and

the New Zealand Transport Agency's *Code of Practice for Temporary Traffic Management and Local Roads Supplement*.

6.51. Height Restrictions

- 6.52. Council may, from time to time, by resolution publicly notified, establish height restrictions for certain sections of road, where a height restriction is imposed vehicles with a total height greater than that listed are prohibited from travelling along the road or under the structure in question.

6.53. Restriction on Use of Road

- 6.54. Council may from time to time by resolution publicly notified, prohibit the stopping, parking or driving of any vehicles on any road, bridge, ferry or ford.
- 6.55. Council may prohibit or restrict, absolutely or conditionally, any specified class of traffic (whether heavy traffic or not), or any specified motor vehicles or class of motor vehicle that, by reason of its size or nature or the nature of the goods carried, is unsuitable for use on any road or roads.
- 6.56. Council may restrict the use of motor vehicles on unformed legal roads for the purposes of protecting the environment, the road and adjoining land, and the safety of road users prescribing the use of roads and cycle tracks, and the construction of anything on, over, or under a road or cycle track.
- 6.57. Council may require the giving and taking of security by or from any person that no special damage will occur to any road, bridge, culvert, ferry, or ford by reason of any heavy traffic.
- 6.58. Council may prohibit any specified class of heavy traffic that has caused or is likely to cause serious damage to any road, unless the cost of reinstating or strengthening the road, as estimated by the road controlling authority is paid previously.
- 6.59. Any person concerned in any heavy traffic operation may make provision for an annual or other payment of any reasonable sum by way of compensation for any damage likely to occur as a result of the heavy traffic to any road, bridge, culvert, ferry, or ford.

If Council considers a road, bridge or other artificial structure to be unsafe for any form of traffic, whether vehicular, animal or human, then it may at any time, close that part of the road or restrict its use.

6.60. Notification of Restrictions

- 6.61. Any road, part of a road, bridge, culvert, ferry or ford which has any restriction imposed upon it by resolution shall be sign posted with a copy of the resolution made pursuant to this Bylaw or a statement of its effect conspicuously displayed before the resolution comes into force.

6.62. Amendment of Schedules

- 6.63. Council may amend any of Schedules A to F of this Bylaw by resolution publicly notified to change any area where any traffic restriction or prohibition applies.

7. Animals and stock on roads

7.1. Moving of Stock

- 7.2.** A person may move any stock, along any road that is not an urban street, within the District in the following situations:

- (a) Returning stock to a farm in the case of an escape or emergency.
- (b) In the case of moving stock in a rural area on Council roads the following conditions shall be complied with:

- (i) The number of animals in any one mob shall not exceed 600 head of cattle or 2,000 head of sheep, and
- (ii) Each mob moved along any road listed in Schedule I shall be accompanied by at least two competent drovers and such other assistance as is necessary to fulfil the requirements of this Bylaw.
- (iii) Each mob moved along any other road shall be accompanied by a competent drover and such other assistance as is necessary to fulfil the requirements of this Bylaw.
- (iv) Stock may be moved on the road only during daylight hours, no earlier than sunrise and no later than sunset, and when the safe driving visibility is at least 100 metres at all times.
- (v) Stock may be moved on any one road up to 25 times per year.
- (vi) At least two drovers shall be used at all times during stock movement on roads.
~~One~~ One shall be in front and one shall be behind the mob at all times, for the purpose of alerting traffic, in addition to ~~the~~ keeping control of ~~the~~ stock.
- (vii) Any drover shall wear a bright coloured reflective jacket, vest, or similar for visibility.
- (viii) The stock shall at all times be kept under control.
- (ix) The drover or drovers shall keep the animals moving along the road at all times so as to make progress towards the destination at an average rate of not less than three kilometres per hour.
- (x) The roadway shall be kept clear of debris and other matter that may cause danger or inconvenience to other road users.
- (xi) Stock shall be moved in such a manner as will ensure that potential danger and inconvenience to other road users will be minimised. Drivers shall facilitate the passing of vehicles through a mob.
- (x) Any person moving stock on any road or part thereof shall where necessary allow any vehicle to proceed along such road or part thereof, and take all reasonable steps at the request of the driver or authorised officer of such vehicle, to make or allow a way for the vehicle to pass through the stock.
- (xi) No road shall be closed for the moving of stock except that, if in the reasonable opinion of Council the moving of any stock would be likely to:
 - Constitute a danger to road users, or
 - Constitute a nuisance, or
 - Cause damage to any road.
- (xii) The owner / drover of stock shall be responsible for public safety or any damage to public or private property, or injury to stock, which may arise from any stock moving activity. To protect their liability for damage to third parties, it is advised that the owner / drover arrange and keep in force public liability insurance.
- (xii) At all times, appropriate [current NZTA Temporary Traffic Management Standard](#) warning signs ~~or~~ [and](#) flashing lights that can be seen from a distance of 170 meters minimum from the front and back of the mob, are to be displayed to appropriately warn road users.

7.3. Any person causing damage to the road, road reserve or any Council or private property in the course of moving any stock shall be liable for costs incurred by Council to rectify the damage.

7.4. A Council permit is required to establish any new crossing place, stock course or underpass.

7.5. Nothing in clause 7.2 shall apply to the movement of dairy cattle on a regular basis, this is covered in clauses 7.7 to 7.17. ~~For the purposes of this part of the Bylaw, regular means the movement any stock twice a week or more.~~

7.6. The Council may grant special permission to an individual or provide a special general permission to the event coordinators for an event, allowing stock to be moved along an urban street.

7.7. Stock Crossings

7.8. No person shall move stock across or along a road where he may reasonably move the stock along a race on private land or road reserve.

7.9. Where it is not reasonable to move stock along a race on private land or road reserve, those stock shall not be moved across or along a road unless:

- (a) the conditions set out in sub clauses (a) and (b) of 7.10 below are complied with; and
- (b) the stock are moved in such a manner, and use only such points of access and exit to and from the road, as will ensure that danger to other road users and damage to the road will be minimised.

7.10. All stock crossings (regular or irregular) are subject to the general conditions, as outlined below:

- a) The exit and entry points of any stock crossings are to be installed directly opposite one another in the road and fences are to be fitted with gates.
- b) Crossings shall be sited with a minimum of 170 metres clear visibility in both directions and no closer than 60 metres to an intersection, if no practical stock crossing location can be found satisfying the above condition, then appropriate signage shall be positioned to ensure that road users are aware of stock crossing.
- c) The property owner is to make provision for clearing of debris generated by the crossing of stock from maintained road surfaces after each crossing to leave the road in a same or better condition than before the stock movement took place. If the road is not left in a same or better condition after stock has been moved across or along the road Council reserves the right to remove debris from the road surface and recover the costs from the stock owner.
- d) Crossing of stock from one side of the maintained road to the other is to be completed by moving the herd in a controlled manner and with a minimum of delay and inconvenience to motorists.
- e) Council may require the payment by the stock drover of any additional costs incurred by Council. These costs may include costs incurred in respect of:

(i) The maintenance of the maintained road due to damage caused by the moving of stock (including dairy cattle), as is assessed by ~~the Chief Executive or an~~ Authorised Officer ~~of Council.~~

(ii) The installation of warning signs at the crossing point.

(iii) The removal by Council (or its agents or contractors) of stock excrement from a sealed road at the point where the cattle cross.

7.11. Dairy Cattle

7.12. In addition to the conditions provided above, all dairy cattle crossings shall be subject to the following conditions:

- (a) Internal farm race and farm management practices are to be arranged so that only one crossing is required per property and there is no requirement to move dairy stock along the road.
- (b) Internal farm races leading to road crossings are to be hard surfaced for at least 50m into the property with material such as metal, ~~tarseal~~ chipseal, concrete or any other

acceptable material or alternatively a removable protective covering for road surfaces such as rubberised or plastic matting that is strong but flexible, resistant to natural chemicals and non-absorbent must be used, in order to reduce the carriage of mud etc. onto the ~~maintained road~~ carriageway by stock movement. Surfaces between fences and the edges of sealed or metallised formations shall be similarly maintained at the owner's expense and shall be shaped to ensure effluent and surface water drain away from the road carriageway.

- (c) While dairy cattle are crossing the ~~maintained road~~ road carriageway ~~Temporary Traffic Control Devices - warning signs~~ are to be installed at the crossing ~~point to meet the requirements of the most recent copy of Transit New Zealand's NZTA's Manual of Traffic Signs and Markings~~ and must be removed after the crossing is completed.

7.13. Stock Underpasses

- 7.14. Where a property that is operated as a split stock or dairy unit has an existing or proposed road crossing that is deemed unsafe and no reasonable alternative siting is available, Council may require a stock underpass.
- 7.15. Stock underpasses must be installed where the following circumstances exist:
- (a) Split drystock farms that are operated on opposite sides of the road where the Annual Average Daily Traffic (AADT) is equal or more than 500 vehicles.
 - (b) Split dairy farms that are operated on opposite sides of the road where the AADT is equal or more than 100 vehicles.
- 7.16. Roads where the AADT is more than 500 vehicles per day are listed in schedule J.1 and more than 100 in Schedule J.2. The map attached to Schedule J.3 shows the District roads by vehicles per day.
- 7.17. Application for and the installation of stock underpasses shall be done in accordance with Council's Policy on Stock Underpasses (Document No. 777432).

7.18. General

- ~~7.19. Provided that where a~~ In the event that a person cannot comply with any conditions of clauses 7.2 to 7.17 inclusive, or there is access through private land, that person shall not drive any stock along or across any road without the prior permission of ~~the Chief Executive or an~~ Authorised Officer of the Council.

7.20. Horse Riding Restrictions

- 7.21. No person shall ride a horse at any time on streets marked in Schedule G including the pedestrian bridge, Te Ara Tika.
- 7.22. The Council may at its discretion grant special permission to an individual or organisation to allow horse riding on streets marked in Schedule G for the purposes of an event.
- 7.23. Council may amend Schedule G of this Bylaw by resolution publicly notified, to prohibit any horse riding on any local road or roads within the district or to remove a horse-riding prohibition.

8. Offences and Penalties

8.1. Offences and Penalties

- 8.2. Every person commits an offence against this Bylaw ~~and is liable on summary conviction to the penalty set out in section 242 of the Local Government Act 2002,~~ who:

- (a) Fails to comply with any control, restriction, limitation or prohibition made pursuant to this Bylaw, or

(b) Fails to comply in all respects with any prohibition, restriction, direction or requirement indicated by the lines, markings, traffic signs and other signs or notices laid down, placed, made or erected on or upon any road, public car park, reserve or other places controlled by the Council under any of the provisions of this Bylaw;

(c) Fails to comply with any condition, duty, or obligation, imposed by this Bylaw.

8.3. Every person who commits an offence against a clause in this Bylaw is liable under the enabling legislation, to penalties and fines as set out below:

a) Every person who fails to comply with any control, restriction, limitation or prohibition made pursuant to this bylaw under Section 242(4) of the Local Government Act 2002, is liable on summary conviction to a fine not exceeding \$20,000.

b) Every person who fails to comply with any control, restriction, limitation or prohibition made pursuant to this bylaw under the Land Transport Act 1998 commits an offence under the Land Transport Act 1998 and the Land Transport (Road User) Rule 2004 and is liable to the penalties and fines as set out in the Land Transport (Offences and Penalties) Regulations 1999.

c) A person may not be subject to proceedings under this Bylaw, if that person is also, for the same facts, being proceeded against for a breach of the Land Transport Act 1998.

~~8.3. Nothing in 8.2 of this Bylaw applies to any offence of a kind referred to in the Land Transport Act 1998.~~

~~A person may not be subject to proceedings under 8.2 of this Bylaw, if that person is also, for the same facts, being proceeded against for a breach of the Land Transport Act 1998.~~

8.4. The following ~~minimum penalties are hereby determined for the purposes of Section 242 of the Local Government Act 2002.~~ table outlines the offences and the enabling legislation.

Brief Description of Offence	<u>Enabling legislation</u>	<u>Fine (Conviction)</u>	<u>Penalty Infringement fee (including GST)</u>
<u>Offences as prescribed in Schedule 1 and Schedule 1B of the regulations</u> Drives dangerously in a public place	<u>Land Transport (Offences and Penalties) Regulations 1999</u>	<u>Varies - maximum of \$1000</u>	<u>Varies - maximum of \$750</u> \$500
<u>Failure to comply with relevant bylaw made under section 22AB of the Act</u> Drives elsewhere than on formed road in a public place	<u>Section 22AB of the Land Transport Act 1998</u>	<u>Varies - maximum of \$1000</u>	<u>Varies - maximum of \$150</u> \$500
<u>Failure to comply with relevant bylaw not involving a vehicle</u> Reckless or intimidating use of wheeled conveyance in public place or causes damage with same	<u>Section 242 of the Local Government Act 2002.</u>	<u>Not exceeding \$20,000</u>	<u>\$1,000</u>
<u>Ride skateboard in prohibited area (Schedule G)</u>			<u>\$60</u>
<u>Use of skateboard on sidewalk in non-prohibited area so as to endanger or inconvenience other persons and/or cause damage to property</u>			<u>\$60</u>

8.5. The Council may amend the relevant minimum penalties in subclause 8.54 and those outlined in the Fees and Charges Schedule from time to time by formal resolution, and publicly notified.

8.6. Defences

- 8.7. A person is not in breach of this Bylaw if that person proves that the act or omission complained of:
- (a) Took place in compliance with the directions of an enforcement officer, a parking warden or a traffic control device; or
 - (b) Was performed by an enforcement officer or a parking warden and was necessary in the execution of that person's duty.

8.8. Exempted Vehicles

- 8.9. This Bylaw shall not apply to emergency vehicles being used in an emergency.
- 8.10. Clause 6.1-6.14, and 6.25 of this Bylaw shall not apply to medical practitioners such as doctors, district nurses and midwives who are attending an emergency.

9. Related Documents

[Waitomo District Council Encroachment Policy](#)
[Waitomo District Council Underpass Policy](#)

SCHEDULE 1 | 1. LIST OF SCHEDULES**1. LIST OF SCHEDULES**

Schedule A - One-Way Roads
 Schedule B.1 - Parking Restrictions: Loading Zones
 Schedule B.2 - Parking Restrictions: Rescue Boat
 Schedule B.3 - Parking Prohibition: Rugby Park
 Schedule B.4 - Parking Restrictions: Permanent Bus Parking
 Schedule B.5 - Parking Restrictions: ~~Restricted-Bus~~[Motorhome Only](#) Parking
 Schedule B.6 - Parking Restrictions: ~~Parking for Disabled~~[Mobility Persons](#)[Parking](#)
 Schedule B.7 - Parking Restrictions: Reserved Parking
 Schedule C - Time Restricted Parking
 Schedule D - No Stopping ~~Areas~~, [No Parking, No Entry and Clearways](#)
 Schedule E - Turning Movements
 Schedule F.1 - Heavy Traffic Prohibitions
 Schedule F.2 - Weight Or Load Restrictions Over Bridges or Culverts
 Schedule F.3- Stock Truck Restrictions
 Schedule G - ~~Skateboards Prohibited Areas~~[Horse Riding Prohibitions](#)
 Schedule H1 - Urban Traffic Areas - Maps SL1 To SL8
 Schedule H2 - Designated Locations
 Schedule H3 - Roads with 50km/h speed limits
 Schedule H4 - Roads with 70km/h speed limits
 Schedule H5 - Roads with 80km/h speed limits
 Schedule I- Roads Requiring At Least Two Drivers Per Mob
 Schedule J -1 Roads with Average Annual Daily Traffic of More Than 500 Vehicles Per Day
 Schedule J -2 Roads with Average Annual Daily Traffic of More Than 100 Vehicles Per Day
 Schedule J -3 Roadmap Showing Classification in Terms of Vehicles Per Day

SCHEDULE A | One-Way Roads

Town	Street	Description
Te Kuiti	Sheridan Street	Between Rora Street and Taupiri Street with traffic entering only from Rora Street.
Waitomo	Waitomo Village Road/Fullerton Road Slip	Between Waitomo Village Road (SH 37) and Fullerton Road with traffic entering from Waitomo Village Road (SH 37).
Te Kuiti	Te Kuiti Domain Access	Between Hinerangi Street and Rora Street North with traffic entering from Hinerangi Street.
Te Kuiti	Te Kuiti Domain Access Loop	Between Te Kuiti Domain Access (North) and Te Kuiti Domain Access (South) with traffic entering from Te Kuiti Domain Access (North)

SCHEDULE B | Parking Restrictions: Loading Zones

Town	Street	Description
Waitomo	Waitomo Village Road	The Loading zone road marking is located on the Left side of WAITOMO VILLAGE RD, starting 226 metres from the intersection of WAITOMO VALLEY RD (SH 37) and continuing for 13 metres.
Waitomo	Waitomo Village Road	The Loading zone road marking is located on the Left side of WAITOMO VILLAGE RD, starting 703 metres from the intersection of WAITOMO VALLEY RD (SH 37) and continuing for 14 metres.
Waitomo	Waitomo Village Road	The Loading zone road marking is located on the Left side of WAITOMO VALLEY RD, starting 709 metres from the intersection of Waitomo Valley Road (SH 37) and continuing for 7 metres.

SCHEDULE B.2 | Parking Restrictions: Rescue Boat

Town	Street	Description
Mokau	Te Kauri Road	On the west side of the boat ramp a space is provided for the rescue boat.

SCHEDULE B.3 | Parking Prohibition: Rugby Park

Town	Street	Description
Te Kuiti	Waitete Road	On the west side on any day on which an Agricultural Show, sports fixture or public entertainment is being conducted on the area in Waitete Road known as Rugby Park and described as Part Pukenui 2D 3G Part No. 5.

SCHEDULE B.4 | Parking Restrictions: ~~Permanent~~-Bus and Taxi Parking

Town	Street	Description
Te Kuiti	Rora Street	The Taxi stand road marking is located on the Left side of RORA ST, starting 267 metres from the intersection of LAWRENCE ST and continuing for 240 metres.
Te Kuiti	Rora Street	The Bus stop road marking is located on the Left side of RORA ST, starting 333 metres from the intersection of LAWRENCE ST and continuing for 20 metres.
Te Kuiti	Rora Street	The Bus stop road marking is located on the Right side of RORA ST, starting 97 metres from the intersection of LAWRENCE ST and continuing for 37 metres.
Te Kuiti	Te Kuiti Domain Access	The Bus stop road marking is located on the Left side of TE KUITI DOMAIN ACCESS, starting 264 metres from the intersection of HINERANGI ST (POWERPOLE RHS) and continuing for 16 metres.
Te Kuiti	Hospital Rd	The Bus stop road marking is located on the Left side of HOSPITAL RD, starting 301 metres from the intersection of TE KUMI RD (SH 3) and continuing for 53 metres.
Te Kuiti	Seddon St	The Bus stop road marking is located on the Right side of SEDDON ST, starting 298 metres from the intersection of CARROLL ST (SH 3) and continuing for 17 metres.
Waitomo	Waitomo Village Rd	The Bus stop road marking is located on the Right side of WAITOMO VILLAGE RD, starting 759 metres from the intersection of WAITOMO VALLEY RD (SH 37) and continuing for 39 metres.

SCHEDULE B.5 | Parking Restrictions: ~~Restricted~~-Bus Motorhome Only Parking

Town	Street	Description
Te Kuiti	Rora St	The Motorhome Parking road marking is located on the Left side of RORA ST, starting 866 metres from the intersection of LAWRENCE ST and continuing for 43 metres.
Te Kuiti	Rora St	The Motorhome Parking road marking is located on the Left side of RORA ST, starting 773 metres from the intersection of LAWRENCE ST and continuing for 81 metres.

SCHEDULE B.6 | Parking Restrictions: ~~Parking for Disabled Persons~~ Mobility Parking

Town	Street	Description
Piopio	Moa St (SH3)	The DISABLED PARKING road marking is located on the Left side of MOA ST (SH 3), starting 256 metres from the intersection of SPEED RESTRICTION and continuing for 1 metres.
Piopio	Moa St (SH3)	The DISABLED PARKING road marking is located on the Left side of MOA ST (SH 3), starting 251 metres from the intersection of SPEED RESTRICTION and continuing for 1 metres.
Te Kuiti	Rora St	The DISABLED PARKING road marking is located on the Left side of RORA ST, starting 303 metres from the intersection of LAWRENCE ST and continuing for 8 metres.
Te Kuiti	Rora St	The DISABLED PARKING road marking is located on the Left side of RORA ST, starting 45 metres from the intersection of LAWRENCE ST and continuing for 1 metres.
Te Kuiti	Rora St	The DISABLED PARKING road marking is located on the Left side of RORA ST, starting 61 metres from the intersection of LAWRENCE ST and continuing for 1 metres.
Te Kuiti	Rora St	The DISABLED PARKING road marking is located on the Right side of RORA ST, starting 83 metres from the intersection of LAWRENCE ST and continuing for 5 metres.
Te Kuiti	King St East	The DISABLED PARKING road marking is located on the Right side of KING ST EAST, starting 29 metres from the intersection of RORA ST and continuing for 2 metres.
Te Kuiti	Taupiri St	The DISABLED PARKING road marking is located on the Right side of TAUPIRI ST, starting 169 metres from the intersection of LAWRENCE ST and continuing for 4 metres.
Te Kuiti	Taupiri St	The DISABLED PARKING road marking is located on the Left side of TAUPIRI ST, starting 171 metres from the intersection of LAWRENCE ST and continuing for 4 metres.
Te Kuiti	Esplanade (North)	The DISABLED PARKING road marking is located on the Left side of ESPLANADE (NORTH), starting 983 metres from the intersection of MASSEY ST and continuing for 3 metres.
Te Kuiti	Esplanade (South)	The DISABLED PARKING road marking is located on the Right side of ESPLANADE (SOUTH), starting 11 metres from the intersection of ANZAC ST and continuing for 1 metres.
Te Kuiti	Rora St	The DISABLED PARKING road marking is located on the Left side of RORA ST, starting 356 metres from the intersection of LAWRENCE ST and continuing for 3 metres.
Waitomo	Waitomo Village Road	The DISABLED PARKING road marking is located on the Left side of WAITOMO VILLAGE RD, starting 704 metres from the intersection of WAITOMO VALLEY RD (SH 37) and continuing for 4 metres.

SCHEDULE B.7 | Electric Vehicle Charging Parking Restrictions

Town	Street	Description
Piopio	Moa St (Sh 3)	The EV Parking road marking is located on the Left side of MOA ST (SH 3), starting 217 metres from the start of the 50km SPEED RESTRICTION and continuing for 5 metres.
Te Kuiti	King St East	The EV Parking road marking is located on the Right side of KING ST EAST, starting 129 metres from the intersection of RORA ST and continuing for 19 metres.
Waitomo	Waitomo Village Road	The EV Parking road marking is located on the Left side of WAITOMO VILLAGE RD, starting 174 metres from the intersection of WAITOMO VALLEY RD (SH 37) and continuing for 8 metres.

SCHEDULE C | Time Restricted Parking

Parking Restrictions applicable between the hours of 8.00am and 6.00pm on any day except Saturday and Sunday and a statutory holiday.		
Parking Restrictions: 5 Minute Parking		
Town	Street	Description
Te Kuiti	King St East	The [P5 + arrow] sign is located on the Right side of KING ST EAST, 136 metres from the intersection of RORA ST.
Te Kuiti	Rora St	The [P + 5 + arrow] sign is located on the Right side of RORA ST, 399 metres from the intersection of LAWRENCE ST.
Parking Restrictions: 15 Minute Parking		
Town	Street	Description
Te Kuiti	Rora Street	On the east side on that portion fronting the building occupied by New Zealand Post a distance of 20 metres.
Parking Restrictions: 60 Minute Parking		
Te Kuiti	King St East	The [P 60 + arrow] sign is located on the Right side of KING ST EAST, 21 metres from the intersection of RORA ST.
Te Kuiti	King St East	The [P 60 + arrow] sign is located on the Left side of KING ST EAST, 22 metres from the intersection of RORA ST.
Te Kuiti	King St East	The [P + 60 + arrow] sign is located on the Right side of KING ST EAST, 79 metres from the intersection of RORA ST.
Te Kuiti	King St East	The [P + 60 + arrow] sign is located on the Left side of KING ST EAST, 87 metres from the intersection of RORA ST.
Te Kuiti	Rora St	The [P + 60 + arrow] sign is located on the Right side of RORA ST, 133 metres from the intersection of LAWRENCE ST.
Te Kuiti	Rora St	The [P + 60 + arrow] sign is located on the Right side of RORA ST, 313 metres from the intersection of LAWRENCE ST.
Te Kuiti	Rora St	The [P + 60 + arrow] sign is located on the Right side of RORA ST, 369 metres from the intersection of LAWRENCE ST.
Te Kuiti	Rora St	The [P + 60 + arrow] sign is located on the Right side of RORA ST, 399 metres from the intersection of LAWRENCE ST.
Te Kuiti	Rora St	The [P + 60 + arrow] sign is located on the Right side of RORA ST, 333 metres from the intersection of LAWRENCE ST.
Parking Restrictions: 120 Minute Parking		
Te Kuiti	Rora St	The [P+120 + arrow] sign is located on the Left side of RORA ST, 42 metres from the intersection of LAWRENCE ST.
Te Kuiti	Rora St	The [P + 120 + arrow] sign is located on the Left side of RORA ST, 86 metres from the intersection of LAWRENCE ST.
Te Kuiti	Rora St	The [P + 120 + arrow] sign is located on the Left side of RORA ST, 338 metres from the intersection of LAWRENCE ST.
Te Kuiti	Rora St	The [P + 120 + arrow] sign is located on the Left side of RORA ST, 379 metres from the intersection of LAWRENCE ST.
Te Kuiti	Rora St	The [P + 120 + arrow] sign is located on the Left side of RORA ST, 432 metres from the intersection of LAWRENCE ST.
Te Kuiti	Rora St	The [P + 120 + arrow] sign is located on the Left side of RORA ST, 72 metres from the intersection of LAWRENCE ST.
Parking Restrictions: 24-Hour Other Parking Time limits		
Te Kuiti	Rora St	The [P + time period + arrow] sign is located on the Left side of RORA ST, 184 metres from the intersection of LAWRENCE ST.
Te Kuiti	Rora St	The [P + time period + arrow] sign is located on the Right side of RORA ST, 198 metres from the intersection of LAWRENCE ST.
Te Kuiti	Rora St	The [P + time period + arrow] sign is located on the Right side of RORA ST, 219 metres from the intersection of LAWRENCE ST.
Te Kuiti	Rora St	The [P + time period + arrow] sign is located on the Right side of RORA ST, 251 metres from the intersection of LAWRENCE ST.
Te Kuiti	Rora St	The [P + time period + arrow] sign is located on the Left side of RORA ST, 483 metres from the intersection of LAWRENCE ST.
Te Kuiti	Rora St	The [P + time period + arrow] sign is located on the Left side of RORA ST, 553 metres from the intersection of LAWRENCE ST.
Te Kuiti	Rora St	The [P + time period + arrow] sign is located on the Right side of RORA ST, 575 metres from the intersection of LAWRENCE ST.

Te Kuiti	Rora St	The [P + time period + arrow] sign is located on the Left side of RORA ST, 585 metres from the intersection of LAWRENCE ST.
Te Kuiti	Rora St	The [P + time period + arrow] sign is located on the Left side of RORA ST, 600 metres from the intersection of LAWRENCE ST.
Te Kuiti	Rora St	The [P + time period + arrow] sign is located on the Left side of RORA ST, 657 metres from the intersection of LAWRENCE ST.
Te Kuiti	Rora St	The [P + time period + arrow] sign is located on the Left side of RORA ST, 224 metres from the intersection of LAWRENCE ST.
Te Kuiti	Rora St	The [P + time period + arrow] sign is located on the Right side of RORA ST, 477 metres from the intersection of LAWRENCE ST.
Te Kuiti	Taupiri St	The [P + time period + Other Times + arrow] sign is located on the Right side of TAUPIRI ST, 508 metres from the intersection of LAWRENCE ST.

SCHEDULE D | No Stopping, No Parking, No Entry and Clearways Areas

Town	Street	Description
MAROKOPA	MOERUA ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of MOERUA ST, starting 99 metres from the intersection of RAUPARAHA ST and continuing for 20 metres.
MAROKOPA	MOERUA ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Left side of MOERUA ST, starting 97 metres from the intersection of RAUPARAHA ST and continuing for 22 metres.
MAROKOPA	MOANA QUAY	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Left side of MOANA QUAY, starting 142 metres from the intersection of RAUPARAHA ST (FENCE POST RHS) and continuing for 50 metres.
MAROKOPA	MOANA QUAY	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of MOANA QUAY, starting 142 metres from the intersection of RAUPARAHA ST (FENCE POST RHS) and continuing for 50 metres.
MOKAU	RERENGA ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of RERENGA ST, starting 20 metres from the intersection of NORTH ST (SH 3) and continuing for 14 metres.
MOKAU	RERENGA ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Left side of RERENGA ST, starting 24 metres from the intersection of NORTH ST (SH 3) and continuing for 3 metres.
MOKAU	RERENGA ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Left side of RERENGA ST, starting 31 metres from the intersection of NORTH ST (SH 3) and continuing for 7 metres.
PIOPIO	MOA ST (SH 3)	The KEEP CLEAR road marking is located on the Left side of MOA ST (SH 3), starting 251 metres from the intersection of SPEED RESTRICTION and continuing for 4 metres.
PIOPIO	RURU ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of RURU ST, starting 213 metres from the intersection of MOA ST (SH 3) and continuing for 52 metres.
PIOPIO	RURU ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Left side of RURU ST, starting 224 metres from the intersection of MOA ST (SH 3) and continuing for 48 metres.
PIOPIO	TUI ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Left side of TUI ST, starting 499 metres from the intersection of SH 3 (MOA ST/EAST) and continuing for 14 metres.
PIOPIO	TUI ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Left side of TUI ST, starting 531 metres from the intersection of SH 3 (MOA ST/EAST) and continuing for 16 metres.
PIOPIO	TUI ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of TUI ST, starting 531 metres from the intersection of SH 3 (MOA ST/EAST) and continuing for 22 metres.
RURAL	TE WAITERE RD	The NO PARKING road marking is located on the Right side of TE WAITERE RD, starting 11476 metres from the intersection of TAHAROA RD and continuing for 3 metres.

Town	Street	Description
RURAL	TE WAITERE RD	The NO PARKING road marking is located on the Left side of TE WAITERE RD, starting 11477 metres from the intersection of TAHAROA RD and continuing for 2 metres.
RURAL	TE WAITERE RD	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Left side of TE WAITERE RD, starting 11476 metres from the intersection of TAHAROA RD and continuing for 24 metres.
RURAL	TE WAITERE RD	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of TE WAITERE RD, starting 11446 metres from the intersection of TAHAROA RD and continuing for 54 metres.
RURAL	FULLERTON RD	The NO ENTRY road marking is located on the Right side of FULLERTON RD, starting 8686 metres from the intersection of OPARURE RD and continuing for 1 metres.
RURAL	WAITOMO VILLAGE RD/FULLERTON RD SLIP	The KEEP CLEAR road marking is located on the Right side of WAITOMO VILLAGE RD/FULLERTON RD SLIP, starting 24 metres from the intersection of WAITOMO VILLAGE RD and continuing for 4 metres.
RURAL	WAITOMO VILLAGE RD/FULLERTON RD SLIP	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of WAITOMO VILLAGE RD/FULLERTON RD SLIP, starting 38 metres from the intersection of WAITOMO VILLAGE RD and continuing for 99 metres.
RURAL	WAITOMO VILLAGE RD/FULLERTON RD SLIP	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Left side of WAITOMO VILLAGE RD/FULLERTON RD SLIP, starting 65 metres from the intersection of WAITOMO VILLAGE RD and continuing for 71 metres.
TE KUITI	BAYNE ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of BAYNE ST, starting 5 metres from the intersection of PRINCES ST and continuing for 22 metres.
TE KUITI	CRAIG TCE	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of CRAIG TCE, starting 2 metres from the intersection of CARROLL ST (SH 3) and continuing for 123 metres.
TE KUITI	EKETONE ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Left side of EKETONE ST, starting 227 metres from the intersection of HILL ST and continuing for 43 metres.
TE KUITI	EKETONE ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of EKETONE ST, starting 119 metres from the intersection of HILL ST and continuing for 220 metres.
TE KUITI	ESPLANADE (NORTH)	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of ESPLANADE (NORTH), starting 656 metres from the intersection of MASSEY ST and continuing for 81 metres.
TE KUITI	ESPLANADE (SOUTH)	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of ESPLANADE (SOUTH), starting 53 metres from the intersection of ANZAC ST and continuing for 7 metres.
TE KUITI	HILL ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of HILL ST, starting 1 metres from the intersection of KING ST WEST and continuing for 29 metres.
TE KUITI	JENNINGS ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of JENNINGS ST, starting 26 metres from the intersection of RATA ST and continuing for 35 metres.
TE KUITI	JENNINGS ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of JENNINGS ST, starting 174 metres from the intersection of RATA ST and continuing for 14 metres.
TE KUITI	HOSPITAL RD	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Left side of HOSPITAL RD, starting 426 metres from the intersection of TE KUMI RD (SH 3) and continuing for 30 metres.
TE KUITI	KING ST WEST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of KING ST WEST, starting 426 metres from the intersection of CARROLL ST (SH 3) and continuing for 43 metres.

Town	Street	Description
TE KUITI	KING ST WEST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Left side of KING ST WEST, starting 482 metres from the intersection of CARROLL ST (SH 3) and continuing for 23 metres.
TE KUITI	KING ST WEST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of KING ST WEST, starting 485 metres from the intersection of CARROLL ST (SH 3) and continuing for 18 metres.
TE KUITI	PRINCES ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Left side of PRINCES ST, starting 17 metres from the intersection of QUEEN ST and continuing for 69 metres.
TE KUITI	PRINCES ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of PRINCES ST, starting 79 metres from the intersection of QUEEN ST and continuing for 77 metres.
TE KUITI	PRINCES ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Left side of PRINCES ST, starting 97 metres from the intersection of QUEEN ST and continuing for 56 metres.
TE KUITI	QUEEN ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Left side of QUEEN ST, starting 122 metres from the intersection of CARROLL ST (SH 3) and continuing for 105 metres.
TE KUITI	TAUPIRI ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Left side of TAUPIRI ST, starting 353 metres from the intersection of LAWRENCE ST and continuing for 22 metres.
TE KUITI	TAUPIRI ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Left side of TAUPIRI ST, starting 560 metres from the intersection of LAWRENCE ST and continuing for 10 metres.
TE KUITI	TAWA ST (TE KUITI)	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of TAWA ST (TE KUITI), starting 207 metres from the intersection of JENNINGS ST and continuing for 101 metres.
TE KUITI	HOSPITAL RD	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Left side of HOSPITAL RD, starting 379 metres from the intersection of TE KUMI RD (SH 3) and continuing for 46 metres.
TE KUITI	SEDDON ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Left side of SEDDON ST, starting 11 metres from the intersection of CARROLL ST (SH 3) and continuing for 101 metres.
TE KUITI	ALEXANDRA ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of ALEXANDRA ST, starting 11 metres from the intersection of RORA ST and continuing for 9 metres.
TE KUITI	RORA ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Left side of RORA ST, starting 488 metres from the intersection of LAWRENCE ST and continuing for 7 metres.
TE KUITI	RORA ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Left side of RORA ST, starting 312 metres from the intersection of LAWRENCE ST and continuing for 17 metres.
TE KUITI	RORA ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Left side of RORA ST, starting 700 metres from the intersection of LAWRENCE ST and continuing for 25 metres.
TE KUITI	RORA ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of RORA ST, starting 193 metres from the intersection of LAWRENCE ST and continuing for 21 metres.
TE KUITI	SHERIDAN ST	The NO ENTRY road marking is located on the Centre side of SHERIDAN ST, starting 96 metres from the intersection of RORA ST and continuing for 1 metres.
TE KUITI	QUEEN ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Left side of QUEEN ST, starting 348 metres from the intersection of CARROLL ST (SH 3) and continuing for 60 metres.
TE KUITI	QUEEN ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of QUEEN ST, starting 348 metres from

Town	Street	Description
		the intersection of CARROLL ST (SH 3) and continuing for 67 metres.
TE KUITI	PRINCES ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Left side of PRINCES ST, starting 6 metres from the intersection of QUEEN ST and continuing for 11 metres.
TE KUITI	BAYNE ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Left side of BAYNE ST, starting 7 metres from the intersection of PRINCES ST and continuing for 20 metres.
TE KUITI	RORA ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of RORA ST, starting 696 metres from the intersection of LAWRENCE ST and continuing for 14 metres.
TE KUITI	RORA ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of RORA ST, starting 658 metres from the intersection of LAWRENCE ST and continuing for 27 metres.
TE KUITI	RORA ST	The NO PARKING road marking is located on the Left side of RORA ST, starting 584 metres from the intersection of LAWRENCE ST and continuing for 6 metres.
TE KUITI	RORA ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of RORA ST, starting 590 metres from the intersection of LAWRENCE ST and continuing for 5 metres.
TE KUITI	RORA ST	The NO PARKING road marking is located on the Right side of RORA ST, starting 593 metres from the intersection of LAWRENCE ST and continuing for 1 metres.
TE KUITI	TAUPIRI ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of TAUPIRI ST, starting 426 metres from the intersection of LAWRENCE ST and continuing for 10 metres.
TE KUITI	RORA ST (NORTH)	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of RORA ST (NORTH), starting 1 metres from the intersection of RORA ST and continuing for 216 metres.
TE KUITI	RORA ST (NORTH)	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Left side of RORA ST (NORTH), starting 0 metres from the intersection of RORA ST and continuing for 14 metres.
TE KUITI	RORA ST (NORTH)	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Left side of RORA ST (NORTH), starting 184 metres from the intersection of RORA ST and continuing for 43 metres.
TE KUITI	RORA ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of RORA ST, starting 1061 metres from the intersection of LAWRENCE ST and continuing for 19 metres.
TE KUITI	RORA ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Left side of RORA ST, starting 1060 metres from the intersection of LAWRENCE ST and continuing for 12 metres.
TE KUITI	RORA ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Left side of RORA ST, starting 1002 metres from the intersection of LAWRENCE ST and continuing for 53 metres.
TE KUITI	RORA ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of RORA ST, starting 1003 metres from the intersection of LAWRENCE ST and continuing for 34 metres.
TE KUITI	RORA ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of RORA ST, starting 961 metres from the intersection of LAWRENCE ST and continuing for 33 metres.
TE KUITI	RORA ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Left side of RORA ST, starting 980 metres from the intersection of LAWRENCE ST and continuing for 14 metres.
TE KUITI	RORA ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of RORA ST, starting 900 metres from the intersection of LAWRENCE ST and continuing for 13 metres.
TE KUITI	RORA ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of RORA ST, starting 847 metres from the intersection of LAWRENCE ST and continuing for 14 metres.
TE KUITI	ALEXANDRA ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Left side of ALEXANDRA ST, starting 6 metres from the intersection of RORA ST and continuing for 12 metres.

Town	Street	Description
TE KUITI	RORA ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of RORA ST, starting 801 metres from the intersection of LAWRENCE ST and continuing for 10 metres.
TE KUITI	RORA ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of RORA ST, starting 767 metres from the intersection of LAWRENCE ST and continuing for 11 metres.
TE KUITI	RORA ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Left side of RORA ST, starting 746 metres from the intersection of LAWRENCE ST and continuing for 26 metres.
TE KUITI	WARD ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of WARD ST, starting 8 metres from the intersection of RORA ST and continuing for 16 metres.
TE KUITI	RORA ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of RORA ST, starting 315 metres from the intersection of LAWRENCE ST and continuing for 12 metres.
TE KUITI	RORA ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Left side of RORA ST, starting 184 metres from the intersection of LAWRENCE ST and continuing for 39 metres.
TE KUITI	RORA ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of RORA ST, starting 89 metres from the intersection of LAWRENCE ST and continuing for 8 metres.
TE KUITI	RORA ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of RORA ST, starting 45 metres from the intersection of LAWRENCE ST and continuing for 18 metres.
TE KUITI	TAUPIRI ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Left side of TAUPIRI ST, starting 627 metres from the intersection of LAWRENCE ST and continuing for 5 metres.
TE KUITI	TAUPIRI ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Left side of TAUPIRI ST, starting 646 metres from the intersection of LAWRENCE ST and continuing for 27 metres.
TE KUITI	TAUPIRI ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Left side of TAUPIRI ST, starting 734 metres from the intersection of LAWRENCE ST and continuing for 23 metres.
TE KUITI	TAUPIRI ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Left side of TAUPIRI ST, starting 799 metres from the intersection of LAWRENCE ST and continuing for 55 metres.
TE KUITI	TAUPIRI ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of TAUPIRI ST, starting 834 metres from the intersection of LAWRENCE ST and continuing for 20 metres.
TE KUITI	TAUPIRI ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Left side of TAUPIRI ST, starting 867 metres from the intersection of LAWRENCE ST and continuing for 1 metres.
TE KUITI	ALEXANDRA ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of ALEXANDRA ST, starting 85 metres from the intersection of RORA ST and continuing for 12 metres.
TE KUITI	TAUPIRI ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Left side of TAUPIRI ST, starting 867 metres from the intersection of LAWRENCE ST and continuing for 15 metres.
TE KUITI	TAUPIRI ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of TAUPIRI ST, starting 867 metres from the intersection of LAWRENCE ST and continuing for 15 metres.
TE KUITI	ALEXANDRA ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Left side of ALEXANDRA ST, starting 112 metres from the intersection of RORA ST and continuing for 11 metres.
TE KUITI	SEDDON ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of SEDDON ST, starting 3 metres from the intersection of CARROLL ST (SH 3) and continuing for 123 metres.
TE KUITI	QUEEN ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of QUEEN ST, starting 128 metres from the intersection of CARROLL ST (SH 3) and continuing for 38 metres.

Town	Street	Description
TE KUITI	QUEEN ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Left side of QUEEN ST, starting 76 metres from the intersection of CARROLL ST (SH 3) and continuing for 27 metres.
TE KUITI	QUEEN ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Left side of QUEEN ST, starting 49 metres from the intersection of CARROLL ST (SH 3) and continuing for 13 metres.
TE KUITI	QUEEN ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Left side of QUEEN ST, starting 5 metres from the intersection of CARROLL ST (SH 3) and continuing for 12 metres.
TE KUITI	CATO TCE	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of CATO TCE, starting 51 metres from the intersection of CRAIG TCE and continuing for 14 metres.
TE KUITI	CATO TCE	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Left side of CATO TCE, starting 52 metres from the intersection of CRAIG TCE and continuing for 14 metres.
TE KUITI	TE KUITI RD	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Left side of TE KUITI RD, starting 583 metres from the intersection of ANZAC ST and continuing for 31 metres.
TE KUITI	HOSPITAL RD	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of HOSPITAL RD, starting 384 metres from the intersection of TE KUMI RD (SH 3) and continuing for 75 metres.
TE KUITI	EKETONE ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of EKETONE ST, starting 372 metres from the intersection of HILL ST and continuing for 9 metres.
TE KUITI	HOSPITAL RD	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Left side of HOSPITAL RD, starting 354 metres from the intersection of TE KUMI RD (SH 3) and continuing for 20 metres.
TE KUITI	RORA ST	The NO PARKING road marking is located on the Left side of RORA ST, starting 503 metres from the intersection of LAWRENCE ST and continuing for 9 metres.
TE KUITI	TAUPIRI ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of TAUPIRI ST, starting 649 metres from the intersection of LAWRENCE ST and continuing for 5 metres.
TE KUITI	KING ST EAST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of KING ST EAST, starting 289 metres from the intersection of RORA ST and continuing for 12 metres.
TE KUITI	KING ST EAST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Left side of KING ST EAST, starting 287 metres from the intersection of RORA ST and continuing for 16 metres.
TE KUITI	JENNINGS ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of JENNINGS ST, starting 208 metres from the intersection of RATA ST and continuing for 39 metres.
TE KUITI	TAUPIRI ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of TAUPIRI ST, starting 805 metres from the intersection of LAWRENCE ST and continuing for 8 metres.
TE KUITI	TAUPIRI ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of TAUPIRI ST, starting 773 metres from the intersection of LAWRENCE ST and continuing for 13 metres.
TE KUITI	TAUPIRI ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of TAUPIRI ST, starting 754 metres from the intersection of LAWRENCE ST and continuing for 10 metres.
TE KUITI	TAUPIRI ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of TAUPIRI ST, starting 738 metres from the intersection of LAWRENCE ST and continuing for 8 metres.
TE KUITI	EKETONE ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Left side of EKETONE ST, starting 109 metres from the intersection of HILL ST and continuing for 107 metres.
TE KUITI	SEDDON ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of SEDDON ST, starting 316 metres from the intersection of CARROLL ST (SH 3) and continuing for 6 metres.

Town	Street	Description
TE KUITI	SEDDON ST	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of SEDDON ST, starting 292 metres from the intersection of CARROLL ST (SH 3) and continuing for 6 metres.
TE KUITI/ RURAL	WALKER RD	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of WALKER RD, starting 102 metres from the intersection of WILLIAM ST and continuing for 43 metres.
TE KUITI/ RURAL	WALKER RD	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Left side of WALKER RD, starting 82 metres from the intersection of WILLIAM ST and continuing for 65 metres.
WAITOMO	WAITOMO VILLAGE RD	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of WAITOMO VILLAGE RD, starting 88 metres from the intersection of WAITOMO VALLEY RD (SH 37) and continuing for 93 metres.
WAITOMO	WAITOMO VILLAGE RD	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Left side of WAITOMO VILLAGE RD, starting 75 metres from the intersection of WAITOMO VALLEY RD (SH 37) and continuing for 49 metres.
WAITOMO	WAITOMO VILLAGE RD	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of WAITOMO VILLAGE RD, starting 274 metres from the intersection of WAITOMO VALLEY RD (SH 37) and continuing for 6 metres.
WAITOMO	WAITOMO VILLAGE RD	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Left side of WAITOMO VILLAGE RD, starting 257 metres from the intersection of WAITOMO VALLEY RD (SH 37) and continuing for 28 metres.
WAITOMO	WAITOMO VILLAGE RD	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Left side of WAITOMO VILLAGE RD, starting 670 metres from the intersection of WAITOMO VALLEY RD (SH 37) and continuing for 48 metres.
WAITOMO	WAITOMO VILLAGE RD	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Left side of WAITOMO VILLAGE RD, starting 670 metres from the intersection of WAITOMO VALLEY RD (SH 37) and continuing for 81 metres.
WAITOMO	WAITOMO VILLAGE RD	The NO PARKING road marking is located on the Right side of WAITOMO VILLAGE RD, starting 752 metres from the intersection of WAITOMO VALLEY RD (SH 37) and continuing for 6 metres.
WAITOMO	WAITOMO VILLAGE RD	The No Stopping Line (yellow) 100mm 1 x 1 road marking is located on the Right side of WAITOMO VILLAGE RD, starting 711 metres from the intersection of WAITOMO VALLEY RD (SH 37) and continuing for 6 metres.

SCHEDULE E | Turning Movements

Town	Street	Description
Waitomo	N/A Fullerton Road	No Left Turn 8669m from the intersection of Oparure Road
Waitomo	Fullerton Road	No Right Turn 8702m from the intersection of Oparure Road

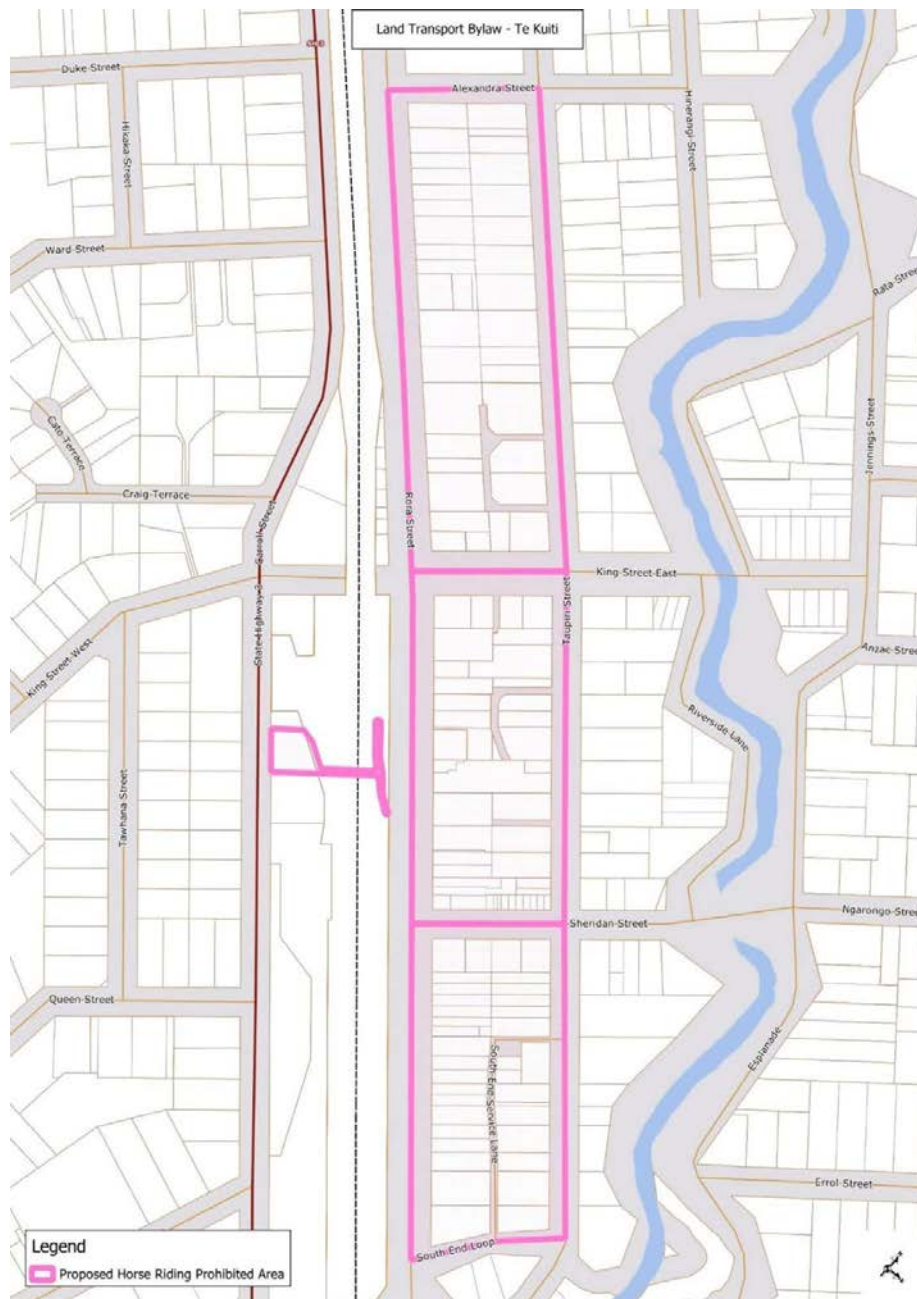
SCHEDULE F.1 | Heavy Traffic Prohibitions

Town	Street	Description
Te Kuiti	Mangarino Road	Between The Esplanade and Tawa Street – Not to be used for through traffic.
Te Kuiti	Rora Street	From Te Kumi Road (northern railway crossing) to Awakino Road / Waitete Road Intersection (southern railway crossing) - Not to be used for through traffic.
Te Kuiti	Matai Street	The entirety of Matai Street – delivery of goods and services to Matai Street residents exempt.

SCHEDULE F.2 | Weight or Load Restrictions over Bridges or Culverts

Road	Bridge No	Maximum weight
Awakau Road	121	12 tonne
Mapara Road	F32	12 tonne
Mill Road	264	5 tonne
Paraheka Road	218	12 tonne
All other bridges on District Roads		44 tonne
All other bridges on District Roads		tonne

SCHEDULE G | ~~Skateboards — Prohibited Areas~~ Horse Riding Prohibitions
[Proposed]



SCHEDULE H | Speed Limits

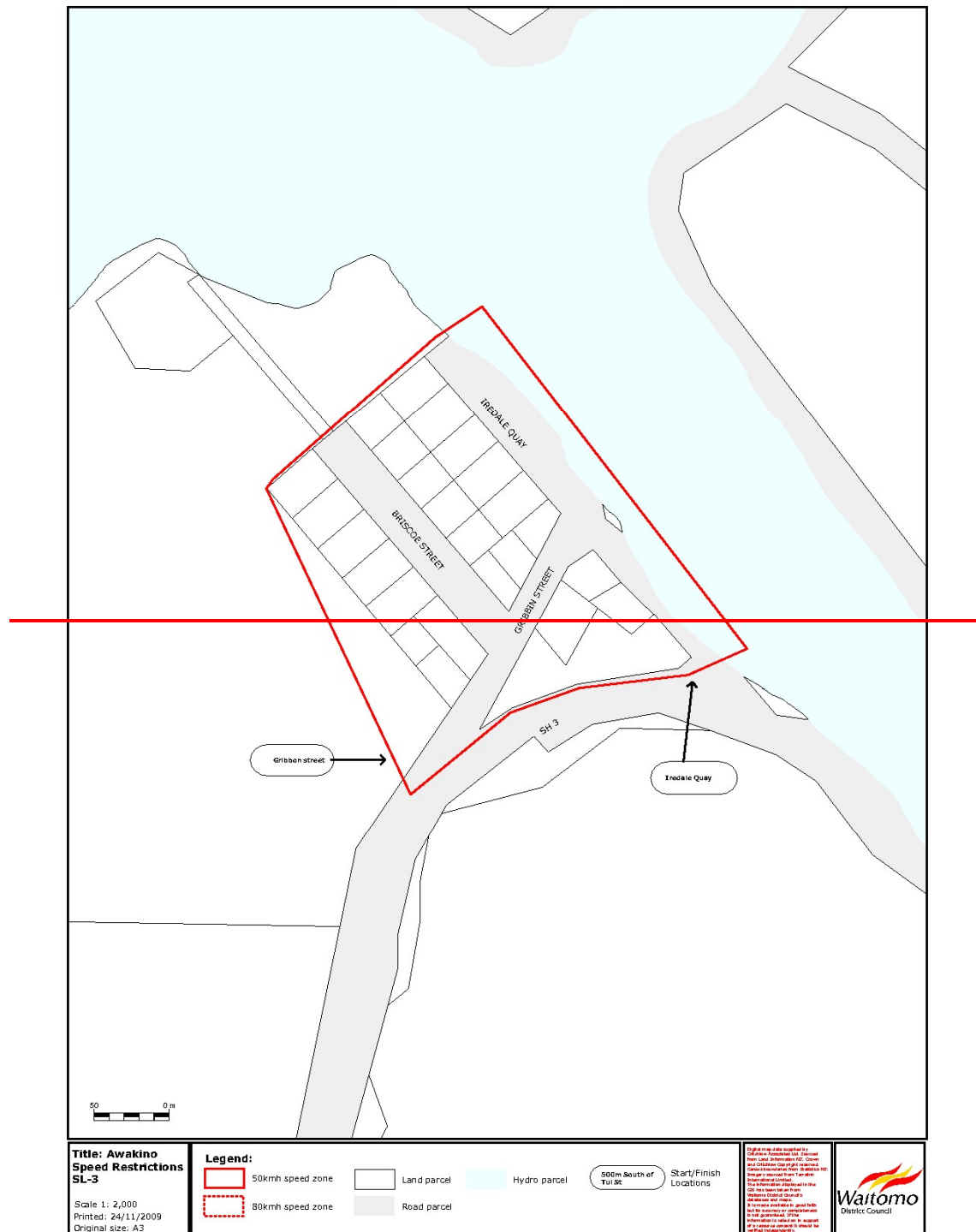
All speed limits within the Waitomo District, including but not limited to:

- Urban roading
- Rural roading
- State Highways
- Beaches
- Parks
- Reserves

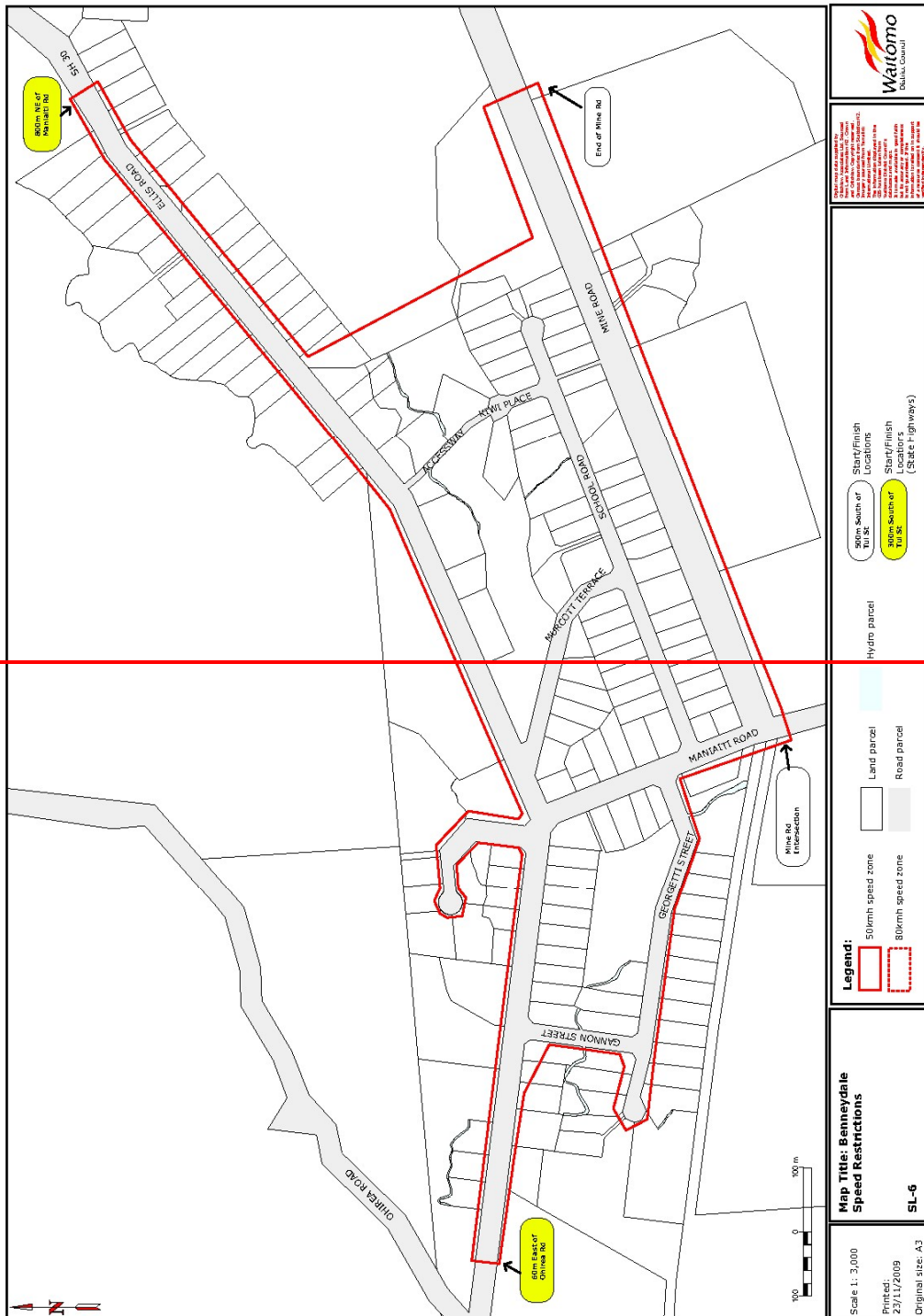
Are detailed within the National Speed Limit Register which is maintained and administered by the NZ Transport Agency Waka Kotahi.

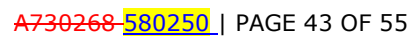
Link: [NSLR \(nzta.govt.nz\)](https://nzta.govt.nz)

Map SL3—Awakino

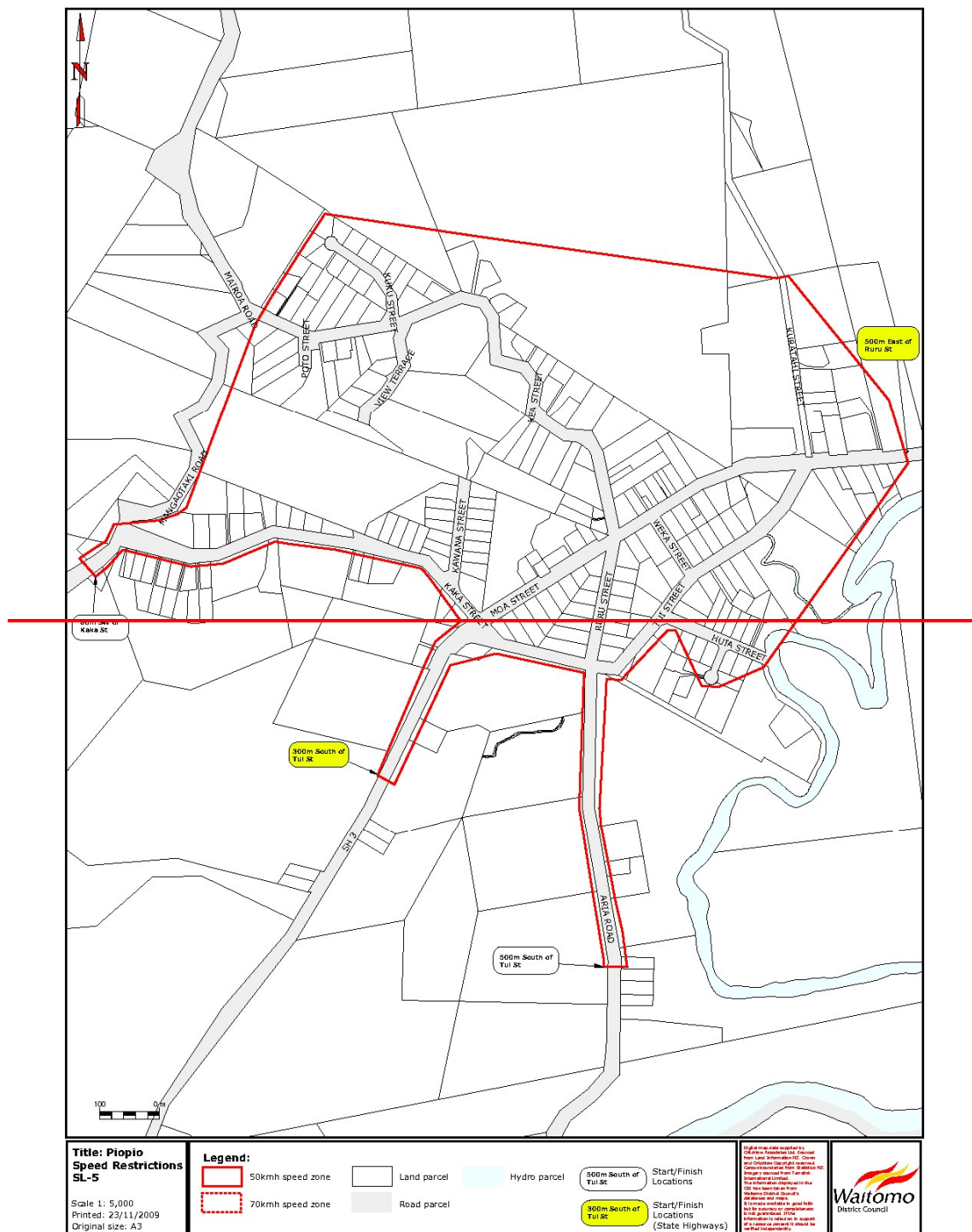


Map SL6—Benneydale

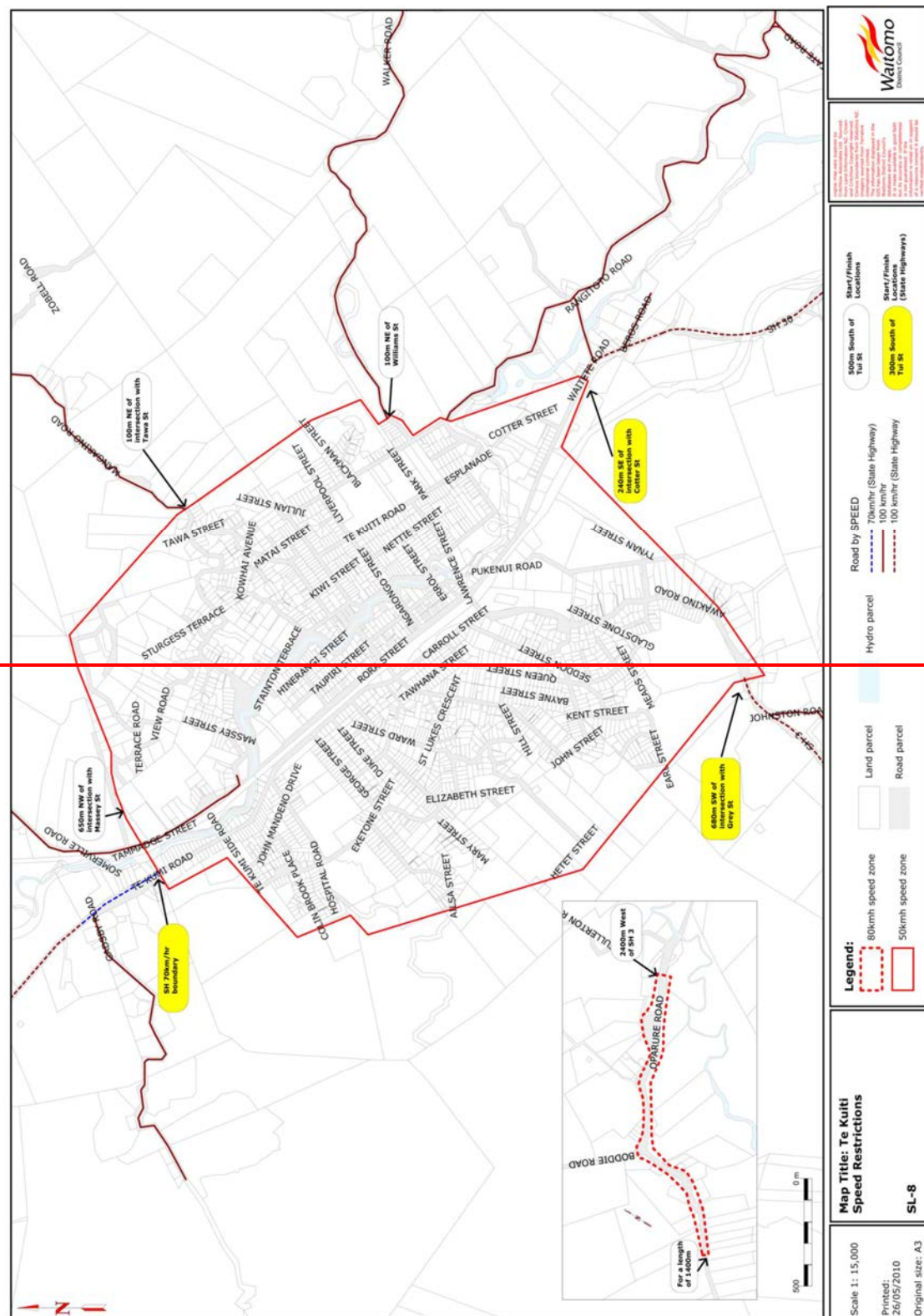


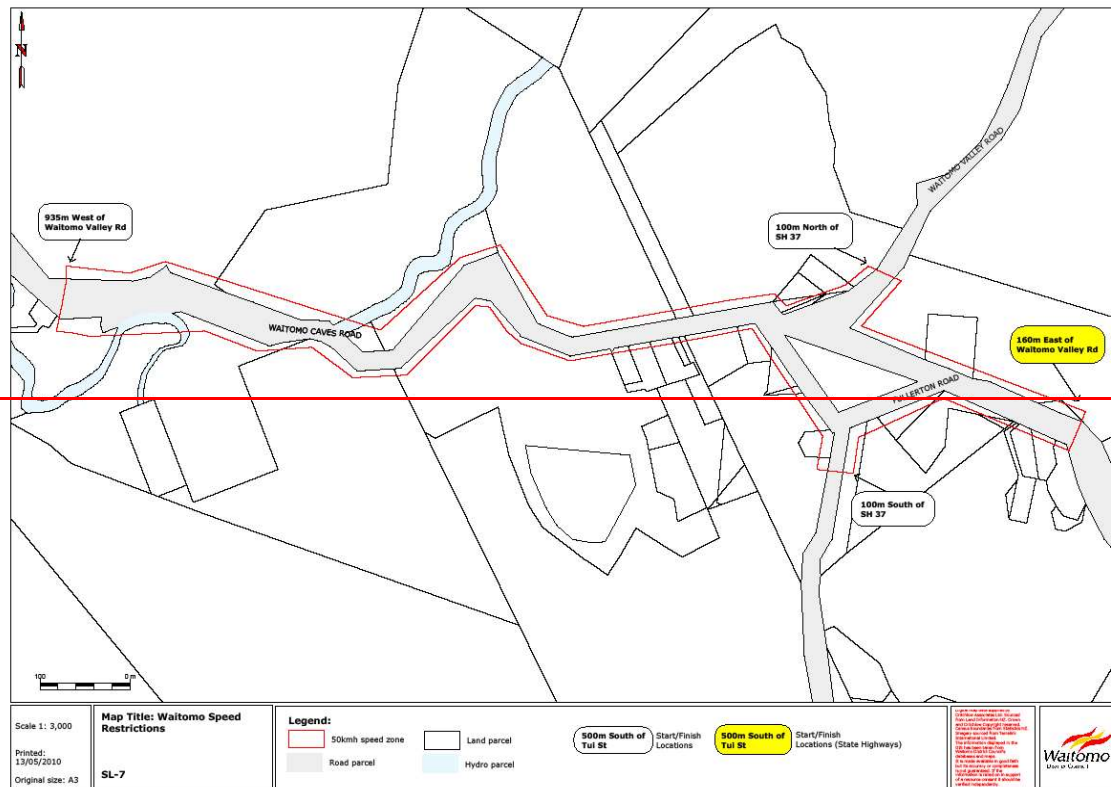


~~Map SL5 – Piepie~~



~~Map SL8 – Te Kuiti~~



Map SL7—Waitomo**SCHEDULE H.2 | Designated Locations**

Speed Limit	Description of Designated Location
20km/h	All beaches in the Waitomo District
20km/h	Te Kuiti Domain situated in Rora Street and Hinerangi Streets and described as Lots 29, 30 and 31C of Pukenui 2A or on the road which extends through the said Domain from Hinerangi Street to Rora Street.
20km/h	The Mangaokewa Gorge Scenic Reserve described as Part Pukenui 2U1 Block, Block IV Otanake Survey District or on any part of the Waitomo District's Waterworks Reserve described as Part Pukenui 2U1 Block, Block IV Otanake Survey District.
20km/h	All parks and reserves in the District

SCHEDULE H.3 | Roads With 50km/h Speed Limit

Town	Road	Description	Previous Legal Instrument	Legal Instrument	Date Speed Limit Comes into force
Awakino	N/A	Awakino urban traffic area as depicted on Map SL3	N/A	Land Transport Bylaw 2010	1 June 2010
Benneydale	N/A	Benneydale urban traffic area as	Speed Limit Bylaw 2005	Land Transport Bylaw 2010	1 June 2010

		depicted on Map SL6			
Marokopa	N/A	Marokopa urban traffic area as depicted on Map SL1	N/A	Land Transport Bylaw 2010	1 June 2010
Mokau	N/A	Mokau urban traffic area as depicted on Map SL2	N/A	Land Transport Bylaw 2010	1 June 2010
Piopia	N/A	Piopia urban traffic area as depicted on Map SL5	Speed Limit Bylaw 2005	Land Transport Bylaw 2010	1 June 2010
Te Kuiti	N/A	Te Kuiti urban traffic area as depicted on Map SL8	Speed Limit Bylaw 2005	Land Transport Bylaw 2010	1 June 2010
Waitomo	N/A	Waitomo urban traffic area as depicted on Map SL7	Speed Limit Bylaw 2005	Land Transport Bylaw 2010	1 June 2010

~~SCHEDULE H.4 | Roads With 70km/h Speed Limit~~

Town	Road	Description	Previous Legal Instrument	Legal Instrument	Date Speed Limit Comes into force
Aria	N/A	Aria urban traffic area as depicted on Map SL4	Speed Limit Bylaw 2005	Land Transport Bylaw 2010	1 June 2010

~~SCHEDULE H.5 | Roads With 80km/h Speed Limit~~

Town	Road	Description	Previous Legal Instrument	Legal Instrument	Date Speed Limit Comes into force
Te Kuiti	Oparure Road	As indicated in the inset in Map SL9 — Te Kuiti	N/A	Land Transport Bylaw 2010	1 June 2010

SCHEDULE I | Roads requiring at least two Drivers per Mob

Aria Road
Mangatoa Road
Oparure Road
Totoro Road

Kopaki Road
Marokopa Road
Pukerimu Road
Troopers Road

Manganui Road
Mokauti Road
Rangitoto Road

Mangarino Road
Ohura Road (Aria to Mokauti Road)
Te Anga Road

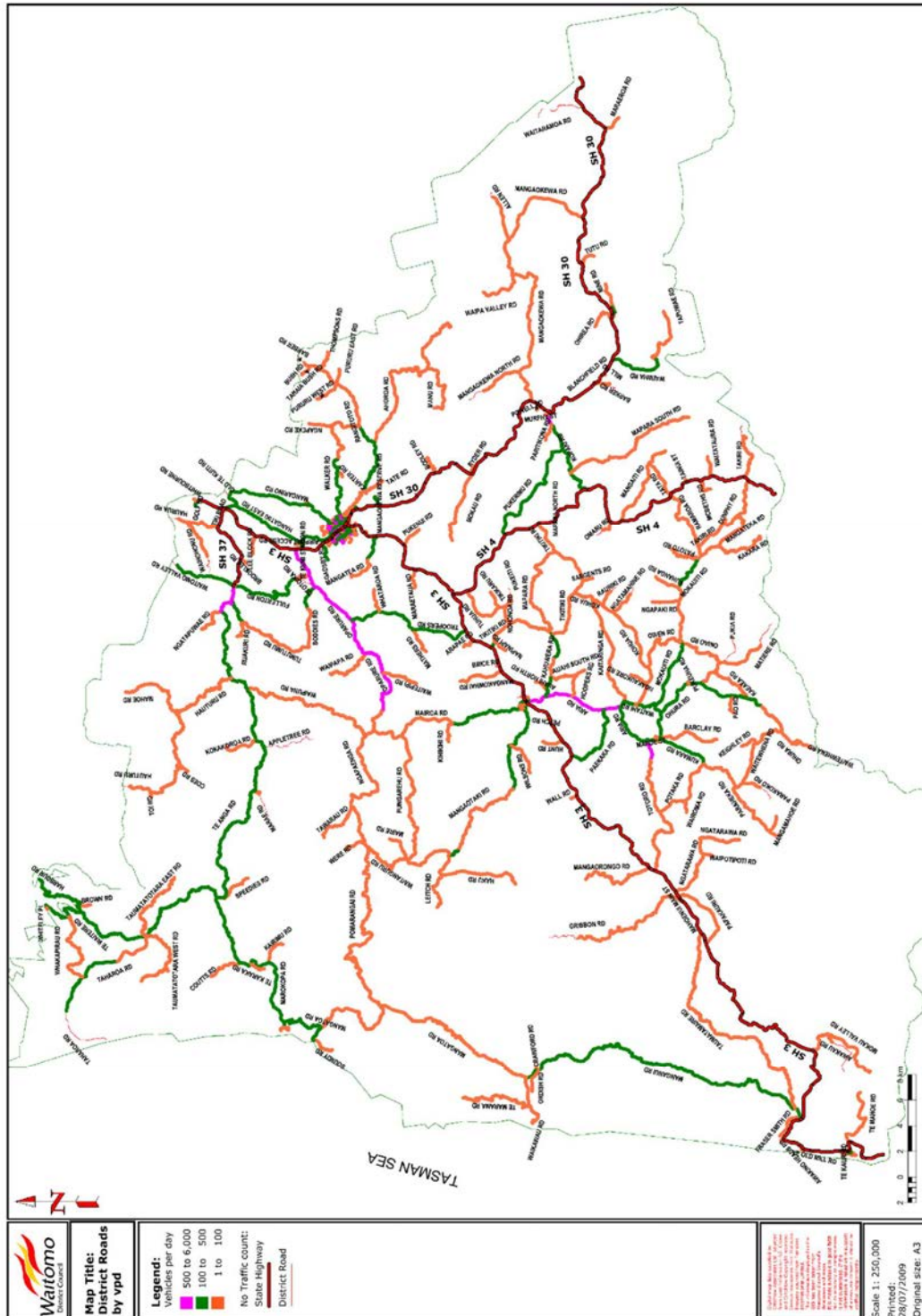
SCHEDULE J.1 | Roads with Annual Average Daily Traffic of more than 500 vehicles per day

Road Name	vpd Group	Description
Aria Rd	vpd >500	From SH3 to Kaitaringa Rd
Kopaki Rd	vpd >500	From SH30 to Paritikona Rd
Oparure Rd	vpd >500	Whole length except portion shown in orange on map J.3.7
Te Anga Rd	vpd >500	From Waitomo Valley Rd to Ngatapuwa Rd
Totoro Rd	vpd >500	From Aria Rd the portion shown in pink on map J.3.10

SCHEDULE J.2 | Roads with Annual Average Daily Traffic of more than 100 vehicles per day

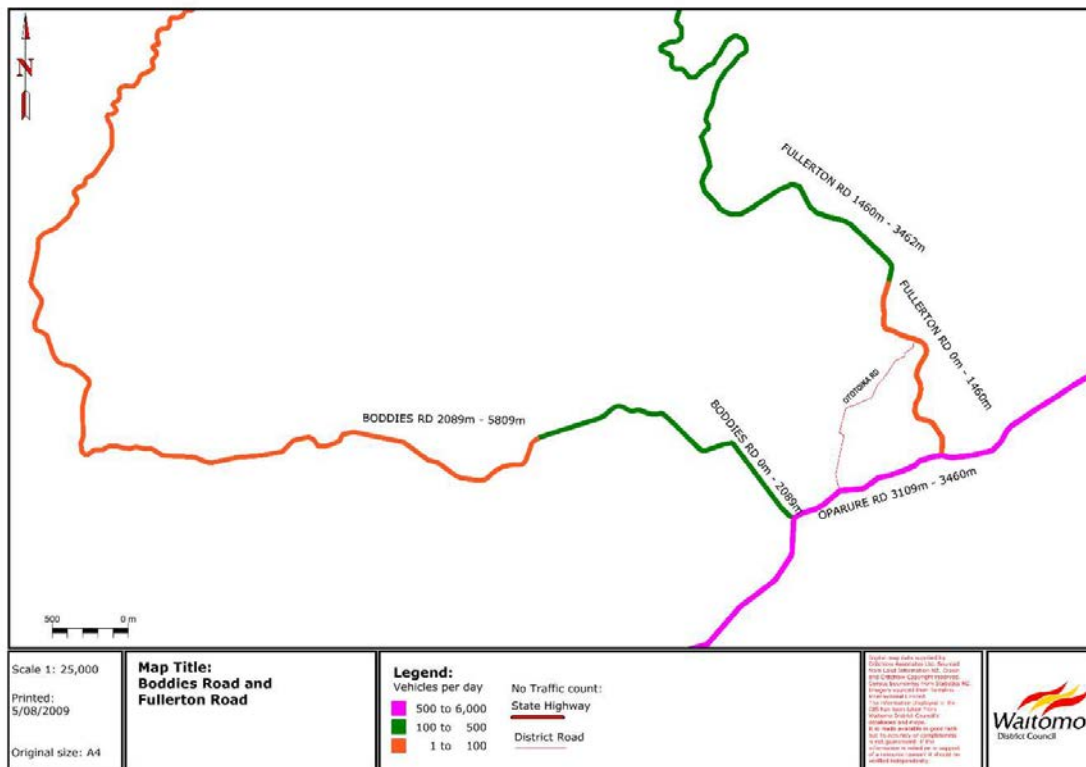
Road Name	vpd Group	Description
Aria Rd	vpd 100<500	From Kaitaringa Rd to Totoro Rd
Boddies Rd	vpd 100<500	From Oparure Rd portion shown in green on map J.3.1
Fullerton Rd	vpd 100<500	From SH 37 to portion shown in orange on map J.3.1
Gadsby Rd	vpd 100<500	Whole length
Golf Rd	vpd 100<500	Whole length
Hangatiki East Rd	vpd 100<500	Whole length
Harbour Rd	vpd 100<500	Whole length
Kahuwera Rd	vpd 100<500	From Aria Rd to Auahi Soth Rd and from Tikitiki Rd to area shown in orange on map J.3.2
Kaitaringa Rd	vpd 100<500	From Aria Rd to Waitahi Rd
Kopaki Rd	vpd 100<500	From Paritikona Rd to SH4
Kumara Rd	vpd 100<500	From Putaka Rd to Mahoe Str
Mairoa Rd	vpd 100<500	From Piopio to Kihikihi Rd
Manganui Rd	vpd 100<500	Whole length
Mangaokewa Reserve Rd	vpd 100<500	Whole length
Mangaotaki Rd	vpd 100<500	From Kaka Str to area shown in orange on map J.3.3 and from Leitch Rd portion shown in green on map J.3.4
Mangarino Rd	vpd 100<500	Whole length
Mangatea Rd	vpd 100<500	From SH3 to portion shown in orange on map J.3.5
Mangatoa Rd	vpd 100<500	From Crawford Rd to Waikawau Rd
Marokopa Rd	vpd 100<500	From Te Anga Rd to Mangatoa Rd
Mokauiti Rd	vpd 100<500	From Pohanga Rd to Patoto Rd
Ohura Rd	vpd 100<500	From Waitahi Rd to portion shown in orange on map J.3.6
Paekaka Rd	vpd 100<500	Whole length
Pukerimu Rd	vpd 100<500	Whole length
Rangitoto Rd	vpd 100<500	From Carter Rd to Ngapeke Rd
Somerville Rd	vpd 100<500	Whole length
Soundy Rd	vpd 100<500	From Mangatoa Rd to portion shown in orange on map J.3.8
Taharoa Rd	vpd 100<500	Whole length except area shown in orange on map J.3.9
Te Anga Rd	vpd 100<500	From Ngatapuwa Rd to Te Waitere Rd
Te Kumi Station Rd	vpd 100<500	Whole length
Te Waitere Rd	vpd 100<500	Whole length
Tikitiki Rd	vpd 100<500	From SH3 to Napinapi Rd
Troopers Rd	vpd 100<500	Whole length
Tumutumu Rd	vpd 100<500	From Te Anga Rd to Ruakuri Rd
Waimiha Rd	vpd 100<500	From SH30 to portion shown in orange on map J.3.11
Waitahi Rd	vpd 100<500	Whole length
Waitomo Valley Rd	vpd 100<500	Whole length
Walker Rd	vpd 100<500	From Rora St to area shown in orange on map J.3.12

SCHEDULE J.3 | Roadmap showing District roads by vehicles per day

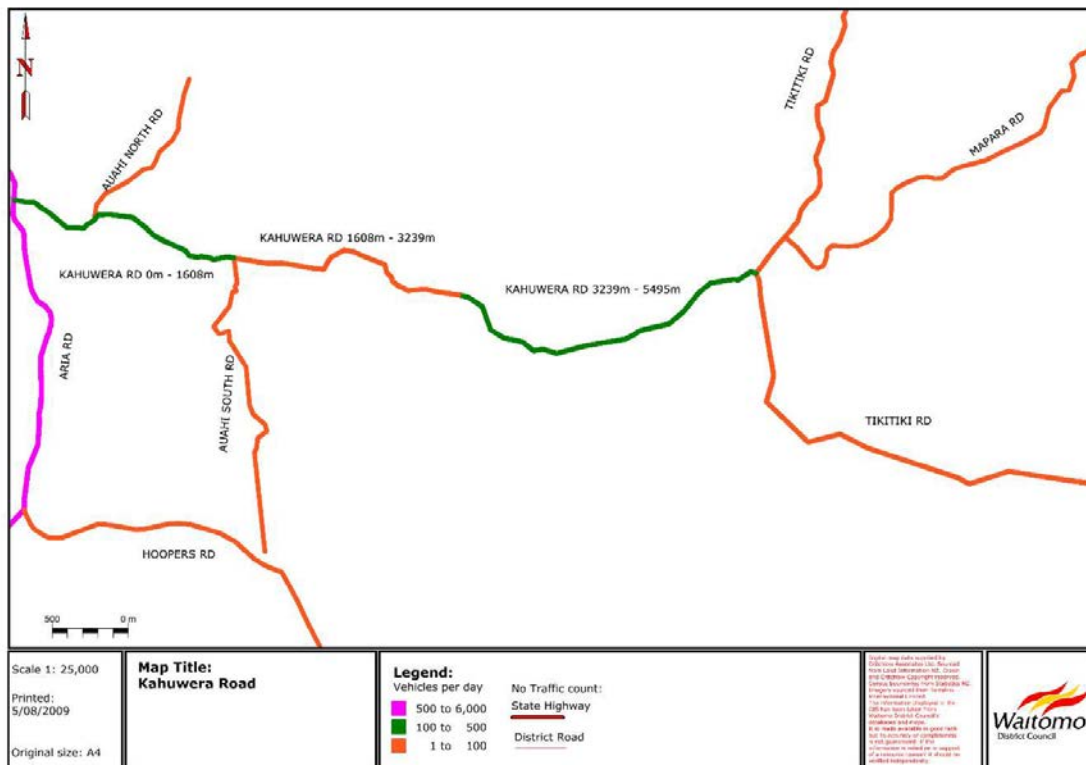


Note: The classification of roads on this Map is indicative only given the scale of the Map and the size of the page. Please refer to the detailed Maps at J3.1 to J3.12.

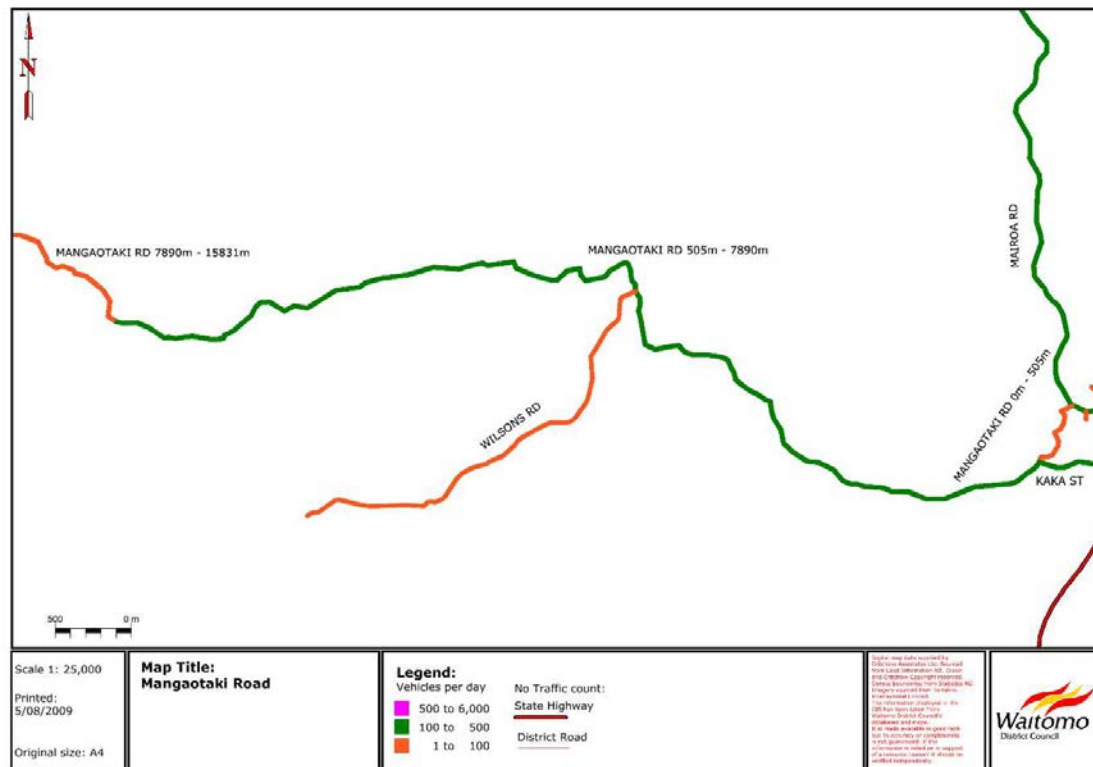
Map J.3.1



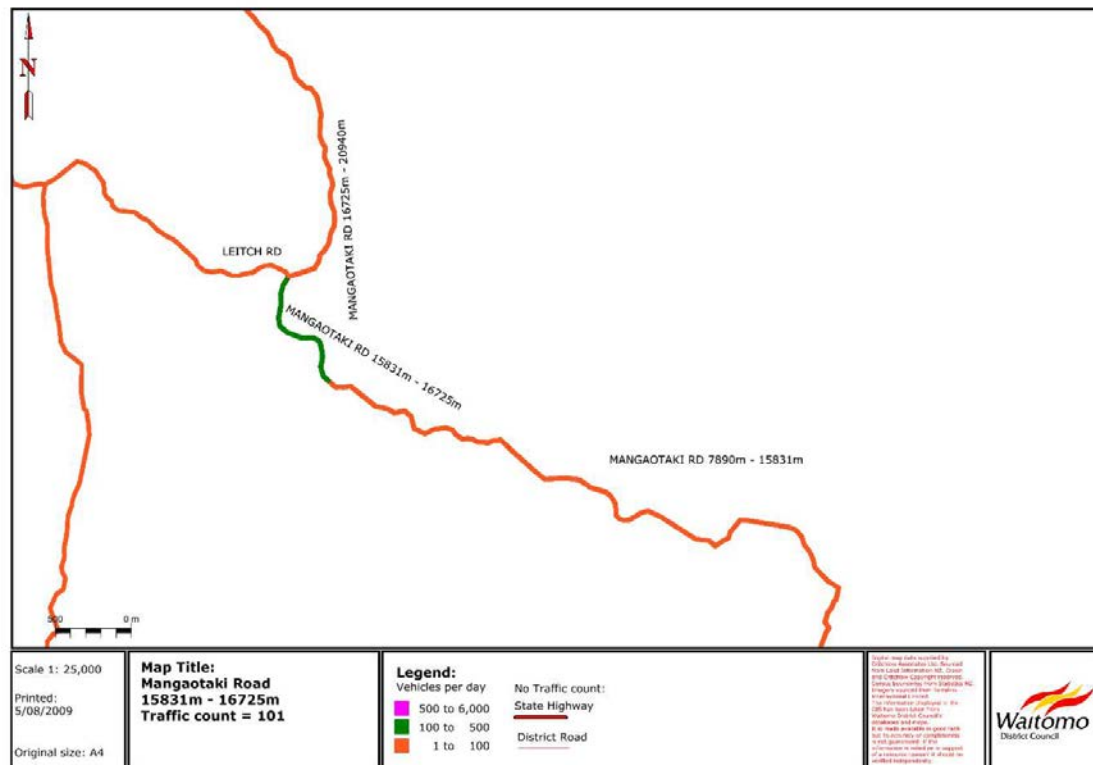
Map J.3.2



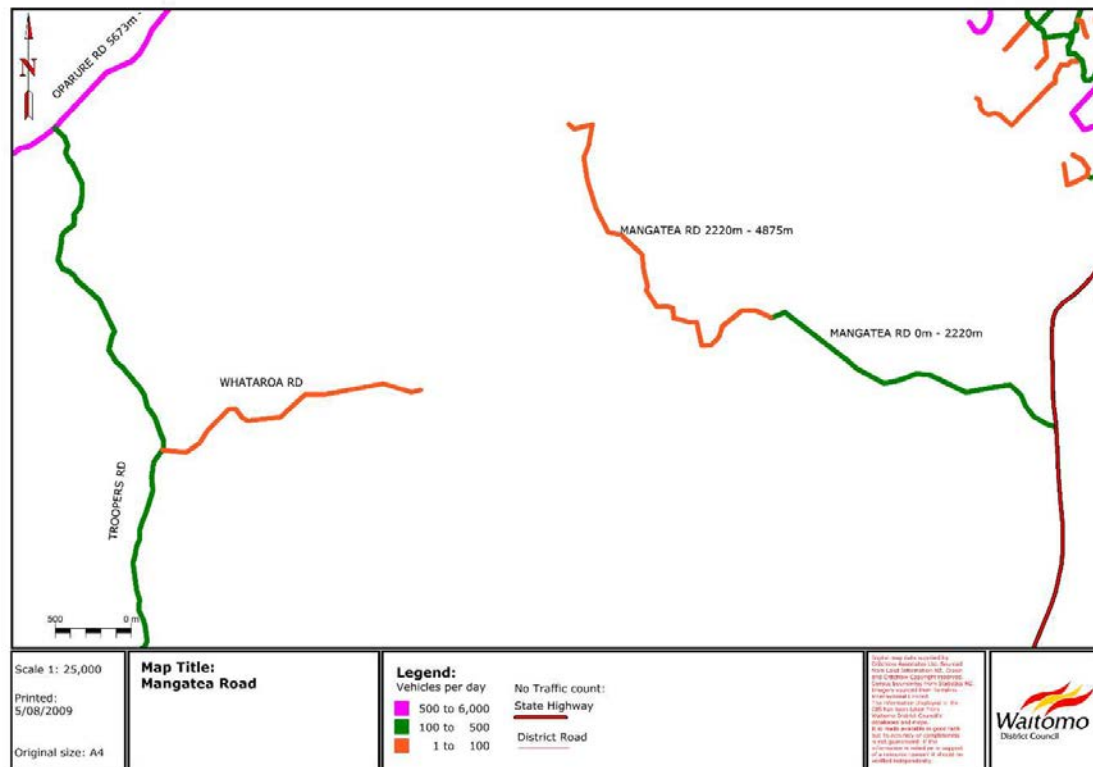
Schedule J.3.3



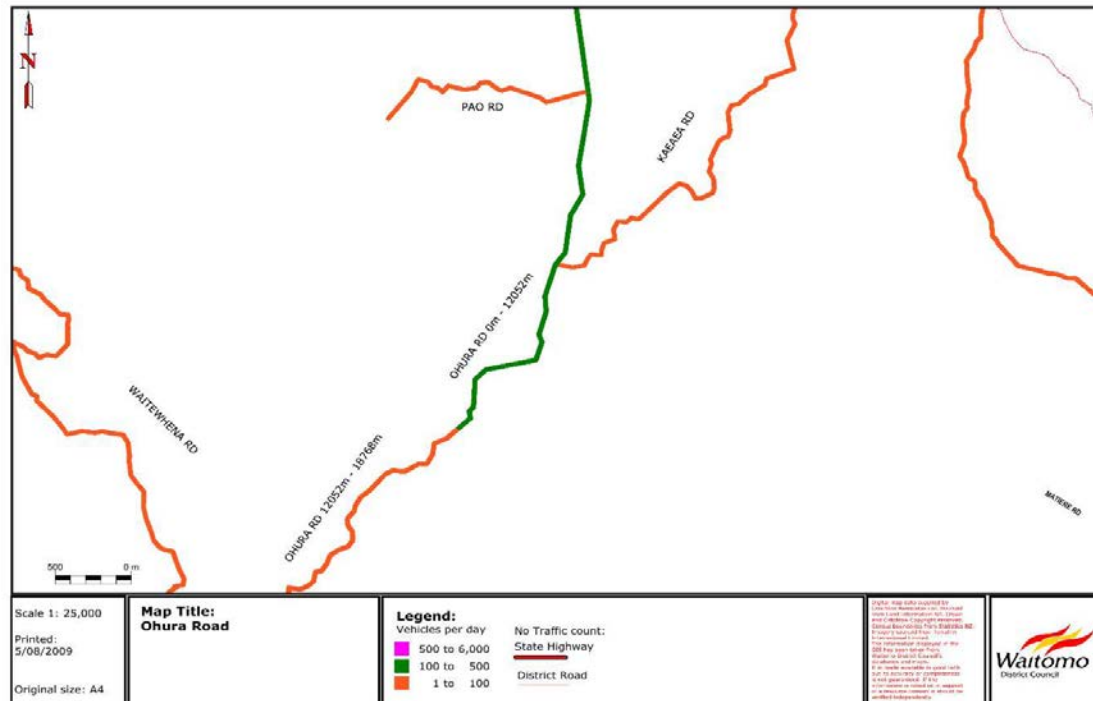
Map J.3.4



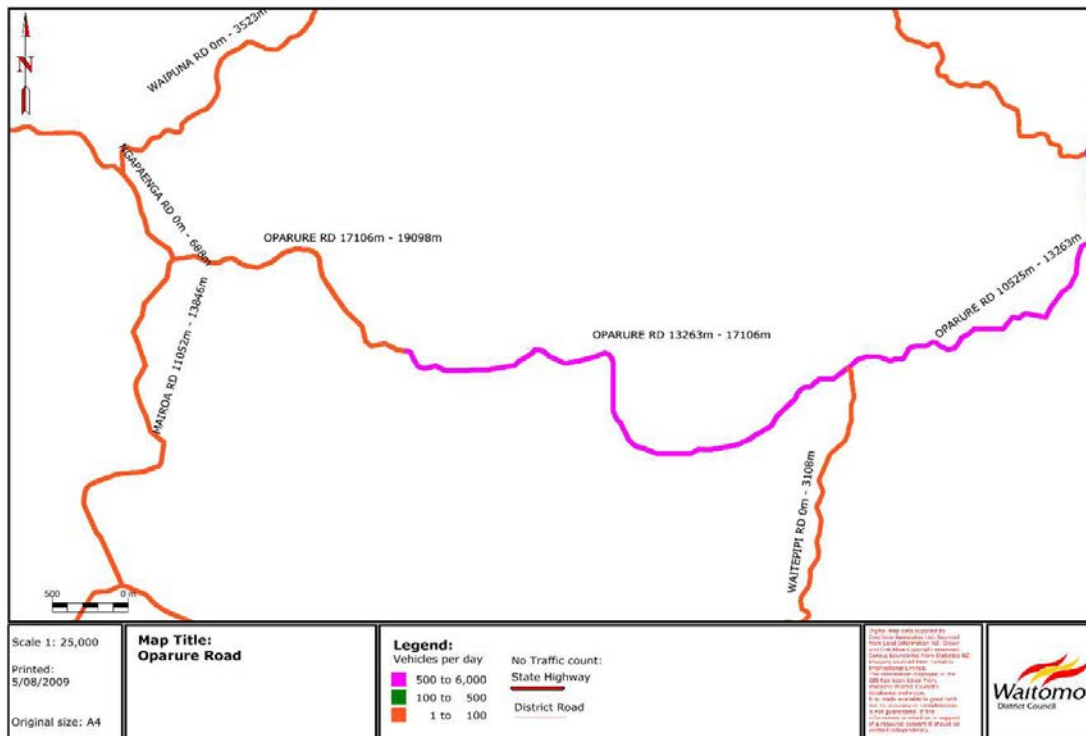
Map J.3.5



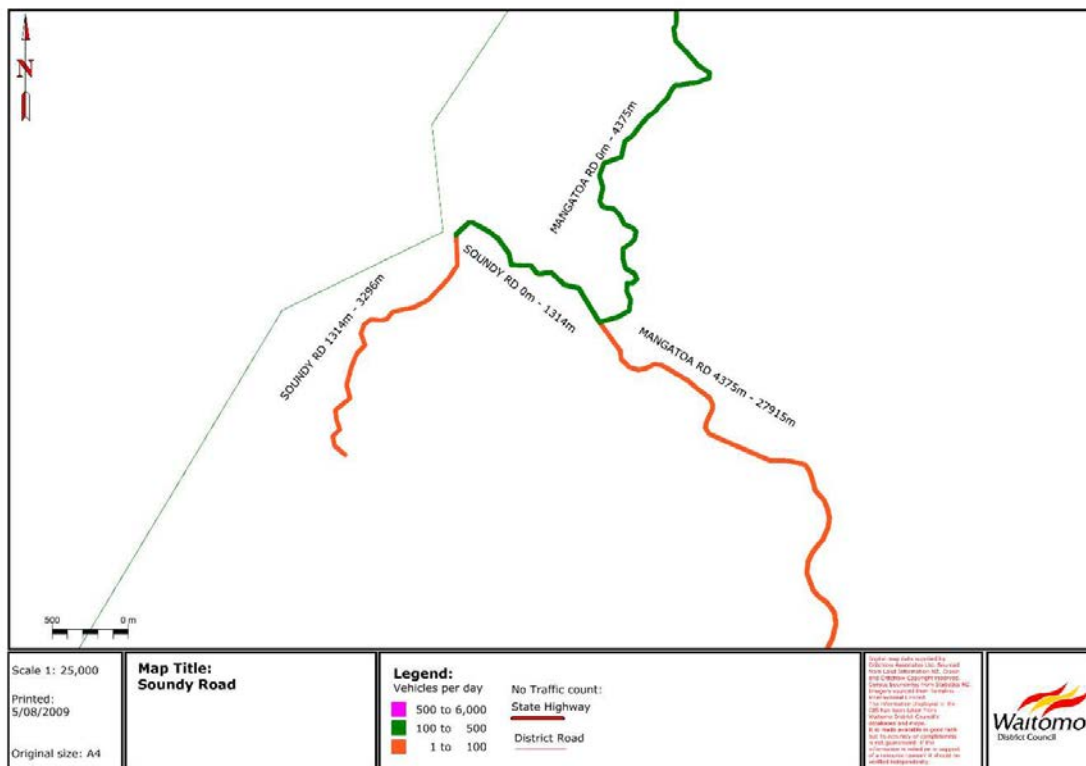
Map J.3.6



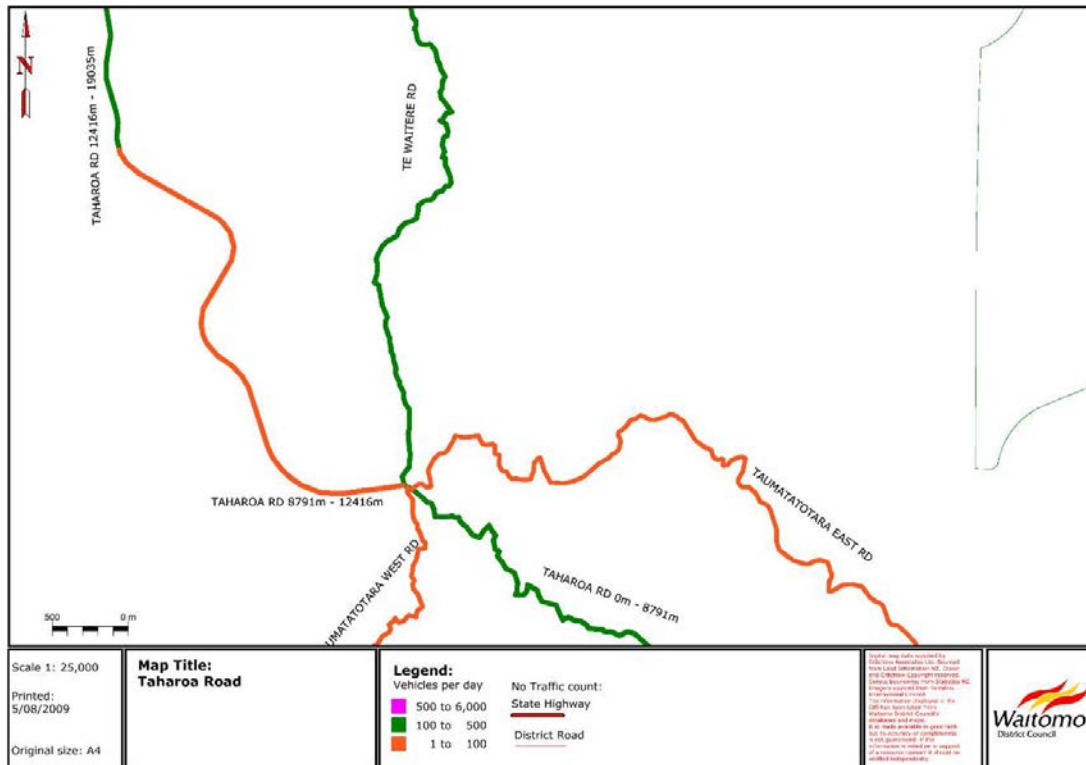
Map J.3.7



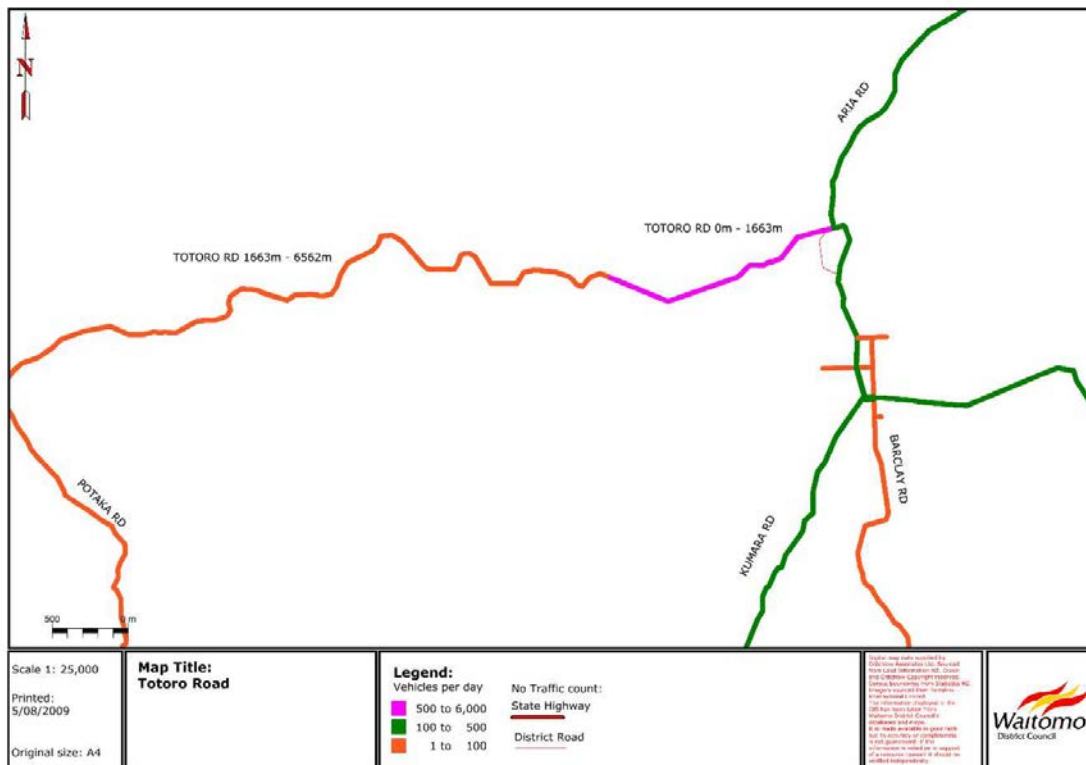
Map J.3.8



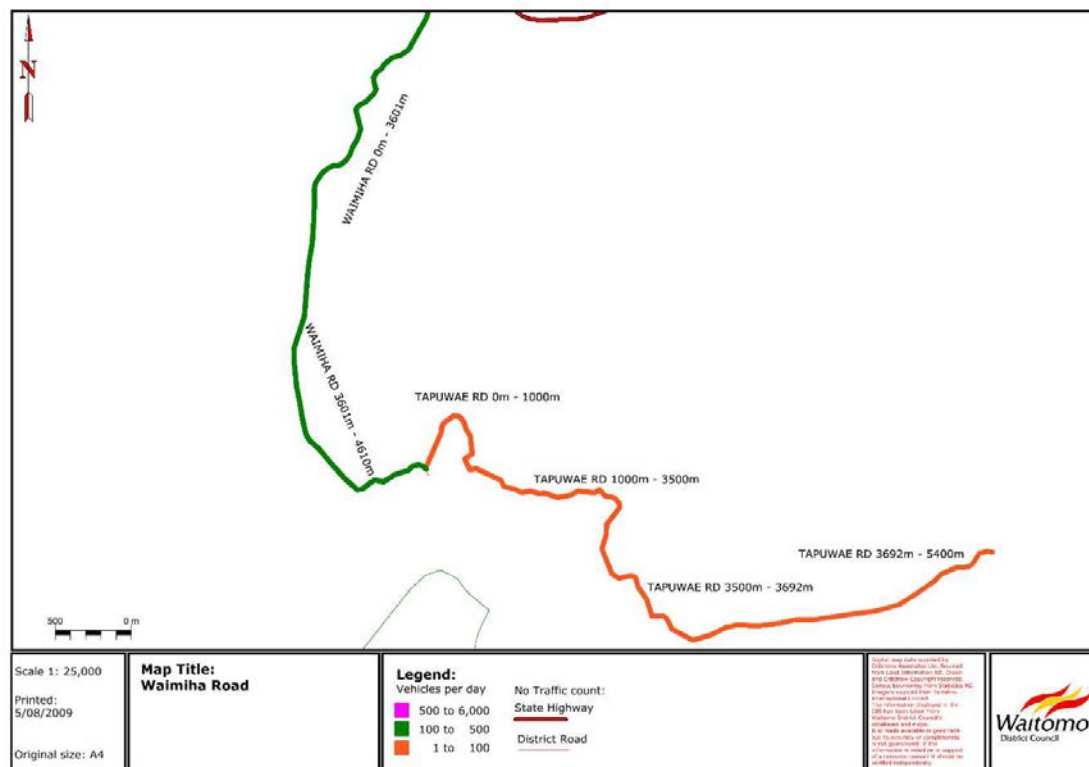
Map J.3.9



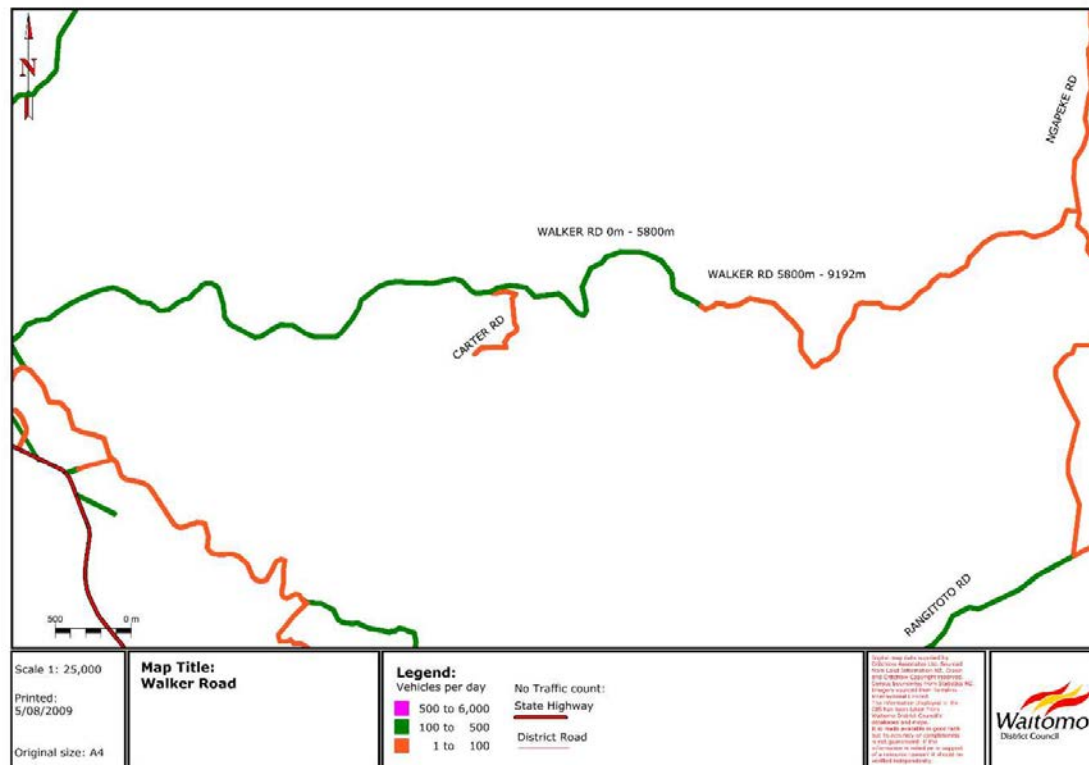
Map J.3.10



Map J.3.11



Map J.3.12



DRAFT

Waitomo District Council

Road Encroachment Policy

First adopted	[insert date]
Last Reviewed	
Review Date	3 yearly [insert date]
Associated documents	N/A
Responsibility	General Manager - Infrastructure Services

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INTRODUCTION | KUPU ARATAKI

Waitomo District Council (WDC) owns 459.2km of sealed roads and 546.5km of unsealed roads in the district (this does not include areas of paper road). As the land and the airspace above it is owned by the Waitomo District Council, any person who seeks to use it for private purposes or otherwise do something that may obstruct any road may need to get authorisation from the Council (the landowner).

The need for the policy has arisen because WDC often receives requests from people who wish to erect an encroachment in the road reserve. This policy describes the terms and conditions and process to obtain authorisation and the Council's criteria to approve the encroachment application and grant a Licence to Occupy.

Key legislation applicable to the policy are –

- Section 10 of the Local Government Act 2002 – this enables the Council to meet the current and future needs of communities for good quality local infrastructure.
- Local Government Act 1974 – this gives Councils general powers in respect of roads
- This policy supports Waitomo District Council's Land Transport Bylaw 2024 as the regulatory requirement for encroachment licences in Waitomo District.

PURPOSE AND SCOPE | TE ARONGA ME TE KORAHĪ

Purpose

To provide a framework for clarifying the requirements for road encroachments on road reserve and enable a streamlined process in management of encroachments in the Waitomo District.

Scope

1. This policy applies to any proposed encroachments on or under all roads within the Waitomo District.
2. This policy does not apply to include activities and structures of utility companies where these relate to specific statutory rights that allow them to utilise legal road to provide various utility services.

DEFINITIONS | NGĀ WHAKAMĀRAMATANGA

Council	means the Waitomo District Council.
Encroachment licence	authorises a right to occupy an area of legal road. However, it does not give the licence holder exclusive possession in the way that a lease would. A licence can be revoked on one month's notice or such other terms determined by Transport. It does not provide an interest in the land. A licence will usually include a condition that public access must be maintained at all times.
Legal Road	has the same meaning as road in the Local Government Act 1974 (Section 315). In short, it covers the total area of land between road and adjoining property boundaries including:

- carriageway (formed road intended for vehicles)
- footpath including kerb and channelling, bridges gates, drains and other places within legal road intended for use by the public
- cycle ways and cycle paths
- land that is legally designated as road but is not currently formed as carriageway or footpath (road corridor, unformed or paper road)
- subsoil below the legal road
- airspace above the legal road

Licence to Occupy

is personal permission to enter the land and use it for specified purposes which does not confer any estate or interest in the land on the licensee.

Road

has the meaning given to it by Part 1 section 2 of the Land Transport Act 1998.

Road encroachment

occurs where:

- public access along legal road is restricted by excavation or an object, temporary or permanent, which is placed on legal road with or without prior approval of Council, or
- a deliberate or inadvertent action causes an area of legal road to be used or occupied for private benefit (exclusive or otherwise).

Unformed 'paper' road

- any road originally laid out over Crown land and marked on the ground and record maps; or
- any road originally laid out on Crown land under the authority of any Act or Ordinance, on any Crown grant record map, but not marked or laid out on the ground;

Where the road has not been constructed by any of gravelling, metalling, sealing, or permanently surfacing of the road undertaken by the Waitomo District Council, and is neither substantially formed or made for the use of the public.

POLICY | KAUPAPA HERE

1. Policy principles

- 1.1. Waitomo District Council as the landowner of legal roads has the discretion to consent to an encroachment and, if approved, provide an encroachment licence known as '**licence to occupy**' to the encroacher in accordance with this policy. Nothing in this policy requires Council to grant or decline an encroachment application.
- 1.2. The Council will consider the following guiding principles when assessing whether or not to allow an encroachment -
 - a) Encroachment should not interfere with the public right to safely pass and repass on the road.
 - b) Encroachment should not interfere with any reasonably foreseeable future public uses of the particular road and where possible should also be removable.
 - c) Consult with people who are materially affected by a proposed encroachment.
 - d) Ensure that the health and safety of members of the public is protected.
 - e) Recognise that road reserve is Council-owned land, and the Council will seek to make an economic return from this asset where appropriate.
 - f) Encroachment should not interfere with the maintenance or utility carrying needs of the road reserve.
 - g) Encroachments with greater public and/or private benefits than detriments should generally be accepted; those with greater detriments than benefits generally should not.
 - h) Encroachments that provide access to properties are broadly in keeping with the original purpose of roading reserves.
 - i) Encroached land should be used for purposes that are in line with, and preferably support, Council's other plans, policies and objectives.
 - j) Encroachment should not significantly degrade amenity values, cultural values, and significant ecological values either as a result of a particular encroachment or through the cumulative effect of many encroachments.
 - k) There should not be ongoing costs to Council as a result of an encroachment.
 - l) The extent to which the encroachments will resolve significant community issues. Encroachments will not be allowed in circumstances where they have been proposed to resolve a neighbour or civil dispute.
- 1.3. The Council will apply the following criteria to determine the extent to which applications meet the above principles.
 - Eligibility - the applicant is required to own/lease the adjoining land or land within the immediate vicinity of the encroachment.
 - Public benefit - the applicant will be required to assess any actual or perceived benefits and potential adverse effects.
 - Alternatives - if there are other practical alternatives to encroaching on road reserve then the application may be declined. Consideration will be given to the relative cost of any alternative.

- Consultation with affected parties - Council needs to be able to understand and assess the effects a proposed encroachment could have on other property owners. Therefore, if Council deems necessary, it may request that you consult with property owners in the vicinity of the proposed encroachment who could be materially affected by it.

If an adjoining property owner who may be affected by a proposed encroachment provides written consent to the proposal, the application will be considered by Council on the basis that that adjoining property owner is not affected. If no written consent is provided, then the Council will consider any comments raised by that property before deciding whether to grant a licence.

2. Issuing a licence

- 2.1. Encroachments that are operating in accordance with the conditions of an existing licence issued prior to this policy may continue under the conditions of that licence.
- 2.2. Any property owner seeking to occupy or use legal road for exclusive private purposes must apply to the Council as landowner of the road for an encroachment licence and pay the relevant fee. Examples of activities that require a licence include - buildings and structures, gates and fences, retaining walls, tree or shrub planting, landscaping (where an applicant has requested to plant in the road reserve) etc.
- 2.3. If the Council approves the application, a licence to occupy is issued to the property owner, that will set out the details and conditions attached to the encroachment.
- 2.4. All licences are subject to standard conditions as detailed in the licence agreement.
- 2.5. If in doubt as to whether an encroachment licence is needed, the applicant should contact the Council.

3. Terms and conditions

- 3.1. The ability of the members of the public to have right of access is fundamental.
- 3.2. A licence to occupy is only issued to a property owner and cannot be transferred. It may be revoked by the Council by giving one month's written notice to the licence holder.
- 3.3. The licence is not transferable and when a property is sold, the new owner will need to apply for a new licence. A new licence will be issued to the new owner, provided there are no outstanding issues with the encroachment. This means:
 - any structure should be in good repair.
 - all fees should have been paid.
 - the selling owner must not be in breach of the terms of the licence.
- 3.4. Encroachment licence (licence to occupy) that is issued to a property owner will be recorded on the Land Information Memorandum (LIM) for that property. However, the encroachment structure is not recorded on the Certificate of Title for the property.
- 3.5. Any costs associated with the installation and ongoing maintenance of the encroachment is at the cost of the property owner.
- 3.6. The property owner is responsible for any costs of damage to Council owned property associated with the encroachment.

- 3.7. The property owner is responsible for costs associated with the reinstatement of road reserve once an encroachment ceases. Any remedial works will be undertaken by a Council approved contractor at the full cost to the property owner.
- 3.8. An encroachment licence may cease or be required to cease where:
- the property owner surrenders the licence.
 - any associated costs remain unpaid.
 - breach of licence conditions occurs.
 - a review of the licence finds that the encroachment is no longer feasible in accordance with this policy due to changed circumstances or the need to use the road reserve for any other primary purpose.
- 3.9. An encroachment licence does not waive the need for any other relevant regulatory requirement including building consent and resource consent. The applicant will have to obtain all necessary consents and other requirements prior to the encroachment licence being issued.
- 3.10. Other special conditions may be applied to a licence on a case-by-case basis.

4. Compliance and monitoring

- 4.1. Erecting a structure on legal road (including the road reserve) without Council approval is a breach of section 357 of the Local Government Act 1974 and breach of the Public Places Bylaw 2023 and can lead to prosecution.

5. Fees

- 5.1. Fees and charges for encroachment licences are set as part of an Annual Plan or Long Term Plan process and are detailed in the relevant Schedule of Fees and Charges. The fees and charges are revised on an annual basis.
- 5.2. The following fees and charges are applicable for existing and proposed legal road encroachments.
- A non-refundable application fee for assessing an encroachment application.
 - An annual fee for licence to occupy if the encroachment application is approved.

6. Application Process

1. Submit a complete application form with fee. Application forms are available on the Council's website.
2. Application with adequate information to assess the proposed encroachment, for example – relevant plans and site photos.
3. Council acknowledges the application and may request additional information.
4. Council inspects the proposed encroachment site.
5. Council sends a letter granting or declining licence to occupy. If granted, the letter includes a licence and an aerial photograph showing the encroachment.
6. The applicant must, if they have not already, obtain any required regulatory consents.
7. The licence is signed, witnessed and returned to Council. Council signs the licence and a copy is sent to the applicant for their records. Note, construction cannot start until the licence is executed.

7. References

Local Government Act 1974 section 357 (1)(a)	https://www.legislation.govt.nz/act/public/1974/0066/latest/DLM420720.html
Local Government Act 2002 section 10	https://www.legislation.govt.nz/act/public/2002/0084/latest/DLM171803.html
Waitomo District Council's Land Transport Bylaw	https://www.waitomo.govt.nz/council/publications/bylaws/
Waitomo District Council's Public Places Bylaw	https://www.waitomo.govt.nz/council/publications/bylaws/

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Waitomo District Council

Road Naming Policy

DRAFT

DRAFT

First Adopted:	[insert date]
Review History:	
Date of Next Review:	(3 yearly) [insert date]
Responsibility:	General Manager Strategy and Environment
Adopted by:	Council (date of adoption)

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INTRODUCTION | KUPU ARATAKI

Waitomo District Council is responsible for the naming of roads and numbering of land and buildings under the Local Government Act 1974 (LGA 1974). Road names and property numbers are used for the accurate and quick identification of properties. It is essential that properties have a formal and unique address by which they can be identified.

The Road Naming Policy (the Policy) formalises the process and creates certainty for applicants, Council, and the wider community.

A standard for street addressing has been developed by ICSM (Intergovernmental Committee on Surveying and Mapping), AS/NZS 4819:2011 – Australian /New Zealand Standard — Rural and urban addressing and released for local governments and other organisations to voluntarily adopt. Council has chosen to adopt the standard as the base criteria, along with additional guidelines to be used throughout the Waitomo District.

PURPOSE AND SCOPE | TE ARONGA ME TE KORAHĪ

1. The purpose of this Policy is to provide a process for naming roads in the Waitomo District.
2. To Policy applies to the naming and renaming of roads.
3. The Council has full discretion in deciding road names and may determine that a road name is not required.
4. This Policy applies only to formed roads and will not apply to unformed roads or paper roads unless deemed necessary by Council.
5. Naming a private way does not mean the Council is accepting responsibility for that private way, other than ensuring its name is in line with the Policy and to update Land Information New Zealand (LINZ).
6. The Policy covers the addressing and numbering of property.

DEFINITIONS | NGĀ WHAKAMĀRAMATANGA

Applicant	An individual or entity making an application. This may include Council, a consent holder, or the part developing the infrastructure including but not limited to a developer.
Council	Waitomo District Council.
LGA	Local Government Act 1974
Mana whenua	The indigenous people (Māori) who have historic and territorial rights over the land.
Private way	Roads and accessways as defined under section 315(1) of the Local Government Act 1974 and includes right-of-ways, common access lots, retirement village roads.
Road	Road as defined in section 315 of the Local Government Act 1974 and includes access ways and service lanes as defined in section 315, any square and any public place intended for the use of the public generally.
Road Types	Road types in accordance with the Australian/New Zealand Standard on Rural and Urban Addressing AS/NZS 4819:2011 (outlined in Schedule 1 below).

POLICY | KAUPAPA HERE

1. Procedure for naming a new road

Note: all applications to name or rename a road must follow this general procedure as well as additional steps set out in applicable sections of this Policy.

- 1.1. To name a new road, the applicant must apply to Council using the prescribed form (*form description*).
- 1.2. The application must explain and provide evidence that the proposed name reflects one or more of the following:
 - a) The local identity
 - b) The historical significance of the location
 - c) The cultural significance to mana whenua
 - d) People important in the history of the area
 - e) Events, people and places significant to a community or communities locally, nationally or internationally; and/or
 - f) Flora and fauna significant or important to the history of an area
- 1.3. Where there is a theme or grouping of names in an area, names submitted should have an appropriate association with other names in the area.
- 1.4. Road names and their type must meet the criteria set out in Schedule 1.
- 1.5. Applicants must provide Council with a preferred name and at least one alternative option for naming a public road.
- 1.6. The General Manager Strategy and Environment will review any application and present options and recommendations to Council for consideration. Suggested names should be sent to Land Information New Zealand (LINZ) prior to approval by Council for advice in relation to the AS/NZS 4819:2011 Addressing Standard.
- 1.7. Decisions on naming or renaming any road or officially naming private way will be made by Council resolution. As soon as practicable, a copy of the relevant resolution must be sent to the Registrar-General of Land and the Surveyor General in accordance with section 319a of the LGA 1974.
- 1.8. **Consultation**
- 1.9. Prior to making an application to name a public road, applicants are required to consult with local mana whenua and Te Nehenehenui. Council can provide contact information for this purpose.
- 1.10. Applicants must provide an opportunity for mana whenua to ~~provide~~include a ~~response regarding~~response regarding the area connected to the new road, this may include:
 - a) ~~Identify~~Identifying if the area has cultural significance; and
 - b) ~~Provide a recommended~~recommending a name suitable to the geographical area; and/or
 - c) Offer any relevant feedback to the applicant.
- 1.11. Applicants must provide evidence of engagement and feedback from mana whenua in writing.
- 1.12. The applicant may also wish to consult with local historians, community groups, and members of the public as appropriate.
- 1.13. **Cost allocation**
- 1.14. For new roads and subdivisions, the applicant shall pay Council for the required signage and installation.

- 1.15. Where new roads are being built and named by Council, Council shall meet the cost of signage and installation.
- 1.16. Where a developer has erected their own ornamental signage or nameplate in addition to the standard street sign, and that ornamental signage is damaged or stolen, Council shall not be responsible for the cleaning, maintenance, repair, or replacement.
- 1.17. Where an application is made to change the name of an existing road, any associated costs shall be borne by the applicant unless a historic error is being corrected.

2. Renaming an existing road

- 2.1. Road names are intended to be enduring and should only be changed when absolutely necessary. Such circumstances could include:
 - a) The change is required to correct a spelling mistake.
 - b) Two or more road names in the district have the same spelling or sound causing confusion.
 - c) To prevent confusion following major changes to road layout.
 - d) To assign different names to separate ends of a road with a permanently impassable section somewhere along the length.
 - e) A geographical correction is required.
 - f) A road name has changed or been corrupted over time. The name and spelling that is currently in use should be adopted rather than trying to reinstate an old name.
 - g) The current road name is culturally inappropriate.
 - h) Where changes to the road suffix is required.
- 2.2. Members of the public may request for Council to change the name of an existing road by following the same application process above (section 2). An alternative naming option need not be supplied when the request is only to make a spelling or geographical correction.
- 2.3. In addition to the above process (section 2), Council will consult with residents and business owners on the road to seek their feedback on any proposed changes.
- 2.4. A change in name will only be made if the Council consider that the change will result in a clear benefit to the community taking into account the economic, social, cultural and environmental impact of the decision to the community, stakeholders and residents on the road.

3. Naming of private ways

- 3.1. Council does not have any statutory power to allocate names to private ways. However, if an applicant wishes to officially name a private way, the name must not be offensive or a duplicate of any other road name in the District.
- 3.2. Council has no responsibility for the signage, maintenance, or upkeep of any private way.

4. Property addressing

- 4.1. Council may allocate a number to any area of land or building or part of a building within its district and may change the number allocated to any such area of land or building.
- 4.2. Road numbers will be assigned within the standards set out in the Australian/New Zealand Standards: Rural and urban addressing – AS/NZS 4819:2011.
- 4.3. Rural roads will usually be numbered using the Rural Address Property Identification (RAPID) scheme a distance-based address numbering method. Rural roads are generally defined through the zoning of a property and neighbouring properties in the District Plan.

- 4.4. Rural and urban roads will generally be numbered consecutively from the start of the road, with odd numbers on the left and even on the right.
- 4.5. If the zoning of a property changes, consideration will then be given to the suitability of the current numbering and renumbering may be required.
- 4.6. Council does not normally number properties off a private way where there are fewer than 6 separate dwellings (for more than this a road name and associated property numbering is required in accordance with the National Standards 4.2.2). Numbering is instead from the adjoining, officially named road which gives access to the private way. Council will give consideration to issuing separate numbers, only if the private way is officially named. Numbers will only be issued once the road name has been accepted through a resolution of the Council.
- 4.7. In all cases where Council decides to renumber a road or private way, property owners and residents affected by the renumbering will be given a minimum of one month's notice.

5. Relevant documents

- 5.1. This Policy should be read and applied alongside the following:
 - AS/NZS 4819:2011 – Australian /New Zealand Standard — Rural and urban addressing.
 - Local Government Act 1974 – sections 319, 319A and 319B

SCHEDULE 1 | ROAD NAMING STANDARDS

1. The National Standards for road naming (AS/NZS 4819:2011), should be adhered to when developing proposed road names for consideration. Exceptions can be made where there is particular significance of a name, but only after seeking a recommendation from LINZ. These include the following requirements:
 - a) Not be duplicated in Waitomo, and consideration of any neighbouring district.
 - b) The length of the name should preferably be short (15 or fewer characters), especially for short roads for mapping purposes.
 - c) When a personal name is used, consideration should be given to using only the surname.
 - d) The use of hyphens to connect parts of names should be avoided. Either run together if applicable or use two separate words.
 - e) Be single words to avoid mapping problems.
 - f) Be easy to spell and pronounce.
 - g) Not sound similar, or be similar in spelling, to an existing road name.
 - h) Not include a preposition, e.g. Avenue of the Allies.
 - i) Cardinal points of the compass as a prefix or suffix should not be used.
 - j) Not be abbreviated or contain an abbreviation. Excepting in the case of "St" can be used for "saint" and 'Mt' can be used for "mount". 'Maunga' must not be abbreviated or combined with 'Mt' e.g. Maungawhau' not 'Mt Maungawhau'.
 - k) To ensure clarity, accents should not be used, except for the use of macrons for Māori words.
 - l) Not be in poor taste or likely to cause offense.
 - m) The possessive or plural apostrophe shall not be used (i.e. Lawson Rd rather than Lawson's Rd, though an apostrophe can be used for a name like O'Connor).
 - n) Not lead with 'The'. An exception to this is the use of 'Te' in Te Reo Māori names.
 - o) The road type should appropriately match the definition of the suffix, with reference to the below:

Road type	Abbreviation	Description	Open-ended	Cul-de-sac	Pedestrian only
Alley	Aly	Usually narrow roadway in a city or towns	✓	✓	
Ara	Ara	Road –option to be used as a prefix for Te Reo Māori or Moriori road names	✓	✓	✓
Arcade	Arc	Covered walkway with shops along the sides			✓
Avenue	Ave	Broad roadway, usually planted on each side with trees	✓		
Boulevard	Blvd	Wide roadway, well paved, usually ornamented with trees and grass plots	✓		
Circle	Cir	Roadway that generally forms a circle; or a short enclosed roadway bounded by a circle	✓	✓	
Close	Cl	Short enclosed roadway		✓	

Court	Crt	Short enclosed roadway, usually surrounded by buildings		✓	
Crescent	Cres	Crescent shaped roadway, especially where both ends join the same thoroughfare.	✓		
Drive	Dr	Wide main roadway without many cross-streets	✓		
Esplanade	Esp	Level roadway along the seaside, lake, or a river	✓		
Glade	Gld	Roadway usually in a valley of trees	✓	✓	
Green	Grn	Roadway often leading to a grassed public recreation area		✓	
Grove	Grv	Roadway that features a group of trees standing together		✓	
Highway	Hwy	Main thoroughfare between major destinations	✓		
Lane	Lane	Narrow roadway between walls, buildings or a narrow country roadway	✓	✓	✓
Loop	Loop	Roadway that diverges from and rejoins the main thoroughfare	✓		
Mall	Mall	Wide walkway, usually with shops along the sides			✓
Mews	Mews	Roadway in a group of houses		✓	
Parade	Pde	Public roadway or promenade that has good pedestrian facilities along the side	✓		
Place	Pl	Short, sometimes narrow, enclosed roadway		✓	
Promenade	Prom	Wide flat walkway, usually along the water's edge			✓
Quay	Qy	Roadway alongside or projecting into the water	✓	✓	
Rise	Rise	Roadway going to a higher place or position	✓	✓	
Road	Rd	Open roadway primarily for vehicles	✓		
Square	Sq	Roadway which generally forms a square shape, or an area of roadway bounded by four sides	✓	✓	
Steps	Stps	Walkway consisting mainly of steps			✓
Street	St	Public roadway in an urban area, especially where paved with footpaths and buildings along one or both sides	✓		
Terrace	Tce	Roadway on a hilly area that is mainly flat	✓	✓	
Track	Trk	Walkway in natural setting			✓
Walk	Walk	Thoroughfare for pedestrians			✓
Way	Way	Short enclosed roadway		✓	✓
Wharf	Whrf	A roadway on a wharf or pier	✓	✓	✓

This table is referenced from AS/NZS 4819:2011 Appendix B Road Types – New Zealand.

DRAFT

Waitomo District Council

Stock Underpass Policy

First adopted	28 May 2009
Last Reviewed	October 2024
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Associated documents	Stock Underpass Installation – Application Form, Memorandum of Encumbrance, Building Consent – Application Form
Responsibility	General Manager - Infrastructure Services

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INTRODUCTION | KUPU ARATAKI

Waitomo District Council (WDC) owns 459.2km of sealed roads and 546.5km of unsealed roads in the district (this does not include areas of paper road). As the land and the airspace above it is owned by the Waitomo District Council, any person who seeks to install a stock underpass will require authorisation from the Council (the landowner).

The need for the policy is to ensure installation of stock underpasses are designed and installed to the required standard meeting to withstand traffic loading, road safety and engineering requirements. This policy describes the terms and conditions and process to obtain authorisation and the Council's criteria to approve the stock underpass application and grant the required building consent.

Key legislation applicable to the policy are –

- Section 10 of the Local Government Act 2002 – this enables the Council to meet the current and future needs of communities for good quality local infrastructure.
- Local Government Act 1974 – this gives Councils general powers in respect of roads
- This policy supports Waitomo District Council's Land Transport Bylaw 2024 as the regulatory requirement for encroachment licences in Waitomo District.

PURPOSE AND SCOPE | TE ARONGA ME TE KORAHĪ

Purpose

To provide a framework for clarifying the requirements for stock underpasses on local roads and enable a streamlined process in management of stock underpasses in the Waitomo District.

Scope

1. This policy applies to any proposed stock underpass under all local roads within the Waitomo District.

DEFINITIONS | NGĀ WHAKAMĀRAMATANGA

Approval means approved in writing by an authorised officer of Waitomo District Council

Council means the Waitomo District Council.

Legal Road has the same meaning as road in the Local Government Act 1974 (Section 315). In short, it covers the total area of land between road and adjoining property boundaries including:

- carriageway (formed road intended for vehicles)
- footpath including kerb and channelling, bridges gates, drains and other places within legal road intended for use by the public

- cycle ways and cycle paths
- land that is legally designated as road but is not currently formed as carriageway or footpath (road corridor, unformed or paper road)
- subsoil below the legal road
- airspace above the legal road

Road has the meaning given to it by Part 1 section 2 of the Land Transport Act 1998.

Stock includes any cow, bull, ox, heifer, steer, sheep (includes any ram, ewe, wether, lamb) goat or kid, horse, donkey, mule, calf, boar, sow, pig, llama, alpaca or deer of any kind, but excludes any animal that is under harnessed control.

Stock Underpass A structure constructed to permit passage of stock beneath a road.

POLICY | KAUPAPA HERE

1. Policy principles

- 1.1. Waitomo District Council as the landowner of legal roads has the discretion to consent to a stock underpass. Nothing in this policy requires Council to grant or decline an underpass application.

Guidance note:

An applicant intending to install a stock underpass that crosses under a Council road is advised, in the first instance, to contact the ~~Manager~~-Roading Manager, Waitomo District Council, PO Box 404, Te Kuiti, telephone (07) 878 0800 to make an appointment to inspect the likely site. An early indication of Council's requirements will be established, and this will assist in the official application for the installation of a stock underpass. A standard application form has been developed for this purpose (attached at Appendix A).

The initial site inspection and processing of the application form and approval of concept construction drawings will be undertaken free of charge.

2. General Conditions

- 2.1 A building consent is required for the underpass structure. [This must be applied for with WDC Building Control through the online building consents system Objective Build and has a 20 working day processing timeframe.](#)
- 2.2 A formal application on the attached form (Appendix A), together with plans and specifications detailing the proposal shall be submitted to the ~~Chief Executive~~General Manager – Infrastructure Services, Waitomo District Council, PO Box 404, Te Kuiti, for approval.

- 2.3 A one month approval period shall be allowed for within the applicant's programme. The applicant shall be responsible for making ~~contact with all service authorities and obtaining location plans for water services, telephone, electricity and all other under and above ground services and overhead plants to ensure all possible conflicts with the work are identified~~ sure all of the requirements for the building consent and underpass application are met.
- 2.4 During the course of all works within the road reserve the applicant is responsible for making good at own cost all damage to and refund Council the costs of subsequent reinstatement of services.

3. General Construction Requirements

- 3.1 The underpass shall be designed so that the minimum cover retained over the top of the structure below the road surface is not less than 400mm.
- 3.2 The minimum length of an underpass at right angles shall be 12 metres, with at least a 3 metre clearance to be maintained between the edge of seal and the end of the underpass on each side. The minimum length is set at 6 metres either side of the road centreline. Therefore if an underpass does not run perpendicular to the road centreline the minimum length shall be increased to gain the full 6 metre clearance.
- 3.3 However, where the centreline of a formed road does not correspond with the centreline of the road reserve, it will be treated on its own merits and the final length of the structure shall be as approved by the ~~Group Roading~~ Manager:-Assets.
- 3.4 Each application will be dealt with on its own merits, with the final total length of a stock underpass being determined by the following factors:
- Roading hierarchy
 - Sealed or unsealed road
 - Seal width
 - In-situ soil conditions
 - Construction of wingwalls
 - Roadside drainage requirements
 - Traffic safety/ risk assessment
 - Any other factors Council deems necessary for consideration in order to ensure the structural integrity of the road.
- 3.5 In the case of a sealed road the trafficked road shall comprise the width of the seal.
- 3.6 Where the road is unsealed a carriageway of 6 metres shall be allowed for.
- 3.7 A full design specification for the underpass shall be submitted with accompanying confirmation by a chartered professional engineer that the design is adequate to withstand applied traffic loads and other normal applied loads. The stock underpass structure shall at minimum be capable of carrying maximum Class I traffic loadings.
- 3.8 Supply and installation shall be carried out as per manufacture's specifications, plans and producer statement for the structures used to form the underpass.
- 3.9 Tests (at the applicant's expense) shall be carried out by a chartered engineer on the subgrade prior to the placement of the units or pipes to ensure that the bearing capacity complies with the design requirements and the results submitted to Council with the final as-built plans.
- 3.10 The groundwater level shall be below the invert level of the structure at all times during construction.
- 3.11 The excavation and installation of the underpass shall be carried out by a competent contractor familiar with ~~Transit New Zealand~~ NZTA specifications, safety procedures and relevant health and safety legislation which shall all be adhered to.
- 3.12 Council will consider temporary road closure for one day if warranted. All costs associated with temporary road closure including detour signing to Council's approval and the payment of newspaper advertising will be the applicant's responsibility. The contractor/applicant shall

submit a Traffic Management Plan to the ~~Group~~Roading Manager: ~~Assets~~ for approval, 105 working days prior to work commencing.

- 3.13 Before any work commences within the road reserve a completed and signed Memorandum of Encumbrance (refer attachment). The Encumbrance will include any further conditions that Council may wish to apply. Approval for proceeding with construction will be given in writing.
- 3.14 The applicant shall obtain all resource and building consents required for the installation of the underpass eg; disposal of stormwater etc, at their own expense. No construction will be allowed to proceed until all such consents have been obtained.
- 3.15 The site shall be signed and fenced as per the ~~Transit New Zealand~~NZTA's Code of Practice for Temporary Traffic Management (CoPTTM) i.e., Road Works, Temporary 30 km/hr, Metal Surface Signs, etc, until all works on the road have been completed.
- 3.16 Drainage with sufficient capacity to drain the underpass shall be installed at the site.
- 3.17 The structures installed shall take into account the likely scouring of fill batters, and shall provide protective work (e.g. wingwalls) to prevent or minimize the effects of the scouring and subsequent damage to the road.
- 3.18 The installation contractor shall provide a producer statement (PS4) confirming on completion of all works that installation complies with all conditions laid down in the plan and specifications.
- 3.19 Upon satisfactory completion of the stock crossing, the applicant agrees to maintain the structure, drainage and fencing, and agrees to undertake the requisite cleaning and maintenance of the underpass invert. The application shall maintain the reinstated carriageway for a period of 12 months from the date of the final reinstatement whereafter normal carriageway maintenance will revert to Council.

4. Backfilling

- 4.1. Backfill shall be imported material comprising well-graded aggregate free of organic material and generally with a maximum particle size of 65mm. In no case shall excavated material be used as backfill except with express written permission of the ~~Engineering and Contracts~~Roading Manager.
- 4.2. Backfill shall be placed in level layers no greater than 300mm of uncompacted thickness. Appropriate mechanical compaction shall be applied evenly to each layer before process to the next layer. Excavation of the road shall be wide enough to ensure compaction plant can access and compact the material surrounding the underpass satisfactorily.
- 4.3. Backfill shall only be placed by the applicant to a level and compacted, 400mm below the adjacent sealed surface. The road construction above this level shall be done by a Council Approved Contractor and shall at minimum be identical in design to the surrounding road. The proposed road design has to be submitted to the ~~Engineer and Contract~~Roading Manager for approval.

5. Road Sealing

- 5.1. All reinstatement of the road surface shall be at the cost of the applicant.
- 5.2. Reinstatement of the road surfacing to a standard comparable to that of the site prior to excavation shall be done by a Council approved contractor. All joints are to be sawcut to ensure smooth transitions.

6. Roadside Barrier Rails

- 6.1. The applicant shall, at the time of construction, install barrier rails sufficient to warn approaching traffic of the hazard, identify the position of the underpass and reduce the possibility of vehicles leaving the road and dropping into the openings adjacent to the road. The end of the barriers shall also be marked with bridge end hazard markers approved by the Council.

7. Fencing, Roadside Stock Control and Barriers

- 7.1. Adequate fencing and gates shall be supplied and installed by the applicant to control stock movements when entering and leave the underpass and prevent the escape of stock onto the roadside.
- 7.2. All costs associated with the installation and maintenance of this fencing within the road reserve shall lie with the applicant and work shall be done to ensure stock control is maintained to the satisfaction of the Council at all times.
- 7.3. This work will also include the provision of all required sight rails and Armco barriers as determined by the ~~Engineer and Contracts~~[Roading](#) Manager.

8. Funding

- 8.1. ~~This Controlling Authority Share is subsidised through NZTA as part of the Land Transport Programme as a Minor Improvement project.~~[Stock underpasses are a qualifying activity within the Work Category 341, however they are not a priority in the GPS \(Government Policy Statement on land transport\) 2024.](#)
- 8.2. [WDC's 341 works programme does not currently include Stock Underpass installations, therefore no funding is available through Council.](#)
- 8.3. [The GPS and Council work programmes are reviewed every 3 years.](#)
- 8.4. Each application will be treated on its own merits and granting of such subsidies will depend on the amount of funding available [and the current GPS](#) ~~within Council's current Minor Safety Works budget and may from time to time require Council approval.~~
- 8.5. Financial assistance will be based on NZTA Programme & Funding Manual and in order to qualify for such consideration, NZTA requires the form of structure not exceed the cost of an equivalent 3.0m x 2.2m box structure (unless specifically approved by NZTA). Thus, maximum allowable funding will be based on the NZTA equivalent structure.
- 8.6. Funding will be based on the NZTA formula, for example:

Controlling Authority Share (CAS) = $0.05 \times t$ (on roads having less than 500 Annual Average Daily Traffic (AADT)) where:

- CAS = maximum subsidy of 25% (on roads have greater than or equal to 500 AADT)
- CAS = road controlling authority's contribution to the total construction cost of an access structure on an existing road (in percent)
- t = annual average daily traffic volume of the road in question

9. Memorandum of Encumbrance

9.1. It is a requirement that a Memorandum of Encumbrance be registered on the titles of the affected properties. The Memorandum of Encumbrance is to include the following information:

- Legal description of the properties
- Type of stock underpass (pipe, precast box etc)
- Construction material (concrete, steel etc)
- Dimensions of structure
- Depth of cover over the structure
- Design loading data
- Location (~~ward~~, road, rapid no.)

9.2. All costs relating to the registration of the Memorandum of Encumbrance are the responsibility of the applicant.

10. Maintenance

10.1. Any repairs to the stock access structure may be included in work category 114: Structures maintenance. However, at a minimum, the landowner will be responsible for the cost of:

- maintenance of the track through the structure
- associated drainage and fencing
- the repair of any damage to the structure caused by the landowner's use or activity.

11. Application Process

1. Submit a completed application form. Application forms are available on the Council's website.
2. Application with adequate information to assess the proposed underpass, for example – relevant plans and site photos.
3. Council acknowledges the application and may request additional information.
4. Council inspects the proposed underpass site.
5. Council sends a letter granting or declining the installation of the underpass subsequent to any building or resource consents and traffic management plans.
6. The applicant must, if they have not already, obtain any required regulatory consents. Note, construction cannot start until all consents are granted and traffic management plans approved.

12. Appendices

1. Appendix A - Stock Underpass Installation – Application Form.
2. Appendix B – Memorandum of Encumbrance.

13. References

Local Government Act 1974 section 357 (1)(a)	https://www.legislation.govt.nz/act/public/1974/0066/latest/DLM420720.html
Local Government Act 2002 section 10	https://www.legislation.govt.nz/act/public/2002/0084/latest/DLM171803.html
Waitomo District Council's Land Transport Bylaw	https://www.waitomo.govt.nz/council/publications/bylaws/
Waitomo District Council's Public Places Bylaw	https://www.waitomo.govt.nz/council/publications/bylaws/

Document ID:

Report To: Council**Meeting Date:** 25 February 2025**Subject:** Motion to Exclude the Public**Type:** Decision Required**Author(s):** Michelle Higgie
Manager – Governance Support**1. Purpose of Report**

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

Note: It is Council's choice whether to consider any of the business listed below in the public or public excluded portion of the meeting.

2. Suggested Resolutions

- 2.1 The following are suggested resolutions only and do not represent Council policy until such time as they are adopted by formal resolution.

- 1 The public be excluded from the following part of the proceedings of this meeting.
- 2 The general subject of each matter to be considered while the public is excluded and the reason for passing this resolution in relation to each matter, as specified by Section 48(1) of the Local Government Official Information and Meetings Act 1987 are as follows:

General Subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Section 48(1) grounds for the passing of this resolution
1. Significance of Decisions: Budgets and Community Engagement	Section 7(2) - (h) To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities;	Section 48(1)(a) (i) Where the local authority is named or specified in Schedule 1, under section 6 or section 7 (except section 7(2)(f)(i))
2. Proposed Universal Water Meter Installation	Section 7(2) - (i) To enable any local authority holding the information to carry out, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	Section 48(1)(a) (i) Where the local authority is named or specified in Schedule 1, under section 6 or section 7 (except section 7(2)(f)(i))

- 3 Council agree the following staff, having relevant knowledge to assist in the consideration of the items of business to be public excluded, remain in attendance to assist the Council with its decision making:

Staff Member	Reason for Remaining in Attendance
Chief Executive	Council CEO
Manager – Governance Support	Committee Secretary
General Manager – Infrastructure Services	Portfolio Holder
Chief Financial Officer	Portfolio Holder

- 4 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 which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in the public.

3. Commentary

- 3.1 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.