

MEETING — AGENDA —

Ngā Take

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Western Bay of Plenty
District Council

POLICY COMMITTEE

Komiti Kaupapa Here

PP19

Tuesday, 12 March 2019
Council Chambers
Barkes Corner, Tauranga
9.30am



Te Kaunihera a rohe mai i nga Kuri-a-Whare ki Otamarakau ki te Uru

4390

Notice of Meeting No PP19 Te Karere

Policy Committee Komiti Kaupapa Here

Tuesday, 12 March 2019
Council Chambers
Barkes Corner
9.30am

His Worship the Mayor

G J Webber

Councillors:

M Williams (Chairperson)
D Marshall (Deputy Chairperson)
G Dally
M Dean
M Lally
P Mackay
K Marsh
M Murray-Benge
J Palmer
J Scrimgeour
D Thwaites

Media
Staff

Miriam Taris
Chief Executive Officer
Western Bay of Plenty District Council



Western Bay of Plenty
District Council

Te Kaunihera a rohe mai i nga Kuri-a-Whare ki Otamarakau ki te Uru

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Policy Committee Delegations

Mangai o Te Kaunihera

Quorum:

The quorum for this meeting is six members.

Role

Subject to compliance with legislation to develop plans and policies for the future direction of Council and its communities.

General Delegations

- To exercise all decision-making powers of Council within the Committee's scope of delegated functions and in accordance with its role, and to do anything precedent to the exercise by Council of its powers and duties as specified in Schedule 7 of the Local Government Act 2002 Clause 32 subclause 1 items b and h being specifically the following:
- To undertake on behalf of Council all processes and actions (including consultation) for the development of bylaws, remuneration and employment policy, and policies required to be adopted and consulted on under the Local Government Act 2002 developed for the purpose of the local governance statement precedent to adoption by Council.

Subject to compliance with legislation and the Long Term Plan to resolve all matters of policy and planning which do not require, under the Local Government Act 2002, a resolution of Council. Policy is defined as any matter relating but not limited to, the following:

- Policy Development
- Comprehensive Development Planning
- Environmental policy
- Matters of policy referred by Council, Community Boards or other committees
- Reserve Management Planning
- To conduct policy review and monitor policy variation frameworks
- To undertake on behalf of Council all processes and actions (including consultation) to develop bylaws precedent to the recommendation to Council for adoption of the bylaws

Subject to compliance with legislation and the Long Term Plan to resolve all matters of strategic policy outside of the Long Term Plan process, which does not require, under the Local Government Act 2002, a resolution of Council. Strategic policy is defined as any matter relating but not limited to, the following:

- Overall Infrastructure Strategies and financial Planning/Action Plans
- Policy direction for asset management planning
- To set service standards including levels of service.
- Utilities services/ infrastructure policy and planning
- Road / Transport policy and planning

- To receive and resolve on or recommend to Council or its Committees as appropriate the reports, recommendations and minutes of the following:
 - Regional Land Transport Committee
 - SmartGrowth Implementation Committee
 - And any other Joint Committee, working group or forum as directed by Council.
- To receive resolve on or refer to Council and its Committees as appropriate the recommendations from the Rural Forum.

Resource Management Act 1991 - District Plan Policy Development

- Pursuant to the Resource Management Act 1991 to establish and review objectives, policies and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district by:
- Developing to the point of notification all District Plan and Development Code Changes, variations, designations and reviews and built environment strategies.

Financial Delegations

Pursuant to Section 4(1) of the Public Bodies Contracts Act 1959, the Committee shall have the power to enter into contracts in respect of the Committee's functions to a maximum value of \$5,000,000 for any one contract, provided that the exercise of this power shall be subject to, and within the allocation of funds set aside for that purpose in the Long Term Plan, the Annual Plan and Budget or as otherwise specifically approved by Council.

To report to Council financial outcomes and recommend any changes or variations to allocated budgets.

Other

Pursuant to clause 32(1) of Schedule 7 of the Local Government Act 2002, each of the Mayor and Councillors, whether individually or collectively, the power to listen to and receive the presentation of views by people and to engage in spoken interaction with people pursuant to section 83(1)(d) of the Local Government Act 2002 in relation to any processes Council undertakes to consult on under the Special Consultative Procedure as required by the Local Government Act 2002 or any other Act.

The Committee may without confirmation by Council exercise or perform any function, power or duty relating to those matters delegated by Council in like manner, and with the same effect, as the Council could itself have exercised or performed them.

The Committee may delegate any of its functions, duties or powers to a subcommittee subject to the restrictions on its delegations and provided that any sub-delegation to subcommittees includes a statement of purpose and specification of task.

The Committee may make recommendations to Council or its Committees on any matters to achieve the outcomes required in the role of the Committee but outside its delegated authorities.

Agenda for Meeting No. PP19

Pages

**Present
In Attendance
Apologies**

Public Forum

A period of up to 30 minutes is set aside for a public forum. Members of the public may attend to address the Committee for up to three minutes on items that fall within the delegations of the Committee provided the matters are not subject to legal proceedings, or to a process providing for the hearing of submissions. Speakers may be questioned through the Chairperson by members, but questions must be confined to obtaining information or clarification on matters raised by the speaker. The Chairperson has discretion in regard to time extensions.

Such presentations do not form part of the formal business of the meeting, a brief record will be kept of matters raised during any public forum section of the meeting with matters for action to be referred through the customer contact centre request system, while those requiring further investigation will be referred to the Chief Executive.

- | | | |
|---|---|---------|
| PP19.1 | Adoption of the Statement of Proposal for Consultation on the Draft Early Payment of Rates for Subsequent Years Policy | 7-20 |
| Attached is a report from the Group Manager Finance and Technology Services dated 21 February 2019. | | |
| PP19.2 | Adoption of the Draft Traffic and Parking Enforcement Bylaw 2019 for Consultation | 21-140 |
| Attached is a report from the Policy and Planning Manager dated 20 February 2019. | | |
| PP19.3 | Adoption of the Draft Freedom Camping Bylaw 2019 for Public Consultation | 141-222 |
| Attached is a report from the Policy Analyst dated 20 February 2019. | | |

PP19.4 **Adoption of the Draft Animals (excluding dogs) Bylaw, Cemeteries Bylaw, and Public Places Bylaw, and revocation of Nuisances Bylaw, for Consultation** 223-280

Attached is a report from the Policy Analyst dated 22 February 2019.

PP19.5 **Adoption of the Draft Trading in Public Places Bylaw 2019 for Consultation** 281-306

Attached is a report from the Senior Policy Analyst dated 21 February 2019.

PP19.6 **Adoption of the Draft Class 4 Gambling Venues Policy and Draft TAB Venues Policy for Public Consultation** 307-363

Attached is a report from the Senior Policy Analyst dated 25 February 2019.

Western Bay of Plenty District Council

Policy Committee

Adoption of the Statement of Proposal for Consultation on the Draft Early Payment of Rates for Subsequent Years Policy

Purpose

The purpose of this report is to seek the Committee's approval to adopt the Statement of Proposal (**Attachment A**) to inform consultation on the draft Early Payment of Rates for Subsequent Years Policy (**Attachment B**).

Recommendation

- 1. THAT the Group Manager, Finance and Technology Services report dated 21 February 2019 and titled 'Adoption of the Statement of Proposal for Consultation on the Draft Early Payment of Rates for Subsequent Years Policy' be received.**
- 2. THAT the report relates to an issue that is considered to be of Low significance in terms of Council's Significance and Engagement Policy.**
- 3. THAT the Statement of Proposal for the Draft Early Payment of Rates for Subsequent Years Policy, as appended to this report, is adopted as for consultation from 18 March 2019 to 18 April 2019.**



Kumaren Perumal
**Group Manager Finance and
Technology Services**

1. Background

The draft Early Payment of Rates for Subsequent Years Policy (the Policy) was adopted for consultation via a special consultative procedure alongside the draft Annual Plan 2019/20 at the Policy Committee on 13 December 2018.

The purpose of this Policy is to offer ratepayers the opportunity to make an early payment for the whole capital amount owing instead of the annual payments via the targeted rate. Schedule 1 (Attachment B) sets out the specific targeted rates to which the Policy applies.

For the purposes of public consultation, it is requested that the Statement of Proposal on the Early Payment of Rates for Subsequent Years Policy be adopted for feedback from 18 March – 18 April 2019.

The public will have the opportunity to provide feedback on the Policy in person at one of our community Have Your Say Events:

Venue:	Date	Time
Omokoroa Settlers' Hall	Sat 23 March	9am-12pm
Oropi Hall	Wed 27 March	6.30pm-8pm
Waihi Beach RSA	Sat 30 March	9am-12pm
Te Puna Quarry Park - Gallery	Wed 3 April	4pm-7pm
Te Puke Memorial Hall	Sat 6 April	9am-12pm
Maketu Community Centre	Wed 10 April	4pm-7pm
Katikati Community Hub The Centre - Pātuki Manawa	Sat 13 April	9am-12pm

Alternatively, the public may register for a more formal opportunity to present their views by email haveyoursay@westernbay.govt.nz or phone 07 571 8008 by Friday 5 April 2019 to secure a timeslot and receive further information. These days will be available on:

- Council Chambers (Barkes Corner): Mon 15 April – 9.30am start
- Council Chambers (Barkes Corner): Tues 16 April – 9.30am start

2. Significance and Engagement

The Local Government Act 2002 requires a formal assessment of the significance of matters and decisions in this report against Council's Significance and Engagement Policy. In making this formal assessment there is no intention to assess the importance of this item to individuals, groups, or agencies within the community and it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.

The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.

In terms of the Significance and Engagement Policy, this decision is considered to be of low significance because the draft Early Payment of Rates for Subsequent Years Policy (the Policy) will only affect a small number of ratepayers when implemented and it is anticipated that there will be limited public interest in the Policy. Ratepayers affected by the Policy will be those who have already opted in to specific infrastructure projects, such as reticulated wastewater systems or extensions to Council's rural water supply system. These projects require consultation with affected ratepayers and agreement on indicative costs prior to the infrastructure works being initiated.

3. Engagement, Consultation and Communication

Interested/Affected Parties	Completed/Planned Engagement/Consultation/Communication
Ongare Point, Te Puna West, Black Road, Woodlands Road Residents liable for capital cost recovery rates	Ratepayers that are impacted by the projects listed in the Policy will be affected and will be the primary target audience of consultation. Engagement to take place as noted above under point 1.
General Public	It is intended that the Policy is flagged within the Annual Plan Consultation Document. Engagement to take place as noted above under point 1.

4. Issues and Options Assessment

Option A	
<i>THAT the Statement of Proposal for consultation on the Draft Early Payment of Rates for Subsequent Years is adopted.</i>	
Assessment of option for advantages and disadvantages taking a sustainable approach	Adoption of the Statement of Proposal is following the timeframe as planned and forms an effective base for consultation alongside the draft Annual Plan 2019/20 to then be finalised in time for implementation in the 2019/20 financial year. With the exception of some amendments to GST references, the Policy is consistent with the Policy adopted at the Policy Committee meeting held on 13 December 2018.
Costs (including present and future costs, direct, indirect and contingent costs) and cost effectiveness for households and businesses	Costs are met within operating budgets.

Option B	
<i>THAT the Statement of Proposal for consultation on the Draft Early Payment of Rates for Subsequent Years is not adopted.</i>	
Assessment of option for advantages and disadvantages taking a sustainable approach	<p>The Policy was adopted for consultation alongside the draft Annual Plan 2019/20 by the Policy Committee on 13 December 2018. Not adopting the Statement of Proposal would delay the process of implementing the Policy, therefore;</p> <ul style="list-style-type: none"> • Council will not be able to offer impacted ratepayers the ability to avoid future interest charges in the coming year • Would not agree with the approach communicated with the impacted ratepayers.
Costs (including present and future costs, direct, indirect and contingent costs) and cost effectiveness for households and businesses	<p>Staff resource and legal costs incurred thus far will not contribute to any outcome.</p> <p>If the Statement of Proposal is not adopted for consultation additional costs may require additional working under annual planning budget, which will contribute to additional staff time required.</p>

5. Statutory Compliance

The recommendations in this report meet the requirements of:

- Local Government Act 2002
- Local Government Rating Act 2002.

6. Funding/Budget Implications

Budget Funding Information	Relevant Detail
Not applicable	There are no anticipated funding implications arising from the recommendations of this report, as consultation on the policies and their future implementation can be undertaken by existing staff and within existing budgets.



Draft

**Early Payment of Rates for Subsequent
Years Policy**

Statement of Proposal

Introduction

Western Bay of Plenty District Council proposes to introduce a policy to enable ratepayers benefiting from several new water and wastewater capital projects to pay their portion of the capital costs as a single one-off payment at the start of each year, rather than overtime as a targeted rate. This early payment of their rates, will avoid the interest component of future charges.

We are seeking your views on the proposed Early Payment of Rates for Subsequent Years Policy.

Background

Council has installed extensions to certain rural reticulated water supply schemes. Under the Rural Water Supply Extension Policy, households requesting connection to these extensions must pay their share of the capital cost of installing this infrastructure.

Council also installed new wastewater schemes for Te Puna West and Ongare Point to meet the higher treatment standards required in the area. Following consultation with the community, it was agreed that households connecting to this new scheme would pay their share of the capital cost of installing this infrastructure.

In order to recover the property owners' share of the capital cost, ratepayers currently benefitting from these schemes would pay a targeted rate over a number of years, including an interest component.

Reasons for the proposal

This proposed policy means these ratepayers could settle their share of the capital cost as a single payment, rather than several years via annual targeted rates. In this way interest charges could be avoided.

In future Council may also accept the early payment of other rates under this proposed policy.

This policy relates only to payment of future years' rates; other Council policies may deal with early payment of the current year's rates.

This proposed policy is consistent with Council's Revenue & Financing Policy for Wastewater.

This Statement of Proposal has been prepared in accordance with the Local Government Act 2002.

Have your say

We need your feedback by 4pm Thursday 18 April 2019

Please tell us what you think of what we are proposing.

You can do this electronically by:

- Entering it online at: <https://haveyoursay.westernbay.govt.nz>
- Emailing it to: haveyoursay@westernbay.govt.nz

You can write a letter or use the feedback forms that will be available at all service centres, and at our public Have Your Say events. Get it to us by:

- Posting it to: *Early Repayment of Rates for Subsequent Years Policy, Western Bay of Plenty District Council, Private Bag 12803, Tauranga 3143.*
- Delivering it to:
 - Barkes Corner head office, 1484 Cameron Road, Greerton.
 - Te Puke Library and Visitor Information Centre - 130 Jellicoe Street, Te Puke.
 - Katikati Library, Service Centre & Community Hub - The Centre - Pātuki Manawa, 21 Main Road, Katikati.
 - Waihi Beach Library and Service Centre, 106 Beach Road, Waihi Beach.
 - Omokoroa Library and Service Centre, McDonnell Street, Omokoroa.

If you have questions, or if you would like to give feedback in person, we encourage you to come to one of our community Have Your Say Events:

Omokoroa Settlers' Hall: Sat 23 March – 9am-12pm
 Oropi Hall: Wed 27 March – 6.30pm-8pm
 Waihi Beach RSA: Sat 30 March – 9am-12pm
 Te Puna Quarry Park – Gallery: Wed 3 April – 4pm-7pm
 Te Puke Memorial Hall: Sat 6 April – 9am-12pm
 Maketu Community Centre: Wed 10 April – 4pm-7pm
 Katikati Community Hub – The Centre - Pātuki Manawa: Sat 13 April – 9am-12pm

Alternatively, you may register for a more formal opportunity to present your views. Please email haveyoursay@westernbay.govt.nz or phone 07 571 8008 by Friday 5 April 2019 to secure a timeslot and receive further information. These days will be available on:

Council Chambers (Barkes Corner): Mon 15 April – 9.30am start
 Council Chambers (Barkes Corner): Tues 16 April – 9.30am start

Giving effective feedback

Feedback forms include questions on the key themes we are consulting on, and ask for your opinion on each. They will be available at all service centres and at our community events throughout the consultation period.

You may also wish to comment on specific the parts of the Policy, and state why the part is supported, not supported, or how it could be amended.

Feedback on matters outside the scope of the draft Policy cannot be considered by the Council as part of this Policy review process.

What happens next?

Council will acknowledge in writing or by email (if provided) the receipt of your feedback.

Review Timeframes:

- Period for feedback opens: 18 March 2019
- Period for feedback closes: 18 April 2019
- Have your say days: Commencing 23 March (see above)
- Council adopts policy: 27 June 2019
- Policy becomes effective: 1 July 2019

Council Policy



Early Payment of Rates for Subsequent Years Policy 2019

1. Relevant Legislation

- Local Government Rating Act 2002
- Local Government Act 2002

2. Definitions

Rate means any rate specified in schedule 1 of this policy.

3. Policy Objective

To assist ratepayers who want to make payment of a **Rate** (as specified in Schedule 1), in anticipation of liability for the Rate in subsequent financial years.

4. General Approach

This Policy is made under section 56 of the Local Government (Rating) Act 2002. Its effect is to provide ratepayers with the opportunity to extinguish their liability in relation to a Rate sooner than expected, and avoiding future interest charges that would otherwise be payable over time.

Council will also accept payment of other rates for subsequent financial years. However, early payment of these rates will not attract interest on the sum paid. Discounts for early payment of other rates will be considered under any policy that the Council has for discounting early payment of current year rates in the year for which the rates are paid.

5. Eligibility Criteria

A ratepayer of a rating unit liable for the Rate may, at any time before the due date for the first instalment of rates payable in that financial year, pay an amount calculated in accordance with the details in the applicable Long Term Plan or Annual Plan to clear the rating unit's liability for the Rate for all future years.

Elections by ratepayers must be in writing and addressed to the Group Manager, Finance and Technology Services.

The Council will credit the payment in accordance with the Policy.

Early Payment of Rates for Subsequent Years Policy 2019

6. Policy Procedures

Decisions under this policy will be delegated to officers in accordance with the Council's delegations register.

Group	Financial Services	Contact (3rd Tier Manager)	Finance Manager
Supersedes	-		
Creation Date		Resolution Reference	
Last Review Date	-	Resolution Reference	
Review Cycle	Annually	Date	
Authorised by	Policy Committee	Date	

DRAFT

Early Payment of Rates for Subsequent Years Policy 2019

Schedule 1

Rates eligible for early repayment, under the Early Repayment of Rates for Subsequent Years Policy are:

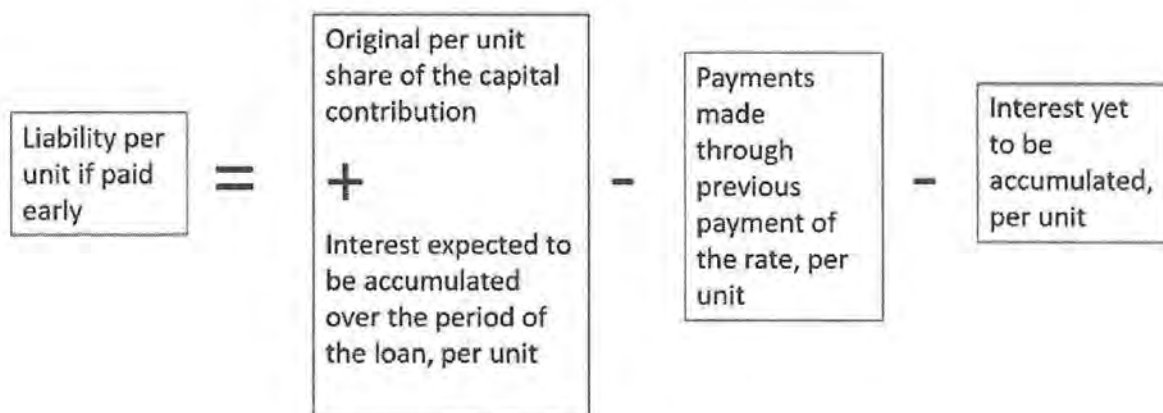
- Te Puna West Wastewater Capital Targeted Rate
- Ongare Point Wastewater Capital Targeted Rate
- Woodland Road Rural Water Supply Targeted Rate
- Black Road Rural Water Supply Targeted Rate

DRAFT

To be included in the Long Term Plan or Annual Plan (as relevant for the particular year):

Details of the how the amount to be paid under the Early Payment of Rates for Subsequent Years Policy will be calculated

1. The criteria for eligibility is set out in the Early Payment of Rates for Subsequent Years Policy 2019.
2. The sum to clear a rating unit's liability will equal the original per unit share of the capital costs for which the Council has undertaken borrowing, plus interest expected to be accumulated over the period of repayment, minus payments made through previous payment of the rate and minus the interest yet to be accumulated.



3. In the financial years **[2019/20 and 2020/21]** the amount of the payment to clear a rating unit's liability will be:

	Liability per unit if paid in 2019/20 financial year (GST incl)	Liability per unit if paid in 2020/21 financial year (GST incl)
Te Puna West Wastewater Capital Targeted Rate	\$13,650	\$12,614
Ongare Point Wastewater Capital Targeted Rate	\$13,650	\$12,614
Woodland Road Rural Water Supply Targeted Rate	\$4,511	\$4,343
Black Road Rural Water Supply Targeted Rate	\$4,374	\$4,211

Implementation:

Action	Date	Responsible
Letters to be sent to relevant Te Puna West and Ongare Point ratepayers advising of one off final settlement/ targeted rate arrangement and 1 December payment deadline for voluntary payment of capital contribution.	By 28 September 2018	Utilities <ul style="list-style-type: none"> • 3 Waters Compliance Team Leader • Technical Support Project Engineer • Asset and Capital Manager
Letters to be sent to relevant Black Road and Woodland Road ratepayers advising of early payment of rates /targeted rate arrangement and 1 December payment deadline.	By 28 September 2018	Utilities <ul style="list-style-type: none"> • 3 Waters Project Engineer • Infrastructure Engineer Water
Early payment of rates system established	By 28 September 2018	<ul style="list-style-type: none"> • Management Accountant • Systems and Assets Accountant • Senior Financial Planner
Information on early payment of rates arrangement to customer services, etc.	By 28 September 2018	<ul style="list-style-type: none"> • Management Accountant • Systems Accountant
Draft Policy reviewed internally and Simpson Grierson feedback received	By 28 September 2018	<ul style="list-style-type: none"> • Group Manager, Finance and Technology Services
Scoping paper to Policy Committee Workshop	18 October 2018 workshop date	<ul style="list-style-type: none"> • Group Manager, Finance and Technology Services
Lumpsum payments made analysed and need for specific targeted rates reviewed	By 14 December 2018	<ul style="list-style-type: none"> • Management Accountant • Systems and Assets Accountant • Team Leader Financial Services
Areas of benefit identified for each targeted rate, based on outstanding voluntary capital contributions	Whenever the deadline for voluntary payments expires	<ul style="list-style-type: none"> • Management Accountant • Systems and Assets Accountant • Team Leader Financial Services

Specific rates and payment provisions included in the draft AP	By February 2019	<ul style="list-style-type: none"> • Finance Manager • Management Accountant • Systems and Assets Accountant • Senior Financial Planner • Team Leader Financial Services
Draft Policy and Statement of Proposal prepared and presented to Policy Committee	February 2019	<ul style="list-style-type: none"> • Group Manager, Finance and Technology Services
Consultation alongside the AP	March 2019	<ul style="list-style-type: none"> • Group Manager, Finance and Technology Services
Policy adopted by Council	By June 2019	<ul style="list-style-type: none"> • Group Manager, Finance and Technology Services
AP – including payment provisions – adopted	By June 2019	<ul style="list-style-type: none"> • Group Manager, Finance and Technology Services
Annual letter to affected ratepayers offering early payment of rates and deadline	July – every year	<ul style="list-style-type: none"> • Finance Manager • Team Leader, Financial Services
Review of the Policy	Alongside the Annual Plan	<ul style="list-style-type: none"> • Group Manager, Finance and Technology Services

Western Bay of Plenty District Council

Policy Committee

Adoption of the Draft Traffic and Parking Enforcement Bylaw 2019 for consultation

Purpose

The purpose of this report is to present the draft Traffic and Parking Enforcement Bylaw 2019, for consideration and adoption for community consultation alongside the Draft Annual Plan 2019-20.

Recommendation

- 1. THAT the Policy and Planning Manager's report dated 20 February 2019 and titled Adoption of the Draft Traffic and Parking Enforcement Bylaw 2019 for consultation be received.**
- 2. THAT the report relates to an issue that is considered to be of medium significance in terms of Council's Significance and Engagement Policy.**
- 3. THAT the Committee resolves that Schedules 1-6 of the draft bylaw specify the parking places for the Western Bay of Plenty District, to include the proposed amendments [(a) to (q)] as set out in part 2 of this report.**
- 4. THAT the draft Traffic and Parking Enforcement Bylaw 2019, statement of proposal, summary and feedback form as appended to this report are released for consultation pursuant s22AD of the Land Transport Act 1998, using a special consultative procedure from 18 March 2019 to 18 April 2019.**



Emily Watton
Policy and Planning Manager

1. Background

The Traffic and Parking Enforcement Bylaw allows Council to set requirements for parking and control of traffic on roads, public places and parking areas under the care, control or management of Western Bay of Plenty District Council.

The bylaw was last substantively reviewed in 2008, with minor changes to the specific parking and traffic restrictions set out in the schedules to the bylaw made from time to time.

The reasons for reviewing the bylaw include:

- Ensuring that it's fit for purpose to meet the demands of a growing district, with increasing use of our town centres and parking spaces;
- Ensuring it's consistent with current legislation;
- Addressing bylaw implementation issues to enable effective enforcement; and
- Updating the public parking restrictions to reflect new parking areas or changes required to existing parking restrictions.

The Land Transport Act 1998 provides Council the powers to make the bylaw, monitor compliance and issue fines where the bylaw is breached. The Land Transport Act 1998 refers to the Local Government Act 2002 for consultation requirements in making, amending or revoking bylaws. Therefore, to review the bylaw, it is intended that Council will use the special consultative procedure to seek community views on the proposed changes.

Council undertook some online pre-engagement in December 2018 on its current Traffic and Parking Enforcement Bylaw. This feedback has been considered, alongside recommendations from Community Boards, in the technical assessment undertaken to determine appropriate changes to the bylaw.

2. Proposed changes

The Policy Committee considered feedback received to date and staff recommendations on proposed changes to the bylaw. The following changes were endorsed by the Committee, for the purposes of preparing a draft bylaw. The draft bylaw appended to this report includes the following proposed changes:

- (a) Streamlining of some content, so that matters covered in legislation are not repeated in our bylaw.
- (b) Addition of a section to enable Council to specify restrictions on where heavy vehicles can be driven. The roads and times that this will apply to will be included in the schedules, based on the location of the restriction.
- (c) A new provision that notes waivers on infringements issued for breaches of the bylaw may be considered at Council's sole discretion, in accordance with Traffic Waiver Guidelines.

There are also a range of proposed changes to the specific parking and traffic restrictions, set out in the schedules of the bylaw. Minor changes have been made following the GIS mapping of all existing road markings for parking and traffic relevant to this bylaw. However, there are some new changes proposed, and these are summarised below:

Te Puke:

- (d) Adding a new parking area off Commerce Lane next to the walkway through to Jellicoe Street. This is subject to P120 restriction, and also includes a new mobility park.
- (e) Introducing a P120 restriction to the 10 on-street parks on Commerce Lane.
- (f) Adding yellow 'no parking' lines for the first 35 metres of No.3 Road on both sides of the road.
- (g) Adding the additional mobility park at the eastern end of Jellicoe Street, outside the Bottle-O (33 Jellicoe Street).
- (h) Relocating the mobility park on Queen Street outside the PathLab (27 Queen Street) to the opposite end of the angle parking bay, next to the wheelchair access to PathLab.
- (i) Reducing the area subject to the bylaw outside Te Puke Countdown, to reflect that part of this carpark is privately leased.
- (j) A range of changes to the yellow 'no parking' restrictions as a result of recent works on Jellicoe Street, as part of the town centre redevelopment.

Waihi Beach

- (k) Reducing the yellow 'no parking' lines on Seaforth Road outside Waihi Superette (211 Seaforth Road), to accommodate new pedestrian refuges.
- (l) Extending the yellow 'no parking' lines on the western side of Wilson Road from the intersection with The Crescent by 15 metres north.
- (m) Adding yellow 'no parking' lines on both sides of Seaforth Road, between the Coastguard building and Anzac Bay.

Omokoroa

- (n) Extending the yellow 'no parking' lines on Omokoroa Road to 10 metres North of the skate path boundary, and on Western Avenue to the commencement point of the kerb and channel.

Katikati

- (o) Introducing a P30 time restriction to three car parks outside Patuki Manawa (Katikati Library and Service Centre).

McLarens Falls

- (p) Extending the yellow 'no parking' lines from the parking area to run west along McLaren Falls Road for 300 metres, on both sides of the road.

Omanawa Falls

- (q) Adding yellow 'no parking' lines to start after the driveway of 1031 Omanawa Road to run 200 metres south on both sides of the roads.

Paengaroa

- (r) Heavy vehicles: Inclusion of the heavy vehicle restriction on Wilson Road South, Paengaroa. This will enable infringements to be issued where the restriction is breached. This gives effect to resolution made by Council in 2004 for this purpose.

3. Significance and Engagement

The Local Government Act 2002 requires a formal assessment of the significance of matters and decisions in this report against Council's Significance and Engagement Policy. In making this formal assessment there is no intention to assess the importance of this item to individuals, groups, or agencies within the community and it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.

The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.

In terms of the Significance and Engagement Policy this decision is considered to be of medium significance because of the number of residents potentially affected by the proposed changes, the anticipated level of public interested, and the requirement to use the special consultative procedure.

3. Engagement, Consultation and Communication

Interested/Affected Parties	Completed/Planned Engagement/Consultation/Communication
Key stakeholders	A range of key stakeholders will be notified of the consultation period, as set out in section 22AD the Land Transport Act 1998.
Tangata Whenua	A workshop on this matter (and others intended for concurrent consultation) will be given for the Tangata Whenua members of the Tauranga Moana / Te Arawa Ki Takutai Partnership Forum.
General Public	Online pre-engagement was undertaken in December 2018. Special consultative procedure alongside the Draft Annual Plan 2019/20 provides a range of opportunities to provide feedback (written and verbal).

4. Issues and Options Assessment

Option A	
Adopt the draft bylaw with proposed changes for consultation	
Assessment of option for advantages and disadvantages taking a sustainable approach	<p>Advantages</p> <ul style="list-style-type: none"> • Meets the objectives of the review to ensure the bylaw is fit for purpose. • Responds to traffic and parking issues in the community • Enables consultation to occur concurrently with the draft Annual Plan 2019/20 and other bylaw projects • The draft bylaw is representative of direction given by the Committee in workshops. • The community can provide feedback on the draft bylaw and policy.
Costs (including present and future costs, direct, indirect and contingent costs) and cost effectiveness for households and businesses	<ul style="list-style-type: none"> • Minor changes to road markings and signage to implement amendments to parking restrictions, which can be managed within existing budgets. • Staff time will be required to deal with queries from the community about the proposed bylaw, and to progress the subsequent stages of the bylaw review. However, this can be managed within existing staffing and budgets.
Option B	
Do not adopt the draft bylaw for consultation	
Assessment of option for advantages and disadvantages taking a sustainable approach	<p>Disadvantages</p> <ul style="list-style-type: none"> • Bylaw will not be able to be released for consultation concurrently with other projects, and if delayed substantially, the bylaw review process may not be completed before the end of this triennium. • Bylaw review timeframes will be compromised, and the full review process may not be able to be completed prior to the period when decision-making is restricted due to the elections. • The new provisions proposed in the bylaw cannot be implemented until a final bylaw is adopted.
Costs (including present and future costs, direct, indirect and contingent costs) and cost effectiveness for households and businesses	<p>If the bylaw review process is significantly delayed, the Committee may need to revisit issues it has already considered and more staff time will be incurred.</p>

5. Statutory Compliance

The proposed bylaw has been developed in a manner consistent with the Land Transport Act 1998 and Local Government Act 2002. The proposed consultation methods and the documentation attached to this report enable Council to continue to meet its obligations for bylaw reviews under these legislation.

6. Funding/Budget Implications

Budget Funding Information	Relevant Detail
Bylaw reviews	Managed within existing Policy and Planning budgets, and existing staffing resources.
Parking signage	Managed within existing Roading budgets



**Draft Traffic and Parking
Enforcement Bylaw
2019**

Statement of Proposal

Introduction

Western Bay of Plenty District Council is reviewing its Traffic and Parking Enforcement Bylaw and is seeking your views on the proposed changes. We'll consider the feedback we receive and make any changes required, with the revised bylaw intended to come into effect on 30 September 2019.

Parking restrictions for the District are set out in the New Zealand Road Code, as well as Council's bylaw. Council is empowered by the Land Transport Act 1998 to make bylaws to regulate parking on land that is under its care, control or management. We have parking officers in Te Puke, Katikati and seasonally in Waihi Beach to monitor compliance with our bylaw. The Police can also monitor compliance with the Road Code and our bylaw.

We sought some initial feedback about our current Traffic and Parking Enforcement Bylaw online in December 2018, and have taken that on board. We're now seeking your views on what's proposed in the draft bylaw (copy is attached to this statement of proposal). We are proposing some minor changes to the bylaw itself, as well as specific changes to the parking restrictions set out in Schedules 1 to 6 of the bylaw.

We are following the Local Government Act 2002 special consultative procedure to review this bylaw. This Statement of Proposal has been prepared in accordance with this Act.

Reasons for the proposal

The current bylaw was adopted in 2008, and we think its time to review the bylaw to:

- Ensure that it's fit for purpose to meet the demands of a growing district, with increasing use of our town centres and parking spaces;
- Make sure it's consistent with current legislation;
- Address bylaw implementation issues to enable effective enforcement; and
- Update the public parking restrictions to reflect new parking areas or changes required to existing parking restrictions.

Summary of proposed changes

The key changes proposed in the draft Traffic and Parking Enforcement Bylaw 2019 are:

- Streamlining of some content, so that matters covered in legislation are not repeated in our bylaw.
- Addition of a section to enable Council to specify restrictions on where heavy vehicles can be driven. The roads and times that this will apply to will be included in the schedules, based on the location of the restriction.
- A new provision that notes waivers on infringements issued for breaches of the bylaw may be considered at Council's sole discretion, in accordance with Traffic Waiver Guidelines.

There are also a range of proposed changes to the specific parking and traffic restrictions, set out in the schedules of the bylaw. Minor changes have been made following the GIS

mapping of all existing road markings for parking and traffic relevant to this bylaw. However, there are some new proposed changes (**Attachment A**) and these are summarised below:

Te Puke:

- Adding a new parking area off Commerce Lane next to the walkway through to Jellicoe Street. This is subject to P120 restriction, and also includes a new mobility park.
- Introducing a P120 restriction to the 10 on-street parks on Commerce Lane.
- Adding yellow 'no parking' lines for the first 35 metres of No.3 Road on both sides of the road.
- Adding the additional mobility park at the eastern end of Jellicoe Street, outside the Bottle-O (33 Jellicoe Street).
- Relocating the mobility park on Queen Street outside the PathLab (27 Queen Street) to the opposite end of the angle parking bay, next to the wheelchair access to PathLab.
- Reducing the area subject to the bylaw outside Te Puke Countdown, to reflect that part of this carpark is privately leased.
- A range of changes to the yellow 'no parking' restrictions as a result of recent works on Jellicoe Street, as part of the town centre redevelopment.

Waihi Beach

- Reducing the yellow 'no parking' lines on Seaforth Road outside Waihi Superette (211 Seaforth Road), to accommodate new pedestrian refuges.
- Extending the yellow 'no parking' lines on the western side of Wilson Road from the intersection with The Crescent by 15 metres north.
- Adding yellow 'no parking' lines on both sides of Seaforth Road, between the Coastguard building and Anzac Bay.

Omokoroa

- Extending the yellow 'no parking' lines on Omokoroa Road to 10 metres North of the skate path boundary, and on Western Avenue to the commencement point of the kerb and channel.

Katikati

- Introducing a P30 time restriction to three car parks outside Patuki Manawa (Katikati Library and Service Centre).

McLarens Falls

- Extending the yellow 'no parking' lines from the parking area to run west along McLaren Falls Road for 300 metres, on both sides of the road.

Omanawa Falls

- Adding yellow 'no parking' lines to start after the driveway of 1031 Omanawa Road to run 200 metres south on both sides of the roads.

Paengaroa

- **Heavy vehicles:** Inclusion of the heavy vehicle restriction on Wilson Road South, Paengaroa. This will enable infringements to be issued where the restriction is breached. This gives effect to resolution made by Council in 2004 for this purpose.

Have your say

We need your feedback by 4pm Thursday 18 April 2019

Please tell us what you think of what we are proposing.

You can do this by:

- Entering it online at: <https://haveyoursay.westernbay.govt.nz>
- Posting it to: *Traffic and Parking Enforcement Bylaw Review, Western Bay of Plenty District Council, Private Bag 12803, Tauranga 3143.*
- Emailing it to: haveyoursay@westernbay.govt.nz
- Delivering it to:
 - Barks Corner head office, 1484 Cameron Road, Greerton
 - Te Puke Library and Visitor Information Centre, 130 Jellicoe Street, Te Puke
 - Katikati Library and Visitor Information Centre, 36 Main Road, Katikati
 - Waihi Beach Library and Service Centre, Waihi Beach Rd
 - Omokoroa Library and Service Centre, McDonnell Street, Omokoroa

Feedback forms are available at all service centres, and at our public Have Your Say events.

Giving effective feedback

We will provide feedback forms at all service centres and at our community events throughout the consultation period. These forms include questions on the key themes we are consulting on, and ask for your opinion on each.

You may also wish to comment on specific the clause(s) of the Bylaw, and state why the clause is supported, not supported, or how it could be amended.

Feedback on matters outside the scope of the draft Bylaw cannot be considered by the Council as part of this Bylaw review process.

What happens next?

Council will acknowledge in writing or by email (if provided) the receipt of your feedback. If you have questions, or if you would like to give feedback in person, we encourage you to come to one of our community Have Your Say Events:

Venue	Date	Time
Omokoroa Settlers' Hall	Sat 23 March	9am-12pm
Oropi Hall	Wed 27 March	6.30pm-8pm
Waihi Beach RSA	Sat 30 March	9am-12pm
Te Puna Quarry Park – Gallery	Wed 3 April	4pm-7pm
Te Puke Memorial Hall	Sat 6 April	9am-12
Maketu Community Centre	Wed 10 April	4pm-7pm
Katikati Community Hub Pātuki Manawa	Sat 13 April	9am-12pm

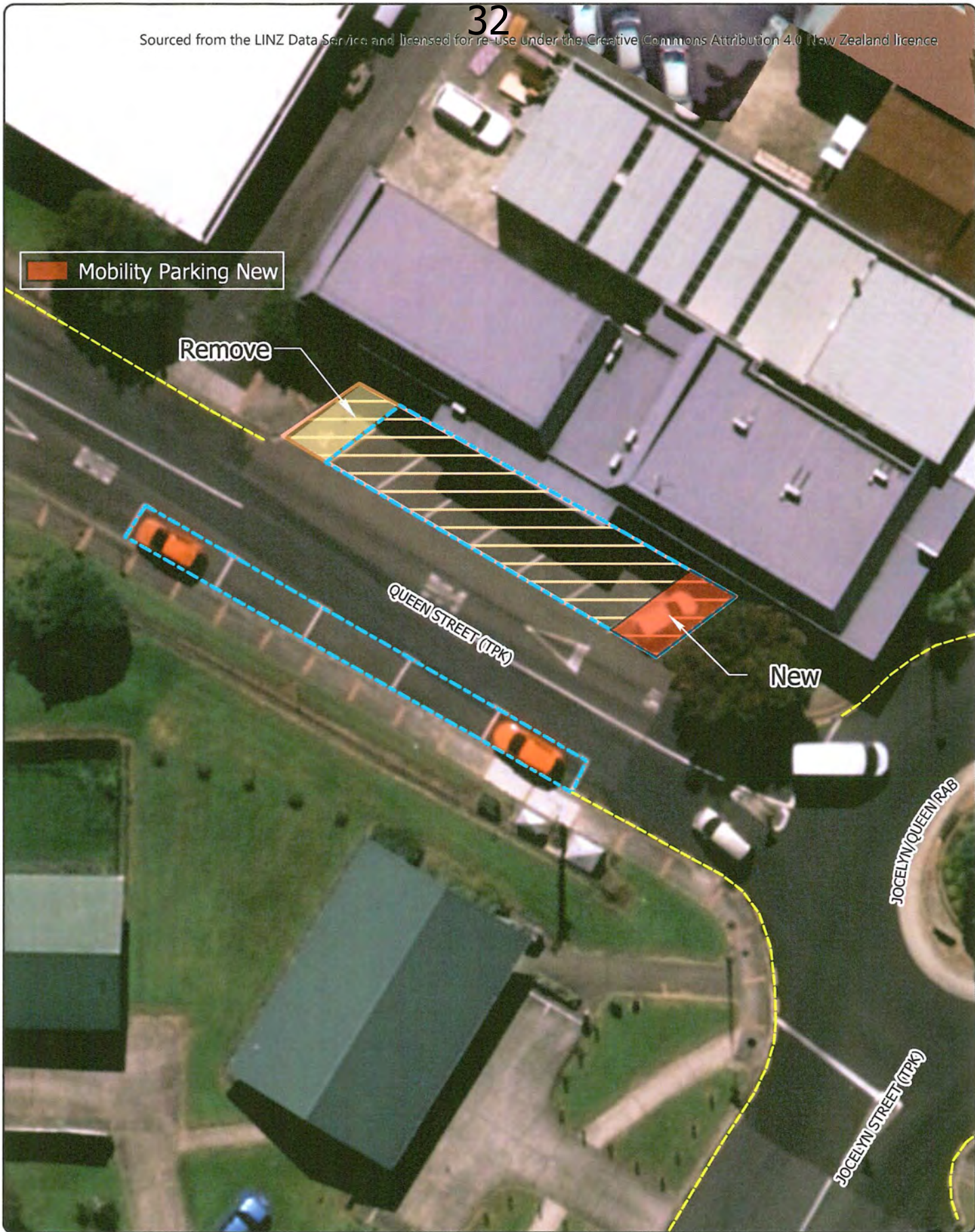
Alternatively, you may register for a more formal opportunity to present your views. Please email haveyoursay@westernbay.govt.nz or phone 07 571 8008 by Friday 5 April 2019 to secure a timeslot and receive further information. These days will be available on:

Council Chambers (Barkes Corner): Mon 15 April – 9.30am start

Council Chambers (Barkes Corner): Tues 16 April – 9.30am start

Review Timeframes:

- Period for feedback opens: 18 March 2019
- Period for feedback closes: 18 April 2019
- Have your say days: From 23 March (see above dates/venues)
- Council adopts bylaws: 8 August 2019
- Bylaws become effective: 30 September 2019





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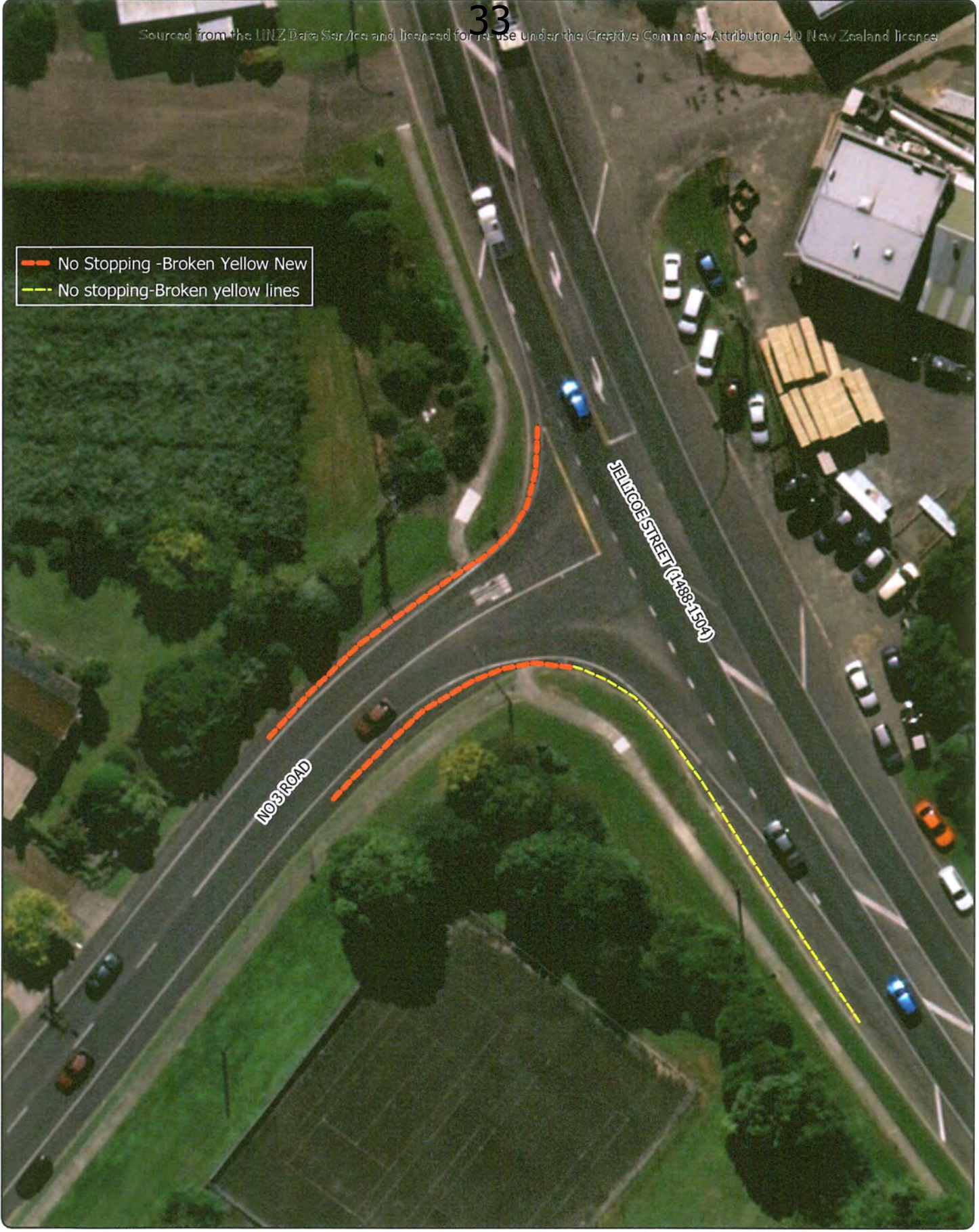
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Traffic and Parking Enforcement Bylaw 2008
 Proposed Changes
 Queen Street - Mobility Park



 No Stopping -Broken Yellow New
 No stopping-Broken yellow lines



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Email: gis@westernbay.govt.nz
 Date: 2/21/2019
 Operator: mlb
 Map: E:\Shape\MLB\2018\Projects\Traffic and Parking Enforcement Bylaw 2008.aprx


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**Traffic and Parking Enforcement Bylaw 2008
Proposed Changes
No 3 Road -New broken yellow lines**



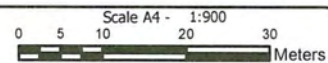
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-  No Stopping -Broken Yellow New
-  No stopping-Broken yellow lines





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Email: gis@westernbay.govt.nz
 Date: 2/20/2019
 Operator: mlb
 Map: E:\Shape\MLB\2018\Projects\Traffic and Parking Enforcement Bylaw 2008.aprx



Traffic and Parking Enforcement Bylaw 2008
 Proposed Changes
 Omokoroa Rd/Western Ave- New broken yellow lines

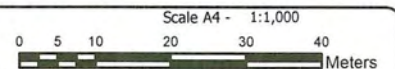


-  No Stopping -Broken Yellow New
-  No stopping-Broken yellow lines



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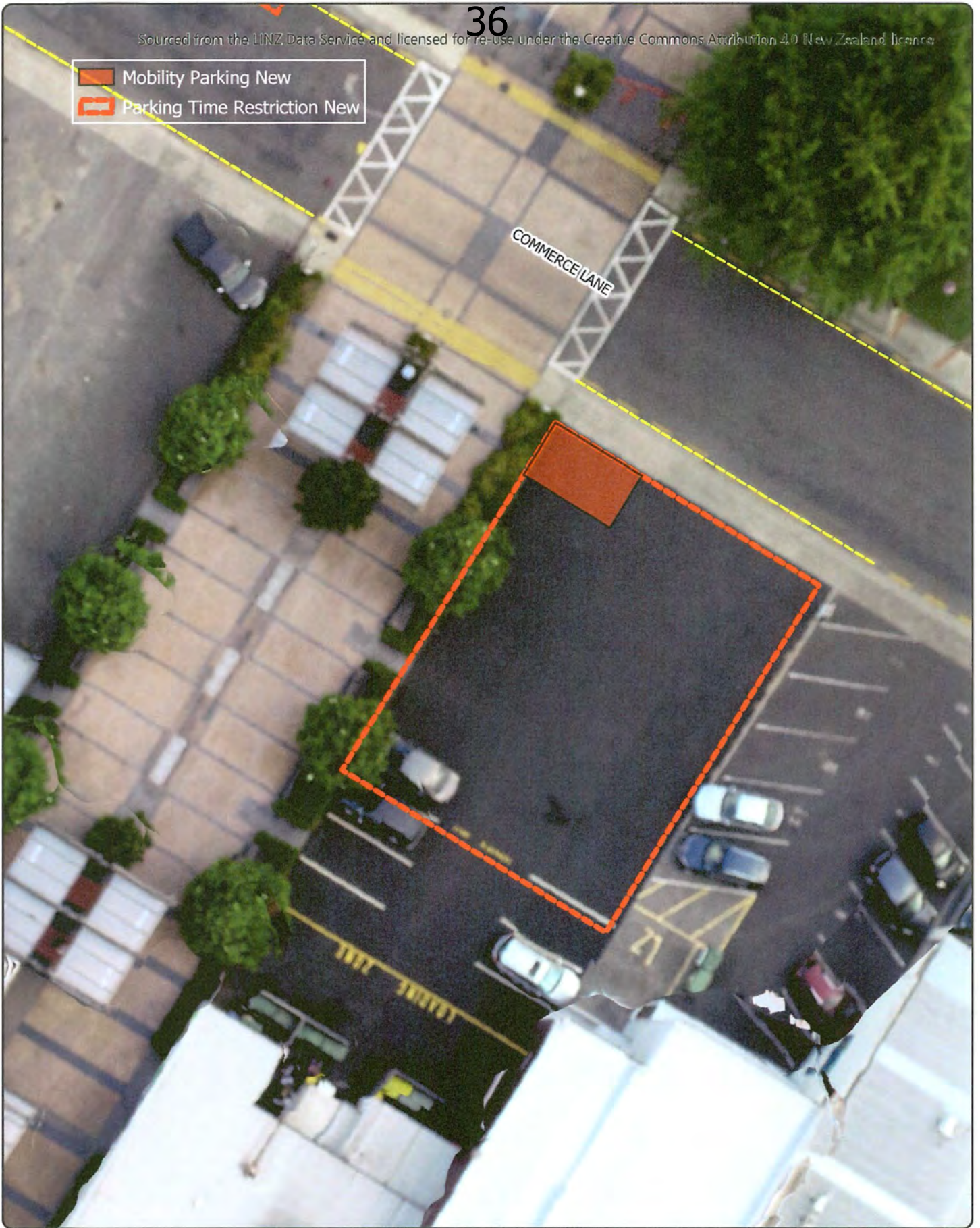
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 Date: 2/20/2019
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Traffic and Parking Enforcement Bylaw 2008
 Proposed Changes
 Seaforth Road- New broken yellow lines

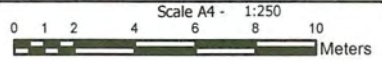


-  Mobility Parking New
-  Parking Time Restriction New



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Email: gis@westernbay.govt.nz
 Date: 2/20/2019
 Operator: mlb
 Map: E:\Shape\MLB\2018\Projects\Traffic and Parking Enforcement Bylaw 2008.aprx



Traffic and Parking Enforcement Bylaw 2008
Proposed Changes
 Commerce Ln - New P120 restriction & mobility park





- - - No Stopping - Broken Yellow New
- - - No stopping - Broken yellow lines

Remove this section

SEAFORTH ROAD

EMERTON ROAD

TUNA AVENUE

EMERTON/SEAFORTH/TUNA RAB
 EMERTON/SEAFORTH/TUNA RAB
 SEAFORTH ROAD

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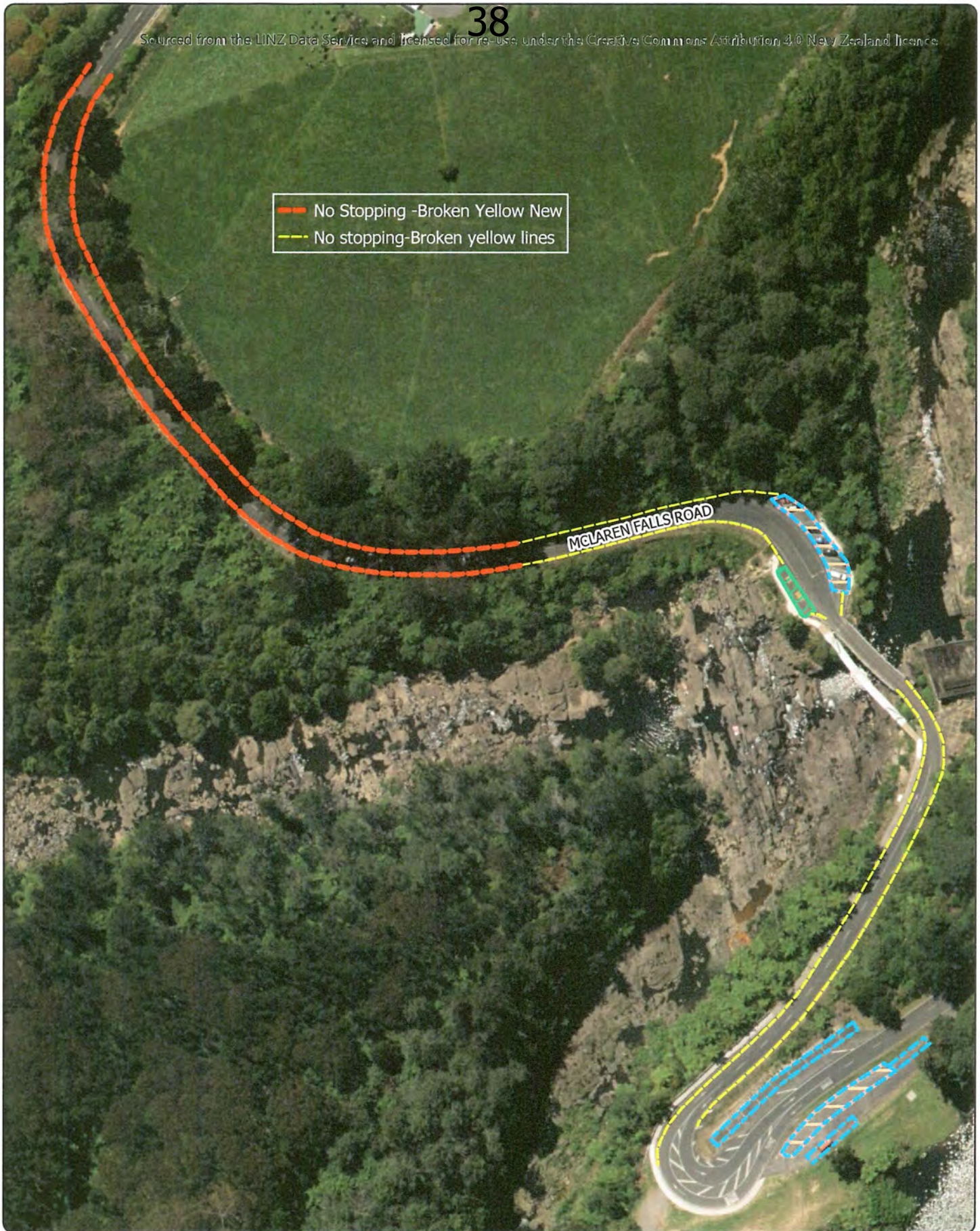
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0 2.5 5 10 15 20 Meters



Traffic and Parking Enforcement Bylaw 2008
 Proposed Changes
 Seaforth Road - Reduce broken yellow lines





- - - No Stopping - Broken Yellow New
- - - No stopping - Broken yellow lines

MCLAREN FALLS ROAD

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Traffic and Parking Enforcement Bylaw 2008
Proposed Changes
McLaren Falls Rd - New broken yellow lines





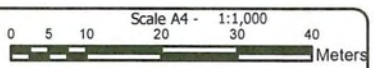
— No Stopping - Broken Yellow New

1031 Omanawa Road

OMANAWA ROAD

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 Date: 2/21/2019
 Operator: mlb
 Map: E:\Shape\MLB\2018\Projects\Traffic and Parking Enforcement Bylaw 2008.aprx



Traffic and Parking Enforcement Bylaw 2008
 Proposed Changes
 Omanawa Rd - New broken yellow lines





- - - No Stopping - Broken Yellow New
- - - No stopping - Broken yellow lines

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Scale A4 - 1:450
 0 2.5 5 10 15 20 Meters



Traffic and Parking Enforcement Bylaw 2008
Proposed Changes
Wilson Road WB - Extend Broken Yellow Lines



 Parking Time Restriction New



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Traffic and Parking Enforcement Bylaw 2008
 Proposed Changes
 Katikati Library - Change 3 parks to P30 restriction



JOCELYN STREET (117A)

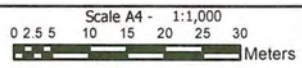
 Parking Time Restriction New



JELICOE OXFORD
R4B

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Email: gis@westernbay.govt.nz
Date: 2/20/2019
Operator: mlb
Map: E:\Shape\MLB\2018\Projects\Traffic and Parking Enforcement Bylaw 2008.aprx



Traffic and Parking Enforcement Bylaw 2008
Proposed Changes
Commerce Lane - On street parking New P120



Traffic and Parking Enforcement Bylaw review

The objective of this Bylaw is to allow Council to set requirements for parking and control of traffic on roads, public places and parking areas under the care, control or management of Western Bay of Plenty District Council.

Why is it being reviewed?

- To ensure that it's fit for purpose to meet the demands of a growing district, with increasing use of our town centres and parking spaces;
- To make sure it's consistent with current legislation;
- To address bylaw implementation issues to enable effective enforcement; and
- To update the public parking restrictions to reflect new parking areas or changes required to existing parking restrictions.

Key changes proposed in draft bylaw

- Streamlining of some content, so that matters covered in legislation are not repeated in our bylaw.
- Addition of a section to enable Council to specify restrictions on where heavy vehicles can be driven.
- A new provision that notes waivers on infringements issued for breaches of the bylaw may be considered at Council's sole discretion, in accordance with Parking Waiver Guidelines.
- A range of proposed changes to the specific parking and traffic restrictions, set out in the schedules of the bylaw. These are proposed in Te Puke, Waihi Beach, Omokoroa, Katikati, McLaren Falls, Omanawa Falls and Paengaroa. See the statement of proposal for more details on these specific changes and let us know what you think.

Statement of proposal

You can find the statement of proposal for the Traffic and Parking Bylaw review on our Have Your Say site haveyoursay.westernbay.govt.nz or in hard copy at our libraries and service centres (see details on page x[]).

Have your say

Consultation is open from 18 March to 18 April 2019. See page [x] for when and where to have your say, including events across the District.



Have your say on the future of your District



Western Bay of Plenty District Council Draft Traffic and Parking Bylaw Review

FEEDBACK FORM

We appreciate you taking the time to share your thoughts on our draft Traffic and Parking Bylaw. Please read the statement of proposal and draft Traffic and Parking Bylaw available at any of our service centres or at haveyoursay.westernbay.govt.nz and then let us know what you think!

To make a submission online visit haveyoursay.westernbay.govt.nz. Otherwise fill out this feedback form and either

- Deliver your submission to the Katikati, Te Puke, Omokoroa and Waihi Beach Library and Service Centres or the Main Council Office at Barks Corner;
- Email it to haveyoursay@westernbay.govt.nz; or
- Mail it to: Traffic and Parking Bylaw review
Western Bay of Plenty District Council
Private Bag 12803
Tauranga 3143

Please note: All the information you provide in your feedback form (including personal details) will become public documents.

For photocopying purposes, please write clearly in black or blue pen.

All written feedback must be received by 4pm, Thursday 18 April 2019

Name: _____

Organisation (only if submitting on behalf): _____

Postal address: _____

Home phone: _____

Mobile: _____

Email: _____

Signature: _____

Date: _____

Please use the reverse of this form for your submission

Privacy Act 1993: This form and the details of your submission will be publicly available as part of the decision-making process.



We are proposing a number of changes to parking restrictions in the bylaw:

Te Puke

1. **Adding a new parking area off Commerce Lane next to the walkway through to Jellicoe Street. This is subject to P120 restriction, and also includes a new mobility park.**
 - Option 1 Agree
 - Option 2 Disagree
 - Option 3 Don't know

2. **Introducing a P120 restriction to the 10 on-street parks on Commerce Lane.**
 - Option 1 Agree
 - Option 2 Disagree
 - Option 3 Don't know

3. **Adding yellow 'no parking' lines for the first 35 metres of No.3 Road on both sides of the road.**
 - Option 1 Agree
 - Option 2 Disagree
 - Option 3 Don't know

4. **Adding the additional mobility park at the eastern end of Jellicoe Street, outside the Bottle-O (33 Jellicoe Street).**
 - Option 1 Agree
 - Option 2 Disagree
 - Option 3 Don't know

5. **Relocating the mobility park on Queen Street outside the PathLab (27 Queen Street) to the opposite end of the angle parking bay, next to the wheelchair access to PathLab.**
 - Option 1 Agree
 - Option 2 Disagree
 - Option 3 Don't know

6. **Reducing the area subject to the bylaw outside Te Puke Countdown, to reflect that part of this carpark is privately leased.**
 - Option 1 Agree
 - Option 2 Disagree
 - Option 3 Don't know

7. **A range of changes to the yellow 'no parking' restrictions as a result of recent works on Jellicoe Street, as part of the town centre redevelopment.**
 - Option 1 Agree
 - Option 2 Disagree
 - Option 3 Don't know

Continued on the following page



Waihi Beach

8. Reducing the yellow 'no parking' lines outside Waihi Superette (211 Seaforth Road), to accommodate new pedestrian refuges

- Option 1 Agree
- Option 2 Disagree
- Option 3 Don't know

9. Extending the yellow 'no parking' lines on the western side of Wilson Road from the intersection with The Crescent by 15 meters north

- Option 1 Agree
- Option 2 Disagree
- Option 3 Don't know

10. Adding yellow 'no parking' lines on both sides of Seaforth Road, between the Coastguard building and Anzac Bay.

- Option 1 Agree
- Option 2 Disagree
- Option 3 Don't know

Omokoroa

11. Extending the yellow 'no parking' lines on Omokoroa Road to 10 metres North of the skate path boundary, and on Western Avenue to the commencement point of the kerb and channel.

- Option 1 Agree
- Option 2 Disagree
- Option 3 Don't know

Katikati

12. Introducing a P30 time restriction to three car parks outside Patuki Manawa (Katikati Library and Service Centre).

- Option 1 Agree
- Option 2 Disagree
- Option 3 Don't know

McLarens Falls

13. Extending the yellow 'no parking' lines from the parking area to run west along McLaren Falls Road for 300 metres, on both sides of the road.

- Option 1 Agree
- Option 2 Disagree
- Option 3 Don't know

Continued on the following page



Western Bay of Plenty
District Council

[Draft] Traffic and Parking Enforcement Bylaw 201908

Explanatory Note

The objective of this Bylaw is to ~~assist traffic management and parking control measures (where these are considered to be necessary in any part of the Western Bay of Plenty District) in respect of roads, public places and parking areas under the control of the Council.~~

~~The Local Government Act 2002, sections 591A and 684 of the Local Government Act 1974, and the Land Transport Act 1998 contain the authority for Council to make bylaws regulating traffic and parking. allow Council to set requirements for parking and control of traffic on roads, public places and parking areas under the care, control or management of Western Bay of Plenty District Council.~~



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Western Bay of Plenty District Council

Traffic and Parking Enforcement Bylaw

Authority

Pursuant to the powers vested in it under ~~sections 145 and 146 of the Local Government Act 2002, sections 591A and 684 of the Local Government Act 1974, and section 22AB(1) of the Land Transport Act 1998 and the Local Government Act 2002,~~ the Western Bay of Plenty District Council makes this Bylaw.

Title

This Bylaw is the [Draft] Western Bay of Plenty District Council Traffic and Parking Enforcement Bylaw ~~201908~~. This Bylaw comes into force on ~~1 July 2008~~[30 September 2019].

Repeal

The Western Bay of Plenty District Council Traffic and Parking Enforcement Bylaw ~~20028~~ is repealed.

Scope

The objective of this Bylaw is to allow Council to set requirements for parking and control of traffic on roads, public places and parking areas under the care, control or management of Western Bay of Plenty District Council.

~~The objective of this Bylaw is to assist traffic management and parking control measures (where these are considered to be necessary in any part of the Western Bay of Plenty District) in respect of roads, public places and parking areas under the control of the Council.~~

Savings

All approvals, permits, and other acts of authority (including any resolutions of the Council) which originated under the Western Bay of Plenty District Council Traffic and Parking Enforcement Bylaw ~~20082~~, and all applications, and other acts of parties and generally all documents, matters, acts, and things which so originated and are continuing at the commencement of this Bylaw, continue for the purposes of this Bylaw to have full force and effect.

~~The content of Schedules 1 to 6 of the Western Bay of Plenty District Council Traffic and Parking Enforcement Bylaw 2002, and any amendments to those Schedules by way of resolution of the Council, continue for the purposes of this Bylaw to have full force and~~



~~effect as if they were made under Clause 1 of Part 1 of the Western Bay of Plenty District Council Traffic and Parking Enforcement Bylaw 2008 by resolution of the Council.~~



The revocation of the Western Bay of Plenty District Council Traffic and Parking Enforcement Bylaw 200~~28~~ does not prevent any legal proceedings, criminal or civil, being taken to enforce that bylaw and such proceedings continue to be dealt with and completed as if that bylaw had not been revoked.

~~Application of General Bylaw, Chapter 1~~

~~Unless otherwise provided in this Bylaw, the provisions of the Western Bay of Plenty District Council General Bylaw 2008, Chapter 1 Introduction, and any bylaw passed in amendment or substitution of that Chapter are implied unto and form part of this Bylaw.~~



Interpretation

In this Bylaw

- (a) Subject to paragraph (b) below, the definitions in the ~~Western Bay of Plenty District Council General Bylaw 2008 and the~~ Land Transport Act 1998, ~~Land Transport (Road User) Rule 2004 and Land Transport Rule: Traffic Control Devices 2004~~ apply unless otherwise provided in this Bylaw.

- (b) For the purposes of this Bylaw, and unless inconsistent with the context, the following definitions apply:

Angle Parking means parking other than parallel with the Roadway in the direction of travel, and with the front of the vehicle facing towards the kerb or footpath; and "angle parks" has a corresponding meaning.

Authorised Officer means an officer or other person appointed by the Council to perform duties required under this Bylaw, irrespective of the designation given to that officer or person and includes any Police officer, any Enforcement Officer and any Parking Enforcement Officer or Parking Warden.

~~Driver in relation to any motor vehicle, means any person who uses or drives the motor vehicle on any Road, or causes or Permits it to be on any Road or to be driven on any Road, whether or not the person is present with the motor vehicle and includes any person apparently in charge of the motor vehicle.~~

Footpath has the meaning assigned to that term in section 315(1) of the Local Government Act 1974.

Goods Vehicle Loading Zone means any Road, Public Place, or other area (or portion of) authorised as a place where Goods ~~Service~~ Vehicles may park for a limited time as indicated.

~~Goods Service Vehicle means any truck, van, utility or station wagon with rear seats removed or permanently bolted down designed exclusively or principally for the carriage of Goods.~~

~~Heavy Motor Vehicle has the meaning given to that term in the Land Transport (Road User) Rule 2004.~~

~~Infringement Offence has the meaning assigned to it in the Land Transport Act 1998.~~

~~Loading Zone means any Road, Public Place, or other area (or portion of) under the control of Council authorised as a place where any type of vehicle may stop as long as it is being loaded or unloaded and the vehicle is not left unattended for more than the time indicated.~~

~~Motor Vehicle has the meaning assigned to that term in section 2(1) of the Land Transport Act 1998.~~



~~Omnibus or Bus means a motor vehicle –~~

- ~~(a) designed for the carriage of 9 or more Persons inclusive of the driver; and~~
- ~~(b) — used for hire or reward for the carriage of passengers on defined routes.~~

~~Operation Mobility parkCarpark~~ means a car park set apart for the exclusive use of Persons with physical disabilities and using a vehicle displaying an Operation Mobility Permit issued by CCS Disability Action.

~~Parking has the meaning assigned to that term in the Land Transport (Road User) Rule 2004 or subsequent amendments, and "park" has a corresponding meaning.~~

Parking Enforcement Officer or Parking Warden means any person appointed by the Council as a parking warden under section 128D of the Land Transport Act 1998.

~~Parking Space means a portion of a road or parking area marked out with painted lines for the specific purpose of accommodating a parked vehicle.~~

~~Passenger Service Vehicle has the meaning assigned to that term in section 2(1) of the Land Transport Act 1998.~~

Private road has the meaning assigned to that term in section 315(1) of the Local Government Act 1974.

Private way has the meaning assigned to that term in section 315(1) of the Local Government Act 1974.

Public Notice has the meaning assigned to that term in section 5(1) of the Local Government Act 2002, and publicly notified has a corresponding meaning.

Road has the meaning assigned to that term in section 315(1) of the Local Government Act 1974.

Taxi means a motor vehicle –

- (a) designed principally for the carriage of Persons not exceeding 8 in number, inclusive of the driver; and
- (b) used for hire or reward for the carriage of passengers otherwise than on defined routes; and
- (c) available for hire to any member of the public.

~~Vehicle has the meaning assigned to that term in section 2(1) of the Land Transport Act 1998.~~



Vehicle Stand means a portion of any Road appointed by the Council as a place

- (a) in relation to any passenger service vehicles or specified classes of passenger services vehicles, for that or those vehicles to wait for, pick up and set down passengers; or
- (b) in relation to any other vehicle or class of vehicle, for that or those vehicles to stop or park for a specific purpose.

~~Resolutions under this Bylaw~~

~~Where a clause of this Bylaw provides for the Council to prescribe, regulate, control or prohibit any matter by resolution, the Council may by resolution subsequently amend, vary or revoke any resolution made under such a clause.~~

~~Any resolutions under Clause 1 of Part 1 of this Bylaw (including any resolutions amending, varying, or revoking any such resolutions) must be publicly notified.~~

~~Making of this Bylaw~~

~~The initial resolution to make this bylaw was passed by the Western Bay of Plenty District Council at a meeting of the Council held on 1 May 2008 and was confirmed following consideration of submissions received during the special consultative procedure, by a resolution of the Council at a subsequent meeting of the Council held on 26 June 2008.~~

Chief Executive _____ Seal

Date _____



Part 1: Parking Prohibitions and Controls

1. Stopping, Standing or Parking of Vehicles
- 1.1 ~~As specified in Schedules 1 to 6 of this bylaw, the Council may from time to time by resolution publicly notified,~~ permit, restrict or prohibit the stopping, standing, or parking of vehicles on roads or portions of roads, or carparks, or other areas under the control of the Council: **Council Resolutions**
- (a) Absolutely; or
- (b) For limited periods of time between certain hours of any day or days of the week; or
- (c) At an angle to the kerb-line or otherwise.
- 1.2 Clause 1.1 is subject to the erection of any signs required under the Land Transport Act 1998, and (without limitation) the Land Transport Rule: Traffic Control Devices 2004. **Signage**
- 1.3 Every person commits a breach of this Bylaw who fails to obey the signs erected ~~as a result of a Council resolution for the purposes of~~ prohibiting, restricting, or regulating the stopping, standing or parking of vehicles in areas under the control of Council. **Failure to Obey Signs**
- 1.4 No person may use any parking area for any purpose other than for parking of a motor vehicle unless authorised in writing by the Council. **Unlawful Use of Parking Area**
- 1.5 No driver or person in charge of any vehicle may stop, stand, or park a vehicle – **Placing Vehicle in Parking Spaces**
- (a) Outside the marked limits of any parking space unless the vehicle by reason of its size cannot be contained in one space; or
- (b) In a parking space if that vehicle is of a class not permitted to use that parking space.
- 1.6 No driver or person in charge of any vehicle may park a vehicle in any parking space for longer than the maximum period allowed for parking in that space, unless authorised in writing by the Council. **Time Limit on Parking**



- 1.7 No driver or person in charge of any vehicle may
- (a) Exceed the speed limit in any parking area; or

~~Conduct
in
Parking
Areas~~



b) Drive a vehicle in any parking area contrary to the direction of travel prescribed by the Council and shown by marks on the road surface or indicated by any other means.

- 1.8 The Council may from time to time by resolution publicly notified make such charges for the use of areas set aside by Council as parking spaces. These will be included in Council's Schedule of Fees and Charges. Charges
- 1.9 An Authorised Officer may, at his or her sole discretion, temporarily prohibit, restrict, or control parking in a parking space by authorising the placement of appropriate signs which must clearly state the nature of the prohibition or restriction. Temporary Restrictions on Parking
- 1.10 Mobility Parking
- 1.10.1 The Council may reserve any parking space for the exclusive use of vehicles driven by or carrying disabled persons, and displaying a permit issued by CCS Disability Action or their successors either generally or at specific times. Every reserved space must be indicated by appropriate signs. Disabled/Mobility Parking
- 1.11 Motorcycle/Specific Vehicle Parks
- 1.11.1 The Council may set apart areas solely for the parking of a motorcycle or other specified vehicle and no vehicle other than that specified may be parked in such a parking space identified by appropriate signs. Motorcycle/Specific Vehicle Parks
- 1.12 Public Vehicle Stands
- 1.12.1 ~~The Council may from time to time by resolution publicly notified~~As specified in Schedules 1 to 6 of this bylaw, Council may -
- (a) appoint places to be public stands for specified



- ger service vehicles, including buses and taxis:
 - (b) fix rentals for the use of such stands:
 - (c) direct what particular passenger service vehicles
- ~~Specific~~
~~d-~~
~~Vehicle-~~
~~Type-~~
~~Stands~~



may use any such public stand;

(d) abolish any such public stand or change the type of passenger service vehicles that may use any such public stand.

1.12.2 Clause 1.12.1 is subject to the erection of any signs required under the Land Transport Act 1998, and (without limitation) the Land Transport Rule: Traffic Control Devices 2004. Marking of Stands

1.13 Loading Zone and Goods Vehicle Loading Zone

~~1.13.1~~ As specified in Schedules 1 to 6 of this bylaw, the Council may: The Council may from time to time by resolution publicly notified— Council Powers

(a) Determine that any part of a road which shall be defined in such resolution, is a "Loading Zone" or "Goods Vehicle Loading Zone" for the purposes of this Bylaw: Loading Zone

(b) Prohibit, limit, or restrict the stopping, standing, or parking of vehicles other than those required for the loading or unloading of goods or passengers, in any Loading Zone or Goods Vehicle Loading Zone:

(c) Prohibit the parking of any vehicles in any Loading Zone or Goods Vehicle Loading Zone in excess of a period fixed by the resolution.

1.13.2 No person or driver in charge of any vehicle in any Loading Zone may park the vehicle, whether attended or unattended, in any Loading Zone or Goods Vehicle Loading Zone except in conformity with the terms of the Loading Zone or Goods Vehicle Loading Zone signs. Goods-Service-Loading-Zone

1.13.3 Clause 1.13.1 is subject to the erection of any signs required under the Land Transport Act 1998, and (without limitation) the Land Transport Rule: Traffic Control Devices 2004.

~~1.14~~ "Give Way" or "Stop" Signs at Intersections



~~1.14.1 The Council may from time to time by resolution publicly notified, nominate intersections where "Give Way" or "Stop" signs will be erected.~~ "Give Way" and "Stop" Signs



Part 2 – Traffic/Vehicle Control

1. Use of Vehicles
- 1.1 No person being the driver or in charge of any vehicle may use the vehicle so as to cause, or to be likely to cause, damage to ornamental grass plots, shrubs, or flower beds laid or planted on the road reserve, or to impede the movement of pedestrians. ~~Damag
e-to
Grass-
Plots~~
- 1.2 No person other than a person authorised by the Council or its authorised agent may drive a vehicle on to or allow any vehicle to stand or remain or park on any property of, or under the control of, the Council, except roads or any area designated by the Council as a parking space. ~~Coun
cil-
Prope
rty~~
- 1.3 The owner or driver of any vehicle driven on to, or allowed to stand or remain on Council property in contravention of clause 1.2, must on demand by any Authorised Officer, ~~including a Police Officer~~ remove such vehicle from such property immediately. ~~Immedi
ate-
Remov
al-of
Vehicle~~
2. Heavy vehicles
- 2.1 Council may specify in the Schedules 1-6 to this bylaw the roads on which heavy motor vehicles are prohibited at specified times.
- 2.2 No person shall drive or permit to be driven any heavy motor vehicle on or along those roads or parts of roads specified in Schedules 1-6 of this bylaw made under clause 2.1 at the times specified, except for the purpose of picking up or delivering goods to an address in those roads when alternative access is not available for this purpose.
- 2.3. Traffic Safety
- 2.13.1 Containers and Vehicles on Road
- 2.1.13.1.1 No person may use or place or leave upon any road, footpath or public place any machinery, equipment, materials, or container such that, in the opinion of an Authorised Officer, an obstruction or traffic safety hazard is caused or is likely to be caused. ~~Machiner
y-
Container
s-etc~~
- 2.1.23.1.2 No person may without the permission of the Council leave in or on any road or public place for more than seven days any vehicle –

(a) Wh
h
i



ch has no effective motor power in or attached to it; or

- (b) Which is so disabled, damaged, or in such a state that it cannot be safely driven.

~~Immobile
Vehicles
Limits on
Parking~~

Such vehicle must be removed at the request of an Authorised Officer within the period of time stipulated in the notice served on the owner of the vehicle by that officer.



2.23.2 Impounding and Removal

2.2.13.2.1 If any vehicle in the condition specified in clause 2.1.2 is not removed from any road or public place within the period stipulated in this part of the notice, or within a period of seven days from the date of service of such notice, or if a vehicle is not made complete and in working order to the satisfaction of an Authorised Officer within the seven day period, then a Notice of Intention to Impound such vehicle may be placed on the vehicle.

~~Vehicle
Liable to
be
Impound
ed~~

The vehicle may be removed or impounded by order of an Authorised Officer at the expiration of 24 hours from the placing of the Notice.

2.2.23.2.2 If an Authorised Officer considers that any vehicle, container, machinery, or material left on any road or in any public place under the control of Council, should be removed in the interests of road safety or for the convenience, or in the interests of the public, the Officer may require action to remove the vehicle, container, machinery or material or the same may be removed or impounded immediately.

~~Removal of
Traffic
Hazard~~

2.2.33.2.3 If any vehicle, container, machinery or material removed under the provisions of clause ~~23.2.1~~ or ~~23.2.2~~ is not claimed and the expenses of removal and/or of storage are not paid by the owner or some other person having an interest therein within seven (7) days after the date of removal or impounding an Authorised Officer may proceed to dispose of such items in accordance with the Local Government Act 2002.

~~Dispos
al of
Items~~

2.33.3 General Traffic Safety

2.3.13.3.1 Except as expressly approved by Council in terms of the District Plan, or the provisions of a Council bylaw, no person may cause or permit to be erected or maintained on any building, structure, motor vehicle or public place, any notices, lights, signs, or signals which are likely to interfere with traffic control or safety.

~~Notices,
Lights
and Signs~~

2.3.23.3.2 No person may drive any vehicle –

- (a) Over any hose in use for the time being in connection with an outbreak or alarm of fire

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n
l
e



ss hose bridges are provided or if the driver is directed so to drive by a Police Officer or any member of the Fire Service; or

~~Fire-
Service-
Hoses~~

(b) In such a manner as to hinder or obstruct any member of the Fire Service engaged in connection with any outbreak of fire.

2.3.33.3.3 No person may interfere with, damage, or remove any traffic control or information sign erected pursuant to the provisions of the Land Transport Act 1998 or any rules made under the Land Transport Act 1998, or this Bylaw.

~~Damag
e-to-
Signs~~

2.3.43.3.4 Any person who, in the opinion of ~~an~~ Police Officer or ~~an~~ Authorised Officer, is creating a traffic danger or traffic hazard must immediately stop such activity when requested by the Authorised ~~o~~ Officer to do so. Any person failing to comply with such request ~~is~~ guilty of a ~~breaches~~ breach of this Bylaw.

~~Creating a
Hazard/Ac
tivity to-
Stop~~



Part 3 – Offences

~~3.4.~~ Offences

- ~~3.14.1~~ Any vehicle which is parked in an area under the care, Removal of Illegally Parked Vehicles control or management of the Council, in breach of this Bylaw may be removed by or at the request of any Parking Enforcement Officer, Police Officer or Authorised Officer, to such nearby lawful place for vehicle parking, or to any Council vehicle pound, or to any yard ~~in the District~~ occupied by any person, firm or company engaged by such officer to remove such vehicle, as he or she thinks fit. Such vehicle may be detained there by Council or the person, firm or company until the reasonable costs associated with such removal are paid by any person lawfully entitled to the possession of the vehicle.
- ~~3.2~~ ~~The provisions of clause 3.1 do not apply to a motor vehicle owned by the NZ Police and operated by a Police Officer in the execution of his or her duty, or an ambulance or a fire fighting appliance or any other emergency service vehicle attending an incident where life or property is under threat.~~ Exemptions
- ~~3.34.2~~ Every person, ~~other than a Police Officer, member of the Ambulance or Fire Service or an Authorised Officer in the execution of his or her official duties,~~ Failure to Comply commits an offence against this Part of this Bylaw who:
- (a) Fails to comply in all respects with any prohibition, restriction, direction, or requirement indicated by the lines, markings, traffic signs or lights, or other signs or notices, laid down, placed, made, or erected, in or upon any road, or other area controlled by the Council in the District by any provision of this Part of this Bylaw, ~~or of any resolutions made under this Bylaw;~~ Offences or
 - (b) Fails to comply with any condition, duty or obligation imposed by this ~~or of any resolutions made this~~ Bylaw; or
 - (c) Otherwise breaches the terms of this Bylaw.



3.4 Failure to comply with signs ~~and markings etc~~ ^{3.4.23.4.1} Signage

~~3.4.1~~ No person may stop, stand, or park a vehicle on any road, carpark or other area under the care, control or management of the Council in contravention of this Bylaw ~~or a resolution made under~~



~~this Bylaw~~ and evidenced by appropriate signs or road marks.

3.5 Exemptions

3.5.1 This Bylaw does not apply to –

- (a) A vehicle that is used on an emergency service by the New Zealand Fire Service, New Zealand Police, Ambulance, or Civil Defence; or
- (b) A vehicle used by an ~~Enforcement Officer or Parking Enforcement Officer or Parking Ward~~Authorised Officer ~~n and the act done was necessary~~ in the execution of ~~his or her~~their duty.

Penalties for
Breach of Bylaw

4.5. Penalties

Breach of Bylaw

4.15.1 Every person who commits a breach of the Bylaw (other than those covered by Part 1 Schedule 1B Land Transport (Offences and Penalties) Regulations 1999 is liable to a fine not exceeding \$500.

Infringement Fees

4.1 Infringement fees are fixed in accordance with Part 1 Schedule 1B Land Transport (Offences and Penalties) Regulations 1999.

4.2 Infringement fees may be waived upon application to Council and in accordance with the criteria set in its Traffic Waiver Guidelines, at Council's sole discretion.



[Draft]Traffic and Parking Enforcement Bylaw 2019

Explanatory Note

The objective of this Bylaw is to allow Council to set requirements for parking and control of traffic on roads, public places and parking areas under the care, control or management of Western Bay of Plenty District Council.



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Western Bay of Plenty District Council

Traffic and Parking Enforcement Bylaw

Authority

Pursuant to the powers vested in it under section 22AB(1) of the Land Transport Act 1998 and the Local Government Act 2002, the Western Bay of Plenty District Council makes this Bylaw.

Title

This Bylaw is the [Draft] Western Bay of Plenty District Council Traffic and Parking Enforcement Bylaw 2019. This Bylaw comes into force on [30 September 2019].

Repeal

The Western Bay of Plenty District Council Traffic and Parking Enforcement Bylaw 2008 is repealed.

Scope

The objective of this Bylaw is to allow Council to set requirements for parking and control of traffic on roads, public places and parking areas under the care, control or management of Western Bay of Plenty District Council.

Savings

All approvals, permits, and other acts of authority (including any resolutions of the Council) which originated under the Western Bay of Plenty District Council Traffic and Parking Enforcement Bylaw 2008, and all applications, and other acts of parties and generally all documents, matters, acts, and things which so originated and are continuing at the commencement of this Bylaw, continue for the purposes of this Bylaw to have full force and effect.



The revocation of the Western Bay of Plenty District Council Traffic and Parking Enforcement Bylaw 2008 does not prevent any legal proceedings, criminal or civil, being taken to enforce that bylaw and such proceedings continue to be dealt with and completed as if that bylaw had not been revoked.



Interpretation

In this Bylaw

- (a) Subject to paragraph (b) below, the definitions in the Land Transport Act 1998, Land Transport (Road User) Rule 2004 and Land Transport Rule: Traffic Control Devices 2004 apply unless otherwise provided in this Bylaw.
- (b) For the purposes of this Bylaw, and unless inconsistent with the context, the following definitions apply:

Angle Parking means parking other than parallel with the Roadway in the direction of travel, and with the front of the vehicle facing towards the kerb or footpath; and "angle parks" has a corresponding meaning.

Authorised Officer means an officer or other person appointed by the Council to perform duties required under this Bylaw, irrespective of the designation given to that officer or person and includes any Police officer, any Enforcement Officer and any Parking Enforcement Officer or Parking Warden.

Footpath has the meaning assigned to that term in section 315(1) of the Local Government Act 1974.

Goods Vehicle Loading Zone means any Road, Public Place, or other area (or portion of) authorised as a place where Goods Vehicles may park for a limited time as indicated.

Mobility park means a car park set apart for the exclusive use of Persons with physical disabilities and using a vehicle displaying an Operation Mobility Permit issued by CCS Disability Action.

Parking Enforcement Officer or Parking Warden means any person appointed by the Council as a parking warden under section 128D of the Land Transport Act 1998.

Private road has the meaning assigned to that term in section 315(1) of the Local Government Act 1974.

Private way has the meaning assigned to that term in section 315(1) of the Local Government Act 1974.

Public Notice has the meaning assigned to that term in section 5(1) of the Local Government Act 2002, and publicly notified has a corresponding meaning.

Road has the meaning assigned to that term in section 315(1) of the Local Government Act 1974.

Taxi means a motor vehicle:

- (a) designed principally for the carriage of Persons not exceeding 8 in number,



inclusive of the driver; and

- (b) used for hire or reward for the carriage of passengers otherwise than on defined routes; and
- (c) available for hire to any member of the public.

Vehicle Stand means a portion of any Road appointed by the Council as a place:

- (a) in relation to any passenger service vehicles or specified classes of passenger services vehicles, for that or those vehicles to wait for, pick up and set down passengers; or
- (b) in relation to any other vehicle or class of vehicle, for that or those vehicles to stop or park for a specific purpose.



Part 1: Parking Prohibitions and Controls

1. Stopping, Standing or Parking of Vehicles
 - 1.1 As specified in Schedules 1 to 6 of this bylaw, the Council may permit, restrict or prohibit the stopping, standing, or parking of vehicles on roads or portions of roads, or carparks, or other areas under the control of the Council:
 - (a) Absolutely; or
 - (b) For limited periods of time between certain hours of any day or days of the week; or
 - (c) At an angle to the kerb-line or otherwise.
 - 1.2 Clause 1.1 is subject to the erection of any signs required under the Land Transport Act 1998, and (without limitation) the Land Transport Rule: Traffic Control Devices 2004.
 - 1.3 Every person commits a breach of this Bylaw who fails to obey the signs erected for the purposes of prohibiting, restricting, or regulating the stopping, standing or parking of vehicles in areas under the control of Council.
 - 1.4 No person may use any parking area for any purpose other than for parking of a motor vehicle unless authorised in writing by the Council.
 - 1.5 No driver or person in charge of any vehicle may stop, stand, or park a vehicle –
 - (a) Outside the marked limits of any parking space unless the vehicle by reason of its size cannot be contained in one space; or
 - (b) In a parking space if that vehicle is of a class not permitted to use that parking space.
 - 1.6 No driver or person in charge of any vehicle may park a vehicle in any parking space for longer than the maximum period allowed for parking in that space, unless authorised in writing by the Council.
 - 1.7 No driver or person in charge of any vehicle may -
 - (a) Exceed the speed limit in any parking area; or

- b) Drive a vehicle in any parking area contrary to the direction of travel prescribed by the Council and shown by marks on the road surface or indicated by any other means.
- 1.8 The Council may from time to time by resolution publicly notified make such charges for the use of areas set aside by Council as parking spaces. These will be included in Council's Schedule of Fees and Charges.
- 1.9 An Authorised Officer may, at his or her sole discretion, temporarily prohibit, restrict, or control parking in a parking space by authorising the placement of appropriate signs which must clearly state the nature of the prohibition or restriction.
- 1.10 Mobility Parking
- 1.10.1 The Council may reserve any parking space for the exclusive use of vehicles driven by or carrying disabled persons, and displaying a permit issued by CCS Disability Action or their successors either generally or at specific times.
- Every reserved space must be indicated by appropriate signs.
- 1.11 Motorcycle/Specific Vehicle Parks
- 1.11.1 The Council may set apart areas solely for the parking of a motorcycle or other specified vehicle and no vehicle other than that specified may be parked in such a parking space identified by appropriate signs.
- 1.12 Public Vehicle Stands
- 1.12.1 As specified in Schedules 1 to 6 of this bylaw, Council may
- (a) appoint places to be public stands for specified passenger service vehicles, including buses and taxis:
 - (b) fix rentals for the use of such stands:
 - (c) direct what particular passenger service vehicles may use any such public stand;
 - (d) abolish any such public stand or change the type of passenger service vehicles that may use any such public stand.
- 1.12.2 Clause 1.12.1 is subject to the erection of any signs required under the Land Transport Act 1998, and (without limitation) the Land Transport

Rule: Traffic Control Devices 2004.

1.13 Loading Zone and Goods Vehicle Loading Zone

As specified in Schedules 1 to 6 of this bylaw, the Council may:

- (a) Determine that any part of a road which shall be defined in such resolution, is a "Loading Zone" or "Goods Vehicle Loading Zone" for the purposes of this Bylaw:
- (b) Prohibit, limit, or restrict the stopping, standing, or parking of vehicles other than those required for the loading or unloading of goods or passengers, in any Loading Zone or Goods Vehicle Loading Zone:
- (c) Prohibit the parking of any vehicles in any Loading Zone or Goods Vehicle Loading Zone in excess of a period fixed by the resolution.

1.13.2 No person or driver in charge of any vehicle in any Loading Zone may park the vehicle, whether attended or unattended, in any Loading Zone or Goods Vehicle Loading Zone except in conformity with the terms of the Loading Zone or Goods Vehicle Loading Zone signs.

1.13.3 Clause 1.13.1 is subject to the erection of any signs required under the Land Transport Act 1998, and (without limitation) the Land Transport Rule: Traffic Control Devices 2004.

Part 2 – Traffic/Vehicle Control

1. Use of Vehicles
 - 1.1 No person being the driver or in charge of any vehicle may use the vehicle so as to cause, or to be likely to cause, damage to ornamental grass plots, shrubs, or flower beds laid or planted on the road reserve, or to impede the movement of pedestrians.
 - 1.2 No person other than a person authorised by the Council or its authorised agent may drive a vehicle on to or allow any vehicle to stand or remain or park on any property of, or under the control of, the Council, except roads or any area designated by the Council as a parking space.
 - 1.3 The owner or driver of any vehicle driven on to, or allowed to stand or remain on Council property in contravention of clause 1.2, must on demand by any Authorised Officer remove such vehicle from such property immediately.
2. Heavy vehicles
 - 2.1 Council may specify in the Schedules 1-6 to this bylaw the roads on which heavy motor vehicles are prohibited at specified times.
 - 2.2 No person shall drive or permit to be driven any heavy motor vehicle on or along those roads or parts of roads specified in Schedules 1-6 of this bylaw made under clause 2.1 at the times specified, except for the purpose of picking up or delivering goods to an address in those roads when alternative access is not available for this purpose.
3. Traffic Safety
 - 3.1 Containers and Vehicles on Road
 - 3.1.1 No person may use or place or leave upon any road, footpath or public place any machinery, equipment, materials, or container such that, in the opinion of an Authorised Officer, an obstruction or traffic safety hazard is caused or is likely to be caused.
 - 3.1.2 No person may without the permission of the Council leave in or on any road or public place for more than seven days any vehicle –
 - (a) Which has no effective motor power in or attached to it; or
 - (b) Which is so disabled, damaged, or in such a state that it cannot be safely driven.

Such vehicle must be removed at the request of an Authorised Officer within the period of time stipulated in the notice served on the owner of the vehicle by that officer.

3.2 Impounding and Removal

3.2.1 If any vehicle in the condition specified in clause 2.1.2 is not removed from any road or public place within the period stipulated in this part of the notice, or within a period of seven days from the date of service of such notice, or if a vehicle is not made complete and in working order to the satisfaction of an Authorised Officer within the seven day period, then a Notice of Intention to Impound such vehicle may be placed on the vehicle.

The vehicle may be removed or impounded by order of an Authorised Officer at the expiration of 24 hours from the placing of the Notice.

3.2.2 If an Authorised Officer considers that any vehicle, container, machinery, or material left on any road or in any public place under the control of Council, should be removed in the interests of road safety or for the convenience, or in the interests of the public, the Officer may require action to remove the vehicle, container, machinery or material or the same may be removed or impounded immediately.

3.2.3 If any vehicle, container, machinery or material removed under the provisions of clause 3.2.1 or 3.2.2 is not claimed and the expenses of removal and/or of storage are not paid by the owner or some other person having an interest therein within seven (7) days after the date of removal or impounding an Authorised Officer may proceed to dispose of such items in accordance with the Local Government Act 2002.

3.3 General Traffic Safety

3.3.1 Except as expressly approved by Council in terms of the District Plan, or the provisions of a Council bylaw, no person may cause or permit to be erected or maintained on any building, structure, motor vehicle or public place, any notices, lights, signs, or signals which are likely to interfere with traffic control or safety.

3.3.2 No person may drive any vehicle –

(a) Over any hose in use for the time being in connection with an outbreak or alarm of fire unless hose bridges are provided or if the driver is directed so to drive by a Police Officer or any member of the Fire Service; or

(b) In such a manner as to hinder or obstruct any member of the Fire Service engaged in connection with any outbreak of fire.

3.3.3 No person may interfere with, damage, or remove any traffic control or information sign erected pursuant to the provisions of the Land Transport Act 1998 or any rules made under the Land Transport Act 1998, or this Bylaw.

- 3.3.4 Any person who, in the opinion of an Authorised Officer, is creating a traffic danger or traffic hazard must immediately stop such activity when requested by the Authorised Officer to do so.
Any person failing to comply with such request breaches this Bylaw.

DRAFT - NO TRACKED CHANGES

Part 3 – Offences

1. Offences
 - 1.1 Any vehicle which is parked in an area under the care, control or management of the Council, in breach of this Bylaw may be removed by or at the request of any Parking Enforcement Officer, Police Officer or Authorised Officer, to such nearby lawful place for vehicle parking, or to any Council vehicle pound, or to any yard occupied by any person, firm or company engaged by such officer to remove such vehicle, as he or she thinks fit. Such vehicle may be detained there by Council or the person, firm or company until the reasonable costs associated with such removal are paid by any person lawfully entitled to the possession of the vehicle.
 - 1.2 Every person commits an offence against this Part of this Bylaw who:
 - (a) Fails to comply in all respects with any prohibition, restriction, direction, or requirement indicated by the lines, markings, traffic signs or lights, or other signs or notices, laid down, placed, made, or erected, in or upon any road, or other area controlled by the Council in the District by any provision of this Part of this Bylaw; or
 - (b) Fails to comply with any condition, duty or obligation imposed by this Bylaw; or
 - (c) Otherwise breaches the terms of this Bylaw.
 - 1.3 Failure to comply with signs and markings
 - 1.3.1 No person may stop, stand, or park a vehicle on any road, carpark or other area under the care, control or management of the Council in contravention of this Bylaw
and evidenced by appropriate signs or road marks.
 - 1.4 Exemptions
 - 1.4.1 This Bylaw does not apply to –
 - (a) A vehicle that is used on an emergency service by the New Zealand Fire Service, New Zealand Police, Ambulance, or Civil Defence; or
 - (b) A vehicle used by an Authorised Officer in the execution of their duty.

2. Penalties

Breach of Bylaw

- 2.1 Every person who commits a breach of the Bylaw (other than those covered by Part 1 Schedule 1B Land Transport (Offences and Penalties) Regulations 1999) is liable to a fine not exceeding \$500.

Infringement Fees

- 4.1 Infringement fees are fixed in accordance with Part 1 Schedule 1B Land Transport (Offences and Penalties) Regulations 1999.
- 4.2 Infringement fees may be waived upon application to Council and in accordance with the criteria set in its Parking Waiver Guidelines, at Council's sole discretion.

Te Puke Traffic/Parking Restrictions

Prohibited ~~Stopping or Standing~~ Parking of Vehicles (~~No Stopping~~/Broken Yellow Lines)

THAT pursuant to Clause 1.1(a) of Part 1 of this Bylaw, the parking of vehicles is prohibited at all times in the following locations:

Beatty Avenue (eastern side)

Commencing at the intersection with Jellicoe Street generally south for 17 metres.

Commencing ~~20-29~~ metres from the northern side of the intersection with Mountbatten Place generally south then east into Mountbatten Place for ~~8-40~~ meters (total length ~~27-82~~ metres).

Commencing ~~24-50~~ metres from the southern side of the intersection with Mountbatten Place generally north then east into Mountbatten Place for ~~23-35~~ metres (total length ~~47-82~~ metres).

Commencing at the intersection with Tui Street generally north for ~~153~~ metres.

Commencing ~~253~~ metres from the Tui Street intersection generally north for 9 metres.

Commencing ~~5049~~ metres from the Tui Street intersection generally north for 7 metres.

Commencing ~~7069~~ metres from the Tui Street intersection generally north for 7 metres.

Commencing ~~843~~ metres from the Tui Street intersection generally north for 10 metres.

Commencing ~~1054~~ metres from the Tui Street intersection generally north for 18 metres.

~~Commencing 66 metres from the northern side of the intersection with Queen Street general south then east into Queen Street for 27 metres (total length 88 metres).~~

~~Commencing 146 metres from the Tui Street intersection generally north for 2 metres.~~

~~Commencing 78 metres from the southern side of the intersection with Queen Street generally north then east into Queens Street for 34 metres (total length 109 metres).~~

~~Commencing 153 metres from the Tui Street intersection generally north for 11 metres.~~

Beatty Avenue (western side)

Commencing at the intersection with Tui Street generally north for ~~164~~ metres.

Commencing ~~751~~ metres from the intersection with Tui Street generally north for 10 metres.

Commencing ~~1150~~ metres from the intersection with Tui Street generally north for 7 metres.

Commencing at the intersection with Jellicoe Street generally south for 18 metres.

Commencing 10 metres from the northern side of the intersection with Queen Street general south then west into Queen Street for 16 metres (total length 25 metres).

Commencing 16 metres from the southern side of the intersection with Queen Street generally north then west into Queen Street for 21 metres (total length 37 metres).

Belvedere Street (western side)

Commencing at the intersection with Jellicoe Street generally south for 54 metres.

Belvedere Street (eastern side)

Commencing at the intersection with Jellicoe Street generally south for ~~289~~ metres.

Boucher Avenue (western side)

Commencing at the intersection with Jellicoe Street generally south to the intersection with Slater Place.

Commencing at the intersection with Slater Place generally south to the intersection with Queen Street.

Commencing at the intersection with Queen Street generally south for 198 metres to the intersection with Gilmore Street.

Commencing at the intersection with Gilmore Street generally south for 48 metres.

Commencing 253 metres south of the intersection with Glen Terrace generally south for 76 metres.

Commencing 64 metres south of the intersection with Cooney Place generally south for ~~98-46~~ metres.

Commencing ~~349~~ metres south of the intersection with Lenihan Drive generally south for ~~117-123~~ metres.

Commencing ~~7847~~ metres from the intersection with Cameron Road generally north for ~~20-8~~ metres.

Commencing ~~118-79~~ metres from the intersection with Cameron Road generally north for ~~167~~ metres.

Commencing ~~163-105~~ metres from the intersection with Cameron Road generally north for ~~620~~ metres.

Boucher Avenue (eastern side)

Commencing ~~at 12 metres south~~ the intersection with Jellicoe Street to the northern accessway to the Boucher Avenue parking area.

Commencing at the southern side of the northern accessway to the Boucher Avenue parking area generally south to the Queen Street intersection.

Commencing at the northern side of the intersection with Oxford Street generally north for 3842 metres.

Commencing at the northern side of the intersection with Randell Place generally north for 1094 metres.

Commencing 428 metres from the intersection with Lenihan Drive generally south for 1030 metres.

Commencing 11309 metres from the intersection with McBeth Drive generally north for 454 metres.

Commencing 739 metres from the intersection with McBeth Drive generally north for 2011 metres.

Cameron Road (western side)

Commencing 45 metres west of the intersection with Boucher Avenue general west for 67 metres.

Commencing 98 metres north of the intersection with Williams Drive generally north for 17 metres.

Commencing 397 metres from the intersection with Williams Drive generally north for 3749 metres.

Commencing 25648 metres north of the intersection with Williams Drive generally north for 4334 metres.

Commencing 117 metres south of the intersection with Park Lane generally south for 46 metres.

Commencing at the southern side of the intersection with Kowhai Avenue generally south for 10517.5 metres.

Commencing at the northern side of the intersection with Kowhai Avenue generally north for 10494 metres.

Commencing 13400 metres north of the intersection with Kowhai Avenue generally north for 4 metres.

Commencing 6-12 metres from the southern side of the intersection with Gisborne Road generally south for 346 metres.

Commencing 134 metres north of the intersection with Kowhai Avenue generally north for 95 metres.

Commencing 160.5 metres from the northern side of the intersection with Kowhai Avenue generally north for 13 metres.

Commencing at the northern side of the intersection with Muir Place generally north for 67 metres.

Commencing at the southern side of the intersection with Muir Place general south for 27 metres.

Commencing at the northern side of the intersection with Raymond Avenue generally north for 13 metres.

Commencing at the southern side of the intersection with Raymond Avenue general south for 12 metres.

Commencing at the intersection with Jellicoe Street generally south for 274 metres.

Cameron Road (eastern side)

Commencing 7 metres from the southern intersection with Tynan Street generally south for 97 metres.

Commencing opposite-5 metres from the northern side of the intersection with Williams Drive generally north for 108 metres.

Commencing 215 metres south of and opposite the intersection with Gisborne Road generally south for 20 metres.

Commencing at the southern side of the intersection with Tui Street generally south for 49 metres.

Commencing at the northern side of the intersection with Tui Street generally north for ~~300~~ 292 metres.

Commencing 310 metres north of the intersection with Tui Street generally north for 80 metres.

Commencing at the southern side of the intersection with Queen Street generally south for 142 metres.

Commencing at the northern side of the intersection with Queen Street generally north for 12 metres.

Commencing at the southern side of the intersection with Jellicoe Street generally south for 3326 metres.

Cameron Road (southern side)

Commencing 42 metres from the intersection with Boucher Avenue generally west for 68 metres.

Cameron Road (northern side)

Commencing opposite the intersection with Tynan Street generally east for 96 metres.

Commerce Lane (northern side)

Commencing at the intersection with Jocelyn Street generally east for 27 metres.

Commencing 754 metres from the intersection with Jocelyn Street generally east for 78 metres.

Commencing 98 metres from the intersection with Jocelyn Street generally east for 230 metres.

Commencing from the western end of the public toilet block generally eastwards along the flower bed and continuing around the kerbed entrance into the Jubilee Park car park and then generally westwards to the caravan waste dump zone for a distance of 354 metres.

Commencing at the eastern side of the Jubilee Park car park entrance generally east to the King Street intersection (total length 118 metres).

Commerce Lane (southern side)

Commencing at the intersection with Jocelyn Street generally east for 826 metres.

Commencing 98m from the intersection with Jocelyn Street generally east for 17 metres.

~~Commencing at the intersection with Palmer Place generally west for 60.5 metres.~~

Commencing at the eastern side of the intersection with Palmer Place generally east to the King Street intersection (total length 113 metres).

Commerce Lane Carpark (southern side)

Commencing at the western end of the public toilet block generally east for 15 metres.

Commerce Lane Carpark (western side)

Commencing 14 metres from the intersection with Commerce Lane generally north close to the car park boundary for 49 metres.

For a distance of 18 metres along the entire external boundary of the southern ornamental traffic blister at the western end of the parking lots.

For a distance of 17 metres along the entire external boundary of the northern ornamental traffic blister at the western end of the parking lots.

Commerce Lane Carpark (eastern side)

Commencing at the intersection with Commerce Lane generally north for 1122 metres.

Commencing 33 metres north of the intersection with Commerce Lane generally north then west for 20 metres.

For a distance of 19 metres along the entire external boundary of the southern ornamental traffic blister at the eastern end of the parking lots.

For a distance of 19 metres along the entire external boundary of the northern ornamental traffic blister at eastern end of the parking lots.

Gilmore Street (northern side)

Commencing at the intersection with Boucher Avenue generally west for 35 metres.

Gilmore Street (southern side)

Commencing at the intersection with Boucher Avenue generally west for 194 metres.

Hastings Street

Commencing opposite the intersection with Dowman Place generally south for 34 metres.

Commencing 200 metres from the intersection with Dowman Place generally south and around the turning bay at the end of the cul de sac for 55 metres.

Hookey Drive (Northern Side)

Commencing at the western side of the intersection at Moehau Street generally west for 128 metres.

Commencing from Moehau Street to the West Side entrance of Carter House on the boundary of number 15 Hookey Drive.

Jellicoe Street (northern side)

Commencing 200 metres west from the intersection with Station Road generally west for 60 metres.

Commencing at the western side of 7 metres west from the intersection with Station Road generally west for 252-172 metres.

Commencing at 16 metres east of the intersection with Station Road generally east for 204-10 metres. to the vehicle accessway.

Commencing 57 metres east of the intersection with Belvedere Street generally east for 57 metres.

Commencing 263 metres generally east from Station Road intersection for 62 metres to the next vehicle accessway.

Commencing 27 metres east of the intersection with Oroua Street generally east for 50 metres

Commencing 338 metres generally east from the intersection with Station Road for 53 metres to the road blister just east of the junction with Oroua Street on the south side.

Commencing from the eastern side of the road blister generally east for 4 metres to the first parallel parking space.

Commencing 25 metres west of the western edge of the first pedestrian refuge blister generally west for 10 metres

Commencing 29 metres generally east from the road blister for 6 metres to the first of two angle park spaces before the pedestrian refuge blister.

Commencing 4.5 metres from the eastern side of the pedestrian refuge blister for 7 metres to the next road blister.

Commencing 23 metres from the eastern side of the pedestrian refuge blister for 6.5 metres to the next road blister.

Commencing 38.5 metres from the eastern side of the pedestrian refuge blister for 7 metres to the next road blister.

Commencing ~~1819~~, Metres ~~east of from~~ the eastern side of the intersection with Boucher Avenue generally east for ~~182~~ metres.

~~Commencing 35 metres from the eastern side of the intersection with Boucher Avenue generally east for 12.5 metres.~~

-Commencing from the eastern side of the last pedestrian refuge blister before Jocelyn Street for 7 metres.

Commencing 16 metres from the western side of the intersection with King Street generally west for 28.5 metres.

Commencing 62.5 metres west of the intersection with King Street generally west for 10 metres.

Commencing at the eastern side of the intersection with King Street generally east for 30 metres.

Commencing ~~12686~~ metres east of the intersection with King Street generally east for ~~3718~~ metres.

Commencing 12 metres west of the western edge of the first pedestrian refuge blister generally west for 4 metres.

Commencing 3 metres from the eastern edge of the first pedestrian refuge blister generally east for 7 metres.

Commencing 22 metres from the eastern edge of the first pedestrian refuge blister generally east for 7 metres.

Commencing 37 metres from the eastern edge of the first pedestrian refuge blister generally east for 7 metres.

Commencing 8 metres from the eastern intersection with Boucher Avenue generally east for 3 metres.

Commencing at the western stop line of the pedestrian crossing blister then generally east for 4 metres.

Commencing 34 metres east of the eastern side of the pedestrian crossing blister then generally east for 9 metres

Commencing 18 metres west of the intersection with Jocelyn Street then generally east for 6 metres.

Commencing at the western side of second pedestrian crossing generally west for 5 metres.

Commencing at the eastern side of the second pedestrian crossing generally east for 5 metres.

Commencing at the eastern intersection with Palmer Place generally east for 5 metres.

Commencing at the eastern side of the third pedestrian crossing generally east for 5 metres.

Commencing at the eastern edge of the first parking blister past the Palmer Place intersection generally east for 10 metres.

Commencing 27 metres east from the eastern edge of the first parking blister past the Palmer Place intersection generally east for 28 metres.

Jellicoe Street (southern side)

Commencing at the southern intersection with No 3 Road and generally south for 46 metres.

Commencing 36 metres north from the intersection with Atuaroa Avenue generally north for 23 metres

Commencing 69 metres north from the intersection with Atuaroa Avenue generally north for 60 metres.

Commencing 137 metres north from the intersection with Atuaroa Avenue general north for 58 metres.

Commencing 216 metres north of the intersection with Atuaroa Avenue generally north for 80 metres.

Between Atuaroa Avenue and Dunlop Road (total length 129 metres).~~and Cameron Road~~

Between Dunlop Road and Cameron Road (total length 282 metres).

Commencing 16.5 metres east of the intersection with Cameron Road generally east for 62 metres

Commencing 35 metres west of the intersection with Beatty Avenue generally east for 23.5 metres.

~~Between Cameron Road and Beatty Avenue.~~

Between Beatty Avenue and Belvedere Street (total length 77 metres).

Between Belvedere Street and Oroua Street (total length 81 metres).

Commencing 15 metres east ~~at the eastern side~~ of the intersection with Oroua Street generally east for ~~8590~~ metres.

Commencing 21 metres east from the eastern side of the first pedestrian refuge blister generally east for 10 metres.

Commencing 47 metres from the east side of the pedestrian refuge blister generally east for 9.5 metres.

Commencing 22 metres west of the western intersection with Boucher Avenue generally east for 10 metres.

~~Commencing from the east side of the next pedestrian refuge blister generally east to the intersection with Boucher Avenue.~~

~~Commencing at the east side of the intersection with Boucher Avenue generally east for 10 metres.~~

~~Commencing 21 metres from the eastern side of the parking blister on the eastern intersection with Boucher Avenue generally east for 10 metres.~~

~~Commencing 26 metres from the east side of the intersection with Boucher Avenue generally east for 12 metres.~~

~~Commencing at the western side of the second pedestrian crossing generally west for 3 metres.~~

~~Commencing at the eastern side of the second pedestrian crossing generally east for 5 metres.~~

~~Commencing at the western intersection with Oxford Street generally west for 4 metres.~~

~~Commencing at the western side of the third pedestrian crossing generally west for 7 metres.~~

~~Commencing at the eastern side of the third pedestrian crossing generally east for 5 metres.~~

~~Commencing 35 metres east of the eastern side of the third pedestrian crossing blister generally east for 9 metres.~~

~~Commencing 60 metres east of the eastern side of the third pedestrian crossing blister generally east for 11 metres~~

~~Commencing 86 metres east of the eastern side of the third pedestrian crossing blister generally east for 9 metres.~~

~~Commencing 103 metres east of the eastern side of the third pedestrian crossing blister generally east for 25 metres.~~

~~Commencing from the west side of the last pedestrian refuge blister before Jocelyn Street to the intersection with Jocelyn Street.~~

~~Commencing at the east side of the intersection with Jocelyn Street to the eastern end of the pedestrian refuge blister.~~

~~Commencing from the western end of the pedestrian crossing blister east to the eastern end.~~

~~Commencing from the western end of the last traffic blister before Oxford Street, east to the intersection with Oxford Street.~~

~~Commencing 96 metres from the intersection with Oxford Street generally east for 12 metres to the west side of the traffic blister.~~

~~Commencing 8 metres from the east side of the traffic blister generally east for 14 metres.~~

~~Commencing 36 metres from the last noted traffic blister generally east for 8 metres.~~

~~Commencing 52.5 metres from the last noted traffic blister generally east for 38 metres.~~

Jellicoe Street Service Lane (northern side)

Commencing at the west side of the intersection with King Street generally east for 30 metres.

Commencing 86 metres east of the intersection with King Street generally east for 18 metres.

Jocelyn Street (western side)

Commencing ~~368~~ metres from the intersection with Jellicoe Street generally north for 10 metres.

Commencing 55 metres from the intersection with Jellicoe Street generally north for 33 metres.

Commencing at the intersection with Jellicoe Street generally south for 22 metres.

~~Commencing 75 metres north from the intersection with Commerce Lane generally north for 10 metres.~~

~~Commencing 109 metres north from the intersection with Commerce Lane general north for 15 metres.~~

~~Commencing west side outside No 17 at the bend in the kerb generally north for 7 metres.~~

~~Commencing 27 metres from the southern end of the ECMT railway overbridge generally south for 9 metres.~~

~~Commencing 36 metres from the southern end of the ECMT railway overbridge generally south for 10 metres.~~

~~Commencing 123 metres from the southern end of the ECMT railway overbridge generally south for 32 metres.~~

Jocelyn Street (eastern side)

Commencing ~~237.5~~ metres from the intersection with Jellicoe Street generally north for ~~175~~ metres.

Commencing 79 metres from the intersection with Commerce Lane generally north for 39 metres.

Commencing at the southern side of the intersection with Commerce Lane generally south for 12 metres.

Commencing at the intersection with Jellicoe Street generally south for ~~2835~~ metres.

Commencing 25 metres north of the intersection with Queen Street generally north for 8 metres.

Commencing at the intersection with Queen Street generally north for 8 metres.

~~Commencing at the southern intersection with Commerce Lane general south for 8 metres.~~

~~Commencing at the northern intersection with Commerce Lane general north for 12 metres.
Commencing 46 metres from the intersection with Queen Street generally north for 6 metres.~~

Commencing 28 metres south of the intersection with Stewart Street generally south through into Boucher Avenue and on to the intersection with Chaytor Street for 85 metres.

Commencing ~~2056~~ metres from the southern end of the ECMT railway overbridge generally south for ~~610~~ metres.

Commencing 37 metres from the southern end of the ECMT railway overbridge generally south for 8 metres.

Commencing ~~2056~~ metres from the southern end of the ECMT railway overbridge generally south for ~~106~~ metres.

Commencing at the intersection with Commerce Lane generally north for 12 metres.

Jocelyn Street – South (Eastern side)

~~Commencing 12 metres west of the eastern intersection with Jellicoe Street generally south for 26 metres.~~

~~Commencing 35 metres south from the intersection with Jellicoe Street generally south for 12 metres.~~

~~Commencing 40 metres north of the northern intersection with Queen Street general north for 16 metres.~~

~~Commencing at the northern intersection with Queen Street general north for 9 metres.~~

~~Commencing at the southern intersection with Queen Street generally south for 5 metres.~~

~~Commencing 28 metres south of the southern intersection with Stewart Street generally south through into Boucher Avenue and on to the northern intersection with Chaytor Street (total length 81 metres).~~

Kowhai Avenue (southern side)

Commencing at the intersection with Cameron Road generally west for 11~~2~~5 metres.

Kowhai Avenue (northern side)

Commencing at the intersection with Cameron Road generally west for 20~~5~~ metres.

~~Commencing 63 metres west of the intersection with Cameron Road generally west for 19 metres.~~

Commencing 96 metres west of the intersection with Cameron Road generally west for 19 metres.

Landscape Road (western side)

Commencing at the intersection with Jellicoe Street generally north for 129 metres.

Landscape Road (eastern side)

Commencing 296 metres from the intersection with Jellicoe Street generally north for 47 metres.

Commencing 88 metres from the intersection with Jellicoe Street generally north for 364 metres.

Muir Place (northern side)

Commencing at the intersection with Cameron Road generally west for approximately 3063 metres- (covering the parking spaces for Units 10-13).

Muir Place (southern side)

Commencing at the southern intersection with Cameron Road generally west for 14 metres.

Ngumber 3 Road (eastern side)

Commencing at the northern side of the intersection with the entrance into the Centennial Park / Te Puke Tennis Club car park generally north for 23 metres.

Commencing at the southern side of the intersection with the entrance into the Centennial Park / Te Puke Tennis Club car park generally south for 31 metres.

No 3 Road (both sides)

Commencing at the intersection with Jellicoe Street generally south for 35 metres.

Oroua Street (western side)

Commencing at the intersection with Jellicoe Street generally south for 150 metres.

Oroua Street (eastern side)

Commencing at the intersection with Jellicoe Street generally south for 10 metres.

Commencing 543 metres south of the intersection with Jellicoe Street generally south for 38 metres.

Oxford Street (western side)

Commencing at the intersection with Jellicoe Street generally south for 165 metres.

Commencing 39.541 metres from the intersection with Jellicoe Street generally south to the northern end of the road blister outside the New World car park.

Commencing at the southern end of the road blister generally south for 8 metres.

Commencing at the southern side of the intersection with Queen Street generally south for 10 metres.

Commencing at the northern side of the intersection with Boucher Avenue generally north for 2715 metres.

Commencing 11 metres north of the intersection with Stewart Street generally south for 11 metres.

Oxford Street (eastern side)

Commencing at the intersection with Jellicoe Street generally south for 178 metres.

Commencing 2631 metres from the intersection with Jellicoe Street generally south for 14 metres.

Commencing 52-45 metres south of the intersection with Jellicoe Street generally south for 6 metres.

Commencing 93-89 metres south of the intersection with Jellicoe Street generally south for 5 metres.

Commencing 113-109 metres south of the intersection with Jellicoe Street generally south for 78 metres.

Commencing 141-136 metres south of the intersection with Jellicoe Street generally south for 24-12 metres.

Palmer Place (western side)

Commencing at the intersection with Jellicoe Street north for 5.5 metres.

Around the curved side of the parking blister at the western intersection with Jellicoe Street (total length 10 metres).

Palmer Place (eastern side)

Commencing at the intersection with Jellicoe Street north for 5.59 metres.

~~Commencing at the northern side of the intersection with Commerce Lane north for 21.5 metres into the car park.~~

Park Lane (northern side)

Commencing at the intersection with Cameron Road generally east, and around the turning bay at the end of the cul de sac for 52 metres.

Queen Street (northern side)

Commencing at the intersection with Cameron Road generally east for 144.5 metres.

Commencing at the western side of the intersection with Beatty Avenue generally west for 16 metres.

Commencing at the eastern side of the intersection with Beatty Avenue general east for 27 metres.

Commencing at the eastern side intersection with Boucher Avenue generally east for 42 metres.

Commencing at the eastern side inter section with Jocelyn Street generally east for 14 metres.

Commencing 33 metres from the eastern side intersection with Jocelyn Street generally east for 5 metres.

Commencing ~~424~~ metres from the eastern side intersection with Jocelyn Street generally east for ~~67~~ metres.

Commencing 56 metres from the eastern side intersection with Jocelyn Street generally east for ~~126~~ metres.

Commencing 89 metres from the eastern side intersection with Jocelyn Street generally east for ~~18.5~~13.5 metres.

Commencing ~~1402.5~~ metres from the eastern side intersection with Jocelyn Street generally east for 27 metres.

Queen Street (southern side)

Commencing at the intersection with Cameron Road generally east for ~~184~~ metres.

Commencing at the western side of the intersection with Beatty Avenue generally west for 34 metres.

Commencing at the eastern side of the intersection with Beatty Avenue general east for 33 metres.

Commencing at the western side of the intersection with Jocelyn Street generally west for ~~198~~ metres.

Commencing at the southern side of the intersection with Jocelyn Street generally east for 25 metres.

~~Commencing 11 metres from the eastern side of the intersection with Jocelyn Street generally east for 5 metres.~~

~~Commencing 27-26 metres east offrom~~ the eastern side of the intersection with Jocelyn Street generally east for 8 metres.

Commencing ~~456.5~~ metres from the eastern side of the intersection with Jocelyn Street generally east for ~~22.5~~ metres.

Commencing ~~865~~ metres from the eastern side of the intersection with Jocelyn Street generally east for 9 metres.

Commencing ~~1157~~ metres ~~east of from~~ the eastern side of the intersection with Jocelyn Street generally east for ~~101.5~~ metres.

Commencing ~~1334~~ metres ~~east of from~~ the eastern side of the intersection with Jocelyn Street generally east for ~~89~~ metres.

Commencing ~~1546~~ metres ~~east of from~~ the eastern side of the intersection with Jocelyn Street generally east for ~~7.5~~ metres.

Commencing at the western side of the intersection with Oxford Street generally west for 15 metres.

Queen Street (parking/traffic islands)

Commencing at the western end of the eastern most parking island (opposite 'New World') generally eastwards for 78 metres

Both sides of the traffic island to the west of the island mentioned above (total length 2 x 6 metres).~~outside New World car park.~~

Raymond Avenue (Northern side)

Commencing at the northern side of the intersection with Cameron Road generally west for 11 metres.

Raymond Avenue (Southern side)

Commencing at the southern intersection with Cameron Road generally west for 7 metres.

Slater Place (Northern side)

Commencing at the intersection with Boucher Avenue generally west for 8 metres.

Commencing 102 metres west from the intersection with Boucher Avenue generally west and around the turning bay at the end of the cul-de-sac for 54 metres.

Slater Place (northern side)

Commencing at the intersection with Boucher Avenue generally west for 8 metres.

Commencing 102 metres from the intersection with Boucher Avenue generally west and around the turning bay at the end of the cul de sac for 46-54 metres.

Slater Place (southern side)

Commencing at the intersection with Boucher Avenue generally west for 8 metres.

Station Road (Northern side)

Commencing 27 metres west from the intersection with Malyon Street generally east for 39 metres, into Malyon Street.

Commencing 5 metres east from the eastern intersection with Malyon Street generally west for 11 metres, into Malyon Street.

Commencing at the intersection with Oxford Street generally west for 31 metres.

Station Road (southern side)

Commencing 104-67 metres west of the intersection with Jocelyn Street generally west for 988 metres.

Stewart Street (northern side)

Commencing at the intersection with Oxford Street generally west for 310 metres.

Tom Baikie Lane (western side)

Commencing 5 meters from the intersection with Jellicoe Street generally south then west for 90 metres.

Tom Baikie Lane (eastern side)

Commencing 5 metres from the intersection with Jellicoe Street generally south then east for 98 metres.

Tui Street (southern side)

Commencing at the intersection with Cameron Road generally east for 357 metres.

Commencing 38-41 metres from the intersection with Cameron Road generally east for 910 metres.

Commencing 584 metres from the intersection with Cameron Road generally east for 9 metres.

Commencing 853 metres from the intersection with Cameron Road generally east for 107 metres.

Commencing 101 metres from the intersection with Cameron Road generally east for 86 metres.

Commencing 1163 metres from the intersection with Cameron Road generally east for 59 metres.

Commencing 1397 metres from the intersection with Cameron Road generally east for 45 metres.

Tui Street (northern side)

Commencing at the intersection with Cameron Road generally east for 18 metres.

Commencing 567 metres from the intersection with Cameron Road generally east for 910 metres.

Commencing 1130 metres east from the intersection with Cameron Road generally east for 157 metres.

Commencing 148 metres east from the intersection with Cameron Road generally east for 46 52 metres.

Commencing at the eastern side of the intersection with Beattie Avenue generally east for 104 metres.

Parking Time Restrictions

THAT pursuant to Clause 1.1(b) of Part 1 of this Bylaw, no vehicle may park at the following locations for longer than applicable times under the headings listed below.

Maximum 5 Minute Parking**~~Boucher Avenue (eastern side)~~**

~~One parallel parking space situated 92 metres north of the intersection with McBeth Drive.~~

Maximum 10 Minute Parking**Jellicoe Street (southern side)**

Commencing 14.5 metres from the eastern side of the pedestrian crossing, the four spaces after the two mobility carparks.

Maximum 15 Minute Parking**Jellicoe Street (northern side)**

Last three parking spaces before the western side of the intersection with Palmer Place.

Jellicoe Street (southern side)

Six 15 minute parking space installed immediately to the east of the pedestrian refuge outside No 137.

Maximum 30 Minute Parking**Kowhai Avenue (northern side)**

Commencing 20.5 metres west of the intersection with Cameron Road the first 3 spaces generally west.

Maximum 60 Minute Parking**Jellicoe Street (northern and southern sides)**

All ordinary vehicle parking spaces between the intersections with Boucher Avenue and Jocelyn Street.

Jellicoe Street (northern and southern sides)

All ordinary vehicle parking spaces between the intersections with Jocelyn Street and Oxford Street on the south side but excluding the maximum 10 minute parking, and between the intersections with Jocelyn Street and opposite the intersection with Oxford Street on the north side.

Jellicoe Street (northern side)

All spaces between the intersections with Palmer Place and King Street.

Jellicoe Street (southern side)

All spaces between the intersections with Oxford Street and opposite the intersection with King Street.

Jocelyn Street (northern and southern sides),

All ordinary vehicle parking spaces between the intersections with Jellicoe Street and Commerce Lane.

Oxford Street (western and eastern sides)

All ordinary vehicle parking spaces from the intersection with Jellicoe Street to a point on the east side three parking spaces south beyond the intersection with Queen Street, and to the intersection with Queen Street on the west side.

Palmer Place (western and eastern sides),

All ordinary vehicle parking spaces between the intersections with Jellicoe Street and Commerce Lane.

Maximum 120 Minute Parking**Commerce Lane**

12 ordinary vehicle parking spaces in the parking area adjacent to the walkway through to Jellicoe Street.

10 on-street ordinary vehicle parking spaces along Commerce Lane.

Jellicoe Street (between Boucher Avenue and Jocelyn Street)

Four ~~two-hour~~ ordinary vehicle parking spaces ~~be installed~~ outside the Te Puke movie theatre.

Jocelyn Street (western and eastern sides),

All ordinary vehicle parking spaces between the intersections with Jellicoe Street and Queen Street.

Queen Street (northern, central and southern sides),

All ordinary vehicle parking spaces between intersections with the Boucher Avenue and Oxford Street.

Maximum 180 Minute Parking**Jellicoe Street (Southern side)**

Four parking spaces immediately to the east of the mobility zone outside No 127.

Boucher Avenue car park (Eastern side)

All parking spaces on the eastern row of the Council car park on the corner of Boucher Avenue and Jellicoe Street opposite Slater Place

Maximum 240 Minute Parking**Public Car Park Corner of Boucher Avenue and Queen Street**

28 ordinary vehicle parking spaces in the public carpark on the corner of Boucher Avenue and Queen Street, located generally north of the Boucher Avenue Service Lane entrance to the carpark, closest to Jellicoe Street.

~~All ordinary vehicle parking spaces in the public carpark on the corner of Boucher Avenue and Queen Street.~~

Angle Parking

THAT pursuant to Clause 1.1(c) of Part 1 of this Bylaw, the parking spaces at the following locations are declared to be angle parks and all vehicles shall park forwards into the parks.

Beatty Avenue (western side)

Commencing ~~158-160~~ metres north of the intersection with Tui Street generally north for ~~107-213~~ metres.

Jellicoe Street (northern side)

Commencing at the intersection with Boucher Avenue generally west for 111 metres.

All parking spaces from the intersection with Boucher Avenue to the intersection with Jocelyn Street including the mobility car park.

All parking spaces from the intersection with Jocelyn Street, past Palmer Place to the intersection with King Street.

Jellicoe Street (southern side)

Commencing at the intersection with Boucher Avenue generally west for 118 metres.

All parking spaces from the intersection with Boucher Avenue generally east to a point opposite the intersection with King Street and including the three mobility car parks.

Jocelyn Street (western side)

Commencing at the intersection with Jellicoe Street generally north for ~~235~~ metres.

Commencing at the intersection with Queen Street generally north for ~~5644~~ metres and including the two mobility parking spaces.

Jocelyn Street (eastern side)

All parking spaces between the intersections of Jellicoe Street and Commerce Lane.

All parking spaces between the intersections of Queen Street and Jellicoe Street.

Kowhai Avenue (northern side)

Commencing 20.5metres west of the intersection with Cameron Road generally west for 56 metres.

Palmer Place (west side only)

All parking spaces between the intersections with Jellicoe Street and Commerce Lane.

Park Lane (southern side)

Commencing 16 metres west of the intersection with Cameron Road generally west for 26 metres.

Queen Street (north side)

All parking spaces between the intersections with Boucher Avenue and Jocelyn Street.

Mobility Parking

THAT pursuant to clause 1.10.1 of Part 1 of this Bylaw, only vehicles carrying disabled persons and displaying a permit as set out in clause 1.10.1 may be parked in the spaces located as follows:

Boucher Avenue Public Carpark

Two spaces including wheelchair access in the eastern row outside the entrance to the Countdown supermarket.

Commerce Lane Carpark

One angle parking space inclusive of wheelchair access opposite the toilet block, park being the on the western side adjacent to Commerce Lane, in the parking area on Commerce Lane adjacent to the walkway through to Jellicoe Street.

Jellicoe Street (northern side)

Two angle parking spaces inclusive of wheelchair access east of the intersection with Boucher Avenue and immediately east of the first pedestrian refuge blister.

Jellicoe Street (northern side)

Two angle parking spaces inclusive of wheelchair access immediately east of the pedestrian crossing blister between the intersections with Jocelyn Street and Palmer Place.

Jellicoe Street (southern side)

One angle parking space inclusive of wheelchair access being the eighth space west of the intersection with Jocelyn Street.

Two angle parking spaces inclusive of wheelchair access immediately east of the pedestrian crossing blister between the intersections with Jocelyn Street and Oxford Street.

Two angle parking spaces inclusive of wheelchair access being the 11th and twelfth spaces east of the pedestrian crossing blister between Boucher Avenue and Jocelyn Street.

Two angle parking spaces inclusive of wheelchair access immediately east of the pedestrian crossing blister between Oxford Street and King Street.

One angle parking space inclusive of wheelchair access immediately east of the intersection with Oxford Street (outside 33 Jellicoe Street).

Jocelyn Street (western side)

The first two angle parking spaces inclusive of wheelchair access spaces south of the intersection with Jellicoe Street.

Palmer Place (eastern side)

One parallel parking space by the pedestrian blister immediately south of the intersection with Commerce Lane.

Queen Street (southern side)

One parallel parking space being the fifth space east of the intersection with Jocelyn Street.

Queen Street (northern side)

One space being the first space from the intersection with Boucher AvenueJocelyn Street.

Motorcycle/Specific Vehicle Parks

That pursuant to Clause 1.11.1 of Part 1 of this Bylaw, only motorcycles or specified vehicles of the type identified below may stop stand or park at the following locations:

Campervan Wastewater Dump Station

Commerce Lane

One parallel parking space in the Commerce Lane car park on the northern side of the island being part of the toilet block site.

Public Vehicle Stands

THAT pursuant to Clause 1.12.1 of Part 1 of this Bylaw, only public vehicles of the type identified below may stop, stand or park at the following locations:

Bus Stands

Commerce Lane (northern side)

One bus stand situated on the left side of the western entrance into Commerce Lane car park.

Commerce Lane car park (eastern side)

One space immediately south of the loading zone outside Te Puke Bowling Club, time limited to 30 minutes.

Commerce Lane car park (western side)

One space on the left hand side of the entry, time limited to 90 minutes.

Tui Street (northern side)

Parallel school bus parking areas commencing 66 metres from the intersection with Cameron Road, generally easterly for 44 metres and commencing 127 metres from the intersection with Cameron Road generally east for 21 metres. Both areas operate 8.00am - 9.00am and 3.00pm - 4.00pm except school holidays.

Jellicoe Street (east side) Opposite no. 243.

Jellicoe Street (west side) Outside 247.

Taxi Stands

Oxford Street (western side)

One taxi stand situated immediately north of the intersection with Queen Street.

Goods/Service Loading Zones

THAT pursuant to Clause 1.13.1 of Part 1 of this Bylaw, only goods service vehicles loading or unloading goods or passengers may stop, stand or park in the locations listed below, and only then in accordance with the conditions set on the signs erected thereon.

Commerce Lane Car Park (eastern side)

One parallel parking space on the eastern boundary of the Commerce Lane car park immediately north of the car park exit.

Jocelyn Street (western side)

One parallel parking space immediately south of Commerce Lane opposite and between the Jellicoe Street and Commerce Lane intersections,

One parallel parking space nearest the intersection with Jellicoe Street.

Oxford Street (eastern side)

Two parallel parking spaces commencing 18 metres from the intersection with Jellicoe Street generally south for 13 metres.

Palmer Place (eastern side)

Commencing 20 metres from the Jellicoe Street intersection two parallel parking spaces.

Katikati Traffic/Parking Restrictions

Prohibited ~~Stopping or Standing~~ Parking of Vehicles (No ~~Stopping~~/Broken Yellow Lines)

THAT pursuant to Clause 1.1(a) of Part 1 of this Bylaw, the parking of motor vehicles is prohibited at all times in the following locations:

Beach Road (southern side)

Commencing at the eastern side of the intersection with Carisbrooke Street generally east for 53 metres.

Commencing 11 metres west of the pedestrian crossing generally east for ~~107~~ metres.

Commencing at a point opposite the southern end of the traffic island in the College carpark entranceway on the eastern side generally north then east into Beach Road for ~~6358~~ metres.

~~Commencing at the eastern side of the pedestrian crossing blister generally east for 2 metres~~

~~Commencing 76 metres east of the intersection with Park Road generally east for 20 metres.~~

~~Commencing immediately east of the pedestrian crossing generally east for 12 metres.~~

Beach Road (northern side)

Commencing at the intersection with Main Road generally east for 15 metres.

Commencing 97 metres from the eastern side of the Uretara River Reserve accessway generally east for 103 metres.

Commencing 213 metres from the eastern side of the Uretara River accessway generally east for 12 metres.

Commencing 48 metres west of the pedestrian crossing generally west for 13 metres.

Commencing at the western side of the school crossing blister generally west for 40 metres.

Commencing at the eastern side of the school crossing blister generally east for 10 metres.

Commencing 50 metres from the western side of the intersection with Park Road generally west for 7 metres.

~~Commencing at the western intersection with Polley Crescent generally west for 9 metres.~~

Clive Road (east side)

From the intersection with Beach Road generally south for 59m.

Clive Road (west side)

From the intersection with Beach Road generally south for 29m.

Dave Hume Pool Car Park – off Carisbrooke Street (northern side)

Commencing 154 metres from the intersection with Carisbrooke Street generally east for 9 metres.

Francis Drive (Western side)

Commencing at the southern intersection with Park Road generally north for 27 metres

Francis Drive (Eastern side)

Commencing at the northern intersection with Park Road generally north for 24 metres.

Henry Road (Western side)

Commencing at the western intersection with Main Road generally north for 22 metres.

Henry Road (Eastern side)

Commencing at the eastern intersection with Main Road generally north for 11 metres

Jocelyn Street (northern side)

Commencing at the northern intersection with Main Road generally south then east for 20 metres.

Commencing 38 metres east of the intersection with Main Road generally east for 173 metres to the northern intersection with Carisbrooke Street.

~~From Jocelyn Street generally east from a point 38 metres from the intersection with Main Road to the intersection with Carisbrooke Street and excluding the embayment at the intersection with Main Road.~~

Main Road (western side)

Commencing at the western side of the intersection with Henry Road generally west for 32 metres.

Commencing at the eastern side of the intersection with Henry Road generally north for 29 metres.

Commencing 60 metres north of the eastern side of the intersection with Henry Road generally north for 150 metres.

~~Commencing 95 metres from the intersection with Henry Road generally northwards for 151 metres.~~

Commencing at the southern side of the intersection with Donegal Place generally south for 20 metres.

Commencing at the northern side of the intersection with Donegal Place generally north for 380 metres.

~~Commencing at the Donegal Place intersection generally northwards for 20 metres.~~

~~Commencing 78 metres north of the intersection with Donegal Place generally north for 12 metres.~~

~~Commencing 67 metres south of the intersection with Fairview Road generally north for 121 metres.~~

~~Commencing 66 metres north of the intersection with Fairview Road generally north for 120 metres.~~

~~South from the campervan / heavy vehicle zone across the entranceway to the Western Bay of Plenty District Council area office car park for 9 metres.~~

~~North from the bus stand across the exit from the Western Bay of Plenty District Council area office car park for 10 metres.~~

~~Commencing at the southern side of the crossing just north of Birch Lane generally north for 9 metres.~~

~~Commencing at the southern side of the entrance to Kaimai Lane generally north for 10 metres.~~

~~Commencing at the southern side of the southern entrance to the Katikati Art and Information Centre generally north for 8 metres.~~

~~Commencing at the southern side of the northern entrance to the Katikati Art and Information Centre generally north for 10 metres.~~

Commencing near the northern boundary of the Western Bay of Plenty District Council playground reserve for 17 metres across the Fire Station accessway to the single parallel carpark.

Commencing from the northern side of the single parallel carpark north across the Cherry Court service lane for 8 metres.

~~Commencing from the northern side of the single parallel carpark general north across Kotahi Lane for 8 metres.~~

~~Commencing from the last parallel parking space, opposite the Talisman Tavern, generally north then west to the intersection of the northern entrance to Kotahi Lane (total length 70 metres)~~

~~Commencing at the northern side of the northern entrance to Kotahi Lane generally north for 73 metres, to the centre of the Uretara bridge.~~

~~Commencing from the last parallel parking space generally north then west to the intersection with Kotahi Lane for 73 metres.~~

Main Road (eastern side)

~~Commencing at the southern side of the intersection with Marshall Road generally south for 32 metres.~~

~~Commencing at the northern side of the intersection with Marshall Road generally north for 33 metres.~~

~~Commencing at the western side of the intersection with Marshall Road general south for 38 metres.~~

Commencing at the eastern intersection with Marshall Road generally north for 30 metres.

Commencing at the southern side of the intersection with Sheffield Street general south for 10 metres.

Commencing at the northern side of the intersection with Sheffield Street generally north for 86 metres.

Commencing at the northern intersection with the accessway into Countdown supermarket general north for 83 metres.

Commencing 94 metres north of the northern intersection with the accessway into Countdown supermarket generally north for 22 metres.

~~Commencing 15 metres north of the intersection with Sheffield Street generally north to the supermarket car park entrance for 84 metres.~~

~~Commencing at the northern side of the supermarket car park entrance generally north for 105 metres.~~

Commencing at the southern intersection with Fairview Road generally south for 22 metres.

Commencing at the norther side of the intersection with Fairview Road generally north for 48 metres.

Commencing 73 metres north of the intersection with Fairview Road generally north for 110m.
~~Commencing at the northern side of the intersection with Fairview Road generally north to the exit from Digglemann Park lay-by for 41 metres.~~

~~Commencing 56 metres north of the intersection with Fairview Road generally north for 111 metres.~~

Commencing 7645 metres south of the intersection with Jocelyn Street generally south for 146 metres.

Commencing 58 metres south of the intersection with Jocelyn Street generally north for 6 metres.

Commencing 36 metres south of the intersection with Jocelyn Street generally north for 8 metres.

~~Commencing 19 metres south of the intersection with Jocelyn Street generally south for 9 metres.~~

Commencing at the southern end of the entrance to the Katikati Memorial Hall car parking area generally north for 12 metres.

~~Commencing at the northern entrance to the Katikati Memorial Hall car park generally north for 9 metres across the northern Memorial Hall Car park entrance to the first angle parking space.~~

Commencing 13-7 metres north of the northern side of the pedestrian crossing blister north for 11 metres.

Commencing at the southern side of the pedestrian refuge blister outside the BP Service Station generally south for 9 metres.

~~Commencing at the northern side of the pedestrian refuge blister outside the BP service station generally north for 25 metres.~~

~~Commencing on the northern side of the pedestrian refuge blister generally north across both the Service Station accessway and the Hotel car park accessway for 19.5 metres.~~

Commencing at the southern side of the intersection with Beach Road generally south for 128 metres.

~~Commencing at the northern side of the intersection with Beach Road generally north for 103 metres.~~

Main Road (northern side)

Commencing at the western side of the intersection with Beach Road generally west to the Uretara River Bridge for 918 metres.

Main Road (southern side)

Commencing at the western side of the intersection with Kotahi Lane generally west to the Uretara River Bridge for 7350 metres.

Marshall Road (Northern Side)

~~Commencing at the northern side of the intersection with Main Road generally south for 22 metres.~~

Marshall Road (Southern Side)

~~Commencing at the southern side of the intersection with Main Road generally east for 12 metres.~~

Memorial Hall Carpark Accessway - off Main Road (southern side)

Commencing 150 metres from the intersection with Main Road generally east for 3812 metres.

Memorial Hall Carpark Accessway - off Main Road (northern side)

~~Commencing 5 metres east for the intersection with Main Road generally east for 15 metres.~~

~~Commencing at the southwest corner of the Memorial Hall generally east for 38 metres.~~

Middlebrook Drive (western side)

~~Commencing at the western side of the intersection with Fairview Road generally south for 33 metres.~~

~~Commencing at the pedestrian crossing, opposite Moore Park generally north for 7 metres, and south for 16 metres.~~

~~Commencing at the pedestrian crossing situated north of Sheffield Street, generally south for 9 metres.~~

~~Commencing at the northern side of the pedestrian blister, adjacent to the accessway from Earl Dive, generally north for 7 metres.~~

Commencing at the southern side of the pedestrian blister, adjacent to the accessway from Earl Drive, generally south for 16m

Commencing at the southern part of the pedestrian blister, the second from Fairview Road, generally south for 9 metres.

Commencing at the southern intersection with Sheffield Street generally south for 19 metres.

Commencing at the northern side of the intersection with Hoggard Place generally north for 44 metres.

~~Commencing at the pedestrian crossing south of Sheffield Street, generally south for 12 metres.~~

~~Commencing at the intersection of Hoggard Place, generally north for 51 metres.~~

Middlebrook Drive (eastern side)

Commencing at the intersection with Fairview Road, generally south for 4532 metres.

Commencing at the northern side of the pedestrian blister opposite the accessway from Earl Drive generally north for 6 metres.

Commencing at the southern side of the pedestrian blister opposite the accessway from Earl Drive generally south then east, into the road to the Rugby clubrooms, for 32 metres.

Commencing 30 metres south from the intersection of the road to the rugby clubrooms generally north then east into the road to the clubrooms for 40 metres.

Commencing at the northern part of the pedestrian blister, the second set from Fairview Road, generally north for 10 metres.

Commencing at the northern part of the pedestrian blister, opposite the Sheffield Street intersection, generally north for 9 metres.

Commencing at the southern edge of the pedestrian blister, opposite the Sheffield Street intersection, generally south for 32 metres.

Commencing 12 metres north opposite the intersection with Hoggard Place generally north for 60 metres.

~~Commencing at the pedestrian crossing adjacent to Moore Park, generally north for 7 metres and south to the Moore Park access.~~

~~Commencing at the Moore Park access generally south for 23 metres.~~

~~Commencing at the pedestrian crossing situated between Sheffield Street and the Moore Park access, generally north for 16 metres.~~

~~Between the two pedestrian crossings opposite Sheffield Street and then generally north for 10 metres.~~

~~From a point opposite the tangent point of the Hoggard Place intersection, generally north for 67 metres.~~

Park Road (western side)

Commencing at the intersection with Beach Road generally north for 47 metres.

~~Commencing at the southern intersection with Francis Drive generally south for 84 metres.~~

~~Commencing 36 metres opposite and south of the southern side of the entrance to the Summerset Village generally north for 20 metres, to the southern end of the bus stop.~~

~~Commencing at the northern end of the bus stop generally north for 74 metres.~~

Park Road (eastern side)

Commencing at the eastern intersection with Beach Road generally north for 81 metres.

Commencing ~~5548~~ metres north from the intersection with Levely Lane generally north for ~~4253~~ metres.

Commencing ~~369~~ metres south of the intersection with Preston Road generally south for ~~281~~ metres.

Commencing ~~89-12~~ metres north of the intersection with Preston Road general north for ~~221~~ metres.

~~Commencing at the northern side of the entrance to the Summerset Village generally north for 15 metres.~~

Polley Crescent (Western side)

~~Commencing at the western intersection with Beach Road generally north for 28 metres.~~

Preston Road (southern side)

Commencing ~~at the southern 9 metres from the~~ intersection with Park Road generally east for ~~509~~ metres.

Preston Road (northern side)

Commencing ~~at the northern 9 metres from the~~ intersection with Park Road generally east for ~~580~~ metres.

Sheffield Street (northern side)

~~Commencing at the western intersection with Wedgewood Street generally east for 21 metres.~~

~~Commencing at the eastern intersection with Wedgewood Street generally east for 17 metres~~

~~Commencing at the northern intersection with Middlebrook Drive generally west for 28 metres. Commencing at the intersection with Wedgewood Street generally west for 13 metres.~~

Commencing ~~26 metres from the at the northern~~ intersection with Main Road generally east for ~~6617~~ metres.

Sheffield Street (southern side)

~~Commencing 33 metres east from the intersection with Main Road generally east to the western intersection with Wedgewood Street (total length 101 metres).~~

Commencing at the western intersection with Wedgewood Street generally west for 13 metres.

Commencing at the eastern intersection with Wedgewood Street generally east to the Southern intersection with Middlebrooke Drive (total length 161 metres)

~~Commencing at Middlebrook Drive to State Highway 2 intersection.~~

Talisman Drive (western side)

Commencing at the western intersection with Beach Road generally south into the car park for 300275 metres.

Talisman Drive (eastern side)

Commencing at the left hand filter from Beach Road generally south for 8105 metres.

Commencing 185 metres from the intersection of Beach Road generally south for 22 metres.

~~Commencing 209 metres from the left hand filter from Beach Road generally south for 22 metres.~~

Waterford Road (northern side)

Commencing 20 metres west of the intersection with Hyde Street generally east for 569 metres.

Commencing opposite the intersection with Highfields Drive generally east ~~to the Uretara River Bridge~~ for 235-245 metres.

Waterford Road (southern side)

Commencing at the centreline of the Uretara Bridge generally west for 187 metres to the commencement of the Highfields Drive left hand traffic filter. ~~Commencing at the western side of the Uretara River Bridge generally west to the commencement of the left hand traffic filter into Highfields Drive for 178 metres.~~

Wedgwood Street (eastern side)

Commencing at the southern intersection with Sheffield Street generally south for 17 metres

Commencing at the norther intersection with Sheffield Street generally north for 28 Metres.

Commencing 73 metres north of the intersection with Sheffield Street generally north for 19 metres.

Commencing 140 metres from the intersection with Sheffield Street generally north then west around the turning head at the end of the cul-de-sac for 58 metres.

~~Commencing at the intersection with Sheffield Street generally north for 22 metres.~~

~~Commencing 75 metres north of the intersection with Sheffield Street generally north for 20 metres.~~

Wedgwood Street (western side)

Commencing at the southern intersection with Sheffield Street generally south for 14 metres.

Commencing at the northern intersection with Sheffield Street generally north for 7 metres.

~~Commencing 74 metres north of the intersection with Sheffield Street generally north for 40 metres.~~

~~Commencing 140 metres north of the intersection with Sheffield Street generally north for 33 metres.~~

~~Commencing 57 metres from the west side of the intersection with Earl Drive slip road generally south for 40 metres.~~

~~Commencing at the east side of the intersection with Earl Drive slip road generally east then south around the cul-de-sac for 116 metres.~~

~~Commencing on the north side of the intersection with Sheffield Street generally north for 14 metres.~~

~~Commencing on the south side of the intersection with Sheffield Street generally south for 13 metres.~~

Parking Time Restrictions

THAT pursuant to clause 1.1(b) of Part 1 of this Bylaw no vehicle may stop, stand or park at the following location for longer than the applicable times under the headings listed below:

Maximum 5 minute parking

Memorial Hall Carpark Accessway – off Main Road (northern side)

One space west of the barrier outside the Katikati Memorial Hall double doors.

Maximum 10 minute parking

Main Road (western side)

Commencing immediately north of the exit from Western Bay of Plenty District Council area office car park for two spaces.

Beach Road (northern side)

Three parallel parking spaces west of the western side of the intersection with Park Road.

Maximum 15 minute parking

Beach Road (southern side)

Two parallel parking spaces east of the pedestrian crossing blisters.

Maximum 30 minute parking

Main Road (western side)

One parallel "campervan/caravan/heavy vehicle" parking space and one parallel "bus" parking area between the entrance to and exit from the Western Bay of Plenty District Council area office car park.

Main Road (eastern side)

One parallel bus stand 7 metres south of the Katikati Memorial Hall car park accessway.

Talisman Drive car park

Three spaces on the northern side of the parking block adjacent to Patuki Manawa (Katikati Library and Service Centre) being the second, third and fourth car parks from the western edge of the block.

Maximum 60 minute parking**Main Road (western side)**

All ordinary vehicle parking spaces in the Western Bay of Plenty Council area office car park.

Maximum 120 minute parking**Main Road (eastern side)**

All ordinary vehicle parking spaces between the intersection with Beach Road and the intersection with Earl Drive.

All ordinary parking spaces in the Digglemann Park lay-by immediately south of the bus stop.

Main Road (western side)

All ordinary vehicle parking spaces between athe point just south of the intersection with Beach Road to 20 metres north of the Haiku Pathway entranceway.

One parallel motorcycle parking space 4 metres south of the Cherry Court service lane.

Maximum 180 minute parking**Park Road (eastern side)**

All angle vehicle parking spaces in the parking area at the north end of Park Road.

Maximum 240 minute parking**Talisman Drive car park**

All ordinary and angle vehicle parking spaces, except three parks on the northern side subject to maximum 30 minute parking.

Angle Parking

THAT pursuant to clause 1.1(c) of Part 1 of this Bylaw the parking spaces at the following locations are declared to be angle parks and all vehicles shall park forward into the parks.

Main Road (western side)

Commencing 20 metres north of the Haiku Pathway entrance, all parking spaces north to the Western Bay of Plenty District Council car park entrance.

All parking spaces in the Western Bay of Plenty District Council area office car park.

Commencing at the northern side of the pedestrian crossing blister all parking spaces to a point directly opposite the Hotel car park entrance.

Main Road (eastern side)

All parking spaces commencing at a point in front of the Telecom Automatic exchange generally north to the Jocelyn Street intersection.

Commencing at the northern entrance to the Memorial Hall car park generally northwards to the pedestrian crossing blister, 8 parking spaces.

All public parking spaces at the rear of the Memorial Hall except for the bus stand and the four parallel vehicle parks on the southern car park boundary.

Commencing at the northern entrance to the Memorial Hall car park generally northwards to the pedestrian crossing blister, 6 parking spaces.

Dave Hume Pool car park - off Carisbrooke Street All parking spaces including mobility parking spaces.

Mobility Parking

THAT pursuant to clause 1.10.1 of Part 1 of this Bylaw only vehicles carrying disabled persons and displaying a permit as set out in clause 1.10.1 may be parked in the spaces located as follows:

Dave Hume Pool car park - off Carisbrooke Street (northern side)

~~One~~ Two angle spaces immediately ~~east~~ both sides of the entrance into the pool complex.

Dave Hume Pool car park - off Carisbrooke Street (western side)

~~One~~ Two angle spaces ~~being the 5th space from the southern end at the far north western end of the car park.~~

Main Road (western side)

One angle parking space inclusive of wheelchair access immediately north of the pedestrian crossing blister.

One parallel park immediately north of the southern entrance to Kotahi Lane, just before the pedestrian crossing.

~~Immediately north of Kotahi Lane.~~

Main Road (eastern side)

One angle parking space inclusive of wheelchair access being the third space south of the pedestrian crossing blister.

Memorial Hall (rear car park)

Two angled parking spaces inclusive of wheelchair access at the western end of the northernmost group of parking spaces and protected by a curbed end blister.

Western Bay of Plenty District Council area office car park (northern side)

One angled parking space inclusive of wheelchair access in the Western Bay of Plenty District Council area office car park being the closest to the area office entrance.

Motor Cycle/Specific Vehicle Parks

THAT pursuant to clause 1.11.1 of Part 1 of this Bylaw only motorcycles or specified vehicles may stop, stand or park at the following locations:

Motorcycle Stands

Main Road (western side)

One parallel parking space 4 metres south of the accessway into Cherry Court.

Memorial Hall (rear car park)

One angled parking space at the eastern end of the northernmost row of parking spaces.

Camper Van/Caravan Parks

Main Road (western side)

One parallel area between the entrance to and exit from the Western Bay of Plenty District Council area office car park.

Public Vehicle Stands

THAT pursuant to clause 1.12.1 of Part 1 of this Bylaw only public vehicles of the type identified below may stop, stand or park at the following locations:

Bus Stands

THAT pursuant to clause 1.1(a) of Part 1 of this Bylaw, the parking of vehicles except buses is prohibited Monday to Friday between 8.00am to 9.00am and 2.30pm to 3.30pm in accordance with the signs in the following locations:

Main Road (western side)

One parallel parking space between the entrance to and exit from the Western Bay of Plenty District Council area office car park.

Main Road (eastern side)

One parallel parking space 7 metres south of the Memorial Hall car park accessway.

Two parallel parking spaces in the Digglemann Park lay-by parking area.

Memorial Hall (rear car park)

One parallel parking space on the eastern side of the central north / south parking blister.

Beach Road (southern side)

Commencing at the pedestrian crossing west of the Park Road roundabout generally west to the last traffic blister.

Bus Stands

THAT pursuant to clause 1.1(a) of Part 1 of this Bylaw, the parking of vehicles except buses is prohibited in accordance with the signs in the following locations:

Carisbrooke Street (western side)

Outside No 37

Carisbrooke Street (eastern side)

Outside No.38

Fairview Road (northern side)

Outside No. 63

Fairview Road (western side)

Outside No. 10

Opposite No. 29

Immediately north of Blundell Place

Fairview Road (eastern side)

Outside No. 10

Immediately north of Blundell Place

Fairview Road (northern side)

Immediately west of Kea Street

Fairview Road (southern side)

Immediately west of Kea Street

Main Road (western side)

Outside No. 144

Main Road (eastern side)

Outside No 2 Sheffield Street

Middlebrook Drive (eastern side)

To the south of the Moore Park access.

Middlebrook Drive (western side)

To the north of the Moore Park access.

Park Road (western side)

Outside no.108

Outside no.62

Outside the bowling club

Immediately south of Kowhai Court

Opposite to No.143

Opposite Summerset Village

Park Road (eastern side)

Outside no.107

Opposite the bowling club

Immediately south of Kowhai Court

Immediately south of Binnie Road

Outside No. 143

Outside Summerset Village

Goods/Service Loading Zones

THAT pursuant to clause 1.13.1 of Part 1 of this Bylaw only goods service vehicles loading or unloading goods or passengers may stop, stand or park at the locations listed below and only then in accordance with the conditions set on the sign erected thereon:

Main Road (western side)

One angled parking space immediately north of the pedestrian refuge blister situated south of the intersection with Beach Road.

One parallel space immediately south of the pedestrian crossing.

From the northern end of the carpark outside the former Western Bay of Plenty Council office, across the Western Bay museum frontage, to the southern end of the motorcycle park.

In front of the Museum (2 parks).

Main Road (eastern side)

One parallel space 24 metres north of the pedestrian crossing.

Goods/Service Loading Zones

~~THAT pursuant to clause 1.13.1 of Part 1 of this Bylaw only vehicles loading or unloading goods or passengers may stop stand or park at the locations listed below and only then in accordance with the conditions set on the sign erected thereon:~~

Beach Road (eastern side)

At the Katikati Primary School pick up zone between the hours of 8.00am to 9.00am and 2.30pm to 3.30pm Monday to Friday.

Memorial Hall Carpark Accessway (off Main Road northern side)

~~Three~~Two spaces west of the barrier outside the Katikati Memorial Hall single door.

Waihi Beach Traffic/Parking Restrictions

Prohibited ~~Stopping or Standing~~ Parking of Vehicles (~~No Stopping/~~Broken Yellow Lines)

THAT pursuant to Clause 1.1(a) of Part 1 of this Bylaw, the parking of vehicles is prohibited at all times in the following locations:

Ayr Street (southern side)

Commencing at the intersection with Seaforth Road generally east and around the turning head for 130 metres.

Beach Road (eastern side)

Commencing at the intersection with Wilson Road generally north for 24 metres.

Commencing 103 metres north of the intersection with Wilson Road generally ~~north-east~~ into the Waihi Beach Community Centre entranceway for ~~1922~~ metres.

~~Commencing 13 metres north of the intersection to the Waihi Beach Community Centre generally south then east into the Waihi Beach Community Centre entrance for 22 metres.
Commencing 130 metres north of the intersection with Wilson Road generally south into the Waihi Beach Community Centre entranceway for 21 metres.~~

Commencing at the northern side of the intersection with Hinemoa Street generally north for ~~10023~~ metres.

Commencing ~~165-134~~ metres north of the intersection with Hinemoa Street generally north for ~~116~~ metres.

Commencing ~~208-158~~ metres north of the ~~northern side of the~~ intersection with Hinemoa Street generally north for ~~59~~ metres.

~~Commencing 14 metres east of the southern intersection with Seaview Road generally east for 8 metres.~~

~~Commencing 33 metres east of the southern intersection with Seaview Road generally south for 6 metres into The Esplanade.~~

Beach Road (western side)

~~Commencing at the northern intersection with Browns Drive generally north for 22 metres.~~

Commencing at the ~~northern~~ intersection with Fyfe Road generally north for 16 metres.

Commencing at the ~~southern~~ intersection with Fyfe Road generally south for ~~145~~ metres.

Commencing 48 metres north of the intersection with Ocean View Road generally north for 91 metres, into the front of the Waihi Beach Top 10 Campground.

Commencing at the northern side of the entrance to the Waihi Beach Top 10 Campground generally north for 63.

Commencing at the southern intersection with Pacific Road Generally south for 4 metres.
~~Commencing at the intersection with Pacific Road generally north for 3 metres.~~

~~Commencing 46 metres south of the intersection with Pacific Road generally south for 40 metres.~~

~~Commencing 115 metres south of the intersection with Pacific Road generally south for 75 metres.~~

~~Commencing at the northern side of the intersection with Pacific Road generally north for 6 metres.~~

~~Commencing at the intersection of Browns Drive generally north for 30 metres to and including the first property access.~~

Beach Road (southern side)

~~Commencing 12 metres from the intersection with The Esplanade generally west for 8 metres.~~

Browns Drive (southern side and western sides)

Commencing opposite the western intersection with Mayor View Terrace generally east-west then south for 357/377 metres.

Commencing at the southern intersection with Ralph Lane generally south for 87 metres.

Browns Drive (eastern and northern sides)

Commencing at the intersection with Tahora View generally north then west-east for 126-118 metres.

Commencing at the northern intersection with Beach Road generally east for 11 metres.

Commencing at the western intersection with Mayor View Terrace generally west and south for 118 metres.

Citrus Avenue (eastern side)

Commencing at the eastern intersection with Wilson Road generally south for 163 metres.

Dillon Street (western side)

Commencing at the western intersection with Wilson Road generally north for 119 metres.

Dillon Street (eastern side)

Commencing at the eastern intersection with Wilson Road generally north for 1078 metres.

Edward Street (northern side)

Commencing at the western intersection with Ian Place generally west for 10 metres.

Fyfe Road (northern side)

Commencing at the northern intersection with Beach Road generally west for 115 metres.

Fyfe Road (southern side)

Commencing at the southern intersection with Beach Road generally west for 194 metres.

Commencing at the eastern intersection with Jenkinson Street generally east for 52 metres.

Commencing at the western intersection with Jenkinson Street generally west for ~~204~~191 metres.

Hanlen Avenue (~~eastern-western~~ side)

Commencing at the southern intersection with Surfers Avenue generally south for 8 metres.

Hinemoa Road (northern side)

Commencing at the northern intersection with Beach Road generally east for 159 metres.

Hinemoa Road (southern side)

Commencing at the southern intersection with Beach Road generally east for 238 metres.

Ian Place (eastern side)

Commencing at the northern intersection with Edwards Street generally north and around the turning head for 322 metres.

Jenkinson Street (eastern side)

Commencing at the eastern intersection with Fyfe Road generally south for 1368 metres.

Jenkinson Street (western side)

Commencing at the western intersection with Fyfe Road generally south for 7269 metres.

Ocean Breeze Drive (northern side)

Commencing at the northern intersection with Wilson Road generally west for 550 metres.

Pacific Road (northern side)

Commencing at the northern intersection with Beach Road generally west for ~~102~~98 metres.

Commencing at the eastern intersection with West Street generally east for ~~22~~18 metres.

Pacific Road (southern side)

Commencing at the southern intersection with Beach Road generally west ~~to the intersection with West Street for 100 metres.~~ for 96 metres.

Ralph Lane (southern side)

Commencing at the southern intersection with Browns Drive generally west-east and around the turning head to house number 11 – 15 (~~for total length~~ 237 metres).

Ralph Lane (northern side)

Commencing at the northern intersection with Browns Drive generally west for 11 metres.

Reel Road (western side)

Commencing at the southern intersection with Surfers Avenue generally south for 10 metres.

Seaforth Road (eastern side)

Commencing 11 metres north of the intersection with Tuna Avenue generally north for ~~60~~ 33 metres.

Commencing 61 metres south of the intersection with Wilson Road generally south for ~~3015~~ metres.

Commencing 27 metres south of the intersection with Wilson Road generally south for ~~165~~ metres.

Seaforth Road (western side)

Commencing at the southern intersection with ~~Didsbury Drive~~ Snell Crescent generally south for 9 metres.

Seaforth Road (both sides)

Commencing at the intersection with Anzac Bay Reserve Road generally east for 190 metres.

~~Seaview Road (eastern-southern side)~~

Commencing at the western intersection with Beach Road generally north for 44 metres.

~~Commencing 16 metres from the intersection with Beach Road generally north for 24 metres.~~

Commencing at the intersection with West Street generally east for 10 metres.

Seaview Road (northern side)

Commencing at the western intersection with The Terrace generally west for ~~2033~~ metres.

Snell Crescent (western side)

Commencing at the western intersection with Wilson Street generally south for 249 metres.

Snell Crescent (eastern side)

Commencing at the eastern side intersection with Wilson Road generally ~~south-west then~~ south for ~~104~~ metres.

Surfers Avenue (southern side)

Commencing at the eastern intersection with Hanlen Avenue generally ~~east-west~~ to the southern intersection with Reel Road (~~for total length~~ 3100 metres).

Tahora View (northern side)

Commencing at the northern intersection with Browns Drive generally ~~east-south then west~~ for 14 metres.

The Crescent (Southern Side)

Commencing at the southern intersection with Wilson Road generally west for ~~118-75~~ metres.

On the inside of the bend outside the frontage of number 21 The Crescent for 25 metres.

The Esplanade (Surf Club Reserve southern end)

~~Commencing at the intersection with Beach Road generally south for 8 metres.~~

Commencing at the intersection with Beach Road generally north for 9 metres.

Commencing at the last car park on the western end of the carpark generally south then east then north in front of the surf club building to the last car park on the eastern end of the carpark (total length 34 metres).

The Esplanade (Surf Club Reserve Northern eEnd-Reserve)

Commencing at the northern end of the culvert bridge generally north then east for 95 metres.

Commencing 7 metres from the northern end of the culvert bridge and adjacent to the marked angle parking spaces generally north for 45 metres.

Commencing at the northern intersection with Beach Road generally north for 42 metres.

The Esplanade (Surf Club Reserve Northern end – Western side)

Commencing at the northern end of the culvert bridge generally north then east, partly around the turning head, for 79 metres.

The Esplanade (Surf Club Reserve Northern end – Centre)

Commencing 7 metres from the northern end of the culvert bridge and adjacent to the marked angle parking spaces generally north for 50 metres.

The Terrace (western side)

Commencing at the western intersection with Seaview Road generally east then north for 2519 metres.

Commencing 456 metres north off from the intersection with Seaview Road generally north for 6347 metres.

West Street (eastern side)

Commencing at the southern intersection with Seaview Road generally south for 77 metres, to the northern intersection with Pacific Road.

West Street (Western side)

Commencing at the northern intersection with Seaview Road generally south for 18 metres.

Wilson Road (northern side)

Commencing at the eastern intersection with Dillon Street generally east for 309 metres.

Commencing at the western intersection with Dillon Street generally west for 539 metres

Commencing opposite the intersection with The Crescent generally east for 1275 metres.

Commencing at the eastern intersection with Beach Road generally east-south for 36 metres.

Wilson Road (southern side)

Commencing at the eastern intersection with Snell Crescent generally east for 41-20 metres.

Commencing at the western intersection with Snell Crescent generally west for 501 metres.

Commencing 1095 metres west of the intersection with Snell Crescent generally west for 710 metres.

Commencing 1456 metres west of the intersection with Snell Crescent generally west for 76 metres.

Commencing at the eastern intersection with Citrus Avenue generally east for 304 metres.

Commencing at the southern intersection with The Crescent generally east for 159 metres.

Commencing at the northern intersection with the Crescent generally west for 25 metres.

Commencing ~~13 metres west of the~~ northern intersection with Ocean Breeze Drive generally west for 16039 metres.

Parking Time Restrictions

THAT pursuant to Clause 1.1(b) of Part I of this Bylaw, no vehicle may park in the following streets for longer than the applicable times under the headings listed below:

Maximum 10 Minute Parking At All Times

Beach Road (eastern side)

Commencing 152 metres from the intersection with Hinemoa Street (2 spaces).

Beach Road (western side)

Commencing 6 metres north of the intersection with Pacific Road (1 space)

Angle Parking

THAT pursuant to Clause 1.1(c) of Part I of this Bylaw, the parking spaces in the following locations are declared to be angle parks and all vehicles shall park forwards into the parks.

Seaforth Road (eastern side)

Commencing at the intersection with Tuna Ave generally north for 11 metres (4 spaces).

Commencing 50 metres south of the intersection with Wilson Road generally south for 223 metres (3540 spaces).

The Esplanade (North End Reserve)

Eastern row – 11 angle spaces, western row – 176 angle spaces

Mobility Parking

THAT pursuant to Clause 1.10.1 of this Bylaw, only vehicles carrying disabled persons and displaying a permit as set out in Clause 1.10.1 may be parked in the spaces located as follows:

Anzac Bay Car Park

Two spaces directly adjacent to the western side of the toilet block.

Seaforth Road - Bowentown Park – Northern Car Park (Southern side)

One space, including access, on the southern/western corner of the car park.

Seaforth Road - Car Park adjacent to Coast Guard headquarters

One space, first Park on western side.

The Esplanade Reserve Car Park (eastern side)

One angle space being the northernmost space before the access bridge.

The Esplanade Reserve Car Park (western side)

One angle space immediately south of the toilet block

One angle space immediately north of the Waihi Beach Surf Club

Tuna Avenue (northern side)

One space outside the toilet block in the carpark at the eastern end of Tuna Avenue.

Waihi Beach Community Centre (eastern side)

Two spaces outside the building in the car park off Beach Road.

Wilson Road (northern side car park)

Two right angle spaces on the western side of the car park immediately adjacent to the public toilet block.

Public Vehicle Stands

THAT pursuant to Clause 1.12.1 of Part I of this Bylaw, only public vehicles of the type identified below may stop or stand at the following locations:

Bus Stands

Beach Road (eastern side)

One parallel school bus parking area commencing 55 metres from the intersection with Leo Street generally north for 15 metres. The stand operates 7.30am – 8.30am and 3.30pm – 4.30pm Monday to Friday except school holidays.

One parallel school bus parking area commencing 96 metres north of the intersection with Scarborough Road generally north for 15 metres. The stand operates 7.30am – 8.30am and 3.30pm – 4.30pm Monday to Friday except school holidays.

Beach Road (western side)

One parallel school bus parking area commencing 11 metres north of the intersection with Fyfe Road, generally north for 16 metres. The stand operates 7.30am – 8.30am and 3.30pm – 4.30pm Monday to Friday except school holidays.

One parallel school bus parking area commencing 5 metres south of the intersection with Pacific Road, generally south for 15 metres. The stand operates 7.30am – 8.30am and 3.30pm – 4.30pm Monday to Friday except school holidays.

Seaforth Road (eastern side)

One parallel parking space commencing 50 metres south of the intersection with Wilson Road.

One parallel parking space commencing 90 metres north of the intersection with Tuna Ave.

Seaforth Road (western side)

One parallel parking space commencing 149 metres south of the intersection with Wilson Road.

One parallel parking space commencing 47 metres north of the intersection with Tuna Ave.

Specified Vehicle Stands

THAT pursuant to Clause 1.11.1 of Part 1 this Bylaw, only specified vehicles of the type identified below may stop, stand or park at the following locations:

Emergency Service Vehicles

The Esplanade (WB) (western side)

Two spaces being the second and third spaces from the Waihi Beach Surf Club.

Omokoroa Traffic/Parking Restrictions

Prohibited ~~Stopping or Standing~~ Parking of Vehicles (~~No Stopping~~/Broken Yellow Lines)

THAT pursuant to Clause 1.1(a) of Part 1 of this Bylaw, the parking of vehicles is prohibited at all times in the following locations:

Coppelia Avenue (western side)

Commencing at the southern ~~side of the~~ intersection with Hamurana Road generally ~~south~~ north for 15 metres.

Coppelia Avenue (eastern side)

Commencing at the ~~southern~~ northern side of the intersection with Hamurana Road generally south for 8 metres.

Hamurana Road (northern side)

Commencing at the western side of the intersection with McDonnell Street generally west for 6 metres.

Commencing at the eastern side of the intersection with McDonnell Street generally east for ~~78~~ 587 metres.

Hamurana Road (southern side)

Commencing at the western side of the intersection with Coppelia Avenue generally west for 36 metres.

Commencing at the eastern side of the intersection with Coppelia Avenue generally east for ~~780~~ metres.

Commencing at the western side of the intersection with Omokoroa Road generally west for ~~163~~ metres.

Harbour View Road (northern side)

Commencing at the western side of the intersection with Omokoroa Road generally west for ~~120~~ metres.

Commencing ~~29~~ 520 metres north from the western intersection with Omokoroa Road generally ~~west~~ north for ~~457~~ metres.

Harbour View Road (southern side)

Commencing at the eastern side of the intersection with Omokoroa Road generally west for ~~128~~ metres.

Commencing ~~25~~ 514 metres north from the intersection with Omokoroa Road generally ~~west~~ north for 44.5 metres.

Kowai Grove

From house No. 7 to house No. ~~158~~ (total length 53 metres).

McDonnell Street (western side)

Commencing at the ~~northern-western~~ side of the intersection with Hamurana Road generally north for 23.5 metres.

McDonnell Street (eastern side)

Commencing at the ~~northern-eastern~~ side of the intersection with Hamurana Road generally north for 219 metres.

Omokoroa Road (~~south, west then northwestern~~ side)

Commencing at the intersection of Western Avenue generally north for ~~41-95~~ metres.

Commencing at the ~~eastern-southern~~ side of the intersection with Hamurana Road generally southeast then south for ~~13429~~ metres.

Commencing at the ~~western-northern~~ side of the intersection with Hamurana Road generally north then east for ~~110-92~~ metres.

Commencing at the eastern ~~side of the~~ intersection with Harbour View Road generally east for ~~12-49~~ metres.

~~Omokoroa Road (north, west then south side)~~

~~Commencing at the intersection with Harbour View Road generally east for 83 metres.~~

~~Commencing at the intersection with Harbour View Road generally west then south for 272 metres.~~

Omokoroa Road (eastern side)

Commencing at the ~~western~~ intersection with Goldstone Road generally south for 45 metres.

~~Commencing at the western intersection with Parkland Rise generally north for 41 metres.~~

~~Commencing 37 metres east of the intersection with Harbour View Road, generally west then south for 290 metres.~~

The Esplanade car park (northern side)

Commencing at the jetty generally west to the eastern side of the beach access for ~~2634~~ metres.

Commencing on the northern side of the beach access generally west for 56 metres.

The Esplanade car park (centre)

Commencing at the give way sign generally ~~west-south~~ then ~~north-east~~ for ~~2217~~ metres.

The Esplanade car park (southern side)

Commencing at the ferry ramp ~~then~~ generally west for ~~112~~ metres.

The Esplanade car park (western side)

Commencing outside the Omokoroa Domain boat trailer park generally east then north to the edge of the road boundary for 28 metres.

Commencing at the western side of the shop parking area generally south then west for 28 metres.

Tralee Street (southern side)

Commencing at the southern side of the intersection with Omokoroa Road generally west for 27 metres

Commencing 65 metres from the southern side of the intersection with Omokoroa Road generally west for 40 metres

Tralee Street (northern side)

Commencing 63 metres from the northern side of the intersection with Omokoroa Road generally west for 27.5 metres

Western Avenue

Commencing at the western side intersection with Omokoroa Road generally west for 42 metres.

Angle Parking

THAT pursuant to Clause 1.1(c) of Part 1 of this Bylaw, the parking spaces in the following locations are declared to be angle parks and all vehicles shall park forwards into the parks.

The Esplanade car park

Western side – 5 ordinary parking spaces
 Centre – 4 ordinary parking spaces
 Eastern side – ~~10~~7 ordinary parking spaces
 Northern side – 2 ordinary parking spaces

Omokoroa Road park and ride (eastern side)

Commencing 58 metres north of the intersection with State Highway 2, ~~14~~12 ordinary parking spaces.

Mobility Parking

THAT pursuant to clause 1.10.1 of Part 1 of this Bylaw, only vehicles carrying disabled persons and displaying a permit as set out in clause 1.10.1 may be parked in the spaces located as follows:

McDonnell Street (south side)

Commencing 23.5 metres from the intersection with Hamurana Road, one parking space inclusive of wheelchair access immediately west of the blister.

The Esplanade (Omokoroa) (southern side)

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Two angle spaces being the easternmost parks outside the Omokoroa Boat Club.

Motorcycle/Specific Vehicle Parks

THAT pursuant to clause 1.11.1 of Part 1 of this Bylaw, only motorcycles or specified vehicles may stop, stand or park in the following locations:

Boat Securing Lane

The Esplanade car park

Commencing at the exit to the car park generally east for 3126 metres.

Ferry Queuing Lane

The Esplanade car park

Commencing at the entrance to the car park generally east for 37 metres.

Public Vehicle Stands

That pursuant to Clause 1.12.1 of Part 1 of this Bylaw, only public vehicles of the type identified below may stop, stand or park at the following locations:

Bus Stands

Hamurana Road (~~western-northern~~ side)

Outside No. 20

Omokoroa Road (western side)

Outside No. 168)

Omokoroa Road (eastern side)

Outside No. 165

South of Kayelene Place, opposite the existing shelter on the west side

Omokoroa Road (southern side)

Outside the rear boundary of No. 84D Margaret place

Omokoroa Road (northern side)

Outside No. 190

Omokoroa Road park and ride (western side)

Commencing 58 metres from the intersection with State Highway 2 two bus stands.

Schedule 5

Maketu Traffic/Parking Restrictions

Prohibited ~~Stopping or Standing~~Parking of Vehicles (No ~~Stopping~~parking/Broken Yellow Lines)

THAT pursuant to Clause 1.1(a) of Part 1 of this Bylaw, the parking of vehicles is prohibited at all times in the following locations:

Beach Road (western side)

Commencing at the ~~northern-western~~ side of the intersection with Little Waihi Road generally north for ~~23-45~~ metres.

~~Commencing 6 metres north of the intersection with Little Waihi Road generally north for 86 metres.~~

~~Commencing from the northern edge of the entrance to the playground carpark generally north for 290 metres.~~

~~Commencing opposite the intersection with Te Awhe Road generally south for 294 metres.~~

~~Commencing 337 metres south of the intersection with Te Awhe Road generally south for 40 metres.~~

Beach Road (eastern side)

~~Commencing at 93 metres north of the eastern intersection with Little Waihi Road generally north for 363 metres.~~

~~Commencing at the intersection with Te Awhe Road generally south for 365 metres.~~

Maketu Road (northern side)

Commencing at the western side of the intersection with Park Road generally west for 25 metres.

Maketu Road (southern side)

Commencing at the western side of the intersection with Wilson Road North generally west for ~~130~~ metres.

Little Waihi Road (northern side)

Commencing at the eastern side of the intersection with Park Road generally east for ~~721~~ metres.

~~Commencing at the western side of the intersection with Beach Road generally west for 8 metres.~~

Little Waihi Road (southern side)

Commencing at the eastern side of the intersection with Wilson Road North generally east for 7 metres.

Park Road (western side)

Commencing at the ~~northern-western~~ side of the intersection with Maketu Road generally north for 14.511 metres.

Park Road (eastern side)

Commencing at the ~~northern-eastern~~ side of the intersection with Little Waihi Road generally north for 185 metres.

Wilson Road North (western side)

Commencing at the ~~southern-western~~ side of the intersection with Maketu Road generally south for 14 metres.

Wilson Road North (eastern side)

Commencing at the ~~southern-western~~ side of the intersection with Little Waihi Road generally south for 16-27 metres.

~~Commencing 86 metres south of the intersection with Little Waihi Road generally south for 45 metres.~~

~~Outside Fire Station property number 668 to the boundary of property number 670 Wilson Road North.~~

Maketu Road (northern side)

Commencing at the western side of the intersection with Park Road generally west for 25 metres.

Public Vehicle Stands

That pursuant to Clause 1.12.1 of Part 1 of this Bylaw, only public vehicles of the type identified below may stop, stand or park at the following locations:

Bus Stands

Beach Road: west side (outside No.3) Maketu

Schedule 6

Other Areas - Traffic/Parking Restrictions

McLaren Falls

Prohibited ~~Stopping or Standing~~ Parking of Vehicles (~~No Stopping~~/Broken Yellow Lines)

THAT pursuant to Clause 1.1(a) of Part 1 of this Bylaw, the ~~stopping, standing or~~ parking of vehicles is prohibited at all times in the following locations:

McLaren Falls Road (northern side)

Commencing at the western end of the McLaren Falls Road bridge (~~no.172~~) generally west for ~~69~~ metres.

Commencing 43 metres from the western end of the McLaren Falls Road bridge (~~no. 172~~) generally west for ~~45-300~~ metres

McLaren Falls Road (south ~~western~~ side)

Commencing at the western end of the McLaren Falls Road bridge (~~no. 172~~) generally ~~north-west~~ for 4.5 metres.

Commencing ~~209~~ metres from the western end of the McLaren Falls Road bridge (~~no. 172~~) generally west for ~~45-300~~ metres.

McLaren Falls Road (~~North~~ eastern side)

Commencing at the eastern end of the McLaren Falls Road bridge (~~no. 172~~) generally south to the entrance of the east side parking area (~~total length 157 metres~~).

McLaren Falls Road (~~western-South Eastern~~ side)

Commencing at the ~~southern-eastern~~ end of the McLaren Falls Road bridge (~~no. 172~~) generally south to the exit of the west side parking area (~~total length 168 metres~~).

Angle Parking

THAT pursuant to 1.1(c) of Part 1 of this Bylaw, the parking spaces in the following locations are declared to be angle parks and all vehicles shall park forward into the parks:

Upper Parking Area off McLaren Falls Road near the main entrance to McLaren Falls Park

South side of road 14 parking spaces

**McLaren Falls Road immediately west of the McLaren Falls Road bridge
(no. 172)**

North side of road 8 parking spaces

Parking Time Restrictions

THAT pursuant to Clause 1.1(b) of Part 1 of this Bylaw, no vehicle may stop, stand or park in the following areas during weekends or public holidays for longer than the time indicated in the following heading:

Maximum 180 Minute Parking

McLaren Falls Road (before the McLaren Falls Road bridge 172 from State Highway 29)

North side ——— 8 angle parking spaces

Upper Parking Area (off McLaren Falls Road near the main McLaren Falls Park entrance)

North side ——— 9 parallel parking spaces

South side ——— 14 angle parking spaces and 5 parallel parking spaces

Goods/Service Vehicle Loading Zones

THAT pursuant to Clause 1.13.1 of Part 1 of this Bylaw, only vehicles loading or unloading goods or passengers may stop, stand or park in the locations listed below for a maximum time of 10 minutes, applying weekends and public holidays only from 9.30am – 4.00pm.

McLaren Falls Road (before McLaren Falls Road bridge 172 from State Highway 29)

South side 3 parallel parking spaces

Omanawa Falls

Prohibited Parking of Vehicles
(Broken Yellow Lines)

THAT pursuant to Clause 1.1(a) of Part 1 of this Bylaw, the parking of vehicles is prohibited at all times in the following locations:

Omanawa Road (both sides)

Commencing at the driveway of 1031 Omanawa Road for 200 metres south.

Paengaroa

Prohibited ~~Stopping or Standing~~ parking of Vehicles (~~No Stopping~~/Broken Yellow Lines)

THAT pursuant to Clause 1.1(a) of Part 1 of this Bylaw, the ~~stopping, standing or~~ parking of vehicles is prohibited at all times in the following locations:

Old Coach Road, ~~Paengaroa~~ (western side)

Commencing 100 metres south of the intersection with Sunset Drive generally south for 5.5 metres.

Old Coach Road, ~~Paengaroa~~ (eastern side)

Commencing 100 metres south of the intersection with Sunset Drive generally south for 8.5 metres

Wilson Road South (Western side)

Commencing 46 metres north of the intersection with State Highway No 33 generally north for 4 metres, to the southern end of the bus stop.

Commencing at the northern end of the bus stop generally north for 5 metres.

Public Vehicle Stands

That pursuant to Clause 1.12.1 of Part 1 of this Bylaw, only public vehicles of the type identified below may stop, stand or park at the following locations:

Bus Stands

Inset Parking Area: (west side)

Between Hall Road and Black Road, opposite the shops.

Heavy vehicle prohibition

Wilson Road South

Heavy vehicles with a gross vehicle mass exceeding 3500kg are prohibited at all times.

Pahoia**Prohibited ~~Stopping or Standing~~ parking of
Vehicles
(~~No Stopping~~/Broken Yellow Lines)**

THAT pursuant to Clause 1.1(a) of Part 1 of this Bylaw, the ~~stopping, standing or~~ parking of vehicles is prohibited at all times in the following locations:

Esdaile Road, Pahoia (western side)

Commencing 20~~18~~ metres south from the intersection with State Highway 2 generally east for ~~261-210~~ metres.

Pongakawa**Prohibited ~~Stopping or Standing~~ parking of
Vehicles
(~~No Stopping~~/Broken Yellow Lines)**

THAT pursuant to Clause 1.1(a) of Part 1 of this Bylaw, the ~~stopping, standing or~~ parking of vehicles is prohibited at all times in the following locations:

Benner Road, (eastern side)

Commencing at the intersection with State Highway 2 generally south for ~~782~~ metres.

Benner Road, (western side)

Commencing at the intersection with State Highway 2 generally south for ~~66-73~~ metres.

Te Puna

Prohibited ~~Stopping or Standing~~ parking of Vehicles (No ~~Stopping~~/Broken Yellow Lines)

THAT pursuant to Clause 1.1(a) of Part 1 of this Bylaw, the ~~stopping, standing or~~ parking of vehicles is prohibited at all times in the following locations:

Minden Road (eastern side)

Commencing 28 metres from the southern side of the intersection with State Highway 2 generally south for ~~1207~~ metres

Minden Road (Western side)

Commencing 20 metres south of the western intersection with State Highway No 2 generally south for 84 metres.

Te Puna Road (western side)

Commencing opposite the ~~southern side of the northern~~ intersection with James Road generally south for ~~5083~~ metres.

Commencing at the southern edge of the pedestrian blister, outside the Te Puna School, generally south for 10 metres

Commencing at the northern edge of the pedestrian blister outside the Te Puna School, generally north for 10 metres.

Te Puna Road (Eastern side)

Commencing at the southern edge of the pedestrian blister, opposite the Te Puna School, generally south for 6 metres.

Commencing at the northern edge of the pedestrian blister, opposite the Te Puna School, general north for 7 metres.

Public Vehicle Stands

That pursuant to Clause 1.12.1 of Part 1 of this Bylaw, only public vehicles of the type identified below may stop, stand or park at the following locations:

Bus Stands

State Highway 2: Te Puna Shops : north side

On State Highway No 2 50 metres east of the intersection with the western exit from the Te Puna commercial area.

~~(on road reserve between 620 and~~

~~626)~~

SH No 2: Te Puna Shops: South side

On State Highway No 2 70 metres east of the centre of the entrance to No 635



[Draft] Freedom Camping Bylaw 20122019

~~(as amended in 2015)~~

Explanatory Note

The Western Bay of Plenty District Council Freedom Camping Bylaw ~~2012–2019~~ ~~(as amended in 2015)~~ was made in accordance with the Freedom Camping Act 2011. This Bylaw regulates freedom camping on Council controlled or managed areas within the Western Bay of Plenty District.

It should be noted that the Western Bay of Plenty District Council Reserves and Facilities Bylaw ~~2012–2018~~ provides for the orderly control and management of Council reserves (other than for freedom camping) and these provisions are of relevance and apply to ensure the benefit and enjoyment of all users of such reserves.



Western Bay of Plenty District Council

**[Draft] Freedom Camping Bylaw
20122019
(as amended in 2015)**

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Title

This Bylaw is the [Draft] Western Bay of Plenty District Council Freedom Camping Bylaw 2019~~2 (as amended in 2015)~~ and shall come into force on 17-December-2015~~XX XXXX~~ 2019.

Bylaw Structure

This Bylaw comprises the document and attached schedules.

Scope

This Bylaw shall apply to the whole of the district administered by Western Bay of Plenty District Council, and other locations that are controlled by Western Bay of Plenty District Council, now and in the future.

Validation

The Western Bay of Plenty District Council Freedom Camping Bylaw 2019~~2 (as amended in 2015)~~ was duly made at a meeting of the Western Bay of Plenty District Council held after completion of the Special Consultative Procedure and will come into force on 17-December-2015~~XX XXXX~~ 2019.

~~The Common Seal of the Western Bay of Plenty District Council was affixed pursuant to a resolution of Council on 17-December-2015. in the presence of:~~

Chief Executive Officer

Seal

Date _____



Western Bay of Plenty District Council

Freedom Camping Bylaw ~~2015~~2019

1. Introduction

1.1. Definitions

In this Bylaw, unless the context requires;

Act means the Freedom Camping Act 2011

Authorised Officer means an officer or other person appointed by the Council to perform duties under this bylaw.

Camping ground means -

- (a) a camping ground that is the subject of a current certificate of registration under the Camping-Grounds Regulations 1985; and
- (b) any site at which a fee is payable for camping at the site

Council means the Western Bay of Plenty District Council

District means the area administered by the Western Bay of Plenty District Council.

Enforcement officer means any person appointed or authorised in writing by the Chief Executive or by the Council to act on its behalf and with its authority to enforce this Bylaw and includes a member of the Police.

Freedom camping means to camp (other than in a camping ground) within 200m of a motor vehicle accessible area or the mean low-water springs line of any sea or harbour, or within 200m of a formed road or a Great Walks Track using 1 or more of the following:

- (a) a tent or other temporary structure
- (b) a caravan
- (c) a car, campervan, housetruck, or other motor vehicle.



In this Bylaw, freedom camping does not include the following activities:

- (a) temporary and short-term parking of a motor vehicle;
- (b) recreational activities commonly known as day-trip excursions;
- (c) resting or sleeping at the roadside in a caravan or motor vehicle to avoid driver fatigue.

Overnight means any period of time between half an hour after sunset on one day to half an hour before sunrise the following day.

Local authority area means an area of land, or any part of any area of land that is within the Western Bay of Plenty District and is controlled or managed by the Council under any enactment, but does not include an area of land that is permanently covered by water.

Person/s - includes a corporation sole and also a body of persons whether corporate or non-corporate.

Reserve means any open space, plantation, park, garden or ground set apart for public recreation or enjoyment which is under the management or control of the Council and includes the buildings and structures within those reserves.

Road has the meaning assigned to it under section 2 of the Land Transport Act 1998. It also means all land lying between the boundaries of a road including footpaths and berms.

Reserve Management Plan means a management plan prepared under section 41 of the Reserves Act 1977 for reserves under the Council's control, management or administration.

Self contained vehicle means a vehicle designated and built for the purpose of camping which has the capability of meeting the ablutionary and sanitary needs of occupants of that vehicle for a minimum of three days without requiring any external services or discharging any waste and complies with New Zealand Standards 5465:2001.

Vehicle has the same meaning as in section 2(1) of the Land Transport Act 1998.

Waste means any kind of waste, including human waste.

2. Purpose

The purpose of this Bylaw is to regulate freedom camping in the Western Bay of Plenty District by identifying local authority controlled and managed areas where



freedom camping is permitted and the restrictions that apply in those areas; and to define areas where freedom camping is prohibited to:

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

3. Areas where freedom camping is prohibited

- 3.1.** No person may freedom camp in any local authority area identified in Schedule 1.

4. Areas where freedom camping is permitted

- 4.1.** Freedom camping is permitted in any of the local authority areas identified in Schedule 2 provided he or she complies with the following general restrictions:

- (a) No person may freedom camp except in a self-contained vehicle;
- (b) No person may freedom camp for more than three nights in any four week consecutive period at any one site. The four consecutive weeks begin from the first overnight stay;
- (c) Self contained vehicle camping or preparing to camp overnight is restricted to the designated self contained vehicle camping area as shown in Schedule 3;
- (d) self contained vehicles must park within existing defined car parking lines.
- (e) Self-contained vehicles must be legally parked.
- (f) No person may light any fire in a local authority area except in a place specifically provided by the Council for that purpose, or with the prior written permission of an authorised officer.
- (g) All waste must be removed from the site and disposed of in a Council approved disposal facility;
- (h) The site must be left in a clean and tidy state;
- (i) Every person must leave and not return if required to leave by an enforcement officer;
- (j) All conditions stipulated on any signs at the site must be complied with;



- (k) No animals may be kept on site except for disability assist dogs as defined in section 2 of the Dog Control Act 1996 or unless a Council bylaw allows the animal at the site, such as through a dog control bylaw.
- (l) No person may freedom camp if the Site has been temporarily closed due to specific events or activities as defined in the Reserves Act 1977 Section 53(d) and (e).

4.2. Freedom camping in tents is permitted in TECT All Terrain Park provided that:

- (a) He or she complies with the general restrictions set out at clause 4.1(f) – 4.1(k); and
- (b) It is in an area specifically set aside for the purpose of camping in tents as described in the aerial maps attached to Schedule 3 and the length of stay does not exceed two nights in any four week consecutive period; or
- (c) ~~The express written p~~Permission of the TECT All Terrain Park Manager is first obtained and any restrictions imposed on that permission complied with.



5. Offences and penalties

5.1. Every person commits an offence who –

- (a) freedom camps or makes preparation to freedom camp in the District in breach of any prohibition or restriction in this Bylaw
- (b) interferes with or damages the area, its flora or fauna or any structure in the area
- (c) deposits waste on the land
- (d) discharges a substance which is likely to be noxious, dangerous, offensive or objectionable to the extent that it has or is likely to have a significant adverse effect on the environment; or has caused, or is likely to cause, significant concern to the community or users of the area or land under section 20(2) of the Act
- (e) obstructs, hinders, impedes, assaults, threatens or behaves in a threatening manner or intimidates an enforcement officer, or incites others to do so, in the performance of any duty or exercise of any power conferred upon the enforcement officer under this Bylaw
- (f) fails or refuses to leave a local authority area when required to do so by an enforcement officer
- (g) refuses to give information when required to do so by an enforcement officer in accordance with clause 5.2 below or gives false or misleading information.

5.2. Where an enforcement officer believes on reasonable grounds that a person has committed or is committing an offence the enforcement officer may direct the person to give:

- (a) his or her full name, date of birth, full address, telephone number, and occupation, and
- (b) the full name, date of birth, full address, telephone number, occupation, and whereabouts of any person connected in any way with the alleged offence.



6. Penalties for breach of bylaw

- 6.1.** A person who commits an offence against this Bylaw is liable to:
- (a) an infringement fee the amount prescribed by regulations made under section 43 of the Act for the offence; or
 - (b) \$200.00, if no fee is prescribed for the offence.
- 6.2.** A person who is convicted of an offence against section 20(2) of the Act is liable to a fine not exceeding \$10,000.

7. Schedules

- 7.1.** Schedule 1 – Areas where freedom camping is prohibited.
- 7.2.** Schedule 2 – Areas where freedom camping is permitted.
- 7.3.** Schedule 3 – Aerial Maps where freedom camping is permitted
- 7.4.** Motorhome Wastewater Dump Stations

8. Review of Bylaw

- 8.1.** This Bylaw is required by section 13 of the Freedom Camping Act 2011 to be reviewed no later than 5 years after the Bylaw was made and thereafter no later than 10 years after the Bylaw was last reviewed.



Schedule 1 – Areas where freedom camping is prohibited

Freedom camping on roads is prohibited in the following urban areas:

- **Katikati urban area** encompassing the entire length of State Highway 2 in the 50 km/h zone and all parking areas adjacent to the State Highway; Talisman Drive and Kotahi Lane.
- **Te Puke urban area** encompassing the entire length of State Highway 2 in the 50 km/h zone and all parking areas adjacent to the State Highway; Commerce Lane and Queen Street including the adjacent Council owned parking areas.
- **Waihi Beach urban area** encompassing Wilson Road from Waihi Beach Road to Dillon Street; Beach Road from Wilson Road to the entry of the car parking area adjoining the Surf Club.
- **Maketu** including Beach Road.

Freedom camping is prohibited on the following roads:

- **Ngamuwahine Road**, off SH 29, Kaimai.
- **Plummers Point Road**, from Kotuku Reserve to Huharua Park

Freedom camping is prohibited in the following reserves administered by Council and for the avoidance of doubt includes any road/car parks (whether formed or unformed) associated with that reserve:

Katikati/Waihi Beach Ward

Reserve Name	Location
Aongatete Domain Reserve	Morton Road, Aongatete, Katikati
Binnie Road Reserve	Binnie Road, Katikati
Earl Drive Reserve	Earl Drive, Katikati
Gilfillan Drive Reserve	Gilfillan Drive, Katikati
Henry Road Wildlife Refuge	Henry Road, Katikati
Lancaster Road Landing Reserve	Lancaster Road, Katikati
Levley Lane Reserve	Levley Lane, Katikati
Lund Road Reserve (Forestry Block)	Lund Road, Katikati
Ongare Point Reserve	Ongare Point Road, Ongare, Katikati
Park Road Tennis Reserve	Park Road, Katikati
Park Road/Beach Road Reserve	Park Road/Beach Road, Katikati
Park Road Reserve	Park Road, Katikati

Sapphire Springs Recreation Reserve	Hot Springs Road, Katikati
Sharp Road Landing Reserve	Sharp Road (unformed Road), Katikati
Sheffield Street Reserve	Sheffield Street, Katikati
Tahawai Reserve	SH 2/Tanners Point Rd, Katikati
Tamawhariua Reserve	Beach Road, Katikati
Tetley Road Landing Reserve	Tetley Road, Katikati
Twickenham Close Reserve	Twickenham Close, Katikati
Waterford Reserve	Waterford Road, SH 2, Katikati
Woodlands Road Esplanade Reserve	Woodlands Road, Katikati

Katikati/Waihi Beach Ward

Reserve Name	Location
Adela Stewart Drive Reserve	Adela Stewart Drive, Athenree
Athenree Historic Reserve	Pohutukawa Drive, Athenree
Athenree Homestead Reserve	Athenree Road, Athenree
Athenree Motorcamp	Waione Ave, Athenree
Athenree South Foreshore Reserve	Athenree, Harbour
Athenree North Foreshore Reserve	Athenree, Harbour
Beach Road Reserve	Beach Road, Waihi Beach
Beachaven Holiday Park	Leo Street, Waihi Beach
Bowentown Reserve (Balance)	Seaforth Road, Bowentown, Waihi Beach
Bowentown Reserve (Leased as Holiday Park)	Seaforth Road, Bowentown, Waihi Beach
<u>Bowentown Domain (Anzac Bay) **</u>	<u>Seaforth Road, Waihi Beach</u>
Brewer Park	Shaw Road, Waihi Beach
Bridgeman Lane Esplanade Reserve	Bridgeman Lane, SH2
Broadlands Block	Beach Road, Waihi Beach
Coronation Park Reserve	Leo Street, Waihi Beach
Didsbury Drive Drainage Reserve	Didsbury Drive, Waihi Beach
Doctor North Memorial Reserve	Pohutukawa Drive, Athenree
<u>Fyfe Road Utilities Reserve</u>	<u>1 Fyfe Road, Waihi Beach</u>
Koutunui Reserve	Koutunui Road, Athenree
Ocean View Road Reserve	Ocean View Road, Waihi Beach
Papaunahi Road Recreation Reserve	Papaunahi Road Seaforth Road, Bowentown,
Pio Shores Recreation and Drainage Reserve	Pio Shores, Waihi Beach
Pohutukawa Park	Seaview Road, Waihi Beach
Roretana Drive Reserve	Roretana Drive, Athenree
Seaforth Road Reserve	Seaforth Road, Waihi Beach



Shaw Road Reserve	Shaw Road, Waihi Beach
Three Mile Creek Reserve	Seaforth Road, Waihi Beach
Tohoroa View and Brown Drive Drainage Reserve	Tohoroa View and Brown Drive, Waihi Beach
Tui Park	Bowentown Boulevard, Bowentown.
Waihi Beach Holiday Park	Beach Road, Waihi Beach
Waihi Beach Plunket Reserve	Marine Ave, Waihi Beach
Waihi Beach Surf Club Reserve	The Esplanade, Waihi Beach
Waihi Beach water catchment reserve	Oceanview Road, Waihi Beach
Waiiti Ave Reserves	Waiiti Ave, Bowentown, Waihi Beach
Wilson Park	Citrus Ave, Waihi Beach

Kaimai Ward

Reserve Name	Location
Beach Grove Recreation Reserve, the Esplanade reserve between Beach Grove and the southern end of The Esplanade and the entire length of The Esplanade Road	Omokoroa.
Gerald Crapp Historic Reserve	Harbour Road, Omokoroa
Hamurana Reserve	Hamurana Road, Omokoroa
Hunters Creek Landing Reserve	Hunters Creek, Matakana Island
Kaiate Hall	Waitao Road, Welcome Bay, Tauranga
Kotuku Recreation Reserve	Plummers Point Road, Te Puna
Links View Drive Reserve	Links View Drive, Omokoroa
Lower Kaimai Hall site (former)	SH 29, Kaimai
Lower Kaimai Reserve	SH 29, Kaimai
Matakana Island Reserve	Matakana Island
Minden Lookout	Minden Road, Te Puna
Minden Scenic Reserve	Minden Road, Te Puna
Mountain Road Quarry Reserve	Mountain Road, Oropi, Tauranga
Nell's Dell	Nell's Dell , Omokoroa Road, Omokoroa
Ngamuwahine Local Purpose Esplanade reserves	Ngamuwahine Road, Lower Kaimai
Ohauti Settlers Hall	Ohauti Road, Welcome Bay, Tauranga
Omanawa Hall/Domain	Omanawa Road, Tauranga
Omokoroa Service Centre/Library (former fire station site)	McDonnell Street, Omokoroa
Omokoroa Settlers Hall	Omokoroa Road, Omokoroa
Ongaonga Scenic Reserve	SH 29, Kaimai
Oropi War Memorial Hall	Oropi Road, Tauranga

Pahoia Land Reserve	Pahoia Road, Katikati
Panepane	Matakana Island
Poripori Picnic area	Poripori Road, SH 29
Precious Family Reserve	Hamurana Road, Omokoroa
Prole Road harbour access	Prole Road, Omokoroa
Pyes Pa Hall	Pyes Pa Road, Tauranga
Te Kopa O Te Hotu Reserve	Lindock -Lindoch Ave, Te Puna
Te Puna War Memorial Hall	Te Puna Road/SH2, Te Puna
Tinopai Reserve	Margaret Place, Omokoroa
<u>Western Avenue Utilities Reserve</u>	<u>Rear of 43 Western Avenue, Omokoroa</u>
Wairoa River Reserve Road	Wairoa River Reserve Road (immediately north of the Wairoa River bridge)
<u>Wairoa Road Reserve area</u>	<u>End of Wairoa Road (next to rowing club)</u>
Walnut Grove Reserve	Walnut Grove, Omokoroa
Whakamarama Hall	Whakamarama Road, Whakamarama

Maketu/Te Puke Ward

Reserve Name	Location
Arawa Ave Reserve	Arawa Ave, Maketu
Conway Road Reserve	Conway Road, Paengaroa
Kaituna River and Kaituna Bridge Esplanade	Kaituna River, SH 2.
Kaituna Sand Spit and Recreation Reserve	Ford Road, Kaituna
Kiokio Place Reserve	Kiokio Place, Maketu
MacDougall's Quarry Reserve	MacDougall's Quarry Road, Otamarakau
Maketu Local Purpose and Historic Reserve	Maketu Road, Maketu
Maramarua Park	Pukehina Parade, Pukehina
Ngaparaoa Drive Reserve	Ngaparaoa Drive, Maketu
Old Coach Road/Pokopoko Stream	Old Coach Road, Paengaroa
Ororoa Park	Pukehina Parade, Pukehina
Palm Park	Pukehina Parade, Pukehina
Pongakawa Domain	Pongakawa
Pukehina Ocean Reserves	Pukehina
Pukehina Parade Esplanade Reserve	Pukehina Parade, Pukehina
Seabreeze Park	Pukehina Parade, Pukehina
Spencer Ave Reserve	Spencer Ave, Maketu
Waitangi Quarry Reserve	Waitangi, SH 2, Te Puke

Whakaue – Maketu Sports Ground	Maketu Road, Maketu
Williams Crescent Reserve	Williams Crescent, Maketu

Maketu/Te Puke Ward

Reserve Name	Location
Ben Keys Street Road Reserve	Ben Keys Street, Te Puke
Boucher Ave Reserve	Boucher Ave/Jocelyn Street, Te Puke
Fairhaven Park	Boucher Ave, Te Puke
Gemming Green	Clydesburn Ave, Te Puke
Gordon Street Reserve	Gordon Street, Te Puke
Hayward Court Reserve	Hayward Court, Te Puke
Lawrence Oliver Park	SH 2 Te Puke
Te Puke Domain	Beatty Ave/Queen Street, Te Puke
Te Puke Holiday Park	SH 2, Te Puke
Te Puke Service Centre/Library	Jellicoe Street, Te Puke
Te Puke Small Bore Rifle Club Reserve	Atuaroa Ave/Jellicoe Street, Te Puke
Te Puke War Memorial Hall	Jellicoe Street, Te Puke



Schedule 2 – Areas where freedom camping is permitted

Freedom camping is permitted in the following local authority areas provided he or she complies with the general restrictions set out in clauses 4.1 and 4.2 of this Bylaw.

Katikati/Waihi Beach Ward

Reserve Name	Location	Map Reference
Pohutukawa Park*	The Esplanade, Waihi Beach	1
Brighton Reserve **	Brighton Road, Waihi Beach	2
Waihi Beach Community Centre	Beach Road, Waihi Beach	3
Island View Reserve	Seaforth Road, Waihi Beach	4
Island View Esplanade Reserve (Tuna Ave)	Corner Broadway Road/Tuna Ave, Waihi Beach	5
Bowentown Domain Formed Carpark	Seaforth Road, Waihi Beach	6
Bowentown Domain (Anzac Bay) **	Seaforth Road, Waihi Beach	7

Katikati/Waihi Beach Ward

Tanners Point Utility Reserve	Tanners Point Road	8
Tuapiro Reserve	Tuapiro Road	9
McMillan Road Reserve (including road)	McMillan Road	10
Kauri Point Historic Reserve	Kauri Point Road	11
Lindemann Lookout Reserve (including road)	Lindemann Road	12
Uretara Domain	Major Street off Katikati Main Road	13
Moore Park	Fairview Road, Katikati	14
Vesey Stewart Reserve	Carisbrooke Street, Katikati	15
Haiku Park	Main Road, Katikati	16
Diggemann Park (including road)	Main Road, Katikati	17
MacMillan Reserve	Beach Road, Katikati	18
Hunter Estate Reserve	Wharawhara Road	19



- * Freedom camping is prohibited from the conclusion of Labour weekend through to the conclusion of the following Easter weekend.
- ** Freedom Camping is prohibited from the beginning of the third weekend of December up to and including 10 February in each year.

**Kaimai Ward**

Reserve Name	Location	Map Reference
Apata Hall (Old Site)	Wainui South, Apata	20
Pahoia Domain	Pahoia Beach Road, Pahoia	21
Omokoroa Domain	The Esplanade, Omokoroa	22
Cooney Reserve	Omokoroa Road, Omokoroa	23
Omokoroa Sports Ground	Western Avenue, Off Omokoroa Road, Omokoroa	24
Huharua Park	Plummers Point Road, Omokoroa	25
Waitui Reserve	Matahui Road	26
Maramatanga Park	Tangitu Road, Te Puna	27
Maramatanga Park (Tennis)	Tangitu Road, Te Puna	28
Te Puna Station Road Reserve	Te Puna Station Road, adjacent railway bridge	29
Wairoa Road Reserve	Wairoa Road, Te Puna	30
Puketoki Scenic Reserve (including road)	Leyland Road, Off Whakamarama Road	31
Kaiate Falls Scenic Reserve	Kaiate Falls Road, Waitao, Tauranga	32
TECT All Terrain Park	State Highway 36, Tauranga	33, 34

Maketu/Te Puke Ward

Reserve Name	Location	Map Reference
Centennial Park	No 3 Road Car park, Te Puke	35
Hayward Park	Atuaroa Avenue, Te Puke	36
Donovan/Pioneer Park	Dunlop Road, Te Puke	37
Landscape Road	Landscape Road, Te Puke	38
Jamieson Oval/Jubilee Park	Commerce Lane Car Park, Te Puke	39

**Maketu/Te Puke Ward**

Reserve Name	Location	Map Reference
Paengaroa Domain	SH 33, Paengaroa	40
Maketu Surf Lifesaving Club and Car Park Reserve*	Beach Road, Townpoint Road, Maketu	41
Park Road Reserve*	Park Road, Maketu	42
Dotteral Point Reserve	Pukehina Parade North, Pukehina	43
Motunau Park	Pukehina Parade, Pukehina	44
Midway Park	Pukehina Parade, Pukehina	45
Poutuia Park	Pukehina Parade South, Pukehina	46
Otamarakau Beach Access	SH 2, Otamarakau	47

- * Freedom camping is prohibited from the conclusion of Labour weekend through to the conclusion of the following Easter weekend.



Schedule 3 – Aerial Maps where freedom camping is permitted

NB: Motorhome Wastewater Dump Stations are shown on the following maps:

- Map 04
- Map 13
- Map 22
- Map 39
- Map 48

POHUTUKAWA PARK - THE ESPLANADE

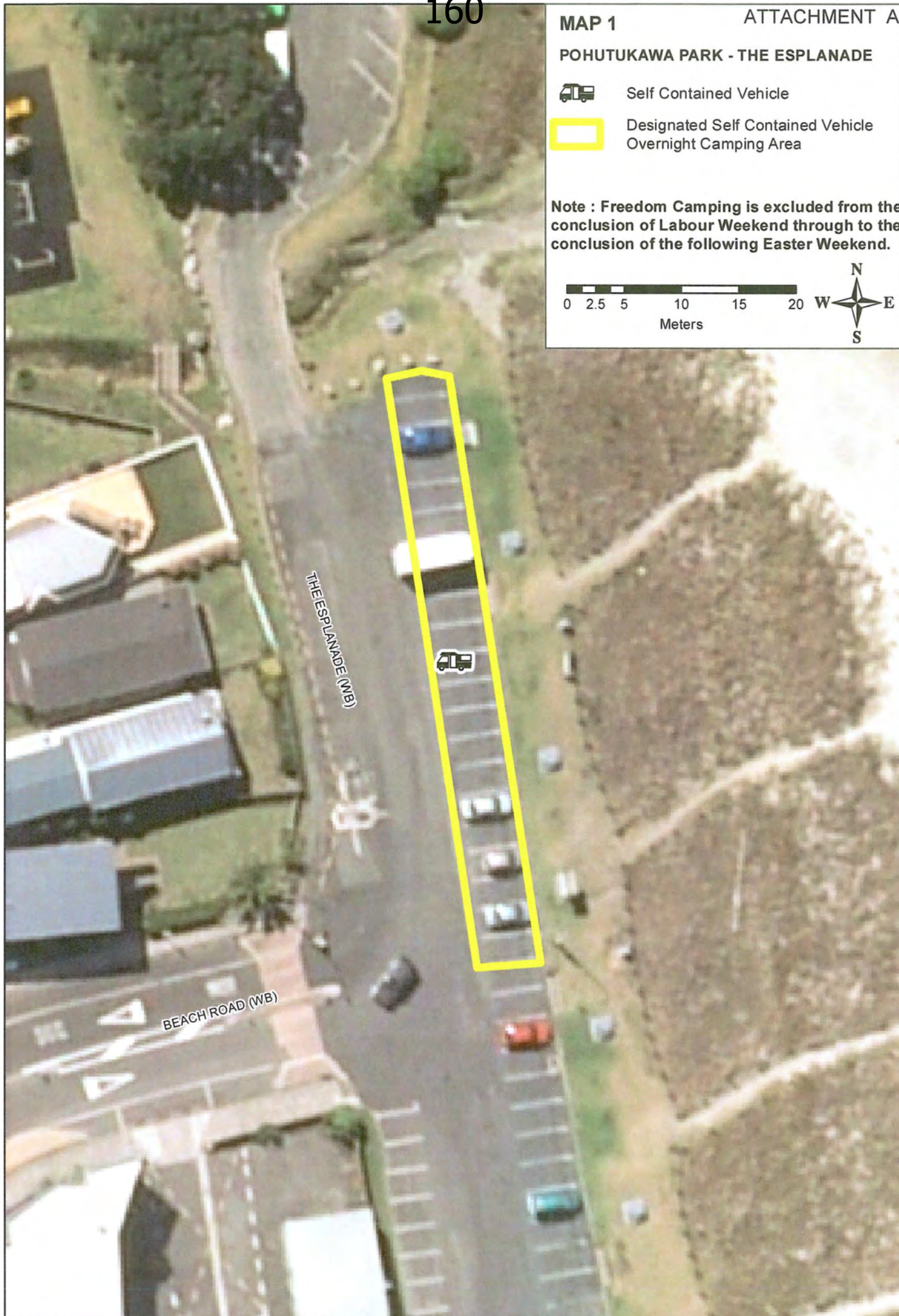
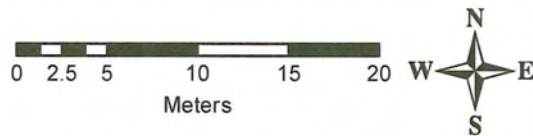


Self Contained Vehicle





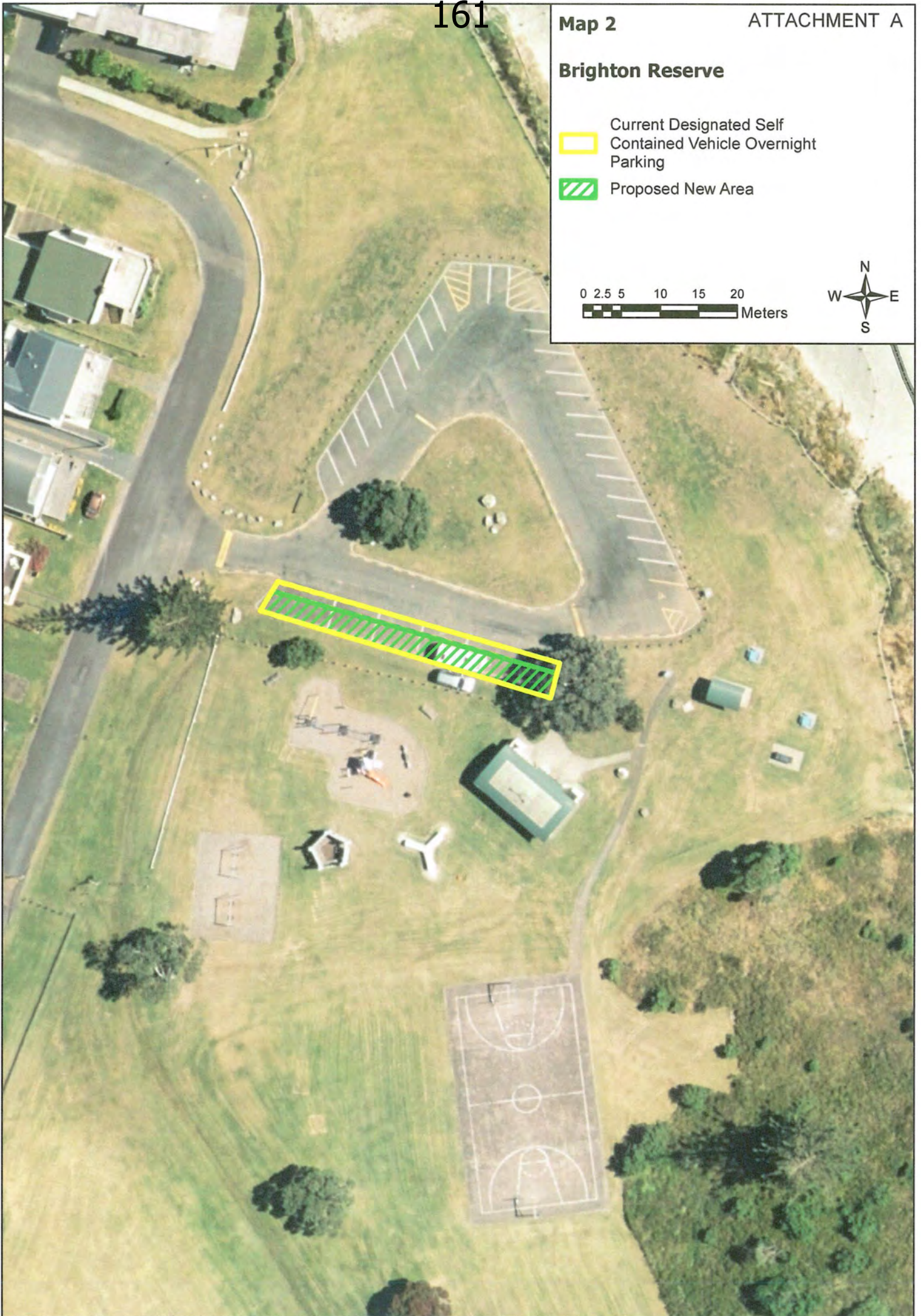
Designated Self Contained Vehicle Overnight Camping Area

Note : Freedom Camping is excluded from the conclusion of Labour Weekend through to the conclusion of the following Easter Weekend.



Brighton Reserve

-  Current Designated Self Contained Vehicle Overnight Parking
-  Proposed New Area



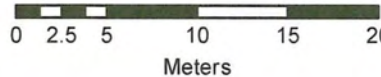
WAIHI BEACH COMMUNITY CENTRE



Self Contained Vehicle



Designated Self Contained Vehicle Overnight Camping Area



ISLAND VIEW RESERVE



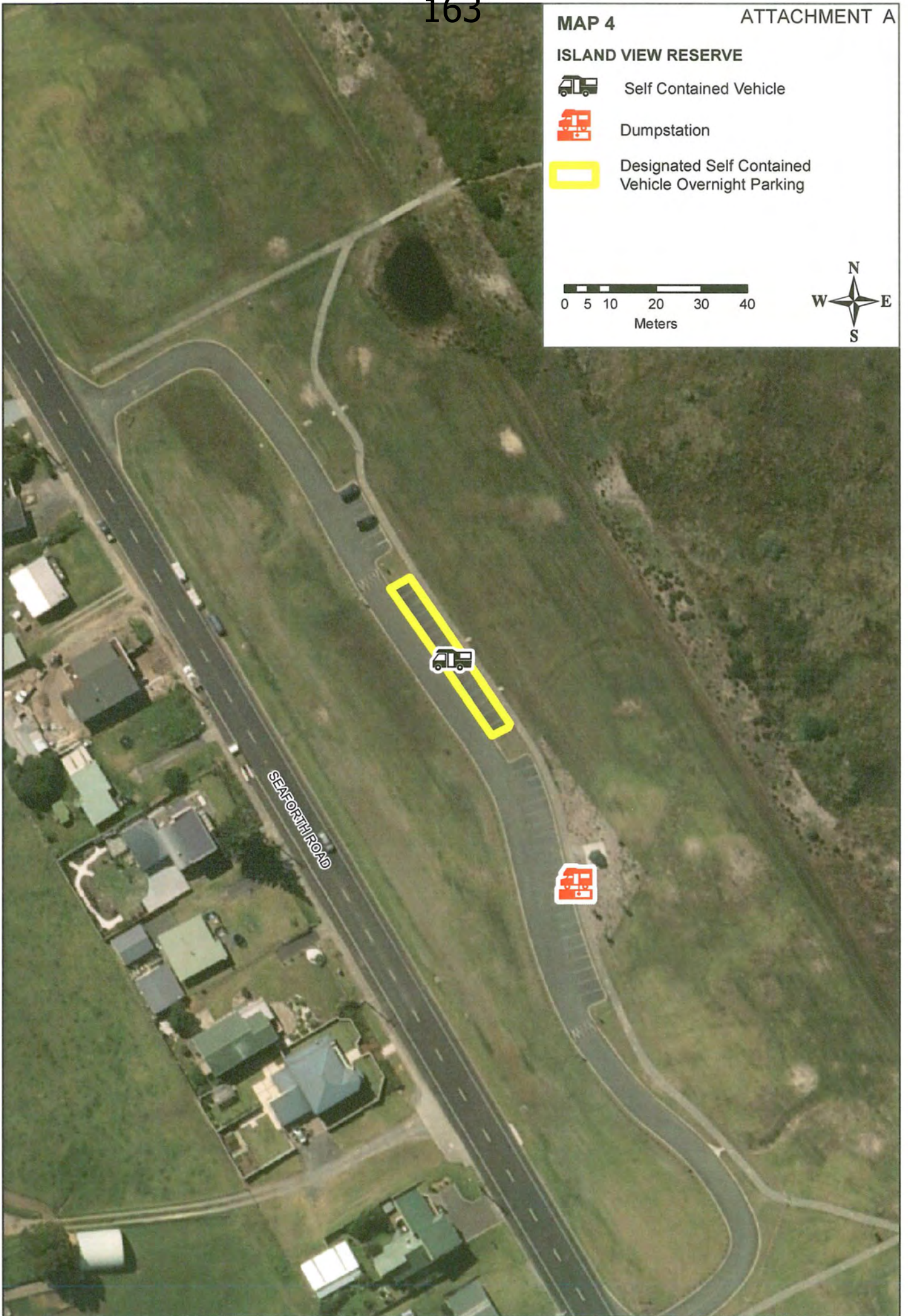
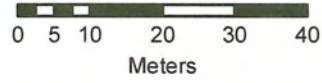
Self Contained Vehicle



Dumpstation



Designated Self Contained Vehicle Overnight Parking



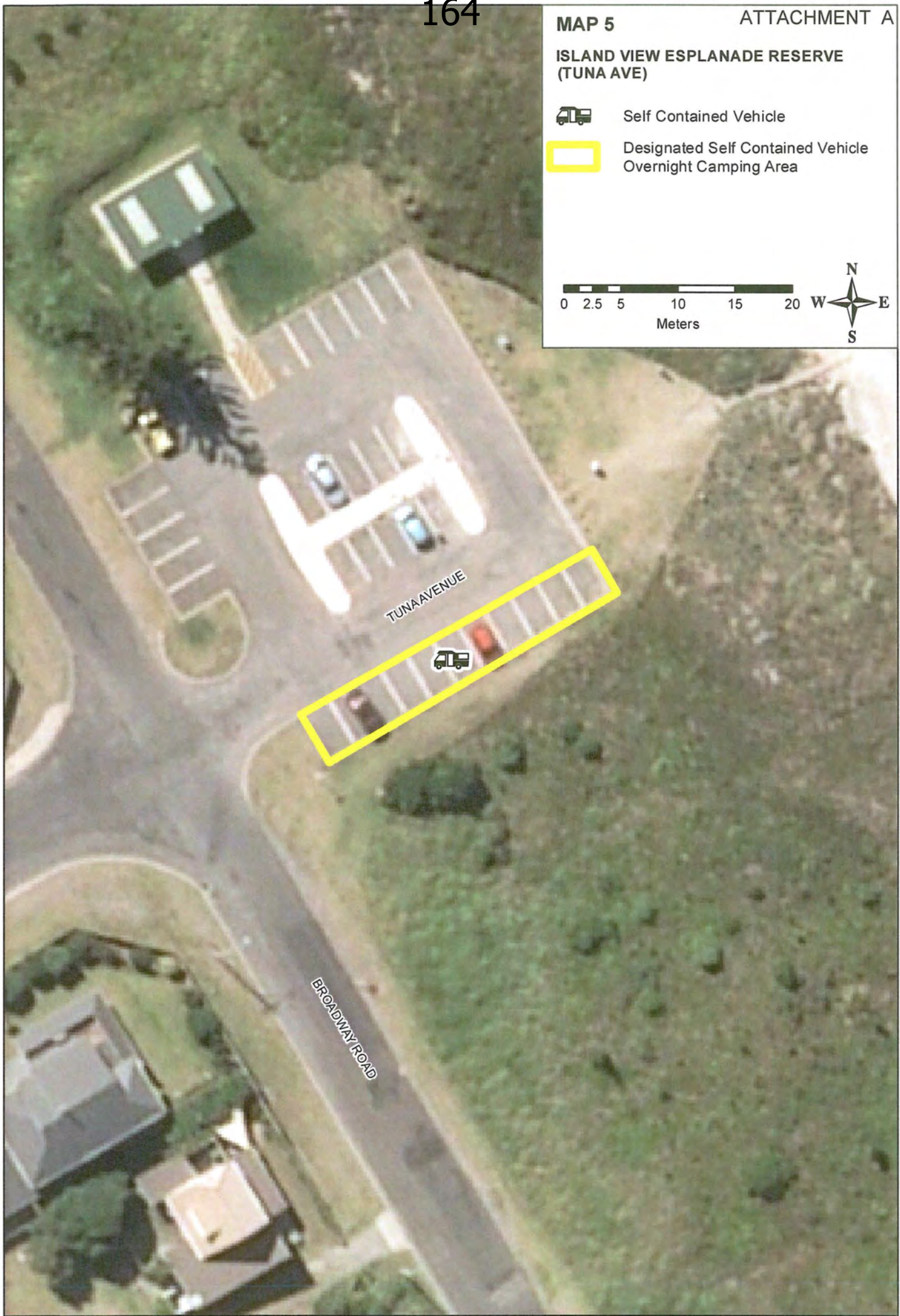
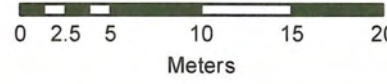
ISLAND VIEW ESPLANADE RESERVE
(TUNA AVE)



Self Contained Vehicle



Designated Self Contained Vehicle
Overnight Camping Area



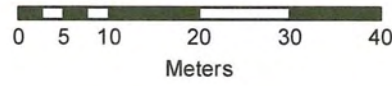
BOWENTOWN DOMAIN FORMED CARPARK



Self Contained Vehicle



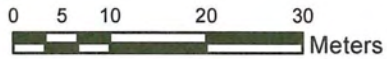
Designated Self Contained Vehicle Overnight Camping Area



Bowentown Domain (ANZAC Bay)

-  Current Designated Self Contained Vehicle Overnight Parking
-  Proposed Area to be Prohibited

Note: Freedom Camping is prohibited from the beginning of the third weekend of December up to and including the 10th February in each year. Freedom Camping area is on grassed area 1.5m behind kerb.



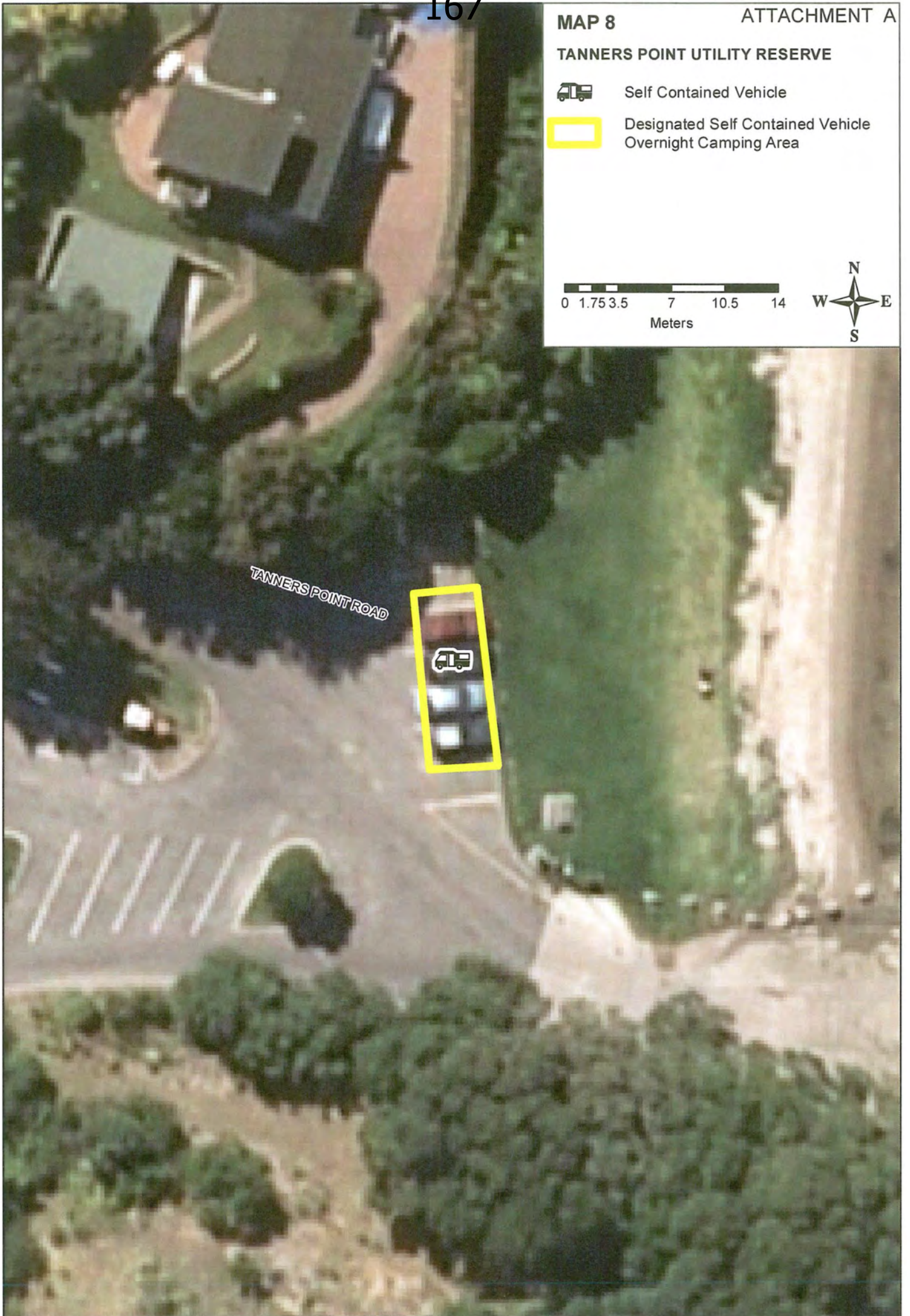
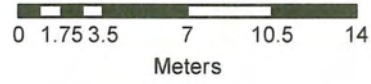
TANNERS POINT UTILITY RESERVE



Self Contained Vehicle



Designated Self Contained Vehicle Overnight Camping Area



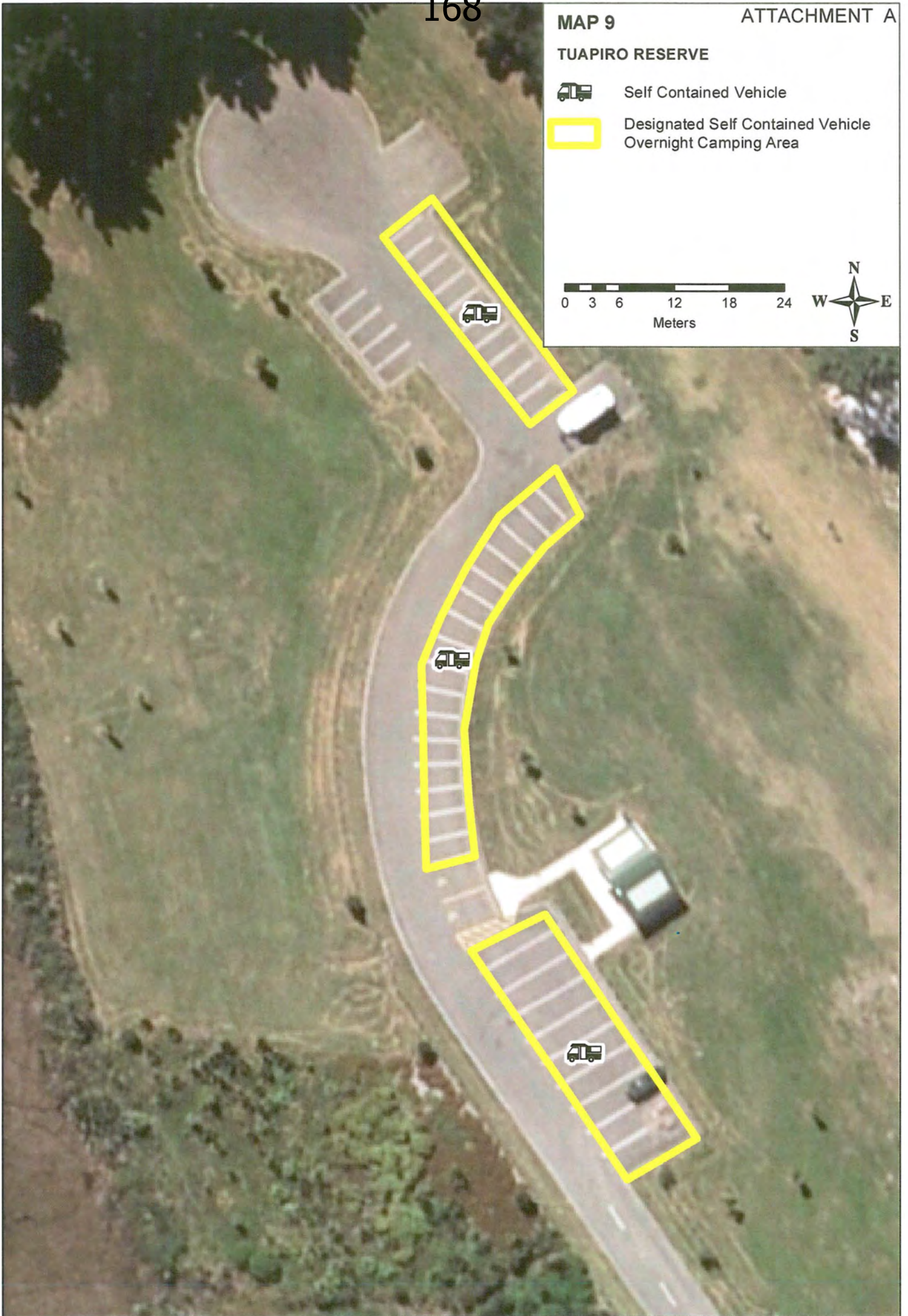
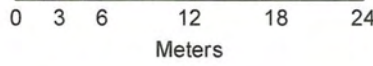
TUAPIRO RESERVE



Self Contained Vehicle



Designated Self Contained Vehicle Overnight Camping Area



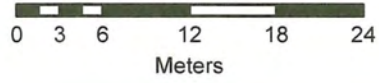
MCMILLAN ROAD RESERVE



Self Contained Vehicle



Designated Self Contained Vehicle Overnight Parking



MCMILLAN ROAD

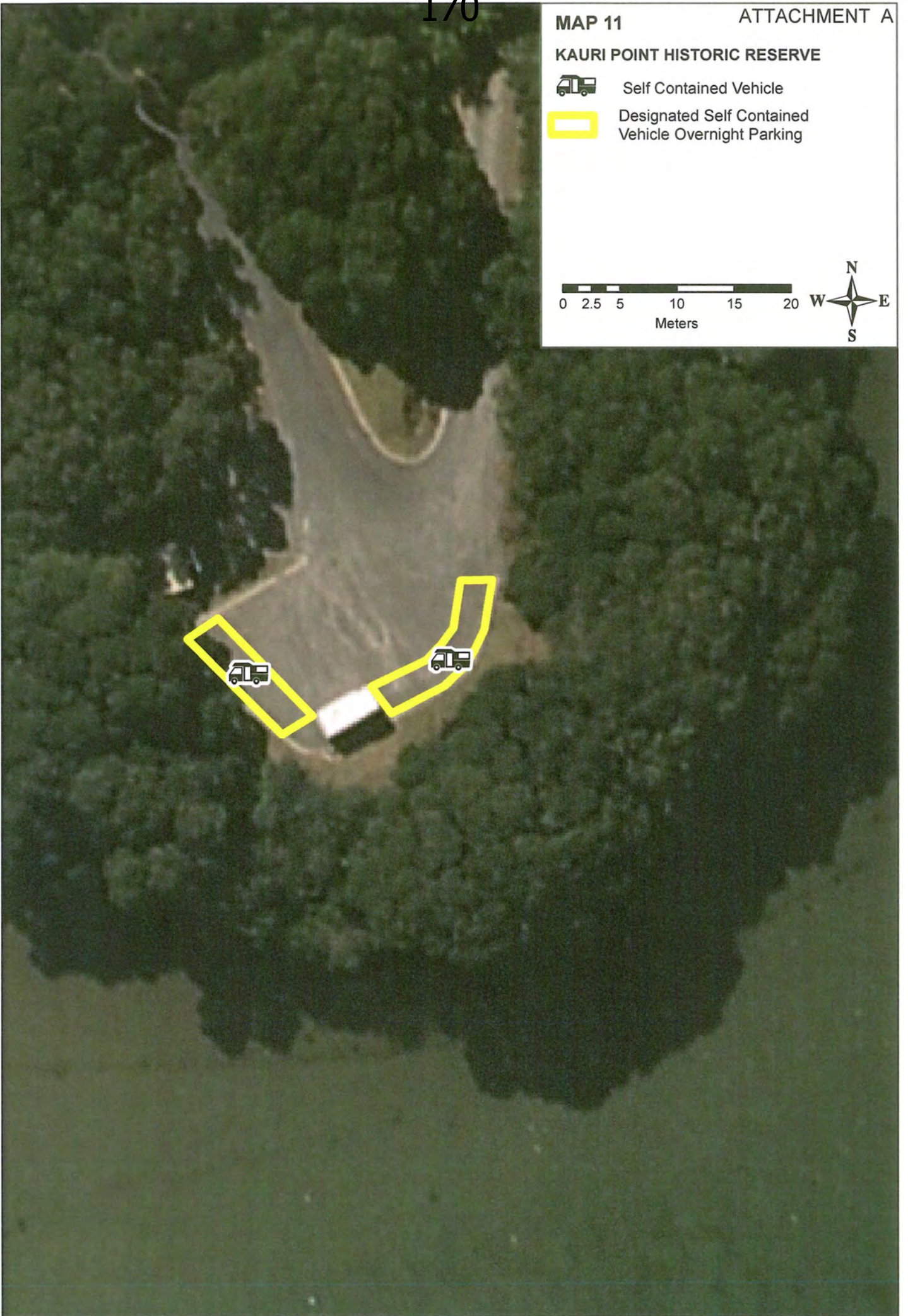
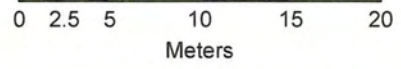
KAURI POINT HISTORIC RESERVE



Self Contained Vehicle



Designated Self Contained Vehicle Overnight Parking



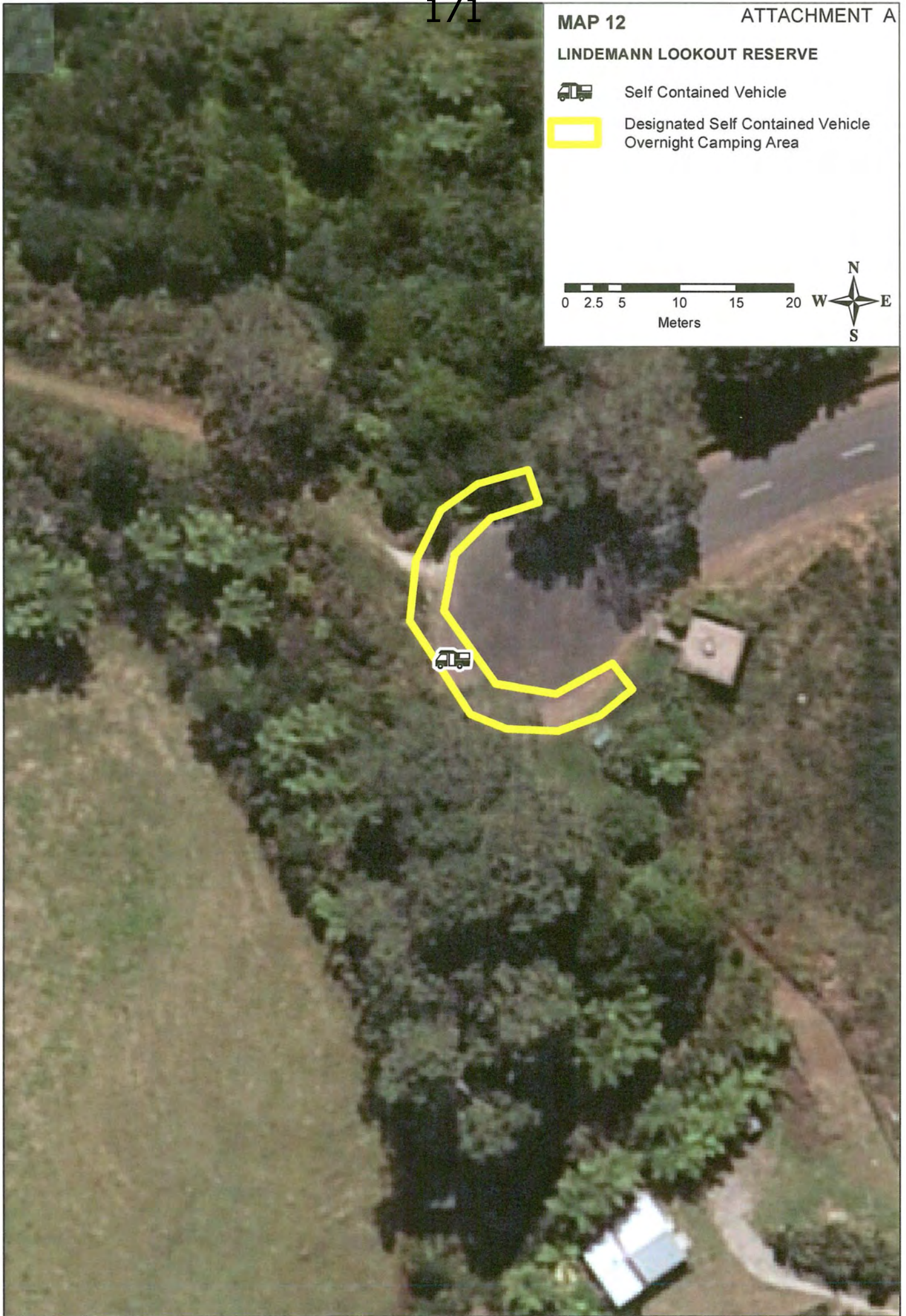
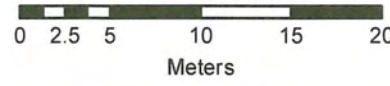
LINDEMANN LOOKOUT RESERVE



Self Contained Vehicle



Designated Self Contained Vehicle Overnight Camping Area



URETARA DOMAIN



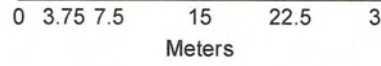
Self Contained Vehicle



Dumpstation



Designated Self Contained Vehicle Overnight Camping Area



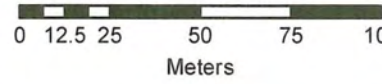
MOORE PARK



Self Contained Vehicle



Designated Self Contained Vehicle Overnight Camping Area



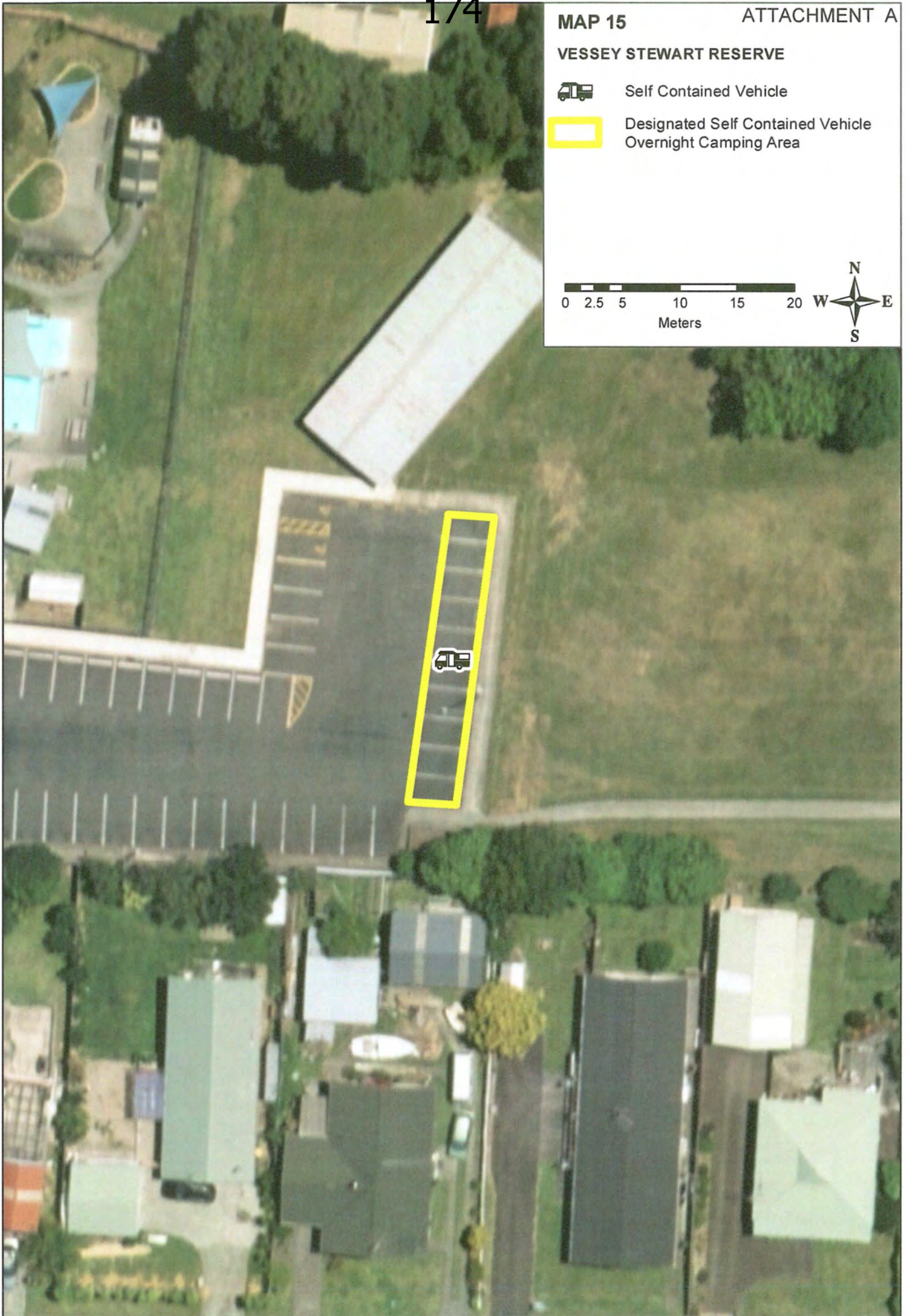
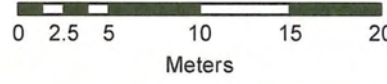
VESSEY STEWART RESERVE



Self Contained Vehicle



Designated Self Contained Vehicle Overnight Camping Area



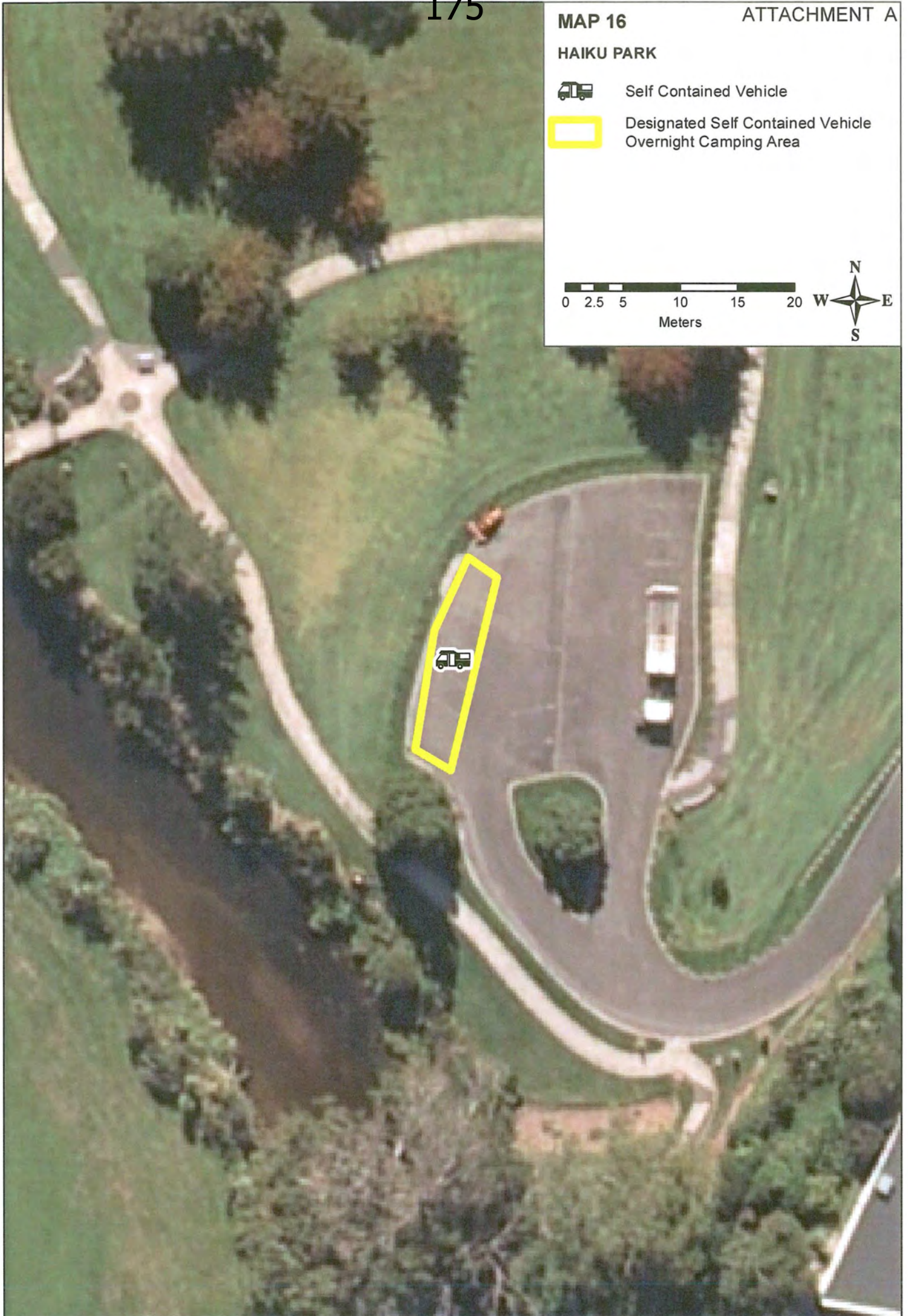
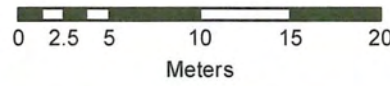
HAIKU PARK



Self Contained Vehicle



Designated Self Contained Vehicle Overnight Camping Area



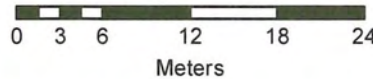
DIGGLEMANN PARK



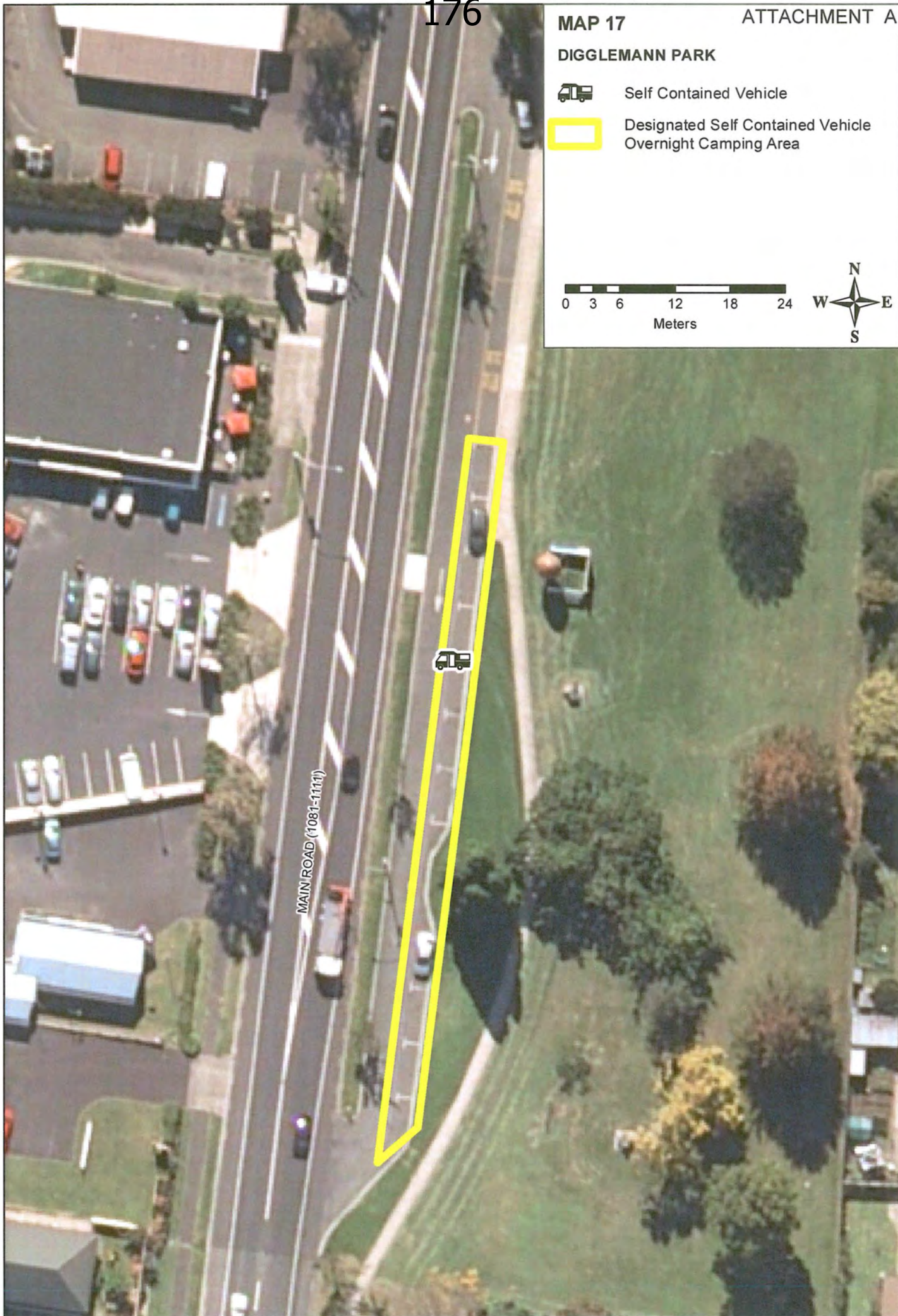
Self Contained Vehicle



Designated Self Contained Vehicle Overnight Camping Area



Meters



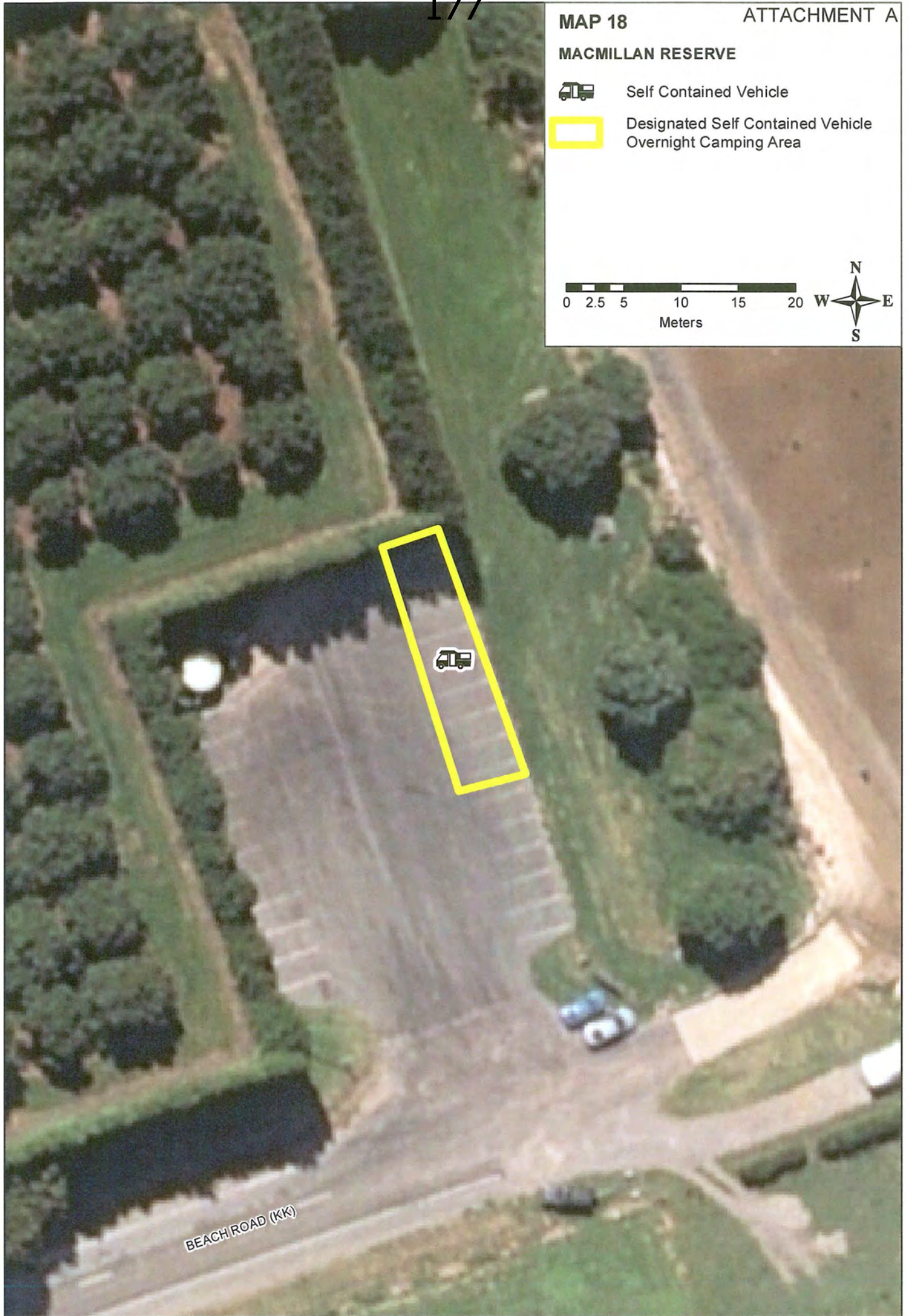
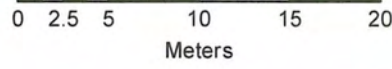
MACMILLAN RESERVE



Self Contained Vehicle



Designated Self Contained Vehicle Overnight Camping Area



BEACH ROAD (KK)

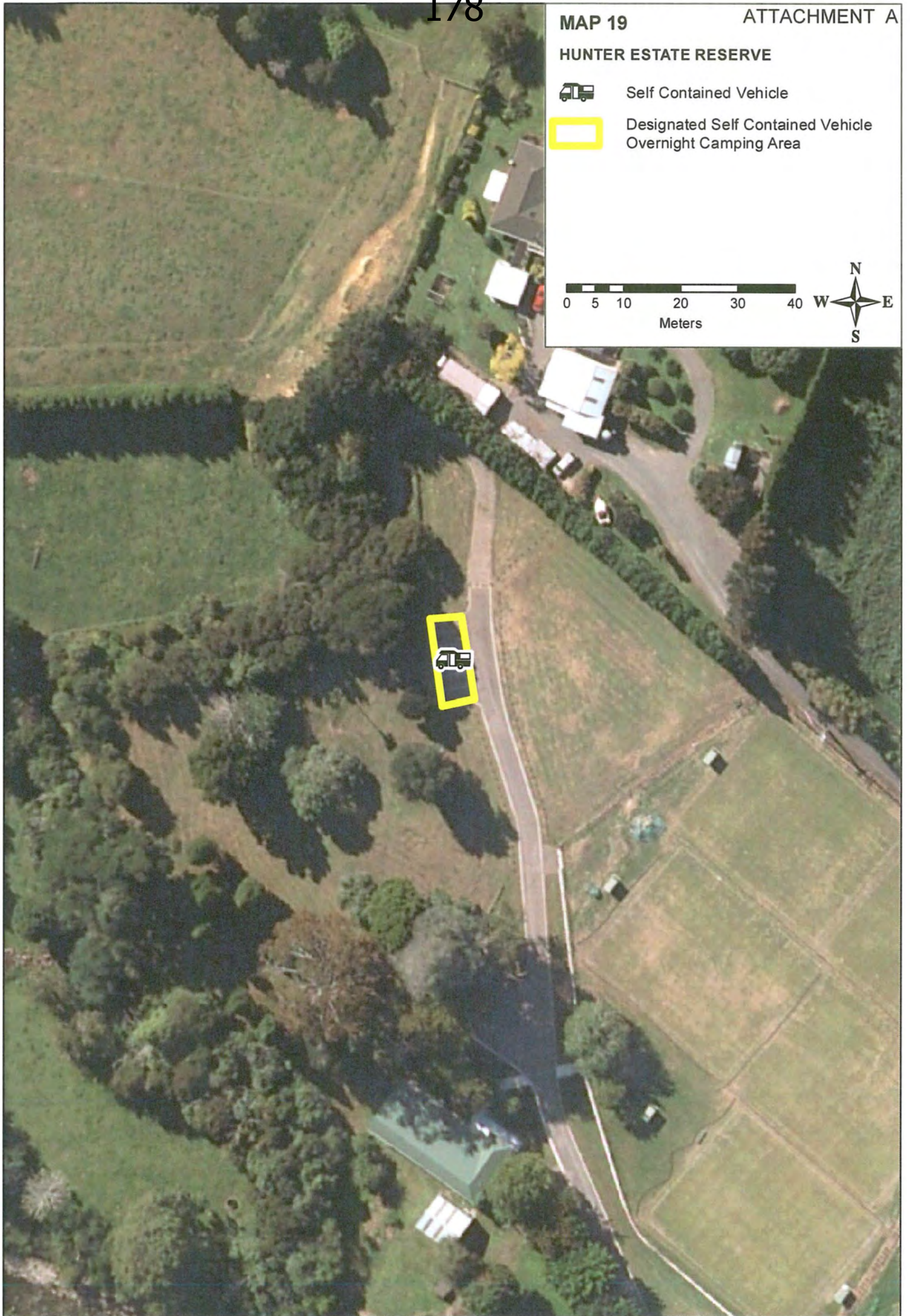
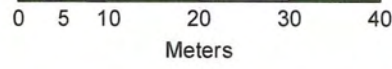
HUNTER ESTATE RESERVE



Self Contained Vehicle



Designated Self Contained Vehicle Overnight Camping Area



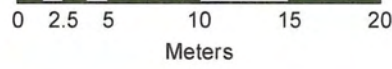
APATA HALL (OLD SITE)



Self Contained Vehicle



Designated Self Contained Vehicle Overnight Camping Area



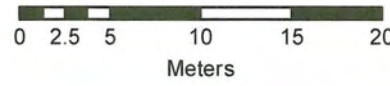
PAHOIA DOMAIN



Self Contained Vehicle



Designated Self Contained Vehicle Overnight Camping Area



OMOKOROA DOMAIN



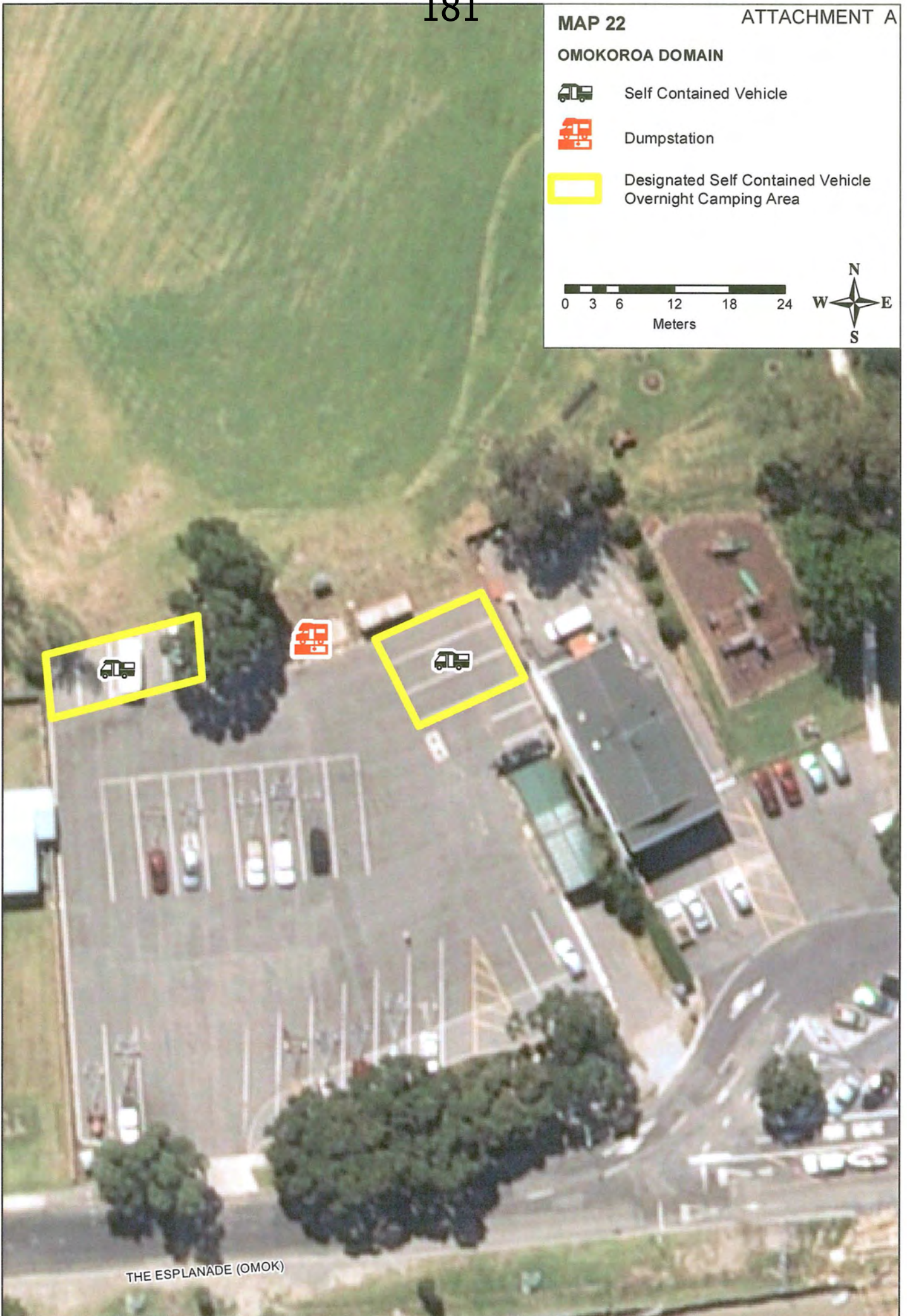
Self Contained Vehicle



Dumpstation



Designated Self Contained Vehicle Overnight Camping Area



THE ESPLANADE (OMOK)

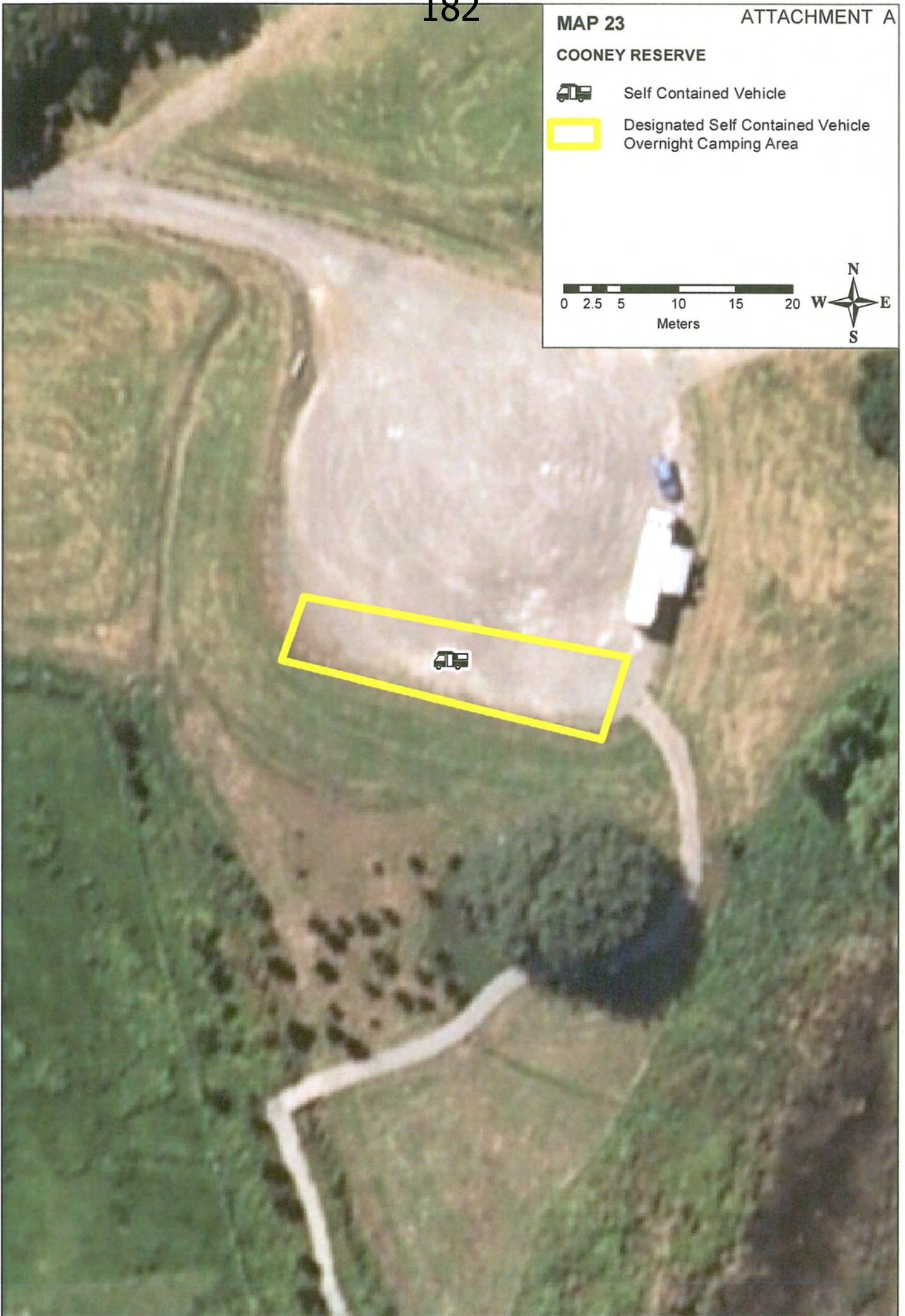
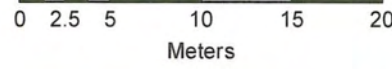
COONEY RESERVE



Self Contained Vehicle



Designated Self Contained Vehicle Overnight Camping Area



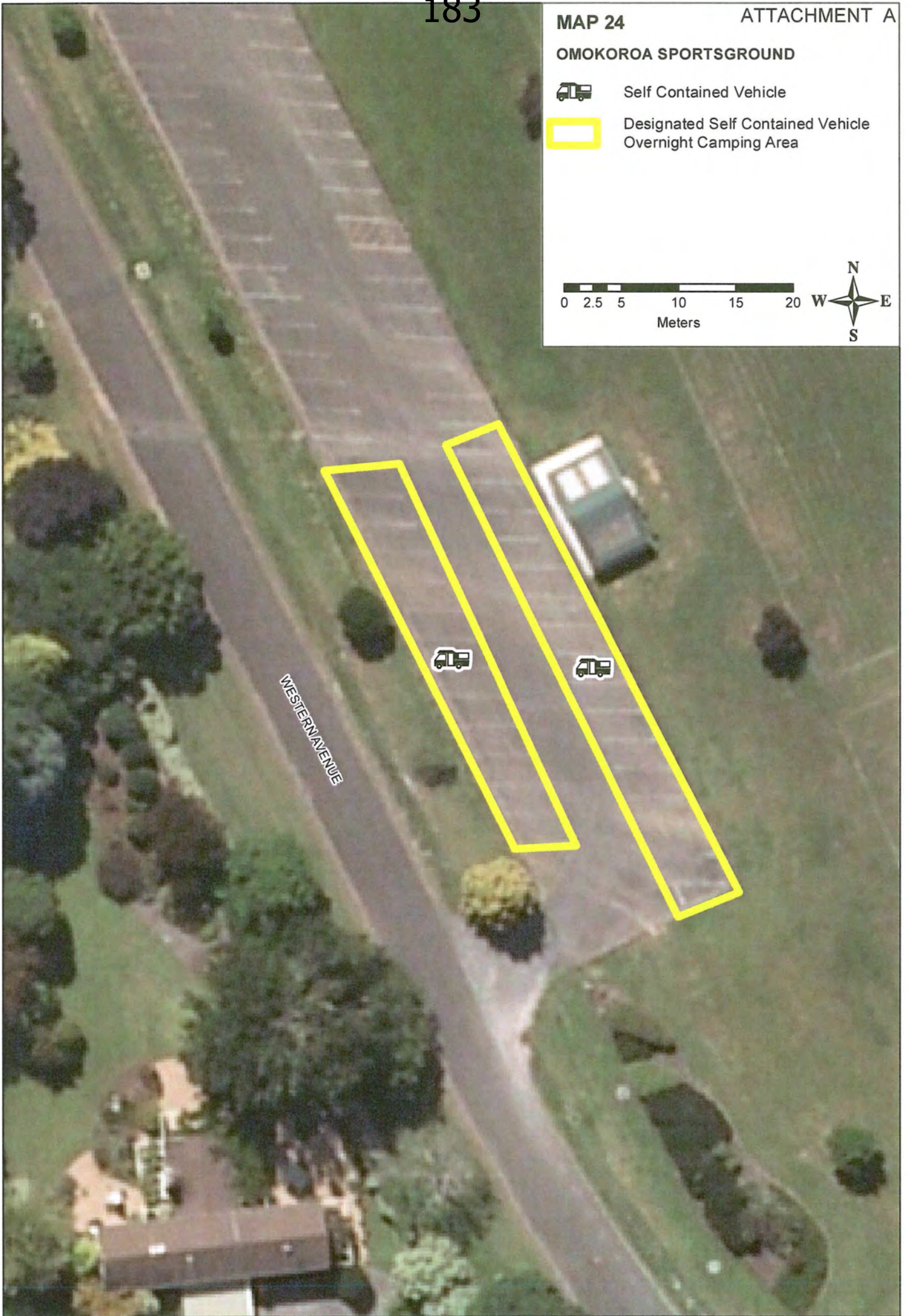
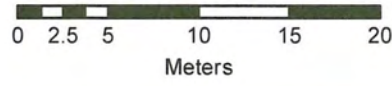
OMOKOROA SPORTSGROUND



Self Contained Vehicle



Designated Self Contained Vehicle Overnight Camping Area



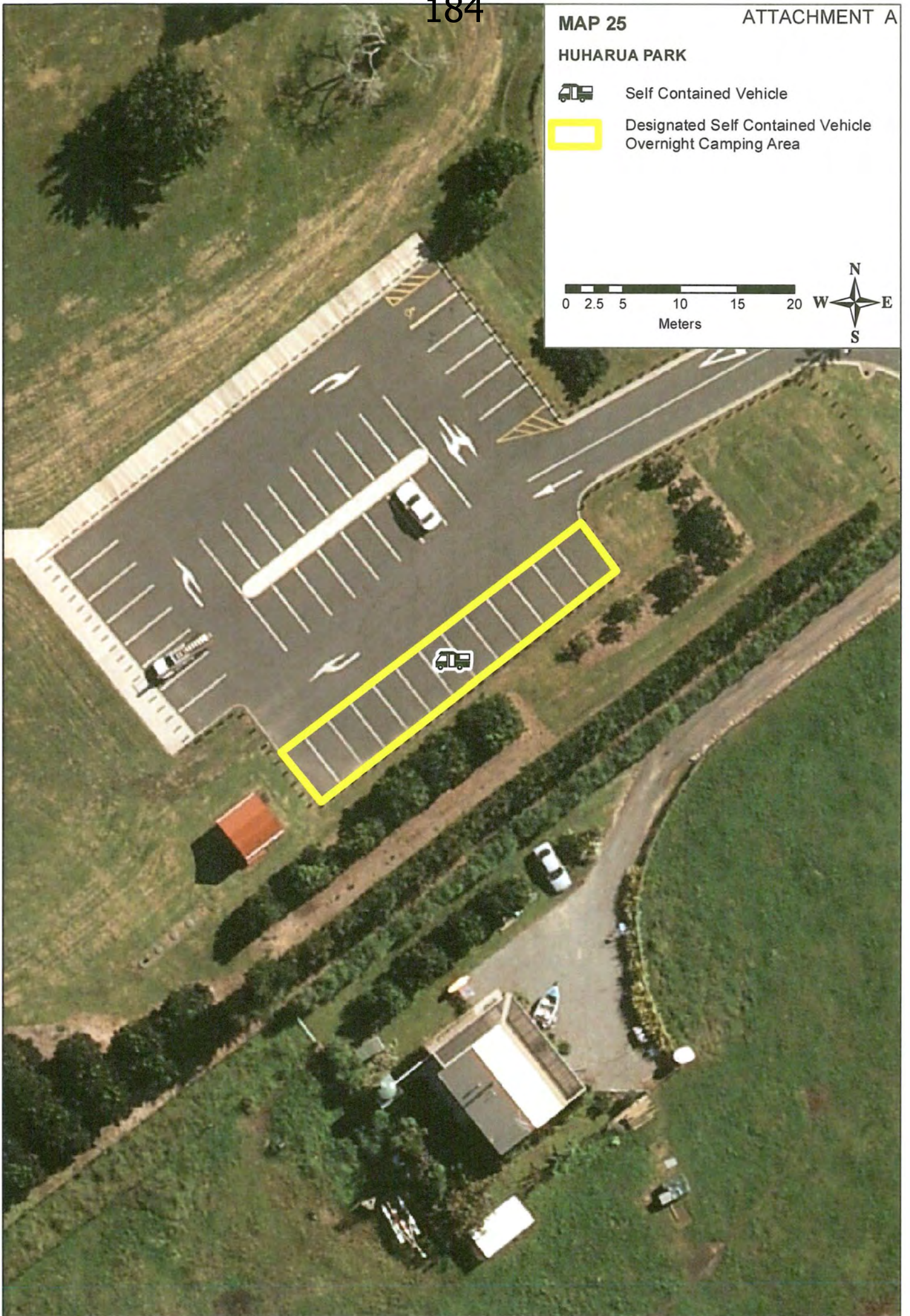
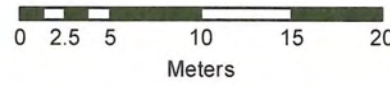
HUHARUA PARK



Self Contained Vehicle



Designated Self Contained Vehicle Overnight Camping Area



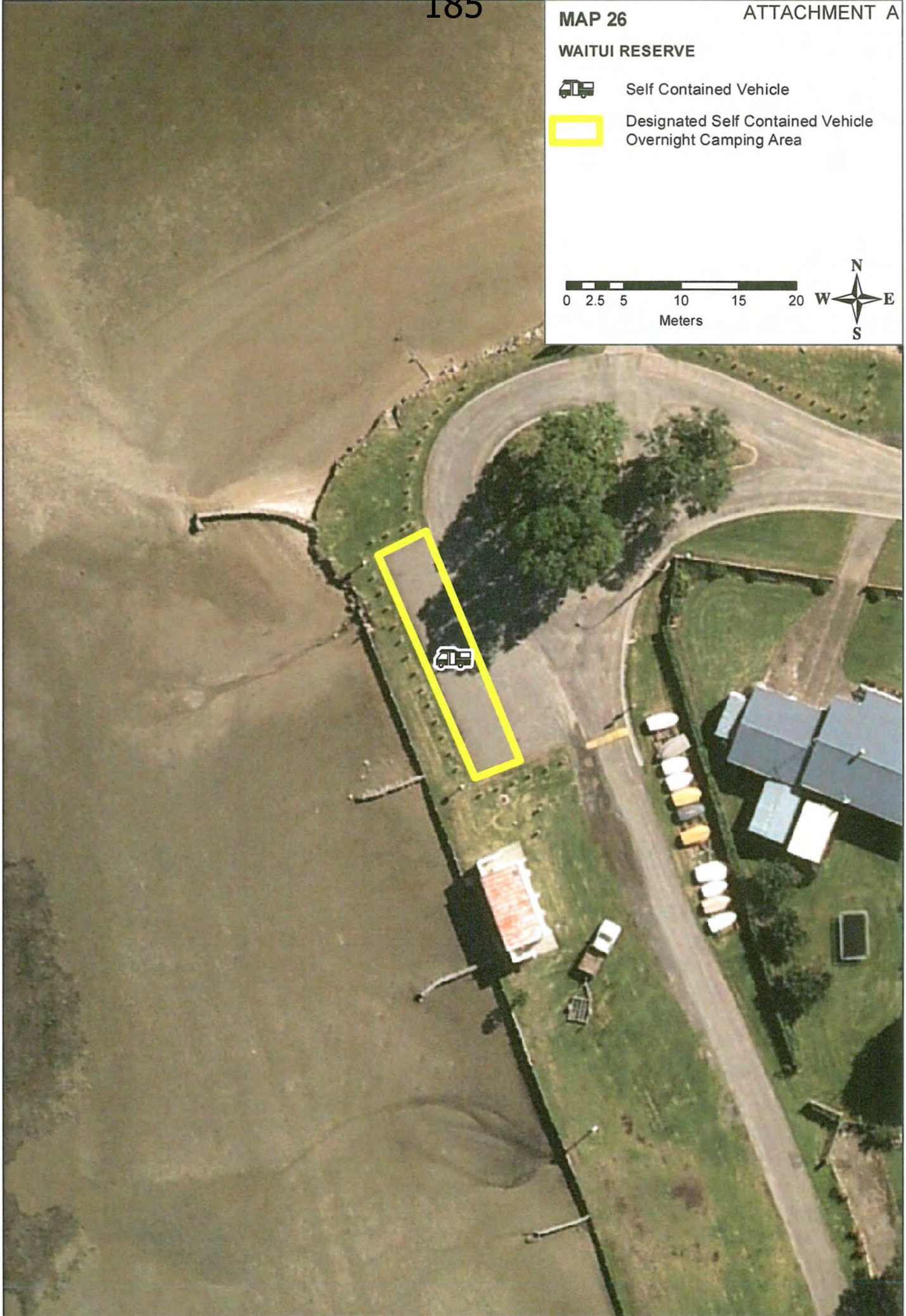
WAITUI RESERVE



Self Contained Vehicle



Designated Self Contained Vehicle Overnight Camping Area



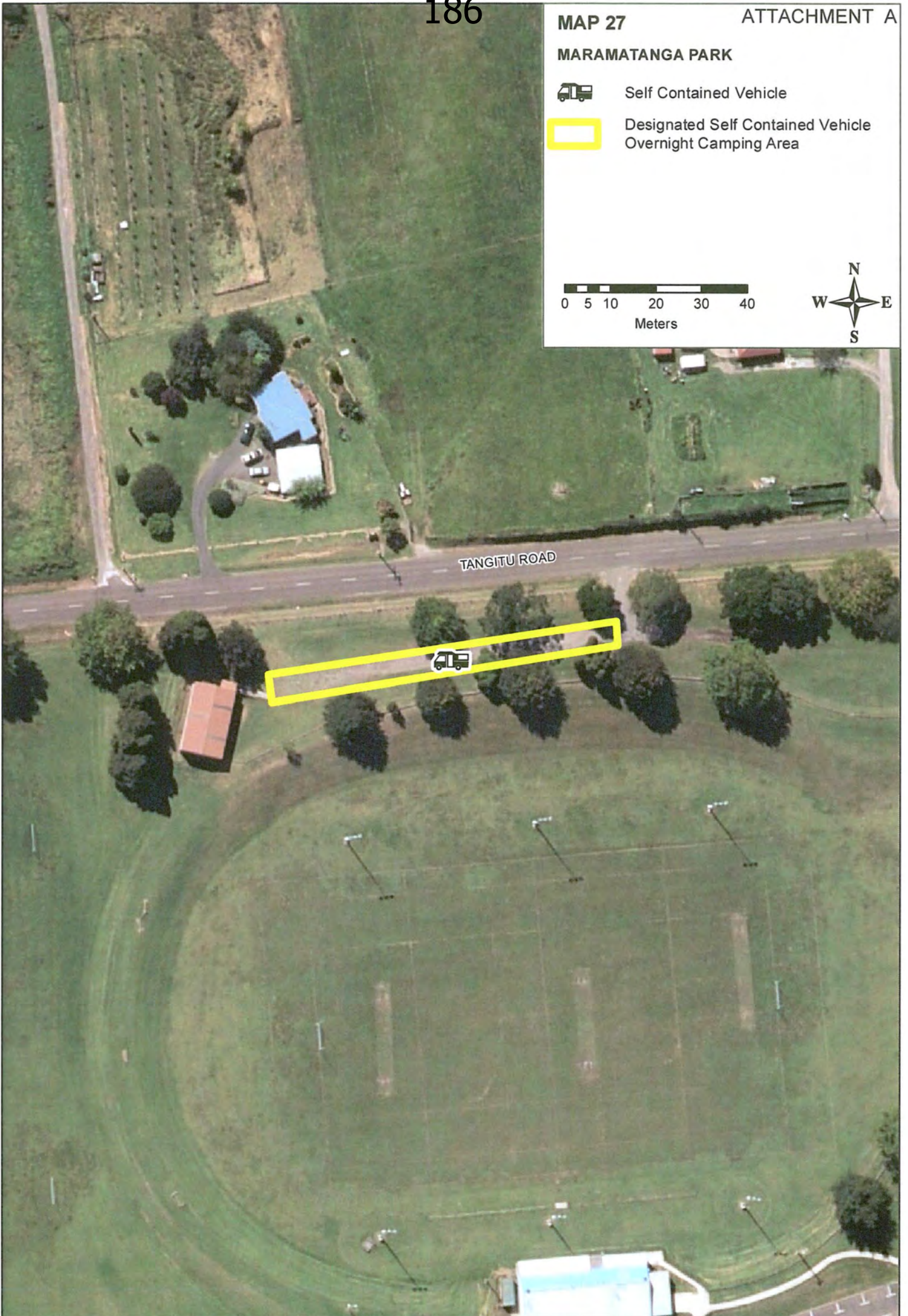
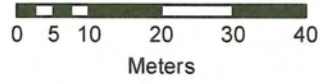
MARAMATANGA PARK



Self Contained Vehicle



Designated Self Contained Vehicle Overnight Camping Area



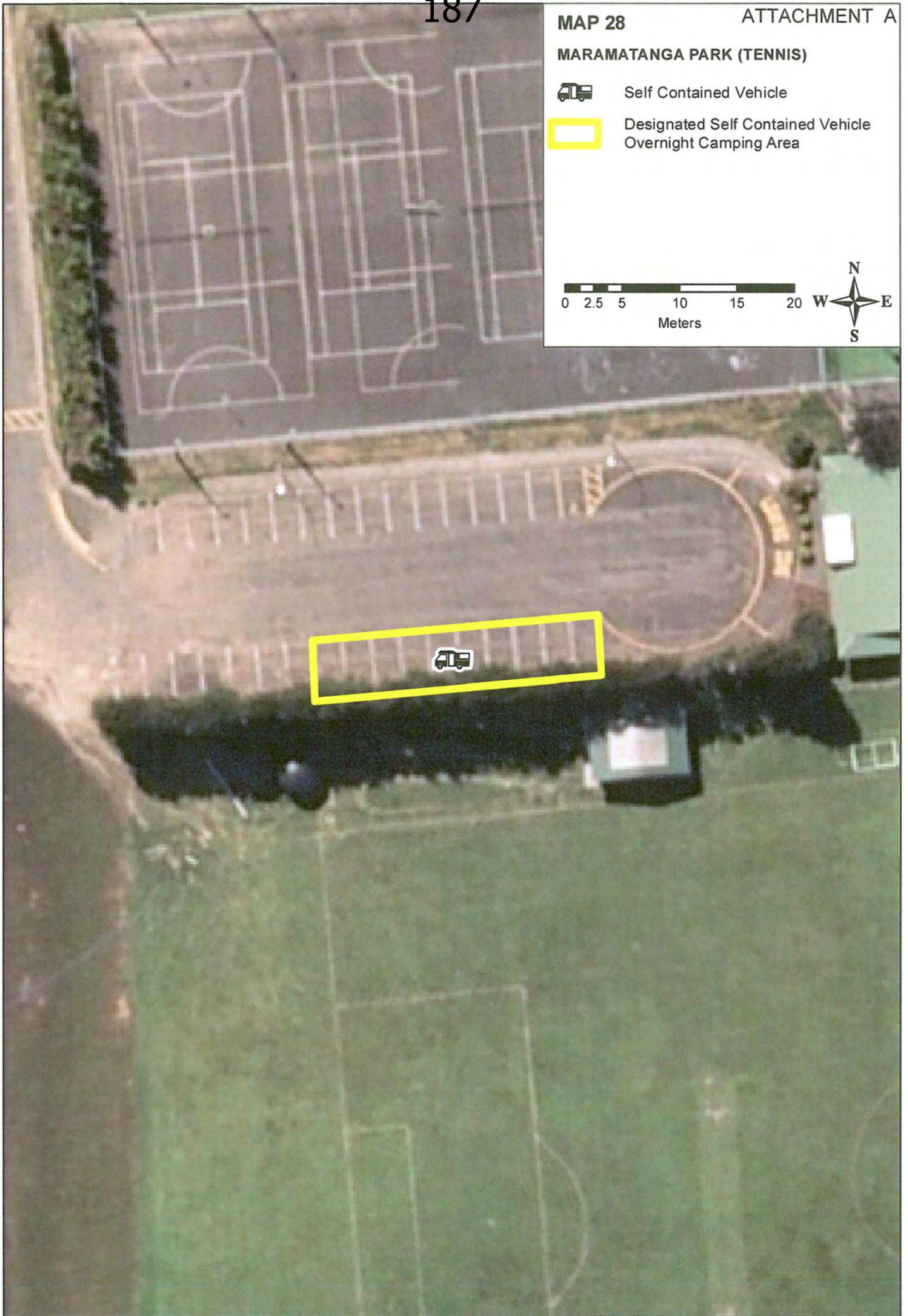
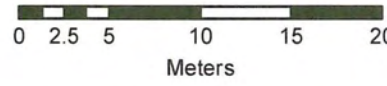
MARAMATANGA PARK (TENNIS)



Self Contained Vehicle



Designated Self Contained Vehicle Overnight Camping Area



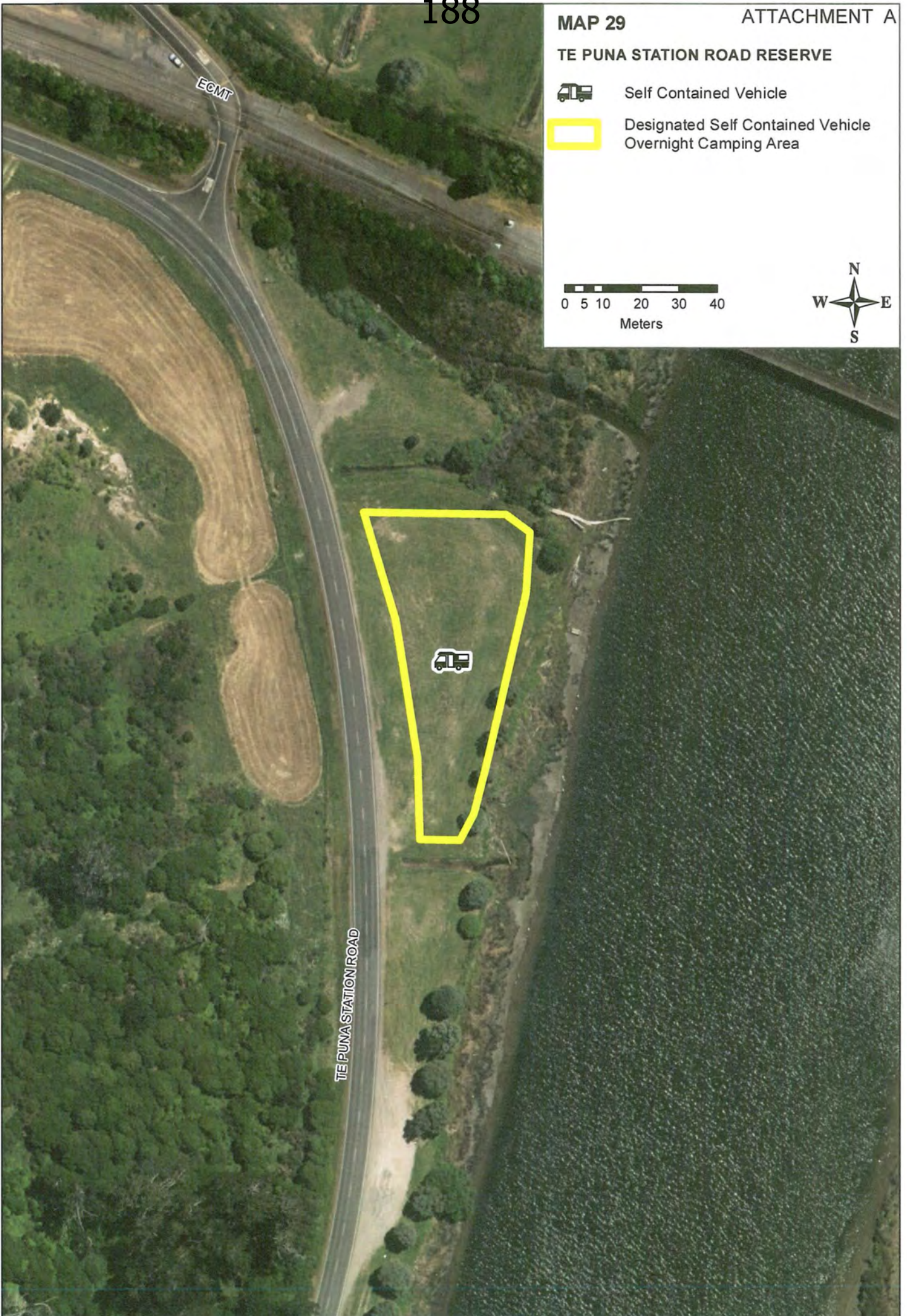
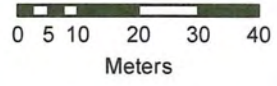
TE PUNA STATION ROAD RESERVE



Self Contained Vehicle



Designated Self Contained Vehicle Overnight Camping Area



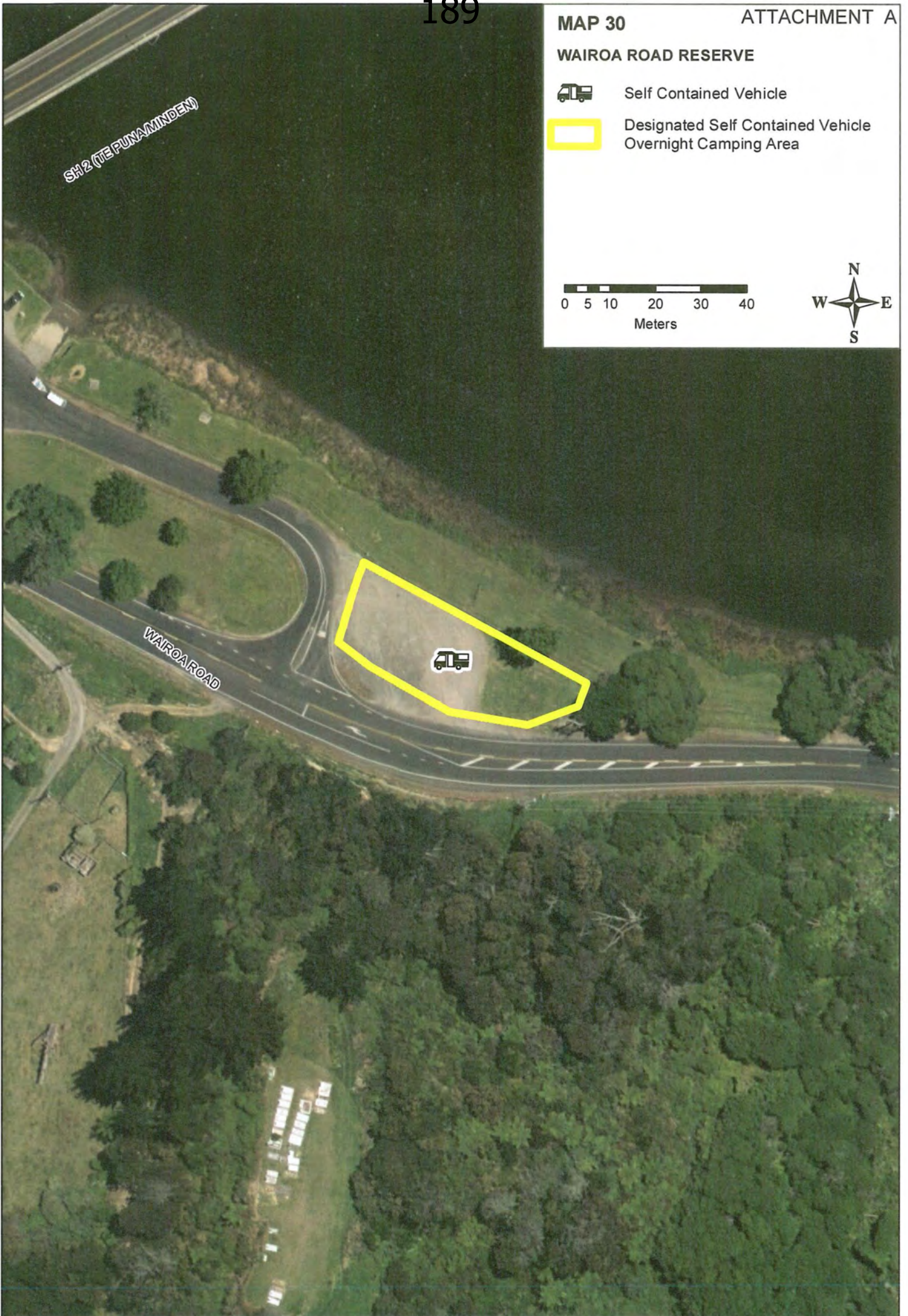
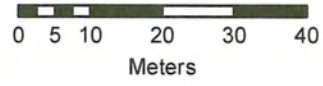
WAIROA ROAD RESERVE



Self Contained Vehicle



Designated Self Contained Vehicle Overnight Camping Area



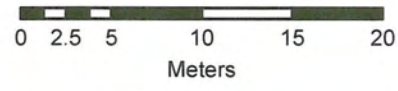
PUKETOKI SCENIC RESERVE



Self Contained Vehicle



Designated Self Contained Vehicle Overnight Parking



LELAND ROAD

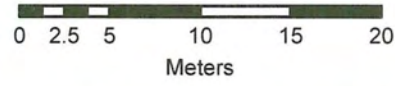
KAIATE FALLS SCENIC RESERVE



Self Contained Vehicle





Designated Self Contained Vehicle Overnight Parking

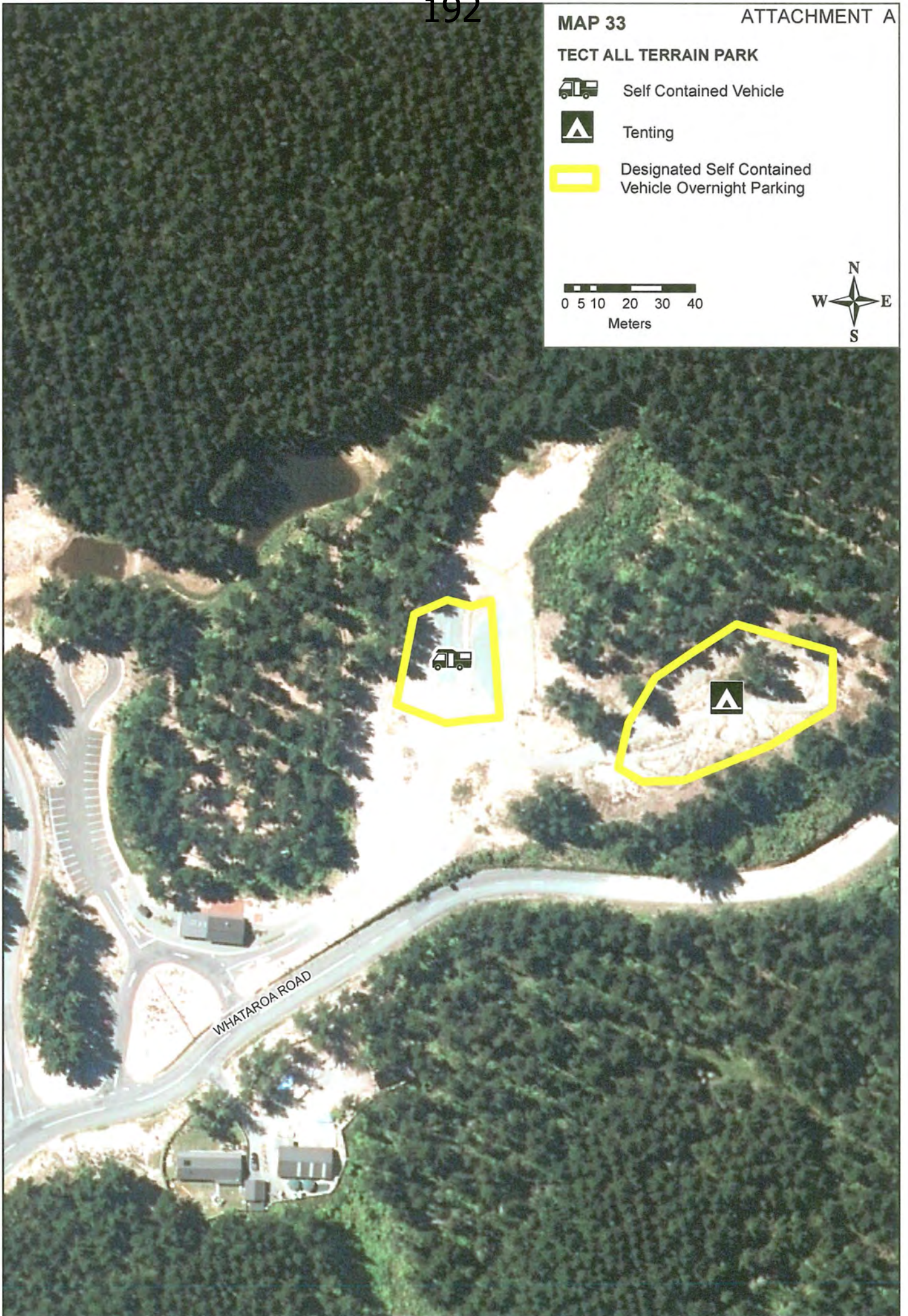
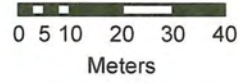


TECT ALL TERRAIN PARK

 Self Contained Vehicle

 Tenting

 Designated Self Contained Vehicle Overnight Parking



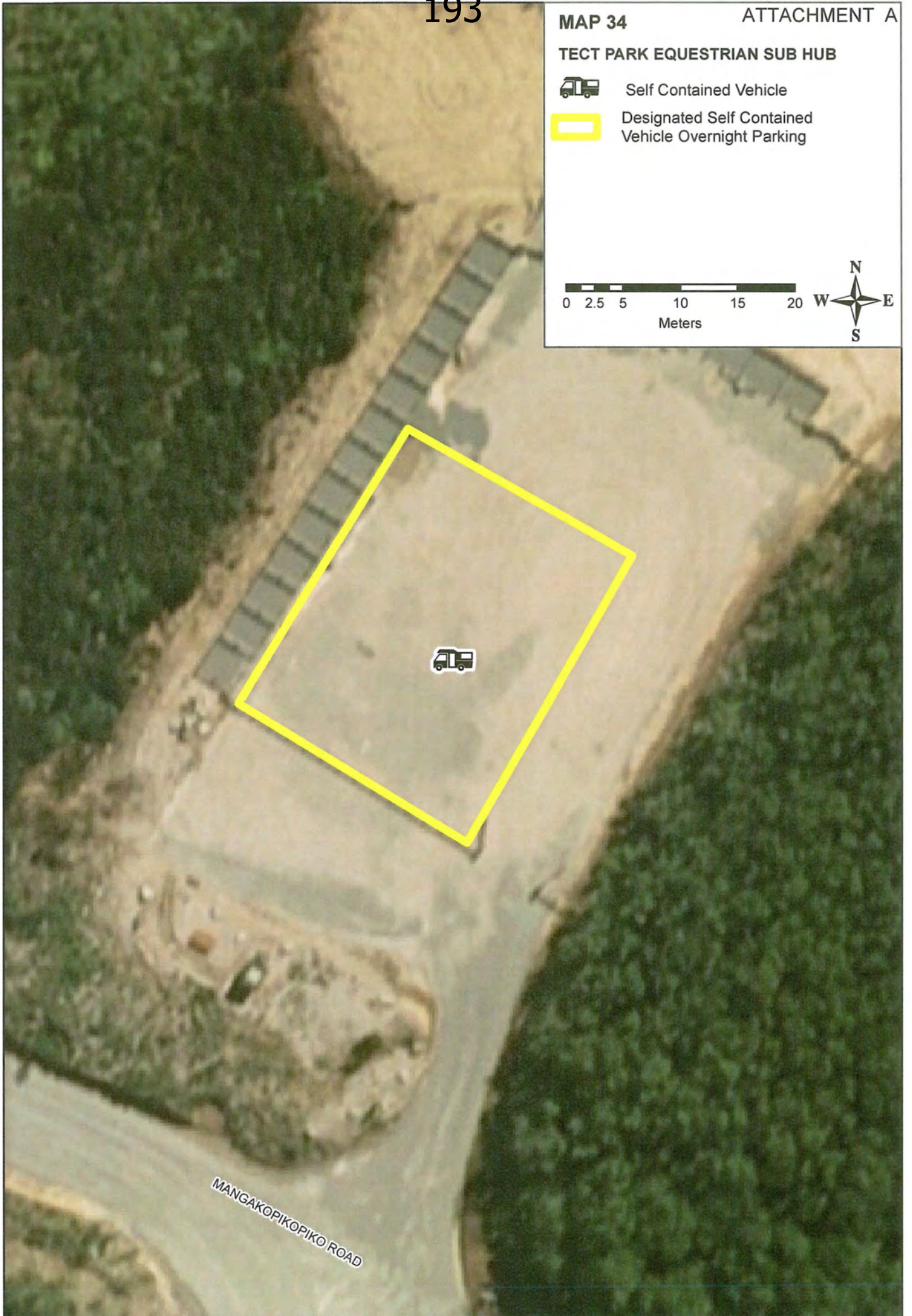
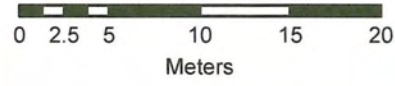
TECT PARK EQUESTRIAN SUB HUB



Self Contained Vehicle



Designated Self Contained Vehicle Overnight Parking



MANGAKOPIKOPIKO ROAD

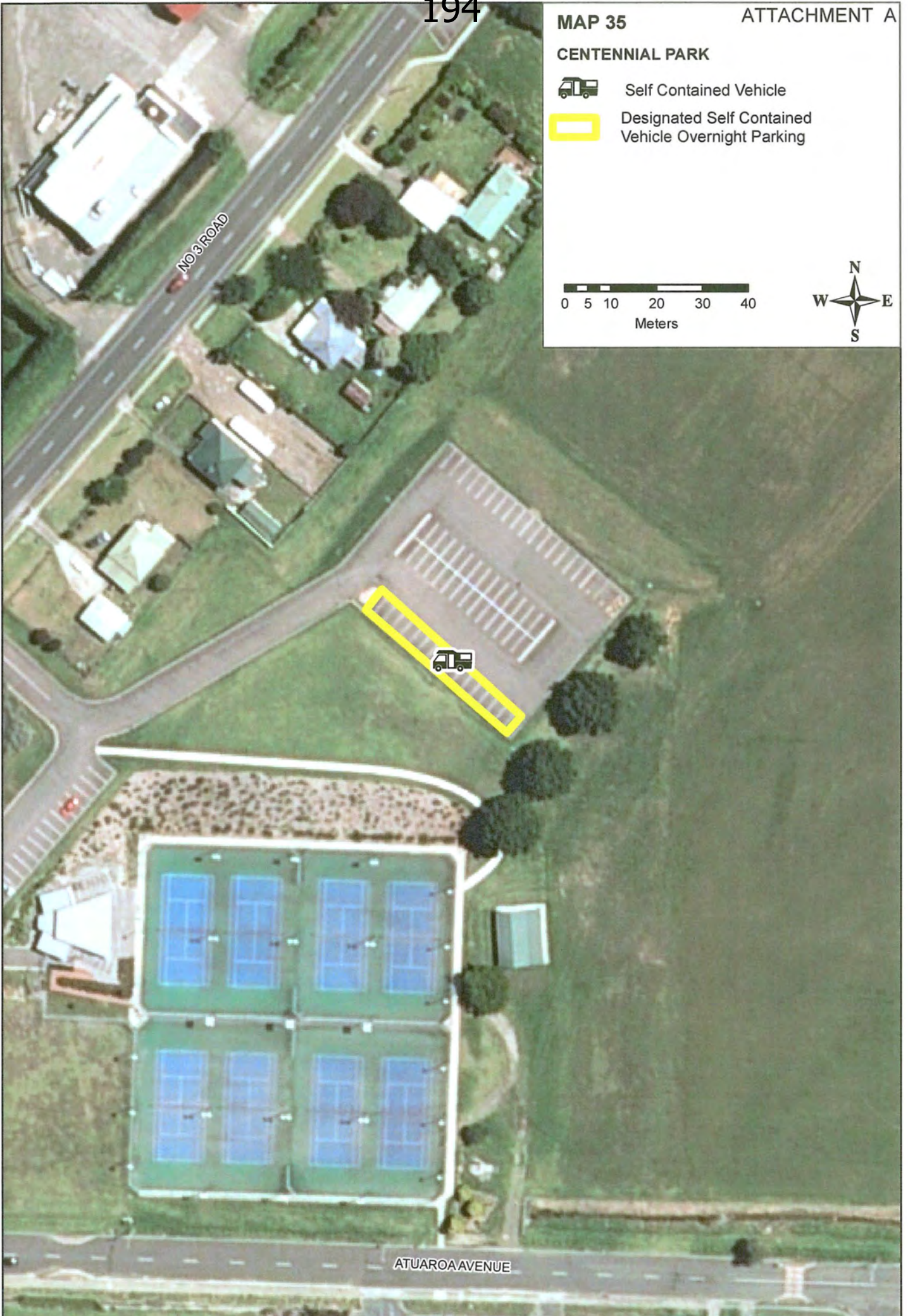
CENTENNIAL PARK



Self Contained Vehicle



Designated Self Contained Vehicle Overnight Parking



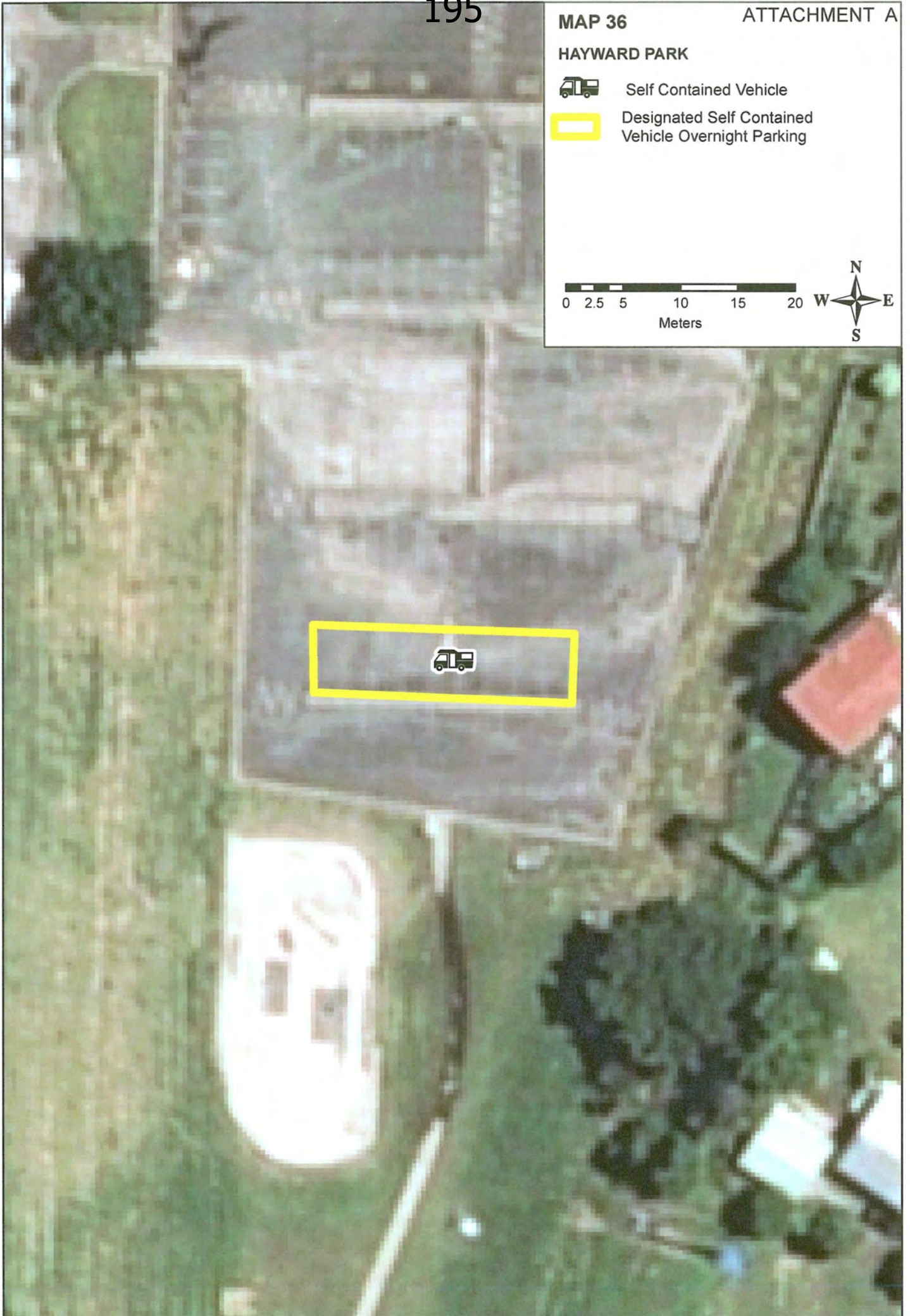
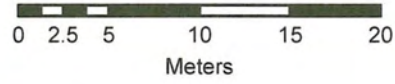
HAYWARD PARK



Self Contained Vehicle



Designated Self Contained Vehicle Overnight Parking



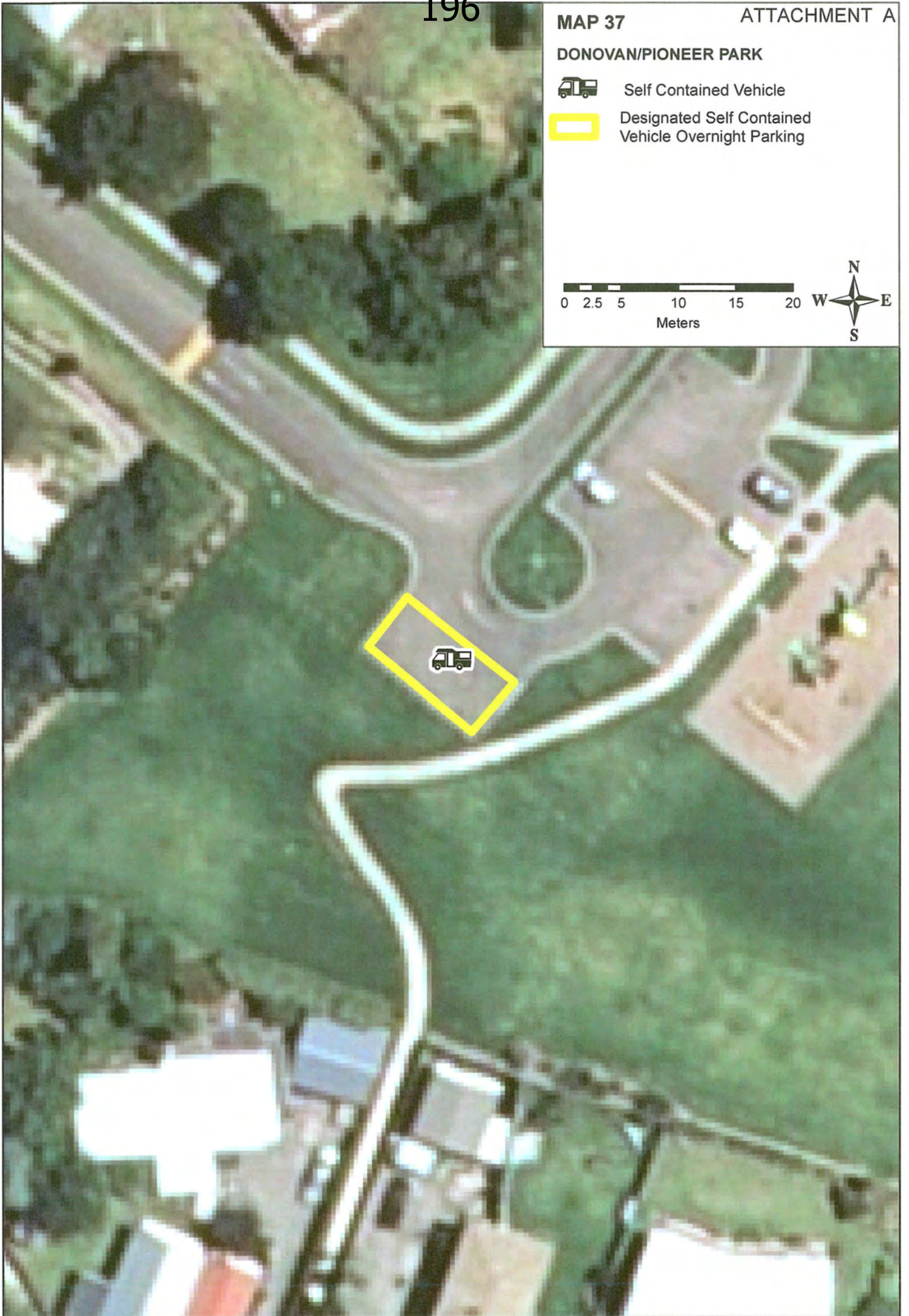
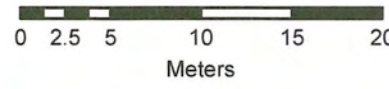
DONOVAN/PIONEER PARK



Self Contained Vehicle




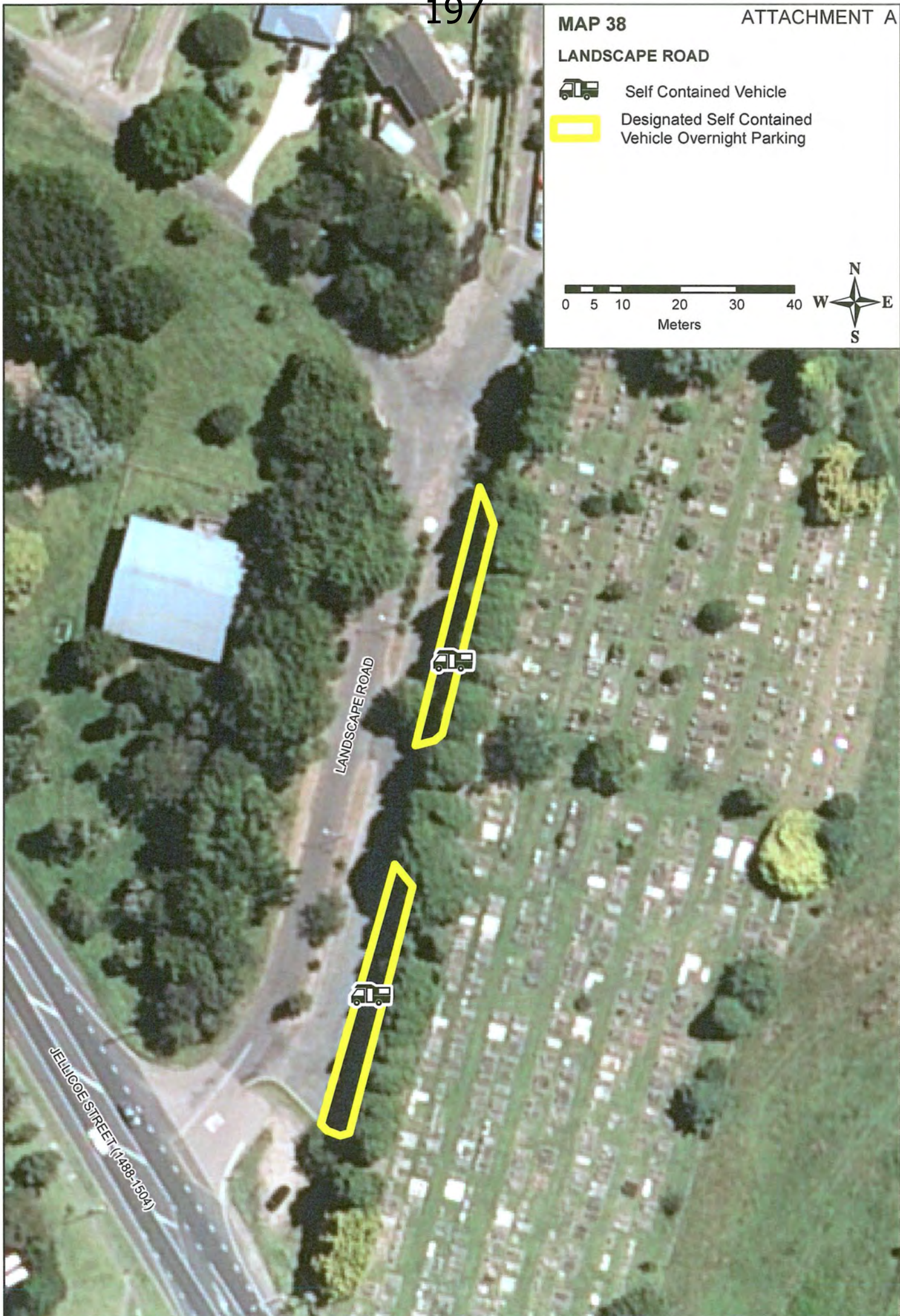
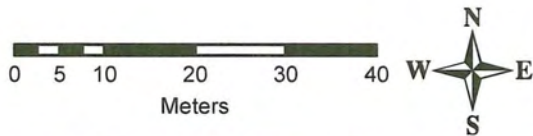
Designated Self Contained Vehicle Overnight Parking



LANDSCAPE ROAD

 Self Contained Vehicle

 Designated Self Contained Vehicle Overnight Parking



JUBILEE PARK



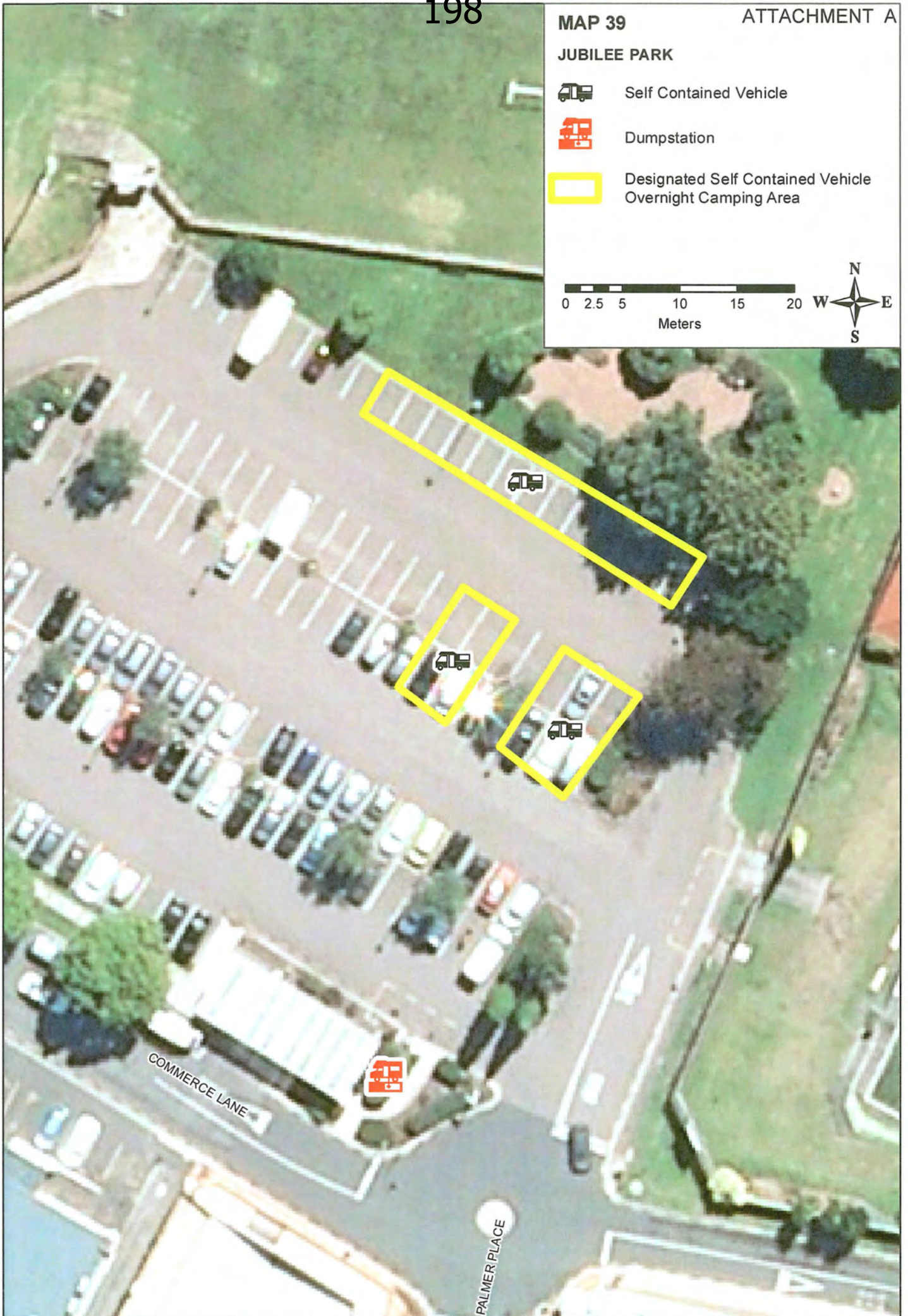
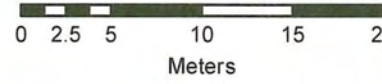
Self Contained Vehicle



Dumpstation



Designated Self Contained Vehicle Overnight Camping Area



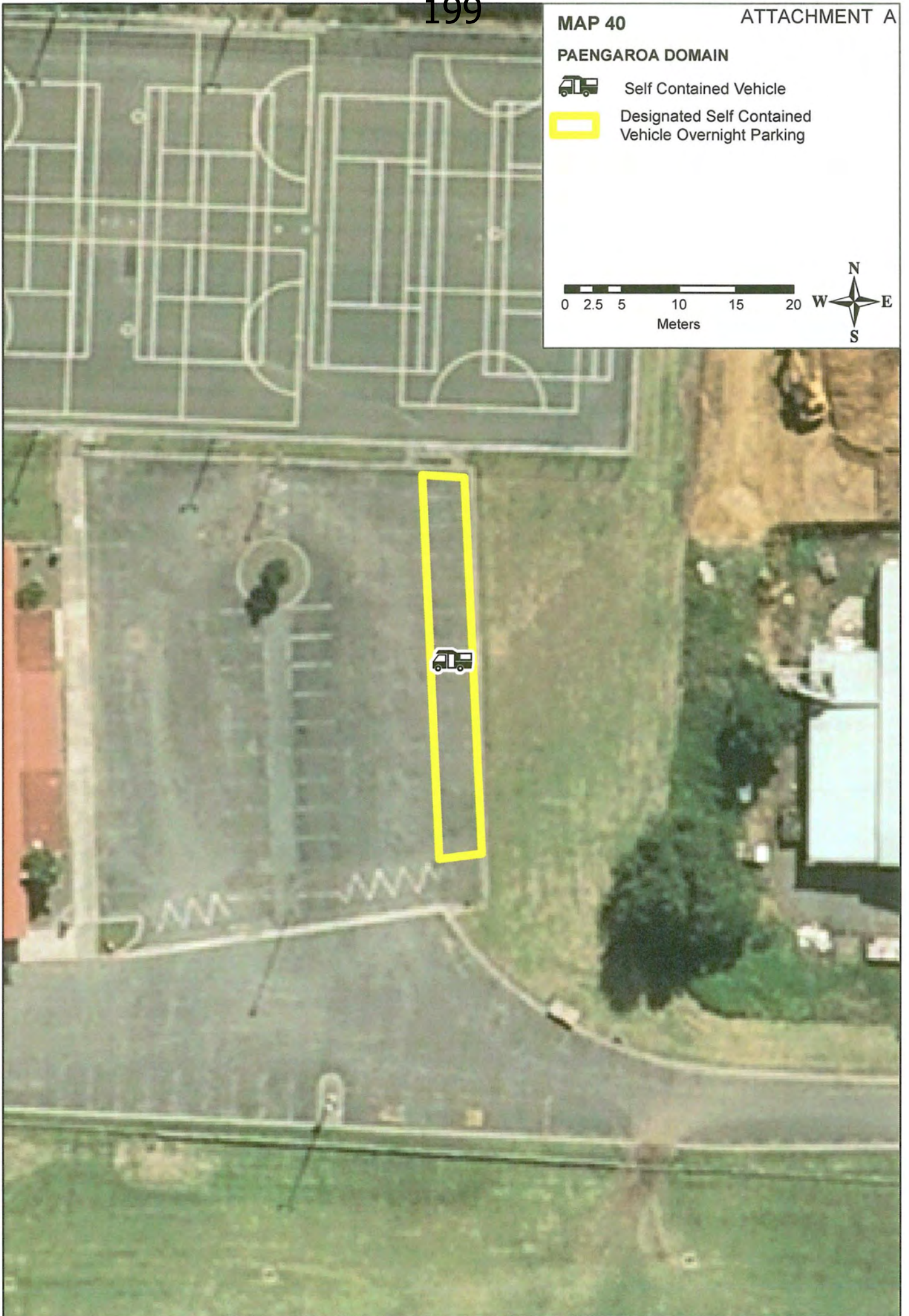
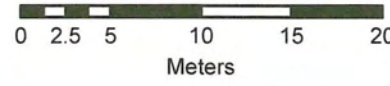
PAENGAROA DOMAIN



Self Contained Vehicle



Designated Self Contained Vehicle Overnight Parking



MAKETU SURF CLUB RESERVE

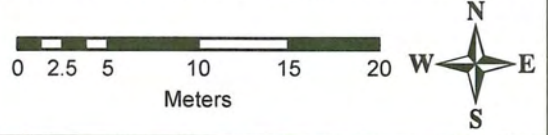


Self Contained Vehicle



Designated Self Contained Vehicle Overnight Parking

Note : Freedom Camping is excluded from the conclusion of Labour Weekend through to the conclusion of the following Easter Weekend.



PARK ROAD MAKETU

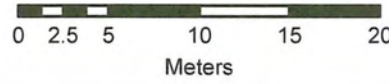


Self Contained Vehicle





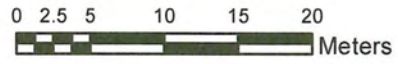
Designated Self Contained Vehicle Overnight Parking

Note : Freedom Camping is excluded from the conclusion of Labour Weekend through to the conclusion of the following Easter Weekend.



Pukehina Beach - Dotterel Point Reserve

-  Current Designated Self Contained Vehicle Overnight Parking
-  Proposed New Area



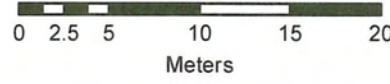
MOTUNAU PARK



Self Contained Vehicle



Designated Self Contained Vehicle Overnight Camping Area



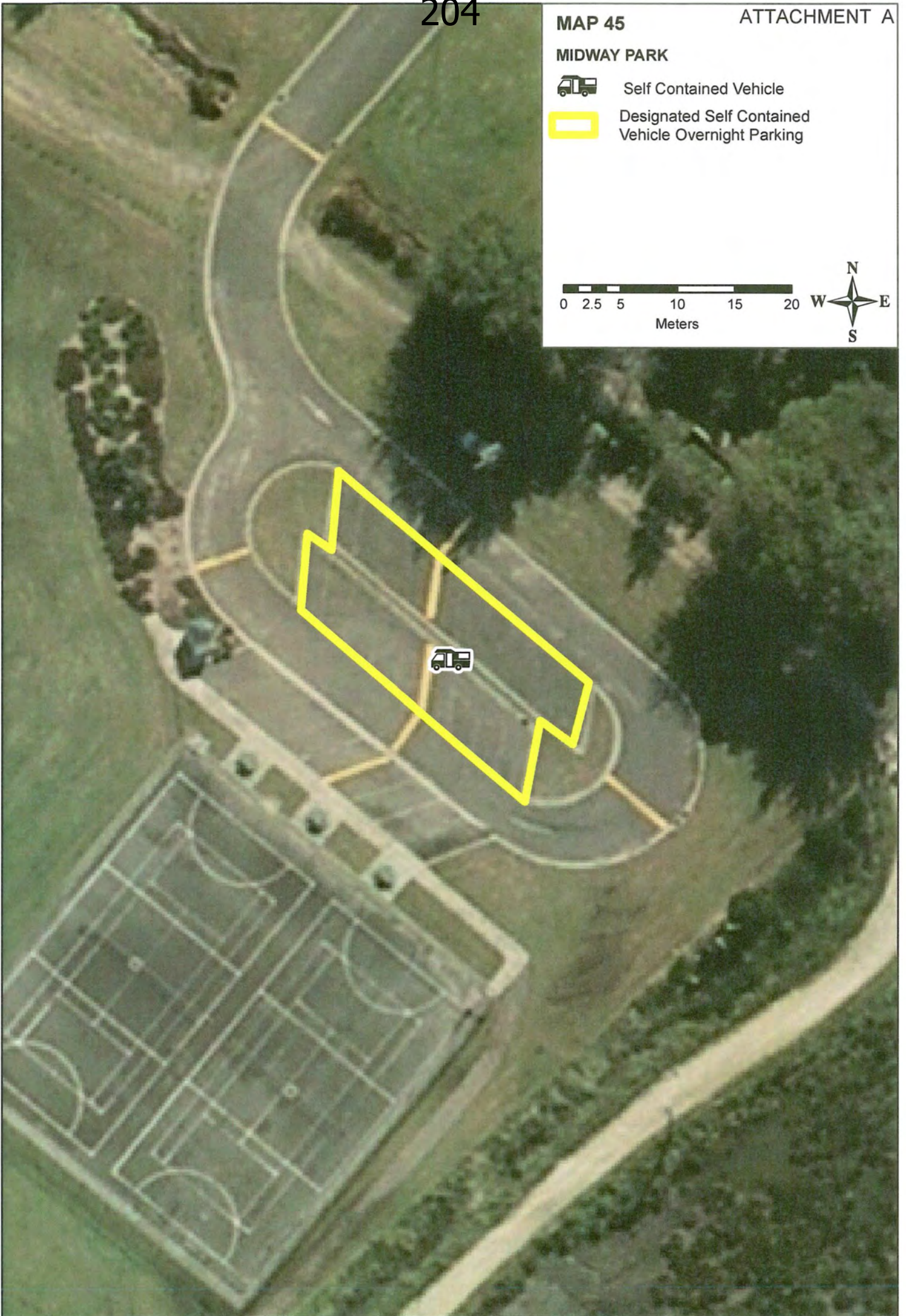
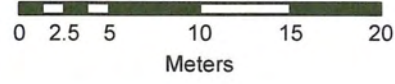
MIDWAY PARK



Self Contained Vehicle



Designated Self Contained Vehicle Overnight Parking



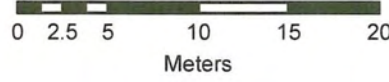
POUTUIA PARK





Self Contained Vehicle

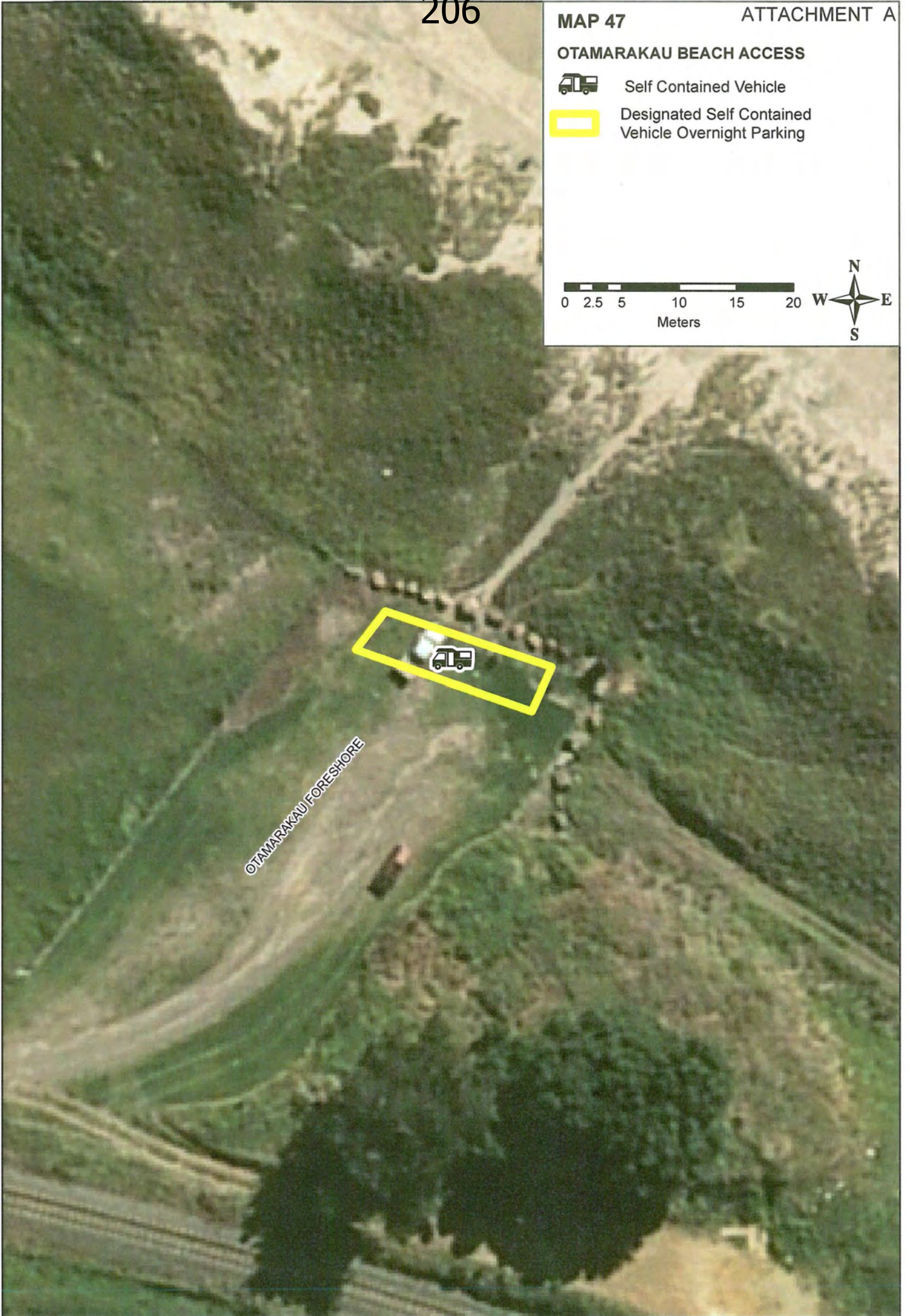
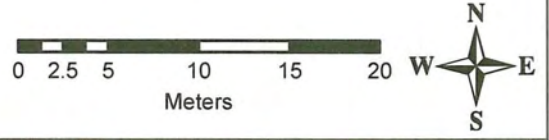


Designated Self Contained Vehicle Overnight Parking



OTAMARAKAU BEACH ACCESS

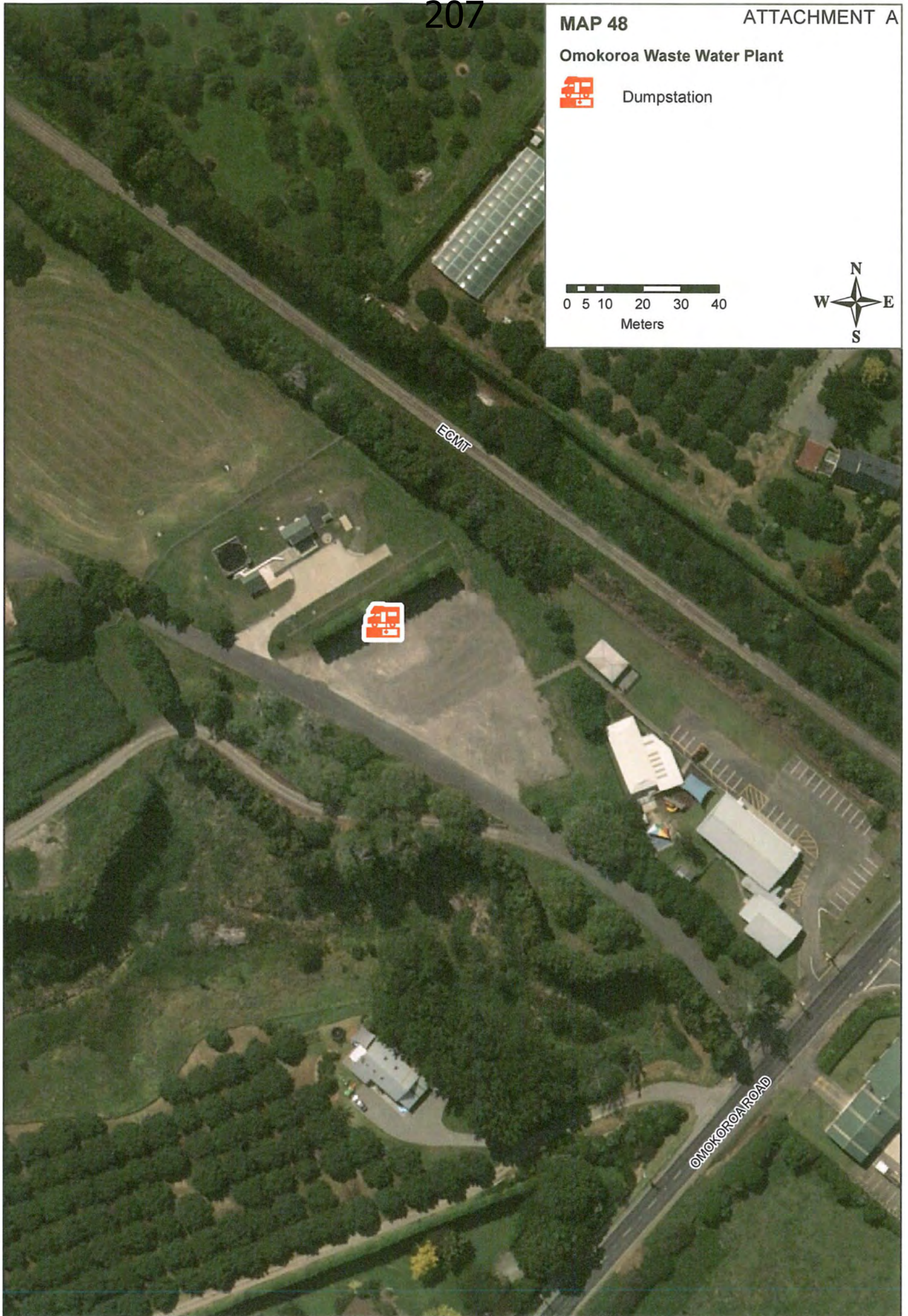
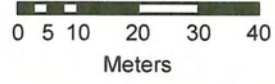
-  Self Contained Vehicle
-  Designated Self Contained Vehicle Overnight Parking



Omokoroa Waste Water Plant



Dumpstation



Date: 20 February 2019
Subject: Adoption of the draft Freedom Camping Bylaw 2019 for Consultation

Western Bay of Plenty District Council

Policy Committee

Adoption of the draft Freedom Camping Bylaw 2019 for Public Consultation

Purpose

The Committee is asked to approve for consultation, the draft Freedom Camping Bylaw 2019.

Recommendations

1. ***THAT the Policy Analyst report dated 20 February 2019 and titled "Adoption of the draft Freedom Camping Bylaw 2019 for Public Consultation" be received.***
2. ***THAT the report relates to an issue that is considered to be of medium significance in terms of Council's Significance and Engagement Policy.***
3. ***THAT pursuant to s155 of the Local Government Act 2002, Council confirms that this draft bylaw is the most appropriate way of addressing the perceived problem, the draft bylaw is most the appropriate form of bylaw, and that the draft bylaw does not give rise to any implications under the New Zealand Bill of Rights 1990.***
4. ***THAT the draft Freedom Camping Bylaw 2019, the accompanying statement of proposal, summary of proposal and feedback form as appended to this report are released for consultation pursuant to s156 of the Local Government Act 2002, from 18 March 2019 to 18 April 2019.***



Simon Stewart
Policy Analyst

1. Background

The Freedom Camping Bylaw 2012 is due for statutory review by 8 November 2019 to avoid lapsing, which would then require development of a new bylaw. The Freedom Camping Act 2011 regulates freedom camping on land controlled or managed by local authorities, and allows freedom camping anywhere within 200 metres of a motor vehicle accessible area on land managed by local councils (or DOC) unless it is restricted or prohibited in an area in accordance with a Bylaw. The Act prohibits local authorities placing a blanket ban on freedom camping over the district.

The bylaw only applies to the overnight staying of freedom campers and cannot be used to regulate parking during the day time. Aside from one location at TECT Park, our bylaw requires freedom campers to stay in certified self-contained vehicles at designated freedom camping sites.

The reasons for reviewing the bylaw is to:

- Ensure that it is fit for purpose with the change in demographics and growth in the district;
- Amend designated freedom camping areas as necessary in relation to public safety, public access, and the protection of public areas; and
- Address bylaw implementation issues to enable effective enforcement.

Council determined the scope of its bylaw review at a workshop on 13 February 2019. Council also gave direction on a number of proposed changes to the bylaw, which are discussed in Section 2 below.

The draft bylaw, a statement of proposal, summary of proposal and feedback form have been prepared to enable consultation to take place between 18 March 2019 and 18 April 2019.

2. Proposed changes to the Freedom Camping Bylaw 2012

The key proposed amendments to the Freedom Camping Bylaw (Attachment A) are:

- **ANZAC Bay: Prohibit freedom camping year round**
As a result of the number of public complaints and the cultural sensitivities of this location, we are proposing to prohibit freedom camping at ANZAC Bay (Bowentown Domain) entirely.
- **Pukehina Beach (Dotterel Point): Move site and reduce area**
To address the number of public complaints at Dotterel Point on Pukehina Beach (by the surf club), we are proposing to move the existing freedom camping designated area to the opposite side of the car park (towards the estuary), and to reduce the designation area by half (to reduce the number of freedom campers).
- **Lund Road reserve: prohibit**

The forestry lease at Lund Road reserve has recently expired, which means it is now technically council reserve, and the Freedom Camping Act applies. The area presents a major health and safety risk to campers, and is also a fire risk. As such, we are proposing to prohibit freedom camping in the area (by changing the name on the schedule of prohibited areas). This may be reconsidered in the future following development of the reserve.

- **Brighton Reserve: Reduce depth of area (parallel parking only)**
The designated area at Brighton Reserve (Waihi Beach) is intended to only allow freedom campers to park parallel to the park, to limit the number of freedom campers to approximately five. However, at peak times freedom campers in smaller vehicles are able to utilise the area by parking at 90 degrees and as a consequence the number of freedom camping vehicles increases to around 10. We are proposing to restrict the designated area by reducing its depth, to require parallel parking.
- **TECT Park: Amend wording to obtain permission**
Tenting at TECT Park currently requires the express 'written permission' from the Park Manager in order to control its use during low water availability and times of high fire risk. Written permission is administratively time consuming, so we are proposing to amend this wording to simply 'permission'.
- **Reserve at Wairoa Road: Prohibit freedom camping**
The Western Bay of Plenty District Council has recently acquired land next to the rowing club at the end of Wairoa Road. In time, we will develop concept plans and engage with the community on its use; in the meantime however the site presents a health and safety risk, so we are proposing to prohibit freedom camping on that reserve. This can be revisited once the site has been designed and the public have had the opportunity to input on the concept plans.
- **Fyfe Road (Waihi Beach) utilities reserve: Prohibit freedom camping**
The Western Bay of Plenty District Council owns land at Fyfe Road in Waihi Beach for utilities purposes. The land is not fenced and is not currently subject to any restrictions under the Freedom Camping Act, which enables freedom camping (of any sort) there. In order to protect access and health and safety we are proposing to prohibit this area for freedom camping use.
- **Western Avenue (Omokoroa) utilities reserve: Prohibit freedom camping**
The Western Bay of Plenty District Council owns land at Western Avenue in Omokoroa for utilities purposes (at the rear of number 43). The land is not fenced and is currently not subject to any restrictions under the Freedom Camping Act. In order to protect access and health and safety, we are proposing to prohibit this area for freedom camping use.

3. Local Government Act 2002 s155

As part of reviewing Bylaws Council is required to make the determinations required by s155 of the Local Government Act 2002 (LGA). This means that Council must determine that a bylaw is the most appropriate way of addressing the perceived problem, that the draft bylaw is the most appropriate form of bylaw and that it does not give rise to any implications under the New Zealand Bill of Rights Act 1990.

The following text summarises Council's discussions in workshops relating to LGA section 155 matters and this report requests Council to make a formal resolution confirming its position. The following text is also recommended for inclusion in the statement of proposal:

There is no legislative requirement to have these bylaws in place, however the Local Government Act 2002 enables councils to implement and enforce bylaws where there are local issues that need additional powers to be addressed. Council must determine whether a bylaw is the most appropriate way of addressing the perceived problem¹. If a bylaw is considered to be appropriate Council must then decide whether or not the bylaw is the most appropriate form of bylaw, and whether or not the bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990.

Is a bylaw the appropriate means to deal with the problem?

Council considers that a bylaw is the most appropriate tool to regulate the control of freedom camping throughout the district. The matters in the bylaw are of importance to the community in terms of protecting public areas, protecting the public's health and safety, and protecting access. The proposed bylaws are considered to be consistent with the approach taken by other councils of a similar size and nature.

Is the bylaw in the appropriate form?

The draft bylaw focuses on identified issues and is customised to suit the particular circumstances of the Western Bay of Plenty District. The draft bylaw is consistent with Council document standards and has been written in plain English so far as possible. It is therefore considered to be the most appropriate form of bylaw.

Is the bylaw consistent with the New Zealand Bill of Rights?

The Bill of Rights protects the human rights and fundamental freedoms of all people in New Zealand. The regulatory controls provided under this bylaw are designed to minimise danger, distress and nuisance to the community and their property. It is considered that the draft bylaw does not give rise to any implications under the Bill of Rights.

¹ Section 155 of the Local Government Act 2002

4. Significance and Engagement

The Local Government Act 2002 requires a formal assessment of the significance of matters and decisions in this report against Council's Significance and Engagement Policy. In making this formal assessment there is no intention to assess the importance of this item to individuals, groups, or agencies within the community and it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.

The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.

In terms of the Significance and Engagement Policy this decision is considered to be of medium significance because of:

- The likely public interest in the proposals included in the draft bylaw;
- The number of ratepayers, residents and visitors to the district that may be affected by the bylaw provisions; and
- The requirement to undertake a LGA special consultative procedure.

The Committee endorsed an engagement plan at its workshop on 13 February 2019.

5. Engagement, Consultation and Communication

The Special Consultative Procedure under the Local Government Act 2002 must be used in formal public consultation on the proposed changes to the bylaws. It is proposed to use the Have Your Say website, as well as several separate community open days throughout the consultation period of 18 March to 18 April 2019, alongside consultation on the Draft Annual Plan 2019/20.

6. Issues and Options Assessment

Option A	
Adopt the draft Freedom Camping Bylaw, for Consultation (18 March – 18 April 2019)	
Assessment of option for advantages and disadvantages taking a sustainable approach	<p><u>Advantages:</u></p> <ul style="list-style-type: none"> • Bylaw review process can continue within proposed timeframes, for completion in August 2019. • The draft bylaw is representative of direction given by the Committee in workshops. • The community can provide feedback on the draft bylaws.
Costs (including present and future costs, direct, indirect and contingent costs) and cost effectiveness for households and businesses	<p>Staff time will be required to deal with queries from the community about the proposed changes to the bylaw, and to progress the subsequent stages of the bylaw review. However, this can be managed within existing staffing and budgets.</p>

Date: 20 February 2019
 Subject: Adoption of the draft Freedom Camping Bylaw 2019 for Consultation

Option B Do not adopt the draft Freedom Camping Bylaw for consultation	
Assessment of option for advantages and disadvantages taking a sustainable approach	Disadvantages: <ul style="list-style-type: none"> • Bylaw review timeframes will be compromised, and the full review process may not be able to be completed prior to the period when decision-making is restricted due to the elections. The Bylaws will lapse if the review process is not completed prior to 8 November 2019. • The amendments proposed in the bylaw cannot be implemented until a final bylaw is adopted.
Costs (including present and future costs, direct, indirect and contingent costs) and cost effectiveness for households and businesses	If the bylaw review process is significantly delayed, the Committee may need to revisit issues it has already considered and more staff time will be incurred.

7. Statutory Compliance

The recommendations of this report ensure Council complies with Local Government Act 2002 and Freedom Camping Act 2011 requirements for reviewing its Freedom Camping Bylaw 2012.

The draft bylaw will be subject to a Special Consultative Procedure to ensure that Council is complying with its obligations to seek community views on proposals of significance.

A public notice will run in the district newspapers prior to commencing formal consultation period, to raise community awareness that the period for feedback is open.

8. Funding/Budget Implications

Budget Funding Information	Relevant Detail
Bylaw budget	Ongoing budget for bylaw reviews. This bylaw review can be managed within existing staffing and budgets.



Draft Freedom Camping Bylaw 2019

Statement of Proposal

Introduction

Western Bay of Plenty District Council is reviewing its Freedom Camping Bylaw and is seeking your views on the proposed changes.

Freedom Camping is enabled through the Freedom Camping Act 2011, which essentially allows for any camping in public areas within 200m of a road reserve. Our Freedom Camping Bylaw controls freedom camping by designating certain areas for freedom camping purposes, and prohibiting other areas from any freedom camping. Most of the designated areas also limit the use to self-contained vehicles only.

In reviewing the Freedom Camping Bylaw, we've identified some areas which need to be amended or prohibited entirely.

Council must follow the special consultative procedure in amending an existing bylaw. This Statement of Proposal has been prepared in accordance with the Local Government Act 2002 and the Freedom Camping Act 2011.

Reasons for the proposal

The current Freedom Camping Bylaw was adopted in November 2012 and last amended in 2015. The Local Government Act 2002 and Freedom Camping Act 2011 require that existing bylaws be fully reviewed within 5 years (with a 2-year grace period), otherwise the bylaws will lapse and no longer be legally valid.

The reasons for reviewing the bylaw is to:

- Ensure that it is fit for purpose with the change in demographics and growth in the district;
- Amend designated freedom camping areas as necessary in relation to public safety, public access, and the protection of public areas; and
- Address bylaw implementation issues to enable effective enforcement.

Summary of proposed changes

The key proposed amendments to the Freedom Camping Bylaw are:

- **ANZAC Bay: Prohibit freedom camping year round**
As a result of the number of public complaints and the cultural sensitivities of this location, we are proposing to prohibit freedom camping at ANZAC Bay (Bowentown Domain) entirely.
- **Pukehina Beach (Dotterel Point): Move site and reduce area**
To address the number of public complaints at Dotterel Point on Pukehina Beach (by the surf club), we are proposing to move the existing freedom camping designated area to the opposite side of the car park (towards the estuary), and to reduce the designation area by half (to reduce the number of freedom campers).
- **Lund Road reserve: Prohibit**
The forestry lease at Lund Road reserve has recently expired, which means it is now, technically, council reserve and the Freedom Camping Act applies. The area presents

a major health and safety risk to campers, and is also a fire risk. As such, we are proposing to prohibit freedom camping in the area (by changing the name on the schedule of prohibited areas). This may be reconsidered in the future following development of the reserve.

- **Brighton Reserve: Reduce depth of area (parallel parking only)**
The designated area at Brighton Reserve (Waihi Beach) is intended to only allow freedom campers to park parallel to the park, to limit the number of freedom campers to approximately five. However, at peak times freedom campers in smaller vehicles are able to utilise the area by parking at 90 degrees and as a consequence the number of freedom camping vehicles increases to around 10. We are proposing to restrict the designated area by reducing its depth, to require parallel parking.
- **TECT Park: Amend wording to obtain permission**
Tenting at TECT Park currently requires the express 'written permission' from the Park Manager in order to control its use during low water availability and times of high fire risk. Written permission is administratively time consuming, so we are proposing to amend this wording to simply 'permission'.
- **Reserve at Wairoa Road: Prohibit freedom camping**
The Western Bay of Plenty District Council has recently acquired land next to the rowing club at the end of Wairoa Road. In time, we will develop concept plans and engage with the community on its use; in the meantime however the site presents a health and safety risk, so we are proposing to prohibit freedom camping on that reserve. This can be revisited once the site has been designed and the public have had the opportunity to input on the concept plans.
- **Fyfe Road (Waihi Beach) utilities reserve: Prohibit freedom camping**
The Western Bay of Plenty District Council owns land at Fyfe Road in Waihi Beach for utilities purposes. The land is not fenced and is not currently subject to any restrictions under the Freedom Camping Act, which enables freedom camping (of any sort) there. In order to protect access and health and safety we are proposing to prohibit this area for freedom camping use.
- **Western Avenue (Omokoroa) utilities reserve: Prohibit freedom camping**
The Western Bay of Plenty District Council owns land at Western Avenue in Omokoroa for utilities purposes (at the rear of number 43). The land is not fenced and is currently not subject to any restrictions under the Freedom Camping Act. In order to protect access and health and safety, we are proposing to prohibit this area for freedom camping use.

Special considerations under the Local Government Act

There is no legislative requirement to have these bylaws in place, however the Local Government Act 2002 enables councils to implement and enforce bylaws where there are local issues that need additional powers to be addressed. Council must determine whether a bylaw is the most appropriate way of addressing the perceived problem¹. If a bylaw is considered to be appropriate, Council must then decide whether or not the bylaw is the

¹ Section 155 of the Local Government Act 2002

most appropriate form of bylaw, and whether or not the bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990.

Is a bylaw the appropriate means to deal with the problem?

Council considers that a bylaw is the most appropriate tool to regulate the control of freedom camping throughout the district. The matters in the bylaw are of importance to the community in terms of protecting public areas, protecting the public's health and safety, and protecting access. The proposed bylaws are considered to be consistent with the approach taken by other councils of a similar size and nature.

Is the bylaw in the appropriate form?

The draft bylaw focuses on identified issues and is customised to suit the particular circumstances of the Western Bay of Plenty District. The draft bylaw is consistent with Council document standards and has been written in plain English so far as possible. It is therefore considered to be the most appropriate form of bylaw.

Is the bylaw consistent with the New Zealand Bill of Rights?

The Bill of Rights protects the human rights and fundamental freedoms of all people in New Zealand. The regulatory controls provided under this bylaw are designed to minimise danger, distress and nuisance to the community and their property. It is considered that the draft bylaw does not give rise to any implications under the Bill of Rights.

Have your say

We need your feedback by 4pm Thursday 18 April 2019

Please tell us what you think of what we are proposing.

You can do this by:

- Entering it online at: <https://haveyoursay.westernbay.govt.nz>
- Posting it to: *Freedom Camping Bylaw Review, Western Bay of Plenty District Council, Private Bag 12803, Tauranga 3143.*
- Emailing it to: haveyoursay@westernbay.govt.nz
- Delivering it to:
 - Barkes Corner head office, 1484 Cameron Road, Greerton
 - Te Puke Library and Visitor Information Centre, 130 Jellicoe Street, Te Puke
 - Katikati Library and Visitor Information Centre, 36 Main Road, Katikati
 - Waihi Beach Library and Service Centre, Waihi Beach Rd
 - Omokoroa Library and Service Centre, McDonnell Street, Omokoroa

Feedback forms are available at all service centres, and at our public Have Your Say events.

Giving effective feedback

We will provide feedback forms at all service centres and at our community events throughout the consultation period. These forms include questions on the key amendments we are consulting on, and ask for your opinion on each.

You may also wish to comment on specific the clause(s) of the Bylaw, and state why the clause is supported, not supported, or how it could be amended.

Feedback on matters outside the scope of the draft Bylaw cannot be considered by the Council as part of this Bylaw review process.

What happens next?

Council will acknowledge in writing or by email (if provided) the receipt of your feedback. If you have questions, or if you would like to give feedback in person, we encourage you to come to one of our community Have Your Say Events:

Venue	Date	Time
Omokoroa Settlers' Hall	Sat 23 March	9am-12pm
Oropi Hall	Wed 27 March	6.30pm-8pm
Waihi Beach RSA	Sat 30 March	9am-12pm
Te Puna Quarry Park – Gallery	Wed 3 April	4pm-7pm
Te Puke Memorial Hall	Sat 6 April	9am-12
Maketu Community Centre	Wed 10 April	4pm-7pm
Katikati Community Hub Pātuki Manawa	Sat 13 April	9am-12pm

Alternatively, you may register for a more formal opportunity to present your views. Please email haveyoursay@westernbay.govt.nz or phone 07 571 8008 by Friday 5 April 2019 to secure a timeslot and receive further information. These days will be available on:

Council Chambers (Barkes Corner): Mon 15 April – 9.30am start
 Council Chambers (Barkes Corner): Tues 16 April – 9.30am start

Review Timeframes:

- Period for feedback opens: 18 March 2019
- Period for feedback closes: 18 April 2019
- Have your say days: Commencing 23 March (see above)
- Council adopts bylaws: 8 August 2019
- Bylaws become effective: 15 August 2019

Freedom Camping Bylaw review

The purpose of the Freedom Camping Bylaw is to regulate Freedom Camping in the Western Bay of Plenty district in order to protect local areas, protect the health and safety of people who may visit the area, and to protect access to public areas.

Why is it being reviewed?

This bylaw is due to be reviewed by 8 November 2019, before it lapses. If the bylaw lapses, then only the Freedom Camping Act 2011 will apply, which allows any freedom camping in public places within 200m of a road. This review also provides an opportunity to amend the rules where freedom camping may not be working well, or to designate more freedom camping areas in other areas.

Key changes proposed in draft bylaw

- Prohibit freedom camping at ANZAC Bay (Bowentown domain) year round
- Amend the Pukehina Beach area by moving to estuary side of car park, and reducing area by half
- Prohibit freedom camping at Lund Road reserve (formerly a forestry block)
- Reduce depth of freedom camping area at Brighton Reserve, to allow parallel parking only
- Amend wording for obtaining permission to tent at TECT Park
- Prohibit freedom camping at newly acquired reserve at end of Wairoa Road
- Prohibit freedom camping at utilities reserves at 1 Fyfe Road, Waihi Beach and on Western Avenue, Omokoroa

Statement of proposal

You can find the statement of proposal for the Freedom Camping Bylaw review on our Have Your Say site [haveyoursay.westernbay] or in hard copy at our libraries and service centres (see details on [page x\[\]](#)).

Have your say

Consultation is open from 18 March to 18 April 2019. See [page \[x\]](#) for when and where to have your say, including events across the District.



For Office Use Only:

Draft Freedom Camping Bylaw 2019

You can deliver your submission to the Katikati, Te Puke, Omokoroa or Waihi Beach Library and Service Centre, Main Council Office at Barks Corner, email it to haveyoursay@westernbay.govt.nz, or mail it to:

Freedom Camping Bylaw Review
Western Bay of Plenty District Council
Private Bag 12803
Tauranga 3143

Submissions close 4.00pm Thursday 18 April 2019

Name:
Mr/Mrs/Ms/Miss _____

Organisation _____

Address for Service: _____

_____	Post Code:
_____	_____

E-mail address: _____

Telephone Number: _____ (home)
_____ (work)

Signed: _____ *Date:* _____
(Signature of person making submission or person authorised to sign on behalf of person making submissions)

Please use the reverse of this form for your submission

Please submit only one copy of your submission to Council (don't email plus send a hardcopy).

Privacy Act 1993 Note: Please be aware when providing personal information that submissions form part of the public consultation process for the Freedom Camping Bylaw 2019

Western Bay of Plenty District Council

Policy Committee

Adoption of the Draft Animals (excluding dogs) Bylaw 2019, Draft Cemeteries Bylaw 2019, and Draft Public Places Bylaw 2019, for Public Consultation

Purpose

The purpose of this report is to provide the Committee with the draft Animals (excluding dogs) Bylaw 2019, Cemeteries Bylaw 2019, and Public Places Bylaw 2019, and proposed revocation of the existing Nuisances Bylaw, for public Consultation. Council must follow the Special Consultative Procedure to amend the current General Bylaw 2008 (which these bylaws currently reside within).

Recommendations

1. ***THAT the Policy Analyst report dated 22 February 2019 and titled "Adoption of the Draft Animals (excluding dogs) Bylaw 2019, Draft Cemeteries Bylaw 2019, and Draft Public Places Bylaw 2019 for Public Consultation" be received.***
2. ***THAT the report relates to an issue that is considered to be of medium significance in terms of Council's Significance and Engagement Policy.***
3. ***THAT pursuant to s155 of the Local Government Act 2002, Council confirms that for the respective issues, bylaws are the most appropriate way of addressing the perceived problems, the draft bylaws are most the appropriate form of bylaw, and that the draft bylaws do not give rise to any implications under the New Zealand Bill of Rights 1990.***
4. ***THAT the Draft Animals (excluding dogs) Bylaw 2019, Draft Cemeteries Bylaw 2019, and Draft Public Places Bylaw 2019, the accompanying statement of proposal, summaries of proposals, and feedback form as appended to this report are released for consultation pursuant to s156 of the Local Government Act 2002, from 18 March 2019 to 18 April 2019.***
5. ***THAT the General Bylaw Chapter 4 Nuisances 2008 be proposed for revocation on 15 August 2019, subject to consultation pursuant to s156 of the Local Government Act 2002, from 18 March 2019 to 18 April 2019, and that this proposal be included in the statement of proposal referred to in recommendation 4 of this report.***



Simon Stewart
Policy Analyst

1. Background

The General Bylaw 2008 is a compendium of four bylaw chapters covering Animals (excluding dogs), Cemeteries, Nuisances and Public Places. The bylaw initially also covered Waste, however that has since been replaced by the Waste Management and Minimisation Bylaw 2013, and no longer forms part of the General Bylaw 2008.

The General Bylaw 2008 is due for statutory review, and will lapse by 1 July 2020 if not reviewed. In the event the General Bylaw lapses, Council would be required to develop a new one. In April 2018, Council agreed to review this bylaw as part of the 2018 Policy and Planning Work Programme.

The reasons for reviewing the bylaw are to:

- Ensure that it is fit for purpose with the change in demographics and growth in the district since 2008;
- Address bylaw implementation issues to enable effective enforcement; and
- Remove provisions which are more effectively enforced through other legislation, the District Plan, or Regional Plans.

Council determined the scope of its General Bylaw 2008 review at a workshop on 18 October 2018, and directed staff to commence pre-engagement on the agreed key issues between 30 November and 14 December 2018. Council also endorsed the scoping paper at that workshop, which recommended numerous specific changes to each of the bylaws, including to split the General Bylaw into individual bylaws. Direction was also given to propose the revocation of Chapter 4 Nuisances of the General Bylaw, as it was considered largely redundant given other legislation, bylaws and plans covering the same matters.

At a workshop on 5 February 2019 Council considered issues and options of the key themes resulting from the pre-engagement, and resolved to pursue the following options:

- Limit the number of bee hives in urban areas to two per property, in addition to a nuisance clause in residential zones only. These limits would not apply in lifestyle or rural areas.
- Do not place limitations on the keeping of roosters in urban areas
- Advocate for Central Government to change legislation to restrict the use of fireworks to organised commercial/community events only
- Receive all other comments, but not implement them in the draft bylaws at this stage

The draft bylaws (Animals (excluding dogs), and Public Places), a statement of proposal, summaries of proposals and a feedback form have been prepared to enable consultation to take place between 18 March 2019 and 18 April 2019. Feedback is also sought on the proposed revocation of the Nuisances chapter of the General Bylaw 2008.

2. Proposed changes to the General Bylaw 2008

The main areas of change proposed in the General Bylaw are:

- **Split into separate bylaws:** The General Bylaw is a compendium of four bylaw chapters, including the Animals (excluding dogs) Bylaw, Cemeteries Bylaw, Nuisances Bylaw, and Public Places Bylaw.
- **Remove unenforceable, impractical and obsolete provisions:** The bylaws contain a number of provisions which are impractical in terms of enforcement, or are already covered by other legislation or plans.
- **Beehive limit in urban areas:** It is proposed to limit the number of bee hives per property in the urban areas to two. This is considered a reasonable number for urban hobbyist bee keepers, retains bees in the local environment, while limiting the potential for nuisance caused by too many bees. The proposal also includes a nuisance provision for residential areas in cases where the limit still doesn't address the problem
- **Allow disability assist dogs:** Currently, the Cemeteries Bylaw contains a blanket ban on all animals from entering cemeteries. This proposal will allow disability assist dogs such as guide dogs to enter cemeteries.
- **Ornaments in cemeteries:** Ornaments on plots are increasingly encroaching on surrounding cemetery land, including other plots. It is proposed to require ornaments to be "approved" by Council, so that any unapproved ornaments can be more easily removed by maintenance staff.
- **Revocation of the Nuisances chapter of the Bylaw:** Every provision within the nuisances chapter of the General Bylaw is either already covered by legislation (notably the Health Act), the District Plan, or Regional Plans. It is easier and more effective to monitor and enforce against nuisances through those tools, rather than the bylaw (which has no infringement abilities). As such, it is proposed to revoke the Nuisances Bylaw.

A table of all proposed changes and the reasons for those changes, is provided in **Appendix A** of this report.

3. Local Government Act 2002 s155

As part of reviewing Bylaws, Council is required to make determinations required by s155 of the Local Government Act 2002 (LGA). This means that Council must determine that a bylaw is the most appropriate way of addressing the perceived problem, that the draft bylaw is the most appropriate form of bylaw and that it does not give rise to any implications under the New Zealand Bill of Rights Act 1990.

The following text summarises Council's discussions in workshops relating to LGA 155 matters, and this report requests Council to make a formal resolution confirming its position. The following text is also recommended for inclusion in the statement of proposal:

There is no legislative requirement to have these bylaws in place, however the Local Government Act 2002 enables councils to implement and enforce bylaws where there are local issues which need additional powers to be addressed.

Council must determine whether bylaw is the most appropriate way of addressing the perceived problem¹. If a bylaw is considered to be appropriate, Council must then decide whether or not the bylaw is the most appropriate form of bylaw, and whether or not the bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990.

Is a bylaw the appropriate means to deal with the problem?

Council considers that a bylaw is the most appropriate tool to regulate the control of animals (dogs being regulated separately in the Dog Control Bylaw 2016), the use of public cemeteries, and the use of public places. The matters in these bylaws are of importance to the community in terms of minimising danger, distress and nuisance to the community. The proposed bylaws are considered to be consistent with the approach taken by other councils of a similar size and nature.

Is the bylaw in the appropriate form?

The draft bylaws focus on identified issues and are customised to suit the particular circumstances of the Western Bay of Plenty District. Council has sought feedback through pre-engagement on the key areas of change, and the draft bylaw enables Council and community needs to be met in a clear and comprehensible way. The draft bylaw is consistent with Council document standards and has been written in plain English so far as possible. It is therefore considered to be the most appropriate form of bylaw.

Is the bylaw consistent with the New Zealand Bill of Rights?

The Bill of Rights protects the human rights and fundamental freedoms of all people in New Zealand. The regulatory controls provided under these bylaws are designed to minimise danger, distress and nuisance to the community and their property. It is considered that the draft bylaw does not give rise to any implications under the Bill of Rights.

4. Significance and Engagement

The Local Government Act 2002 requires a formal assessment of the significance of matters and decisions in this report against Council's Significance and Engagement Policy. In making this formal assessment there is no intention to assess the importance of this item to individuals, groups, or agencies within the community and it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.

The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.

In terms of the Significance and Engagement Policy this decision is considered to be of medium significance because of:

- The likely public interest in the proposals included in the draft bylaw;

¹ Section 155 of the Local Government Act 2002

Date: 22 February 2019

Open Session

Subject: Adoption of the Draft Animals (excluding dogs) Bylaw, Draft Cemeteries Bylaw, and Draft Public Places Bylaw, for Consultation

- The number of ratepayers, residents and visitors to the district that may be affected by the bylaw provisions; and
- The requirement to undertake a LGA special consultative procedure.

The Committee endorsed an engagement plan at its workshop on 5 February 2019.

5. Engagement, Consultation and Communication

Pre-engagement was undertaken with the community between 30 November and 14 December 2018. Council considered issues and options of the key themes resulting from the pre-engagement, which has now been incorporated in the draft bylaws.

The Special Consultative Procedure under the Local Government Act 2002 must be used in formal public consultation on the proposed changes to the bylaws. It is proposed to use the Have Your Say website, as well as several separate community open days throughout the consultation period of 18 March to 18 April 2019, to align with consultation on the Draft Annual Plan 2019/20.

6. Issues and Options Assessment

Option A	
Adopt the draft Animals (excluding dogs) Bylaw, Cemeteries Bylaw, and Public Places Bylaw, and revocation of Nuisances Bylaw, for Consultation (18 March – 18 April 2019)	
Assessment of option for advantages and disadvantages taking a sustainable approach	<p><u>Advantages:</u></p> <ul style="list-style-type: none"> • Bylaw review process can continue within proposed timeframes, for completion in August 2019 and prior to the operative bylaw lapsing. • The draft bylaws (including revocation) is representative of direction given by the Committee in workshops. • The community can provide feedback on the draft bylaws, and Council can elect to reconsider its position on any matters raised.
Costs (including present and future costs, direct, indirect and contingent costs) and cost effectiveness for households and businesses	<p>Staff time will be required to deal with queries from the community about the proposed changes to the bylaws, and to progress the subsequent stages of the bylaw review. However, this can be managed within existing staffing and budgets</p>

Date: 22 February 2019

Open Session

Subject: Adoption of the Draft Animals (excluding dogs) Bylaw, Draft Cemeteries Bylaw, and Draft Public Places Bylaw, for Consultation

Option B	
Do not Adopt the draft bylaws or revoke the Nuisances bylaw for consultation	
Assessment of option for advantages and disadvantages taking a sustainable approach	Disadvantages: <ul style="list-style-type: none"> • Bylaw review timeframes will be compromised, and the full review process may not be able to be completed prior to the period when decision-making is restricted due to the elections. The Bylaws will lapse if not reviewed prior to 1 July 2020. • The new provisions proposed in the bylaws cannot be implemented until a final bylaw is adopted.
Costs (including present and future costs, direct, indirect and contingent costs) and cost effectiveness for households and businesses	If the bylaw review process is significantly delayed, the Committee may need to revisit issues it has already considered and more staff time will be incurred.

7. Statutory Compliance

The recommendations of this report ensure Council complies with Local Government Act 2002 requirements for reviewing its General Bylaw 2008.

The draft bylaws will be subject to a Special Consultative Procedure to ensure that Council is complying with its obligations to seek community views on proposals of significance.

A public notice will run in the district newspapers prior to commencing formal consultation period, to raise community awareness that the period for feedback is open.

8. Funding/Budget Implications

Budget Funding Information	Relevant Detail
Bylaw budget	Ongoing budget for bylaw reviews. This bylaw review can be managed within existing staffing and budgets.

Appendix A

The following tables outline the proposed changes for each chapter within the General Bylaw, with reasons for each.

Chapter 1 – Introduction

By splitting up each chapter of the General Bylaw into individual bylaws (as proposed), the relevant parts of the existing definitions chapter will be placed at the start of each separate bylaw.

It is also proposed to change the definitions to be consistent with definitions contained in other bylaws as follows:

Section	Description	Proposed change
1	Authorised Officer	add "... with powers of entry as prescribed by sections 171-174 of the Local Government Act 2002"[for consistency with Trade Wastes Bylaw]
	District	replace with " <i>the area administered by the Western Bay of Plenty District Council</i> "[for consistency with Freedom Camping Bylaw]
	Person	replace with " <i>Includes any individual person, or group of individual persons bound together by common purpose, and includes a body corporate or body sole</i> "[for consistency with Wastewater Drainage Bylaw. The Livestock Movements and Trade Wastes bylaws have similar, but shorter definitions].
	Premises	replace with " <i>PREMISES means either – (a) A property or allotment which is held under a separate certificate of title or for which a separate certificate of title may be issued and in respect to which a building consent has been or may be issued; or (b) A building that has been defined as an individual unit by a cross-lease, unit title or company lease and for which a certificate of title is available; or (c) Land held in public ownership (e.g. reserve) for a particular purpose; or (d) Individual units in buildings which are separately leased or separately occupied</i> " [for consistency with Trade Wastes Bylaw]

Road	Replace with <i>"Has the meaning assigned to it under Section 2 of the Land Transport Act 1998. It also means all land lying between the borders of a road including footpaths and berms"</i> [for consistency with the Freedom Camping Bylaw]
Waste	replace with "means any kind of waste, including human waste" [for consistency with the Freedom Camping Bylaw]

Chapter 2 – Animals (Excluding Dogs)

Section	Description	Proposed change
1.1	Prevent wandering of animals	Delete, as it is essentially a duplicate of section 7.2 (prevent escape of animals).
1.4	No tethering of a horse in commercial areas	Delete, as it has never been used and has no evidence base to suggest that this is a problem (so would very likely fail in a court case)
1.5	Pick up droppings of a tethered horse	Delete, relies on section 1.4 which should itself be deleted
1.6	droppings to be wrapped before placed in public bin	Amend "the droppings" to "any animal droppings".
2	Pig Keeping (section)	Change section to only relate to residential-residential boundaries, and rural-residential boundaries.
2.2	Pig keeping	<p>Amend as follows: "... from any Dwelling, except the subject property dwelling, or any Building, or any street or Public Place or any place used for preparation, storage, or sale of food for human consumption, or from any boundary of any adjoining property, (except with the prior written permission of the Council)."</p> <p>This will clarify the positioning of pig sites to be 50m from a dwelling, without being the subject site's dwelling, nor being 50m to a boundary line which would further limit the ability to site pigs, which could otherwise be impossible.</p>

3	Pig sites	Remove section – covered by the Animal Welfare (Pigs) Code of Welfare 2010 (released under section 75 of the Animal Welfare Act 1999)
4	Pigswill	Remove section – Odour nuisance is covered by Regional Air Plan (including the proposed Plan Change 13 to the Regional Air Quality Plan); waste in public places is covered by Public Places bylaw, and as a nuisance under the Health Act 1956.
5.1	Rainproof and Concrete floor	Delete, covered in the Animal Welfare (Layer Hens) Code of Welfare 2012 (released under section 75 of the Animal Welfare Act 1999)
5.2	Poultry Keeping	Delete, obsolete to building consent process, and self-refers to bylaw
5.6	Poultry Runs: sale, dressage and killings	Delete, as this is not a problem, has never been enforced, and is not reasonable
5.7	Poultry runs	Amend as follows: “ <u>Within any residential zone, Every outside Poultry run must be adequately graded and drained, and must be kept at all times clean and dry and in good repair by the Owner of the Poultry to the satisfaction of the Officer.</u> ”
5.9 and 5.10	Poultry for sale	Delete, as this is not a problem, has never been enforced, and is not considered to be reasonable.
6.1	Keeping horse or cattle away from a boundary	Amend to include the Lifestyle and Rural-Residential Zone as an exception.
6.2	Housing horses	Delete, covered in the Animal Welfare (horses and Donkeys) Code of Welfare 2016 (released under section 75 of the Animal Welfare Act 1999)
New	Bees	Create new sub-section which limits the number of bee hives to two per property within urban areas, plus a nuisance provision.
7.1	Keeping of noisy animals offensive to residents	Amend: Make this section 7.2, and amend to exclude Rural and Lifestyle zones, as this rule is not enforced in those areas
7.2	Prevent escape of animals	Amend to exclude domesticated cats and birds, noting that this may give rise to wider discussions on the keeping of cats, including the Regional Council’s draft Regional Pest Management Plan and pest advocacy groups.

Chapter 3 – Cemeteries

Section	Description	Proposed change
5.6	Times of Funerals	Delete. No resolutions have ever been passed on days and times of funerals. Interment requires a warrant from Council in any case, whereby the process also determines possible days and times. Section 5.7 also manages the issue of minimum notice periods, while providing for exceptions in the case of emergencies.
6	Headstones and monuments	Add reference to headstone/monument maximum dimensions, which are set in the following document on Council's website: https://www.westernbay.govt.nz/our-services/cemeteries/cemetery-headstones/Documents/Memorial%20Headstone%20-%20Dimensions.pdf
6.1	Headstones and monuments	Amend to include the word "ornaments", to provide clarity that ornaments also need to be approved, which otherwise end up encroaching onto the rest of the cemetery. Also amend to include the word "indefinitely" after 'good repair', to clarify and highlight the need to maintain indefinitely rather than one-off occasions.
7.2	Tools in a cemetery	Delete. This has never been a 'problem', will likely never be enforced, and may not be reasonable in some circumstances.
7.9	No animals in cemeteries	Amend to allow guide dogs and companion animals

Chapter 4 – Nuisances

It is recommended that Council repeal the entire Nuisances Bylaw, as it is already covered by Section 4C (Amenity) of the operative District Plan, as well as the Health Act 1956 and other Council bylaws (such as the Livestock Movements Bylaw 2014, Reserves and Facilities Bylaw 2012, Wastewater Drainage 2008, and Waste Management and Minimisation Bylaw 2013).

Chapter 5 – Public Places

Section	Description	Proposed change
2.1	Hazardous materials in public place	Delete, as the Health Act 1956 would consider this a nuisance (s.29), with powers for an Environmental Health Officer to abate (remove) the nuisance without notice (s.34)
3.2	Safety precautions	Delete. Any safety precautions for works in a public place are covered by the Health and Safety at Work Act 2015
4.2(iii)	Transport of waste or offensive matter	Delete. This is already covered with the requirement for annual registration of offensive trades (Health Act 1956 s.54), pursuant to the Health (Registration of Premises) Regulations 1966. Additionally, the transport of dangerous goods is covered by the Land Transport Rule: Dangerous Goods 2005 (being a policing matter). If spillage occurs, then prosecution is available under the Health Act (nuisance/injurious to health), or regional plans depending on the discharge, and the Environmental Health Officer may remove the hazardous substance without notice in any case.
6.1 and 6.1 to 6.13	Advertising Devices	Delete, as most of it is already covered by Chapter 4D (signs) of the operative District Plan.
6.2	Sandwich Boards	Amend to allow one sandwich board or other non-fixed signage (such as teardrop / flag) per premises, unless it is not permitted under the District Plan (Omokoroa currently doesn't allow sandwich boards).

8	Litter from trading	Rename section from "Trading in Public Places" to "Containers for Litter", as the title is misleading
9.1	Riding of skateboards	Delete. While this has been looked into once (Katikati in 2005), no resolution has been passed to exclude skateboard riding areas. Therefore there is no 'problem' for which a bylaw should be written.
9.2	Due care in riding skateboards	Delete. This has never, and would likely never be enforced.
9.3	Cycling on footpaths	Delete, as it is already covered by the Land Transport (Road User) Rule 2004 (section 11.11)
9.4	Parking of bicycles	Delete, as this would not be enforced (being a prosecution of up to \$20,000), and would likely be very difficult to be successful in court.
10.1	Add/modify Street signs	Delete. Covered by Traffic Control Devices 2004 rule (s13.7)
10.3	building numbering	Delete, as Council does not have the power to renumber buildings, and is not necessary as a bylaw provision. Address numbering can only be authorised by LINZ.



~~General Bylaw 2008~~

~~Chapter 2~~

[Draft] Animals (Excluding Dogs) Bylaw 2019

Explanatory Note

- (1) The objective of this ~~Part of the~~ Bylaw is to *Control* the keeping of *Animals* (other than dogs) within the *District* so that they do not create a *Nuisance* or endanger health.
- (2) Matters relating to the *Control* of dogs are covered by *Council's* Dog Control Bylaw.



Western Bay of Plenty District Council

~~General Bylaw 2008~~

~~Chapter 2~~

[Draft] Animals (Excluding Dogs) Bylaw 2019

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Western Bay of Plenty District Council

General Bylaw 2008

Chapter 2

Animals (Excluding Dogs) Bylaw 2019

Pursuant to the powers vested in it under section 145 and section 146 of the Local Government Act 2002, and section 64 of the Health Act 1956, the Western Bay of Plenty District Council makes this Bylaw.

Definitions

Animal means any living stage of any member of the animal kingdom except human beings and in the case of any mammal, bird, fish, or reptile includes the carcass.

Approved means approved by the Council or by an Officer of the Council authorised in that behalf, and "approval" has a corresponding meaning.

Authorised Officer means an officer or other person appointed by the Council to perform duties required under this Bylaw, irrespective of the designation given to that officer or person and includes any Police officer, with powers of entry as prescribed by sections 171-174 of the Local Government Act 2002

Building has the meaning given to that term by the Building Act 2004.

Bylaw means a Bylaw of the Council for the time being in force, made under the provisions of any enactment enabling the Council to make Bylaws.

Cattle means any bull, cow, ox, heifer, steer or calf.

Consent means the Consent in writing given by the Council under this Bylaw authorising the person to whom the Consent is given to carry out any action or activity which is controlled by the provisions of this Bylaw or of any statutory enactment.

Containers means bins used for collection of litter and/or waste, fruit or vegetables used for promotional purposes, delivery of products or removal of household effects.

Council means the Western Bay of Plenty District Council.

Cycle or bicycle means a vehicle having at least 2 wheels and designed to be propelled solely by the muscular energy of the rider. Children's cycles having wheels less than 355 mm (14") diameter are excluded.

Cycle track or cycle-way means any portion of a Road which has been designated by the Council under Section 332 of the Local Government Act 1974 or this Bylaw for the use of cyclists.

District means the area administered by the Western Bay of Plenty District Council

District Plan means the Western Bay of Plenty Operative District Plan.

Dwelling or dwellinghouse includes any house, tent, vehicle, or other structure, whether permanent or temporary, and whether attached to the soil or not, used in whole or in part for human habitation and includes the land appurtenant to a dwelling.

Horses means any horse, mare, gelding, rig, colt, filly, ass, or mule.

Nuisance means nuisance as defined by the Health Act 1956, and includes anything obnoxious, offensive or injurious to the community or any member of it.

Occupier means in relation to any *Premises*, the owner and includes any tenant, agent, *Manager*, foreperson or other person apparently acting in the general management or control of the *Premises*.

Offence includes any act or omission in relation to this *Bylaw* or any part of this *Bylaw* for which any person can be punished either on indictment or by summary process.

Offensive Matter/Liquid means any waste, organic material, animal remains, waste chemicals or gases, or any other obnoxious material which is ill-smelling, annoying or in any way likely to be injurious to health, or will give rise to a nuisance to the community or any member of it; but does not include any matter or material authorised for discharge under a current discharge *Consent* granted in terms of the Resource Management Act 1991 or under any *Bylaw*.

Owner in relation to any land or *Premises*, means the person for the time being entitled to receive the rent of the land or *Premises*, whether on his or her own account or as the agent of or trustee for any other person, or who would be so entitled if the land or *Premises* were let at a rent.

Owner in relation to a motor vehicle, means the person lawfully entitled to possession of that vehicle except where –

- (a) the motor vehicle is subject to a bailment for a period not exceeding 28 days; or
- (b) the motor vehicle is let on hire under the terms of a rental-service licence; in which case "owner" means the person who, but for the bailment or letting on hire, would be lawfully entitled to possession of the motor vehicle; and "owned" and "ownership" have corresponding meanings.

Person includes any individual person, or group of individual persons bound together by common purpose, and includes a body corporate or body sole

Poultry includes geese, ducks, pigeons, turkeys, emus, ostriches and all types of domestic fowls.

Premises means either –

- a) A property or allotment which is held under a separate certificate of title or for which a separate certificate of title may be issued and in respect to which a building consent has been or may be issued; or
- b) A building that has been defined as an individual unit by a cross-lease, unit title or company lease and for which a certificate of title is available; or
- c) Land held in public ownership (e.g. reserve) for a particular purpose; or
- d) Individual units in buildings which are separately leased or separately occupied.

Public Place includes every *Road*, *Street*, public highway, footpath, *Footway*, court, alley, lane, accessway, and thoroughfare of a public nature or open to or used by the public as of right; and every place of public resort or place to which the public have access, so open or used; and every reserve, park, domain, beach, foreshore and recreational ground under the control of Council, whether admission is free or on payment of a charge.

Resident means any person who has a permanent address within the Western Bay of Plenty *District* or who has lived in the *District* for a period of one month or more and includes any person who owns property within the *District*.

Section means a property contained on one Certificate of Title and includes a cross-lease property.

Vehicle has the meaning assigned to that term in section 2(1) of the Land Transport Act 1998.

Waste means any kind of waste, including human waste.

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

1. Animals

~~1.1 Every Person being the Owner or having the care, custody, or Control of any Animal must keep and prevent the same from wandering or being at large without proper guidance on any Public Place.~~

~~1.21~~ Any Person who wishes to graze any Stock in or on any Public Place must apply to Council in writing, and the Consent, if granted, is subject to any conditions the Council considers appropriate as set out in the Consent. Failure to comply with any conditions of the Consent is a breach of this Bylaw.

~~1.32~~ No Person may –

- (a) Break in, train, clean, shoe, bleed, dress, or expose for show, hire, or sale, any Horse or other Animal on any Public Place without the prior written permission of the Council.
- (b) Allow any dangerous Animal to stand on any Public Place, unless properly and securely controlled.
- (c) By ill-usage or negligence in driving any Cattle along or over any Public Place, permit any injury or damage to be done by such Cattle.
- (d) Being the Owner, or Person having the custody of any Cattle or sheep, ride, lead, or drive the Cattle or sheep, or permit the Cattle or sheep to go along any footway or Cycle Track on any Public Place.
- (e) Cause, or permit any Animal to be led, ridden, or driven upon, across, or along any grass plot or flower bed laid out on any Public Place.

~~1.4 No Person may tether any Horse or other Animal in any area zoned Commercial in the District Plan, without the prior written permission of the Council.~~

~~1.5 The Person owning or having custody of any Animal tethering on any Public Place under 1.4 above must remove all droppings and dispose of such droppings immediately.~~

~~1.63~~ Where a public litter bin container is used to dispose of the any animal droppings they must be suitably wrapped or contained to prevent fouling of the receptacle.

~~1.74~~ The Owner or Occupier of any land or Premises where hives are sited for the keeping of bees must, on receipt of a notice from an Authorised Officer, resite or remove such hives if in the opinion of an Authorised Officer of Council, such siting has become or is likely to become a nuisance or injurious to health.



2. Pig Keeping

- 2.1 No *Person* may keep any pigs so as to create any conditions injurious to health, or offensive, or in such a manner as to pollute any water.
- 2.2 No *Person* may construct or allow any pigsty to remain or any pigs to be at large or to range at a distance less than 50 metres (or some lesser distance as *Council* may, from time to time approve in specific cases) from any *Dwelling*, ~~except the subject property dwelling~~, or any *Building*, or any street ~~or Public Place~~ or any place used for the preparation, storage, or sale of food for human consumption, ~~or from any boundary of any adjoining property~~, (except with the prior written permission of the *Council*).
- 2.3 No *Person* may feed any pigs on garbage obtained elsewhere than on the *Premises* on which the pigs are kept, without obtaining the prior written permission of the *Council*.

3. ~~Pig Sties~~

- 3.1 ~~No *Person* may erect, or cause to be erected any pigsty unless in compliance with the following requirements –~~
- (a) ~~The roof of the sleeping-pen must be watertight.~~
- (b) ~~The walls of the sleeping-pen must be constructed as to prevent the accumulation of filth thereon and to afford a surface easily cleaned, and shall for 0.6 metres from the floor be constructed of concrete or other *Approved* impervious material finished to a smooth even surface with all internal angles rounded.~~
- (c) ~~The floor of the feeding-pen must be constructed of concrete graded to fall 1 in 25 to a channel drain.~~
- (d) ~~The effluent from the channel drain must be discharged by an *Approved* means.~~
- 3.2 ~~The *Occupier* of any *Premises* where a pigsty is situated must keep the pigsty, and all runs, drains, and catchpits or settling tanks used in connection with it in a state of cleanliness, and must remove or cause to be removed and disposed of, all accumulated manure and offensive matter in an *Approved* manner.~~
- 3.3 ~~All troughs, from which pigs are fed must be properly constructed of concrete, sheet iron, hardwood, or other *Approved* material so as to be watertight. All troughs must be kept thoroughly cleaned.~~
- 3.4 ~~All troughs, if not fixed or permanent, must be placed on proper feeding places constructed as a smooth concrete slab with a raised nibwall all round, and of sufficient size to prevent pollution of the ground surrounding.~~

4. ~~Pigswill~~

- 4.1 ~~No *Person* may cause or permit any manure or offensive matter from pigsties, or any swill or feed to be accumulated, or stored in any place within 50 metres from any *Dwelling*, or any *Building*, or street or *Public Place*, or the boundary of any occupied adjoining property or in such a way as to give rise or be likely to give rise to be injurious to health, or offensive.~~



~~4.2 No Person may convey pigswill, or any food intended for pigs and emitting an offensive smell, along any street or Public Place, or store pigswill or food intended for pigs on any Premises or land unless in either case the pigswill is contained in impervious receptacles provided with Approved closefitting covers sufficient to prevent the escape of material or odour, and access of flies.~~

~~4.3 Every Person engaged in conveyance and use of pigswill or pigfeed of a perishable nature must thoroughly clean daily every vehicle, receptacle, cover, or utensil used in the collection, conveyance, or use of such pigswill and pigfeed.~~

53. Poultry Keeping

~~5.1 In areas other than those zoned rural no Poultry caged or otherwise, may be kept in any part of the District except in a properly constructed Poultry house covered in with a rainproof roof and provided with a floor of concrete or other Approved material with a surrounding nibwall, to which may be attached a Poultry run.~~

~~5.2 Every Poultry house must be constructed in the manner required by this Part of this Bylaw and as required by the Building Code as the case may require.~~

~~5.33.1 No Poultry house or Poultry run may be erected or maintained so that any part of it is within 10 metres from any Dwelling, factory, or any other Building whether wholly or partially occupied, or within 2 metres of the boundary of adjoining Premises.~~

~~5.43.2 Except with the written Consent of the Council, not more than 12 head of Poultry maybe kept in any Poultry house or Poultry run on any land in areas other than those zoned Rural. An Authorised Officer of Council may refuse any Consent or revoke and cancel any Consent or apply conditions if it decides that the Poultry house or Poultry run in question is likely to be offensive or dangerous to health.~~

~~5.53.3 Where Consent has been revoked or refused by an Authorised Officer of Council the applicant may apply in writing to the Council for reconsideration of the decision. On hearing the objection, the Council committee may confirm, reverse or modify the decision.~~

~~5.6 Every Poultry run of whatever size must be enclosed as to confine the Poultry within the Poultry run.~~

~~5.73.4 Within any residential zone, Every outside Poultry run must be adequately graded and drained, and must be kept at all times clean and dry and in good repair by the Owner of the Poultry to the satisfaction of the officer.~~

~~5.83.5 If any Poultry house or Poultry run becomes a Nuisance owing to its construction or state of disrepair, lack of cleanliness, or by reason of any matter referred to in the Bylaw, then, the Owner of the Poultry house or Poultry run or of such Poultry, upon notice being served upon him or her by the Council, must execute and do any work required to abate the Nuisance, and as specified in the notice.~~

~~5.9 Nothing in this Bylaw prevents any Person keeping Poultry in an auction room, or in any Premises used for the killing and dressing of Poultry for sale, for not more than 48 hours for the purpose of sale, or keeping Poultry on his or her Premises in an Approved type of coop for the purpose of immediate consumption, or from keeping Poultry in a shop for the purpose of sale.~~

~~5.10 All pens in which Poultry are placed to be offered for sale must be constructed to the satisfaction of Council and kept clean and dry and in good repair.~~



64. Horses, Cattle and Stock

6.14.1 No *Person* may keep or suffer to be kept within the *District* (excluding land zoned Rural, Lifestyle, or Rural-Residential) any *Horse, Cattle* or other *Stock* at less distance than 2 metres from any boundary of adjoining *Premises* used for the purpose of a *Dwelling*, shop, warehouse, factory, work shop, church or school unless the *Animal* is at the time being used, ridden or driven.

~~6.2 No *Horse, Cattle* or *Stock* may be stabled or housed other than in a stable or other *Approved Building* constructed or made to comply with all relevant regulations.~~

5. Bees

5.1 No person may keep more than two bee hives on any property within any residential zone.

5.2 No person may keep any number of bee hives within any residential zone in such a way that it causes a nuisance

76. Nuisances

7.16.1 No *Person* may keep within any *Premises* any noisy *Animal*, bird, or *Poultry* which is offensive to *Residents* in the neighbourhood. No proceedings may be taken against any *Person* for an *Offence* under this clause of this Part of this *Bylaw* until after the expiration of 14 days from the date of service on such *Person* of a notice alleging such an *Offence*, given by the *Council* after receipt by it of a complaint, signed by not less than 3 householders residing within hearing of the *Animal*, bird or *Poultry* causing the alleged *Offence*.

7.26.2 No *Person* may cause or allow any *Animal*, except for cats or birds, kept within any *Premises* to escape or wander so as to be offensive or be likely to endanger any *Person*.

7.36.3 Notwithstanding any of the provisions of this *Bylaw*, no *Person* may keep any *Animals* in such a manner or conditions so as to be offensive to *Residents* in the neighbourhood by way of odour from the keeping of such *Animals*.



~~General Bylaw 2008~~

~~Chapter 3~~

[Draft] Cemeteries Bylaw 2019

Explanatory Note

This ~~Part of the~~ *Bylaw* promotes the orderly and efficient management of cemeteries under the *Council's* control.

It should be read in conjunction with any policy or Code of Practice which *Council* has adopted and publicly notified in relation to cemeteries under its control.



Western Bay of Plenty District Council

~~General Bylaw 2008~~

~~Chapter 3~~

[Draft] Cemeteries Bylaw 2019

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Western Bay of Plenty District Council

General Bylaw 2008

Chapter 3

[Draft] Cemeteries Bylaw 2019

Pursuant to the powers vested in it under sections 16 and 40 of the Burial and Cremation Act 1964 and section 146 of the Local Government Act 2002, the Western Bay of Plenty makes this Bylaw.

Definitions

Act means The Local Government Act 2002.

Animal means any living stage of any member of the animal kingdom except human beings and in the case of any mammal, bird, fish, or reptile includes the carcass.

Approved means approved by the Council or by an Officer of the Council authorised in that behalf, and "approval" has a corresponding meaning.

Berm Cemetery means a cemetery in which the surface is laid down as a grass lawn only with the headstones or memorials confined to the concrete berm/beam provided and which is declared to be such by the Council.

Bylaw means a Bylaw of the Council for the time being in force, made under the provisions of any enactment enabling the Council to make Bylaws.

Cemetery means any land for the time being vested in the Council or under its control and dedicated and opened as a cemetery.

Consent means the Consent in writing given by the Council under this Bylaw authorising the person to whom the Consent is given to carry out any action or activity which is controlled by the provisions of this Bylaw or of any statutory enactment.

District means the area administered by the Western Bay of Plenty District Council

Disability Assist Dog has the same meaning as in the Dog Control Act 1996

Driver in relation to any motor vehicle, means any person who uses or drives the motor vehicle on any Road, or causes or Permits it to be on any Road or to be driven on any Road, whether or not the person is present with the motor vehicle and includes any person apparently in charge of the motor vehicle.

Footpath has the meaning assigned to that term in section 315(1) of the Local Government Act 1974.

Nuisance means nuisance as defined by the Health Act 1956, and includes anything obnoxious, offensive or injurious to the community or any member of it.



Offence includes any act or omission in relation to this *Bylaw* or any part of this *Bylaw* for which any person can be punished either on indictment or by summary process.

Person includes any individual person, or group of individual persons bound together by common purpose, and includes a body corporate or body sole

Plot means a grave plot in a cemetery laid off and shown upon the plan and, unless otherwise expressly stated, having the dimensions of 2.4m in length by 1.2m in width.

Road has the meaning assigned to it under Section 2 of the Land Transport Act 1998. It also means all land lying between the borders of a road including footpaths and berms.

Section means a property contained on one Certificate of Title and includes a cross-lease property.

Sexton means the person appointed by the *Council* as Sexton of the Cemetery.

Vehicle has the meaning assigned to that term in section 2(1) of the Land Transport Act 1998.

1. Council Cemetery Policy

- 1.1 The *Council* may from time to time by resolution adopt a policy or Code of Practice for the purpose of maintaining, preserving, or developing the amenities or facilities of any *Cemetery* or *Cemeteries* or crematoria under its control, or for any other purpose which the *Council* considers necessary for the proper and lawful operation of *Cemeteries* or crematoria under the *Council* control.

2. Related Legislation

- 2.1 Nothing in this Chapter of the *Bylaw* derogates from any provision of, or the necessity for compliance with –
- (a) Burial and Cremation Act 1964;
 - (b) Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967;
 - (c) Cremation Regulations 1973;
 - (d) Health (Burial) Regulations 1946.

3. Rights of Burial

- 3.1 Subject to the provisions of the Burial and Cremation Act 1964, every *Cemetery* must be open for the interment of all deceased *Persons*, to be buried with such religious or other ceremony, or without any ceremony, as the family and friends of the deceased think proper.
- 3.2 Burials may be made in any *Cemetery* in the *District*, which has not been lawfully closed, subject, in the case of *Cemeteries* under the control of the *Council*, to the provisions of this *Bylaw*.
- 3.3 The *Council* may sell Burial *Plots* according to the *Council's* normal terms and conditions, and where the exclusive right of burial has been granted in terms of section 10 of the Burial and Cremation Act 1964, that right may be subject to such terms and conditions as *Council* may prescribe.
- 3.4 Where a person has agreed to purchase the exclusive right of burial in any *Plot* or ground where no previous interment has taken place, such agreement shall lapse six months after the agreement date if the fee remains unpaid.

4. Fees and Charges

- 4.1 The fees and charges mentioned in this *Bylaw* do not include payment for any work required to be done beyond the actual digging of an ordinary grave and after burial, back-filling of the grave.
- 4.2 The *Council* may set fees and charges for all services provided for the operation and maintenance of *Cemeteries* and crematoria under its control.
- 4.3 The fees and charges payable in accordance with the provisions of this *Bylaw* may from time to time be amended or increased by the *Council*.

5. Burial

- 5.1 No interment may be made in any *Cemetery* without a burial warrant for that purpose, obtained from the *Council* by the person having the management or control of the burial, being presented to the *Sexton* as authority for burial.
- 5.2 The *Council* will not issue a burial warrant unless the fee for interment has been paid except that in the case of an interment under the control of a registered funeral director the *Council* may waive the need for prior payment and charge the cost directly to that registered funeral director.
- 5.3 Any burial must take place in the *Plot* as determined by the *Council*, and no headstone or monument may be erected unless all interment and other fees incurred at that time have been paid.
- 5.4 The minimum depth of a grave for a single interment must not be less than 1.6 metres and if more than one interment is to be made in the same *Plot* then a further 400mm must be dug to form an extra depth grave of 2 metres. The minimum depth of ground cover over any casket must not be less than one metre.
- 5.5 No person other than the *Sexton* or his or her assistant, or any person approved by the *Council* and working under the direct supervision of the *Sexton*, may dig any grave or open the ground for burial in any part of the *Cemetery*. Any grave dug by any "person approved by *Council*" will still incur the appropriate burial fee.
- ~~5.6 Burials must be held on such days and at such times as the *Council* may prescribe by resolution. If, in the opinion of the *Council*, special circumstances exist which make a burial outside of the prescribed hours desirable, the *Council* may agree to a burial outside of the prescribed hours on payment of any additional fee required.~~
- 5.76 Notification of an intended burial must be given to the *Sexton* at least eight working hours prior to the time fixed for the funeral, except in cases of emergency, when, on the certificate of a medical practitioner or Coroner's order, a shorter notice will be accepted.
- 5.87 Every person who fills in any *Plot* after a burial must do all levelling and reinstatement work at his or her own cost and under the direct supervision of the *Sexton*.
- 5.98 Upon written application to the *Council* and payment of the prescribed fees, the urn containing the ashes of any deceased person may be buried in the appropriate part of the *Cemetery* set aside for that purpose, or in any *Plot* subject to an exclusive right of burial.

6. Headstones and Monuments

- 6.1 All above-ground grave structures, enclosures, ornaments, memorial headstones and other monuments may be installed only in accordance with a *Consent* issued by the *Council* and must be kept in good order and repair indefinitely by the purchasers of the *Plots* or their representatives.

Note: Headstone/monument maximum dimensions are available on the Council website at: <https://www.westernbay.govt.nz/our-services/cemeteries/cemetery-headstones/Documents/Memorial%20Headstone%20-%20Dimensions.pdf>

- 6.2 The *Council* may carry out regular inspections of memorial headstones and other monuments to ensure that they present no danger or inconvenience to both the public and the *Council's* Maintenance Contractors.



- 6.3 Subject to the provisions of the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967, the *Council*—
- (a) may remove any installation of any kind that has fallen into a state of decay or disrepair; and
 - (b) may remove any item that did not receive consent under clause 6.1; and
 - (c) must take a photographic record of the installation before it is removed and the photographic record must be retained in the *Council's Cemetery* records.
- 6.4 Before any monumental work commences a drawing and specification of the proposed monument must be submitted to the *Council* for approval.
- 6.5 Where the *Council* designates land for a Memorial Park or *Berm Cemetery*, headstones and other monuments may only be erected subject to conditions specified by the *Council*.

7. Control of Activities

- 7.1 No person may remove from the *Cemetery* or from any *Plot* within the *Cemetery*, any monument, tablet, vase, wreath, plant, flower, or any other thing without first obtaining the *Consent* of the *Council*.
- ~~7.2 Any person working around any grave, vault, or memorial, in any Cemetery must not use any footpath, or other part of the Cemetery, to deposit tools and materials for a longer time than is reasonably necessary for the purpose of completing such work.~~
- 7.32 No person may do any work in any *Plot* in the *Cemetery* unless specifically authorised by the *Sexton* to do so.
- 7.43 No tree or shrub may be planted in any part of any *Cemetery* by any person without first obtaining the *Consent* of the *Council*.
- 7.54 No person may in or near any part of the *Cemetery* prevent, interrupt, or delay the decent and solemn burial of any body, or remains of any body.
- 7.65 No person may, in or near any part of the *Cemetery*, so conduct himself or herself as to be offensive, to be a nuisance, or to cause annoyance to *Persons* lawfully within the *Cemetery*.
- 7.76 Any person installing any memorial, or carrying out any other work in a *Cemetery*, within sight or sound of a funeral service must cease that activity and withdraw for the duration of the funeral service.
- 7.87 Any wreath or other floral tribute may be placed on a *Plot* but the *Sexton* may at any time remove receptacles which are damaged or of a type not approved by the *Council*, or any material that in his or her opinion is neglected, unsafe or broken, and may also remove at any time dead flowers and dead foliage.
- 7.98 No person may allow any animal within the *Cemetery* grounds without the *Consent* of the *Sexton*, with the exception of disability assist dogs.
- 7.109 Except at the specific request of the purchaser of a *Plot* or their representatives no person may, in any *Cemetery*, accept or solicit any custom from any other person for any work to be done in any *Cemetery*.
- 7.110 No person may take any photographs or moving images at a funeral without the consent of the funeral director or the family of the deceased.


7.1211

No person may –

- (a) drive or propel any vehicle of any kind in any *Cemetery* at a greater speed than 15km/h, or at a speed greater than that indicated on any road or sign within any *Cemetery*; and
- (b) unless authorised by the *Council*, drive or allow that vehicle to be on any part of any *Cemetery* except the roads open for vehicular traffic and in the direction indicated by traffic notices.

7.1312

Vehicles may only be driven within the *Cemetery* grounds between the hours of 6.00am and sunset on the same day, unless prior arrangements have been made with the *Sexton*.

7.1413

The *Driver* of any vehicle within the limits of a *Cemetery* must yield unconditional right of way to any funeral procession and must stop or move that vehicle as directed by the *Sexton* or his or her assistant.

8. Exhumation

8.1

Where an application for an exhumation is received by the *Council*, the exhumation must be conducted under section 51 of the Burial and Cremation Act 1964 and subject to payment of such fees as the *Council* prescribes.

9. Breach of Bylaw

9.1

To avoid any doubt, every person who commits an *offence* against this chapter is liable to the penalty set out in section 242(4) of the Act.



~~General Bylaw 2008~~

~~Chapter 4~~

~~Nuisances~~

~~Explanatory Note~~

~~This *Bylaw* aims to protect the public health and wellbeing from *Nuisances* caused by burning, deposit of rubbish and *Offensive Matter*.~~

~~The *Bylaw* is made under the Local Government Act 2002 and the Health Act 1956. It is complementary to the Litter Act 1979, the Resource Management Act 1991 and the Public Places *Bylaw*.~~



~~General Bylaw 2008~~

~~Chapter 5~~

[Draft] Public Places Bylaw 2019

Explanatory Note

This ~~Part of this~~ *Bylaw* controls activities within *Public Places* which may have an adverse effect on other users of these facilities, or the public at large.

Several sections of the Local Government Acts 1974 and 2002 in particular, and other relevant Acts, prescribe the powers of the *Council* in regard to streets and *Public Places* and are not necessarily repeated within this *Bylaw*. The relevant sections of the Local Government Acts 1974 and 2002, and other Acts should therefore be read in conjunction with this *Bylaw*.



Western Bay of Plenty District Council

General Bylaw 2008**Chapter 5****[Draft] Public Places Bylaw 2019****Contents**

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Western Bay of Plenty District Council

General Bylaw 2008

Chapter 5

[Draft] Public Places Bylaw 2019

Pursuant to the powers vested in it under section 145 and section 146 of the Local Government Act 2002, the Western Bay of Plenty District Council makes this Bylaw.

Definitions

Act means The Local Government Act 2002.

Advertising Device means every sign or advertising matter of whatever kind located upon or visible from any Public Place and includes any board, hoarding, or similar structure which supports the device.

Animal means any living stage of any member of the animal kingdom except human beings and in the case of any mammal, bird, fish, or reptile includes the carcass.

Appeal – See *Right of Appeal*.

Approved means approved by the Council or by an Officer of the Council authorised in that behalf, and "approval" has a corresponding meaning.

Authorised Officer means an officer or other person appointed by the Council to perform duties required under this Bylaw, irrespective of the designation given to that officer or person and includes any Police officer, with powers of entry as prescribed by sections 171-174 of the Local Government Act 2002

Building has the meaning given to that term by the Building Act 2004.

Bylaw means a Bylaw of the Council for the time being in force, made under the provisions of any enactment enabling the Council to make Bylaws.

Consent means the Consent in writing given by the Council under this Bylaw authorising the person to whom the Consent is given to carry out any action or activity which is controlled by the provisions of this Bylaw or of any statutory enactment.

Containers means bins used for collection of litter and/or waste, fruit or vegetables used for promotional purposes, delivery of products or removal of household effects.

Council means the Western Bay of Plenty District Council.

Cycle or bicycle means a vehicle having at least 2 wheels and designed to be propelled solely by the muscular energy of the rider. Children's cycles having wheels less than 355 mm (14") diameter are excluded.

Cycle track or cycle-way means any portion of a Road which has been designated by the Council under Section 332 of the Local Government Act 1974 or this Bylaw for the use of cyclists.

Disposal means final deposit of waste on land set apart for the purpose.

District means the area administered by the Western Bay of Plenty District Council

District Plan means the Western Bay of Plenty Operative *District Plan*.

Driver in relation to any motor vehicle, means any person who uses or drives the motor vehicle on any *Road*, or causes or *Permits* it to be on any *Road* or to be driven on any *Road*, whether or not the person is present with the motor vehicle and includes any person apparently in charge of the motor vehicle.

Footpath has the meaning assigned to that term in section 315(1) of the Local Government Act 1974.

Goods means any articles, materials, or merchandise and includes any waste, debris, empty or partly empty crates and other packages, shavings, hay, straw, oily rags or waste and other flammable or combustible materials and substances.

Hours of Darkness means any period of time between half an hour after sunset on any one day and half an hour before sunrise on the next day.

Name Plate means any plate fixed to the wall surface or in a sign case near the entrance to *Premises* to denote the name, business, designation, and agencies of an occupier of such *Premises*.

Nuisance means nuisance as defined by the Health Act 1956, and includes anything obnoxious, offensive or injurious to the community or any member of it.

Occupier means in relation to any *Premises*, the owner and includes any tenant, agent, *Manager*, foreperson or other person apparently acting in the general management or control of the *Premises*.

Offence includes any act or omission in relation to this *Bylaw* or any part of this *Bylaw* for which any person can be punished either on indictment or by summary process.

Offensive Matter/Liquid means any waste, organic material, animal remains, waste chemicals or gases, or any other obnoxious material which is ill-smelling, annoying or in any way likely to be injurious to health, or will give rise to a nuisance to the community or any member of it; but does not include any matter or material authorised for discharge under a current discharge *Consent* granted in terms of the Resource Management Act 1991 or under any *Bylaw*.

Owner in relation to any land or *Premises*, means the person for the time being entitled to receive the rent of the land or *Premises*, whether on his or her own account or as the agent of or trustee for any other person, or who would be so entitled if the land or *Premises* were let at a rent.

Owner in relation to a motor vehicle, means the person lawfully entitled to possession of that vehicle except where –

- (a) the motor vehicle is subject to a bailment for a period not exceeding 28 days; or
- (b) the motor vehicle is let on hire under the terms of a rental-service licence; in which case "owner" means the person who, but for the bailment or letting on hire, would be lawfully entitled to possession of the motor vehicle; and "owned" and "ownership" have corresponding meanings.

Parking has the meaning assigned to that term in the Land Transport (Road User) Rule 2004 or subsequent amendments, and "park" has a corresponding meaning.

Person includes any individual person, or group of individual persons bound together by common purpose, and includes a body corporate or body sole

Premises means either –

- a) A property or allotment which is held under a separate certificate of title or for which a separate certificate of title may be issued and in respect to which a building consent has been or may be issued; or
- b) A building that has been defined as an individual unit by a cross-lease, unit title or company lease and for which a certificate of title is available; or
- c) Land held in public ownership (e.g. reserve) for a particular purpose; or
Individual units in buildings which are separately leased or separately occupied.

Public Place includes every *Road, Street*, public highway, footpath, *Footway*, court, alley, lane, accessway, and thoroughfare of a public nature or open to or used by the public as of right; and every place of public resort or place to which the public have access, so open or used; and every reserve, park, domain, beach, foreshore and recreational ground under the control of Council, whether admission is free or on payment of a charge.

Resident means any person who has a permanent address within the Western Bay of Plenty *District* or who has lived in the *District* for a period of one month or more and includes any person who owns property within the *District*.

Ride a Skateboard means having either one or both feet or any other part of the body of any person on the skateboard when it is moving.

Right of Appeal means a right of *Appeal to Council* against any decision, order, or direction given under any provision of this *Bylaw*.

Road has the meaning assigned to it under Section 2 of the Land Transport Act 1998. It also means all land lying between the borders of a road including footpaths and berms.

Section means a property contained on one Certificate of Title and includes a cross-lease property.

Skateboard means a wheeled device controlled or propelled by gravity, or by the muscular energy of the rider, (or by any other means of propulsion), and also includes roller-skates, in-line skates, scooters or any similar device, but does not include any bicycle, tricycle, wheelchair, baby or invalid carriage.

Vehicle has the meaning assigned to that term in section 2(1) of the Land Transport Act 1998.

Waste means any kind of waste, including human waste.

Waste Receptacle means any container or bag used for the keeping of waste and approved by Council.

Window Sign means any sign displayed in or painted, printed, *Written*, carved, inscribed, endorsed, or otherwise fixed to or upon any window.

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

1. Obstructions in Public Places

- 1.1 No *Person* may place or leave any material or thing in, on or over a *Public Place*, and allow it to remain there in circumstances where it obstructs the public right of passage, without the prior written permission of the *Council*.
- 1.2 No *Person* may place or erect any *Building* on or over any *Public Place* without the prior written permission of the *Council*.

- 1.3 No *Person* may construct any projection of any kind, including windows, balconies or walls, in a position such that it obstructs free passage on any *Public Place*, without the prior written permission of the *Council*.
- 1.4 *Council* may require the alteration or removal of any material, *Building* or thing placed on a *Public Place* in contravention of this *Bylaw*, by giving notice to the *Owner*. The *Owner* must comply with any notice within the time stated on the notice.
- 1.5 The display of *Goods* for sale is not permitted on *Footpaths* except in the areas zoned commercial and industrial in the *District Plan* and then only subject to the following conditions –
- (i) all *Goods* are to be displayed within an area having a height of 1.0 metre, a width of 1.0 metre and maximum length of 2.0 metres.
 - (ii) any such display must be placed adjacent to the *Premises* to which the display relates and must not encroach onto the pavement more than 0.5 metres.
 - (iii) notwithstanding the provisions of (i) and (ii) above, no display may be placed in a manner which will in the opinion of an *Authorised Officer of Council* be likely to cause an undue obstruction to pedestrians or constitute a danger to people or property or cause an obstruction to easy access to adjoining property.

2. Public Safety and Hazards

- ~~2.1 No *Person* may place or leave on any *Public Place* materials or substances which in the opinion of the *Council* are likely to be hazardous or injurious to any *Person*.~~
- 2.21 Where any wall, fence or land adjacent to a *Public Place* is in a condition or state of disrepair which in the opinion of an *Authorised Officer of Council* could cause damage or injury to *Persons* passing, the *Officer* may give notice requiring the *Owner* or *Occupier* to make the land safe within such time as specified in the notice.
- 2.32 No *Person* may blast any rock, stone, earth timber or other material in, on or near any *Public Place*, without the prior written permission of the *Council*, and then only in compliance with any conditions the *Council* may impose.
- 2.43 Upon the request of a duly *Authorised Officer of Council*, an *Owner* or *Occupier* must cut back any tree deemed by the *Officer* to be overhanging a street light in a *Public Place*, within the time period specified by the *Officer*.

3. Disturbance or Damage to Public Places

- 3.1 No *Person* may disturb or remove the surface of any *Public Place* without the prior written permission of the *Council*, and then only in accordance with such conditions as the *Council* may impose.
- ~~3.2 The *Person* responsible for any works permitted under 3.1 must take all such precautions for guarding against injury to the public as may be necessary, including the provision of adequate lighting where the danger to any *Person* remains during the hours of darkness, to the satisfaction of a duly *Authorised Officer of Council*.~~

3.32 No *Person* may –

- (i) deposit any building material or building rubbish on; or
- (ii) make or maintain a hole or excavation in; or
- (iii) prepare building materials on

any part of any *Public Place*, without the prior written permission of the *Council*.

4. Waste and Offensive Matter

4.1 No *Person* may make use of any street tidy or other public *Waste Receptacle* for the purpose of placing or depositing any *Offensive Matter* or any household, shop, office, or any trade *Waste* of any description.

4.2 No *Person* may, other than in the *Approved* manner –

- (i) Slaughter, throw or leave any dead *Animal* or part thereof, or *Animal* remains, or *Offensive Matter* of any kind, upon any *Public Place*, or into any river, creek, stream or other water, or on the bank thereof.
- (ii) Fail to dispose of the body or part of the body of any *Animal* in their possession that may have been killed or died while straying, or while being driven on any *Public Place*.

~~(iii) Transport any *Waste* or *Offensive Matter* over any street or *Public Place* unless the receptacle or vehicle used is covered or secured to prevent the escape of any of the contents.~~

~~(iv)(iii)~~ Sweep any *Waste*, dust, or litter onto any *Public Place* from any house or business *Premises*.

4.3 No *Person* may cause, or permit the burning of any matter on any *Public Place*.

5. Fences

With the exception of those areas zoned rural in the *District Plan*, no *Person* may repair or renew or erect any barbed wire or electric wire or fence along, or within 1 metre of, any boundary line between any adjoining land or *Building*, unless the barbed wire is placed at a height not less than 2 metres from the ground level of any such *Public Place*. No mains operated electric fence may be erected in any residential area without the approval of *Council* which will only be given in special circumstances.

6. Advertising Devices

~~6.1 This *Bylaw* controls signs on or above *Public Places* and unless permitted by the *District Plan*, *Resource Consent* or *Building Consent*, also applies to any *Advertising Devices* on private property which may by virtue of proximity to any *Public Place*, create a hazard to *Persons* if insecurely fixed or constructed.~~

6.21 One "Sandwich Board" type sign or other non-fixed signage such as teardrop/flag per *Premises* is permitted in areas zoned Commercial and Industrial under the *District Plan* subject to the following conditions –

- (i) the sign dimensions be no greater than 0.5 metres in width and no greater than 1.2 metres in length and no less than 0.9 metres in height.
- (ii) notwithstanding (i) above, no sign is permitted which in the opinion of an *Authorised Officer of Council* is likely to cause undue obstruction to pedestrians, or constitute a danger to people or property, or is likely to be offensive or cause a detraction from amenities.
- (iii) any additional *Advertising Devices* must be placed flat against the *Building* and secured in a manner that will prevent them from falling onto the *Footpath*.
- (iv) nothing in this section enables *Advertising Devices* to be placed if resource consent is required under the *District Plan*

6.32 *Window Signs and Name Plates* are permitted subject to compliance with all other aspects of the *Bylaw* and the *District Plan*.

6.43 Every application for a permit must provide such information as is required to assess the application to the satisfaction of an *Authorised Officer of Council*.

6.54 The following matters must be considered in the siting of any *Advertising Device* –

- (i) possible physical obstruction of traffic and pedestrians. The minimum siting criteria for devices is generally 2.5 metres above the foot-path, 0.5 metres back from the kerb line, 5.5 metres above the carriageway, with sign cases and show cases projecting over the pavement no more than 0.1 metres.
- (ii) possible visual obstruction to traffic and pedestrians.
- (iii) possible visual confusion to *vehicle* drivers (generally no reflective material or illuminated or other red or green colours near traffic lights).
- (iv) Possible effect on public areas of inadequate maintenance of the *Advertising Device*.
- (v) *District Plan* requirements.

6.65 Every *Advertising Device* must at all times be maintained in good repair and condition to the satisfaction of an *Authorised Officer of the Council*.

6.76 If any *Advertising Device* is, at any time, not in good order and condition or unsightly or dangerous, the *Council* may, by notice in writing require the *Owner* or *Occupier* to repair or secure or otherwise put in order or remove such device within a period stated in the notice.

6.87 When an *Advertising Device* becomes redundant or, by reason of change of occupancy or otherwise it is no longer relevant to the business carried on in the *Premises* on which it appears, the *Owner* must effectively and properly paint out or remove such device.

6.98 If any *Advertising Device* fails to conform to all the provisions of this Part of this *Bylaw*, it is the duty of the *Occupier* or *Owner* for the time being of the *Premises* or stationary *vehicle* on which such *Device* is displayed or erected, after being served with a notice in writing by the *Council*, to remove or take down the *Device* or that portion that does not conform to the provisions of this Part of this *Bylaw* within the period of time specified in the notice.

6.109 If the *Person* on whom a notice has been served fails to comply with the terms of that notice within the time specified they are liable to prosecution for an *Offence* against this Part of this *Bylaw*.

6.1210 Following a second *Offence* the *Advertising Device* may be removed and held until the expiration of any *Appeal* period and failing any *Appeal* disposed of by such means as determined by the *Council*.

6.1311 The applicant, or the *Owner* of an *Advertising Device* which is the subject of any action made under this *Bylaw*, after having been informed in writing of such action and the reasons for it, may, within fourteen (14) days of notification of such decision, apply in writing to the *Council* for a review of the decision.

7. Vehicle Crossings

7.1 Any *Person* wishing to construct, remove repair or widen any *vehicle* crossing must first obtain a written *Permit* from the *Council*.

7.2 Where the work is carried out by the applicant a bond may be required prior to work commencing. All work must be completed to the satisfaction of an *Authorised Officer* of *Council*.

7.3 Where a crossing is in a bad or unsafe state of repair the *Council* may order such crossing to be removed immediately and by notice to the *Owner* or *Occupier* of the land or *Premises* require the crossing to be renewed within a period stated in the notice.

7.4 A temporary crossing may be required by an *Authorised Officer* of *Council* where access to a construction site is necessary. The *Officer* may impose any conditions considered necessary for the protection of public safety and convenience.

7.5 Where, in the opinion of the *Council* reinforcing of a footway or crossing is necessary, the *Owner* or *Occupier* of the applicable *Premises* or land may be required, by notice, to provide adequate reinforcing to such footway or crossing, within the time specified in the notice.

8. ~~Trading in Public Places~~ Containers for Litter

Where the nature of any business carried on within the *District* results in substantial quantities of disposable paper, or plastic wrapping, containers, wooden or plastic sticks or material of a like nature being deposited in *Public Places* the *Council* may require the *Proprietor* of the business to provide *Approved* containers for the reception of that litter. The *Proprietor* of the business must pay for any additional costs incurred by the *Council* in the cleaning of the footways, gutters and *Public Places* in the vicinity of the *Premises* of the *Proprietor* by reason of the litter generated by that business.

9. ~~Control of Cycles and Skateboards~~

9.1 ~~The riding of Skateboards, is permitted in Public Places except for those areas which Council has, by resolution, declared exclusion areas.~~

9.2 ~~Every Person riding a Skateboard in the permitted areas must do so exercising due care and having reasonable consideration for the other users of the Public Place.~~

9.3 ~~The riding of Cycles on any Footpath, lawn, garden or other cultivation forming part of a Road is not permitted (except on Footpaths for postal, newspaper or other similar deliveries).~~

~~9.4 A Person may stop, stand or park a Cycle, attended or unattended, on any Footpath, only with due care and reasonable consideration for the other Footpath users.~~

109. Roading and Building Identification

~~10.1 No Person may give any name to or affix, set up or paint any name on any street, private street, or Public Place without the prior written permission of Council.~~

~~10.29.1 The Owner or Occupier of every Building must mark the Building (subject to clause 10.4) with such numbers as an Authorised Officer of Council shall direct or Approve, and must renew the numbers if they are obliterated or defaced.~~

~~10.3 The Council may, at any time, alter the number of any Building where in the Council's opinion it is necessary or advisable to do so.~~

~~10.49.2 Every number being not less than 50mm in height must be placed upon the Building in such a position as to be readily visible from any street fronted by the Building; or if no such position is available must be placed upon a post, fence, or gate near, or adjacent to the Building, and be visible from the street.~~



Draft Animals (Excluding Dogs) Bylaw 2019
Draft Cemeteries Bylaw 2019
Draft Public Places Bylaw 2019
Proposed revocation of the Nuisances Chapter

To replace the General Bylaw 2008

Statement of Proposal

Introduction

Western Bay of Plenty District Council is reviewing its General Bylaw 2008 and is seeking your views on the proposed changes. The General Bylaw 2008 is a collection of four bylaws: Animals (excluding dogs), Cemeteries, Nuisances and Public Places. Following this review, it is proposed to revoke its existing General Bylaw 2008 and replace it with the Animals (Excluding Dogs Bylaw) Bylaw 2019, and Cemeteries Bylaw 2019, and Public Places Bylaw 2019. The proposal seeks to revoke the covering chapter, introduction chapter, and Nuisances chapter of the existing General Bylaw 2008.

While there is no legislative requirement for councils to have bylaws controlling animals (excluding dogs), the use of public places or cemeteries, the Local Government Act 2002 (and in the case of cemeteries, the Burial and Cremation Act 1964) enables councils to implement and enforce bylaws to address local issues.

In reviewing the chapters of the General Bylaw, we've identified a number of areas which need to be updated. In particular, there are a number of rules which are impractical for enforcement, or are already covered by other legislation or plans.

We undertook online pre-engagement with the community between 30 November and 14 December 2018 on three key themes of the review. We wanted to confirm that you agreed with the general direction of the review, and provide the opportunity to raise any other issues that you think are important aside from the identified themes:

- Keeping of bees in urban areas
- Keeping of roosters in urban areas
- All other sections of the General Bylaw 2008

We have taken the feedback and information on board and we're now seeking your views on what's proposed in the draft bylaws (copies of which are attached to this statement of proposal).

Council must follow the special consultative procedure in amending an existing bylaw. This Statement of Proposal has been prepared in accordance with the Local Government Act 2002.

Reasons for the proposal

The current General Bylaw was last reviewed in 2008, and was reviewed 5 years prior to that. The Local Government Act 2002 requires that existing bylaws be reviewed every 10 years (with a 2-year grace period), otherwise the bylaws will lapse.

The reasons for reviewing the bylaws are to:

- Ensure that they are fit for purpose with the change in demographics and growth in the district since 2008;
- Address bylaw implementation issues to enable effective enforcement; and
- Remove provisions which are more effectively enforced through other legislation, the District Plan, or Regional Plans.

Summary of proposed changes

The main areas of change proposed in the General Bylaw are:

- **Split into separate bylaws:** The General Bylaw is a compendium of four bylaws, including the Animals (excluding dogs) Bylaw, Cemeteries Bylaw, Nuisances Bylaw, and Public Places Bylaw.
- **Remove unenforceable, impractical and obsolete provisions:** The bylaws contain a number of provisions which are impractical in terms of enforcement, or are already covered by other legislation or plans.
- **Beehive limit in urban areas:** It is proposed to limit the number of bee hives per property in the urban areas to two. This is considered a reasonable number for urban hobbyist bee keepers, retains bees in the local environment, while limiting the potential for nuisance caused by too many bees. The proposal also includes a nuisance provision for residential areas in cases where the limit still doesn't address the problem
- **Allow disability assist dogs in cemeteries:** Currently, the Cemeteries Bylaw contains a blanket ban on all animals from entering cemeteries. This proposal will allow disability assist dogs such as guide dogs to enter cemeteries.
- **Ornaments in cemeteries:** Ornaments on plots are increasingly encroaching on surrounding cemetery land, including other plots. It is proposed to require ornaments to be "approved" by Council, so that any unapproved ornaments can be more easily removed by maintenance staff.
- **Revocation of the Nuisances chapter of the Bylaw:** Every provision within the Nuisances chapter of the General Bylaw is either already covered by legislation (notably the Health Act), the District Plan, or Regional Plans. It is easier and more effective to monitor and enforce against nuisances through those tools, rather than the bylaw (which has no infringement abilities). As such, it is proposed to revoke the Nuisances Bylaw.

A table of all proposed changes and the reasons for those changes, is provided in **Appendix A** of this Statement of Proposal.

Special considerations under the Local Government Act

There is no legislative requirement to have these bylaws in place, however the Local Government Act 2002 enables councils to implement and enforce bylaws where there are local issues which need additional powers to be addressed. Council must determine whether a bylaw is the most appropriate way of addressing the perceived problem¹. If a bylaw is considered to be appropriate, Council must then decide whether or not the bylaw is the most appropriate form of bylaw, and whether or not the bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990.

Is a bylaw the appropriate means to deal with the problem?

Council considers that a bylaw is the most appropriate tool to regulate the control of animals (dogs being regulated separately in the Dog Control Bylaw 2016), the use of public cemeteries, and the use of public places. The matters in these bylaws are of importance to the community in terms of minimising danger, distress and nuisance to the community. The

¹ Section 155 of the Local Government Act 2002

proposed bylaws are considered to be consistent with the approach taken by other councils of a similar size and nature.

Is the bylaw in the appropriate form?

The draft bylaws focus on identified issues and are customised to suit the particular circumstances of the Western Bay of Plenty District. Council has sought feedback through pre-engagement on the key areas of change, and the draft bylaws enables Council and community needs to be met in a clear and comprehensible way. The draft bylaws are consistent with Council document standards and has been written in plain English so far as possible. It is therefore considered to be the most appropriate form of bylaw.

Is the bylaw consistent with the New Zealand Bill of Rights?

The Bill of Rights protects the human rights and fundamental freedoms of all people in New Zealand. The regulatory controls provided under these bylaws are designed to minimise danger, distress and nuisance to the community and their property. It is considered that the draft bylaws do not give rise to any implications under the Bill of Rights.

Have your say

We need your feedback by 4pm Thursday 18 April 2019

Please tell us what you think of what we are proposing.

You can do this by:

- Entering it online at: <https://haveyoursay.westernbay.govt.nz>
- Posting it to: *General Bylaw 2008 Review, Western Bay of Plenty District Council, Private Bag 12803, Tauranga 3143.*
- Emailing it to: haveyoursay@westernbay.govt.nz
- Delivering it to:
 - Barkes Corner head office, 1484 Cameron Road, Greerton
 - Te Puke Library and Visitor Information Centre, 130 Jellicoe Street, Te Puke
 - Katikati Library and Visitor Information Centre, 36 Main Road, Katikati
 - Waihi Beach Library and Service Centre, Waihi Beach Rd
 - Omokoroa Library and Service Centre, McDonnell Street, Omokoroa

Feedback forms are available at all service centres, and at our public Have Your Say events.

Giving effective feedback

We will provide feedback forms at all service centres and at our community events throughout the consultation period. These forms include questions on the key themes we are consulting on, and ask for your opinion on each.

You may also wish to comment on specific the clause(s) of the draft Bylaw(s), and state why the clause is supported, not supported, or how it could be amended.

Feedback on matters outside the scope of the draft Bylaws cannot be considered by the Council as part of this Bylaw review process.

What happens next?

Council will acknowledge in writing or by email (if provided) the receipt of your feedback. If you have questions, or if you would like to give feedback in person, we encourage you to come to one of our community Have Your Say Events:

Venue	Date	Time
Omokoroa Settlers' Hall	Sat 23 March	9am-12pm
Oropi Hall	Wed 27 March	6.30pm-8pm
Waihi Beach RSA	Sat 30 March	9am-12pm
Te Puna Quarry Park – Gallery	Wed 3 April	4pm-7pm
Te Puke Memorial Hall	Sat 6 April	9am-12
Maketu Community Centre	Wed 10 April	4pm-7pm
Katikati Community Hub Pātuki Manawa	Sat 13 April	9am-12pm

Alternatively, you may register for a more formal opportunity to present your views. Please email haveyoursay@westernbay.govt.nz or phone 07 571 8008 by Friday 5 April 2019 to secure a timeslot and receive further information. These days will be available on:

Council Chambers (Barkes Corner): Mon 15 April – 9.30am start

Council Chambers (Barkes Corner): Tues 16 April – 9.30am start

Review Timeframes:

- Period for feedback opens: 18 March 2019
- Period for feedback closes: 18 April 2019
- Have your say days: Commencing 23 March (see above)
- Council adopts bylaws: 8 August 2019
- Bylaws become effective: 15 August 2019

Appendix A

The following tables outline the proposed changes for each chapter within the General Bylaw, with reasons for each.

Chapter 1 – Introduction

By splitting up each chapter of the General Bylaw into individual bylaws (as proposed), the relevant parts of the existing definitions chapter will be placed at the start of each separate bylaw.

It is also proposed to change the definitions to be consistent with definitions contained in other bylaws as follows:

Section	Description	Proposed change
1	Authorised Officer	add "... <i>with powers of entry as prescribed by sections 171-174 of the Local Government Act 2002</i> " [for consistency with Trade Wastes Bylaw]
	District	replace with " <i>the area administered by the Western Bay of Plenty District Council</i> " [for consistency with Freedom Camping Bylaw]
	Person	replace with " <i>Includes any individual person, or group of individual persons bound together by common purpose, and includes a body corporate or body sole</i> " [for consistency with Wastewater Drainage Bylaw. The Livestock Movements and Trade Wastes bylaws have similar, but shorter definitions].
	Premises	replace with " <i>PREMISES means either – (a) A property or allotment which is held under a separate certificate of title or for which a separate certificate of title may be issued and in respect to which a building consent has been or may be issued; or (b) A building that has been defined as an individual unit by a cross-lease, unit title or company lease and for which a certificate of title is available; or (c) Land held in public ownership (e.g. reserve) for a particular purpose; or (d) Individual units in buildings which are separately leased or separately occupied</i> " [for consistency with Trade Wastes Bylaw]

	Road	Replace with <i>"Has the meaning assigned to it under Section 2 of the Land Transport Act 1998. It also means all land lying between the borders of a road including footpaths and berms"</i> [for consistency with the Freedom Camping Bylaw]
	Waste	replace with "means any kind of waste, including human waste" [for consistency with the Freedom Camping Bylaw]

Chapter 2 – Animals (Excluding Dogs)

Section	Description	Proposed change
1.1	Prevent wandering of animals	Delete, as it is essentially a duplicate of section 7.2 (prevent escape of animals).
1.4	No tethering of a horse in commercial areas	Delete, as it has never been used and has no evidence base to suggest that this is a problem (so would very likely fail in a court case)
1.5	Pick up droppings of a tethered horse	Delete, relies on section 1.4 which should itself be deleted
1.6	droppings to be wrapped before placed in public bin	Amend "the droppings" to "any animal droppings".
2	Pig Keeping (section)	Change section to only relate to residential-residential boundaries, and rural-residential boundaries.
2.2	Pig keeping	Amend as follows: "... from any Dwelling, except the subject property dwelling , or any Building, or any street or Public Place or any place used for preparation, storage, or sale of food for human consumption, or from any boundary of any adjoining property , (except with the prior written permission of the Council)." This will clarify the positioning of pig sites to be 50m from a dwelling, without being the subject site's dwelling, nor being 50m to a boundary line which would further limit the ability to site pigs, which could otherwise be impossible.
3	Pig sites	Remove section – covered by the Animal Welfare (Pigs) Code of Welfare 2010 (released

		under section 75 of the Animal Welfare Act 1999)
4	Pigswill	Remove section – Odour nuisance is covered by Regional Air Plan (including the proposed Plan Change 13 to the Regional Air Quality Plan); waste in public places is covered by Public Places bylaw, and as a nuisance under the Health Act 1956.
5.1	Rainproof and Concrete floor	Delete, covered in the Animal Welfare (Layer Hens) Code of Welfare 2012 (released under section 75 of the Animal Welfare Act 1999)
5.2	Poultry Keeping	Delete, obsolete to building consent process, and self-refers to bylaw
5.6	Poultry Runs: sale, dressage and killings	Delete, as this is not a problem, has never been enforced, and is not reasonable
5.7	Poultry runs	Amend as follows: “ Within any residential zone, Every outside Poultry run must be adequately graded and drained, and must be kept at all times clean and dry and in good repair by the Owner of the Poultry <u>to the satisfaction of the Officer.</u> ”
5.9 and 5.10	Poultry for sale	Delete, as this is not a problem, has never been enforced, and is not considered to be reasonable.
6.1	Keeping horse or cattle away from a boundary	Amend to include the Lifestyle and Rural-Residential Zone as an exception.
6.2	Housing horses	Delete, covered in the Animal Welfare (horses and Donkeys) Code of Welfare 2016 (released under section 75 of the Animal Welfare Act 1999)
New	Bees	Create new sub-section which limits the number of bee hives to two per property within urban areas, plus a nuisance provision.
7.1	Keeping of noisy animals offensive to residents	Amend: Make this section 7.2, and amend to exclude Rural and Lifestyle zones, as this rule is not enforced in those areas
7.2	Prevent escape of animals	Amend to exclude domesticated cats and birds, noting that this may give rise to wider discussions on the keeping of cats, including the Regional Council’s draft Regional Pest Management Plan and pest advocacy groups.

Chapter 3 – Cemeteries

Section	Description	Proposed change
5.6	Times of Funerals	Delete. No resolutions have ever been passed on days and times of funerals. Interment requires a warrant from Council in any case, whereby the process also determines possible days and times. Section 5.7 also manages the issue of minimum notice periods, while providing for exceptions in the case of emergencies.
6	Headstones and monuments	Add reference to headstone/monument maximum dimensions, which are set in the following document on Council's website: https://www.westernbay.govt.nz/our-services/cemeteries/cemetery-headstones/Documents/Memorial%20Headstone%20-%20Dimensions.pdf
6.1	Headstones and monuments	Amend to include the word "ornaments", to provide clarity that ornaments also need to be approved, which otherwise end up encroaching onto the rest of the cemetery. Also amend to include the word "indefinitely" after 'good repair', to clarify and highlight the need to maintain indefinitely rather than one-off occasions.
7.2	Tools in a cemetery	Delete. This has never been a 'problem', will likely never be enforced, and may not be reasonable in some circumstances.
7.9	No animals in cemeteries	Amend to allow "disability assist dogs", as defined in the Dog Control Act 1996.

Chapter 4 – Nuisances

It is recommended that Council repeal the entire Nuisances Bylaw, as it is already covered by Section 4C (Amenity) of the operative District Plan, as well as the Health Act 1956 and other Council bylaws (such as the Livestock Movements Bylaw 2014, Reserves and Facilities Bylaw 2012, Wastewater Drainage 2008, and Waste Management and Minimisation Bylaw 2013).

Chapter 5 – Public Places

Section	Description	Proposed change
2.1	Hazardous materials in public place	Delete, as the Health Act 1956 would consider this a nuisance (s.29), with powers for an Environmental Health Officer to abate (remove) the nuisance without notice (s.34)
3.2	Safety precautions	Delete. Any safety precautions for works in a public place are covered by the Health and Safety at Work Act 2015
4.2(iii)	Transport of waste or offensive matter	Delete. This is already covered with the requirement for annual registration of offensive trades (Health Act 1956 s.54), pursuant to the Health (Registration of Premises) Regulations 1966. Additionally, the transport of dangerous goods is covered by the Land Transport Rule: Dangerous Goods 2005 (being a policing matter). If spillage occurs, then prosecution is available under the Health Act (nuisance/injurious to health), or regional plans depending on the discharge, and the Environmental Health Officer may remove the hazardous substance without notice in any case.
6.1 and 6.1 to 6.13	Advertising Devices	Delete, as most of it is already covered by Chapter 4D (signs) of the operative District Plan.
6.2	Sandwich Boards	Amend to allow one sandwich board or other non-fixed signage (such as teardrop / flag) per premises, unless it is not permitted under the District Plan (Omokoroa currently doesn't allow sandwich boards).
8	Litter from trading	Rename section from "Trading in Public Places" to "Containers for Litter", as the title is misleading
9.1	Riding of skateboards	Delete. While this has been looked into once (Katikati in 2005), no resolution has been passed to exclude skateboard riding areas. Therefore there is no 'problem' for which a bylaw should be written.
9.2	Due care in riding skateboards	Delete. This has never, and would likely never be enforced.

9.3	Cycling on footpaths	Delete, as it is already covered by the Land Transport (Road User) Rule 2004 (section 11.11)
9.4	Parking of bicycles	Delete, as this would not be enforced (being a prosecution of up to \$20,000), and would likely be very difficult to be successful in court.
10.1	Add/modify Street signs	Delete. Covered by Traffic Control Devices 2004 rule (s13.7)
10.3	building numbering	Delete, as Council does not have the power to renumber buildings, and is not necessary as a bylaw provision. Address numbering can only be authorised by LINZ.

Animals (excluding dogs) Bylaw review

The purpose of the Animals (excluding dogs) Bylaw is to regulate the keeping of animals in the district, in order to protect public from animal nuisances, protect, promote and maintain public health and safety, and to regulate the keeping of animals. Council also has a separate Dog Control Bylaw, which is not currently being reviewed.

Why is it being reviewed?

This bylaw is due to be reviewed by 1 July 2020. The review provides an opportunity to amend the bylaw in parts that don't work, or to add more rules around the keeping of animals if needed.

Key changes proposed in draft bylaw

- Make the bylaw standalone (i.e. not part of a combined "General" bylaw)
- Remove several unenforceable, impracticable and obsolete provisions
- Limit the number of bee hives to 2 per property in the Urban area, and subject to a nuisance clause

Statement of proposal

You can find the statement of proposal for the General Bylaw review (which includes this bylaw) on our Have Your Say site [haveyoursay.westernbay] or in hard copy at our libraries and service centres (see details on page x[]).

Have your say

Consultation is open from 18 March to 18 April 2019. See page [x] for when and where to have your say, including events across the District.

Cemeteries Bylaw review

The purpose of the Cemeteries Bylaw is to enable Council to set fees, control the use of cemeteries, and set standards for the operation of cemeteries within our district.

Why is it being reviewed?

This bylaw is due to be reviewed by 1 July 2020. The review provides an opportunity to amend parts of the bylaw that don't work, or to add more rules around the use of cemeteries if needed.

Key changes proposed in draft bylaw

- Make the bylaw standalone (i.e. not part of a combined "General" bylaw)
- Remove unenforceable, impracticable and obsolete provisions
- Require "ornaments" to be approved, which otherwise encroach on the rest of the cemetery
- Allow "disability assist dogs" such as guide dogs in cemeteries (currently prohibited)

Statement of proposal

You can find the statement of proposal for the General Bylaw review (which this Bylaw) on our Have Your Say site [haveyoursay.westernbay] or in hard copy at our libraries and service centres (see details on page x[]).

Have your say

Consultation is open from 18 March to 18 April 2019. See page [x] for when and where to have your say, including events across the District.

Proposed revocation of the Nuisances Bylaw

The purpose of the Nuisances Bylaw is to enable Council to regulate any nuisance caused against the public, in the interest of health and safety, visual amenity, the environment, civic values and public wellbeing.

Why is revocation being proposed?

This bylaw is due to be reviewed by 1 July 2020. It is proposed to revoke this bylaw because it is easier and more effective to monitor nuisances and enforce through other Council bylaws, plans and legislation. Nuisance provisions are still included separately in other bylaws as needed.

Key change proposed in draft bylaw

- Revoke the Nuisances Bylaw entirely

Statement of proposal

You can find the statement of proposal for the General Bylaw review (which includes the proposed revocation of the Nuisances Bylaw) on our Have Your Say site [haveyoursay.westernbay] or in hard copy at our libraries and service centres (see details on page x[]).

Have your say

Consultation is open from 18 March to 18 April 2019. See page [x] for when and where to have your say, including events across the District.

Public Places Bylaw review

The purpose of the Public Places Bylaw is to control activities within public places to ensure they are acceptable in terms of health and safety, visual amenity, convenience, civic values and nuisances. Note that trading in public places is controlled separately under our Trading in Public Places Bylaw (which is also being reviewed).

Why is it being reviewed?

This bylaw is due to be reviewed by 1 July 2020. The review provides an opportunity to amend the bylaw in parts that don't work, or to add more rules around the use of public places if needed.

Key changes proposed in draft bylaw

- Make the bylaw standalone (i.e. not part of a combined "General" bylaw)
- Remove several unenforceable, impracticable and obsolete provisions
- Clarify the number of sandwich board/teardrop flags per premise

Statement of proposal

You can find the statement of proposal for the General Bylaw review (which includes the Public Places Bylaw) on our Have Your Say site [haveyoursay.westernbay] or in hard copy at our libraries and service centres (see details on page x[]).

Have your say

Consultation is open from 18 March to 18 April 2019. See page [x] for when and where to have your say, including events across the District.



Have your say on the future of your District



Western Bay of Plenty District Council

FEEDBACK FORM

- Draft Animals (excluding dogs) Bylaw;
- Draft Cemeteries Bylaw;
- Draft Public Places Bylaw; and
- Proposed revocation of Nuisances Bylaw

We appreciate you taking the time to let us know what you think about our draft Animals (excluding dogs) Bylaw, draft Cemeteries Bylaw and draft Public Places Bylaw. Please read the statement of proposal and draft Bylaws available at any of our service centres or at haveyoursay.westernbay.govt.nz and then let us know what you think!

Visit haveyoursay.westernbay.govt.nz to make a submission online.

Otherwise fill out this feedback form and either

- Deliver your submission to the Katikati, Te Puke, Omokoroa and Waihi Beach Library and Service Centres or the Main Council Office at Barks Corner
- Email it to haveyoursay@westernbay.govt.nz
- Mail it to: General Bylaw review
Western Bay of Plenty District Council
Private Bag 12803
Tauranga 3143

For photocopying purposes, please write clearly in black or blue pen.

All written feedback must be received by 4pm, Thursday 18 April 2019

Name:

First name
Surname

Organisation (only if submitting on behalf):

Postal address:

Home phone:

Mobile:

Email:

Signature:

Date:

Please use the reverse of this form for your submission

Privacy Act 1993: This form and the details of your submission will be publicly available as part of the decision-making process.



Please use the space below to comment on any aspects of the bylaws. You can attach extra pages if necessary.

1. Animals (excluding dogs) Bylaw:

- Option 1 The number of bee hives in urban areas should be limited to two (as proposed)
- Option 2 There should be no limit to the number of bee hives in urban areas
- Option 3 There should be no bee hives in urban areas at all
- Option 4 There should be a limit on the number of bee hives in lifestyle/rural areas
- Option 5 Other (please comment below)

2. Cemeteries Bylaw:

Two minor changes proposed to the Cemeteries Bylaw include allowing disability assist dogs such as guide dogs (previously prohibited), and to clarify that "ornaments" cannot encroach into other plots.

- Option 1 I **agree** with the proposed changes
- Option 2 I **do not agree** with the proposed changes
- Option 3 Other (please comment below)

3. Public Places Bylaw:

We are proposing to remove several sections which are better dealt with through other rules/legislation, and to clarify the number of sandwich board/teardrop flags per premise.

- Option 1 I **agree** with the proposed changes (overall)
- Option 2 I **do not agree** with the proposed changes (overall)
- Option 3 Other (please comment below)

Continued on the following page

Western Bay of Plenty District Council

Policy Committee

Adoption of the Draft Trading in Public Places Bylaw 2019 for Consultation

Purpose

The Committee is asked to approve the draft Trading in Public Places Bylaw and Statement of Proposal for public consultation in accordance with the requirements of the Local Government Act 2002.

Recommendations

- 1. THAT the Senior Policy Analyst report dated 21 February 2019 and titled "Adoption of the Draft Trading in Public Places Bylaw 2019 for Consultation" be received.**
- 2. THAT the report relates to an issue that is considered to be of medium significance in terms of Council's Significance and Engagement Policy.**
- 3. THAT pursuant to s155 of the Local Government Act 2002, Council confirms that a bylaw is the most appropriate way of addressing the perceived problems, the draft bylaw is the most appropriate form of bylaw, and that the draft bylaw does not give rise to any implications under the New Zealand Bill of Rights 1990.**
- 4. THAT the draft Trading in Public Places Bylaw 2019, the accompanying statement of proposal, summary and feedback form as appended to this report are adopted for consultation pursuant to s156 of the Local Government Act 2002, from 18 March 2019 to 18 April 2019.**



Matthew Leighton
Senior Policy Analyst

1. Background

Trading in public places can bring a sense of vibrancy and life to an area, enhance residents' and visitors' experience and enable commercial opportunities. Conversely, if trading is not sufficiently regulated, it can lead to a number of negative outcomes, such as posing a safety risk to road users, causing undue noise and litter, and impacting the local area.

The review of the Trading in Public Places Bylaw aims to ensure that Council has got the balance right. The purpose of the bylaw is to regulate traders like coffee carts, fruit and vegetable vans and other stalls.

The Committee considered the key issues at a workshop on 5 February 2019, and the discussion informed the proposed changes to the bylaw.

The draft bylaw, a statement of proposal and feedback form have been prepared to enable consultation to take place between 18 March 2019 and 18 April 2019.

2. Proposed changes to the Trading in Public Places Bylaw

The key proposed amendments to the Trading in Public Places Bylaw are:

- **Approach to traders in Te Puke and Katikati main streets**
Under the current bylaw, trading in a public places alongside these roads (Jellicoe Street, Te Puke and SH2/Main Street, Katikati) is prohibited. The changes proposed removes the blanket prohibition and instead applies the standard application process as used for all other trading in public places sites.
- **Approach to locations and speed**
At the moment, trading licences will only be considered in areas with a 50km/h speed limit. The draft bylaw replaces this with a requirement for sites to be assessed and approved by an authorised person from Council's roading team or NZTA.
- **Consideration of the impact on neighbours and potential benefits to the area**
This is not a specific consideration under the licence assessment process in the current bylaw. A new criteria for consideration when granting a licence requires the applicant to have identified potential noise, transport, and safety impacts, and to identify potential benefits to the area. This allows applicants to demonstrate their level of regard to these matters and identify mitigation measures if appropriate.
- **Other minor changes**
Several other minor changes are included in the draft bylaw, including consideration of prior performance, Council flexibility for events, and reference to industry standards.

An additional key element of the bylaw is proposed to remain constant:

Date: 21 February 2019
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- **Approach to the density of traders offering similar goods**
Under the current bylaw there is a 300m exclusion from similar traders (e.g. a coffee cart must be more than 300m from a café). The draft bylaw proposes to retain this approach.

3. Local Government Act 2002 section 155 considerations

As part of reviewing a bylaw, Council is required to make determinations required by s155 of the Local Government Act 2002 (LGA). This means that Council must determine that a bylaw is the most appropriate way of addressing the perceived problem, that the draft bylaw is the most appropriate form of bylaw and that it does not give rise to any implications under the New Zealand Bill of Rights Act 1990.

The following text summarises Council's discussions in workshops relating to LGA section 155 matters, and this report requests Council to make a formal resolution confirming its position. The following text is also recommended for inclusion in the statement of proposal:

There is no legislative requirement to have this bylaw in place, however the Local Government Act 2002 enables councils to implement and enforce bylaws where there are local issues which need additional powers to be addressed. Council must determine whether a bylaw is the most appropriate way of addressing the perceived problem¹. If a bylaw is considered to be appropriate, Council must then decide whether or not the bylaw is the most appropriate form of bylaw, and whether or not the bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990.

Is a bylaw the appropriate means to deal with the problem?

The issues firmly sit within Council's responsibilities. The current bylaw has been in place for several years and addresses the issue of trading in public places, enabling its regulation and allowing licences to be issued. The Local Government Act 2002 specifically lists trading in public places as an example of what a bylaw may regulate (s.146). Whilst other mechanisms may be used, a bylaw is still considered the most reasonable.

The District Plan allows the sale of goods by licence issued by Council relating to temporary, mobile activities on District roads as a permitted activity. Non-compliance can therefore be progressed through either the RMA or through the LGA and bylaw provisions. The bylaw is still used to set the requirements of a licence and other rules. Traders are still expected to meet the requirements of all other relevant bylaw and District Plan provisions.

The proposed bylaw is considered to be consistent with the approach taken by other councils of a similar size and nature.

Is the bylaw in the appropriate form?

The draft bylaw focuses on identified issues and is customised to suit the particular circumstances of the Western Bay of Plenty District. The draft bylaw is

¹ Section 155 of the Local Government Act 2002

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consistent with Council document standards and has been written in plain English so far as possible. It is therefore considered to be the most appropriate form of bylaw.

Is the bylaw consistent with the New Zealand Bill of Rights?

The Bill of Rights protects the human rights and fundamental freedoms of all people in New Zealand. The regulatory controls provided under this bylaw are designed to protect the public from nuisance, protect, promote and maintain public health and safety and minimise the potential for offensive behaviour in public places. It is considered that the draft bylaw does not give rise to any implications under the Bill of Rights.

4. Significance and Engagement

The Local Government Act 2002 requires a formal assessment of the significance of matters and decisions in this report against Council's Significance and Engagement Policy. In making this formal assessment there is no intention to assess the importance of this item to individuals, groups, or agencies within the community and it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.

The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.

In terms of the Significance and Engagement Policy this decision is considered to be of medium significance because of:

- The likely public interest in the proposals included in the draft bylaw;
- The number of ratepayers, residents and visitors to the district that may be affected by the bylaw provisions; and
- The requirement to undertake a LGA special consultative procedure.

5. Engagement, Consultation and Communication

The Special Consultative Procedure under the Local Government Act 2002 must be used in formal public consultation on the proposed changes to the bylaws. It is proposed to use the Have Your Say website, as well as several separate community open days throughout the consultation period of 18 March to 18 April 2019, alongside consultation on the Draft Annual Plan 2019/20.

Interested Parties	Engagement
General Public	<p>The Special Consultative Procedure under the LGA will be used, with consultation open for a month.</p> <p>Feedback will be sought through the use of our online submission form, hard copy submission forms and the opportunity for spoken interaction provided through seven 'Have Your Say' events or to register for a more formal 'hearings style' meeting.</p>

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Licence holders	Current licence holders will be directly contacted to inform them of the review and invite their input.
Economic Development groups	EDG Te Puke and Katch Katikati will be directly contacted to seek their input on the draft bylaw.

6. Issues and Options Assessment

Option A	
Adopt the draft Trading in Public Places Bylaw for Consultation (18 March – 18 April 2019)	
Assessment of option for advantages and disadvantages taking a sustainable approach	<p><u>Advantages:</u></p> <ul style="list-style-type: none"> • Bylaw review process can continue within proposed timeframes, for completion in August 2019. • The draft bylaw is representative of direction given by the Committee in workshops. • The community can provide feedback on the draft bylaw.
Costs (including present and future costs, direct, indirect and contingent costs) and cost effectiveness for households and businesses	Staff time will be required to deal with queries from the community about the proposed changes to the bylaw, and to progress the subsequent stages of the bylaw review. However, this can be managed within existing staffing and budgets.
Option B	
Do not adopt the draft Trading in Public Places Bylaw for consultation	
Assessment of option for advantages and disadvantages taking a sustainable approach	<p><u>Disadvantages:</u></p> <ul style="list-style-type: none"> • Bylaw review timeframes will be compromised, and the full review process may not be able to be completed prior to the period when decision-making is restricted due to the elections. The bylaw is due to be reviewed prior to December 2019, but will not lapse until December 2021. • The amendments proposed in the bylaw cannot be implemented until a final bylaw is adopted.
Costs (including present and future costs, direct, indirect and contingent costs) and cost effectiveness for households and businesses	If the bylaw review process is significantly delayed, the Committee may need to revisit issues it has already considered and more staff time will be incurred.

7. Statutory Compliance

The recommendations of this report ensure Council complies with Local Government Act 2002.

The draft bylaw will be subject to a Special Consultative Procedure to ensure that Council is complying with its obligations to seek community views on proposals of significance.

8. Funding/Budget Implications

Budget Funding Information	Relevant Detail
Bylaw budget	Ongoing budget for bylaw reviews. This bylaw review can be managed within existing staffing and budgets.

9. Attachments

- A. Draft Trading in Public Places Bylaw 2019 – track changed
- B. Statement of Proposal for the Draft Trading in Public Places Bylaw 2019
- C. Draft feedback form
- D. Summary of proposal



[Draft] Trading in Public Places Bylaw ~~2014~~2019

Explanatory Note

The objective of this Bylaw is to:

- (i) regulate the conduct of:
 - (a) Trading in public places, including selling goods and/or services in streets, reserves and other public places; and
 - (b) Mobile or temporary trading, including using vehicles to sell goods and/or services in those public places; and
- (ii) to protect, promote and maintain public health and safety.

The Bylaw is made pursuant to Sections 146(a)(vi) and 145(b) of the Local Government Act 2002.

Western Bay of Plenty District Council

[Draft] Trading in Public Places
Bylaw ~~2014~~2019

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Title

This Bylaw may be cited as the Western Bay of Plenty District Council Trading in Public Places Bylaw 2014 and shall come into force on 18 December 2014.

Repeal

The coming into effect of this Bylaw repeals any existing Bylaw made by the Western Bay of Plenty District Council that regulates the same matters described in the Objective above.

Scope

This Bylaw, made pursuant to Section 146(vi) of the Local Government Act 2002 applies throughout the Western Bay of Plenty District ~~(including those sections of State Highway subject to the Urban Speed Limit of 50 km/h)~~ and is intended to regulate the trading of goods and/or services in streets, reserves and other public places and promote the health, safety and convenience of the public.

Validation

The Western Bay of Plenty District Council Trading in Public Places Bylaw 2014~~9~~ was duly made and adopted by resolution at a meeting of the Western Bay of Plenty District Council held on ~~18 December 2014~~~~XX XX~~ 2019 after completion of consultation as required by section ~~82-156~~ Local Government Act 2002 and will come into force on ~~18 December 2014~~~~XX XX~~ 2019.

~~The Common Seal of the Western Bay of Plenty District Council was affixed hereto pursuant to a resolution of Council on 18 December 2014 in the presence of:~~

Chief Executive Officer

Seal

Date _____

Western Bay of Plenty District Council

Trading in Public Places Bylaw

~~2014~~2019

1. Introduction

1.1. Definitions

1.1.1. For the purposes of this Bylaw, the following definitions shall apply:

Authorised Officer – means a Police Officer or any person (including a Parking Warden) for the time being appointed by Council to carry out or exercise the duties, offices or powers of Council referred to in or granted by this Bylaw and in acting as provided by the Bylaw shall act as an agent for Council.

Goods – means any product, display or performance being offered for pecuniary gain.

Licence – means a licence for the purposes of the temporary activities provisions in the Western Bay of Plenty District Plan.

Person/s – includes a corporation, sole person, or a body of persons whether corporate or non-corporate.

Public Places –

- (a) means a place –
 - (i) that is under the control of the territorial authority; and
 - (ii) that is open to, or being used by, the public, whether or not there is a charge for admission; and
- (b) includes –
 - (i) a road, whether or not the road is under the control of a territorial authority; and
 - (ii) any part of a public place.

Service Delivery Vehicle – means any vehicle being used for the purpose of delivering goods to the premises of any business or organisation and does not involve the sale of the goods to the general public in any public place.

- 1.1.2. For the purposes of this Bylaw, the word “shall” refers to practices that are mandatory for compliance with the Bylaw while the word “should” refers to practices which are advised or recommended.

2. Licences - General

- 2.1. No person on any street, reserve or in any other public place shall engage in the sale of goods of any description whatsoever (except as provided in Clause 11: Exemptions) without having first obtained a licence from Council.

3. Licence Applications

- 3.1. Every person who wishes to engage in trade in a public place shall apply to the authorised officer of Council in writing for a licence. The information to be supplied by the applicant shall include as a minimum:
- (a) Name, address, telephone number and email address of the applicant.
 - (b) Name, address, telephone number and email address of all person/s engaged in the proposed trading of goods and services.
 - (c) The location/site of the proposed trading activity.
 - (d) The type of goods and services being offered for sale.
 - (e) The hours and duration that the licence is sought for.
 - (f) The type and registration numbers of the vehicle/s if applicable.
 - (g) Evidence addressing matters referred to in clause 5 decision-making criteria “issuing of licences”.

4. Licence Details

- 4.1. The authorised officer of Council in granting any licence may impose conditions. The conditions imposed may include, but are not restricted to, any of the following:
- (a) Time and place.
 - (b) Duration of the licence.
 - (c) Suitability and size of place of trading.
 - (d) Types of goods/services for sale.
 - (e) Type of operation.
 - (f) Persons entitled to operate business.
 - (g) Safety and hygiene requirements.
 - (h) Type and number of approved signage.
 - (i) Use of musical chimes or other audible devices for attracting customers.
 - (j) Litter, cleanliness (~~see also General Bylaw Chapter 8~~).
 - (k) A requirement that the licence is prominently displayed during trading hours.
 - (l) Site fee.

5. Issuing of Licences

- 5.1. A licence may be declined where it is considered that appropriate standards of convenience, safety, visual amenity or civic values (including enabling the continuance of a flourishing retail precinct) would not be met by granting a licence.
- 5.2. Criteria for consideration includes, but is not limited to, the following factors:
- Prior applications and past performance. Issues of non-compliance or non-payment will be considered.

- The location requested. Licences will be site-specific, but in general trading sites need to have parking and should not be in dangerous roadside positions. The type of operation will be considered.
- Safety of road users. Sites should be assessed and approved by an authorised person from Council's roading team or ~~No trading is allowed on roads with a speed limit in excess of 50km per hour (including State Highways, unless with the express permission on the New Zealand Transport Agency). No trading is allowed on the State Highway in the urban areas of Te Puke and Katikati (where trading is proposed on or beside rural sections of State Highways).~~
- ~~Mobile~~ The proximity of location to similar traders, shops or services. Traders should not operate within 300m of a similar trader or shop.
- Signage proposed. Signage is restricted to vehicle sign-writing and one sandwich board or flag positioned adjacent to the vehicle.
- Evidence of industry standards or good practice met, as appropriate. A separate food licence may be required.
- Impact on neighbouring area. Applicants have identified potential noise, transport, and safety impacts for the area and the potential benefits to the area.

Council reserves the exclusive right to require such information as it deems necessary to determine the outcome of an application.

- ~~—~~
- ~~A separate food licence may be required.~~

6. Fees

- 6.1. Council may prescribe fees for licences. Fees are set through the Annual Plan process and are set at a level to cover the costs of licensing administration and enforcement of the bylaw.

7. Production of Licence

- 7.1. A valid licence must be prominently displayed, at the place of trade, at all times when the licence holder is engaged in the sale of goods and services.

- 7.2. Every licence holder shall, notwithstanding the conditions of the licence, comply with any lawful instruction given by an authorised officer of Council or a Police Officer.
- 7.3. Any person trading in a public place without a licence issued by Council shall, when required to do so by an authorised officer of Council or a Police Officer, remove all trade goods, signs, stalls, vehicles and other equipment used by the person for trading in the public place.

8. Conditions of Licence

- 8.1. Any person who trades in a way that does not conform with any of the terms and conditions of the licence shall be considered to have committed an offence under this Bylaw.
- 8.2. Every licensee shall be responsible for the actions of his/her employees or agents while trading under the terms of the license.

9. Offences

- 9.1. Any person who undertakes either of (a) or (b) below commits an offence under this Bylaw:
- (a) Trading in a public place without a licence.
- (b) Trading in a public place while in breach of any condition of the trader's licence.

~~9.2. Any person who is alleged to have committed an offence under this Bylaw may either:~~

~~9.3. —~~

~~9.4. be proceeded against under the Summary Proceeding Act 1957~~

~~9.5. —~~

~~9.6. be served with an infringement notice under the Local Government Act 2002, or~~

~~9.7. —~~

~~9.8. be served with an infringement notice under the Resource Management Act 1991.~~

- 9.3. Any person found to be in breach of the Bylaw shall be subject to the penalties set out in Section 242(4) of the Local Government Act 2002.

Advice note: Western Bay of Plenty District Council's District Plan requirements may also apply to trading undertaken in relation to this bylaw.

10. Licence Not Transferable

- 10.1. No licence issued under this Bylaw shall be transferable to any other person.

11. Exemptions

- 11.1. The following exemptions are allowed under this Bylaw:
- (a) service delivery vehicles including milk vendors.
 - (b) any current trading enterprise licensed by Council at the coming into force of this Bylaw, until such licence expires.
 - (c) charitable activities (including any stall, stand or vehicle where food is being prepared and/or goods sold to raise money or where subscriptions, collections or donations are being solicited by non-profit groups) which do not involve pecuniary gain to any person, provided that, in the opinion of an authorised officer of Council, the size, scope, regularity of the occurrence or other circumstance associated with the activity in light of the purpose of this bylaw may require the trading activity to apply for a licence. For the avoidance of doubt, trading as a charitable activity shall not be in breach of this bylaw unless the activity is continued after [receiving a Council officer provides](#) advice that a licence shall be required.

12. General

- [12.1.](#) Notwithstanding any of the foregoing provisions of this Bylaw, Council may from time to time prohibit the activities of traders, whether or not they hold a licence, in any specific public place either totally or within certain stated days or times and may



likewise restrict the class of goods or services that may be provided. For the avoidance of doubt, no compensation is payable.

12.1.12.2. Where Council deems appropriate at its sole discretion, it may ~~forgo~~waive the provisions of this bylaw in writing for any specific public place either totally or within certain stated days or times, for a specific event.



Draft Trading in Public Places Bylaw 2019

Statement of Proposal

Introduction

Western Bay of Plenty District Council is reviewing its Trading in Public Places Bylaw and is seeking your views on the proposed changes.

Trading in public places can bring a sense of vibrancy and life to an area, enhance residents and visitors experience and enable commercial opportunities. Conversely, if trading is not sufficiently regulated, it can lead to a number of negative outcomes, such as, posing a safety risk to road users, causing undue noise and litter, and impacting the local area.

The review of the Trading in Public Places Bylaw aims to ensure that Council has got the balance right. The purpose of the bylaw is to regulate traders like coffee carts, fruit and vegetable vans and other stalls.

Council must follow the special consultative procedure in amending an existing bylaw. This Statement of Proposal has been prepared in accordance with the Local Government Act 2002.

Reasons for the proposal

The current Trading in Public Places Bylaw was adopted in 2014. The Local Government Act 2002 requires that a new bylaw be reviewed with five years of adoption.

The reasons for reviewing the bylaw are to:

- Ensure that it is fit for purpose with the change in demographics and growth in the district;
- That trading in public places is enabled in a responsible manner that takes account of public safety, potential nuisance impacts on an area, and protects public areas; and
- Address bylaw implementation issues to enable effective enforcement.

Summary of proposed changes

The key proposed amendments to the Freedom Camping Bylaw are:

- **Approach to traders in Te Puke and Katikati main streets**
Under the current bylaw trading in a public places alongside these roads (Jellicoe Street, Te Puke and SH2/Main Street, Katikati) is prohibited. The changes proposed removes the blanket prohibition and instead applies the standard application process as used for all other trading in public places sites.
- **Approach to locations and speed**
At the moment, trading licences will only be considered in areas with a 50km/h speed limit. The draft bylaw replaces this with a requirement for sites to be assessed and approved by an authorised person from Council's roading team or NZTA.
- **Consideration of the impact on neighbours and potential benefits to the area**
This is not a specific consideration under the licence assessment process in the current bylaw. A new criteria for consideration when granting a licence requires the

applicant to have identified potential noise, transport, and safety impacts, and to identify potential benefits to the area. This allows applicants to demonstrate their level of regard to these matters and identify mitigation measures if appropriate.

- **Other minor changes**

Several other minor changes are included in the draft bylaw, including consideration of prior performance, Council flexibility for events, and reference to industry standards.

Special considerations under the Local Government Act

There is no legislative requirement to have this bylaw in place, however the Local Government Act 2002 enables councils to implement and enforce bylaws where there are local issues which need additional powers to be addressed. Council must determine whether a bylaw is the most appropriate way of addressing the perceived problem¹. If a bylaw is considered to be appropriate, Council must then decide whether or not the bylaw is the most appropriate form of bylaw, and whether or not the bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990.

Is a bylaw the appropriate means to deal with the problem?

The issues firmly sit within Council's responsibilities. The current bylaw has been in place for several years and addresses the issue of trading in public places, enabling its regulation and allowing licences to be issued. The Local Government Act 2002 specifically lists trading in public places as an example of what a bylaw may regulate (s.146). Whilst other mechanisms may be used, a bylaw is still considered the most reasonable.

The District Plan allows the sale of goods by licence issued by Council relating to temporary, mobile activities on District roads as a permitted activity. Non-compliance can therefore be progressed through either the RMA or through the LGA and bylaw provisions. The bylaw is still used to set the requirements of a licence and other rules. Traders are still expected to meet the requirements of all other relevant bylaw and District Plan provisions.

The proposed bylaw is considered to be consistent with the approach taken by other councils of a similar size and nature.

Is the bylaw in the appropriate form?

The draft bylaw focuses on identified issues and is customised to suit the particular circumstances of the Western Bay of Plenty District. The draft bylaw is consistent with Council document standards and has been written in plain English so far as possible. It is therefore considered to be the most appropriate form of bylaw.

Is the bylaw consistent with the New Zealand Bill of Rights?

The Bill of Rights protects the human rights and fundamental freedoms of all people in New Zealand. The regulatory controls provided under this bylaw are designed to protect the public from nuisance, protect, promote and maintain public health and safety and minimise the potential for offensive behaviour in public places. It is considered that the draft bylaw does not give rise to any implications under the Bill of Rights.

¹ Section 155 of the Local Government Act 2002

Have your say

We need your feedback by 4pm Thursday 18 April 2019

Please tell us what you think of what we are proposing.

You can do this by:

- Entering it online at: <https://haveyoursay.westernbay.govt.nz>
- Posting it to: *Trading in Public Places Bylaw Review, Western Bay of Plenty District Council, Private Bag 12803, Tauranga 3143.*
- Emailing it to: haveyoursay@westernbay.govt.nz
- Delivering it to:
 - Barks Corner head office, 1484 Cameron Road, Greerton
 - Te Puke Library and Visitor Information Centre, 130 Jellicoe Street, Te Puke
 - Katikati Library and Visitor Information Centre, 36 Main Road, Katikati
 - Waihi Beach Library and Service Centre, Waihi Beach Rd
 - Omokoroa Library and Service Centre, McDonnell Street, Omokoroa

Feedback forms are available at all service centres, and at our public Have Your Say events.

If you have questions, or if you would like to give feedback in person, we encourage you to come to one of our community Have Your Say Events:

Venue	Date	Time
Omokoroa Settlers Hall	Sat 23 March	9am - 12pm
Oropi Hall	Wed 27 March	6.30pm - 8pm
Waihi Beach RSA	Sat 30 March	9am - 12pm
Te Puna Quarry Park - Gallery	Wed 3 April	4pm - 7pm
Te Puke Memorial Hall	Sat 6 April	9am - 12pm
Maketu Community Centre	Wed 10 April	4pm - 7pm
Katikati Community Hub Pātuki Manawa	Sat 13 April	9am - 12pm

Alternatively, you may register for a more formal opportunity to present your views. Please email haveyoursay@westernbay.govt.nz or phone 07 571 8008 by Friday 5 April 2019 to secure a timeslot and receive further information. These days are available:

Council Chambers (Barkes Corner): Mon 15 April – 9.30am start
 Council Chambers (Barkes Corner): Tues 16 April – 9.30am start

Giving effective feedback

We will provide feedback forms at all service centres and at our community events throughout the consultation period. These forms include questions on the key amendments we are consulting on, and ask for your opinion on each.

You may also wish to comment on specific the clause(s) of the Bylaw, and state why the clause is supported, not supported, or how it could be amended.

Feedback on matters outside the scope of the draft Bylaw cannot be considered by the Council as part of this Bylaw review process.

What happens next?

Council will acknowledge in writing or by email (if provided) the receipt of your feedback.

Review Timeframes:

- Period for feedback opens: 18 March 2019
- Period for feedback closes: 18 April 2019
- Have your say days: Commencing 23 March (see above)
- Council adopts bylaw: 22 August 2019
- Bylaw becomes effective: 1 September 2019

Appendices:

- A. Draft Trading in Public Places Bylaw 2019 – track changes

Trading in Public Places Bylaw review

Trading in public places can bring a sense of vibrancy and life to an area, enhance residents and visitors experience and enable commercial opportunities. Conversely, if trading is not sufficiently regulated, it can lead to a number of negative outcomes, such as, posing a safety risk to road users, causing undue noise and litter, and impacting the local area.

The review of the Trading in Public Places Bylaw aims to ensure that Council has got the balance right. The purpose of the bylaw is to regulate traders like coffee carts, fruit and vegetable vans and other stalls.

Why is it being reviewed?

The current Trading in Public Places Bylaw was adopted in 2014. The Local Government Act 2002 requires that a new bylaw be reviewed within five years of adoption.

The bylaw is being reviewed to ensure it is still achieving its objectives and fit for purpose.

Key changes proposed in draft bylaw

- Remove the prohibition on trading in public places for Jellicoe Street, Te Puke and SH2/Main Street, Katikati and instead apply the standard application process as used for all other trading in public places sites.
- Remove the requirement that trading in public places will only be considered in areas with a 50km/h speed limit and replace this with a requirement for sites to be assessed and approved by an authorised person from Council's roading team or NZTA.
- The inclusion of consideration for the impact on neighbours and potential benefits to the areas.
- Several other minor changes are included in the draft bylaw, including consideration of prior performance, Council flexibility for events, and reference to industry standards.

Statement of proposal

You can find the statement of proposal for the Trading in Public Places Bylaw review on our Have Your Say site [haveyoursay.westernbay] or in hard copy at our libraries and service centres (see details on page x[]).

Have your say

Consultation is open from 18 March to 18 April 2019. See page [x] for when and where to have your say, including events across the District.



Have your say on the future of your District



Western Bay of Plenty District Council Draft Trading in Public Places Bylaw

FEEDBACK FORM

We appreciate you taking the time to share your thoughts on our draft Trading in Public Places Bylaw. Please read the statement of proposal and draft Trading in Public Places Bylaw available at any of our service centres or at haveyoursay.westernbay.govt.nz and let us know what you think!

To make a submission online, you can visit haveyoursay.westernbay.govt.nz. Or fill out this feedback form and either

- Deliver your submission to the Katikati, Te Puke, Omokoroa or Waihi Beach Library and Service Centres, or the Main Council Office at Barks Corner;
- Email it to haveyoursay@westernbay.govt.nz; or
- Mail it to: Trading in Public Places Bylaw review
Western Bay of Plenty District Council
Private Bag 12803
Tauranga 3143

Please note: All the information you provide in your feedback form (including personal details) will become public documents.

For photocopying purposes, please write clearly in black or blue pen.

All written feedback must be received by 4pm, Thursday 18 April 2019

Name: _____

Organisation (only if submitting on behalf): _____

Postal address: _____

Home phone: _____ Mobile: _____

Email: _____

Signature: _____ Date: _____

Please use the reverse of this form for your submission

Privacy Act 1993: This form and the details of your submission will be publicly available as part of the decision-making process.

**1. What approach should be taken for temporary traders in Te Puke and Katikati main streets?**

Under the current bylaw they are prohibited.

- Option 1 Continue to prevent any trading on these stretches of road (Jellicoe Street, Te Puke and SH2/Main Street, Katikati)
- Option 2 Remove the blanket exclusion and use the standard application process.
- Option 3 Remove the blanket exclusion, but identify specific sites only
- Option 4 Other (please comment below)

2. Should speed limits have an effect on where trading in public places occur?

At the moment, trading licences will only be considered in areas with a 50km/h speed limit.

- Option 1 Not allow trading on roads above 50km/h
- Option 2 Each application would be considered with a roading safety assessment
- Option 3 Other (please comment below)

3. Should consideration of the impact on neighbours and potential benefits to the area be included?

This is not a specific consideration under the licence assessment process in the current bylaw.

- Option 1 Do not specifically identify impacts on the neighbouring area or positive impacts on the area
- Option 2 Specifically identify impacts on neighbouring areas and the positive impacts on the area
- Option 3 Explicitly consider noise only
- Option 4 Other (please comment below)

Continued on the following page

Western Bay of Plenty District Council**Policy Committee****Adoption of the Draft Class 4 Gambling Venues Policy and Draft TAB Venues Policy for Public Consultation****Purpose**

The purpose of this report is to provide the Committee with the draft Class 4 Gambling Venues Policy and draft TAB Venues Policy, for consideration of options and adoption for public consultation.

The report presents a Social Impact Assessment of gambling in the Western Bay of Plenty District (Attachment A), issues and options for consideration, draft track-changed version of the policies (Attachments B and C), a draft Statement of Proposal (Attachment D), and a draft feedback form (Attachment E). These documents including the draft policies, have been prepared based on direction received in workshops.

Recommendations

- 1. THAT the Senior Policy Analyst report dated 25 February 2019 and titled "Adoption of the Draft Class 4 Gambling Venues Policy and Draft TAB Venues Policy for Public Consultation" be received.**
- 2. THAT the report relates to an issue that is considered to be of medium significance in terms of Council's Significance and Engagement Policy.**
- 3. THAT in relation to the following issues, the preferred option is identified as,**
Issue 1: Approach to limiting Class 4 gambling machines
[Option A, B, C, D] being:...
Issue 2: Approach to Class 4 gambling venues relocations
[Option A, B, C, D] being:...
Issue 3: Approach to Class 4 gambling venue locations
[Option A, B, C] being:...
Issue 4: Approach to Club mergers
[Option A,B] being:...
Issue 5: TAB Venues Policy
[Option A,B] being:...
- 4. THAT the Draft Class 4 Gambling Venues Policy and Draft TAB Venues Policy are adopted for consultation, pursuant to s102 of the Gambling Act 2003 and s65E of the Racing Act 2003, from 18 March 2019 to 18 April 2019 and that the accompanying statement of proposal, summary and feedback form, as appended to this report, are adopted.**

Date 25 February 2019 **Open Session**
Subject Adoption of the Draft Class 4 Gambling Venues Policy and Draft TAB Venues
Policy for Public Consultation



Matthew Leighton
Senior Policy Analyst

1. Background

Class 4 gambling and TAB gambling can provide a source of entertainment to individuals and funding to community organisations. Conversely, gambling can lead to serious harm for individuals, their families and communities.

The oversight of TAB and Class 4 gambling sits with the Department of Internal Affairs. However, territorial authorities are responsible for licensing. The Council has the ability to regulate the number of machines, as well as the number and location of Class 4 gambling venues, and the location of TAB venues. Council has a role in overseeing the administration of gambling through the TAB Venues Policy and the Class 4 Gambling Venues Policy.

Class 4 Gambling

Gaming machines in pubs and clubs (i.e. outside a casino) represent 'Class 4' gambling. They are more commonly known as 'pokies' or 'slot machines'.

Section 102 of the Gambling Act 2003 requires all territorial authorities to have a gambling policy for Class 4 venues.

This policy must state whether venues can be established in the District and where they may be located it may also specify restrictions on the maximum number of gaming machines that operate at a venue.

TAB Gambling

The NZ Racing Board provides opportunities to bet on horse racing (gallops and harness) dog racing, and other sporting events. Council has a role in licencing TAB agencies (TAB Board Venues), where the main business carried out is providing racing-betting or sports-betting services. These are standalone or distinct venues and do not include TAB outlets or agencies that are additional activities of a bar or hotel, such as self-service TAB terminals.

Section 65E of the Racing Act 2003 requires all territorial authorities to have a Board Venues Policy.

This policy must state whether new venues may be established in the District and where they can be located.

2. The Current Policy

Council first adopted its Class 4 and Board Venues Policy in March 2004 and undertook reviews in 2007, 2009 and 2012 (deciding to split it in to two policies in 2012). These policies are due for review and have been since 2015. The Act clearly states policies are still in effect even if due for review.

3. Social Impact Assessment

When adopting a policy, Council must have regard to the social impact of gambling in the district.

The Social Impact Assessment provides an update of the data and research. **Attachment A** presents the desktop study, assessing the social impact nationally and within the Western Bay of Plenty District. The assessment has drawn on data from Council, the Department of Internal Affairs, the Ministry of Health, Auckland University of Technology, Problem Gambling Foundation, gaming trusts and others.

The general findings of the assessment are:

- Gambling can provide entertainment
- Gambling can provide important funding for community groups
- Gambling can lead to significant harm
- The negative impacts are not limited to individuals, but to gamblers, families, friends, colleagues and their local communities
- The risk of harm is greater in high deprivation communities
- The risk of harm is greater for Māori
- The number of class 4 venues in the District has decreased by four, since 2012
- The number of gaming machines in the District has decreased by 37, since 2012
- Class 4 gaming expenditure in the District has continued to rise to \$6,432,673
- Gambling machines in the District are typically located in areas of high deprivation.

4. Significance and Engagement

The Local Government Act 2002 requires a formal assessment of the significance of matters and decisions in this report against Council's Significance and Engagement Policy. In making this formal assessment, there is no intention to assess the importance of this item to individuals, groups, or agencies within the community. It is acknowledged that all reports have a high degree of importance to those affected by Council decisions.

The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.

In terms of the Significance and Engagement Policy this decision is considered to be of medium significance because of:

- The likely public interest in the proposals included in the draft policy;
- The number of ratepayers, residents and visitors to the district that may be affected by the policy and bylaw provisions; and

- The requirement to undertake a LGA special consultative procedure.

5. Engagement, Consultation and Communication

Interested Parties	Engagement
General Public	The Special Consultative Procedure under the LGA will be used, with consultation open for a month. Feedback will be sought through the use of our online submission form, hard copy submission forms and the opportunity for spoken interaction provided through seven 'Have Your Say' events or to register for a more formal 'hearings style' meeting.
Partnership Forum	Update on bylaw and policy review and advice sought on engaging with iwi/hapu as part of the review. Special Consultative Procedure under the LGA provides further opportunity.
Venues	Any venue that holds a Class 4 venue licence in the District will be directly contacted regarding the consultation.
Corporate Societies	Any corporate society that holds a Class 4 venue licence in the District will be directly contacted regarding the consultation, as required by the Gambling Act 2003.
New Zealand Racing Board	The New Zealand Racing Board will be directly contacted, as required by the Racing Act 2003.
Organisations representing Māori	Organisations representing Māori in the District will be directly contacted, as required by the Gambling Act 2003 and Racing Act 2003. This will include Tauranga Moana / Te Arawa Ki Takutai Partnership Forum and iwi and hapu organisations.
Gambling health/support services	Organisations involved in addressing gambling harm will be directly contacted. This includes Te Kahui Hauora Trust, the Salvation Army and the Problem Gambling Foundation

5. Issues and Options Assessment

There are several changes that should be considered through the review, and the key issues and options are set out below.

Class 4 Gambling Venues Policy

Issue 1: Approach to limiting numbers of gaming machines?

Consideration should be given to the approach of the policy to the number of gaming machines in the district. The cap was previously set based on the number of machines operative in the district, thereby stopping any new machines or venues.

We currently have an allowance of 191 (the number of machines licenced in 2012), but there are now only 154 machines. This would mean that any applications would be approved, provided they met the other conditions of the policy.

Council may wish to review the cap.

Option A	
THAT a 'sinking lid' be introduced, whereby no new machines or venues are allowed.	
Assessment of option for advantages and disadvantages taking a sustainable approach	<p>Advantages</p> <ul style="list-style-type: none"> • Provides certainty to the community and businesses. • Prevents any increase in potential gambling harm by actively seeking a decrease in machines or venues. <p>Disadvantages</p> <ul style="list-style-type: none"> • Does not allow for new venues or machines to service a growing population. • May decrease the amount of community funding available to community organisations, over time.
Costs (including present and future costs, direct, indirect and contingent costs) and cost effectiveness for households and businesses	None.
Option B	
THAT the cap be reduced to the current number of machines (154)	
Assessment of option for advantages and disadvantages taking a sustainable approach	<p>Advantages</p> <ul style="list-style-type: none"> • Prevents any increase in potential gambling harm by preventing any increase in machines or venues. • New venues may establish, but only when other venues close. <p>Disadvantages</p> <ul style="list-style-type: none"> • Does not allow for new venues or machines to service a growing population.
Costs (including present and future costs, direct, indirect and contingent costs) and cost effectiveness for households and businesses	None – costs of applications are borne by the applicant.
Option C	
THAT the cap be linked to population.	
Assessment of option for advantages and	<p>Advantages</p> <ul style="list-style-type: none"> • Allows for new machines to service a growing

disadvantages taking a sustainable approach	<p>population.</p> <p>Disadvantages</p> <ul style="list-style-type: none"> Does not provide a level of certainty to the community or applicants. Venue and machine numbers may increase again, with potential increased risks of gambling harm.
Costs (including present and future costs, direct, indirect and contingent costs) and cost effectiveness for households and businesses	None – costs of applications are borne by the applicant.
Option D THAT the cap be retained at 191 machines (Status Quo)	
Assessment of option for advantages and disadvantages taking a sustainable approach	<p>Advantages</p> <ul style="list-style-type: none"> Consistent with the current policy. Allows for new venues and machines to be established and potentially increased funding available to community organisations. <p>Disadvantages</p> <ul style="list-style-type: none"> Venue and machine numbers may increase again, with potential increased risks of gambling harm.
Costs (including present and future costs, direct, indirect and contingent costs) and cost effectiveness for households and businesses	None – costs of applications are borne by the applicant.

Issue 2: What approach is taken for Class 4 Gambling venue relocations?

Consideration should be given to the approach of the policy towards venues that wish to move from one location to another. The policy currently allows these relocations to go ahead, subject to the new location meeting the requirements of the policy.

The Gambling (Gambling Harm Reduction) Amendment Act is intended for relocation provisions to help address the concentration of gaming machine venues in high deprivation areas.

Council may wish to review its approach to relocating venues.

Option A THAT Council will not give consent for a venue to move locations within the District	
Assessment of option	Advantages

for advantages and disadvantages taking a sustainable approach	<ul style="list-style-type: none"> • Provides certainty to the community and businesses. • Prevents any increase in potential gambling harm by actively seeking a decrease in machines or venues. <p>Disadvantages</p> <ul style="list-style-type: none"> • Does not allow venues to move their businesses without losing gaming machines. • Does not allow for relocations where the need to move is forced upon a venue (e.g. Fire damaged). • May decrease the amount of community funding available to community organisations, over time. • Does not encourage venues to move to areas where there is less risk of gambling harm.
Costs (including present and future costs, direct, indirect and contingent costs) and cost effectiveness for households and businesses	None.
Option B THAT Council will only give consent for a venue to move locations within the District where there is exceptional circumstances and subject to provisions regarding location as included in the policy	
Assessment of option for advantages and disadvantages taking a sustainable approach	<p>Advantages</p> <ul style="list-style-type: none"> • Prevents increase in potential gambling harm by generally seeking a decrease in machines or venues. • May allow businesses to continue with their full enterprise, if faced by exceptional circumstances (eg. fire damaged, flooding, public works act purchases). <p>Disadvantages</p> <ul style="list-style-type: none"> • In most cases, it does not allow venues to move their businesses without losing gaming machines. • May decrease the amount of community funding available to community organisations, over time. • Does not encourage venues to move to areas where there is less risk of gambling harm.
Costs (including present and future costs, direct, indirect and contingent costs) and cost effectiveness for households and businesses	None – costs of applications are borne by the applicant
Option C THAT relocations would only be allowed where a venue moves from an area with high neighbourhood deprivation (NZ deprivation index score of 8, 9 or 10) to an area with low neighbourhood deprivation (NZ deprivation index score of 1, 2, 3 or 4)	
Assessment of option	Advantages

for advantages and disadvantages taking a sustainable approach	<ul style="list-style-type: none"> Looks to address the concentration of gaming machines and venues in communities with high deprivation which are at most risk of gambling harm. Allows businesses to relocate with all aspects of their enterprise. <p>Disadvantages</p> <ul style="list-style-type: none"> Would not actively contribute towards the reduction of machines and venues and consequently potential gambling harm across the district. Significantly limits the areas where a venue can relocate to (under the latest data, NZDep2013 – the areas would be Minden, Omokoroa, Kaimai, Upper Papamoa).
Costs (including present and future costs, direct, indirect and contingent costs) and cost effectiveness for households and businesses	None – costs of applications are borne by the applicant.
Option D THAT relocations be allowed subject to provisions regarding location as included in the policy (status quo)	
Assessment of option for advantages and disadvantages taking a sustainable approach	<p>Advantages</p> <ul style="list-style-type: none"> Consistent with the current policy. Allows businesses to relocate with all aspects of their enterprise. Allows venues to move to 'better' premises. <p>Disadvantages</p> <ul style="list-style-type: none"> Would not actively contribute towards the reduction of machines and venues and consequently potential gambling harm across the district.
Costs (including present and future costs, direct, indirect and contingent costs) and cost effectiveness for households and businesses	None – costs of applications are borne by the applicant.

Issue 3: What approach is taken for Class 4 Gambling locations?

Depending on the approach taken for the options above, this section of the policy may or may not be relevant.

The Policy's current approach is that Class 4 Gambling Venues will not be permitted where the Council believes that the amenity of the area will be adversely affected or

where there is likely to be an adverse effect on any community facilities including; kindergartens, early childhood centres, schools and places of worship.

Option A	
THAT this section be removed as unnecessary, due to the overall Policy direction	
Assessment of option for advantages and disadvantages taking a sustainable approach	Should the Policy not allow any new venues, machines or relocations, then this section of the policy becomes redundant and should be removed.
Costs (including present and future costs, direct, indirect and contingent costs) and cost effectiveness for households and businesses	None.
Option B	
THAT the current approach be retained	
Assessment of option for advantages and disadvantages taking a sustainable approach	<p>Advantages</p> <ul style="list-style-type: none"> • Allows the Council some flexibility to consider impacts on community facilities. <p>Disadvantages</p> <ul style="list-style-type: none"> • Does not directly address concerns around the increased level of harm that may be posed by venues to high neighbourhood deprivation communities. • Does not provide any specific distances and is open for interpretation. • Does not address density of venues/machines.
Costs (including present and future costs, direct, indirect and contingent costs) and cost effectiveness for households and businesses	None – costs of applications are borne by the applicant.
Option C	
THAT the approach to location become more prescriptive and restrictive, through preventing establishment of Class 4 gambling venues within 100m of 'community facilities' and preventing the establishment of Class 4 gambling venues in communities with high neighbourhood deprivation.	
Assessment of option for advantages and	<p>Advantages</p> <ul style="list-style-type: none"> • Clear restrictions on distances from other venues could

disadvantages taking a sustainable approach	<p>reduce density of venues and potentially reduce the risk of harm.</p> <ul style="list-style-type: none"> • Clear restrictions on distances from community facilities could provide certainty for the community and applicants. • Clear consideration of the higher risk areas in the district could prevent those most at risk being exposed to increased gambling opportunities and distribute venues/machines more equally across the community. <p>Disadvantages</p> <ul style="list-style-type: none"> • Increased expectation on the applicant to demonstrate these provisions have been met.
Costs (including present and future costs, direct, indirect and contingent costs) and cost effectiveness for households and businesses	None – costs of applications are borne by the applicant.

Issue 4: What approach is taken for Class 4 Gambling venues that wish to merge?

Two or more clubs that hold Class 4 gambling venue licences may wish to merge and physically move into one venue. For example an RSA and Citizens Club.

Currently the policy allows the new merged club to retain the same number of machines as the two clubs previously had, up to a maximum of 30 machines.

There are three clubs with Class 4 Gambling licences in the District, and these are unlikely to merge. They are; Te Puke Citizens Club Inc., Waihi Beach RSA Inc., and Katikati RSA and Citizens Club Inc.

Option A THAT any two or more clubs that currently hold Class 4 Gambling licences will not be allowed to continue hosting gaming machines if they choose to merge	
Assessment of option for advantages and disadvantages taking a sustainable approach	<p>Advantages</p> <ul style="list-style-type: none"> • Provides certainty to the community and Clubs. • Prevents any increase in potential gambling harm by actively seeking a decrease in machines or venues. <p>Disadvantages</p> <ul style="list-style-type: none"> • Does not allow clubs to merge without losing gaming machines.
Costs (including present and future costs, direct, indirect and contingent costs) and cost effectiveness for households and businesses	None.

Option B	
THAT merged clubs may retain the same number of machines as the two clubs previously had, up to a maximum of 30 machines (Status Quo)	
Assessment of option for advantages and disadvantages taking a sustainable approach	<p>Advantages</p> <ul style="list-style-type: none"> • Provides certainty to the community and Clubs. • Allows clubs to retain an aspect of their income. <p>Disadvantages</p> <ul style="list-style-type: none"> • Does not prevent any increase in potential gambling harm by actively seeking a decrease in machines or venues.
Costs (including present and future costs, direct, indirect and contingent costs) and cost effectiveness for households and businesses	None – costs of applications are borne by the applicant.

TAB Venues Policy

Issue 5: What approach should be taken for TAB venues?

There are currently no stand-alone TAB venues in the District. The Racing Act 2003 specifically allows Councils to determine "whether or not new Board venues may be established".

Option A	
THAT no Board Venues be allowed in the District	
Assessment of option for advantages and disadvantages taking a sustainable approach	<p>Advantages</p> <ul style="list-style-type: none"> • Provides certainty to the community and business. • Prevents any increase in potential gambling harm by preventing the establishment of venues. • TAB activities may still continue in other venues (pubs/hotels, or via its app)
Costs (including present and future costs, direct, indirect and contingent costs) and cost effectiveness for households and businesses	None.
Option A	
THAT new Board Venues be allowed in the District subject to provisions regarding location as included in the policy (status quo)	
Assessment of option for advantages and disadvantages taking a sustainable approach	<p>Advantages</p> <ul style="list-style-type: none"> • Consistency with the current approach. <p>Disadvantages</p> <ul style="list-style-type: none"> • No applications received, so somewhat untested.

Costs (including present and future costs, direct, indirect and contingent costs) and cost effectiveness for households and businesses	None – costs of applications are borne by the applicant.
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7. Statutory Compliance

The recommendations of this report ensure Council complies with the Local Government Act 2002, Gambling Act 2003 and Racing Act 2003.

The draft policies will be subject to a Special Consultative Procedure to ensure that Council is complying with its obligations to seek community views on proposals of significance.

As required by the Gambling Act 2003 and Racing Act 2003, the New Zealand Racing Board, each corporate society that holds a class 4 venue licence for a venue in the district and organisations representing Māori in the district, will be directly contacted.

8. Funding/Budget Implications

Budget Funding Information	Relevant Detail
Policy budget	Ongoing budget for policy reviews. This review can be managed within existing staffing and budgets.

9. Attachments

- A. Social Impact Assessment of Gambling in the Western Bay of Plenty District – 2019
- B. Draft Class 4 Gambling Venues Policy – track-changed
- C. Draft TAB Venues Policy – track-changed
- D. Statement of Proposal for the Draft Class 4 Gambling Venues Policy and Draft TAB Venues Policy
- E. Draft feedback form



*Western Bay of Plenty
District Council*

Social Impact Assessment of Gambling in the Western Bay of Plenty District

February 2019

Produced by
Matthew Leighton, Senior Policy Analyst



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Executive Summary

The review of the Council's gambling policies is required within three years from the date of adoption, under section 102 of the Gambling Act 2003 and section 65E of the Racing Act 2003. Council first adopted its Class 4 and Board Venues Policy in March 2004 and undertook reviews in 2007, 2009 and 2012. Through the review in 2012, the policy was separated into two, to better delineate between the two types of gambling venues being regulated. The TAB Venues Policy and the Class 4 Gambling Venues Policy were approved in 2013. The policies are due for review.

The current Class 4 Gambling Venues Policy has a cap of 191 gaming machines in the District. It allows for the establishment of venues where the amenity of the area will not be adversely affected or where it is unlikely to have an adverse effect on any community facilities including kindergartens, early childhood centres, schools and places of worship.

The current TAB Venues Policy allows for the establishment of TAB venues, where the amenity of the area will not be adversely affected or where it is unlikely to have an adverse effect on any community facilities including kindergartens, early childhood centres, schools and places of worship.

The purpose of this social impact assessment is to consider and analyse the intended and unintended consequences of gambling. Having regard to the social impact of gambling is a legislative requirement when reviewing these policies. The social impact assessment is therefore primarily focused on Class 4 and TAB gambling, as opposed to gambling in all its forms.

As at January 2019, there are no stand alone TAB venues and 11 Class 4 gambling venues and 154 gaming machines in the District. In the twelve month period ending September 2018, \$6,432,673 was spent on gaming machines in the Western Bay of Plenty district.

Since the last review in September 2012, there has been a decrease in the number of venues and gaming machines within the District. Four venues have closed and there has been a decrease of 37 gambling machines over the same period. Despite these decreases, total expenditure on these gaming machines has risen.

Whilst gaming machines are not the most common form of gambling (12% of adults nationally have used on in the last 6 months), 52% of those seeking help with gambling use gaming machines as the predominant form of gambling (2016/17 year). Location and density are associated with gambling harm. The majority of gaming machines are located in higher deprivation areas.

The data in this assessment suggests that more money is being spent on gambling, despite being less venues or machines available. Whilst this money provides an important revenue for clubs and funding for community organisations, research suggests that much of this has come from members of the community that can least afford it.

The research presented here suggests that gambling continues to pose a level of harm to the community and Council should continue to place restrictions on venues.

1.0 Introduction

In reviewing the Council's current policies on gambling, the Council is required to give consideration to the social impacts of gambling in the district.

The following is a summary of the available 'desk top' information on gambling in the Western Bay of Plenty District. This has not involved consulting with interested parties.

Types of gambling

The Gambling Act 2003¹ classifies gambling based on the amount of money spent and the risk of problem gambling associated with an activity. Classes of gambling range from Class 1, representing low-stake, low-risk gambling, to Class 4, which represents high-risk, high-turnover gambling.

Casino operations and lotteries run by the New Zealand Lotteries Commission are treated as separate classes within the Act.

The Racing Act 2003² facilitates betting on galloping, harness and greyhound racing, and other sporting events, which is provided by the NZ Racing Board.

Council has the ability to regulate Class 4 gambling, and racing and sports event gambling promoted by the NZ Racing Board.

Class 4 Gambling

Gaming machines in pubs and clubs (i.e. outside a casino) represent 'Class 4' gambling. Class 4 gambling may only be conducted by a corporate society and only to raise money for an authorised (e.g. community and non-commercial) purpose.

The Council has the ability to regulate the number of machines and the number and location of Class 4 gambling venues. Council has been involved in the giving, amending and renewing of venue licenses since October 2001. Council must consider these applications in accordance with its policy.

Racing and sports event gambling

The NZ Racing Board provides opportunities to bet on horse (gallops and harness) and dog races, and sporting events. Betting on horse races through the TAB has occurred since 1950, betting on greyhound races since 1981, and sports betting since 1996.

The NZ Racing Board provides on-course services to licensed racing clubs at 65 racing venues throughout the country. Off-course betting is available through TAB retail outlets. These comprise sub-agencies (pub and club outlets), including self-service terminals, and dedicated TAB agencies (TAB Board Venues), where the main business carried out is providing racing-betting or sports-betting services. These are standalone or distinct venues and do not include TAB outlets or agencies that are additional activities of a bar or hotel, such as self-service TAB terminals.

¹ Gambling Act 2003 - <http://www.legislation.govt.nz/act/public/2003/0051/latest/DLM207497.html#DLM208661>

² Racing Act 2003 - <http://www.legislation.govt.nz/act/public/2003/0003/latest/DLM184055.html#DLM185053>

The NZ Racing Board also operates a telephone betting service, internet betting via the TAB website, and interactive remote betting through Sky digital TV.

The Council has the ability to regulate the number of number of standalone TAB Board venues and the location that they can be established. Territorial authorities must consider each application for consent in accordance with its policy.

Legislation

The Gambling Act 2003 and the Racing Act 2003 control all levels of gambling within New Zealand.

It is a requirement of the Gambling Act 2003 and the Racing Act 2003 that the policies for Class 4 gambling and TAB venues be reviewed every three years and that Council has regard to the social impact of gambling in the district.

Policy requirements

The Class 4 gambling policy must state whether venues can be established in the District and where they may be located, and may specify restrictions on the maximum number of gaming machines that may operate at a venue.

The Board venues policy must state whether new venues may be established in the District and where they can be located.

Both policies must have regard to the social impact of gambling within the territorial authority district. The extent to which the social impact of gambling is investigated is up to the territorial authority.

In addition to these mandatory requirements for a policy, the Gambling Act 2003 and Racing Act 2003 specify a number of considerations for a territorial authority in setting its policies:

- the characteristics of the District, in whole or part;
- the location of kindergartens, early childhood centres, schools, places of worship and other community facilities;
- the cumulative effects of additional opportunities for gambling in the District;
- the number of gaming machines that should be allowed to operate at venues;
- how close venues should be to each other;
- what the primary activity of any venue should be;
- and where considering the inclusion of a relocation policy for Class 4 gambling venues, to consider the impact of gambling in high-deprivation communities.

Current Policies

In March 2004 Council adopted a Class 4 Venues and Board Venues Policy in accordance with the Gambling Act 2003 and Racing Act 2003. This policy has been reviewed in 2007, 2009 and 2012. Through the review in 2012, the policy was separated in to two to better delineate between the two types of gambling venues

being regulated. The TAB Venues Policy and the Class 4 Gambling Venues Policy were approved in 2013.

The existing policies allow Class 4 venues and Board venues to be established in the District subject to meeting location requirements, gaming machine numbers, licensing application and fee requirements.

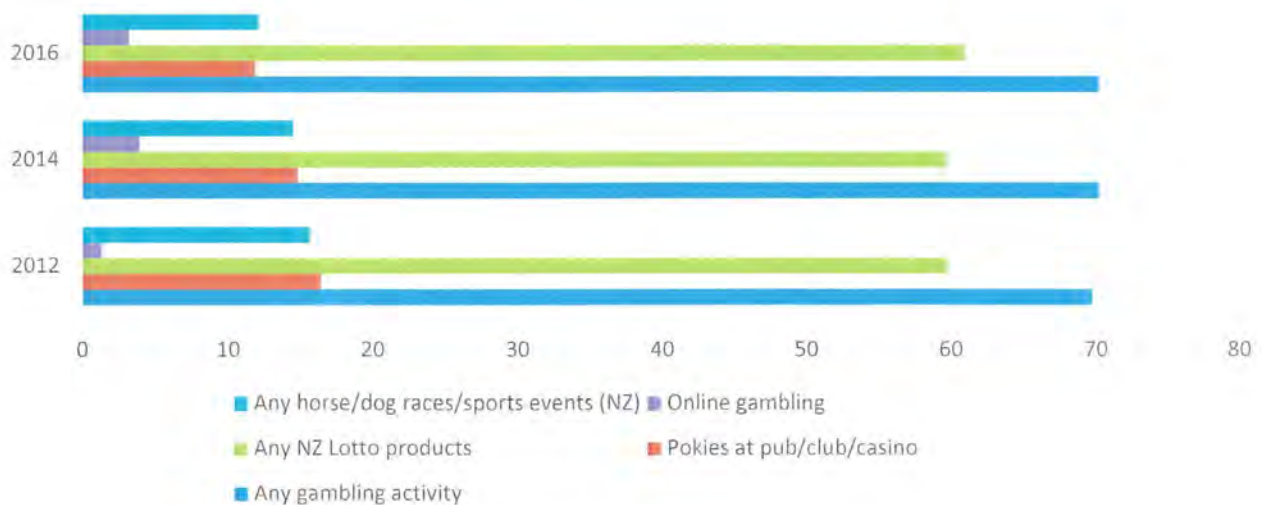
The Gambling Act 2003 limits the number of gambling machines allowed at each non-casino gaming machine venue within New Zealand. Venues with a licence prior to 2001 are allowed a maximum of 18 machines. Venues issued with new licenses after 2001 are allowed a maximum of nine (9) gaming machines per venue. The current Class 4 Gambling Venues Policy has a cap of 191 gaming machines in the District, based on the number of machines in 2012.

2.0 Impact of Gambling on the Western Bay of Plenty District

Prevalence of gambling

The majority of adults gamble in New Zealand. 70% of people over the age of 15 have been involved in at least one gambling activity in the past six months³. Lotto is the most common form of gambling in New Zealand, with 61% of the respondents in one survey reporting their participation in the last year. TAB betting and use of gaming machines are both around 12% participation rate.

New Zealand Gambling Participation Rates



The data shows a decline in the proportion of the population using Class 4 gaming machines or betting on racing/sporting events over the past 3 years.

Venues and Machine numbers

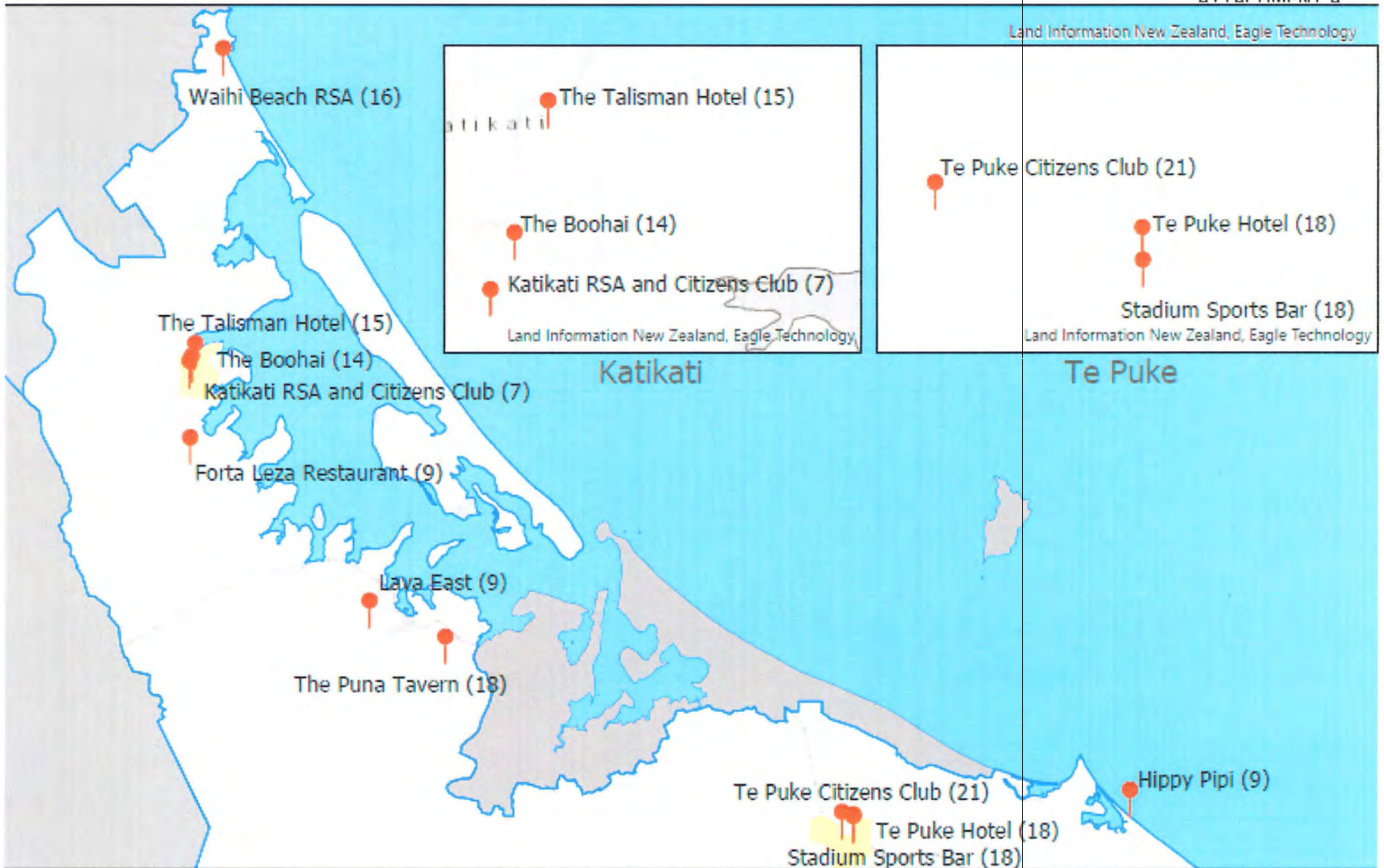
As at 30 September 2018 there were 15,342 Class 4 gaming machines nationally, spread across 1,130 venues. As at September 2018, the Western Bay of Plenty District has 154 machines and 11 venues.⁴

There are over 700 TAB stores across NZ, including both dedicated TAB stores and those within pubs and clubs. As at July 2017, there were 78 standalone TAB Board venues. The district currently has no stand alone TAB venues.⁵

³ Health and Lifestyles Survey 2016 - <https://www.hpa.org.nz/tags/health-and-lifestyles-survey>

⁴ Gaming Machine Venues, Numbers and Expenditure by TA - https://www.dia.govt.nz/diawebsite.nsf/wpg_URL/Resource-material-Information-We-Provide-Gaming-Machine-Venues-Numbers-and-Expenditure-by-Territorial-AuthorityDistrict

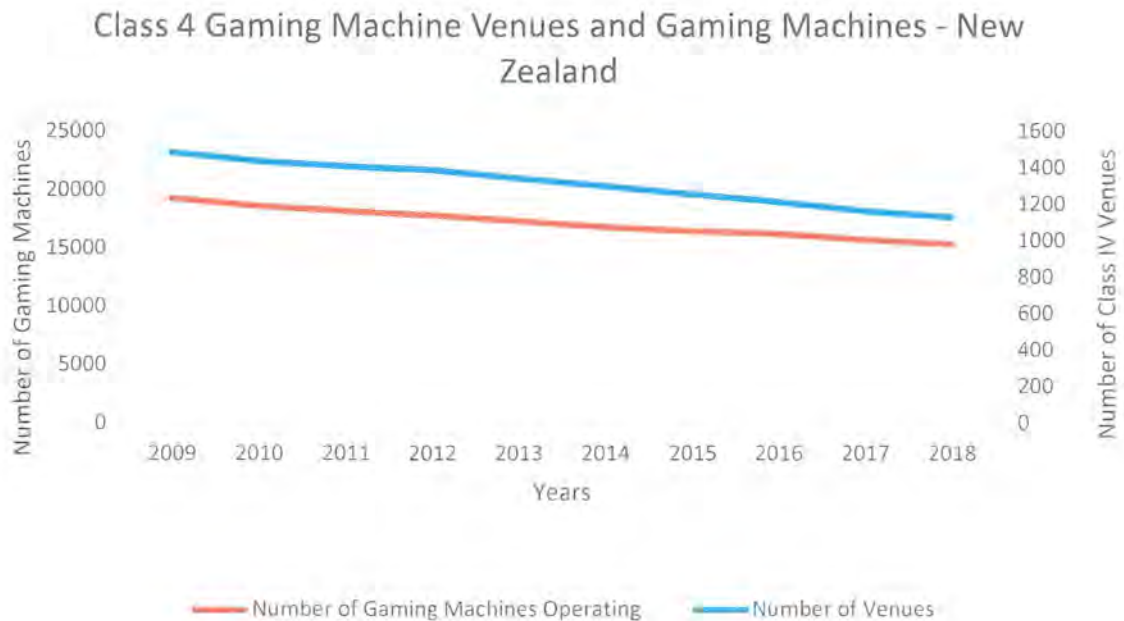
⁵ NZ Racing Board Website – <http://nzzracingboard.co.nz/about-nzrb>



Location of Class 4 gaming venues and number of machines in the Western Bay of Plenty

Research indicates that gambling behaviour was strongly linked to distance from a venue. With an increase in the chance of gambling harm, if there is a gambling venue within 5kms of neighbourhoods⁶. This increases with the increased density of venues. These findings suggest that policies aimed at preventing and minimising gambling-related harm could focus on environmental modifications, such as addressing the geographic dispersal of gambling venues and minimising the number of gambling venues in neighbourhoods, particularly in vulnerable communities.

Nationally, the numbers of machines and venues has been in steady decline, dropping from a high of just over 19,000 machines to just over 15,000 currently.



This decline has been somewhat mirrored in the district with four venues closing since 2016 and a drop in machine numbers from 191 at the time of the last policy review (2012) to 154.⁷ The four closed venues were:

- Inbargo/Annan (Te Puke);
- Te Puke Club inc;
- Waihi Beach Hotel; and
- Te Puke Memorial RSA (merged with Te Puke Citizens Club – the number of machines did not decline as they were moved to the Citizen's Club).

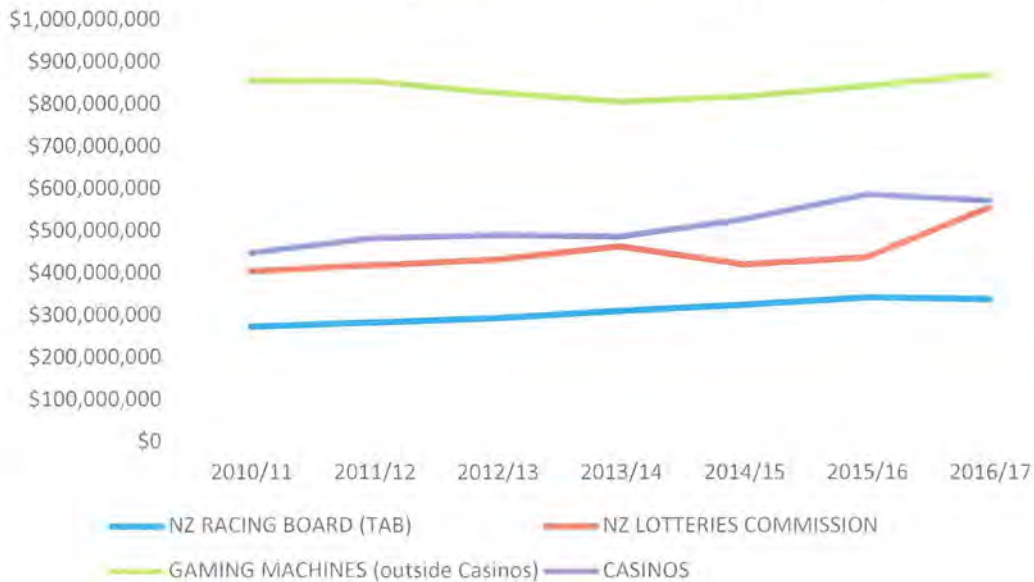
⁶ Ministry of Health (2008): Raising the Odds? Gambling behaviour and neighbourhood access to gambling venues in New Zealand, <https://www.health.govt.nz/publication/raising-odds-gambling-behaviour-and-neighbourhood-access-gambling-venues-new-zealand>

⁷ Gaming Machine Venues, Numbers and Expenditure by TA - https://www.dia.govt.nz/diawebsite.nsf/wpg_URL/Resource-material-Information-We-Provide-Gaming-Machine-Venues-Numbers-and-Expenditure-by-Territorial-AuthorityDistrict

Expenditure

Over the 2016/17 financial year, a total of \$2,334m was spent on the four main forms of gambling in New Zealand, the greatest spend since at least 2010 – up 5.6% (\$125 million) on 2015/16. The largest component of this was Class 4 non casino gambling machines, equating to \$870m.⁸

National Gambling Expenditure 2010/11 to 2016/17



The Department of Internal Affairs states that the actual (i.e. not adjusted for inflation or population changes) annual increase in Class 4 gambling expenditure since 2014 is now considered a trend. The increase may be due, in part, to gaming machine technology and game changes in the sector since 2014.⁹

The level of expenditure on Class 4 gambling in the district has also increased. With \$6,432,673 being spent in the 12 months to September 2018. This is up 10% compared to the previous 12 month period. The district has seen an increase in gaming machine proceeds (GMP) of 53.2%, since March 2015, compared to a national increase of 21.6%.¹⁰

⁸ Gambling Expenditure Statistics - https://www.dia.govt.nz/diawebsite.nsf/wpg_URL/Resource-material-Information-We-Provide-Gambling-Expenditure-Statistics

⁹ DIA media release – Gamblers spent \$125 million more in FY 2016/17 - <https://www.dia.govt.nz/press.nsf/d77da9b523f12931cc256ac5000d19b6/4f9778fc3a2fed9dcc25823a00002b04!OpenDocument>

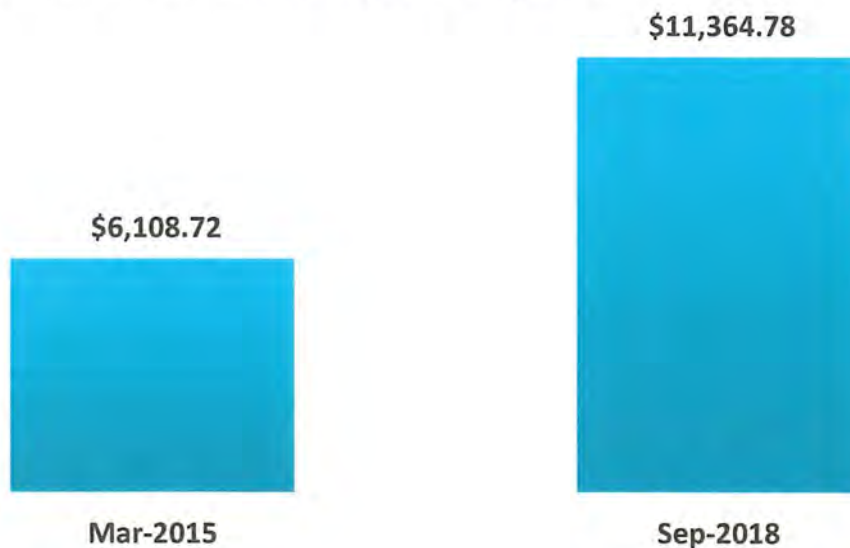
¹⁰ DIA, GMP Quarterly Dashboard (as at September 2018) - [https://www.dia.govt.nz/diawebsite.nsf/wpg_URL/Resource-material-Information-We-Provide-Gaming-Machine-Proceeds-\(GMP\)-Data](https://www.dia.govt.nz/diawebsite.nsf/wpg_URL/Resource-material-Information-We-Provide-Gaming-Machine-Proceeds-(GMP)-Data)

Western Bay of Plenty District GMP per quarter (2015-2018)



When considering GMP and machine numbers, GMP per gaming machine in the district increased by \$5,256 since March 2015, which translates to \$11,365 in September 2018. This is an 86% increase in money going through each machine. By comparison, nationally the increase was \$3,690 per machine (31.7% change), to an average of \$15,320 per machine in September 2018.¹¹

GMP per EGM in the Western Bay of Plenty District



¹¹ DIA, GMP Quarterly Dashboard (as at September 2018) - [https://www.dia.govt.nz/diawebsite.nsf/wpg_URL/Resource-material-Information-We-Provide-Gaming-Machine-Proceeds-\(GMP\)-Data](https://www.dia.govt.nz/diawebsite.nsf/wpg_URL/Resource-material-Information-We-Provide-Gaming-Machine-Proceeds-(GMP)-Data)

There is also a level of variation within the district, with the average gaming machine in Te Puke collecting \$14,264 in the quarter to September 2018, compared to \$9,005 per machine in the rest of the district (excluding Katikati). For the three months to 30 September 2018, the expenditure in Te Puke was almost half (46%) of all money spent on Class 4 gambling in the district.¹²

EGM and GMP at a 'suburb' level for quarter to 30 September 2018

	Number of venues	Number of machines	GMP	Average GMP per machine
Te Puke	3	57	\$813,068	\$14,264
Katikati	4	45	\$468,849	\$10,419
Omokoroa/Pukehina/Te Puna/ Waihi Beach	4	52	\$468,260	\$9,005

A 2017 DIA study by BERL looked into the trend of increasing expenditure of gaming machines despite the decrease of gaming machines and venues. Expenditure might be expected to increase as GDP, population, employment, earnings, consumer confidence and the number of international visitors increase, but the opposite appears to be true. However, there does seem to be a positive relationship between expenditure and the number of venues where gaming can happen, and between expenditure and the number of new-generation Stand Alone Progressive Prize (SAPP) machines.¹³

Despite the data showing a reduction in participation rates of Class 4 gambling and a reduction in venue and machine numbers, expenditure has increased greatly. This is still the case when population growth is taken into account.

Gambling Harm

Most people do not experience problems resulting from their gambling. Gambling can be a harmless entertainment activity from which people derive personal enjoyment and that can provide other positive social effects. However, for the minority that do develop a problem, the impacts can be far reaching and are not exclusive to the problem gamblers themselves. Every person with a gambling problem affects between five and ten other people.

A 2017 Ministry of Health (MoH) study¹⁴ on the burden of gambling harm concluded that the largest proportion of the total harm resulting from gambling in New Zealand is associated with people who are not necessarily problem gamblers themselves.

The most common types of harm caused by gambling in New Zealand include:

¹² EGM and GMP at suburb level for quarter to 30 September 2018 -

[https://www.dia.govt.nz/diawebsite.nsf/Files/Gambling-Statistics/\\$file/Sep-2018-quarterly-gmp.pdf](https://www.dia.govt.nz/diawebsite.nsf/Files/Gambling-Statistics/$file/Sep-2018-quarterly-gmp.pdf)

¹³ Research into Influences on Class 4 Gaming Machine Proceeds – Report to DIA, BERL April 2017 -

[https://www.dia.govt.nz/Pubforms.nsf/URL/Research-into-Influences-on-Class-4-Gaming-Machine-Proceeds.pdf/\\$file/Research-into-Influences-on-Class-4-Gaming-Machine-Proceeds.pdf](https://www.dia.govt.nz/Pubforms.nsf/URL/Research-into-Influences-on-Class-4-Gaming-Machine-Proceeds.pdf/$file/Research-into-Influences-on-Class-4-Gaming-Machine-Proceeds.pdf)

¹⁴ Browne, M., Bellringer, M., Greer, N., Kolandai-Matchett, K., Rawat, V., Langham, E., Rockloff, M., Palmer Du Preez, K., Abbott, M. (2017); Measuring the Burden of Gambling Harm in New Zealand, Central Queensland University of Auckland University of Technology, <https://www.health.govt.nz/publication/measuring-burden-gambling-harm-new-zealand>

- Personal impacts – elevated physical and mental health problems
- Financial impacts - Adjusting for the effects of both inflation and changes to New Zealand's population (18 years and older), gambling loss on all forms of gambling increased by 1.1 per cent, from an average of \$629 per person in 2016, to \$635 per person in 2016/17. Losses on gaming machines and NZ Racing Board products makes up 52% of this total¹⁵
- Inter personal impacts – including relationship breakups and personal neglect
- Parenting impacts – people who report having a parent with gambling problems are also significantly more likely to experience gambling problems themselves
- Work and study impacts – including lost time at work or study
- Criminal and legal impacts – problem gambling has been linked to criminal activity.

The study identified that harm from gambling affects low-risk, moderate-risk and problem gamblers, with problem gamblers experiencing about half the quality of life compared to ideal health and wellbeing, which is about the same as a person with severe alcohol problems. The study concluded that annually, gambling problems generate significantly more ongoing harm than other key health conditions such as osteoarthritis, diabetes, and drug use disorders. It concluded that the focus should be on minimising gambling-related harm across the entire spectrum of problematic gambling behaviour, rather than focussing on reducing the incidence of problem gambling.

Prevalence of problem gambling

New Zealand has a very low problem gambling rate by international standards. Analysis of the New Zealand National Gambling Study: Wave 3 (2014) found that 0.3% of NZ adults were problem gamblers experiencing significant gambling-related harm; 1.5% were moderate-risk gamblers facing some harm and at risk of developing more serious problems; and 5% were estimated as low-risk, mostly experiencing a few gambling-related problems.¹⁶ This is inline with by the 2016 Health and Lifestyle Survey results which indicated that 1.6% of the population could be considered as problem or moderate risk gamblers.¹⁷ The problem gambling rate is for all forms of gambling, not just Class 4 gambling.

Of those seeking help for problem gambling nationally, 52% use non-casino gaming machines as the primary means of gambling (2016/17).¹⁸ It therefore appears gaming machines outside of casinos cause the most gambling related harm.

¹⁵ Department of Internal Affairs Website,

<https://www.dia.govt.nz/press.nsf/d77da9b523f12931cc256ac5000d19b6/4f9778fc3a2fed9dcc25823a00002b04!OpenDocument>

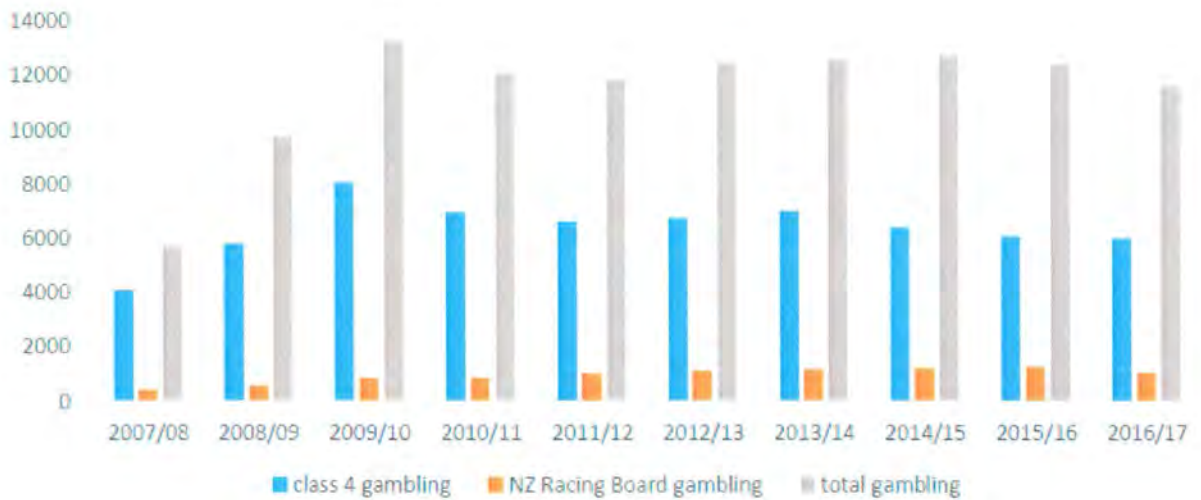
¹⁶ New Zealand National Gambling Study Wave 3 (2014) –AUT -

https://niphmhr.aut.ac.nz/data/assets/pdf_file/0010/62668/Final-Report-National-Gambling-Study-Wave-3-19.08.16.pdf

¹⁷ Health and Lifestyles Survey 2016 - <https://www.hpa.org.nz/tags/health-and-lifestyles-survey>

¹⁸ Ministry of Health website – Intervention Client data - <https://www.health.govt.nz/our-work/mental-health-and-addictions/gambling/service-user-data/intervention-client-data#territorial>

NZ - Numbers of individuals receiving problem gambling treatment services for their own or someone else's gambling



The group with the most of risk of developing gambling problems are the 'regular continuous gamblers' (those who bet once a week or more on activities such as gaming machines not in casinos). Location of venues can play a role in this.

In the Western Bay District 38 clients sought intervention services in 2016/17, of which 31 were new clients.¹⁹

Western Bay of Plenty District Client Intervention Figures
2004/05 - 2016/17



¹⁹ Ministry of Health website – Intervention Client data - <https://www.health.govt.nz/our-work/mental-health-and-addictions/gambling/service-user-data/intervention-client-data#territorial>

The data shows a general increase and more recent decrease in the numbers of those seeking gambling support in recent year, however, noting that there is a degree of fluctuation in this time. There hasn't been any recent changes to contracted services in the area (Te Kahui Hauora Trust, Problem Gambling Foundation and The Salvation Army). The recent decrease may be due a drop in demand, that people aren't aware of the local services available or that they just aren't ready to seek help. A less likely explanation is that the number of people experiencing harm in the area has dropped. It is important to note that, the number of people seeking help, as with any addiction, only represents a very small minority of those suffering harm.

The actual rate of those suffering from gambling related issues is often much higher than those that are actively seeking support from intervention services. According to a report by Auckland University of Technology, it is estimated that the actual presentation rate for problem gamblers is somewhere between 25% and 30%, and for the problem and moderate-risk gamblers combined is between seven percent and ten percent.²⁰

Nationally, despite the large reduction in non casino gaming machines (25,221 in 2003 to 16,053 in 2016), there has almost been no impact on the level of problem gamblers. One reason for this trend may be the high relapse rate, with a significant portion of those seeking help are returning clients. In order to address the consequences and the level of problem gamblers, each year the gambling industry pays approximately \$18.5m (1.5% of gaming machine expenditure) to the government toward a problem gambling levy so that the Ministry of Health can implement a 'Preventing and Minimising Gambling Harm Strategic Plan'.

Neighbourhood Deprivation

Neighbourhood deprivation statistically impacts both the regularity of gambling and the level of harm.

Deprivation scores are developed by University of Otago with Statistics New Zealand data to show the level of social, economic or cultural detachment within a community with 10 being the highest score of deprivation. Deprivation is considered to be low when it scores 1-3; medium 4-7 and high 8-10.²¹

In New Zealand, EGM venues and TABs are heavily concentrated in high deprivation communities²². Research has shown that residential proximity to EGM venues is associated with problem gambling²³. People in the most at-risk groups for problem and moderate-risk gambling, including Māori and Pacific people, are over-represented in high deprivation neighbourhoods. Further research is required to understand more fully the relationships between sociodemographic factors, gambling exposure, participation and harm. It appears likely that disparities between ethnic and various other groups are largely a consequence of vulnerable groups being exposed to high densities of EGM and other gambling venues. Analysis has shown

²⁰ New Zealand 2012 National Gambling Study: Gambling Harm and Problem Gambling – Report Number 2 – 2014 - https://niphmhr.aut.ac.nz/_data/assets/pdf_file/0018/7542/Report-final-National-Gambling-Study-Report-No.-2.pdf

²¹ University of Otago - Socioeconomic Deprivation Indexes - <https://www.otago.ac.nz/wellington/departments/publichealth/research/hirp/otago020194.html>

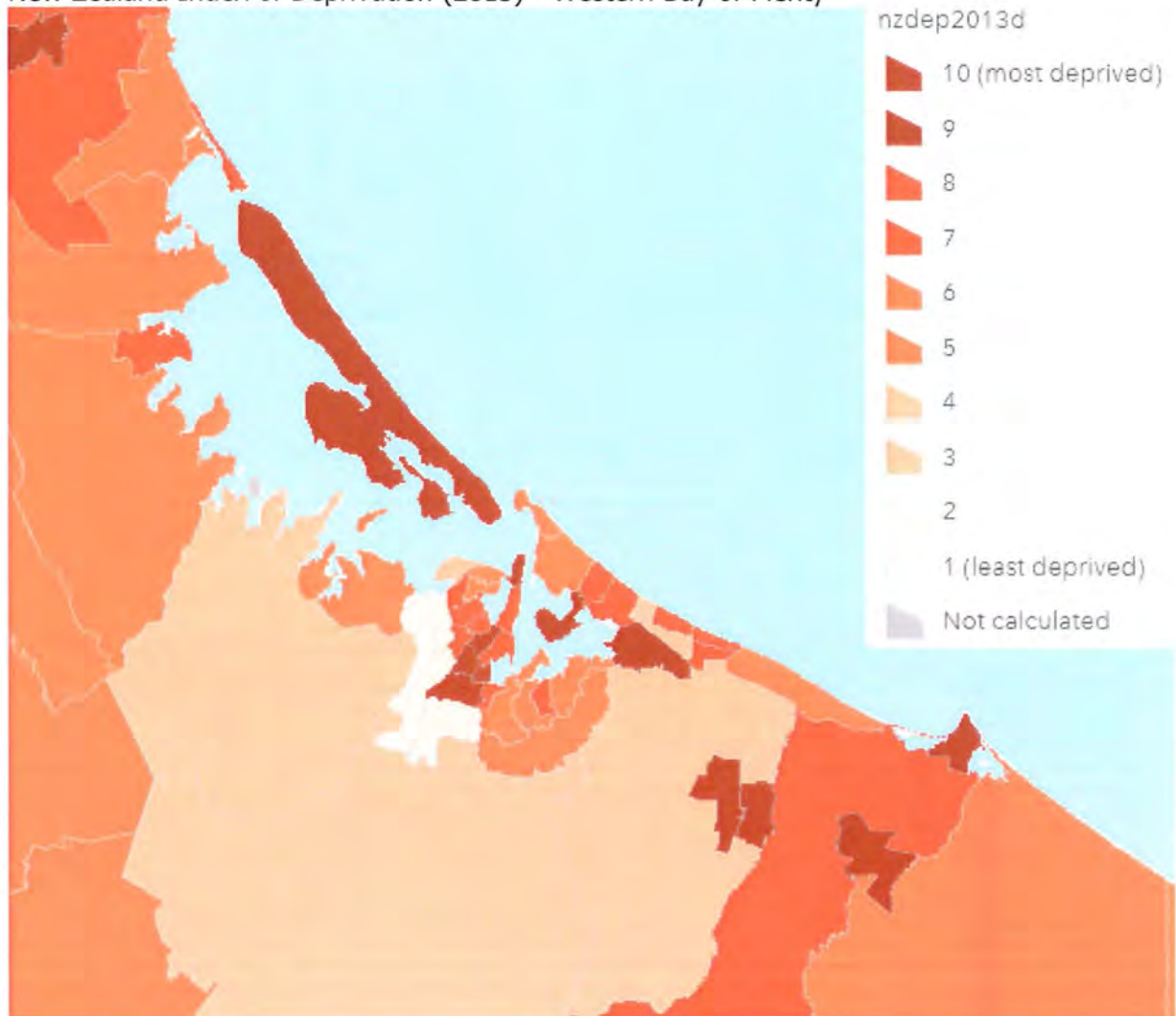
²² Allen & Clarke. (2015). *Informing the 2015 gambling harm needs assessment. Report for the Ministry of Health.* Wellington: Allen & Clarke Policy and Regulatory Specialists Ltd.

²³ Ministry of Health. (2008). *Raising the odds? Gambling behaviour and neighbourhood access to gambling venues in New Zealand.* Wellington: Ministry of Health.

that risk factors for problem and moderate-risk gambling, were strongest by ethnicity, followed by unemployment and living in the more deprived neighbourhoods (deprivation index score of 9 or 10).²⁴

TABs are also more likely to be in areas of higher deprivation with about half of all TABs in country in the three most deprived deciles (deciles 8–10). The distribution of TABs, in relation to socio-economic deprivation, is very similar to that of non-casino gaming machines.²⁵

New Zealand Index of Deprivation (2013) - Western Bay of Plenty



The district's largest concentration of gaming machines is in Te Puke (57 machines in 3 venues), which has a deprivation score of 9. Katikati has a deprivation index score of 8 and 36 machines (in 3 venues). Waihi Beach has a deprivation index score of 6 (Islandviews/Pios Beach is 7) and has 16 gaming machines (in one venue).

²⁴ New Zealand national Gambling Study: Wave 3 (2014) – Report Number 5 - https://niphmhr.aut.ac.nz/_data/assets/pdf_file/0010/62668/Final-Report-National-Gambling-Study-Wave-3-19.08.16.pdf

²⁵ Problem Gambling Geography of New Zealand 2005 – Public Health Intelligence Monitoring report Number 7 - <http://www.moh.govt.nz/notebook/nbbooks.nsf/0/19021F103A3B1766CC2571D1006FF3CC/%24file/ProbGamGeographydocument.pdf>

The highest density of gaming machines and venues are in some of the district's more deprived areas.

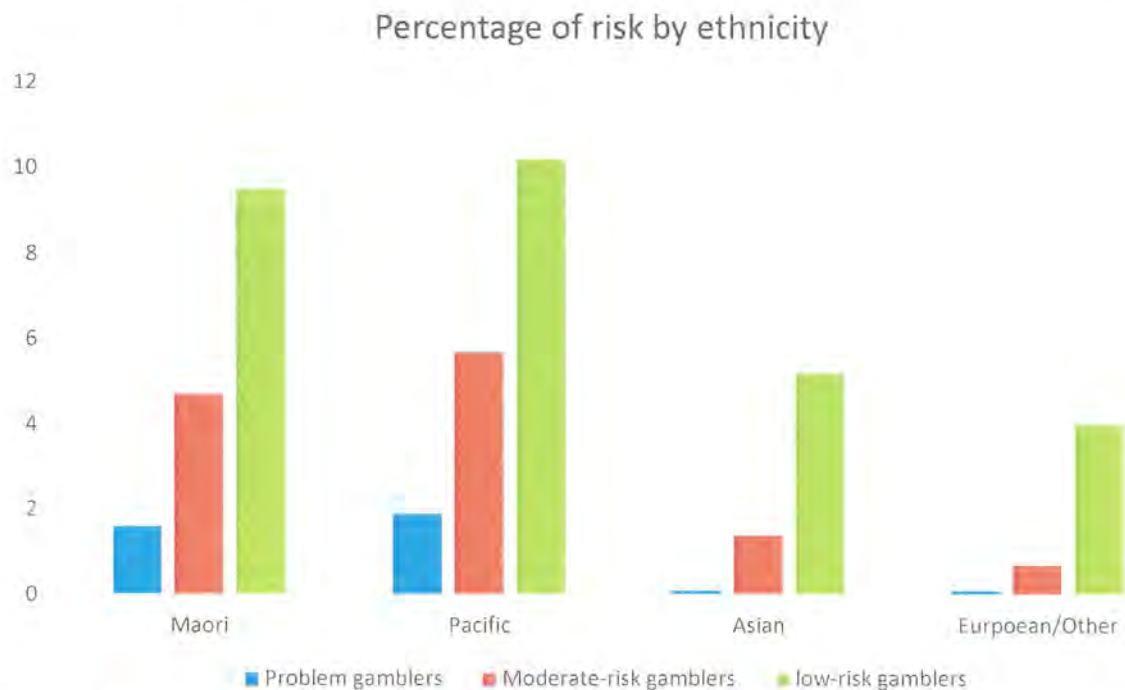
Alongside increasing the risk of gambling harm, it also means that those who can least afford it, pay the most.

Ethnicity

Maori and Pacifica communities are statistically at greater risk of facing gambling harm.

The latest report on the National Gambling Study²⁶ provided the following problem gambling risk level estimates for New Zealand adults.

- Māori: 1.6% problem gamblers, 4.7% moderate-risk gamblers, 9.5% low-risk gamblers, 63.0% non-problem gamblers
- Pacific: 1.9% problem gamblers, 5.7% moderate-risk gamblers, 10.2% low-risk gamblers, 53.8% non-problem gamblers
- Asian: 0.1% problem gamblers, 1.4% moderate-risk gamblers, 5.2% low-risk gamblers, 51.5% non-problem gamblers
- European/Other: 0.1% problem gamblers, 0.7% moderate-risk gamblers; 4.0% low-risk gamblers; 74.7% non-problem gamblers



Nationally gaming machines are also generally concentrated in areas of higher Māori and Pacific Island populations.

²⁶ New Zealand national Gambling Study: Wave 3 (2014) – Report Number 5 - https://niphmhr.aut.ac.nz/data/assets/pdf_file/0010/62668/Final-Report-National-Gambling-Study-Wave-3-19.08.16.pdf

District profile

Considering the risk factors of availability of gambling opportunities, ethnicity and socio economic deprivation, the below table considers the profile of the Western Bay of Plenty District at a ward level. It should be made clear however, that the majority of gaming machines are not spread equally across the ward but concentrated in Katikati and Te Puke towns, which have a higher deprivation index score.

Risk factors by ward

Ward	Adult Population	No. of Venues	No. of Machines	Deprivation Level rating 1-low dep – 10 – high dep)	Adult Pop'n per machine	% Maori Adult pop'n* *	% Pacific adult pop'n* *
Maketu-Te Puke	14030	4	66	7.85	213	19.86	2.01
Kaimai	15070	2	27	4.2	558	7.84	0.76
Katikati - Waihi Beach	11500	5	61	6.5	189	9.23	1.70
Total	40600	11	154	6.1	264	13%	1.5%

The above table suggests that the Maketu-Te Puke ward has the highest risk profile for the district. This is due to the high number of gaming machines, the high Māori population, and high deprivation index score.

3.0 Social Benefits of Gambling to the Western Bay of Plenty District

Gambling can be a form of entertainment, provides employment and is an important source of community funding.

Entertainment

Gambling can be a harmless entertainment activity which people enjoy and can be an opportunity to socialise. In a survey²⁷ on peoples' participation and attitude to gambling, for those who had played on non casino gaming machines (14.9% in the last 12 months), 58% of participants said they played as a form of entertainment and 16% out of curiosity.

Employment

Both the Class 4 corporate societies and racing industry generate employment. Whilst there have been national estimates of the number of jobs generated, the number of jobs it has generated for this District has not been investigated. A 2009 survey undertaken by KPMG establishes that there were 300 employees employed by a Class 4 gambling society and 215 employees of external service providers and contractors also working for the corporate societies²⁸.

835 personnel are employed by the NZ Racing Board, as of 2017²⁹.

However, it can be argued that employment in the gambling industry, and economic activity as a result of gambling, takes employment and spending from the other sectors of the economy rather than providing significant benefits.

Community funding

Racing Industry and NZ Racing Codes

A minimum of 80% of the net proceeds from NZ Racing Board's gaming machines, plus NZ Racing Board's surplus after operating costs, expenses and gaming machine distributions, is available for distribution to benefit the racing industry, plus the three NZ racing codes, being New Zealand Thoroughbred Racing, Harness Racing New Zealand and Greyhound Racing New Zealand.

In 2016/17, distribution to racing codes from sports betting was \$137.6 million, up 2.3 million on the previous year.³⁰

Class 4 Gambling

Class 4 gambling machines are operated by both club and non-club societies. A significant benefit of Class 4 gambling to the community is the distribution of the

²⁷ Department of Internal Affairs (2005) People's Participation in, and attitudes to, Gambling Survey.

²⁸ KPMG and Ministry of Health (2013): Gambling Resource for Local Government. Wellington: Ministry of Health, http://www.gamblinglaw.co.nz/download/Research/gambling_resource_for_local_government_081113.pdf

²⁹ NZ Racing Board (2017): Annual Report, https://nzzracingboard.co.nz/sites/default/files/documents/NZRB_Annual_Report_2017.pdf

³⁰ NZ Racing Board (2017): Annual Report, https://nzzracingboard.co.nz/sites/default/files/documents/NZRB_Annual_Report_2017.pdf

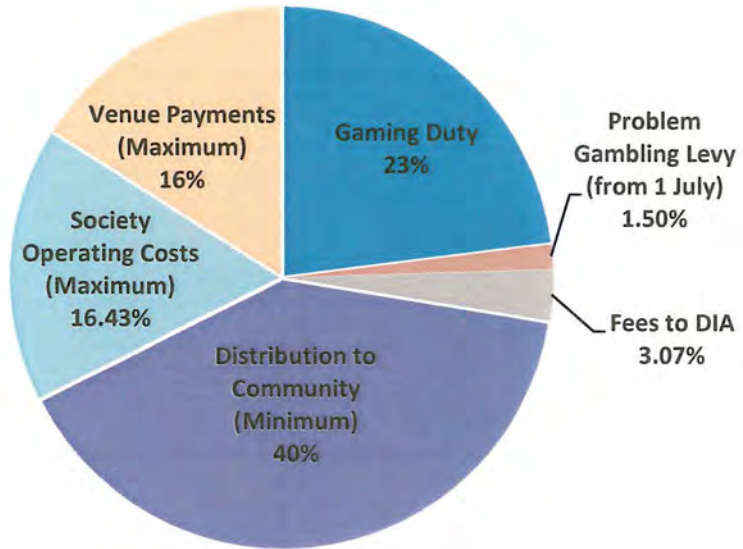
proceeds of non-club societies back into the community by way of grants administered through various trusts. These grants provide financial support to many clubs and organisations that find it increasingly difficult to obtain sponsorship and other revenue streams.

The New Zealand system is unique in providing a community dividend from the proceeds of gambling. The Gambling Act is very clear that Class 4 gambling is only permitted where it is used to raise funds for authorised purposes. These are:

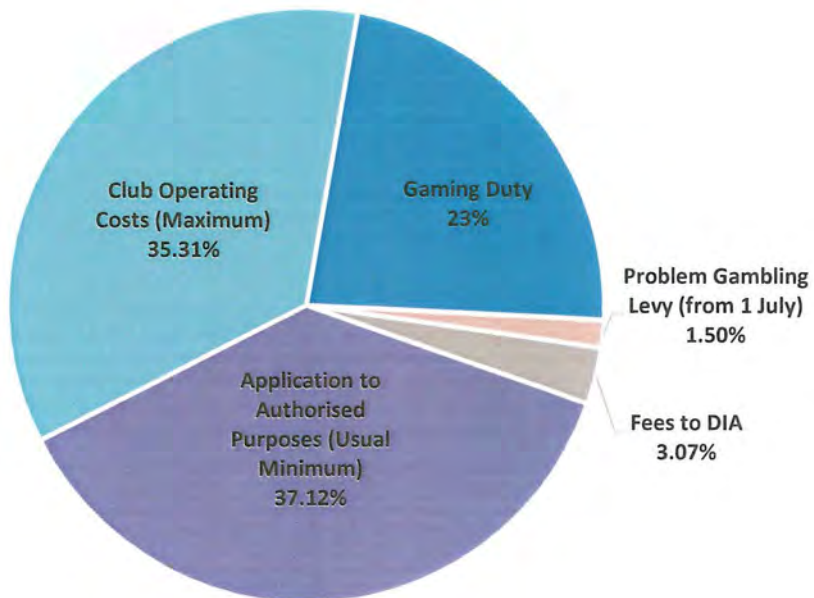
- i. a charitable purpose:
- ii. a non-commercial purpose that is beneficial to the whole or a section of the community:
- iii. promoting, controlling, and conducting race meetings under the Racing Act 2003, including the payment of stakes: (Gambling Act 2003, 4:a)

Currently, for non-club societies, the minimum proportion of gambling expenditure that must be used to fund authorised purposes is 40%. Clubs are not mandated to meet this percentage, but as a part of their Class 4 licence the DIA sets a minimum rate. Clubs, such as the Returned Services Association, and citizens clubs use the proceeds from their machines for the benefit of their membership.

Allocation of Non-club societies gaming machine proceeds



Allocation of Club gaming machine proceeds



³¹ Discussion Document: Review of Class 4 gambling – DIA June 2016 - [https://www.dia.govt.nz/diawebsite.nsf/Files/Class-4-Gambling-review-2016/\\$file/Class4-review-discussion-document-2016.docx](https://www.dia.govt.nz/diawebsite.nsf/Files/Class-4-Gambling-review-2016/$file/Class4-review-discussion-document-2016.docx)

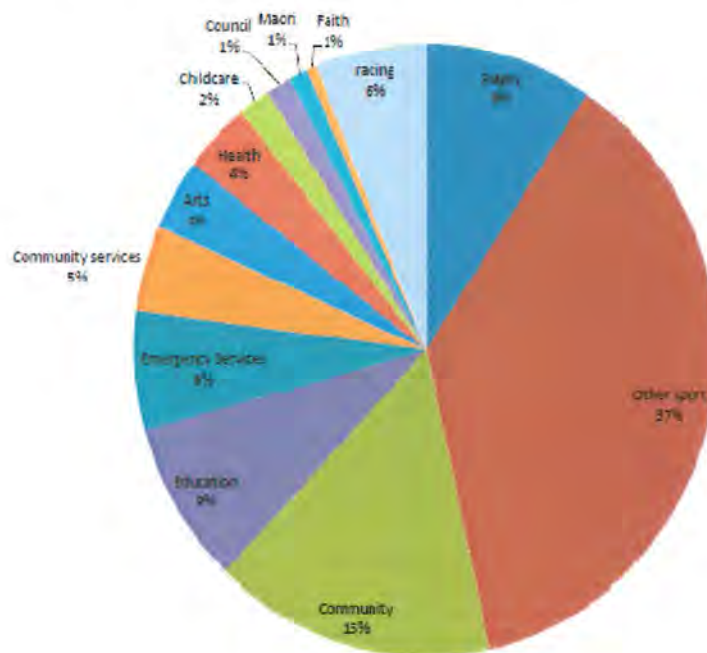
At this time, there is no legislative requirement for societies to disburse funds back into the area in which they were obtained.

A minimum of 40% of the gross proceeds from Class 4 non-club society gaming machines is required to be returned to the wider community in the form of community grants. Over \$300 million was distributed in 2017, from Class 4 gambling, in funding to the community. This was 43.5% of the gross proceeds in 2017.³²

Societies are mandated to publish a list of applicants and recipients of their funds. The total amount of funding returned to authorised purposes varies each year. Sporting organisations receive a high proportion of allocated grants. An analysis by the DIA of grants between 2004 and 2012 shows 44% of grants by value were allocated to sport (excluding racing).

Each year, funding is also distributed by non-society gaming machine operators (clubs), however, the details of funding allocated by clubs is not required to be made publicly available. Income from Class 4 gambling in clubs often helps fund the club itself.

Grants by recipient type in New Zealand 2004 – 2012³³



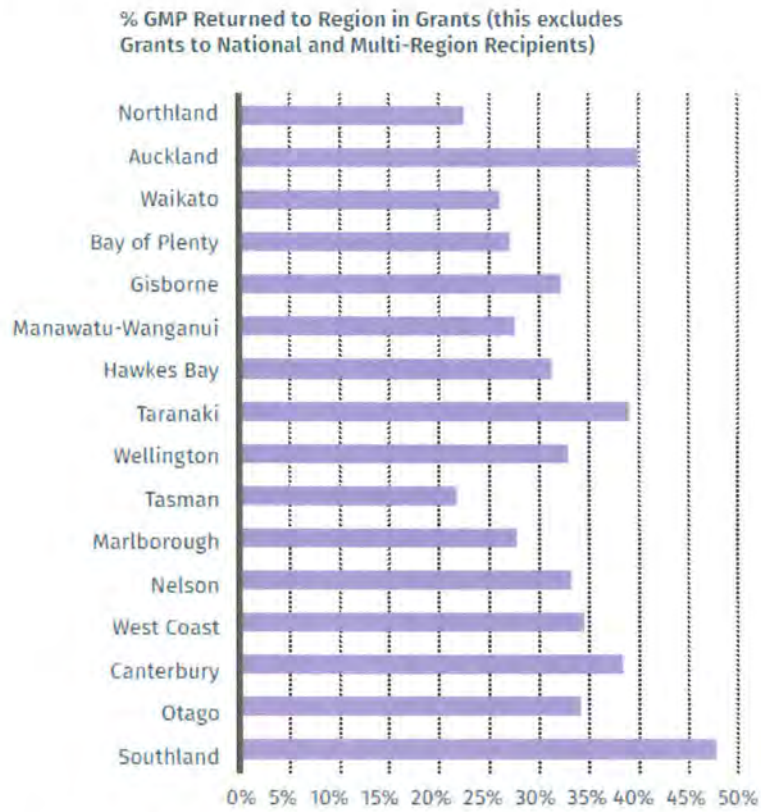
Funding is not required to be returned to the community from where it originated. There is some variation in grant distribution across the country. The chart below shows the level of variation at a regional level, however it does not take account of grants to national recipients. The Bay of Plenty only receives about 27% of GMP (the requirement is to return 40% to the wider community).³⁴ This suggests that money

³² <http://www.gamblinglaw.co.nz/download/Gambits/DIA-Class-4-Sector-Report-2017.pdf>

³³ Guide: Pokies in New Zealand, a Guide to How the System Works February 2015 - [http://www.dia.govt.nz/pubforms.nsf/URL/Pokie-system-101-FAQs-February-2015-V2.docx/\\$file/Pokie-system-101-FAQs-February-2015-V2.docx](http://www.dia.govt.nz/pubforms.nsf/URL/Pokie-system-101-FAQs-February-2015-V2.docx/$file/Pokie-system-101-FAQs-February-2015-V2.docx)

³⁴ Class 4 Gambling Report: January 2017 - [https://www.dia.govt.nz/Pubforms.nsf/URL/DIA-Class-4-Sector-Report-2017.pdf/\\$file/DIA-Class-4-Sector-Report-2017.pdf](https://www.dia.govt.nz/Pubforms.nsf/URL/DIA-Class-4-Sector-Report-2017.pdf/$file/DIA-Class-4-Sector-Report-2017.pdf)

collected from gamblers in the region is not directly benefiting the local community, to the same degree as in other regions.



Class 4 gaming machines in the Western Bay of Plenty are operated by seven organisations, split between club and non-club societies. The Lion Foundation is the largest Class 4 gaming operator in the district.³⁵

Society Name	Club or non-club society	Number of Gaming Machines
New Zealand Community Trust	Non-club society	18
One Foundation Limited	Non-club society	9
KATIKATI R.S.A. AND CITIZENS CLUB INCORPORATED	Club	7
THE LION FOUNDATION (2008)	Non-club society	68
TRILLIAN TRUST	Non-club society	15
TE PUKE CITIZENS CLUB INC	Club	21
WAIHI BEACH RSA INCORPORATED	Club	16

The grants received by local organisations play an important role in their funding. By way of example, last year the Lion Foundation distributed \$692,415 in grants across

³⁵ Gaming Machine Venues, Numbers and Expenditure by TA - https://www.dia.govt.nz/diawebsite.nsf/wpg_URL/Resource-material-Information-We-Provide-Gaming-Machine-Venues-Numbers-and-Expenditure-by-Territorial-AuthorityDistrict

52 organisations, in the Western Bay of Plenty.³⁶ Full lists of the grants distributed by the non-club societies are available online.³⁷

Community views

Community and organization views on gambling are often wide ranging.

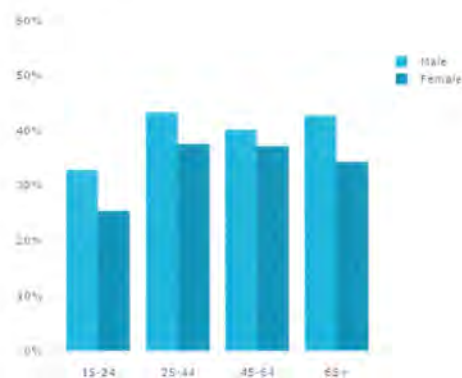
The Health and lifestyles results³⁸ showed that there is a significant level of concern within the wider community regarding gambling and Class 4 gambling, however this is decreasing slightly. The results are based on responses from 3,854 people across all 16 regions of New Zealand.

	2012	2014	2016
Concern with the level of gambling in the community	52.0	53.7	43.6
Pokies in pubs/clubs are more harmful than other gambling activities		39.0	37.5

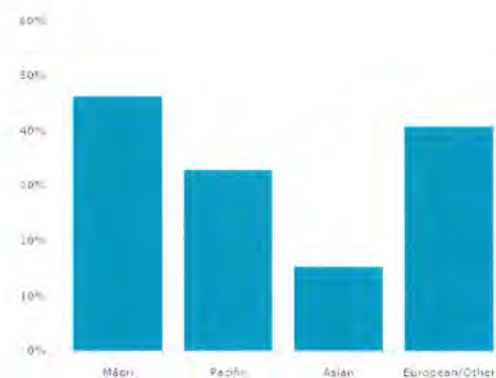
Interestingly, the level of concern around Class 4 gaming is strongest amongst men and Māori.

2016 Health and Lifestyles Survey - Indicator: Pokies in pubs/clubs are more harmful than other gambling activities³⁹

Age and sex



Ethnicity (prioritised)



The Bay of Plenty District Health Board recently confirmed their position on gambling. Their position is that gambling is a public health issue as stated in the Gambling Act 2003, and that gambling machines cause more harm than any other

³⁶ The Lion Foundation Community Grants April 2017-March 2018 - <https://www.lionfoundation.org.nz/wp-content/uploads/2018/06/2018-Annual-Grants-List.pdf>

³⁷ See also: One Foundation Approved Grants - <https://onefoundation.nz/approved-grants> ; Trillian Trust Grant Recipient Listing <https://www.trillian.co.nz/index.asp?pageID=2145905813> ; New Zealand Community Trust Grants <http://www.nzct.org.nz/grants/>

³⁸ Health and Lifestyles Survey 2016 - <https://www.hpa.org.nz/tags/health-and-lifestyles-survey>

³⁹ Health and Lifestyles Survey 2016 - <https://www.hpa.org.nz/tags/health-and-lifestyles-survey>

form of gambling. Their advice regarding Territorial Authorities' gambling policies was that Councils should adopt a sinking lid policy to reduce the number of Class 4 gambling machines in each community.⁴⁰

The Western Bay of Plenty District Council has not received any formal complaints regarding Class 4 gambling over the past two years. However, in response to a recent alcohol licensing application, a large number of objections were received with a significant portion raising concerns about it potentially hosting a TAB and Class 4 gambling and the negative impact this may have on the community.

Conclusion

Gambling can be a harmless entertainment activity from which people derive personal enjoyment. With regards to Class 4 gambling, it can generate funding to be distributed to the community and support clubs, sports clubs and other community organisations.

Gambling can lead to significant harm, with negative impacts for gamblers, family, friends, colleagues and their local communities.

Since the previous review there have been some substantial changes:

- The district's adult population has risen by 6,790
- The number of Class 4 venues has decreased by four
- The number of gaming machines has decreased by 37
- Gaming Machine Proceeds have increased to \$6,432,673.

The data in this assessment suggests that more money is being spent on gambling, despite being less venues or machines available. Whilst this money provides an important revenue for clubs and funding for community organisations, research suggests that much of this has come from members of the community that can least afford it.

The research presented here suggests that gambling continues to pose a level of harm to the community and Council should continue to place restrictions on venues.

⁴⁰ Bay of Plenty District Health Board Hauora a Toi – Position Statement – Gambling Machines – October 2018

Appendix 1

Department of Internal Affairs – Western Bay of Plenty Gaming Machines Statistics – September 2018

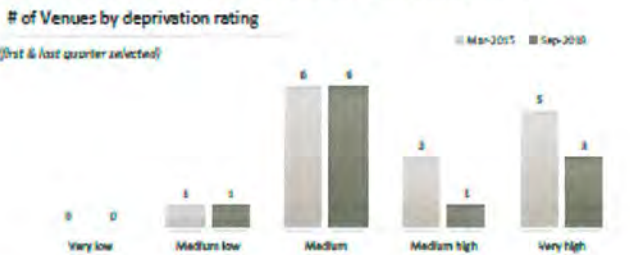
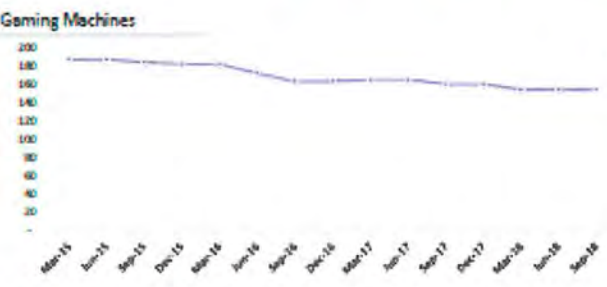
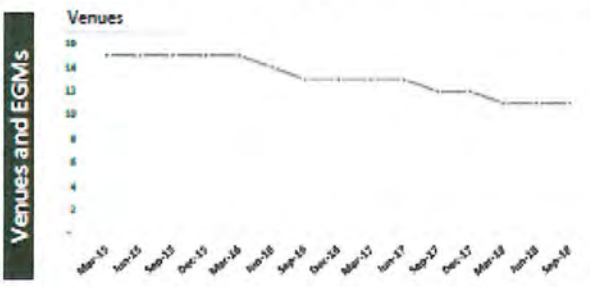
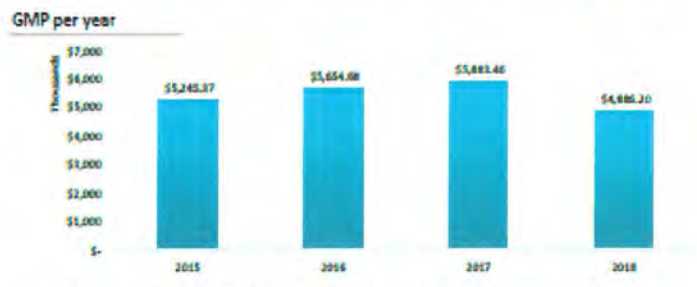
Mar-2015 to Sep-2018

Gaming Machines Statistics Dashboard

Region TA Specific
 TA Western Bay Of Plenty District

Class 4 Gaming Machine Proceeds (GMP) is expenditure or player loss on Electronic Gaming Machines (EGMs) in the Class 4 Sector. Each year roughly 40% of GMP is returned to the New Zealand community.

	Yearly GMP (Sep-2018)		Quarterly GMP		# venues	# EGMs
National	\$902,680,491.87		\$235,037,993.57		1,130	15,342
	Yearly GMP (year ending)		Quarterly GMP		Venues	EGMS
Sep-2017	\$5,849,726.39	% of nat. 0.7%	Mar-15	\$1,142,331.10	15	% of nat. 1.0%
Sep-2018	\$6,432,673.34	0.7%	Sep-18	\$1,750,176.04	11	1.0%
Difference	\$582,946.95	↑ 10.0%	Difference	\$607,844.94	↓ 4	↓ -26.7%
					-33	↓ -17.6%



Overall

- According to the Household Economic Survey, New Zealanders spend roughly 11 billion dollars a year on all forms of entertainment, which includes games of chance.*
- From Mar-2015 to Sep-2018 quarters, GMP for Western Bay Of Plenty District increased by \$607,845 or by 53.2%. Trends for the Dec-2018 quarter indicates an increase by \$45,724.
- From year end Sep-17 to year end Sep-18, GMP increased by \$582,947 or by 10.0%.
- From Mar-2015 to Sep-2018 quarters, venues decreased by 4 or by -26.7%. Gaming machine numbers decreased by 33 or -17.6%.
- A way to compare year on year expenditure equally is to remove orders of magnitude by taking GMP as a proportion of EGMs which has increased by 86.0% or \$3,256.06. This means players are spending longer hours playing gaming machines, betting more per game or more players are playing poolie machines.

Comparison

- From Mar-2015 to Sep-2018 quarters GMP for Western Bay Of Plenty District increased by 53.2% compared to New Zealand which increased by 21.6%. Both Western Bay Of Plenty District and New Zealand show similar downward trends for EGMs and venues.
- In order to compare GMP expenditure in different areas, we show GMP as a proportion of the number of gaming machines. That way, when comparing areas, any difference in size is removed which allows you to compare GMP equally.
- GMP per gaming machine in Western Bay Of Plenty District increased by \$3,256 since Mar-2015, which translates to \$11,365 in Sep-2018 or a 86.0% change.
- As a comparison, New Zealand increased by \$3,690, which translates to \$13,320 in Sep-2018 or a 81.7% change.

The data is provided for all venues and gaming machines licensed as at the last day of each quarter. Note data for venues that were not licensed at this date are excluded. Please see the Disclaimer tab for more details. * (Statistics NZ)

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Class 4 Gambling Venues Policy

1. Relevant Legislation

Gambling Act 2003
Local Government Act 2002

2. Definitions

Class 4 Gambling is: defined in the Gambling Act 2003.

For clarity this means:

Class 4 gambling is gambling that satisfies the following criteria:

(a) the net proceeds from the gambling are applied to, or distributed for, authorised purposes; and

(b) either—

(i) no commission is paid to or received by a person for conducting the gambling; or

(ii) the only commission that is paid to or received by a person for conducting the gambling is a commission payment to a venue operator that complies with regulations made under section 371(1)(dd); and

(c) there are game rules for the gambling; and

(d) the gambling, and the conduct of the gambling, satisfies relevant game rules; and

(e) either—

(i) the Secretary has categorised the gambling as class 4 gambling and not as another class of gambling; or

(ii) the gambling utilises or involves a gaming machine. (a) gambling that is not gambling of another class and that satisfies the following criteria:

(i) the net proceeds from the gambling are applied to or distributed for authorised purposes;

(ii) no commission is paid to, or received by, a person for conducting the gambling;

(iii) the gambling satisfies relevant game rules; and

(b) gambling that utilises or involves a gaming machine; or

(c) gambling categorised by the Secretary as class 4 gambling

Class 4 Gambling Venue means a place used to conduct Class 4 Gambling.

Club means a voluntary association of persons combined for a purpose other than personal gain, as defined in the Gambling Act 2003.

Corporate Society means a society that is:

Class 4 Gambling Venues Policy

- (a) incorporated under the Incorporated Societies Act 1908; or
- (b) incorporated as a board under the Charitable Trusts Act 1957; or
- (c) a company incorporated under the Companies Act 1993 that—
 - (i) does not have the capacity or power to make a profit; and
 - (ii) is incorporated and conducted solely for authorised purposes; or
- (d) a working men's club registered under the Friendly Societies and Credit Unions Act 1982

Council means the Western Bay of Plenty District Council.

District means the area administered by the Western Bay of Plenty District Council.

Existing Venue means a venue operating [Class 4](#) Gaming Machines as of [January-June 2013-2019](#)

Gambling

- ~~(a) means paying or staking consideration, directly or indirectly, on the outcome of something seeking to win money when the outcome depends wholly or partly on chance; and~~
- ~~(b) includes a sales promotion scheme; and~~
- ~~(c) includes bookmaking; and~~
- ~~(d) includes betting, paying, or staking consideration on the outcome of a sporting event; but~~
- ~~(e) does not include an act, behaviour, or transaction that is declared not to be gambling by regulations made under section 368.~~

Gaming Machine:

- ~~(a) is defined in the Gambling Act 2003. For clarity it means a device, whether totally or partly mechanically or electronically operated, that is adapted or designed and constructed for use in gambling. It is also commonly known as a 'pokie.'; and~~
- ~~(b) includes a device for gambling that is conducted partly by a machine and partly by other means; and~~
- ~~(c) includes a device, or type of device, that is declared to be a gaming machine by regulations made under section 368; but~~
- ~~(d) does not include:

 - ~~(i) a device used only to draw a lottery; or~~
 - ~~(ii) a random selection device used in a game of housie; or~~~~

Class 4 Gambling Venues Policy

- ~~(iii) a device used only to dispense tickets that is not capable of being used to decide the outcome of gambling; or~~
- ~~(iv) a communication device that is used both to dispense tickets in and draw a lottery that is a sales promotion scheme; and~~
- ~~(e) does not include a device, or type of device, that is declared not to be a gaming machine by regulations made under section 368; and~~
- ~~(f) does not include a device operated by the Lotteries Commission.~~

Gambling Harm:

- (a) means harm or distress of any kind arising from, or caused or exacerbated by, a person's gambling; and
- (b) includes personal, social, or economic harm suffered—
 - (i) by the person; or
 - (ii) the person's spouse, civil union partner, de facto partner, family, whanau, or wider community; or
 - (iii) in the workplace; or
 - (iv) by society at large

3. Policy Objectives

- 3.1 To ~~support~~ meet/determine ~~the purpose and intent of Council's role under the Gambling Act 2003.~~
- 3.2 To ensure the Council and its communities has influence over the provision of Class 4 Gambling Venues and Gaming Machines in the District.
- 3.3 To contribute to the minimisation of Gambling Harm caused by Class 4 Gambling Venues in the District.
- 3.4 To ~~prevent~~ provide for a decrease/any increase in the numbers of Gaming Machines within Class 4 Gambling Venues and Gaming Machines in the District ~~by imposing a cap of 191.~~
- ~~3.5 To enable people who wish to participate in Class 4 Gambling to do so.~~
- ~~3.6 To provide opportunities to generate funds for community benefit.~~
- ~~3.7 To ensure that actual and reasonable costs relating to Class 4 Gambling Venue consent applications are paid by the applicant(s).~~

4. General Approach

Class 4 Gambling Venues Policy

- 4.1 The Gambling Act 2003 requires the Council to have a policy on Class 4 Gambling Venues for its District. The Council is required to review its policy every three years.
- 4.2 Section 101(3) of the Gambling Act 2003 requires that the gambling policy must specify whether or not new Class 4 Gambling Venues may be established in the District, and if so, where they may be located. The policy may also specify any restrictions on the maximum number of Gaming Machines that may operate at a Class 4 Gambling Venue.
- 4.3 In determining its policy on whether Class 4 Gambling Venues may be established in the District, where any Class 4 Gambling Venue may be located, and any restrictions on the maximum number of Gaming Machines that may be operated at Class 4 Gambling Venues, the Council may have regard to any relevant matters, including:
- (a) the characteristics of the District and parts of the District;
 - (b) the location of kindergartens, early childhood centres, schools, places of worship, and other community facilities;
 - (c) the number of Gaming Machines that should be permitted to operate at any Class 4 Gambling Venue;
 - (d) the cumulate effects of additional opportunities for Gambling in the District;
 - (e) how close any Class 4 Gambling Venue should be permitted to be to any other venue;
 - (f) what the Primary Activity at any Class 4 Gambling Venue should be.
- 4.4 A Council consent for a Class 4 Gambling Venue is not revocable once issued and cannot lapse or expire unless there is a period of six months or more where a Class 4 Gambling Venue licence is not held for the venue. Further, Council has no retrospective powers with regards to any consented Class 4 Gambling venues and cannot impose conditions subsequently on any venue which has an existing licence.
- 4.5 Where Council has concerns about the operation of existing Class 4 Gambling Venues these will be reported to the Department of Internal Affairs. Council inspectors do not have enforcement powers over venues in terms of their gambling activities.

5. Policy Criteria and Conditions

5.1 Who the Policy applies to

This policy applies to Class 4 Gambling Venues.

5.2 Gambling venues

No new Class 4 Gambling Venues are permitted in the District from the adoption of this Policy ~~provided that any new Class 4 Gambling Venue does not exceed the cap on Gaming Machines imposed at clause 5.6 of this Policy.~~

Class 4 Gambling Venues Policy

~~5.3~~ ~~Location of Class 4 Gambling Venues~~

~~Class 4 Gambling Venues will not be permitted where the Council believes that the amenity of the area will be adversely affected or where there is likely to be an adverse effect on any community facilities including kindergartens, early childhood centres, schools and places of worship.~~

~~5.45.3~~ Relocation of existing Class 4 gambling venues

~~Council will not grant consent for permits the relocation of any Class 4 Gambling Venues within the District, subject to meeting the location requirements outlined in clause 5.3.~~

~~5.55.4~~ Primary Activity

The Primary Activity shall not be Gambling or an activity associated with family or children's activities.

Class 4 Gambling Venues are not required to hold a liquor on-licence or club licence however they are expected to ensure that the possibility of people under the age of 18 years gaining access to the venue is minimal.

~~5.65.5~~ Gaming Machine Numbers

~~Consent will not be granted for any additional Gaming Machines to be operated in new Class 4 Gambling Venues in the District if the application would exceed the cap of 191 Gaming Machines in the District.~~

~~Class 4 Gambling Venues with licenses granted before 17 October 2001 shall be allowed a maximum of 18 Gaming Machines. Class 4 Gambling Venues with licenses granted after 17 October 2001 shall be allowed a maximum of 9 Gaming Machines.~~

~~5.75.6~~ Merger of clubs with Class 4 Gambling Venue licenses

~~Where Clubs holding a Class 4 Gambling Venue licence elect to merge, they will no longer be allowed to operate gaming machines. the maximum number of Gaming Machines allowed will be thirty (30), or the sum of the Gaming Machines operating in the Clubs prior to the merger, whichever is the lesser.~~

~~Council will not provide consent under sections 95(1)(f) or 96(1)(e) of the Gambling Act 2003 to any application by Clubs with Class 4 Gambling Venue licenses seeking Ministerial discretion to increase the number of Gaming Machines permitted at a Class 4 Gambling Venue beyond the number that would otherwise have been permitted under sections 92, 93, or 94 of that Act.~~

~~6.~~ Policy Procedures

Class 4 Gambling Venues Policy

~~6.1 Applications for a Class 4 Gambling Venue consent must be made on the approved form (available from Council) and must provide:~~

- ~~(i) A site plan covering both Gambling and other activities proposed for the Class 4 Gambling Venue~~
- ~~(ii) The name and contact details of the applicant~~
- ~~(iii) The street address of the Class 4 Gambling Venue.~~
- ~~(iv) Evidence of the distance to the nearest residential and community facility zones, and to the nearest school, early childhood centre, kindergarten, place of worship, and to other gambling venues;~~
- ~~(v) A copy of the current liquor on licence or club licence or where no on licence or club licence is sought a description of how the Class 4 Gambling Venue will prevent people under the age of 18 years gaining access to the venue.~~

~~6.2 Gambling Venue Consent Fees~~

~~Council will set fees and charges through its usual fees and charges process appropriate to cover the costs associated with processing a Class 4 Gambling Venue consent application and to contribute to the cost of the review of the Class 4 Gambling Venues Policy and any associated assessment of the impact of Gambling in the District~~

~~7. Associated Procedures~~

~~Liquor licensing procedures.~~

8.6. Review

In addition to the statutory requirements to review the Policy every three years, Council may elect to review this Policy at any time in order to respond to monitoring information and/or community feedback on the operation and level of activity of Class 4 Gambling Venues in the District.

Group	Policy, Planning and CommunityRegulatory Services	Contact (3rd Tier Manager)	Policy and ; Planning and Community Manager
Supersedes	Class 4 Gambling Venues and Board Venues Policy 2013		
Creation Date	13 May 2013 March 2004	Resolution Reference	STP29.4.1-4.4 and STP29.6
Last Review Date	October 2012 May 2013	Resolution Reference	
Review Cycle	Three yearly/legislative revisions, or as required	Date	May 2016 XX XX 2022
Authorised by	Strategy and Policy Committee Policy Committee	Date	9 May 2013 XX XX 2019

TAB Venues Policy

1. Relevant Legislation

Racing Act 2003

~~Gambling Act 2003~~

Local Government Act 2002

2. Definitions

Board means the New Zealand Racing Board established under section 7 of the Racing Act 2003.

~~Class 4 Gambling is~~

~~defined in the Gambling Act 2003. For clarity this means:~~

~~class 4 gambling is gambling that satisfies the following criteria:~~

~~(a) the net proceeds from the gambling are applied to, or distributed for, authorised purposes; and~~

~~(b) either—~~

~~(i) no commission is paid to or received by a person for conducting the gambling; or~~

~~(ii) the only commission that is paid to or received by a person for conducting the gambling is a commission payment to a venue operator that complies with regulations made under section 371(1)(dd); and~~

~~(c) there are game rules for the gambling; and~~

~~(d) the gambling, and the conduct of the gambling, satisfies relevant game rules; and~~

~~(e) either—~~

~~(i) the Secretary has categorised the gambling as class 4 gambling and not as another class of gambling; or~~

~~(ii) the gambling utilises or involves a gaming machine. †~~

~~(a) — gambling that is not gambling of another class and that satisfies the following criteria:~~

~~(i) — the net proceeds from the gambling are applied to or distributed for authorised purposes;~~

~~(ii) — no commission is paid to, or received by, a person for conducting the gambling;~~

~~(iii) — the gambling satisfies relevant game rules; and~~

~~(b) — gambling that utilises or involves a gaming machine; or~~

~~(c) — gambling categorised by the Secretary as class 4 gambling~~

Existing Venue means a TAB ~~v~~Venue operating ~~gaming machines~~ as of January-June 2013⁹

Gambling

TAB Venues Policy

- ~~(a) means paying or staking consideration, directly or indirectly, on the outcome of something seeking to win money when the outcome depends wholly or partly on chance; and~~
- ~~(b) includes a sales promotion scheme; and~~
- ~~(c) includes bookmaking; and~~
- ~~(d) includes betting, paying, or staking consideration on the outcome of a sporting event; but~~
- ~~(e) does not include an act, behaviour, or transaction that is declared not to be gambling by regulations made under section 368.~~

~~**Gaming Machine:** is defined in the Gambling Act 2003. For clarity it means a device, whether totally or partly mechanically or electronically operated, that is adapted or designed and constructed for use in gambling. It is also commonly known as a 'pokie'.~~

- ~~(a) means a device, whether totally or partly mechanically or electronically operated, that is adapted or designed and constructed for use in gambling; and~~
- ~~(b) includes a device for gambling that is conducted partly by a machine and partly by other means; and~~
- ~~(c) includes a device, or type of device, that is declared to be a gaming machine by regulations made under section 368; but~~
- ~~(d) does not include:

 - ~~(i) a device used only to draw a lottery; or~~
 - ~~(ii) a random selection device used in a game of housie; or~~
 - ~~(iii) a device used only to dispense tickets that is not capable of being used to decide the outcome of gambling; or~~
 - ~~(iv) a communication device that is used both to dispense tickets in and draw a lottery that is a sales promotion scheme; and~~~~
- ~~(e) does not include a device, or type of device, that is declared not to be a gaming machine by regulations made under section 368; and~~
- ~~(f) does not include a device operated by the Lotteries Commission.~~

Gambling Harm:

- (a) means harm or distress of any kind arising from, or caused or exacerbated by, a person's gambling; and
- (b) includes personal, social, or economic harm suffered—
 - (i) by the person; or
 - (ii) the person's spouse, civil union partner, de facto partner, family, whanau, or wider community; or
 - (iii) in the workplace; or
 - (iv) by society at large

"TAB" means Totaliser Agency Board

TAB Venues Policy

Board-TAB Venue means premises that are owned or leased by the Board and where the main business carried on at the premises is providing racing betting or sports betting services under the Racing Act 2003. Note: this refers to a stand alone TAB which is not part of another business e.g. pub.

3. Policy Objectives

- 3.1** To ~~support the purpose and intent of~~ ~~meet/determine~~ Council's role under the Racing Act 2003.
- 3.2** To ensure the Council and its communities has influence over the provision of stand-alone TAB ~~'s and Class 4 Gambling~~ Venues in the District.
- 3.3** To control the growth of gambling in the District, ~~while providing for the availability of racing and sports betting within the District.~~
- ~~**3.4** To ensure that actual and reasonable costs relating to venue consent applications for stand-alone TAB's are paid by the applicant(s).~~

4. General Approach

- 4.1** The Racing Act 2003 requires the Council to have a policy on TAB Venues for its district. The Council is required to review its policy every three years.
- 4.2** Section 65D of the Racing Act 2003 requires that the TAB Venue Policy must specify whether or not new TAB Venues may be established in the District, and if so, where they may be located.
- 4.3** In determining its policy on whether TAB Venues may be established in the District and where any TAB venue may be located, the Council may have regard to any relevant matters, including:
- the characteristics of the district and parts of the district;
 - the location of kindergartens, early childhood centres, schools, places of worship, and other community facilities;
 - the cumulate effects of additional opportunities for gambling in the district.

5. Policy Criteria and Conditions

5.1 Who the policy applies to

This policy applies to stand-alone TAB Venues. It does not apply to TAB facilities in premises not owned or leased by the TAB (e.g. hotels, bars and clubs).

5.2 TAB Venues

TAB Venues Policy

Council ~~does not~~ permits the establishment of TAB Venues in the Western Bay of Plenty District, ~~subject to the requirements of this policy.~~

5.3 — Location of TAB Venues

~~TAB Venues will not be permitted anywhere in the District, where the Council believes that the amenity of the area will be adversely affected or where there is likely to be an adverse effect on any community facilities including kindergartens, early childhood centres, schools and places of worship.~~

5.4 — Relocation of Existing TAB Venues

~~Council permits the relocation of TAB Venues subject to meeting the location requirements outlined in clause 5.3.~~

5.5 — Primary Activity

~~The Primary Activity of a TAB Venue shall be racing betting, or sports betting.~~

5.6 — Gaming Machine Numbers

~~Consent will not be granted for new Class 4 Gambling Venues if the total number of Gaming Machines in the District exceeds the cap of 191 as set out in clause 5.6 of the Class 4 Gambling Venues Policy.~~

~~TAB's with licenses granted after 17 October 2001 shall be allowed a maximum of 9 Gaming Machines.~~

6. — Policy Procedures

6.1 — Applications for consent must be made on the approved form (available from Council) and must provide:

- (i) — A site plan covering both gambling and any other activities proposed for the TAB Venue
- (ii) — The name and contact details of the applicant
- (iii) — The street address of the TAB Venue.
- (iv) — Evidence of the distance to the nearest residential and community facility zones, and to the nearest school, early childhood centre, kindergarten, place of worship, and to other gambling venues;
- (v) — The applicant must provide a description of how the TAB Venue will prevent people under the age of 18 years gaining access to the venue.

6.2 — TAB Venue Consent Fees

~~Council will set fees and charges through its usual fees and charges process appropriate to cover the costs associated with processing a TAB Venue consent applications and to contribute to the cost of the review of the TAB Venues Policy and any associated assessment of the impact of Gambling in the District.~~

Council Policy

TAB Venues Policy

~~7. Review~~

~~In addition to the statutory requirements to review the Policy every three years, Council may elect to review this Policy at any time in order to respond to monitoring information and/or community feedback on the operation and level of activity of TAB Venues in the District.~~

Group	Policy, Planning and Community Regulatory Services	Contact (3rd Tier Manager)	Policy and , Planning and Community Manager
Supersedes	Class 4 Venues and Board TAB Venues Policy 2013		
Creation Date	13 May 2013 March 2004	Resolution Reference	STP29.4.1-4.4 and STP29.6
Last Review Date	October 2012 May 2013	Resolution Reference	
Review Cycle	Three yearly/legislative revisions, or as required	Date	May 2016 XX XX 2022
Authorised by	Strategy and Policy Committee Policy Committee	Date	9 May 2013 XX XX 2019



Draft

Draft Class 4 Gambling Venues Policy 2019 and Draft TAB Venues Policy 2019

Statement of Proposal

Introduction

Western Bay of Plenty District Council is reviewing its Class 4 Gambling Venues Policy and its TAB Venues Policy. The proposed changes see significant change in our approach. We are seeking your views on the proposed changes.

Class 4 gambling and TAB gambling can provide a source of entertainment to individuals and funding to community organisations. Conversely, gambling can lead to serious harm for individuals, their family and their community.

The proposed changes to the policies aim to better balance this, by controlling the growth of gambling and minimising the harm caused by gambling, while still enabling people who wish to participate in responsible gambling to do so.

The oversight of TAB and Class 4 gambling sits with the Department of Internal Affairs. However, territorial authorities are responsible for licensing. The Council has the ability to regulate the number of machines and the number and location of Class 4 gambling venues and the location of TAB venues.

Class 4 Gambling

Gaming machines in pubs and clubs (i.e. outside a casino) represent 'Class 4' gambling. It is more commonly known as 'pokies' or 'slot machines'.

Section 102 of the Gambling Act 2003 requires all territorial authorities to have a Class 4 gambling venues policy. This policy must state whether venues can be established in the District and where they may be located, and may specify restrictions on the maximum number of gaming machines that may operate at a venue.

TAB Gambling

The NZ Racing Board provides opportunities to bet on horse (gallops and harness) and dog races, and sporting events. Council has a role in licensing TAB agencies (TAB Board Venues), where the main business carried out is providing racing-betting or sports-betting services. These are standalone or distinct venues and do not include TAB outlets or agencies that are additional activities of a bar or hotel, such as self-service TAB terminals.

Section 65E of the Racing Act 2003 requires all territorial authorities to have a Board venues policy. This must state whether new venues may be established in the District and where they can be located.

Social Impact Assessment

Both policies must have regard to the social impact of gambling within the territorial authority district. The extent to which the social impact of gambling is investigated is up to the territorial authority.

A Social Impact Assessment has been undertaken and represents a desktop study, assessing the social impact nationally and within the Western Bay of Plenty District. The assessment has drawn on data from Council, the Department of Internal Affairs, the Ministry of Health, Auckland University of Technology, Problem Gambling Foundation, gaming trusts and others.

The assessment suggests that gambling continues to pose a level of harm to the community and Council should continue to place restrictions on venues.

For the full Social Impact Assessment 2019, see Appendix A.

Council must follow the special consultative procedure in reviewing the policies. This Statement of Proposal has been prepared in accordance with the Local Government Act 2002.

Reasons for the proposal

The current policies were last reviewed in 2012.

The review meets Council's role under the under the Gambling Act 2003 and Racing Act 2003. It also allows the Council and its communities to have an influence over the provision of Class 4 Gambling Venues and gaming machines in the District and stand alone TABs. The policies contribute to the minimisation of gambling harm in the District.

The proposed changes to the policies aim to better regulate the impact of gambling in the district. Controlling the growth of gambling and minimising the harm caused by gambling, while still enabling people who wish to participate in responsible gambling to do so.

Summary of proposed changes

Full 'tracked-changed' versions of the policies are available as appendices B and C. For the full agenda report, which includes more detailed consideration of the issues and options, please see the Policy Committee Report from the 12 March, titled 'Adoption of the Draft Class 4 Gambling Venues Policy and Draft TAB Venues Policy for Public Consultation'.

Class 4 Gambling

The main areas of change proposed are:

- **Introducing a 'sinking lid' for gaming machines allowed in the District:** There are currently 154 gaming machines in the district. Council will not provide consent for any new machines. The number of machines would permanently decrease in the district, if venues close or decide to reduce the number of their machines.
- **No new gaming machine venues allowed in the District:** There are currently 11 gaming machine venues in the district. Council will not provide consent for any new venues. The number of venues would permanently decrease in the district, if venues close or decide to stop hosting gaming machines.
- **Relocating a gaming machine venue is not allowed:** Council will not give consent for a venue to move locations within the District.
- **Clubs that merge may no longer host gaming machines:** Any two or more clubs that currently hold Class 4 Gambling licences will not be allowed to continue hosting gaming machines if they choose to merge.

TAB Gambling

The main area of change proposed is:

- **No TAB venues allowed in the District:** There are currently no stand alone TAB venues in the district. Council will not provide consent for any new venues.

Have your say

We need your feedback by 4pm Thursday 18 April 2019

Please tell us what you think of what we are proposing.

You can do this by:

- Entering it online at: <https://haveyoursay.westernbay.govt.nz>
- Posting it to: *Gambling Policies Review, Western Bay of Plenty District Council, Private Bag 12803, Tauranga 3143.*
- Emailing it to: haveyoursay@westernbay.govt.nz
- Delivering it to:
 - Barkes Corner head office, 1484 Cameron Road, Greerton
 - Te Puke Library and Visitor Information Centre, 130 Jellicoe Street, Te Puke
 - Katikati Library and Visitor Information Centre, 36 Main Road, Katikati
 - Waihi Beach Library and Service Centre, Waihi Beach Rd
 - Omokoroa Library and Service Centre, McDonnell Street, Omokoroa

Feedback forms are available at all service centres, and at our public Have Your Say events.

If you have questions, or if you would like to give feedback in person, we encourage you to come to one of our community Have Your Say Events:

Venue	Date	Time
Omokoroa Settlers' Hall	Sat 23 March	9am-12pm
Oropi Hall	Wed 27 March	6.30pm-8pm
Waihi Beach RSA	Sat 30 March	9am-12pm
Te Puna Quarry Park – Gallery	Wed 3 April	4pm-7pm
Te Puke Memorial Hall	Sat 6 April	9am-12
Maketu Community Centre	Wed 10 April	4pm-7pm
Katikati Community Hub Pātuki Manawa	Sat 13 April	9am-12pm

Alternatively, you may register for a more formal opportunity to present your views. Please email haveyoursay@westernbay.govt.nz or phone 07 571 8008 by Friday 5 April 2019 to secure a timeslot and receive further information. These days will be available on:

Council Chambers (Barkes Corner): Mon 15 April – 9.30am start

Council Chambers (Barkes Corner): Tues 16 April – 9.30am start

Giving effective feedback

We will provide feedback forms at all service centres and at our community events throughout the consultation period. These forms include questions on the key themes we are consulting on, and ask for your opinion on each.

You may also wish to comment on specific the clause(s) of the policies, and state why the clause is supported, not supported, or how it could be amended.

Feedback on matters outside the scope of the draft policies cannot be considered by the Council as part of this review process.

What happens next?

Council will acknowledge in writing or by email (if provided) the receipt of your feedback.

Review Timeframes:

- Period for feedback opens: 18 March 2019
- Period for feedback closes: 18 April 2019
- Have your say days: Commencing 23 March (see above)
- Policy Committee adopts policy: 8 August 2019
- Policy becomes effective: 15 August 2019

Appendices:

- A. Social Impact Assessment of Gambling in the Western Bay of Plenty District – 2019
- B. Draft Class 4 Gambling Venues Policy – track-changed
- C. Draft TAB Venues Policy – track-changed

Class 4 Gambling Venues Policy and TAB Venues Policy

Submission Form

Name

Address

Contact number... etc.

What approach should we take to limiting Class 4 gaming machines ('pokies') and venues?

1. Introduce a sinking lid, with no new machines or venues allowed in the District, meaning there can be no new venues or machines, and the number of machines may reduce over time.
2. Reduce the cap on machine numbers to the current number of machines (154), meaning there would only be new machines/venues if an existing closed.
3. Link the cap on machines to population numbers, meaning as the population grows more machines would be allowed.
4. Keep the cap at 191 machines, meaning that there is capacity for new venues and up to 37 new machines.
5. Other

Comments.....

What approach is taken for Class 4 Gambling venue relocations (where a venue decides to close and move to a new venue)?

1. Council will not allow any venue to move locations within the district.
2. Council will not allow any venue to move locations within the district, except in exceptional circumstances (fire damage, flood, land acquired for road construction over the site etc.)
3. Council will only allow venues to move location within the district, if they are moving from an area at high risk of gambling harm to an area of lower risk.
4. Council will allow any venue to move locations within the district.
5. Other

Comments.....

What approach is taken for Class 4 Gambling locations?

If new venues are allowed, or relocations are allowed then:

1. The current approach should be retained and Class 4 Gambling Venues will not be permitted where the Council believes that the amenity of the area will be adversely affected or where there is likely to be an adverse effect on any community facilities including kindergartens, early childhood centres, schools and places of worship.
2. The approach to location become more prescriptive and restrictive, through preventing establishment of Class 4 gambling venues within 100m of 'community facilities' and preventing the establishment of Class 4 gambling venues in communities of high deprivation.
3. I don't agree that any new venues or relocated venues should be enabled
4. Other

Comments.....

What approach is taken for Class 4 Gambling venues that wish to merge?

1. That clubs that decide to merge will no longer be allowed to have gaming machines.
2. Where two or more clubs wish to merge, and they previously had gaming machines, then the new merged club can retain the same number of machines as the clubs previously had, up to a maximum of 30 machines.
3. Other

Comments.....

TAB VENUES POLICY

What approach should be taken for stand alone TAB venues (not part of a pub or hotel)?

1. No stand-alone TAB venues will be allowed in the District.
2. TAB stand-alone venues are allowed in the District, subject to location provisions.
3. Other

Comments.....