

# MEETING — AGENDA —

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Western Bay of Plenty  
District Council

# POLICY COMMITTEE

*Komiti Kaupapa Here*

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**PP23**

**Thursday, 8 August 2019**

**Council Chambers**

**Barkes Corner, Tauranga**

**9.30am**



# Notice of Meeting No PP23 Te Karere

## Policy Committee Komiti Kaupapa Here

**Thursday, 8 August 2019**  
**Council Chambers**  
**Barkes Corner**  
**9.30am**

His Worship the Mayor

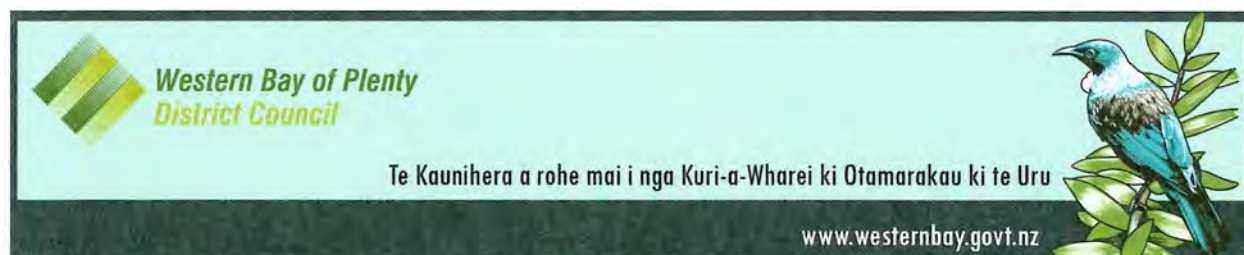
G J Webber

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**



# 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. PP23

Pages

**Present  
In Attendance  
Apologies**

## **Declarations of Interest:**

Members are reminded of the need to be vigilant and to stand aside from decision making when a conflict arises between their role as an elected representative and any private or other external interest that they may have.

## **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.

- |        |   |       |
|--------|---|-------|
| PP23.1 | <b>Recommendatory Report from Operations &amp; Monitoring Committee – Relocation of Mobility Park to Oxford Street, Te Puke</b> | 7-12  |
|        | Attached is a report from the Senior Governance Advisor dated 4 July 2019.  |       |
| PP23.2 | <b>Deliberations on the draft Freedom Camping Bylaw 2019</b>  | 13-33 |
|        | Attached is a report from the Policy Analyst dated 4 July 2019.   |       |

PP23.3      **Deliberations on the draft Traffic and Parking Enforcement Bylaw 2019**      34-60

Attached is a report from the Policy and Planning Manager dated 20 July 2019.

PP23.4      **Adoption of the draft Water Supply System Bylaw 2020 for public consultation**      61-96

Attached is a report from the Policy Analyst dated 3 July 2019.

## Western Bay of Plenty District Council

### Policy Committee

## Recommendatory Report from Operations & Monitoring Committee – Relocation of Mobility Park to Oxford Street, Te Puke

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### Summary

Council is required to consider the recommendations and resolve accordingly. The following options are available to Council and where appropriate the preferred option has been recommended.

Please note the following is a recommendation only.

The Council to resolve to:

- a. adopt as recommended
- b. to modify
- c. refer to another Committee
- d. to decline (giving reasons) and refer back to the Operations and Monitoring Committee.

### Recommendation from the Operations and Monitoring Committee – 4 July 2019

#### OP20.3 Te Puke Town Centre Project Update

The Operations and Monitoring Committee considered a report from the Roothing Engineer East dated 12 June 2019 as circulated with the agenda. The Deputy Chief Executive spoke to a Powerpoint Presentation and provided an introductory overview as follows:

- In May 2019, the Te Puke Community Board had recommended that the Operations and Monitoring Committee consider:
  - increasing car parking on Jellicoe Street by reducing the garden area at the western end of Jellicoe Street Plaza to reinstate two car parks, and
  - reducing the mobility parks at the eastern end of the plaza to one park.

- Council had reviewed the proposed location to reinstate two additional car park spaces. It was possible to construct one additional car park and not affect safety, however, the construction of space 2 was not recommended due to safety concerns in relation to visibility.
- Constructing two additional carparks would also require modification to paving on the approach to the pedestrian crossing. It was considered that this would result in an 'unbalanced' look to the plaza area.
- Following investigations, the February 2019 staff report to the Committee had indicated that there was sufficient car parking in Te Puke.
- The public had indicated that the area near the pedestrian crossing was the location most in demand for parking.

#### Te Puke Community Board's position

At the invitation of the Chairperson, Peter Miller, (Chairperson, Te Puke Community Board), advised that the Community Board had considered that by providing three additional car parks, this may alleviate public concerns. However, he considered that there were currently sufficient car parks in the Te Puke town centre.

#### Public Meeting to discuss Te Puke Town Centre

At the invitation of the Chairperson, Councillor Marsh provided feedback to the Committee in relation to a recent public meeting held in Te Puke on Monday, 1 July 2019. He noted the following:

- He had organised the public meeting in order to provide an opportunity for members of the public to voice their concerns in relation to the Te Puke Town Centre and parking issues. Approximately 150 members of the public had attended the meeting, indicating high interest.
- The Te Puke Community Board, he, and other Councillors had attended the public meeting. To encourage free and frank discussion from the public, members of the Community Board and Councillors were welcomed, but it was requested that they not participate in discussion.
- He had engaged a private secretary to take minutes of the meeting. These minutes were currently being drafted and would be available for circulation once finalised.
- He requested that the decisions before the Committee today be put on hold until the minutes of the public meeting could be provided, as this information may assist the Committee in its deliberations on the matter.

Councillor Scrimgeour and His Worship the Mayor had also attended the public meeting held on 1 July 2019, and advised that their estimate of attendees was approximately 120-130 persons.



Staff responded to a question, noting that changes to carparks were required to be included in the Traffic and Parking Bylaw.

Due to indications during discussion, the Chairperson advised that the recommendation would be taken in parts as follows:

#### PART 1

**Moved:** Scrimgeour / Mayor Webber

1. THAT the report from the Road Engineer (East) dated 12 June 2019 titled Te Puke Town Centre Project Update be received.
2. THAT the report relates to issues that are considered to be of low significance in terms of Council's Significance and Engagement Policy.
3. THAT the garden adjacent to the plaza be altered to install one additional carpark at an estimated cost of \$25,000 (Carpark 1 – as shown in Attachment B of the agenda report).

#### Division

A division was called and the vote was recorded as follows:

For: Councillors Dally, Mackay, Murray-Benge, Palmer, Scrimgeour, Thwaites, Williams, and Mayor Webber

Against: Councillors Dean, Lally, and Marsh

Abstained: Councillor Marshall

The motion was declared carried and became the substantive motion as follows:

**Resolved:** Scrimgeour / Mayor Webber

1. *THAT the report from the Road Engineer (East) dated 12 June 2019 titled Te Puke Town Centre Project Update be received.*
2. *THAT the report relates to issues that are considered to be of low significance in terms of Council's Significance and Engagement Policy.*
3. *THAT the garden adjacent to the plaza be altered to install one additional carpark at an estimated cost of \$25,000 (Carpark 1 – as shown in Attachment B of the agenda report).*

## PART 2

## Mobility Parking Spaces

Further discussion was had in relation to the provision of mobility carparks. At the invitation of the Chairperson, Peter Miller, (Chairperson, Te Puke Community Board), advised as follows:

- The Community Board considered that there were a sufficient number of mobility carparks in Te Puke and it had received no complaints on the number provided.
- In terms of mobility carpark locations, there were two located outside fast food outlets, and it appeared these may be in the wrong place. The fast food operators were not interested in mobility carparks in front of their businesses.

At the invitation of the Chairperson, Staff advised as follows:

- There was no specific Council policy in relation to mobility spaces.
- Council had received no feedback via the bylaw process on these particular mobility parks outside the fast food outlets, although there had been a request for a mobility park near the pharmacy in Oxford Street.
- As part of the bylaw review, staff had taken an extensive look at mobility parking.
- An additional 1m width was allowed per mobility parking space. When two mobility parts were located together, it provided the ability to maximise that space due to the 1m additional width being combined, and the result was no loss of another complete parking space. By removing one mobility space where there were two, that maximisation of the width allowance was removed.

## PART 2

**Resolved:** Dally / Murray-Benge

4. *THAT the Te Puke Community Board proposal to change the mobility parking at the eastern end of the Plaza be received and noted.*
5. *THAT it be **recommended to the Policy Committee** that one mobility park be relocated from the eastern end of the Plaza to Oxford Street, Te Puke to allow better mobility access to the pharmacy.*

The motion was declared carried.

### PART 3

A discussion was had on the Te Puke Main Street Plaza, during which it was acknowledged that this may be a subject for further discussion for the Te Puke Community Board; and further, that leaving the Plaza as it was may provide an option for it to be revisited within a six months period. The following motion was then put.

**Moved:** Lally / Dean

6. THAT the Te Puke Main Street Plaza remains as constructed.

### Division

A division was called and the vote was recorded as follows:

For: Councillors, Dean, Lally Mackay, Palmer, Scrimgeour, Thwaites, Williams, and Mayor Webber

Against: Councillors Dally, Marsh, Marshall and Murray-Benge,

The motion was declared carried and became the substantive motion as follows:

**Resolved:** Lally / Dean

1. *THAT the Te Puke Main Street Plaza remains as constructed.*

### Staff Comments – Deputy Chief Executive

The proposed relocation of a mobility park is supported and needs to be considered with the full Traffic and Parking Bylaw.

### 1. Significance and Engagement

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.

## Recommendation

- 1. THAT the recommendation from the Operations and Monitoring Committee, as set out below, be considered as part of the Traffic and Parking Bylaw in its entirety.**
- 2. THAT one mobility park be relocated from the eastern end of the Plaza to Oxford Street, Te Puke, to allow better mobility access to the pharmacy.**
- 3. THAT the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.**



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Barbara Clarke  
**Senior Governance Advisor**

## Western Bay of Plenty District Council Policy Committee

### Deliberations on the draft Freedom Camping Bylaw 2019

#### Purpose

The purpose of this report is to consider community feedback on the draft Freedom Camping Bylaw 2019, and to recommend to Council the draft bylaw for adoption.

#### Recommendations

1. ***THAT the Policy Analyst report dated 4 July 2019 and titled "Deliberations on the draft Freedom Camping Bylaw 2019" 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 receives all written and verbal feedback from the special consultative procedure 18 March to 18 April 2019, as set out in the document titled "Freedom Camping Bylaw 2012 Review – Submissions" as circulated separately with this agenda.***
4. ***THAT in relation to the following issues, the Committee resolves –***

***Issue 1: Key proposals***

***Option A: THAT Council prohibit freedom camping year round at ANZAC Bay, Lund Road reserve, Reserve at Wairoa Road, Fyfe Road utilities reserve, and Western Avenue utilities reserve; Move Freedom Camping designation and reduce area at Pukehina Beach (Dotterel Point); Reduce depth of freedom camping designation at Brighton Reserve; and amend wording to obtain tenting permission TECT Park by removing "in writing".***

***Issue 2: Alternatives on key proposals***

***Option A: THAT Council incorporate the non-substantive and practical alternatives in the Freedom Camping Bylaw, being to Amend aerial imagery which show incorrect freedom camping use at Tuapiro Point***

5. ***THAT pursuant to s11 of the Freedom Camping Act 2011, Council confirms that areas prohibited for freedom camping use are done so in order to protect the area, to protect the heathy and safety of people who may visit the area, and/or to protect access to the area. This draft bylaw is also the most appropriate and proportionate way of addressing the perceived problem in those areas, and the draft bylaw does not give rise***

*to any implications under the New Zealand Bill of Rights 1990.*

- 6. THAT the Policy Committee recommends to Council that the Freedom Camping Bylaw 2019 be adopted, inclusive of the above amendments, and become effective on 23 August 2019.**
- 7. THAT the Committee directs staff to prepare a decision document as the formal response to submitters, in general accordance with the resolutions made in relation to this report, to be adopted at the Council meeting on 29 August 2019 alongside the final bylaw.**



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Simon Stewart  
**Policy Analyst**

## 1. Background

The Freedom Camping Bylaw 2012 (amended 2015) 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 enables regulation of 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 undertook public consultation on the draft bylaw between 18 March and 18 April 2019 using the Local Government Act 2002 (LGA) Special Consultative Procedure. 145 submissions were received via website, email, and public drop-in sessions, which resulted in 828 individual submission points.

## 2. Recommended Editorial Changes

Council staff have identified two editorial changes to the bylaw, the effects of which are minor and do not require additional public consultation. These are:

- Brighton Reserve: Amendment of the freedom camping area to exclude the mobility parking area already designated (located on the eastern side)
- Cooney Reserve: Amendment of the freedom camping area by skewing the area to the west, retaining the useable area for freedom camping while also ensuring unimpeded access to the cycleway/walkway (which campervans could otherwise block)
- Renumbering of maps (to maintain a sequential order)

## 3. Significance and Engagement

The LGA 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 bylaws, as demonstrated by the number of submissions received during the consultation period;
- 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 meeting on 13 March 2019, which was implemented during the consultation period.

#### **4. Engagement, Consultation and Communication**

Public consultation was undertaken between 18 March and 18 April 2019, using the LGA Special Consultative Procedure. Consultation was conducted via Council's Have Your Say website, seven place-based community open days throughout the consultation period, and formal hearings. In total, 145 submissions were received via website, email, and public drop-in sessions, which resulted in 828 individual submission points

#### **5. Feedback on Amendments to the Freedom Camping Bylaw 2012 (amended 2015)**

Council consulted on eight key amendments to the Freedom Camping Bylaw 2012 (amended 2015), being:

- ANZAC Bay: Prohibit freedom camping year round
- Pukehina Beach (Dotterel Point): Move site and reduce area
- Lund Road reserve: Prohibit freedom camping
- Brighton Reserve: Reduce depth of area (parallel parking only)
- TECT Park: Amend wording to obtain permission
- Reserve at Wairoa Road: Prohibit freedom camping
- Fyfe Road (Waihi Beach) utilities reserve: Prohibit freedom camping
- Western Avenue (Omokoroa) utilities reserve: Prohibit freedom camping

Submissions on all proposed amendments received a majority in support of at least 69 percent of those who provided feedback. Additional information on feedback received is provided in the Issues and Options paper attached to this report (**Attachment A**).



## 6. Responding to feedback

It is proposed that Council respond to feedback via a combined decision document on all recent bylaw and policy reviews, including the General Bylaw, Trading in Public Places Bylaw, Traffic and Parking Enforcement Bylaw, and Gambling venue policies.

The decision document will be in general accordance with the Freedom Camping Bylaw review resolutions contained in the minutes of the Policy Committee meeting dated 8 August 2019, and is intended to be adopted by Council on 29 August 2019 alongside the final bylaw.

Council also made a decision through its Annual Plan 2019/20 process to increase the budget for freedom camping monitoring to \$50,000 for the 2019/20 year. This was in response to feedback from 34 submitters to this bylaw review process requesting more monitoring and enforcement of the bylaw. Details of this decision will also be included in the decision document for completeness.

## 7. Freedom Camping Act 2011 s11

Freedom Camping Bylaws are enabled under section 11 of the Freedom Camping Act 2011. Under this Act, Council may only make a bylaw to protect the area, to protect the health and safety of people who may visit the area, and/or to protect access to the area.

Council must also determine that a bylaw is the most appropriate and proportionate way of addressing the perceived problem, and that it does not give rise to any implications under the New Zealand Bill of Rights Act 1990. This report requests Council to make a formal resolution confirming its position:

There is no legislative requirement to have this bylaw in place, however the Freedom Camping Act 2011 enables councils to implement and enforce freedom camping bylaws to protect the area, health and safety, and access to the area. Council must determine whether a bylaw is the most appropriate way of addressing the perceived problem. If a bylaw is considered to be appropriate Council must then decide whether or not the bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990.

### **Is the bylaw in place for the purposes of protecting the area, protecting health and safety, and/or protecting access to an area?**

Council considers that areas detailed under Schedule 1 of the bylaw have been prohibited for freedom camping use only in order to protect the area, protect the health and safety of the people who may visit the area, and/or protect access to the area. Areas which are permitted for freedom camping use under Schedule 2 of the bylaw are considered appropriate in terms of the area being protected, any known health and safety risks, and do not impede access to the area.

### **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 draft bylaw is considered to be consistent with the approach taken by other councils of a similar size and nature.

### **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.

## **8. Statutory Compliance**

The recommendations of this report ensure Council complies with Local Government Act 2002 and Freedom Camping Act 2011. The draft bylaw was subject to a Special Consultative Procedure to ensure that Council is complying with its obligations to seek community views on proposals of significance.

## **9. Funding/Budget Implications**

<b>Budget Funding Information</b>	<b>Relevant Detail</b>
<b>Bylaw budget</b>	Ongoing budget for bylaw reviews. The completion of this review process can be managed within existing staffing and budgets. Minor costs associated with implementation can also be met within existing staffing and budgets.

## Attachment A: Issues and Options

### Issue 1: Key Proposals

The key proposals for the draft Freedom Camping Bylaw was as follows:

- ANZAC Bay: Prohibit freedom camping year round
- Pukehina Beach (Dotterel Point): Move site and reduce area
- Lund Road reserve: Prohibit freedom camping
- Brighton Reserve: Reduce depth of area
- TECT Park: Amend wording to obtain permission
- Reserve at Wairoa Road: Prohibit freedom camping
- Fyfe Road utilities reserve: Prohibit freedom camping
- Western Avenue utilities reserve: Prohibit freedom camping

The results of the feedback, detailed in Section 1 above, show a majority support for all proposals. The lowest level of support was to prohibit freedom camping at the Western Avenue utilities reserve with 69% of submitters in support, while the proposed amendment to permission wording at TECT Park received the highest amount of support at 85%. Submission points which proposed alternatives to the key proposals consulted on are considered in the following table.

<i>Proposal Number</i>	<i>Description of proposal</i>	<i>Number of submissions</i>	<i>Level of support</i>	<i>Staff commentary</i>
<b>ANZAC Bay</b>				
Council's proposal	Prohibit freedom camping year round	78	71% Support 29% Oppose	<p><u>Advantages:</u> Concerns of loss of cultural values and the protection of public areas at ANZAC Bay and access /parking issues will be ratified</p> <p><u>Disadvantages:</u> Passive surveillance will be lost at locations where freedom camping is now prohibited</p>

<b>Proposal Number</b>	<b>Description of proposal</b>	<b>Number of submissions</b>	<b>Level of support</b>	<b>Staff commentary</b>
Alternative 1	Extend no-camping period to ANZAC day or Easter	2		<b>Substantive change:</b> Requires additional public consultation, and cannot be adopted in this review
Alternative 2	Keep but reduce maximum number of nights	2		The Freedom Camping Bylaw currently restricts overnight staying to 3 nights within a 4 consecutive week period, applied to all areas. Changing this for one site may cause confusion for freedom campers.  Reducing the number of nights for individual vehicles would not address the overall occupation from shorter stays (such as 2 nights), as there is high demand for this site.
Alternative 3	Limit to 6 marked spaces	1		This alternative would slightly reduce the size of the existing area, and define the number of freedom campers which can stay overnight. Demarcating the spaces may also mitigate the visual impact of freedom campers at the site.  However, restricting sites to a limited number of vehicles is problematic as the vehicles vary in size. While sites could be marked out on asphalt areas, this approach would also go against the restricted area approach in the bylaw which freedom campers understand and is easier to enforce when monitoring for compliance.
<b>Pukehina Beach (Dotterel Point)</b>				
Council's proposal	Move site and reduce area	66	80% Support 20% Oppose	<u>Advantages:</u> Public concerns about access at Pukehina will be addressed by reducing the number of freedom campers able to stay there overnight), and visual amenity (protection of the area) will be improved by moving the site to the estuary side  <u>Disadvantages:</u> Submitters who opposed the changes may be aggrieved by the outcome

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<b>Proposal Number</b>	<b>Description of proposal</b>	<b>Number of submissions</b>	<b>Level of support</b>	<b>Staff commentary</b>
Alternative 1	Prohibit freedom camping entirely, or prohibit over summer	1		<b>Substantive change:</b> Requires additional public consultation, and cannot be adopted in this review
Alternative 2	Reduce area but move southward not westward	1		The area to the south (of the existing freedom camping area) is private land.
<b>Lund Road:</b>				
Council's proposal	Prohibit freedom camping	55	79% Support 21% Oppose	<p><u>Advantages:</u> Health and safety risks at Lund Road reserve will be avoided by prohibiting freedom camping there, as well as a reduced risk of fire.</p> <p>This can be reviewed if the site is developed for recreation purposes.</p> <p><u>Disadvantages:</u> Submitters who opposed the changes may be aggrieved by the outcome</p>
<b>Brighton Reserve:</b>				
Council's proposal	Reduce depth of area	69	76% Support 24% Oppose	<p><u>Advantages:</u> The designated freedom camping area at Brighton Reserve will operate as intended by forcing parallel parking only, thereby reducing the number of vehicles staying at the site.</p> <p>Addresses the issue of the freedom camping area overlapping the existing disability parking space, which is hidden by the existing tree in the aerial photo</p> <p><u>Disadvantages:</u> Submitters who opposed the changes may be aggrieved by the outcome</p>

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<b>Proposal Number</b>	<b>Description of proposal</b>	<b>Number of submissions</b>	<b>Level of support</b>	<b>Staff commentary</b>
Alternative 1	Prohibit freedom camping	3		<b>Substantive change:</b> Requires additional public consultation, and cannot be adopted in this review
Alternative 2	Extend no-camping to Easter/ANZAC day	1		<b>Substantive change:</b> Requires additional public consultation, and cannot be adopted in this review
Alternative 3	Limit to 5	1		Council's proposal to reduce the freedom camping area at Brighton Reserve is intended to have the effect of only allowing approximately 5 freedom camper vehicles. However, if there are more than five vehicles it becomes problematic to enforce, as identifying the correct 5 vehicles is difficult. The number of vehicles differs from how the Bylaw currently works through the permitted area approach. The permitted area approach is best practice and understood by freedom campers and is easy to enforce.
Alternative 4	Restrict from Labour weekend to Easter Monday	1		<b>Substantive change:</b> Requires additional public consultation, and cannot be adopted in this review
<b>TECT All Terrain Park:</b>				
Council's proposal	Amend wording to obtain permission	58	87% Support 13% Oppose	<u>Advantages:</u> Permission to tent at TECT Park will become administratively easier. Park management still have the ability to prohibit freedom camping due to high fire risk or water shortage  <u>Disadvantages:</u> Submitters who opposed the changes may be aggrieved by the outcome

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<i>Proposal Number</i>	<i>Description of proposal</i>	<i>Number of submissions</i>	<i>Level of support</i>	<i>Staff commentary</i>
<b>Reserve at Wairoa Rd:</b>				
Council's proposal	Prohibit freedom camping	53	71% Support 29% Oppose	<p><u>Advantages:</u> Health and safety risks at the reserve at Wairoa Road will be avoided by prohibiting freedom camping there. The area can be considered for freedom camping later, during the development of a concept plan.</p> <p><u>Disadvantages:</u> The prohibition of freedom camping at areas does not preclude the ability for freedom campers to be able to park at those locations during the day. As such public may still report the presence of day trippers to Council if they assume that they are freedom camping there</p>
Alternative 1	Permit freedom camping until decision on what to do with the reserve has been made	1		<p>This alternative is similar to disagreeing with the proposal to prohibit freedom camping until a decision has been made on what to do at Wairoa Road. However, the effect is that the site becomes an <u>advertised</u> permitted freedom camping designation, rather than simply falling to the Freedom Camping Act (and therefore would be largely unknown). This would likely result in significantly more freedom campers using that location, than if it was either permitted or prohibited. As such, issues may arise around health and safety, and access to the area which currently don't exist.</p>
<b>Fyfe Road utilities reserve:</b>				
Council's proposal	Prohibit freedom camping	67	75% Support 25% Oppose	<p><u>Advantages:</u> Access and health and safety risks at Fyfe Road (Waihi Beach) utilities reserve will be avoided by prohibiting freedom camping there; no disruption to adjoining residential area</p> <p><u>Disadvantages:</u> Submitters who opposed the changes may be aggrieved by the outcome</p>

<i>Proposal Number</i>	<i>Description of proposal</i>	<i>Number of submissions</i>	<i>Level of support</i>	<i>Staff commentary</i>
<b>Western Ave utilities reserve:</b>				
Council's proposal	Prohibit freedom camping	52	69% Support 31% Oppose	<p><u>Advantages:</u> Access and health and safety risks at Western Avenue (Omokoroa) utilities reserve will be avoided by prohibiting freedom camping there</p> <p><u>Disadvantages:</u> Submitters who opposed the changes may be aggrieved by the outcome</p>
Alternative 1	Restrict freedom camping area	1		If the submitter's point is proposing to restrict freedom camping at the Omokoroa Sports Ground (located on Western Avenue), then the designated freedom camping area could be reduced by one or two carparks without becoming a substantive change.



<p><b>Option A:</b>  <i>THAT Council prohibit freedom camping year round at ANZAC Bay, Lund Road reserve, Reserve at Wairoa Road, Fyfe Road utilities reserve, and Western Avenue utilities reserve; Move Freedom Camping designation and reduce area at Pukehina Beach (Dotterel Point); Reduce depth of freedom camping designation at Brighton Reserve; and amend wording to obtain tenting permission TECT Park by removing "in writing".</i></p>	
<p><b>Advantages</b></p> <ul style="list-style-type: none"> <li>• The response from the majority of submitters will be implemented</li> <li>• <u>ANZAC Bay</u> will no longer be available for freedom camping, resolving cultural sensitivity issues</li> <li>• <u>Lund Road Reserve</u> will not be available for freedom camping, resolving health and safety and fire risk concerns</li> <li>• The newly acquired reserve at <u>Wairoa Road</u> will not be available for freedom camping, resolving health and safety concerns</li> <li>• The utilities reserves at <u>Fyfe Road and Western Avenue</u> will no longer be available for freedom camping, resolving health and safety and access concerns</li> <li>• The freedom camping area at <u>Pukehina Beach</u> will be reduced by half to limit the number of freedom campers, and moved to the estuary side of the car park to improve access for the general public</li> <li>• The freedom camping area at <u>Brighton Reserve</u> will be reduced in depth to force parallel parking only, which will limit the number of freedom campers. The area will also be amended to exclude the mobility parking space on the eastern side.</li> <li>• The bylaw will be re-worded to allow other methods of obtaining permission to tent at <u>TECT Park</u>, beyond 'written permission'.</li> </ul>	<p><b>Disadvantages</b></p> <ul style="list-style-type: none"> <li>• Submitters seeking to keep the existing freedom camping rights at those locations may feel ignored</li> <li>• May result in increased customer requests for monitoring and enforcement at locations where freedom camping is now prohibited</li> <li>• New security issues may arise at locations where freedom camping is no longer permitted (as a loss in passive surveillance)</li> </ul>
<p><b>Implications for Work Programme/Budgets</b></p>	<p>Staff time may 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>

Submission points which proposed alternatives to the key proposals consulted on are considered in the following table. While there are a number of alternatives to each of the key proposals (such as moving or reducing a freedom camping designation rather than prohibiting freedom camping entirely at a given site), it is important that Council only adopt changes to the bylaw which are minor in nature, and do not affect an existing right, interest, title, immunity, duty, status or capacity to whom the bylaw applies.

As such, alternatives marked as 'Substantive change' would need additional public consultation before being adopted, and therefore cannot be adopted at this stage.

**Alternatives to key proposals:**

<i>Proposal Number</i>	<i>Description of proposal</i>	<i>Number of submissions</i>	<i>Staff commentary</i>
1	Amend aerial imagery which show incorrect freedom camping use at Tuapiro Point	1	This comment relates to aerial imagery showing a freedom camper parked outside the designated freedom camping area. Although it is a day-time photo, it may be misleading. The photo can be digitally altered to rectify this.
2	Allow for 7m long vehicles at all freedom camping areas	1	<b>Substantive change</b> – cannot be adopted without further public consultation, and would require amending every freedom camping designation in the district. In addition, carparks in reserves are developed in accordance with Councils Development Code and do not cater for large motorhomes. Large, heavy motorhomes can also have an impact on the condition of internal roads and carparks in reserves.  Council already provides some freedom camping sites which allow for larger vehicles to stay, such as Jubilee Park, Waihi Beach Community Centre carpark
3	Question what happens with campers who can't camp at ANZAC Bay	1	NZMCA members can use the lease area on Emerton Road adjacent to the Waihi beach airstrip. There is also capacity in the large carpark along Seaforth

			Road (refer to Map 6)
4	This site [unknown] is out of the way with campervans and vans not taking up precious beach front parking.	1	Noted
5	Supportive of all changes to the bylaw	1	Noted
6	Council needs to liaise with community on bylaws	1	This process is liaising with the community on the Freedom Camping Bylaw.
7	District Wide: No freedom camping within certain distance of campground	5	<b>Substantive change:</b> Requires additional public consultation, and cannot be adopted in this review
8	District Wide: Consider new opportunities to host campervans	1	<b>Substantive change:</b> Requires additional public consultation, and cannot be adopted in this review
9	District Wide: Create more freedom camping areas e.g. Donovan Reserve	1	<b>Substantive change:</b> Requires additional public consultation, and cannot be adopted in this review
10	District Wide: Allow for min 4.5m wide parking spaces at all designated areas	1	<b>Substantive change:</b> Requires additional public consultation, and cannot be adopted in this review
11	District Wide: Limit all Freedom Camping areas to max 6 campers	1	<b>Substantive change:</b> Requires additional public consultation, and cannot be adopted in this review
12	District Wide: Limit number of non-professionally-fitted campervans	1	<b>Substantive change:</b> Requires additional public consultation, and cannot be adopted in this review
13	District Wide: Prohibit freedom camping in all 50km/h zones	1	<b>Substantive change:</b> Requires additional public consultation, and cannot be adopted in this review
14	District Wide: Make mandatory for campers to stay in registered campground	1	<b>Substantive change:</b> Requires additional public consultation, and cannot be adopted in this review

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15	District Wide: Freedom Camping sites only allowed at non-beachfront locations	1	<b>Substantive change:</b> Requires additional public consultation, and cannot be adopted in this review
16	Haiku Park: Prohibit freedom camping at Haiku Park	2	<b>Substantive change:</b> Requires additional public consultation, and cannot be adopted in this review
17	Maketu: Prohibit all freedom camping in Maketu	5	<b>Substantive change:</b> Requires additional public consultation, and cannot be adopted in this review
18	Maketu: Prohibit freedom camping at Surf Club	1	<b>Substantive change:</b> Requires additional public consultation, and cannot be adopted in this review
19	Midway Park: Allow 4 nights stay instead of 3 at Midway Park	1	<b>Substantive change:</b> Requires additional public consultation, and cannot be adopted in this review
20	New freedom camping area at Roger Road Reserve	1	<b>Substantive change:</b> Requires additional public consultation, and cannot be adopted in this review
21	Prohibit freedom camping at Omokoroa Domain <sup>1</sup>	1	<b>Substantive change:</b> Requires additional public consultation, and cannot be adopted in this review
22	Prohibit freedom camping at Poutuia Reserve	2	<b>Substantive change:</b> Requires additional public consultation, and cannot be adopted in this review
23	Review Poutuia Reserve use	1	<b>Substantive change:</b> Requires additional public consultation, and cannot be adopted in this review
24	Prohibit freedom camping throughout Pukehina Beach	1	<b>Substantive change:</b> Requires additional public consultation, and cannot be adopted in this review
25	Tuapiro Point: Only allow southern 3 <sup>rd</sup> of freedom camping areas at Tuapiro Point,	2	<b>Substantive change:</b> Requires additional public consultation, and cannot be adopted in this review

<sup>1</sup> Note: Comments have previously been received through the Omokoroa Domain Concept Plan development in 2018 seeking freedom camping to be prohibited at the Omokoroa Domain. However Council chose not to progress this option through the bylaw review.

	and reduce number of nights		
26	Tuapiro Point: Make northern 3 <sup>rd</sup> parks deeper for campers at Tuapiro Point	1	<b>Substantive change:</b> Requires additional public consultation, and cannot be adopted in this review
27	Tuapiro Point: Only allow southern half of freedom camping areas at Tuapiro Point	1	<b>Substantive change:</b> Requires additional public consultation, and cannot be adopted in this review
28	Tuapiro Point: Prohibit over summer period at Tuapiro Point	1	<b>Substantive change:</b> Requires additional public consultation, and cannot be adopted in this review
29	Tuapiro Point: Reduce to 6-8 vehicles per night at Tuapiro Point	1	<b>Substantive change:</b> Requires additional public consultation, and cannot be adopted in this review
30	Tuapiro Point: Remove northern 3 <sup>rd</sup> of freedom camping areas at Tuapiro Point	1	<b>Substantive change:</b> Requires additional public consultation, and cannot be adopted in this review
31	Prohibit freedom camping at Tuna Ave	3	<b>Substantive change:</b> Requires additional public consultation, and cannot be adopted in this review
32	Prohibit freedom camping throughout Waihi Beach	2	<b>Substantive change:</b> Requires additional public consultation, and cannot be adopted in this review

<b>Option A:</b> <i>THAT Council incorporate the non-substantive and practical alternative in the Freedom Camping Bylaw, being to Amend aerial imagery which show incorrect freedom camping use at Tuapiro Point</i>	
<b>Advantages</b> <ul style="list-style-type: none"><li>• Map depicting use at Tuapiro Point may be less confusing</li><li>• Substantive alternatives will not be incorporated, and the bylaw review process will remain valid</li></ul>	<b>Disadvantages</b> <ul style="list-style-type: none"><li>• Submitters seeking substantive changes to the Freedom Camping Bylaw may feel ignored</li></ul>
<b>Implications for Work Programme/Budgets</b>	Minimal staff time required to implement the change. Staff time may be required to deal with queries from the community about why their alternatives were not considered. These implications can be managed within existing staffing and budgets.

## Attachment B: Matters outside the scope of the bylaw

### Advocacy:

11 submission points consider that freedom campers should pay to be able to freedom camp. Comments included charging a nominal amount per night, a sparking ticket system, or as a monthly pass. One submission also sought for fines to be linked to passports.

#### Staff comment:

These points are beyond the matters which Council can control through its bylaw, so instead would be more appropriately diverted to a future submission from Council on changes to the Freedom Camping Act (likely to be some time in late 2019 or 2020), or a further review of the Bylaw.

### Enforcement:

34 submission points were raised on the monitoring/enforcement of freedom camping. Of those, the majority sought additional monitoring throughout the district. **Those submissions have been deferred to the Annual Plan process**, as an internal submission seeking funding for additional monitoring and enforcement of freedom camping in our district.

The remaining points are summarised as follows:

- Need higher spot fines
- Need clearer signage
- Noted overstaying
- Noted parking violations
- Noted impersonation of an enforcement officer
- Noted that freedom campers provide passive surveillance (as an advantage of permitting freedom campers)
- An alternative for monitoring by requiring freedom campers to have an identifying number on the top of the vehicle to track lengths of stay and gather statistics.

#### Staff comment:

None of the submission points can be addressed through the Freedom Camping Bylaw. Comments on needing higher spot fines and the alternative to require identifying numbers on top of vehicles could be deferred to advocating for changes nationally.

Comments regarding the need for clearer signage can be considered operationally.

### **Facilities improvements:**

15 comments were received regarding improving facilities in relation to freedom camping are summarised as follows:

- More rubbish bins needed at freedom camping areas (6)
- More facilities (generally) needed at freedom camping areas (3)
- Toilets needed at Landscape Rd and Centennial Park (2)
- Allow non-self-contained vehicles at sites with facilities (2)
- Only allow freedom camping at sites with facilities (2)
- Facilities associated with freedom camping must be non-competitive (1)
  - Need signage for toilets at Landscape Road
  - Install bollards at Island View to prevent campers from parking over footpath

### **Staff comment:**

Submission points which seek additional signage or facilities improvements can be considered operationally or could be diverted to the review of the respective Reserve Management Plans.

Comments seeking to only allow freedom camping at sites with facilities, or to allow non-self-contained freedom camping at sites with facilities, would result in substantive changes to the bylaw which would require additional public consultation. Council may either consult further on those changes, or defer the comments to the next review of the Freedom Camping Bylaw

### **Self-containment: General comments on the use of self-contained vehicles**

21 comments were received on the issue of self-containment, summarised as follows (number of submitters in brackets):

- Need better self-containment standards nationally (5)
- Self-contained stickers are forged (4)
- Allow self-contained campers only (3)
- Alternative to self-containment (3)
- Note that there are many non-self-contained campers (2)
- Campers need to meet self-contained standards (2)
- Have a national register of self-contained vehicles (1)
- Need education on self-containment (1)



Staff comment:

The majority of these comments seek changes to self-containment on a national scale. As these points are beyond the control of the bylaw, it would be more appropriately divert the comments to a future submission from Council on changes to the Freedom Camping Act.

**Other Comments**

The remaining submission points don't fit into any of the above categories. These are summarised as follows:

- Freedom camping is a nationwide problem
- day-parking by campervans at ANZAC Bay a nuisance
- Lease more NZMCA sites
- Kiwifruit industry needs to contribute to seasonal worker accommodation.
- Taps are being left on by freedom campers at Eastern Districts (Paengaroa Domain).
- Some companies provide refund if motorhome toilet isn't used.
- Reduce campground compliance costs if they reduce their charges.
- Need closer relationship with rental companies for camper education
- Provide support for homelessness

Staff Comment:

Council would need to consider whether it wishes to enter into lease agreements for further NZMCA site.

Restriction of day time parking would need to be considered through the Traffic and Parking Enforcement Bylaw. Council could restrict access to vehicles of a certain size in car parking areas, however this is unlikely to address the use of these car parks by smaller camping vehicles during the day. Additionally, monitoring and enforcement of these parking restrictions would likely be outside Council's existing Level of Service for parking monitoring, which is focused on managing availability in the Te Puke and Katikati town centres, and seasonally at Waihi Beach.

Homelessness and seasonal worker accommodation are issues already being researched and considered through separate, ongoing processes.

The remaining comments are generally compliance issues.

## Western Bay of Plenty District Council

### Policy Committee

## Deliberations on the Draft Traffic and Parking Enforcement Bylaw 2019

### Purpose

The purpose of this report is to consider community feedback on the draft Traffic and Parking Enforcement Bylaw 2019, and to recommend to Council the draft bylaw for adoption.

### Recommendation

- 1. THAT the Policy and Planning Manager's report dated 20 July 2019 and titled *Deliberations on the Draft Traffic and Parking Enforcement Bylaw 2019* 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 receives all written and verbal feedback from the special consultative procedure 18 March to 18 April 2019, as set out in the document titled "*Traffic and Parking Enforcement Bylaw Review – Submissions*" as circulated separately with this agenda.**
- 4. THAT in relation to Issue 1 the Committee resolves [as amended] to -**
  - **Add a new parking area off Commerce Lane next to the walkway through to Jellicoe Street (subject to a P120 restriction and also including a new mobility park)**
  - **Introduce a P120 restriction to the 10 on-street parks on Commerce Lane**
  - **Add yellow 'no parking' lines for the first 35 metres of No. 3 Road on both sides of the road**
  - **Add an additional mobility park at the eastern end of Jellicoe Street, outside the Bottle-O (33 Jellicoe Street)**
  - **Relocate 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**

- *Reduce the area subject to the bylaw outside Te Puke Countdown, to reflect that part of this carpark is privately owned*
- *Make a range of changes to the yellow 'no parking' restrictions as a result of recent works on Jellicoe Street*
- *Reduce the yellow 'no parking' lines outside Waihi Superette (211 Seaforth Road), to accommodate new pedestrian refuges*
- *Extend the yellow 'no parking' lines on the western side of Wilson Road from the intersection with The Crescent 15 metres north*
- *Add yellow 'no parking' lines on both sides of Seaforth Road, between the Coastguard building and Anzac Bay*
- *Extent 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*
- *Introduce a P30 time restriction to three car parks outside Patuki Manawa (Katikati Library and Service Centre)*
- *Extend 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*
- *Add yellow 'no parking' lines to start after the driveway of 1031 Omanawa Road to run 200 metres south on both sides of the road*
- *Include a heavy vehicle restriction on Wilson Road South, Paengaroa to give effect to resolution made by Council in 2004.*

**5. THAT in relation to Issue 2 the Committee resolves [as amended] to –**

- *Remove some yellow 'no parking' lines in and around Fairhaven School, Te Puke (Boucher Avenue) in accordance with Attachment A to this report*
- *Decline the submitter request to include further time restricted carparks on Commerce Lane (beyond what exists presently)*
- *Extend the existing bus stop in Commerce Lane*
- *Add yellow 'no parking' lines to replace the last carpark next to the New World entrance on Commerce Lane*
- *Decline the submitter request for a heavy vehicle prohibition in Te Puke and Maketu residential areas*
- *Convert two of the parks on the western side of Oxford Street into one mobility park and one motorcycle park*
- *Decline the submitter request to have longer parking times for carparks on Jellicoe Street*
- *Decline the submitter request for a new covered mobility park outside the post office on Jellicoe Street*
- *Decline the submitter request for no parking lines along the length of buildings fronting the lane between 23 and 27 Wilson Road and erect appropriate signage instead*
- *Remove the yellow 'no parking' lines outside the dairy on the western side of Wilson Road*
- *Decline the submitter request to reinstate yellow 'no parking' lines on one side of Pacific Road*
- *Decline the submitters request to add yellow 'no parking' lines at a number of places around Omokoroa Point School*
- *Decline the submitters request to add yellow 'no parking' lines*

- between the entrance to the boat trailer park and the shops*
- *Decline the submitter request to shift the yellow 'no parking' lines at the Omokoroa Road intersection with SH2*
  - *Add yellow 'no parking' lines on the southern side of the curve on Harbour View Road running from outside number 49 to opposite Ruamoana Place*
  - *Decline the submitter request to add yellow 'no parking' lines and/or redesign the cul-de-sac at the end of Baigent Place*
  - *Relocate two mobility carparks from the northern side of the Katikati Memorial Hall to the north eastern corner and remove four angle parks next to Westpac Bank*
  - *Increase the parking restriction outside 36 Main Road from 1 hour to 2 hours*
  - *Decline the submitter request to extend the yellow 'no parking' lines from the end of Park Road up to Francis Drive*
  - *Decline the submitter request to add yellow 'no parking' lines on either side of Highfields Drive from the main road down to Vesey Drive*
  - *Decline the submitter request for yellow 'no parking' lines on Fairview Road and Carisbrook Street*
  - *Incorporate existing yellow 'no parking' lines around the entrance to 23 Te Puna Road into the Bylaw*
  - *Impose a heavy vehicle restriction (for vehicles over 10 tonnes) for that part of Oropi Gorge Road between Gluepot Road and Oropi Road)*
  - *Add yellow 'no parking' lines around the corner of Oropi Road adjacent to the formed school carpark*
6. *THAT in relation to Issue 3 the Committee acknowledges the matters raised outside the scope of this bylaw review, and [endorses/does not endorse] the proposed responses set out in the attached issues and options paper.*
7. *THAT the final bylaw incorporates the decisions made by the Operations and Monitoring Committee on 4 July, being:*
- *The garden adjacent to the Plaza be altered to install one additional carpark at an estimated cost of \$25,000*
  - *One mobility park be relocated from the eastern end of the Plaza to Oxford Street, Te Puke to allow better mobility access to the pharmacy*
8. *THAT the final bylaw includes an additional clause, specifying the process for exemption permits to be issued.*
9. *THAT the Policy Committee recommends to Council that the Traffic and Parking Enforcement Bylaw 2019 be adopted, inclusive of the above amendments, and shall become effective on 30 September 2019.*

- 10. THAT the Committee recommends to Council that Schedules 1-6 of the Traffic and Parking Enforcement Bylaw are classified as the parking places for the Western Bay of Plenty District.**
- 11. THAT the Committee directs staff to prepare a decision document as the formal response to submitters, in general accordance with the resolutions made in relation to this report, to be adopted at the Council meeting on 29 August 2019 alongside the final bylaw.**



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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 reasons for reviewing the bylaw included:

- 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.

## 2. Consultation on the draft bylaw

Council undertook public consultation on the draft bylaw between 18 March and 18 April 2019 using the Local Government Act 2002 (LGA) Special Consultative Procedure. 105 submissions were received via website, email, mail and from the seven Have Your Say events run across the District in conjunction with consultation on the Annual Plan 2019/20.

Council proposed 15 specific changes in its draft bylaw. Feedback from the community was on both these proposals and also a range of other parking and traffic matters across the District. This is set out for the Committee's consideration in the attached Issues and Options papers.

## 3. Operations and Monitoring Committee decisions

The Operations and Monitoring Committee considered a recommendation from the Te Puke Community Board at its meeting on 4 July 2019, in relation to the Te Puke Main Street and Plaza area. The Committee made the following decisions:

- The garden adjacent to the Plaza be altered to install one additional carpark at an estimated cost of \$25,000; and
- One mobility park be relocated from the eastern end of the Plaza to Oxford Street, Te Puke to allow better mobility access to the pharmacy.

The seventh recommendation of this report seeks the Committee's direction to incorporate these changes in the final bylaw, so that the bylaw will be consistent with the changes to parking provision made through the Operations and Monitoring Committee decisions on 4 July 2019.

#### **4. Issues and options**

There are three issues and options papers attached to this covering report, on which Committee direction is sought:

- Issue 1: Consideration of Council's proposals in its draft bylaw
- Issue 2: Other potential changes identified from community feedback
- Issue 3: Other matters raised outside the scope of the bylaw review

The fourth recommendation of the report seeks the Committee to make decisions in relation to each of these issues, to inform the preparation of the final bylaw.

#### **5. Editorial change**

Compliance staff have requested an additional clause is included in the bylaw to provide consistency with current practice in relation to parking exemption permits. These permits are issued on a temporary basis to enable construction work to be undertaken on a property adjoining a monitored parking area. For example, to a building company that needs to erect scaffold in a carpark to repair a shop front, or for use of a dedicated carpark for loading/unloading or access to construction related equipment. The waiver permit authorises them to physically use the parking space(s) and exempts them from bylaw requirements such as angle parking or time restriction.

#### **6. 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 level of public interest - as shown by the number of submissions received through the consultation period, and the requirement to use the special consultative procedure.

**7. Issues and Options Assessment**

<b>Option A</b> <b>Recommend the bylaw as proposed for consultation</b> <b>(with no additional changes set out in issue 2)</b>	
<b>Assessment of option for advantages and disadvantages taking a sustainable approach</b>	<p>Advantages</p> <ul style="list-style-type: none"> <li>• Meets the objectives of the review to ensure the bylaw is fit for purpose.</li> <li>• All changes have been tested with the community through a special consultative procedure.</li> </ul> <p>Disadvantages</p> <ul style="list-style-type: none"> <li>• None of the matters raised in community feedback will be addressed, even where technical assessment supports the request.</li> </ul>
<b>Costs (including present and future costs, direct, indirect and contingent costs) and cost effectiveness for households and businesses</b>	<ul style="list-style-type: none"> <li>• Minor changes to road markings and signage to implement amendments to parking restrictions, which can be managed within existing budgets.</li> <li>• Staff time may be required to deal with queries from the community about the final bylaw. However, this can be managed within existing staffing and budgets.</li> </ul>
<b>Option B</b> <b>Recommend the bylaw as proposed for consultation, including the changes sought by the community that are supported by technical assessment</b>	
<b>Assessment of option for advantages and disadvantages taking a sustainable approach</b>	<p>Advantages</p> <ul style="list-style-type: none"> <li>• Responds to traffic and parking issues in the community, which are supported by technical assessment.</li> <li>• Key proposals have been tested with the community through a special consultative procedure.</li> <li>• Meets the objectives of the review to ensure the bylaw is fit for purpose.</li> </ul> <p>Disadvantages</p> <ul style="list-style-type: none"> <li>• Changes sought through community feedback may not be reflective of the wider community views. However, the changes are not considered significant, and can be reversed or amended through future bylaw reviews.</li> </ul>
<b>Costs (including present and future costs, direct, indirect and contingent costs) and cost effectiveness for households and businesses</b>	<ul style="list-style-type: none"> <li>• Minor changes to road markings and signage to implement amendments to parking restrictions, which can be managed within existing budgets.</li> <li>• Staff time may be required to deal with queries from the community about the final bylaw. However, this can be managed within existing staffing and budgets.</li> </ul>



<b>Option C</b> <b>Do not recommend a final bylaw</b>	
<b>Assessment of option for advantages and disadvantages taking a sustainable approach</b>	<p>Disadvantages</p> <ul style="list-style-type: none"> <li>• Bylaw will not respond to community expectations, which may have been raised through the consultation process.</li> <li>• Staff and elected member time invested in the bylaw review and consultation process to date will be wasted.</li> <li>• The bylaw will be inconsistent with some parking layouts and may cause operational difficulties in terms of monitoring and enforcing parking. Particularly in Te Puke where there are a range of changes due to the Te Puke Main Street project.</li> </ul>
<b>Costs (including present and future costs, direct, indirect and contingent costs) and cost effectiveness for households and businesses</b>	<p>If a final bylaw is not recommended to Council, the Committee may need to revisit issues it has already considered and more staff time will be incurred.</p>

## 8. Statutory Compliance

The proposed bylaw has been developed in a manner consistent with the Land Transport Act 1998 and Local Government Act 2002. The special consultative procedure enabled Council to meet its obligations for bylaw reviews. The Committee must recommend the final bylaw to full Council for adoption. The Land Transport Act requires Council to send a copy of the final bylaw to the Minister of Transport within one week of adoption.

## 9. Funding/Budget Implications

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



Western Bay of Plenty  
District Council

ATTACHMENT

A

# Traffic and Parking Enforcement Bylaw 2019

Issues and Options



Prepared by:  
Emily Watton, Policy and Planning Manager

## Issue 1: Consideration of Council’s proposals in its draft bylaw

Council proposed a number of specific changes to the bylaw, and the below table summarises the feedback received. Given the level of community support generally shown for these proposals, it is considered that the only practicable option is to include these proposed changes in the final bylaw.

Key proposal number	Description	How many people gave feedback?	Level of support	Key themes of comments made about the proposal
<b>1</b> <b>Te Puke</b>	Adding a new parking area off Commerce Lane next to the walkway through to Jellicoe Street. This is subject P120 restriction, and also includes a new mobility park.	16	Agree: 13 Disagree: 0 Don't know: 3	n/a (no comments made)
<b>2</b> <b>Te Puke</b>	Introducing a P120 restriction to the 10 on-street parks on Commerce Lane.	12	Agree: 11 Disagree: 0 Don't know: 1	n/a
<b>3</b> <b>Te Puke</b>	Adding yellow 'no parking' lines for the first 35 metres of No. 3 Road on both sides of the road.	12	Agree: 11 Disagree: 0 Don't know: 1	One submitter requested to also reduce vision obstructions

<b>4</b> <b>Te Puke</b>	Adding the additional mobility park at the eastern end of Jellicoe Street, outside the Bottle-O (33 Jellicoe Street).	13	Agree: 9 Disagree: 3 Don't know: 1	One submitter noted that this park is not often used by mobility users, as often used by able bodied people.
<b>5</b> <b>Te Puke</b>	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.	14	Agree: 12 Disagree: 0 Don't know: 2	n/a
<b>6</b> <b>Te Puke</b>	Reducing the area subject to the bylaw outside Te Puke Countdown, to reflect that part of this carpark is privately leased.	13	Agree: 8 Disagree: 0 Don't know: 5	n/a
<b>7</b> <b>Te Puke</b>	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.	10	Agree: 6 Disagree: 1 Don't know: 3	n/a
<b>8</b> <b>Waihi Beach</b>	Reducing the yellow 'no parking' lines outside Waihi Superette (211 Seaforth Road), to accommodate new pedestrian refuges.	19	Agree: 15 Disagree: 4 Don't know: 0	One submitter noted that they use this area regularly and have not experienced any issues, so are happy with status quo.  One submitter was concerned about the impact of the pedestrian refuges on the safety of cyclists.

<b>9</b> <b>Waihi Beach</b>	Extending the yellow 'no parking' lines on the western side of Wilson Road from the intersection with The Crescent by 15 metres north.	18	Agree: 13 Disagree: 4 Don't know: 1	n/a
<b>10</b> <b>Waihi Beach</b>	Adding yellow 'no parking' lines on both sides of Seaforth Road, between the Coastguard building and Anzac Bay.	16	Agree: 14 Disagree: 1 Don't know: 1	n/a
<b>11</b> <b>Omokoroa</b>	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.	20	Agree: 18 Disagree: 2 Don't know: 0	n/a
<b>12</b> <b>Katikati</b>	Introducing a P30 time restriction to three car parks outside Patuki Manawa (Katikati Library and Service Centre).	20	Agree: 17 Disagree: 3 Don't know: 0	Two submitters commented that the 30 minute time restriction was too short, in order to choose a library book, or to use the area to access other businesses on the main street.
<b>13</b> <b>McLaren Falls</b>	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.	12	Agree: 10 Disagree: 1 Don't know: 1	n/a

<b>14</b> <b>Omanawa Falls</b>	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.	11	Agree: 7 Disagree: 3 Don't know: 1	One submitter disagreed that installing yellow lines is an effective solution and sought Council to be more proactive (alongside Tauranga City Council). They requested that safe parking be provided.
<b>15</b> <b>Paengaroa</b>	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.	4	Agree: 2 Disagree: 0 Don't know: 2	n/a

## Issue 2: Other potential changes identified from community feedback

As well as the changes that Council proposed in its draft bylaw, there were a number of changes requested through community feedback. These are summarised below. These have been considered through a technical assessment by Roading and Compliance staff, and comments are provided to indicate whether the requested changes are support by the technical assessment (or otherwise).

Direction is sought from the Committee as to which changes it would like to be included in the final bylaw.

	Description	How many people gave feedback?	Key themes of comments made about the proposal	Comments from technical assessment	Does technical assessment support the requested change?
<b>1</b> <b>Te Puke</b>	Fairhaven School (Boucher Avenue)	2	<p>Seek an increase in parking available around the school and widening of the road in this area. Concerns about safety for school children. Concerns heightened during kiwifruit season with increase in traffic (including heavy vehicles).</p> <p>Submitter estimated 300 cars per day at peak school traffic.</p>	<p>In 2004, in consultation with the school, neighbouring residents and the Te Puke Community Board resulted in the current parking arrangement around the school on Boucher Avenue and Cameron Road. This includes carpark marking on Cameron Road. Since then the school has grown.</p> <p>At the direction of the Policy Committee, staff have had some further conversations with the school and with some potentially affected property owners. Those</p>	In Part

				<p>property owners tend to favour status quo (retaining the 'no parking' lines outside their homes) and the school seeks some of these to be removed to enable more parking spaces in the vicinity of the school.</p> <p>A compromise has been identified by the Roding Engineer (East), which proposes the removal of some yellow 'no parking' lines. (See Appendix A to this paper).</p>	
<b>2</b> <b>Te Puke</b>	Commerce Lane car park	1	Seeks a time restriction to be imposed on the carparks next to the toilet block.	There are a range of new time restrictions proposed in the area – the P120 on-street parks on Commerce Lane, and also P120 in the new parking area on Commerce Lane (adjacent to the walkway to Jellicoe Street). At this stage, it is not considered further time restricted parks are required.	No
<b>3</b> <b>Te Puke</b>	Bus stops in Commerce Lane	1	Seeks 'no parking lines' to be installed between the entrance to Commerce Lane car park and the bus stops.	Staff suggest extending the bus stop to cover this area.	In part
<b>4</b> <b>Te Puke</b>	Commerce Lane – New World entrance	1	One submitter noted that vision can be blocked when exiting the New World carpark onto Commerce Lane when there is a large car parked in the last car park next to the entrance.	It is agreed that at some times vision can be blocked by large vehicles occupying the car park closest to the entrance and that yellow 'no parking lines' should be installed. Staff also suggest that this	Yes



				area is considered through the speed limit review process.	
<b>5</b> <b>Te Puke and Maketu</b>	Heavy vehicle parking in residential areas	1 in Te Puke, 3 in Maketu	Would like to see the prohibition of heavy vehicle parking in Te Puke and Maketu due to concerns about safety, noise and damage to road berms.	Due to a request from the Te Puke Community Board, Council considered the inclusion of a prohibition on heavy vehicle parking as part of developing its draft bylaw (refer to Policy workshop paper 13 February 2019). The reasons for no change included the safety requirements in the road code for heavy vehicle parking, the practical enforcement challenges. Where there have been complaints made, these have often been resolved through talking with the vehicle driver.	No
<b>6</b> <b>Te Puke</b>	Mobility parks in Oxford Street	1	Would like a mobility park on Oxford Street outside the pharmacy.	Incorporating the below request for motorcycle parks, staff recommend that two of the parallel parks on Oxford Street (western side) can be converted into one mobility park and one motorcycle park. Mobility car park users should be able to access the pharmacy easily, and this location will enable some level of cover from pedestrian verandas in wet weather.	Yes
<b>7</b> <b>Te Puke</b>	Motorcycle parks in Jellicoe Street	1	Would like to have dedicated motorcycle parks on Jellicoe Street.	See above, a motorcycle park could be accommodated on Oxford Street, in close proximity to Jellicoe Street.	Yes

<b>8</b> <b>Te Puke</b>	Time restrictions on Jellicoe Street	1	Would like to see a few blocks on Jellicoe Street have slightly longer time restriction, to enable enough time to have lunch and run some errands whilst staying in the same park.	There are already four p180 spaces outside 127 Jellicoe Street, and all day parking available in the Commerce Lane carpark. Given that the intention of the parking restrictions is to ensure turnover and availability of parking in the main street, it's not considered this is appropriate.	No
<b>9</b> <b>Te Puke</b>	New mobility park outside post office (81 Jellicoe Street)	1	Would like a new mobility park added outside the post office (81 Jellicoe Street), and would like this to be covered.	It is considered that there are sufficient mobility parks in this area of Jellicoe Street, and that a covered mobility park exceeds our usual level of service for any type of car park.	No
<b>10</b> <b>Waihi Beach</b>	"no name lane"  (located between 23 and 27 Wilson Road)	1	One submitter requested no parking lines along the length of the buildings fronting this lane.	Staff suggest signage be erected as a deterrent, given the level of monitoring of parking undertaken in Waihi Beach. Most people parking here are short term users, accessing the fish and chip shop.	No
<b>11</b> <b>Waihi Beach</b>	Remove yellow lines on Wilson Road outside the dairy	1	One submitter requested that the yellow lines outside the dairy on the western side of Wilson Road be removed.	There is a planned Community Board project to construct a kerb build-out on Wilson Road. Removal of these yellow lines will mean that there is no net loss to parking.	Yes
<b>12</b> <b>Waihi Beach</b>	Pacific Road – install yellow lines	1	One submitter requested that yellow 'no parking' lines are reinstated on one side of Pacific Ave, as it's too narrow when cars are parked on both sides.	Yellow lines on Pacific Road were previously installed at the request of the Community Board. Some of these have been removed in the	No

				wider section of the Road due to non-compliance and enforcement issues. It has previously been a contentious issue with lack of consensus amongst residents. There have been no changes to the surrounding environment and any yellow lines will not have been consulted on.	
<b>13</b> <b>Omokoroa</b>	Hamurana Road/Omokoroa Point School	3	Three submitters raised concerns about parking around Omokoroa Point School, especially at peak hours around school open/close. The submitters referred to Hamurana Road and Coppelia Ave, with a mix of suggestions including installation of yellow lines at a number of places around the school.	Peak school hours are difficult to manage across the District, as high traffic numbers are often generated within small windows of time. Whilst Hamurana Road and Coppelia Ave become narrow with cars parked on both sides, it is adequate for cars to pass through slowly. There has been some discussion with Community Board members about the need for an additional car park in the school area, using the wide berm on Hamurana Road on the south western boundary of the school. Through the speed limit review, Council may wish to consider a variable speed limit (with a flashing sign that reduces speed at peak school areas).	No
<b>14</b> <b>Omokoroa</b>	Omokoroa Domain	2	One submitter noted that there are often cars parking in the boat trailer parks in summer. Over winter these parks are under-utilised by boats and	Advisory signage can be erected to indicate boat parking area, however in line with Council's agreed level of service, there is no parking	In part

			<p>they are wasted being allocated to boat trailer parking. One submitter asked for yellow lines to be installed between the entrance to the boat trailer park entrance along to the shops on the Esplanade.</p>	<p>monitoring undertaken in Omokoroa.</p> <p>Use of the Domain area over peak times has been a contentious issue for many years, particularly in relation to access and parking. It is not considered that it is warranted to install additional yellow 'no parking' lines between the boat trailer park and the shops. In off peak times, people are unlikely to park here. Removing parking spaces that may be used at peak times is not considered warranted, given that there is sufficient width to enable priority give way at these times. Additionally, more parking has been provided in the wider Domain area, with more parking available at peak times via the Harbour View Road entrance to the Domain.</p>	
<b>15</b> <b>Omokoroa</b>	Omokoroa Road (intersection with SH2)	1	<p>One submitter asked for changes to be made to the intersection with SH2, noting that the yellow line on Omokoroa Road needs to be shifted to enable better visibility at the intersection when there is queued traffic.</p>	<p>The current markings are consistent with the standards for line marking layout. The intersection upgrade has been identified as a critical part of the SH2 upgrade.</p>	No
<b>16</b>	Harbour View Drive	CCR	<p>No submission was received on this matter, but a customer request has</p>	<p>This has been assessed by the Westlink safety team, who have</p>	Yes

<b>Omokoroa</b>	(Ruamoana Drive to 49 Harbour View Drive)		come through shortly after the consultation period closed. They seek the installation of yellow 'no parking' lines on the southern side of the curve on Harbour View Road, running from outside number 49 around to opposite Ruamoana Place.	recommended yellow lines are installed. Staff support this assessment.	
<b>17</b> <b>Katikati</b>	Baigent Place	1	One submitter seeks installation of yellow lines and/or the re-design of the cul-de-sac at the end of Baigent Place. Parked cars cause issues for vehicles trying to turn around the cul-de-sac.	This is an older style cul-de-sac with limited space for turning, meaning that users often have to reverse to turnaround (especially with larger vehicles like campervans). Re-design of the cul-de-sac is considered cost prohibitive, and the cul-de-sac is consistent with others of a similar age elsewhere in the District. Parking less than 1 metre from a driveway is already prohibited by the New Zealand road code.	No
<b>18</b> <b>Katikati</b>	Memorial Hall car park	1	The Memorial Hall Committee has asked for two mobility carparks to be relocated from the northern side of the Hall to north eastern corner, to enable a new mobility entrance to the Hall to be constructed. The Committee also requested the removal of four angle parks next to Westpac be removed for the new entrance.	Given there is no net loss to mobility parks in this area and the changes are to facilitate better access to the Hall, these changes are considered appropriate.	Yes
<b>19</b>	Time restriction outside 36 Main Road	1	The submitter asked for parking restriction outside 36 Main Road to be	This is consistent with parking restrictions in the surrounding area.	Yes

<b>Katikati</b>			increased from one hour to two hours.	The use of the building has changed from being Council's library and service centre and is now used for community groups.	
<b>20 Katikati</b>	Park Road – install yellow lines	1	One submitter requested the yellow 'no parking' lines to be extended from the end of Park Road up to Francis Drive.	Parking over driveways is already illegal and can be monitored using the road code. Parking demand is likely driven by the playcentre and Summerset Village, which are in the immediate vicinity. Park Road is sufficiently wide to accommodate parking of vehicle on both sides of the road, with the berm providing additional parking space.	No
<b>21 Katikati</b>	Highfields Drive – install yellow lines	1	One submitter asked for yellow 'no parking' lines to be installed on Highfields Drive on one side (either) from the main road down to Vesey Drive. It is too narrow to have parking on both sides of the road and more houses are being built, so the road is getting busier.	It is not considered that Highfields Drive has any unique requirements compared to other urban streets that would warrant installation of yellow lines.	No
<b>22 Katikati</b>	Fairview Road and Carisbrook Street – install yellow lines	3	There have been concerns about cars speeding along Fairview Road and Carisbrook Street, with these roads being used as a 'rat run' when the main street is busy. Residents have requested yellow lines in a range of locations on these roads.	It is considered that yellow lines are unwarranted given the width of both these roads. With regard to concerns about speed, Council will request the Police to increase monitoring of this area (to enforce the existing speed limit).	No
<b>23</b>	Te Puna Road – install	1	One submitter sought additional yellow	Some yellow lines were installed last	In part

<b>Te Puna</b>	yellow lines		'no parking' lines on Te Puna Road, around the entrance to 23 Te Puna Road, due to safety concerns for staff and site visitors to Modcom Portable Buildings. The submitter was also concerned about the complexity of the process for getting yellow lines installed.	year, and will be incorporated into the bylaw schedules to enable enforcement (noting that Council's agreed level of service does not include parking monitoring in Te Puna). It is considered that additional yellow lines are unwarranted.	
<b>24 Oropi</b>	Oropi Gorge Road – heavy vehicle restriction	2	Two submitters raised concern about the condition of Oropi Gorge Road (between Gluepot Road and Oropi Road. They seek a heavy vehicle restriction for vehicles over 10 tonnes, noting that there is an alternative route available and this section of Oropi Gorge Road is too narrow and dangerous for heavy vehicles.	It is agreed that this stretch of road is not suitable for heavy vehicle use. It is noted that this proposal was not included for consultation, with the only heavy vehicle restriction being Wilson Road South in Paengaroa (which has been resolved since 2004, and was being formalised into the bylaw).	Yes
<b>25 Oropi</b>	Oropi School – install yellow 'no parking lines'	1	A request from the school has been made through Council's contact centre to install yellow 'no parking' lines around the corner of Oropi Road, adjacent to the formed car park.	It is considered that this is appropriate, given that this is part of the intersection with Gamman Mill Road. Ensuring that there is no parking around this bend will improve visibility for those using the car park and the intersection.	Yes

### Issue 3: Other matters raised outside the scope of the bylaw review

There was a range of matters raised through the consultation period that are outside the scope of the bylaw review, in terms of making changes to the bylaw. These are summarised below, with a proposed response intended to be included in the decision document:





Matter	Proposed response for decision document
Reconfiguration of Queen Street, Te Puke	One submitter would like to see this area reconfigured and improvement to the area outside the Plunket building. Concerned that parking demand may increase in this area if 'The Centre' goes ahead. Parking officers will continue to monitor this area for non-compliance. As per the 2018 parking survey, Queen Street parking is underutilised with a vacancy rate of 43%. There is therefore no need at this point in time to reconfigure the parking along Queen Street to create additional carparks.
Mitre 10 carpark – suggestion that four public car park spaces should be provided.	The number of carparks at Mitre 10 is as per the requirements of the District Plan. There is no requirement for Mitre 10 to provide public car parking spaces.
Development of new car park behind Te Puke Memorial Hall, to meet demand for parking when there are events on at the hall	The land behind Te Puke Memorial Hall is in private ownership, and at this stage Council doesn't consider that additional land for parking needs to be purchased. The existing car park behind Council's library and service centre is available for overflow car parking in the hall area, particularly after hours.
Development of an additional car parking area at McLaren Falls	Tauranga City Council will need to consider development of an additional car parking area at McLaren Falls, as the park is within its jurisdiction.
Development of an additional car park behind the Talisman Hotel, Katikati	This land is currently privately owned by several different land owners. This area has been identified in the Katikati Town Centre Plan as a potential future car parking space. Some discussions have been held with land owners, however to date no progress has been made in acquiring use or ownership of the land. There is existing car parking available on Talisman Drive which is often under-utilised.



State Highway 29 (intersections with Ruahihi Road and Omanawa Road)	Council cannot apply traffic or parking restrictions on State Highways. We will forward this request for yellow lines to NZTA.
Te Puke Main Street review	The Te Puke Community Board was requested by the Operations Committee to undertake community engagement and make recommendations to the Operations Committee on any required changes to Jellicoe Street following its redevelopment. Feedback received about Jellicoe Street and the pedestrian plaza will be diverted to the Operations Committee to be considered as part of any decision-making on the review of Jellicoe Street.
Te Puke alcohol ban	One submitter queried who was responsible for monitoring and enforcing the alcohol ban in Te Puke CBD, and inferred dissatisfaction with the current approach. This feedback will be passed onto the Police, who are responsible for monitoring and enforcing the Alcohol Control Bylaw, including the Te Puke CBD alcohol ban.
Speed camera requests	Two submitters requested speed cameras be installed at locations in Katikati. We will pass this feedback onto the Police, who own and operate the speed cameras.
Roading improvements	A range of roading improvements were requested such as installation of speed bumps, roundabouts, improved signage and traffic calming measures. These have been forwarded to the Roding Team for consideration in the capital works programme.
Speed limit changes	Council must review its Speed Limits Bylaw in order to change speed limits on local roads. This work is programmed in 2019/20. All speed limit requests will be deferred to this process for consideration.
Parking monitoring and enforcement	These comments have been forwarded to the Compliance and Monitoring team for action in Te Puke. Council does not have a parking officer in Maketu, but the Police can respond to safety issues. We've forwarded feedback to them about parking on footpaths.
Reverse angle parking	One submitter suggested that Council considers forming angle parks that are reversed into, so that people can access their boots from the footpath. This is contrary to the definition of angle parking in the bylaw, and none of the angle parking areas in the district are set out for this direction of angle parking. Redesign of parking areas to accommodate reverse angle

	parking will have funding implications and is not considered a priority at this time.
Events	One submitter raised comments about Council's approach to enabling events to be run in the District. Council is looking to develop an events strategy in 2019/20, and this feedback has been diverted to this process.
State Highway 2 (intersection with Wilson Road)	This matter has been referred to Westlink for investigation and any action required.
Yellow lines on Waterford Road, Katikati (SH2)	Council cannot apply traffic or parking restrictions on State Highways. We will forward this request for yellow lines to NZTA.
Omokoroa Sportsground (Western Ave) – request to move the entrance to the skate path to Western Ave, instead of on Omokoroa Road.	There is a project in 2019/20 to progress the urbanisation of Omokoroa Road, which will include upgraded car parking at Western Ave. Omokoroa Community Board has approved the construction of a new path to link the car park to the existing footpath on Western Ave. This will aid access from Western Ave into the skate path.

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community


 Existing no parking-broken yellow lines  
 Public vehicle stand  
 Bus stand  
 Taxi stand



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Email: [gis@westernbay.govt.nz](mailto:gis@westernbay.govt.nz)  
 Date: 7/15/2019  
 Operator: mlb  
 Map: E:\Shape\MLB\2019\Projects\Fairhaven School Parking Options.aprx

Scale A4 -1:1,000  
 0 5 10 20 30 40 50 Meters




Traffic and Parking Enforcement Bylaw 2008  
 Existing No-Parking (Broken Yellow) Lines  
 Vicinity Fairhaven School

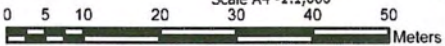


-  Existing no parking-broken yellow lines
-  No Parking lines
-  To be added
-  To be removed
-  Public vehicle stand
-  Bus stand
-  Taxi stand



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Email: [gis@westembay.govt.nz](mailto:gis@westembay.govt.nz) Scale A4 - 1:1,000  
 Date: 7/15/2019  
 Operator: mlb  
 Map: E:\Shape\MLB\2019\Projects\Fairhaven School Parking Options.aprx




Traffic and Parking Enforcement Bylaw 2008  
 No-Parking (Broken Yellow) Lines to be removed  
 Vicinity Fairhaven School



## Western Bay of Plenty District Council

### Policy Committee

## Adoption of the Draft Water Supply System Bylaw 2020 for Public Consultation

### Purpose

The purpose of this report is to provide the Committee with the draft Water Supply System Bylaw 2020, to consider to adopt for public consultation.

### Recommendations

1. ***THAT the Policy Analyst report dated 3 July 2019 and titled "Adoption of the Draft Water Supply System Bylaw 2020 for Public Consultation" 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 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 Water Supply System Bylaw 2020, the accompanying statement of proposal, and feedback form as appended to this report are released for consultation pursuant to s156 of the Local Government Act 2002, from early February to early March 2020.***



Simon Stewart  
Policy Analyst

## 1. Background

The Water Supply System Bylaw 2008 is due for statutory review by 26 June 2020 to avoid it lapsing. The Bylaw covers matters relating to Council's water supply system, with the key purpose of preserving and protecting Council's water supply and to protect public health. It also sets out the conditions of supply and the obligations of consumers. Terms and conditions sit alongside the bylaw, which act as the individual supply agreement between Council and each customer.

Scoping work on the bylaw review commenced in September 2017. A key change sought was to require new rural connections to install a water tank storage system, although this was best addressed through the Terms and Conditions for the Supply of Water. There were also other more minor technical issues to be addressed in the bylaw itself, but this was deferred until district wide water metering was completed and in anticipation of any changes to water supply legislation from central Government.

Based on this direction, the Terms and Conditions for the Supply of Water were amended on 13 December 2018, by council resolution publically notified. As a result of the changes, new connections to Council's water supply in the rural zones must now include a water tank storage system, and will be connected to a controlled flow supply. This came into effect on 1 May 2019.

The purpose of this paper is to progress the review of the bylaw itself (not the Terms and Conditions). The draft Water Supply System Bylaw, a statement of proposal and a feedback form have been prepared to enable consultation to take place between early February 2020 and early March 2020.

## 2. Proposed changes to the Water Supply System Bylaw 2008

There are limited changes proposed in the draft bylaw, as it considered that the operative bylaw is generally fit for purpose and that this review is largely procedural to ensure that the bylaw does not lapse. The two main areas of change proposed in the draft Water Supply System Bylaw 2020 are:

- **Minor editorial changes:** Updating references, renumbering and other editorial changes
- **Managing unexpected leaks:** To improve our ability to manage major leaks in the network, we are proposing that users cannot knowingly allow water to run to waste, with actions to be taken on identified leaks, and a responsibility to detect and fix leaks.

This includes managing deficient pipes (allowing us to give notices to fix), and additional responsibilities for the maintenance of private water services (which service multiple users from one large connection).

The draft bylaw with tracked changes is provided alongside this report.

### 3. Local Government Act 2002 s155

As part of reviewing bylaws, Council must make determinations required by s155 of the Local Government Act 2002 (LGA). Before deciding to proceed with a bylaw, 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<sup>1</sup> enables councils to implement and enforce bylaws for the purpose of managing, regulating against, and protecting water supply from damage, misuse, loss etc.

#### **Is a bylaw the appropriate means to deal with the problem?**

Council considers that a bylaw is the most appropriate tool to regulate, manage and protect the water supply network. The matters in this bylaw are of high importance to the community in terms of public health and safety, distress and nuisance to the community. 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 enables Council to regulate the supply of water 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 this bylaw is designed to minimise danger, distress and nuisance to the community and their property, and to maintain public health and safety. It is considered that the draft bylaws do not give rise to any implications under the Bill of Rights

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<sup>1</sup> Section 146(b) 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 low 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 principles of consultation under Section 82 of the Local Government Act 2002 apply to the proposed changes to the bylaw, as the proposed changes are of low significance under Council's Significance and Engagement Policy. It is proposed to use the Have Your Say website as an online platform, and to provide one day for verbal feedback at Council Chambers in March 2020.



## 6. Issues and Options Assessment

<b>Option A</b>	
<b>Adopt the draft Water Supply System Bylaw for consultation (early February early March 2020)</b>	
<b>Assessment of option for advantages and disadvantages taking a sustainable approach</b>	<p><u>Advantages:</u></p> <ul style="list-style-type: none"> <li>• Bylaw can be renewed in time before lapse date</li> <li>• Legislative and other references will be correct</li> <li>• Provisions for managing unexpected leaks will bolster the bylaw's ability to protect the network in terms of its ability to deliver water to all users</li> <li>• The community can provide feedback on the draft bylaw, and Council can elect to reconsider its position on any matters raised.</li> </ul>
<b>Costs (including present and future costs, direct, indirect and contingent costs) and cost effectiveness for households and businesses</b>	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
<b>Option B</b>	
<b>Adopt the draft Water Supply System Bylaw with no changes, for consultation</b>	
<b>Assessment of option for advantages and disadvantages taking a sustainable approach</b>	<p><u>Advantages:</u></p> <ul style="list-style-type: none"> <li>• Bylaw can be renewed in time before lapse date</li> </ul> <p><u>Disadvantages:</u></p> <ul style="list-style-type: none"> <li>• Legislative and other references will be incorrect and therefore potentially invalidate parts of the bylaw</li> </ul>
<b>Costs (including present and future costs, direct, indirect and contingent costs) and cost effectiveness for households and businesses</b>	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

## 7. Statutory Compliance

The recommendations of this report ensure Council complies with Local Government Act 2002 requirements for reviewing its Water Supply System Bylaw 2008.

The draft bylaw will be subject to consultation to ensure that Council is complying with its obligations to seek community views on proposals of significance.

A media release will be published on the proposed bylaw changes, alongside a notice on Council's website and district updates, to raise community awareness that the period for feedback is open.

## 8. Funding/Budget Implications

<b>Budget Funding Information</b>	<b>Relevant Detail</b>
<b>Bylaw budget</b>	Ongoing budget for bylaw reviews. This bylaw review can be managed within existing staffing and budgets.



*Western Bay of Plenty  
District Council*

## Draft Water Supply System Bylaw 2019

# Statement of Proposal

## Introduction

Western Bay of Plenty District Council is reviewing its Water Supply System Bylaw 2008 and is seeking your views on the proposed changes. The Water Supply System Bylaw 2008 is due for statutory review by 26 June 2020.

This bylaw covers matters relating to Council's water supply system. Its key purpose is to preserve and protect Council's water supply and to protect public health. It also sets out the conditions of supply and the obligations of consumers.

In reviewing the Water Supply System Bylaw, we've identified some minor changes that could be made to help add to the security of our water supply network.

This Statement of Proposal summarises the proposed changes to the bylaw.

## Reasons for the proposal

The current Water Supply System 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 two year grace period), otherwise the bylaw 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
- Update legislation and bylaw references (editorial changes).

## Summary of proposed changes

There are limited changes proposed in the draft bylaw, as it considered that the operative bylaw is generally fit for purpose and that this review is largely procedural to ensure that the bylaw does not lapse. The main areas of change proposed in the Water Supply System Bylaw are:

- **Manage unexpected leaks:** To improve our ability to manage major leaks in the network, we are proposing that users cannot knowingly allow water to run to waste, with actions to be taken on identified leaks, and a responsibility to detect and fix leaks.

This includes managing deficient pipes (allowing us to give notices to fix), and additional responsibilities for the maintenance of private water services (which service multiple users from one large connection).

- **Editorial changes:** Updating legislation references, incorporating recent bylaw changes, and incorporating recent changes with the Terms and Conditions of water supply

The draft bylaw with tracked changes is provided alongside 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 for the purpose of managing, regulating against, and protecting water supply from damage, misuse, loss etc.

### Is a bylaw the appropriate means to deal with the problem?

Council considers that a bylaw is the most appropriate tool to regulate, manage and protect the water supply network. The matters in this bylaw are of high importance to the community in terms of public health and safety, distress and nuisance to the community. 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 enables Council to regulate the supply of water 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 this bylaw is designed to minimise danger, distress and nuisance to the community and their property, and to maintain public health and safety. 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 XXXXX March 2020

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: *Water Supply System Bylaw 2008 Review, Western Bay of Plenty District Council, Private Bag 12803, Tauranga 3143.*
- Emailing it to: [haveyoursay@westernbay.govt.nz](mailto: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
  - The Centre – Patuki Manawa. Katikati Library, Service Centre and Community Hub, 21 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 a question on the key changes we are consulting on, and ask for your opinion on it.

You may also wish to comment on specific the clause(s) of the draft 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 email [haveyoursay@westernbay.govt.nz](mailto:haveyoursay@westernbay.govt.nz) or phone 07 571 8008.

## Review Timeframes:

- Period for feedback opens: XX February 2020
- Period for feedback closes: XX March 2020
- Council adopts final bylaw: [Date to be confirmed]
- Bylaw becomes effective: [Date to be confirmed]

## Water Supply System Bylaw review

### FAQ:

1. Why is this bylaw being reviewed?

The current Water Supply System 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 bylaw will lapse.

The reasons for reviewing the bylaws is 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
- Update legislation and bylaw references (editorial changes).

2. What changes are proposed?

The main areas of change proposed in the Water Supply System Bylaw are:

- **Manage unexpected leaks:** To improve our ability to manage major leaks in the network, we are proposing that users cannot knowingly allow water to run to waste, with actions to be taken on identified leaks, and a responsibility to detect and fix leaks.

This includes managing deficient pipes (allowing us to give notices to fix), and additional responsibilities for the maintenance of private water services (which service multiple users from one large connection).

- **Editorial changes:** Updating legislation references, incorporating recent bylaw changes, and incorporating recent changes with the Terms and Conditions of water supply

3. Why does Council need to enforce managing water leaks? Isn't it up to the owner to manage leaks or otherwise face a large water bill?

The current bylaw has no 'deeming provisions', which would deem any leak beyond the supply point (as in, within the private property) as being the responsibility of the owner. That means we can't effectively prosecute anyone with extremely large leaks that affect our water supply system.

While this has been fixed in the Terms and Conditions, we're also proposing to beef up the wording around leaks in the bylaw as well.

With these changes, it will still be up to individual owners to fix leaks, but if they're not fixed and they're causing a drop in water service for everyone else, then we can do something about it.

4. Will these changes affect my water rates?

No. The changes only affect Council's ability to manage leaks. Water rates is being reviewed in a separate process later in 2020.

5. When is this proposed to be implemented?

Council will consider all feedback received on the proposed changes to the bylaw and make any necessary amendments. It is anticipated that Council will make a decision on the bylaw in mid-June 2020. The bylaw must be adopted by 26 June 2020 to avoid lapsing.





## Have your say on the future of your District



### Western Bay of Plenty District Council

FEEDBACK FORM

#### - Draft Water Supply System Bylaw

We appreciate you taking the time to let us know what you think about our draft Water Supply System Bylaw. Please read the statement of proposal and draft Bylaw available at any of our service centres or at [haveyoursay.westernbay.govt.nz](http://haveyoursay.westernbay.govt.nz) and then let us know what you think!

Visit [haveyoursay.westernbay.govt.nz](http://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 Barkes Corner
- Email it to [haveyoursay@westernbay.govt.nz](mailto:haveyoursay@westernbay.govt.nz)
- Mail it to: Water Supply System 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, XXXX March 2020**

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. Taking action on known leaks:

Major water leaks can have a large impact on our water supply network, by reducing overall pressure and consuming our supply. We are proposing to add rules found in other bylaws around the country, which allow us to manage leaks where the owner is knowingly allowing the water to run to waste.

- Option 1 I **agree** with the proposed changes
- Option 2 I **do not agree** with the proposed changes
- Option 3 Other (please comment below)

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### 2. Maintenance on private water services (connected to Council's supply):

We are proposing to add a section found in other bylaws around the country, which manage private water services that connect to our water supply system. This includes additional responsibilities for the maintenance of private water services which service multiple users from one large connection (generally more than 25 connections).

- 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)

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Continued on the following page

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







# **Draft Water Supply System Bylaw** **20082020**

## **Explanatory Note**

This Bylaw covers matters dealing with the Western Bay of Plenty District water supply system. In general it does not include matters which are covered in existing legislation or regulations relating to the supply of water.

The Council's Terms and Conditions for the Supply of Water, which define the responsibilities of various classes of consumer receiving service from Council's water supply system, are complementary to and should be read in conjunction with this Bylaw, but they do not form part of this Bylaw.

This Bylaw is made under the authority of the Local Government Act 2002 and the Health Act 1956.



**Western Bay of Plenty District Council**

**Water Supply System Bylaw ~~2008~~2020**

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## Western Bay of Plenty District Council

# **Draft Water Supply System Bylaw ~~2008~~2020**

## **Authority**

Pursuant to the powers vested in it under sections 145 and 146 of the Local Government Act 2002, and by sections 23 and 64 of the Health Act 1956, the Western Bay of Plenty District Council makes this Bylaw.

## **Title**

This Bylaw is the Western Bay of Plenty District Council Water Supply System Bylaw ~~2008~~2020. It comes into force on ~~1 July 2008~~ xx xxxx 2020.

## **Repeal**

At the coming into force of this Bylaw, the Western Bay of Plenty District Council Water Supply System Bylaw ~~2000-2008~~ is repealed.

## **Scope**

This Bylaw covers matters dealing with the Western Bay of Plenty District water supply system. In general it does not include matters which are covered in existing legislation or regulations relating to the supply of water.

The Council's Terms and Conditions for the Supply of Water, which define the responsibilities of various classes of consumer receiving service from Council's water supply system, are complementary to and should be read in conjunction with this Bylaw, but they do not form part of this Bylaw.

## **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 Water Supply Services Bylaw 2000 and 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 Water Supply Services Bylaw [2000-2008](#) 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 the bylaw had not been revoked.

### **Application of General Bylaw, Chapter 1**

~~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 into and form part of this Bylaw.~~





## Definitions

The definitions in the ~~Western Bay of Plenty District Council General Bylaw 2008, Chapter 1 Introduction~~ apply to this Bylaw unless otherwise provided in the Bylaw. For the purposes of this Bylaw and unless inconsistent with the context, the following definitions apply:

<b>Air Gap Separation</b>	means a minimum vertical air gap between the outlet of the water supply fitting which fills a storage tank, and the highest overflow water level of that storage tank.
<b><u>Authorised Officer</u></b>	<u>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</u>
<b>Backflow</b>	means a flow of water or other liquid through any service pipe or supply pipe in reverse direction to the normal supply flow.
<b><u>Chief Executive</u></b>	<u>means the person appointed as the chief executive of the Council under the Local Government Act 2002</u>
<b>Controlled Catchment Area</b>	means an area under the control of the Council, to which the public and domestic animals are prohibited from entry, and from which waters are drawn for a public water supply.
<b><u>Council</u></b>	<u>means the Western Bay of Plenty District Council</u>
<b>Customer/Consumer</b>	means a person who uses or has obtained the right to use or direct the manner of use of water supplied by the Council to any premises.
<b>Customer Service Agreement</b>	means the document signed by the customer as accepting the Terms and Conditions for the supply of water provided by the Council to the customer's premises.
<b>Disconnection</b>	means the physical cutting off of the supply to a premises.
<b><u>Dwelling or dwellinghouse</u></b>	<u>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</u>



<b>Extraordinary Supply</b>	<p><u>habitation and includes the land appurtenant to a dwelling</u></p> <p>means water supplied for any purpose other than an ordinary supply, <u>including –</u></p> <p>(i) <u>A domestic spa or swimming pool in excess of 10m<sup>3</sup> capacity;</u></p> <p>(ii) <u>Commercial, industrial and business purposes;</u></p> <p>(iii) <u>Fire protection systems;</u></p> <p>(iv) <u>Out of district supply;</u></p> <p>(v) <u>Temporary supply;</u></p> <p>(vi) <u>Horticulture irrigation and/or frost protection;</u></p> <p>(vii) <u>Properties over 0.5ha in size;</u></p> <p>(viii) <u>Or any other supply specifically approved by Council.:-</u></p>
<b>Level of Service</b>	means the performance standards for the supply of water as Council may determine from time to time.
<b>Meter</b>	<u>includes any device or apparatus for measuring flow.</u>
<b>Occupier</b>	<u>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.</u>
<b>On Demand Supply</b>	means a supply of water which is available on demand directly from the point of supply subject to an agreed level of service.
<b>Ordinary Supply</b>	means a supply of water to a customer which is used solely for domestic purposes in a dwellinghouse.
<b>Owner</b>	<u>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.</u>
<b>Point of Supply</b>	means the point on the service pipe which marks the boundary of responsibility between the Council and the customer.
<b>Private Water Supply Network</b>	<u>means a drinking water supply that is used to supply drinking water to 25 or more people for at least 60 days per year</u>



<b>Potable</b>	means water that does not contain or exhibit any <del>determinands</del> <u>determinants</u> to any extent that maximum acceptable values (other than aesthetic guideline values) specified in the Drinking Water Standards for New Zealand 2005 ( <u>revised 2008</u> ).
<b>Premises</b>	includes – <ul style="list-style-type: none"> <li>(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; <del>;</del> or</li> <li>(b) Any building or any part thereof used or intended to be used exclusively or principally as the residence of one household; <del>;</del> or</li> <li>(c) Land held in public ownership (e.g. reserve) for a particular purpose.</li> </ul>
<b>Public notice</b>	<u>has the meaning assigned to that term in section 5(1) of the Local Government Act 2002</u>
<b>Ranger</b>	means that person responsible for the management of a Council controlled catchment area or water reserve.
<b>Restricted Flow Supply</b>	means a small continuous flow of water supplied by a flow control device across an air gap separation.
<b>Restrictor</b>	means a control device fitted to the service pipe to regulate the flow of water to a customer's premises.
<b>Schedule of Rates and Charges</b>	means the list of items, terms and prices for services associated with the supply of water as approved by the Council from time to time.
<b>Service Pipe</b>	means that <del>s</del> Section of the pipe conveying water from the Street main to the consumer's Premises, which lies between the main and a point 250mm distant from the consumer's property and includes – <ul style="list-style-type: none"> <li>(d) The ferrule or stoptap at the junction of the service pipe with the main;</li> <li>(e) Any stoptap fitted at the end of the service pipe; and</li> <li>(f) Any stoptap fitted on the service pipe between the end thereof and the main. This section of pipe is owned and maintained by the Council.</li> </ul>
<b>Stop Tap</b>	includes stopcock, stopvalve, and any other device for stopping at will the flow of water in a line of pipes.



<b>Storage Tank</b>	means any tank, other than a flushing cistern having a free water surface under atmospheric pressure to which water is supplied across an air gap separation.
<b>Supply Pipe</b>	means that section of pipe between the point of supply and the customer's premises through which water is conveyed to the premises. This section of pipe is owned and maintained by the customer.
<b>Unit</b>	means the basis of measurement for a restricted flow supply where one unit equals a volume of 1.0m <sup>3</sup> /day.
<b><u>Writing or Written</u></b>	<u>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</u>

## 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~~ [date] 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~~ [date].

~~The Common Seal of the Western Bay of Plenty District Council was affixed pursuant to a resolution of the Council on 28 June 2008 [date] in the presence of:~~

\_\_\_\_\_  
~~Chief Executive Officer~~ \_\_\_\_\_ ~~Seal~~

\_\_\_\_\_  
 \_\_\_\_\_  
 Date



## Western Bay of Plenty District Council

# Water Supply System Bylaw

## 1. Introduction

This Bylaw covers matters relating to the Western Bay of Plenty District Council's water supply system.

### Objective

The purpose of this Bylaw is to preserve and protect Council's water supply and to protect public health.

### Policy

The Council is under no obligation to provide a greater supply of water than what is considered, by an [a](#)Authorised [e](#)Officer, to be a reasonable supply.

## 2. Council Operating Procedures

2.1 The Council may from time to time, by ordinary resolution –

adopt system operating procedures to protect the water supply from damage and contamination;

set the terms and conditions relating to the supply of water to the various classes of consumer receiving water from Council's water supply system.

set charges (including a minimum charge) for the ordinary and extraordinary supply of water whether by meter or otherwise.

2.2 Any consumer being supplied with water from Council's water supply system must sign a Customer Service Agreement and at all times comply with the Council's operative Terms and Conditions for the Supply of Water as from time to time fixed by resolution of Council.



- 2.3 Council may, from time to time, by way of an ordinary resolution amend, extend, rescind or vary any resolution made in accordance with the provisions of clause 2.1.
- 2.4 The Council may make and levy charges in respect of the ordinary supply of water according to the quantity of water consumed by any person receiving the same as measured by meter or other device, or from time to time fix charges for the ordinary or extraordinary supply of water, or as may be agreed on with any person receiving the supply of water.

### **3. Conditions of Supply**

For on demand supplies, (a supply which is available on demand directly from the point of supply subject to a level of service as Council may determine from time to time), there are two types of supply defined as:

(a) Ordinary Supply

The supply of water to a consumer which is used solely for domestic purposes in a dwelling/ house is an ordinary supply. Domestic purposes includes the use of a hose for:

- (i) washing down a car, boat, trailer, or similar domestic based equipment;
- (ii) garden watering by hand;
- (iii) garden watering by any sprinkler or irrigation system.

(b) Extraordinary Supply

Water supplied for any purpose other than ordinary supply is an extraordinary supply and may be subject to specific conditions and limitations. Such purposes include water used for –

- (iv) a domestic spa or swimming pool in excess of 10m<sup>3</sup> capacity;
- (v) commercial, industrial and business purposes;
- (vi) fire protection systems;

- (vii) out of district supply;
- (viii) temporary supply;
- (ix) horticulture irrigation and/ or frost protection;
- (x) properties over 0.5 ha in size;
- (xi) any other supply specifically approved by Council.

An extraordinary water supply will normally be metered.

(c) Where circumstances justify such action the Council may, giving written notice where possible, restrict or stop the water supply to extraordinary customers if required to maintain ordinary supplies and protect public health and safety.

## 4. On Demand Supply Entitlement

- 4.1 Every property or allotment on which may be sited one or more dwellings is entitled to an ordinary supply of water subject to –
- (a) the property or allotment being within an area served by a public water supply;
  - (b) the exclusion of its use for garden watering or any other specified use under any water use restrictions imposed by the Council from time to time;
  - (c) payment of the appropriate charges in respect of that property;
  - (d) compliance with the operative Council's Terms and Conditions for the Supply of Water ~~dated 13 December 2018~~; and
  - (e) payment of any other charges or costs associated with subdivisional development.
- 4.2 The Council is under no obligation to provide an extraordinary supply of water as defined in this bylaw.
- 4.3 Change of Ownership



In the event of a premises changing ownership the Council will automatically record the new owner as being the customer at that premises. Where a premises is metered the outgoing customer will give the Council seven working days notice to arrange a final reading.

## **5. Water Meters and Flow Restrictors**

### **5.1 Installation of Meters**

5.1.1 The Council will measure and charge for the volume of water used by commercial/ industrial premises and properties over 0.5 ha in size, additional to a reduced separate rate and will –

- (a) install water meters or other measuring devices for that purpose; and

charge the consumer according to the quantity of water consumed.

The Council may by resolution apply metered water charges to other classes of consumer

5.1.2 The charges to be made in respect to such consumption are the amounts which Council by resolution determines for each class of consumer.

5.1.3 Meters for on demand or other metered water supplies, and restrictors for restricted flow supplies, will be supplied, installed and maintained by Council.

These devices will remain the property of the Council and will be installed in the location required by Council.

5.1.4 Where an on demand water supply is provided Council may fit a meter and charge accordingly.

### **5.2 Existing Meters**

5.2.1 Any meter which was installed by the consumer prior to the coming into force of this Bylaw must continue to be maintained by the consumer until, in the opinion of the Council, it is no longer fit for use at which point it will be replaced by a new meter to be paid for by the consumer.





- 5.2.2 No branch fitting may be connected to the service pipe between the water main and the meter, with the exception of a fire fighting supply bypass, unless approved in writing by Council.

## **6. Continuity of Supply**

### **6.1 No Guarantee of Uninterrupted Supply**

- (a) The Council does not guarantee an uninterrupted supply of water, whether in cases of ordinary or extraordinary supply, and no allowance or compensation will be made or allowed on account of the water being shut off, whether for the purpose of laying mains, effecting repairs, attaching new services, or for any other purpose or reason whatsoever.

### **6.2 Prohibiting or Restricting Use of Water**

- (a) The Council may at any time, by resolution publicly notified, and until a further public notice of the rescission of such resolution has been given, restrict or prohibit the use of water for one or more purposes.

- (b) It is an offence against this Part of this Bylaw for any person to use water in the manner so restricted or prohibited in the public notice given under this clause.

- (c) If at any time the Council considers that because of drought or for any other reason the available water supply is not sufficient to allow the unrestricted consumption of water, and that extraordinary measures are necessary in order to conserve the available water supply, the Council may, by resolution publicly notified, and until public notice of the rescission of such resolution has been given, restrict or prohibit the use of water, whether an ordinary or extraordinary supply, for any specified purpose or for any specified period, or may restrict the quantity which may be used. Any such restriction or prohibition may apply to the whole of the District, a portion only of the District or, if the circumstances so require, individual properties.

- (d) Where a restriction or prohibition applies to individual properties, the occupier will be asked, in writing where possible, to restrict their consumption to essential use only, without creating insanitary conditions.

### **6.3 Restricting Water in other circumstances**



The flow of water supplied to any customer may be restricted by the Council in the event of the customer –

- (a) failing to pay the appropriate charges by the due date;
- (b) failing to repair a leak, or wilfully allowing water to run to waste or be misused;
- (c) wilfully interfering with the Council supply system or equipment;
- (d) failing to fit quick-closing valves, non return valves or other protective devices which Council may require to be fitted to protect the water supply system;
- (e) failing to fully comply with the requirements of the Council's terms and conditions relating to the supply of water.

#### 6.4 Emergency

- (a) Natural hazards (such as floods, droughts, volcanic eruptions or earthquakes) or accidents which result in disruptions to the supply of water, are an emergency and are exempted from any agreed level of service requirements.
- (b) During an emergency the Council may restrict or prohibit the use of water for any specified purpose, for any specified period, and for any or all of its customers. If it is practicable to do so Council will publicly notify any restrictions imposed during an emergency. The decision to make and lift restrictions will be made by the Council, or where immediate action is required, by the Chief Executive Officer of the Council subject to that decision being ratified by the Council later.

#### 6.5 Scheduled Maintenance and Repair

- (a) The Council will make every reasonable attempt to notify the customer of a scheduled maintenance shutdown of the supply before the work commences, but where immediate action is required, and it is not possible to notify the customer of the interruption to service, Council may shutdown the supply without notice.



## 10 7. Appropriate Use and Prevention of Wastage

7.1 The customer may not use water or water pressure directly from the supply for driving lifts, machinery, eductors, generators, condensers or any other similar device, unless specifically approved.

7.2 The customer must not knowingly allow –

(a) Water to run to waste from any pipe, tap or fitting;

(b) Leaks to continue unchecked or unrepaired or allow the unattended operation of hoses;

(c) The condition of the plumbing within premises to deteriorate to the point where leakage or wastage occurs or contamination of water supply occurs or is likely to occur.

7.3 Where the Council serves a notice on a Customer requiring action to be taken to repair an identified leak and the Customer fails to take such action within the required time period, the Council may repair the leak and charge the customer all associated costs of doing so from the owner of a premises, the occupier, or both.

The Customer shall not use water for a single pass cooling system or to dilute trade waste prior to disposal, unless a permit for such use has first been obtained from the Council

7.4 Leaks

It is the Customer's responsibility to detect and fix all leaks from taps and pipes, to stop overflows from cisterns, hot water cylinder exhausts or stock troughs.

(a) There will be no relief available if the leak is from fixtures easily seen, e.g. leaking taps, overflowing cisterns, hot water cylinders, exhausts in stock trough.

(b) Relief is available for the following undetected leaks:

(i) Leak in an underground pipe or fitting under the house. No relief will be given for the second time, because it indicates a faulty system.

(ii) Leak within the meter box repaired by the Council or its contractor.

(iii) The Council reserves the right to approve relief at its sole discretion.



- (c) Half of the excess charges on water accounts (measured over the last two bills) caused by undetected leaks may be remitted where all of the following circumstances exist:
- (i) There has been a substantial excess water usage over 50% of the average use over the last two bills; and
  - (ii) The water usage was from an undetected leak (site inspected and viewed by the Council); and
  - (iii) A plumber's account is produced by the Customer for the repairs to the water leak.
  - (iv) If the repair has been made by the property owner (not plumber) a statutory declaration must be completed and repairs inspected by the Council.
- (d) In considering remissions of excess charges on water accounts caused by undetected leaks, the Council has to be satisfied that:
- (i) The leak has been fixed: Proof will be required to show that the leak was fixed to the satisfaction of the Council.
  - (ii) The leak will not reoccur: The Council may require a site assessment to determine the adequacy of the system and identify

## **11 8. Backflow Prevention**

- 8.1 It is the customer's responsibility (under the Building Act 2004, and the Health (~~Drinking Water~~) Amendment Act 2007<sup>1956</sup>), to take all necessary measures on the customer's side of the point of supply to prevent water which has been drawn from the Council's water supply from returning to that supply.
- 8.2 Customers with supplies serving premises not covered by the Building Act and the New Zealand Building Code, eg stock or horticultural water supplies, must comply with the relevant sections of the Health (Drinking Water) Amendment Act 2007 regarding protection of potable water.

## **12 9. Supply System**

- 9.1 No Person to Connect to System
- (a) No person, other than the authorised agents of the Council, may without written approval, make any connection to or otherwise interfere with any part of the water supply system.



## 9.2 Fire Hydrants

(a) The right to gain access to, and draw water from, fire hydrants is restricted to:

- i. The Council or its agents, specifically authorised to do so;
- ii. Fire Service personnel;
- iii. Water abstraction permit holders during the period for which the permit has been issued.

(b) Without prejudice to other remedies available, the Council may remove and hold any equipment used by an offender to gain access to, or draw water from, a fire hydrant.

# 13 10. Protection of Supply

## 10.1 Entry to Controlled Catchments

Controlled Catchment areas include the area in the immediate vicinity of Council's groundwater well sites.

Areas within Western Bay of Plenty District Council where catchment land is owned by a neighbouring authority (Tauranga City Council), the obligations under the clause required by Western Bay of Plenty District Council are also required by the neighbouring authority (Tauranga City Council)

### ~~10.1.1~~ Entry

(a) No person may enter any Controlled Catchment area, or any area held by the Council as a water reserve, unless that person has been specifically authorised in writing by the Council to enter the area.

(b) Within a Controlled Catchment area, or an area held by the Council as a water reserve, no person shall:

- i. Camp;
- ii. Allow any livestock to enter or stray;
- iii. Bathe or wash any thing;



- iv. Deposit any dirt, rubbish, or foul material of any kind;
- v. Defecate (unless buried away from any watercourse to a depth of not less than 150mm).

## **10.2 Private Water Supply Network - Maintenance Responsibilities**

10.2.1 The following provisions shall apply only to Private Water Supply Networks which receive water from Council's Water Supply System:

10.2.2 In any system of piping supplied with water by Council, no direct connection with any other sources of supply of water shall be made.

10.2.3 The construction, maintenance and renewal of any element of a Private Water Supply Network shall be the responsibility of the owner(s) or occupier(s) of the premises served by those services.

10.2.4 Where there is significant leakage from any private water supply pipe the owner(s) or occupier(s) of the premises served by these services shall remedy the leakage immediately.

10.2.5 If immediate arrangements are not made to remedy the leakage Council may serve notice on all owners or occupiers of the premises to have the leakage remedied within twenty four (24) hours of the issue of that notice.

10.2.6 Note that any Private Water Supply Network must comply with the relevant sections of the Health Act 1956 and the Drinking Water Standards 2008 (as amended)

### **10.2.10.3 Permits**

~~10.2.1~~10.3.1 Entry permits issued by the Council may forbid, regulate or control the following activities:

- (a) Hunting, trapping, shooting or fishing;
- (b) Lighting or maintaining any fire;
- (c) Taking any dog;



(d) Damaging or destroying any trees, shrubs, or other existing cover, or interference with any property;

(e) Carrying of any firearm or weapon of any kind, any trap or any fishing gear which may be used for the hunting or catching of birds, fish or animals; or

(f) Use of any pesticide or toxic substances for any purpose whatsoever.

~~10.2.2~~10.3.2 As a condition of entry into a Controlled Catchment area the Council may require the applicant to present a medical clearance before an entry permit is issued.

~~10.2.3~~10.3.3 A fee is payable to the Council for any permit issued under this Bylaw as may from time to time be prescribed by Council resolution.

~~10.2.4~~10.3.4 Permits issued in accordance with the foregoing clause shall not be transferable.

#### ~~10.3~~10.4 **Permits to be Presented**

~~10.3.1~~10.4.1 No person to whom any permit has been issued may enter or leave any Controlled Catchment area, or land held by the Council as a water reserve, without notifying ~~the Council's an a~~ an Authorised ~~o~~ o Officer of his/her intention to enter or leave such area and must present the Council permit for inspection if requested to do so.

~~10.3.2~~10.4.2 The Council may at any time, by notice in writing delivered to the holder, revoke or suspend any such permit for such time as stated in the notice.

#### ~~10.4~~10.5 **Against Interference and Obstruction**

~~10.4.1~~10.5.1 In any Controlled Catchment area, or on any land held by the Council as a water reserve:

(a) No person whether holding any permit issued under the provisions of this part of this Bylaw or not (other than an ~~a~~ a Authorised ~~o~~ o Officer of the Council), may commit, or cause or permit to be committed, any act which may interfere with or be likely to interfere with the free and lawful exercise of any rights vested in any other person in any such area.

(b) Every person must, upon the request of the aAuthorized eOfficer or other officer of the Council, immediately leave the Controlled Catchment area, or land held by the Council as a water reserve, but is also liable to be prosecuted for the breach of any of the provisions of this Part of this Bylaw, and the failure to leave constitutes a further offence.

(c) No person may obstruct or hinder any officer of the Council in the exercise of any powers vested in that officer under the provisions of this Part of this Bylaw.

## 14 11. Spillages in Controlled Catchments

Any person within any catchment area (whether controlled or otherwise and whether holding an entry permit or not) who becomes aware of a spillage, or other event which has released or is likely to release hazardous substances into the waters of the catchment, must advise the Council of the details with due urgency. This requirement is in addition to any other obligation to notify other authorities of the spillage.

## 15 12. Breaches, Offences and Disputes

- 12.1 Any person offending against, contravening, or committing or permitting a breach of, any of the provisions of this Bylaw commits an offence.
- 12.2 Without prejudice to any of the provisions of this Bylaw, Council may pursue any legal remedies available to it pursuant to the provisions of the Local Government Act 2002 or any other act or regulation applicable to the supply of water.
- 12.3 In addition to any legal penalties arising from any breach, offence, or dispute Council may seek to recover all costs arising from and associated with any such breach, offence or dispute.