

# Huharua Park Reserve Management Plan Review



5 December 2012





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## 1.1 Purpose of the Reserve Management Plan

This Reserve Management Plan has been prepared under the provisions of the Reserves Act 1977 and reviews the original Plan adopted in August 2006. Owned jointly by Western Bay of Plenty District Council and Tauranga City Council, the Huharua Park was purchased as a passive harbourside reserve for the enjoyment of public in the wider sub region of Tauranga City and Western Bay of Plenty. Located within the Western Bay of Plenty District, the Park falls under the administration of the Western Bay of Plenty District Council, as the lead authority. It is acknowledged that as Tangata Whenua Pirirakau Hapu has played a major role in the development of Huharua Park from the initial purchase in 2004 to their on-going involvement including the recently completed Marae DIY Project. The significant cultural heritage values of the Park ensure the Councils will have an on going relationship with Pirirakau Hapu.

This Management Plan has been prepared under the provisions of the Reserves Act 1977 ('the Act'). Section 41 of 'the Act' states:

*"The Management Plan shall provide for and ensure the use, enjoyment, maintenance, protection and preservation, as the case may require, and, to the extent that the administering body's resources permit, the development, as appropriate, of the reserve for the purpose for which it is classified..."*

The Park is classified as a Recreation Reserve, Section 16 of the Reserves Act states that recreation reserves are areas provided:

*"For the recreation and sporting activities and the physical welfare and enjoyment of the public, and for the protection of the natural environment and beauty of the countryside, with emphasis on the retention of open spaces and on outdoor recreational activities..."*

The purpose of the August 2006 Reserve Management Plan was to provide a vision for the future development and management of Huharua Park, providing for the protection of the important natural and cultural values of the reserve whilst promoting community recreation

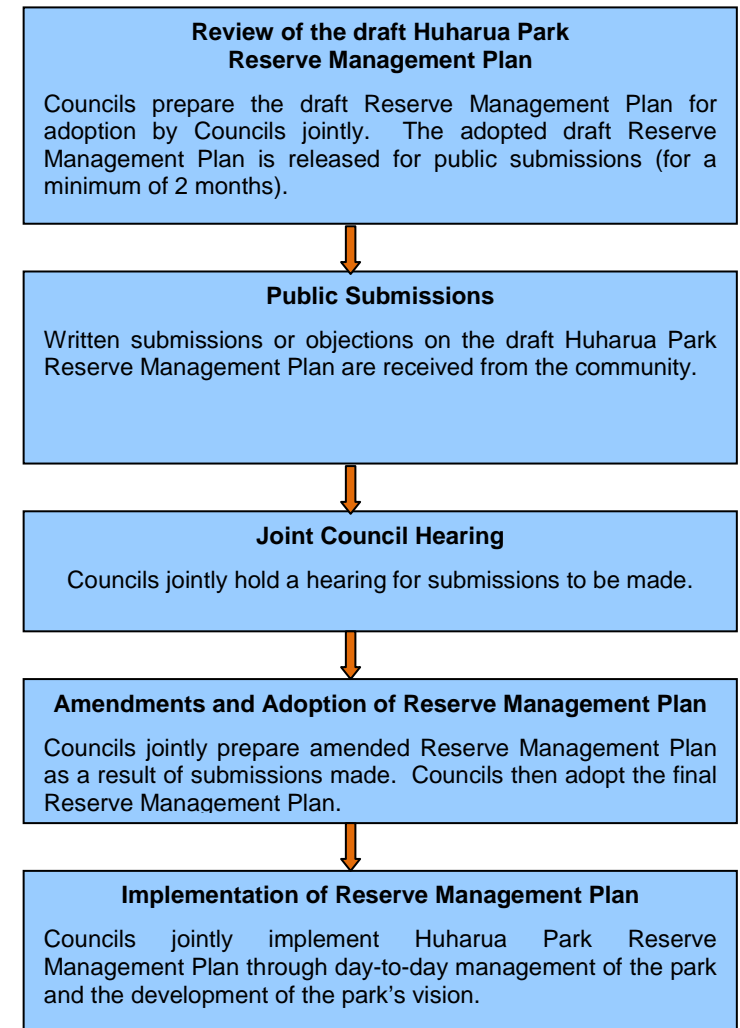
## 1.2 Reserve Management Plan Procedure

The procedure for reviewing a reserve management plan is set out in the Reserves Act 1977. This procedure is summarised in the flow diagram adjacent. During the adoption process of the Plan in 2006, the Councils Joint Hearings Committee made recommendations for changes to the Draft Reserve Management Plan at a Joint Hearing. The former Reserve Management Plan was adopted by both Tauranga City Council (21<sup>st</sup> August 2006) and Western Bay of Plenty District Council (20<sup>th</sup> July 2006). The current reviewed Plan was adopted by the Joint Hearings Committee on 5 December 2012 and by Tauranga City Council on 12 March 2013 and Western Bay of Plenty District Council on 12 March 2013.

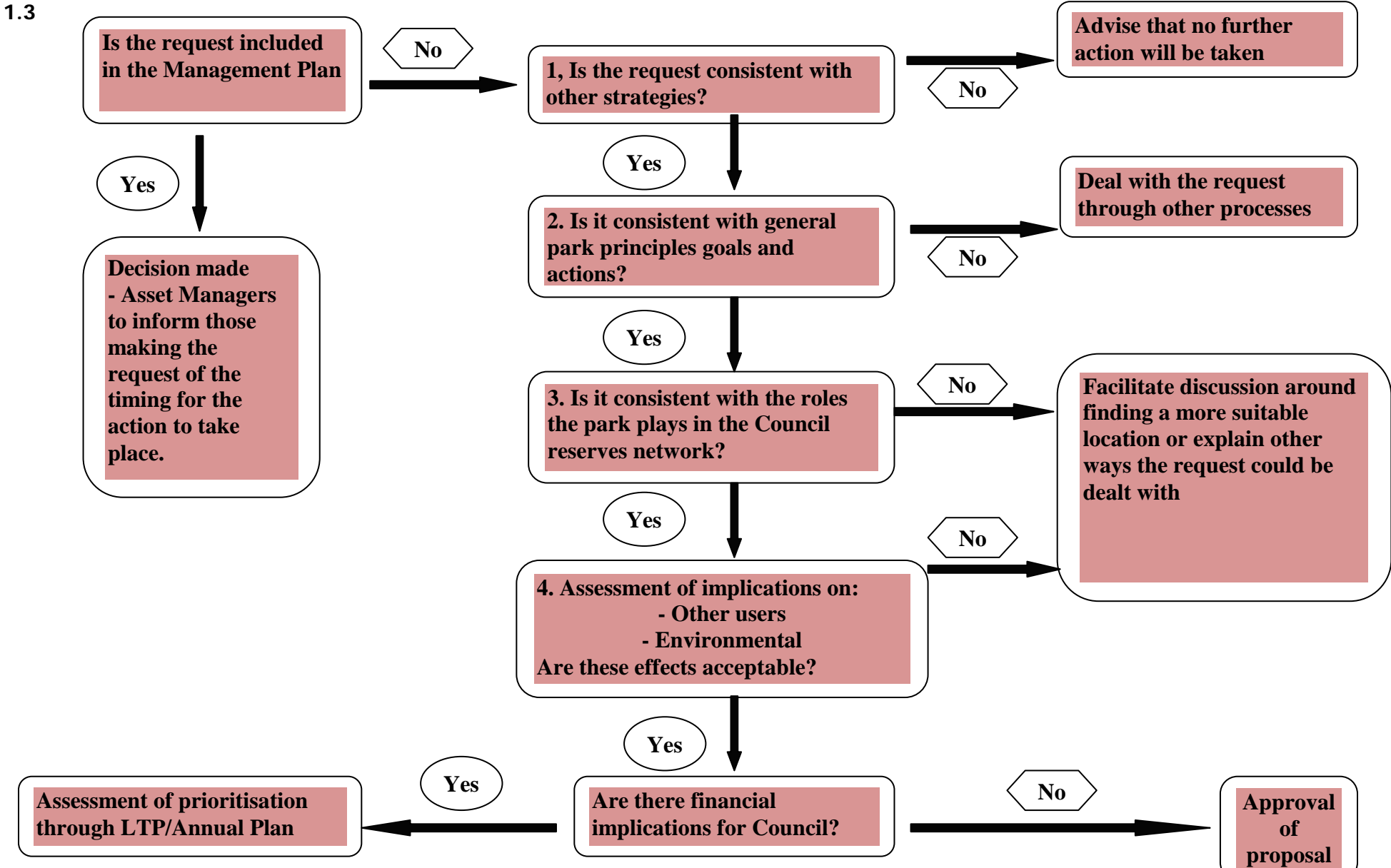
The Reserve Management Plan can be continuously under review to adapt to changing circumstances. A formal review including consultation should occur at 5 year intervals to ensure the Plan remains current. This review process is provided for within the Reserves Act 1977 and both Councils' Long Term Plans ('LTP').

The review followed a similar procedure to the original Plan preparation with an initial staff assessment of the current Plan and then a workshop with staff from both Councils. The former Concept Plan has been replaced with an updated version and includes proposed new developments for the Park.

The Reserve Management Plan then provides the direction for development and management of the Park. The following diagram details how requests are considered.



# Process for Consideration of Requests to Reserve Management Plan



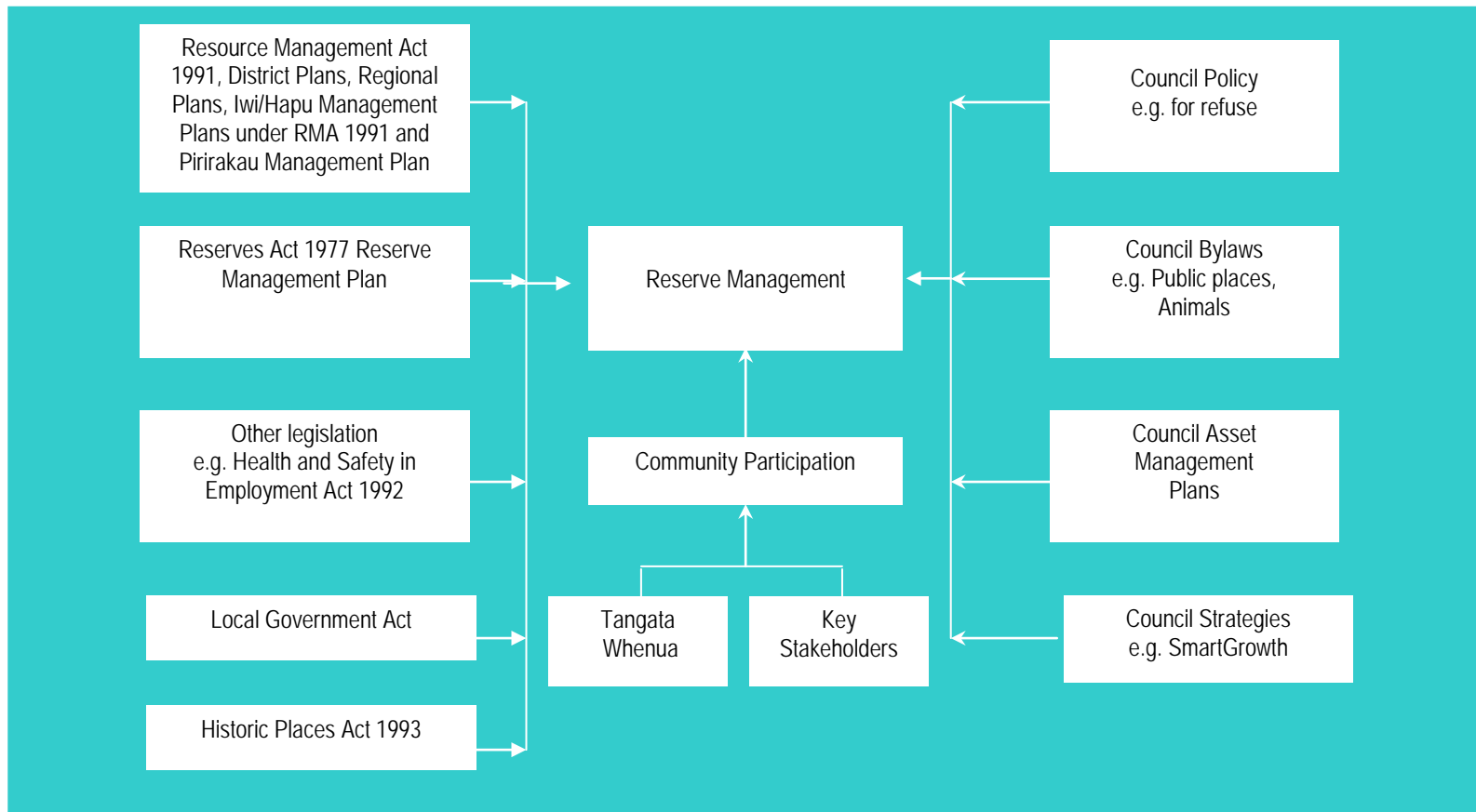
### 1.3 Statutory Context

This Reserve Management Plan will provide the direction for the ongoing day-to-day development and management of the Park. At the same time activities and the development of reserve land remain subject to other legislation, Council policy and bylaws. The Resource Management Act 1991 (RMA 1991) continues to be relevant and provides overall direction in terms of sustainable management. The District Plan, prepared under the provisions of the RMA 1991, provides objectives, policies and rules relevant to reserve management. The Reserve Management Plan must not be inconsistent with the RM Act or District Plan provisions. This Reserve Management Plan has been developed considering the following key Western Bay of Plenty District Council and Tauranga City Council documents:

o <b>SmartGrowth</b>	A 50-year growth management strategy (in conjunction with TCC, WBOPDC, EBOP and Tangata Whenua).
o <b>Tauranga Tomorrow (TCC)</b> o <b>SmartFuture (WBOP DC)</b>	The Community Outcomes Process – A process where Council and all other groups and organisations determine what is important to their community and how these values and goals can be maintained and achieved.
o <b>LTP's (WBOP DC and TCC)</b>	Long Term Plan – a plan that sets out Councils planning, priorities and finances for the next 10 years. Included within the LTP are <b>Activity Plans</b> , which set out what the activity does, its goals and the actions it will take to get to its goals.
o <b>Ward Reserve Management Plans</b>	An overall ward plan considering the reserves included within the entire ward. Although excluded from this plan, as a park located within the Kaimai ward, this Reserve Management Plan should consider the generic objectives and policies of the Ward Reserve Management Plans.

The following diagram details the statutory context for the Reserve Management Plan and the linkages to community consultation.

### Statutory Context for Reserve Management Plan and Functions the Council has Under Different Acts



## 1.4 How to Use this Reserve Management Plan

The structure of this Reserve Management Plan builds upon those statutory and strategic documents that provide the framework for the Plan. It has been structured to link to both Western Bay of Plenty District Council and Tauranga City Council related documents. The diagram shown on the previous page illustrates the structure of this Reserve Management Plan.

### **Vision**

The vision details the key themes and ideas for the Park and will guide the development and management of the Park to ensure the overall natural and cultural identity is recognised and maintained for the long term.

### **Issues and Opportunities**

Issues and opportunities have been identified to determine the process ahead for the development and management of the Park. Each of the issues and opportunities identified have been incorporated into the Goals, Objectives and Actions of this Reserve Management Plan.

### **Goals**

Goals provide key focus points for the development and management of the Park.

### **Objectives**

The objectives provide further definition of the identified goals and direction for management and development of the Park. Generic Ward objectives, detailed within the Western Bay of Plenty Ward Reserves Management Plans provide an overview and guidance for the reserve specific objectives and actions for the park.

### **Actions**

The actions provide for the implementation of the Reserve Management Plan for the Park.



## 2.0 Context

Easterly view of the Park 2006



Aerial Photograph of the Park May 2012



HUHARUA PARK

## 2.1 Location

Huharua Park is located at the end of Plummers Point Road, Te Puna. The Park covers the end of the Plummers Point peninsula and is bound by the Tauranga Harbour to the north, east and west and with kiwifruit orchards to the south.

Across the small wetland to the south of the Park, a newly developed subdivision is located within the old Plummers Point Campground and hot pools site. An esplanade reserve extending around the harbour margin of this subdivision and beyond connects to the park.

## 2.2 Legal Description and Classification

The legal description of Huharua Park is Lot 3 DP338691 comprising 8.7300 ha more or less (Refer to Appendix 1). Classified as a Recreation Reserve under the Reserves Act 1977, the following classification and purpose of Recreation Reserves applies to Huharua Park located at Plummers Point:

- Provide for recreation and sporting activities and the physical welfare and enjoyment of the public.
- Protect the natural environment and beauty of the locality and, in particular, to retain open spaces and outdoor recreational activities, including recreational walkways.
- Maintain the public's freedom of entry and access to the reserve (subject to the specific powers conferred on the administering body by Section 53 and 54 of the Reserves Act 1977, and any bylaws applying to the reserve, and to any conditions and restrictions that the administering body considers necessary for the protection and general well-being of the reserve and for the protection and control of the public using it).

- Protect those scenic, historic, archaeological, biological, geological or other scientific features or indigenous flora or fauna or wildlife present on the reserve, to the extent compatible with the principal (recreational) purpose of the reserve.
- Conserve those qualities of the reserve which contribute to the pleasantness, harmony, and cohesion of the natural environment, and to the better use and enjoyment of the reserve.
- Maintain the reserve's value as a soil, water, and vegetation conservation area, to the extent compatible with the principal (recreation) purpose of the reserve.

Recognised within the Park are key features of archaeological and cultural significance. Priority must be placed on conservation of these areas above those values associated with recreation, therefore the following classification and purpose associated with Historic Reserves are also applicable to the key archaeological sites (refer to WBOPDC Ward Reserves Management Plans).

- Protect and preserve in perpetuity places, objects, and natural features that are of historic, archaeological, cultural, educational or other special interest.
- Having regard to the general purpose of the reserve specified above, to administer and maintain the reserve so that:
  - The structures, objects and sites of historic significance illustrate with integrity the history of New Zealand;



- The public have freedom of entry and access to the reserve (subject to the specific powers conferred on the administering body by section 58 of the Reserves Act 1977 and any bylaws applying to the reserve and to any conditions and restrictions that the administering body considers necessary for the protection and general well-being of the reserve and for the protection and control of the public using it);
- Those scenic, biological, geological or other scientific features (including flora, fauna or wildlife) present on the reserve are managed and protected to the extent compatible with the principal or (historic) purpose of the reserve;
- To conserve those qualities of the reserve which contribute to the pleasantness, harmony, and cohesion of the natural environment, and to the better use and enjoyment of the reserve;
- To maintain the reserve's value as a soil, water, and vegetation conservation area to the extent compatible with the principal (historic) purpose of the reserve;
- Except where otherwise determined by the Minister of Conservation, the indigenous flora and fauna and natural environment are preserved.

The legal description of the property is Lot 3, DP 338691 (Computer Freehold Register 159487). The Reserve Gazette Notice No. 33, dated 6 April 2006 870 – Reserves Act 1977 – is the Declaration that land the is a Recreation Reserve.



## 2.3 Natural Physical Features



The Park landform is considered generally in four areas:

- The upper plateau area.
- The Pa site (within the upper plateau area). This also includes the adjacent Urupa.
- The lower spit area.
- The wetland area.

### Upper Plateau

Located some 14m above sea level, the upper plateau is located within the eastern and southern portions of the site. Prior to 2007, this area was a kiwifruit and avocado orchard. It has since been developed into a large open passive recreation space suitable for events. Infrastructure and facilities include the main entrance, car-park, public toilet, information kiosk, footpath & garden landscape to the Pa entrance and a concrete footpath to the lower wetland area.

The upper plateau is separated into two main areas by a Casuarina shelterbelt. A belt of re-vegetation (native species) has been established around the southern boundary and a small grove of citrus and avocado (from the original orchard) remain adjacent to the car-park. The northern embankment (which includes some mature eucalyptus trees and native species plantings) then drops to meet the lower spit and wetland areas.

### The Pa Site

Located at the highest point within the site, the pa site, known as Ongarahu Pa, is bounded by a large trench and mound fortifications and a steep escarpment that meets the Tauranga Harbour margin. The 1960's house driveway and shed has since been removed and the Pa landscape has been reinstated as an Atea, open space. The Pa now has a formal entrance "Whakaruruhau" structure, including a vehicle capable bridge crossing the main defensive trench into the Pa.

A manuka and timber palisade fence, including gates into the Urupa has been constructed for the full length on the southern edge of the trench. The cliff face escarpment edge (to the north) includes pohutukawa and large exotic tree species that provide a natural barrier to the edge of the cliff face. The cliff faces are prone to “shallow slope failure” erosion processes – a recent example is the landslip in front of the Urupa. Appropriate vegetation will be maintained to help minimise future landslips.

Within the trench and mound, vegetation comprises mainly native shrub species; Ponga, a large Puriri tree and some exotic garden species. Invasive species that once smothered the defensive trench have been removed and the palisade fence along the southern edge prevents access into it. The trench itself can be fully viewed and appreciated from the bridge.



Whakaruruhau and palisades  
protecting Ongarahu





**The Urupa** is immediately to the west of the pa site and north of the newly constructed palisade fence (access to the Urupa is restricted via the fence double gates). The Urupa includes an elevated open area along the escarpment edge, behind which includes a Walnut, Fig & Apple trees (from the original domestic orchard) and a small grove of Grapefruit. To the immediate north of this area the steep escarpment drops away to meet the Tauranga Harbour Margin. A large landslip occurred in November 2010 and the newly formed escarpment overhang was removed.

Vegetation along the harbour margin escarpment will be maintained to help minimise future landslips.

### **The Lower Spit**

Located at the North western portion of the Park, access to the spit is gained via a 3m wide vehicle track cut into the embankment face. The lower spit is now maintained as a grassed open passive recreation space including a wide grassed loop track around the salt-marsh. A small beach known as "Back Beach" is located along the northern seaward side, including stands of juvenile pohutukawa. The western promontory of the spit includes small sandy groins that support localised stands of mature pine species and two timber viewing platform/seating raft structures are located in prime viewing positions nearby. Along the southern edge of the spit, a small tidal salt marsh is established.



HU HARUA PARK



### The Wetland

To the south west of the upper plateau, a wetland forms part of the southern boundary of the site. Located within a natural depression, the wetland is sited along a small fresh water stream outlet that meets the Tauranga Harbour Margin. Plants within the wetland comprise Raupo and saltmarsh species. The embankment between the wetland and the upper plateau is now vegetated with native species. The concrete walkway from the upper plateau extends westward down the grassed knoll embankment to the wetland and harbour margin.



## 2.4 Historical Context

The following background material has been resourced from the Archaeological Assessment, May 2005 (Refer to Appendix 2).

*"Plummers Point was included in the Katikati Te Puna Purchase, negotiated by the Crown after the 1865 confiscation of a large area of land in the Tauranga district. With the exception of 106 acres of Maori Reserve (3 separate reserves of 50, 50 and 6 acres) the peninsula known as Plummers Point was alienated from Maori ownership in 1866. Plans were drawn up in 1865 for the Township of Te Puna (Stokes 1980:98) on the peninsula, allocated for military settlement, but this did not eventuate. The military settlers lost patience with the delays in survey and allocation of land, and moved away (Stokes 1980:108). A survey plan of 1886 shows a "native village" at the location of Huharua Pa, on the eastern side of the peninsula approximately 600 metres to the southeast of Ongarahu Pa, which is in the park. No other cultural places are marked within lot 225, which includes the area of the park." (Refer to Appendix 2)*

### The Pirirakau Rohe

Huharua Park is located within the rohe of the Pirirakau hapu. Pirirakau is a hapu of the Ngati Ranginui Iwi and are descendants of the Takitimu waka. The traditional Pirirakau boundaries extend from the Wairoa River on the east, to the Waipapa River to the west of Omokoroa, and from the Tauranga Harbour to the top of the Kaimai Range. The rohe includes Te Puna, The Minden, Plummers Point, Omokoroa and Whakamarama. Pirirakau has four Marae located at Te Puna and Omokoroa, they are: Tutereinga Poututerangi, Paparua and Tawhitinui.

## Tribal History

When Ranginui came to Tauranga he and his people settled at Pukewhanake on the west bank of the Wairoa River after having defeated and displaced Ngamarama. At about the same time the Tainui tribes on the west were also in conflict with the Ngamarama people. Facing considerable pressure, Ngamarama retreated from the Tauranga harbour and the Waikato Plains into the Kaimai Ranges. The remnants of the Ngamarama people were consequently subsumed under the mana of the tribes who descended from the Takitimu and Tainui waka.

At a later date, Ngaiterangi, a tribe descended from the Mataatua waka invaded Tauranga and over-ran the combined Ngati Ranginui and Waitaha-a-Hei Pa and kainga on Mauao. Some of those who escaped from Mauao retreated to among other places, Whakamarama and Huharua. Before long peace was cemented between the tribes. The tribal demography in the Tauranga region as we know it was formed at that time; Ngaiterangi holding the coastal lands and Ngati Ranginui holding the harbour lands from the Waimapu River to the Waipapa River.

During the early part of the 19<sup>th</sup> century Ngati Haua from Matamata was one of the strongest tribes in the region. Together with the Tauranga tribes they maintained a powerful alliance against their common enemies, Te Arawa on the east and the Hauraki tribes to the west. During this period, Ngati Haua was involved in internal conflicts, with some of the small hapu from Okauia, one of those tribes Ngati Tokotoko was related to both Ngati Haua and Ngati Raukawa. After a series of skirmishes and minor battles, Ngati Tokotoko left there and settled at Huharua. Unfortunately they hadn't been in occupation for very long when they were severely beaten in a battle with Te Whanau o Tauwhao, a hapu of Ngaiterangi.



Because of whakapapa links to the Tauranga tribes Ngati Haua people were able to live at various places around the harbour like Omokoroa, Huharua and Motuhoa Island according to the seasons to fish and gather shellfish and at a later period, to trade. During the early colonial days they harvested and processed flax from the Matamata area, carried it over the Kaimai Range along the Wairere and Te Tuhi tracks to the harbour where it was sold to Traders. Te Waharua, the chief of Ngati Haua was living on Motuhoa Island prior to his death in 1838.

### **Huharua: An Interpretation**

Pirirakau has always known the peninsula by the name Huharua. This was the name given to the whole of the peninsula and came from the name of a large Pa located above the present Kotuku reserve. The Pa was destroyed as a result of farm development. Huharua was the larger of two Pa on the peninsula, the other being Ongarahu which is relatively intact and is located within the Park. The name Huharua had more significance in Pirirakau traditions than Ongarahu suggesting that Ongarahu was a smaller satellite position of the larger Pa.

The meaning of the name Huharua relates to an oral tradition of a tunnel or covered ditch that either linked the two Pa, or at least extended from one of the Pa as an escape route in time of war. The exact location of this feature is not known, as it was probably destroyed as a result of land modification during farming activity. It is this story that is contained in the name Huharua. *Harua* or *Wharua* is a natural feature in the land like a gully, an indentation, or swale. *Hu* is a depression as a result of earth subsidence or an earth slump.

The term *Hu* to describe a land condition is rare now; the word *Horo* is preferred instead, as in *Horowhenua* to describe a landslide. Together *Hu Harua* would suggest that the gully, swale, or indentation came about as the result of a land slump. It is possible that rather than excavating a ditch, our tupuna simply utilised a natural feature that they modified and adapted into a tunnel or covered ditch.

Further extracts from the Archaeological Assessment include:

***"Recent History of Landuse***

*The area of the park is now relatively level land on the coastal terrace overlooking Tauranga Harbour and Mangawhai Bay between Plummers Point and the Omokoroa Peninsula. Shelterbelts have been planted through the orchard and on the edge of the terrace on the west and southern sides of the block.*

*The land was farmed until 1976 when a kiwifruit, citrus and avocado orchard was established by Mr Tony Thorne, grandson of Mr Thomas Plummer. Although a large part of the orchard area was flat, several high points were recontoured and reduced in height, and the material used to fill small gullies. The earthworks occurred in the vicinity of where shell midden was seen on the coastal scarp by archaeological site recorders.*

*A track has been bulldozed down the coastal scarp allowing access to the low-lying flat area, which forms the margin to the estuary/harbour. A tidal embayment on this flat area has also been partially filled in by Mr Thorne.*

*On the southwestern side of the land block, overlooking a small swampy stream area, is a low knoll. This area has also been modified by scraping and redistributing material."*

## 2.5 Marae DIY



The revitalisation of Ongarahu Pa was the result of a partnership between Pirirakau Hapu, the Tauranga City Council, the Western Bay of Plenty District Council and the NZ Historic Places Trust. The partnership underlined a growing trend of recognising, honouring and protecting the historic and cultural importance of sites to Maori. The Park acknowledges tangata whenua as well as later European settlement following Crown confiscation of the land in 1865.

Marae DIY was instigated by an application from Pirirakau to the producers of the very popular Maori Television programme. The occasion was unique because it broke away from the normal parameters of Marae DIY in that it was the first Pa restoration ever filmed. The project commenced with the Powhiri at Paparoa Marae on Thursday April 14 and went through to Sunday the 17 2011; the show eventually screened over two evenings, Wednesday 29 June and Wednesday 6 July 2011.

The project entailed restoration of the 200-year-old trench and excavation of the driveway across the trench that was formed by the Plummer family. A bridge was built for an entrance to the Pa and a whakaruruhau (shelter) was built outside the entrance. Palisade fencing was also built around the trench and across the front of the urupa. Inside the Pa, seats were installed and plantings were put around the outer edge of the pa above the harbour. Outside the pa, seating and plantings were established along the lower spit foreshore.

Between 150 and 200 people from the community helped including a large number of non-Maori. Many sponsors came on board including Bay Trust, TECT, Bay of Plenty Regional Council and financial contributions from Pirirakau Incorporated, and the Councils.

Although the programme took only a few days, pre planning and preparation had commenced several months earlier. The NZ Historic Places Trust provided heritage advice and all work was done under various archaeological authorities.





## 3.0 Community Consultation



### 3.1 Community Consultation to Prepare the 2006 Management Plan

During the development of the 2006 Management Plan initial community input was called for through the notification of the intent to prepare a Reserve Management Plan at that time for the Plummers Point site. Suggestions received and input from a public stakeholder's workshop were assessed and ideas and outcomes were developed for the Park. The input of Tangata Whenua (Pirirakau) was developed through a series of hui.

General ideas and outcomes for use of the park as a passive recreational and historic reserve included:

#### Recreation

- Beach and Nature Walking
- Dog Walking
- Play
- Jogging
- Cycling
- Kite Flying
- Horse Riding
- Sea kayaking
- Functions / Events including:
  - o Club Gatherings
  - o Community Events
  - o Sub Regional Events
  - o Weddings
  - o Medium Sized Concerts

#### Historic

- Heritage Walking / Trails
- Ceremonial activities
- Educational facilities
- Restore the mauri of Ongarahu Pa
- Recognise the archaeological significance of the site to the region.

### 3.2 Issues and Opportunities

From “ideas,” and assessing those that were not consistent with the general purposes for the Park, issues and opportunities were identified for the activities and uses for the Park.

#### **Issues:**

Issues associated with the development of the park include:

- Vehicular access within the park.
- Freedom Camping.
- Facilities, e.g Toilets.
- Orchard operations.
- Pedestrian Access.
- Cultural heritage recognition.
- Pa Site conservation / restoration.
- Natural habitat protection.
- Erosion.
- Public Safety.
- Security.

#### **Opportunities:**

Opportunities associated with the development of the park include:

- Create safe walkway connections to the wider environment.
- Develop educational information and walkways educating public of the history of the site.
- Create large and small open spaces for passive recreation.
- Create a park for people, not cars, i.e. restrict cars to main access only.
- Protect natural habitat areas for regeneration and wildlife protection.
- Encourage kaitiakitanga projects relating to sites of cultural significance.
- Restoration of Ongarahu Pa as a significant site to Tangata Whenua.

### 3.3 Reserve Management Plan Review Consultation

For the Management Plan Review process it was acknowledged that;

- extensive consultation was carried out in the preparation of the Management Plan in 2006.
- all Actions identified in the previous Plan had commenced and more than 90% had been completed.
- identification of funding options would be challenging because of the current economic climate.

Pre plan review consultation involved an extensive stock take by Staff of the Action Plan, Concept Plan and Vegetation Plans prepared for the Park's development. Workshops were held with targeted stakeholders i.e. Staff from the two Councils, Pirirakau for Tangata Whenua and representation from the "Friends of Huharua Park". The Draft Concept Plan and Actions have been gleaned from the outcomes of the Workshops.



## 4.0 Vision and Goals for the Park





#### 4.1 Development of the Vision

Development of the original vision for Huharua Park was established through a consultative process with key stakeholders comprising local residents, interest groups and Tangata Whenua. Tangata Whenua developed their vision for the park, and in particular the management of the Ongarahu Pa site. The following vision developed in 2006 combines the two visions to form one key vision for the Park is still applicable today.

#### 4.2 The Vision

The vision for the future development and management of the Park is to provide a passive recreational facility that reflects the cultural and natural heritage values of the site and the community. The Park will capture the essence of a strategic cultural defensive stronghold held by Tangata Whenua through the conservation of the Ongarahu Pa. Heritage values associated with the early European occupation will be protected through the conservation of the historical.

The Park is a significant passive harbourside reserve within the Tauranga Harbour margin, providing a destination or a stopping point along the harbour margin walkway. With areas of native bush, saltmarsh and wetland lining the park's boundary the natural environment within the park will contribute to enhancement of the wider natural harbour margin.

A variety of open space areas, with a range of experiences, will cater for the individual, the family, to large group gatherings simultaneously, whilst ensuring the experience of the quiet harbour margin reserve is maintained. Large exotic and native trees will line the open space areas providing shelter and framing significant views to the surrounding landscape.

### Linkages

Connection to the wider region through both physical and visual linkages strengthens the parks important role as a key focus of the recreational open space within the Western Bay of Plenty sub region. Combined with visual linkages are the cultural linkages of the site to surrounding key sites, including pa sites, islands, settlements and Tauranga Harbour itself.

### 4.3 Goals

The following goals have been developed from previous consultation and covers the development and ongoing day-to-day management of the park.

1. Recognise and protect the significance of the cultural heritage values related to the Park.
2. Recognise and provide for the wider physical and cultural connections to the Park.
3. Provide safe access within the Park for pedestrians and vehicles.
4. The Park will be for passive recreation for the wider sub region.
5. Manage vegetation for both the natural and cultural environment.

#### 4.4 Generic Objectives and Policies

The Management Plan is based upon the generic policies used in the Western Bay of Plenty District Council Ward (refer to Appendix 3) Reserve Management Plans which include:

P2	Utilities	P12	Litter Disposal
P3	Buildings and Structures	P13	Encroachment
P4	Commercial Use	P14	Private Access Over Reserve Land
P5	Concessions	P16	Motor Homes
P6	Organised Events	P17	Camping
P7	Signs	P18	Fencing
P8	Naming	P19	Reserve Closure
P9	Gifts and Commemorative Features	P20	Safety and Security
P10	Commemorative Trees	P22	Planting
P11	Fireworks Displays	P23	Tangata Whenua
		P24	Smokefree – Subregional Parks



## 5.0 Objectives and Actions



## **5.1 Goal 1 – Recognise and protect the significance of the cultural heritage values related to the park**

Huharua Park provides a unique recreational and heritage resource for the wider sub region. First established by Maori as Ongarahu Pa, the site forms part of the wider cultural heritage landscape of the larger adjoining Huharua Pa. European ownership of the site was then established by the Plummer family and subsequently their descendants, the Thorne Family.

Development of the park reflects the cultural heritage values of the site through education and design. The key element of the parks success is the recognition of the sites important cultural heritage and archaeological features which remain on site, in particular the trench and mound fortifications.

Recognition and management of the Park as an important historical and cultural landmark within the Western Bay of Plenty is critical to the success of the Park as an educational and recreational facility.

### **5.1.1 Objectives**

- a) Identify and recognise the strong Maori and European linkages to the heritage values of the Park.
- b) Consult with Pirirakau as Tangata Whenua and other interested parties on the development and management of sites of significance.
- c) Recognise through naming, the cultural heritage of the Park and key sites within the Park.
- d) Enhance, manage and protect key sites of cultural significance within the Park.
- e) Promote and enhance educational opportunities for cultural and historical information within the Park.
- f) Promote and manage arts and cultural features within the Park.

- g) Develop formal entrances to the Park, reflecting the heritage of the Park.
- h) Enhance and manage key cultural heritage sites for educational and ceremonial purposes.
- i) Manage and protect the archaeological values of key sites within the park.

### 5.1.2 Actions

A number of actions have been completed from the *Huharua Harbour Park Management Plan 2006*.

These include:

- Consultation with Pirirakau and the wider community on the naming of the park
- Development of a detailed concept plan for the Ongarahu Pa site
- Removal of previous structures from the Ongarahu Pa site
- Archaeological investigations
- Geotechnical investigations
- Installation of educational panels relating to European and Maori occupation of the site

In order to continue to achieve the goals and objectives outlined above the actions provided in the Action Plan and Concept Plan, are recommended for completion within the identified timeframe.



## 5.2 Goal 2 – Recognise the wider physical and cultural connections to the Park

Linkages to the surrounding landscape and harbour margin strengthen the role of the Park as a Sub Regional resource. Visual linkages between other surrounding parks, public open space and development play a critical role in the recognition of the area as a key open space along the Tauranga Harbour margin.

The Ongarahu Pa, is located on a prominent peninsula within the Tauranga Harbour, overlooking the harbour, neighbouring Motuhua Island, Omokoroa and Te Puna. The visual connections between these areas and their linkages to sites of cultural significance around the Tauranga Harbour should be recognised as part of the Parks unique identity.

Critical to the success of the Park as a Sub Regional recreational facility are the physical connections to surrounding public open space. The management of the Park should include the recognition and management of linkages to neighbouring reserves and public open space.

The following objectives detail the direction for the recognition of the physical and cultural connections between the Park and the wider environment.

### 5.2.1 Objectives

- a) Recognise the visual connections between the park and the surrounding sites of cultural significance.
- b) Develop strong visual linkages to natural features within the surrounding landscape.
- c) Develop walkway linkages from the Park to the harbour margin walkways.

## 5.2.2 Actions

A number of actions have been completed from the *Huharua Harbour Park Management Plan 2006*.

These include:

- Enhancing and maintaining view shafts
- Provision of shared walkways
- Provision of walkway signage where appropriate

In order to continue to achieve the goals and objectives outlined above the actions provided in the Action Plan and Concept Plan, are recommended for completion within the identified timeframe.

## 5.3 Goal 3 – Develop safe access within the park for pedestrians and vehicles

Safe access and use of the Park are key components to the success of the Park. Providing safe spaces, that accommodate the principles of Crime Prevention through Environmental Design (CPTED), will assist in the generation of recreational opportunities and activities within the Park.

### 5.3.1 Objectives

- a) Promote the Park as a place for pedestrians not vehicles.
- b) Encourage safe environmental design of all walkways and access points within and adjoining the Park.
- c) Provide a variety of walkway surfaces throughout the Park.
- d) Liaise with adjoining land owners with a view to promoting a safe community.



### 5.3.2 Actions

A number of actions have been completed from the *Huharua Harbour Park Management Plan 2006*.

These include:

- Provision of shared walkways
- Development of the main entrance
- Provision of disabled walkway access

In order to continue to achieve the goals and objectives outlined above the actions provided in the Action Plan and Concept Plan, are recommended for completion within the identified timeframe.

### 5.4 Goal 4 – Develop the park for passive recreation for the wider sub region

The Park is a size that offers unique outdoor recreational opportunities. Unique to a park of this scale is the ability to accommodate a variety of passive recreational activities within the park at any one time.

Sense of scale and place are two key factors in the role of the park as a Sub Regional recreational facility. The critical factor in the recreational opportunities within the park, and it's role in the wider recreational open space is the focus on passive recreation, e.g. non organised activities such as walking, jogging, cycling, picnicking, educational walking etc.

Incorporated into the passive recreation is the opportunity for the Park to be used for events, outdoor concerts and the like.

Interfaced with the passive recreation is the educational aspects of the park associated with the unique archaeological features, mainly Ongarahu Pa, and distinct historical background of the Park.

The following objectives outline the direction for future passive recreation within the Park and the interface between passive recreation and conservation.

#### 5.4.1 Objectives

- a) To promote and develop the Park as a passive recreational facility.
- b) To develop key open space areas that reflects the unique character of the Park.
- c) To provide for infrastructure and services to accommodate public amenities, including information kiosk, toilets and car parking at the main entrance to Park.
- d) To promote and manage temporary and permanent interactive art within the Park.
- e) To promote and manage areas to accommodate medium to large scale events, including outdoor galas, concerts, club gatherings.



#### 5.4.2 Actions

A number of actions have been completed from the *Huharua Harbour Park Management Plan 2006*.

These include:

- Enhancing and maintaining view shafts
- Provision of shared walkways
- Provision of walkway signage where appropriate

In order to continue to achieve the goals and objectives outlined above the actions provided in the Action Plan and Concept Plan, are recommended for completion within the identified timeframe.

HUHARUA PARK



## 5.5 Goal 5 – Manage vegetation for the natural/cultural environment

Manage the coastal margin for the enhancement and protection of the natural character and wildlife values of the Tauranga Harbour.



Enhancement and preservation of natural character values of the coastal environment will assist in the establishment of the Park as a Sub Regional reserve. The four distinct areas within the Park comprise a wide range of vegetation themes and management practices. Recognition of site specific conditions is a key element in the role and success of vegetation within the Park, they are;

- The Pa site.
- The Wetland area.
- The Spit.
- The embankment and escarpment.

The vegetation management practices within the Park include:

- The selection of appropriate species.
- Coastal erosion control.
- Conservation of archaeological sites.
- Restoration of natural areas with native vegetation.
- Establishment of vegetation for amenity values.
- Maintenance of specific areas for the recognition of the agricultural and horticultural history of the area.
- Protection and enhancement of natural character values.
- Establishment of vegetation for recreational opportunities.
- Establishment and protection of vegetation for cultural significance.

Establishment of native vegetation to recreate habitats for native fauna, including providing a food source for birds

### 5.5.1 Objectives

- (a) Manage the coastal margin for the enhancement and protection of the natural character and wildlife values of the Tauranga Harbour.
- (b) To manage native planting for erosion control along the coastal escarpment.
- (c) To protect through vegetation management key areas of archaeological importance, including the Ongarahu Pa.
- (d) To manage and develop appropriate native vegetation within the spit, wetland, embankment and escarpment areas.
- (e) To protect and enhance key view shafts from the Park through vegetation management.

### 5.5.2 Actions

A number of actions have been completed from the *Huharua Harbour Park Management Plan 2006*.

These include:

- plant groupings of Pohutakawa
- establish a photographic record of the surfaces of the ditch and bank to monitor the effects of vegetation management
- establish planting along walkways within the wetland area
- protect areas of archaeological significance

In order to continue to achieve the goals and objectives outlined above the actions provided in the Action Plan and Concept Plan, are recommended for completion within the identified timeframe.

### **General**

- a) Develop vegetation management strategies for weed removal, on-going weed management, restoration and amenity planting, and succession planting within the park including archaeological sites in accordance with the Archaeological Assessment (Refer to Appendix 2) and Concept Development Plan. All vegetation clearance within archaeological sites must be with the approval of Pirirakau and Historic Places Trust.
- b) Generic policies for planting apply

### **The Lower Spit**

- c) Plant groupings of Pohutukawa species, in accordance with the Draft Concept Development Plan, then gradually remove, over 10 years, the pine trees and other exotic tree and shrub species.
- d) Design and install low timber platforms along the beach edge, in accordance with the Draft Concept Development Plan.

### **Wetland Area**

- e) Establish planting along walkways, within wetland area, that increases in height with distance from the edge of the walkway to cater for safe environments.
- f) Protect areas of archaeological significance as identified within the Archaeological Assessment (refer to Appendix 2).

### Embankment and Escarpment

- g) Gradually remove, over 10 years, the pine trees and other exotic tree and shrub species and replace with native shrub and tree species, in accordance with the Draft Concept Development Plan and vegetation management plan.





## 6.0 Concept Development Plan



## Concept Development Plan

The Concept Development Plan prepared in 2006 from key stakeholder and Tangata Whenua consultation included the development of subsequent vision, goals, objectives and policies and therefore provided the framework for the establishment of the Park. The Plan divided the Park into five key areas - the entrance, Ongarahu Pa, the Upper Plateau, the Lower Spit and the Wetland. Development of Ongarahu Pa and the Park's entrance has proven to be very successful. Provision of the large open space areas and the variety of natural environments in the Plan were key to the establishment of the character of the park and its role in the wider landscape.














Preparation of the Concept Plan for the Review took several factors into account which had a bearing on its overall content and how input to the draft was obtained. It was acknowledged that – all previous Actions had commenced and more than 90% were completed; identification of funding options would be challenging because of the current economic climate; the increasing popularity of the Park and maintaining the levels of service.

NZ Historic Places Trust has played a key role in the development of the Park. The Trust will continue to be consulted during the preparation of the detail relating to items listed in the Concept plan and Action Plan to ensure that an archaeological authority is obtained as and when required.

# Huharua Park Concept Plan

## Draft version 2 July 2012

**LEGEND**

-  Haraheke - flax plantings
-   Avocado or Citrus Tree
-  Shade Tree
-  Revegetation
-  Boardwalk or access structure
-  Tracks
-  Seating / outdoor furniture
-  Adventure play equipment
-  Interpretation / signage
-  Touchstone
-  Boardwalk linkage to adjacent esplanade reserve
-  Avocado trees to replace those previously lost in a storm



HUHARUA PARK

50

5 December 2012

P. WILSON 2012

## 7.0 Action Plan



The following Implementation Plan details the recommended starting of works over the next ten years. Each action has been defined into orders of priority:

**Short Term** (2012 – 2015)

**Medium Term** (2016 – 2018)

**Long Term** (2019 – 2022)

### Huharua Park Action Plan 2012 - 2018

No	Action	How	By Whom	Priority
1	Investigate the safety issues at the edge above the cliff face on Plummers Point Road.	Investigate with the Roading Manager	Council WBOP DC Roading Manager	Short
2	Promote Huharua Park in media publications as a popular destination Park	Include Huharua Park in the latest electronic media publications.	Council	Short
3	Promote local involvement in the management of the Park.	Establish Huharua Park Environmental Group with representatives from Tangata Whenua and the local Community.	Council and Community	Short
4	Host events at the Park	Develop event policy to include Huharua Park specific events on the park e.g. weddings	Council	Short
5	Locate and identify waahi tapu	Work with Tangata Whenua to identify and register Waahi Tapu. Ensure action is taken to manage Waahi Tapu accordingly.	Council and Tangata Whenua	Short
6	Install Interpretation sign panels in relation to the Ongarahu Pa	Work with Tangata Whenua to design sign panels, obtain funding and implement	Council and Tangata Whenua	Short
7	Erect signage as required on the Park.	Work with the Huharua Park Environmental Group to ensure adequate signage has been erected in the Park	Council and Huharua Park Environmental Group	Short
8	Grow, nurture and harvest harakeke (flax) including toitoi kakaho on an appropriate site.	Work with Tangata Whenua and the Huharua Park Environmental Group to identify the types and best locations for the plantations within the Park.	Council, Tangata Whenua Huharua and Park Environmental Group	Short
9	Provide further seating and tables along the footpath and at sites with views.	Work with the Huharua Park Environmental Group to establish appropriate sites and funding sources.	Council and Huharua Park Environmental Group	Short
10	Investigate and provide for shared walkway/ cycle way connections outside of the Park	Work with the Huharua Park Environmental Group to; - Provide walkway connections within the Park to neighbouring walkways. - Erect the foot bridge (boardwalk) linking the Park on	Council and Huharua Park Environmental Group	Medium

No	Action	How	By Whom	Priority
		the south west with the harbour esplanade. - Monitor and upgrade the harbour access adjacent to the car park entrance e.g. install sand ladders. - Encourage a link from the National cycle way to the Park.		
11	Create more loop/circuit type walkways within the park including the low lying area.	Work with the Huharua Park Environmental Group to establish appropriate sites and funding sources.	Council and Huharua Park Environmental Group	Medium
12	Install power to the Ongarahu Pa for landscape lighting on the palisade fence / whakaruruhau	Obtain funding and implement	Council	Medium
13	Install a "touchstone" sculpture to form part of the harbour network of the "touch stone" project	Work with Tangata Whenua and the Huharua Park Environmental Group to identify a location and the appropriate interpretation for signage.	Council, Tangata Whenua, NZ Historic Places Trust and Huharua Park Environmental Group	Medium
14	Retain the "open space" area for passive use.	Establish specimen shade tree clusters with increased border plantings.	Council and Huharua Park Environmental Group	Medium
15	Install commemorative plantings in association with Waipuna Hospice.	Align and manage current Generic Policy with TCC's policy	Council	Medium
16	Plant more fruit trees in the Park.	Work with the Huharua Park Environmental Group to establish appropriate sites and funding sources. Use information signage to educate people about curbing the practice of taking excessive amounts of fruit.	Council and Huharua Park Environmental Group	Medium
17	Install alternative adventure type play equipment – e.g. flying fox / tunnel slides.	Establish need, type and funding of facility.	Council	Medium /Long
18	Design and develop boardwalk connections through wetland.	Engage consultant to design boardwalk and gain any required consents Engage contractor to install boardwalk	Council and Huharua Park Environmental Group	Long



## Appendix 1 – Title, Gazette Notice and Survey Plan





**COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952**



Search Copy

R. W. Muir  
Registrar-General  
of Land

**Identifier** 159487  
**Land Registration District** South Auckland  
**Date Issued** 23 September 2004

**Prior References**  
SA5D/1061

**Estate** Fee Simple  
**Area** 8.7300 hectares more or less  
**Legal Description** Lot 3 Deposited Plan 338691  
**Purpose** Recreation Reserve

**Proprietors**  
Western Bay of Plenty District Council and Tauranga City Council

**Interests**  
Subject to the Reserves Act 1977  
Land Covenant in Easement Instrument 6190358.1 - 21.10.2004 at 9:00 am

# GAZETTE NOTICE DECLARING RESERVE

RECEIVED  
18 APR 2006  
WESTERN BOP  
DISTRICT COUNCIL

NEW ZEALAND GAZETTE, No. 33

6 APRIL 2006 870

**Reserves Act 1977**

---

**Declaration That Land is a Recreation Reserve**

Under section 16 of the Reserves Act 1977, the Western Bay of Plenty District Council resolved on 10 February 2006 and the Tauranga City Council resolved on 21 February 2006, in exercise of the powers conferred on both councils by delegation under the Reserves Act 1977, that the reserve land described in the Schedule hereto be classified a recreation reserve, subject to the provisions of the Reserves Act 1977.

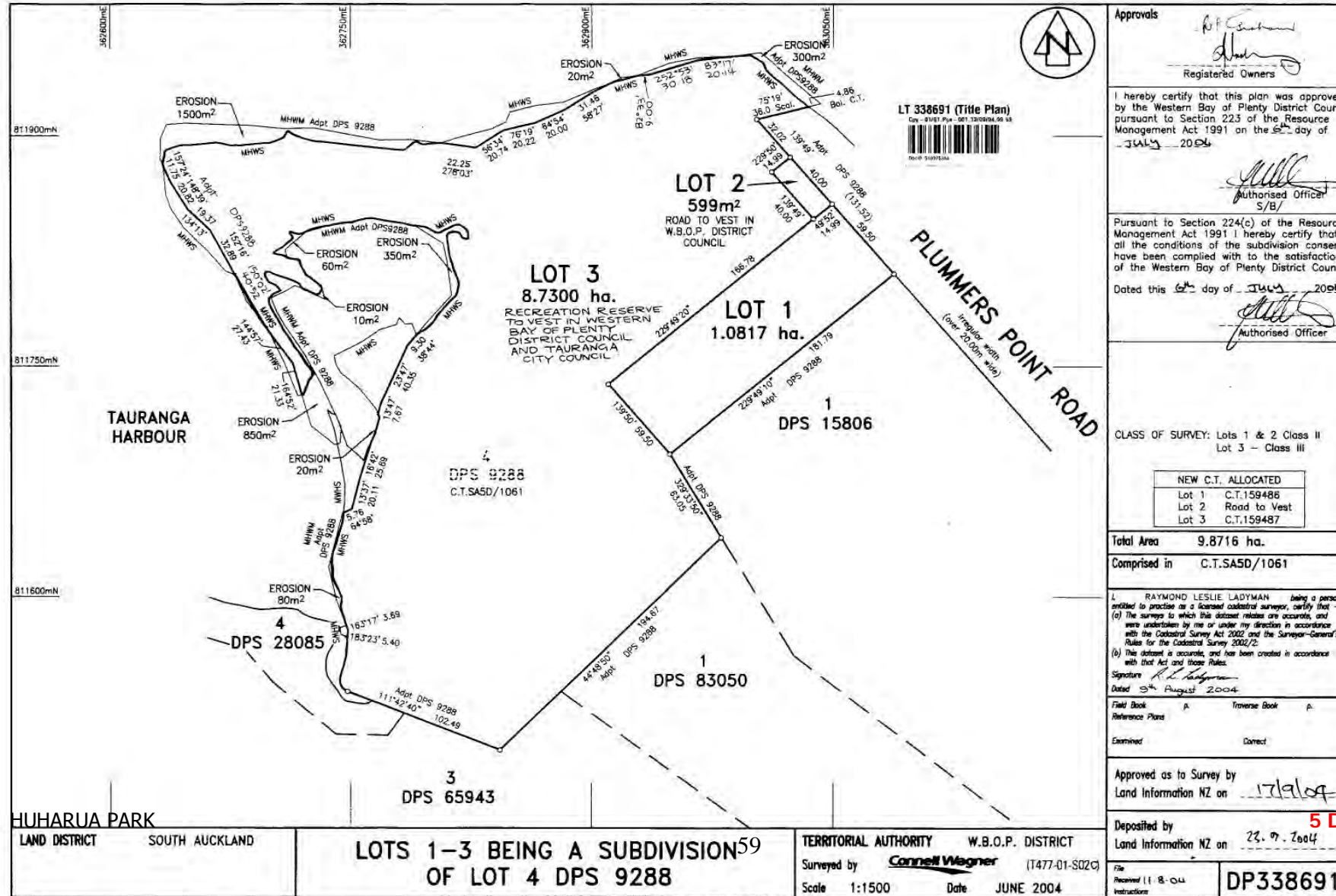
*South Auckland Land District*

Schedule	Area ha	Description
8.7300	Lot 3, DP 338691 (Computer Freehold Register 159487).	

Dated at Tauranga this 4th day of April 2006.

GLENN SHELLENBURY, Chief Executive Officer, Western Bay of Plenty District Council.

# SURVEY PLAN



LT 338691 (Title Plan)  
 Copy - 9/01 P/A - 001 338691A.96 14  
 0010 500104

**Approvals**

*[Signature]*  
Registered Owners

I hereby certify that this plan was approved by the Western Bay of Plenty District Council pursuant to Section 223 of the Resource Management Act 1991 on the 5<sup>th</sup> day of JULY 2004.

*[Signature]*  
Authorised Officer  
S/B/

Pursuant to Section 224(c) of the Resource Management Act 1991 I hereby certify that all the conditions of the subdivision consent have been complied with to the satisfaction of the Western Bay of Plenty District Council.

Dated this 5<sup>th</sup> day of JULY 2004.

*[Signature]*  
Authorised Officer

**CLASS OF SURVEY:** Lots 1 & 2 Class II  
Lot 3 - Class III

NEW C.T. ALLOCATED	
Lot 1	C.T.159486
Lot 2	Road to Vest
Lot 3	C.T.159487

**Total Area** 9.8716 ha.  
**Comprised in** C.T.SA5D/1061

I, RAYMOND LESLIE LADYMAN being a person entitled to practice as a licensed cadastral surveyor, certify that -  
 (a) The surveys to which this dataset relates are accurate, and were undertaken by me or under my direction in accordance with the Cadastral Survey Act 2002 and the Surveyor-General's Rules for the Cadastral Survey 2002/2.  
 (b) This dataset is accurate, and has been created in accordance with that Act and those Rules.

Signature *[Signature]*  
 Dated 5<sup>th</sup> August 2004

Field Book Reference Plans A Traverse Book p.  
 Examined Correct

Approved as to Survey by Land Information NZ on 17/9/04

Deposited by Land Information NZ on 23. 9. 2004

File DP338691  
 Received 11.8.04  
 Instructions

5 December 2012



## Appendix 2 – Archaeological Assessment





L. Furey Report May 2005

## ARCHAEOLOGICAL SITES WITHIN THE HUHARUA PARK

This report describes the archaeological sites present in the Huharua Park. The condition of each site is noted, and recommendations made for appropriate activity on and in the vicinity of each identified site.

### Historical Background

Information in this section has been obtained from a research report commissioned for the Waitangi Tribunal for Wai 47 lodged by the Tauranga Moana Trust Board (Bassett & Kay 1996).

Plummers Point was included in the Katikati Te Puna Purchase, negotiated by the Crown after the 1865 confiscation of a large area of land in the Tauranga district. With the exception of 106 acres of Maori Reserve (3 separate reserves of 50, 50 and 6 acres) the peninsula known as Plummers Point was alienated from Maori ownership in 1866. Plans were drawn up in 1865 for the Township of Te Puna (Stokes 1980:98) on the peninsula, allocated for military settlement, but this did not eventuate. The military settlers lost patience with the delays in survey and allocation of land, and moved away (Stokes 1980:108).

A survey plan of 1886 shows a "native village" at the location of Huharua Pa, on the eastern side of the peninsula approximately 600 metres to the southeast of Ongarahu Pa, which is in the park. No other cultural places are marked within lot 225, which includes the area of the park.

Pirirakau are recognized as having a cultural relationship with the Plummers Point peninsula.

## Recent History of Landuse

The area of the park is now relatively level land on the coastal terrace overlooking Tauranga Harbour and Mangawhai Bay between Plummers Point and the Omokoroa Peninsula. Shelter belts have been planted through the orchard and on the edge of the terrace on the west and southern sides of the block. The land was farmed until 1976 when a kiwifruit, citrus and avocado orchard was established by Mr Tony Thorne, grandson of Mr Thomas Plummer. Although a large part of the orchard area was flat, several high points were recontoured and reduced in height, and the material used to fill small gullies. The earthworks occurred in the vicinity of where shell midden was seen on the coastal scarp by archaeological site recorders.

A track has been bulldozed down the coastal scarp allowing access to the low-lying flat area, which forms the margin to the estuary/harbour. A tidal embayment on this flat area has also been partially filled in by Mr Thorne.

On the southwestern side of the land block, overlooking a small swampy stream area, is a low knoll. This area has also been modified by scraping and redistributing material.

## Archaeological Sites

Within the boundary of the park seven archaeological sites are recorded in the NZ Archaeological Association's site file (national database of archaeological sites). Attempts were made to relocate these sites and to update records on the survival and condition of each site. Only two of the six previously recorded sites were found, and one new site recorded (Figure 1).

In the early 1980s an intensive site survey was carried out in the western Bay of Plenty area under the direction of Bruce McFadgen, then archaeologist at NZ Historic Places Trust.

Prior to that time only one site, Ongarahu, a pa, had been recorded. Field recorders created records for physical evidence of archaeological sites seen on the ground surface, but also for features reported by Miss Plummer, daughter of the first European landowner, to have been present in the past.

Site no.	Site Type	Description	Condition
U14/157	Pa (Ongarahu)	L-shaped ditch and inner bank enclosing area on coastal terrace. House situated inside pa area	Defences in very good condition
U14/952	Midden	On scarp overlooking coastal flat	Not relocated
U14/953	Midden	On scarp overlooking coastal flat	Not relocated
U14/963	Occupation site	Raised area or flattened area outside ditch on coastal terrace	Has been gardened in the past
U14/965	Trench	Reputed to connect U14/963 with coastal flat	Not relocated
U14/966	Canoe caves	Heresay	Not relocated
U14/3238	Midden	Ovenstones in intertidal zone on coastal flat suggesting occupation site being eroded by the tide	Poor

Given the history of recent land modification, and the physical appearance of the edge of the coastal terrace, it is likely that archaeological sites will be present in only two areas. The shell middens noted on the coastal scarp in the early 1980s are likely to be redistributed shell from sites modified during recontouring. Because the high points of land were cut down by approximately 1 metre it is unlikely any cultural remains are still present.

The coastal flat is being eroded by water action in storm events. Aerial photographs of the mid-1990s indicate the flat in the vicinity of the pine trees extended further than it does now. The presence of oven stones in the inter-tidal zone suggests the land has been cut back by about 7 metres.

Attention should be focused on the area of the pa, and the land immediately surrounding it.



Figure 1. Location of archaeological sites discussed in text

### **U14/157, Ongarahu Pa**

This pa has a deep, well-preserved ditch and inner bank enclosing an area of approximately 1700 m<sup>2</sup> (Figure 2). The ditch is 2.5 m deep on the outside edge, and 4-4.5 m high to the top of the bank on the inner side. The bank is approximately 1.5 m high, measured from inside the pa. The coastal cliff, on two sides, also provided protection from attack.

#### *Condition*

A 3-bedroom brick house (1) and garage (2) built in 1965, occupy the internal area of the pa. The remaining area inside the defences has been part of an extensive garden. It is estimated the house and garage occupy 200 m<sup>2</sup>, but this figure is added to considerably when the septic tank (3) and effluent soakage lines, gardens and concrete driveway strips (4) are taken into consideration. The house is on concrete piles, with a concrete base around the outside edges. The concrete deck on the northern side of the house forms the top of a semi-recessed water-tank (5). The house is on the same orientation as the ditch and bank, and the rear of the garage is set into the corner of the L-shaped ditch and bank. There does not appear to have been any modification to the defences to allow placement of the garage. Towards the northern end of the ditch a driveway (6) has been constructed by infilling part of the ditch, and removing the inner bank. The bank to the north of the driveway, to the edge of the cliff, has been flattened but is still elevated above the level of the interior of the pa.

A large mature pohutukawa tree (7) is present on the cliff edge on the northwestern side. The cliff edge around its roots seems to be actively eroding. When viewed from below, the cliff on the northwest corner and along the northern side is actively eroding, and the edge of the pa is undercut by approximately 1 metre in the vicinity of the kowhai tree (8). Oven stones (9) in the inter-tidal area at the base of the cliff indicate some of the pa edge has already fallen away. The cliff on the western side (10) has large wattles and Chilean flame trees among other shrubs. Some of the wattles are precariously angled, and several have fallen, pulling away part of the cliff face. Near the ditch on the western side there is a large slump on the cliff face, but this an old slump and is not actively eroding.



The ditch is in good condition. Tree ferns have been planted in and on the sides of the ditch. The vegetation cover has helped to protect the ditch from erosion. Two Puriri trees (11), one of which has a large straight trunk of 2.8 m circumference, are growing in the base of the ditch to the west of the corner of the ditch. Agapanthus, ladder fern, jasmine, asparagus fern, convolvulus and bamboo have invaded the ditch at the northern end. Shrubs have been planted at the base of the bank on the inner side. These include camellia, conifers, bird of paradise, maple, Pteris, palm and one Rimu tree (12). When Mrs Thorne gardened there, the bank was in grass and mown. Jasmine and ladder ferns have now taken over although there is rank grass on the top of the bank.

Behind the garage there are 3 large, mature, Pohutukawa trees (13) on the top of the bank. Kawakawa, abutilon (Chinese lantern), ladder fern and Tradescantia (wandering jew) grow on the bank on the southern leg of the ditch.

The outside edge of the ditch is grassed and mown along the length of the eastern (long) side of the ditch. The outside edge of the southern (short) side of the ditch has a loquat tree, kawakawa, wattle trees, ladderfern and asparagus fern. A large mature pine tree (14) is present on the cliff edge.

The land along the outside of this southern ditch is raised in height by approximately 1 m and forms the northern edge of U14/963 (15). Shell midden of cockle and pipi is present on the outer edge of the ditch near the corner, and originates from this outer area. It has probably been exposed by foot traffic in an informal track accessing the bottom of the ditch. This was the only shell midden observed on or around the pa. A swing bridge (16) was constructed from the top of the bank to the outside of the ditch in order for Mrs Thorne to access part of her garden on U14/963.

According to Tony Thorne there was an indentation in the outer edge of the ditch at approximately 30 m to the south of the driveway. This was filled in to make grass mowing easier, but there is no indication in the wall of the ditch of what this feature was or how far it extended out into the adjacent open space.

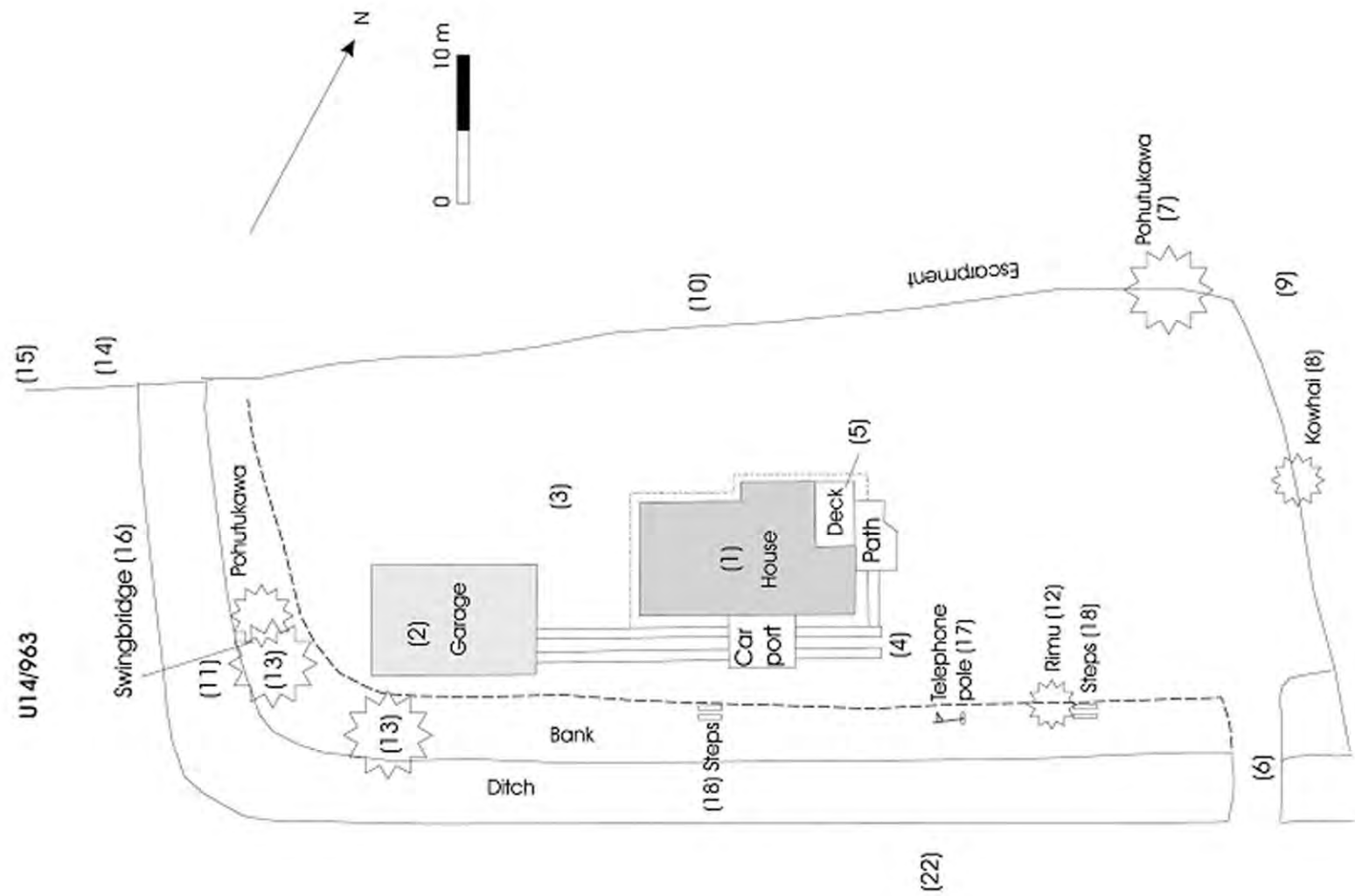


Figure 2. Ongarahu Pa (U14/157). Plan based on tape and compass survey. Numbers in brackets are referred to in the text.

Parts of the internal area of the pa have been modified. It is expected that kumara storage pits, cooking areas, and postholes outlining house structures will be present under the surface. This evidence has been compromised to some extent by the buildings present, by the septic tank excavations, by tilling of the garden soil, and by tree root growth.

Nonetheless, the pa, being in a prominent location overlooking the harbour, in public ownership, and in a good state of preservation (modern structures notwithstanding) has high archaeological significance on scientific, aesthetic, cultural and interpretive levels. Any activity, or public access, must be sensitive to those values. Management should be directed to restoring the pa interior, removing the house and associated facilities, reducing invasive weed growth and thinning trees and shrubs to restore and enhance views of archaeological and wider landscape features.

#### *NZ Historic Places Trust*

All evidence of human activity prior to 1900 is protected under the Historic Places Act 1993. Any activity, which will disturb the ground surface, will require an application to NZ Historic Places Trust for an Authority to Modify (Section 11 of Historic Places Act 1993). Because Historic Places Trust is the lead agency in site protection, the regional archaeologist should be consulted over management of Ongarahu Pa and other archaeological sites, irrespective of whether an authority to modify is required.



Archaeological Assessment Summary of Ongarahu Pa - May 2005.

Site Ref:	Description	Retain	Remove	Other	HPT Authority Required
1	House		X		✓
2	Garage		X		✓
3	Septic tank and effluent soakage lines.		X		✓
4	Concrete driveway strips		X		✓
5	Semi-recessed water-tank		X		✓
6	Drive-way access at the northern end of trench	✓		Further investigation required	✓ Only if the decision is to remove the current driveway
7	Large mature pohutukawa tree	✓			
8	Kowhai tree	✓			
9	Oven stones in the inter-tidal area at the base			Noted on site records	
10	The large wattles on the western side of the cliff.		X		
11	Two puriri trees in the ditch.	✓		Notable tree register	
12	A rimu tree at the base of the northern end of internal embankment	✓		Notable tree register	
13	3 large, mature, pohutukawa trees at the rear of the garage.	✓		Notable tree register	
14	A large mature pine tree is present on the cliff edge at the southern (short) side of the ditch.		X		



15	The northern edge of U14/963		X	Remove wattles	
16	The old swing bridge at the western end of the ditch / trench.		X		✓
17	Telephone pole on the internal embankment		X		✓
18	Steps on the internal embankment.		X		✓
19	Safety fence erected on escarpment edge				✓
20	Archaeological excavation following the removal of the house, garage etc	✓			Section 17 of HPA 1993
21	Restore the ground surface in interior of the pa after house removal	✓			✓
22	Defensive ditch/trench (U14/965) outside Ongarahu Pa.		✓	Test for existence of this trench prior to any development outside pa	✓

Figure 3. Distribution of pa sites in vicinity of Plummers Point



### *Management*

Ongarahu Pa has high archaeological and cultural values, and use of the space defined by the pa should be passive i.e. management should be directed to protecting the pa surface and sub-surface features and any activity which involves modification to those features should be kept to a minimum.

Much of the management work required will be directed towards restoring the surface of the pa interior, to create open space, and to enhance features of the pa. Any recommendations from an archaeological perspective will need to be compatible with the views of tangata whenua.

1. Remove house, garage and septic tank system, and concrete features, and restore land surface. The location of these features should be established by survey first, in order to have an accurate record of where modified sub-surface deposits and additional imported fill material are present. A plan will be required for how to remove or demolish the building and other structures to ensure there is minimal damage to the site, and that any modifications are carried out with the approval of NZ Historic Places Trust. It may be appropriate to carry out an archaeological investigation of the archaeological deposits present within the confines of the house footprint, in order to provide some information on activities carried out on the pa in the past, and to determine the age of the pa. A similar activity is underway at Otumoetai Pa, in the vicinity of the house foundations
2. Eradicate invasive weeds, particularly the bamboo in the ditch to the north of the driveway; the jasmine, convolvulus and agapanthus on the bank or at the base of the bank; wandering jew on the bank towards the southwestern end of the pa. These weeds will have to be cut and sprayed. Grubbing of roots is not acceptable, nor is any other means of eradication, which might disturb the ground surface.

3. Remove or thin garden shrubs to enhance views of the bank, and the wider outlook to the west and north. The rimu tree at the base of the bank, and the kowhai and pohutukawa at various places around the edge of the pa, or on the bank, should not be removed. Tree ferns and the puriri trees growing in the ditch, and on the sides of the ditch should be retained. These provide protection from erosion. A selection of fruit trees on the western side of the pa should also be retained to emphasise the site's more recent past. Fruit trees also extend a connection between cultures – many nineteenth century archaeological sites of Maori and European origin have a variety of old fruit trees remaining, and are often the only surface evidence of where a prior occupation site was. Large trees and shrubs for removal should be cut off at ground level, and if necessary, the stumps ground. Root systems should be left to decompose and not be pulled out of the ground.
4. Remove the telephone pole situated on the top of the bank.
5. Remove concrete steps from two locations on the bank.
6. Establish a comprehensive photographic record of the surfaces of the ditch and bank, in order to monitor the long term effects of visitors and changes brought about by vegetation removal.
7. Restoration of the pa could extend to removing the driveway and excavating out the ditch. However access requirements to the interior of the pa would need to be carefully considered – both pedestrian access across a substantial ditch and bank, and access for maintenance equipment. As an alternative means of access, it would be unacceptable to create a path through the ditch and bank; and a built over structure such as a walkway or bridge would have substantial visual impact and would need to be of large size to accommodate requirements of ramp access. The impact on the pa and its surroundings may be lessened if the driveway is left in place.

8. Health and safety issues will need to be considered prior to making the site open to the public. The swing bridge should be removed, and consideration will need to be given to a safety barrier around the cliff edge to prevent people walking out to the undercut, eroding edge. An authority to modify will be required from Historic Places Trust.

### **U14/963**

Although there are no features visible on the surface, it is likely postholes, storage pits and cooking areas are present under the ground. The site has been gardened in the recent past (Tony Thorne pers. comm.) but features will still survive. The ground surface appears to have been built up, and may contain material excavated from the adjacent ditch. The site area covers approximately 35 x 22 m at the northern end and 15 m at the southern end. Shell midden is visible at the northern end, spilling into the defensive ditch of U14/157.

#### *Archaeological significance*

If the interpretation of the origin of the fill on this site is correct, it indicates occupation here was contemporary with that on the pa. Archaeological work carried out nearby on Omokoroa Peninsula has highlighted that storage pits and occupation sites are present on the coastal terrace within 10 - 15 m of the scarp. Given the damage and modification to the coastal terrace edge elsewhere on the block, it is possible that this site is the only remaining example of what was likely to have been more widespread settlement evidence.

### *Condition*

The scarp defining the landward side of the site is well defined.

*There are fruit and nut trees present on or immediately adjacent to the site. These include babaco, loquat, peach, citrus, fig and walnut. There is an understory of ladderfern and kawakawa. Wattle trees are present on the outside edge and on the coastal scarp. Avocado seedlings and a kiwifruit vine are also present.*

*Management*

1. Management of this site should be minimal, and no interpretative panels or recreation facilities placed on the site.
2. Spray invasive ladderfern and asparagus fern, and also kiwifruit vine. Remove citrus and avocado trees to open the area up. Grass will grow if more light is allowed into the area, and should be kept mown. Advice should be sought from a specialist about the role wattle trees are playing in accelerating scarp erosion. The walnut trees and fig trees are not on what is considered the archaeological site, although their roots will penetrate in through archaeological features. If a decision is made to remove them, it should be done in such a way as to not disturb the ground surface.

### **U14/3238**

Oven stones in the intertidal zone indicate that a Maori occupation site is present on the coastal flat. No shell midden was seen in the exposed .50 m scarp, which is being undercut by water action. Probing the ground surface behind the exposed face with a stainless steel probe was unsuccessful in finding intact midden deposits.

### *Management*

If any activities or structures are planned for this area that might disturb the ground surface, archaeological advice should be sought. Care should also be taken in relation to the wetland behind the coastal flat as it has been reported that wooden artefacts may have come from this area (U14/965 site record).

### **General**

Recontouring of the terrace for orcharding has undoubtedly disturbed some archaeological sites. It is unlikely that anything of significance remains in the vicinity of other recorded sites not relocated during this inspection. The shelter belts and orchard trees may therefore be removed with no concern from an archaeological perspective. However, it would be advisable to have an archaeologist conduct some preliminary examination of the ground surface prior to removal of the citrus trees adjacent to the pa. Should there be a trench connecting Ongarahu Pa with Huharua Pa (U14/964 site record), it would be present in this area. All activities should be avoided in the vicinity of the raupo swamp on the southern boundary of the property. There is a potential for wooden artefacts to be deposited in wet swampy places.



## Conclusion

Ongarahu Pa is an impressive site with deep, well-defined defences. It is well suited to public interpretation. This should however be low-key, and not invasive or detrimental to the features of the pa.

## References

Bassett, H. and R. Kay, 1996. Huharua, Pukewhanake and Nga Kuri a Wharei. Research Report commissioned for the Waitangi Tribunal for Wai 47.

Stokes, Evelyn, 1980. *A History of Tauranga County*. Dunmore Press, Palmerston North.

Louise Furey  
Archaeologist

30 May 2005

Attachments:

NZ Archaeological Association Site Records:

1. SR U14 / 157
2. SR U14 / 952
3. SR U14 / 953
4. SR U14 / 963
5. SR U14 / 965
6. SR U14 / 3238

NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION <b>SITE RECORD FORM</b> (NZMS260) NZMS 260 map number U14 NZMS 260 map name NZMS 260 map edition	NZAA METRIC SITE NUMBER U14/157  DATE VISITED 10 May 2005 SITE TYPE Pa SITE NAME: MAORI Ongarahu OTHER
<i>Grid References</i> Easting <u>2.779</u> 0.7, Northing <u>6.389</u> 83.9.	

Site revisited and mapped as part of archaeological assessment for management plan of proposed sub-regional park.

Well-defined, deep ditch on 2 sides with inner bank approx. 1.5 m high. Ditch is 2.5 m deep on outside edge and 4-4.5 m high to top of bank on inner side.

Brick house and garage built 1965 is situated inside the pa. No archaeological features visible inside the defences but the area has been gardened and mowed for several decades. A driveway has infilled a part of the ditch and removed bank near the eastern end.

Trench running off at right angles to the ditch as shown on previous site record not visible. Tony Thorne, previous owner, reported filling in a depression on the outer edge of the ditch but has seen no evidence of it further away from the ditch. There is apparently a "hole" dug into the wall of the ditch which measured 3 ft wide x 4-5 ft long x 5 ft deep. It was dug out by Tony Thorne but has now part infilled, although still visible in the ditch wall.

Erosion on the scarp overlooking the harbour is active on the northern side, and ovenstones in the intertidal zone indicate part of the site has dropped away.

Pa interior approximately 1700 sq. metres.

Area outside the pa is flat – possibly modified in recent times to level out humps and hollows.

Grid refs established using Garmin hand held GPS:	
Top of bank western side on edge of coastal scarp:	E2778965 N6389840 + 8.4 m
Outer edge of ditch at corner:	E2778968 N6389813 + 9.7 m
Inner edge of ditch at northern end on edge of coastal scarp:	E2779035 N6389846 + 8.6 m
Northwest corner of pa on coastal scarp:	E2779043 N6389849 + 8.6 m
Main grid ref. taken in centre of pa	

NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION <b>SITE RECORD FORM</b> (NZMS260) NZMS 260 map number NZMS 260 map name NZMS 260 map edition	NZAA METRIC SITE NUMBER U14/952  DATE VISITED 10 May 2005 SITE TYPE Midden SITE NAME: MAORI OTHER
<i>Grid References</i> Easting ..   ..	<i>Grid References</i> Northing ..   ..

No evidence of this midden. Bank overgrown with kikuyu, weeds, wattle. No shell exposed in rabbit holes.

<p>NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION  <b>SITE RECORD FORM</b>  <b>(NZMS260)</b>                  NZMS 260 map number                  NZMS 260 map name                  NZMS 260 map edition</p>	<p>NZAA METRIC SITE NUMBER U14/953                  DATE VISITED 11 May 2005                  SITE TYPE Midden                  SITE NAME: MAORI                  OTHER</p>
<p><i>Grid References</i> Easting <u>2.77879.0</u>, Northing <u>6.38961.0</u>.</p>	

Midden likely to have been seen on the scarp overlooking the outlet to the small estuarine embayment. This slope is now overgrown with dense kikuyu and weeds and no shell is visible.

Recontouring by Tony Thorne during establishment of the kiwifruit orchard pushed spoil over the scarp in this vicinity. There had been a high point which was used to fill in a gully which faced south, but material was also pushed out to the west.

Louise Furey

NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION <b>SITE RECORD FORM</b> (NZMS260) NZMS 260 map number NZMS 260 map name NZMS 260 map edition	NZAA METRIC SITE NUMBER U14/963  DATE VISITED SITE TYPE SITE NAME: MAORI OTHER
Grid References Easting <u>2.778955</u> , Northing <u>6.389841</u> .	

Extends along the top of the coastal scarp from the outer edge of the ditch on U14/157 for 35 m. There is very little surface evidence to suggest it is a site - more an anticipation that there will be evidence present.

The ground surface appears to have been raised up or fill added to provide a level surface over an area of approx. 20 x 15 m. There is a distinct scarp approx. 1 m high on the landward side. It is possible construction of this area was contemporary with the digging of the ditch, and may contain some of the material excavated from the ditch.

There are a number of fruit trees – pawpaw, loquat, fig, stone fruit, citrus, and walnut at the southern end. The fig trees are on the flat to the landward side of the scarp. Apparently Mrs Thorne gardened in this area for some years, accessing the garden by the swing bridge over the ditch.

The ground is obscured by grasses, ladder fern and asparagus fern. Wattle trees are present on the coastal scarp, and there is one large old pine tree.

Human remains are reputed to have been found here.

Grid ref. above refers to northern end at edge of ditch and coastal scarp. Hand held Garmin GPS. Southern end is E2778931 N6389806 ± 6.2 m, adjacent to implement sheds.

<p>NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION  <b>SITE RECORD FORM</b>  <b>(NZMS260)</b>                  NZMS 260 map number                  NZMS 260 map name                  NZMS 260 map edition  <i>Grid References</i> Easting ..   .. Northing ..   ..</p>	<p>NZAA METRIC SITE NUMBER U14/965                  DATE VISITED 10 May 2005                  SITE TYPE Trench                  SITE NAME: MAORI                  OTHER</p>
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No evidence found of trench reported in earlier site record. Tony Thorne reported filling over a track, which ran from the flat at the base of the coastal scarp up onto the top of the scarp to where the small implement sheds, are (GPS approx E2778931 N6389806).

He has no knowledge of wooden artefacts found in the swamp at the rear of the flat.

Louise Furey

NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION		<b>SITE RECORD FORM</b>	
NZAA METRIC SITE NUMBER U14/3238		DATE VISITED 10 May 2005	
(NZMS260)		SITE TYPE Midden	
NZMS 260 map number U14	SITE NAME: MAORI		OTHER
NZMS 260 map name			
NZMS 260 map edition			
<b>Grid References</b>			
Easting 2.778711.1		Northing 6.38981.6	
<p><b>1. Aids to relocation of site</b> (<i>attach a sketch map</i>)                  On point on coastal flat under pine trees, Plummers Point regional park. Grid ref. is for eastern end, using Garmin hand held GPS</p>			
<p><b>2. State of site and possible future damage</b>                  Eroding</p>			
<p><b>3. Description of site</b> (<i>Supply full details, history, local environment, references, sketches, etc. If extra sheets are attached, include a summary here</i>)                  Oven stones exposed in inter-tidal zone adjacent to pine trees where flat curves around. No evidence of shell midden seen in the adjacent 50 cm high scarp and probing in behind the exposed face did not indicate any shell present. Aerial photographs of early 1990s suggest that there has been extensive erosion of this part of the coastal flat in the last 10-15 years. Oven stones extend 7-8 metres out into mudflats in 2 separate clusters, one on either side of the point; Easternmost is over a distance of 25 m while western cluster is over 27 m. Grid at northern end of this cluster is E2778669 N6389772. Sparse obsidian and chert flakes present, also noted a clay pipe stem. Fragmented hangi stones exceptionally small, with few over 5 cm diameter. Ken Phillips surface collected a chert drill point from this site recently. To be part of sub-regional park administered by Western Bay of Plenty Council and Tauranga City Council.</p>			
<b>4. Owner Address</b>		<b>Tenant/Manager Address</b>	
<p><b>5. Nature of information</b> (<i>hearsay, brief or extended visit visit, etc.</i>)                  visit</p> <p><b>Photographs</b> (<i>reference numbers and where they are held</i>)</p> <p><b>Aerial photographs</b> (<i>reference numbers and clarity of site</i>)</p>			
<b>6. Reported by Furey Address</b>		<b>Filekeeper Date</b>	
<p><b>7. Key words</b></p>			
<p>8. New Zealand Register of Archaeological Sites (<i>for office use</i>)                  NZHPT Site Field Code</p>			
Latitude S	Longitude E		
Type of site	Present condition & future danger of destruction		
Local environment today	Security code		
Land classification	Local body		





**Archaeological  
Investigations  
Ongarahu Pa 14/157  
Marae DIY Restoration  
Project**

**Report to;  
Western Bay of Plenty District  
Council  
and  
Pirirakau Incorporated Society**

**Prepared by: Louise Furey**

**Reviewed by: Matthew Campbell**

**Date: 14 September 2011**

**Reference: 2011/56**

**HUHARUA PARK**





1. Location of Ongarahu Pa, showing other archaeological sites recorded in the general area. Note that the pa symbol on the topographic map is incorrectly placed.



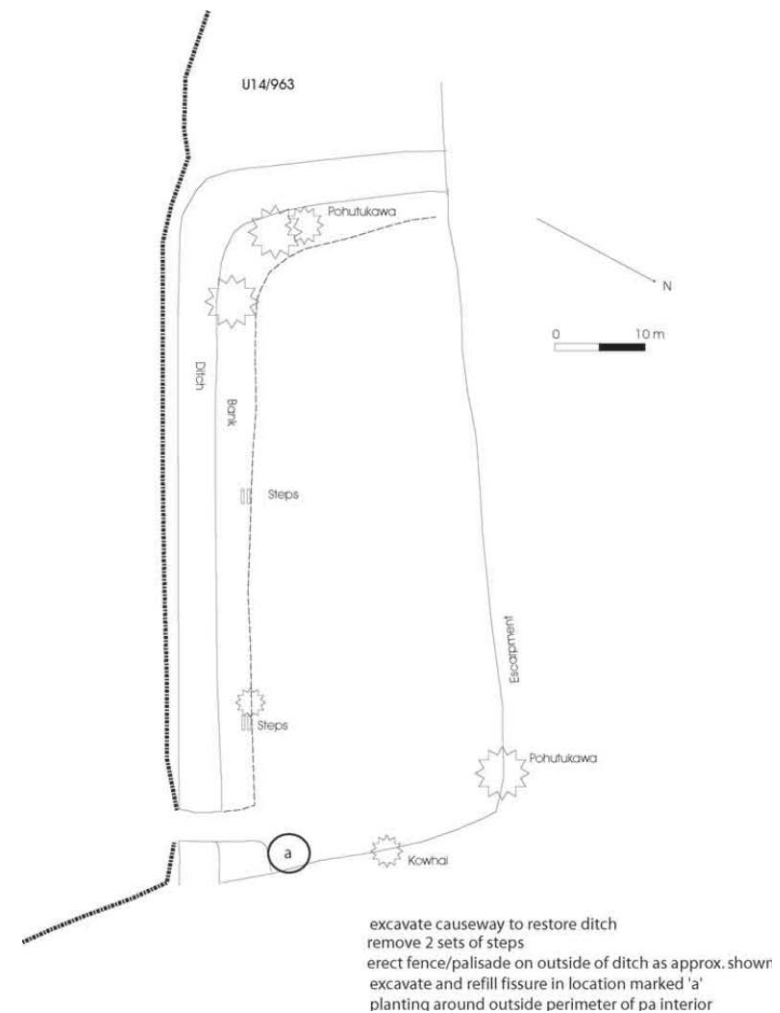
2. Vertical view of Ongarahu Pa. The alignment of the ditch is clearly defined by vegetation. The corner of the ditch is under the canopy of the pōhutukawa tree. The driveway access to the house (since removed) is the location of the footbridge.

## Archaeological investigations of Ongarahu Pa at U14/157 Marae DIY Restoration

Ongarahu Pa, recorded as archaeological site U14/157 in the New Zealand Archaeological Association site file, is on the end of the peninsula known as Plummers Point that projects into Tauranga Harbour. The pa is within Huharua Park, jointly purchased by Western Bay of Plenty Council and Tauranga City Council in 2005. An archaeological assessment of the park area was carried out in 2004 and the removal of the Thorne house from within the pa defences was recommended (Furey 2004). This work subsequently took place in 2009 under the supervision of archaeologists from Opus Consultants Ltd. The Park Reserve Management Plan (2006) stressed the partnership and co-operative spirit between Western Bay of Plenty Council and the hapu Pirirakau, and through this partnership restoration work on and around the pa was able to take place. An L-shaped ditch with inner bank enclosed the living area of about 1800 m<sup>2</sup>. High cliffs provided a natural defence on the remaining sides. During the time the Thorne family lived in the house, the interior of the pa was modified by landscaping and the planting of ornamental shrubs and fruit trees, and an access driveway was formed by filling in part of the defensive ditch and removing part of the inner bank.

In 2010 an idea was formulated to restore Pirirakau's relationship with the area as part of the raupatu claim progression, and to approach Marae DIY, a programme aired on Maori Television, for assistance with making this happen and to document of the process. The application in 2010 to Marae DIY stated that "Ongarahu is a marae in the truest sense being as ancient as any modern marae and a former living space for te tangata" and it was the hapu's wishes to use the area as a marae. The restoration of the pa environs was to cement Pirirakau's relationship with the local councils, in particular with Western Bay of Plenty Council. Plans were drawn up for a bridge access to the pa and landscaping of the approaches. The vision Pirirakau to reconnect with the pa and tupuna, and to ensure its long term protection, was at the forefront of the proposal to Marae. DIY The New Zealand Historic Places Trust (HPT) was involved because the site was protected under the Historic Places Act 1993. An authority 2011/283 was issued by HPT under section 14 of the Historic Places Act 1993 to allow limited modification to take place within the confines

of the driveway area, the exterior of the pa, and the interior. This project was a significant first for the Marae DIY programme and crew in that it was centred on an archaeological site and had the involvement of HPT and an on-site archaeologist to monitor earthworks during the course of the four day event. The proposal involved excavation of the driveway to expose the profile of the ditch and construction of a bridge over the ditch to access the interior of the pa. A path was to be built from the car park to the bridge bordered by plantings and a whakaruruhau or shelter built over the path on the outside of the ditch. Inside the pa, concrete steps against the bank were to be removed, timber slab seating installed on the ground surface and planting done in selected areas including in the corner where the ditch and bank took a right-angle. Topsoil and large rocks were to be imported and placed on geotextile cloth placed on the existing ground surface. Outside the ditch a fence of manuka poles was to be constructed to give the impression of a palisade. This fence was to be parallel to the outer edge of the ditch and continue in a straight line to the scarp to also enclose an urupa (U14/963) adjacent to the short leg of ditch. Preliminary work took place on 25 March 2011 to prepare the ground for the concrete abutments for the bridge across the defensive ditch, with the main Marae DIY project between 14–18 April 2011. Previous modifications for the driveway had included removing part of the inner defensive bank and pushing it into the defensive ditch. As the bank to the east of the driveway was of lower height to the remainder of the bank it is likely this also had been reduced in height. During work on 25 March a hydraulic excavator was used to scrape off the driveway surface from the interior of the pa. Beneath the driveway fill and the remaining topsoil, eight postholes and the floor and lower walls of a storage pit showed up as darker loam patches on the yellow-brown natural subsoil. All of these features were within the alignment of the bank, but it is not known which (if any) of the postholes were associated with the bank and pa defences, or pre-dated them. The fill of the features was removed by hand, a plan drawn and photographs taken. The section through the bank on the eastern side was not recorded although it was evident there was original topsoil under the bank deposits – there was extensive root infiltration of the bank and cutting back further into the bank was not an option as the philosophy of Pirirakau driving the work (and archaeological investigation) was to minimise intervention and cause no unnecessary damage. The storage pit which was only 100 mm deep and ran into the northern and eastern baulks, had obviously been truncated by other activity and therefore predated the bank.





*5. The features at the northern end of the exposed area. The dotted painted line indicates the approximate centre of the defensive bank.*

The in filled pit was intersected by a later posthole. Two of the postholes were large: 500 x 600 mm and 600 x 650 mm, the latter being 750 mm deep. This was a substantial posthole but as only 4.2 m width under the bank was excavated, it can't be said whether the larger postholes were part of the defences, or predated them. A hydraulic excavator was used in several places along the alignment of the palisades about 3 m out from the ditch edge to ascertain whether there were any features which might be damaged by the erection of the fence. Topsoil was removed from three areas to expose the underlying yellow brown subsoil: two scrapes 1.2 m wide and 3 m long revealed natural subsoil under the topsoil, but in the third scrape (the westernmost) the outlines of two storage pits were visible under the topsoil. The westernmost end of the third scrape lined up with the outer extent of the canopy of the large pohutukawa tree growing in the corner of the defensive bank. As the disturbance would be restricted to a posthole 300 mm wide, it was decided to not investigate further and accept that a small amount of damage would occur. It is noteworthy however that archaeological features are present outside the defended area and should be taken into account if any further landscaping is intended. During the main part of the Marae DIY restoration work in April, all ground disturbances were monitored in accordance with the archaeological authority. Each of the 300 mm diameter postholes for the new palisade fence on the outside of the ditch was inspected. The new fence alignment was placed between 2.4 and 3 m from the outer edge of the ditch. Several of the postholes, particularly towards the western end of the ditch, had evidence of a disturbed soil profile but, given the limited soil profile exposed, no further information could be gained. Monitoring of augured postholes for the fence to the west of the existing ditch, adjacent to the urupa, revealed a different soil profile where the yellow-brown subsoil was not present in the soil removed from the 1.2 m deep postholes. A distinctive dip in the surface contours at the cliff edge, in line with the postholes, was suggestive of an in filled defensive ditch profile.

After consultation with Julie Sparham and Rawiri Kuka of Pirirakau, Peter Watson of Western Bay of Plenty Council and Rachel Darmody of Historic Places Trust, a decision was made to dig a trench 900 mm wide across what was thought to be the ditch alignment, but only to the extent of confirming whether a ditch was present. A small digger was used to scrape off topsoil to a depth of approximately 500 mm, revealing a layer of shell midden on top of ditch fill and the vertical southern side of the ditch cut into the natural subsoil.

After further discussion it was decided to follow the ditch alignment from the western edge of the new gateway in the palisade fence and uncover the surface of the ditch fill as far as the cliff edge – the resultant depression would then be grassed and used as an interpretive feature of the park. The ditch was approximately 800 mm deep from the surface of the fill and was on the same alignment as the existing defensive ditch. It was, however, much shallower so that its depth from the surface was about 1.2–1.3 m. Shell midden on the surface of the ditch fill indicated that it had been filled in by Maori as the shell was confined to the in filled ditch and not widely scattered. The previous landowner (Thorne) was not aware of its presence and the family had not been responsible for filling it in. Although only a small part of the ditch was investigated, its common alignment with the longer length of the deep existing ditch suggests the ditch from cliff edge to cliff edge was originally one feature. During what was probably a contemporary event, the western end of the ditch was in filled and the remaining part of the ditch was widened and deepened and a short section at right angles to the original dug out to the northern cliff edge. The effect of this would reduce the interior area of the pa by approximately 15% but make the defences stronger through having a deeper ditch and having high cliffs as the natural defence (the western end of the in filled ditch ended at an escarpment at the rear of the bay below the pa and which could be easily scaled). Archaeological investigations on other pa in the area (e.g., U14/712 at Lynley Park, Omokoroa), have revealed that defences were remodelled and ditches dug and in filled during different occupations. The limited archaeology at Ongarahu revealed pre-defended activity in the form of a storage pit and several small postholes. This prior activity is also not unusual or unexpected – pa in the wider Tauranga moana area have revealed occupation evidence in the form of postholes, cooking areas and storage pits before the places were defended (e.g. Kauri Point Pa, Ongare Point Pa and others not reported in the archaeological literature).



*6. The in filled ditch after removal of the topsoil and recent fill.*

Work also revealed a shallow ditch, possibly defining the original defended area which was then reduced in size when part of the ditch was made deeper and wider, and a short addition dug which made the ditch an L-shape

Two radiocarbon samples were submitted to the Radiocarbon Laboratory, University of Waikato (Table 1). A charcoal sample from the floor of the truncated storage pit under the driveway was identified by Dr Rod Wallace of the Anthropology Department, University of Auckland as twig wood from tutu (*Coriaria arborea*), mapou (*Myrsine australis*), puriri/tarairi (*Vitex lucens/Beilschmiedia tarairi*) and supplejack/kareao (*Ripogonum scandens*). A second sample, cockle shell, from the surface of the in filled ditch would provide an end date for the filling of the ditch. These were the earliest and latest dateable features observed on the pa.

Radiocarbon dating cannot give the year of occupation. A sample gives a range of radiocarbon years within which the material being dated died. Shellfish in a midden, or short-lived twigs burnt to charcoal, are therefore proxies for the date of the occupation. The amount of 14C in the atmosphere or sea has changed over time, and the radiocarbon age is calibrated to historically dated material in order to obtain a calendar date. These results are presented at 68.2% and 95.4% probability levels. The time interval in calendar years does not mean that a site was occupied for that period of time; rather it means that the event being dated occurred sometime within that range of years. Variation in atmospheric 14C might mean there are several possible age ranges – the higher the probability, the greater the statistical chance of the event occurring within that period.

Sample	Material	Age estimate BP	Calibrated range AD 68.2% confidence	Calibrated range AD 95.4% confidence
Wk 31086	Charcoal	220 ± 31 BP	1663–1680 (12.2%) 1732–1802 (56%)	1645–1707 (25.9%) 1721–1810 (62.2%) 1837–1847 (1.4%) 1858–1879 (2.3%) 1925–1953 (3.6%)
Wk 31085	Shell	S 615 ± 38 BP	1625–1770 (62.4%) 1785–1805 (5.8%)	1530–1851

Table 1. Radiocarbon dates, Ongarahu. Wk 31086 is from the pit fill under the defensive bank and Wk 31085 is from shell sealing in the ditch fill.

Table 1 (previous page) and Appendix 1 shows a large variation in possibilities for pre-defended occupation. However the higher the probability the greater the likelihood that a particular range is dates can be considered. Clearly pre-defended activity in the period 1925–1953 can be eliminated and 1858–1879 is unlikely as the site does not appear on historic maps nor is it referred to in historic accounts of the area. In addition, the result from the shell date is clearly too broad an age range. If the archaeological interpretation is correct the pre-defended occupation should predate the in filling of the ditch. The common area of overlap of the two samples at 68% confidence level is a period in the middle decades of the 18<sup>th</sup> century. This was only a short time prior to the visit of Captain Cook in 1769 when he noted the coastline from Rangitaiki Plains to Maketu in the Bay of Plenty had numerous fortified villages visible from out at sea, and was well populated (Salmond 1991: 189). Although he only sailed close to the coast near Maketu, his observations could also be extended to the Tauranga area if the number of archaeological sites are any indication of the density of population indication of the density of population. The pa is now clearly defined by the ditch and the outer palisade fence (Figure 8). The depth and scale of the ditch and bank defences are highly visible from the bridge over the ditch. In addition, the uncovering of the surface

*8. New palisade fence composed of post and rails with manuka poles attached to the rails*



HUHARUA PARK



of the in filled ditch allows another layer of the story to be interpreted to the public, namely that the pa was originally larger and of a different shape to the present form. Although this project started out as an exercise in monitoring and compliance with conditions of the Historic Places authority, even in the small area investigated there were benefits gained in interpretation of the pa from its earlier undefended form to the final defended shape. Archaeology gained exposure with a wider audience through the Marae DIY programme and was able to show that archaeology can contribute positively to the history of a site and its inhabitants.

### **Acknowledgements**

Thanks to Julie Sparham of Pirirakau and Rachel Darmody of the New Zealand Historic Places Trust for my involvement in this project. Scott Parker of Western Bay of Plenty Council coordinated the work on the abutments. Rod Wallace of University of Auckland identified the charcoal.

### **References**

- Furey, L. 2004. Assessment of archaeological sites within park, Plummers Point, Tauranga Harbour. Report to Western Bay of Plenty District Council.
- Golson, J. 1961a. Investigations at Kauri Point, Katikati, Western Bay of Plenty. *New Zealand Archaeological Association Newsletter* 4 (2): 13–41.
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- Salmond, A. 1991. *Two Worlds. First Meetings Between Maori and Europeans 1642– 1772*. Penguin Books, Auckland.

**The University of Waikato**  
**Radiocarbon Dating Laboratory**



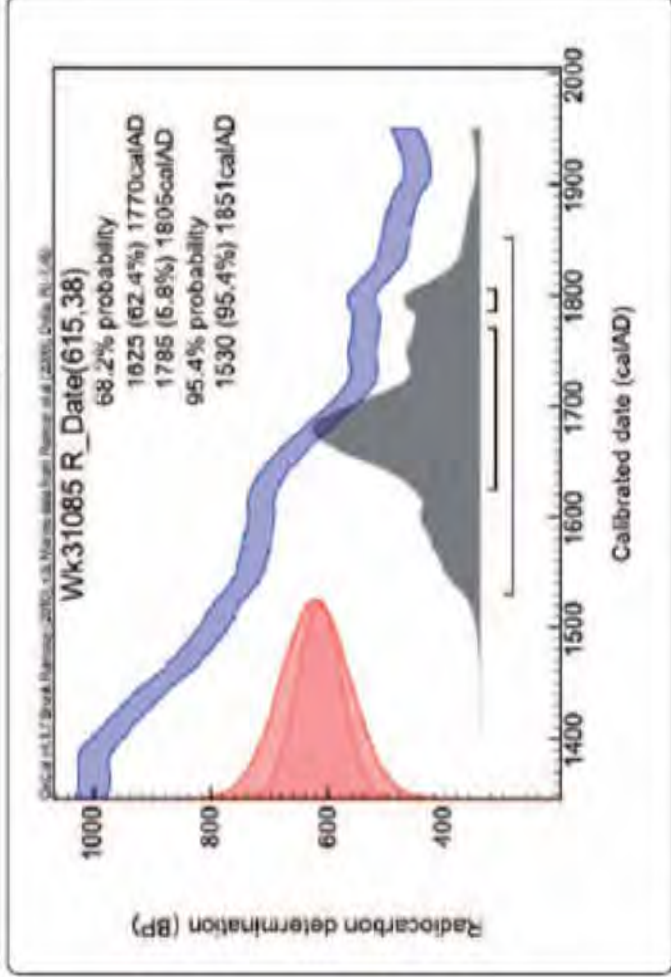
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**Report on Radiocarbon Age Determination for Wk- 31085**

<b>Submitter</b>	L. Furey
<b>Submitter's Code</b>	U14/157 surface ditch fill
<b>Site &amp; Location</b>	Plummers Point, western Bay of Plenty, New Zealand
<b>Sample Material</b>	Coakle
<b>Physical Pretreatment</b>	Surfaces cleaned. Washed in an ultrasonic bath. Tested for recrystallization: aragonite.
<b>Chemical Pretreatment</b>	Sample acid washed using 2 M dil. HCl for 60 seconds, rinsed and dried.

$\delta^{13}C$	1.2 ± 0.2 ‰
D <sup>14</sup> C	-73.7 ± 4.4 ‰
F <sup>14</sup> C%	92.6 ± 0.4 ‰
<b>Result</b>	<b>615 ± 38 BP</b>

**Comments**



*Alan Hogg*  
18/07/11

- Result is *Conventional Age or Percent Modern Carbon (pMC)* following Stuiver and Polach, 1977, Radiocarbon 19, 355-363. This is based on the Libby half-life of 5568 yr with correction for isotopic fractionation applied. This age is normally quoted in publications and must include the appropriate error term and Wk number.
- Quoted errors are 1 standard deviation due to counting statistics multiplied by an experimentally determined Laboratory Error Multiplier.
- The isotopic fractionation,  $\delta^{13}C$ , is expressed as ‰ wt FDB.
- F<sup>14</sup>C% is also known as *Percent Modern Carbon (pMC)*.



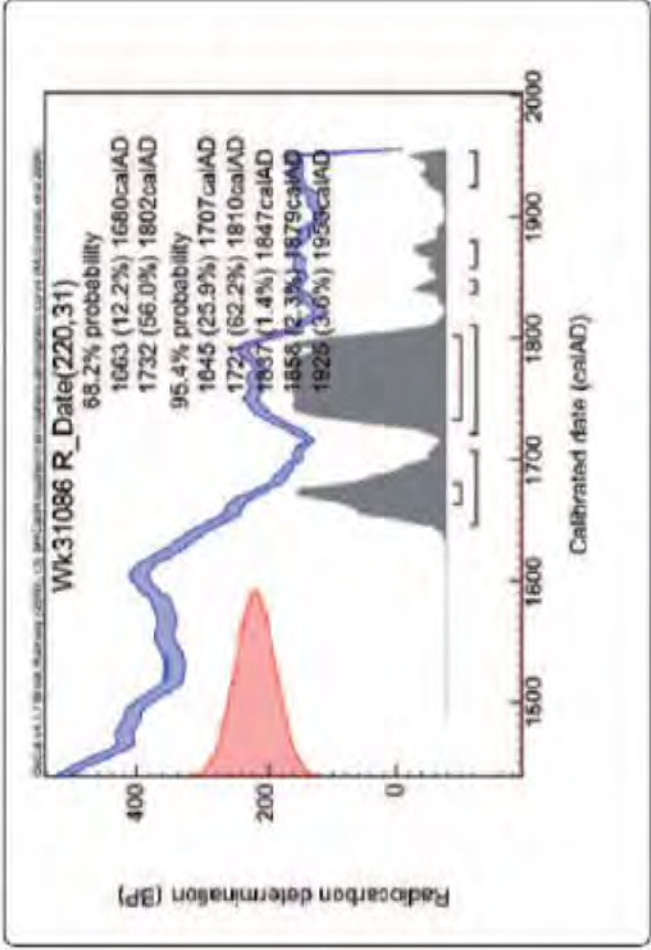
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Report on Radiocarbon Age Determination for Wk- 31086

Submitter	L. Furey
Submitter's Code	U14/157 under defensive bank
Site & Location	Plummers Point, western Bay of Plenty, New Zealand
Sample Material	tum, mapou, puriri/tarairi twig and supplejack.
Physical Pretreatment	Possible contaminants were removed. Washed in ultrasonic bath.
Chemical Pretreatment	Sample washed in hot 10% HCl, rinsed and treated with hot 1% NaOH. The NaOH insoluble fraction was treated with hot 10% HCl, filtered, rinsed and dried.

$\delta^{13}C$	-27.2 ± 0.2 ‰
D <sup>14</sup> C	-27.0 ± 3.7 ‰
F <sup>14</sup> C%	97.3 ± 0.4 ‰
Result	220 ± 31 BP

Comments



Alan Hogg  
18/07/11

- Result is Conventional Age or Percent Modern Carbon (pMC) following Stuiver and Polach, 1977, Radiocarbon 19, 355-363. This is based on the Libby half-life of 5568 yr with correction for isotopic fractionation applied. This age is normally quoted in publications and must include the appropriate error term and Wk number.
- Quoted errors are 1 standard deviation due to counting statistics multiplied by an experimentally determined Laboratory Error Multiplier.
- The isotopic fractionation,  $\delta^{13}C$ , is expressed as ‰ wt PDB.
- F <sup>14</sup>C% is also known as Percent Modern Carbon (pMC)



**AUTHORITY**  
**HISTORIC PLACES ACT 1993**

**AUTHORITY NO:** 2011/283      **NZHPT File No.:** 11013/11036-069  
**DECISION DATE:** 27 January 2011      **EXPIRY DATE:** 27 January 2016

**AUTHORITY HOLDER:** Pirirakau Incorporated Society

**POSTAL ADDRESS:** 3 Lochhead Road  
Te Puna  
TAURANGA 3172

**ARCHAEOLOGICAL SITES:** U14/157

**LOCATION:** Plummers Point

**APPROVED ARCHAEOLOGIST:** Louise Furry

**DECISION**

Pursuant to section 14 (1) of the *Historic Places Act 1993* and in respect of the archaeological site described above, the New Zealand Historic Places Trust grants an authority in whole to Pirirakau Incorporated Society for the proposal to undertake works involved in the Huharua Marae DIY Project (as outlined in the application), subject to the following conditions:

**CONDITIONS OF AUTHORITY**

1. This authority may not be exercised for fifteen working days from the date of receipt or until any appeal has been resolved.
2. Prior to the start of any on-site archaeological work, the Authority Holder must ensure that the NZHPT Regional Archaeologist is advised of the date when work will begin.  
  
This advice must be provided at least 48 hours before work starts, either by telephone (Rachel Darmody 07 578 1229) or email (rdarmody@historic.org.nz), and must include the Authority Number, and address of the property.  
  
The Authority Holder must also ensure the NZHPT Regional Archaeologist is advised of the completion of the on-site archaeological work, by telephone or email, within 5 working days of completion.
3. The final plans for the bridge are required to be approved by NZHPT in writing, prior to construction commencing.

4. Any earthworks that may affect the recorded archaeological site U14/157 must be monitored by an archaeologist approved by NZHPT. This includes earthworks for the construction of the pathway, excavating a section of the ditch, the bridge construction, and removal of the concrete steps within the pa.
5. Any archaeological evidence encountered during the exercise of this authority must be investigated, recorded and analysed in accordance with current archaeological practice. Current archaeological practice may include, but is not limited to, the production of maps/ plans/ measured drawings of site location and extent, excavation, section and artefact drawings and sampling, identification and analysis of faunal and floral remains and radiocarbon dating of samples.
6. If any koiwi tangata (human remains) are encountered, all work should cease within 20 metres of the discovery. The NZHPT Regional Archaeologist and the NZ Police must be advised immediately, in accordance with Guidelines for Koiwi Tangata/Human Remains (NZHPT Archaeological Guideline Series No. 8), and no further work in the area may take place until they have responded, in conjunction with the Authority holder (Pirirakau Incorporated Society).
7. Site Record Forms must be updated or submitted to the NZAA Site Recording Scheme, as appropriate. These forms must be prepared by an archaeologist approved by the NZHPT.
8. Within 20 working days of the completion of the on-site archaeological work associated with this authority, a written summary outlining the archaeological work undertaken, the preliminary results, and the approximate percentage of archaeological material remaining *in-situ*, must be submitted to the NZHPT Regional Archaeologist. This report must be prepared by an archaeologist approved by the NZHPT.
9. The Authority Holder must ensure that within 6 months of the completion of the on-site archaeological work a final report, completed to the satisfaction of the NZHPT must be submitted to the NZHPT Regional Archaeologist. This report shall include, but may not be limited to, site plans, section drawings, photographs, inventory of material recovered, including a catalogue of artefacts; location of where the material is currently held, and analysis of recovered material in accordance with accepted archaeological practice. This report must be prepared by an archaeologist approved by the NZHPT.
10. The Authority Holder shall ensure that one hard copy of the final report is sent to the NZHPT Regional Archaeologist. A digital copy must also be sent to the NZHPT's National Office for inclusion in the Digital Library. A hard copy of the final report must also be sent to the NZAA Central Filekeeper.

**APPROVED ARCHAEOLOGIST**

Pursuant to section 17 of the Act, Dr Louise Furey, with such assistants as may be necessary, is approved by NZHPT to carry out the archaeological work required as a condition of this authority, and to compile and submit a report on the work done.

**ADVICE NOTES**

**Contact details for NZHPT Regional Archaeologist**

Dr Rachel Darmody—Lower Northern Regional Archaeologist  
NZHPT Tauranga Office  
PO Box 13339  
TAURANGA 3141

Phone (07) 578 1229 / Fax (07) 578 1141  
Email [rdarmody@historic.org.nz](mailto:rdarmody@historic.org.nz)

**Costs**

The Authority Holder shall meet all costs incurred during the exercise of this authority. This includes all on-site work (monitoring and excavation by the archaeologist or extended field crew), post fieldwork analysis (midden and artefact sorting and identification), radiocarbon dates, specialist analysis (pollen identification, wood identification, artefact conservation), and preparation of interim and final reports.

**Final report**

Hard copies of reports must include all information, including appendices, in printed form. Digital reports must be submitted in PDF format as a single file, including appendices.

**Expiry**

An authority lapses five years after the date of the granting of that authority.

**NZHPT Guideline Series**

Guidelines referred to in this document are available for download from the NZHPT website:  
[http://www.historic.org.nz/ProtectingOurHeritage/Archaeology/Arch\\_Guidelines.aspx](http://www.historic.org.nz/ProtectingOurHeritage/Archaeology/Arch_Guidelines.aspx)

**Non-compliance with conditions**

Note that failure to comply with any of the conditions of this authority is a criminal offence and is liable to a penalty of up to \$40,000 (*Historic Places Act 1993*, section 100).

**Protected Objects Act**

The Ministry for Culture and Heritage administers the *Protected Objects Act 1975* which protects antiquities in New Zealand. An artefact is a specific category of antiquity that forms part of the cultural tradition of Māori. The *Protected Objects Act* requires that any finds of Māori artefacts are notified to the Ministry for Culture and Heritage or the nearest public museum within 28 days of finding. For more information contact:

The Antiquities Officer:  
[antiquities@mch.govt.nz](mailto:antiquities@mch.govt.nz)  
Phone (04) 499-4729  
Fax (04) 499-4490  
[www.mch.govt.nz/antiquities/index.html#content](http://www.mch.govt.nz/antiquities/index.html#content)

Signed for and on behalf of the New Zealand Historic Places Trust.



Nicola Jackson  
National Heritage Policy Manager  
New Zealand Historic Places Trust  
PO Box 2629  
WELLINGTON 6140

Date 27 January 2011

## Appendix 3 – Generic Policies





## **P2 Utilities**

### **Policy**

Where utilities, other than those required for servicing the reserve, are proposed to be located through or over a reserve, or where existing utilities are to be upgraded, the authority responsible will undertake early (i.e. at the preliminary scoping stage) and full consultation with the Reserves and Facilities Manager, WBOP DC as an affected party.

In general, utilities should be located to avoid any impingement on the use, enjoyment or general amenity of any reserve. Where avoidance cannot be achieved, mitigation and/or remedial works should be provided.

Where utilities are to be located through or over a reserve, the location of any above ground features should be limited in their scale and sited to least affect the use, enjoyment and amenity of the reserve.

All costs associated with the location of services through or over a reserve, including the cost of fully making good the affected area as well as any mitigation and/or remediation works, shall be borne by the authority undertaking the works to the satisfaction of the Reserves and Facilities Manager WBOP DC.

**Explanation:** Reserves are often identified as the location of utilities infrastructure. Individually and cumulatively, however utilities can affect the character and amenity of a reserve and its potential use and enjoyment. Any proposal for the location of new or upgraded utilities through or over a reserve should be fully considered, including the identification of alternative alignments and the avoidance, remedy or mitigation of adverse effects on the reserve.

### **P3 Buildings and Structures**

#### **Policy**

Buildings on reserves will be for sporting and recreation purposes and/or to facilitate the appropriate use of the reserve by the public.

Any potential adverse effects of buildings and structures (whether located on or adjacent to reserve land) on the amenity values and physical features of the reserve and on neighbouring properties should be avoided, remedied or mitigated.

In proposing to locate a new building on a reserve (by Council or by others), or when considering proposals for the extension of an existing building, or when considering the effects of a proposed building on land adjacent to a reserve, the following shall be taken into regard:

- The need for the building to be located on reserve land.
- The scale of the proposed structure in relation to the reserve and its foreseeable use.
- The foreseeable need and demand for the recreation facilities to be accommodated.
- Proposals for joint use of the facility.
- The siting, design, materials and colour of the proposed building or structure.
- The design and development of buildings and structures are energy and water efficient and storm water is managed affectively.
- The financial position of the applicant to properly construct and maintain the facility, and ongoing associated costs.
- The conservation of open space, views, significant vegetation and significant landscape features.
- The effects of providing access to and parking for the proposed building or structure.
- The potential visual or physical effects of the building or structure on neighbouring properties.

Where Council determines to approve the location of any building or structure on reserve land, the applicant will be responsible for obtaining all necessary resource and building consents before any work commences on site. In addition the applicant must comply with all bylaws, regulations and statutes pertaining to the construction and operation of the building or structure. The consent of the Minister of Conservation will be required before any building or structure is constructed on a reserve in situations where leases over scenic or recreation reserves allow for erection of buildings and structures.

**Explanation:** Buildings and structures include facilities such as toilets, changing rooms, club rooms, bridges, viewing platforms or lookouts and the like. Buildings and structures are necessary to facilitate public use of reserves. They can, however, also reduce the open space character and amenity of reserves and need to be carefully sited and designed to complement the reserve. Buildings and structures also represent significant investment and require ongoing maintenance. Duplication of such facilities should be avoided with joint use, management and funding promoted.

#### **P4 Commercial Use**

##### **Policy**

Commercial use of reserves will not be allowed unless a formal concession is granted for a particular activity involving a specific site and times during which the activity may take place.

Commercial use (including private or commercial access over a reserve) that conflicts with and/or limits the public use and enjoyment of the reserve or affects its amenity will not be permitted.

Where access over a reserve and use of its facilities provides for a commercial activity, such as use of a public boat ramp by commercial fishing boats and/or tourist related activities, Council will require payment of appropriate charges by the commercial user to assist in the maintenance and enhancement of the facility

**Explanation:** Commercial use of reserves can detract from its public use and enjoyment or limit its potential to be used for its allocated purpose. In general it is inappropriate for public land set aside for reserve purposes to be used for any commercial use. In some instances, however, commercial use can be accommodated without unduly impinging on the use and enjoyment of the reserve, in such cases Council will seek financial compensation for the use of public facilities for commercial gain.

## P5 Concessions

### Policy

The temporary or permanent private commercial use of public reserves will generally not be permitted.

From time to time, however, Council may determine that a commercial activity is complementary to the purpose of a particular reserve, will assist in the public use and enjoyment of the reserve, is compatible with or will avoid or mitigate any potential adverse effects on neighbours and will not adversely affect the general character and amenity of the reserve. In such cases Council may determine that it is appropriate to provide for the activity by way of a concession.

Any concession for use of a reserve will:

- Define and limit the area within which the activity is to be carried out
- Specify the times (over the year and during the day) during which the concession can operate.
- Specify the nature of the activities the concession operator can provide.
- Define the signage (if any) permitted in association with the concession.

- ❑ Specify the fee or bond amount.

Concessions will not provide for the exclusive use of any part of a reserve and will not function to the disadvantage of general public use of the reserve.

Any concession permitted by Council will be specific to the operator identified and will not be transferable.

Any concession granted by Council will be for a specified period with no automatic rights of renewal.

The following criteria will be used to assess any concession applications received:

- ❑ The extent to which the proposed activity is compatible with the designated purpose and use of the reserve.
- ❑ The extent to which the proposed activity will assist the public use and enjoyment of the reserve and not disadvantage other users.
- ❑ The compatibility of the proposed activity in relation to neighbouring properties and the ability for any adverse effects on neighbours to be avoided remedied or mitigated.
- ❑ The extent to which the proposed activity will impinge on the physical attributes and spatial qualities of the reserve.
- ❑ The need for permanent structures that could detract from the character of the reserve when the concession is not in operation.

Any application to operate commercial activities on a reserve should be made to the Reserves and Facilities Manager, WBOP DC in writing and include information in relation to:

- ❑ A description of the proposal and its proposed location within the reserve.
- ❑ A description of the potential effects of the proposed activity and the methods to be employed to avoid, remedy or mitigate adverse effects on reserve users and/or neighbours (i.e. noise from generators)

- ❑ The duration of the activity (hours of operation, days over which the concession will function and period of the year over which it will operate).
- ❑ The experience and resources of the concessionaire to successfully operate the concession.

Council will charge a levy for the commercial use of reserves. A bond will also be required for any commercial activities for which concessions are granted.

The applicant concessionaire will be responsible for ensuring that they fully comply with and receive any necessary consents in relation to the Resource Management, Building, Health and Safety in Employment Acts and other relevant Acts as well as the District Plan and comply with any relevant bylaws.

**Explanation:** Public reserves are for the use and enjoyment of the public. In general reserves provide respite from commercial facilities and provide opportunities for families, groups and individuals to pursue recreational activities away from commercial environments. From time to time, however, there will be temporary and/or permanent commercial activities that are fully compatible with the purpose of the reserve and that can assist or enhance the use and enjoyment of the reserve for a significant number of reserve users. Council will consider applications for concessions on reserves and where appropriate provide for such activities as an adjunct to the reserve.

## P6 Organised Events

### Policy

Use of any reserve for an organised event requires the approval of the Reserves and Facilities Manager, WBOP DC. Applications for approval to use a reserve for an organised event should be made in writing and include the following information:

- The date(s) of the event; the name of the organisation holding the event; and key contact people.
- The nature of the event; its duration and purpose including how it will provide for public access and enjoyment.
- A plan showing the layout of the event including provision for emergency access, the location of toilets, first aid, parking and other facilities.
- A timetable for preparations leading up to the event and for clearing up after the event.
- Proposals for advising neighbours and the local community about the event.
- The Organiser will submit a proposal for recycling waste generated by the event.
- The financial resources of the event organiser and/or its sponsors (which must be named).
- Proposals for reinstatement of the reserve.

Copy of public liability insurance.

- Copy of operator's licences from any operator supplying or in charge of any Amusement Device.
- Food storage, preparation and sale at the event.

The cost of organising and running any approved event on a reserve will be the responsibility of the event organiser. Any reserve used for an approved event is required to be left in the condition in which it was found prior to the event to the satisfaction of the Reserves and Facilities Manager, WBOP DC.

Event organisers for any approved event will be fully responsible for securing in advance all consents and approvals for the operation of the event and will ensure they respect any relevant bylaws or District Plan requirements (such as noise controls).

The Reserves Act 1977 does not permit overnight stays on any reserve which is not a reserve set aside under Section 53 of the Act as a Camping Ground. However, Section 44 of the Reserves Act 1977 allows use of reserves in accordance with its Management Plan. Where any event covers 2-3 days security personnel are permitted to patrol overnight.

Council will retain the right to require a refundable bond from any event organiser and retain the discretion to expend the bond to reinstate the reserve should this be required. The amount required in bond will be determined by the Manager Parks and Property, WBOP DC, with reference to Council's Schedule of Fees and Charges.

**Explanation:** Events can enhance the public use and enjoyment of reserves and contribute to the diversity and vibrancy of the community. Events with large numbers of people and activities can also adversely affect the reserve and its neighbours. Council therefore needs to retain full discretion over the number, nature and organisation of any organised event on reserve land.

## P7 Signs

### Policy

All signs located within reserves will comply with Council's signage policy to ensure consistent sign information and styles on reserves throughout the District.

Signs will generally be grouped or clustered within a reserve to avoid visual clutter and to assist visitors to easily access all relevant information.



Any new permanent sign to be located within a reserve shall be located with the approval of the Reserves and Facilities Manager, WBOP DC. Reserve occupiers wishing to erect signs will be responsible for meeting the costs of producing, erecting, maintaining and replacing signs relating to their activity. Subject to the written approval of the Reserves and Facilities Manager, WBOP DC, and all relevant statutory consents being granted (the Club being responsible for securing any relevant consents or approvals) tenant clubs may affix to the building that they occupy, signs denoting their premises.

No commercial signs will be permitted on reserves except with the specific approval of Council (Reserves and Facilities Manager, WBOP DC). Council may permit the erection of advertising signs on recreation reserves developed as sports grounds where these will not detract from the character and amenity of the reserve or adversely affect neighbours. The cost of such signs, any associated resource consents, and the regular maintenance of any such sign will be borne by the advertiser.

Council retains the right to request the removal of and/or to remove any inappropriate, poorly located or obsolete signs as well as those that have fallen into disrepair.

**Explanation:** Signs are necessary to identify reserves, to assist access within reserves, to provide for the appropriate use of reserves and to provide for the safety of reserve users. Signs provide an opportunity for Council to 'brand' public land and clearly identify public resources. However, signs can individually or cumulatively detract from the amenity of a reserve and need to be designed, located and maintained to avoid visual clutter and the degradation of the values of the reserve. Signs can be located in reserves by others and clear guidelines are needed for the provision of such signs within a public area.

## P8 Naming

### Policy

All reserves vested in or administered by Council will be named through a formal resolution of Council following consultation with Tangata Whenua and interested parties.

Naming will generally be initiated at the time of vesting and will be publicly advertised with a one month period for comment.

This Reserves Naming Policy acknowledges the New Zealand Geographic Board (Ngā Pou Taunaha O Aotearoa) "Rules of Nomenclature" which act as guiding principles for determining place names in New Zealand. In summary these rules as they relate to Council administered reserves are:

- ❑ Names which have historic, geographic or particular local significance are generally acceptable. So too, for example, are names of early explorers and discoverers, early settlers, surveyors and geologists and early notable people or events which have some connection with the proposed area to be named.
- ❑ Names of persons will not be given to features during the person's lifetime. If the name of a deceased person is used, generally the surname is chosen.
- ❑ Descriptive names can be used provided there is no duplication of the name in a neighbouring area.
- ❑ Name duplication is avoided.
- ❑ The use of the possessive form is avoided; e.g. Smith's Reserve.
- ❑ Names in local usage normally take precedence.
- ❑ Names considered to be in poor taste are avoided.

- ❑ Original Māori place names will be encouraged - an "original Māori place-name" means any Māori place name that is recognised by the tangata whenua as one historically associated with a place within their tribal boundary.
- ❑ Includes reserves which are approved by the Department of Conservation through the Management Plan process

**Explanation:** When new reserves are created or when existing reserves have names that are poorly related to the locality, purpose or nature of the reserve or to its community use, it is desirable for the reserve to be named, or renamed, to ensure ease and consistency of identity.

## **P9 Gifts and Commemorative Built Features**

### **Policy**

Council will consider requests from individuals and/or organisations within the community for the sponsorship and/or gifting of reserve features including the appropriate recognition of the benefactor. Any such proposals will be assessed in relation to the following criteria:

- ❑ The compatibility of the proposed feature in relation to the character and use of the reserve.
- ❑ The benefit to the reserve users.
- ❑ The ease and cost of maintenance and whom is responsible.
- ❑ The relevance of the feature to the community and its appropriateness.

Where a gift or the sponsorship of a reserve feature is approved by Council, the benefactor will be generally acknowledged through the appropriate attachment of a small (eg. 150 x 100 mm) engraved or cast metal plaque associated with the item. Other arrangements for acknowledging the donor will be considered on a case by case basis in relation to the nature of the gift.

Where a significant gift is involved, Council and the donor group will develop a protocol that sets out the principles of the gift.

Where a gift or commemorative feature requires removal it may or may not be replaced. Where replacements are made they will be made with the same or a similar feature.

Council will maintain gifts and/or commemorative features except where maintenance by others is agreed as part of the gift agreement (such as in the case of some sculpture). The benefactor will generally retain no ongoing rights or responsibilities in relation to the feature.

**Explanation:** Council is keen to work with community groups or individuals that are interested in offering their resources for the benefit of the public at large. The nature of such potential relationships is set out in the Recreation and Leisure Plan, Strategy 6.3 'Community Based Resources'.

Members of the public frequently make requests to place features on reserves. Whilst such commemorations can assist in developing community values and mark important historic events, the location and number of such features needs to be managed.

Commemorative features can also add cost to the ongoing maintenance of reserves, and can cause difficulties when the features are damaged, vandalised or require significant maintenance.

Difficulties can also arise where the individual or group having made the gift, seeks to influence the management of the wider reserve. Council needs to be in a position to control the nature, number and location of such features; encouraging appropriate enhancement of reserves and community input to their development whilst avoiding the potential difficulties and conflicts associated with gifts.

## **P10 Commemorative Trees**

### **Policy**

Where an individual or organisation wishes to plant a commemorative tree on a reserve, this will only be permitted with the approval of the Reserves and Facilities Manager, WBOP DC where the selected location is in line with the concept plan for the reserve.

Any approval for a commemorative tree will specifically exclude any role in the ongoing maintenance of the tree.

Commemorative plaques identifying a donated tree will not generally be permitted. In exceptional circumstances the Reserves and Facilities Manager, WBOP DC may approve the placement of a plaque.

Where a commemorative tree requires removal it may or may not be replaced. Where replacements are made they may or may not be made with the same or similar species.

Where a significant planting of commemorative tree(s) is involved, Council and the donor group will develop a protocol that sets out the principles of the gift.

**Explanation:** Commemorative trees can cause problems for reserve maintenance as trees are often damaged or vandalised and in some instances need to be removed to facilitate the use or ongoing development of the reserve. It may or may not be desirable, from the reserve maintenance point of view, to replace a tree that has had to be removed. Commemorative trees can also become memorials for those that have an association with the person or event being commemorated, at times this can lead to the placement of flowers or other tokens of recognition that are inappropriate in a reserve setting.

## P11 Fireworks Displays

### Policy

Fireworks displays will not be permitted on reserves except where expressly provided for in the reserve specific policy. In the Te Puke Ward these nominated reserves are Centennial Park and Jamieson Oval / Jubilee Park.

Where provided for on a reserve any organisation wishing to present a fireworks display shall make written application to the Council (Reserves and Facilities Manager) at least one calendar month before the event. The organisation must seek the prior permission from the Department of Labour and include evidence of this approval within their application.

Council may place whatever conditions it finds appropriate on an approval for a fireworks display, for example conditions may relate to the management of fire risk, safety and noise. A requirement of any approval for use of a reserve for a fireworks display will be contingent on the applicant organisation having a sufficient level of public liability insurance.

**Explanation:** From time to time Council receives requests from organisations wishing to use a reserve for a fireworks display. Such displays are governed by legislation other than the Reserves Act and require the permission of the Department of Labour.

Fireworks displays can generate adverse effects in relation to vegetation, wildlife habitat, animals, and neighbours. They also create a potential fire risk that needs to be managed. Many reserves in the Western Bay of Plenty District are inappropriate locations for public firework displays. Such displays are therefore not permitted on reserves except where it is expressly identified and then subject to Council approval as well as to any conditions that Council may wish to impose.

## **P12 Litter Disposal**

### **Policy**

Council will pursue an approach to the provision of rubbish bins on reserves that encourage people to take rubbish away with them. Where rubbish bins are provided Council will, where appropriate, move toward providing facilities for the sorting of rubbish.

No person shall deposit any domestic refuse, trade waste, garden refuse, rubble or debris on a reserve without Council approval (i.e. depositing clean fill without the prior approval of Council) such activities are an offence pursuant to Section 94 of the Reserves Act 1977 and carry fines. Council will prosecute perpetrators of illegal dumping where these can be identified.

Where a reserve is used for an event or tournament, the user groups and / or event organisers will be responsible for the collection and approved disposal of all associated litter and waste.

Charity type recycling centres and clothing bins will not be located on reserves where these do not directly function to serve the local community.

**Explanation:** Council has adopted a Solid Waste Action Plan (2002) which establishes the following vision – “Sustainable waste management that protects the environment for present and future generations by vigorously promoting waste minimisation to achieve a zero waste target by 2015”.

In addition to waste minimisation recycling is a focus of Council's vision for the future management of waste. It is appropriate that Council's objectives for waste management are carried through into the provision for litter collection in reserves. The provision of rubbish bins for the collection of litter is not considered appropriate or necessary on all reserves. Generally the public will be encouraged to take their litter away with them and where bins are provided, Council will move to providing further sorting of rubbish on the reserve.

Where rubbish bins are provided the frequency of their emptying can be targeted to their level of use – which frequently varies depending on the season. This will assist in minimising the cost of maintenance whilst maintaining appropriate standards for the provision of service. Where rubbish is generated due to a particular event or activity, the cost of removal will fall upon the organisers. (This policy is consistent with Council's Schedule of Fees and Charges.) The dumping of waste on any reserve can significantly detract from its amenity, has the potential to cause hazards and can cause flow on problems such as plant pest's infestations.

## **P13 Encroachment**

### **Policy**

- i) Prevention of new encroachments: From the date of adoption of this Te Puke Reserves Management Plan by Council no new encroachments onto public reserve land will be permitted.

Where new encroachment occurs Council will:

- a) Give notice to the encroacher(s) requiring termination, removal and reinstatement of the encroachment at the owner's cost within a specified timeframe.
- b) Where removal and reinstatement does not occur, Council may carry out the removal and reinstatement and recover costs by way of proceedings through the District Court or if necessary through prosecution.



- ii) Existing encroachments: Where historical encroachments exist Council will advise the relevant party(s) of the encroachment and enter into negotiations to have the encroachment removed and the reserve reinstated at the cost of the encroacher(s). Council's priority for removal of historical encroachments will include any built encroachments and those that adversely affect the public use and enjoyment of the reserve.
- iii) Community Management: Notwithstanding the above, Council will from time to time work with the local community and adjoining landowners to establish and maintain planting on reserve land. This will particularly include planting that defines the interface between reserves and private land and/or where such planting is of benefit to the amenity of the reserve and does not impinge on its public use and enjoyment. Any such community management must have the approval of the Reserves and Facilities Manager, WBOP DC.

**Explanation:** In many places reserves abut private property. From time to time private activities including gardens, steps, huts and seating areas encroach onto the reserve such that the public is excluded from, or discouraged from using, that portion of the reserve. It is important that new encroachments are prevented and that the removal of historical encroachments is managed over time. In certain locations and with the explicit approval of Council, reserves and the community use and enjoyment of reserves can benefit from a level of community involvement in the planting and maintenance of reserves. Such community involvement can be encouraged by Council where it is of wider environmental and public benefit and does not lead to any form of perceived or real privatisation of the reserve.

#### **P14 Private Access Over Reserve Land**

##### **Policy**

Any existing or new private accessway over reserve land will be treated like an encroachment and will generally not be permitted, except where considered for approval and formalisation following written application to the Reserves and Facilities Manager, WBOP DC.

Applications will be assessed by Council on a case by case basis, with the assistance of the following criteria:

- Is the accessway beneficial for reserve management and/or general public use purposes?
- Does the accessway generate adverse effects in relation to the reserve's natural character, ecological, wildlife, landscape, cultural heritage, recreational, or other values?
- Is alternative access available?
- Are there any particular exceptional reasons why the accessway should be approved?
- Will approval have the potential to increase maintenance costs to Council over time?
- Is approval likely to create a precedent or encourage other requests for private access over reserve land?

Any accessway approved over reserve land will require formalisation by way of an easement (consistent with Section 48 of the Reserves Act 1977), the process of formalisation is subject to notification and will require the consent of the Minister of Conservation.

All costs associated with the granting of a formalised access will be borne by the party granted access. Annual rentals may also be required to be paid at the discretion of the Council.

**Explanation:** In many locations reserves abut private land and in some such locations access over reserve land provides desirable access to that land. In some places historical access occurs. Private access over reserve land can, however, affect the use, enjoyment and development of the reserve and generally should be avoided except in exceptional situations.

**P16 Freedom Camping Bylaw 2012 formerly Motor Homes Policy**

**P16 Motor Homes now superseded by Freedom Camping Bylaw 2012.**  
**Please refer to Appendix 4.**

The Bylaw is not due for review until no later than 9 November 2017 and thereafter no later than 10 years after the Bylaw was reviewed

**P17 Freedom Camping Bylaw 2012 formerly Camping Policy**

**P17 Camping now superseded by Freedom Camping Bylaw 2012.**  
**Please refer to Appendix 4.**

**Explanation**

Section 44 of the Reserves Act 1977 provides that except with the consent of the Minister, no person shall use a reserve, or any building, vehicle, boat, caravan, tent, or structure situate thereon, for purposes of permanent or temporary personal accommodation provided that nothing in the subsection shall be deemed to prohibit the use, for purposes of personal accommodation, of any reserve or any building, vehicle, boat, caravan, tent, or structure situate on any reserve, subject to compliance with every term or condition on which such use is permitted in areas defined in Council reserve management plans.

Camping may also be permitted under Sections 53 (h), 55 (2d) and 61 (1) of the Reserves Act 1977, with the prior consent of Council and the Minister of Conservation (Camping Grounds, Holiday Parks etc).

Council's recently adopted a Freedom Camping Bylaw 2012 under the Freedom Camping Act 2011; please refer **Appendix 4**.

The Bylaw permits freedom camping in tents in the TECT All Terrain Park provided that:

(a) He or she complies with the general restrictions;

- No person may light any fire in a local authority area except in a place specifically provided by the Council for that purpose, or with the prior written permission of an authorised officer.
- All waste must be removed from the site and disposed of in a Council approved disposal facility;
- The site must be left in a clean and tidy state;
- Every person must leave and not return if required to leave by an enforcement officer;
- All conditions stipulated on any signs must be complied with;
- No animals may be kept on site except for disability assist dogs as defined in section 2 of the Dog Control Act 1996 or unless a Council bylaw allows the animal at the site, such as through a dog control bylaw, and

(b) It is in an area specifically set aside for the purpose of camping in tents as described in the aerial maps attached to the Freedom Camping Bylaw 2012 Schedule 2 and the length of stay does not exceed three consecutive nights in any one calendar month; or

(c) The express written permission of the TECT All Terrain Park Manager is first obtained and any restrictions imposed on that permission complied with.

**The Bylaw is not due for review until no later than 9 November 2017 and thereafter no later than 10 years after the Bylaw was reviewed**

## P18 Fencing

### Policy

Where private land directly abuts reserve land Council will seek to ensure that the boundary between public and private land is clearly defined whilst encouraging surveillance over the reserve from residential properties. Generally where boundaries are to be fenced a low height fence (1.0 metre, 1.2 metre maximum) will be encouraged

Pedestrian gates in boundary fences for residents to access the reserve will be allowed entirely at the owner's expense. No private vehicular access over reserve land is permitted without the prior consent of Council and the Minister of Conservation.

Council will seek to share the cost of boundary fences on a 50/50 share basis as provided for in the Fencing Act 1978.

Council will work with adjoining landowners to ensure protection of ecological features through appropriate stock proof boundary fencing.

**Explanation:** Where private land abuts reserve land there is the potential for encroachment to occur if the legal boundary is not clearly defined. Definition of the boundary assists Council's maintenance and reduces incremental encroachment over time.

In some places where the boundary is not well defined the reserve can feel "privatised" and the public less welcome due to the nature of adjacent residential development. Clear delineation of the boundary assists in reducing the perception of privatisation.

Surveillance over reserves from adjacent residential properties assists the security of reserves and their safety. High fences that restrict surveillance should be avoided and desirable surveillance and access into reserves encouraged.

## **P19 Reserve Closure**

### **Policy**

Council will retain the discretion to limit vehicular and/or pedestrian access to reserves under the provisions of Section 40 and Section 48 of the Reserves Act 1977.

**Explanation:** For safety reasons and/or in order to better manage reserve use it may be desirable to limit or exclude access to a reserve, particularly at night or at certain times of the year. Council will use its discretion to best manage the balance between public access and reserve management.

## **P20 Safety and Security**

### **Policy**

The design, development and management of reserves will take into account public safety issues and promote the appropriate use and protection of the reserve. It will also take into account WBOP District Councils Community Safety Policy which includes Council's Closed Circuit Television (CCTV) and Crime Prevention through Environmental Design (CEPTD) responsibilities.

The security of the reserve and any Council owned facilities on the reserve are the responsibility of Council and individuals committing offences against reserve property will be prosecuted in accordance with the Reserves Act 1977

The security of the private property of any member of the public visiting or using a reserve remains the responsibility of the visitor/user. Council will retain the right to limit access to any reserve, or advise the public, through appropriate signage, where any security issue within a particular reserve is of concern e.g. theft from motor vehicles. Council will cooperate with the police and other agencies to promote the security of reserve users.

**Explanation:** The issue of safety in reserves relates both to the safety of users and to the security of the reserve and its facilities. Reserves and facilities on reserves can be the subject of vandalism and/or anti-social behaviour by others. Whilst the behaviour of individuals is a societal issue, reserves and facilities on reserves can be designed to enhance safety and reduce the incidence of vandalism. In addition, the public can be assisted in the management of their own safety and the security of their property whilst using the reserve, by providing appropriate signage advising of any issues, which may be of concern.

## **P22 Planting**

### **Policy**

Indigenous New Zealand species will generally be used within reserve plantings. Where appropriate these will be eco-sourced.

Where exotic species are planted these will be selected due to: an urban location; the desire for a deciduous species; an historical association; a particular connection to a place or individual; or the advantage of fruit or specimen feature trees or hedging. Exotic species will not include any species considered to be an ecological weed threat.

Plantings will generally be low maintenance, self-sustaining and where appropriate support birdlife with fruit or nectar bearing plants.

Plantings, and the alignment of pathways that provide for public access will generally be designed to consider user safety and security. When planting is undertaken for forest revegetation, conservation, ground stabilisation, or environmental protection purposes, this primary objective may override public surveillance and visibility.

Shade trees will be planted in reserves to provide sun protection for users. Planting will give regard to retaining and enhancing significant views of existing local landowners.

Naturally occurring native trees on reserve land will not be pruned or removed to create or maintain private 'views'. Council will consider any request from the public for the pruning or removal of planted trees located on reserve land on a case-by-case basis. Council may approve or decline any such request. If site-specific circumstances justify the pruning or removal of a tree or trees those requesting pruning or removal will be required to meet the cost of the work, which shall be carried out in accordance with Council's instruction by an arborist registered with the NZ Arboriculture Association.

With respect to this Planting policy, due recognition shall be given to the Property Law Act 1952.

**Explanation:** Many of Council's reserves abut harbour, lake or riparian margins and adjoin remnant and/or regenerating indigenous bush. These and other reserves contribute to, or have the potential to form ecological corridors that provide important linkages for flora and fauna. These reserves are important for their natural character, ecological and conservation values. It is appropriate that reserve plantings reinforce and enhance the indigenous vegetation and ecological values of these areas.



## P23 Tangata Whenua

Sites or areas with characteristics of special value to Tangata Whenua, including waahi tapu, tauranga waka, mahinga kai, taonga raranga, rongoa and mahi whakairo may not have been identified in the Historic Places Archaeological sites inventory or the District Plan. In consultation with tangata whenua these will be identified, evaluated and protected and become part of the reserve management, development and use process. Where there are sites that Tangata Whenua chooses not to identify, it will be determined, in accordance with tikanga Maori, the means whereby those sites or areas are to be protected.

Tangata Whenua will be consulted in the reserve management, development and use process where decisions are being made on issues of significance to Tangata Whenua concerning ancestral taonga or tikanga Maori, where these are known to Council to exist.

Use and development of reserves will avoid, remedy or mitigate adverse effects on the natural and physical resources of special spiritual, historical and cultural significance to Tangata Whenua, where these are known to Council to exist.

The effects of use, development and protection of natural and physical resources on relevant Treaty claims or customary rights of Tangata Whenua will be taken into account.

## P24 Smokefree – Subregional Parks

### Policy

Subregional parks are smokefree with the exception of designated smoking areas. When a prohibited fire season is in operation smoking is also banned in designated smoking areas .

The policy applies to all outdoor areas, buildings, facilities and residential dwellings within the parks. With regard to residential dwellings a smokefree clause in the tenancy agreement is required.

Designated smoking areas will be identified through the user group management plans, park management plans and the operational guidelines according to the following principles:

- Are located in 'discrete' areas to minimise the visibility and impact of smoking on users of the park
- Minimise fire risk ie on hard surfaces, no flammable ground cover in the near vicinity, no build-up of pine or other vegetative litter, extinguishers readily available and fire danger notices displayed, bins provided for butts and ash
- Are not located in areas that are waahi tapu.
- Is a minimum of 10 metres from any enclosed areas including doorways, open windows and ventilation ducts (to prevent smoke drift).
- Each designated outdoor smoking area needs approval from the Park Manager
- Designated smoking areas can not operate when a prohibited fire season is in operation (unless the designated smoking area is designed in a way which allows for smoking at times when a prohibited fire season is in operation)

When a policy is adopted, signage with positive messages would be erected to encourage people not to smoke in parks and indicate designated smoking areas. The signage is a request, not a mandate. The Smokefree Parks policy will be community enforced. Media and publicity for this policy will need to be included in all steps, particularly prior to putting the signs up, in order to raise community awareness.

### **Explanation**

Smokefree parks:

- Reduces fire risk
- Protects the natural environment
- Reduces the visibility of smoking which contributes to smoking initiation
- Creating supportive environments for former smokers to remain smoke-free
- Encouraging people to quit smoking

A Prohibited Fire Season may be declared when Extreme Fire Danger levels are experienced. The main focus of the educational Smokefree Parks policy is children and protecting the environment.





Western Bay of Plenty  
District Council



Tauranga City

## Appendix 4 – Bylaws



## Freedom Camping Bylaw 2012

### 1. Introduction

#### 1.1. Definitions

In this Bylaw, unless the context requires;

**Act** means the Freedom Camping Act 2011

**Authorised Officer** means an officer or other person appointed by the Council to perform duties under this bylaw.

**Camping ground** means -

- a camping ground that is the subject of a current certificate of registration under the Camping-Grounds Regulations 1985; and
- any site at which a fee is payable for camping at the site

**Council** means the Western Bay of Plenty District Council

**District** means the area administered by the Western Bay of Plenty District Council.

**Enforcement officer** means any person appointed or authorised in writing by the Chief Executive or by the Council to act on its behalf and with its authority to enforce this Bylaw and includes a member of the Police.

**Freedom camping** means to camp (other than in a camping ground) within 200m of a motor vehicle accessible area or the mean low-water springs line of any sea or harbour, or within 200m of a formed road or a Great Walks Track using 1 or more of the following:

- a) a tent or other temporary structure

- b) a caravan
- c) a car, campervan, house truck, or other motor vehicle.

In this Bylaw, freedom camping does not include the following activities:

- a) temporary and short-term parking of a motor vehicle;
- b) recreational activities commonly known as day-trip excursions;
- c) resting or sleeping at the roadside in a caravan or motor vehicle to avoid driver fatigue.

**Local authority area** means an area of land, or any part of any area of land that is within the Western Bay of Plenty District and is controlled or managed by the Council under any enactment, but does not include an area of land that is permanently covered by water.

**Person/s** - includes a corporation sole and also a body of persons whether corporate or non-corporate.

**Reserve** means any open space, plantation, park, garden or ground set apart for public recreation or enjoyment which is under the management or control of the Council and includes the buildings and structures within those reserves.

**Road** has the meaning assigned to it under section 2 of the Land Transport Act 1998. It also means all land lying between the boundaries of a road including footpaths and berms.

**Reserve Management Plan** means a management plan prepared under section 41 of the Reserves Act 1977 for reserves under the Council's control, management or administration.

**Self contained vehicle** means a vehicle designated and built for the purpose of camping which has the capability of meeting the ablutionary and

sanitary needs of occupants of that vehicle for a minimum of three days without requiring any external services or discharging any waste and complies with New Zealand Standards 5465:2001.

**Vehicle** has the same meaning as in section 2(1) of the Land Transport Act 1998.

**Waste** means any kind of waste, including human waste.

## 2. Purpose

The purpose of this Bylaw is to regulate freedom camping in the Western Bay of Plenty District by identifying local authority controlled and managed areas where freedom camping is permitted and the restrictions that apply in those areas; and to define areas where freedom camping is prohibited to:

- (a) protect the area; and
- (b) protect the health and safety of people who may visit the area; and
- (c) protect access to the area.

## 3. Areas where freedom camping is prohibited

3.1. No person may freedom camp in any local authority area identified in Schedule 1.

## 4. Areas where freedom camping is permitted

4.1. Freedom camping is permitted in any of the local authority areas identified in Schedule 2 provided he or she complies with the following general restrictions:

- (a) No person may freedom camp except in a self-contained vehicle;
- (b) No person may freedom camp for more than three consecutive nights in any calendar month at any one site.
- (c) No more than three self-contained vehicles are permitted in any one location on any one night (unless expressly provided for through signage at the site);
- (d) Self-contained vehicles must park within existing defined car parking areas.
- (e) Self-contained vehicles must be legally parked.
- (f) No person may light any fire in a local authority area except in a place specifically provided by the Council for that purpose, or with the prior written permission of an authorised officer.
- (g) All waste must be removed from the site and disposed of in a Council approved disposal facility;
- (h) The site must be left in a clean and tidy state;
- (i) Every person must leave and not return if required to leave by an enforcement officer;
- (j) All conditions stipulated on any signs at the site must be complied with;
- (k) No animals may be kept on site except for disability assist dogs as defined in section 2 of the Dog Control Act 1996 or unless a Council bylaw allows the animal at the site, such as through a dog control bylaw.



4.2. Freedom camping in tents is permitted in TECT All Terrain Park provided that:

- (a) He or she complies with the general restrictions set out at clause 4.1(f) – 4.1(k); and
- (b) It is in an area specifically set aside for the purpose of camping in tents as described in the aerial maps attached to Schedule 2 and the length of stay does not exceed three consecutive nights in any one calendar month; or
- (c) The express written permission of the TECT All Terrain Park Manager is first obtained and any restrictions imposed on that permission complied with.

## 5. Offences and penalties

5.1. Every person commits an offence who –

- (a) freedom camps or makes preparation to freedom camp in the District in breach of any prohibition or restriction in this Bylaw
- (b) interferes with or damages the area, its flora or fauna or any structure in the area
- (c) deposits waste on the land
- (d) discharges a substance which is likely to be noxious, dangerous, offensive or objectionable to the extent that it has or is likely to have a significant adverse effect on the environment; or has caused, or is likely to cause, significant concern to the community or users of the area or land under section 20(2) of the Act

- (e) obstructs, hinders, impedes, assaults, threatens or behaves in a threatening manner or intimidates an enforcement officer, or incites others to do so, in the performance of any duty or exercise of any power conferred upon the enforcement officer under this Bylaw
- (f) fails or refuses to leave a local authority area when required to do so by an enforcement officer
- (g) refuses to give information when required to do so by an enforcement officer in accordance with clause 5.2 below or gives false or misleading information.

5.2. Where an enforcement officer believes on reasonable grounds that a person has committed or is committing an offence may direct the person to give:

- (a) his or her full name, date of birth, full address, telephone number, and occupation, and
- (b) the full name, date of birth, full address, telephone number, occupation, and whereabouts of any person connected in any way with the alleged offence.

## 6. Penalties for breach of bylaw

- 6.1. A person who commits an offence against this Bylaw is liable to:
- (a) an infringement fee the amount prescribed by regulations made under section 43 of the Act for the offence; or
  - (b) \$200.00, if no fee is prescribed for the offence.
- 6.2. A person who is convicted of an offence against section 20(2) of the Act is liable to a fine not exceeding \$10,000.

## 7. Schedules

- 7.1 Schedule 1 – Areas where freedom camping is prohibited.
- 7.2 Schedule 2 – Areas where freedom camping is permitted.
- 7.3 Schedule 3 – Aerial Maps where freedom camping is permitted.
- 7.4 Motorhomes Wastewater Dump Stations

### Review of Bylaw

This Bylaw is required by section 13 of the Freedom Camping Act 2011 to be reviewed no later than 5 years after the Bylaw was made and thereafter no later than 10 years after the Bylaw was last reviewed.

## Schedule 1 – Areas where freedom camping is prohibited

Freedom camping on roads is prohibited in the following urban areas:

- **Katikati urban area** encompassing the entire length of State Highway 2 in the 50 km/h zone and all parking areas adjacent to the State Highway; Talisman Drive and Kotahi Lane.
- **Te Puke urban area** encompassing the entire length of State Highway 2 in the 50 km/h zone and all parking areas adjacent to the State Highway; Commerce Lane and Queen Street including the adjacent Council owned parking areas.
- **Waihi Beach urban area** encompassing Wilson Road from Waihi Beach to Dillon Street; Beach Road from Wilson Road to the entry of the car parking area adjoining the Surf Club.
- **Maketu** including Beach Road.

Freedom camping is prohibited on the following roads:

- **Ngamuwahine Road**, off SH 29, Kaimai.
- **Plummers Point Road** from Kotuku Reserve to Huharua Park

Freedom camping is prohibited in the following reserves administered by Council and for the avoidance of doubt includes any road/car parks (whether formed or unformed) associated with that reserve:

<b>Waihi Beach Ward</b>	
<b>Reserve Name</b>	<b>Location</b>
Adela Stewart Drive Reserve	Adela Stewart Drive, Athenree
Athenree Historic Reserve	Pohutukawa Drive, Athenree
Athenree Homestead Reserve	Athenree Road, Athenree
Athenree Motorcamp	Waione Ave, Athenree
Athenree North Foreshore Reserve	Athenree, Harbour
Athenree South Foreshore Reserve	Athenree, Harbour
Beach Road Reserve	Beach Road, Waihi Beach
Beachaven Holiday Park	Leo Street, Waihi Beach
Bowentown Reserve (Balance)	Seaforth Road, Bowentown, Waihi Beach
Bowentown Reserve (Leased as Holiday Park))	Seaforth Road, Bowentown, Waihi Beach
Brewer Park	Shaw Road, Waihi Beach
Bridgeman Lane Esplanade Reserve	Bridgeman Lane, SH2
Broadlands Block	Beach Road, Waihi Beach
Coronation Park Reserve	Leo Street, Waihi Beach
Didsbury Drive Drainage Reserve	Didsbury Drive, Waihi Beach
Doctor North Memorial Reserve	Pohutukawa Drive, Athenree
Koutunui Reserve	Koutunui Road, Athenree
Ocean View Road Reserve	Ocean View Road, Waihi Beach
Papaunahi Road Recreation	Papaunahi Road Seaforth Road,

Reserve	Bowentown,
Pio Shores Recreation and Drainage Reserve	Pio Shores, Waihi Beach
Pohutukawa Park	Seaview Road, Waihi Beach
Roretana Drive Reserve	Roretana Drive, Athenree
Seaforth Road Reserve	Seaforth Road, Waihi Beach
Shaw Road Reserve	Shaw Road, Waihi Beach
Three Mile Creek Reserve	Seaforth Road, Waihi Beach
Tohoroa View and Brown Drive Drainage Reserve	Tohoroa View and Brown Drive, Waihi Beach
Tui Park	Bowentown Boulevard, Bowentown.
Waihi Beach Holiday Park	Beach Road, Waihi Beach
Waihi Beach Plunket Reserve	Marine Ave, Waihi Beach
Waihi Beach water catchment reserve	Oceanview Road, Waihi Beach
Waiiti Ave Reserves	Waiiti Ave, Bowentown, Waihi Beach
Wilson Park	Citrus Ave, Waihi Beach
<b>Katikati Ward</b>	
<b>Reserve Name</b>	<b>Location</b>
Aongatete Domain Reserve	Morton Road, Aongatete, Katikati
Binnie Road Reserve	Binnie Road, Katikati
Earl Drive Reserve	Earl Drive, Katikati
Gilfillan Drive Reserve	Gilfillan Drive, Katikati
Henry Road Wildlife Refuge	Henry Road, Katikati
Lancaster Road Landing Reserve	Lancaster Road, Katikati

Levley Lane Reserve	Levley Lane, Katikati
Ongare Point Reserve	Ongare Point Road, Ongare, Katikati
Park Road Tennis Reserve	Park Road, Katikati
Park Road/Beach Road Reserve	Park Road/Beach Road, Katikati
Sapphire Springs Recreation Reserve	Hot Springs Road, Katikati
Sharp Road Landing Reserve	Sharp Road (unformed Road), Katikati
Sheffield Street Reserve	Sheffield Street, Katikati
Tahawai Reserve	SH 2/Tanners Point Rd, Katikati
Tamawhariua Reserve	Beach Road, Katikati
Tetley Road Landing Reserve	Tetley Road, Katikati
Twickenham Close Reserve	Twickenham Close, Katikati
Waterford Reserve	Waterford Road, SH 2, Katikati
Woodlands Road Esplanade Reserve	Woodlands Road, Katikati
<b>Kaimai Ward</b>	
<b>Reserve Name</b>	<b>Location</b>
Gerald Crapp Historic Reserve	Harbour Road, Omokoroa
Hamurana Reserve	Hamurana Road, Omokoroa
Hunters Creek Landing Reserve	Hunters Creek, Matakana Island
Kaiate Hall	Waitao Road, Welcome Bay, Tauranga
Kotuku Recreation Reserve	Plummers Point Road, Te Puna
Links View Drive Reserve	Links View Drive, Omokoroa

Lower Kaimai Hall site (former)	SH 29, Kaimai
Lower Kaimai Reserve	SH 29, Kaimai
Matakana Island Reserve	Matakana Island
Minden Lookout	Minden Road, Te Puna
Minden Scenic Reserve	Minden Road, Te Puna
Mountain Road Quarry Reserve	Mountain Road, Oropi, Tauranga
Nell's Dell	Nell's Dell, Omokoroa Road, Omokoroa
Ngamuwahine Picnic Area	Ngamuwahine Road, off SH 29, Kaimai.
Ohauti Settlers Hall	Ohauti Road, Welcome Bay, Tauranga
Omanawa Hall/Domain	Omanawa Road, Tauranga
Omokoroa Service Centre/Library (former fire station site)	McDonnell Street, Omokoroa
Omokoroa Settlers Hall	Omokoroa Road, Omokoroa
Ongaonga Scenic Reserve	SH 29, Kaimai
Oropi War Memorial Hall	Oropi Road, Tauranga
Pahoia Land Reserve	Pahoia Road, Katikati
Panepane	Matakana Island
Poripori Picnic area	Poripori Road, SH 29
Precious Family Reserve	Hamurana Road, Omokoroa
Prole Road harbour access	Prole Road, Omokoroa
Pyes Pa Hall	Pyes Pa Road, Tauranga
Te Kopa O Te Hotu Reserve	Lindock Ave, Te Puna
Te Puna War Memorial Hall	Te Puna Road/SH2, Te Puna
Tinopai Reserve	Margaret Place, Omokoroa

Walnut Grove Reserve	Walnut Grove, Omokoroa
Whakamarama Hall	Whakamarama Road, Whakamarama
<b>Te Puke Ward</b>	
<b>Reserve Name</b>	<b>Location</b>
Ben Keys Street Road Reserve	Ben Keys Street, Te Puke
Boucher Ave Reserve	Boucher Ave/Jocelyn Street, Te Puke
Fairhaven Park	Boucher Ave, Te Puke
Gemming Green	Clydesburn Ave, Te Puke
Gordon Street Reserve	Gordon Street, Te Puke
Hayward Court Reserve	Hayward Court, Te Puke
Lawrence Oliver Park	SH 2, Te Puke
Te Puke Domain	Beatty Ave/Queen Street, Te Puke
Te Puke Holiday Park	SH 2, Te Puke
Te Puke Service Centre/Library	Jellicoe Street, Te Puke
Te Puke Small Bore Rifle Club Reserve	Atuaroa Ave/Jellicoe Street, Te Puke
Te Puke War Memorial Hall	Jellicoe Street, Te Puke
<b>Maketu Ward</b>	
<b>Reserve Name</b>	<b>Location</b>
Arawa Ave Reserve	Arawa Ave, Maketu
Conway Road Reserve	Conway Road, Paengaroa

Kaituna River and Kaituna Bridge Esplanade	Kaituna River, SH 2.
Kaituna Sand Spit and Recreation Reserve	Ford Road, Kaituna
Kiokio Place Reserve	Kiokio Place, Maketu
MacDougall's Quarry Reserve	MacDougall's Quarry Road, Otamarakau
Maketu Local Purpose and Historic Reserve	Maketu Road, Maketu
Maketu Surf Lifesaving Club and Car Park Reserve* Prohibited in that part of the car park shown in Aerial Map	Beach Road, Townpoint Road, Maketu
Maramarua Park	Pukehina Parade, Pukehina
Ngaparaoa Drive Reserve	Ngaparaoa Drive, Maketu
Old Coach Road/Pokopoko Stream	Old Coach Road, Paengaroa
Ororoa Park	Pukehina Parade, Pukehina
Palm Park	Pukehina Parade, Pukehina
Pongakawa Domain	Pongakawa
Pukehina Ocean Reserves	Pukehina
Pukehina Parade Esplanade Reserve	Pukehina Parade, Pukehina
Seabreeze Park	Pukehina Parade, Pukehina
Spencer Ave Reserve	Spencer Ave, Maketu
Waitangi Quarry Reserve	Waitangi, SH 2, Te Puke
Whakaue – Maketu Sports Ground	Maketu Road, Maketu
Willians Crescent Reserve	Willians Crescent, Maketu

\* Freedom camping is excluded from the conclusion of Labour weekend through to the conclusion of the following Easter weekend.

## Schedule 2 – Areas where freedom camping is permitted

Freedom camping is permitted in the following local authority areas provided he or she complies with the general restrictions set out in clauses 4.1 and 4.2 of this Bylaw.

<b>Waihi Beach Ward</b>	<b>Location</b>	<b>Aerial Map Ref</b>
<b>Reserve Name (Refer to Aerial Map)</b>		
Waihi Beach Surf Club Reserve* Freedom camping is excluded from the conclusion of Labour weekend through to the conclusion of the following Easter weekend.	Beach Road, Waihi Beach	1
Brighton Road Reserve	Brighton Road, Waihi Beach	2
Waihi Beach Community Centre	Beach Road, Waihi Beach	3
Island View Esplanade Reserves (Tuna Ave)	Corner Broadway Road/Tuna Ave, Waihi Beach	5
Island View Reserve	Seaforth Road, Waihi Beach	4
Bowentown Reserve (Anzac	Seaforth Road, Waihi Beach	7

Bay)		
Bowentown Reserve Formed Car park shown in concept plan ref 10 of 15	Seaforth Road, Waihi Beach	6
<b>Katikati Ward</b>		
<b>Reserve Name (Refer to Aerial Map)</b>	<b>Location</b>	<b>Aerial Map Ref</b>
Tanners Point Utility Reserve	Tanners Point Road	8
Tuapiro Reserve	Tuapiro Road	9
McMillan Road Reserve (including road)	McMillan Road	10
Kauri Point Historic Reserve	Kauri Point Road	11
Park Road Reserve	Park Road, Katikati	12
Lindemann Lookout Reserve (including road)	Lindemann Road	13
Uretara Domain	Major Street off Katikati Main Road	14
Moore Park	Fairview Road, Katikati	15
Vesey Stewart Reserve	Carisbrooke Street, Katikati	16
Digglemann Park (including road)	Main Road, Katikati	17
Haiku Park & Uretara Stream Reserve	Main Road, Katikati	17
MacMillan Reserve	Beach Road, Katikati	18
Hunter Estate Reserve	Wharawhara Road	19

<b>Kaimai Ward</b>		
<b>Reserve Name (Refer to Aerial Map)</b>	<b>Location</b>	<b>Aerial Map Ref</b>
Apata Hall site	Wainui South, Apata	20
Pahoia Domain	Pahoia Beach Road, Pahoia	21
Omokoroa Domain	The Esplanade, Omokoroa	22
Cooney Reserve	Omokoroa Road, Omokoroa	23
Omokoroa Sports Ground and Western Ave Accessway	Western Avenue, off Omokoroa Road, Omokoroa	24
Huharua Sub Regional Park	Plummers Point Road, Omokoroa	25
Waitui Reserve	Matahui Road	26
Maramatanga Park	Tangitu Road, Te Puna	27
Wairoa River (SH2) and walkway	Te Puna Station Road/Wairoa Road	28
Puketoki Scenic Reserve (including road)	Leyland Road, off Whakamarama Road	29
Kaiate Falls Scenic Reserve	Kaiate Falls Road, Waitao, Tauranga	30
TECT All Terrain Park	State Highway 36, Tauranga	35, 36
<b>Te Puke Ward</b>		
<b>Reserve Name (Refer to Aerial Map)</b>	<b>Location</b>	<b>Aerial Map Ref</b>
Centennial Park	No 3 Road Car park, Te Puke	31
Hayward Park and local purpose drainage reserve	Atuaroa Avenue, Te Puke	31
Donovan/Pioneer Park	Dunlop Road, Te Puke	32

McLoughlin Park (including road)	Landscape Road, Te Puke	33
Jamieson Oval/Jubilee Park	Commerce Lane Car Park, Te Puke	34
<b>Maketu Ward</b>		
<b>Reserve Name(Refer to Aerial Map)</b>	<b>Location</b>	<b>Aerial Map Ref</b>
Paengaroa Domain	SH 33, Paengaroa	37
Maketu Surf Lifesaving Club and Car Park Reserve* Restricted to the part of the car park shown in Aerial Map	Beach Road, Townpoint Road, Maketu	38
Park Road Reserve*	Park Road, Maketu	39
Dotteral Point Reserve	Pukehina Parade North, Pukehina	40
Motunau Park	Pukehina Parade, Pukehina	41
Midway Park/Pukehina Parade Reserve	Pukehina Parade, Pukehina	42
Poutuia Park (including road)	Pukehina Parade South, Pukehina	43
Otamarakau Reserves (including road)	SH 2, Otamarakau	44

- \* Freedom camping is excluded from the conclusion of Labour weekend through to the conclusion of the following Easter weekend.

## Schedule 3 – Aerial Maps for Schedule 2

Refer to Bylaw for Aerial Maps

## Reserves and Facilities Bylaw 2012

### 1. Introduction

#### 1.1 Definitions

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

**Beach** – means any land in the Council’s district adjacent to any seacoast which is part of the foreshore, or is land contiguous to and used in connection with the foreshore, and to which the public has a right of access. For the purposes of this bylaw, the beach includes the foreshore which is the part of the bed, shore or banks of tidal water between mean high water springs and mean low water springs.

**Bylaw** – means a bylaw of the Local Authority for the time being in force, made under the provisions of any Act or authority enabling the Local Authority to make Bylaws.

**Controlling Officer** - means a person for the time being who is officially in charge of the facility or reserve area.

**Council or District Council** - means the Western Bay of Plenty District Council or a duly Authorised Officer of the Council.

**District** – means the area administered by the Western Bay of Plenty District Council

**Facility** – means any public toilet, public swimming pool or other recreational or administrative facility provided by and/or administered by Council.

**Reserve** – means any open space, playing field, plantation, park, garden or ground set apart for public recreation or enjoyment which is under the management or control of the Council and includes any Facility, structure or building within those reserves.

**Vehicle** – has the same meaning as in the Land Transport Act 1998.

**Vessel** – means any ship or boat and includes a motor vessel (such as a standardised motorised private launch boat), any yacht, inflatable rubber boat, kayak, jet ski and any fishing boat.

### 2. General

2.1 The Council may from time to time, by resolution:

- (a) Adopt a policy for the purpose of protecting, maintaining, preserving, developing or enhancing the Council facilities and reserves under its control;
- (b) Set the terms and conditions applicable to the granting by Council of any licence, right, permit or approval in respect of any activity in or about any Council facility or reserve under its control;
- (c) Establish and fix fees for any licence, right or permit given in connection with any Council facility or reserve;
- (d) Establish and fix fees for admission to or use of any Council facility or reserve;

2.2 Any person who is granted any licence, right or permit, or approval by Council in respect of any activity on or in any Council facility or reserve shall comply with any attached conditions. Any person who fails to comply with such conditions shall be guilty of an offence against this bylaw.



### 3. Conduct in Facilities

#### 3.1 In a Council facility no person shall:

- (a) Pollute, damage or interfere with any facility or deface or disfigure any surface, structure or exhibit within a facility;
- (b) Fail to comply with all reasonable requests of any officer of the Council or appointee of Council on duty at the facility;
- (c) Smoke tobacco or any other substance, or consume food or any liquid, other than water, within a facility except in areas where this is specifically permitted;
- (d) Consume any intoxicating liquor, except in areas set apart for the purpose, or at an authorised function;
- (e) Consume, inject or inhale any mind-altering substance or offer or sell such substance to any person;
- (f) Permit any animal under their control or ownership to enter a facility, provided disability assist dogs may be permitted to enter;
- (g) Enter a restricted area or an area set apart for staff at or in a facility without permission of a staff member;
- (h) At or in a facility deposit or throw any litter, or any substance or article that is likely to be of a dangerous or offensive nature, except in a place or receptacle provided for that purpose;
- (i) Behave in any way that could interfere with or prevent another person's enjoyment of the facility.

3.2 No child under the age of 10 (ten) years shall be allowed to enter or remain in any facility unless such child is accompanied by a person over the age of 14 years, or where the controlling officer gives approval for that child to enter or remain.

3.3 Any person who in the opinion of the controlling officer is not in a fit state to be admitted shall not enter, or having entered, shall leave a facility when requested to do so by the controlling officer or any site attendant.

#### 4. Ordering out

4.1. Any person who in the opinion of the controlling officer:

- (a) Is contravening or has contravened any of the provisions of this bylaw or any rules made pursuant to the bylaw; or
- (b) Is not a bona fide user of the facility for the purpose for which it is intended; or
- (c) Has acted in an unlawful or disorderly manner in or on a facility:
  - i. shall upon the request of the controlling officer immediately leave; and
  - ii. the person shall be liable to be prosecuted for any contravention of this bylaw.

4.2. Any person who fails to leave a Council facility when so requested by the controlling officer commits a further offence against this bylaw.

4.3. A controlling officer may exclude any person requested to leave a facility from the facility permanently or for such time as the controlling officer shall think fit.

4.4. The Council may restrict access by the public to all of or certain areas of a facility at specified times for the private use of a particular person or for the holding of a private function.

#### 5. Access to Reserves

5.1 Subject to the provisions of this Bylaw and the Reserves Act 1977, all reserves will be open to the public.

5.2 The Council may determine the times during which a reserve or any part of a reserve, will be closed to the public.

5.3 No person, other than an authorised officer, may enter or remain in a reserve, or any part of a reserve, while it is closed to the public.

5.4 No person shall enter or leave any reserve except through the openings, gateways, entrances or exits provided for the purpose.

5.5 No person shall willfully obstruct any of the approaches, entrances, exits, thoroughfares, or walks of any reserve.

5.6 No person shall enter any reserve unless the reserve is open for public admission.

## **6. Leased or Licensed Premises in Reserves**

6.1 Subject to the provisions of the Reserves Act 1977, the Council may lease premises in a reserve to any organisation or member of the public, or license any organisation or member of the public to use premises in a reserve, upon any conditions the Council considers.

6.2 No person may enter or use any building in a reserve that is subject to a lease or a licence other than the authorised officer or any other person in accordance with a lease or licence.

## **7. No Entry into Restricted Areas or Places in Reserves**

7.1 The Council may specify any area or place in a reserve to be a restricted area or place.

7.2 No person may enter a restricted area or place without the prior written permission of Council.

7.3 Every person to whom the Council grants permission under clause 7.2 must comply with any conditions imposed by the Council in that written submission.

## **8. Prohibited and Restricted Activities in Reserves**

8.1 No person shall interfere with any inscription, signage or any labels attached to or connected with any article, tree, shrub or other plant, or any notice used to indicate or exhibit any name, regulation or bylaw.

8.2 No person shall remove, damage, destroy, or attempt to remove, damage or destroy, any structure or fitting within any reserve.

8.3 No person shall, without prior written permission, take, deposit, remove or disturb any soil, shrub, tree or other growth, or take any seed, cutting or interfere with or pick or otherwise remove any flowers, ferns or greenery.

8.4 No person shall enter any area set apart for the cultivation of plants and growing of plants, including flowerbeds, nurseries and planted gardens.

8.5 No person shall deface by writing or otherwise or in any other manner damage the walls or any building or structure in any reserve, or therein act or use these buildings or structures in an inappropriate manner.

## **9. Litter**

9.1 No person shall leave any litter within any reserve except in the litter bins provided.

## **10. Vehicles on Beaches**

10.1 Except with the prior written permission of the Council or an authorised officer, and in accordance with any conditions that may be required, a person shall not park or drive any vehicle (excluding bicycles), motorcycle, or land yacht on any part of the beach.

10.2 Clause 10.1 shall not apply to:

- (a) Any vehicle driven along an authorised access way or parked in any authorised parking area; or
- (b) Any vehicle used solely for the purpose of launching or retrieving any vessel; provided that:
  - i. the vehicle uses an authorised access way to go onto and leave the beach; and
  - ii. moves across the beach to and from the water using the shortest practicable route; and
  - iii. leaves the beach immediately once the vehicle has finished launching or retrieving a vessel.

10.3 Those vehicles referred to in clause 10.2 shall not be driven:

- (a) On any part of the beach at a speed in excess of 15 km/h
- (b) Without due care and attention or without reasonable consideration for other persons using the beach; or
- (c) In such a manner as to cause damage to the beach.

10.4 Any restrictions contained in the preceding clauses shall not apply to:

- (a) Law Enforcement Officers;
- (b) Surf Patrol, Fire Rescue or Emergency Services Personnel;
- (c) Council Officers (including Bay of Plenty Regional Council Officers);
- (d) Honorary Rangers (appointed by Council).

Provided they are in the course of carrying out their official duties.

## 11. Vehicles in Reserves

HUHARUA PARK

11.1 No person shall, without permission, park, ride or drive any vehicle, motorcycle, or bicycle on any reserve except on those areas set aside specifically for such purpose.

11.2 No person shall drive any vehicle in any reserve:

- (a) At a speed in excess of 15 km per hour or as otherwise indicated by signage (provided that this restriction shall not apply to those parks or reserves within which there are specifically designated areas for motorsport activities such as motorcycling, rallying or 4x4); and
- (b) Without due care and attention or without reasonable consideration for other persons using the reserve; and
- (c) In such a manner as to cause damage to the reserve.

11.3 Any restrictions contained in the preceding clauses shall not apply to:

- (a) Law Enforcement Officers;
- (b) Fire Rescue or Emergency Services Personnel;
- (c) Council Officers (including Bay of Plenty Regional Council Officers);
- (d) Honorary Rangers (appointed by Council).

Provided they are in the course of carrying out their official duties.

## 12. Animals in Reserves (Other than Horses)

12.1 No person may bring any animal into a reserve or allow any animal in his or her custody, charge or control to be within a reserve, unless:

- (a) A Council bylaw has allowed the animal in the reserve, such as through a dog control bylaw and the related dog control policy; or
- (b) The Council has authorised the presence of animals through a reserve management plan, licence or other similar document; or
- (c) Permission has been granted by an authorised officer

(d) The reserve has been booked for an event allowing the presence of animals.

12.2 Every person to whom the Council grants permission under clause 12.1 must comply with any conditions imposed by the Council in that written permission.

### **13. Horses in Reserves and on the Beach**

13.1 No person may take or ride any horse into or on a reserve or on a beach, or allow any horse in the person's custody or charge or under the person's control to be in a reserve or on a beach, unless the horse is:

- (a) Under the continuous control of the person or otherwise properly secure; and
- (b) In a reserve or beach, or part of a reserve or beach, specified by the Council as an area where a person may take or ride a horse in accordance with Schedule 1 to this bylaw.

13.2 The Council may specify:

- (a) A reserve or beach, or any part of a reserve or beach, as an area where a person may take or ride a horse; and
- (b) The time or times when a person may take or ride a horse into or in a reserve or beach, or part of a reserve or beach.

13.3 No person shall leave in a reserve or on the beach, any waste produced by a horse, unless placed in a rubbish bin provided by the Council for this purpose.

### **14. Water**

14.1 No person shall permit or cause wastage of water or permit a water tap to flow for a longer period than may be reasonably required for the filling of utensils for drinking, cooking, or washing purposes; nor shall any person in any manner pollute or otherwise render unfit for use for human consumption or otherwise any supply in any reserve.

### **15. Lighting Fires**

15.1 No person may light any fire in a reserve except:

- (a) in a place specifically provided by the Council for that purpose; or
- (b) with the prior written permission of an authorised officer.

15.2 Any person who lights or uses a fire in a place specifically provided by the Council for that purpose commits an offence unless such fire is totally extinguished before that person leaves the reserve.

### **16. Wandering Stock**

16.1 No person shall, without the prior permission of an authorised officer of the Council, turn in or allow any animal or poultry to wander or graze within the limits of any reserve.

### **17. Notices and Signs**

17.1 No person shall post or interfere with any placard, sign or noticeboard in, on or within any reserve without the prior written permission of an authorised officer of the Council, nor without such permission distribute any handbill or notice at the entrances to any reserve.

## 18. Bathing

18.1 No person shall bathe or wade within a reserve in any water where such bathing or wading has been forbidden by the Council.

## 19. Buying, Selling or Advertising in Reserves

19.1 No person may buy, sell or advertise any goods or services, or carry on a trade in a reserve without the prior written permission of the Council.

19.2 Every person to whom the Council grants permission under clause 19.1 must comply with any conditions imposed by the Council in that written permission.

## 20. Parades and Assemblies

20.1 Except with the prior written permission of the Council, and in accordance with any conditions that may be required, a person shall not on any reserve conduct any public meeting or gathering, or make any public address, or attempt to collect a crowd.

## 21. Children's Apparatus

21.1 No person over the age of 14 years shall use or occupy any swing, roundabout, slide, sandpit, seesaw, or any children's play apparatus.

21.2 Clause 21.1 shall not apply to playground apparatus specifically designed to be multi-generational.

## 22. Destruction of Birds

22.1 No person shall by any means whatsoever destroy, shoot, snare, injure, interfere with or take any animal, fish, bird, bird's nest or bird's egg, or

attempt to do so, in or from any reserve without the prior written permission of an authorised officer of the Council.

Provided that in the case of any animal or bird protected by the Wild Life Act 1953 no such permission shall be granted unless and until the provisions of that Act have been complied with.

## 23. Firearms and Weapons

23.1 No person shall carry any firearm, axe or other instrument of a dangerous character, or any airgun, bow and arrow or use or discharge any such item, on any part of a reserve unless specifically authorised by the Council or an authorised officer.

23.2 No person shall let off any fireworks or throw stones either by hand or by means of a catapult or other appliance on any part of a reserve unless specifically authorised by the Council or an authorised officer.

23.3 No person shall use or throw projectiles or missiles (including but not limited to Frisbees or any other amusement device) in such a manner as to cause a nuisance or danger to other users of any reserve.

## 24. Aircraft

24.1 No person may, without the written permission of an authorised officer, and having paid any applicable fees set by the Council from time to time –

- (a) Land an aircraft in a reserve, or take off in an aircraft from a reserve;
- or
- (b) Use an aircraft to set down, pick up, or recover anything in a reserve;
- or
- (c) Parachute into a reserve.

24.2 Nothing in clause 24.1 prevents any aircraft from being used in or over a reserve in an emergency situation.

24.3 Despite clause 24.1 a person may operate power driven model aircraft in a reserve provided that such operation does not cause annoyance, hazard or inconvenience to other users of the reserve.

## 25. Interference with Employees and Contractors

25.1 No person shall in any reserve interrupt or interfere with any employee or contractor working.

## 26. Sports and Games in Reserves

26.1 Organised sports games may only be played in areas of reserves set aside as sports ground areas.

26.2 No person may play any organised sport or game in any reserves, or any part of a reserve:

- (a) after being requested by the controlling officer to leave; or
- (b) when any notice is erected to advise that a reserve, or part of a reserve is closed to play.

26.3 No person shall play or practise golf, except in a reserve or a part of a reserve that has been set aside for that purpose.

## 27. Organised Events in Facilities and Reserves

27.1 No person may attend or take part in any organised event held in a facility or reserve, or in any part of a facility or reserve, whether a one-off event or a recurring event, unless the event is being held with the prior written permission of the Council.

27.2 A person may apply to the Council for permission to hold an organised event in a reserve or any part of a reserve.

27.3 Subject to the Reserves Act 1977, the Council may grant permission to hold an organised event on such conditions as the Council considers appropriate, and in doing so, may specify whether the person:

- (a) may charge an entry fee for the event
- (b) has the exclusive use of a reserve, or any part of a reserve, for the duration of the event.

27.4 Any person to whom the Council grants permission to hold an organised event, and any person who attends or takes part in any organised event, must comply with any conditions imposed by the Council in that written permission.

27.5 Where the Council specified as part of its permission to hold an organised event that any entry fee would be charged, or that the reserve, or any part of the reserve, could be used exclusively for the organised event an authorised officer may require any person to leave a reserve, or any part of the reserve:

- (a) If the person is attending or taking part in the organised event without paying the required entry fee; or
- (b) If the person is not attending or taking part in the organised event, but is in part of a reserve that has been set aside for exclusive use for an organised event.

## 28. Misbehaviour

28.1 Within the limits of any reserve no person shall willfully obstruct, disturb, annoy, or interfere with any person in the use or enjoyment of any reserve, or use any indecent, or offensive language, or be intoxicated or

under the influence of drugs, or noisy, or riotous, or disorderly, or do or practice anything likely to insult, offend, annoy or injure any person.

## 29. Western Bay of Plenty District Council General Bylaw

29.1 The provisions of Chapter 1 of the Western Bay of Plenty District Council General Bylaw 2008 and any bylaw passed in amendment or substitution are implied into and form part of this bylaw.

### Schedule 1

Pursuant to clause 13 horses are permitted in the following areas subject to the conditions of access set out below:

#### (a) Waihi Beach – Athenree Estuary (see Aerial 6)

From the 2nd Thursday of February in each year to the 3rd Wednesday in December of the same year horses may be ridden on the signposted loop trail from Albacore Ave to Pio Road, across to Athenree Estuary and thereafter following the existing walkway/cycleway to exit via the mown firebreak adjacent to the houses at Island View.

Note: no horses may be ridden or lead in the dunes anywhere.

#### (b) Waihi Beach – Three Mile Creek (see Aerial 7)

From the 2nd Thursday of February in each year to the 3rd Wednesday in December of the same year horses may be ridden north along Waihi Beach from from Albacore Ave to the Three Mile Creek access.

Note: no horses may be ridden or lead in the dunes anywhere.

#### (c) Tuapiro Point (see Aerial 5)

Following the sign posted loop trail horses may be ridden at low tide on the esplanade reserve along the foreshore at Tuapiro from the toilet block in the north around the point and through the small area of pines back onto the beach.

#### (d) Matahui Crossing (see Aerial 1)

From Matahui Road horses may be ridden across the traditional 'Matahui Crossing' to Matakana Island provided that any such approval to access private land on Matakana Island must first be sought and obtained from the land owners by the horse rider(s).

#### (e) Pahoia Beach (see Aerial 2)

With access via Pahoia Domain, horses may be ridden at low tide along Pahoia Beach.

#### (f) Rogers Road (see Aerial's 3 and 4)

With access from Rogers Road, horses may be ridden on the north-west trail at low tide on the inter-tidal flats to the point where Pukehina Beach Road meets Pukehina Parade looping back to exit at Rogers Road.

With access from Rogers Road, horses may be ridden on the south-east trail at low tide on the inter-tidal flats to Otamarakau looping back to exit at Rogers Road.

Note: no horses may be ridden or lead in the dunes anywhere.

### Schedule 2 – Aerial Maps. Refer to Bylaw for Aerial Maps

## Dog Control Bylaw 2011

### Introduction

#### 1.1 Definitions

**Act** – means the Dog Control Act 1996

**Control** – has the same meaning as section 52 of the Act.

**Council** – means the Western Bay of Plenty District Council.

**Dangerous dog** – has the same meaning as section 31 of the Act.

**Disability assist dog** – has the same meaning as the Act.

**District** – means the area administered by the Western Bay of Plenty District Council.

**Dog Control Officer** – means a Dog Control Officer appointed by the Western Bay of Plenty District Council under Section 11 of the Act and includes a warranted officer exercising powers under Section 17 of the same Act.

**Dog on Leash Area** – means public places within the district, as identified in Schedule 2, where a dog must be under leash control at all times.

**Dog Ranger** – means a Dog Ranger appointed under Section 12 of the Act and includes a person appointed as an Honorary Dog Ranger.

**Foreshore** – means such parts of the bed, shore or banks of a tidal water as are covered and uncovered by the flow and ebb of the tide at ordinary spring tide.

**Impound** – means to seize and impound any dog in accordance with the provisions of the Act.

**Infringement Offence** has the meaning given to it in Section 65(1) of the Act.

**Leash** – means an adequate restraint held by a responsible person physically capable of restraining the dog.

**Leash Control** – means a dog is attached by a leash to a person physically capable of restraining the dog.

**Menacing Dogs** – has the same meaning as section 31 of the Act.

**Neutering** – means a dog that has been spayed or castrated; and does not include a dog that has been vasectomised.

**Owner** – has the meaning as defined under the Act including every person who owns a dog; or has a dog in his or her possession; or the parent or guardian of a person under the age of 16 years who owns a dog.

**Premises** – means any land, house, storehouse, shop, cellar, yard, building or part of the same, or enclosed space separately occupied; and all lands, buildings and places adjoining each other and occupied together shall be deemed to be the same premises.

**Private way** – means any way of passage whatsoever over private land within the district, to which the right to use is confined or intended to be confined to certain persons or classes of persons, and which is not open or intended to be open to the public generally.

**Prohibited Area** – Means public places within the District, as identified in Schedule 1, where a dog is prohibited either generally or at specified times.



**Public Places** – means a place that, at any material time, is open to or is being used by the public whether free or on payment of a charge.

**Reserve** – means any land under the management or control of Western Bay of Plenty District Council and set apart for any public purpose as described from time to time, in the Reserves Act 1977, including parks, gardens, recreation grounds, open spaces and foreshores.

**Search and Rescue Dog** – means dogs which are used in the search for and provision of aid to people who are in distress or imminent danger and who have been appropriately certified as such.

**Stock** – has the same meaning as in Section 2 of the Act.

**Warranted Officer** – means any person who is, for the time being, a warranted officer within the meaning of the Conservation Act 1987.

**Working Dog** – has the same meaning as defined in the Act and includes Search and Rescue Dogs being a class of dog declared by Council resolution.

## Control of Dogs in Public Places

- 2.1 In any public place not specified in Schedule 1 or 2 the owner of any dog or person being in possession of any dog shall keep that dog under control at all times
- 2.2 Without limiting the generality of subsection 2.1, a dog shall, for the purposes of this Bylaw be deemed not under

control if it is found at large in any public place or in any private way in contravention of this Bylaw.

## Dogs on Leash Areas and Leash Control Occasions

- 3.1 Every dog shall be kept under continuous leash control while that dog is in a Dogs on Leash Area.
- 3.2 Where a dog is causing or is likely to cause danger, distress or nuisance it must be kept on a leash and under control of the owner.

## Prohibited Areas

- 4.1. Dogs are not allowed to enter the public places specified in Schedule 1 as being prohibited areas, whether under control or not.
- 4.2. The following dogs, on active service, are exempt from the prohibitions:
  - Disability assist dogs (as defined by the Act);
  - Any dogs belonging to a “specified agency” pursuant to section 2 of the Act;
  - Search and Rescue Dogs.

## Dog Exercise Areas

5.1 Dogs are able to be exercised off a leash in public places except in areas identified within this Bylaw as prohibited or requiring 'dogs on leash' so long as when circumstances such as those set out in section 3.2 require, the dog can be leashed and kept under the control of the owner.

## Prevention of Public Nuisance

6.1 The owner or occupier of any premises where any dog or dogs are customarily kept shall:

- (a) Take adequate precautions to prevent the keeping of such dogs from becoming a nuisance or injurious to health;
- (b) Take such steps as are necessary to prevent the dog or dogs from becoming a nuisance or annoyance to residents in the neighbourhood by barking or howling or by obstructing members of the public going about their lawful business in public places.

6.2 If in the opinion of a Dog Control Officer the keeping of such dogs on such premises has become or is likely to become a nuisance or injurious to health, the Dog Control Officer may by notice require the owner or occupier of such premises to do all or any of the following:

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

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

6.4 Every dog owner must ensure that any dog known to be infected with Parvovirus, Distemper, Hepatitis or other contagious disease, is contained on his or her land or premises in such a manner that it cannot freely leave the land or premises other than when being transported to a registered veterinary clinic for treatment.

6.5 Every owner of a dog or any person for the time being in possession or control of any dog shall take all reasonable steps to ensure that the dog does not injure, endanger, intimidate or otherwise cause distress to any person.

- 6.6 The owner of every bitch in season must keep it confined but adequately exercised while in that condition.

## Limitation on Number of Dogs

- 7.1 No occupier of premises, other than in areas zoned Rural in the Western Bay of Plenty District Plan, shall keep or permit to be kept, on or within any premises more than two dogs of greater age than three months unless such premises have been approved by a dog control officer and a permit issued.
- 7.2 Council may place conditions on the permit and the holder must comply with them. If the holder fails to comply with the conditions, Council may cancel the permit. Any failure to comply shall be a breach of the Bylaw.
- 7.3 Every application for a permit must supply the information that Council requires to issue the permit and the applicant must pay the applicable fee prescribed by Council through the Annual Plan process.
- 7.4 The fee for such a permit shall be payable in addition to the registration fees payable under the Act.

## Housing

- 8.1 Every dog owner must provide his or her dog with suitable housing or kenneling which:

- (a) Is weatherproof, dry, clean and gives the dog adequate space, warmth, shade and access to water; and
- (b) Is of a floor area sufficient to allow reasonable movement and space to turn around, and of sufficient height so that it may stand freely; and
- (c) In the case of a kennel without other means of containment be provided with a fixed chain which allows the dog free movement about the kennel; and
- (d) Is situated in a position not closer than 5 metres to any adjoining land in Rural zoned areas or 3 metres from the adjoining boundary in all other zones.

## Probationary Owners

- 9.1 If any owner of a dog is classified as a probationary owner pursuant to the Act, Council may require at its discretion the person to complete at his or her expense, a dog owner education programme or a dog obedience course (or both).

## Impounding

- 10.1 A Dog Control Officer or Dog Ranger may impound any dog found at large or in breach of any provision of this Bylaw whether or not it is wearing a collar having the proper registration label or disc attached.

- 10.2 Where a Dog Control Officer has reasonable grounds to believe an offence under the Act has been committed, including failure to comply with registration requirements, the dog(s) may be seized and impounded.
- 10.3 The owner of any dog impounded shall pay to the Council reasonable fees for the sustenance of the dog together with an impounding fee, seizure fee or microchipping fee as required as set through the Annual Plan process.

## Disposal of Impounded Dogs

- 11.1 Where any dog is impounded under this Bylaw and:
- (a) It is not claimed by the dog owner and all fees are not paid to Council within seven (7) days after receipt by the dog owner of either written or oral notice of the impounding; or
  - (b) Its owner is unknown by the Council or cannot be found within seven (7) days of the impounding, then the dog may be destroyed by the Council or sold by the Council to any person who shall thereafter become the lawful owner of the dog. Such destruction or sale shall not relieve the person who was the dog owner before the dog's destruction or sale from liability for any offence or for payment of any payment of any fees under this Bylaw.

## Release from Pound

- 12.1 A dog shall be released from impoundment by the Council only when:
- (a) proof of ownership and identity of the dog is established; and
  - (b) registered dogs are microchipped (not including a registered dog impounded for the first time) as required by section 69A of the Act; and
  - (c) unregistered dogs are registered and microchipped, as required by section 69A of the Act; and
  - (d) All fees due to Council are paid.

## Offences and Penalties

- 13.1 Every person who commits a breach of any of the provisions of this Bylaw shall be liable on summary conviction to a fine not exceeding \$20,000 or be issued with an infringement notice for \$300.

## Schedule 1 – Prohibited Areas

The following table identifies the areas within Western Bay of Plenty District Council where dogs are prohibited. The Maps attached in Schedule 3 should be viewed in order to determine the exact location of restrictions.

Geographical Area	Timeframe
<b>District Wide</b>	
All children's playgrounds (soft bark area)	Year round
<b>Plummers Point</b>	
Huharua Park (Ongarahu Pa) <sup>***</sup>	Year round
<b>Omokoroa Point</b>	
Omokoroa Domain – the area between the playground and toilet block	Year round
Sandbars off Cooneys Reserve Omokoroa	Year round
Omokoroa Esplanade	Summer months *
Omokoroa Domain Foreshore	Spring to Autumn **
<b>Waihi Beach</b>	
Waihi Beach except for year round dog zone (see definition below)	Summer months
<b>Maketu</b>	
Area between (and including) Park Road Reserve to Maketu Surf Lifesaving Club	Summer months
Maketu Historic and Local Purpose Reserve	Summer months
Maketu Spit (stretching as far as the cut)	Year round
<b>Pukehina</b>	

Pukehina Spit (Dotteral Point Reserve)	Year round
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\* Summer months is defined as the period from the third Wednesday of December to the 7th of February (both days inclusive) between the hours of 9am and 7pm. Outside of these periods, dogs may run free provided it is under proper control at all times and owners carry a leash.

\*\* Spring to Autumn restriction is defined as the period between Labour weekend and Easter Monday (inclusive).

\*\*\* *Mixed Approach – Huharua Park*  
The Park comprises some areas which are prohibited to dogs and some which are dogs on leash. There is also a large area where there are no restrictions. Please refer to the map for exact locations of the boundary restrictions.

### *Waihi Beach year round dog zone:*

The area which is available to dogs year round is identified on the Waihi Beach map. It is the area formed between a line 100m south of Albacore Avenue and a line 100m north of Pio Road.

## Schedule 2 – Dogs on Leash Areas

The following table identifies the areas where dogs are required to be on a leash. The Maps attached in Schedule 3 should be viewed in order to determine the exact location of restrictions.

Geographical Area	Timeframe
TECT All Terrain Park	Year round
Huharua Park	Mixed approach *
<b>Scenic Reserves</b>	
Kaiate Falls Scenic Reserve	Year round
Ongaonga Scenic Reserve	Year round
Puketoki Scenic Reserve	Year round
<b>Omokoroa Point</b>	
Omokoroa Golf Course: Walkway adjacent to sandspit	Year round
<b>Katikati</b>	
Uretara Walkway between the point where the Riverside Place walkway links onto the Uretara walkway and Park Road Reserve.	Year round
<b>Waihi Beach</b>	
Island View Reserve	Seasonal (October to March) **

\* *Mixed Approach – Huharua Park*  
The Park comprises some areas which are prohibited to dogs and some which are dogs on leash. There is also a large area where there are no

restrictions. Please refer to the map for exact locations of the boundary restrictions.

\*\* The Island View Reserve is restricted to dogs on a leash area between the months of October to March as a result of birds nesting within the reserve during this period.

## Schedule 3 – Map of Huharua showing prohibited and 'dogs on leash' areas

Refer Page 137

**Legend**

- Heritage Site boundary
- Council reserve
- DOC Reserve
- Bird roosting or nesting site
- Significant Ecological Site

**Proposed Dog Control Bylaw Areas**

- Dogs on Leash
- No Restrictions (Dog under control)
- Prohibited



## General Bylaw 2008 Chapter 2 Animals (Excluding Dogs)

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

### 1. Animals

1.1 Every *Person* being the *Owner* or having the care, custody, or *Control* of any *Animal* must keep and prevent the same from wandering or being at large without proper guidance on any *Public Place*.

1.2 Any *Person* who wishes to graze any *Stock* in or on any *Public Place* must apply to *Council* in writing, and the *Consent*, if granted, is subject to any conditions the *Council* considers appropriate as set out in the *Consent*. Failure to comply with any conditions of the *Consent* is a breach of this *Bylaw*.

1.3 No *Person* may –

- (a) Break in, train, clean, shoe, bleed, dress, or expose for show, hire, or sale, any *Horse* or other *Animal* on any *Public Place* without the prior written permission of the *Council*.
- (b) Allow any dangerous *Animal* to stand on any *Public Place*, unless properly and securely controlled.
- (c) By ill-usage or negligence in driving any *Cattle* along or over any *Public Place*, permit any injury or damage to be done by such *Cattle*.
- (d) Being the *Owner*, or *Person* having the custody of any *Cattle* or sheep, ride, lead, or drive the *Cattle* or sheep, or permit the *Cattle* or sheep to go along any footway or *Cycle Track* on any *Public Place*.
- (e) Cause, or permit any *Animal* to be led, ridden, or driven upon, across, or along any grass plot or flower bed laid out on any *Public Place*.

1.4 No *Person* may tether any *Horse* or other *Animal* in any area zoned Commercial in the *District Plan*, without the prior written permission of the *Council*.

1.5 The *Person* owning or having custody of any *Animal* tethering on any *Public Place* under 1.4 above must remove all droppings and dispose of such droppings immediately.

1.6 Where a public litter bin is used to dispose of the droppings they must be suitably wrapped or contained to prevent fouling of the receptacle.

1.7 The *Owner* or *Occupier* of any land or *Premises* where hives are sited for the keeping of bees must, on receipt of a notice from an *Authorised Officer*, resite or remove such hives if in the opinion of an *Authorised Officer* of *Council*, such siting has become or is likely to become a nuisance or injurious to health.

### 2. Pig Keeping

2.1 No *Person* may keep any pigs so as to create any conditions injurious to health, or offensive, or in such a manner as to pollute any water.

2.2 No *Person* may construct or allow any pigsty to remain or any pigs to be at large or to range at a distance less than 50 metres (or some lesser distance as *Council* may, from time to time approve in specific cases) from any *Dwelling*, or any *Building*, or any street or *Public Place* or any place used for the preparation, storage, or sale of food for human consumption, or from any boundary of any adjoining property, except with the prior written permission of the *Council*.

2.3 No *Person* may feed any pigs on garbage obtained elsewhere than on the *Premises* on which the pigs are kept, without obtaining the prior written permission of the *Council*.



### 3. Pig Sties

3.1 No *Person* may erect, or cause to be erected any pigsty unless in compliance with the following requirements –

- (a) The roof of the sleeping-pen must be watertight.
- (b) The walls of the sleeping-pen must be constructed as to prevent the accumulation of filth thereon and to afford a surface easily cleaned, and shall for 0.6 metres from the floor be constructed of concrete or other *Approved* impervious material finished to a smooth even surface with all internal angles rounded.
- (c) The floor of the feeding-pen must be constructed of concrete graded to fall 1 in 25 to a channel drain.
- (d) The effluent from the channel drain must be discharged by an *Approved* means.

3.2 The *Occupier* of any *Premises* where a pigsty is situated must keep the pigsty, and all runs, drains, and catchpits or settling tanks used in connection with it in a state of cleanliness, and must remove or cause to be removed and disposed of, all accumulated manure and offensive matter in an *Approved* manner.

3.3 All troughs, from which pigs are fed must be properly constructed of concrete, sheet iron, hardwood, or other *Approved* material so as to be watertight. All troughs must be kept thoroughly cleaned.

3.4 All troughs, if not fixed or permanent, must be placed on proper feeding places constructed as a smooth concrete slab with a raised nibwall all round, and of sufficient size to prevent pollution of the ground surrounding.

### 4. Pigswill

4.1 No *Person* may cause or permit any manure or offensive matter from pigsties, or any swill or feed to be accumulated, or stored in any place within 50 metres from any *Dwelling*, or any *Building*, or street or *Public Place*, or the

boundary of any occupied adjoining property or in such a way as to give rise or be likely to give rise to be injurious to health, or offensive.

4.2 No *Person* may convey pigswill, or any food intended for pigs and emitting an offensive smell, along any street or *Public Place*, or store pigswill or food intended for pigs on any *Premises* or land unless in either case the pigswill is contained in impervious receptacles provided with *Approved* closefitting covers sufficient to prevent the escape of material or odour, and access of flies.

4.3 Every *Person* engaged in conveyance and use of pigswill or pigfeed of a perishable nature must thoroughly clean daily every vehicle, receptacle, cover, or utensil used in the collection, conveyance, or use of such pigswill and pigfeed.

### 5. Poultry Keeping

5.1 In areas other than those zoned rural no *Poultry* caged or otherwise, may be kept in any part of the *District* except in a properly constructed *Poultry* house covered in with a rainproof roof and provided with a floor of concrete or other *Approved* material with a surrounding nibwall, to which may be attached a *Poultry* run.

5.2 Every *Poultry* house must be constructed in the manner required by this Part of this *Bylaw* and as required by the Building Code as the case may require.

5.3 No *Poultry* house or *Poultry* run may be erected or maintained so that any part of it is within 10 metres from any *Dwelling*, factory, or any other *Building* whether wholly or partially occupied, or within 2 metres of the boundary of adjoining *Premises*.

5.4 Except with the written *Consent* of the *Council*, not more than 12 head of *Poultry* may be kept in any *Poultry* house or *Poultry* run on any land in areas other than those zoned Rural. An *Authorised Officer* of *Council* may refuse any *Consent* or revoke and cancel any *Consent* or apply conditions if it decides that the *Poultry* house or *Poultry* run in question is likely to be offensive or dangerous to health.

5.5 Where *Consent* has been revoked or refused by an *Authorised Officer* of *Council* the applicant may apply in writing to the *Council* for reconsideration of the decision. On hearing the objection, the *Council* committee may confirm, reverse or modify the decision.

5.6 Every *Poultry* run of whatever size must be enclosed as to confine the *Poultry* within the *Poultry* run.

5.7 Every outside *Poultry* run must be adequately graded and drained, and must be kept at all times clean and dry and in good repair by the *Owner* of the *Poultry*.

5.8 If any *Poultry* house or *Poultry* run becomes a *Nuisance* owing to its construction or state of disrepair, lack of cleanliness, or by reason of any matter referred to in the *Bylaw*, then, the *Owner* of the *Poultry* house or *Poultry* run or of such *Poultry*, upon notice being served upon him or her by the *Council*, must execute and do any work required to abate the *Nuisance*, and as specified in the notice.

5.9 Nothing in this *Bylaw* prevents any *Person* keeping *Poultry* in an auction room, or in any *Premises* used for the killing and dressing of *Poultry* for sale, for not more than 48 hours for the purpose of sale, or keeping *Poultry* on his or her *Premises* in an *Approved* type of coop for the purpose of immediate consumption, or from keeping *Poultry* in a shop for the purpose of sale.

5.10 All pens in which *Poultry* are placed to be offered for sale must be constructed to the satisfaction of *Council* and kept clean and dry and in good repair.

## 6. Horses, Cattle and Stock

6.1 No *Person* may keep or suffer to be kept within the *District* (excluding land zoned Rural) any *Horse*, *Cattle* or other *Stock* at less distance than 2 metres from any boundary of adjoining *Premises* used for the purpose of a *Dwelling*, shop, warehouse, factory, work shop, church or school unless the *Animal* is at the time being used, ridden or driven.

6.2 No *Horse*, *Cattle* or *Stock* may be stabled or housed other than in a stable or other *Approved Building* constructed or made to comply with all relevant regulations.

## 7. Nuisances

7.1 No *Person* may keep within any *Premises* any noisy *Animal*, bird, or *Poultry* which is offensive to *Residents* in the neighbourhood. No proceedings may be taken against any *Person* for an *Offence* under this clause of this Part of this *Bylaw* until after the expiration of 14 days from the date of service on such *Person* of a notice alleging such an *Offence*, given by the *Council* after receipt by it of a complaint, signed by not less than 3 householders residing within hearing of the *Animal*, bird or *Poultry* causing the alleged *Offence*.

7.2 No *Person* may cause or allow any *Animal* kept within any *Premises* to escape or wander so as to be offensive or be likely to endanger any *Person*.

7.3 Notwithstanding any of the provisions of this *Bylaw*, no *Person* may keep any *Animals* in such a manner or conditions so as to be offensive to *Residents* in the neighbourhood by way of odour from the keeping of such *Animals*.

## General Bylaw 2008 Chapter 4 - Nuisances

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

### 1. General Nuisance Provisions

1.1 No *Person* may do or cause to be done, or permit anything so that a *Nuisance*, of any kind not mentioned or prohibited by this or any other *Bylaw*, exists.

1.2 No *Person* may cause, or permit, any drain, water closet pan, receptacle, material or thing, stable, *Fowl house* or *Fowl run*, dog kennel, pigeon house, outhouse, or yard on any land or *Premises* within the *District* of the *Council* to be or become a *Nuisance*, or by any neglect or default on the part of such *Person* to cleanse the same, to cause an offensive smell to be created.

1.3 Every *Person* must keep *Buildings* and *Premises* and all cellars, outbuildings, and sanitary conveniences belonging to them in a clean condition. Every *Person* must, when required by an *Authorised Officer* of the *Council*, and within the time directed, cause the *Premises* or such part as the *Officer* may order, to be effectually cleaned and as far as practicable, cause such house or *Building* to be so repaired, altered or reconstructed as to prevent the ingress or harbourage of rats or other *Vermin*.

1.4 If there exists a *Nuisance* on any *Premises* such that, in the opinion of an *Authorised Officer* of *Council*, immediate action is necessary to abate the *Nuisance*, the *Officer* may with such assistance as may be necessary, enter on the *Premises* and abate the *Nuisance* without notice to the *Occupier*.

1.5 All expenses incurred in the abatement of a *Nuisance* under this Part of this *Bylaw* are recoverable from the *Owner* or *Occupier* of the *Premises* in respect of which the costs are incurred.

### 2. Burning, Smoke, Dust and Fumes

2.1 No *Person* may burn, or permit or suffer to be burnt, any matter or thing in such a manner as to be offensive.

2.2 No *Occupier* of any private residential *Premises* may permit smoke, noxious fumes or other matter to be emitted from any chimney, fireplace, barbecue, incinerator or other device on the *Premises* to such an extent as to cause a *Nuisance*, to *Persons* residing or being in the neighbourhood. Where in the opinion of a duly *Authorised Officer* of *Council* a *Nuisance* is being caused, the *Officer* may require the *Nuisance* to be abated to his or her satisfaction immediately.

2.3 It is an *Offence* for the *Owner* or *Occupier* of any *Premises* to permit the escape of dust or sawdust from any stack or heap on those *Premises* onto any other property or *Public Place*.

### 3. Offensive Matter and Waste

3.1 No *Person* may deposit, or allow to be deposited, or to accumulate any *Waste* or rubbish of any description including but not limited to sawdust, plastics, materials, waste paper, shavings, filth, tins, glass, rags, straw, garden waste, tree cuttings, iron, or steel on any land not being a place set apart for such purpose by the *Council* unless in so doing sufficient precautions are taken to prevent the creation of a *Nuisance* or anything offensive or likely to be injurious to health. Accumulation of *Waste*

3.2 No *Person* may bury, or permit or allow to be buried any *Waste* or offensive rubbish or matter in any garden, or other place not being a place set apart for such purpose by the *Council*, unless in so doing sufficient precautions are taken to prevent the creation of a *Nuisance* or anything offensive or likely to be injurious to health.

3.3 No *Person* may deposit or allow to be deposited any dung, manure, fertiliser, or *Waste*, unless it is immediately incorporated with earth for garden purposes, or satisfactorily covered over, to prevent the escape of effluvia, the establishment of a breeding place for flies or *Vermin*.

3.4 No *Person* may deposit or allow to be deposited any human excreta in or on any *Public Place* except in Public Toilets provided for that purpose.

3.5 No *Person* may permit or suffer to remain overnight or for any unnecessary length of time during any part of the day or night in any street or *Public Place*, a vehicle or receptacle containing or which recently contained, manure, offal, *Offensive Matter* or thing likely to be offensive to or injurious to health.

#### 4. Vermin (including rats, other mammals, reptiles, birds and insects)

4.1 The *Owner* or *Occupier* of any *Building*, land or *Premises* must –  
(a) where rats or other *Vermin* exist or are harboured, or in which there is evidence of such existence, or harbouring, destroy rats by poisoning or trapping, or such other means as an *Authorised Officer* of *Council* may direct;

(b) remove or obliterate nests, burrows, or habitual haunts of rats in any such *Buildings*, land or *Premises*.

4.2 The *Owner* or *Occupier* of any *Building*, land, or *Premises* where, in the opinion of an *Authorised Officer* of *Council*, conditions exist giving rise, or likely to give rise, to the breeding of flies, mosquitoes, or other insects dangerous to health, shall execute and do such disinfecting, spraying or applying of larvicide, cleansing, screening, removal or destruction of breeding grounds or places, as may be necessary to prevent the breeding of flies, mosquitoes or such other insects.

#### 5. Sanitation and Drainage

The *Owner* or *Occupier* of any land or *Premises* upon which any *Offensive Liquid*, or drainage, waste or impure water collects must immediately upon receiving notice from an *Authorised Officer* of *Council* cause such land or *Premises* to be effectually drained or filled up so as to prevent the collection of any such *Offensive Liquid*, drainage, waste or impure water.

## General Bylaw 2008 Chapter 5: Public Places

Pursuant to the powers vested in it under section 145 and section 146 of the Local Government Act 2002, the Western Bay of Plenty District Council makes this Bylaw.

### 1. Obstructions in Public Places

1.1 No *Person* may place or leave any material or thing in, on or over a *Public Place*, and allow it to remain there in circumstances where it obstructs the public right of passage, without the prior written permission of the *Council*.

1.2 No *Person* may place or erect any *Building* on or over any *Public Place* without the prior written permission of the *Council*.

1.3 No *Person* may construct any projection of any kind, including windows, balconies or walls, in a position such that it obstructs free passage on any *Public Place*, without the prior written permission of the *Council*.

1.4 *Council* may require the alteration or removal of any material, *Building* or thing placed on a *Public Place* in contravention of this *Bylaw*, by giving notice to the *Owner*. The *Owner* must comply with any notice within the time stated on the notice.

1.5 The display of *Goods* for sale is not permitted on *Footpaths* except in the areas zoned commercial and industrial in the *District Plan* and then only subject to the following conditions –

- (i) all *Goods* are to be displayed within an area having a height of 1.0 metre, a width of 1.0 metre and maximum length of 2.0 metres.
- (ii) any such display must be placed adjacent to the *Premises* to which the display relates and must not encroach onto the pavement more than 0.5 metres.
- (iii) notwithstanding the provisions of (i) and (ii) above, no display may be placed in a manner which will in the opinion of an *Authorised Officer of Council* be likely to cause an undue obstruction to pedestrians or constitute a danger to people or property or cause an obstruction to easy access to adjoining property.

## 2. Public Safety and Hazards

2.1 No *Person* may place or leave on any *Public Place* materials or substances which in the opinion of the *Council* are likely to be hazardous or injurious to any *Person*.

2.2 Where any wall, fence or land adjacent to a *Public Place* is in a condition or state of disrepair which in the opinion of an *Authorised Officer of Council* could cause damage or injury to *Persons* passing, the *Officer* may give notice requiring the *Owner* or *Occupier* to make the land safe within such time as specified in the notice.

2.3 No *Person* may blast any rock, stone, earth timber or other material in, on or near any *Public Place*, without the prior written permission of the *Council*, and then only in compliance with any conditions the *Council* may impose.

2.4 Upon the request of a duly *Authorised Officer of Council*, an *Owner* or *Occupier* must cut back any tree deemed by the *Officer* to be overhanging a street light in a *Public Place*, within the time period specified by the *Officer*.

## 3. Disturbance or Damage to Public Places

3.1 No *Person* may disturb or remove the surface of any *Public Place* without the prior written permission of the *Council*, and then only in accordance with such conditions as the *Council* may impose.

3.2 The *Person* responsible for any works permitted under 3.1 must take all such precautions for guarding against injury to the public as may be necessary, including the provision of adequate lighting where the danger to any *Person* remains during the hours of darkness, to the satisfaction of a duly *Authorised Officer of Council*.

3.3 No *Person* may –

- (i) deposit any building material or building rubbish on; or
- (ii) make or maintain a hole or excavation in; or
- (iii) prepare building materials on any part of any *Public Place*, without the prior written permission of the *Council*.

## 4. Waste and Offensive Matter

4.1 No *Person* may make use of any street tidy or other public *Waste Receptacle* for the purpose of placing or depositing any *Offensive Matter* or any household, shop, office, or any trade *Waste* of any description.

4.2 No *Person* may, other than in the *Approved* manner –

- (i) Slaughter, throw or leave any dead *Animal* or part thereof, or *Animal* remains, or *Offensive Matter* of any kind, upon any *Public Place*, or into any river, creek, stream or other water, or on the bank thereof.
- (ii) Fail to dispose of the body or part of the body of any *Animal* in their possession that may have been killed or died while straying, or while being driven on any *Public Place*.

- (iii) Transport any *Waste* or *Offensive Matter* over any street or *Public Place* unless the receptacle or *vehicle* used is covered or secured to prevent the escape of any of the contents.
- (iv) Sweep any *Waste*, dust, or litter onto any *Public Place* from any house or business *Premises*.

4.3 No *Person* may cause, or permit the burning of any matter on any *Public Place*.

## 5. Fences

With the exception of those areas zoned rural in the *District Plan*, no *Person* may repair or renew or erect any barbed wire or electric wire or fence along, or within 1 metre of, any boundary line between any adjoining land or *Building*, unless the barbed wire is placed at a height not less than 2 metres from the ground level of any such *Public Place*. No mains operated electric fence may be erected in any residential area without the approval of *Council* which will only be given in special circumstances.

## 6. Advertising Devices

6.1 This *Bylaw* controls signs on or above *Public Places* and unless permitted by the *District Plan*, Resource Consent or *Building Consent*, also applies to any *Advertising Devices* on private property which may by virtue of proximity to any *Public Place*, create a hazard to *Persons* if insecurely fixed or constructed.

6.2 One "Sandwich Board" type sign per *Premises* is permitted in areas zoned Commercial and Industrial under the *District Plan* subject to the following conditions –

- (i) the sign dimensions be no greater than 0.5 metres in width and no greater than 1.2 metres in length and no less than 0.9 metres in height.
- (ii) notwithstanding (i) above, no sign is permitted which in the opinion of an *Authorised Officer* of *Council* is likely to cause undue obstruction to pedestrians, or constitute a danger to people or

property, or is likely to be offensive or cause a detraction from amenities.

- (iii) any additional *Advertising Devices* must be placed flat against the *Building* and secured in a manner that will prevent them from falling onto the *Footpath*.

6.3 *Window Signs* and *Name Plates* are permitted subject to compliance with all other aspects of the *Bylaw* and the *District Plan*.

6.4 Every application for a permit must provide such information as is required to assess the application to the satisfaction of an *Authorised Officer* of *Council*.

6.5 The following matters must be considered in the siting of any *Advertising Device* –

- (i) possible physical obstruction of traffic and pedestrians. The minimum siting criteria for devices is generally 2.5 metres above the foot-path, 0.5 metres back from the kerb line, 5.5 metres above the carriageway, with sign cases and show cases projecting over the pavement no more than 0.1 metres.
- (ii) possible visual obstruction to traffic and pedestrians.
- (iii) possible visual confusion to *vehicle* drivers (generally no reflective material or illuminated or other red or green colours near traffic lights).
- (iv) Possible effect on public areas of inadequate maintenance of the *Advertising Device*.
- (v) *District Plan* requirements.

6.6 Every *Advertising Device* must at all times be maintained in good repair and condition to the satisfaction of an *Authorised Officer* of the *Council*.

6.7 If any *Advertising Device* is, at any time, not in good order and condition or unsightly or dangerous, the *Council* may, by notice in writing require the

*Owner* or *Occupier* to repair or secure or otherwise put in order or remove such device within a period stated in the notice.

6.8 When an *Advertising Device* becomes redundant or, by reason of change of occupancy or otherwise it is no longer relevant to the business carried on in the *Premises* on which it appears, the *Owner* must effectively and properly paint out or remove such device.

6.9 If any *Advertising Device* fails to conform to all the provisions of this Part of this *Bylaw*, it is the duty of the *Occupier* or *Owner* for the time being of the *Premises* or stationary *vehicle* on which such *Device* is displayed or erected, after being served with a notice in writing by the *Council*, to remove or take down the *Device* or that portion that does not conform to the provisions of this Part of this *Bylaw* within the period of time specified in the notice.

6.10 If the *Person* on whom a notice has been served fails to comply with the terms of that notice within the time specified they are liable to prosecution for an *Offence* against this Part of this *Bylaw*.

6.12 Following a second *Offence* the *Advertising Device* may be removed and held until the expiration of any *Appeal* period and failing any *Appeal* disposed of by such means as determined by the *Council*.

6.13 The applicant, or the *Owner* of an *Advertising Device* which is the subject of any action made under this *Bylaw*, after having been informed in writing of such action and the reasons for it, may, within fourteen (14) days of notification of such decision, apply in writing to the *Council* for a review of the decision.

## 7. Vehicle Crossings

7.1 Any *Person* wishing to construct, remove repair or widen any *vehicle* crossing must first obtain a written *Permit* from the *Council*.

7.2 Where the work is carried out by the applicant a bond may be required prior to work commencing. All work must be completed to the satisfaction of an *Authorised Officer* of *Council*.

7.3 Where a crossing is in a bad or unsafe state of repair the *Council* may order such crossing to be removed immediately and by notice to the *Owner* or *Occupier* of the land or *Premises* require the crossing to be renewed within a period stated in the notice.

7.4 A temporary crossing may be required by an *Authorised Officer* of *Council* where access to a construction site is necessary. The *Officer* may impose any conditions considered necessary for the protection of public safety and convenience.

7.5 Where, in the opinion of the *Council* reinforcing of a footway or crossing is necessary, the *Owner* or *Occupier* of the applicable *Premises* or land may be required, by notice, to provide adequate reinforcing to such footway or crossing, within the time specified in the notice.

## 8. Trading in Public Places

Where the nature of any business carried on within the *District* results in substantial quantities of disposable paper, or plastic wrapping, containers, wooden or plastic sticks or material of a like nature being deposited in *Public Places* the *Council* may require the *Proprietor* of the business to provide *Approved* containers for the reception of that litter. The *Proprietor* of the business must pay for any additional costs incurred by the *Council* in the cleaning of the footways, gutters and *Public Places* in the vicinity of the *Premises* of the *Proprietor* by reason of the litter generated by that business.

## 9. Control of Cycles and Skateboards

9.1 The riding of *Skateboards*, is permitted in *Public Places* except for those areas which *Council* has, by resolution, declared exclusion areas.

9.2 Every *Person* riding a *Skateboard* in the permitted areas must do so exercising due care and having reasonable consideration for the other users of the *Public Place*.

9.3 The riding of *Cycles* on any *Footpath*, lawn, garden or other cultivation forming part of a *Road* is not permitted (except on *Footpaths* for postal, newspaper or other similar deliveries).

9.4 A *Person* may stop, stand or park a *Cycle*, attended or unattended, on any *Footpath*, only with due care and reasonable consideration for the other *Footpath* users.

## 10. Roading and Building Identification

10.1 No *Person* may give any name to or affix, set up or paint any name on any street, private street, or *Public Place* without the prior written permission of *Council*.

10.2 The *Owner* or *Occupier* of every *Building* must mark the *Building* (subject to clause 10.4) with such numbers as an *Authorised Officer* of *Council* shall direct or *Approve*, and must renew the numbers if they are obliterated or defaced.

10.3 The *Council* may, at any time, alter the number of any *Building* where in the *Council's* opinion it is necessary or advisable to do so.

10.4 Every number being not less than 50mm in height must be placed upon the *Building* in such a position as to be readily visible from any street fronted by the *Building*; or if no such position is available must be placed upon a post, fence, or gate near, or adjacent to the *Building*, and be visible from the street.