

Agenda for a meeting of the Policy & Regulatory Committee to be held in the Council Chambers, District Office, 15 Galileo Street, Ngaaruawaahia on **TUESDAY, 14 NOVEMBER 2023** commencing at **9.30am**.

**1. APOLOGIES AND LEAVE OF ABSENCE**

**2. CONFIRMATION OF STATUS OF AGENDA**

**3. DISCLOSURES OF INTEREST**

The register of interests is no longer included on agendas, however members still have a duty to disclose any interests under this item.

**4. CONFIRMATION OF MINUTES**

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**7. EXCLUSION OF THE PUBLIC**

GJ Ion  
**CHIEF EXECUTIVE**

## POLICY & REGULATORY COMMITTEE

<b>Reports to:</b>	Council
<b>Chairperson:</b>	Deputy Mayor Carolyn Eyre
<b>Deputy Chairperson:</b>	Cr Crystal Beavis
<b>Membership:</b>	The Mayor and all Councillors
<b>Meeting frequency:</b>	Six-weekly
<b>Quorum:</b>	Majority of the members (including vacancies)

### Purpose

The Policy & Regulatory Committee is responsible for the Council's governance policies and bylaws, reviewing the District Plan and overseeing civil defence and emergency management issues.

***In addition to the common delegations on page 10, the Policy & Regulatory Committee is delegated the following Terms of Reference and powers:***

### Terms of Reference:

1. To establish, implement and review the governance policy framework that will assist in achieving the Council's strategic priorities and outcomes.
2. To develop, review and approve the consultation process for Council bylaws.
3. To consider and determine changes to the schedules and parking restrictions in the Public Places Bylaw 2016, including hearing any submissions relating to those proposed changes.
4. To hear and determine matters arising under current bylaws, including applications for dispensation from compliance with the requirements of bylaws, unless such matters are otherwise delegated by Council.
5. To administer the Council's District Plan in accordance with the Resource Management Act 1991.
6. To monitor the performance of regulatory decision-making by the District Licensing Committee<sup>1</sup>, Regulatory Subcommittee and officers under their respective delegations.
7. To monitor the Council's Civil Defence and Emergency Management framework.

<sup>1</sup> For clarity, the District Licensing Committee is a committee of Council under the Sale and Supply of Alcohol Act 2012.

**The Committee is delegated the following powers to act:*****Governance Policies***

- Develop and agree governance policies for the purpose of consultation/engagement.
- Recommend to Council policy for adoption, amendment or revocation.
- Monitor and review policy, including recommending amendments to any policy as and when required.

***Bylaws***

- Develop and approve the statement of proposal for new or amended bylaws for consultation.
- Recommend to Council new or amended bylaws for adoption.

***District Plan***

- Review and approve for notification a proposed district plan, a proposed change to the District Plan, or a variation to a proposed plan or proposed plan change (excluding any plan change notified under clause 25(2)(a), Schedule I of the Resource Management Act 1991)
- Withdraw a proposed plan or plan change under clause 8D, Schedule I of the Resource Management Act 1991.
- Make the following decisions to facilitate the administration of plan changes, variations, designation and heritage order processes:
  - a. To decide whether a decision of a Requiring Authority or Heritage Protection Authority will be appealed to the Environment Court by the Council and authorise the resolution of any such appeal, provided such decisions are consistent with professional advice.
  - b. To consider and approve Council submissions on a proposed plan, plan changes, and variations.
  - c. To monitor the private plan change process.
  - d. To accept, adopt or reject private plan change applications under clause 25, Schedule I, Resource Management Act 1991.

### ***Other Resource Management Issues***

- Pursuant to Section 34(1) of the Resource Management Act 1991, to exercise all of the Council's functions, powers and duties under that Act, except the functions, powers and duties:
  - a. that cannot be delegated or that are otherwise retained by the Council under its terms of reference; or
  - b. expressly delegated to other Council committees or decision-making bodies, or officers.
- Monitor and approve submissions in relation to National Policy Statements.

### ***Civil Defence and Emergency Management***

- Monitor the performance of Waikato District's civil defence and emergency management response against Council's requirements under the Civil Defence and Emergency Management Act including:
  - a. implementation of Government requirements; and
  - b. co-ordinating with, and receiving reports from, the Waikato Region Civil Defence and Emergency Management Group Joint Committee.

### ***Other Delegations***

- Exercise all of the Council's functions, powers and duties under the Building Act 2004, the Health Act 1956, and the Food Act 2014, and the respective regulations made under these Acts, except the functions, powers and duties:
  - a. that cannot be delegated or that are otherwise retained by the Council under its terms of reference; or
  - b. expressly delegated to other Council committees or decision-making bodies, or officers.
- Approval of attendance of elected members at conferences, seminars, training or events, in accordance with Council policy.



<b>To</b>	<b>Policy and Regulatory Committee</b>
<b>Report title</b>	<b>Confirmation of Minutes</b>
Date:	6 November 2023
Report Author:	Lynette Wainwright, Democracy Advisor
Authorised by:	Gaylene Kanawa, Democracy Manager

## **1. Purpose of the report**

### **Te Take moo te puurongo**

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To confirm the minutes for a meeting of the Policy and Regulatory Committee held on Tuesday, 3 October 2023 and the minutes for a meeting of the Policy and Regulatory Committee (relating to the Proposed Freedom Camping Bylaw Deliberations), held on Monday, 16 October 2023.

## **2. Staff recommendations**

### **Tuutohu-aa-kaimahi**

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**THAT the Policy & Regulatory Committee confirms:**

- a. the minutes for a meeting of the Policy & Regulatory Committee meeting held on Tuesday, 3 October 2023 as a true and correct record; and**
- b. the minutes for a meeting of the Policy & Regulatory Committee (Proposed Freedom Camping Bylaw Deliberations) meeting held on Monday, 16 October 2023 as a true and correct record.**

## **3. Attachments**

### **Ngaa taapirihanga**

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Attachment 1 – Minutes for P&R Committee meeting held on Tuesday, 3 October 2023

Attachment 2 – Minutes for P&R Committee (Freedom Camping Bylaw Deliberations) meeting held on Monday, 16 October 2023

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Minutes for a meeting of the Policy & Regulatory Committee of the Waikato District Council held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawaahia on **TUESDAY, 3 OCTOBER 2023** commencing at **9.36am**.

**Present:**

Cr CA Eyre (Chairperson)  
Her Worship the Mayor, Mrs JA Church  
Cr C Beavis  
Cr EM Patterson  
Cr V Reeve  
Cr LR Thomson  
Cr P Thomson  
Cr D Whyte

**Attending:**

Mr G Ion (Chief Executive)  
Ms M May (General Manager Service Delivery)  
Mr W Gauntlett (Acting Deputy General Manager Community Growth)  
Mr A Averill (Acting General Manager Service Delivery)  
Mr W Hill (Consents Team Leader)  
Ms H Beaven (Principal Corporate Planner)  
Mr D Sharma (Acting Waters Manager)  
Mr T McIntyre (Policy Advisor)  
Ms J Underwood (Roading Contractor)  
Mr M Balloch (Manager Building)  
Mrs LM Wainwright (Democracy Advisor)

The meeting opened with a Karakia.

**APOLOGIES AND LEAVE OF ABSENCE**

**Resolved: (Crs L Thomson/Whyte)**

**THAT the Policy & Regulatory Committee accept the apologies from:**

- a. Cr JM Gibb, Cr M Keir, Cr P Matatahi-Poutapu, Cr K Ngataki, Cr M Raumati and Cr T Turner for non-attendance.**

**CARRIED**

**P&R2310/01**

**CONFIRMATION OF STATUS OF AGENDA ITEMS**

Resolved: (Crs Eyre/P Thomson)

**THAT:**

- a. the agenda for a meeting of the Policy & Regulatory Committee held on Tuesday, 3 October 2023 be confirmed; and
- b. all reports be received.

**CARRIED**

**P&R2310/02**

**CONFIRMATION OF MINUTES**

Resolved: (Crs Patterson/Reeve)

**THAT** the Policy & Regulatory Committee confirms:

- a. the minutes for a meeting of the Policy & Regulatory Committee meeting held on Tuesday, 22 August 2023 as a true and correct record; and
- b. the minutes for a meeting of the Policy & Regulatory Committee (Proposed Freedom Camping Bylaw 2023) meeting held on Tuesday, 12 September 2023 as a true and correct record.

**CARRIED**

**P&R2310/03**

**DISCLOSURES OF INTEREST**

There were no disclosures of interest.

## **ACTIONS REGISTER**

### Agenda Item 5

The report was received [*P&R2310/02 refers*] and the Consents Team Leader spoke to the report and the following items were discussed:

#### Resource Consent Information

- A summary of consent applications was provided to the committee. This summary was based on the information drawn from Council's reporting systems. It was noted that landuse consent applications and permitted boundary activities formed a large part of Council's business. Subdivisions had lessened over the last year.
- Rural subdivision consents were affected by the National Policy Statement on highly productive land.
- Applications had been processed for Raglan Wharf, Paterson Park lighting, carparks and toilet blocks.
- Two solar farm applications had been granted, one at Glen Murray Road and the other at Coalfields Road, Kopuku. The solar farms were located close to the national grid transmission lines. Two more solar farm applications had been received by Council for processing.
- Property enquiries and Land Information Memorandums had risen.
- Retrospective consents. These were mostly for earthworks that were undertaken without first obtaining a consent, the balance being due to a lack of understanding by people as to what was required to obtain consent.
- Fast tracking for windfarms was a central government process and a specific panel would hear and consider the applications. Comments only were requested from Waikato District Council and landowners on these applications.
- Council provided a quarterly newsletter called "Growing Places" which provided information regarding building and resource consents in the Waikato district. The newsletter could be accessed on the Council's website as follows:  
<https://www.waikatodistrict.govt.nz/services-facilities/land-and-property/growing-places-newsletter>
- It was noted that the new District Plan was more complicated to navigate than the previous one.
- Discussion was held on the ten (10) year resource consent granted to Soundsplash and how concerns could be raised following the event. Haapu needed to be given a voice on events being held on the Raglan airfield. There were two (2) statutory processes that covered the Soundsplash application, one being the resource consent process and the other required permission under the Reserves Act. If it was considered that the event had been incorrectly assessed, a judicial review process would need to be worked through.

Resource Consent Forecast Reporting

**ACTION:** This item to be remain on the schedule and placed on the April 2024 Policy & Regulatory Committee agenda.

**REPORTS**

Approval to consult on the Proposed Water Supply Bylaw 2023  
Agenda Item 6.1

The report was received [*P&R2310/02 refers*] and the Principal Corporate Planner, supported by the Acting Waters Manager, spoke to the report and the following items were discussed:

- The report addresses the risks of not having an actionable water supply bylaw. To protect the water supply system, Council previously had the Water Supply Bylaw 2014 which was reviewed and consulted on in 2021. However, the review was not within the required legislative timeframe and was unenforceable. Therefore, Council had no regulatory tools to manage the water supply system. Various standards had been updated throughout the process.
- The bylaw had been reviewed by staff, the Legal Team and Watercare who had provided feedback.
- Consultation on the proposed bylaw would be undertaken between Thursday, 5 October 2023 to Sunday, 5 November 2023 and submissions would be heard on Wednesday, 22 November 2023 with Council adopting the bylaw on Monday, 18 December 2023.
- The Water Supply Bylaw workshop had been held on Monday, 11 September 2023.
- Concern was raised on restricted water supply areas where dwellings had a tank and the properties were on restricted supply. The Statement of Proposal would draw attention to both clause 9.6.1 b and c, and that Council may require water meters.

**ACTION:** Staff to ensure the names of roads and towns in the district are spelt correctly before any communications go out.

**ACTION:** That the Statement of Proposal Key Change 3 is amended to reflect that Council 'may' require waters meters for minor or ancillary dwellings, and to additionally refer to Clause 9.6.1(c).

**Resolved: (Her Worship the Mayor/Cr Beavis)**

**That the Policy & Regulatory Committee:**

- a. **confirms that, in accordance with Section 155 of the Local Government Act:**
  - i. **a Bylaw is the most appropriate way of addressing the perceived problems;**
  - ii. **the proposed Bylaw is the most appropriate form of Bylaw; and**
  - iii. **the proposed Bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 2002.**
- b. **adopts the Statement of Proposal (Attachment 3) noting requested changes to “Key Change 3” in the Statement of Proposal, and submission form (Attachment 4);**
- c. **approves the commencement of public consultation on the Proposed Water Supply Bylaw (Attachment 1 and 2), to be undertaken between Thursday, 5 October to Sunday, 5 November 2023; and**
- d. **agrees to hear submissions on the Bylaw, if requested by submitters, at a hearing scheduled for Wednesday, 22 November 2023.**

**CARRIED**

**P&R2310/04**

Approval to Consult – Speed Management Plan  
Agenda Item 6.2

The report was received [*P&R2310/02 refers*] and the Policy Advisor, supported by the Roading Contractor, spoke to the report and the following items were discussed:

- A workshop had been held earlier in the year. Material on the proposed changes had been sent out to councillors and drop-in sessions held.

The meeting adjourned at 10.33am and resumed at 10.35am.

- Local views from the community were important as they were aware of what was happening in their areas.
- Community Boards had a good understanding of their areas and needed to be part of any consultation process in future. There was time before consultation took place to provide information to Community Board members to prepare them for any queries from their communities. The consultation period had been extended from four (4) weeks to six (6) weeks which would assist in getting information out to Community Boards and Committees.

- It was noted that the report and tables were well formatted and easy to understand. Staff were working with GIS and Communications to provide readable maps to be placed on Council's website. All base data had been prepared, but the interface with Council's systems was being reviewed.
- It was noted on page 119 of the agenda report the wording ".....interim Speed Management Plan ". The word "interim" was incorrect and would be ignored.
- Discussion was held on what constituted a material change to the plan.

**ACTION:** Council's Legal Team to provide feedback on "what constituted a material change to the plan".

- Any feedback from communities would be provided immediately to staff to assist with the plan.
- Council needed to keep in mind the possible change in central government and what that would mean for the bylaw as there had been discussions on changing State Highways back to 100km/hr.
- Many roads in the Waikato district were in rural areas and not covered by Community Boards or Committees. Discussion was held on ways of getting information out to the rural communities. It was noted that Hall Committees and Resident & Ratepayer groups in rural areas were a good source of getting information out.
- Pre engagement with Community Boards, Committees and the public would assist with getting information into the plan at an earlier time.

**ACTION:** Staff to ensure the names of roads and towns in the district are spelt correctly before any communications go out.

**Resolved: (Crs Patterson/Whyte)**

**That the Policy and Regulatory Committee:**

- adopts the Statement of Proposal (Attachment 1), with amendments, to reflect that this is pre engagement; and**
- approves pre engagement to commence on the Speed Management Plan (Attachment 2) in accordance with the Land Transport Rule: Setting of Speed Limits 2022 and Section 82 of the Local Government Act 2002 (subject to any amendments directed by the Policy & Regulatory Committee) prior to going out to consultation in the New Year.**

**CARRIED**

**P&R2310/05**

Hearings and Deliberations for the proposed Dangerous, Affected and Insanitary Buildings Policy 2023

Agenda Item 6.3

The report was received [P&R2310/02 refers] and the Policy Advisor, supported by the Manager Building, spoke to the report and the following items were discussed:

- A workshop had been held with councillors on this policy.
- The policy was legislative in terms of what the policy covered and the changes which were suggested were not substantive.
- There were three (3) submitters to the proposed policy during the consultation period.

**Resolved: (Crs L Thomson/Beavis)**

**That the Policy and Regulatory Committee:**

- a. **pursuant to section 83 of the Local Government Act 2002, considers and makes decisions on all submissions and, where requested, hears submissions on the proposed Dangerous, Affected and Insanitary Buildings Policy;**
- b. **provides direction to staff on any changes to make to the proposed Dangerous, Affected and Insanitary Buildings Policy;**
- c. **recommends that Council:**
  - i. **adopts the Dangerous, Affected and Insanitary Buildings Policy 2023 (Option 1), and**
  - ii. **revokes the Dangerous, Affected and Insanitary Buildings Policy 2018.**

**CARRIED**

**P&R2310/06**





Minutes for deliberations of the Policy & Regulatory Committee on the Proposed Freedom Camping Bylaw held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawaahia on **16 OCTOBER 2023** commencing at **9:30am**.

**Present:**

Cr C Eyre (Chairperson)  
Cr C Beavis  
Cr M Keir  
Cr K Ngataki  
Cr V Reeve  
Cr L Thomson  
Cr P Thomson  
Cr T Turner  
Cr D Whyte

**Attending:**

Mr R Hermann (Community Safety Manager)  
Ms K Ridling (Senior Solicitor)  
Mrs M Rinaldi (Corporate Planner)  
Mr J Ebenhoh (Policy & Planning Manager)

Ms E Saunders (Senior Democracy Advisor)

*The Committee opened the deliberations with a Karakia.*

**APOLOGIES AND LEAVE OF ABSENCE**

**Resolved: (Crs Ngataki/Reeve)**

**THAT the Policy and Regulatory Committee accepts the apologies from:**

- a. **Her Worship the Mayor, Mrs JA Church; Cr J Gibb; Cr E Patterson & Cr M Raumati for non-attendance.**

**CARRIED**

**P&RHE2310/01**

## **CONFIRMATION OF STATUS OF AGENDA ITEMS**

**Resolved: (Crs Eyre/Ngataki)**

### **THAT:**

- a. the agenda for a meeting of the Policy and Regulatory Committee deliberations of the Freedom Camping Bylaw held on Monday, 16 October 2023 be confirmed;
- b. all reports be received; and
- c. all items therein be considered in open meeting with the exception of those items detailed at agenda item 5 which shall be considered with the public excluded if necessary.

### **CARRIED**

**P&RHE2310/02**

## **DISCLOSURES OF INTEREST**

Cr V Reeve declared a non-financial interest as a Member of the NZ Motorhome Association and a member of the Tuakau Community Board (in relation to their submission).

## **REPORTS**

Deliberations Report on Freedom Camping Bylaw  
Agenda Item 4.1

The report was received under [P&RHE2310/02] and the following discussion was held:

### **General Discussion:**

- Cr Whyte noted his concern with the process of consultation with the public particularly the pre-consultation process. There are instances where voices from the community weren't heard during the pre-consultation period and their views weren't captured. What changes can be made to ensure all the information and submissions received are captured?
- It was noted that all feedback received during the pre-consultation period has been considered however it was acknowledged that nothing shuts down community engagement faster than the feeling of your voice not being heard.
- The definitions of both Onewhero Domain and Te Kauwhata Domain were confirmed for the Committee.

- It was queried whether the Corner of Cliff & Bow Street (Raglan) were part of a reserve. As per Page 94 of the agenda it appears that some Community Board submissions have been captured and other Community Board submissions have not. This speaks to the initial concern raised by Cr Whyte that staff appear to be acting as gatekeepers and not passing community voices and submissions on.

#### Deliberations:

- The wording and definitions for Clause six was discussed and confirmed by the Committee.
- The definition around Car vs Person was also clarified for the Committee and the liability and the 3-night limit vs 5-night limit was also clarified.
- Table 2 (Stewart Street, Wainui Reserve & James Street, Raglan) – it was noted that the Raglan Community Board submitted on this topic yet their opinion does not appear to have been heard. It was noted that Cliff Street is off the table as it constitutes a material change and wasn't included in the draft proposal (even though the Raglan Community Board and Local Councillor supported it).
- This lack of voice in the draft proposal reiterates the concerns raised at the beginning of the meeting with our communities voices not being heard during the pre-consultation period.
- It was noted however that if a Community is in favour of having a particular area highlighted for freedom camping that Council can review a bylaw at any time. This bylaw needs to be reviewed every five years but it can be reviewed earlier if needed.
- The Ngaaruwaahia Point Reserve – it was noted that the majority of vehicles at the point were homeless whaanau and individuals – what does this bylaw mean for them? It was confirmed that homelessness is not addressed under this bylaw and no infringements will be issued.
- Clarity was provided around Aro Aro Park and the fact that it is prohibited.
- An extensive discussion was had around Cliff Street, Raglan and the area by the toilets being noted as a reserve. There were 118 pin drops on this location during the pre-consultation period and it's still not being considered as a suitable area.
- It was noted that at this point in time that James Street, Raglan (outside of the bowling club) is not restricted in terms of parking times. Is there any chance that a restriction can be placed on this site so that no campers can park there between 7pm and 7am? There was extensive discussion around this point and what potential bylaw could be used to enforce this.
- A further discussion was had around a few violent acts that have occurred towards campers in Raglan. There was evidence of violence sent through to Council in September 2023 and it was noted that quite a few members of the Committee support the time restriction in this area of Raglan.
- It was noted that lessons from these discussion need to be learned for future bylaws and the support for following due process today is there.

**ACTION:** Council staff to look at other tools or bylaws that could be used to ensure a time restriction can be put in place for James Street in Raglan.

**Resolved: (Crs Beavis/Ngataki)**

**THAT the Policy and Regulatory Committee:**

- a. considers all submissions and the contents of this report in their deliberations on the proposed Freedom Camping Bylaw 2023.
- b. makes the decisions identified in this report with regards to changes to the proposed Freedom Camping Bylaw 2023.
- c. requests the Chief Executive to direct staff to make changes arising from decisions made relating to the proposed Freedom Camping Bylaw 2023 and present the revised draft Bylaw to the Policy and Regulatory Committee on 14 November 2023 for recommendation to Council for adoption.
- d. determines that Council has followed the requirements for consultation under the Freedom Camping Act 2011 Section 11B(3) and the Local Government Act 2002 Section 83.

**CARRIED**

**P&RHE2305/03**

The deliberations closed at 11.08 am.

Minutes approved and confirmed this                      day of                      2023.

C Eyre  
**CHAIRPERSON**

**Open – Information only**

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<b>To</b>	<b>Policy and Regulatory Committee</b>
<b>Report title</b>	<b>Actions Register – November 2023</b>
Date:	14 November 2023
Report Author:	Elaine Digby, EA to the General Manager Customer Support
Authorised by:	Roger MacCulloch, General Manager Customer Support

**1. Purpose of the report**  
**Te Take moo te puurongo**

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To update the Policy and Regulatory Committee on the actions arising from the previous meeting.

**2. Staff recommendations**  
**Tuutohu-aa-kaimahi**

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**THAT the Policy and Regulatory Committee receives the Actions Register – November 2023 report.**

**3. Attachments**  
**Ngaa taapirihanga**

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Attachment 1 – Policy and Regulatory Committee Actions Register November 2023

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### Policy and Regulatory Committee Actions Register November 2023

	Action	Responsible to Action	Status/Update/Response
1.	<p><b>Resource Consent Forecast Reporting</b></p> <p>This item to be remain on the schedule and placed on the April 2024 Policy &amp; Regulatory Committee agenda.</p>	Wade Hill – Consents Manager	<p>November 2023:</p> <p>Noted that the next report is due April 2024</p>
2.	<p><b>Proposed Water Supply Bylaw 2023</b></p> <p>a) Staff to ensure the names of roads and towns in the district are spelt correctly before any communications go out.</p> <p>b) That the Statement of Proposal Key Change 3 is amended to reflect that Council ‘may’ require water meters for minor or ancillary dwellings, and to additionally refer to Clause 9.6.1(c).</p>	Hannah Beaven, Principal Corporate Planner, Community Growth	<p>November 2023:</p> <p>a) Editing/double checking has been completed, to ensure consistency in the naming of towns.</p> <p>b) The Statement of Proposal Key Change 3 has been amended to reflect request changes.</p>
3.	<p><b>Speed Management Plan</b></p> <p>a) Council’s Legal Team to provide feedback on “what constituted a material change to the plan”.</p> <p>b) Staff to ensure the names of roads and towns in the district are spelt correctly before any communications go out.</p>	<p>Legal Team</p> <p>Toby McIntyre, Policy Advisor, Community Growth</p>	<p>November 2023:</p> <p>a) With the Speed Management Plan moving from Public Consultation to Targeted Engagement, the Legal team will use the extended time to investigate and provide a more in-depth response to Elected Members.</p> <p>b) Editing/double checking has been completed, to ensure consistency in the naming of towns.</p>

<b>To</b>	<b>Policy and Regulatory Committee</b>
<b>Report title</b>	<b>Update on Appeals to the Proposed Waikato District Plan</b>
Date:	14 November 2023
Report Author:	Sandra Kelly, Programme Manager District Plan
Authorised by:	Will Gauntlett, General Manager Community Growth

## **1. Purpose of the report**

### **Te Take moo te puurongo**

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To update the Policy and Regulatory Committee on the progress on resolving appeals, to the Proposed Waikato District Plan (PDP) and making the plan partially operative.

## **2. Executive summary**

### **Whakaraapopotanga matua**

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The PDP Subcommittee reviewed all appeals in 2023, with consent orders issued for the resolution of several cases. Out of 66 appeals, 48 remain to be resolved. The team is preparing four more consent orders for the Environment Court.

The PDP Subcommittee has convened ten times to review topic-based reports, with one remaining meeting scheduled for 2023. A status update on all remaining appeals will be presented in December 2023 to the PDP Subcommittee. The meeting schedule for 2024 has not been confirmed, this will be done by the Democracy team in consultation with Council towards the end of the year.

The process for making operative the parts of the plan that are no longer under appeal is being undertaken. When provisions of the plan can be made operative, we are required to provide a report to the Policy and Regulatory Committee seeking approval. Council is required to publicly notify the date on which the part of the plan become operative at least five working days before the date on which they become operative.

## **3. Staff recommendations**

### **Tuutohu-aa-kaimahi**

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**THAT the Policy and Regulatory Committee receives the Appeals to the Proposed District Plan Appeals Update report.**

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## 4. Background

### Koorero whaimaarama

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In July 2018 the PDP was notified. Council received just under 1000 submissions on the Plan. After publicly notifying these submissions, Council received a further 457 submissions to those original submissions.

Between 2019 – 2021, 42 hearings were held, to hear the submissions.

The Independent Hearings Panel (IHP) made a decision on the submissions and Council publicly notified this decision on 17 January 2022.

After the public notification, any person who has an interest greater than the interest that the general public, or was a submitter, can lodge an appeal in support or opposition to the decision. Council received 66 appeals, and 89 parties filed 256 section 274 notices. A S274 party to an appeal is someone who wishes to support or oppose an appeal point.

Waikato District Council established the PDP Subcommittee to undertake the decision making. This assists the Chief Executive and officers to make timely decisions on any matters relating to appeals.

The Subcommittee have been delegated the following powers to act:

1. *To make decisions in relation to any direction sought by the Chief Executive and/or officers in relation to any matters relating to:
 
  - a) *The hearings on submissions and further submissions on the Proposed District Plan; and*
  - b) *Any appeals or other proceedings relating to Council's decisions on the Proposed District Plan.**

*NOTE: The authority under paragraphs 1 a) and b) includes the power to direct the Chief Executive or officers to engage any expert or legal counsel.*

2. *To determine an approach for resolving any appeals or other proceedings on Council's decisions on the Proposed District Plan.*
  3. *To delegate to the Chief Executive or any officer participating in an alternative disputes resolution process ("ADR process") (as defined in section 268(4) of the RMA) in relation to any Environment Court proceeding arising from Schedule 1 of the Act or any other ADR process directed in any other proceedings), the authority to make decisions on behalf of Council, within any parameters given by the Subcommittee, on any matters that may reasonably be expected to arise in the ADR process.*
  4. *To authorise the Chief Executive, or his delegate, together with any other member of the Executive Leadership Team, to jointly consider and approve, within any parameters given by the Subcommittee, the content of any draft consent order to be submitted to the Environment Court to resolve any appeal on Council's decisions on the Proposed District Plan.*
  5. *To report to the Policy & Regulatory Committee on a quarterly basis (as a minimum) with a summary of the matters considered and decisions made by the Subcommittee.*
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In October 2022, a new council was elected, leading to the selection of a new PDP Subcommittee. This recently formed group was promptly brought up to speed on the appeals and their background. Since then, they have met monthly to consider the recommendations presented by the reporting planners regarding the appeals.

As noted in the December 2022 report to Council, the reporting planners are independent experts. Their role is to assess each appeal point against the planning and statutory frameworks. They provide detailed summaries and recommendations on each appeal point and/or topic, which are informed by their analysis of the submissions, further submissions, section 42a hearing reports, and the IHP decision documents.

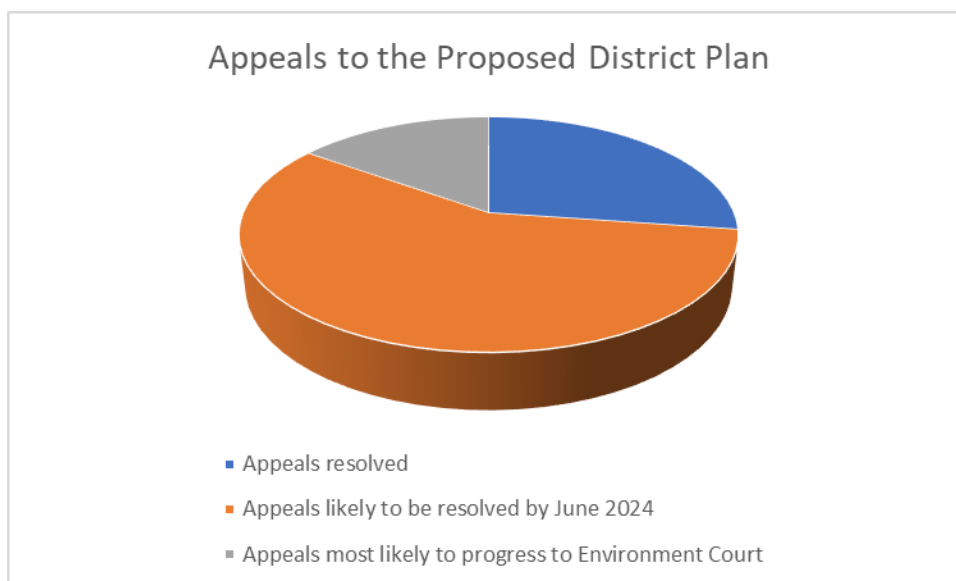
The reporting planners present the reports to the PDP Subcommittee for consideration. The PDP Subcommittee provides direction and recommendations to the reporting planning on the resolution for each appeal point, and the reporting planner then progresses negotiations on behalf of the PDP Subcommittee. Ultimately, the Subcommittee make the final decision. All discussions, reports and directions are confidential.

## 5. Discussion Matapaki

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Throughout 2023, the PDP Subcommittee have thoroughly reviewed all appeal topics and subtopics. The Appeals team have worked closely with appellants negotiating appeal resolutions. On some occasions court assisted mediation with appellants has taken place in order to resolve appeals.

The Environment Court has issued consent orders, which have confirmed the resolution of 18 appeals. In summary, out of 66 appeals, 18 have been resolved, 48 remain to be resolved either in full or in part. Of these we anticipate that at least ten appeals will proceed to the Environment Court, and we are hopeful to resolve the remaining 38 by mid-2024.



Four additional consent orders are being prepared for submission to the Environment Court for approval before the end of the year.

In February 2023, the Appeals team provided a comprehensive update to the PDP Subcommittee on the progress of all ongoing appeals.

Subsequently, the PDP Subcommittee has convened on ten separate occasions to review the topic-based reports authored by both staff and consultant planners. There is one remaining PDP Subcommittee meeting scheduled for 2023. A status update on all appeals remaining will be presented to the PDP Subcommittee in December 2023.

The schedule for 2024 has not yet been confirmed, this will be done by the Democracy team in consultation with Council towards the end of the year.

The Chief Executive has the following KPI relating to the resolution of the PDP Appeals:

Make the uncontested parts of the Proposed District Plan operative by 31 December 2023

In relation to this, many chapters of the Proposed District Plan Decisions Version cannot be treated as operative, as they are the subject of an appeal. Until such time as the appeals listed against each whole chapter are resolved, the chapter cannot be considered to be operative.

Parts of the chapters not subject to appeal could be made partly operative however we need a high degree of certainty that those parts can stand independently on their own and will not be impacted by consequential changes as a result of the resolution of appeals on other parts.

Identifying the overlap of points under appeal is a significant piece of work that is ongoing, as appeal points are resolved. Undertaking to make operative, parts of the plan, needs to be assessed in terms of risk to Council – provisions cannot be made operative, and then be subsequently “reopened” for negotiation by an appeal.

Currently, the chapters where there are no direct appeals have been identified, and we are assessing whether they are likely to be affected by any consequential amendments arising from appeals. Once this is ascertained, we can then proceed to make operative, taking into consideration our appetite for risk in this matter.

The team have developed a Plan to make the PDP operative that includes the following actions:

- A topic structure document prepared for, and approved by the PDP Subcommittee identifying the priority appeals – including areas of the plan that would most benefit the consenting team to be resolved.
  - Identify appeals that cross over provisions in the plan – mapping appeal interdependencies.
  - Assign planners and support to resolve appeals effectively.
  - Undertake a rolling review of the appeal resolution and progress to assess the impact on chapters or sections with a view to making operative as soon as possible.
-

When provisions of the plan can be made operative, we are required to provide a report to the Policy and Regulatory Committee seeking approval. Council is required to publicly notify the date on which the part of the plan become operative at least five working days before the date on which they become operative.

## **6. Attachments**

### **Ngaa taapirihanga**

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There are no attachments for this report.

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<b>To</b>	<b>Policy and Regulatory Committee</b>
<b>Report title</b>	<b>Adoption of the Freedom Camping Bylaw 2023</b>
Date:	14 November 2023
Report Author:	Mary Rinaldi, Corporate Planner
Authorised by:	Roger MacCulloch, General Manager Customer Support

## **1. Purpose of the report**

### **Te Take moo te puurongo**

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To present the Policy and Regulatory Committee with the Waikato District Council Freedom Camping Bylaw 2023 for recommendation to the Council for adoption.

## **2. Executive summary**

### **Whakaraapopototanga matua**

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This report requests that the Committee recommends to the Council that the Waikato District Council Freedom Camping Bylaw 2023 is adopted. This decision is considered to be of moderate significance under the Council's Significance and Engagement Policy.

The 2016 bylaw, which has recently lapsed, was used as a starting point for the proposed 2023 bylaw. The review process began in 2022 with a Councillor workshop and early public engagement, followed by further engagement with community boards / committees, mana whenua, and key stakeholders in May 2023, Public consultation on the proposed new bylaw then took place in July and August 2023, followed by hearings and deliberations.

Based on submissions and hearings, Council agreed through deliberations to make several changes to the proposed bylaw. These include district-wide provisions such as the maximum number of nights a person can freedom camp in one location in restricted areas. Changes were also made to the locations in which freedom camping is prohibited or restricted, and the designated areas where non-self-contained vehicles are allowed to freedom camp.

The environmental, cultural, reputational and legal risks associated with today's decision have been considered, and staff assessment is that the recommended option of adopting the attached bylaw is lower risk than the alternative of not adopting the bylaw.

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### 3. Staff recommendations Tuutohu-aa-kaimahi

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**That the Policy and Regulatory Committee:**

- a. **confirms that further consultation is not required under section 76 of the Local Government Act 2002;**
- b. **confirms, in accordance with Section 11 of the Freedom Camping Act 2011, that a bylaw is necessary in the Waikato District for one or more of the following purposes:**
  - i. **to protect the area;**
  - ii. **to protect the health and safety of people who may visit the area; and**
  - iii. **to protect access to the area;**
- c. **confirms, in accordance with Section 11 of the Freedom Camping Act 2011, that the bylaw is the most appropriate and proportionate way of addressing the perceived problem(s) in relation to each area;**
- d. **confirms that the bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990;**
- e. **notes the changes made to the proposed Freedom Camping Bylaw 2023 (Attachment 1), as directed during deliberations by the Policy and Regulatory Committee on 16 October 2023; and**
- f. **recommends to Council that the Waikato District Council Freedom Camping Bylaw 2023 (Attachment 2) is adopted.**

### 4. Background Koorero whaimaarama

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Waikato District Council ("Council") previously had the Freedom Camping Bylaw 2016 in place, which was due for review by 12 September 2021, in accordance with section 158 of the Local Government Act 2002 (LGA). It was not reviewed by this date, however it continued to have legal effect under section 160A of the LGA until it was automatically revoked on 12 September 2023.

Staff began reviewing the 2016 Bylaw in 2022, with the intent to make a new freedom camping bylaw. A workshop was held with Council in September 2022, followed by early engagement with the public between 14 September 2022 and 19 February 2023, to obtain general feedback on the current operation of the 2016 Bylaw.

Following this, more specific feedback was sought from Community Boards and Committees, mana whenua, and other key stakeholders, from 1 May to 29 May 2023. This feedback, along with the site assessments of the existing prohibited and restricted sites in the 2016 Bylaw, was presented to a Council workshop on 7 June 2023.

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Staff then drafted the Proposed Freedom Camping Bylaw 2023 for consultation, with consideration of the amendments to the Freedom Camping Act 2011 as well as the feedback received through early engagement and Council workshops. On 11 July 2023 the Policy and Regulatory Committee (“the Committee”) approved the proposed Bylaw for consultation, and between 13 July and 14 August 2023 Council undertook consultation. On [12 September 2023](#) the Committee held a hearing, and five submitters spoke to their submissions either online or in person.

The Committee considered all submissions and staff analysis. On [16 October 2023](#) the Committee deliberated on proposed changes to the Bylaw. The Committee directed Staff to make the recommended changes to the Bylaw in order to present the revised Bylaw to the Committee for recommendation to Council for adoption.

## 5. Discussion and analysis

### Taataritanga me ngaa tohutohu

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The following changes have been made to the proposed Bylaw following submissions and direction from the Policy and Regulatory Committee following deliberations. A track changed version of the proposed Bylaw is included in **Attachment 1**, and the clean, final version of the Bylaw for adoption is included in **Attachment 2**.

**Table 1: District-wide provisions**

Clause	Change
<i>2 – Short title, commencement, and application</i>	Sub-clause 2.4 is amended, to refer to both Section 11 and 11A of the Act.
<i>6.2 – Restricted areas</i>	Amended Clauses 6.2 (a), (b) and (c) to refer to a ‘person’ instead of a ‘vehicle’. Also changed the word ‘area’ to ‘location’ to differentiate between ‘local authority area’ and a parking spot as a camping location.
<i>6.2 (b) and (c) – Restricted areas</i>	Amended Clauses 6.2 (b) and (c) to revert back to three nights as the maximum a person can freedom camp in one location, rather than five nights as per the proposal.
<i>7. Prior consent from Council</i>	Amended clauses 7.1. and 7.2, to provide greater clarity regarding the specific processes for requesting written consent from Council.

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**Table 2: Prohibited and Restricted Areas (Schedules One and Two)**

Area	Change
<i>RAGLAN/WHAAINGAROA</i>	
<i>Wainui Reserve Bush Park – prohibited area</i>	Extended the proposed prohibited area up to and including the roadside. Description in Schedule One and map updated.
<i>Stewart Street – restricted area</i>	Decision made to not to proceed with proposal. Stewart Street to remain prohibited. Schedule Two updated to remove this area.
<i>Papahua Domain – prohibited area</i>	Extended the prohibited area at Papahua Domain to include the carpark outside the campground. Also reduced the section of the prohibited area that was within the boundary of the campground. Description in Schedule One and map updated.
<i>Aroaro Bay Reserve, John Street – prohibited area</i>	Added a new prohibited area at Aroaro Bay Reserve, John Street. Schedule One table updated, and new map included.
<i>NGAARUAWAAHIA</i>	
<i>Te Huinga o Ngaa Wai (The Point) – restricted area</i>	Maps in Schedules One and Two amended to correct the location of the restricted area.
<i>Patterson Park – prohibited area</i>	Amend typographical error in Schedule One – ‘Patterson’ to ‘Paterson’.

**Table 3: Designated areas for Freedom Camping for vehicles that are not self-contained (Schedule Three)**

Area	Change
<i>Schedule Three description</i>	Added wording to Schedule Three Description “Certified Self-contained vehicles may also be used to Freedom Camp in these areas.”
<i>ONEWHERE</i>	
<i>Onewhero Domain – designated area</i>	Reduced the designated area. Onewhero Domain map in Schedule Three updated to reflect this change.

## 5.1 Options

### Ngaa koowhiringa

Staff have assessed that there are two reasonable and viable options for the Committee to consider. This assessment reflects the level of significance (see paragraph 6.1) and the fact that Council does not currently have an operative freedom camping bylaw. The options are set out below.

**Option 1:** Recommend the Freedom Camping Bylaw 2023 as presented, to Council for adoption.

**Option 2:** Do not recommend the Freedom Camping Bylaw 2023 to Council for adoption, and direct staff to undertake further work on the Bylaw.



Staff recommend **Option 1** because Council's previous Freedom Camping Bylaw has lapsed. Delaying the adoption of the new Bylaw would result in not having a Freedom Camping Bylaw in place over the upcoming summer holiday period. Council has undertaken a robust consultation and pre-engagement process to develop this new Bylaw. The Committee has considered the analysis and recommendations by staff during deliberations, and these are reflected in the Bylaw proposed for adoption.

## **5.2 Financial considerations**

### **Whaiwhakaaro puutea**

Council will undertake compliance, monitoring, and enforcement from existing budgets.

Council will need to update and install signage for new and changed prohibited, restricted and designated areas. This will be funded from existing budgets.

## **5.3 Legal considerations**

### **Whaiwhakaaro-aa-ture**

Staff confirm that the staff recommendation complies with the Council's legal and policy requirements.

#### **Freedom Camping Act 2011**

**Section 11(1)(a)** of the Act gives Council the power to make a bylaw where it is necessary for one or more of the following purposes:

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

The proposed prohibited and restricted areas in the Bylaw, including changes proposed following feedback received through consultation, have been assessed against these purposes and comply with section 11(1)(a).

**Section 11(c)** of the Act requires Council to determine that any bylaw made under the Act is not inconsistent with the New Zealand Bill of Rights Act 1990.

Legal staff have reviewed the bylaw and note that the Bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990 (NZBORA) as:

- The Bylaw provisions are rationally connected to the important objective of protecting certain areas from the potential environmental degradation, adverse impacts on amenity, and public health risk associated with freedom camping which may be caused by freedom camping in non-self-contained vehicles.
- The provisions are proportionate and limit rights and freedoms no more than is reasonably necessary.

As such, we believe that the Bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990.

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**Section 11(5)** of the Act requires councils to use the special consultative procedure in section 86 of the Local Government Act 2002 when making freedom camping bylaws. Consultation undertaken on the Proposed Bylaw complied with the legislative requirements.

### **Legislation Act 2019**

The definition of 'certified self-contained vehicle' in the Proposed Bylaw incorporates by reference the New Zealand Standard 5465:2001 ('the NZ Standard'). This is done under the authority of section 64 of the Legislation Act 2019. Section 65 and Schedule 24 of the Legislation Act 2019 require any proposed reference to a Standard in this manner must be publicly notified and people given the opportunity to comment about the proposed reference. The Statement of Proposal that was consulted on complied with this requirement.

Staff confirm that the recommendations set out in this report comply with the Council's legal and policy requirements.

## **5.4 Strategy and policy considerations**

### **Whaiwhakaaro whakamaaherehere kaupapa here**

The report and recommendations are consistent with Council's previous approach of having a Bylaw to address problems related to freedom camping.

The proposed Bylaw is inconsistent with the Reserve Management Plan for Onewhero Domain and Te Kauwhata Domain.

This is an existing inconsistency where the Reserve Management Plans ("RMP") for these areas provide for self-contained freedom camping for up to three nights on designated areas within the reserves, whereas the 2016 Bylaw and the proposed Bylaw provide for vehicles that are not self-contained to freedom camp for a maximum of two nights.

It is recommended that, after adopting the proposed Bylaw, Council make amendments to the Te Kauwhata Domain Reserve Management Plan and the Onewhero Domain Reserve Management Plan to ensure the RMPs and the Bylaw are consistent with the final decision made for these areas in relation to freedom camping.

## **5.5 Maaori and cultural considerations**

### **Whaiwhakaaro Maaori me oona tikanga**

Mana whenua stakeholders were directly contacted as part of early engagement, and their feedback informed the drafting of the Proposed Bylaw. Direct contact was made again with mana whenua to alert them of the formal consultation process and seek their feedback on the Proposed Bylaw.

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## 5.6 Climate response and resilience considerations

### Whaiwhakaaro-aa-taiao

The decisions sought by, and matters covered in, this report are consistent with the Council's [Climate Response and Resilience Policy](#) and [Climate Action Plan](#). The proposed Bylaw works to protect sensitive areas from damage, in particular some coastal areas prone to erosion. It also takes into consideration the potential health and safety risks for freedom campers who may use areas which are prone to coastal inundation and other climate hazards, as provided for in the Climate Response and Resilience Policy section 9.6, where the risk of hazards must be recognised and reduced.

## 5.7 Risks

### Tuuraru

Having a Freedom Camping Bylaw helps manage environmental risk to sensitive areas which require protection. It also responds to health and safety concerns in certain areas, whether it be protecting the health and safety of other users of an area, or the health and safety of freedom campers. It also gives Council a tool to work with Iwi to protect areas of cultural significance.

Having a bylaw to respond to issues relating to freedom camping reduces the risk of reputational damage as it gives Council an effective mechanism to respond to problems promptly and appropriately. There is an ongoing risk of reputational damage if Council is perceived to be overly restrictive or overly permissive in some areas, or if sufficient communication, monitoring and enforcement are not undertaken.

There is a risk that the proposed Bylaw could be legally challenged by way of Judicial Review if any external parties believe any aspect of the proposed Bylaw is outside the scope of the Act or is overly restrictive. This risk has been mitigated by conducting early consultation with key stakeholders. Council has also carefully considered the purposes set out in section 11(2) of the Act in defining the local authority areas in its district where freedom camping is restricted and the restrictions that apply to freedom camping in those areas, and where freedom camping is prohibited. The Committee's decisions made during deliberations were within the scope of the Act, and some decisions were made to not make changes to the proposed Bylaw if further consultation would be required before enacting those proposed changes.

## 6. Significance and engagement assessment

### Aromatawai paahekoheko

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### 6.1 Significance

#### Te Hiranga

The decisions and matters of this report are assessed as of moderate significance, in accordance with the Council's [Significance and Engagement Policy](#).

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This assessment is based on the following criteria being considered applicable to this matter:

- There is a legal requirement to engage with the community.
- The proposal or decision has the potential to affect a large portion of the community.
- The likely impact on present and future interests of the community, recognising Maaori Tikanga (cultural values) and their relationship to land and water.
- The community interest is likely to be moderate to high.

## 6.2 Engagement

### Te Whakatuutakitaki

Highest level of engagement	Inform	Consult	Involve	Collaborate	Empower
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Tick the appropriate box/boxes and specify what it involves by providing a brief explanation of the tools which will be used to engage (refer to the project engagement plan if applicable).</i>	<ul style="list-style-type: none"> <li>• Direct contact with mana whenua;</li> <li>• Direct contact with Community Boards/Committees;</li> <li>• Special Consultative Procedure undertaken under the Local Government Act 2002;</li> <li>• Public notices in local papers;</li> <li>• An update on the Council Website;</li> <li>• Promotional media release;</li> <li>• Social media posts on the Council Facebook page.</li> </ul>				

State below which external stakeholders have been or will be engaged with:

Planned	In Progress	Complete	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Internal
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Community Boards/Community Committees
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Waikato-Tainui/Local iwi and hapuu
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Affected Communities
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Affected Businesses
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other (Please Specify)

## 7. Next steps

### Ahu whakamua

Following the decision, the Bylaw will be signed by the Mayor and Chief Executive and sealed with Council's seal, once it has been populated with Council resolutions.

All submitters will be contacted by email to advise on Council's decisions on the Bylaw.

To ensure the general public is informed:

- public notices will be placed in local newspapers;
- information will be published on Council's website;
- a post will be published on Council's social media and information will be included in Council's e-newsletter;
- a media release will be issued; and
- Council's website will be updated with the reviewed bylaw.

Freedom camping signage will be updated or new signage installed as needed, in all areas in Schedules One, Two and Three of the Bylaw.

## 8. Confirmation of statutory compliance

### Te Whakatuuturutanga aa-ture

As required by the Local Government Act 2002, staff confirm the following:

The report fits with Council's role and the Committee's Terms of Reference and Delegations.	Recommendation to Council required
The report contains sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages ( <i>Section 5.1</i> ).	Confirmed
Staff assessment of the level of significance of the issues in the report after consideration of the Council's Significance and Engagement Policy ( <i>Section 6.1</i> ).	Moderate
The report contains adequate consideration of the views and preferences of affected and interested persons taking account of any proposed or previous community engagement and assessed level of significance ( <i>Section 6.2</i> ).	Confirmed
The report considers impact on Maaori ( <i>Section 5.5</i> )	Confirmed
The report and recommendations are consistent with Council's plans and policies ( <i>Section 5.4</i> ).	No – refer to section 5.4. Amendments required to some Reserve Management Plans
The report and recommendations comply with Council's legal duties and responsibilities ( <i>Section 5.3</i> ).	Confirmed

## 9. Attachments

### Ngaa taapirihanga

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Attachment 1 – Track changed version of proposed Freedom Camping Bylaw 2023

Attachment 2 – Clean version of Freedom Camping Bylaw 2023 for adoption

# Waikato District Council

## ~~Proposed~~ Freedom Camping Bylaw 2023

Waikato District Council, in exercise of its powers under the Freedom Camping Act 2011 and ~~their~~ [its](#) respective amendments, and all other relevant powers, hereby makes the following bylaw.

### Introduction

#### 1.0 Purpose

- 1.1 To protect the Waikato District's unique environment and community from issues associated with freedom camping by regulating freedom camping in areas where it is necessary for the following purposes:
- a) To protect the area
  - b) To protect the health and safety of people who may visit the area
  - c) To protect access to the area.

#### 2.0 Short title, commencement and application

- 2.1 The bylaw shall be known as the 'Waikato District Council Freedom Camping Bylaw 2023'.
- 2.2 The bylaw shall apply to the Waikato District.
- 2.3 The bylaw shall come into force on ~~XX-October-20~~ [November 2023](#).

#### Related information

The bylaw is due for review by ~~XX-October-20~~ [November 2028](#).

- 2.4 The bylaw is made under the authority of section 11 [and 11A](#) of the Freedom Camping Act 2011. In addition, other legislation and regulatory tools that regulate and control freedom camping include the Reserves Act 1977, reserve management plans, the Waikato District Plan and other Council bylaws. These should be referred to in conjunction with this Bylaw.

#### 3.0 Related information

- 3.1 There are comment boxes headed 'related information' within the bylaw. This related information does not form part of the bylaw and may be inserted, changed or removed without any formality.

#### 4.0 Definitions

- 4.1 For the purposes of this Bylaw, the following definitions shall apply, unless inconsistent

with the context:

**Act** means the Freedom Camping Act 2011.

**Camping Ground** has the meaning given by section 5(3) of the Act.

**Related information**

As at 7 June 2023, section 5(3) of the Act defines camping ground as:

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

**Council** means the Waikato District Council

**District** means the Waikato District.

**Freedom Camp** has the meaning given by section 5(1), 5(2) and 5(2A) of the Act.

**Related information**

As at 7 June 2023, sections 5(1), 5(2) and 5(2A) of the Act, where freedom camping is defined, are as follows:

- (1) In this Act, freedom camp means to camp (other than at a camping ground) within 200 m of an area accessible by motor vehicle or within 200 m of the mean low-water springs line of any sea or harbour, or on or within 200 m of a formed road or a Great Walks Track, using either or both of the following:
  - (a) a tent or other temporary structure;
  - (b) a motor vehicle.
- (2) In this Act, 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 motor vehicle to avoid driver fatigue.
- (2A) In this Act, a person is not freedom camping if the person—
  - (a) is a person other than a person who is in New Zealand on the basis of a visitor visa (within the meaning of the immigration instructions); and
  - (b) is unable to live in appropriate residential accommodation; and
  - (c) as a consequence of that inability, is living in either or both of the following:
    - (i) a tent or other temporary structure;
    - (ii) a motor vehicle.

**Local Authority Area** has the meaning given in section 6 of the Act.



**Related information**

As at 7 June 2023, section 6(1) of the Act, where local authority area is defined, is as follows:

- (1) In this Act, local authority area—
- a) means an area of land—
    - (i) that is within the district or region of a local authority; and
    - (ii) that is—
      - (A) controlled or managed by or on behalf of the local authority under any enactment; or
      - (B) an area of NZTA land declared to be a local authority area in accordance with a bylaw made under section 10A; and
  - (b) includes any part of an area of land referred to in paragraph (a); but
  - (c) does not include an area of land referred to in paragraph (a) or (b) that is permanently covered by water.

**Self-contained**

has the meaning given in section 4 of the Act.

**Related information**

As at 7 June 2023, section 4 of the Act, where self-contained is defined, is as follows:

- (4) In relation to a motor vehicle, means that the vehicle has a valid certificate of self-containment issued in accordance with section 87U(3)(d) of the Plumbers, Gasfitters, and Drainlayers Act 2006 (but see subpart 1 of Part 1 of Schedule 1AA for the meaning of self-contained during the transitional period.)

**Related information**

To be certified self-contained, the vehicle must achieve compliance with NZ Standard 5465:2001. The standard can be viewed or printed once for free at this link:  
<https://www.standards.govt.nz/shop/nzs-54652001>.

For the avoidance of doubt, the standard requires that a self-contained vehicle be equipped with a toilet that is permanently fixed to the vehicle.

4.2 The Legislation Act 2019 applies to this bylaw.

**5.0 Prohibited areas**

A person must not Freedom Camp in any prohibited area within the District, as identified in Schedule One of this bylaw.

**Related information**

The Reserves Act 1977 prohibits camping on all reserves unless it is specifically provided for in an operative reserve management plan.

## 6.0 Restricted areas

- 6.1 A person may not Freedom Camp in contravention of this clause.
- 6.2 Freedom Camping is restricted in all Local Authority Areas. The restrictions that apply to Freedom Camping in all those areas are:
- a) A ~~person may~~must not Freedom Camp unless they are Freedom Camping in a vehicle that is eCertified Self-contained (subject to Clause 6.4). ~~vehicle to Freedom Camp.~~
  - b) A ~~vehicle-person~~ must not ~~stay Freedom Camp~~ in any one ~~area-location~~ for more than ~~five~~ three consecutive nights in any one month period.
  - c) A ~~vehicle-person~~ must not Freedom Camp within 500 metres of an ~~area-location~~ in which ~~it has~~they have already been freedom camping for up to ~~five-three~~ consecutive nights in any one month period.
- 6.3 Freedom Camping is further restricted in the areas identified in Schedule Two of this bylaw.
- 6.4 Notwithstanding Clause 6.2(a), a person may only Freedom Camp in a vehicle that is not Self-contained in the Local Authority Areas identified in Schedule Three of this bylaw.
- 6.5 The restrictions that apply in the areas in Schedules Two and Three are:
- a) If Schedule Two or Three specify a designated ~~place-location~~ in the Local Authority Area, a person must not Freedom Camp in another ~~place-location~~ in the Local Authority Area.
  - b) If Schedule Two or Three specify a maximum number of consecutive nights, that number prevails over ~~Clause~~ 6.2(b) of the bylaw.
  - c) If Schedule Two or Three specify a time of day ~~where-when~~ Freedom Camping is permitted, a person must not Freedom Camp outside of those specified times.
  - d) If Schedule Two or Three specify a maximum number of vehicles in a designated location in the Local Authority Area, a person must not Freedom Camp in the area if that number of vehicles are already present when they arrive at the area.

## 7.0 Prior consent from Council

- 7.1 A person may only Freedom Camp in contravention of ~~Clause~~ 5 or cClause 6 if that person obtains prior written consent of the Council and complies with any conditions of the consent.
- 7.2 A person applying for consent under ~~Clause~~ 7.1 must apply to the Council in writing. The application must:
- a) be made at least 30 days prior to the date on which Freedom Camping is planned intended to ~~occur~~commence; and

b) include ~~information about~~ the full legal name of the person applying for the consent and their contact details; and

c) ~~Describe~~ identify the location or address of the prohibited or restricted area ~~or give an address~~ where the Freedom Camping is intended to occur; and

d) describe the reason the consent is sought; and

d)e) be accompanied by any applicable fee set in the Council's schedule of fees and charges.

#### **Related information**

Council anticipates the following reasons could be grounds for an application:

- Where Freedom Camping is associated with a special event or occasion occurring in an area, and an exemption is required for the duration of the event or occasion
- Where there is a good reason for Freedom Camping in an area that cannot be reasonably met in another area.
- Complying with a restriction or prohibition within the bylaw is not reasonable in the circumstances.

Council's fees and charges can be reviewed on the website at:

<https://www.waikatodistrict.govt.nz/your-council/plans-policies-and-bylaws/plans/fees-and-charges>

7.3 Applications which fulfil the requirements of Celause 7.2 of this bylaw will be considered by Council and may be granted at the Council's discretion. The Council may attach conditions to any consent that is granted.

### **8.0 Temporary closure of an area to Ffreedom Camping**

8.1 The Chief Executive of the Council may temporarily close or restrict Ffreedom Camping in any area or part of any area where the closure or restriction is considered necessary to:

- a) prevent damage to the Local Authority Area or facilities in the Local Authority Area~~area~~; or
- b) allow maintenance to the Local Authority Area or facilities; or
- c) protect the safety of persons or property; or
- d) provide for better public access, including in circumstances where events are planned for that Local Authority Area~~area~~.

8.2 The Council will publicise a closure or restriction under Celause 8.1 of this Bylaw in any manner it considers is appropriate to the reason for the closure or restriction. The publicity may occur before the closure or restriction, but only if that is reasonably practicable.

**Related information**

The Council may publicise a closure or restriction using a sign erected in the area, and/or advertising on the Council's digital channels or on the radio, and/or a public notice in the newspaper.

**9.0 Offences**

- 9.1 Every person who Freedom Camps or makes preparation to Freedom Camp in a Local Authority Area in breach of any prohibition or restriction in this **B**ylaw commits an offence under section 20(1) of the Act.
- 9.2 Every person who Freedom Camps, or makes preparations to Freedom Camp, in a Local Authority Area in breach of the conditions of any consent given in accordance with clause 7 of this **B**ylaw is in breach of a prohibition or restriction in this **B**ylaw and commits an offence under section 20(1) of the Act.

This bylaw was made pursuant to a resolution passed by the Waikato District Council on ~~October 20~~ **November 2023**.

THE COMMON SEAL of WAIKATO DISTRICT COUNCIL was hereto affixed in the presence of:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Executive

<b>Activity</b>	<b>Key Date</b>	<b>Council Resolution</b>
<a href="#">Bylaw made</a>	<a href="#">20 November 2023</a>	
<a href="#">Bylaw reviewed</a>		
<a href="#">Next review due date</a>	<a href="#">20 November 2028</a>	

## Schedule One: Prohibited areas for Freedom Camping

A. Freedom Camping is prohibited on all local authority cemetery areas and their associated carparks. This includes the following:

- Alexandra Redoubt Cemetery, Alexandra Redoubt Rd, Tuakau
- Gordonton Cemetery, Gordonton Rd, Gordonton
- Huntly Kimihia Cemetery, Great South Rd, Huntly
- Jackson Street Cemetery, 46/44 Jackson St, Ngaaruawaahia
- Maramarua Cemetery, State Hwy, Maramarua
- Mercer Cemetery, 15 Glass Rd, Mercer
- Ngaaruawaahia Old Cemetery, Great South Rd, Ngaaruawaahia
- Okete Cemetery, Raglan
- Onewhero Cemetery, Kaipō Flats Rd, Onewhero
- Orini Cemetery, Orini Rd, Orini
- Pookeno Cemetery, 60/38 Fraser Rd, Pookeno
- Pookeno Old Soldiers Cemetery, Helenslee Rd, Pookeno
- Raglan Cemetery, East St, Raglan
- Rangiriri Cemetery, Te Wheoro Rd, Rangiriri
- Rangiriri Historic War Cemetery, 7 Rangiriri Rd, Rangiriri
- Taupiri Cemetery, Gordonton Rd, Taupiri
- Te Mata Cemetery, Te Papatapu Rd, Raglan
- Tuakau Cemetery, Alexandra Redoubt Rd, Tuakau
- Waerenga Cemetery, Keith Rd, Waerenga
- Waiterimu / Matahuru Cemetery, Waiterimu Rd, Waiterimu
- Whatawhata Cemetery, Cemetery Rd, Whatawhata

B. Freedom Camping is prohibited on the Local Authority Areas identified below:

<b>Raglan</b>	
<b>Area Name / Description</b>	<b>Map Reference No.</b>
Manu Bay Reserve and surrounding area 696 Wainui Road, Raglan and that section of Wainui Road adjacent to the Manu Bay reserve.	WDC_2016_01
Tohora Close, Calvert Road, Whale Bay	WDC_2016_02
Ngarunui Beach Reserve, Wainui Reserve 330 Wainui Road, Raglan	WDC_2016_03
Papahua Domain <a href="#">(including the carpark area between Raglan Holiday Park and the Airfield)</a> 61 Marine Parade, Raglan	WDC_2016_04
Cliff Street, Puriri Street From 2 Cliff Street to 1 Puriri Street, Raglan	WDC_2016_05
Riria Kereopa Drive, Wainamu Road	WDC_2016_06
Wainui Road <ul style="list-style-type: none"> <li>- Turning bay across from 765A Wainui Road; and</li> <li>- Wainui Road road reserve</li> </ul>	WDC_2016_07
Wainui Reserve Bush Park <a href="#">carpark (up to and including the roadside)</a> , Wainui Road, Raglan	WDC_2023_01
Water treatment ponds, Wainui Road, Raglan	WDC_2023_02
Papanui Point Carpark	WDC_2016_08
Swann Access Road, Ruapuke Beach	WDC_2016_09
Ruapuke Beach Road	WDC_2016_10
Bridal Veil Falls Carpark Kawhia Road, Te Mata	WDC_2016_11
Greenslade Road	WDC_2016_26

Earles Place	WDC_2016_27
Raglan CBD	WDC_2016_28
Raglan Wharf	WDC_2016_29
Lorenzen Bay Road, Sunshine Rise	WDC_2016_30
<a href="#">Aroaro Bay Reserve, John Street, Raglan</a> <a href="#">Aroaro Bay Reserve and the adjacent footpath and grassed areas along Wallis Street and John Street.</a>	<a href="#">WDC_2023_04</a>
<b>Ngaaruawaahia</b>	
<b>Area Name / Description</b>	<b>Map Reference No.</b>
Te Huinga o Ngaa Wai (The Point), Ngaaruawaahia	WDC_2016_19
Waikato Esplanade I-52 Waikato Esplanade.	WDC_2016_12
Patterson Park	WDC_2016_13
Horotiu Bridge carpark area	WDC_2016_14
Waingaro Road Section at end of Hakarimata track	WDC_2016_15
Brownlee Ave Hakarimata Track carpark area	WDC_2016_16
Hopuhopu 451-477 Old Taupiri Road Hopuhopu	WDC_2016_17
<b>Port Waikato</b>	
<b>Area Name / Description</b>	<b>Map Reference No.</b>
Maraetai Bay Reserve Maunsell Road	WDC_2016_18
Sunset Beach carpark Maunsell Rd	WDC_2016_25

## Schedule Two: Restricted areas for Freedom Camping

The following areas have specific restrictions for Freedom Camping.

Area Name / Description	Restriction	Map Reference No.
Te Huinga o Ngaa Wai (The Point), Ngaaruawaahia Lower Waikato Esplanade	Location is restricted to a designated <del>area</del> location. The designated <del>area</del> location cannot be used if it is required for events.	WDC_2016_19
St. Stephens carpark, Tuakau 8 St Stephens Avenue.	Sign posted part of car park only. Permitted camping hours between 6pm and 10am. Maximum stay of two nights.	WDC_2016_20
<del>Stewart Street, Raglan</del> <del>Parking area on the street outside 1 Stewart Street and 3 Stewart Street</del>	<del>Location is restricted to a designated area.</del> <del>Permitted camping hours between 5pm and 8am.</del>	<del>WDC_2023_03</del>



### Schedule Three: Designated areas for Freedom Camping for vehicles that are not Self-contained


Vehicles that are not Self-contained may only Freedom Camp for a maximum of two nights in the areas that are specified in the table below: ~~Certified~~ [Self-contained vehicles may also be used to Freedom Camp in these areas.](#)

Area Name / Description	Restriction	Map Reference No.
Onewhero Domain 14 Hall Road	Location is restricted to a designated area. The designated area cannot be used if it is required for events.	WDC_2016_21
Te Kauwhata Domain Mahi Road	Location is restricted to a designated area. The designated area cannot be used if it is required for events.	WDC_2016_22

# Schedule I Maps of Prohibited Areas Raglan





<p><b>Legend</b></p> <p><i>Freedom Camping status:</i></p> <p><span style="display: inline-block; width: 15px; height: 10px; background-color: red; border: 1px solid black; margin-right: 5px;"></span> Prohibited</p>		
 <p><b>Waikato</b> DISTRICT COUNCIL <small>Te Kaitiaki o Te Whānau a Māhori</small></p>	<p><b>Tohora Close, Calvert Road, Whale Bay</b></p> <p>Map number: WDC_2016_02</p>	<p>Waikato District Council Prepared 4 Jul 2023 Cadastre Boundaries and addresses - LINZ Projection: NZTM2000 Ref: ME43997</p>





**Legend**

*Freedom Camping status:*

 Prohibited



**Ngarunui Beach Reserve**

Map number: WDC\_2016\_03

Waikato District Council  
Prepared 4 Jul 2023  
Cadastral Boundaries and  
addresses - LINZ  
Projection: NZTM2000  
Ref: ME43997



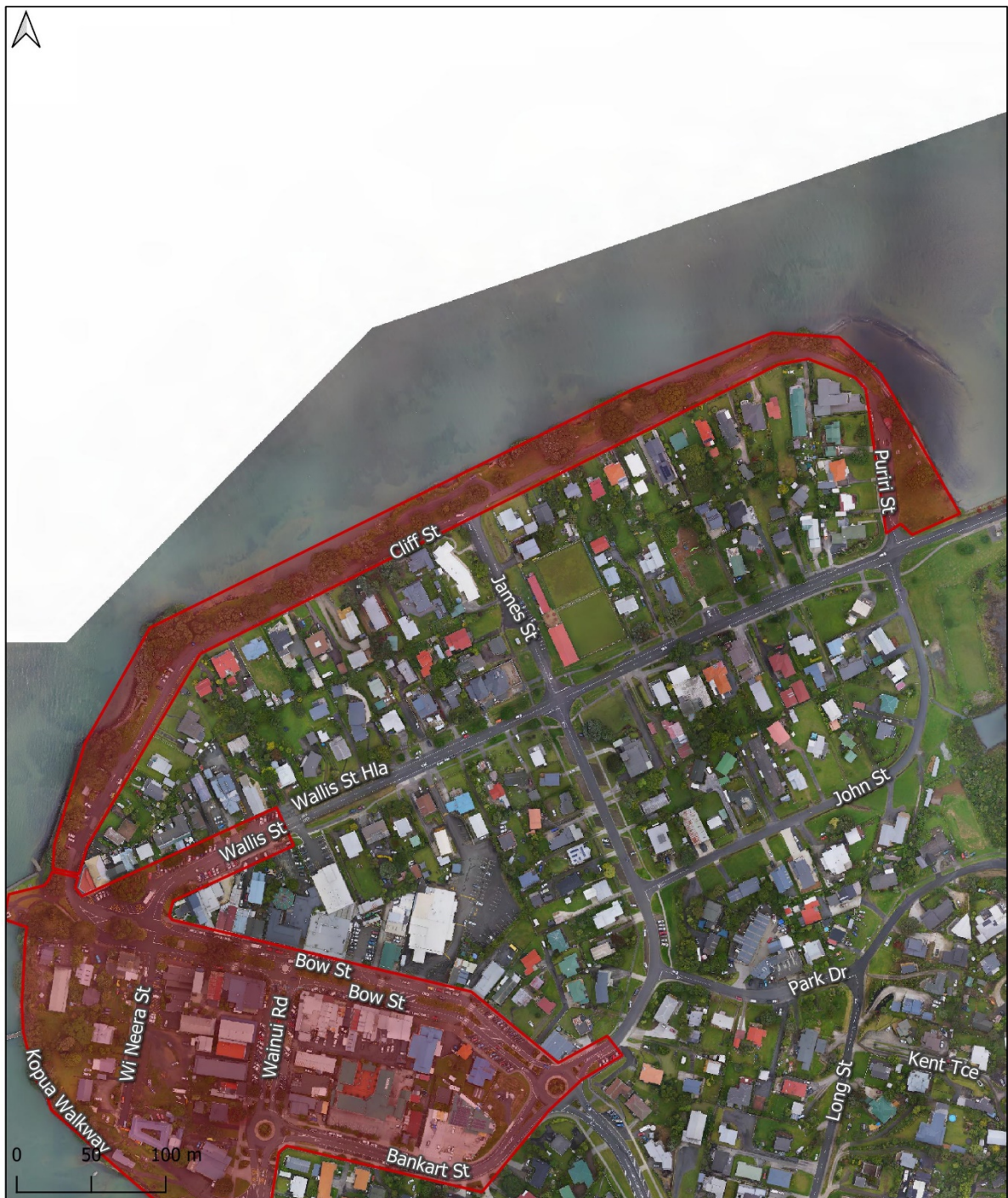
### Consultation version



### Deliberations version



	<h2>Papahua Domain</h2>	<p>Waikato District Council Prepared 1 Oct 2023 Cadastre boundaries and addresses - UNZ Projection: NZTM2000 Ref: ME43957</p>
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**Legend**

*Freedom Camping status:*

Prohibited



**Cliff Street, Puriri Street**

Map number: WDC\_2016\_05


Waikato District Council  
 Prepared 4 Jul 2023  
 Cadastre Boundaries and  
 addresses - LINZ  
 Projection: NZTM2000  
 Ref: ME43997





**Legend**

*Freedom Camping status:*

 Prohibited





**Riria Kereopa Drive, Wainamu Road**

Map number: WDC\_2016\_06

Waikato District Council  
Prepared 5 Jul 2023  
Cadastral Boundaries and  
addresses - LINZ  
Projection: NZTM2000  
Ref: ME43997



**Legend**

- Freedom Camping status:
-  Parcel boundary
  -  Prohibited



**Wainui Road**

Map number: WDC\_2016\_07

Waikato District Council  
Prepared 11 Jul 2023  
Cadastral Boundaries and  
addresses - LINZ  
Projection: NZTM2000  
Ref: ME43997




**Consultation version**



**Deliberations version**



 <p>Waikato DISTRICT COUNCIL Te Raukawa o Te Upoko o Whakatane</p>	<p><b>Wainui Reserve Bush Park, Raglan</b></p>	<p>Waikato District Council Prepared 9 Oct 2023 Cadastral Boundaries and addresses - LINZ Projection: NZTM2000 Ref: M643997</p>
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**Legend**

*Freedom Camping status:*

Prohibited

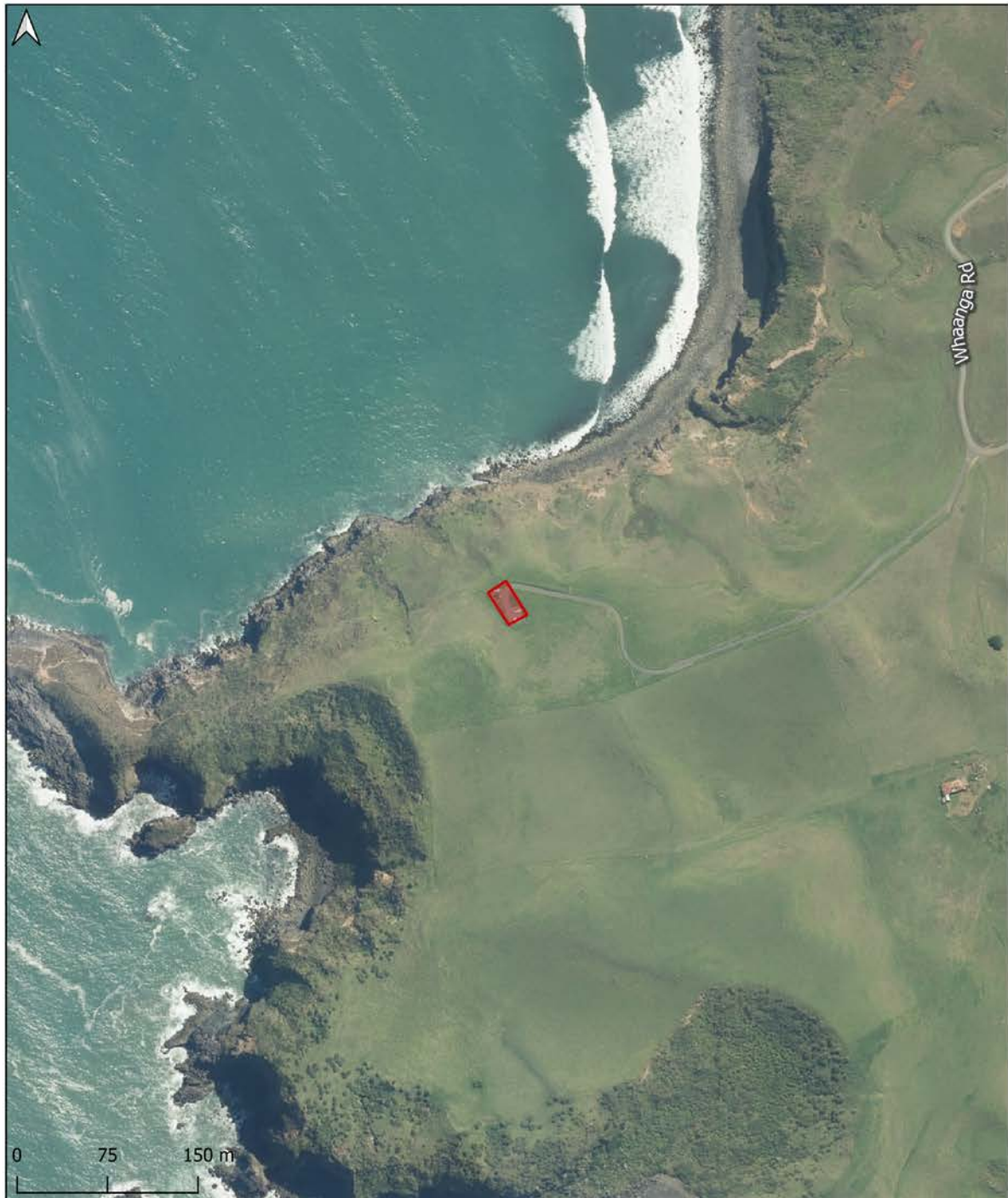


**Water treatment ponds - Wainui Road - Raglan**

Map number: WDC\_2023\_02


Waikato District Council  
Prepared 4 Jul 2023  
Cadastral Boundaries and  
addresses - LINZ  
Projection: NZTM2000  
Ref: ME43997





**Legend**

*Freedom Camping status:*

 Prohibited



**Papanui Point Carpark**

Map number: WDC\_2016\_08

Waikato District Council  
Prepared 5 Jul 2023  
Cadastre Boundaries and  
addresses - LINZ  
Projection: NZTM2000  
Ref: ME43997



**Legend**

Freedom Camping status:  Parcel boundary  
 Prohibited



**Swann Access Road, Ruapuke Beach**

Map number: WDC\_2016\_09

Waikato District Council  
 Prepared 11 Jul 2023  
 Cadastre Boundaries and  
 addresses - LINZ  
 Projection: NZTM2000  
 Ref: ME43997





**Legend**

*Freedom Camping status:*

Prohibited




**Ruapuke Beach Road**

Map number: WDC\_2016\_10

Waikato District Council  
 Prepared 5 Jul 2023  
 Cadastre Boundaries and  
 addresses - LINZ  
 Projection: NZTM2000  
 Ref: ME43997



<b>Legend</b>		
<i>Freedom Camping status:</i>		
■ Prohibited		
	<b>Bridal Veil Falls</b> Map number: WDC_2016_11	Waikato District Council Prepared 4 Jul 2023 Cadastre Boundaries and addresses - LINZ Projection: NZTM2000 Ref: ME43997





**Legend**

*Freedom Camping status:*

Prohibited



**Greenslade Road**

Map number: WDC\_2016\_26

Waikato District Council  
 Prepared 5 Jul 2023  
 Cadastre Boundaries and  
 addresses - LINZ  
 Projection: NZTM2000  
 Ref: ME43997







**Consultation version**



**Deliberations version**



<p>Waikato DISTRICT COUNCIL <small>Te Kaitiaki Take Kōwhiri</small></p>	<p>Raglan CBD</p>	<p>Waikato District Council Prepared 3 Oct 2023 Cadastral Boundaries and addresses - LINZ Projection: NZTM2000 Ref: M643997</p>
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Legend

Freedom Camping status:

Prohibited



Raglan Wharf

Map number: WDC\_2016\_29

Waikato District Council  
Prepared 4 Jul 2023  
Cadastral Boundaries and  
addresses - LINZ  
Projection: NZTM2000  
Ref: ME43997





**Legend**

*Freedom Camping status:*

■ Prohibited



**Lorenzen Bay Road, Sunshine Rise**

Map number: WDC\_2016\_30

Waikato District Council  
 Prepared 4 Jul 2023  
 Cadastre Boundaries and  
 addresses - LINZ  
 Projection: NZTM2000  
 Ref: ME43997




**Consultation version**



**Deliberations version**



	<p>Aroaro Bay Reserve, John St, Raglan</p>	<p>Waikato District Council Prepared 3 Oct 2023 Cadastral Boundaries and addresses - LINZ Projection: NZTM2000 Ref: ME43997</p>
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# Ngaaruawaahia

### Consultation version



### Deliberations version



	<p>Te Huinga o Ngaa Wai (The Point), Ngaaruawaahia</p>	<p>Waikato District Council Prepared 3 Oct 2023 Cadastre Boundaries and addresses - LINZ Projection: NZTM2000 Ref: ME43997</p>
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**Legend**

*Freedom Camping status:*

Prohibited



**Waikato Esplanade**

Map number: WDC\_2016\_12

Waikato District Council  
Prepared 5 Jul 2023  
Cadastral Boundaries and  
addresses - LINZ  
Projection: NZTM2000  
Ref: ME43997



Consultation version



Deliberations version



	<p>Paterson Park</p>	<p>Waikato District Council Prepared 3 Oct 2023 Cadastral Boundaries and addresses - LINZ Projection: NZTM2000 Ref: ME43997</p>
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**Legend**

*Freedom Camping status:*

 Prohibited



**Horotiu Bridge Carpark**

Map number: WDC\_2016\_14

Waikato District Council  
Prepared 4 Jul 2023  
Cadastral Boundaries and  
addresses - LINZ  
Projection: NZTM2000  
Ref: ME43997





**Legend**

*Freedom Camping status:*

Prohibited



**Waingaro Road - Hakarimata Track**

Map number: WDC\_2016\_15

Waikato District Council  
Prepared 4 Jul 2023  
Cadastral Boundaries and  
addresses - LINZ  
Projection: NZTM2000  
Ref: ME43997



**Legend**

*Freedom Camping status:*

Prohibited

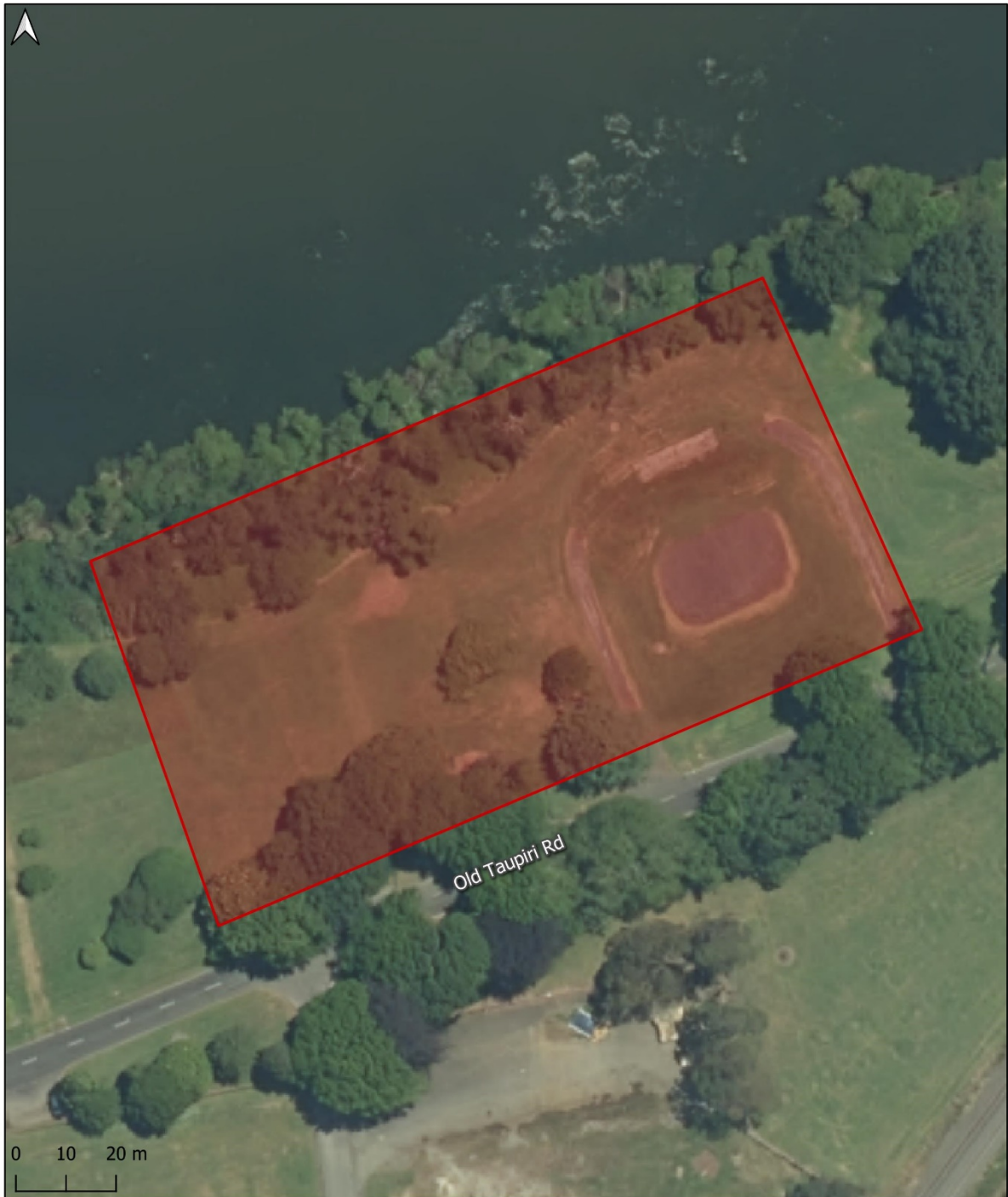


**Brownlee Avenue**

Map number: WDC\_2016\_16

Waikato District Council  
 Prepared 4 Jul 2023  
 Cadastre Boundaries and  
 addresses - LINZ  
 Projection: NZTM2000  
 Ref: ME43997





**Legend**

*Freedom Camping status:*

 Prohibited



**Hopuhopu Reserve**

Map number: WDC\_2016\_17

Waikato District Council  
Prepared 4 Jul 2023  
Cadastre Boundaries and  
addresses - LINZ  
Projection: NZTM2000  
Ref: ME43997

Port Waikato



Legend

- Freedom Camping status:
- Parcel boundary
  - Prohibited

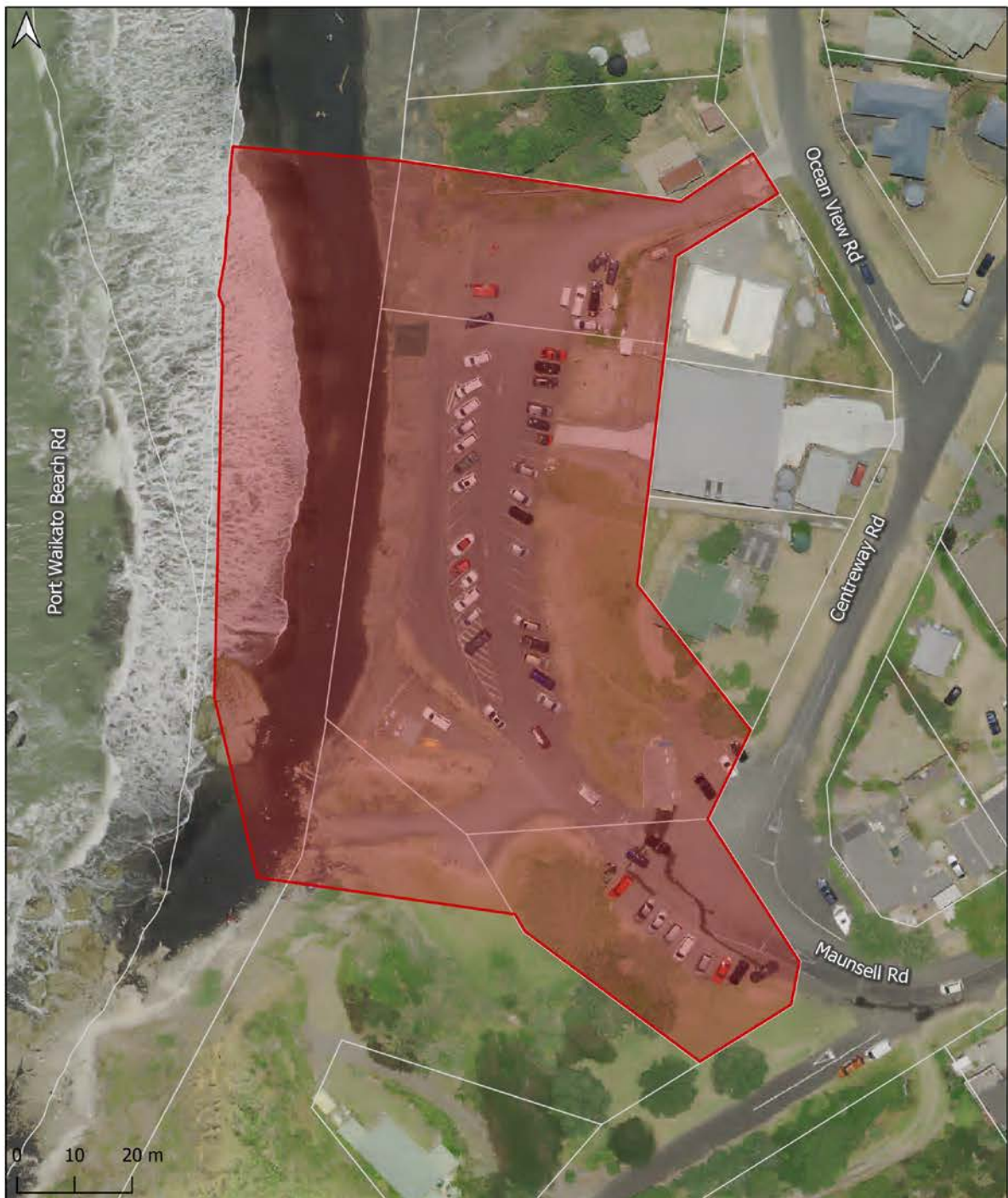


Maraetai Bay Reserve

Map number: WDC\_2016\_18

Waikato District Council  
 Prepared 11 Jul 2023  
 Cadastre Boundaries and  
 addresses - LINZ  
 Projection: NZTM2000  
 Ref: ME43997





**Legend**

Freedom Camping status:  Parcel boundary  
 Prohibited



**Sunset Beach, Port Waikato**

Map number: WDC\_2016\_25

Waikato District Council  
 Prepared 11 Jul 2023  
 Cadastre Boundaries and  
 addresses - LINZ  
 Projection: NZTM2000  
 Ref: ME43997


# Schedule 2 Restricted Maps Ngaaruawaahia

Consultation version



Deliberations version



 <p><b>Waikato</b> DISTRICT COUNCIL <small>Te Kaitiaki Take Kōwhiri</small></p>	<p><b>Te Huinga o Ngaa Wai (The Point), Ngaaruawaahia</b></p>	<p>Waikato District Council Prepared 3 Oct 2023 Cadastral Boundaries and addresses - LINZ Projection: NZTM2000 Ref: ME43997</p>
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Raglan



# Tuakau



### Legend

*Freedom Camping status:*

 Restricted



St Stephens Avenue, Tuakau

Map number: WDC\_2016\_20

Waikato District Council  
Prepared 4 Jul 2023  
Cadastral Boundaries and  
addresses - LINZ  
Projection: NZTM2000  
Ref: ME43997



# Schedule 3 Maps of areas for Freedom Camping for vehicles that are not Self-contained

## Onewhero



 <p><b>Waikato</b> DISTRICT COUNCIL <small>Te Kaitiaki Take Kōwhiri</small></p>	<p><b>Onewhero Domain</b></p>	<p>Waikato District Council Prepared 9 Oct 2023 Cadastre Boundaries and addresses - LINZ Projection: NZTM2000 Ref: ME43997</p>
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# Te Kauwhata



### Legend

- Freedom Camping status:
- Parcel boundary
  - Non Self Contained
  - Prohibited



## Te Kauwhata Domain

Map number: WDC\_2016\_22

Waikato District Council  
 Prepared 11 Jul 2023  
 Cadastre Boundaries and  
 addresses - LINZ  
 Projection: NZTM2000  
 Ref: ME43997

# Waikato District Council

## Freedom Camping Bylaw 2023

Waikato District Council, in exercise of its powers under the Freedom Camping Act 2011 and its respective amendments, and all other relevant powers, hereby makes the following bylaw.

### Introduction

#### 1.0 Purpose

- 1.1 To protect the Waikato District's unique environment and community from issues associated with freedom camping by regulating freedom camping in areas where it is necessary for the following purposes:
- a) To protect the area
  - b) To protect the health and safety of people who may visit the area
  - c) To protect access to the area.

#### 2.0 Short title, commencement and application

- 2.1 The bylaw shall be known as the 'Waikato District Council Freedom Camping Bylaw 2023'.
- 2.2 The bylaw shall apply to the Waikato District.
- 2.3 The bylaw shall come into force on 20 November 2023.

#### Related information

The bylaw is due for review by 20 November 2028.

- 2.4 The bylaw is made under the authority of section 11 and 11A of the Freedom Camping Act 2011. In addition, other legislation and regulatory tools that regulate and control freedom camping include the Reserves Act 1977, reserve management plans, the Waikato District Plan and other Council bylaws. These should be referred to in conjunction with this Bylaw.

#### 3.0 Related information

- 3.1 There are comment boxes headed 'related information' within the bylaw. This related information does not form part of the bylaw and may be inserted, changed or removed without any formality.

#### 4.0 Definitions

- 4.1 For the purposes of this Bylaw, the following definitions shall apply, unless inconsistent with the context:

**Act** means the Freedom Camping Act 2011.

**Camping Ground** has the meaning given by section 5(3) of the Act.

**Related information**

As at 7 June 2023, section 5(3) of the Act defines camping ground as:

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

**Council** means the Waikato District Council

**District** means the Waikato District.

**Freedom Camp** has the meaning given by section 5(1), 5(2) and 5(2A) of the Act.

**Related information**

As at 7 June 2023, sections 5(1), 5(2) and 5(2A) of the Act, where freedom camping is defined, are as follows:

- (1) In this Act, freedom camp means to camp (other than at a camping ground) within 200 m of an area accessible by motor vehicle or within 200 m of the mean low-water springs line of any sea or harbour, or on or within 200 m of a formed road or a Great Walks Track, using either or both of the following:
  - (a) a tent or other temporary structure;
  - (b) a motor vehicle.
- (2) In this Act, 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 motor vehicle to avoid driver fatigue.
- (2A) In this Act, a person is not freedom camping if the person—
  - (a) is a person other than a person who is in New Zealand on the basis of a visitor visa (within the meaning of the immigration instructions); and
  - (b) is unable to live in appropriate residential accommodation; and
  - (c) as a consequence of that inability, is living in either or both of the following:
    - (i) a tent or other temporary structure;
    - (ii) a motor vehicle.

**Local Authority Area** has the meaning given in section 6 of the Act.

**Related information**

As at 7 June 2023, section 6(1) of the Act, where local authority area is defined, is as follows:

- (1) In this Act, local authority area—
- a) means an area of land—
    - (i) that is within the district or region of a local authority; and
    - (ii) that is—
      - (A) controlled or managed by or on behalf of the local authority under any enactment; or
      - (B) an area of NZTA land declared to be a local authority area in accordance with a bylaw made under section 10A; and
  - (b) includes any part of an area of land referred to in paragraph (a); but
  - (c) does not include an area of land referred to in paragraph (a) or (b) that is permanently covered by water.

**Self-contained**

has the meaning given in section 4 of the Act.

**Related information**

As at 7 June 2023, section 4 of the Act, where self-contained is defined, is as follows:

- (4) In relation to a motor vehicle, means that the vehicle has a valid certificate of self-containment issued in accordance with section 87U(3)(d) of the Plumbers, Gasfitters, and Drainlayers Act 2006 (but see subpart 1 of Part 1 of Schedule IAA for the meaning of self-contained during the transitional period.)

**Related information**

To be certified self-contained, the vehicle must achieve compliance with NZ Standard 5465:2001. The standard can be viewed or printed once for free at this link: <https://www.standards.govt.nz/shop/nzs-54652001>.

For the avoidance of doubt, the standard requires that a self-contained vehicle be equipped with a toilet that is permanently fixed to the vehicle.

4.2 The Legislation Act 2019 applies to this bylaw.

**5.0 Prohibited areas**

A person must not Freedom Camp in any prohibited area within the District, as identified in Schedule One of this bylaw.

**Related information**

The Reserves Act 1977 prohibits camping on all reserves unless it is specifically provided for in an operative reserve management plan.

## 6.0 Restricted areas

- 6.1 A person may not Freedom Camp in contravention of this clause.
- 6.2 Freedom Camping is restricted in all Local Authority Areas. The restrictions that apply to Freedom Camping in all those areas are:
- a) A person must not Freedom Camp unless they are Freedom Camping in a vehicle that is Self-contained (subject to Clause 6.4).
  - b) A person must not Freedom Camp in any one location for more than three consecutive nights in any one month period.
  - c) A person must not Freedom Camp within 500 metres of a location in which they have already been freedom camping for up to three consecutive nights in any one month period.
- 6.3 Freedom Camping is further restricted in the areas identified in Schedule Two of this bylaw.
- 6.4 Notwithstanding Clause 6.2(a), a person may only Freedom Camp in a vehicle that is not Self-contained in the Local Authority Areas identified in Schedule Three of this bylaw.
- 6.5 The restrictions that apply in the areas in Schedules Two and Three are:
- a) If Schedule Two or Three specify a designated location in the Local Authority Area, a person must not Freedom Camp in another location in the Local Authority Area.
  - b) If Schedule Two or Three specify a maximum number of consecutive nights, that number prevails over Clause 6.2(b) of the bylaw.
  - c) If Schedule Two or Three specify a time of day when Freedom Camping is permitted, a person must not Freedom Camp outside of those specified times.
  - d) If Schedule Two or Three specify a maximum number of vehicles in a designated location in the Local Authority Area, a person must not Freedom Camp in the area if that number of vehicles are already present when they arrive at the area.

## 7.0 Prior consent from Council

- 7.1 A person may only Freedom Camp in contravention of Clause 5 or Clause 6 if that person obtains prior written consent of the Council and complies with any conditions of the consent.
- 7.2 A person applying for consent under Clause 7.1 must apply to the Council in writing. The application must:
- a) be made at least 30 days prior to the date on which Freedom Camping is intended to commence; and
  - b) include the full legal name of the person applying for the consent and their contact details; and
  - c) identify the location or address of the prohibited or restricted area where the Freedom Camping is intended to occur; and
  - d) describe the reason the consent is sought; and
  - e) be accompanied by any applicable fee set in the Council's schedule of fees and charges.

**Related information**

Council anticipates the following reasons could be grounds for an application:

- Where Freedom Camping is associated with a special event or occasion occurring in an area, and an exemption is required for the duration of the event or occasion.
- Where there is a good reason for Freedom Camping in an area that cannot be reasonably met in another area.
- Complying with a restriction or prohibition within the bylaw is not reasonable in the circumstances.

Council's fees and charges can be reviewed on the website at:

<https://www.waikatodistrict.govt.nz/your-council/plans-policies-and-bylaws/plans/fees-and-charges>

7.3 Applications which fulfil the requirements of Clause 7.2 of this bylaw will be considered by Council and may be granted at the Council's discretion. The Council may attach conditions to any consent that is granted.

**8.0 Temporary closure of an area to Freedom Camping**

8.1 The Chief Executive of the Council may temporarily close or restrict Freedom Camping in any area or part of any area where the closure or restriction is considered necessary to:

- a) prevent damage to the Local Authority Area or facilities in the Local Authority Area; or
- b) allow maintenance to the Local Authority Area or facilities; or
- c) protect the safety of persons or property; or
- d) provide for better public access, including in circumstances where events are planned for that Local Authority Area.

8.2 The Council will publicise a closure or restriction under Clause 8.1 of this Bylaw in any manner it considers is appropriate to the reason for the closure or restriction. The publicity may occur before the closure or restriction, but only if that is reasonably practicable.

**Related information**

The Council may publicise a closure or restriction using a sign erected in the area, and/or advertising on the Council's digital channels or on the radio, and/or a public notice in the newspaper.



## 9.0 Offences

- 9.1 Every person who Freedom Camps or makes preparation to Freedom Camp in a Local Authority Area in breach of any prohibition or restriction in this Bylaw commits an offence under section 20(1) of the Act.
- 9.2 Every person who Freedom Camps, or makes preparations to Freedom Camp, in a Local Authority Area in breach of the conditions of any consent given in accordance with clause 7 of this Bylaw is in breach of a prohibition or restriction in this Bylaw and commits an offence under section 20(1) of the Act.

This bylaw was made pursuant to a resolution passed by the Waikato District Council on 20 November 2023.

THE COMMON SEAL of WAIKATO DISTRICT COUNCIL was hereto affixed in the presence of:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Executive

<b>Activity</b>	<b>Key Date</b>	<b>Council Resolution</b>
Bylaw made	20 November 2023	
Bylaw reviewed		
Next review due date	20 November 2028	

## Schedule One: Prohibited areas for Freedom Camping

A. Freedom Camping is prohibited on all local authority cemetery areas and their associated carparks. This includes the following:

- Alexandra Redoubt Cemetery, Alexandra Redoubt Rd, Tuakau
- Gordonton Cemetery, Gordonton Rd, Gordonton
- Huntly Kimihia Cemetery, Great South Rd, Huntly
- Jackson Street Cemetery, 46/44 Jackson St, Ngaaruawaahia
- Maramarua Cemetery, State Hwy, Maramarua
- Mercer Cemetery, 15 Glass Rd, Mercer
- Ngaaruawaahia Old Cemetery, Great South Rd, Ngaaruawaahia
- Okete Cemetery, Raglan
- Onewhero Cemetery, Kaipō Flats Rd, Onewhero
- Orini Cemetery, Orini Rd, Orini
- Pookeno Cemetery, 60/38 Fraser Rd, Pookeno
- Pookeno Old Soldiers Cemetery, Helenslee Rd, Pookeno
- Raglan Cemetery, East St, Raglan
- Rangiriri Cemetery, Te Wheoro Rd, Rangiriri
- Rangiriri Historic War Cemetery, 7 Rangiriri Rd, Rangiriri
- Taupiri Cemetery, Gordonton Rd, Taupiri
- Te Mata Cemetery, Te Papatapu Rd, Raglan
- Tuakau Cemetery, Alexandra Redoubt Rd, Tuakau
- Waerenga Cemetery, Keith Rd, Waerenga
- Waiterimu / Matahuru Cemetery, Waiterimu Rd, Waiterimu
- Whatawhata Cemetery, Cemetery Rd, Whatawhata

B. Freedom Camping is prohibited on the Local Authority Areas identified below:

<b>Raglan</b>	
<b>Area Name / Description</b>	<b>Map Reference No.</b>
Manu Bay Reserve and surrounding area 696 Wainui Road, Raglan and that section of Wainui Road adjacent to the Manu Bay reserve.	WDC_2016_01
Tohora Close, Calvert Road, Whale Bay	WDC_2016_02
Ngarunui Beach Reserve, Wainui Reserve 330 Wainui Road, Raglan	WDC_2016_03
Papahua Domain (including the carpark area between Raglan Holiday Park and the Airfield) 61 Marine Parade, Raglan	WDC_2016_04
Cliff Street, Puriri Street From 2 Cliff Street to 1 Puriri Street, Raglan	WDC_2016_05
Riria Kereopa Drive, Wainamu Road	WDC_2016_06
Wainui Road <ul style="list-style-type: none"> <li>- Turning bay across from 765A Wainui Road; and</li> <li>- Wainui Road road reserve</li> </ul>	WDC_2016_07
Wainui Reserve Bush Park carpark (up to and including the roadside), Wainui Road, Raglan	WDC_2023_01
Water treatment ponds, Wainui Road, Raglan	WDC_2023_02
Papanui Point Carpark	WDC_2016_08
Swann Access Road, Ruapuke Beach	WDC_2016_09
Ruapuke Beach Road	WDC_2016_10
Bridal Veil Falls Carpark Kawhia Road, Te Mata	WDC_2016_11
Greenslade Road	WDC_2016_26

Earles Place	WDC_2016_27
Raglan CBD	WDC_2016_28
Raglan Wharf	WDC_2016_29
Lorenzen Bay Road, Sunshine Rise	WDC_2016_30
Aroaro Bay Reserve, John Street, Raglan Aroaro Bay Reserve and the adjacent footpath and grassed areas along Wallis Street and John Street.	WDC_2023_04
<b>Ngaaruawaahia</b>	
<b>Area Name / Description</b>	<b>Map Reference No.</b>
Te Huinga o Ngaa Wai (The Point), Ngaaruawaahia	WDC_2016_19
Waikato Esplanade I-52 Waikato Esplanade.	WDC_2016_12
Paterson Park	WDC_2016_13
Horotiu Bridge carpark area	WDC_2016_14
Waingaro Road Section at end of Hakarimata track	WDC_2016_15
Brownlee Ave Hakarimata Track carpark area	WDC_2016_16
Hopuhopu 451-477 Old Taupiri Road Hopuhopu	WDC_2016_17
<b>Port Waikato</b>	
<b>Area Name / Description</b>	<b>Map Reference No.</b>
Maraetai Bay Reserve Maunsell Road	WDC_2016_18
Sunset Beach carpark Maunsell Rd	WDC_2016_25

## Schedule Two: Restricted areas for Freedom Camping

The following areas have specific restrictions for Freedom Camping.

Area Name / Description	Restriction	Map Reference No.
Te Huinga o Ngaa Wai (The Point), Ngaaruawaahia Lower Waikato Esplanade	Location is restricted to a designated location. The designated location cannot be used if it is required for events.	WDC_2016_19
St. Stephens carpark, Tuakau 8 St Stephens Avenue.	Sign posted part of car park only. Permitted camping hours between 6pm and 10am. Maximum stay of two nights.	WDC_2016_20



### Schedule Three: Designated areas for Freedom Camping for vehicles that are not Self-contained

Vehicles that are not Self-contained may only Freedom Camp for a maximum of two nights in the areas that are specified in the table below. Self-contained vehicles may also be used to Freedom Camp in these areas.

<b>Area Name / Description</b>	<b>Restriction</b>	<b>Map Reference No.</b>
Onewhero Domain 14 Hall Road	Location is restricted to a designated area. The designated area cannot be used if it is required for events.	WDC_2016_21
Te Kauwhata Domain Mahi Road	Location is restricted to a designated area. The designated area cannot be used if it is required for events.	WDC_2016_22

# Schedule I Maps of Prohibited Areas Raglan

Freedom Camping Bylaw



Freedom Camping Bylaw





Freedom Camping Bylaw



Legend

Freedom camping site status:

 Prohibited

 Parcel boundary



Ngarunui Beach Reserve


Map number: WDC\_2016\_03

Waikato District Council  
Printed 20 Oct 2023  
Cadastral Boundaries and addresses: LINZ  
Aerial photography: WDC  
Projection: NZTM2000  
Ref: ME47522



Freedom Camping Bylaw



<b>Legend</b> Freedom camping site status: <span style="border: 1px solid red; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Prohibited <span style="border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Parcel boundary		
 Waikato DISTRICT COUNCIL <small>Te Kaitiaki Take Kōwhiri</small>	<b>Papahua Domain</b> Map number: WDC_2016_04	Waikato District Council Printed 20 Oct 2023 Cadastre Boundaries and addresses: LINZ Aerial photography: WDC Projection: NZTM2000 Ref: ME47522



Freedom Camping Bylaw



Legend

Freedom camping site status:

 Prohibited

 Parcel boundary



Cliff Street, Puriri Street

Map number: WDC\_2016\_05

Waikato District Council  
Printed 20 Oct 2023  
Cadastral Boundaries and addresses: LINZ  
Aerial photography: WDC  
Projection: NZTM2000  
Ref: ME47522



Freedom Camping Bylaw



Legend

Freedom camping site status:

- Prohibited
- Parcel boundary



Riria Kereopa Drive, Wainamu Road

Map number: WDC\_2016\_06

Waikato District Council  
Printed 20 Oct 2023  
Cadastral Boundaries and addresses: LINZ  
Aerial photography: WDC  
Projection: NZTM2000  
Ref: ME47522



Freedom Camping Bylaw



Legend

Freedom camping site status:

 Prohibited

 Parcel boundary



Wainui Road

Map number: WDC\_2016\_07

Waikato District Council  
Printed 20 Oct 2023  
Cadastral Boundaries and addresses: LINZ  
Aerial photography: WDC  
Projection: NZTM2000  
Ref: ME47522



Freedom Camping Bylaw



Legend

Freedom camping site status:

- Prohibited
- Parcel boundary



Wainui Reserve Bush Park, Raglan

Map number: WDC\_2023\_01

Waikato District Council  
Printed 20 Oct 2023  
Cadastre Boundaries and addresses: LINZ  
Aerial photography: WDC  
Projection: NZTM2000  
Ref: ME47522



Freedom Camping Bylaw



- Legend
- Freedom camping site status:
- Prohibited
  - Parcel boundary



Water treatment ponds - Wainui Road - Raglan

Map number: WDC\_2023\_02

Waikato District Council  
Printed 20 Oct 2023  
Cadastre Boundaries and addresses: LINZ  
Aerial photography: WDC  
Projection: NZTM2000  
Ref: ME47522

Freedom Camping Bylaw



Legend  
Freedom camping site status:  
 Prohibited  
 Parcel boundary



### Papanui Point Carpark


Map number: WDC\_2016\_08

Waikato District Council  
Printed 20 Oct 2023  
Cadastral Boundaries and addresses: LINZ  
Aerial photography: WDC  
Projection: NZTM2000  
Ref: ME47522



Freedom Camping Bylaw



<p>Legend</p> <p>Freedom camping site status:</p> <ul style="list-style-type: none"><li><span style="border: 1px solid red; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Prohibited</li><li><span style="border: 1px solid white; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Parcel boundary</li></ul>	 <p><b>Swann Access Road, Ruapuke Beach</b></p> <p>Map number: WDC_2016_09</p>	<p>Waikato District Council Printed 20 Oct 2023 Cadastre Boundaries and addresses: LINZ Aerial photography: WDC Projection: NZTM2000 Ref: ME47522</p>
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Freedom Camping Bylaw



Legend  
Freedom camping site status:  
■ Prohibited  
□ Parcel boundary



Ruapuke Beach Road

Map number: WDC\_2016\_10

Waikato District Council  
Printed 20 Oct 2023  
Cadastral Boundaries and addresses: LINZ  
Aerial photography: WDC  
Projection: NZTM2000  
Ref: ME47522

Freedom Camping Bylaw



Legend  
Freedom camping site status:  
 Prohibited  
 Parcel boundary



Bridal Veil Falls  
Map number: WDC\_2016\_11

Waikato District Council  
Printed 20 Oct 2023  
Cadastral Boundaries and addresses: LINZ  
Aerial photography: WDC  
Projection: NZTM2000  
Ref: ME47522



Freedom Camping Bylaw



Legend

Freedom camping site status:

 Prohibited

 Parcel boundary



Greenslade Road



Map number: WDC\_2016\_26

Waikato District Council  
Printed 20 Oct 2023  
Cadastral Boundaries and addresses: LINZ  
Aerial photography: WDC  
Projection: NZTM2000  
Ref: ME47522



Freedom Camping Bylaw



Legend  
Freedom camping site status:  
 Prohibited  
 Parcel boundary



Earles Place


Map number: WDC\_2016\_27

Waikato District Council  
Printed 20 Oct 2023  
Cadastral Boundaries and addresses: LINZ  
Aerial photography: WDC  
Projection: NZTM2000  
Ref: ME47522



Freedom Camping Bylaw



<p><b>Legend</b></p> <p>Freedom camping site status:</p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; border: 2px solid red; margin-right: 5px;"></span> Prohibited</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> Parcel boundary</li> </ul>		
	<p><b>Raglan CBD</b></p> <p>Map number: WDC_2016_28</p>	<p>Waikato District Council                  Printed 20 Oct 2023                  Cadastre Boundaries and addresses: LINZ                  Aerial photography: WDC                  Projection: NZTM2000                  Ref: ME47522</p>



Freedom Camping Bylaw



Legend  
Freedom camping site status:  
 Prohibited  
 Parcel boundary



### Raglan Wharf

Map number: WDC\_2016\_29

Waikato District Council  
Printed 20 Oct 2023  
Cadastral Boundaries and addresses: LINZ  
Aerial photography: WDC  
Projection: NZTM2000  
Ref: ME47522



Freedom Camping Bylaw



Legend

Freedom camping site status:

- Prohibited
- Parcel boundary



Lorenzen Bay Road, Sunshine Rise

Map number: WDC\_2016\_30

Waikato District Council  
 Printed 20 Oct 2023  
 Cadastre Boundaries and addresses: LINZ  
 Aerial photography: WDC  
 Projection: NZTM2000  
 Ref: ME47522



Freedom Camping Bylaw



Legend

Freedom camping site status:

 Prohibited

 Parcel boundary



Aroaro Bay Reserve, John St, Raglan

Map number: WDC\_2023\_04

Waikato District Council  
Printed 20 Oct 2023  
Cadastre boundaries and addresses: LINZ  
Aerial photography: WDC  
Projection: NZTM2000  
Ref: ME47522



# Ngaaruawaahia

## Freedom Camping Bylaw



- Legend
- Freedom camping site status:
- Prohibited
  - Restricted
  - Parcel boundary



Te Huinga o Ngaa Wai (The Point), Ngaaruawaahia

Map number: WDC\_2016\_19

Waikato District Council  
Printed 20 Oct 2023  
Cadastral Boundaries and addresses: LINZ  
Aerial photography: WDC  
Projection: NZTM2000  
Ref: ME47522



Freedom Camping Bylaw



- Legend
- Freedom camping site status:
- Prohibited
  - Restricted
  - Parcel boundary



Waikato Esplanade

Map number: WDC\_2016\_12

Waikato District Council  
 Printed 20 Oct 2023  
 Cadastre Boundaries and addresses: LINZ  
 Aerial photography: WDC  
 Projection: NZTM2000  
 Ref: ME47522



Freedom Camping Bylaw



Legend  
Freedom camping site status:  
 Prohibited  
 Parcel boundary



Paterson Park  
Map number: WDC\_2016\_13

Waikato District Council  
Printed 20 Oct 2023  
Cadastre Boundaries and addresses: LINZ  
Aerial photography: WDC  
Projection: NZTM2000  
Ref: ME47522



Freedom Camping Bylaw



Legend  
Freedom camping site status:  
 Prohibited  
 Parcel boundary



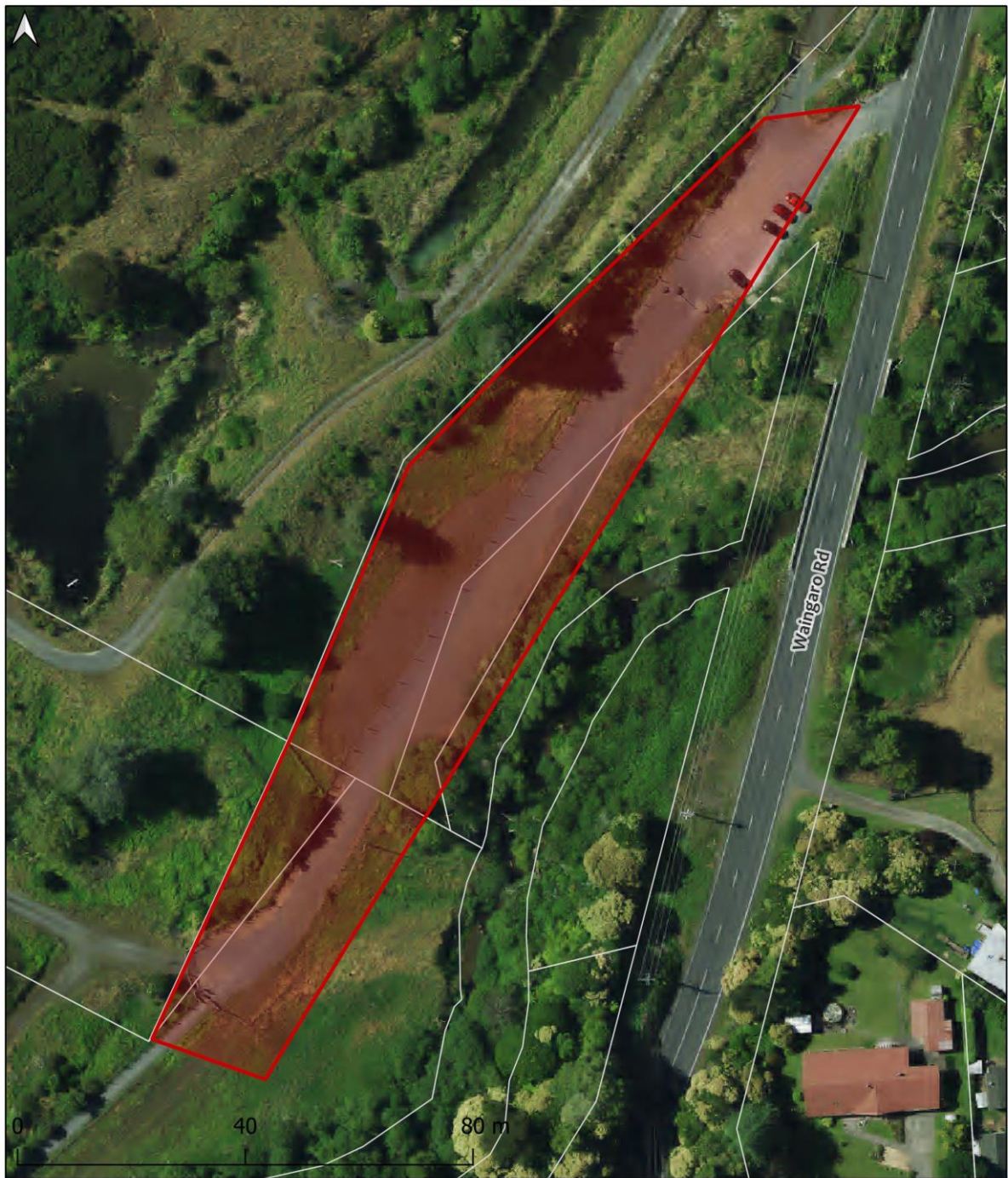
### Horotiu Bridge Carpark

Map number: WDC\_2016\_14

Waikato District Council  
Printed 20 Oct 2023  
Cadastral Boundaries and addresses: LINZ  
Aerial photography: WDC  
Projection: NZTM2000  
Ref: ME47522



Freedom Camping Bylaw



- Legend
- Freedom camping site status:
- Prohibited
  - Parcel boundary



### Waingaro Road - Hakarimata Track

Map number: WDC\_2016\_15

Waikato District Council  
Printed 20 Oct 2023  
Cadastral Boundaries and addresses: LINZ  
Aerial photography: WDC  
Projection: NZTM2000  
Ref: ME47522



Freedom Camping Bylaw



Legend  
Freedom camping site status:  
 Prohibited  
 Parcel boundary



Brownlee Avenue

Map number: WDC\_2016\_16

Waikato District Council  
Printed 20 Oct 2023  
Cadastral Boundaries and addresses: LINZ  
Aerial photography: WDC  
Projection: NZTM2000  
Ref: ME47522



Freedom Camping Bylaw



Legend

Freedom camping site status:

 Prohibited

 Parcel boundary



Hopuhopu Reserve

Map number: WDC\_2016\_17

Waikato District Council  
Printed 20 Oct 2023  
Cadastre Boundaries and addresses: LINZ  
Aerial photography: WDC  
Projection: NZTM2000  
Ref: ME47522



# Port Waikato

## Freedom Camping Bylaw



**Legend**

Freedom camping site status:

 Prohibited

 Parcel boundary



### Maraetai Bay Reserve

Map number: WDC\_2016\_18

Waikato District Council  
Printed 20 Oct 2023  
Cadastre Boundaries and addresses: LINZ  
Aerial photography: WDC  
Projection: NZTM2000  
Ref: ME47522



Freedom Camping Bylaw



Legend  
 Freedom camping site status:  
 Prohibited  
 Parcel boundary



Sunset Beach, Port Waikato

Map number: WDC\_2016\_25

Waikato District Council  
 Printed 20 Oct 2023  
 Cadastre Boundaries and addresses: LINZ  
 Aerial photography: WDC  
 Projection: NZTM2000  
 Ref: ME47522



# Schedule 2 Restricted Maps

## Ngaaruawaahia

Freedom Camping Bylaw



**Legend**

Freedom camping site status:

- Prohibited
- Restricted
- Parcel boundary



Te Huinga o Ngaa Wai (The Point), Ngaaruawaahia

Map number: WDC\_2016\_19

Waikato District Council  
 Printed 20 Oct 2023  
 Cadastre Boundaries and addresses: LINZ  
 Aerial photography: WDC  
 Projection: NZTM2000  
 Ref: ME47522



# Tuakau

## Freedom Camping Bylaw



- Legend
- Freedom camping site status:
- Restricted
  - Parcel boundary



### St Stephens Avenue, Tuakau

Map number: WDC\_2016\_20

Waikato District Council  
Printed 20 Oct 2023  
Cadastral Boundaries and addresses: LINZ  
Aerial photography: WDC  
Projection: NZTM2000  
Ref: ME47522



**Schedule 3 Maps of areas for Freedom Camping for vehicles that are not Self-contained**

**Onewhero**





# Te Kauwhata

## Freedom Camping Bylaw



- Legend
- Freedom camping site status:
- Non Self Contained
  - Prohibited
  - Parcel boundary



**Te Kauwhata Domain**  
Map number: WDC\_2016\_22

Waikato District Council  
Printed 20 Oct 2023  
Cadastral Boundaries and addresses: LINZ  
Aerial photography: WDC  
Projection: NZTM2000  
Ref: ME47522

<b>To</b>	<b>Policy and Regulatory Committee</b>
<b>Report Title</b>	<b>Ministry for the Environment National Monitoring System and Resource Consent Data</b>
Date:	14 November 2023
Report Author:	Wade Hill, Consents Manager
Authorised by:	Roger MacCulloch, General Manager Customer Support

## **1. Purpose of the report**

### **Te Take moo te puurongo**

---

The purpose of this report is to provide the Policy and Regulatory Committee an overview of the Ministry for the Environment's (MfE) National Monitoring System (NMS), particularly regarding resource consents processed by Waikato District Council (WDC).

## **2. Executive summary**

### **Whakaraapopotanga matua**

---

The following provides a summary of MfE's NMS and how WDC performed with respect to other Council's across the country, including adjoining territorial authorities Hamilton City and Waipa District, from which reasonable comparisons can be drawn.

## **3. Staff recommendations**

### **Tuutohu-aa-kaimahi**

---

**THAT the Policy and Regulatory Committee receives the Ministry for the Environment National Monitoring System and Resource Consent Data report.**

## **4. Discussion**

### **Matapaki**

---

#### **National Monitoring System**

The NMS monitors the implementation of the RMA. Local Authorities are required to provide detailed data each year to MfE. From this data, MfE releases a summary of key data relating to resource consents, plan making and compliance/monitoring/enforcement activities from all Councils.

---

The NMS has been in place since 2014/2015. It builds upon and replaces the biennial RMA Survey of Local Authorities that MfE undertook pre-2014.

The current information from MfE includes data from 2014/15 to 2021/22.

Each Council is required to report its data to MfE by the end of July each year. No data has yet been published for 2022/23.

**How does the Consents team record this information?**

To ensure that we record this information accurately, every time a consent is processed our staff are required to answer several events and custom fields in our systems.

For each land use or subdivision consent there are 75 different events/fields in our systems that are required to be answered.

The events and custom fields cover almost every step in the consent process, including but not limited to:

- Type of application
- Activity status
- Acceptance of applications
- Requests for Further Information
- Timeframes
- Extensions of Time
- Application Fees

**What does MfE use the information for?**

MfE identifies on its website that the information is used for the following reasons:

- aligns how information is captured and reported with existing statutory processes and council systems.
- confirm local authorities are fulfilling their roles and responsibilities under the RMA.
- identify where legislative review or change is required and what form of legislative change is most appropriate.
- measure the success of RMA reforms.
- provides an evidence base for informing policy development under the RMA.
- determine if common concerns and perceptions of the RMA are accurate.

**What information is available?**

Although Councils are required to report on 75 different events that occur during the processing of a consent, MfE only release a limited range of information on its Resource Consents Explorer.

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Therefore, the key parameters included in the Explorer include only:

- The number of resource consents granted.
- Percentage of applications granted.
- Percentage of applications notified.
- Processing times for non-notified and notified applications.
- Percentage of applications processed within statutory timeframes.
- Application fees for non-notified and notified applications.

The Resource Consent Explorer has several ways of viewing the information for all Councils, a specific group of Councils and individual Councils.

Below is a summary of some of the information that can be found on the Resource Consent Explorer. The summary has been limited to land use and subdivision consents as this provides the best picture for the committee to understand key trends. Information about notified applications and certificates such as Permitted Boundary Activities and Marginal Temporary Activities have not been included. However, this data can be searched on the Resource Consent Explorer.

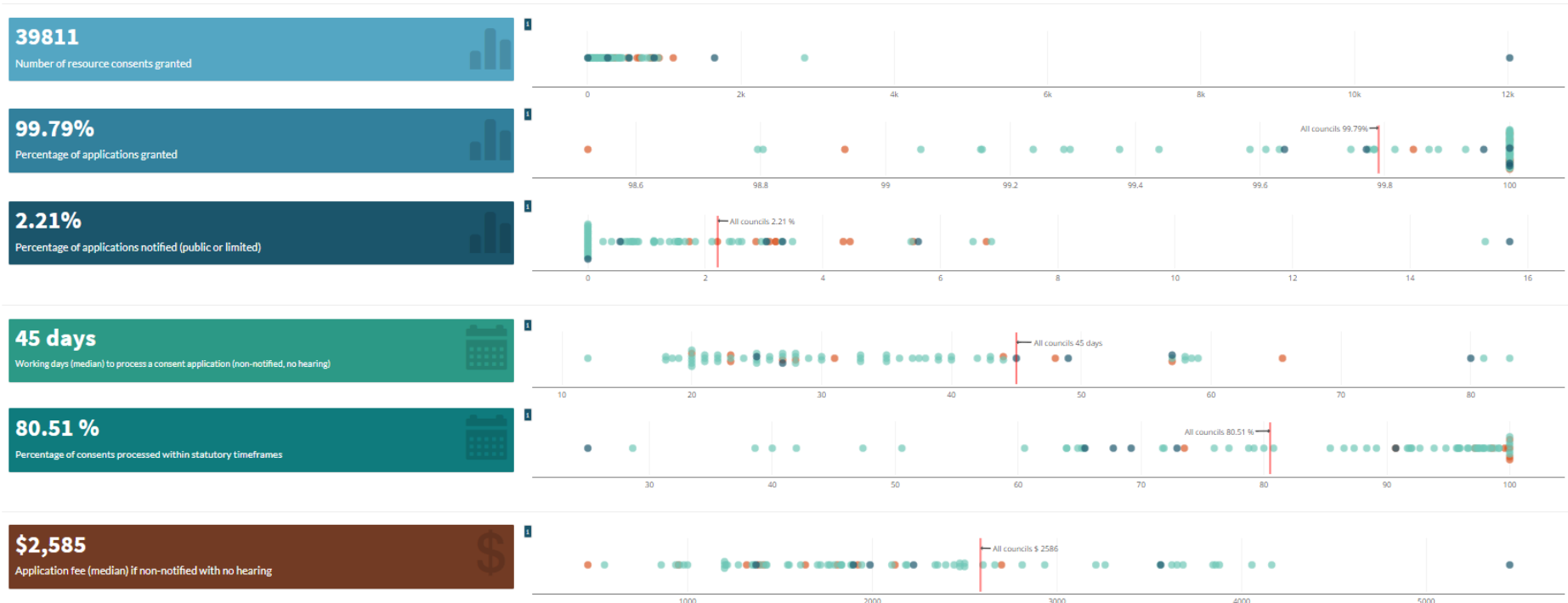
### Council comparisons 2021/22

The following is a snapshot of data for 2021/22 only for all Councils, Waikato District only and Waikato/Waipā/Hamilton combined. All councils

#### Council comparisons

Compare resource consent processing between councils. The box shows the value for the selected council or councils. The points on the plot represent the values for each individual council. Red lines represent the median value for all councils. A table at the bottom of the page summarises the data in your selection.

● Regional council ● Territorial authority ● Unitary authority



**Figure 1:** A summary of key statistics for all Councils 2021/22 (including Unitary Authorities, Regional Councils and Territorial Authorities).

Waikato District

Council comparisons

Compare resource consent processing between councils. The box shows the value for the selected council or councils. The points on the plot represent the values for each individual council. Red lines represent the median value for all councils. A table at the bottom of the page summarises the data in your selection.

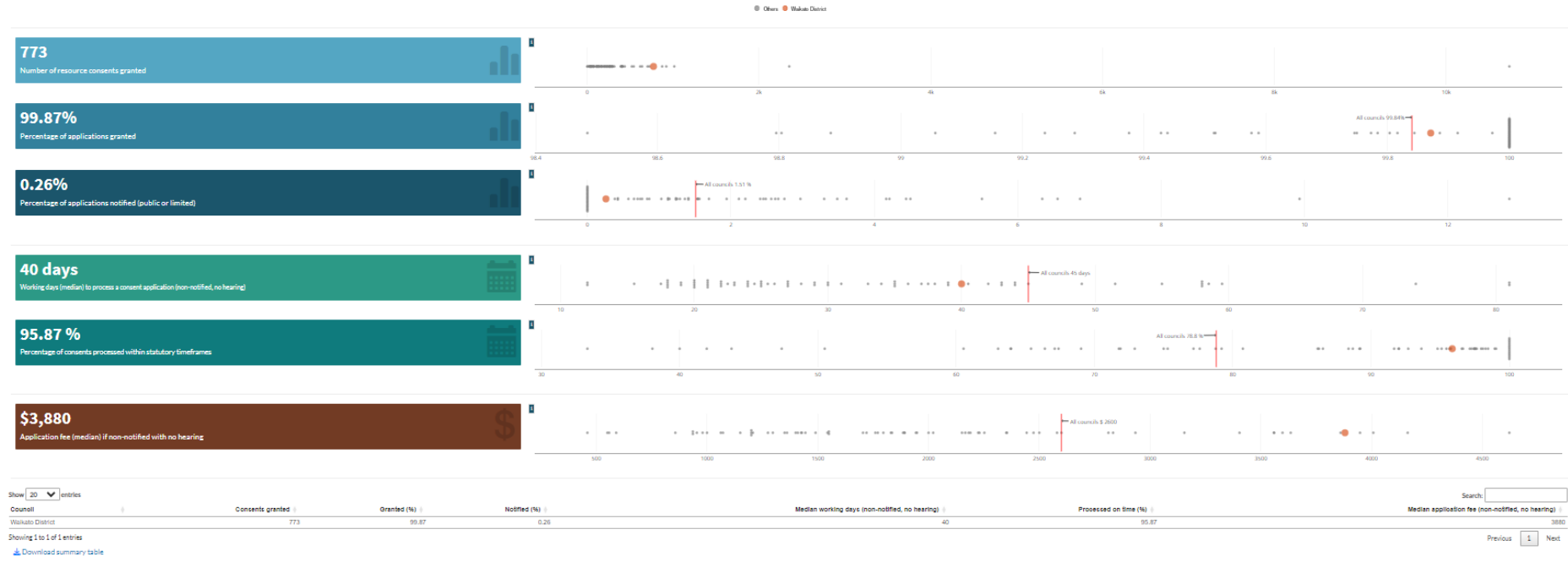
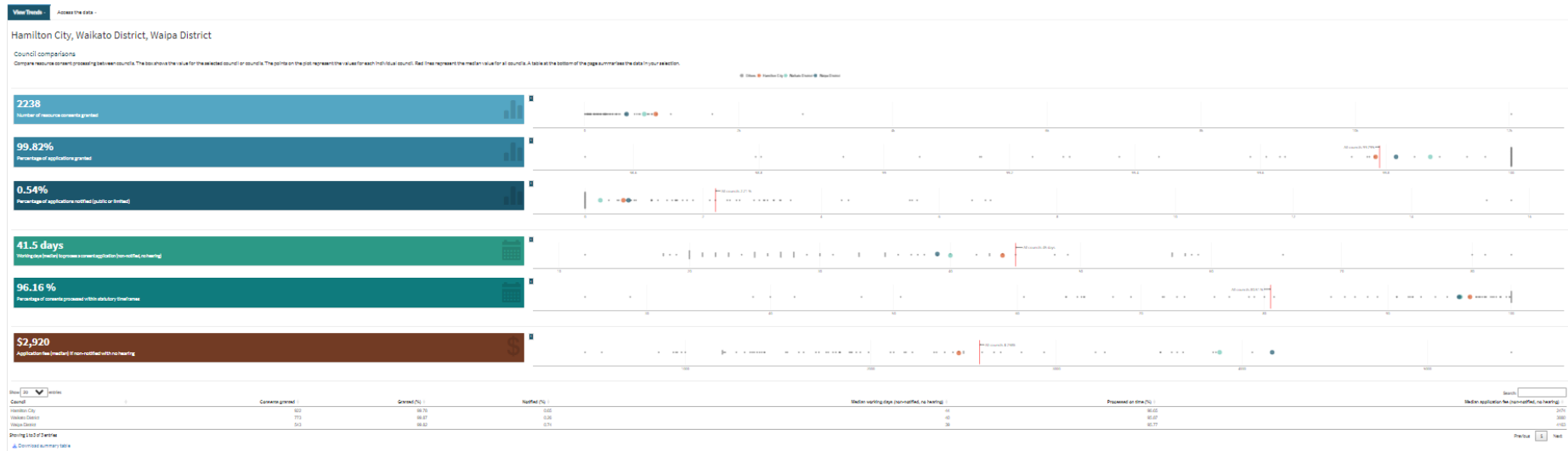


Figure 2: A summary of key statistics for Waikato District Council only 2021/22.





**Figure 3:** A summary comparison for Waikato District Council, Waipa District and Hamilton City 2021/22.

### Summary from 2021/22 Year

The number of consents granted by Hamilton City (922), Waikato District (773) and Waipa District (543), are ranked 2<sup>nd</sup>, 4<sup>th</sup>, and 8<sup>th</sup> across all Territorial Authorities. This is reflective of the district's location in a high growth area, being on the periphery of a large urban authority (Hamilton) and located in the Hamilton to Auckland corridor.

Auckland Council accounts for approximately 25% of all consents granted across New Zealand in any one year.

The percentage of applications granted by Councils was a very similar high percentage, this is a generally consistent trend nationwide.

The percentage of notified applications for WDC is lower than the national median. Across the nation Territorial Authorities typically notify less applications than Regional and Unitary authorities. WDC notified even less than Hamilton City and Waipa District.

The median number of working days to process consents at 40 for WDC is below the national median of 45 working days and broadly comparable to the statistics for Hamilton City (44 working days) and Waipa District (39 working days). The median complies with the doubling of timeframes which the Council can do if it extends timeframes due to special circumstances.

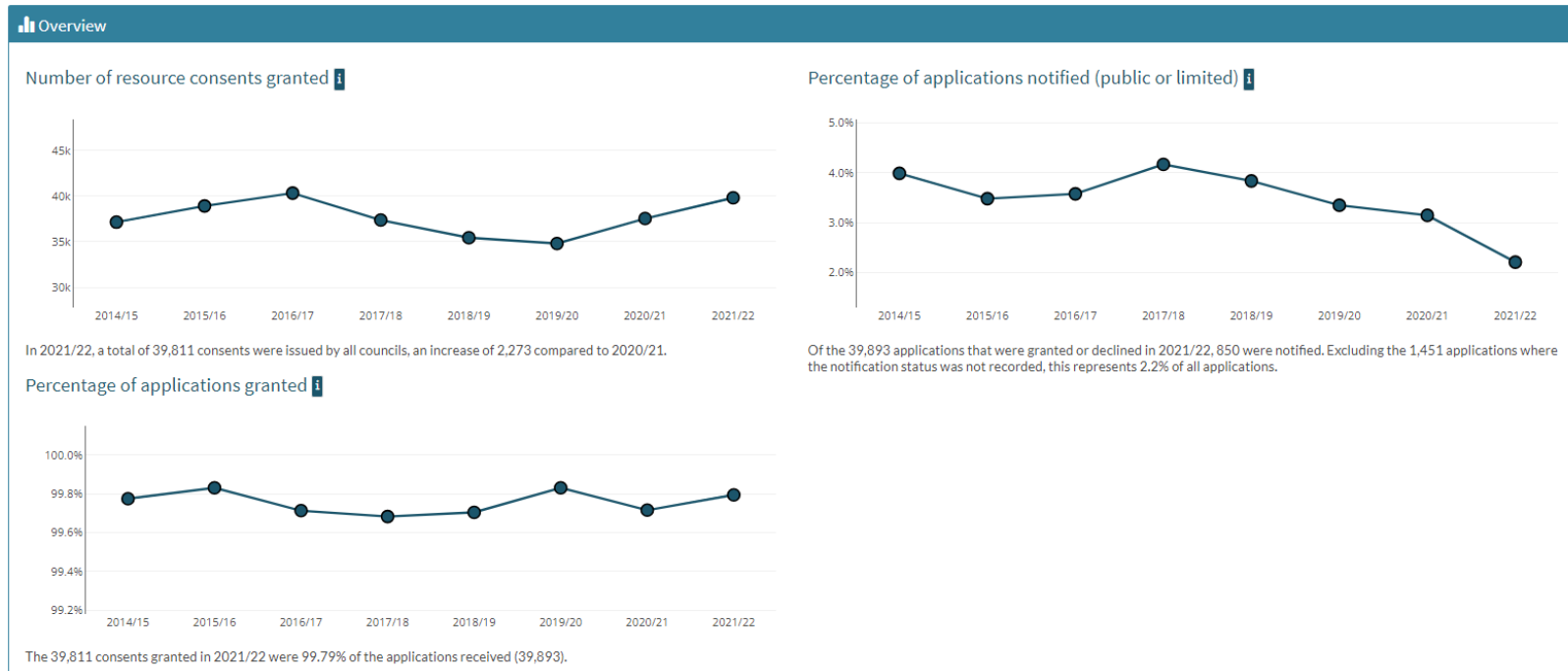
The percentage of applications processed within statutory timeframes in the Waikato District is well above the national median and generally consistent with Hamilton City and Waipa District. It is noted that the number of consents processed out of time by Auckland City drags the national median down significantly.

WDC's cost of processing consents was above the national median. It is noted that it is more than the median costs for Hamilton City at \$2474 but less than Waipa District at \$4163. This would be indicative of processing consents under two plan frameworks, and the complexity of one of those plans being under the National Planning Standards template and the time taken to process a consent. It is anticipated that the time taken to process a consent will decrease again once the Proposed District Plan is made operative in its entirety.

---

## Time series Data 2014/15 – 2021/22

The following information relates to how Councils performed across the timespan that the NMS covers.



**Figure 4:** All Councils 2014/15 – 2021/22: Number of consents granted, percentage of applications granted, and percentage of applications notified nationwide.

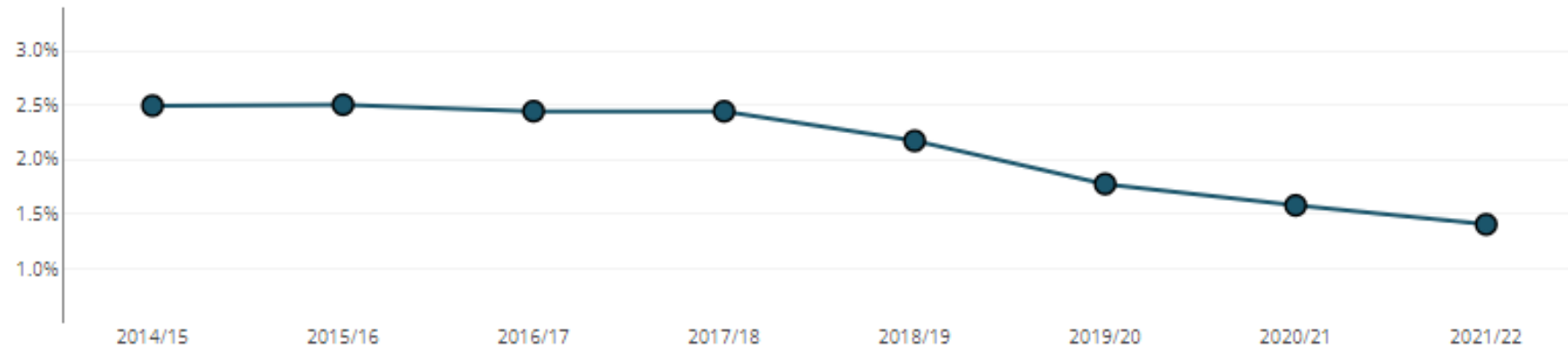
The number of consents granted across all Councils range between 34,806 consents in 2019/20 (note: this was the beginning of Covid, where numbers being lodged and granted would have dropped) and a high of 40,327 in 2016/17.

The percentage of consents granted ranged between 99.68% and 99.83%. This remains consistent nationwide across the timespan.

The percentage of notified applications ranged between 4.16% in 2017/18 and 2.21% in 2021/22.

Note: Once the Unitary and Regional authorities are removed the notification rates for Territorial authorities only are much lower, ranging between 2.5% and 1.4% as shown below in Figure 5:



Percentage of applications notified (public or limited) **i**

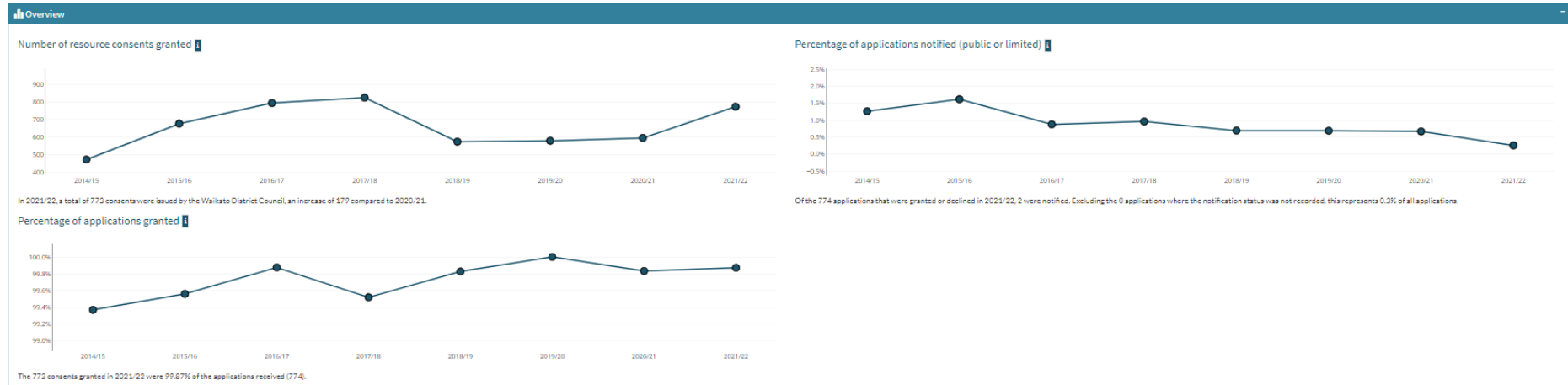
Of the 17,744 applications that were granted or declined in 2021/22, 242 were notified. Excluding the 495 applications where the notification status was not recorded, this represents 1.4% of all applications.

**Figure 5:** Territorial Authorities only 2014/15 – 2021/22 - Percentage of applications notified.

## Waikato District

## Time series

View the trend in applications over time. Unless otherwise noted, figures are for applications for new resource consents (Section 88) that have been granted or declined. Medians are used in preference to averages (to reduce the influence of extreme values) and consents are sometimes split between notified consents with hearings and non-notified consents without hearings to see the trend in applications that tend to take longer/cost more and applications that tend to be decided quickly/cost less.



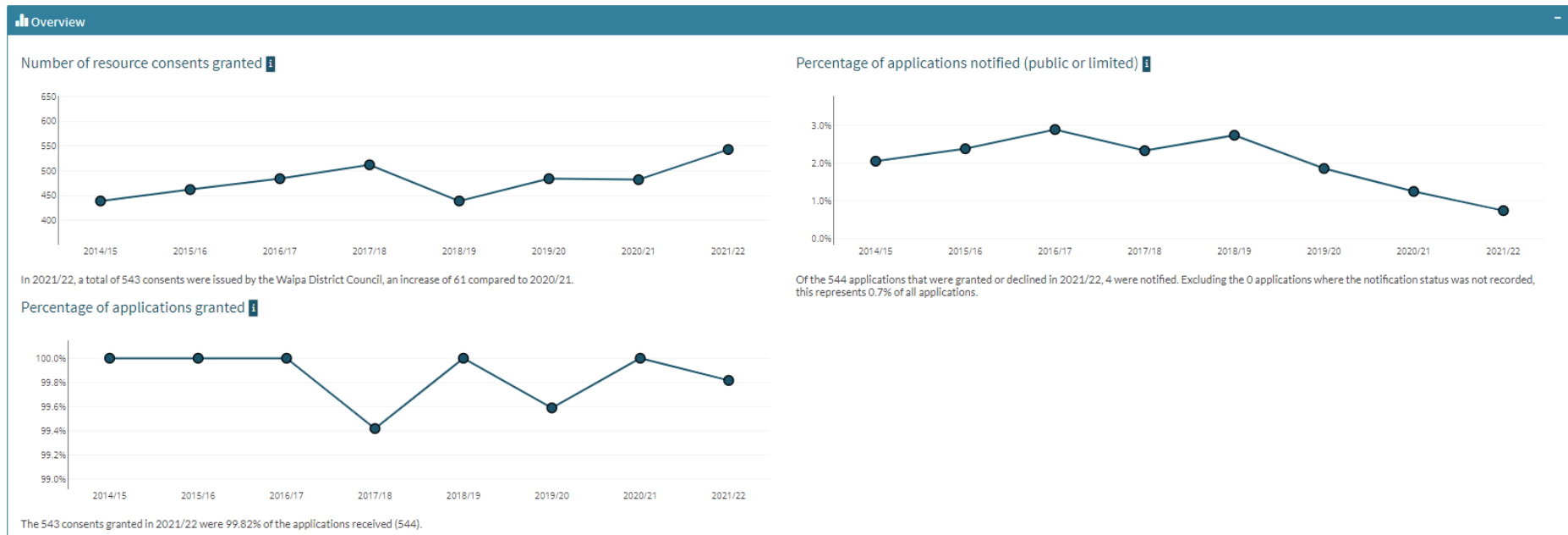
**Figure 6:** Waikato District Council 2014/15 – 2021/22: Number of consents granted, percentage of applications granted, and percentage of applications notified nationwide.

The number of consents granted by WDC varied between 471 in 2014/15 and 825 in 2017/18 (Note: this does not include PBAs or MTAs). It is noted that the number of consents dropped off following the 2017/18 year when PBAs and MTAs were introduced via an amendment to the RMA in late 2017. In 2018/19 WDC processed circa 150 PBAs.

It appears that WDC was not as impacted by the drop off in consents with the onset of Covid when compared with the national trend. In fact, the number of consents granted increased from 2020/21 to 2021/22. This would likely be a result of the notification of the decisions on the Proposed District Plan and rules in the PDP taking legal effect in January 2022 and the property boom which traversed both 2020/21 and 2021/22.

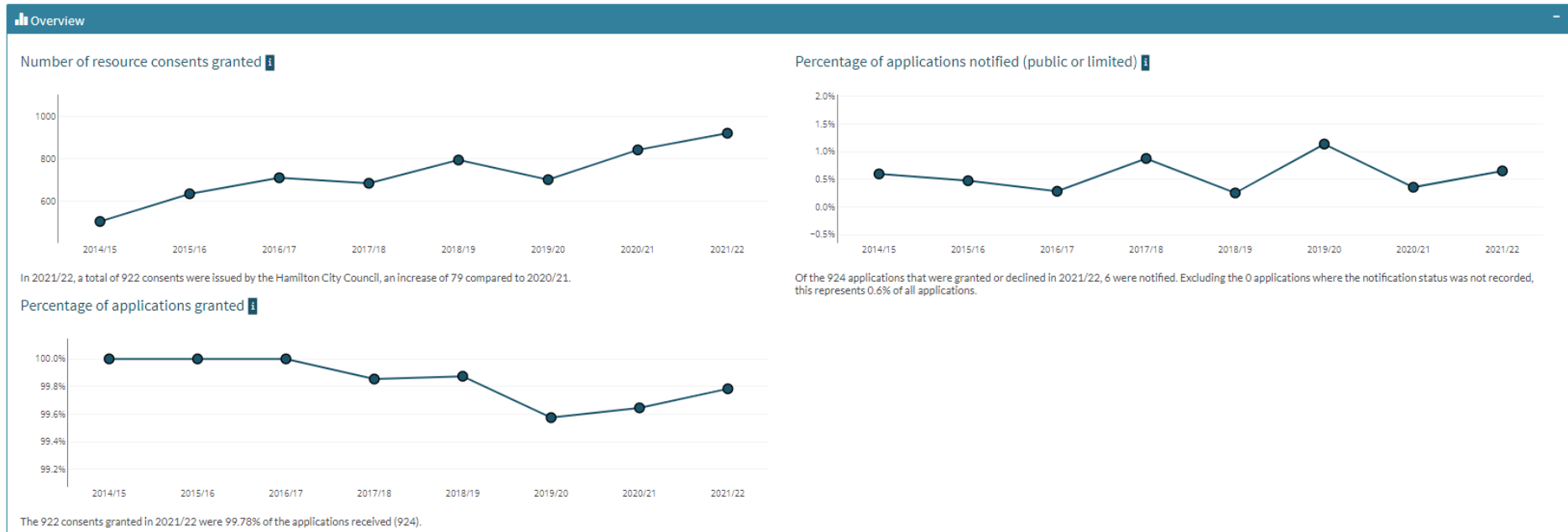
The percentage of consents granted varied between 99.37% in 2014/15 and 100% in 2019/20. This is consistently higher than the national median and noted that the best result was the year which included the start of Covid (2019/20).

The percentage of notified applications ranged between 0.26% in 2021/22 and 1.62% in 2015/2016. This is generally lower than the median for Territorial Authorities across the country. The percentage of applications notified over time at WDC is similar to Waipa District.



**Figure 7:** Waipa District Council 2014/15 – 2021/22: Number of consents granted, percentage of applications granted, and percentage of applications notified nationwide.





**Figure 8:** Hamilton City Council 2014/15 – 2021/22: Number of consents granted, percentage of applications granted, and percentage of applications notified nationwide.

It is noted that in 2014/15 the number of consents granted in Waipa District was of a similar number to Waikato. However, the number granted in Waikato has now clearly surpassed Waipa District, indicating at a broad level a higher rate of growth across the district.

It is noted that the greatest number of resource consents granted in both Waipa District and Hamilton City occurred in 2021/22. Whereas in Waikato District while the number of consents issued in 2021/22 were higher than the previous years, they did not surpass the numbers in 2017/18.

The percentage of applications granted remains relatively similar across all three authorities and across time.

Although the trends in the three districts are different, the percentage of consents notified across all three districts remains generally of the same scale (less than 3%) across all years.



**Figure 9:** All Councils 2014/15 – 2021/22: Number of working days notified and non-notified and percentage of consents processed within statutory timeframes.

Nationwide the number of working days for the processing of a notified application ranged from 144 in 2014/15 and 312 in 2021/22. Statistics on notified applications will always vary significantly because their consenting pathways are more complicated than non-notified applications.

Number of working days for the processing of a non-notified application ranged from 20 working days in 2014/15 to 45 working days in 2021/22.

The percentage of consents processed within statutory timeframes ranged from a high of 96.7% in 2014/15 to a low of 80.5% in 2021/22.



**Figure 10:** Waikato District Council only 2014/15 – 2021/22: Number of working days notified and non-notified and percentage of consents processed within statutory timeframes.

For WDC the number of working days for the processing of a notified application ranged from 140 in 2019/20 and 738 in 2021/22. Note: the total number of days for a notified application will always vary quite significantly.

The number of working days for the processing of a non-notified application ranged from 19 working days in 2015/16 to 40 working days in 2021/22. An increase in the number of consents being lodged, along with processing under two planning frameworks, impacted the timeframes for some applications (which is permitted when special circumstances occur).

The percentage of consents processed within statutory timeframes ranged from a high of 100% in 2015/16 to a low of 95.9% in 2021/22. It is noted that this is still substantially above the national median.





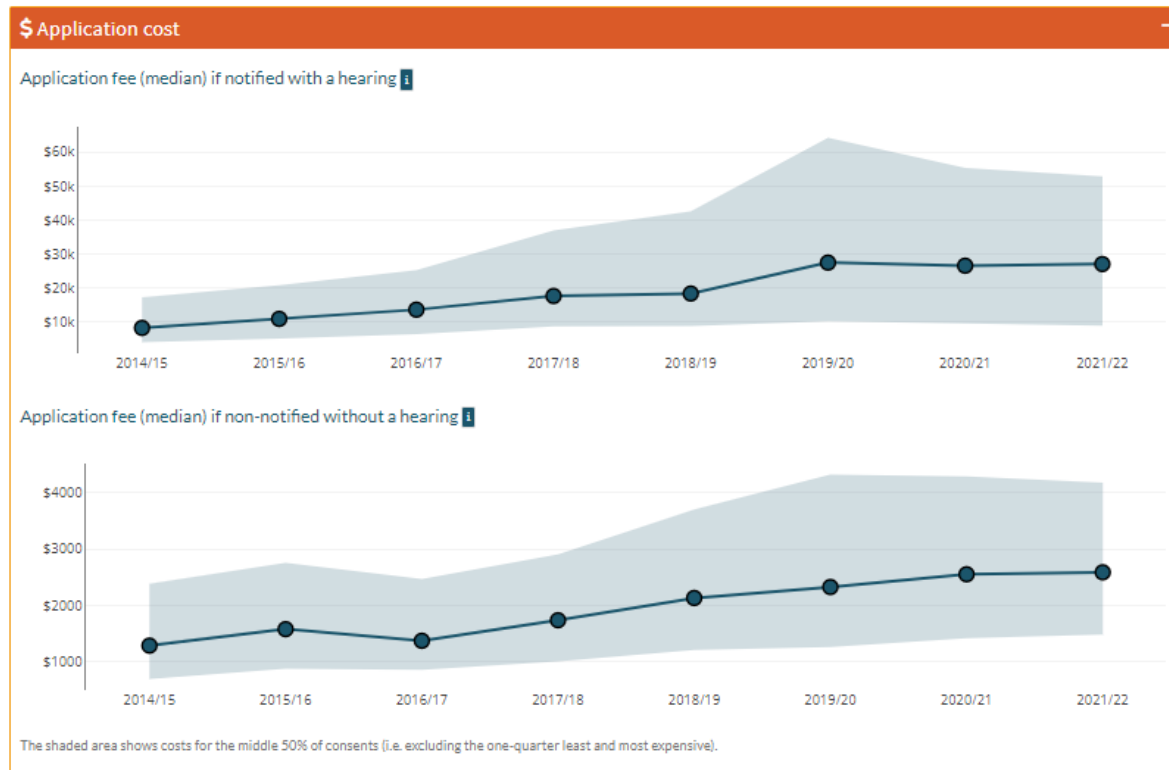
**Figure 11:** Waipa District Council only 2014/15 – 2021/22: Number of working days notified and non-notified and percentage of consents processed within statutory timeframes.



**Figure 12:** Hamilton City Council only 2014/15 – 2021/22: Number of working days notified and non-notified and percentage of consents processed within statutory timeframes.

The number of working days to process a non-notified application has increased for all three Councils from 2019/20 onwards, with 2021/22 showing the highest median working days.

All three Councils have experienced the lowest percentage of consents issued within statutory timeframes within the last two recorded years. Hamilton City Council it is noted reached their lowest percentage earlier.

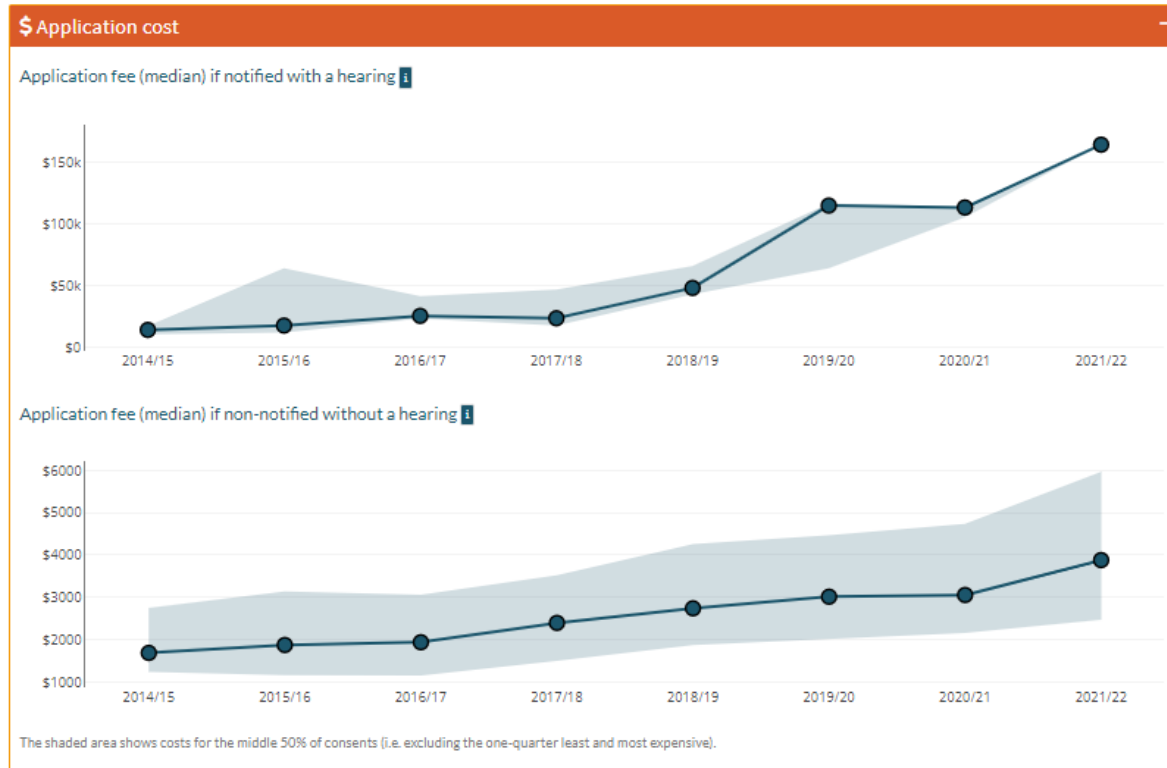


**Figure 13:** All Councils: Median application fee if notified with a hearing and if non-notified without a hearing.

For all Councils the median application fee for notified applications was a low of \$8,220 in 2014/15 to a high of \$27,448 in 2019/20.

For non-notified applications a low of \$1,280 in 2014/15 and a high of \$2,585 in 2021/22.



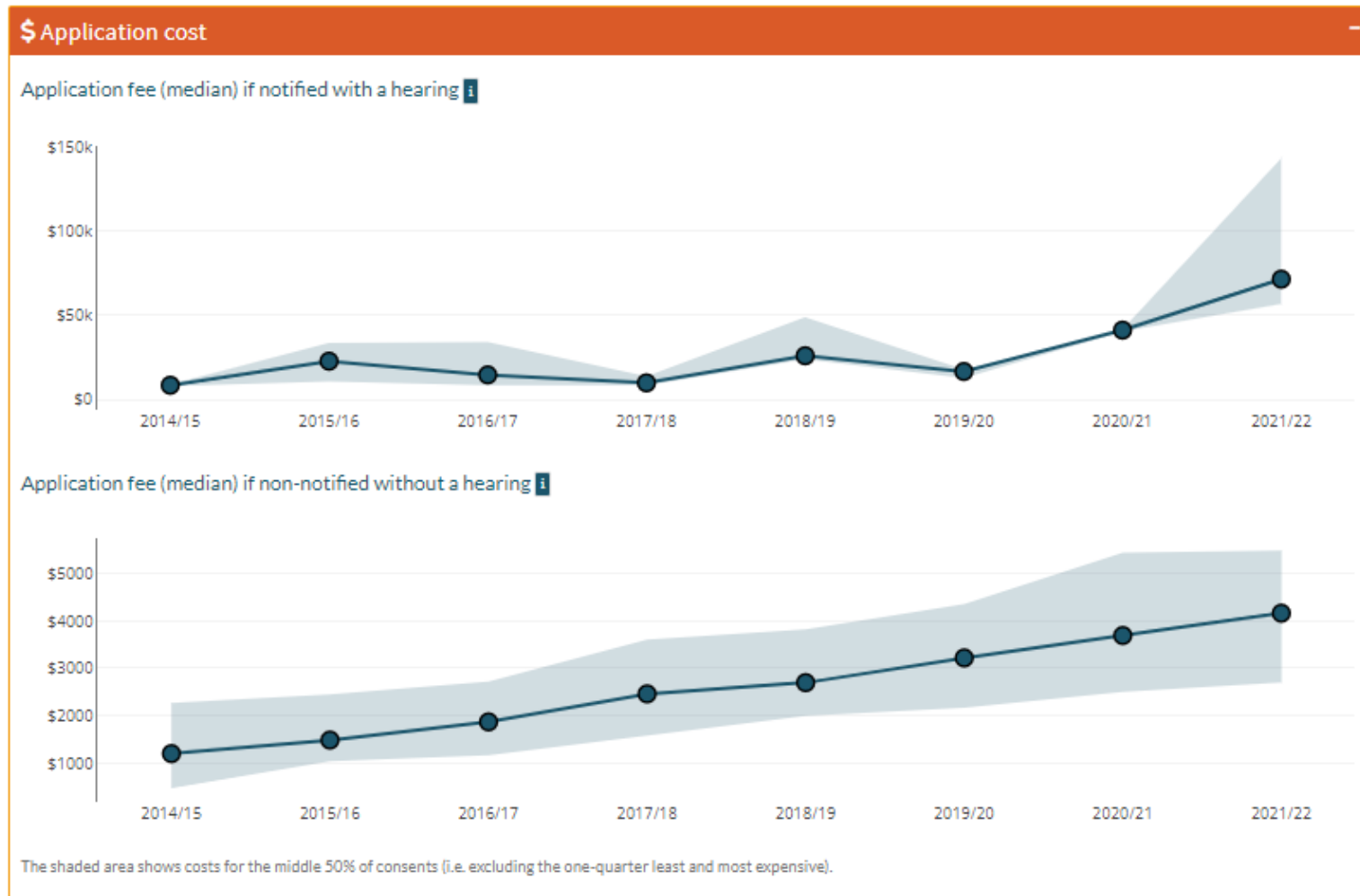


**Figure 14:** Waikato District Council only: Median application fee if notified with a hearing and if non-notified without a hearing.

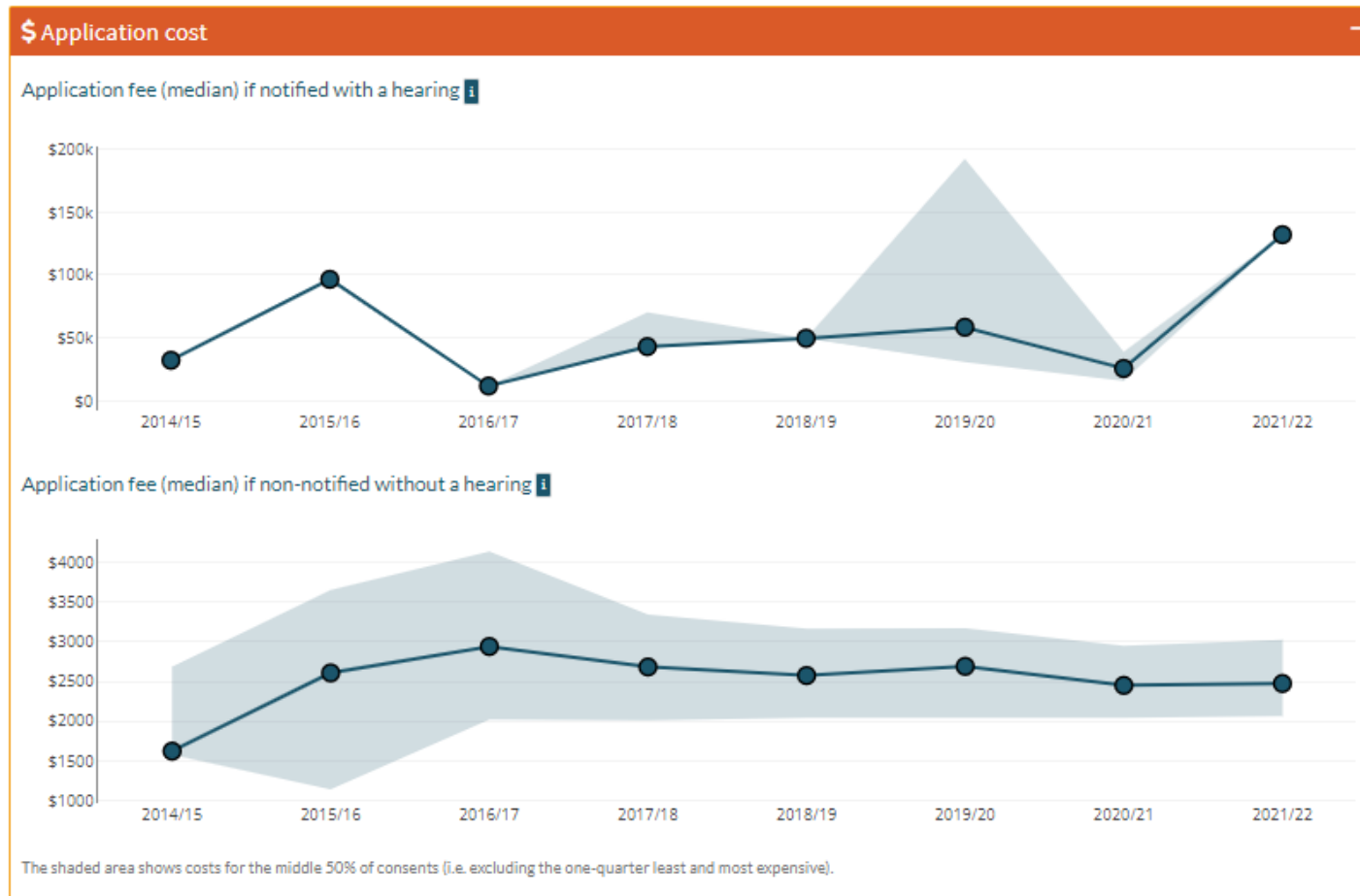
For WDC a median fee for notified applications was a low of \$14,215 in 2014/15 to a high of \$163,884 in 2021/22.

It is noted that median for the 2021/22 year was heavily weighted by one publicly notified application for McPherson's Quarry, which was a very complicated and lengthy process. Likewise, the previous two years also included complicated applications in the vicinity of +/- \$100,000. The other notified applications were much smaller limited notified applications.

For non-notified applications a low of \$1688 in 2014/15 and a high of \$3880 in 2021/22. It is noted that the fees in 2021/22 increased clearly from the year before. This would be indicative of processing applications under two planning frameworks from 17 January 2022.



**Figure 15:** Waipa District Council only: Median application fee if notified with a hearing and if non-notified without a hearing.



**Figure 16:** Hamilton City Council only: Median application fee if notified with a hearing and if non-notified without a hearing.

It is noted that Waipa District and WDC's median application fees have increased at a similar rate across the years, whilst Hamilton City has remained more consistent. It is noted that there is a slight increase in WDC fees after 2020/21, which can be explained by the notification of the decisions on the PDP. Hamilton City Council have also had large notified applications which have been subject to similar scale of fees.



**Overall Summary:**

When comparing WDC against all Councils it can be seen that:

- The number of applications granted in Waikato District is amongst one of the highest districts in the country and indicative that it is a growing district.
- The percentage of applications granted in WDC is high, as it is across the country and across all years.
- The percentage of notified applications is lower than the national median when comparing against all Councils and Territorial Authorities only.
- The median number of working days taken to process a consent remains below the national median, despite the median number of days increasing more recently.
- The percentage of consents processed by WDC within statutory timeframes remains higher than the national median, even though the national median has dropped more recently.
- WDC's cost of processing non notified applications was above the national median. This would be indicative of processing consents under two plan frameworks, and the complexity of one of those plans being under the National Planning Standards template.
- The median cost of processing notified applications is heavily weighted by a small number of very complex applications. Simpler limited notified applications attract smaller costs.

**Where to find resource consent information?**

Summary information regarding resource consents is contained in the MfE's Resource Consent Explorer which can be found on the MfE's website at the following links:

<https://environment.govt.nz/what-government-is-doing/areas-of-work/rma/national-monitoring-system/>

[https://mfenz.shinyapps.io/ResourceConsentsExplorer\\_2122/](https://mfenz.shinyapps.io/ResourceConsentsExplorer_2122/)

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## 5. Next Steps

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Staff note that Resource Consent forecasting report is requested 6 monthly.

## 6. Attachments Ngaa taapirihanga

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There are no attachments to this report.

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<b>To</b>	<b>Policy and Regulatory Committee</b>
<b>Report title</b>	<b>Appointment of Council's Representative on the Future Proof Hearings Subcommittee</b>
Date:	14 November 2023
Report Author:	Vishal Ramduny, Strategic Initiatives and Partnerships Manager
Authorised by:	Will Gauntlett, General Manager, Community Growth

## 1. Purpose of the report

### Te Take moo te puurongo

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For the Policy and Regulatory Committee to appoint Council's representative on the Future Proof Hearings Subcommittee. The Subcommittee will consider and make recommendations to the Future Proof Implementation Committee (FPIC) on the Future Development Strategy (FDS) or any other Future Proof-related consultation processes.

## 2. Executive summary

### Whakaraapopotanga matua

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The National Policy Statement for Urban Development (NPS-UD) requires all Tier 1 councils to prepare an FDS. Future Proof partner councils have produced an FDS which will be going out to consultation in January 2024. Hearings are expected to take place in March 2024.

The NPS-UD also requires local authorities to use the special consultative procedure in Section 83 of the Local Government Act 2002 for the purposes of consulting and engaging with other local authorities who have significant connections relating to infrastructure or community and with relevant central government agencies, relevant hapuu and iwi, providers of additional infrastructure including nationally significant infrastructure and the development sector.

The establishment of a Future Proof Hearings Subcommittee will enable any hearings process to be undertaken within delegated authority. The Subcommittee will consider submissions received on the FDS and make recommendations to FPIC. The Subcommittee is not discharged at the end of the triennial period it may, however, be discharged or reconstituted by resolution of FPIC pursuant to schedule 7 of the Local Government Act.

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The 2021 review of the Future Proof Strategy was undertaken via a special consultative process and included submissions being heard via a Hearings Panel which was disbanded at the end of the triennium.

### 3. Staff recommendations Tuutohu-aa-kaimahi

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**That the Policy and Regulatory Committee:**

- a. recommends to Council that Cr Carolyn Eyre (who is the Deputy Mayor and is also one of Waikato District Council's representative on the Future Proof Implementation Committee) be Waikato District Council's representative on the Future Proof Hearings Subcommittee; and**
- b. recommends to Council that Cr Eugene Patterson (who is Council's alternate representative on the Future Proof Implementation Committee) be Cr Eyre's alternate should the latter not be able to discharge her duties.**

### 4. Background and discussion Koorero whaimaarama

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On 15 September 2023 FPIC confirmed that it will undertake engagement of the draft FDS, once adopted, via a special consultative process. FPIC also approved the establishment of a Future Proof Hearings Subcommittee for the purposes of hearing submissions on special consultative process.

The FDS forms the basis for integrated, strategic, and long-term planning. An FDS helps local authorities or groups of adjacent local authorities set the high-level vision for accommodating urban growth over the long term and identifies strategic priorities to inform other development-related decisions, such as:

- district plan zoning and related plan changes  
priority outcomes in long-term plans and infrastructure strategies, including decisions on funding and financing
- priorities and decisions in regional land transport plans

An FDS responds to housing and business development capacity assessment (HBA) findings about demand for and supply of housing and business land, and how much 'development capacity' is sufficient to meet expected demand. An FDS spatially identifies where long-term growth should happen, considering other inputs like constraints on development.

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FPIC also resolved that the membership of the Future Proof Hearings Subcommittee will comprise 12 voting members as follows:

- a) The Chair of Future Proof Implementation Committee
- b) One elected member representative of and appointed by each of the contributing local authorities (Hamilton City Council, Matamata-Piako District Council, Waikato District Council, Waikato Regional Council and Waipā District Council)
- c) One elected member of and appointed by Auckland Council
- d) One member representative of and appointed by Waka Kotahi NZ Transport Agency
- e) Three representative members of and appointed by Waikato taangata whenua (being one from the Tainui Waka Alliance, one from Waikato-Tainui and one from Ngaa Karu Atua o te Waka).
- f) One senior member of staff of, and appointed by, a Public Service department.

The approved Terms of Reference for the Subcommittee is attached.

Council's representation on FPIC is as follows:

- Her Worship the Mayor, Jacqui Church
- Deputy Mayor, Cr Carolyn Eyre
- Cr Eugene Patterson (Alternate)

#### **4.1. Options**

##### **Ngaa koowhiringa**

Council could choose not to appoint a representative onto the Future Proof Hearings Subcommittee but doing so would be counterproductive and would not be in best interest of the district. Having a representative on the Subcommittee would enable Council to have a say on submissions (which may include submissions from within the Waikato district) and recommendations to FPIC.

#### **4.2. Financial considerations**

##### **Whaiwhakaaro puutea**

There are no cost implications associated with the decision sought.

#### **4.3. Legal considerations**

##### **Whaiwhakaaro-aa-ture**

This report complies with the Council's *Governance Structure - Terms of Reference and Delegations for Council, and Committees of Council 2022-25* and obligations under the Local Government Act 2002.

#### **4.4. Strategy and policy considerations**

##### **Whaiwhakaaro whakamaaherehere kaupapa here**

The report and recommendations are consistent with Council's membership of Future Proof.

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#### 4.5. Maaori and cultural considerations

##### Whaiwhakaaro Maaori me oona tikanga

There will be three representative members of and appointed by Waikato taangata whenua (being one from the Tainui Waka Alliance, one from Waikato-Tainui and one from Ngaa Karu Atua o te Waka).

#### 4.6. Climate response and resilience considerations

##### Whaiwhakaaro-aa-taiao

Climate change is one of the chapters of the Future Development Strategy.

#### 4.7. Risks

##### Tuuraru

If Council does not appoint a representative onto the Future Proof Hearings Subcommittee there is a risk that decisions will be made without consideration of input from a Waikato District Council elected member.

## 5. Significance and engagement assessment

### Aromatawai paahekoheko

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#### 5.1. Significance

##### Te Hiranga

As defined in Section 5 of the (LGA), that the issue and decision sought in this report has a high degree of significance.

#### 5.2. Engagement

##### Te Whakatuutakitaki

Highest level of engagement	Inform	Consult	Involve	Collaborate	Empower
		✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

A representative is being sought from Waikato District Council for the Future Proof Hearings Subcommittee which will consider submissions and make recommendations to the Future Proof Implementation Committee.

## 6. Attachments

### Ngaa taapirihanga

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Future Proof Hearings Subcommittee Terms of Reference.

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# Future Proof Hearings Subcommittee

## Terms of Reference / Ngā Tikanga Whakahaere

### 1. Mana ā-Ture / Status

This is a subcommittee of Future Proof Implementation Committee and was created by, and at the discretion of that Committee pursuant to clause 30(2) of Schedule 7 of the Local Government Act 2002. The Subcommittee is not discharged at the end of the triennial period pursuant to clause 30(7) of Schedule 7 of the Local Government Act 2002. It may be discharged or reconstituted by resolution of Future Proof Implementation Committee pursuant to clause 30(5)(b) of Schedule 7 of the Local Government Act 2002.

### 2. Kawenga / Responsibilities

This Subcommittee is responsible for (when required or desirable):

- a. hearing and considering submissions from the public; and
- b. making recommendations to the Future Proof Implementation Committee; pertaining to any matter over which the Future Proof Implementation Committee has jurisdiction as described in that Committee's *Terms of Reference*.

### 3. Ngā Apatono / Powers

All powers necessary to perform its responsibilities provided those powers are exercised in a manner that is consistent with the requirements of the Local Government Act 2002 and any other relevant legislation and the law.

### 4. Tokamatua / Quorum

Six voting members (or their alternates) of this Subcommittee being:

- a. the Chair; and
- b. one representative member appointed by Waikato tāngata whenua (being either one from the Tainui Waka Alliance, one from Waikato Tainui or one from Ngā Karu Atua o te Waka); and
- c. three elected local authority member representatives; and
- d. the senior member of staff of a Public Service department.

### 5. Ngā Tikanga Pōti / Voting

Decisions of the Subcommittee are made by majority vote of members present and voting. In the case of equality of votes, the Chair, or any other person presiding at the meeting, has a casting vote. Refer to clause 24 of Schedule 7 of the Local Government Act and *Standing Orders*.

### 6. Ngā Tūranga/ Membership

#### 6.1 Ngā Mema / Members

The Subcommittee has 12 voting members as follows:

- a. The Chair of Future Proof Implementation Committee
- b. One elected member representative of and appointed by each of the contributing local authorities (Hamilton City Council, Matamata-Piako District Council, Waikato District Council, Waikato Regional Council and Waipā District Council)
- c. One elected member of and appointed by Auckland Council
- d. One member representative of and appointed by Waka Kotahi NZ Transport Agency
- e. Three representative members of and appointed by Waikato tāngata whenua (being one from the Tainui Waka Alliance, one from Waikato Tainui and one from Ngā Karu Atua o te Waka).
- f. One senior member of staff of, and appointed by, a Public Service department.

**6.2 Ūpoko me te Ūpoko Tuarua / Chair and Deputy Chair**

- a. The Chair of the Subcommittee is the Chair of the Future Proof Implementation Committee.
- b. The Deputy Chair of the Subcommittee is appointed by the Subcommittee by ordinary resolution.

**6.3 Ngā Kairiwhi / Alternates**

- a. The appointment of alternates by the relevant appointing agency in each case is encouraged.
- b. Where the Chair of the Subcommittee is unable to carry out the functions of Chair due to absence or otherwise, the Deputy Chair of the Subcommittee will take the Chair for the period of absence or inability.

**7. Ngā Hui i te Tau / Frequency of meetings**

As required.

**8. Tikanga rongō / Hearing procedure**

- 8.1 In addition to the requirements of *Standing Orders*, the Subcommittee must follow the rules of procedure set out below when hearing submissions:
- a. Every person who has made a submission and stated that they wish to be heard, may speak to the Subcommittee either personally or be represented by legal counsel or any other authorised representative.
  - b. If any person wishes to give their written or spoken evidence in Māori, Waikato Regional Council must be informed at least five working days in advance so that a qualified interpreter can be provided. Alternatively, an interpretation may be provided by the person giving the evidence at the hearing.
  - c. No cross examination is permitted.
  - d. Only the Chair, or members of the Subcommittee may ask questions of any person appearing during the course of the hearing.
  - e. The Chair may recall any person who has made a statement to further clarify or elaborate on any matter raised in evidence.
  - f. The Chair may, if it is considered that there is likely to be excessive repetition, limit the circumstances in which parties that have the same interest or stance on an issue may speak or give evidence in support.
  - g. The hearings will be held in public except where the Subcommittee determines that the public should be excluded pursuant to one or more of the grounds specified in the Local Government Official Information and Meetings Act 1987.
  - h. Each person making a submission may speak for up to five minutes. Community groups and organisations may speak up to ten minutes. This time excludes allowances for questions from members.

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<b>To</b>	<b>Policy and Regulatory Committee</b>
<b>Report title</b>	<b>Recommendation to Adopt – Significance and Engagement Policy</b>
Date:	14 November 2023
Report Author:	Nicole Hubbard, Corporate Planning Manager Toby McIntyre, Policy Advisor
Authorised by:	Will Gauntlett, General Manager Community Growth

## **1. Purpose of the report**

### **Te Take moo te puurongo**

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To recommend the Significance and Engagement Policy to Council for adoption.

## **2. Executive summary**

### **Whakaraapopototanga matua**

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Under section 76AA of the Local Government Act (LGA), Council must adopt a Significance and Engagement Policy (SEP). The current SEP is due for review.

## **3. Staff recommendations**

### **Tuutohu-aa-kaimahi**

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**That the Policy and Regulatory Committee recommends that Council:**

- a. adopts the Significance and Engagement Policy 2023 (Option One – Attachment 1), and**
  - b. revokes the Significance and Engagement Policy 2020 (Attachment 3).**
-



## 4. Background

### Koorero whaimaarama

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Under section 76AA of the Local Government Act, Council must adopt a Significance and Engagement Policy to:

- Enable the local authority and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.
- Provide clarity about how and when communities can expect to be engaged in decisions about different issues, assets, or other matters.
- Inform the local authority from the beginning of a decision-making process about:
  - The extent of any public engagement that is expected before a particular decision is made.
  - The form or type of engagement required.
- List the asset considered as strategic.

A Significance and Engagement Policy is a device for letting the public know what decisions or matters the council and the community consider to be particularly important, how the council will go about assessing the importance of matters, and how and when the community can expect to be consulted on both.

## 5. Discussion and analysis

### Taataritanga me ngaa tohutohu

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Staff have assessed the current SEP and note that there have been no challenges to the policy since its adoption in 2020, and no specific feedback from the community about its implementation. While work is ongoing in terms of the application of the SEP in public engagement and consultation, staff are recommending the policy itself be adopted as is, and further work occur alongside the implementation of the new engagement strategy.

The legislation in relation to the SEP does not define a review period for this policy, however when adopting the policy in 2020, it included a section stating that the next policy review would be before December 2023.

This allows for a review of the engagement methodology that forms the basis for application of the policy.

It will also take into account the ongoing application of Council's newly adopted Te Reo Maaori policy, and what that directs for engagement and consultation with mana whenua.

### 5.1 Options

#### Ngaa koowhiringa

Staff have assessed that there are two reasonable and viable options for the Policy and Regulatory Committee to consider. This assessment reflects the level of significance (see paragraph 6.1) and the legislative requirements of the LGA.

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The options are:

Option One – The Committee recommends to Council to adopt the Significance and Engagement Policy 2023 (Attachment 1).

Option Two - The Committee directs staff to undertake a more in-depth review of the Significance and Engagement Policy at this time.

Staff recommend **Option One**, due to the legislative requirements of the LGA regarding having a current Significance and Engagement policy, and the time it would require for an in-depth review.

## **5.2 Financial considerations**

### **Whaiwhakaaro puutea**

There are no material financial considerations associated with the recommendations of this report.

## **5.3 Legal considerations**

### **Whaiwhakaaro-aa-ture**

Staff confirm that the preferred option complies with the Council's legal and policy requirements, under Section 76AA of the LGA.

## **5.4 Strategy and policy considerations**

### **Whaiwhakaaro whakamaaherehere kaupapa here**

The report and recommendations are consistent with the Council's policies, plans and prior decisions.

## **5.5 Maaori and cultural considerations**

### **Whaiwhakaaro Maaori me oona tikanga**

The SEP allows for open and full engagement and consultation with Maaori and includes provision for staff to consider the impacts of decisions on cultural values.

## **5.6 Climate response and resilience considerations**

### **Whaiwhakaaro-aa-taiao**

The matters in this report have no known impact on climate change or resilience for the Council.

## **5.7 Risks**

### **Tuuraru**

If Council does not adopt the SEP there is a risk that Audit NZ may raise this as an issue when undertaking audit work in relation to the 2024-2034 Long Term Plan.

Staff would use the existing SEP to assess levels of significance.

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## 6. Significance and engagement assessment

### Aromatawai paahekoheko

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#### 6.1 Significance

##### Te Hiranga

The decisions and matters of this specific report are assessed as of low significance in accordance with the Council's [Significance and Engagement Policy](#).

#### 6.2 Engagement

##### Te Whakatuutakitaki

Highest level of engagement	Inform	Consult	Involve	Collaborate	Empower
	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>The current SEP has been active since 2020, without any challenges or complaints relating the policy statements.</i>					

State below which external stakeholders have been or will be engaged with:

Planned	In Progress	Complete	
<input type="checkbox"/>	<input type="checkbox"/>	✓	Internal
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Community Boards/Community Committees
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Waikato-Tainui/Local iwi and hapuu
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Affected Communities
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Affected Businesses
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other (Please Specify)

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## 7. Next steps Ahu whakamua

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The Significance and Engagement Policy 2023 will be published on Council's website and distributed to staff to use when making assessments of significance.

Through the Engagement Strategy review and implementation, work will occur to look at the application of engagement activities and how we might ensure our communities can participate in decision making.

## 8. Confirmation of statutory compliance Te Whakatuuturutanga aa-ture

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As required by the Local Government Act 2002, staff confirm the following:

The report fits with Council's role and Policy and Regulatory Committee's Terms of Reference and Delegations.	Confirmed
The report contains sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages ( <i>Section 5.1</i> ).	Confirmed
Staff assessment of the level of significance of the issues in the report after consideration of the Council's Significance and Engagement Policy ( <i>Section 6.1</i> ).	Low
The report contains adequate consideration of the views and preferences of affected and interested persons taking account of any proposed or previous community engagement and assessed level of significance ( <i>Section 6.2</i> ).	Confirmed
The report considers impact on Maaori ( <i>Section 5.5</i> )	Confirmed
The report and recommendations are consistent with Council's plans and policies ( <i>Section 5.4</i> ).	Confirmed Section 76AA of the LGA
The report and recommendations comply with Council's legal duties and responsibilities ( <i>Section 5.3</i> ).	Confirmed

## 9. Attachments Ngaa taapirihanga

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Attachment 1 – Significance and Engagement Policy 2023

Attachment 2 – Significance and Engagement Policy tracked changes version

Attachment 3 – Significance and Engagement Policy 2020

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# Significance and Engagement Policy

Policy Owner:	Corporate Planning Manager
Date approved:	XX
Next review date:	December 2026
Document number:	XX
Required by legislation:	Section 76AA, Local Government Act 2002

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## 1 Introduction

1.1 Engaging with the community is needed to understand the views and preferences of people likely to be affected by or interested in a proposal or decision.

An assessment of the degree of significance of proposals and decisions, and the appropriate level of engagement, will therefore be considered in the early stages of a proposal before decision making occurs and, if necessary, reconsidered as a proposal develops.

## 2 Purpose

- 2.1 To enable Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions and activities.
- 2.2 To provide clarity about how and when communities can expect to be engaged in decisions made by Council.
- 2.3 To inform Council from the beginning of a decision-making process about the extent, form and type of engagement required.

## 3 Definitions

Community	a group of people living in the same place or having a particular characteristic in common. Includes interested parties, affected people and key stakeholders.
Core service	includes <ol style="list-style-type: none"> <li>a. network infrastructure:</li> <li>b. public transport services:</li> <li>c. solid waste collection and disposal:</li> <li>d. the avoidance or mitigation of natural hazards;</li> <li>e. libraries, reserves, and other recreational facilities and community amenities.</li> </ol>
Decisions	refers to all the decisions made by or on behalf of Council including those made by officers under delegation. (Management decisions made by officers under delegation during the implementation of council decisions will not be deemed to be significant).

Engagement	a term used to describe the process of seeking information from the community to inform and assist decision-making. There is a continuum of community involvement.
Significance	as defined in Section 5 of the Local Government Act 2002 (LGA) ‘in relation to any issue, proposal, decision, or other matter that concerns or is before a local authority, means the degree of importance of the issue, proposal, decision, or matter, as assessed by the local authority, in terms of its likely impact on, and likely consequences for, — <ol style="list-style-type: none"> <li>a. the district or region;</li> <li>b. any persons who are likely to be particularly affected by, or interested in, the issue, proposal, decision, or matter;</li> <li>c. the capacity of the local authority to perform its role, and the financial and other costs of doing so’.</li> </ol>
Significant	as defined in Section 5 of the LGA ‘means that the issue, proposal, decision, or other matter has a high degree of significance’.
Significant activity	a term used to describe those groups of activities which Council has historically invested substantial funding. These include: <ul style="list-style-type: none"> <li>▪ Roading;</li> <li>▪ Water;</li> <li>▪ Wastewater;</li> <li>▪ Stormwater;</li> <li>▪ Libraries;</li> <li>▪ Reserves;</li> <li>▪ Recreational facilities;</li> <li>▪ Solid waste.</li> </ul>
Strategic asset	as defined in Section 5 of the LGA ‘in relation to the assets held by a local authority, means an asset or group of assets that the local authority needs to retain if the local authority is to maintain the local authority's capacity to achieve or promote any outcome that the local authority determines to be important to the current or future well-being of the community; and includes— <ol style="list-style-type: none"> <li>a. any asset or group of assets listed in accordance with Section 76AA(3) by the local authority; and</li> <li>b. any land or building owned by the local authority and required to maintain the local authority's capacity to provide affordable housing as part of its social policy; and</li> <li>c. any equity securities held by the local authority in—           <ol style="list-style-type: none"> <li>i. a port company within the meaning of the Port Companies Act 1988;</li> <li>ii. an airport company within the meaning of the Airport Authorities Act 1966’.</li> </ol> </li> </ol>

## 4 Application

- 4.1 This policy applies to all decisions taken where there is or likely to be an impact on the community.



## 5 Policy statements

- 5.1 The Council will take into account the following matters when assessing the degree of significance of proposals and decisions, and the appropriate level of engagement:
- a. Whether there is a legal requirement to engage with the community.
  - b. The degree to which the issue has a financial impact on Council or the rating levels (both targeted and general) of its communities:
    - i. Any transfer of ownership or control, or the construction, replacement or abandonment, of a strategic asset as defined in the LGA or listed in this policy.
    - ii. Decisions or proposals in excess of 10% of operating expenditure or which would result in a 5% or more increase to rates that are charged to all properties in the district, including the General Rate and the Uniform Annual General Charge, which has not been provided for in the Long Term Plan (LTP).
    - iii. Decisions or proposals which would result in a new or increased targeted rate of more than 10% of existing rates per property, except where the 10 per cent targeted rate increase is less than \$20.
    - iv. Decisions or proposals relating to capital expenditure in excess of 10% of operating expenditure, which has not been provided for in the of the LTP.
    - v. The formation of a new Council Controlled Organisation (CCO), or any decision or proposal relating to the sale of more than 40% of the Council's shareholding in any CCO.
  - c. Whether the proposal or decision will affect a large portion of the community.
  - d. The likely impact on present and future interests of the community, recognising Maaori Tikanga (culture values) and their relationship to land and water.
  - e. Whether the proposal affects the level of service of a significant activity.
  - f. Whether community interest is likely to be high.
  - g. Whether the likely consequences are controversial.
  - h. Whether community views are already known, including the community's preferences about the form of engagement.
  - i. Whether there is more than one viable option.
- 5.2 If a proposal or decision is affected by a number of the above considerations, it is more likely to have a higher degree of significance. In general, the more significant an issue, the greater the need for community engagement. Council will apply a consistent and transparent approach to engagement.
- 5.3 Council is required to undertake a Special Consultative Procedure (SCP) as set out in Section 83 of the LGA, or to carry out consultation in accordance with or giving effect to Section 82

of the LGA on certain matters (regardless of whether they are considered significant as part of this policy).

For all other issues requiring a decision, Council will determine the appropriate level of engagement on a case-by-case basis.

- 5.4 The Community Engagement Guide (Schedule 2) identifies the form of engagement Council will use to respond to some specific issues. It also provides examples of types of issues and how and when local communities could expect to be engaged in the decision-making process.
- 5.5 Council recognises the important role community boards, and other community committees and groups have in connecting our communities to Council. Council engages these groups as and when appropriate.
- 5.6 Council will also engage with its Maori communities in forums including long-standing hui such as poukai or Marae committee hui, and/or other iwi, hapuu and mana whenua forums where appropriate. Hui associated with formal agreements such as Joint Management Agreement and MOU's will also be utilised when appropriate.
- 5.7 When Council makes a decision that is significantly inconsistent with this policy, the steps identified in Section 80 of the LGA will be undertaken.
- 5.8 Once Council has made a decision following public consultation the decision will be made publicly available.

## **6 Policy review**

This policy shall be reviewed at three yearly intervals or as otherwise required by the Chief Executive or Corporate Planning Manager.

## Schedule 1 – Strategic Assets

Section 76AA of the LGA requires the following to be listed in this policy:

- a. any asset or group of assets listed in accordance with Section 76AA(3) by the local authority; and
- b. any land or building owned by the local authority and required to maintain the local authority's capacity to provide affordable housing as part of its social policy; and
- c. any equity securities held by the local authority in —
  - i. a port company within the meaning of the Port Companies Act 1988
  - ii. an airport company within the meaning of the Airport Authorities Act 1966

The following is a list of assets or group of assets that Council needs to retain if it is to maintain its capacity to achieve or promote any outcome that it determines to be important to the current or future well-being of the community.

### Waikato District Council's strategic assets

- The roading network as a whole.
- Reserves listed and managed under the Reserves Act 1977.
- Water plants and reticulation network as a whole.
- Consents for watertakes.
- Wastewater treatment plants and network as a whole.
- Stormwater network as a whole.
- Raglan Wharf and Raglan Harbour endowment properties.
- Pensioner housing/housing for the elderly buildings.
- Shareholding in Waikato Regional Airport Ltd and any other companies.

## Schedule 2 – Community Engagement Guide

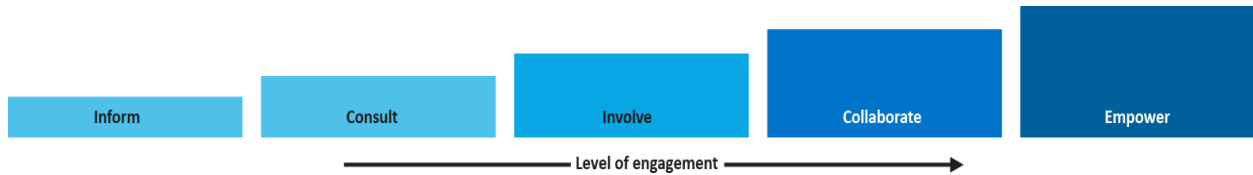
Community engagement is a process, involves all or some of the public and is focused on decision-making or problem-solving.

The International Association for Public Participation (IAP2) has developed a Public Participation Spectrum to demonstrate the possible types of engagement with the community. This model also shows the increasing level of public impact as you progress through the spectrum from left to right - 'inform' through to 'empower'. In simply 'informing' stakeholders there is no expectation of receiving feedback, and consequently there is a low level of public impact. At the other end of the spectrum, 'empowering' stakeholders to make decisions implies an increase in expectations and therefore an increased level of public impact. Differing levels of engagement may be required during the varying phases of decision-making on an issue, and for different stakeholders.

It will not always be appropriate or practicable to conduct processes at the 'collaborate' or 'empower' end of the spectrum. Many minor issues will not warrant such an involved approach. Time and money may also limit what is possible on some occasions.

In general, the more significant an issue, the greater the need for community engagement.





### Forms of engagement

Council will use the Special Consultative Procedure as set out in Section 83 of the LGA where required to do so by law, including for the following issues requiring decisions:

- The adoption or amendment of a LTP in accordance with Section 93A of the LGA.
- The adoption, amendment, or revocation of bylaws if required under Section 156(1)(a) of the LGA.
- The adoption, amendment or revocation of a Local Alcohol Policy.
- The adoption, amendment or revocation of an Easter Trading Policy.
- The adoption or review of a Local Approved Products (Psychoactive Substances) Policy.
- The adoption or review of a class 4 venue policy under the Gambling Act 2003.
- The preparation, amendment or revocation of a waste management and minimisation plan.

Unless already explicitly provided for in the LTP, Council will seek to amend its LTP, and therefore use the Special Consultative Procedure, when it proposes to:

- significantly alter the intended level of service provision for any significant activity undertaken by or on behalf of Council, including commencing or ceasing such an activity; or
- transfer the ownership or control of strategic assets, as listed in Schedule 1.

Council will consult in accordance with, or using a process or a manner that gives effect to the requirements of, Section 82 of the LGA where required to do so by law, including for the following specific issues requiring decisions:

- adopting or amending the annual plan if required under Section 95 of the LGA 2002;
- transferring responsibilities to another local authority under Section 17 of the LGA 2002;
- establishing or becoming a shareholder in a council-controlled organisation;
- adopting or amending a revenue and financing policy, development contributions policy, financial contributions policy, rates remission policy, rates postponement policy, or a policy on the remission or postponement of rate on Maaori freehold land.

For such consultation, Council will develop information fulfilling the requirements of Section 82A of the LGA, will make this available to the public, allow written submissions for a period deemed appropriate by Council, but which is not usually less than four weeks, and will consider all submissions prior to making decisions.

For all other issues, the following table provides an example of the differing levels of engagement that might be considered appropriate, the types of tools associated with each level and the timing generally associated with these types of decisions/levels of engagement.

<b>Level</b>	<b>Inform</b>	<b>Consult</b>	<b>Involve</b>	<b>Collaborate</b>	<b>Empower</b>
What it involves	One-way communication providing balanced and objective information to assist understanding about something that is going to happen or has happened.	Two-way communications designed to obtain public feedback about ideas on rationale, alternatives and proposals to inform decision-making.	Participatory process designed to help identify issues and views to ensure that concerns and aspirations are understood and considered prior to decision-making.	Working together to develop understanding of all issues and interests to work out alternatives and identify preferred solutions.	The final decision-making is in the hands of the public. Under the LGA, the Mayor and Councillors are elected to make decisions on behalf of their constituents.
Types of issues that we might use this for	<ul style="list-style-type: none"> <li>- Water restrictions</li> <li>- Library office hours</li> </ul>	<ul style="list-style-type: none"> <li>- Long Term Plan or Annual Plan Consultation Document (CD)</li> <li>- proposed District Plan</li> <li>- Rates review</li> <li>- Policies and Strategies e.g., Local Alcohol Policy</li> <li>- Bylaws* e.g., Solid Waste</li> <li>- Walking and Cycling Strategy</li> <li>- Plan Changes</li> </ul>	<ul style="list-style-type: none"> <li>- District Plan Review*</li> <li>- Long Term Plan*</li> <li>- Annual Plan</li> </ul>	<ul style="list-style-type: none"> <li>- JMA with Waikato Tainui and Ngati Maniapoto</li> <li>- MOU with Ngati Maahanga</li> <li>- Any other JMAs or MOUs</li> <li>- Reserve Management Plans*</li> <li>- Structure Plans</li> <li>- Management Plans*</li> <li>- Blueprints</li> <li>- Community Plans</li> </ul>	<ul style="list-style-type: none"> <li>- Local Authority Elections</li> </ul>
Tools Council might use	<ul style="list-style-type: none"> <li>- Websites</li> <li>- Information flyer</li> <li>- Public notices</li> <li>- Social media</li> <li>- Media releases</li> <li>- Community notices</li> <li>- Community Boards/local committees</li> </ul>	<ul style="list-style-type: none"> <li>- Formal submissions and hearings</li> <li>- Focus groups/panels</li> <li>- Surveys</li> <li>- Community Boards/local committees</li> </ul>	<ul style="list-style-type: none"> <li>- Workshops</li> <li>- Focus groups /panels</li> <li>- Community Boards/local committees</li> </ul>	<ul style="list-style-type: none"> <li>- External working groups (involving community experts)</li> <li>- Community Boards/ local committees</li> </ul>	<ul style="list-style-type: none"> <li>- Binding referendum (Local body elections)</li> <li>- Community Boards/local committees</li> </ul>
When the	Council would	Council would advise the	Council would generally	Council would generally	Council would generally provide

<b>Level</b>	<b>Inform</b>	<b>Consult</b>	<b>Involve</b>	<b>Collaborate</b>	<b>Empower</b>
community can expect to be involved	generally advise the community once a decision is made	community once a draft decision is made Council and would generally provide the community with up to 4 weeks to participate and respond.	provide the community with a greater lead in time to allow them time to be involved in the process.	involve the community at the start to scope the issue, again after information has been collected and again when options are being considered.	the community with a greater lead in time to allow them time to be involved in the process. e.g., typically a month or more.

\* Will require a Special Consultative Procedure as per relevant legislation.

### Engagement tools and techniques

Over the time of decision-making, Council may use a variety of engagement techniques on any issue or proposal based on a range of other factors, including history and public awareness of the issue, stakeholder involvement, and timing related to other events and budgets. Council will also take into consideration that the community can feel 'over consulted'. Each situation will be assessed on a case-by-case basis.





## Significance and Engagement Policy

Policy Owner:	Corporate Planning <del>Team Leader</del> <u>Manager</u>
Date approved:	<del>December 2020</del> <u>XX</u>
Next review date:	December <del>2023</del> <u>2026</u>
Document number:	<del>+646803</del> <u>XX</u>
Required by legislation:	<del>Section 76AA</del> , Local Government Act 2002 <del>(Section 76AA)</del>

### 1 Introduction

1.1 Engaging with the community is needed to understand the views and preferences of people likely to be affected by or interested in a proposal or decision.

An assessment of the degree of significance of proposals and decisions, and the appropriate level of engagement, will therefore be considered in the early stages of a proposal before decision making occurs and, if necessary, reconsidered as a proposal develops.

### 2 Purpose

- 2.1 To enable Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions and activities.
- 2.2 To provide clarity about how and when communities can expect to be engaged in decisions made by Council.
- 2.3 To inform Council from the beginning of a decision-making process about the extent, form and type of engagement required.

### 3 Definitions

~~**Community:** a group of people living in the same place or having a particular characteristic in common. Includes interested parties, affected people and key stakeholders~~

~~**Core Service:** includes~~

- ~~a. network infrastructure;~~
- ~~b. public transport services;~~
- ~~c. solid waste collection and disposal;~~
- ~~d. the avoidance or mitigation of natural hazards;~~
- ~~e. libraries, reserves, and other recreational facilities and community amenities.~~

~~**Decisions:** refers to all the decisions made by or on behalf of Council including those made by officers under delegation. (Management decisions made by officers under delegation during the implementation of council decisions will not be deemed to be significant).~~

**Engagement:** is a term used to describe the process of seeking information from the community to inform and assist decision making. There is a continuum of community involvement.

**Significance:** as defined in Section 5 of the Local Government Act 2002 (LGA) 'in relation to any issue, proposal, decision, or other matter that concerns or is before a local authority, means the degree of importance of the issue, proposal, decision, or matter, as assessed by the local authority, in terms of its likely impact on, and likely consequences for,—

- a. the district or region;
- b. any persons who are likely to be particularly affected by, or interested in, the issue, proposal, decision, or matter;
- c. the capacity of the local authority to perform its role, and the financial and other costs of doing so'.

**Significant:** as defined in Section 5 of the (LGA) 'means that the issue, proposal, decision, or other matter has a high degree of significance'.

**Significant Activity:** is a term used to describe those groups of activities which Council has historically invested substantial funding. These include:

- \*—Roading
- \*—Water
- \*—Wastewater
- \*—Stormwater
- \*—Libraries
- \*—Reserves
- \*—Recreational facilities
- \*—Solid waste

**Strategic asset:** as defined in Section 5 of the Local Government Act (LGA) 'in relation to the assets held by a local authority, means an asset or group of assets that the local authority needs to retain if the local authority is to maintain the local authority's capacity to achieve or promote any outcome that the local authority determines to be important to the current or future well-being of the community; and includes—

- a. any asset or group of assets listed in accordance with section 76AA(3) by the local authority; and
- b. any land or building owned by the local authority and required to maintain the local authority's capacity to provide affordable housing as part of its social policy; and
- c. any equity securities held by the local authority in—
  - i. a port company within the meaning of the Port Companies Act 1988;
  - ii. an airport company within the meaning of the Airport Authorities Act 1966'.

Community                    a group of people living in the same place or having a particular characteristic in common. Includes interested parties, affected people and key stakeholders.

Core service                    includes  
     a. network infrastructure;

	<ul style="list-style-type: none"> <li><u>b. public transport services;</u></li> <li><u>c. solid waste collection and disposal;</u></li> <li><u>d. the avoidance or mitigation of natural hazards;</u></li> <li><u>e. libraries, reserves, and other recreational facilities and community amenities.</u></li> </ul>
<u>Decisions</u>	<u>refers to all the decisions made by or on behalf of Council including those made by officers under delegation. (Management decisions made by officers under delegation during the implementation of council decisions will not be deemed to be significant).</u>
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- c. any equity securities held by the local authority in—
  - i. a port company within the meaning of the Port Companies Act 1988;
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#### 4 Application

- 4.1 This policy applies to all ~~Decisions~~decisions taken where there is or likely to be an impact on the community.

#### 5 Policy statements

- 5.1 The Council will take into account the following matters when assessing the degree of significance of proposals and decisions, and the appropriate level of engagement:
- a. Whether there is a legal requirement to engage with the community.
  - b. The degree to which the issue has a financial impact on Council or the rating levels (both targeted and general) of its communities:
    - i. Any transfer of ownership or control, or the construction, replacement or abandonment, of a strategic asset as defined in the LGA or listed in this policy.
    - ii. Decisions or proposals in excess of 10% of operating expenditure or which would result in a 5% or more increase to rates that are charged to all properties in the district, including the General Rate and the Uniform Annual General Charge, which has not been provided for in the Long Term Plan- (LTP).
    - iii. Decisions or proposals which would result in a new or increased targeted rate of more than 10% of existing rates per property, except where the 10 per cent targeted rate increase is less than \$20.
    - iv. Decisions or proposals relating to capital expenditure in excess of 10% of operating expenditure, which has not been provided for in the of the ~~Long Term Plan~~LTP.
    - v. The formation of a new Council Controlled Organisation (CCO), or any decision or proposal relating to the sale of more than 40% of the Council's shareholding in any CCO.
  - c. Whether the proposal or decision will affect a large portion of the community.
  - d. The likely impact on present and future interests of the community, recognising Maori Tikanga (culture values) and their relationship to land and water.
  - e. Whether the proposal affects the level of service of a significant activity.

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- f. Whether community interest is likely to be high.
- g. Whether the likely consequences are controversial.
- h. Whether community views are already known, including the community's preferences about the form of engagement.
- i. Whether there is more than one viable option.

If a proposal or decision is affected by a number of the above considerations, it is more likely to have a higher degree of significance.

In general, the more significant an issue, the greater the need for community engagement.

- 5.2 ~~The~~ Council will apply a consistent and transparent approach to engagement.
- 5.3 Council is required to undertake a Special Consultative Procedure (~~SCP~~) as set out in Section 83 of the LGA, or to carry out consultation in accordance with or giving effect to Section 82 of the LGA on certain matters (regardless of whether they are considered significant as part of this policy).  
For all other issues requiring a decision, Council will determine the appropriate level of engagement on a ~~case-by-case~~ basis.
- 5.4 The Community Engagement Guide (Schedule 2) identifies the form of engagement Council will use to respond to some specific issues. It also provides examples of types of issues and how and when local communities could expect to be engaged in the ~~decision-making~~ process.
- 5.5 Council recognises the important role community boards, and other community committees and groups have in connecting our communities to Council. Council engage these groups as and when appropriate.
- 5.6 Council will also engage with its Maori communities in forums including long-standing hui such as poukai or Marae committee hui, and/or other iwi, hapuu and mana whenua forums where appropriate. Hui associated with formal agreements such as Joint Management Agreement and MOU's will also be utilised when appropriate.
- 5.7 When Council makes a decision that is significantly inconsistent with this policy, the steps identified in Section 80 of the LGA will be undertaken.
- 5.8 Once Council has made a decision following public consultation the decision will be made publicly available.

## 6 Policy review

This policy shall be reviewed at three yearly intervals or as otherwise required by the Chief Executive or Corporate Planning ~~Team Leader~~ Manager.

**Schedule 1 – Strategic Assets**

Section 76AA of the LGA requires the following to be listed in this ~~Policy~~ policy:

- a. any asset or group of assets listed in accordance with ~~section~~ Section 76AA(3) by the local authority; and
- b. any land or building owned by the local authority and required to maintain the local authority's capacity to provide affordable housing as part of its social policy; and
- c. any equity securities held by the local authority in—
  - i. a port company within the meaning of the Port Companies Act 1988
  - ii. an airport company within the meaning of the Airport Authorities Act 1966

The following is a list of assets or group of assets that ~~the council~~ Council needs to retain if it is to maintain its capacity to achieve or promote any outcome that it determines to be important to the current or future well-being of the community.

Waikato District Council's strategic assets

- The roading network as a whole.
- Reserves listed and managed under the Reserves Act 1977.
- Water plants and reticulation network as a whole.
- Consents for watertakes.
- Wastewater treatment plants and network as a whole.
- Stormwater network as a whole.
- Raglan Wharf and Raglan Harbour endowment properties.
- Pensioner housing/housing for the elderly buildings.
- Shareholding in Waikato Regional Airport Ltd and any other companies.

**Commented [TM1]:** Is there anything that needs to be added to this list (or removed)?

**Schedule 2 – Community Engagement Guide**

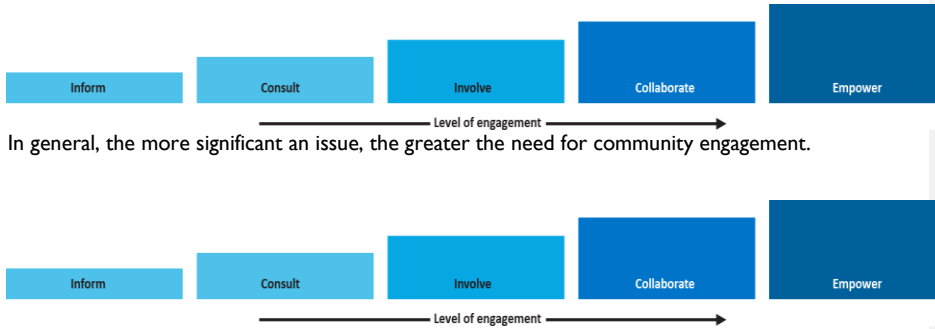
Community engagement is a process, involves all or some of the public and is focused on decision-making or problem-solving.

The International Association for Public Participation (IAP2) has developed a Public Participation Spectrum to demonstrate the possible types of engagement with the community. This model also shows the increasing level of public impact as you progress through the spectrum from left to right - 'inform' through to 'empower'. In simply 'informing' stakeholders there is no expectation of receiving feedback, and consequently there is a low level of public impact. At the other end of the spectrum, 'empowering' stakeholders to make decisions implies an increase in expectations and therefore an increased level of public impact. Differing levels of engagement may be required during the varying phases of decision-making on an issue, and for different stakeholders.

It will not always be appropriate or practicable to conduct processes at the 'collaborate' or 'empower' end of the spectrum. Many minor issues will not warrant such an involved approach. Time and money may also limit what is possible on some occasions.

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### Forms of engagement

The Council will use the Special Consultative Procedure as set out in ~~section~~Section 83 of the LGA where required to do so by law, including for the following issues requiring decisions:

- The adoption or amendment of a ~~Long Term Plan~~LTP in accordance with ~~section 93 A~~Section 93A of the LGA.
- The adoption, amendment, or revocation of bylaws if required under ~~section~~Section 156(1)(a) of the LGA.
- The adoption, amendment or revocation of a Local Alcohol Policy.
- The adoption, amendment or revocation of an Easter Trading Policy.
- The adoption or review of a Local Approved Products (Psychoactive Substances) Policy.
- The adoption or review of a class 4 venue policy under the Gambling Act 2003.
- The preparation, amendment or revocation of a waste management and minimisation plan.

Unless already explicitly provided for in the ~~Long Term Plan, the~~LTP, Council will seek to amend its ~~Long Term Plan~~LTP, and therefore use the Special Consultative Procedure, when it proposes to:

- ~~alter~~significantly ~~alter~~ the intended level of service provision for any significant activity undertaken by or on behalf of Council, including commencing or ceasing such an activity; or
- transfer the ownership or control of strategic assets, as listed in Schedule I.

The Council will consult in accordance with, or using a process or a manner that gives effect to the requirements of, ~~section~~Section 82 of the LGA where required to do so by law, including for the following specific issues requiring decisions:

- ~~Adopting~~adopting or amending the annual plan if required under ~~section~~Section 95 of the LGA 2002;
- ~~Transferring~~transferring responsibilities to another local authority under ~~section~~Section 17 of the LGA 2002;
- ~~Establishing~~establishing or becoming a shareholder in a council-controlled organisation;

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- ~~Adopting~~adopting or amending a revenue and financing policy, development contributions policy, financial contributions policy, rates remission policy, rates postponement policy, or a policy on the remission or postponement of rate on Maaori freehold land.

For such consultation, Council will develop information fulfilling the requirements of Section 82A of the LGA, will make this available to the public, allow written submissions for a period deemed appropriate by Council, but which is not usually less than four weeks, and will consider all submissions prior to making decisions.

For all other issues, the following table provides an example of the differing levels of engagement that might be considered appropriate, the types of tools associated with each level and the timing generally associated with these types of decisions/levels of engagement.

Level	Inform	Consult	Involve	Collaborate	Empower
What <del>does</del> it <del>involve</del> <del>involve</del> <del>invol</del> <del>ves</del>	One-way communication providing balanced and objective information to assist understanding about something that is going to happen or has happened.	Two-way communications designed to obtain public feedback about ideas on rationale, alternatives and proposals to inform decision-making.	Participatory process designed to help identify issues and views to ensure that concerns and aspirations are understood and considered prior to decision-making.	Working together to develop understanding of all issues and interests to work out alternatives and identify preferred solutions.	The final decision-making is in the hands of the public. Under the LGA, the Mayor and Councillors are elected to make decisions on behalf of their constituents.
Types of issues that we might use this for	<ul style="list-style-type: none"> <li>- Water restrictions</li> <li>- Library office hours</li> </ul>	<ul style="list-style-type: none"> <li>- Long Term Plan or Annual Plan Consultation Document (CD)</li> <li>- proposed District Plan</li> <li>- Rates review</li> <li>- Local Alcohol &amp; Gambling Policy</li> <li>- Bylaws* e.g. Solid Waste</li> <li>- Walking and Cycling Strategy</li> <li>- Plan Changes</li> </ul>	<ul style="list-style-type: none"> <li>- Community Plans</li> <li>- District Plan Review*</li> <li>- Long Term Plan*</li> <li>- Annual Plan*</li> <li>- Policies Policies and Strategies</li> </ul>	<ul style="list-style-type: none"> <li>- JMA with Waikato Tainui and Ngati Maniapoto</li> <li>- MOU with Ngati Maahanga</li> <li>- Any other JMAs or MOUs</li> <li>- Reserve Management Plans*</li> <li>- Structure Plans</li> <li>- Management Plans*</li> <li>- Blueprints</li> </ul>	<ul style="list-style-type: none"> <li>- Local Authority Elections</li> </ul>
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**Commented [TM2]:** Should this be under Collaborate with Blueprints etc?

When the community can expect to be involved	Council would generally advise the community once a decision is made	Council would advise the community once a draft decision is made Council and would generally provide the community with up to 4 weeks to participate and respond.	Council would generally provide the community with a greater lead in time to allow them time to be involved in the process.	Council would generally involve the community at the start to scope the issue, again after information has been collected and again when options are being considered.	Council would generally provide the community with a greater lead in time to allow them time to be involved in the process. e.g. typically a month or more.
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\* Will require [a Special Consultative Procedure](#) as per relevant legislation.

Engagement tools and techniques

Over the time of decision-making, Council may use a variety of engagement techniques on any issue or proposal based on a range of other factors, including history and public awareness of the issue, stakeholder involvement, and timing related to other events and budgets. Council will also take into consideration that the community can feel 'over consulted'. Each situation will be assessed on a case-by-case basis.



# Significance and Engagement Policy

Policy Owner:	Corporate Planning Team Leader
Date approved:	December 2020
Next review date:	December 2023
Document number:	I646803
Required by legislation:	Local Government Act 2002 (Section 76AA)

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## 1 Introduction

Engaging with the community is needed to understand the views and preferences of people likely to be affected by or interested in a proposal or decision.

An assessment of the degree of significance of proposals and decisions, and the appropriate level of engagement, will therefore be considered in the early stages of a proposal before decision making occurs and, if necessary, reconsidered as a proposal develops.

## 2 Purpose

- 2.1 To enable Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions and activities.
- 2.2 To provide clarity about how and when communities can expect to be engaged in decisions made by Council.
- 2.3 To inform Council from the beginning of a decision-making process about the extent, form and type of engagement required.

## 3 Definitions

**Community:** a group of people living in the same place or having a particular characteristic in common. Includes interested parties, affected people and key stakeholders

**Core Service:** includes

- a. network infrastructure;
- b. public transport services;
- c. solid waste collection and disposal;
- d. the avoidance or mitigation of natural hazards;
- e. libraries, reserves, and other recreational facilities and community amenities.

**Decisions:** refers to all the decisions made by or on behalf of Council including those made by officers under delegation. (Management decisions made by officers under delegation during the implementation of council decisions will not be deemed to be significant).

**Engagement:** is a term used to describe the process of seeking information from the community to inform and assist decision making. There is a continuum of community involvement.

**Significance:** as defined in Section 5 of the Local Government Act 2002 (LGA) ‘in relation to any issue, proposal, decision, or other matter that concerns or is before a local authority, means the degree of importance of the issue, proposal, decision, or matter, as assessed by the local authority, in terms of its likely impact on, and likely consequences for,—

- a. the district or region:
- b. any persons who are likely to be particularly affected by, or interested in, the issue, proposal, decision, or matter:
- c. the capacity of the local authority to perform its role, and the financial and other costs of doing so’.

**Significant:** as defined in Section 5 of the (LGA) ‘means that the issue, proposal, decision, or other matter has a high degree of significance’.

**Significant Activity:** is a term used to describe those groups of activities which Council has historically invested substantial funding. These include:

- Rooding
- Water
- Wastewater
- Stormwater
- Libraries
- Reserves
- Recreational facilities
- Solid waste

**Strategic asset:** as defined in Section 5 of the Local Government Act (LGA) ‘in relation to the assets held by a local authority, means an asset or group of assets that the local authority needs to retain if the local authority is to maintain the local authority's capacity to achieve or promote any outcome that the local authority determines to be important to the current or future well-being of the community; and includes—

- a. any asset or group of assets listed in accordance with section 76AA(3) by the local authority; and
- b. any land or building owned by the local authority and required to maintain the local authority's capacity to provide affordable housing as part of its social policy; and
- c. any equity securities held by the local authority in—
  - i. a port company within the meaning of the Port Companies Act 1988:
  - ii. an airport company within the meaning of the Airport Authorities Act 1966’.

## 4 Application

- 4.1 This policy applies to all Decisions taken where there is or likely to be an impact on the community.

## 5 Policy statements

The Council will take into account the following matters when assessing the degree of significance of proposals and decisions, and the appropriate level of engagement:

- a. Whether there is a legal requirement to engage with the community.
- b. The degree to which the issue has a financial impact on Council or the rating levels (both targeted and general) of its communities:
  - i. Any transfer of ownership or control, or the construction, replacement or abandonment, of a strategic asset as defined in the LGA or listed in this policy.
  - ii. Decisions or proposals in excess of 10% of operating expenditure or which would result in a 5% or more increase to rates that are charged to all properties in the district, including the General Rate and the Uniform Annual General Charge, which has not been provided for in the Long Term Plan.
  - iii. Decisions or proposals which would result in a new or increased targeted rate of more than 10% of existing rates per property, except where the 10 per cent targeted rate increase is less than \$20.
  - iv. Decisions or proposals relating to capital expenditure in excess of 10% of operating expenditure, which has not been provided for in the of the Long Term Plan.
  - v. The formation of a new Council Controlled Organisation (CCO), or any decision or proposal relating to the sale of more than 40% of the Council's shareholding in any CCO.
- c. Whether the proposal or decision will affect a large portion of the community
- d. The likely impact on present and future interests of the community, recognising Maaori Tikanga (culture values) and their relationship to land and water
- e. Whether the proposal affects the level of service of a significant activity
- f. Whether community interest is likely to be high
- g. Whether the likely consequences are controversial
- h. Whether community views are already known, including the community's preferences about the form of engagement
- i. Whether there is more than one viable option.

If a proposal or decision is affected by a number of the above considerations, it is more likely to have a higher degree of significance.

In general, the more significant an issue, the greater the need for community engagement.

The Council will apply a consistent and transparent approach to engagement.

Council is required to undertake a Special Consultative Procedure as set out in Section 83 of the LGA, or to carry out consultation in accordance with or giving effect to Section 82 of the LGA on certain matters (regardless of whether they are considered significant as part of this policy).

For all other issues requiring a decision, Council will determine the appropriate level of engagement on a case by case basis.

The Community Engagement Guide (Schedule 2) identifies the form of engagement Council will use to respond to some specific issues. It also provides examples of types of issues and how and when local communities could expect to be engaged in the decision making process.

Council recognises the important role community boards, and other community committees and groups have in connecting our communities to Council. Council engage these groups as and when appropriate.

Council will also engage with its Maori communities in forums including long-standing hui such as poukai or Marae committee hui, and/or other iwi, hapuu and mana whenua forums where appropriate. Hui associated with formal agreements such as Joint Management Agreement and MOU's will also be utilised when appropriate.

When Council makes a decision that is significantly inconsistent with this policy, the steps identified in Section 80 of the LGA will be undertaken.

Once Council has made a decision following public consultation the decision will be made publicly available.

## **6 Policy review**

This policy shall be reviewed at three yearly intervals or as otherwise required by the Chief Executive or Corporate Planning Team Leader.



## Schedule 1 – Strategic Assets

Section 76AA of the LGA requires the following to be listed in this Policy:

- a. any asset or group of assets listed in accordance with section 76AA(3) by the local authority; and
- b. any land or building owned by the local authority and required to maintain the local authority's capacity to provide affordable housing as part of its social policy; and
- c. any equity securities held by the local authority in—
  - i. a port company within the meaning of the Port Companies Act 1988
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The following is a list of assets or group of assets that the council needs to retain if it is to maintain its capacity to achieve or promote any outcome that it determines to be important to the current or future well-being of the community.

### Waikato District Council's strategic assets

- The roading network as a whole
- Reserves listed and managed under the Reserves Act 1977
- Water plants and reticulation network as a whole
- Consents for watertakes
- Wastewater treatment plants and network as a whole
- Stormwater network as a whole
- Raglan Wharf and Raglan Harbour endowment properties
- Pensioner housing/housing for the elderly buildings
- Shareholding in Waikato Regional Airport Ltd and any other companies

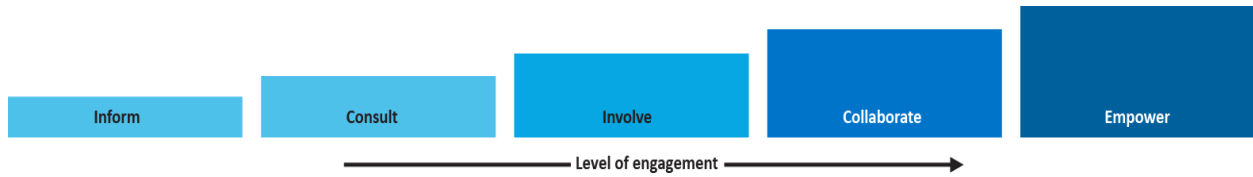
## Schedule 2 – Community Engagement Guide

Community engagement is a process, involves all or some of the public and is focused on decision-making or problem-solving.

The International Association for Public Participation (IAP2) has developed a Public Participation Spectrum to demonstrate the possible types of engagement with the community. This model also shows the increasing level of public impact as you progress through the spectrum from left to right - 'inform' through to 'empower'. In simply 'informing' stakeholders there is no expectation of receiving feedback, and consequently there is a low level of public impact. At the other end of the spectrum, 'empowering' stakeholders to make decisions implies an increase in expectations and therefore an increased level of public impact. Differing levels of engagement may be required during the varying phases of decision-making on an issue, and for different stakeholders.

It will not always be appropriate or practicable to conduct processes at the 'collaborate' or 'empower' end of the spectrum. Many minor issues will not warrant such an involved approach. Time and money may also limit what is possible on some occasions.

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In general, the more significant an issue, the greater the need for community engagement.

### Forms of engagement

The Council will use the Special Consultative Procedure as set out in section 83 of the LGA where required to do so by law, including for the following issues requiring decisions:

- The adoption or amendment of a Long Term Plan in accordance with section 93 A of the LGA
- The adoption, amendment, or revocation of bylaws if required under section 156(1)(a) of the LGA
- The adoption, amendment or revocation of a Local Alcohol Policy
- The adoption, amendment or revocation of an Easter Trading Policy
- The adoption or review of a Local Approved Products (Psychoactive Substances) Policy
- The adoption or review of a class 4 venue policy under the Gambling Act 2003
- The preparation, amendment or revocation of a waste management and minimisation plan

Unless already explicitly provided for in the Long Term Plan, the Council will seek to amend its Long Term Plan, and therefore use the Special Consultative Procedure, when it proposes to:

- alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of Council, including commencing or ceasing such an activity; or
- transfer the ownership or control of strategic assets, as listed in Schedule 1.

The Council will consult in accordance with, or using a process or a manner that gives effect to the requirements of, section 82 of the LGA where required to do so by law, including for the following specific issues requiring decisions:

- Adopting or amending the annual plan if required under section 95 of the LGA 2002
- Transferring responsibilities to another local authority under section 17 of the LGA 2002
- Establishing or becoming a shareholder in a council-controlled organisation
- Adopting or amending a revenue and financing policy, development contributions policy, financial contributions policy, rates remission policy, rates postponement policy, or a policy on the remission or postponement of rate on Maaori freehold land

For such consultation, Council will develop information fulfilling the requirements of Section 82A of the LGA, will make this available to the public, allow written submissions for a period deemed appropriate by Council but which is not usually less than four weeks, and will consider all submissions prior to making decisions.

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For all other issues, the following table provides an example of the differing levels of engagement that might be considered appropriate, the types of tools associated with each level and the timing generally associated with these types of decisions/levels of engagement.

Level	Inform	Consult	Involve	Collaborate	Empower
What does it involve	One-way communication providing balanced and objective information to assist understanding about something that is going to happen or has happened.	Two-way communications designed to obtain public feedback about ideas on rationale, alternatives and proposals to inform decision making.	Participatory process designed to help identify issues and views to ensure that concerns and aspirations are understood and considered prior to decision-making.	Working together to develop understanding of all issues and interests to work out alternatives and identify preferred solutions.	The final decision making is in the hands of the public. Under the LGA, the Mayor and Councillors are elected to make decisions on behalf of their constituents.
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